

**AFFIDAVIT FOR APPLICATION FOR WARRANT**

STATE OF KANSAS, RILEY COUNTY, SS:

Date: 11/14/2018

I, Detective [REDACTED], the affiant, officer for the Riley County Police Department, Riley County Kansas, being of lawful age and duly sworn upon my oath depose and state that:

1. The following crime(s) are being or have been committed:

- (1) **Murder in the first degree 21-5402(a)(2)(b)**
- (2) **Child Abuse 21-5602 (a)(1)**

2. The person(s) alleged to have committed said crime(s):

**Lyons, D'Khari Dione Dashon**

**Black Male**

**Date of Birth: [REDACTED] 1995**

**Height: 5'10 Weight: 157**

**Hair: Black Eyes: Brown**

**Address: [REDACTED] Street Manhattan, Riley County, Kansas 66502**

3. This affidavit and application is based on the following facts:

The following events occurred within Riley County, Kansas:

4. On Thursday, November 8<sup>th</sup>, 2018 at approximately 0829 hours, [REDACTED] (DOB: [REDACTED]/1994) placed an emergent call to Riley County Dispatch to report that [REDACTED] (DOB: [REDACTED]/2018), was unconscious and abnormally breathing. [REDACTED] made the statement to dispatch that "I feel like something happened to him he has bruises he wasn't like this when I left".

5. Riley County EMS arrived to the apartment and [REDACTED] was transported to Via Christi Hospital (1823 College Avenue Manhattan, Kansas) for treatment. Officers [REDACTED] and [REDACTED] arrived to the apartment and obtained consent [REDACTED] to remain in the apartment and continue their investigation while [REDACTED] responded to the hospital. [REDACTED], was also present at the apartment and remained there to speak with officers.

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7. Detective [REDACTED] spoke with [REDACTED] who reported that [REDACTED]

9. [REDACTED] indicated that [REDACTED] got up for the morning around [REDACTED] and got [REDACTED]. He said [REDACTED] was fussing throughout the morning but [REDACTED] had given him a pacifier while he [REDACTED] was in his crib which temporarily soothed him. [REDACTED] began feeding [REDACTED] a bottle around [REDACTED].

\_\_\_\_\_ was acting as if he was "choking". He described a coughing/gagging sound coming from \_\_\_\_\_. \_\_\_\_\_ said he placed the front of \_\_\_\_\_ body on \_\_\_\_\_ back in an effort to help him from choking. When asked about the baby's head during this time, \_\_\_\_\_ later said



within the optic nerves could only be caused by "birth trauma" or repetitive, severe jarring of an infant that is commonly referred to as "shaken baby" or "abusive head trauma". [REDACTED] related that 85 to 90 percent of incidents where an infant has injuries to the optic nerves such as what was observed in [REDACTED] autopsy, it is caused by abusive head trauma.

14. Medical reports were received from [REDACTED] (Manhattan, Kansas) documenting [REDACTED] doctor's appointment on Wednesday, November 7<sup>th</sup>, 2018. The appointment took place at 1930 hours on November 7<sup>th</sup>, 2018 concerning [REDACTED]. The medical report's findings indicated that [REDACTED]. The appointment was finalized by [REDACTED]. The report described [REDACTED] as "normal general appearance: alert, pleasant, no ill appearing, no distress".

The preliminary autopsy report listed [REDACTED]'s cause of death to be as a result of abusive head trauma. The manner of death is listed as homicide. [REDACTED]

[REDACTED], November 8<sup>th</sup>, 2018 prior [REDACTED] school/bus stop around 0810 hours. Therefore, probable cause exists that [REDACTED] caused the abusive head trauma to [REDACTED] ultimately lead to his death.

Information for this affidavit is contained in official Riley County Police Department reports (18-007397 and 18-007484).

Wherefore, the undersigned requests that a warrant be issued of the said, D'Khari Dione Dashon Lyons as provided by law.

Witnesses: [REDACTED]

Subscribed and sworn to before me this ( 14<sup>th</sup> ) day of ( November ), 2018.

  
Notary Public

08/17/2019