

AO 91 (Rev. 08/09) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT

OCT 26 2020

for the

Northern District of Oklahoma

Mark C. McCart. Clerk
U.S. DISTRICT COURT

United States of America)

v.)

Case No. 20-MJ-380-JFJ

Tyler Austin McGhee)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 23, 2020 in the county of Tulsa in the Northern District of Oklahoma, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §§ 1151, 1152, and 21
O.S. §§ 1431 and 1436

Burglary First Degree in Indian Country

18 U.S.C. § 1151, 1152, and 113(a)
(8)

Strangulation of an Dating and Intimate Partner in Indian Country

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Matthew Hewett

Complainant's signature

Matthew Hewett, FBI Special Agent

Printed name and title

by phone - JFJ

Sworn to before me and signed in my presence.

Date: 10-26-20

Jodi F. Jayne

Judge's signature

City and state: Tulsa, OK

Jodi F. Jayne, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN ASUPPORT OF AN ARREST
WARRANT**

I, Matthew Hewett, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is intended for the limited purpose of establishing probable cause in support of a criminal complaint alleging that Tyler Austin McGhee did physically assault H.P. The statements made in this affidavit are based in part on information provided to me by other investigators, my own personal participation in the investigation and the training and experience of myself and other law enforcement officers. I make this affidavit in support of an application for an arrest warrant for Tyler Austin McGhee, Date of Birth (DOB): xx/xx/94 and SSN: xxx-xx-9470.

2. I am a Special Agent with the Federal Bureau of Investigation, and have been since September, 2006. I am currently assigned to the Tulsa Resident Agency of the Oklahoma City Division. As a Special Agent with the FBI, Affiant is charged to investigate violations of Federal law, to include 18 U.S.C. §§ 1151, 1152, and 21 O.S. §§ 1431 and 1436 – Burglary First Degree in Indian Country and 18 U.S.C. § 1151, 1152, and 113(a)(8) – Strangulation of a Dating and Intimate Partner in Indian Country.

3. On October 23, 2020 at approximately 2334 hours Broken Arrow Police Department (BAPD) was dispatched to 2183 West Jasper Street, in Broken Arrow, Tulsa County, Oklahoma to investigate a possible domestic disturbance. This address is located within the Muscogee (Creek) Nation reservation boundary and is within the Northern District of Oklahoma.

4. When officers arrived, they encountered H.P., an Indian female who answered wearing just a towel. She stated, "Get him out of here!" Tyler Austin McGhee was approximately ten feet behind H.P. but ran toward the back bedroom of the apartment. Officers talked with H.P. in the back bedroom and noticed a strip of black duct tape on the ground, a pair of black latex gloves on the ground, a black mask on the bed, and a pink vibrator on the bed.

5. H.P. stated that she got out of the shower and saw a male behind the bed, slowly standing up. The male was wearing a black mask, black gloves, black pants, and a long-sleeved black shirt. The male walked toward her and grabbed her wrists. She was able to break a hand free and pull up the mask and saw that it was Tyler McGhee. McGhee and H.P. were previously in an intimate dating relationship.

6. H.P. stated that McGhee got behind her and put her in a head lock and started squeezing until she believed she would pass out. McGhee was trying to put tape over her mouth. H.P. began to talk to McGhee and tried to convince him they were still OK. H.P. believed that McGhee was going to kill her. McGhee began to sexually assault H.P., touching her vagina and inserting his fingers inside of her vagina. H.P. did not feel like she could leave during any of this.

7. At some point H.P. was able to text a friend to call the cops. She didn't call 911 because she was afraid he would catch her and kill her. H.P. got into bed and covered up. McGhee got on top of her and tried to put his penis inside of her. McGhee stopped when she started crying. H.P. stated that McGhee did not have a key to her apartment.

8. After Miranda warnings, McGhee told officers that he wanted to surprise H.P. and show up at her apartment. McGhee stated he used a key he had to the apartment to let himself in. McGhee stated he was given a key to the apartment by H.P. while they were dating. McGhee said he was planning on just saying good bye to H.P. one last time. McGhee said he waited for H.P. to get out of the shower. McGhee said he just talked to H.P.. McGhee said he never put hands on H.P.. McGhee said nothing sexual happened between him and H.P.. McGhee said they had not had sex in “probably a month.”


9. When asked about the black latex gloves that were on the floor of the bedroom, McGhee stated he wore them to keep his hands warm. McGhee stated the black mask on the bed he wore like a beanie to keep his head warm and he knew nothing about the black strip of tape he saw on the floor of the bedroom. McGhee brought the pink vibrator over “just in case.”

10. Officers found a backpack under the bed. H.P. stated the backpack was McGhee’s. Inside the backpack was a roll of black duct tape, handcuffs, a knife, condoms, sexual lubrication, and a box of black latex gloves. On a dresser near the bedroom door was a second strip of black duct tape.

11. Officers were able to verify that H.P. is an Indian person and a member of the Muscogee (Creek) Nation. McGhee is not believed to be an Indian person.

12. Based on the foregoing, I believe there is probable cause that Tyler Austin McGhee, DOB: xx/xx/94, SSN: xxx-xx-9470 has violated 18 U.S.C. §§ 1151, 1152, and 21 O.S. §§ 1431 and 1436 – Burglary First Degree in Indian Country and 18 U.S.C. § 1151, 1152, and 113(a)(8) – Strangulation of a Dating and Intimate Partner in Indian Country and therefore request an arrest warrant be issued for Tyler Austin McGhee.

Respectfully submitted,



Matthew Hewett
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to telephonically before me on October 25, 2020: ^{26 98}



JODI F. JAYNE,
UNITED STATES MAGISTRATE JUDGE