

IN THE DISTRICT COURT, IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA

State of Oklahoma

PLAINTIFF,

VS.

DAVID ALLEN TYNER

DEFENDANT.

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

NOV 20 2009

PATRICIA PRESLEY, COURT CLERK

by _____ DEPUTY

Bar Le Sue

CF - 2009 - 6317

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW **DAVID W. PRATER** THE DULY ELECTED, QUALIFIED AND ACTING DISTRICT ATTORNEY IN AND FOR OKLAHOMA COUNTY, DISTRICT NO. 7, STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE DISTRICT COURT THAT

COUNT 1 : ON OR ABOUT THE 9TH DAY OF NOVEMBER, 2009, A.D., THE CRIME OF MURDER IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DAVID ALLEN TYNER, WHO WILLFULLY, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT, KILLED CASEY MARK BARRIENTOS BY SHOOTING HIM WITH A HANDGUN, STABBING HIM WITH A KNIFE, AND BURNING HIM WITH FIRE, INFLECTING MORTAL WOUNDS, WHICH CAUSED HIS DEATH ON THE 9TH DAY OF NOVEMBER, 2009, CONTRARY TO THE PROVISIONS OF SECTION 701.7 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA;

COUNT 2 : ON OR ABOUT THE 9TH DAY OF NOVEMBER, 2009, A.D., THE CRIME OF MURDER IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DAVID ALLEN TYNER, WHO WILLFULLY, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT, KILLED BROOKE ALISHA PHILLIPS BY SHOOTING HER WITH A HANDGUN, STABBING HER WITH A KNIFE, AND BURNING HER WITH FIRE, INFLECTING MORTAL WOUNDS, WHICH CAUSED HER DEATH ON THE 9TH DAY OF NOVEMBER, 2009, CONTRARY TO THE PROVISIONS OF SECTION 701.7 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA;

COUNT 3 : ON OR ABOUT THE 9TH DAY OF NOVEMBER, 2009, A.D., THE CRIME OF MURDER IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DAVID ALLEN TYNER, WHO WILLFULLY, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT, KILLED THE UNBORN CHILD OF BROOKE ALISHA PHILLIPS BY SHOOTING BROOKE WITH A HANDGUN, STABBING HER WITH A KNIFE, AND BURNING HER WITH FIRE, INFLECTING MORTAL WOUNDS, WHICH CAUSED THE DEATH OF HER UNBORN CHILD ON THE 9TH DAY OF NOVEMBER, 2009, CONTRARY TO THE PROVISIONS OF SECTION 701.7 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA;

COUNT 4 : ON OR ABOUT THE 9TH DAY OF NOVEMBER, 2009, A.D., THE CRIME OF MURDER IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DAVID ALLEN TYNER, WHO WILLFULLY, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT, KILLED JENNIFER LYNN ERMEY BY SHOOTING HER WITH A HANDGUN, STABBING HER WITH A KNIFE, AND BURNING HER WITH FIRE, INFLECTING MORTAL WOUNDS, WHICH CAUSED HER DEATH ON THE 9TH DAY OF NOVEMBER, 2009, CONTRARY TO THE PROVISIONS OF SECTION 701.7 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA;

COUNT 5 : ON OR ABOUT THE 9TH DAY OF NOVEMBER, 2009, A.D., THE CRIME OF MURDER IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DAVID ALLEN TYNER, WHO WILLFULLY, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT, KILLED MILAGROS C. BARRERA BY SHOOTING HER WITH A HANDGUN, STABBING HER WITH A KNIFE, AND BURNING HER WITH FIRE, INFLECTING

MORTAL WOUNDS, WHICH CAUSED HER DEATH ON THE 9TH DAY OF NOVEMBER, 2009, CONTRARY TO THE PROVISIONS OF SECTION 701.7 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA;

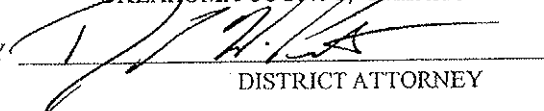
COUNT

6 : ON OR ABOUT THE 9TH DAY OF NOVEMBER, 2009, A.D., THE CRIME OF MURDER IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DAVID ALLEN TYNER, WHO WILLFULLY, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT, KILLED THE UNBORN CHILD OF MILAGROS C. BARRERA BY SHOOTING MILAGROS WITH A HANDGUN, STABBING HER WITH A KNIFE, AND BURNING HER WITH FIRE, INFLECTING MORTAL WOUNDS, WHICH CAUSED THE DEATH OF HER UNBORN CHILD ON THE 9TH DAY OF NOVEMBER, 2009, CONTRARY TO THE PROVISIONS OF SECTION 701.7 OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA.

DAVID W. PRATER

DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY


DISTRICT ATTORNEY

INFORMATION

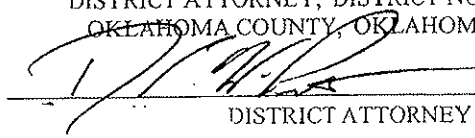
Case#:

CF09106312

I HAVE EXAMINED THE FACTS IN THIS CASE AND RECOMMEND THAT A WARRANT DO ISSUE, (22 O.S.: 231).

DAVID W. PRATER
DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY



DISTRICT ATTORNEY

NAME OF WITNESSES

MEDICAL EXAMINER
901 N STONEWALL AVE
OKLAHOMA CITY, OK 73117

JOSE FERNANDO FIERRO
3344 SW 19
OKLAHOMA CITY, OK 73108

DAVID JACOBSON
OKLAHOMA CITY POLICE DEPT
701 N. COLCORD DRIVE
OKLAHOMA CITY OK, 73102

RYAN PORTER
OKLAHOMA CITY POLICE DEPT
701 N. COLCORD DRIVE
OKLAHOMA CITY OK, 73102

M1-2009-254

IN THE DISTRICT COURT
OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

NOV 16 2009

PATRICIA PRESLEY, COURT CLERK
by Deputy

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

Tyner, David Allen

I/M DOB: 1981 509/260 BLK/BRO
Locust Grove, Oklahoma 74352

FOR THE CHARGE OF: MURDER IN THE FIRST DEGREE 21-107.7, (6)
Counts.

I, INV. RYAN PORTER, the Affiant, being first duly sworn, upon oath, depose and say:

That the facts known to the Affiant which establish probable cause to believe that a criminal offense was committed, and that the offense was committed by the above named person, are the following:

11/09/2009, at approximately 0520 hours, Oklahoma City 911 received an emergency call in reference to a house fire at 1511 SW. 56th in Oklahoma City, Oklahoma County. Upon OCFD arrival, Fire personnel were able to locate a deceased person and remove the body from inside. Upon extinguishing the structure fire, three (3) more deceased bodies were located inside the residence.

The deceased bodies were transported to the Oklahoma Medical Examiner's Office where an autopsy was conducted. The autopsy revealed all 4 victims had sustained gunshot wounds to their body resulting in death. The autopsy further revealed two (2) of the victims were pregnant at the time of their death making the total dead to be six (6).

The OCFD Arson Investigators determined the fire to be the result of Arson and appeared to have been intentionally started. I was able to locate an eye witness who was inside the residence when the shooting occurred. The witness advised a person they know as Hooligan was arguing with one of the victims when the shooting occurred. The witness ran from the scene when Hooligan yelled out to the witness advising the witness Hooligan had no problems with the witness.

