

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

State of Oklahoma

PLAINTIFF,

VS.

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

DAVID ALLEN TYNER

DEFENDANT.

NOV 20 2009

PATRICIA PRESLEY, COURT CLERK

by _____ DEPUTY

Barry Reese

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;

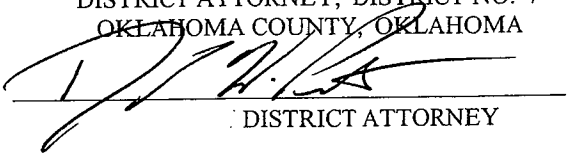
COUNT

- 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

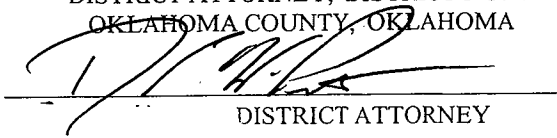


DISTRICT ATTORNEY

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: 10-16-1981 509/260 BLK/BRO SSN# 440804317
PO Box 452, 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.

Hooligan was later determined and identified by the witness as David Allen Tyner,
I/M DOB: 10-16-1981.

Based on these facts, your affiant believes that the above listed defendant is in
violation of Oklahoma State Statute 21-701.7B Felony Murder, Six (6) Counts.

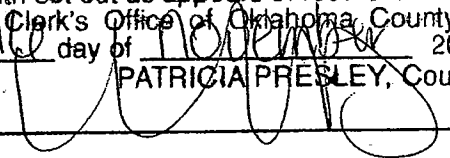
Det. Ryan Porter
AFFIANT

Subscribed and sworn to before me this 16th day of NOVEMBER 2009.



JUDGE OF THE DISTRICT COURT

I, PATRICIA PRESLEY Court Clerk for Oklahoma
County, Okla hereby certify that the foregoing is a
true, correct and complete copy of the instrument
herewith set out as appears of record in the District
Court Clerk's Office of Oklahoma County, Okla.
this 16 day of NOVEMBER 2009

By  PATRICIA PRESLEY, Court Clerk
Deputy

MI-2009-254

IN THE DISTRICT COURT OF COUNTY
STATE OF OKLAHOMA

ARREST WARRANT

DEFENDANT:

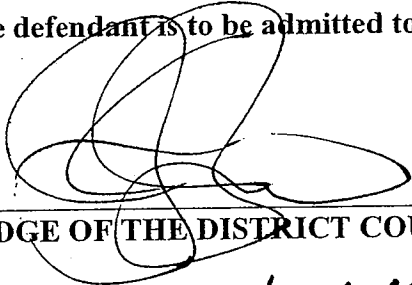
Tyner, David Allen

I/M 509/260 Blk/Bro SSN# 440804317
PO Box 452, Locust Grove, Oklahoma 74352

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

You are hereby commanded to take the person of the defendant into custody for the commission of the crime of Felony Murder 21-701.7B, 6 Counts, and bring him without unnecessary delay before a Judge of the District Court to be dealt with according to law.

The defendant is to be admitted to bail in the sum of DENIED.



JUDGE OF THE DISTRICT COURT

DATE ISSUED: Nov. 16, 2009 @ 10:55 A.M.

I HEREBY CERTIFY THAT I EXECUTED THE ABOVE WARRANT BY
TAKING

_____, into custody and placing said Person in the

_____ jail for safekeeping until further order of the court.

DATE _____ ARRESTING

OFFICER _____

**IN THE DISTRICT COURT OF OKLAHOMA (OKLAHOMA CITY) COUNTY
STATE OF OKLAHOMA
CRIMINAL COVER SHEET**

CASE INFORMATION

ASSIGNED JUDGE: _____

State of Oklahoma

VS.

CF _____

CM _____

PREVIOUS CASE NUMBER: _____

PREVIOUS JUDGE: _____

TYNER, DAVID ALLEN

DEFENDANT INFORMATION

LAST NAME: **TYNER** FIRST NAME: **DAVID** MIDDLE NAME: **ALLEN**
 ADDRESS: **P. O. BOX 452** STATE: **Oklahoma** ZIP: **74352**
 CITY: **LOCUST GROVE** TELEPHONE: _____ DATE OF BIRTH: **10/16/81**
 ADDRESS TYPE: H W O DRIVERS LICENSE NUMBER: _____ DRIVERS LICENSE STATE: _____
 RACE: **American/Alaskan native** GENDER: **Male** LANGUAGE/DIALECT: _____
 ADDITIONAL DEFENDANTS: **No** TOTAL NUMBER OF DEFENDANTS: **1**

ATTORNEY INFORMATION

(IF LICENSED IN OKLAHOMA, FILL IN ADDRESS INFORMATION ONLY IF IT IS NEW SINCE THEY WERE REGISTERED WITH THE OKLAHOMA BAR ASSOCIATION.) (ATTACH ADDITIONAL COVER SHEETS FOR ADDITIONAL ATTORNEYS.)

LAST NAME: **PRATER** FIRST NAME: **DAVID** MIDDLE NAME: **W.**

BAR NUMBER: _____ TELEPHONE: **(405) 713-1600** E-MAIL: _____

OFFENSES

<u>COUNT(S)</u>	<u>OFFENSES CHARGED</u>	<u>O.S. CITATIONS</u>	<u>NCIC CODE</u>
1	MURDER IN THE FIRST DEGREE	210701007A	
2	MURDER IN THE FIRST DEGREE	210701007A	
3	MURDER IN THE FIRST DEGREE	210701007A	
4	MURDER IN THE FIRST DEGREE	210701007A	
5	MURDER IN THE FIRST DEGREE	210701007A	
6	MURDER IN THE FIRST DEGREE	210701007A	

DATE: 11-20-2009 SIGNATURE OF _____

DISTRICT ATTORNEY _____

Printed: NOV-20-2009 09:15:00