

Probable Cause Narrative

On 5/2/09 at approximately 0120hrs officers responded to citizen reports of shots heard in the area of 621 Aurora, Santa Barbara. Responding Sergeant Smith and Officer Howard were first in the area and reported seeing a white truck leaving the area but did not stop the vehicle based on a lack of further knowledge of the call or an obvious connection at that time between the vehicle and the possible shots fired.

Officers secured a perimeter around the house and a search warrant was obtained. At approximately 0630hrs SWAT officers entered 621 Aurora and found a female adult deceased on a bed, in the first floor of the residence, with an apparent gunshot wound to the head. On the second floor an adult male was found deceased, on the floor near a bed, and several apparent shotgun blasts to the walls in the vicinity of his body. Daniel Lyons and his wife/partner, Barbara Scharton, lived and owned the residence. I viewed the DMV photograph of Daniel Lyons and it does appear that he is the person who was found in the second floor room. The woman's injuries were too severe for me to identify based upon comparison with a photograph.

A friend of the victims, John Henry, came forward after receiving a call from the victims' neighbor, Scott Hess. John told me he has known Daniel and Barbara for many years and just saw them both the previous day. John said that he is also Daniel's financial advisor and knows a great deal about his life. John told me that Daniel has been in a heated dispute with his younger brother, Corey Lyons; according to John, Daniel and Barbara bought the property at 1252 Adams and were pressured by his mother to hire Corey to demolish the building on the property and rebuild a home there for them. Daniel and Barbara hired Corey and construction began. However, the building went significantly over budget, took longer than anticipated, and the finished project apparently leaked water and had problems related to poor construction.

John said that Daniel and Barbara, both attorneys, decided to sue Corey; Barbara researched real estate/construction law and built a case against Corey. John said that about four weeks ago Daniel told him that he read the legal brief that his wife Barbara prepared and the case appeared very strong. Daniel told John that that paperwork sat on his desk for weeks, awaiting his signature, and he told John that he was really conflicted about what to do and had some obvious reservations about suing his own brother. Ultimately though Daniel signed the paperwork and began the suit. I then learned that shortly after John's wife Alice received a call from Corey complaining about what Daniel and Barbara were doing to him, stating that they were going to financially ruin him, pleading for John and Alice's help to talking with Daniel and Barbara and convincing them to drop the suit. Alice reportedly told Corey that they did not want to get involved or get in the middle of the dispute between brothers.

About two weeks after that Corey called John, who said that Corey also pleaded to him to help and stated that their suit was going to ruin him, that he would lose his contractor's license, and that he would not be able to provide for his family as a result of all of this. John recommended to Corey that he apologize to Daniel and Barbara and offer to fix the leaks in the building. Corey seemed accepting of this recommendation.

From speaking with both parties John learned that some settlement offer was possibly in the works and that Corey would owe Daniel and Barbara several hundred thousand dollars and a piece of property that he owned. John believes Corey would have to take out loans or borrow money to pay off his brother and sister-in-law.

John thinks that Corey certainly had a motive to commit the homicides, but when asked about other suspects he also told me that Barbara is a retired prosecuting attorney and reportedly at one point had a concealed weapons carry permit because of the nature of her job and the criminals that she was prosecuting.

I also spoke on the phone to Barbara's sister, May Burns. May learned about her sister's death and immediately told me that "Corey did it." May said that Barbara had previously told her, in a seemingly joking way at the time, that if something happened to her that May should tell police that Corey was responsible. May also said that she knows today, 5/4/09, was a major deadline in the aforementioned suit between Daniel and Corey and that Corey needed to sign over his property to Daniel today in order to avoid further court proceedings.

I also spoke to Jill Fields, Barbara's close friend. Jill forwarded me an email she received from another family member who reported that this last Friday, Daniel won a court battle against his brother Corey. The email was brief and lacked detail.

Officers went to Corey's residence in Goleta and spoke with his wife, Sally Lyons. Sally reported that Corey was not home and that she did not know where he was. She said she last saw him the previous night at around 2239hrs and thought that he possibly had gone for a walk. The officers then, with Sally's permission, went to a camper trailer parked in the area and checked the inside to see if Corey was perhaps staying inside. Officer Gonzales told me that he entered the trailer, looked around, checked all the beds, but found no one inside. He also called out to anyone who might be inside, but no one responded.

Officers found that Corey does own a white truck, similar to the one that Sgt. Smith and Officer Howard saw leaving the area while responding to the original shots heard call. The truck was parked near Corey's residence and a substance that appeared to be blood on the ground outside of the truck. The truck was parked near Corey's residence and a substance that appeared to be blood was observed on the ground of the truck. The blood led into Corey's garage and to a sink that appeared to have been recently used.

A search warrant for Corey's residence was being sought and before it was served, Corey stepped out of the trailer. Officer Gonzales saw Corey and took custody based on probable cause. Officer Gonzales told me that he does not believe it was possible for Corey to have gotten into the trailer after Officer Gonzales searched inside with Sally; he believes that Corey had been hiding somewhere in the trailer, possibly in a storage area, base on the fact that officers were in the area holding a perimeter of the house for the entire time.

Corey had a relatively small laceration on his outer forearm that appeared fresh, recent injury.

Corey never asked why he was being taken into custody and was not told at the time of his arrest. He was transported to the police department for further investigation and, when I advised him of his rights per Miranda he invoked his rights, requesting an attorney. Corey still never asked why he was under arrest, what this was all about and even maintained his silence while a gunshot residue collection was conducted on his hands.

Search warrants of the victim's and suspect's residences were conducted and numerous pieces of paper referencing the lawsuit were found at both locations.

It should also be noted that there was no obvious signs of forced entry at the victim's residence and nothing appears to have been stolen or disturbed in a manner that would suggest burglary or theft.

Also, neighbors were interviewed by officers and it was discovered that the victim's residence has motion lights are known to have activated by the suspect. Also, the property is closed off from the street by a gate that can be remotely opened from the interior of the residence.

Based on the aforementioned information it appears that Corey had an obvious motive for wishing the victims harm and today was possibly a major deadline in the civil case. He also had an intimate knowledge of the residence, having served as the contractor who built it, and would have known how to bypass security lights and features at the house. Corey's wife found him missing from the house when officers arrived to check, and Corey appeared from a trailer that was previously searched who did not find him inside which suggests he was hiding inside. Corey's truck matched the description of the vehicle seen leaving the area by responding officers and blood appears to be on the ground outside of the truck. Corey was ultimately booked based upon probable cause for two counts of 187PC, homicide.