

STATE OF IOWA
Department of Public Safety
INVESTIGATIVE REPORT



**DIVISION OF
CRIMINAL
INVESTIGATION**

CASE NUMBER: 2023014262
Version I

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LIMITATIONS ON DISCOVERY OF POLICE REPORTS

POLICE REPORTS

1. A defendant does not enjoy routine pretrial access to police investigative reports. *State v. Groscost*, 355 N.W.3d 32, 35 (Iowa 1984).
2. "...Such material (police investigation reports) is made available before trial, if at all, only upon proper motion and the exercise of the court's sound discretion." *State v. Groscost*, 355 N.W.2d 32, 35 (Iowa 1984).
3. It "is not mandatory for the court to order state disclosure of the names of all persons with knowledge of the incident." *State v. Thompkins*, 318 N.W.2d 194 (Iowa 1982).
4. There is no constitutional requirement that the prosecution make a complete and detailed accounting to the defense of all police investigatory work on the case. *United States v. Agurs*, 427 U.S. 97, 109 (1976).
5. The mere possibility that an item of undisclosed information might have helped the defense, or might have affected the outcome of the trial, does not establish "materiality" in the constitutional sense. *United States v. Agurs*, 427 U.S. 97, 109 (1976).
6. "...It is clear from both Iowa and federal decisions not all information in the prosecution's file must be turned over as a matter of constitutional due process." *State v. Hall*, 249 N.W.2d 843, 846 (Iowa 1977).
7. "...Defendant's entitlement to exculpatory evidence is 'a separate issue from whether defendant was entitled to have the court look through the State's files to determine if exculpatory material existed.'" *Groscost*, 355 N.W.2d 32, 37 (Iowa 1984). The Supreme Court has held "...a defendant is not entitled to all information in the prosecutor's files and that dragnet requests for information are properly refused." *State v. Groscost*, page 37.
8. In the absence of a factual showing to the contrary, a defendant is not entitled to an in-camera inspection of the State's investigatory files during trial to assure compliance with a pretrial motion for exculpatory evidence. *State v. Kase*, 344 N.W.2d 223, 227 (Iowa 1984).

STATEMENTS

1. "Statements of prosecution's witnesses, where material to the preparation of the defense, are to be the subject of discretionary discovery in advance of trial..." *State v. Kase*, 339 N.W.2d 157, 159 (Iowa 1983).
2. "This right to (pretrial) production of witnesses' statements is not absolute...The decision as to production must rest in each case with the good sense and sound discretion of the district court with an eye toward obtaining an expeditious and fair criminal trial." *State v. Kase*, 339 N.W.2d 157, 160 (Iowa 1983).
3. "The distinction between a statement made by a witness and one that is an imprecise summary of what another understood the witness to say has been made on the federal level as well as in Iowa." *State v. Groscost*, 355 N.W.2d 32, 36 (Iowa 1984).

MISCELLANEOUS

1. An informant's identity is not discoverable unless he "personally observed" or "participated in" the incident which is the basis of the charge for which the defendant is on trial. *State v. Luder*, 346 N.W.2d 802 (Iowa 1984).
2. Ordinarily there is no constitutional right to discover alleged exculpatory evidence before trial. *State v. Cuevas*, 282 N.W.2d 74 (Iowa 1979).
3. Iowa Rule of Criminal Procedure 13 (6) (a) allows for protective orders restricting, deferring, or otherwise controlling discovery procedures.
4. The burden is on the defendant to show that the prosecution withheld exculpatory evidence. *State v. Mark*, 286 N.W.2d 396 (Iowa 1979).
5. The Supreme Court will not presume that the withheld material was exculpatory. *State v. Mark*, 286 N.W.2d 396 (Iowa 1979).
6. There is no violation of the duty to disclose where both the prosecution and the defense have equal access or lack of access to the information. *Hamann v. State*, 324 N.W.2d 906 (Iowa 1982).
7. Once the prosecution has offered to let the defendant inspect evidence, the State "has no obligation to evaluate that evidence for defendant." *State v. Taylor*, 287 N.W.2d 576 (Iowa 1980).
8. "A defendant's request for exculpatory evidence must be for information which the State possesses." *Hamann v. State*, 324 N.W.2d 906 (Iowa 1982).
9. Prosecutor's notes which do not contain exculpatory evidence are not discoverable if they are not signed, adopted, or approved by a witness. *State v. Jacoby*, 260 N.W.2d 828 (Iowa 1977).

CIVIL CASES

"A public officer cannot be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure." Iowa Code 611.11.

The privilege (under 622.11) "targets and protects the communication itself, including any written report of the communication, and not just oral examination of the public officer. Therefore, when the State can satisfy the other prerequisites for shielding from disclosure confidential communications to a public officer, the privilege may be invoked at any stage of the proceedings where confidential communications would otherwise be disclosed, not just when a witness is testifying." *State ex rel. Shanahan v. Iowa District Court*, 356 N.W.2d 523, 528 (Iowa 1984).

To invoke the statutory privilege to maintain confidentiality of communications made to its public officers "the State need not conclusively prove that disclosure to the litigants of some specific part of the file might jeopardize its overall investigation." *State ex rel. Shanahan v. District Court*, 356 N.W.2d 523, 529 (Iowa 1984).

"Because the litigants have not shown that the information in the DCI file is critical to a thorough presentation of the factual circumstances in their civil lawsuit and because they have not made a sufficient showing that they cannot gain access to essentially the same information from other sources, we conclude that this case presents an exception to the principle that litigants may ordinarily obtain every person's evidence." *State ex rel. Shanahan v. District Court*, 356 N.W.2d 523, 530 (Iowa 1984).

IOWA DIVISION OF CRIMINAL INVESTIGATION

INVESTIGATIVE REPORT

CASE: 2023014262
TYPE: BUILDING COLLAPSE-THREE FATALITIES
LOCATION: 324 MAIN STREET, DAVENPORT, IOWA

VICTIM(S):

NAME: BRANDEN R. COLVIN SR.
ADDRESS: 324 MAIN ST, #511
DAVENPORT, IA 52801

SEX: MALE
RACE: BLACK
DOB: 11/18/1980

SS#: [REDACTED]

HGT:

WGT:

EYES:

PHONE: (RES)

(BUS)

(CELL)

EMPLOYMENT:

OCCUPATION:

DCI:

FBI:

☒ See Next Page for Add'l Victims

SUBJECT(S):

NAME:

ADDRESS:

SEX:

RACE:

DOB:

SS#:

HGT:

WGT:

EYES:

PHONE: (RES)

(BUS)

(CELL)

EMPLOYMENT:

OCCUPATION:

DCI:

FBI:

☐ See Next Page for Add'l Subjects

DATE OF INCIDENT: SUNDAY, MAY 28, 2023

CASE AGENT: SPECIAL AGENT RYAN KEDLEY

REQUESTING AGENCY: DAVENPORT FIRE AND POLICE DEPARTMENTS

ASSISTING AGENTS: DCI SPECIAL AGENTS DEREK RIESSEN, JOSH GUHL, LOUIS BROWN, MATT GEORGE,
MATT BURNS

SPECIAL AGENT IN CHARGE RICHARD RAHN

SPECIAL AGENT JUSTIN WADE (STATE FIRE MARSHAL)

ASSISTING AGENCIES: STATE FIRE MARSHAL'S OFFICE

IOWA STATE PATROL

DISTRIBUTION:

M	HD	PU	O	
				1. FILE (ORIGINAL)
				2. SAC JOE LESTINA (REVIEWED 06/12/2024)
				3. S/A RYAN KEDLEY-1
				4. FIRE MARSHAL JIM MORRIS, DAVENPORT FIRE DEPARTMENT-1
				5. KELLY CUNNINGHAM, SCOTT COUNTY ATTORNEY-1
				5. CAPTAIN JANE IMMING, DAVENPORT POLICE DEPARTMENT-1

Transcribed By/Date: MB/302218 (302237, 302238, 302239) 05/01/2024

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ADDITIONAL VICTIMS:

NAME: RYAN C. HITCHCOCK
ADDRESS: 324 MAIN ST, #208
DAVENPORT, IA 52801
SEX: MALE
RACE: WHITE
DOB: 12/12/1971
SSN:
HGT:
WGT:
EYES:
PHONE: (RES)
(BUS)
(CELL)
EMPLOYMENT:
OCCUPATION:
DCI:
FBI:

NAME: DANIEL ANTHONY PRIEN
ADDRESS: 324 MAIN ST, #309
DAVENPORT, IA 52801
SEX: MALE
RACE: WHITE
DOB: 12/24/1962
SSN:
HGT:
WGT:
EYES:
PHONE: (RES)
(BUS)
(CELL)
EMPLOYMENT:
OCCUPATION:
DCI:
FBI:

NAME: QUANISHIA WHITE-COTTON BERRY
ADDRESS: 324 MAIN ST, #411
DAVENPORT, IA 52801
SEX: FEMALE
RACE: BLACK
DOB: 09/21/1988
SSN:
HGT:
WGT:
EYES:
PHONE: (RES)
(BUS)
(CELL)
EMPLOYMENT:
OCCUPATION:
DCI:
FBI:

IOWA DIVISION OF CRIMINAL INVESTIGATION

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SECTION 1: SYNOPSIS

On Sunday, May 28, 2023, at approximately 4:55 PM, the Scott County (Iowa) Emergency Communications Center received multiple phone calls in reference to a partial building collapse at 324 Main Street, Davenport, Iowa. The Davenport Fire Department led scene response and completed an initial search of the building. Several occupants were rescued by first responders throughout the remaining evening of May 28, including one female occupant who suffered a partial leg amputation, deemed necessary as part of the rescue.

The building, known locally and referred to hereafter as “The Davenport,” was a historic, six-story building located in downtown Davenport. It was individually listed on the National Register of Historic Places in 1983. Most recently, it was being utilized as an apartment building, containing eighty-four living units.

This building is owned by Davenport Hotel, LLC, which is an LLC of ANDREW WOLD (DOB: 12/02/1981). The property manager of this address and other properties owned by WOLD is SARAH TYLER. The property was purchased in June 2021 from Waukee Investments I, LLC for 4.1 million dollars. During the period in which WOLD served as the owner of The Davenport, multiple City of Davenport permits were acquired for construction and repairs to the building.

In the days following the partial collapse of The Davenport, WOLD was issued a citation for a City of Davenport municipal violation – Maintaining Unsafe Structure.

On the morning of Thursday, June 1, 2023, at the request of City of Davenport officials, Special Agents of the Iowa Division of Criminal Investigation (DCI) responded to Davenport and began leading the criminal investigation while assessing whether Iowa criminal law was violated with regard to the circumstances leading to the building collapse. Special Agent in Charge Richard Rahn (DCI – now retired) was initially referred the investigation and subsequently assigned me, Special Agent Ryan Kedley (DCI), as the investigation’s case agent.

In addition to myself, acting as the lead investigator, assisting in the criminal investigation was a DCI Major Crime Unit (MCU) Special Agent in Charge, three assisting DCI–MCU special agents, five assisting special agents from the DCI’s Special Enforcement Operations Bureau, seven Davenport Fire Department investigators, four detectives of the Davenport Police Department, and one special agent from the State Fire Marshal’s Office, as well as a sergeant within the Iowa State Patrol, who assisted in providing overnight drone coverage.

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SECTION 1: SYNOPSIS

During the course of the investigation, it was confirmed three individuals died as a result of the building collapse: BRANDEN COLVIN (black male – 42 years of age); RYAN HITCHCOCK (white male – 51 years of age); and DANIEL PRIEN (white male – 60 years of age).

Autopsies of each of the three fatalities were completed at the Iowa Office of the State Medical Examiner, with all three having consistent causes of death: [REDACTED]. Manner of Death: [REDACTED].

The one living victim, who had suffered a partial leg amputation during her rescue from the partially collapsed building, was identified as QUANISHIA “PEACH” WHITE-COTTON BERRY (black female – 24 years of age).

Concurrent with ongoing rescue and recovery operations, the City of Davenport engaged White Birch Group, LLC (WBG) and SOCOTEC Engineering, Inc. (SEI) to investigate and provide opinions regarding the cause and origin of the collapse. A 113-page report (dated August 15, 2023) presents a summary of the engineering investigation to date based on available on-site observations and documentation, evaluation of electronic documents produced, and communications with city officials.

Based on the investigation performed to date, WBG and SEI reached the following conclusions:

Root causes of collapse: (1) *Inadequate capacity of wall system;*
(2) *Inadequate shoring.*

Proximate causes of collapse: (1) *Improper understanding of original building construction;* (2) *Inadequate construction documents;*
(3) *Neglect of composite wall;* (4) *Inadequate oversight of repairs;*
(5) *Inherent weakness of west wall;* (6) *Inadequate repair techniques;*
(7) *Inadequate frequency and type of maintenance.*

Throughout the course of the investigation to date, regular communications have been had with Scott County Attorney Kelly Cunningham in continually assessing how the findings of the investigation apply to Iowa criminal law.