County/District Court

THE PEOPLE OF THE STATE OF COLORADO

City and County of Denver, Colorado

Offense Case No. 2022-202590



AFFIDAVIT FOR ARREST WARRANT FOR THE PERSON(S) OF

Owen Darian Ruiz, dob:10/03/2005, for Murder in the First Degree, C.R.S. 18-3-102(1)(a), A Class One Felony

Your Affiant, Detective Mark Crider, 95014, has been a police officer for the City and County of Denver since January 2, 1995. Your Affiant was promoted to the rank of detective in April of 2002 and investigated general assaults and domestic violence crimes for one year. In 2003 Your Affiant was transferred to the Child Abuse unit and investigated crimes against children to include physical abuse, sexual abuse and neglect.

In June of 2004, your Affiant was assigned to the Homicide unit in the Major Crimes Division of the Denver Police Department. Your Affiant has conducted hundreds of death investigations and has been assigned as the primary or secondary investigator in over one hundred homicide investigations. Your Affiant has completed over 300 hours of formal investigative training in homicide investigations, advanced homicide investigations, suicides, suspicious deaths, child deaths, domestic violence related homicides and gang related homicides.

Your Affiant has received formal specialized training in Crime Scene Techniques, Bloodstain Pattern Analysis, Bullet Trajectory, Crime Scene Reconstruction and Interview and Interrogation. Your Affiant has provided expert witness testimony in Denver District Court in the field of Bloodstain Pattern Analysis and Crime Scene Reconstruction.

Your Affiant obtained the following information from personal observations, interviewing witnesses and reviewing police reports of fellow officers. The facts tending to establish the grounds for issuance of a Search Warrant are as follows:

Your Affiant obtained the following information from personal observations, interviewing witnesses, speaking with fellow officers and/or reviewing police reports and other written documentation:

On April 23, 2022, at 6:19 p.m., the Denver Communications Bureau received several 911 calls regarding a shooting at the Denver Skatepark located at 2205 19th Street, Denver, CO. The 911 callers reported that a victim was down in the street and the suspects had fled the scene in a dark colored sedan.

Denver police officers and Denver Health Medical Center param	nedics responded to th	e scene and located
the victim, subsequently identified as	, dob:	lying in the
street suffering from apparent gunshot wounds. Officers cordon	ned off the crime scen	e while paramedics
transported the victim to Denver Health Medical Center. The	victim was pronounce	ed dead at Denver
Health Medical Center at 6:38 p.m., by Doctor Sungar.		

At approximately 6:40 p.m., your Affiant and Detective Brian Lang were called out to investigate the homicide. Your Affiant responded to Denver Police Headquarters to conduct witness interviews and Detective Lang responded to the scene to assist in the crime scene investigation.

Witness told your Affiant that he knows the victim from the skatepark. The victim had accidentally locked his keys in the trunk of his car and was looking for someone with a slim-jim to unlock his car. The skident told the victim that may have a slim-jim and was parked across the street. Said that the victim walked over towards car but stopped at a newer black Chevrolet sedan. Said that he then heard shots fired and observed a Black male, associated with the black colored Chevrolet, fire several shots at the victim. The victim stepped backwards and fell onto the street. The shooter and up to three occupants then fled the scene in the dark colored sedan.

Your Affiant interviewed several other witnesses who reported that unknown males associated with a dark colored sedan, possibly a Chevrolet Malibu, shot the victim and drove off in the vehicle.

The City and County of Denver has several High Activity Location Observation (HALO) surveillance cameras that record incidents throughout the city. Your Affiant confirmed that an operational HALO camera was located at the Denver Skatepark. Your Affiant viewed the recordings from this camera and made the following observations starting at 6:17 p.m., on April 23, 2022:

- The victim walked across 19th Street
- A black four door sedan (possibly a late model Chevrolet Malibu) was parallel parking in the street in the area where the victim was walking
- The victim began to walk back across the street but stopped and looked towards the dark sedan that had just parked

The recording went into a buffering mode (freezes) and several seconds of the recording are not observed. When the recording continued:

- The victim was standing outside of the driver's side of the dark sedan
- The rear driver's side door opened, and the victim began running away from the vehicle as the suspect exited the vehicle.
- The victim then fell to the street
- The suspect vehicle then drove off



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During the crime scene investigation Detective Lang and Crime Scene Investigators located six 9mm fired cartridges in the street where the victim was shot.

On April 25, 2022, your Affiant and Detective Lang attended the external examination portion of the autopsy of the detection of the latter of the Medical Examiner. Forensic Pathologist Ian Puffenberger conducted the autopsy. The victim had three apparent gunshot wounds to the upper torso and the tentative cause of death is gunshot wounds to the upper torso.

On July 8, 2022, Forensic Pathologist Ian Puffenberger signed out the completed autopsy report and indicated the Cause of Death is gunshot wound to the torso and the Manner of Death is Homicide.

During this investigation, your Affiant researched and viewed numerous computer images of possible vehicles that match the description of the suspect vehicle and believed the suspect vehicle to be a late model Chevrolet Malibu between the years of 2018-2022.

On April 25, 2022, your Affiant contacted Denver Police Fleet Supervisor Jeff Navarro. Mr. Navarro is tasked with equipping, maintaining, and repairing all Denver Police vehicles. Your Affiant asked Mr. Navarro to view images of the suspect vehicle from the HALO recordings and attempt to determine the make, model and year of the vehicle. Your Affiant sent Mr. Navarro several screen shots of the suspect vehicle from the HALO recording. Approximately one hour later Mr. Navarro advised your Affiant that he believed the suspect vehicle was a 2019-2020 Chevrolet Malibu. Your Affiant called Mr. Navarro and he advised that he viewed the suspect vehicle screen shots with two other Fleet Technicians, and they all believe the vehicle is a late model black Chevrolet Malibu. They believed the vehicle year is a 2019 or 2020, but it could be a 2021 or 2022.

On April 27, 2022, at approximately 4:00 p.m., your Affiant went to Stevenson Chevrolet Automobile dealership at 15000 W. Colfax Avenue. Your Affiant showed several salesmen screen shots of the

suspect vehicle from the HALO recordings and asked if they could determine the make, model and year of the vehicle. The Chevrolet salesmen agreed the vehicle is a late model Chevrolet Malibu, possibly a 2018 or newer.

Your Affiant knows that many newer model cars are equipped to communicate with the cellular networks of major providers. This communication occurs through a cellular device installed by the manufacturer at the time of manufacture and allows the vehicle to operate as a "Wi-Fi hotspot" and allows users to make/receive voice calls and send/receive SMS (text) message through the vehicle's cellular connection. Data connections over the cellular network allow the manufacturer to send software updates to the vehicle and monitor vehicle performance. The cellular device, which operates like a cellular phone, is assigned an "International Mobile Equipment Identity" (IMEI), which is analogous to the serial number of a cellular phone. It is also assigned an "International Mobile Subscriber Identity" (IMSI), which, like a cellular phone, identifies a specific subscriber on a carrier's network. It is also assigned a "Mobile Station Integrated Services Digital Network" (MSISDN), which is a phone number used to also identify the vehicle on the cellular network.

Because the device operates like a cellular phone on a provider's network, the records, information and services sought by your Affiant for the aforementioned vehicle are maintained in the course of regular business by the cellular provider in the same fashion as they keep cellular records for a cellular subscriber. Your Affiant has learned that all the cellular providers provide cellular access to connected cars, but AT&T is the primary provider for such vehicle systems. Your Affiant has learned that AT&T can "flip" a vehicle identification number on a supported vehicle to determine the IMEI, IMSI, and MSISDN assigned to the vehicle and locate any business records they maintain during the course of regular business for that account. In reverse, your Affiant knows that AT&T can "flip" an IMEI, IMSI, and MSISDN and identify a connected car on their network in many cases. Your Affiant also knows that a cellular provider can provide real-time location data based on a device's IMEI.

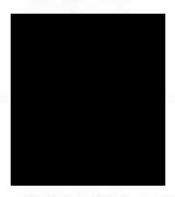
On April 29, 2022, your Affiant submitted a tower dump search warrant. That warrant was signed by the Honorable Judge Rudolph on that same date. As stated above, your Affiant knows that AT&T can identify devices that accessed a cell site during a data connection in a standard tower dump. It was your Affiant's believe that the suspect vehicle was a newer vehicle and likely had a data plan with AT&T. Because of this, your Affiant believed it was probable identifiers for the vehicle would be captured during a tower dump of the area of the homicide during the relevant time frame.

Your Affiant sought the assistance of ATF Special Agent (SA) Mark Sonnendecker to review responsive data from AT&T pursuant to the tower dump search warrant. SA Sonnendecker is an expert in analysis of cellular records and has knowledge of AT&T and connected cars. SA Sonnendecker advised from his training and experience that AT&T assigns a unique IMSI to IOT (Internet of Things) devices on the network. An IMSI is a unique identifier that identifies a subscriber on a cellular account.

SA Sonnendecker reviewed the tower dump data from AT&T and looked mainly at the timeframe of 6:10 PM - 6:20 PM, which was the timeframe the suspect vehicle was believed to be in the general area and then seen on the HALO camera attempting to park. Because the vehicle was believed to be a Chevy Malibu, SA Sonnendecker searched for events that had an APN of OnStar. SA Sonnendecker advised that an APN is Access Point Name and defines the type of connection the user (in this instance a connected car) is making to access the AT&T network. SA Sonnendecker advised that OnStar is a

subsidiary company of General Motors (who manufactures Chevrolet vehicles) that provides connected car users with subscription-based communications, emergency services, remote diagnostic systems, and other services. SA Sonnendecker knew from his training and experience that the most effective way to identify a General Motors vehicle within an AT&T tower dump was to isolate devices associated with the OnStar APN.

SA Sonnendecker looked at all OnStar-related connected cars captured in the tower dump. Because the timeframe of the murder was known, SA Sonnendecker excluded any connected cars that initiated a data session after 6:20 PM on the cell site. SA Sonnendecker included any connected cars that initiated a data session between 6:10 PM 6:19 PM on the cell site. Based on that analysis, SA Sonnendecker identified the following IMSIs as having an OnStar APN and had data events captured between 6:10 PM 6:19 PM:



On May 1, 2022, your Affiant submitted a warrant to compel AT&T to provide identifying information about the vehicles with the above-listed IMSIs. That warrant was approved by the Honorable Tanya E. Wheeler on that same day and served upon AT&T that same day. Based on responsive data from AT&T, your Affiant learned that one of these vehicles was a 2022 Chevy Malibu (assigned IMSI 310170123241571). The other vehicles were trucks, SUVs, and a sedan that did not match the suspect vehicle description. This information led investigators to believe that this connected car was the suspect vehicle seen on surveillance video.

Your Affiant queried law enforcement databases and learned the vehicle was a rental car that belonged to Enterprise Rent-a-Car. Your Affiant called and spoke with Enterprise Rent-a-Car personnel and learned the vehicle was rented by a person named learned from Enterprise Rent -a-Car that on 5/2/2022 returned the vehicle to Enterprise. Your Affiant learned that provided Enterprise Rent-a-Car with cellular telephone number was associated to Your Affiant also noted the phone number was subscribed through Verizon Wireless.
Your Affiant reviewed a background check completed on that he had filed in insurance claim for a vehicle accident that occurred in Aurora, CO on 04/18/2022 vehicle was described as a 2016 Jeep Patriot, VIN . When you Affiant spoke with Enterprise, the employee advised that it appeared the rental was related to an insurance claim by

from AT&T for	cell phone Call Detail Records (MSISDN: ; IMS Malibu, uses to connect to cell towers.	piewed and approved a Search Warrants to obtain from Verizon Wireless and records which are the identified devices that
Wireless and th	MEI #is , the IMSI #	records reported that the phone number is
Affiant that the utilizing cell to devices were ut area and not just	e records indicate that wers in the same geographic area at si ilizing towers in the same geographic and it in one specific location. It should be	cel phone and the 2022 Chevy Malibu were milar times on the day of the murder. The two eas at similar times throughout the Denver Metro noted that Verizon Wireless did not indicate any gh approximately 6:45 p.m., on the day of the
		ibu communication device and ne time on the day of the murder, it is reasonable libu on the day of the murder.
National Integr (Combined DN and stores image cartridge cases confirmed repo parking lot at These fired car Herrera- Lozar	rated Ballistic Information Network was A Index System) and AFIS (Automated ges of fired cartridge cases for correlating to identify links between previously unit, on 4/21/2022 Thornton police officers. Pearl Street, Thornton, CO, during stridges were compared to the fired care.	ort regarding this investigation. NIBN is The which is a national database similar to CODIS I Fingerprint Identification System) that uploads ion. The system utilizes 2D and 3D imagery of nassociated criminal incidents. According to the slocated fired cartridges in an apartment building an Illegal Discharge of a Firearm investigation. rtridges recovered at the murder scene of Juan April 23, 2022. The results confirmed the fired
to obtain ren	ntal records for the 2022 Chevy	nt to obtain records from Enterprise Leasing LLC Malibu, CO license plate VIN 1ay 3, 2022. Denver County Court Judge Blackett
Affiant subseq vehicle was ren	uently received records from Enterpris	rant on Enterprise Leasing Company LLC. Your se Leasing indicating that the above-mentioned 7:36 a.m. The vehicle was returned to Enterprise
9mm Taurus F CO. The firean	irearm, S/N had been recover the had been recover was test fired and the fired cartridges	N notification report. This report indicated that a ered on 5/17/2022 in an apartment in Thornton, entered into the NIBN database. This pistol, was ired the cartridges recovered at the murder scene

Your Affiant confirmed that no arrests had been made in the two Thornton police investigations. On June 27, 2022, at approximately 6:57 p.m., your Affiant interviewed at his home at , Denver, CO. Mr. Rendell acknowledged that he had recently leased a Chevy Malibu from Enterprise Rental car because his Jeep was damaged during a traffic accident. said that he had not loaned the car to anyone, not one else used the car, and he was the only person with a key. He advised that he had not been to the Denver Skatepark on April 23, 2022, and he had no involvement of knowledge of this investigation. This interview was recorded on a Body Worn Camera. On June 21, 2022, Denver County Court Judge Tanya Wheeler reviewed and approved a Search Warrant to authorize your Affiant to search for and recover cell phone from his person or his 2016 Jeep Patriot. at his workplace in Aurora, CO. Your Affiant On July 1, 2022, your Affiant contacted executed the Search Warrant and recovered his cell phone which he had in his possession. Your Affiant interviewed at his workplace and conducted a second interview at Denver Police Headquarters. Prior to the second interview was advised of his Miranda rights. initially said that he had no knowledge or involvement in the homicide, but eventually advised that he was at the Skatepark at the time of the murder. He advised that his friend, driving his rental car, 2022 Chevy Malibu, and they drove to Thornton, CO and picked up two young Hispanic females and a young Hispanic male. The male was friend. drove them to the Skate Park. said that he was in the front passenger seat of the car while was attempting to park the car at the Skate Park, and he noted there were a lot of people around. He said that he was trying to sleep in the front seat of the car when he heard yelling and then heard gunshots. said he believed the male in the backseat behind the driver's seat fired the gun and then got back into the car and drove off. At the conclusion of the interview consented to allow your Affiant to have the data extracted from his cell phone. This was subsequently completed by members of the Denver Police Department. Your Affiant viewed the below images in the data stored in cell phone:

of Juan Herrera-Lozano and the fired cartridges recovered in the apartment complex in Thornton, CO.



Crime Stoppers video image and Crime Stoppers flyer

On July 5, 2022, at approximately 3:45 p.m., your Affiant met with at the Denver Police HO to return his cell phone. Your Affiant asked if he had any additional information. said that he recalled that the shooter in the backseat may have been wearing an ankle monitor because recalled hearing some type of audio coming from the ankle monitor.

On July 8, 2022, your Affiant called Adams County Colorado Juvenile Probation Officer Samantha Schrader regarding juvenile clients with GPS monitored ankle devices. PO Schrader researched if there were any GPS ankle monitors at the Denver Skatepark on the day of the murder, April 23, 2022, at approximately 6:15 p.m. PO Schrader advised that approximately 6:15 p.m. PO Schrader advised that approximately 6:10/03/2005 were both on GPS monitored ankle monitors and both were at the Denver Skate Park at the time of the murder. Ms. Schrader advised that BI Incorporated was the company who provides and monitors the GPS data on the ankle monitors.

Your Affiant reviewed the Thornton Police Department report regarding shots fired and the recovered firearm on May 17, 2022. According to the report officers responded to shots fired in an apartment complex at Pearl Street. Officers received information that the suspects who fired the pistol may have run into apartment. Officers subsequently contacted several juveniles including Owen Ruiz, dobated in apartment. While in the apartment, officers located and recovered a Taurus 9mm semi-automatic pistol, S/N This pistol was subsequently examined and determine to be the firearm that was used in the Denver Skate Park murder. It should be noted that Owen Ruiz was in the same room in the apartment where the pistol was recovered.

Your Affiant also reviewed as an incoming and outgoing phone number. Probation Officer Schrader provided your Affiant a phone number for this same phone number of this same phone number of this information your Affiant believes that the time of the murder is dob:

On July 27, 2022, your Affiant contacted BI Incorporated and confirmed that the company does indeed monitor and store the data related to GPS ankle monitors in Adams County Colorado.

On August 1, 2022, your Affiant drafted a Search Warrant to obtain GPS records from BI Incorporated for Owen Ruiz and Denver County Court Judge Cindy Dang reviewed and approved the Search Warrant. Your Affiant subsequently received the requested records from BI Incorporated. Your Affiant reviewed the records and confirmed the GPS data for both Owen Ruiz and confirmed their location at the Denver Skatepark at the time and date of the murder of Juan Herrera-Lozano.

At approximately 5:35 p.m., your Affiant and Detective Huffine contacted his home at Liverpool Street, During the BWC recorded conversation, identified his friend as through photo. CO D/L See BWC

At approximately 6:10 p.m., your Affiant received a call from a male who identified himself as and advised that he was a second family attorney. He advised your Affiant not to talk with his clients at this point. Your Affiant contacted Assistant Denver DA Zach McCabe and advised him of the contact and requested that he contact the following day.

On November 9, 2022, at 6:15 p.m., your Affiant interviewed to be a considered by the police Department HO. It is showed up at the police department a few minutes earlier with his parents, and and his attorney, Brad Lozow. Deputy District Attorney Dan Steinhauser was also present. Prior to the interview, Deputy DA Steinhauser reviewed the Proffer Agree with and his attorney. After the Proffer Agreement was reviewed, your Affiant interviewed with his attorney present. It is parents requested not to be in the interview. The interview was concluded at approximately 7:47 p.m. The interview was digitally recorded. Please review the recording for complete details.

During the interview,

Owen Ruiz and two young females,

said that he was driving rental car, was in the front passenger seat and Ruiz was in the driver's side rear seat and the girls were also seated in the backseat.

was in the skatepark and heard Ruiz yell to a man in the street something like "do you remember me" the male in the street replied no who are you and then Ruiz replied that it was "Owen". Ruiz got out of the car and heard gunshots.

looked back and saw Ruiz outside of the car with his arm raised and a black colored pistol in his hand. He then saw the victim lying in the street.

positively identified his friend dob:

through Ruiz's Colorado driver's license photo

On November 21, 2022, at approximately 2:30 p.m., your Affiant and Detective Denise Gomez went to the Friendly Village of the Rockies trailer park at 2100 W. 100th Avenue to search for told your Affiant on November 9, 2022, that they had picked up the two girls from this location. Through Owen Ruiz's and were close to trailer Your Affiant spoke with about a young girl by the name of the He advised that his daughter is dob:

| Apple Market Priendly Village of the Rockies trailer park at 2100 W. 100th Avenue to search for told your Affiant on November 9, 2022, that they had picked up the two girls from this location. Through Owen Ruiz's and asked about a young girl by the name of the He advised that his daughter is but she was not home at the time.

backseat of the suspect vehicle at the time of the Owen, she believed his last name is Ruiz and Factore friend and like a brother to her. One day Ruiz and her friend to because the parking was free. "There he goes or That's him" and then she heat still in the car, but then got out of the car and	oo a.m., Your Affiant interviewed who was in the is believed to be the advised that she is friends with as his name tattooed on his arm. She described him as a duiz picked her up in a new rental car with two other mentas in the front passenger seat, and she was in the backseat we around and eventually parked at the Denver Skateparking to park the car, and she heard Ruiz say something like ard shots fired. She believed that Owen fired a pistol while fired additional shots. Owen got back into the car with a drove off and they did not talk about what
was initially not sure if the shooting occurred on Apr	arred on April 23 or August 23, 2022, but towards the end ril 23, 2022.
positively identified her friend C consisted of photos of six individuals, as the witnessed Owen remove his GPS ankle monito her residence. This was confirmed after review	owen Ruiz, dob: through a photo array which person who fired the pistol. also added that she or about a week after the shooting, and that he did it near to of the GPS records for Owen Ruiz.
Officer Valerie Hansen regarding was sentenced to 1 year in the Division of Y	Da.m., Your Affiant called and spoke with Juvenile Parole P.O. Hansen advised that on June 14, 2022, Owen Ruiz outh Services, stemming from a probation violation on and was currently incarcerated at the Platte Valley Youth tory Parole date of June 14, 2022.
Based on these facts, your Affiant is respectful Owen Darian Ruiz, dob:10/03/2005, 18-3-102, Murder in the First Degree, a Class	for the offense(s) of C.R.S. ss One so that this investigation can continue.
I affirm this information to be true and correct	Mhh 15014 Signature of Affiant
Subscribed under oath before me on	11-98-22 3:54 P.M. Time
	Judge or Dionary Public
My commission ex	nires:
and commission ov	her and