



AURORA POLICE DEPARTMENT

GO# 2021-44597
OPEN

NARRATIVE TEXT HARDCOPY
(1304-0 ASLT AGG-NON FAMILY GUN ADULT)

Related Attachment - MISCELLANEOUS

DATE FILED: November 22, 2021 8:39 AM

Description DIEGO WARRANTLESS ARREST AFFIDAVIT
Reference Number PETERING



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Aurora Police Department
Case No. 2021-44597
Authored By: Detective Benjamin Petering
Diego Flores DOB: 05/09/2005

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO
Case No. 2021-44597

AFFIDAVIT IN SUPPORT OF WARRANTLESS DETENTION

<u>Diego Flores</u>	<u>05/09/2005</u>	
Suspect's Name (Last, First, Middle)	D.O.B.	
<u>Aurora Police Department</u>	<u>11/19/2021</u>	<u>2021-44597</u>
Arresting Agency	Date of Arrest	Agency Case No.
Charge No. 1: <u>Attempt Murder in the First Degree</u>	<u>18-3-102</u>	<u>Class 2 Felony</u>
Charge No. 2: <u>Criminal Attempt</u>	<u>18-2-101</u>	
Charge No. 3: <u>Complicity</u>	<u>18-1-603</u>	

Detective Benjamin Petering, a Police Officer with the Aurora Police Department (APD), being duly sworn upon oath, states that there exists probable cause for the warrantless arrest of the above-named suspect for the charges stated above. The affiant further states that the facts below are true to the best of his/her knowledge and belief, and are based on the affiant's personal knowledge and/or interviews with witnesses and fellow Peace Officers and/or review of official law enforcement reports. This affidavit is intended to show merely that there is sufficient probable cause for the warrantless arrest and does not set forth all my knowledge about this matter. Any conversations referenced in this affidavit are summaries and not verbatim transcriptions.

1. The crime(s) alleged occurred on November 19, 2021, at 1250 Chambers Road, City of Aurora, County of Arapahoe, State of Colorado.
2. The suspect was arrested at about 10:30 PM on the 19th day of November 2021.
3. The facts in support of the probable cause for the warrantless arrest of the above-named suspect are as follows:

On November 19, 2021, your Affiant, along with members of the Aurora Police Homicide Unit were called out to a shooting at Hinkley High School. Multiple Police Officers interviewed witnesses, collected surveillance video from the school and various stores in the area. The following is a summary of what occurred.

On November 19, 2021 at approximately 12:03 P.M., multiple Aurora Police Officers were dispatched to Hinkley High School at 1250 Chambers Rd, Aurora, Arapahoe County, Colorado on a report of a shooting on school grounds with multiple people hit.

Aurora Police Sergeant Jeff Olson #310727 arrived on scene and found 2 victims. Uriel Hernandez dob: 03-26-2004 was suffering from a gunshot wound to his back on the right



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side. Julisa Zamudio dob: 05-28-2004 was suffering a gunshot wound in her buttocks. Both were transported to local hospitals for treatment.

Julisa told Officers she returned to the school parking lot from lunch and she met up with her cousins and were hanging out in her cousin's vehicle for a little bit. Shortly after they exited their vehicle, Julisa saw a truck on the other side of the lot near the dumpsters. Julisa heard shooting, the shooting stopped, and the truck traveled over to the area she was at. As this truck went by, she heard more shooting, took cover on the side of her cousin's vehicle. The truck then exited the parking lot. Julisa realized she was injured, and her cousin(s) took her to the hospital.

Julisa described the truck as being black in color, did not know make or model, and knew there were multiple people inside. Julisa could not provide a description of the occupants or any type of firearms. Furthermore, she said she knew the shooter(s) did not go to school there and she did not hear anything that was said before, during, or after the shooting. Julisa couldn't remember how many shots were fired and believed she was not an intended target. Julisa did not have serious bodily injury.

Officer Keith Burke 326741 spoke with Uriel at the hospital. Uriel said he and his friends, Eric Cardenas, Eduardo, Angel, Jesus and Emmanuel had all just driven to Popeye's chicken for lunch. After returning to Hinkley, Uriel said they were parked in the parking lot of Hinkley HS in Eric's Black Chevy Tahoe eating lunch.

While sitting in the car, they heard yelling to their south. Uriel said the people arguing were males and were yelling in English. Uriel said they were yelling, "Come here!" Uriel said he and all of his friends got out of the car because they figured there was about to be a fight.

Uriel said he and his friends were involved in the altercation and none of them claim any gang ties. Uriel said as he got out of the car he heard gunshots. Uriel said students in the area all ran in different directions and Uriel was heading toward the front door of Hinkley when he was shot. Uriel couldn't say who shot him or what kind of car the shooters were in or near nor how many shots he heard. Uriel couldn't say who went where out of the car or if anyone else was shot. Uriel's did suffer serious bodily injury with a fractured scapula.

Several witnesses saw what happened and provided their accounts. Witness Chantel Flores dob: 08-25-2006 said she saw a black male get out of a white truck with a gun and said, "You all are gonna get it".

Jessica Rodriguez dob: 08-27-2003 said she had just returned from lunch and was parking in the lot of the school. Jessica said she heard the shooting and saw a white Chevy 4-door truck with dark tinted windows going north in the lot. Jessica said she saw a Hispanic male with long hair on top with a pistol in his hand, firing it out of the driver's side window of the truck. Jessica said the handgun was greyish and she thought she heard about 6-8 rounds fired.



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Jessica said they were shooting at Julisa, Uriel, Grettel Valdez, Lorenzo and Adrian Nofsinger. Jessica said the truck went north in the parking lot and then north on Chambers Rd.

Aurora Public School Officers (APS) Ronald Banks dob: 03-10-1994 and Darius Walls dob: 04-27-1975 were in their marked APS security vehicle in the parking lot at the time of the shooting. Darius fired his weapon at the white truck. Darius did not provide a statement to police at this time.

APS Officer Ronald Banks said he and Officer Darius Walls were sitting in their marked APS vehicle by the front entrance to the schools near that football stadium. Ronald said that they heard shots being fired in the parking lot of the school. Ronald said he heard one shot and then heard multiple rapid shots being fired. Ronald said he exited the passenger side door and took cover behind the front of their vehicle. Ronald said he was unarmed at the time, due to him not having completed all of his training needed to legally carry his duty weapon.

Ronald said that Darius exited the driver's seat of their vehicle and removed his firearm and began scanning the area to locate who was shooting. Ronald said he was yelling at the school children to get inside and to get down so they would not get shot. Ronald said he observed a white pickup truck with a champagne colored bottom traveling north through the school parking lot.

Ronald said he could tell that shots were being fired from this truck. Ronald said as the truck was turning in the parking lot that he could see the passenger side of the vehicle. Ronald said he saw the muzzle end of a firearm coming out of the rear passenger window of the truck. Ronald said at the same time, he saw Darius start engaging the truck with gunfire. Ronald said he saw Darius fall to the ground and thought that Darius may have been shot. Ronald said he started to go towards Darius to assist him, but Darius told him was not hit and that his knees buckled.

Ronald said he observed the truck travel through the school parking lot and then go northbound on Chamber Rd. Detective Raines showed Ronald photographs of the truck that was later located at Children's hospital from surveillance video at E. Colfax Ave. and Chambers Rd. Ronald was able to positively identify the truck as the same one that observed individuals shooting from the vehicle and the same vehicle that Darius engaged.

APS reviewed their security video at the school, which captures the shooting. At 11:56 A.M., the white truck pulls onto Chambers Way and parks on the street, just south of the parking lot. Several people get out and are milling around the truck.

At 11:59 A.M., the white truck pulls into the parking lot of the school. The truck stops near a darker color sedan and a male gets out of the back seat of the sedan. That male was later identified as Abisai Reyes dob: 08-28-2005. The driver of the truck, later positively identified as Diego Flores dob: 05-09-2005 gets out and meets with Abisai.



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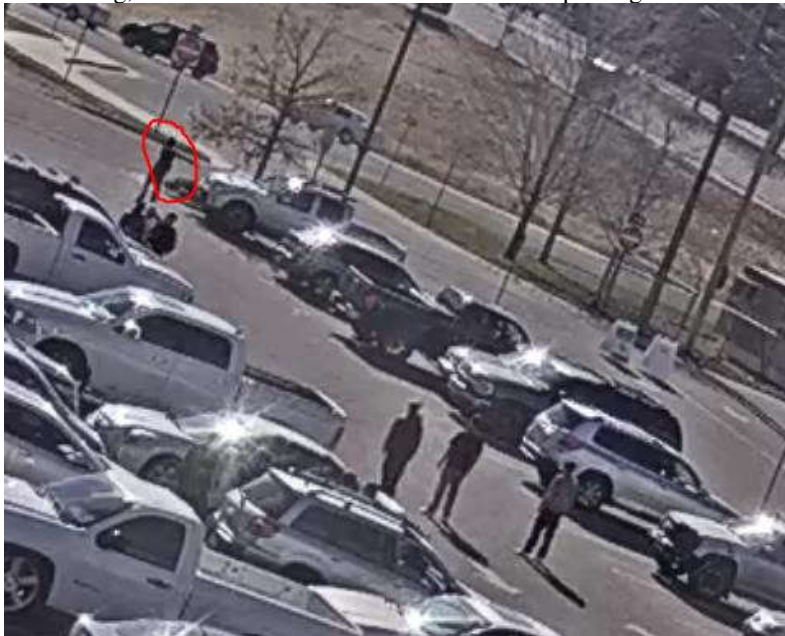
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Someone gets out of the front passenger seat and 3 other people get out of the truck from the rear passenger door. The white truck then pulls forward and stops again. This indicates someone inside the truck got into the driver's seat. These males have been identified as Otoniel Gonzalez dob: 04-24-2005, Alex Hernandez (16), Larry Jefferson dob: 07-12-2005 and Carlos Hernandez dob: 04-29-2005.

The group males walk into the parking lot start to have a verbal altercation with several males already in the parking lot.

At 12:01 P.M., the male driver of the white truck gets out and walks towards the group. At 12:01:38 P.M., the same male driver walks back and gets into the driver's seat of the white truck. At 12:01:48 P.M., Otoniel Gonzalez runs back and gets into the rear passenger seat of the truck. At 12:02:07 P.M., Alex Hernandez walks south in the parking lot near a silver truck and is very animated.

At 12:02:56 P.M., Alex pulls out a handgun and aims it at 3 males standing in the lot and begins firing at them. Everyone scatters into the parking, ducking for cover. At the time of the shooting, there are numerous other children in the parking lot.



The white truck then drives northbound as Diego tries to get back in the truck but jumps into the bed of the truck.



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As kids are running for their lives, the truck continues to drive north.



As the truck is going north, the rear driver's seat passenger (Larry Jefferson) sticks his hand out of the window, holding a handgun with an extended magazine as kids are running away.

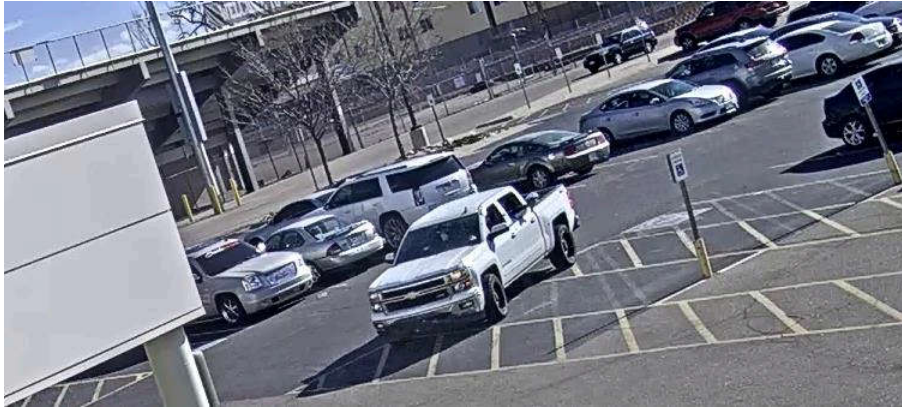


The truck slows down and both the driver Dalen Brewer dob: 01-22-2005 and the back-seat passenger Larry Jefferson are both shooting handguns out of the window.

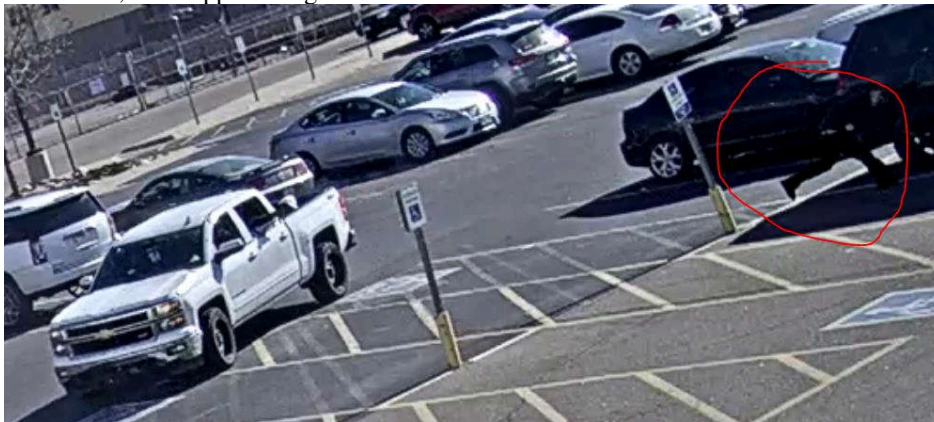


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The victim, Uriel appears to get shot at this moment.



The truck turns in the parking lot with Larry and Dalen firing their handguns.





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At 12:03 P.M., APS Officer Walls sees the shooting and fires several rounds at the white truck.



The truck leaves Hinkley High School driving north on Chambers Rd.

At 12:03 P.M., MESH Camera surveillance video captured the white truck at Chambers Rd and E. Colfax Ave. The truck is in the turn lane to go west on Colfax. The white truck then drives over the median and makes a U-turn and drives south, then turns into the Vasa Fitness parking lot at 15200 E. Colfax Ave, Aurora.

At 12:05:26 P.M., a male is seen running from the Burger King parking lot as the white truck appears in the parking lot going north. The male runs east across Chambers Rd and out of view of the camera. A second male is running behind the first male but stops at the intersection of E. Colfax and Chambers and waits for the light, before running east and out of sight of the camera.

At about 12:10 P.M., Sgt. Darren Chamberland #301022 was at University Hospital at 12605 E. 16th Ave and learned about the white pickup truck involved in the shooting at Hinkley High School. Sgt. Chamberland saw a white Chevy Pickup with Colorado License plates BDT-W81 at the entrance with a gunshot in the windshield.

Officers learned Otoniel Gonzalez was in the truck and had been shot in the abdomen. The driver, Diego Flores was also present. Otoniel told Officer Conner Dekalb #318861 that he and Diego were at Hinkley when he saw 2 males yelling, "What are you doing here". Otoniel said he heard gunshots and ducked back in the passenger seat and got shot.

Otoniel's injury was minor and he was treated and released. The Chevy was impounded at the Aurora Police Evidence Bay. Both Otoniel and Diego were transported to Aurora Police Headquarters for questioning.

Det. Eric White #22725 and Det. Troy Raines #313605 first interviewed Otoniel and his mother Ericka Lemus dob: 09-19-1980. Det. White read Otoniel his Miranda Rights and both he and mother understood their Rights and they both agreed to speak with us. Otoniel likes to be called "Fredo" which is short for his middle name Alfredo.



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During the interview, Otoniel said his best friend Diego and Alex picked him up at his house in Diego's truck. Otoniel said they drove to the Walgreens and met with Larry Jefferson, Dalen Brewer and Carlos Hernandez. Otoniel said he knows these people since middle school. Otoniel was later shown photographs of Dalen Brewer, Larry Jefferson, Ivan Duenas and Diego Flores, all whom he immediately identified as being involved.

While at the Walgreen's Otoniel saw his friend, Ivan Duenas dob: 12-07-2004 at the Walgreens in his black Subaru.

Otoniel said he and Ivan drove over to Hinkley High School to scout out for any "Boner Boy" gang members. Otoniel said he's been having a long-time beef with the "Boner Boys" and believe they have shot up his house several times in the past.

Otoniel said they returned to Walgreens and met back up with Diego. Otoniel said he then got a call from his friend Abisai who said there were several "Boner Boys" in the parking lot and he thought he was going to get jumped.

Otoniel said he knew Alex, Larry and Dalen had handguns on them, as they were showing them off in the Walgreens parking lot. Otoniel said they all jumped in Diego's truck and drove to Hinkley. Otoniel said when they got to Hinkley, Diego got out and met with Abisai. Otoniel said he got out with Alex, Larry and Carlos. Otoniel said they knew they were going to fight.

Otoniel said he then ran back to the truck and got into the back seat. Otoniel said Dalen was driving and Larry was in the passenger seat behind Dalen. Otoniel said the shooting started and he ducked down in the seat. Otoniel said he saw both Dalen and Larry shooting handguns. Otoniel said Larry had a handgun with an extended magazine and Dalen had a smaller gun.

Otoniel said at some point he got shot in his side. Otoniel said the drove north on Chambers Rd and stopped at the light at Colfax. Otoniel said the light was taking too long to turn, so Dalen did a U-Turn and drove into the Vasa parking lot.

Otoniel said Dalen and Larry both got out of the truck and ran east by the Burger King and across Chambers. Otoniel said Diego got into the driver's seat and the drove south on Chambers to E. 13th Ave. Otoniel said Diego handed him a plastic container of bullets and Diego told him to throw it out of the window.

Otoniel said Diego drove to Sable Blvd and then back to Colfax and over to University Hospital. Otoniel said the police came in shortly afterwards.

Det. White and Raines then interviewed Diego along with his mother Virginia Diaz dob: 01-31-1981. Aurora Police Officer Raul Ponce #318089 speaks fluent Spanish and assisted with translations. Officer Ponce read Diego and Virginia their Miranda Rights from the form in Spanish. Both Diego and Virginia understood their Rights and he agreed to talk.

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Diego was very reluctant to speak with the Detectives, but eventually said he and Alex picked up Larry and Dalen over at Larry's house at 1167 Nucla St, Aurora, CO. Diego initially stated that he, Alex, and Fredo were the only people in the truck. After being confronted about the fact that video showed that was not true, Diego eventually gave additional information about the incident. Diego said at around 10:50 A.M., they were at Hinkley when he had a verbal altercation with several "Boner Boys" in the parking lot. Diego said they all agreed to fight at the Wendy's nearby, but the "Boner Boys" never showed up to fight. Diego said Otoniel called him and asked him to come pick him up. Diego said he picked Otoniel and they drove over to Walgreens.

While at Walgreens, Diego knew Larry, Alex and Dalen were all armed with handguns, as they were flashing them. Diego said Otoniel got a call from Abisai, who said he was about to get jumped and needed help.

Diego said they came up with a plan that Larry and Dalen who were armed with handguns would back them up in case the "Boner Boys" had guns too.

Diego said they pulled into the Hinkley parking lot and he met with Abisai. Diego said they were arguing with the other guys in the parking lot when Alex walked back and pulled out a gun and started shooting.

Diego said he ran and jumped in the back of his truck. Diego knew that Dalen and Larry were shooting as well. Diego said they drove over to Vasa Fitness and Larry and Dalen got out and ran off. Diego said he got into his truck and he drove Otoniel over to the hospital.

Diego admitted that Dalen left a black handgun magazine in the front seat and he grabbed it and gave it to Otoniel and told him to throw it out of the window. Diego said he is friends with all these people and knew them since middle school. Diego was later shown a photograph of Larry Jefferson, Dalen Brewer and Ivan Duenas. Diego identified all three, but he didn't want to write their names on the paper.

Diego admitted that it was his plan to have Larry and Dalen back them up with guns because he said it's the way it is in this town. Diego said they knew they all were going to Hinkley to fight the "Boner Boys".

Aurora Police Officers found a Glock magazine and a 9mm bullet on the north side of E. 13th and Granby, in the area where Otoniel said he threw out the bullets.

Aurora Police Detectives later reviewed video from Walgreens at 15310 E. Colfax Ave and reported that video showed a person generally matching Diego's description appeared to remove the license plates from Diego's truck before leaving to go to Hinkley.

Your affiant believes that Diego intentionally removed the license plates from the truck he was driving in order to avoid detection. Diego then drove to Hinkley High School with the intention of getting into a fight with the "Boner Boys". Diego was aware that three other people in the truck he was driving were armed with guns, and it was Diego's intention to

have those people back them up with guns. After the shooting Diego instructed Otoniel to get rid of a magazine which was evidence in the shooting.

Based on the above information, your affiant believes there is probable cause to believe that Diego Flores committed the above crimes.

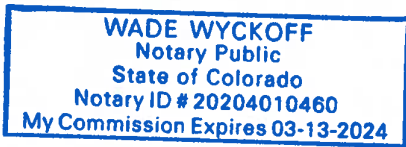
B. B. Lesnansky 307131
Affiant's Signature and ID#

Lieutenant Lesnansky
Arresting Agency Supervisor's Name

Subscribed and sworn to before me this 20 day of November 2021.

Waide Wyckoff
Notary Public

3/13/2024
My Commission Expires



Probable cause for Warrantless Arrest is: ___ Found ___ Not Found

Date: _____

Time: _____

Judge/Magistrate – signature

Judge/Magistrate – printed name