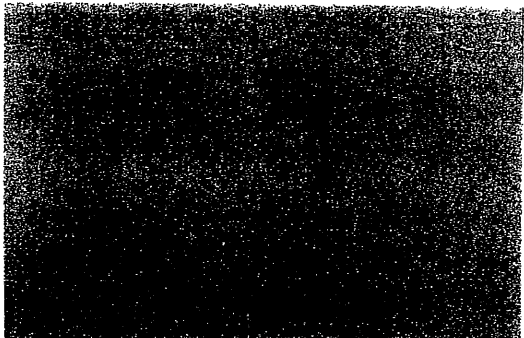


AFFIDAVIT
(N.R.S. 171.106)

STATE OF NEVADA)
) SS:
COUNTY OF CLARK)



S. Pastore P#275, being first duly sworn, deposes and says:

That he is a Detective with the Boulder City, Nevada Police Department, being so employed for a period of 7 Years and 6 months assigned to investigate the crimes of NRS 205.060 BURGLARY: Possession of Firearms, NRS 205.492 UNLAWFUL ACTS INVOLVING ELECTRONIC MAIL and NRS 205.477 UNLAWFUL ACCESS OF COMPUTERS, and NRS 197.140 PUBLIC OFFICER MAKING FALSE CERTIFICATE was committed on or about 02/13/10, which investigation has developed LARRY LEE MARKOTAY (DOB 07/04/67) as the perpetrator thereof.

That affiant developed the following facts in the course of the investigation of said crime, to-wit:

BCPD Case Number: 10-0243

Ms. Cathleen Winterrowd (DOB 01/09/66) and Mr. Larry Markotay started their intimate relationship in 2006. They resided at [REDACTED] within the city limits of Boulder City, Nevada. Markotay has been the Chief Constable of Boulder City Township, since 1998. In addition, Markotay was employed as a locksmith for Gene's Locksmith, within the city limits of Boulder City, Nevada. Winterrowd stated she and Markotay had trouble during their relationship, which led to their break-up in August 2009. On 09/26/09, at approximately 0220 hours, Markotay was trespassed from Winterrowd's new residence at [REDACTED], within the city limits of Boulder City, Nevada. At approximately 0220 hours, Markotay was banging on the bedroom window of Winterrowd demanding that she come out to speak with him. Markotay was intoxicated at the time and was given a courtesy ride home to [REDACTED]. Markotay had two firearms, which were put in the trunk of his vehicle, a 2003 black Crown Victoria (NV EX51248). The vehicle was parked several houses away from Winterrowd's residence. Markotay denied driving to her residence.

On 02/14/2010, at approximately 1720 hours, Winterrowd reported a burglary at her residence, [REDACTED] (DR#10-0243). She reported four firearms were taken and a camera. The firearms included a Smith and Wesson K frame .38, which was bored for .357, with polished wood grips. The second firearm was a stainless steel Kel-Tec 9mm. The third firearm was a Kahr .45 and the fourth firearm was a Smith and Wesson J frame .357 with black grips. The camera was a Canon PowerSX120IS. The S&W Revolver K Frame .38/.357 was in the night stand by her bed (master bedroom), the Kel-Tec Stainless, in the dresser drawer (master bedroom) and the S&W .357 J Frame in the closet (master bedroom). Winterrowd stated there were other firearms in the master bedroom, which were not taken. The Kel-Tec and another handgun were in her dresser drawer, yet only the Kel-Tec was taken. The S&W J Frame, was in a box in the closet, in which Markotay was present when she first stored the gun there. In addition to the S&W in the closet, there was a shotgun, AK-47 and 10-22 rifle, but they were not taken. Winterrowd also stated there was jewelry in the nightstand next to the K Frame, yet the jewelry was not taken.

On 02/18/2010, at approximately 1608 hours, I, followed up with Winterrowd at [REDACTED]. She confirmed the location of the firearms as stated in her original report. Winterrowd showed me various text messages, over the course of two months, that showed Markotay's obsession with wanting to renew the relationship. Winterrowd stated Markotay would not give up on their relationship and would text her and call regularly. Winterrowd showed me her cell phone, in which I noticed numerous messages from Markotay's phone number [REDACTED]. Detective Michelle Isham P#289 took photos of Winterrowd's phone showing the messages back and forth from Markotay's phone [REDACTED] and her phone numbers [REDACTED] and [REDACTED]. I asked her why would Markotay only take the Kahr .45, K Frame, Kel-Tec and J Frame. She answered "Because he gave me those guns as a gift and probably took them back." She stated the Canon camera missing was a gift from Markotay in December 2009. Winterrowd stated the camera had pictures of the missing firearms on there, in which she had told him in the past that she had taken pictures of the guns.

I asked Winterrowd why she received so many guns as gifts from Markotay. She stated she was made a Reserve Constable of Boulder City Township by Markotay in December of 2008. He provided her with a Deputy Constable badge and identification card stating her authority to conduct investigations and make arrests under the statutes of the state of Nevada. The identification card expired on 12/31/2009. Winterrowd stated she never attended a P.O.S.T. certified academy and never received a P.O.S.T. certificate as a peace officer for the state of Nevada. She stated he gave her the firearms as gifts, during their relationship, so she would have them to perform her duties as a Reserve Constable. Winterrowd stated she believed that Markotay had accessed her computer. She believed this because he had referenced, via text, an email that was between her and her adult daughter, Brandi Winterrowd. The email could only be accessed by someone retrieving the info from her laptop computer. The password and username are saved on the laptop, and all one has to do is open the email account and hit "enter" when prompted. Winterrowd stated Markotay knew that she did not record the serial numbers of the firearms. Winterrowd stated that the K Frame had polished wood grips that were given to her by retired BCPD officer Scott Leonard and put on by Markotay. She stated the K Frame was a .38, but was bored for .357. The grips were given to her because it was a better fit for her hand. She stated the Kel-Tec was a stainless steel gun, which was not a common gun. She stated he gave that to her to wear around her neck in a special holster.

Winterrowd stated she was not at home between 02/13/10 1700 hours and 02/14/10 0100 hours. Winterrowd stated she went to Circus Circus with Mike Bissonette (a friend), Brandi Winterrowd (her adult daughter) and James Warren (Brandi's boyfriend) at approximately 1800 hours. Bissonette and C. Winterrowd, left Circus Circus, went to his house (██████████, Las Vegas, NV) at approximately 1830 hours. They then went to PF Chang's (1095 S. Rampart Blvd., Las Vegas) at approximately 1900 hours, there was a long wait to dine. So, they decided to go to Carrabba's Italian Restaurant (8771 W. Charleston, Las Vegas), where they dined until approximately 2130 hours. Winterrowd and Bissonette went back to his house at approximately 2200 hours. Winterrowd picked up Brandi and Warren at approximately 0000 hours at Circus Circus. On the way back to Boulder City, they stopped at a Jack In The Box (Eastern/Charleston Las Vegas). They arrived at ██████████ Street at approximately 0100 hours.

02/23/2010, at approximately 1255 hours, I was notified by the BCPD that Markotay had been arrested for a DUI hit and run. Markotay was driving his 2003 black Crown Victoria (EX51248) while intoxicated and hit two separate poles. He then fled on foot. Officer Paul Daly P#224, traffic investigator, stated he found four firearms in Markotay's vehicle and on the roadway. Officer Daly described the firearms, of which two matched the description of the firearms missing from ██████████.

On 02/23/2010, at approximately 0853 hours, Detective Tiffany Driscoll P#288 and I, met Markotay at Henderson Detention Center in Henderson, Nevada. Markotay was in custody for the DUI and hit and run. The conversation was recorded on my Olympus digital recorder (Model DS-40). I advised Markotay of his Miranda Rights, in which he waived his rights. He declined to sign a Miranda waiver, but allowed me to record the conversation. The interview was transcribed by iWrite Corporation. Markotay stated he knew I was there to interview him about the DUI accident. I advised Markotay I heard about the accident, but I was not there to speak with him about the accident. I explained I was here to speak with him about missing firearms taken from someone's property. He answered "Yeah, but those firearms in my car are mine." I asked if any of the firearms in his car were ever in somebody else's home at one time, in which he answered "No." I asked if any of the guns in the car were ever loaned out to anybody, in which he stated "No." He stated the guns in the car have always been in the car or in his house. I asked again if he ever loaned any of his guns out before and he stated, "Not that I am aware of." I asked him again, aside from the guns in his vehicle, if he ever loaned out his guns and he stated "Yes, to Cathleen Winterrowd." He stated he gave two guns to Winterrowd when they were together, but got those back. He stated they lived together at ██████████, Boulder City, Nevada. I asked was there only two guns and he stated "Yeah, as far as I know, the two in my trunk, the model 15 (S&W .38 Stainless) and the Kel-Tec." He stated when he and Winterrowd broke up, she left with the Kel-Tec, but he is not sure how many guns she left with. He stated she left that residence in August of 2009. I asked him why he gave her the guns, he stated for self defense. He added he gave her a Kahr .45 for her birthday on January 9, 2009. I asked him if he knew about guns that were missing from Winterrowd's house, in which he asked "What guns are missing?" I stated the Kahr .45 was missing. He answered it probably happened about two weeks ago, when he noticed two Hispanic males in Winterrowd's backyard. I asked if Winterrowd was home, he stated no. I asked why didn't you call the police, he stated because he was waiting for Winterrowd to come home. I asked again why he didn't call the police. He stated he could handle it himself. I asked when did this happen, he stated about two weeks ago. I asked if he had a description of the two males, in which he stated, they jumped the back wall and got away. He added there was a doggie door that the two males may have gone through to get into the house. During my interview Markotay stated the Kel-Tec was a collector's item, because they don't make that kind of gun anymore and he would have wanted that back.

On 02/23/2010, at approximately 1530 hours, I met with Winterrowd at the BCPD. I provided her with a picture of the S&W .38/.357 K Frame, that was found at the scene of Markotay's DUI accident. She identified it as the missing firearm. She stated there was a wear mark by the trigger portion and the grips were the polished grips given to her by Scott Leonard. Detective Mark Dubois P#242 then retrieved the two firearms from the evidence room, referenced DR#10-298. One was a S&W .38 K frame bored as a .357 with polished wood grips and the other was a stainless Kel-Tec 9mm. Winterrowd positively identified both firearms as the firearms missing from her home. I requested Det. Dubois to note the firearms as evidence for this case as well. She pointed to the wear mark above the trigger on the frame and polished wooden grips. I informed Winterrowd about Markotay's DUI accident, in which she stated she had not heard about it yet.

On 02/23/2010, at approximately 1745 hours, I met with Mr. James Warren (DOB 06/24/92), Brandi Lynne Winterrowd (DOB 02/15/92) and Winterrowd. Brandi stated on 02/13/2010 at approximately 1500 hours, she and Warren went into her mother's bedroom looking for her car keys. In the search, Brandi found a silver revolver in the nightstand next to the bed. Winterrowd showed Warren and her the gun, just in case they needed to get to it for defense. I showed Brandi the photo of the revolver, in which she positively identified the firearm. Brandi added, when they came home from Circus Circus Casino (2880 S. Las Vegas Blvd., Las Vegas) at 0100 hours and went to bed. Later, on 02/14/2010, they discovered the window screen, of her brother's bedroom, on the ground outside. Brandi stated her mother told her and James there were guns missing. Brandi completed a voluntary statement.

Warren stated on 02/13/2010, at approximately 1500 hours, that he and Brandi were looking around the house for Winterrowd's car keys because they were getting ready to go to Circus Circus. Talk came up about the gun inside the nightstand by the bed in the master bedroom. Winterrowd showed him and Brandi the silver revolver. I showed the picture of the revolver, the same photo I showed Winterrowd earlier, in which Warren positively identified the revolver. Warren stated the next day, 02/14/2010, Winterrowd told him and Brandi her firearms are missing. Warren stated a gun from her purse and the gun in the nightstand were gone.

On 02/24/2010, at approximately 0958 hours, I interviewed David Cole (DOB 02/26/68) at the BCPD. Cole is a non-sworn Animal Control Officer with the Boulder City Police Department. Cole was the passenger and witness, during the DUI accident, involving Markotay, on 02/22/2010. Cole stated he is one of Larry's best friends. Cole stated he has known Markotay and Winterrowd throughout their relationship. He stated Markotay gave Winterrowd a Kahr .45 and a stainless S&W .357. I showed Cole a photo of the firearms, in which he stated that they looked like the firearms he remembered Markotay giving Winterrowd. Cole stated he remembered Markotay giving Winterrowd a Kel-Tec, which she wore in a necklace holster. Cole stated on 02/14/2010, Markotay told him about breaking into Winterrowd's house on Tavernier. Cole stated Markotay told him he took her computer laptop to his house and looked at her emails, then brought the laptop back to Tavernier before Winterrowd returned from Circus Circus. Cole stated this happened sometime before midnight. Cole stated Markotay told him that he took two guns from the house, which he had given her while they were living together. Cole stated Markotay told him this in his garage at [REDACTED], Boulder City, Nevada. Cole stated Markotay was obsessed over Winterrowd. He had to know where Winterrowd was at all times and was extremely jealous. He stated he told Markotay on numerous occasions to let Winterrowd go and move on. But, Markotay would not let go and would keep after Winterrowd. Cole also stated Markotay is a vengeful person, in which he is in fear of his life if Markotay finds out he didn't lie for him, as he requested.

On 02/24/2010, at approximately 1410 hours, Detective Driscoll and I interviewed Markotay at his residence at [REDACTED] Boulder City, Nevada. I had called Markotay earlier in the day to ask if it was all right to come down and speak with him, in which he stated yes. Markotay was read his Miranda Rights, in which he waived his rights to speak with me. The conversation was recorded, with Markotay's knowledge, on my Olympus digital recorder DS-40. The iWrite Corporation transcribed the interview. Markotay was seated on his couch in the living room, in which he invited me to sit next to him. Det. Driscoll sat opposite us on a large cooler. I advised Markotay that I knew he had gone into Winterrowd's house on the night in question. That he took her computer laptop out of the house and went to his house to look at what was on the computer. I told him he returned the laptop back to the house and then took four firearms, including a S&W K frame .38 revolver, bored to shoot .357, in which it had polished wood grips. I stated to Markotay he took a stainless Kel-Tec 9mm from the house as well. In addition to a Kahr .45 and another S&W .357. I added that he took a black Canon Powershot SX120IS, which contained photos of the firearms that Winterrowd had taken earlier. Markotay denied my allegations. I explained to Markotay that I did not believe him. I added if that's the story he is sticking to, I would come back and my conversation would be different. He stated he was home all night, so he couldn't have been at her house. I stated to Markotay that he knows I know what really happened and that if I came back to speak with him tomorrow, the conversation would be short. He asked me, "if I sit here and admit to it, what's going to go on." He then stated he

did go down to her house, but did not go in. I told Markotay I didn't believe him and would be more than happy to walk out of the house and come back. Markotay asked if I could talk with him outside alone. I obliged his request, in which we went to the backyard. Det. Driscoll stayed in the house, with the Olympus recorder.

Markotay asked if he could ask me something off the record, in which I told him I could not go officially off the record, but I would do what I can to help him. He asked "What am I looking at here?" in which I explained this would be a burglary charge. He explained he was afraid to go to jail and wouldn't make it in there. He stated he has too much back pain and they wouldn't give him his medication the right way in jail. I told Markotay that I could not stay outside for long and I needed to get this interview going. I added that I would leave if he wanted me to. He stated he did not want me to leave. He asked if he could get a summons instead of being arrested, due to his health. I told him I would call Detective Sergeant Slade Griffin P#149 and relay his request. Det. Griffin stated that if Markotay gave a full statement and would write it down, we would present to the Clark County District Attorney's office a request for a summons. I relayed this information to Markotay, in which he stated he did go into the house, but he didn't take anything. I told him to stop playing games with me and that I would leave. He stated "What do you want me to say", in which I replied "the truth." Eventually, Markotay stated he would only admit to taking one gun. I asked which gun, in which he replied "the Kel-Tec." I clarified, by asking if it was the Kel-Tec 9mm stainless, in which he responded "Yes." I asked Markotay about the laptop, the camera and the other firearms. He stated he would only admit to the Kel-Tec. He stated he didn't take the laptop or the camera. Markotay stated "I am doing what you want me to, I am admitting to it." I told Larry don't admit to me unless it's the truth. Larry stated he has no choice because I will just be back again to arrest him. I asked what for, in which he replied because I have evidence against him. I told him you don't know what I have. But, I reiterated to him that I know he went into the house and took the items. I explained to Markotay that he needed help and the only way he can get it would be to tell the truth. Again, he stated he would admit to taking the Kel-Tec and wanted a summons in exchange. I told Markotay that's not what Sgt. Griffin said. I asked again, we need the whole truth. He stated he would only admit to the two guns and wanted the summons. I asked what other gun, in which he stated the stainless .38 K frame bored for a .357. I explained I wanted the truth about the laptop as well, but he declined and would only admit to the two guns. At this point I told him we needed to go back inside and I would see what I could do.

When we went back into the house, Markotay stated he was feeling pushed into this and had no choice. I replied that he does have a choice. Larry stated that the only way he is going to get anything is if he tells me what I want to hear, in which I replied "I want you to tell me the truth, not what I want to hear." I asked him to tell me what he believes is the truth. I told Markotay that if he believes that he hasn't done anything wrong and what I have as evidence is not valid, then he should go ahead and tell me that nothing happened and I would leave. I told him that even if I submit for an arrest warrant, I am not the judge or a district attorney. They are the ones who can issue a warrant, not me. At this point I explained to Markotay that if he wanted to play these games, that I was leaving and the conversation was over. I stated he is not under duress, he is not in custody, he's in his own home and he is not going to jail today. I stated if I come back, he could take his chances if something is issued or not. I explained I don't want him to do anything he doesn't want to do, unless it's for himself. I asked him "Do you want me to leave and walk out the door?", in which he replied "No." At this point Markotay explained to me that he went into the house, in which he picked the lock of the front door. He stated he was a former locksmith. He stated he went into the house and took the two guns and then left the house. Markotay stated whether I have good evidence or bad evidence, he is going to jail. So, that's why he is telling me he entered the house and took the two guns. He stated he didn't want to talk anymore, in which I concluded the interview and left the residence.

On 02/24/2010, at approximately 1551 hours, I received a phone call from [REDACTED] which was the cell phone number for Cole. Cole left a message that he needed me to call him. At approximately 1816 hours, I called Cole back. He stated Larry called him and stated that Det. Pastore just left and wanted him to admit to the burglary. Cole stated Markotay wanted them to get their stories straight about the DUI accident. Cole stated he told Markotay that he wasn't going to lie for him. He told Markotay that he needed to tell the truth about everything. Cole stated Markotay wanted him to lie. Cole stated he wasn't going to lie and for Markotay to tell the truth and he needed to get help. Cole told Markotay that's the best help I can give you.

On 03/03/10, at approximately 1645 hours, I spoke with Marketta at the Clark County Recorder's Office. She informed me that there were no records of oath for Winterrowd in regards to being a deputy constable. Per NRS 258.060, all deputies appointed by the constable's office must have their oath recorded with the county recorder. This includes any revocations of such appointments. Markotay violated NRS 258.060 by not recording Winterrowd's appointment. Markotay, by providing an ID for Winterrowd, is in violation of NRS 197.140, Public Officer providing false certificate, in which he knows to be false.

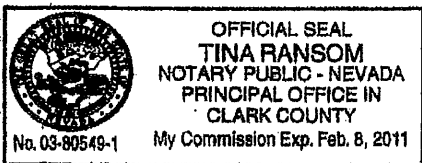
Wherefore, affiant prays that a warrant of arrest issue for suspect,


LARRY LEE MARKOTAY, on a charge of BURGLARY; POSSESSION OF FIREARMS, UNLAWFUL ACTS INVOLVING ELECTRONIC MAIL, UNLAWFUL ACTS REGARDING COMPUTERS and PUBLIC OFFICER MAKING FALSE CERTIFICATE.

Affiant: 

Signed and Sworn to before me on this 9th day of March, 2010 by

Scott Pantony P275




Notary Public in and for said
State and County

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