

STATEMENT OF PROBABLE CAUSE

GO# 2022-343727

AB# 2022-17243

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DEFENDANT					
Last Name	First Name	Middle	DOB	Arrest Date	Arrest Time
WERTZ	KIRK	SAMUEL	05/19/1970	07/06/2022	7:17 pm
Armed with UNARMED					
Location of Arrest 11505 W BELLVIEW AVE					

OFFICER MAKING STATEMENT	
Name	Serial No.
JOHNSON, CHRISTOPHER E.	P05153

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 06/30/2022 at 10:10 am at or near the location of 1700 N BROADWAY ST in the City and County of Denver, State of Colorado.

VIOLATIONS(S)	DESCRIPTION
18-8-616	INV HOLD-RETALIATION AGAINST A PROSECUTOR[028014]

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

[The following probable cause statement was provided by Colorado State Patrol Trooper Kornhauser (5018):

On June 30th, 2022, at approximately 10:56 a.m. the Colorado State Patrol Executive Security Unit received an email communication from [REDACTED] with the Secretary of State's office. The email stated at approximately 10:10 am on Thursday June 30th, [REDACTED] with the Secretary of State's office answered a call in the office of the Secretary of State lobby call queue. The male caller stated: "Hey, I've got a message for the Secretary and want you to pass it along: The angel of death is coming for her in the name of Jesus Christ". The male caller did not give a name, and was not identified. The phone number captured by the caller ID within the Office of the Secretary of State located at 1700 N. Broadway within the City and County of Denver Colorado. The phone number that was captured is: [REDACTED]. Because the Secretary's office does not record any incoming live phone calls, they do not have a recording of the interaction with the caller. The account of the call was, however, taken down close to contemporaneously with the event by [REDACTED]. This information was sent to our CIAC watch center, and Trooper Jason McCall received the email through chains. Trooper McCall is assigned to the CIAC watch center. The phone number the calls were coming from was listed as [REDACTED]. Trooper McCall called the suspect, and the transcript is as follows:

Subject -Hello. Trooper-Hi, good afternoon, this is Trooper McCall with the Colorado State Patrol. How are you? S: Great, how you doin'? T: Good, um, just wanted to follow up regarding the phone call over to the Secretary's Office today. S: Yeah, what about it? Haven't you heard of the First Amendment, er.. or are you a boy scout? T: No, absolutely... (subject interrupts) S: Even boy scouts have heard of that. T: Oh, yeah, absolutely (subject interrupts) S: You're not intimidating. You're harassing is what you're doing. So, what's the problem? S: (Interrupting) S: She's going to burn in hell! What's the problem other than that?! (Continues to interrupt). What's your major malfunction? T: Do you have intentions of physically harming the Secretary of State? S: I don't have to answer any of your stupid questions. T: OK. so, I'm just curious as to what the purpose of calling the SOS office was. S: (yelling, partially muffled) I'm a citizen of Colorado, well, Colorado but the United States of America. And I'm an Oath Taker and an Oath Keeper. And I owe you no explanation. Since you're stupid and don't know anything about this stuff and are calling and harassing me, go stick it in your ass. S: (terminated the call) No additional contact as of 06/30/2022 at 1703 hours.

[REDACTED] (victim) felt the original phone call in its nature was threatening. The threatening call caused [REDACTED] to alter procedures for safety reasons. The nature of the follow up phone call to the subject by Trooper McCall caused further concern because of having avoided the question of whether or not 'he intended to cause harm to the secretary of state'.

The Colorado State Patrol Executive Security Unit is statutorily obligated to the Secretary of State's office to ensure the safety of the office. [REDACTED]

The original threatening phone call to the office of the Secretary of State is in violation of CRS 18-8-615: Retaliation against a judge or elected official.

On Friday July 1 2022 a Trap and Trace warrant was signed for [REDACTED]. On Saturday July 2, 2022 the warrant was executed through the cellular service provider Verizon Wireless. The immediate result of the warrant having been satisfied was a location in Goodland KS. Between July 2, 2022 and Tuesday July 5, 2022 the cell signal remained in Goodland KS. On the evening of Tuesday July 5 2022 the cell signal showed location data traveling east from KS into CO. The signal came to a final location within Littleton CO late in the evening of July 2, 2022 and remained in the same location through Wednesday July 6 2022.

On Wed July 6 2022 utilizing geolocation hardware a location of the Kum and Go at the corner of Simms and Bellview was ascertained. At approx. 18:00 hours on Wednesday July 6 2022 myself and CSP Agent Jeremy Hostetter made contact with the apparent owner/operator of the suspect cellular phone signal.

On initial contact I introduced myself and questioned the male party having the cellular phone at question. Later positively identified as Kirk Samuel Wertz DOB: 05/19/1970) through a recorded consensual interview we learned that:

* Wertz admitted to making calls to the secretary of states office.

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* Wertz admitted to referencing the 'angel of death coming for her'.

* Wertz admitted to having possession of the cell phone that was used to make that call.

* Wertz admitted to having talked to a Trooper on a follow-up phone call regarding the initial contact.

At approx. 1900 hours we took Wertz into custody without incident.

We explained to Wertz that he was being arrested for violation of Retaliation against a Judge or Elected Official.

Wertz was transported to the Denver Jail.

Agent/Trooper Charles L. Kornhauser

IBM 5018

Critical Response Team

Colorado State Patrol Executive Security Branch]

Paper Documents sent for Scanning:

Advisement [No] Victim Statement(s)[] How many? []

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

Request for Presumptive Screening[]

Miscellaneous

[]

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: JOHNSON, CHRISTOPHER E. Serial No: P05153