

AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

Det. Sgt. L. VanBuskirk swears (affirms) that:

On Thursday, June 1, 2006, approximately 10:11 p.m., East District officers responded to 560 N. Hamilton on a report of shots fired/multiple persons shot. Officer located seven victims shot inside the residence. The victims had each been shot multiple times in the torso and head and were pronounced DOA on scene. Officer R. Clayton reported the incident under IP060059722. The victims were identified as:

Magno Albarran, HM, 09/03/1976, found in the front livingroom;
Alberto Covarrubias, HM, 11/23/1949, found in the dining room face down;
Emma Valdez, HF, 04/19/1960, found in the dining room, face down next to Alberto;
Flora Albarran, HF, 12/31/1984, found in the kitchen face down;
Alberto Covarrubias, HM, age 11, David Covarrubias, HM age 8 and Luis Albarran, HM, age 5 all found in the back bedroom, off the kitchen, face down on a bed.

Forensic pathologists, Drs. Radentz and Swartz performed autopsies on all the victims. Cause of death was determined to be due to multiple gunshot wounds to the head and torsos of all victims. Manner of death was ruled homicide in all cases.

According to witness statements, shortly before the murders, Desmond Turner, B/M, 02/24/78, went to 1115 N. Rural St. and borrowed a maroon GMC pick-up truck 686329L IN/06 belonging to Michelle Clifton. Turner told Clifton he "needed to go make some money". Turner went to the area of 500 N. Hamilton Avenue. He parked the vehicle and walked to a nearby Speedway Gas Station located at E. Michigan and N. Hamilton with several juveniles. While walking to the Speedway, Turner told Brandon Griffith 'he needed money and was going to hit a lick' - street terminology for doing a robbery. Upon the groups' return to the 500 block of N. Hamilton, Turner left in the GMC pick-up. Turner returned approximately fifteen minutes later with a second B/M later identified as James Stewart, B/M, 04/14/1976.

Less than 30 minutes prior to the robbery and murders, witnesses see Turner exit the truck and speak to Robert Aaron Swartz. Brandon Griffith, one of the individuals present, stated that he (Griffith) knew the people living at 560 North Hamilton Avenue had money and drugs inside the home. Turner then asked Swartz for a roll of duct tape. Turner told Swartz, Griffith and others present about a safe containing a large amount of money and cocaine at the "Mexican house" located 560 N. Hamilton. Turner said they

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

FILED

126

JUN 06 2006

Doris Ann Sholler
CLERK OF THE
MARION CIRCUIT COURT

L. VanBuskirk
AFFIANT

DATED: June 6, 2006

Barbara L. Cook Chandler
DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT

JUDGE

From: Det. Sgt. L. VanBuskirk

would take their "choppers" – street terminology for automatic rifles and kill everyone inside the house.

Turner and Stewart parked in the alley rear of the residence and walked to the front of the house. Witnesses saw Turner with a large, long gun, and Stewart with a handgun. Witnesses saw the suspects knock and go into the house. Magno Albarran arrived home and parked in the garage in the rear of the residence. Simultaneously, Flora Albarran arrived at the residence with Reyna Banegas. The car containing Flora Albarran and Reyna Banegas parked out front of the residence. Magno, Emma's grown son, lived in the upper floor of the residence, was carrying take-out food into the house. Flora had come to pick up her five-year-old son Luis from her mother, Emma Valdez.

According to Reyna, who waited for Flora outside in the car, Flora was first to enter the house. Flora commented to Reyna as she exited that something must be wrong because all the lights were out inside the house. Just after Flora went in, Magno came from the back carrying the box of dinner. Reyna heard Flora scream "stay outside". Magno set the food on the porch and entered the residence. Reyna heard more screaming, shots being fired, then silence. Flora screamed, "Not my baby!". Reyna then heard more shooting, then more silence. Reyna saw one of the suspects come out onto the porch, look around and go back inside. The suspect who looked out had a large automatic weapon. Reyna hid in the car.

The suspects were seen exiting the residence out the front door. They fled along the south side of the residence. One appeared to be carrying a bag and pulling items out. During a subsequent search of the area around the south side of the house, a wallet belonging to Magna Albarran was found in the grass.

Through numerous interviews of the suspects' relatives, friends coupled with further investigation, by Friday, June 2, approximately 4:15 p.m., search warrants were obtained for two residences. Michelle Clifton's family had alerted police of their fears Desmond Turner was holding Michelle against her will. Michelle's friend, Alisha Paschel was also missing.

It was learned, the suspects had split up after the murders. Stewart went to Shannon Winchester's residence on Caroline, arriving there shortly after midnight. Stewart told Winchester he was in trouble. Stewart told Winchester that He and "Dez" had gone to a Mexican's house to rob it of a safe containing a large sum of money and drugs. Once inside, Stewart went upstairs to search for the items. Stewart didn't find anything. When Stewart came back downstairs, a Mexican male and a "pretty Mexican lady" had entered the house. According to Stewart, the Mexican male pulled a gun on "Dez", so Stewart said he (Stewart) fired a shot from his handgun at the Mexican. Stewart then claimed that "Dez" then "started shooting everybody". Stewart emphasized he did not shoot the children and added he kept saying he had told "Dez" not to go "back there" and not to shoot the kids.

Through additional interviews on June 2, 2006, it was learned that Stewart was in a purple Dodge Intrepid and traveling on his way to pick up his son. According to the information received in the interviews,

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FILED

126

JUN 06 2006

Debra Lynn Muller
CLERK OF THE
MARION CIRCUIT COURT

L. VanBuskirk
AFFIANT

DATED: June 6, 2006

Sandra L. Cook
DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT

JUDGE

317-257-5200
6202 N College

From: Det. Sgt. L. VanBuskirk

Approximately 5:00 p.m. Desmond Turner made arrangements to turn himself in to police. He arrived at the homicide office fifteen minutes later. He requested an attorney and declined to make a statement. I advised Turner he was being preliminarily charged with seven counts of murder, felony murder and robbery in regards to this investigation.

The above occurred in Marion County.

I swear (affirm), under penalty of perjury as prescribed by C 35-44-2-1, that the foregoing representations are true.

126

JUN 06 2006

Debra Ann Miller
CLERK OF THE
MARION CIRCUIT COURT

FILED

L. VanBuskirk
AFFIANT

DATED: June 6, 2006

Debra Ann Miller
DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT

JUDGE

STATE OF INDIANA, COUNTY OF MARION, SS:

PROBABLE CAUSE AFFIDAVIT

E31

Defendant Name: TURNER, DESMOND DARREL

Location of Incident: 50 N ALABAMA ST

Date of Incident: 6/4/2006

Slated Charges: MURDER

Case Number: 060059722

Arresting Officer: VANBUSKIRK, LESLIE A IPD

Officer ID: V9625

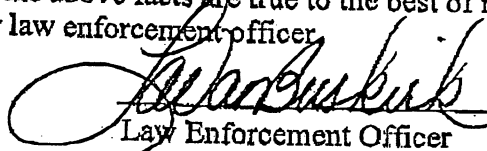
Agency: Indianapolis Police Department

ON THURSDAY, JUNE 1, 2006, APPROXIMATELY 10:11 PM, EAST DISTRICT OFFICERS RESPONDED TO 560 N HAMILTON AV ON A REPORT OF SHOTS FIRED, MULTIPLE PERSONS SHOT. OFFICERS LOCATED 7 VICTIMS SHOT INSIDE THE RESIDENCE. THE VICTIMS HAD EACH BEEN SHOT MULTIPLE TIMES IN THE TORSO AND HEAD AND WERE PRONOUNCED DOA ON THE SCENE. OFFICER R. CLAYTON REPORTED THE INCIDENT UNDER IP060059722. THE VICTIMS WERE IDENTIFIED AS: MAGNO ALBARRAN (HISPANIC MALE, DOB: 09-03-76) FOUND IN THE FRONT LIVING ROOM; ALBERTO COVARRUBIAS (HISPANIC MALE, DOB: 11-23-1949) FOUND IN THE FRONT DINING ROOM FACE DOWN; EMMA VALDEZ (HISPANIC FEMALE, DOB: 04-19-60) FOUND IN THE DINING ROOM FACE DOWN NEXT TO ALBERTO; FLORA ALBARRAN (HISPANIC FEMALE, DOB: 12-31-1984) FOUND IN THE KITCHEN FACE DOWN; ALBERTO COVARRUBIAS (HISPANIC MALE, AGE 11), DAVID COVARRUBIAS (HISPANIC MALE, AGE 8), LUIS ALBARRAN (HISPANIC MALE, AGE 5) ALL FOUND IN THE BACK BEDROOM OFF THE KITCHEN FACE DOWN ON A BED.

FORENSIC PATHOLOGIST DOCTORS RADENTZ AND SWARTZ PERFORMED AUTOPSIES ON ALL THE VICTIMS. CAUSE OF DEATH WAS DETERMINED TO BE DUE TO MULTIPLE GUNSHOT WOUNDS TO THE HEAD AND TORSOS OF ALL VICTIMS. THE MANNER OF DEATH WAS RULED HOMICIDE IN ALL CASES. ACCORDING TO WITNESS STATEMENTS, SHORTLY BEFORE THE MURDERS, DESMOND TURNER (BLACK MALE, DOB: 02-24-78) WENT TO 1115 N RURAL ST AND BORROWED A MAROON GMC PICKUP TRUCK 686329L '06 INDIANA BELONGING TO MICHELLE CLIFTON. TURNER TOLD CLIFTON HE "NEEDED TO GO MAKE SOME MONEY." TURNER WENT TO THE AREA OF 500 N HAMILTON AV. HE PARKED THE VEHICLE AND WALKED TO A NEAR BY SPEEDWAY GAS STATION, LOCATED AT E MICHIGAN AND N HAMILTON, WITH SEVERAL JUVENILES. WHILE WALKING TO THE SPEEDWAY, TURNER STATED "HE NEEDED MONEY AND WAS GOING TO HIT A LICK" - STREET TERMINOLOGY FOR DOING A ROBBERY. UPON THE GROUP'S RETURN TO THE 500 BLOCK OF N HAMILTON, TURNER LEFT IN THE GMC PICKUP. TURNER RETURNED APPROXIMATELY 15 MINUTES LATER WITH A SECOND BLACK MALE, LATER IDENTIFIED AS JAMES STEWART (DOB: 04-14-1976).

LESS THAN 30 MINUTES PRIOR TO THE ROBBERY AND MURDERS, WITNESSES SEE TURNER EXIT THE TRUCK AND SPEAK TO AN INDIVIDUAL WHO LIVED NEARBY. THAT INDIVIDUAL IS IDENTIFIED TO THIS OFFICER. TURNER ASKED THE INDIVIDUAL FOR A ROLL OF DUCT TAPE. TURNER TOLD THE INDIVIDUAL

I swear or affirm under the penalties for perjury that the above facts are true to the best of my knowledge and belief and that I learned these facts from another law enforcement officer.


Law Enforcement Officer

Probable cause found to order warrant or summons issued for defendant

Judge, Marion Superior Court

AND OTHERS PRESENT ABOUT A SAFE CONTAINING A LARGE AMOUNT OF MONEY AND COCAINE AT THE "MEXICAN HOUSE" LOCATED AT 560 N HAMILTON. TURNER SAID THEY WOULD TAKE THEIR "CHOPPERS" (STREET TERMINOLOGY FOR AUTOMATIC RIFLES) AND KILL EVERYONE IN THE HOUSE.

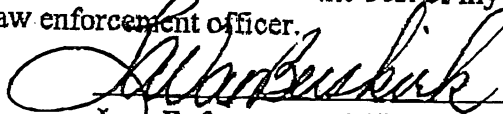
TURNER AND STEWART PARKED IN THE ALLEY REAR OF THE RESIDENCE AND WALKED TO THE FRONT OF THE HOUSE. THE SUSPECTS KNOCKED AND WERE ADMITTED INTO THE HOUSE. MAGNO ALBARRAN ARRIVED HOME AND PARKED IN THE GARAGE AT THE REAR OF THE RESIDENCE. SIMULTANEOUSLY, FLORA ALBARRAN ARRIVED AT THE RESIDENCE. SHE PARKED IN FRONT OF THE RESIDENCE. MAGNO, EMMA'S GROWN SON, WHO LIVED IN THE UPPER FLOOR OF THE RESIDENCE, WAS CARRYING TAKE OUT FOOD. FLORA HAD COME TO PICK UP HER 5 YEAR OLD SON, LUIS, FROM HER MOTHER, EMMA VALDEZ.

ACCORDING TO ANOTHER IDENTIFIED INDIVIDUAL, WHO WAITED FOR FLORA OUTSIDE IN THE CAR, FLORA WAS FIRST TO ENTER THE HOUSE. FLORA COMMENTED THAT SOMETHING MUST BE WRONG BECAUSE ALL THE LIGHTS WERE OUT INSIDE THE HOUSE. JUST AFTER FLORA WENT IN, MAGNO CAME FROM THE BACK CARRYING THE BOX OF DINNER. THE INDIVIDUAL IN THE CAR HEARD FLORA SCREAM "STAY OUTSIDE." MAGNO SET THE FOOD ON THE PORCH AND ENTERED THE RESIDENCE. MORE SCREAMING WAS HEARD, SHOTS WERE FIRED. SILENCE. FLORA SCREAMING, "NOT MY BABY!", MORE SHOOTING, THEN SILENCE. THE INDIVIDUAL WHO HAD BEEN WITH FLORA SAW ONE OF THE SUSPECTS COME OUT ONTO THE PORCH, LOOK AROUND, AND GO BACK INSIDE. THE SUSPECT HAD A LARGE AUTOMATIC WEAPON. THE INDIVIDUAL WATCHING HID IN THE CAR.

THE SUSPECTS WERE SEEN EXITING THE RESIDENCE OUT OF THE FRONT DOOR. THEY FLED ALONG THE SOUTH SIDE OF THE RESIDENCE. ONE APPEARED TO BE CARRYING A BAG AND PULLING ITEMS OUT. ONE OF THE VICTIMS' WALLETS WAS LATER FOUND IN THE GRASS NEXT TO THE WALK ALONG THIS SIDE OF THE HOUSE.

THROUGH NUMEROUS INTERVIEWS OF SUSPECT RELATIVES, FRIENDS, COUPLED WITH FURTHER INVESTIGATION, BY FRIDAY JUNE 2, APPROXIMATELY 4:15 PM, SEARCH WARRANTS WERE OBTAINED FOR 2 RESIDENCES. MICHELLE CLIFTON'S FAMILY HAD ALERTED POLICE OF THEIR FEARS THAT DESMOND TURNER WAS HOLDING MICHELLE AGAINST HER WILL. MICHELLE'S FRIEND, ALISHA PASCHAL, WAS ALSO MISSING. IT WAS LEARNED AFTER THE MURDERS, THE SUSPECTS HAD SPLIT UP. STEWART HAD GONE TO A RESIDENCE ON CAROLINE. STEWART TOLD THE INDIVIDUAL (KNOWN AND IDENTIFIED TO THE DETECTIVE) HE WAS IN TROUBLE. STEWART ADMITTED THAT HE AND "DEZ" HAD GONE TO A MEXICAN'S HOUSE TO ROB IT OF A SAFE CONTAINING A LARGE SUM OF MONEY AND DRUGS. ONCE INSIDE STEWART HAD GONE UPSTAIRS TO SEARCH FOR THE ITEMS. STEWART DIDN'T FIND ANYTHING. WHEN STEWART GOT DOWNSTAIRS, A MEXICAN MALE AND A "PRETTY MEXICAN LADY" HAD ENTERED THE HOUSE. THE MEXICAN MALE HAD PULLED A GUN ON DEZ SO STEWART SAID HE FIRED A SHOT FROM HIS HANDGUN AT THE MEXICAN. DEZ "STARTED SHOOTING EVERYBODY." STEWART EMPHASIZED HE HAD NOT SHOT THE

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CHILDREN AND ADDED HE KEPT SAYING HE HAD TOLD DEZ NOT TO "GO BACK THERE" AND NOT TO SHOOT THE KIDS.

THROUGH ADDITIONAL INTERVIEWS, IT WAS LEARNED STEWART WAS ON HIS WAY TO PICK UP HIS SON. THE VEHICLE STEWART WAS DRIVING, A PURPLE IMPALA, WAS TO BE ON THE WAY TO A LOCATION NEAR TURNER. DETECTIVE SERGEANT ROY WEST OBSERVED THE VEHICLE STEWART WAS DRIVING, STOPPED AND DETAINED STEWART, WHO WAS THEN TRANSPORTED TO THE HOMICIDE OFFICE, SUBSEQUENTLY ARRESTED AND CHARGED IN THIS CASE.

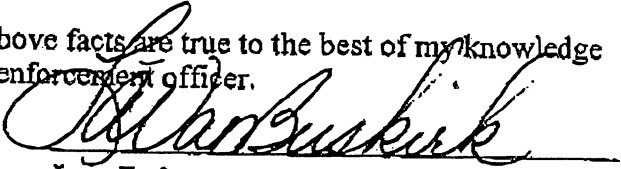
THE SEARCH WARRANT AT 1115 N RURAL WAS SERVED AND ITEMS OF CLOTHING MATCHING THE CLOTHING THAT TURNER WAS SAID TO HAVE BEEN WEARING AT THE TIME OF THE MURDERS WERE FOUND SOAKING IN THE BATHTUB IN A MIXTURE OF CLEANING SOLUTIONS, ALCOHOL, AND LOTIONS. THE GMC PICKUP BELONGING TO CLIFTON WAS PARKED IN FRONT OF THE RESIDENCE. A SEARCH WARRANT FOR THE VEHICLE WAS OBTAINED AND WAS LATER SERVED ON THE VEHICLE. THE TRUCK WAS SECURED AND PROCESSED AT MECA BY CRIME LAB TECHNICIANS. SUSPECTED BLOOD WAS RECOVERED FROM SEVERAL AREAS OF THE INTERIOR.

ON JUNE 3, 2006, APPROXIMATELY 12 PM, I MET WITH MICHELLE CLIFTON WHO CONFIRMED TURNER HAD BORROWED HER TRUCK PRIOR TO THE MURDERS. TURNER RETURNED TO HER RESIDENCE ON RURAL SOMETIME AFTER MIDNIGHT ON JUNE 2. SHE HAD BEEN SLEEPING. TURNER FELL ASLEEP AT THE FOOT OF HER BED.

CLIFTON LATER LEARNED FROM FAMILY OF THE SEARCH WARRANT AT HER RESIDENCE ON RURAL. SHE STATED SHE HAD BEEN UNAWARE OF THE CLOTHES SOAKING IN HER BATHTUB WHICH CRIME LAB TECHNICIANS RECOVERED AND STATED THE CLOTHING WAS NOT HERS AND SHE HAD NOT PUT ANYTHING TO SOAK IN THE TUB. CLIFTON STATED TURNER HAD NEVER DONE HIS LAUNDRY OR SOAKED CLOTHING IN THE BATHTUB PRIOR TO THAT NIGHT. HE HAD NEVER BROUGHT CLOTHING TO HER HOUSE FOR HER TO WASH AND SHE HAS NEVER EVEN SEEN TURNER TO DO LAUNDRY, PERIOD.

APPROXIMATELY 5:00 PM, DESMOND TURNER MADE ARRANGEMENTS TO TURN HIMSELF IN TO POLICE. HE ARRIVED AT THE HOMICIDE OFFICE 15 MINUTES LATER. HE IMMEDIATELY REQUESTED AN ATTORNEY AND DECLINED TO MAKE A STATEMENT. I ADVISED TURNER HE WAS BEING PRELIMINARILY CHARGED WITH 7 COUNTS OF MURDER, FELONY MURDER AND ROBBERY IN REGARDS TO THIS INVESTIGATION.

I swear or affirm under the penalties for perjury that the above facts are true to the best of my knowledge and belief and that I learned these facts from another law enforcement officer.


Law Enforcement Officer

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Judge, Marion Superior Court

THE ABOVE OCCURRED IN MARION COUNTY.

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