

ARREST WARRANT



County/District Court

City and County of Denver, Colorado/ THE PEOPLE OF THE STATE OF COLORADO

Case Number: 2012-212874
Date of Offense: 05/20/2012
Location of Offense: Galapago St. Denver, CO 80204
Defendant: Tony Dotson

To all Sheriffs, Peace Officers and Police Officers with the said State:

WHEREAS the Denver Police Department Criminal Investigations Division is investigating the above-referenced suspect for the crime of:

SEXUAL ASSAULT, C.R.S. 18-3-402(1)(a), (4)(a), a class three felony
SEXUAL ASSAULT, C.R.S. 18-3-4021(a), 5(a)(III), a class two felony
BURGLARY IN THE 1st DEGREE, C.R.S. 18-4-202(1), a class 3 felony
ASSAULT IN THE 2nd DEGREE, C.R.S. 18-3-203(1)(b), a class 4 felony
CRIME OF VIOLENCE, C.R.S. 18-1.3-406(2)(a)(I), (A)(II)(H)

AND WHEREAS the Court has examined the attached affidavit and has satisfied itself that there is probable cause to believe that the above named offense(s) has been committed by the above named person

AND WHEREAS the Affiant, Denver Police Detective Jami Sisneros, has requested that an arrest warrant issue for the above named person,

You are hereby commanded to take the person of the defendant and bring him without unnecessary delay before a Judge of the County or District Court.

Bail fixed at \$ \_\_\_\_\_ Signature of Judge

Date \_\_\_\_\_ Printed name of Judge

I HEREBY CERTIFY that I executed the above warrant on (date) \_\_\_\_\_ by taking \_\_\_\_\_ (name of person arrested) into custody and placing said person in the \_\_\_\_\_ Jail for safekeeping until further order of the court.

Signature of Arresting Officer



**AFFIDAVIT AND APPLICATION FOR ARREST WARRANT  
AND THE ARREST WARRANT FOR THE PERSON(S) OF:**

**Tony Jay Dotson, 06/27/1972, White male, 5'10", 210 lbs, brown eyes, brown hair, who resides at 3911 N. Osage Street, Denver, CO 80204.**

**For; SEXUAL ASSAULT, C.R.S. 18-3-402(1)(a), (4)(a), a class three felony  
SEXUAL ASSAULT, C.R.S. 18-3-402(1)(a), 5(a)(III), a class two felony  
BURGLARY IN THE 1<sup>st</sup> DEGREE, C.R.S. 18-4-202(1), a class 3 felony  
ASSAULT IN THE 2<sup>nd</sup> DEGREE, C.R.S. 18-3-203(1)(b), a class 4 felony  
CRIME OF VIOLENCE, C.R.S. 18-1.3-406(2)(a)(I), (A)(II)(H)**

Your affiant, Detective Jami Sisneros, 00073, a police officer for the City and County of Denver, currently assigned to the Sex Crimes Unit, obtained the following information by personal observations, interviews with witnesses, discussions with fellow officers and by reviewing official police reports of the Denver Police Department. Your affiant relates the following in establishing probable cause to obtain a Search Warrant for the production of the requested records:

On Monday, May 21, 2012 Your Affiant was assigned with the investigation into the Burglary/Sexual Assault of [REDACTED] dob: 07/[REDACTED]/1981 that occurred at [REDACTED] Galapago Street [REDACTED] in the City and County of Denver, State of Colorado.

On that date at approximately 6:30 a.m. Detective Brian Norwell, 01037 was contacted by Sex Crimes Unit Sergeant Julie Wheaton, 94006 and advised of a burglary sexual assault located at [REDACTED] Galapago Street [REDACTED]. The victim was transported by ambulance to Denver Health Medical Center (DHMC) for treatment.

Detective Norwell responded to DHMC to interview the victim.

The victim stated that she went to bed and fell asleep at approximately 1:00 to 1:30 a.m. She believes the assault occurred at approximately 3:00 a.m. She stated that she was asleep in her bedroom when she was awoken by an unknown male who immediately began grabbing and striking her before placing a sheet over her head. The suspect threw her to the ground next to the bed and began slamming her head against the floor. He then pulled the sheet around her head very tightly constricting her breathing before tying her hands behind her back. The victim stated that the suspect had a knife and he cut her shirt off and ripped off her clothes and then threw her back onto the bed. Once on the bed the victim stated that she resisted the suspect, began struggling, and momentarily got her hands free. However, the suspect again threw her to the ground and began slamming her head on the floor. He then retied her hands, rewrapped the sheet around her head multiple times (so tight she thought she was going to die), and then threw her back onto the bed before penetrating her vaginally with his penis. She said she was assaulted on top of the tan sheets and white comforter on her bed.

The victim stated that she struggled with the suspect multiple times and on one occasion, while trying to kick him, she was cut on the finger by the knife he was holding. The victim was unable to provide a description of the knife.

The victim stated that she believed the suspect used a condom during the sexual assault but may have removed it and ejaculated on her leg. At some point during the assault the suspect wiped her leg with a cloth. The victim did not see a condom or wrapper and also did not know what the cloth looked like that he used.

After the assault the victim stated that the suspect turned her over onto her stomach and she was partially hanging off the bed. He then left the room, closing her bedroom door behind him. The victim stated that she then heard one of her downstairs doors slam. The victim was finally able to break free of the restraints at which time she noticed her cell phone was missing. As a result, she could not contact officers. She then went downstairs and noted that the front door was unlocked. She then grabbed her car keys and drove to her boyfriend's residence near 8th and Lafayette. Once there they contacted law enforcement before returning to her residence where they met Paramedics and Police.

The victim was unable to describe the suspect. She stated that he was dressed all in black and she could not recall any designs or specifics about his clothing. She stated she never saw his face and believed he had a mask on. She could not tell his race and noted that he never spoke a word during the entire assault. She also believed he was wearing gloves. However, she added that he may have removed them during the assault because she noticed a difference at one point while he was touching her.

The victim stated that she had no idea how the suspect accessed her residence. She confirmed that she had a fake rock behind her residence with a key in it. She also believed all the doors and windows were closed and locked prior to her going to bed. The victim stated that one of the officers on scene tried to locate her I-Phone, ( ) via a search application but it appeared to have been turned off.

The victim stated that the clothes she was wearing during the assault were still at her residence. She believed she was wearing a blue t-shirt that said "ski" on it and "skin color" cotton underwear. She also said that the suspect tied her hands with a red, pink and orange cotton scarf. During the assault she did not see the suspect handle anything specific. As a result, she could not suggest anything that may contain his prints. She also did not recall seeing anything the suspect may have left at the scene.

Detective Norwell learned from the victim that she is the owner of Galapago Street along with who resides in New York. The victim confirmed she is the sole tenant of this residence and she agreed to sign a "consent to search" form to allow officers to search her residence.

Detective Norwell then responded to the victim's residence along with the Denver Police Crime Scene Unit (CSU) Detectives Frank Harrington, 91030, Timothy Kelley, 95055 and David Naysmith, 98001 to process the scene.

Uniformed Officers were on scene and securing the front and rear of the victim's residence. Detectives observed that there were no obvious signs of forced entry to the residence. All of the windows were

shut and the screens were in place. The screen for the kitchen window located on the rear/north wall was bent at the top but was later confirmed to have been damaged prior to the assault.

Detective Norwell entered the residence through the rear door and then unlocked and opened the front door. Detectives Harrington, Kelley & Norwell walked through the scene. A pair of woman's underwear co-mingled with a multi-colored scarf was on the floor in front of the victim's bed. Apparent blood was observed on at least one of the pillows on the bed. A knife inside a sheath was observed on the plastic drawer nightstand on the right/north side of the bed. What appeared to be 2 blue shirts, 1 royal blue and 1 navy blue, were observed on the bed.

A green bed sheet was observed on top of the bed in the 2nd bedroom located upstairs.

Detective Harrington photographed the scene and possible evidence. Detective Harrington took a total of 103 photographs. Detective Kelley assisted with the photo log.

Detective Naysmith responded to Police Headquarters to pick up the alternate light source (ALS) kit. Detectives Kelley and Naysmith applied the light source to the visible portion of the bedding and the floor in the master bedroom. Detective Kelley circled areas of unknown stains on top of the bedding that alerted to the ALS. Detectives Kelley and Naysmith also used the ALS, with negative results, on the viewable portion of the green sheet in the 2nd bedroom.

Detective Kelley collected the 2 blue shirts from the victim's bed and secured them inside separate evidence bags. Detective Kelley collected the underwear and scarf and secured them inside an evidence bag. Detectives Kelley and Naysmith collected the bedding from the victim's bed. The comforter was secured in one evidence box, the rest of the bedding and pillows were secured inside a second evidence box. Detective Kelley collected the knife/sheath and secured it inside a knife evidence box. Detective Kelley collected the green sheet from the other bed and secured it inside an evidence bag.

Detective Naysmith fingerprinted the: exterior/interior of the rear door and the rear screen door; the exterior of the kitchen window/screen; the access panel door for the circuit box attached to the rear/north wall; a fake rock and house key (hidden inside) on the kitchen counter (Detective Norwell recovered the fake rock from the rock bed located at the rear of the residence and brought it inside); and the exterior/interior of the front door and the front screen door.

Detective Naysmith lifted 3 latent prints (LP) from the following: LP #1- from the interior surface of the rear screen door; LP #2- from the interior surface of the front screen door; and LP #3 from the exterior surface of the front screen door. Detectives photographed the areas where the LP's were lifted from.

Detective Kelley transported the evidence to Police Headquarters. Detective Harrington met Detective Kelley at that location and assisted with placing the evidence in the Property Bureau under invoice #512903-items #1-8.

On May 21, 2012 at approximately 9:10 a.m. Your Affiant interviewed the victim again. The victim confirmed the information that she initially reported to Detective Norwell and provided additional information.

The victim stated that she had been out earlier in the evening with her friend's [REDACTED] and [REDACTED]. The victim stated that they went to a Food Truck event at Ringsby Court and met up with a couple of other friends. The victim stated that they left there and went to Illegal Pete's downtown and then to Mezcal on Colfax. The victim stated that she was dropped off at her home at approximately 1:00 a.m.

The victim stated that she specifically remembers that the windows were closed because it was cold and raining earlier in the day and she remembers shutting them before she went out.

The victim stated that the suspect never said a word to her and she kept asking him why he was doing this and what he wanted. The victim stated that she yelled for her dog to help her and that's when the suspect tied the sheet around her head tighter so she couldn't talk. The victim stated that she could hear her dog's collar but he never came to her.

The victim stated that her boyfriend [REDACTED] stays over all the time and she thought it was very weird that this happened on a night that he wasn't there.

Your Affiant spoke with the victim's boyfriend [REDACTED], dob: 06/[REDACTED]/1984 and he confirmed that he was working on the night of the assault and he went to his house after work and spent the night there. Mr. [REDACTED] also confirmed that he stays the night at the victim's house 5-6 nights a week.

Your Affiant submitted a Lab Request to have the victim's S/A Kit, underwear and pillow examined for possible DNA evidence.

On May 24, 2012 at approximately 9:10 a.m. Mr. [REDACTED] contacted Your Affiant regarding a friend of theirs that concerns him that was with the victim on the night she was assaulted. Mr. [REDACTED] stated that the friend's name is Tony and he is the fiancé of the victim's friend [REDACTED]. Mr. [REDACTED] stated that Tony often makes inappropriate comments to the victim and he just gets a creepy feeling about him. Mr. [REDACTED] stated that on the night the victim got assaulted, Tony was texting her asking where she was at and what she was doing. Mr. [REDACTED] stated that Tony has previously watched the victim's dog and knows where the hide-a-key is. Mr. [REDACTED] could not provide any further information about Tony but stated that he would have the victim contact me.

The victim contacted Your Affiant and stated that Tony's last name is Dotson and that he will be turning 40 next month. The victim stated that she met Tony through her friend [REDACTED] and that she's known him for a few years. The victim described Tony as a white male, 5'10, muscular build, dark skin, short dark hair and dark eyes. The victim stated that Tony and [REDACTED] used to live at the Parkway Apartments down the street from her but then moved to 39<sup>th</sup> and Osage. The victim stated that Tony has made sexual comments toward her in the past. The victim stated that Tony and [REDACTED] were with her earlier on the night she got assaulted but they left early and did not go to the Mezcal Bar with her. The victim stated that she received text messages from Tony from the number 303-859-6317 after leaving them that evening. She provided your Affiant with cell phone records from Verizon indicating that the following text messages occurred. Text message from him to her 12:00 a.m.; text

message from her to him 12:05 a.m.; text message from him to her 12:08 a.m.; text message to her from him 12:57 a.m.; text message from her to him 1:20 a.m.; and text message to her from him 1:49 a.m. She was unable to provide Your Affiant with the content of the messages but indicated the conversation was about inquiring what she was doing and if she was still out. She told him she was going home to go to bed. The victim confirmed that Tony knows where the hide-a-key is because he has taken care of her dog before. The victim stated that her friends [REDACTED], [REDACTED] and [REDACTED] also know where the hide-a-key is.

During the course of the interview the victim indicated that she had heard from the friends who were with her that night or had learned through others what happened to her. She noted that she had not heard from Tony and found that unusual given the number of text messages the night of the incident.

On May 24, 2012 Your Affiant received lab results from Forensic Scientist April Flack of the Crime Laboratory Forensic Biology Unit concerning the DNA results.

- A chemical indication of blood was detected on the panties (512898-2).
- No semen was detected on the panties (512898-2) and no semen was detected and no spermatozoa were identified on the vaginal swabs (513050-1B), the lower thigh swabs (513050-1C), the upper thigh swabs (513050-1D), or the hip swabs (513050-1E).
- The vaginal swabs (513050-1B), the lower thigh swabs (513050-1C), the upper thigh swabs (513050-1D), the hip swabs (513050-1E) and the known saliva sample from [REDACTED] (513050-1A) will be submitted for STR-DNA analysis and an additional report will follow.

On May 30, 2012 at approximately 10:00 a.m. Your Affiant met with Crime Lab personnel Susan Berdine, and April Flack to discuss additional lab testing. As a result of the meeting, Your Affiant submitted an additional lab request for latent print, trace and DNA analysis on the sanitizer bottle, comforter, sheets, scarf and royal blue tee-shirt.

On May 31, 2012 at approximately 9:50 a.m. Your Affiant spoke with April Flack and she informed Your Affiant that she located a black, red and white knit stocking cap balled up inside the comforter and pillow cases. Your Affiant requested that Ms. Flack send Your Affiant a picture of the hat and she would follow-up with the victim and Mr. [REDACTED].

Mr. [REDACTED] came to Police Headquarters to submit a voluntary saliva sample. Your Affiant spoke with Mr. [REDACTED] concerning Tony Dotson. Mr. [REDACTED] stated that he's known Tony for a little over a year and that he's always creeped him out. He stated that there is just something weird and not right with Tony but they put up with him because of [REDACTED]. Your Affiant showed Mr. [REDACTED] a single photograph of Tony Dotson; dob: 06/27/1972 and he identified the photograph as the same Tony that is engaged to [REDACTED].

A photograph of the knit cap was shown to the victim and Mr. [REDACTED] and they denied that the knit cap belonged to them and both stated that they've never seen the knit cap before.

On June 15, 2012 Your Affiant received lab results from Forensic Scientist Shawn O'Toole of the Crime Laboratory Forensic Biology Unit concerning the DNA results regarding the white comforter

512903-6A-1 and the knit stocking cap 512903-6D-1 (presumptive blood stain) and 6D-2 (swabbing of inside for cellular material).

The DNA profiles obtained from the white comforter and the inside of the knit cap (512903-6A-1 and 6D-2, respectively) present as mixtures of at least two people. The major source female DNA profile from these items matches [REDACTED]. The minor contributor profiles from these items have been submitted to CODIS and any matches will be reported. [REDACTED] is excluded as a contributor to these mixtures.

On June 22, 2012 Your Affiant received lab results from Forensic Scientist April Flack of the Crime Laboratory Forensic Biology Unit concerning the DNA results regarding the white comforter 512903-6A-1 and the knit stocking cap 512903-6D-1 and 6D-2.

A chemical indication of blood was detected on the comforter 6A-1 and the knit stocking cap 6D-1. These items were submitted for STR-DNA analysis.

On June 22, 2012 Your Affiant received lab results from Forensic Scientist Susan Berdine of the Crime Laboratory Forensic Biology Unit concerning a CODIS Forensic Match.

During a search of the Combined DNA Index System (CODIS), the minor DNA profile from the comforter stain (512903-6A-1) from Case 1 resulted in a CODIS hit to the known saliva sample from Tony Dotson, dob: 06/27/1972 from Case 2. Tony Dotson cannot be excluded as a contributor to the minor DNA profile from the comforter stain from Case 1. The CODIS hit was a moderate stringency match.

On June 27, 2012 Your Affiant received lab results from Forensic Scientist Shawn O'Toole of the Crime Laboratory Forensic Biology Unit concerning the CODIS hit.

As a result of the victim being cut with the knife during the assault, a sample was obtained from a blood stain on the white comforter. From that blood stain Tony Dotson is included as a possible contributor to the minor alleles obtained from the white comforter and the inside of the knit cap. The probability of randomly selecting an unrelated individual from the U.S. population who would be included as a possible contributor to these minor alleles is estimated to be:

- 1 in 890,000 for the white comforter (512903-6A-1)
- 1 in 480,000 for the inside of the knit cap (512903-6D-2)

On June 30, 2012 Your Affiant interviewed Tony Dotson. Mr. Dotson stated that he met the victim and her boyfriend [REDACTED] through his girlfriend [REDACTED]. Mr. Dotson stated that he's known the victim for a few years.

Mr. Dotson stated that on the night the victim got assaulted, she met up with him, [REDACTED] and [REDACTED]'s parents at a Food Truck event. Mr. Dotson stated that the victim was with two friends but [REDACTED] wasn't with her. Mr. Dotson stated that he only spent a few minutes with the victim before she left the event with other friends. Mr. Dotson stated that him, [REDACTED] and her parents went back to his and [REDACTED]'s house located at [REDACTED] N. Osage Street after the food truck event. Mr. Dotson stated

that he and [REDACTED] texted the victim later that evening to see if she was still out but then decided to stay home. Mr. Dotson denied any other contact with the victim later that evening. Mr. Dotson stated that he and [REDACTED] didn't leave the house the rest of the evening.

Mr. Dotson stated that when he heard about what happened to the victim, he didn't believe her because she and [REDACTED] were fighting on the night of the assault and he thought she may just be looking for attention. Mr. Dotson stated that the victim can be dramatic at times.

Mr. Dotson stated that before he and [REDACTED] moved to the Osage address in November of 2011, they lived across the street from the victim. Mr. Dotson stated that he and [REDACTED] dog sat for the victim when they lived across the street from her but have not dog sat since they moved. Mr. Dotson stated that they would take the dog to their house instead of staying at the victim's house. Mr. Dotson stated that the victim had a hide-a-key in a rock that was in her backyard and that is how they gained access to the house. Mr. Dotson stated that he had the same rock at his house and even made fun of the fact that the rock didn't match any of her other rocks.

Mr. Dotson stated that he and [REDACTED] have spent late nights at the victim's house hanging out but have never spent the night there. Mr. Dotson stated that the last time he and [REDACTED] were at the victim's house was in April before they went to a concert.

Since Mr. Dotson denies ever having slept at the victim's home, there is no explanation for the presence of his DNA on the comforter or the ski hat that was found in the victim's room. Mr. Dotson had access to the victim's house through the use of the hide-a-key. Furthermore, the victim's dog did not react to the presence of the intruder, thus, indicating the person was known to the dog.

Additional DNA testing in the form of Y-STR-DNA was conducted on the white comforter and knit stocking cap. On the white comforter, Tony Dotson is included as a possible contributor to the major source Y-STR DNA profile and minor STR DNA profile. The probability of randomly selecting an unrelated individual from the U.S. population who would be included as a possible contributor to the major source Y-STR DNA profile and minor STR DNA profile is estimated to be 1 in 2.5 billion (10E9).

On the knit stocking cap, Tony Dotson is included as a possible contributor to the major source Y-STR DNA profile and minor STR DNA profile. The probability of randomly selecting an unrelated individual from the U.S. population who would be included as a possible contributor to the major source Y-STR DNA profile and minor STR DNA profile is estimated to be 1 in 1.3 billion (10E9).

Complete DNA results are attached.

**Given these facts, Your Affiant respectfully requests that this probable cause arrest warrant be approved for the charges of SEXUAL ASSAULT, C.R.S. 18-3-402(1)(a), (4)(a), a class three felony, SEXUAL ASSAULT, C.R.S. 18-3-4021(a), 5(a)(III), a class two felony, BURGLARY IN THE 1<sup>st</sup> DEGREE, C.R.S. 18-4-202(1), a class 3 felony, ASSAULT IN THE 2<sup>nd</sup> DEGREE, C.R.S. 18-3-203(1)(b), a class 4 felony and CRIME OF VIOLENCE, C.R.S. 18-1.3-406(2)(a)(I), (A)(II)(H) for the suspect identified as Tony Jay Dotson.**



**Pursuant to Rule 41 of the Colorado Revised Statutes, your Affiant is respectfully requesting the approval to have this arrest warrant sealed from public release of the information herein contained due to the media coverage of this case, to assure that this case is not compromised, and/or so that witnesses mentioned in this warrant can be protected from any type of early reprisals, so that this investigation can continue.**

I affirm this information to be true and correct

\_\_\_\_\_  
Signature of Affiant

Subscribed under oath before me on

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

\_\_\_\_\_  
Judge or Notary Public

My commission expires:

\_\_\_\_\_