

IN THE DISTRICT COURT OF MARION COUNTY, KANSAS

CRIMINAL DIVISION

STATE OF KANSAS

VS

CASE NO.: 2018 CR 38

CHRISTOPHER R YOUNG

ORDER FOR DISCLOSURE

NOW, on this 16th day of March, 2018, the Court finds and orders as follows:

- 1) A Request for Disclosure of the Affidavit Underlying an Executed Warrant pursuant to K.S.A. 22-2302 has been filed with the Court.
- 2) The Court has reviewed the responses filed by the State and the Defendant.
- 3) The Court does not believe the Affidavit contains information which would significantly hamper the selection of a jury or would interfere with the ability of the State or the Defense to fulfill their roles. The Court notes the presence of hearsay information in the Affidavit and specifically finds this is not unusual or inappropriate in a Probable Cause Affidavit.

- 4) The Court finds the Affidavit should be released with appropriate redactions. The Court has redacted the Affidavit and authorizes the Clerk to disclose the same pursuant to K.S.A. 22-2302.

IT IS SO ORDERED.



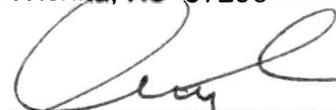
Michael F. Powers
Chief Judge
Eighth Judicial District

CERTIFICATE OF SERVICE

I, Anita Svoboda, Deputy Clerk of the District Court of Marion County, Kansas, do hereby certify that I provided copies of the above Order to the following persons, postage prepaid by the United States mail, placed in the official court mailbox, or by electronic transmittal, on the 16th day of March, 2018, and the original forwarded to the Clerk of the District Court of Marion County, for filing, this 16th day of March, 2018

Courtney D. Boehm
Marion County Attorney
200 S 3rd, Suite 101
Marion, KS 66861

John E. Rapp
Hinkle Law Firm, LLC
1617 N. Waterfront Pkwy, Ste 400
Wichita, KS 67206



Anita Svoboda, Deputy Clerk

IN THE DISTRICT COURT OF MARION COUNTY KANSAS

STATE OF KANSAS)
)
COUNTY OF MARION)

18CR38

Affidavit

Comes now Bruce F. Burke of the Peabody Police Department, being duly sworn on oath, states and alleges the following to be true, to wit:

That the affiant is a resident of the State of Kansas and is employed as a Certified Law Enforcement Officer for the Peabody Police Department and has been so employed since April of 1999.

Chief of Police: Bruce F. Burke

Case #: 18-002

Date of Incident: 12/01/2017 through 01/31/2018

Date of Report: February 19th, 2018

Location of Incident(s): 502 N. Olive Street, 810 N. Sycamore Street, [REDACTED] Peabody, Marion County, Kansas

Offense(s): 1) Unlawful Sexual Relations K.S.A. 21-5512, 2) Sexual Exploitation of Child K.S.A. 21-5510

Victim(s): 1) [REDACTED] w/f, 510/170, Bro/Bro, SSN# [REDACTED]

[REDACTED] 2) [REDACTED] w/f, 503/160, Bro/Bro

Suspect(s): 1) Christopher Roy Young, [REDACTED] w/m, 603/220, Bro/Bro, KSDL# [REDACTED] SSN# [REDACTED]

Affiant Chief of Police, Bruce F. Burke, of lawful age, being first duly sworn upon his oath, deposes and states as follows:

I have been employed with the Peabody Police Department since April of 1999. I have attended and successfully completed the Basic Training Academy at the Kansas Law Enforcement Training Center and I am certified as a Law Enforcement Officer for the State of Kansas.

Further, I have received training and course instruction on investigating specifically sex crime allegations. I have been certified to conduct sex crime investigations through the SANE/SART program for the State of Kansas.

During my time of employment with the Peabody Police Department, I have been involved in multiple investigations involving sex crimes against both children and adults.

Based on the affiant's training, experience, and investigation the affiant knows:

I, Chief of Police, Bruce F. Burke for the City of Peabody was notified on January 2nd, 2018 by ██████████, a citizen of Peabody, Marion County, Kansas via telephone that there were some possible crimes that had been committed in both the City of Peabody, and rural Marion County, Kansas. I asked what the nature of crimes were. I was advised that a teacher/coach employed at Peabody-Burns Jr.-Sr. High School was having sexual relations with a student that goes to school there. I asked ██████████ who was involved; ██████████ said the teacher/coach was Christopher (Chris) Young, and the student was ██████████. I asked ██████████ to write a statement for me, which I received the next day and is a part of this Officer's case file.

██████████ says in her statement that on December 27th, 2017 she received text messages from ██████████ saying ██████████ was in a bind and needed ██████████ help. ██████████ then received two separate phone calls from ██████████ wanting ██████████ to contact ██████████ father ██████████ and tell him that ██████████ was spending the night at her house. ██████████ refused and said she was not going to lie for ██████████. ██████████ asked ██████████ where she was, and ██████████ replied she was with Chris and had been with him all afternoon and was going to spend the night with him at his trailer (located at his shop, at ██████████ in the City of Peabody). ██████████ also told ██████████ that she had already left her brother ██████████ a note at their house that ██████████ would be at ██████████ overnight. Again, ██████████ said she refused to let ██████████ stay there overnight. ██████████ then called back and asked if Chris could drop her off at ██████████ house, to which ██████████ agreed. ██████████ said ██████████ arrived in a medium blue-colored pickup truck belonging to Chris Young's son. ██████████ said she could hear Chris Young's voice outside and then ██████████ came into ██████████'s house. ██████████ then said she argued with ██████████ telling ██████████ that the relationship between ██████████ and Chris was wrong, and illegal. ██████████ also told ██████████ that this man is an idiot for putting his career, job, and life at risk.

██████████ then said ██████████ texted her dad, ██████████ to come and get her, and ██████████ showed up around midnight and picked up ██████████

went on to say that since had returned to Kansas someone who could go to for shelter and advice. also reports that is bi-sexual and is having relationships with both males, and females. hates her mother, , who currently lives in and at one time was a close friend to .

says she believes the relationship between Chris Young and has been going on for a couple of months. currently lives with her half-brother at a farmhouse in rural Marion County. does not live with her father. had recently told that her boyfriend would come to her house mostly on weekends and crawl through her bedroom window around 10 pm and then leave between 2-3 am the following morning.

said one Saturday in December 2017, had come to her house and they went shopping in Wichita. bought her boyfriend a Christmas present.

says this is the day she learned that the boyfriend was identified by as Chris Young, a teacher/coach at Peabody-Burns Jr.-Sr. High School, and on this particular day, told she had spent the night with Chris Young at his trailer. said and her spent December 23rd together at 's house. told that she had a new girlfriend as well, a cheerleader by the last name of . said she had asked how the boyfriend had felt about that, and had replied that he was okay with it, because he did not want to interfere with her high school experience.

On December 27th, 2017 said, had shown her the promise ring that Chris had given her for Christmas. decided to break up with her girlfriend because she was too needy, and she wanted to focus on her relationship with Chris. also said that mentioned there had been a big blow-up at Chris's house since he had informed his family that he was seeing someone else.

goes on to say in her statement that could be a flight risk and in danger, due to the facts that ran away from the authority of her mother in and there is very little if any supervision from her father, also mentions that is eligible to obtain her drivers license in Kansas later this month.

Since this situation has been reported to the Peabody Police Department, the police department has been conducting an investigation including surveillance of Chris Young's shop located at [REDACTED] in Peabody, Marion County, Kansas, and the residence where [REDACTED] lives in rural Marion County. The Marion County Sheriff's Office has been notified of this situation and is cooperating in a joint investigation due to crimes being committed in multiple jurisdictions. Peabody-Burns U.S.D. #398 School Administration has been notified and is cooperating fully with the investigation, which includes monitoring the video system at Peabody-Burns Jr.-Sr. High School.

Peabody-Burns Jr.-Sr. High School administration, has recently through monitoring of their video system and checking of their own have observed some behaviors that are unacceptable in the school building. 1) Multiple times school administration has found Chris Young's classroom door locked prior to school starting in the mornings and Chris Young and [REDACTED] have been in the classroom together. 2) School administration has observed Chris Young outside his classroom in the hallway when he has a class going on inside his classroom. 3) School administration has observed Chris Young and [REDACTED] going into an alcove in the hallway during school hours. 4) School administration has observed [REDACTED] repeatedly going into Chris Young's classroom when she should be somewhere else in the school building.

On January 31st, 2018 at 11:24, the Peabody Police Department, and Marion County Sheriff's office executed a search warrant at Peabody-Burns High School for Christopher R. Young's cell phone. When Christopher (Chris) Young was presented with a copy of the search warrant, I was told, his cell phone was upstairs in his classroom. Deputy Michael Ottensmeier, and school principal Scott Kimble went with Chris Young to retrieve his cell phone. A few minutes later I was notified by Deputy Ottensmeier that Chris Young's cell phone was missing from his classroom. Deputy Fetrow and myself responded to the classroom as well. Eventually, Chris Young's cell phone was found by school principal Scott Kimble in Chris Young's computer bag, and turned over to me. I next went to Mr. Kimble's office and asked Chris Young to identify his cell phone. Chris said the case was black and a family picture was on the screen. I pulled Chris's cell phone from my pocket, and asked Chris if this was his cell phone and Chris said it was.

Deputy Fetrow asked Chris Young for his pass code to access his phone, and Chris Young did not give the pass code. I then filled out the search warrant return and offered to let Chris Young sign the search warrant return and I would give him a copy of the search warrant return. Chris Young refused to sign the search warrant return and also said he did not wish to say anything further without his attorney being present. I wrote refused to sign on the search warrant return and gave a copy to Chris Young. The search warrant was concluded at 11:48 hours.

On January 31st, 2018 Deputy Fetrow and myself conducted an interview with ██████████ at Peabody-Burns High School. ██████████ agreed to cooperate with our interview but wanted her father ██████████ present. Mr. Kimble, high school principal called ██████████ and the interview was postponed until the following day. The Peabody Police Department and the Marion County Sheriff's office executed a search warrant at Peabody-Burns High School for ██████████ cell phone. I presented the search warrant to ██████████ and asked her for her cell phone. The school principal, Scott Kimble said he had caught ██████████ using her phone earlier and had taken ██████████ phone away from her and it was in his possession. Mr. Kimble turned over ██████████ cell phone to me at that point. I then filled out the search warrant return and ██████████ signed it and I gave her, her copy. Search warrant was concluded at 12:14 hours.

On February 1st, 2018 I met with CAC staff at the Heart to Heart CAC in Newton, Kansas. ██████████ and his daughter ██████████ arrived at the CAC I thought to do the interview.

██████████ said we are here to listen today, but my daughter is not going to do an interview on this situation. I said that is whole reason we are here today, and ██████████ said, yes, but there are other factors at play here, emotions, and feelings. I once again told ██████████ that I am trying to conduct an investigation. Child Advocacy Center (CAC) staff also visited with ██████████ and ██████████ about why we do interviews, and then ██████████ said he would need a copy of the interview, if the interview was conducted. Again staff told ██████████ that was not possible, due to protocols, and once again ██████████ said it's not going to

happen. After approximately 30 minutes, I asked staff and [REDACTED] to exit the room, which they did.

I conducted a meeting with [REDACTED] father of [REDACTED] after a scheduled interview at the Heart to Heart Child Advocacy Center (CAC) in Newton, Kansas was not completed. I informed [REDACTED] that I may need to put his daughter [REDACTED] into Police Protective Custody to further my investigation and to help ensure her safety. [REDACTED] told me, "Good Luck with that, I will have attorneys all over you and the county attorney".

[REDACTED] then informed me that his daughter had feelings for Chris and he did not want his daughter carrying this baggage around the rest of her life that she helped put him in prison. [REDACTED] also said he supported my investigation, and [REDACTED] stated that Chris needs to lose his job, his marriage, and maybe do some jail time, but not 20 years. [REDACTED] then told me to build my case using something other than his daughter. [REDACTED] also said everything I need should be on the cellular phones that I already had in my possession. [REDACTED] said his daughter was in the process of dumping her phone, when the school principal took it away from her, because she saw the police cars in the school parking lot. I asked [REDACTED] what he thought I would find on the cell phones, and he said everything. I asked what he meant by everything, and he said texts, messages, pictures, videos. I asked what kind of pictures and videos, and [REDACTED] replied, pictures of his junk (male anatomy parts), pictures of her (female anatomy parts).

On February 02, 2018 Peabody-Burns Jr.-Sr. High School Administration intercepted a note from [REDACTED] intended for [REDACTED] and [REDACTED] are believed to be romantically involved. The note was a list of instructions for [REDACTED] to delete information and evidence related to the above described

investigation. It further included instructions for [REDACTED] to communicate with the suspect to obtain his information so evidence from his accounts can be deleted as well.

Law Enforcement has received information that [REDACTED] has also had inappropriate sexual relations with Christopher Young. [REDACTED] was uncooperative with law enforcement when they attempted to speak to her.

Law Enforcement met with [REDACTED] at Peabody-Burns Jr.-Sr. High School on February 2, 2018 and executed a previously granted search warrant to seize the cell phone. That search warrant was executed at 11:55 February 2, 2018. Law Enforcement seized a Google Pixel 2 Telephone with Verizon Service, white in color, Build # OPM 2.171019.016, [REDACTED] Phone Number [REDACTED] from [REDACTED]

On Monday afternoon, February 5th, 2018, I traveled to the EMCU (Exploited and Missing Children's Unit) Kansas ICAC (Internet Crimes Against Children) Task Force in Wichita, Kansas to pick up the 1st cell phone that the search warrant to forensically analyze and retrieve data had been completed. This cell phone belonged to [REDACTED]

On February 6th, 2018 I analyzed the data that had been retrieved from the cell phone. I found 1) Two pictures of [REDACTED], partially nude or nude from the waist up, and two pictures of [REDACTED] nude from the waist up, 2) a message sent to someone that [REDACTED] had sent saying "Pretty good, I'm fucking my History teacher and the head cheerleader at this school, my dad's the head drug dealer and moonshine maker of the town so I've got it all made". 3) There is also a picture of Chris Young, nude from the waist up, smoking a pipe, leaning against a bed, and sitting beside [REDACTED] who is also on the floor with no clothes on from the waist down except her underwear. The majority of the photos were either taken at [REDACTED] rural Peabody, Marion County, Kansas ([REDACTED] residence), or at 502 N. Olive, Peabody, Marion County, Kansas (Christopher Young's residence).

On February 6th, 2018 I stopped by the [REDACTED] residence at [REDACTED] Peabody, Marion County, Kansas. I had noticed the police department has several missed calls with no message from [REDACTED]. I knocked on the door, and [REDACTED] answered the door. I explained to her why I stopped by and [REDACTED] requested to have a meeting with me later in the day because she was concerned why her daughters cell phone had been confiscated by the police. I agreed to meet [REDACTED] at the police station late in the afternoon. I met with [REDACTED] later that day, and [REDACTED] was concerned why [REDACTED] phone had been confiscated. I told [REDACTED] that I was investigating a situation that had been reported to me and I had learned that [REDACTED] could be a victim in the situation, and that [REDACTED] phone would be forensically analyzed. I also mentioned that I tried to interview [REDACTED] at school but [REDACTED] did not want to talk to me without her mother present. I also told [REDACTED] I would like to make arrangements for a forensic interview at the Child Advocacy Center in Newton, because I believed [REDACTED] to be a victim in this situation. [REDACTED] said that would be fine with her.

On February 8th, 2018 I interviewed [REDACTED] sister to [REDACTED]. [REDACTED] had called and requested to speak to me. [REDACTED] said that she did not want to get in the middle of my investigation, but she wanted to talk to me about Chris Young. I told [REDACTED] that I would listen to what she had to say.

[REDACTED] said recently that her sister, [REDACTED] had babysit for her on a day that Peabody-Burns school district did not have school because of weather conditions. (I later confirmed that would have been Tuesday, January 16th, 2018). [REDACTED] went on to say that her son, [REDACTED] Dob [REDACTED] had told her that a man had come to the house and played and cooked and watched movies with them that day while

_____ was there. _____ lives at _____ in Peabody, Marion County, Kansas. _____ said after talking to her sister _____ confirmed Chris Young was there for most of the day. _____ said she found a picture of Chris Young and showed it to her son, and _____ told her that is the man that was here at the house.

_____ went on to say that her sister has mental issues, and is keeping all this bottled up inside of her. But _____ had told her that she has been having sex with Chris Young on more than one occasion, and that on the night of January 28th, 2018 _____ had given her daughter _____ permission to stay at the Young residence overnight and work on an assignment that was due for school, but _____ said _____ told her that was a story that had been fabricated by her and Chris Young so _____ Chris Young and _____ could spend the night at _____ house in rural Peabody, Kansas. I asked _____ what _____ had said went on at _____ house that night. _____ said that _____ brother was gone over the weekend and the three of them according to _____ "fucked all night, smoked weed, and had a threesome". _____ also said that Chris Young then took both girls to school the next morning.

_____ then said she suspected Chris Young of going to her mother's house _____ when _____ goes to night class at night on Mondays and Wednesdays although she does not know that for sure.

On February 12th, 2018 a child forensic interview was conducted at the Heart to Heart Child Advocacy Center in Newton, Kansas. _____ was interviewed at that time, and _____ did not disclose any wrong doing. I then traveled to Wichita, Kansas and picked up the data from Christopher Young and _____ cell phones, that was extracted when the cell phones were forensically analyzed by the Kansas ICAC Task

Force which is a division of the EMCU (Exploited and Missing Children Unit) for Wichita PD/Sedgwick County Law Enforcement.

On February 12th and 13th, I analyzed the data extracted and retrieved from Christopher Young and [REDACTED] cell phones. On the cell phone belonging to Chris Young, I found the same two pictures of [REDACTED] partially nude or nude from the waist up, and the same two pictures of [REDACTED] nude from the waist up. These pictures are also on the [REDACTED] and [REDACTED] cell phones. These pictures were sent and opened on December, 22nd, 23rd, and 27th, 2018 on Chris Young's cell phone.

In the early morning hours of February 13th, 2018 I received a phone call from [REDACTED]. [REDACTED] told me that [REDACTED] had disclosed the whole situation the previous night at her appointment to see her mental health counselor, and now [REDACTED] wanted to talk to me at the police station, she did not want to go back to Newton again. I made arrangements to do the interview at 4:30 pm that day. The interview was conducted in the police station in my office. The interview was recorded. I visited with [REDACTED] about what I was investigating, and she acknowledged she was already aware of that. I then told [REDACTED] to share with me what she wanted to talk to me about. [REDACTED] disclosed that [REDACTED], Chris Young, and herself all had sex together on either the night of January 28th, and early morning hours of the 29th, 2018, or February 4th. [REDACTED] later in the interview confirmed it was January 28th and 29th, 2018). I asked [REDACTED] what went on at that time. [REDACTED] said the three of them all had sex together. I asked [REDACTED] what her definition of sex was, because to some people sex means different things. I gave several examples of what sex is to people, including penetration of the female sex organ with the male sex organ. [REDACTED] said it was the penetration of the male sex organ inside

the female sex organ. I then asked her to tell me more about that situation, and [REDACTED] said there was nothing more to tell other than [REDACTED] and herself both had sex with Chris Young. I asked about illegal drug use, and [REDACTED] said no. I asked what the total time frame was on the threesome, and [REDACTED] said all night until the next morning.

I then asked [REDACTED] if I could show her some pictures, that I had pulled up on my computer and [REDACTED] said she was okay with that. I showed [REDACTED] a picture of what I believed to be [REDACTED] displayed as topless in a mirror and taken with a cell phone. There were two hearts in the picture covering the nipple area of both breasts. There was some bruising between the breast area on the side of each breast and what I believed to be hickies, and bruises all over in the chest area. [REDACTED] confirmed that was a picture of herself, and [REDACTED] herself had taken the picture, and she had forwarded the picture to [REDACTED] on her cell phone. I then asked about a picture that I believed was [REDACTED] again topless with large hickies on the sides of each breast, bruising and hickies all over the general chest area, and the picture appeared to have been taken by [REDACTED]. [REDACTED] confirmed that was a picture of herself and she had taken the picture and forwarded it to [REDACTED]. I asked where these pictures were taken and [REDACTED] replied the pictures were taken in a motel room in Kansas City in mid-December when [REDACTED] and [REDACTED] had traveled to Kansas City for the weekend with [REDACTED] mother, [REDACTED]. I then asked [REDACTED] about a third picture of a female topless, taken by the female displayed in the picture. The picture was of a female with a hand covering one breast and displaying the rest of her chest, and there were hickies and bruises covering the other breast displayed and general chest area. [REDACTED] said that is a picture of [REDACTED] taken by [REDACTED] herself. I then asked [REDACTED] why these three pictures were all on Chris

Young's cell phone. [REDACTED] did not know the answer to that question, other than [REDACTED] must have forwarded the pictures to Chris Young because [REDACTED] said she had only forwarded the two pictures of herself to [REDACTED]

I then counseled with [REDACTED] and told her it is illegal for anyone to have nude photographs of anyone under the age of 18 on their cell phone or anywhere else. I then asked [REDACTED] if she would consent to and cooperate with a SANE/SART (Sexual Assault Nurse Examiner/Sexual Assault Response Team) evaluation at St. Joseph Hospital in Wichita. [REDACTED] said she would consent to this examination. I then concluded the interview. I then asked [REDACTED] in the presence of her daughter [REDACTED] if [REDACTED] could take [REDACTED] to Wichita yet that night for a SANE/SART exam, and I would meet them at the hospital in Wichita. [REDACTED] said yes, to taking [REDACTED] to Wichita for the examination.

I then traveled to Wichita and met [REDACTED] and her mother at the hospital. I spoke with Heather Smith, SANE nurse on call for the hospital, and shared what I knew at this time. I then left the hospital, and returned home.

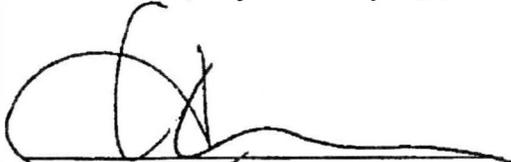
The following morning I received by email a written report on the results of the SANE/SART exam. I will also receive a disk containing the written report, and pictures that were taken via Fed Ex registered mail. Disk and report are a part of this case file. [REDACTED] had disclosed in her interview at the hospital that Chris Young had digitally penetrated the sex organ on both [REDACTED] and [REDACTED]. [REDACTED] also disclosed that Chris Young also had penile penetration of the sex organ on both [REDACTED] and [REDACTED] and that [REDACTED] had performed oral sex on Chris Young's sex organ. In addition to this, [REDACTED] disclosed that Chris Young had ejaculated three times inside of her, and

twice inside of [REDACTED]

WHEREFORE, Affiant believes the above referenced matter is classified as; 1) Unlawful Sexual Relations K.S.A. 21-5512, 2) Sexual Exploitation of Child K.S.A. 21-5510, and prays the Court find probable cause to bring him/her before them to answer to the said charges.


Bruce F. Burke - Affiant

Sworn this 22nd, day of February, 2018


Notary Public

