

IN THE DISTRICT COURT OF THE TWENTY-FOURTH JUDICIAL DISTRICT OF THE STATE OF OKLAHOMA SITTING IN AND FOR OKFUSKEE COUNTY

THE STATE OF OKLAHOMA,

Plaintiff,

vs.

KEVIN JOE SWEAT

ADDR: Okfuskee County Jail
Okfuskee, OK

DOB: 01/27/86

Defendant(s).

Case No. CF-2011-126

FILED

DEC 09 2011

KAY ADAMS, COURT CLERK
OKFUSKEE COUNTY, OKLA.

BY: _____

INFORMATION

FOR:

COUNT 1: MURDER IN THE FIRST DEGREE ~ 21 O.S. § 701.7 a FELONY OR IN THE ALTERNATIVE

FELONY MURDER ~ 21 O.S. § 701.7(B) a FELONY

COUNT 2: MURDER IN THE FIRST DEGREE ~ 21 O.S. § 701.7 a FELONY OR IN THE ALTERNATIVE

FELONY MURDER ~ 21 O.S. § 701.7(B) a FELONY

COUNT 3: SHOOTING WITH INTENT TO KILL~ 21 O.S. § 652(A) a FELONY

COUNT 4: SHOOTING WITH INTENT TO KILL~ 21 O.S. § 652(A) a FELONY

STATE OF OKLAHOMA, COUNTY OF OKFUSKEE:

I, Max Cook, the undersigned District Attorney of said County, in the name and by the authority, and on behalf of the State of Oklahoma, give information that in said County of Okfuskee and in the State of Oklahoma, KEVIN JOE SWEAT, did then and there unlawfully, willfully, knowingly and wrongfully commit the crime(s) of:

COUNT 1: MURDER IN THE FIRST DEGREE, a FELONY, on or about the 8th day of June, 2008, by deliberately and intentionally taking away the life of a human being, by willfully, unlawfully, feloniously, without authority of law, and with malice aforethought, effect the death of Skyla Whitaker by shooting her multiple times, thereby inflicting certain mortal wounds in the body of Skyla Whitaker from which mortal wounds she did languish and die.

This crime is punishable by death, imprisonment for life, or imprisonment for life without parole.

OR IN THE ALTERNATIVE

COUNT 1 21 O.S. § 701.7(B) ~ FELONY MURDER a FELONY, on or about the 8th day of June, 2008, by deliberately, unlawfully, intentionally, and feloniously pointing and discharging a firearm with the intent to kill Skyla Whitaker, thereby striking Skyla Whitaker multiple times and inflicting certain mortal wounds in the body of said Skyla Whitaker, from which mortal wounds she did languish and die.

COUNT 2: MURDER IN THE FIRST DEGREE, a FELONY, on or about the 8th day of June, 2008, by deliberately and intentionally taking away the life of a human being, by willfully, unlawfully, feloniously, without authority of law, and with malice aforethought, effect the death of Taylor Placker by shooting her multiple times, thereby inflicting certain mortal wounds in the body of Taylor Placker from which mortal wounds she did languish and die.

This crime is punishable by death, imprisonment for life, or imprisonment for life without parole.

OR IN THE ALTERNATIVE

COUNT 2 21 O.S. § 701.7(B) ~ FELONY MURDER a FELONY, on or about the 8th day of June, 2008, by deliberately, unlawfully, intentionally, and feloniously pointing and discharging a firearm with the intent to kill Taylor Placker, thereby striking Taylor Placker multiple times and inflicting certain mortal wounds in the body of said Taylor Placker, from which mortal wounds she did languish and die.

COUNT 3: SHOOTING WITH INTENT TO KILL ~ a FELONY, on or about the 8th day of June, 2008, by without justifiable or excusable cause shoot Skyla Whitaker multiple times with a firearm, the same being a deadly weapon loaded with gunpowder and shot, held in the hands of the said defendant and which he wrongfully and intentionally pointed, aimed and fired at the said Skyla Whitaker with the unlawful, wrongful, willful and felonious intent then and there on the part of said defendant to kill Skyla Whitaker.

This crime is punishable by imprisonment for up to life.

COUNT 4: SHOOTING WITH INTENT TO KILL ~ a FELONY, on or about the 8th day of June, 2008, by without justifiable or excusable cause shoot Taylor Placker multiple times with a firearm, the same being a deadly weapon loaded with gunpowder and shot, held in the hands of the said defendant and which he wrongfully and intentionally pointed, aimed and fired at the said Taylor Placker


with the unlawful, wrongful, willful and felonious Intent then and there on the part of said defendant to kill Taylor Placker.

This crime is punishable by imprisonment for up to life.

MAX COOK
DISTRICT ATTORNEY

By: 

I have examined the facts in this case and recommend that a warrant do issue.

By: 
Max Cook
District Attorney

WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA

- Kurt Titsworth, OSBI
- Terrance Higgs, OSBI
- Brad Greene, OSBI
- John Graham, OSBI
- Charles Mackey, OSBI
- Ben Rosser, OSBI
- Sonny Stewart, OSBI
- Jenny Virden, OSBI
- Steven Carter, OSBI
- Wendy Delosier, OSBI
- Danny Mouttet, OSBI
- Adam Whitney, OSBI
- Alan Salmon, OSBI
- Linda Grotker, OSBI
- Megan Swalick, NCSBI
- Chai Choi, M.D., OCME
- John Moody, OCME
- Tim Dwyer, OCME
- Mark Knoll, FBI
- Scott Hart, OHP
- Jack Choate, Okfuskee County Sheriff's Office
- Derral Summers, Okfuskee County Sheriff's Office
- Stacy Rice, Weleetka Police Department
- Craig Hicks, Okfuskee County District Attorney's Office
- Kelli Holden, EMT, Okmulgee, OK

Robert Smith, EMT, Okmulgee, OK
Curtis Sweat, c/o Okfuskee County District Attorney's Office
Eric Sweat, c/o Okfuskee County District Attorney's Office
Deborah Sweat, c/o Okfuskee County District Attorney's Office
Michael Taylor, c/o Okfuskee County District Attorney's Office
Faye Taylor, c/o Okfuskee County District Attorney's Office
Pete Placker, c/o Okfuskee County District Attorney's Office
Darrell Placker, c/o Okfuskee County District Attorney's Office
Charles Placker, c/o Okfuskee County District Attorney's Office
Charles Placker, Jr., c/o Okfuskee County District Attorney's Office
Vicky Placker, c/o Okfuskee County District Attorney's Office
Linda Placker, c/o Okfuskee County District Attorney's Office
Jennifer Johnson, c/o Okfuskee County District Attorney's Office
Rose Whitaker, c/o Okfuskee County District Attorney's Office
William Whitaker, c/o Okfuskee County District Attorney's Office
Glock Inc, Custodian of Records, Smyrna, GA

NOTICE OF OPEN FILE

THE PROSECUTION SHALL ALLOW INSPECTION, BY THE DEFENDANT'S ATTORNEY, OF THE FILE CONTAINING ALL LAW ENFORCEMENT REPORTS, KNOWN TO THE PROSECUTION PURSUANT OF TITLE 22 O.S. § 258.

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Arrest Affidavit: Kevin Sweat

Higgs reported that all of the spent .40 caliber shell casings that were found at the crime scene were fired from the same firearm. Higgs reported that the casings were fired from a Glock .40 caliber handgun.

In January, 2010 Agent Titsworth received information that in the fall of 2007 Kevin Joe Sweat (Sweat), WM, DOB: 01/27/88 purchased a Glock .40 caliber handgun. Sweat was living in Henryetta, Oklahoma at the time.

On January 21, 2010 Agent Titsworth talked to Sweat about the Glock .40 caliber handgun that he had purchased. Sweat told Titsworth that he had owned the gun but had sold it in 2007 and didn't know the serial number for the gun.

On August 22, 2011 OSBI Agents met with Kevin Sweat's father, Curtis Sweat, and conducted a search of Curtis Sweat's property near Weleetka, Oklahoma. Curtis Sweat had previously told Agents about an area on his property where Kevin Sweat sometimes shot his guns. During the search OSBI Agents found several .40 caliber shell casings in the soil in the area where Kevin Sweat shot his guns.

The .40 caliber shell casings that were found on Curtis Sweat's property were submitted to the OSBI Forensic Science Center for analysis. Firearms Criminalist Higgs examined the casings and reported that the casings were fired from the same firearm that fired the .40 caliber shell casings that were found at the Placker and Whitaker crime scene on June 8, 2008.

OSBI Agents were able to determine the serial number of the Glock .40 caliber handgun that had been sold to Sweat by tracing it back to a firearms dealer in Oklahoma. The serial number was EKG463US.

On or about September 1, 2011 Agent Titsworth requested Federal Bureau of Investigation (FBI) Agent Mark Knoll to run an Alcohol Tobacco and Firearms (ATF) Trace Report on the .40 caliber Glock handgun, Serial Number: EKG463US. Knoll confirmed that, among other things, the gun was sent to a gun dealer in Oklahoma in 2006. That Glock handgun was eventually purchased by Kevin Sweat.

On September 30, 2011 FBI Agent Knoll learned that a former owner of the gun, the Baltimore Police Department, had one known .40 caliber shell casing from the Glock handgun, Serial Number: EKG463US.

On October 5, 2011 OSBI Agent John Graham picked up the known .40 caliber shell casing from the Baltimore Police Department in Maryland. The following day Graham submitted the casing to the OSBI Forensic Science Center. Criminalist Higgs examined the casing. Higgs reported that the casing was fired from the same firearm

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Arrest Affidavit: Kevin Sweat**

that fired the .40 caliber shell casings that were found at the crime scene of Placker and Whitaker and on the property of Curtis Sweat.

On September 13, 2011 Agent Titsworth interviewed Kevin Sweat about the June 8, 2008 homicides of Placker and Whitaker. Before the interview began Titsworth read Sweat his rights from a form labeled "Your Rights". Sweat acknowledged that he understood his rights and waived his rights and agreed to make a statement. Sweat told Titsworth the following information:

Sweat said that on June 8, 2008 during the afternoon, he was driving his black Chevrolet Cavalier car on North 3890 Road in Okfuskee County, Oklahoma. Sweat pulled over on the side of the road and saw "two monsters" come at him. Sweat then "panicked". Sweat grabbed his Glock .40 caliber handgun from between the seats of his car. Sweat then "shot the monsters" with the Glock handgun. Sweat then grabbed a ".22 caliber" gun from the glove box and "shot the monsters" with the .22 caliber gun. Sweat then got into his car and left. Sweat told Titsworth that he shot the "monsters" with the Glock .40 caliber handgun that he had purchased in 2007 while living in Henryetta, OK.

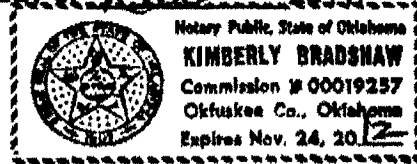
Based on this information, the undersigned prays that this Honorable Court issue a finding of fact that probable cause exists to believe that a crime has been committed and that there is probable cause to believe the defendant above-named committed that crime.

Kimberly Bradshaw
AFFIANT

Subscribed and sworn to before me this 9th day of Dec. 2011.

My Commission Expires: 11-24-12

Kimberly Bradshaw
NOTARY PUBLIC



FINDING OF PROBABLE CAUSE

The undersigned Judge of this Court, upon which testimony and/or affidavit, hereby determines there to be probable cause to detain the defendant.

DATED this 9th day of December, 2011.

Quenna L. Parish
JUDGE OF THE DISTRICT COURT