

County/District Court

THE PEOPLE OF THE STATE OF COLORADO
City and County of Denver, Colorado

Offense Case No: 2023-596963



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

Shon Timothy McPherson / 07-01-1991 / Black Male / 6'00" / 200lbs / Black
Hair / Brown Eyes [REDACTED]

For C.R.S. 18-3-102; Murder in the First Degree (F1)

C.R.S. 18-3-102; Murder in the First Degree (F1)

C.R.S. 18-3-102; 18-2-101 – Criminal Attempt to Commit Murder in the First Degree (F2)

C.R.S. 18-3-102; 18-2-101 – Criminal Attempt to Commit Murder in the First Degree (F2)

C.R.S. 18-3-102; 18-2-101 – Criminal Attempt to Commit Murder in the First Degree (F2)



Adams County Mugshot 10/31/2023



Camera Footage of McPherson on 11/5/23

I, Detective Steven Seidel (13082), the Affiant, state 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:

Through the investigation, Your Affiant has learned the following information:

Investigation Details:

Sunday, November 5, 2023,

November 5, 2023,

On **November 5, 2023**, at approximately **3:06 a.m.**, Denver Combined Communications (Dispatch) received a call of a shot spotter notification of twelve rounds being fired at 5510 East 33rd Avenue, which is in the city of Denver, state of Colorado.

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At approximately **3:09 a.m.**, Dispatch received a call of a shooting at 5514 East 33rd Avenue. Multiple callers reported two people were shot at the location. Upon officers' arrivals, three victims were discovered on scene with multiple gunshot wounds. The victims were transported to Denver Health Medical Center.

While officers investigated the shooting, additional victims with gunshot wounds self-transported to Rose Hospital, Swedish Hospital and Denver Health Medical Center. All victims reported being shot at 5514 East 33rd Avenue.

Detective Josh CATLETT #13078, with the FAST (Firearms Assault Shoot Team) Unit, spoke with one of the victims, subsequently identified as [REDACTED], who was being treated at Denver Health Medical Center. [REDACTED] related that he had been inside the club when a fight broke out inside the club. [REDACTED] then heard gun shots and he sustained a graze wound to his left hip while he was inside the club.

One of victims transported from the scene via ambulance was taken to Denver Health Medical Center. The victim, subsequently identified as Michael DAVID, dob: [REDACTED], was pronounced deceased shortly after arriving at Denver Health Medical Center. Mr. DAVID was pronounced by Doctor CAMPION at **5:01 a.m.**

Altogether, there were a total of seven victims that have been identified as being victims of the shooting. The seven victims were identified as:

- Michael DAVID, dob: [REDACTED] (Denver Health Medical Center, pronounced deceased on **November 5, 2023, at 5:01 a.m.** by Doctor CAMPION).
- Joshua BATTS, dob: [REDACTED] (Denver Health Medical Center, pronounced deceased on **November 5, 2023, at 3:22 p.m.** by Doctor CENTENO).
- [REDACTED] (Denver Health Medical Center, graze wound to the hip/buttocks).
- Todd WASHINGTON, dob: [REDACTED] (Denver Health Medical Center, gunshot wound to the chest).
- [REDACTED] (University Hospital, gunshot wound to the chest).
- [REDACTED] (Rose Medical Center, graze wound to the right arm/torso).
- Shon MCPHERSON, dob: 07/01/1991 (Swedish Medical Center, gunshot wound to the chest).

Due to the multiple victims receiving medical treatment for their injuries, the majority of them were unable to provide statements on **November 5, 2023**, regarding the shooting incident from early that day. There was however one victim, [REDACTED], who sustained a gunshot wound to her arm, who was able to provide a statement. She agreed to be transported and interviewed at DPD Headquarters after being treated. In her recorded interview, she was able to identify the sound of gunfire that appeared to be just outside of the club (5514 E. 33rd Avenue) where the gun shots took place, verifying that a gun was in fact discharged, and that she was in fact shot.

FAST Detectives arrived at the scene at approximately **5:00 a.m.** FAST Detectives approached the scene and learned from the patrol officers that the location is known to them as a Hells Lovers

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Motorcycle Club clubhouse. When surveying the scene, Detectives observed approximately eight fired cartridge casings on the ground in the parking lot and near the west entrance door of 5514 East 33rd Avenue. 5514 East 33rd Avenue had been struck three times by gunfire creating bullet defects that appeared similar to a hole. This led Detectives to believe that possible fired bullets may have entered 5514 East 33rd Avenue and may be recoverable. Additionally, several vehicles in the parking lot to the north of, but adjacent to the business were struck by gunfire. A red Toyota Rav 4 bearing Colorado license plate 756-JQN was parked in the parking lot near the main (east) doors of 5514 East 33rd Avenue facing south towards the location. There was a bullet defect on the hood of the vehicle. Further examination of the bullet defect indicated that the bullet that struck the car was fired from the direction of the main (east) door of 5514 East 33rd Avenue, and that the shot may have come from inside the business, or just outside of it. Detectives also observed multiple video cameras attached to the north wall of the business. These cameras were white in color and had wires coming out of them that led into 5514 East 33rd Avenue, indicating that they were likely hardwired to a digital video recorder or similar device inside.

The officers that responded to the shooting contacted occupants of the business and inquired about the cameras. The occupants of the business refused to let officers view the footage from the cameras and they refused officers entry into the business.

FAST Detective Robert KRELLE #13036 authored and secured a search warrant for 5514 East 33rd Avenue for Detectives to enter the location and process the location for any evidence relevant to the investigation. Upon the execution of the search warrant, the Metro/SWAT team was utilized to make the scene safe to be searched as the officers on scene learned the multiple subjects were still inside the location and may be armed. Members of the Metro/SWAT team completed a search of the location and in doing so, they located a storage shed attached to the location. The shed was attached to the south wall of the location near a rear access door. Members of the Metro/SWAT team opened the shed door to ensure that nobody was hiding inside or in need of aid. Upon doing so, they observed an AR-15 style rifle that had what appeared to be a large capacity magazine inserted into it and a metal bucket that contained numerous handguns. Detective KRELLE also viewed the shed through its open door without entering the shed. Detective KRELLE observed a black AR-15 style rifle with a green handle and green accessories. Detective KRELLE also observed two black semi-automatic handguns in holsters, a gray semi-automatic handgun in a holster and a gray revolver inside a metal bucket that was sitting on top of a several propane tanks. The shed was a wooden shed that was natural wood color with gray, white and black paint on the bottom of one side. The shed has a wooden door that opens outward. Based on that information, Detective KRELLE authored a refresh to the original warrant to process the shed that was attached to the south side of 5514 East 33rd Avenue.

During the time that FAST was authoring and executing the search warrant for the property of 5514 East 33rd Avenue, along with additional Homicide Detectives and the Crime Lab, your Affiant (Detective Steven SEIDEL #13082), who was assigned as the lead investigator on the case, responded to Denver Police Headquarters and conducted multiple interviews with witnesses/victims who were at 5514 East 33rd Avenue when the incident occurred.

Your Affiant learned the following details from one witness, [REDACTED], regarding the incident:

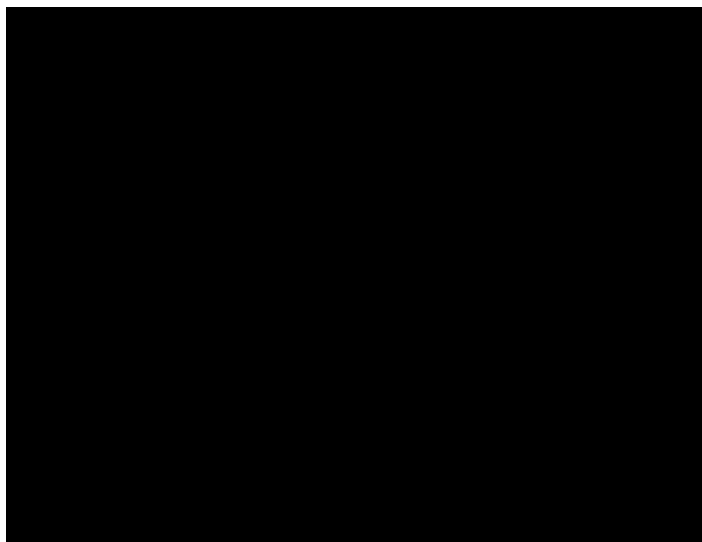
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██████████ told your Affiant that she went to the after-hours club located at 5514 East 33rd Avenue and met the daughter of her fiancée, ██████████, at the location. Shortly after arriving at the location, ██████████ got into an altercation with one of the security guards who was removing ██████████ from the property, along with some of ██████████ friends. After being removed from the property, HILL remained on the street of E. 33rd Avenue and contacted her dad, Todd WASHINGTON dob: 08/20/1983). According to ██████████ L was upset when she called WASHINGTON and expressed her anger about one of the security guards allegedly putting his hands on her. Moments later, WASHINGTON arrived at the location. Shortly after arriving, that is when the shooting occurred at the front of 5514 East 33rd Avenue. According to ██████████, she only saw one person shooting and described him as a tall, skinny white male with a possible “goatee” who was one of the security guards. After the shooting, ██████████ left the location and then learned that WASHINGTON had been shot and transported to the hospital.

After conducting interviews with several involved parties, your Affiant responded to the crime scene and learned that there were two separate caliber casings on scene, both 9mm and .40 mm, indicating that there were multiple firearms used in the assault. During the processing of the scene, there was a total of 10 spent cartridge casings recovered in the parking lot and from the sidewalk of 5514 East 33rd Avenue.

During the course of the investigation, your Affiant obtained and reviewed video surveillance from the Holly Food Market located at 5538 E. 33rd Ave, as well as surveillance from a City and County of Denver H.A.L.O. camera that was located at E. 33rd Ave / N. Hudson St. It should be noted that the video timestamp of the surveillance from the Market place is inaccurate and is slightly ahead (fast) of the real time by approximately 50 seconds to one minute.

While reviewing the video from the Holly Market, at approximately **3:01 a.m.** the headlights of the silver SUV turn on and there appears to be a disturbance close to the front door of the motorcycle club. Several black females can be seen arguing and walking away from the club to the center of the parking lot with several club members, identified by their motorcycle jackets. It appears that the club members are escorting the females away from the club and the females are upset. The club members walk back toward the front door of the club and the females walk towards 33rd Ave.



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Shortly after the disturbance, at approximately **3:04:10 a.m. – 03:04:55 a.m.**, your Affiant observed two involved males who appear to walk through the parking lot and by the front of the business, 5514 E. 33rd Ave. The males do not stop to talk to anyone in front of the business and continue to walk towards the east side of the business and then back into the parking lot. Based on the video surveillance available, your Affiant was able to positively identify one of the males as, Shon MCPHERSON (dob: 07/01/1991). Your Affiant was able to recognize MCPHERSON due to your Affiant conducting an interview with MCPHERSON on **November 5, 2023**, later in the day after the incident. The interview was conducted at Swedish Medical Center where MCPHERSON was being treated as a gunshot wound victim as a result of the shooting. The following photos are taken from the surveillance and are MCPHERSON along with the unknown male driver of the Chevy sedan.



Driver of Chevy sedan

McPherson



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As your Affiant continued to observe the video from the Holly Food Market, at approximately **03:05:00 a.m. - 3:05:30 a.m.**, your Affiant watched MCPHERSON and the unknown male that he was with approach a silver/grey Nissan SUV in the parking lot and have a brief interaction with the occupants of the vehicle.



After the brief interaction, your Affiant then was able to see MCPHERSON respond to the black Chevy sedan that he had arrived in at approximately **2:23 a.m.** MCPHERSON spent approximately 20 seconds on the passenger side of the Chevy sedan before he began to walk back across the parking lot towards the front of the business of 5514 E. 33rd Avenue. At this time, MCPHERSON appears to be holding something on his right side as he approaches the building. This movement was captured on the Market camera at approximately **03:06:01** as well as being captured on the H.A.L.O. camera system at **03:04:50 a.m. – 03:05:10 a.m.** Simultaneously, the unknown male that was walking with MCPHERSON gets into the driver's seat of the black Chevy sedan and repositions the vehicle to waiting by the front door of 5514 E. 33rd Ave, facing eastbound with the passenger side of the vehicle facing the front doors of the building.

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**McPherson
Chevy backing
out**

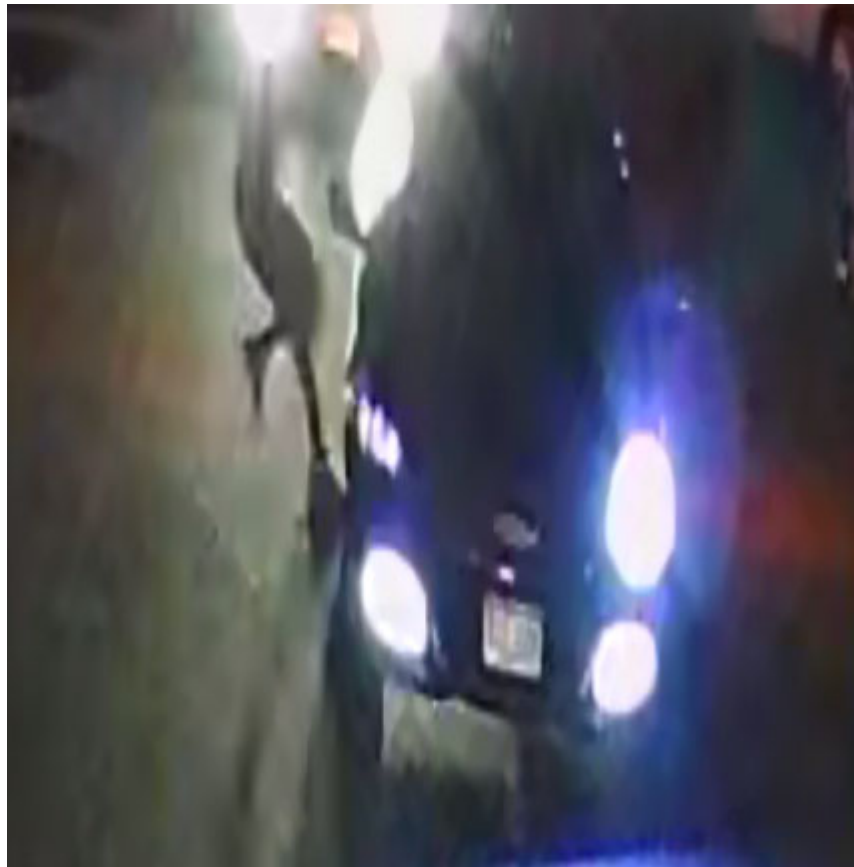
While this is going on, the silver/grey Nissan SUV exits the parking lot and repositions itself onto E. 33rd Avenue, facing eastbound.



As the vehicles are repositioning, MCPHERSON approaches the corner of the business of 5514 E. 33rd Avenue and appears to wait for a male from the silver/grey Nissan SUV to join him. Based on the Market camera, at approximately **03:07:26 a.m.** an unknown male from the silver/grey Nissan SUV gets out of the vehicle and runs southbound towards the front of 5514 E. 33rd Ave. to join MCPHERSON at the front of the building. At approximately **03:07:45 a.m.**, the camera from the Market captures MCPHERSON raise his right arm and immediately after the motion, the first muzzle flash is captured on camera coming from the location where MCPHERSON is standing. MCPHERSON appears to fire approximately 2 shots before other individuals are able to return fire.

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At approximately **03:07:49 a.m.**, MCPHERSON runs to the black Chevy sedan that is waiting in the parking lot. MCPHERSON opens the back passenger door to the vehicle and enters the vehicle. The vehicle is then seen fleeing the area by exiting the parking lot and traveling eastbound on E. 33rd Ave.



Based on your Affiant's training and experience, your Affiant believes that the actions of MCPHERSON and the other unknown male are consistent with "casing" or "scouting" the area and

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devising a plan of action with the occupants of the silver/grey Nissan SUV, prior to approaching the front of the building and initiating the shooting incident.

Shortly after MCPHERSON entered the passenger side of the black Chevy sedan and the vehicle fled the location, MCPHERSON arrived at Rose Medical Center to be treated for a gunshot wound. Your Affiant learned that MCPHERSON arrived at the hospital by use of personal transportation and was shortly transported by ambulance from Rose Medical Center to Swedish Medical Center to continue treatment. On **November 5, 2023**, at approximately **12:45 p.m.**, your Affiant responded to Swedish Medical Center and conducted an interview with MCPHERSON. During the interview, your Affiant learned that MCPHERSON was at the location and was on the sidewalk directly in front of the business when the shooting started. MCPHERSON stated that the shooting happened right in front of him, but he was unable to provide any other details regarding the shooters and how the shooting occurred.

On **November 5, 2023**, at approximately **5:30 p.m.**, your Affiant contacted the staff at Rose Medical Center and requested video of MCPHERSON being dropped off at the location. Officer KNAPP was working in an off-duty capacity and was able to view the video surveillance of the location. Officer KNAPP recorded the footage with his phone and uploaded it to evidence.com case file. Your Affiant reviewed the video footage provided by Rose Medical Center and observed the black Chevy sedan pull up to the location at approximately **3:12:41 a.m.** and drop off MCPHERSON at the driveway of the location. MCPHERSON is seen exiting the vehicle and laying on the ground. In addition to MCPHERSON exiting the vehicle, an unknown female is seen exiting the front passenger side of the vehicle along with the driver who exits the vehicle for a brief period of time. After MCPHERSON had made it to the ground and was completely out of the vehicle, the unknown male driver reentered the driver's side of the vehicle and is seen driving the vehicle away from the Hospital.



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With the facts of the case, and the fact that MCPHERSON is seen walking a loop around the building (appearing to be planning or “scoping out” the area) just prior to the incident, and with MCPHERSON being on video as the first shooter, MCPHERSONS actions rise to the level of probable cause and your Affiant respectfully requests that a probable cause arrest warrant be issued for:

Shon Timothy McPherson / 07-01-1991 / Black Male / 6’00” / 200lbs / Black Hair / Brown Eyes / FBI# 46502JD2 / SID# 2094246 / SSN# 409-69-5768 / OLN CO # 06-101-0533.

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I affirm this information to be true and correct

e/s Detective Steven Seidel #13082

Signature of Affiant

Subscribed under oath before me on

November 9, 2023

11:35 AM

Date

Time

Judge or Notary Public

Handwritten signature in blue ink.

My commission expires:

N/A - Denver County Court Judge

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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 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



Signature of Judge

Date November 9, 2023

Isaam L. Shamsid-Deen

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