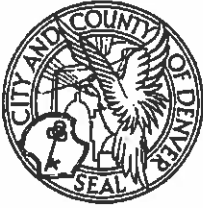


THE PEOPLE OF THE STATE OF COLORADO



County/District Court
City and County of Denver, Colorado

Offense Case No. 2015-465845

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

**Nicholas Christopher Lujan, DOB: 03/14/1994, an Hispanic male, approximately 5'7,
approximately 165 pounds with black hair and brown eyes,**

One (1) count Murder in the First Degree, 18-3-102 (1)(a) (After Deliberation) , Class 1 Felony, One (1) count of Murder in the First Degree, C.R.S. 18-3-102 (1) (b) (Felony Murder – Predicate Attempt Robbery), Class 1 Felony; One (1) count of Murder in the First Degree, C.R.S. 18-3-102 (1) (d) (Extreme Indifference Murder), Class 1 Felony; One (1) count of Criminal Attempt Robbery, 18-2-101 (1); 18-4-301 (1), Class 5 Felony; One (1) count Possession of Weapons by Previous Offender, 18-12-108 (1), Class 6 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 Homicide Unit and has been previously assigned to the Denver Police Cold Case Unit since September of 2017 as a Detective. Your Affiant has held previous positions as a detective in the Missing and Exploited Persons Unit as well as a General Assignment detective with Denver Police District 6 Investigations Unit. Your Affiant has received specialized trainings in the investigation of all aspects of domestic violence, assaults; child abuse and child sexual assault cases, Sex Crimes and Computer Crimes involving 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. Your Affiant has specialized training in Homicide and Death investigations. Your Affiant has investigated numerous cases of all of these types of crimes.

This affidavit includes facts to establish probable cause for the requested arrest warrant. Not all facts known to investigators have been included in this affidavit.

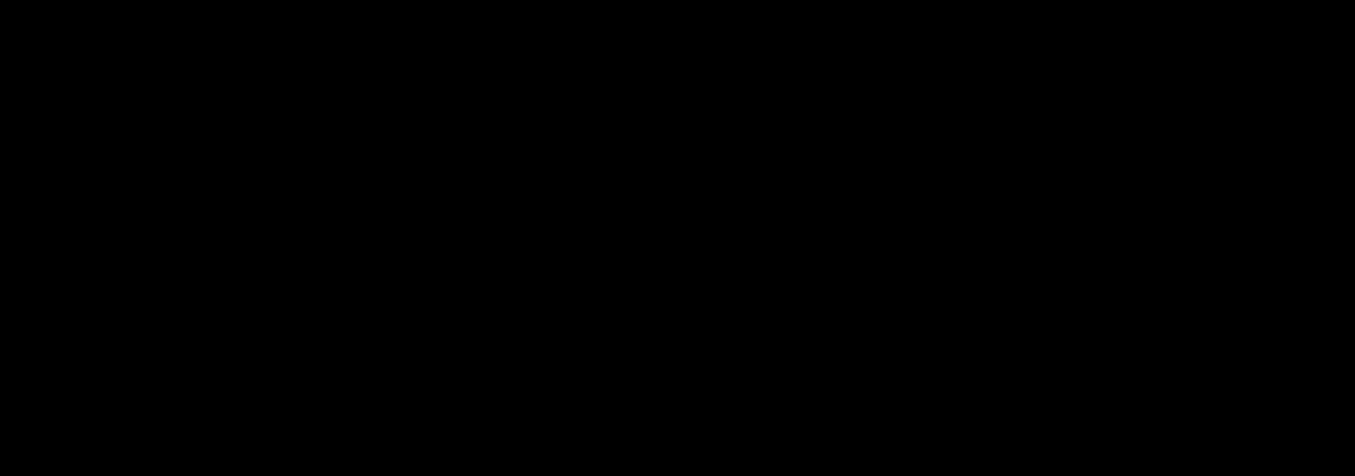
Background of Investigation – Homicide

Investigation indicates that on **August 15, 2015** at approximately **10:23 AM**, Denver police officers were called to the area of S. Federal Blvd. and W. Vassar Ave. on a report of a shooting with a man down. Upon arrival, officers located the victim, José FRIAS-OLIVAS [REDACTED] 53, facedown near the southwest end of Harvard Gulch Park. Mr. FRIAS-OLIVAS was motionless and appeared to have suffered a single gunshot wound to the head. The responding paramedics examined him and obtained a field death pronouncement time of **10:23 AM**.

This case was assigned to Detective Jamie CASTRO 89033 for follow-up investigation. Detective CASTRO was advised of the homicide at approximately **10:35 AM**.

An autopsy was conducted the next day which showed that the victim suffered a single gunshot wound to the back of the head and an exit wound to the right eye.

The Denver Police Crime Scene Unit responded and processed the scene. A search of the scene disclosed a single spent Remington .22 caliber cartridge case located on the trail path just east of the victim. (circled in yellow)



Several witnesses were contacted in the area that described hearing 2-3 gunshots and saw 3 to 5 kids running from the area east along the bike path with one of the kids riding a bicycle.

Witness, [REDACTED], stated that he and his friend were walking and saw four adults running. He stated that they saw a guy on a bike, two behind the bike and a fat guy behind them running. [REDACTED] described that one of the males running had tattoos on his face.

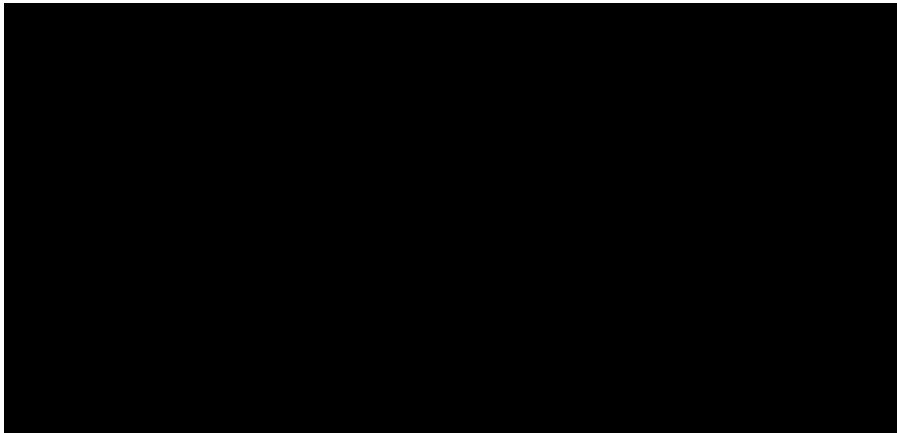
Witness, [REDACTED], stated to officers that he was walking northbound on Decatur St toward Harvard Gulch and saw four guys running on the path coming from Federal. He stated that one of the males had tattoos on his face, two of them had dark colored hats that looked like "Brooklyn Nets" hats. He stated that one guy had a bicycle and was way ahead of the others. He stated that the last guy had blue shorts and they were all heading south on Decatur. He stated to officers that they looked very scary, so he did not look back.

Officers asked [REDACTED] what made him think that all four people were together, and he answered that they were running in the same direction and appeared to be together. He was asked how they were running, and he answered that they seemed to be in a hurry, like to get away from something bad. He stated that they were all Caucasian or Hispanic.

On **October 7, 2015** at approximately **5 PM**, Detective CASTRO attempted to contact [REDACTED] at his residence and arrangements were made to meet on **October 12, 2015**. Detective CASTRO was told by [REDACTED], [REDACTED] that she did not want her son speaking with detectives, so no meeting took place.

On **October 7, 2015**, Detective CASTRO contacted [REDACTED] at his residence. [REDACTED] was asked to describe the suspect with the tattoos. He told Detective CASTRO that there were four guys. The first guy was riding a bicycle. The second and third guys were running together, and the fourth guy was running behind the other three. He stated that the second and third guy both had tattoos. The second guy had arm tattoos, but he could not describe that. The third guy had a tattoo over his left eye and on his right cheek. He stated the tattoo over his eye was similar to the "Monster Drink" symbol with the claw marks. He stated that he believed another tattoo on the right cheek appeared to be the numbers 104. He described them as looking like gang members. Detective CASTRO attempted to set up a formal interview with [REDACTED] and prior to the interview, [REDACTED], [REDACTED] called to confirm that he did not want [REDACTED] to meet with detectives, so the meeting never took place.

On **October 30, 2015**, Detective CASTRO received a call from Robbery Detective Martin VIGIL who advised him that they had four parties in custody for robbery. He identified one of the parties as Nicholas LUJAN 3/14/94 and said that LUJAN had a facial tattoo of claw marks near his left eye. Detective CASTRO was advised that all four parties were in custody and that they were contacted in a stolen vehicle from the robbery. The robbery occurred on Thursday, **October 29, 2015**. The robbery occurred at [REDACTED] Morrison Rd.



Detective CASTRO was advised that a robbery suspect vehicle was stopped on **October 30, 2015**. He was also advised that a black long barrel revolver was used in the robbery. A black revolver was located in a backpack next to one of the passengers in the backseat. The handgun was identified as a .357 caliber handgun.

On **October 30, 2015**, Detective CASTRO attempted to interview LUJAN who stated that he wanted an attorney.

On **April 7, 2016**, Detective Castro completed a computer check on [REDACTED] [REDACTED] [REDACTED] was identified as LUJAN's [REDACTED] by Detective VIGIL on **October 30, 2015**.

Detective CASTRO learned that [REDACTED] silver 1996 Acura ATL sedan was seized by the Northglenn Police Department on **September 1, 2015**. The check also showed that drugs and a .22 caliber Ruger handgun was recovered from the vehicle. Detective CASTRO contacted the Northglenn Police Department and requested a hold be placed on the gun. A check was also made on the handgun (Ruger Mark II [REDACTED]) and found that it was not reported stolen.



Detective CASTRO contacted the Northglenn Police Department and made arrangements to pick up the .22 caliber handgun and was also informed that a cellular telephone was also recovered in the vehicle. A hold was also placed on the cell phone. Detective CASTRO picked up the cell phone and the handgun and place them into the Denver Police Property Bureau on **April 8, 2016**.



On **April 13, 2016**, Detective CASTRO submitted a request to the Denver Police Crime Lab to test the handgun for DNA, latent prints and a firearms test to be completed on the .22 caliber handgun.

On **April 26, 2016**, a report from the Denver Crime Lab revealed that the .22 caliber handgun recovered in the vehicle owned by [REDACTED], matched the shell casing recovered from the crime scene in this case.

On **September 19, 2016**, a report from the Denver Crime Lab revealed that the DNA profile recovered from the magazine of the recovered handgun resulted in a CODIS match to Nicholas LUJAN.

On **March 7, 2017** at approximately **8:45 PM** Detective CASTRO received a Crime Stoppers tip from an anonymous caller. The tip is described as follows:

“Look I'm scared as hell to give this information obviously because it's a murder committed by a gang member I overheard a conversation I won't say when where etc. Anyway Nick Lujan or Luna unsure of exact last name a.k.a. Caesar a GKI gang member in his early 20s said he killed that old man on feds two gunshot wounds one was in the neck. He was supposed to rob him but decided to kill him instead. He laughed and said he got away with murder and has killed and will kill again. This was overheard yesterday”.

Detective CASTRO made several attempts through Crime Stoppers to contact the anonymous tipster but was unsuccessful.

On **April 2, 2018**, Detective CASTRO responded to the Limon Correctional Facility and obtain saliva samples from LUJAN pursuant to a signed 41.1 motion by the court. A request was submitted for examinations of this saliva sample and the recovered .22 caliber handgun. LUJAN was serving a sentence for a conviction in the robbery case investigated by Detective VIGIL.

On **September 27, 2018**, Detective Neil BAKER of the Denver Police Cold Case Unit was assigned this case for follow-up investigation as Detective CASTRO was re-assigned to another unit.

Detective BAKER learned that the recovered cellular phone was sent to the Maricopa County Sheriff's Office after a search warrant was executed to examine the cell phone and was unsuccessful. The phone was sent to Maricopa County to execute a “chip off”.

Detective BAKER drafted another search warrant for this data recovery method and has made attempts to contact the Maricopa County Sheriff's Office for further information. The phone was examined by [REDACTED], who is a certified computer crime analyst with the Maricopa County Sheriff's Office.

Detective BAKER attempted to contact witness, [REDACTED] and spoke with [REDACTED]. [REDACTED] stated that [REDACTED] was now 17 years old and stated that he would leave it up to [REDACTED] if he wanted to talk to this detective. [REDACTED] provided [REDACTED] cell phone number.

Detective BAKER contacted [REDACTED] who stated that he remembers that day but did not see the shooting. He confirmed that he saw four males running out of the park that day and did confirm that one of the males had tattoos on his face in the shape of the "Monster" energy drink. [REDACTED] stated that their faces are still in his head and he thinks he could identify him. [REDACTED] agreed to meet with detectives.

On October 25, 2018, Detective Baker and Detective MCGRAIL met with [REDACTED] at [REDACTED]. [REDACTED] agreed to view a photographic lineup. The photographic lineup was prepared by Detective BAKER and LUJAN's photo was placed in the number 2 position. LUJAN's tattoos were covered up with black marker and the other similar photographs were covered in the same black marker to show the same tattoos. Detective BAKER read [REDACTED] the photographic lineup admonition and then separated himself while Detective MCGRAIL proceeded to show the lineup as described in the admonition. [REDACTED] circled photograph number 2 and stated that this person looked most familiar out of the photographs shown.

On December 17, 2018, Detective BAKER received the warrant return on the cellular phone sent to the Maricopa County Sheriff's Office.

Detective BAKER examined the data which included phone calls, text messages, photographs and other information. With the information gathered from LUJAN's cell phone, three additional subjects were identified as:

[REDACTED]

[REDACTED]

[REDACTED]

Witness [REDACTED] was also identified.

On March 26, 2019, Detective BAKER responded to the Lakewood Police Department and met with witness, [REDACTED] who had been arrested on an outstanding warrant. After Miranda advisement, [REDACTED] was interviewed about the homicide investigation. [REDACTED] denied being involved in the homicide but stated that LUJAN, [REDACTED], [REDACTED] and [REDACTED] all came over to his apartment on August 15, 2015 where LUJAN admitted to shooting someone that day.

On March 28, 2019, Detective BAKER and Detective MCGRAIL responded to the Fremont Correctional Facility in Canon City Colorado to meet with [REDACTED] who was serving a sentence on a unrelated burglary charge. After Miranda, [REDACTED] was interviewed regarding his involvement in this homicide investigation. [REDACTED] admitted to being at the scene of the homicide and stated that LUJAN was the shooter. He stated that LUJAN wanted to rob the victim and he, along with [REDACTED] and [REDACTED] surrounded the victim. When the victim started running, LUJAN shot twice at the victim and hit him. [REDACTED] describes the events of that day after the shooting which included going to [REDACTED] apartment. [REDACTED] admitted that the gun belonged to him but LUJAN had taken it and he did not realize LUJAN had brought it with him that day.

Detective BAKER drafted arrest warrants for [REDACTED] and [REDACTED] for their involvement in the attempted robbery of the victim.

On **April 5, 2019**, Detective BAKER met with [REDACTED] at Denver Police Headquarters as he was arrested on the outstanding robbery warrant.

After Miranda, [REDACTED] was interviewed about his involvement in the homicide being investigated. [REDACTED] admitted that he was there with LUJAN, [REDACTED] and [REDACTED]. He stated that LUJAN wanted to rob the victim. [REDACTED] stated that they walked into the park and he heard LUJAN say, "let's rob him". He stated that LUJAN walked up to the victim and started touching his pockets and when the victim did not cooperate, LUJAN shot him. He stated that they all ran back to [REDACTED] apartment before leaving and going to [REDACTED] apartment.

On **April 9, 2019**, Detective BAKER met with [REDACTED] at Denver Police Headquarters after he was arrested on the outstanding warrant for robbery.

After Miranda, [REDACTED] was interviewed regarding his involvement in the homicide. Initially [REDACTED] denied any involvement in the homicide but later in the interview stated that [REDACTED] and [REDACTED] wanted to rob the victim and when the robbery did not go as planned, LUJAN shot the victim. [REDACTED] described their actions after the shooting as going to his apartment and then eventually going to [REDACTED] apartment later that day.

On **April 23, 2019**, Detective BAKER responded to the Colorado State Penitentiary in Cannon City Colorado and attempted to meet with LUJAN, but he refused an interview.

Summary

As outlined in this affidavit, investigators discovered that Nicholas LUJAN, [REDACTED], [REDACTED] and [REDACTED] were walking southbound on S. Federal Blvd. on **August 15, 2015** at **10:23 AM**. LUJAN observed the victim, José FRIAS-OLIVAS walking in the park east of Federal and north of Vassar Avenue. LUJAN then suggested that they rob the victim and then all parties walked into the park and contacted the victim. LUJAN demanded money from the victim who turned and attempted to flee. At that point, LUJAN retrieved a firearm from his waistband and fired two rounds at the victim, striking him in the back of the head, killing him. LUJAN and the rest of the group ran eastbound through the park and then southbound on Decatur St before returning to [REDACTED] apartment, located at [REDACTED] S. Federal Blvd.

While at the apartment, LUJAN washed his hands with bleach and cleans the firearm. Later that afternoon, LUJAN completes Internet searches on his cellular phone regarding the news story of the homicide and completes several searches of his own name.

Investigators believe that Nicolas LUJAN attempted to rob the victim, Jose FRIAS-OLIVAS and when the victim attempted to run away, LUJAN shot the victim. Investigators believe that LUJAN conducted Internet searches with various news outlets about the homicide investigation and also conduct searches of his own name to see if law enforcement had associated him as a suspect in the homicide.

Conclusion

Based on the foregoing information, Your Affiant respectfully requests that a warrant be issued for **Nicholas Christopher Lujan, DOB: 03/14/1994, an Hispanic male, approximately 5'7, approximately 165 pounds with black hair and brown eyes**, [redacted], [redacted]. **One (1) count Murder in the First Degree, 18-3-102 (1)(a) (After Deliberation) , Class 1 Felony, One (1) count of Murder in the First Degree, C.R.S. 18-3-102 (1) (b) (Felony Murder – Predicate Attempt Robbery), Class 1 Felony; One (1) count of Murder in the First Degree, C.R.S. 18-3-102 (1) (d) (Extreme Indifference Murder), Class 1 Felony; One (1) count of Criminal Attempt Robbery, 18-2-101 (1); 18-4-301 (1), Class 5 Felony; One (1) count Possession of Weapons by Previous Offender, 18-12-108 (1), Class 6 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

2/9/2021 1449
Date Time

DONE ELECTRONICALLY

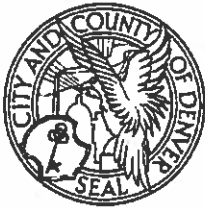

JUDGE



Judge or Notary Public

My commission expires: _____

Offense Case Number 2015-465845



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, **Nicholas Christopher Lujan**, DOB: **03/14/1994**, an **Hispanic male**, approximately **5'7**, approximately **165 pounds** with **black hair** and **brown eyes**, [REDACTED], [REDACTED], One (1) count **Murder in the First Degree, 18-3-102 (1)(a) (After Deliberation)**, Class 1 Felony, One (1) count of **Murder in the First Degree, C.R.S. 18-3-102 (1) (b) (Felony Murder – Predicate Attempt Robbery)**, Class 1 Felony; One (1) count of **Murder in the First Degree, C.R.S. 18-3-102 (1) (d) (Extreme Indifference Murder)**, Class 1 Felony; One (1) count of **Criminal Attempt Robbery, 18-2-101 (1); 18-4-301 (1)**, Class 5 Felony; One (1) count **Possession of Weapons by Previous Offender, 18-12-108 (1)**, Class 6 Felony.

and bring him without unnecessary delay before a Judge of the County Court to be dealt with according to law.

Bail fixed at \$ FIRST APPEARANCE



Signature of Judge

Date 2/9/2021

BARRY A. SCHWARTZ

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