

04/06/2013  
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State of Colorado, County of Mesa  
Affidavit In Support of Warrantless Arrest

2013-00014187

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On 4/6/12 I was advised by dispatch to contact Cindy Franzen by phone reference an assault that had taken place. I contacted Cindy and asked if she could meet with me at the police department. Cindy advised that she had a 13 year old son asleep and that she would prefer to meet at the house.

I responded to 2207 Arenal Ct. and met with Cindy who advised of the following: Cindy stated that she lived at the residence with her boyfriend, Rick Brainard. She stated that they had been dating for eight months and she had lived in the house with him since November. Cindy stated that she and Rick had been in an argument for about three days. Cindy stated that it started on Tuesday night and that Rick then left town and did not return until this evening at approximately 2200 hours. Cindy stated that once he was in the house he seemed like he was still annoyed from Tuesday. Cindy stated that he went in the bedroom and she went in there to make things right. Cindy stated that she had Rick's phone and noticed a recent call/text from a previous girlfriend. There was some discussion about this and a physical altercation in the bedroom Cindy stated that she was pushed into the dresser by her chest several times, her hair was pulled and she was grabbed by the arm and her face was grabbed. Cindy stated that the initial altercation was over his phone. Cindy stated that he had given her the phone but then when she asked about the female he was trying to get it back, Cindy stated that she was still trying to read the texts and so there was a short time when she was not giving him the phone back. Cindy said that once he had the phone back he gave it back to her. Cindy stated that while they were in the bedroom Rick at one point had her pinned against the dresser after she told him he was a liar and a cheat. Cindy stated she called out for her son to call 911, causing Rick to let her up. Cindy stated during the time in the bedroom Rick called her a "crazy bitch" and that she was "being childish." After the altercation in the bedroom she went outside to smoke. During this time Rick told her to call the female from his phone which she did. Cindy stated that while she was on the phone Rick was in the background saying Cindy was crazy. Cindy stated that she got mad and Rick told her she was over reacting. She told Rick to call the female and "make it right then." Rick called the female and told her that Cindy had gone crazy three days ago and apologized for pulling her into the situation, Rick ended the call by saying "I'll talk to ya later." Cindy stated at that point she said "fuck you," to Rick. Cindy stated at that point Rick struck her in the right side of her face, with what she thought to be an open hand, causing her pain and injury. Cindy stated that she came in the house shortly after that and saw that she already had swelling and some bruising and called work to tell them she would not be in for her shift tomorrow. Cindy stated that shortly after that Rick left the house, but came back a short time later and then left again. Cindy text Rick that she had contacted the police department about the incident.

Rick was contacted by phone and agreed to meet with Sgt. Hasty at the police department. Rick arrived and advised of the following: Rick stated that he had been in a relationship with Cindy for approximately 8 months. Rick stated that Cindy had been living at the house with him. During the course of the interview Rick stated that they had been arguing in the bedroom after he got home. Rick stated that Cindy physically took the phone from him, but later changed and stated that he gave up and let her have it. Rick stated that when Cindy tried to send a text he physically took the phone from her. Rick originally stated that it was a minor altercation and that he may have been accidentally scratched on his forearm but that there were no intentional injuries. Rick was asked if there was any other physical portions of the altercation and Rick stated there were not. Sgt. Hasty brought up more details about the evenings alleged events that we had learned through speaking with Cindy. Rick then admitted that there was more than the initial tussle for the phone. Rick admitted that he had grabbed Cindy, pushed on her chest, and he admitted to slapping her on her left side of her neck/cheek area. That was the same side that Cindy had the black eye on. Rick was asked if there was anyway that he might have hit her a little higher and he stated he did not. Rick also admitted later that he had pulled her hair. Rick stated that he slapped Cindy because she needed to "shut her mouth." Rick stated that Cindy had said something so offensive that he had to slap her. When asked what offensive thing was said, Rick stated he did not remember, although later he stated she had been saying for over one hour that he was sleeping with other women. Rick stated after slapping Cindy at some point she called work and stated she would not be coming in for her next shift at the hospital. Rick left the house and stated that he went to the Police Department to meet with us. Rick never did check in or contact anyone at the police department and stated that he had forgot his badge at home. Rick stated that Cindy called him to come back to the house, but while showing us the text messages Rick was asked to stay away from the house. When asked why she would text stay away and then call and say come over. Rick stated she is just like that and so he went to the house and retrieved his city ID. He did not respond back to the police department nor did he call. Rick went out to his truck and left the house.

After the interview Rick was taken into custody and transported to the Mesa County Jail and booked on the charges above.