

<input type="checkbox"/> County Court <input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court <u>Garfield</u> County, Colorado	DATE FILED: <u>APR 23 2020</u> DATE FILED: <u>APR 23 2020</u> CASE NUMBER: <u>2020CV13</u>
Court Address: <u>109 8th Street, Glenwood Springs, CO 81601</u>	▲ COURT USE ONLY ▲
Petitioner: <u>Chief Tommy Klein</u> Address: <u>201 E. 18th Street</u> <u>Rifle, CO 81650</u>	
v. Respondent: <u>Brian Matthew Dominguez</u> Date of Birth: <u>03-10-1984</u> Address: <u>690 Mokie Ave.</u> <u>Rifle, CO 81650</u>	
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____ The address of the Petitioner may be omitted from the written order of the Court, including the Register of actions. (See #9 below.)	Case Number: <u>200CV13</u> Division <u>B</u> Courtroom
PETITION AND AFFIDAVIT FOR TEMPORARY EXTREME RISK PROTECTION ORDER	

I, Chief Tommy Klein (name of person) request this Court to issue a Temporary Extreme Risk Protection Order, and in support of this request do hereby swear/affirm the following under penalty of perjury:

- I am a family or household member to the respondent. My relationship to the respondent is:
 - I am related by blood, marriage, or adoption to the respondent.
 - I have a child in common with the respondent. (Regardless of marriage or whether you have lived with the respondent at any time.)
 - I regularly reside or have regularly resided with the respondent within the last six months.
 - I am a domestic partner of the respondent.
 - I have a biological or legal parent-child relationship with the respondent. (Including stepparents and stepchildren, grandparents and grandchildren.)
 - I am acting or have acted as the respondent's legal guardian.
 - I am the spouse or former spouse of the Respondent.
 - In the past I have been in or am presently in an unmarried couple relationship with the Respondent.
- I am a law enforcement officer, or I represent a law enforcement agency. Name of law enforcement agency: Rifle Police Department.
- Brian Matthew Dominguez (Name of Respondent) poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm.

Select all applicable reasons and provide detailed statements and information of the grounds supporting the issuance of a Temporary Extreme Risk Protection Order:

There has been a recent act or credible threat of violence by the respondent against self or others, whether or not such violence or credible threat of violence involves a firearm.

Explain in detail: On April 23, 2020 at approximately 2350 hours, Rifle Police Department Officers were dispatched to a call at 690 Moki Ave., Rifle Colorado. The address 690 Moki Ave., Rifle, CO is within the municipal limits of Rifle, CO. The initial call to the address was for a suicidal subject.

I interviewed Jennifer Oatman-Dominguez at the Rifle Police Department on April 24, 2020 at approximately 0040 hours. The information in this document is not verbatim and contains a summary of events as provided by Jennifer Oatman-Dominguez. She stated, in part, that she has been living with her ex-husband, Brian Dominguez, at 690 Moki Ave., Rifle CO. She stated on April 23, 2020 at approximately 1100 hours, Brian Dominguez reportedly became upset about a Rifle Police Officer obtaining a job with a different police agency in Garfield County. The two argued and eventually Jennifer Oatman-Dominguez left the home to travel to work, leaving their two juvenile children in the home - [REDACTED] - with Brian Dominguez. At about 1650 hours, Jennifer Oatman-Dominguez left her place of work in Glenwood Springs, CO. When she returned, Brian Dominguez had calmed down. She went to bed and then later went to the kitchen for water. She states that she observed Brian Dominguez consuming rum at a rapid pace. She stated that Brian Dominguez does not consume alcohol often and she estimated that he consumed 1/2 of "a handle" of Captain Morgan rum. She also stated that Brian Dominguez was very "drunk". The couple began to argue again about his parents and alleged previous relationships of a sexual nature. Jennifer Oatman-Dominguez states that Brian Dominguez obtained a pistol, thought to be a "Glock" and put the barrel in his mouth. She told Brian Dominguez to stop. The children woke up and the two continued to argue. When the children entered the room, he placed the pistol in his back pocket. She states that Brian Dominguez told their [REDACTED] that mommy is going to get you a new stepdad. He then allegedly went to a safe, removed money (a 100.00 bill), and handed it to the [REDACTED] child. He allegedly stated that mommy will have to take you on the trip they had planned. The girl began to cry. Jennifer Oatman-Dominguez retrieves her purse and attempts to leave with the children. She states that he was walking around the home with the gun in his mouth. He told her that if she left, he would "do it". He also stated that if she called the police, he would shoot them too. Brian Dominguez was standing at the top of the stairs in the home. As Jennifer Oatman-Dominguez was leaving with her [REDACTED], Brian Dominguez said that they better get the dog if they wanted to see it again. The [REDACTED] ran upstairs to retrieve the family dog. While she is upstairs and Brian Dominguez is at the top of the stairs, he fired one round from his pistol into the air. The [REDACTED] tries to head down the stairs to her mother when Brian Dominguez takes hold of her. Jennifer Oatman-Dominguez states that she went up the stairs and grabbed the child. She left the home with both children and the dog. Brian Dominguez followed them outside. He asked to see the [REDACTED] because he would not see them again. He told her to come back inside and that he is going to lose everything. Jennifer Oatman-Dominguez left the home and contacted Rifle Police Officers.

At the Rifle Police Department, Jennifer Oatman-Dominguez handed me 2 Smith and Wesson .40 caliber jacketed hollow point bullets. She told me that Brian Dominguez unloaded his gun at some point, and she was able to grab bullets. Later the same morning, she handed me 4 Smith and Wesson .40 caliber bullets from her car that she said she grabbed when Brian Dominguez unloaded his weapon at some point.

Brian Dominguez is a current law enforcement officer at the Kersey Police Department in Weld County, Colorado. Jennifer Oatman-Dominguez states that he has many firearms in the home including rifles.

Jennifer Oatman-Dominguez was very upset during the interview and will need to be interviewed again at some point. The statements in this document as provided by Jennifer Oatman-Dominguez are not all inclusive of the information she provided me in the early morning hours of April 24, 2020.

The Rifle Police Department is applying for arrest warrants to charge Brian Dominguez with Menacing, Prohibited Use of a Weapon, Reckless Endangerment, Child Abuse all related to domestic violence. The Rifle Police Department is applying for a search warrant for evidence of the listed crimes. We are requesting the COURT to approve this ORDER to provide us the authority to seize all firearms from the home to protect Jennifer Oatman-Dominguez, their two children and Brian Dominguez.

There have been a pattern of acts or credible threats of violence by the respondent within the past year, including but not limited to acts or credible threats of violence by the respondent against self or others. Explain in detail:

There has been a violation of Civil Protection Order by the respondent.

Explain in detail (Provide court location and case number of protection order and any cases filed as a result of the violation): _____

There is a previous or existing Extreme Risk Protection Order issued against the respondent and a violation of a previous or Existing Extreme Risk Protection Order.

Explain in detail (Provide court location and case number of protection order and any cases filed as a result of the violation): _____

The respondent has been convicted of a crime that included an underlying factual basis of domestic violence.

Explain in detail (Provide court location and case number): _____

The respondent owns, has access to, or intends to possess a firearm.

Explain in detail:

There has been a credible threat of or the unlawful or reckless use of a firearm by the respondent.

Explain in detail: As stated above, he allegedly discharged a firearm in the residence at 690 Moki Ave., in Rifle CO. According to his ex-wife, Brian Dominguez put a firearm (barrel) into his mouth.

There is a history of use, attempted use, or threatened use of unlawful physical force by the respondent against another person, or a history of stalking another person by the respondent.

Explain in detail:

The respondent has been arrested for a crime listed in section 24-4.1-302(1)-Victims' Rights Crimes or section 18-9-202-Cruelty to Animals.
Explain in detail:

The respondent has abused controlled substances or alcohol.
Explain in detail:

The respondent is required to possess, carry, or use a firearm as a condition of the respondent's current employment.

Explain in detail: Brian Dominguez is a sworn law enforcement officer for the Kersey Police Department located within Weld County, Colorado.

The respondent has recently acquired a firearm or ammunition.
Explain in detail:

Other applicable reasons and information of the grounds supporting the issuance of an Extreme Risk Protection Order.

Explain in detail:

4. Respondent resides in Garfield County, Colorado.

5. The quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody or control are as follows:

Quantity	<u>Multiple</u>	Type	<u>Pistols</u>	Location	<u>690 Moki Ave., Rifle CO</u>
Quantity	<u>Multiple</u>	Type	<u>Long guns</u>	Location:	<u>690 Moki Ave., Rifle CO</u>
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____
Quantity	_____	Type	_____	Location	_____

Additional pages are attached

6. To my knowledge, there are no existing protection orders governing the Petitioner and Respondent

There are existing protection orders governing the Petitioner and Respondent.(List information below)

Court Location	Case Number

7. To my knowledge, there are no pending lawsuits, complaints, petitions, or other actions between Petitioner and Respondent

There are pending lawsuits, complaints, petitions, or other actions between Petitioner and Respondent (List information below)

Court Location	Case Number

8. **(For family or household members only)**

I have informed law enforcement regarding the respondent. (List law enforcement agencies)

I have not notified law enforcement regarding the respondent.

9. (If applicable) I request that I be permitted to omit my address from this Petition and Affidavit for Extreme Risk Protection Order, because I fear that including my address will risk harm to me or any member of my family or household.

Required alternate address at which the Respondent and Court may serve notice of any motions:

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 24 day of April, 2020,
(date) (month) (year)

at Rifle CO, Garfield County
(city or other location and state or country)

Tommy Klein
(printed name)

[Signature]
(signature)

Kelli Lee Litzau [Signature] 04/24/2020

KELLI LEE LITZAU
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20174027073
My Commission Expires June 28, 2021