

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT

I, John J. Carr, of the lawful age and being first sworn upon oath, state that I have probable cause for believing that:

Robert Jonathan Seacat, date of birth 05-06-82

did commit the crimes of:

- 18-2-101, Criminal Attempt 18-3-102 First Degree Murder (F2)
- 18-4-202, First Degree Burglary (F3)
- 18-3-202, First Degree Assault on a Peace Officer(3F)
- 18-18-405/18-18-407 Possession with intent to distribute a Schedule II Controlled Substance (Methamphetamine) Special Offender-Handgun (DF1)
- 18-18-405/18-18-407 Possession with Intent to distribute a Schedule II Controlled Substance (Methamphetamine) Special Offender (over 225 grams-actual 354.01 grams)
- 18-18-403.5 Unlawful Possession of a Schedule I Controlled Substance (Heroin) (DF4)
- 18-18-403.5 Unlawful Possession of a Schedule II Controlled Substance (Cocaine) (DF4)
- 18-18-403.5 Unlawful Possession of a Schedule II Controlled Substance (Methadone) (DF4)
- 18-18-403.5 Unlawful Possession of a Schedule II Controlled Substance (Methylphenidate Hydrochloride) (DF4)
- 18-12-108 Possession of a Weapon Previous Offender (Burglary W/I 10 years) (5F)
- 18-2-101, Criminal Attempt 18-4-409 Aggravated Motor Vehicle Theft Less than \$20,000.00 (5F)
- 18-18-403.5 Unlawful Possession of a Schedule IV Controlled Substance (Clonazepam) (DM1)
- 18-18-403.5 Unlawful Possession of a Schedule IV Controlled Substance (Diazepam) (DM1)
- 18-18-403.5 Unlawful Possession of a Schedule V Controlled Substance (Suboxone-Buprenorphine and Naloxone) (DM1)
- 18-18-428 Possession of Drug Paraphernalia (DPO1)
- 18-8-104, Failure or Refusal to Leave Premises or Property upon Request of a Peace Officer (1M)
- 18-8-104, Obstructing a Peace Officer, Firefighter, Emergency Medical Service Provider, Rescue Specialist or Volunteer (2M)
- 18-8-102, Obstructing Government Operation (3M)
- 18-3-208, Reckless Endangerment (3M)

between 06-03-15 at about 1:40 pm and 06-04-15 at about 08:51 am, within the City of Greenwood Village, County of Arapahoe, and State of Colorado, and as grounds therefore states as follows:

That your affiant, John J. Carr, a detective with the Greenwood Village Police Department, is aware of the following information as it is contained in Greenwood Village Police Report 15001198 which was written by numerous officers with the Greenwood Village Police Department (GVPD), numerous officers with the Aurora Police Department (APD) under case number 15-21173 and by personal knowledge of your affiant.

Your affiant is aware that a sequence of events took place involving this case over an extended period of time and, for the sake of clarification, a summary of a timeline is attached under attachment "A" of this affidavit.

Officer John Reiter was the original writing officer for APD under 15-21173 which read that:

On 06-03-15, at about 1:22 pm, Officer Reiter was dispatched to the Wal-Mart located at 9400 East Hampden Avenue in the City of Aurora, Arapahoe County, Colorado, on a report of a parking issue. While investigating the issue he was contacted by loss prevention officer Ray Chavez who advised that an unrelated shoplifting was taking place inside the store. Officer Reiter then began his investigation into this matter and was shown a video where a white female was in the store's McDonalds restaurant with a full cart of merchandise that had been previously purchased and that a white male, who was in the parking lot, who was observed concealing two belts and a shirt in the shopping cart bags that were not paid for.

As the female exited the store she was contacted by Chavez and it was noted that the male had already exited the store with the receipt for the merchandise. The female then assisted by calling the male back who gave the female the receipt and left the store again. Officer Reiter then contacted the male who was later fully identified as Robert Jonathan Seacat, date of birth 05-06-82 while the female was identified as Ramona Vitalyevna Grabchenko, date of birth 08-24-91.

Upon contacting Seacat who was now by a gold colored Lexus in the parking lot, Reiter asked Seacat to come back into the store and upon being asked for identification Seacat advised that he did not have any. Reiter then escorted Seacat and Grabchenko back to the loss prevention office and as they approached the office Seacat ran out of the store towards his vehicle, unlocked his car door by remote key fob and entered the car. Reiter drew his Taser in an attempt to stop Seacat, but prior to being able to deploy the Taser Seacat was able to close his door and start his vehicle.

Officer Reiter then stood in front of Seacat's Lexus and an unidentified citizen driving a large SUV offered to block the Lexus in. Seacat responded by pulling forward and Officer Reiter had to jump out of the way of the Lexus in order to avoid being hit. Reiter, who had his service pistol drawn at the time and was reported to be in a full police uniform that included a police badge on his chest, duty belt and departmental shoulder patches, reported that he was so close to the Lexus that he struck the driver's window with the barrel of his pistol as the car narrowly missed him. Seacat, in the Lexus, then

drove out of the Wal-Mart parking lot and proceeded south onto South Dallas Street at a reported high speed.

Officer Reiter then returned to his patrol vehicle and proceeded to check the area for the suspect/Seacat. Upon checking the area, Reiter located the Lexus now parked at the RTD Light Rail Station, located at 4050 South Dallas Street, and upon closer observation he noted that the vehicle was now abandoned, and could further describe the vehicle as having a Colorado temporary license of 88862M. Reiter then requested a tow for the vehicle as other officers were responding to the area to assist in locating Seacat.

Reiter then walked to the walkway (Dayton Street pedestrian bridge) that lead from the parking lot over I-225. Upon arriving at this location Reiter was able to observe that Seacat was now wearing a red shirt and carrying a black backpack on his back and running to the east on the light rail tracks. Reiter noted that Seacat had changed out of the gray t-shirt that he was previously wearing. As Seacat ran he turned to look at him and at that point he could identify him as being the same person that ran from the Wal-Mart and fled in the Lexus.

Reiter wrote that he observed the Seacat climbing over the fence and onto the north shoulder of the N/B I-225. Reiter noted that traffic was present on the highway and traveling at highway speeds. He then observed Seacat crossing all of the lanes of traffic as he dodged vehicles and made attempts to get motorists to stop. Upon arriving at the south side of the highway Seacat again climbed the chain-link fence and fled in a southeast direction into the field (Village Greens Park). Reiter reported that as this took place he was in communication with other officers relaying this information.

Upon airing this information Reiter reported that an unidentified female approached him and advised that she was on the light rail platform and observed Seacat place a black compact semi-automatic pistol into the front of his pants. This female further relayed that she thought that it was a .380 caliber. This female then left on the light rail train.

Reiter noted that Seacat continued to a concrete bike trail and observed him contacting a white female walking on the trail. This female eventually continued to walk away from Seacat and later told Reiter that Seacat had asked her for a ride, but did not threaten her. As Seacat continued to travel west on the bike path where Reiter would lose and regain sight of him due to the hills and valleys of the terrain. Upon regaining sight of Seacat, Reiter noted that he again was in contact with someone but due to his distance Reiter could not identify this person any further.

Your affiant is aware that GVPD Detective Rob Parker later contacted Kim Robertson by phone and she told him that:

She had been contacted by the suspect/Seacat near the light rail at about 1:30 pm. Robertson said that she observed a white male in front of her approaching an elderly couple asking for a ride but they declined. The male then asked her if she had a ride and offered her \$1,000.00. This male never showed her the money, was in a hurry as he was talking to her. Upon being told she did not have a car he ran in the direction of Cherry Creek Village North subdivision (West side of Village Greens Park).

Robertson described the subject as being a white male approximately in his thirties, 6'5" with a muscular build, short blond hair, clean shaven and lots of tattoos on his arms and shoulders. Robertson said that she thought that this subject was wearing blue jean shorts and had a red backpack.

Your affiant further read Reiter's report as follows:

Upon officers arriving Reiter was aware that a perimeter was being set up for Seacat. Reiter then returned to the Lexus and waited for the tow company to tow the vehicle.

Upon inventorying the vehicle Reiter reported that the vehicle had a brown Samsung box. Upon opening the box he located four clear bags of marijuana, a bag of mushrooms, a blue pill, \$27.00 in cash, and a pair of brass knuckles that were in the console. Reiter later weighed the (psilocybin) mushrooms and determined that they had a weight of 12.5 grams (gross) while the marijuana weight was 45 grams (gross) and the blue bill was 2.9 grams (not identified).

Reiter also documented that the vehicle Seacat was driving was a gold colored 1999 Lexus GS300 4 door that had a Colorado temporary license affixed to it of 888622M. Reiter indicated that the vehicle was registered to David Seidle

At about 1:43 pm the Greenwood Village Police Department (GVPD) was advised of the aforementioned events to include the information that the suspect had attempted to run over an officer and was possibly armed with a handgun. Numerous officers and detectives with both the GVPD and APD then responded to the area in an attempt to locate Seacat.

At about 1:54 pm GVPD received a report of a residential burglar alarm at 4219 South Alton Street which is in Greenwood Village, Arapahoe County, Colorado. Your affiant is aware that this is in close proximity of the Village Greens Park, that the residence backed up to I-225 and this was the area that Seacat was last seen. Numerous officers and detectives responded to this area from GVPD and APD.

Sergeant Mark Stadterman responded and reported:

That upon arriving he was advised that the alarm was from the back door and that a second alarm trip was activated at the garage entry door at about 1:58 pm. Stadterman along with GVPD Rob Hasche began to check the residence. Stadterman reported that as he approached the home he was advised by Aurora Police officers that they had been following the suspect in a westerly direction on the south side of I-225. Stadterman noted that it was possible that the armed gunman had possibly entered this residence and tripped the alarm.

Stadterman wrote that upon approaching the home he could hear sounds coming from the garage area of the residence but did not know if the noise was the subject or a dog. Stadterman then cut the padlock leading to the back gate leading to the backyard of the residence and checked the backyard along with Hasche. Stadterman reported that they quickly checked the backyard they saw no obvious signs of forced entry. At about 2:03 pm Stadterman reported that dispatch had received a cancelation on the alarm.

Stadterman then called the person who canceled the alarm, Anna (Mumzhiyan). Upon speaking with Anna she said that her 9 year old child was inside the house. Stadterman told Anna that she needed to tell her son to come outside and meet with him to which she said that her son was scared and did not want to come out. Anna then came to the home and met with Stadterman. As this took place additional APD officers arrived and reported that they could see movement at the windows of the home.

Upon Stadterman meeting with Anna, Stadterman told her to call her son and tell him that he needed to come out of the home and meet with them. At about 2:17pm her son, [REDACTED], exited the home and told Stadterman that there was a male subject in the home wearing a red shirt that matched the description of the armed subject that APD were trying to locate. [REDACTED] also told Stadterman that this man was trying to get a car to get away.

At about 2:22 pm, Stadterman noted that both garage doors began to open to about twelve inches and then close. Two APD officers then hurried to drive two vehicles into the driveway to block any movement of vehicles inside the garage.

Your affiant is aware that APD Officer William Woods had made a statement to APD Detective Heath Graw. Woods told Graw that:

He had reported that upon responding to the area and arriving at the alarm address, 4219 South Alton Street, he observed both garage doors starting to open. Woods reported that he could not see inside the garage but that they had identified themselves as police and gave orders to the subject to come out of the garage. The subject then responded by shutting the garage door. Woods indicated that he specifically said, "Police!" and, "Show me your hands!", but that the suspect did not say anything to them while this was occurring.

Woods reported that he did not want the suspect to attempt to leave the residence in a vehicle so he moved an unmarked police vehicle and used it to block the smaller of the two overhead garage doors. Woods then obtained a marked APD, patrol SUV and parked it against the larger of the two overhead garage door. Upon placing the SUV against the garage door he turned off the vehicle, removed the keys and started to get out of the vehicle.

As Woods was getting out of the vehicle he heard a single gunshot and continued to hurry away from the residence. Woods then checked to see what had been hit by the bullet and saw that he had not been hit but looked at the garage door and could see a single bullet hole located about five feet high in the garage door and about one foot to the left of the vehicles driver's side where he had exited.

Your affiant is aware that after the scene was searched, after the incident, that the bullet that exited the garage door was believed to originate from inside the garage from a point around the door opener which was next to the interior door that led to the basement of the residence. This was deduced due to a spent 9mm shell casing being found next to this door. Your affiant noted that the bullet had struck the hood of the marked APD patrol SUV that was parked to block the garage door by Woods. Your affiant noted that the bullet entered the engine compartment and continued into the firewall stopping before entering the passenger compartment. Woods continued to tell Graw that:

It was not possible to see the shooter due to the garage door only being opened partially and that there were no windows on the garage doors. Woods said that the suspect did not make any statements but would have been able to estimate the location he was at due to the police vehicle making contact with the garage door.

Sergeant Stadterman also reported that he heard the single gunshot, at about 2:23 pm, and saw the bullet hole in the double garage door. It was of Stadterman's opinion that the person who shot was trying to shoot the police officers to move them away from the garage area so that the shooter could get away in a vehicle from the garage. It was also his opinion that the person shooting from inside the residence could have hit anyone in front of the house with the gunfire.

Your affiant, through reading various reports, noted that Sergeant Stadterman, Anna Mumzhiyan, [REDACTED], Officer Hasche, Officer Woods, Sergeant Graham Dunne, and GVPD Commander Eric Schmitt were all located at the front of the home when this occurred while GVPD Detective Rob Parker, Officer Andy Wynder watched the rear of the residence. Hasche reported that he was approximately 50 feet from where the bullet exited the garage door when the shot was fired. Hasche also reported that he was in fear from this action and thought that someone was shooting at him. Your affiant was aware that Officer Woods and Detective Parker were both in plain clothes at the time, but the other mentioned officers were in full police uniform.

Commander Dustin Varney arrived on scene and gave assistance with the perimeter security. Varney then activated the incident command and started the process of notifying various command staff of the incident now involving a barricaded suspect. Varney indicated that notification was made to have the GVPD SWAT respond, and requests were made for various specialized equipment from other agencies to include APD, Arapahoe County Sheriff's Office, Douglas County Sheriff's Office.

GVPD Officer Mic Smith responded to the area to assist in the investigation. Smith, who is a negotiator for the GVPD SWAT team, met with APD Officer Hitchens. Smith was told that the suspect's name was possibly Geoff Sheehan and was given a phone number for him. Smith indicated that she called this number and spoke with a male subject who said:

- That he was just really "freaked out right now".
- That he wanted time to calm down and speak with several family members.
- That every time Smith called him by the name Geoff he answered.
- That upon asking what had happened he said that he had been shopping at Wal-Mart.
- That someone at Wal-Mart said he stole something when he did not.
- That today was his mother's birthday.
- That Smith and Geoff's conversation was calm and positive.
- That he said that he did not want to die.
- That he did not want to hurt anyone.
- That he would come out and that he just wanted time.
- That he wanted to speak with his uncle from Texas who is a Catholic priest.
- That he also wanted to talk with his stepdad, his mom, his wife and sister.
- That Smith told him that they were getting his sister so they could talk.
- That during their conversations he would get other calls and would hang up.

As other law enforcement agents and resources responded to the scene Smith continued talking with Geoff.

Detective Brian Schnicke (APD) arrived and began his investigation. Schnicke and Detective Heath Graw (APD) met with ██████████ and his mother Anna Mumzhiyan and Anna's boyfriend, John Lech. Your affiant is aware that John, Anna and ██████████ live at 4219 South Alton Street and that they rent the home from John's father, Leo Lech.

Lech, upon request by Schnicke, signed a written consent to search and seize form allowing officers to search his residence. ██████████ then told Schnicke that:

- He was home alone and watching YouTube in his bedroom.
- That his bedroom was located in the front part of the home.
- That he heard the home alarm being activated.
- That he called his mother about the alarm but she did not answer.
- That he stepped out of his bedroom into the hallway.
- That as he walked down the hall he saw a white male walking up the stairs towards him.
- That the male got to the top of the stairs and ██████████ saw that the male had a handgun in his right hand.
- That the male's arm was straight down at his side and did not point the gun at ██████████ or threaten him.
- That he did not see that the man had anything else with him.
- That the male told ██████████ that he did not want to hurt him but needed a vehicle to escape.
- That the male was wearing an unknown color of shorts and no shirt and he had spikey brown hair and had a red shirt draped over his right shoulder.
- That the male was young-looking but ██████████ was not able to recall anything else specific about him.
- That the male ripped the surveillance camera off of the wall.
- That ██████████ went back into his room and called his mother again.
- That he could hear the male opening and closing doors in the home as he moved through the home.
- That at one point ██████████ heard the male enter the room next to his bedroom which was designated as the home office.
- That he heard the male make a noise in that room that led him to believe the male was looking through shelves.
- That when his mother arrived he ran out of the front of the home and got away.
- That he did not see the male again and did not know where the male was in the home.

Detective Schnicke spoke with Anna who told him that she first received a phone call from ██████████ at about 1:52 pm and that ██████████ did not leave a message. Anna said that she then called back and upon speaking with ██████████ he told her about the man in the home. John Lech told Schnicke that according to his alarm company the alarm was activated at about 1:50 pm and according the company, the alarm was triggered at the basement door of the home.

APD Detective Craig Appel also spoke with John Lech. Lech told Appel that he had an unloaded 20 gauge shotgun and an unknown caliber pistol in his master bedroom closet. Lech continued to say that the pistol did not have a round in the chamber, but that the magazine was

loaded. In addition to these firearms Lech indicated that ammunition for these firearms was kept in another room.

Your affiant later talked with John Lech who advised that his 2003 Nissan Xterra was kept in the garage and that the key was not in the ignition. Lech said that the key was kept in a key box located upstairs. Your affiant was aware that upon searching the home and the Xterra, that was located in the garage, had a key in the ignition. Your affiant determined that the average price for a 2003 Xterra was, according to Kelly Blue Book, around \$4,400.00.

Officer Douglas Wilkinson (APD) arrived and met with Grabchenko who was escorted to the area of the incident. Upon meeting with Grabchenko, Grabchenko told Wilkinson that:

The person she was with at Wal-Mart was Geoffrey Sheehan and that he was unarmed. That upon being confronted about a shot being fired at officers she said that he possibly had a small pistol with five or so rounds in the magazine and that he got it on the street. Grabchenko then told Wilkinson that the person the officers were looking for was Robert Seacat, 05-06-82, and that he was her husband. Wilkinson reported that he was able to get a driver's license photograph of Seacat which he showed to Grabchenko and she confirmed the identification.

Grabchenko was later issued an Aurora City municipal summons for shoplifting and booked into jail on several unrelated warrants.

Officer Smith was informed of Geoff's true name as she continued to communicate with him. Smith wrote that:

- Seacat told her that he had eaten and complained that the home had nothing for him to drink.
- That he was told that if he came out and did what he was told that he would be safe and would not get hurt.
- That they rehearsed what he was to do when he came out.
- That upon talking about his wife, and that she was called "Romy" by him, he became emotional.
- That he started crying and told her that he loved her very much.
- That Smith told Seacat that he would be able to talk to his wife once he came out.
- That after about a 15 minute break Smith could not get Seacat to answer her calls or text messages.
- Seacat eventually answered by text telling Smith to call him.
- That upon calling Seacat he sounded sleepy and drifted off several times in the conversation.
- That he told Smith that he was "buck ass naked" and had taken a shower.
- Smith then told Seacat to put on some clothes in preparation of coming out of the home.
- That he said that he would put on pants and was advised that his sister was now at the scene.
- That he wanted to see his sister before he came out but was advised that could not happen.
- That he then received a phone call and hung up on Smith.

Smith reported that they continued to try to contact Seacat after this point but he would not answer the phone. Smith indicated that she sent a text message to Seacat that they were going to place a "throw phone" at the residence in the back, told him how to use it and texted him the exit plans again. Smith said that she continued to try to reach Seacat advising him that his sister was there and that they had met their side of the agreement but received no response. Smith was then advised that the phone service was going to be cut off along with the utilities. Smith then continued the attempt at communication through the throw phone.

During the negotiations with Seacat, the negotiators, incident commanders and your affiant became aware that Seacat had several warrants for his arrest. These warrants were determined to be:

- Arapahoe County Sheriff's Office. OCA# SM12-14 Date of Warrant 04-24-2015 for Controlled Substance Conspiracy Schedule I-IV 450 grams to 1 Kilograms-HIGH RISK ARREST. \$10,000 bond (MPO associated to this case with notes that state shall not possession controlled substances-condition of bond and is on Supervised Probation for this case)
- Denver Sheriff's Office. OCA 13CR3914 Date of Warrant 05-05-2015. Original Charges Possession with Intent Sell/Dist Schedule II controlled substance. Bond \$10,000. (On probation for this charge)
- Larimer County Sheriff's Office. OCA # 11-8239 Date of Warrant 05-14-2015. 1st. Degree Aggravated Motor Vehicle Theft. Bond \$10,000. (See Bottom of this statement for warrant information)

Your affiant is aware that GVPD Detective Rob Parker applied for and obtained a warrant for the use of the throw phone through Commander Dustin Varney and the 18th Judicial District, District Attorney.

Your affiant is aware, by reading various police reports from responding officers, that various police tactics were used through negotiators, SWAT team members and the use of chemical irritants so that communication with Seacat would start again. The timeline of these acts will be attached under attachment "A" of this affidavit. Your affiant is aware that communication with Seacat stopped at 6:08 pm on 06-03-15.

At about 10:38 pm distraction techniques were put in place for an entry into the home by two teams of GVPD SWAT members. Upon entering the residence, through the basement rear doors, several officers heard what sounded like a muffled single gunshot from an unknown location in the home. GVPD officers on the entry team consisted of Officers Mic Smith, Jeff Mulqueen, Austin Speer, Jared Arthur, Bryan Stuebinger, Juan Villalva, Andy Wynder, Anthony Costarella and Rob Hasche. Hasche reported that upon hearing this first gunshot he was in fear that he was being fired upon.

Smith reported that upon approaching the stairs to the second floor an attempt was made to have a remote control observation robot walk the stairs to the second floor so that Seacat could be located. With the robot failing at this task a diversionary device, (flash bang) was used to distract and conceal the movement of the team from Seacat on the second floor. Upon deploying this device it also failed to land in its desired location and officers did not move to the second floor. Smith reported that shortly after this happened they fell back and heard a distinct sound of four or five gunshots that were accompanied by flying dust in the staircase. Smith said that she then heard a second volley of shots sounding like they were directly above their location.

Officer Speer reported that he also heard the same volleys of shots being fired and described the second volley as consisting of 4-5 shots. Speer wrote that the first volley appeared to be closer and that the second volley appeared to be in a different location in the home. Speer continued to write that he ordered the team to a defensive stance and then heard a distinctive sound a firearm being manipulated or a magazine change. After this took place they heard an additional 3-4 gunshots, and upon looking at the ceiling he saw what appeared to be a hole in the ceiling.

Smith said that she also looked up and saw what she thought to be holes in the ceiling above her. Smith said that she was in fear for her safety and life and heard another volley of gunshots and again saw dust coming down from the ceiling. Smith reported that they then exited the residence for their safety.

Upon the backing out of the SWAT team members from the residence a new tactical plan was developed so that officers could enter and remove Seacat from the residence. While the plan was developed negotiators continued to try to communicate with Seacat by calling him on the throw phone, which was now on the second floor of the residence, and by loud speakers. During these calls, Smith reported, Seacat was told on ways to exit the home and that if he exited he would not be harmed.

Upon reviewing several officers reports your affiant read that members of the Explosive Ordinance Division of the ACSO SWAT team had ported the kitchen area since this was the last area that Seacat was thought to have been in. Chemical agents (tear gas) were introduced several times in to this location in an attempt to open communication with Seacat. Smith wrote that during this process she heard an officer advise that Seacat was seen exiting a closet and was running down the hall. This closet was believed to be directly above the aforementioned stairs that the officers were attempting to climb before backing out upon hearing gunfire.

At about 4:30 am, on 06-04-15, members of the GVPD SWAT team were relieved of their post and replaced by members of the Arapahoe County and Douglas County SWAT teams. Tactics continued to be deployed in an attempt to get Seacat to comply and exit the home with no success.

At about 8:50 am members of the ACSO SWAT team entered the residence and located Seagate in the second floor common bathroom. Various members transported Seacat to the front lawn of the residence. Commander Schmitt reported that upon responding to this location he was handed a Glock 9mm handgun (Glock model #19) that was loaded, with a round in the chamber and was advised by a SWAT team member that Seacat had it on him when he was arrested. Schmitt said that another, unidentified deputy handed him a holster and told him that Seacat was wearing it when has arrested.

Your affiant is working on identifying which deputy recovered the firearm from Seacat when he was arrested.

Your affiant responded to Seacat's location and noted that Seacat was continuing to be resistive and there was a need to decontaminate him. Seacat was then transported by an ambulance gurney to an ambulance, decontaminated and transported to Swedish Hospital so that his health could be checked on. Your affiant also observed that Seacat had a baggie of suspected methamphetamine that was located in his pocket when he was taken into custody.

GVPD Officer Steve Heil responded to the scene and rode in the ambulance with Seacat and remained with him. Your affiant later spoke with Heil who said that he had seen a DMV photograph of Seacat and had observed the subject transported to the hospital. Heil told your affiant that the person depicted in the DMV photograph as Robert Jonathan Seacat, date of birth 05-06-82, was the same person that was in custody and at Swedish Hospital. Heil added that upon Seacat being examined it was determined that due to his physical condition he would be admitted for further treatment and examination. Heil told your affiant that the injuries to Seacat, according to the doctors he spoke with, were not from what had happened by officers' hands but were possibly due to his medical condition and/or drug abuse. Officers with the GVPD have remained with him to date.

Your affiant, with the assistance of GVPD criminalist Nikki Bray and Michelle Burkhalter, started to process the crime scene. Upon entering the residence your affiant noted that the residence had significant damage to all of the upper floor walls, basement back yard doors and front door. Your affiant also noted that all of the rooms in the home had damage and that the amount of debris both inside the home and outside the home was significant. Your affiant left the crime scene to be investigated by Bray, GVPD Sergeant Darrel Guadnola and criminalists from the DCSO.

Your affiant was later advised by Guadnola that they could not locate any bullet holes that would have originated from the kitchen area down into the basement where the SWAT team members reported to have heard and seen what they thought were gunshots being fired towards them. Guadnola reported that they had located a backpack in the home along with drugs and money. Guadnola told your affiant that they were able to locate a bullet hole in the second floor common bathroom door that appeared to originate inside the bathroom and a shell casing in the bathtub of the same bathroom. Upon checking the master bathroom Guadnola reported that they located a shell casing in the bath tub as well. Guadnola reported that they were stopping the search for the evening and would continue the next day.

Bray also told your affiant that a second handgun was located in the master bathroom that appeared to be a Glock 9mm (model #17) as well. Bray indicated that she was still in the process of booking the items into evidence but that this gun was loaded as well and that there was an open case of 9 mm ammunition near this handgun. Bray added that a third weapon was recovered which was a shotgun, (over/under style) that was still in it's soft sided case which was unloaded but had shells available in an attached case. This

Officer Anthony Costarella later examined these items and inventoried them after completing a NIK field presumptive test on the suspected drugs. Costarella reported that he assisted in booking evidence that was found in the residence by crime scene investigators to include Nikki Bray. Costarella reported that he noted that numerous baggies of drugs were located in the master bathroom of the residence and on Seacat when he was arrested. Costarella indicated that he tested the suspected heroin and methamphetamine using a NIK test and that they all tested presumptive positive as being methamphetamine and heroin. Costarella reported that he booked the following drugs and noted the location where they were found:

- The baggie that was found in Seacat's left jeans pocket was a baggie that contained 6.68 grams (net) of suspected methamphetamine.

And that the following was located in the master bathroom:

- A baggie that contained 35.65 grams (net) of suspected methamphetamine.
- A baggie that contained 28.98 grams (net) of suspected methamphetamine.
- A baggie that contained 193.67 grams (net) of suspected methamphetamine that had "450 net" written on the bag which was a gallon sized bag.
- A baggie that contained 47.79 grams (net) of suspected methamphetamine.
- A baggie that contained .59 grams (net) of suspected methamphetamine
- A baggie that contained 1.71 grams (net) of suspected methamphetamine.
- A baggie that contained 5.69 grams (net) of suspected methamphetamine.
- A baggie that contained 3.55 grams (net) of suspected methamphetamine.
- A baggie that contained 4.91 grams (net) of suspected methamphetamine.
- Two white pills with imprint of M5755 that, according to Drugs.com was Methadone (schedule II controlled substance) and had a weight of 1.75 grams.
- Eleven yellow pills with imprint C14 that was identified by Drugs.com as Clonazepam which is a schedule IV controlled substance and had a net weight of 1.75.
- Three blue pills with the imprint DAN5620 which were identified by Drugs.com as Diazepam which is a schedule IV controlled substance and had a net weight of .47 grams.
- A baggie of suspected Heroin that had a net weight of 29.86 grams.
- 17.5 blue pills that had an imprint on them of SZ789 which was identified by Drugs.com as being Methylphenidate Hydrochloride which is a schedule II controlled substance.
- 4 white pills that had the imprint of MC15 which was identified as Clonazepam which is a schedule IV controlled substance and had a net weight of .69 grams.
- A baggie that contained 2.25 grams of suspected Marijuana.
- 61 packets of Suboxone that contained the ingredients of Buprenorphine/naloxone which is a schedule V controlled substance.

In the common/hallway bathroom Costarella reported that he helped process a baggie of suspected methamphetamine that had a net weight of 3.60 grams and which tested presumptive positive.

Costarella reported that he noted that several digital scales were collected from the master bathroom to include several dozen new and used single use baggies, used syringes and narcotic smoking pipes, cash, and several cell phones . Costarella, who is a drug agent for GVPD, expressed his belief that based on what was found Seacat was involved in the distribution of controlled substances.

Costarella researched Seacat's criminal history and determined that he had several previous felony convictions that are as follows:

- Arapahoe County Courts/South Metro Drug Task Force 2012CR186- Plea of Guilty-Felony 3-Controlled Substance Conspiracy Schedule II drugs-450 grams to 1 Kilogram. Disposition date 12-09-2014
- Larimer County Courts 2012CR59- Guilty Plea-Felony 4- Aggravated Motor Vehicle Theft. Disposition date 11-26-2014
- Chaffee County Sheriff's Office 2009CR2-Guilty Plea-Felony 6- Unlawful use of Schedule II Controlled Substance. Disposition date 03-04-2009
- Chaffee County Sheriff's Office 2008CR146-Plea of Guilty-Felony 4-Burglary. Disposition date 03-04-2009.

On 06-05-15 your affiant returned to the residence, 4219 South Alton Street, so that the search of the residence could continue. Upon arriving at the address your affiant, along with Bray and Guadnola, proceeded to document the scene and were assisted by criminalist from the ACSO.

Upon searching the common bathroom on the second floor your affiant observed the bullet hole that was previously described. Your affiant noted that the bullet would have traveled from the bathroom, as the door was shut, at about thigh height, across the hallway and into a closet directly across the hall. This travel would have been in a southerly direction and upon looking in the closet, which door would have been open due to no holes located in the door, your affiant noted that there was no rear wall to the closet. Your affiant assumed that this wall would have been removed due to the SWAT efforts to make the residence safe for a second entry into the residence. Your affiant also noted that this closet was directly above the location the stairs where the officers were attempting to climb when they heard the gunshots. Bray completed a search of the closet and reported that she found a fragment of a bullet in this closet but she could not determine what it had struck.

Your affiant continued to observe the bathroom and noted that there were two apparent bullet holes in the wall that backed up to the kitchen and would be further described as being the west wall of the bathroom. Your affiant further noted, with the assistance of fiberglass probes, that the rounds went through the walls into other locations to include the kitchen.

Upon observing the first hole, your affiant noted that it entered the wall at an angle at about waist height and originated at a location towards the bathtub or toilet of the bathroom. The round was then determined to have left the bathroom traveling through two layers of drywall and into the kitchen behind the refrigerator. Upon leaving the second sheet of drywall the round struck the back of the refrigerator, entered the interior of the refrigerator, damaged a shelf inside, exited the side of the refrigerator and then entered the wall next to the side of the refrigerator. Upon traveling through the drywall the round struck an interior electrical box and fell into the wall cavity where it was recovered. Upon observing this round it appeared to be a slightly intact 9mm full metal jacket bullet.

Upon observing the second hole your affiant noted that it traveled at about the same angle and height as the last described round. This round entered the same wall but closer to the door. After entering the wall it traveled through a wood stud, through the hallway drywall and traveled across the stairwell missing the banister and pickets. Your affiant is aware that this was the stairwell that the officers were attempting to climb when they heard gunshots. After the round passed the banister it continued to the south living room wall and struck it just below the bay window. The round then passed through the drywall, the exterior sheeting of the home and landed inside the bay window facade. Your affiant observed this round and it also appeared to be a full metal jacket 9mm round that had slight deformation.

Your affiant left the scene to Bray, Guadnola and agents from ACSO who processed the scene. Your affiant was later advised that due to the condition of the residence, the fact that many of the walls were damaged and missing that no additional evidence to include shell casings or bullets were located.

On 06-06-15 your affiant was advised by GVPD Officer Annette Osborne that she was watching Seacat at the hospital. Osborne continued to say that while he was in recovery he began to defecate and that located in his feces were several baggies of suspected controlled substances. Osborne indicated that the baggies were intact and later transported to evidence for evaluation.

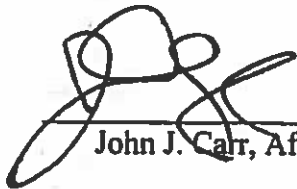
Officer Costarella later observed these baggies and advised that there were seven baggies that were collected and booked into evidence by Osborne. Costarella reported the items as follows:

- A baggie with 5.36 net grams of NIK+ Heroin
- A baggie with 4.81 net grams of NIK+ Heroin
- A baggie with 7.14 net grams of NIK+ Methamphetamine
- A baggie with 6.99 net grams of NIK+ Methamphetamine
- A baggie with 3.39 net grams of NIK+ Methamphetamine
- A baggie with 3.67 net grams of NIK+ Methamphetamine
- A baggie with .78 net grams of NIK+ Heroin

On 06-06-15 your affiant responded to Swedish Hospital and met with Seacat. Upon meeting with Seacat your affiant asked a series of questions to evaluate his condition. Your affiant noted that Seacat could not or would not answer clarifying questions such as if he knew where he was, why he was there and who your affiant was. Your affiant advised Seacat several times why your affiant was there, who your affiant was, why he was there and what the allegations were on him and upon asking him to answer those questions a short time later he acted as if he was confused. Seacat then made statements that he thought he should call his attorney. Your affiant ended the interview telling Seagate that your affiant would attempt to talk to him later to see if he was more alert.

Based on the forgoing information, your affiant respectfully request that an arrest warrant be issued for Robert Jonathan Seacat, date of birth 05-06-82 on the appropriate charges.

I have read the foregoing statement, and the matters stated therein are true and correct to the best of my knowledge and belief.


John J. Carr, Affiant

gth

Subscribed and sworn to before me in the county of Arapahoe, state of Colorado this 8th day of June, 2015


NOTARY PUBLIC

MY COMMISSION EXPIRES: 11-5-15



ATTACHMENT A

(Time Line Summary)

On 06-03-15, at about 1:22 pm

APD Officer Reiter was dispatched to the Wal-Mart located at 9400 East Hampden Avenue in the City of Aurora, Arapahoe County, Colorado, on a report of a parking issue. Upon arriving Reiter is contacted by Wal-Mart loss prevention and asked to assist in a shoplifting investigation.

Reiter contacted subjects later identified as Robert Jonathan Seacat, date of birth 05-06-82 and Ramona Vitalyevna Grabchenko, date of birth 08-24-91. Reiter then attempted to have Seacat and Grabchenko walk back to security and while walking back Seacat turned and ran away from Officer Reiter.

Reiter then gave chase, caught up to Seacat at his vehicle, which was described as a gold colored Lexus 300. Reiter drew his Taser in an attempt to stop Seacat but Seacat managed to close the door to the vehicle prior to Reiter stopping him.

Seacat then pulled forward in his vehicle as Officer Reiter drew his service pistol and attempted to stop him. Reiter, who was dressed in full police uniform, said that he was standing in front of Seacat's vehicle, felt that he was going to be struck by the vehicle so he stepped away from the car. Seacat then drove south through the parking lot and continued onto South Dallas Street.

Reiter then returned to his patrol vehicle and attempted to locate the vehicle. Upon arriving at the RTD light rail station, located south of the Wal-Mart, Reiter located the Lexus now abandoned.

Reiter, who advised responding officers of what had transpired, moved to the light rail station and began to look for Seacat. Upon arriving at this location Reiter observed Seacat running north on the light rail tracks, climbing the fence and then getting onto the N/B lanes of I-225. Seacat was then seen trying to flag down vehicles, dodging vehicles and then crossing to the shoulder of the highway.

Upon exiting the highway Seacat was seen approaching pedestrians and was later discovered to have been asking for a ride out of the area and even offered to pay for a ride. Reiter loses sight of Seacat, returns to Seacat's vehicle and completes an impound of the car. Reiter reports that he located suspected psilocybin mushrooms in the car along with marijuana.

At about 1:43 pm:

The Greenwood Village Police Department (GVPD) was advised of the aforementioned events to include the information that the suspect had attempted to run over an officer and was possibly armed with a handgun. Numerous officers and detectives with the both the GVPD and the APD then responded to the area in an attempt to locate Seacat.

At about 1:54 pm:

GVPD received a report of a residential burglar alarm at 4219 South Alton Street which was the area that Seacat was last seen. Numerous officers and detectives responded to this area from GVPD and APD. Upon arriving officers determine that there was a 9 year old boy in the home (resident) and that the boy later described a unknown/uninvited man in the home.

The 9 year old, upon exiting the home advised that the male subject matched the description given of the subject seen fleeing the Wal-Mart and advised that the male had a gun in his hand. The 9 year old continued to say that the male suspect said that he wanted a car to get out of the area.

Efforts were then made to secure the residence by placing officers from both GVPD and APD on the perimeter of the home. The garage doors are now seen opening (not fully) and then closing

At about 2:23 pm:

An Officer from APD placed a unmarked patrol vehicle up against the single car garage door and then a marked APD SUV against the two car garage door in an attempt to stop the suspect/Seacat, from leaving in a vehicle.

As this officer completed this task he bumped the garage door to prevent it from opening. The officer then turned off the car, exited the car and heard a gunshot that rang out from inside the garage. The officer then noted that there was a new hole in the garage door that was later determined to be a bullet hole that continued into the hood of the SUV, into the engine compartment and then into the firewall of the vehicle.

As this round was fired there were several officers and citizens in the area that were endangered.

At 2:37 pm:

Negotiations with the suspect inside the house via cell phone contact. Negotiations were off and on as the suspect would talk with us and then hang-up over the courses of speaking with him.

At 2:39 pm:

GVPD emergency response team began to arrive on scene. Additional resources were also requested due to the situation that presented itself to include members of the Aurora, Arapahoe County and later the Douglas County Sheriff's Office.

Reverse 911 call sent out to the neighborhood, shut off the water and gas, and restrict overhead airspace.

At about 3:36 pm

Seacat made several demands, to include to talk with his sister. The suspect agreed, therefore we spent hours to retrieve his sister in Boulder and have her expedited to the scene. While waiting for the suspects sisters arrival we did have the suspects wife on the scene and we created a recording of her asking and pleading for the suspect to come out. At 1603 hrs. we played this recording out in front of the home on our Beacon 8000 loud speaker looping the message over and over so the suspect could hear the message in an attempt to get him to come out. In addition, the tactical Bear Cat outside was ordering the suspect over loud speaker to come out on numerous occasions in between the prerecorded message playing.

At 5:49 pm

The sister arrives and attempts to get the suspect to surrender through intermittent negotiations as the suspect would continue to terminate conversations at times. Being that several hours had gone by and in fear of his cell phone going dead, the suspect hanging up on us, and that we may be right to the point where the suspect was possibly going to be talked out, we wanted more control of the communications therefore we made the decisions to deliver our throw phone and have his cell phone shut off to control the conversations (1828 hrs.). During the conversations that were ongoing the suspect made statements to the negotiators "I'm almost ready to come out" but he would never commit to surrender and continue to hang up. With failed negotiations at 1841 hrs. we constructed a prerecorded message from his sister and played it over and over on our Beacon 8000 loud speaker out in front of the home. The officers on the backside of the house could clearly hear the recorded message. At this point negotiations of 4.5 hrs. had completely failed and all contact with the suspect was dormant.

At about 7:11 pm:

No sightings of Seacat were made of him in the home and he the Seacat failed to meet his obligations of coming out and cooperating with the police. The Seacat had remained inside and barricaded. With communications and negotiations with suspect being dormant we sent in two 40mm rounds through the window to try and get the suspects attention and there was no response from the suspect. At 1935 hrs. we breached the front doors using the bear cat with a ram on the front for a potential entry point and/or exit point. We conducted an EOD breach of the back bottom level doors on the west and east side of the home to allow a tactical entry team to have the ability to deliver a robot and throw phone. Even after breaching the three points on the building, there was still no response from the suspect. At 2030 hrs. we initiated and introduced gas into the home to try force the armed suspect out of the home. At 2038 hrs. the suspect was seen for the first time trying to open a window on the second floor in the bathroom (backside of the home). At this time 40mm rounds were fired into the bathroom window to drive the suspect out of that room and into an open area or out of the home (no success).

At 10:18 pm:

SWAT decided to send in a robot and deliver a throw phone to try and relocate, isolate and/or communicate with the suspect in the house. The team was also assembled with the forward negotiator that was on the phone with him during negotiations. Gas was introduced into the attic 2231 hrs. and gas was placed into the second floor. At 2236 hrs. no movement had been seen therefore the GVPD tactical team entered the residence to

deploy the robot. As the GVPD tactical team moved through and cleared areas in the home they came under gun fire from the suspect between 2240 hrs. through 2249 hrs. While the officers were inside they had also reported and heard what appeared to be the suspect reloading and believed the suspect had acquired other firearms inside the home. We did have information that other firearms were in the home that belonged to the actual home owner. It was now believed the suspect had the homeowners firearms in his possession. Due to the suspects unknown location and firing on the officers through the upper level and down through the floor above them, I ordered all of GVPD officers to back down to a safer location to avoid a lethal confrontation. At 2250 hrs. all GVPD officers had move away and out from the threat of being shot inside the structure. At this same time it was reported by officers that the suspect appeared to have moved into the kitchen (west side of the structure). Being that the officers had been fired upon and the armed suspect was moving in and around the structure we moved to a plan to prepare to position the snipers for a lethal shot in the event the threat continued (2305 hrs.)

At 1:31 am on 06-04-15:

SWAT moved to the plan to get better visibility of the suspect since we had not seen him move in the structure for some time. At 0146 hrs. we opened up a hole on the 2nd floor west side of the building in the kitchen area using an EOD charge. This permitted us to have better visibility of the suspect. At 0207 hrs. the throw phone was also deployed in and around that same area to try again establish communications and negotiations with the suspect. The phone was ringing constantly and numerous announcements were made via loud speaker for him to pick up the phone. At 0242 hrs. we also introduced another robot in an attempt to locate the suspect while the phone was ringing. At 0404 hrs. we sent in another robot in attempts to continue to locate the suspect (no success). At 0405 hrs. we turned the suspects cell phone back on and continued to attempt contact with him (no success). At 0455 hrs. we deployed another volley of gas to try and get the suspect out of the home and or initiate movement from him to locate his whereabouts and isolate him with a tactical plan if practical (no success). At 0514 hrs. with limited visibility of being able to see the suspect in the home we used another EOD charge on the east side of the home and opened up a hole on the structure (second level master bathroom) above the garage. At 0558 hrs. both initial tactical teams (GVPD and APD) had been on assignment for numerous hours and in preparation for another tactical entry into the structure both those teams were rotated out and replaced by Arapahoe County Swat (interior) and Douglas County Swat Exterior and sniper positions.

At 7:20 am:

Having had been no success for numerous hours of the suspect showing any committed or sustained willingness to communicate, negotiate, or surrender. The suspects actions demonstrated he had no intentions of giving up and he was committed to not surrendering and/or leaving the home even despite me meeting his initial demands to talk with his sister. We had provided numerous communicative / negotiating efforts and ample opportunity for the suspect to surrender and peacefully being taken into custody for the crimes he committed (no success). Based on this we moved to a tactical entry plan to move a team through the home to locate, arrest, and remove the suspect from the home. This plan was initiated at 0720 hrs. and consisted of using the bear cat and ram to open up holes in the backside of the home in each room to gain the tactical visibility advantage. It was also believed the suspect was barricaded in one of these rooms on the

backside of the home. Once we had better visibility of the inside of the home we moved a team into the home on a slow search to locate the suspect.

At 7:51 am:

More gas was deployed into the attic in one last attempt to flush out the suspect and give him an opportunity to surrender (no success). Demands were also given over the loud speaker (no success). At 0821 hrs. I authorized the tactical team (ACSO- led by Sgt. Fetcher) to enter the home and search for the suspect. At 0845 hrs. it was reported the suspect was on the backside of the home barricaded in the bathroom (armed). At 0848 hrs. it was reported the suspect was resisting being taken into custody. At 0851 hrs. it was reported the suspect had been disarmed and taken into custody. At 0851 hrs. suspect was brought out and paramedics took loaded the suspect into an ambulance and transported the suspect to the hospital at 0901 hrs. At 0901 hrs. I ordered the scene secured and to be turned over to your affiant for processing.