

COUNTY COURT, COUNTY OF MESA, STATE OF COLORADO  
Case No. 2008 SW

**AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT FOR**

The green Honda CRV bearing Colorado License GBT5217 located at the Colorado Bureau of Investigation at 2797 Justice Drive, Grand Junction, Mesa County, Colorado.

COMES NOW, Detective Ed Prescott, being of lawful age and first duly sworn upon oath and states and alleges in support of this Affidavit as follows:

1. I am a duly employed peace officer with the Grand Junction Police Department, Grand Junction, Mesa County, Colorado, and was so employed at all times relevant to this affidavit. The information contained in this affidavit was compiled by me in the course of an official law enforcement investigation by speaking to other law enforcement officers and citizen informants, by examining records of law enforcement agencies, and by personal observations. All locations referred to in this affidavit are in Mesa County, Colorado, unless specifically noted otherwise.
2. On the morning of Oct. 11, 2008 at 08:33 Grand Junction Police Dispatch was called by citizens who reported a shooting that just occurred near 2632 Chestnut Drive with a subject who was shot. At about the same time, Deputy Hildebrant of the Mesa County Sheriff's Department was flagged down on 26 1/2 Rd. near Chestnut Drive by a jogger [REDACTED] who said he heard gun shots being fired nearby to the west. Dept. Hildebrant went to the west on Chestnut Drive and found Fredrick Larson laying on the ground being treated by citizens. Deputy Hildebrant was directed to 2631 Chestnut Dr. where he saw a female (later identified as Floyce Gallagher) laying in the driveway [REDACTED] and a male subject (later identified as Terry Fine) laying further up in the driveway [REDACTED].
3. [REDACTED] stated he had just arrived at the residence of Fredrick Larson, who lives at 2634 1/2 Chestnut Drive for a job. He was in the front yard of the residence with Mr. Larson when he heard multiple gunshots to the near west of them. [REDACTED] said both he and Mr. Larson went to the street and heard a second volley of multiple gunshots from the same direction. [REDACTED] said from their position they could see a subject laying in the driveway at what he described as the residence of 2632 Chestnut Drive. [REDACTED] stated Mr. Larson began to head west on foot in the street towards the area where he heard the shooting. [REDACTED] stated he went towards his truck to get his cell phone to call 911. He stated a silver BMW drove past him and Mr. Larson at a high rate of speed. He believed the subject in the BMW was involved in the shooting. [REDACTED] stated as he was calling 911, a green SUV drove from the area of the shooting toward Mr. Larson who was standing in the street near the shoulder. He said Mr. Larson was yelling at him that he had just been shot.
4. Fredrick Larson stated he was in his front yard with [REDACTED] when he heard multiple gunshots close by, to the west of his residence. He said he went toward the gunfire and saw a green SUV driving towards him. He said he stepped out into the street in front of the vehicle to flag it down but saw the driver wasn't going to slow down. Mr. Larson said the driver of this green SUV pointed a hand gun at him, over the dash, and fired through the front windshield. Mr. Larson said he only heard one shot, stating he was struck in the right shoulder. Larson was transported to St. Mary's Hospital where he was treated and subsequently released with the bullet remaining inside his back. [REDACTED]

5. Det. Julie Stogsdill met with Michael Gallagher at the Grand Jct. Police Dept. where she interviewed him. He had not received any injury and was able to be interviewed by Det. Stogsdill. Mr. Gallagher stated he and his wife, Floyce Gallagher were planning to leave for Las Vegas this morning with Terry Fine and his wife, Linda Fine in his (Gallagher's) vehicle. At about 08:25, he and his wife were backing out of their driveway at [REDACTED] which is [REDACTED] in their silver BMW [REDACTED] when he noticed a green SUV making a u-turn, using their driveway to complete the turn. He said they drove to the Fine's residence (2632 Chestnut Dr. which is in the area of 26 1/2 Road, north of G Road, just south of the interstate over pass ) and pulled into the driveway where the Fines were waiting outside the front of their residence in the driveway, with their luggage.

6. Michael Gallagher stated his wife got into the back seat of their BMW on the driver's side, while Linda Fine got into the back seat on the passenger side. He said Mr. Fine had loaded the luggage in the trunk and was to the front of the car. Mr. Fine started to go back towards the house to make sure they had set the house alarm when the subject in the green SUV pulled up and parked in the street to the front of their residence. He stated the sole occupant, who was a male, walked from the green SUV towards Mr. Fine with a black bag in his hand. Mr. Gallagher stated he believed the suspect was possibly a door to door salesman. Mr. Gallagher stated the male subject pulled out a gun and fired several times at Terry Fine from close range. He said Terry Fine immediately fell to the ground where he died. He said the suspect then walked to the rear passenger side of the BMW and fired into Linda Fine who was still seated in the back seat. He said his wife, Floyce (AKA Flo) got out of the vehicle as the suspect was shooting at her. He said he backed up the car, quickly, with Linda Fine still in the back seat and drove east on Chestnut to get away from the suspect. He said he headed straight to St. Mary's Hospital Emergency Room as Linda Fine had been shot and was still in the back seat of the car. His wife had been able to get out of the car but he didn't know what happened to her.

7. Det. Fausone stated he saw the silver BMW [REDACTED] parked outside the emergency exit of St. Mary's Hospital and stated there were apparent bullet holes in the glass of the passenger side. Off Rayside stated there was apparent blood on the outside of this vehicle with a large quantity of blood in the inside. This vehicle was photographed and placed in Colorado Bureau of Investigation's secured facility at 2797 Justice Drive

8. Michael Gallagher stated he does not know the suspect and feels he's never seen him before.

9. At St. Mary's Hospital, Linda fine [REDACTED] Floyce Gallagher was transported to St. Mary's Hospital by paramedics [REDACTED]

10. At approximately 09:15 Police and Sheriff's Deputies were looking for the suspect vehicle then described as a green SUV, possibly a Toyota RAV 4 with one male occupant. The suspect was described by witnesses as a white male 18 - 19yoa, 5'10" - 5'11", 165-170 lbs. [REDACTED] advised law enforcement he last saw the suspect vehicle headed north on 26 1/2 Rd. from Chestnut Drive. Deputy Pace saw a vehicle matching the suspect vehicle at 27 Rd. and Marsh Lane. This vehicle was Honda CRV with CO Lic. GBT5217, which registered to [REDACTED] in Lakewood, Colorado. The driver fled after Deputy Pace in a marked Mesa County Sheriff Patrol vehicle tried to stop it by using her overhead emergency lights. The suspect vehicle turned south on 26 1/2 Rd. from H Rd. and headed toward s the Interstate 70 overpass where it stopped in the north bound lane. The suspect vehicle then drove forward and veered off the east side of the road into a yard where it came to rest. Upon approaching the vehicle, Deputies found the driver with a apparent self inflicted gunshot [REDACTED] A 9mm Ruger semi automatic hand gun was found in the area of the driver, inside the vehicle. There were two apparent bullet holes in the front windshield of the car toward the passenger side of the windshield. The driver was alive and was transported to St. Mary's Hospital.

11. The Honda CRV with CO Lic GBT5217 was placed into secured storage at Colorado Bureau of Investigation at 2797 Justice Drive.

12. At the residence of Terry and Linda Fine, Field Investigator Off. Freidenberger reported numerous 9mm expended -shell casings and one un-expended 9mm round in the driveway. Three of these expended shell casings were very close to the deceased Terry Fine. Terry Fine's glasses were still on his face [REDACTED]

[REDACTED] In the driveway toward the street was a large pool of blood which Off. Freidenberger pointed out as the location where Floyce Gallagher was found. [REDACTED]

13. Off. Valdez who was also working on this incident contacted Lakewood Police Department to inquire about the owner of the green SUV registered [REDACTED]. According to Lakewood Sgt. Bates, [REDACTED] of Stefan Martin-Urban dob 8-13-86 came into the Lakewood Police Department on the morning of Oct. 10, 2008 to report her 22yoa nephew missing with her vehicle. She advised her nephew was possibly suicidal. A Driver's License photo was obtained from the Department of Revenue and the photo on Stefan Martin-Urban matched that of the suspect driving [REDACTED] vehicle. [REDACTED]

14. The purpose of the request for the search of the green Honda CRV bearing Colorado License GBT5217 is to search for and collect evidence of the shooting death of Terry Fine and Floyce Gallagher.