

STATEMENT OF PROBABLE CAUSE / AFFIDAVIT FOR ARREST WARRANT Page 1 of 3

GO # 2016-646481

AB # 16-44485

DEFENDANT			
Last Name Hammock	First Name Keith	Middle David	DOB 7/7/68
Armed with			
Location of Arrest 520 W. Colfax Avenue		Arrest Date 10/9/16	Arrest Time

OFFICER MAKING STATEMENT			
Last Name Bueno	First Name Eric	Middle	Serial No. 00037

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 10/9/16 at 2:08 am pm at or near the location of 2830 N. High Street in the City and County of Denver, State of Colorado.

VIOLATION(S)	DESCRIPTION
18-3-102	First Degree Murder
18-3-102	Attempted First Degree Murder

Statement of Probable Cause Affidavit for Arrest Warrant

On October 9, 2016, at approximately 2:08 a.m., Denver Police Dispatch received a call from the victim who was saying he had been shot and that his friend was dead. The victim could not provide his location, but a Shot Spotter Report indicated 3 shots fired in the area near 2835 Race Street. Denver Police Officers responded to the location and located two male victims suffering from apparent gunshot wounds in the backyard of 2830 High Street. Both victims were unresponsive and transported by ambulance to Denver Health Medical Center (DHMC) for emergency medical treatment.

Detective Jon Joyce, 04081 responded to DHMC and learned that one of the victims had been pronounced deceased by Dr. Fox at approximately 2:38 a.m. The victim was unidentified at the time of pronouncement. The second male victim was identified as [REDACTED], dob: 01 [REDACTED]/2002 and was in critical condition.

Detective Michael Lumbard, 05106 also responded to DHMC and briefly spoke to [REDACTED]. According to Detective Lumbard, [REDACTED] said they were in the alley when they were shot so they jumped the fence into the backyard of 2830 High St.

Detective Lumbard learned from officers at the scene that both victims were found in the northeast corner of the backyard of 2830 N. High Street and upon entering the backyard to gain access to the victim, the officers observed a black semi-automatic handgun lying on the ground in plain view. The responding officers also observed numerous mature suspected marijuana plants growing in the backyard; some of the plants were growing inside orange five-gallon buckets. The officers also noticed suspected marijuana leaves in the alley, which led to the backyard of 2816 N. High Street. In the backyard of 2816 N. High Street, the officers observed a single orange 5-gallon bucket with a suspected mature marijuana plant.

The responding officers contacted the residents inside of 2830 N. High Street and contacted Keith Hammock, dob: 07/07/1968 and Eleise Clark-Gunnells, dob: 05/[REDACTED]/1954. Both Keith Hammock and Eleise Clark-Gunnells were transported to police headquarters to be interviewed by Your Affiant.

Your Affiant reviewed the 911 audio call to Denver dispatch. During the call, the victim states numerous times that he had been shot and that he was dying. The call continues for several minutes. At one point during the call, another male voice can be heard in the background. The victim appears to be talking to a person at or near the crime scene. The male victim says that he is sorry. During the call, the person in the background makes a comment about climbing the fence. The 911 call taker asked the victim to pass the phone over to the person in the background however that did not occur.

At approximately 4:26 a.m., Your Affiant attempted to conduct an interview with Keith Hammock who had written a statement about hearing an argument and then gunshots. In completing the DPD Video Interview Advisement form, Mr. Hammock learned that the investigation was regarding a homicide and he became alarmed. Mr. Hammock said he didn't know this was a homicide investigation and wanted to know who had died. Mr. Hammock said somebody had jumped over his fence gaining access to the backyard. According to Mr. Hammock, the motion detector light turned on and he saw movement or wrestling. Mr. Hammock said he went out back and found two kids laying on the ground near the compost heap. Mr. Hammock said one of the kids had activated a cell phone. Mr. Hammock then declined to make any further statements regarding the investigation without an attorney.

At approximately 5:28 a.m., Your Affiant conducted a follow up interview with Eleise Clark-Gunnells. Ms. Clark-Gunnells said she owns the house at 2830 N High Street and that Keith Hammock is her roommate and former boyfriend. Ms. Clark-Gunnells has known Mr. Hammock for twenty years and that he has been living with her for about two to three years. Ms. Clark-Gunnells said she was aware of the marijuana plants in her backyard and said the plants belonged to Keith Hammock. Ms. Clark-Gunnells also described which bedroom belongs to her and which one belongs to Mr. Hammock. Ms. Clark-Gunnells said the Mr. Hammock resides in east bedroom on the second floor. When asked about weapons, Ms. Clark-Gunnells said she owns two "3220 Colts" a "3030 Henry" and a "22 rifle" which she keeps under her bed. When asked about the incident, Ms. Clark-Gunnells said she was in her bedroom at about 10:00 p.m. and fell asleep some time after. Ms. Clark-Gunnells said she woke up when Mr. Hammock yelled for her to come downstairs to talk with the police officers at approximately 2:08 a.m.

Detective Jacob Huffine, 08016 authored and obtained a search warrant for the backyard of the residence located at 2830 N. High Street and 2816 N. High Street.

After the interview with Ms. Clark-Gunnells, she agreed to allow Your Affiant, Crime Scene Analyst Angela Deadmond, and Marijuana Team Sergeant P. Hinkle to enter her residence for the purpose of locating and accounting for her firearms. Ms. Clark-Gunnells allowed CSA Angela Deadmond to photograph and document her firearms and ammunition. While inside the residence, Your Affiant detected a strong odor of suspected marijuana.

Sergeant P. Hinkle then notified Detective Bret Starnes, 99004 of the odor of suspected marijuana emanating from within the residence. Detective Starnes then obtained a search warrant for the residence for the purpose of locating marijuana and marijuana concentrate.

Your Affiant advised Ms. Clark-Gunnells that the Marijuana Detective and Sergeant were seeking a search warrant for the inside of her residence, she stated that Mr. Hammock had a tray of marijuana drying inside the house.

At approximately 9:00 a.m., Your Affiant attended the postmortem external examination on the unknown deceased male victim. During the examination, Dr. M. Frank identified a single gunshot wound on the left flank / chest area. The X-ray revealed a possible projectile inside the victim's chest

cavity. Your Affiant later received information from Dr. Frank that a bullet had been recovered from the victim's chest cavity. Dr. Frank described the bullet as a small caliber, possibly a 22. Additionally, the victim was positively identified as 15 year old [redacted] dob: 05/11/2001.

At approximately 10:50 a.m., Detective Bret Starnes, Sergeant Hinkle, along with two uniformed District 2 Police Officers, and Your Affiant executed the search warrant for the residence. The residence was initially searched for other persons who may have been the residence. Upon entering the second floor east bedroom, the District 2 police officers found two long rifles, spent cartridge casings on the floor, and a box of 22-caliber ammunition. Your Affiant observed the two long rifles, spent cartridge casings, and the ammunition inside the bedroom. Your Affiant also noticed that the east facing window was open and the window screen appeared to have been damaged or altered near the bottom of the screen.

At approximately 1:50 p.m., Your Affiant obtained an additional search warrant for the residence. During a search of the second floor east bedroom, Your Affiant, along with the Denver Police Department Crime lab, recovered the two additional rifles, four spent cartridge casings, ammunition, and magazines for a 22 caliber firearm. Two of the spent cartridge casings were in the window seal of the east facing window. The window over looks the entire backyard. Two additional cartridge casings were found on the floor near the same east facing window. The 22 caliber Marlin rifle was found near a chair in the bedroom.

At approximately 5:20 p.m., Detective Louis Estrada, Detective Adam Golden, and Your Affiant responded to the hospital and contacted [redacted] the mother of 14 year old Mrs. [redacted] said that her son had told her that he was shot for the second time while he was climbing over the fence. Mrs. [redacted] indicated that [redacted] sustained serious injuries from the gunshot wound and may be paralyzed from the waist down.

I affirm this information to be true and correct

Subscribed under oath before me on

[Handwritten Signature]
Signature of Affiant

00037

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 _____