

6/16

MICHAEL K. JEANES, CLERK  
BY *[Signature]* DEP  
FILED

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2006 JUN -8 PM 4: 55

DR 06093133 - Maricopa County Sheriff's Office  
NORTH VALLEY JUSTICE COURT  
VACATE  
CA2006020884

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
COUNTY OF MARICOPA, RCC - GLENDALE

THE STATE OF ARIZONA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
DAVID RYAN DRAKE,	)	CR 2006-131923-001 DT
	)	
Defendant.	)	DIRECT COMPLAINT
	)	
	)	COUNT 1: MANSLAUGHTER, A CLASS 2
	)	FELONY (DAVID RYAN DRAKE)
	)	
	)	IN CUSTODY
	)	
	)	

The complainant herein personally appears and, being duly sworn, complains on information and belief against DAVID RYAN DRAKE, charging that in Maricopa County, Arizona:

**COUNT 1:**

DAVID RYAN DRAKE, on or about the 6<sup>th</sup> day of June, 2006, without premeditation, intentionally caused the death of DAVID M. SCARANO, upon a sudden quarrel or heat of passion resulting from adequate provocation by DAVID M. SCARANO, in violation of A.R.S. §§ 13-1101, 13-1103, 13-701, 13-702, 13-702.01, and 13-801.

*Juan Martinez*  
\_\_\_\_\_  
Juan M. Martinez  
Deputy County Attorney

DCO



**COURT INFORMATION SHEET (CIS)**

**County Attorney Case Number: CA2006020884**

**Filing ID Number: CA2006020884-1-1**

**STATE v. DAVID RYAN DRAKE**

Defendant's **IN CUSTODY**  
Last Known Address: 4219 East Montgomery Road  
Cave Creek, AZ 85331-0000

Defendant's **UNKNOWN**  
Employer Address:

Defendant's Attorney:

**DEFENDANT'S DESCRIPTION:**

Race: W Sex: M Hair: BRO Eyes: BLU Hgt: 510  
Wgt: 130 DOB: 9/9/1987 Soc Sec #: 600865641

SID #: Unknown FBI #: Unknown Old LEJIS #: 0000000  
JMS Booking #: P181056 JMS LEJIS #: Unknown

**FILING STATUS:**

Direct Complaint CR #: CR2006131923001DT  
Court Designation: RCC - GLENDALE  
Justice Court Precinct: NORTH VALLEY JUSTICE COURT VACATE  
Date Filed: \_\_\_\_\_

**ATTORNEY: JUAN M. MARTINEZ Bar ID: 009510 Location: DOWNTOWN**

**PRELIMINARY HEARING/GRAND JURY CHARGES:**

**COUNT 1: MANSLAUGHTER, A CLASS 2 FELONY (DAVID RYAN DRAKE)**

<u>Count</u>	<u>ARS</u>	<u>Date of Crime</u>
1	13-1103	6/6/2006

**DEPARTMENTAL REPORTS:**

DR 06093133 - Maricopa County Sheriff's Office

**EXTRADITE: OK**

IN THE NORTH VALLEY JUSTICE COURT COURT  
STATE OF ARIZONA, COUNTY OF MARICOPA

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RELEASE QUESTIONNAIRE

DEFENDANT'S NAME DAVID RYAN DRAKE DOB 1987-09-09 BOOKING NO. \_\_\_\_\_

ALIAS(ES) \_\_\_\_\_ CASE NO. \_\_\_\_\_

A. GENERAL INFORMATION

Charges

1 Cts. 13-1103A2 MANSLAUGHTER-QUARREL F2

Offense Location: 3700 EAST SIERRA WAY CAVE CREEK  
Offense Date: 2006-06-06  
Arrest Location: 37TH STREET AND CAREFREE HWY  
Date: 2006-06-06 Time: 03:54

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:  
See Addendum (Page 3)

C. OTHER INFORMATION (Check if applicable)

1.  Defendant is presently on probation, parole or any other form of release involving other charges or convictions:  
Explain:

2. List any prior:  
Arrests?

Convictions?

F.T.A.'s?

3. Is there any indication the defendant is:

- An Alcoholic?  An Addict?  
 Mentally disturbed?  Physically ill?

4.  Defendant is currently employed  
With whom NONE

How long:

5. Where does the defendant currently reside? 4219 EAST MONTGOMERY ROAD CAVE CREEK, AZ 85331

With whom MOM AND DAD

How long: 7 years 0 months 0 days

6. What facts indicate the defendant will flee if released?  
Explain:

7. What facts does the state have to oppose an unsecured release? Explain:

D. CIRCUMSTANCES OF THE OFFENSE(Check if applicable)

1.  Firearm or other weapon was used  
Type: KNIFE

- Someone was injured by the defendant

- Medical attention was necessary

Nature of Injuries: STAB WOUND

2.  Someone was threatened by the defendant

Nature and extent of threats: STATED HE WOULD STAB THE VICTIM IF HE CAME AT HIM AGAIN.

3. If property offense, value of property taken or damaged:  
N/A

- Property was recovered

4. Name(s) of co-defendant(s):

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CASE NO. \_\_\_\_\_

**E. CRIMES OF VIOLENCE**

1. Relationship of defendant to victim:

Victim(s) and defendant reside together

2. How was the situation brought to the attention of the police?

Victim  Third Party  Officer observed

3.  There are previous incidents involving these same parties

Explain:

4. Is defendant currently the subject of:

An order of protection  Any other court order

Injunction against harassment

Explain:

**F. DOMESTIC VIOLENCE ISSUES (Check if applicable)**

Defendant's actions

Threats of homicide/suicide/bodily harm

Control/ownership/jealousy issues  Crime occurs in public

Prior history of DV  Kidnapping

Frequency/intensity of DV increasing  Depression

Access to or use of weapons  Stalking behavior

Violence against children/animals

Multiple violations of court orders

**G. CIRCUMSTANCES OF THE ARREST (Check if applicable)**

1. Did the defendant attempt to:

Avoid arrest  Resist arrest  Self Surrender

Explain:

SUBJECT CONTACTED THE POLICE

2.  Defendant was armed when arrested

Type: GAVE THE KNIFE TO A FRIEND PRIOR TO THE POLICE CONTACT

3.  Evidence of the offense was found in the defendant's possession

Explain: SUBJECT HAD BLOOD ON HIS PERSON

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?

Yes  No  Unk

**H. DRUG OFFENSES**

1. If the defendant is considered to be a drug dealer, please state the supporting facts:

2. What quantities and types of illegal drugs are directly involved in the offense?

Drug field test completed

Defendant admission of drug type

Approximate monetary value: \$

3. Was any money seized?

Yes  No

Amount: \$

Pursuant to AO 2003-046, the oath has been administered pursuant to the law and required procedures. AY

**JUDICIAL OFFICER REVIEW  
OF PROBABLE CAUSE  
STATEMENT AND COMPLAINT  
ON OATH OR AFFIRMATION**

Complaint review

\*\*If a fugitive arrest, a form IVA must also be completed

Witness sworn

Reviewed Form IV

I certify that the information presented is true to the best of my knowledge.

A. ARMENDARIZ/1185  
ARRESTING OFFICER/SERIAL NUMBER

AZ0070000/602-876-2402  
ARREST AGENCY/DUTY PHONE NUMBER

2006-06-06  
DATE

PC determined

Judicial Office

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CASE NO. \_\_\_\_\_

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ADDENDUM

## B1. Probable Cause Statement

ON 06/06/06 AT APPROXIMATELY 0346 HOURS, PATROL DEPUTIES RESPONDED TO A 911 CALL AT 3700 E. SIERRA WAY IN CAVE CREEK, ARIZONA. UPON ARRIVAL TO THE AREA A SUBJECT WAS DETAINED AT 37TH STREET AND THE CAREFREE HIGHWAY LATER IDENTIFIED AS DAVID RYAN DRAKE. DAVID STATED TO DEPUTIES THAT HE HAD STABBED HIS FRIEND DAVID MICHAEL SCARANO IN THE ABDOMEN IN SELF DEFENSE. DAVID M. SCARANO WAS TRANSPORTED TO THE HOSPITAL WHERE HE LATER DIED FROM A STAB WOUND TO HIS ABDOMEN AREA. WHILE INTERVIEWING DAVID RYAN DRAKE HE TOLD DETECTIVES THAT HE HAD STABBED DAVID MICHAEL SCARANO ONE TIME IN THE ABDOMEN AREA WITH HIS KNIFE WHICH HE HAD BEEN CARRYING IN HIS WAISTBAND. DRAKE STATED THAT HIS FRIEND RICKY BOTTI AND SCARANO HAD PICKED HIM UP AT HIS HOUSE EARLIER THAT MORNING SO THEY CAN HANG OUT AND PARTY. DRAKE SAID THAT AFTER PICKING HIM UP THEY PICKED UP A COUPLE IN GLENDALE AND WENT BACK TO RICKY'S HOUSE TO PARTY. DRAKE SAID THAT THE WHOLE TIME WHILE THEY WERE IN RICKY'S CAR DAVID SCARANO WAS MAKING FUN OF HIM AND TALKING BAD ABOUT HIS GIRLFRIEND. DRAKE SAID THAT SCARANO WAS TRYING TO BELITTLE HIM AND WAS CALLING HIM A #PUNK#. DRAKE SAID THAT ONCE THEY ARRIVED AT RICKY'S HOUSE THEY WENT INSIDE TO RICKY'S ROOM. ONCE INSIDE SCARANO TOLD DRAKE TO GO OUTSIDE WITH HIM BECAUSE HE NEEDED TO TALK WITH HIM AND THEY WOULD ALSO BRING BACK THE BEER WHICH WAS STILL IN THE CAR. SCARANO TOLD THE OTHERS THAT THEY NEEDED TO STAY INSIDE. ONCE OUTSIDE DRAKE SAID THAT SCARANO BEGAN CALLING HIM NAMES AND WANTED TO PICK A FIGHT WITH HIM FOR NO REASON. DRAKE SAID THAT SCARANO APPEARED TO BE ON DRUGS BECAUSE HE WAS ACTING VERY WEIRD. DRAKE SAID THAT AFTER TRYING TO TALK WITH SCARANO HE WALKED AWAY TO RICKY'S BEDROOM DOOR BECAUSE SCARANO WAS ONLY TRYING TO PICK A FIGHT WITH HIM AND HE DID NOT KNOW WHY. DRAKE SAID THAT HE WALKED BACK TO RICKY'S DOOR WHEN SCARANO CHASED AFTER HIM AND PUNCHED HIM A COUPLE OF TIMES IN THE MOUTH AND NOSE CAUSING THEM TO BLEED. DRAKE SAID THAT HE THEN KNOCKED AT THE DOOR AND RICKY OPENED IT BUT DID NOT LET HIM GO INSIDE BECAUSE HE WOULD GET HIS BLOOD ON THE CARPET. DRAKE SAID THAT HE WALKED BACK OUTSIDE AND TOLD SCARANO THAT HE WAS GOING TO CALL 911 AND REPORT AN ASSAULT. DRAKE SAID THAT SCARANO THEN GRABBED HIM AND TOOK HIM TO THE GROUND AT WHICH POINT DRAKE PULLED OUT HIS KNIFE FROM HIS WAISTBAND AND TOLD SCARANO TO LEAVE HIM ALONE OR HE WOULD HURT HIM. DRAKE SAID THAT SCARANO CONTINUED FIGHTING WITH HIM BUT HE WAS ABLE TO STAND UP AND DIAL 911 ON HIS CELL PHONE. DRAKE SAID THAT HE TOLD THE DISPATCHER THAT HE WAS BEING ASSAULTED AND NEEDED AN OFFICER TO RESPOND TO TAKE A REPORT. DRAKE SAID THAT WHILE HE WAS TALKING TO THE DISPATCHER SCARANO AGAIN CHASED HIM AND PUNCHED HIM IN THE FACE AGAIN AND HE TOLD HIM TO STAY AWAY OR HE WOULD HURT HIM DRAKE SAID THAT SCARANO LUNGED AT HIM AGAIN AND HE THEN STABBED SCARANO WITH HIS KNIFE. DRAKE SAID THAT SCARANO THEN GRABBED HIS STOMACH AREA AND WALKED INTO RICKY'S BEDROOM AND FELL ON A CHAIR. DRAKE SAID THAT HE TOLD THE DISPATCHER THAT HE HAD JUST STABBED SCARANO IN SELF DEFENSE. I LATER REQUESTED THE 911 TAPE FROM THE PHOENIX POLICE DEPARTMENT FROM THE PHONE CALL THAT DRAKE MADE CLAIMING SELF DEFENSE. IN THE TAPE I HEAR DRAKE TELLING THE DISPATCHER THAT HE WAS BEING ASSAULTED AND WANTED TO FILE AN ASSAULT REPORT. HE THEN ADVISED THAT IF THE SUBJECT DID NOT BACK OFF HE WAS GOING TO STAB HIM. DRAKE IS ALSO HEARD SAYING IN A LOUD TONE OF VOICE TO THE SUBJECT #COME AT ME YOU HALF SPIC MOTHER FUCKER# JUST BEFORE SAYING THAT HE STABBED HIM. DRAKE ALSO TOLD THE DISPATCHER THAT HE WAS PART OF THE NATIONAL SOCIALIST MOVEMENT AND SHE WAS GOING TO THINK THAT HE WAS A NAZI. IT SHOULD BE NOTED THAT NO FIGHTING OR PUNCHES WERE HEARD DURING THE CONVERSATION WITH THE DISPATCHER ONLY DRAKE SAYING THAT HE WAS GOING TO STAB HIM IF HE CONTINUED HITTING HIM. DURING THE CONVERSATION DRAKE MAKES NO ATTEMPT TO RUN AWAY FROM THE SITUATION AND WAS ONLY THREATENING HIM WITH HIS KNIFE WHILE VICTIM WAS UNARMED. THE 911 TAPE CONTRADICTS STATEMENTS MADE BY DRAKE SAYING THAT HE WAS BEING CHASED AND PUNCHED AT THAT TIME OF THE CALL. THE 911 TAPE INDICATES THAT DRAKE STOOD HIS GROUND AND THREATENS VICTIM IF HE COMES AT HIM AGAIN. DRAKE STATES THAT WHILE HE WAS ON THE PHONE WITH DISPATCH HE STABBED THE VICTIM AND SAYS THAT IF HE IS GOING TO GET IN TROUBLE HE'S GOING TO HANG UP AND NOT GIVE HIS NAME AND HIS LOCATION. ON THE TAPE DRAKE IS QUOTED AS SAYING# I'M ABOUT TO STAB THIS GUY IN SELF DEFENSE# AND THEN SAYS #COME AFTER ME DAVE, I'LL FUCKEN STAB YOU, I HAVE THE RIGHT#. DRAKE THEN SAYS TO A FEMALE WALKING WITH HIM WHILE

DEFENDANT'S NAME DAVID RYAN DRAKE

DOB 1987-09-09 BOOKING NO. \_\_\_\_\_

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CASE NO. \_\_\_\_\_

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· ADDENDUM (cont'd)

ON THE PHONE WITH 911 DISPATCH, #YOU DESERVED THAT SHIT, I FUCKEN JUST STABBED HIM#. #HE ATTACKED ME#. THE DISPATCHER THEN ASKED HIM #DID YOU JUST STAB HIM# AND HE REPLIES, #I JUST STABBED HIM, I DID, I STABBED HIM WITH A SIX INCH BLADE# THE STATEMENTS MADE BY DRAKE WITH THE DISPATCHER APPEARED TO HAVE BEEN MADE AFTER HE HAD ALREADY BEEN PUNCHED AND DID NOT APPEAR TO BE IN ANY DANGER AT THAT TIME.