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FILED IN COMBINED COURT
PITKIN COUNTY

09 DEC 28 AM 8:39

ASPEN, COLORADO

District Court, Pitkin County, Colorado Court Address: 506 E. Main Street, Aspen, CO 81611	
PEOPLE OF THE STATE OF COLORADO vs. Defendant: Carlos Irwin Estevez	COURT USE ONLY Case Number: 09MG16 Div: Ctr:

AFFIDAVIT IN SUPPORT OF WARRANTLESS ARREST

Agency Case Report No: 09A-16475

ARRESTING AGENCY: Aspen Police Department

DATE OF ARREST: December 25, 2009

DEFENDANT: Carlos Irwin Estevez

DATE OF BIRTH: September 03, 1965

Crimes:

1. Assault in the second degree, in violation of C.R.S. 18-3-203(1)(b), as amended a class F4
2. Menacing, in violation of C.R.S. 18-3-206(1)(A), as amended a class F5
3. Criminal Mischief, in violation of C.R.S. 18-4-501(1), as amended a class M1
4. Domestic violence, in violence of C.R.S. 18-6-801

Your Affiant, Rick Magnuson being duly sworn upon oath says that there is probable cause for the warrantless arrest of the aforementioned defendant for the charges stated above, and that the following facts are true and correct to the best of his knowledge, information, and belief and support the arrest of the defendant; to wit:

1. My name is Rick Magnuson and I am a Police Officer for the City of Aspen, County of Pitkin, State of Colorado and have been so employed for all times pertinent to this affidavit.
2. On December 25, 2009 at approximately 0835 hours Aspen Pitkin County Combined Communications (hereafter referred to as "Dispatch,") aired a domestic violence call at [redacted] in Aspen Colorado, County of Pitkin, State of Colorado.

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3. Dispatch aired that the husband, later identified as Carlos Irwin Estevez, date of birth, [redacted] and the reporting party, Brooke Mueller, date of birth [redacted] were separated, adding that Estevez had a knife.

4. I responded to the location from the Pitkin County Courthouse with Officer Casey Ward. While we were driving to [redacted] Aspen Colorado, dispatch aired that Mueller said "It's happened before."

5. At approximately 0838 hours on December 25, 2009 Officer Ward and I arrived on scene. Dispatch aired that Estevez's knife was a "switch blade, like a pocket knife," adding that he was attempting to leave the residence.

6. Officer Ward responded to the back of the house, I went to front door, where I was let in by an unknown person. Inside the residence, I observed Mueller standing in the kitchen; Mueller was crying, uncontrollably. I did not notice any obvious injuries on Mueller. Mueller told me that Estevez was upstairs in the residence.

7. I identified myself as a Police Officer and asked Estevez to come downstairs; he complied. Aspen Police Officer Ward and Officer Valerie McFarlane began talking to Mueller. I asked Estevez to speak with me in the basement and he agreed to. I spoke with Estevez and learned the following:

   a. Estevez and Mueller have been married for two years and have two children together.
   b. Estevez stated that he and Mueller have been having martial problems lately, adding that Mueller abuses alcohol.
   c. Estevez stated that he and Mueller began arguing at approximately 0330 hours on December 25, 2009.
   d. Estevez stated that the argument escalated when Mueller threatened to divorce him and take the children.
   e. Estevez, upon further questioning, added that the catalyst of this argument began when he shared a song for his daughter, whom he fathered with another woman.
   f. Estevez added that Mueller was jealous of this relationship with his daughter.
   g. Estevez stated that the argument was predominantly verbal; adding that both parties were yelling at each other. Estevez added that he and Mueller slapped each other on the arms during the course of the verbal altercation.
   h. Estevez denied pushing or striking Mueller.
   i. Estevez added that during this argument, Mueller became irate, threatening to divorce him and take the children away.
   j. Estevez stated that he became very upset with this threat because of prior experiences.
   k. Estevez stated that he took two of Mueller's eyeglasses and broke them in front of her. He demonstrated this by making a breaking gesture with his hands.
   l. Estevez denied threatening Mueller with a knife or strangling her.
   m. Estevez stated that he had a folding knife in his travel bag. I asked to see that knife. Estevez told me that the knife was in his travel bag, which was in his travel bag, near the upstairs bedroom. We went upstairs to the hallway near the bedroom. Estevez reached into his travel bag and I observed a dark colored locking knife, with a four inch blade. The blade was locked in the open position. Estevez retrieved the knife from the bag, laying it on the floor, where I retrieved it.
   n. I observed that the travel bag containing the knife was just outside the bedroom door where the altercation occurred.

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8. I then spoke with Police Officer Valerie McFarlane, who was speaking with Mueller. I learned the following from McFarlane:

   a. Mueller and Estevez were in an argument in the upstairs bedroom. The argument started early in the morning of December 25, 2009.
   b. Mueller told Estevez that she wanted a divorce and would get custody of the children.
   c. Mueller stated that Estevez became enraged by this; he grabbed Mueller by the upper part of the throat while straddling her on the bed.
   d. Mueller added that Estevez then pulled out a knife, holding it to her throat, saying, "You better be in fear. If you tell anybody, I'll kill you. Your mother's money means nothing, I have ex-police I can hire who know how to get the job done and they won't leave any trace." Mueller told Officer McFarlane that she was in fear of her life.
   e. Mueller said that Estevez then got off her after she told him, "You're right, you're right, you're right. I'm sorry, I love you."

9. I then spoke with Mueller. Mueller had red marks on the upper part of the front of her neck. I asked Mueller if the was normal and she stated that it was not; adding that Estevez caused the marks on her neck while he was holding her down on the bed.

10. Mueller added that Estevez placed a medium sized folding knife, blade exposed, next to her throat, while he straddled her on the bed. Mueller told me that she was afraid she was going to die at that moment, adding that she was in pain while Estevez's other hand was around her throat. Mueller demonstrated this incident by lying on the bed; she had one hand around her throat and the other was next to her neck, mimicking the holding of a knife.

11. I then place Estevez under arrest, Officer Ward handcuffed him, and I transported him to the Pitkin County Jail at approximately 0947 hours on December 25, 2009.

12. Officer McFarlane retrieved the eyeglasses belonging to Mueller. Officer Ward researched the value of the eyeglasses: Miu Miu SMU54H prescription glasses are worth approximately $235. Blinde Natural Born Thriller are worth approximately $285 dollars. The total value of the damaged eyewear is approximately $520.

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WHEREFORE, I believe and have probable cause to believe that Carlos Irwin Estevez, date of birth September 03, 1965, committed the crimes of: Assault in the second degree, in violation of C.R.S. 18-3-203(1)(b), as amended a class F4, Menacing, in violation of C.R.S. 18-3-206(1)(a), as amended a class F5, criminal mischief, in violation of C.R.S. 18-4-501(1) as amended a class M1, domestic violence, in violation of C.R.S. 18-6-801, in the City of Aspen, County of Pitkin, State of Colorado.

Affiant's Signature

Subscribed and Sworn to before me this 25 day of December, 2009.

Notary Public

My Commission Expires on

MY COMMISSION EXPIRES 10/25/2011

The undersigned Judge, having reviewed the attached affidavit, determines that there is sufficient probable cause to detain Carlos Irwin Estevez; Date of Birth: 9/3/65

Judge

Date: 12/25/09 Time: 6:10pm

The undersigned Judge, having reviewed the attached affidavit, determines that there is insufficient probable cause to detain _____; Date of Birth _____

Judge

Date: _____ Time: _____

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REDACTED COPY

☐ Municipal Court ☐ County Court ☑ District Court
PITKIN County, Colorado
Court address: 506 E. main ST.
ASPEN, COLORADO

FILED IN COMBINED COURT
PITKIN COUNTY
09 DEC 28 AM 7:25
ASPEN, COLORADO

People of the State of Colorado
v.
Carlos Irwin Estevez

▲ COURT USE ONLY ▲

Attorney or Party Without Attorney (Name and Address):

Phone Number:
Fax Number:
E-mail:
Atty. Reg. #:

Case Number:
Arrest Number: 09CR98
Warrant Number:
Bond Number:
Division: Courtroom:

APPEARANCE BOND

Bond Type: ☑ Bail Bonding Agent* ☐ Cash/Self ☐ Cash/Surety** ☐ PR/Self ☐ PR/Surety ☐ Property
Bond Posted For: ☑ Defendant ☐ Respondent ☐ Plaintiff ☐ Petitioner ☐ Child
Name of Party: (print or type) Carlos (First) Irwin (Middle) Estevez (Last) [redacted] Date of Birth

The Party, as principal, and *(print or type)* Douglas E. Britten
as surety, acknowledge that we are jointly and severally bound to the People of the State of Colorado, in the penal sum of Eighty Five Hundred ($ 8,500.00) DOLLARS, if there is a default upon the primary condition of this bond. The primary condition of this bond is that, if the Party shall personally appear in the *(Court name and address):* DISTRICT COURT AT 506 EAST MAIN ST., ASPEN, COLORADO
on *(return date)* February 8, 2010 at *(time)* 10:30 a.m. and at each place, and upon each date, to which this proceeding is transferred or continued, until entry of an order for deferred prosecution or deferred judgement, plea of guilty, *nolo contendere* or conviction (unless the written consent of the sureties is filed of record), to answer charges of:
second degree assault, menacing, criminal mischief, Domestic Violence
then this bond shall be void; otherwise, it shall remain in full force and effect. **NOTE: If the return date and time is a legal holiday or a weekend, the return date is a mandatory appearance on the first business day thereafter.**
ADDITIONAL STANDARD CONDITIONS — CRIMINAL CASES ONLY: (1) Party may not leave the state without the approval of the Court and the surety; (2) Party shall not commit a felony while at liberty on bail; (3) Party acknowledges the existence of a mandatory protection order under §18-1-1001, C.R.S.; (4) Party shall immediately notify the Court of any change of mailing address or residence.
☐ If you have been arrested for a Felony offense, you shall sign a written waiver of extradition indicating you waive all formal proceedings in the event you are arrested in another state and you agree to be returned to Colorado.
☐ Additional Conditions: Title 18, Supp. DV. (attached) No drugs (prescribed as prescribed only) M.P.O

If the Party fails to comply with any of the conditions of this bond, the Court may revoke the Party's release on bail, increase the amount of bail or modify bond conditions. This bond will be forfeited if the Party does not appear as required by the primary bond condition.

Carlos Estevez [redacted] [redacted]
Party (Signature) Address (Street, City, State, & Zip Code) Telephone Number

Douglas E. Britten P.O. Box 22, Glenwood Spgs, CO 81602 970 945 8000
Surety/Bonding Agent*/Bond Commissioner/Judge (Signature) Address (Street, City, State, & Zip Code) Telephone Number

Bonding Agent License No.: 60103 Power of Attorney No.: N/A Cash Bondsman

Surety Other than Bonding Agent** (Signature) Address (Street, City, State, & Zip Code) Telephone Number

* **Bonding Agent Certification:** Agent, by executing this bond, warrants and represents to the Court, under oath, and under penalty of perjury: (1) that agent is not currently in default in payment of any final judgment upon any bail bond forfeited in any Colorado jurisdiction; (2) that agent is duly licensed by the State of Colorado to execute this bond; and (3) that agent, if a non-cash agent, is currently appointed by the corporate surety whose power of attorney accompanies this bond.
**Surety Cash Deposit:
(1) Cash deposited (☐ may) (☑ may not) be used to satisfy any fines, costs, etc. *(check one)*
(2) Cash deposited (☐ may) (☑ may not) be returned to Party. ☐ Defendant ☐ Respondent ☐ Plaintiff ☐ Petitioner ☐ Child *(check one)*

Cash Surety *(Signature)*
Executed and Acknowledged by the above named in the presence of the undersigned at:
PITKIN COUNTY JAIL *(name of court or facility where bond written).*

By: [signature] #94
Deputy Clerk/Sheriff (As to Surety/Bonding Agent)
Date: December 25, 2009 Time: 1847

By: [signature] #94
Deputy Clerk/Sheriff (As to Defendant)
Date: 12/25/09 Time: 1847

JDF 370 R7/06 APPEARANCE BOND (1) COURT (2) DEFENDANT (3) JAIL (4) SURETY 11-08

REDACTED COPY

☐ Municipal Court ☑ County Court ☒ District Court

Pitkin County, Colorado

Court Address: 506 E. Main St Ste 300
Aspen, CO 81611

FILED IN COMBINED COURT
PITKIN COUNTY
09 DEC 28 AM 8:36
ASPEN, COLORADO

▲ COURT USE ONLY ▲

THE STATE OF COLORADO

v.

Defendant: Carlos Irwin Esteves

Address: _____

Case Number: 09CR98

16 Character #: _____

Division: Courtroom:

MANDATORY PROTECTION ORDER PURSUANT TO § 18-1-1001, C.R.S.

Full Name of Defendant	Date of Birth	Sex	Race	Weight	Height	Hair Color	Eye Color
Carlos Irwin Esteves	[redacted]	☒ M ☐ F	W	170	5'10"	BRO	HAZ.

Full Name of Protected Party (Victim/Witness)	Date of Birth	Sex	Race	Full Name of Protected Party (Victim/Witness)	Date of Birth	Sex	Race
Brooke Moeller	[redacted]	F	W				

The Court finds that it is appropriate to issue this Protection Order pursuant to § 18-1-1001, C.R.S., that it has jurisdiction over the parties and the subject matter; that the Defendant was personally served and given reasonable notice and opportunity to be heard; that the Defendant constitutes a credible threat to the life and health of the protected persons; and sufficient cause exists for the issuance of a Protection Order.

The Court finds that the Defendant ☐ is ☐ is not governed by the Brady Handgun Violence Prevention Act, 18 U.S.C. §922(d)(8) and (g)(8).

Therefore, it is ordered that you, the Defendant:

☒ 1. Shall not harass, molest, intimidate, retaliate against, or tamper with any witness to or victim of the acts you are charged with committing.

☒ 2. Shall vacate the home of the victim(s), stay away from the home of the victim(s), and stay away from any other location the victim(s) is/are likely to be found.

☒ 3. Shall refrain from contacting or directly or indirectly communicating with the victim(s).

☒ 4. Shall not possess or control a firearm or other weapon.

☒ 5. Shall not possess or consume alcoholic beverages or controlled substances.

☐ 6. **Is further ordered that:** _____

This Order remains in effect until final disposition or further order of Court.*

Date: 12/25/09

/s/ James B. Boyd
☒ Judge ☐ Magistrate

By signing, I acknowledge receipt of this Order.

Date: 12/25/09

Defendant

I certify that this is a true and complete copy of the original order.

Date: _____

Clerk

PLEASE NOTE: IMPORTANT NOTICES FOR DEFENDANT AND LAW ENFORCEMENT OFFICIALS ON REVERSE.

*"Until final disposition of the action" means until the case is dismissed, until the Defendant is acquitted, or until the Defendant completes his/her sentence. Any Defendant sentenced to probation or incarceration shall be deemed to have completed his/her sentence upon discharge from probation or incarceration, as the case may be. (§ 18-1-1001(8)(b), C.R.S.)

PITKIN COUNTY SHERIFF

Arrest Summary Report, Individual Arrest Report

[redacted]

REDACTED COPY

FILED IN CONFIDENCE COURT
PITKIN COUNTY, CO
09 DEC 28 AM 8:55
ASPEN, COLORADO

Name: CARLOS IRWIN ESTEVEZ (92968)
Street Address: [redacted] **City, State Zip:** [redacted]
Date of Birth: [redacted]
Local ID Numbers: CA11543671
State ID Number:
Attorney:
Place of Birth: NEW YORK CITY
Sex: M
Height: 5'10"
Hair Color: BRO
Drivers License: [redacted]
Marital Status: Married
Home Phone : [redacted]
Employer: WARNER BROTHERS
Alias For:
Alias: CHARLIE I SHEEN (92969)

FBI number: 963091DB7
Occupation: ACTOR
State) : NY
Race: W
Weight: 170
Eyes Color: HAZ
State : CA
Work Phone: ( ) -

Scars, Marks, and Tattoo Information

Scars, Marks:	TAT R ARM	TATT	RT	ARM	JAPANESE SAMURI-BEING RE-MOVED
	TAT R ARM	TATT	UR	ARM	CIGARETTE -INSIDE
	TAT R ARM	TATT	RT	ARM	BASEBALL - OUTSIDE
	TAT L ARM	TATT	LE	ARM	ZIPPER - BEING REMOVED
	TAT UL ARM	TATT	UL	ARM	CIGARETTE VENT
	TAT UL ARM	TATT	UL	ARM	"YANKEES" - BEING REMOVED
	TAT CHEST	TATT		CHES	"BACK IN 15 MIN" SIGN
	TAT CHEST	TATT	R	CHES	CHARLIE BROWN
	TAT L ANKL	TATT	LE	ANKL	STINGRAY
	TAT R ANKL	TATT	RT	ANKL	ANGLE WINGS - BEING REMOVED

Arrest/Offense Information

Booking Number: 09P1103 (1) **Arrest Reference Number:** 09A016475
Time/Date Arrestd: 09:39:02 12/25/09 **Arresting Officer:** MAGNUSON,RICK
Arresting Agency: AP **Age at Arrest:** 44

Statute: 18-3-206(1a) MENACING-W/DEAD WEAP
Offense: AOWP ASSAULT WITH OTHER WEAPON
Offense Refrnc: 09CR PITKIN **Class:** 5F **Court:** DIST
Related Incident: 09A016475

Statute: 18-3-203(1)G ASSAULT2 -INTENT/CAUSE BOD INJ
Offense: 1FEL FELONY REPORT
Offense Refrnc: 09CR PITKIN **Class:** 4F **Court:** DIST
Related Incident: 09A016475

Statute: 18-4-501 B CRIM MISCHIEF $500/1000
Offense: CMIS CRIMINAL MISCHIEF
Offense Refrnc: 09CR PITKIN **Class:** 1M **Court:** DIST
Related Incident: 09A016475

Statute: 18-6-801.6 DOMESTIC VIOLENCE
Offense: 6DOM DOMESTIC REPORT CRIM/NON CRIM
Offense Refrnc: 09CR PITKIN **Class:** 1M **Court:** DIST
Related Incident: 09A016475

Report Includes:
All dates arrested, All booking numbers matching ` 09P1103`, All arresting agencies, All arresting officers, All arrest types, All arrest area codes, All offense codes, All statute codes, All alcohol/drug codes, All crime class codes, All law jurisdictions, All court codes, All entry codes, All active flags