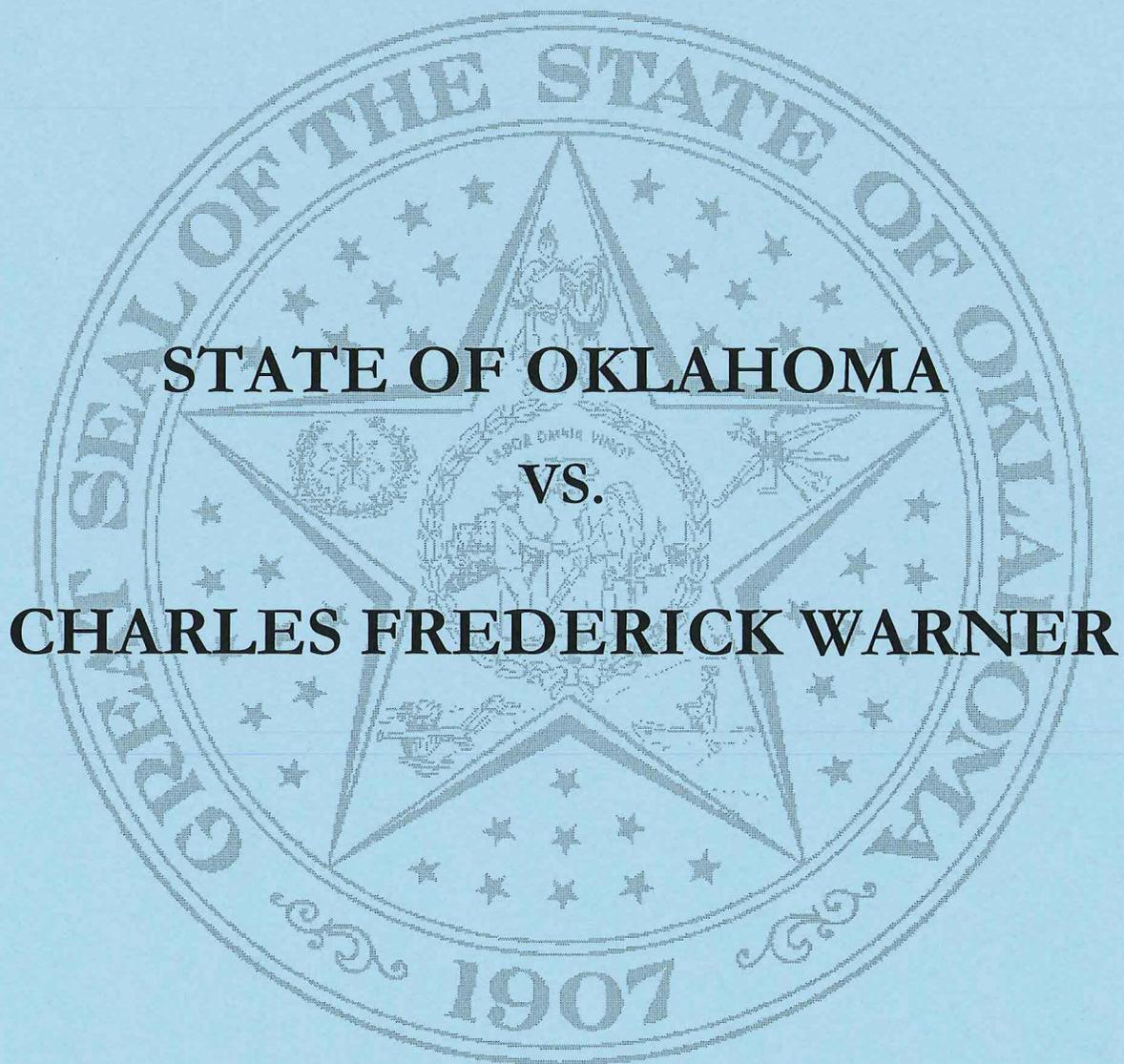


**OFFICE OF THE ATTORNEY GENERAL  
STATE OF OKLAHOMA**



**STATE OF OKLAHOMA  
VS.  
CHARLES FREDERICK WARNER**

**CLEMENCY HEARING**

**MARCH 4, 2014  
10:00 A.M.**

**Submitted by:  
Assistant Attorney General Robert Whittaker**

**CLEMENCY HEARING  
OF  
CHARLES FREDERICK WARNER  
MARCH 4, 2014  
10:00 A.M.**

**TABLE OF CONTENTS**

<b>BRIEF IN SUPPORT</b> .....	<b>1-24</b>
<b>I. Procedural History</b> .....	<b>1</b>
<b>II. Statement of the Facts</b> .....	<b>6</b>
<b>A. The Murder</b> .....	<b>6</b>
<b>B. Defendant's Statements</b> .....	<b>11</b>
<b>C. Aggravating Circumstances</b> .....	<b>16</b>
<b>1. Continuing Threat</b> .....	<b>16</b>
<b>2. Especially Heinous, Atrocious or Cruel</b> .....	<b>19</b>
<b>D. Defendant's Other Illegal/Bad Acts</b> .....	<b>20</b>
<b>E. Lack of Remorse</b> .....	<b>21</b>
<b>F. Victim Impact</b> .....	<b>22</b>
<b>III. Conclusion</b> .....	<b>24</b>

APPENDIX

REPORT OF INVESTIGATION BY MEDICAL EXAMINER ..... 1-19

REPORT OF OFFICER WILLIAM LOFTIS .....20

PHOTO OF VICTIM, ADRIANNA WALLER AT HOSPITAL ..... 21

PHOTO OF VICTIM, ADRIANNA WALLER SHOWING LUBRICANT  
AROUND ANAL OPENING ..... 22

PHOTOS OF OPENED JAR OF VASELINE AND OPENED JAR OF  
ALOE VERA LOTION FOUND IN BEDROOM OF  
DEFENDANT'S HOME .....23-24

REPORT OF OFFICER DAVID GRIFFIN ..... 25-26

DIAGRAM OF DEFENDANT'S HOME ..... 27

REPORT OF OFFICER TIMOTHY BALLARD ..... 28-29

EXCERPTS FROM INTERVIEW WITH CHARLES WARNER  
DVD - 25 MINUTES ..... 30

TRANSCRIPT OF EXCERPTED PORTIONS OF INTERVIEW OF  
DEFENDANT REGARDING MURDER ..... 31-48

REPORT OF OFFICER ERIC MULLENIX  
REGARDING INTERVIEW OF DEFENDANT ..... 49-53

REPORT OF OFFICER ERIC MULLENIX  
REGARDING INTERVIEW OF SHONDA WALLER .....54-60

REPORT OF OFFICER WILLIAM EDWARDS ..... 61-62

EXCERPTED PORTION OF TRANSCRIPT OF DEFENDANT'S  
TESTIMONY AT MARCH, 1999 JURY TRIAL ..... 63-68

REPORT OF KATHLEEN HATLELID REGARDING  
ABUSE TO CHARVON AND VONNITA WARNER .....69-74

**DIAGRAM OF INJURIES SUSTAINED BY  
VONNITA WARNER .....75**

**PHOTOS OF INJURIES SUSTAINED BY VONNITA WARNER ..... 76-80**

**TRANSCRIPT OF EXCERPTED PORTIONS OF INTERVIEW OF  
DEFENDANT REGARDING ABUSE TO VONNITA,  
CHARVON AND VONRICCA WARNER ..... 81-88**

**LETTER FROM INSPECTOR (RETIRED) ERIC MULLENIX .....89**

**LETTER FROM FORMER ASSISTANT DISTRICT ATTORNEY,  
LOU KEEL .....90**

# CHARLES FREDERICK WARNER

## I. Procedural History

The evidence in this case shows that during the afternoon of August 22, 1997, Charles Frederick Warner ("Defendant") brutally raped and murdered 11-month-old Adrianna Waller. The Oklahoma Court of Criminal Appeals ("OCCA") summarized the evidence presented at Defendant's jury trial as follows:

¶ 2 Appellant was charged and convicted of the first degree rape and murder of 11 month old Adrianna Waller. The victim and her mother, Shonda Waller, lived with Appellant and his two children, six year old Charvon and five year old Vonnita. Two year old Dashja, Appellant's daughter from another relationship, stayed with them on occasion. On August 22, 1997, Appellant left early that morning to pay a traffic fine at city court. He returned home at approximately 10:00 to 10:30 a.m. Ms. Waller prepared lunch for Appellant and the older children and fed the victim baby food. At approximately noon, Ms. Waller left for the grocery store. All four children remained at home with Appellant. At the time Ms. Waller left, the victim was dressed in a jumpsuit. Ms. Waller returned home at approximately 2:00 to 2:30 p.m. She glanced in the master bedroom and saw the victim lying on the bed. The victim appeared to be sleeping. Ms. Waller noticed the victim was dressed only in her diaper. Later that afternoon, Appellant and Ms. Waller decided to take all the children with them to run errands. Ms. Waller intended to get the victim ready but Appellant stopped her and volunteered to retrieve the victim from the bedroom. Appellant returned to the living room holding the victim and saying that she was not breathing. When Appellant handed the victim to Ms. Waller, the victim was limp. Ms. Waller began screaming and told Appellant to take them to the emergency room. Appellant drove Ms. Waller and all the children to the emergency room. On the way, Ms. Waller gave the victim CPR.

¶ 3 They arrived at the hospital at approximately 3:40 p.m. Emergency personnel took the victim and continued

resuscitation efforts. All efforts failed and the victim was pronounced dead at 4:07 p.m. Emergency charge nurse Robin Justice was cleaning the victim before Ms. Waller saw her when she noticed bright red blood around the victim's rectum and tears to the rectum. Ms. Justice testified at trial that the injuries appeared to be fresh and recent. She called police and notified the attending physicians Drs. McCreight and Hill.

¶ 4 Dr. McCreight observed bright red blood staining the skin around the victim's rectum and tears around the rectum. X-rays indicated two skull fractures, one of which was depressed, and two fractures to the left jaw. Dr. McCreight testified that the injuries were recent, consistent with a violent shaking and inconsistent with a fall from a bed to a carpeted floor. He also testified that upon sustaining such injuries, the victim would not be able to eat, drink or play. His diagnosis was sexual and physical abuse.

¶ 5 In conducting the subsequent autopsy, the medical examiner Dr. Choi, determined the cause of death to be multiple injuries to the victim's head, chest, and abdomen. She determined the manner of death to be a homicide. Dr. Choi testified the victim suffered a crushing type injury to her head and internal injuries to her brain. The victim's jaw and three ribs were fractured, her liver was lacerated, and her spleen and lungs were bruised. There were bruises on the victim's chest the size of adult fingertips. She also observed retinal hemorrhages in the victim's eyes, which she testified were consistent with the victim being violently shaken. Additionally, Dr. Choi observed six different tears around the victim's rectum, which she testified were consistent with blunt force penetration. Dr. Choi also testified that upon receiving her injuries, the victim would not have been able to eat, drink or play.

¶ 6 Interviewed first at the hospital, Appellant told officers he brought the victim, her mother, and the children to the emergency room. He said he had been in the master bedroom with the victim and two year old Dashja. He said Dashja gave the victim something to drink. After a while he left the room. When he returned to the bedroom between approximately 2:00

and 3:00 p.m., the victim was lying on the floor crying. He picked her up and noticed she had hit her head. He said she seemed to be dazed. He tried to comfort her and laid her on the bed to sleep. When he returned to get her at approximately 3:30 p.m., she was not breathing. Later, when Appellant was arrested, he complained to officers that the knuckles on his right hand were sore.

¶ 7 In a subsequent search of Appellant's home, officers discovered a sexually explicit videotape in the VCR located in the master bedroom, and a jar of Vaseline and a bottle of aloe vera jel nearby.

¶ 8 At trial, Appellant's son Charvon testified Appellant was the only adult with the children when Ms. Waller went to the store. He said that on the day the victim died, he saw Appellant in the master bedroom shaking her. He said Appellant was often angry with the victim because of her crying and general noisiness. Charvon admitted that he had previously testified the victim died because she was "beat up".

¶ 9 In his defense, Appellant presented eight witnesses. These included medical experts who testified that the victim would have immediately lost consciousness upon sustaining the head injury, her injuries were consistent with hitting her head on a wooden bed frame, and the injuries to her chest could have occurred during CPR. Defense witnesses also testified that Charvon had said he had lied when he said he saw Appellant hit the victim, that Ms. Waller had originally said Appellant drove her to the store and she waited for him to take her home, that Appellant was left handed, and that he took good care of the victim.

¶ 10 During the second stage of trial, in addition to incorporating all evidence from the first stage, the State presented evidence showing that Appellant's four year old daughter Vonnita had been physically abused by Appellant, that Appellant physically punished Charvon and Vonnita by whipping them with a belt or electrical cord, and that Appellant had physically abused his ex-wife Vonricca Warner. In

mitigation, Appellant presented thirteen witnesses. The jury found the existence of the two alleged aggravating circumstances, “continuing threat” and “especially heinous, atrocious or cruel” and recommended the death penalty. The trial court sentenced accordingly.

*Warner v. State*, 144 P.3d 838, 856-57 (Okla. Crim. App. 2006).

Based on this evidence, Defendant was originally tried and convicted in the District Court of Oklahoma County, State of Oklahoma, Case No. CF-1997-5249 of Murder in the First Degree (Count 1) and Rape in the First Degree (Count 2). The jury recommended a sentence of 999 years imprisonment for Count 2.

In a separate penalty phase, the jury found the existence of two statutory aggravating circumstances: (1) the murder was especially heinous, atrocious or cruel; and (2) the existence of a probability that Defendant would commit criminal acts of violence that would constitute a continuing threat to society. The jury recommended a sentence of death for Murder (Count 1). Defendant was sentenced in accordance with the jury's verdict.

Defendant's judgment and sentence was reversed and remanded for a new trial by the OCCA. *Warner v. State*, 29 P.3d 569 (Okla. Crim. App. 2001).<sup>1</sup>

On March 24, 2003, a new trial was commenced. However, after the State's opening statement, a request for a mistrial was requested by Defendant and ultimately granted by the trial court.

---

<sup>1</sup>The OCCA found that the trial court (1) erred in refusing to remove certain prospective jurors for cause; and (2) erred in failing to grant Defendant a continuance to obtain a second stage mitigation witness.

On June 16, 2003, a new trial was commenced and completed. Upon retrial Defendant was again convicted of Murder in the First Degree (Count 1) and Rape in the First Degree (Count 2). The jury recommended a sentence of 75 years imprisonment for Rape. Finding the same aggravating circumstances proven beyond a reasonable doubt, the jury once again recommended a sentence of death for Murder. Defendant was sentenced in accordance with the jury's verdict.

Defendant's judgment and sentence was affirmed by the OCCA, *Warner v. State*, 144 P.3d 838 (Okla. Crim. App. 2006), and rehearing was denied. On May 14, 2007, the United States Supreme Court denied certiorari review. *Warner v. Oklahoma*, 550 U.S. 942 (2007).

Defendant also sought post-conviction relief. On December 19, 2006, the OCCA denied relief. *Warner v. State*, PCD-2003-897, slip op. (Okla. Crim. App. Dec. 19, 2006)(unpublished).

Thereafter, Defendant filed a petition for writ of habeas corpus in the United States District Court for the Western District of Oklahoma. On August 31, 2011, the federal district court denied the petition. *Warner v. Workman*, 814 F. Supp. 2d 1188 (W. D. Okla. 2011).

Defendant appealed the denial of federal habeas relief to the United States Court of Appeals for the Tenth Circuit. On April 1, 2013, the Tenth Circuit affirmed the district court's denial of relief. *Warner v. Trammell*, 520 Fed. Appx. 675 (10<sup>th</sup> Cir. 2013).

Defendant thereafter sought certiorari review of the Tenth Circuit's decision. On January 13, 2014, the United States Supreme Court denied Defendant's petition for writ of certiorari. *Warner v. Trammell*, \_\_\_ S. Ct. \_\_\_, 2014 WL 102619 (2014).

Recognizing that Defendant had exhausted all state and federal appeals, the OCCA set Defendant's execution date for March 27, 2014. Pursuant to Article VI, § 10, of the Oklahoma Constitution, Defendant now seeks executive clemency from the Governor of the State of Oklahoma.

## **II. Statement of the Facts**

**A. The Murder.** Only a few months prior to August 22, 1997 – the day of the rape and murder – Shonda Waller and the victim, 11-month-old Adrianna Waller, moved in with Defendant, and his two children, five-year-old Vonnita and six-year-old Charvon (Tr. 715-16).<sup>2</sup> Shonda and Defendant had been intimate and he had asked her on several occasions to engage in anal sex but she had refused (Tr. 725) During the two weeks prior to the rape/murder, Shonda had rejected all his requests for sexual relations but one (Tr. 725)

The morning of the rape/murder, Defendant left early to pay a traffic fine at city court (Tr. 717). When Shonda woke up, at approximately 8:00 a.m., Adrianna had crawled into Shonda's bed and was playing with Shonda's hair. The two stayed in bed for a while. Adrianna was playful and happy (Tr. 718). When Shonda changed Adrianna's diaper that morning, she did not see anything wrong with Adrianna – no cuts or blood on her rectum (Tr.

---

<sup>2</sup>The evidence revealed that Defendant also took care of his two-year-old daughter, Dashja when her mother was at work.

719-20). When Defendant returned, Shonda went to the grocery store around noon, leaving Defendant to care for Adrianna and his three children (Tr. 723, 728).

Defendant's seven-year-old son, Charvon Warner, testified Defendant did not like Adrianna because she cried a lot (Tr. 863). Charvon testified that on the day Adrianna died, he saw Defendant shake Adrianna, while holding her with his hands around her body (Tr. 864-65).<sup>3</sup> Charvon testified Shonda wasn't home when this occurred and that he immediately went to his sister's bedroom (Tr. 866). He testified the Defendant was very angry that day (Tr. 871).<sup>4</sup>

Shonda returned between 2:00 and 2:15 p.m. (Tr. 780). Shonda took a glimpse in the master bedroom and saw Adrianna lying on the bed (Tr. 731). Later in the afternoon, plans were made for Defendant, Shonda and the children to run an errand. Defendant went into the bedroom to get Adrianna. Defendant brought Adrianna out, telling Shonda that Adrianna was not breathing (Tr. 733). Defendant drove to Mercy Hospital, with Shonda attempting CPR on Adrianna along the way (Tr. 734).

---

<sup>3</sup>Initially, Charvon told Rebecca Price, a child welfare supervisor for the Department of Human Services, that he never saw Defendant hit Adrianna – he only heard Defendant yell at her (Tr. 1095). Later, Charvon's statement changed when questioned by Office Willy Edwards. Ms. Price testified that it was very normal for a child to refuse to give information that would hurt a parent. Ms. Price testified it was much more unlikely for a child to give information against a parent if that child has been exposed to abuse because they know what will happen if they talk. However, after a child is comfortable with their new surroundings and they feel safe, they will open up (Tr. 1100-02). As will be discussed in more detail later, Charvon was exposed to much abuse from Defendant in the home.

<sup>4</sup>Charvon testified he had seen Defendant shake Adrianna before (Tr. 868).

They arrived at the hospital at 3:40 p.m. (Tr. 567). After resuscitation efforts failed, Adrianna was declared dead at 4:07 p.m. (Tr. 575, 606). Robin Justice, the charge nurse in the emergency room at Mercy Hospital, began to clean Adrianna so that Shonda could hold her baby one last time (Tr. 576). Ms. Justice was going to change Adrianna's diaper. When she pulled down the old diaper, however, she saw loss of integrity around the rectum and red blood indicating a very recent injury; there were tears to the rectum. Ms. Justice called security and the attending physician, Dr. McCreight (Tr. 576-77).

Dr. McCreight noted the red blood staining on the skin around Adrianna's rectum and observed that the tears in the rectal mucosa extended the full thickness of the skin into the rectum (Tr. 610, 612). Dr. McCreight testified that the blood around the rectum appeared fresh (Tr. 614).<sup>5</sup> X-rays at the hospital indicated two skull fractures, one of which was depressed; in addition there were two fractures to her left jaw and her ribs (Tr. 616). Dr. McCreight testified that it would be extremely unusual for a rib to break during CPR (Tr. 603).<sup>6</sup> The doctor's diagnosis was physical and sexual abuse (Tr. 618).

The medical examiner, Dr. Chai Choi, found the cause of death was multiple injuries to the head, chest, and abdomen and the manner of death was homicide (Tr. 897). Adrianna

---

<sup>5</sup>Evidencing that the rape and murder occurred close in time.

<sup>6</sup>Likewise, Dr. Chai Choi, the medical examiner, testified that bones of small children are not easy to break as they are more flexible and not as brittle as adult bones (Tr. 603). Similarly, Dr. Ann Spencer testified that she had seen many children after parents had attempted CPR – no rib fractures were ever seen (State's Exhibit 2, Tr. 502). Defense witness, Dr. Phillip Nowicki disagreed, however, testifying rib fractures and tears of liver could be caused by CPR (Tr. 1049, 1053).

had a crushing injury associated with a fracture to her skull and internal injuries to her brain. Dr. Choi testified Adrianna's skull was depressed or caved in (Tr. 900). Dr. Choi testified the head fractures were consistent with being punched or thrown against a hard object (Tr. 919). There were also retinal hemorrhages indicating Adrianna had been shaken (Tr. 922-23).

In addition, Adrianna suffered from fractures to her jaw and three ribs,<sup>7</sup> her liver was lacerated, and her spleen was bruised (Tr. 900, 906-07, 913-17). Dr. Choi testified that the injury to the liver was consistent with a hard punch or stomping.<sup>8</sup> She testified it looked as if the liver was sandwiched between Adrianna's backbone and the top of that area of her body (Tr. 919-20). Dr. Choi also saw six different tears of the anal skin around the rectal entry but not inside the rectal canal, which was consistent with blunt force penetration rather than being cut (Tr. 929-30).<sup>9</sup> The largest tear was approximately one-third of an inch long (Tr. 929).<sup>10</sup> Dr. Choi also identified fine petechii – “about seven blood spots underneath skin” – at the urethra opening. (Tr. 930). She testified the nature of the injury is a pressing

---

<sup>7</sup>Two ribs on the right side and one on the left were fractured (Tr. 916).

<sup>8</sup>Later, Defendant complained that the knuckles on his right hand were sore when the officer touched them while checking his handcuffs; Defendant did not elaborate on why his knuckles hurt and the officer did not ask (Court's Ex. 1, Tr. 620). Defense witness, Dr. Nowicki, testified that if a fist had been used to cause Adrianna's head injuries, there would have been damage to the hand (Tr. 1045).

<sup>9</sup>Nurse Justice testified that nothing in treatment would have caused the anal tears or the internal injuries (Tr. 579, 581).

<sup>10</sup>The autopsy report is attached at App. 1-19.

bruise, consistent with “the skin reacting to pressure in a pretty small focused area from some type of blunt object” (Tr. 931).

Dr. Choi testified that Adrianna would have rapidly lost consciousness once she received the injuries to her head (Tr. 939).<sup>11</sup> Adrianna would not have been able to get around, play with her toys or another child, or take and drink a glass of water (Tr. 936).

Dr. Ann Morie Spencer, a pediatric emergency medicine specialist at Children’s Hospital, was unavailable at Defendant’s re-trial and her testimony from his first trial was read to the jury (Tr. 818). Dr. Spencer testified she had examined the pictures of Adrianna’s injuries (Court’s Ex. 2, Tr. 449-500). She testified the injuries to Adrianna’s rectum indicated force applied to her rectal area shortly before death; the injuries were inconsistent with a hard stool but not with an adult penis or other firm object being violently placed in the area (Court’s Ex. 2, Tr. 505-06). Dr. Spencer testified that it would take a considerable amount of force to cause such injuries since that area does not tear easily (Court’s Ex. 2, Tr. 506). She also testified that Adrianna’s skull and head injuries were not consistent with a fall from two to four feet (Court’s Ex. 2, Tr. 507). She testified that a depressed skull fracture, as seen with Adrianna, indicated much more violence, such as a high speed motor accident, or a fall from a distance much greater than four feet (Court’s Ex. 2, Tr. 507-08). Dr. Spencer

---

<sup>11</sup>Defense witness, Dr. Nowicki, agreed with this assessment (Tr. 1044). He also agreed that the cause of the head injury was impact with a hard object (Tr. 1045). Dr. Nowicki testified that after the injury Adrianna would have lived only thirty to sixty minutes (Tr. 1053).

also testified that the injuries to Adrianna's ribs, liver and spleen were consistent with shaken baby syndrome (Court's Ex. 2, Tr. 508).

Officer William Loftis responded to the hospital as a technical investigator (Tr. 649). He was present and took photographs while the medical examiner was examining Adrianna (Tr. 650). He saw the tearing between the vaginal and rectal area; he also noticed the presence of some lubricant around the vaginal and rectal area (Tr. 653-54).<sup>12</sup> State's Exhibit No. 12 showed the glistening of the lubricant on Adrianna's body (Tr. 653).<sup>13</sup> Later, at Defendant's house, an open jar of vaseline and an open bottle of aloe vera were found in the bedroom next to the VCR containing a pornographic videotape depicting adults engaged in sexual relations (Tr. 670-72).<sup>14</sup>

**B. Defendant's Statements.** Over the course of time, Defendant gave several different accounts of what happened the day of Adrianna's death. At the hospital, Defendant

---

<sup>12</sup>Officer Loftis's report is attached at App. 20.

<sup>13</sup>A photograph of Adrianna at the hospital, as well as State's Exhibit 12 are attached at App. 21-22.

<sup>14</sup>As noted by the OCCA:

Shonda Waller further testified she had been watching a videotape called "The Crow" when she left for the store and that she had left the tape in the VCR when she left the house. Pursuant to a search waiver, police found a different videotape in the VCR. The videotape found in the VCR was cued up to a scene of sexually explicit behavior between men and woman. Also near the VCR and TV, police found a jar of Vaseline and a jar of aloe vera gel. Waller testified those items were normally kept in the bathroom.

*Warner*, 144 P.3d at 868. A diagram of the home, as well as the photographs of the items found in the bedroom, and the report of Officer Griffin describing his findings are attached at App. 23-27.

told Officer Tim Ballard that he had brought Adrianna, Shonda, and his two children to the hospital (Court's Ex. 1, Tr. 608). He stated he had been at home in the bedroom with Adrianna and his two-year-old baby, Dashja, and then had left the room. He claimed that Dashja was sitting on the bed with Adrianna, giving Adrianna water (Court's Ex. 1, Tr. 610-11).<sup>15</sup> When he returned to the bedroom, sometime between 2:00 and 3:00 p.m., he heard Adrianna crying (Court's Ex. 1, Tr. 611). Adrianna was lying on the floor. When he picked her up, he noticed she had hit her head and he tried to comfort her (Court's Ex. 1, Tr. 612). She appeared a little dazed and he laid her down where she could sleep (Court's Ex. 1, Tr. 612). When he returned again to the room, around 3:30 p.m., Adrianna was not breathing (Court's Ex. 1, Tr. 613). App. 28-29.

Defendant's next statement, also obtained the night of the murder, was given at the police station to Detective Eric Mullenix.<sup>16</sup> During this interview, Defendant told the events of the entire day. Defendant explained that at approximately 7:15 a.m. he got up, got dressed and left to go to Municipal Court to pay some fines. He stated that Shonda, Adrianna, Charvon, Vonnita and Dashja were all at home when he left. Defendant stated he paid his ticket and returned home between 11:00 a.m. and noon. Shortly after returning home, Defendant explained that he left again and went to the bank. After he returned home, Shonda

---

<sup>15</sup>This statement was not true as Dr. Choi testified that there was no water in Adrianna's system when she died (Tr. 936).

<sup>16</sup>Portions of this interview have been provided to the Board. The DVD runs for approximately 25 minutes equaling 21 pages. App. 30. In addition, a transcript of the excerpted portions from the videotape is provided for the Board's convenience. App. 31-48.

left to go grocery shopping – sometime shortly after noon. Defendant stated that he stayed home, watched television, and played with his children. Defendant claimed that Adrianna was asleep on the bed. He initially claimed to have checked on her only once. Defendant then stated that Dashja was in the bedroom playing with Adrianna. Defendant stated he heard a noise and then a cry. Defendant claimed he entered the bedroom and saw Dashja getting down from the bed and Adrianna on the floor. Defendant said he picked up Adrianna, comforted her, and placed her back on the bed on her stomach. He said he checked on her later and she appeared to be snoring. Asked again how many times he checked on Adrianna, he now claimed it was one time after she fell from the bed. Defendant then said that after Shonda returned home and the groceries were unloaded, he decided he and Dashja would leave.<sup>17</sup> When he went to the bedroom to dress, he saw Adrianna was in a weird position. He took Adrianna to Shonda. Shonda took Adrianna and “freaked out”. They then sped to the hospital. App. 49-53.<sup>18</sup>

At Defendant’s initial jury trial, on March 8, 1991, Defendant’s story changed. Although the morning events remained similar, with a little more elaboration, it was the events of the afternoon that changed significantly. Defendant testified that after he returned

---

<sup>17</sup>He was going to take Dashja home and get a telephone for his home.

<sup>18</sup>This is Officer Mullenix’s narrative of Defendant’s interview. On page 4 of the narrative, Defendant tells Officer Mullenix that Shonda “freaked out”. (App. 52). Shonda’s statement, also given the night of the murder, was very similar to Defendant’s statement given that same night. Officer Mullenix’s narrative of the interview is attached at App. 54-60.

from the bank, he, Shonda and all of the children went to the grocery store. The defendant testified:

From there, she wanted to go grocery shopping so we got the kids and I took them to Buy-for-Less. All of us went inside. No, I dropped her off at the store basically. She asked me to wait till [sic] so she could go inside to verify that she indeed had food stamps on the access card . . . .

(3/8/99 Tr. 752). App. 63-68. Defendant testified that after Shonda acknowledged she did have food stamps, he and the children returned home, arriving at approximately 1:00 p.m. Defendant claimed he remained home approximately 15 minutes. He claimed that he then left the home with Charvon and Dashja. Defendant stated that he left five-year-old Vonnita and 11-month-old Adrianna alone in the home (3/8/99 Tr. 753-54). According to Defendant's testimony, he did not return to his home until after he had picked up Shonda from the grocery store, returning home at approximately 2:45 or 3:00 p.m. (Tr. 752-56).

Defendant then testified:

That is when, after putting the groceries up, I sat down and Ms. Waller gave me a Coke to drink and at the time she was telling me about all the arrangements she had made [about getting a telephone].

She was asking me to – she was asking me to go to the store, to IGA, which is in the same direction that we had just left. She was telling me go there and pay for the connection fee and that if I go there at a certain time, that by that day the telephone company could come out and turn the phone on.

\* \* \*

I myself went back to my room to get dressed to go – to go to pay for IGA because prior I wasn't getting out of the car. This

time I was actually going inside to go pay for this and take my daughter, my two-year-old daughter, Dasia [sic] Warner, to her mother, Michelle Shavers.

\* \* \*

As I went to the back, I went into the room. While I was getting ready, wiping the sweat off myself, that's when I noticed, look inside the mirror behind me, that's when I noticed the baby looked different so – so I shake on the baby and I noticed that she wasn't breathing correctly.

(3/8/99 Tr. 757-58).<sup>19</sup> App. 67-68.

Defendant told a different version to Michelle Shavers, Dashja's mother. Defendant told Ms. Shavers that after he dropped off Shonda at the grocery store, he almost had a wreck and that Adrianna hit her head. App. 61-62.

Finally, at Defendant's 2003 trial, although Defendant did not testify, the story changed once again. The crux of the story, without any testimony about leaving the children home alone or almost having an accident, was that Defendant drove Shonda to the grocery store and picked her up. The implication was that Shonda injured Adrianna when they returned home from the grocery store.<sup>20</sup> This implication, however, was proven untrue by the testimony of Charvon.

---

<sup>19</sup>Defendant claimed that on the way to the hospital, Shonda had told him what to tell the police (3/8/99 Tr. 759). Of course, we know from Defendant's earlier statement that Shonda, upon finding out Adrianna wasn't breathing, "freaked out". We also know from the testimony of the staff at Mercy Hospital that Shonda was hysterical when she arrived at the hospital (Tr. 568, 598, 608).

<sup>20</sup>As the OCCA noted, it was through cross-examination of Shonda Waller that Defendant "set out his defense that the victim's injuries did not occur until Ms. Waller returned home from the grocery store." *Warner*, 144 P.3d at 862.

C. **The Aggravating Circumstances.** The jury found the existence of two aggravating circumstances, namely: (1) the existence of a probability that Defendant would commit criminal acts of violence that would constitute a continuing threat to society; and (2) the murder was especially heinous, atrocious or cruel. The OCCA found that the evidence supported the jury's determination of both circumstances. *Warner*, 144 P.3d at 879-81.

1. **Continuing Threat.** The evidence was sufficient to support the jury's finding of the existence of a probability that Defendant would commit criminal acts of violence that would constitute a continuing threat to society. Finding the evidence sufficient to support this aggravating circumstance, the OCCA stated:

A finding that the defendant would commit criminal acts of violence that would constitute a continuing threat to society is appropriate when the evidence establishes the defendant participated in other unrelated criminal acts and the nature of the crime exhibited the calloused nature of the defendant. To prove this aggravating circumstance, this Court has held the State may present any relevant evidence, in conformance with the rules of evidence, including evidence from the crime itself, evidence of other crimes, admissions by the defendant of unadjudicated offenses or any other relevant evidence.

The State's evidence showed that in addition to the evidence of the rape and murder of the victim, [Defendant] had physically abused and attempted to vaginally rape the victim shortly before her death. The State's evidence also showed [Defendant] had physically abused Vonnita Warner; that on more than one occasion [Defendant] had choked and beat his ex-wife Vonricca Warner while she was pregnant with Vonnita; and other occasions he had thrown his ex-wife to the ground, thrown her up against a wall in their home, and forced her to have sexual relations with him against her will. This evidence shows a pattern of escalating violent conduct that supports the jury's

finding of the probability of future dangerousness, which constitutes a continuing threat to society.

*Warner*, 144 P.3d at 879-80 (citations omitted).

To support this aggravating circumstance, the State presented evidence that Defendant physically abused his daughter, Vonnita. Kathleen Hatlelid, a physician assistant at Children's Hospital, examined Vonnita on August 25, 1997. Ms. Hatlelid testified to finding multiple linear and loop shaped scars on Vonnita's right cheek and jaw, her front and back chest, her thighs and her left arm (Tr. 1278).<sup>21</sup> The loop marks were consistent with an extension cord being used to whip Vonnita (Tr. 1280). A box shaped scar on Vonnita's right shoulder was consistent with being caused by a belt buckle (Tr. 1280). Ms. Hatlelid testified Vonnita was physically abused, probably many times (Tr. 1281).

Charvon testified Defendant used a belt or extension cord to punish. At Defendant's first trial, Charvon testified that Defendant hit Vonnita "real hard." (3/8/99 Tr. 843). Charvon testified that he saw the marks on Vonnita's arms, back and legs caused by Defendant's "discipline" (Tr. 1300). Charvon had told Ms. Hatlelid that while living in California with their mother, Vonnita "was talking and using single word phrases." App.69-74. Charvon told the jury how, while living with Defendant, Vonnita didn't talk. Once out of Defendant's custody, Vonnita had begun to communicate again – talking to their grandmother (Tr. 1301).<sup>22</sup>

---

<sup>21</sup>Photographs of Vonnita and a diagram of the injuries are attached at App. 75-80 (Ex. 51-57).

<sup>22</sup>At Defendant's first trial, Charvon testified that while living with Defendant, Vonnita seemed unhappy, but once Defendant was no longer around, Vonnita appeared happy (3/8/99 Tr. 844).

Vonricca Warner, Defendant's ex-wife, testified that in November, 1990, when she told Defendant she was pregnant with Charvon, Defendant became angry and choked her until she fell to the floor (Tr. 1306-07). In November, 1991, when she was approximately three months pregnant with Vonnita, Defendant became angry with her because she did not do what he had instructed her to do. Defendant grabbed her and Charvon, put them in the car, and said they were going for a ride. As he was driving, he yelled and punched Vonricca. Defendant was driving toward the lake and told Vonricca he was going to drown her. When Defendant stopped the car, he started to pull her out, but instead returned to the car and drove to a park. As soon as the car stopped, Vonricca started running. The defendant grabbed her, pulled her by her hair, lifted her up and body slammed her to the ground. Vonricca had issues with her pregnancy after this abuse and delivered Vonnita three months early (Tr. 1308-18).

Vonricca also told of another event, in July, 1992, when Defendant choked her until she passed out. It was at this point that she left Defendant (Tr. 1319). Unfortunately, six months later, she returned to Defendant. Vonricca stayed another five months, took the children and returned to California (Tr. 1320).

In California, Vonricca joined the military and left the children with her parents. Defendant sued for custody of the children in Oklahoma and, before Vonricca could fight for

---

He also testified that he did not miss his dad (3/8/99 Tr. 845-46).

custody, an order was signed and the children were taken by Defendant to Oklahoma (Tr. 1321-22).

Detective Willy Edwards interviewed Defendant concerning the child abuse to Vonnita. Defendant admitted to harming Vonnita. He admitted to hitting her with the belt and a cable cord. App. 81-88. In addition, Defendant admitted giving Vonricca "pure hell". App. 88.

2. **Especially Heinous, Atrocious or Cruel.** The evidence was also sufficient to support the circumstance that the murder was especially heinous, atrocious or cruel. The OCCA has limited this aggravating circumstance to cases in which the murder of the victim was preceded by torture or serious physical abuse. This abuse can be inflicted through conscious physical suffering or extreme mental cruelty. *Warner*, 144 P.3d at 880. In discussing the evidence which supported the aggravating circumstance found by the jury that the murder was especially heinous, atrocious or cruel, the OCCA found as follows:

The medical evidence concerning when the victim would have lost consciousness was conflicting. Dr. Choi testified the autopsy revealed a violent shaking and crushing-type force caused the victim's injuries. On cross-examination, she said she could not determine which injury, to the victim's head, chest, liver or abdomen, happened first. She said the head injury would not result in the immediate loss of consciousness. She stated her overall impression was that the victim was injured then she rapidly lost consciousness. Dr. Choi said she could not put an exact time frame on the occurrence of the events. On cross-examination, Dr. Choi admitted that at Appellant's previous trial, she testified that it was more likely that the victim lost consciousness at the same time the injuries were received.

Dr. Spencer testified that in reviewing photos of the victim's injuries, the injuries were consistent with shaken baby syndrome. She said the injuries to the victim's anal area were consistent with a firm object being violently placed there. She did not give an opinion as to whether the victim lost consciousness. Charvon Warner testified he saw Appellant shake the victim the day she died. Scared of Appellant, Charvon said he then hid in his sister's room. Additionally, in Appellant's interview with Officer Ballard, Appellant said while Shonda was at the store, he was in the bedroom with the victim and Dashja. He said he left the room only to return to find the victim lying on the floor crying. Defense witness Phillip Nowicki, a professor of pediatrics at Ohio State University, testified that after reviewing the victim's medical records, he believed she would have lost consciousness immediately upon sustaining the head injury.

The jury is the exclusive judge of the weight and credibility of the evidence. Despite conflicts in the evidence, this Court will not disturb the jury's finding if there is competent evidence to support it. Reviewing the evidence in the light most favorable to the State, the evidence is sufficient to support the jury's finding that the victim consciously suffered pain from the anal rape and violent shaking at Appellant's hands prior to her death.

*Warner*, 144 P.3d at 880-81. The evidence clearly showed that Defendant violently raped and murdered Adrianna. Even though evidence on the exact sequence of the injuries inflicted on Adrianna was somewhat lacking, as found by the United States District Court for the Western District of Oklahoma, a “reasonable fact finder could conclude that the sequence included injuries causing physical suffering before Victim was rendered unconscious.” *Warner*, 814 F. Supp. 2d at 1238.

**D. Defendant's Other Illegal/Bad Acts.** At Defendant's first trial, in March 1999, evidence was admitted revealing Defendant's sexual abuse to Vonnita. Ms. Hatlelid testified

that her examination of Vonnita revealed a total loss of tissue in the bottom part of her hymenal opening. She testified “If you think of the hymenal tissue as a clock face with 12:00 at the top and 6:00 at the bottom, from 3:00 down around the bottom up to 9:00 there was no hymenal tissue left.” She continued: “Then from 1:00 to 3:00 and 11:00 up to 9:00, there were very thin rims of tissue, very little tissue left, but there were remnants of hymenal tissue on those upper sides. But in the posterior part of the hymenal tissue, that part of the hymenal tissue was totally missing.” (3/8/99 Tr. 891-92). When asked the significance of these findings, Ms. Hatelid testified:

That typically indicates, not always, but typically indicates penile/genital trauma, contact. Just because of the way of gravity and the penis pushing down on the bottom part of that vaginal canal opening, that’s where we are going to get findings in the hymenal tissue most likely, if there’s been penile/genital contact.

(3/8/99 Tr. 892). Vonricca testified that after the murder – when she obtained custody of the children – when she changed Vonnita’s diaper, she noticed that Vonnita would make sure that her legs were closed shut. She also saw little marks or scars on her private area (3/8/99 Tr. 867). Vonricca testified that Vonnita would place her hands in her private area to prevent her from touching her. This behavior continued for approximately eight months (3/8/99 Tr. 869).

**E. Lack of Remorse.** Inspector (Retired) Eric Mullenix, who interviewed Defendant the night of the murder, has expressed how struck he was by Defendant’s total lack of emotion or remorse for the death of Adrianna. Inspector Mullenix writes:

Further, I was struck by what I would describe as a total lack of emotion on the part of Charles Warner. Never during the interrogation/interview with Warner did I observe him to tear up or for him to have any difficulty in controlling his emotions even when the nature of the child's injuries were made known.

In short, only a few times during the investigation of all manner of deaths have I met such an uncaring, unfeeling suspect, nor one with such little possibility of rehabilitation.

App. 89. The excerpted portions of the interview provided to the Board confirm Inspector Mullenix's statement. App. 30.

Likewise, the Assistant District Attorney who prosecuted the case, Lou Keel describes Defendant's lack of remorse. Mr. Keel writes:

Warner never displayed any remorse for his actions and remained indifferent throughout both trials.

App. 90.

**F. Victim Impact.** At Defendant's trial, Shonda Waller testified how the loss of Adrianna impacted her life. Shonda testified:

I remember the day I brought her home. I had never known such happiness until I had Adrianna, the way she looked at me and smiled. I dread not being loved, but my daughter changed all of that. She was my world and my heart and my soul. Never has any one person made me feel as wonderful as Adrianna did.

I can remember the times we spent together, her laying in my arms, falling asleep, the sweet smell of her little feet when she had been in her socks and shoes all day, the sweetness of her breath after she drank her milk. To be blessed with such a wonderful gift and then to have that all taken away in an instant is something I just can't bear.

There are times when I wake up thinking I hear her crying. I hear her calling out for her mommy, yet I can't seem to get to her. I wake up to make her bottles for a child that's no longer there. I constantly ask myself am I going crazy, can this just be a dream?

I think of death often, yet I have to remind myself that if I take my life, I will never get the chance to see her again at heaven's gates. I know we will cross one day. I look forward to holding my child who is only now a memory.

The only dreams I have are of the date of August 22<sup>nd</sup>, 1997, the last day I saw my child smile and the day I held her body in my arms for the last time, except this time there was no life to her, no more eyes to look into, just the pale, limp body of somebody who looked like my child, but couldn't possibly be.

(Begins crying). My – my baby wouldn't just lay there without her having her mommy. My baby wouldn't just lay there without kissing her mommy.

[The Court then tells her to stop for a moment, compose herself, and take her time.]

My baby wouldn't just lay there. Reality kicks in from time to time, but I still wish and pray that I could have my baby back. Now all I have are memories that are truly wonderful, but I miss her. Adrianna, mommy misses her fat fat.

Never again will I be able to hold her, kiss her, tuck her in at night. Never again will I hear her call me mommy, except for in a dream. So now my life is just a dream, a dream of a child I once had. So I will go on dreaming as long as it keeps me close to her.

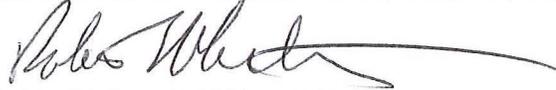
(Tr. 1383-85).

### III. Conclusion

As shown above, there is no doubt that Defendant is responsible for the murder of Adrianna Waller. A jury heard the evidence presented and found Defendant guilty of the brutal murder and rape of Adrianna. The jury also heard the aggravating evidence which the State presented, as well as the mitigating evidence which Defendant presented. After hearing this evidence and deliberating for a approximately eight and one-half hours, the jury determined that the just and proper sentence for Defendant was death. The state and federal courts have consistently affirmed the jury's determination. It is now time for justice to be served. The State therefore respectfully requests that Charles Frederick Warner's request for executive clemency be denied.

Respectfully submitted,

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA



ROBERT L. WHITTAKER  
ASSISTANT ATTORNEY GENERAL

313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
(405) 522-4394  
(405) 522-4534 (FAX)

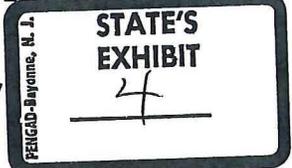
ATTORNEYS FOR STATE

# APPENDIX

BOARD OF MEDICOLEGAL INVESTIGATIONS  
OFFICE OF THE CHIEF MEDICAL EXAMINER

OFFICE USE ONLY

Central Office  
901 N. Stonewall  
Oklahoma City, Oklahoma 73117  
(405)239-7141



Eastern Division  
1115 West 17th St.  
Tulsa, Oklahoma 74107  
(918) 582-0985

Re: \_\_\_\_\_ Cc: \_\_\_\_\_  
I hereby certify that this is a true and correct copy of the original document. Valid only when copy bears imprint of the office seal.  
By: [Signature]  
Date: 10.8.97

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

DECEDENT—First—Middle—Last Names (Please avoid use of initials) <b>ADRIANA YAZMIN WALLER</b>	Age <b>11MON</b>	Birth Date <b>18SEP1996</b>	Race <b>B</b>	Sex <b>F</b>	Marital Status <b>SINGLE</b>
HOME ADDRESS—No. Street, City, State <b>1137 N.W. 102nd STREET, OKLAHOMA CITY, OKLAHOMA</b>	Occupation <b>N.A.</b>				
TYPE OF DEATH: (Check one only)				If motor vehicle accident, check one of the following	
While in penal incarceration <input type="checkbox"/> After unexplained coma <input type="checkbox"/> During therapeutic procedure <input type="checkbox"/> Death possible threat to public health <input type="checkbox"/> Unattended stillbirth or by midwife only <input type="checkbox"/>				DRIVER <input type="checkbox"/> CYCLIST <input type="checkbox"/> PASSENGER <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/>	
Unattended during fatal illness <input checked="" type="checkbox"/> Found dead without obvious cause <input type="checkbox"/> *Under suspicious circumstances <input type="checkbox"/> *Violent, unusual or unnatural <input type="checkbox"/> *Means:					

EXAMINER NOTIFIED BY—NAME—TITLE(AGENCY, INSTITUTION, OR ADDRESS) <b>WILLIAM McCREIGHT M.D. MERCY HEALTH CENTER</b>	DATE <b>22AUG1997</b>	TIME <b>1610</b>
INJURED OR BECAME ILL AT(ADDRESS) <b>1137 N.W. 102nd STREET</b>	CITY OR COUNTY <b>OKLAHOMA CITY</b>	TYPE OF PREMISES <b>RESIDENCE</b>
LOCATION OF DEATH (ADDRESS OR NAME OF INSTITUTION) <b>MERCY HEALTH CENTER</b>	CITY OR COUNTY <b>OKLAHOMA CITY</b>	TYPE OF PREMISES <b>HOSPITAL</b>
BODY VIEWED BY MEDICAL EXAMINER AT (ADDRESS) <b>901 NORTH STONEWALL</b>	CITY OR COUNTY <b>OKLAHOMA CITY</b>	TYPE OF PREMISES <b>MORGUE</b>
	DATE <b>22AUG1997</b>	TIME <b>UNKNOWN</b>
	DATE <b>22AUG1997</b>	TIME <b>1607</b>
	DATE <b>23AUG1997</b>	TIME <b>1400</b>

DESCRIPTION OF BODY	RIGOR	LIVOR	EXTERNAL OBSERVATIONS	NOSE	MOUTH	EARS
				BLOOD	FROTH	OTHER (Sand, dirt, water, etc.)
EXTERNAL PHYSICAL EXAMINATION	Jaw <input type="checkbox"/> Complete <input checked="" type="checkbox"/>	Color <u>purple</u>	Clothed <input type="checkbox"/> Unclothed <input checked="" type="checkbox"/>	<u>NO</u>	<u>NO</u>	<u>NO</u>
	Neck <input type="checkbox"/> Absent <input type="checkbox"/>	Anterior <input type="checkbox"/>	Partly clothed <input type="checkbox"/> Hair <u>Black</u>	<u>NO</u>	<u>NO</u>	<u>-</u>
	Arms <input type="checkbox"/> Passed <input type="checkbox"/>	Posterior <input checked="" type="checkbox"/>	Beard _____ Mustache _____			
	Legs <input type="checkbox"/> Decomposed <input type="checkbox"/>	Lateral <input type="checkbox"/>	Circumcised <input type="checkbox"/>			
		Regional _____	Eyes: Color <u>Brown</u>			
Significant observations and injury documentation —(Please use space below)			Pupils: Opacities, Etc. <u>R 3 L 3</u>	(cm) <u>26 1/2</u> " (kg) <u>6.6</u> BODY HEAT:		

SEE AUTOPSY PROTOCOL

Probable cause of death: <b>MULTIPLE INJURIES</b>	Manner of death: (Check one only) Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> Pending <input type="checkbox"/>	Case disposition: Autopsy: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Authorized by _____ Pathologist <u>596-978</u> Not a medical examiner case <input type="checkbox"/>
MEDICAL EXAMINER Name, Address and Telephone No. <b>CHAI S. CHOI, M.D. 901 N. STONEWALL OKLAHOMA CITY, OK. 73117 (405) 239-7141</b>	I hereby state that, after receiving notice of the death described herein, I conducted an investigation as to the cause and manner of death, as required by law, and that the facts contained herein regarding such death are true and correct to the best of my knowledge and belief. <u>[Signature]</u> Signature of Medical Examiner	
County of Appointment <b>OCME</b>	Date <b>23AUG1997</b>	<b>97104346</b>

**Board of Medicolegal Investigations  
OFFICE OF THE CHIEF MEDICAL EXAMINER**

**CENTRAL OFFICE**  
901 Stonewall  
Oklahoma City, OK 73117  
(405) 239-7141 Voice  
(405) 239-2430 FAX



**EASTERN DIVISION**  
1115 West 17th Street  
Tulsa, Oklahoma 74107  
(918) 582-0985 Voice  
(918) 585-1549 FAX

<b>OFFICE USE ONLY</b>
I hereby certify that this is a true and correct copy of the original document. Valid only when copy bears/imprint of the office seal.
By <i>[Signature]</i>
Date <i>10-8-97</i>

**REPORT OF AUTOPSY BY MEDICAL EXAMINER**

DECEDENT	First-Middle-Last Names (Please avoid use of initials)	Age	Birth Date	Race	Sex	Marital Status
ADRIANA YAZMIN WALLER		11 MO	09/18/1996	B	F	SINGLE

AUTOPSY	Authority for Autopsy	Present at Autopsy	Identified By
	CHAI S. CHOI, M.D.	JIM McCOY/TERRY FELTS	TOE TAG

**TYPE OF DEATH**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> While in penal incarceration | <input type="checkbox"/> Death possible threat to public health   | <input type="checkbox"/> *Under suspicious circumstances |
| <input type="checkbox"/> After unexplained coma       | <input type="checkbox"/> Unattended stillbirth or by midwife only | <input type="checkbox"/> *Violent, unusual or unnatural  |
| <input type="checkbox"/> During therapeutic procedure | <input type="checkbox"/> Unattended during fatal illness          |  |
|   | <input type="checkbox"/> Found dead without obvious cause         | *Means:  |

**PATHOLOGICAL DIAGNOSIS**

- I. Blunt force injuries of head.
- A) Scalp with extensive contusion, mainly right, with multifocal subgaleal hemorrhages, right and left.
  - B) Depressed fracture of right temporo-occipital bones (approximately 6 cm long) with horizontal linear fracture line (approximately 14 cm) and diathesis of sagittal and lambdoid suture, right.
  - C) Diffuse subdural hemorrhages (approximately 10 mL in aggregate) with subarachnoid hemorrhages.
  - D) Diffuse cerebral edema with contusive laceration of right temporal and occipital lobes and focal microscopic contusion of the cerebellum with subarachnoid hemorrhages.
  - E) Fracture of mandible left of midline with regional hemorrhages.
  - F) Retinal hemorrhage, bilateral.
- II. Blunt force injuries of chest and abdomen.
- A) Fracture of ribs right sixth and seventh (anterior axillary line) and focal contusions of intercostal space on left #6 through #8 and #10 with fracture of #7 and focal microscopic fracture of chondral junction (midaxillary line).
  - B) Lungs with focal contusions of perihilum and subpleural contusion right and left lower lobes ( with pulmonary edema and partial collapse (combined weight 84 gms).
  - C) Liver with contusive laceration, acute (x 3).
  - D) Contusion of spleen and right adrenal gland.
  - E) Retroperitoneal hematoma, mainly on the right with hemoperitoneum (approximately 200 mL of liquid blood).

**CAUSE OF DEATH:**  
**MULTIPLE INJURIES**

<b>AUTOPSY NO. ML 596-97</b>	<b>CASE NO. 9704346</b>	<b>CSC/WF</b>
------------------------------	-------------------------	---------------

The facts stated herein are true and correct to the best of my knowledge and belief.

*[Signature]*  
Signature of Pathologist

08-23-97 (1400)  
Date and time of autopsy

OCME MORGUE  
Place of autopsy

**PATHOLOGIC DIAGNOSIS - 2      CASE NO: 9704346**

- III. Liver with multifocal fibrosis, localized.
- IV. External genitalia with fine petechiae around urethral opening and focal laceration of the anal skin with no evidence of hemorrhage.
- V. Multiple cutaneous contusions over the right temple, chest, thighs, knees, ankles and small abrasion over the lower back, acute.

## EXTERNAL EXAMINATION

**AUTOPSY NO. ML 596-97**

**CASE NO. 9704346**

=====

**DESCRIPTION**

Height	Weight	Eyes	Pupils	Opacities, Etc.	Hair	Beard	Mustache	Circumcised
26.5 in.	6.6 kg	BROWN	R 3 mm L 3 mm		BLACK	N	N	N/A
RIGOR (jaw, neck, back, legs, arm, chest, abd., complete)				LIVOR (color, anterior, posterior, lateral, regional)			Body Heat	
COMPLETE				PURPLE/POSTERIOR			COOL	

The body is that of a Black female infant, less than 5 percentile of height and weight on age 11 months.

The conjunctivae are white and show no petechiae. There is no blood in the nose, mouth or ear canals. There is endotracheal tube intubation through the mouth. The lower lip is abraded while there is palpable fracture of just left of midline of the mandible with focal regional hemorrhages. The neck is unremarkable.

The chest is of normal contour and shows three monitor pads attached. There is small red contusion over the middle chest. The abdomen is flat and unremarkable. The genitalia are those of a normal female of this age and show irregular abraded laceration of the anal skin which will be described below. The hymen shows smooth margins and free of traumatic injury. There are several fine petechiae around the urethral opening.

The extremities are symmetric and show needle placement over the left tibia and multiple small cutaneous contusions around the knees and ankles, thighs, which will be described below. There are needle marks over the right arm and identification band around the left ankle, as well. The back shows small red abrasions over the lower back at the midline.

**Evidence of Injuries:**

Blunt force injury of head: over the right back of head including forehead along the hairline the skin is diffusely swollen and red. The lateral angle of the right eye there is a small red contusion.

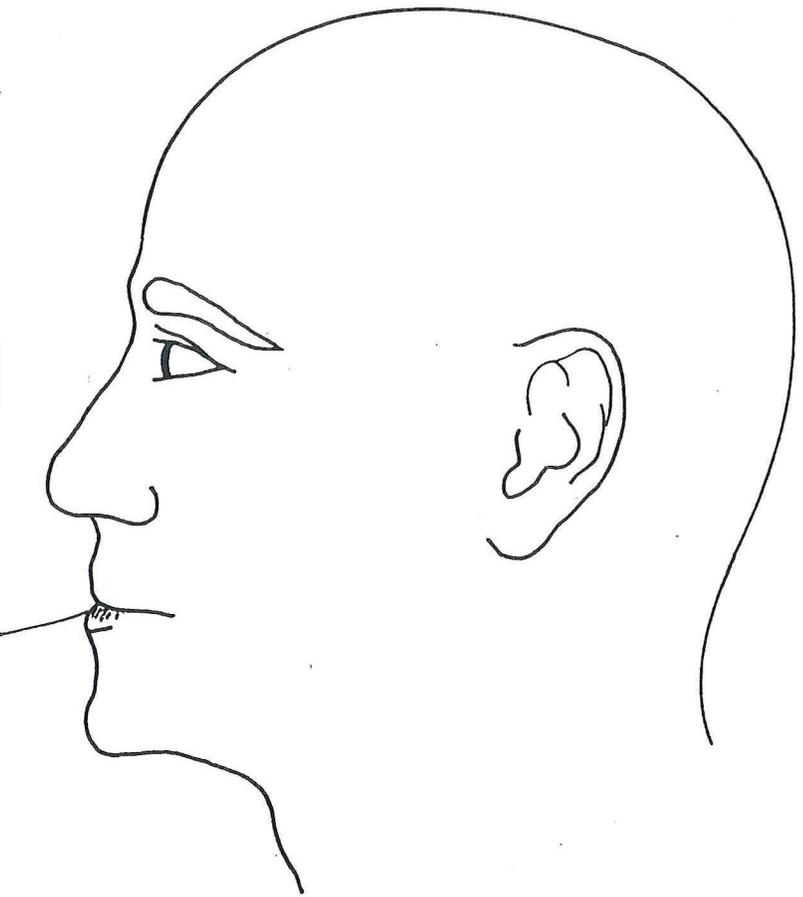
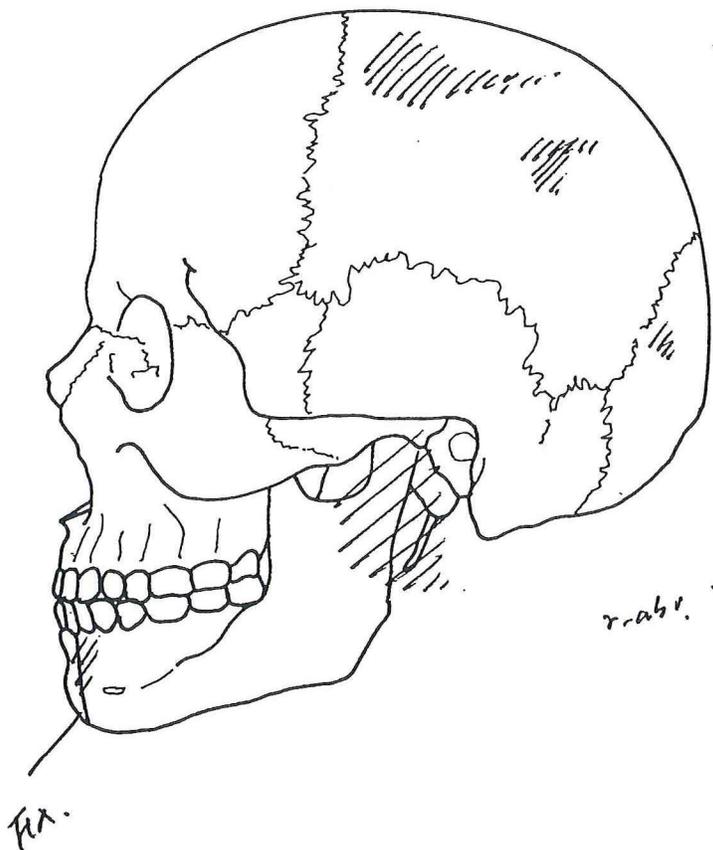
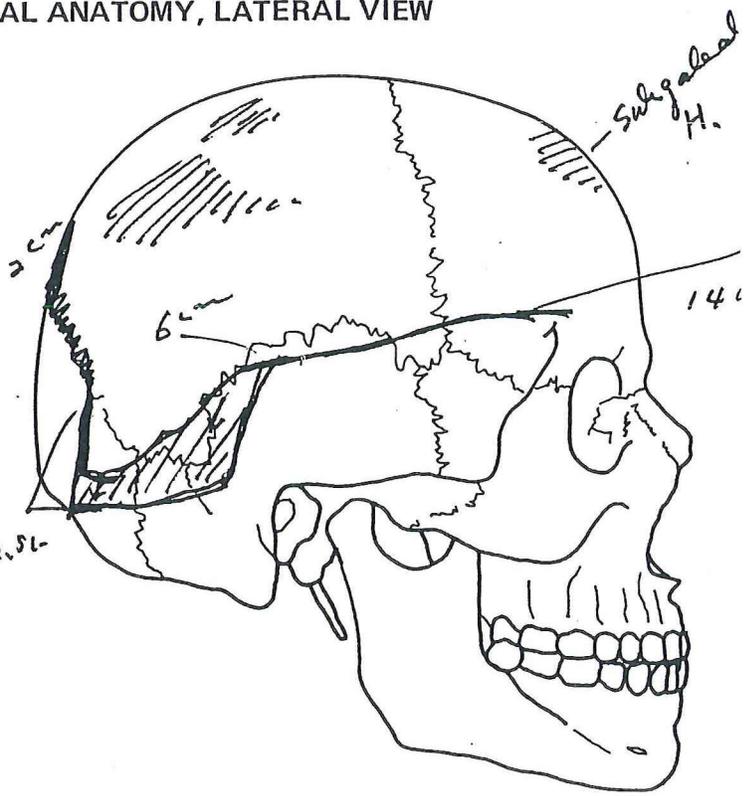
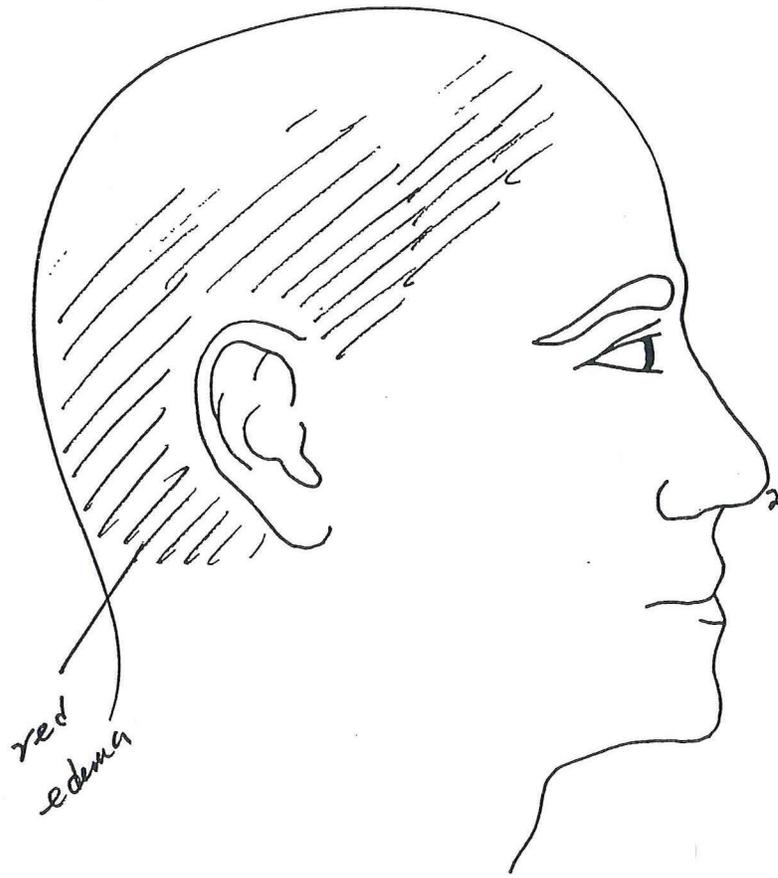
Trunk: there is small red contusion approximately 0.5 cm over the middle chest and almost symmetric small red contusion over the lateral chest, bilateral. The lower back at the midline there are two separate red-brown abrasions measuring 0.4 and 0.6 cm.

Extremities: there are red contusions over the back of the right thigh (2 x 1 cm) and left thigh at the anterolateral surface (3 x 1.5 cm) at the similar level. There are small red contusions around the knees as well as small contusions over the ankles at the similar level.

Injuries of genitalia described above.



HEAD - SURFACE AND SKELETAL ANATOMY, LATERAL VIEW

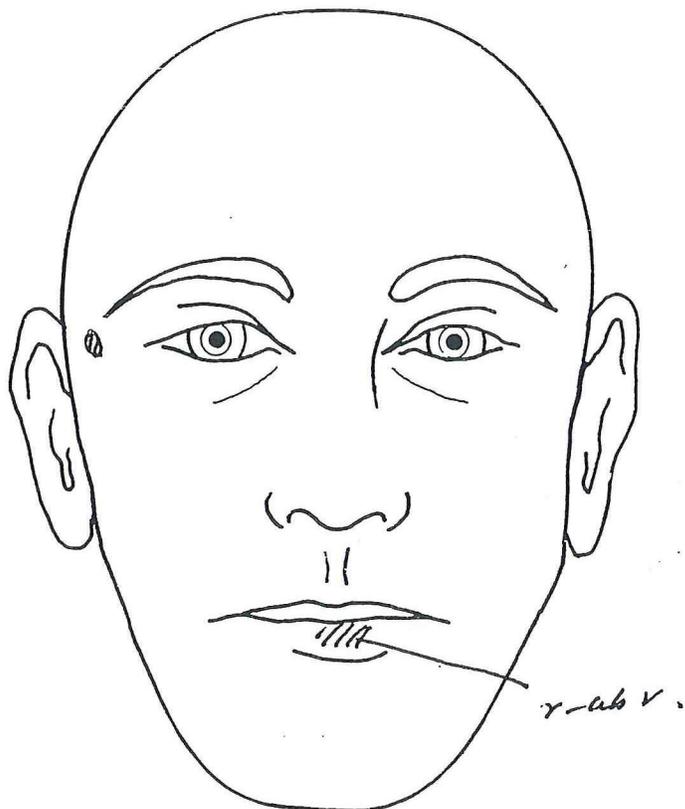
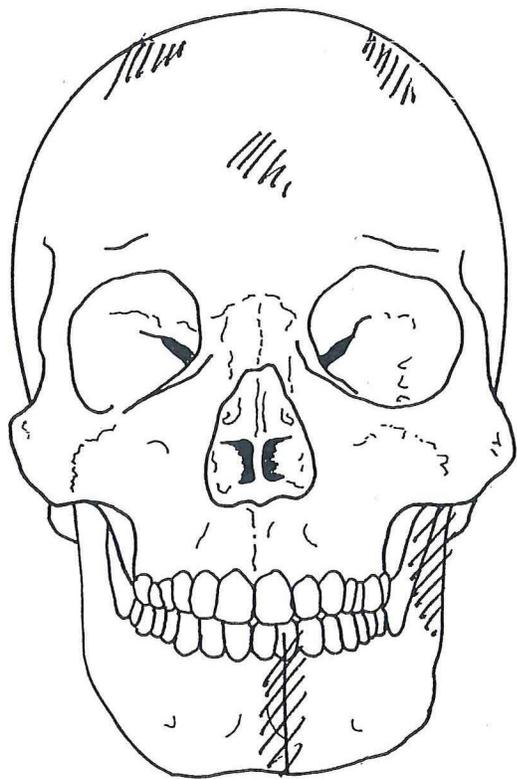


Name Ardianna Waller

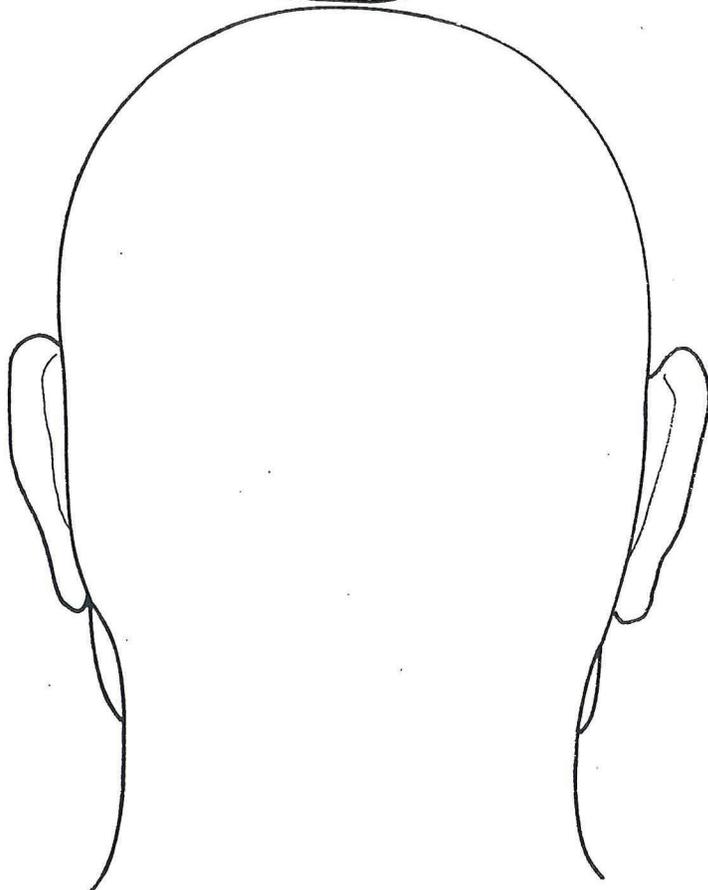
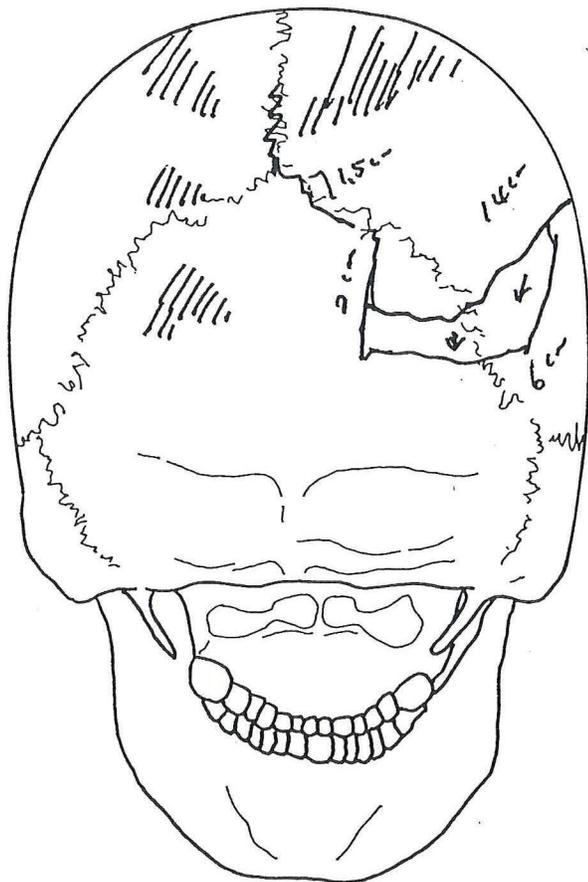
Case No. 9704346

Date 8-23-97

HEAD - SURFACE AND SKELETAL ANATOMY, ANTERIOR AND POSTERIOR VIEWS



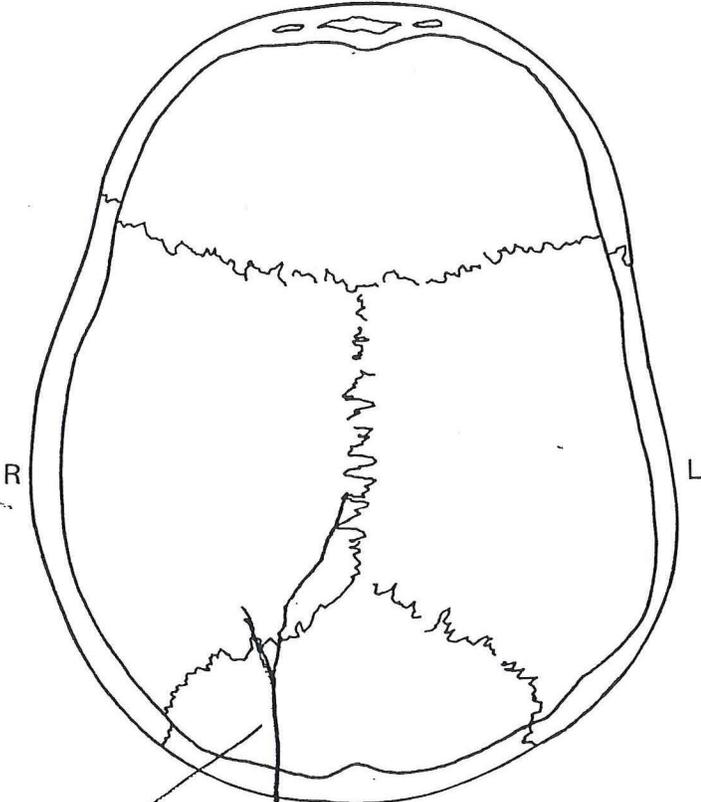
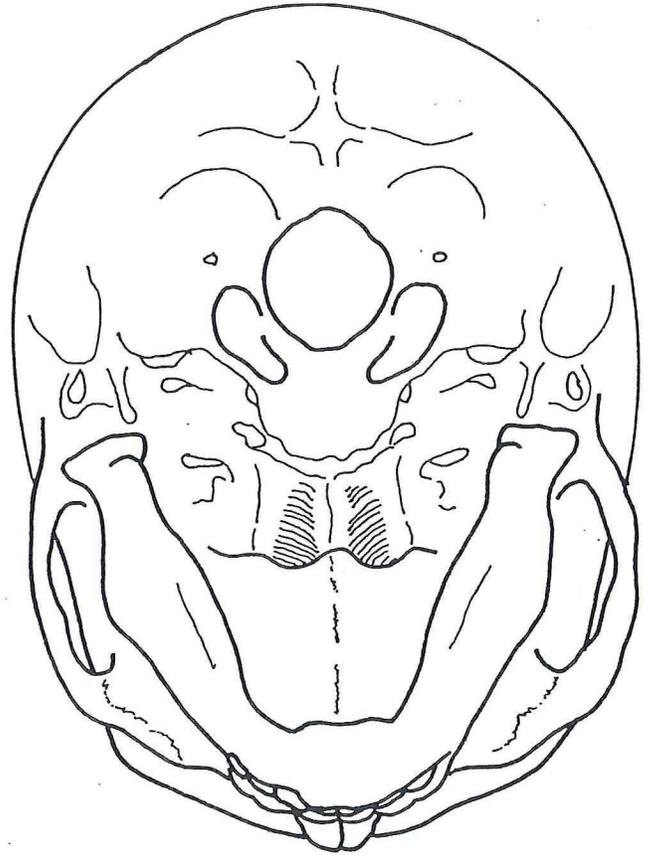
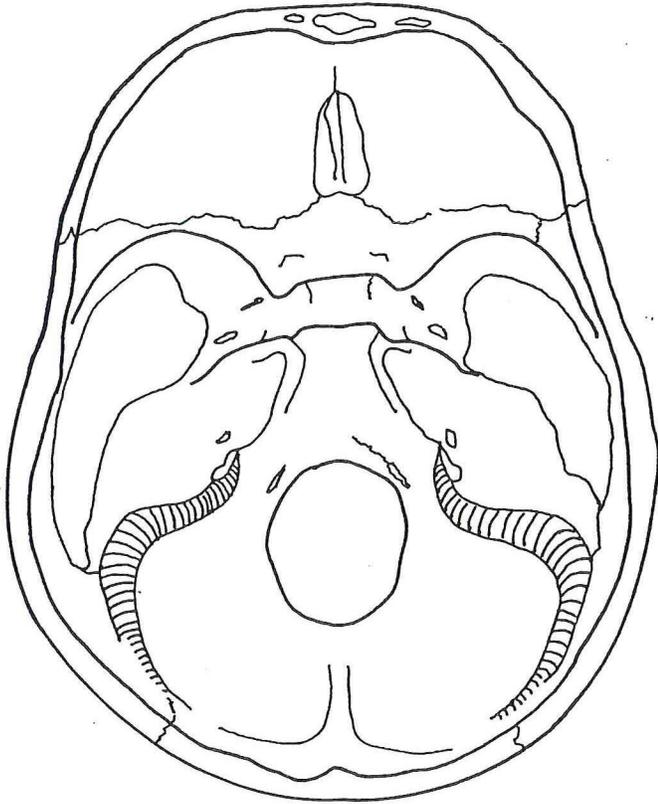
r-ab v.



Name Ardianna Waller

Case No. 9704346

SKULL - BASE, INFERIOR AND SUPERIOR VIEWS (PLUS CALVARIUM)



INNER VIEW OF SKULL

Name Ardianna Waller

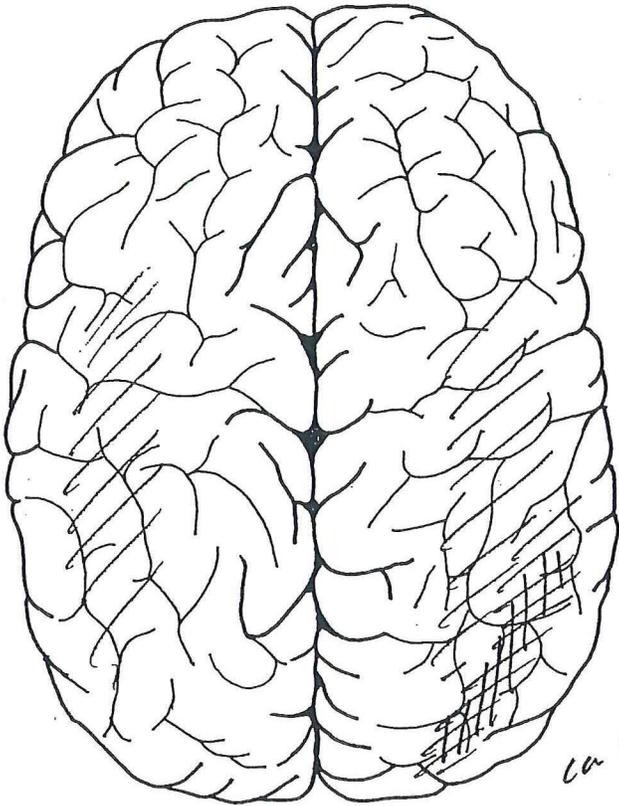
Case No. 9704346

CMF-1R17 (Series 1978)

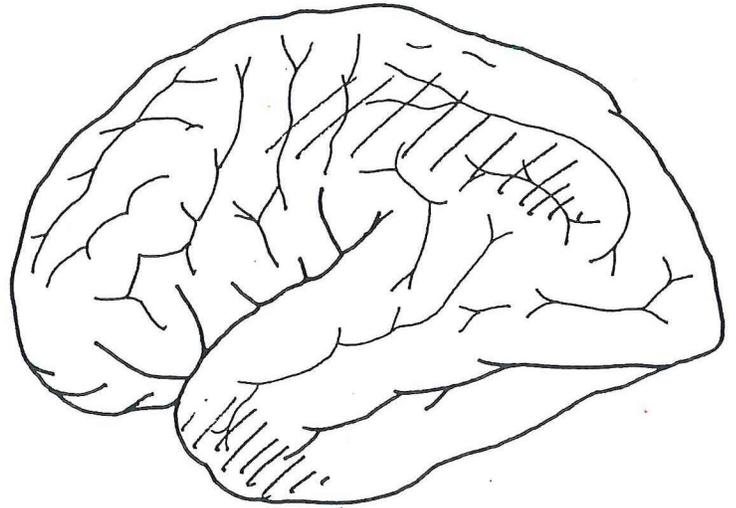
Date 2-23-97 8

BRAIN - SUPERIOR, INFERIOR, AND LATERAL VIEWS

LT

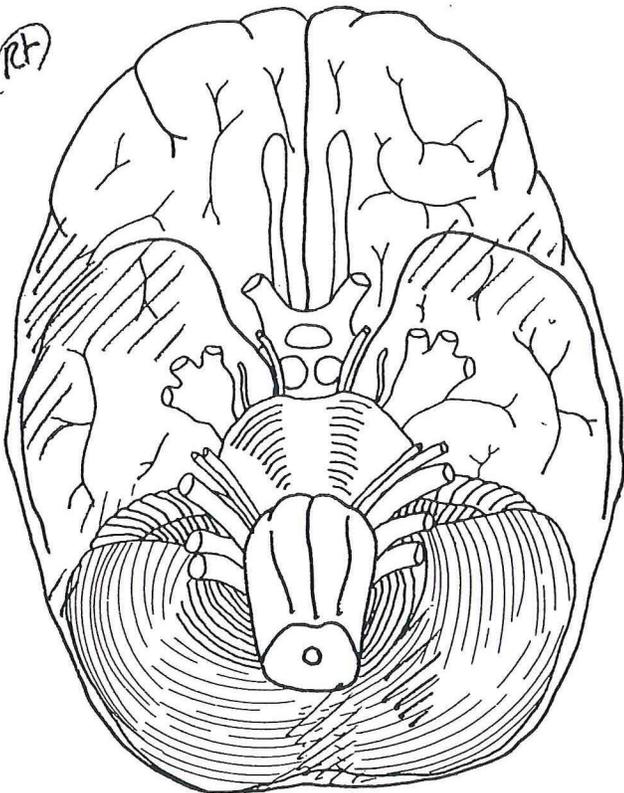


(LT)

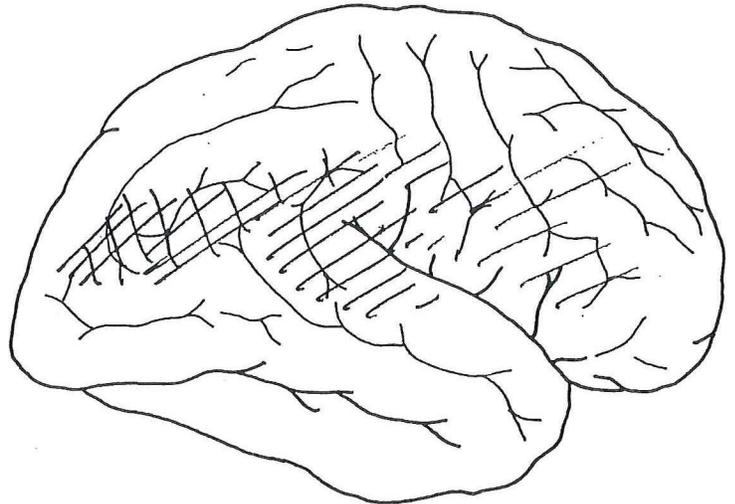


ca 6 x 0.5 cm

(RT)



(RT)

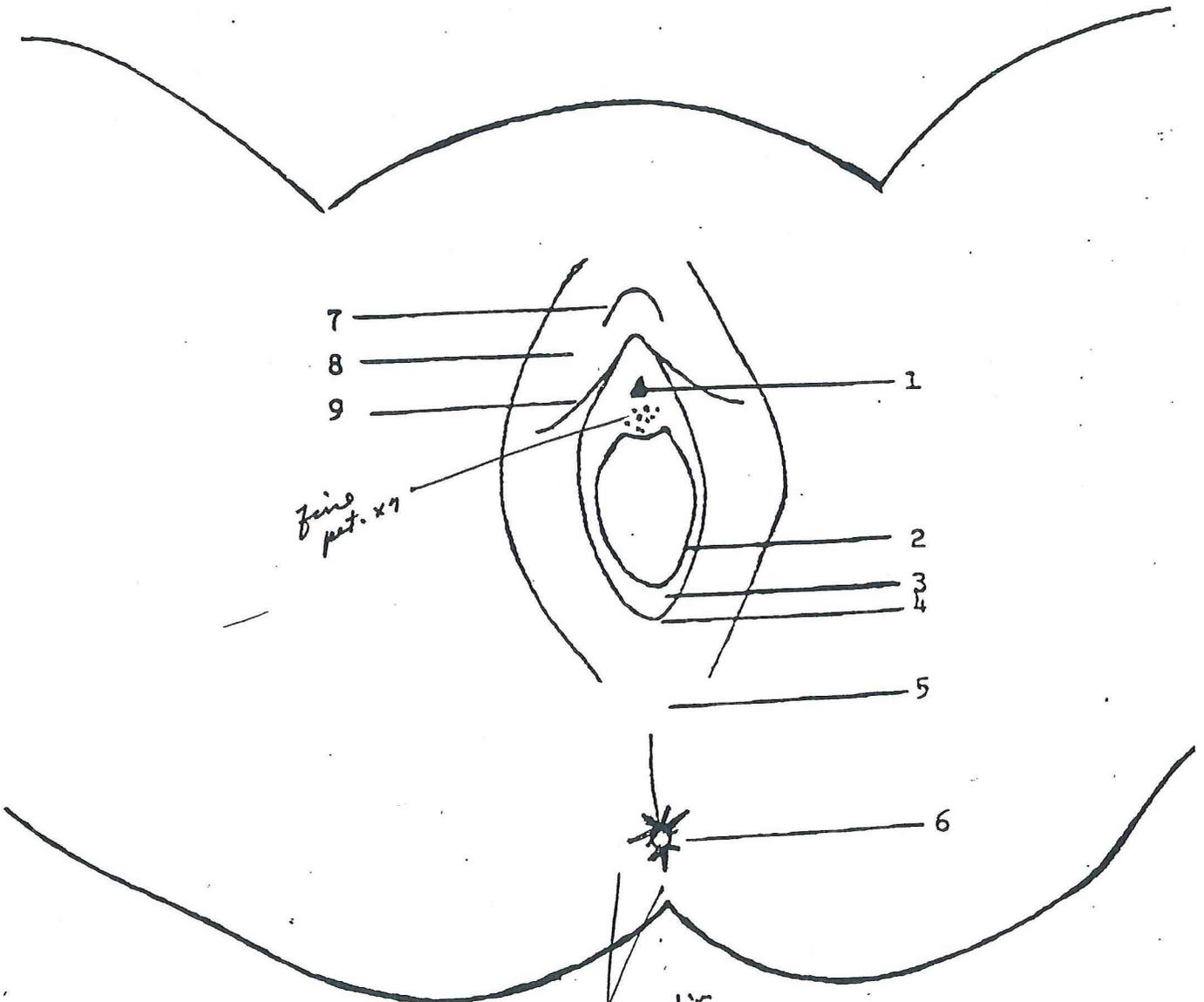


9704346

Name Ardranna Waller

Case No. (146 596-97)

9-9-97 11400



- 1 URETHRAL OPENING
- 2 HYMEN - DRAW IN CONFIGURATION
- 3 FOSSA NAVICULARIS
- 4 POSTERIOR FOURCHETTE
- 5 PERINEAL BODY
- 6 ANUS
- 7 CLITORIS
- 8 LABIUM MAJORA
- 9 LABIUM MINORA

## GROSS EXAMINATION

AUTOPSY NO. ML 596-97

CASE NO. 9704346

=====

The body is opened through the customary "Y" shaped incision.

Subcutaneous fat is normally distributed, moist, and bright yellow. The musculature through the chest and abdomen is rubbery, maroon, and shows focal contusions over the right sixth rib region at the anterior axillary line (approximately 0.6 cm) as well as right anterior chest muscle at which there is fracture of ribs #6 and #7.

The sternum is removed in the customary fashion. The organs of the chest and abdomen are in normal position and relationship. The liver edge extends +3 cm below the right costal margin at the midclavicular line. The diaphragms show contusions of right hemisphere with focal contusion of left near the centrum.

### PARIETAL PLEURA:

Smooth, glistening membrane without associated adhesions or abnormal effusions. There are focal subpleural contusions overlying the right 6th rib along the anterior axillary line, on the right and along the midclavicular line on the left.

### PERICARDIUM:

Is a smooth, glistening, intact membrane, and the pericardial cavity, itself, contains the normal amount of clear, straw-colored fluid.

### PERITONEUM:

Smooth, glistening membrane with retroperitoneal hematoma, mainly on the right. The peritoneal cavity contains approximately 200 mL of liquid blood, but no adhesions.

### HEART:

Weighs 36 gm. It has a normal configuration and location. There are no adhesions between the parietal and visceral pericardium, and the latter is a smooth, glistening, fat laden characteristic membrane. The coronary arteries arise and distribute normally with no occlusive disease. The coronary ostia are normally located and widely patent. The chambers and atrial appendages are unremarkable. The valves are normally formed and measure as follows: tricuspid 6.0 cm, pulmonic 3.3 cm, mitral 5.0 cm, and aortic 3.0 cm. The endocardium is a smooth, gray, glistening, translucent membrane uniformly. The myocardium is intact, rubbery, and red-tan, with the left ventricle measuring 0.6 cm, the

## **GROSS - 2 CASE 9704346**

septum measuring 0.5 cm, and the right ventricle measuring 0.2 cm. The papillary muscles and chordae tendineae are intact and unremarkable. The arch of the aorta is located on the right instead of the left encircling the trachea continuing down to thoracic descending aorta. The major branches are unremarkable and normally formed. The foramen ovale and ductus arteriosus are closed. There is no other congenital malformation of the heart present.

### **NECK ORGANS:**

Musculature is normal, rubbery, and maroon, and the organs are freely movable in a midline position. The tongue is intact and normally papillated, without evidence of tumor or hemorrhage. The hyoid bone is intact. The thyroid cartilage is intact and without abnormality. The thyroid gland is symmetric, rubbery, light tan to maroon, and in its normal position without evidence of neoplasm. The epiglottis is a characteristic plate-like structure which shows no evidence of edema, trauma, or other gross pathology. The larynx is lined by smooth, glistening membrane and shows asymmetric red small contusion near the midline, approximately 0.3 cm each just above the vocal cord. There are no petechiae of the epiglottis, laryngeal mucosa, or thyroid capsule. There are hemorrhages in the submandibular soft tissue, left.

### **THYMUS:**

Pale grey-brown with focal hemorrhages at the lower half.

### **LUNGS:**

The right lung weighs 46 gm, and the left weighs 38 gm. Visceral pleurae are smooth, glistening, and intact with focal subpleural contusion at the latter surface of the right lower lobe (approximately 2 cm) and perihilar contusions along with fine petechiae mostly left lung at the posterior surface of the lower lobe. The overall configuration is normal. The trachea is widely patent and lined by characteristic pink membrane. Likewise, the major bronchi and bronchioles bilaterally are patent, normally formed, and contain no significant occlusive material. The pulmonary arterial tree is free of emboli or thrombi. The parenchyma is uniformly spongy, varies from pink-tan to dark purple, and exudes moderate amounts of blood and clear, frothy edema fluid from its cut surfaces. There is no evidence of consolidation, granulomatous, or neoplastic disease. Hilar lymph nodes are within normal limits with relation to size, color, and consistency.

### **G.I. TRACT:**

The esophagus shows an unremarkable mucosa, a patent lumen, and no evidence of gross pathology. The esophagogastric junction is unremarkable. The stomach is of normal configuration, is lined by a smooth, glistening, intact mucosa, has an unremarkable wall and serosa, and contains scanty amount of yellow-grey mucus. The duodenum, itself,

**GROSS - 3      CASE NO: 9704346**

is patent, shows an unremarkable mucosa and no evidence of acute or chronic ulceration. Jejunum and ileum are unremarkable and contain soft brown fecal material. There is no Meckel's diverticulum. The ileocecal valve is intact and unremarkable. The appendix is unremarkable. The colon is examined segmentally, shows pericolonc hemorrhages of ascending colon and focally transverse colon along with contusion of the omentum. There are no diverticula. Anus and rectum are otherwise unremarkable.

**LIVER:**

Weighs 220 gm. Three separate lacerations; vertical laceration at the junction of the lobes measuring 1.5 x 0.5 cm, diagonal laceration of right lobe approximately 0.5 cm from the junction that measures approximately 3 x 0.5 cm with a depth approximately 3.5 cm, and laceration of caudate lobe measuring 2 x 0.5 cm. There is a focus of subcapsular hemorrhage just above the laceration of the junction. There is extensive subdiaphragmatic hemorrhages, as well. The cut surface shows no other pathology.

**GALLBLADDER:**

Lies in its usual location, contains liquid bile, no calculi, and shows a normal mucosa. The biliary tree is intact and patent without evidence of neoplasm or calculi.

**PANCREAS:**

Lies in its normal position, shows a normal configuration, is pale grey and characteristically lobulated with no apparent gross pathology.

**SPLEEN:**

Weighs 20 gm. The capsule is intact. The organ is flabby, brownish, and shows multifocal red-purple contusions in the centrum of the parenchyma (overall approximately 1.0 x 0.5 cm).

**ADRENALS:**

Lie in their usual location, show yellow cortices and tan to gray medullae. There are extensive periadrenal hemorrhages on the right.

**GROSS - 4    CASE NO: 9704346**

**KIDNEYS:**

The right kidney weighs 26 gm and the left weighs 28 gm. Both are configured normally with extensive perirenal hematoma on the right. Sections show the organs to be pale grey-brown with unremarkable cortices, medullae, and pelves. Ureters and blood vessels are patent and unremarkable.

**URINARY BLADDER:**

Contains no urine. Its serosa and mucosa are unremarkable.

**FEMALE GENITALIA:**

The vagina is intact and shows no gross pathology. The cervical os is with no erosion. The endocervical canal is within normal limits. The uterus has a symmetrical overall unremarkable configuration and is nongravid. The myometrium is light tan and rubbery. The endometrium is grey, thin. Bilateral adnexa are unremarkable.

**BRAIN AND MENINGES:**

The scalp is opened through the customary intermastoid incision and shows an extensive scalp contusion, mainly over the right fronto-parieto-occipital region with multifocal subgaleal hemorrhages over the right frontal, right parieto-temporo-occipital region and left and left parieto-occipital region. The calvarium is removed through the use of an oscillating saw and diagonal linear fracture running through the right fronto-temporo-parieto-occipital bone with depressed fractures over the right temporo-occipital bones along with separation of sagittal and lambdoid sutures. The measurement of the sagittal suture is approximately 2.0 cm, the lambdoid suture approximately 1.5 cm and overall measurement of the linear fracture is 14 cm along with approximately 6 cm long depressed skull fracture line. The fracture line shows somewhat Y-shaped fracture line at the inner table of the right occipital parietal bone. There are extensive regional subgaleal hemorrhages along the fracture lines. There is diffuse subdural hemorrhages over the hemispheres (approximately 10 mL in aggregate) along with subarachnoid hemorrhage. The brain is fixed for further description. The base of the skull is intact without osseous fracture.

**RIBS:**

There is a fracture of right #6 and #7 ribs along the midclavicular line. There are focal contusions of intercostal space on the left #6 through #8 and #10 along the midaxillary line.

**GROSS -5    CASE NO: 9704346**

**PELVIS:**

Intact.

**VERTEBRAE:**

Intact. There is diffuse perivertebral hemorrhage, symmetric, along the thoracic spine.

**BONE MARROW:**

Pale. Unremarkable.

**MISCELLANEOUS SYSTEM:**

Joints of shoulders and knees show no evidence of hemorrhages in and around the joints.

AUTOPSY NO: ML 569-97

CASE NO: 9704346

**ADDENDUM:**

Gross examination of brain after fixation. On re-examination of the brain on September 9, 1997, 1400 the brain weighs 760 gms. Multiple serial sections show again cortical contusion with laceration of the right temporal occipital lobe at the superior lateral surface along with diffuse cerebral edema. There is no evidence of hemorrhage in the basal ganglia or the corpus callosum. Examination of cervical-thoracic spinal cord shows no evidence of traumatic injury.

September 18, 1997  
CSC:wf

Chai S. Choi  
Chai S. Choi, M.D.

## MICROSCOPIC DESCRIPTION

AUTOPSY NO. ML 596-97

CASE NO. 9704346

=====  
Sections of brain and meninges show diffuse cerebral edema with multifocal contusive laceration along with multifocal subarachnoid hemorrhages. There is no evidence of acute inflammation.

Sections of slide A from the scalp contusion show extensive hemorrhages, mainly in the subcutaneous and muscular tissue in which there are rare hemosiderin-laden macrophages present in and around hemorrhages. There is no evidence of acute inflammation.

Sections of heart show focal interstitial fibrosis with occasional mononuclear cells in the subendocardial tissue.

Sections of lungs show multifocal pleural acute hemorrhages and interstitial hemorrhages in the hilum along with multicentric collapse of alveoli, mainly at the periphery. There is no evidence of pneumonic process nor aspiration.

Sections of liver show acute hemorrhage in the parenchyma being surrounded by irregular fibrotic parenchyma. At the periphery the liver tissue shows multifocal and irregular fibrosis separating individual hepatocytes with atrophy as well as regenerating hepatocytes with multinucleation. There are frequent hemosiderin-laden macrophages present in the fibrous tissue. Elsewhere the liver tissue is unremarkable and is free of hemosiderin-laden macrophages. In some area of the fibers the tissue shows occasional infiltration with mononuclear cell including eosinophils. Also there is microscopic focus of organizing hematoma being surrounded by fibrous tissue.

Sections of the spleen show irregular hemorrhages in the parenchyma that is otherwise unremarkable. There are frequent reactive benign germinal centers.

Sections from kidney, pancreas, lymph node, thyroid, including larynx, tongue, esophagus, stomach, intestine, uterus show no significant microscopic abnormality.

Adrenal gland show hemorrhages in and around adrenal gland in which there are focal dense fibrosis at the periadrenal tissue.

Section of dura membrane shows focal hemorrhages.

Sections from eyes show multifocal retinal hemorrhages.

**MICROSCOPIC DESCRIP - 2      CASE NO: 9704346**

Sections of cutaneous injuries (slides B through H) and fracture of bone (slide I) confirm the gross diagnosis of cutaneous hemorrhages except slide E from back abrasion showing cutaneous abrasion with thermal congestion.

Slide F from lesion of genitalia. The section of slide F shows no evidence of cutaneous hemorrhage other than focal vascular congestion.

There is no evidence of hemosiderin-laden macrophages found in slides B through H. There is also no evidence of acute inflammation in the hemorrhagic area.

Sections of slide I from right rib and slides J, K from the left ribs show slide I from right rib fracture showing horizontal fracture at the junction of the cartilage being coated with clotted blood at the margins. There are also focal hemorrhages in the periosteal and muscular tissue.

Sections of slide J and K from left ribs show fracture of bone with irregular sequestered and admixed clotted blood with periosteal granulation tissue composed of mononuclear cells and fibro-osteoid cells in the hemorrhagic area. There are also multifocal regional hemorrhages in the lumen ligamentous and muscular tissue. Slide K shows fracture at the junction of the cartilage with marginal hemorrhages. There are also focal periosteal hemorrhages in the fibromuscular tissue. There is no evidence of acute inflammation.

Glass smears for sperm from oral, anal and vaginal canals; there is no evidence of spermatozoa present on the slides.

The liver and heart show essentially no mature collagen formed in the fibrotic areas.

September 29, 1997  
CSC:wf

  
\_\_\_\_\_  
Chai S. Choi, M.D.

BOARD OF MEDICOLEGAL INVESTIGATIONS  
OFFICE OF THE CHIEF MEDICAL EXAMINER

901 N. Stonewall  
Oklahoma City, Oklahoma 73117

Re.            Co.           

I hereby certify that this is a true and correct copy of the original document. Valid only when copy bears im-print of the office seal.

By: Philip M. Kemp  
Date: 10-8-97

REPORT OF LABORATORY ANALYSIS

NAME: WALLER, ~~Adrianna~~ <sup>Adriana</sup>

LABORATORY NO. 972147

MATERIAL SUBMITTED: Blood, Liver

DATE RECEIVED: August 25, 1997

CASE NO. 9704346

SUBMITTED BY: Chai S. Choi, M.D.

MEDICAL EXAMINER: Chai S. Choi, M.D.

RESULTS:

BLOOD: (Heart)

Ethyl Alcohol - Negative  
Atropine - Positive

Negative for Amitriptyline, Amphetamine, Barbiturates, Benzoyllecgonine, Chlordiazepoxide, Chlorpheniramine, Chlorpromazine, Cocaine, Codeine, Desipramine, Dextromethorphan, Diazepam, Diphenhydramine, Doxepin, Doxylamine, Imipramine, Meperidine, Mesoridazine, Methadone, Methamphetamine, Methaqualone, Morphine, Nordiazepam, Nortriptyline, Pentazocine, Phencyclidine, Propoxyphene, Strychnine, Thioridazine.

October 1, 1997

DATE

Philip M. Kemp  
PHILIP M. KEMP, Ph.D.  
Chief Forensic Toxicologist

Please Note: Unless notified in writing to the contrary, the specimen(s) submitted in this case will be discarded at the end of 60 days.

=====  
Standard Continuation Page  
=====

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 2  
Code: 21-701.7 SS Crime: MURDER 1 Class:

7. ONE(1) BOTTLE ALOE VERA
8. THREE (3) ROLLS 35MM FILM
9. MORGUE EVIDENCE - (4 TUBES BLOOD, SCALP HAIR, LEFT NAIL CLIPS, RIGHT NAIL CLIPS, ORAL SWAB, VAGINAL SWAB, RECTAL SWAB)

=====  
NARRATIVE/ADDITIONAL INFORMATION:  
=====

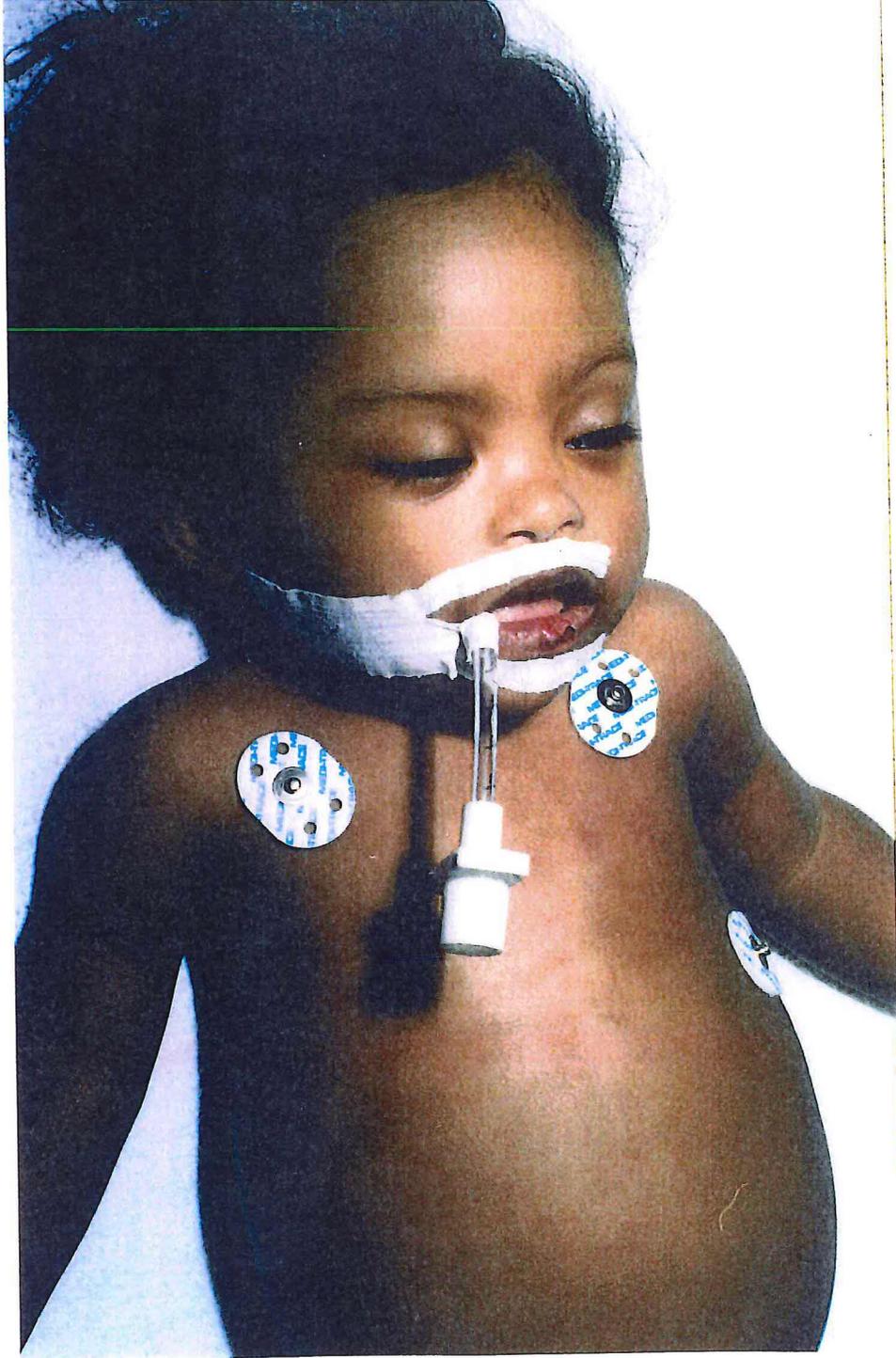
DISPATCHED TO 4200 W. MEMORIAL HOSPITAL REF: HOMICIDE. UPON ARRIVAL MET WITH LT HORN, INSPECTOR MULLENIX, AND DET GRIFFIN, WHO ADVISED THAT PHOTOGRAPHS WERE NEEDED OF V1 WALLER. I PHOTOGRAPHED V1 WALLER AND COLLECTED THE DISPOSABLE DIAPER WHICH SHE WAS WEARING. FIELD MEDICAL EXAMINER JOHN HOWARD EXAMINED V1 WALLER AT THE HOSPITAL AND CHECKED FOR VISIBLE SEMEN STAINS ON THE VAGINAL, ANAL, AND THIGH AREAS. THIS WAS DONE WITH A SL 20 FLASH LIGHT, WHICH I HELD WHILE HE CONDUCTED THE EXAM. THERE WERE NO VISIBLE SIGNS OF SEMEN STAINS, HOWEVER THERE WAS SOME BLEEDING AND WHAT APPEARED TO BE SOME TEARING AROUND THE ANAL AREA. ADDITIONALLY, THERE APPEARS TO BE A LUBRICANT AROUND THE VAGINAL AND ANAL AREA. AFTER PHOTOGRAPHING AND COLLECTING THE AVAILABLE EVIDENCE, I WAS ADVISED BY DET GRIFFIN THAT I WOULD BE NEEDED AT 1137 NW 102ND TO PROCESS THE RESIDENCE.

UPON ARRIVING AT 1137 NW 102ND, DET GRIFFIN ARRIVED WITH A SEARCH WAVIER AND WE ENTERED THE RESIDENCE AND I PHOTOGRAPHED THE RESIDENCE AS WE ENTERED. WHILE PROCESSING THE RESIDENCE DET GRIFFIN ADVISED THAT V1 WALLER WAS SUPPOSED TO HAVE BEEN IN THE NORTH EAST BEDROOM. I PHOTOGRAPHED, MEASURED, AND COLLECTED EVIDENCE WHICH WAS IDENTIFIED BY DET GRIFFIN AND LT MCCOOL, WHO JOINED US AT THE RESIDENCE AFTER WE WERE PROCESSING IT. THE BEDROOM WAS FOUND TO BE UNKEPT WITH DIRTY CLOTHING STACKED IN THE SW CORNER OF THE BEDROOM. THE BED WAS UNMADE AND THERE WERE SEVERAL PIECES OF LINEN AND BLANKETS PILED ON IT. LT MCCOOL AND I SEARCHED THROUGH THE LINEN AND BLANKETS FOR ANYTHING THAT MIGHT BE CONSIDERED EVIDENCE, BUT DID NOT FIND ANYTHING. WHILE SEARCHING THE BEDROOM, LT MCCOOL OBSERVED A TAPE IN THE VCR ON THE TV STAND AGAINST THE SOUTH WALL. LT MCCOOL ASKED DET GRIFFIN IF HE WANTED TO VIEW WHAT WAS ON IT AND HE INDICATED WE SHOULD. THE TV WAS OFF AND WE TURNED IT ON AND STARTED THE VCR, WHICH HAD WHAT WOULD BE CONSIDERED A LOVE SCENE (NUDITY, STRONG SEXUAL CONTENT). THERE WERE SEVERAL OTHER VHS TAPES SETTING ON TOP OF THE VCR AND AN OPEN JAR OF PETROLEUM JELLY AND A BOTTLE OF ALOE VERA GEL. I COLLECTED ALL THE VHS TAPES AND THE PETROLEUM JELLY AND A BOTTLE OF ALOE VERA GEL.

WHILE PROCESSING THE BEDROOM DET GRIFFIN REQUESTED A PIECE OF THE CARPET BE CUT OUT FROM THE WEST SIDE OF THE BED. I CUT OUT THE CARPET AND COLLECTED AS EVIDENCE. DET GRIFFIN ALSO ASKED THAT THE COX CABLE BILL BE COLLECTED FROM THE LIVING ROOM OFF THE BOOK SHELF THAT WAS AGAINST THE EAST WALL. AFTER COLLECTING THE EVIDENCE I SUBMITTED THE PHOTOGRAPHS TO THE PHOTO LAB AND THE DIAPER TO SEROLOGY FOR FURTHER PROCESSING. THE REST OF THE EVIDENCE WAS BOOKED INTO THE PROPERTY ROOM.

=====  
Standard Trailer - Continuation  
=====

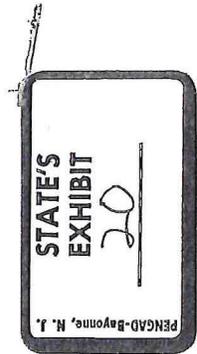
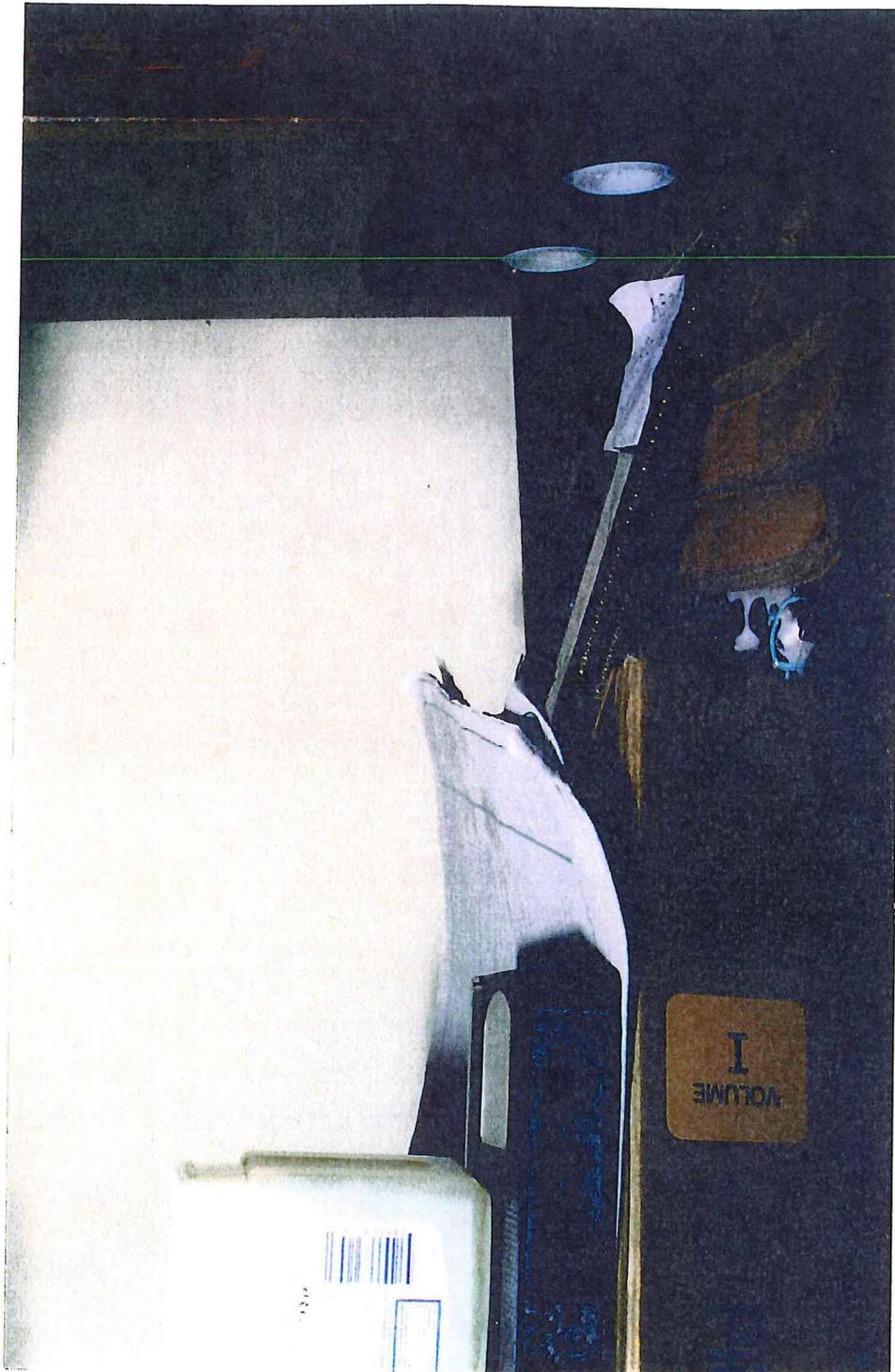
Reporting Officer: LOFTIS, WILLI Number: 000780 Date: 08/22/97 Time: 18:45  
Typed by: WLOFTIS Number: 780 Date: 08/26/97 Time: 18:58  
Approving Officer: MCCOOL, STEVE Number: 000564 Date: 08/27/97 Time: 16:59



PENGAD-Bajome, N. J.  
**STATE'S  
EXHIBIT**  
8



PENGAD-Brayonne, M. J.  
**STATE'S  
EXHIBIT**  
1a





STATE'S  
EXHIBIT  
21  
PENGLAND-BAYONNE, N. J.

ACTION # 12

Standard Supplement Report

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 1
Code: 21-701.7 SS Crime: MURDER 1 Class:
Occurrence Date: 08/22/97 Day: FRIDAY Time: 16:07
Status: HO NEW CASE Closing Officer:
Location: 4300 W. MEMORIAL RD., OK RD: 675

NARRATIVE FOLLOW-UP REPORT FOR CASE 97-081667

TYPE: HOMICIDE
DATE: 8-22-97
TIME: 1810
LOCATION: 4200 W. MEMORIAL RD. (MERCY HOSPITAL)
1137 NW 102ND (CRIME SCENE)

VICTIM: ARDIANNA WALLER BF 9-18-96
SUSPECT: CHARLES FREDERICK WARNER BM 7-20-67
REPORTING PARTY: SHONDA MARIE WALLER BF 2-2-75

DETAILS:

ON 8-22-97 AT 1715 HRS DETECTIVE D. GRIFFIN WAS NOTIFIED BY LT. BOB HORN THAT A ELEVEN MONTH OLD CHILD HAD BEEN BROUGHT TO MERCY HOSPITAL BY HER MOTHER AND HAD DIED FROM APPARENT CHILD ABUSE. HORN ADVISED GRIFFIN TO RESPOND AND DO A FOLLOW-UP INVESTIGATION. GRIFFIN PROCEEDED TO MERCY HOSPITAL ER AND MET DETECTIVE E.L. MULLENIX AND LT. HORN. DETECTIVES WERE THEN BRIEFED BY PATROL DIVISION PERSONAL AND EMERGENCY ROOM PERSONAL. IT WAS DECIDED MULLENIX WOULD CONDUCT INTERVIEWS OF WITNESSES AT POLICE HEADQUARTERS AND GRIFFIN WOULD PROCEED TO 1137 NW 102ND AND ALONG WITH TI INVESTIGATIONS PERSONAL AND CONDUCT A CRIME SCENE INVESTIGATION. SEARCH WAIVERS WERE OBTAINED FROM SHONDA WALLER AND CHARLES WARNER BEFORE GRIFFIN PROCEEDED TO THE SCENE. SGT W. LOFTIS OF TECHNICAL INVESTIGATIONS CAME TO THE HOSPITAL AND TOOK PHOTOGRAPHS OF THE VICTIM. JOHN HOWARD OF THE MEDICAL EXAMINERS OFFICE HAD ALREADY INSPECTED THE BODY OF THE VICTIM.

GRIFFIN ALONG WITH W. LOFTIS PROCEEDED TO 1137 NW 102ND ARRIVING AT 2000 HRS. GRIFFIN HAD BEEN ADVISED BY SHONDA WALLER THE MOTHER OF THE VICTIM THAT THE VICTIM HAD BEEN FOUND IN THE NORTHEAST MASTER BEDROOM NOT BREATHING. ENTRY WAS GAINED TO THE HOME BY THE FRONT DOOR THAT FACES THE SOUTH. THE DOOR WAS UNLOCKED AS MRS. WALLER STATED THEY LEFT IN A HURRY AND DID NOT LOCK THE HOME. AS ONE ENTERS THE HOME THE LIVING ROOM IS TO THE LEFT OR WEST. THE DINING ROOM IS NORTH OF THE LIVING ROOM WITH THE KITCHEN TO THE EAST OF THE DINING ROOM. A HALL GOES EAST FROM THE LIVING ROOM AND KITCHEN WITH A BATHROOM ON THE LEFT OR NORTH AND THE FIRST BEDROOM ON THE RIGHT ACROSS FROM THE BATHROOM OR SOUTH. OFF OF THE FIRST BEDROOM IS THE GARAGE WHICH HAS BEEN CONVERTED TO HALF DEN AND HALF STORAGE. CONTINUING DOWN THE HALL TO ONES LEFT OR NORTH IS THE MASTER BEDROOM. TO ONES RIGHT OR SOUTH IS ANOTHER BEDROOM. TO THE NORTHWEST OF THE

Standard Trailer - First Page

Reporting Officer: GRIFFIN, DAVI Number: 000419 Date: 09/04/97 Time: 13:40
Typed by: GRIFFIN Number: 419 Date: 09/04/97 Time: 13:41
Approving Officer: PACHECO, STEP Number: 000115 Date: 09/08/97 Time: 09:14

=====  
Standard Continuation Page  
=====

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 2  
Code: 21-701.7 SS Crime: MURDER 1 Class:

MASTER BEDROOM IS A HALF BATH WITH SHOWER AND A SINGLE SINK WITH LARGE MIRROR.

LOFTIS BEGAN THE INVESTIGATION BY PHOTOGRAPHING THE ENTIRE HOME. GRIFFIN ENTERED AFTER LOFTIS AND OBSERVED THE HOME TO BE UNKEPT. IN THE LIVING ROOM GRIFFIN OBSERVED A VACUUM SWEEPER TO BE SETTING NEXT TO A COUCH. IN THE FLOOR OF THE LIVING ROOM TO THE EAST OF THE COFFEE TABLE GRIFFIN OBSERVED A PIECE OF TODDLER CLOTHING TURNED INSIDE OUT LYING NEXT TO A FLY SWATTER AND A SUCKER.

GRIFFIN FURTHER OBSERVED THE FIRST BEDROOM ON THE RIGHT AS ONE GOES DOWN THE HALL APPEARED TO BE A CHILDS ROOM. THE BEDROOM IN THE NE CORNER OF THE HOUSE APPEARS TO BE THE MASTER BEDROOM. IN THE MASTER BEDROOM THERE WAS A LARGE WATER BED IN THE CENTER OF THE ROOM. THE BED DID NOT HAVE A WATER MATTRESS BUT HAD A KING SIZED CONVENTIONAL MATTRESS INSTEAD. THE MATTRESS HUNG OFF THE BED TO THE EAST. ON THE BED WERE SEVERAL PILLOWS, SOME ITEMS OF CLOTHING, A ORANGE AND WHITE COMFORTER AND A ALMOST EMPTY BAG OF DIAPERS. SITTING NEXT TO THE BED TO THE WEST WAS A BABY CRIB WHICH HAD A BOTTLE AND A BLANKET IN IT. TO THE SOUTH OF THE BED WAS A CABINET WITH A TV AND VCR. ON TOP OF THE VCR WAS SEVERAL VIDEO TAPES AND A OPEN BOTTLE OF PETROLEUM JELLY AND A BOTTLE OF ALOE VERA GEL. STICKING OUT OF THE VCR WAS A VIDEO TAPE MARKED "DEF JAM COMEDY". WHILE PROCESSING THE MASTER BEDROOM LT. S. MCCOOL THE TI SUPERVISOR ARRIVED AND ASSESSED SGT. LOFTIS. LT. MCCOOL ALSO OBSERVED THE TAPE STICKING OUT OF THE VCR AND ASKED IF GRIFFIN WANTED TO SEE WHAT WAS ON IT. GRIFFIN ADVISED YES AND MCCOOL PUSHED IN THE VCR AND PLAYED THE TAPE. THE CONTENTS OF THE VIDEO TAPE WHEN STARTED WAS SEXUALLY EXPLICIT SHOWING TWO WOMEN MAKING LOVE. THE ENTIRE TAPE WAS NOT REVIEWED AT THAT TIME. BECAUSE THE VICTIM HAD BEEN SEXUALLY MOLESTED THE VIDEO TAPE ALONG WITH THE OTHER VIDEO TAPES WERE TAKEN AS EVIDENCE. ALSO TAKEN FROM THE NORTHEAST BEDROOM WAS A SAMPLE OF THE CARPET AND PADDING UNDERNEATH FROM THE WEST SIDE OF THE WATER BED TO THE SOUTH OF THE BABY CRIB. THIS WAS TAKEN BECAUSE THE SUSPECT HAD TOLD HOSPITAL PERSONAL THAT THE BABY FELL OFF OF THE BED. FOR FURTHER INFORMATION ON ITEMS TAKEN FROM THE HOUSE SEE THE REPORT BY SGT. LOFTIS.

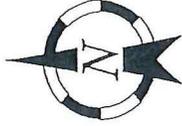
AT 2230 HRS THE PROCESSING OF THE CRIME SCENE WAS COMPLETE WITH THE INFORMATION THAT WAS AVAILABLE AT THE TIME. THE HOUSE WAS SECURED BY LOCKING THE FRONT DOOR. GRIFFIN THEN PROCEEDED TO POLICE HEADQUARTERS TO ASSIST MULLENIX WITH INTERVIEWS.

END OF REPORT

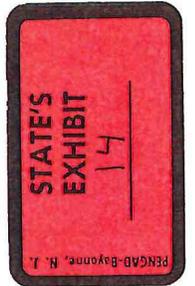
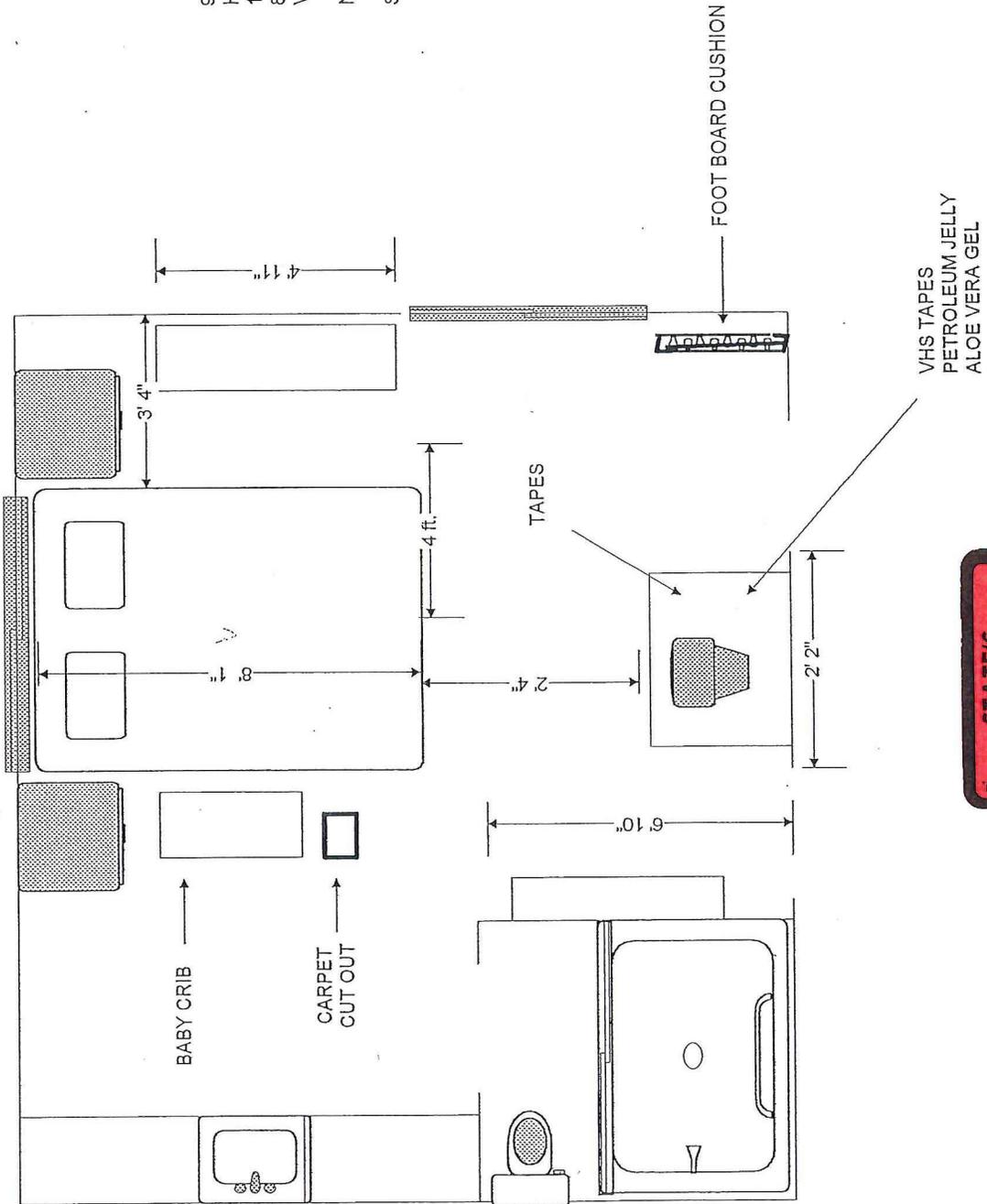
D. GRIFFIN  
HOMICIDE

=====  
Standard Trailer - Continuation  
=====

Reporting Officer: GRIFFIN, DAVI Number: 000419 Date: 09/04/97 Time: 13:40  
Typed by: GRIFFIN Number: 419 Date: 09/04/97 Time: 13:41  
Approving Officer: PACHECO, STEP Number: 000115 Date: 09/08/97 Time: 09:14



97-81667  
HOMICIDE  
1137 NW 102ND  
8-22-97  
V1-ARDIANNA WALLER  
NOT TO SCALE  
SGT W. LOFTIS



Action #2

Standard Supplement Report

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 1
Code: 21-701.7 SS Crime: MURDER 1 Class:
Occurrence Date: 08/22/97- Day: FRIDAY - Time: 16:07-
Status: HO NEW CASE Closing Officer:
Location: 4300 W. MEMORIAL RD., OK RD: 675

NARRATIVE

ON 8/22/97 AT APPROX. 1700 HRS., I WAS DISPATCHED TO MERCY HOSPITAL, 4300 W.MEMORIAL, IN REFERENCE TO A DOA IN THE ER. I SPOKE WITH WI DECK, WHO IS A NURSE AT MERCY ER. WI DECK TOLD ME THAT AN ELEVEN MONTH OLD BLACK FEMALE (VICTIM) WAS PRONOUNCED DEAD BY DR. MCCREIGHT AT 1607 HRS. VICTIM HAD BEEN RUSHED TO THE HOSPITAL BY IP-1, WHO IS VICTIM'S MOTHER, AND IP-2, WHO IS IP-1'S BOYFRIEND.

LT. LOONEY #205 HAD ARRIVED ON THE SCENE BEFORE ME. LT. LOONEY TOLD ME THAT IP-2 AND IP-3 WERE IN THE WAITING ROOM. IP-3 IS A FRIEND OF IP-1, WHO HAD TAKEN FATHERLY RESPONSIBILITIES FOR VICTIM SINCE SHE WAS BORN.

I SPOKE WITH IP-3 ASKING HIM FOR IDENTIFICATION FOR THE REPORT. I THEN SPOKE WITH IP-2 AND ASKED HIM QUESTIONS RELATING TO HIS IDENTITY. I ASKED HIM IF HE BROUGHT VICTIM TO THE HOSPITAL. HE SAID HE DROVE TO THE HOSPITAL FROM 1137 NW 102ND WHILE IP-1 ADMINISTERED CPR TO VICTIM ON THE WAY. I ASKED IP-2 IF VICTIM HAD BEEN HAVING TROUBLE BREATHING. IP-2 SAID, YES. HE SAID THAT HE WAS IN THE BEDROOM WITH VICTIM AND HIS 2-YEAR OLD BABY. IP-2 SAID WHEN HE LEFT THE ROOM, VICTIM AND THE 2-YEAR OLD WERE SITTING ON THE BED WHILE THE 2-YEAR OLD WAS GIVING VICTIM SOME WATER.

IP-2 RETURNED TO THE ROOM SOMETIME BETWEEN 2:00 P.M. AND 3:00 P.M., WHEN HE HEARD VICTIM CRYING. IP-2 FOUND VICTIM LYING ON THE FLOOR WHEN HE RETURNED TO THE ROOM. IP-2 PICKED VICTIM UP TO COMFORT HER AND NOTICED SHE HAD HIT HER HEAD. IP-2 SAID HE LAID VICTIM DOWN AND NOTICED THAT SHE SEEMED DAZED. IP-2 SAID HE LEFT THE ROOM TO LET VICTIM SLEEP.

IP-2 SAID HE CAME BACK TO THE BEDROOM AT 3:30 P.M. AND NOTICED THAT IT DIDN'T SEEM LIKE VICTIM WAS BREATHING. IP-2 THEN CALLED IP-1 INTO THE ROOM AND SAID THE BABY WASN'T BREATHING. IP-1 AND IP-2 LOADED UP IP-2'S KIDS AND VICTIM INTO THE CAR AND RUSHED TO MERCY ER. IP-2 SAID VICTIM WAS SPITTING UP MUCUS WHEN CPR WAS BEING ADMINISTERED CPR.

I THEN SPOKE WITH IP-1 AND ASKED HER QUESTIONS RELATING TO HER IDENTITY.

I SPOKE WITH WI DECK. WI DECK TOLD ME THAT VICTIM'S MOTHER TOLD HER ON 8/21/97 VICTIM SPENT TIME WITH IP-3. IP-3 RETURNED VICTIM TO IP-1 AT 1000 HRS., 8/21/97. IP-1 SAID THAT VICTIM WAS FINE AT THAT TIME. IP-1 CHANGED A DIAPER ON VICTIM THAT EVENING AND SAW NO BLEEDING.

ON 8/22/97 BETWEEN 11:00 AND 12:00 HRS., IP-1 WENT TO THE STORE. IP-2 STAYED WITH VICTIM. WHEN IP-1 ARRIVED HOME AT 1430 HRS., SHE CAME HOME TO MAKE LUNCH. WHILE SHE WAS MAKING LUNCH, IP-2 CALLED IP-1 TO TELL HER THAT VICTIM WASN'T BREATHING. THEY BOTH GAVE VICTIM CPR AND RUSHED HER TO THE HOSPITAL.

FF. D.EVANS #1125 ARRIVED AT MERCY TO ASSIST ME. OFF. EVANS STARTED A

Standard Trailer - First Page

Reporting Officer: BALLARD TIMOT Number: 001116 Date: 08/22/97 Time:
Typed by: LR1254 Number: LR1254 Date: 08/25/97 Time: 06:49
Approving Officer: PACHECO, STEP Number: 000115 Date: 08/25/97 Time: 15:24

=====  
S t a n d a r d   C o n t i n u a t i o n   P a g e  
=====

Reported Date: 08/22/97   Time: 16:22   Case: 97-081667   Page: 2  
Code: 21-701.7 SS   Crime: MURDER 1   Class:

CRIME SCENE LOG.

WI DECK SHOWED ME AN X-RAY OF VICTIM'S HEAD. VICTIM'S SKULL HAD A LARGE FRACTURE ON THE LEFT SIDE OF HER HEAD. WI DECK SAID THERE WERE SEVERAL TEARS ON HER RECTUM. VICTIM HAD A JAW FRACTURE AND 3 BROKEN RIBS. WITNESS SUSPECTED SEXUAL ABUSE.

I SPOKE WITH ER DR. MCCREIGHT. DR. MCCREIGHT STATED VICTIM WAS DEAD ON ARRIVAL. HE STATED THAT THE HEAD WOUND WAS NOT CONSISTENT WITH FALLING OFF A BED. HE ALSO SAID THAT THE RECTAL LACERATIONS WERE FROM SEXUAL ABUSE IN HIS OPINION. THE DOCTOR ALSO BELIEVES THESE WOUNDS WERE ONLY SEVERAL HOURS OLD.

LT. HORN ARRIVED ON THE SCENE. SHORTLY AFTER, DET. MULLENIX AND DET. GRIFFIN ARRIVED ON THE SCENE. MEDICAL EXAMINER JOHN HOWARD WAS ALSO CALLED. DHS WAS NOTIFIED AND IP-4 PRICE ARRIVED. PIO R.GIBSON WAS NOTIFIED BY LT. LOONEY. SGT. LOFTIS FROM T.I. WAS ALSO CALLED TO MERCY TO COLLECT EVIDENCE. LT. LOONEY HAD OFF. S.JOHNSON STAND BY AT 1137 NW 102ND.

DR. MCCREIGHT WAS THE PRIMARY ER DOCTOR. DR. ANDREZIK WAS ALSO CALLED TO EXAMINE VICTIM.

AT 1957 HRS., I TRANSPORTED IP-1 AND HER MOTHER TO THE HOMICIDE OFFICE. OFF. EVANS TRANSPORTED IP-2 AND HIS TWO KIDS, CHARVON AND VONNITA. LT. JONEY TRANSPORTED IP-3 TO HOMICIDE.

ALL COPIES OF THIS REPORT WERE FORWARDED TO HOMICIDE.

=====  
S t a n d a r d   T r a i l e r   -   C o n t i n u a t i o n  
=====

Reporting Officer: BALLARD TIMOT   Number: 001116   Date: 08/22/97   Time:  
Typed by: LR1254   Number: LR1254   Date: 08/25/97   Time: 06:49  
Approving Officer: PACHECO, STEP   Number: 000115   Date: 08/25/97   Time: 15:24

**EXCERPTS FROM INTERVIEW WITH  
CHARLES WARNER**

**DVD - 25 MINUTES**

Charles Warner: Yeah.

Detective: Okay, what happened? I mean, what'd you do while she's gone grocery, grocery shopping?

Charles Warner: Uh, I myself, was trying to chill. Ha, uh, playing with my kids and hum.

Detective: Okay.

Charles Warner: Watched a little TV.

Detective: What'd you watch on television?

Charles Warner: Uh-cartoons. <Inaudible> I click that channel a lot.

Detective: Huh?

Charles Warner: I, I just click through the channels. Sometimes I watch the TV Guide. Sometimes-

Detective: You do what?

Charles Warner: Sometimes I watch, I just, I mean, I was tired, I watch cartoons with my kids and just click back and forth.

Detective: All four children were there?

Charles Warner: Huh-uh.

Detective: Okay, was everybody all right?

Charles Warner: Uh, I don't know if anybody was- there was no problems.

Detective: Okay, where were your children?

Charles Warner: All throughout the house.

Detective: Okay. Where was, where was the baby? I mean-

Charles Warner: The baby was on the bed.

Detective: Okay. Did she ever get up and play?

Charles Warner: No, she don't move, she don't really move too much. She, uh-

Detective: Well, did you go back and check on her?

Charles Warner: Yeah, every now and then.

Detective: How many times do you think you went back and checked on her?

Charles Warner: Hum, once.

Detective: How long was she gone, Shonda gone?

Charles Warner: Hum, close to maybe two hours, hour and a half, somewhere in that area.

Detective: I'm writing, writing.

Charles Warner: Okay.

Detective: <Inaudible> back.

Detective: Okay, so, if, uh, she's gone two hours. Right?

Charles Warner: Somewhere in that frame, yes.

Charles Warner: Yeah.

Detective: About what time do you think she left to go grocery shopping?

Charles Warner: Twelve something, twelve, somewhere in that area something. Like I said, I'll be honest with ya, I wasn't watching the clock. <Inaudible>.

Detective: She left at twelve something. And your three children were all awake?

Charles Warner: Hum, huh-uh.

Detective: There were awake and running around playing.

Charles Warner: One of mine was inside was playing with the baby.

Detective: Which one?

Charles Warner: The little bitty baby.

Detective: Which, which one of your children was.

Charles Warner: The little bitty baby, my li-my youngest baby.

Detective: Okay, how old is she?

Charles Warner: Two year old.

Detective: Two, okay. So your two year old was playing with which baby?

Charles Warner: With, uh, Shonda's baby.

Detective: Okay.

Charles Warner: She liked to try to pick her up and stuff. She's got like a little motherly instinct about her, she just like to play with babies.

Detective: Okay, now, if you're, if she's gone two hours, how long is it after Shonda left before you go in and check on uh, uh the baby?

Charles Warner: <Inaudible>.

Detective: <Inaudible>. <Inaudible>.

Charles Warner: Huh-uh.

Detective: Okay, Adrianna.

Charles Warner: Huh-uh.

Detective: Okay, if she left and went to check on her <inaudible> grocery shopping and she's gone for two hours, about how much time passed before you went in and check on Adrianna?

Charles Warner: Hum, guessing?

Detective: Uh-huh. Well, I mean, by a guess, I want you to do the best you can.

Charles Warner: But I'd still be guessing. So, hum, <inaudible>. I think I got up about thirty minutes. The baby was sleep. The reason why I got up cause she had fell.

Detective: Now hold on just a minute. Okay, you checked on the baby thirty minutes after Shonda left?

Charles Warner: Close to it. It'd be to the best of my knowledge.

Detective: After Shonda left and you say, you got up and checked on her cause of why?

Charles Warner: Baby fell. My daughter was in there.

Detective: Your two year old?

Charles Warner: Yeah.

Detective: Okay, tell me what'd you hear?

Charles Warner: Uh-

Detective: How do you know the baby fell? What's the first thing you hear?

Charles Warner: The fall, the noise, and the cry,

Detective: Okay, you're saying you heard some kind of noise like the baby fell and cry?

Charles Warner: Yeah, it was a pretty good fall.

Charles Warner: My daughter. "Oohhh."

Detective: Okay, what did you see when you went in there?

Charles Warner: Hum. My daughter climbing off the bed and, you know, trying to get down. And, hum.

Detective: Okay.

Charles Warner: I ran, picked, the baby up real fast.

Detective: Okay, you picked the baby up?

Charles Warner: Huh-huh.

Detective: Did she start crying?

Charles Warner: Hum, she didn't cry that long.

Detective: <Inaudible>.

Charles Warner: Yeah, for a little bit <inaudible>.

Detective: Huh?

Charles Warner: Baby's kind of slow. So she don't do everything, <inaudible>, but she, she's always quiet, you know. See she sleeps a lot. She don't move that much. So, I just-

Detective: Okay, but, uh, you picked the baby up from the floor?

Charles Warner: Huh-uh.

Detective: When you got in there was she lying on her, uh, how was she lying when you saw her?

Charles Warner: Hum, down on. I ran, uh.

Detective: What, was she on her stomach, her side, her back, sitting up? How?

Charles Warner: Hum.

Detective: Or do you remember? Don't remember?

Charles Warner: I don't remember. I ran so fast, I just grabbed her, I don't remember. I don't remember how exactly she was laying to be honest with you.

Charles Warner: I was watching my daughter at the same time and I'm picking her up.

Detective: Okay, you picked her up and you said she just cried for just a minute.

Charles Warner: Yeah, not that long.

Detective: So what'd you do with her then?

Charles Warner: And, huh, I laid her back down.

Detective: Okay, she's laying on her stomach, her side, her back?

Charles Warner: I think I laid her on her stomach?

Charles Warner: And, she seemed to be snoring, when I came back later on and checked on her.

Charles Warner: And she don't usually snore that loud. So, I just turned her back on her stomach, on her back.

Detective: Wait a minute, I'm, I'm real confused now. Okay, I thought you told me, that you only checked on the baby once while she was gone?

Charles Warner: The first time, you're saying the first time.

Detective: In the two hours Shonda was gone, you said you checked on her once. Did you check on her twice?

Charles Warner: No, I checked on her once.

Detective: Yeah.

Charles Warner: Shonda came back. I checked on her again. <Inaudible>.

Detective: Okay, so, but in the time period when Shonda was gone, is that I'm wondering about.

Charles Warner: Okay.

Detective: How, how many times did you check on her while Shonda was gone?

Charles Warner: I think I checked on her once.

Detective: Okay, all right, but, I mean, after she fell and you picked her up and everything, she cries a little bit, did she seem all right to you?

Charles Warner: Huh, it, it seemed to be-

Detective: Normal?

Charles Warner: Pretty, yeah, sluggish a little bit, you know.

Detective: Well, more sluggish than usual? Uh, about the same? Uh, did you notice any visible injuries? Uh-

Charles Warner: No.

Detective: On the baby at all?

Charles Warner: I didn't see no visible injuries.

Detective: No, uh, no problems?

Charles Warner: No bleeding or nothing.

Detective: No bleeding or anything. Do you even know what part the baby struck on the floor when it fell or anything at all? What did you notice? Anything on the baby at all?

Charles Warner: I didn't notice anything on the baby. But more likely the baby fell, cause she, she falls, uh, when she usually she, she don't really fall out bed but she fall, usually somebody's in there. When she wants somebody to get her, sometimes she'll fall off the bad. Not, not so much off the bed.

Detective: Oh, okay, <inaudible>.

Charles Warner: <Inaudible> sometimes.

Detective: Okay, did you see any injuries on the baby, when you went in there or you didn't see any injuries at all.

Charles Warner: No, I didn't see any injuries. Well, I didn't see no blood or nothing.

Detective: Okay, that's what, that's all I need to know.

Charles Warner: No blood or nothing.

Detective: Okay, all right now, you say you laid her back down on her stomach on the bed?

Charles Warner: Yeah.

Detective: On her stomach?

Charles Warner: I laid her on her stomach.

Detective: Okay, did you cover her up?

Charles Warner: Hum-no.

Detective: Okay, how was the baby dressed when you laid her in the bed?

Charles Warner: Hum, she had a diaper on I think.

Detective: Okay, she didn't have a nightie on or anything or-

Charles Warner: No.

Detective: T-shirt or-

Charles Warner: It's daytime, it's a hot day.

Detective: Just a, just a.

Charles Warner: Yeah, we's at home, so.

Detective: Okay. All right. And you didn't check on the baby anymore until Shonda came home. Is that what you said?

Charles Warner: Hum, to the best of my knowledge, I may have got up and walked around, but I don't remember exactly. Don't remember exactly. To be honest with ya, I don't remember if I got up and went back checked on her. I probably go up and went through the house <inaudible> specifically, focus on checking on her. I might got up and moved, but I don't really, specifically go check on her.

Detective: No, okay. So what's your answer? Yes or no?

Charles Warner: I, I might have seen, uh, but I wasn't really focus on checking her, I thought she, you know, I, I didn't see no problem.

Detective: You didn't see any problem?

Charles Warner: No, I didn't see no problem.

Detective: Okay <inaudible>.

Detective: Okay, now during this time period, for two hours you was telling that you was watching television, is that right?

Charles Warner: Yeah.

Detective: Okay, now, about thirty minutes, you say after Shonda left is when you heard the thump and went in and checked on the baby, is that right?

Charles Warner: Right.

Detective: All right, then after you put the baby back in bed, laid it on it's stomach.

Charles Warner: I, I didn't say on her stomach, I do believe. I could be wrong. To be honest with ya, I could be wrong, I remember, I think I laid the baby on her stomach. Could be wrong. I laid the baby down.

Detective: Well, think about it now, see if you can remember.

Detective: So you both agreed, you was gonna get the phone, right?

Charles Warner: Yeah.

Detective: Okay. Now was that, was it just you going to get the phone turned on?

Charles Warner: Yeah, just me.

Detective: Huh?

Charles Warner: Just me.

Detective: No one else?

Charles Warner: I, probably, say I probably would'a took my daughter with me. My baby girl come, she, she screaming and hollering about it.

Detective: Okay, so <inaudible>.

Charles Warner: <Inaudible>. Then, I went to the back. I was getting dressed.

Detective: Okay.

Charles Warner: The baby.

Detective: Okay.

Charles Warner: I picked the baby up.

Detective: Why did you pick the baby?

Charles Warner: Cause the baby looked, you know, in a new position and I was gonna, uh, uh-

Detective: What position was that?

Charles Warner: Uh, she didn't look too good put it that way.

Detective: Well, what position did you say she was in?

Charles Warner: She was laying on her back.

Detective: What's weird about that?

Charles Warner: She stretched out.

Detective: Okay, so you pick the baby up.

Charles Warner: Huh-uh.

Detective: Can you think of anything else you noticed about the baby?

Charles Warner: Didn't looked like the baby was breathing.

Detective: Huh?

Charles Warner: Didn't looked like the baby was breathing. That what caught my attention. Cause, she was, wasn't snoring.

Detective: She wasn't snoring?

Charles Warner: No, before she was snoring. Snoring like all hog-nose like.

Detective: Okay, go ahead.

Charles Warner: I brought the baby to Shonda, I screamed and hollering to Shonda, you know. I asked her, what's wrong with the baby, what's wrong with the baby? And, uh, she freaked, you know, and I was holding it. She snapped baby from me and the baby's so limber. We were both trying to give the baby mouth to mouth cessation. It all happened so fast and I was scared, she was scared, and the baby wasn't doing, was not holdin her head up. <Inaudible>, and the baby wasn't doing-<inaudible> she <inaudible>. I didn't think about and the baby wasn't doing, we we're trying shake baby, shake the baby up. And I was patting the baby and she was trying to, you know, she was my baby, my baby, my baby, my baby, my baby, my baby and nobody, my kids are in the back playing and she yelled out, you know, we didn't have no phone. Let's get the baby to hospital right now.

Detective: You're talking real fast and I'm trying to understand <inaudible>. Okay.

Charles Warner: It happened real fast.

Detective: No, let's slow it down so I can understand.

Charles Warner: Okay.

Detective: You, uh, look at the baby and, uh, did you say the baby was in a weird position on the bed, is that right?

Charles Warner: No, not really in a weird position. The baby was just weird.

Detective: Okay, if you can, please describe what was weird about it.

Charles Warner: Uh, she didn't act like she was breathing. You going to see somebody sleep and, you know, she look all right. You know, I went inside, I'm getting dressed and put shirt on and, she looked okay. She laying on the bed, just right there and I noticed that and I picked her up and she didn't have no signs and ran to the front with her. Trying to shake her, trying to shake her, trying to shake her, what's wrong. "Get up" and, huh, Shonda ran to me. But her question was what you mean what's wrong with my baby, what's wrong with my baby. Oh my baby, my baby, my baby. And, uh, then we went to try to get her up, you know, and then she wasn't really responding. We thought she was breathing, cause it sound like she was breathing, it sounded like she was breathing, you know, well, she gonna be alright, you know, but some time we though, huh, maybe some time baby's stop sleep and the they'll wont wake up. It didn't see like that we couldn't get her up, we couldn't get her up. We kept trying to get her up and I, I had the car started and you see, the car, and grabbed the keys, just grabbed the keys and, you know, how high up they was, you know. <Inaudible> and, uh, we got in the car and I had a hard time trying to starting the car, finally car started and we dashed to the hospital. Fast. I was hoping to get a policeman, we didn't see one. I wasn't trying to get a-I, I was speeding. And I was hoping to see a police man, where I could tell a policeman, I wasn't even scared, you know. I wanted to tell to the policeman, hey, I got somebody in this car that's sick, you know, could you please escort me to the hospital real fast with your siren? You know, I didn't get a chance to see I, so I, I just I was taking <inaudible> chances that I had to do, had to do, to try to get baby to the hospital. And then when we got there, uh, I dropped Shonda off up front.

Charles Warner: And I had to go too, I had my three with me. I had parked the car beside and I grabbed my three and ran inside.

Detective: Okay, let me back you up, is that pretty well the story of what happened today.

Charles Warner: Yeah.

Detective: Yeah, that's pretty well all of it?

Charles Warner: Pretty much.

Detective: Okay.

Detective: Hum, did you see the baby last night?

Charles Warner: Did I see the baby?

Detective: Huh-uh.

Charles Warner: Last-

Detective: Did you play with the baby last night?

Charles Warner: Did I play with the baby last night?

Detective: Huh-uh.

Charles Warner: I don't recall.

Detective: Okay, anyway, when, when, uh, when Shonda left to go get groceries, right?

Charles Warner: Right.

Detective: Thirty minutes later you though you heard baby and a thump or something.

Charles Warner: Yeah, yeah.

Detective: The baby cried a little bit, she picked the baby up, then it appeared to be okay and you put it back down on the bed, right? Right or wrong?

Charles Warner: Right.

Detective: Okay. All right, now there is some things I want to say to you and I want you to listen to what I have to say to you, uh, I've got a lot of things to tell you.

Charles Warner: I'm listening.

Detective: Okay, and, and I would prefer that while I'm talking to you, now, I've let you talk and asked you a few questions about what occurred, now I want you to listen to me.

Charles Warner: Huh-uh.

Detective: And I would prefer that you listen to what I have to say and not interrupt. Because I have some things that I need to tell ya and I want to make sure that what I tell you, you understand.

Charles Warner: Okay.

Detective: Pretty complicated, what I'm getting ready to tell you.

Charles Warner: Okay.

Detective: But you seem intelligent and I don't think you'll have any problems. All right. I've been a homicide detective for fourteen years.

Charles Warner: Okay.

Detective: In fourteen years, we see a lot of things. Okay. <Inaudible>, huh, although I take my job seriously, I want you to understand that it's just a job with me. I mean, I don', uh, I don't get mad at anybody, Charles, is what I'm saying, in my job. Very rarely do I ever have any angry feelings towards people.

Charles Warner: Huh-uh.

Detective: And the reason for that is, is that because I'm in a job that could make you angry if you let it.

Charles Warner: Huh-uh.

Detective: And if I got angry in my job and considering the type of job that I have, I'd just be mad all the time. And, then, I don't like going through life mad. Right? So, I want you to know that I'm not angry at anyone. At all. But, uh, uh, I have some problems with your statement. I have some pretty big problems with your statement that you just made. One of the problems I have, Charles, is that at the hospital I talked to the doctors that treated the baby.

Charles Warner: Huh-uh.

Detective: I am, told the injuries that that baby sustained. I know what is wrong with the baby.

Charles Warner: I don't.

Detective: I do. But, considering that the baby was sent to the emergency room and everything, I think that, there, uh, from what I've seen and from what I know, that the emergency doctors there did a real good job in diagnosing what was wrong with the baby and locating and finding injuries and I was pretty impressed. They told me a lot of things when I arrived there about this baby's injuries.

Charles Warner: Okay.

Detective: And that baby had a lot of injuries. Much more than could have been sustained in a mere fall off the bed.

Charles Warner: Hum.

Detective: Charles, I want to tell you something. We work deals like this all the time. I mean, I don't, I don't like to work deals like this, but we do. And let me tell you, life is pretty damn complicated. Life is complicated for a guy who has four children in the house. Life is complicated for, I lose my temper too sometimes, with my children. Believe it or not I sympathize with people that lose their tempers sometimes with children. Any person who has children, at one time or the other, if they are normal, lose their temper with their kids. Particularly when life's stresses are on. You know, we, we have other, problems in the home, money problems, uh, marital problems, girlfriend problems. Uh, I think, Charles, that you better really pay attention to what I'm telling you here.

Charles Warner: I'm listening to you very deeply. I'm listening to you very deeply.

Detective: Because I have been told by that doctor, at, that, that baby had a tremendous skull fracture, broken ribs, a broken leg, and was, uh, very severely injured.

Charles Warner: Whooooo-

Detective: Not only that, but, I'm told by Shonda, that when she left to go to, uh, uh, grocery shopping that baby was perfectly normal, was eating, playing, got out of her bassinet that it sleeps on, got into bed with her at about eight o'clock this morning and ten o'clock when she woke up, the baby was just fine.

Charles Warner: Huh-uh.

Detective: She says that when she left to go to the grocery store the baby was just fine.

Charles Warner: Huh-uh.

Detective: Somehow that baby sustained all those injuries. As far as I can tell, Charles, in the two hours that she was gone to the grocery store. The people left alone in that house were Adrianna, your three children and you.

Charles Warner: Correct.

Detective: And I asked you what occurred while she was gone and you tell me thirty minutes after she left, you heard a thump, you went into the bedroom, the baby fell in the floor. You picked the baby up, she cried a little bit, apparently perfectly normal to you and you put her back in the bed. Right or wrong?

Charles Warner: Pretty close to right. Perfectly normal though, she, yeah, she was crying but <inaudible>.

Detective: Okay, maybe you can if, if I say something that's wrong, Charles. You correct me. I thought you said that, uh, I though I reiterated to you several times, how's the baby feel?

Charles Warner: I don't know.

Detective: <Inaudible> you told me and you told me that the baby appeared to you, normal.

Charles Warner: I said, the baby didn't seem to have nothing wrong with her.

Detective: That's what I asked, that's what I wanted to know.

Charles Warner: That's I said.

Detective: Some time in about two hours that, uh, that Shonda gone, that baby has sustained a skull fracture, broken ribs, and a broken leg.

Charles Warner: Hum.

Detective: Huh-uh.

Charles Warner: I doubt that.

Detective: I-

Charles Warner: I doubt that within that two hour frame. That's what I'm saying.

Detective: Okay, so, then maybe we can go back with each other and you can explain it to me and those other injuries to, uh, Charles. The baby also had a broken mandible.

Charles Warner: I don't know what that is.

Detective: That's, jaw bone. In the front, this is all the mandible. This whole thing was fractured.

Charles Warner: Humph. I couldn't tell.

Detective: Charles, uh, you just made a statement there. I said now, some time within that two hours, that baby appears to have sustained those injuries, right. And you said you doubt that. I say-

Charles Warner: I said in those two hours.

Detective: Let's back up with each other.

Charles Warner: Okay.

Detective: And let's see what other times that this baby could've sustained such injuries as this. Other than the two hours, you was left alone with her. By alone I mean with you and your other children. You said you doubt that that baby could've sustained those injuries in those two hours. Take me back and tell me what other injuries you're aware that that baby has received at any other time.

Charles Warner: <Inaudible> I was not aware of none of the injuries. None.

Detective: Well-

Charles Warner: I will wouldn't have picked the baby and played with her. Wouldn't have done none of that.

Detective: Well-

Detective: I don't know how the baby received these injuries, Charles.

Charles Warner: You and I both do not know.

Detective: No, uh, that's not quite true.

Charles Warner: You and I both do not know. I do not know.

Detective: That's not quite true.

Charles Warner: It is true.

Detective: No, I'm telling ya, I don't think that's quite true. Okay? I don't think that's quite true. A baby doesn't, uh, just injure itself to that extent-

Charles Warner: I-

Detective: -without something causing it.

Detective: Huh-uh. But then she quit. So, you, so you're telling me when she fell off the bed, she could've sustained these injuries? A broken leg-

Charles Warner: Possible.

Detective: Okay, you think that the baby could have sustained, uh, fractured skull?

Charles Warner: I don't know.

Detective: Broken ribs. All four of those injuries, broken mandible, fractured mandible, fractured skull, broken ribs, and a broken leg from that one fall off the bed?

Charles Warner: I don't know. I'm not a doctor. I've never seen, you know, I don't know what exactly happened. I don't really, just because <inaudible>, I don't know. I don't know.

Detective: Well, who else would know since you were there? You were the only person there, who else would know besides you?

Charles Warner: Hum, good Lord I think knows.

Detective: I'm sure he does.

Charles Warner: And the other <inaudible>.

Detective: I'm very sure he does.

Charles Warner: Okay.

Detective: Since you mentioned it, I think he does.

Charles Warner: Okay.

Detective: But on this earth and in this life. But, I'm, I'm real sorry <inaudible> you.

Charles Warner: <Inaudible> over and over, it wasn't me, I don't have no reason to, no need to, none. And I don't get frustrated with life like that. I don't get all what you s-you trying <inaudible>. Somebody else may <inaudible>. I don't because I'm smart enough to know, it's gonna be a better day for me. And I'm here today, <inaudible> life is looking up for me. I was happy, very happy. Very happy. Till <inaudible>. My life is headed up. Went to job interviews, it seems very promising, I didn't have no worries.. Food in the house and

money coming in. See there it comes, I didn't have no worries. <Inaudible>. So life wasn't frustrating for me. I believe, I'm very fortunate. Very extremely fortunate. I don't have no problems with life. <Inaudible>. I ain't scared of nothing, cause I know. Who I am, what I'm able to do. As long as I got the good Lord, I can make it, so why'd I be frustrated? I am <inaudible>. But, you say a child, hurt a child like that? <Inaudible>, I ain't <inaudible> in one day. That's the part that don't make no sense to me, especially when I know who I am. What I'm capable of doing and that is not capable coming from me. I know you must do your job, to find whoever did this or what did this or whatever. But the blame on Charles Warner is wrong. To the best of my knowledge on that, extremely, it's wrong. And then be dumb enough to take the child to the hospital for something I did? I care for that child. She was just sleeping. Quiet. Don't know, the rest.

- Detective: You're under arrest for murder.
- Charles Warner: I am under arrest for murder.
- Detective: Yes sir.
- Charles Warner: Excuse me.
- Detective: Do you have any questions?
- Charles Warner: I'm under arrest for murder?
- Detective: I just told you, sir, that I just placed you under arrest for the murder of this child. And I asked you, do you have any questions?
- Charles Warner: Why would I be under arrest for murder of this child? I haven't done anything.
- Detective: That's what you say.
- Charles Warner: Okay.
- Detective: Now I was hoping that we could have a meaningful discussion here, but I can see that we're not.
- Charles Warner: What do you mean by meaningful discussion. <Inaudible>.
- Detective: Well, I have just told you that you're under arrest for murder.
- Charles Warner: What do you mean by a meaningful discussion?

ACTION #10

Standard Supplement Report

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 1
Code: 21-701.7 SS Crime: MURDER 1 Class:
Occurrence Date: 08/22/97- Day: FRIDAY - Time: 16:07-
Status: SA FILE ST ADUL Closing Officer: 000166 MULLENIX ERIC
Location: 4300 W. MEMORIAL RD., OK RD: 675

SUSPECTS/ARRESTS

ARRESTED: WARNER CHARLES F DOB: 07/20/67 Race: B Sex: M
1137 NW. 102ND ST., OK
Apt: State: OK Zip: 73114 Phone: Adu/Juv: A
POB: Hair: BLK Eye: BRO Hgt: 507 Wgt: 160 Bld:
Business Name: Phone:

Driver License: 439133653 OK Social Security: 439133653
CII: FBI: Booking Number:

CRIME ANALYSIS ELEMENTS

Age: 30

NARRATIVE

DURING THE COURSE OF THE INVESTIGATION INTO THE DEATH OF ADRIANNA WALLER, THE ABOVE SUSPECT WAS TRANSPORTED TO THE POLICE STATION FROM MERCY HOSPITAL BY PATROL DIVISION PERSONNEL. AFTER ARRIVING AT THE POLICE STATION, THE ABOVE SUSPECT AGREED TO SIGN A SEARCH WAIVER FOR HIS RESIDENCE. FOLLOWING THE INTERVIEWS OF SHONDA WALLER AND ESTELLE GRISSOM, THE SUSPECT WAS THEN INTERVIEWED. THE ENTIRE INTERVIEW WAS VIDEO-RECORDED AND FOR FURTHER INFORMATION SEE VIDEO TAPE.

AFTER THE SUSPECT HAD SIGNED A SEARCH WAIVER FOR HIS RESIDENCE, I ASKED WARNER STATISTICAL INFORMATION AS WELL AS THE AGES OF HIS CHILDREN. HE STATED HE HAD THREE CHILDREN. HE STATED HIS OLDEST CHILD WAS CHARVON WARNER B/M 6, VONITA WARNER B/F 5, AND DASHYA SHAVERS B/F 2. HE STATED THE YOUNGEST CHILD IS CURRENTLY LIVING WITH HER MOTHER MICHELLE SHAVERS WHO RESIDES AT 420 NW. 87TH, TELEPHONE 858-0477. WARNER STATED THE MOTHER OF HIS TWO ELDEST CHILDREN IS A VONRICA WARNER WHO IS CURRENTLY LIVING IN OXNARD CALIFORNIA.

WARNER WAS INFORMED WE HAD BEEN CALLED TO THE HOSPITAL BY HOSPITAL PERSONNEL. I TOLD WARNER I WISHED TO INTERVIEW HIM IN REFERENCE TO THE CASE BUT I WAS REQUIRED TO INFORM HIM OF HIS RIGHTS UNDER THE MIRANDA DECISION. I THEN READ WARNER HIS RIGHTS. AFTER READING HIM HIS RIGHTS HE STATED HE UNDERSTOOD THEM AND WISHED TO MAKE A STATEMENT.

WARNER STATED HE WAS INTERESTED IN CRIMINAL JUSTICE AND WAS IN THE "PRE-PART" OF CRIMINAL JUSTICE. HE STATED HE WAS CURRENTLY ATTENDING OCCE. I THEN ASKED WARNER HOW MANY HOURS HE WAS CURRENTLY ENROLLED. WARNER STATED HE REALLY WAS NOT CURRENTLY ENROLLED. HE STATED HE HAD TAKEN A COURSE THE PREVIOUS SEMESTER BUT WAS NOT ATTENDING SCHOOL AS HE WAS OUT OF MONEY AND WAS UNEMPLOYED.

WARNER STATED HE WAS A TRUCK DRIVER BY TRADE. I THEN ASKED WARNER WHERE HE HAD LAST WORKED AS A TRUCK DRIVER. HE STATED HIS LAST JOB, HOWEVER,

Standard Trailer - First Page

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/10/97 Time: 13:07
Typed by: MULLENIX Number: 166 Date: 09/10/97 Time: 13:06
Approving Officer: PACHECO STEP Number: 000115 Date: 09/10/97 Time: 16:10

=====  
Standard Continuation Page  
=====

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 2  
Code: 21-701.7 SS Crime: MURDER 1 Class:

HAD NOT BEEN IN TRUCKING BUT WAS IN MAINTENANCE. HE STATED HE HAD LAST WORKED AS A MAINTENANCE MAN AT THE CENTION BIO SERVICES. HE STATED HIS LAST JOB AS A TRUCK DRIVER WAS WITH THE B.F.I. COMPANY. WARNER STATED HE HAD BEEN OUT OF WORK FOR ONE-ONE AND ONE HALF MONTHS.

WARNER WAS THEN ASKED WHAT TIME THE BABY HAD BEEN TAKEN TO THE HOSPITAL. HE STATED HE HAD DRIVEN THE BABY TO THE HOSPITAL BETWEEN 2:00-3:00P.M. HE STATED HE HAD BEEN HOPING TO GET A POLICE ESCORT TO THE HOSPITAL BUT HAD NOT SEEN A POLICE CAR.

I THEN ASKED WARNER TO RECOUNT WHAT HAD HAPPENED THAT DAY. WARNER STATED HE HAD GOT UP AT APPROX. 7:15A.M. AND HAD GOT DRESSED AND WENT TO MUNICIPAL COURT. HE STATED HE HAD RECEIVED A TICKET FOR DRIVING UNDER SUSPENSION. HE STATED THAT PRESENT AT THE RESIDENCE WHEN HE HAD LEFT WERE SHONDA WALLER AND HER BABY ADRIANNA, HIS SON CHARVON, HIS DAUGHTER VONITA, AND HIS SECOND DAUGHTER DASJHA. WARNER STATED HE PAID HIS TICKET AT THE MUNICIPAL COURT AND ARRIVED HOME BETWEEN 11:00A.M.-12:00 NOON. HE STATED MUNICIPAL COURT STARTED AT 8:00A.M. AND WHEN HE ARRIVED HOME AT HIS RESIDENCE HE AND SHONDA BEGAN TALKING ABOUT GOING TO THE GROCERY STORE.

WARNER STATED HE THEN WENT TO THE BANK OF OKLAHOMA AT EITHER PENNSYLVANIA OR MAY AVENUE AND BRITTON ROAD.

IT SHOULD BE NOTED THAT I THEN STEPPED FROM THE ROOM FOR MOMENT AND TOOK A SHORT BREAK. SGT. GRIFFIN REMAINED IN THE ROOM WITH THE SUSPECT. SGT. RIFFIN ASKED WARNER IF HE HAD BEEN IN ANY TROUBLE WITH THE LAW BEFORE. HE REPLIED TICKETS. GRIFFIN THEN ASKED IF HE HAD BEEN IN ANY TROUBLE IN CALIFORNIA AND HE AGAIN REPLIED JUST TICKETS AND THAT HE HAD BEEN A GOOD KID.

I THEN ENTERED THE ROOM AND ASKED WARNER WHAT TIME HE HAD RETURNED FORM THE BANK. HE STATED HE RETURNED FROM THE BANK AT APPROX. 12:00NOON-1:00P.M. IT SHOULD BE NOTED WARNER AT FIRST SAID BETWEEN 12:00-2:00P.M. I THE TOLD WARNER THAT TWO HOURS WAS QUITE A BIT OF TIME AND HE THEN STATED BETWEEN 12:00-1:00P.M. IT SHOULD BE NOTED WARNER APPEARED TO BE VAGUE. WARNER THEN STATED HE HAD NOT BEEN GONE LONG TO THE BANK. HE STATED HE HAD WENT TO THE BANK AND HAD GOT \$10 DOLLARS AND THEN MADE A TELEPHONE CALL. HE STATED HE HAD CALLED DASHJA'S MOTHER. HE STATED THAT HE THEN RETURNED TO HIS RESIDENCE.

WARNER STATED WHEN HE RETURNED HOME SHONDA FIXED HIM A SANDWICH. WARNER STATED HE COULD HAVE ATE BEFORE HE LEFT BUT WASN'T SURE. AT THIS POINT IN THE INTERVIEW, I EXPLAINED TO WARNER THAT IT WAS IMPORTANT HE TRY TO ACCURATELY REMEMBER THE DAYS EVENTS. I ASKED HIM IF SHONDA HAD BEEN SLEEPING WHEN HE HAD LEFT FOR COURT. HE STATED HE DIDN'T KNOW. I THEN ASKED HIM IF HE AND SHONDA SLEPT TOGETHER. HE STATED THEY DID SLEEP TOGETHER AND SHE HAD BEEN IN BED WHEN HE AROSE THAT MORNING BUT HE DIDN'T KNOW IF SHE WAS ASLEEP. WARNER STATED THE BABY, ADRIANNA, HAD BEEN IN HER BABY BED.

WARNER STATED HE AND SHONDA DISCUSSED GOING GROCERY SHOPPING. WARNER

=====  
Standard Trailer - Continuation  
=====

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/10/97 Time: 13:07  
Typed by: MULLENIX Number: 166 Date: 09/10/97 Time: 13:06  
Approving Officer: PACHECO STEP Number: 000115 Date: 09/10/97 Time: 16:10

Standard Continuation Page

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 3  
Code: 21-701.7 SS Crime: MURDER 1 Class:

STATED HE CHECKED TO SEE IF THEY HAD MONEY ON THE ACCESS CARD FOR GROCERIES. HE STATED HE HAD GOT \$10 DOLLARS CASH OUT OF THE ACCESS CARD ACCOUNT WHEN HE HAD WENT TO THE BANK.

WARNER STATED SHONDA HAD THEN WENT GROCERY SHOPPING. WHILE SHONDA WAS GONE HE STATED HE WATCHED TELEVISION AND PLAYED WITH HIS CHILDREN. HE STATED HE AND THE CHILDREN HAD BEEN WATCHING CARTOONS.

WARNER STATED HIS CHILDREN WERE RUNNING THROUGHOUT THE HOUSE AND THE BABY ADRIANNA HAD BEEN ASLEEP ON THE BED. HE STATED WHILE SHONDA WAS GONE HE HAD WENT TO THE BEDROOM AND CHECKED ON THE BABY ONE TIME. WARNER STATED SHONDA WAS AWAY FROM THE RESIDENCE GROCERY SHOPPING FOR 2 HOURS. HE STATED SHE HAD LEFT SOMETIME SHORTLY AFTER 12:00 NOON.

WARNER STATED HIS 2 YEAR OLD DAUGHTER DASHJA WAS IN THE BEDROOM PLAYING WITH THE BABY ADRIANNA. HE STATED SHE LIKED TO PLAY WITH THE BABY AND PICK HER UP. WARNER WAS ASKED HOW LONG AFTER SHONDA HAD LEFT DID HE CHECK ON ADRIANNA. HE STATED HE HAD CHECKED ON HER APPROX. 30 MINUTES AFTER SHE HAD LEFT. HE STATED HE HAD HEARD A NOISE AS IF THE BABY HAD FALLEN AND THEN A CRY. HE STATED WHEN HE ENTERED THE BEDROOM HE SAW HIS DAUGHTER DASHJA GETTING DOWN FROM THE BED AND ADRIANNA IN THE FLOOR. HE STATED HE QUICKLY PICKED HER UP AND COMFORTED HER. HE STATED SHE ONLY CRIED FOR A MOMENT AND WHEN SHE QUIT CRYING HE PLACED HER BACK ON THE BED ON HER STOMACH. HE STATED ADRIANNA APPEARED TO BE SNORING WHEN HE CHECKED ON HER LATER. HE STATED SHE SEEMED TO BE SNORING LOUDER THAN USUAL AND HE STATED HE TURNED HER ON HER BACK. I THEN ASKED WARNER HOW MANY TIMES HE HAD CHECKED ON ADRIANNA WHILE SHONDA WAS AWAY? HE STATED HE HAD CHECKED ON HER ONE TIME WHILE SHE WAS AWAY AFTER SHE HAD FALLEN FROM THEIR BED. HE STATED HE HAD CHECKED ON HER A SECOND TIME AFTER SHONDA HAD RETURNED.

WARNER WAS THEN ASKED IF AFTER ADRIANNA HAD FALLEN AND SHE HAD QUIT CRYING DID SHE APPEAR NORMAL. WARNER STATED HE DID NOT SEE ANY VISIBLE INJURIES OR ANY BLEEDING. WARNER STATED HE LAID THE BABY ON THE BED ON HER STOMACH BUT DIDN'T COVER HER UP. I THEN ASKED HIM HOW THE BABY WAS DRESSED. HE STATED SHE WAS ONLY WEARING A DIAPER AS IT WAS HOT.

WARNER STATED HE WASN'T SURE IF HE HAD LAIN THE BABY ON HER BACK OR ON HER STOMACH WHEN HE HAD HEARD HER FALL. HE STATED AFTER CHECKING ON THE BABY HE HAD WATCHED TELEVISION. HE STATED HE WAS WATCHING CARTOONS AND FLIPPING THROUGH THE CHANNELS. HE STATED HE WAS IN FACT TRYING TO GO TO SLEEP AS HE HAD GOT UP EARLY AND WAS STILL SLEEPY. WARNER STATED HE COULDN'T REMEMBER IF HE HAD FELL ASLEEP.

WARNER STATED WHEN SHONDA RETURNED HOME HE AND HIS SON HAD BROUGHT THE GROCERIES INTO THE RESIDENCE. HE STATED HE WAS TRYING TO TEACH HIS SON RESPONSIBILITY BY HAVING HIM HELP WITH THE GROCERIES. HE STATED AFTER THE GROCERIES HAD BEEN BROUGHT INTO THE HOUSE AND PUT AWAY, HE AND SHONDA BEGAN DISCUSSING GETTING A TELEPHONE. HE STATED A SITUATION COULD ARISE WHERE HE NEEDED TO CONTACT SHONDA. HE STATED HE HAD BEEN TO COURT THAT MORNING AND WAS FINED \$140 DOLLARS AND HE HAD ONLY \$120 DOLLARS. HE

Standard Trailer - Continuation

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/10/97 Time: 13:07  
Typed by: MULLENIX Number: 166 Date: 09/10/97 Time: 13:06  
Approving Officer: PACHECO STEP Number: 000115 Date: 09/10/97 Time: 16:10

=====  
Standard Continuation Page  
=====

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 4  
Code: 21-701.7 SS Crime: MURDER 1 Class:

STATED HE WAS TOLD HE WOULD HAVE TO GO TO JAIL IF HE DIDN'T PAY THE ENTIRE AMOUNT. HE STATED HE ALSO NEEDED A PHONE FOR JOB PURPOSES. WARNER STATED THEY HAD DISCUSSED OBTAINING A TELEPHONE PRIOR TO SHONDA LEAVING FOR THE GROCERY STORE.

WARNER STATED SHONDA HAD ALREADY ORDERED THE PHONE AND SHE WAS TELLING HIM HOW MUCH THE TELEPHONE WOULD COST PER MONTH. WARNER STATED HE WANTED THE PHONE TURNED ON THAT DAY. HE STATED HE WENT TO GET DRESSED TO GO TO THE IGA STORE TO GET THE TELEPHONE TURNED ON. HE STATED HE WAS ALSO INTENDING TO TAKE HIS DAUGHTER WITH HIM. HE STATED HE WENT TO THE BACK AND LOOKED AT ADRIANNA. HE STATED THE BABY WAS IN A WEIRD POSITION AND WAS STRETCHED OUT ON HER BACK. HE STATED THE BABY WAS SNORING LOUDLY. WARNER STATED HE THEN TOOK THE BABY TO SHONDA AND ASKED HER WHAT WAS WRONG WITH HER. HE STATED SHONDA THEN TOOK THE BABY FROM HIM AND "FREAKED OUT". WARNER STATED BOTH HE AND SHONDA WERE SCARED AND THEY ATTEMPTED TO GIVE THE BABY MOUTH TO MOUTH RESUSCITATION.

WARNER STATED THEY THEN GOT INTO THE CAR AND DROVE THE BABY TO THE HOSPITAL. HE STATED HE WAS SPEEDING AND WAS HOPING TO FIND A POLICEMAN AND ASK FOR AN ESCORT. HE STATED WHEN THEY ARRIVED AT THE HOSPITAL HE DROPPED SHONDA AND ADRIANNA OFF AT THE FRONT. HE STATED HE HAD HIS THREE CHILDREN WITH HIM AND HE PARKED HIS CAR AND TOOK THE THREE CHILDREN IN THE HOSPITAL WITH HIM.

WARNER WAS THE ASKED IF HE HAD SEEN OR PLAYED WITH ADRIANNA THE NIGHT BEFORE THE INCIDENT. HE STATED HE DIDN'T REMEMBER.

I THEN TOLD WARNER I WAS HAVING DIFFICULTY BELIEVING HIS STATEMENT. I THEN TOLD HIM I WAS AWARE OF THE INJURIES THE BABY HAD SUSTAINED. HE WAS FURTHER TOLD THE BABY HAD MORE INJURIES THAT COULD HAVE BEEN RECEIVED IN A FALL FROM THE BED. I THEN TOLD WARNER THE BABY HAD A SKULL FRACTURE, BROKEN RIBS, AND A BROKEN LEG. WARNER WAS TOLD SHONDA HAD RELATED WHEN SHE HAD LEFT FOR THE HOSPITAL, THE BABY WAS PERFECTLY NORMAL AND NOT INJURED IN ANY MANNER. I THEN INFORMED WARNER FROM WHAT SHONDA HAD STATED, THE BABY HAD BEEN INJURED IN THE 2 HOURS SHE HAD BEEN AWAY TO THE GROCERY STORE. I FURTHER TOLD WARNER ACCORDING TO HIS STATEMENT THE ONLY PEOPLE WHO HAD BEEN PRESENT DURING THIS PERIOD OF TIME WERE HE AND HIS 3 CHILDREN AND THE VICTIM ADRIANNA.

WARNER WAS INFORMED THAT FROM SHONDA'S STATEMENT AND FROM HIS STATEMENT THE BABY HAD SUSTAINED THE INJURIES IN THE TWO HOUR TIME PERIOD. I THEN AGAIN STATED THE BABY HAD SUSTAINED A FRACTURED SKULL, 3 BROKEN RIBS, FRACTURED JAW, AND A BROKEN LEG. AT THIS POINT IN THE INTERVIEW WARNER STATED "I DOUBT THAT". I THEN ASKED WARNER TO BACK UP AND EXPLAIN WHEN THE BABY COULD HAVE SUSTAINED THE INJURIES OTHER THAN THE TWO HOURS HE HAD BEEN LEFT ALONE WITH HER.

WARNER WAS THEN ASKED TO GO BACK BEFORE THE TWO HOURS IN QUESTION AND IF POSSIBLE DESCRIBE ANY INJURIES THE BABY HAD PREVIOUSLY. WARNER STATED HE WAS UNAWARE OF ANY INJURIES. HE STATED HE HAD NOT PICKED THE BABY UP AND PLAYED WITH HER. I INFORMED WARNER THAT FROM WHAT I HAD BEEN TOLD BY THE

=====  
Standard Trailer - Continuation  
=====

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/10/97 Time: 13:07  
Typed by: MULLENIX Number: 166 Date: 09/10/97 Time: 13:06  
Approving Officer: PACHECO STEP Number: 000115 Date: 09/10/97 Time: 16:10

=====  
Standard Continuation Page  
=====

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 5  
Code: 21-701.7 SS Crime: MURDER 1 Class:

DOCTOR THE BABY WAS A VICTIM OF CHILD ABUSE.

I THEN INFORMED WARNER I HAD WORKED SIMILAR CASES BEFORE AND I WAS NOT ANGRY WITH HIM. WARNER WAS TOLD SOMETIMES PEOPLE LOOSE THEIR TEMPER WITH CHILDREN. WARNER STATED THAT WOULD NOT HAPPEN TO HIM "CHARLEY WARNER". HE THEN STATED THAT THE BABY CAN'T MAKE ME ANGRY ESPECIALLY WHEN SHE IS ASLEEP. HE THEN STATED HE COULDN'T REMEMBER THE LAST TIME HE HAD BECOME ANGRY.

WARNER STATED THE BABY HAD BEEN ASLEEP. HE STATED HE HAD BEEN TRYING TO KEEP HIS CHILDREN QUIET SO HE COULD SLEEP. I THEN ASKED WARNER IF HE HAD ANY IDEA HOW THE BABY COULD HAVE SUSTAINED THE INJURIES. WARNER STATED HE WAS NOT THERE AND DIDN'T KNOW.

I THEN ASKED WARNER IF HE BELIEVED THE BABY COULD HAVE SUSTAINED THE ABOVE INJURIES BY FALLING FROM THE BED. WARNER STATED HE DIDN'T KNOW SHE COULD HAVE BEEN INJURED EARLIER. HE STATED HE KNEW THE INJURIES COULD NOT HAVE HAPPENED WHEN HE WAS PRESENT.

WARNER THEN STATED HE HAD NOT HURT THE BABY AND THAT LIFE HAD JUST STARTED LOOKING UP FOR HIM. HE STATED HE HAD BEEN TO A JOB INTERVIEW WHICH WAS VERY PROMISING. HE STATED HE HAD FOOD IN HIS HOUSE AND MONEY COMING IN. HE FURTHER STATED HE HAD NO PROBLEMS.

WARNER AGAIN STATED HE HAD NOT HURT THE BABY AND IF HE DID IT WOULD HAVE BEEN DUMB FOR HIM TO TAKE HER TO THE HOSPITAL. HE THEN STATED HE CARED FOR THE CHILD AND SHE WAS SLEEPING QUIETLY WHEN HE WAS THERE.

I THEN PLACED THE SUSPECT UNDER ARREST FOR MURDER.

IT SHOULD BE NOTED THAT SGT. DAVE GRIFFIN ENTERED THE ROOM AND THE SUSPECT WAS SEEN TO BE LYING ON SOME CHAIRS HE HAD PUSHED TOGETHER APPARENTLY ASLEEP. WARNER TOLD GRIFFIN HE HAD SERVED 2 YEARS OF A 4 YEARS ENLISTMENT IN THE NAVY. HE STATED HE HAD QUIT THE NAVY AFTER A DISAGREEMENT OVER HIS LEAVE. HE STATED HE HAD BEEN AWARDED CUSTODY OF HIS CHILDREN.

I THEN RE-ENTERED THE ROOM. I TOLD WARNER THAT AFTER HAVING INTERVIEWED HIM AND ACCORDING TO WHAT WE HAD LEARNED IN THE INVESTIGATION HE WAS THE ONLY PERSON WE COULD ESTABLISH WHO COULD HAVE INJURED THE CHILD. WARNER WAS SEEN TO NOD HIS HEAD IN AGREEMENT. I AGAIN ASKED HIM TO TELL HIS SIDE OF WHAT HAD HAPPENED. WARNER WAS SEEN TO HIDE HIS HEAD BY PULLING HIS SHIRT OVER HIS HEAD.

AFTER TALKING TO WARNER AND REPEATEDLY ASKING HIM TO TELL HIS VERSION OF WHAT HAD OCCURRED, WARNER STATED HE WISHED TO END THE INTERVIEW.

THIS TERMINATED THE INTERVIEW

END OF REPORT  
INSP. ERIC MULLENIX  
H-2

=====  
Standard Trailer - Continuation  
=====

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/10/97 Time: 13:07  
Typed by: MULLENIX Number: 166 Date: 09/10/97 Time: 13:06  
Approving Officer: BACHECO, STEVE Number: 000115 Date: 09/10/97 Time: 16:10

Standard Supplement Report

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 1  
Code: 21-701.7 SS Crime: MURDER 1 Class:  
Occurrence Date: 08/22/97- Day: FRIDAY - Time: 16:07-  
Status: HO NEW CASE Closing Officer:  
Location: 4300 W. MEMORIAL RD., OK RD: 675

INVOLVED PERSONS

INV PERS-1: WALLER SHONDA DOB: 02/02/75 Race: B Sex: F  
1137 NW. 102ND ST., OK  
Apt: State: OK Zip: 73114 Phone: Adu/Juv: A  
POB: Hair: BLK Eye: BRO Hgt: 506 Wgt: 170 Bld:  
Business Name: Phone:

NARRATIVE

ON 8/22/97, WHILE ON CALL, I WAS CALLED BY LT. HORN AND REQUESTED TO REPORT TO MERCY HOSPITAL AND BEGIN AN INVESTIGATION IN REFERENCE TO A SUSPICIOUS BABY DEATH.

I THEN PROCEEDED TO MERCY HOSPITAL WHERE I WAS MET BY MY PARTNER SGT. DAVE GRIFFIN, LT. BOB HORN AND PATROL PERSONNEL. PRESENT AT THE HOSPITAL WAS A REBECCA PRICE WITH CHILD WELFARE. INVESTIGATORS THEN WERE DIRECTED TO A PRIVATE AREA OF THE HOSPITAL WHERE WE WERE BRIEFED BY A CHARGE NURSE KARLENE DECK. BASED UPON INFORMATION RECEIVED FROM THE HOSPITAL, THE ABOVE WITNESS WAS REQUESTED TO ACCOMPANY OFFICERS TO THE POLICE STATION FOR AN INTERVIEW. WALLER IS THE MOTHER OF THE VICTIM ADRIANNA WALLER AND AGREED TO ACCOMPANY OFFICERS. THE FOLLOWING IS HER STATEMENT.

IT SHOULD BE NOTED THE FIRST PART OF THE INTERVIEW WAS VIDEO-RECORDED AND FOR FURTHER INFORMATION SEE VIDE-RECORDING. IT SHOULD FURTHER BE NOTED THAT AFTERWARDS A SECOND SHORT INTERVIEW WAS CONDUCTED WHICH WAS NOT VIDEO-RECORDED. THIS SECOND SHORTER INTERVIEW WAS CONDUCTED AFTER THE SUSPECT CHARLES WARNER HAD BEEN INTERVIEWED AND PLACED UNDER ARREST. FURTHER, THE WITNESS AGREED TO ACCOMPANY OFFICERS BACK TO THE RESIDENCE WHERE SHE ASSISTED OFFICERS BY INDICATING WHICH ITEMS IN THE RESIDENCE WERE OUT OF PLACE. FOR FURTHER INFORMATION IN REFERENCE TO THE CRIME SCENE INVESTIGATION SEE REPORT MADE BY SGT. DAVE GRIFFIN AND TECHNICAL INVESTIGATOR WILLIAM LOFTIS. IT SHOULD BE NOTED THAT PRIOR TO LEAVING MERCY HOSPITAL BOTH WALLER AND THE SUSPECT HAD SIGNED A SEARCH WAIVER FOR THEIR RESIDENCE.

WALLER STATED SHE ONLY HAD THE ONE CHILD ADRIANNA WALLER. SHE SATED WALLER WAS HER MAIDEN NAME AND SHE HAD NEVER BEEN MARRIED. SHE STATED ADRIANNA WAS ELEVEN AND ONE-HALF MONTHS OLD. WALLER STATED ADRIANNA HAD BEEN BORN IN ST. ANTHONY HOSPITAL.

WALLER STATED SHE HAD RECENTLY RETURNED FROM COLORADO BUT HAD LIVED IN OKLAHOMA CITY INTERMITTENTLY FOR THE PAST FIVE YEARS. WALLER STATED THE FATHER OF HER BABY IS A SAM MCKINNEY. WALLER THEN STATED MCKINNEY WASN'T REALLY THE FATHER BUT HE CLAIMED THE CHILD. WALLER STATED SHE HAD BEEN RAPED AND IMPREGNATED BUT THE SUSPECT HAD NOT BEEN APPREHENDED. WALLER STATED SHE HAD NOT KNOW THE SUSPECT WHO HAD RAPED HER.

Standard Trailer - First Page

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/05/97 Time: 10:13  
Typed by: MULLENIX Number: 166 Date: 09/05/97 Time: 10:12  
Approving Officer: HOILE, PHILLI Number: 000080 Date: 09/08/97 Time: 07:54

Standard Continuation Page

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 2  
Code: 21-701.7 SS Crime: MURDER 1 Class:

WALLER STATED SHE HAD BEEN LIVING FOR A TIME IN THE BATTERED WOMEN'S SHELTER. SHE STATED SHE HAD BEEN LIVING WITH A JIMMY HENDERSON WHEN SHE WAS RAPED IN AN APARTMENT COMPLEX ON N.W. 10TH STREET IN OKLAHOMA CITY. SHE STATED THAT AFTER BEING RAPED HENDERSON HAD BECOME ANGRY AND ABUSIVE AND SHE HAD MOVED INTO THE BATTERED WOMEN'S SHELTER. SHE STATED IN MARCH HER MOTHER HAD SENT FOR HER AND SHE HAD LIVED FOR A TIME WITH HER IN TEXAS. SHE STATED HER FATHER LIVES IN COLORADO SPRINGS.

WALLER STATED SHE HAD MET CHARLES WARNER AT THE BLOOD PLASMA ALLIANCE ON NW. 23RD STREET IN OKLAHOMA CITY WHERE WARNER WAS EMPLOYED. SHE STATED SHE HAD WENT TO THE CENTER TO GIVE BLOOD WHEN SHE HAD MET HIM. SHE STATED THE BLOOD PLASMA ALLIANCE IS NOW CALLED CENTION BIO BUT IT IS STILL A BLOOD PLASMA DONOR CENTER. WALLER STATED SHE WAS LIVING IN THE WOMEN'S SHELTER WHEN SHE HAD MET WARNER.

WALLER WAS THEN ASKED ABOUT HER RELATIONSHIP WITH WARNER. SHE STATED THEY WERE JUST ROOMMATES AND GOOD FRIENDS. SHE STATED THEY DID NOT CONSIDER THEMSELVES BOYFRIEND AND GIRLFRIEND. AND THAT SHE HELPED HIM WITH HIS CHILDREN.

WALLER THEN STATED SHE AND WARNER DID SLEEP IN THE SAME BED. WALLER STATED "WELL THAT'S WHAT HE SAYS". I THEN ASKED HER WHAT KIND OF RELATIONSHIP DID SHE CONSIDER THEY WERE INVOLVED IN. WALLER THEN REPLIED "JUST SEXUAL". WALLER THEN STATED WARNER HAD BEEN HURT BADLY IN A PREVIOUS RELATIONSHIP AND WAS SLOW IN ESTABLISHING ANOTHER.

WALLER STATED SHE HAD LIVED WITH WARREN SINCE SHE HAD GOT OUT OF THE SHELTER IN MARCH 1997. SHE STATED SHE HAD ONE CHILD AND WARNER HAD THREE CHILDREN. SHE STATED WARNER HAD TWO GIRLS AND ONE SON. SHE STATED HIS OLDEST CHILD IS CHARVON WARNER B/M6. SHE STATED HE HAD A DAUGHTER VONITA WARNER AGE 5 AND A SECOND DAUGHTER DEISHA WARNER AGE 2.

WALLER STATED THE MOTHER OF THE TWO OLDEST CHILDREN WAS A VONRICA WARNER AND THE MOTHER OF THE YOUNGEST DAUGHTER IS MICHELL CHAGRIS. SHE STATED WARNER HAS CUSTODY OF THE TWO OLDEST CHILDREN BUT NOT THE YOUNGEST.

I THEN ASKED WALLER WHO HER BABY HAD BEEN AROUND THE PAST SEVERAL DAYS. SHE STATED WEDNESDAY 8/20/97 SHE AND WARNER HAD WENT TO THE JTPA OFFICE TO PAY FOR HER SCHOOLS. SHE STATED SHE HAD WENT BY HER FORMER BOYFRIEND SAMMY MCKINNEY'S RESIDENCE AT APPROX. 12:00-1:30P.M. AND DROPPED HER DAUGHTER ADRIANNA OFF. SHE STATED SHE HAD BORROWED WARNERS CAR AND HAD WENT TO SAMMY'S RESIDENCE TO PICK ADRIANNA UP BUT THAT SAMMY WASN'T HOME. SHE STATED SHE THEN CALLED SAMMY'S MOTHER BUT SHE WASN'T HOME EITHER. SHE STATED SAMMY RETURNED THE BABY TO HER AT 10:00A.M. ON THURSDAY 8/21/97. SHE STATED SAMMY AND HIS SISTER JANELLE HAD CAME BY HER RESIDENCE WITH THE BABY.

WALLER STATED THE BABY WAS HEALTHY WHEN SAMMY RETURNED HER TO THE RESIDENCE. SHE STATED THE BABY HAD ATE WELL AND WAS NORMAL. WALLER STATED SHE HAD PUT ADRIANNA IN THE BATHTUB WITH HER AND HAD ALSO CHANGED

Standard Trailer - Continuation

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/05/97 Time: 10:13  
Typed by: MULLENIX Number: 166 Date: 09/05/97 Time: 10:12  
Approving Officer: HOILE, PHILLI Number: 000080 Date: 09/08/97 Time: 07:54

Standard Continuation Page

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 3  
Code: 21-701.7 SS Crime: MURDER 1 Class:

HER DIAPER AND HER VAGINA AREA APPEARED NORMAL. WALLER STATED SHE DID NOT CHECK THE BABY'S RECTAL AREA BUT DID CHECK THE VAGINAL AREA. SHE EXPLAINED THAT SINCE SHE HAD BEEN RAPED SHE HAD BEEN VERY CAUTIOUS WITH HER DAUGHTER AND MADE IT A POINT TO CHECK HER. IN ADDITION, SHE STATED ADRIANNA HAD A BOWEL MOVEMENT LATER THURSDAY NIGHT. SHE STATED HER DAUGHTER HAS HARD STOOLS AND SOMETIMES CRIES. SHE STATED WHEN SHE HAD CHANGED HER DIAPER AND CLEANED HER SHE HAD SEEN NOTHING WRONG WITH HER RECTAL AREA. SHE STATED AFTER ADRIANNA HAD A BOWEL MOVEMENT SHE HAD CLEANED THIS AREA WITH WET WIPES. SHE STATED THE AREA APPEARED TO BE SLIGHTLY RED BUT DID NOT SEE ANY INJURIES. WALLER STATED ADRIANNA HAD ATE SOME PEAR AND PART OF A TURKEY DINNER AND HAD DRANK JUICE AND KOOL-AID.

WALLER STATED SHE WAS WITH ADRIANNA CONTINUOUSLY FROM THE TIME SAMMY HAD BROUGHT HER BACK THURSDAY MORNING UNTIL FRIDAY.

WALLER STATED THAT THURSDAY NIGHT, 8/21/97, THE BABY HAD SLEPT IN HER BASSINET. SHE STATED ADRIANNA HAD SLEPT THE ENTIRE NIGHT UNTIL 8:00A.M. THE FOLLOWING MORNING. SHE STATED SHE HAD CRAWLED OUT OF HER BASSINET AND GOT INTO BED WITH HER. SHE STATED ADRIANNA SOMETIMES WOULD GET INTO BED WITH HER AND LAY BESIDE HER. SHE STATED THEY REMAINED IN BED TOGETHER UNTIL 10:00A.M. SHE STATED WARNER HAD LEFT EARLIER TO PICK UP HIS DAUGHTER, DEISHA, FROM HER MOTHER.

WALLER STATED WHEN SHE GOT OUT OF BED WARNER WAS IN THE LIVING ROOM AND DEISHA WAS AT THE RESIDENCE. WALLER THEN STATED SHE WAS AWARE ADRIANNA HAD SPENT THE NIGHT WITH A FRIENDS DAUGHTER. SHE STATED HER FRIEND WAS NAMED LISA BUT SHE COULDN'T REMEMBER HER DAUGHTERS NAME BUT SAMMY HAD BROUGHT HER FROM LISA'S RESIDENCE HOME.

WALLER STATED SHE HAS AN ACCESS OKLAHOMA FOOD STAMP CARD. SHE STATED THAT WARNER HAD LEFT AND CHECKED THE ACCOUNT TO MAKE CERTAIN SHE STILL HAD MONEY REMAINING. SHE STATED SHE WAS INTENDING TO GO GROCERY SHOPPING. SHE STATED ALL THE CHILDREN WERE PRESENT WHEN SHE HAD LEFT. SHE STATED SHE HAD LAIN ADRIANNA BACK IN BED AND SHE HAD COMBED HER HAIR AND PUT ON HER MAKE-UP IN PREPARATION TO DO THE GROCERY SHOPPING.

WALLER STATED WARNER HAD THEN RETURNED AND TOLD HER THERE WAS STILL MONEY AVAILABLE ON THE ACCESS CARD. WALLER STATED SHE THEN COOKED BREAKFAST AND THAT ADRIANNA HAD GOT OUT OF BED.

WALLER STATED THAT AT APPROX. 11:30A.M. EVERYONE WAS PREPARING TO LEAVE TO GO GROCERY SHOPPING. SHE STATED THEY ALL GOT INTO THE CAR BUT WARNER THEN SUGGESTED THAT SHE GO TO THE STORE ALONE STATING IT WOULD BE TOO HARD TO GROCERY SHOP WITH FOUR CHILDREN.

WALLER STATED WARNER STAYED BEHIND WITH THE CHILDREN AND SHE HAD WENT TO THE BUY-FOR-LESS GROCERY STORE. WALLER THEN PRODUCED THREE RECEIPTS FROM THE BUY FOR LESS GROCERY STORE WHICH SHE REMOVED FROM HER BRA.

WALLER STATED ONE OF THE RECEIPTS WAS WHEN SHE HAD THE AMOUNT STILL AVAILABLE ON THE CARD CHECKED. SHE STATED A SECOND RECEIPT WAS FOR THE

Standard Trailer - Continuation

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/05/97 Time: 10:13  
Typed by: MULLENIX Number: 166 Date: 09/05/97 Time: 10:12  
Approving Officer: HOILE, PHILLI Number: 000080 Date: 09/08/97 Time: 07:54

Standard Continuation Page

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 4  
Code: 21-701.7 SS Crime: MURDER 1 Class:

GROCERIES SHE HAD PURCHASED AND THE THIRD RECEIPT WAS WHEN SHE HAD RETURNED TO THE STORE AND PURCHASED A CIGARETTE LIGHTER. IT SHOULD BE NOTED THE FIRST RECEIPT WAS AT 12:33P.M., THE SECOND 1:15P.M., AND THE THIRD AT 1:22P.M. WALLER STATED SHE HAD ENTERED THE STORE AT APPROX. 12:00-12:15P.M. SHE STATED WHEN SHE ENTERED THE STORE SHE HAD WAITED IN LINE TO CHECK HER BALANCE ON THE CARD FOR QUITE SOME TIME.

WALLER STATED AFTER LEAVING THE STORE SHE HAD USED AN OUTSIDE PAY PHONE AND CALLED A FRIEND NAMED CHINA BROWN. SHE STATED SHE WAS CHECKING ON SOME ARRANGEMENTS FOR HER ADRIANNA'S BIRTHDAY. SHE STATED BROWNS' TELEPHONE NUMBER IS 722-9829. SHE STATED BROWN WASN'T HOME BUT SHE HAD SEEN HER BOYFRIEND DETRICK ROBERT AND HIS MOTHER AT THE STORE AND HAD VISITED WITH THEM OUTSIDE THE STORE. SHE STATED SHE THOUGHT SHE HAD TALKED TO HIM FOR ABOUT 30 MINUTES. SHE STATED SHE ARRIVED HOME AT APPROX. 2:00-2:15P.M. SHE THEN STATED IT MUST HAVE BEEN AFTER 2:00P.M. AS SHE USUALLY WATCHES THE SOAP OPERA "DAYS OF OUR LIVES" AND SHE HAD MISSED PART OF THE PROGRAM. SHE STATED SHE HAD BEEN AWAY FROM THE RESIDENCE FOR APPROX. 2 HOURS.

WALLER STATED WHEN SHE RETURNED SHE HAD ENTERED THE RESIDENCE TO GET WARNER. SHE STATED SHE HAD ENTERED THE BEDROOM TO URINATE AND SAW ADRIANNA ON THE BED. SHE STATED SHE ENTERED THE RESIDENCE SHE HAD ASKED WARNER WHERE WAS ADRIANNA AND HE HAD TOLD HER SHE WAS ASLEEP ON THE BED. SHE STATED AS SHE PASSED THE BED GOING TO THE BATHROOM ADRIANNA WAS LYING ON HER BACK IN THE CENTER OF THE BED AND APPEARED TO BE SLEEPING. SHE STATED SHE DIDN'T CHECK ADRIANNA CLOSELY BUT ONLY GLANCED AT HER ENROUTE TO THE BATHROOM.

WALLER STATED WHEN SHE RETURNED WARNER AND HIS SON CHAVON WERE BRINGING THE GROCERIES INTO THE RESIDENCE. WALLER STATED SHE BEGAN REMOVING THE GROCERIES FROM THE BAGS AND PLACING THEM IN CABINETS. SHE STATED WHEN SHE FINISHED PUTTING THE GROCERIES AWAY, WARNER TOLD HER HE WAS GOING TO TAKE DEISHA BACK TO HER MOTHERS RESIDENCE. WALLER STATED THE PHONE IN THE RESIDENCE HAD BEEN DISCONNECTED AND SHE HAD ASKED WARNER IF SHE COULD GO WITH HIM AND STOP AND GET THE PHONE TURNED BACK ON. SHE STATED WARNER AGREED. SHE STATED WARNER HAD THEN WENT TO GET THE BABY ADRIANNA. SHE STATED WARNER THEN RETURNED HOLDING THE BABY AND STATED "WHAT'S WRONG WITH THE BABY". HE THEN STATED SHE WASN'T BREATHING. SHE STATED WARNER BEGAN PATTING ADRIANNA ON THE BACK. SHE STATED THEY THEN LOADED THE OTHER CHILDREN IN THE CAR AND DROVE TO MERCY HOSPITAL.

WALLER STATED ENROUTE TO THE HOSPITAL SHE HAD BEEN ATTEMPTING TO GIVE ADRIANNA CPR. SHE STATED THE FLUIDS ON HER CLOTHING WERE FROM ADRIANNA. SHE STATED ADRIANNA HAD THROWN UP BLOOD FROM HER NOSE.

WALLER STATED WARNER HAD DISCOVERED THE BABY NOT BREATHING APPROX. ONE HOUR AFTER SHE HAD RETURNED FROM THE GROCERY STORE.

WALLER WAS THEN ASKED IF ADRIANNA HAD RECEIVED SOME RECENT INJURIES PRIOR TO THE INCIDENT. SHE STATED SHE HAD RECEIVED A CUT ON HER LIP WHEN SHE HAD FELL AGAINST THE COFFEE TABLE IN THE LIVING ROOM. SHE STATED THIS

Standard Trailer - Continuation

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/05/97 Time: 10:13  
Typed by: MULLENIX Number: 166 Date: 09/05/97 Time: 10:12  
Approving Officer: HOILE, PHILLI Number: 000080 Date: 09/08/97 Time: 07:54

Standard Continuation Page

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 5  
Code: 21-701.7 SS Crime: MURDER 1 Class:

OCCURRED FOUR DAYS PREVIOUSLY AND ONLY CAUSE A SMALL CRACK IN HER LIP. WALLER STATED ADRIANNA HAD NOT RECEIVED ANY FURTHER INJURIES. SHE FURTHER STATED NO ONE HAD INJURED THE BABY.

I THEN TOLD WALLER IT WAS NECESSARY TO ASK HER SOME PERSONAL AND DIFFICULT QUESTIONS. WALLER STATED SHE WOULD BE WILLING TO ANSWER ANY QUESTIONS IF IT COULD DETERMINE WHAT HAD HAPPENED TO ADRIANNA.

I THEN AGAIN ASKED WALLER HOW LONG SHE HAD BEEN LIVING WITH WARNER. SHE STATED SHE HAD BEEN LIVING WITH HIM SINCE THE FIRST PART OF MARCH. WALLER STATED SHE HAD KNOWN HIM SINCE JANUARY. SHE STATED THAT BETWEEN JANUARY AND MARCH THEY HAD JUST BEEN FRIENDS AND HAD NOT ENGAGED IN ANY SEXUAL ACTIVITIES. SHE STATED SHE HAD BEGAN HAVING SEX WITH WARNER JUST BEFORE MOVING INTO HIS RESIDENCE. WALLER STATED WARNER WAS FROM CALIFORNIA BUT THAT HE HAD LIVED IN OKLAHOMA FOR A WHILE.

WALLER STATED SHE KNEW HE HAD BEEN IN THE SERVICE AND HAD HEARD HIM TALK ABOUT LOS ANGELES CALIFORNIA. SHE STATED HIS PARENTS LIVE IN SAN ANTONIO TEXAS. SHE STATED HE WAS 30 YEARS OF AGE.

WALLER WAS THEN TOLD THAT HOSPITAL PERSONNEL HAD REPORTED HER BABY HAD BEEN VERY SEVERELY INJURED. IT SHOULD BE NOTED WALLER THEN ASKED IF HER BABY HAD BEEN SEXUALLY MOLESTED. WALLER WAS TOLD ADRIANNA HAD A SKULL FRACTURE, BROKEN RIBS, AND A BROKEN LEG. WALLER THEN STATED A WOMAN WHO WORKS AT MERCY HOSPITAL HAD ASKED HER IF SHE KNEW ANYONE HAD SEXUALLY MOLESTED HER BABY BECAUSE OF AN INJURY TO THE BABIES RECTUM. WALLER RE-STATED SHE USUALLY EXAMINED HER BABY'S PRIVATE PARTS BECAUSE SHE HAD BEEN RAPED AND WAS CAUTIOUS WITH ADRIANNA. SHE FURTHER STATED WHEN SAMMY HAD THE BABY SHE HAD NO IDEA WHO ELSE THE BABY COULD HAVE BEEN AROUND. SHE FURTHER STATED SHE HAD ALSO BEEN MOLESTED BY HER STEP-FATHER AND DID NOT TRUST ANY MAN. SHE STATED SHE HAD BEEN 13 YEARS OLD AT THE TIME OF THIS INCIDENT AND HAD BEEN INFORMED BY HER MOTHER HE HAD BEEN SENT TO PRISON IN CALIFORNIA.

WALLER WAS THEN TOLD THAT FROM PRELIMINARY REPORTS FROM THE HOSPITAL IT WAS A POSSIBILITY HER BABY HAD BEEN SEXUALLY MOLESTED. WALLER THEN BECAME EMOTIONAL AND WAS SEEN TO TEAR. WALLER WAS THEN ASKED WHEN HER BABY HAD HER LAST BOWEL MOVEMENT AND SHE HAD CLEANED HER RECTUM WITH A TOWELETTE WAS IT TORN OR BLEEDING. WALLER STATED NO. SHE STATED SHE HAD NOTICED SOME REDNESS WHICH SHE ATTRIBUTED TO A HARD BOWEL MOVEMENT.

I THEN ASKED WALLER IF FROM THE FACTS SHE HAD RELATED TO ME IF THE ONLY PERSON WHO HAD BEEN ALONE WITH HER BABY WAS WARREN? SHE STATED YES. I THEN TOLD HER WARREN'S DAUGHTER HAD A BAND AID ON HER FACE AT THE HOSPITAL. I ASKED WALLER IF SHE KNEW WHAT HAD HAPPENED TO HER FACE. WALLER STATED SHE DIDN'T KNOW WHAT HAD HAPPENED TO HER FACE AS SHE HAD NOT BEEN THERE AT THE TIME. I ASKED HER IF SHE HAD NOTICED ANYTHING IN WARREN'S BEHAVIOR TO INDICATE ANY PROBLEMS WITH THE CHILDREN. SHE STATED SHE HAD NOT. SHE STATED THE INJURY TO VONITA'S FACE APPEARED TO BE A SCRATCH AND HAD BEEN PRESENT FOR TWO DAYS.

Standard Trailer - Continuation

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/05/97 Time: 10:13  
Typed by: MULLENIX Number: 166 Date: 09/05/97 Time: 10:12  
Approving Officer: HOILE, PHILLI Number: 000080 Date: 09/08/97 Time: 07:54

=====  
Standard Continuation Page  
=====

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 6  
Code: 21-701.7 SS Crime: MURDER 1 Class:

WALLER STATED WARREN WAS PATIENT WITH THE CHILDREN AND TREATED THEM WELL. WALLER WAS ASKED IF WARREN HAD EVER LOST HIS TEMPER WITH ANY OF THE CHILDREN. SHE STATED THERE WERE MANY TIMES SHE WAS ABSENT FROM THE RESIDENCE. WALLER WAS ASKED IF WARREN SPANKED THE CHILDREN. SHE STATED HE DIDN'T SPANK HIS SON AS HE WAS A REALLY GOOD BOY BUT HE DID SPANK VONITA THE FIVE YEAR OLD DAUGHTER. WALLER STATED DEISHA SOMETIMES RECEIVED WHAT SHE DESCRIBED AS TAPS ON HER HAND.

I THEN ASKED WALLER, CONSIDERING HER BABY'S INJURIES, IF ANYONE ELSE COULD HAVE INJURED HER DAUGHTER. WALLER BECAME EMOTIONAL AND SAID NO ONE ELSE COULD HAVE HURT HER BUT WARREN. I THEN ASKED HER IF SHE HAD INJURED HER DAUGHTER. SHE STATED SHE DIDN'T BELIEVE IN SPANKING AND HAD NOT HURT HER DAUGHTER.

I THEN ASKED HER HOW ADRIANNA COULD HAVE RECEIVED THEIR INJURIES. SHE STATED SHE DID NOT KNOW. SHE STATED ADRIANNA HAD BEEN HEALTHY ON THE MORNING OF THE INCIDENT. SHE STATED SHE HAD PLAYED WITH HER AND THEY HAD WATCHED CARTOONS. SHE STATED HER BABY HAD BEEN FINE WHEN SHE HAD LEFT FOR THE GROCERY STORE.

I THEN ASKED HER IS SHE HAD NOTICED ANYTHING STRANGE ABOUT WARNER'S BEHAVIOR WHEN SHE HAD RETURNED FROM THE STORE. SHE STATED WHEN SHE ARRIVED HOME FROM THE STORE SHE HAD BUSIED HERSELF WITH THE GROCERIES AND WARNER HAD TOLD HER ADRIANNA WAS IN BED ASLEEP. I THEN ASKED WALLER IF WARNER HAD MENTIONED ANY ACCIDENTS WHICH HAD OCCURRED TO ADRIANNA WHILE SHE WAS AWAY AT THE STORE. SHE STATED HE DID NOT.

I ASKED WALLER IF SHE HAD EVER SUSPICIONED WARNER OF ANYTHING WITH ANY OF THE CHILDREN. SHE STATED SHE DID NOT AND THAT HE HAD FOUGHT TO GET HIS CHILDREN BACK FROM HIS FIRST WIFE AND SHE HAD RESPECTED HIM FOR IT.

I THEN ASKED WALLER IF WARNER HAD EVER LOT HIS TEMPER. SHE STATED NO. SHE STATED HE HAD NEVER RAISE HIS VOICE WITH HER NOR HAD HE STRUCK HER.

I THEN ASKED WALLER HOW DID WARNER COME TO LIVE IN OKLA. CITY. SHE STATED WARNER AND HIS FIRST WIFE VONRICA HAD LIVED IN OKLA CITY BUT SHE HAD LEFT HIM AND HAD TAKEN THE CHILDREN. SHE STATED SHE DIDN'T KNOW VONRICAS MAIDEN NAME BUT KNEW SHE LIVED SOMEWHERE IN CALIFORNIA. WALLER STATED TO HER KNOWLEDGE WARNER HAD NEVER BEEN IN TROUBLE WITH THE LAW. SHE STATED WHEN SHE HAD MET HIM HE HAD BEEN ATTENDING COLLEGE. SHE STATED HE DID NOT TALK ABOUT HIS CHILDHOOD EXCEPT TO SAY HE HAD BEEN SPOILED AS A CHILD.

WALLER WAS THEN AGAIN ASKED WHO ELSE COULD HAVE INJURED HER CHILD BESIDES WARNER? SHE STATED THE BABY HAD BEEN FINE WHEN SHE HAD LEFT FOR THE STORE.

THIS TERMINATED THE VIDEO-TAPED PORTION OF THE INTERVIEW.

IT SHOULD BE NOTED THAT FOLLOWING THE INTERVIEW OF WARNER A SECOND MUCH SHORTER INTERVIEW WAS CONDUCTED.

=====  
Standard Trailer - Continuation  
=====

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/05/97 Time: 10:13  
Typed by: MULLENIX Number: 166 Date: 09/05/97 Time: 10:12  
Approving Officer: HOILE, PHILLI Number: 000080 Date: 09/08/97 Time: 07:54

=====  
Standard Continuation Page  
=====

Reported Date: 08/22/97 Time: 16:22 Case: 97-081667 Page: 7  
Code: 21-701.7 SS Crime: MURDER 1 Class:

WALLER WAS ASKED OFF TAPE DURING THE SECOND PART OF THE INTERVIEW IF WARNER HAD ANY PORNOGRAPHIC MATERIAL IN THE RESIDENCE? IT SHOULD BE NOTED THAT I HAD BEEN INFORMED BY SGT. GRIFFIN THAT DURING A CRIME SCENE INVESTIGATION A PORNOGRAPHIC TAPE HAD BEEN FOUND IN THE VCR IN THE BEDROOM. WALLER STATED SHE WAS AWARE HE HAD ONE PORNOGRAPHIC TAPE BUT THAT SHE REFUSED TO WATCH SUCH MATERIAL AND THAT IT DISGUSTED HER. SHE STATED SHE HAD BEEN WATCHING A MOVIE CALLED "THE CROW" THE NIGHT BEFORE THE INCIDENT. SHE STATED SHE HAD WATCHED ONLY A PORTION OF THIS MOVIE THE NIGHT BEFORE AND HAD VIEWED ANOTHER PORTION OF THE MOVIE THE NEXT MORNING BEFORE LEAVING FOR THE GROCERY STORE. SHE STATED THE MOVIE WAS IN THE VCR IN THE BEDROOM WHEN SHE HAD LEFT FOR THE STORE. IT SHOULD BE NOTED THE MOVIE WHICH WALLER HAD STATED SHE HAD BEEN WATCHING AND HAD LEFT IN THE VCR IN THE BEDROOM HAD BEEN FOUND BY SGT. GRIFFIN BUT WAS NOT IN THE VCR.

WALLER WAS THEN ASKED QUESTIONS ABOUT WARNER'S SEXUAL HABITS. SHE STATED WARNER PREFERRED HAVING SEX DAILY. SHE STATED WHEN HE HAD BEEN WORKING AND WAS ON HIS DAYS OFF HE LIKED TO LAY IN BED MOST OF THE DAY AND HAVE SEX SEVERAL TIMES.

WALLER STATED THAT TWO WEEKS PRIOR TO THE INCIDENT SHE HAD BEEN RESISTANT TO WARNER'S SEXUAL ADVANCES. SHE STATED SHE HAD BEEN ON HER PERIOD FOR PART OF THAT TIME AND STATED THEY HAD ONLY HAD SEX ONE TIME DURING THE PAST TWO WEEKS. SHE STATED THAT THE ONE TIME THEY HAD SEX WAS WHEN SHE HAD BEEN AWAKENED BY WARNER DURING THE NIGHT AND THAT HE HAD PRIED HER LEGS APART AND BEGAN ATTEMPTING TO FORCE HER TO HAVE SEX. SHE STATED THAT SHE HAD THEN GIVEN IN AND HAD SEX WITH HIM.

WALLER STATED DURING THE PAST TWO WEEKS SHE HAD BEEN GETTING OUT OF THE HOUSE MORE OFTEN AND VISITING HER GIRLFRIENDS. WALLER THEN REMARKED SHE THOUGHT IT STRANGE THAT WARNER HAD CHECKED ON ADRIANNA WHILE SHE HAD BEEN PUTTING THE GROCERIES AWAY. SHE STATED WARNER NEVER PICKED ADRIANNA UP OR CHECKED ON HER.

I ASKED WALLER IF SHE CHANGED VONITA'S DIAPERS. IT SHOULD BE NOTED I HAD BEEN INFORMED VONITA WAS IN SOME WAY HANDICAPPED AND WAS NOT ABLE TO TALK AND WAS STILL IN DIAPERS. WALLER STATED WARNER WOULD NOT LET HER CHANGE VONITA'S DIAPERS STATING IT WAS HIS RESPONSIBILITY. SHE STATED SOMETIMES SHE WOULD PLAY WITH VONITA BUT WHEN WARNER CAME INTO THE ROOM SHE WOULD QUIT PLAYING AND WATCH HIM.

THIS TERMINATED THE SECOND PART OF THE INTERVIEW.

END OF REPORT  
INSP. ERIC MULLENIX  
H-2

=====  
Standard Trailer - Continuation  
=====

Reporting Officer: MULLENIX ERIC Number: 000166 Date: 09/05/97 Time: 10:13  
Typed by: MULLENIX Number: 166 Date: 09/05/97 Time: 10:12  
Approving Officer: HOILE, PHILLI Number: 000080 Date: 09/08/97 Time: 07:54

Standard Supplement Report

Reported Date: 08/27/97 Time: 09:03 Case: 97-083202 Page: 1
Code: 21-1123 SS Crime: LEWD ACTS CHL Class:
Occurrence Date: - Day: - Time: -
Status: AS ASSIGNED Closing Officer: 000587 EDWARDS, WILL
Location: 1137 NW. 102ND ST., OK RD: 495

NARRATIVE

WITNESS: MICHEL SHAVERS B/F 08-19-61 EX GIRLFRIEND TO AR

INTERVIEW: BY DET EDWARDS

DATE: SEPT 09-07-97

LOCATION: ARBYS ON N LINCLON

I SPOKE TO THE WITNESS AT HER WORK AND SHE TOLD ME THAT SHE HAD DATED THE SUSPECT AT ONE TIME AND HAD KNOW HIM FOR ABOUT 3 YEARS SHE ADVISED ME THAT SHE MET HIM IN 1994.

I ASKED HER IF SHE HAD EVER SEEN THE SUSPECT BEAT OR ABUSE THE CHILDREN AT ANY TIME AND SHE TOLD ME THAT SHE HAD NEVER SEEN THIS HAPPEN BY HIM.

I THEN ASKED HER ABOUT HOW HE HAD TAKEN CARE OF THE CHILDREN. SHE TOLD ME THAT HE WOULD ALWAYS LEAVE THE CHILDREN WITH WHO EVER WOULD WATCH THEM HE WAS ALL THE TIME LEAVING THEM WITH OTHER PEOPLE.

SHE TOLD ME THAT THE SUSPECT WOULD EVEN LEAVE THE CHILDREN BY THEMSELF'S IF HE HAD TO.

SHE TOLD ME THAT SHE THOUGHT THAT CHARVON WAS A VERY TRUTHFUL CHILD AND THAT THE SUSPECT NEVER DISIPLINED HER CHILDREN.

I THEN ASKED HER IF SHE HAD SPOKEN TO HIM ABOUT THE SEX WITH VONNITA AND SHE TOLD ME THAT THEY TALKED ABOUT IT AND THAT HE DENIED IT. SHE TOLD ME THAT THERE WAS A TIME WHEN HER SON WAS THOUGHT TO HAVE TRIED TO PLACE HIS PENIS IN HIS SONS BOTTOM WHEN THEY WERE VERY YOUNG.

I THEN ASKED HER WHAT HER AND THE SUSPECT TALKED ABOUT WHEN HE CALLED HER. HE TOLD HER THAT HE HAD DROPPED THE CHILD'S (ADRIANNA)MOTHER OFF AT THE STORE AND THAT HE ALMOST HAD A WRECK WHEN HE WAS DRIVING AND THE CHILD HIT HIS HEAD. SHE TOLD ME THAT THE SUSPECT ASKED HER TO GO AND GET HIS ENTERTAINMENT CENTER OUT OF THE HOUSE

SHE TOLD ME THAT THE SUSPECT HAD ADMITTED TO BEATING HIS CHILDREN AND TO LEAVING BRUISES ON THEM BEFORE.

I THEN ASKED HER ABOUT ADRIANNA'S MOTHER AND SHE TOLD ME THAT THE SATURDAY AFTER THE CHILD WAS KILLED THAT SHE WENT TO HER HOUSE AND THAT SHE WAS ACTING AS IF THERE WAS NOTHING WRONG. SHE TOLD ME THAT THE MOTHER WAS DRINKING WITH SOME GUYS AND THAT SHE WANTED TO SHOW HER THE ROOM WHERE THE

Standard Trailer - First Page

Reporting Officer: EDWARDS, WILL Number: 000587 Date: 10/03/97 Time:
Typed by: WEDWARDS Number: 587 Date: 10/03/97 Time: 10:5
Approving Officer: Number: Date: Time:

Reported Date: 08/27/97 Time: 09:03 Case: 97-083202 Page: 2  
Code: 21-1123 SS Crime: LEWD ACTS CHL Class:

CHILD DIED. SHE TOLD ME THAT THE MOTHER WAS NOT CRYING. SHE THOUGHT THAT THIS WAS STRANGE ACTING AFTER YOUR CHILD HAD JUST DIED.

I THEN ASKED HER ABOUT HER CHILD DEJAH AROUND THE SUSPECT. SHE TOLD ME THAT THERE WAS A DAY ABOUT 3-4 DAYS BEFORE THE HOMICIDE THAT SHE WOULD NOT GO TO THE SUSPECT. SHE TOLD ME THAT NORMALLY THE CHILD WOULD RUN TO SEE HIM BUT SHE DIDN'T ON THIS DAY.

THIS INTERVIEW WAS TERMINATED AT THIS TIME.

Standard Trailer - Continuation

Reporting Officer: EDWARDS, WILL Number: 000587 Date: 10/03/97 Time:  
Typed by: WEDWARDS Number: 587 Date: 10/03/97 Time: 10:50  
Approving Officer: Number: Date: Time:

1 Q. Mr. Warner, who went to the grocery store?

2 A. All of us. The baby, Adriana, my three kids,  
3 Shonda Waller and myself.

4 Q. And then what happened?

5 A. From there, upon returning, Shonda returned to the  
6 car and telling me that she indeed had food stamps on her  
7 card. I then left with all the kids and went back to my  
8 house.

9 Q. What happened at home? How long were you at home  
10 once you returned?

11 A. I was at my house, returned home about 1:00. I was  
12 there approximately around 15 minutes. I had received  
13 notice of a page. My pager was going off. It had been  
14 left there and the beep was going off. The beeper was  
15 going off to let me know that somebody had called and  
16 once I retrieved my page, I left.

17 I grabbed two kids of mine. My daughter Vonita was  
18 left behind inside the house. Shonda's daughter --  
19 Shonda Waller's daughter, Adriana Waller, was left inside  
20 the house also. I grabbed my child, Charvon Warner, and  
21 my two-year-old, Vonita Warner, and I took them to  
22 7-Eleven on --

23 Q. Let me stop you. Your two-year-old, you just said  
24 Vonita Warner.

25 A. I'm sorry. My two-year-old, Dasia Warner.

1 Q. Okay, go ahead. Dasia, Charvon, and myself were  
2 at -- I went to 7-Eleven on Hefner and Western.

3 Q. And Mr. Warner, you're testifying that you left  
4 with Charvon and Dasia and left Vonita and Adriana at  
5 home; is that right?

6 A. Yes.

7 Q. Okay.

8 A. Sir.

9 Q. Go ahead. What happened next?

10 A. I guess I got to the phone. Whoever paged me,  
11 apparently I was there too late, okay. Upon coming back  
12 out, thinking I'm going directly back home, somebody  
13 asked do anybody have jump cables, jumper cables. So I  
14 stated that I have jumper cables and I helped someone out  
15 to jump their car.

16 Q. How long were you at that 7-Eleven?

17 A. It took a length of time because the battery  
18 itself, it had a post over the battery and you had to be  
19 taken off because the side post battery -- it was a side  
20 post and the battery was hard to reach to with the  
21 cables. It was a very tight space. So it took a length  
22 of time, maybe a good 30 minutes, 45 minutes to be on  
23 those.

24 Q. After you -- you went ahead and you jumped a  
25 vehicle there; is that right?

1 A. Yes.

2 Q. And then what happened? Where did you go next?

3 A. From there, time had passed by so I had to go make  
4 sure that -- to see if Shonda was finished grocery  
5 shopping or not, and arriving to the store around two,  
6 2:15, I parked on the west -- I'm sorry -- the east side  
7 of the store. Shonda, I found out later, was on the west  
8 side of the store.

9 So I went inside the store, Charvon and my  
10 daughter, Dasia. I searched the whole entire store  
11 looking for Shonda, but Shonda was not inside. I  
12 searched everywhere.

13 Upon coming back to the front, leaving, she was  
14 there up front talking to the cashier's manager because  
15 she had a leak in I think it was a gallon of orange  
16 juice. And so the cashier said that she can exchange.  
17 So Shonda Waller asked me to go change the orange juice.

18 I walked to the far west side, around to the corner  
19 into the back and I changed orange juice. Upon -- upon  
20 return I had gathered the wrong orange juice so Shonda  
21 Waller took it because it was a price difference and  
22 Shonda Waller had to go get the correct one.

23 So while she went to get the correct orange juice,  
24 I myself took the groceries and my kids, the grocery out  
25 to the car to unload and get ready to go back to the

1 house.

2 Q. So what happened next? Did you return home?

3 A. Yes, after unloading -- on the way to the house,  
4 that's when Shonda Waller was telling me that she had  
5 ordered a phone for my house which took it off the price  
6 because I'd never asked her personally to order a phone  
7 for my house.

8 So when we started discussing the phone and she  
9 explained to me that she put the phone bill in her name  
10 and I didn't want that. That's my house. And that's  
11 pretty much the discussion on the way back to the house.  
12 Upon returning to the house --

13 Q. Let me ask you. Before you go on, let me ask you  
14 one thing. How long were you gone approximately, if you  
15 remember, from the time you left to go to 7-Eleven until  
16 the time you returned home?

17 A. I left my house around 1:15, 1:00, 1:15. We  
18 returned back from my -- from the grocery store to my  
19 house, we returned around 2:45 to 3:00.

20 Q. Mr. Warner, you left two small children there  
21 alone. Is that your testimony?

22 A. Yes, I did.

23 Q. And is this something that you did on a routine  
24 basis?

25 A. We did that quite frequently.

1 Q. And Ms. Waller, did she also frequently leave her  
2 child alone?

3 A. Yes, not her child personally, but she left my  
4 child several times. We had have discussions about -- I  
5 didn't like -- even though I did leave my kids alone  
6 certain times, I didn't like the fact that she left my  
7 kids alone certain times because I can judge pretty much  
8 how long I'm going to be gone, but I can't really judge  
9 her actions.

10 Q. Were you gone longer this time than you expected?

11 A. I was gone a lot longer than I expected. I  
12 expected just to go call someone back, thinking that it  
13 was the job I had applied for and I was waiting on them  
14 to verify my -- the clearance of my driver's license. So  
15 I was thinking it was the job that I was more likely  
16 starting that Monday coming up. So that's why I left in  
17 a rush to make sure I could catch the supervisor who was  
18 calling me.

19 Q. Mr. Warner, you've returned home, you talked about  
20 getting a phone with Ms. Waller. What happened next?

21 A. That is when, after putting the groceries up, I sat  
22 down and Ms. Waller gave me a Coke to drink and at the  
23 time she was telling me about all the arrangements she  
24 had made.

25 She was asking me to -- she was asking me to go to

1 the store, to IGA, which is in the same direction that we  
2 had just left. She was telling me go there and pay for  
3 the connection fee and that if I go there at a certain  
4 time, that by that day the telephone company could come  
5 out and turn the phone on.

6 Q. Okay. What happened next? Did one of you check on  
7 Adriana?

8 A. I myself went back to my room to get dressed to  
9 go -- to go to pay for IGA because prior I wasn't getting  
10 out of the car. This time I was actually going inside to  
11 go pay for this and take my daughter, my two-year-old  
12 daughter, Dasia Warner, to her mother, Michelle Shavers.

13 Q. Go ahead. What happened?

14 A. As I went to the back, I went into the room. While  
15 I was getting ready, wiping the sweat off myself, that's  
16 when I noticed, look inside the mirror behind me, that's  
17 when I noticed the baby looked different so -- so I shake  
18 on the baby and I noticed that she wasn't breathing  
19 correctly.

20 I started screaming for Shonda to come in, but  
21 Shonda apparently didn't hear me right away because she  
22 was in front inside of the house. While I'm taking the  
23 baby -- taking the baby to Shonda and asking her, what's  
24 the matter with her baby, what's wrong, this is when  
25 Shonda came out from the kitchen area.

Δ: CHARLES  
WARNER

CF: 97-6120

**CHILD PROTECTION COMMITTEE**

September 9, 1997

13a) PATIENT#1:	Warner, Charvon	PHOTOS:	No
CHO#:	10401982	X-RAYS:	No
DOB:	05/29/91	DATE/EXAM:	08/25/97
RACE:	Black	DATE CHO-25:	08/25/97
SEX:	Male	CHO-25 FILED BY:	K. Hatlelid
TYPE:	Physical	ATTENDING:	Dr. Spencer
COUNTY:	Okla.	SERVICE:	
WORKER:	R. Price	PRIOR 25:	No
13b) PATIENT#2:	<del>Warner, Vonita</del>	PHOTOS:	No
CHO#:	<del>10357167</del>	X-RAYS:	No
DOB:	01/29/92	DATE/EXAM:	08/25/97
RACE:	Black	DATE CHO-25:	08/25/97
SEX:	Female	CHO-25 FILED BY:	K. Hatlelid
TYPE:	Physical/Sexual	ATTENDING:	Dr. Spencer
COUNTY:	Okla.	SERVICE:	
WORKER:	R. Price	PRIOR 25:	No

8/25/97

**PRESENTING PROBLEM:**

Patient #1 is a six-year-old African/American male child and patient #2 is a five-year-old African/American female child presenting to Children's Hospital Special Pediatric Clinic for evaluation of possible physical and sexual abuse concerns while in their father's care.

**DISCLOSURE HISTORY:**

On 8/22/97, an 11-month-old female child died in the patient's home under suspicious circumstances. At the time of the infant's death, she was noted to have several fractures and a large rectal tear. Therefore Child Welfare services requested a Special Peds exam for the minor children in the home at the time of the infant's death.

The concerns of Child Welfare were staffed with Dr. Spencer. Dr. Spencer referred the older children to be evaluated in the Special Peds Clinic on 8-25-97. Patient was accompanied by foster mother's daughter. Child Welfare had difficulties locating the two-year-old half sibling to patient #1 and #2, Dashja W, therefore, her medical evaluation was scheduled on the following day, 8/26/97. A CHO-25 was filed by Kathie Hatlelid, PA-C.

**INCIDENT:**

Patient #1 did not know his home address. He indicated they have no phone. Patient #1 stated he also has a younger sibling named, Dashja who lives with them and lives with her mother. He indicated his sibling Dashja will spend the night with them and spend the night sometimes with her mother. She lives at both his father's home and at her mother's home. They have different

13a) Charvon Warner 10401982

13b) Vonnita Warner 10357167

Page 2

mothers. He indicated that his mother is Vonricca. He came to live with his father because his mother took them away from their dad. Patient #1 indicated he also has another younger male sibling named Rayvon who lives with his mother in California. Patient indicated when his dad came and picked him up from his mother, his mother and grandmother were there when they left. His mother knew that he and Vonnita were going to Oklahoma to live with their father. His mother was okay with them leaving. Patient #1 stated, "when daddy took us back," everybody went outside to see something and "dad just took us and all of our stuff." Then they came to Oklahoma. Patient #1 stated the last time he saw his mother was when they went to visit her in Louisiana. He indicated that his mother was visiting her mother in Louisiana. He stated that his mother has two mothers, one that lives in Louisiana and one that lives in California. His mother, Vonricca, lives with her mother in California. Patient #1 indicated his younger sibling, Vonnita (patient #2), was talking and using single word phrases when they left the State of California. Patient #2 stopped talking completely after they left their mother to come live with their dad. She hasn't talked since they have been living with their dad.

Patient #1 was asked the difference between the truth and a lie. He was able to appropriately distinguish between the two. The cookie story was used as an example. Patient indicated that the "truth is if somebody is joking and not telling nobody like if he told someone that Vonnita could talk and she lied," to daddy like he usually does. Patient #1 stated he usually does not tell his father the truth but did not say what he did not tell his father the truth about. Patient #1 stated when they are in trouble at home with his father, his father whips patient #2 with an extension cord. Sometimes she is whipped with a belt. Father spanks her on her legs and her head and all in her hair. Patient #1 stated she gets spankings because she sits on the potty all day in her room watching TV and doesn't clean up her room.

Patient #1 indicated that his father also spanks him with a belt and his hands, primarily on his legs. Patient #1 stated that Dashja's mother spanked him and patient #2 on two different occasions because they kicked something. On both occasions, she spanked them with her hand. Dashja's mother hits them on their hands. Patient #1 indicated his father is not currently working. His father quit his job. Patient #1 was asked if he knew the difference between a safe and unsafe touch. He did not seem to understand these terms so he was given various examples. He indicated that if some punched you in the stomach that was an unsafe touch. A safe touch was something like daddy saying, "don't play with fire" and you don't and that would be something that would keep you safe. Then at this point patient #1 made a list of people that he could tell if anyone touched him in an unsafe manner. At this point a gingerbread figure was drawn for patient #1. Patient #1 correctly identified the various body parts, hair, nose, eyes, mouth, and ears. He referred to the arm area as elbow, the chest area as nipples, the belly area as a navel, the penile area as a peter, and the buttock area as a bottom. Patient #1 indicated the area in between the gingerbread figures on a female body would be referred to as a private. Patient #1 denied anyone ever doing an unsafe touch with him. He maintained that no one had ever touched him in an unsafe manner. He indicated that if anyone had ever touched him in an unsafe manner that he

13a) Charvon Warner 10401982

13b) Vonnita Warner 10357167

Page 3

would tell someone to get help. Patient denied ever seeing anyone touch patient #2 or his half sister in an unsafe manner. He denied ever seeing his father touch patient #2 or his 1/2 sister in an inappropriate manner. Patient #1 indicated that his father was rarely involved with patient #2 with the exception of spanking her for not cleaning her room. He maintained that patient #2 was bitten by the younger sibling, Dashja on her head. The younger sibling, Dashja also scratches patient #2 on the face. Patient #1 stated that his dad and Dashja's mother spank Dashja with their hands on the legs. He indicated that he has never seen Dashja's mother spank Dashja. He has only seen his father spank Dashja on the legs.

Patient #1 indicated that five days ago the police came to their house and that three other people came to his house but he wasn't sure who those other people were. He stated they were taken down to police headquarters from the hospital after Adrianna died. Her mother is named Shonda. Shonda has been staying in the family home with them since patient #1 was in kindergarten. He is currently going to the first grade now. Patient #1 indicated he attends elementary school and his sister rides a different bus to school. He indicated that the baby who died cried a little bit. Sometimes she cried a lot, but she was a good little baby. He indicated on the day that she died, his father put the baby in the walker. The baby was crying and his father started screaming at her and scaring the baby by yelling at her. The baby continued to cry about the same - not anymore or any less. He indicated that the mother of the baby who died, Shonda, went outside to smoke a cigarette when his father was yelling. Sometimes he has witnessed his father and Shonda hitting each other but they were always playing. He stated that Shonda, the baby's mother, was yelling at his dad and his dad would be laughing and that Shonda would stop yelling when she would see her baby.

Patient #1 indicated the last time he saw his biological mother was in kindergarten. Patient #1 was asked if he had a choice in reference to whom he would choose to live with, his mother or his father, he indicated he would choose to live with both parents but his parents just don't want to live with each other for no good reason.

When patient #1 was questioned further regarding who was present at the time when the infant was hurt, patient #1 would not give any further details in reference to what occurred on that date with the exception that his father was yelling at the infant that was killed.

Patient #2 was observed only. She would smile and frown at different intervals with no reference or reasons as to why she smiled or frowned. Patient #2 never made any sounds. The foster care provider that brought the children to the hospital indicated that the patient had not made a sound in her home since being placed in her home on the 23rd of August. Patient #2 does appear to understand and responded to different people talking although she never made any sounds throughout the interview process.

13a) Charvon Warner 10401982

13b) Vonnita Warner 10357167

Page 4

**PAST MEDICAL HISTORY PATIENT#1:**

None significant.

**CURRENT MEDICAL EVALUATION PATIENT#1:**

08/25/97 Special Pediatric Clinic Assessment (Kathie Hatlelid, PA-C and Dr. Spencer): Possible physical abuse by physical findings with CHO-25 filled out. Physical exam: Skin - linear scars x 2 on left upper/lateral thigh and left mid and lower back; GU/Anal - within normal limits.

**PAST MEDICAL HISTORY PATIENT#2:**

Volume II of II

05/11/92-07/13/92 Santa Barbara Cottage Hospitalization with discharge diagnosis: BPD, short bowel syndrome with failure to thrive; left frontoparietal ischemic infarction, Grade I ROP

07/06/93 Admitted to Children's Hospital with a discharge diagnosis 07/14/93: Feeding difficulties - GE reflux

1992-06/17/97 GI Clinic Visits

07/19/93 PPM Visit

06/13/94 Developmental Delay Clinic

06/24/94 Pediatric Asthma Clinic

**CURRENT MEDICAL EVALUATION PATIENT#2:**

08/25/97 Special Pediatric Clinic Assessment (Kathie Hatlelid PA-C and Dr. Spencer): Physical and sexual abuse by physical findings with CHO-25 filled out. Physical exam: HEENT - 4 millimeter abraded area right cheek; Skin - multiple old loop and other marks on face (right mandible), anterior and posterior chest, thighs, and left arm; GU/Anal - crescentic hymen with complete loss of tissue from 3 o'clock to 9 o'clock and attenuated edges from 1 o'clock to 3 o'clock and 9 o'clock and 11 o'clock.

08/25/97 Skeletal Survey Impression: 1) No evidence of recent or old fracture; 2) Incidentally noted are bilateral coxa valga deformities.

**FAMILY/SOCIAL INFORMATION:**

Patient resides in Oklahoma City. There is a home telephone. The household composition includes:

Father:	Charles F. W., Jr.	DOB: 07/20/67
Live-in Caretaker:	Shonda W.	DOB: 02/02/75
Live-in Caretaker's Daughter:	Adrianna W.	DOB: 09/18/96; Deceased: 08/22/97
Patient#1:	Charvon J. W.	DOB: 05/29/91
Patient#2:	Vonnita V. W.	DOB: 12/19/92
Half-sibling:	Dashja C. W.	DOB: 08/15/95

13a) Charvon Warner 10401982  
13b) Vonnita Warner 10357167  
Page 5

Patient's biological mother is Vonricca M. W. (DOB: 4-5-72). Mother resides in California with a younger male infant sibling, Rayvon. This sibling is a product of mother's current marriage. Patient's parents are divorced. Mother has remarried. Mother joined the army. She then gave guardianship of her children to her parents in California. Per DHS, information obtained from father, mother was refusing to allow father visits, therefore, father went to civil court in Oklahoma County requesting modification of custody. Father was granted custody of his children. He went to California and requested police intervention. Police gave father children per the court order. Father returned to Oklahoma and refused to allow mother access to her minor children. Father requested CHO to allow the "do not announce" code to remain on patient #2's chart. Mother stated she was not financially able to fight for custody of her children in Oklahoma.

Patient #1 attends elementary school and is in the first grade. His sibling, patient #2, attends a public school to address her special emotional and developmental needs.

Patient #1 has no health insurance. He has received some medical care from CHO pediatric services. Patient #2 receives developmental disability services through the State of Oklahoma. The health insurance provider is unassigned Medicaid for patient #2. Her primary care physician is Dr. Marshall. The family has been providing sporadic medical care for patient #2. There are concerns of possible Failure to Thrive, as well as concerns of medical neglect because of this sporadic medical care. Patient #2 was a premature birth with on-going medical problems. Patient #2's immunizations are up-to-date. Patient #1's immunizations are up-to-date per school records.

There is previous child Welfare involvement with this family.

**CURRENT DISPOSITION:**

1. A CHO-25 was filed by Kathie Hatlelid, PA-C.
2. The Statewide Hotline for Children Services was notified on 8-22-97. Rebecca Price, Oklahoma County Child Welfare Worker, is investigating. The referral number is 531772.
3. Oklahoma City Police Department was dispatched. Det. Willie Edwards is assisting with this investigation. Homicide detectives are investigating.
4. Patient #1 and #2 were placed in police protective custody by the Oklahoma City Police Department on 8-22-97.

**CPC—September 9, 1997**

13a) C.W. 10401982  
13b) V.W. 10357167

OCPD is still investigating; Det. Edwards, Okla. County Child Welfare confirmed physical abuse with father as perpetrator. A deprived petition has been filed and this will be a treatment case.

13a) Charvon Warner 10401982

13b) Vonnita Warner 10357167

Page 6

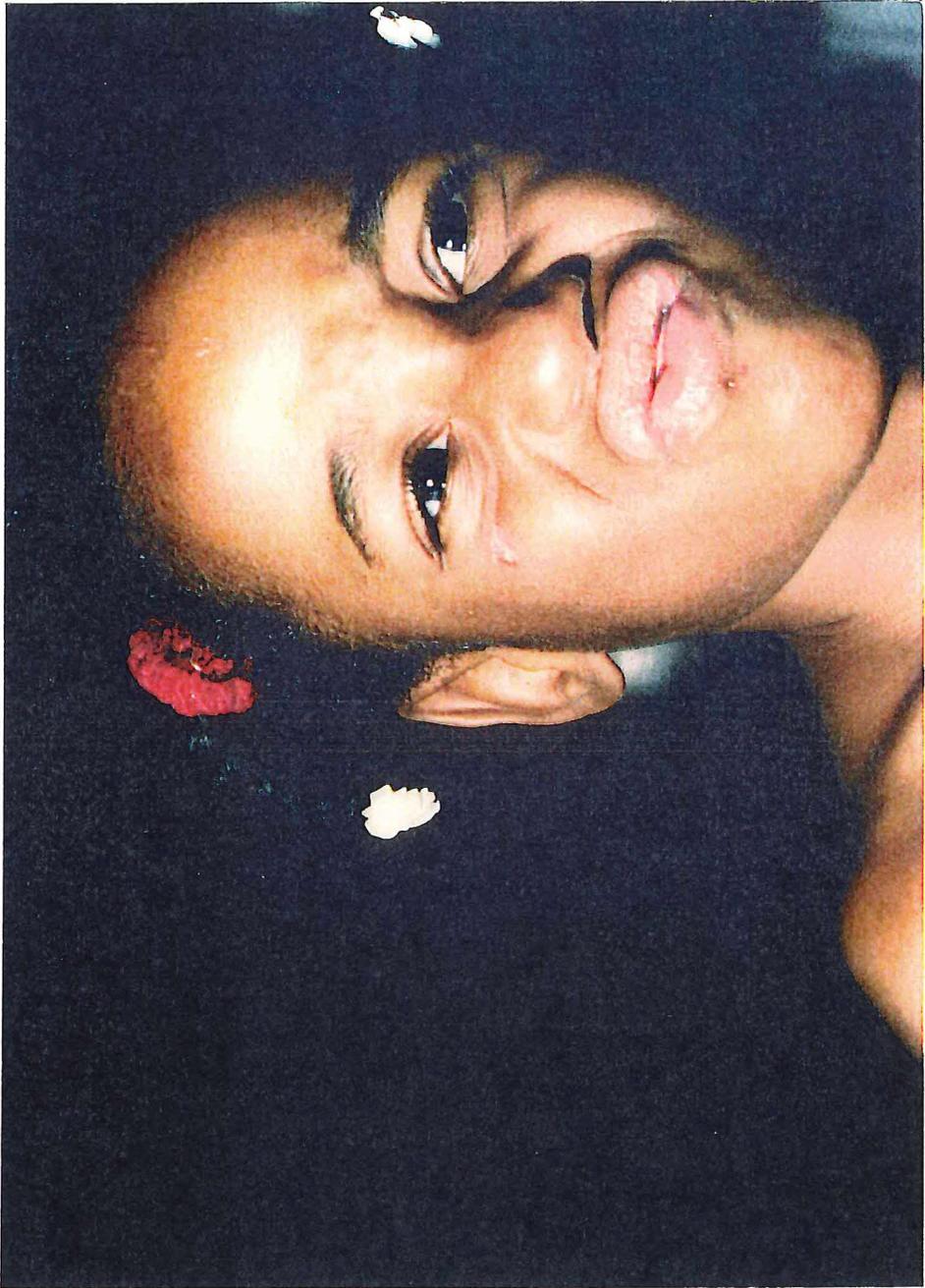
Criminal charges have been filed against father for the death of the 11-month-old child in the home.

It was noted after reviewing patient #2's medical chart, that there were 1/3 to 1/2 of all scheduled medical appointments were missed indicating medical neglect.

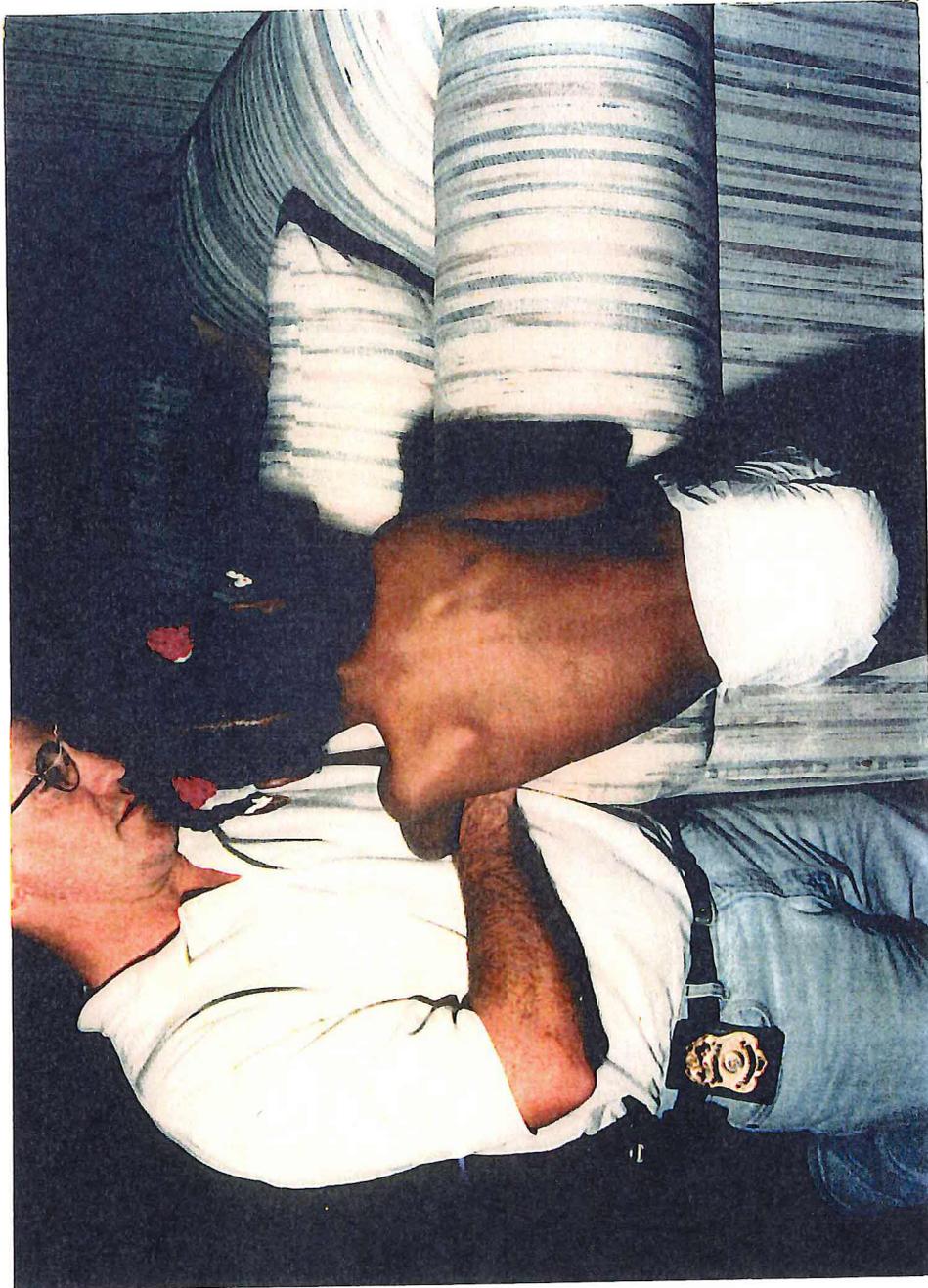
*CPC Findings:*

- 1) Physical abuse to Patient 1 and Patient 2. Alleged perpetrator father.
- 2) Sexual abuse to Patient 2 with alleged perpetrator father.
- 3) Criminal charges filed against father for death of other child in the home
- 4) Deprived petition filed (hopefully heinous and shocking)
- 5) Both children in foster care
- 6) Referral for both children needs to be made to Child Study Center. Letter and copy of report to Jeri Poplin, Sr. Supervisor Treatment
- 7) Letter and copy of report to Child Death Review Board.
- 8) Letter and copy of report to Juvenile District Attorney





STATE'S  
EXHIBIT  
151  
PENGAD-Bayonne, N. J.



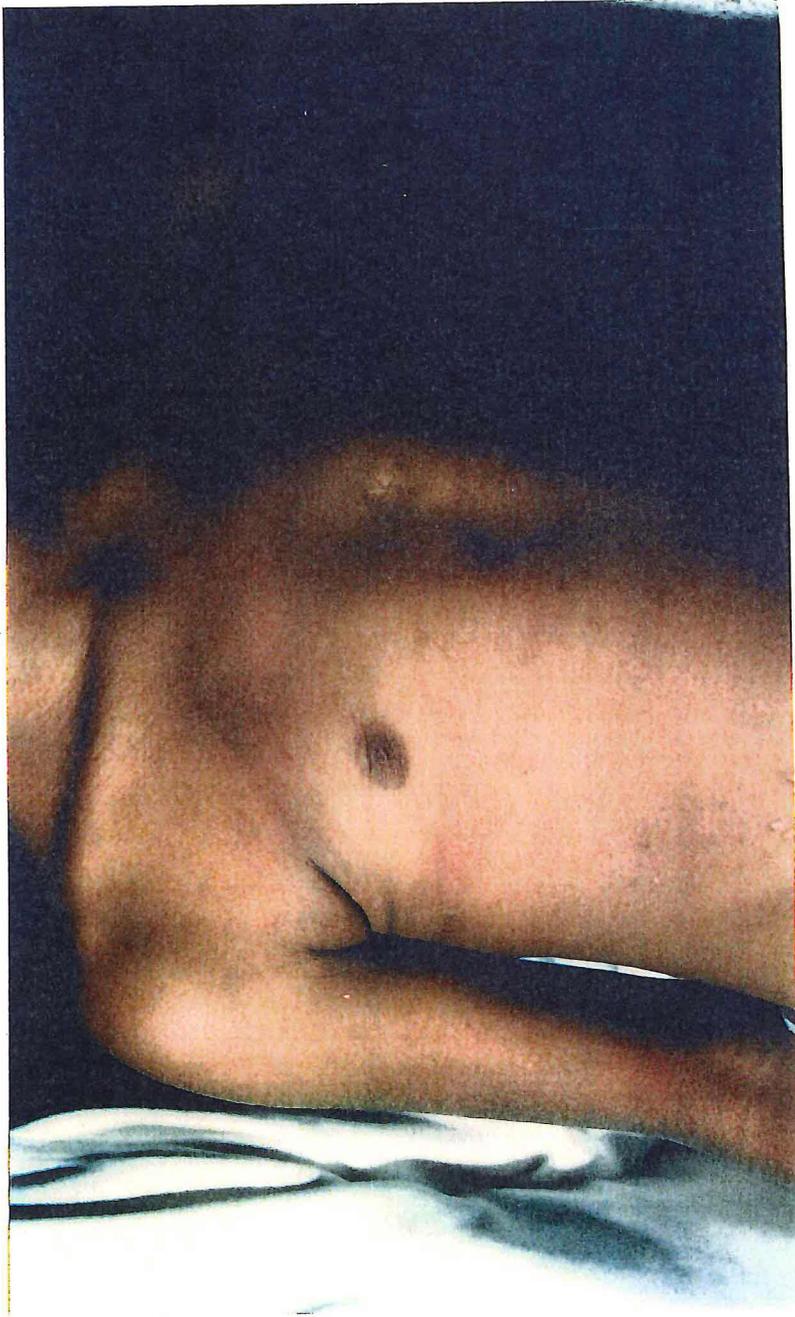
STATE'S  
EXHIBIT  
52  
PENGAD-Bayonne, N. J.



STATE'S  
EXHIBIT  
53  
FENGAD-Boymno, M. J.



STATE'S  
EXHIBIT  
54  
PENGAD-Beyone, H. J.



STATE'S  
EXHIBIT  
55  
PENGAD-Bayonne, N. J.

Charles Warner: She's very, very bright.

Detective: Very smart.

Charles Warner: At the same time and, hum, I wanted her to be co-dependant, do everything for herself. And I may have pushed sometimes, more than I should, I may have been ~~on my~~ ~~inaudible~~ a little bit at times. *out of league*

Detective: You know, that's not beyond what I might have done with my daughter. So you're, you're, just talk me, that's what I want to hear, just tell me the truth.

Charles Warner: I, uh, with my son, I, I don't know, to me it was God's gift to me, you know, uh, there were times that I had to be ~~the enforcer~~, because he was me- *forceful*

Detective: Yeah.

Charles Warner: -he was, he was, better than me, he a lot brighter than me, but he was me and I seen a lot of things that he did or was saying was the untruth, and I get on him about that, but pretty much, uh, I didn't allow him to lie to me.

---

Detective: Yeah, well, he knows the difference too.

Charles Warner: Oh yes, because uh, you see, I was his only parent, right now ~~inaudible~~ his mother and he shouldn't have to lie to me more than anything. I don't think and I stress that to him, he'll still want to challenge it at times, but I stress that to him and that's the only thing with, with, with my son, I didn't see too many problems with my son, he worked hard, he did what I told him to do, he was, uh, he was going to be somebody in life.

Detective: He still is.

Charles Warner: I mean, there was no question, without a doubt, with my son, I, it wasn't all my doin', but I really do believe my son, ~~inaudible~~, I can't say he was better than anybody else, but he's going to be somebody in life, without a doubt, without a doubt in my heart.

Detective: Yeah, yeah. Well, he still is.

Charles Warner: And I think my daughter will be ~~able~~ to ~~0~~

Detective: Vonnita is a special girl, she needs some special attention.

Charles Warner: She needs special attention.

Detective: I am going , I am going to be real honest with you, uh, she's got, I mean when I talked to Chavron, he kind of told me how you disciplined her and, how you disciplined him and he says that sometimes she gets hit with a belt like he does some ~~things~~<sup>times</sup> and then says sometimes they get hit with an extension cord.

Charles Warner: Who?

Detective: Vonnita.

Charles Warner: Vonnita, uh-

Detective: Maybe it's not, I mean, I don't think it's intentional that your doing it, I think it's just a way of disciplining her.

Charles Warner: No.

Detective: Now, I'm not saying it's bad or not. I am going to show you something here real quick. Okay, cause I don't want, I want you to be honest with me, all right. This is our medical examine that we did on Vonnita and these marks here are just, they're like little loop marks.

Charles Warner: That was a belt.

Detective: A belt or an extension cord.

Charles Warner: Belt.

Detective: Okay, have you ever hit ~~them~~<sup>her</sup> with an extension cord at all?

Charles Warner: Yes.

Detective: Okay.

Charles Warner: But, never, never, never on her back.

Detective: Where at; have you ever hit her before?

Charles Warner: I hit her on top her ~~hand~~<sup>head</sup>.

Detective: Okay, well, that's, that's cool, I understand that, cause, I mean your trying do the best you can.

Charles Warner: No, no, uh, what those, those marks are from a belt strictly. Uh, I wouldn't hit on her body with that. Hum, and on top of her hand a lot of times, <sup>literally</sup>, I only spanked her one time with an extension cord. <sup>really</sup>

Detective: Okay.

Charles Warner: And, uh, it really wasn't a spanking her, it was a bluff.

Detective: Yeah.

Charles Warner: It was a bluff, it was a bluff.

Detective: To scare her.

Charles Warner: Yeah.

Detective: <Inaudible>.

Charles Warner: All I had to do was hit the bed.

Detective: Yeah, that's all my dad had to do.

Charles Warner: And, huh, it really wasn't to really spank with her the extension cord, to be honest with you, no.

Detective: Okay, well, I mean, I just, that's why I'm here, to try to find out what happened to her. Uh, in talking to your son, Chavron. He says that he's seen and, he saw her got hit, from what he tells me, on top of her hand, <sup>and</sup> that one time on top of the hand <sup>and</sup> and he saw that, huh, that's why I'm here, I work child abuse, okay. I don't work homicide, I work child abuse, okay? Uh, whenever there's an incident like this, and the child is taken to the hospital, and we see these, and I get called out on it. I am not here to put you down.

Charles Warner: Let me explain something to you.

Detective: Yeah, go ahead.

Charles Warner: Uh, usually when I spanked Vonnita, my son was not around.

Detective: No. Okay. Where was he, do you know?

Charles Warner: Uh, in his own room.

Detective: in his own room? Well, maybe he saw it one time, I mean, is it possible he saw it one time?

Detective: It's possible.

Detective: Okay, he's the only one I can talk to and because Vonnita really can't even talk to us. <sup>you</sup>

Charles Warner: Correct.

Detective: And whenever this happens, the hospital automatically calls.

Charles Warner: Right.

Detective: Okay, and I have to come out and do what I'm supposed to do and that's talk to you-

Charles Warner: Okay.

Detective: -to find out what your side of the story. Uh-do you remember when the last time she got a whopping was?

Charles Warner: The last time she got a whopping was-uh-Wednesday.

Detective: Wednesday. Okay, and do you know what that was for?

Charles Warner: Uh-Wednesday, I pretty much only spanked her for one thing, she never did anything wrong, she wasn't a bad child.

Detective: Uh-huh.

Charles Warner: Excuse me.

Charles Warner: The only thing I really spanked her, my child for, for her to uh, get up-

Detective: To get up?

Charles Warner: To basically get up and take care of stuff, do for yourself.

Detective: Uh huh.

Charles Warner: Because-

Detective: It's kind of frustrating sometimes, isn't it?

Charles Warner: Uh, it's frustrating all the time, but, I didn't see no other way, I tried to show by example, uh, to you know, the, a very, very soft spoken way, in a loving way. I didn't do everything for Vonnita.

Detective: <Laughing>

Charles Warner: Hum, she-

Detective: Sometimes they don't respond to that do that, do they-

Charles Warner: She only respond to doing things physically, hum.

Detective: Would you ever, in your opinion, and this is just your opinion between you and I, I mean, and God as your witness, ever say that you got mad at her at times?

Charles Warner: I got mad at her?

Detective: At times?

Charles Warner: At times?

Detective: Because you were angry.

Charles Warner: ~~Huh,~~<sup>Uh</sup>

---

Detective: And that's, I mean, you gotta, you gotta decide for yourself how you want to answer that question. Because that's something that's between you and God.

Charles Warner: Mad at my daughter, I never got mad at my daughter?

Detective: Then, how would you describe it?

Charles Warner: ~~Hummm,~~<sup>ed</sup> I just want her to do better.

Detective: Frustrated?

Detective: I mean, I'm just, you give me your own words.

Charles Warner: Not frustrated, sometimes I couldn't understand, but I wasn't really frustrated, because I, I knew, hum, her ability. I knew her, her, huh what she's capable of doing. But I figured I had to put my bluff on Vonnita, basically what it was, a bluff to have her respond the way I want her to respond, the way she need to respond in life. I, think that if, I wouldn't have pushed her, she would be way miles back where she is now.

Detective: Huh-uh.

Charles Warner: Since, I don't, I don't even know when their school's out. May 29<sup>th</sup>, schools out.

Detective: Yeah.

Charles Warner: So, after that, <inaudible>. But uh, that what happened with uh, Where there any other incident?

Detective: Huh?

Charles Warner: Where there any other incident?

Detective: *Not on here no.* Any other cities you where, been investigated for any type of-on here or there?

Charles Warner: My, my kids are six and five. I uh, maybe <inaudible>. Uh, we came here when Vonnita was uh, I think five pounds, four pounds, six, she was real small, she was close, Charvon was uh, just learning how to walk so maybe one, we've been here pretty majority of time and there were, there were times they been away back in California for about a year. I think uh, my wife left six months, she came back and then, uh, she left, went through military got <inaudible> and I got my kids in between there. Another six months. And so I think the whole time, they've been here the majority, I've been here since 92. I haven't moved anywhere the majority of the time.

40 Detective: I think that's all I need *bud* <inaudible>.

Charles Warner: But, I, I'm not lying to you. I, I spanked her.

Detective: Well, there's no doubt that you have, everybody has spank their children.

Charles Warner: And-

Detective: Probably some of the scars-the marks on her, maybe you got a little carried away a couple of times.

Charles Warner: I'll tell you ~~what~~, I never spanked my child with an extension cord.

Detective: Yeah

Charles Warner: *Wasn't* With an extension cord. <inaudible>.

Detective: A belt?

Charles Warner: No, I spanked her with belt too.3

Detective: Okay.

Charles Warner: Uh, I never used an extension cord on my child.

Detective: One time you said you-

Charles Warner: ~~Inaudible~~. *I'm gonna tell you.*

Detective: Okay.

Charles Warner: Uh, this may not make it any better. It was uh, what you call, cable.

Detective: <Inaudible> oh, okay.

Charles Warner: Cable wire.

Detective: Cox cable wires.

Charles Warner: It wasn't <inaudible>.

Detective: Okay.

Charles Warner: Never used on it, on her body <inaudible> <sup>that's not better, it may be</sup> worse.

Detective: No, I mean, we're just here to be honest with helping each other.

Charles Warner: I'm here to be honest with you. These are my kids. [ I think I, I will uh, beat that other case. I don't know for a fact, you know, cause I don't know, but I think, uh, honestly, how can I say, I don't think I did anything wrong. I think I'll beat that. ] And my kids are my livelihood. My kids are my life.

Detective: Uh-huh.

Charles Warner: And the only thing I can think would justify me wrong with my kids is sometimes, uh, I like I said, and I talk to several people about this, just don't like always why I have to spank Vonnita.

Detective: Uh-huh.

Charles Warner: I don't have enough knowledge of taking care of Vonnita, the way I should.

Detective: Yeah.

Charles Warner: And, to me, all of this is foreign. I, I'm not, I, uh, never give up on my daughter.

Detective: Yeah.

Charles Warner: I've always, it's just recently, I spoke it. I, I said out loud sometimes I think, uh, I've been told that my daughter has grown with her moth-, not my son. My son do very well.

Detective: Huh-uh.

Charles Warner: But, by that same, <inaudible>, I don't believe that if I, I believe a child, a female, a daughter needs her mother. Uh, I was raised by mother.

Detective: Uh-huh.

Charles Warner: But, I also think I'll be a cop out.

Detective: If you don't take care of your own kids.

Charles Warner: If I don't take care of my own child, I'm determined, but <sup>if</sup> I refuse that responsibility. And I don't think anymore a way that she... looking back up on me and thinking I didn't love her. Or the fact that her mother has not and she always cries, but never, uh.

Detective: Why would her mother leave?

Charles Warner: He mother and I, awe man, I love <sup>d</sup> her mother. I mean I still do. Her mother left, I can never <sup>really</sup> tell you her personal reason. But I have her mother pure hell. Uh, I have her mother pure hell because uh, are there are things that happened <inaudible>.

Detective: Huh?

Charles Warner: Uh, things that happened to me with her mother, uh, scarred me and I have scarred her. Uh, I, um, she came back to me, she requested to come back to me. But, what I heard, what she did, uh, while she was away, I can, I didn't handle it very well, uh, I was scared of her, as far as, she needed me, I was intimidated by her leaving me.

Detective: So what'd you do to make her-

Charles Warner: Oh, I gave this woman pure hell.

To Whom It May Concern

I, Eric Mullenix, am a retired Homicide Detective with the Oklahoma City Police Department. In August of 1997 I, along with my partner Dave Griffin was assigned to proceed to Mercy Hospital in Oklahoma City to begin an investigation into the death of an infant. Sgt. Griffin and I reported to the hospital and met with hospital staff where we learned that the victim was a female 11 month old child and a cursory examination had indicated the child had possibly been sexually molested.

Based upon the above information, Sgt. Griffin and I continued with our investigation which culminated in the arrest of Charles Warner for the Murder and rape of the victim. During the investigation, I interviewed/interrogated the suspect Warner at the Oklahoma City Police Station which was video-recorded. The interview was subsequently used in the prosecution of Warner.

During my interrogation/interview of Warner, I was aware the victim had suffered extensive injuries as well as evidence of rape. Although I had been a homicide detective for an extended part of my career, at the time of the incident, both Sgt. Griffin and I found the circumstances of what the baby had suffered as incomprehensible.

Further, I was struck by what I would describe as a total lack of emotion on the part of Charles Warner. Never during the interrogation/interview with Warner did I observe him to tear up or for him to have any difficulty in controlling his emotions even when the nature of the child's injuries were made known

In short, only a few times during the investigation of all manner of deaths have I met such an uncaring, unfeeling suspect, nor one with such little possibility of rehabilitation.

Respectfully

Inspector (Retired) Eric Mullenix

**H** | **H i e r s c h e**  
**L a w F i r m**

G. Rudy Hiersche, Jr.  
*rudy@hlfoke.com*  
Justin T. Hiersche, Jr.  
*justin@hlfoke.com*  
Lou Keel  
*lou@hlfoke.com*

Hightower Building, Suite 300  
105 North Hudson  
Oklahoma City, OK 73102  
Telephone: 405-235-3123  
Facsimile: 405-235-3142

February 18, 2014

Members of the Oklahoma Pardon and Parole Board  
c/o The Honorable Scott Pruitt  
Attorney General of Oklahoma  
313 NE 21<sup>st</sup> St.  
Oklahoma City, OK 73105

Re: Charles Frederick Warner  
CF-1997-5249 Oklahoma County

Dear Ladies and Gentlemen:

The Murder and Sexual Assault of little 11 month old Adrianna Waller is one the saddest cases I have handled in 34 years of practicing law. Charles Warner did not get along with this toddler who was staying in his home. She was his girlfriend's daughter. Warner waited until the girlfriend left the house then sexually assaulted this baby girl and beat her to death. He also beat his son, Charvon Warner, who was 6 years old then. Warner sexually abused and beat his own daughter, a five year old special needs child, over a long period of time. This daughter was speaking well before moving in with her father. After that move she was nonverbal.

Warner never displayed any remorse for his actions and remained indifferent throughout both trials. For this horrendous crime against a most helpless little child Justice demands this sentence be carried out.

Sincerely

