

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF BEADLE

THIRD JUDICIAL CIRCUIT

State of South Dakota,

02CRI23-000068

Plaintiff,

**PROBABLE CAUSE  
STATEMENT**

vs.

Name: Hector Manuel Garcia Nunez

DOB: [REDACTED]

Address: [REDACTED] 7<sup>th</sup> ST NE APT [REDACTED]

City,State,Zip Huron, SD 57350

1. I am a law enforcement officer for the HURON POLICE DEPARTMENT
2. I declare and shall affirm under the penalties of perjury that this probable cause statement has been examined by me, and to the best of my knowledge, and belief, is in all things true and correct.

On 2/1/2023 at approximately 0146 hours I, Detective Sergeant DenJer Davis, arrived at HRMC in Huron, SD for a male identified as Dakota Kjellerson (DOB [REDACTED]) with gunshot wounds. I was able to briefly speak with Dakota prior to him being air lifted to Sioux Falls, SD.

During my conversation with Dakota he told me that he was looking for his wife ([REDACTED] [REDACTED]) as she was with some drug dealers. Dakota pulled up to [REDACTED] 7<sup>th</sup> ST NE Apt [REDACTED] looking for his wife as she hangs out with Hector Manuel Garcia Nunez (DOB [REDACTED]). Hector told Dakota that "I'm going to shoot, I'm going to shoot". Dakota states that Hector began to fire at Dakota while he was in his vehicle (2006 Chevy Malibu [REDACTED]). Dakota stated that he returned fire with his handgun, firing the handgun twice. I then ended my conversation with Dakota.

I then spoke with Hector at the Huron Police Department. I read Hector his Miranda Rights and understood his rights and waived them. Hector told me that Dakota had come to his residence and kicked in the front door to the entry way of the residence. Dakota in proceeded up the stairs and yelled at Hector through the second door of the apartment. Hector warned Dakota that if came through the door that he was going to shoot him. Dakota then left the residence.

Hector told me that his friend Abdias Miranda Colon (DOB [REDACTED]) was also in the residence with him. Dakota then returned some time later and was in the street just north of the residence yelling. Dakota then fired (2) rounds into the residence. Hector that states that he returned fire with his Smith and Wesson AR15 and fire approximately (6) rounds. Hector

then recants that statement and told that it was Abdias that returned fire with his Smith and Wesson AR15 from the living room window. Hector then states that Abdias left the residence with the rifle and did not return. Shortly after Hector was in contact with Law Enforcement.

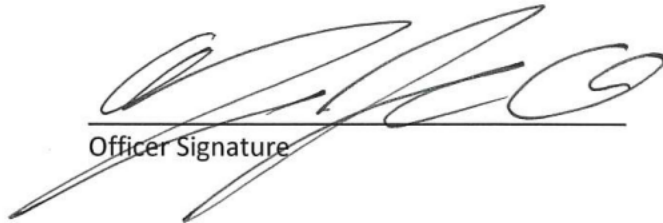
Huron Police Department then applied for a search warrant of [REDACTED] 7<sup>th</sup> ST NE Apt [REDACTED] to recovery any items pertaining to the incident. During the execution of the search warrant officers did recover in total (14) fired .223/5/56 casings from both the outside of the residence and the living room. Officers also recovered a handgun slug that was fired from outside into the residence.

Officers then stopped the search warrant as approximately 19.7grams of a white crystal-like substance, which is commonly known to be methamphetamine based on my training and experience.

Officers then resumed search of the residence after the second warrant was signed. Officer found various items commonly used with controlled substances (methamphetamine). Officers a large amount of small ziptop packages both used and new. Officers found digital scale. Officers also located documents with Abdias name on them confirming that he has been living in the residence.

Please consider this information to determine initial probable cause to hold the Defendant.

Dated this 18<sup>th</sup> day of Feb, 2023

  
\_\_\_\_\_  
Officer Signature

Subscribed and sworn to before me on this 18 day of february, 2023.

  
\_\_\_\_\_  
Notary Public-South Dakota

My Commission Expires:

March 23, 2029

Arrest Date  
2/18/2023

SDCL  
22-42-2  
22-42-10  
  
22-16-4  
22-42-19  
22-42-5

Offense  
Distribute/Manufacture of Controlled Drug  
Maintaining a Place where drugs are kept, sold  
or used.  
Murder in 1<sup>st</sup> Degree/Felony Murder  
Poss/Dist W/intent Drugs in Drug free zone.  
Possession Controlled Drug or Substance.

Other pertinent information for bond consideration:

Alcohol Use: Yes  No  PBT NA      Number of Failures to Appear 0

Other pertinent information for bond consideration: (examples: prior dui arrests, domestics, assaults, drugs, etc) Hector was recently involved with Abdias on a traffic stop in which drugs were found on Abdias.