

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

A F F I D A V I T  
(N.R.S. 171.106)

EVENT# 930601-0256

STATE OF NEVADA     )  
                          ) ss:  
COUNTY OF CLARK    )     ID# 682068

G. LOYAL MILLER, being first duly sworn, deposes and says:

That he is a police officer with the Las Vegas Metropolitan Police Department, being so employed for a period of 14 years, assigned to investigate the crime of BURGLARY/KIDNAP, FIRST DEGREE WITH DEADLY WEAPON and SEXUAL ASSAULT WITH DEADLY WEAPON, 4 COUNTS, committed on or about 06/01/93, which investigation has developed \_\_\_\_\_ as the perpetrator thereof.

That affiant developed the following facts in the course of the investigation of said crime to wit:

1. On 01/21/93, Kristie Chiles of 4738 O'Bannon, apt. B, reported to police that she was the victim of a sexual assault, which she reported had occurred at approximately 0530 hours. She reported that the assailant was described as a black male adult, 6'3", approximately 230 to 250 lbs., very muscular in build, wearing a hood and spoke with an "effected" Spanish accent. Entry had been made into the apartment by unknown means, however a window was found unlatched. Suspect had awakened the victim by lightly tapping her on the arm, and shortly thereafter produced a handgun (revolver). Victim's eyes were taped and hands were tied with a poly-type rope. The victim was then forced from the bedroom to the living room, where the sexual assault occurred. That the suspect, although sexually assaulting the victim, seemed to be concerned with making the forced acts pleasurable for the victim. Cunnilingus was performed on Chiles for an extended period of time.
2. That on 06/01/93, Joann Swanson of 4485 Pennwood, apt. 170, reported being the victim of a sexual assault which had occurred at approximately 0400 hours. She described the assailant as a male, 6' to 6'2", 230 lbs., muscular build, wearing a hood and spoke Spanish. Entry is believed to have been made into the apartment by a sliding glass door, which Swanson (the lone occupant of the apartment that evening) had locked earlier in the evening. The victim was awakened by the suspect lightly tapping her on the arm. The suspect shortly thereafter produced a handgun (revolver). The victim's eyes were taped and hands tied with a poly-type rope. Victim was forced from the bedroom to the living room, where a sexual assault occurred. That although forcing the

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victim to submit to the sexual assault, the suspect seemed to be concerned with making the forced acts pleasurable for the victim. The suspect performed cunnilingus on the victim for an extended period of time.

3. That the distance between the two assaults is approximately 1/2 mile.
4. That Swanson never was able to see the suspect in a manner which would have enabled her to be able to recognize or later identify the suspect, or even determine the race of the suspect.
5. That Swanson became suspicious that Curtis Downing was the suspect.
6. That Swanson was suspicious of Downing because she learned Downing spoke Spanish, that Downing was built very much the same as the suspect, and most importantly Downing was the only person known to have been in the apartment between the time Swanson locked the sliding door and the time of the assault.
7. That being aware of the similarities of the crimes, I compared them. I learned no fingerprints or forensic evidence had been recovered from Swanson's crime scene.
8. That I learned a palm print had been recovered from the crime scene of Kristie Chiles.
9. That I requested a print comparison be made between the print recovered at Kristie Chiles' crime scene and an exemplar of Downing.
10. That on 06/29/93, S. Scarborough, a latent print examiner for LVMPD, compared the above two prints and determined them to be a match.
11. That victim Kristie Chiles does not know Curtis Downing and never gave him permission to be in her residence.
12. That because of the similarities of the crimes, ie,
  - A. Times of the attack
  - B. Probable window entry
  - C. Physical descriptions of suspect
  - D. Manner in which both victims were awakened
  - E. Use of a revolver

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- F. Geographic area of the assaults
- G. Both women were alone
- H. Suspect told both women that he had been watching them
- I. Use of tape placed over the eyes at the beginning of the assaults
- J. The suspect was going to tape Chiles' mouth shut but did not at the request of the victim, however did tape Swanson's mouth shut
- K. Bound both victims with a poly or nylon-type course-weave rope
- L. Removed both victims from the bedroom to the living room, where the sexual assaults were initiated
- M. Lengthy cunnilingus
- N. Concern for the pleasure of the victims
- O. Multiple acts of penile/vaginal intercourse
- P. Untied victims prior to leaving
- Q. Took all articles he came with upon departure
- R. Was apologetic
- S. Was gentle with victims as long as they complied
- T. When the suspect used force, the suspect used only that force necessary to gain compliance by the victim
- U. The use of Spanish,

it is felt the same individual committed both crimes.

13. That based on the statements made by victim Joann Swanson, affiant requests a warrant for the following crimes:

- A. **Burglary** - That Curtis Downing did unlawfully enter the residence of Joann Swanson with the intent to commit a felony crime.
- B. **Kidnap, 1st Degree with Deadly Weapon** - That by means of a revolver, Curtis Downing did cause Swanson to move from the bedroom to the living room against her will for the purpose of a sexual assault.
- C. **Sexual Assault with Deadly Weapon, Count 1** - That by means of a revolver, Curtis Downing did force Swanson to submit to digital penetration of her vagina by Downing.

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- D. Sexual Assault with Deadly Weapon, Count 2 - That by means of a revolver, Curtis Downing did force Swanson to submit to cunnilingus.
- E. Sexual Assault with Deadly Weapon, Count 3 - That by means of a revolver, Curtis Downing did force Swanson to submit to penile/vaginal intercourse in the living room.
- F. Sexual Assault with Deadly Weapon, Count 4 - That by means of a revolver, Curtis Downing did force Swanson to submit to penile/vaginal intercourse in the bedroom.

14. That the above occurred in Las Vegas, Clark County, Nevada.

Wherefore, affiant prays that a Warrant of Arrest be issued for suspect CURTIS LUNDY DOWNING on the charges of BURGLARY; KIDNAP 1ST DEGREE WITH DEADLY WEAPON; and SEXUAL ASSAULT WITH DEADLY WEAPON, 4 COUNTS.

AFFIANT

  
G. LOYAL MILLER

GLM:alf  
9305742

Subscribed and sworn to before me this 22 day of July, 19 97.



NOTARY PUBLIC  
STATE OF NEVADA  
County of Clark  
Stephanie C. Parks  
My Appointment Expires May 28, 1995

  
Notary Public in and for said State and County

(EXHIBIT "R")