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FILED
DEC 13 2012

4TH DISTRICT
STATE OF UTAH
UTAH COUNTY

FOURTH DISTRICT COURT, STATE OF UTAH
UTAH COUNTY, PROVO DEPARTMENT

STATE OF UTAH

:

Plaintiff

:

AFFIDAVIT IN SUPPORT OF
Arrest Warrant

-vs-

:

DAVID LEE HAMBLIN
(DOB 09/18/1954)

:

:

Defendant

Criminal No.

STATE OF UTAH

)

:ss.

COUNTY OF UTAH

)

Comes now Sergeant Dan Dove, having been first duly sworn of oath, who deposes and states as follows:

1. That your affiant is a police officer in and for the City of Provo, Utah County, Utah, and have acted as such during the course of this investigation. I've been a police officer in the state of Utah since 1988. I have received training in the investigation of sexual offenses against adults, minors and children. These investigations included the violations of rape, sexual abuse, sexual battery, lewdness, physical abuse, neglect, etc.

I am currently assigned to the Criminal Investigations Division, Special Victim's Unit. I have served in this capacity for several years. I am currently a member of the Utah Attorney General's Internet Crimes Against Children Task Force. I have attended the Federal Bureau of Investigation on-line Child Pornography and Child Sexual Exploitation training. I am also an assigned member of the Utah County Special Victims Task Force. I have investigated numerous cases involving the sexual exploitation of children over the Internet.

2. That on January 20, 2012, I met with Kate Baxter, (Katherine Helena Winters Hamblin Baxter), and her husband Weston Baxter. Kate gave an accounting of several years that she was violently raped and sexually abused and exploited at the hands of her biological father, David Lee Hamblin.
3. Kate cited hundreds of times that she has been the victim of sexual abuse and rape, by David Hamblin, over a thirteen year period, prior to her parent's divorce in 1999.
4. Kate stated that when she was in kindergarten, in the years of 1991 and 1992, they lived in the house she referred to as their "Centennial house", because it was very close to the Centennial Middle School. (The house is located at 280 East 2200 North, in Provo). I have inserted the following account of what happened, verbatim, due to the specific, relevant, graphic details, given in Kate's

own words.

"During a school night while I was in Kindergarten I woke up needing to go to the bathroom really badly and after holding it for about a half an hour I finally got up and tip toed to the bathroom. The basement was very cold because it was winter outside and so it made me shiver. After I wiped I realized that I got some pee on my hand and I wanted to wash my hand really badly. I went to the sink and kept looking behind me. I turned the knob for cold water, just a tiny bit, to get some water dripping out. I commenced washing my hands when I heard someone walking up behind me.

David grabbed me and I shook I was so scared and cold and he grabbed my wet hands with one of his and pulled down his bottom garments revealing himself. He forced my hands on top of his penis and violently rubbed back and forth in my hands with his hands clenching the outside of mine. I was quietly crying and tense all over as he shook me back and forth because he was making me rub him so fast and hard. He hurt my hands and he continued to squeeze them tighter and tighter. I was so grossed out I wanted to throw up. He continued until he started breathing more and more heavily and then he ejaculated in my face and tried to force open my mouth with his hand. I kept clenching my lips and turning my head away and it got on the floor. He kept saying open your mouth Katie, I wouldn't. He had finished ejaculating and it had gotten all over my Care Bear nightgown and my face as well as the ground.

He commanded me to lick his semen off the floor. I shook my head, too afraid to look at him. He said it one more time. I responded in the same way, I was angry. He clenched my arms and made fists, hurting me and said if you don't do it I will go beat up your sister right now. He started walking to Eliza's room, the west bedroom in the basement and I said okay. I got on the floor and started licking up the semen. I was crying very hard and started to dry heave. He watched as I did it and when I finished he picked me up off the floor and put me on my feet. He pulled my nightgown over my head and wiped off my face and the floor with the night gown. Then he put the night gown in the sink, flushed the toilet and turned on the hot water. He told me to go to bed.

I ran away into the bedroom and cried for what it seemed to be a long time. I was disgusted with the taste in my mouth. I kept spitting into a tissue I had gotten from the side of my bed. The taste of semen and smell of semen was so thick I couldn't sleep. As soon as it got light outside, about three hours later, I ran to the shower and showered off. "

5. Kate cited another incident, at the same residence, during the same time frame, when she was in kindergarten, approximately five years old. I've included her exact words.

"About a half hour after Mom left home David came downstairs where we were playing in the main basement area where most of our toys were. He violently grabbed Eliza by the arm and yelled at Rachel and I to follow him. Eliza started crying and we quickly started following. He shook her and told her to be silent and told Rachel and I that we should be silent as well. Eliza was crying so hard and started hyperventilating so David threw her aside, hitting her against the wall. After he threw her against the wall David said that if we didn't remain quiet he would cut up and kill our Mom and our orange Tabby cat named Angus. Eliza kept crying quietly but it wasn't quiet enough because he threatened to hit Eliza again. I moved toward him which was not uncommon of my sisters to take turns being abused. I did it because I didn't want him to keep hurting Eliza. My

sisters had both done the same thing for me before.

David got a really crazy look on his face and violently took off my pants and yelled at me to kneel on the floor. I did and then he put his penis into my anus and picked up my back legs as he kept pushing me forward and backward. I started to scream because it hurt so badly and he covered my face over my mouth, but covered my nose too so I had a hard time breathing. Then he started breathing really heavily, he dropped my legs and was shaking as he started ejaculating. We all started crying hard. He pulled his penis out and the rest of the semen got on my naked bottom and my shirt, as well as the maroon carpet. He got angry and grabbed my underwear. He used my underwear to wipe up the spot of semen and then he got up and yelled 'Put your shirt in the sink Katie and then get dressed.'

David's abuse was so painful that I couldn't even sit down for a little while because it hurt so badly."

6. Kate cites continued incidents of equally brutal sexual abuse and rape by David Hamblin, which happened in the family's second home in Spring City, Utah. I include this to show a continued pattern of abuse, regardless of jurisdiction, and to tie together the years of abuse, in numerous locations, over a period of several years.

The next local incident Kate cites, occurred at the same Provo residence, in approximately October to November of 1995, when Kate was approximately nine years old. I've included her exact words.

"I loved to be at school. When I was home from school, I wanted to go back because I felt safe there. Before dinner one night, I was playing outside. It was around Halloween because there were pumpkins in front of the house across the street (west) from us. My Mom called me to come inside for dinner. After dinner, I went to take a warm bath in the bathroom upstairs next to my parent's bedroom. It wasn't their bedroom bathroom, but one down the hall from them. When I went into the bathroom, David came in after me. My Mom was cleaning up after dinner in the kitchen which was a hallway away from the bathroom, I'm not sure where Mimi was, and my two older sisters were watching TV in the family room next to the kitchen. David came in as I was getting undressed and grabbed my shoulder/neck with one hand, and my vagina with his other. He told me not to lock the door, and to stay in the tub until he said I could go back. He threatened that if I didn't he would cut up my mom and sisters and put them in my bed.

I sat in the bath, with the light on, and stayed up as long as I could. My mom knocked on the door and asked if I needed anything before she went to bed, and I said I was okay, that I wasn't feeling good, and that the warm water was helping my tummy. She asked about it and I said I was okay. She went to bed. I lay there in fear as I heard my sisters playing and laughing out the door. I wanted to get out and be with them, and be safe. It was around midnight when I refilled the bath for the third time. I knew the time because of the plastic cream-colored clock that was hanging on the right side of the toilet on the wall, and I kept track of the time because it was so scary to sit there watching the clock. I knew David was going to come and molest me, and I just wanted to get it over with. After refilling the bath, it was warm and enveloped me. I fell asleep. When I woke up, David was picking me up and putting me on my stomach leaning over the edge of the tub with my legs out, and my head in the water. It was up to me to keep my head up to stop myself from drowning as he kneeled, dropped his pants, put Vaseline on his penis, and pushed me back and forth putting his penis in and

out of my vagina. We always had a big tub of Vaseline in the bathroom (and every bedroom for that matter). He used that on his penis and raped me. I gasped for air over and over as my head came out of the cold water, and my ribs hit the cold porcelain rim of the tub. I cried silently, trying to be as quiet as I could. When I got loud, he would stick my head under the water and hold it there for a few seconds. I would come up and be as quiet as I could. Not long after he ejaculated in me—breathing very heavily—he pushed me back in the tub and drained the water. He leaned down right into my face, and spitting on me, commanded me to go back to sleep. I did, but not for too long. I woke up around 4 am (which I think was about an hour or so after he came in) and was freezing, not to mention I had sperm coming down my legs. I turned on the warm water and felt better. I went to the bedroom, put on my pajamas and went to bed. I ran to school the next morning, happy to be there.”

7. Kate relates another rape at the same Provo residence, sometime that same year, when she was in fourth grade, (approximately winter of 1995 to spring of 1996). This incident also included strangulation. I’ve included her exact words.

“The first time I remember being strangled was when I was in fourth grade, I remember this because it was not long after the experience in the bathtub. I was sleeping in my bedroom when I suddenly awoke to David taking off my pajama bottoms and my underwear. I began to scream and he covered my mouth. I started struggling against him physically because I was afraid. He climbed on top of me and his weight took me over. He held down my kicking legs and started to put his penis into my vagina but because I was struggling he got some sort of lubricant (like Vaseline all over me and my sheets. He got so angry and told me that it would only hurt more if I struggled. I didn’t stop but he lay right on me and then put his penis into my vagina, it hurt so much! I began crying quietly, and tensing up. Then he started sweating as he moved back and forth. He was breathing more and more heavily and suddenly grabbed my neck and as he ejaculated he squeezed my neck sporadically, not consistently, strangling me. Then he collapsed and let go, I was choking, I thought I was going to die. He got up and left.”

8. Kate cites a particular road trip that she was forced to take when she was in fifth or sixth grade. She cited the details of how David Hamblin brutally sodomized her, at least twice, on that trip. She couldn’t remember the exact location, but believes it was southern Utah and into Arizona, because they were on their way to see David’s brother, who lived in Arizona. I relate this account to; again, maintain that Kate reported that she was constantly sexually abused by David Hamblin.

The next account Kate gives, that occurred at the same Provo residence, took place during her seventh grade year at Centennial Junior High School. (Fall of 1998) I’ve included her exact words.

“In my seventh grade year I went to Centennial Junior High in Provo. However, the majority of my family remained in Spring City, Utah where my two older sisters attended North Sanpete High. David, having an office in his home in Provo, spent the weekdays in Provo. I lived there with him, alone. ... David would come into my room sometimes even three times, but at least once every night, and rape me. I had a gauze canopy over my bed, and because I would tie the knots so tight to try and keep him out, he even ripped my canopy. I bought the canopy in the first place because I

thought it would be protection as I slept. I saved up all my money as a 5th and 6th grader to purchase it. It cost around \$80-\$100 at "The Company Store". That is a lot of money for an 11 year old. He would tell me that he was an angel. He would also tell me that this was what God wanted me to do. He told me that if I remembered that he had come into my room, and the things he did to me in the morning, or if I told anyone, that I would be killed, along with all my family members, my pets, my best friends Adah Bennion, and Mary Garske. He also described in explicit detail how he would kill me. For example, I remember this threat that he told me in the experience stated below. He told me that he would take a big, sharp knife into my vagina and cut me all the way up my front, and through my face and head. Other times he would tell me to be happy- and that I had to tell people how wonderful he was, and what a perfect dad he was. I did. I was afraid.

I remember one particular night when I was praying because I was so afraid every night, he came in and saw me kneeling, praying and said he was an "answer to [my] prayer" as he tore off my pants, pushed me onto the floor, and inserted his penis into my butthole. I fought against it as much as I could, throwing my arms behind myself. He pushed against me, moving toward and against me, breathing really heavily. He ejaculated on my back and in my hair. Before he left he pushed my head very hard into the carpet, almost suffocating me and then gave me the threat as stated above, which was "Forget what happened, or else I will take a big, sharp knife into your vagina and cut you all the way up your front, even through your face and head!"

The next day I got to school late. I was tired, and very sore. Not just in my butthole but on my arms and legs—from the struggle. If I didn't obey him he would hit me and hold me down, sit on me and crush me. He would cover my mouth until I couldn't breathe and force me down. It hurt so much."

9. Kate cites another incident that she remembers, from that same year. She stated the approximate date was August 1998, and she remembers it was her seventh grade year. She stated they came from the Spring City house to stay in their Provo house. I've included her exact words.

"When we drove up to Provo that night, I sat in the back of the car and tried to sleep, I knew I wouldn't be able to sleep once we got to Provo. It was often clear to me that David was in the mood to abuse me or my sisters. I was right; later that night after we got to Provo he raped me two times.

The first time was when we first got home. He had been listening to some bad music on the way up. I still don't know who it was, but they swore and had more of a 70's or 80's feel. It seemed like his music got him really sexually excited. Because when we got home he ordered me to run in the house as fast as I could and then he started chasing me, growling. I was terrified and started hyperventilating and crying as I ran. He began to laugh (like an "I'm going to get you" kind of laugh) and then I slammed the door (the door to his office on the south-west end of his house, but not the laundry room door) behind him and tried to lock it, but he opened the door and was laughing and growling at the same time—and still chased me until I fell on the floor between his office and the hallway. I had tripped on the line between the lighter carpet and the brown tile. My head hit the tile floor in the hallway and I had a lot of pain. He dragged me by my feet, back into his office and flipped me over, undid my pants and pulled them off. I was crying and saying "Don't! Don't". Then he got up to close the blinds (it was dark outside, and so if he turned on a light someone might have been able to see in). When he got up to close the blinds I flipped back over to my front-side and

grabbed my pants, pulling them up as I ran from the room to my bedroom right next to his office. I locked the door to my bedroom and sat by it so if he tried to unlock it he could not. He yelled and yelled and yelled, and even hit the door over and over. I was crying quietly, and praying. I don't know what time I fell asleep (because I didn't have a clock), but I woke up to the door smashing me against the east wall of the room (I had fallen asleep behind the door). He came in and pulled me by my legs to the middle of my bedroom floor. He then already had his pants off, and had stuff (lubricant) on his penis. He immediately forced his penis into my vagina, but it wouldn't go very far so he kept pushing and pushing. He started shaking and ejaculated in and on the outside of my vagina. He left me there and went to his room (one room away) and slammed the door.

I went to the bathroom and locked the door behind me. I tried to clean up all the gross stuff he put on me. I cried and cried, afraid that I would wake him up in the process and he would come get me again.

He didn't wake up just then, but he did come back later that night while I was asleep in bed, he pulled off my pajama pants and underwear and again inserted his penis into my vagina. It was soooo sore! He smelled horribly and drooled on me as he pushed himself back and forth. I fought against him and pushed him but he just clamped his hands on my arms and held them up above my head. He started breathing heavily and then he ejaculated. He ejaculated in my vagina, and as he was ejaculating he pulled out his penis and pushed my body down putting his penis in my mouth while he said "Eat it!" over and over. I cried and choked and turned my head away. He whacked my head and left the room. Again, I went to the bathroom, locking the door behind me and showering. I had the worst headache the next morning and missed my first period (French class)."

10. The next account happened approximately 1998 to 1999. Kate cites another rape at the same Provo residence. I've included her exact words.

"Prior to abusing me one night, David came into my room while I was sleeping and woke me up saying my name loudly as he stood in his LDS garments. He then told me that he was a very powerful angel, and that having sex with him was commanded by God. I became tense and afraid just like I always did, even fighting at times, and he held me down and again. As I continued to fight he started to hit me on my chest. He then grabbed my breasts, which were just beginning to grow and squeezed them so hard I stopped fighting and cried. Then he forced his penis into my vagina, and thrust in and out while he was on top of me. Then as he kept pushing down on top of me (his smelly chest in my face, I couldn't breathe) he ejaculated inside my vagina while collapsing on top of me. I cried and he left. I went to the bathroom and kept crying and showered off. At this age, I still had not begun my period, so he was not afraid to have intercourse.

He was often lubricated before I would even wake up. I'm pretty positive that he just used the Vaseline by the side of our beds because I would sometimes find black pubic hair in those tubs—which could only be his."

11. Kate cites another time frame when she was raped multiple times by David Hamblin at the same Provo residence. The time frame is January 1999. She remembers the date because it was

immediately following when David Hamblin was arrested for unrelated charges. I've included her exact words.

"After he was bailed out of jail by a friend, or a client, (not long after), I spent another week or so at the Provo house with David. I was abused almost every night that week. I tried to get to school, and stay there as long as I could I had bruises the shape of finger prints all over my bottom, hips, and thighs. I remember him coming into my room almost every night, and each time he would put his penis into my vagina and ejaculate. He was especially violent and angry this week. For example, one night I particularly remember him putting his penis in me, and sitting me up pushing me back and forth so he didn't move, just me. He did this until he ejaculated. He even gave me whiplash from it—that week I was in a lot of physical pain."

12. Kate cited the last incident she remembers and referred to it as, "...the worst time I remember." This incident occurred at the Provo residence in approximately January of 1999. I've included her exact words.

"The last time I remember being abused was the last night I spent at the Provo house. I was sitting in my room while David was having a meeting with several men (I heard them all talking, laughing, and yelling, but couldn't understand everything they were saying through the walls, nor did I want to). All of a sudden, I heard David's office door open, his footsteps down the tile hall, and then to my bedroom. He opened the door, said "Follow me Katie." I just looked at him and shook my head—I was really afraid. He got angry and grabbed my arm and scolded me as he brought me to his office. I was in his office, and all I remember is being so cold, and smelling gross smells, and 4 different men forced sex onto me (vaginal intercourse). I don't remember who they were, or know who some of them were. I did know that David was one of them. The next thing I remember is waking up in my bathtub with semen all over me. I showered off and went to bed."

13. Kate listed several consistent problems she has had since her family has been separated from David Hamblin. These problems include fear and an absolute terror that David Hamblin will find her, and possibly her husband, and follow through with the death threats that she has endured for as long as she can remember. I've included her exact words explaining some of the residual fears she still harbors.

"Today

Irrational or not, I am still dealing with many of these effects. The examples below have all been consistent problems since my family was separated from David Hamblin.

- 1) I still have to check my house under my bed, in my closet, shower, everywhere whenever I come home.
- 2) I can't sleep very well. I have night terrors of him hurting me.
- 3) I have a hard time with physicality, even with friends (hugging, sitting next to someone, being in a room alone with someone, especially a male).
- 4) I can't be at home alone, sometimes during the day, but especially at night. If I am, I freeze and can't move, or rather, too terrified to move.

- 5) If someone walks into a room when I'm not expecting them to (sisters, mom, husband), I jump, and often scream and cry uncontrollably for a while. Crying can last for a long time, depending on how I was feeling already, or how much I was scared. This is especially dramatic if I'm getting into the shower, or changing.
- 6) I can't be in a bathroom without the door locked, I get so scared that someone (or David) is going to hurt/rape/kill me.

...All the fears of his threats and abuse are flooding back into my muscles, mind and body. I'm terrified, but to protect others, as well as my own family. This document has to be recorded!"

14. According to the accounts given by Kate Baxter, the following criminal charges are requested against David Lee Hamblin:

Rape of a child: 15 counts (76-5-402)

Sodomy on a child: 4 counts (76-5-403)

Aggravated sexual abuse of a child: 2 counts (76-5-404)

Kate Baxter advised she lives her daily life in fear of her biological father, David Hamblin. She has related numerous brutal sexual assaults, including rape, sodomy and strangulation, accompanied by threats of murder and mutilation. These acts of violence start from as far back as she can remember and continued until she was approximately thirteen years old. She believes David is a threat to her family and is capable of trying to re-insert himself into their lives and making good on his threats. David lives in the Provo area and has been seen, incidentally, on occasion by Kate and some of her other family members. David Hamblin has never been investigated for any of the allegations cited by Kate Baxter, his biological daughter.

Both Kate and her mother, David's ex-wife, Roselle A. Stevenson, indicate that David Hamblin has strong violent tendencies and ties to the Native American church called Oklevueha Native American Church. David has stated to Roselle that he desires to leave the United States. Roselle believes he has strong ties to Mexico and Huichol and Yaqui shamans there. She believes he could flee to Mexico and avoid apprehension by local authorities.


Wherefore, I respectfully request that a warrant of arrest be issued by this court for David Lee Hamblin, DOB: September 18, 1954, for the charges outlined in paragraph 14, above.

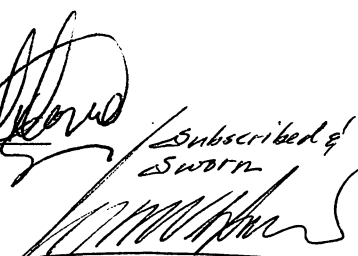
Dated this 13 day of Nov, 2012.


AFFIANT: Dan Dove

Subscribed and sworn to before me on the 13th day of Nov, 20 12




JUDGE NOTARY


Subscribed &
Sworn
LYNN W. DAVIS
Fourth District Court
13 Dec 2012