

NOTICE TO SHERIFF: IF THE DEFENDANT IS NOT RELEASED ON BOND, HE MUST BE BROUGHT TO THE FIRST SESSION COURT, FOLLOWING, FOR ARRAIGN

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GENERAL SESSION SUMMONS AND COMPLAINT

IN THE COUNTY COURT IN AND FOR THE CITY AND COUNTY OF DENVER AND STATE OF COLORADO, THE CITY AND COUNTY OF DENVER, BY AND ON BEHALF OF THE PEOPLE OF THE STATE OF COLORADO, PLAINTIFF; AND/OR THE PEOPLE OF THE STATE OF COLORADO, PLAINTIFF VS.

GANG RELATED

GANG MOTIVATED

CAD #: 08-341

DEFENDANT: LAST NAME: Gradie, FIRST: Miles, MIDDLE: MIDDLE, DOB: 01/31/67, GD-0, COMPLETE HOME ADDRESS-INC. APT. #, CITY, COUNTY and STATE: 3710 Adams St, Denver, Denver CO, ZIP CODE: 80205, DPD #, EMPLOYED BY - BUSINESS NAME, BUSINESS ADDRESS, BUS. PHONE, HOME PHONE, SSN, RACE: B, SEX: M, HGT: 5'8", WGT: 185, EYES: BRO, CORR. LENS, HAIR: BRN, DRIVER'S LIC. #: 94 067 1734, STATE: CO, APPROX. LOCATION OF OFFENSE: 1521 Trenton St (alley), DATE AND APPROXIMATE TIME OF OFFENSE: 05/29/08 AT 2:55 PM, PCT. #: 233, Domes, Gun In

Wait ten (10) days to call 720-865-8040 or appear before [blank] to schedule a future court date in DENVER COUNTY CC

BANNOCK ST. ROOM 140, DENVER, COLORADO, 80202 (City and County Building) to answer the charge(s) of violation of the Revised Municipal Code of Denver, Colorado 1982 as amended and/or the Colorado Revised Statutes. If this date falls on a Saturday, Sunday, or court holiday, you are to respond to court business day following this date. Office hours are 8:00 a.m. to 5:00 p.m. Monday - Friday. IF YOU HAVE BEEN JAILED AND ARE ON BOND, THE BOND IS YOUR MANDATORY COURT DATE. NOTE: Some fines may be paid without a court appearance. See the back of your summons for further instructions. IF YOU FAIL TO RESPOND TO THIS SUMMONS, A WARRANT WILL BE ISSUED FOR YOUR ARREST AND ADDITIONAL COSTS ASSESSED.

VIOLATIONS RELATING TO: 38-31 Interference, 38-32 Resistance, 38-40 Unlawful to Give False Information, 38-43 Violation of Protection Order, 38-51.5 Shoplifting, 38-51.8 Petty Theft, 38-61 Damaging, Defacing or Destruction of Public Property, 38-71 Damaging, Defacing or Destruction of Private Property, 38-86 Loitering, 38-89 Disturbing the Peace, 38-91 Disturbance by Use of Telephone, 38-92(a) Threat to Injure a Person or Damage Property, 38-93 Assault, 38-99 Urinating in Public, 38-115 Trespass, 38-117(a) Concealed Weapon, 38-117(b) Unlawful Carrying of a Weapon, 38-117(c) Flourishing a Weapon, 38-157 Unlawful Public Intoxication as Defined in 38-157 (b), 38-158(A)(7) Performing, offering or agreeing to any act of prostitution, 38-158(A)(1) Soliciting for Prostitution, 39-3 Park Curfew, 39-18(a) Glass Bottles Prohibited in Park, C.R.S. Public Consu of Alco, C.R.S. Posses Under, C.R.S. Posses Paraph

Other Violations: Code # and Describe: Hold for investigation of Sex Assault (A) and Robbery and Sex Assault on a Child COMPLAINT

The undersigned states that he/she has reasonable grounds for believing that the aforementioned offense or offenses committed in fact, and was or were committed by the Defendant against the peace and dignity of the People of Denver and the People of the State of Colorado. COMPLAINANT (1) [Signature] Ser., OFFICER (2) [Signature] Ser., I certify that on this date 05/29/08 a copy of this Summons & Complaint was duly served upon the above Defendant. Subscribed and sworn to before me this date [Signature] 07064 Deputy Cl

I am a police officer for the City and County of Denver, Colorado, and have knowledge regarding the arrest of Miles Gradie, DOB 01/31/67, which occurred on the date of 05/29/08 at 2:00 a.m. of 1521 Trenton St (alley) in the City and County of Denver, State of Colorado, for the following

Municipal Code of the City and County of Denver, Violation: 18-3-405 Sexual Assault on a Child F4, Colorado Revised Statutes; Violation: 18-2-101 Com Attempt 18-3-402 1st Sex Assault F3 18-4-302 Agg R

STATEMENT OF PROBABLE CAUSE: The probable cause for the arrest of the above-named individual is as follows: the victim [Signature] 02/21/93 had just been attacked by a group of males and was walking south bound when the suspect approached him and offered to help him. The suspect followed the victim into the alley way between Spruce and Trenton in the 1500 block. The suspect pushed the victim onto a chair in the alley and hit him with a closed fist, taking the victim's wallet and a 5 dollar bill. The suspect then grabbed the victim and told him to pull his pants down, telling him he had a gun and would "blast him." The suspect then attempted to sexually assault the victim forcefully by holding the victim's hips and pushing his penis against the victim. The attack stopped when police arrived on scene. The suspect was taken into custody and identified as Miles Gradie 01/31/67 by CO 115 9406.

I swear under penalty of perjury that the above statements made by me are true to the best of my knowledge and belief. [Signature] 07064 Signature of officer making statement of probable cause

Probable Cause FOUND, Probable Cause NOT FOUND, Comments: Signature of Judge/Magistrate, Printed Name, Date and Time of



**AFFIDAVIT AND APPLICATION FOR ARREST WARRANT
AND THE ARREST WARRANT FOR THE PERSON(S) OF:**

Grady Miles (aka Gradie Miles) 01/31/67 – black male 5'8" 170 lbs. black hair, brown eyes DPD #294875

18-3-402 Sexual Assault in the First Degree (F3)

I, Detective Barbara R. Wimmer 96004, the Affiant, state under oath that the facts known to the Affiant which establish probable cause to believe that a criminal offense was committed, and that the offense was committed by the above named person(s), are the following:

On September 24, 1993, Officer Martin Smith 91016 completed an offense report on behalf of [redacted] 03/14/62. [redacted] reported that she had gotten off the bus at Colfax and Yosemite between 1905 and 1910 hours and was walking to the Lazy C Motel at 8787 E. Colfax Ave. (all locations in the City and County of Denver, State of Colorado). As she was crossing Xenia St. in the 1500 block, a black man, described as 5'9" 170 in his mid 30's with braids in his hair, approached her from behind and grabbed her arms. He asked her if she wanted to "do some crack". [redacted] reported she told the man "no" but that he didn't let go of her and he forced her to walk down the alley at that location. [redacted] reports that she continued to scream and tried to get away but was unable to do so. [redacted] reports to Officer Smith that once they were in the alley, the suspect forced her behind a fence where he started to take off her jeans and underwear. He beat her in the face with his fists. [redacted] continued to scream. She reports that he penetrated her vaginally using his penis. She said she did not believe that he ejaculated because he wasn't "hard". The suspect stole \$25.00 in cash from [redacted] and took her wedding rings. When he was finished, he told her not to put her clothes back on and he told her not to move or he would kill her. The suspect then left her, running from the alley back toward E. Colfax Ave. [redacted] made immediate outcry to 2 Public Services employees working in the area.

[redacted] was taken to DHMC for treatment of injuries which were documented by Dr. Emmans. Dr. Emmans also conducted a sexual assault examination on [redacted]. The sexual assault kit and the victim's clothes were collected as evidence in this case. Officer Smith and other responding officers, conducted a neighborhood survey however, no witnesses were located.

Detective William Wickersham (retired) was assigned the case for follow-up investigation. He interviewed [redacted] on October 2nd, 1993. She provided Detective Wickersham the same basic account of what happened. She added that the suspect forced her to make him a crack pipe out of a pop can while they were in the alley and stated that he showed her how to make it. She further added that the suspect smoked crack but that she did not. Detective Wickersham further observed and photographed [redacted] blackened left eye.

The sexual assault kit was analyzed and it was noted that there was semen with spermatozoa found on the microscope slide and vaginal swabbing that had been collected from [redacted]. The hospital report further noted that [redacted] had consensual sexual intercourse one day prior to the assault. The partner of that consensual sex was not noted in the report.

AFFIDAVIT AND APPLICATION FOR ARREST WARRANT

Detective Wickersham was not able to identify any suspects in this case and it was filed as inactive on 10/08/93.

On 09/15/04, Detective Mark Woodward reopened this case under the Cold Case Review Project. He found that the evidence collected at in 1993 was still being maintained in the property bureau and submitted lab requests to have the evidence examined for possible DNA evidence.

Susan Knight (Berdine), a forensic scientist with the Denver Police Department Crime Lab, was able to identify a possible suspect DNA profile from the vaginal swab sperm fraction collected from Reeme. That profile was submitted to CODIS.

On 01/27/06, Pamela Schaner with CBI notified the Denver Police Department that the submitted sample matched two duplicate samples from the sample offender in the Convicted Offender file. The samples reportedly matched convicted officer Grady Miles 01/31/67 who was incarcerated with the Department of Corrections.

I was assigned this case to complete the follow-up investigation. I contacted Mary Lawrence with the Department of Corrections and learned that Grady Miles (also noted a Gracie Miles) was incarcerated in the Arkansas Valley Correctional facility with an anticipated release date between May and November of 2006. A check of Miles criminal history shows that he was previously arrested on a sexual assault charge in 1992 and has many other violent felony charges on his record. Miles matches the same basic physical description provided b at the time of the assault.

I contactec by telephone. She told me that the assault she suffered in the alley described in this case, has caused her to be disabled. She further described that at this point, she does not remember the actual sexual assault but does recall that the suspect was "getting ready" to rape her but then beat her with his fists and knocked her out. I asked about her consensual sexual partner at the time of this assault. She told me she had been dating a white male named Glenn Nielson and thought his date of birth was in August of 1957 or 1958. I found a computer record of Glenn William Nielson Jr. 08/24/57 who was listed as "transient" in 1993.

BW 9/16/04

AFFIDAVIT AND APPLICATION FOR ARREST WARRANT

Judge John Marcucci signed an order for a rule 41.1 requiring Grady Miles to provide a DNA sample (saliva sample). I executed that 41.1 on 03/04/06 at the Arkansas Valley Correctional Facility, collecting a saliva sample from Grady Miles. Miles did not give a statement. The saliva sample was booked into property as evidence. I later received a lab report from Susan Knight (Berdine) which indicated that the DNA from known saliva sample from Grady Miles matched the DNA from the vaginal sperm fraction collected from [redacted] after the assault, with a reasonable degree of scientific certainty. She estimated that the probability of selecting an unrelated individual from the US population with a matching DNA would less than 1 in 10 trillion.

I continued to attempt to set an interview with [redacted] to finish up the investigation and each time cancelled the interview. On 03/24/06 I changed the case status to exceptionally cleared due to the victim's reluctance to assist with the case.

On 11/19/2008 DA Maggie Conboy contacted me. She had been in touch with [redacted] regarding possible "404B" testimony on Grady Miles in another sexual assault case Conboy was prosecuting. Conboy learned that [redacted] was now willing to prosecute Grady in her case.

I interviewed [redacted] on 12/02/2008. [redacted] described being disabled since the assault with a disease she termed "Chronic Demyelinating Neuropathy". Although the doctors have never officially confirm that the disability was related to this attack, [redacted] has always believed that it is saying the onset was within ten months of the assault and she believes it is related to the head trauma she suffered.

[redacted] reported she was staying at the Lazy L Motel on E. Colfax Ave. with her then boyfriend, Glenn Neilson (ID'd by photograph). She had been downtown and took the bus on Colfax back to her motel. When she got off the bus, she noticed a man (Miles) followed her. She reports that the man asked her if she wanted to "party". She ignored him and continued to walk. She did not take the most direct route to her motel room because she didn't want this man to see where she lived. She was wearing a wedding ring that had belonged to her mother who died when she was very young. The man grabbed her arm and pulled this ring from her finger and took off down the alley. He stuck the ring into his pants pocket. [redacted] reports chasing after the man to try and get her ring back. She ran into the alley and a into a garage or carport type structure with a rock wall. [redacted] said she demanded that the man give her the ring back. She reports that the man slammed her into the rock wall and that she hit her head hard. He hit her with his closed fists. She further reported the man pulled a crack pipe from his pocket and started to light it. [redacted] says Miles smoked some crack and that she knocked the pipe out of his hand which really seemed to anger him.

I asked [redacted] if she had ever used crack cocaine. She denied that she was ever a drug user saying that she only used alcohol.

[redacted] described a very violent flurry of activity in which she was hit repeatedly and her head banged into the rock wall. She described that the suspect kicked her on her legs/knees. [redacted] reported that the suspect stood between her and the escape route and that she was unable to escape because the suspect had complete control of the situation. [redacted] said she remembers the suspect taking off his belt as he began to remove his pants. She also reported that the man told her to take off her clothes and she refused. She reports being in and out of consciousness due to the beating she took. She does have a

AFFIDAVIT AND APPLICATION FOR ARREST WARRANT

memory of the suspect pulling her clothes off but she does not recall the sexual assault itself, saying she thinks she must have been unconscious (although she also said she may just have buried the memory so deep in her mind that she actually just can't remember it.) At this point she does not recall the moment of the act of the suspect inserting his penis. She recalled that the suspect told her he would kill her if she reported him. She remembers dressing herself after the assault and running down the alley for help. Her memory is that she was bleeding and hurt and that there were people in a backyard (a man and a woman). She made outcry to them saying she had been raped and asking for help. Those outcry witnesses apparently called for police and paramedics remembers being taken to Denver Health Medical Center (formerly Denver General Hospital) and treated there for her injuries. She further recalled that she told police and paramedics about the assault as well. She later told Glenn Neilson what had happened to her.

began dating her now husband, shortly after the assault. He had known her from working at the Rocky Mountain News before the assault and after the assault they began dating and eventually married.

I conducted a short interview with her husband . He told me that was a very different person following the sexual assault and described that she was very fearful. He described her as "scared every day of her life".

told us the assault to had been "brutal" and the injuries severe. When this first happened to her she seemed "shocked". She did not speak of the details of the assault when they occurred. When I first came to contact l (in March of 2006), it "sparked" a "major panic" in reports it was him that didn't allow to follow through with the police investigation in 2006 because the reopening of the case had upset her so much. By the time she was contact again by the DA's office in 2008. felt like it was time to try and deal with it all.

Based on the described facts and circumstances, I am requesting an arrest warrant be issued for Grady Miles on the charge of first degree sexual assault.

I affirm this information to be true and correct

Paul B. White 9/20/09
Signature of Affiant

Subscribed under oath before me on

9/2/09 8:40 am
Date Time

[Signature]
Judge of Notary Public

My commission expires: _____

AFFIDAVIT AND APPLICATION FOR ARREST WARRANT

GRADY MILES
DPD CASE NUMBER 596385
FIRST DEGREE SEXUAL ASSAULT

ARREST WARRANT

To all Sheriffs, Peace Officers and Police Officers with the said State:

You are hereby commanded to take the person of the defendant and bring him without unnecessary delay before a Judge of the County Court to be dealt with according to law.

Bail fixed at \$ 100,000


Signature of Judge

Date 7/8/09

Andre L. Ruedolph
Printed name of Judge

I HEREBY CERTIFY that I executed the above warrant on (date) _____ by taking _____
_____ (name of person arrested) into custody and placing said person in the _____ Jail for safekeeping until
further order of the court.

Signature of Arresting Officer



**AFFIDAVIT AND APPLICATION FOR ARREST WARRANT
AND THE ARREST WARRANT FOR THE PERSON(S) OF:**

Grady Miles (aka: Gradie Miles) 01/31/1967 black male, 5'5" 135 lbs. black hair and brown eyes
18-3-402 (1)(a) Sexual Assault in the First Degree – victim has SBI/deadly weapon – Class 2 Felony

I, Detective Barbara R. Wimmer 96004, the Affiant, state under oath that the facts known to the Affiant which establish probable cause to believe that a criminal offense was committed, and that the offense was committed by the above named person(s), are the following:

On 02/05/1996, at approximately 2212 hours, Officer Dennis Moran 92021 responded to 1700 Spruce St. on the report of a male party who was bleeding. When he arrived he contacted [redacted] and her husband, [redacted]. Both parties had head injuries and [redacted] reported that she had been sexually assaulted. Both parties were transported to the hospital (DHMC or Denver General) by ambulance. Officer Moran talked to [redacted] and she related the following series of events:

[redacted] and her husband, [redacted] went to 1700 Spruce St. with a man they believed was named "Curtis" to look at a camper that belonged to him and was in the backyard of his grandmothers house. After looking at the camper, the suspect grabbed the victim and threw her to the ground. He ripped her pants off and forced her to have sexual intercourse with him. [redacted] attempted to stop him at which time, the suspect got a pipe and hit [redacted] in the head twice, knocking him almost out. The suspect returned to [redacted] and ordered her to perform oral sex on him. She refused. The suspect punched [redacted] with a fist to her face. At that point, [redacted] moaned and the suspect hit him again with the pipe, this time knocking him out. The suspect then returned to [redacted] and hit her in the head with the pipe, knocking her out as well.

Officer Keith Fowler 82071, Officer Charles C. Porter 95094 and Officer Virgil Wheaton 88043 also responded to 1700 Spruce St. and made observations of the crime scene in the backyard. They describe an object had apparently been used as a weapon that they found in the alley just outside the backyard. This weapon is described by Officers Fowler and Wheaton as 3foot long pole or large metal pole with blood on the edge of it, and by Officer Porter, as a metal stand with blood on it. The officers describe there was blood throughout the backyard at 1700 Spruce St. The scene was photographed and evidence was collected.

At the hospital in the early morning hours of 02/06/1996 Dr. Mark Prather conducted a sexual assault examination on [redacted]. He reports [redacted] had multiple vaginal lacerations. Dr. Mark Prather also signed forms indicating that both [redacted] and [redacted] had serious bodily injury as described by Colorado State Statute. [redacted] had a depressed skull fracture and [redacted] had multiple skull fractures.

Detective Avis Laurita 79029 was assigned this case for follow-up investigation. She interviewed [redacted] in her hospital bed on 02/06/1996. [redacted] provided the same basic information to Detective Laurita as she did to Officer Moran. She described the suspect as a black male

AFFIDAVIT AND APPLICATION FOR ARREST WARRANT

about 5'8" to 5'10" with a medium build. In addition to the sexual assault, [redacted] also described that the suspect had demanded her money and threatened to kill her. She also described that the suspect had a "crack" problem. She reported that she and [redacted] had been drinking vodka.

Detective Laurita was not able to interview [redacted] for several days after the assault due to his medical condition. When interviewed on 02/12/1996 his version of events was generally consistent with that given by [redacted].

A lab report written by Forensic Serologist Ann Perry indicated that she found semen with spermatozoa on the microscope smear slide and vaginal swabbing collected during sexual assault examination.

Detective Laurita tried to develop suspect information based on the name "Curtis" that was provided by the victims as well as the location of occurrence of 1700 Spruce St. She was unable to develop any suspects and eventually the case was classified as inactive, not cleared.

On 09/21/2004, Detective Steve Antuna 71087 reviewed this case as part of the Cold Case review Project. He found that the evidence had been maintained in the property bureau and he submitted a lab request asking that the evidence be examined for possible suspect DNA.

On 12/06/2008, Shawn O'Toole, Forensic Scientist with the DPD crime lab, reported that he had developed a suspect DNA profile from the vaginal swabs that had been collected from [redacted]. He submitted the suspect DNA profile to CODIS.

On 12/10/2008, Susan Berdine, Forensic Scientist with the DPD Crime Lab reported that they had a CODIS match to the evidence in this case and convicted offender Grady Miles dob 01/13/1967. Miles is described as a black male about 5'5" 135 lbs with black hair and brown eyes. His criminal history shows that on 12/08/1995 he used the address of 1700 Spruce St. as a home address. I did not see any reference to the name "Curtis" on Miles' criminal history. I was assigned this case for follow up investigation. I was familiar with Grady Miles from a 1993 sexual assault (596385) that I investigated involving a woman who was violently sexually assaulted in an alley a short distance from the location of this crime. I collected a comparison saliva sample from Grady Miles in connection with that case. I was also aware that Grady Miles was incarcerated in the Denver County Jail pending trial in case #2008341822, a sexual assault that was investigated by Detective Lynn Nederhoed.

I located and contacted [redacted] and advised her that we had new information in her case. She told me she had only recently stopped seeing a psychiatrist due to the trauma from this assault. She was troubled by nightmares from this assault for years following. Her husband, [redacted] died 2 years after the assault. [redacted] described how her husband never really recovered from the assault and she described him as having seizures, loss of balance, and loss of bowel and bladder control among other things.

[redacted] confirmed the information contained in the hospital report about the fact that she had not had consensual sex for several months prior to the assault and said she had never had consensual

AFFIDAVIT AND APPLICATION FOR ARREST WARRANT

sex with any black male. She also told me that time of her life.

was her only sex partner during that

Based on the described facts and circumstances, I request that an arrest warrant be issued for Grady Miles on the charge of sexual assault in the first degree.

I affirm this information to be true and correct

Bruce R. White - 90004
Signature of Affiant

Subscribed under oath before me on

2/3/09 8:45 am
Date Time

[Signature]
Judge or Notary Public

My commission expires: _____

ARREST WARRANT

To all Sheriffs, Peace Officers and Police Officers with the said State:

You are hereby commanded to take the person of the defendant and bring him without unnecessary delay before a Judge of the County Court to be dealt with according to law.

Bail fixed at \$ Set upon arrest

[Signature]
Signature of Judge

Date 2/3/09

Andre L. Eubank
Printed name of Judge

I HEREBY CERTIFY that I executed the above warrant on (date) _____ by taking _____ (name of person arrested) into custody and placing said person in the _____ Jail for safekeeping until further order of the court.

Signature of Arresting Officer