

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA, <i>Plaintiff,</i> v. NERY A. LOPEZ MORALES, <i>Defendant.</i>	AGENCY CASE NO.: DM21-26613 AGENCY: Des Moines Police Department COUNTY ATTORNEY PRELIMINARY COMPLAINT REVIEW
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COMES NOW the undersigned Assistant Polk County Attorney and states as follows:

I have read and reviewed the attached complaint and affidavit. I:

- Approve** the charge as MURDER IN THE 1ST DEGREE—Class A Felony—in violation of Iowa Code Section 707.2(1)(a) and ask the court to find probable cause for this charge.
- Request that the Court enter the attached *Arrest Warrant*.
- Advise the court and the clerk of court that despite the officer's request for an Arrest Warrant, the defendant has reportedly been taken into custody, so *an arrest warrant is no longer required*.

With regard to a bond amount, the State requests that:

- The State requests that the Court enter the attached *No Contact Order*.
- The State requests defendant be held without bond until initial appearance, so a *No Contact Order* may be entered.
- Bond be set according to the uniform bond schedule.
- Bond be set in the amount of \$1,000,000.**
- Cash Only.**
- Cash or Surety.
- 10% to the Court.
- The defendant be released on the defendant's own recognizance (O/R).

Based on the information currently available to me, I offer this additional information to the court:

- *Other: _____
- The defendant currently has other pending charges.
- The defendant has a relevant criminal history.
- This crime occurred in violation of a No Contact Order.
- The defendant is currently on probation.

WHEREFORE the State respectfully requests the Court find probable cause and allow the case to proceed under the circumstances set out above.

Respectfully submitted,
JOHN P. SARCONI by:

/s/ Linda Zanders
Assistant Polk County Attorney
Polk County Attorney's Office
222 Fifth Avenue, Des Moines, IA
(515) 286-3737
ctyatty@polkcountyiowa.gov

**IN THE IOWA DISTRICT COURT IN AND FOR
POLK COUNTY**

This Complaint and Affidavit is to be:

- Filed with Court Clerk (cc: CA)
 Submitted to County Attorney
 Filed with JCO - Defendant is a Juvenile

Agency Case Number: **20210026613**

Arrest Date: **09/13/2021**

THE STATE OF IOWA

VS.

OFFENDER

Last LOPEZ MORALES		First NERY		Middle ARNOLDO		Suffix	
Address 210 E. KIRKWOOD AVE				City DES MOINES		State IA	Zip Code 50315
DL#	State IA	DL Class	DL Endorsements		DL Restrictions		
Date of Birth [REDACTED]	Gender MALE	Race WHITE - W		Ethnicity HISPANIC ORIGIN - H			
Height 5' 07"	Weight 145 LBS	Eye Color BROWN - BRO		Hair Color BLACK - BLK			

VEHICLE

Year 1999	Make GENERAL MOTORS - GMC	Model SIERRA K1500		Color RED			
VIN 1GTEK19TXXE526331		CDL Req? NO	Pass End Req?	HazMat End Req?	Style PICK UP		
Plate/Registration # HSP369			State IA	Year 2021	US DOT Number	ICC/MC #	

OFFENSE

State <input checked="" type="checkbox"/>	County <input type="checkbox"/>	Local <input type="checkbox"/>	Code Section 707.2(1)(A)	Crime Description MURDER IN THE 1ST DEGREE		Speed	in	Zone
Class FELA		Serious P.I. <input type="checkbox"/>		Fatal Accident <input type="checkbox"/>		Civil Damage Assessment <input type="checkbox"/>		Other <input type="checkbox"/>
Location Type 20 - RESIDENCE/HOME								
Literal Description								
Address 904 RANDOLPH ST				City DES MOINES		State IA	Zip Code 50315	
Is Date and Time of Incident Known? YES		Incident Date or Low Range 09/12/2021		Upper Date Range		Incident Time or Low Range 20:25		Upper Time Range

STATUS OF OFFENDER/JUVENILE

<input checked="" type="checkbox"/> TAKEN INTO CUSTODY	CUSTODY 1 - JAILED	<input type="checkbox"/> SUMMONS TO APPEAR (Citation Issued)
<input type="checkbox"/> WARRANT REQUESTED	<input type="checkbox"/> NO CONTACT ORDER REQUESTED	<input type="checkbox"/> RELEASED TO PARENT/GUARDIAN

NARRATIVE

Narrative of Offense Committed

On or about the above stated date and time, the Defendant did having malice aforethought, willfully, deliberately, and with premeditation kill Amber Marie Burton by going to her house and shooting her with a shotgun in the upper torso area.

VICTIM INFORMATION (Optionally displayed, especially if NCO is requested)

Last AMBER		First MARIE		Middle		Suffix	
Business/Organization/State/County/Municipality Name							
Address 904 RANDOLPH ST				City DES MOINES		State IA	Zip 50315

AFFIDAVIT

STATE OF IOWA, POLK COUNTY

I, the undersigned, being duly sworn, state that all facts contained in this Complaint and Affidavit, known by me or told to me by other reliable persons form the basis for my belief that the defendant committed this crime

State all facts and persons relied upon supporting elements of alleged crime

On 12 September, 2021 at 2035hrs, the defendant did drive to Amber Marie Burton's residence and shoot her in the upper torso with a shotgun causing her death.

On the above date and time, the Des Moines police department was notified of a disturbance at 904 Randolph St, Des Moines, IA. The 911 caller notified dispatch that her next door neighbor seemed to be in trouble. The 911 caller told dispatch that she could hear her next door neighbor screaming and described what sounded to her like a struggle occurring. The 911 caller then told dispatchers that the neighbor just stopped screaming all of the sudden. The 911 caller believed her neighbor to be in trouble.

Officers were sent to the above address and found the victim deceased on the couch with obvious traumatic injury to the upper torso. Later to be identified as a gunshot wound.

Through the course of the investigation, multiple videos and other forms of evidence were collected. On 12 September, 2021, Surveillance cameras show a red GMC pick up truck quad cab with chrome wheels and a chrome tool box in the bed of the truck pulling up to the victim residence. The video also shows a male getting out of the vehicle and walking toward the victims side door at the time of the incident.

Witnesses told investigators that the victim was having a dispute with a hispanic male that lived near by. The witness was able to show investigators where the defendant did live. Witnesses stated that money was owed to the victim by the hispanic male. It was also learned through the investigation that earlier that same day, the victim went to the defendants house and "re-possessed" a lawn tractor that was said to be sold to the defendant by the victim and her boyfriend. It was learned through the investigation that the defendant was very upset with the victim for taking the lawn tractor.

Investigators were able to identify the defendant and the defendants residences. The defendant matches the physical description of the person seen on surveillance camera and described by witnesses. The defendant owns a red GMC pick up truck quad cab with chrome wheels and a chrome tool box in the bed of the truck.

As the case continued, the Polk County Attorneys Office was consulted and a criminal charge of Murder in the 1st Degree was found to be appropriate.



WHITE, DANNY

4994

Signature of Complainant or Officer, Officer Name & Number

GENERAL PROBABLE CAUSE

Defendant Implicated

07 - IDENTIFIED BY WITNESSES, 09 - NEAR SCENE OF CRIME, 10 - POSSESSION/DISPLAY/USE OF DANGEROUS WEAPONS, 13 - CAUSED PERSONAL INJURY, 14 - OTHER PHYSICAL EVIDENCE

Operating Motor Vehicle in County


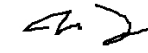
Other Physical Evidence

Attempted To Inflict Injury

VIDEO

STATE OF IOWA,

POLK COUNTY

	Subscribed and sworn to before me by the person(s) signing the Complaint and Affidavit(s) on 09/13/2021		
	Notary Name	FONG	Signature of Verifying Party
	Commission Number	817415	
	My Commission Expires	06/13/2022	<input type="checkbox"/> Peace Officer <input checked="" type="checkbox"/> Notary <input type="checkbox"/> Prosecuting Attorney