

DISTRICT COURT, PUEBLO COUNTY, COLORADO	
, JUDGE	
Pueblo Combined Court 501 N. Elizabeth St. Pueblo, Colorado 81003 Phone: 719-404-8700	DATE FILED November 25, 2024 8:57 AM
THE PEOPLE OF THE STATE OF COLORADO	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
vs.	Case Number 24CR1270
Kathy Lawton (07/01/52) Defendant.	Division 504
AFFIDAVIT OF PROBABLE CAUSE FOR A WARRANTLESS ARREST	
Case Number 24-020898	

STATE OF COLORADO )

) ss.

COUNTY OF PUEBLO )

I, Officer Nicholas Lile, being first duly sworn upon His oath, states that He has reason to believe that Kathy Lawton (07/01/52) has committed the crime of Murder in the Second Degree (C.R.S 18-3-103, as amended) (a class 2F) and as reason for this belief states as follows:

On 11/24/24, I Detective Lile was notified by Sgt. Slattery of a homicide involving an 85yr old male. I was requested to respond to assist with the investigation.

I spoke with Officer Hockaday who informed me patrol officers were dispatched to [REDACTED] located in the City and County of Pueblo, CO in reference to a dead body. Upon arrival, Officers spoke with staff of this location who stated a tenant, later identified as Kathy Lawton (07/01/1952) had went to the front desk, hysterical, covered in blood saying her husband was dead. Nursing staff responded to the room and located Larry Lawton (01/21/1939) deceased. Larry had obvious stab wounds and was surrounded by bloody paper

towels. Officer Hockaday took Kathy into custody and transported her to the Pueblo Police Department to be questioned.

I responded to the dispatched location and spoke with Officer Herrera, who was in the process of drafting a search warrant for the residence. I reviewed Officer Herrera's original report, and it read as follows,

"On 11-24-2024 at 1737 hours, I, Ofc. P. Herrera, was dispatched to Bonaventure Assisted Living at [REDACTED], which is within the City and County of Pueblo, Colorado, regarding a COR.

Dispatch notes stated a female resident, later identified as Kathy Lawton (DOB: 07-01-1952), came downstairs covered in blood and scratches, and she told the reporting party, [REDACTED] (DOB: [REDACTED]), that her husband, later identified as Larry Lawton (DOB: 01-21-1939), was dead on the floor inside their room (#425). [REDACTED] told Dispatch that Kathy was hysterical, she smelled drunk, and there were a lot of recent domestic issues between Kathy and Larry.

On arrival, I observed Kathy in the lobby. Kathy was speaking with personnel of the Pueblo Fire Department. I observed Kathy had blood on her face, hands, and pant legs. Kathy seemed to be speaking with Firefighters in a normal, conversational tone. When Kathy saw me, she asked who I was. I introduced myself as Officer Herrera with the Pueblo Police Department. Kathy then started to cry, and she seemed extremely emotionally upset to see me. I asked Kathy what was going on tonight. Kathy stated, "My husband's dead." I asked Kathy what happened to him. Kathy stated, "He fell on the floor, he laid there, and he wouldn't get up." I asked Kathy where the blood came from, and she stated it was his. I asked Kathy how the blood got on her, and she stated she tried to get him up. I asked Kathy how she found him [Larry], and she stated, "Because he wasn't in bed." I asked Kathy where Larry was, and she stated he was in the out front in the living room. I asked Kathy when was the last time she saw her husband and he was okay, and she answered, "tonight". While I spoke with Kathy, I could smell the moderate odor of an unknown alcoholic beverage coming from her breath. Kathy would go between speaking loudly and shouting at me. Kathy later told me, "We've been married 46, 47 years." Overall, Kathy was argumentative and uncooperative, and her statements were inconsistent. Based on Kathy's erratic behavior, it appeared she was intoxicated. I asked Kathy again how she got blood all over herself. Kathy stated it happened when she was helping Larry get up from the living room floor. I asked Kathy if Larry hurt himself or if he had a knife, and she answered no. Kathy then stated Larry gets drunk. I asked Kathy what Larry likes to drink, and she stated it was

bourbon. I asked Kathy if she also likes to drink bourbon, and she stated she likes to drink vodka. I asked Kathy if she was drinking vodka tonight, and she answered, "I was. Every night." I asked Kathy how much she had to drink, and she answered, "Not much". I asked Kathy how much Larry had to drink, and she answered, "A lot." I asked Kathy if anybody else was inside the room with her and Larry, and she stated it was just her and Larry. I asked Kathy if she and Larry got into an argument today, and she answered, "Yeah, we did." I asked Kathy what she and Larry were arguing about, and she answered, "I can't remember". I asked Kathy if she and Larry normally get along, and she answered yes.

While I spoke with Kathy, Ofc. E. Chavez went upstairs to Apt. 425 to meet with Rescue personnel. Ofc. Chavez went inside the room with Rescue, and they located Larry lying on his back on the floor inside. Rescue personnel confirmed Larry had no signs of life. After Rescue determined Larry was deceased, everybody exited the room, and the room was secured as a crime scene. Ofc. Chavez informed me inside the room, there was a kitchenette to the right. Beyond the kitchenette, there was a living room with a brown couch and two matching chairs. The living room was disheveled, and it appeared as though there was a struggle or a disturbance inside. Larry was found lying near the couch wearing only an adult diaper. Ofc. Chavez observed two puncture wounds on the lower end of Larry's right ribs, and one puncture wound near the center of his chest. Larry's body had bruising in multiple places, and he had scratches and/or lacerations on both arms. An end table in the living room near Larry had a metallic knife on it. The knife was bloody, and it appeared as though somebody tried to wipe the knife clean. On the left side of the apartment (as one enters from the hallway), there was a bedroom with a single bed. The sheets on the right side of the bed (as one normally lays in a bed) had blood on them, and there was a trail of blood on the floor near the bed.

After I spoke with Kathy, I went upstairs to Apt. 425, but I did not enter the apartment. Once I was upstairs, I spoke with [REDACTED] (DOB: [REDACTED]). I asked [REDACTED] to tell me about her knowledge of the incident from the beginning. [REDACTED] stated Kathy came to the reception desk in the lobby, and she got the attention of the receptionist, [REDACTED] (DOB: [REDACTED]). Kathy had blood all over her at that time. [REDACTED] told [REDACTED] and the activities director, [REDACTED] (DOB: [REDACTED]), to go check Apt.425. [REDACTED] and [REDACTED] went to the apartment. [REDACTED] waited at the door while [REDACTED] went inside. Once inside, [REDACTED] located Larry lying on his back near the couch in the living room. [REDACTED] stated Larry's legs were tangled up in his walker. [REDACTED] described Larry's hands were up at his chest, and he had "gashes" on his hands on arms. [REDACTED] observed bruises on Larry's feet, and a bloody paper towel on his abdomen. [REDACTED] also observed Larry's eyes were tightly closed. [REDACTED] described the apartment was a mess, and she stated a nightstand inside was "in pieces". [REDACTED] observed a steak knife on an end table near Larry, and she couldn't remember if the

knife was bloody. I asked [REDACTED] if she knew anything about Larry's and Kathy's [alcohol] drinking habits. [REDACTED] didn't know whether Larry drank, but she believed Kathy drank.

After I spoke with [REDACTED], I went downstairs to speak with the receptionist, [REDACTED] stated Kathy came downstairs covered in blood, and she stated, "Larry's dead." [REDACTED] called 911 right away. [REDACTED] believed Kathy abused alcohol, and she believed Kathy was drunk tonight. I asked [REDACTED] why she thought Kathy was drunk, and she stated Kathy smelled so strongly of alcohol it nearly made her feel sick. [REDACTED] further stated Kathy was slurring her words, and she was unsteady on her feet. [REDACTED] also described Kathy's behavior as, "hysterical". I asked [REDACTED] if she knew the last time anybody saw Larry, and she stated he was known to be okay sometime yesterday.

Sgt. A. Martinez interviewed a resident in Apt. 427, who identified herself as [REDACTED] (DOB: [REDACTED]). [REDACTED] stated at approximately 1600 hours, she was headed downstairs. Karen heard Larry yell, "Get the hell out". [REDACTED] also heard Kathy yell, but she couldn't tell what Kathy said. [REDACTED] came back up to her apartment at approximately 1645 hours, and she didn't hear anything further. "

I contacted [REDACTED] who reiterated to me what she had told Officer Herrera. She informed me the door was unlocked when she arrived at the room, and she had moved a paper towel from him to access if he was alive. [REDACTED] stated he grabbed Larry's leg to shake him and felt that it was cold to the touch. [REDACTED] stated she didn't have a lot of interactions with the couple, but there were rumors of them always fighting. She stated she would occasionally pass Kathy in the hallway and described Kathy as "Busy". I asked her what she meant by "Busy" and she explained that Kathy would walk around fast, and when [REDACTED] would say hello, Kathy would say hello back but keep walking. [REDACTED] stated she never meant Larry. [REDACTED] explained the 4<sup>th</sup> floor was for patients who didn't require assisted living, and she didn't have to go to that floor very often". This is a summary of Officer Herrera's report

Detective Erica Norton contacted the Executive Director for the facility, below is a summary of her interview.

"I contacted the Executive Director for the facility, [REDACTED] (DOB [REDACTED]), and asked if she would be willing to speak with me in a private area. [REDACTED] agreed to the interview and led me into an office, where we spoke. [REDACTED] began by explaining the events leading up to my arrival at the facility. She told me her receptionist, [REDACTED] (DOB [REDACTED]), was working the front desk when she was approached by Kathy, who began

explaining how her husband was dead. She said [REDACTED] called 911 and asked care staff workers, [REDACTED] (DOB [REDACTED]) and [REDACTED] (DOB [REDACTED]), to check on Larry and they found him deceased.

[REDACTED] said the receptionist, [REDACTED], was asked to write a written statement for the facility and provided me a copy of the statement. The statement read as following:

"November 24, 2024 about 5:54PM

I received a call from a security company (automated message) around 5:54PM saying they received an alert and to call [REDACTED] if I needed assistance, I called [REDACTED] to ask her if this was something I needed to worry about, and she said it was probably Spam and to ignore it. She said it would be a live person if it was our security system. As soon as I hung up with [REDACTED] around 5:55/5:56Pm, Kathy Lawton came around the corner with [REDACTED] to my desk and her face was covered in blood. She was hysterical and saying, "Larry is Dead, [REDACTED], He's DEAD!" I said, "What?" She said, "He's gone", I asked what happened and she said, "I don't know, probably old age", I immediately called 911 and asked Kathy to go have a seat. [REDACTED] walked into the lobby with Kathy and tried to calm her down, I asked [REDACTED] to go calm her down and then [REDACTED] walked away.

While on the phone with 911, I asked [REDACTED] to go up to 425 to check on Larry, and asked [REDACTED] to try and calm Kathy down because she was causing a scene in the lobby. [REDACTED] called my cell phone while I was on the phone with 911 and she was telling me that Larry was blue, had defense wounds all over his body and was gone. I was trying to relay all of this to 911, while trying to calm down the situation in the lobby.

Once the ambulance arrived, they were able to help me distract Kathy and get her outside while we waited for the police. AMR went upstairs and asked me for any information I had on Larry. It was reported that he was a DNR, but since he is IL, we did not have any documentation in his file.

[REDACTED] went upstairs to see if [REDACTED] needed help, but once she saw what was happening, she left.

At this time, I called [REDACTED] (ED) to notify her what was going on and she said she would be on her way.

I gave police officer [REDACTED] phone number in case they needed a statement from her. The same officer came and asked me exactly what happened, and I told him exactly what I've typed here. I also told him that they have had several instances of DV, and that Larry has had scratches and bruises on his face, but he always says he's clumsy and he fell.

The officer took down my information and I came back to my desk to type out a statement and wait for [REDACTED] (ED) to come."

The statement is signed and printed "[REDACTED]"

██████████ said Larry and Kathy moved into the facility on April 30th, 2024. She explained she first interacted with Larry by phone about a month before they officially moved into their unit. During this phone call, ██████████ recalled Larry explaining the need to live in the facility was mostly for his wife, who he described as being "confused". He also mentioned to her that Kathy had a "psychotic breakdown", but did not describe what this meant further to her. ██████████ said only Larry showed up when they first moved in, but ██████████ initially attributed this to Kathy having mental troubles, like possibly dementia, which she said was common to witness in their facility. I later asked ██████████ if she believed Kathy suffered from dementia. She answered, "No" and that Kathy was cognizant.

██████████ said the first time she met Kathy was a few weeks after she and Larry had moved in. ██████████ said Kathy was sitting in the lobby, dressed very poorly, with her shirt half unbuttoned, her Depends pulled over her shirt, and very wild hair. ██████████ said she initially believed Kathy was a homeless woman who was let into the facility. She said Larry arrived a short time later with food, introduced Kathy as his wife, and they both moved along.

Sometime later, possibly at the end of June or early July, ██████████ said Larry was transported to Parkview for an unknown reason but was later admitted into the Intensive Care Unit. ██████████ was unsure the extent of Larry's condition, but said she visited him at the hospital at one point and found he had been intubated. ██████████ recalled that on July 2nd, 2024, she had been advised of Kathy having a gun and making threats to commit suicide. She said parties who claimed to be family members came to the facility, spoke to Kathy, and removed the gun and kitchen knives from the home. ██████████ did not have information on the family members for this incident, but said she notified the police about it and knew a report was made.

Later, Parkview hospital staff contacted ██████████ and asked for information about a Power of Attorney for Larry as there was some concern he would not recover from his condition. ██████████ advised me that the only person listed as Larry's emergency contact was Kathy. ██████████ recalled that on July 4th, 2024, she and another staff member, ██████████ (DOB ██████████), contacted Kathy at her apartment, Unit 425, and tried to persuade Kathy to represent Larry as his Power of Attorney. She said Kathy refused to do so, stating she was overwhelmed, did not want to have to make a () decision for Larry, and questioned how she was supposed to live if he died. She said Kathy was distraught and noticeably intoxicated. She noted five or six empty bottles of alcohol and said ██████████ questioned how much Kathy had drank that day. Kathy answered by stating that "what was on the counter" was what she drank. ██████████ and ██████████ noted there were a couple of alcohol bottles on the counter. ██████████ said she instructed ██████████ to take photographs of the bottles, which she then showed to me. In the photographs, I noted three bottles on a countertop. Two of the bottles were empty and had the text "James B Beam" on the neck of the bottle. The third bottle appeared to be half drunk and had the text "Smirnoff Recipe No21 Vodka" written on the front. Due to the angle of the picture, I was not able to view the listed size of each of the bottles, but based on the picture, they appeared to be at least 750 ml bottles.

█████ said she tried to reason with Kathy and offered her a ride to the hospital, but Kathy refused, and █████ said she did not push the issue further.

█████ said Larry recovered at the hospital and was eventually transferred to Center at Parkwest for rehabilitation. While she was not present for this incident, she said she was advised of another incident involving Kathy and Larry that occurred on July 20th, 2024. She said a staff member observed Kathy and Larry getting out of their vehicle in the parking lot and Kathy "beating up" Larry. She said Kathy was noted as having a Tito's bottle with her. She said police were called to the scene, but she was not sure what came of it. █████ was also not sure the extent of what "beat him up" meant. She did note that she later spoke to staff members at the Center of Parkwest, who said Larry left Against Medical Advice and they believed it was Kathy removed him.

█████ said there were other incidents involving Larry and Kathy that she could not recall the dates of. Around the time of Larry being in the hospital, she said Kathy was found walking through the hallways naked and intoxicated. She said she also spoke to Larry sometime in the end of October and noticed bruising on his person. She said Larry explained the bruising and injuries were caused from falling

The last time █████ spoke to Larry and Kathy was on Friday, November 22nd, 2024. She said she saw Larry and noticed he had bruising on the left side of his face and left ear, along with noticeably swelling on his ear. She said the bruising appeared to be healing and was yellowish green in color. She also noticed dried blood on his ear as well as dried blood on his walker. When she asked him about his injury, Larry said he fell a bit ago. █████ then became concerned about Larry not being able to clean himself properly and asked about the last time he had taken a shower. Larry said it had also been a while since he had showered, stating it was difficult for Kathy to help him. Because of this, █████ explained she could have Larry and Kathy moved to a unit on the first floor that acted as a dual room, being Independent Living for Kathy and Assisted Care for Larry. She asked if they would be willing to look at the room and they agreed.

█████ said she showed the room to them and that they both appeared to be very excited to move in. She said Larry had become significantly weaker after his stay at the hospital and had to be pushed around in his walker for a large portion of the tour. She said Larry appeared to be very grateful and at one point began to cry, stating that "this" was a great idea. She said Kathy was also very pleasant and was the friendliest she had ever seen her. She said Kathy did not say anything when Larry talked about his falls but would continuously touch him as they did the tour. She also noted that Kathy appeared to be sober and that she did not smell any odor of alcohol on her person." This is a summary of Detective Norton's interview.

Officer Herrera informed me he had gotten the search warrant signed by Judge Flesher. Detectives from the Pueblo Police ID unit, additional Detectives from SVU and myself

responded to the residence. The residence was photographed by ID Detectives prior to others entering the residence. I entered the residence and observed Larry on the floor of the living room with his legs wrapped over his walker. Larry had multiple bruises to his body, feet, hands and face. I observed two puncture wounds on Larry's abdomen and one on his chest. There were additional lacerations and possible puncture wounds to both of Larry's arms, along with a cut on his chin. Larry was wearing only an adult diaper and had the remnants of a t-shirt that had been cut off underneath him. There were multiple bloody paper towels around Larry's body. Larry's body did not have a lot of blood on it, and it appeared the paper towels were used to wipe him off. I observed a silver kitchen knife sitting on the arm of a nearby recliner. The recliner appeared to have a bloody woman's shirt on it, and a pair of pink slippers on the floor that were covered in blood. There was a trail of blood starting on the mattress in the bedroom leading to where Larry was lying. Next to the bed was a nightstand that was destroyed. The floor was covered with food remnants, pill bottles and various trash. The scene was completely processed for evidence by ID Detectives. Deputy Coroner McQueen arrived on scene and announced Larry's death at 0115 hours on 11/25/24. Deputy Coroner McQueen confirmed the wounds on Larry's torso were punctures and were similar in size to the knife found. Deputy Coroner McQueen stated the wounds to Larry's arms and hand appeared to be lacerations. While McQueen was moving the body, I observed several areas of fresh skin tearing on Larry's right arm.

Detective Julee Quintana was tasked with interviewing Kathy at the Pueblo Police Department, below is a summary of her interview with Kathy.

"On 11/24/2024 at approximately 1840 hours I received a phone call from Sergeant Mike Slattery. I was asked by Sergeant Slattery to respond to the Pueblo Police Department to assist with a possible homicide. At approximately 1930 hours I arrived at the Pueblo Police Department and briefed with additional detectives in the Special Victims Unit. I learned that at 1737 hours Pueblo Police Communications Center received a call for service at [REDACTED] for a COR. The initial call notes indicated that Kathy Lawton (07/01/1952) discovered her husband Larry Lawton (01/21/1939) deceased. I was informed that when officers arrived on scene, they discovered Kathy was covered in blood and that Larry had multiple lacerations on his body. I was asked to assist by speaking with Kathy who was transported to the police station and was sitting in interview room #3. The following is a summary of our conversation which is audio and video recorded.

Upon entering the room Kathy and I sit across from one another at the table. Kathy's appearance is disheveled. She is wearing a black and red button-down flannel shirt, yellow pants, and black shoes (no socks). As I enter the room Kathy tells me that her husband has died. I tell Kathy that I am sorry for her loss and that I am sorry we were meeting under these circumstances. I explained



to Kathy that I am a detective at the Pueblo Police Department, and I would like to speak with her about what happened, however, because of the circumstances we were in I needed to advise her of her rights. Kathy told me that she did not have her reading glasses with her, however she would do her best to read along with me. I showed Kathy two copies of the Adult Miranda Advisement forms and explained that they were the exact same copy, but one copy was for her to read, and the other copy was for me to read. I gave Kathy a black pen and asked her to write her name and birthdate at the top of the form. Kathy was able to write her name and birthdate at the top of the form. I then asked Kathy a series of questions which is standard during my interviews. Kathy informed me that she was able to understand English and could hear me. She stated that she completed some college. Kathy stated that she did not take any drugs, she did have one glass of alcohol at approximately 1700 hours, and did take prescription medication for her thyroid (Lexoxyl). I asked Kathy if the alcohol or the medication would prevent her from speaking with me today and she said "No". I then read Kathy her Constitutional rights per Miranda. Kathy indicated with her signature that she understood her rights and wanted to speak with me. A copy of the form was scanned and attached to the case file.

After signing the Miranda advisement form Kathy first asked me if I had any pets and then told me about her two cats Willie and Monkey. Kathy told me that she likes animals and takes in animals when they need a home. I told Kathy that when I first entered the home, she mentioned that her husband had died, I asked her to tell me what happened. Kathy told me that she and Larry share a two-bedroom, one bathroom apartment at Bonaventure with their two cats. She stated that they live independent living side which means that they do not receive help or care from staff members at Bonaventure. Kathy told me that she and Larry are the only ones who are supposed to have keys to the apartment. However, she lost her keys and their door remains unlocked. Kathy said that she and Larry have been married for 46 years and were married on 7/11/1980 in Albuquerque New Mexico. Kathy told me that she worked as paramedic and Larry worked in air traffic control. Kathy told me that before moving to Bonaventure they lived at another assisted living in Colorado Springs.

I asked Kathy to tell me about what she and Larry did today. Kathy said that she woke up today at 0900 hours, but Larry typically slept in because he has surgery in July and "They crippled him". Kathy explained that after Larry's surgery in July she became a primary caretaker for Larry and "She did everything". Kathy told me this made her upset, and she told Larry not to have the surgery. I asked Kathy what happened next. Kathy said that after waking up she has scrambled eggs, and Larry has cereal for breakfast. She stated that typically she and Larry will visit [REDACTED] and then go to Albertsons to get cat food and cat treats. Kathy said that she and Larry would often stop by Chik Fil A and buy a lemonade and then stop at the liquor store but on this day, they did not need to go to the liquor store. Kathy reported that they do not typically eat lunch and

do not watch television because it is broken. She explained that they did have dinner and recalled buying enchiladas at approximately 1330 hours from a Mexican food restaurant that is located near Discount Tire. Kathy said they did not eat their dinner at the restaurant, they brought it back to their apartment. She told me after having dinner she had one glass of vodka and grapefruit, and Larry had three glasses of bourbon and coke. Kathy told me that her glass of alcohol contains 1 oz of alcohol and is small while Larry is a large glass of alcohol.

Kathy explained that after Larry has multiple glasses of alcohol to drink, he "Passes out in the front room" and she goes to sleep in their bedroom. She told me this evening; Larry went to sleep and then she went to bed at approximately 1730 hours. Kathy stated that when she woke up, she saw Larry from her bedroom and wanted him to come to bed. She said that she walked out of her bedroom and into the living room and observed laying on the floor near his chair in the living room. She told me Larry was wearing a blue T-shirt, and his tan Depend underwear. Kathy told me that since she was a paramedic for years, she immediately looked at Larry and recognized he was dead. She stated, "He had dead eyes". Kathy stated that she grabbed Larry by his shirt and said, "Wake up wake up, please you got to get up". She told me that she "Pounded on his chest a couple of times" and then got dressed and walked down to the front desk and told them "He's dead". Kathy told me that Larry was pale, and his eyes were slightly open. I asked Kathy why she had to get dressed. Kathy explained that when she goes to sleep, she only wears Depend underwear so before she went downstairs for help, she had to get dressed.

Kathy told me that Larry's health was declining, and she and Larry were going to be moving out of the independent living unit and would be getting a new apartment on the first floor in the assisted living unit. She reported that she and Larry did not have any children together and did not have any next of kin. I asked Kathy to tell me about their relationship. Kathy told me that she and Larry loved one another a lot and Larry treated her well. She said that Larry was raised by good parents, however, she did not have great parents and had a bad temper. Kathy told "I yell, and I throw things too, sometimes I will see a bottle of shampoo over there and I'll think, oh god. Sometimes I think I don't realize that I am throwing things. I try not to; I try not to." It is worth noting that during this point in the conversation Kathy begins to cry and tells me that she does not know what to do and does not want to see where Larry was laying. I asked Kathy to tell me what types of things she and Larry argued about. Kathy reported that after Larry had his back surgery, he contracted an infection, and she was responsible for being his caretaker. She told me that Larry did not use the exercise equipment he was supposed to which would have helped him strengthen his legs. Kathy explained this was frustrating to her and caused her some stress.