INFORMATION SLIP
CRIMINAL CASE FILING

Request WARRANT ☒ (Sheriff to Serve)
Request SUMMONS ☐ (Sheriff to Serve)
Request SUMMONS ☐ (By Mail)

DEFENDANT: **NEWTON, Gregory Tyler**

aka:

ADDRESS: **18908 E. 47th Dr.**

CITY/STATE: **Denver, CO 80249**

PHONE: **720-810-4627** PHONE WORK:

PRESENT LOCATION OF DEFENDANT; (As of Case Filing):

Unknown

DOB: **06/13/1989** Race: **B** SEX: **M** HGT: **6'3"** WGT: **140 lbs** HAI: **BLK** EYE: **BRO**

KNOWN MEDICAL PROBLEMS:

SOCIAL SECURITY NUMBER: [redacted] CO DRIVER LIC: [redacted]

VEHICLE INFO: **none**

OCCUPATION: **telemarketer**

DISTINGUISHING MARKS/TATTOOS/ETC: **L upper arm Skull Cards with "The General", Right Upper Arm Guns and skulls, "Chaos""tha yank" Dice, on chest "Ciara" skull with mountains.**

GANG AFFILIATION, IF ANY: **unkown**

HIGH RISK ARREST: KNOWN TO POSSESS WEAPON:

LIST ANY EMERGENCY NOTIFICATIONS, NEXT OF KIN:

PARENT INFORMATION IF JUVENILE DEFENDANT:

SCHOOL ATTENDED IF JUVENILE:

If requesting warrant, or if case filing turns into warrant, any additional information that may assist Sheriff's Office Fugitive/Warrants in effecting arrest:

PHOTO AVAILABLE AT YOUR DEPARTMENT: **yes** ATTACHED: **no**

INVESTIGATING OFFICER: **Julie Stahnke**

AGENCY: AURORA POLICE DEPARTMENT AGENCY CASE # **16-25843**

INVESTIGATOR PHONE: WORK: **303-739-6120**

REQUEST TO BE NOTIFIED OF ARREST: **No**

CASE FILE FACESHEET
GENERAL INFORMATION SHEET

Arapahoe COUNTY DISTRICT ATTORNEY
GENERAL INFORMATION

POLICE AGENCY: Aurora Police Department Agency Case # 16-25843 DATE FILED: February 27, 2017 7:51 AM

DEFENDANT(S):
1. Name: **Gregory Tyler NEWTON**
   Address: **18908 E. 47th Dr., Denver, CO 80249**
DOB: **06/13/1989** ht: **6'3"** wt: **140 lbs** eyes: **BRO** hair: **BLK** race: **B** sex: **M**

2. Name:
   Address:
DOB: ht: wt: eyes: hair: race: sex:

3. Name:
   Address:
DOB: ht: wt: eyes: hair: race: sex:

4. Name:
   Address:
DOB: ht: wt: eyes: hair: race: sex:

Date & Time of Offense: **July 7, 2014 / June 29, 2016 at approximately 8:30 a.m.**
Place of Offense: **15552 E. 12th Ave #102, Aurora, CO 80011**

VICTIM(S):

Exact Name	Age	Relationship to Offender
[redacted]	[redacted]	Child
		Child

Charges in this Case:

#	STATUTE	TITLE	CLASS	NCIC
1	18-6-401-(1)(a),(7)(a)(IV)	Child Abuse	M2	3806

Charges against Defendant	1. 1	2.	3.	4.
Is Defendant in Jail?	1. No	2.	3.	4.
If so, Where?	1.	2.	3.	4.

Officer Filing/Signing this Case: Julie Stahnke

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT

I, Detective Julie Stahnke, of lawful age and being first duly sworn upon his/her oath, depose and state that I have probable cause for believing that:

Gregory Tyler NEWTON DOB: 06/13/1989
6'2" tall (estimated) 150 lbs. (estimated)
Black hair and brown eyes

did commit the crime(s) of:

18-6-401(1)(a), (7)(a)(VI) Child Abuse (M2)

on/between: **July 8, 2014 through July 9, 2014 and**
June 28, 2016 to June 29, 2016 and

WITHIN THE County of Arapahoe, State of Colorado, and as grounds therefore states as follows:
Your affiant, Julie Stahnke (25652), is a commissioned police officer with the City of Aurora Police Department (APD) and has been so employed since 2002. Your affiant is presently assigned as a detective to the Crimes Against Children (CAC) Unit. As part of your affiant's official duties, your affiant is responsible to review all reports and evidence pertaining to this case. Your affiant developed her knowledge of the facts contained within this affidavit through investigation that included, but is not limited to, personal interviews and observations and from the official records of the aforementioned police department.

Your affiant reviewed the police report (APD case #25843) authored by commissioned Aurora Police Officer, Jeffrey Wheelis #300130 and Officer Todd Alscher #267580 and based on that review your affiant learned the following information:

On June 29, 2016, at approximately 8:45 a.m., Officer Wheelis and Officer Alscher were dispatched to 15552 East 12th Ave. Apartment #102, Aurora, CO 80012, in reference to a possible medical incident involving a small child. Upon arrival, Officer Alscher said he observed members of the Aurora Fire Department Engine 8 on scene and performing CPR on an infant. The infant was later identified as [redacted] DOB: [redacted] Officer Wheelis said he observed the mother of [redacted] Tierra Monet Collins (DOB: 04/04/1988) as paramedics were doing CPR on her baby. Officer Wheelis' initial observation of Tierra was she didn't appear to be upset over the condition of her child, she only appeared mad.

Officer Wheelis said the door to apartment #102 was wide open. Officer Wheelis entered the above named apartment and encountered a black male. The black male was later

identified as Anton Jamar Anderson DOB: 10/02/1987. Officer Wheelis held the above address until a search warrant was obtained.

On scene Officer Alscher contacted the parents of [redacted] who were identified as Tierra Collins DOB: 04/04/1988 and Gregory Tyler Newton DOB: 06/13/1989 (who goes by Tyler and Gregory). Officer Alscher said in his report while he was speaking with Tierra and Tyler he could smell a strong odor of an unknown alcoholic beverage. Officer Alscher reported he followed the ambulance emergent to Children's Hospital of Colorado (CHC).

Officer Alscher and APD Officer Bryan Bergstrom #253260, contacted Tierra and Tyler in the lobby of the hospital. Officer Alscher said he could still smell an odor of an unknown alcoholic beverage when speaking with them. Officer Alscher reported when he was speaking to Tyler and Tierra about going back to see [redacted], neither was panicked or crying. Tyler and Tierra were both calm and wanted to know if [redacted] had died.

[redacted] was pronounced deceased at 9:12 a.m. by Dr. Mendenhall. When Tierra was advised that [redacted] was deceased, she made statements she wanted to kill herself and walked out of the hospital. Tyler made similar statements and both were placed on a mental health hold and transported to University Hospital.

On June 29, 2016, at approximately 9:55 a.m. your affiant responded to University Hospital to contact Tierra and Tyler. Your affiant went to ED room 51 to make contact with Tyler. Upon entering the room your affiant could smell a strong odor of an alcoholic beverage. Your affiant observed Tyler to have bloodshot watery eyes. Your affiant asked Tyler if he would agree to a blood draw. Tyler said he would agree but he didn't want to fill out the paperwork. Your affiant advised him per protocol the paperwork had to be filled out. Tyler said he did not want to fill out the paperwork so your affiant thanked him and left the room.

It was decided your affiant would interview Tierra and APD Detective Doug Kasten #262050 would interview Tyler. During the interview Tyler admitted to Detective Kasten he and Tierra had a few drinks and smoked marijuana the night before [redacted] died.

Your affiant was notified by Detective Dyer that Tyler and Tierra had a son, [redacted] (DOB: 12/11/2013) who passed away in 2014 (case #14-26122).

On June 29, 2016, at approximately 7:07 p.m., your affiant, Detective Hurley, and Detective Faith Goodrich #301023 responded to 15552 E. 12th Avenue Apartment #102, Aurora, CO in order to assist in the execution of a search warrant.

At approximately 1917 hours, Crime Scene Investigator Darvin Harrell arrived on scene to photograph the interior of apartment #102. Upon entering the apartment your Affiant observed a black futon in the living room and a baby swing next to the futon. The general appearance of the apartment was filthy. There was a considerable amount of trash and empty alcoholic beverage bottles strewn all over the apartment. In the living room, near

the futon, there were empty liquor bottles, empty beer cans, and a green leafy substance that in my training and experience is consistent with marijuana. There was trash on the floor, a dirty diaper, and drug paraphernalia (marijuana pipe) in the living room.

Off of the living room is the kitchen, which was extremely dirty and trash was strewn about the floor. The glass window for the oven was missing and the stove was filthy. Located on the kitchen table your affiant observed a marijuana grinder.

The apartment had two bedrooms situated down the hallway from the living room. The northwest bedroom, which is positioned down the hall and to the right, had a bed, bassinet, and a few dressers. Near the bassinet, on a nightstand was an over flowing ashtray of cigarette butts. The room was dirty, but not as dirty as the rest of the house.

Located in the southwest bedroom, which is positioned down the hall and to the left, was a white in color infant crib. The crib was filled with trash and clothes. On the floor of this room there was a grocery bag filled with empty blue shooter vodka bottles. There were various empty hard liquor bottles strewn around the room as well as trash and cigarette butts. This room was filthy and your affiant believes it was the dirtiest room in the apartment.

Your affiant spoke to Jennifer Newton, Tyler Newton's sister and guardian of his six year old daughter, Ciara. Jennifer believes Tierra is an alcoholic and has been for years. When Tyler and Tierra's first child, [redacted] was alive, Tierra was drinking a lot and Jennifer saw her drunk on many occasions. Jennifer knew Tierra was drunk because she would slur her speech, stumble when she would try to walk and had glossy eyes.

Jennifer remembered a family party when Tierra was still pregnant with [redacted] and Jennifer saw Tierra drink large bottle of "Barefoot Wine." Jennifer said Tierra drank the entire time she was pregnant with [redacted]

Jennifer said in 2014, when [redacted] was alive, they had a family party. Tierra was intoxicated and was holding [redacted] Jennifer saw Tierra almost drop the baby on the concrete but grabbed him by one arm so he wouldn't hit the ground. Tyler came running up behind Tierra and grabbed the baby. Tierra was slurring her speech and falling all over the place to the point Jennifer's family made Tierra stay so the baby would not be in danger.

Jennifer said Tierra is the type of person will not stop drinking. When she was pregnant with [redacted] Tierra would drink alcohol, smoke cigarettes and smoke marijuana during and after her pregnancy.

Jennifer said she was not as close with Tyler and Tierra after [redacted] died. Jennifer said she never saw Tierra drunk with [redacted] but she knew Tierra was drinking because they (Tyler and Tierra) would fight about it. Jennifer said Tyler called her one day upset because Tierra wanted to go get drunk with her brother instead of watching [redacted]

Tyler told Jennifer that Tierra was doing better with this pregnancy and not drinking as much as she did with [redacted] However, after the baby was born Tierra went back to drinking heavily. Jennifer said she thinks Tierra has a mental illness because of how much alcohol she drinks. Jennifer said Tierra's brother, Jeff, drinks a lot. In the three years she has known Tierra and her family, she has never seen Jeff sober, and Jeff is who Tierra drinks with. Jennifer said Tierra has called her phone after [redacted] was born and Tierra sounded intoxicated.

Tyler has called Jennifer to talk about how much Tierra drinks and smokes. After the baby [redacted] was born, Tierra was still drinking and smoking. Jennifer said Tyler and Tierra mostly fought about Tierra's drinking and taking care of the baby. Jennifer said as soon as Tierra gave birth to [redacted] she went back to heavily drinking alcohol. On the morning of the incident, Tyler told Jennifer it took Tyler a few minutes to wake Tierra up. Jennifer said Tyler's exact words were, "When you are drunk you can't wake up." Jennifer said Tyler told her that he didn't want to co-sleep with [redacted] because he (Tyler) knew Tierra was a heavy sleeper when she has been drinking. Jennifer said she thinks Tyler should know better, he knows how to be a good dad, he knows how to do things and what should and shouldn't be done as a father.

On July 1, 2016, your affiant interviewed Tiffany Austin (DOB: 01/16/1987). Tiffany lives in apartment #202, which is directly above Tierra's apartment. Tiffany said on the morning of June 29, 2016 at approximately 8:30 a.m. she heard a knocking at her front door. Tiffany described the knock as casual, as if someone was coming to visit you and politely knocked on the door. Tiffany opened the door and observed Tyler and Tierra standing at her door. In a clam manner Tyler asked Tiffany if he could use her phone. Tiffany asked why he needed to use her phone, and in a clam manner as if having a conversation with someone, Tyler said, because his baby stopped breathing. Tiffany asked them where the baby was and Tierra told her he was downstairs. Tiffany said she ran downstairs to Tierra's apartment. When she got to the apartment she observed a baby lying flat on his back in the middle of the futon, Tiffany thought he was placed there by someone. Tiffany said his belly was distended and he was gray and lifeless when she picked him up. Tiffany said the only thing he was wearing was a diaper that was wet and heavy, like his diaper had not been changed in a long time. Tiffany said she was trying to give [redacted] CPR and talk to the 911 operator. As Tiffany was administering CPR, Tiffany thought to herself that she was the only one there that was sober who was trying to help [redacted] Your affiant asked Tiffany why she thought she was the only one sober and she said because it was "obvious" Tierra and Tyler were drunk because of the way they smelled and their demeanor. Tiffany explained what she meant by their demeanor, they were nonchalant when they knocked on her door, they were not panicking, and when Tyler was talking to her in her (Tiffany's) apartment, he asked her if he could have some candy.

Tiffany said she is a mother of two children and thought the way in which Tierra and Tyler acted when they came to her apartment was not normal. She thought when they first came to her apartment they should have been more alarmed and they should have had the baby with them when asking for help.

On July 21, 2016, Tyler was interviewed. Tyler said he was not comfortable sleeping with the baby, but he didn't want to argue with Tierra about it. Tyler said he didn't like sleeping with [redacted] because all of the things that could happen when a person sleeps with a baby. Tyler explained if a person is really sleepy they can't hear the baby roll over and anything can happen. Tyler said he told Tierra he wasn't comfortable with sleeping with them and Tierra said she was not comfortable with the [redacted] sleeping in the crib. They compromised 50/50; if [redacted] fell asleep and Tyler was still awake, he would move [redacted] to the bassinet.

Tyler admitted to smoking marijuana in the afternoon of June 28th. Tyler said he also drank a few shots of Platinum double shooters on the 28th, in the evening. Tyler said he, Tierra, and the baby went to Tierra's mom's house around nine or ten o'clock that night. Tyler said he thinks they stayed at her house for about one hour. The baby went with them and was acting normal. The baby was given to Tierra's mom and Tierra and Tyler went to the living room to hang out. Tyler said he and Tierra drank more alcohol at Tierra's mom's house.

On August 23, 2016, your affiant received the medical health records from Children's Hospital for [redacted] In [redacted] five day check-up, Tierra reported to the doctor she was not currently using marijuana or alcohol, only smoking cigarettes. She told the doctor when she resumes using marijuana she will stop breast feeding and switch to formula. In [redacted] twelve day-old check-up Tierra admitted to the doctor she was using marijuana but has her mother (Gail Collins) take care of the baby when she uses. In the assessment area in the chart Dr. Christina Suh wrote there is a history of maternal substance abuse. Dr. Suh also noted she had a brief discussion with Tierra regarding the risks of using Marijuana and drinking ETOH while breastfeeding and caring for [redacted] Dr. Suh also discussed increased risk of Sudden Infant Death Syndrome (SIDS) in babies exposed to second hand smoke. According to the National Institutes of Health, SIDS is defined as the sudden, unexplained death of a baby younger than one year of age that doesn't have a known cause even after a complete investigation.

Your affiant received the autopsy report on September 7, 2016. The Coroner/Forensic Pathologist who performed the autopsy and wrote the report was Kelly C. Lear-Kaul, M.D. The report stated [redacted] had no significant natural disease that was discovered. Toxicological analyses of body fluids obtained at autopsy were negative for alcohol, drugs and significant medications.

The autopsy report stated [redacted] died of undetermined causes. Other significant conditions included "unsafe sleep environment." Dr. Lear-Kaul stated the manner of death is undetermined. Dr. Lear-Kaul noted that the parents had a prior infant death of his sibling [redacted] that was also ruled as undetermined with unsafe sleep conditions.

Your affiant read the 2014 case (APD#14-26122) in which Tierra's first child, [redacted] died. In that case Tierra's brother, Jeffrey Collins (DOB: 09/18/89), was interviewed. Jeffrey said he went to Tierra and Tyler's apartment around 9:45 p.m. to drink and smoke

weed with Tierra. When Jeffrey arrived at the apartment he went to Tierra's bedroom where Tierra, Tyler, and [redacted] were all sleeping in the bed. Jeff said [redacted] was lying on his back with his arms positioned out, like a cross. [redacted] was approximately two feet away from Tierra and Tyler on the bed.

Jeff said [redacted] didn't look right so he "poked" [redacted] on his chest and stomach two or three times. In the report Jeff stated it was hard to get Tierra up so Jeff smacked her in the face a few times to wake her up. Once she was up she took [redacted] to the living room where the light was better. Tierra told Jeff to call their mom but Jeff called the ambulance instead. Tyler kept tellin [redacted] "Wake up son. Wake up." Jeff told Detective Dyer that Tyler and Tierra are drinkers and smoke weed if he (Jeff) brings it over. Jeff was not sure if they had been drinking or smoking weed prior to his arrival.

Tyler was also interviewed in this case by Detective Dyer. Tyler told Detective Dyer he (Tyler) thinks Tierra sometimes sleeps too close to [redacted]. Tyler said he has told Tierra she can't sleep that close to [redacted] ut she (Tierra) is a first time mom and wants to be close to [redacted]. Tyler told Investigator Dyer that he (Tyler) laid [redacted] next to Tierra on the bed. According to Tyler, [redacted] was sleeping on his back between Tyler and Tierra on the bed.

Tyler said Jeff came in their room and asked if they wanted to smoke weed. Tyler said he declined but Tierra grabbed the baby and went to the other room to smoke. Tyler said he didn't believe Tierra and Jeff smoked marijuana because they came back into the room telling Tyler something was wrong with [redacted]. Tierra and Jeff said [redacted] wasn't waking up.

A friend of Tierra's, Melanie Sammon (DOB: 04/08/1988), was also interviewed by Detective Dyer. Melanie said Tierra and Tyler drink and smoked weed when they were caring for [redacted]. Melanie said when she would come to the apartment and be overwhelmed by cigarette smoke she would ask Tierra to open a door or window to air it out. Melanie said Tierra's apartment was always a mess and only cleaned before the nurse (Nurse-Family Partnership Program, see below) would come over.

Your affiant viewed pictures taken in July of 2014 of Tierra's apartment, when [redacted] died. The apartment was messy. In the living room your affiant observed the floor was littered with cigarette butts, que-tips, used baby bottles, clothes, and diapers.

In Tierra's room, on the floor next to the bed, there were beer cans, dirty diapers, and an ashtray full of used cigarette butts. [redacted] was seven months old when he died. He was at the age of crawling, and having the floor littered with the above items could be a potential health risk to a young child. Near the foot of the bed, by the window, was a play-n-pack. On the window sill near the play-pen, there was a large knife, and two marijuana smoking pipes.

In the spare bedroom there was a white crib. Inside the crib was a dirty pillow without a pillow case, and a pack of cigarettes.

On July 10, 2014, an autopsy was done on [redacted] The Coroner/Forensic Pathologist who performed the autopsy was Kelly Lear-Kaul, M.D. The autopsy report states "Although the unsafe sleep environment is considered contributory to this death, without report of overlay or accompanying physical evidence an asphyxia death cannot be confirmed or excluded; therefore the manner of death is undetermined."

On September 13, 2016, Tyler voluntarily came to the District Two Police Station for an interview with your affiant. During Tyler's interview he said Tierra was a "heavy sleeper." Tyler gave the example that Tierra's brother will play loud music at 4:00 a.m. and wake him up but Tierra will sleep through it. Tyler said sober or intoxicated Tierra is a heavy sleeper.

During Tyler's interview he described Tierra as a "light weight." Tyler said Tierra will show signs of intoxication after drinking two or three shots of hard liquor. Your affiant told Tyler the amount of alcohol Tierra admitted to drinking the night before [redacted] death, and Tyler said Tierra "could have been a little intoxicated."

On September 13, 2016, Tierra was also interviewed by your affiant. During the interview your affiant asked Tierra about her experiences with the Family Nursing Partnership Program. The program goals are to help women engage in good preventive health practice through prenatal care, reducing their use of cigarettes, alcohol, and illegal substances. The program also strives to help parents provide responsible and competent care for their children. Your affiant asked Tierra if the nurse discussed with her mother's sleeping with their babies. Tierra said she was told by the nurse that mothers can smother their babies by co-sleeping but Tierra felt that co-sleeping had benefits. Tierra told me a lot of mothers sleep with their babies for a connection. She said the nurse (Julia) told her that some people do sleep with their kids. During a meeting with Tri-County Health, your affiant verified with Nurse Julia what Tierra said. Nurse Julia said she would not tell a parent it is okay to sleep with their child. Tyler said he did not participate in this program. According to Julia, Tyler did not participate in the program.

During the interview, Tierra said she was comfortable sleeping with [redacted] because that is what they do in their family, kids sleep in their parent's bed. Tierra disregarded the advice given to her by Nurse Julia because Tierra said she was comfortable co-sleeping with [redacted] Tierra said she is a light sleeper, however, in Tyler's interview he said Tierra was a "heavy sleeper."

Your affiant asked Tierra about the amount of alcohol she drank the night before [redacted] death. Tierra told your affiant it takes a lot of alcohol for her to get drunk. She said if she was going to get drunk or go out to a club, she will have her mom watch [redacted]

Your affiant asked Tierra if she would drink alcohol and then co-sleep with [redacted] Tierra said the amount of alcohol she reported drinking the day before [redacted] death (a few beers and a few shots of alcohol), is the same amount she admits to drinking a few

times a week. Tierra also admitted she would co-sleep with [redacted] the nights she drank alcohol.

Your affiant asked Tierra if she and Tyler fought about her sleeping with [redacted] to which she replied "no." Tierra said Tyler was scared for them to sleep with [redacted] because of what happened to the first baby. Tierra said she fixed the problem by getting a bassinet fo[redacted] and extra big couches. Tierra said if she was sleeping with [redacted] there is now enough room for the both of them.

On September 27, 2016, your affiant received the test results of the blood draw that was taken at the hospital on June 29, 2016 at approximately 11:15 a.m. This blood sample was the only blood sample obtained from Tyler by the Aurora Police Department. The company that tested the blood was Chematox Laboratory Inc. The results for ethyl alcohol blood level in Tyler was [redacted] Tyler also tested positive for THC.

Your affiant examined Aurora Police Department (APD) records for information related to Gregory Tyler Newton (DOB: 06/03/1989). According to that source, Tyler has had numerous prior contacts with the police for various crimes such as; simple assault, public peace, drug possession (Cocaine and Marijuana), and trespassing. Your affiant cleared Gregory Tyler Newton through NCIC/CCIC and he was charged with misdemeanor assault, shoplifting, and third degree assault. According to the Department of Motor Vehicles (DMV), Gregory Tyler Newton has been assigned Colorado PI[redacted] According to the DMV record, Gregory Tyler Newton is described as a black male, 6'2" tall, 150 lbs., with brown eyes and black hair. Your affiant examined Gregory Tyler Newton's DMV photo and confirmed that he was the same individual your affiant interviewed at the Aurora Police Department headquarters.

Based on the foregoing facts and circumstances, your affiant feels that there is probable cause to believe that the offense of, ***18-6-401(1)(a), (7)(a)(VI) Child Abuse (M2)*** was committed, and that there is probable cause to believe that **Gregory Tyler NEWTON DOB: 06/13/1989** committed these offenses.

Your affiant requests that a warrant be issued for the arrest of the above named defendant.

Julie Stabnitz
Affiant

Subscribed and sworn/affirmed to before me
this 22nd day of February, 2017.

Susan E. Kauffman
Notary Public

SUSAN E. KAUFFMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20064015572
MY COMMISSION EXPIRES APRIL 20, 2018

My Commission Expires