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FILED IN ADAMS COUNTY
COMBINED COURT

JAN 22 2010

COUNTY COURT, ADAMS COUNTY, COLORADO

CASE NO. 100CR0233 L

CR NO 11CN09019487

ADAMS COUNTY SHERIFF'S OFFICE

AFFIDAVIT AND APPLICATION FOR ARREST WARRANT

PEOPLE OF THE STATE OF COLORADO

VS.

FOWLER, WILLIAM REX / DOB [REDACTED]-51

I, Gene R. Claps, state under oath that I have read the criminal complaint herein filed against the above named defendant; the allegations are true to the best of my knowledge, information and belief; and I believe the defendant committed the offense(s) in the complaint. I state under oath the facts known to me which establish probable cause to believe the criminal offense(s) was committed and was committed by the above defendant are the following:

The affiant is a commissioned deputy with the Adams County, Colorado, Sheriff's Office and currently assigned to the Detective Division.

The affiant has knowledge of the following information from personal observations, interviewing witnesses and concerned parties, speaking with other peace officers, reviewing reports of other peace officers, reviewing official reports/records of law enforcement agencies, and reviewing information stored in computer, electronic image, and manually maintained databases.

On December 30, 2009, at 1000 hours, Adams County Sheriff's Office deputies were dispatched to 8391 Delaware Street in unincorporated Adams County in reference to shots fired. ADCOM dispatched that an reporting party, later identified as Steven Blatt, DOB: [REDACTED], called 9-1-1 saying he heard gunshots and had a bullet hole in his wall. Deputies arrived on scene and set up a perimeter around 8391 Delaware and 8390 Elati Street.

While Deputy Dean Dominguez was on perimeter an unknown male later identified as Rex Fowler crawled out of the building. Rex Fowler was bleeding from the head. Deputy Dominguez requested an ambulance and pulled Rex Fowler to a secured area from the building. Mr. Fowler was transported to Denver General Hospital and underwent emergency surgery.

Detective Steve Hupper responded to Denver Health located at 777 Bannock Street, where William Rex Fowler had been transported to. Detective Hupper contacted Doctor Liao who stated it appeared that William Fowler suffered a gunshot wound to his head. William Fowler

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During the interview Ubaldo Ciminieri stated that Thomas Ciancio and Rex Fowler have not gotten along well in the last year, which was part of the reason Thomas Ciancio resigned at Thanksgiving time this year. Ubaldo Ciminieri stated he knew Thomas Ciancio was coming to the business today to pick up a settlement check from Rex Fowler. Ubaldo stated he never saw Thomas Ciancio come to the business today and did see Rex Fowler earlier in the morning. Ubaldo Ciminieri stated he had never seen Rex Fowler or Thomas Ciancio with any firearms but stated Thomas Ciancio talked about owning guns and being an avid hunter and fisherman.

Your affiant asked Ubaldo Ciminieri why Thomas Ciancio and Rex Fowler did not get along. Ubaldo Ciminieri stated that approximately one year ago he heard that Rex Fowler took approximately two hundred thousand dollars out of the company without permission and gave it to a church or some type of charity. Ubaldo Ciminieri stated Thomas Ciancio blamed Rex Fowler for the company struggling saying that Rex Fowler was an evil person and running the company into the ground. Your affiant asked Ubaldo Ciminieri if there were actual fights or arguments that he heard or saw. Ubaldo Ciminieri stated no.

Detectives Phil Meaney and Glen Gammel interviewed Susan Gaut, DOB: [REDACTED]. Susan Gaut advised that she heard a loud noise which she thought was something falling. Susan Gaut then found Emily Witt and Ubaldo Ciminieri who stated they had heard gunshots and were freaking out asking what they should do. Susan Gaut stated they went to the conference room and locked themselves inside.

Detectives Phil Meaney and Glen Gammel interviewed Steven Blatt, DOB: [REDACTED], who stated that he heard a loud bang, and saw a bullet hole in the wall. He heard several more shots. Steven Blatt stated that he grabbed his coat and his brother's coat, told his brother they must leave, and went outside and called 9-1-1.

Detectives Phil Meaney and Glen Gammel interviewed Joel Blatt, DOB: [REDACTED]. Joel Blatt stated that he heard three or more gunshots. Joel stated that he went to the office where his brother Steven was who showed him the hole in the wall. Joel stated he and his brother left the building, went outside and called 9-1-1. Joel stated he waited at the door for 30 seconds listening for sounds, heard nothing, and ran around to the west side of the building and went into the west side door, up the stairs, and contacted Ubaldo and Emily. Joel Blatt stated he told them the police were on their way. Joel Blatt stated he left the building and went back to where his brother was on the east side until the police arrived.

Your affiant was notified that between 1100 hours and 1210 hours the Command Post and Tactical members attempted to contact Thomas Ciancio by cell phone and PA announcements into the building. Your affiant was also advised that the Adams County Sheriff's Office SWAT team had then entered and cleared the building at 1256 hours. Your affiant was advised that one

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unknown male was pronounced dead in the "Course" room which is attached to Rex Fowler's office located on the first floor. This deceased male, later identified as Thomas Ciancio, appeared to have a bullet wound to his head. Also noticed in the "Course" room was a semi-automatic handgun on the top of a wood table, along with what appeared to be a gun magazine containing at least one bullet. The SWAT team then withdrew pending the authorization of a search warrant for the business.

Your affiant was briefed by Detective Mark Faulhaber who stated he spoke with Laura Ciancio, the wife of Thomas Ciancio. Mrs. Ciancio stated Thomas Ciancio and Rex Fowler were business partners and had been arguing over company matters for several months. Mrs. Ciancio stated Rex Fowler had sent several e-mails to Thomas Ciancio's laptop computer making financial threats that had to do with the business. Mrs. Ciancio stated Thomas Ciancio went to the business today for a 10 o'clock appointment to receive a ten thousand dollar settlement check.

Detective Faulhaber asked Laura Ciancio if Thomas Ciancio owned any Glock semi-automatic pistols and Laura Ciancio said Thomas Ciancio owns several pistols, both semi-automatic and revolvers, but she does not believe any of them to be Glock.

On December 30, 2009 at 1237 hours, your affiant interviewed Laura Zaspel, DOB [REDACTED], who is the CEO of Fowler Software Design. Laura Zaspel stated Thomas Ciancio had resigned from the company on November 23, 2009. Laura Zaspel stated Thomas Ciancio had been involved with a disagreement with William Rex Fowler concerning Thomas Ciancio's ending pay or separation pay. Laura Zaspel stated a total sum of pay was agreed upon December 29, 2009 where Thomas Ciancio was going to receive a check for nine thousand nine hundred dollars and Thomas Ciancio was going to sign a waiver of release. Laura Zaspel stated she worked on December 29, 2009 where she saw William Fowler in-person, and received e-mail(s) from Thomas Ciancio. Laura Zaspel stated she did not expect any problems when the meeting was scheduled and did not expect any problems that day. Laura Zaspel stated the meet was scheduled for December 30, 2009 at 1000 hours.

On December 30, 2009 at 1330 hours, your affiant and Detective Phil Meaney interviewed Charlotte Ciancio who responded to the Adams County Sheriff's Office Substation. Charlotte Ciancio stated she was trying to get information on her brother Thomas Ciancio, after hearing the news of Thomas Ciancio being a person of interest. Charlotte Ciancio stated her and her family knew Thomas Ciancio had a business partnership with Fowler Software Design and he was going to the business today at 1000 o'clock and pick-up a check. Charlotte Ciancio stated she had no other information concerning the incident or what occurred at Fowler Software Design. Charlotte Ciancio stated Thomas Ciancio was going to Fowler Software and then

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meeting his son for his birthday party. Charlotte Ciancio stated Thomas Ciancio and his son were then going to Red Robin for part of his birthday.

Your affiant was then updated by briefings and reports from patrol officers on scene. Deputy Dean Dominguez and Deputy Matthew Skowronski responded to 8390 Elati Street and set up a perimeter on the west side of the building. Deputy Dominguez stated he had an unknown male, later identified as William Rex Fowler, coming out of the building and he assisted Deputy Skowronski. Deputy Dominguez stated William Fowler was wearing a blue suit, walking out of the building, and bleeding from his face. Deputy Dominguez stated Deputy Skowronski asked William Fowler to come outside of the building. Deputy Dominguez stated the unknown male took one step out of the threshold of the doorway, and suddenly walked back into the building. Deputy Dominguez and Deputy Skowronski then rushed into the building, grabbed William Fowler, and escorted him out of the building to safety. Deputy Dominguez stated when William Fowler attempted to talk, blood rush out of his mouth.

Deputy Skowronski stated while covering the west side of the building he observed a white male, later identified as William Fowler coming up the stairs inside the building. Deputy Skowronski stated William Fowler appeared to have blood coming from his mouth and the top of his head. Deputy Skowronski stated he yelled to William Fowler to come to him. Deputy Skowronski stated William Fowler started to come out the door and then turned around and went back towards the stairway. Deputy Skowronski stated he went into the building to retrieve William Fowler and escorted him back to the street. Deputy Skowronski stated he could see that William Fowler was bleeding from the interior of his mouth and requested an ambulance to respond.

Deputy Skowronski stated he asked William Fowler if Thomas Ciancio was still inside the building. Deputy Skowronski stated William Fowler answered him by shaking his head up and down, for yes. Deputy Skowronski stated he asked William Fowler if Thomas Ciancio had shot him. Deputy Skowronski stated William Fowler did not respond. Deputy Skowronski stated he then asked William Fowler Thomas Ciancio had hurt him. Deputy Skowronski stated William Fowler again did not respond. William Fowler was then transported to Denver Health for medical treatment.

On December 30, 2009 at 1700 hours, your affiant and Detective Whytock responded to the Adams County District Attorney's Office and requested a search warrant for 8390 Elati Street and 8391 Delaware Street which was signed by Adams County Court Judge Amy Bockman at approximately 1808 hours.

On December 30, 2009 at about 1830 hours, your affiant and detectives from Adams County Sheriff's Office executed a search warrant at 8390 Elati Street and 8391 Delaware Street.

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During the search warrant detectives located a deceased white male, identified as Thomas Ciancio, DOB [REDACTED], who had what appeared to be at least two gunshot wounds to his head. Four spent FC Federal Luger 9mm shell casings and four bullets were also recovered from the room and the area where the body was located, along with a 9mm Glock handgun and one magazine on the table. Detectives also located another 9mm magazine with ammunition on the shelf in the closet of William Fowler's office. Your affiant was told that when the Adams County SWAT team entered William Fowler's office they found the closet door secured and locked. SWAT team members forced entry to clear the closet and that was when they noticed the 9mm magazine and a bullet setting a shelf. Detectives located several printed electronic correspondents between Rex Fowler, Thomas Ciancio, and Laura Zaspel. Four computers were also removed from the office of Rex Fowler, one Dell CPU serial number [REDACTED], one Dell CPU serial number [REDACTED], one Gateway CPU [REDACTED], and one Lenovo Laptop serial number [REDACTED].

Detectives also located on the back side of William Fowler's door, what appeared to be blood which was smeared on the dead bolt lock from the inside of the office and conference room. The apparent blood appeared to be smeared from turning the dead bolt while it was being unlocked or locked. Detectives also found the office neat and no appearance of a struggle. While searching the office and conference room area Detectives located Thomas Ciancio's personal files, a check book, and papers where Thomas Ciancio appeared to have been sitting at the table. On the floor next to the table and Thomas Ciancio there was a writing pen and one pair of glasses.

During the search detectives also located several hand written and typed notes from William Rex Fowler. One of these notes were located in the closet of William Fowler's office. This note said, "30 December 2009" "There is nothing confidential in this briefcase. Please give the briefcase to Jan." "Rex". Another note located on William Fowler's desk was found in a folder under several keys and a container of keys, which contained hand written diagram(s) of the keys on the key ring, explaining to "Jan", what each was for. These computers along with other evidence collected were then later booked into property evidence. Your affiant also found that Janet Fowler, William Fowler's wife goes by "Jan". These notes were addresses to her, "Jan".

Two vehicles were also secured from the parking lot which were one silver, four door, 2001, Toyota Corolla bearing Colorado 887TYT, VIN number [REDACTED], registered to Janet and William Fowler, and a gold, four door, 2003, Ford Taurus bearing Colorado 676JLE, VIN number [REDACTED], registered to Thomas Ciancio. These vehicles were towed to the Adams County Sheriff's Office Substation and secured inside of the building.

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On December 30, 2009 at 1907 hours, Kari Jones and Victoria Roberts from the Adams County Coroner's Office responded to 8390 Elati Street and recovered the body of Thomas Ciancio at approximately 2050 hours.

On December 31, 2009 at 0945 hours, your affiant and Detective Whytock responded to Denver Health located at 777 Bannock Street, Denver Colorado and contacted the emergency room staff who indicated William Fowler still had some personal property at the hospital which was locked up and secured. Your affiant then signed for William Fowler's property which consisted of a black wallet which contained 29.00 dollars, several credit cards, miscellaneous papers, and a living will.

On December 31, 2009 at 1000 hours, your affiant and Detective Whytock then completed a gunshot residue trace evidence kit on William Fowler. William Fowler was being treated in the second floor ICU room and still had his hands bagged and taped with white medical type tape. Your affiant cut the tape, removed the bags, and collected the gunshot residue kit.

On December 31, 2009 at 1030 hours, your affiant and Detective Whytock contacted Janet Fowler, DOB [REDACTED], in the visitor waiting room. Your affiant asked Janet Fowler if she would talk to us and she agreed. Janet Fowler quickly demanded the briefcase that Detectives removed from William Fowler's office, saying "One thing I need is his briefcase. It was taken out of his office. It is important to me, my church, and it is religious material and I want it now!" I explained to Janet Fowler that Detectives did take a brief case out of William Fowler's office and it had not yet been reviewed. Janet Fowler stated, "Even if you looked at it and read it, you would not understand anything in it. Because it is way above a normal person and you would not know what it meant." Janet Fowler then demanded the briefcase be returned again, by saying, "I want it back now, right now!"

Your affiant explained to Janet Fowler that your affiant just needed some background information on William Fowler. Janet Fowler then agreed to speak to your affiant and detective Whytock. Your affiant conducted a recorded interview. Your affiant asked Janet Fowler about William Fowler and Thomas Ciancio. Janet Fowler stated Thomas Ciancio had been writing threatening e-mails to William Fowler and there had been problems between the two of them. Your affiant asked Janet Fowler what she meant by threats from Thomas Ciancio. Janet Fowler stated William Fowler had received e-mails that said Thomas Ciancio was going to hire an attorney and sue William Fowler, because of the money that Thomas Ciancio said Fowler Software Design owed him. Your affiant asked Janet Fowler if that was the only threat. Janet Fowler stated yes that she was aware of. Your affiant asked Janet Fowler about William Fowler or herself owning any firearms or guns. Janet Fowler stated William Fowler only owned one small black handgun that she was aware of, unknown brand and caliber. Janet Fowler stated she had not seen the handgun for a couple of years and thought it was currently

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locked in their gun safe at her house. Your affiant asked Janet Fowler if your affiant could go with her and check the whereabouts and type of the handgun. Janet Fowler stated the only way your affiant could see the gun or check on the gun, was if your affiant had a search warrant and it detailed in writing what your affiant was looking for.

Your affiant asked Janet Fowler to explain more about William Fowler. Janet Fowler stated William Fowler is a Scientist and that William Fowler would have not gone without a fight. Janet Fowler stated William Fowler probably would have grabbed the gun during the struggle and that William Fowler would have not just let somebody shoot him.

On December 31, 2009 at 1200 hours, Detective Faulhaber responded back to 6810 Halifax Avenue, Castle Rock Colorado and contacted Laura Ciancio and Charles Ciancio. Laura Ciancio agreed to turn Thomas Ciancio's lap top computer over to the Adams County Sheriff's Office. Laura Ciancio gave Detective Faulhaber a black leather brief case which contained a Hewlett-Packard Pavilion DV3, laptop computer, serial number ~~68773-1122~~, a power cord, a flash drive and some US postage stamps. Charles Ciancio also turned over four binders of L. Ron Hubbard College of Administration Course, which he called study material that was given to Thomas Ciancio to study for "Scientology."

On December 31, 2009 at 1330 hours, your affiant and Detective Whytock responded to the Adams County Coroner's Office for the autopsy of Thomas Ciancio. The autopsy was performed by Doctor Wilkerson. Doctor Wilkerson found that Thomas Ciancio had suffered three gunshot wounds to the head. All three gunshots were from left to right. One entered next to the left eye and two gunshots entered from the left rear side of Thomas Ciancio's head, behind the left ear. Doctor Wilkerson stated all three gunshots he considered fatal, with one shot hitting the brain stem. Doctor Wilkerson was asked if any of the gunshot wounds to Thomas Ciancio's head were incapacitating. Doctor Wilkerson stated all three gunshot wounds traveled through the brain and would have rendered him immediately unconscious and immediately incapacitated. The Adams County Coroner Jim Hibbard stated the manner of death was a homicide.

On January 4, 2010 your affiant requested Detective Faulhaber to conduct a search through ATF E-Trace on the Glock, 9mm, semi-automatic pistol, model number 19, serial number HRL359, which was located in William Fowler's Office on the table. The E-Trace from ATF came back to a purchase in California. The E-Trace showed that the pistol was sold by Andrews Sporting Goods Inc, 835 South Arroyo Parkway, Pasadena, California 91105 on February 27, 2006, to Alexander Hyung Fowler, DOB 07-03-84, with last known address of 1413 L Ron Hubbard Way, Los Angeles, California 90027. Alexander Hyung Fowler, DOB ~~07-03-84~~ used California driver's license ~~E-111111~~ and is described as an Asian male, 5'7" tall, 145 pounds, and born in Boulder Colorado. The address used by Alexander Hyung Fowler is listed to the L

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Ron Hubbard of Sciencetology. Detective Faulhaber attempted to contact Alexander Hyung Fowler by telephone and has had negative contact and is unaware of his location.

On January 4, 2010 at 1600 hours, your affiant completed four search warrants to include search warrants for Thomas Ciancio's car, Thomas Ciancio's computer, and William Fowler's car and four computers. The search warrants were signed by Adams County Judge Kirby.

On January 5, 2010 at 1330 hours, your affiant and Detectives Whytock and Bailey executed the search warrants on William Fowler and Thomas Ciancio's vehicles. While searching William Fowler's vehicle, detectives located several personal files which contained sent and received e-mails from Laura Zaspel and William Fowler concerning Thomas Ciancio and their business. Detectives found e-mail(s) dated December 28, 2009 from Laura Zaspel to William Fowler, telling William Fowler that she did not trust Thomas Ciancio and their problem needed to be resolved. Detectives also located several hand written notes to "Jan", explaining that William Rex Fowler had transferred or moved money from one account to another account. These notes were dated December 30, 2009 and found inside of white storage boxes, like found in William Fowler's office. Detectives found nothing of evidentiary value in Thomas Ciancio's vehicle.

On January 5, 2010 at 1623 hours, your affiant and Detective Whytock were contacted by Robert Read, DOB 03-28-58, at the Adams County Sheriff's Office. Robert Read stated he was hired by Thomas Ciancio and had been working for Fowler Software Design since 2007. Robert Read stated in the end of 2008, Fowler Software Design had slowed down because of the economy and then financial problems caused by William Fowler. Robert Read stated he had knowledge of William Fowler taking 160,000.00 to 200,000.00 dollars and sending it to Africa or some type of charity. Robert Read stated he knows this information because William Fowler had to apologize to everyone in writing for what he did.

Robert Read stated Thomas Ciancio worked very hard for Fowler Software Design and would never say no to any job. Robert Read stated Thomas Ciancio started to become very frustrated with William Fowler, saying that he was embezzling money and a crook. Thomas Ciancio told Robert Read that William Fowler said Thomas Ciancio owed Fowler Software approximately 62,000.00 dollars in bad debts. Robert Read stated Thomas Ciancio resigned from the company in November 2009 and William Fowler as still holding Thomas Ciancio responsible for accounts, and bad debts, including the Benjamin West account. Robert Read stated in December 2009 Thomas Ciancio became very frustrated trying to receive a settlement from William Fowler and concerned about the stock in PIGGIPOD. Robert Read stated on December 28, 2009 he talked to Thomas Ciancio about the PIGGIPOD stock and that was the last time he talked to Thomas Ciancio.

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Robert Read stated, "Who you really need to talk to is Stephan Samuel." Your affiant asked why. Robert Read stated Stephan Samuel worked with Thomas Ciancio and had knowledge of what occurred and the money William Fowler used.

On January 6, 2010 at 1000 hours, your affiant received a telephone call from Stephan Samuel, DOB [REDACTED]. Stephan Samuel reiterated some of the same information as Robert Read. Stephan Samuel stated he worked for Fowler Software Design from November 2008 to July 2009 being responsible for the company's financials. Stephan Samuel stated he and Thomas Ciancio were able to see several large withdraws by William Fowler totaling in the area of 200,000.00 to 250,000.00 dollars. Stephan Samuel stated William Fowler wrote the programs for Fowler Software Design accounting and it appeared that money was being taken out of accounts by William Fowler. Stephan Samuel stated Thomas Ciancio did not like William Fowler taking the company's money and causing a financial hardship on the company. Stephan Samuel stated Thomas Ciancio became frustrated with the way the company was being run and resigned in November 2009.

Stephan Samuel stated he continued to be friends with Thomas Ciancio and would even spend time at Thomas Ciancio's house. Stephan Samuel stated Thomas Ciancio told him that even after he resigned, William Fowler was holding him responsible for delivering bills and other company tasks. Thomas Ciancio also told Stephan Samuel that William Fowler was claiming that Thomas Ciancio owed Fowler Software approximately 150,000.00 dollars.

Stephan Samuel stated the last time he talked to Thomas Ciancio was on December 29, 2009 at 7:09 P.M. when he received a text message from Thomas Ciancio. Stephan Samuel stated the message said, "You are never going to believe this, they are going to write me a check." Stephan Samuel stated on December 30 or 31, 2009 he heard Thomas Ciancio had been shot.

On January 6, 2010 at approximately 1100 hours your affiant and Detective Whytock interviewed Alexander Fowler, DOB [REDACTED], at the Adams County Sheriff's Office Substation. Alexander Fowler had brought in car keys for William Fowler's vehicle. Your affiant asked Alexander Fowler if he owned any guns. Alexander Fowler stated yes, and then explained that he purchased a Glock, model 19, 9mm, handgun, with two ten round magazines, while he was in California. Alexander Fowler stated he gave his father, William Fowler the handgun for Christmas of 2007. Alexander Fowler stated he went shooting with William Fowler one time after that Christmas, and William Fowler shoots much better than he does. Alexander Fowler stated that he heard that William Fowler had been shot on December 30, 2009 and came here from Santa Fe New Mexico where he lives. Alexander Fowler stated he is staying with his mother Janet Fowler in Broomfield while he is in Colorado.

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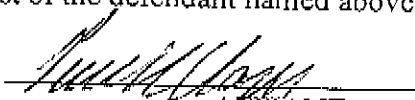
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Your affiant asked Alexander Fowler if he checked the house, for the handgun he gave to his father. Alexander Fowler stated, "Yes" and then said that the gun and magazines were not there. Your affiant asked about ammunition. Alexander Fowler stated, "The ammo is there, I even checked to make sure it was all there." "Because I thought that would be weird, if some was gone." Alexander Fowler then paused and said, "Well he could have stopped and picked some up." Your affiant asked Alexander Fowler if he heard of any information concerning the shooting. Alexander Fowler stated, "No."

William Rex Fowler, DOB [REDACTED]-51, is described as a white male, 6'3" tall, 200 pounds, green eyes, gray hair, and social security number [REDACTED].

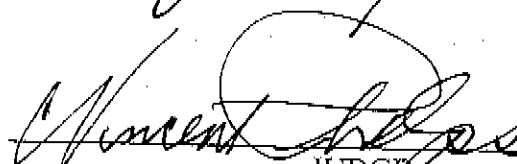
Based on the foregoing facts and circumstances, the affiant feels that he has probable cause to believe that the offense of first degree murder as is defined by C.R.S. 18-3-102 has been committed and that William Rex Fowler, DOB [REDACTED]-51, did commit this offense. William Rex Fowler's whereabouts are unknown.

Request is hereby made that a warrant be issued for the arrest of the defendant named above.


AFFIANT

The court having reviewed the affidavit and application for arrest warrant, finds probable cause for the arrest of William Rex Fowler, DOB [REDACTED]-51.

Subscribed and sworn to before me this 22 day of January, 2010.


JUDGE