

FILED
MAJOR COUNTY, OKLAHOMA

IN THE DISTRICT COURT OF MAJOR COUNTY
STATE OF OKLAHOMA

OCT 1 2008

SHARNA HOFFMAN COURT CLERK
DEPUTY

THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
ASHTON MALACHI TYLER)
DOB: 1989)
OLN: 082543638)
Defendant.)

No. CF-2008-53

**YOUTHFUL OFFENDER
I N F O R M A T I O N**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA;
Now comes HOLLIS THORP, the duly qualified and acting District Attorney of Major County, Oklahoma, and gives the Court to know and be informed that **ASHTON MALACHI TYLER**, did in Major County, Oklahoma, on or about the (**DURING THE YEAR 2005**), and anterior to the presentment hereof commit the crime of;

RAPE BY INSTRUMENTATION
Title 21 O.S. Section 1111.1

That the said defendant, **ASHTON MALACHI TYLER**, on the day and year aforesaid and in the county and state aforesaid, did unlawfully, willfully, and feloniously rape by use of an inanimate object, to-wit: using his finger and penetrating the vagina of J.S.T. without her consent and said J.S.T. suffered bodily harm therefrom, and said defendant is not married to J.S.T., in violation of Title 21 Oklahoma Statutes, Section 1111.1,
PENALTY: Not less than 5 years.

HOLLIS THORP
District Attorney
Timothy Haworth
TIMOTHY HAWORTH
Assistant District Attorney OBA #19825

Subscribed and sworn to before me this 30th day of Sept.,
2008.

Raymond Linder
JUDGE OF THE DISTRICT COURT

WITNESSES FOR THE STATE:
STEVE TANIO, D.A.'S INVESTIGATOR
UNDERSHERIFF ORLIS REAMES, MAJOR COUNTY SHERIFF'S OFFICE
DEPUTY JASON CAYWOOD, MAJOR COUNTY SHERIFF'S OFFICE
WHITNEY M. RUESS, D.H.S. SOCIAL WORKER, DISTRICT 26
J.S.T., 3918 BUFFALO ROAD, HIGHLAND ILLINOIS 62249
BARBARA THOMAS-JOHNSON, 3918 BUFFALO ROAD, HIGHLAND ILLINOIS 62249
JANICE MAY WICHERT, RT 1, BOX 110, FAIRVIEW OK
BEVERLY KAY HEINRICHS, RT 2, BOX 92, FAIRVIEW OK
SCOTT DWAYNE NEUFELD, HCR 60, BOX 185, FAIRVIEW OK

OCT 1 2008

IN THE DISTRICT COURT OF MAJOR COUNTY

STATE OF OKLAHOMA

SHAUNA HOFFMAN COURT CLERK
BY *[Signature]* DEPUTY

THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
ASHTON MALACHI TYLER,)
Defendant.)

CF-2008-53

DOB: 07/12/1989 or 12/07/1989
SSN:
OLN: 082-54-3638

A F F I D A V I T

The undersigned upon oath deposes and states as follows, to-wit:

I, Steve Tanio, Affiant, an Investigator with District #26, being first duly sworn upon oath, deposes and says that the crime of **CHILD SEXUAL ABUSE** (O.S. 10, Section 7115), did occur in **MAJOR COUNTY**, State of Oklahoma on or about **2005**.

I have personal knowledge of the facts and circumstances hereinafter related as a result of my own investigative efforts, and have determined the following:

(SEE ATTACHED)

Based on this information the undersigned prays that this Honorable Court issue a finding of fact that probable cause exists to believe that a crime has been committed and that there is probable cause to believe the defendant above named committed the crime.

Steve Tanio
AFFIANT

Subscribed and sworn to before me this 25 day of Sept, 2008.

Sharon Wallace
NOTARY PUBLIC

(SEAL)

My Commission Expires: 04-18-2012
5978

FINDING OF PROBABLE CAUSE

The undersigned Judge of this Court, upon sworn testimony and/or affidavit hereby determines there to be probable cause to detain the defendant.

Ray Dean Linder
JUDGE OF THE DISTRICT COURT

ATTACHMENT OF AFFIDAVIT FOR PROBABLE CAUSE

1. On September 9, 2008, Barbara Louise Thomas-Johnson told me she was in the process of adopting J.E.J AKA J.S.T., female child, age 12. Thomas-Johnson told me J.E.J. told her she had previously lived with Ardee Tyler, Penny Tyler, Ashton Tyler, at the Tyler's residence, located west of the City of Fairview, County of Major, State of Oklahoma. Thomas-Johnson told me J.E.J. had stated she had been physically abused by Ardee and Penny Tyler, while at their residence in 2007. J.E.J. stated she had been tied with rope and restrained to a bed in the basement of the Tyler residence within the past year for two consecutive nights. J.E.J. indicated she had been tied with a rope, to a chair during the daylight hours, during this same time period. J.E.J. had also been forced to sleep outside of the residence by Ardee and Penny Tyler, when the outside temperature was very cold. J.E.J. indicated to Thomas-Johnson, in early 2007 she had been sexually assaulted by Ashton Tyler, in Ashton's bed in the basement of the residence.
2. On September 24, 2008, Ashton Tyler told me on one occasion in 2005, when Ashton was 15 years old and J.S.T. was 9 years old he had sexually assaulted J.S.T. Ashton told me one time during the evening hours while he was wearing only a pair of shorts and no other clothing he had walked in J.S.T.'s bedroom and picked J.S.T. out of her bed and carried her into his bedroom. While carrying her, Ashton began kissing J.S.T. on her mouth. J.S.T. was clothed only in a pair of pajamas. Ashton then laid J.S.T. on his bed and began kissing J.S.T. on her mouth. Ashton then placed his left hand on J.S.T.'s breast area and rubbed. Ashton admitted to me while he continued to kiss J.S.T. on her mouth, he moved his left hand to J.S.T.'s vaginal area and inserted his left index finger into J.S.T.'s vagina. Ashton told me "it was a terrible mistake and I'm so sorry, I never did it again, please forgive me." Ashton made these admissions to me in the presence of Major County Undersheriff Orlis Reames and Deputy Sheriff Jason Caywood. Ashton also provided me with a hand written statement of his admissions.
3. I have been a law enforcement officer in the State of Oklahoma since 1980 and have investigated numerous criminal offenses, to include but not limited to child physical abuse.

Further affiant saith not.

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YOUTHFUL OFFENDER

WARRANT

COUNTY OF MAJOR,)
STATE OF OKLAHOMA.) ss:

TO ANY SHERIFF, MARSHAL OR POLICEMAN OF THIS STATE:

WHEREAS, a complaint has been made in writing and upon oath, before me, Associate District Judge, in and for said County, that ASHTON MALACHI TYLER, late of said County, on or about the DURING THE YEAR 2005, at and within said Major County and State aforesaid, did then and there commit the crime of:

RAPE BY INSTRUMENTATION
Title 21 O.S. Section 1111.1

You are therefore commanded forthwith to arrest the above named ASHTON MALACHI TYLER, in the daytime or nighttime and bring him before me at the Court House in the City of Fairview, Oklahoma; or, in case of my absence or inability to act, before the nearest or most accessible Magistrate in this county.

Defendant is admitted to bail in the sum of \$ 5,000.00.

Given under my hand this 30th day of Sept, 2008.

OFFICER'S RETURN

I received this bench warrant on the 30 day of Sept., 2008, and executed same on the 1 day of Oct, 2008.

By Arrest - Sokk. Broad way, Fairview

Raymond Linder
Associate District Judge

Steven Rantolp
Deputy