



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



**Byron Lanier Whitehorn (pictured above), d.o.b: 07/23/1968, SSN# [REDACTED], charge-  
Sexual Assault-C.R.S 18-3-402 (1) (a), class F-4, Sexual Assault-C.R.S 18-3-402 (1)  
(b), class F-4, False Imprisonment-C.R.S 18-3-303 (1), class M-2**

I, Detective Steve Bishop (07077), 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:

*The above pictured subject, Byron Lanier Whitehorn, d.o.b: 07/23/1968, hereafter referred to as defendant,*

Count 1

*Did unlawfully, intentionally and knowingly, without the victims consent, inflict sexual penetration on the victim, [REDACTED] an adult female, hereafter referred to as [REDACTED] and did so against the her will and the defendant caused submission of [REDACTED] by means of sufficient consequence reasonably calculated to cause submission against the victim's will, in violation of C.R.S 18-3-402 (1) (a), Sexual Assault; and*

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Count 2

Did unlawfully, intentionally and knowingly, without [REDACTED] consent, inflict sexual penetration on her, and did so against [REDACTED] will and the defendant knows that the victim is incapable of appraising the nature of her conduct; in violation of C.R.S 18-3-402 (1) (b), Sexual Assault;

Count 3

The defendant did knowingly and intentionally confine and/or detained [REDACTED] without her consent and without proper legal authority in violation of C.R.S 18-3-303 (1), False Imprisonment, to wit:

On May 27, 2021 the victim, along with her spouse, [REDACTED] enjoyed alcoholic beverages and food at Vybe, an establishment located at 1027 N Broadway Street, in the City and County of Denver. Between 9:00 p.m and 9:30 p.m. [REDACTED] left Vybe as she was ready to return home with [REDACTED] and [REDACTED] became separated from each other due to [REDACTED] need to use the restroom before exiting Vybe.

[REDACTED] exited Vybe and began walking south on Broadway searching for [REDACTED] parked vehicle. [REDACTED] became confused as to the location of [REDACTED] vehicle, due to her being intoxicated from alcoholic beverages she recently consumed. [REDACTED] began walking back towards Vybe to reconnect with [REDACTED] and find her vehicle.

[REDACTED] stated that she exited Vybe and could not locate [REDACTED]. [REDACTED] began walking towards her vehicle, that was parked on 9<sup>th</sup> Avenue at Broadway Street. The defendant later positively identified as Byron Whitehorn, d.o.b: 07/23/1968, approached her, as [REDACTED] reported that she was also intoxicated from consuming alcoholic beverages. The defendant asked [REDACTED] if she needed a ride and began to walk her away from her parked vehicle. During a short conversation the defendant asked [REDACTED] to take his telephone number that he provided as 303-578-0609. The defendant also identified himself as Byron. The defendant asked [REDACTED] for a hug and kissed [REDACTED] on her lips. [REDACTED] was able to walk away from the defendant and enter her vehicle with the defendant walking away. At this time [REDACTED] had not located [REDACTED] nor had she observed the defendant contacting [REDACTED]

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██████████ observed the defendant speaking with ██████████ and began to walk toward' s ██████████ vehicle. The defendant approached ██████████ as she asked the defendant what was going on. The defendant stated that everything was alright and not a big deal and he could take ██████████ home. Due to being intoxicated and confused ██████████ did not know if ██████████ and the defendant knew each other. The defendant identified himself to ██████████ as Byron.

██████████ voluntarily entered the defendant's white colored SUV believing the defendant was driving her back to ██████████ and her residence, located at ██████████ ██████████, Denver. ██████████ described the defendant's behavior as calm and friendly. While the defendant was driving ██████████, she realized that she was not going in the direction of her residence when she observed North High School, which is the opposite way of her residence. ██████████ stated that she was still confused as to what was happening and where she was going.

██████████ reported the defendant pulling into a garage and the garage door closing. ██████████ did not know where she was at and followed the defendant into a residence, later identified as the defendant's residence of 3505 Marshall Street, Wheat Ridge, CO. At one point the defendant and ██████████ spoke on the phone with ██████████ still confused as she began checking doors in the residence, so that she could exit, however found the doors locked/secured and ██████████ unable to leave the defendant's residence.

The defendant approached ██████████ and placed her hand on his clothed erect penis. The next memory ██████████ has is being naked with the defendant escorting her to a bean bag chair/furniture and sitting her down. The defendant had penile to vaginal sex with ██████████ without her consent and against her will. During the sexual assault the defendant turned ██████████ around and continued to penetrate her vagina with his penis until he told her that he was going to ejaculate.

After the sexual assault ██████████ began panicking and started checking the interior doors to exit the defendant's residence, despite her still being naked. The defendant told ██████████ to get dressed as she could not leave due to the neighbors that would get the defendant in trouble. ██████████ retrieved panties and pants but could not locate her shirt, bra, or hat. ██████████ put on a long sleeve black shirt that she located but did not belong to her. ██████████ checked the interior doors again finding them locked and stated that she believes she used force to open and exit out one of the interior doors.

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Once free from the defendant's residence [REDACTED] called [REDACTED] who was still near her parked vehicle, by Vybe, and now speaking with Denver Police officers. [REDACTED] was text messaging [REDACTED] asking her for help. [REDACTED] was able to locate [REDACTED] location by using a locate app on her cell phone. Eventually [REDACTED] was contacted by police and transported back to her residence. Due to running for a few minutes from the defendant's residence, she was not sure where his residence was located.

On Saturday, June 19, 2021 [REDACTED] and [REDACTED] read a news article that depicted the defendant recently being convicted of several sexual assault occurring over the past couple years. This article showed a picture of the defendant that they recognized as the person that attempted to pick up [REDACTED] and did pick up and sexually assault [REDACTED], against her will. Upon seeing this article [REDACTED] told [REDACTED] that she had been taken and sexually assaulted. On June 21, 2021 [REDACTED] contacted Denver Police Sex Crimes hot-line and this Affiant was assigned this case.

During interviews with [REDACTED] and [REDACTED] they were shown individual photo arrays, and both positively identified the defendant, Byron Whitehorn, as the suspect in this investigation. This Affiant contacted the defendants pre-trial Officer who provided GPS location for the defendant on May 27, 2021, due to the defendant wearing an ankle monitor. These GPS locations include the defendant being near Vybe, on May 27, 2021 from 2120 hours to 2138 hours. The defendant arrives back at his confirmed address of 3505 Marshall Street Wheatridge at 9:53 hours, on May 27, 2021, where he then sexually assaulted [REDACTED] and refused to allow her to leave before sexually assaulting her.

Based on the defendants similar cases and previous conviction of those cases and testimony from [REDACTED] and [REDACTED] this Affiant is requesting that an arrest warrant for the defendant, Byron Lanier Whitehorn, d.o.b: 07/23/1968, be granted for violation of Sexual Assault-C.R.S 18-3-402 (1) (a), class F-4, Sexual Assault-C.R.S 18-3-402 (1) (b), class F-4, False Imprisonment-C.R.S 18-3-303 (1), class M-2.

