YAVAPAI COUNTY ATTORNEY'S OFFICE
Joseph C. Butner III SBN 005229
County Attorney
255 E. Gurley Street, 3rd Fl.
Prescott, AZ 86301
(928) 771-3344
ycao@co.yavapai.az.us

Attorneys for STATE OF ARIZONA

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2010 MAY 21 PM 4:58
JEANNE HICKS, CLERK
BY: _____
B. Chamberlain

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, vs. STEVEN CARROLL DeMOCKER, Defendant.	Cause No. P1300CR20081339 Division 6 AFFIDAVIT REQUESTING ATTENDANCE OF OUT-OF-STATE WITNESS

STATE OF ARIZONA)
) ss
County of Yavapai)

JOSEPH C. BUTNER III, being first duly sworn upon his oath, deposes and says:

1. He is the Deputy Yavapai County Attorney assigned to prosecute the above-noted matter.

2. That Defendant, STEVEN CARROLL DEMOCKER, was indicted on February 6, 2009 with one (1) count First Degree Murder, a class 1 felony, and one (1) count First Degree Burglary, a class 2 felony, in P1300CR20081339.

Office of the Yavapai County Attorney
255 E. Gurley Street, Suite 300
Prescott, AZ 86301
Phone: (928) 771-3344 Facsimile: (928) 771-3110

Office of the Yavapai County Attorney
255 E. Gurley Street, Suite 300
Prescott, AZ 86301
Phone: (928) 771-3344 Facsimile: (928) 771-3110

3. A criminal trial is scheduled in this Court and in this matter commencing on the 2nd day of June, 2010.

4. Affiant believes that **JONATHAN LANTZ** is a necessary witness to matters material to the issues to be determined at the criminal trial and her presence is required by the State of Arizona to present this matter effectively.

5. Attached hereto is a YCSO supplemental report of witness **LANTZ** conducted by Det. John McDormett in support of this affidavit.

6. **JONATHAN LANTZ** is a necessary witness. The State requests that **JONATHAN LANTZ** be required to appear at said criminal trial.

7. Affiant is further informed and believes that said witness is out-of-state and within the borders of the State of COLORADO and said witness **JONATHAN LANTZ works at La Sportiva, 3850 Frontier #100, Boulder, CO 80301** and that there is no undue hardship on the witness in being compelled to attend and testify at the criminal trial scheduled in this matter.

8. A copy of this affidavit and accompanying pleadings will be provided to **JONATHAN LANTZ'S** attorney of record.

It is respectfully requested that this Court certify the presence of said witness to the responding Court of Record in the State of COLORADO under the provisions of the Uniform Act to Secure Attendance of Witnesses from Without the State in Criminal Cases as enacted in the State of COLORADO under the appropriate provisions of the laws of the said State.

>

>

>

>

RESPECTFULLY SUBMITTED this 21st day of May, 2010.

JOSEPH C. BUTNER III
DEPUTY YAVAPAI COUNTY ATTORNEY

By: _____
Joseph C. Butner III
Deputy Yavapai County Attorney

SUBSCRIBED and SWORN to before me this 21st day of May, 2010, by Joseph C. Butner III.

Deborah Cowell
Notary Public

My Commission Expires:

Oct 18, 2011

DEBORAH A. COWELL
Notary Public - Arizona
YAVAPAI COUNTY
My Commission Expires
OCTOBER 18, 2011

Office of the Yavapai County Attorney
255 E. Gurley Street, Suite 300
Prescott, AZ 86301
Phone: (928) 771-3344 Facsimile: (928) 771-3110

Law Supplemental Narrative:

Supplemental Narratives

Seq	Name	Date	Narrative
125	McDormett, J	10:59:36 01/29/10	
+Shoes			

A previous attempt at obtaining a shoe size and a manufacturer had been made. A shoe size was not given by the lab (DPS) and the possibilities they gave for the shoe did not match the tread pattern. I contacted the FBI and was put in touch with Eric Gilkerson of the FBI laboratory in Quantico, VA. I sent Eric (Through SA Brian Fagan) a disk of the photos taken of the shoe tread impressions from the scene that went from the bike tracks to the rear of the Bridle Path house and back. A disk of this will be placed into evidence and provided for disclosure. I contacted Eric and asked if he could give me an idea on the shoe size. He said he could not. Eric advised that impressions in the dirt, even with a casting, are often not an accurate representation as to shoe size because often they do not present a true toe to heel representation of the size. Eric did say the impression would be a common size. I asked if a shoe size in the 9-11 range would be a common size, he said it would. Eric advised that a possible match was the La Sportiva Ultra Nord GTX XCR. He said that sole most closely resembled the impression in the dirt. He termed it a hiking boot.

On 11/02/09 I received the report of examination from the FBI.

Deputy Brown and I compared the tread patterns located behind Carol's property and the heel appeared to be an exact representation of this type of shoe. It was harder to determine the forefoot portion although they appeared to be very similar.

Vibram is a company that manufactures soles for shoes. I contacted Vibram (Anne Tommasi / Tommasi 603-893-5878 atommasi@comcast.net) and emailed the sole that the FBI stated most closely resembled the sole pattern on the shoe. I was advised the sole that appeared on that shoe was not theirs as it did not have their branding. I then conducted further research based on the branding of the bottom of the sole of the photo that was sent to me by the FBI. The sole is a "Frixion sticky rubber" sole based on the label on the bottom of the Ultranord GTX shoe. Anne provided me with a contact for La Sportiva (Jonathon Lantz 303-443-8710 ext 11 jlantz@sportiva.com).

In January 2010 I spoke to Mr. lantz and learned it is a proprietary sole made in China for La Sportiva. Mr. Lantz, who is the president of the company, advised there are three different models of this shoe, (the Pikes Peak, the Ultranord GTX, and the Imogene). I had emailed Lantz the photo from the FBI of the sole of the shoes as well as photos 5401-5408 depicting the tread impressions left at the scene. Lantz said the shoes retailed for between $95-$135. The models were available at the time of the homicide. They did not sell any other shoes with that type of tread pattern or variations on that pattern. He said it was possible there could be other shoes out there with slight variations but he was not aware of any. I asked if these shoes were sold in Prescott AZ and he indicated they had dealers in Prescott, Phoenix, and Flagstaff. He said he would email me that information. He also advised he would email me photos of the models of the shoes that belonged to that sole. I received the email and what follows are the list of dealers that were sent the Imogene-he indicated the dealers would have also received the other models. The following stores in Arizona sell this type of shoe: BABBITT'S BACKCOUNTRY OUTFTRS. (928) 774-4775 12 E. ASPEN AVE. Flagstaff; ARIZONA HIKING SHACK (602) 944-7723 11649 N. CAVE CREEK ROAD Phoenix; MANZANITA OUTDOOR LLC (928) 778-0980 PRESCOTT; SUMMIT HUT (520) 325-1554 5045 EAST SPEEDWAY Tucson. I was

advised that La Sportiva sold approximately 3200 pairs of the Imogene, 1200

pairs of the Ultranord and 3800 pairs of the Pikes Peak in North America.

Report and correspondence placed into evidence and turned over for disclosure.

On January 27, 2010 detective vip assistant Anne Gordon-Lorentzen spoke with Gareth Richards, the owner of Outdoor Pro-Link, which is located at 1995 North 57th Court, Suite 200, Boulder, CO 80301. Outdoor Pro-Link was listed on DeMocker's Bank of America Credit Card (# 4356520003425856) for a purchase transaction April 26, 2006 (Statement date, May 16, 2006). According to Mr. Richards, the transaction record reflected that DeMocker purchased two pairs of LA SPORTIVA shoes on that date: one pair was a RAJAS and one pair was a Pike's Peak.

Mr. RICHARDS also advised Anne that he was a friend of Mr. DeMocker's when they both worked for Prescott College. Anne was advised that in 1999, RICHARDS was hired by Prescott College's hiring board and that Mr. DeMocker served on that board and was also the Dean.

Mr. Richards advised that the shoes purchased were a men's European size 43.5, which correlates to an American size 10 to 11 (which is in the range of Mr. DeMocker's shoe size).

I spoke to Mr. Richards on 01/28/2010 (recorded) in which the details of the purchase were recounted. See recording for full accounting. Disk placed into evidence and turned over for disclosure. Mr. Richards said his was an online store so the order was an online order. He said the Pike's Peak cost $47.00 and the Rajas were $52.50. He said Mr. DeMocker purchased several other items totaling $333.10. He said the prices are below retail as this site is not available to the general public (it's a site for outdoor professionals). He said you need a password to get into the site and he said Mr. DeMocker had a password to the site because of their friendship. Mr. DeMocker's Prolink account showed two other purchases January 2005 with no detail on what was purchased and May 2007 when sunglasses were purchased.

Richards said he did not speak to Mr. DeMocker before or after the purchase about the purchase of the shoes. He had not spoken to Mr. DeMocker since the homicide. At this point I did not interview Mr. Richards on the details of their friendship although he was open to talking to me in the future. I did not have the feeling he had any animosity toward Mr. DeMocker.

Mr. Richards emailed the online purchase receipt, which is the documentation for the transaction. A hard copy was printed and will be placed into evidence and given for disclosure. The receipt shows the shoes were ordered on 4/22/2006, billed to Steven DeMocker of 1716 Alpine Meadows #1405 Prescott AZ and shipped to Steven DeMocker at UBS, 1560 Plaza West Drive Prescott AZ. The phone number given was 928-713-1919, which was Mr. DeMocker's cell phone number. The user email was sdem@cableone.net. I noticed the receipt did not provide a tracking number so I called Mr. Richards back and he advised he was the middleman and the items would be shipped direct from the manufacturer. He said he would contact La Sportiva in the morning (which will be Friday 1/29/10) and speak to his customer service contact to get the tracking number.

On 1/28/10 I contacted La Sportiva and spoke to Mark Day, who is VP of sales. Mark was somewhat familiar with the situation from Mr. Lantz. Mr. Day confirmed that the Imogene, Ultra Nord, and Pike's Peak are the only three shoes they carry with that type of "bottom package", or tread design. He said these shoes

have a "very unique" bottom package and no other shoe they sell is similar (in terms of the bottom package). He also said he was not aware of any other shoes from other manufacturers that would have that particular tread design or anything similar. He said that would be "highly unusual". Mr. Day could not expand on the numbers sold in North America that was given to me by Mr. Lantz. He did say the Pike's Peak had a two year production run from December 2005-January 2006 until December 2007. The Ultra Nord also had a two year production run from January 2007 to late December 2008. The Imogene has had a production run from January 2008 to present. Mr. Day said there were no differences in the tread patterns, the style, or the color of the shoes from year to year. The Rajas shoe has a bottom package very different from that of the three other models.

I advised Mr. Day we were not able to locate the Pikes Peak shoe as still being available for sale. Mr. Day also checked and confirmed this. He stated he would mail us a "sample" shoe, which is a shoe their salespeople bring to retailers. He said he would get me as close to the Euro male 43.5 as possible. He also said he would get me an Ultra Nord sample and a full set of Imogene male 43.5 shoes as that is a current production. I offered to make arrangements to pay for the shoes but he declined payment. Mr. Day said he may not be able to ship the shoes out until Monday.

I spoke to Mark Day at La Sportiva on 1/29/10 and they are attempting to find the tracking number. Mr. Day called me back and verified the shoes were shipped 4/25/06 to Steven DeMocker at the UBS address via UPS tracking number 1Z80X029034625711. He will include this documentation with the shoes that will be shipped out. UPS cannot provide, at this point, information regarding that delivery due to the fact the shipment was almost four years ago. Additional investigation on the shoes will be provided in another supplement.

I advised Deb Cowell of all the contacts in this report for disclosure.

Detectives who searched the scene did not locate the Pike's Peak shoe. They did, however, recover the Rajas shoe (male Euro 43.5 US 10.5) in Mr. DeMocker's closet during a search of the Alpine Meadows residence on 7-3-08. Photos were taken of the shoes. The item number is #701.

Investigation ongoing.

Report Approved, T. Boelts #2735, Fri Jan 29 13:49:59 MST 2010

Law Supplemental Narrative:

Supplemental Narratives

Seq	Name	Date	Narrative
136	McDormett, J	16:26:45 03/11/10	

+Shoe report-ongoing

For background refer to supplement #125.

On 02/03/10 I received the following from La Sportiva: A pair of 10.5 Imogene's, one Ultra Nord size 9 right shoe and one Pikes Peak left shoe that did not have a size on it. I contacted Mark Day of La Sportiva and asked for the size of the Pike's Peak-he advised a 9. A visual inspection revealed no difference in the tread patterns (or soles or bottom package) on these shoes, which is what I had been advised of by La Sportiva. The shoes will be placed into evidence (6211). I photographed the shoes and submitted the disk into evidence.

I contacted La Sportiva on this date and I spoke to Jonathon Lantz who again advised there was no way of breaking down the number of shoes sent to the US (other than what was reported in supplement #125).

On 02/03/10 I spoke to Eric Gilkerson, the FBI forensic examiner who wrote the report referred to in 125. Eric was not at Quantico when I spoke to him. Eric explained the methodology he used. In short computer and human elements are involved. The computer is used to narrow down the possibilities based on geometric shape. He then compares the results himself (in this case to the photos of the tread pattern at the scene). He utilized two data bases: the widely known and used Foster and Freeman database and an internal FBI data base. I asked for his CV and he said he would send it the following week when he was back in Quantico.

On 2/10 I called Eric who advised he was snowed in and could not make it to the office (due to the snowstorms back east). He said he would email the CV once he was able to get back to the office.

On 2/16 Eric emailed his CV and copies went to the county attorney's office.

On 2/17 I spoke to Eric and asked him to compare the Imogene, Ultra Nord, and Pike's Peak to determine if the tread patterns were an exact match. He said he would contact La Sportiva to see if they could send him shoes for comparison.

On 2/23 I contacted Mark Day of La Sportiva regarding the transaction data for the shoes sent to Steven DeMocker. Mark advised me on 2/24 that his people were pulling those records and he would get them to me.

On 3/2 I contacted Mark asking if they had sent the transaction data. Mark said they mailed me a packet of information (on 3/1).

On 3/3 I Called Eric Gilkerson and he indicated he had not yet contacted La Sportiva as he was working on cases that were going to trial in 2-3 weeks. I explained the importance and urgency in getting this information as quickly as possible. Eric advised he would contact La Sportiva that day. Eric called back on this date asking that I send him the shoes La Sportiva sent to us as La Sportiva no longer had the Ultra Nords or Pikes Peak. I asked Joe Butner if we could send Gilkerson the shoes. Joe said we could. I contacted the YCSO evidence unit and arranged to have the shoes Fed Ex'd to Quantico. A request was written by me on department letterhead. This letter was approved by my supervisors. A copy of the letterhead and shipping information was placed into the case file and given to the county attorney's office. Prior to sending the package the

shoes were photographed from several different angles by evidence tech Sandy

Brown. The disk was placed in evidence and a copy was given to the county attorney's office. I was told the shoes were sent out 3/5.

On 3/8 I received copies of 1) The La Sportiva invoice sheet regarding the transaction showing a bill-to address of Pro-Outdoor Link and a ship to address of Steven DeMocker at the Prescott UBS address. The invoice, dated 4/26/06, is for one pair of Rajas size 43.5 and one pair of Pikes Peak size 43.5. The total for the shoes (only) was $94.13 with a freight charge of $6.78; 2) A picking sheet regarding the items that includes the UPS tracking number; 3) A copy of the shipping information containing Mr. DeMocker's name, UBS Prescott address, and his cell phone number; 4) The La Sportiva packing list showing the items were being shipped via UPS ground; 5) A confirmation email between La Sportiva and Outdoor Prolink; 6) A daily shipment detail report dated 4/25/06 showing the shipment to Steven DeMocker.

On 3/7 I advised Mark Day we would need the original transaction data as he had previously advised they were sending copies. On 3/9 I received the originals of items 1-5 (previous paragraph). Item 6 is a computer generated report. The originals of these items were placed into evidence. Copies were given to the county attorney's office.

On 3/7 I requested from Mark Day the numbers for all size 10.5 shoes manufactured in the three styles noted above.

On 3/8 I received an email from Mark Day of La Sportiva in which a spread sheet was attached entitled "Ultra Trail Sole sales history". The spread sheet contained the numbers of the Ultra Nord, Imogene, and Pikes Peak shoes sold in North America. The spread sheet reflects the total pairs of sizes (euro size) 43.5, 44.0, and 44.5 sold from 2006-2009. The total of size 43.5, which is the size Mr. Democker ordered, was 829. This number was further broken into (for 43.5) Ultra Nord: 118, Imogene: 362, Pikes Peak: 349. The email and spreadsheet will be placed into evidence and given to the county attorney's office.

The online shoe conversion chart for La Sportiva (Http://www.sportiva.com/products/sizing.php) shows that the Euro 43.5 in the La Sportiva shoe line equates to an American size 10-10.5. A print out of the chart was placed into evidence.

See also Commander Mascher report #135.

Ongoing investigation.

Report Approved, T. Boelts #2735, Tue Mar 16 11:26:39 MST 2010

Tue Mar 16 14:20:12 MST 2010
Supplements 134-136 w/back up documents to CA Butner.
slb/15838