

GO # 21-232437

AB #

DEFENDANT			
Last Name Dakan	First Name Wesley	Middle S	DOB 4/3/77
Armed with Rifle at the time of Menacing			
Location of Arrest 1096 McIntyre Street, Golden, CO. 80401		Arrest Date 4/28/21	Arrest Time 9:19 pm ✓

OFFICER MAKING STATEMENT			
Last Name Yearling	First Name Mylous	Middle	Serial No. 96045

## 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 4/25/21 at 1154  am  pm at or near the location of W. 10<sup>th</sup> Avenue/N. Sheridan Blvd in the City and County of Denver, State of Colorado.

VIOLATION(S)	DESCRIPTION
18-3-206	Menacing (F5)

Statement of Probable Cause       Affidavit for Arrest Warrant

On April 28, 2021, at 7:30 a.m., I, Detective Mylous Yearling, 96045, of DPD District One Investigations was assigned case #21-232437 by Sgt. Scott Armstrong #07054 for additional follow-up investigation.

Detective Yearling reviewed the case and discovered that the reporting Officer's investigation revealed that on April 25, 2021 at 1154 hours (per the CAD) an unknown party in a Subaru Crosstrek pointed a rifle at an unknown person in a Subaru WRX in the area of W. 10th Avenue and Sheridan Blvd. Both parties then drove away westbound. There is video of the incident and a photo of the suspect vehicle's rear license plate.

Officer Andrew St. John #16050 reported the following:

\*\*\*BWC INACTIVE\*\*

On April 25, 2021, at approximately 1155 hrs, while working as precinct car 112A, I responded to the gas station at 1015 N Sheridan Blvd to assist Officer Spell (#18010) on a report of a male waving a rifle around.

En route to the scene, dispatch informed us the victim and suspect had both left westbound on W 10th Ave and Lakewood PD was checking the area. When I arrived at the gas station I proceeded inside to speak with staff members who may have witnessed the incident. Neither of the two working saw anything so I asked if they had security footage as one of their cameras faces south.

I entered the back office of the store and accessed the security footage. At approximately 1154 hrs on the recording, a light color Subaru WRX turns westbound on W 10th Ave from N Federal Blvd. The WRX stops on W 10th Ave, just south of the gas station and a male passenger, wearing dark clothing, exits the passenger door. As this is happening, a Subaru Crosstrek also turns westbound onto W 10th Ave from N Federal and stops behind the WRX.

The passenger of the WRX walks back towards the driver side of the Crosstrek and appears to confront the driver of the Crosstrek. He is then seen walking back towards the passenger seat of the WRX and reentering the vehicle as the driver of the Crosstrek exits his vehicle. That driver was a



white or Hispanic male, wearing a light shirt, possibly blue. He circles to the rear hatch, opens it, and pulls an AR-style rifle out of the back. He appears to rack the slide before leveling it at the WRX. The driver of the WRX attempts to drive away but stalls the vehicle briefly before getting it in gear and driving away. The suspect with the rifle stows the weapon in his trunk again and then also drives away westbound.

I captured the footage with my department issued cell phone and uploaded it via Axon Capture.

Nothing further."

On April 28, 2021 Detective Yearling performed a CAD precinct search by accessing the CAD system through the intranet. Detective Yearling used the location of the incident, day of the incident, and the precinct where the incident occurred when conducting the search. Detective Yearling was attempting to locate any pertinent information related to this case. There were 70 CAD incidents reported in precinct 122 on April 26, 2021 and none of the other incidents appeared to be directly related to this incident. Detective Yearling attempted to contact the CAD caller "[REDACTED]" at [REDACTED] she did not answer and a message was left requesting contact.

On April 28, 2021 Detective Yearling accessed Evidence.com to see if there is (BWC) body worn camera video in regard to this incident. There were five files uploaded to Evidence.com in regard to this incident, which Detective Yearling watched and saved. Two videos from witnesses ([REDACTED] and [REDACTED]), one BWC video interview with a witness [REDACTED] one video from Stinkers gas station, and one image of the suspect vehicle license plate (Colorado Plate # [REDACTED]).

On April 28, 2021 at 1410 hours Detective Yearling searched the suspect vehicle plate number (CO. Plate [REDACTED]) through NCIC and it comes back to a 2015 Subaru that lists to Wesley S. Dakan at [REDACTED] Littleton, CO. [REDACTED] and [REDACTED] Denver, CO. [REDACTED] DPD RMS and Lumen do not show a record for this ([REDACTED]) license plate number. Detective Yearling searched the name Wesley S. Dakan through DPD RMS and discovered that a Wesley Scott Dakan 04/03/1977 had a traffic accident in Denver (2013-91654) in the 800 Block E. 6th Avenue in Denver on 02/25/2013. Detective Yearling searched the name Wesley Scott Dakan through Google and received sites in reference to a Colorado State Trooper named Wesley Scott Dakan. Per NCIC (QDA) there is only one Wesley S. Dakan registered in Colorado. Per Lumen the only reference for "Wesley S. Dakan" is the 2013 accident in Denver, but there is also a "Trooper Dakan" in Lumen.

On April 28, 2021 at 1616 hours Detective Yearling contacted Lakewood Non-Emergency Dispatch 303-980-7300 and spoke with Shayla who then forwarded Detective Yearling to Gavin Prejean. Prejean advised that Lakewood did receive a call in regard to this incident from [REDACTED] (our witness). The involved parties (victim or suspect) did not contact Lakewood PD in regard to this incident, and Lakewood PD did not locate the suspect or victim. Detective Yearling emailed Gavin.prejean@jeffcom911.org and requested a copy of their CAD report in regard to the call from [REDACTED]

On April 28, 2021 at 1653 hours Detective Yearling received the Lakewood CAD report and added it to the attachments for this case.

On April 28, 2021 at 1718 hours Detective Yearling contacted witness/victim [REDACTED] via telephone [REDACTED]. [REDACTED] confirmed the information in the BWC statement that she provided to Officer Spell. She further explained that she first noticed the Subaru's near 17th and Sheridan by Sloan's Lake when she believed she saw the WRX trying to get up next to the Crosstrek. She then explained that she and the Subaru's continued traveling southbound on Sheridan Blvd. with the WRX



in front of the Crosstrek, and when the vehicle stopped at Colfax Avenue the female driver of the WRX got out waving her arms and yelling aggressively at the driver of the Crosstrek. [REDACTED] could not hear what was being said, but continued southbound and saw both vehicle's turn west onto W. 10th Avenue at Sheridan Blvd. and pull over, so she pulled over to watch what she thought would be an argument or fist fight. The passenger of the WRX got out and walked to an open area of the gas station parking lot and gestured to the driver of the Crosstrek as if he wanted him to come fight. [REDACTED] said it was a, "Come at me Bro," gesture. Then the suspect from the Crosstrek retrieved what looked like an AR15 and the other male fled back to the WRX. According to [REDACTED] the suspect with the rifle had it at his hip while yelling and then cocked it, and looked uncomfortable with the gun while pointing it at the passenger of the WRX. [REDACTED] further explained that he then had the rifle above his head, and back to his hip. She believed that he put something in the chamber and it seemed like his finger was on the trigger, and it seemed uncomfortable and out of control to her. [REDACTED] said that the people in the WRX stalled their car trying to leave. She explained that the suspect with the rifle started turning around and he turned outside, not towards his car, he turned where the gun is "not pointed at me,... cause he tunnel visioned on the situation." She further explained that she was ducking while inside of her vehicle, because she was nervous that he would see her recording, and then she would be in danger..... She then said, "I don't know, I was fucking scared, I was really scared!" The suspect put the gun in the hatchback of the Crosstrek and drove westbound as well. [REDACTED] then called Police dispatch to report the incident. [REDACTED] said that she is confident that she would recognize the suspect. She then explained that she is scared of the suspect. (Audio Recorded-Please listen to the recording for full details)

On April 28, 2021 at 1812 hours Detective Yearling contacted witness [REDACTED] via telephone [REDACTED]. [REDACTED] did not have any additional details to add other than the fact that he heard the suspect in the Crosstrek say, "Oh yeah, you want to fight," then the suspect grabbed the gun. [REDACTED] said that he would recognize the suspect because he has his picture on his phone, he explained that he has a picture of the suspects face, and also explained that he also provided the photo of the suspects license plate. [REDACTED] agreed to email the suspect photo to Detective Yearling. (Audio Recorded-Please listen to the recording for full details) Detective Yearling received the photo which is consistent in appearance with the Colorado Driver's license image of Wesley Dakan 04/03/1977. The photo was added to the attachments for this case.

The occupants (two victim's) in the Subaru WRX remain unknown at this time.

Sgt. Carlos Castillo #07029 reported the following:

On 04/28/21, I, Sergeant C. Castillo 07029 and Internal Affairs Lt. S. Addison 95066 were notified by Sgt Love of DPD police report 21-232437. The report was titled Letter to Detective and related the following:

On April 25, 2021 at 1154 hours (per the CAD) an unknown party in a Subaru Crosstrek pointed a rifle at an unknown person in a Subaru WRX in the area of W. 10th Avenue and Sheridan Blvd. Both parties then drove away westbound. There is video of the incident and a photo of the suspect vehicle's rear license plate.

Sgt. Love stated the suspect license plate revealed the owner of the vehicle to be Wesley Dakan and possibly a Colorado State Trooper. Lt. Addison spoke on the phone with State Trooper Major Steve Garcia who stated they do have a Trooper by the name of Wesley Dakan who works out of the Golden, CO station. The report contained cell phone video recording in Evidence.com and Sgt. Castillo and Lt. Addison reviewed it. Lt. Addison spoke on the phone with on duty State Trooper Sergeant Justin Williams, badge 9451 and requested Sgt. Williams to report to 1331 N Cherokee St, DPD headquarters to view the related video for identification purposes. At about 1810 hours, Sgt. Castillo and Lt. Addison played the video for Sgt. Williams and asked if he could identify the person



holding the firearm in the video. Sgt. Williams viewed the video and stated "Yep, that's him". Sgt. Castillo asked Sgt. Williams who he was referring to as "that's him". Sgt. Williams stated, "That's Wesley Dakan". Sgt. Williams was shown a photograph taken by a witness, that shows the person who pointed the firearm, driving a Subaru and Sgt. Williams also identified the driver as Wesley Dakan.

Sgt. Williams stated he has been the supervisor of State Trooper Wesley Dakan for about six months and they work together at the station in Golden, CO. Sgt. Castillo asked Sgt. Williams if he recognized the vehicle Dakan was standing next to. Sgt. Williams stated the vehicle in the video looks like the same tan Subaru Dakan drives and it is parked at the State Trooper station in Golden. Sgt. Castillo asked if Sgt. Williams recognized the firearm Dakan is holding in the video. Sgt. Williams stated he is not certain, but it may be the department issued AR-15 issued to Trooper Dakan. Sgt. Williams completed and signed a written statement.

On April 28, 2021 at 1935 hours Detective Yearling received a statement from Colorado State Patrol Sgt. Justin Williams who positively identified the suspect in the videos ( [redacted] and Stinkers gas station) and the still image provided by [redacted] as Trooper Wesley Dakan who he (Sgt. Williams) is in charge of supervising. (This statement was added to the case attachments)

Based on this information, Detective Yearling respectfully requests that you find Probable Cause for Felony Menacing.

I affirm this information to be true and correct

Subscribed under oath before me on

*Mylar Yearling* (Yearling) #96045  
Signature of Affiant  
Date \_\_\_\_\_ Time \_\_\_\_\_

Judge or Notary Public

My commission expires

**ARREST WARRANT**

To all Sheriffs, Peace Officers and Police Officers with the said State:

ADULT—You are hereby commanded to arrest the defendant named above and bring them without unnecessary delay before a Judge of the County Court to be dealt with according to law.

JUVENILE—You are hereby commanded to arrest the defendant named above, summons into court, process and release said defendant to appear before the court.

Bail fixed at \$ \_\_\_\_\_

Date \_\_\_\_\_

Signature of Judge \_\_\_\_\_

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 \_\_\_\_\_