

STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS

STATE OF WASHINGTON
COUNTY OF SPOKANE

REPORT NUMBER: 09-45314
09-14702

DEFENDANT(S): MERCER, SONJA L.
W/F 5/23/63

McCABE, GARY D.
W/M 12/22/64

The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because:

That the defendants between 2/10/09 and 3/18/09, were in possession of a pink Gateway laptop computer belonging to Carol M. Capra. This laptop was stolen in a burglary at Capra's residence at 2915 S. Howard St. on 2/10/09. The defendants sold the laptop to Randy D. McReynolds for \$125 without the permission of the owner. The money in this case was directly given to Sonja L. Mercer. Gary D. McCabe was present with Mercer at the time of the transaction. The value of the pink Gateway computer is \$767.89. The defendants were also in possession of two Comcast digital transport devices stolen from Edward S. Hall after a burglary of his residence at 3130 E. 17th in the city of Spokane. The value of the devices is \$100. These items were also sold/traded to Randy D. McReynolds.

On 3/19/09, Detective Anderson and Detective Hensley responded to 1307 E. 39th Avenue and made contact with Gary D. McCabe. McCabe was lawfully arrested by Detective Hensley and searched incident to arrest by Officer Larry House in the presence of Detective Anderson. In McCabe's pocket was located a glass methamphetamine smoking pipe. Detective Hensley tested the residue in the pipe which showed a positive result for methamphetamine, a controlled substance.

CAROL M. CAPRA will testify:

On 2/10/09, her residence at 2915 S. Howard in the city of Spokane was burglarized. During the burglary, her pink Gateway computer was stolen. This computer was purchased from Office Depot on 12/14/08 for a purchase price of \$767.89.

Capra does not know Sonja Mercer and Gary McCabe, nor did she give them permission to have, take, retain, possess, or sell the laptop.

EDWARD S. HALL will testify:

On 1/14/09, his residence at 3130 E. 17th Avenue in the city of Spokane was burglarized. Two Comcast digital transport devices were stolen during the burglary. They have a total value of \$100.

Hall does not know Sonja Mercer and Gary McCabe, nor did he give them permission to have, take, retain, possess, or sell the devices.

RANDY D. McREYNOLDS will testify:

He resides at 5616 N. Lindeke in the city of Spokane. He is familiar with Sonja Mercer and Gary McCabe. Sometime between 2/10/09 and 3/18/09, McCabe and Mercer came to his residence and sold to him a pink Gateway laptop computer for \$125. They also traded/sold to him the two Comcast digital transport devices. Mercer advised McReynolds the computer in question belonged to her. She claimed she got the laptop from her ex-husband.

DETECTIVE S. ANDERSON will testify:

He was present during the execution of a search warrant at 5616 N. Lindeke.

He located two Comcast digital transport devices in the home.

He was present during an interview of Sonja Mercer by Detective Hensley, at which time Detective Hensley advised Mercer that he was looking for a stolen pink Gateway laptop computer. At that time, Mercer denied any knowledge of the laptop.

Detective Anderson responded with Detective Hensley to 1307 E. 39th on 3/19/09 and contacted both Gary McCabe and Sonja Mercer.

He was present during the search incident to arrest of McCabe and the subsequent drug test by Detective Hensley showing a positive result for methamphetamine.

He placed the pipe and other evidence in the Spokane Police Property Facility.

DETECTIVE HENSLEY will testify:

I was notified by Sergeant J. Fertakis that the Special Investigate Unit was serving a search warrant at 5616 N. Lindeke. He advised this detective that there had what appeared to be numerous items of stolen property, to include a pink Gateway laptop computer. I responded to the address with the report of Carol Capra reference her burglary on 2/10/09. I compared the serial number on the laptop found at the Lindeke address with the information from Capra's report and found the numbers matched.

On 3/19/09, at 0818 hours, I read Randy D. McReynolds his constitutional rights in the Spokane County Jail. After a voluntary waiver, I spoke to him in reference to stolen property located at his residence on Lindeke. McReynolds advised this detective he bought the laptop computer sometime prior to 3/18/09 from Sonja L. Mercer and Gary D. McCabe. He advised this detective he paid \$125 for the item and also received two Comcast digital transport devices which were handed to him by McCabe.

Detective Anderson and I responded to 1307 E. 39th and there contacted Mercer and McCabe. McCabe was arrested and searched incident to arrest in his pocket was pipe which contained what appeared to be methamphetamine residue.

I tested this substance which showed a positive result for methamphetamine, a controlled substance.

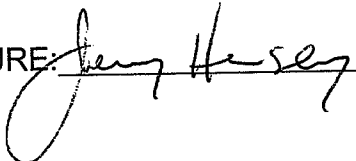
I spoke with Mercer in reference to selling the Gateway laptop. Mercer denied any knowledge of the laptop or any other stolen property. Mercer then requested to phone her attorney and made a phone call in my presence. While talking to the subject on the phone, Mercer said I asked her about selling the laptop to "Randy." I will testify I did not mention who she sold the laptop to. I specifically did not mention "Randy."

I arrested Mercer for Possession and Trafficking in Stolen Property.

Based on physical evidence, victim and witness testimony, there is probable cause to support one count of Second Degree Possession of Stolen Property and one count Second Degree Trafficking in Stolen Property on the defendant, Sonja L. Mercer (W/F 5/23/63).

Based on physical evidence, victim and witness testimony, there is probable cause to support one count of Second Degree Possession of Stolen Property and one count Second Degree Trafficking in Stolen Property, and one count of Possession of a Controlled Substance (methamphetamine) on the defendant, Gary D. McCabe (W/M 12/22/64).

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A.72.085)

DATE: 03/19/09 PLACE: SPOKANE, WA SIGNATURE:  #124