

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FILED

FOR COOS COUNTY

2001 JUL 13 AM 11:56
Nunc Pro Tunc 7-27-00
COOS COUNTY COURT
COQUILLE, OREGON

00CR1392

AFFIDAVIT FOR SEARCH WARRANT

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5 STATE OF OREGON,)
6)
7 Plaintiff,)
8)
9 vs.)
10)
11)
12 NICHOLAS JAMES MCGUFFIN,)
13 DOB 04/25/82)
14)
15 Defendant.)
16)
17)

18
19 STATE OF OREGON)
20) ss
21 County of Coos)
22)

I, Dave Hall, after being duly sworn, depose and say that:

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24
25 I am a police officer with the City of Coquille, and have been so employed
26 for the previous 7 years. I have been assigned the investigation involving the
27 disappearance of Leah Freeman, DOB 10/29/84, that occurred on or about
28 Wednesday, June 28, 2000.

29 I previously applied to the Court for a search warrant for the car of
30 Nicholas McGuffin. A copy of the affidavit that I swore to in support of that
31 warrant is attached hereto, marked Exhibit A and by this reference is
32 incorporated herein.

33 The search warrant for the Mustang was executed on July 6, 2000. Kathy
34 Wilcox, who I know is employed by the Oregon State Police as a forensic scientist

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1 examined the vehicle in question. She has informed me that during the
2 examination nothing of significance was noted. However, when the trunk was
3 opened, she noted that the trunk was empty. There was no liner, no spare tire,
4 no jack nor was there a tire iron.

5 I have spoken with Lt. Buddy Young, who I know to be a lieutenant with
6 the North Bend Police Department. I know Lt. Young to be a truthful and reliable
7 police officer. Lt. Young has informed me that: he has spoken with the father of
8 Nick McGuffin, Mr. Bruce McGuffin; that Lt. Young explained that it was curious
9 that there had been nothing found in the trunk; and that Mr. Bruce McGuffin
10 explained that the items had been removed from the trunk as the car was in
11 need of repair. I did note that the rear quarter panel of car appeared to have
12 been recently replaced or repaired and that it appeared that the car had a leak
13 from the gasoline tank.

14 I have attached to this affidavit, marked Exhibit B a map of the Coquille
15 area. I have done so as to better explain the locations of certain events depicted
16 in this affidavit.

17 I have marked the following approximate locations on the map:

18 #1 – depicts the approximate location of Leah Freeman’s residence;

19 #2 – depicts the approximate location of the Mitchell residence, which was
20 the location from which Leah was walking when she disappeared;

21 #3 – The approximate location of McKay’s Market, where Leah was sighted;

1 #4 – The approximate location of Hunter’s Restaurant, where Leah was
2 sighted;

3 #5 – The approximate location of the Haga residence, where Leah
4 Freeman, Nick McGuffin and Brent Bartley and his girlfriend had been at
5 prior to Nick McGuffin taking Leah to the Mitchell residence.

6 I need for the Court to note that Elm Street has two different locations
7 within Coquille. The first segment is located off of West 4th Street and is
8 approximately one block long. The second segment is several blocks long and is
9 located off of Central next to the Masonic Cemetery and the old IOOF Cemetery.
10 In addition, the Court needs to be aware that the Elm street location next to the
11 cemeteries is a paved road and that by going north on this segment of Elm
12 street, one will eventually reach 18th street and that by turning west on 18th, one
13 can travel a short distance to Fir Street then turn north on Fir which then
14 changes into Dean Minard Road. At the end of Dean Minard is the Haga
15 residence.

16 There are two routes one can use to get to the Haga residence. One would
17 be to take the above-described route, which incidentally is paved. The other
18 would be to turn north off of Central directly onto Fir. However, I know based
19 upon my own observations that Fir is a gravel road until in it intersects with 18th
20 Street. I also note, again based upon my own observations, that most persons
21 wishing to travel to the north end of Fir Street and Dean Minard Road will use
22 the Elm Street route so as to avoid the gravel portion of Fir Street.

1 On July 3, 2000, Mr. Tony Messerle reported to the Coquille Police
2 Department that: he works for Coos County at the County Shop; that he works
3 on the swing shift and normally gets off of work at between 11:00 PM and 11:30
4 PM; that on June 28, 2000, he started for his residence, which would require
5 him to drive on Elm Street next to the Masonic and IOOF cemeteries; that at
6 approximately 11:30 PM, as he was headed for home on Elm Street, that he saw
7 beside the road a Nike shoe; that he thought the shoe might belong to one of his
8 kids or one of the kids in the neighborhood; that he picked up the shoe and took
9 it home; and that when he learned that Leah had disappeared, he realized that
10 the shoe may have some connection to the case and then brought the shoe to the
11 Coquille Police. The approximate location where this shoe was found is marked
12 #6 on the attached map.

13 I have spoken with Sgt. Kip Oswald of the Coos County Sheriff's Office. I
14 know Sgt. Oswald to be a truthful and reliable police officer. Sgt. Oswald has
15 informed me: that on July 4, 2000, he was on routine patrol in Coos County;
16 that he patrolled an area known as Hudson Ridge which is located in the
17 Fairview area that is east of Coquille; that as he was on a dirt road by some
18 power lines on Hudson Ridge that he found on or near the road a Nike shoe; and
19 that as he was aware of Leah Freeman being missing, that he picked up the shoe
20 to see if it was somehow connected to the case.

21 I have compared these two shoes and I note that they appear to be a
22 matching set. They are the same color and size. The one from Elm Street is for

1 the right foot; the one from Hudson Ridge is for the left foot. I caused that both
2 shoes be sent to the Oregon State Police Crime Lab for examination.

3 On July 17, 2000, I was contacted by Kathy Wilcox of the Oregon State
4 Police Crime Lab in Coos Bay. Ms. Wilcox informed me: that she had examined
5 the shoes; that on the left shoe, the one located on Hudson Ridge, that she had
6 found small droplets of blood; that the blood was located on the sole of the shoe;
7 that she had tested part of the blood and determined that it was in fact human
8 blood; that based upon the size and outlines of the droplets, that the blood
9 droplets appeared to be blood spatter and that it appeared to be consistent with
10 what is known as medium to high velocity blood spatter. Ms. Wilcox has
11 explained to me that medium to high velocity blood spatter occurs when an
12 object, such as a club or a bullet, moving at a fast speed, strikes an object which
13 contains blood, such as a part of a human body, with such force that a wound is
14 opened thus causing blood to splatter.

15 Ms. Wilcox also informed me that there was sufficient blood on the shoe to
16 do a DNA test, which I know to be a test that can determine if the blood is from a
17 particular person. I have obtained from the Freeman residence the hair and
18 tooth brush of Leah Freeman that can be used to obtain a DNA sample for Leah
19 and can be used to compare with the DNA from the shoe. I also know that if a
20 sample of DNA is taken from a potential suspect that it too can be compared to
21 the DNA on the shoe. The shoes and brushes have been sent to the Oregon State
22 Police Crime Lab that performs these types of tests.

1 The above-described shoes were shown to Denise Freeman, a sister of
2 Leah Freeman. She has stated that she believes the shoes to be the property of
3 Leah Freeman.

4 Since the discovery of these shoes, there have been searches of the areas
5 where they were found. On Hudson Ridge, in addition to a search by law
6 enforcement personnel, specially trained dogs used to find cadavers were also
7 employed. Nothing of interest was found.

8 On June 29, 2000, after Leah's disappearance had been reported to the
9 Coquille Police, and after I had found out that Leah, McGuffin and Bartley had
10 been to the Haga residence at the end of Fir Street/Dean Minard Road earlier on
11 June 28, myself and Chief Reeves went to the Haga residence to see if she was
12 there. No one was at the residence. However, we did note that on the deck area
13 there appeared to be several beer cans and a white men's sleeveless T-shirt. At
14 the time we had a description of the clothes that Leah was wearing at the time
15 she disappeared, which included a white top. At the time we were at the Haga
16 residence, I believed that she had been wearing a female white tank top. As the
17 T-shirt I saw did not match with a female tank top, I did not seize the shirt. Later
18 that day, after speaking with the Freeman family, I realized that she had been
19 wearing a man's sleeveless T-shirt. At that time I realized that the shirt I saw at
20 the Haga residence was of potential significance. I drove back to the Haga home
21 to obtain the shirt. However, when I arrived back at the Haga house the deck
22 area had been cleaned and the shirt and beer cans were gone.

1 Nick McGuffin has also supplied me with a copy of a photograph of Leah
2 Freeman that was taken on the day she disappeared. McGuffin explained that he
3 took several pictures the day that Leah disappeared. A copy of the photo is
4 attached hereto, marked Exhibit C and by this reference is incorporated herein.
5 McGuffin did not share with the police any other photo taken that day.

6 By examining public records, I have determined that the above Haga
7 property is described as having the address of 2008 North Fir, Coquille, Oregon.
8 According to the Coos County Assessor, there is approximately 40 acres of land
9 owned by Mr. and Mrs. Haga at that location. Copies of the Assessor's records
10 are attached hereto, marked Exhibit D and by this reference are incorporated
11 herein.

12 In speaking with Mr. Nick McGuffin, he has informed me that he lives
13 with his parents at 56246 Baker Road, Coquille, Oregon. According to Coos
14 County Assessor's records, the property at 56246 Baker Road is owned by Bruce
15 and Kathleen McGuffin and consists of approximately 7.5 acres and includes a
16 residence and a mobile home thereon. Copies of the Assessor's records are
17 attached hereto, marked Exhibit E and by this reference are incorporated herein.

18 I have viewed the Haga and McGuffin properties and I can describe them
19 as being heavily wooded areas.

20 I have spoken with Paul Frasier, who I know to be a deputy district
21 attorney for Coos County and who has been asked by the District Attorney to
22 assist in this investigation. I know Mr. Frasier to be a truthful and reliable

1 person. Mr. Frasier has told me: that on July 20, 2000, he convened the Coos
2 County Grand Jury for the purpose of assisting in this investigation; that he had
3 14 witnesses testify at the hearing; that he had obtained prior permission of the
4 Court to record the testimony; that three individuals, Aaron West, David Jenkins
5 and Josh Emler testified that they had contact with Nick McGuffin early in the
6 evening of June 28, 2000; that during that contact they met with McGuffin at
7 Johnson Mill Pond which is located south of Coquille off of Highway 42; that
8 while at the Pond, all 4 of them smoked marijuana; that apparently Leah had
9 been dropped off at the Mitchell residence during the time they were with Nick
10 McGuffin as Leah was not with Nick and that when Nick left, he indicated that
11 he was going to pick Leah up; that at that time, Nick was driving the blue
12 Mustang; and that later in the evening they saw Nick in Coquille and that he
13 was driving a maroon Thunderbird automobile.

14 In addition, Mr. Frasier told me that a Jason Rice testified at Grand Jury
15 and that Mr. Rice testified he saw Nick McGuffin with the Thunderbird on the
16 evening of June 28, 2000, at the Fast Mart in Coquille. Mr. Rice was not sure of
17 the time, but it was after dark. I noted that at that time, it did not get dark until
18 approximately 9:45 PM.

19 Mr. Frasier also told me that Mark Kirn testified at the Grand Jury and
20 that sometime between 9 and 10 PM at the Fast Mart he saw Nick McGuffin
21 driving the Thunderbird.

1 According to Coquille Police records, Nick McGuffin was stopped by the
2 Coquille Police on June 28, 2000 at approximately 10:30 PM while driving the
3 blue Mustang. He was stopped again in the early morning hours of June 29,
4 2000 and he was driving the blue Mustang.

5 It appears to me that if West, Jenkins, Emler, Kirn and Rice are correct in
6 their observations regarding McGuffin driving a Thunderbird, that sometime
7 after 9 PM Nick McGuffin switched from the blue Mustang to the Thunderbird
8 and then back to the Mustang. This would have occurred during the same time
9 frame that Leah Freeman disappeared.

10 I caused a check to be made with the Department of Motor Vehicles and
11 learned that Bruce and Kathleen McGuffin of 56246 Baker Road, Coquille,
12 Oregon are the registered owners of a 1991 Ford Thunderbird, Oregon License
13 #SMQ 836. I have seen this vehicle and I know it to be maroon in color and I
14 have seen Nick McGuffin drive the vehicle before.

15 I would also ask the Court to note the location of the last sightings of Leah
16 in connection with the location of the shoe found on Elm Street and the location
17 of the Haga residence. These sightings and the location of the shoe would be
18 consistent with a route to go to the Haga property.

19 According to Leah's mother, Cory Courtright, on June 28, 2000, Leah was
20 wearing a white men's sleeveless T-shirt, blue jeans and Nike tennis shoes.

21 Due to the information that human blood, consistent with high velocity
22 blood splatter, has been found on a pair of shoes which is believed by Denise

1 Freeman to be shoes belonging to Leah Freeman, and the fact the Leah Freeman
2 has been missing from June 28, 2000, I believe that Leah Freeman is probably
3 the victim of criminal violence and that she may even be deceased. Further, I
4 believe it likely that Leah Freeman has been the victim of some sort of violence at
5 the hand of Nicholas James McGuffin and that he then transported Leah
6 Freeman to an unknown location.

7 I know based upon my training and experience that a person being
8 transported in a car can leave behind in the vehicle trace evidence, such as hair,
9 skin particles, and clothing fibers that can then be used to identify a person. I
10 also know that a person being transported in a car can also pick up on its
11 person trace evidence, such as dirt and dust particles and fabric fibers that can
12 be used to show if that person had actually been in that car. I also know that a
13 car can be examined, both from the inside and from the exterior, for dirt and soil
14 samples that can be compared with samples from a particular location to
15 determine if in fact the car was at the location in question. I also know that
16 impressions of the tread of tires on cars can be compared with tire tracks found
17 at a scene to determine if the vehicle is the one which made the tracks in
18 question.

19 I also know that if a person has been subjected to violence that bodily
20 fluids such as blood, saliva, urine and fecal material may be released from the
21 victim and that those bodily fluids may be found in a car used to transport such
22 a victim. If sexual violence occurred, vaginal fluids and semen may also be

1 present and can be recovered from such a vehicle. I also know that items
2 sometimes used in assaults, such as tire irons and other car related equipment
3 can be used as bludgeoning devices and that such evidence as hair, fibers and
4 bodily fluids may be present on them. I also know that if a firearm was used,
5 that when the weapon is fired, that the weapon will expel gunpowder residue
6 which can found on the person that has been shot and that can also be
7 transferred from the person who was shot to a vehicle used to transport such a
8 victim.

9 I also know based upon my training and experience that persons who
10 transport other persons to discreet hiding locations in a vehicle will sometimes
11 keep in the vehicle documentary evidence of the hiding place. These would
12 include, but are not limited to, maps, notes with directions, addresses or
13 locations written thereon, letters and journal or diary entries.

14 I also know based upon my training and experience that a person who is
15 involved in perpetrating violence on another will often times have evidence from
16 the person assaulted transfer to the perpetrator's person or clothing. For
17 example, a person involved in a shooting or a beating may have on his person or
18 clothing or shoes trace evidence, such as gunpowder residue and blood splatter.
19 Such clothing and shoes are often kept in the residence of the perpetrator. If a
20 struggle ensued, such evidence may include hair and skin fragments, along with
21 fibers and other forms of trace evidence. There may be injuries such as bruises
22 and cuts upon the perpetrator's body. If the perpetrator's body is examined,

1 photographs may be taken of such injuries. In addition, trace evidence from the
2 perpetrator may be transferred to the victim. This could include blood, saliva,
3 semen (if a sexual assault took place) and hair and skin fragments.
4 Consequently, if a DNA sample and full body hair samples are obtained, they can
5 be compared with any such items found on the victim to see if they are one and
6 the same.

7 In addition, persons involved in such criminal behavior sometimes write
8 down their thoughts and actions, which would be included in such things as
9 journals and diaries. The person who transports other persons to discreet hiding
10 locations will sometimes keep documentary evidence of the hiding place. These
11 would include, but are not limited to, maps, notes with directions, addresses or
12 locations written thereon, letters and journal or diary entries. Again, such items
13 are usually kept in the home of the perpetrator.

14 Further, if in fact Leah Freeman is deceased, her body must have been
15 placed in a discreet hiding place. Given that the McGuffin property consists of
16 over 7 acres of wooded land, and the Haga property consists of approximately 40
17 acres of wooded land, either location could have been used to hide the body of
18 Leah Freeman. This is further likely given the facts that it appears that Leah may
19 have been walking to the Haga property on the night she disappeared, the fact
20 that nothing of interest was found in the area where the shoes were located, the
21 fact that a white sleeveless T-shirt disappeared from the Haga property before

1 the police could seize it and the fact that for some reason, Nick McGuffin
2 switched cars during the time frame that Leah disappeared.

3 Based upon the above information, I have probable cause to believe and do
4 believe that evidence of the crimes Criminal Homicide, as defined in ORS
5 163.005 and Assault, as defined in ORS 163.160 through 163.185, including
6 but not limited to, trace evidence, hair, skin particles, clothing fibers, dirt and
7 dust particles and fabric fibers, dirt and soil samples from the interior and
8 exterior, tire track impressions, blood, saliva, urine, fecal material, vaginal fluids,
9 semen, gunpowder residue and documentary evidence of a hiding place for Leah
10 Freeman, including but not limited to maps, notes with directions, addresses or
11 locations written thereon, letters and journal or diary entries, and the clothing of
12 Leah Freeman, including but not limited to a men's white sleeveless T-shirt and
13 blue jeans, is currently located on or in a 1991 Ford Thunderbird automobile,
14 maroon in color, Oregon License #SMQ 836 which is currently located in Coos
15 County, Oregon.

16 Further, I have probable cause to believe and do believe that evidence of
17 the crimes Criminal Homicide, as defined in ORS 163.005 and Assault, as
18 defined in ORS 163.160 through 163.185, including but not limited to, trace
19 evidence, hair, skin particles, clothing fibers, dirt and dust particles and fabric
20 fibers, dirt and soil samples, blood, saliva, urine, fecal material, vaginal fluids,
21 semen, gunpowder residue, the clothing of Leah Freeman, including but not
22 limited to a white men's sleeveless T-shirt and blue jeans, the body or person of

1 Leah Freeman and documentary evidence of a hiding place for Leah Freeman,
2 including but not limited to maps, notes with directions, addresses or locations
3 written thereon, letters and journal or diary entries, and photographs taken of
4 Leah Freeman on June 28, 2000, is currently located on or in the apearance and
5 real property and any and all residences, out buildings appurtenances and
6 improvements located thereon and associated with the address of 56246 Baker
7 Road, Coquille, Coos County, Oregon. This property is further described in the
8 attached Exhibit E.

9 Further, I have probable cause to believe and do believe that evidence of
10 the crimes Criminal Homicide, as defined in ORS 163.005 and Assault, as
11 defined in ORS 163.160 through 163.185, including but not limited to, trace
12 evidence, hair, skin particles, clothing fibers, dirt and dust particles and fabric
13 fibers, dirt and soil samples, blood, saliva, urine, fecal material, vaginal fluids,
14 semen, gunpowder residue, the clothing of Leah Freeman, including but not
15 limited to a white men's sleeveless T-shirt and blue jeans, the body or person of
16 Leah Freeman and documentary evidence of a hiding place for Leah Freeman,
17 including but not limited to maps, notes with directions, addresses or locations
18 written thereon, letters and journal or diary entries, is currently located on or in
19 the apearance and real property and any and all residences, out buildings
20 appurtenances and improvements located thereon and associated with the
21 address of 2008 North Fir, Coquille, Coos County, Oregon. Said property is
22 further described in the attached Exhibit D.


1 Further, I have probable cause to believe and do believe that evidence of
2 the crimes Criminal Homicide, as defined in ORS 163.005 and Assault, as
3 defined in ORS 163.160 through 163.185, including but not limited to, a DNA
4 sample, full body hair samples, bruises and cuts and other trace evidence is
5 currently located on or in the person of Nicholas James McGuffin, DOB
6 04/25/82.

7 Wherefore, I pray that this Court issue a warrants to search the above
8 described vehicle, property and person and for an order seizing the above
9 described evidence.

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AFFIANT

Subscribed and sworn to before me this 27th day of July, 2000.


Judge