

# SEALED WARRANT

## THE PEOPLE OF THE STATE OF COLORADO



County/District Court  
City and County of Denver, Colorado

Offense Case No. 2021-300841

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

**Donald Ray Gonzales, dob: 11/25/1999, a Hispanic male, 5'10", 140 pounds with brown hair and hazel eyes, [REDACTED] one (1) count of Murder in the First Degree, C.R.S. 18-3-102 (1) (a), a Class 1 Felony**



---

I, Detective Neil Baker, 04026, Your Affiant states 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, Detective Neil Baker badge number 04026, has been a Police Officer for over 29 years. Your Affiant is currently assigned to the Denver Police Department, Major Crimes Division, Homicide Unit. Your Affiant's primary duties are to conduct investigations related to homicides, officer involved shootings, and other death investigations. Your Affiant has held this position since September 2018. Prior to this assignment, Your Affiant obtained the following investigative experience:

- From April 2017 to September 2018, Your Affiant was assigned as a Detective with the Denver Police Department, Major Crimes Division, Sex Crimes Unit. Your Affiant conducted investigations related to sexual assault, indecent exposure and enticement of children.
- From June 2015 to April 2017, Your Affiant was assigned as a Detective with the Denver Police Department, Major Crimes Division, Missing and Exploited Persons Unit. Your Affiant conducted investigations related to physical abuse to children, sexual abuse to children by person in a position of trust and investigations in relation to child pornography. Your Affiant has had

training from the Rocky Mountain Forensic Computer Lab on information that can be recovered from computers and other computer components.

- From November 2012 to June 2015, Your Affiant was assigned as a Detective with the Denver Police Department, District 6 Investigations. Your Affiant conducted investigations in relation to burglaries, thefts, criminal impersonations, identity theft, felony assaults and strong-arm robberies.

On May 28, 2021 at approximately 2:51 AM, Denver police officers were dispatched to a shooting at 1160 N. Sherman St.

Witnesses [REDACTED] and [REDACTED], described to officers arriving on scene, hearing two (2) gunshots and seeing a white vehicle flee northbound on Sherman, turn westbound on 12th Ave. and then northbound into the 1200 block of the Lincoln/Sherman alley. [REDACTED] and [REDACTED] describe the vehicle driving at a high rate of speed northbound in the alley before turning West into a parking structure.

Denver officers arrived on scene and found a victim lying in the street in front of 1160 N. Sherman St. The victim appeared to have a gunshot wound to the back of his head and another gunshot wound to his stomach area. The victim was later pronounced deceased at Denver Health Medical Center.

Officers located the victim's wallet which had a Colorado identification card bearing the name, Gary Vincent McLaughlin [REDACTED]/86. The photograph appeared to match the victim.

Your Affiant was notified at 3:23 AM by Homicide Sergeant Scott HAGAN 01004 and responded to Denver Police Headquarters where witnesses were being transported.

Your Affiant interviewed witness, [REDACTED] who stated that he lives at [REDACTED]. [REDACTED] advised that he was woken up by hearing 2 gunshots. He described looking out of his second-floor apartment bedroom and hearing a car door shut immediately after hearing the shots. He advised that a white vehicle that he described as a possible Toyota Corolla, took off from where the victim was seen lying in the street. He stated that it turned left onto 12<sup>th</sup> St and then a quick right turn north into the alley between Lincoln St and Sherman St. [REDACTED] stated that the vehicle sped up the alley and skidded before turning left and then he lost sight of the car. [REDACTED] stated that he grabbed a towel and put clothes on and went outside to where the victim was lying. [REDACTED] attempted to render aid to the victim and observed the victim's cell phone lying next to him and observed it ringing. [REDACTED] stated that he answered the phone and put it on speaker as he was trying to assist the victim. [REDACTED] stated to the caller, *"whoever is calling this phone, he has been shot"*. [REDACTED] described hearing the caller and it sounded like they were running. At the same time [REDACTED] described two white males running up to him and the victim and it appeared that one of these individuals was the caller.

When officers started arriving, [REDACTED] stated that the individuals fled the scene. He stated that it was obvious that these two individuals were known to the victim.

Your Affiant later identified these individuals as [REDACTED] and [REDACTED]. Your AFFIANT interviewed [REDACTED] who advised that he and [REDACTED] were sitting in a pickup truck in the rear of [REDACTED] N Sherman St deciding where they were going to go for the evening. [REDACTED] stated that they were all at [REDACTED] N Sherman visiting [REDACTED], including his friend, [REDACTED]. He advised [REDACTED] was out in front of the building, probably going for a walk, which he commonly does. [REDACTED] advised that they heard several gunshots and ran to the front of the building where they found [REDACTED] had been shot. He stated that he thought [REDACTED] was ok and they ran because they had warrants.

Your Affiant interviewed witness [REDACTED] at Denver Police Headquarters. [REDACTED] advised that he was awake playing video games when he heard a loud crash that startled him. He stated that he then heard 2 gunshots. [REDACTED] stated that he went to the window of his 3<sup>rd</sup> floor apartment and observed a vehicle that he described as a gold colored sedan speeding north in the alley between Lincoln St and Sherman St in the 1200 block. He stated that the vehicle turned left into a parking structure and drove to the top of the structure before crashing into the wall on the southwest corner of the top level.

[REDACTED] stated that he observed a white or Hispanic male get out of the driver's seat and appeared to grab a few things out of the vehicle before running to the north side of the structure. [REDACTED] stated that it appeared he was looking to jump but it was a long drop. He stated that the male ran to the northwest corner and looked over again before running onto the structure out of sight.

[REDACTED] stated that he then saw the same male run out of the structure at the ground level and east across the parking lot, dropping something on the ground. [REDACTED] remembers the male saying something like "oh fuck oh fuck" and going back to pick up what he had dropped. The male continued running east toward a construction area, jumping over a fence causing an alarm to sound at the construction site.

[REDACTED] stated that it appeared that the male was carrying a handgun and thinks he "ditched" it next to a port-o-potty by the construction site office.

[REDACTED] described the male as around 5-7 to 5-8, wearing grey pants and a back hoodie.

Detective Dan ANDREWS 96015 responded to the crime scene. The crashed white vehicle, observed by [REDACTED], was located at the top of the parking structure, 1200 N Lincoln St. The vehicle did not have a license plate on it verified that it was a white 2001 Mercedes s500 sedan, VIN# [REDACTED]. The vehicle listed to [REDACTED] at [REDACTED] E Evans Ave [REDACTED].

Your Affiant observed that the vehicle was supposed to have a Colorado Temporary plate, [REDACTED].

Your Affiant searched law enforcement data bases and found that the vehicle was involved in a traffic accident at W Colfax Ave and N Garfield St on May 26, 2021 at 8:15 PM. The driver of the vehicle at that time was [REDACTED].

Your Affiant observed that [REDACTED] lives at the same address as the registered owner, [REDACTED].

Your Affiant search law enforcement databases and found that Donald GONZALEZ 1/25/99 is an associate [REDACTED] and also lived at the same address [REDACTED] E Evans Ave [REDACTED] in Aurora Colorado.

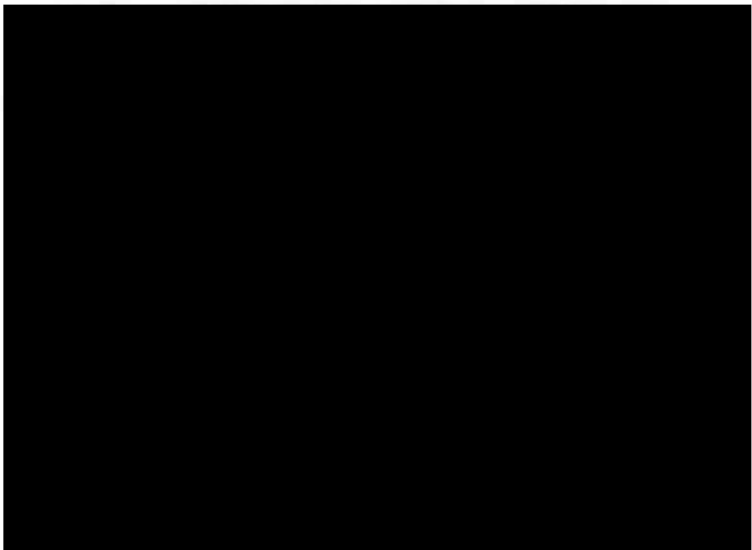
At 8:50 AM, Your Affiant responded to [REDACTED] E Evans Ave [REDACTED] with uniformed Aurora police officers and contacted the registered owner, [REDACTED]. She confirmed that she is the owner of the white Mercedes. She stated that [REDACTED] Donald also drives it. She advised that both of them work for "Door Dash" and use the car. [REDACTED] stated that both [REDACTED] and Donald [REDACTED] and left the home yesterday at approximately 7 PM, May 27, 2021, in the vehicle and no one else was with them at the time. [REDACTED] stated that believes Donald may have been wearing jeans and a black hoodie. This is approximately less than 7 hours prior to the murder of MCLAUGHLIN.

[REDACTED] provided Your Affiant with [REDACTED] phone number as [REDACTED] and Donald's phone number as (720) 666-5156 and stated that they are current phone numbers.

Your Affiant verified that [REDACTED] provided that phone number to police officers on May 26, 2021 during the accident investigation.

Your Affiant observed video footage from the construction site just north of the location of the Homicide. The following was observed and verified by witness, [REDACTED] and [REDACTED]:

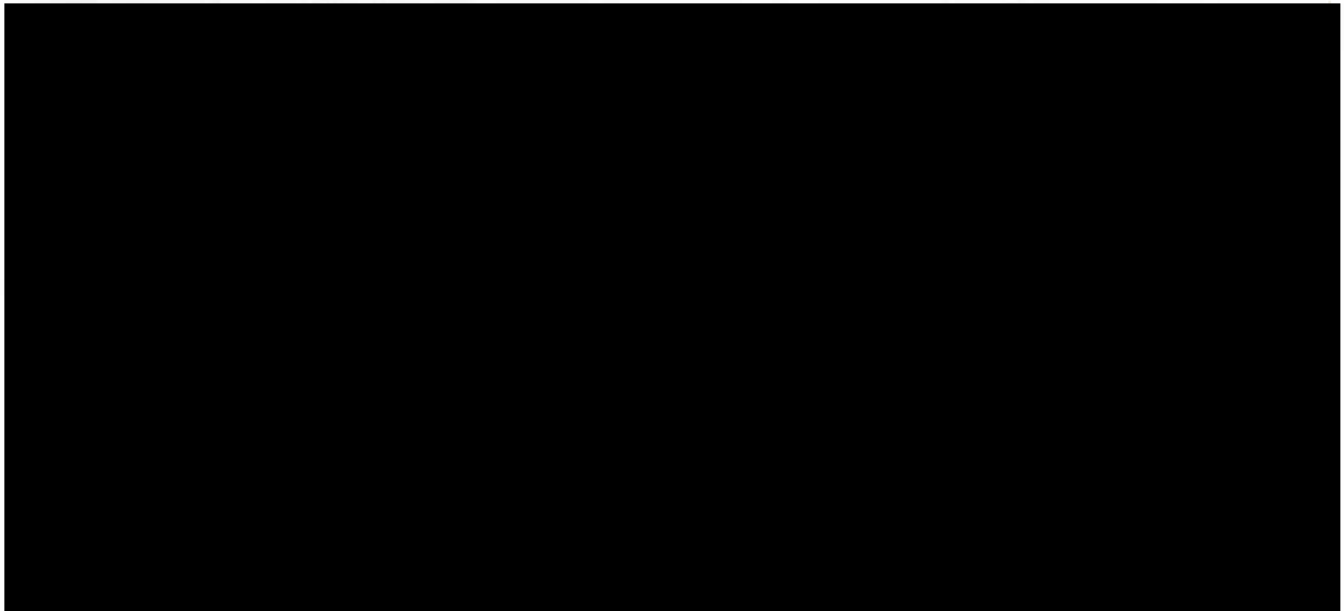
The white Mercedes is seen in the parking structure in the 1200 blk Lincoln/Sherman alley. The Mercedes is seen traveling to the top of the parking structure before crashing into the upper west wall.



The suspect gets out of the vehicle alone and runs down to the lower parking lot and alone the wall in front of the parking structure and then crouches behind a white pickup parked in the lot.



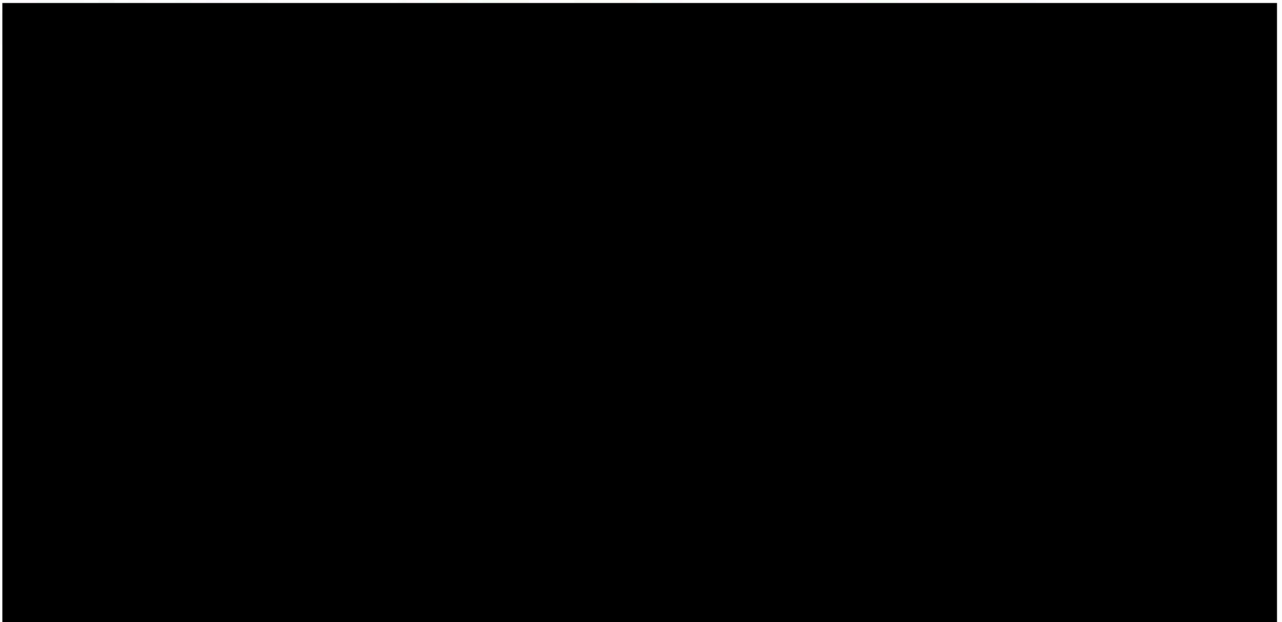
The suspect bends over at the corner of the wall and chain link fence and is seen reaching behind the fence. Your Affiant observed a single live 9mm round and a Glock 9mm magazine with 12 live rounds.



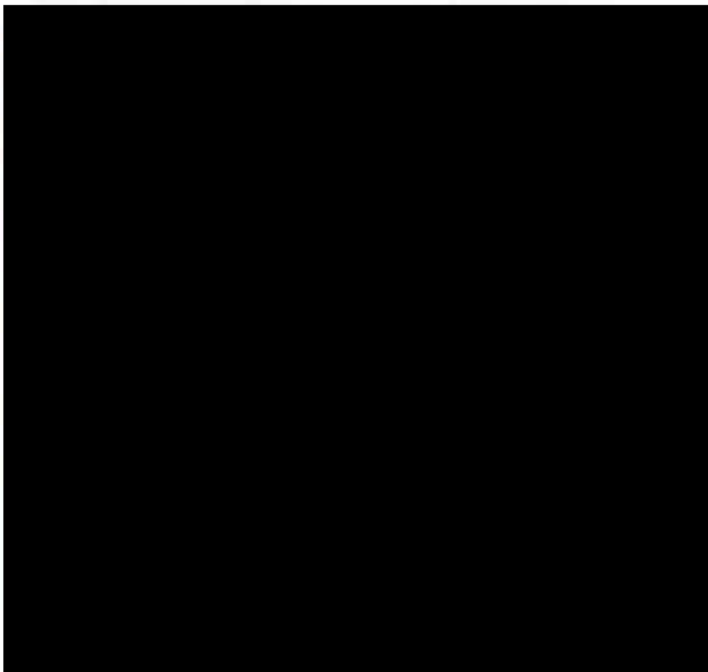
Your Affiant spoke to Forensic Scientist, Zachary KOTAS for the Denver Police Crime Lab who examined the two (2) fired shell casting recovered from the homicide scene. He concluded that the (2) 9mm shell castings were fired by a Glock style handgun.

It should be known that the Glock magazine recovered had a capacity of 15 rounds. There were 12 in the magazine, 1 on the ground next the magazine and 2 recovered shell castings, totaling (15).

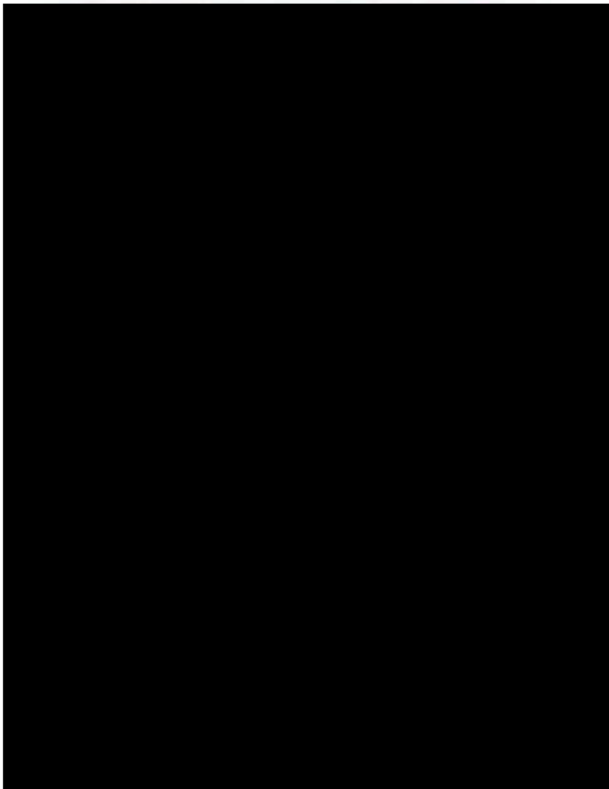
The suspect then runs east towards Sherman St along the fence line and is seen carrying a handgun in his right hand.



The suspect then jumps the fence into the construction site and attempts to hide behind several structures.



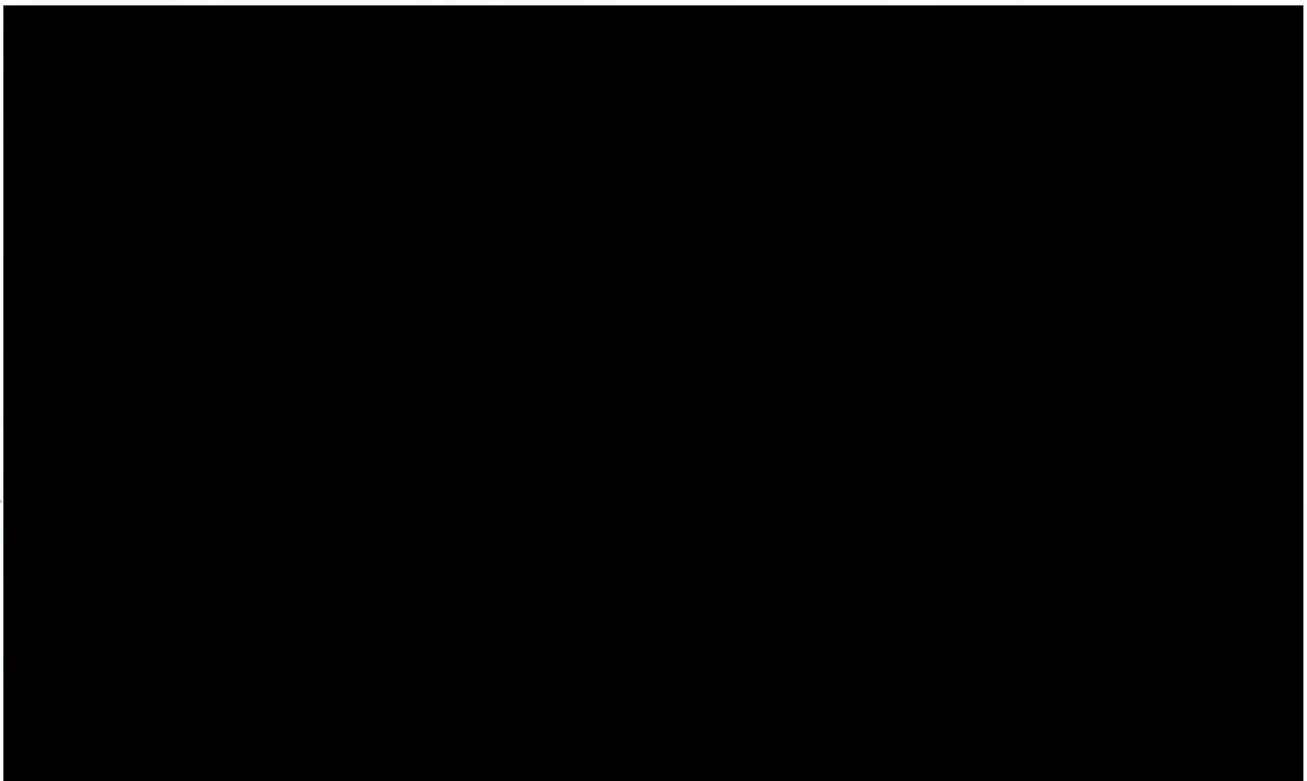
The suspect continues running north, through the construction site as police cars are entering the area. The suspect flees the construction site in an unknown direction.



Your Affiant observed that the suspect matches the height and weight of Donald GONZALES and obtained a search warrant for the call detail records for his known phone number.

Upon return of the Call Detail Records, it was determined that the device's location was in the area of the homicide and at the time the homicide occurred. The records also show his device in the area as he was fleeing the scene.

Your Affiant located Facebook accounts for Donald GONZALES. Several posts and photos were on his Facebook pages showing him in possession of a Glock style handgun.



The posts were shared with members of the Denver Police Firearms Unit and their conclusion is that the handgun displayed by GONZALEZ is most likely a Glock "clone" and would take a Glock magazine.

On May 29, 2021, Your Affiant spoke to [REDACTED] by telephone who stated that she had spoken to Donald and asked him about her car. She advised Your Affiant that Donald told her "I crashed the car".

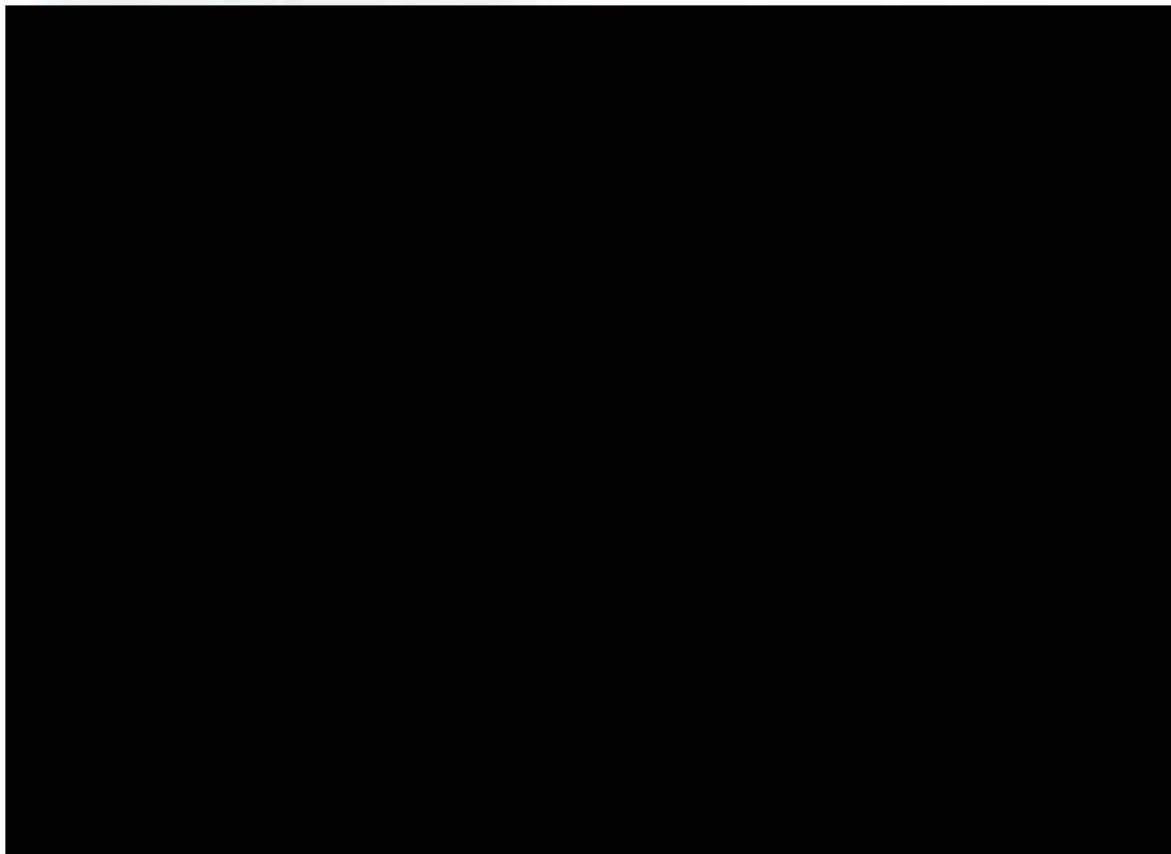
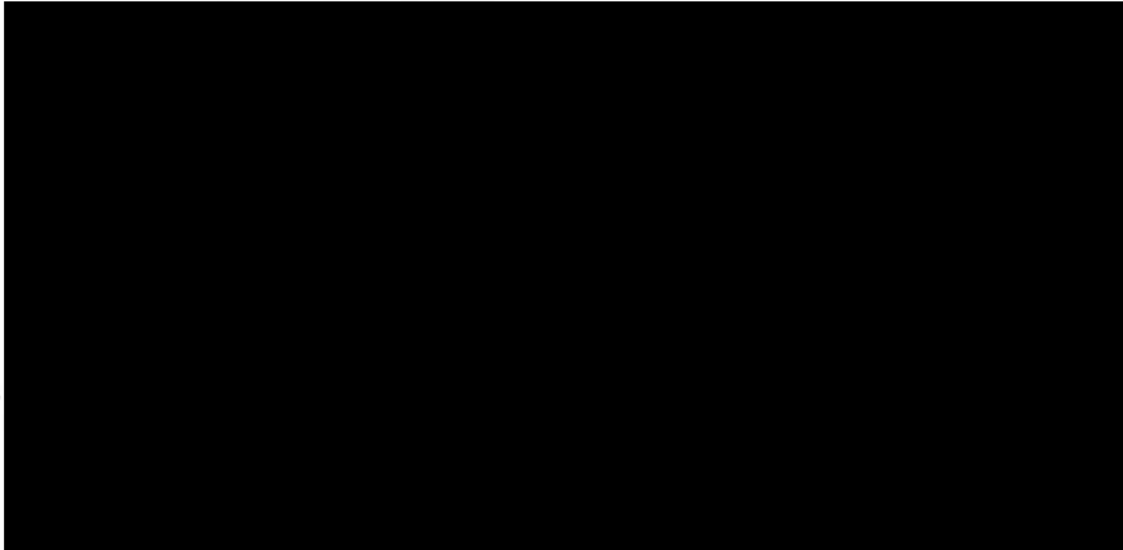
Your Affiant then observed that Donald GONZALEZ had removed his Facebook page.

On the Day of the homicide, Your Affiant received and executed a search warrant on the white Mercedes. Your Affiant recovered a receipt for Harbor Freight, located on E Alameda Ave in Aurora Colorado. The transaction was documented at May 27, 2021 at 12:17 PM and purchaser was identified as "Donald Gonzalez".

Your Affiant responded to that Harbor Freight store and received video footage of that transaction and the video included the front entrance to the store. Upon review, Your Affiant could see the face of the customer and positively identified him as Donald GONZALES.



Your Affiant also observed that GONZALES was wearing the same clothing as the suspect running away from the Shooting/Homicide scene carrying a gun.



After reviewing all surveillance, phone records and the statement made by the vehicle's owner, [REDACTED], Your Affiant believes that the person in all of the video surveillance is Donald GONZALES.

Based on the above investigation, photographs, surveillance images, phone records and preliminary ballistic examinations, there are reasonable grounds to suspect that GONZALES was parked in his white Mercedes, northbound on N Sherman St, near 12<sup>th</sup> Ave. in the early morning hours of May 28, 2021 and that he shot and killed the victim, MCLAUGHLIN in the street, in front of [REDACTED] N Sherman St before fleeing and crashing in the parking structure in the 1200 blk of the Lincoln/Sherman alley and then fleeing on foot, armed with a handgun.

Based on the foregoing information, Your Affiant respectfully requests that a warrant be issued for Donald Ray Gonzales, dob: 11/25/1999, a Hispanic male, 5'10", 140 pounds with brown hair and hazel eyes, [REDACTED] one (1) count of Murder in the First Degree, C.R.S. 18-3-102 (1) (a), a Class 1 Felony, so the suspect can be apprehended, and the investigation continued.

Pursuant to Rule 41 of the Colorado Revised Statutes, the Affiant listed herein has requested and received approval to have this Affidavit sealed from public release of the information herein contained due to the media coverage of this case, to assure that this case is not compromised, that witnesses mentioned in this warrant can be protected from any type of early reprisals, so that this investigation can continue.

I affirm this information to be true and correct

  
Signature of Affiant

Subscribed under oath before me on

6/3/2021

10:02am

Date

Time

  
Judge or Notary Public

My commission expires: \_\_\_\_\_



## ARREST WARRANT

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

You are hereby commanded to take the person of the defendant, **Donald Ray Gonzales**, dob: **11/25/1999**, a **Hispanic male**, **5'10"**, **140 pounds with brown hair and hazel eyes**, [REDACTED] **one (1) count of Murder in the First Degree, C.R.S. 18-3-102 (1) (a), a Class 1 Felony**

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

Adam J. Espinosa  
Signature of Judge

Date 6/3/2021

Adam J. Espinosa  
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