

## THE CHARGES

Johnny Walker was charged by Indictment with murder in the second degree, arson in the first degree, and grand theft, specified as follows:

### COUNT I

That the Defendant, Johnny Walker, on or about the 5th day of March, 2011, in the County of Ada, State of Idaho, did willfully, unlawfully, deliberately, and with malice aforethought, but without premeditation, kill and murder, Tonya Miles, a human being, by suffocation by unknown means from which she died.

### COUNT II

That the Defendant, Johnny Walker, on or about the 5th day of March, 2011, in the County of Ada, State of Idaho, did willfully and unlawfully by fire or explosion damage a dwelling, to-wit: a residence located at 505 N. Washington Ave., Boise, Idaho.

### COUNT III

That the Defendant, Johnny Walker, on or about the 5th day of March, 2011, in the County of Ada, State of Idaho, did wrongfully take a 2001 Isuzu Trooper, jewelry, dogs, clothing, and other personal items of an aggregate value in excess of One Thousand Dollars (\$1,000.00) lawful money of the United States from its owner, Tonya Miles, with the intent to appropriate to himself certain property of Tonya Miles and/or deprive Tonya Miles of said property.

## Narrative Police Report - Detective Mark Ayotte

On 3/5/11 at 1323 hours, I was dispatched to investigate a possible Arson at a residence located at 505 N. Washington Ave. in Boise. Upon arrival I spoke with Captain Gainor of the BFD. Captain Gainor indicated the fire was isolated to a single bedroom within the residence. When firefighters removed a burnt mattress from the bedroom they discovered the partially burned body of a female later identified as Tonya Miles. Subsequent investigation of the scene established the fire had been intentionally set. (See Fire Investigation Report - Gainor.)

### Johnny Walker

Neighbor interviews and items found within the home established the victim had been living with two adult males, Johnny Walker and Mike Miles, the victim's brother. Initial efforts to locate Walker failed. However Walker's telephone number was found on a cell phone bill located in the front room of the residence. I called Walker's cell phone (573-7812) at 1918 hours and Walker answered. I identified myself and told him about the fire and death. Walker's tone did not suggest surprise. He indicated he was visiting with friends in San Diego and wouldn't be returning to Boise "for some time." Walker abruptly ended the call before I could inquire further. (Call digitally recorded and downloaded to Ada County evidence repository.)

On 3/18/11 at 1512 hours I received a call from Travis Moore, King County Sheriff's Deputy. Johnny Walker was arrested pursuant to a warrant issued on this case earlier this date in Kent, Washington following a traffic stop for an equipment violation. Walker was driving a white Isuzu Trooper license plate no. 1A-7877, registered to the victim. Walker was taken into custody without incident.

On 4/1/11 at 13:20 hours I interviewed Johnny Walker in a soft interview room at the public safety building. (Interview was digitally recorded and downloaded to Ada County evidence repository.) I read Walker a Notification of Rights form. He signed the form and agreed to speak with me. The interview began with Walker's spontaneous apology for lying about being in San Diego. He indicated he had actually been in Montana visiting with a friend, Mindy Thomas, when he received my call. He stated that he had learned about Tonya's death from a friend who told him that "the cops" were looking for him. He said he panicked when I called. He was afraid it would be assumed he had killed her.

Walker claimed that Tonya was alive and asleep in the bedroom when he left the residence at approximately 10:30 a.m. He said that Tonya had been upset the night before and had told him "to take the dogs and go." He didn't realize her "getaway bags" were in the car until he left Boise. He described them as "getaway bags" because Tonya believed she was about to be arrested for violating a misdemeanor probation and wanted to be ready to leave quickly if necessary.

Walker acknowledged that he had been living with Tonya and her brother Mike for about a month before he left Boise. He said that Tonya and Mike "fought every night" about all sorts of

roommate stuff. He described Mike as a leech but said he didn't believe that Mike was capable of doing anything to Tonya. (Interview was video recorded and saved on DVD, the DVD was booked into the Ada County property room for evidence purposes.)

On 4/4/11, I contacted the Butte, Montana prosecutor's office regarding the court case Walker discussed with Mindy Thomas. According to the report Johnny Walker was charged with the domestic assault after threatening to punch Ms. Miles outside a downtown bar. According to the assigned prosecutor, Ms. Miles had not been cooperative and had repeatedly asked for the charges to be dismissed.

On 4/13/11 I reviewed a series of jail telephone calls made by Walker to his father, Cordell Walker. At 5:12 of Call # 3, Walker stated that he didn't do what he's accused of "but that it is not going to be good." He said that it is "not what it looks like," but "it's bad though, bad, bad, bad though." At 3:12 of Call # 5, he said "maybe its his fault for being there, but that it's not really his fault." At 4:08 of Call # 6, Walker told his father "he got hopeful because the 'lil girl DA liked him" and "tried to argue his bond down to \$5,000" from 1 million. (CD of calls was booked into the Ada County property room as evidence).

Mike Miles

Based on information obtained from neighbor interviews, I learned that Mike Miles, Tonya's brother and roommate, worked as a contract driver for Red Cab of Boise. At 1512 hours, I telephoned Red Cab's dispatch in an effort to locate him. Tom Perkins of RCB indicated he was working but out of service and could not be contacted. Perkins agreed to have Miles call once he made contact with dispatch. Miles called my cell at 1554 hours and I arranged to meet him at the public safety building.

I met Mike Miles in a soft interview room at the public safety building. After informing Mr. Miles of the fire and his sister's death he agreed to be interviewed. According to Miles he and his sister had been living with Johnny Walker for nearly a month. In Miles' opinion, the relationship between Walker and Tonya was "unhealthy" and the were "both severe alcoholics." Miles indicated he and his sister had a trying relationship and acknowledged having had several fights with Tonya in the months preceding her death. The most recent fight had taken place on March 1<sup>st</sup> when she "pulled a stick on him during an argument" and the police were called.

Mike stated that he was awakened at approximately 6:30 a.m. that morning by "what sounded to be a fight between Walker and Tonya." He heard a "banging" and the two yelling at each other. He heard Tonya yell, "Fuck you Walker get the fuck out of my house," followed by what sounded like Walker "stomping around angrily." As Mike left for work approximately an hour later, he saw Tonya and Walker apparently asleep on a couch in the living room, although, he didn't see either of them move.

According to Tom Perkins, Mike took his first fare at 7:42 a.m. and had been on shift until

he received my message at 15:50 hours.

Mindy Thomas

On 4/2/11 I contacted Mindy Thomas telephonically (406-322-9018). Ms. Thomas said that she sat next to “Johnny” on a bus trip from Montana to Salt Lake City in February, 2011. During the trip Walker told her he was on his way to Boise to stay with Tonya because he wanted “to keep [her] happy until after trial in Montana.” He also told her that “she owed him considerable monies [and] that he was attempting to stay on her good side or placate her” by staying with her in Boise.

After Tonya’s death, Walker called Mindy and wanted to stay with her in Montana. Mindy agreed and Walker arrived after dark on March 5<sup>th</sup>. Mindy had agreed to pawn a ring for Walker, which he explained was “an engagement ring that Tonya had given back to him.” He couldn’t pawn the ring himself because he didn’t have “proper identification.” Walker told her the ring was worth “much more than the \$500 she received from the pawn shop.” Thomas also accompanied Walker to a no-kill animal shelter in Butte where he surrendered the two dogs he had with him when he arrived.

Dr. Charles O. Garrison

I interviewed Dr. Garrison at his office on 3/12/11. Dr. Garrison conducted the autopsy of the victim, Tonya Miles on 3/7/11. At the time of her death she had a blood alcohol content of .141 and a high level of diphenhydramine (Benadryl) in her system (four times a typical therapeutic dose). According to Dr. Garrison, “[n]either of these drugs, either singly or combined, would have caused her death, but would have incapacitated her, making it difficult if not impossible for her to resist an assailant.” The combination “would have suppressed her respiratory center,” and “[i]t would take very little pressure to restrict her breathing, thus making her hypoxic, sufficient to cause death.”

Based on his analysis of her blood chemistry levels and an examination of her body, Dr. Garrison concluded that the victim died before the fire started. Dr. Garrison concluded a cigarette found in the victim’s mouth was most likely the result of another person’s “staging” the scene because, while covered in soot, the cigarette was not burned. Dr. Garrison concluded the victim could have died due to positional asphyxiation, or due to someone applying a small amount of pressure to her chest. Although there was bruising over parts of her body, her death was not the result of blunt force trauma, and there were no indications she was strangled.

Despite the suspicious circumstances surrounding her death, Dr. Garrison could not render an opinion as to the cause and manner of death.

## Narrative Police Report - Detective M. Lowdly

### Luke Alton

On 3/10/11 I went to the Lucky Pawn Shop at 1813 N. Giant St. in Butte, Montana. I spoke with Luke Alton, the shop's manager, regarding a ring that was pawned on 3/6/11 by Mindy Thomas at the request of subject Walker. Alton was able to locate the ring as well as the appropriate documentation. I took the ring and documentation into my possession.

### Madelyn Pasco

On the same date I met with Madelyn Pasco at the Quality Life Animal Shelter at 5012 N. Division in Butte. I asked if she recalled anyone dropping off two dogs on March 6, 2011. Ms. Pasco retrieved her records from that date and provided them to me. Along with other intakes, the records reflected two dogs were taken into the shelter on the sixth by a Triston Lloydson. Ms. Pasco's general description of Mr. Lloydson matched that of Walker. I showed her a photograph of Walker and she identified him as the man who had brought in the dogs. According to Pasco, Walker was accompanied by a young woman.

### Becky Fango

On March 12, 2011, I met with Becky Fango, a gemologist at Stanton's Fine Jewelry. I provided her with the ring I obtained from the Lucky Pawn Shop for appraisal. Ms. Fango appraised the ring as being valued at \$ 5,700.00 an amount well in excess of \$ 1,000.

### Janet Miles

I met with Tonya's mother, Janet Miles, at her home on March 13, 2011. I showed her the ring I obtained from the Lucky Pawn Shop and asked if she could identify it. Ms. Miles indicated the ring had belonged to her mother, Tonya's grandmother, and that she had given it to Tonya on her eighteenth birthday.

## Fire Investigation Report - Captain Thomas Gainor

On March 5, 2011 at 1148 hours BFD Truck 5 arrived at a residential house fire in progress at 505 N. Washington Ave. in Boise. Upon arrival, the one story, single residence structure was emitting black smoke but no flames were visible. Crew 5 gained access through the front door of the property which faced the street. Upon entry it became apparent the fire was restricted to a back bedroom area. Due to thick smoke, visibility was limited. Using a ZI heat detecting camera, I was able to determine the fire was generally isolated to a mattress and box spring setting on the floor in the center of the effected bedroom. Using pump two and the 100 foot extension the fire was quickly extinguished.

I requested J. Suter and C. Wilson to remove the burned mattress from the bedroom. C. Wilson and R. McCullough then searched the room for potential victims. C. Wilson reported the discovery of a nonviable female on the box spring in the bedroom. All personnel were withdrawn from the structure and the area was treated as a crime scene.

At 1400 hours, I inspected the mattress removed from the bedroom. Based on the burn patterns as well as the fire demarcation limits, it appears an accelerant was poured on the mattress. Likely, common cooking oil.

At 1512 hours, I entered the affected bedroom to determine the cause and nature of the fire. A thorough x-ray examination of all of the electrical devices and conduits in the bedroom revealed none had been the source of the fire. Likewise, no other obvious ignition point was located within the room making it likely the mattress was the initial point of ignition. Based on the observations of J. Suter and C. Wilson, as well as the burn patterns on decedent, it appears likely that the victim was between the mattress and the box spring during the fire. A cigarette was found the victim's mouth during preliminary examination.

While a fire detector was present in the ceiling of the bedroom, the battery had been removed.

### ATF Report

Special Agent Kran of the ATF constructed a full-scale mock-up of the room in which the fire occurred. After conducting multiple recreations of the incident, it was determined that the fire burned for approximately twenty minutes before it was extinguished, placing the start time at approximately 1145 hours. (Report attached)

### Autopsy

An Autopsy was performed by Dr. Charles Garrison. He concluded that the victim, Tonya Miles, had a blood alcohol content of .141 and a high level of diphenhydramine (Benadryl) in her system at the time of her death. Neither drug, nor a combination of the two, could have caused her death, however, the combination would have likely resulted in her incapacitation. The examination revealed that she was dead before the fire began due to the absence of soot, and

particulate matter in her nasopharynx and tracheobronchial tree. Also, her carboxyhemoglobin level was at 4% which is normal. Dr. Garrison concluded a cigarette found in the victim's mouth was most likely staged because, while covered in soot, the cigarette was not burned.

### Conclusion

Based on a totality of the evidence collected at the fire scene as well as examinations undertaken by the Coroner and the ATF, I conclude the fire was intentionally set. Facts supporting this conclusion include: the fire occurred after Ms. Miles's death; her body was placed between the mattress and the box springs; an unlit cigarette was placed in her mouth; she was under the influence of a combination of drugs and alcohol that would have left her incapacitated; and, it appears a common household accelerant was employed in the fire.

Boise Fire Department, Captain Thomas Gainor

## Fire Response Report - Firefighter John Suter

At 11:58 hours on March 5, 2011, Truck 5 was dispatched to a residential house fire at 505 N. Washington Ave, Boise. Upon arrival, I observed dark smoke coming from the structure but no flames were initially visible. Upon entering the residence Capt. Gainor, C. Wilson and I discovered that the fire was confined to a back bedroom. Visibility was zero due to the thick dark smoke emitting from the bedroom. Capt. Gainor utilized a Z1 heat detecting camera to determine that it was a small mattress fire. On orders from Capt. Gainor, C. Wilson and I extinguished the mattress and surrounding area.

After extinguishing the fire, I was ordered to remove the mattress from the back bedroom which proved difficult. One corner of the mattress "seemed glued" to the box spring. I believed some of the materials must have melted together. With the aid of C. Wilson, I was able to remove the mattress from the bedroom. A subsequent search by Firefighters Wilson and McCullough resulted in the discovery of a female victim with the box spring.



## Fire Response Report - Firefighter Casey Wilson

At 11:58 hours on March 5, 2011, Truck 5 was dispatched to a residential fire at 505 N. Washington Ave, Boise. After the fire was extinguished Firefighter McCullough and I were assigned to search the affected bedroom for victims.

Due to the extreme level of smoke in the bedroom it was impossible to see anything. Accordingly, McCullough and I divided the room in two and searched by crawling along the floor feeling for victims. I found the box spring near the center of the room. I also felt a right sided foot protruding from a mess of blankets on the box spring.

In order to verify it was a human being, I removed the blankets. It was clear that I was looking at a nonviable female. Her head was hanging just off the box spring mattress and her right arm was exposed, raised, and bent at the elbow and wrist, both head and arm were burned extensively. I notified McCullough and we exited the room without further disturbing the scene.

Justice B. Missing, Deputy County Attorney  
Gallatin County, Montana  
Judge Guenther Memorial Center  
1709 West College, Suite 200  
Bozeman, MT 59715  
(406) 555-1212

MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY

STATE OF MONTANA,	)	
	)	Case No. DC-10-185B
Plaintiff,	)	
	)	
vs.	)	
	)	INFORMATION
JOHNNY WALKER,	)	
	)	
Defendant.	)	
_____	)	

In open court comes Justice B. Missing, a Deputy Gallatin County Attorney, having first obtained leave of this Court and by this information accuses the defendant with committing the following crimes in Gallatin County, Montana:

Count 1, Partner or Family Member Assault, a misdemeanor, in violation of § 45-5-206, MCA, committed on or about July 6, 2010, when the defendant, Johnny Walker, purposely or knowingly caused a reasonable apprehension of bodily injury to a partner or family member, to wit: his girlfriend/fiancé, Tonya Miles, by being verbally abusive with her and threatening her with bodily harm.

\_\_\_\_\_  
Justice B. Missing  
Deputy County Attorney  
Gallatin County, Montana

A person convicted of the offense of partner or family member assault shall be fined an amount not less than \$100 or more than \$1,000 and be imprisoned in the county jail for a term not of not less than twenty-four (24) hours or more than one (1) year. The person may be ordered into misdemeanor probation as provided in § 46-23-1005, MCA. The person shall pay for and complete a counseling assessment with a focus on violence, dangerousness, and chemical dependency. The person shall follow through on all recommendations made by the counseling provider. The counseling must include a counseling assessment and a minimum of forty (40) hours of counseling, in addition to the assessment. The person shall be ordered, if able, to pay for the costs of the probation, if ordered, and the victim's reasonable actual medical, housing, wage loss, and counseling costs.

Witnesses:

1. Detective Kristine Larsen
2. Deputy Mark Hernandez
3. Deputy Vickie Johnson
4. Deputy Brad Hickok
5. Deputy Travis Swandal
6. Officer Brian Moen
7. Officer Adam Kloster
8. Tonya Miles
9. Ben Johnson

Defense Interview of Johnny Walker – 4/4/11 - Privileged and Confidential

Johnny lived in the house with Tonya and Mike (Tonya's brother). Mike and Tonya lived in the house first and Johnny moved in about a month before she died. He met Tonya at the Cactus Bar and they "hung out" often. After about two weeks Johnny went to Montana. Tonya called him often and they remained friendly. "She was a cool girl. I liked hanging out with her." Tonya visited him in Montana. Tonya complained about her brother and told him that her brother "was getting really aggressive with her." She asked Johnny to come back to Boise and invited him to stay with her. "It wasn't real serious or nothing, but she sounded like she needed a bit of help. She wanted Mike out of her house. I guess I was supposed to help with that. I didn't do it right though." He moved back to Boise about a month before she died.

Tonya was on probation, but "she sure as shit didn't act like it." Johnny saw her drinking every day. About a week before she died her probation officer stopped by the house and found her "pretty drunk." She was really upset about this and cried about "having to go back to the jail." That's when she packed her "getaway bags" and started talking about "running so she didn't go to jail." Johnny "didn't really think she'd run. She would get worked up and be a drama queen when she was into her bottle. She'd pack up her bag and claim she was gonna run, but she never did. She'd just end up passin' out."

Mike and Tonya fought "all the fucking time." Mike is a "good for nothing leach." Tonya fought with him over Mike not paying enough rent, eating her food, not cleaning up after himself, "typical roommate fights." Mike always "bitched that Tonya drank too much," but "Mike drank just as much. He was just pissed off that Tonya drinking meant there was less for him." Mike wanted Tonya to kick Johnny out of the house because he "wouldn't let Mike push Tonya around." The fights were usually "yelling and screaming matches," but sometimes when she was "lit up," Tonya would "throw shit around and slap at Mike." A few days before she died, during one of their fights, "Tonya grabbed a wooden dowel and tried to smack Mike upside the head with it." The police ended up coming to the house, but Johnny doesn't know who called them. No one was arrested, but Mike left the house to cool off for a while. They fought again the night before she died. Mike was yelling about her drinking his whiskey and she slapped him. Mike "swung his hand up, but I grabbed it before he could hit her." Mike and Johnny "bumped chests and yelled some shit at each other." Mike left again "before it got too out of hand." When he left, "Tonya told him she was sick of his shit and that he wasn't to come back." Johnny didn't see Mike again after that.

After Mike left, Johnny and Tonya "drank some." When asked how much, Johnny said he drank about 8-10 cans of Coors light. When asked about Tonya, Johnny noted that he saw her "finish a 5<sup>th</sup> of Jameson." Johnny acknowledged that he and Tonya had an argument later that night. "She was drinking and gettin' all wound up and dramatic." So he told her she should stop drinking, "Yep. She'd had enough in my opinion." Tonya became angry and "was yelling and screaming. She told me to take the dogs and get out. She didn't want to see me right then." He yelled at her and said he didn't even have a car so "how can I go anywhere?" She told him to take hers, but to just "get out!" He told Tonya that he didn't have any money "so where the fuck am I supposed to go?" Tonya went into the bedroom and came out with a ring that she

threw at him and “told me that would get me enough to get the hell away from her for a while.” Johnny said that because he had been drinking he didn’t leave right away. He told her that he was going to sleep it off and would leave in the morning. He told her “I’ll get out for a few days and you can cool the fuck down.” He went to bed at about midnight. Tonya came in about two hours later and went to sleep curled up next to him. He said he never saw her take any medications, but she kept “a bunch of stuff in the medicine cabinet.” He wasn’t sure what was kept, only “that it was like a pharmacy in there.”

Johnny said he woke up at about 9:30 a.m. and packed up some clothes and the dogs. He left the house at 10:30, “just like I had told her I would.” Tonya was “sleeping it off” in the bed when he left.

Johnny decided to go to Montana to see Mindy, a girl he had met on a bus and that he “talked to on the phone sometimes.” During the drive he decided, “I’s about done with the drama. I didn’t think I’d be going back to live with Tonya.” When he got to Mindy’s he asked her to pawn the ring since he didn’t have a driver’s license. “She only got \$500 for that ring. It was a huge rock and should have been more.” Mindy couldn’t keep the dogs at her apartment and he felt bad leaving them in the car. He didn’t want anything to happen to the dogs and thought Tonya would want them back so he looked around for a shelter “where they wouldn’t kill the pups.” Johnny said he used a made-up name when he dropped off the dogs at the shelter because, “I was afraid they’d come after me for the cost of taking care of the pups. I didn’t want to have to pay for it. They were Tonya’s pups.”

A friend called him and told him that Tonya had died, there was a fire at the house, and the police were looking for him. Detective Ayotte called his phone “within just a few minutes,” of the friend’s call. “I panicked. We had been fighting and then she was dead. Of course the cops would think it was me.” Because he was scared he decided to buy some time to think by “misdirecting the cop and telling him I was in San Diego.” After talking to the detective, “I got real nervous and thought they might have tracked my phone to Montana. That’s why I took off for Seattle.”