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District Court, Lincoln County, Colorado 103 Third Avenue Hugo, CO 80821		
THE PEOPLE OF THE STATE OF COLORADO vs.		
DUSTIN ZANE NESTOR, Defendant	□ COURT USE ONLY □	
George H. Brauchler Eighteenth Judicial District District Attorney, # 25910 District Attorney's Office	Case No: 15CR107	
103 Third Ave PO Box 307 Hugo, CO 80821-0307 Phone Number: 719-743-2223 Fax: 719-743-2198	Div: Courtroom:	
COMPLAINT AND INFORMATION		
CHARGES: 8		
COUNT 1: SECOND DEGREE BURGLARY, C.R.S. 18-4-203(1) (F4){06031}		
COUNT 2: SECOND DEGREE BURGLARY, C.R.S. 18-4-203(1) (F4){06031}		
COUNT 3: POSSESSION OF BURGLARY TOOLS, C.R.S. 18-4-205(1) (F5){06051}		
COUNT 4: UNLAWFUL PURCHASE OF FIREARMS, C.R.S. 18-12-111(1) (F4){30091}		
COUNT 5: UNLAWFUL PURCHASE OF FIREARMS, C.R.S. 18-12-111(1) (F4){30091}		
COUNT 6: EMBEZZLEMENT OF PUBLIC PROPERTY, C.R.S. 18-8-407 (F5){24132}		
COUNT 7: EMBEZZLEMENT OF PUBLIC PROPERTY, C.R.S. 18-8-407 (F5){24132}		
Warrant Requested Bond Requested: \$6,000 Bond set at: \$6,000 cfs		
Judge: Signature	12 23 15 Date	

Case No.:

COUNT 8: THEFT, C.R.S. 18-4-401(1),(2)(e) (M1){08A12}

George H. Brauchler, District Attorney for the Eighteenth 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 Lincoln:

COUNT 1-SECOND DEGREE BURGLARY (F4)

Between and including January 1, 2015 and April 16, 2015, Dustin Zane Nestor unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Lincoln County Sheriff's Office, located at 103 3rd Ave, Hugo, CO 80821 with the intent to commit therein the crime of theft (Smith & Wesson Revolver); in violation of section 18-4-203(1), C.R.S.

COUNT 2-SECOND DEGREE BURGLARY (F4)

Between and including January 1, 2015 and April 16, 2015, Dustin Zane Nestor unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Lincoln County Sheriff's Office, located at 103 3rd Ave, Hugo, CO 80821 with the intent to commit therein the crime of theft (Springfield XD .45 caliber pistol); in violation of section 18-4-203(1), C.R.S.

COUNT 3-POSSESSION OF BURGLARY TOOLS (F5)

Between and including January 1, 2015 and April 16, 2015, Dustin Zane Nestor unlawfully and feloniously possessed an explosive, tool, instrument, or other article, namely: a master key, adapted, designed, or commonly used for committing or facilitating the commission of an offense involving forcible entry into premises or theft by physical taking, and the defendant intended to use the thing possessed in the commission of such an offense; in violation of section 18-4-205(1), C.R.S.

COUNT 4-UNLAWFUL PURCHASE OF FIREARMS (F4)

Between and including January 1, 2015 and April 16, 2015, Dustin Zane Nestor unlawfully, feloniously, and knowingly purchased or otherwise obtained a firearm (Smith & Wesson Revolver) on behalf of, or for transfer to, Daniel Charles Thompson, a person whom the defendant knew or reasonably should have known was not eligible to possess a firearm pursuant to federal or state law; in violation of section 18-12-111(1), C.R.S.

COUNT 5-UNLAWFUL PURCHASE OF FIREARMS (F4)

Between and including January 1, 2015 and April 16, 2015, Dustin Zane Nestor unlawfully, feloniously, and knowingly purchased or otherwise obtained a firearm (Springfield XD .45 caliber pistol) on behalf of, or for transfer to, Daniel Charles Thompson, a person whom the defendant knew or reasonably should have known was not eligible to possess a firearm pursuant to federal or state law; in violation of section 18-12-111(1), C.R.S.

COUNT 6-EMBEZZLEMENT OF PUBLIC PROPERTY (F5)

Between and including January 1, 2015 and April 16, 2015, Dustin Zane Nestor, a public servant in possession of public monies or public property (Smith & Wesson Revolver), the property of the Lincoln County Sheriff's Office, Lincoln County, a political subdivision of the State of Colorado, unlawfully, feloniously, and knowingly converted the public monies or property to his own use or to a use other than the public use authorized by law; in violation of section 18-8-407, C.R.S.

COUNT 7-EMBEZZLEMENT OF PUBLIC PROPERTY (F5)

Between and including January 1, 2015 and April 16, 2015, Dustin Zane Nestor, a public servant in possession of public monies or public property (Springfield XD .45 caliber pistol), the property of the Lincoln County Sheriff's Office, Lincoln County, a political subdivision of the State of Colorado, unlawfully, feloniously, and knowingly converted the public monies or property to his own use or to a use other than the public use authorized by law; in violation of section 18-8-407, C.R.S.

COUNT 8-THEFT (M1)

Between and including January 1, 2015 and April 16, 2015, Dustin Zane Nestor unlawfully, and knowingly, took a thing of value, namely: Firearms of the Lincoln County Sheriff's Office, with the value of seven hundred fifty dollars or more but less than two thousand dollars; in violation of section 18-4-401(1),(2)(e),(6) C.R.S.

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

George H. Brauchler #: 25910

District Attorney,

Date: 12-23-15

Deputy District Attorney

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT

15CR107

I, CBI AGENT GREG ZENTNER, being of lawful age and being first duly sworn upon oath, deposes and states I have probable cause for believing that:

DUSTIN ZANE NESTOR, date of birth: October 5, 1981

did commit the crimes of:

COUNT 1: Second Degree Burglary, C.R.S. 18-4-203(1) (F4){06031}

COUNT 2: Second Degree Burglary, C.R.S. 18-4-203(1) (F4){06031}

COUNT 3: Possession of Burglary Tools, C.R.S. 18-4-205(1) (F5) {06051}

COUNT 4: Unlawful Purchase of Firearms, C.R.S. 18-12-111 (1) (F4) {30091}

COUNT 5: Unlawful Purchase of Firearms, C.R.S. 18-12-111 (1) (F4) {30091}

COUNT 6: Embezzlement of Public Property, C.R.S 18-8-407 (F5) {24132}

COUNT 7: Embezzlement of Public Property, C.R.S 18-8-407 (F5) {24132}

COUNT 8: Theft, C.R.S 18-4-401(1),(2)(e) (M1) {08A12}

on or between the 1st day of January, 2015, and the 16th day of April, 2015, within the County of Lincoln, State of Colorado, and as grounds therefore states as follows:

Your Affiant is a Peace Officer with the Colorado Bureau of Investigation (CBI) and is currently assigned to the Major Crimes Unit in the Investigations Section. Your Affiant has more than twenty years of law enforcement experience in a wide variety of assignments. The following information was obtained by me personally and from official records of the CBI, through interviews with witnesses and suspects, reviewing witness statements, speaking with other Peace Officers, and by reviewing the reports of other Peace Officers.

On Thursday, April 16, 2015, your Affiant received a request for assistance from Lincoln County Undersheriff GORDON NALL in connection to a possible burglary/theft from the Lincoln County Sheriff's Office evidence room.

Undersheriff NALL stated earlier in the day, ANGELA MORA, date of birth: October 24, 1988, came to the Lincoln County Courthouse in connection to a domestic violence incident which occurred on Wednesday, April 15, 2015, in Limon, Lincoln County, Colorado. MORA was the victim in the domestic violence case. MORA met with Lincoln County Victim Advocate BEVERLEY RAINS about the domestic violence case. During her meeting with RAINS, MORA revealed her husband, DANIEL CHARLES THOMPSON, date of birth: July 25, 1988,

threatened MORA with a firearm during the domestic violence incident. This was the first time MORA disclosed this information. MORA went on to say THOMPSON has received multiple firearms in the past month and a half. MORA said THOMPSON claimed at least one of the firearms came from the evidence room at the Lincoln County Sheriff's Office (LCSO). MORA also stated THOMPSON has been convicted of a felony in the past and cannot possess firearms.

MORA identified the LCSO employee responsible for removing the firearms from the LCSO evidence room as DUSTIN ZANE NESTOR, date of birth: October 5, 1981. MORA also told RAINS that THOMPSON took photographs of the firearms with his cell phone as insurance in case THOMPSON ever got into trouble with law enforcement.

RAINS then notified Limon Chief of Police LYNN YOWELL about MORA's new allegations of THOMPSON threatening her with a firearm and stolen firearms coming from the LCSO. After MORA met with RAINS, MORA returned to her apartment in Limon, Colorado.

When MORA returned home, Chief YOWELL contacted her for more information about THOMPSON acquiring firearms from NESTOR. MORA said starting about the last part of February 2015 she has observed eight or nine different firearms in their apartment. MORA told Chief YOWELL she and THOMPSON would frequently be sitting on the couch in the front room of their apartment watching television, when THOMPSON would get a text message on his cell phone. THOMPSON would then order MORA to go to the back bedroom or bathroom of the apartment and wait until THOMPSON told MORA to come out. Within a short time of being ordered to the bedroom, MORA would hear a knock at the front door of their apartment and then she could hear a conversation between THOMPSON and a male. When the male visitor left the apartment, MORA was allowed back into the living room and she would see one or more firearms had been delivered to THOMPSON. MORA said these firearms were not in the apartment before she was told to go to the bedroom or bathroom.

In addition to firearms, THOMPSON also received two different laptop computers and two computer monitors. On one occasion, THOMPSON even had power tools in the living room when MORA came out of the bedroom.

MORA indicated on several occasions when THOMPSON made her go to the bedroom, she looked out the bedroom window and noticed NESTOR walking towards their apartment and away from one of two different vehicles. MORA identified one vehicle was a white SUV and the other vehicle was a white older model puck-up truck with a camper shell and an orange emergency type light on top of the cab. MORA associated both of these vehicles with NESTOR because she could see him walking away from one or the other of these vehicles which were parked on the street near the front of the apartment.

On a couple of occasions when MORA was in the bedroom she heard THOMPSON say words to the effect, "Zane is that you"? When THOMPSON sent MORA to the bedroom when THOMPSON was expecting a visitor, MORA sometimes would hear a voice she associated with NESTOR, because MORA had seen NESTOR through the bedroom window of the apartment. MORA said she has known who NESTOR is for approximately ten years because NESTOR used to live on the same street as MORA. On other occasions the visitor's voice sounded different

and MORA did not know who the visitor was and she did not see NESTOR approaching the apartment.

THOMPSON told MORA "Zane" (NESTOR) was getting firearms from the evidence room at the Sheriff's Office (Lincoln County). THOMPSON claimed he was trading the firearms to DUSTIN LEES for methamphetamine and heroin. THOMPSON would then split the drugs with NESTOR as payment for the firearms.

MORA indicated to Chief YOWELL that THOMPSON took photographs of some of these firearms with his cell phone. When taking these pictures, THOMPSON told MORA he was doing this in case THOMPSON ever got in trouble with law enforcement he would have proof of who else was involved with the stolen firearms.

MORA then showed Chief YOWELL one of the laptop computers she believed NESTOR brought to the apartment, a Compaq Presario. MORA turned the laptop on to allow Chief YOWELL to see the start-up screen which said something about "NESTOR". Chief YOWELL noted the name "NESTOR" appears on the start-up screen. MORA then saw and opened a file folder on the desktop which was titled "Hideaway". When MORA opened this file she discovered multiple family photographs and also several photographs of firearms. MORA indicated she was surprised these photographs had been loaded onto the laptop as THOMPSON had allegedly taken the pictures with his cell phone. MORA assumed the photographs of the firearms were only stored on THOMPSON's cell phone. MORA gave verbal permission for Chief YOWELL to collect the computer and to show the firearm photographs to the command staff at the LCSO in an attempt to see if any firearms in the photographs matched firearms which should be in the LCSO evidence room.

Chief YOWELL drove the laptop computer to the LCSO located at 103 3rd Avenue, Hugo, Colorado 80821, where he showed the photographs of the firearms to Sheriff TOM NESTOR, Undersheriff NALL and Captain MICHAEL YOWELL. One of the firearms pictured on the laptop computer appeared to be a Smith and Wesson Model 686, seven shot, .357 caliber revolver. This revolver looked similar to a revolver recovered during an LCSO burglary investigation a few years ago. There were multiple photographs of this firearm on the computer. In one of the photographs, the serial number, CEU4376, was visible and readable. NALL commented he recognized that specific firearm because before he saw this firearm during the burglary investigation he was not aware Smith and Wesson made a seven shot revolver.

Captain Michael YOWELL searched LCSO department records for this serial number and discovered the serial number on the firearm in the photograph matched the serial number of a firearm recovered during a 2013 burglary investigation, LCSO case number: 110F13. Immediately, Undersheriff NALL, Captain YOWELL and Chief YOWELL entered the secured evidence room at the LCSO to search for this firearm. They discovered this firearm was no longer in the secured evidence room as it should have been. LCSO Sheriff TOM NESTOR then excused himself from this investigation and requested NALL take over the investigation. (Sheriff TOM NESTOR is the brother of DUSTIN ZANE NESTOR.) At this point is when Undersheriff NALL contacted CBI for assistance.

On Thursday, April 17, 2015, DUSTIN ZANE NESTOR voluntarily met with your Affiant at the Limon Police Department, located at 100 Civic Center Drive, Limon, Lincoln County, Colorado. Your Affiant verbally advised NESTOR he was not under arrest and he was free to leave at any time. NESTOR was also verbally advised he was under no obligation to talk to your Affiant and NESTOR was free to stop answering questions at any time. NESTOR verbally acknowledged these advisements and voluntarily provided a statement about the stolen Smith and Wesson Model 686, seven shot, .357 caliber revolver bearing serial number CEU4376.

NESTOR said he heard "street talk" around town that your Affiant was investigating whether NESTOR took a firearm from the LCSO evidence room and sold it. Your Affiant asked NESTOR if there was any truth to the "street talk" and NESTOR replied, "Yeah, there is".

NESTOR went on to say sometime "within the last month or two", NESTOR discovered the evidence room door at LCSO was not properly secured. NESTOR said he leaned a step ladder against the evidence room door and it opened. NESTOR said he went into the evidence room and looked around for a short time. NESTOR acknowledged he was not authorized to be in the evidence room and he did not have permission to enter the evidence room or to remove anything. NESTOR denied using a key, or another method, to enter the evidence room and stated, "I don't have a key for it".

NESTOR said while he was inside the evidence room he saw a revolver lying on a shelf and he thought the revolver might be worth some money, so he took it. NESTOR described the revolver as a "Dirty Harry type" firearm. The firearm was silver, with a long barrel and possibly had black grips. NESTOR said he removed the revolver from the evidence room and returned to his work station. NESTOR confirmed he is an employee of the LCSO. NESTOR kept the firearm nearby his work station until he took it out to his vehicle when his shift ended. NESTOR said he then drove to Limon, Lincoln County, Colorado, with the revolver.

NESTOR said when he arrived in Limon, Lincoln County, Colorado; he got in touch with a man he only knows as "Dude". ("Dude" was later identified by NESTOR as DANIEL CHARLES THOMPSON.) NESTOR said he pulled up in front of THOMPSON's apartment and THOMPSON came out and got into the cab of NESTOR's pick-up. NESTOR said he was driving a white Ford F-250 with an orange emergency light on top. NESTOR showed THOMPSON the firearm he had stolen from the LCSO evidence room and told THOMPSON he wanted to sell it. THOMPSON thought the firearm might be worth about \$1,400.00 USD. THOMPSON agreed to show the firearm to another person and see how much money THOMPSON could get for the firearm. NESTOR said THOMPSON took possession of the stolen firearm and got out of the cab of NESTOR's pick-up and went back into his apartment. NESTOR then drove home.

NESTOR claimed he never received any payment or compensation for this firearm from "Dude". NESTOR also stated this revolver was the only firearm he stole from the evidence room at the LCSO.

NESTOR said he also gave a few other items to THOMPSON including a Compaq Presario laptop computer. NESTOR said the start-up screen on this laptop displayed the words

"NESTOR's kids". NESTOR said this computer was an old computer he had laying around his house. NESTOR said he also gave THOMPSON a couple of computer monitors and another laptop computer.

When the interview was finished, NESTOR left the building.

On Thursday, April 23, 2015, your Affiant received a phone call from NESTOR who stated there was some evidence located inside his pick-up which NESTOR wanted to give to your Affiant. NESTOR said his pick-up was parked at his residence located at 768 D Avenue, Limon, Colorado.

Your Affiant drove to NESTOR's residence where he met NESTOR outside on the driveway. NESTOR told your Affiant sometime during the last five days someone placed two firearms inside his Ford F-250 pick-up. NESTOR maintained he did not know who placed the two firearms in his pick-up. NESTOR said one of the firearms in his pick-up was the Smith and Wesson Model 686, seven shot, .357 caliber revolver bearing serial number CEU4376, which NESTOR stole from the LCSO. NESTOR said the other firearm was a black and silver semi-automatic firearm. NESTOR admitted he stole this second firearm from the LCSO evidence room.

NESTOR said he has been going to therapy over the last few days and during one therapy session he remembered he stole a second firearm from the LCSO. The second firearm which NESTOR stole from the LCSO is a Springfield Armory USA XD .45 caliber, Automatic Colt Pistol (ACP) bearing serial number MG524191. This firearm was now located inside NESTOR's pick-up.

NESTOR said he stole this Springfield firearm from the LCSO approximately five days after he stole the revolver. NESTOR went on to say he used a key to enter the secured evidence room on the day he stole the Springfield firearm. NESTOR said he got the key out of the key storage locker located inside Lincoln County Sheriff TOM NESTOR's office. NESTOR said the key he took out of the key storage locker was labeled as a "Master Key". NESTOR said the key storage locker was unlocked on the day he took the "Master Key". NESTOR said he did not have authorization or permission to take this key and it was not issued to him. (On April 22, 2015, LCSO Captain YOWELL discovered this "Master Key" inside a locked enclosure inside the LCSO which contained the 911 system equipment used by the LCSO.)

NESTOR said on the day he took the Springfield firearm he contacted "Dude" to see if "Dude" could sell the Springfield firearm. NESTOR said he hid the Springfield firearm near his work space and when he left work after his shift was over he grabbed the Springfield firearm and he drove to Limon, Colorado. NESTOR said he again met with "Dude" inside his Ford F-250 pick-up and gave the Springfield firearm to "Dude". NESTOR said "Dude" then got out of his pick-up with the Springfield firearm and "Dude" went back into his apartment. NESTOR said he never received any payment or consideration for this firearm either.

Your Affiant asked NESTOR for consent to enter NESTOR's pick-up and collect the two firearms inside. NESTOR gave your Affiant verbal consent to enter the pick-up and collect the

two firearms as evidence. This verbal consent was witnessed by Arapahoe District Attorney's Investigator TOM POWERS. The two firearms were collected and secured and then booked into the secured evidence room at the CBI Denver Regional office located at 710 Kipling Street, Suite 200, Lakewood, Colorado 80215.

On Wednesday, July 23, 2015, your Affiant received a report from the Rocky Mountain Regional Computer Forensic Lab (RMRCFL) on the laptop computer provided by MORA. The RMRCFL examined the computer pursuant to a search warrant. RMRCFL examiner JIM STEVENS was able to locate approximately nineteen photographs of firearms on the computer. These photographs showed approximately eight to nine different firearms. One of the firearms photographed was the Smith and Wesson Model 686, seven shot, .357 caliber revolver bearing serial number CEU4376. This firearm was located inside NESTOR's vehicle on Thursday, April 23, 2015.

Another photograph appeared to show the Springfield Armory USA XD .45 caliber, Automatic Colt Pistol (ACP) bearing serial number MG524191 which was also recovered from NESTOR's vehicle on Thursday, April 23, 2015. However, this photograph is not clear enough to see the serial number on this firearm so it cannot be determined if this is the same firearm in the photographs.

Based upon the foregoing facts and circumstances, your Affiant believes probable cause exists that the offenses of: Second Degree Burglary (2 counts), Possession of Burglary Tools, Unlawful Purchase of Firearms (2 counts), Embezzlement of Public Property (2 counts) and Theft, have been committed and DUSTIN ZANE NESTOR, date of birth: October 5, 1981, did commit these offenses.

Your Affiant respectfully requests this Honorable Court issue an Arrest Warrant for DUSTIN ZANE NESTOR, date of birth: October 5, 1981.

I HAVE READ the foregoing statement and the	matters stated therein are true to th	e best of my
knowledge attabelief.		
HARLE GOY ON CHILL		
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ZEG: PURISC :		
SUBSCRIBED AND SWORN to before me this	17th day of Occember,	2015.
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Expires St	Tegge L. Tino	rel
-1-1	Notary Public	
My Commission Expires: 3/24/16.		
SUBSCRIBED AND SWORN to before me this	day of	2015.
Sebserable fixe sword to before me uns_	day or,	2013.
	Judge	

Filed in Combined Court Lincoln County, Colorado DISTRICT COURT, LINCOLN COUNTY, COLORADO DEC 23 2015 COURT ADDRESS: 103 THIRD AVENUE HUGO, CO 80821 10 21 P 1: Kimber y L. Graham, Clerk PHONE NUMBER: (719) 743-2426 PLANTIFF: PEOPLE OF THE STATE OF COLORADO COURT USE ONLY DEFENDANT: DUSTIN ZANE NESTOR CASE NUMBER: 15CR107 GREG ZENTNER Div. Ctrm. COLORADO BUREAU OF INVESTIGATION Major Crimes Unit (303) 239-4211 CBI Case #: 2015-87 ARREST WARRANT

THE PEOPLE OF THE STATE OF COLORADO,

TO ANY PEACE OFFICER:

Whereas a peace officer has this day made complaint on affidavit sworn to before the undersigned Judge and relating facts sufficient to establish probable cause that the offense(s) have been committed and probable cause that **DUSTIN ZANE NESTOR**, date of birth: October 5, 1981, White, male, 6'1" 275 pounds, blonde hair, blue eyes, Social Security number:

Colorado OLN:

named on the face hereof, committed the offense(s),

WE THEREFORE COMMAND YOU forthwith to arrest **DUSTIN ZANE NESTOR**, and take him without unnecessary delay before the nearest Judge of a court of record, to be dealt with according to law, for the charges of:

COUNT 1: Second Degree Burglary, C.R.S. 18-4-203(1) (F4) {06031}

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Given under my hand and seal this 23RD day of DECEMBER, 2015.

WARRANT TO ISSUE IN THE AMOUNT OF \$6,000 CASH/SURETY BOND CONDITIONS:

NO LEAVING STATE; SIGN WAIVER OF EXTRADITION;

NO WEAPONS/FIREARMS; NO DRUGS/ALCOHOL/MARIJUANA;

NO FELONIES/MISDEMEANORS/PETTY OFFENSES

tulen

Judge

