

## PROBABLE CAUSE AFFIDAVIT

The following affidavit is submitted to the Court to document the probable cause in support of the arrest of  
**Gustavo Antonio Marquez DOB: 01/27/1998 , SSN [REDACTED] Hispanic Male, 5'08" 164Lbs, Hair: Black, Eyes: Brown, LKA: 2147 Woodsong Way, Fountain CO 80817.** DATE FILED: February 27, 2017

This offense is fully documented in Fountain Police Department report number [REDACTED] detailing the offense(s) of:

- C.R.S. 18-3-302(1) Criminal Attempt- Second Degree Kidnapping (F5)
- C.R.S. 18-3-203(1)(i) Assault in the Second Degree- Strangulation (F4)
- C.R.S. 18-9-111(1)(a) Harassment (M3)
- C.R.S. 18-6-800.3(1) Domestic Violence (Not a crime within itself)
- C.R.S. 18-6-401(1)(a) Child Abuse (M2)

With the victim(s) identified as:

1. [REDACTED]
2. [REDACTED]

On February 24<sup>th</sup>, 2017 at approximately 1855 hours I, Officer B. Murt #857, responded to a domestic violence in progress located at [REDACTED] in the City of Fountain, County of El Paso, and State of Colorado.

El Paso County Communications Center advised me that the male party on scene was attempting to force a female party into the vehicle. I arrived on scene at 1859 hours where I observed a male, who was later identified to me verbally as Gustavo Antonio Marquez (DOB: 01/27/1998) arguing with a female party, later identified as [REDACTED]. Gustavo was close to her and pointing at her face with his finger. As Gustavo was yelling at [REDACTED] she was backing away from him. He continued to walk towards her in an aggressive manner, standing very close to her and yelling at her.

Gustavo was detained and put into the back of a patrol vehicle. After Gustavo was secured in the back of a patrol vehicle I went to interview [REDACTED]. I asked her to describe to me what happened. She stated that she agreed to let Gustavo come over to the house and watch their son for the night. [REDACTED] son was identified as [REDACTED].

When [REDACTED] gave Gustavo the child, he placed the infant in the back seat of his vehicle. He exited the vehicle and told [REDACTED] that she was going to be coming with him. [REDACTED] told Gustavo that she did not want to go with him. Gustavo grabbed her by the throat and attempted to move her towards his vehicle. She stated that she sat on the ground in an attempt to prevent Gustavo from forcing her into the car. Gustavo let go of her neck when she sat on the ground.

Gustavo grabbed [REDACTED] by the neck again while she was sitting and picked her up off the ground while holding her neck and lifting her with the other hand underneath her shoulder. He slammed [REDACTED] into the side of his vehicle while holding her neck. He then let go of her neck and began bending her 5<sup>th</sup> finger (pinky) on both of her hands. [REDACTED] said that Gustavo tried to break her fingers. [REDACTED] attempted to escape by turning away from Gustavo and he then pushed her onto the ground. [REDACTED] said that Gustavo pinned her on the ground by standing over her with one foot by each side of her hips and holding both of her arms against the ground with his hands. Gustavo held her against the ground until her neighbors arrived. Gustavo let [REDACTED] up and then pinned her against the car again with his hands. [REDACTED] stated that when the cops arrived on scene Gustavo told her that if he goes to jail he will come after [REDACTED].

During my investigation I observed three small scratches on [REDACTED] neck. The first knuckle on her right and left 5<sup>th</sup> finger (pinky) were visibly red. [REDACTED] did not want medical attention. I transported Gustavo back to the [REDACTED].

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