

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

DATE FILED: August 10, 2018

**AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

I, Detective Casey Williams, of lawful age and being first duly sworn upon his oath, depose and state that I have probable cause for believing that: John Doe, an unknown male with a matching Deoxyribonucleic Acid (DNA) profile at the genetic loci [REDACTED]

[REDACTED]  
[REDACTED] developed by the Polymerase Chain Reaction DNA technology.

did commit the crimes of:

- 18-3-102(1)(a), C.R.S. Murder in the First Degree (After Deliberation)- 3 Counts
- 18-3-102(1)(b), C.R.S. Murder in the First Degree (Felony Murder)- 3 Counts
- 18-2-101, C.R.S. Criminal Attempt (To Commit Murder in the First Degree)
- 18-3-402, C.R.S. Sexual Assault in the First Degree – 2 Counts
- 18-3-302, C.R.S. Assault in the First Degree
- 18-3-405, C.R.S. Sexual Assault on a Child-2 counts
- 18-4-202, C.R.S. First Degree Burglary

on/between January 15, 1984 and January 16, 1984

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, currently assigned to the Major Crime Unit, whose function it is to investigate all homicides within 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 Police Department, and reviewing official police reports of Aurora Police Department Case No. 84-121098.

On January 16, 1984, Aurora Commissioned Police Officer Vicki Exline #4348 (retired) was dispatched by the Aurora Police Dispatcher to respond to 16387 East Center Drive on the report of a possible homicide. This address is located in the City of Aurora, County of Arapahoe, State of Colorado.

Upon arriving at 16387 East Center Drive at 10:28 A.M., Officer Exline talked with Constance Large, DOB: October 19, 1933. Large told Exline the following:

That on January 16, 1984, at approximately 10:00 A.M., she responded to 16387 East Center Drive because her son, daughter in law and grand children lived at that address.

**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

John Doe, DNA profile at the genetic loci [REDACTED]  
[REDACTED]  
[REDACTED]

That her son and daughter in law work at the same place that she works. Both failed to show up for work and when she tried to call them, she got no response and she then decided to drive to the address to see if there was a problem.

That upon arriving at the address, she observed the garage door standing wide open. She entered the garage and observed the kitchen door leading from the garage into the kitchen standing open 3 to 4 inches.

That upon entering the kitchen from the garage she observed her son, Bruce Bennett, lying on the carpeted floor at the foot of the stair case leading up to the second floor. She observed that he was covered in blood and appeared to be dead.

That she yelled out for other members of the family and got no response. At this time, she called the police department.

That she last saw the family alive the previous night, January 15, 1984, at 9:00 P.M.

That she along with two of her other sons, Richard and Daniel Bennett went to the residence, the night before, to help celebrate her [REDACTED] birthday. The birthday party was for her [REDACTED] whose name was [REDACTED] and she was the [REDACTED] of Bruce and Deborah Bennett.

That when she left the party along with Richard and Daniel, she observed the garage door was standing open and at that time, everybody was okay

Officer Exline then checked the rest of the house and found an adult female, later identified as Deborah Bennett lying on the floor in the master bedroom, it appeared that she was also dead. Upon checking the house further, she located a female child, later identified as [REDACTED] lying on the children's bedroom floor, it appeared she was also dead. She then located another female child later identified as [REDACTED], lying on the bed, in the bedroom; she had been wounded but was still alive. [REDACTED] was transported to Children's Hospital where her wounds were examined and treated.

On January 16, 1984, Aurora Commissioned Police Detective Wilson Egan #5815 was dispatched to 16387 East Center Drive, Aurora, Arapahoe County, Colorado, to investigate the homicides. Egan was also designated as the lead investigator of the case. Egan arrived at the scene at 10:46 A.M., January 16, 1984. Detective Egan reported the following observations:

**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

John Doe, DNA profile at the genetic loci [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

That after being briefed by Exline, Egan entered the residence through the garage door into the kitchen.

That he first observed a Caucasian male lying on the floor directly at the foot of the staircase leading to the second floor. This separated the kitchen and the living room area. The male was dressed only in underwear stained completely red with what appeared to be blood. The rest of his body was also covered with what appeared to be blood. He was laying on his back with numerous wounds on his head and body, his throat was also cut. He was laying in a 3' by 8' pool of what appeared to be blood. There were clumps of hair lying on the floor around his body. The wall, staircase and floor contained what appeared to be bloody handprints and blood spatter. This male was identified as Bruce Bennett, WM, DOB: November 22, 1956. He is the son of Constance Large.

That he then walked up the staircase to the bedroom area. On the staircase, he observed large amounts of what appeared to be blood on the staircase, on the banister and on the walls of the hallway leading to the different bedrooms and bathroom on the top floor.

That he walked into the master bedroom located in the Northwest corner of the upstairs area. Upon entering this bedroom, he observed a white female, who was deceased, lying face down on the floor at the foot of the bed. She was naked from the waist up and clad only with a pair white underwear. A large amount of what appeared to be blood was observed under her head and body. The right side of her head was caked with what appeared to be blood. Bedding from the bed was also lying partially on top of her and some wrapped around her. To the rear of her body, on the floor next to the South side of the bed, he observed a pair of blue jeans and a wallet. The wallet appeared to have its contents dumped out on the floor. The dresser's drawers located along the South wall had some of its drawers pulled open and appeared to have been ransacked. A tooth was visible on the floor in that area. On the North side of the bed, the nightstand had its drawers pulled open. This female was identified as Deborah Bennett, WF, DOB: April 7, 1957, she is the wife of Bruce Bennett.

That Detective Egan then walked down the hallway into the Northeast bedroom. Upon entering this room, he observed a small white female child lying on the floor at the foot of two twin size beds. This room was identified as the children's room. The child was laying on her back, naked from the waist down. It appeared that she was wearing some type of pajamas, which had been cut at the waist area to expose her body from the waist down. The bottom part of her pajamas had been tucked under the girl's buttocks. Her legs were spread apart and there appeared to be bloody discharge coming from her vaginal area that was gaping open and had remained uncontracted. Her arms and hands

**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

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[REDACTED]  
[REDACTED]  
[REDACTED]

were above her head. The palm of the right hand appeared to have several large cuts on it. This female child was identified as [REDACTED], WF, age 7 years, [REDACTED]  
[REDACTED]

That upon walking around this room he observed that one of the twin beds located against the West wall was soaked with what appeared to be blood. The wall behind the bed was splattered with what appeared to be blood. Between the wall and this bed, he observed a teddy bear, which appeared to be soaked in blood. On the floor between the two twin beds, he also observed a large amount of bedding which contained a large amount of what appeared to be blood and a possible partial bloody footprints. Officer Exline told Detective Egan that [REDACTED], WF, age 3 years had been found lying on the bloody bed next to the teddy bear. Exline advised him that [REDACTED] [REDACTED] [REDACTED], when found she had been beaten about the face and head. [REDACTED] was alive and was transported to Aurora Presbyterian Hospital and later flown by Flight for Life to Children's Hospital in Denver. [REDACTED] was in a coma at this time.

That Constance Large identified all of the above listed victims after the police arrived at the scene.

Egan exited the interior of the home and went back into the front area by the open garage door. Egan observed a woman's purse lying on the ground next to the East side of the open garage door. The purse had been emptied and the contents were spread out on the ground. Egan also observed a large butcher knife lying in the snow directly East of the driveway leading into the garage. The house is described as a tri-level wood framed house, the two-car garage and the front door leading into the house faces south. The bottom level contains a family room, laundry room and play room. The second level contains the kitchen/dining room, living room. The third level contains two bedrooms and a bathroom.

Egan checked the crime scene further and advised that he could not locate any forced entry into the house. He also made the following observations:

That even though there was minimal ransacking in the house, nothing appeared to be missing. If anything was missing it could have been money from the wallet and purse and that amount is not known.

That all of the victims were dressed for bed.

**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

John Doe, DNA profile at the genetic loci [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

That in several places throughout the house, there appeared to be partial bloody footprints made from the design of a klutter (hiking) boot.

That a knife found in the front yard and it appeared to have come from a box containing a carving knife set which was found opened, in a small kitchen drawer.

That the bludgeoning weapon that was used to assault the victims was not located after a complete search of the residence.

That the purse found lying on the ground by the garage door belonged to the female victim, Deborah Bennett.

That after [REDACTED]'s body was removed from the scene, a small box cutting razor blade knife was found under her body. This could have been the item used to cut [REDACTED]'s pajamas and used to cut the palm of her hand.

Egan advised that the Arapahoe County Coroners Office responded to the crime scene and took the three dead victims to the Arapahoe County Coroners Office.

On January 17, 1984, Egan responded to the Arapahoe County Coroners Office located at Bullock Mortuary, 3475 East Hampden Avenue, Englewood, Colorado to attend the autopsies of the victims. Arapahoe County Coroner Doctor John M. Wood (Deceased) performed the autopsies. Commissioned Police Agent Mary Schumacher (retired), Crime Scene Investigator for the Aurora Police Department took photographs and collected evidence during the autopsies. Egan made the following observation and obtained the following statements from Wood:

That the first autopsy was conducted on the body of [REDACTED].

That Doctor Wood advised that [REDACTED] received nine different blows to the front of her head.

One of the indentations indicated the weapon used was a "claw hammer" as the claw marks in her skull were distinct. The skull was caved in and bone fragments were visible. She also had a large cut to her left hand. There were multiple lacerations to her vaginal canal consistent with sexual assault. Doctor Wood advised the cause of death on [REDACTED] was due to a compound fracture of the skull with resultant laceration and contusion to the brain. A sexual assault examination was conducted on [REDACTED]'s body and evidence was collected.

**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

John Doe, DNA profile at the genetic loci [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The manner of death of [REDACTED] was homicide.

That the second autopsy was conducted on the body of Deborah Bennett.

That there were five wounds to her right shoulder, a large wound over her left eye, a wound near the right ear, a wound near the mouth and two wounds directly on the face and her jaw was broken. On top of her skull there were eight wounds toward the back. The skull was caved in and there were two additional lacerations to the left shoulder. There was also bruising on the left arm in the crook of the elbow and bruising to the shoulder. All the wounds were consistent with being struck by a "claw hammer". She also had two teeth missing from her lower left jaw. There was no indication of sexual assault. Doctor Wood determined the cause of death to Deborah was due to multiple skull fractures with lacerations and contusions to the brain. The manner of death of Deborah Bennett was homicide.

That the third autopsy was conducted on the body of Bruce Bennett.

That there was a large wound above the bridge of the nose as well as to the right side of the nose. There was also a large wound into the right ear, which almost caused the right ear to be cut in half. There were also several large wounds along the left jaw line almost into the left ear. His throat had been cut superficially and could not have caused his death. There were numerous bruises on top of his left hand and cuts to his left fingers. His left ring finger was almost severed in half. On top of his head he suffered sixteen blows. The left side of his head was caved in. All of the blows were consistent with the blows from a "claw hammer". Doctor Wood advised the cause of death to Bruce Bennett was due to multiple skull fractures as well as resultant laceration and contusion of the brain. The manner of death of Bruce Bennett was homicide.

On January 18, 1984, Egan responded to Children's Hospital located at 19<sup>th</sup> and Downing Street in Denver, Colorado. At that location, he talked with attending physician Doctor Jeff Hansen who was attending to [REDACTED]. Doctor Hansen told Egan the following information:

That [REDACTED] had been transported to Children's Hospital from Aurora Presbyterian Hospital on January 16, 1984. She need three units of blood and three units of fluids. All of her wounds were sustained to the right side of her face and there was a possibility that she may be paralyzed on her left side. All blows were consistent with

**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

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[REDACTED]  
[REDACTED]  
[REDACTED]

some type of blunt object, that she had some trauma to her vaginal canal. At this time she was unconscious with various tubes in her body and throat.

On January 16, 1984, Aurora Crime Laboratory Supervisor Roger MacDonald (Retired) responded to the crime scene at 16387 East Center Drive, to supervise all crime scene investigators that were collecting evidence and taking photographs inside and outside the crime scene. During that process, MacDonald personally collected a white bed comforter that was found lying between the twin beds in [REDACTED] and [REDACTED]'s bedroom. This comforter contained partial footprint designs with what appeared to be blood. He also collected the bottom striped fitted sheet from the master bed in Bruce and Deborah's bedroom. This sheet contained an imprint of a claw hammer in what appeared to be blood, which had been laid on the sheet sometime during the assault. These items were placed into Aurora Police evidence to be held for further testing.

Agent Jeanne Kilmer of the Colorado Bureau of Investigations, collected a section of carpeting from beneath the buttock of [REDACTED]'s body. Killmer took custody of this piece of evidence.

On May 31, 1984, Jeanne Kilmer, Serologist for the Colorado Bureau of Investigations, tested the fluids and swabbing which had been obtained from [REDACTED]'s vagina. She wrote a report advising that she had found semen in this evidence and semen tested as a ABO blood type of A, H Antigen with a PGM 2.

In 1989, Aurora Commissioned Detective Marvin Brandt, #988, continued the investigation into this case and checked through the evidence. It was discovered that the comforter that was found between the girl's beds that had never been sent to the Colorado Bureau of Investigation for any type of examination. Brandt sent the comforter to the Colorado Bureau of Investigation for testing along with other evidence, which was recovered from the crime scene.

On January 24, 1989, Ted DeValis, Serologist for the Colorado Bureau of Investigation, currently employed by the Denver Police Department Crime Lab, wrote a report advising he found semen on the comforter in several different locations. This is the same comforter found between the beds, next to the head of [REDACTED]'s body. The results of this test showed the semen tested as an ABO blood type A, H Antigen, he was unable to obtain any additional markers.

Brandt observed that the ABO test on the comforter along with the ABO tests from the vaginal fluids and swabs on [REDACTED] were the same. Brandt talked with DeValis on the phone and in person. DeValis advised Brandt to have DNA tests conducted on the evidence. During this period, the Colorado Bureau of Investigations was unable to do DNA testing. DeValis suggested

**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

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[REDACTED]  
[REDACTED]  
[REDACTED]

to Brandt to have him send the evidence to a specialist in California who specialized in PCR (Polymerase Chain Reaction) DNA testing. DeValis also told Brandt that the original samples from the tests that Kilmer did back in 1984 contained no additional evidence to test, and the original samples that Kilmer did had degraded and additional testing could not be done on them.

In 1990, Brandt sent three swatches of cloth which contained semen from the comforter, the carpet, along with other evidence to Doctor Ed Blake, Forensic Science Associates, 3053 Research Drive, Richmond, California, 94806. Blake was to do PCR DNA testing on these items.

On April 20, 1990, Dr. Blake sent a letter to Brandt with the following information:

That from the three swatches from the comforter that was sent to him, he obtained partial PCR DNA from on the swatches.

That the test results were (DQ Alpha 4,4); this was the only portion that he could obtain from the samples. He was unable to bring up any additional markers.

All of the evidence that had been sent to Dr. Blake was returned to the Aurora Police Department and placed back into police property for safekeeping.

In 1998, your affiant, identified as Aurora Commissioned Police Detective Casey Williams, #10013 and Brandt responded to the Colorado Bureau of Investigation and met with Serologist Yvonne Woods and Ron Arndt, both employed by the Colorado Bureau of Investigation. The Bennett case was discussed with Agents Woods and Arndt, they both suggested that due to the advances in DNA testing and the fact that the Colorado Bureau of Investigation now did DNA testing, we should now resubmit evidence from this case for further testing.

On September 19, 1999, Yvonne Woods wrote a report that after she tested the evidence, that your affiant and Brandt sent in to the Colorado Bureau of Investigation, she found some additional semen. This additional semen was found on the comforter and the piece of carpeting that was removed from under [REDACTED]'s body. She advised she forwarded that evidence to the DNA section for further testing.

On February 15, 2001, Laboratory Agent in Charge Kevin Humphreys, assigned to doing DNA testing in the Montrose, Colorado office of the Colorado Bureau of Investigation received all the evidence submitted by Brandt and your affiant. This evidence was submitted to Humphreys from the Denver office of the Colorado Bureau of Investigation.



**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

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[REDACTED]  
[REDACTED]  
[REDACTED]

On March 1, 2001, Brandt talked with Humphreys over the phone. Humphreys advised Brandt that he had successfully extracted DNA from the comforter and from the piece of carpet, which was located under the buttocks of [REDACTED]. He advised that both DNA samples were from semen, that both samples matched each other indicating the samples came from the same source.

On June 21, 2001, Humphreys sent a report to Brandt indicating his findings. Humphrey also checked the Colorado DNA bank for suspects and came up negative. He also typed a letter to have the results entered into the National database. As of this date, no person has been matched to this DNA profile. All attempts have been made and will continue to be made to locate this person.

On July 17, 2001, your affiant called Kevin Humphreys, of CBI, and asked him to send an email and describe the genetic make up of the offender. Humphreys sent an email and described the offender as:

an unknown male with the Short Tandem Repeat genetic profile consisting of a [REDACTED]  
[REDACTED]  
[REDACTED], developed by the Polymerase Chain Reaction DNA technology.

Your affiant concluded, from official police reports, discussions with police officers that had direct connection to this case, officials from CBI, officials from the Arapahoe County Coroner's office, crime scene photographs and crime scene video tapes that the following events occurred: Suspect or Suspects unknown, entered 16387 East Center Drive, Aurora, Arapahoe County, Colorado, possibly through an unlocked and open garage door.

Deborah Bennett was assaulted while lying in her bed. She sustained numerous blows from a blunt object to her body, which caused her death. She was pushed, pulled or crawled away from her attacker and died on the floor of her bedroom. Deborah Bennett's purse was taken from the house and was found outside the house with its contents dumped onto the ground.

Bruce Bennett was assaulted in the hallway, just outside of his bedroom, possibly while chasing the suspect from his room. Bruce Bennett was stuck numerous times with a blunt object on his body, which caused his death. During this assault, a blood trail of Bruce Bennett's blood leads

**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

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[REDACTED]  
[REDACTED]

from the door of his bedroom, within the hallway towards the children's bedroom, but stops short of entering the children's room and continues down the stairs to the living room. Large amounts of blood on the living room floor and furniture indicate that the assault continued until Bruce Bennett's death. Bruce Bennett's throat was also cut.

[REDACTED] was 7 years old at the time of her assault. She was attacked in her bedroom while in her bed. She was struck numerous times with a blunt object, which caused her death. [REDACTED]'s hand was also cut with a sharp object and the injury appears to be a defense wound. [REDACTED] was placed on the floor, and her pajamas were cut in half exposing her lower body. [REDACTED] was sexually assaulted as she was dying or possibly shortly after her death. The suspect had sexual intercourse with [REDACTED]'s body. [REDACTED]'s body was left lying on the floor with her legs spread apart. The suspect ejaculated semen into and around the body of [REDACTED]. A mixture of body fluids from [REDACTED]'s body and semen belonging to the suspect were found on the carpet below [REDACTED]'s body. The semen belongs to an unknown male with a matching Deoxyribonucleic acid profile at the genetic loci [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] developed by the Polymerase Chain Reaction DNA technology.

[REDACTED] was 3 years old at the time of her assault. She was attacked in her bedroom while in her bed. She was struck numerous times with a blunt object, which caused her injuries. [REDACTED] had trauma to her vaginal area, which was consistent with sexual assault. [REDACTED] had serious bodily injuries, which could have caused her death. [REDACTED] was left with scarring and injuries that have continued to affect her throughout her life.

Based on the foregoing facts and circumstances, your affiant feels that there is probable cause to believe that the offenses of C.R.S.:

18-3-102(1)(a), C.R.S.	Murder in the First Degree (After Deliberation)-3 Counts
18-3-102(1)(b), C.R.S.	Murder in the First Degree (Felony Murder) -3 Counts
18-20101, C.R.S.	Criminal Attempt (To Commit Murder in the First Degree)
18-3-401, C.R.S.	Sexual Assault in the First Degree-2 Counts
18-3-302, C.R.S.	Assault in the First Degree
18-3-405 C.R.S.	Sexual Assault on a Child- 2 Counts
18-4-202, C.R.S.	First Degree Burglary

**DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO  
AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

John Doe, DNA profile at the genetic loci [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

have been committed, and that , John Doe, an unknown male with a matching DNA profile at the genetic loci [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] developed by the Polymerase Chain Reaction DNA technology, did commit those offenses.

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

Det. Casey Williams  
Affiant

SUBSCRIBED AND SWORN/AFFIRMED to before me by: Casey Williams  
this 13<sup>th</sup> day of June, 2002.

My Commission expires: 9-7-2004

