

FILED

MAY 27 2020

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

STATE OF WASHINGTON

Plaintiff,

v.s.

In RE: Jim Derry, 1,
Karl Burg
Dan Tink
Noel May

) Case No.

) Report/Case No.

) DECLARATION FOR SEARCH WARRANT
) FOR EVIDENCE OF:

) Burglary First Degree, 9A.52.050
) Assault Second Degree, 9A.36.021
) Theft of a Firearm, 9A.56.300
) Theft Third Degree, 9A.56.050

Detective Dean L. Meyer, being first duly sworn on oath, deposes and says:

(1) Background of declarant:

Detective Dean Meyer is a sworn Deputy Sheriff for the County of Spokane and has been employed in that capacity since August of 1998. He was promoted to the rank of Detective/Corporal August of 2005. He graduated from the Spokane Regional Police Academy in 1998. He is currently assigned to the Investigative Task Force where his primary duties include investigating criminal rings involved in Identity Theft, Burglary, Money Laundering, Forgery and Trafficking in Stolen Property. He has investigated numerous crimes against both persons and property to include; thefts, burglaries, assaults, controlled substance possession, fraud, forgery and sex crimes. He has experience and training regarding the manufacture, packaging, smell, growing, appearance, possession, sale and methods of transporting and transferring controlled substances, to include but not limited to marijuana, cocaine, methamphetamine, heroin, prescription drugs and ecstasy. Detective Meyer has

been to two criminal interdiction schools where the primary focus of the school was the odor detection of controlled substances and masking odors as well as their transportation in secure hidden locked compartments. Detective Meyer has completed CADRE'S 40-hour clandestine methamphetamine lab school and DEA's 80-hour basic drug school. Detective Meyer has been involved in the preparation and execution of numerous search warrants, charging documents, probable cause affidavits and has participated in hundreds of investigations. Detective Meyer is currently assigned to the Pacific Northwest Violent Offender Task Force (PNVOTF) and holds a special commission with the U.S. Marshal's Office and assists in the tracking and apprehending of state and federal fugitives.

- (2) Crime being investigated:
Burglary First Degree, 9A.52.050
Assault Second Degree, 9A.36.021
Theft of a Firearm, 9A.56.300
Theft Third Degree, 9A.56.050

Circumstances supporting probable cause: On or about May 11, 2020 SCSO Major Crimes Sgt. A. Stockman assigned your affiant to follow up a Burglary First Degree investigation that occurred at 222 W. Main, Spokane Valley, WA 99216 reported on May 10, 2020 at 0347 hours, incident number 2020-10057609.

Your affiant reviewed Deputy Blaakman's Field Case Report. The complainant, reported that someone had broken into his home, stole his safe, and fled on foot. recognized one of the suspects as an acquaintance.

Deputy Blaakman emailed your affiant advising that he had completed a Supplemental Report and retrieved the weapon used to assault Cam. Deputy Blaakman further advised that Cam had two people try to extort money from him for information.

On or about May 12, 2020 your affiant contacted Cam Jay and his mother, Sherry at their residence: 222 W. Main Spokane Valley, WA 99216. Your affiant briefly went over Deputy Blaakman's report with Cam and asked Cam to provide his history with Jim Derry. Cam stated that he met Derry 2-3-years prior through mutual friends and that Derry had been at his house on several previous occasions. Cam stated that Derry was last at his house February 3, 2019 for a Super Bowl party. Your affiant asked Cam if he provided the phone number listed in the report for Derry, 509-6789012. Cam stated that he didn't provide the phone number but believed that the number came from Derry's Facebook page.

Cam believed that he hadn't had any communication with Derry since Summer 2019. Your affiant asked Cam why he listed Derry as the suspect. Cam stated that he saw Derry's face. Cam stated that Derry had a gray shirt tied around his head but it was only covering half of his face. Cam stated that when he opened his bedroom door he saw and immediately recognized

Cam added that his safe sits on top of his bedroom dresser, plain as day. Cam stated that the only things in the safe were his Buick title, Chevy title, jet ski title, jet ski key and .22 caliber

revolver. Cam stated that the firearm was handed down to him by his father a month ago and that it had been handed down to his dad from his grandfather.

Cam stated that initial entry was made into the house by the unlocked back slider. Cam stated that the back slider is normally locked but he believed that his mother let the dogs out and forgot to lock it when the dogs came back in. Cam stated that his mom admitted that she forgot to lock the back slider.

Cam asked to show your affiant how the incident occurred. Cam and your affiant entered the residence and walked to Cam's bedroom which is located on the southeast corner of the residence. His mother's bedroom is located on the northeast corner of the residence and the two rooms are separated by a standard sized hallway. Cam stated that he heard his mom yelling his name, he woke up and went to grab a baseball bat that is typically in the corner of his room near his bed. Cam stated that he didn't grab the bat but grabbed an unloaded shotgun. Cam made his way to his closed bedroom door and turned on the bedroom light and opened his bedroom door. When Cam opened the bedroom door he saw Derry, standing at his doorway entrance. Derry was holding a nail puller in his left hand down by his side. Cam had the shotgun pointed at Derry and said, "I'm going to blow your fucking head off".

Cam stated that he knew the shotgun was unloaded so he charged at Derry. Cam further stated that he knew that there was a second suspect because he could see the second suspect's shoulder in his mother's bedroom. Cam stated that Derry grabbed the shotgun with his right hand while hitting him in the head with the nail puller in his left hand. Cam demonstrated how he and Derry struggled while the second suspect, Dan started hitting him. Cam stated that while struggling with Derry and being hit by Dan they fought towards the living room/dining room of the residence. Cam stated that he dropped the shotgun and saw Derry run towards his bedroom. The second suspect continued to punch and kick Cam from behind. Cam stated that the second suspect got him in a choke hold and choked him unconscious. Cam stated that while being choked his mother came up behind the second suspect with a pair of scissors in her hand. The suspect dropped Cam on his face, pushed his mother away and ran out of the house.

Cam stated that his safe sat on his dresser and his television sat on top of the safe. Cam stated that his mom saw Derry grab the television and set it on Cam's bed before she went to help him. Cam stated that after the suspects left with his safe, he ran back to his bedroom where he retrieved his pistol. Cam then ran to the front door where he saw the two suspects walking west with the safe. Cam did not see any vehicle associated with the suspects.

Cam confirmed that he did not have any surveillance video and that he had not been contacted by any neighbors about the incident. Cam showed your affiant a Facebook Messenger conversation from Andy Nell. Nell wanted \$100 to provide information on the suspects who burglarized Cam's house. Nell identified the third suspect as Karl Borg. Cam stated that he identified the second suspect as Dan Tink, a friend of Derry's that is known for bar fighting. Cam identified Dan by asking different people about who Derry hangs around with. Cam further stated that a female contacted him and told him that she had seen Derry and Tink together at 2200 hours the night prior to Cam's assault and burglary.

Cam described the firearm stolen from him as a .22 caliber 6-shooter revolver handed down to him by his dad.

Cam described the second suspect, who he believed to be Dan Tink as a white male, late

twenties to early thirties, 5'11" tall, about 230 pounds with a brown full beard wearing all gray to include a gray sweatshirt.

Cam stated that the nail puller he was assaulted with was not his and that it would have been brought in by the suspects. Cam confirmed that the only weapon he saw was the nail puller.

Your affiant interviewed Cam's mother, Sherry Jay. Sherry stated that she sleeps with her dogs in her bedroom and that the door was closed. Between 0330 hours and 0400 hours the dogs were barking more than normal. While lying in bed, Sherry got up to use the bathroom. Sherry stated that she turned on her bedroom light and opened her bedroom door. She saw a man in the hallway between her and Cam's bedroom. Sherry described the man as standing perfectly still as if he wanted to disappear. Sherry stated that she was just a couple of feet from the male. Sherry stated that for just a half-second she thought the male was Cam. When she realized the subject was not Cam she started screaming.

Sherry stated that as she started screaming a second male came into her bedroom, picked her up and body slammed her into the corner of her bedroom. Sherry described the suspect that assaulted her as being a little bigger than your affiant and about 20-pounds heavier. Sherry stated that the suspect laid on top of her and she remembered thinking, "This guy is huge". Sherry clarified that the suspect she first saw at Cam's door was smaller than the suspect who assaulted her.

Sherry stated that she heard Cam yell that he had a gun. Sherry stated that she tried to warn Cam that there were two suspects. Sherry stated that it took her a moment to get up after the suspect got off of her and left her bedroom. Sherry stated that she could hear a huge commotion down the hallway from her and Cam's bedrooms. Sherry stated that the whole time of the incident the two suspects never said one word.

Sherry stated that as she was exiting her bedroom, she saw the smaller suspect taking the television off Cam's dresser. Sherry went out to the living room where she saw Cam being choked out by the bigger suspect. Sherry stated that Cam had blood all over his face and that the suspect was on Cam's back choking Cam. Sherry stated that out of the corner of her eye she saw the smaller suspect exiting the house with something. Sherry didn't know if she should leave the house to get help or help Cam. Sherry stated that when she looked back at Cam, she saw Cam lose consciousness. Sherry stated that she went to her butcher block in the kitchen and grabbed her kitchen scissors. Sherry was going to stab the suspect choking Cam. The suspect dropped Cam and knocked the scissors out of her hands. Sherry couldn't recall if the suspect went after her but both of them ended up on the kitchen floor. The second, larger suspect then ran out the front door.

Sherry described the second suspect as wearing all black or dark gray sweatshirt material. The suspect had a medium brown beard or a beard with a little bit of red in it. Sherry also stated that the suspect had something wrapped around his face. Sherry stated that she never made eye contact with the male that assaulted her but she did make eye contact with the male that identified as Jim Derry. Sherry further stated that the smaller suspect had a shirt wrapped around his head but she could clearly see his face. Sherry stated that she didn't recognize the suspect. Sherry added that there was enough of the suspect's face exposed that she would have recognized the person if she knew him.

Sherry confirmed that they did not have video surveillance. Sherry further confirmed that the point of entry into the residence was the rear slider. Sherry stated that the rear slider was found
(IN RE: 2020-10057609)

open when they entered the kitchen area.

Sherry confirmed that nothing other than Cam's safe was stolen. Sherry further confirmed that she did not own the nail puller collected by Deputy Blaakman. Sherry believed that she was also struck with the nail puller and showed your affiant a cell phone picture that was not inconsistent with being struck by a nail puller. Sherry stated that neither she nor Cam sought medical treatment for their injuries.

Your affiant used his department issued cell phone to make screen recordings of three Facebook Message conversations from Cam's cell phone to include conversations with Kelly Link, Bo Kite and Andy Nell

The following is a summary of the Facebook Messenger conversation with Kelly Link : The messaging started on May 11, 2020 at 1437 hours. Link's Facebook Messenger profile stated that she lived in Sandpoint, ID. Link stated that she saw Dan, Noel, and Derry together between 9:30 and 10:00 the night prior to Cam's burglary when they helped her change a tire. Cam asked Link if she knew Karl Burgor and Andy Nell. Link admitted to knowing both and stated that Tink was looking for Nell's address. Link stated that Tink was driving a dark colored car.

The following is a summary of the Facebook Messenger conversation with Andy Nell: The messaging started on May 11, 2020 at 1752 hours. Kite messaged stating that he wanted a reward for providing information. Kite stated that he knew everything and was currently sitting with Dan and Derry. Kite stated that Dan's girlfriend, Noel May's was not with Dan at the time of the burglary because he was having sex with her.

Kite wanted \$15,000 to produce Dan to Cam. Kite stated that Cam would have the money because Cam was a big-time cocaine dealer. Cam denied being a cocaine dealer and asked Dan and Derry still had any of his property. Kite replied, "What part? The Half a kilo of coke? Or the gun with the numbers scrubbed off?" Cam then ends the conversation telling Kite that he has wasted his time.

The following is a summary of the Facebook Messenger conversation with Andy Nell: Nell's Facebook Messenger profile stated that he went to Sandpoint High School. The message started May 10, 2020 at 1223 hours. Nell started the conversation out by asking Cam if he was really assaulted by Jim Derry. Cam stated that he was and provided a brief description of what happened.

Nell asked Cam if Derry took a .22 caliber older style gun. Nell further stated that he had information but wanted money for that information. Nell later stated that he saw the firearm and described it as an older 6-shooter .22 caliber. Nell provided his phone number 208 123 4567. Nell wanted \$100 to provide the information that he had. Nell stated that he knew everyone in the car to include the fighter the fighter's girlfriend and a guy along for the ride. Nell stated that the fighter was named Dan. Nell further admitted to seeing Derry shoot the revolver. Nell provided his payment information and Cam attempted to pay Nell \$20 through Facebook Pay. The money did not go through because Nell could not accept Facebook Pay.

Cam stated to Nell that he identified Dan as Dan Tink and asked if Noel May was there. Nell stated that the third person in the car was Karl Burgor Dan's best friend. Nell further stated that all three were at his house before they left to get money for some weed that they were supposed to sell.

On or about May 19, 2020 your affiant checked Dan TINK's name through Mobile and found TINK and his girlfriend, Noel May associated with a green 1998 Chevy Monte Carlo, ID license PBJ59R. The incident was a suspicious circumstance incident that occurred on May 2, 2020 at 1402 hours at the Spokane Airport. TINK and MAY wanted to take the vehicle from a parking garage but they needed to pay the \$460 in parking fees. The registered owner of the vehicle was Bill Dun who stated that the three lived together at 456 8th lan Drive, Sagle, ID 83860. MAY and TINK did leave with the vehicle.

Your affiant ran ID license PBJ59R through the BOSS System. Boss is a vehicle plate reader system which captures the date, time and a photo of the vehicle at different locations. I found numerous entries to include an entry dated May 10, 2020 at 0435 hours as the vehicle traveled eastbound on Interstate-90 at Beck Road. Beck Road is in Idaho, just east of the Washington-Idaho border. Using Google Maps, your affiant determined it is approximately a 14-minute drive from 222 W. Main Ave Interstate-90 at Beck Road.

Based on Kelly Link's Facebook Messenger conversation stating that she saw Noel and Derry together the night prior to Case's burglary in a dark colored car and Nell Fitz's Facebook Messenger conversation stating that were four people in the car to include Derry, Dan, Noel and Karl and the Chevy Monte Carlo travelling east on Interstate-90 from Washington on May 10, 2020 at 0435 hours, I believed the suspect vehicle was the green 1998 Chevy Monte Carlo, ID license

Additionally, on May 19, 2020 Detective Bonney and your affiant contacted Sandpoint Police Department Lt. Chamberlain and Officer Fisher. Your affiant advised Lt. Chamberlain and Officer Fisher that he was in the area looking to interview burglary suspects. Jim Derry, Dan TINK, Noel May and Karl as well as Andy Neil, Kelly, Bo Kite and Bo Kite. Both Lt. Chamberlain and Officer Fisher were interviewed the mentioned subjects. Your affiant further advised that he was looking for TINK's 1998 Chevy Monte Carlo, ID license

Lt. Chamberlain checked the individuals for local warrants with negative results. Lt. Chamberlain provided a phone number for Andy Neil, 208-1234567 and a phone number for Karl Burgh, 208-2345678. Officer Fisher advised that he would assist in locating Dan TINK. At about 1332 hours your affiant received a phone call from Officer Fisher. Officer Fisher advised that he was south on the long bridge behind Dan TINK who was driving the Chevy Monte Carlo. Officer Fisher further advised that the passenger was Noel May. Officer Fisher further advised that Dan TINK had a suspended driver's license and that he would be stopping the vehicle for the criminal offense at Highway 95 and Lakeshore Road.

Detective Bonney and your affiant contacted Officer Fisher who had the vehicle stopped on Smokehouse Road at Lakeshore Drive. Your affiant attempted to interview TINK prior to being booked into jail by Officer Fisher. TINK consented to a recorded interview but was unable to complete his interview due to Officer Fisher's arrest.

Your affiant requested search consent for the vehicle from TINK. TINK granted consent only on the condition that he was released from jail.

Your affiant looked inside of the Chevy Monte Carlo through the rear windows and observed a black and gray piece of clothing that appeared to be made out of sweatshirt type material. Your affiant recalled that Sherry Jay stated that the suspect she saw choking her son was wearing

a black or gray sweatshirt material. TMK had a light brown full beard and was wearing a 2018 Spokane Submission shirt. TMKs did not fit the height description provided by Sherry but he did fit the thickness description provided by Sherry Jayr. Your affiant knows that height and weight descriptors can be difficult to retain during short stressful moments.

Your affiant knows from training and experience that people often keep items that tend to identify associates and/or suspects in their residences and vehicles including but not limited to address/telephone/contact lists/books, photographs, journals, letters, mailings, cell phone bills; and any other items that might establish who the victim was associating with to include computers, laptops, and computer related equipment and/or security records and or security video and personal communication devices to include but not limited to cell phones and pagers; that these items related to communication devices can establish persons last in contact with the victim.

Your affiant knows from training and experience that; trace evidence such as hairs, fibers, and fingernails are often found at the scene of crimes, and can be compared by laboratory personnel and such evidence can assist in the identification of victims, suspects and potential witnesses; that bodily fluids such as blood, semen and saliva are often found at the scene of assaults, and can be compared by laboratory personnel and assist in the identification of victims, suspects and potential witnesses; that clothing, jewelry and other articles that have been worn by the victim, suspects, or potential witnesses at the scene often contain trace evidence and bodily fluids; that fingerprints on articles can be compared by laboratory personnel and assist in the identification of victims, suspects and potential witnesses; that weapons or other articles that could have been used as weapons often are located at the locations of assaults.

Your affiant believed that there was probable cause to search a green 1998 Chevy Monte Carlo, ID license PBJ59R for evidence related to the crimes of Burglary First Degree, Assault Second Degree, Third Degree and Theft of a Firearm. Your affiant seized the vehicle and had it impounded to the Spokane County Sheriff's Office Vehicle Processing Station (VPS).

Your affiant followed the tow to the VPS and secured it with crime scene tape.

This affidavit is being submitted for the limited purpose of establishing probable cause, your affiant has not included each and every fact known to your affiant concerning this investigation. Your affiant has set forth only the facts that your affiant believes are necessary to establish probable cause.

WHEREFORE, declarant requests that a Search Warrant be issued for the purpose of searching

(X) VEHICLE(S), upon or in the vehicle described as follows: Green 1998 Chevrolet Monte Carlo, Idaho License PBJ59R, VIN: : secured at the Spokane County Sheriff's Office Vehicle Processing Station secured lot, 1100 W. Mallon, Spokane, WA 99260.

TO SEIZE:

Stolen property, in particular but not limited to:

1. Personal property belonging to Cam Jayr including but not limited to:
2. Black Sentry Safe
3. Buick car title

4. Chevy car title
5. Jet ski title and key
6. Passport
7. Small black .22 caliber revolver
8. .22 Caliber ammunition
9. Pistol holster
10. Cell phones or similar digital devices used to send, receive and/or store call histories, phone calls, text messages, e-mails, picture messages, video messages, photographs and social media applications.
11. Articles of personal property tending to establish the identity of persons in control of the premises, vehicles, storage areas, or containers being searched consisting part of and including, but not limited to, utility company receipts, rent receipts, and addressed envelopes, in and / or keys.
12. Documents: establishing dominion and control including, but not limited to bills, letters, invoices, personal effects, or rental agreements tending to show ownership.
13. Trace evidence including but not limited to hairs, fibers, fingernails and any other transferable materials that can assist in identification.
14. Bodily Fluids including but not limited to blood, semen and saliva.
15. Any fingerprints and or articles that could have fingerprints on them.

I certify under the penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate and that I have entered my authorized user ID and password to authenticate it.

Detective Dean L. Meyer #591073 5/22/2020 13:51:37	
1100 W. Mallon Spokane, WA 99260 <small>Agency Address</small>	Signature of Peace Officer Spokane County Sheriff <small>Agency</small>
(509) 477-2240 <small>Agency Telephone</small>	Spokane County, WA <small>Place (County, State)</small>
May 22, 2020 <small>Date</small>	

DATE _____ TIME _____

Julia M Pelc

Commissioner Julia Pelc 5/22/2020 4:00:07
PM

JUDGE, Spokane County Superior Court

FILED

MAY 27 2020

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

STATE OF WASHINGTON)

Plaintiff,)

v.s.)

In RE: Jim Derry W/M,)

Karl Burg)
Dan Tink)
Noel May)

1)
1)

) Court Case No.
) Report No.

) SEARCH WARRANT

) Burglary First Degree, 9A.52.050
) Assault Second Degree, 9A.36.021
) Theft of a Firearm, 9A.56.300
) Theft Third Degree, 9A.56.050

Green 1998 Chevrolet Monte Carlo
Idaho License 7 PBJ59R
VIN: 2

TO ANY PEACE OFFICER OF THE STATE OF WASHINGTON:

WHEREAS, Detective Dean L. Meyer has this day signed an affidavit on oath before the undersigned, one of the Superior Court Judges in and for the County of Spokane, that he/she believes that a crime has been or is being committed, to wit:

Burglary First Degree, 9A.52.050
Assault Second Degree, 9A.36.021
Theft of a Firearm, 9A.56.300
Theft Third Degree, 9A.56.050

and that evidence of said crime is located:

(X) VEHICLE(S), upon or in the vehicle described as follows: Green 1998 Chevrolet Monte

Carlo, Idaho License PBJ592 VIN: _____7 secured at the Spokane County Sheriff's Office Vehicle Processing Station secured lot, 1100 W. Mallon, Spokane, WA 99260.

WHEREAS, the undersigned finds that there is probable cause to believe said facts contained in the affidavit to be true,

THEREFORE, in the name of the State of Washington, you are commanded within 10 days (not to exceed ten (10) days) to:

(X) search the aforementioned vehicle(s)

with the necessary and proper assistance, and diligently search for and seize:

Stolen property, in particular but not limited to:

1. Personal property belonging to Cole Taylor including but not limited to:
2. Black Sentry Safe
3. Buick car title
4. Chevy car title
5. Jet ski title
6. Passport
7. Small black .22 caliber revolver
8. .22 Caliber ammunition
9. Pistol holster
10. Cell phones or similar digital devices used to send, receive and/or store call histories, phone calls, text messages, e-mails, picture messages, video messages, photographs and social media applications.
11. Articles of personal property tending to establish the identity of persons in control of the premises, vehicles, storage areas, or containers being searched consisting part of and including, but not limited to, utility company receipts, rent receipts, and addressed envelopes, in and / or keys.
12. DOCUMENTS: establishing dominion and control including, but not limited to bills, letters, invoices, personal effects, or rental agreements tending to show ownership.
13. Trace evidence including but not limited to hairs, fibers, fingernails and any other transferable materials that can assist in identification.
14. Bodily Fluids including but not limited to blood, semen and saliva.
15. Any fingerprints and or articles that could have fingerprints on them.

and make a return of said warrant promptly, no later than three (3) days from the execution of the Search Warrant to the undersigned Judge, showing all acts and things done thereunder, with a written inventory of any properties taken and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the inventory shall so state.

The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and receipt for the property taken. If no such person is present, the officer may post a copy of the Search Warrant and receipt.

The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one (1) person other than the seizing officer. This person may be another officer.

DATE _____ TIME _____



Commissioner Julia Pelc 5/22/2020 3:59:24 PM
JUDGE, Spokane County Superior Court