



NEWS RELEASE
GREENE COUNTY PROSECUTING ATTORNEY
DAN PATTERSON

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08/22/2018

FOR IMMEDIATE RELEASE

MAN CHARGED WITH SEXUALLY ASSAULTING TWO FEMALES AFTER OFFERING
FREE RIDES HOME

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that Tyson J. Fairley, 34, of Brookline Station, Missouri has been charged today with rape, sodomy, and sexual abuse in the first degree. The charges are from two separate incidents occurring on May 11, 2018 and August 16, 2018.

According to probable cause statements from the Springfield Police Department, both victims were assaulted after being offered free rides home after leaving bars in Springfield's downtown area. In regard to the May 11, 2018 incident, the Defendant had provided "a business card for 'Jay' and the card identified 'Jay' as an Uber/Lyft driver." On August 16, 2018 the Defendant also identified himself as "Jay" and a witness "observed Uber/Lyft stickers on [Defendant's] vehicle."

Due to the nature of the investigation it is believed that there may be additional victims, and anyone with information is encouraged to contact the Springfield Police Department at (417) 864-1810, or Crime Stoppers at (417) 869-8477. In the event of an emergency, individuals should call 911.

Mr. Patterson cautions that the charges contained in the felony complaint are merely allegations and that the defendant is presumed innocent until and unless proven guilty in court.

Copies of the felony complaint and probable statement filed in this case are attached to this release. The Missouri Supreme Court ethics rules prohibit comments on the facts or investigation of this case beyond those contained in the felony complaint and probable cause statement that are part of the public record.

Subject: Greene County Prosecuting Attorney Press Release, State v.
Fairley, 1831-CR04944

This case is being prosecuted by Assistant Prosecuting Attorney Nathan Chapman. It is being investigated by the Springfield Police Department and Detective James Sweet is the lead investigator assigned to the case.

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COUNT III

(Missouri Charge Code: 566.100-003Y20131199.)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 566.100, RSMo, committed the class C felony of sexual abuse in the first degree punishable upon conviction under Sections 558.002 and 558.011, RSMo, and subject to lifetime supervision under Section 217.735 and Section 559.106, RSMo, in that on or about August 16, 2018, in the County of Greene, State of Missouri, the defendant, for the purpose of arousing or gratifying the sexual desire of any person knowingly had sexual contact with S.W. by use of forcible compulsion, by touching her genitals with his hand.

COUNT IV

(Missouri Charge Code: 566.100-003Y20131199.)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 566.100, RSMo, committed the class C felony of sexual abuse in the first degree punishable upon conviction under Sections 558.002 and 558.011, RSMo, and subject to lifetime supervision under Section 217.735 and Section 559.106, RSMo, in that on or about August 16, 2018, in the County of Greene, State of Missouri, the defendant, for the purpose of arousing or gratifying the sexual desire of any person knowingly had sexual contact with S.W. by use of forcible compulsion.

The facts that form the basis for this information and belief are contained in the attached statement of facts concerning this matter, which statement is made part hereof and submitted herewith.

DAN PATTERSON
Prosecuting Attorney of the County of
Greene, State of Missouri, by



Electronically signed;
8/22/2018

Nathan L. Chapman
Assistant Prosecuting Attorney
Mo. Bar No. 60978



SPRINGFIELD POLICE DEPARTMENT



FELONY PROBABLE CAUSE STATEMENT

Date: 08/21/2018 Case #: SPD180511018089

I, JAMES SWEET, knowing that false statements on this form are punishable by law state as follows:

1. I have probable cause to believe that TYSON JEROME FAIRLEY, Black/Male, DOB [REDACTED] 1984, committed one or more criminal offenses.

2. The following crime(s) happened on 2018/05/11 01:00 - 2018/05/11 03:00 at 519 E WALNUT ST APT. 6 in Springfield, Greene County, Missouri.

3. The facts supporting this belief are as follows:

ML reported she had gone out with CM and SD to a bar in the downtown area. ML consumed a large amount of alcohol prior to and while being at the bar and was highly intoxicated. ML was not able to recall all the details of the evening. ML recalled that on 05/11/2018, at approximately 00:30 hrs, she was in a parking lot (either Missouri State University parking lot #40 or 42) with CM near CM's car when they were approached by a black male. The male asked if they wanted a free ride, and he spoke about dropping another rider off. ML said neither she nor her friends used an application to order or pay for the ride. ML assumed she and CM agreed to the ride, but ML did not remember the details of a large portion of the ride. ML asked the black male driver to take her home first, which was only a couple of blocks away, but instead the driver took CM and SD home first. ML remembered moving from the back to the front of the driver's car when CM and SD were dropped off, and she recalled the driver being "really touchy." ML stated the driver was touching her leg and massaging her shoulder. ML remembered the driver telling her about being good at shoulder massages. ML said the driver took her to her apartment, [REDACTED], but she didn't remember how or if she gave him directions. ML did not remember walking inside the apartment. ML remembered calling CM and a different friend because the driver was in her apartment with her, but they did not answer. ML also text messaged CM telling her the driver was in her apartment and she wasn't ok with it. ML next remembered laying on her bed and the driver was massaging her back. ML observed the clothes she had been wearing on the floor next to the driver's clothes. ML remembered the driver "basically, um, making me, I was laying down, and he basically made me, um, like give him head." ML recalled seeing a condom on top of the pile of clothes. ML remembered the driver kissing her on the mouth as well. ML did not specifically remember the driver vaginally penetrating her, but she remembered lying on the bed and it seemed as though the driver was "inside of me. Like he was having sex with me." ML reported the driver being on top of her, kissing her, and he was thrusting. ML said the reason she believed the driver had vaginally penetrated her was because she was moving back and forth while he was thrusting on top of her. ML next remembered getting up from the bed, putting her clothes back on, and seeing no one else was present in the apartment. ML said she locked the door and laid back down. ML was later awakened by SD and CM arriving at her apartment. When I later asked if she ever gave the suspect consent to have sex with her or do anything of a sexual nature, ML answered "I don't think so, no. I

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was too drunk to consent to anything." ML responded to the hospital and completed a sexual assault kit. The sexual assault kit was collected as evidence.

ML sent CM multiple text messages during the incident. The messages began on 05/11/2018 at 01:26 hrs. The messages were as follows: "Viste" at 01:26 hrs, "*ciata" at 01:27 hrs, "hekob" at 01:29 hrs, "I'm still with driver" (repeated twice at 01:30 hrs and 01:35 hrs), "Call my" at 01:45 hrs, "Ciara" at 01:48 hrs, "Like forreal I" at 01:48 hrs, "This drive is sll my house I" at 01:48 hrs, "Ciara" at 01:48 hr, "Lije it's not okey I" at 01:48 hrs, and "I basically just got rapped" at 02:31 hrs.

According to CM, she was with ML and SD while they were at the bar downtown. CM stated she drank alcohol prior to and while being at the bar. CM did not recall any details about leaving the bar, accepting the ride, or riding in the driver's car. CM reported waking up the next morning and checking her phone. CM stated she observed text messages from ML which ended with her saying "I basically just got raped." CM attempted to call ML, but ML did not answer, so she and SD went to ML's apartment. CM said ML told her what happened, and CM eventually went to the hospital with ML.

CM also checked her purse while at SD's house to make sure she had her belongings the morning after, and when she did, she found a business card for "Jay" and the card identified "Jay" as an Uber/Lyft driver. The business card had the following phone number listed on it: 417-501-5787. CM stated she was positive the business card was not in her purse prior to going out the night before. CM believed the business card belonged to the suspect driver.

According to SD, he was with ML and CM on the night of the incident. SD reported he observed ML and CM getting into a dark colored 4-door passenger car in front of Sky 11, located at 331 Park Central East. SD joined ML and CM in the car, and he observed the driver was a black male and "had done something with his hair." SD also reported there was a purple lighted sign in the front right corner of the windshield. SD said the sign wasn't a piece of paper and it appeared to be an actual sign. SD said that when the driver dropped he and CM off at his residence, the driver told him "I'll take good care of her."

Using other police resources, I learned the phone number 417-501-5787 was a Voice over Internet Protocol (VoIP) phone number initially owned by Bandwidth.com. Due to my past experiences, I knew Bandwidth.com was a VoIP wholesaler who sold blocks of phone numbers to other businesses. Bandwidth informed me the VoIP phone number had been sold to Google Inc., and then assigned to an end user.

I obtained an investigative subpoena for Google, Inc which requested any and all records for VoIP phone number 417-501-5787. From Google Inc.'s response, I learned the phone number was associated with an individual named "Tyson Fairley" with an email address of fairleytyson@gmail.com. Using other police resources, I located a "Tyson Fairley" of 4416 W. Bull Run Battle St, Battlefield, MO 65619.

I also learned the VoIP phone number was associated with Facebook account "jay.fayley". I applied for and was granted a search warrant for the Facebook account "jay.fayley." Facebook provided me with the records for the "jay.fayley" account. In the records, I observed VoIP phone number 417-501-5787 listed as associated with the account. I observed numerous searches on for different spelling variations of ML's name which were conducted on 05/12/2018 and 05/22/2018, and the account user was eventually able to locate ML's real name and profile. I also observed a profile

photograph which appeared to match the DOR photograph I had located for Tyson Fairley. The records also provided me with a list of IP addresses used to access the "jay.fayley" account. The IP addresses included multiple AT&T U-Verse IPV6 addresses and one AT&T U-Verse IPV4 address of "107.138.187.91".

During the investigation, I requested ML's sexual assault kit be sent to the MSHP Crime Laboratory for testing. I later received a certified report from the laboratory which stated a stain consistent with seminal fluid was detected on the external genital swabs and a stain consistent with seminal fluid was detected on "Inner left thigh near vaginal opening swabs". The report stated DNA analysis is pending.

During the investigation, I obtained an investigative subpoena for AT&T for the associated IP addresses obtained from Facebook which accessed the "jay.fayley" account. AT&T provided me with records in relation to those IP addresses. AT&T informed me that U-Verse customers have a unique IP directly provisioned to the account. AT&T identified IP address "107.138.187.91" as belonging to an account whose "Account Name" was Tyson Fairley. The records stated the subscriber's address was 4416 W. Bull Run Battle St, Battlefield, MO 65619.

On 08/20/2018, I was notified of another incident involving a Lyft/Uber driver named "Jay." The incident was reported under SPD case #18-32647. During that incident, the victim, identified as SW, reported she was sexually assaulted by a black male Uber/Lyft driver on 08/16/2018 while at 1117 E. Saint Louis.

The victim, identified as SW, reported accepted a free ride from a black male in a silver Lexus passenger car along with her friend, identified as LN, from 1027 E. Walnut. SW reported she was intoxicated during the incident. SW stated the driver took them to her apartment, located at [REDACTED]. SW said the black male driver followed her and LN into their apartment and sat on the couch. SW stated she quickly realized she had lost her phone. The driver offered to take her back to 1027 E. Walnut to look for it, and both SW and LN accepted the ride back. Once back at the location, SW stayed in the back seat of the car while LN went to look for the phone. SW exited the car to throw up, and the suspect helped her back into the car. SW said the driver told her to lie down in the back seat, but SW refused because lying down made her feel sick. SW reported the suspect then drove her to 1117 E. Saint Louis and parked in a corner of the parking lot by a tree. SW reported the suspect offered her a juice and a towel, and he retrieved the items from his trunk. SW stated the suspect then spooned her from behind and began rubbing her vagina and breasts on the outside of her clothes while in the backseat of the car. SW said she told the suspect to stop and asked him "what do you think you're doing?". SW stated she eventually elbowed the driver in the face. SW said she exited the car again to get away from the driver, but she threw up again, and the suspect carried her back to the car. SW said she told the suspect he needed to take her home, and the suspect did so. SW said once she was at her apartment, the suspect tried to carry her by holding her "like a baby" but with his hand firmly on her vagina on the outside of her clothes. SW said LN met them outside, and LN took her upstairs. SW said she told LN what happened, and LN went to find the driver.

SW's roommate, identified as AK, stated she was at her, SW's, and LN's apartment when LN returned telling her she didn't know where SW was. AK and LN drove around the area to find SW and the driver, but they weren't successful. When AK and LN returned to [REDACTED], they found the suspect's vehicle in front of the apartment complex. LN went to SW and took her upstairs, while AK spoke to the driver. AK stated she spoke to the suspect, and he told her if they ever needed a ride

to call him. AK asked the suspect for his name, and he told her it was "Jay." AK stated the suspect also provided her with his phone number, 417-501-5787.

LN reported she was in the car with SW and the suspect, and she went back to the location where SW lost her phone with them as well. LN reported she also observed Uber/Lyft stickers on the suspect's vehicle, but she did not remember where they were located. LN said she got out of the suspect's car and told them to wait for her. LN stated when she returned to the parking lot, the suspect's vehicle was gone along with SW and the driver. LN walked back to her apartment, and she and AK began driving looking for the suspect and SW. LN and AK returned to their apartment complex, and LN observed the suspect's car parked. LN approached the car, and helped SW get out of the car. LN helped SW upstairs and SW told her what happened. LN returned to the parking lot, but the suspect had left.

Photo lineups, which included a photograph of Tyson Jerome Fairley, were conducted with SW, LN, and AK separately. All three individuals picked Tyson Fairley as the suspect driver known as "Jay."

Fairley was arrested on 08/21/2018, and during the arrest he requested an attorney. I therefore did not interview him about this incident.

A search warrant was executed at Fairley's address, 4416 W. Bull Run Battle St, Battlefield, MO, 65619. During the search, I photograph of a muscular black male was found stuck to a mirror in the walk-in closet of the master bedroom. The photograph was a match for the Facebook profile picture of the "jay.fayley" account.

The facts contained above are true.



Signature

1547

DSN

Detective

Title



SPRINGFIELD POLICE DEPARTMENT



FELONY PROBABLE CAUSE STATEMENT

Date: 08/21/2018 Case #: SPD180820032647

I, JAMES SWEET, knowing that false statements on this form are punishable by law state as follows:

1. I have probable cause to believe that TYSON JEROME FAIRLEY, Black/Male, DOB [REDACTED] 1984, committed one or more criminal offenses.
2. The following crime(s) happened on 2018/08/16 01:00 - 2018/08/16 03:30 at 1117 E SAINT LOUIS ST in Springfield, Greene County, Missouri.
3. The facts supporting this belief are as follows:

The victim, identified as SW, reported accepted a free ride from Fairley in a silver Lexus passenger car along with her friend, identified as LN, from 1027 E. Walnut. SW reported she was intoxicated during the incident. SW stated Fairley took them to her apartment, located at [REDACTED]. SW said Fairley followed her and LN into their apartment and sat on the couch. SW stated she quickly realized she had lost her phone. Fairley offered to take her back to 1027 E. Walnut to look for it, and both SW and LN accepted the ride back. Once back at the location, SW stayed in the back seat of the car while LN went to look for the phone. SW exited the car to throw up, and Fairley helped her back into the car. SW said Fairley told her to lie down in the back seat, but SW refused because lying down made her feel sick. SW reported Fairley then drove her to 1117 E. Saint Louis and parked in a corner of the parking lot by a tree. SW reported Fairley offered her a juice and a towel, and he retrieved the items from his trunk. SW stated Fairley then spooned her from behind and began rubbing her vagina and breasts on the outside of her clothes while in the backseat of the car. SW said she told Fairley to stop and asked him "what do you think you're doing?". SW stated she eventually elbowed Fairley in the face. SW said she exited the car again to get away from Fairley but she threw up again, and Fairley carried her back to the car. SW said she told Fairley he needed to take her home, and he did so. SW said once she was at her apartment, Fairley tried to carry her by holding her "like a baby" but with his hand firmly on her vagina on the outside of her clothes. SW said LN met them outside, and LN took her upstairs. SW said she told LN what happened, and LN went to find Fairley.

SW's roommate, identified as AK, stated she was at her, SW's, and LN's apartment when LN returned telling her she didn't know where SW was. AK and LN drove around the area to find SW and Fairley but they weren't successful. When AK and LN returned to [REDACTED], they found the Fairley's vehicle in front of the apartment complex. LN went to SW and took her upstairs, while AK spoke to Fairley. AK stated she spoke to Fairley, and he told her if they ever needed a ride to call him. AK asked Fairley for his name, and he told her it was "Jay." AK stated Fairley also provided her with his phone number, 417-501-5787.

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LN reported she was in the car with SW and Fairley, and she went back to the location where SW lost her phone with them. LN reported she also observed Uber/Lyft stickers on the Fairley's vehicle, but she did not remember where they were located. LN said she got out of the Fairley's car and told them to wait for her. LN stated when she returned to the parking lot, Fairley's vehicle was gone. LN walked back to her apartment, and she and AK began driving looking for Fairley and SW. LN and AK returned to their apartment complex, and LN observed Fairley's car parked. LN approached the car, and helped SW get out of the car. LN helped SW upstairs and SW told her what happened. LN returned to the parking lot, but Fairley had left.

At the time of this investigation, I had been investigating a separate reported rape which involved an Uber/Lyft driver named "Jay", SPD report #18-18089. During that investigation, Tyson Fairley was identified as the suspect. The phone number provided to AK, 417-501-5787, matched the phone number learned from a business card from the earlier incident for an Uber/Lyft driver named "Jay." The phone number was discovered to be connected to Fairley during that investigation.

Photo lineups, which included a photograph of Tyson Jerome Fairley, were conducted with SW, LN, and AK separately. All three individuals picked Tyson Fairley as the suspect driver known as "Jay."

Fairley was arrested, and during the arrest, he requested to speak to an attorney. I therefore did not interview him about this incident.

The facts contained above are true.

	1547	Detective
Signature	DSN	Title