

PROBABLE CAUSE STATEMENT

I, **Deputy Aaron Harris**, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that, **Darrell Jay Nice**, committed one or more criminal offenses: **Property Damage Motivated by Discrimination / Tampering with a Motor Vehicle**

2. The facts supporting this belief are as follows: On Saturday January 1, 2011 at approximately 6:57 AM I was dispatched to 215 Alpine Drive in Cape Girardeau, Missouri for a report of property damage. When I arrived I immediately observed black spray paint on the front of the residence, and on the Dodge Durango sitting in the driveway. I exited my vehicle and made contact with Frank and Sylvia Ellis. Mr. Ellis stated sometime during the night someone had damaged his residence, his vehicle, and his son's girlfriend's vehicle.

Mr. Ellis stated last night around 1:00 AM he went over to his neighbors' house located at 216 Greenbrier Drive and asked them to turn the music down. Mr. Ellis stated his neighbors identified as Jeffery and Colette Tapley turned the music down, for a little bit, and then turned it back up again. Mr. Ellis stated they then called the Cape Girardeau County Sheriff's Office and a deputy went by the house and spoke with Jeffery Tapley and advised him to keep the music down. A check of the incidents for January 1, 2011 shows Deputy Scott Schnurbusch spoke with Jeffery Tapley at approximately 1:36 AM.

Lauren Castleman's vehicle was parked on the street in front of the Ellis' home. I observed a scratch going down the driver's side of the vehicle. The scratch started at the front quarter panel and then continued for the length of the car.

I observed on the front side of the residence someone on the garage door someone spray-painted "La Voca" with "XVIII" underneath it. Directly above the garage door "XVIII" was painted. On the left hand side of the garage door "Chicano Power" was painted as well as another "XVIII" on the window. There was a skull and crossbones painted on the concrete in front of the front door, and another "XVIII" spray-painted across the door itself.

I observed Mr. Ellis' 2004 Dodge Durango sitting in the driveway of the residence. The license plate on the rear of the vehicle had been crushed. There were scratches covering the entirety of the vehicle. The word "Fuck" was scratched into the rear window of the car and "La Voca" was spray-painted on the back door. On the passenger side of the vehicle "XVIII" was spray-painted on the rear quarter panel, "Fuck" was scratched into the paint across both doors, and "Bitch" was spray-painted on the front passenger side door. The front license plate of the car had been completely ripped off, only the corner of the plate still remained where it had been screwed into the bracket. Both windshield wipers had been bent and crushed. On the hood of the vehicle "Fuck You" was scratched into the paint. The driver's side of the vehicle had "Nigger" scratched across the doors, "XVIII" was also spray-painted on the driver's side of the vehicle.

On the rear of the residence I observed "XVIII" spray-painted on the right hand side of the patio door, a skull and crossbones painted on the glass of the door, and "Death to You" painted on the left hand side. There was a patio table sitting on the deck next to the patio door that had "XVIII" spray-painted on it.

Several footprints were found underneath the porch in the backyard of the residence, and in the flowerbed on the right hand side of the residence. Mr. Ellis' stated the footprints did not belong to anyone staying at the house.

After speaking with Sylvia and Frank Ellis, Deputy Franks, Deputy Nobles, and I made contact with Colette Tapley at 216 Greenbrier. Colette Tapley stated she and her husband Jeff Tapley, had their neighbors Dana and Darrell Nice over to their residence for New Years Eve. Dana Nice was still at the residence from the previous

night. Colette Tapley consented to a search of her residence. I asked to see Colette and Jeff Tapley's hands and they complied. I did not locate any black paint on their hands. The Tapley's allowed us to check their shoes and none matched the tread pattern of the foot prints found at the Ellis'.

When we finished speaking with Mr. and Mrs. Tapley we went across the street with Dana Nice to speak with her children and husband. Once at the Nice's house Mrs. Nice consented to a search of the residence. I spoke with Mrs. Nice 18-year-old son Justin. Justin stated he came home around 12:30 AM and stayed home for the rest of the night. Justin showed Deputy Franks and I the shoes he had been wearing and they did not match the footprints that had been located earlier. After speaking with Justin Nice I spoke with Darrell Nice. I asked Darrell Nice to show me his hands. I located a small black smudge on Mr. Nice's right pinky. I asked Mr. Nice if we could see his shoes and he led us to his back bedroom. In the bedroom we located a pair of New Balance tennis shoes that had an identical tread pattern matching the footprints found around the Ellis' house.

Deputy Franks indicated to a white shirt, and pair of blue jeans that the shoes had been sitting next too, and asked if they were the clothes that Mr. Nice had worn the night before. Darrell Nice stated he had. Deputy Franks picked up the clothes and located a circular piece of sand paper in the left front pocket. I asked Mr. Nice why his footprints were all around the Ellis' home and what the paint on the sand paper would check back too if I had it tested. Darrell Nice stated the paint would check back to the Ellis' vehicle, and admitted to damaging the vehicle. Darrell Nice stated he was highly intoxicated and remembered scratching the vehicles, but did not know if he had spray-painted the house or the car. Darrell Nice said he did not have anyone else with him when he damaged the Ellis' property.

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3. For the issuance of a warrant in a misdemeanor case, also complete the following:

- (a) I believe that the defendant will not appear in court in response to a criminal summons because: ;or:
- (b) I believe that defendant poses [Insert one or all of the following.]
- (1) a danger to a crime victim because: ;or:
- (2) a danger to the community or to any person because:

Date

1/21/2011

ARON HARRIS

Signature