

**STATE OF INDIANA
MARION COUNTY, ss:**

**IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION**

Cause No: 49D27

STATE OF INDIANA)
)
 vs.)
)

INFORMATION

COUNT I

AGGRAVATED BATTERY

I.C. 35-42-2-1.5(2)

A LEVEL 3 FELONY

COUNT II

BATTERY BY MEANS OF A DEADLY WEAPON

I.C. 35-42-2-1(c)(1) and I.C. 35-42-2-1(g)(2)

A LEVEL 5 FELONY

**STEVE VALDEZ-RIVERA W/Male
DOB 5/16/2003**

On this date, the undersigned Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, being duly sworn on his/her oath (or having affirmed), says that in Marion County, Indiana

COUNT I

On or about February 6, 2024, STEVE VALDEZ-RIVERA did knowingly or intentionally inflict injury on DY that caused protracted loss or impairment of the function of a bodily member or organ, to-wit: leg and/or ankle;

COUNT II

On or about February 6, 2024, STEVE VALDEZ-RIVERA did knowingly touch RA in a rude, insolent, or angry manner, by shooting at and/or against RA; said touching being committed with a deadly weapon, a firearm;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

February 14, 2024

Date

RYAN MEARS

Marion County Prosecutor

19th Judicial Circuit

/s/Kristin A. Orr

Kristin A. Orr, #28646-49

Deputy Prosecuting Attorney

State's Witnesses:

KENDALE LEWIS ADAMS
KEGAN ANDERSON
ELAINA C ANDREWS
ETHAN BARNETT
JACK BECKER
MACKENZIE BENEDICT
RYAN PATRICK BRAY
LEVI BUCKNER
JOHN ANTHONY BURRELLO
DANIEL JAMES BUTLER
CARLOS CANCHE
MARIAH CASTRO
ROBERT DAMON CHAPPELL
CHRISTOPHER MICHAEL CLOUSE
KELAND DANIELS
DANE ELKINS
MICHAEL JAMES GIBSON
FRANK MAURICE GUNN II
ANTHONY THOMAS HOLLOWAY
ALEXANDER KNOP
CHRISTOPHER JUSTIN LAWRENCE
JASON MATTHEW LEITZE
DANIEL J MAJORS
MARK EDWARD MCCARDIA
MATTHEW ADAM MCDONALD
WILLIAM MICHAEL MCINERNEY
JEREMY EVAN MESSER
JAMES AARON PERRY
GREGORY MITCHELL POPCHEFF
JOSEPH W REYNOLDS
BRYAN RUEL RIGBY
ANN FRANCIS RIVIR
GARTH AARON SCHWOMEYER
DREW SMOCK
JACK STEINACKER
GEORGE CLIFTON STEWART
AUSTIN STRANGE
JOSHUA SHAWN TAYLOR
MATTHEW TREECE
BRANDON URQUIDI
CHAISE WATKINS
RANDY WEITZEL
DY
RA
JB
RC
OF
AM
JH
JJ
BK
BM

KP
JR
DR
JR
DS
SS
MSE
AS
KT
RT
JT
LW
RW
IY

STATE OF INDIANA)
MARION COUNTY, SS)

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION

STATE OF INDIANA)

Cause No.: 49D27

vs.)

STEVE VALDEZ-RIVERA)

Defendant)

RACE W SEX M)

DOB: 5/16/2003)

MOTION FOR STAY AWAY ORDER UPON RELEASE ON BOND OR PERSONAL RECOGNIZANCE

Comes now the State of Indiana, by the undersigned Deputy Prosecuting Attorney, and hereby moves the Court to issue a STAY AWAY ORDER as a specific condition of the Defendant's pre-trial release in this cause. In support of this motion, the State alleges that:

1. The State has filed a criminal charge, or charges, in this cause.
2. There is a relevant nexus between the criminal charge(s) and the geographic area which encompasses the desired stay away order.
3. A Stay Away Order is necessary to ensure peace in the community until this cause is disposed of.
4. The Defendant has been arrested or charged with the commission of the crime(s) of Count 1: Aggravated Battery, a Level 3 Felony; Count 2: Battery by Means of a Deadly Weapon, a Level 5 Felony.
5. The State requests the Defendant stay away from: All Vasa Fitness Center locations in Marion County.

WHEREFORE, the State of Indiana respectfully requests that the Court issue the included STAY AWAY ORDER as a specific condition of the Defendant's pre-trial release.

/s/ Kristin A. Orr

Kristin A. Orr
Deputy Prosecuting Attorney

AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

Ann F. Rivir swears (affirms) that:

On February 6, 2024, at approximately 8:30 PM, IMPD Northwest District was dispatched to Vasa Fitness at 6965 W 38th St on an active shooter. While enroute, the run became a person shot. Upon arrival, officers located two males inside the business who had been shot. One of them was a 16-year-old, shot in the left ankle. He was transported to Riley Hospital. The other male was shot in the right calf and transported to Eskenazi Hospital.

Detectives Ann Rivir 2127 ID#20038, Joshua Taylor 2149 ID#T9421, and Randy Weitzel 2122 ID#W9269 responded to the scene. Detective Weitzel submitted a search warrant for Vasa Fitness which was granted by Judge Richard Hagenmaier, cause number 49D26-2402-MC-003723.

Detective Rivir viewed surveillance video with store manager KT. Sgt John Burrello R100 ID#B6879 responded to download the footage. BK, Asset Protection for Vasa Fitness, later provided more footage, photo, and scanning information. There were multiple people in the business working out when the incident occurred. A Hispanic male came into the gym at 8:02 PM and scanned in with barcode identification of Steve Valdez, DOB 5-13-2003, address 18██ Welchwood Circle, Indianapolis, IN 46260, phone number 317-507-███. He was wearing glasses, a black sweatshirt with stripes on the arms and a white picture on the front, and black pants. He was carrying a black bag. He spent time in the gym and used some machines. A group of 3 white, possibly Hispanic males came into the gym at 8:11 PM. One of them scanned in as JH. He was wearing a backpack and some type to black coat with the hood up. The second one possibly signed in as WS, a guest of JH. He was wearing a gray stocking hat. The other male failed to scan in. He was wearing a black hoody with the words "East Side" on the front. His hood was up as well. They also spent time in the business. At approximately 8:26 PM, the Hispanic male and the group of 3 started a verbal interaction. The Hispanic male was holding his bag in front of him. He was also wearing shorts. In the group of 3 males, the one who came in wearing the backpack passed it to the East Side hoody male during the interaction. At one point, the backpack was passed back to male who scanned in as JH. He then passed the backpack back to East Side hoody right before the lone Hispanic started shooting. The Hispanic male backed up and walked through the business toward the front door with the group of 3 following him. They all appeared to be talking. When the Hispanic male reached the entry/exit doors, he pulled out a handgun and started shooting. He shot 2 innocent bystanders in the gym while the group of 3 ducked down and East Side hoody pulled a handgun out of the backpack after the Hispanic male started shooting. The group ran into the Recovery and Kid Care areas.

The Hispanic male ran out into the parking lot and veered right/east and then continued north to the Taco Bell restaurant across the parking lot. There was also what appeared to be a muzzle flash right before he ran behind a wall at the Taco Bell. The group of 3 males ran out of the Kid Care area and left the business.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024

Affidavit for Probable Cause

From: Ann F. Rivir

Detective Taylor conducted an audio-recorded interview at Vasa Fitness with JR and JB. JB stated that she was scanning her card to work out when this guy came in out of nowhere and fired 3 shots. She saw a black male fall to the ground next to her. The man was crying and saying he just got shot. JR stated that she attempted to help him. She was afraid because shots were still being fired. She tried to run, and her feet slipped; JB helped her. They ran and hid in a closet located in the daycare. JR stated that the suspect was a black male who pulled out a gun, but she could not provide any further description of the suspect. It happened too fast. She said she had a panic attack and did not remember anything else about the shooter. JB had never seen the gunshot victim in there before. She came to the gym often.

Detective Taylor later checked prior police reports for Steve Valdez. He found a report with the phone number, 317-507-██████ listed as belonging to Steve Valdez-Rivera. Through the computer check with the BMV, Detective Taylor found that Steve Valdez-Rivera was confirmed with a DOB of 5-16-2003. Detective Rivir viewed the BMV photo of Steve Valdez-Rivera which appeared to match the shooter in the gym. Steve Valdez-Rivera also had a silver 2005 Lexus ES330, Indiana plate ██████, VIN: ██████ registered to him. Detective Taylor checked license plate reader cameras for the Lexus and found a hit at 3500 N High School Rd at 7:57 PM. He later located the Lexus parked in the parking lot at Vasa Fitness to the right/east of the entry/exit doors. This car was towed to Animal Care and Control for a later search warrant.

The following items were collected from Vasa Fitness by Evidence Technician Officer Christopher Clouse F380 ID#27756:

1. An unfired cartridge, silver casing, jacketed hollow point, FC 9mm +p head stamp just outside the front door of the business, to the west.
2. A .45 caliber fired cartridge casing, yellow, Hornady head stamp. Just outside the front door to the business, between the door and item 1.
3. A .45 caliber fired cartridge casing, yellow, Hornady head stamp. Just outside the front door to the business, near a garbage can.
4. A .45 caliber fired cartridge casing, yellow, Hornady head stamp. In the entry way to the business.
5. A .45 caliber fired cartridge casing, yellow, Hornady head stamp. In the entry way to the business.
6. Blood and bloody towels used to render aid to a victim. Photographed only, no swab.
7. A backpack abandoned near the entry way and check-in stations. Photographed, not recovered.
8. Bullet fragment near the pull-down machines directly south of the entrance.
9. Bullet fragment near the pull-down machines directly south of the entrance.
10. Bullet fragment near the pull-down machines directly south of the entrance.
11. Bullet fragment near the pull-down machines directly south of the entrance.
12. Bullet fragment near the pull-down machines directly south of the entrance.
13. Bullet fragment near the pull-down machines directly south of the entrance.
14. Bullet fragment near the pull-down machines directly south of the entrance.
15. Bullet fragment near the pull-down machines directly south of the entrance.
16. Bullet fragment near the pull-down machines directly south of the entrance.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024

Affidavit for Probable Cause

From: Ann F. Rivir

17. Bullet fragment near the pull-down machines directly south of the entrance.
18. Blood trail into men's locker room. Photographed only, no swab.
19. Bloody clothing in the men's locker room. Photographed only, not collected.
20. Bullet fragment near the pull-down machines directly south of the entrance.
21. Blue and yellow shorts with blood on them from the parking lot directly in front of the business.
22. Bullet fragment from near the lockers on the wall across from the pull-down machines directly south of the entrance.

The entire crime scene was photographed by ET Officer Clouse. He also photographed a black backpack, listed as #7 above, sitting by the middle check-in desk. There was an IPS laptop inside. This bag was close to where DY was shot. Photos were taken at Riley Hospital and Eskenazi Hospital by Evidence Technician Officer Jack Becker F354 ID#41334.

Detective Sgt Gregory Popcheff 2120 ID#P8885 responded to Riley Hospital. He spoke to DM, RN who stated that DY had penetration wounds to the anterior and posterior left ankle. The ankle was broken and would need surgery. Sgt Popcheff conducted an audio-recorded interview with DY which included his parents, IY and AH. He said that they were walking through the gym to scan in. He heard 2 shots; it was loud. He was at the check-in desk. He tried to run and could not move. The shots were behind him. He did not hear any disturbance before the shooting started. He was at Vasa gym with his cousin and brother. IY said that DY, the cousin, and brother had just left the house to go to the gym. She got a call from the cousin telling her about DY being shot. DY did not know why this happened or who shot him. Both parents said that DY was always playing basketball before and after school.

Sgt Popcheff conducted an audio-recorded interview with DY's cousin, JH. He said his cousin agreed to take him and AS to the gym. They walked in and tried to scan in. He heard 2 shots. His first reaction was to get somewhere else, such as the recovery room. AS found him and asked for him. AS told him that DY was shot. They ran back to DY and helped him. They wrapped shorts around the leg where the bullet wound was. He did not see anyone shoot. He said the shots came from the front door. They were at Vasa. He did not know who would have done this.

Sgt Popcheff conducted an audio-recorded interview with DY's cousin, AS. He said he went to the gym with DY and JH. It was packed. He scanned a badge to get in. The others were underage and had to sign in on the guest tablets. As the guy was going around with the tablets, a couple shots rang out and AS looked up. He saw that DY was hit and yelled for JH. He called 911 and looked for JH. He found JH in the therapy room and they helped DY. He also called DY's mother. He saw 2 or 3 males at the door, ages 16-23. He could not see a face. He thought the shooter was the male that had a bookbag because of the way he was moving and the other 2 faded away after the shots. The male was white or Hispanic. The man to his left was wearing a grayish hoody or zip up. AS did not know what the man on the right side looked like. This man was maybe holding the door open for them. There were only a couple people in the doorway. The males were between the main doors and the exit doors. AS was at the second podium to badge in. DS was closest to the door and JH was closest to AS. He heard about 5 shots. He did not see anyone with a gun. After the shots, AS saw DY there but did not know where JH

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024

Affidavit for Probable Cause

From: Ann F. Rivir

went. AS did not know why this happened. He said there were arguments at the gym. He had seen weapons at the gym before. He said nothing of this magnitude had ever happened. He was not having problems with anyone. It was normal to go to the gym.

Detective George Stewart 2124 ID#32349 responded to Eskenazi Hospital. He conducted an audio-recorded interview with RA who was shot in the right calf. He said he was working out and saw everyone running. He ran too and then got shot. He was on the lat pull down by the entrance. He had headphones on and did not hear shots. Everyone ran to the bathroom, not toward the front door. People were running away from the front door. He did not see who was shooting.

Detective Stewart conducted an audio-recorded interview with RC. She said they were doing a workout. They were at the lateral pulldowns when she heard 3 shots. With the first shot, she did not know what was happening. When she heard 2 more shots, she realized bullets were being fired. They ran to the boy's locker room. They saw that RA had been shot in the leg. They brought him further into the locker room and applied pressure. She started screaming for help and towels. One of their friends called 911. She did not see anyone shooting. She could not pinpoint where the shots came from.

Detective Stewart conducted an audio-recorded interview with RT. He said they were in the gym on the cables. He thought it was fireworks, but everyone started running. They ran into the bathroom and RA said he was shot. He did not see anyone shooting. He worked on a tourniquet and called the cops. He heard 4 or 5 shots coming from the entrance. They were on a machine near the entrance.

Detective Stewart conducted an audio-recorded interview with OF. He said they were on lats pulldowns waiting for turns doing a cycle. RA was facing behind the doors. Out of nowhere, shots were fired. They all started running to the men's restroom. He saw RA was shot in the shin. Their buddy RT was pulling RA up and OF's friend RC wrapped RA's leg. OF heard 18-20 shots. OF thought all the shots were done in one burst with an extended clip. He said this was just a normal day before the shooting. The shots were coming from the entrance. A friend told him that there was no damage from outside and all the shots were fired in Vasa. He later saw a man lying on the floor by the counter, the second person shot.

Detective Stewart conducted an audio-recorded interview with DR. He said this was a normal ordinary day. He was with RA doing lateral pulldowns. He was about to go next and heard shots fired. They started running to the men's locker room. He saw blood coming from RA. He heard 4-5 gunshots coming from the entrance. He did not see anyone with a gun. He said someone was lying on the floor by the counter. He said he just got a text from a random number which was not saved on his phone. The text was from 317-361-██████ reading, "You with RA's crew?" DR did not know who sent this message. DR said he was a social guy but not a friendly guy. He did not think he had any problems. RA did not have a beef with anyone. DR used to work out with friends all the time, just not as much anymore because of scheduling. DR said he was paranoid right now about the text because he did not know if someone was being targeted. He did not think he was being targeted. He did not see anyone with a gun.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024

Affidavit for Probable Cause

From: Ann F. Rivir

Detective Stewart conducted an audio-recorded interview with JR. They were working out when he heard about 3-5 shots. People started running to the restroom. His friend, RA got shot. He called 911 and started freaking out. The shots were coming from the front entrance. There was an ambulance that came earlier for someone, but no one was transported.

On February 7, 2024, Detective Rivir submitted a search warrant for the Lexus, which was granted by Judge Richard Hagenmaier, cause number 49D21-2402-MC-003732. Detective Bryan Rigby 2146 ID#32998 later executed the warrant with Evidence Technician Officer Drew Smock D324 ID#43882. Digital photos were taken, including photos of a BMV registration and a photo of a male and female together that was located in the center console. Detective Rivir later viewed the photo of the picture found in the car. The male appeared to be the same male who fired shots inside Vasa Fitness.

On February 7, 2024, Detective Rivir conducted an audio-recorded interview over the phone with LW. She said that she lived 20 minutes away from Vasa Fitness and the night of the shooting was her first time at the business. She arrived about 7:25 PM and saw that the place was packed with people, so she went over to Target first. When she came back and looked for a parking spot closer to the gym, she saw an ambulance there at 8:20 PM. She said she ended up parked in the handicap spot. She said the ambulance left at 8:25 PM. She said she was the blond girl on the video who walked in when a girl and her Mom were signing up for membership. She said that the guys who walked in behind her were doing the shooting. She said the black male standing behind her in the shoulder-length dreads and a brown Carhartt coat fired shots off in the parking lot. He looked like a young high school kid. LW said that an employee asked her about a membership. She wanted tanning and was told that they did not have tanning. She left the building and shooting started. She said she moved her truck around to see the front of the building. She said that the kid in the brown coat came out firing shots. This kid ran to the right (west), turned a corner, and may have picked up something. She said he had an Al Pacino style gun. She said there were 4 or 5 shots fired. LW said there were over 100 people in the building when the shooting started.

On February 7, 2024, Detective Rivir prepared the following photo arrays:
Lineup ID#166816 with Steve Valdez-Rivera's picture in position #2
Lineup ID#166817 with Steve Valdez-Rivera's picture in position #6
Lineup ID#166818 with Steve Valdez-Rivera's picture in position #4
Lineup ID#166819 with Steve Valdez-Rivera's picture in position #3

On February 7, 2024, Detective Rivir conducted an audio-recorded interview with KT, a Vasa Fitness employee. Detective Rivir read the photo array instructions and presented lineup #166816. KT stated that #2 looked familiar as a member or as a guest. She did not remember seeing him on February 6, 2024. She said he was not the one she saw shooting on camera. She has seen him more than once at Vasa Fitness. She identified Steve Valdez-Rivera.

On February 7, 2024, Detective Rivir conducted two audio-recorded interviews with DS, a Vasa Fitness employee. Detective Rivir read the photo array instructions and presented lineup #166817. DS I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024

Affidavit for Probable Cause

From: Ann F. Rivir

stated that #6 was a regular member though he usually had glasses. DS saw him in the video footage having an altercation with 2 or 3 other guys. He was walking away and followed by the other guys. He fired 4 or 5 shots. DS was at the middle kiosk focused on the group checking in. He had seen #6 about 5 times in the last week because he was a regular visitor. DS identified Steve Valdez-Rivera.

DS also showed Detective Rivir a video on his phone of a prior argument involving the shooter. He said that his girlfriend sent him the video of an argument from mid December. He said that at least one of the people arguing with the shooter in mid December was the person who scanned in as JH on February 6, 2024. He stated that a co-worker, GS, broke up the argument.

On February 7, 2024, Detective Rivir conducted an audio-recorded interview with JJ, a Vasa Fitness employee. He stated that a member had passed out earlier. He and KT had helped the person and an ambulance was called. This was right before the shooting. He then was searching for KT's daughter and was by the cardio stations when he heard shots and got down. He saw KT and J, a trainer, running. He said the gym cleared out quick and he went to check on DS at the front desk. He saw the first victim on the floor by the desk with family and yelling about being shot. He said that 3-4 shots came from the front of the building. He was stationed at the first check-in desk. He was later told about the second victim. He saw the blood in the locker room and assisted with first aid. He said other members were also helping. He also worked on getting people out of the club.

On February 7, 2024, Detective Rivir conducted another audio-recorded interview with LW. Detective Rivir read the photo array instructions and presented lineup #166818. She stated that she did not recognize anyone. The kid she saw was black.

On February 7, 2024, Detective Rivir went to Riley Hospital and met with DY's family. He was currently in surgery and had been there for several hours. Detective Rivir conducted an audio-recorded interview with AS. Detective Rivir read the photo array instructions and presented lineup #166818. He stated that #5 was the guy with the book bag. He said that he saw the first or second shot. AS did not see him pull the gun out. He did not identify Steve Valdez-Rivera.

On February 7, 2024, Detective Rivir viewed surveillance video at the Taco Bell restaurant at 6957 W 38th St with the manager, RW. Detective Rivir observed the shooter who ran away from Vasa Fitness on Taco Bell cameras at 8:28 PM. He ran behind the wall seen on Vasa Fitness video and went inside the Taco Bell restaurant. He went into the bathroom for a few seconds and then left the restaurant running east toward the Chili's restaurant. Detective Rivir later requested and received surveillance video from 5 Taco Bell cameras from MSE, Asset Protection.

On February 7, 2024, Detective Rivir viewed surveillance video at the Chili's restaurant at 6943 W 38th St with the manager, JT. Detective Rivir observed the shooter who ran away from Vasa Fitness and Taco Bell on Chili's cameras at 8:29 PM. He was running east and then north up to 38th St. On February 8, 2024, Detective James Perry 2726 ID#31311 downloaded the Chili's video. He also downloaded surveillance video from Burger King at 6971 W 38th St. On the Burger King parking lot I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024

Affidavit for Probable Cause

From: Ann F. Rivir

video, Detective Rivir observed a person in the distance run behind the Taco Bell, around a couple trees, and up to the Taco Bell.

On February 9, 2024, the IMPD Violent Crimes Unit was tasked with locating Steve Valdez-Rivera.

On February 10, 2024, Detective Rivir had an audio-recorded conversation over the phone with IY. She said that DY was going through physical therapy trying to go home. He was in good spirits but a lot of pain and was learning to hop on his uninjured leg. DY had a broken tibia and fibula where the bones were shattered in several pieces leaving a gap in his leg. DY had surgery to repair his leg. He will have 6 months to 1 year of recovery time. IY said he was really good at playing basketball and had been contacted by DG of the Cleveland Cavaliers for his camp this year. IY said that DY's backpack was by the check-in counter at Vasa Fitness and did have an IPS laptop in it.

IY said she heard from people that two Mexicans got into an argument with each other at the gym. She heard that one of them said to meet outside. The other was taking too long so he came in and shot a gun. She heard that the shooter was going to turn himself in.

On February 12, 2024, at 11:40 AM, Detective Mackenzie Benedict C51 ID#33179 observed Steve Valdez-Rivera walk into 1860 Welchwood Circle. Surveillance was currently being conducted on the residence. Detective Rivir submitted a search warrant for 1860 Welchwood Circle. The warrant was granted by Judge Ronnie Huerta, cause number 49D32-2402-MC-004324. Steve Valdez-Rivera was taken into custody without incident and transported to the Aggravated Assault office.

The following items were collected from 1860 Welchwood Circle by Detectives Matthew McDonald 2612 ID#M0376, Daniel Majors 2616 ID#30535, Michael Gibson 2611 ID#30701, Dane Elkins 2614 ID#21210. Officer Frank Gunn A484 ID#40408 completed gun liaison work on the firearms.

From Steve Valdez-Rivera's bedroom

1. Apple iPhone located on top of dresser next to a .40 caliber handgun-Detective McDonald
2. Taurus .40 caliber handgun, serial #AEH610514 with loaded magazine located on top of dresser-Detective Majors
3. A .45 caliber live round in the top left hand side drawer of the dresser-Detective McDonald
4. 5 9mm live rounds in a jar in the middle drawer on the left side of the dresser-Detective McDonald

From brother KVR's bedroom

1. Glock 21 .45 caliber handgun, serial #AGKH841 with loaded magazine located in the dresser with mirror attached in the middle drawer, right side-Detective Majors
2. Dark blue backpack located sitting on a chair in the room-Detective Gibson
3. .40 caliber magazine with live rounds located inside the backpack-Detective Gibson
4. Box of .45 caliber Hornady live rounds-Detective Gibson

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024

Affidavit for Probable Cause

From: Ann F. Rivir

5. Black Glock box for a .45 caliber Glock 21 handgun-Detective Elkins
6. Glock 45 magazine with live .45 caliber rounds inside located in the top drawer of dresser with no mirror-Detective Elkins

Detective Rivir submitted a search warrant to seize the Apple iPhone and the dark blue backpack from 1860 Welchwood Circle. The warrant was granted by Judge Michelle Waymire, cause number 49D19-2402-MC-004388. These items were not included on the original warrant.

Detective Benedict observed Steve Valdez-Rivera get out of the passenger seat of a 2012 white Chevy Equinox, Indiana plate [REDACTED] VIN: [REDACTED] before going into 1860 Welchwood Circle. The Chevy Equinox was currently parked at 1860 Welchwood Circle. Detective Rivir submitted a search warrant for the Chevy Equinox. The warrant was granted by Judge Ronnie Huerta, cause number 49D30-2402-MC-004337. Only photos were taken.

Detective Rivir attempted to interview Steve Valdez-Rivera. He immediately said he wanted to talk to a lawyer. Detective Rivir stopped the interview. Detective Rivir submitted a search warrant for a buccal swab and right thumbprint from Steve Valdez-Rivera. The warrant was granted by Judge James Snyder, cause number 49D19-2402-MC-004348. Detective Rivir executed the warrant and obtained a buccal swab and right thumbprint on the identification card from Steve Valdez-Rivera.

Steve Valdez-Rivera was arrested for Aggravated Battery, Battery with a deadly weapon, and Criminal Recklessness. He was transported to the CJC by wagon, Officer Jared Coffin C290 ID#45203.

On February 13, 2024, Detective Rivir went to the CJC and conducted an audio and video-recorded interview with Steve Valdez-Rivera and his lawyer, EM. Detective Rivir read Steve Valdez-Rivera his rights and he signed the waiver with EM as witness. EM stated that there were 3 others involved in the shooting and previous confrontations with Steve. She said they showed guns in the past and have sent Steve threats via text message. Steve was dating AM who was the ex-girlfriend of one of the 3 others. The ex-boyfriend was DM with a DOB of 4-29-2004. EM said that there was a protective order on file, cause number 49D04-2206-PO-021391, protecting AM from DM. EM said that DM's Instagram name was baby._drak0.

EM said that the second male was W with a possible last name of S. His Instagram name was ytmsoto. The third male was J with an unknown last name. His Instagram name was javierxgoat. During the interview, EM sent Detective Rivir pictures of the 3 males. All three of the males were members of the gym. There were 4 prior incidents between Steve, DM, WS, and JH.

Steve said that the first incident occurred at the gym with AM about 3 months ago. WS, DM, and JH were there. Steve did not know who DM was at the time. DM followed Steve to the locker room and stared him down. Steve said all 3 males started getting aggressive. Steve and AM left the gym. AM then told Steve who they were. DM later texted threats to Steve.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024

Affidavit for Probable Cause

From: Ann F. Rivir

Steve said that the second incident occurred at a Kroger on Washington St on the west side of town. He did not know what day this happened. AM was with him. Steve did not recognize JH at first when JH stared him down. They mentioned not doing anything to him at Kroger in a later incident. He said that there were no text threats after this incident.

Steve said that the third incident occurred on December 18, 2023, between 11-1 at the gym. He was there with his brother. JH and WS were there with a random dude. Steve was working out with his brother. JH had his backpack in front of him and kept putting his hand in it. WS was loud and aggressive. He told them to leave it alone. The gym staff got involved. Steve said that WS was talking about shooting. Steve also said that JH was going to shoot him. The staff told Steve that JH and WS would be banned. Steve said they were waiting for him outside. Staff said they would call the police, but no police showed up. WS was also texting and threatening Steve and wanting to shoot it out after this incident.

Steve said that the fourth incident occurred with AM at the gym after December 18, 2023, and before February 6, 2024. AM was doing a workout and he was on the dumbbells. WS saw him get the weights and started harassing him. JH made comments of "what's up bitch ass (racial slur)?" Steve said leave it alone several times. Steve left with AM.

Steve said that the fifth incident was the shooting at the gym on February 6, 2024. He arrived by himself between 8-8:30. He changed and started a workout. He saw a random guy that he thought he recognized. This was a different random guy than in the third incident. He was a friend of DM, JH, and WS. About 5 minutes later, he saw WS, DM, and JH walking around. JH had a backpack in front of him which he passed back and forth with DM. Then, JH would have his hand in his pocket. WS was grabbing onto his waistband. Steve said they were all dressed up, not in workout clothes. They signaled for Steve to go outside. Steve said that he was on his phone calling for someone to pick him up because he thought he could not make it to his car. He called his brother and asked him to come to the gym. Steve saw WS, DM, and JH in the front doing head nods. Steve said he started on leg work to the bench press, then to other machines with the 3 males following. Steve said he was telling his brother and A to hurry up. Then, Steve went to the exit doors. While they were walking in the gym, DM was pulling a gun halfway out of the backpack twice so Steve could see it. Steve thought he had his back against the door with nowhere to go because he did not want to get shot in the back if he tried to go to his car. He thought that if he made it to his car, he would get shot up in the car. He said this was a life-or-death situation. Steve said DM was in the middle with the other 2 fading to the sides. Steve said he shot 3 times in their direction and bolted out the door. The three males were by the receptionist's desk. Steve said that he told them multiple times while walking through the gym to leave it alone. No one told them to stop while this was happening. He thought all the incidents occurred because DM was angry about Steve dating his ex-girlfriend.

Detective Rivir showed Steve 4 pictures. He identified the East Side hoody male as DM. The male with the backpack and black coat was JH. The male wearing the gray stocking hat was WS. He also identified himself in the fourth picture where he was walking into the gym.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024

Affidavit for Probable Cause

From: Ann F. Rivir

Steve said his gun was a .45 caliber Glock 21 Gen 4. He said that it was one of the guns collected from his house after he was taken into custody. He did not know what brand of ammunition he had used. He said he fired 3-4 shots. He said that no one else fired shots. He just did not want to wait until he got shot. He did not see anyone else with a gun who was not involved in the argument.

Steve said there were over 50 texts on his phone conveying threats. He said he did not do a factory reset on his phone and the messages should be on there. When asked what he was doing in the bathroom at Taco Bell after running away from Vasa Fitness, Steve said he was calling his brother and a friend, A. This was the fifth time something happened with those guys. He said that the 3 males were just there chasing him down. He did not know if they were still around. He did not want to die. He ran down 38th St and was picked up by A.

Steve said he did not call the police. He said that he did not think it was going to go down like that. He walked away and thought they would stop, but they kept following. He thought they were going to shoot him wherever at the gym.

EM said that a male named J, last name unknown saw what was happening at the gym before the shooting. His Instagram name was Jordy.r.b. J sent E messages about it. E is an Instagram friend of Steve. E did not know that Steve was involved. E's Instagram name was mrno_face_nocase.

Detective Rivir found an active protective order protecting AM from DM until July 2024; however, it did not return in NCIC under either name. Detective Rivir checked for a police run to Vasa Fitness on December 18, 2023. The police were dispatched at 1:11 PM, for a disturbance, CAD IP23121800001167. The run stated that a group of three H/M approx. 18-20 y/o l/s in the parking lot. Subjs threatened to go grab a gun and fight 2 other H/M in the gym. No weapons seen. Two H/M still inside the business os, no further. The run was closed with no report. Detective Rivir checked prior police reports. Steve Valdez-Rivera did not report any of the incidents of harassment which he talked about in the interview.

On February 14, 2024, Detective Rivir submitted a search warrant for the iPhone belonging to Steve Valdez-Rivera.

All events occurred in Marion County, Indianapolis, Indiana.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/s/ Ann F. Rivir

AFFIANT

DATED: February 14, 2024