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DR 18000000388 - Gilbert Police Department  
DR 18000000389 - Gilbert Police Department  
Highland Justice Court

0131693733

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
COUNTY OF MARICOPA, RCC-DOWNTOWN

THE STATE OF ARIZONA,

Plaintiff,

vs.

RAFAEL ADRIAN RASILLO,  
aka RAFAEL ROSILLO  
aka RAFAEL ADRIAN RASIILLO

Defendant.

CR2018-101285-001

DIRECT COMPLAINT

**COUNT 1: BURGLARY IN THE  
SECOND DEGREE, A CLASS 3  
FELONY (Rafael Adrian Rasillo)**

**COUNT 2: CRIMINAL TRESPASS  
IN THE FIRST DEGREE, A CLASS 6  
FELONY (Rafael Adrian Rasillo)**

DCO

IN CUSTODY

The complainant herein personally appears and, being duly sworn, complains on information and belief against RAFAEL ADRIAN RASILLO, charging that in Maricopa County, Arizona:

**COUNT 1:**

RAFAEL ADRIAN RASILLO, on or about January 7, 2018, with the intent to commit a theft or a felony therein, did enter or remain unlawfully in or on the residential structure of [REDACTED] located in Gilbert, Arizona in violation of A.R.S. §§ 13-1507, 13-1501, 13-701, 13-702, and 13-801.

**COUNT 2:**

RAFAEL ADRIAN RASILLO, on or about January 7, 2018, knowingly did enter or remain unlawfully in or on the residential structure [REDACTED] located in Gilbert, Arizona, in violation of A.R.S. §§ 13-1501, 13-1504(A)(1),(B), 13-701, 13-702, and 13-801.

Chelsea Mitchell

/s/ Chelsea M Mitchell  
Deputy County Attorney

IN CUSTODY

Sharon Haines #627

Agency: Gilbert Police Department

Sharon Hares #627

Complainant

Subscribed and sworn upon information and belief this 9<sup>th</sup> day of January,

2018.

CM:cr

STATE OF ARIZONA Plaintiff  
-VS-

Rafael, A, Rasillo

Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.]

18-000000388 /  
18-000000389

Booking No. \_\_\_\_\_

**RELEASE  
QUESTIONNAIRE**  
(To be completed by  
law enforcement)

Alias(es) \_\_\_\_\_

(Check and explain where applicable)

**A. GENERAL INFORMATION****Charges:**

-(TWO COUNTS) Trespassing in the first degree, 13-1504.A.1. DR #18-000000388 &  
18-000000389  
-(ONE COUNT) Possession of drug paraphernalia, 13-3415.A. DR #18-000000388  
-(ONE COUNT) Fail to provide a true full name, 13-2412.A. DR #18-000000388

Offense Date: 01/07/2018 Offense Time: 0445

Location: \_\_\_\_\_

Arrest Date: 01/07/2018 Arrest Time: 0502

Arrest Location: \_\_\_\_\_

2. The person entered or remained in the United States illegally.  
Explain in detail (e.g., admission by the person, statements of  
co-defendants at the time of arrest, verification of illegal presence  
or proceeding establishes illegal presence):

**B. PROBABLE CAUSE STATEMENT**

1. Summarize and include the facts which establish **probable cause for the crime(s) charged**. Certain felonies may be non-bondable and require facts which establish **proof evident or presumption great** for the crime(s) charged. These include (1) felonies involving a capital offense, sexual assault, sexual conduct with a minor who was under fifteen years of age, or molestation of a child who is under fifteen years of age, (2) any class 1, 2, 3, or 4 felony or any violation of § 28-1383 if the person has entered or remained in the United States illegally, and (3) felony offenses committed when the person charged is already admitted to bail on a separate felony charge.

Explain the crime(s) in detail (e.g., arresting officer or other law enforcement officers witnessed offense, physical evidence directly connects defendant to offense, multiple eyewitnesses, defendant admissions, victim statements, nature of injuries, incriminating photographic, audio, visual, or computer evidence, defendant attempted to flee or resist arrest):

N/A

3. The crime(s) occurred while the person was admitted to bail on any separate felony. Provide information on the separate felony:

N/A

**C. OTHER INFORMATION**

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

2. List any prior:

Arrests:

Aggravated assault-DV, aggravated assault, aggravated criminal damage, assault-DV, disorderly conduct (x4), criminal damage, false reporting to LE, DWSL, POM, POPD (x2), DUI (x3),

Convictions:

Disorderly conduct, false reporting to LE, POM, DWSL

Failures to Appear (FTA):

2013

Protective Orders:

N/A

3. There is an indication of:

- ☒ Alcohol Abuse  
☐ Mental Health Issues  
☐ Developmental Disability

- ☐ Other Substance Abuse  
☐ Physical Illness

Explain:

Defendant said he was intoxicated and been to "treatment" for alcohol in the past.

4. Defendant is employed by: N/A

Address:

N/A

Phone: N/A

How long: N/A

5. Defendant resides at:

[REDACTED], Gilbert

With Whom: UNKNOWN

How Long: UNKNOWN

Alternate address for court

N/A

6. Facts to indicate defendant will flee if released:

Severity of offenses combined with current probation and warrants.

7. Reasons to oppose an unsecured release:

Severity of offenses combined with current probation and warrants. Defendant also lives in the same subdivision as the victim.

D. CIRCUMSTANCES OF THE OFFENSE

1. ☐ Defendant used firearm or other

Type: N/A

2. Defendant injured someone

Explain: N/A

3. Medical attention was necessary

Nature of injuries: N/A

4. ☐ Defendant threatened

Nature of threats: N/A

5. If property offense

a. Value of property taken/damaged: N/A

b. ☐ Property was recovered

6. Names of co-defendant(s), if any:

E. CRIME(S) AGAINST PERSONS

1. Relationship of defendant to victim: STRANGER

2. ☐ Victim(s) and defendant reside together.

3. Law enforcement learned of the situation by ☒ Victim

☐ Third Party ☐ Officer observation

4. ☐ Previous incidents involving these same parties

Explain:

N/A

5. Defendant is currently the subject of:

- ☐ Order of Protection  
☐ Injunction against Harassment  
☐ Other court order:

6. ☒ Likelihood of inappropriate contact with victim(s)

Explain:

Defendant lives in the same subdivision as the victim.

7. ☒ Victim(s) expressed an opinion on defendant's

Explain:

Victim desires to aid in prosecution against defendant. Victim stated she would be "pissed" if defendant was released from custody. Victim stated she is uncomfortable knowing defendant has been in her house with her children.

**F. DOMESTIC VIOLENCE DEFENDANT**

- ☐ Access to or use of weapons  
☐ Children/Vulnerable adults  
☐ ~~Crime~~ occurred in  
☐ Control/ownership/jealousy  
☐ Depression  
☐ Frequency/intensity of Domestic Violence  
☐ Kidnapping  
☐ Potential for multiple violations of court orders  
☐ Prior history of Domestic Violence  
☐ Prior Protective Order  
☐ Recent separations  
☐ Stalking  
☐ ~~Threats~~ of homicide/suicide/bodily harm  
☐ Violence against children, vulnerable adults or animals  
Explain:  
N/A

**G. CIRCUMSTANCES OF ARREST**

1. Did defendant attempt to:  
☒ Avoid arrest ☐ Resist arrest ☐ Self Surrender  
Explain:  
DEFENDANT COMMITTED TRESPASSING IN  
THE 1ST DEGREE BY HIDING INSIDE OF A  
VEHICLE INSIDE A GARAGE.
2. ☒ Defendant was armed when arrested  
Type of weapon:  
KNIFE.
3. ☒ Evidence of the offense was found in defendant's  
possession  
Explain:  
DEFENDANT WAS WEARING CLOTHES  
MATCHING DESCRIPTION GIVEN BY WITNESS.
4. State whether defendant was under the influence of alcohol  
or drugs at the time of the offense  
☒ Yes ☐ No ☐ Unknown  
Type of substance:  
ALCOHOL

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

1/8/18  
Date

YOUNG /GILBERT POLICE DEPARTMENT /3628  
Arresting Officer/ Agency / Serial No.  
480-503-6500  
Duty Phone  
No

**H. DRUG  
OFFENSES**

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

2. State quantities and types of illegal drugs directly  
involved with offense  
N/A

- ☐ Methamphetamine was involved:  
☐ Drug field test was positive  
☐ Defendant admission of drug N/A  
☐ Approximate monetary value of drugs: N/A

3. State whether money was seized  
☐ Yes ☐ No

Amount: N/A

If this is a fugitive arrest, complete the affidavit as  
required by the Uniform Criminal Extradition Act  
(ARS § 13-3841 et seq.)

Pursuant to AO 2003-046, the oath has been  
administered pursuant to the law and  
required procedures. [Signature]

I. PROBABLE CAUSE STATEMENT ADDENDUM:

1. On 01/07/2018, at approximately 0448 hours, I was dispatched to [REDACTED] in Gilbert after [REDACTED] called the Gilbert Police Department and reported there was an unknown male suspect in his residence. [REDACTED] reported his nine year old nephew observed the male in his mother's bedroom. [REDACTED] reported the suspect said "Hi" to the nine year old prior exiting the residence. [REDACTED] said he followed the suspect around the corner to [REDACTED]. At approximately 0452 hours, [REDACTED] witnessed the suspect open the side gate to Tiago address and go in the backyard. At approximately 0455 hours, I arrived on-scene. I observed a male standing in the street talking on a cell phone. The male identified himself to me as, [REDACTED]. I then observed the side gate to the [REDACTED] address was open. [REDACTED] said he observed the suspect go into the backyard. At the same time I was speaking to Anthony, I observed shadow move near the side gate. Officer Stracke arrived on-scene and we approached to the side gate. Once at the side gate, we observed the side door to the garage was open. Officer [REDACTED] and I entered the backyard and Officer [REDACTED] observed a male inside a vehicle parked in the garage while standing at the doorway on the side of the garage. Officer [REDACTED] ordered the male out of the garage and he complied. Officer [REDACTED], Officer [REDACTED] and I handcuffed the suspect behind his back. Officer [REDACTED] and I made contact with the resident at the [REDACTED] address, [REDACTED]. Officer [REDACTED] asked [REDACTED] if he knew the suspect and he stated he did not. [REDACTED] stated he desired to aid in prosecution against the suspect for trespassing in the first degree. I recontacted [REDACTED] and asked him to tell me what happened. [REDACTED] said he was woke by his nieces and nephews and they told him a male was seen in their mother's bedroom. [REDACTED] said he went outside and saw the suspect near the house and his thirteen year old niece told him that was the male that was inside the residence. I responded to the Kroll address and spoke with [REDACTED] sister, [REDACTED]. [REDACTED] told me she was not home when this incident occurred. [REDACTED] told me she was informed of this incident when her daughters called and told her. I spoke with the nine year old who said he exited his room to get a drink of water. The 9YO observed a male he had never seen before in [REDACTED] bedroom. The male said "Hi." to the 9YO and the 9YO said "hi" back. The 9YO hurried to the kitchen, drank water and then saw the male walk through the kitchen and exit the residence through the back door. The 9YO then told his juvenile brother and sisters he observed a male in their mother's bedroom. The 9YO then woke up Anthony and told him about the male. The sixteen year old sister said she was sleeping in [REDACTED] bedroom when she heard the front door open. The 16YO said she went to check on her brother and sisters in the sister's room when the 9YO brother came into the room and said he observed a male in [REDACTED] room. The 16YO said she exited the residence and observed the male exit their backyard through the side gate. The thirteen year old sister said she observed the male sitting on the side of the driveway behind a vehicle after he exited the backyard. [REDACTED] permitted the 9YO to participate in a one-on-one identification. The 9YO rode on [REDACTED] lap to the Tiago address where the male was. The 9YO was advised the male may or may not be the male he observed in his house. When the 9YO saw the male, he identified Rafael as the male he observed in his house. The 9YO stated he believed the male was the suspect because of his facial hair and his jacket.

Following Rafael's arrest, he refused to identify himself after being given a lawful order by Officer [REDACTED] on-scene. Rafael was identified after a search incident to arrest of his person was conducted by Officer [REDACTED] and his wallet was found in his pocket. An Arizona Driver License was inside the wallet. Officer [REDACTED] also located a glass pipe with burnt residue in Rafael's pants pocket.

A wants/warrants inquiry was conducted and Rafael was also found to have five warrants for his arrest. Rafael was transported to the Gilbert-Chandler Unified Holding Facility, fingerprinted and photographed. Rafael was booked on TWO COUNTS of TRESPASSING IN THE FIRST DEGREE, ONE COUNT of POSSESSION OF DRUG PARAPHERNALIA AND ONE COUNT OF FAILING TO PROVIDE A TRUE FULL NAME.

Victim desires to aid in prosecution against defendant. Victim stated she would be "pissed" if defendant was released from custody. Victim stated she is uncomfortable knowing defendant has been in her house with her children.