

# STATEMENT OF PROBABLE CAUSE

GO# 2021-642258

AB# 2021-29053

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DEFENDANT					
Last Name DUONG	First Name JERRY	Middle PHUC	DOB 05/19/1995	Arrest Date 11/12/2021	Arrest Time 5:20 am
Armed with UNARMED					
Location of Arrest 1222 S FEDERAL BLVD, Apt# 10-43					

OFFICER MAKING STATEMENT	
Name CRONIN, SEAN T.	Serial No. P05099

### 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 11/12/2021 at 3:40 am at or near the location of 1222 S FEDERAL BLVD 10-43 in the City and County of Denver, State of Colorado.

VIOLATIONS(S)	DESCRIPTION
18-3-102	INV HOLD-FIRST DEGREE MURDER[026492]

The probable cause of the arrest of the above-named individual is as follows:

[Your Affiant, Detective Brian Lang 03014 obtained the following information by personal observations, interviews, witnesses, discussions with fellow officers and by reviewing official police reports of the Denver Police Department.

On Friday, November 12, 2021, at approximately 3:40 a.m., the Denver Combined Communications Center received a 911 call with an open line. Approximately twelve seconds into the call, an individual that sounded like a male stated, "(unintelligible) gonna kill myself.". A few moments later, it appeared that someone yelled "No". Throughout the remainder of the twenty-minute call, shuffling, breathing, multiple voices and what appeared to be crying could be heard in the background.

Denver Police Officer's, Denver Fire Department personnel and Denver Health paramedics responded to the scene. On arrival, they located an unidentified Hispanic male party lying on the floor of a bedroom located on the south side of the apartment, suffering from what appeared to be multiple gunshot wounds. The victim, later identified to be Javier Esparza, dob: 10/31/1997 was transported to Denver Health Medical Center, where he was pronounced deceased at 4:28 a.m. by Denver Health Doctor Platnick. Two other individuals, identified as Jerry P. Duong, dob: 05/19/1995, and [REDACTED], dob: [REDACTED], were contacted inside the apartment, and later transported to Denver Police Headquarters.

Detective Kari Johnson #97028 was contacted at 4:40 a.m. by Denver Homicide Sergeant Scott Hagan and asked to respond to the scene. Your Affiant arrived on scene at approximately 5:40 a.m. and contacted Denver Police Sergeant John Hodge, 95099, who advised the following:

When officers arrived on scene, they contacted Jerry Duong in the south bedroom of the apartment, lying on the bed "in the fetal position". The victim was observed lying on the floor close to the bed that Mr. Duong was found on. Mr. Duong was taken into custody by the officers and escorted from the apartment. He spontaneously stated to the officers, "Go ahead and arrest me. My life is over." Mr. Phan was contacted inside the residence and was immediately placed in handcuffs. Sgt. Hagan advised that officers observed a shell casing on the floor of the same bedroom, however, did not observe any firearms. Both Mr. Duong and [REDACTED], [REDACTED], were noted to have blood on their clothing.

Detective Johnson contacted [REDACTED], dob: [REDACTED], at [REDACTED] S. Federal Boulevard [REDACTED]. Her apartment is [REDACTED] of unit #10-43. She related that she was awakened at approximately 3:30 a.m. to what she described as a female screaming. She also heard what sounded like pounding on the wall along with the screaming. She related she only heard one voice and did not hear any arguing. After approximately fifteen minutes, the screaming and pounding stopped, and it was quiet until the police knocked on her door. She did not hear anything that sounded like a gunshot.

Detective Johnson spoke with Denver Police Officer Jordan Smith, 19021, on scene, who related he had contacted the resident in apartment [REDACTED], [REDACTED], dob: [REDACTED]. [REDACTED] apartment is [REDACTED] from apartment #43. [REDACTED] stated he heard what sounded like arguing but did not hear anything that sounded like a gunshot. He did not see anything.

Detective Johnson responded back to Denver Police Headquarters and reviewed the 911 call. Per the Computer Aided Dispatch (CAD) report, the 911 call was made from 720-586-1777. Detective Johnson researched that number and learned it was carried by T-Mobile and was listed to Jerry P. Duong. During the recording, it was apparent to Detective Johnson that another phone could be heard ringing in the background, and it appeared someone was having a conversation after the phone stopped ringing. The 911 call concludes when you can hear a knock at the door which coincides exactly with when DPD responds to the location.

Denver Police Officer Ngan Kim Nguyen, 20038, who spoke fluent Vietnamese, was asked to respond to Denver Police Headquarters to assist with translation during an interview with [REDACTED]. During a break, she reviewed the 911 call and noted that it did appear that there were multiple voices in the apartment, however she could not distinguish if they were male or female. During the interview with [REDACTED], [REDACTED] told your

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Affiant Denver Police Homicide Unit Detective Brian Lang 03014 that during that night, several people had been in and out of the apartment, and that he observed an unknown male in a yellow shirt inside the residence, and at one point he observed that party lying on the bed in "Jerry's room". [REDACTED] also told your Affiant that the person that was in the hallway at Denver Police Headquarters was Jerry "Phuc", [REDACTED]. The person in the hallway was Jerry Phuc Duong, dob: 05/19/1995

Detective Johnson reviewed the body camera footage of Denver Police Corporal Christopher Johnson, 05153. An officer speaking with Corporal Johnson stated that the victim was deceased on scene. Detective Johnson learned that also immediately visible in the room where the victim had been located were two shell casings, some "live rounds", a knife and drug paraphernalia.

Detective Johnson reviewed the body camera footage of Denver Police Officer James Sandoval, 16039, and noted that as they took the individual later identified as Jerry Duong into custody, he was lying on a bed in the same room the victim was located in. The bed, in the video, appeared to have blood on the mattress, as well as what appeared to be drug paraphernalia.

Detective Johnson reviewed body camera footage of Denver Police Officer Anthony Iglesias, 20032. He had placed Mr. Duong in the back of his police car, and during a portion of the video, your Affiant noted that Mr. Duong had an apparent injury to the right side of his neck. Officer Iglesias asked Mr. Duong what happened; however, Mr. Duong did not reply.

In a separate body camera video by Officer Iglesias, Officer Iglesias was attempting to identify the victim by asking Mr. Duong if he knew the victim's name. Mr. Duong, while in custody and seated in the back of a patrol car, stated his name was Javier, and that Javier didn't live there. Mr. Duong then spontaneously stated, "You just charge me sir.". He did not respond when asked why he said that.

In additional body camera video recorded by Officer Iglesias, Mr. Duong, while in custody and seated in the back of a patrol car, was asked if he was hurt on his neck. He stated he was. He was asked if he was hurt anywhere else, and he stated yes, but did not state where. He stated he believed his friends name was Javier Esparza.

At approximately 10:30 a.m. Detective Johnson spoke with Denver Police Officer Sean Cronin, who had been securing Mr. Duong in the hallway at Denver Police Headquarters. Detective Johnson learned that while in the hallway, Mr. Duong at some point stood up and attempted to run right by Officer Cronin. He and Denver Police Officer Andrew Lang were able to gain control of Mr. Duong and place him into a holding cell. After Mr. Duong told your Affiant that he did not want to speak to him, Mr. Duong was placed back in the holding cell. Your Affiant asked Mr. Duong if he wanted to be checked by an ambulance due to visible injuries to his neck and head, to which Mr. Duong replied he did. When the Denver Paramedics arrived and were checking Mr. Duong in the holding cell, Officer Cronin heard one of the paramedics state that they couldn't help him if he didn't tell them what was wrong, to which he heard Mr. Duong reply, "I killed my friend and I feel bad." He did not elaborate further after that statement. Mr. Duong was transported to Denver Health Medical Center for medical evaluation and treatment by Ambulance #11 [REDACTED]

Detective Johnson reviewed Officer Cronin's body camera footage and observed Mr. Duong inside the holding cell with a Denver Health Paramedic. He stated to the Paramedic, "I killed my friend and I feel bad for it...at the same time I'm trying to protect my family."

At approximately 10:50 a.m., Detective Johnson spoke with Denver Police Department Cold Case and Homicide Detective Martin Smith, 91016, who was present at the Office of the Medical Examiner for the autopsy of the victim. He related that it appeared the victim had suffered at least four gunshot wounds - two to the lower right chest and one to the right ear. He related that the victim had also sustained a through and through gunshot wound to his right elbow.]

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Paper Documents sent for Scanning:

Advisement [Yes ] Victim Statement(s)[ ] How many? [ ]

Witness Statement(s) [ ] How Many? [ ]

Request for Presumptive Screening[ ]

Miscellaneous

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DOMV Additional Required Information:

Medical Release (HIPPA)/Victim Diagram (from DOMV Case Summary)[ ]

ID of Suspect (Photo of w/victim signature on back) [ ]

I affirm this information to be true and correct.

Officer: CRONIN, SEAN T. Serial No: P05099