

INTERIM COMPLAINT

Offense Time/Date: 12/18/22

Offense Location: [REDACTED]

Arrest Time/Date: 1725 1/18/23

Date: 1/18/23 Arrest Location: 1750 E BENSON HWY

STATE OF ARIZONA

vs.

Court Justice
Pima County, State of Arizona

Ricardo Garcia
Defendant's Name (Please Print)

No. 1

Precinct No. 1
Arresting Agency Pima County Sheriff
Agency Case No. 221218031
Arresting Officer Hilborn #6888

BOND RECOMMENDATION

High Bond Low Bond
No Recommendation X
Hold Without Bond

INTERIM COMPLAINT: To be used only where necessary to comply with the provisions of Rule 4.1, Arizona Rules of Criminal Procedure.

PLEASE PRINT CHARGING INFORMATION

The undersigned, having appeared personally and having been duly sworn does, upon information and belief, accuse Ricardo Garcia of Sexual Assault (F2) of the crime(s)

committed on the 18th day of December, 2022, in Pima County, in violation of A.R.S. Section A.R.S. 13-1406A

Statute(s)

01-19-23
Date

[Signature]
Complaining Witness

[Signature]
Name and Agency (Please Print)

Statement of Probable Cause:

On December 17, 2022 Ricardo Garcia hosted a party at his residence in which the victim, [REDACTED] attended along with other co-workers. Early in the morning of December 18, 2022 [REDACTED] called the Pima County Sheriff's Department to report a sexual assault and requests for a Deputy to respond. Deputies interviewed [REDACTED] and he stated [REDACTED] had been drinking alcohol to the point where he and Mr. Garcia had to assist her into the bed of a guest bedroom. [REDACTED] and Mr. Garcia then exit the bedroom. [REDACTED] later returned to the bedroom and found that the door was now locked. He was able to open the door using a plastic utensil and found Mr. Garcia was laying in the bed with [REDACTED] was now wearing only a bra and her underwear. [REDACTED] spoke with Mr. Garcia and told him that she

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1/18/23
Date

Hilborn #6888
Reporting Officer / Badge No.

This court has found reasonable cause to believe that such offense was committed and that the defendant committed it.

1/18/23
Date

[Signature]
Justice of the Peace / Magistrate

Defendant's Name: Ricardo Garcia

Agency Case No. 221218031

Statement of Probable Cause continued:

was too intoxicated and to let her be. [REDACTED] and Mr. Garcia exit the room again. [REDACTED] came back to the room and found the door was closed and locked again. [REDACTED] again used the plastic utensil to unlock the door. [REDACTED] stated he entered the room and found that Mr. Garcia was now nude from the waist down and sitting on the floor with [REDACTED]. [REDACTED] was still wearing her bra and underwear and had her head resting on Mr. Garcia's lap. [REDACTED] stated he again told Mr. Garcia to let her be and that she was too intoxicated. He stated he then walked Mr. Garcia out of the room and waited until he saw him go back into his bedroom. [REDACTED] left again to call for his ride. He later stated the reason why he kept leaving was to call his wife to ensure she was on her way and that he did not want Mr. Garcia to hear him making the phone calls and become upset. [REDACTED] returned to the bedroom a third time and again found that the door was closed and locked. He unlocked the door using the plastic utensil. Upon entering the room he found that [REDACTED] was fully nude lying face down in the bed with her buttocks in an elevated position. Her face was lying in between two pillows. Mr. Garcia was now fully clothed and appeared as if he was just about to leave the room. [REDACTED] spoke with Mr. Garcia and told him that he would help take [REDACTED] home. Mr. Garcia eventually told [REDACTED] to get out of his house. [REDACTED] then left the residence and called for a deputy to respond and assist. [REDACTED] stated that at one point he noticed the bed [REDACTED] was on appeared soiled and it seemed as if she had urinated on herself. He stated she appeared to be heavily intoxicated and that she was giving incoherent responses to him and slurring her speech. When he spoke with her she [REDACTED] was interviewed by a deputy and detectives that same day. During this interview her words were slurred, she repeated her statements and questions and other signs and symptoms of impairment. She stated that nothing had happened and that she did not remember anything other than going to the room to sleep. She then stated nothing sexual had happened in the room. A follow up interview was conducted with [REDACTED] by detectives on another day. During that interview she stated she did not recall what had happened but that she had been embarrassed to admit she was feeling soreness in her vaginal and anal areas. She also disclosed that Mr. Garcia had sent her text messages asking why the police wanted to talk to him and that he had called her as well. She stated that during that phone call Mr. Garcia told her that they had sex. She told him she did not remember that and he commented that she should not say that. [REDACTED] requested to participate in a sexual assault examination. She also said she hasn't had sex in several months.

A search warrant was obtained and DNA evidence was collected from Mr. Garcia in the form of buccal swabs and penile swabs. Evidence was also collected from Mr. Garcia's residence for DNA testing. The evidence collected was sent out for DNA testing and the results were received on January 17, 2023. The report of the results noted that male DNA in an insufficient amount for STR was located on the inside crotch of [REDACTED] underwear in a stain and inside crotch of her pants in a sperm fragment. For the cell fragment [REDACTED] was excluded and Mr. Garcia could not be excluded as a contributor. It was additionally noted that if Mr. Garcia and [REDACTED] are the only two contributors then the analysis provides a very strong support for the proposition that Mr. Garcia is the contributor to the male DNA profile. There was no male DNA located in [REDACTED] vaginal swabs, but there was an insufficient amount of male DNA identified on [REDACTED] anal swabs.

Mr. Garcia is currently denying the allegations of sexual assault.

Justification for Bond Recommendation: