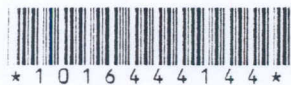


Amended to add charge CPC-11-9273

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.



NOV 02 2011

Probable Cause Affidavit

PATRICIA PRESLEY, COURT CLERK
by [Signature]
DEPUTY

Arrested Person

County: Oklahoma

Last Name: Phanthtaranth First: Victoria MI: _____

DOB: 06/22/1989 SS#: [REDACTED] Arrest Date: 10/30/2011

Case #: 11-086682 Related Case #: _____

Offense (Warrantless arrest for State Felony or misdemeanor charge) O.S.S.21-843.5.A Physical Child Abuse; O.S.S. 21-843.5.B Permitting Physical Child Abuse O.S.S. 21-701.7.C- Murder in the First Degree of a Child

Synopsis of arrest to include all elements of the charged crime: On 10/30/11 I (Det. Foreman #0817) responded to Children's Hospital on a call of a 3-year-old child that was unresponsive and had bruises all over her body. Upon arrival at Children's Hospital I spoke with Dr. J. Stuemky. Dr. Stuemky told me 3-ya VI-A.H. had a "massive" skull fracture with a small sub-Dural hematoma. VI-A.H. also has severe brain swelling and is not expected to survive her injuries. VI-A.H. also has numerous bruises all over her body.

On 10/30/11 Victoria Phanthtaranth (mother of victim) and Freddy Mendez (step-father of victim) were interviewed at OCPD Headquarters. Both were read their Miranda Rights from a Waiver form. Both agreed voluntarily to speak to us without an attorney present.

Victoria Phanthtaranth admitted she shoved VI-A.H. out of frustration causing the victim to strike her head on a wooden baby bed. She said when this occurred the victim's eyes rolled back in her head and she began choking. Victoria said Freddy had been yelling and screaming at VI-A.H. for not eating. She said Freddy told her to go get a shoe so he could spank VI-A.H. with it. Victoria said she went and got a brown braided leather shoe and Freddy began hitting the victim all over her body with the shoe.

Victoria said Freddy is always hitting the victim. She described seeing Freddy pick the victim up by the neck and "shake her like a rag doll" on several different occasions in the past.

Victoria said today Freddy became even angrier and told her to take care of the victim because he did not want to deal with her. Victoria said she took VI-A.H. into a bed room and was yelling at her telling her to eat. She said she became angry and frustrated so she shoved VI-A.H. and she hit her head.

Freddy Mendez admitted he hit VI-A.H. with a brown leather shoe on this date. He also admitted to me and demonstrated a time a few days ago where he picked the victim up around the neck and slammed her down onto a couch.

Both defendants account for causing bruising and injury to this victim.

On 10/31/11 VI-A.H. succumbed to her injuries, medical personnel at Children's Hospital declared VI-A.H. as deceased.

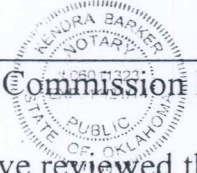
I swear the above information is true and correct to the best of my knowledge and belief.

Officer: Jay Johnson Commission #: 0817

State of Oklahoma)
) SS.
County of _____)

Subscribed and sworn to me this 31 day of Oct, 20 11.

My Commission Expires: _____
Kendra Barker
Notary Public



I have reviewed the above information and believe the necessary elements exist for an arrest based on probable cause.

Supervisor: Lt. [Signature] Commission #: 1187

This court having conducted a probable cause determination for the above named person's arrest without a warrant finds:

Probable cause for the person's arrest existed at the time of the arrest. Arraignment before a Magistrate is ordered

Probable cause for the person's arrest did NOT exist at the time of the arrest. The person is ordered released from custody immediately.

Done this 1 day of Nov, 2011, at _____ m.

[Signature]
Judge of the District Court

Amended to add charge

CPC-11-9277

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.



NOV 02 2011

Probable Cause Affidavit

PATRICIA PRESLEY COURT CLERK
by [Signature]
DEPUTY

Arrested Person

County: Oklahoma

Last Name: Mendez First: Freddy MI: _____

DOB: 08/22/1987 SS#: [REDACTED] Arrest Date: 10/30/2011

Case #: 11-086682 Related Case #: _____

Offense (Warrantless arrest for State Felony or misdemeanor charge) O.S.S.21-843.5.A Physical Child Abuse; O.S.S. 21-843.5.B Permitting Physical Child Abuse; O.S.S. 21-701.7.C-Murder in the First Degree of a Child

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OKLAHOMA CITY POLICE DEPARTMENT

CRIME REPORT

Reported Date: 10/30/11 Time: 09:20 Case: 11-086682 (000) Page: 1
Code: 21-843 SS Crime: INJURE CHILD Class: 200401
Occurrence Date: 10/30/11- Day: SUNDAY - Time: 09:20-
Status: Closing Officer:
Location: 12831 STRATFORD DR., OK RD: 662

INVOLVED PERSONS

VICTIM: HAWKINS ALEXIS DOB: 08/20/2008 Race: W Sex: F
12831 STRATFORD DR., OK
Apt: 82 State: OK Zip: 73120 Phone: 405 549-7375 Adu/Juv: J
POB: Hair: BRO Eye: Hgt: Wgt: Bld:
Business Name: Phone:

JUVENILE INFORMATION

Parent's Name: PHANHTARATH VICTORIA
Business Phone: Address: 12831 STRATFORD DR
School:
Counselor:

SUSPECTS/ARRESTS

ARRESTED-1: PHANHTHARATH VICTORIA S DOB: 06/22/1989 Race: O Sex: F
12831 STRATFORD DR., OK
Apt: 82 State: OK Zip: 73120 Phone: 405 549-7375 Adu/Juv: A
POB: OKC, OK Hair: BLK Eye: BRO Hgt: 504 Wgt: 100 Bld: SML
Business Name: Phone:

Driver License: H999692119 Social Security: [REDACTED]
CII: FBI: Booking Number:

CRIME ANALYSIS ELEMENTS

Race: A Age: 22 Hgt: 506 Wgt: 125

ARRESTED-2: MENDEZ FREDDY DOB: 08/22/1987 Race: M Sex: M
12831 STRATFORD DR., OK
Apt: 82 State: OK Zip: 73120 Phone: 405 549-7375 Adu/Juv: A
POB: OKC, OK Hair: BLK Eye: BRO Hgt: 508 Wgt: 150 Bld: MED
Business Name: MENDEZ FAM CONST Phone: 405 414-3555

OKLAHOMA CIT, OK
Driver License: K082570695 Social Security: [REDACTED]
CII: FBI: Booking Number:

CRIME ANALYSIS ELEMENTS

Age: 24 Hgt: 509 Hair: BRO Build: MED

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S t a n d a r d C o n t i n u a t i o n P a g e
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Reported Date: 10/30/11 Time: 09:20 Case: 11-086682 (000) Page: 3
Code: 21-843 SS Crime: INJURE CHILD Class: 200401

AT THAT TIME, I CALLED FOR ANOTHER UNIT, AND SGT. SKALLA, #1035, RESPONDED. I WENT UPSTAIRS TO APT.# 82, I OPENED THE UNLOCKED DOOR, WENT INSIDE. AS I WALKED IN AR2 WAS WALKING OUT OF THE ROOM THAT WAS STRAIGHT IN FRONT OF ME WITH A HISPANIC MALE CHILD IN HIS ARMS.

I ASKED AR, WHO HE WAS, AND HE REPLIED THAT HE WAS AR1'S BOYFRIEND AND THE FATHER OF THEIR SON THAT HE WAS HOLDING.

[REDACTED]

ONCE I KNEW THAT THE SEVEN MONTH OLD WAS O.K. AND HAD AN ADULT WITH HIM. I WENT BACK DOWN STAIRS TO WHERE THE VI WAS. SHORTLY AFTER, EMSA #258, PARAMEDIC J. JOHNSON AND E.N.T. AARON MILLER, ARRIVED AND BEGAN WORKING ON THE VI. WHILE WORKING ON THE VI ONE OF THE EMSA WORKERS CUT THE BLUE JEANS OFF THE VI, SO THEY COULD START AN INTRAVENOUS DEVICE. SHORTLY AFTER THAT THE PARENTS OF AR2 ARRIVED AND THAT'S WHEN AR2 CAME DOWN STAIRS FOR THE FIRST TIME TO CHECK ON THE VI.

I ASKED AR1 IF VI WAS TAKING ANY KIND OF MEDICATION, SHE SAID YES SHE WAS GIVING HER CHILDREN'S LIQUID TYLENOL, BECAUSE THE VI WAS COMPLAINING OF HEADACHES. AR1 EXPLAINED THAT THE VI HAD FALLEN DOWN THE APARTMENT STAIRS, ON WEDNESDAY THE 26TH. I ASKED THE AR IF SHE HAD TAKEN THE VI TO THE DOCTOR AFTER HER FALL, SHE REPLIED, "NO". VI SAID SHE WAS OK, JUMPED UP AND ACTED NORMAL.

AT THAT TIME THE VI WAS STABLE AS THEY COULD GET HER AT THE SCENE. THEY PUT HER IN THE AMBULANCE AND TRANSPORTED HER TO CHILDREN'S HOSPITAL. I FOLLOWED EMSA, AND AR1 RODE IN THE FRONT OF THE AMBULANCE TO THE HOSPITAL. AR2 SAID HE WOULD BE DRIVEN TO THE HOSPITAL BY HIS PARENTS WHO WERE ON SCENE.

WHEN WE ARRIVED AT CHILDREN'S HOSPITAL THE VI WAS TAKEN TO THE EMERGENCY DEPARTMENT AND WAS SEEN BY DR. STEMKEY. AFTER A BRIEF EXAMINATION, THE DOCTOR CALLED ME INTO THE HALL AND INFORMED ME THAT THIS WOULD BE A CHILD ABUSE CASE.

I THEN CONTACTED LT. BUCKLEY, #0125, WHO NOTIFIED THE ON CALL DETECTIVES FOR THE CHILD ABUSE UNIT. WHILE WAITING FOR THE DETECTIVES TO ARRIVE, I STAYED IN THE ROOM WITH AR1, WHILE THE VI WAS ATTENDED TO MEDICALLY.

[REDACTED]

AR2 ARRIVED AT THE HOSPITAL, AT THAT TIME I GOT ID FROM BOTH AR1 AND AR2.

[REDACTED]

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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
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S t a n d a r d C o n t i n u a t i o n P a g e
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Reported Date: 10/30/11 Time: 09:20 Case: 11-086682 (000) Page: 4
Code: 21-843 SS Crime: INJURE CHILD Class: 200401

AR1 THEN BEGAN CPR ON VI, AS EMSA WAS DIRECTING. AR2 SAID, AT SOME POINT, HE HAD PICKED UP THE VI AND TAKEN HER TO THE SINK TO SPLASH WATER ON HER FACE TO WAKE HER UP, WHEN THE CPR DID NOT WORK. BOTH AR'S TOLD ME THAT WHILE AR1 WAS DOING THE CPR ON VI, THAT THEY COULD BOTH SEE THE VI'S HEART BEATING. AR2 SAID HE SAW THE FIRE TRUCK ARRIVE AND TOLD AR1 TO PICKUP THE VI AND CARRY HER DOWN THE STAIRS.

DETECTIVE FOREMAN, DET. JAMES ALLEN, FROM CHILD ABUSE ARRIVED. I THEN WAS ASKED TO TAKE AR2 BACK TO A ROOM AND SIT WITH HIM, WHILE HE LOCATED AR1 THAT WAS TALKING TO A SOCIAL WORKER. BY THE TIME THE DETECTIVES ARRIVED, THE VI HAD ALREADY BEEN TAKEN TO HAVE A CAT SCAN DONE.

THE DOCTOR HAD ALREADY INFORMED ME THAT IT APPEARED THAT THE VI WAS BRAIN DEAD, THAT VI'S PUPIL FIXED DILATED.

AT SOME POINT A SOCIAL WORKER, THAT HAD ALREADY SPOKEN TO AR1, AND WAS THERE TO SPEAK WITH AR2 REGARDING THE INCIDENT. AR2 EXPLAINED TO THE SOCIAL WORKER, THAT HE HAD BEEN WITH AR1 AND THE VI FOR APPROXIMATELY A YEAR AND A HALF. HE ALSO STATED THAT THE VI'S BIOLOGICAL FATHER WAD NOT BEEN IN VI'S LIFE AND HAD PREVIOUSLY BEATEN UP ON THE VI AND AR1 CAUSING THE SEPARATION. AR2 TOLD OF THE INCIDENT WHERE THE VI FELL DOWN THE STAIRS, AND SAID HE BELIEVED THAT VI WAS NOT HURT BY THE FALL, BECAUSE SHORTLY AFTER THE FALL, THE FAMILY WALKED TO PARTY GALAXY ON MEMORIAL RD. TO GET HALLOWEEN COSTUMES.

ABOUT THAT TIME, DETECTIVE FOREMEN CAME INTO THE ROOM, I STEPPED OUT WITH HIM ALONG WITH THE SOCIAL WORKER. DETECTIVE ALLAN MET US AROUND THE CORNER FROM THE ROOM. IT WAS DISCUSSED AMONG THE DETECTIVE THAT WITH THE VI'S INJURIES, AND THE CAT SCAN SHOWING A SKULL FRACTURE, THAT AR1 AND AR2 WOULD NEED TO BE TRANSPORTED TO HEADQUARTERS WHERE THEY COULD BE INTERVIEWED FURTHER.

I STAYED WITH THE VI, WAITING FOR CSI TO ARRIVE AND TAKE PHOTO'S . SGT. FERGUSON, #1204, SGT. CLICK, #1382, ARRIVED AND PROCESSED THE VI. THE VI WAS THEN MOVED UP TO ICU AND I WAS RELEASED.

I THEN CONTACTED SGT. SKALLA, WHO WAS STILL AT THE SCENE ON STRATFORD DR. AND WAS SECURING THE APARTMENT UNTIL A SEARCH WARRANT COULD BE TYPE UP FOR THE PREMISES. I RELIEVED SGT. SKALLA AND WAITED UNTIL I WAS RELIEVED BY SGT. NGYUGEN.

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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
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S t a n d a r d C o n t i n u a t i o n P a g e
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Code: 21-843 SS Crime: INJURE CHILD Class: 200401

IT SHOULD BE NOTED THAT I SPOKE WITH SGT. FOREMAN ABOUT THE INCIDENT.
[REDACTED]

END OF REPORT.

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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
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