

The following is a facsimile of the Rogers, Ark., police affidavit of probable cause against the men who would ultimately be convicted of murdering Jesse Dirkhising: Davis Don Carpenter and Joshua Macave Brown:

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS

AFFIDAVIT OF PROBABLE CAUSE TO OBTAIN BAIL

STATE OF ARKANSAS PLAINTIFF

VS

DAVIS DON CARPENTER DEFENDANT

W/M, DOB: 08-02-61

&

JOSHUA MACAVE BROWN DEFENDANT

W/M, DOB: 6-7-77

FACTS CONSTITUTING PROBABLE CAUSE

Comes now Detective Sergeant Terry Woodside of the Rogers Police Department Criminal Investigation Division, and under oath doth state:

After extensive investigation, on September 26, 1999, the Defendant, Joshua Macave Brown, DOB: 6-7-77, was arrested on the charges of Capital Murder, Class Y Felony, and Rape, Class Y Felony (6 COUNTS). Defendant Davis Don Carpenter, DOB: 8-2-61, was arrested on September 26th, 1999 at approximately 7:45 p.m., on the charges of Capital Murder, Class Y Felony, and Rape, Class Y Felony (6 COUNTS).

The records of the Rogers Police Department reflect that on Sunday, September 26th, 1999, at 0453 hours, Patrolman Ian Smith and Patrolman Jason Curry responded to 1207 West Sunset Drive to assist an ambulance crew of the Rogers Fire Department regarding a call for medical assistance. Upon their arrival, Davis Don Carpenter, 38 years of age, and a resident of 1207 West Sunset Drive contacted them. Carpenter seemed very upset and repeatedly said, "He's not breathing". Carpenter let the officers into the apartment and to the northwest bedroom. Another male subject, Joshua (Josh) Brown, 22 years of age, was standing in the hallway, completely

naked, holding a flashlight and a telephone. The officers observed a young, naked male subject, later identified as Jesse Dirkhising (aka: Jesse Yates), thirteen years of age (DOB: 5-24-86), on the floor in the middle of the room, next to a mattress. Dirkhising's genitals and abdomen were covered with what appeared to be feces. Dirkhising's mouth was blue, he had a weak pulse, but he did not appear to be breathing. Patrolman Smith also observed that Dirkhising had masking or duct tape wrapped around his right hand. When Josh Brown was asked about the tape, he replied that they were just playing a game. An empty prescription bottle was observed on the mattress. In addition, Patrolman Smith observed some pills and a razor blade on a mirror at the front entrance, which appeared to be controlled substances and drug paraphernalia.

Rogers Fire Department Paramedics transported Dirkhising to St. Mary's Hospital emergency room, where he was pronounced dead at 0532 hours.

During preliminary questioning at the scene, Josh Brown assaulted Corporal Rick Simmons, and was placed under arrest. While being questioned by Detective Martha Armstrong after being Mirandized, Josh Brown stated that he was Davis Carpenter's lover. Brown also said that he (Brown) and Dirkhising frequently tie each other up, although not for sexual purposes. Brown stated that on this occasion he snuck up on Dirkhising, tied his hands behind his back, placed a pair of underwear in Dirkhising's mouth and secured them with a bandana and duct tape. He placed a bandana over Dirkhising's eyes and secured it in place with duct tape. He then placed a tee shirt over Dirkhising's head, and checked to ensure that Dirkhising's nostrils were not covered. He placed belts around Dirkhising's knees and ankles to hold his legs together. Brown then untied Dirkhising's wrists and secured them to opposite sides of the mattress. He positioned Dirkhising on his stomach, placing pillows under his stomach. Brown then proceeded to penetrate Dirkhising's anus with various items, including three (3) fingers of his hand, his penis, a cucumber, a sausage, a banana and a douche bottle. Brown stated at one point he prepared and administered an enema for the victim, using his own urine as the liquid. Brown then positioned a cucumber so that it was slightly penetrating Dirkhising's anus, and secured it with tape. He then went to the kitchen, where he ate a sandwich before returning to the bedroom. Upon his return, he found that Dirkhising was apparently not breathing. Brown pulled the tee shirt off Dirkhising's head, cut the tape and bandanas away, removed the underwear from Dirkhising's mouth and contacted Carpenter. Brown also guessed Dirkhising to be thirteen or fourteen years old.

Carpenter told officers that Brown woke him up and told him there was a problem with Dirkhising. Carpenter found Dirkhising lying on the bedroom floor with his hands bound with tape. He cut the tape and attempted to administer CPR before calling 9-1-1.

Det. Jarod Mason interviewed Paula McVey, the grandmother of Jesse Dirkhising (aka: Jesse Yates). Ms. McVey stated that Davis Carpenter was a friend of Jesse Dirkhising's mother and stepfather, who live in Prairie Grove. She stated that for the last two or three months, Dirkhising had been coming from Prairie Grove to Rogers to stay with Carpenter on the weekends. She related that she was under the impression that Dirkhising had been earning money during those weekends by working for Carpenter at the hairstyling shop where Carpenter worked. She stated that Carpenter had a younger male lover who lived with him.

A search warrant for 1207 West Sunset Drive, Davis Carpenter's residence, was executed by detectives of the Rogers Police Department. During the search of the residence, Detectives recovered numerous small green pills, from the living room and bedroom, various bottles of prescription medicine, including the controlled substance amitriptyline, a known heavy sedative commonly used to treat depression. Also located in the living room, were a mirror with several of the green pills, and a small quantity of off white colored powder suspected to be methamphetaminc. Numerous items of evidence were recovered from the bedroom, including two cucumbers, one of which was covered with what appeared to be petroleum jelly, the other having what appeared to be fecal matter on it. Also located in the bedroom was a tube-shaped sausage, as well as a crushed banana. A plastic disposable douche bottle with the applicator secured in place with duct tape was found amongst numerous items used in bondage. The bondage items included numerous belts, large quantities of duct tape and strapping tape, handcuffs, nylon rope, what appeared to be a rubber jumprope, and electrical cord. Detectives located a mass of items which included used duct tape, what appeared to be a shirt, a pair of men's brief underwear, and a bandana, which, according to a statement by Defendant Josh Brown, were used to gag and blindfold the victim during the rape. Numerous containers of petroleum jelly were found throughout the residence.

In the living room, detectives discovered a computer and related equipment that was still running. When the monitor was turned on, a program entitled "Medical Drug Reference 4.0" was running on the computer.

The search also revealed a piece of paper on which a note was written to "Baby." (Investigation has revealed that Carpenter refers to Brown as "Baby.") In the upper right hand of the note are listed three types of prescription pills.

The text of the note refers to making a male ("him") take "those pills." It then refers to positioning pillows beneath the male in a certain way. A different portion of the same piece of paper says to tell "him" not to fight or else for the next "14 hours" he will be sexually assaulted.

The search also revealed another note, addressed to an unnamed person, which refers to a piece of meat being inserted in that person's anus. The note also refers to "Davis" engaging in sexual intercourse with "you blindfolded on pills." There is also a note addressed to "Baby" that refers to "duct tape in place."

The search further revealed a hand-drawn diagram depicting a person on a bed.

There are notations that refer to pillows, "tape all the way around," "face down," the buttocks of the person "raised app. 2 feet." Another note was found in the kitchen area addressed to "baby", and states "could cause serious damage-back to 3" sticking out and duct tape in place."

The search also revealed a five-page letter addressed "Hey Baby." The letter is signed by "Davie." In the letter, "Davie" describes seeing "Baby's" "little 10 year old blond whore" at her bus stop in the morning. "Davie" graphically describes how he can envision "Baby" engaging in various sexual acts with her.

The search also revealed handwritten texts on a legal pad. In those texts, the writer describes a man making a "fine crushed white powder" from "the small oddly purple colored pill." The writer describes him cutting the pill in ¼ sections so that he would have "enough to do this again in 4 hours or so, if he needed (or wanted!)." He then describes the man giving a nine year old girl a glass of milk with the pill powder mixed in. The writer then writes of the man laughing out loud "knowing in 20 minutes the pill dust he'd added would render her helpless and drunk..." He then describes in detail the man having the girl first masturbate and then perform oral sex on him.

Also found on the kitchen table was a receipt from the Price Cutter Food Warehouse dated September 26, 1999, at '0307' hours. Items purchased on the receipt included tape for \$3.18, "Eckrich" for \$2.50, two cucumbers for \$1.00 and "meat dept." for \$2.61. A package containing one sausage was found in the refrigerator and was labeled "Eckrich." The sausage found in the package was consistent in appearance with the sausage found in the bedroom.

A detailed interview was conducted at the Rogers Police Department with defendant Josh Brown on September 27th, 1999 by Detective Sergeant Hayes Minor. Brown told Sgt. Minor that he and the victim had been sexually involved for approximately two months. Brown described the sexual acts as "games" and "playing: with the victim. He said that the morning of the victim's death, he had performed anal sex on the victim for the first time. In sex acts up until this point, Brown said his penis had never penetrated the victim's anus. Brown told Sgt. Minor that on this occasion he used his fingers, his penis, a cucumber, a sausage, a banana and a douche bottle to anally penetrate the victim while the victim was immobile due to the bindings.

Brown was questioned about Carpenter's involvement during the rape and told Sgt. Minor that Carpenter stood in the doorway of the bedroom, naked, and watched Brown and the victim while he (Carpenter) masturbated. Brown was also asked about the notes that were found in the residence. When asked about the note found in the kitchen addressed to "Baby" and stating "Could cause serious damage-back to 3" sticking out and duct tape in place", Brown stated that as he was using the cucumber to penetrate the victim's anus, Carpenter stood in the doorway trying to get his (Brown's) attention without having to speak. When Brown walked to Carpenter, Carpenter showed him the note indicating that he should not put the entire cucumber in the victim's anus as it may harm him. Brown stated he returned to the victim and duct taped the cucumber in place as it penetrated the victim's anus approximately one half inch.

Brown was also shown the diagram that depicts a person bound to a bed, much the same way Brown described the victim. He stated that the drawing was completed by Carpenter on a much earlier date. When asked about Carpenter's knowledge of Brown's and the victim's sexual activities, Brown stated that Carpenter had walked in on the two in the past. After that occasion, Brown stated that he and Carpenter talked about Carpenter watching as the victim and Brown participated in sexual acts.

Brown was also questioned about the receipt he found in the residence from the Price Cutter Food Warehouse dated September 26th, 1999, at 0307 hours. Brown told Sgt. Minor that Carpenter had gone to the store alone and purchased the items, some of which were used during the rape of the victim.

On September 27th, 1999, an autopsy was conducted on the victim by the Arkansas State Medical Examiner. Preliminary results of the autopsy indicate the victim died of “positional asphyxia.”

A check of Davis Carpenter’s prior record shows no known prior convictions at this time. During conversations held with Det. Sgt. Minor, Carpenter stated that he had lived in 26 different states, and knew people in all 50 states.

Carpenter apparently has limited family in Springdale, Arkansas, but has lived out of state on numerous occasions. Further investigation revealed that in the past two years, Carpenter and Brown have lived in at least three different states, including Florida. A records check of Joshua Brown reveals no known prior convictions. Joshua Brown also has no known ties to the Northwest Arkansas area.

Based on the seriousness of the offense, the substantial likelihood of conviction, the nature of the penalty that may be imposed, and the substantial risk of flight, the State joins me in requesting that the Defendants, Davis Don Carpenter, DOB:08-02-61, and Joshua Macave Brown, DOB: 6-7-77, be held without bond for the offenses of Capital Murder, Class Y Felony, Arkansas Code Annotated 5-10-101; and Rape, Class Y Felony (6 COUNTS), Arkansas Code Annotated 5-14-103.

Det. Sgt. Terry Woodside
Rogers Police Department
212 West Elm Street
Rogers, Arkansas 72756

STATE OF ARKANSAS
COUNTY OF BENTON

Subscribed and sworn to before me this 27th day of September, 1999

Kathryn McMath
NOTARY PUBLIC