



WINDSOR POLICE DEPARTMENT

CASE FILE COVER PAGE AND INVENTORY



12-05-2020

2020-00188

INCIDENT DATE

INCIDENT NUMBER

PLEASE INDICATE BY EACH DEFENDANT(S) NAME WITH EITHER (A) FOR ADULT OR (J) FOR JUVENILE

DEFENDANT(S) NAME

CHARGE(S)

NAZARIO, CARON RENE

18.2-460 Obstruction of Justice w/
Force(M)

46.2-817 Eluding Police(M)

Officer D. Crocker

INVESTIGATOR

1 E. Windsor Blvd.

LOCATION OF OFFENSE

Chief R.D. Riddle

REVIEWING SUPERVISOR

ATTACHED	NOT NEEDED	NEEDED	# OF PAGES	ITEMS	ATTACHED	NOT NEEDED	NEEDED	# OF PAGES	ITEMS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		CRIMINAL INCIDENT REPORT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SEARCH WARRANT & AFFIDAVIT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		INVESTIGATORS NARRATIVE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		CONSENT SEARCH FORM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		WARRANT OR PETITION OF ARREST	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		PHYSICAL EVIDENCE LIST
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		WITNESS TESTIMONY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		PROPERTY AND EVIDENCE FORMS:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		WITNESS WRITTEN STATEMENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		LAB REQUEST FOR EXAM (RFLE)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		VIDEO STATEMENT OF ACCUSED	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		LAB REPORT
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		RIGHTS FORM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		IMPOUND / VEHICLE TOW SHEET
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		WITNESS LIST: (NAME, ADDRESS, PHONE)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SEIZURE PAPERWORK
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		PHOTOGRAPHS & MUG SHOTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		EVIDENCE ATTACHMENTS:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		CRIME SCENE SKETCH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		EMS PATIENT CARE/TRIP REPORT - MEDICAL INFO.

DATE ACCUSED TRIED:

ACCUSED TRIED IN: Circuit Court Part General District Court Juvenile Domestic Relations District Court

ACCUSED TRIED AND FOUND Guilty Not Guilty Dismissed Not Prosecuted (Include reason in Final Disposition)

FINAL COURT DISPOSITION:

INCIDENT/INVESTIGATION REPORT

Windsor Police Department

Case # 2020-00188

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type
D R U G S					

Assisting Officers

Suspect Hate / Bias Motivated: *None*

NARRATIVE

On December 5, 2020 at 1834 hours Officers attempted traffic stop utilizing blue lights and sirens on a Black Chevrolet SUV with no tags displayed in the 80 block of E. Windsor Blvd. The vehicle continued to travel westbound on Windsor Blvd, at a low rate of speed in the outside lane, blue lights and sirens were still activated. The vehicle made a lane change in the 12 block of E. Windsor Blvd., and finally came to stop at 1 E. Windsor Blvd. A high risk stop was conducted. Driver would not comply with verbal command to turn the vehicle off and place his hands outside the vehicle. Driver put hands outside the window. Upon approach of the vehicle, driver was still failing to comply to get out of the vehicle. When officer attempted to unlock and open the drivers door, the driver hit the officers hand away. The driver still refused to comply to get out of the vehicle at which time the driver was OC sprayed. The driver then stepped out of the vehicle, however refused to comply and lay on the ground. After a short struggle officers gained control and was able to get the driver detained. Medics were requested and arrived to check the driver out. At this point the driver was identified by his VA operator's licenses as CARON NAZARIO. Driver was assessed by medics and stated they were no longer needed. NAZARIO was coached on how to overcome OC spray and he regained his vision and could read at distance. NAZARIO was then released.

REPORTING OFFICER NARRATIVE

Windsor Police Department

OCA
2020-00188
Date / Time Reported
Sat 12/05/2020 18:45

Victim <i>Society</i>	Offense <i>OBSTRUCTING JUSTICE WITH THREATS /</i>
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THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On December 5, 2020 at 1834 hours, in my marked patrol vehicle, I attempted a traffic stop utilizing blue lights and sirens on a Black Chevrolet SUV with dark tinted windows with no license plate displayed in the 11400 block of Windsor Blvd. The vehicle continued to travel westbound on E. Windsor Blvd, at a low rate of speed in the outside lane, blue lights and sirens were still activated. The driver willfully and wantonly disregarded my patrol vehicle's blue lights and sirens and continued to travel westbound on Route 460. I was unable to see inside the vehicle due to the window tint on all the windows. Officer Gutierrez came up EB and turned around and followed behind me with his blue lights and sirens activated. The vehicle made a lane change in the 12 block of E. Windsor Blvd. The vehicle finally came to stop at 1 E. Windsor Blvd. A high risk traffic stop was conducted at 1 E. Windsor Blvd due to the driver eluding police, the dark window tint which did not allow officers to see inside, and no license plates displayed on the vehicle. When the vehicle came to a stop, the driver side window was still up. I gave commands to roll the window down at which time the driver did. The driver was given several commands to put his hands outside the window and he would not comply, however he did put his elbow out the window. The driver eventually put his hands outside the window however they were closely together. The driver then told myself he was the only occupant inside the vehicle when asked. The driver was given several commands to open the door and step out of the vehicle and the driver failed to comply. Upon approach of the vehicle, Officer Gutierrez transitioned to his taser and I held cover. The driver was still failing to comply to get out of the vehicle. The driver stated he had not committed any crime and he did not have to get out of the vehicle on a traffic stop. The driver had his hands outside of the vehicle, and Officer Gutierrez put his taser away and grabbed his arm, at which time I holstered my service weapon. The driver was actively resisting. When I attempted to unlock and open the driver's door, the driver assaulted myself, by striking my hand away and pulled away from Officer Gutierrez's grip. At this time, Officer Gutierrez advised myself to step back. Officer Gutierrez gave several more commands to comply with orders or he would be sprayed with his OC spray. The driver refused to comply with orders, therefore, Officer Gutierrez deployed his OC spray. The driver was given several more commands to take his seatbelt off and get out the vehicle. The driver did not and only kept his hands in the air. Officer Gutierrez unlocked and opened the door. At this time, I requested medics to respond to assess the driver. The driver then unbuckled his seatbelt, and was instructed to get out of the car and lay on the ground. The driver was told to get on the ground several times and refused to do so, at which time, Officer Gutierrez attempted to take control and assist the driver to the ground. In attempt to get the driver on the ground, the driver was actively resisting, Officer Gutierrez delivered knee strikes to try to gain compliance. The driver went down on one knee however would not lay flat. Officer Gutierrez had control of the driver's right arm and I took control of the left. At which time I was able to place one handcuff on the driver's left wrist. The driver was given several commands to lay down on the ground and he was actively resisting laying all the way down. The driver knowingly continued to obstruct the orders given to him by Officer Gutierrez and I, while we were acting in the performance of our duties and failed to cease the act of disobeying all orders. Eventually we were able to get the driver on the ground and was able to place the other handcuff on his right wrist. At which time the driver was detained. The driver was immediately rolled over and sat up, then assisted him in standing. The driver stated there was a weapon in the vehicle. The driver requested we roll his windows down due his dog in the back of the car at which time I did. He also requested water, therefore I went in the gas station and got a cup of water for him. Medics arrived and assessed the driver. A towel was provided by EMS to wipe the driver's face and I coached him on how to overcome the reaction from the oleoresin capsicum spray. The driver stated he did not comply because he was uncomfortable with it being dark in the area. At this time, I had dispatch notify the Lieutenant of the situation. The driver was coached more how to overcome the spray by EMS and myself. The driver requested his hands be readjusted in the handcuffs, and I uncuffed his left hand to make the readjustment. The driver told us his identification cards were in his pocket on his left sleeve, at which time Officer Gutierrez retrieved his military identification card and his Virginia operator licenses. I went back to my police car and ran his VA operator licenses through DMV and NCIC and was identified as CARON NAZARIO. NAZARIO came back licensed in VA and had

REPORTING OFFICER NARRATIVE

Windsor Police Department

OCA
2020-00188
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Victim Society	Offense OBSTRUCTING JUSTICE WITH THREATS /
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a valid concealed handgun permit. After I ran his licenses, upon approaching the vehicle, I noticed the temporary NY licenses plate in the rear windshield, taped in the upper right side of the vehicle glass. NAZARIO stated he had a handgun "right there" while he was looking in the direction of his vehicle. I went over to the vehicle and recovered the OD green with black slide 9mm handgun out the center console in the area of the driver's right leg. The handgun was out of plain view from common observation. The handgun was made safe, and the serial number XD996874 was given to dispatch to check NCIC for stolen. The handgun came back no record. The handgun was then placed back in the driver's seat in the safe position with the slide locked back and the magazine removed. NAZARIO denied any chest pain or shortness of breath. NAZARIO then requested I check on his dog at which time I did and opened the trunk and the dog seemed to be in good condition. NAZARIO stated he did not comply due to looking out of the window and saw guns drawn. At this time, Chief Riddle arrived on scene off duty and he was briefed on the incident. NAZARIO stated he no longer required any further assistance from EMS and they cleared. NAZARIO was explained in detail the circumstances and he stated he understood what we were thinking. NAZARIO was explained the two options on how we could proceed. NAZARIO was explained that he could be charged with improper display of license plates, obstruction of justice with force, misdemeanor elude, assault on a law enforcement officer or we could not charge him due to him be active duty military, a Lieutenant up for promotion, and the fact of the military could also discipline NAZARIO for the incident. I did not want to see NAZARIO's career be ruined by poor judgement. NAZARIO chose not be charged. NAZARIO was uncuffed. Officer Gutierrez and I stayed with NAZARIO and continue to offer support and coaching until all symptoms of the OC spray had dissipated and he had his vision back. I got NAZARIO a bottle of water and then cleaned his glasses off that he uses for night time driving. NAZARIO had his vision back and could read signs at distance and then he got back in his vehicle and left 1 E. Windsor Blvd traveling WB on route 460.

Incident Report Suspect List

Windsor Police Department

OCA: 2020-00188

1	Name (Last, First, Middle) <i>NAZARIO, CARON RENE</i>					Also Known As					Home Address [REDACTED]					
	Business Address															
	DOB [REDACTED]	Age 27	Race B	Sex M	Eth	Hgt 510	Wgt 175	Hair BRO	Eye BRO	Skin	Driver's License / State. [REDACTED]					
Scars, Marks, Tattoos, or other distinguishing features																
Reported Suspect Detail																
Suspect Age		Race	Sex	Eth	Height		Weight			SSN [REDACTED]						
Weapon, Type		Feature		Make		Model			Color		Caliber		Dir of Travel Mode of Travel			
VehYr/Make/Model				Drs	Style		Color		Lic/St			VIN				
Notes										Physical Char						

Incident Report Related Vehicle List

Windsor Police Department

OCA: 2020-00188

1	VehYr/Make/Model <i>2020 CHEV, Tahoe</i>		Style <i>SUV</i>		Color <i>BLK</i>		Lic/Lis <i>[REDACTED]</i>		VIN <i>[REDACTED]</i>			
	IBR Status <i>None</i>		Date <i>12/05/2020</i>		Location <i>1 E WINDSOR BLVD, WINDSOR VA</i>							
	Condition		Value <i>\$0.00</i>		Offense Code <i>999</i>		Jurisdiction <i>Locally</i>		State #		NIC #	
	Name (Last, First, Middle) <i>Nazario, Caron Rene</i>				Also Known As				Home Address <i>[REDACTED]</i>			
	Business Address								<i>[REDACTED]</i>			
	DOB <i>[REDACTED]</i>	Age <i>27</i>	Race <i>B</i>	Sex <i>M</i>	Hgt <i>510</i>	Wgt <i>175</i>	Scars, Marks, Tattoos, or other distinguishing features					

Notes



Windsor Police Department Incident Report Narrative



On Saturday, December 5th, 2020 at 1834 hours I heard Officer Crocker call out a traffic stop at 11400 Windsor Blvd. As I was heading towards him from 20 W. Windsor Blvd. I heard Crocker state the vehicle was not stopping, continuing west bound on Windsor Blvd. I turned around at E. Windsor Blvd. and Shirley Dr. getting in behind Crocker with lights and sirens activated. The vehicle maintained a very low speed. The vehicle stopped at 1 E. Windsor Blvd. Based on the fact that the vehicle had no tag displayed, the driver took so long to stop and the extremely dark window tint it was decided to conduct a high risk traffic stop. The occupant, later identified as CARON NAZARIO, was told approximately 6 times to show his hands and he refused. NAZARIO was told approximately 20 times to exit the vehicle by Crocker and myself. NAZARIO stated he was serving his country and should not be treated this way. I told NAZARIO that I too had served this country and I learned to obey orders. NAZARIO now had both hands in plain sight so I kept Crocker on lethal force and I transitioned to my Taser. NAZARIO continued to refuse to comply and exit the vehicle. I attempted to go hands on with NAZARIO and he pulled away from me and continued to refuse to comply. Crocker attempted to reach in and unlock the vehicle and NAZARIO slapped his hand away. I transitioned to my pepper spray and again gave multiple commands to NAZARIO to exit the vehicle. Crocker again tried to talk NAZARIO out of the vehicle and he refused. I then deployed pepper spray however NAZARIO was able to block my first attempt with his left hand. I sprayed a second time and NAZARIO turned away and I sprayed the side of his head and neck. My third spray was to his face. After being sprayed NAZARIO continued to refuse to comply with orders to exit his vehicle. I was able to reach in and unlock and open the door. NAZARIO had his hands up but was not complying with commands to unbuckle his seatbelt and exit the vehicle. NAZARIO eventually removed his seatbelt and was told to exit the vehicle and get on the ground multiple times. NAZARIO exited the vehicle and refused to get on the ground as instructed. NAZARIO stiffened his upper body and refused to get on the ground. I delivered 2 knee strikes to his right thigh in an attempt to gain control and take him to the ground and this did not work. Once at the rear of the vehicle NAZARIO went down to one knee however continued to resist. NAZARIO put his other knee on the ground and both hands but was not complying with orders to lay flat. During the struggle with NAZARIO my body worn camera was compressed between us and stopped recording. I had ahold of the middle of his shirt with my left hand and with my right hand I was trying to get his right arm behind his back and was unsuccessful. NAZARIO eventually complied and we were able to get NAZARIO on the ground and handcuffed. NAZARIO was immediately rolled up into a seated position and then helped up to his feet. Crocker asked NAZARIO if he had any weapons on him and he said no. Crocker then asked NAZARIO if there were any weapons in the vehicle and he said yes. Crocker recovered a loaded 9mm semiautomatic pistol from the center console of the vehicle. NAZARIO was provided water and care until the arrival of

medics. NAZARIO was treated by medics. NAZARIO was concerned for his dog that was in a kennel in the rear of the vehicle so Crocker opened the windows and tailgate to allow airflow through the vehicle. NAZARIO stated the handcuffs were hurting his right wrist so we adjusted that cuff. Chief Riddle arrived on scene and was briefed as to what transpired.

The two options we had at this time were to charge NAZARIO with Eluding Law Enforcement, Obstruction of Justice without violence and Assault on a Law Enforcement Officer or release him without any charges. I made the decision to release him without charges. The reason for this decision is simple; the military is the only place left where double jeopardy applies. Meaning that regardless of what happened in civilian court the military could still take punitive actions against him. Being a military veteran I did not want to see his career ruined over one erroneous decision. Crocker and I stayed with NAZARIO until his vision had returned and the effects of the pepper spray had subsided.

REQUEST FOR WITNESS SUBPOENA
Commonwealth of Virginia

VA. CODE §§ 8.01-407, 16.1-265, 17.1-617, 19.2-267
Rules 3A:12, 7A:12, 8:13

(PLEASE PRINT)

Isle of Wight
CITY OR COUNTY
 GENERAL DISTRICT COURT (Civil Criminal Traffic)
 JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Please subpoena the witnesses below to appear before the Court on the date shown. (See Va. Code § 17.1-617 regarding limitation on compensation of subpoenaed witnesses.) Requests for subpoenas for witnesses should be filed at least ten days prior to trial or hearing.

WITNESSES (IF MAILING ADDRESS IS RFD, P.O. BOX, ETC., PLEASE INDICATE LOCATION WHERE WITNESSES CAN BE FOUND.)

<p>Ofc. D. A. Crocker NAME (LAST, FIRST, MIDDLE) Windsor Police Department STREET ADDRESS/LOCATION Windsor, VA 23487 CITY, STATE, ZIP CODE Isle of Wight <input type="checkbox"/> CITY OF <input checked="" type="checkbox"/> COUNTY NAME (757) 242-6799 TELEPHONE NUMBER</p>	<p>Ofc. J. Gutierrez NAME (LAST, FIRST, MIDDLE) Windsor Police Department STREET ADDRESS/LOCATION Windsor, VA 23487 CITY, STATE, ZIP CODE Isle of Wight <input type="checkbox"/> CITY OF <input checked="" type="checkbox"/> COUNTY NAME (757) 242-6799 TELEPHONE NUMBER</p>
<p>NAME (LAST, FIRST, MIDDLE) STREET ADDRESS/LOCATION CITY, STATE, ZIP CODE <input type="checkbox"/> CITY OF <input type="checkbox"/> COUNTY NAME () TELEPHONE NUMBER</p>	<p>NAME (LAST, FIRST, MIDDLE) STREET ADDRESS/LOCATION CITY, STATE, ZIP CODE <input type="checkbox"/> CITY OF <input type="checkbox"/> COUNTY NAME () TELEPHONE NUMBER</p>

CASE NO.
2020-00188

REQUEST FOR WITNESS SUBPOENA

Commonwealth of Virginia
 CITY COUNTY TOWN of
Windsor, VA

NAME OF PLAINTIFF(S)/PETITIONER(S) (LAST, FIRST, MIDDLE)
(IN CIVIL CASES ONLY)

v./ In re

NAZARIO, CARON RENE

NAME OF DEFENDANT/CHILD (LAST, FIRST, MIDDLE)
LIST ONLY ONE DEFENDANT

Charge: 18.2-460 Obstruction of Justice w/ Force
(TRAFFIC OR CRIMINAL CASE)

COURT DATE AND TIME:

REQUEST ON BEHALF OF

Commonwealth City, County, Town of
 PLAINTIFF(S) DEFENDANT(S) JUVENILE
 PETITIONER RESPONDENT

REQUESTED BY:

PRINTED NAME

SIGNATURE

() TELEPHONE NUMBER

COURT USE ONLY

DATE RECEIVED

DATE ISSUED