

IN THE CIRCUIT COURT OF BENTON COUNTY ARKANSAS

FILED

AFFIDAVIT OF PROBABLE CAUSE TO OBTAIN AN ARREST WARRANT

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STATE OF ARKANSAS

BRENDA CUSHIELDS
CLERK AND RECORDER
BENTON COUNTY, AR

PLAINTIFF

VS

John Doe

DEFENDANT

Unknown Male with Matching

Deoxyribonucleic Acid (DNA) Profile at the
Genetic Locations listed:

CSF1PO (10, 12), TPOX (8, 9), THO1 (7, 9),
VWA (18, 20), D16S539 (12, 12), D7S820
(11, 12), D13S317 (9, 13), D5S818 (11, 13),
PENTA E (7, 11), D18S51 (12, 14), D21S11
(28, 30), D3S1358 (15, 16), FGA (21, 23) and
D8S1179 (11, 12)

FACTS CONSTITUTING PROBABLE CAUSE

Comes now Detective Hayes Minor of the Rogers Police Department Criminal Investigation Division and under oath doth state:

The records of the Rogers Police Department reflect that on Sunday, November 9, 1997, the Rogers Police Department began an investigation into the rape of Amy Harrison. The rape occurred at Frank Tillery Elementary School at 621 West Elm Street, where Mrs. Harrison was employed as a teacher, on this date and was reported at approximately 1132 hours.

During a statement given after the incident, Mrs. Harrison reported that she normally works on Sunday mornings at school to prepare for the coming week. Her co-teacher, Tish Crawford, normally works with her but did not come in on the day of the incident. Mrs. Harrison stated she arrived at the school at approximately 0850 hours on this date and parked in the south parking lot near Poplar Street. When she entered the school, she noted several people present for a church service that was temporarily meeting in the school's cafeteria. She went directly into her room and began her work.

At approximately 1040 hours, Mrs. Harrison stated that she left her room and went to a bathroom located off of the teacher's lounge. She entered the lounge, turned on the lights and

then entered the bathroom where she also turned on the lights. When she came out of the bathroom a male was standing in front of the door pointing a gun at her. The suspect instructed Mrs. Harrison not to say anything and to back up into the restroom. Once both were inside the restroom, the suspect instructed Mrs. Harrison to lie down on the floor and then he directed her to remove her clothing, which she did. The suspect then walked around in front of Mrs. Harrison and exposed his penis. He then forced her to perform fellatio on him and manually masturbate him.

The suspect then told Mrs. Harrison that they were going to move to a different room. He let her put her shirt back on but kept her pants and underwear in his hand as they moved to a classroom a few doors away from the teacher's lounge. The suspect then instructed her to lie down on a rug that was in the room. He then had vaginal intercourse with her while she begged him not to. During this time he put her pants over her face to block her view of him. After the suspect finished he instructed Mrs. Harrison to roll over on her stomach, which she did and ended up facing away from the door. The suspect then asked if she was going to tell anyone and left the room. Mrs. Harrison waited a few minutes before leaving the room to find her pants crumpled up in the hallway. After she was dressed, she found an on-duty janitor and called 911.

Subsequent crime scene investigation by numerous detectives resulted in over one hundred pieces of evidence being collected including the sweatshirt and t-shirt worn by Mrs. Harrison during the incident. She told investigating detectives that during the assault, a liquid substance had dripped from the suspect's person onto her leg. She used her hand to wipe the substance off of her leg and onto her sweatshirt. Later analysis of the sweatshirt and a t-shirt Mrs. Harrison wore the day of the assault at the Arkansas State Crime Laboratory revealed semen on both shirts. A Deoxyribonucleic Acid (DNA) profile was developed using the Polymerase Chain Reaction (PCR) method of testing. A DNA profile at the genetic locations CSF1PO (10, 12), TPOX (8, 9), THO1 (7, 9), VWA (18, 20), D16S539 (12, 12), D7S820 (11, 12), D13S317 (9, 13), D5S818 (11, 13), PENTA E (7, 11), D18S51 (12, 14), D21S11 (28, 30), D3S1358 (15, 16), FGA (21, 23) and D8S1179 (11, 12) was obtained from the semen left on the t-shirt and sweatshirt. The sample was compared against Mrs. Harrison and her husband's own DNA and the results of that test excluded both as having left this DNA on the sweatshirt. Analysts from the Arkansas State Crime Laboratory report that using the FBI Population Database, the probability of randomly selecting an unrelated individual with the same DNA

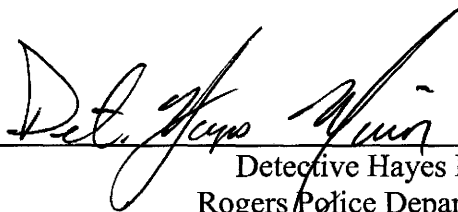
developed from the semen from the sweatshirt and t-shirt worn by Mrs. Harrison is approximately one in 28,690,000,000,000,000 in the Caucasian population, one in 1,438,000,000,000,000,000 in the Black population, one in 38,620,000,000,000,000 in the Southeastern Hispanic population, and one in 44,210,000,000,000,000 in the Southwestern Hispanic population.

The Arkansas DNA database contains two indexes; the convicted offender index and the casework index. The convicted offender index is comprised of known DNA profiles from convicted felons throughout the State. The casework index is made up of DNA profiles, both known and unknown, obtained from cases submitted from various law enforcement agencies throughout the State.

The suspect DNA profile developed from the semen from the sweatshirt and t-shirt worn by Mrs. Harrison was initially checked against the Arkansas DNA convicted offender index and casework index and did not result in a match. Subsequent checks of the suspect DNA profile against Arkansas and surrounding state's indexes have not resulted in a match. The suspect DNA profile has been and will be maintained in the casework index of the Arkansas DNA database and periodically searched against other profiles in both the casework and convicted offender indexes.

The unknown suspect involved in the sexual assault of Mrs. Harrison can be expected to have a DNA profile that matches the foreign DNA profile from the semen on the sweatshirt and t-shirt worn by Mrs. Harrison on the day of the assault.

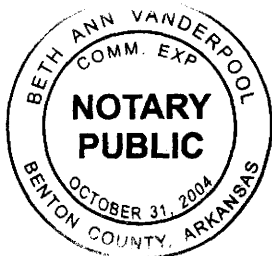
Based on the foregoing, the State joins me in requesting that a warrant be issued for John Doe, Unknown Male, with a matching Deoxyribonucleic Acid (DNA) profile consistent with the DNA profile obtained in this case, for the offenses of Rape, Class Y Felony, §5-14-103, and Kidnapping, Class B Felony, §5-11-102.



Detective Hayes Minor
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STATE OF ARKANSAS
COUNTY OF BENTON

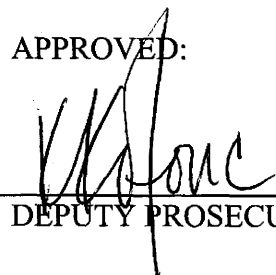
Subscribed and sworn to before me this 7 day of November, 2003.




NOTARY PUBLIC

MY COMMISSION EXPIRES: 10-31-04

APPROVED:


DEPUTY PROSECUTING ATTORNEY



ORDER

I hereby find that this sworn affidavit demonstrates reasonable and probable cause for the issuance of a warrant of arrest for the above-named individual for the offenses of Rape, Class Y Felony, §5-14-103, and Kidnapping, Class B Felony, §5-11-102, and I so direct the Benton County Circuit Clerk to issue a warrant for the arrest of John Doe, Unknown Male, with a matching Deoxyribonucleic Acid (DNA) profile consistent with the DNA profile identified in this case.

David S. Clinger
Circuit Judge

Date: November 7, 2003

FILED
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BRENDA LESHELD
CLERK AND RECORDER
BENTON COUNTY, AR