

ORIGINATOR POLICE CRIMINAL COMPLAINT

Docket Number CR-508-17	Date Filed 11-07-17	OTN/LiveScan Number T 989785-6	Complaint/Incident Number 17-16940
Defendant Name DAVID A. GAMMON	First	Middle	Last

AFFIDAVIT of PROBABLE CAUSE

On 10 September 2017 at 1640 Hrs Sharon Police Department units were dispatched to 512 Lafayette for two missing children. Over the next several hours Officers from Sharon Police Department, Brookfield Police Department, Sharon Fire Department and Brookfield Fire Department assisted looking for the two missing children. One of the children, special needs 5 year old, juvenile P.G. was located playing outside of a home in Brookfield, Oh scared, but not harmed. The second child, 2 year old, juvenile A.G. was discovered deceased in a pool at 675 Syme St Brookfield, Oh.

Your affiant, Sgt/Det Mark Hynes did respond to the Syme St location to conduct an investigation into the death of juvenile A.G. As part of that investigation your affiant did interview a witness, Ryan Lilly. Ryan advised your affiant that he had been approached by a sibling of juvenile A.G. and P.G. from 512 Lafayette. Your affiant asked Ryan if he knew what time of day the sibling juvenile J.C. came to his house, Ryan stated that it was around 1600 Hrs maybe a few minutes after. Juvenile J.C. stated to Ryan that he wasn't able to find his brothers and wanted to play with Ryan's children. Ryan stated that at the time he didn't think too much about the comment made by juvenile J.C. and allowed him to play with his own children. Approximately about five minutes later according to Ryan, juvenile J.C. asked Ryan if he could use a toy gun to wake up his dad. Ryan advised juvenile J.C. to go ahead and wake his father, but to leave the toy gun. Within a few minutes juvenile J.C. returned crying telling Ryan that his father would not wake up. Ryan advised that he had been doing some work around the house at the time and was walking to the rear of the house to put away tools. Once in the rear yard Ryan had a partial view of the rear yard of 512 Lafayette. Your affiant again asked Ryan how much time passed from when juvenile J.C. was seen crying until Ryan walked to the rear of his yard; Ryan again stated that it was about 5 minutes. Upon arriving in the rear yard Ryan advised that he could see the legs of a subject he knew to be David Gammon. Ryan advised that he made as much noise as he could in an attempt to wake David. Ryan was unsuccessful in waking David and feared something may be wrong.

Ryan said that he walked quickly to the rear yard of 512 Lafayette to check on David. As Ryan approached the rear of the yard he saw another sibling from the residence, juvenile R.T., running down Lafayette. Ryan also said he heard David snoring. Ryan stated that he yelled David's name loudly to wake him with no response. Ryan then shook David firmly by the shoulder and finally was able to get a response from David. Ryan stated that when he was attempting to wake David he saw that the rear door to the house was open and also that the two youngest children P.G. and A.G. were not around. Ryan said that at that time he realized that the two youngest children had been

I, SGT/DET MARK HYNES (1028), BEING DULY SWEARNED ACCORDING TO THE LAW,
DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

S. J. DeMille
(Signature of Affiant)

Sworn to me and subscribed before me this 7TH day of NOVEMBER 2017

NOV. 7, 2017 Date  , Magisterial District Judge

My commission expires first Monday of January, 2022

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missing since J.C. came to his house asking to play.

Ryan stated that as David was waking he got up on his hands and knees; it was at this time that Ryan noticed that David had been sleeping on a large roll of what looked to be duct tape. The tape was in about the middle of David's chest. Ryan stated that David said "what" at being woken up. Ryan stated that he smelled a strong odor of an alcoholic beverage coming from David's breath when he spoke. David was also very confused and slow to understand what Ryan was trying to tell him. Ryan stated that he told David several times that his two youngest children were missing. David did not seem to understand what Ryan was telling him. At some point during this time Ryan said that his children were visible to David. Ryan's children are roughly the same age as David's youngest two children. David looked at Ryan's children and asked where they had been as if they were David's missing children. Ryan had to point out that those were his own children not David's.

Your affiant asked Ryan how much time had passed from when juvenile J.C. came to his house until David was woken up. Ryan stated that between 20-30 minutes had elapsed since juvenile J.C. first arrived at his house. Your affiant also asked Ryan to describe what position David had been in when he tried to wake David. Ryan stated that David had been lying with his face in the grass, his left hand under his stomach area and his right arm at his side. Once awake David began questioning juvenile J.C. and juvenile R.T. about why they had not been watching the younger two siblings.

During this investigation your affiant spoke to Ryan Lilly on two occasions. At the second interview Ryan stated to your affiant that he may be able to provide more exact times by checking his Google timeline. Ryan stated that because of the situation he was able to remember most details from this event. As such on 10 September 2017 Ryan remembered that his wife was leaving as juvenile J.C. came to the house. Ryan stated that immediately after waking David he had called his wife and she stated she was leaving the store and would be home to help look for the children. On Monday 30 October 2017 your affiant received an email from Ryan that contained his Google timeline. According to the timeline on 10 September 2017 Ryan's wife left home at 1603 Hrs and was at a local store until 1630 Hrs. This confirms the amount of time that David had been asleep while his children were left unsupervised.

On 14 September 2017 your affiant and Sgt/Det Edward Stabile interviewed both Nickie and David Gammon. During the interview with Nickie she stated that she had been awake since about 0400 Hrs on 10 September 2017 and wanted to take a nap. At about 1300 Hrs she went to the second floor bedroom to rest leaving the children with David. Nickie stated that she was sleeping when juvenile J.G. woke her telling her that the two youngest siblings were missing.

On the same date when your affiant and Sgt/Det Edward Stabile interviewed David Gammon he advised that on 10 September 2017 Nickie had been tired. At about 1300 Hrs Nickie stated that she needed a nap. David stated to your affiant that he said to Nickie "go ahead I have this" referring to the care of the children. Your affiant asked David if he had been drinking while Nickie was taking a nap. At first David stated that he had not been drinking. He then stated that he had been "sipping" on a can of Four Loco malt liquor while watching an NFL game. David stated that he put the open can of malt liquor into the refrigerator when he took the children outside. Your affiant then asked David if he had been sleeping when he took the children outside. David stated that he had been playing rough with the children and had lain in the grass to catch his breath. It was at that time that David stated he must have dozed off for a minute or two at most. When asked David was unable to share an actual amount of time that he had been sleeping, but stated that it wasn't for long. Your affiant had asked David how he had been sleeping in the grass. David stated that he had been leaning on his side supporting his head with one of his hands so he could still see the children.

Your affiant believes that the above facts show that there is probable cause that David Gammon was reckless in consuming enough alcohol, while caring for his children, that he lost consciousness allowing them to wonder from the property. As a direct result of David's reckless behavior juvenile A.G. and P.G. were able to leave the property unsupervised. The two juveniles were left to wonder for a considerable amount of time while David was unconscious at which time juvenile A.G. fell into a pool and drowned. At this time your affiant respectfully requests a warrant be issued charging David Gammon with two counts of Endangering Welfare of Children M2 and one count of Involuntary Manslaughter F2.

Per Criminal Rule 513 Part B(3)(C) Delay in Dissemination of Arrest Warrant Information your affiant does request that the 72 hour delay be enacted. Your affiant believes that the delay of 72 hours will allow for the arrest of the above

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charged subject prior to any flight to avoid apprehension.

Sworn this 7th day of November 2017

District Court 35-2-01


(Signature of Affiant)

Magisterial District Judge