

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
Argenis Guzman,)
DOB: 03-28-1992)
APSIN ID: 7516795)
DMV NO. 7344760 AK)
ATN: 116146953)

Rodger Manuel Brito)
DOB: 12-11-1994)
APSIN ID: 7165979)
DMV NO: 7102345 AK)
ATN: 116146971)

Co-Defendants.)
_____)

COMPLAINT

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990: None

Count I – AS 11.41.200(a)(1);
Assault in the First Degree
Argenis Guzman – 001
Rodger Manuel Brito- 001

Count II - AS 11.61.190(a)(2);
Misconduct Involving a Weapon in the First Degree
Argenis Guzman– 002
Rodger Manuel Brito- 002

Count III - AS 11.61.195(3)(A);
Misconduct Involving a Weapon in the Second Degree
Argenis Guzman – 003
Rodger Manuel Brito- 003

Count IV – AS 11.41.220(a)(1)(A);
Assault in the Third Degree
Argenis Guzman – 004
Rodger Manuel Brito- 004

Count V – AS 11.41.250(a);
Reckless Endangerment
Argenis Guzman – 005
Rodger Manuel Brito- 005

Count VI – AS 11.61.210(a)(2);
Misconduct Involving a Weapon in the Fourth Degree
Argenis Guzman – 006
Rodger Manuel Brito- 006

Count VII- AS 11.56.610(a)(1);
Tampering with Physical Evidence
Argenis Guzman – 007
Rodger Manuel Brito- 007

THE COMPLAINANT CHARGES:

Count I

That on or about May 21st, 2018, at or near Anchorage in the Third Judicial District, State of Alaska, Argenis Guzman and Rodger Manuel Brito, as principal or accomplice, recklessly caused serious physical injury by means of a dangerous instrument.

All of which is a class A felony offense being contrary to and in violation of AS 11.41.200 (a)(1) and against the peace and dignity of the State of Alaska.

Count II

That on or about May 21st, 2018, at or near Anchorage in the Third Judicial District, State of Alaska, Argenis Guzman and Rodger Manuel Brito, as principal or accomplice

did discharge a firearm from a propelled vehicle under circumstances manifesting substantial and unjustified risk of physical injury or damage to property.

All of which is a class A felony offense being contrary to and in violation of AS AS 11.61.190(2) and against the peace and dignity of the State of Alaska.

Count III

That on or about May 21st, 2018, at or near Anchorage in the Third Judicial District, State of Alaska, Argenis Guzman and Rodger Manuel Brito, as principal or accomplice did intentionally discharge a firearm at or in the direction of a building with reckless disregard for a risk of physical injury to a person.

All of which is a class B felony offense being contrary to and in violation of AS AS 11.61.195(3)(A) and against the peace and dignity of the State of Alaska.

Count IV

That on or about May 21st, 2018, at or near Anchorage in the Third Judicial District, State of Alaska, Argenis Guzman and Rodger Manuel Brito, as principal or accomplice did recklessly place another person in fear of imminent serious physical injury by means of a dangerous instrument.

All of which is a class C felony offense being contrary to and in violation of AS AS 11.41.220 (a)(1)(a) and against the peace and dignity of the State of Alaska.

Count V

That on or about May 21st, 2018, at or near Anchorage in the Third Judicial District, State of Alaska, Argenis Guzman and Rodger Manuel Brito, as principal or accomplice did recklessly engage in conduct which created a substantial risk of serious physical injury to another person.

All of which is a class A Misdemeanor offense being contrary to and in violation of AS AS 11.41.250(a) and against the peace and dignity of the State of Alaska.

Count VI

That on or about May 21st, 2018, at or near Anchorage in the Third Judicial District, State of Alaska, Argenis Guzman and Rodger Manuel Brito, as principal or accomplice discharged a firearm with reckless disregard for the risk of danger to persons or property.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 11.61.210(a)(2) and against the peace and dignity of the State of Alaska.

Count VII

That on or about May 21st, 2018, at or near Anchorage in the Third Judicial District, State of Alaska, Argenis Guzman and Rodger Manuel Brito, as principal or accomplice destroyed, altered, mutilated, suppressed, concealed, or remove physical evidence with intent to impair its verity or availability in an official proceeding or a criminal investigation.

All of which is a class C felony offense being contrary to and in violation of AS 11.56.610 and against the peace and dignity of the State of Alaska.

1. On 05-21-2018 at approximately 1554 hours, the Anchorage Police Department 911 dispatch center received several calls in reference to two vehicles shooting at each other in the area of 12th and Hyder.
2. A 2 year old juvenile residing at address near 11th and Hyder Street was struck when one of the rounds penetrated through the living room wall of her residence. She sustained a gunshot wound through her left back, and left bicep. Preliminary medical reports also indicated the bullet had struck and shattered her left scapula. The juvenile was transported by ambulance and hospitalized for several days.
3. Several witnesses to the incident report seeing a red Dodge Ram truck with a black quarter panel moving southbound on Hyder Street from 9th Avenue near the time they heard several gunshots. Witnesses also reported seeing a silver 4 door sedan- also southbound on Hyder Street- appearing to chase the Dodge Ram truck. Both vehicles turned west on 12th Avenue and crossed Gambell Street before the witnesses lost sight of them.

4. Surveillance video obtained during the investigation showed a red older model Dodge Ram truck with a tan horizontal stripe near the bottom and a black right front corner panel turning southbound on Hyder Street from 9th Avenue at approximately 1554 hours. The vehicle continued southbound on Hyder Street at a high rate of speed.
5. A few seconds after, a silver 4-door Toyota sedan can be seen turning south on Hyder Street from 8th Avenue. The Toyota continued southbound after the truck at a very high rate of speed. When the vehicle was at 10th and Hyder Street, a person appears to have part of his/her upper body and right arm outside the right rear passenger window of the vehicle- which is either missing or entirely rolled down. The person's arm is extended forward (south) towards the direction of the truck- the same direction as the victim residence.
6. A short while later, APD officers located a red Dodge truck with a black right front corner panel and conducted a traffic stop on it. The truck was a red 2002 Dodge Ram 1500 truck bearing Alaska license plate FDN523, and matched the still images of the vehicle seen in the car chase from surveillance video.
7. The driver and sole occupant of the vehicle was later identified as David Matthew FREEMAN. In plain view in the center console of the vehicle was a box of Fiocchi brand 9mm ammunition. FREEMAN was transported to Anchorage Police Headquarters for an interview. During the interview, FREEMAN told detectives that he would answer certain questions about the incident, but not others- so as not to implicate himself in any crimes.
8. He admitted he was driving the red truck during the shooting at 12th and Hyder Street. He stated that for unknown reasons, individuals in a silver/blue 4-door sedan first yelled at him then chased him north on New Seward Highway from 36th Avenue. FREEMAN stated as he turned west on 9th Avenue, he heard 1 or 2 "cracks". He initially stated it sounded like a mechanical problem with his vehicle, but later said he recognized the sound(s) as gunshots. During the interview, FREEMAN made inconsistent statements regarding the location of both vehicles, and the actions of the occupants of the silver vehicle. He stated he saw the left rear passenger in the silver/blue sedan with a handgun.

9. During the execution of a search warrant on the red Dodge truck FREEMAN drove, a 9mm spent shell casing was found in the front cab area, along with handgun magazines and ammunition in 9mm, .40, and .45 caliber.
10. During the neighborhood canvass, a large piece of broken glass consistent with a right rear window of a sedan was located in the roadway at 8th Avenue and Hyder Street. The glass was found in the same location that the silver sedan veered south onto Hyder Street during the chase. The glass was held together by a layer of plastic window tint. In at least one location, there is a defect in the window tint and glass consistent with a bullet hole. Significant damage in the front left bumper area of the vehicle can also be seen in the surveillance footage.
11. Multiple 9mm Luger brand spent shell casings were seized from the roadway at Hyder Street between 9th and 12th Avenue, as well as 12th Avenue between Hyder Street and Gambell Street (where both vehicles travelled). Subsequent crime scene analysis and trajectory mapping indicate the round that struck the juvenile was fired from the area of Hyder Street between 9th Avenue and 11th Avenue. This is in close proximity and similar direction of travel the surveillance video showed the individual in the right rear passenger seat of the silver sedan with his arm extended.
12. Information gained during the course of the investigation revealed the silver sedan was a silver 2012 Toyota Camry bearing Alaska plate JDT454. The vehicle is registered to a person named Argenis GUZMAN in Anchorage, Alaska. Further investigation revealed that on 05-21-2018 at approximately 1838 hours (approximately 2 hours 44 minutes after the shooting), GUZMAN reported that the Toyota Camry had been stolen at approximately 1500 hours after he left the keys in the vehicle at Conifer Park in Anchorage. GUZMAN stated he did not report the vehicle stolen earlier because he was looking for it.

13. On 05-29-2018 at approximately 0932 hours, APD Officer Haas responded to 17111 North Eagle River Loop Road in Eagle River, Alaska in reference to a suspicious vehicle. The address is a business known as the Elk's Lodge, and there is a cell phone tower on the back property of the residence. Officer Haas responded and located GUZMAN'S silver 2012 Toyota Camry. There was extensive damage to both the interior and exterior of the vehicle. The right rear window glass was missing. The left rear door (which would have matched the trajectory of a bullet fired through the right rear window) had been taken off the hinges and was missing.
14. Amongst other damage, a small perforated defect was seen near the middle of the rear bumper of the vehicle. When this defect was compared to the front bumper of the red Dodge truck driven by FREEMAN, it aligned with an after-market light located on the forward edge of the truck's front bumper- making it plausible that at some point, the truck struck the back of the Toyota sedan with its front bumper.
15. GUZMAN'S cell phone records were obtained for May 21st, 2018. When mapped, GUZMAN'S cell phone is utilizing a cell phone tower in the area of 11th and Hyder- the same time the shooting was reported to 911. Additionally, GUZMAN'S cell phone is utilizing the cell phone tower located near where the Toyota Camry was recovered shortly before GUZMAN reported the vehicle stolen.
16. On 07-11-2018, Detective VonDolteren and I conducted a recorded, Mirandized interview with GUZMAN. During the interview, GUZMAN admitted he was driving the vehicle at the time of the shooting, and there were four other occupants in the silver Toyota Camry. GUZMAN stated a red Dodge truck with a black quarter panel pulled up to the left of him as he was northbound on the New Seward Highway in the #2 lane. He stated the left rear passenger in his vehicle put is thumb out the window in a "thumbs down" and told the driver of the truck something to the effect that the vehicle was making too much noise.

17. In response, the driver of the truck- who GUZMAN described as a white male adult- reached into the rear seat area with his right hand, and brought out a semi-automatic pistol, which he then placed on the front passenger seat of the vehicle. GUZMAN stated both he and the red truck maintained similar lane positions northbound on the Seward Highway until they reached Ingra Street and 9th Avenue. GUZMAN stated the rear passengers in his vehicle again began to say something to the male in the red Dodge truck, when unexpectedly the male fired into the left rear door of the sedan- narrowly missing the 3 individuals in the back seat.
18. GUZMAN stated he was shocked and stopped his vehicle in traffic to make sure no one had been shot. As he did that, the Dodge truck turned westbound on 9th Avenue. GUZMAN went to 8th Avenue and turned west, then chased after the truck southbound on Hyder Street. He stated the right rear passenger of his vehicle- later identified as Rodger BRITO, who possessed a semi-automatic pistol- fired several rounds at the Dodge truck as they were chasing it southbound on Hyder, then west on 12th towards Gambell Street, but lost track of the truck when it crossed Gambell Street.
19. GUZMAN later admitted after the shooting, he ditched his car in Eagle River and then reported the vehicle as stolen in an attempt to disguise his involvement in the shooting.
20. A check of the National Crime Information Center (NCIC) revealed Argenis Guzman DOB 03-28-1992 has no known criminal history outside the state of Alaska. A check of The Alaska Public Safety Information Network (APSIN) APSIN shows Guzman has no known pending charges or convictions in the state of Alaska.

Requests to the Court

21. Affiant requests a warrant for the arrest of the above-captioned defendant. The Affiant further requests that the criminal rules be relaxed and the warrant be sealed for a period of 90 days. The basis for this request is as follows:
- a. Unindicted co-conspirators remain at-large,
 - b. Public dissemination of the information contained in the complaint and supporting affidavit could notify other responsible persons of their criminal culpability.
 - c. Affiant is aware of at least 3 other potential participants in the events described above, including the principal actor responsible for firing the shot that struck the 2 year old. Investigation has revealed that this principal actor has already fled the country to avoid prosecution. If other actors become aware that finger of suspicion has been pointed in their direction, they similarly may take steps to flee the jurisdiction.

The undersigned swears under oath this complaint is based upon my investigation and the investigation of other law enforcement officers under APD case #18-20353 and #18-20395.

Further your Affiant sayeth naught,

Dated this 12th day of July, 2018

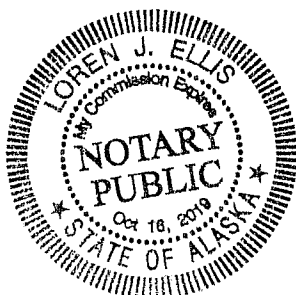
Monique P Doll

Monique P Doll

Detective Anchorage Police Department

Subscribed and sworn to or affirmed.

Before me on this 12 day of JULY, 2018



Loren J Ellis
Notary