

TRINIDAD POLICE DEPARTMENT

160 E. FIRST STREET TRINIDAD, CO 81082 719-846-2993

Event Info

Date Reported 07/06/2023	Time Reported 06:33				Time Arrived 06:35	Time Completed 07:07	
Addr. of Occ. 1004 CARBON PL (DETOX)		State CO	County LAS ANIMAS		City TRINIDAD	Zipcode 81082	
District LAS ANIMAS COUNTY	Grid Sector1	How Reported 911		Dispatch Disposition RPT			

Classification Completed

Class	Subclass
DAMAGED PROPERTY	Damaged Property, Business

Classification Completed

Class	Subclass
OBSTRUCT POLICE	Resisting/Interfering w/Police

Property

Record Type Date Repo DAMAGED 07/06/202				Property Type STRUCTURE-OTHER COMMERCIAL BUILDIN			
Brand WINDOW			Date Reco 07/06/202		Recovered Value \$0.00		Damaged Value \$300.00
1	Property Classification DAMAGED PROPERTY - Damaged Property, Business				Property Location 1004 S CARBON AVE		
Property C		G POINTS (B	usiness)				

Property

Record Type EVIDENCE	Date Reported 07/07/2023	Status EVIDENCE IN CUSTODY			Bin/Tag No 23074568		
Evidence Item No. 2300857 - 1	Property Type RECORDING, AUDIO/VI	Color BLK	Brand ONN				
Model/Desc ONN BRAND BLACK FLASH DRIVE CONTAINING FOOTAGE OF INCIDENT \$0.00							
Date Recovered 07/11/2023	Recovered Value \$0.00	Damaged \$0.00	Value		Property Classification NO CLASS ASSOCIATON		
Property Location JUMP DRIVE BOX	Property Quantity	Property Owner CROSSROADS TURNING POINTS (Business)					

Narrative

Written By	Date Written
ELLIS, CALVIN	07/12/2023

Officers Involved:

Officer Ellis

Officer Gutierrez

Officer Harbaugh

Sergeant Villotti

Case Information:

On July 7th 2023, I, Officer Ellis, at approximately 0634 hours, was dispatched to 1004 Carbon Place in the City of Trinidad, County of Las Animas, State of Colorado, for a report that "Rachel Martinez is outside breaking windows". Furthermore, it was advised she leaving the scene on foot, traveling on Raton St.

It should be noted, this location is the business address for Crossroads Turning Points rehabilitation center.

Arrival:

Upon arrival at Crossroads Turning Points, employees were able to direct Officer Gutierrez in the general direction of which Martinez fled. Officer Gutierrez then departed the initial scene to locate Martinez.

Upon arrival in the area directed by employees, at approximately 0635 hours, myself and Officer Gutierrez observed Martinez traveling north on the 200 block of Raton Street.

Upon being contacted by officers, Martinez began to flee approximately twenty yards before being surrounded by myself and Officer Gutierrez. At this time, Martinez took and aggressive stance, blading her body in relation to Officer Gutierrez, and clenching her fist as if preparing to strike Officer Gutierrez a manner consistent with a punch.

Martinez was then taken to the ground by Officer Gutierrez. At this point in time, Martinez began thrashing her body violently and attempting to kick officers until she was restrained by myself and Officer Gutierrez. Martinez was able to successfully kick Officer Gutierrez multiple time before I was able to restrain her legs by placing my body weight onto the back of her legs, holding them in place. Martinez then clenched both arms under her body in an attempt to continue to resist arrest and prevent Officers from placing her into handcuffs. Officer Harbaugh arrived to assist and took over restraining Martinez's legs while Officer Gutierrez and myself began to release Martinez's arms from under her body. Ultimately, it required Officer Gutierrez, Officer Harbaugh, and myself to successfully place Martinez into handcuffs. Officer Gutierrez will be completing a use of force report for the incident. Martinez was not struck and received no injuries in the altercation.

Martinez then had to be physically carried to my patrol car due to her refusal to cooperate. Martinez was then placed into the back seat of my patrol car and secured by use of seatbelt. Martinez remained highly combative. Martinez refused to remain seated properly. Due to her small size and stature, she was able to move her legs into a position in which she began to repeatedly kick the partition and side window of my patrol car while enroute to the jail. I requested Martinez cease kicking the window and partition of my patrol car, to which she refused to comply. I then instructed Martinez to stop kicking, to which she still refused to comply.

Upon arrival, at Las Animas County Detention Center, Martinez would not allow officers or jail staff to peacefully remove her from my patrol vehicle. Martinez had wrapped her leg into the seatbelt where it originates from the wall of the interior of the vehicle. She was restrained by jail staff while they unwrapped her leg from the seatbelt. Martinez continued to kick at officers and thrash her body violently in an attempt to resist placement at the jail. Ultimately, it required four officers to safely remove Martinez from my patrol vehicle. Jail staff was forced to immediately restrain Martinez upon taking custody of her.

Officer Gutierrez was able to follow up with employees, Hector Gonzalez and Donny Apodaca, of Crossroads Turning Points in which he was able to observe one broken window to the facility. The window appeared to be shattered from multiple points of impact by use of an Orbit brand oscillating lawn sprinkler. The employee of the facility stated the value of window to be approximately \$300. Gonzalez was able to confirm he visually observed Martinez, on the surveillance system, striking and ultimately breaking the window.

Video surveillance of the incident was later acquired by Sergeant Villotti. In this footage, Martinez can bee seen knocking on multiple windows of the facility. She was then provided a cup of water by the employees as she was refused entry. Martinez then appears to approach a window on the opposite side of the building where she then uses a lawn sprinkler to repeatedly strike a window, causing a large amount of damage to the window. Martinez is then seen fleeing through an adjacent parking lot as Officer Gutierrez arrives on scene in his marked patrol vehicle.

Evidence:

Body Cam

Officer Ellis

Officer Gutierrez

Officer Harbaugh

Photographs

Photographs of damaged window have been attached.

Written Statements

N/A

Other Evidence

Flash drive containing video surveillance footage showing Martinez breaking window has been attached.

Personal Property:

N/Α

Case Disposition:

Martinez was charged with criminal mischief \$300, and resisting arrest. Martinez was placed at Las Animas County Jail. Affidavit for warrantless arrest has been attached to this report. She was issued summons # 50405 for her charges, also attached to this report.

Initial Investigator	Current Investigator	Report Status	Approved By TIHONOVICH, MICHAEL
ELLIS, CALVIN	ELLIS, CALVIN	Approved	
Date Approved 07/17/2023 09:48	Case Status CLEARED ADULT ARRES	ST	

Graphics



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AFFIDAVIT IN SUPPORT OF WARRANTLESS ARREST

Party Information Not Public Record

Based on the information provided, this affiant has probable cause to believe that the suspect is known as:

			Defendan	t Inform	nation:			
Name:	Rachel Ma	Rachel May Martinez					DOB:	5/29/1992
AKA:								
Address	Homeless					Phone:		
City:	Trinidad				State:	CO	Zip:	81082
DriverLic:	10-019-0316				State:	CO	Class:	ID
SSN:	N: 585951498				Race:	W	Sex:	F
Height:	411	Weight:	120	Hair:	Blk		Eyes:	Bro

Based on the information provided, this affiant has probable cause to believe that the victim(s) is/are known as:

	Victi	m (1) Inform	nation:				
Name:	Crossroads Turning Point	Crossroads Turning Point Inc.					
AKA:			DOB:				
Address	1004 Carbon Place	Phone:	719-846-4153				
City:	Trinidad		State:	CO	Zip:	81082	
DriverLic:			State:		Class:		
SSN:			Race:		Sex:		
Height:	Weight:	Hair:			Eyes:		

	Victin	n (2) Inforr	nation:		
Name:				DOB:	
AKA:				DOB:	
Address				Phone:	
City:			State:	Zip:	
DriverLic:			State:	Class:	
SSN:			Race:	Sex:	
Height:	Weight:	Hair:		Eyes:	

	Victin	n (3) Inform	nation:		
Name:				DOB:	
AKA:		DOB:			
Address				Phone:	
City:			State:	Zip:	
DriverLic:			State:	Class:	
SSN		311	Race:	Sex:	
Height:	Weight:	Hair:		Eyes:	

	AG	SENCY INFO	ORMATION	18		
Agency Name:	Trinidad Police I	Department				
Agency Case #:	23-00857	Arrest #:	23-0857	Arres	st Date:	7/6/23
Incident Location:	1004 Carbon Pl	ace, Trinida	d, Co 81082			
Agency Date:	7/6/2023		Agency	Time:	0634	

Based upon the attached information, your Affiant has probable cause to believe that the suspect, as identified, has committed the acts, and is in violation of the following CRS:

Offense Committed From: 7/6/2023 To: 7/6/2023

Count	Statute Number & Description	Class
1	CRS 18-4-501(1)(4)(B) Criminal Mischief	C2M
2	CRS 18-8-103(1)(A) Resisting Arrest	C2M
3		
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I, the undersigned affiant, do solemnly swear and affirm that the above information is true and correct to the best of my knowledge.
Calvin Ellis Co-947-656 Affiant Printed Name Affiant Signature
subscribed and sworn before me this day of 20_33. in the County of Las Animas, State of Colorado.
My Commission Expires: COURTNEY RENEE FESTI Notary Public
I, as Judge of the Third Judicial District, State of Colorado, do hereby find do not find, probable cause for the warrantless arrest of the above suspect on the Charges mentioned above.
SO ORDERED THIS day of 20
Bond Set At: \$

NARRATIVE

Rachel May Martinez

On July 7th 2023, I, your Affiant Officer Ellis, at approximately 0634 hours, was dispatched to 1004 Carbon Place in the City of Trinidad, County of Las Animas, State of Colorado, for a report that "Rachel Martinez is outside breaking windows". Furthermore, it was advised she leaving the scene on foot, traveling on Raton St.

It should be noted, this location is the business address for Crossroads Turning Points rehabilitation center.

Upon arrival in the area at approximately 0635 hours, myself and Officer Gutierrez observed Martinez traveling north on the 200 block of Raton Street.

Upon being contacted by officers, Martinez began to flee approximately twenty yards before being surrounded by myself and Officer Gutierrez. At this time, Martinez took and aggressive stance, blading her body in relation to Officer Gutierrez, and clenching her fist as if preparing to strike Officer Gutierrez a manner consistent with a punch.

Martinez was then taken to the ground by Officer Gutierrez. At this point in time, Martinez began thrashing around violently and attempting to kick at officers until she was restrained by myself and Officer Gutierrez. Martinez was able to successfully kick Officer Gutierrez multiple time before I was able to restrain her legs. Martinez then clenched both arms under her body in an attempt to continue to resist arrest and prevent Officers from placing her into handcuffs. Ultimately, it required Officer Gutierrez, Officer Harbaugh, and myself to successfully place Martinez into handcuffs.

Martinez then had to be physically carried to my patrol car due to her refusal to cooperate. Martinez was then placed into the back seat of my patrol car and secured by use of seatbelt. Martinez remained highly combative. Martinez refused to remain seated properly. Due to her small size and stature, she was able to move her legs into a position in which she began to repeatedly kick the partition and side window of my patrol car while enroute to the jail. I requested Martinez cease kicking the window and partition of my patrol car, to which she refused to comply. I then instructed Martinez to stop kicking, to which she still refused to comply.

Upon arrival, at Las Animas County Detention Center, Martinez would not allow officers or jail staff to peacefully remove her from my patrol vehicle. Martinez continued to kick at officers and thrash her body violently in an attempt to resist

placement at the jail. Ultimately, it required four officers to safely remove Martinez from my patrol vehicle.

Officer Gutierrez was able to follow up with employees, Hector Gonzalez and Donny Apodaca, of Crossroads Turning Points in which he was able to observe one broken window to the facility. The window appeared to be shattered from multiple points of impact by use of an Orbit brand oscillating lawn sprinkler. The employee of the facility stated the value of window to be approximately \$300. Gonzalez was able to confirm he visually observed Martinez, on the surveillance system, striking and ultimately breaking the window.

Based upon this information, Martinez was charged with the above listed charges.

23-00857 50405

Uniform Summons & Complaint or Penalty Assessment - Trinidad Police Department

Case #

Date of Violation		pproximate l	ocation of Offense, Stat		2 -				Cour		No.
7 4 23	0433	1000	f 8. Carl	BON 1	7VE		RINIDAD			as Animas	5
☐ Fingerprinted	□ Traffic Accident □ I	njuries	☐ Construction Zone	□ School	Zone	□ Traffic Infra	action	ense Ordinance Cri	minal Offense D	ir of Travel N	I S E W
□ CMV Req CDL	CMV USDOT#	2 111		Summo	ns – See In	structions on	reverse slde	□ Penalty Assessm	ent – See instruct	ions on rever	rse side
The People of Colorado						اجتلالي	تكر والكرام				
Defendant (Last Nam			(First)		(Middle)	"	Date of Birth	304	Phone		
MARTIN	EZ		RACHEL		M	31	05 29 19	142			
Home Address			City		State		Zip	Registered Owner	r Name □ Same a	is Defendant,	or
HOMELE	55		TRINIDA	D	CO		81082				× .
Driver's License	- 602	ass Stat	1	Eth H		Hair Eyes	, ·	ddress 🗆 Same as Defen	dant, or		
10-019-		o cc	WF	H 41		BLK BAL					
Vehicle License Number	Lic Type State V	/eh Year	Vehicle Make	Vehicle Mode	Body St	yle	Color (Top/Bottom)	VIN			
-			-		-	-	-	-			
CC	CRS	"البرجيا	OFFENSE	age with		- 108	Y WALLEY		FINE	SC	PTS
800	42-4-1301(1)(a	a)	Drove vehicle	under th	e influe	nce of alco	ohol or drugs or	both			
812	42-4-1301(2)(a						nt of 0.08 or me				
801	42-4-1301(1)(k						Icohol or drugs				
	42-4-237(2)	,	Drove vehicle) passenger			
	42-2-138()()	Drove vehicle					1,1			
060	42-2-101(1)	- 12.	Drove vehicle								
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	42-4-1402()	×f	Careless drivir				caused death)				
038	42-3-114		Displayed exp		:						
	18-9-106(1)()	Disorderly cor				**				
	18-3-20()	()	Assault in the		degree			M.			
	18-6-801	,	Domestic viole								
	18-4-401()()	Theft								
V	19-4-5016			Mic	hiel	(c	2m)		CILC	nna	NIC
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CC	MTC	N 1.1	OFFENSE			11), ''	7 "	FINE	SC	PTS
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319	703		Disregarded /		stop as	required :	at stop sign				
304	604		Failed to obey								
153	1211						t safe and inter	fered with traffic)			
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	Court has the option to						- F embelinesses as a	TOTAL CURCUARCE (C	Signature:	eline:	·/cc\
I hereby promise to	pay the fines listed or w	ithout adr	nitting guilt, appear	in court at ti		•	COURT COSTS	TOTAL SURCHARGE (S	COURT COST	· SURCHARGE(S	(SC) +
					• •	Custody					
Defendant					□ Val	id CO DL					
You are summone	ed and ordered to ap	pear to	nswer charges as	stated				believe that the defen			
above at:	Averlainel Carrier D		a Animas Carret	Court				ople of the State of Col ty Assessment was duly			
Trinidad M 135 N. Ani	lunicipal Court		is Animas County d floor Court Hous			//	14/1	1			
Trinidad, C		4 - 4	0 E. 1 st Street, Tri		Office	- Ga	NUM	4	No.	104	
719-846-9			9-846-3316				-				
On:	20_		At:		/ Print L	ast Name	ELLIS		Date Issue	ed_7/6/	2023

AFFIDAVIT IN SUPPORT OF WARRANTLESS ARREST

Party Information Not Public Record

Based on the information provided, this affiant has probable cause to believe that the suspect is known as:

			Defendan	t Inform	nation:			
Name:	Rachel Ma	Rachel May Martinez						5/29/1992
AKA:							DOB:	
Address	Homeless	Homeless					Phone:	
City:	Trinidad	Trinidad				CO	Zip:	81082
DriverLic:	10-019-03		State:	CO	Class:	ID		
SSN:	585951498				Race:	W	Sex:	F
Height:	411	Weight:	120	Hair:	Blk		Eyes:	Bro

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DriverLic:			State:		Class:		
SSN:			Race:		Sex:		
Height:	Weight:	Hair:			Eyes:		

	Victin	n (2) Inforr	nation:		
Name:				DOB:	
AKA:				DOB:	
Address				Phone:	
City:			State:	Zip:	
DriverLic:			State:	Class:	
SSN:			Race:	Sex:	
Height:	Weight:	Hair:		Eyes:	

	Victin	n (3) Inform	nation:		
Name:				DOB:	
AKA:				DOB:	
Address				Phone:	
City:			State:	Zip:	
DriverLic:			State:	Class:	
SSN		311	Race:	Sex:	
Height:	Weight:	Hair:		Eyes:	

AGENCY INFORMATION						
Agency Name:	Trinidad Police I	Trinidad Police Department				
Agency Case #:	23-00857 Arrest #: 23-0857 Arrest Date: 7/6/23					7/6/23
Incident Location:	1004 Carbon Place, Trinidad, Co 81082					
Agency Date:	7/6/2023		Agency	Time:	0634	

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19:		
20:		

I, the undersigned affiant, do solemnly swear and affir correct to the best of my knowledge.	rm that the above information is true and
Calvin Ellis Co-947-656 Affiant Printed Name	Affiant Signature
SUBSCRIBED AND SWORN before me this d in the County of Las Animas, State of Colorado.	lay of <u>July</u> 20 <u>23</u> .
My Commission Expires: COURTNEY RENEE FESTI NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20204027639 MY COMMISSION EXPIRES AUG 11, 2024	Notary Public
I, as Judge of the Third Judicial District, S ightharpoonup in the Charges mentioned above.	
SO ORDERED THIS day of7/6/2023	_20
Bond Set At: \$ 7/6/2023 Cash Only Cash/Surety	J. Clay McKisson Third Judicial District Judge

NARRATIVE

Rachel May Martinez

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Based upon this information, Martinez was charged with the above listed charges.