

AFFIDAVIT

This affidavit is presented in support of search warrant for a 1996 Saturn sedan, green in color, bearing Colorado plate 208HFW, VIN 1G8ZF5285TZ182164, registered to Jennifer Marcum, 3815 Radiant Dr, Colorado Springs, CO. This vehicle is presently located at the Denver International Airport impound yard at 26500 East 71st Street, Denver, CO.

Your affiant is a Special Agent with the Federal Bureau of Investigation, assigned to the Violent Crimes Squad in Denver, Colorado. Your affiant has been employed by the FBI for 13 years and was a police officer/detective for 8 years prior to joining the FBI. Your affiant now believes that there is probable cause to believe that the above described vehicle contains evidence of a crime, specifically Tampering with a Witness, Victim or Informant in violation of 18 USC Section 1512 (a) (1)(C). The facts set forth in this affidavit are based upon interviews of witnesses, official police reports and personal investigation conducted by your affiant as well as information from confidential sources.

Beginning in August 2001, the Grand Jury for the District of Colorado returned a series of indictments charging numerous individuals including Steven Ennis with violating various federal drug laws. These indictments were based upon an investigation conducted principally by the United States Drug Enforcement Administration (DEA) which demonstrated that Steven Ennis, Genaro Brigante, Edward Gleason, Jason Price, and others were involved in a conspiracy to distribute a controlled substance, namely

Methylenedioxymethamphetamine (MDMA), commonly known as Ecstasy. During the course of the investigation, agents identified Patrick Ennis as the father, and Jennifer Marcum as the girlfriend, of Steven Ennis. Neither Patrick Ennis nor Jennifer Marcum is under indictment. However, follow-up investigation has revealed that both are likely to have knowledge of the drug conspiracy and evidence material to the prosecution of certain of the defendants under indictment.

In August 2002, a cooperating witness hereafter referred to as CW-1 reported to the FBI that while he was being held at the Federal Detention Center (FDC) in Englewood, Colorado Steven Ennis solicited him to kill Genaro Brigante. Ennis told CW-1 that he believed that Brigante was cooperating with law enforcement authorities against him. In subsequent interviews with your affiant and other law enforcement authorities, CW-1 further explained that he had been housed at the FDC with Steve Ennis from approximately April 2002 to September 2002, and then again during the first two (2) weeks of December, 2002. During those periods of time, CW-1 had numerous conversations with Steven Ennis, and in those conversations Ennis identified Jennifer Marcum as his girlfriend and instructed CW-1 to contact Marcum for assistance in carrying out the murder of Genaro Brigante once he (CW-1) was released from the FDC. CW-1 also received photographs and personal information on the intended victim from Ennis. Ennis told CW-1 that the pictures and information had been sent to the FDC by co-defendant Jason Price, who was on pre-trial release but was aware of the fact that CW-1 had been solicited to kill Brigante. Ennis also told CW-1 that there was a concern by himself and others involved in the case that his girlfriend, Jennifer Marcum, was a "weak

link” and might cooperate if DEA put pressure on her by threatening to take her son away. However, Ennis explained to CW-1 that in spite of this he was in love with her.

In December 2002, CW-1 was released from federal custody to actively cooperate with the FBI on the Steven Ennis matter. In carrying out that cooperation, CW-1 met with Jennifer Marcum approximately 12 times in person between December 2002 and February 16, 2003 and spoke to her on a daily basis by telephone. The majority of these contacts were not recorded. However, specifically on January 9, 2003, at the direction of your affiant, CW-1 met with Marcum wearing a recording device. In that meeting, Marcum never openly solicited CW-1 to kill Brigante, but made numerous statements such as “he’s a scumbag and deserves to die”, and also told CW-1 that she had money.

In March, 2003, CW-1 reported to your affiant that he had not seen or heard from Jennifer Marcum in quite some time, which was unusual according to CW-1, as they had been in telephonic and personal contact on numerous occasions between December, 2002 and February, 2003.

On April 19, 2003, CW-1 reported to your affiant that he had been in telephonic contact with Patrick Ennis, father of Steven Ennis. CW-1 stated that Patrick Ennis told him “Jennifer is dead, nobody will have to worry about her cooperating.” This conversation was not recorded but according to CW-1 took place approximately one week before April 19, 2003.

On this same date, April 19, 2003, at the direction of your affiant, CW-1 met with Jason Price, an indicted co-conspirator, who is suspected by DEA of being Ennis' partner in the drug conspiracy. During this meeting, which was recorded by CW-1, Price told CW-1 that Genaro Brigante was not the main problem in the case. Price identified another cooperating co-defendant, Edward Gleason, as being able to do more damage as a witness in the case, and that his death would benefit both Price and Ennis. Price also asked CW-1 for a fake passport and supporting documents so that he could flee if conviction in the drug case seemed likely. Price additionally told CW-1 that he still had good drug connections. CW-1 specifically asked whether Price knew if Jennifer Marcum was dead. Price stated, "no. . .she has just gone," but did not give CW-1 any further explanation.

CW-1 has previously provided information to law enforcement which your affiant believes to have been credible. Your affiant learned from Special Agent Colton Seale of the Anchorage office of FBI that CW-1 had given information concerning his being solicited to kill a federal judge and prosecutor. This information was acted upon and investigated by the FBI and led to the introduction of an undercover agent from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF) to the suspects in the case. The investigation by the undercover agent and other law enforcement officers corroborated information originally provided by CW-1 and resulted in the indictment of the two suspects. However, it should be noted that the individuals were later acquitted at trial.

CW-1 has an extensive history of being involved in fraud related to checks and has sustained at least three separate felony convictions involving worthless or counterfeit checks. The latest of these felony convictions was a plea of guilty entered in the District of Colorado, but involving checks counterfeited in Alaska. Sentencing in that case is pending and CW-1 is cooperating with law enforcement officials in the hopes of gaining some consideration in that case.

On or about May 28, 2003, your affiant became aware from US Probation Officer Sarah Hoppe that CW-1 was possibly once again involved in the utterance of counterfeit checks in Montana, Colorado and Washington. This unauthorized criminal activity caused CW-1 to be deactivated as an informant and led to his arrest on June 17, 2003 for violation of his probation in a 1999 case in Spokane, Washington. At the time of his arrest, CW-1 was held in the Denver City Jail.

On June 19, 2003, your affiant and DEA Special Agents Stacey Slater and Suzanne Halonen interviewed CW-1 at the Denver City Jail. CW-1 admitted to being involved in the new check-counterfeiting scheme. In addition, CW-1 informed your affiant of the following:

CW-1 stated that in mid-May, 2003, he met Jason Price at Price's home in Cherry Creek, specifically 225 South Monroe Street, Denver, Colorado. He explained that the meeting was in the evening and that Price was drinking alcoholic beverages. During that meeting Price showed CW-1 a digital photograph on his laptop computer. In the photograph,

CW-1 observed Jennifer Marcum's hands and legs bound and her mouth taped shut. He described her as lying in a fetal position on the floor of Price's bedroom with her eyes closed. Price told CW-1 that he strangled Marcum and that her body had been buried in a creek bed north of Rifle, Colorado. Price further stated that her clothes had been stripped before burial, but that he felt law enforcement could identify her from breast implants and a copper IUD. Price asked CW-1 if he would be willing to go to the body dump location and remove the breast implants and IUD in exchange for money. Price also asked CW-1 if he was "squeamish" and stated that the body was in "bad condition". According to CW-1, Price made no further statements regarding when exactly he had killed Marcum.

CW-1 explained to your Affiant that he had withheld the above information from the FBI because he knew that he would be arrested for the new counterfeit checks and needed to hold this information until it was of direct benefit to him.

As a result of this development, your affiant had CW-1 polygraphed by Denver Police Department Detective Ann Woods on June 20, 2003. During the polygraph, Detective Woods specifically asked CW-1 whether Jason Price had told him he had strangled Jennifer Marcum and whether CW-1 had in fact seen a computer photograph depicting Jennifer Marcum tied up at Jason's house. CW-1 responded, "yes" to both of these questions. Based upon the polygraph examination, Detective Woods concluded that in her opinion those responses were truthful.

In an effort to determine whether or not Jennifer Marcum is in fact missing and further corroborate the information that CW-1 has provided, law enforcement agents accomplished the following:

On June 19, 2003, DEA Agents Slater and Halonen interviewed Jeff Wiggins, who is the ex-husband of Jennifer Marcum. Wiggins confirmed that he has a four-year-old son with Marcum and that Marcum had not visited the son since February 16, 2003. Wiggins further stated that he had not spoken to or seen her since that time. Wiggins also noted that when he had last seen Marcum she was driving the 1996 green Saturn, which is the subject of this request for a search warrant.

On June 23, 2003, your affiant reviewed a telephone call that according to the Federal Detention Center (FDC) telephone monitoring system occurred on that same date. In that call, Steven Ennis spoke to his father Patrick Ennis (who had previously told CW-1 that Jennifer Marcum was dead). Patrick Ennis was in Washington (the call was placed to a 509 area code) at the time of the call. In that call, Steven Ennis asked about "her," which your affiant believes was a reference to Marcum. Patrick Ennis replied that "she" is still traveling between New York and Colorado Springs. Steven Ennis asked if she asked about him, and Patrick Ennis replied that, "All he (referring to a third person) said was that she said it was a dead-end street and she was going to get on with her life."

Based upon the context of this conversation, your Affiant cannot positively identify the third party whom Patrick Ennis was referring to, but suspects it was Jason Price.

On June 23, 2003 your affiant caused a National Crime Information Center (NCIC) "off-line" search for any law enforcement contacts with Jennifer Marcum or her 1996 Saturn to be conducted. An "off-line" search is a historical search of NCIC for past-occurred activity. If any law enforcement agency in the United States has queried Marcum or her vehicle, a history of that query (i.e., date, location, time, agency, etc.) is provided to the requestor. According to Colorado Department of Motor Vehicle files, Jennifer Marcum's only registered vehicle is a 1996 Saturn sedan, green in color, bearing Colorado plate 208HFW, VIN# 1G8ZF5285TZ182164. On June 24, 2003, as a result of this NCIC search, it was found that the Denver Police Department had queried the 1996 Saturn on March 27, 2003.

As a result of this information, your Affiant determined from Sergeant Jerry Parton, assigned to Denver International Airport (DIA), that in accordance with standard Denver Police Department procedures, the above described vehicle had been towed to the impound lot after being left on airport property for over 30 days. Porter explained the City and County of Denver Revised Municipal Code states that any vehicle found to have been parked for over 30 days is presumed to be abandoned and can be impounded. Porter further explained that any towed vehicle is normally left locked and attempts are made to notify the registered owner. Parton told your Affiant that in order to track the status of vehicles parked at DIA, parking officials record the license plate number of every vehicle still parked at DIA after midnight. Detective Parton reported that records obtained from parking officials first recorded the Saturn in the west parking garage sometime during the early morning hours of February 18, 2003. Melanie Blum, DIA

parking department, reported to your Affiant that according to parking department records, two (2) certified letters had been sent to Jennifer Marcum in Colorado Springs since the vehicle was impounded. The first letter went unanswered, and the second was returned with the notation "moved/left no forwarding address."

On June 25, 2003 your affiant interviewed an acquaintance of Jennifer Marcum identified as James "Sandy" Salmons. Salmons informed your affiant that Marcum was a dancer/stripper and sometimes engaged in sexual acts for money. Salmons further explained that he met Marcum in February 2002, when she was dancing at Shotgun Willie's, a strip club located in Glendale, Colorado. He stated that they began a friendship that at times included sex for money, but according to Salmons was mainly companionship between an older man and a younger woman. Salmons corroborated that Marcum did, in fact, have breast implants because he had purchased them for her. Salmons further stated that based upon the numerous conversations he had with her, it was his impression that Marcum was a devoted mother to her son, Austin, and that she planned to marry Steve Ennis when he was released from prison. Salmons was also aware that Marcum would travel between Colorado Springs and New York City, stripping in a club in New York. Salmons noted that he had not spoken to Marcum since some time in February 2003, but that during their last conversation she talked of opening a coffee kiosk with a Seattle company in the Denver metro area. When Salmons last saw Marcum she was driving the 1996 Saturn which is the subject of this request for a search warrant.

On June 26, 2003, your affiant personally reviewed visitation records at the Federal Detention Center. The records showed that Jennifer Marcum was a regular visitor to Steven Ennis at the Federal Detention Center, visiting him 67 times between May 2002 and February 17, 2003, which was her last visit.

On the same date, your affiant caused a search of the Federal Detention Center inmate telephone system which records/stores all non-legal inmate telephone calls to be conducted. The records indicated that Jennifer Marcum's last telephone conversation with Steven Ennis was on February 17, 2003, at 9:30 PM. Your affiant listened to that recorded call. Marcum and Ennis exchanged loving words that indicated a long-term relationship was intact. Marcum told Ennis that she would talk to him the next day and would see him the following Thursday (February 20, 2003). According to Bureau of Prison records, Steven Ennis has attempted on numerous occasions to contact Jennifer Marcum by telephone but that he has not had any telephonic conversations with her since February 17, 2003.

On July 8, 2003, your affiant caused a query of the files maintained by the Airline Reporting Corporation (ARC) to be conducted. Jim Manning, an ARC employee, reported to your affiant that ARC is a private entity that manages airline ticket purchases for approximately 75% of the airline industry. Manning informed your Affiant that there was no record in ARC files of a Jennifer Marcum flying out of DIA on or about February 16-20, 2003.

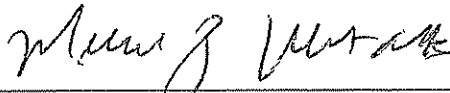
The above facts and circumstances establish that the whereabouts of Jennifer Marcum cannot be determined and there is probable cause to believe that she is a victim of a homicide in violation of Title 18, United States Code, Section 1512(a)(1)(C). The facts also establish that the vehicle Marcum was driving at the time of her disappearance was abandoned at Denver International Airport on or about February 18, 2003. Your affiant respectfully requests a warrant to search that vehicle for the evidence outlined in Attachment A.

I, Carle Schlaff, being duly sworn according to law, deposes and says that the facts stated in the foregoing affidavit are true and correct to the best of my knowledge, information and belief.



CARLE SCHLAFF, SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn to and subscribed before me this 10TH day of July, 2003. At 2:15 p.m.



UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO