

Defendant: Anthony Joseph Alvarez

DOB: 10-24-70

Agency Case No.: 11-12148

ARVADA POLICE DEPARTMENT

08-25-11

Arresting Agency

Date of Arrest

Charges:

Statute No./Mun. Ord.

Class

1. Sexual Assault on a Child by One in a Position of Trust	18-3-405.3	4F
2. Sexual Assault on Child One in a Position of Trust Pattern	18-3-405.3(1)(b)	3F

AFFIDAVIT IN SUPPORT OF WARRANTLESS ARREST

Detective Kelli Scherer, being duly sworn upon oath says that there is probable cause for the warrantless arrest of the above named defendant for the charge(s) stated above, and that the following facts are true and correct to the best of her knowledge, information, and belief and support the arrest of the defendant. IO is a detective with the Arvada Police Department. On August 25, 2011 at 1855 hours, your affiant arrested Anthony Joseph Alvarez, date of birth 10-24-70, for the crime of Sexual Assault on a Child by One in a Position of Trust and Pattern, which occurred at 5550 Wadsworth Boulevard, Arvada, Jefferson County, Colorado. The facts which developed the probable cause for this arrest is as follows:

On Thursday August 25, 2011 Your Affiant was assigned this report from Sergeant Robert VanderVeen. Sergeant VanderVeen received a phone call from School Resource Officer Christopher Gomez at Arvada High School. He reported the following; Anthony Alvarez's wife, Stephanie Alvarez called Arvada High School's Principal Kathy Norton. Mrs. Alvarez reported her husband had an affair with student [REDACTED] (09-12-95). Mrs. Alvarez reported she overheard her husband on a phone conversation the night before and a sexually explicit conversation with a girl was taking place. Mrs. Alvarez also found sexually explicit messages on her husband's Facebook page. Mrs. Alvarez confronted her husband and he acknowledged he had an affair with a student. Mrs. Alvarez reported her husband was willing to talk about this and turn himself in.

Your affiant and Sgt. VanderVeen drove to the Alvarez residence located at [REDACTED] Street. Your affiant contacted Stephanie Alvarez who stated her husband's father just picked up Mrs. Alvarez and they were enroute to the Arvada Police Department so Mr. Alvarez could turn himself in. Sgt. VanderVeen remained at the residence to interview Mrs. Alvarez and your affiant returned to the police department.

Commander Gary Hutchcraft was in the lobby of the Arvada Police Department when a gentleman approached Police Service Technician Ellen Faulkingham. Commander Hutchcraft overheard Mr. Alvarez state his name and he was here to "turn himself in for having an affair with a student". Commander Hutchcraft contacted Mr. Alvarez, patted him down for safety reasons, and escorted him to an interview room. Commander Hutchcraft informed me Mr. Alvarez said he was not here to confess anything.

At 1757 hours your affiant began an interview with Mr. Alvarez. Your affiant introduced herself and he asked if your affiant was the one who was going to interview him. Your affiant acknowledged she

was and asked him why he was here at the police department. Mr. Alvarez replied he was limited as to what to say without talking with a lawyer, [REDACTED]. Mr. Alvarez said his father drove him here and he realizes he would be going to jail. Your affiant questioned Mr. Alvarez as to what he meant [REDACTED] and what happened. During our conversation Mr. Alvarez stated the following; he had met [REDACTED] when he was a teacher at Everett Middle School and she was in seventh grade. He was a teacher at the time. He is currently the Assistant Principal at Arvada High School where [REDACTED] attends. [REDACTED] would come by his office and talk to him on a daily basis. He began talking with her on his Facebook account. At school she would sometimes come up to him and whisper things such as she was "horny" or "tight". His wife confronted him earlier today and told him to immediately come home. His wife had found his Facebook messages and [REDACTED]. It [REDACTED]. He said he was not a predator and he never before had any sexual relationship or sexual contact with anyone under the age of 18. He has had affairs before but they were over the age of 18. [REDACTED] was the one who came on to him.

Mr. Alvarez gave your affiant consent to search his computer and his cell phone. He said his cell phone was located in his vehicle at the residence. During the interview your affiant told Mr. Alvarez he was free to leave and she thanked him for willingly coming in to talk with your affiant. Your affiant said she would like to talk with him further and Mr. Alvarez, at that time, stated he wanted to have a lawyer present. Your affiant did not question him any further.

At 1855 hours your affiant placed Mr. Alvarez in custody where he was booked by Detective Anthony Baros. Your affiant was contacted by Sgt. VanderVeen who reported he learned from Mrs. Alvarez that her husband had an addiction with pornography. Mrs. Alvarez reported Mr. Alvarez told her he had oral sex with [REDACTED] one time three weeks ago in a parking lot. Mrs. Alvarez provided Sgt. VanderVeen Mr. Alvarez's computer which was later placed into evidence at the Arvada Police Department. Sgt. VanderVeen also informed your affiant he learned from Officer Gomez that [REDACTED] was currently at Arvada High School during Back-to-School Night and was there [REDACTED].

Sgt. VanderVeen and your affiant went to Arvada High School and contacted Officer Gomez and Principle Norton. At 1940 hours your affiant spoke with [REDACTED] in the principal's office. Your affiant explained who she was and why she was there. Your affiant informed [REDACTED] she spoke with Mr. Alvarez who told her he had a relationship with her. At first [REDACTED] said they had a friendship and Mr. Alvarez is the one who called it a relationship. [REDACTED] was hesitant to disclose at first however she stated she has known Mr. Alvarez since she was in the seventh grade at Everett Middle School. During our conversation [REDACTED] reported the following; she and Mr. Alvarez have had a relationship for the past 6 to 8 months. She felt like he was "blackmailing" her because he said he would [REDACTED] and he told her he was the one who got her there. [REDACTED] recalled one time in his office when he had an erection. [REDACTED] said she did not know what to do or who to report this to. She said Mr. Alvarez has touched her chest and butt on occasion. She recalled specifically on August 9, 2011 Mr. Alvarez offered to give her a ride home from the school. She was hesitant at first but got in the car, commenting it was hot outside. Mr. Alvarez drove to the theaters located at 5550 Wadsworth Boulevard and parked the vehicle in the parking lot. He asked her if she wanted a hug and she leaned over and hugged him but said it was awkward because they were in the car. He asked her if she would rub his nipples. She said his nipples were hard, and then he said he would like to rub her nipples and watch her rub herself. He asked her to rub his private area which she identified as the penis. He asked her to lick his penis and she did. [REDACTED] said she was scared and the doors to the car were locked.

Afterwards he did open the door and let her out and she went inside the movie theaters and went into the restroom. She rinsed her mouth out with water, called her parents for a ride home however, they told her since she was at the theaters she could walk home [REDACTED] did walk home.

Your affiant explained to [REDACTED] your affiant would like to talk with her further at the Advocacy Center, describing it as a place where your affiant talks with children. [REDACTED] started to cry and said she was scared I was taking her away from her parents. Sgt. VanderVeen had contacted [REDACTED] parents who were presently at Arvada High School. Your affiant had her parents enter the Principal's office to reassure [REDACTED] your affiant was not removing her from the home.

[REDACTED] parents, [REDACTED] signed a consent to search form for the Cricket cell phone [REDACTED] uses, and their home computer. [REDACTED] had provided your affiant her Facebook account and password. Sgt. VanderVeen and Detective Baros went to the [REDACTED] residence to pick up the computer which was later placed into evidence at the Arvada Police Department. Sgt. VanderVeen informed your affiant when he was at the [REDACTED] residence [REDACTED] told him there was more that occurred that she did not tell your affiant.

Based on your affiant's investigation, your affiant has probable cause to believe the defendant committed the offense(s) of Sexual Assault on a Child by One in a Position of Trust and Sexual Assault on a Child by One in a position of Trust Pattern.

Affiant's Signature

Subscribed and sworn to before me on this _____ day of _____, 2011.

Notary Public
8101 Ralston Road
Arvada, CO 80002

Expiration Date

Date:

JUDGE