

A F F I D A V I T

STATE OF FLORIDA	)	IN THE <u>CIRCUIT</u> COURT
	)	LEE COUNTY
-vs-	)	STATE OF FLORIDA
	)	
Daniel Owen Conahan Jr.	)	
W/M DOB 05/11/54		
5'11", Brn, Brn		

BEFORE ME, the Honorable DARRYL CASANUEVA Judge in and for said County, personally came Detective and Special State Attorney Investigator Rickey L. Hobbs, and Special Agent James Myers Who, first being duly sworn deposes and says that on August 15, 1994 in the County aforesaid, one **DANIEL OWEN CONAHAN JR.**, did Commit **KIDNAPPING**, in violation of F.S.S. 787.01 04, two counts (2) **SEXUAL BATTERY** in violation of F.S.S., 794.011, AND **ATTEMPTED FIRST DEGREE MURDER**, in violation of F.S.S. 777.04

There is probable cause to believe this in that:

On approximately April 18, 1996 a Task Force consisting of Officers of the Charlotte County Sheriff's Office, North Port Police Department, Florida Department of Law Enforcement, Fort Myers Police Department and the State Attorneys Office of Florida's Twelfth and Twentieth Judicial Circuits was created. The purpose of this Task Force was to investigate similar homicides that have occurred in both Charlotte and Sarasota County, Florida, since February 1994. A total of five (5) victims have been discovered with the latest body being discovered on April 17, 1996 in Charlotte County, Florida.

The first victim John Doe #1, was found on February 01, 1994 in a wooded area of Wyndotte street in Northern Charlotte County, Florida. This victims remains have yet to be positively identified and hereafter will be referred to as John Doe # 1. John Doe # 1's body was discovered nude, lying on his back. John Doe # 1's remains were examined by Medical Examiner, Dr. Riazul H. Imami. Dr. Imami determined that the victim had died approximately 3 - 4 weeks prior to discovery and was in an advanced state of decomposition.

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The body was of a white male approximately 5'7" to 5'9" between 25 and 35 years of age, 150 - 160 lbs with brown hair. The decomposition of the body was greater in the areas of the head, neck and lower pelvis which suggested injuries to those areas. Dr. Riazul H. Imami ruled the cause of death "undetermined".

The Second victim John Doe #2, was found on January 01, 1996 in a wooded area off Plamendon Street in the City of North Port, Sarasota County, Florida. The victims remains have yet to be positively identified and will hereafter be referred to as John Doe # 2. John Doe # 2 was nude, lying on his back almost in an identical position as John Doe # 1. John Doe # 2's remains were examined by Assistant Medical Examiner, Dr. James C. Wilson. Dr. Wilson ruled that John Doe # 2's death as "homicidal violence, type unspecified". Dr. Wilson described John Doe # 2 as a white male between the ages of 35 - 45 years of age, heavy build, approximate height of 74 inches with brown hair.

The third victim, was found on March 07, 1996 in a wooded area off Laramie Circle in the city of North Port, Sarasota County, Florida. The victims remains have yet to be positively identified and will hereafter be referred to as John Doe #3. John Doe # 3's remains were examined by Assistant Medical Examiner, Dr. James C. Wilson. Dr. Wilson ruled that John Doe # 3's death as "homicidal violence, by stabbing.

Dr. Wilson found 4 apparent stab wounds, two (2) in the victim's chest and two (2) in the victim upper abdomen, made by a sharp object, which penetrated vital organs. The autopsy also found ligature marks on the victim's chest and legs indicating he had been tied up in some fashion. Dr. Wilson also found scratches on the front of the victim's body and cuts in the thick tissue on the ball of the victim's feet which indicated the victim had been running through the woods naked just before death. Dr. Wilson's report stated he found indications that the victim's genitals had been amputated some time after death.

The position on the ground that John Doe # 3 was found was very similar to the positions John Doe # 1 and John Doe # 2 were found. In all three cases the victims were white males, naked, lying on their backs, arms out to the sides, legs flat but slightly spread apart.

Detectives of the North Port Police Department were still working the crime scene of John Doe #3 when they were advised of the ligature marks on the body by Dr. Wilson. The marks found on John Doe # 3's body were around the chest and legs. A closer inspection of the scene revealed similar ligature marks on a palm tree that was within a 20 foot radius of the location the body was discovered.

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The ligature marks found on the tree were of similar size to those found on the body and were at the approximately the same height from the ground on the tree compared to the victims body if he was standing up. The ligature marks indicated a possible wrapping around the tree because where the mark stopped on the tree it would then start on the body, travel around the body, stop, and start on the tree again on the opposite side of the body in almost a circle.

The discovery of the ligature marks on the tree at the John Doe #3 scene prompted Detectives to recheck the scene of John Doe #2. Similar ligature marks were found on a palm tree with in a 20 foot radius of where John Doe # 2 had been found . These marks similar in size and location to the ones found on the John Doe #3 site suggesting John Doe # 2 had also been tied in a similar fashion to a tree.

Your Affiant, Det. Rickey Hobbs of the Charlotte County Sheriff's Office had been assigned the John Doe #1 investigation as a "cold case" and contacted the North Port Police Department concerning their discoveries , seeking any information which might link the deaths. Det. Rickey Hobbs, your Affiant met with Det. Tom Choiniere of the North Port Police Department on March 14, 1996 to review the information from their cases. Upon reviewing the crime scene photos and videos of the two cases, definite similarities of all these scenes were observed and were almost identical to the February 1994 case. Upon looking at the photos, someone not familiar with the case or the scenes would see littel difference in the position and condition of John Doe # 1 and John Doe # 3. John Doe # 2 was mostly skeletal, but the overall layout of the bones indicated the body had been displayed and left in a similar fashion..

Your Affiant assisted by Detective Wyatt Henderson of the Charlotte County Sheriff's Office, returned to the scene of the John Doe #1 discovery on approximately April 25, 1996 for another search. The scene in question is a densely wooded area and appeared untouched since the original discovery in 1994. A search of the trees within 20 foot radius of where the body had been found revealed a small pine tree that exhibited old damage to the bark in three separate areas. Considering the height of John Doe # 1, the damage would be consistent with ligatures around his neck, chest and legs indicating that he was most likely tied to this tree. This discovery and the similarities of all the scenes indicated all three murders may have been committed by the same perpetrator.

The ligature marks on the trees and on the bodies were now showing a pattern to the perpetrators general Modus Operandi (M.O.). It appeared the victims may have allowed themselves to be tied to the trees due to the lack of any defense wounds or marks found on the deceased victims. Further, the marks on the bodies were across the chest, but none were found on the arms or wrists, indicating the victims hands were free when they were tied to

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these trees. The ligature marks on the trees were found only on the side and rear of the tree, showing a gap across what would be the front, where the victims body would have rested.

The marks indicated the victim was tied with his back facing the direction the scene was entered. By doing this the perpetrator would most likely be standing in front of the victim and this would provide a view to the rear of anyone who may enter the area while the perpetrator and the victim were there. A cigarette butt, later identified by the lab as a Winston, and a black "Bic" cigarette lighter were found on the scene of John Doe # 3 supported the possible position the perpetrator would have been standing.

On April 17, 1996 at approximately 12:05 PM, the Charlotte County Sheriff's Office received a complaint regarding a human head being found in a wooded area off Trembley Avenue and Willow Street, in northern Charlotte County. The Complainant was identified as Thomas Reese of the Charlotte County Public Works Division. Reese stated he and Mike Tish also a county employee, found what they thought, was a human head in the woods at the above location.

Affiant along with other Detectives of the Charlotte County Sheriff's Office responded to the location and verified Reese and Tish had found a severed human head in the woods. The preliminary search of the area lead investigators to additional parts of the body, being the upper torso and the pelvis. The body which has since been identified as Kenneth Lee Smith, had been dismembered and the parts were scattered over an area of approximately 100 yards. The arms, hands, right leg, right foot and upper left leg have not been found as of this time.

During the area search looking for other severed body parts Your Affiant found the remains of another victim in close proximity to the first. The second body was found lying under a tree, covered with some discarded carpet padding. The person was a white male in his late teens or early twenties and has since been identified as Richard Allen Montgomery.

He was naked, lying on his back with signs of ligature marks around his neck, chest and legs. The genitals of the victim were also missing and appeared to have been removed with a sharp tool. The position of this body, the ligature marks and the removal of the genitals, combined with the general scene topography matched the previously mentioned scene of John Doe's 1,2, & 3. A single hair of unknown ^{OR}ORIGIN was found imbedded in the bark of a tree beside Montgomery's body.

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Autopsies were performed on the two victims by Dr. Riazul H. Imami, the District Medical Examiner in Charlotte County. The cause of death for Kenneth Lee Smith could not be determined because of lack of organs, tissue etc. and was estimated to have been dead for weeks. The Autopsy of Richard Allen Montgomery however revealed the cause of death to be asphyxia secondary to strangulation. Dr. Imami also said the victim had died sometime between 7:00 PM and 11:00 PM, Tuesday, April 16, 1996

Investigators, since the discovery of the last bodies have been able to identify two of the five victims found. The first victim to be identified was Richard Allen Montgomery, W/M, DOB 03/06/75 who was found on April 17, 1996 by your Affiant. Montgomery was the whole body found that date in Charlotte County. Richard Montgomery was last seen on Tuesday, April 16 1996, between 6:00 - 7:00 PM in the area of his residence on Royal Road in southern Punta Gorda.

The second victim to be identified was Kenneth Lee Smith, W/M, DOB 09/28/70. Kenneth Smith was the dismembered body found on April 17, 1996 in Charlotte County. Kenneth Smith was last seen alive on Tuesday, April 08, 1996 at approximately 8:00 PM in Murdock in Charlotte County. The first three victims still remain unidentified.

As of this date a total of five (5) W/M's have been found in wooded areas in various stages of decomposition. Commonalties in the deaths included all the victims being found nude in isolated wooded areas. All were lying on their backs in approximately the same positions with the exception of John Doe # 4, who was dismembered. No items of clothing or other items, with the exception of a broken necklace clasp, black bic lighter, coins (nickel and two (2) pennies) cigarettes butts were located in the areas. Evidence from the three of the victims bodies and on three of the crime scenes revealed ligatures marks indicating the victims had been tied to trees prior to death.

The examination of two of the first three victims, John Doe # 1 and John Doe # 3, suggested the victims genitals may have been removed after death. The discovery of Richard Allen Montgomery, the latest victim, confirmed the victims genitalia was being removed by the perpetrator (s) by a sharp instrument.

The autopsy's suggested the victims may be from a lower socioeconomic class, possibly transient or vagrant type people, with poor hygiene, bad teeth and other health problems. Investigators also considered in addition to the above, the possibility of homosexual or bisexual tendencies. John Doe's 1, and 3 were found nude, no defensive wounds or ligature on the arms, indicating the arms were free and initially may have willingly agreed to be tied up.

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The interviews of numerous associates of Mr. Montgomery showed an individual who lived basically on the streets or here and there with family and friends. He had substance abuse problems with both alcohol and drugs and had no steady employment. It was also learned that Montgomery had some homosexual tendencies, mainly to earn money or beer. The information from his associates indicated on the day of his death, April 16, 1996 he had arranged to meet an unknown party and earn a couple of hundred dollars for a couple of hours work. Richard Montgomery was found dead the following day.

Through the interviews of the associates of Richard Montgomery investigators learned of a subject who had been approaching "street people" offering them money in exchange for posing nude allowing the subject to photograph them. Two associates of Montgomery, Charles Bateman and Robert Beckwith were interviewed and confirmed being approached by a subject and described the vehicle being driven by the suspect, later identified as Daniel Owen Conahan Jr., a small blue car, possibly a sports car.

On May 08, 1996 information was received from Lt. Dwight Brock of the Moorehaven Correctional Institute in Moore Haven Florida, who stated he was contacted by an inmate at that facility stating he knew who committed the murders in Charlotte County. Investigator Brian Kelley of the State Attorneys Office traveled to Moore Haven and interviewed the inmate who was identified as David A. Payton.

Payton who admitted he would hang out on the streets to "hustle queers" said he was picked up in Fort Myers by a W/M in a blue vehicle on March 05, 1995. The subject approached him with an offer to "blow some joints", smoke marijuana and he agreed to go with him. While traveling in the vehicle, north bound on US 41, the subject gave Payton a joint and also stopped and bought some beer at a convenience store. Payton said the subject then offered him some valium which was also taken by Payton.

Payton said as they drove north he began to notice that he was the only one drinking, smoking and taking pills, the white male had consumed nothing. Very little conversation was taking place but the subject asked if he could have a sip of Payton's beer and picked up the can. Mr. Payton thought this to be strange since there was a pack of beer in the car. He then watched the subject and saw him place what he thought were more pills into the top of the can instead of actually drinking the beer.

Payton said the subject then asked if he (Payton) had ever been photographed, and Payton said he had but asked what he meant. The subject then told Payton he meant nude photos. During this conversation the subject told Payton he wanted to take him to the woods,

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tie him tight to a tree and take nude photos. Payton said the subject added that it would be tight but he would not hurt him and would let him go when finished. Payton said the subject then reached over and grabbed Payton in the crotch area holding on to his penis through his clothing.

The pair continued north to what was later identified as Zemel Road in Charlotte County, Florida, where the subject turned west from US 41. They traveled down Zemel Road a short distance and turned again, going down a dirt road. While traveling down this dirt road, they came upon a couple of people in pick up trucks with dogs, Payton said the subjects whole disposition changed, as if he was upset. The subject was traveling very slow and drove into a mud hole and the vehicle became stuck.

Payton said he was getting nervous at this point, and recalled the people in the trucks and offered to go back and see if they would pull the car out. Payton said the subjects attitude changed again becoming very forceful, telling Payton "NO" that he would stay in the car and the subject would go ask the others to assist in pulling the car out. The subject came back a minute later with one of the persons with the truck. Payton offered to get out and help push the car and again the subject got real forceful telling Payton that he was not to get out of the vehicle, that he the subject would help push.

Payton said while the car was being pulled out of the hole he looked in the back seat area and observed a camera, blue bag, blue tarp and a new roll of small rope. Mr. Payton later recalled seeing what he thought to be a hunting type knife lying under the front seat of the vehicle. Payton was beginning at this point to get scared, especially with the change in the subject attitude and what he saw in the back of the vehicle. When the car was pulled out and the tow rope removed, Payton decided to flee the area in the subjects car, planning to drop it off at the location he was picked up at.

Payton said he recalled leaving the area and heading south on US 41 but because of all the drugs and beer he had ingested, began having trouble staying awake. The next thing he remembers was waking up the following morning in Ft Myers. The subject he had been with had reported the vehicle stolen and Payton was arrested in Lee County, Florida soon after reaching Fort Myers while driving the vehicle.

The vehicle was a blue, 1984^{ET} Mercury Capri, 3 door, Florida tag NCV-16-G which is owned by Daniel Owen Conahan, Sr., DOB 03/18/27 of 3670 Bal Harbor in Punta Gorda. He reported the vehicle stolen on the afternoon of 3/5/95. He gave a statement to Charlotte Deputy Todd Davis saying that he had loaned the vehicle to his son, Daniel Owen Conahan, Jr., DOB 05/11/54.

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The son, Daniel Conahan, Jr. gave a statement that the vehicle was stolen when he pulled off the road to relieve himself because of medication he was taking. Your Affiant through records of the Charlotte County Sheriff's Office, has found that Daniel Conahan Jr., drove this same vehicle on a regular basis and has been involved in accidents and received citations since the vehicle was taken by Payton. The latest instance of him driving the vehicle was on April 10, 1996, when he was involved in a motor vehicle accident.

Mr. Payton was convicted of the theft of the vehicle, through a plea bargain agreement. Mr. Payton said he told Fort Myers Police what had happened and they did not believe him. He also told his defense attorney, but was told he had better take the plea or risk more time in prison. Your Affiant did check with Payton's defense attorney and confirm Payton had told him a story similar to what was told to investigators. Mr. Payton agreed to submit to a polygraph examination, which was on May 09, 1996, conducted by Peter Beller of the State Attorneys Office. Mr. Payton passed the polygraph examination indicating his statements were truthful.

A background check was initiated on Mr. Daniel Conahan Jr. by the task force and found he still resided at 3670 Bal Harbor Blvd., Apt 1 D with his father. Investigators found Conahan was not currently employed, but was a Licensed Practical Nurse (LPN) who had been employed at Charlotte Regional Medical Center until recently. Conahan was found to have attended Charlotte County Vo-Tech in 1994 - 1995 to attain his LPN certificate. This places Mr. Conahan close in the area of the first murders. During 1995 Conahan did not work at any one place for a length of time moving from employer to employer.

In addition to Mr. Payton two other witnesses were located who had been approached by a subject wanting to take nude photographs of them in the woods. The first witness was identified as Charles Bateman.

First Encounter:

Mr. Charles Batemen indicated that he was approached by a white male on three occasions. The first encounter occurred sometime around the end of March of 1996, A white male driving a blue car approached Mr. Charles Batemen while he was standing at the US 41 and Burnt Store Road intersection begging for money from passing motorists. This white male offered Bateman twenty dollars (20) to go out to a wooded area and pose nude for photographs. Bateman, at that time, had a friend with him who was working across the street also panhandling motorists. After some conversation Bateman agreed to the white males offer and went to a wooded area down Indian Springs Cemetery Road located off Jones Loop in Charlotte County, Florida. Bateman left his friend at the intersection.

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Once at the location in the woods the white male asked Bateman to remove his shirt, at which time Bateman complied. The white male then took a Polaroid photograph of Bateman with his shirt off. The white male then asked Bateman to remove his pants and underclothing and again took several Polaroid pictures of Bateman completely nude.

After taking these pictures the white male asked Bateman if he could touch his penis. Bateman advised the white male that he could not touch him. The white male then returned Bateman to the US 41 and Burnt Store Road intersection from where he had been picked up. Bateman recalls the white male getting his camera out of a dark blue/black bag that was in the back seat of the vehicle.

It is your Affiants belief that Mr. Bateman was not physically harmed during this meeting because he was panhandling with a friend at the intersection, who the white male was aware of. The friend could identify the white male that Bateman left with and was awaiting Bateman's return.

Second encounter:

Approximately one week later at the intersection of US 41, and Burnt Store Road Mr. Charles Bateman was again contacted by the same white male. The white male offered to pay Bateman between a hundred and twenty (120) and hundred and fifty (150) dollars for the purpose of taking additional nude pictures of Bateman. Bateman refused at that time.

Third encounter:

Charles Bateman recalls a third encounter with this white male that took place at the Juicy Lucy's Restaurant in Charlotte County which is close to the intersection of US 41 and Burnt Store Road. The white male again solicited Bateman for nude pictures with the offer of a hundred and twenty (120) and hundred and fifty (150) dollar payment. Bateman refused

The second witness was Identified as Robert Beckwith, who resided in Fort Myers. Mr. Beckwith was contacted by investigators and admitted to being approached by a subject who made a similar offer as made to Mr. Charles Bateman. Robert Beckwith was also at the intersection of Burnt Store and US 41. Beckwith said the subject offered him twenty dollars (20) for some preliminary photograph and if he liked what he saw, there would be another hundred and fifty dollars (150) in it for him. Beckwith said an appointment was made for the next day at approximately 1:30 PM, but he (Beckwith) did not show up.

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Investigators obtained a drivers license photo of Daniel Owen Conahan Jr. from Department of Highway Safety and Motor Vehicles, and a photo line up pack of five other D/L photos was prepared. The only photo available of Mr. Conahan was taken in 1993, making the photo three (3) years old. Mr. Conahan has changed in appearance somewhat since the time the photo was taken. The photo pack was then taken to the three witnesses for identification purposes. The witnesses were identified as Charles Bateman, Robert Beckwith, and David Payton.

None of the three witnesses could positively identify Mr. Conahan through the photos, picking two of the six photos as looking like the subject that had approached them. They indicated the subject looked slightly different than any of the photos. The witnesses were then asked if they had to pick one of the two as being the subject, two of the three, David Payton and Charles Bateman picked Mr. Daniel O. Conahan Jr.'s photo. Mr. Bateman who was available was driven by investigators through a large area which included the area of Daniel Conahan's residence. While driving through the condo parking lot, Bateman pointed to a faded blue Mercury Capri stated "it was one just like that", meaning the subjects vehicle who had propositioned him. The vehicle he pointed out was the same vehicle stolen by Mr. Payton in 1995 from Daniel Conahan Jr.

A loose surveillance was initiated by members of the Task Force on May 13, 1996 at the Conahan residence located at 3670 Bal Harbor Blvd. Investigators also learned of another vehicle operated by Daniel Conahan through this surveillance. The vehicle a 1981 Plymouth Station Wagon gray in color, bearing Florida tag SIP-76-S. This vehicle was also found to be owned by Daniel Conahan, Jr. and was titled to him in 1993.

Your Affiant on May 16, 1996 checked Sheriff's Office records for information regarding Mr. Daniel O. Conahan Jr.. A pawn record was found, showing Mr. Conahan sold a broken herring bone chain at Ambassador Pawn on April 26, 1996. Information from the family of Richard Montgomery indicated he usually wore some kind of necklace and a diamond stud earring. Additionally going back to John Doe # 1, a broken clasp from some type of chain or necklace was found under the body, which indicated the victim may have been wearing a chain or necklace and it was pulled from his neck.

The first movement observed by Task Force Surveillance of Mr. Daniel O. Conahan Jr. occurred on Friday, May 17, 1996. Conahan left his residence in the 1981 Plymouth Station Wagon. He went to several stores and traveled to Northern Charlotte County / Southern Sarasota County. Conahan was followed into Scotty's Hardware in Punta Gorda and was observed to purchase a battery charger and a "TITAN BRAND" entrance lock set. It was later learned Mr. Conahan returned the lock set and purchased another item.

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During his trips he consistently did what can only be described as counter surveillance moves, by making numerous U turns, pulling onto side streets, pulling into parking lots, driving around and then leaving. Conahan continued this behavior all the way up US 41 to Toledo Blade Blvd. and traveled east towards I-75. While on Toledo Blade Blvd. he continued the same counter surveillance moves until he got near the location (approximately 2 miles) where victim # 3 had been discovered in March 1996, however he did not actually go to the scene.

As mentioned previously, investigators believed the perpetrator picked up transients/street people from the streets. With this knowledge, on May 17, 1996, Det. Ray Wier of the Charlotte County Sheriff's Office, in an undercover capacity, was placed at the intersection of Kings Highway and US 41, a place known for transients/street people to hang out and panhandle. Daniel O. Conahan Jr. was followed to NHC health Care on Kings Highway and when Conahan left the Care Facility he drove down Kings Highway and observed Det. Wier on the corner.

Daniel O. Conahan Jr. stopped and struck up a conversation with Det. Wier, identifying himself as Steve. Conahan gave Det. Wier \$1.00 and some change, asking if he would be around the next day, Saturday. Det. Wier said he would and Daniel O. Conahan Jr. replied he would see him the next day (Saturday) by the bridge. The Actions by Daniel Conahan on this date caused a 24 hour surveillance to be initiated by members of the Task Force

Daniel O. Conahan Jr. left his residence on Saturday, May 18, 1996 at approximately 1:30 PM and traveled north on US 41. Mr. Conahan again drove with his counter surveillance moves as he had in the past, driving up US 41 by Toledo Blade Blvd. and then back to a local park where he stopped for approximately 15 minutes. The park in question is known for homosexual activity. Conahan left the park, continuing his counter surveillance moves and proceeded to the NHC Health Care. Daniel Conahan stayed at the care center for about an hour.

Mr. Daniel O. Conahan Jr. left the care center and drove out Kings Highway and saw Det. Wier on the corner. Conahan stopped and spoke to Det. Wier briefly and pulled away. Daniel O. Conahan drove around for a minute, went through parking lots and then pulled up in a bank parking lot to speak to Det. Wier. Det. Wier was equipped with a radio transmitter and his conversation with Conahan was monitored and recorded by other investigators. During the conversation Conahan asked Det. Wier if he had ever done any modeling. The conversation progressed to the point where Conahan told Det. Wier he could make up to \$150.00 for nude photos. Conahan told Det. Wier the photos included "**PROGRESSIVE BONDAGE**". Daniel O. Conahan Jr. told Det. Wier he had another 'model' set up for the next day and asked if Det. Wier would be around the bridge (US 41, Peace river) between 3:00 - 3:30 PM, that he (Conahan) might see him there.

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Mr. Daniel O. Conahan Jr. left Det. Weir's position and drove south on US 41, towards Fort Myers. Upon reaching Zemel Road, the location where Mr. David Payton had described being taken by Conahan, turned right and traveled west on Zemel Road. Conahan continued down Zemel Road for approximately 8 miles past the point where the pavement stopped. Approximately 1/2 mile west of Deer Pass Road, Conahan turned left onto a dirt path and traveled south. He traveled a short distance and stopped, exiting his vehicle and walked into the woods. The area Conahan stopped is similar to the other scenes where bodies have been found. After about 20 minutes Conahan left the area and returned home.

On Sunday, May 19, 1996, the surveillance team observed Daniel Conahan Jr leave his residence, walk across the parking lot and get into his gray 1981 Plymouth Station Wagon. On this occasion Conahan was observed carrying a dark blue or black colored bag. The bag appeared to be like a school back-pack, which could either be carried on the back or by a top strap. Conahan was carrying the bag by the top strap, and Det. Robert Rau of the Charlotte County Sheriff's office made this observation. Florida Department of Law Enforcement Special Agent Jim Myers observed Mr. Daniel O. Conahan Jr. return to his residence carrying the bag. Special Agent Jim Myers described the bag as having "contents" by the way the bag looked as it was being carried by Mr. Daniel O. Conahan Jr..

This was the first time Conahan was observed carrying this bag out of the house. This bag matched the general description of a bag observed by David Payton. This was also the day Conahan was supposed to meet Det. Ray Wier by the Peace River Bridge. It is believed Conahan carries items used in the crimes in this bag.

On May 19, 1996 Daniel O. Conahan Jr. left his residence and drove in a similar fashion as he did the days prior using his "counter surveillance moves". He went to the NHC Health Center and visited his mother for about an hour and left. Continuing what is now considered his usual driving habits, Conahan ended up going to Fort Myers and did not make contact with the undercover operative, Det. Ray Wier.

As indicated above Mr. Conahan drove to Fort Myers and patrolled the areas of the Salvation Army, parks and other areas where vagrants and homosexuals congregate. He was observed picking up what appeared to be two vagrants and driving to the Salvation Army and dropped them off. Surveillance officers described Conahan's patrolling of these area as "frantic" but apparently did not find what or who he was looking for.

Conahan was then followed to Punta Gorda by the surveillance team, again maintaining his usual driving habits. Mr. Conahan drove to the Alligator Creek Dam off Taylor Road, which is a known meeting place for vagrants and homosexuals, through previous law enforcement contacts. Mr. Conahan was by the dam for about 2 minutes, and then departed, being followed by a white pick up truck.

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The white truck and Mr. Daniel Conahan Jr., in his gray 1981 Plymouth Station Wagon traveled on Taylor road to US 41 where they turned left. The vehicles continued on US 41 to the intersection of Tuckers Grade where they turned left. They traveled east on Tuckers Grade a short distance and turned down a dirt road and stopped back in the woods. Investigators not knowing Conahan's intentions and fearing for the safety of the unknown subject, caused a marked patrol unit to respond to the area and interrupt the two subjects. A field interview card was completed on Conahan and W/M Matthew Henry Roberts. After a few minutes the subjects left and Conahan returned home.

Det. Ray Wier, on May 21, 1996 was contacted by Daniel O. Conahan Jr. again near Kings Highway. During this meeting Det. Wier asked the subject if they were going to do anything about the modeling. Conahan replied that he had been visiting his mother at the hospital and maybe in a few days. Det. Wier told Conahan that he had set up a camp back in the woods and no one knew where it was.

The conversation turned back to the modeling and Det. Wier, acting curious as to the type of photographs, asked Conahan if he had any pictures of others he had photographed. Conahan told Wier that he "might" and they would talk about it in a couple of days. During the conversation, Conahan was asked about his "studios" location and was told it's outdoors and he, (Conahan), likes to take the photos at the beach or wooded areas. Conahan did tell Wier during the conversations that he took the photos for himself, that there are no negatives and the pictures are not sold or given to magazines.

Mr. Daniel O. Conahan Jr. Conahan on May 23, 1996 exited his residence, entered his vehicle, the gray 1981 Plymouth Station Wagon and left his residence. Mr. Conahan drove around Punta Gorda and Port Charlotte again using his counter surveillance moves until reaching a public Park off Midway Blvd. The park was identified as Kiwanis park and is a known hang out for vagrants and homosexuals, through previous law enforcement contacts. Mr. Conahan parked his vehicle and exited walking down a path into the woods.

Det. [Undercover] of the Charlotte County Sheriff's Office, working in an undercover capacity and wearing body transmitter device, entered the park and was contacted by Mr. Daniel O. Conahan Jr. and another unknown subject. The initial conversation with the unknown subject concerned finding a job. This subject apparently knew Conahan and made a comment that Conahan recently had been having financial difficulties and was "broke". The unknown white male told Det. [Undercover] to check with him at Goodfellows the next day and he could possibly get him a job.

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The white male left the area, calling Conahan by name telling him good-bye, leaving Det. [Undercover] with the Daniel O. Conahan Jr. Mr. Conahan began a conversation with Det. [Undercover] and began probing his life style and if he had any roots in Charlotte County. Mr. Conahan began asking Det. [Undercover] where he was from, how he got down here, why he picked Port Charlotte and if he had family here.

The conversation continued with Det. [Undercover] making statement about finding a job and a place to stay. Mr. Conahan then made a statement that he (Conahan) had seven dollars (7) and would give the seven dollars (7) to Det. [Undercover] if he (Det. [Undercov]) would allow Mr. Conahan to "suck his dick" (penis). The undercover officer did not immediately respond to the offer made by the suspect and spoke about finding a place to stay and getting some money. Mr. Conahan then raised his offer to Det. [Undercover] saying he would give Det. [Undercover] twenty (20) to suck [Undercover] dick., however Det. [Undercover] would have to ride to the bank with Conahan to get the money.

Det. [Undercover] did not respond immediately to that offer and commented at one point "I haven't done much of that" and changed the subject. Det. [Undercover] tried to keep the conversation about finding a place to stay and getting a job. He also mentioned getting high. Mr. Conahan then made a statement that he had some Marijuana, not with him but at his house.. Prior to leaving, Mr. Conahan gave Det. [Undercover] a card with his telephone number written on the back (639-3262) telling [Undercover] to give him a call when he was ready.

On May 24, 1996, Mr. Daniel O. Conahan Jr. again left his residence and was observed by members of the surveillance team, carrying the "blue/black bag" from the house to the gray 1981 Plymouth Station Wagon. He then began driving around Port Charlotte in a similar fashion as previously described. Mr. Conahan kept returning to the area of Kings Highway, the location he had previously made contact with Det. Ray Wier. Mr. Conahan continued driving around the area in what was described as "a frantic fashion" presumably looking around for Det. Wier, a "potential victim", he was so intense he almost ran a red light in the area.

Mr. Daniel O. Conahan Jr. left the Kings Highway area and drove to Kiwanis Park, where he again drove around frantically. This was the location where Mr. Conahan had previously contacted Det. [Undercover] on 05/23/96. For a period of time Conahan drove back and forth between the area of Kings Highway and Kiwanis Park. Fearing Conahan may attempt to pick up another person, Det. [Undercover] wearing a body transmitter device, responded to Kiwanis Park to see if Conahan would make contact.

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Det. [Undercover] was close to the bathroom areas when he observed a white male exiting one of the trails leading from a wooded area of the park. The unknown subject appeared to be moving quickly, all sweaty, and at first was thought to be jogging. Det. [Undercover] then observed Mr. Daniel O. Conahan Jr. walking up behind the subject.

Det. [Undercover] said he heard the unknown white male say "FUCK" as he entered the bathroom area of the park. The white male was again heard to say "AH FUCK" and he was heard to hit something inside the bathroom which Det. [Undercover] thought was a stall door. Det. [Undercover] said the white male exited the bathroom, walked to a white pickup truck and was seen looking at his back in the outside truck mirror. The white male again said "AH FUCK" as he was looking at his back. He got into his truck and left the area.

Mr. Conahan noticed Det. [Undercover] and approached him and started a conversation. Det. [Undercover] said he made a statement to Conahan about the white male, saying "what's wrong with that guy, he is tearing up something in there". Mr. Conahan appeared to ignore the comment, then stated that he didn't know and changed the subject of the conversation.

The conversation continued for a few minutes, until Conahan asked Det. [Undercover] if he had ever done any modeling. Conahan continued telling Det. [Undercover] he wanted to take nude photographs of him. He said the photographs would not have negatives and were for his personal use. Mr. Conahan said he would pay Det. [Undercover] \$150.00 for the photographs, but wanted to see him nude first. Conahan told Det. [Undercover] that the photographs would only take about an hour. The information concerning the amount of money to be paid and the time necessary to earn that amount of money matches the comments made by Richard Montgomery to some of his friends on the afternoon of April 16, 1996, just before his death.

Mr. Conahan told Det. [Undercover] he already had another subject lined up in Fort Myers, but before he canceled the other guy, he wanted to see Det. [Undercover] nude. Conahan said they could walk into the woods or go into the bathroom and quickly take off his clothes so he could see. Mr. Conahan told [Undercover] that he wouldn't touch him or anything, just wanted to see how well endowed Det. [Undercover] was.

Det. [Undercover] asked Mr. Conahan if he would be paid first and Mr. Conahan said "NO", the photographs first, then they would go to the cash station. (automatic teller machine) to get the money. Det. [Undercover] told Conahan he would get with him tomorrow, that he [Undercover] had Conahan's number. Mr. Conahan left the park and drove home to Bal Harbor Place Condos. When he exited the gray 1981 Plymouth Station Wagon he was observed by members of the surveillance team, taking the "blue/black bag" back into the house. The activity described by Det. [Undercover] closely matches the activity described by the witnesses Payton, Beckwith, and Bateman.

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Mr. Daniel Conahan Jr , on a regular basis in his contacts with the undercover officers and other witnesses, has offered various amounts of money ranging from seven (7) to one hundred and fifty (150) dollars. Investigators learned Mr. Daniel O. Conahan Jr has his bank account at Nations Bank in Punta Gorda. A subpoena was obtained for Mr. Conahan's current and past bank records. Preliminary information from the bank indicate during the time Mr. Conahan was making the one hundred fifty dollar (150) offer, he did not have the funds. Conahan's highest account balance during the time he has been under surveillance was approximately one hundred (100) dollars.

On May 25, 1996 at approximately 11:30 AM, Det. [Undercover] called Daniel Conahan Jr. at his residence as he mentioned the day before. Det. [Undercover] asked Conahan about the photo-shoot and received little response. Det. [Undercover] continued on the subject asking if Conahan was going to show an example of his work to make sure they were Polaroid and would not be passed around. Conahan responded by telling Det. [Undercover] he did not want to show any of the photos. His reasoning was that he had promised those other people no one else would see the pictures..

The two then spoke of meeting and Conahan seemed disinterested, telling [Undercover] he seemed skeptical about the situation. He told Det. [Undercover] that they needed to go slower and get to know one another better before they proceeded. Conahan then told Det. [Undercover] that he would be staying home a while and might be out later. Det. [Undercover] told Conahan he would be hanging around in the area. After the telephone call Daniel O. Conahan Jr. remained home for a couple of hours. After a couple of hours he left his residence and immediately proceeded to Kiwanis Park rather than driving around as he has in the past. The surveillance team noted when Conahan left his residence and he was observed carrying the "blue/black bag" out of his home and placed it into his gray, 1981 Plymouth Station Wagon.

Daniel O. Conahan Jr. made contact with Det. [Undercover] in Kiwanis Park and started a conversation which was being recorded through the use of a body transmitter worn by Det. [Undercover]. Daniel O. Conahan Jr. started by telling Det. [Undercover] about a canoe trip with some friends. He then told Det. [Undercover] about there being a lot of turtles in the river and the friends were trying to shoot them with a .22 cal gun. He commented on how they should have known a turtle could not be killed that way with a .22.

Det. [Undercover] had been instructed to initiate a conversation that he had heard about some recent murders in the woods. He told Conahan that some "dudes" told him yesterday about some guy that was cutting up people in the woods, telling Conahan he was told of ten (10) persons being killed. Conahan said he heard about them finding a few bodies around, but was unsure what was happening.

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Conahan further advised Det. [Undercover] he had read some newspaper articles and determined one person was stabbed and that the authorities did not know what happened with the others and that these murders had taken place over several years. Det. [Undercover] expressed his concern for sleeping in the woods after being told about the alleged murders.

Conahan again advised Det. [Undercover] that there had been three (3) or four (4) bodies found over a period of a few years. That no one knows what's going on and they (authorities) are trying to put it together. Det. [Undercover] repeated the comment about the 10 bodies and Conahan replied no he hadn't heard that. Det. [Undercover] asked again about the ten (10) bodies being shot or cut up and Conahan replied he read in the newspaper one guy was stabbed and did not know the story about the other ones. There was a definite change in Conahan's demeanor, tone of voice and manner of speaking during the conversation about the murders according to Det. [Undercover]

The comments by Mr. Daniel O. Conahan Jr. concerning the Murders causes Your Affiant concern. It is unusual for a normal person not involved in the investigations of these murders who has only supposedly read a couple of newspaper articles to have such accurate recall that only one of the five victims had been stabbed. Information obtained from the 24 hour surveillance indicates there are no newspaper deliveries to the Conahan residence. The only article describing one of the victims being stabbed, seen by Your Affiant, was published in the Sarasota Herald Tribune on 03/13/96 and it was a very small article of three paragraphs in the North Port, local section (section B) of the paper. Of the interviews conducted thus far by the Task Force in this case, no one has recalled how any of the victims were killed, much less that one was stabbed.

Robert Whittaker, a previously contacted associate of Richard Montgomery, was re-contacted concerning any additional information he may recall regarding the last time he saw the victim. During the interview and subsequent sworn statement with Det. Gary Ellsworth of the Charlotte County Sheriff's Office and Sgt. Thomas Choiniere of the North Port Police Department, Mr. Whittaker was questioned about Montgomery's comments about earning a couple hundred dollars (\$200.00) on April 16, 1996.

Mr. Whittaker recalled that Montgomery was at his house until about 6:15 to 6:30 PM on Tuesday, April 16, 1996. Prior to leaving Montgomery told Whittaker he was going to make a couple hundred dollars for about an hour to an hour and a half's work. He did not relate exactly what he was going to do but indicated to Whittaker "HE KNEW". Montgomery left Whittaker's trailer on Royal Road around the above times saying he was going to be picked up. He further told Mr. Whittaker he would return around 8:00 PM and they would party, because he would have the money.

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Mr. Whittaker said he interpreted Montgomery's comment "HE KNEW" as Montgomery doing something illegal, such as stealing the money or earning it sexually. Whittaker said he did not feel comfortable with what Montgomery was doing and commented to Montgomery to be careful, and he should actually go home and sleep it off instead.

Mr. Whittaker, during the interview was shown a photograph line up containing the photo of Daniel Owen Conahan Jr. and five other white males. Mr. Whittaker looked at the line up and in thirty two (32) seconds identified photo number five (5) as a person he knew to be a friend of Richard Montgomery. Photograph number five (5) was the photo of Daniel Owen Conahan Jr.

Mr. Whittaker said he first met Mr. Daniel O. Conahan Jr. back in late February or early March 1996. Mr. Conahan came to Whittaker's residence looking for Montgomery after first going to Carla Whisenants house (Montgomery's sister) looking for Montgomery. Whittaker said Conahan stayed at his house for approximately thirty to forty five (30-45) minutes. Whittaker said his first impression of Mr. Conahan was that he did not like him because he felt funny around him.

Whittaker said Conahan appeared to be flamboyant, too forward, and arrogant. The type of person that if he wanted something, he would get it no matter what. Whittaker said Conahan told him directly that he (Conahan) liked men and that he lived with someone else, but Whittaker did not recall who. The only thing Whittaker recalled Conahan carrying was a pouch of some kind, and he couldn't recall any further description.

According to Mr. Whittaker he has known Mr. Daniel O. Conahan Jr. for a while and met him while Montgomery was living at Desoto Marina located in western Desoto County. Whittaker said Mr. Conahan has been to his house on at least three (3) occasions seeing Montgomery. The visits were always in the late afternoons and Conahan never stayed after dark. Whittaker also said Montgomery left with Conahan on two occasions he recalled. The first time the pair were gone for about an hour and the second time for just a few minutes. Each time they returned a supply of beer was brought back. Whittaker said Conahan had to have been the person paying for the beer because Montgomery did not have any money.

On May 31, 1996 a search warrant was served on the residence and vehicles of Daniel Owen Conahan Jr.. The search of the residence did recover the blue ^{plastic} bag, coil of nylon rope, cameras and sweepings from the suspects carpets (vehicle and residence). Numerous hairs were found in these sweepings. Additionally a folded pair of mens underwear ^{found} on the floor ^{IN THE RV} suspects bedroom which had a stain suspected to be semen. During the search of the

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residence a tool box belonging to Daniel Conahan Sr. was searched and inside a brand new hack saw was found. Mr. Conahan Sr. commented that was not his hack saw and had never seen it before. Mr. Conahan Sr. said he had an old hack saw, and the old hack saw was missing.

Investigators obtained register receipts from Scotties and found Conahan had purchased a lock set, but returned it immediately. Daniel O. Conahan Jr. then purchased a new Stanley hacksaw at another register. Surveillance photos of Daniel O. Conahan Jr. taken by Det. Wyatt Henderson of the Charlotte County Sheriff's Office, exiting the store were blown up and a new hacksaw could be clearly seen in a bag being carried by Daniel O. Conahan Jr., near his vehicle.

Daniel O. Conahan Jr. was interviewed while the search was being conducted and he denied all connections with any of the victims. He further lied concerning numerous other area where Task Force Investigators knew the facts, including the purchases of the lock set and hack saw witnessed by the Task Force surveillance teams.

Once Daniel O. Conahan Jr. had been interviewed Mr. Mathew Roberts was located and interviewed regarding his contact with Daniel O. Conahan Jr. in the woods off Tuckers Grade on May 19, 1996. Mathew Roberts said he had been propositioned several times by Daniel O. Conahan Jr. to pose for nude photos. Roberts said because of needing money he finally agreed and took Conahan to a location he, (Roberts) had selected. Roberts also advised he had been propositioned by Daniel O. Conahan Jr. for sex, but Roberts refused. The photo session was cancelled by Daniel O. Conahan Jr. after Deputies came on the scene. It should be noted on the day of this meeting Conahan did have his blue bag in the vehicle

On June 07, 1996 your Affiants, Special Investigator Rickey L. Hobbs and Special Agent James Myers, received information from Officer Pete Soto of the Fort Myers Police Department concerning a Fort Myers Police Department report number 4077847. In that report a white male later identified as Stanley S. Burden DOB 03/18/70 reported on August 15, 1994 he had been taken to a wooded area off Rockfill Road in Fort Myers, Florida and assaulted by a white male on August 15, 1994. Burden had identified the perpetrator as a white male named "DAN" who drove a 1981-1985 gray or silver, Plymouth station wagon with tinted windows.

In the report Burden indicated this white male tied him to a tree, sexually battered him and then attempted to strangle him with a rope. Photographs of Mr. Burden were taken at the time of the incident and placed into evidence with the other items collected from the scene, consisting of a pair of cutting pliers and rope. The Fort Myers Police Department turned over to the task force copies of their reports and the evidence they had collected in their investigation.

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Mr. Burden was located and interviewed in June of 1996 by Sgt. Thomas Choiniere and Det. John Columbia of the Multi Agency Homicide task Force. Mr. Burden still had the scars around his neck from the attempted strangulation of August 15, 1994. His wrist also were scared from the injuries sustained when tied to the tree by the suspect indicating the amount of force used by the suspect during the offense.

Mr. Burden was interviewed by the Detectives concerning the above incident and gave a detailed sworn statement of what had occurred. During this interview Burden gave more accurate and detailed account than originally given to the Fort Myers Police Department in 1994. His original statement, to Det. Tim Gerstner was accurate concerning the actual offense committed, however he was afraid to fully admit the real reason, he and Daniel O. Conahan Jr. ended up in the woods. Burden later admitted he accepted the white male's proposition concerning the nude photographs because he was unable to work at that time because of a foot injury and needed money.

Mr. Burden said he first observed Daniel O. Conahan's Jr's. vehicle driving around in the area of Lions Park as Burden walked his friend "Randy" to the "The Handyman" employment service. Burden walked back to his motel and observed the vehicle again driving past him and kept driving past him. Later Burden said he was returning from a laundromat where his clothing was in the washer and observed that the same vehicle he had seen earlier just kept circling around the block.

Burden said he later went to Lions Park and observed the vehicle again enter the park. Burden said he was unsure at this point if the subject was following him or not., but he was not approached by the subject in the park. Burden said the subject approached him after he crossed Cleveland Avenue, by Checkers Restaurant which is by Lions Park in Fort Myers on August 15, 1994. The white male stopped his vehicle in the street by Burden and asked if Burden, needed some work. The subject the asked Burden to get in the car so it would not look suspicious.

Burden said got into the suspects vehicle and they began to drive around, and was propositioned to pose for nude photographs in the woods by the suspect. Burden said he was offered a hundred and twenty dollars (\$120.00) for the photo shoot. During the conversation concerning the proposition, Burden made it clear, he would agree to pose for the photos, but would not engage in any sexual activity what so ever.

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Burden said when they got to the area, later identified as a dirt path off Rockfill Road and Canal Street and exited the vehicle, he observed the suspect take a dark colored bag , brief case and a plastic tarp from the car. The suspect cleaned the bark and rough areas from a paper tree and placed the tarp on the ground around the tree. He told Burden he used the tarp so they would not get their feet dirty. Burden said the subject began taking photographs of him in various stages of dress and undress.

Mr. Burden also said the suspect pulled a coil of new quarter inch (1/4) nylon type rope from the bag. The suspect told Burden he wanted to make it look like he Burden, was bound to the tree. The suspect then cut the rope to lengths to bind Burdens hands and feet and then laid two (2) lengths around Burdens neck. At first the ropes were just wrapped around loosely without actually being cinched up. Burden said at that point all he had to do was raise his arms and legs would have been free. In the beginning, the suspect more or less catered to Burdens comfort making sure everything was OK with him and if not changing what he may have been doing at that point. Burden said the suspect offered him another proposition by offering him twenty dollars (\$20.00) if Burden would let the suspect "suck his dick". Burden refused saying he wanted no sexual activity.

After a few minutes and couple of photos later, Burden said the suspect told him he needed to tighten the ropes slightly because they did not look right in the pictures and walked behind him. Suddenly Burden said the suspect "DAN", pulled the ropes attached to his wrists tightly to the tree where he was unable to move them. Burden said his pants partially down at this point, at a position just above his knees. The suspect walked back around to the front of the tree, faced Burden and ripped Burdens pants the rest of the way down and began removing them. Just about this same time Burden said the suspect tied his feet to the tree where he was unable to move them.

The suspect then began performing oral sex on Burden against his will. After a few minutes Burden said he did not react or "get a hard on" and the suspect became very upset. Burden said the suspect walked to his rear and began pulling on the ropes around his neck, choking him. Burden said the suspect pulled hard, on the ropes but Burden said he was able to turn his head slightly to one side, getting the rope off his "Adams Apple" and still breath.

Burden knowing he was in a life or death situation, did not panic and just went limp at times. After choking Burden for a few minutes, the suspect struck Burden in the face with his fist telling him to "give up". The suspect got behind Burden again and began pulling his lower body to one side of the tree. Burden said he then saw through the corner of his eye, the suspect had his penis out and was rubbing it. Burden said he then felt the suspect's penis against his buttock's and the white male was attempting to enter Burdens anal opening. Burden said he began to struggle back and forth attempting to stop the suspect from having anal intercourse and in the process scratched his back on the tree.

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Florida Department of Law Enforcement Special Agent Sharon Feola interviewed William Pearson, of Benton Express Trucking of Fort Myers. Mr. Pearson confirmed he was approached by Burden on August 15, 1994 seeking help and told him that someone had just tried to kill him. Pearson saw the deep cuts in Burdens neck and wrists and drove him to the Fort Myers Police Department.

Medical records from Lee Memorial Hospital showing Burden was treated in the emergency room the evening of August 15, 1994 for laceration to his neck and wrists.

Crime scene photographs showing the cut ropes on the ground around the tree, the tree bark on the ground, and the injuries to Stanley Burden.

The behavior exhibited by Mr. Conahan as described by Mr. Burden matches the behavior observed the Task Force Surveillance Team since May 17, 1996. Further the "Lure" Conahan used to entice Mr. Burden was identical to the "Lure" used by Conahan on two separate Task Force undercover officers since May 17, 1996.

A statement was obtained from Harold Linde who had been identified as Daniel Conahan Jr. friend and former lover when he lived in Chicago. Linde said during their relationship, Conahan confided in him, detailing his main fantasy. Linde said Conahan told him the fantasy was to cruise around, pick up hitch hikers and or vagrants, take them to the woods, tied them to a tree and "screw" them.

Daniel Conahan Jr's. military records from the department of the Navy revealed Daniel Owen Conahan's propensity for luring people and violence all the way back to 1978. Mr. Conahan enlisted in the Navy in late 1977. He was discharged in 1978 under less than honorable conditions and under threat of Court Marshall for several counts of sodomy and physical assault. The records said "The offenses were part of a continuing plan or scheme by said Conahan to lure servicemen just beyond the limits of the Naval Training Center, Great Lakes, Illinois in order to seduce them into committing acts of sodomy"

One of the three counts filed in the military court indicated Conahan lured a subject off the limits of the base and made advances towards the person. When the person rejected Conahan's advances, the suspect picked up a rock and struck the person in the head. The assault and weapon used was described by the Military Court as being a "means likely to cause grievous bodily harm".

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Credit card records from Bank one show that Daniel Conahan Jr. has been using his Visa Card at the Wal-Mart located in South Punta Gorda. Cash register records were obtained from Wal-Mart which showed Daniel O. Conahan Jr. has been making regular purchases of items specific to the instrumentalities used in the murders. The items are, 1/4 inch rope, plastic tarps, knives, alcohol, leather gloves, and large amounts of Polaroid film. These items were purchased on more than one occasion and in close proximity ^{to} to the estimated time's of death of at least two of the victims, John Doe # 2 and Kenneth Lee Smith.

Some of the items listed on the sales receipts from Wal-Mart were purchased by Lt. Michael Gandy and Det. Robert Rau, both of the Charlotte County Sheriff's Office. These items, rope, tarp, knives, cutting pliers and gloves were consistent with the information concerning the instrumentalities of crime scenes and surviving victim accounts. Fibers were found on the trees of the John Doe #2 and John Doe #3 sites.

The fibers found on the tree on the John Doe # 3 were compared by the Florida Department of Law Enforcement Lab to the pair of gloves purchased by Det. Robert Rau which were the same model and brand as the ones purchased in October of 1995 by Daniel Owen Conahan Jr. The lab indicated the material fiber found on the tree was the same type and dies as the material which made up the gloves purchased by Det. Robert Rau which showed it was the same type and brand of glove worn by the perpetrator who killed John Doe # 3.

Examination of Daniel O. Conahan Jr.'s bank records at Nations Bank show a pattern of Automatic Teller withdrawals consistent with the Modus Operandi discussed in this affidavit. Daniel Conahan Jr was photographed by the Automatic Teller machine at Nations Bank located near Burnt Store Road on April 16, 1996 at approximately 5:30 PM. The location of this bank is in close proximity ^{to} to the residence of Richard Montgomery. Richard Montgomery was last seen about an hour ^{after} after this cash withdrawal.

Through the information above your Affiants' has probable cause to believe and does believe that **DANIEL OWEN CONAHAN JR.**, did commit

1) **KIDNAPPING**, in violation of F.S.S. 787.01 04 which states forcibly, secretly, or by threat confining, abducting, or imprisoning another person **TO WIT: STANLEY BURDEN**, against his will and without lawful authority to: Commit or facilitate commission of a felony **TO WIT: SEXUAL BATTERY and FIRST DEGREE MURDER**

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Burden said his resistance made the suspect upset and he began pulling tighter on the ropes which were around his neck. Burden said while he struggled attempting to breath, the suspect told him to **GIVE UP AND MAKE MY JOB EASIER**. The suspect then placed one foot onto the tree and pushed backwards with his body while pulling on the ropes. Burden said he almost passed out several times due to the suspects actions and would just go limp. Mr. Burden said the suspect tried to strangle him for approximately 20 minutes, and finally gave up. Burden said he believed the reason the suspect stopped was because he, the suspect was "worn out".

Mr. Burden said the suspect began gathering up the items he had brought with him preparing to leave the area. Burden said he recalled at some point the suspect making a comment, he would give the Burden a hundred dollars (\$100.00) if he did not tell anyone about the incident. The suspect however, never gave Burden anything and left the area leaving Burden tied to the tree.

Burden said while the suspect was in the process of gathering his stuff, he saw the suspect pick up the pair of cutting pliers which had been used to cut the ropes. Burden the saw the white male drop the cutting pliers on the ground near the tree as the suspect rolled up the tarp. It appeared to Burden the suspect forgot the pliers in haste picking up the other items and Burden immediately began trying to push the pliers closer to the tree with his feet.

Burden said he was afraid the suspect was going to return with one of the chain saws he had observed in the back of the station wagon and finish him off. Burden began working himself back and forth, which allowed his body to drop down the trunk of the tree. Once low enough he pushed the pliers over with his foot and was able to pick them up with his fingers and began cutting the rope until he freed himself. Burden said he then ran in the opposite direction from the suspect, escaping from the area.

Mr. Burden said he believed the suspect truly intended to kill him after tying him to the tree. The only reasons he believes he is alive today was because he was able to turn his head, prevent the strangulation, the suspect exhausting himself, the suspect forgetting the cutting pliers, and the suspect too tired to continue. Burden said the suspect left him tied to the tree to die, because they were about a half a mile in the woods from any main road.

Mr. Burden was shown a photographic line up containing 6 photographs of white male, one of which was the photo of Daniel Conahan. After viewing the line up Mr. Burden immediately identified the photograph of Daniel Owen Conahan as being the suspect who sexually battered him orally and attempted rectally, attempted to strangle him and left him tied to a tree on August 15, 1994. Mr. Burden further identified Mr. Conahan's vehicle in a photo taken of numerous cars in a public parking lot.

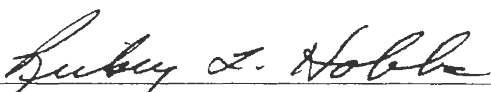
AFFIDAVIT

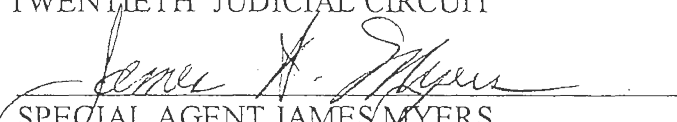
2) **SEXUAL BATTERY** in violation of F.S.S. 794.011, Two (2) counts on Stanley Burden which is the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object. In the process of committing sexual battery upon a person 12 years of age or older, and without the consent of **STANLEY BURDEN** a deadly weapon or used actual physical force likely to cause serious personal injury commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3) **ATTEMPTED FIRST DEGREE MURDER**, in violation of F.S.S. 777.04 attempted to commit an offense prohibited by law **TO WIT: FIRST DEGREE MURDER F.S.S. 782.01** of **STANLEY BURDEN** and in such attempt does any act toward the commission of such offense, but fails in the perpetration or is intercepted or prevented in the execution thereof, commits the offense of criminal attempt, ranked for purposes of sentencing as provided in subsection (4).

With such facts being stated and having sworn statement(s) from witnesses, and investigation by your Affiants which show that **DANIEL OWEN CONAHAN JR.** did Unlawfully Kidnap, Sexually Batter and Attempt to kill a human being, **TO WIT: STANLEY BURDEN** in Fort Myers, Lee County, Florida.

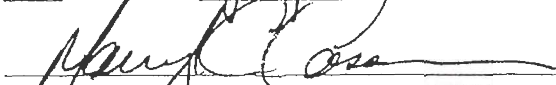
Contrary to the statute in such case made and provided, and against the peace and dignity of the State of Florida.


SPECIAL INVESTIGATOR RICKEY L. HOBBS
OFFICE OF THE STATE ATTORNEY
TWENTIETH JUDICIAL CIRCUIT


SPECIAL AGENT JAMES MYERS
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

SWORN TO AND SUBSCRIBED BEFORE ME THIS

3 DAY OF July, 1996.


HONORABLE DARRYL CASANUEVA
CIRCUIT JUDGE IN AND FOR
LEE COUNTY, FLORIDA

Public Records Exemptions

Enclosed please find a copy of the response documents for your public records request. The following information is provided to explain the process employed to review and produce the response documents.

Reason	Description	Pages
Undercover	Any information revealing undercover personnel of any criminal justice agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. 119.071(4)(c) F.S..	13-17