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**SKAGIT COUNTY SUPERIOR COURT
STATE OF WASHINGTON**

STATE OF WASHINGTON,
Plaintiff,

vs.

ERNESTO LEE RIVAS,
Defendant.

Co-Defendant: Austin Isaiah Gonzales; #16-1-
01289-1

NO: 16-1-01284-1

INFORMATION

TO: **ERNESTO LEE RIVAS**

AKA: UNK

DOB: JULY 10, 1972

LKA: 824 N LAVENTURE RD., MOUNT VERNON, WA 98273

PHY: HISPANIC/MALE/HT: 5'07"/150 LBS/BRN EYES/BLK HAIR

ID#: SID#:WA14159416; DOL#: WA RIVASEL288MS; DOC#:975295

AGENCY: SCSO #16-ST0006

By this Information, the Skagit County Prosecuting Attorney accuses you of the crime of:

COUNT I

**Attempted Murder in the First Degree — Premeditated Murder — RCW 9A.28.020 and
RCW 9A.32.030(1)(a) - Class A Felony**

On or about December 15, 2016, in the County of Skagit, State of Washington, the above-named Defendant, with the intent to commit First Degree Murder-Premeditated Murder, the elements of which crime are: causing the death of another person, with premeditated intent to cause the death of that person, to wit: Officer Mike McClaughry, did do an act which was a substantial step towards the commission of that crime, contrary to Revised Code of Washington 9A.32.030(1)(a) and 9A.28.020.

(Maximum Penalty — Life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.32.030(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.) (Minimum Penalty—Pursuant to RCW 9.94A.540(1)(a), this crime is punishable by no less than twenty (20) years mandatory total confinement imprisonment without availability of furlough, work release, earned release time, or other leave of absence from confinement during such minimum twenty (20) year term except for emergency medical treatment or an extraordinary medical placement under RCW 9.94A.728(4).)

INFORMATION
(Revised 10/2012 by ddm)

COPY

SKAGIT COUNTY PROSECUTING ATTORNEY
605 S. 3RD ST. — COURTHOUSE ANNEX
MOUNT VERNON, WASHINGTON 98273
PH: (360) 336-9460

(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(32), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(32)(a) and 9.94A.120(4) or 9.94A.570.)

SKAGIT COUNTY PROSECUTING ATTORNEY

DATED: January 17, 2017

By: Rosemary H. Kaholokula
ROSEMARY H. KAHOLOKULA, WSBA#25026
CHIEF CRIMINAL DEPUTY PROSECUTOR

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ERNESTO LEE RIVAS,
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Co-Defendant: Austin Isaiah Gonzales;
#16-1-01289-1

NO: 16-1-01284-1

MOTION FOR WARRANT
(PROBABLE CAUSE)

COMES NOW the Skagit County Prosecuting Attorney and moves the Court to issue a Warrant to the Defendant:

ERNESTO LEE RIVAS

LKA: 824 N LAVENTURE RD., MOUNT VERNON, WA 98273
DOB: JULY 10, 1972
DOL: WA RIVASEL288MS

1. I, Rosemary H. Kaholokula, am a Deputy Prosecuting Attorney for Skagit County and make this motion in that capacity; and
2. The above-named Defendant is accused of a crime by a document on file; and
3. Probable cause appears to exist to believe that the defendant committed the offense charged based on the attached affidavit of Kevin Sigman, Detective.

SKAGIT COUNTY PROSECUTING ATTORNEY

DATED: January 17, 2017

By: Rosemary H. Kaholokula
ROSEMARY H. KAHOLOKULA, WSBA #25026
CHIEF CRIMINAL DEPUTY PROSECUTOR

SKAGIT COUNTY SHERIFF'S OFFICE
AFFIDAVIT

State of Washington}
County of Skagit}

STATE vs. Ernesto Lee RIVAS, DOB: 07/10/1972
Austin Isaias GONZALES, DOB: 11/01/2000
Roberto LOPEZ Jr., DOB: 11/06/2001

I, DETECTIVE Kevin Sigman, depose and say, I am a commissioned Sheriff's Detective for the County of Skagit and have been a commissioned law enforcement officer since 1995. I have been assigned to Investigations since 2013. I have completed Washington State Criminal Justice Basic Law Enforcement Academy and have attended or participated in numerous classes and seminars pertaining to BAC datamaster, drug recognition, field training officer, defensive tactics instructor, interview techniques, Spanish language, chemical munitions deployment, noise flash diversionary device deployment, excited delirium for investigators, electronic surveillance, one party consent applications, narcotics wires, death and homicide investigation, open source intelligence techniques, detective and new criminal investigator, FBI crime scene processing and introduction to forensics, officer involved shooting investigations, and other law enforcement related topics. I am certified in child interviews.

On December 15, 2016 at about 7:27 p.m., Mount Vernon Police Department officers went to the residence of ERNESTO RIVAS at 824 N Laventure Road, in Mount Vernon WA, within Skagit County to contact possible subjects involved in a previous weapon offense.

In that incident, which occurred at about 5:36 p.m., a subject later identified as KYLER PARKER (also known as KYLER VALLEJO) went to Skagit Valley Hospital with a gunshot wound in his neck and indicated to officers that the shooting had occurred in the area of 824 N Laventure Rd. PARKER has been known to be associated with the Sureno gang. He had been in the 900 block of N Laventure Road when the car he was riding in broke down due to a flat tire. He was with several individuals, who investigators have identified as S.S.-C., J.V.-V., and possibly D. V. PARKER was able to summons assistance and a relative arrived and took D.V. with them to get a tire for the vehicle. Witnesses to this incident have reported that two individuals approached the vehicle that was broken down from a residence located north of the vehicle. A heavy set Hispanic male with a red bandana over his face pulled out a revolver from his waistband and shot PARKER in the neck. The shooter was additional described by witnesses as wearing a black and gray shirt. He was accompanied by a thin, taller Hispanic male with medium length, wavy hair. Another witness reported that the thinner male may have been wearing a black beanie cap and had khaki pants. Both of these males ran back to 824 N. Laventure Rd and entered the backyard through a fence on the property. One of the witnesses advised that the heavy set male had a revolver in his hand while running away from the shooting scene. Another witness stated that the individuals running toward 824 N. Laventure Rd were young and running fast.

Mount Vernon Police K9 team tracked from the scene of the initial shooting toward 824 N Laventure Rd, which led officers to that address. Officers from multiple other agencies set up containment in the area of 824 N Laventure Rd and observed that surveillance cameras

were mounted on the exterior of the residence. Officers watched as Mount Vernon officers approached the west side of the residence and could hear them calling out to subjects inside. Within seconds after Mount Vernon officers approached the front door, multiple gunshots were fired from inside the residence, striking a Mount Vernon officer outside and causing a life threatening injury. Mount Vernon OFFICER LIZ PAUL and Mount Vernon DETECTIVE BEN GREEN dragged the injured officer away from the residence as suspect(s) continued to shoot at officers and officers returned fire. Using a police vehicle, officers transported the wounded officer away from 824 N Laventure Rd to a safer location where aid crews had staged to meet them. The officer was taken to Skagit Valley Hospital and later transported to Harborview Medical Center, where he remains in critical but stable condition. Containment units remained at the residence for several hours and reported that subject(s) inside the house shot at them when they turned on their police spotlights and that the shooting would stop when they turned their lights off.

Officers interviewed C.G., who described herself as being a relative of ERNESTO RIVAS and someone whom he confides in. C.G. said that RIVAS had called her and admitted to her that he had shot a police officer in the head and said that RIVAS would probably "die tonight". RIVAS also called local police dispatch, where his call was transferred to police negotiators. During his conversations with negotiators, RIVAS referred to police officers as "fucking pigs" several times and asked negotiators where he had shot the officer, asking if it was in the head or in the chest. During the negotiation detectives were able to determine that it sounded as though there were juveniles in the background that were joking around and having fun during the stand-off.

RIVAS was taken into custody by law enforcement after chemical agents were deployed into his residence. Also taken into custody from within the residence were AUSTIN GONZALES and ROBERTO LOPEZ. Nobody else was located in the residence.

RIVAS was transported to the Skagit County Sherriff's Office and was given medical attention for his exposure to the chemical agents. RIVAS was wearing a black long sleeve shirt underneath of a black t-shirt and black pants. He had 9mm ammunition and a 9mm magazine in his pant pocket. He is described as being 5'7" tall, weighing 150 pounds, with short black hair and brown eyes. RIVAS was read his Constitutional rights by detectives and he stated that he understood his rights and would answer questions. RIVAS said that he is a Norteno gang member and when officers came to his house that he became nervous about the body armor and numerous weapons he had inside. I know through my training and experience as a law enforcement officer that the Norteno gang refers to a criminal organization associated with the color red, the number 14, and the letter "N". They are alternatively identified by the words "North Side" and "North Sider", among others. They are a rival to the Sureno gang. RIVAS said he then "strapped up", donning his body armor and loading his firearms. RIVAS would not admit to shooting the Mount Vernon Police officer. Upon arrest, RIVAS stated that he had several explosive Molotov cocktails in his yard, which was later confirmed by law enforcement officials who located four Molotov cocktails in a garbage can on the property.

GONZALES was transported to the Sheriff's Office and interviewed by detectives. GONZALES was wearing a red jersey and blue jeans. GONZALES is described as being 5'11" tall, weighing 230 pounds, with brown eyes and short cut black hair. GONZALES was read his Constitutional rights by detectives and he stated that he understood his rights and would answer questions. GONZALES admitted that his DNA may be present on a gun

in the house and on some body armor located inside the house. He also stated that he met with ROBERTO LOPEZ earlier that day and that they were at RIVAS' home smoking "weed".

LOPEZ was transported to the Sheriff's Office and interviewed by detectives. LOPEZ was wearing a white long sleeve shirt underneath of a black t-shirt with the words "North Side" and "North Sider" imprinted on it, a black San Francisco hat with the letters "SF" printed on the front of it, and blue pants. LOPEZ is described as being 5'11" tall, weighing 150 pounds, with brown eyes, medium length wavy brown hair, and light facial hair. LOPEZ was read his Constitutional rights by detectives and he stated that he understood his rights and would answer questions. LOPEZ said that RIVAS, GONZALES, and he were at the house. LOPEZ admitted that he arrived at RIVAS' home about 1530-1600 and didn't recall who was there when he arrived, but did say that RIVAS' roommate was there also, although he didn't know his name and couldn't describe him. LOPEZ said that he didn't leave the residence or go anywhere from the time he arrived until the police arrived. LOPEZ also stated that he knew that a police officer had been shot but LOPEZ stated that he didn't shoot the officer. LOPEZ also described that RIVAS' residence was a Norteno house.

During follow-up investigation, a second hand witness who is related to PARKER reported that during the initial shooting in which PARKER was shot, RIVAS was standing near his fence at 824 N Laventure Rd yelling at the shooters that they needed to shoot at them (the group whose vehicle had broken down). This same witness also reported that when driving through the area just before the initial shooting they observed other individuals near the residence, who were identified as A.E. and J.F-E. Their presence at the residence has not been confirmed by any other witnesses or suspects.

An additional witness reported that he observed ERNESTO RIVAS, AUSTIN GONZALEZ, and another male with some light facial hair and wearing a San Francisco hat at the residence between the time periods of the initial shooting and the shooting of OFFICER MCLAUGHRY. LOPEZ has light facial hair and had a black hat San Francisco Giants hat with the letters "SF" imprinted on the front of it. This witness observed police activity in the immediate vicinity and described the individuals at the residence as being quiet. He knew that something was wrong as they kept looking out the back slider door and didn't want to tell him what happened. The witness left the residence prior to the second shooting.

RIVAS has been convicted of eight felony offenses, which includes two crimes of violence - Assault 2 and Attempted Assault 2. Based on this information, RIVAS is restricted from possessing firearms.

Pursuant to Skagit County District Court search warrants detectives searched the residence at 824 N Laventure Rd and recovered four weapons, to include a .38 caliber revolver, a .22 caliber semi-automatic pistol, a 9mm semi-automatic pistol, and a .22 caliber rifle. They also seized ammunition from within the residence. Detectives located several pieces of body armor inside the residence, to include two sets of body armor in the hallway. Detectives also recovered a black and gray sweater inside the residence. During a search of RIVAS' cellular telephone several text messages were exchanged with associates. In one message RIVAS' stated, "No o just shot a cop" when someone asked if he was "ok". Other associates encouraged RIVAS to give up.

Based on the above information I am at this time requesting that :

1) ERNESTO RIVAS, DOB: 07/10/1972, be charged with one count of Attempted Murder in the First Degree (RCW 9A.32.030).

2) AUSTIN GONZALES, DOB: 11/01/2000, be charged with one count of Attempted Murder in the Second Degree (RCW 9A.32.050), and one count of Attempted Murder in the First Degree (RCW 9A.32.030).

3) ROBERTO LOPEZ, DOB: 11/06/2001, be charged with one count of Attempted Murder in the Second Degree (RCW 9A.32.050), and one count of Attempted Murder in the First Degree (RCW 9A.32.030).

I certify under penalty of perjury and the laws of the state of Washington that the foregoing is true and correct to the best of my knowledge (RCW 9A.72.085).



Signature: Detective Kevin E. Sigman in Mount Vernon, Washington on 12/20/16

Case: 16-ST0006
SKAGIT COUNTY