

ORIGINAL

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO
Case No.

AFFIDAVIT IN SUPPORT OF WARRANTLESS DETENTION

Mathews, Scott Alan

10/01/1992

Suspect's Name (Last, First, Middle)

D.O.B.

Aurora Police Department

07/5/2019

2019-25374

Arresting Agency

Date of Arrest

Agency Case No.

Charge No. 1: Second Degree Murder
Felony-2

CRS 18-3-103

No BOND

On July 4, 2019, at approximately 2230 hours, your affiant received a call from Aurora Police Department (APD) Major Crimes Homicide Unit (MCHU) Sergeant Stephen Jokerst, asking my assistance in a shooting investigation at 16498 East Alameda Place in Aurora, Arapahoe County, Colorado. The shooter was reported to be a Corrections Officer with the Colorado Department of Corrections. Your affiant arrived on scene at approximately 2359 hours, accompanied by other APD and Denver Police Department (DPD) personnel, as APD Sergeant Edward Acuti briefed us on the investigation thus far.

According to Sergeant Acuti, on July 4, 2019, at approximately 2228 hours, APD Communications received numerous 911 calls reporting a shooting at 16498 East Alameda Place in Aurora. The arriving officers located a black male, identified as Jaharie Wheeler, date of birth August 28, 1982, suffering from a gunshot wound to his upper chest. Wheeler was transported by rescue personnel to the Aurora South Medical Center where lifesaving efforts were unsuccessful and he was pronounced as deceased by Dr. Douglas at 2304 hours.

The shooter remained on scene and was identified as Scott Alan Mathews, date of birth October 1, 1992. Mathews was bleeding from a visible wound to his forehead and was transported to AIP for medical treatment.

Numerous witnesses were contacted at the scene, including Wheeler's girlfriend, Shamira Cotton, date of birth December 9, 1985. Your affiant ultimately spoke with Cotton at APD Headquarters as she described living in Apartment 208 (16498 East Alameda Place) with her boyfriend, Wheeler, her step son Xavion Wheeler (age 14) and daughter, Jordan West (age 9). On the evening of July 4, 2019, Cotton, Wheeler, Jordan and Xavion had driven to the area of the Aurora Municipal Center in an attempt to watch the fireworks show, but the weather conditions were poor so they returned to the apartment complex. Wheeler proceeded to the apartment to continue cooking some earlier prepped meals while Xavion and Jordan walked into the apartment briefly to retrieve some fireworks they had purchased earlier that day. Cotton remained in the courtyard while Xavion and Jordan returned and began lighting off the fireworks within the complex's courtyard, along the cement walkway

nearest the north end building (16508 East Alameda Place). Within minutes, a white male (Mathews) walked down the second floor flight of stairs and began yelling at Xavion and Jordan for lighting off the fireworks. Cotton became engaged as her and Mathews began yelling at each other, to include the use of profanities. Cotton observed a white female, O'Neal, approach from the same flight of stairs and also engage in the argument.

Cotton described Mathews drawing a handgun from his right hip and pointing it towards her chest while stating, "Get the fuck back," or similar words to that effect. Mathews had eventually holstered his gun, but as the argument continued, he had head butted Cotton, causing pain and swelling to her upper lip and upper left eye. Cotton had a globe shaped plastic drink, which she held in her right hand and threw at Mathews, striking him somewhere near his left eye. By now, Wheeler emerged from the apartment and walked into the courtyard to observe blood on Cotton's face. This had apparently angered Wheeler as he confronted Mathews, asking why he had physically harmed a woman. Wheeler approached Mathews and the two of them physically struggled. Cotton described Wheeler grabbing Mathews by the collar of his shirt and shoving him backwards. Cotton observed Mathews draw the handgun from his right hip and fire one round at Wheeler. Wheeler retreated backwards into the courtyard where he eventually fell to the ground. Mathews recalled retrieving her cell phone and calling 911.

Officer John Gonzales, serial 19579, arrived on scene and contacted Katherine O'Neal. Officer Gonzales observed O'Neal to be in possession of a semiautomatic handgun, which he retrieved from her without incident. O'Neal was transported to the APD Headquarters where your affiant and Detective Miller spoke with her further. O'Neal identified herself as Mathews' girlfriend. They lived together in apartment 203 and worked the same shift at the nearby Department of Corrections Facility as Corrections Officers.

O'Neal stated on the evening of July 4, 2019, her and Mathews had driven from work to the apartment complex, arriving at approximately 2245 hours. As they approached their stairwell, O'Neal observed a black female (Cotton) and two children standing next to a lit firework. The firework had faded out and was lying near the entrance to the stairwell. O'Neal described kicking the firework into the nearby landscaping rocks, but this did not appear to upset anyone. O'Neal, who was already worried and upset about the fireworks' effects on her dogs, had now stepped from her apartment with one of the dogs so that it could take a bathroom break in the courtyard. As she descended the stairway from the second floor, she observed Cotton and the two children had apparently lit a second firework as it was now fully illuminated and making sounds that frightened her dog. This had upset O'Neal as she began yelling at the kids (Jordan and Xavion). This drew the attention of Cotton as she now approached and began yelling at O'Neal. Their argument continued as Mathews had emerged from the apartment and descended the second floor staircase. Mathews began yelling at Cotton as the two of them stood in close proximity to each other. O'Neal described Cotton holding a circular shaped object in her right hand and held it outwards in such a manner as if she intended to swing it towards Mathews.

O'Neal admitted to drawing her handgun, which she had holstered in plain view along her right hip. She had done so in fear of what she perceived to be an escalating situation and she felt she may have to defend herself or Mathews. O'Neal eventually holstered her gun as she felt it being drawn was unnecessary, coupled with her yelling at Cotton's children. She described keeping her gun pointed

downwards to the ground the entire time and did not point it at anyone. She described observing Mathews positioning his arms in a similar downward motion, as if he was holding his gun the same way, although O'Neal could not confirm he was holding his gun. She also observed Mathews bend his right arm along his waistline, as if he was in a holstering motion, but did not observe his gun.

O'Neal described Cotton approaching with the circular object still outstretched in her right hand. As she got into close proximity to Mathews, O'Neal described Mathews' head moving forward while Cotton moved backwards. Based on these observations, O'Neal assumed Mathews had head butted Cotton, but did not observe the actual strike. Once Cotton had moved back, a black male (Wheeler) emerged from the proximity of Cotton's apartment and approached Mathews.

O'Neal described Wheeler having both arms outstretched towards Mathews as the two of them collided together. The force of the collision moved Mathews backwards. O'Neal stated she was partially distracted by Cotton as she was still close by and yelling, but observed through her peripheral view how Mathews was moving backwards with Wheeler embraced with him. O'Neal overheard the sound of a single gunshot and believed Mathews had fired his gun, although she did not claim she observe the shot being fired. Wheeler walked backwards towards the grass and fell down. O'Neal assisted with providing CPR instructions to Cotton and applied a towel to Wheeler's upper torso, although she was unsure of where he was wounded. Mathews' attempts at trying to aid Wheeler were stopped by nearby residents who continually yelled at him to back away. O'Neal remained with Wheeler until the arrival of rescue personnel.

APD Officer Jeremy McElroy, serial 306789, assisted on the investigation and interviewed witness Albert Woods, date of birth February 17, 1972, who resided at 16498 East Alameda Place, Apartment 204. Woods stated he was watching television next to the sliding glass door of the patio when he observed a white female, later identified as Katherine O'Neal, date of birth July 8, 1992, descend the stairs of the adjacent apartment building. O'Neal appeared upset over fireworks being lit within the complex's courtyard as she kicked over a nearby firework and began arguing with black female (Cotton), who had approached from the west end of the courtyard.

Woods walked onto his balcony, which provided a view of the complex's courtyard as he observed Cotton and O'Neal arguing. Moments later, a white male, Mathews, walked down the second floor stairway of the adjacent building and approached the arguing females. A second male, Wheeler, walked along the courtyard's walkway towards the arguing females.

Woods observed how Mathews had interjected himself into the argument with Cotton and had head butted Cotton before drawing a handgun and pointing it at her. Woods could observe blood on the Mathews' forehead from the force of the head butt.

According to Woods, Mathews had holstered his handgun prior to being approached by Wheeler. The two men argued briefly before Wheeler punched Mathews in the face. Mathews responded by stumbling backwards, drawing his handgun a second time and firing one round at Wheeler.

Wheeler fell to the ground as Mathews got on his phone and appeared to make a call. Mathews approached Wheeler and appeared to want to render aid, but was told to get away by nearby witnesses. Mathews remained on scene momentarily before walking to the East.

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APD Officer Alexandre Simoes Diz, serial 305217, assisted on the call and encountered a female screaming for help and pointing towards a white male (Mathews), stating he was the shooter. Officer Diz observed Mathews walking away from the scene and towards the front gates of the complex while speaking on a cellular phone. Officer Diz observed Mathews possessed a holstered pistol on his right hip. Officer Diz ordered Mathews to the ground, to which he complied. As he lay down, Mathews stated, "I shot him." Mathews also stated he had fired one round and had attempted to render aid to the male (Wheeler), but was not allowed to by the nearby residents. Mathews was detained and his gun removed for evidentiary purposes. Officer Diz asked if Mathews was a police officer, to which he replied that he worked for the Department of Corrections.

Officer Diz observed Mathews was suffering from a wound to his forehead. Mathews was transported to the nearby hospital for treatment, prior to transport to APD Headquarters. Your affiant and Detective Warren Miller, serial 18146, attempted to interview Mathews about the incident, but he requested to speak with an attorney and no further questions were asked.

MCHU Detective Nick Huber, serial 306070, reviewed the cell phone video taken by Margarita Espinoza, date of birth March 6, 1995 from her apartment, 16498 E Alameda Place #304. The video showed Mathews holding his dog on a leash with his left hand and Cotton yelling at Mathews with her right hand raised towards him. Wheeler walked up from behind Cotton and stood between her and Mathews. O'Neal walked up from behind Mathews and took the dog leash out of his hand, while Wheeler handed something off from his right hand.

Mathews and Wheeler appeared to face off with one another and Wheeler punched Mathews in the face with his right fist. Wheeler continued forward towards and against Mathews pushing him backwards onto landscaping rock, and appearing to put his arms around Mathew's lower back. While moving backwards, Mathews drew the gun from his right side with his right hand, turned to his left, and fired the gun one time, striking Wheeler. Wheeler staggered backwards, turned to his right, walked away, and collapsed on the grass. Mathews stood in the landscaping rocks holding his gun and could be heard stating, "he punched me in the face." Mathews holstered his gun and pulled out his cell phone. Wheeler was not observed moving again.


O'Neal could be seen holding the dogs and drawing her gun from her right side and then holstering it without firing. She later made a phone call on a cell phone after putting the dogs in their apartment. At one point Mathews hung up the phone, walked over to where Wheeler was laying, and stated "I need to render aid." A female yelled at Mathews and he walked away and used his phone again.

Mathews was identified through Colorado Department of Motor Vehicle Records.

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I, Detective Mike Prince #25631, a Police Officer with the Aurora Police Department (APD), being duly sworn upon oath, states that there exists probable cause for the warrantless arrest of the above-named suspect for the charges stated above. The affiant further states that the facts below are true to the best of his/her knowledge and belief, and are based on the affiant's personal knowledge and/or interviews with witnesses and fellow Peace Officers and/or review of official law enforcement reports.

1. The crime(s) alleged occurred on 07/4/2019, at 10:28 p.m., City of Aurora, County of Arapahoe, State of Colorado.
2. The suspect was arrested at 11:22 a.m. on the 5th day of July, 2019.
3. The facts in support of the probable cause for the warrantless arrest of the above named suspect are as follows:

 #25631
Affiant's Signature and ID#

Sergeant Stephen Jokerst #24202
Arresting Agency Supervisor's Name

Probable cause for Warrantless Arrest is: Found Not Found

Date: _____

Time: _____

Judge/Magistrate – signature

Judge/Magistrate – printed name

Original - Jail Copy Custody Report
Copy 1 - Jail Copy Custody Report
Copy 2 - Offense Report