

IN THE HASSAYAMPA JP (WICKENBERG) COURT
STATE OF ARIZONA, COUNTY OF MARICOPA

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****FINAL****

RELEASE QUESTIONNAIRE

Notice: Unless a specific Form IV is sealed or ordered redacted by the Court, all Form IVs are public records of the Court or Clerk at the time they are provided to the Court and will be released in their entirety upon request.

DEFENDANT'S NAME KYLE AUSTIN NERO DOB 1987-06-10 BOOKING NO. T451105
ALIAS(ES) _____ CASE NO. PF2018118811001

A. GENERAL INFORMATION

Charges

1 Cts. 13-1405A SEXUAL CONDUCT WITH MINOR F2
1 Cts. 13-1406A SEXUAL ASSAULT F2
1 Cts. 13-1410A MOLESTATION OF CHILD F2

Pursuant to A.R.S. §41-1750 ten-print fingerprints were taken of the arrested person? ☒ Yes ☐ No
If yes, PCN = _____

Pursuant to A.R.S. §13-610 one or more of the above charges requires the arresting agency to secure a DNA sample from the arrested person? ☒ Yes ☐ No

If yes, does the defendant have a valid DNA sample on file with AZDPS? ☐ Yes ☐ No

If no, Arresting Agency has taken required sample? ☒ Yes ☐ No

Offense Location:
Offense Date: 2018-04-14
Arrest Location:
Date: 2018-04-14 Time: 17:41

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:
See Addendum (Page 3)

C. OTHER INFORMATION (Check if applicable)

1. ☐ Defendant is presently on probation, parole or any other form of release involving other charges or convictions:
Explain:

2. List any prior:
Arrests?

Convictions?

F.T.A.'s?

3. Is there any indication the defendant is:

☐ An Alcoholic? ☐ An Addict?
☐ Mentally disturbed? ☐ Physically Ill?

4. ☐ Defendant is currently employed
With whom

How long: 1 days

5. Where does the defendant currently reside?

SURPRISE, AZ 85374
With whom WIFE, CHILDREN

How long: _____ years _____ months _____ days

6. What facts indicate the defendant will flee if released?
Explain:

7. What facts does the state have to oppose an unsecured release? Explain: NATURE OF THE CRIMES, MADE STATEMENTS ABOUT WANTING TO KILL HIS WHOLE FAMILY

D. CIRCUMSTANCES OF THE OFFENSE (Check if applicable)

1. ☐ Firearm or other weapon was used
Type:

☒ Someone was injured by the defendant

☐ Medical attention was necessary
Nature of injuries: N/A

2. ☐ Someone was threatened by the defendant
Nature and extent of threats:

3. Did the offense involve a child victim? ☒ Yes ☐ No
If yes, was DCS notified? ☒ Yes ☐ No

4. If property offense, value of property taken or damaged:

☐ Property was recovered

5. Name(s) of co-defendant(s):

E. CRIMES OF VIOLENCE1. Relationship of defendant to victim: FATHER-DAUGHTER☒ Victim(s) and defendant reside together

2. How was the situation brought to the attention of the police?

☒ Victim ☐ Third Party ☐ Officer observed3. ☐ There are previous incidents involving these same parties
Explain:

4. Is defendant currently the subject of:

☐ An order of protection ☐ Any other court order☐ Injunction against harassment

Explain:

F. DOMESTIC VIOLENCE ISSUES (Check if applicable)

Defendant's actions

☐ Threats of homicide/suicide/bodily harm☐ Control/ownership/jealousy issues ☐ Crime occurs in public☐ Prior history of DV ☐ Kidnapping☐ Frequency/intensity of DV increasing ☐ Depression☐ Access to or use of weapons ☐ Stalking behavior☐ Violence against children/animals☐ Multiple violations of court orders**G. CIRCUMSTANCES OF THE ARREST (Check if applicable)**

1. Did the defendant attempt to:

☐ Avoid arrest ☐ Resist arrest ☐ Self Surrender

Explain:

N/A2. ☐ Defendant was armed when arrested

Type:

3. ☐ Evidence of the offense was found in the defendant's possession

Explain:

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?

☐ Yes ☒ No ☐ Unk**H. DRUG OFFENSES**

1. If the defendant is considered to be a drug dealer, please state the supporting facts:

2. What quantities and types of illegal drugs are directly involved in the offense?

☐ Drug field test completed☐ Defendant admission of drug type

Approximate monetary value: \$

3. Was any money seized?

☐ Yes ☐ No

Amount: \$

I. ADDITIONAL INFORMATION

1. Military Service:

Has the defendant served in the military services of the United States? ☐ Yes ☒ No ☐ UnknownIf yes, currently on active duty? ☐ Yes ☐ No

Branches Served In: _____

(AF - Air Force AR - Army CG - Coast Guard MC - Marine Corp
MM - Merchant Marines NG - National Guard NV - Navy
RS - Reserves)

2. Is the defendant homeless?

☐ Yes ☒ No ☐ Unknown

3. Do you need the court to provide an interpreter to help communicate and to understand what is being said?

☐ Yes ☒ No

If so, what language:

****If a fugitive arrest, a Form IVA must also be completed****

I certify that the information presented is true to the best of my knowledge.

M WILLIAMS/2222

ARRESTING OFFICER/SERIAL NUMBER

AZ0072700/623-222-4197

ARREST AGENCY/DUTY PHONE NUMBER

2018-04-14

DATE

180402918/AZ0072700

DEPARTMENTAL REPORT NO.

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ADDENDUM**B1. Probable Cause Statement**

ON 4/14/18, THE VICTIM CAME TO THE LOBBY OF THE POLICE DEPARTMENT WITH HER MOTHER TO REPORT THAT THE SUSPECT, HER FATHER HAD BEEN SEXUALLY ASSAULTING HER FOR SEVERAL YEARS, MOST RECENTLY WITHIN THE PAST WEEK. THE VICTIM, 10 YEAR OF AGE, BELIEVED THE SEX WAS ANAL SEX, SAYING DAD HAS SEX WITH MY BUTT. THE VICTIM ALSO ADVISED THE SUSPECT HAD THREATENED HER IF SHE EVER TOLD ANYONE, SAYING HE WOULD GO TO JAIL IF PEOPLE FOUND OUT. A FORENSIC INTERVIEW WAS COMPLETED AT PHOENIX CHILD HELP. THE VICTIM DISCLOSED NUMEROUS INCIDENTS OF SEXUAL ASSAULT WITH THE VICTIM. SHE ADVISED IT HAD BEEN SEVERAL TIMES SINCE MOVING TO ARIZONA FROM OKLAHOMA. SHE WAS ASKED TO DESCRIBE THE MOST RECENT INCIDENT. SHE STATED ONCE MOM LEFT FOR WORK, HER DAD TOLD HER TO COME IN THE BEDROOM. SHE ADVISED DAD LOCKED THE DOOR, TOOK HER PANTS OFF AND TOLD HER TO GET ON TOP OF HIM. SHE THEN STATED HER DAD PENETRATED HER IN HER "FRONT AREA." WHEN ASKED WHAT HE PENETRATED HER WITH, SHE STATED HIS PENIS. VICTIM STATED IT OCCURRED FOR A FEW MINUTES, AFTERWARDS SHE GOT UP AND WENT TO THE BATHROOM. SHE WAS UNSURE IF THE SUSPECT WORE A CONDOM, OR EJACULATED INSIDE HER. SHE STATED THIS OCCURRED ON HER MOM'S BED, AND BOTH OF HER OTHER SIBLINGS WERE HOME. SHE FURTHER STATED ALL THE PREVIOUS INCIDENTS WERE ALSO WHEN MOM LEAVES FOR WORK, AND EVERY TIME IT WAS ON THE BED IN THE MASTER BEDROOM. THE VICTIM WAS UNABLE TO BE SPECIFIC ABOUT ANY OTHER INCIDENTS, JUST THAT IT WAS TO MANY TO REMEMBER SPECIFICS. AFTER COMPLETED OF THE FORENSIC INTERVIEW, THE VICTIM WITH THE CONSENT OF HER MOTHER AGREED TO PARTICIPATE IN A SANE EXAM. AFTER SPEAKING WITH THE NURSE, IT WAS DETERMINED THERE WERE NO SIGNS OF ANAL PENETRATION, HOWEVER THERE WAS TEARING OF THE VICTIM'S HYMEN, CONSISTENT WITH FORCIBLE PENETRATION. THE VICTIM WAS NOT CURRENTLY COMPLAINING ABOUT ANY PAIN, BUT DURING THE INTERVIEW STATED IT HURT WHEN THE SUSPECT HAD SEX WITH HER. THE SUSPECT WAS LOCATED AND DETAINED AT HIS RESIDENCE AND BROUGHT BACK TO THE SURPRISE POLICE DEPARTMENT. ONCE IN AN INTERVIEW ROOM, I READ HIM HIS MIRANDA RIGHTS TO WHICH HE STATED HE UNDERSTOOD. THE SUSPECT FIRST STATED HE BELIEVED HE WAS THERE FOR PREVIOUS ALLEGATIONS OF SEXUAL ABUSE TO CHILDREN IN OKLAHOMA. AFTER SPEAKING FOR SEVERAL MINUTES, I ADVISED HIM HE WAS THERE TO TELL ME ABOUT HIS DAUGHTER, AND IT WAS HIS TIME TO TELL ME WHAT HE DID TO HER. THE SUSPECT REMAINED SILENT FOR SEVERAL SECONDS, WITH HIS HEAD DOWN, AND THEN TOLD ME HE MESSED UP, THAT HE WAS A SICK INDIVIDUAL. HE STATED HE HAD BEEN HAVING SEX WITH THE VICTIM ON A CONSISTENT BASIS FOR FOUR YEARS, SINCE MOVING TO ARIZONA. HE STATED HE DID NOT KNOW THE EXACT AMOUNT, BUT TOLD INVESTIGATORS IT WAS SEVERAL TIMES A MONTH FOR SEVERAL YEARS. SINCE HE WAS UNABLE TO BE SPECIFIC DUE TO THE AMOUNT, I ASKED HIM TO GIVE ME DETAIL ABOUT THE LAST ASSAULT. HE FIRST STATED IT WAS A FEW WEEKS AGO, BUT WHEN I TOLD HIM IT WAS EARLIER THIS WEEK, HE STATED "YOU'RE RIGHT." HE SAID HE WAITED FOR HIS WIFE TO GO TO WORK, AND AT THE TIME ALL THREE CHILDREN WERE HOME. HE STATED IT WAS IN THE EVENING, AND HE CALLED THE VICTIM INTO HIS BEDROOM. HE STATED HE WAS ON THE BED, TOLD HER TO TAKE HER PANTS OFF AND GET ON TOP OF HIM. HE STATED AFTER SHE DID THAT, HE PENETRATED HER VAGINALLY WITH HIS PENIS. I ASKED HIM IF HE WORE A CONDOM, HE STATED "NO." HE ALSO STATED HE DID NOT EJACULATE INSIDE THE VICTIM, AND NEVER HAS. HE STATED HE CONTINUED PENETRATING HER FOR THREE OR FOUR MINUTES, AND STOPPING WHEN THE VICTIM STATED SHE NEEDED TO USE THE BATHROOM. I ASKED HIM WHAT HE SAID BEFORE OR AFTER HAVING SEX WITH HIS DAUGHTER. HE ADMITTED TO TELLING HER NOT TO TELL ANYONE, THAT HE WOULD GO TO JAIL. HE ALSO ADMITTED TO TELLING THE VICTIM THIS WAS THE LAST TIME HE WAS GOING TO HAVE SEX WITH HER, AS SHE DISCLOSED IN HER FORENSIC INTERVIEW. THE SUSPECT CONTINUED SAYING HE WAS A "FUCKED UP INDIVIDUAL", AND HAD NO EXPLANATION FOR HIS ACTIONS. HE STATED HE WAS SELFISH, AND DID IT OUT OF PLEASURE. THE SUSPECT AGREED TO WRITE AN APOLOGY LETTER TO HIS WIFE AND FAMILY. THE SUSPECT ALSO ADMITTED TO MOLESTING SEVERAL OTHER CHILDREN IN OKLAHOMA ROUGHLY FIVE YEARS AGO, ALL FAMILY MEMBERS OF HIS WIFE. HE WAS ASKED AGAIN HOW MANY TIMES HE HAD SEX WITH HIS DAUGHTER, BUT STATED HE COULD NOT COUNT HOW MANY. SUSPECT WAS TRANSPORTED AND BOOKED ON THE FOLLOWING CHARGES: ARS 13-1405A- SEXUAL CONDUCT WITH A MINOR ARS 13-1406A-SEXUAL ASSAULT ARS 13-1410A-MOLESTATION OF A CHILD NOTHING FURTHER. L. JENSEN 2192