

<b>DISTRICT COURT, TELLER COUNTY, COLORADO</b> Court Address: 101 East Bennett Avenue PO Box 997 Cripple Creek, CO 80813		
<b>People of the State of Colorado</b> VS. <b>Defendant: MCAVOY, Kevin E;</b> Defendant DOB: 06/29/1989		<b>▲ COURT USE ONLY ▲</b>
		Case Number:
		Division: Courtroom:
<b>AFFIDAVIT OF PROBABLE CAUSE</b>		

The following affidavit is submitted to the Court to document the probable cause in support of the arrest of Kevin E MCAVOY DOB: 06/29/1989 SSN: [REDACTED]. This offense is fully documented in Woodland Park Police Department Offense Report 22-0769 detailing the offense(s) of:

- §18-3-405 (1), SEXUAL ASSAULT ON A CHILD, CLASS 4 FELONY;**
- §18-7-302 (1)(a)(b), INDECENT EXPOSURE, CLASS 1 MISDEMEANOR;**
- §18-3-404 (1.5), UNLAWFUL SEXUAL CONTACT-MINOR, CLASS 1 MISDEMEANOR.**
- §18-6-401 (1)(a), CHILD ABUSE, CLASS 2 MISDEMEANOR;**

With the victim(s) identified as:

1. [REDACTED]; Age (7) Race: White; Gender: Female

On June 15<sup>th</sup>, 2022 a mother and her female child came into the Woodland Park Police Department located at 911 Tamarac Pkwy in the City of Woodland Park, County of Teller, and State of Colorado to report a case of Sexual Assault on a Child. Myself, Sgt. Shannon Everhart, Detective assigned to the Investigations Division and Sgt. Beth Huber, assigned to the Patrol Division met with mother [REDACTED] DOB: 11/28/1992 and her daughter/victim [REDACTED] DOB: [REDACTED]. Sgt. B. Huber took [REDACTED] on a tour of the WPPD while I met with [REDACTED]. [REDACTED] reports that she and her husband William Haggett DOB: 12/10/1989 have been separated a few months and her husband has been staying at his best friends' home, Kevin E. McAvoy DOB:06/29/1989, located at 1904 Valley View in Woodland Park, CO. [REDACTED] stated that [REDACTED] told her that while she was at Kevin's [McAvoy's] house on Saturday June 11<sup>th</sup>, 2022 for visitation with her father Kevin used [REDACTED] bare feet to masturbate. [REDACTED] states that they have 3 children together and for the last few weekends the kids had their visitation at the Valley View home where the suspect lives with his elderly father, Kevin P. McAvoy DOB: 01/21/1958. [REDACTED] says that William stays in Kevin McAvoy, Sr's room in the home with all 3 of the children when they are there to visit with him. She says that William has known the suspect Kevin McAvoy, Jr. since they were both children themselves. She says the children call K. McAvoy "Uncle Kevin" but he is not related to them at all; just a close family friend.

Later, I asked [REDACTED] if she knew why she was at the Police Station. [REDACTED] stated "because Uncle Kevin made my feet touch his balls." [REDACTED] goes on to say that after Uncle Kevin did that to her he told her "not to tell anyone." [REDACTED] says "I lied to him and ended up telling mommy." A Safe Passage interview was conducted on Friday June 24<sup>th</sup>, 2022 where a Teller County Victim Advocate (TCVA) and I met with [REDACTED] and Stephany Rhodes, Forensic Interviewer in a remote viewing room away from [REDACTED] to brief Rhodes on the type of case she would be interviewing for. Rhodes then met with [REDACTED] in a private interview room while I and the TCVA watched from a remote location.

[REDACTED] told Interviewer Rhodes that she "did and didn't want to talk about why she is here today." [REDACTED] says "so what happened was, a guy Kevin, Kevin McAvoy, he took off my shoes like this, (she demonstrates) he took off my socks, he pulled down his pants and did this to his private; with my feet; I don't, I love my feet, my feet are pretty, my feet are dirty; I like them alot." [REDACTED] demonstrates her feet being wrapped around what she called "his private" and moved her feet all around in a circular

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motion.] [REDACTED] uses the names "trunk, groin, crotch, and his private" to describe "Uncle Kevin's" genitals. During the interview [REDACTED] described the same details three separate times and demonstrated the actions done to her by getting on the floor and going over each detail step by step; to include taking off her shoes and socks acting it out. [REDACTED] explains that she "was in Uncle Kevin's room because she wanted to play MindCraft with him."

Rhodes asks [REDACTED] who is Kevin to tell her about him. [REDACTED] says "he is my Uncle and he is very hairy right here; very hairy and I know that because I see." [As she motions to her groin area] [REDACTED] says that she told Kevin "that's sus (slang for suspect) why are you, and he stopped then he um, he, he took off my shoes and did everything I told you." [We talked to Marissa later about the word "sus" and she explained that it's slang for suspect meaning when something is off or wrong they use the term "that is suses"] Rhodes asked [REDACTED] what was happening right before Kevin took off her shoes and socks. [REDACTED] said "playing Mindcraft on his channel." Rhodes asked if when Kevin was taking off [REDACTED] shoes and socks was he saying anything. [REDACTED] says "after he took off my shoes and socks and did the thing (while she moves her hands around in the same motion as before) he said 'don't tell anyone'." Rhodes asks her "when he took off your socks what was the very next thing that happened?" [REDACTED] says "I told him not to do it, and he did it anyways." [REDACTED] is asked "what happened after that?" [REDACTED] says "we, and then I went out of the room and then we went home and I told my mom the very next day and then we happen to be here." Rhodes goes on to clarify "so you say that he has a lot of hair on that part; how did you know that?" [REDACTED] whispers "I saw it." Rhodes says "tell me everything you saw." [REDACTED] says "I saw his thing, trunk, and I saw hairy, hairy, hairy Larry." [While describing what she saw [REDACTED] puts both her hands in a cup shape moving her hands from her groin area to up in the air as if she is describing an erect penis.] She says "that's all I really saw." Rhodes asked "what did his trunk look like?" [REDACTED] whispers "it was long and hairy, the whole thing was covered in black hair."

Rhodes asked "after you saw his trunk what was the very next thing that happened?" [REDACTED] says "I said no, no, no, no, no, no, no, no, no!" Rhodes asked if her uncle was saying anything and [REDACTED] said "no, but he did say 'shush.'" [REDACTED] says that he was "wearing his work clothes." Rhodes asks "where was his work clothes when you saw his trunk?" [REDACTED] says "he was still wearing them." Rhodes asked "where was he wearing them on his body?" [REDACTED] runs her hands down her chest and only from her knees to her ankles as she has already said that he pulled his pants down and that is the only part left of his body that the pants would be covering. Rhodes asked again how [REDACTED] would have seen his trunk and [REDACTED] said again "because he pulled down his pants and his panties." Rhodes asked "and where did those go when he pulled them down?" [REDACTED] demonstrates on her legs that the pants were pulled down to the knees area. [REDACTED] explains that Uncle Kevin "was on the bed, he was like this" as [REDACTED] gets on the floor on her knees to demonstrate. She then gets to her feet but still bent at the knees showing her hands between her legs motioning what Kevin was doing with his private and her feet. Rhodes asked what [REDACTED] was doing and [REDACTED] said "no, I was laying on the bed like this." [REDACTED] demonstrated by getting on the floor, laying down with her legs and feet in the air moving her feet in a circular motion as she did before explaining "and he grabbed my legs and I went 'ewwwwwwww, ew, ew, ew, ewwwww.'" Rhodes repeats what [REDACTED] said that she "was laying on the bed, Kevin grabbed your feet, and when that happened what did your feet feel?" [REDACTED] whispers "his hands." [REDACTED] says that "I get that a lot when asked what it feels like and she says 'I don't know, hairy!'" [REDACTED] was asked "did your feet touch anything else other than his hands?" [REDACTED] says "no" then says "yeah" (as she gets on the floor) "so, I was laying like this on the bed, pretend this is the bed, and he picked up my feet (while she is moving then in a circular motion) and he did this to his crotch." Rhodes asks "when he did that to his crotch what did your feet feel?" [REDACTED] whispers "gross." Rhodes asks "what is the very next thing that happened." [REDACTED] asks "very next; he stopped and he put my feet back down and he tell me not to tell anyone." Rhodes asked "what made him stop?" [REDACTED] says "he just stopped, I don't know what made him stop."

Rhodes says "you saw his trunk" and [REDACTED] interrupts saying "and it was hairy" Rhodes continues "and you said your feet touched his crotch, so is that the same part?" [REDACTED] says "yes, it's the same part as the private." (As she uses her hands to touch her private area) [REDACTED] then cups her hands and motions from her private upward describing a long "trunk" as she calls it making a sound when she

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does this. Rhodes asks [REDACTED] what that part of the body is used for. [REDACTED] says, "The private? It's a private so nobody can see." [REDACTED] then stands up and demonstrates saying "pretend I am Kevin, he pulled down his pants, and he picked up my feet, and I was like this (as she lays on her back with feet in the air) he took off my shoes and my socks (as she is laying down taking them off just the right foot) and he did that to the other one too, and then he picked my feet up and made me feel it and I'm like 'that's gross'." [REDACTED] says that she "told my mom what happened isn't right."

Rhodes asks [REDACTED] what she was doing before she went into Uncle Kevin's room. [REDACTED] says that she was watching something on Uncle Kevin's phone in the living room. She says that she was watching "Galaxy Tube" for about 10 hrs and then went into Kevin's room to play Minecraft and give him his phone back so it could charge." [REDACTED] explains that her father was packing their things up to go back home because her parents split up. Rhodes asked what time of day was this and she stated afternoon almost night time. Rhodes asks how the door to the bedroom was when this incident happened. [REDACTED] immediately got up and said "the door was shut." Rhodes asked how it got shut. [REDACTED] said "Kevin closed it." Rhodes asked [REDACTED] to tell her about Kevin closing the door. She gets up and demonstrates the door being open and then closed. She say "he got up and he, pretend this is the door, and he shut it. He sat back down on the bed and we played Minecraft a little bit and then blah, blah, blah, blah." Rhodes said "and then the things we talked about?" [REDACTED] said "yeah." Rhodes asked if anything with the door changed after it was closed in Kevin's bedroom. [REDACTED] says "yeah, it did change when I opened it and walked out." Rhodes asked if there was ever a time when someone saw what happened. [REDACTED] said "no, nobody saw what happened because the door was shut and he locked it so he locked it." [REDACTED] went from the chair back to the door and demonstrated to Rhodes that "when Kevin go up to close the door, he opened it up a little bit more and he locked it and then we went back to the thing and blah, blah, blah, blah." It is obvious that [REDACTED] is uncomfortable talking about the incident and refers to it as "the thing and blah, blah, blah" several times.

[REDACTED] advised Rhodes that after Kevin did what he did she asked if she could go outside to play and was told "no." She is not as engaged in the conversation and is starting to explain that she wanted to go outside but that Kevin didn't let her and that she put her shoes back on. [REDACTED] says "Kevin didn't let me go outside because he wanted to do what he did [to her]."

I interviewed William, [REDACTED] father, where he disclosed that he was with his other two children in another room while [REDACTED] was with Kevin McAvoy in his bedroom. He stated that it was not unusual for [REDACTED] to be with Kevin playing video games in his bedroom. William says he remembers his youngest daughter, [REDACTED], coming down the hall crying because she tried to get into Kevin's room to play and was told she could not come in

I would respectfully request that probable cause be found that Kevin E MCAVOY DOB: 06/29/1989 did within the City of Woodland Park, County of Teller and State of Colorado, commit in violation of the Colorado Revised Statutes, the offense(s) of **§18-3-405 (1), SEXUAL ASSAULT ON A CHILD, CLASS 4 FELONY; §18-6-401(1)(a), CHILD ABUSE, CLASS 2 MISDEMEANOR; §18-7-302 (1)(a)(b), INDECENT EXPOSURE, CLASS 1 MISDEMEANOR.**

Thursday June 30th, 2022

Date

SGT. S. EVERHART, DET. | 2470

Officer's Signature

Woodland Park Police Department

Notary Signature

My Commission expires: \_\_\_\_\_

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		Case Number:
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<b>INFORMATION FOR PRELIMINARY PROCEDURE</b>		

The above named Defendant was arrested on Wednesday June 29, 2022 on the charges of:

- §18-3-405 (1), SEXUAL ASSAULT ON A CHILD, CLASS 4 FELONY;
- §18-7-302 (1)(A)(B), INDECENT EXPOSURE, CLASS 1 MISDEMEANOR;
- §18-3-404 (1.5), UNLAWFUL SEXUAL CONTACT-MINOR, CLASS 1 MISDEMEANOR;
- §18-6-401 (1)(A), CHILD ABUSE, CLASS 2 MISDEMEANOR;

The following bonding information is to be considered by the Judge in setting bail on the defendants.

**No Bond**

\_\_\_\_\_  
 SGT. S. EVERHART, DETECTIVE, 2470  
 Signature of Peace Officer who furnished the  
 above information

**NOTE:** If more than one defendant was arrested for the same or similar acts or series of acts, they must be included on the same sheet.

Initiating Law Enforcement Agency Information	
Initiating Officer Name:	SGT. S. EVERHART, DETECTIVE   2470
Agency/Division:	Woodland Park Police Department Investigations
Case Report Number:	22-0769