

**DISTRICT COURT, COUNTY OF ARAPAHOE, COLORADO**



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**AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

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I, Detective Stephen W. Conner, of lawful age and being first duly sworn upon his oath, depose and state that I have probable cause for believing that:

**Alex Christopher EWING (aka Christopher Ewing)**, D.O.B. 08/14/1960, a white male, 5'7", 140 pounds, brown hair, hazel eyes, FBI #42738V11, Nevada Department of Corrections Identification Number 20866, currently residing in the North Nevada Correctional Center, 1721 Snyder Avenue, Carson City, Nevada, 89701, whose image appears below this description:



**did commit the crimes as charged in Arapahoe County District Court, Case #2002CR1623, under the alias of "John Doe".**

**on/between:** January 15<sup>th</sup>, 1984 at 9:00 p.m. and January 16<sup>th</sup>, 1984 at 10:00 a.m.

**WITHIN THE** County of Arapahoe, State of Colorado, and as grounds therefor states as follows:

Your affiant is a Commissioned Police Officer with the Aurora Police Department (APD). The following information was obtained by me personally and from the official records of the aforementioned department, as well as records from the Lakewood Police Department under Case #84 - 003242. Your affiant has worked for the Aurora Police Department for thirty – seven (37) years and is currently assigned to the Major Crime / Homicide Unit, whose function is to investigate all homicides with the City of Aurora. The information contained in this affidavit was personally obtained by your affiant by talking with witnesses and officers of the Aurora

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Police Department and reviewing official police reports of APD case number 1984 – 121098, 1984 – 28361, and 1984 – 109917 as well as Lakewood Police Department case #84 - 003242.

On January 16<sup>th</sup>, 1984 at approximately 10:28 a.m., commissioned Aurora Police Officer Vicki Exline (retired) was dispatched on a report of a possible homicide 16387 E Center Drive, City of Aurora, County of Arapahoe, State of Colorado. Officer Exline arrived at the address where she contacted Constance Large (Bennett) D.O.B. 10/19/1933. Large advised Officer Exline that on January 16<sup>th</sup>, 1984 at approximately 10:00 a.m., she arrived at 16387 E Center Drive, the residence of her son, daughter in – law, and grandchildren. Her son, Bruce Bennett and daughter-in-law, Debra Bennett worked at the same place where Large was employed. Large drove to the residence because Bruce and Debra her son and daughter-in-law had not shown for work and failed to answer the phone when Large called them.

Upon arriving at the address, Large observed that the garage door of the residence was open. She entered the where she observed the kitchen door leading into the residence was open approximately three to four inches. Large entered the kitchen and observed her son Bruce Bennett, lying on the carpeted floor at the foot of the staircase leading up to the second floor of the residence. She also observed that he was covered in blood and appeared to be deceased.

Large then called out for the other family members. Receiving no response, she called “911”. Large advised that she had seen her family the previous evening (January 15<sup>th</sup>, 1984) at approximately 9:00 p.m., when she and her sons Richard Bennett and Daniel Bennett stopped over to celebrate Large’s [REDACTED] ([REDACTED]) birthday. When Large and her two sons left Bruce and Debra Bennett’s residence on January 15<sup>th</sup>, 1984 the garage door was open in the same manner she had discovered it on January 16<sup>th</sup>, 1984.

Officer Exline entered the residence and located a male, later identified as Bruce Bennett, D.O.B. 11/22/1956, on the floor at the foot of the staircase, deceased. Office Exline checked the rest of the residence and found an adult female, later identified as Debra Bennett D.O.B. 04/07/1957, lying on the floor in the master bedroom. Debra Bennett also appeared deceased. Officer Exline located a female child, later identified as [REDACTED], D.O.B. [REDACTED] lying on the floor of the children’s bedroom. She also appeared deceased. Officer Exline then located a second female child, subsequently identified as [REDACTED], D.O.B. [REDACTED] lying on a bed in the bedroom and beaten about the face and head. [REDACTED] was found to be seriously wounded but still alive and was rushed to Children’s Hospital for treatment.

At approximately 10:46 a.m., Detective Wilson Egan (retired) responded to the location and assumed lead investigator responsibilities. Detective Egan made the following observations:

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- Bruce Bennett was found dressed only in his underwear, stained completely red by what appeared to be blood and his body was also covered in blood. He was lying on his back with numerous observable wounds to his head and body. In addition, his throat had been cut. There were also clumps of hair on the floor around Bruce Bennett's body. There were bloody handprints on the wall, staircase and floor, along with apparent blood spatter. Additional blood was located on the walls, banister of the staircase, upstairs bedrooms and bathroom.
- Debra Bennett was found lying face down at the foot of the bed in the master bedroom. She was naked from the waist up and clad only in a pair of white underwear. She was partially wrapped in the bedding. Her head was caked in blood and she lay in a pool of blood.
- There was a pair of blue jeans and a wallet next to the bed. The contents of the wallet appeared to have been dumped onto the floor. The dresser located along the south wall appeared to have the drawers pulled and the contents disturbed. A human tooth was located on the floor next to the dresser. The nightstand next to the bed on north side had all of its drawers pulled open.
- In the northeast bedroom [REDACTED] was found lying on floor at the foot of two twin beds. She was lying on her back naked from the waist down. Her pajamas appeared to have been cut at the waist to expose her body. The bottom portion of [REDACTED]'s pajamas had been tucked under her buttocks and her legs were spread apart where a bloody discharge could be seen secreting from her vaginal area. [REDACTED]'s arms and hands lay above her head with several observable cuts on the right palm.
- A twin bed located on the west wall in the same room was soaked in blood as was a teddy bear located between the bed and wall (the location where [REDACTED] had been found prior to transport to Aurora Presbyterian Hospital and subsequent Flight for Life transport to Children's Hospital). Blood spatter was observed on the walls. Bedding found on the floor between the two twin beds was soaked in blood with what appeared to be a bloody partial footprint.
- There was a woman's purse which appeared to have the contents emptied on the ground near the garage door on the eastside. It appeared consistent with the possibility of cash being taken from the purse and wallet. There was also a large butcher knife lying in the snow directly east of the driveway leading into the garage, which appeared to have been

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taken from a box of carving knives found within an opened kitchen drawer of the residence. There were no signs of apparent forced entry into the residence.

- It was apparent that the attack occurred during the evening hours as all the victims had been dressed for bed. There were numerous bloody partial footprints throughout the residence in the design of a Clutter hiking boot. No apparent weapon located that was responsible for the bludgeoning injuries observed on the decedents. After ██████████ ██████████'s body was moved, a small box cutting razor blade knife was found underneath her.

The Arapahoe County Coroner's Office (ACCO) responded and removed all three decedents from the residence for subsequent autopsies.

On January 17<sup>th</sup>, 1984 Detective Egan responded to the ACCO in order to attend the autopsies of Bruce, Debra and ██████████. The autopsies were performed by then Coroner, Doctor John Wood (deceased). Aurora Police Department (APD) Agent Mary Schumacher (retired), Crime Scene Investigator (CSI) for APD, was in attendance. She secured photographs and collected evidence during the autopsies, including swabs from ██████████'s vaginal lining and a collection of vaginal fluid. Detective Egan observed and learned the following:

██████████ suffered nine (9) separate blows to the front of her head which were consistent with having been caused by a claw hammer. This was evidenced in part by distinct claw marks in ██████████'s skull. ██████████'s skull was depressed and bone fragments were visible. There was a large cut to ██████████'s right hand. There were multiple lacerations to ██████████'s vaginal canal, consistent with sexual assault. A sexual assault examination kit was performed on ██████████ with physical evidence being collected. Dr. Wood noted in his autopsy report that the "examination of the vagina shows it to be gaping". There was dried blood around the vagina as well as a large laceration. The cause of ██████████'s death was a compound fracture of the skull with resultant laceration and contusion to the brain. The manner of death was ruled a homicide.

Debra Bennett suffered five (5) separate wounds to her right shoulder, a large wound over her left eye, a wound near her right ear, a wound near the mouth and two (2) wounds directly on the face. She sustained eight (8) separate blows to the top and back of her skull. Debra had suffered a broken jaw and was missing two (2) teeth from her lower left jaw. There were two (2) lacerations to her left shoulder with bruising. There was bruising on her left arm in the crook of the elbow. All wounds were consistent with having been caused by a claw hammer. There was no indication of sexual assault. The cause of Debra's death was due to multiple skull fractures with lacerations and contusions to the brain. The manner of death was ruled a homicide.

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Bruce Bennett suffered a large wound above the bridge and right side of the nose. There was a large wound into the right ear which nearly cut the ear in half. There were several large wounds along the left jaw line stretching nearly into the left ear. Bruce had suffered an incision to the throat that would not have been life threatening. There were cuts to the left fingers which nearly severed the left ring finger. There was bruising on the top of the left hand. Bruce had suffered sixteen (16) separate blows to the top of his head, resulting in a depression to left side of the skull. These wounds were consistent with having been caused by a claw hammer. The cause of Bruce's death was due to multiple skull fractures as well as a resultant laceration and contusion of the brain. The manner of death was ruled a homicide.

After the autopsies were completed, Detective Egan responded to Children's Hospital where he contacted ██████████'s treating physician, Doctor Jeff Hansen. Doctor Hansen advised Detective Egan of the following:

- Upon arriving at Children's Hospital, ██████████ required three (3) units of blood and three (3) units of fluids. Her injuries were localized on the right side of her face and there was a possibility of left side paralysis. All of ██████████'s injuries were indicative of having been caused by bludgeoning with an unknown type object. ██████████ presented with trauma to her vaginal canal.

APD Crime Laboratory Supervisor (CLS) Roger MacDonald (deceased) responded to 16387 E Center Drive, where he supervised the CSI who were processing and collecting evidence and to assist in the collection. CLS MacDonald would collect the following items of evidence, placing them into police property:

A white bed comforter found lying between the twin beds in the bedroom where ██████████ and ██████████ had been located, which contained a bloody partial footprint. A striped fitted bottom sheet from the master bed within the master bedroom, which contained a bloody imprint of a claw hammer.

Colorado Bureau of Investigations (CBI) Agent Jeanne Kilmer responded to the scene and collected a piece of carpet into evidence from beneath the buttocks of ██████████.

On February 16, 1984, CBI Serologist Jeanne Kilmer (retired) authored a report about the testing of the vaginal lining swab and the vaginal fluid sample. Agent Kilmer's report indicates that microscopic examination of both items indicated the presence of spermatozoa.

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Agent Kilmer performed additional testing on these items and authored a report on May 31<sup>st</sup>, 1984. In the May 31<sup>st</sup>, 1984 report, Serologist Kilmer noted that the swab from the [REDACTED]'s vaginal lining indicated an ABO blood type of A, H Antigen with a PGM 2. Testing on the sample of [REDACTED]'s vaginal fluid reflected an ABO blood type of A and H antigens detected, but PGM was inconclusive.

On January 24<sup>th</sup>, 1989 CBI Serologist Ted DeValis (retired) conducted an examination of the comforter which had been found between the twin beds of [REDACTED] and [REDACTED]. Serologist DeValis noted the presence of semen in several different locations, which tested ABO Blood type A, H Antigen.

During this time, APD Detective Marvin Brandt assumed the lead investigator responsibilities. He requested DNA analysis of the evidence, however CBI was not DNA equipped at the time. Serologist DeValis advised Detective Brandt to submit the evidence to a polymerase chain reaction (PCR) specialist in California for DNA analysis.

On April 20<sup>th</sup>, 1990 Doctor Ed Blake of Forensic Science Associates in Richmond, California authored a letter regarding three (3) swatches of cloth from the comforter, containing semen, which Detective Brandt had submitted for PCR analysis, subsequently being returned to APD property. Doctor Blake advised the following:

- The three (3) swatches from the comforter found between the beds of [REDACTED] and [REDACTED] produced partial PCR DNA profiles. The test results produced only the marker DQ Alpha 4,4.

In 1998 it was determined that significant advances in forensic DNA analysis warranted the resubmission of evidence in this case through CBI. On September 19<sup>th</sup>, 1999 CBI Agent Yvonne Woods authored a report regarding work she had conducted on items of evidence submitted by APD Detective Casey Williams (retired). Additional semen samples, which were suitable for DNA analysis, were found on the comforter and the piece of carpeting that had been removed from under [REDACTED]'s body.

On March 1<sup>st</sup>, 2001 CBI Laboratory Agent in Charge (LAC) Kevin Humphreys advised that DNA extraction had been successful from both the comforter and the piece of carpet from underneath [REDACTED]'s body, specifically the area of her buttocks. LAC Humphreys advised that both DNA samples were from semen and that both samples were matches to one another. This indicated that the samples came from the same source / person.

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On June 21<sup>st</sup>, 2001 LAC Humphreys authored a report indicating his specific findings in full, further advising that a search of the crime scene DNA profile against the Colorado DNA bank of suspects came back with negative results. LAC Humphreys had made a formal request for the crime scene DNA profile be searched against the national database.

On July 17<sup>th</sup>, 2001 Detective Williams obtained the crime scene DNA profile from LAC Humphreys. Detective Williams used this information to author, submit and receive a "John Doe" – DNA warrant for arrest which was entered into the national and Colorado crime information databases (NCIC / CCIC) on June 14<sup>th</sup>, 2002.

In 2010 the crime scene DNA profile from the Bennett homicides matched within the Combined DNA Index System (CODIS) to a crime scene DNA profile that had been developed from the homicide of 50 year – old Patricia Louise Smith in Lakewood, Colorado. The murder of Smith had occurred on 01/10/1984, approximately six (6) days prior to the Bennett homicides. There were numerous similarities between the two cases to include, a home invasion burglary, sexual assault and the use of a hammer as the murder weapon.

On July 10<sup>th</sup>, 2018 CBI received notice that a direct CODIS match had been made between Alex Christopher Ewing's DNA standard and the crime scene DNA profile from the Lakewood murder of Smith. CBI subsequently received a second direct CODIS match between Ewing's DNA standard and the crime scene DNA profile from the Bennett homicides.

On July 11<sup>th</sup>, 2018 your affiant obtained a copy of the CBI Laboratory report authored by Woods, via email, from Cynthia Kramer, Local CODIS Administrator, CBI Grand Junction. The report advised that,

"A DNA profile from your CBI case M01 – 0117 (Aurora PD Case 84121098D) has matched a profile from the National DNA Index System. The match has been confirmed. This information is provided only as an investigative lead and any possible connection or involvement of the individual listed to the case must be determined through further investigation. Your agency must obtain an additional DNA buccal sample from the subject for the testing and comparison to the forensic unknown profile."

Your affiant received information from Lakewood Police Department Detective Clay Fuller that Washoe County Sheriff's Office Forensic Services Division Criminalist Steve Gresko said Alex Ewing's DNA was collected by the Washoe County Sheriff's Office in May of 2018. Ewing is currently an inmate in the Nevada State Department of Corrections – Northern Nevada Correctional Center (NNCC). Ewing is serving a seventy (70) year sentence for two (2) attempt murders involving the use of a deadly weapon as well as charges for escape and burglary.

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Records obtained from the Henderson, Nevada Police Department indicate it was a similar bludgeoning attack that also occurred in 1984. Nevada Department of Corrections records indicate that Ewing's next parole eligibility could occur in 2021.

Ewing had been identified as an eligible offender for DNA collection and submission to the national database under a Nevada state law enacted in 2013. However, the Nevada Department of Corrections did not begin collecting DNA from previously convicted felony offenders, until the Nevada Office of the Attorney General issued a formal opinion in December 2016, stating that the 2013 statute applied retroactively. As a result of the clarification Ewing was subjected to DNA collection.

Ewing's criminal history includes burglary (1979) – Florida, burglary (1979) – California, grand theft and burglary (1979) – Arizona, burglary (1980) – California, FOJ (1981) – California, criminal trespass and burglary (1982) – California, attempt first degree murder x2 (1984) – Arizona, escape (1984) – Nevada, attempt first degree murder (1984) – Nevada.

Your affiant was able to learn through open source records, Henderson Police Department records as well as an arrest card from the Kingman Arizona Police Department the following:

On January 27, 1984, Alex C. Ewing was arrested for attempted first degree murder and first degree burglary. Ewing was alleged to have entered the home of a man who was asleep at the time and struck the man on the head with a twenty – five pound “slab of granite”. The man sustained a significant injury to his head which required one – hundred (100) sutures to close the wound. Ewing fled the scene, but was eventually captured after he was located hiding under a bush. The arrest card with the Kingman Police Department reflects an arrest date of “01/27/84” with two case numbers associated with it. Those case numbers are 84 – 00773 and 84 – 00781.

Reports obtained from the Henderson, Nevada Police Department indicate that on August 9<sup>th</sup>, 1984 Alex Christopher Ewing escaped custody while being transported from the Washington County Jail in Utah, to Kingman, Arizona. Ewing was being housed in Utah to alleviate the overcrowded conditions in the Mohave County Jail. During his time on the run from law enforcement authorities, Ewing “broke into the Henderson home of [two individuals] and ‘beat them’ in the head with an axe handle”. Ultimately, Ewing was recaptured by National Park Service Rangers on August 11<sup>th</sup>, 1984. He was arrested after a brief foot chase. The victims sustained numerous serious injuries to include several broken bones, which required multiple surgeries to repair as well as significant internal bleeding.



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On July 12<sup>th</sup>, 2018 Detective Michael Prince, Aurora Police Department, Major Crime / Homicide Unit and your affiant travelled to Nevada and initiated an interview with Alex Christopher Ewing, D.O.B. 08/14/1960 at the Nevada Department of Corrections Inspector General's Office, 1721 E. Snyder Avenue, Carson City, Nevada. During the course of the interview, Ewing admitted to residing in Denver, Colorado area for a period of time in 1984. That period of time included the time in which the homicides (Bennett Family and Patricia Smith) occurred. He worked a variety of jobs during that time, primarily related to the construction industry, to include plumbing. Your affiant did not question Ewing on any information related to the Patricia Smith case in Lakewood. Ewing stated that the primary reason he left Colorado was because it was too cold. Ewing indicated that he may want to consult with an attorney. The interview was subsequently terminated.

A Colorado Department of Revenue records check conducted by Audrey Simpkins, Colorado Bureau of Investigations, located a State of Colorado issued Driver License, with a PIN of 920682549. Associated with that PIN is "Alex Christopher Ewing", with a date of birth of "08/14/1960". The Driver License listed to Ewing has the address of 1316 Columbine Street in Denver, Colorado and was issued to him on July 27<sup>th</sup>, 1983.

By way of an affidavit for a search warrant, a direct DNA standard in the form of buccal swabs from Alex Christopher Ewing 08/14/1960, for prosecutorial purposes, was requested by Daniell A. Rhoda, Criminal Investigator II, assigned to Office of the Attorney General in the State of Nevada. The request was made through the Justice Court of Carson Township, Carson City, Nevada.

On July 13<sup>th</sup>, 2018 the warrant was signed by Senior Court Judge Robey B. Willis. Pursuant to this, your affiant along with Detective Michael Prince responded to the NNCC and met with Daniell Rhoda as well as R. Russell Fonoimoana, Criminal Investigator, Office of the Inspector General, Nevada Department of Corrections. Your affiant and Detective Michael Prince stood by as Rhoda secured buccal swabs from Alex Christopher Ewing. Subsequent to that, your affiant assumed custody of those swabs and ultimately transported them back to the Aurora Police Department. The swabs were then secured into the Property Section as evidence.

On July 16<sup>th</sup>, 2018 your affiant removed the buccal swabs from the Property Section of the Aurora Police Department as well as other items of evidentiary value, as requested by CBI Agent Woods. They were subsequently transported to the CBI for analysis by your affiant.

On July 19<sup>th</sup>, 2018 a CBI laboratory Report was completed by Yvonne Woods. Among other things related to evidence at the scene, it was her conclusion that:

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- “The DNA profile previously developed from the sperm fraction of the semen stain from the comforter” matched “the DNA profile developed from Alex Christopher Ewing”. In addition, “The probability of selecting an unrelated individual at random matching at the Profiler Plus / COfiler loci is approximately one (1) in 230 quadrillion” (230,000,000,000,000,000).
- Additionally, “The DNA profile previously developed from the sperm fraction of the semen stain from the comforter” matched “the DNA profile developed from Alex Christopher Ewing”. The probability of selecting an unrelated individual at random matching at the Globafiler loci is approximately” one (“1”) “in” thirteen (“13) nonillion” (13,000,000,000,000,000,000,000,000,000).
- The DNA profiles previously developed from the sperm fraction of the semen stain from the carpet (CBI case M01-0117, Item 6 [D84-127, Item 4.1] and the non-sperm fraction of the semen stain from the comforter (CBI case M01-0117, Item 9 [D84-127, Item 88]) indicate mixtures of two contributors. [REDACTED] (CBI case M01-0117, Item 3 [D84-127, Item 23]) and Alex Christopher Ewing (D84-127, Item 205.1) are not excluded as potential contributors to these mixture profiles. The probability of selecting an unrelated individual at random from the population who cannot be excluded as one of the possible contributors to these mixtures at the Profiler Plus/COfiler loci is approximately 1 in 1,500,000.
- The partial DNA profile previously developed from the non-sperm fraction of the semen stain from the carpet (CBI case M01-0117, Item 6 [D84-127, Item 4.1]) matches the DNA profile developed from [REDACTED] (M01-0117, Item 3 [D84-127, Item 23]). The probability of selecting an unrelated individual at random from the population having a profile matching at the D3S1358, vWA, CSF1PO, TPOX, D8S1179, D21S11, TH01, FGA, D5S818, D13S317 and D7S820 loci is approximately 1 in 35 trillion ( $10^{12}$ ).

Based on the foregoing facts and circumstances, your affiant contends that there is probable cause to believe that the offenses as charged in Arapahoe County District Court, Case #2002CR1623, under the alias of “John Doe” have been committed and that **Alex Christopher EWING**, D.O.B. 08/14/1960, a white male, 5’7”, 140#, brown hair, hazel eyes, FBI #42738V11, Nevada Department of Corrections Identification Number 20866, currently residing in the North Nevada Correctional Center, 1721 Snyder Avenue, Carson City, Nevada, 89701, did commit these offenses.

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Your affiant requests that a warrant issue for the arrest of the defendant above named.

  
Affiant

SUBSCRIBED AND SWORN TO before me this 9<sup>th</sup> day of August, 2018.

  
Notary Public

12/14/21  
My commission expires

KARLA M LIESENER NOTARY PUBLIC STATE OF COLORADO NOTARY ID 19974020133 MY COMMISSION EXPIRES DECEMBER 14, 2021
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SUBSCRIBED AND SWORN/AFFIRMED to before me by: Det Stephen Cormier  
Via phone - signature affirmed  
under oath

This 9<sup>th</sup> day of August, 2018.

  
DISTRICT COURT JUDGE

