

SKAGIT COUNTY SHERIFF'S OFFICE
AFFIDAVIT

State of Washington }
County of Skagit }

STATE vs. Irby, Terrance Jon

I, Jennifer Sheahan-Lee, depose and say, I am a commissioned Sheriff's Deputy for the County of Skagit and have been so employed for thirteen years and I am currently assigned to investigations.

On March 11, 2005, at approximately 0945 hours, the Skagit County Sheriff's Office received a request from Medicaid Transportation to check the welfare of James Thomas Rock, date of birth 04/16/48, residing at 35896 Shangri La Drive, in Skagit County. The responding Skagit County Sheriff's Deputy was advised that Medicaid Transportation had gone to the residence at 35896 Shangri La Drive to transport James Rock to a prearranged medical appointment. When Medicaid Transportation arrived at the James Rock residence, he did not respond to the door. The driver for Medicaid Transportation has had previous contact with James Rock and reported that he has never missed an appointment.

In the garage at the residence deputies located James Thomas Rock deceased and lying in a pool of blood partially covered with a piece of plastic. Nearby an open safe was located. Blood splatter was visible within the garage in excess of ten feet around the body.

On the morning of March 12, 2005 an autopsy of James Rock was conducted by forensic pathologist Dr. Selove, who determined that Rock had died more than 24 hours before the autopsy and that Rock had received multiple blows to the back of his head with an as of yet undetermined blunt instrument. In addition Dr. Selove noted that Rock suffered stabbing and/or slicing injuries, including a single deep slicing wound to his neck. The doctor's specific pathological findings were:

[Autopsy findings redacted pursuant to RCW 68.50.105.]

Based on the injuries observed Dr. Selove believed that the person delivering such blows would most likely have had the victim's blood transfer to his hands and clothing.

Investigation revealed that in June 2004, James Rock had reported to the Skagit County Sheriff's Office that someone had cut his phone lines. At that time, Rock mentioned to the investigating deputy that he had had a recent falling out with Terry Irby.

In September and November of 2004, James Rock reported the theft of a P10 .45 and Romanian AK47 rifle to the Skagit County Sheriff's Office. During the November report Rock said that another rifle and shotgun had been left behind and had been next to the

AK47.

Detectives from the Skagit County Sheriff's Office seeking the whereabouts of Terrance Jon Irby date of birth 6/10/1958. They learned that on March 8, 2005, at approximately 2300 hours, Irby had been arrested by officers of the Marysville Police Department and charged with Eluding and Felon in Possession of a Firearm, and subsequently booked into the Snohomish County Jail. After the arrest Irby's vehicle, a tan 1980 Ford F100 pickup, Washington license A73161F, registered to Terrance Irby, was impounded to Dick's Towing, 14219 Smokey Point Blvd, in Snohomish County.

The Skagit County Sheriff's Office obtained copies of the police reports from the Marysville incident. Those reports indicate that on March 8, 2005 a Marysville Police Department sergeant observed the tan 1980 Ford pickup, Washington license A73161F, run a red light within the city of Marysville, Washington. When the sergeant conducted a traffic stop on the vehicle, he observed furtive movement by the driver and sole occupant. The driver was ordered to show his hands but would not comply, and the driver subsequently gunned his truck and fled the stop. A pursuit ensued where the truck drove on the Burlington Northern railroad tracks in an attempt to flee, but the driver ultimately stopped the truck and fled the vehicle on foot only to be taken into custody by Marysville Police Department officers who identified him as Terrance Jon Irby, date of birth 06/10/58.

Prior to locating Irby, officers observed a .357 in the truck. After Irby was located and arrested, officers impounded the truck to Dick's Towing. Prior to the impound officer's inventoried the truck locating a Smith & Wesson .357 handgun, a Remington model 870 shotgun, and a Ruger model 10-22, which is a .22 caliber rifle with a stainless folding stock, numerous rifle magazines including a 50 round capacity magazine for the 10-22 rifle.

The Marysville Police Department referred the matter to the Snohomish County Prosecuting Attorney, who filed felony charges against Irby for the Attempting to Elude and Unlawful Possession of a Firearm in Snohomish County Superior Court. Those charges were subsequently dismissed when the Skagit County Prosecuting Attorney filed felony charges against Irby in Skagit county District Court on a committing magistrate's warrant.

On March 11, 2005 a Skagit County District Court issued a search warrant for the property, buildings, and vehicle located at 35896 Shangri La Drive. During the detectives learned and/or discovered the following:

1. No firearms were located; the only gun found inside the residence was a BB gun;
2. The house contained documentation indicating the recent purchasing of parts for guns including a shipping box that had recently contained a stainless folding stock for a Ruger 10-22 firearm and additionally another shipping box indicating the shipment of a 50 round capacity magazine for a Ruger 10-22. These items are

consistent with the firearms and accessories found in Irby's possession at the time of Irby's arrest by Marysville officers;

3. One bedroom also appeared to be dedicated to the stocking of survival equipment as well as a large quantity of .22 ammunition and some .357 rounds. Another bedroom contained 12 gauge shotgun shells and a Remington 12 gauge shotgun barrel.
4. During a check of James Rock's computer system, detectives discovered that he used his computer on a daily basis. His last entry was on March 7, 2005 at 8:44 PM.
5. The newspaper that is generally delivered on March 8, 2005 had not been picked up.
6. A collection of jewelry with some pieces of unique design.

Detectives contacted neighbor Jerry Revell who lives a short distance away from James Rock's residence. Revell told investigators that the weekend of March 5, he saw a subject he knew as Terry walking away from the Shangri La area. Revell indicated that Terry was the same person who he knew had a relationship with Rock, including staying with Rock at Rock's house from time to time, and drinking with Rock from time to time. Revell said when he returned home he had been contacted by Rock. Rock told Revell that Irby wanted a ride from Rock and he refused. Rock told Revell if Terry asked him for a ride not to do it. Revell also said that Irby had asked if he could live at Rock's house but Rock told him no.

Additionally, Revell said that on the afternoon of March 8, 2005 he had seen what he believes was a brown and tan 70's Ford truck which he thought belonged to Terry pulled up to the Rock residence. Revell, who is admittedly hard of hearing, also heard loud voices coming from James Rock's residence but could not identify what was going on. Another person, Jasen Johnsen was with Revell that day. Johnsen described hearing a loud "clanking" like someone hammering something or throwing something into a truck coming from Rock's residence. Also with Revell that day was Marty Beck, who described a banging sound coming from across the fence.

The afternoon of Tuesday, March 8, 2005 falls within Dr. Selove's estimation of Rock's time of death.

Detectives later interviewed another witness, Lorna Hoyle. Hoyle said that on March 8, 2005 in the late afternoon, Terry Irby showed up in his brown and tan truck at her residence and had a purple face and hands. She said he was acting unusual and was speaking rapidly and then mumbling to himself. Hoyle also said between March 5 and March 8, she had spoken to Rock and Rock said Irby had stayed there, but he was going to tell Irby to leave.

On March 2, 2005 Irby was arrested on a Skagit County warrant in Chelan County. When Irby was arrested in Chelan County he was driving his tan 1980 Ford pickup, Washington license A73161F which was impounded by Leavenworth Auto Care. Irby was transported via shuttle and booked in the Skagit County Jail on March 3, 2005. Irby did not change his previously given address which was General Delivery, Hamilton, Washington. Later when Irby was booked in the Skagit County Jail on March 20, 2005 he provided the address of 12721 Chumstick Hwy, Leavenworth, Washington.

Skagit County detectives did contact Leavenworth Auto Care located at 12413 Chumstick Hwy, Leavenworth, Washington, the owner, Tim Tempe advised that Irby's truck had been stolen out of his locked impound yard between Sunday, March 6, 2005 at noon and Monday, March 7, 2005 at 8 a.m. Tempe advised that his gate had been unbolted at the hinges and folded over resulting in \$150 in damage. Also taken was a newer Les Schwab battery out of another vehicle that was in the yard for some repair. Irby's truck was later inspected and was found to have a newer Les Schwab battery.

On March 14, 2005 a Skagit County Superior Court search warrant was executed at the Snohomish County Jail to seize all clothing and personal affects of Irby's which were seized or impounded at the time of his booking from the Marysville incident. One of the items found was a piece of jewelry consistent in style and design with those located at James Rock's residence.

On March 14 2005 a Skagit County Superior Court search and seizure warrant was executed on a 1980 Ford F100 pickup registered to Terrance Irby. On March 15, 2005 scientists from the Washington State Patrol Crime Lab conducted an examination of the 1980 Ford F100 pickup. During that examination blood was identified on the driver's side door, control knobs within the driver's compartment, as well as on a flashlight located in the cab. Additionally there was a pair of boots located in the bed of the truck that had blood splatter on them.

On March 21, 2005 Skagit County detectives collected all evidence retained by Marysville Police Department as a result of their Eluding and Felon in Possession of a Firearm case. Within those items were the firearms referenced above, which were found within the passenger compartment of the truck. A records check through Bureau of Alcohol, Tobacco and Firearms confirmed that James Rock purchased the Ruger 10/22 rifle on February 15, 2005 and the Smith and Wesson .357 Model 66 on May 19, 1985, the shotgun was untraceable.

Family members and close friends who were interviewed by detectives indicated that Rock was very protective of his firearms and should have been located within Rock's residence; however none were located when Detectives did their search.

Terrance Jon Irby's was convicted of Statutory Rape, Second Degree in Chelan County in 1976 by jury trial; he was convicted of Assault in the Second Degree, with a Deadly Weapon enhancement, in King County in November 1984, by guilty plea; he was convicted of Malicious Mischief in the Second Degree in Skagit County in 2004 by guilty

plea; in 2003 he was convicted of DUI, Reckless Driving and Violation of a Protection Order in Skagit County District Court; in 1993 he was convicted of False Reporting in another court of limited jurisdiction. There are other misdemeanor convictions.

After reviewing the above information, I believe that probable cause exists for charging Terrance Jon Irby, date of birth 6/10/1958, with the crimes of Murder in the 1st degree pursuant to RCW 9A.32.050; three counts of theft of a firearm; one count of burglary in the first degree; attempting to elude a pursuing police officer; three counts of unlawful possession of a firearm; and one count of burglary in the second degree.

I certify under penalty of perjury and the laws of the state of Washington that the foregoing is true and correct to the best of my knowledge (RCW 9A.72.085).

/s/J.A. Sheahan-Lee in Mount Vernon, Washington on April 15, 2005

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