



Narrative 20210407 1318 Reed, Michelle 11020

During this incident I was wearing my office issued body worn camera
Case Report: 2021-3810
Incident Number: 2021-00061908
Deputy M. Reed # 11020
Date: 04/17/2021

On 4/7/2021 I Deputy Michelle Reed # 11020 of the El Paso County Sheriff's Office Rural Enforcement and Outreach Unit/Equine Handler responded to [REDACTED] Yoder, Colorado, located in El Paso County reference a felony menacing.

Prior to arrival, I was informed of the following: The reporting party who was identified as [REDACTED] DOB [REDACTED] stated he was a Process Server and he went out to a property on [REDACTED] and someone came out of a building with a shotgun pointed at him and shot it in the air. [REDACTED] told me he was in fear of his life and was not sure if he was going to be shot.

As I was arriving in the area, I spoke with [REDACTED] by phone and he relayed the following information to me. He stated the suspect was a black female approximately 20 to 30 years old, 5'5" in unknown clothing with something pink or red covering her hair. When he last saw the female party, she was driving a white van and appeared to be following him (although she drove inside the gated property). I advised [REDACTED] to stay away from the property and do not engage further. He told me he was going to wait in an area out of view of the address.

Upon arriving into the area, I did notice a property situated in a rural area on multiple acres of land. I noticed that the property had a gate that was secured by a large chain and padlock. There were also "No Trespassing" signs affixed to the fence and I noticed that there was one building in the process of being constructed and several other small outbuildings/shed in addition to a 5th wheel and a white van. As I made loud announcements (from the roadway over my marked patrol unit PA System) and chirped my siren. Minutes later a black female walked toward my vehicle with an English Bulldog. This person fit the description provided by [REDACTED]. As the female got closer, I was able to speak with her. Initially she refused to come out prior to securing her dog. After she secured the dog, she walked back out to the roadway and spoke with me.

The female party identified herself as Nicole Lashay Mallery, DOB 11/20/1986. She indicated that her identification was out of Texas. She gave me a phone number of [REDACTED] and then proceeded to explain what happened prior to my arrival.

Mallery told me the following: She looked out of her window and saw a white male and said "I was afraid". "I put my pants on and didn't have a shirt on and I didn't know this person. The gate is closed and there are "No Trespassing" signs and there was someone right outside my window. Strange things happen. I didn't know if he was trying to rape me!" "I was like give me some ID" and he just started running so my dog started chasing after him. He was running and saying, "I have some papers to leave here". I said, "give me some ID, why did you trespass on my property, what are you doing here?"

I asked Mallery at the time you were doing this what did you have in your hands? Mallery responded, "I did have a gun in my hands". I asked Mallery what type of weapon did you have? Mallery indicated it was a shotgun. Mallery further said, "I was like what are you doing here" (he ran, and I asked for ID because everything is locked here pointing to her gate). So why were you on the property? I didn't have no shirt, I was outside without a shirt on, chasing him because I did not know why he was here, I couldn't get his ID. So, when I went down there I saw his car was sitting there, I was trying to call the police out. I didn't have a signal and couldn't get his tag number, but I don't know who he was at all. But he was here".

I asked Mallery did the unknown male say anything to you? Mallery responded, "It happened so fast, I was in a state of shock, slightly because obviously I had no clothes on and someone is looking through the window and I'm like what the hell is going on?"

Mallery pointed to a window on the shed near the south side of the property. Mallery again told me, "Look at the gate it says "No Trespassing" as she pointed. She continued, "I'm trying to protect myself, my animals, and my property. I don't know! He did not provide ID and he started running".

I asked Mallery what happened next. She said, "He was just running, and the dog was chasing after him. He was running that was it. Then he got to his car but obviously, I didn't have a shirt on, so I was walking with the dog. His car was sitting down here" (and again Mallery was pointing to the south) which is an area south of her address but on the roadway. Mallery continued, "And I don't know if the call went through when I called 911 but it was like a blue SUV".

I specifically asked, "At what point did you discharge the weapon?" Mallery stated, "I did not, this is why I am kind of confused. Umm, I had it and I was pointing it like, hey give me some ID. I don't know who you are but that was kind of and (she paused) I asked for ID- he didn't provide it and he just started running and the dog was

there but he didn't bite him or anything".

She told me she wanted to file charges (on the process server) for breaking and entering, trespass, and attempted rape. She also indicated that he breached the peace and that is why she wanted to file a complaint. Additionally, Mallery indicated that when she came outside, he ([REDACTED]) started coming towards her and I said, "you need to show me some ID! You need to show me some ID right now, like what the fuck are you doing on my property!" After I gathered this information from Mallery I asked if she would let me see her weapon. There was no response as additional units arrived on scene Mallery began explaining the situation again, never responding to my question.

After leaving the address on [REDACTED], I spoke with [REDACTED]. [REDACTED] said he recorded the whole incident utilizing his iPhone. I asked him if he would be willing to provide me with a copy of that video and he did. After watching the video, the incident contradicted the information and statement provided by Mallery. Based on the video [REDACTED] went onto the property, did not look through windows and ran off after he was being chased. He indicated his only intent was to serve the legal paperwork.

On the video [REDACTED] arrives at the area. The program used on his phone has current location data, time and hundred block range displayed. You can hear him narrating as he identifies the property and the person, he is attempting to serve legal paperwork to. You can clearly see the names on the video and photos of the property. [REDACTED] was seeking Courtney Wayne Mallery, [REDACTED].

On the video I observed [REDACTED] walk under a gate and move north toward the buildings and 5th Wheel. He was actively attempting to make contact with a person. At no time did he peer directly through any window. After being on the property for approximately 6:25 (minutes), I hear door burst open and a female voice screamed out "what the fuck are you doing?" and "get the fuck out of here" and at that time [REDACTED] yelled out, "I have legal paperwork".

[REDACTED] continued in a panicked voice, "Listen! I have some legal documents!" on the video I could only hear Mallery responding, "get the fuck off my property". [REDACTED] said "I'm leaving approximately 11 times. [REDACTED] said, "I swear to God! Relax!" "I' m leaving, I'm leaving.....as he was walking away from her towards his vehicle. I recognized the voice of that of Mallery whom I just had a conversation with.

On the video I can clearly make out the racking of the shotgun slide

at 6:40 (minutes) and at the 6:43 (minutes) you can hear a weapon discharge in the background. After the shotgun was racked and between the trigger being pressed (to discharge a round) Mallery said something but I was unable to make out what she said.

In the video I did observe [REDACTED] physically retreating and verbally stating the same. While he was in the process of leaving the weapon was intentionally discharged in his direction and there were no forward movements on [REDACTED]'s part. Contrary to Mallery's statement, she aggressively pursued [REDACTED] from the property with the weapon pointed in his direction after he stated he was there to serve legal paperwork. Mallery intentionally placed [REDACTED] in fear of imminent serious bodily injury and discharged the weapon in a reckless manner.

During my investigation, Mallery knowingly provided false/fictitious information when asked to identify herself during my investigation. As recorded on my office issued body worn camera, Mallery provided the following information when asked to identify herself to me. She stated: Nicole Lashay Mallery, DOB 11/20/1986 and her ID was out of Texas. This was later determined to be false information and the El Paso County Communications and Dispatch found her true identity and provided a dossier photo from Georgia [REDACTED] and I positively identified her as one in the same. The female party was in truth Nicole Remitha Lashay (Hawkins) Mallery, DOB 11/20/1976 with previous/current drivers licenses out of North Carolina [REDACTED] and Georgia.

At this time, the video will be added into the Digital Evidence File. A warrant will be sought for the arrest of Mallery and a filing decision will be sent to the District Attorney's Office for further review related to trespassing.

I have nothing further at this time.

I have nothing further.

CASE STATUS: ACTIVE

EPC SHERIFF'S OFFICE

(HAWKINS) MALLERY ARREST WARRANT

COUNTY COURTS OF
EL PASO COUNTY, COLORADO

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	APR 15 2021 SHERIFF KING CLERK OF COURT COURT USE ONLY ▲
People of the State of Colorado v. NICOLE REMITHA HAWKINS aka Nicole Lashay Mallery, DOB 11/20/1976, a Black Female, Height 501, Weight 140, Eyes Brown, Hair Black, Social Security# [REDACTED]	Case/File Number: 21CR2139 DIV. <u>4</u>
Agency Name: El Paso County Sheriff's Office Agency Number: AW2021-3810	Division: Criminal Ctrm:
ARREST WARRANT	

Whereas, Deputy Michelle Reed#11020, has made an Application and Affidavit to the Court for the issuance of an Arrest Warrant, and;

Whereas the application is in proper form and probable cause is found to believe that the person named in the application has committed the offense of **18-3-206(1)(a) Menacing- A Class 5 Felony (One count); 18-5-113 Criminal Impersonation-A Class 6 Felony (One Count); 18-12-106 Prohibited Use of Weapons, A Class 2 Misdemeanor (One Count)** in violation of Colorado Revised Statutes within the County of El Paso and State of Colorado:

THEREFORE, any Peace Officer into whose hands this Arrest Warrant shall come is hereby ordered to arrest NICOLE REMITHA HAWKINS aka Nicole Lashay Mallery, DOB 11/20/1976, a Black Female, Height 501, Weight 140, Eyes Brown, Hair Black, Social Security# [REDACTED] and bring her without unnecessary delay before the nearest Judge of the County or District Court.

It is further ordered that Bond is set in the amount of 2,000

DONE this 15 day of April, 2021 at 2:52 a.m. / (p.m.)
BY THE COURT:

JUDGE _____

RETURN AND SERVICE: I have duly served this Arrest Warrant by arresting the aforementioned Defendant as required on the _____ day of _____, 20____.

Signed: _____

Law Enforcement Agency: _____

EPC SHERIFF'S OFFICE

DISTRICT COURT, EL PASO COUNTY COLORADO		APR 15 2021 ▲ COURT USE ONLY ▲ CLERK OF COURT Case/ File Number:
Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903		
People of the State of Colorado v. NICOLE REMITHA HAWKINS aka Nicole Lashay Mallery, DOB 11/20/1976, a Black Female, Height 501, Weight 140, Eyes Brown, Hair Black, Social Security# [REDACTED]		
Agency Name: El Paso County Sheriff's Office Agency Number: AW2021-3810		Division: Criminal Ctrm:
APPLICATION AND AFFIDAVIT FOR ARREST WARRANT		

The undersigned, Michelle Reed, EID #11020, a Peace Officer as defined in 16-2.5-101 Colorado Revised Statutes; a regularly employed Deputy Sheriff since 2011 with the El Paso County Sheriff for the County of El Paso, State of Colorado and is currently assigned to the Special Operations Division of the El Paso County Sheriff's Office Rural Enforcement and Outreach Unit/Equine Handler, as amended, being first duly sworn on oath, moves the Court to issue an **Arrest Warrant** for: **NICOLE REMITHA HAWKINS aka Nicole Lashay Mallery, DOB 11/20/1976, a Black Female, Height 501, Weight 140, Eyes Brown, Hair Black, Social Security# [REDACTED]**, as provided in Rule 4.2 of the Colorado Rules of Criminal Procedure.

AS GROUNDS THEREFORE, the undersigned applicant states that the facts submitted in support of this request are set forth in the accompanying attachment designated as Attachment "A", which is attached hereto and made a part hereof, and that probable cause exists to believe that the aforementioned person has committed the offense of **18-3-206(1)(a) Menacing- A Class 5 Felony (One count); 18-5-113 Criminal Impersonation-A Class 6 Felony (One Count); 18-12-106 Prohibited Use of Weapons, A Class 2 Misdemeanor (One Count)**; in violation of Colorado Revised Statutes 1973, as amended within the County of El Paso and State of Colorado.

It is respectfully requested that bond on this Arrest Warrant be set in the amount of:

\$ 2,000

Michelle Reed #11020
 Applicant: Deputy Michelle Reed, #11020
 El Paso County Sheriff's Office

Sworn and subscribed before me this 15 day of April, 2021

Monica J. Gomez
 Judge

DISTRICT COURT, EL PASO COUNTY COLORADO Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903		▲ COURT USE ONLY ▲ Case/File Number:
People of the State of Colorado v. NICOLE REMITHA HAWKINS aka Nicole Lashay Mallery, DOB 11/20/1976, a Black Female, Height 501, Weight 140, Eyes Brown, Hair Black, Social Security [REDACTED]		Division: Criminal Ctrm:
Agency Name: El Paso County Sheriff's Office Agency Number: AW2021-3810		
ATTACHMENT A		

The following Affidavit is submitted to the Court to document the probable cause in support of a request for the issuance of an Arrest Warrant for **NICOLE REMITHA HAWKINS aka Nicole Lashay Mallery, DOB 11/20/1976, a Black Female, Height 501, Weight 140, Eyes Brown, Hair Black, Social Security [REDACTED]**

This offense is fully documented in Offense Report **EPSO 2021-3810** detailing the offense(s) of: **18-3-206(1)(a) Menacing- A Class 5 Felony (One count); 18-5-113 Criminal Impersonation-A Class 6 Felony (One Count); 18-12-106 Prohibited Use of Weapons, A Class 2 Misdemeanor (One Count)** With the victim(s) identified as:

1. [REDACTED]
2. The State of Colorado

On 4/7/2021, Your Affiant was dispatched to [REDACTED] in Yoder, Colorado, located in El Paso County reference a felony menacing.

Prior to arrival, I was informed of the following: The reporting party who was identified as [REDACTED] DOB [REDACTED] stated he was a Process Server and he went out to a property on [REDACTED] Road and someone came out of a building with a shotgun pointed at him and shot it in the air. [REDACTED] told me he was in fear of his life and was not sure if he was going to be shot.

As I was arriving in the area, I spoke with [REDACTED] by phone and he relayed the following information to me. He stated the suspect was a black female approximately 20 to 30 years old, 5'5" in unknown clothing with something pink or red covering her hair. When he last saw the female party, she was driving a white van and appeared to be following him (although she drove inside the gated property). I advised [REDACTED] to stay away from the property and do not engage further. He told me he was going to wait in an area out of view of the address.

Upon arriving into the area, I did notice a property situated in a rural area on multiple acres of land. I noticed that the property had a gate that was secured by a large chain and padlock.

There was one building in the process of being constructed and several other small outbuildings/shed in addition to a 5th wheel and a white van. As I made loud announcements (from the roadway over my marked patrol unit PA System) and chirped my siren. A black female walked toward my vehicle with an English Bulldog. This person fit the description provided by [REDACTED]. As the female got closer, I was able to speak with her.

The female party identified herself as Nicole Lashay Mallery, DOB 11/20/1986. She indicated that her identification was out of Texas. She gave me a phone number of [REDACTED] and then proceeded to explain what happened prior to my arrival.

Mallery told me the following: She looked out of her window and saw a white male and said, "I was afraid". "I put my pants on and didn't have a shirt on and I didn't know this person. The gate is closed and there are "No Trespassing" signs and there was someone right outside my window. Strange things happen. I didn't know if he was trying to rape me!" "I was like give me some ID" and he just started running so my dog started chasing after him. He was running and saying, "I have some papers to leave here". I said, "give me some ID, why did you trespass on my property, what are you doing here?"

I asked Mallery at the time you were doing this what did you have in your hands? Mallery responded, "I did have a gun in my hands". I asked Mallery what type of weapon did you have? Mallery indicated it was a shotgun. Mallery further said, "I was like what are you doing here" (he ran, and I asked for ID because everything is locked here pointing to her gate). So why were you on the property? I didn't have no shirt, I was outside without a shirt on, chasing him because I did not know why he was here, I couldn't get his ID. So, when I went down there, I saw his car was sitting there, I was trying to call the police out. I didn't have a signal and couldn't get his tag number, but I don't know who he was at all. But he was here".

I asked Mallery did the unknown male say anything to you? Mallery responded, "It happened so fast, I was in a state of shock, slightly because obviously I had no clothes on and someone is looking through the window and I'm like what the hell is going on?"

Mallery pointed to a window on the shed near the south side of the property. Mallery again told me, "Look at the gate it says "No Trespassing" as she pointed. She continued, "I'm trying to protect myself, my animals, and my property. I don't know! He did not provide ID and he started running".

I asked Mallery what happened next. She said, "He was just running, and the dog was chasing after him. He was running that was it. Then he got to his car but obviously, I didn't have a shirt on, so I was walking with the dog. His car was sitting down here" (and again Mallery was pointing to the south) which is an area south of her address but on the roadway. Mallery continued, "And I don't know if the call went through when I called 911 but it was like a blue SUV".

I specifically asked, "At what point did you discharge the weapon?" Mallery stated, "I did not, this is why I am kind of confused. Umm, I had it and I was pointing it like, hey give me some ID. I don't know who you are but that was kind of and (she paused) I asked for ID- he didn't provide it and he just started running and the dog was there but he didn't bite him or anything".

She told me she wanted to file charges (on the process server) for breaking and entering, trespass, and attempted rape. She also indicated that he breached the peace and that is why she wanted to file a complaint. Additionally, Mallery indicated that when she came outside, he (Sacksteder) started coming towards her and I said, "you need to show me some ID! You need to show me some ID right now, like what the fuck are you doing on my property!" After I gathered this information from Mallery I asked if she would let me see her weapon. There was no response as additional units arrived on scene Mallery began explaining the situation again, never responding to my question.

After leaving the address on [REDACTED] I spoke with [REDACTED] [REDACTED] said he recorded the whole incident utilizing his iPhone. I asked him if he would be willing to provide me with a copy of that video and he did. After watching the video, the incident contradicted the information and statement provided by Mallery. Based on the video [REDACTED] went onto the property, did not look through windows and ran off after he was being chased. He indicated his only intent was to serve the legal paperwork.

On the video [REDACTED] arrives at the area. The program used on his phone has current location data, time and hundred block range displayed. You can hear him narrating as he identifies the property and the person, he is attempting to serve legal paperwork to. You can clearly see the names on the video and photos of the property. [REDACTED] was seeking Courtney Wayne Mallery, DOB [REDACTED]

On the video I observed [REDACTED] walk under a gate and move north toward the buildings and 5th Wheel. He was actively attempting to contact a person. At no time did he peer directly through any window. After being on the property for approximately 6:25 (minutes), I hear door burst open and a female voice screamed out "what the fuck are you doing?" (multiple times) and "get the fuck out of here" (multiple times) and at that time Sacksteder yelled out, "I have legal paperwork". [REDACTED] continued in a panicked voice, "Listen! I have some legal documents!" on the video I could only hear Mallery responding, "get the fuck off my property". [REDACTED] said "I'm leaving approximately 11 times. [REDACTED] said, "I swear to God! Relax!" "I'm leaving, I'm leaving.....as he was walking away from her towards his vehicle. I recognized the voice of that of Mallery whom I just had a conversation with.

On the video I can clearly make out the racking of the shotgun slide at 6:40 (minutes) and at the 6:43 (minutes) you can hear a weapon discharge in the background. After the shotgun was racked and between the trigger being pressed (to discharge a round) Mallery said something but I was unable to make out what she said.

In the video I did observe [REDACTED] physically retreating and verbally stating the same. While he was in the process of leaving the weapon was intentionally discharged in his direction and there were no forward movements on [REDACTED]'s part. Contrary to Mallery's statement, she aggressively pursued [REDACTED] from the property with the weapon pointed in his direction after he stated he was there to serve legal paperwork. Mallery intentionally placed [REDACTED] in fear of imminent serious bodily injury and discharged the weapon in a reckless manner.

During my investigation, Mallery knowingly provided false/fictitious information when asked to identify herself during my investigation. As recorded on my office issued body worn camera, Mallery provided the following information when asked to identify herself to me. She stated: Nicole Lashay Mallery, DOB 11/20/1986 and her ID was out of Texas. This was later determined to be false information and the El Paso County Com d Dispatch found her true identity and provided a dossier photo from Georgia and I positively identified her as one in the same. The female party was in truth Nicole Remitha Lashay (Hawkins) Mallery DOB 11/20/1976 with previous/current drivers licenses out of North Carolina and Georgia.

I would respectfully request that probable cause be found that **NICOLE REMITHA HAWKINS** aka **Nicole Lashay Mallery, DOB 11/20/1976, a Black Female, Height 501, Weight 140, Eyes Brown, Hair Black, Social Security#** did within the County of El Paso and State of Colorado, commit in violation of the Colorado Revised Statutes 1973 as amended, the offense(s) of

18-3-206(1)(a) Menacing- A Class 5 Felony (One count); 18-5-113 Criminal Impersonation-A Class 6 Felony (One Count); 18-12-106 Prohibited Use of Weapons, A Class 2 Misdemeanor (One Count).


Applicant: Deputy Michelle Reed, #11020
El Paso County Sheriff's Office

Sworn and subscribed before me this 15 day of April, 2024.


Judge



El Paso County Sheriff's Office

Summary

Print Date/Time: 02/01/2023 08:21
Login ID: shrseifert
Case Number: 2021-00004406

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2021-00004406
Location: [REDACTED]
Reporting Officer ID: P95053 - Gerhart

Incident Type: EPSO Non-DV Assault (felony)
Occurred From: 04/21/2021 07:02
Occurred Thru: 04/21/2021 10:35
Disposition: Warrant
Disposition Date: 12/02/2021
Reported Date: 04/21/2021 07:02 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	13A	18-3-203 (7)	Assault in the second degree - Police Official - Strongarm	1
2	CO0210000	90Z	18-8-212 (2)	Violation of Bail Bond Conditions-Secured Bond (felony)	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Peacock, Denise	FOURTH JUDICIAL DISTRICT COURT COLORADO SPRINGS, CO		Unknown	Female	
Other	2	Gonzalez, Christopher	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	
Suspect	1	HAWKINS, NICOLE REMITHA	[REDACTED]	[REDACTED]	Black	Female	[REDACTED]
[REDACTED]	1	Pennington, Jonathan	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	44
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	Black	Male	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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*** BWC USED ***

On 04/21/21 at approximately 0800 hours I, Sergeant Gerhart of the El Paso County Sheriff's Office Rural Enforcement and Outreach Unit was in the area of [REDACTED], in reference to a search warrant execution that was pending. At approximately 0846 hours members of the Tactical Services Unit did begin the execution of the search warrant.

While the initial clearing and securing of the property was being conducted, I remained removed from the situation assisting another deputy with observing various portions of the rural property. At approximately 1011 hours I heard Deputy Jonathan Pennington, who was using the call sign Z13 request assistance over the radio stating that one of the subjects that he had detained, a NICOLE MALLERY (AKA HHAWKINS), was becoming combative. I could also hear the suspect screaming in the background. Other units responded to assist Deputy Pennington with Ms. MALLERY's combative behavior.

After the property had been secured, I met with Mr. COURTNEY MALLERY, one of the property owners and the husband of the suspect. This search warrant was being executed in reference to El Paso County Sheriff's Office case number 21-3810. It was in reference to a felony menacing that had occurred earlier and one of the items of interest was a shotgun that had been used during that incident. For further information refer to that case report. I advised Mr. MALLERY that I was looking for the shotgun that had been used on that date and that he could either show me where it was or I would have to search the entire property to include several outbuildings to locate the weapon at which point he would need to be detained. Mr. MALLERY then stated that he would show me where the weapon was, and then took me to a shed where he pointed it out. That weapon was recovered and placed into evidence under that case number.

At approximately 1100 hours I did clear the scene on this proceeding to the El Paso Sheriff's Office Evidence Facility. At that point I was contacted by one of the TSU supervisors who requested that I initiate a case for second-degree assault on a peace officer in reference to the incident that had occurred with Dep. Pennington. I was advised that the suspect during her outrage had kicked Deputy Pennington repeatedly in his legs and had bit him on his forearm. For further information about the extent of injuries and the specifics of the situation please refer to Deputy Pennington's supplemental report.

I was aware that two other subjects had been detained with Mr. and Ms. MALLERY. These subjects had identified themselves as workers for the MALLERYs. It should be noted that immediately after recovering the shotgun while on the property these two individuals requested to speak to a supervisor so TSU deputies requested that I go speak to them. During this time, I did have my body-worn camera activated. I asked both of the individuals what I could do to assist them and identified myself as Sergeant Gerhart with the El Paso County Sheriff's Office. Both of these individuals, a man and a woman, stated that they wanted to thank me for the professionalism of TSU members as well as the other deputies that they had interacted with on this date. They stated that they were impressed with how quickly the operation went and how quickly we were able to get to the point to get things taken care of so that they would not have to be detained. I told both individuals that I had been doing this for 25 years and never in my career had individuals who had been detained for an extended amount of time ever thank us for our services but that I was grateful that their experience was not unpleasant. I then thanked

them for being cooperative prior to leaving to head to the evidence facility.

I was later speaking with the Tactical Services Unit supervisors based on the fact that I had determined that neither of those two individuals had been identified during the time they had been detained. Furthermore, I did not identify them either based on the fact that at the time I was not aware I would be handling the assault on a peace officer case.

This will be very problematic based on the fact that the property at [REDACTED] is fenced in its entirety and is gated with a lock. Furthermore, the MALLERYs, specifically NICOLE, are not friendly towards law enforcement. Therefore, it would be impractical for me to attempt to go to the property and request the MALLERYs to allow me to speak with these two individuals to further the assault on a peace officer case.

At this time myself as well as other deputies from the El Paso County Sheriff's Office Rural Enforcement and Outreach Unit will do frequent visits to the area of the property in an attempt to contact these two individuals while they may be leaving or returning to the property. As of 4/23/21 at 0900 hours these attempts have been unsuccessful.

The case status is active. Nothing follows.

af/to

Body Worn Camera is available for this call.
21-3810 and 21-4406
TSU Operation- supplement

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On April 21, 2021 at approximately 0800, I, Deputy Melissa Lance EID 12036, of the El Paso County Sheriff's Office, Crisis Negotiations Unit, was assigned to a high risk warrant service with the Tactical Support Unit at [REDACTED], located in El Paso county, Colorado.

SCENE DESCRIPTION/DETAILS OF INVESTIGATION

Suspect Nicole Hawkins DOB: [REDACTED]

Ms. Hawkins was taken into custody by the Tactical Support Unit (TSU) during the operation. After Ms. Hawkins was detained, she became combative with other TSU officers, and requested medical attention. I was directed by Lt Paul Mynatt EID 07011, to follow Deputy Michelle Reed EID 11020 and the ambulance with Ms. Hawkins and Deputy Daniel Chase EID 12017 on board, to [REDACTED] Hospital at [REDACTED]

Upon arrival at [REDACTED] at 1116 hours, Ms. Hawkins was taken to [REDACTED], [REDACTED] for medical [REDACTED]. Ms. Hawkins complained of [REDACTED] prior to the [REDACTED] entering the [REDACTED] [REDACTED] Ms. Hawkins was [REDACTED] with Deputy Reed, Deputy Chase, and me in the room, and was restrained by her left ankle to the bed.

Ms. Hawkins then stated her shirt was lifted and complained she was exposed while a male deputy, Deputy Chase was in the room. At no time was Ms. Hawkins' body exposed, Ms. Hawkins began to demand Deputy Chase leave the room. Ms. Hawkins demanded a department "chief" come to the hospital so she could file a complaint with Internal Affairs. Ms. Hawkins remained fully clothed for the duration of the examination. [REDACTED]

When the doctor left the room, Ms. Hawkins began to scream for help from the [REDACTED], yelling about law enforcement being in her room and threatening her. No one in the room was speaking to Ms. Hawkins and no one was making threats to her or about her. Ms. Hawkins began to call Deputy Reed a "field negro" and continued to make racially charged statements to Deputy Reed, accusing her of following "her master's" orders. Ms. Hawkins made statements to Deputy Chase and I about being Klu Klux Klan members, about being demons because we are

Caucasian, and calling Deputy Chase and I, "white trash."

Deputy Reed began to take photographs of Ms. Hawkins' wrist and neck and Ms. Hawkins began to scream that we were harassing and assaulting her. Ms. Hawkins then stated we were refusing to get her [REDACTED] at the hospital, and she would bond out and seek her own [REDACTED]. Ms. Hawkins demanded she be taken to jail and yelled that she wanted to leave now and no one can make her get [REDACTED]. Ms. Hawkins advised [REDACTED] staff at the [REDACTED] that she was refusing [REDACTED] refusing an [REDACTED], and refusing to have the [REDACTED] and [REDACTED] completed.

[REDACTED] Ms. Hawkins was handcuffed in front, leg restraint was removed, and asked for help to get off the bed. Deputy Chase advised that he would use his hand on her back so she could push herself off of the bed. Ms. Hawkins leaned her back against his hand to push off of the bed and to her feet.

Ms. Hawkins began to slowly walk out of the room unassisted, I was directly in front of Ms. Hawkins, Deputy Reed was to Ms. Hawkins left, with Deputy Chase and Deputy Fisher on her right and behind her. While walking through the hallway of [REDACTED] I turned to walk backwards, to continue to observe Ms. Hawkins. Ms. Hawkins appeared to lower her right shoulder and threw herself to the floor. Ms. Hawkins rolled onto her back and began to scream. Ms. Hawkins was assisted to a wheelchair by Deputy Reed and asked if she wanted medical attention. Ms. Hawkins continued to scream and would not answer Deputy Reed.

Ms. Hawkins was brought to Deputy Reed's marked patrol unit (Chevy Tahoe) and refused to get out of the wheelchair. Ms. Hawkins was assisted to her feet by Deputy Reed and Deputy Chase while she continued to scream in the ambulance bay, dropping her weight, and refusing to get into Deputy Reed's marked patrol unit. Deputy Fisher attempted to help by entering the backseat and trying to slide Ms. Hawkins across the seat. Ms. Hawkins began to yell that Deputy Reed kicked her, I was standing directly behind Deputy Reed and Deputy Chase, Deputy Reed was bracing Ms. Hawkins weight with her leg to keep Ms. Hawkins from falling onto the ground. I retrieved my marked patrol unit #1412 (Chevy Impala) and Ms. Hawkins was sat inside the back seat. Ms. Hawkins refused to place her left foot inside of the car, blocking the door from closing. Deputy Reed lifted her foot placing it into the car and shutting the door.

I called out over my office issued radio, Ms. Hawkins would be transported in my marked unit to the El Paso County Jail (CJC) and put my beginning milage and unit number into the call screen. Ms. Hawkins was yelling in the back of my marked patrol unit that I was white trash, a KKK member, and asking God to protect her from white demons. Ms. Hawkins yelled that she needed to use the restroom, her arm was broken, accusing me of breaking her arm, accusing other deputies of breaking her arm, stating she had chest pain, and then yelling about her arm again.

I arrived on scene at the El Paso County Jail (CJC) and entered my ending milage into the call screen. Ms. Hawkins complied with the rapid COVID-19 screening and refusing to get out of my

marked patrol unit unassisted. Ms. Hawkins asked for a wheelchair and was advised that Intake deputies would assist her into the facility. Ms. Hawkins complied with Intake deputies and was booked into the El Paso County Jail.

This supplement will also be entered under case number 21-3810, as this is an associated case.

I have nothing further at this time.

EVIDENCE

Body Worn is available for this call.

Supplement to Case #21-4406

4/21/2021

Deputy Billy Horn #14096

**DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF
CALL/INCIDENT INFORMATION**

BWC footage available

On 04/21/2021, at approximately 0846 hours, I, Deputy Billy Horn #14096 (Call Sign pZ10), of the El Paso County Sheriff's Office Special Weapons and Tactics unit, responded to [REDACTED], referencing an Arrest/ High Risk Search Warrant. This address is located in Colorado Springs, El Paso County, State of Colorado.

The suspect listed on the arrest warrant was identified as Nicole Hawkins DOB: [REDACTED]. The warrants were written due to a Felony Menacing that had occurred (reference EPSO case # 21-3810)

While en route to the location, we were informed by a surveillance team that there were several parties on scene. The surveillance team advised that the suspect was loading items into a white van near a shed.

Upon arrival, at approximately 0927 hours, I observed the property having several structures on it. On the east side of the property was a wooden structure with no siding. To the north of the wooden structure was a gray structure that appeared to be a stable for animals. On the north section of the property were several metal shipping containers. Centralized on the property were two structures. One appearing to be a gray shed and the other being a gray towable camper trailer. On the west side of the property was another light-colored shed with a white van backed up to its open doors. This shed appeared to be utilized as a chicken coop.

We entered the property from [REDACTED], on the south east side of the property.

As we approached the white van/shed, located on the west side of the property, I observed an African American female wearing a light-colored coat emerge from the west side of the van. The female was identified as Nicole. Nicole had her hands in her pockets. Due to the suspect's charges and her hands being in her pockets, I presented my rifle. Nicole was given commands to show her hands and to walk backwards to our vehicle. After commands, Nicole complied, and I lowered my rifle. Once at our vehicle, I placed Nicole into handcuffs. I ensured proper fit of the handcuffs, however due to security concerns regarding the additional parties on scene, I was unable to double lock them. I did not hear any complaints of injury by Nicole. Once in handcuffs, Nicole was handed off to the SWAT team member in the sprinter van, where her handcuffs were checked for fit and double locked.

In addition to Nicole, I detained an additional male and female. The male was placed into handcuffs while the female was placed into flexible plastic wrist restraints. All parties were handed off to the SWAT team members in the sprinter van. Once all parties were in the sprinter van, the van left the scene.

I have nothing further to report at this time.

Case status: SAO

This is a supplement report to case 2021-00004406.

Body worn camera footage is available for this incident.

On 04/21/2021 at approximately 0846 hours, I, Deputy Jonathan Pennington EID 17035 of the El Paso County Sheriff's Office, Special Weapons and Tactics unit responded to [REDACTED] in El Paso County, State of Colorado in reference to a high-risk search warrant. I was informed that Deputy Michelle Reed EID 11020 had written a search warrant for the property involving a suspect who was reported living at the address involved in a felony menacing. I was informed by Deputy Reed she also wrote an arrest warrant for the suspect.

The suspect was identified as Mrs. Nicole Hawkins-Mallery DOB: [REDACTED] I was informed Mrs. Hawkins-Mallery had an active arrest warrant for felony menacing and criminal impersonation. It was reported Mrs. Hawkins-Mallery had pointed a shotgun at process server and shot a round possibly in the air while he was running away (Case 21-3810).

I arrived on scene at approximately 0927 hours. I heard on the radio there were four people on scene. All four parties were placed in wrist restraints to include Mrs. Hawkins-Mallery. They were transported into the sprinter vehicle. Mrs. Hawkins-Mallery was confrontational while in the sprinter and would not comply with my verbal commands to sit down. Mrs. Hawkins-Mallery said her handcuffs were too tight. Mrs. Hawkins-Mallery said the handcuff on her right wrist was too tight and cutting off circulation. I loosened the handcuff on Mrs. Hawkins-Mallery's right wrist, double locked it so it wouldn't tighten, and checked for proper fit. I was able to place my fingers in between the handcuffs and both of her wrists. Mrs. Hawkins-Mallery moved towards the front of the vehicle to look at the other SWAT operators, I stood in between Mrs. Hawkins-Mallery to block her from moving any further towards the front passenger seat. Prior to placing Mrs. Hawkins-Mallery in the back of the sprinter, I had unslung my issued rifle and placed it in the front passenger seat. I did not want Mrs. Hawkins-Mallery to move towards my rifle and again asked her to sit down. Mrs. Hawkins-Mallery refused to comply with my verbal commands. I heard over my radio the sprinter was clear to move away from the property. I grabbed Mrs. Hawkins-Mallery's left arm and jacket while the sprinter was moving to prevent her from falling since she did not want to comply with my verbal orders to sit down. Mrs. Hawkins-Mallery said I was assaulting her and I advised her I was grabbing her arm to prevent her from falling due to her being in handcuffs.

Mrs. Hawkins-Mallery again complained about her handcuffs being too tight. I asked Mrs. Hawkins-Mallery to turn so that I could check her handcuffs. Mrs. Hawkins-Mallery refused to allow me to check her handcuffs and said she did not trust me. Mrs. Hawkins-Mallery said she had shoulder pain and I had Deputy Austin Wedemeyer EID 17046 call medical up to assess Mrs. Hawkins-Mallery. Mrs. Hawkins-Mallery called me a "pig" and other derogatory names. Mrs. Hawkins-Mallery kept asking to see the search warrant. I advised her that I did not have the warrant and it would be provided later by the other deputies on scene. Mrs. Hawkins-Mallery continued to be confrontational. Mrs. Hawkins-Mallery moved towards the sliding door of the sprinter. I grabbed Mrs. Hawkins-Mallery and told her to sit down. Mrs. Hawkins-Mallery began thrashing her body. I grabbed Mrs. Hawkins-Mallery's

left arm, just above the elbow, with my right hand and placed my left hand on her right shoulder to gain control of her. Mrs. Hawkins-Mallery began kicking me repeatedly in the left leg. Mrs. Hawkins-Mallery kicked me approximately 6 times. Mrs. Hawkins-Mallery turned her head towards and bit my left arm. I was wearing a winter combat shirt that has thick sleeves for insulation. Mrs. Hawkins-Mallery was wearing a mask and bit down so hard, it left a red mark on my right forearm. The area was sensitive and tender to the touch. Photographs of the injury were taken with body worn camera. I told Mrs. Hawkins-Mallery to stop biting and kicking me and she began stating that I was choking her. I kept my left hand on Mrs. Hawkins-Mallery's right shoulder and my right hand on her left arm. I did not place either of my hands around or near Mrs. Hawkins-Mallery's neck. I could hear Mrs. Hawkins-Mallery husband, Mr. Courtney Mallery DOB: [REDACTED] telling Mrs. Hawkins-Mallery to calm down. Mrs. Hawkins-Mallery began yelling about her shoulder and stated it was injured. I called over the radio that additional assistance was needed at the sprinter due to Mrs. Hawkins-Mallery being combative. Other deputies responded to assist with Mrs. Hawkins-Mallery. Mrs. Hawkins-Mallery was transported out of the sprinter, assessed by medical personnel on scene and transported to Memorial Central Hospital for her claimed injury.

Two of the other unnamed individuals detained in the sprinter witnessed the incident and later told Sergeant Emory Gerhart EID 95053, we were professional, treated them with respect and did not harm them in any way.

I have nothing further to report at this time.

CASE STATUS: SAO

Case Number: 21-4406

Date: 4/21/2021

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

BWC Footage Available: YES

There is video footage available of this incident; however, this report is merely a synopsis of the relevant facts of the investigation. It is not intended to be a verbatim account of every individual that I spoke with. This report does not reflect every word spoken by this deputy, other deputies/officers, witnesses, suspects, or victims. For a verbatim account, please see body worn camera footage. This deputy did not review the body worn camera footage to prepare this report.

I, Deputy Cameron Komrofske, 18052, am assigned to the Patrol Division/SWAT Division of the El Paso County Sheriff's Office and the following events all occurred in El Paso County, Colorado.

On 4/21/2021 at approximately 0926 hours I arrived on scene at the address of [REDACTED]. For this call for service, I was operating as a part of a SWAT team member to conduct a high-risk search warrant and arrest warrant. Prior to arrival it was briefed the subject with the outstanding felony warrant, was identified as Nicole Hawkins DOB: [REDACTED], I was provided with a photo of this subject prior to arriving at the target address.

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(S)

Z11 - C. Komrofske 18052

Z13 - J. Pennington 17035

INITIAL OBSERVATIONS/ARRIVAL AT SCENE

When we arrived on scene there were three (3) parties outside on the property and an additional party inside a camper. All four (4) parties were detained in an unmarked white EPSO passenger van, here after I refer to as the "sprinter".

Nicole who had an outstanding felony warrant was argumentative prior to getting into the sprinter, stating she needs to see the search warrant if we need to remain on her property. I informed Nicole it is a high-risk incident and she would be able to see the search warrant and speak with a detective prior to our departure. Once in the sprinter Nicole started making statements along the lines of "fuck the police" "fucking pigs" "murderers". Nicole was complaining about the tightness of her wrist restraints. Deputy Jonathan Pennington #17035 adjusted Nicole's handcuffs and checked them for tightness.

While in the sprinter, Nicole was getting more agitated. While we were in the sprinter, Deputy Pennington and I did not speak to the detainees or amongst ourselves unless the detainees had a question.

While detained Nicole mentioned how her shoulders were hurting and she was being subjected to cruel and unusual punishment. Deputy Pennington offered again to re check her restraints and Nicole denied any support from Deputy Pennington because she didn't trust him since he is a "fucking pig" in Nicole's terms.

Nicole stated she needed medical attention as she believed her shoulder was out of place. Deputy Pennington requested for medical assistance to check on Nicole. Nicole continued screaming stating we were denying her [REDACTED] I informed Nicole we had notified medical personnel to move to the sprinter and assist her. Nicole already agitated and yelling, then lunged at Deputy Pennington who was near the front of the sprinter. Deputy Pennington then placed his hands-on Nicole's shoulders and told Nicole to stop.

Nicole was placed on a seat in the sprinter, where I verbally observed her to be screaming and visually observed both of her knees come near her abdomen and extend outward in a violent manner. I observed Nicole to be striking Deputy Pennington in his leg's multiple times in a kicking manner. Deputy Pennington told Nicole to stop kicking him, and still had his hands on her shoulders.

I observed Nicole's unidentified husband to be inching closer to Nicole while she was screaming and kicking Deputy Pennington. Nicole's husband sat down on the bench next to Nicole and was attempting to calm her down. Nicole was still kicking at Deputy Pennington. I was maintaining control of Nicole's husband with my left hand, and I maintained control of my office issued rifle with my right hand.

Due to lack of assistance I could provide Deputy Pennington, I used my right shin and placed it against Nicole's right shin to prevent her from kicking Deputy Pennington. By pinning Nicole's leg to the bench, she was unable to kick Deputy Pennington with her right leg.

Nicole started making claims of Deputy Pennington choking her and how short of breath she was. Additionally, Nicole started making claims of Deputy Pennington breaking her arm as well. Medical offered to assist Nicole, but she was denying medical attention once medical staff was on scene.

Other deputies came to assist, and Nicole was moved out of the sprinter to the ambulance.

After the search was conducted and the detainees were free to go, an unidentified female detainee stated Deputy Pennington and I were extremely professional, and handled that situation with the utmost professionalism.

STATEMENTS

N/A

SUSPECT STATEMENTS

N/A

SFST MANEUVERS

N/A

EVIDENCE

N/A

CASE DISPOSITION

SAO

This is a supplemental report for EPSO case report 21-4406

BWC available

On April 21, 2021 I, Deputy Austin Wedemeyer, EID 17046, a sworn peace officer in and for the County of El Paso, Colorado was assigned duties as Z17 with the El Paso County SWAT Team in unincorporated El Paso County, Colorado.

We were serving a high-risk search warrant as well as an arrest warrant at [REDACTED]. The arrest warrant was for Ms. Hawkins, Nicole (DOB [REDACTED]). When we arrived on scene multiple parties were outside working on the property. The team assigned to the Chevy made contact with the parties at a small shed with a white van parked outside of it. I was directed to pull the sprinter to the Chevy to assist in detaining individuals. As the first two parties were detained in the Sprinter van, I went to the driver side of the Chevy. I placed a male party, later identified as Mr. Mallory, Courtney (DOB [REDACTED]), in handcuffs. I moved Mr. Mallory to the Sprinter and checked his waist band and pockets quickly for any weapons. He was put in the Sprinter where a more thorough pat search was conducted.

After everyone was secured in the Sprinter all of the restraints were double checked for tightness and double locked. All restraints were able to fit one finger between the restraint and the detainees wrists. Mr. Mallory and Ms. Hawkins were both standing and refused to sit down. Based on not having enough resources to transport the detainees from the Sprinter to the Command group location we drove the Sprinter to the command groups location so they were away from the target address for their safety. While we were transporting the four detainees to the command group Mr. Mallory and Ms. Hawkins were demanding to see the search warrant. It was explained to them that they would have an opportunity to see search warrant after the property was secured and the investigating deputies were in contact with them.

While we were parked with the command group Ms. Hawkins started to complain about pain in her shoulder. I radioed Lt. Paul Mynatt (EID 07011) and advised him that she was requesting medical attention. Lt. Mynatt acknowledged and said we would get her medical attention.

While waiting outside the Sprinter for medical to arrive, I heard Deputy J. Pennington (EID 17035) call for more deputies to the Sprinter because one of the detained parties was being combative. I returned to the Sprinter and opened the side door. I saw Deputy Pennington standing in front of Ms. Hawkins who was sitting on the bench on the Sprinter. Ms. Hawkins was complaining that her "shoulder was broken."

Medical arrived and assessed Ms. Hawkins. Ms. Hawkins was making it difficult for them to assess her by not sitting still. Medical said there was no apparent injury and she had a pulse in her wrist of the allegedly injured arm. Ms. Hawkins was removed from the Sprinter and placed in the back seat of a marked patrol vehicle. While we were assisting Ms. Hawkins out of the Sprinter she dropped her body weight as she was stepping out of the Sprinter and sat on the edge of the Sprinter. Once out of the Sprinter the handcuffs were taken off Ms. Hawkins right

wrist and another set was added to them and out back on her right wrist so her shoulders were not as restricted. As we were escorting Ms. Hawkins from the Sprinter to the Patrol Vehicle I had my left hand lightly under her right arm to catch her incase she fell. Ms. Hawkins was put in the back of the patrol vehicle and I returned to the Sprinter with the other detainees.

I have nothing further at this time.

NO BWC USED

On 04/29/21 at 0900 hours, I, Sgt. Gerhart, met with the Honorable Judge Peacock in her chambers in reference to this case.

I had prepared an arrest warrant for Nicole Hawkins (AKA: Mallery.) The warrant was presented to Judge Peacock who found the warrant in good order and did sign the warrant. A copy of the warrant was placed on file with the Warrants Clerk and provided a docket number of 21CR2392 in Division 13.

It should be noted that while researching Ms. Hawkins I was able to see that she had been charged with resisting arrest five times in the past. Ms. Hawkins is currently out on bond on two other outstanding felony cases. As such the warrant included the charge of Violation of Bail Bond Conditions.

The EPSO TSU was made aware of the active warrant.

Nothing Follows
Status: Active - Warrant

On 5/3/21 I, Sgt. Gerhart, was reviewing this case.

I observed that my arrest warrant for Ms. Hawkins had the incorrect date in the Attachment A. A key stroke error has the events occurring on 4/11/21 when it actually occurred on 4/21/21.

Nothing Follows.

On 12/1/21 I was contacted by my supervisor, Lt. Chris Gonzales, in reference to this report.

Lt. Gonzales informed me that he was conducting an investigation against me filed by Nicole Hawkins. In one of my reports I had indicated that Hawkins had been arrested five times for resisting arrest. Lt. Gonzales did a more in-depth review of her criminal history and was able to determine that Hawkins had an initial arrest out of Wichita Falls, TX for resisting arrest. There were other subsequent entries for absconding based on the initial arrest.

I was directed to supplement this case to reflect the findings.

Nothing Follows

Status: SAO



El Paso County Sheriff's Office

Summary

Print Date/Time: 02/01/2023 08:44
Login ID: shrseifert
Case Number: 2021-00005307

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2021-00005307
Location: [REDACTED]
Reporting Officer ID: P17028 - Stringham

Incident Type: EPSO Criminal Trespass
Occurred From: 05/11/2021 15:00
Occurred Thru: 05/12/2021 15:41
Disposition: Unfounded
Disposition Date: 05/12/2021
Reported Date: 05/11/2021 15:41 Tuesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90J	18-4-503 (1)	Second degree criminal trespass (misdemeanor)	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

There is video footage available of this incident; however, this report is merely a synopsis of the relevant facts of the investigation. It is not intended to be a verbatim account of every individual I spoke with. This report does not reflect every word spoken by this deputy, other deputies/officers, witnesses, suspects, or victims. For a verbatim account please see body-worn camera footage.

On May 11, 2021, at approximately 1541 hours, I, Deputy Spencer Stringham, was dispatched to [REDACTED] in Unincorporated El Paso County, Colorado, reference a "trespass just occurred" call for service.

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(s)

N/A

INITIAL CALL INFORMATION

The reporting party said a man was on their property, he ran and jumped the fence and was possible drunk or on drugs. The reporting party said the suspect was possibly reaching for something and was walking northbound on [REDACTED]. They described the suspect as a late 30s white male, approximately 6'03", thin build, bald head, wearing a blue flannel shirt, and blue jeans. They said responding deputies could contact the reporting party by phone if needed.

INITIAL OBSERVATIONS/ARRIVAL AT SCENE

While approaching the address on [REDACTED] I found a tall, thin, white, balding male, wearing a denim jacket, jeans and work boots standing in the middle of the street. His hand movements were erratic, and he was unstable on his feet.

I advised dispatch I was contacting him in front of the address.

SUSPECT INFORMATION/STATEMENTS

I approached the male, and asked if he was alright, he told me was cold and was trying to get home. His speech was slurred, he was constantly pulling his pants to keep them up on his waist and continued his erratic movements. I asked him his name and he identified himself as [REDACTED] DOB [REDACTED].

I asked [REDACTED] if I could check his person for weapons so I didn't need to worry about his constant grabbing at his waistline while I spoke to him. He agreed and allowed me to check him. I noticed he had nothing in his pockets, not even a phone or wallet, he had no socks on and his shoes were loose and untied. After patting him down and identifying him, he told me he had Huntington's disease, which caused his erratic

movements. Due to his broken and slurred speech, it took some time to interpret everything he told me. He denied having consumed any alcohol or illicit drugs and said his current state was normal for him.

He asked to get into the back of my vehicle for warmth as it was near freezing and there was slight precipitation with wind. I requested medical respond to the scene to check [REDACTED] as I had only heard of the disease for the first time the day prior on another call for service and wanted to ensure [REDACTED] did not have anything which needed immediate medical care. After my cover unit arrived on scene, [REDACTED] was placed in the back of my marked patrol car and transported to the nearest intersection to meet medical personnel to be evaluated.

[REDACTED] said he lived off Yoder road and was trying to get home when I contacted him. I asked if he knew where he was and he believed he was on Sanborn road, which was approximately four miles north. When clearing [REDACTED] through NCIC/CCIC I verified he lived off Yoder road, approximately three miles south. I intended on giving [REDACTED] a courtesy ride home after medical personnel cleared him on scene, as he was not dressed for the conditions and his disease makes even simple tasks difficult.

When medical arrived on scene, I opened the door to my patrol car for [REDACTED] and saw his shoes had fallen off onto the floorboard. [REDACTED] attempted to put his shoes back on to walk to the ambulance, but after multiple attempts could not do so as his disease affects his motor control area of his brain. Medical personnel had to assist with his shoes and assist him in walking over to the ambulance.

Medical personnel checked [REDACTED] vitals and found [REDACTED] had some small injuries on him, which were not apparent nor mentioned by [REDACTED] to me. [REDACTED] was transported to the hospital via ambulance.

SCENE DESCRIPTION/DETAILS OF INVESTIGATION

Due to [REDACTED] mental and physical state I was primarily concerned for his health and welfare. The reporting party initially told dispatch to have deputies contact them only if needed.

The remote area of the county where the call for service occurred had no service for our mobile data computers, and there did not appear to be any new information or updates to the call while we were on scene. When the ambulance left with [REDACTED] on board, I still did not have connection on my MDC and stayed assigned to the call so I could add comments once I regained a connection.

I drove approximately 15-20 minutes back towards the falcon area before I regained a connection on my computer. At that time, I saw the reporting party had called in approximately two more times, upset we had not contacted them. My cover unit had left the area ahead of me and was no longer assigned to the call. There was a caution on the address stating two deputies were to respond to all calls. Due to these

circumstances I called the reporting party to verify to give them the disposition of the call and verify they still needed response.

When I called a female answered the phone and when I identified myself, she gave the phone over to her husband, but appeared to have put the call on speaker as she jumped into the conversation repeatedly. I advised them [REDACTED] had been contacted near their property and matched their description. I also told them he suffered from medical conditions, and he was transported to the hospital as he was lost and trying to return home. The female party immediately became abrasive saying she "didn't care," and that she felt threatened by him. She said she wanted to press charges against him. I informed her [REDACTED] had no weapons on him and there appeared to be no criminal intent on his part other than to get home. She claimed I was "not doing my job," and that the sheriff's office "didn't care" about "black folk."

I advised her I would be returning to their residence to take their report and advised it would just be a little bit. I was considering I would need my cover unit to return with me due to the caution note. The female said I did not need to come out to the address, and I could take the report over the phone.

I asked the female to identify herself for the report and she refused to do so. She again handed the phone back to her husband but continued to yell in the background. She claimed we did not check their property for other trespassers or if he had committed any crimes on scene. I told her the call screen stated they did not request contact and made no other allegations of crimes other than the trespass when they initially called. She also said she didn't know if he stole anything and shouted over me when I tried to tell her [REDACTED] had nothing on his person other than his clothes. She said she wanted a protection order, and I stated she would need to go through the courthouse to do so.

Her husband finally identified himself as [REDACTED] DOB: [REDACTED], and simply asked what he needed to do make the report. I asked him to give me details of the incident and he gave me the following account.

[REDACTED] said they were driving their property line checking on cattle and fence when they saw [REDACTED] on their side of the fence. He appeared to be reaching for something which they perceived to be a weapon. [REDACTED] said he was approximately 30 yards from [REDACTED] at the time. [REDACTED] said he yelled at [REDACTED] to get off their property, which [REDACTED] said he did immediately do. He said [REDACTED] appeared to be on drugs or intoxicated, but never responded or made any threats towards them. They never saw [REDACTED] near their home or other structures on the property and did not have any items to report missing.

I asked [REDACTED] if he had any security cameras or photos of the incident, he said he had several photos of [REDACTED] on their property, which I asked him to send to me via text or email. Mr. Mallery had nothing else to report on the incident. I gave [REDACTED] his case number and advised if they found any missing items, or if [REDACTED] or other trespassed again to call.

██████ sent me one photo via text to my office issued cell phone, which I attached to this report. In the photo ██████ can be seen from a distance away from ██████ as he described. In the photo ██████ is kneeling and has his hands near his feet. In the photo the roadway can be seen directly behind ██████ with the barbwire fence marking the property line visible as well, with no gate visible nearby. Due to the angle and quality of the photo it cannot be determined which side of the fence ██████ is on, and he appears to be fixing his shoe, or huddling down to get out of the wind or stay warm. In the original call for service the reporting party said the suspect ran and jumped the fence.

Due to my interactions with ██████ verifying his residence is just a couple miles from the scene and his mental/physical state, I determined there was no criminal intent if he did cross the fence, and if he had crossed the fence he would have had a very difficult time doing so due to his ailments and lack of motor control. ██████ could barely stand and walk without falling over, let alone run and jump an approximate 4-foot-tall fence.

USE OF FORCE

N/A

SUPERVISOR NOTIFICATION/ADVISEMENT

N/A

FOLLOW UP

N/A

CASE DISPOSITION

Unfounded- I determined there was no criminal intent on ██████ part, and the possibility of the victim's claims were in question. I therefore could not develop probable cause to charge ██████ with trespass.



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 16:14
Login ID: shrseifert
Case Number: 2021-00009652

CHILD VICTIM

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2021-00009652
Location: [REDACTED]
RUSH, CO 80864
Reporting Officer ID: P07042 - Stoneham

Incident Type: EPSO Harassment
Occurred From: 08/11/2021 08:30
Occurred Thru: 08/11/2021 09:00
Disposition: Cleared by Arrest
Disposition Date: 08/11/2021
Reported Date: 08/11/2021 08:59 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-9-111	Harassment	1
2	CO0210000	90F	18-6-401 (1)	Child Abuse (misdemeanor)	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	1	Brettell, Scott	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	[REDACTED]
Other	2	Gonzalez, Christopher	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	[REDACTED]
Other	3	Katzman, Steven	270 S TEJON ST COLORADO SPRINGS, CO 80903	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Suspect	1	HAWKINS, NICOLE REMITHA	[REDACTED]	[REDACTED]	Black	Female	[REDACTED] 44
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
38762 A	HAWKINS, NICOLE REMITHA	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	08/11/2021 15:00	Serve and Release	44

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Narrative 20210811 1100 Stoneham, Gregory P17042

On 08112021, at approximately 0900 hours, I, Deputy Greg Stoneham, was dispatched to [REDACTED], in reference to a disturbance. This address is located in El Paso County, Colorado.

While in route to the address, I was informed that there might be a rifle involved in this incident. At which time, myself and my cover unit responded to this address Code 3, with lights and sirens.

Upon arrival at the address, the front gate on the address was locked. As myself and my cover unit arrived on scene, we pulled up to the front gate of the address but however could not see anybody on scene. While we were sitting there for a moment at white Dodge pickup pulled up along side of us on the inside of the fence west of our location. This white Dodge belongs to the reporting party who was identified as MALORIE HAWKINS, with a DOB: [REDACTED]

While in route dispatch informed me that MS. HAWKINS had a weapon in with her. I got out of my vehicle and contacted Ms. HAWKINS and asked her what had occurred. Ms. HAWKINS stated she an individual run from her property onto the roadway of [REDACTED]. I asked Ms. HAWKINS where they were located, and she stated they were gone. I then asked Ms. HAWKINS where the weapon was located, and she stated that she didn't have one. At which time, my partner, Deputy Scott Brettell, cross the fence line and checked the vehicle to ensure there was no weapons in the vehicle. He did not find any weapons inside the cab of the pickup. Deputy Brettell then crossed back over the fence and stood on the public roadway while we were contacting Ms. HAWKINS. It should be noted that once Deputy Brettell crossed the fence line, Ms. HAWKINS started yelling and screaming stating that we always treat her like a criminal because she was black. I tried to explain to Ms. HAWKINS that we weren't treating her like a criminal and that we needed to ensure the safety of everyone on scene.

I asked Ms. HAWKINS again to explain to me what had occurred, and Ms. HAWKINS just rambled on screaming about how nobody trusts her because she was a black woman in country. She did state the individuals who were on her property called her "a black n word" and asked her if she could speak English. At which time she became belligerent with them and wanted to know why they were on her property. I asked Ms. HAWKINS if she could describe the vehicle to me and she stated it was a silver Dodge pickup with two males inside. She also stated that there were also two to three other males that arrived in a second vehicle and then had left the scene. I explained to Ms. HAWKINS that we would check area to see if we could locate the individuals and talk to them.

After getting all the information from Ms. HAWKINS, myself and Deputy Brettell conducted a search of the area and found a vehicle matching the description located at [REDACTED]. The vehicle belonged to [REDACTED] who was a second reporting party to this incident.

I contacted [REDACTED] at [REDACTED], and he was identified by his Colorado driver's license with a DOB: [REDACTED]. I asked [REDACTED] to explain to me what had happened, and he stated he and his son were driving

northbound on [REDACTED] when they noticed a bullnose snake in the middle of the roadway. [REDACTED] identified his son as [REDACTED] with a DOB: [REDACTED]. [REDACTED] stated he flipped his vehicle around to go a look at the snake. Once [REDACTED] got to the snake he and his son got out of the vehicle and pick up the snake and sat it on the driver's side seat and were looking at it.

While he and his son were looking at the snake, [REDACTED] stated a white Dodge Pickup pulled up next to him along the eastern fence line of Ms. Hawkins property. [REDACTED] said a black female and black male were in the front cab of the pickup. The female began yelling him for being on her property. [REDACTED] informed female he was looking at a snake that was in the road and stated he never stepped onto her property.

[REDACTED] stated before the vehicle pulled up along the fence line, he and his son were petting the snake, while the snake was playing dead. [REDACTED] produce a video of his son petting the snake on the driver's side in which it clearly shows the roadway in the video.

[REDACTED] stated when the white Dodge pulled the female stated yelling at him and his son, [REDACTED] stated the first ten minutes of the conversation was not recorded. [REDACTED] stated as he was recording the snake when the vehicle pulled up, when he moved his phone to record the vehicle, he hit the record button on his phone again and stopped the recording. Once [REDACTED] realized he was not recording he restarted the video recording.

[REDACTED] then produced another video of Mrs. HAWKINS berating him and his son stating they were trespassing and that he had no right to be where he was. The video shows Ms. HAWKINS in the cab of her vehicle yelling at [REDACTED] and his son, while Mr. Hawking is on the phone with the El Paso County dispatch reporting the disturbance.

While talking to [REDACTED], [REDACTED] stated before he started the recording again. He and his witnessed the female get out the cab of her pickup and pull what appeared to be an assault rifle from the rear of her vehicle. The female then placed it on the front driver's side of her vehicle, inside the vehicle. He stated she got back into the vehicle checked the magazine of the weapon and then replaced the magazine in the weapon. At which time [REDACTED] told son [REDACTED] to move towards the front of their vehicle with the engine between the son and female.

After placing the son in a safe location, [REDACTED] called his wife who's identified as [REDACTED] with a DOB: [REDACTED] to come and retrieve his son and take him back to his residence. Once [REDACTED] arrived on scene [REDACTED] was loaded into her vehicle and then she backed the vehicle down the roadway and left on Truckton Road heading east. [REDACTED] stated that Mrs. HAWKINS followed [REDACTED] and his son all the way down the roadway. At which time he then left the area and went back to his residence. It should be noted that I did see tracks in the roadway [REDACTED] turned his vehicle around and went back to locate the bull snake. I again asked [REDACTED] if

at any time went on to Mrs. HAWKINS property and he stated he nor his stepson did. He said they were on the public roadway the entire time.

After gathering all information from all party involved it was decided that Mrs. HAWKINS would be issued a summons for harassment and child abuse since she pulled a weapon from the vehicle and placed it in the front of the vehicle. At no time, did [REDACTED] state that he ever saw the weapon pointed at him or his son.

I contacted Mrs. HAWKINS by phone and asked if she would like to talk to me to which she stated she did not. She would only talk to me if she had a lawyer present.

At approximately 1400 hours, I received a phone call from another deputy informing me that Ms. HAWKINS was currently at the Office of the Sheriff located at 27 E. Vermijo trying to obtain a copy of the call screen to get a restraining order placed against the individuals that she saw on the roadway.

Deputy Brettell and I went to the address and recontacted Mrs. HAWKINS along with Lieutenant Chris Gonzalez and served Mrs. HAWKINS with summons number A121329 for harassment and child abuse. After explaining the summons to MRS. HAWKINS, Mrs. HAWKINS refused to sign it at which time she was issued a copy of the summons and informed she had court on September 28, 2021, at approximately 9:00 a.m. in the morning.

I have no further information.

Case Status: Cleared by arrest.

mj/to

On November 15 2022, I Deputy Greg Stoneham attended the motions hearing for this case. I was instructed By Lt. Chris Gonzalez to record all of my interactions with Nicole Hawkins (Mallery). Once Ms. Hawkins arrived in the hallway I activated my body camera. I informed both the District Attorney and the Ms. Hawkins Attorney I was recording. Once in the courtroom I was ordered by the Honorable Judge McKeddy to shut of the body worn camera at which time it was shut off.

I have no further information.

Case Status: SOA

BWC USED

On 08/11/12 at approximately 0920 hours, I, Sgt. Gerhart arrived on scene at [REDACTED], El Paso County, Colorado in reference to a disturbance. One of the involved was a Ms. Nicole Hawkins.

I am very familiar with Ms. Hawkins as she has assaulted Deputies in the past, filed false internal affairs investigations, and her preferred method of speaking is yelling and cursing. Prior to my arrival I informed my supervisor to expect a complaint, as Ms. Hawkins is unreasonable.

As I arrived on the property I observed a vehicle (I was told it was being driven by Hawkins) speed off (on the Hawkins property.) Based on the fact that she no longer wished to speak with investigators I proceeded to [REDACTED] to assist in the investigation.

While there [REDACTED] stated that he had recorded most of the interaction on his phone. He added that he was in the roadway during the entire altercation and that he never used any racial slurs towards Hawkins. [REDACTED] provided me with his phone. I downloaded five videos which were uploaded to the Digital Evidence folder under this case number.

Nothing Follows
STATUS: SAO

BWC USED

CASE: 21-9652
TITLE: Harassment
DATE: 10/15/21
DEPUTY: Gerhart #95053

On 10/15/21 at 1033 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit was contacted by the United States Postal Service Center located at 475 N. Yoder, Rd, El Paso County Colorado. I was informed that Ms. Nicole Hawkins had refused service and returned a certified letter that had been sent to her by Deputy Stoneham.

Dep. Stoneham had attempted to mail Ms. Hawkins a copy of a summons with a new court date for this offense. Ms. Hawkins avoids deputies and the possibility of personally serving her was unlikely. Based on this factor, it was determined that sending the summons via certified mail would be a better route than obtaining an arrest warrant.

I responded to the post office where I was advised that the Hawkins' had taken the letter, unopened, back to the post office and stated that they would not accept service of the letter. I photographed the unopened letter. I then opened the letter which contained the summons copy as well as a brief letter from Dep. Stoneham explaining the change in court dates.

I spoke to EPSO Records personnel as well as a contact at the DA's Office. I was advised to have Dep. Stoneham obtain an arrest warrant for Ms. Hawkins. I placed the letter into evidence. The photographs were uploaded to the EPSO digital evidence folder under this case number.

This case will be considered active, pending the issuance of a warrant for Ms. Hawkins.

Nothing follows
STATUS: Active

Supplement 20211021 0912 Stoneham, Gregory P07042

This is a supplement for Case Number 21-9652.

On October 21, 2021 at approximately 0912 hours, I, Deputy Gregory Stoneham, presented a warrant for the arrest of Nicole Hawkins to the Honorable Judge Steven Katzman.

After Judge Katzman reviewed the warrant, the warrant was signed and then transported to the office of EL Paso County Clerk and Recorder to be entered into NCIC/CCIC.

I will attempt contact with Ms. Hawkins be to inform her of this warrant.

I have no further information.

Case Status: Warrant to be served



El Paso County Sheriff's Office

Summary

Print Date/Time: 02/01/2023 09:06
Login ID: shrseifert
Case Number: 2022-00000309

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00000309
Location: [REDACTED]
RUSH, CO 80864
Reporting Officer ID: P13020 - Offutt
Incident Type: EPSO Menacing
Occurred From: 01/08/2022 07:00
Occurred Thru: 01/08/2022 07:00
Disposition: Unfounded
Disposition Date: 01/08/2022
Reported Date: 01/08/2022 07:08 Saturday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	13A	18-3-206 (5)	Menacing (felony) - Aggravated - Nonfamily - Weapon	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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There is body worn camera footage available for this narrative. The body worn camera used has limitations that include, but are not limited to, its frames per second rate, resolution, angle, etc. Based on limitations the camera can't capture the subtle movements of HGN, some sways, rotations, tremors and the like.

The narrative serves as a historical document that the contact occurred. It is not meant as a verbatim transcript, nor is a verbatim transcript required. The body camera will likewise serve to capture the interaction. The omission of a quote, paraphrasing, and the like does not constitute a commentary on the level of importance. The narrative was written without a review of the body camera.

On 01/08/2022, I, Deputy Joshua Offutt, with the El Paso County Sheriff's Office, was dispatched to the address of 31255 Truckton Road, in unincorporated El Paso County, Colorado.

Dispatch Information

Dispatch told me that a female party called in stating the neighbor had just pointed a gun at them. She stated that there was an ongoing issue with the neighbor and then told dispatch they had things to do today and disconnected their phone call. While enroute to the address, I spoke another deputy who had responded out to this address who informed me that the address for the reporting party was actually [REDACTED].

Scene

I responded to the address on [REDACTED] and when I arrived, I noticed that the front gate to the address had two padlocks on it. I attempted to call the reporting party, several times before actually getting in contact with [REDACTED], DOB: [REDACTED]

Statements

I spoke to [REDACTED] via cell phone, he told me that he and his wife had gone into Colorado Springs to get things like propane and groceries. Because they were not on scene, I tried to get an accurate description of what had happened before I got there. [REDACTED] explained to me that prior to the phone call to 911 which was at 0707 hours, they were driving out of their gate and the female party neighbor stepped out and pointed a gun at them. He stated that because he had his children with him, they ducked and drove away. I asked [REDACTED] to describe the gun and him and his wife began talking at the same time on the phone. They would not specifically explain what the gun looked like, only that it was black. I asked them to elaborate whether it was a handgun or a rifle. At first, they would not tell me if it was a handgun, or a rifle. [REDACTED] DOB [REDACTED], began yelling over me and her husband and said that if she was white, she wouldn't get questioned like this. While asking for a better description, the call was either disconnected or they hung up on me. I called back several times and no one would answer the phone. [REDACTED] referred to being black several times and said all the white cops that came out didn't care about her because she was black.

Suspect Statements

I responded to the address given previously of [REDACTED] and spoke with the female party who came out of the house. She was identified as [REDACTED], DOB: [REDACTED], she told me that the ongoing issue was that [REDACTED] and his wife [REDACTED] would drive approximately one mile from their house on his property to utilize a gate on [REDACTED] to enter and exit his property. When I arrived at the address on [REDACTED] I noticed that there was a gate very close to the house which was padlocked, and a road that went down the fence line all the way to [REDACTED] which is approximately one mile from their house. [REDACTED] explained that everyday they drive to the gate closest to her house and sit on their property facing her house and watch what she is doing until she goes inside. Once she walked inside, they would leave and go about their business. She states this happens three to four time per day and she has started taking pictures, every time they pulled up to their gate facing her home.

She stated that this morning at 0600 hours, they pulled up to the gate which is adjacent to her house and had their headlights pointing directly at her property. She stated they sat there for several minutes before she stepped out on the porch and took a picture with her black cell phone of the vehicle. [REDACTED] said she went back into the house, and they left. I asked [REDACTED] if she pointed a firearm at them while they were sitting there, and she stated no. Then [REDACTED] held up her cell phone as if to take a photo and stated that was the only thing that she held up in front of her. I checked my weather app on my phone and saw that sunrise had not happened until 0717 hours so it would have been dark outside [REDACTED] asked what she could do because at this point, she felt that they were stalking her and wanted more information on how to get a protection order against them.

I looked in previous calls and there have been multiple calls for service between the two of them. I gave her my business card with the case number I had pulled for this call for service (menacing) and informed her that she could contact our records department to get all of the call screen information from all of the previous calls. [REDACTED] stated she understood and was going to try to get a protection order started around Friday this week.

Findings

After speaking to [REDACTED], her showing me how she held up her cell phone, and the fact that it was quite dark it is more likely than not she was taking photos not pointing a weapon at [REDACTED] and [REDACTED]. [REDACTED] also showed me several pictures of [REDACTED] truck parked outside the [REDACTED] house. I called [REDACTED] again and asked him why he drove approximately 1 mile to the gate closest to [REDACTED] home instead of using the gate directly across the from [REDACTED] home. [REDACTED] began yelling again and said they weren't doing anything illegal. I agreed with her but told he I was just asking. She said they were checking fence and that's where they wanted to exit their property. [REDACTED] again brought up her race and yelled over me to the point I stopped talking until she stopped. I informed [REDACTED] that I did pull a case and would document the issue but I did not have probable cause for menacing. She thanked me and we ended the call.

I have nothing further at this time.

Case Status: Unfounded.

mj/to



El Paso County Sheriff's Office

Summary

Print Date/Time: 02/01/2023 09:19
Login ID: shrseifert
Case Number: 2022-00001611

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00001611
Location: [REDACTED]
RUSH, CO 80864
Reporting Officer ID: P04008 - Meyer

Incident Type: EPSO Other
Occurred From: 02/08/2022 07:05
Occurred Thru: 02/08/2022 07:05
Disposition: Open
Disposition Date: 02/08/2022
Reported Date: 02/08/2022 07:04 Tuesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-6-803.5	Crime of violation of a protection order - penalty - peace officers' duties - definitions	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Other	4	Aldridge, Scott	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]			
Other	5	Hodge, Jerry Kenneth	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	Unknown	Male	
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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Officer Mark Meyer reporting:

On 02/03/2022 at approximately 0715 hours, I, Deputy Mark Meyer was patrolling in the eastern portion of the unincorporated area of El Paso County, Colorado. I heard a call come from dispatch in reference to an address known to me to be anti-law enforcement [REDACTED]. The female party that was the reporting party, [REDACTED] has multiple alerts involving her being aggressive with law enforcement.

The report was that [REDACTED] was the [REDACTED]. Someone drove past her property while she was at the gate and pointed an unknown object at her. [REDACTED] believed it to be a firearm. [REDACTED] drove northbound on [REDACTED] turning westbound on Sanborn and continued running from someone that apparently was not following her from all later reports.

Upon arrival I, Deputy Aldridge, and Hodge pulled onto an easement road that joins [REDACTED] property and [REDACTED] property. The easement road is an agricultural easement and a power line easement open to anyone who wishes to use it although [REDACTED] attempts to often claim it as private property. [REDACTED] and [REDACTED] do not get along. There are restraining orders filed between each other. [REDACTED] has a restraining order against [REDACTED], [REDACTED] has one against [REDACTED].

[REDACTED] is [REDACTED] husband, he was in the area and was very short, however, he was professional. He made statements that the neighbors were harassing them and using racially motivated terms. They talked about a gray truck coming from the south and following them all the way up [REDACTED].

I continued to get statements and attempted to look at the restraining orders. No one had any verbal contact with each other, no one had any physical contact with each other, and there were no verbal threats made or conversations made.

Upon going down to the end of [REDACTED], I observed a gray truck in a driveway and a female party later identified as [REDACTED] waved me in. She and her husband informed me that they take their kids to school past the [REDACTED] property on a daily basis. They were not following [REDACTED] and the only thing that they had was their phone. [REDACTED] and [REDACTED] are both listed as victims in a case of menacing where [REDACTED] was supposed to have pointed a rifle at them. So when they drive past their property they normally have a video camera with them through their cell phone. Their child's bus stop is to the north of [REDACTED] and [REDACTED] property so they have to drive past the property every day. [REDACTED] is a cul de sac that just dead ends south of the [REDACTED] property.

None of these parties get along, none of these parties are willing to work with each other. There is a neighborhood justice and court mediation date that was setup for the 18th of February. All efforts from deputies on scene to try to resolve the situation were not successful.

The [REDACTED] property is laid out as a large square with the residential portions of the property being on the northernmost side of the property on the east side of the property along [REDACTED]. For [REDACTED] to drive to the easement road is approximately a half mile drive to the south side of the property to go through a gate on that easement road. When asked why they go all the way to the south side of the property to turn around and go back north, I was informed that they are allowed to and there's no reason that they can't. I asked them why wouldn't it be easier for them to just go out the gate and they mentioned not having enough keys.

The BodyWorn camera was in use during this entire contact. No charges were filed at this time and this case will be inactive.

tm/to



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 16:30
Login ID: shrseifert
Case Number: 2022-00003033

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00003033
Location: [REDACTED]
Reporting Officer ID: P07042 - Stoneham

Incident Type: EPSO Court Order Violation
Occurred From: 03/13/2022 12:45
Occurred Thru: 03/13/2022 13:00
Disposition: Open
Disposition Date: 03/13/2022
Reported Date: 03/13/2022 12:47 Sunday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-6-803.5	Crime of violation of a protection order - penalty - peace officers' duties - definitions	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Juhl, Jeremy	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	Unknown	Male	
	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Suspect	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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On March 13, 2022, at approximately 1245 hours, I, Deputy Greg Stoneham was dispatched to [REDACTED], in reference to a restraining order violation in progress. This address is located in El Paso County Colorado.

Upon arrival, I contacted the reporting party who was identified by her Colorado driver's license, as [REDACTED], DOB [REDACTED]. I asked [REDACTED] to explain to me what had occurred today, and she stated that she had just recently gotten a protection order against her neighbor, who she identified as [REDACTED] who was located at the [REDACTED] address. [REDACTED] went on to say that she had come out of her gate and saw what she thought was a piece of gate down on her fence-line and drove down to investigate it. At that point, she said she saw [REDACTED] running along her fence-line with what [REDACTED] thought [REDACTED] had gun in her hand. [REDACTED] stated she was scared of what might happen and at that point, she immediately drove back up to her gate and stayed at her front gate and contacted the El Paso County Sheriff's Office to report this incident.

Deputy Brettell contacted [REDACTED] who informed Deputy Brettell that she had a cell phone and was recording [REDACTED], since she had a the restraining order in place between the two of them. [REDACTED] stated she recorded [REDACTED] to ensure nothing was done to her property line. It should be noted the properties owned by both parties are separated by a section of easement that is owned by El Paso County.

[REDACTED] produced a protection order between her and [REDACTED], that had the standard provisions for a protection order in it. [REDACTED] stated that she felt in fear for her life and intimidated by [REDACTED] since she was running down the fence-line, carrying what [REDACTED] thought was a gun.

[REDACTED] also stated that she was ordered by the courts not to videotape [REDACTED]. [REDACTED] also stated that [REDACTED] was also ordered by the courts not to videotape [REDACTED]. However, I did not find anything in the protection order stating that.

After gathering all the information from [REDACTED], I then contacted [REDACTED] who also had a copy of the protection order. Nowhere in [REDACTED] protection order did it say anything about videotaping. I also received a protection order from dispatch for both parties, being the protected from each other. Nowhere in either protection order did it say anything about anybody videotaping.

After reading through all the protection orders in place, it was determined that no violation of the protection occurred on either party. Both parties were given the case number, and informed that this incident would be documented to show their concerns. Also, [REDACTED] demanded that I ask [REDACTED] for the video to be placed into evidence. After talking with [REDACTED], we agreed that if [REDACTED] would let me, I would place the video on my body camera. I recontacted [REDACTED] and asked her for her phone to place the video on my body camera and she agreed.

I have no further information.

Case Status: Inactive

aw/to

Deputy Scott Brettell reporting:

Today's date is 03/13/2022

Case Title: Restraining Order Unfounded

Case Number: 22-3033 Supplemental

Deputy Greg Stoneham is the original case deputy

On 03/13/2022, at approximately, 1245 hours, I, Deputy S. Brettell of the El Paso County Sheriff's Office Rural Enforcement Unit was dispatched to [REDACTED] in reference to a disturbance. This address is in the County of El Paso, state of Colorado.

Upon arrival on scene with Deputy Stoneham, we began investigating the scene, making contact with [REDACTED], DOB [REDACTED]. [REDACTED] stated that she was driving along her fence-line when the restrained party and her restraining order identified as [REDACTED], DOB [REDACTED], allegedly pointed a gun at her. Upon further investigation, it was determined that [REDACTED] who also has a restraining order against [REDACTED], to which both parties are restrained from each other, was actually videotaping [REDACTED], as she appeared to be antagonistically driving by [REDACTED] house. Upon watching [REDACTED] video from her cell phone on her property. At no point in time did [REDACTED] leave her property. It should be noted that a measurement using Google Earth was done from [REDACTED] house to where contact was made with [REDACTED]; that distance was 178 feet, well under the required 100 yards. Upon reading the restraining orders, they seemed to contradict each other due to the fact that it also grants access to [REDACTED] property and is not descriptive as to how. Based on those circumstances, an arrest was not made on [REDACTED]. However, it should be noted that she was well within 100 yards of [REDACTED] residence.

Deputy Stoneham did most of the interview with [REDACTED], as I spoke with [REDACTED]. This is not the first incident where I've had to deal with [REDACTED]. There have been a multitude of issues with her over the past, approximately one year. It has been my observation that [REDACTED] is the common denominator of all issues within her community. She has been assaultive with deputies and verbally abusive to deputies and her neighbors. Upon contact with her, almost every time she is generally antagonistic if not one of the most antagonistic people I have ever met. She's in a constant state of anger and generally miserable. She consistently uses her African American race as the reason for her treatment from other people however, upon every investigation it is determined that it is far from accurate and that she is typically, if not all the time, the aggressor, based on interviews and witnessing her in person, by myself.

I spoke to Sergeant Juhl, via telephone and advised him of the situation and what we had been investigating. Based on the extensive history that [REDACTED] has with the Sheriff's Office, to include a prior knowledge by Sergeant Juhl, it was his advice that the restraining order violation was not valid and directed me to not make an arrest. It is the assumption with this case report that [REDACTED] will more than likely make a complaint against myself and Deputy Stoneham as that is typically her actions upon not getting her way with the Sheriff's Office. So, it should be noted that during my entire contact

with her and [REDACTED], to include prior to my arrival, my body-worn camera was activated for its entirety.

It should be noted that all prior attempts over the past year or so to reason with [REDACTED] have been to no avail. I see no possible antidote to the situation, and I have encouraged her neighbors for their own peace of mind, to consider moving away. My concern with [REDACTED], due to her prior behavior of firing a shotgun at an individual, and menacing people that she has the potential to be dangerous, further giving cause of my encouragement to her neighbors to consider moving.

I have nothing further at this time.

Case Status: Inactive

aw/to



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 16:38
Login ID: shrseifert
Case Number: 2022-00003073

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00003073
Location: [REDACTED]
Reporting Officer ID: P07091 - Brettell

Incident Type: EPSO Court Order Violation
Occurred From: 03/14/2022 12:00
Occurred Thru: 03/14/2022 12:05
Disposition: Open
Disposition Date: 03/14/2022
Reported Date: 03/14/2022 12:16 Monday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-6-803.5	Crime of violation of a protection order - penalty - peace officers' duties - definitions	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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This narrative is in reference to case number 22-3073.
I am the original case deputy.

Case Title: Violation of Restraining Order - Unfounded

On 03/14/2022, at approximately 1230 hours, I, Deputy S. Brettell of the El Paso County Sheriff's Office Rural Enforcement and Outreach Unit was dispatched to [REDACTED] in reference to a restraining order violation. This address in the County of El Paso, State of Colorado.

Upon arrival on scene, I initially went to the address of the alleged suspect, [REDACTED], DOB: [REDACTED]. [REDACTED] was not home at the time. The [REDACTED] and reporting party, [REDACTED], DOB: [REDACTED], called into dispatch and stated that [REDACTED] drove by her house and was trying to flag her down. [REDACTED] believes this to be a violation of her protection order. However, when I went to [REDACTED] house, her gate was closed, locked and a car parked sideways in front of it. It has been my prior experiences with NICOLE that she becomes extremely irate and abusive when deputies try to enter her property to assist her.

Due to prior issues with her to include assaulting deputies, and her violent actions, I chose not to attempt to make contact on her property when she did not come to the gate. I left her a voicemail. I also texted her to call with a picture of my business card attached to that text and a screenshot of that text where it shows it "delivered" to her iphone and is attached to this case report. It is my belief at this time, that there is no violation but I will attempt to make contact with the suspect and [REDACTED] at a later date and time. I also left a voicemail with the suspect, [REDACTED], to call me.

This report is most intended for documentation purposes since [REDACTED] on virtually every call she calls in to the Sheriff's Office with an Internal Affairs complaint. The purpose of this case report is more to document my efforts to satisfy her needs but was unsuccessful. Should I make contact with her at a later date and time, I will supplement this case report to document the events and if probable cause exists for a crime, I will make an arrest or obtain a warrant.

I have nothing further at this time.

Case Status: Inactive.

BWC on.

mj/to

Case: 22-3073

Supplement

BWC footage available.

On 03/15/22 at approximately 1218 hours, I, Deputy Brian Morse was dispatched to [REDACTED], located in the County of El Paso, State of Colorado; reference a possible restraining order violation. The reporting party, [REDACTED], DOB: [REDACTED], reported to the El Paso County Sheriff's Office, her Neighbor, [REDACTED], DOB: [REDACTED], violated a protection order by getting too close to her property and tried flagging her down.

The original call came in on 03/14/22 and Deputy Scott Brettell responded. He was unable to make contact with either party. When he attempted to contact [REDACTED], her gate was locked, and a vehicle was parked in front of it. He attempted to contact her by phone and left a voice mail. He sent her a copy of his business card via text message which showed delivered. Reference this case number.

At approximately 1320 hours, I arrived on scene and the gate was locked. An individual came out and I explained I was looking for [REDACTED]. He went back to the house and at approximately 1323 hours, a red sedan pulled up and a woman asked why I was there. I explained I was looking for [REDACTED] and she said [REDACTED]. I did not realize [REDACTED] is now [REDACTED]. When I looked at the protection order, it showed the restrained party as [REDACTED], so I asked for [REDACTED]. [REDACTED] said she was confused why I was out there. I explained [REDACTED] called in a complaint of a restraining order violation. She said that was yesterday. I explained we had trouble contacting [REDACTED] yesterday. [REDACTED] said she did not receive a call I was coming out. I explained we usually do not call prior to coming out and I was in the area. She asked who told me to come out. I said I was looking for [REDACTED], does she live here. [REDACTED] then said goodbye, have a nice day and drove off.

I checked again and found another protection order with [REDACTED] being the protected party.

Nothing further.

Case status: SAO



El Paso County Sheriff's Office

Summary

Print Date/Time: 02/01/2023 08:00
Login ID: shrseifert
Case Number: 2022-00006067

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00006067
Location: [REDACTED]
Reporting Officer ID: P18043 - Bottorff

Incident Type: EPSO Criminal Mischief
Occurred From: 05/20/2022 17:00
Occurred Thru: 05/22/2022 19:00
Disposition: Open
Disposition Date: 05/22/2022
Reported Date: 05/22/2022 19:40 Sunday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	290	18-4-501 (2)	Criminal mischief (misdemeanor) - Private	1
2	CO0210000	90J	18-4-504 (1)	Third degree criminal trespass (petty offense)	1
3	CO0210000	23H	18-4-401 (9)	Theft (petty offense) - Unclassified	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	2022-00006067, Unknown			Unknown	Unknown	
	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
05/22/2022	Stolen	Merchandise			Black lives matter flag, and the flag post.		
05/22/2022	Destr/Damg/Vandal	Lawn and Garden Equipment			drove through a barb wire fence and damaged the post it was attached to.		

Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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EPSO CASE# 22-6067

Criminal Mischief

DEPUTY ERIC BOTTORFF #18043

****BWC FOOTAGE IS AVAILABLE TO SUPPORT THIS NARRATIVE****

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On 05/22/2022, at approximately 2030 hours, I, Deputy Eric Bottorff/ 18043, assigned to the Patrol Division of the Law Enforcement Bureau with the El Paso County Sheriff's Office, Colorado, was dispatched to Theft at [REDACTED].

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(S)

3A41- Deputy Bottorff

INITIAL CALL INFORMATION

Dispatched informed me of the following: The reporting party, later identified as Nicole Hawkins, DOB [REDACTED], stated her flag was stolen off her property.

INITIAL OBSERVATIONS/ARRIVAL AT SCENE

I arrived on scene at approximately 2130 hours. The residence is located on the west side of [REDACTED]. The theft occurred on the property line that is parallel with [REDACTED].

[REDACTED] STATEMENT(S)

Nicole stated the following:

[REDACTED] stated today around 1900 hours, she noticed her Black Lives Matter flag was stolen off a wooden post she has behind her fence line. [REDACTED] said she last seen the flag on the post on Friday May 20th, 2022, at 1700 hours. [REDACTED] stated someone had drove their vehicle through her barbwire fence causing damage, and then ripped the flag off the post causing damage to the flagpole holder as well.

[REDACTED] stated she noticed her neighbor's truck parked on the road for a little while earlier today and believes it was them. [REDACTED] stated she doesn't have video footage of the incident taking place or any evidence it was her neighbor. [REDACTED] believes it might be her neighbor because they have restraining order against each other. [REDACTED] said she had cameras installed along her property line and would check if there was any evidence on the cameras. She stated if she found any evidence on the cameras, she would send them to my phone.

[REDACTED] stated the flag, and the mount were about \$200. [REDACTED] also stated it would cost \$500 to fix the fence where the vehicle had broken through.

WITNESS STATEMENT(S)

N/A

CRIME SCENE PROCESSING

Approximately 300 yards south from the gate of [REDACTED] property was tire tracks going off the roadway and driving through her fence. The wooden post where the flag was still there but parts of the flag mount were missing and the flag itself. I took pictures with my BWC of the tire tracks leading up to the property. I then took pictures of the wooden post where the broken flag mount was.

SUSPECT INFORMATION/STATEMENTS

N/A

USE OF FORCE

N/A

SUPERVISOR NOTIFICATION/ADVISEMENT

N/A

EVIDENCE

Body Worn Camera footage was collected for this incident, and I have confirmed the footage is available in AvailWeb under this case number.

FOLLOW UP

N/A

ADDITIONAL NOTIFICATIONS

N/A

CASE DISPOSITION

InActive-Open

22-6392 Trespass Supplement

During the contacts of this call, I was wearing my office-issued body worn camera and it recorded interactions with the involved persons. Recording may have been muted or turned off and back on during periods when not interacting with involved persons. This narrative is not intended to be a transcript of any contacts, but highlights information relative to this investigation.

I, Deputy Ronnie Hancock, EID 13153, and currently assigned to the El Paso County Sheriff's Office Law Enforcement Bureau, Patrol Division, Canine Unit.

On 6-2-22, I was working in the unincorporated area of El Paso County, Colorado. I was driving a marked patrol unit and wearing a standard uniform.

On 6-2-22, El Paso County Sheriff's Office Dispatch relayed information on a trespass on [REDACTED]. The reporting party called in that a red truck drove onto her property, turned around and left.

The reporting party [REDACTED], DOB: [REDACTED], called in a similar report on 5-30-22. Case number 22-6392.

I spoke with [REDACTED] over the phone, she claimed the red truck drove approximately 20 feet into her driveway, she claims they saw her outside and immediately turned around and left. There was no damage done to her property. She was unable to see a license plate or identify the driver or any potential passengers.

[REDACTED] claims this is related to her neighbor [REDACTED], DOB: [REDACTED]. She currently has restraining order against [REDACTED]. She can not say for sure if [REDACTED] was in the truck or if she has anything to do with the red truck. [REDACTED] stated other than the two times the truck has turned around on her property, she has not seen the truck in the area or on her neighbor's property.

Nothing Further

Case Status: Same



El Paso County Sheriff's Office

Summary

Print Date/Time: 02/01/2023 08:06
Login ID: shrseifert
Case Number: 2022-00010983

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00010983
Location: [REDACTED]
Reporting Officer ID: P07042 - Stoneham

Incident Type: EPSO Court Order Violation
Occurred From: 09/14/2022 05:11
Occurred Thru: 09/14/2022 07:25
Disposition: Open
Disposition Date: 09/16/2022
Reported Date: 09/14/2022 05:11 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-6-803.5	Crime of violation of a protection order - penalty - peace officers' duties - definitions	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Hodge, Jerry Kenneth	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	Unknown	Male	
Other	2	Hanzich, Scott	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]			
Suspect	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	41
Suspect	2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	82
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Narrative:

On 09/14/2022, at approximately 0600 hours, I Deputy Greg Stoneham was dispatched to [REDACTED], in reference to a restraining order violation. This address is located in El Paso County, Colorado.

Upon arrival at approximately 0650 hours, I was driving southbound on [REDACTED], looking for the reporting party. I drove past the gate to [REDACTED], however, nobody was there. I then turned my vehicle around and began driving northbound, when I saw a white van driving around on the reporting party's property. I then began to back my vehicle up to the gate entrance of the property and observed a red Tesla, speeding on the property towards my location. I got to the gate and parked my vehicle on the roadway, about halfway in front of the gate. The red Tesla pulled up to the gate and pulled off to the side of the gate. I observed the driver [REDACTED] DOB [REDACTED] sitting in her car for approximately five minutes. [REDACTED] did not acknowledge my presence while I was outside of the gate waiting for her, at which I got out of my patrol vehicle and began approaching the gate. While approaching the gate, the white van came to the front of the gate on their property and [REDACTED] then got out of her vehicle and asked me to move my vehicle. I asked if I could talk to her about the restraining order violation and she stated that she would not talk to me and that she needed me to move my vehicle, since her husband, who is identified as [REDACTED] DOB [REDACTED] was in the process of trying to leave the residence to take their dog to a vet for further evaluation. I then asked [REDACTED] if I could talk to him. [REDACTED] then asked me again to move my vehicle, at which time I moved my vehicle and [REDACTED] left in the white van. I then asked [REDACTED] if I could talk to her, and she stated that she did not feel comfortable talking to me and would only talk to a lieutenant and closed the gate.

At that time, I left the property and contacted Sergeant Robblee and informed him of what [REDACTED] informed me. I completed a field interview report for that incident.

At approximately 0727 hours, I again was contacted by dispatch and informed that [REDACTED]. [REDACTED] was again calling in with another restraining order violation involving her neighbor and her neighbor's mother. I then responded to the area and waited for cover before arriving on scene.

Once my cover units, Deputy Hodge and Deputy Hanzich arrived on scene, I informed them that they would need to contact [REDACTED] for this incident to get her side of what had occurred. For more information on what she said to them please see their supplemental reports.

While they were contacting [REDACTED], I attempted to contact the neighbor who was identified as [REDACTED] DOB: [REDACTED], to get her side of the story. I contacted [REDACTED] at the phone number provided to me by dispatch and asked where she was. [REDACTED] stated that she was already at work. I asked her if she could come back to our location, and she stated she could not. I asked [REDACTED] to explain to me what had

occurred over the phone, and she stated that she had gone out to water her animals this morning and while watering her animals she observed [REDACTED] driving a red Tesla along the fence line of [REDACTED] property. Due to past incidents between her and [REDACTED], [REDACTED] videotaped [REDACTED] driving the fence line. It should be noted that there is a restraining order in place between [REDACTED] and [REDACTED], and [REDACTED] and [REDACTED]. I asked [REDACTED] if she would show me the video and she stated she would, however, I would need to come to her location, which was the El Paso County Fairgrounds, to view this footage.

I then got a case number from dispatch and spoke to both Deputy Hodge and Deputy Hanzich and informed them that they would need to give [REDACTED] the case number for the RO violation. While doing so, [REDACTED] asked who was in charge and who would be making the decision of whether charges would be filed against [REDACTED].

I informed [REDACTED] that I would be the one in charge of making the decision on whether charges would be filed. I informed Deputy Hanzich and Deputy Hodge that if [REDACTED] had any videos of this incident, they would need to be sent to one of them for this incident.

After Deputy Hanzich and Deputy Hodge concluded their interview with [REDACTED], myself and Deputy Hodge responded to the El Paso County Fairgrounds and contacted [REDACTED]. I again asked [REDACTED] to explain to me what had occurred this morning and she stated that she was out watering her dogs when she saw [REDACTED] pull up and check on her cameras located on [REDACTED] property. [REDACTED] stated that due to past incidents, she decided to record the incident with [REDACTED] on her cell phone. I asked [REDACTED] if any weapons were involved, and she stated there were none. I also asked [REDACTED] if her mother had any weapons, and she stated her mother is 82 years old and uses a walker to get around the property and doesn't have access to weapons. She also informed me that her mother has the onset of dementia and wouldn't even know what to do with a gun. I then asked [REDACTED] to show me the video, which I then recorded with my body camera. The video showed [REDACTED] checking her cameras and having no reaction to [REDACTED] on [REDACTED] property.

It should be noted that there had been numerous incidents with [REDACTED] and [REDACTED]. [REDACTED] in which [REDACTED] claims to have video evidence, however, at the time of this report, no video evidence has been provided to Deputy Hanzich or Deputy Hodge that I am aware of.

Until video evidence from [REDACTED] arrives, this case will be considered inactive. It also should be noted that [REDACTED] was arrested on a warrant for a restraining order violation with [REDACTED], on a previous incident. She was later booked into CJC for that warrant.

I have no further information.

Case Status: Inactive

There is video footage available of this incident; however, this report is merely a synopsis of the relevant facts of the investigation. It is not intended to be a verbatim account of every individual that I spoke with. This report does not reflect every word spoken by this deputy, other deputies/officers, witnesses, suspects, or victims. For a verbatim account, please see body worn camera footage.

The [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

The reporting party (RP) told dispatch she went to put up her camera (on her own property), [REDACTED] came running towards her and both had a gun. The RP said [REDACTED] started yelling profanities at the RP; the RP then told dispatch [REDACTED] was back in her own house. The RP said both had handguns and threatened the RP with the guns.

██████████ was asked to explain what had happened. ██████████, who has ongoing litigation issues with her neighbor ██████████ DOB ██████████ (██████████) said while on her property checking her surveillance cameras, ██████████ and her mother (██████████) while standing on their own property, pointed guns at ██████████ and was threatening her.

EPC SHERIFF'S OFFICE

█████ claimed she had video surveillance of the incident. While interviewing █████, █████'s mother █████ (DOB unknown) stepped outside of █████ residence onto the porch. █████ identified the female as one of the suspects who pulled a gun on her. █████ also said during the incident, the mother ran back into the house and █████ thought she was going into the house to get a gun.

The female █████ identified appeared very elderly and was using a walker in order to move around outside. It was later discovered when interviewing █████, that her mother is eighty-two years old and has the onset of dementia.

The approximate distance between █████ and █████ and █████ mother was approximately one hundred to one hundred twenty feet. █████ said that she was a former US Marine. █████ later said █████ and her mother may have not pointed guns at her but it was possibly cellphones pointed at █████.

█████ said she had video of the entire incident and would provide the video to Deputy Hanzich. There have been numerous contacts with █████ where she said she had video of alleged incidents and saying she would provide video to deputies but failed to do so. While on scene, █████ did not provide any evidence.

It was explained to █████ that deputies on scene had to conduct an investigation and would need probable cause in order to effect an arrest.

Deputy Stoneham and I then made our way to the El Paso County Fairgrounds where █████ works. Upon arrival, we contacted █████. █████ said she had video on her phone of the incident. Deputy Stoneham was able to view the video and told me he did not observe any interaction between █████ and █████.

I have nothing further at this time.

Case status: SAO

Supplement Narrative 22-10983

There is body worn camera footage of this incident

Deputy S. Hanzich, 13165

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On 9/14/22, at approximately 0615 hours, I, Deputy Scott Hanzich #13165, of the El Paso County Sheriff's Office (EPSO), Law Enforcement Bureau, Patrol Division, responded to a restraining order violation at [REDACTED]. I was on-duty and in uniform.

INITIAL CALL INFORMATION

EPSO dispatch advised the reporting party (RP), identified as [REDACTED] DOB: [REDACTED] stated [REDACTED] DOB: [REDACTED] and [REDACTED] DOB: [REDACTED] had poisoned her dog. Body Camera Footage is available.

INITIAL OBSERVATIONS/ARRIVAL AT SCENE

At approximately 0630 hours, on 9/14/2022, I arrived on-scene with Deputy G. Stoneham 07042 and Deputy J. Hodge 13161. [REDACTED] did not want to talk to Deputy Stoneham and requested to talk with me. She did talk with Deputy Stoneham and Deputy Hodge earlier in the morning concerning the call.

EVIDENCE

Body Worn Camera (BWC)

DEPUTIES OBSERVATION

My interaction with [REDACTED] was to obtain video footage from her and [REDACTED] contact, seeing if there is a violation of the protection order.

When I spoke to [REDACTED], I suggested she were to download all video footage from all cameras to include her body cam and Tesla automobile. I told her we need the video footage from those cameras to observe if a crime was committed. She stated it would take her a day or two to get the video footage to me since Wi-Fi connectivity is bad at her residence.

She was given my business card and was told to email that footage to my email.

At this moment, I am still waiting for video footage.

FOLLOW-UP

I supplemented Deputy Stoneham's report along with Deputy Hodge.

I have nothing further.



El Paso County Sheriff's Office

Summary

Print Date/Time: 02/01/2023 09:33
Login ID: shrseifert
Case Number: 2022-00011219

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00011219
Location: [REDACTED]
Reporting Officer ID: P17110 - Maher

Incident Type: EPSO Court Order Violation
Occurred From: 09/19/2022 05:00
Occurred Thru: 09/19/2022 05:00
Disposition: Unfounded
Disposition Date: 09/19/2022
Reported Date: 09/19/2022 05:46 Monday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-6-803.5	Crime of violation of a protection order - penalty - peace officers' duties - definitions	1
2	CO0210000	90Z	18-9-111 (1)	Harassment (misdemeanor)	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Suspect	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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EPSO Case #2022-00011219

There is video footage available of this incident; however, this report is merely a synopsis of the relevant facts of the investigation. It is not intended to be a verbatim account of every individual that I spoke with. This report does not reflect every word spoken by this deputy, other deputies/officers, witnesses, suspects, or victims. For a verbatim account, please see body worn camera footage.

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On September 19, 2022, I, Deputy Zachary Maher #17110, was assigned to patrol for the El Paso County Sheriff's Office (EPSO). At approximately 0743 hours, I was dispatched to [REDACTED], reference a cold harassment. This address is located in El Paso County, State of Colorado.

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(s)

Deputy Zachary Maher #17110 (2A41)

INITIAL CALL INFORMATION

The El Paso County Sheriff's Office Communications Center (dispatch) advised Courtney Mallery, DOB: [REDACTED], was reporting [REDACTED] was posting threats online trying to get people to go to his address. Courtney indicated [REDACTED] posted messages about shooting him. Dispatch advised there was a current protection order between [REDACTED] and [REDACTED], DOB: [REDACTED] (reference docket #C0212022C 002871 Temporary Protection Order, issued 09/02/2022, expiration 03/01/2023).

INITIAL OBSERVATIONS/ARRIVAL AT SCENE

At approximately 0759 hours, I contacted [REDACTED] via telephone number [REDACTED]

STATEMENT(s)

[REDACTED] told me at approximately 0500 hours that morning he saw a Facebook community post with comments that he believed were threatening and would incite violence against him and his family. [REDACTED] told me he feared for his family's lives.

I asked [REDACTED] to send me screenshots of the posts and associated comments. [REDACTED] sent me 47 screenshots of a Facebook post by [REDACTED] and associated comments. With those screenshots, [REDACTED] sent several text messages which read [REDACTED] was engaged in third party harassment that impaired his environment. He also sent a message reference the associated post comments that people were talking about coming over with guns.

I asked [REDACTED] who [REDACTED] was and how she had been associated to [REDACTED]. [REDACTED] stated [REDACTED] was unknown to him however had received all of the information contained in her Facebook post from [REDACTED]. I also asked [REDACTED] if any messages were to him and/or directly threatening him. [REDACTED] indicated no messages were to or directed to him specifically, however, he interpreted them to mean people were coming to shoot him.

WITNESS STATEMENT(s)

N/A

SUSPECT INFORMATION/STATEMENTS

N/A

SCENE DESCRIPTION/DETAILS OF INVESTIGATION

I read all 47 screenshots of the Facebook post by [REDACTED] and associated comments. It appeared [REDACTED] had sent me two Facebook posts authored by Facebook profile [REDACTED]. One in the "Rush Community" forum and another in the "Yoder Community" forum.

Both posts appeared to call to attention property boundaries and road access issues in the area. Specifically, mentioning "the Mallery's" laying claim to a particular section of public roadway. There appeared to be one comment mentioning "[REDACTED]" had claimed the "new property owners" left a gate open so cows could get out. There was subsequent eluding to a party being unlawfully arrested due to a trespassing issue and private ownership of public roads.

Further, the majority of the posts content and associated comments were relating to Colorado State Statute and the lack of government action to prevent individuals from claiming public roadways as their own. There were several comments indicating individuals should deliberately drive the roadway and one comment mentioned having a parade.

The only mention of firearms was related to parties suggesting to drive the roadway in which, [REDACTED] warned the "new neighbors" had pulled a gun in the past. To which, a response comment stated, "good thing most of us out here carry".

The screenshots were sent to me out of sequence. I read every screenshot and message provided by [REDACTED] to include a picture of the protection order in which a section was circled (the restrained person shall not engage in conduct that impairs the protected person's environment). No comment or post was evidently made by [REDACTED] nor indicative of third-party harassment. There were no threats. Nothing in the associated content appeared to be inciting violence or the illegal use of firearms.

USE OF FORCE

N/A

SUPERVISOR NOTIFICATION/ADVISEMENT

N/A

EVIDENCE

All screenshots received from [REDACTED] were submitted into the El Paso County Sheriff's Office digital evidence folder under the respective EPSO case number.

CRIME SCENE PROCESSING

N/A

FOLLOW UP

N/A

ADDITIONAL NOTIFICATIONS

N/A

CASE DISPOSITION

Unfounded

Supplement to Case #2022-00011219

There is video footage available of this incident; however, this report is merely a synopsis of the relevant facts of the investigation. It is not intended to be a verbatim account of every individual that I spoke with. This report does not reflect every word spoken by this deputy, other deputies/officers, witnesses, suspects, or victims. For a verbatim account, please see body worn camera footage.

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On September 23, 2022, I, Deputy Zachary Maher #17110, was assigned to patrol for the El Paso County Sheriff's Office (EPSO). At approximately 0600 hours, I was advised by a dayshift patrol supervisor he had received several messages from Courtney Mallery reference EPSO case #2022-00011219 (unfounded restraining order violation).

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(s)

Deputy Zachary Maher #17110 (2A51)

INITIAL CALL INFORMATION

Reporting party: [REDACTED], DOB: [REDACTED]

Address: [REDACTED]

Suspect: [REDACTED], DOB: [REDACTED]

Complaint: Restraining order violation (reference docket #C0212022C 002871 Temporary Protection Order, issued 09/02/2022, expiration 03/01/2023), Harassment

[REDACTED] STATEMENT(s)

At approximately 1215 hours, I tried calling [REDACTED] via telephone number [REDACTED] I called twice and received a voicemail message in Spanish. I was unable to leave a message.

The messages received by the dayshift patrol supervisor had been sent to me on my scheduled days off. I had received 8 photo messages and 6 text messages from [REDACTED]

The photo messages appeared screenshots of continued Facebook post comments related to the original messages submitted into evidence regarding this case.

The text messages read,

"Now someone was talking about starting a lynch mob and taking pitchforks out like my klux klan"

"They are talking about a lynch mob"

"Sir. We need patrol checks set up out here immediately. [REDACTED] has these people coming to our home talking about Black Lives Matter and something about lynch mob"

"And something about hangin"

"Good morning. Any updates on this at all."

"They are saying that we are terrorists and talking about lynching. We need help"

The screenshot messages do not show any comment to or from [REDACTED]. And, the message that mentions a lynch mob reads, "You need to retain counsel and get off social media. We aren't gonna start a lynch mob and take to the streets with pitchforks and fire sticks." ([REDACTED])

A screenshot of messages between "[REDACTED]", "[REDACTED]", and "[REDACTED]" read,

"Imao true but timing would be awesome" ([REDACTED])

"I'm game. I got 2 drivers in my family! I love road trips, especially when it's for Merica! And our rights, and individuals that don't know rights, rules and regulations." ([REDACTED])

"We did it earlier today!" ([REDACTED])

[REDACTED] also sent a photo of what appears to be a red SUV or passenger van stationary behind a wire fence that appears to be occupied. [REDACTED] sent the following texts after the photo, "[REDACTED]" and "A [REDACTED] sitting on property".

SUPERVISOR NOTIFICATION/ADVISEMENT

Dayshift Patrol Supervisor

EVIDENCE

All screenshots and messages received from [REDACTED] [REDACTED] were submitted into the El Paso County Sheriff's Office digital evidence folder under the respective EPSO case number.

FOLLOW UP

I ran license plate [REDACTED] in the NCIC/CCIC database. This showed no records found.

ADDITIONAL NOTIFICATIONS

N/A

CASE DISPOSITION

SAO



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:00
Login ID: shrfox
Case Number: 2021-00003810

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2021-00003810
Location: [REDACTED]
Reporting Officer ID: P11020 - Reed

Incident Type: EPSO Menacing
Occurred From: 04/07/2021 13:17
Occurred Thru: 04/07/2021 13:18
Disposition: Cleared by Arrest
Disposition Date: 04/29/2021
Reported Date: 04/07/2021 13:18 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	13A	18-3-206 (2)	Menacing (felony) - Aggravated - Family - Gun	1
2	CO0210000	90J	18-4-503 (1)	Second degree criminal trespass (misdemeanor)	1
3	CO0210000	26C	18-5-113	Criminal impersonation	1
4	CO0210000	520	18-12-106	Prohibited Use of Weapons	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Reed, Michelle	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	Black	Female	
Other	2	Chase, Daniel	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	
Other	3	Mynatt, Paul	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]			
Other	4	Fisher, David	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	
Other	5	Gomez, Monica	270 S TEJON ST COLORADO SPRINGS, CO 80903		White	Female	
Other	6	Lance, Melissa	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Female	
Other	7	Vaughn, Andy	DISTRICT ATTORNEY'S OFFICE COLORADO SPRINGS, CO 80903			Male	
Suspect	1	Mallery, Nicole Remitha	1001 E 62ND AVE 814 Denver, CO 80216		Black	Female	[REDACTED] 44
Suspect	2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	3	State of Colorado					[REDACTED]

Arrests

El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:00
Login ID: shrfox
Case Number: 2021-00003810

El Paso County Sheriff's Office
ORI Number: CO0210000

Arrest No.	Name	Address	Date/Time	Type	Age
35734 A	Mallery, Nicole Remitha	[REDACTED] 80864	04/21/2021 09:17	Warrant	44

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
04/23/2021	Seized	Firearms	Winchester	US/JA	Modell 1300 without stock, has pistol grip.		

Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Narrative 20210407 1318 Reed, Michelle 11020

During this incident I was wearing my office issued body worn camera
Case Report: 2021-3810
Incident Number: 2021-00061908
Deputy M. Reed # 11020
Date: 04/17/2021

On 4/7/2021 I Deputy Michelle Reed # 11020 of the El Paso County Sheriff's Office Rural Enforcement and Outreach Unit/Equine Handler responded to [REDACTED] in [REDACTED], located in El Paso County reference a felony menacing.

Prior to arrival, I was informed of the following: The reporting party who was identified as [REDACTED], DOB [REDACTED] stated he was a Process Server and he went out to a property on [REDACTED] and someone came out of a building with a shotgun pointed at him and shot it in the air. [REDACTED] told me he was in fear of his life and was not sure if he was going to be shot.

As I was arriving in the area, I spoke with [REDACTED] by phone and he relayed the following information to me. He stated the suspect was a black female approximately 20 to 30 years old, 5'5" in unknown clothing with something pink or red covering her hair. When he last saw the female party, she was driving a white van and appeared to be following him (although she drove inside the gated property). I advised [REDACTED] to stay away from the property and do not engage further. He told me he was going to wait in an area out of view of the address.

Upon arriving into the area, I did notice a property situated in a rural area on multiple acres of land. I noticed that the property had a gate that was secured by a large chain and padlock. There were also "No Trespassing" signs affixed to the fence and I noticed that there was one building in the process of being constructed and several other small outbuildings/shed in addition to a 5th wheel and a white van. As I made loud announcements (from the roadway over my marked patrol unit PA System) and chirped my siren. Minutes later a black female walked toward my vehicle with an English Bulldog. This person fit the description provided by [REDACTED]. As the female got closer, I was able to speak with her. Initially she refused to come out prior to securing her dog. After she secured the dog, she walked back out to the roadway and spoke with me.

The female party identified herself as Nicole Lashay Mallery, DOB [REDACTED]. She indicated that her identification was out of Texas. She gave me a phone number of [REDACTED] and then proceeded to explain what happened prior to my arrival.

Mallery told me the following: She looked out of her window and saw a white male and said "I was afraid". "I put my pants on and didn't have a shirt on and I didn't know this person. The gate is closed and there are "No Trespassing" signs and there was someone right outside my window. Strange things happen. I didn't know if he was trying to rape me!" "I was like give me some ID" and he just started running so my dog started chasing after him. He was running and saying, "I have some papers to leave here". I said, "give me some ID, why did you trespass on my property, what are you doing here?"

I asked Mallery at the time you were doing this what did you have in your hands? Mallery responded, "I did have a gun in my hands". I asked Mallery what type of weapon did you have? Mallery indicated it was a shotgun. Mallery further said, "I was like what are you doing here" (he ran, and I asked for ID because everything is locked here pointing to her gate). So why were you on the property? I didn't have no shirt, I was outside without a shirt on, chasing him because I did not know why he was here, I couldn't get his ID. So, when I went down there I saw his car was sitting there, I was trying to call the police out. I didn't have a signal and couldn't get his tag number, but I don't know who he was at all. But he was here".

I asked Mallery did the unknown male say anything to you? Mallery responded, "It happened so fast, I was in a state of shock, slightly because obviously I had no clothes on and someone is looking through the window and I'm like what the hell is going on?"

Mallery pointed to a window on the shed near the south side of the property. Mallery again told me, "Look at the gate it says "No Trespassing" as she pointed. She continued, "I'm trying to protect myself, my animals, and my property. I don't know! He did not provide ID and he started running".

I asked Mallery what happened next. She said, "He was just running, and the dog was chasing after him. He was running that was it. Then he got to his car but obviously, I didn't have a shirt on, so I was walking with the dog. His car was sitting down here" (and again Mallery was pointing to the south) which is an area south of her address but on the roadway. Mallery continued, "And I don't know if the call went through when I called 911 but it was like a blue SUV".

I specifically asked, "At what point did you discharge the weapon?" Mallery stated, "I did not, this is why I am kind of confused. Umm, I had it and I was pointing it like, hey give me some ID. I don't know who you are but that was kind of and (she paused) I asked for ID- he didn't provide it and he just started running and the dog was there but he didn't bite him or anything".

She told me she wanted to file charges (on the process server) for breaking and entering, trespass, and attempted rape. She also indicated that he breached the peace and that is why she wanted to file a complaint. Additionally, Mallery indicated that when she came outside, he () started coming towards her and I said, "you need to show me some ID! You need to show me some ID right now, like what the fuck are you doing on my property!" After I gathered this information from Mallery I asked if she would let me see her weapon. There was no response as additional units arrived on scene Mallery began explaining the situation again, never responding to my question.

After leaving the address on (), I spoke with (). () said he recorded the whole incident utilizing his iPhone. I asked him if he would be willing to provide me with a copy of that video and he did. After watching the video, the incident contradicted the information and statement provided by Mallery. Based on the video () went onto the property, did not look through windows and ran off after he was being chased. He indicated his only intent was to serve the legal paperwork.

On the video () arrives at the area. The program used on his phone has current location data, time and hundred block range displayed. You can hear him narrating as he identifies the property and the person, he is attempting to serve legal paperwork to. You can clearly see the names on the video and photos of the property. () was seeking Courtney Wayne Mallery, DOB ().

On the video I observed () walk under a gate and move north toward the buildings and 5th Wheel. He was actively attempting to make contact with a person. At no time did he peer directly through any window. After being on the property for approximately 6:25 (minutes), I hear door burst open and a female voice screamed out "what the fuck are you doing?" and "get the fuck out of here" and at that time () yelled out, "I have legal paperwork".

(), continued in a panicked voice, "Listen! I have some legal documents!" on the video I could only hear Mallery responding, "get the fuck off my property". (), said "I'm leaving approximately 11 times. () said, "I swear to God! Relax!" "I'm leaving, I'm leaving.....as he was walking away from her towards his vehicle. I recognized the voice of that of Mallery whom I just had a conversation with.

On the video I can clearly make out the racking of the shotgun slide at 6:40 (minutes) and at the 6:43 (minutes) you can hear a weapon discharge in the background. After the shotgun was racked and between the trigger being pressed (to discharge a round) Mallery said something but I was unable to make out what she said.

In the video I did observe () physically retreating and verbally stating the same. While he was in the process of leaving the weapon was intentionally discharged in his direction and there were no forward movements on ()'s part. Contrary to Mallery's statement, she aggressively pursued () from the property with the weapon pointed in his direction after he stated he was there to serve legal paperwork. Mallery intentionally placed () in fear of imminent serious bodily injury and discharged the weapon in a reckless manner.

During my investigation, Mallery knowingly provided false/fictitious information when asked to identify herself during my investigation. As recorded on my office issued body worn camera, Mallery provided the following information when asked to identify herself to me. She stated: Nicole Lashay Mallery, DOB () and her ID was out of Texas. This was later determined to be false information and the El Paso County Communications and Dispatch found her true identity and provided a dossier photo from Georgia () and I positively identified her as one in the same. The female party was in truth Nicole Remitha Lashay (Hawkins) Mallery, DOB () with previous/current drivers licenses out of North Carolina () and Georgia.

At this time, the video will be added into the Digital Evidence File. A warrant will be sought for the arrest of Mallery and a filing decision will be sent to the District Attorney's Office for further review related to trespassing. I have nothing further at this time.

I have nothing further.

CASE STATUS: ACTIVE

Supplement 20210415 1440 Reed, Michelle 11020

EPSO Case #2021-3810
Supplemental Narrative
Deputy M. Reed #11020
Date: 04/15/2021

On 04/15/2021, I, Deputy Michelle Reed #11020, conducted the following investigation regarding this case:

At approximately 1440 hours, I presented an application for a search warrant and arrest warrant to the Honorable Monica Gomez of Division C at the El Paso County Judicial Building, located at 270 S. Tejon Colorado Springs.

At approximately 1452 hours, Judge Gomez signed the arrest warrant for Nicole Remitha Lashay (Hawkins) Mallery, DOB [REDACTED] for: 18-3-206(1)(a) Menacing- A Class 5 Felony (One count); 18-5-113 Criminal Impersonation-A Class 6 Felony (One Count); 18-12-106 Prohibited Use of Weapons, A Class 2 Misdemeanor (One Count)

And related search warrant for: [REDACTED] in [REDACTED], Colorado located in El Paso County.

I have nothing further at this time.

CASE STATUS: Active Warrants

Supplement 20210421 0800 Chase, Daniel 12017

Supplemental Narrative, Case #21-3810, Menacing

There is video footage available of this incident; however, this report is merely a synopsis of the relevant facts of the investigation. It is not intended to be a verbatim account of every individual that I spoke with. This report does not reflect every word spoken by this deputy, other deputies/officers, witnesses, suspects, or victims. For a verbatim account, please see Body Worn Camera (BWC) footage. This deputy did not review the body worn camera footage to prepare this report.

On 04/21/2021, at approximately 0800 hours, I, Deputy Daniel Chase #12017, of the El Paso County Sheriff's Office (EPSO), was part of a Special Weapons and Tactics (SWAT) Team call out at [REDACTED], in unincorporated El Paso County, State of Colorado, in reference to Ms. Nicole Mallery DOB: [REDACTED], who was wanted on felony charges.

Upon our arrival, we surrounded the house and called for all occupants to exit the buildings with nothing in their hands. I saw Ms. Mallery exit an outbuilding with her hands in the air and watched Deputy Horn place her in handcuffs without any issues or struggle. After we completed clearing the entire property, I heard someone air over the radio that they needed assistance with one of the suspects. I got in a vehicle with Deputy David Fisher #14035 and we drove to where the suspects were located (Approximately 2000 feet north from the residence on [REDACTED]). As we pulled up to the suspects location, I heard a female, later determined to be Ms. Mallery, screaming that her shoulder was broken and that she was in pain. There were multiple deputies and medical personnel surrounding her attempting to give her aid. Ms. Mallery refused medical care from the medical personnel on scene and requested to go to the hospital.

Ms. Mallery was assisted by multiple people while getting out of the vehicle she was being detained in. As soon as she was completely out, I checked her handcuffs for tightness and to ensure they were double locked. The handcuffs were not too tight but due to her complaints of shoulder pain, I added a second set in order to release the tension on her right shoulder. Medical personnel again attempted to treat her but she again refused on scene care. The decision was made to transport her via American Medical Response (AMR) to Memorial Central Hospital. She was placed on the stretcher, the restraints were removed completely, and she was placed into the back of the ambulance. I rode in the ambulance to ensure the safety of the AMR personnel.

While riding in the ambulance, Ms. Mallery continued to exclaim that "The Pigs broke my shoulder and choked me out til I blacked out." She yelled for the majority of the time exclaiming that all cops are racist and they only "Beat her up" because she was a black woman. Additionally, she "passed out" and the Paramedics had to use smelling salts to wake her up.

We arrived at the hospital and were placed into a patient care room. Deputy Michelle Reed secured Ms. Mallery's left leg to the bed rail with a leg cuff. Ms. Mallery continued to Call Deputy Reed a "Field Negro" during our entire stay at the hospital. The doctor came in multiple times in an attempt to provide care to Ms. Mallery, but she continued to call him a racist. Ms. Mallery told the doctor that "The cop" broke her shoulder and choked her out until she was unconscious. The doctor advised Ms. Mallery that he was going to run tests on all of her claims. Ms. Mallery initially agreed to all the tests.

Ms. Mallery wanted to call her husband, so he was aware of where she was. Deputy Reed had already advised her husband of where we were but told him that she was in custody and he would be able to come see her. After Ms. Mallery was told that she could not call her husband and that she would have to wait until she was booked, she became angrier and refused all care. The doctor advised Ms.

Mallery that he would like to run tests and she called him a racist and told him that she wanted to leave.

As we prepared to leave, Ms. Mallery was handcuffed in the front due to her claim of pain in her shoulder. She never complained of any leg pain, so we let her walk out of the room and started walking towards the patrol car. As we were walking out, Ms. Mallery threw herself on the floor and immediately started screaming. She would not listen to any instructions nor comply with any orders. Deputy Reed asked for a wheelchair so we could take her to the patrol car. Ms. Mallery refused to get up, so we had to pick her up off of the floor and put her in the chair. Deputy Reed and I picked her up and placed her in the chair.

We rolled Ms. Mallery to Deputy Reed's patrol vehicle (Chevrolet Tahoe) and attempted to place her in the back seat. Ms. Mallery was screaming, made her whole body limp and refused to get in the car. Deputy Reed and I attempted to pick her up numerous times but were unsuccessful in getting her in the back of the car due to Ms. Mallery not complying. Deputy Fisher asked Deputy Lance to get her patrol vehicle (Chevrolet Impala) so we can get her in easier as it is lower to the ground. We feared any more attempts to put her in the back of a Tahoe could possibly cause injury. While waiting for the other patrol car, Ms. Mallery started screaming that Deputy Reed was kicking her and beating her up. I did not, nor did I see any other Deputy strike or kick Ms. Mallery while at the hospital. Deputy Lance arrived with the other patrol car and we were able to place Ms. Mallery in the back.

Deputy Lance drove Ms. Mallery to the EPSO Criminal Justice Center escorted by myself, Deputy Fisher and Deputy Reed. Deputy Reed booked Ms. Mallery in to CJC on her charges.

Nothing further.

Case status: CBA

Supplement 20210421 0800 Lance, Melissa 12036

Body Worn Camera is available for this call.

21-3810 and 21-4406

TSU Operation- supplement

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On April 21, 2021 at approximately 0800, I, Deputy Melissa Lance EID 12036, of the El Paso County Sheriff's Office, Crisis Negotiations Unit, was assigned to a high risk warrant service with the Tactical Support Unit at [REDACTED], Yoder, Colorado, located in El Paso county, Colorado.

SCENE DESCRIPTION/DETAILS OF INVESTIGATION

Suspect Nicole Hawkins DOB: [REDACTED]

Ms. Hawkins was taken into custody by the Tactical Support Unit (TSU) during the operation. After Ms. Hawkins was detained, she became combative with other TSU officers, and requested medical attention. I was directed by Lt Paul Mynatt EID 07011, to follow Deputy Michelle Reed EID 11020 and the ambulance with Ms. Hawkins and Deputy Daniel Chase EID 12017 on board, to [REDACTED] Hospital at [REDACTED]

Upon arrival at [REDACTED] at 1116 hours, Ms. Hawkins was taken to [REDACTED], [REDACTED] for [REDACTED]. Ms. Hawkins complained of [REDACTED] prior to the [REDACTED] entering the [REDACTED]. [REDACTED] Ms. Hawkins was [REDACTED] with Deputy Reed, Deputy Chase, and me in the room, and was restrained by her left ankle to the bed.

Ms. Hawkins then stated her shirt was lifted and complained she was exposed while a male deputy, Deputy Chase was in the room. At no time was Ms. Hawkins' body exposed, Ms. Hawkins began to demand Deputy Chase leave the room. Ms. Hawkins demanded a department "chief" come to the hospital so she could file a complaint with Internal Affairs. Ms. Hawkins remained fully clothed for the duration of the examination. [REDACTED]

When the doctor left the room, Ms. Hawkins began to scream for help from the hospital staff, yelling about law enforcement being in her room and threatening her. No one in the room was speaking to Ms. Hawkins and no one was making threats to her or about her. Ms. Hawkins began to call Deputy Reed a "field negro" and continued to make racially charged statements to Deputy Reed, accusing her of following "her master's" orders. Ms. Hawkins made statements to Deputy Chase and I about being Klu Klux Klan members,

about being demons because we are Caucasian, and calling Deputy Chase and I, "white trash."

Deputy Reed began to take photographs of Ms. Hawkins' wrist and neck and Ms. Hawkins began to scream that we were harassing and assaulting her. Ms. Hawkins then stated we were refusing to get her [REDACTED] at the hospital, and she would bond out and seek her own [REDACTED]. Ms. Hawkins demanded she be taken to jail and yelled that she wanted to leave now and no one can make her get [REDACTED]. Ms. Hawkins [REDACTED] staff at the [REDACTED] that she was refusing [REDACTED] refusing an [REDACTED], and refusing to have the [REDACTED] and [REDACTED] completed.

[REDACTED] Ms. Hawkins was handcuffed in front, leg restraint was removed, and asked for help to get off the bed. Deputy Chase advised that he would use his hand on her back so she could push herself off of the bed. Ms. Hawkins leaned her back against his hand to push off of the bed and to her feet.

Ms. Hawkins began to slowly walk out of the room unassisted, I was directly in front of Ms. Hawkins, Deputy Reed was to Ms. Hawkins left, with Deputy Chase and Deputy Fisher on her right and behind her. While walking through the hallway of [REDACTED] I turned to walk backwards, to continue to observe Ms. Hawkins. Ms. Hawkins appeared to lower her right shoulder and threw herself to the floor. Ms. Hawkins rolled onto her back and began to scream. Ms. Hawkins was assisted to a wheelchair by Deputy Reed and asked if she wanted medical attention. Ms. Hawkins continued to scream and would not answer Deputy Reed.

Ms. Hawkins was brought to Deputy Reed's marked patrol unit (Chevy Tahoe) and refused to get out of the wheelchair. Ms. Hawkins was assisted to her feet by Deputy Reed and Deputy Chase while she continued to scream in the ambulance bay, dropping her weight, and refusing to get into Deputy Reed's marked patrol unit. Deputy Fisher attempted to help by entering the backseat and trying to slide Ms. Hawkins across the seat. Ms. Hawkins began to yell that Deputy Reed kicked her, I was standing directly behind Deputy Reed and Deputy Chase, Deputy Reed was bracing Ms. Hawkins weight with her leg to keep Ms. Hawkins from falling onto the ground. I retrieved my marked patrol unit #1412 (Chevy Impala) and Ms. Hawkins was sat inside the back seat. Ms. Hawkins refused to place her left foot inside of the car, blocking the door from closing. Deputy Reed lifted her foot placing it into the car and shutting the door.

I called out over my office issued radio, Ms. Hawkins would be transported in my marked unit to the El Paso County Jail (CJC) and put my beginning milage and unit number into the call screen. Ms. Hawkins was yelling in the back of my marked patrol unit that I was white trash, a KKK member, and asking God to protect her from white demons. Ms. Hawkins yelled that she needed to use the restroom, her arm was broken, accusing me of breaking her arm, accusing other deputies of breaking her arm, stating she had chest pain, and then yelling about her arm again.

I arrived on scene at the El Paso County Jail (CJC) and entered my ending milage into the call screen. Ms. Hawkins complied with the rapid COVID-19 screening and refused to get out of my marked patrol unit unassisted. Ms. Hawkins asked for a wheelchair and was advised that Intake deputies would assist her into the facility. Ms. Hawkins complied with Intake deputies and was booked into the El Paso County Jail.

This supplement will also be entered under case number 21-4406, as this is an associated case.

I have nothing further at this time.

EVIDENCE

Body Worn is available for this call.

Supplement 20210421 1035 Gerhart, Emory 95053

BWC USED

On 4/21/21, I, Sgt. Gerhart assisted with a search warrant at [REDACTED], El Paso County, Colorado.

After TSU had cleared and secured the scene I spoke with Courtney Mallery, the husband of the suspect. I advised him that the item of interest in the warrant was a shotgun used in the initial menacing. I advised Mallery he could show me the location, or not, but regardless I was leaving with it.

At 1035 hours he took me to a shed which had been modified to have the interior portion as a living area. He pointed out the shotgun

behind a space heater. I secured the weapon, rendered it safe and placed it in my vehicle. The shotgun was checked via CCIC/NCIC and showed as clear. My body worn camera was activated during the recovery of the weapon.

While at my vehicle two other parties (that had been detained by TSU) stated they wished to speak with a supervisor (me.) Both parties thanked me for the professionalism of the TSU members and all those they had interacted with.

I then proceeded to EPSO evidence where the shotgun was placed into evidence by myself.

NOTHING FOLLOWS

Status: SAO

Supplement 20210510 1724 Reed,Michelle 11020

Supplemental Case Report: 2021-3810

Deputy M. Reed # 11020

Date: 04/17/2021

On 05/10/2021, I Deputy Michelle Reed # 11020 of the El Paso County Sheriff's Office Rural Enforcement and Outreach Unit/Equine Handler conducted follow up reference the case number above related to [REDACTED] located in El Paso County reference a felony menacing and criminal trespass.

A case report was completed with the incident details. As the incident was reported I forwarded a filing decision to the El Paso County District Attorney's Office and received the following response related to [REDACTED], DOB [REDACTED] and the charge of 18-4-503(1) Second Degree Criminal Trespass (filed on 4/15/2021).

Andrew S. Vaughan, Chief Deputy District Attorney responded with the following information:

"Reviewed case for filing decision. I think 18-1-701 is going to be a difficult affirmative defense to overcome. See also 7CA0279, People v. Neckel 17CA0279-PD.pdf (state.co.us). I don't see a no-trespass sign in video, but EPSO say there is one on the locked gate. PS also goes under a poorly built fence. PS doesn't linger on the property and knocks on the doors of buildings that could possibly be a residence. He immediately leaves when told to do so. I am not sure that the way the property was set up that is was intended or would be interpreted to exclude normal, legitimate inquiries or visits by mail carriers, newspaper deliverers, census takers, neighbors, friends, utility workers and others who restrict their movements to the areas of one's property normally used to approach the home. It is a closer call than in Neckel but I do not think we have a reasonable likelihood of success at trial. "

As per the previous info, the District Attorney's Office will not seek criminal charges against [REDACTED] who attempted to serve legal documents to a known occupant of the property listed above.

I have nothing further.

CASE STATUS: SAO



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 12:55
Login ID: shrfox
Case Number: 2022-00000331

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00000331
Location: [REDACTED]
Reporting Officer ID: P17106 - Christiansen

Incident Type: EPSO Menacing
Occurred From: 01/09/2022 07:15
Occurred Thru: 01/09/2022 07:15
Disposition: Unfounded
Disposition Date: 01/09/2022
Reported Date: 01/09/2022 07:28 Sunday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	13A	18-3-206 (10)	Menacing (felony) - Aggravated - Gun	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	40

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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CASE NUMBER: 22-331

TITLE: Menacing Unfounded

***** THIS REPORT IS MERELY A SYNOPSIS OF THE RELEVANT FACTS OF THE INVESTIGATION AND IS NOT INTENDED TO BE A VERBATIM ACCOUNT. THERE IS BODY WORN CAMERA FOOTAGE AVAILABLE FOR THIS INCIDENT. FOR A VERBATIM ACCOUNT, PLEASE SEE BODY WORN CAMERA FOOTAGE. *****

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On Sunday, January 9, 2022, at approximately 0729 hours, I, Deputy Caleb Christiansen, EID #17106, of the El Paso County Sheriff's Office (EPSO), Patrol Division, was assigned as unit 2A41, driving patrol vehicle 1305, wearing my Class B uniform. I was dispatched to [REDACTED], which was located in unincorporated El Paso County, State of Colorado, in reference to a Menacing.

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(s)

2A11 – Deputy Brian Nulk, EID #14040

INITIAL CALL INFORMATION

Call For Service #2022-00004480

The reporting party stated her neighbor pointed a shotgun at her and she possibly had video of the incident.

SCENE DESCRIPTION

The property at [REDACTED] was described as an approximately 1,000-acre lot which sat on the west side of [REDACTED] and was bordered on the south by [REDACTED]. The property at [REDACTED] was described as an approximately 40-acre lot which also sat to the west of [REDACTED] and was bordered on the north by [REDACTED]. [REDACTED] separated the two properties, but both properties had driveway access onto [REDACTED] almost directly across the road from each other.

[REDACTED] INFORMATION/STATEMENT

[REDACTED], DOB [REDACTED]

She has been having ongoing issues with her neighbor to the south of her property. She recently had been to the courthouse and obtained a Protection Order against this neighbor. She had contacted a Civil Process Server who advised they could come serve to the Protection Order today; however, it was going to cost her \$500.00. She then asked if I could serve the Protection Order, since I was already out there. I advised she would have to contact the EPSO Civil Unit if she wished to have EPSO serve the Protection Order.

I then asked what had happened earlier that morning that caused her to call 911 and she stated the following:

She has approximately 1,000 acres of land with cattle on it. At approximately 0715 hours, she was out driving the fence line to make sure there were not any breaks in the fence. While she was down on the south end of her property near the neighbor's property at [REDACTED], the neighbor, [REDACTED], came out of the residence and was pointing something at her that looked to be an AR style rifle. There was nothing said between them. She then drove back toward her residence and called 911. She had also checked her recording and nothing could be seen on the video.

SUSPECT INFORMATION

She has been having ongoing issues with her neighbor to the north of her property, [REDACTED], calling the Police on her and making

false accusations, threatening to steal her sheep, and also parking on the south end of the property near hers and appearing to stare at her property for extended periods of time.

The previous day, [REDACTED] was down near her property seven different times throughout the day for unknown reasons. There was no interaction between them, but she thought it was strange so she has been recording the incidents with her cell phone to try and gather evidence to take to court and file for a Protection Order.

This morning, [REDACTED] was again down on the south end of her property, near her property, so she was again recording the incident with her cell phone. She stated she is a hunter and does have access to firearms; however, none of them were kept at her residence. She showed me the videos on her cell phone that showed [REDACTED] driving on her own property near the fence line as well as a separate white van. There was no interaction between them seen in the videos.

NARATIVE

On Sunday, January 9, 2022, at approximately 0729 hours, I, Deputy Caleb Christiansen, EID #17106, of the El Paso County Sheriff's Office (EPSO), Patrol Division, was assigned as unit 2A41, driving patrol vehicle 1305, wearing my Class B uniform. I was dispatched to [REDACTED], which was located in unincorporated El Paso County, State of Colorado, in reference to a Menacing.

At approximately 0811 hours, I arrived at [REDACTED], which was the reporting party's address. I spoke with [REDACTED] who provided me with her statement. [REDACTED] was insistent that I serve the Protection Orders but was advised to contact the Civil Process Server she had already spoken to and/or contact the EPSO Civil Unit for assistance.

At approximately 0823 hours, I arrived at [REDACTED], and spoke with [REDACTED] who provided me with her statement and showed me the videos she had taken on her cell phone.

At approximately 0836 hours, I returned to [REDACTED] and spoke with [REDACTED] again and she insisted that she had seen [REDACTED] with a rifle. She was advised that my investigation had determined that what [REDACTED] had in her hand was a cell phone and not a firearm. Due to this, a case would be taken to document the incident, but there would not be any charges being file against [REDACTED] at this time. [REDACTED] was provided with a business card containing the case number for her records.

Based off the details of my investigation, this case will be unfounded. Due to this case being unfounded, [REDACTED] was not provided with a Victim's Rights pamphlet.

I have nothing further to report at this time.

CASE DISPOSITION

Case Status: Unfounded



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:09
Login ID: shrfox
Case Number: 2022-00006772

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00006772
Location: [REDACTED]
Reporting Officer ID: P07001 - Murphy

Incident Type: EPSO Other
Occurred From: 06/08/2022 10:45
Occurred Thru: 06/08/2022 10:45
Disposition: Unfounded
Disposition Date: 06/11/2022
Reported Date: 06/08/2022 10:29 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-6-803.5	Crime of violation of a protection order - penalty - peace officers' duties - definitions	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	40
	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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Narrative 20220608 1101 Murphy, Theresa P07001

Bodyworn camera used.

This is a synopsis and not a verbatim transcript.

On 6/8/2022, I, Deputy Teresa Murphy, #07001, was assigned to El Paso County Shreriff's Office patrol district 42.

At approximately 1101 hours, I, was dispatched to [REDACTED] in reference to a violation of a protection order. The RP, [REDACTED] DOB: [REDACTED], was reporting her neighbor, [REDACTED], DOB: [REDACTED] was violating the protection order and she had evidence.

I arrived on scene at approximately 1146 hours. I met with Ms. Hawkins, and her husband, [REDACTED], DOB: [REDACTED]. [REDACTED] was polite. She stated she has a proteciton order against [REDACTED] and this morning [REDACTED] was violating the order. [REDACTED] showed me a photograph of [REDACTED] standing in front of her home on the south side of [REDACTED], with her horse. [REDACTED] said [REDACTED] had something in her hand, which she believed to be a gun. It appeared to me the item in her hand was a cell phone.

[REDACTED] stated [REDACTED] was within the 100 yards from her property and wanted her charged.

It should be noted [REDACTED] owns approxiately 800 acres. [REDACTED] home is approximately [REDACTED] and [REDACTED] and her property borders the north west intersection of [REDACTED]. [REDACTED] lives on [REDACTED] home is constructed not very far off the roadway.

[REDACTED] made several statements about The Sheriff's Office not doing their job because she is black and [REDACTED] is white. She stated she is trying to trust the police, but is afraid she will be shot at any moment.

I responded to [REDACTED] residence located at [REDACTED]. [REDACTED] stated she had been hand grazing her horse on the south side of [REDACTED] next to her driveway. She stated "the husband" then drove "like crazy" towards [REDACTED] while on their property. [REDACTED] stated "the husband" approached the fence line and began to record her and take pictures of her. [REDACTED] said for her protection, she began to record the interaction as soon as she heard the truck driving south. [REDACTED] stated nothing was said between her and "the husband". [REDACTED] showed me the video she recorded. I observed the truck driving south on the the [REDACTED] property and [REDACTED] recording or photographing her with a cell phone.

The protection order states [REDACTED] can be on [REDACTED]. I do not believe it is a violation of the order for [REDACTED] to graze or ride her horse on [REDACTED] in front of her own home. [REDACTED] home is approximately 1.25 miles north. It is unreasonable to believe [REDACTED] can not be within 100 yards of the property line when her property line itself is within the 100 yards.

It was explained to [REDACTED] this is not a violation, and she should return to the courts to get a more detailed order if she wishes to include the property line.

There was no gun involved, as [REDACTED] had a cell phone in her hand. There was no interaction between [REDACTED] and [REDACTED]. There for this incident is unfounded.

I have no further information.

CASE STATUS: Unfounded



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 12:53
Login ID: shrfox
Case Number: 2022-00010434

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00010434
Location: [REDACTED]
Reporting Officer ID: P15038 - Aragon

Incident Type: EPSO Court Order Violation
Occurred From: 09/01/2022 00:30
Occurred Thru: 09/01/2022 00:30
Disposition: Cleared by Arrest
Disposition Date: 09/14/2022
Reported Date: 09/01/2022 00:32 Thursday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-6-803.5	Crime of violation of a protection order - penalty - peace officers' duties - definitions	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Day, Darrin	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	
Other	2	Reed, Michelle	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	Black	Female	
Suspect	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	41

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
48025 A	[REDACTED]	[REDACTED]	09/14/2022 10:23	Warrant	41

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Body Worn Camera (BWC) footage available:

There is body worn camera footage available of this incident. However, this report is a synopsis of the relevant facts of the investigation and it is not intended to be a verbatim account of every individual that I spoke with. This report does not reflect every word spoken by this deputy, other deputies, witnesses, suspects or victims. For a verbatim account, please see body worn camera footage.

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On Thursday, September 1st, 2022, at approximately 0032 hours, I, Deputy Sue Aragon, EID #15038, of the El Paso County Sheriff's Office (EPSO) Patrol Division, was dispatched to [REDACTED], located in unincorporated El Paso County, State of Colorado, 80864, reference to a restraining order violation.

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(s)

I was assigned as unit 1A41 in my marked patrol vehicle.

Deputy D. Day was assigned as 1A31 in his marked patrol vehicle as a cover unit.

INITIAL CALL INFORMATION

EPSO dispatch advised the reporting party, (RP), [REDACTED], DOB: [REDACTED] was reporting that someone who she has a restraining order against is on her cameras on the property. [REDACTED] identified the suspect as [REDACTED], DOB: [REDACTED].

[REDACTED] said [REDACTED] lives on the property and she believed she was possibly laying down somewhere on the property waiting for her to come outside.

INITIAL OBSERVATIONS/ARRIVAL AT SCENE

I arrived with Deputy Day at approximately 0116 hours. The property is fenced all the way around with wire fencing. There was a gate, that was closed and locked at the street.

The property has three outbuildings, one of which is [REDACTED] residence.

STATEMENT

I contacted [REDACTED] at the gate of her property. [REDACTED] said she received a notification from her camera system that someone was on her property. [REDACTED] said she pulled up the footage and saw [REDACTED] walking on the property.

[REDACTED] said [REDACTED] also lives to the east of her residence on the same property. [REDACTED] said [REDACTED] was walking by her residence and stole dirt.

[REDACTED] said she has cameras around their property on poles. [REDACTED] believed [REDACTED] was messing with the cameras and attempting to tamper with them to break them.

[REDACTED] had screen shots of the suspect, showing a white female with short brown hair walking on a driveway. [REDACTED] had difficulty pulling up the video that was recorded while I was on scene.

The first video [REDACTED] sent was approximately eight seconds from August 31st, 2022 at 0658 hours. It shows [REDACTED] walking through the grass and then back onto the driveway and then out of camera view.

The second video I received was approximately 23 seconds. It shows [REDACTED] walking out of camera view, going to the pole the camera is mounted on. [REDACTED] then takes several pictures with a cell phone. [REDACTED] then stands by the pole for a few seconds and then walks away.

During the second video [REDACTED] sent, she said she believed [REDACTED] was tampering with the camera, however, it appears it is a shadow from [REDACTED] arm. It does not show [REDACTED] tampering with the camera at that time.

[REDACTED] said she has a temporary restraining order against [REDACTED], barring [REDACTED] from any contact and to stay 100 feet away from her residence.

WITNESS STATEMENT

N/A

SUSPECT INFORMATION/STATEMENTS

CRIME SCENE PROCESSING/INVESTIGATION

I requested EPSO send the protection order to my MDC. The TRO states [REDACTED] is to stay away from the residence, assaulting, threatening, harassing, etc. Also states [REDACTED] is to stay 100 feet away from [REDACTED] residence. The TRO was issued on December 20th, 2021 and expires on October 7th, 2022. CIC: [REDACTED] OCA: [REDACTED] DKT: [REDACTED]

Deputy Day drove through the property and did not find anyone laying in the fields.

Reviewing camera footage.

CRIME SCENE PROCESSING:

Probable cause was obtained to arrest [REDACTED] for violation of protection order. I will attempt contact on Friday, September 3rd, 2022 and a supplement and arrest report will be completed at that time.

EVIDENCE

Bodyworn camera uploaded and retained by availweb.com

Victims right form was uploaded to this report.

CASE DISPOSITION:

C.R.S. 18-6-803.5 – Crime of Violation of a Protection Order – Class 2 Misdemeanor – 1 Count

CASE STATUS: Active

Supplement 20220922 0900 Gerhart, Emory P95053

BWC NOT USED

CASE: 22-10434

TITLE: R.O.V.

DATE: 9/24/22

DEPUTY: Gerhart #95053

On 9/22/22 at approximately 0900 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit was able to get the additional videos I had received from [REDACTED] downloaded from my work phone with assistance from the EPSO IT section.

These photos were uploaded to the existing folder in Digital Evidence under the subfolder "Updated 92322" on 09/23/22. This media was placed on a CD and placed into evidence under this case number as well. This includes a photo of a satellite map of the area in question to show a representation of the distance between the [REDACTED] and Mallery residences.

On 9/23/22 [REDACTED] contacted me and stated that a reporter from the Gazette newspaper had been in touch with her. The reporter wanted to speak to [REDACTED] about the situation with the Mallery's. Specifically, that the Mallery's had contacted the paper wanting someone to cover their story and why they were scared for their lives. [REDACTED] drafted a response which she wished to have included with this report. It reads as follows:

Sometimes Bullies Are Not Just in School Yards

[REDACTED] (goes by last name [REDACTED]) DOB [REDACTED] Is [REDACTED] or [REDACTED] her legal last name? Has she used her legal name on all of the complaints she has filed? If not, are any of those complaints valid?

- [REDACTED] has had Police problems in CO, TX, PA, and NJ.
- Has a lawsuit against DISTRICT CLERK, HARRIS COUNTY filed on 6-14-19. Last update 7-8-19. Is there something still pending? What was the lawsuit about?
- Current charges of assault against a police officer in CO.
- Resisting arrest in TX 2-18-17 during [REDACTED] arrest for drugs.
- Has filed approximately 12 Restraining Orders against neighbors in the Yoder area.
- Pulled a gun against man and son on a county road and has been charged with a crime of endangering a child with a gun.
- Filed a Restraining order against the father and son (who is a student) who [REDACTED] pulled a gun on.
- Has no kids but waits by the bus stop where the student boards the school bus. Is this witness intimidation? Their restraining orders always state "children in the car", but no child has ever been seen by a neighbor or the sheriffs office. Wouldn't this be concerning DHS for the safety of these children?
- School District moved the school bus. She now waits in an area where the mother cannot return home because she would be within 100 ft of [REDACTED].
- Called a black female Deputy a field nigger, then filed a racial complaint against that officer.
- While in court [REDACTED] has insisted the black female Deputy not be allowed to observe the public sessions.
- Filed a complaint against a Sheriff's deputy who was not involved in an incident [REDACTED] describes. Is this false reporting?
- Approximately 200 calls to the El Paso County Sheriff's Department due to issues with [REDACTED]. How much taxpayer money is being spent? How many Deputy and Court hours are spent on all the frivolous claims made by [REDACTED]? If you climb on the rocks in the Garden of Gods and need help getting down off the rocks, you are fined. They don't want the rescue squad's time being taken up by people who should not be climbing. Why do they not charge [REDACTED] for taking up the Sheriff's and Courts time on frivolous and false claims?
- A person at the Sheriff's office did look up all the complaints filed by [REDACTED] and was shocked at the number.
- [REDACTED] and [REDACTED] (male) claim Truckton County Road their private property causing issues with other people who use the road as their only access to their properties. The stated in court "I don't see a reason for you too have to walk your dogs or ride your horse on our public easement."
- Although they do not have a mailbox at this location, [REDACTED] and [REDACTED] called the Post Office and wanted the mailboxes located at the corner of Truckton and Lauppe moved due to the people who have their mail delivered there. The judge also said that we would be in violation of the restraining order if we stop to get out mail. The [REDACTED]'s have claimed "we have had plenty of time to move our mailboxes."

- Has called numerous times about neighbors with guns, when there were no guns. Is this false reporting? Is it a crime to continue to false report?
- Claimed trespassing due to a shadow and violation of restraining order.
- Drives approximately 1.5 miles to scream at a me then claim she is frightened of me. Wouldn't not driving the 1.5 miles solve that problem?

When there is a school shooting, news reporters always ask, "Why didn't somebody speak up at the ticking time bomb they saw in the shooter?" Is [REDACTED] a ticking time bomb? Will the DA or the Courts recognize the volatility [REDACTED] brings to every state she lives in?

END OF MESSAGE

On 9/24/22 [REDACTED] began to send me more videos starting at 0646 hours and running through 1313 hours. These videos depict a red sedan (presumably operated by one or both of the [REDACTED]) The vehicle is seen driving by her property, following her vehicle, and stopping at the end of the easment. These videos are not included with this report and this information is for documentation purposes only.

Nothing follows
Status: SAO

Supplement 20220914 Stoneham, Gregory P07042

This is a supplement to case number 22-10434.

On September 14th, 2022, I Deputy Greg Stoneham, contacted [REDACTED], DOB [REDACTED], at the El Paso County Fairgrounds in reference to a restraining order violation, I was investigating.

I contacted dispatch and cleared [REDACTED] through NCIC/CCIC and was informed [REDACTED] had a warrant for her arrest. I informed [REDACTED] of the warrant and took her into custody at approximately 1018 hours. A separate warrant service number given to me by dispatch.

After completing the necessary paperwork was completed [REDACTED] was transported to the Criminal Justice Facility and booked into jail for the warrant.

I have no further information.

Case Status: Cleared By Arrest

Supplement 20221001 Gerhart, Emory P95053

NO BWC USED

CASE: 22-10434
TITLE: R.O.V.
DATE: 10/1/22
DEPUTY: Gerhart #95053

On 10/01/22 I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit was contacted by [REDACTED] in reference to this case. She stated that she wished to have some clarification.

[REDACTED] inquired why [REDACTED] is listed as the [REDACTED] in the case report and on the warrant for her arrest, but her booking paperwork indicates that [REDACTED] is the [REDACTED] in this case. I could not provide her with a clear answer.

She stated that the arrest warrant and report taken by Dep. Aragon it read, "[REDACTED] had screen shots of the suspect, showing a white female with short brown hair walking on a driveway." [REDACTED] stated that she was not on the [REDACTED] driveway, but on the public easement that runs between their two properties. [REDACTED] had seen the video footage submitted by [REDACTED] (as have I) and it is

clear that the area in question is not the [REDACTED] entrance (driveway) located at [REDACTED]. She pointed out that the [REDACTED] residence is more than 1 mile from the area she was videoed at. I advised her that I agreed and an interview of her may had been able to clarify where the video camera in question was located.

She added that per her arrest warrant the protection order violation was for order# C0212021C 003786. It has verbiage of "keep a distance of at least 100 yards from the protected parties no contact except 100 yrd provision does not apply when RSP is in or going to and from own residence excluded 100 yards from: Home [REDACTED]." Again, she asked why she had been arrested when she was in the easement going from her home to take a picture then back to the house having never crossed the fence onto [REDACTED] property. I could not provide an answer. She then stated that if the order was to be understood as 100 yards from the [REDACTED] property that would preclude her from being in a good portion of her house, based on proximity. [REDACTED] stated that she had court for [REDACTED] TRO on 10/6/22 and that the order is set to expire on or about 10/7/22 if not extended or made permanent by the magistrate.

Nothing follows
Status: SAO

Supplement 20220914 0659 Gerhart, Emory P95053

NO BWC USED

CASE: 22-10434
TITLE: R.O.V.
DATE: 9/17/18
DEPUTY: Gerhart #95053

On 9/14/22 at approximately 0659 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit received a text message from [REDACTED] stated that she had just been released from jail due to an alleged restraining order violation involving the [REDACTED] resides at [REDACTED], while the [REDACTED] reside at [REDACTED]. Both addresses rest entirely in El Paso County Colorado.

[REDACTED] has obtained a protection order against [REDACTED] and her elderly mother. [REDACTED] has tried to obtain an order as well. The two properties are separated by an easement which is called "[REDACTED]" but in fact the county does not maintain the easement as a road. This easement is the sole source of egress for [REDACTED] and her family. Additionally [REDACTED] gathers her mail from a box on the easement and has trash service via the easement as well.

The protection order verbiage is included with this report and specifies that the area of [REDACTED] is protected; However, this is inaccurate as where the [REDACTED] reside is [REDACTED], [REDACTED] is actually in the Fox Valley Community several miles away. Understandably this could be an oversight as the [REDACTED] reside on what would typically be called [REDACTED] This is a common occurrence in Eastern El Paso County where roads end, then pick up again (See Calhan Hwy, Jones Road variants.)

[REDACTED] had asked me a simple question, "why had she been arrested?" I looked into the report taken by Deputy Susan Aragon #22-10434. The report alleges a violation by [REDACTED] in reference to a camera the [REDACTED] had placed on their property. The location of the camera is at the corner of the [REDACTED] property but the camera has a view of the [REDACTED] residence. Furthermore, the camera has an audible motion alarm as well. [REDACTED] had sent me a video of the camera/alarm on or about Saturday, August 27th at 1707 hours. The video is clearly taken from the [REDACTED] easement. [REDACTED] was simply curious if the placement of the camera was legal.

After reviewing the case taken by Deputy Aragon I am concerned by the matter that [REDACTED] was not interviewed about the camera footage. Based on my research [REDACTED] restraining order expired as of 7/20/22. While [REDACTED] order is still valid. The valid order does allow [REDACTED] the ability to access the easement in question. I can only assume Deputy Aragon failed to read the order in its entirety, or at all. It appears she did not look for physical evidence of a trespass either, but relied solely on [REDACTED] account.

I have realized that many deputies do not wish to investigate matters between the [REDACTED] and [REDACTED]. I have had to interact with the [REDACTED]s on a few occasions in the past (21-4406, 21-9652, 21-3810.) As a result of my interactions with the [REDACTED] (more so [REDACTED]) I have found myself the target of baseless complaints and internal affairs investigations. Most egregious of these was complaint made against me alleging misconduct in the courthouse. On the date [REDACTED] makes the allegation I was, in fact, out of the country. This had ben the case with multiple deputies and supervisors who have found themselves in the position to interact with the

[REDACTED]. It appears that basis of these (frivolous) complaints is the sole fact that the [REDACTED] are African-American. This includes deputy Michelle Reed, who is African American herself.

[REDACTED] has been in touch with me since March 11 of 2022 in reference to her concerns with the [REDACTED]. In the 27 years I have worked with EPSO I can say that I do not ever recall interacting with [REDACTED] until this point. [REDACTED] has provided me with numerous photographs and videos to support her concerns about the [REDACTED]. I have placed these in the Digital Evidence folder under 22-10434 ROV. These videos and pictures document multiple occasions where the [REDACTED] have intimidated her. Most concerning are the videos I began to receive on Saturday September 17th, 2022. These videos clearly show [REDACTED] and [REDACTED] in the [REDACTED] easement. Initially it appears they are collecting a loose cow. For some reason, [REDACTED] feels obligated to exit her vehicle and continue to say, "Hands up don't shoot." She then returns with some type of public address system advising ([REDACTED]) what to bring to Heaven. Later she and [REDACTED] are seen spending much time outside of the [REDACTED] property. I found this behavior extremely odd for individuals who feel it necessary to have protections orders against [REDACTED] and her mother. Additionally, I had [REDACTED] verify that the [REDACTED] had no loose livestock in the area, which they did not according to her. This was more than likely just a means for the [REDACTED]s to continue to harass [REDACTED].

I attempted to download the pictures/videos I received from [REDACTED] starting on 9/17/22 but have had difficulty doing so. I will have EPSO IT attempt to do so on 9/21/22. It is clear to me that the [REDACTED] have no intention of ceasing their behavior with [REDACTED] and it is apparent they are not in fear of her or her mother.

Nothing follows
Status: SAO

Supp 20221122 0800 Gehart, Emory

CASE: 22-10434
TITLE: R.O.V.
DATE: 11/25/22
DEPUTY: Gerhart #95053

On 11/22/22 at 0800 hours an arrest warrant was obtained charging Nicole Mallery with stalking [REDACTED]. Later in the day, the Magistrate in Division N did drop the restraining order Ms. Mallery had against [REDACTED].

Nothing follows
Status: SAO

Supplement 20220908 1615 Bradburry, Candace P19053

SUPPLEMENT CASE REPORT

El Paso County Sheriff's Office (EPSO) Case Report 22-10434

LOCATION OF OCCURRENCE

[REDACTED]

I, Deputy C. Bradburry, 19053, am a deputy sheriff for the El Paso County Sheriff's Office. I have been employed as such since August 2019. I am currently assigned to the El Paso County Sheriff's Office (EPSO) Patrol Division.

At approximately 1615 hours, I met with the Honorable Judge Yolanda Fennick of the 4th Judicial District to review the application for the arrest warrant of [REDACTED], DOB: [REDACTED]. [REDACTED] is being charged with Crime of Violation of a Protection Order, a Class 2 Misdemeanor. Judge Fennick reviewed and approved the arrest warrant for [REDACTED].

The signed arrest warrant was taken to the El Paso County Clerks Office and entered with Docket number CO212022M5464. A copy of the arrest warrant with the docket number is enclosed with this supplement case report.

I have nothing further.

CASE STATUS:

Warrant/ Active



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:05
Login ID: shrfox
Case Number: 2022-00011265

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00011265
Location: [REDACTED]
Reporting Officer ID: P18027 - Carle
Incident Type: EPSO Harassment
Occurred From: 09/20/2022 07:00
Occurred Thru: 09/20/2022 07:00
Disposition: Exceptional Clearance
Disposition Date: 09/20/2022
Reported Date: 09/20/2022 08:05 Tuesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-9-111 (1)	Harassment (misdemeanor)	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Hodge, Jerry Kenneth	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	Unknown	Male	
Other	2	Gonzalez, Christopher	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	
Other	3	Gioia, Tony					
Suspect	1	HAWKINS, NICOLE REMITHA	[REDACTED]	[REDACTED]	Black	Female	[REDACTED] 45
Suspect	2	Mallery, Courtney	[REDACTED]		Black	Male	[REDACTED] 41
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] 41

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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Narrative 20220920 0805 Carle, Mark P18027

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On 09/20/2022, at approximately 0805 hours, I, Deputy Mark Carle #18027, of the El Paso County Sheriff's Office (EPSO), was dispatched to [REDACTED], in reference to a harassment cold. This address is located in El Paso County, State of Colorado. My body worn camera was activated for this incident.

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(s)

P2a42: Deputy Carle 18027

INITIAL CALL INFORMATION

EPSO Dispatch relayed the following information prior to my arrival: A female individual, identified as [REDACTED] DOB: [REDACTED] had contacted law enforcement due to their neighbor, identified as Courtney Mallery DOB: [REDACTED] and Nicole Hawkins DOB: [REDACTED] continuing to harass her.

EPSO Dispatch relayed Nicole had driven near [REDACTED]'s property and blasted music while driving up and down [REDACTED]'s property line. EPSO Dispatch relayed there is a current restraining order between Nicole and [REDACTED], with [REDACTED] as the restrained.

EPSO INVOLVEMENT:

EPSO has responded to approximately 40 calls for service from 01/01/2022 to 09/20/2022 regarding [REDACTED] (Courtney Mallery and Nicole Hawkins). The calls for service range between harassment, menacing, restraining order violations, criminal mischief, criminal trespass, and suspicious incidences.

[REDACTED] is an east facing single family residence, located in a rural area of El Paso County. [REDACTED] is an east facing single family residence, located in a rural area of El Paso County. An easement is used to access the property of [REDACTED]. The easement is placed on the far south fence line of [REDACTED]. The actual living structure of [REDACTED] is approximately 1 mile from the living structure of [REDACTED].

The easement used to access [REDACTED], is approximately 20 feet wide, separating [REDACTED] fence line and [REDACTED] fence line. Due to a restraining order set in place, EPSO has seen an increase in call volume for Restraining Order Violations due to Nicole being on her fence line near [REDACTED] residence and reporting [REDACTED] is in violation due to the keep 100 yards away stipulation of the Restraining Order. However, [REDACTED] has been simply using the easement to enter her property.

[REDACTED] has also placed cameras on the fence line, directly facing [REDACTED] residence. Multiple calls for service have caused a law enforcement response due to Nicole driving from her residence to the far south property line and reporting [REDACTED] in violation of her restraining order.

[REDACTED] STATEMENT: [REDACTED] DOB: [REDACTED]

At approximately 1007 hours, I responded to [REDACTED]. I contacted [REDACTED] at the fence line of her property. [REDACTED] relayed the following information: She explained on 09/20/2022, Nicole had driven up and down the easement blasting music from her vehicle.

[REDACTED] explained the music was possibly Nicole's voice yelling "Your kingdom is coming" and "Go to heaven". [REDACTED] also explained Nicole had possibly set up a security camera jammer on her property, located on the power line. I observed a gray circular object on the power line pole facing [REDACTED] property. She explained since the gray circular object, [REDACTED] cameras have not been operating.

[REDACTED] explained Nicole has another restraining order against another female in the area. She explained Nicole has driven to the far end of her property line and called regarding a violation due to the female not keeping 100 yards away. [REDACTED] stated the female was simply dropping her daughter off at an established bus stop for school, within 100 yards of Nicole's property line. Due to the issue, the bus stop was moved more than 100 yards away from Nicole's property.

[REDACTED] provided videos of the incident on 09/20/2022.

SUSPECT INFORMATION/STATEMENTS

Courtney and Nicole were not contacted during this incident.

EVIDENCE

I observed the video's [REDACTED] has sent me. I observed a white sedan driving up and down the easement. I heard loud music coming from the vehicle as it drives past [REDACTED] residence, turned around and drives back past her residence.

I observed another video of the vehicle doing the same thing, except on Nicole's property. Two individuals, exit the vehicle and appear to stand on the easement, behind [REDACTED] horse trailer. The two individuals can be seen walking up and down the easement and back behind the horse trailer.

The videos were uploaded to EPSO Digital Evidence under EPSO CR: 22-11265.

Photographs of the potential camera jammer was taking using my body worn camera.

FOLLOW UP

Further follow up will be completed.

CASE DISPOSITION

This case will remain active and further follow up completed.

All body worn camera footage was uploaded to the mobile server.

I have nothing further at this time.

Case Status: Active.

Supplement 20220920 Gerhart, Emory P95053

NO BWC USED

CASE: 22-11265

TITLE: Harassment

DATE: 9/24/22

DEPUTY: Gerhart #95053

On 9/20/22 at approximately 0720 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit began receiving multiple text messages from [REDACTED] on my work phone; I was off duty on this date.

[REDACTED] has been in touch with me since March 11 of 2022 in reference to the Mallery family; Courtney, and Nicole. [REDACTED] resides at [REDACTED], while the Mallery's reside at [REDACTED]. Both addresses rest entirely in El Paso County Colorado.

The majority of the contact I received was in reference to activity that [REDACTED] feels is criminal in nature. One incident involved [REDACTED] truck having a window busted out. [REDACTED] took a video of tire tracks from the scene going onto the Mallery property. Other pictures and video's deal with the placement of camera's on the Mallery property, with one having a clear unobstructed view of [REDACTED] home and property. Other videos and pictures show the Mallery's accessing the easement between the two properties. The easement is called "[REDACTED]" but in fact the county does not maintain the easement as a road. This easement is the sole source of egress for [REDACTED] and her family. Additionally, [REDACTED] gathers her mail from a box on the easement and has trash service via the easement as well. Some pictures/videos show the Mallery's stopping their vehicle(s) in the easement where [REDACTED] has her gate for egress. Other videos show the Mallery's making statements, one incident shows Nicole stopping her vehicle in front of [REDACTED]s property. She then exits her vehicle, places her hands in the air and says, "Hand's up don't shoot." Courtney is seen shortly after walking by the property with his hands in the air. Another video shows Nicole using some type of public address system where she is speaking of things that [REDACTED] should, pack, "for Heaven." Mc. Mallery, and possibly Ms. Mallery have restraining orders against [REDACTED] which makes this behavior highly unusual. See 22-10434 for additional information.

For clarification the main access to the Mallery property is via [REDACTED]. A gated entrance bearing the numbers [REDACTED] can be seen.

Some of the structures on the property are visible (from the roadway) at this gate. There is another gate further south of this gate of [REDACTED] as well. One gate is on the [REDACTED] easement, near the [REDACTED] residence. There is possibly a "wire gate" further west of this location where the [REDACTED] easement is fenced off with a north – south running fence for another property. The Mallery property consists of a "section" of land, being approximately 640 acres. The [REDACTED] property is 40 acres. The Mallery's structures are not visible from the [REDACTED] easement. For clarification, a map documenting the location of the structures on the Mallery property is included. It also shows the [REDACTED] residence which is depicted as, "[REDACTED]." The structures as out of sight of each other.

On 9/22/22 I and Lt. Chris Gonzalez met with Senior Deputy District Attorney Tony Gioia. Mr. Gioia was provided a synopsis of the ongoing issued between [REDACTED] and the Mallery's. He relayed a similar situation he had experienced as a prosecutor in Washington County, CO. Mr. Gioia felt that at this point the likeliness of successful prosecution against the Mallery's for harassment was unlikely due to a potential First Amendment defense. He did, however, concur that the Mallery's have no reason to obstruct [REDACTED] from freely leaving or returning to her property by blocking her only means of egress. He stated that any future incidents where the Mallery's attempt to keep her from leaving her or returning to her property by blocking [REDACTED] gate could be a violation of CRS 18-9-114 – Hindering Transportation, a misdemeanor offense.

Based on this information all of the video/pictures pertinent to [REDACTED] complaints of Harassment and Hindering Transportation where uploaded to the EPSO Digital folder under "22-11265 Harassment" as well as a CD being placed into evidence under this case number.

On 9/23/22 [REDACTED] contacted me and stated that a reporter from the Gazette newspaper had been in touch with her. The reporter wanted to speak to [REDACTED] about the situation with the Mallery's. Specifically that the Mallery's had contacted the paper wanting someone to cover their story and why they were scared for their lives. [REDACTED] drafted a response which she wished to have included with this report. It reads as follows:

Sometimes Bullies Are Not Just in School Yards

Nicole Remetha Hawkins (goes by last name Mallery) DOB [REDACTED] Is Hawkins or Mallery her legal last name?
Has she used her legal name on all of the complaints she has filed? If not, are any of those complaints valid?

- Nicole has had Police problems in CO, TX, PA, and NJ.
- Has a lawsuit against DISTRICT CLERK, HARRIS COUNTY filed on 6-14-19. Last update 7-8-19. Is there something still pending? What was the lawsuit about?
- Current charges of assault against a police officer in CO.
- Resisting arrest in TX 2-18-17 during Courtney's arrest for drugs.
- Has filed approximately 12 Restraining Orders against neighbors in the Yoder area.
- Pulled a gun against man and son on a county road and has been charged with a crime of endangering a child with a gun.
- Filed a Restraining order against the father and son (who is a student) who Nicole pulled a gun on.
- Has no kids but waits by the bus stop where the student boards the school bus. Is this witness intimidation? Their restraining orders always state "children in the car", but no child has ever been seen by a neighbor or the sheriffs office. Wouldn't this be concerning DHS for the safety of these children?
- School District moved the school bus. She now waits in an area where the mother cannot return home because she would be within 100 ft of Nicole.
- Called a black female Deputy a field nigger, then filed a racial complaint against that officer.
- While in court Nicole has insisted the black female Deputy not be allowed to observe the public sessions.
- Filed a complaint against a Sheriff's deputy who was not involved in an incident Nicole describes. Is this false reporting?
- Approximately 200 calls to the El Paso County Sheriff's Department due to issues with Nicole. How much taxpayer money is being spent? How many Deputy and Court hours are spent on all the frivolous claims made by Nicole? If you climb on the rocks in the Garden of Gods and need help getting down off the rocks, you are fined. They don't want the rescue squad's time being taken up by people who should not be climbing. Why do they not charge Nicole for taking up the Sheriff's and Courts time on frivolous and false claims?
- A person at the Sheriff's office did look up all the complaints filed by Nicole and was shocked at the number.
- Nicole and Courtney (male) claim [REDACTED] Road their private property causing issues with other people who use the road as their only access to their properties. The stated in court "I don't see a reason for you too have to walk your dogs or ride your horse on our public easement."
- Although they do not have a mailbox at this location, Nicole and Courtney called the Post Office and wanted the mailboxes located at the corner of [REDACTED] and [REDACTED] moved due to the people who have their mail delivered there. The judge also said that we would be in violation of the restraining order if we stop to get out mail. The Mallery's have claimed "we have had plenty of time to move our mailboxes."
- Has called numerous times about neighbors with guns, when there were no guns. Is this false reporting? Is it a crime to continue to false report?
- Claimed trespassing due to a shadow and violation of restraining order.
- Drives approximately 1.5 miles to scream at a me then claim she is frightened of me. Wouldn't not driving the 1.5 miles solve that problem?

When there is a school shooting, news reporters always ask, "Why didn't somebody speak up at the ticking time bomb they saw in the shooter?" Is Nicole a ticking time bomb? Will the DA or the Courts recognize the volatility Nicole brings to every state she lives in?

END OF MESSAGE

I have nothing further at this point.

STATUS: CBEM – Prosecution declined

Supplement 20221023 0900 Gerhart, Emory 95053

NO BWC USED

CASE: 22-11265

TITLE: Harassment

DATE: 10/19/22

DEPUTY: Gerhart #95053

On 10/23/22 at approximately 0900 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit arrived at the Office of the Sheriff, located at 27 E. Vermijo Avenue.

There I recovered 19 pages of a "Stalking Log" that had been completed by [REDACTED] and had been left at the office for me to recover. The log covered from 4/27/21 through 10/1/22. Each page had space for 10 entries. The log was created and maintained by [REDACTED] to show that the Mallery's have no fear of her, and that, in her belief, they are actually going out of their way to put her in fear for her safety. [REDACTED] stated that each of the entries had video to support the entry.

[REDACTED] had also texted me another 27 videos and pictures. These were downloaded from my phone. I then uploaded them to the SHR_Digital folder and placed them (as well as all the other pictures and videos associated with this case) onto a DVD. The stalking log was scanned and included in a digital format.

On 10/14/22 I did arrive at the EPSO Evidence facility where the DVD was placed into evidence as well as the paper copy of the stalking log.

Nothing follows

Status: SAO



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:16
Login ID: shrfox
Case Number: 2022-00011500

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00011500
Location: [REDACTED]
Reporting Officer ID: P18077 - Wright

Incident Type: EPSO Other
Occurred From: 09/24/2022 13:10
Occurred Thru: 09/24/2022 13:30
Disposition: Unfounded
Disposition Date: 09/25/2022
Reported Date: 09/24/2022 13:10 Saturday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-9-107	Obstructing Highway or Other Passageway (misdemeanor)	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	HAWKINS, NICOLE REMITHA	[REDACTED]	[REDACTED]	Black	Female	[REDACTED] 45
Suspect	2	Mallery, Courtney Wayne	[REDACTED]	[REDACTED]	Black	Male	[REDACTED] 41
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
1	Suspect Vehicle	Automobile		zz_see_descrip tion				

Narrative 20220924 1356 Wright, Sarah 18077

BODY WORN CAMERA INFORMATION

Body Worn Camera (BWC) video is available for this incident.

INITIAL CALL INFORMATION

On September 24, 2022, at approximately 1356 hours, I, Deputy Sarah Wright, #18077 was assigned to the Patrol Division. I was dispatched to a harassment in progress at [REDACTED] located in unincorporated El Paso County, Colorado. Dispatch advised [REDACTED] (DOB [REDACTED]) called to report her neighbor, Mr. Courtney Mallery (DOB [REDACTED]) was blocking her from accessing her driveway with his vehicle and she had no way to leave her property. [REDACTED] told dispatch "she's going to kill me if I leave", referencing Mr. Mallery's wife, Ms. Nicole Hawkins (DOB [REDACTED]). Dispatch advised there was on going issues between [REDACTED] and Ms. Hawkins and there was an active protection order in place against [REDACTED].

INITIAL OBSERVATIONS/ARRIVAL ON SCENE

This address was in a rural part of El Paso County. There was an easement that runs in between [REDACTED] property to the west and Ms. Hawkin's property to the east. The easement is approximately 15-20 feet across. There was two access gates to [REDACTED] property which is the only way she could go to and from her property. There was two gates to Ms. Hawkin's and Mr. Mallery's property, however there were a total of seven gates she could use to access her property.

The easement connects to [REDACTED], and where the easement connected to the road, there was a bank of mailboxes.

At 1414 hours I arrived on scene. Mr. Mallery was no longer there.

INTERVIEW

At 1414 hours, I contacted [REDACTED]

At approximately 1330 hours, [REDACTED] stated she drove down the easement to check her mailbox. She stated Mr. Mallery parked his vehicle by the mailboxes lengthwise blocking her access to [REDACTED]. [REDACTED] stated Ms. Hawkins and Mr. Mallery do not have a mailbox there. [REDACTED] claimed she could not drive her vehicle around theirs, and informed me she was afraid of Ms. Hawkins due to on-going issues with her. [REDACTED] informed me she turned her vehicle around and drove back towards her house. [REDACTED] stated she was followed by Ms. Hawkin's vehicle, however, she could not positively identify if it was her or Mr. Mallery driving the vehicle. [REDACTED] claimed they screamed and followed her closely until she returned to her property.

After, [REDACTED] claimed Ms. Hawkins and Mr. Mallery were watching her and her land to get her into legal trouble whenever possible. [REDACTED] informed me they already had her arrested previously this week due to a restraining order violation. [REDACTED] stated they yelled at her and waved items at her however she could not identify what was in their hands. [REDACTED] said Mr. Mallery just stood outside of his fence for a few minutes looking at her.

[REDACTED] showed me video and pictures of Mr. Mallery standing on the corner of his land, and of a red vehicle following her vehicle very closely as she was driving down the road. [REDACTED] claimed the pictures and videos were from today; however I was not allowed to see the time stamp on them. In the photograph of Mr. Mallery blocking access to [REDACTED], I observed there was plenty of room for her to drive past his vehicle.

SUSPECT STATEMENT-Mr. Mallery and Ms. Hawkins

At approximately 1441, dispatch advised Mr. Mallery and Ms. Hawkins was on the phone requesting to file a report against [REDACTED]. Dispatch advised they were stating [REDACTED] blocked them from access to their land. I contacted them through my office issued phone.

Mr. Mallery and Ms. Hawkins both claimed they were driving along the outside of their property to check their fence line and cattle. Mr. Mallery stated they do this approximately three times a day due to [REDACTED] "poisoning" their animals.

Mr. Mallery stated they were trying to utilize the southeastern gate onto their property, but [REDACTED] blocked them with her vehicle from accessing it. Ms. Hawkin's stated [REDACTED] has threatened to lynch them and hurt them in the past, and she was threatening them with something in her hand. Neither individual could positively identify what [REDACTED] had in her hand.

Ms. Hawkins stated her, and Mr. Mallery live in fear of [REDACTED] and referenced the protection order against [REDACTED] multiple times throughout the interview. Ms. Hawkins informed me the entire easement belonged to her and was not in face an easement between both properties. Ms. Hawkins stated [REDACTED] was doing all of this in order to harass her.

When I asked why Ms. Hawkins and Mr. Mallery were attempting to use the back gates to access their property even though it added an additional approximately 1.2 miles to their drive; Ms. Hawkins claimed she lost the key to access her other five gates. Ms. Hawkin's became upset at me and informed me she had a right to check on her animals since she believed [REDACTED] was poisoning her cattle.

OFFICER STATEMENT

While I was on scene, I did not observe any cattle by the eastern fence line next to the easement on Mr. Mallery and Ms. Hawkin's property. Mr. Mallery was not able to produce pictures of [REDACTED] blocking in his vehicle. Mr. Mallery sent me a screen shot of a text message he sent to Sergeant Robblee about the incident. In this screen shot, I observed that Mr. Mallery's story had changed. Mr. Mallery had informed Sergeant Robblee that they were coming back from Colorado Springs and attempted to access their land through the furthest southeastern gate when [REDACTED] blocked their access to their property. [REDACTED] was supposedly hanging at the corner of the land acting "threatening" towards them.

I downloaded and submitted the screenshots in the SHR_DIGITAL evidence drive.

CRIMINAL DETERMINATION

Due to Mr. Mallery's, Ms. Hawkins, and [REDACTED] conflicting statements I could not establish probable cause to file charges against any party related to this case. All parties could access the easement by driving around each other's vehicles, and none of the parties could identify or describe what the other party was threatening them with.

Supplement 20220924 1313 King, Michael 13006

The following supplements the original narrative to Case # 22-11500.

INITIATING INFORMATION:

On September 24, 2022, at approximately 1313 hours, I, Deputy Michael King, EID 13006 of the El Paso County Sheriff's Office (EPSO) responded to [REDACTED], Colorado 80864 in unincorporated El Paso County, Colorado regarding a Harassment in-Progress. I was in full-duty uniform, with body-worn camera attached. I was in marked Unit 1920.

I responded with Deputy Sarah Wright, EID 18077 as cover.

The reporting party was [REDACTED], DOB [REDACTED].

EPSO Dispatch advised there was a restraining order listing [REDACTED] as the restrained party and Courtney Mallery, DOB [REDACTED] as the protected party. [REDACTED] told EPSO Dispatch that Courtney was blocking the entrance to her easement road, preventing her from being able to leave.

At approximately 1414 hours, Deputy Wright and I arrived on scene.

BWC INFORMATION:

My body-worn camera (BWC) actively recorded this incident.

SCENE DESCRIPTION:

The residence was a single-family dwelling generally facing north. According to the El Paso County Assessor's Office, the property was zone 35-acre agricultural land. The only access to the property was an easement road from the home to the intersection of [REDACTED] and [REDACTED]. This land was owned by [REDACTED].

The easement road was shared between this property and [REDACTED]. According to the The El Paso County Assessor's Office, this property was zoned 35-acre agricultural land. This property was owned by Courtney Mallery.

[REDACTED] STATEMENT:

[REDACTED] told me the following:

Courtney blocked her from being able to leave. He parked by the mailboxes near the intersection of [REDACTED] and [REDACTED]. His mailbox was up by his house about a mile north.

Courtney installed a camera on the gate directly across from her property. He watches her while she changes clothes. The camera is pointed at her bedroom window. He also installed a Wi-Fi jammer to a power pole to prevent her from using her wireless security cameras on her own property.

OFFICER STATEMENT:

There is significant history between Nicole Hawkins, DOB [REDACTED], Courtney, and [REDACTED]. Nicole and Courtney are a married couple residing at [REDACTED]. [REDACTED] resided at [REDACTED]. They shared an easement road between their properties that traverses west from the intersection of [REDACTED] and [REDACTED].

Nicole and Courtney's main access to their home was approximately one mile north of the access to [REDACTED] home. Nicole told Deputy Wright that she had a total of seven gates giving her access to her property.

[REDACTED] told me Nicole and Courtney's mailbox was at the end of their driveway; one mile north of the mailboxes at the intersection of [REDACTED] and [REDACTED].

A protection order was in place listing Courtney as the protected party and [REDACTED] as the restrained party. [REDACTED] saw a vehicle she believed belonged to Courtney parked at the end of her easement road preventing her from being able to leave.

[REDACTED] sent me photos of the vehicle parked at the intersection. Based on the position of the vehicle, she had enough room to go around; however, she would have to come within 100 yards of the person occupying that vehicle. She assumed the driver was Courtney.

[REDACTED] forwarded me five images and eight videos of encounters she had with Nicole and Courtney.

EVIDENCE:

I placed digital images and videos [REDACTED] forwarded to my work email address into the Digital Evidence folder on the shared drive.

CASE STATUS:

SAO



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:13
Login ID: shrfox
Case Number: 2022-00012559

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00012559
Location: [REDACTED]
Reporting Officer ID: P95053 - Gerhart

Incident Type: EPSO Other
Occurred From: 03/22/2022 12:00
Occurred Thru: 12/19/2022 12:00
Disposition: Cleared by Arrest
Disposition Date: 01/07/2023
Reported Date: 10/19/2022 16:19 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	13C	18-3-602	Stalking - penalty - definitions - Vonnie's law	1
2	CO0210000	26A	18-4-506.5	Tampering with a utility meter - penalty	1
3	CO0210000	23H	18-4-401 (9)	Theft (petty offense) - Unclassified	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Gioia, Tony					
Other	2	Gonzalez, Christopher	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	
Other	3	Schulten, Kelly	950 W 17TH ST 81003	[REDACTED]	White	Female	
Other	4	Ankeny, Charlotte					
Other	5	Wyckoff, Patrick	27850 HARRIS RD La Junta, CO 81050	[REDACTED]	White	Male	
Other	6	Pearson, Deborah A	<UNKNOWN>		White	Female	[REDACTED] 60
Other	7	Stoneham, Gregory	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903	[REDACTED]	White	Male	
Suspect	1	Mallery, Nicole Remitha	1001 E 62ND AVE 814 Denver, CO 80216		Black	Female	[REDACTED] 45
Suspect	2	Mallery, Courtney Wayne	700 COLORADO BLVD 188 DENVER, CO 80206	[REDACTED]	Black	Male	[REDACTED] 41
	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	3	State of Colorado					

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
50489 A	Mallery, Nicole Remitha	[REDACTED]	12/19/2022 09:00	Warrant	46

Property

El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:13
Login ID: shrfox
Case Number: 2022-00012559

El Paso County Sheriff's Office
ORI Number: CO0210000

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
12/14/2022	Stolen	Other			One black, plastic, trash can		

Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Narrative 20221021 1328 Gerhart, Emory 95053

CASE: 22-12559

TITLE: Stalking

DATE: 10/21/22

DEPUTY: Gerhart #95053

On 9/20/22 at approximately 0720 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit began receiving multiple text messages from [REDACTED] on my work phone; I was off duty on this date.

[REDACTED] has been in touch with me since March 11 of 2022 in reference to the Mallery family; Courtney, and Nicole. [REDACTED] resides at [REDACTED], while the Mallery's reside at [REDACTED]. Both addresses rest entirely in El Paso County Colorado. [REDACTED] is disabled, having suffered a brain injury which makes her prone to seizures. She lives with her elderly mother, whom she cares for.

The majority of the contact I received was in reference to activity that [REDACTED] feels is criminal in nature. One incident involved [REDACTED] truck having a window busted out. [REDACTED] took a video of tire tracks from the scene going onto the Mallery property. Other pictures and video's deal with the placement of multiple cameras on the Mallery property, with one having a clear unobstructed view of [REDACTED] home and property. [REDACTED] stated that the camera directly in front of her house has a clear view of her bedroom window. Other videos and pictures show the Mallery's accessing the easement between the two properties. The easement is called "[REDACTED]" but in fact the county does not maintain the easement as a road. This easement is the sole source of egress for [REDACTED] and her family. Additionally, [REDACTED] gathers her mail from a box on the easement and has trash service via the easement as well. Some pictures/videos show the Mallery's stopping their vehicle(s) in the easement where [REDACTED] has her gate for egress. Other videos show the Mallery's making statements, one incident shows Nicole stopping her vehicle in front of [REDACTED] property. She then exits her vehicle, places her hands in the air and says, "Hand's up don't shoot." Courtney is seen shortly after walking by the property with his hands in the air. Another video shows Nicole using some type of load speaker or public address system where she is speaking of things that [REDACTED] should, pack, "for Heaven." At the time of this report the Mallery's have restraining orders against [REDACTED] which makes this behavior highly unusual. See 22-10434 for additional information. The statuses of the orders are ongoing with another court date set on or about 11/11/22.

For clarification the main access to the Mallery property is via [REDACTED]. A gated entrance bearing the numbers [REDACTED] can be seen. Some of the structures on the property are visible (from the roadway) at this gate. There is another gate further south of this gate of [REDACTED] as well. One gate is on the [REDACTED] easement, near the [REDACTED] residence. There is possibly a "wire gate" further west of this location where the [REDACTED] easement is fenced off with a north – south running fence for another property. The Mallery property consists of a "section" of land, being approximately 640 acres. The [REDACTED] property is 40 acres. The Mallery's structures are not visible from the [REDACTED] easement. For clarification, a map documenting the location of the structures on the Mallery property is included. It also shows the [REDACTED] residence which is depicted as, "[REDACTED]." The structures as out of sight of each other.

On 9/22/22 I and Lt. Chris Gonzalez met with Senior Deputy District Attorney Tony Gioia. Mr. Gioia was provided a synopsis of the ongoing issued between Ms. Clark and the Mallery's. He relayed a similar situation he had experienced as a prosecutor in Washington County, CO. Mr. Gioia felt that at this point the likeliness of successful prosecution against the Mallery's for harassment was unlikely due to a potential First Amendment defense. He did, however, concur that the Mallery's have no reason to obstruct [REDACTED] from freely leaving or returning to her property by blocking her only means of egress. He stated that any future incidents where the Mallery's attempt to keep her from leaving her or returning to her property by blocking [REDACTED] gate could be a violation of CRS 18-9-114 – Hindering Transportation, a misdemeanor offense.

Based on this information all of the video/pictures pertinent to [REDACTED] complaints of Harassment and Hindering Transportation where uploaded to the EPSO Digital folder under "22-11265 Harassment" as well as a DVD being placed into evidence under this case number.

On 9/23/22 [REDACTED] contacted me and stated that a reporter from the Gazette newspaper had been in touch with her. The reporter wanted to speak to [REDACTED] about the situation with the Mallery's. Specifically, that the Mallery's had contacted the paper wanting someone to cover their story and why they were scared for their lives. [REDACTED] drafted a response which she wished to have included with this report. It reads as follows:

Sometimes Bullies Are Not Just in School Yards

Nicole Remetha Hawkins (goes by last name Mallery) DOB [REDACTED] Is Hawkins or Mallery her legal last name? Has she used her legal name on all of the complaints she has filed? If not, are any of those complaints valid?

- Nicole has had Police problems in CO, TX, PA, and NJ.

- Has a lawsuit against DISTRICT CLERK, HARRIS COUNTY filed on 6-14-19. Last update 7-8-19. Is there something still pending? What was the lawsuit about?
- Current charges of assault against a police officer in CO.
- Resisting arrest in TX 2-18-17 during Courtney's arrest for drugs.
- Has filed approximately 12 Restraining Orders against neighbors in the Yoder area.
- Pulled a gun against man and son on a county road and has been charged with a crime of endangering a child with a gun.
- Filed a Restraining order against the father and son (who is a student) who Nicole pulled a gun on.
- Has no kids but waits by the bus stop where the student boards the school bus. Is this witness intimidation? Their restraining orders always state "children in the car", but no child has ever been seen by a neighbor or the sheriff's office. Wouldn't this be concerning DHS for the safety of these children?
- School District moved the school bus. She now waits in an area where the mother cannot return home because she would be within 100 ft of Nicole.
- Called a black female Deputy a field nigger, then filed a racial complaint against that officer.
- While in court Nicole has insisted the black female Deputy not be allowed to observe the public sessions.
- Filed a complaint against a Sheriff's deputy who was not involved in an incident Nicole describes. Is this false reporting?
- Approximately 200 calls to the El Paso County Sheriff's Department due to issues with Nicole. How much taxpayer money is being spent? How many Deputy and Court hours are spent on all the frivolous claims made by Nicole? If you climb on the rocks in the Garden of Gods and need help getting down off the rocks, you are fined. They don't want the rescue squad's time being taken up by people who should not be climbing. Why do they not charge Nicole for taking up the Sheriff's and Courts time on frivolous and false claims?
- A person at the Sheriff's office did look up all the complaints filed by Nicole and was shocked at the number.
- Nicole and Courtney (male) claim [REDACTED] their private property causing issues with other people who use the road as their only access to their properties. The stated in court "I don't see a reason for you too have to walk your dogs or ride your horse on our public easement."
- Although they do not have a mailbox at this location, Nicole and Courtney called the Post Office and wanted the mailboxes located at the corner of [REDACTED] and [REDACTED] moved due to the people who have their mail delivered there. The judge also said that we would be in violation of the restraining order if we stop to get out mail. The Mallery's have claimed "we have had plenty of time to move our mailboxes."
- Has called numerous times about neighbors with guns, when there were no guns. Is this false reporting? Is it a crime to continue to false report?
- Claimed trespassing due to a shadow and violation of restraining order.
- Drives approximately 1.5 miles to scream at a me then claim she is frightened of me. Wouldn't not driving the 1.5 miles solve that problem?

When there is a school shooting, news reporters always ask, "Why didn't somebody speak up at the ticking time bomb they saw in the shooter?" Is Nicole a ticking time bomb? Will the DA or the Courts recognize the volatility Nicole brings to every state she lives in?

END OF MESSAGE

Since that time frame [REDACTED] has continued to provide me with videos and photographs of what she considers highly unusual activity. This includes but is not limited to:

The incidents mentioned above where [REDACTED] is being told what to pack for heaven, as well as the Mallery's yelling "Hands up don't shoot" on the easement directly in front of her home.

Ms. Mallery arriving to the easement shortly after [REDACTED] exits her house in the morning to do chores.

One or both of the Mallery's coming out to the road or easement (in vehicles) when [REDACTED] is leaving her property in her truck.

One or both of the Mallery's driving by her property after she has returned home.

The Mallery's continuing to come to the gate on the easement (away from any outbuildings) in lieu of using any of the other gates available to them.

Ms. Mallery coming to the School Bus stop, while not dropping off or picking up any children.

On 10/13/22 at approximately 0900 hours, I arrived at the Office of the Sheriff, located at 27 E. Vermijo Avenue.

There I recovered 19 pages of a "Stalking Log" that had been completed by [REDACTED] and had been left at the office for me to recover. The log covered from 4/27/21 through 10/1/22. Each page had space for 10 entries. The log was created and maintained by [REDACTED] to show that the Mallery's have no fear of her, and that, in her belief, they are actually going out of their way to put her in fear for her safety. [REDACTED] stated that each of the entries had video to support the entry.

[REDACTED] had also texted me another 27 videos and pictures. These were downloaded from my phone. The stalking log was scanned and into a digital format as well. To date [REDACTED] has provided me over 90 videos and pictures (mostly video.) A copy of all associated video will be placed into evidence as well.

█████ called me on 10/19/22 and again stated that she is in fear for her safety from the Mallery's particularly Nicole Mallery. In response to the Gazette reporter (above) she does reference three criminal investigations that I have firsthand knowledge of.

One involved the discharge of a shotgun while a process server was attempting to serve paperwork to her (EPSO #21-3810 Felony Menacing.) The result of this incident was a conviction.

Another involved Ms. Mallery assaulting a SWAT Deputy during a search warrant execution (EPSO #21-4406 Assault on a Peace Officer.) The result of this incident was a conviction.

Another incident involved a menacing complaint involving a neighbor; a firearm was alleged to have been displayed. (EPSO #21-9652 Child Abuse.) This case is set for trial in January of 2023.

I also find it highly unusual that the Mallery's, Nicole in particular, feel the need to put themselves in such close proximity to █████ for no foreseeable reason. This is compounded by the fact that both Mallery's have obtained temporary protection orders against █████. Having lived in a rural portion of El Paso County for 20 years and investigating criminal activity solely in the rural portions of eastern El Paso County for seven years I find this activity highly unusual.

According to CRS 18-3-601 (1)(f) "Stalking involves severe intrusions on the victim's personal privacy and autonomy, with an immediate and long-lasting impact on quality of life as well as risks to security and safety of the █████ and persons close to the █████ even in the absence of express threats of physical harm."

According to CRS 18-3-602 (1)(c) "Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a █████ need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress."

On 10/21/22 at 1328 hours █████ sent me several more pictures and videos. One of these shows a newly placed camera that faces the rear portion of her home. In her text message she stated, "I'm so sick of them watching me." The picture of the camera, as well as the new videos she sent me will be downloaded and submitted to evidence on a future date.

Based on the concerns █████ has raised, the overwhelming amount of video evidence she has provided, as well as the criminal investigations EPSO has conducted it has been determined that this case will be presented to the District Attorney's Office to see if the filing of criminal charges is appropriate at this time. I will contact the Mallery's attorney to see if they are willing to meet for an interview in an attempt to explain their behavior.

NOTHING FOLLOWS

STATUS: Active

Supplement 20221029 1300 Gerhart, Emory 95053

CASE: 22-12559

TITLE: Stalking

DATE: 10/29/22

DEPUTY: Gerhart #95053

On 10/28/22 at approximately 0745 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit arrived at █████, El Paso County, to meet with █████ in reference to her growing concerns about the Mallery family (Nicole & Courtney.)

█████ has continued to send me multiple videos and photographs on my work phone. █████ has installed her own camera system for her safety. One set of video shows that on Tuesday 10/25/22 █████ mother goes out to do chores on her property. Within six minutes Nicole is seen driving by the █████ property in the easement. Unusual behavior for a woman (Nicole) who is so afraid of the █████ she has obtained restraining orders, but a frequent behavior.

On Thursday 10/27/22 at 0535 hours, █████ camera system detects her leaving her property for work. A few moments later the cameras capture Courtney Mallery driving by the █████ property. In all, █████ captured the Malley's driving by her property six

times on this date. Again, this is a dead-end easement, with no other buildings/homes west of the [REDACTED] property to where the easement dead end about ½ mile west of the [REDACTED] property.

On 10/27/22 at approximately 1900 hours, [REDACTED] captures video on her cell phone of the Mallery's following her down [REDACTED] to he property.

[REDACTED] informed me that the Mallery's had added two more surveillance cameras directly to the north of her property being the aggregate to three cameras with views of the [REDACTED] property. I had informed [REDACTED] that I wanted to come to her property to personally see the newly added cameras thus was my reason for my visit on 10/28/22.

Upon meeting with [REDACTED], she explained that she was very upset about being followed. I had been in touch with [REDACTED] and explained that I had spoken with Ms. Mallery's attorney, and I (Lt. Gonzalez and myself) were trying to arrange an interview of Nicole and/or Courtney Mallery as part of the investigation. Unfortunately, Ms. Mallery's attorney would not be available until the third week of November, and the date that the attorney had proposed was not able to work with my schedule. I had contacted her lawyer again explaining the conflict on 10/26/22 but as of 10/29/22 I have received no reply to attempt to facilitate the interview. [REDACTED] was obviously not happy with this delay and wished to have this case reviewed by the District Attorney's Office as soon as possible. [REDACTED] stated that she, and her elderly mother, [REDACTED] and both in fear for their safety and tired of the relentless stalking.

I then went with [REDACTED] to view the newly added cameras. A new camera had indeed been placed east and west of the original camera. I find this absurd with no added benefit from the original camera other than to harass/stalk the [REDACTED] family. All three cameras that face the [REDACTED] residence are more than one mile from the Mallery residence. I photographed these new cameras. I then added them to a new video evidence folder titled 10/28/22 which had the most recent videos sent to me by [REDACTED]. These were uploaded to the EPSO Digital Evidence folder. I also burned the files to a DVD and entered them into evidence on 10/28/22.

[REDACTED] had also forwarded me an e-mail that she had sent to the Mallery's attorney (Kelly Schulten), to prove that her attorney is aware of Nicole's behavior and her ([REDACTED]) desire to simply be left alone. It is included below:

Sent from my iPhone

Begin forwarded message:

From: [REDACTED] > Date: August 13, 2022 at 8:45:44 PM MDT To: Kelly Schulten
[REDACTED] > Subject: Re: Mallory

?

She keeps trying to get in-front of me on public road so she can say I'm following her. Yesterday she went down Calhan highway so I went to Yoder to avoid her so she sat by my driveway waiting for me to come home so she can say I'm stalking her. She recorded me getting my mail. It was recorded via dash camera in my truck.

After we left the court house she followed me until she got in front of me on Platte so I turned off and went a different direction to avoid her. I also have dash camera footage.

After she left her she decided to follow the [REDACTED] on their way home and back to our mail boxes - which she does NOT have a mail box at the end of the road where mine and the [REDACTED] are. Once she called the cops to tell them [REDACTED] "had a gun" they came and sat at the end of my driveway until the sheriffs responded. Which blocks both myself and the [REDACTED] from driving down the road and feeling safe. Another person I know said they were sitting in land chairs with music blaring- which I could hear 1/4 mile away as they were waiting on the cops.

When she stands at the fence and screams "all I want is her to be arrested!" Over and over in front of the sheriffs deputy's.

I know you work for her - but she needs serious help. Not an escape plan. I'm sick of dealing with a two year old.

As I have said before all I want is to be left ALONE!

Sent from my iPhone

On Aug 13, 2022, at 7:20 AM, Kelly Schulten [REDACTED] wrote:

What do you mean trap you? I'm going to call her today anyway so what exactly is happening?

Sent from Samsung Galaxy smartphone. Get Outlook for Android

/

From: [REDACTED] > Sent: Saturday, August 13, 2022 6:56:38 AM To: Kelly Schulten
[REDACTED] Subject: Re: Mallory

Is there anyway you can tell her to quick trying to trap me?

As I said 100 times before I want to be left alone.
Sent from my iPhone

On Aug 11, 2022, at 1:52 PM, [REDACTED] > wrote:
?Likd said all I want is to be left alone.
Sent from my iPhone

On Aug 11, 2022, at 11:43 AM, Kelly Schulten [REDACTED] > wrote:
I will. Thank you for reaching out. Feel free to send me your thoughts as well.

Sent from Samsung Galaxy smartphone. Get Outlook for Android

/
From: [REDACTED] Sent: Thursday, August 11, 2022 11:39:32 AM To: Holly Rogers
[REDACTED] >; Kelly Schulten [REDACTED] > Subject: Mallory

Have her let me know what she wants to settle this. Please let me know. [REDACTED] Sent from my iPhone

****END OF MESSAGE****

I spoke with Lt. Gonzalez about the continuing behavior and the fact that I believe the elements and conditions of CRS 18-3-601 (1)(f) and CRS 18-3-602 (1)(c) have more than been met. Lt. Gonzalez concurred that this situation was not deescalating and that this case should be submitted for filing with the DA's Office with or without an interview of Ms. Mallory for the charges of Stalking. If the DA's office concurs with the filing of charges, I will obtain arrest warrants or submit a supplemental affidavit.

Nothing follows
Status: Active

Supplement 20230102 1445 Gerhart, Emory 95053

CASE: 22-12559
TITLE: Stalking
DATE: 1/4/23
DEPUTY: Gerhart #95053

On 1/2/23 I uploaded the most recent batch of videos and photographs that [REDACTED] had sent to my work phone. These were uploaded to the digital evidence folder, under this case number, in a subfolder titled "010223"

Of note was that on 12/29/22 [REDACTED] indicated that the videos depict the Mallory's coming to the easement, twice a day, every day. She also indicates on 12/30/22 that the visits are occurring in the middle of the night.

These images were placed onto a DVD and entered into evidence on 1/4/23.

Nothing follows
Status: Active - Warrant

Supplement 20221122 1230 Gerhart, Emory 95053

CASE: 22-12559
TITLE: Stalking
DATE: 12/02/22
DEPUTY: Gerhart #95053

On 11/22/22 at approximately 1230 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit did upload videos to the EPSO Digital Evidence folder in reference to this case.

Folder 120222 was uploaded. I also placed the photos onto a DVD and will enter it into evidence. Of particular note in this series of videos is a video labeled "IMG_0458 After Court" [REDACTED] had court for her ROV on 11/30/22, where Nicole Mallery is the [REDACTED] That RO has since been dismissed in Division N. Nicole did not go to court. Her husband said she was in the "hospital" but it is likely that she just didn't want to get remanded and sent to CJC for her active warrant(s).. Upon [REDACTED] return home Courtney Malley drives by her residence (the [REDACTED] easement) at a high rate of speed, turns around at the dead end and drives back at a high rate of speed. The only feasible reason for this behavior is as an intimidation tactic against [REDACTED].

Nothing follows

Status: Active - Warrant

Supplement 20221122 0800 Gerhat, Emory 95053

CASE: 22-12559

TITLE: Stalking

DATE: 11/25/22

DEPUTY: Gerhart #95053

On 11/22/22 at approximately 0800 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit arrived at the chambers of the Honorable Judge Charlotte Ankeny. There I presented her with an arrest warrant I had prepared for Nicole Mallery charging her with Stalking. I also presented her with a search warrant for [REDACTED], to seize camera's and equipment in relation to this investigation.

The judge found the warrants in good order and signed them both. The warrants were filed with the warrants clerk. The arrest warrant was provided a case number of 22CR6014 the search warrant was provided number #22-3698. A copy of these warrants are included with this supplemental report.

On 11/23/22 at approximately 0815 hours I arrived at [REDACTED] to execute the warrant. Namely, the easement near the [REDACTED] the southern border or the Mallery property. There I removed three security cameras as well as three motion detectors. The cameras were attached to South East Power Company (SEPCO) power poles. Furthermore, I observed unusual wiring coming from one of the transformers on one of the power poles. While executing the warrant Courtney Mallery arrived on scene in a white van. I explained the reason for my visit and provided him a copy of the search warrant indicating the items seized. I then proceeded to EPSO evidence facility where I entered the seized items.

I had contacted SEPCO and informed them of the potential power tampering. I was informed that no power upgrades matching my description had been ordered. I was requested to meet a SPECO employee in the area at 1130 hours so they could inspect the matter.

At 1130 hours I met with SEPCO employee Patrick Wyckoff. Mr. Wyckoff inspected the power modifications and stated that the power hook up on the transformer was not conducted by SEPCO. He disconnected the power supply from the transformer. He then cut a padlock that had been placed on a power box and inspected the boxes that had been put up. He also used bolt cutters to cut three lines that had been installed. On this date no equipment was seen using stolen electricity. He then departed the area.

I had been provided photographs and video from [REDACTED] in reference to this illegal access of the power transformer. She indicated that the Mallery's had completed the connection on 7/13/22. The pictures and video clearly show Courtney and Nicole assisting another individual with the power connection. I took photos as well on 11/23/22. All photographs were uploaded to the Digital Evidence folder under this case number. They will be placed onto a CD/DVD in the future and logged into the evidence facility. This act is a clear violation of CRS 18-4-506.5 Tampering with a Utility Meter, a class 2 misdemeanor.

All warrants as well as the return of execution for the search warrant are included with this report. I am still waiting on word from the DA's Office to see if an arrest warrant should be prepared for Courtney Mallery for any criminal offenses.

Nothing follows

Status: Active - Warrant

Supplement 20221209 0930 Gerhart, Emory 95053

CASE: 22-12559

TITLE: Stalking

DATE: 12/14/22

DEPUTY: Gerhart #95053

On 12/09/22 at approximately 0930 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach did observe that I had received the Filing Decision Request forms from the District Attorney's Office. It was determined that charges would be filed against Courtney Malley for Stalking. On this morning I had also been contacted by [REDACTED]. [REDACTED] had video footage of Mr. Mallery, entering the easement in front of her home. There he loaded up [REDACTED] trash can and drove off with it. The can is valued at \$25.00

At 1400 hours I arrived at the chambers of the honorable Deborah Pearson. There I presented her with an arrest warrant for Courtney Mallery charging him with Stalking, Tampering with a Utility meter and Theft. Judge Pearson found the warrant in good order, swore me to it and signed it. It was placed on file with the Warrant Clerks and provided a case number of 22CR6333. I attempted to call Mr. Mallery to inform him of the warrant but his phone was disconnected. Instead, I mailed him a letter to his [REDACTED] address to inform him of his wanted status.

On 12/14/22 at 1500 hours I uploaded the most recent batch of videos and photographs that [REDACTED] had sent to my work phone. These were uploaded to the digital evidence folder, under this case number, in a subfolder titled "121422" Of particular interest on this batch of photos is the appearance of a Green SUV (possibly a Jeep) that has begun to frequent the easement in front of the [REDACTED] property. [REDACTED] stated that the vehicle is associated with the Mallery's (or being operated by them) and that the vehicle stays on the Mallery property. Dep. Greg Stoneham was able to verify this information visually. This media will be placed onto a DVD and entered into EPSO evidence in the near future.

There is also an instance where [REDACTED] alleges that the Mallery's broke her fence intentionally and let her horses out. This occurred on Friday, 12/09/22. Ms. Mallery provided video of the Mallery's chasing her horse (in the easement and on their property) at a high rate of speed. As an equine owner and equine abuse investigator I find their actions outrageous and cruel. [REDACTED] did contact EPSO and had deputies respond. She was not happy with the outcome of the investigation and intends to (or has) file a complaint against the deputies involved.

Nothing follows

Status: Active - Warrant

Supplement 20221117 0800 Gerhart, Ray 95053

On 11/17/22 at approximately 0800 hours, I, Sgt. Gerhart, arrived at the EPSO evidence facility.

[REDACTED] had provided me with over 30 new videos and pictures of the ongoing actions of the Mallery's, namely, Nicole Mallery. These had been uploaded to the EPSO Digital Evidence folder. I placed them on a DVD and entered them into evidence on that date.

On 11/18/22 at approximately 1600 hours I received notification from the District Attorney's Office that this case would be filed for Stalking charges. I will obtain arrest warrant in the near future.

Nothing Follows

Status: Active

Supplement 20230114 0840 Gerhart, Emory 95053

****NO BWC****

CASE: 22-12559

TITLE: Stalking

DATE: 1/14/23

DEPUTY: Gerhart #95053

On 01/14/23 I observed that [REDACTED] had dropped off four more pages of her "stalking log" at the Office of the Sheriff. I located the paperwork in my "in box."

These were scanned and uploaded to the EPSO Digital folder under this case number. I also placed the paper copies into evidence on this date.

Nothing follows

Status: Cleared by Arrest.

Supplement 20221219 1230 Gerhart, Emory 95053

NO BWC USED

CASE: 22-12559

TITLE: Stalking

DATE: 1/7/23

DEPUTY: Gerhart #95053

On 12/19/22 I was contacted by [REDACTED] in reference to this case. [REDACTED] informed me that she had been contacted by personnel at the Elbert County (Colorado) Jail. She was informed that Ms. Nicole Mallery had turned herself in in reference to this case as well as another on this date.

I contacted the Elbert County Jail and was informed that they had no record of this. I checked CCIC/NCIC and was able to determine that the warrant in reference to this case was no longer active, however there was no "locate" information associated with the execution of this warrant.

On 1/5/23 I was able to get clarification from the 4th Judicial District Attorney's Office in reference to this case. An arrest had been made with appearances set in January of 2023.

Nothing follows

Status: Cleared by Arrest.



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 12:50
Login ID: shrfox
Case Number: 2022-00013646

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00013646
Location: 1001 E 6200 AVE
Denver, CO 80216
Reporting Officer ID: P08038 - Meyer

Incident Type: EPSO Court Order Violation
Occurred From: 11/01/2022 12:00
Occurred Thru: 11/14/2022 12:00
Disposition: Open
Disposition Date: 11/15/2022
Reported Date: 11/15/2022 15:42 Tuesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-6-803.5	Crime of violation of a protection order - penalty - peace officers' duties - definitions	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Roblee, Scott			White	Male	
Other	2	Haag, Josie	27 E VERMIJO AVE COLORADO SPRINGS, CO 80903		White	Female	
	1						
	1	Mallery, Nicole Remitha					

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
1	Suspect Vehicle	Automobile		Chevrolet	C/K 1500 Series			

Narrative 20221115 1621 Meyer, James 08038

Case Report #22-013646
Deputy Jim Meyer #08038

I am equipped with a BWC. There is video footage available of this incident; however, this report is merely a synopsis of the relevant facts of the investigation. It is not intended to be a verbatim account of every individual that I spoke with. This report does not reflect every word spoken by this deputy, other deputies/officers, witnesses, suspects, or victims. For a verbatim account, please see body worn camera footage.

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

On 11/15/22 at approximately 1621 hours, I, Deputy Jim Meyer #08038 with the El Paso County Sheriff's Office responded to [REDACTED]. Reference: Restraining Order Violation.

INITIAL CALL INFORMATION

I was advised by Sgt. Robblee, the reporting party identified as [REDACTED] DOB: [REDACTED] wanted to report a possible Protection Order Violation involving her neighbor identified as [REDACTED] DOB: [REDACTED]

There is a history of calls for service between both parties and an active master case referencing the issues. (Case # 22-11265).

I informed Sgt. Josie Haag of the call for service and was advised to take the call by phone.

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(s)

I was assigned as 3A41 in marked unit 1416.

INITIAL OBSERVATIONS/ARRIVAL AT SCENE

I contacted the reporting party [REDACTED] via telephone. I explained who I was, the reason for my call and asked her how I could help.

[REDACTED] STATEMENT(s)

[REDACTED] relayed the following information: She stated her parents had been reviewing her home surveillance footage and had discovered sometime within the last two weeks, there has been approximately ten different instances where they believe [REDACTED] has violated a current restraining order [REDACTED] has protecting her from [REDACTED], (Protection Order [REDACTED]) [REDACTED] went on to explain she does not have any specific times or dates just various times over approximately the last two weeks, [REDACTED] was seen on [REDACTED] home surveillance somewhere near the property line pointing some type of black object at the surveillance camera(s). [REDACTED] said although she can not tell what the object is, she believes [REDACTED] has done some type of damage to at least one of her cameras as it no longer works. [REDACTED] stated she believes [REDACTED] violated the distance stipulation portion of the protection order. [REDACTED] stated she would send me the video surveillance directly once we were off the phone.

A Victims Rights Form was submitted.

At approximately 2133 hours [REDACTED] sent me an email contain 7 videos and two still shot photos. The video dates range from 9/22/22, through 10/7/22. The video times range from 1140 hours to approximately 1900 hours. In each video there is what appears to be a lighter colored full size 4 door pick up truck stopping near the mailboxes at the intersection stopping for appx 15-20 seconds, and then pulls out of the picture frame. In one of the videos at the mailboxes, you can see an unidentified party exit the driver side of the pickup truck, walk to the mailboxes, and return to the truck. The video timestamped 10/7/22, at 1601 hours, is the only video that shows a different view. In this video, the camera appears to be near the street at [REDACTED] driveway. In this video, there is what appears to be the same pick truck in the previous videos driving past the driveway when it suddenly stops backs up only approximately 10 feet and then immediately drives forward and out of the camera frame. The camera does not show a clear view of the driver, and no one exits the vehicle. It is unclear in the video why the truck backed up and then moved on. The entire event was approximately 10 seconds in its entirety.

I reviewed all of the videos and photos that [REDACTED] provided me. I did not see anything that appeared criminal. If the party driving the vehicle was [REDACTED], it did not appear she was doing anything more than checking her mail. The time spent near the mailboxes would line up with someone simply gathering or checking their mail. The incident in front of the home was approximately 10 seconds long. I did not see anything in the videos that would constitute a violation of the protection order, and never saw her point anything in the direction of [REDACTED] property.

The videos/photos [REDACTED] provided, were placed into the EPSO digital evidence file under this case number.

[REDACTED] stated she had more videos she planned on sending for my review in the next coming days.

Sgt. Haag was advised of the case.

Nothing Further.

CASE DISPOSITION

Cleared by Arrest



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 12:48
Login ID: shrfox
Case Number: 2022-00013804

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00013804
Location: [REDACTED]
Reporting Officer ID: P95053 - Gerhart

Incident Type: EPSO Other
Occurred From: 02/08/2022 06:30
Occurred Thru: 10/20/2022 06:30
Disposition: Cleared by Arrest
Disposition Date: 01/07/2023
Reported Date: 11/19/2022 10:15 Saturday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-6-803.5	Crime of violation of a protection order - penalty - peace officers' duties - definitions	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Other	1	Ankeny, Charlotte					
Suspect	1	Mallery, Nicole Remitha	[REDACTED]		Black	Female	[REDACTED] 45
	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] 12
	2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] 32
	3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] 32
	4	[REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED] 16

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
50491 A	Mallery, Nicole Remitha	[REDACTED]	12/19/2022 09:00	Warrant	46

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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Narrative 20221119 0910 Gerhart, Emory 95053

NO BWC USED

CASE: 22-13804

TITLE: Violation of a Protection Order

DATE: 11/19/22

DEPUTY: Gerhart #95053

On 11/2/22 at approximately 0910 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit did meet with [REDACTED] and [REDACTED], at the Office of the Sheriff, located at 27 E. Vermijo Avenue. I met with the [REDACTED] in reference to a restraining order violation.

The [REDACTED] reside at [REDACTED], El Paso County, Colorado. Their minor children, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] reside there with them. The children attend [REDACTED].

On 8/11/21 an incident involving [REDACTED] and [REDACTED] was reported via 911 by [REDACTED]. The Defendant in the case was Ms. Nicole Mallery (AKA Nicole Hawkins.) This occurred on the public portion of [REDACTED] near the entrance to the Mallery property ([REDACTED]). The result of this incident was the subsequent arrest of the Defendant for child abuse and other misdemeanor offenses (EPSO Case #21-9652.) As a result, a Mandatory Protection Order was put in place on 1/10/22 protecting [REDACTED] and [REDACTED]. The order is listed under docket number CO212021M006043 and is valid through 1/10/23, the expiration date is on or about the scheduled trial date for this offense. Since the date of the incident the [REDACTED] have felt that the Defendant was attempting to intimidate them. Her behavior became so disturbing that they elected to purchase a camera system for their vehicles in 2022.

Based on unreasonable behavior by the Defendant, [REDACTED] obtained a civil protection order that protects her, [REDACTED] and [REDACTED] from the Defendant. This order went into effect 1/19/22 and is valid through 1/19/23. The order is listed under docket number CO212022C000147. This order has an exemption which allows the Defendant to access the school bus stop location, which until 9/13/22 was located at the intersection of [REDACTED] and [REDACTED]. The Defendant owns a "section" of land comprising of about 640 acres of land. A square mile of land. Their house is located in the northeast portion of this tract of land. The Defendant's property borders the south east corner of this intersection. The exemption allowed the defendant to go to the bus stop for [REDACTED]. This exemption is highly unusual as the Mallery's do not have any children enrolled in the school, not have they ever dropped off children at the bus stop. This was verified by me with the school administration.

The Defendant has exhibited disturbing and other criminal incidents:

One involving the discharge of a shotgun while a process server was attempting to serve paperwork to her (EPSO #21-3810 Felony Menacing.) The result of this incident was a conviction.

Another involved Ms. Mallery assaulting a SWAT Deputy during a search warrant execution (EPSO #21-4406 Assault on a Peace Officer.) The result of this incident was a conviction.

The placement of a motion sensor activated security camera place (on the Defendants property) but within 20 yards of, and having a clear view of, the bus stop (approximately one-half mile from the actual Mallery residence.) This was installed by the Defendant on or about August of 2022.

The [REDACTED], fearing for the safety of their family, contacted the school and requested the bus stop be moved away from the Mallery property and their camera. This was granted and the bus stop was moved several hundred yards east on [REDACTED]. This did not alleviate the problem. The Defendant was still aware of when the bus came in the morning and afternoon from experience, and the need for the school bus to turn around at the intersection of [REDACTED] and [REDACTED]. This was obviously visible to the Defendant via her camera. Both locations rest entirely in El Paso County.

The [REDACTED] provided me with 14 videos they had taken, as well as a digital Stalking Log. Some were from a vehicle mounted camera they had obtained for their safety, and others from cell phone video they had captured. I reviewed the videos with the [REDACTED] for clarification of the content. They advised me that car camera had a problem and would sometime reset the date/time stamp. This resulted in some of the videos showing a date stamp of 2019. The Mallery's did not reside in the area in 2019, but the [REDACTED] had provided me the correct dates for these videos.

A summary of the videos is below:

Videos ending in 042_REAR and 041_FRONT occurred on 9/14/22 between 0657 hours and 0702 hours (the time the AM bus arrives.) [REDACTED] and [REDACTED] are in the vehicle. Defendant is parked near the intersection to watch her as she drops off [REDACTED].

Videos ending in 19_FRONT and 18_REAR occurred on 10/19/22 during the AM bus stop drop off. Shows the Defendant and her husband in the area of the intersection. After [REDACTED] had dropped off [REDACTED] and [REDACTED].

Videos ending in 10_20 FRONT and 10_20 REA occurred on 10/20/22 during the AM bus stop drop. Shows a white sedan (typically operated by the Defendant) approaching the intersection as [REDACTED] and [REDACTED] drive past the intersection to the new bus stop. Video ending in 055_Front occurred on 2/8/22 in the AM as [REDACTED] is taking [REDACTED] and [REDACTED] to school. The Defendant's vehicle just happens to be in the area of the intersection. This is while the bus stop was still located at the intersection.

Videos ending in 063_FRONT and 063_REAR occurred on 8/12/22 at approximately 1750 hours. On this date [REDACTED]'s father had picked up [REDACTED] and [REDACTED] from the bus stop and was heading home. The Defendant is in her red sedan, parked at the corner of her property to observe them.

Video August 12, 2022 occurred at approximately 1819 hours. [REDACTED] and [REDACTED] are in their vehicle going to their property, driving south on [REDACTED]. They pass the Defendant (who is on her property in her pasture in her vehicle.) As the [REDACTED] stop at the intersection to check their mail, the Defendant follows them to the corner of her property (at the intersection.) For some reason the Defendant then exits her vehicle.

Video dated Sept 13, 2022 occurred during the AM bus drop. [REDACTED] and [REDACTED] are south of the intersection. The Defendant drives to the intersection, then exits her vehicle.

Video dated Sept 14, 2022 occurred during the AM bus drop. [REDACTED] states that the Defendant was waiting in the intersection as she drove to the new bus stop but couldn't get it captured before the Defendant left.

Video dated Sept 15, 2022 (2) and Sept 15, are similar if not identical to videos 042_REAR and 041_FRONT

It should be noted that the Defendant does not maintain a mailbox at this intersection, it is at the entrance to their property at [REDACTED]. All evidence provided to me was uploaded to the EPSO Digital Evidence Folder and will be placed into evidence on a CD/DVD. [REDACTED] rights forms were completed.

While any one of these incidents, isolated, may have a logical explanation I believe a pattern of harassment and following is apparent, which is prohibited by both orders. Namely between the August through December 2022 timeline. The placement of a camera with view of the bus stop and mailboxes is unusual as well. The Defendants has exhibited this same behavior but to a much-elevated level, with another neighbor. This has resulted in a Stalking case (EPSO #22-12559) with arrest warrants pending. Based on the facts surrounding this investigation an arrest warrant will be sought for Nicole Malley for CRS 18-6-803.5 Violation of a Protection order. A misdemeanor offense.

Nothing follows

Status: Active

Supplement 20221219 Gerhart, Ray 95053

NO BWC USED

CASE: 22-13804

TITLE: Violation of a protection order

DATE: 1/7/23

DEPUTY: Gerhart #95053

On 12/19/22 I was contacted by an involved person in reference to this case. I was informed that Ms. Nicole Mallery had turned herself in in reference to this case as well as another on this date at the Elbert County (Colorado) Jail.

I contacted the Elbert County Jail and was informed that they had no record of this. I checked CCIC/NCIC and was able to determine that the warrant in reference to this case was no longer active, however there was no "locate" information associated with the execution of this warrant.

On 1/5/23 I was able to get clarification from the 4th Judicial District Attorney's Office in reference to this case. An arrest had been made with appearances set in January of 2023.

Nothing follows

Status: Cleared by Arrest.

Supp 20221122 0800 Gerhart, Emory

CASE: 22-13804

TITLE: Violation of a Protection Order

DATE: 11/25/22

DEPUTY: Gerhart #95053

On 11/22/22 at approximately 0800 hours, I, Sgt. Gerhart, of the El Paso County Sheriff's Office Rural Enforcement & Outreach Unit did meet with the Honorable Charlette Ankeny in her chambers. I had prepared an arrest warrant for Nicole Mallery in reference to this investigation.

The judge did find the warrant in good order, signed it and assessed a bond of \$1000.00 The warrant was filed with the Warrant's Clerk and assigned a case number of #22M6864.

On 11/23/22 at approximately 0900 hours I did place a DVD of the videos into evidence at the EPSO evidence facility.

Nothing follows

Status: Active - Warrant



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:03
Login ID: shrfox
Case Number: 2022-00014975

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00014975
Location: [REDACTED]
Reporting Officer ID: P16014 - Border
Incident Type: EPSO Other
Occurred From: 12/19/2022 17:20
Occurred Thru: 12/19/2022 17:20
Disposition: Open
Disposition Date: 12/19/2022
Reported Date: 12/19/2022 17:23 Monday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	13C	18-8-705	Aggravated intimidation of a witness or [REDACTED]	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	Mallery, Courtney	700 COLORADO BLVD 188 DENVER, CO 80206		Black	Male	[REDACTED] 41
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Narrative 20221219 1722 Border, Charles 16014

Case #22.14975

Intimidation of a [REDACTED]

12/19/2022

Deputy Charles Border #16014

DATE, LOCATION, JURISDICTION, DEPUTY & EID, AND NATURE OF CALL/INCIDENT INFORMATION

BWC footage available

On 12/19/2022, at approximately 1722 hours, I, Deputy Charles Border #16014 (Call Sign p3A42), was assigned to the Patrol Division in my marked patrol car and wearing my class B uniform. I was dispatched via H/T Radio to [REDACTED], in reference to a Harassment call. This address is in the county of El Paso, State of Colorado

IDENTITY AND CALL SIGN/ASSIGNMENT OF OTHER RESPONDING UNIT(s)

P3A42 Billy Horn #14096

INITIAL CALL INFORMATION

Call Screen Number: 2022-221411

History: N/A

Parties ran by Dispatch:

Courtney Mallory DOB: [REDACTED]

INITIAL OBSERVATIONS/ARRIVAL AT SCENE

Upon response, at approximately 1722 hours, I was made aware from dispatch of several cautions on the address. I checked the cautions and observed a note from command staff to start all non-emergent or cold calls on this address and by this reporting party by phone. I contacted [REDACTED] DOB [REDACTED], by phone.

[REDACTED] STATEMENT(s)

I contacted the reporting party [REDACTED] by phone, and she identified herself as [REDACTED] DOB: [REDACTED] 1. [REDACTED] informed me of the following:

[REDACTED] stated Courtney Mallory DOB: [REDACTED], her neighbor who lives at [REDACTED], was driving a white truck down the easement and along his fence on his side of the property, as an attempt to threaten and intimidate her. I asked [REDACTED] if Courtney said anything to her or if he came onto her property at any time during the incident. [REDACTED] responded by saying, "it doesn't matter he is harassing me." I asked [REDACTED] again if Courtney said anything or if he came onto her property and she said, "no". [REDACTED] informed me she had video footage of Courtney attempting to ram her gate, and him following her friends to her home.

[REDACTED] explained she went to the El Paso County Combined Courts today and attempted to alert law enforcement that Courtney and his wife had active warrants. [REDACTED] stated she went to County Security who did not assist her, and to the El Paso County Sheriff's Court office on the second floor to alert them of the active warrants. [REDACTED] said she spoke with a female who was not a deputy at the desk, and she did nothing to assist her.

I asked [REDACTED] if she could send me the footage from the incidents, and she said she would.

After watching the video, I contacted [REDACTED] to give her the case number and I explained I did not have probable cause that a crime was committed. I told her if it was Courtney driving, he was on his property or on a public easement or road. I informed [REDACTED] I would not be responding to her address despite her demanding I come out. [REDACTED] refused to take the case number and seemed extremely upset. She stated she would get the case number from Sgt. Gerhart when she called him in the morning.

WITNESS STATEMENT(s)

N/A

SUSPECT INFORMATION/STATEMENTS

N/A

SCENE DESCRIPTION/DETAILS OF INVESTIGATION

N/A

USE OF FORCE

N/A

SUPERVISOR NOTIFICATION/ADVISEMENT

I notified Sergeant Josie Haag of the incident and what I observed on camera. Sergeant Haag agreed there was no Probable Cause for charges at this point..

EVIDENCE

Digital videos were sent to my work issued cell phone and will be uploaded, Shrdigital.

CRIME SCENE PROCESSING

N/A

FOLLOW UP

I reviewed the video footage [REDACTED] sent me, and I observed the following:

I could see in all 5 video clips, a vehicle driving either on the property across from the road/ easement between the two properties, or a vehicle driving down the easement following [REDACTED] neighbors past her home. At no time did I observe the vehicles enter her property or attempt to drive into her gate. I would also note that [REDACTED] recorded the video on her phone from what looks like a computer monitor. The quality and distance of the video does not allow me to identify the vehicles or the drivers.

ADDITIONAL NOTIFICATIONS

N/A

CASE DISPOSITION

Due to the above information, I did not find PC for the Harassment/ Intimidation that was alleged.

Case Status: In-Active

Additional information:



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:02
Login ID: shrfox
Case Number: 2022-00015344

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2022-00015344
Location: [REDACTED]
Reporting Officer ID: P18077 - Wright

Incident Type: EPSO Harassment
Occurred From: 12/29/2022 20:00
Occurred Thru: 12/30/2022 10:04
Disposition: Unfounded
Disposition Date: 01/03/2023
Reported Date: 12/30/2022 17:09 Friday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	90Z	18-9-111 (1)	Harassment (misdemeanor)	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	Mallery, Courtney	[REDACTED]		Black	Male	[REDACTED] 41
Suspect	2	HAWKINS, NICOLE REMITHA	[REDACTED]	[REDACTED]	Black	Female	[REDACTED] 46
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] 41

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
1	Suspect Vehicle	Automobile		Dodge				

Narrative 20221230 1004 Wright, Sarah 18077

BODY WORN CAMERA INFORMATION

Body Worn Camera (BWC) video is available for this incident.

INITIAL CALL INFORMATION/SCENE DESCRIPTION

On December 30, 2022, at approximately 1004 hours, I, Deputy Sarah Wright, #18077 was assigned to the Patrol Division for the El Paso County Sheriff's Office. I was dispatched to [REDACTED] in unincorporated El Paso County, Colorado in response to a restraining order violation.

Dispatch advised [REDACTED] (DOB [REDACTED]) called to report Ms. Nichole Hawkins (DOB [REDACTED]), and Mr. Courtney Mallory (DOB [REDACTED]) were driving by her house stalking and harassing her while in a white Dodge flatbed pick up. Dispatch advised [REDACTED] had a copy of the protection order.

Due to on going issues between [REDACTED] and Ms. Hawkins and Mr. Mallory I started by phone before response.

[REDACTED] owns the property on the east side of a utility easement called [REDACTED]. The only access to [REDACTED] property is along this utility easement.

Ms. Hawkins and Mr. Mallory owns the property on the west side of the same utility easement. There are two accesses to their property along [REDACTED], along with two additional accesses to their property along [REDACTED].

VICIM INTERVIEW

At approximately 1041 hours I contacted [REDACTED] by phone.

[REDACTED] stated Mr. Mallory and Ms. Hawkins had driven by her house approximately three times in the last twenty-four hours, and she had it on camera. [REDACTED] stated they would slow down when they approached her house before continuing to drive past her property. [REDACTED] stated the video recording showed them drive by at the following times:

December 29, 2022 at approximately 1938 hours.

December 30, 2022, at approximately 0958 hours.

December 30, 2022, at approximately 0827 hours.

[REDACTED] stated on video she could clearly see Ms. Hawkins in the passenger seat of the vehicle, however, could not say why she knew it was Mr. Mallory driving the vehicle.

[REDACTED] informed me she had a protection order against Ms. Hawkins and Mr. Mallory; however, admitted the most recent one had not been served to them yet. [REDACTED] admitted that she is scared to leave her property, and is scared for her mother who suffers from dementia to walk outside in case she wanders onto Ms. Hawkins and Mr. Mallory's property. [REDACTED] stated whenever she leaves her property, they will come over and tamper with her animals and fence line.

OFFICER STATEMENT

There is a current case for stalking and harassment that lists [REDACTED] as the [REDACTED] and Mr. Mallory and Ms. Hawkins as the defendants.

I used the Court Access database to view protection orders currently in place. I did not find one that had been served that lists [REDACTED].

[REDACTED] as the protected party. The temporary protection order that [REDACTED] has that has not been served does allow Mr. Mallory and Ms. Hawkins to access their property utilizing any method. The only protection order that has been served between [REDACTED] and Mr. Mallory and Ms. Hawkins lists [REDACTED] as the restrained party.

I drove the utility easement and observed two gates that access Mr. Courtney and Ms. Hawkins's property. One of the gates is directly in front of [REDACTED] property, with the second gate being at the southeastern corner of their property. Due to a snowstorm, I was able to observe fresh tire tracks in the snow that ran from [REDACTED] property to the southwestern gate to Ms. Hawkin's and Mr. Mallory's property. I observed the tire tracks went through the southeastern gate of the property and onto Ms. Hawkin's and Mr. Mallory's property.

I could not observe any livestock tracks in the snow on Ms. Hawkin's and Mr. Mallory's property and was able to observe fresh tire tracks in the snow on their property that led to their house on the property and around the perimeter of the fence on the inside of the property.

I attempted to contact all known phone numbers for Ms. Hawkins and Mr. Mallory with no response from them. When I attempted to contact them on their property, all access to their property was fenced off, and all the gates were secured with locks.

On the video's [REDACTED] showed to me, I could only see a white flatbed truck driving along the utility easement towards the southeastern gate of their property. I could not positively ID that Mr. Mallory or Ms. Hawkins was inside of the vehicle, and I was not able to get a license plate number to see who the registered owner of the vehicle is.

I did note they have to drive approximately 1.5 miles out of their way to utilize the southeastern access gate that is on the same utility easement as [REDACTED] access to her property lies.

Videos [REDACTED] provided to me were uploaded to SHR_DIGITAL under this case number.

CRIMINAL DETERMINATION

I believe Mr. Mallory and Ms. Hawkins if they were driving the suspect pick up truck, were accessing their property during these times. I do not have evidence outside of [REDACTED] statement that Mr. Mallory and Ms. Hawkins was inside of the suspect vehicle or were driving the suspect vehicle. I did not see the vehicle slow down or stop around [REDACTED]s property on the video's I was provided, and I could not verify that a restraining order existed that barred Ms. Hawkins and Mr. Mallory access to the utility easement.

CASE STATUS

Unfounded



El Paso County Sheriff's Office

Summary

Print Date/Time: 01/31/2023 13:10
Login ID: shrfox
Case Number: 2023-00000394

El Paso County Sheriff's Office
ORI Number: CO0210000

Case

Case Number: 2023-00000394
Location: [REDACTED]
Reporting Officer ID: P03023 - Gonzalez

Incident Type: EPSO Cruelty to Animals (felony)
Occurred From: 01/09/2023 16:00
Occurred Thru: 01/09/2023 16:01
Disposition: Open
Disposition Date: 01/23/2023
Reported Date: 01/11/2023 09:13 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	CO0210000	720	18-9-202 (1)	Cruelty to Animals (felony)	8
2	CO0210000	90J	18-4-503 (2)	Second degree criminal trespass (felony)	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	Mallery, Nicole Remitha	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Suspect	2	Mallery, Courtney Wayne	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Suspect	3	2023-00000394, [REDACTED]					
[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
01/11/2023	Destr/Damg/Vandal	Livestock			Sheep		

Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Narrative 20230111 Gonzalez, Chris 03023

Initiating Information:

I, Lieutenant Chris Gonzalez/03023, am currently assigned to the El Paso County Sheriff's Office (EPSO) Law Enforcement Bureau, Law Enforcement Support Division, Support Services Section. On 1/11/2023, I was on duty in El Paso County Colorado. I was dressed in a black polo and olive BDU pants with a black load-bearing vest, marked with SHERIFF front and back, and a gold embroidered badge. I was driving an unmarked patrol SUV equipped with emergency lights and a siren.

2. BWC Information:

I was equipped with a Body Worn Camera (BWC).

3. Scene Description:

The incident took on a rural ranch property in eastern El Paso County.

4. [REDACTED] Statement: None

5. Witness Statement: None

6. Neighborhood Follow-Up: None

7. Officer Statement:

At about 1000 hours, I contacted [REDACTED], DOB: [REDACTED] at her property located at [REDACTED]. It was in response to an animal cruelty case where [REDACTED] believed her sheep were poisoned. [REDACTED] keeps several types of stock animals including sheep, cows, and horses.

[REDACTED] told me she had multiple sheep fall ill and die over the last several days. The sheep were healthy, and the onset of the illness and symptoms were atypical. She was concerned the sheep had been poisoned. She said the symptoms were, the sheep were no longer able to stand, became lethargic, and started to foam from the mouth. The sheep would die soon after the onset of symptoms. She did not know of any common illness that would cause these symptoms and subsequent death so quickly.

[REDACTED] first noticed four of the sheep fall ill around 1600 hours on Monday, January 9, 2023. Two had died by 1730 hours and the second two died overnight and were found early Tuesday morning. One sheep died at 0700 hours on 1/10/23, another at 0930 hours and a seventh died on 1/11/23 at 0700 hours. The eighth sheep died while I was at the residence at about 1030 hours on 1/11/23. This totals 8 dead sheep within two and a half days.

[REDACTED] did not know what caused the sheep to fall ill, but due to the speed and lethality of the illness, she suspected they were poisoned. She had already taken two of the sheep to a veterinary clinic for Necropsy and samples of water from the stock tank in the sheep pen for testing. She also found two feed bags, a latex glove, and a plastic bottle cap in the sheep pen. She did not use the feed associated with the found bags and did not have any matching bottles or gloves. She collected the items and moved them into the barn.

[REDACTED] and I walked to her barn, and she showed me the sheep. I photographed the sheep, the attached pen, and the items she found in the pen. I collected the feed bags, glove, and cap, which were later placed into evidence. The following items were recovered:

Feed Bag Timothy Balance Forage cubes

Feed Bag Rocky Mountain Sweet Mix Corn

Latex Glove

Unidentified plastic cap.

[REDACTED] said the sweet mix feed bag was inside the forage cube bag when she found it. She showed me the type of food she buys, Country Companion, which was stored in an adjacent area.

[REDACTED] showed me the area she believed an intruder entered her property and approached the sheep pen. It was an open field west of her property. She named the Mallery family as suspects in poisoning her sheep. I am familiar with the Mallerys due to a longstanding neighbor feud between [REDACTED] and the Mallerys, who live directly north of her property. She also said the Mallerys ranch hand, whom she only knew as [REDACTED] might also be involved.

We drove over to the area [REDACTED] believed the intruders accessed her property. We did not drive onto the field but parked and walked up. I looked for indications of recent travel. I found what could be old tire tracks and footprints that were obscured by recent snowfall and thaw.

I discussed additional cameras and their placement with [REDACTED] to provide additional security footage of her property.

In the discussion of the value of the dead sheep, [REDACTED] estimated the sheep were \$350 to \$500 each in market value. The loss by their death is valued at \$4,000. [REDACTED] agreed to email additional pictures she had taken as well as the results of the water test and Necropsy of the two sheep.

8. Suspect of Arrestee Statement: None

9. Evidence: See attached property invoice

10. Physician's Statement: None

11. Photo Lineup: None

12. Continuing Follow-Up: Necropsy report, water sample testing result, interviews with possible suspects and witnesses.

13. Case Status: Active