

State of New Hampshire

Hillsborough COUNTY 9th Circuit- Manchester District COURT

ARREST WARRANT

TO THE SHERIFF OF ANY COUNTY IN THIS STATE OR DEPUTY, OR ANY POLICE OFFICER WITHIN THE STATE:

WHEREAS, the Complainant, Detective Ryan Heile
of Manchester Police Department
in the County of Hillsborough has exhibited to me, William H. Lyons, a Justice/Justice of the Peace in the County of Hillsborough, his complaint upon oath against the Defendant, Kyle Toledo (10/11/1999), of 4 Vindale Road, Hooksett, NH
Hooksett NH, in the County of Merrimack for the crime of: Reckless Conduct (M), Riot (B)
(RSA 631:3, 644:1)

WE COMMAND YOU to take the Defendant, if found to be in your precinct, and bring him before the 9th Circuit - Manchester District Court.

Dated the 4 day of June, 2020

William H. Lyons
Justice/Justice of the Peace

RETURN
STATE OF NEW HAMPSHIRE
COUNTY OF Hillsborough

I have arrested the Defendant and now have him/her before the Court as commanded.

06/04/2020
Date

[Signature] #8
Name of Officer
Patrolman
Title of Officer

State of New Hampshire
Hillsborough County 9th Circuit-District Division-Manchester

Supporting Affidavit for Request to Issue Arrest Warrant

MPD Case # 20- 6790

I, Detective Ryan Heile being duly sworn, depose and say,

I am a Police Officer. I herewith make application for the issuance of an Arrest Warrant against the defendant(s): Kyle Toledo (10/11/1999) OF 4 Vindale Road, Hooksett, NH

1. I have information that a crime (or offense) has been committed by the defendant(s) as follows:

**NH RSA 631:3 Reckless Conduct (M)
644:1 Riot (B)**

2. Details:

On June 3, 2020, I was on Facebook in the attempt to look for footage that was taken during the period of civil unrest that occurred on South Willow Street from the night of June 2, 2020 into the early morning of June 3, 2020.

It was during my search I came upon a males Facebook page that was using the name of Otm Dsmoove. The URL name shows the males name being Antwan Stroud. The URL of the Facebook profile is:

<https://www.facebook.com/antwan.stroud>

Once I was located on that Facebook profile I noticed that there was a Facebook Live video that was saved on his Facebook profile outline. This video began at June 2, 2020 at 2043 and lasts for 1 hour three minutes and 48 seconds.

When I clicked play on this video, I noticed right away that the male holding the camera was the same person whose Facebook page I was currently on and that video took place in the area of South Willow Street in Manchester NH. I also noticed that the male was apart of a large group of people and they were standing out side of Budget Gas (445 South Willow Street).

The group then began walking south on South Willow before stopping again and yelling things like "fuck the police" "fuck MPD" "fuck the feds" "fuck all those niggas".

At approximately 1240 into the video a group of Manchester Police Officers approached the group and informed them that they had to keep moving. The group then continues to move south on South Willow Street. The group then stops in front of Laundro Max (465 South Willow Street).

At approximately 2158 into the video, you can hear a female say "Kyle is lighting off the firework right now". The female then says that she brought four or five fireworks and that he brought them all.

At approximately 2235, you can hear the male holding the camera say "light that shit" twice. Afterwards you can see a male who is wearing a blue shirt, blue jeans, black baseball hat exposing his front left pocket showing multiple items that are cylinder like in shape and light brown, which I believe to be fireworks. The male then removes the fireworks from his pocket.

The male holding the camera again says, "you light that shit nigga". At approximately 2342 into the video, you can hear the male holding the camera say "Someone on my live said light that shit don't be a bitch" At approximately 2346 into the video you can see the male in the blue shirt lighting the firework on fire. The male is holding the fireworks in his left hand and holding a fire-producing product (possibly a lighter) in his right hand. After the firework is lit he throws the firework over the heads of the people in the group they are in. The lit firework lands in the front parking of the Laundromax Free Dry Laundry (465 South Willow Street). The actually lit firework lands roughly 10 feet from an occupied lighter colored vehicle. In the

video, you can see someone exit the vehicle and then the vehicle quickly reverses out of the parking space that they were legally parked in to leave the area. At approximately 2423 you can see the vehicle reversing. In the video, you can see the firework actively sending sparks in all directions.

On June 2, 2020, at the time of the firework going off Officer Austin Good, Detective Aaron Stone, Detective Guy Kozowyk and I were providing security to the area of 401 South Willow Street and were positioned in the area of the Zoo health club (377 South Willow Street). I was personally able to see the firework go off and called it over the radio. Directly south and west of the parking lot there was grassy areas and I was worried that a fire would be produced from the firework. As the lead arson investigator with the Manchester Police Department, I know that fireworks burn at extreme temperatures, which can cause other items to be ignited on fire, which are included but not limited to grass, clothing, vehicles and structures. I then began walking towards the firework. I was not close to the firework but I could tell the fire work was sending sparks feet in all directions. It was while I was walking towards the firework it went out, due to the fact that there was no actual fire I went back to my post.

After the firework was thrown by the male in the blue shirt the entire group again started walking further south on South Willow Street. The group then stops near the entrance of the strip mall containing Petco (1049 South Willow Street).

It was during the time the group was near the entrance they noticed a police officer (Mark Aquino) was speaking with someone while he was inside of an unmarked black police SUV. The male holding the camera along with the male in the blue shirt began walking west towards Officer Aquino. As the two males are walking towards Officer Aquino, Officer Aquino begins to drive towards the exit of the parking lot. As Officer Aquino is driving towards the exit the male holding the camera turns back and begins walking towards the cruiser and says "you pig, you pig bitch, you fucking faggot, I will slap anyone of you niggas". As the male is yelling this, he is walking towards the cruiser as well as the group of people that are still located at the entrance/exit of the parking lot. As the male holding the camera gets close to the group and the cruiser you can hear him say "roll your window up pussy". Due to the fact that there is a red light at the exit of the parking lot Officer Aquino had to stop at this location.

At approximately 4528 into the video you can hear the male holding the camera say "run this bitch ass nigga out of this shit". As the male is saying this, he walks closer to Officer Aquino. At this point, there are large group of people, which include individuals on pedal bikes. The male holding the camera said that "that there is niggas spitting on this shit" After he said that you can hear the male holding the camera spitting on Officer Aquino's police cruiser as well. The male then said "we spitting on his shit" "nigga on god" "nigga we spitting on his shit bad". Throughout this part of the video, you can see people walking in front of Officer Aquino's vehicle.

Due to the fact that I was currently working during this incident I heard Officer Aquino saying on the radio that he was being blocked in by a group of individuals and that his cruiser was kicked. Due to this, a group of police officers arrived on scene, which can be also seen on the video and arrested an individual or kicking his cruiser.

On June 3, 2020 at approximately 1341, I emailed still pictures I took from the video of the male in the blue shirt that lit the firework department wide looking to see if anyone could identify him.

Shortly after, I spoke with Detective Thomas Ouellette who is a school resource officer for the Manchester Police Department who identified the male as: Kyle Toledo (10/11/1999)

Due to the fact that Toledo has never been arrested by Manchester Police nor has any criminal history I requested his driver license picture through the New Hampshire State Police. I emailed this request on June 4, 2020 at approximately 0903.


On June 4, 2020, at approximately 1224 I received an email from Tom Gallagher who is an intelligence liaison officer for the NH Information and & Analysis Center. In this email Gallagher provided me with a copy of Toledo's driver license picture.

Based off that picture I was personally able to confirm that Toledo was the male who was wearing the blue shirt. The driver license picture will be attached to this report.

Based upon the foregoing information (and upon my personal knowledge) there is probable cause to believe the defendant did commit the crime of **Reckless Conduct (M)** as above stated, due to the fact Kyle Toledo (10/11/1999) recklessly engaged in conduct which placed another in danger of serious bodily injury when Toledo lit a firework and threw it over a group of individuals, which caused an actively lit firework to land roughly 10 feet from an occupied vehicle that was parked in Laundro Max (465 South Willow Street) which caused the vehicle to reverse and leave the area.

Based upon the foregoing information (and upon my personal knowledge) there is probable cause to believe the defendant did commit the crime of **Riot (B)** as above stated, due to the fact Kyle Toledo (10/11/1999) simultaneously with 2 or more persons, engaged in tumultuous or violent conduct and thereby purposely or recklessly created a substantial risk of causing public alarm, when Toledo along with a large group of people got in close conduct Officer Mark Aquino while he was located in a unmarked Police Cruiser, this group then blocked Officer Aquino's exit, spit on his vehicle and threatened violence on Officer Aquino which included pulling him out of his police cruiser.

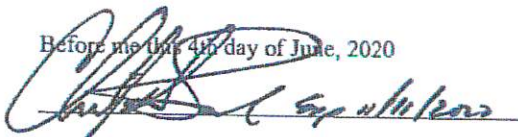
There is probable cause to believe the defendant did commit a crime I request the court issue an arrest warrant and order a duly authorized officer to take the defendant and bring him before the court having jurisdiction.

 DSH

(name)

Then personally appeared the above named Detective Ryan Heile and made oath that the foregoing affidavit by him subscribed is true.

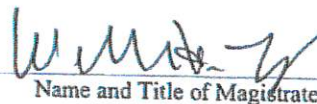
Before me this 4th day of June, 2020



Manchester District Court

Justice of the Peace-

And I, William H. Lyons Justice of the ~~Peace~~, Manchester District Court have personally examined the complaint against the aforesaid defendant, and any information contained in the above affidavit, and have orally examined the above applicant. Based upon such information I conclude there is - (~~is not~~) sufficient cause for the issuance of the arrest warrant sought. Therefore, the arrest warrant is granted - (~~denied~~) and the arrest warrant is - (~~is not~~) issued.



Name and Title of Magistrate

Notes of issuing Magistrate
On Reverse