

GO # 19-789232

AB # 2019-51787

DEFENDANT			
Last Name Arenas-Foote	First Name Victor	Middle	DOB 2/21/83
Arrested with handgun			
Location of Arrest Northglenn Dr. and Grant Street		Arrest Date 12/15/19	Arrest Time 3:44 am

OFFICER MAKING STATEMENT			
Last Name Lopez	First Name Aaron	Middle	Serial No. 95062

COMPLETE THIS SECTION FOR ORIGINAL PROBABLE CAUSE STATEMENTS AND ALL AFFIDAVITS FOR ARREST WARRANT
 I am a police officer for the City and County of Denver, Colorado, and have knowledge regarding the arrest/incident of the above named party for the below listed offense, which offense occurred on or about the date of 12/20/19 at 3:23 am pm at or near the location of 4800 Washington Street in the City and County of Denver, State of Colorado.

VIOLATION(S)	DESCRIPTION
CRS 18-3-102	Murder in the First Degree
CRS 18-3-102 (1) (B)	Felony Murder
CRS 18-4-301	Aggravated Robbery

Statement of Probable Cause Affidavit for Arrest Warrant

On December 15, 2019, at 3:23 am, [REDACTED] contacted the Denver Police Communications Bureau regarding a shooting which had just occurred at 4800 Washington Street in the City and County of Denver. [REDACTED] advised he was at the tow facility when he witnessed [REDACTED] who was later identified as Paul Dakan (02/23/83), get shot by an unknown male, who he described as a heavysset Hispanic male. [REDACTED] advised that the shooter's car had been impounded and he and an elderly female left in the impounded vehicle which was a [REDACTED] Plate # [REDACTED].

Dakan was transported to Denver Health Medical Center where he was rushed into emergency surgery. Detective Lopez was advised Dakan was pronounced deceased at 10:01 am at Denver Health Medical Center.

The suspect vehicle was spotted by Adams County Deputies in the area of Northglenn Dr. and Grant Street at approximately 3:40 am. Once the vehicle was stopped, both parties were taken into custody and identified as [REDACTED] (02/21/83) and Victor Arenas-Foote (02/21/93) who was the driver. During a search incident to arrest, Deputy Knight, from the Adams County Sheriff's Department, seized a 38 caliber semi-automatic handgun from the pocket of Foote. [REDACTED] was brought to the location where he positively identified Foote and [REDACTED] as the two people involved in the incident. Both parties were transported to Denver Police Headquarters.

Detective Bueno from the Denver Police Homicide Unit responded to 4800 Washington Street where he assisted with processing the crime scene. Detective Bueno advised Detective Lopez that during the processing of the scene a spent 38 caliber cartridge casing was recovered. Detective Lopez noted that this was the same caliber as the handgun found on Foote when he was arrested. Detective Bueno was able to send Detective Lopez a brief clip of the shooting which showed a heavysset male, wearing dark clothing, a black hat and a black leather jacket walking with an elderly lady in the tow yard. These two parties were walking directly behind Nicholas who had both his hands in his pockets. The male then pulled out a handgun, aimed and fired it into the back/head area of Nicolas who immediately fell to the ground. The video then showed Foote and [REDACTED] leave the location without paying the \$300 tow fee.

Detective Lopez conducted an audio and video recorded interview with Foote at Denver Police Headquarters. During the interview Foote advised that [redacted] who is [redacted] woke him up and told him her car had been towed. Foote and [redacted] were given a ride and dropped off at the tow facility by [redacted] neighbor. Foote initially advised he had accidentally shot the male. Foote advised when he pointed the gun at the male he intended to force him to give them the car without paying the fee. Foote advised the car should have never been towed and he felt rage right before he pulled the gun out. Foote advised even though he is currently on probation he always carried the gun with him for protection.

Detective Lopez confronted Foote about the shooting being an accident and told him he had seen a video of the shooting. Foote then admitted he had lied, and he had not shot the man accidentally. Foote then advised he shot the man because he lost control of himself and snapped about the car being impounded. Foote advised he works as an Uber driver and the car was how he made money. Foote advised after the shooting [redacted] was very upset and she told him several times to stop the car. Foote said [redacted] had no idea he was going to shoot the man and played no role in the shooting. Foote also advised he had been smoking methamphetamine around 9:00 pm and that after smoking he fell asleep. After the interview was completed Foote was taken to Denver Health Medical Center where he agreed to a voluntary blood draw.

Detective Lopez also conducted an audio and video recorded interview with [redacted] at Denver Police Headquarters. [redacted]'s version of events was consistent with Foote's interview and she said she told Foote several times to let her out of the car, but Foote said he was scared and did not know what to do. [redacted] knew Foote had the gun with him because he mentioned he had the gun with him when they were being taken to pick the car up. [redacted] advised that Foote does have a drug problem and she advised she is able to tell when he is high on drugs. [redacted] advised she did not think Foote was high on drugs when she woke him up or at anytime during the ride to the tow facility.

Foote was photographed, his clothing was seized and he was transported to the Downtown Denver Detention Facility.

I affirm this information to be true and correct

Subscribed under oath before me on

Signature of Affiant

12/15/19

Date

10:45am

Time

95062

[Handwritten Signature]

My commission expires

Judge or Notary Public

ARREST WARRANT

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

ADULT—You are hereby commanded to arrest the defendant named above and bring them without unnecessary delay before a Judge of the County Court to be dealt with according to law.

JUVENILE—You are hereby commanded to arrest the defendant named above, summons into court, process and release said defendant to appear before the court.

Bail fixed at \$ _____

Date _____

Signature of Judge

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 _____