

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: El Paso County Combined Courts 270 S. Tejon Street Colorado Springs, CO 80903-2209 Phone Number (719) 452-5259	DATE FILED: August 31, 2018 FILED-DISTRICT & COUNTY COURTS-EL PASO CO., CO AUG 31 2018 DIVISION 17 ▲ COURT USE ONLY ▲
THE PEOPLE OF THE STATE OF COLORADO v. DANIEL JAMES NATIONS, Defendant.	Case Number: 17DR5555 Div.: 17

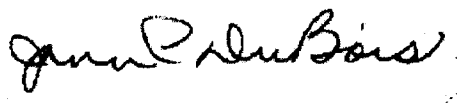
ORDER GRANTING IN PART THE MOTION TO UNSEAL ARREST AFFIDAVIT

THIS MATTER comes before the Court pursuant to the Motion to Unseal Arrest Affidavit filed by The Gazette on August 3, 2018. On August 29, 2018, the Prosecution filed a Response to The Gazette's Motion.

Attached to this Order, and incorporated by reference hereto is the Application and Affidavit for Arrest Warrant. The Court has redacted the victim's name and the Defendant's Social Security Number. These redactions are appropriate to protect the privacy of the victim and to prevent identity theft.

SO ORDERED THIS 31ST DAY OF AUGUST, 2018.

BY THE COURT:



 DISTRICT COURT JUDGE

DISTRICT COURT, EL PASO COUNTY COLORADO

Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903

People of the State of Colorado v.

**Nations, Daniel James WM, Height: 510, Weight 140, Hair:Brown, Eyes:
Brown [REDACTED] Defendant; DOB: 10/08/1985**

Agency Name: El Paso County Sheriff's Office

Agency Number: 17-50393

▲ COURT USE ONLY ▲

Case/File Number:

Division: Criminal Ctrm:

ATTACHMENT A

The following Affidavit is submitted to the Court to document the probable cause in support of a request for the issuance of an Arrest Warrant for Nations, Daniel James WM, Height: 510, Weight 140, Hair:Brown, Eyes: Brown; SSN: [REDACTED] DOB: 10/08/1985.

This offense is fully documented in Offense Report 17-50393 detailing the offense(s) of: CRS 18-3-206 Menacing (F5), CRS 18-3-208 Endangerment (M3)..

The facts set forth within this affidavit are based upon information Your Affiant has gained from this investigation, Your Affiant's personal observations, Your Affiant's training and experience, and/or information related to Your Affiant by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, Your Affiant has not included each and every fact known to him concerning this investigation, but has set forth only the facts that are necessary to establish probable cause to believe that evidence of a crime has occurred.

With the victim(s) identified as:

1. [REDACTED]

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FBI - EL PASO

[Handwritten signature]

On September 26, 2017, Your Affiant received a tip reference to an active homicide investigation, EPSO case # 17-49884, from [REDACTED]

[REDACTED] stated on August 23, 2017 he was motorcycle riding on Mount Herman Road, unincorporated El Paso county, in the area of Beaver Creek Road when he came across a large log in the roadway. He stated the log was several feet wide and was in the middle of the roadway. He stated had he had hit the log, he would have wrecked his bike and been injured. He stated he stopped his bike and got off to move the log.

He stated that a male was standing on the side of the road near the log and the male had a kid with him. He stated that the male began to yell at him that [REDACTED] was too loud and he was waking up the baby.

[REDACTED] stated he began to move the log so no vehicles would hit it. He stated the male began walking towards the nearby campsite and sprinted towards a tree. He stated he could see a black sheath was hung from the tree. He said that sheath looked like it was made for a hatchet. He stated the male grabbed a black item from the sheath and turned back towards him. He stated he saw the black object in the male's right hand and thought it could be a handgun, but he was not sure. He stated he did not know if it was a handgun or a hatchet.

[REDACTED] stated the man was angry but it did not seem as if he was acting out of rage.

[REDACTED] stated he believed he was about to get shot and sped from the area down Mount Herman. He stated he attempted to make contact with the forest service workers at the end of Mount Herman Road but no one was there. He stated he talked to a man on a bicycle and told him the story. He stated after that he went to Monument Police Department to report this to law enforcement.

[REDACTED] stated he reported the incident to the El Paso County Sheriff's Office on August 23, 2017.

He stated he contacted me because he saw posts online about the "Hatchet Man" on Mount Herman Road and saw a picture of who the website described as the suspect. He stated the picture he saw looks similar but was not the suspect.

During the homicide investigation numerous tips were received of a red Chevy Prism bearing Indiana license plate [REDACTED]. The occupants were identified as Daniel Nations, DOB: 10/18/1985, and Katelyn Nations, DOB: 09/01/1987.

The vehicle was contacted by the Woodland Park Police Department, Case 17-1154, and Mr. Nations showed officers a hatchet, which was underneath the passenger seat. During the execution of a search warrant of the vehicle a sheath was located. The sheath appears to be made for a hatchet.

Your Affiant found on August 23, 2017, [REDACTED] reported the incident under call screen EP17118210, but no suspect was located.

KAR

On September 19, 2017 Your Affiant received a tip from Chris Tripak, who stated on August 23, 2017 at approximately 1400 hours he was writing on Mount Herman Road when he was approached by a motorcycle rider. He said the motorcycle rider told him a guy chased him with a gun and a hatchet from a campsite. Mr. Tripak stated the male said he was going to report it to law enforcement.

On September 27, 2017, Detective Andrew [redacted] showed [redacted] photo lineup containing Daniel Nations, DOB: 10/08/1985. [redacted] identified Mr. Nations as the individual who grabbed the object from the sheath.

Your Affiant believes there is probable cause to believe Mr. Nations knowing placed [redacted] in fear of serious bodily injury and that Mr. Nations placed a log in the road which is a reckless act that could have lead to serious bodily injury.

Your Affiant conducted a records check and found Mr. Nations has two outstanding warrants from Indiana for failure to appear. Mr. Nations has no connections to Colorado Springs or El Paso County. Mr. Nations is a registered sex offender in Indiana and has not registered in Colorado. Based on his criminal history of failure to appear and failure to register showing noncompliance to court orders Your Affiant requests an increased bond.

I would respectfully request that probable cause be found that Nations, Daniel James WM, Height: 510, Weight 140, Hair:Brown, Eyes: Brown [redacted] DOB: 10/08/1985, did within the County of El Paso and State of Colorado, commit in violation of the Colorado Revised Statutes 1973 as amended, the offense(s) of CRS 18-3-206 Menacing (F5), CRS 18-3-208 Endangerment (M3)..

Applicant: [Signature]

Detective Kurt Smith /06017

Law enforcement agency: El Paso County Sheriff's Office

Sworn and subscribed before me this 27 day of Sept., 2017.

Judge/Magistrate: [Signature]

District Court, El Paso County, Colorado 270 South Tejon Street Colorado Springs, CO 80903	DATE FILED: October 24, 2017 3:40 PM
THE PEOPLE OF THE STATE OF COLORADO vs. DANIEL JAMES NATIONS , Defendant	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Daniel H. May Fourth Judicial District District Attorney, # 11379 El Paso County District Attorneys Office 105 E. Vermijo Avenue Colorado Springs, CO 80903 Phone Number: 719-520-6000 Fax: 719-520-6172	Case No: D0212017CR005555 Div: 17 Courtroom:
COMPLAINT AND INFORMATION	

CHARGES: 1

COUNT 1: MENACING, C.R.S. 18-3-206(1)(a)/(b) (F5){02053}

Daniel H. May, District Attorney for the Fourth Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the County of El Paso:

COUNT 1-MENACING (F5)

On or about August 23, 2017, Daniel James Nations, by any threat or physical action unlawfully, feloniously, and knowingly placed or attempted to place in fear of imminent serious bodily injury by use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article was a deadly weapon, namely: a hatchet or firearm; in violation of section 18-3-206(1)(a)/(b), C.R.S.

All offenses against the peace and dignity of the people of the State of Colorado.

Daniel H. May
District Attorney, #: 11379

By: /s/ Jeffrey Albright Date: 10/24/2017
Jeffrey Albright #: 27195
Deputy District Attorney

ENDORSED WITNESS LIST

Kurt Smith
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Katelyn Nations

Chris Tripek

Jared Harmon
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Andrew Thompson
El Paso Co Sheriffs Office
27 East Vermijo Avenue
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Suella Ferrand

Rosario Hubbell
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Lisa N. Montville
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

DEFENDANT INFORMATION

DOB: 10/8/1985

Race: W Gender: M

Height: Weight: 170 Hair: BRO Eye: BRO

Birthplace: Tattoo:

Address: TRANSIENT
GEORGETOWN, CO

Home Phone #: 303-961-3213

Work Phone #: -

AKA:

CASE INFORMATION

Arresting Agency:

Arresting ORI: Other Number:

Offense Agency: El Paso Co Sheriffs Office

Offense ORI:

Arrest #: Agency Case #:

Date of Arrest: BAC: _____

CCIC#: _____ NCIC #: SID#