

PROBABLE CAUSE ARREST AFFIDAVIT

Case #: **202100423**

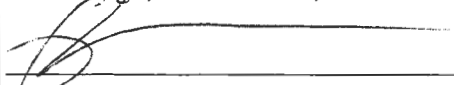
Arrestee: **Okey Payne**

DOB: **07/21/1925**

DATE FILED: February 4, 2021 8:43 AM

CASE NUMBER: 2021CR200

I, **S.Treasure**, swear under penalty of perjury that there is probable cause for the arrest of the above named individual for the charge(s) stated in the attached document; that the facts are true and correct to the best of my knowledge, information, and belief; and that the facts supported the arrest of the defendant.



Law Enforcement Officer's Signature

S.Treasure

Law Enforcement Officer's Printed Name

Lafayette Police Department

Law Enforcement Agency

I have reviewed the above materials and determined that:

FILED IN THE 20TH
JUDICIAL DISTRICT

- They contain probable cause for the arrest of the above named individual.
- They do not contain probable cause for the arrest of the above named individual and he/she is ordered released on a personal recognizance bond.

FEB 04 2021

BOULDER COUNTY, CO

BOND AMOUNT AND CONDITIONS

AMOUNT: \$ _____

- Type: Cash/Surety/Property
 Personal Recognizance
 Co-signed PR Bond

BOND CONDITIONS:

- None
- No Contact With: _____
- No Contact Includes Victim Child(ren)
- Pretrial Supervision
- Report to Probation (within 24 hours of release)
- Substance Abuse Monitoring (as determined by Community Justice Services)
- Drug Testing
- Other Conditions: _____
- No Alcohol
- No Non-prescribed Drugs
- Possess No Weapons
- Further Bond Evaluation
- No Driving
- No Driving Without Valid License
- No Contact With Anyone Under 18 Years of Age
- Sobriotor
- Pretrial EHM
- Pretrial EHM With Sobriotor

Date

Time

Judge/Magistrate

Boulder County Jail Adult Custody Form

(Form Must be Complete)

Arresting Agency Case #: 202100423	Arresting Agency: Lafayette Police Department
Arresting Officer's Full Name: S.Treasure	Arresting Officer's Number: 1706
Does Arrestee Possess government issue I.D.? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Type: _____ # _____
Is Arrestee to be booked and released? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Per Arresting Officer: S.Treasure

Biographic Information

Inmate's Name: Payne, Last		Okey First		Middle		DOB: 07/21/1925	
Alias Name:						Alias DOB:	
Sex: M	Race: W	Ethnicity: N/H	Height: 510	Weight: 160	Hair: White	Eyes: Blue	Marital: Married
POB City:			State:		Country:		
SSN:		Driver / I.D. (State & #):					
Home Address: Number 225		Street Waneka Parkway			Apt. 105	City: Lafayette	
State CO	Zip 80026	Phone: H- 720-381-6733		W-		Other	
Employment/School Info: N/A					Occupation:		
Address:			City:		State:	Phone:	

Triage Questions to be asked by Arresting Agency

Has inmate made any statement or shown any behavior that you are aware of that would cause you to believe he/she may be suicidal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		If Yes, provide details:	
Medical Clearance: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Medication Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Hospital:		Name:	
List any medical conditions the arrestee has that you are aware of: None			
Which best describes arrestee's behavior with arresting/transporting officers...			
Cooperative <input checked="" type="checkbox"/> Non-response <input type="checkbox"/> Verbally antagonistic <input type="checkbox"/> Combative <input type="checkbox"/>			
Any other information you are aware of that would be useful for inmate management.			
K00338245 21CR200-4			
Have you seen any indication that the arrestee suffers from any mental illness?: No			

Arresting Agency Case Number: 202100423

Charges

# 1 – Statute (literal): 18-3-102(1)(a)		Charge (literal): 1 st Degree Murder	
Charge Level: 1	Class: F	Jurisdiction: Lafayette PD	Bond \$:
Warrant # / Dkt #:		Summons #:	
# 2 – Statute (literal): 18-3-206(1)(a)		Charge (literal): Felony Menacing	
Charge Level: 5	Class: F	Jurisdiction: Lafayette PD	Bond \$:
Warrant # / Dkt #:		Summons #:	
# 3 – Statute (literal): - -		Charge (literal):	
Charge Level:	Class:	Jurisdiction:	Bond \$:
Warrant # / Dkt #:		Summons #:	
# 4 – Statute (literal): - -		Charge (literal):	
Charge Level:	Class:	Jurisdiction:	Bond \$:
Warrant # / Dkt #:		Summons #:	
# 5 – Statute (literal): - -		Charge (literal):	
Charge Level:	Class:	Jurisdiction:	Bond \$:
Warrant # / Dkt #:		Summons #:	
# 6 – Statute (literal): - -		Charge (literal):	
Charge Level:	Class:	Jurisdiction:	Bond \$:
Warrant # / Dkt #:		Summons #:	
# 7 – Statute (literal): - -		Charge (literal):	
Charge Level:	Class:	Jurisdiction:	Bond \$:
Warrant # / Dkt #:		Summons #:	
# 8 – Statute (literal): - -		Charge (literal):	
Charge Level:	Class:	Jurisdiction:	Bond \$:
Warrant # / Dkt #:		Summons #:	
# 9 – Statute (literal): - -		Charge (literal):	
Charge Level:	Class:	Jurisdiction:	Bond \$:
Warrant # / Dkt #:		Summons #:	
# 10 – Statute (literal): - -		Charge (literal):	
Charge Level:	Class:	Jurisdiction:	Bond \$:
Warrant # / Dkt #:		Summons #:	
# – Statute (literal): - -		Charge (literal):	
Charge Level:	Class:	Jurisdiction:	Bond \$:
Warrant # / Dkt #:		Summons #:	

Narrative

In accordance with State Law the County Attorney's Office has determined that juvenile names can not be released to the public.

Will you mention a Juvenile Name: Yes No

Arresting Agency Case Number: **202100423**

On February 3, 2021, at approximately 0713 hours, I was requested to respond to Legacy at Lafayette, 225 Wanaka Parkway, Lafayette, Boulder County, Colorado, on a possible shooting. The Legacy is an assisted living facility, and each resident has their own apartment.

When I arrived, patrol officers had taken Okey Payne (DOB: 07/21/1925) into custody in room #105. Okey was handcuffed in front and he was placed into a patrol car. Okey had a walker, which was also put into the patrol car, and Okey was taken to the Lafayette Police Department, 451 North 111th Street.

I went inside the Legacy facility through the front door. In the entryway there was a large amount of blood and a grey backpack. I was told the handgun that was used was in room #105. Based on public safety concerns and concerns for the other residents in the facility, I went into room #105. Once inside I saw a handgun laying on the desk and the magazine was lying on the table. The room was cleared to make sure no one else was inside and was then secured by a patrol officer.

Okey told me he had an ear drum concussion and has only 25 % hearing in his left ear and 4% in his right ear and he also has a catheter. Okey stated he does not have any other medical issues. Okey asked that I write down questions so that he can understand what I am asking.

I followed Detective Brett Biggs to the police department with Okey. While Okey was getting out of the police car, Okey told me that he shot Ricardo and he should have waited for [REDACTED]. At this point a handheld recorder was started to record everything Okey said.

I did not ask Okey any questions as he was escorted to an interview room. Once we arrived at the police department, Okey was unhandcuffed and escorted to interview room #2. Interview room #2 is a soft interview room with two couches. This interview room is often used to interview victims and witnesses of crimes.

The current audio/video system that is installed in the interview rooms is non-functional. Therefore, I used a personal recorder to audio record, and we videotaped the recording using a cell phone. Later we switched from the cell phone to a video camera. I asked Okey for his date of birth, which he provided. I then began explaining to Okey his Miranda Rights. Okey could not hear me, so I wrote down on a piece of paper each of Okey's Miranda Rights. Okey told me he has a divorce lawyer, but he never asked for an attorney. Okey acknowledged his Miranda Rights and waived his rights. Okey was given breakfast, and he then asked if he could give a statement.

Okey explained to me since October 2019, the staff members at the Legacy have been stealing from him. Okey said he complained to [REDACTED], who is in the sales department of the Legacy, but that [REDACTED] was also stealing from him. Okey also told his housekeeper, [REDACTED] unknown last, that staff members were stealing from him. Okey stated no one was helping him at the Legacy.

On Monday morning, (February 2, 2021), Okey checked his wallet and he found two \$100.00 bills were missing. He had gotten \$500 dollars in cash out and had four \$100.00 bills and the rest were broken down into \$20.00, \$10.00, and \$5.00 bills. He always keeps his money in his wallet. Okey explained he had written down all the bill's serial numbers. One of the bills serial numbers ended in 06H and the other ended in 069.

On Monday (February 2, 2021), after Okey realized the money was missing, he went to confront [REDACTED]. [REDACTED] did not say anything to Okey and after Okey spoke to [REDACTED] Okey went back to his room. He did not speak to anyone else. Okey explained he was tired of them stealing from him.

This morning, (Tuesday, February 3, 2021) he woke up around 3 am, got dressed, and went to the front lobby and waited. Okey explained he saw Ricardo Medina-Rojas ([REDACTED]) walking in. Ricardo is a maintenance worker for the Legacy. Ricardo signed in and completed his morning check-in. As Ricardo turned to walk away, Okey got up and told Ricardo, "Where's my \$200.00?" Okey said Ricardo "mumbled something" and Okey pointed the gun at Ricardo's head and shot Ricardo one time in the head. Okey then walked back to his room, he took the magazine out of the gun, and put the magazine onto the table so that officers would know the gun was safe. He then put the gun on the desk. Okey told me he then waited for the cops to arrive. Okey said officers knocked on the door and he came out. Okey told me "I should have waited for [REDACTED] and shot him instead". Okey said he is sorry but he's glad the "thievery" will stop.

Okey told this affiant that he thinks the staff at the Legacy are trying to kill him and take all his money. He also believes his ex-wife is working with [REDACTED] to steal his money. Okey told this affiant he has woken up with needle marks in his big toe and he believes the staff are drugging him.

Your affiant asked Okey when the thefts started. Okey explained they started in October 2019. The old manager was fired for stealing, and even after she left, the thefts continued. Okey said he told his housekeeper [REDACTED] when she would come in to clean what was going on. [REDACTED] would come in on Monday and Thursday and he would tell her what was going on. He also made complaints to [REDACTED] however, [REDACTED] oversaw Ricardo, and everyone else who was stealing from him. Okey explained [REDACTED] had forged two checks belonging to him from Wells Fargo and Wells Fargo is no longer allowed to cash large checks from Okey without confirming them with him.

Okey said he was tired of having money stolen from him. This morning when he woke up, he went to the lobby and sat down. He had his gun on his right side next to his right leg. He was watching people and just sat there like he does every other day. Okey said he was thinking about getting attention and making the thefts stop. Okey watched Ricardo come in through the windows, and when Ricardo came inside, he decided he was going to shoot Ricardo. Okey said he waited until Ricardo checked in and completed the safety checks, and then he confronted Ricardo and asked him where his money was. Ricardo mumbled something and Okey raised the gun and fired one time at Ricardo's head. Okey told me he "Blew Ricardo away". Okey stated it was too bad he had to "waste" him (Ricardo), but he's hoping if something good comes from all this this is that the stealing will stop. Okey then walked back to his room and waited for the police.

Okey told me during the interview, he had previously been told by staff that he cannot have a gun in the facility. Staff members had taken his .22 caliber rifle and a Beretta handgun from his room and put it inside his storage container, which is located at a separate storage facility in Boulder. Okey explained the .45 caliber ACP was from World War 1, when his father carried it. Okey's father left him the .45 caliber and he has had it since he was 23 years old.

Throughout the hours this affiant spent interviewing Okey, this affiant observed that Okey was clear headed, lucid, and he provided detailed information regarding this incident. Okey was orientated to date and time and at no point did Okey appear confused or unable to comprehend questions or our conversation. Okey had difficulty hearing, but we were able to communicate through written questions and verbal answers.

Both the Lafayette Police Department and Adult Protective Services have investigated claims Okey has made regarding thefts, however, all the claims have been unsubstantiated.

Ricardo was transported to Good Samaritan Hospital and was seen by Dr. Pyun. Dr. Pyun pronounced Ricardo deceased at 1410 hours, due to the gunshot wound to the head.

Based on this information, I believe the crimes of 1st Degree Murder, C.R.S. 18-3-102(1)(a) and Felony Menacing, C.R.S. 18-3-206(1)(a), have been committed by Okey Payne (DOB: 07/25/1925).

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JUDICIAL DISTRICT**

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BOULDER COUNTY, CO