

7236

GROVES

IN THE DISTRICT COURT, IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA

State of Oklahoma

PLAINTIFF,

VS.

KEITH PATRICK SWEENEY

DEFENDANT.

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

DEC 05 2017

RICK WARREN
COURT CLERK

CF-2017-7236

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IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW
DAVID W. PRATER THE DULY ELECTED, QUALIFIED AND ACTING DISTRICT ATTORNEY IN
AND FOR OKLAHOMA COUNTY, DISTRICT NO. 7, STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE
DISTRICT COURT THAT

COUNT 1 : ON OR ABOUT THE 15TH DAY OF NOVEMBER 2017, A.D., THE CRIME OF MURDER IN THE
SECOND DEGREE WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY,
OKLAHOMA, BY KEITH PATRICK SWEENEY, A POLICE OFFICER, WHO WHILE
ENGAGING DUSTIN ROBERT PIGEON, A SUICIDAL PERSON, DID SHOOT DUSTIN PIGEON,
WITHOUT PREMEDITATED DESIGN TO KILL, BUT INFLICTED MORTAL WOUNDS WHICH
CAUSED THE DEATH OF DUSTIN ROBERT PIGEON; THE ACT OF SHOOTING DUSTIN
PIGEON WAS UNREASONABLE, UNJUSTIFIED, AND PERPRETRATED IN AN IMMINENTLY
DANGEROUS MANNER, EVINCING A DEPRAVED MIND, AND DEMONSTRATING A
DISREGARD FOR HUMAN LIFE, CONTRARY TO THE PROVISIONS OF SECTION 701.8 OF
TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF
THE STATE OF OKLAHOMA

OR IN THE ALTERNATIVE

ON OR ABOUT THE 15TH DAY OF NOVEMBER 2017, A.D., THE CRIME OF
MANSLAUGHTER IN THE FIRST DEGREE WAS FELONIOUSLY COMMITTED IN
OKLAHOMA COUNTY, OKLAHOMA, BY KEITH PATRICK SWEENEY, UNREASONABLY
AND UNLAWFULLY KILLED DUSTIN ROBERT PIGEON BY WILLFULLY SHOOTING HIM
WITH A HANDGUN, INFLICTING MORTAL WOUNDS WHICH CAUSED HIS DEATH ON
NOVEMBER 15TH, 2017, CONTRARY TO THE PROVISIONS OF SECTION 711(3) OF TITLE 21
OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE
OF OKLAHOMA

DAVID W. PRATER

DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY

[Signature]
ASSISTANT-DISTRICT ATTORNEY

/CKR

I HAVE EXAMINED THE FACTS IN THIS CASE AND RECOMMEND THAT A WARRANT DO ISSUE, (22 O.S.: 231).

DAVID W. PRATER

DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY


ASSISTANT DISTRICT ATTORNEY

NAME OF WITNESSES

EVERETT BAXTER
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

P BRADBURY
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

LIEUTENANT JASON BUSSERT
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

SGT C CLICK
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

CRIS CUNNINGHAM
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

L EASLEY
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

DAVID FESKANICH
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

E HOWELL
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

BALLISTICS RON JONES
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

MICHAEL MCBRIDE
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

AUDREY MOON
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

T NITZKY
OKLAHOMA CITY POLICE DEPT
700 COLCORD DRIVE
OKLAHOMA CITY OK, 73102

EDANA STROBERG
921 NE 23RD STR
OKLAHOMA CITY, OK 73111

IN THE DISTRICT COURT
OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

AFFIDAVIT FOR PROBABLE CAUSE

Sweeney, Keith Patrick
W/M DOB: 12/10/1984
BLN/GRN 603/250
OK SDL M080265319

FOR THE CHARGE OF:

Murder in the Second Degree

21-701.B

I, Cris Cunningham, the Affiant, being first duly sworn, upon oath, depose and say:

That the facts known to the Affiant which establish probable cause to believe;

1. A criminal offense was committed,
2. The offense was committed by the above named person, are the following.

I, Inv. C. Cunningham, the Affiant, being first duly sworn, upon oath, depose and say:

I have been an Oklahoma City Police Officer for over twenty-five (25) years. I am presently assigned to the Homicide Unit where I have worked since November 2004. I have received specialized training in the investigation of serious violent crimes. I have personal knowledge of the facts and circumstances hereinafter related, as a result of my own investigative efforts and those of fellow officers who have related their findings to me.

That the facts known to the Affiant which establish probable cause to believe that a criminal offense was committed, and that the offense was committed by the above named person, are the following:

On November 15, 2017 members of the Oklahoma City Police Department responded to 1416 SW. 20th on a subject threatening suicide. The address of 1416 SW. 20th is located in Oklahoma City, Oklahoma County, and State of Oklahoma.

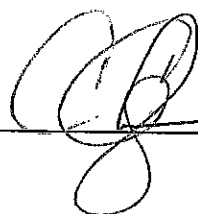
When officers arrived, they made contact with Dustin Pigeon in the grassy area in front of 1416 SW. 20th. Pigeon was holding a bottle of lighter fluid, and a lighter, threatening to set himself on fire.

During the encounter Officer T. Nitzky deployed a less lethal bean bag shotgun striking Dustin Pigeon in the left hip. Sergeant K. Sweeney discharged his duty weapon striking Pigeon multiple times. Pigeon was pronounced dead at the scene.

The investigation into this incident concluded Dustin Pigeon was not armed and not a threat to the officers when he was shot by Sgt. Sweeney. After presenting the investigation to the Oklahoma County District Attorney's office, it was determined the use of deadly force, by Sergeant Keith Sweeney, against Dustin Pigeon was not justified.

Based on the facts of the investigation, Oklahoma County District Attorney David Prater has authorized filing one count of Murder in the Second Degree, 21 O.S. 701.8, against Sergeant Keith Sweeney.

The above listed information is true and correct to the best of my knowledge.


_____ AFFIANT

Subscribed and sworn to me this 4TH day of DEC., 20 17.

My Commission Expires: 12-15-18


Notary Public

