



THE STATE OF TEXAS
 COUNTY OF Dallas

11-10-2010

AFFIDAVIT FOR ARREST, WARRANT, CAPIAS, OR
 MAGISTRATES DETERMINATION OF PROBABLE
 CAUSE

Defendant: ACOSTA JR,RICHARD

F2125961

Offense: CAPITAL MURDER MULTIPLE PERSONS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED THE UNDERSIGNED AFFIANT, WHO, AFTER BEING DULY SWORN BY ME, ON OATH STATED:

My name is SHUPE,LUCAS G (3496), and I am a Peace Officer of the City of Garland, Dallas County, Texas. I have good reason to believe and do believe that on or about the 26th day of December, 2021, one ACOSTA JR,RICHARD, a W/H/M with a date of birth of [REDACTED] did then and there in the City of Garland, Dallas County, in the State of Texas, commit the offense CAPITAL MURDER MULTIPLE PERSONS a violation of Penal Code section PC19.03, a Capital Felony.

Facts in support of this are detailed below:

On 12-26-2021 at approximately 7:59 pm I, Detective Shupe, received a call from CAPERS supervisor, Lt Hunt, who told me that officers were out on a gunshot wound call where 3 victims had been pronounced as deceased and a fourth person had been transported to the hospital with life threatening injuries. I was also told that the offense location was a Texaco at the intersection of W Walnut St and N Glenbrook Dr.

I arrived at the offense location, 730 W Walnut St, and observed a large area that had been marked off with crime scene tape from the building and into the parking lot area. There were multiple uniformed patrol officers on scene as well as patrol supervisors; Lt Brimmage, Lt Kelly, and Lt Nies. I made contact with Detective J Lambert who informed me that there were three victims still inside of the store as well as numerous witnesses that had just been removed from inside of the store. I spoke with Lt Brimmage and asked that he coordinate having the witnesses moved from the scene to the station to speak with other detectives that would meet them there. I then spoke to Detective W Hawkins and ~~asked that he and Detective B Christian respond to the station to interview the witnesses and possible family members of the deceased that were being taken to the police station.~~ I then walked inside the store and located three male subjects deceased on the floor in different parts of the store. One subject was on the floor in the dining area of a meat market store inside of the location, a second subject was on the floor on the far west side of the dining area in a hallway that went to bathrooms at the location, and the third subject was on the far southeast corner of the building in front of the drink coolers. All three of the victims had what appeared to me to be gunshot wounds visible on them as well as what appeared to me to be blood on their person and on the floor near them. All three victims had no signs of life visible when I entered the offense location and observed them.

I was aware from prior offenses investigated at this location that there were surveillance cameras that recorded both the interior and exterior areas of the location. I also knew that the surveillance cameras recorded to a DVR that was behind the register area of the store. I spoke with Detective Lambert about the surveillance system and he contacted Detective Godwin who responded to the location to assist with the retrieval of any surveillance footage. I was on scene when Detective Godwin arrived to retrieve the video. A consent to search was obtained from the store's owner, Munesh Kardel, to retrieve the surveillance video which included collecting the DVR for further analysis at the police station. Detective Godwin took possession of the DVR and took it back to the police station to look at it further.

Detective Lambert and I were advised by Officer Morales that he had the father of one of the victims outside of the store. I spoke to that subject, Mario Noyola, who told me that his wife had received a call from her brother who told her that Ivan had been shot at this location. Mario provided me a physical description and a picture of Ivan that did match the victim found in the southeast corner of the building. Detective Lambert then contacted me and told me that he had spoken to another subject,

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Saul Gonzalez, who told him that his nephew had gone to the store in his vehicle and had not returned home. Saul provided a description of his nephew, Xavier, to Detective Lambert that was consistent with the victim that was found in the dining area of the meat market.

I called and spoke to Detective Hawkins who informed me that he had interviewed a female at the police station that said her brother was one of the victim's at the offense location. Detective Hawkins told me and provided me the following information:

On 12-27-21 I Detective Hawkins was contacted by CID Person Lt. Hunt of a triple homicide at Texaco Foodmart located at the intersection of W. Walnut St. and N Glenbrook Dr. I responded and while enroute Detective Shupe called and advised me that several independent witnesses were enroute to the Police station and needed to be interviewed.

I first interviewed [REDACTED]. After his initial interview I was contacted and advised that several members of one of the victims family had arrived at the Police station and wanted to speak with Detectives regarding what had occurred and the status of their family member.

I subsequently contacted Maria Padilla w/h/f [REDACTED] and Ipolita Garcia w/h/f [REDACTED] in the lobby of the police station. Maria advised she and Ipolita were sisters of Rafeal Garcia. She advised her family had been contacted and advised Rafeal had been shot and they wanted to know his status. Both were escorted to interview room two. I informed them Rafeal was deceased. I asked Maria if she knew of anyone that may have wanted to harm her brother and she stated no. She states Rafeal had been reported as a runaway back in March and was residing with his friend [REDACTED]. Maria advised her family was not particularly fond of [REDACTED] or [REDACTED]. I asked Maria who is [REDACTED] because I had not yet heard that name. Maria described [REDACTED] as a skinny kid that they did not want Rafeal to hang around with. I asked when was the last time they spoke with Rafeal and Ipolita stated she spoke with him on Christmas Eve and he seemed to be in good spirits. I asked if Rafeal was gang affiliated and both sisters stated no but Rafeal liked posting pictures of himself holding or pointing guns on Instagram.

Maria Padilla forwarded me a photo of Rafeal holding and pointing a gun with a green laser. Maria Also forwarded a second picture with the subject [REDACTED] wearing dark clothing and a black ski mask. [REDACTED] is holding and pointing a silver and black handgun with an extended clip. Photos were sent via Axon citizens link.

I thanked Maria and Ipolita for their cooperation and they left the station. A few hours later Maria contacted me and advised she had received a text message from a fake Instagram account. She forwarded screenshot to axon evidence citizen link. The message read "Yo brotha dead asf" from IG [REDACTED].

Maria forwarded a second IG message from IG [REDACTED] aka [REDACTED]. Message stated Rafeal was deceased and response was "what happened who did it" and "its yall fucken fault".

Maria forwarded a third and last message from IG [REDACTED] and [REDACTED]. Message stated N \$B5L (Northside blood for life) lma Die behind that onb yall niggas aint active like gang that's onb llopps.

I asked Maria if she had any inclination that [REDACTED] was involved. Maria stated she believes whoever did this was looking for [REDACTED] they were after him.

I talked to Detective Godwin who told me that he had been able to access the surveillance footage and had obtained video clips of the events that had occurred at the offense location on 12-26-2021.

Detective Godwin sent me a copy of the surveillance footage that he had put together and told me the following:

He had reviewed the surveillance footage and observed a male suspect exit the front passenger side of a white Dodge pickup truck that had stopped near the entrance to the offense location. The male suspect was wearing dark colored shorts, dark colored slides, a baseball cap, a surgical mask, and no shirt. When the male suspect opens the door he begins firing a silver over black handgun into the location and toward numerous people inside of the location. After he is done shooting the male suspect runs out of the store and gets in the back drivers side of the white Dodge pickup truck that is still stopped in front of the entrance doors. Upon further review of the surveillance footage Det.

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Godwin observed that the driver of the white Dodge pickup had actually pulled up and parked in front of the store before the offense ever occurs. At that time the driver can be seen exiting the drivers front seat and entering the store where he appeared to buy some medicine. The driver then exits the store and returns to his vehicle, the white Dodge pickup truck, where he backs up and circles through the pump area of the parking lot to the east side of the store.

I know from reviewing the surveillance footage recovered from the offense location, that the male subject that exits the driver's side door of the white Dodge pickup truck had visible tattoos all down his lower left arm. I am also aware that the face of the driver is clearly visible on the surveillance footage from the offense location.

Based on the information learned from Maria, I spoke with Detective Godwin about the Instagram page that had been created under display name [REDACTED]. Detective Godwin sent an exigent request to Instagram for owner/ subscriber data for that Instagram account. A short time later Detective Godwin told me that he had had received a response from Instagram and in that response was a verified phone number, [REDACTED], that had been used to create the Instagram account. I have experience reading Instagram data returns and am aware that a verified number means that the user responded to a text and/ or message that was sent to the phone number provided during the account creation. A check of phone number [REDACTED] was done through Whooster and it was discovered that the cellular provider was T-Mobile.

I sent an exigent request for subscriber information to T-Mobile and received a response that listed subscriber [REDACTED] at [REDACTED] in Garland with an effective date of 11/23/2021. Based on this additional information learned about the subscriber information, Detective Godwin contacted Garland ISD security department to obtain any possible student information for the address on [REDACTED] or an emergency contact [REDACTED]. Detective Godwin was provided information about several students who showed an address of [REDACTED]. One of those students was [REDACTED] a white Hispanic male with a date of birth of [REDACTED]. Photographs were obtained from Garland ISD for [REDACTED] school picture. In addition, Detective Godwin told me that he was able to locate a picture of [REDACTED] on [REDACTED] Facebook page that matched what Garland ISD had sent him. I reviewed both photographs and I believe that [REDACTED] is the suspect that entered the store with a gun and began firing toward multiple victims that were inside of 730 W Walnut St. The physical description of the suspect that entered the store matches [REDACTED] I observed on the video that the suspect that entered the store was wearing a dark colored bracelet on his left wrist and I observed that same bracelet on [REDACTED] left wrist in the picture that had been posted to Facebook by [REDACTED].

I checked department records and was able to locate a report made on 11-19-2021 where victim, [REDACTED] reported that he and some friends had been shot at by another group of juveniles and identified [REDACTED] as being part of that other group that had shot at them.

Based on the information learned about [REDACTED] involvement an exigent ping was initiated on the target phone number for its location data. The phone pings started to come back with a range of 600 meters that was plugged into Google maps for actual location. The radius of the ping encompassed an area that included [REDACTED]. I know from a records check of [REDACTED] mother, [REDACTED] TXDL record that she shows an address of [REDACTED]. A search warrant was obtained for [REDACTED] which was signed and granted by City of Garland Municipal Judge R Schimmel.

The search warrant was executed on 12-27-2021 by Garland PD's SWAT Unit and I was informed that the target person, [REDACTED] had been detained at 2:35 pm. [REDACTED] was brought back to the police station where he was provided his magistrate's warning for a voluntary statement of a juvenile by District Judge T Kemp of the 204th Judicial District Court.

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Detective Hammett and I interviewed ██████ in CID Interview Room 1 which was recorded in its entirety on the department's Axon Interview Room recording system. ██████ told me the following in summary:

He was aware of what had happened the night before, Sunday night 12-26-2021, as he had seen the news and had spoken to some people as well. He said that he was on a group chat with several people when ██████ said that a guy by the name of ██████ was in the truck with some other kids and that ██████ was the only one that got out of the truck and ran into the store. ██████ further stated Rafael, ██████ and Ivan were the ones that were killed according to ██████ ██████ stated that he was afraid of both ██████ and ██████ as they had threatened him and others in the past. ██████ never changed his story and stated repeatedly that it was ██████ that had done the shooting and that he was never at the offense location nor was he ever in a white Dodge pickup truck.

While interviewing ██████ I was notified that there was a male subject that had come to the police station to turn himself in. That male was later identified as Richard Acosta a white Hispanic male ██████ by Detective Lambert and Detective Hawkins who attempted to interview Richard Acosta in CID Interview Room 3. Detective Lambert told me that Richard told him he had seen pictures of himself and his tattoos posted all over the news and that he had been named a person of interest according to the news that he saw. I spoke to Richard briefly in the interview room and immediately recognized him as the same subject that I had viewed in the surveillance footage getting out of the white Dodge Ram pickup truck and then getting back into the driver's side door of the same described pickup truck. A check of Dallas County's Juvenile Tech Share showed that Richard Acosta is listed as ██████

Based off the evidence observed at the scene, statements made by various witnesses, surveillance footage that I reviewed, and information provided to me by Detective Hawkins, I believe that Richard Acosta was involved in the Capital Murder of three victims at 730 W Walnut St. Richard drove the suspect, that was seen on surveillance footage exiting the passenger side of the white Dodge pickup truck with a gun in his hand and entering the offense location where he began shooting, to the location. On surveillance footage, Richard can be seen staying in the driver's seat of the white Dodge pickup truck stopped outside, just yards from the front door of the business, where the suspect can be seen in plain view standing in the front doorway shooting subject's inside the store. The driver can be seen in the surveillance video waiting for the shooter to run back to the pickup truck. The shooter is then seen entering the back driver' side door of the truck on surveillance footage. The white Dodge pickup truck can then be seen exiting the parking lot and driving away from the offense location on the same surveillance footage. This offense occurred on 12-26-2021 at approximately 7:40 pm at 730 W Walnut St which is in the City of Garland and within Dallas County, TX. Richard Acosta a white Hispanic male with a date of birth of ██████ is being charged with Capital Murder, a Capital Felony, for his involvement with the murder of three victims.

Wherefore, Affiant request that an arrest warrant or capias be issued for the above accused individual(s) in accordance with the law.

SUBSCRIBED AND SWORN TO BEFORE ME this the 28th December, 2021

78 MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE
On this the 28 December, 2021, the undersigned Magistrate hereby acknowledges that he has examined the above affidavit and has determined that probable cause exist for the issuance of arrest warrant for the individual(s) accused herein.

Judge, Municipal Court, City of Garland, Texas
Magistrate, in and for
Dallas County and Collin County, Texas

Ly Ann #3496
P WMS
Affiant
Notary Public in and for Dallas County, Texas

