

19-199282

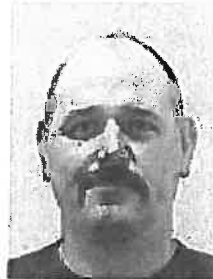
THE PEOPLE OF THE STATE OF COLORADO



County/District Court
City and County of Denver, Colorado

**AFFIDAVIT AND APPLICATION FOR ARREST WARRANT
AND THE ARREST WARRANT FOR THE PERSON(S) OF:**

Daniel Flesner (06/13/1971) – White, 5'11", 220 lbs, Brown Hair, Brown Eyes
Social Security # [REDACTED] Colorado Pin # [REDACTED]
Colorado SID# n/a, FBI # n/a, DPD # n/a



-For-

**Tampering with Physical Evidence, 18-8-610, A Class 6 Felony and Invasion of
Privacy for Sexual Gratification, 18-3-405.6, A Class 1 Misdemeanor**

I, Detective Denise Gomez 07021, the Affiant, state under oath that the facts known to the Affiant which establish probable cause to believe that a criminal offense was committed, and that the offense was committed by the above named person(s), are the following:

Your Affiant (a Police Officer for twelve years and currently assigned to the Denver Police Department Major Crimes Bureau, Sex Crimes Unit) received case number 19-199282 for follow up investigation. The original Denver Police Department Incident Report was completed by Officer Christopher Brungardt (17070).

On March 31, 2019 at approximately 0240 hours Officer Kaylan Campbell (18022) and Officer Christopher Brungardt (17070) were dispatched to 4400 N. Brighton Blvd. (Denver Fire House #9), in the City and County of Denver, on a call of a suspicious occurrence. Upon arrival Officer Brungardt contacted victim [REDACTED] (hereafter referred to as [REDACTED]). [REDACTED] related that on March 30, 2019 at approximately 2030 hours she was working a shift for the Denver Fire Department and was in her room, located at 4400 N. Brighton Blvd., reading a book. Someone passed by and spoke to her, and approximately 5 seconds later she heard her own voice repeat the same thing she just said. [REDACTED] had a feeling that someone was recording her, she began to search her room for unknown devices and located a charger that appeared to have a camera lens facing in the direct area where she changes her clothing.

██████████ conducted an internet search and found a website for www.freedomfox.us, that sells the device and described it as a motion activated camera with the option for recording. ██████████ later notified Lieutenant Daniel Flesner (06/13/1971) (hereafter referred to as FLESNER) who advised her that it would be okay to take a day before she decided what she was going to do about the device being in her room. ██████████ then contacted ██████████ and showed him the device and he asked her if it was okay to get a second opinion regarding the actions that should be taken regarding the investigation. He took the device to FLESNER, who took it from him and examined it. After discussing the situation ██████████ reached for the camera and FLESNER did not let him have it, saying "he had it." ██████████ left the room to bring ██████████ into the room, but leaving FLESNER alone with the device. ██████████ expressed her wish to see what was on the SD card in the camera. FLESNER used a pin and tampered with the SD card located inside of the device and related that it would not come out. The card was observed to be jammed into the device and sideways. ██████████ then called the Captain and advised him of the events.

FLESNER completed a written statement regarding the camera incident at that time did not advise that he placed the camera in ██████████ room.

Officer Brungardt collected the camera device prior to leaving the fire station.

Later Officer Brungardt was contacted by ██████████ who related to him that Lieutenant FLESNER admitted to placing the camera device in ██████████ room. FLESNER told ██████████ that it was meant to be a joke and that he had purchased the camera to keep an eye on his garage, but that he did not know it recorded. FLESNER was suspended at that time, March 31, 2019. According to the Fire Department administration FLESNER has not been allowed back into Station #9 to take his possessions from his bedroom or his locker.

Your Affiant drafted a search warrant for the micro SD card inside of the camera and the warrant was approved by Judge Beth Faragher. Upon executing the warrant your Affiant observed that the SD card contained a single video with a time stamp of March 30, 2019 at 0650 hours where ██████████ enters her bedroom and changes ██████████. There were also several other videos and pictures deleted from the SD card dating from February 1, 2019 that were preserved by still picture on the device showing the room of the victim and pictures of the victim in her room.

Your Affiant conducted an interview with ██████████ to confirm the facts of the case. ██████████ identified the person who was standing at her door and speaking to her on March 30, 2019 as FLESNER. ██████████ related that she was holding an icepack to her face FLESNER asked if she had a migraine. ██████████ responded that she was holding the ice pack to her face because she had been kicked during training and then laughed. Approximately 5-7 seconds later ██████████ heard her exact same words repeat including her laugh and the sound came from FLESNER'S left pant pocket. FLESNER immediately put his left hand in his left pocket and walked away. ██████████ showed your

affiant a text messages sent by FLESNER previous to her finding the camera from phone number 303-587-5274. FLESNER sent a group text message from the same number on March 31, 2019 at 2009 hours stating, " Hey gang. So, so sorry. Prank gone wrong. Love you guys." [redacted] was included in the message)

Your Affiant presented an unmarked picture of FLESNER to [redacted] and she positively identified him.

Based on these facts your affiant has probable cause to believe that **Daniel Flesner (06/13/1971)** committed the crime of **Tampering with Physical Evidence, 18-8-610, A Class 6 Felony and Invasion of Privacy for Sexual Gratification, 18-3-405.6, A Class 1 Misdemeanor,** and an arrest warrant is respectfully requested so this investigation can be completed.

I affirm this information to be true and correct

Det. David Gray 07021
Signature of Affiant

Subscribed under oath before me on

April 3, 2019
Date 01423h
Time

RICHARD FERRIS LABER II
Notary Public
State of Colorado
Notary ID # 20134077874
My Commission Expires 12-12-2021

[Signature]
Notary

My commission expires: 12.12.21

ARREST WARRANT



Daniel Flesner (06/13/1971)

To all Sheriffs, Peace Officers and Police Officers with the said State:

You are hereby commanded to take the person of the defendant and bring him without unnecessary delay before a Judge of the County Court to be dealt with according to law.

Bail fixed at \$ At first appearance



Signature of Judge

Date April 3, 2019

Beth A. Faragher

Printed name of Judge

I HEREBY CERTIFY that I executed the above warrant on (date) _____ by taking

_____ (name of person arrested) into custody and placing said person in the _____ Jail for safekeeping until further order of the court.

Signature of Arresting Officer