

FILED

DEC 09 2011

IN THE DISTRICT COURT OF OKFUSKEE COUNTY, STATE OF OKLAHOMA  
**CRIMINAL COVER SHEET**

KAY ADAMS, COURT CLERK  
OKFUSKEE COUNTY, OKLA.

STATE OF OKLAHOMA

CF-11-126 (Felony)  
CM \_\_\_\_\_ (Misdemeanor)  
JDL \_\_\_\_\_ (Juvenile Delinquent)  
JS \_\_\_\_\_ (Juvenile/Supervision)  
JT \_\_\_\_\_ (Juvenile/Treatment)  
JD \_\_\_\_\_ (Juvenile/Deprived)  
JDHT \_\_\_\_\_ (Juvenile/Mental)  
JDLH \_\_\_\_\_ (Juvenile/Show Cause)

vs

KEVIN JOE SWEAT  
Defendant

**DEFENDANT INFORMATION**

Last Name: Sweat First Name: Kevin Middle Name: Joe  
Address: Okfuskee County Jail  
City: Okfuskee State: OK ZIP: \_\_\_\_\_  
Address Type:    H    W X Other Phone: Home# \_\_\_\_\_ Phone: Cell# \_\_\_\_\_  
Phone: Work# \_\_\_\_\_ Email: \_\_\_\_\_ Date/Birth: 01/27/1986  
Driver License #: \_\_\_\_\_ Driver License State: \_\_\_\_\_ SS#/EIN#: 440-92-1227  
Race: \_\_\_\_\_ Gender: X M    F Language/Dialect: English  
Additional Defendants:    Y X N Total Number of Defendants:    1

**ATTORNEY INFORMATION**

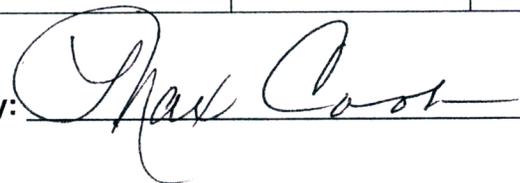
(If licensed in Oklahoma, fill in address information, only if it has changed since registering with the Oklahoma Bar Association.)  
(Attach additional cover sheets for additional attorneys.)

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
Bar Number (Required): \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**OFFENSES**

COUNT(S)	OFFENSES CHARGED	OKLA. STAT. CITATION	NCIC CODE
# 1	MURDER IN THE FIRST DEGREE ( a FELONY )	21 O.S. § 701.7	
# 2	MURDER IN THE FIRST DEGREE ( a FELONY )	21 O.S. § 701.7	
# 3	SHOOTING WITH INTENT TO KILL ( a FELONY )	21 O.S. § 652 (A)	
# 4	SHOOTING WITH INTENT TO KILL ( a FELONY )	21 O.S. § 652 (A)	

Signature: District Attorney/Defendant Attorney: \_\_\_\_\_





**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.**

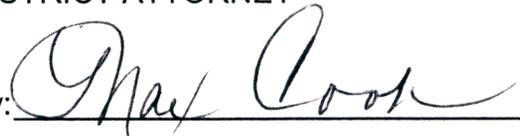
**This crime is punishable by imprisonment for up to life.**

**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**

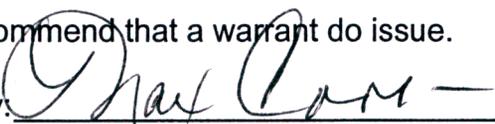
with the unlawful, wrongful, willful and felonious intent then and there on the part of said defendant to kill Taylor Placker.

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  
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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.**

**IN THE DISTRICT COURT IN AND FOR OKFUSKEE COUNTY  
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, )

Plaintiff, )

-vs- )

Case No. CF-2011-\_\_\_\_\_ )

KEVIN JOE SWEAT )

DOB: 01/27/86 )

SSN: 440-92-1227 )

Defendant,

**AFFIDAVIT**

The undersigned upon oath deposes and states as follows, to-wit:

I, Kurt Titsworth, am an Agent for the Oklahoma State Bureau of Investigation (OSBI). I have been a certified peace officer in the State of Oklahoma since 1992. I have been an investigator for 15 years.

On Sunday, June 8, 2008 the Okfuskee County Sheriff requested OSBI assistance in the investigation of the deaths of Taylor Placker, Age 13, and Skyla Whitaker, Age 11. On that day at about 5:20 p.m., Placker and Whitaker were found dead along North 3890 Road near Weleetka in Okfuskee County, Oklahoma.

Five (5) Winchester .40 caliber shell casings were recovered from the scene. The casings were submitted to the OSBI Forensic Science Center in Edmond, Oklahoma for analysis.

On June 9, 2008 the Office of the Chief Medical Examiner in Oklahoma City performed an autopsy on Placker's body and on Whitaker's body and reported that the cause of death for each girl was multiple gunshot wounds and that the manner of death for each girl was homicide. The medical examiner collected projectiles from Placker's and Whitaker's bodies. The projectiles were submitted to the OSBI Forensic Science Center for analysis.

OSBI Firearms Criminalist Terrance Higgs examined the .40 caliber shell casings that were found at the crime scene and the projectiles collected from Placker's and Whitaker's bodies. Higgs reported that the projectiles collected from the bodies were .40 caliber and .22 caliber bullets.

**Page Two (2)**

**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: 01/27/86 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

**Page Three (3)**  
**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.

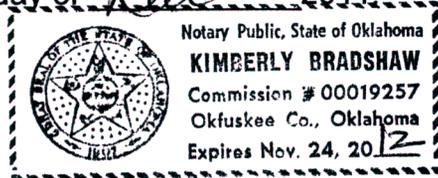
Based on this information, the undersigned prays that this Honorable Court issue a finding of fact that probable cause exists to believe that a crime has been committed and that there is probable cause to believe the defendant above-named committed that crime.

Kim Titsworth  
AFFIANT

Subscribed and sworn to before me this 9<sup>th</sup> 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 9<sup>th</sup> day of December, 2011.

Annemarie L. Parish  
JUDGE OF THE DISTRICT COURT

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

**FILED**

DEC 09 2011

KAY ADAMS, COURT CLERK  
OKFUSKEE COUNTY, OKLA.

BY: \_\_\_\_\_

STATE OF OKLAHOMA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
KEVIN JOE SWEAT, )  
)  
Defendant. )

CF-2011- 126

**BILL OF PARTICULARS**  
**IN RE PUNISHMENT**

I, the undersigned District Attorney of the Twenty-Fourth District, Okfuskee County, State of Oklahoma, do upon my official oath further give the District Court of Okfuskee County, State of Oklahoma, to know and be informed that the offense of Murder in the First Degree, as charged within the original information, was committed by the aforesaid defendant, Kevin Joe Sweat, and should be punished by death due to and as a result of the following aggravating circumstances, to-wit:

1. AS TO TAYLOR PLACKER & SKYLA WHITAKER: That the murders of Taylor Placker and Skyla Whitaker were especially heinous, atrocious or cruel in the following manner, to-wit:
  - a. That the Defendant did incapacitate Taylor Placker and Skyla Whitaker by shooting them and both Placker and Whitaker were conscious, but unable to defend themselves;

- b. That Placker and Whitaker's deaths were caused by the defendant shooting them repeatedly;
  - c. That Placker and Whitaker did feel physical pain and did suffer extreme mental anguish prior to their deaths;
  - d. That Placker and Whitaker were children, unarmed, and posed no threat to the Defendant.
2. AS TO TAYLOR PLACKER & SKYLA WHITAKER: That the defendant knowingly created a great risk of death to more than one person, to-wit:
  - a. That the Defendant did incapacitate Taylor Placker and Skyla Whitaker by shooting them and Taylor Placker and Skyla Whitaker were unable to defend themselves;
  - b. That Placker's injuries were caused by the defendant shooting her repeatedly, in the same manner as he caused the death of Skyla Whitaker;
  - c. That the victim, Taylor Placker, did suffer the same fate as Skyla Whitaker.
3. AS TO TAYLOR PLACKER & SKYLA WHITAKER: That there is an existence of a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society, to-wit:

- a. That the defendant's crimes are violent and his speech and actions during the crime show his callousness and total disregard for human life;
- b. That the defendant's actions after the murder show no remorse;
- c. That the defendant's actions show a pattern of escalating criminal activity and general disregard for the laws and rules of society.
- d. There is additional evidence detailing the defendant's participation in other unrelated crimes showing his violent criminal behavior.

MAX COOK  
District Attorney

By: \_\_\_\_\_



MAX COOK, District Attorney  
OBA #12983  
District 24, Creek/Okfuskee Counties  
225 North 3<sup>rd</sup> Street  
Okemah, Oklahoma 74859  
(918) 623-1411

**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  
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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  
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Pete Placker, c/o Okfuskee County District Attorney's Office  
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William Whitaker, c/o Okfuskee County District Attorney's Office  
Glock Inc, Custodian of Records, Smyrna, GA

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

FILED  
DEC 09 2011

KAY ADAMS, COURT CLERK  
OKFUSKEE COUNTY, OKLA.

BY: \_\_\_\_\_

STATE OF OKLAHOMA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
KEVIN JOE SWEAT, )  
)  
Defendant. )

CF-2011-87

**BILL OF PARTICULARS  
IN RE PUNISHMENT**

I, the undersigned District Attorney of the Twenty-Fourth District, OKFUSKEE County, State of Oklahoma, do upon my official oath further give the District Court of OKFUSKEE County, State of Oklahoma, to know and be informed that the offense of Murder in the First Degree, as charged within the original information, was committed by the aforesaid defendant, Kevin Joe Sweat, and should be punished by death due to and as a result of the following aggravating circumstances, to-wit:

1. That there is an existence of a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society, to-wit:
  - a. That the defendant's crimes are violent and his speech and actions during the crime show his callousness and total disregard for human life;
  - b. That the defendant's actions after the murder show no remorse;

- c. That the defendant's actions show a pattern of escalating criminal activity and general disregard for the laws and rules of society.
- d. There is additional evidence detailing the defendant's participation in other unrelated crimes showing his violent criminal behavior.

Max Cook  
District Attorney

By:  \_\_\_\_\_

MAX COOK, District Attorney  
OBA#12983  
District 24, Creek/Okfuskee Counties  
P. O. Box 225  
Okemah, Oklahoma 74859  
(918) 623-1411

**WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA**

Kurt Titsworth, OSBI  
Terrance Higgs, OSBI  
Brad Greene, OSBI  
John Graham, OSBI  
Charles Mackey, OSBI  
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Glock Inc, Custodian of Records, Smyrna, GA

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,

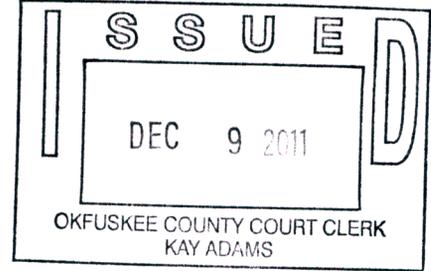
vs.

KEVIN JOE SWEAT  
ADDR: Okmulgee, OK 74447  
SSN: 440-92-1227  
DOB: 01/27/86  
Defendant(s),

**ORIGINAL**

RETURN TO: KAY ADAMS  
OKFUSKEE CO. COURT CLERK  
P. O. BOX 30  
OKEMAH, OK 74859

Case No. CF-2011-126



**FELONY WARRANT**

STATE OF OKLAHOMA, COUNTY OF OKFUSKEE, TO ANY LAW ENFORCEMENT OFFICER:

YOU ARE HEREBY COMMANDED to forthwith arrest and take said **KEVIN JOE SWEAT** into custody for the offense(s) of:

- COUNT 1: MURDER IN THE FIRST DEGREE~ 21 O.S. § 701.7 a **FELONY**
- COUNT 2: MURDER IN THE FIRST DEGREE~ 21 O.S. § 701.7 a **FELONY**
- COUNT 3: SHOOTING WITH INTENT TO KILL~ 21 O.S. § 701.7 a **FELONY**
- COUNT 4: SHOOTING WITH INTENT TO KILL~ 21 O.S. § 701.7 a **FELONY**

and bring him/her before me or some other Magistrate having cognizance of the case, to be dealt with according to law. You are further directed to execute this writ or warrant either in daytime or nighttime.

Bond for the release of the above named defendant, to guarantee said defendant's appearance in all the Court's proceedings herein, be and the same is hereby fixed in the sum of:

COUNT 1: \$ No Bond , COUNT 2: \$ No Bond , COUNT 3: \$ 100,000 ,

COUNT 4: \$ 100,000 , until the further Order of the Court.

Dated this 9<sup>th</sup> day of December, 2011.

Judge of the District Court

Presenting Agency: OSBI Agency Case Number:

EXTRADITE / ENTER NCIC: YES NO

Circle ONE: LOCAL ONLY ALL STATES SURROUNDING STATES

**Identifiers:** Gender:  
Height:  
Weight: lbs.  
DL #:  
Markings:

Race:  
Eye Color:  
Hair Color:

**OFFICER'S REPORT**

STATE OF OKLAHOMA, COUNTY OF OKFUSKEE

Received the within writ on the \_\_\_\_ day of \_\_\_\_\_ and executed the same by taking into custody **KEVIN JOE SWEAT** and presenting him\her before the court this \_\_\_\_ day of \_\_\_\_\_.

**Fees:** Arresting \_\_\_\_\_ persons at \$ \_\_\_\_\_ each \$ \_\_\_\_\_  
\_\_\_\_\_ miles at \$ \_\_\_\_\_ per mile \$ \_\_\_\_\_  
**TOTAL \$ \_\_\_\_\_**

By: \_\_\_\_\_  
Law Enforcement Officer