

AFFIDAVIT FOR SEARCH WARRANT

VA CODE §16.1-263
§16.1-267

CASE NO. 1

The undersigned Applicant states under oath:

1. A search is requested in relation to an offense substantially described as follows:

18.2-31 CAPITAL MURDER

CONTAINED IN
ATTACHED RECORDS

2. The place, person, or thing to be searched is described as follows:

THE PLACE TO SEARCHED IS A 5TH WHEEL CAMPER THAT SITS ON THE LEFT SIDE OF THE ROADWAY ACROSS THE ROAD FROM RESIDENCE 4119 CRIPPLE CREEK ROAD. THIS RESIDENCE TO BE SEARCHED IS IN WYTHE COUNTY. THIS 5TH WHEEL CAMPER IS A WHITE CAMPER WITH A DARK STRIPE DOWN THE SIDE OF THE CAMPER. AROUND THIS CAMPER IS A HIGH TENSIL FENCE AND A FEW TREES SCATTERED AROUND THE CUTILAGE. IF YOU ARE TRAVELING EAST ON CRIPPLE CREEK ROAD WHEN YOU COME TO THE DRIVEWAY OF RESIDENCE 4119 CRIPPLE CREEK ROAD THE 5TH WHEEL CAMPER SITS DIRECTLY ACROSS THE ROAD FROM THIS DRIVEWAY AND WILL BE ON THE LEFT SIDE OF CRIPPLE CREEK ROAD. THIS 5TH WHEEL CAMPER BELONGS TO FREDRICK P. HAMMER WHO IS THE CAPITAL MURDER SUSPECT IN GRAYSON COUNTY.

CONTAINED IN
ATTACHED RECORDS

3. The things or persons to be searched for are described as follows:

ANY AND ALL FIREARMS AND AMMUNITION THAT MAY HAVE BEEN USED IN THE TRIPPLE HOMICIDE THAT OCCURRED IN GRAYSON COUNTY VIRGINIA ON JANUARY 24, 2008 AND ANY ITEMS MAY HAVE BEEN TAKEN FROM THE RESIDENCE BELONGING TO FREDRICK HUDLER AT 396 FOX HOLLOW LANE, MOUTH OF WILSON VIRGINIA.

FILED IN THE OFFICE OF THE CLERK
OF THE CIRCUIT COURT OF WYTHE
COUNTY, VIRGINIA.

THIS 28TH DAY OF Jan 2008
AT 8:30A. M.
BY: *[Signature]* DEPUTY CLERK

INFORM DC-30 (1-11-04) (9-19-07) (7-07-07) (7-07-07)

01/30/08

CONTAINED IN
ATTACHED RECORDS

AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

NAME

INVESTIGATOR

CITY OR TOWN

Wythe County Sheriff's Office

ADDRESS

245 S. 4TH STR.

Certified to Clerk of

Wythe Co. Circuit Court on
1-27-08

[Signature]
MAGISTRATE
TITLE

[Signature]
SIGNATURE

Delivered to Clerk of

Wythe Circuit Court on
1-28-2008 by the undersigned

[Signature]
MAGISTRATE
TITLE

[Signature]
SIGNATURE

4. The material facts constituting probable cause that the search should be made are:
DURING THE EXECUTION OF THE FIRST INITIAL SEARCH WARRANT ON 01-27-2008 AT 5:16 AM WE FOUND FRESH WATER IN THE SHOWER
AT THIS 5TH WHEEL CAMPER DESCRIBED IN SECTION #2 OF THIS AFFIDAVIT AND IT APPEARED THAT SOMEONE HAD USED THIS SHOWER
VERY RECENTLY.

ON 01-27-2008 LT. HUMPHREYS FROM THE VIRGINIA STATE POLICE CALLED FOR A BOMB DOG TO COME TO THIS SCENE OF WHERE THE SEARCH
WARRANT WAS EXECUTED ON THE 5TH WHEEL CAMPER ON CRIPPLE CREEK ROAD. THIS BOMB CANINE DETECTED SOMETHING AT A FIRE PIT
ON THE CURTILAGE OF THIS SAME 5TH WHEEL CAMPER AND UPON EXAMINATION BY LT. HUMPHREYS HE NOTICED THAT FRESH KEROSENE
HAD BEEN THROWN ALL OVER SOME ITEMS OF CLOTHING AND THIS CLOTHING HAD BEEN BURNED BUT STILL SOME ARTICLES OF CLOTHING
HAD NOT BEEN BURNED AND THERE WAS ALSO FRESH KEROSENE ON THE ROCKS AROUND THIS FIRE PIT.

SEE ATTACHMENT FOR OTHER MATERIAL FACTS OF PROBABLE CAUSE.

CONTINUED ON
ATTACHED SHEET

The object, thing or person searched for constitutes evidence of the commission of such offense.

- 6. I have personal knowledge of the facts set forth in this affidavit OR
- I was advised of the facts set forth in this affidavit, in whole or in part, by an informer.
This informer's credibility or the reliability of the information may be determined from
the following facts:

I WAS ADVISED OF THE FACTS OF THIS AFFIDAVIT BY THE GRAYSON COUNTY SHERIFF, RICHARD VAUGHAN,
SGT. D.B. CARNER, AND LT. HUMPHREYS FROM THE VIRGINIA STATE POLICE ON 01-27-2008.

CONTINUED ON
ATTACHED SHEET

The statements above are true and accurate to the best of my knowledge and belief.

SERGHANT
TITLE OF APPLICANT (IF ANY)

St. Louis A. [Signature]
APPLICANT

Subscribed and sworn to before me this day.

1/27/08 @ 502PU
DATE AND TIME

[Signature]
CLERK / SHERIFF

FORM DC-204 (REV. 10/01)

PAX No. 276 228 7260

Wytheville Enterpris

JAN/30/2008/WED 09:23 AM

AFFIDAVIT FOR SEARCH WARRANT

VA CODE ANNOTED § 18.2-264
FILED 3/1/08

CASE NO. 1

The undersigned Applicant states under oath:

1. A search is requested in relation to an offense substantially described as follows:

182-31 CAPITAL MURDER

(CONTINUED ON
ATTACHED SHEET)

2. The place, person, or thing to be searched is described as follows:

THE PLACE TO SEARCHED IS A 5TH WHEEL CAMPER THAT SITS ON THE LEFT SIDE OF THE ROADWAY ACROSS THE ROAD FROM RESIDENCE 4119 CRIPPLE CREEK ROAD. THIS CAMPER TO BE SEARCHED IS IN WYTHE COUNTY. THIS 5TH WHEEL CAMPER IS A WHITE CAMPER WITH A DARK STRIPE DOWN THE SIDE OF THE CAMPER. AROUND THIS CAMPER IS A HIGH TENSIL FENCE AND A FEW TREES SCATTERED AROUND THE CURTLAGE. IF YOU ARE TRAVELING EAST ON CRIPPLE CREEK ROAD WHEN YOU COME THE DRIVEWAY OF RESIDENCE 4119 CRIPPLE CREEK ROAD THE 5TH WHEEL CAMPER SITS DIRECTLY ACROSS THE ROAD FROM THIS DRIVEWAY AND WILL BE ON THE LEFT SIDE OF CRIPPLE CREEK ROAD. THIS 5TH WHEEL CAMPER BELONGS TO FREDRICK P. HAMMER WHO IS THE CAPITAL MURDER SUSPECT IN GRAYSON COUNTY. THE FIRE PIT AND AROUND THE CURTLAGE OF THIS CAMPER.

(CONTINUED ON
ATTACHED SHEET)

3. The things or persons to be searched for are described as follows:

ANY AND ALL FIREARMS AND AMMUNITION THAT MAY HAVE BEEN USED IN THE TRUPPLE HOMICIDE THAT OCCURRED IN GRAYSON COUNTY VIRGINIA ON JANUARY 24, 2008 AND ANY ITEMS MAY HAVE BEEN TAKEN FROM THE RESIDENCE BELONGING TO FREDRICK HUDLER AT 396 FOX HOLLOW LANE, MOUTH OF WILSON VIRGINIA. ANY AND ALL ITEMS OR ARTICLES OF CLOTHING BELONGING TO FREDRICK P. HAMMER THAT HE MAY HAVE BEEN WEARING DURING THE TRUPPLE HOMICIDE IN GRAYSON COUNTY VIRGINIA. ANY REMNANTS OR PARTICLES OF BLOOD INSIDE OR OUTSIDE THE 5TH WHEEL CAMPER.

FILED IN THE OFFICE OF THE CLERK
OF THE CIRCUIT COURT OF WYTHE
COUNTY, VIRGINIA.

THIS 28 DAY OF DEC, 2008

FORM NO. 1 (REV. 11-13-03) (S) (VA) (PROD. DOC)

BY: [Signature] 8:30A
DEP. CLERK (CONTINUED ON ATTACHED SHEET)

AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

Sgt. Roenay A. Haeumyler
NAME

INVESTIGATOR

Wythe County Sheriff's Office
ADDRESS

245 S. 4TH ST.

Certified to Clerk of

Wythe County Circuit Court on
January 27, 2008

[Signature]
MAGISTRATE

Delivered to Clerk of

Wythe Circuit Court on
1-28-2008 by the undersigned

[Signature]
MAGISTRATE

JAN 30 2008 09:34

4. The material facts constituting probable cause that the search should be made are:

SEE ATTACHMENT

CONFIDENTIAL OR ATTACHED SUBJECT

The object, thing or person searched for constitutes evidence of the commission of such offense.

6. I have personal knowledge of the facts set forth in this affidavit OR

I was advised of the facts set forth in this affidavit, in whole or in part, by an informer. This informer's credibility or the reliability of the information may be determined from the following facts:

I WAS ADVISED OF THE FACTS OF THIS AFFIDAVIT BY THE GRAYSON COUNTY SHERIFF, RICHARD VAUGHAN AND SGT. D.B. CARNER ON 01-27-2008.

CONFIDENTIAL OR ATTACHED SUBJECT

The statements above are true and accurate to the best of my knowledge and belief.

SERGEANT
TITLE OF AFFIDAVIT (OPTIONAL)

Sgt. *Denny A. Hart* # 409
AFFIDAVANT

Subscribed and sworn to before me this day.

1-27-08 4:10 AM
DATE AND TIME

[Signature]
CLERK NOTARIAL PUBLIC

SEARCH WARRANT

Commonwealth of Virginia VA CODE §§ 19.2-56, 19.2-57

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth to forthwith search the following place, person or thing either in day or night

The place to search is a 5th wheel camper that sits on the left side of the roadway across the road from residence at 4119 Cripple Creek Road. This residence to be searched is in Wythe County. This 5th wheel camper is a white camper with a dark stripe down the side of the camper. Around this camper is a high metal fence and a few trees scattered around the outillage. If you are traveling east on Cripple Creek Road when you come to the driveway of residence 4119 Cripple Creek Road the 5th wheel camper sits directly across the road from this driveway and will be on the left side of Cripple Creek Road. This 5th wheel camper belongs to Fredrick P. Hammer who is the capital murder suspect in Grayson County.

for the following property, objects and/or persons:

Any and all firearms and ammunition that may have been used in the triple homicide that occurred in Grayson County, Virginia on January 24, 2008 and any items that may have been taken from the residence belonging to Fredrick Hudler at 386 Fox Hollow Lane, Mouth of Wilson, Virginia.

You are further commanded to seize said property, persons, and/or objects if they be found and to produce before

the Wythe Circuit Court an inventory of all property, persons, and/or objects seized.

This SEARCH WARRANT is issued in relation to an offense substantially described as follows:

Capital Murder (18.2-31)

I, the undersigned, have found probable cause and believe that the property or person constitutes evidence of the crime identified herein or tends to show that the person(s) named or described herein has committed or is committing a crime and further that the search should be made, based on the statements in the attached affidavit sworn to by

Inv. B.A. Harrington - WCSO

NAME OF AFFRANT

B.A. Harrington

01/27/2008 04:17 AM

DATE AND TIME

CLERK MAGISTRATE JUDGE

Dane E. Little

FD-204 (01-2007) (REV. 11-2007)

FILE NO.
SEARCH WARRANT
COMMONWEALTH OF VIRGINIA
<i>V/In re</i>
<u>Fredrick P. Hammer</u>

On January 24, 2008 members of the Grayson County Sheriff's Office and the Ashe County Sheriff's Office responded to 396 Fox Hollow Lane, Mouth of Willson, Virginia to a report of a shooting. Upon arrival I observed Fredrick Hudler deceased in the driveway from an apparent gunshot wound. In the garage adjacent to the residence we located John Miller deceased from multiple gunshot wounds. Inside the residence we located the owner Ronald Hudler deceased from a gunshot wound to the head. During the initial investigation, an associate of Ronald Hudler, Frederick Phillip Hammer, was interviewed at his residence in Ashe County North Carolina. Mr. Hammer was not very cooperative at first. He stated that the Ashe County authorities had lied to him and he did not want to talk to anyone. We informed him that we were Virginia law enforcement officers and he agreed to speak with us. Mr. Hammer stated that he was not in the area of Charles Spencer Road this date. He stated that he was working in Todd North Carolina at Marlin Crider's residence. We interviewed Mr. Crider and he was unable to verify Mr. Hammer's presence at his residence on January 24, 2008. Mr. Hammer stated that he had been to Mr. Hudler's residence on several occasions. He stated that he did some remodeling for him several years ago. Mr. Hammer stated that he hauled a large gun safe from Chicago to Mr. Hudler's residence in Grayson County. He also stated that he has seen Mr. Hudler open the safe before and know that it took two keys to open the safe. Nancy Barker, secretary for Hudler Carolina Tree Farms, Inc., stated that Mr. Hammer came by the office on Tuesday, January 22, 2008. Mrs. Barker stated that Mr. Hammer told her that he owed Bill Hudler some money and wanted to know where he was. He also asked where Ron Hudler was. She told him that Ron had been out of town for nearly three weeks and was suppose to be back the end of the week. Leonard Houck, Fire Chief for New River District, informed us that, on January

24, 2008 at about 0910 hours, he observed Mr. Hammer travelling north on Highway 16 toward Grayson County, approximately one and 1/4 miles south of Charles Spencer Road. He recalled the time because he was listening to the obituaries on the radio. He further related that he knows Hammer personally because he has been to Mr. Hammer's residence to perform septic work and that Hammer has delivered wood to Houck's residence. He stated that Mr. Hammer was operating his burgundy and white Ford flatbed truck, and that he was wearing some type of head-cover he had seen him wearing on several occasions previously. On January 25, 2008 Special Agent Walt Parker with the Virginia State Police observed Mr. Hammer on his property wearing a similar head-cover pulled tightly around his face, and was operating a burgundy and white Ford flatbed displaying North Carolina registration XN3554. Fredrick Phillip Hammer has an extensive criminal history dating back to 1978, to include charges for robbery, murder, burglary, assault and escape.

Sgt. Long *[Signature]* 1-27-08
17:02

[Signature] 1/27/08
5:02 PM

Additional Information after issuance of search warrant.

Based on the above information, a search warrant was obtained and was later executed at 7701 Old Highway 15, Crumpler, NC. During that search, the following information was obtained. Investigators discovered an empty box to a Crossman scope, model #0410 4x15 mm. Laramie Shad Roark (Frederick Hammer's step-son) related that the scope was mounted on his .22 magnum rifle he received as a Christmas gift. When investigators asked Roark to present the weapon, they discovered that it was missing. The lenses and broken pieces of a scope, of the same dimensions as those of the missing scope from the empty box, were found near one of the victims at the murder scene. The type and caliber of weapon Roark stated was missing, is of the same type and caliber casings found at the murder scene. Investigators searching the Hammer property also discovered that a .25 caliber Beretta automatic pistol, allegedly, one of a matching pair owned by Brenda Roark, (Laramie Roark's mother) was also missing. The type and caliber of that weapon is also one of the same type and caliber casings found at the murder scene. Investigators also discovered a fifty count box of 50 grain .25 caliber pistol ammunition missing eleven rounds.

In an execution of a subsequent search warrant at 105 Golf View Court, West Jefferson, NC, the home of a close relative of Hammer, and the location of where Hammer's truck was located, revealed an empty .25 caliber Beretta box and a cloth handgun bag containing a .38 caliber shell. One of the victims had a wound of a large caliber bullet, possibly a .38, and all victims had wounds consistent with a smaller caliber such as a .25. Hammer was seen in possession of a .25 caliber automatic pistol on the day before the murders, he is a convicted felon prohibited from possession of firearms. Tire impressions found in the garage where the murders occurred appear to be consistent with the Unroyal Liberator tires found on Hammer's truck, and the truck had apparently been recently washed.

The investigation has revealed information that Hammer drove a Ford Thunderbird with North Carolina plates from West Jefferson to Florida, and there may be evidence of the crimes contained in that vehicle. Hammer owns a Chrysler Town and Country van with North Carolina registration which is also missing from North Carolina and is apparently located in Punta Gorda, Florida at 27457 Tierra Del Fuego Cir. The home of Hammer's close relative, and this vehicle may contain evidence of the crimes.

Eyewitness accounts place Hammer headed toward the area of the Hudler home prior to the murders and traveling away from the area of the Hudler home between 12:30 p.m. and 1:30 p.m. after the time of the murders at a high rate of speed.

The United States Marshall Service located Hammer in the Punta Gorda, Florida area. Hammer is on active probation prohibiting him from leaving North Carolina. The Grayson County Sheriff's Office is currently pursuing this and other leads in connection with the murders that occurred on January 24th. The Grayson County Sheriff's Office is currently pursuing this and other leads in connection with the murders that occurred on January 24th.

Sgt. A. White 11-22-08
17.02

[Signature] 1/27/08
502 PM

Attachment of Section #4
page 1

On January 24, 2008 members of the Grayson County Sheriff's Office and the Ashe County Sheriff's Office responded to 396 Fox Hollow Lane, Mouth of Wilson, Virginia to a report of a shooting. Upon arrival I observed Fredrick Hudler deceased in the driveway from an apparent gunshot wound. In the garage adjacent to the residence we located John Miller deceased from multiple gunshot wounds. Inside the residence we located the owner Ronald Hudler deceased from a gunshot wound to the head. During the initial investigation, an associate of Ronald Hudler, Frederick Phillip Hammer, was interviewed at his residence in Ashe County North Carolina. Mr. Hammer was not very cooperative at first. He stated that the Ashe County authorities had lled to him and he did not want to talk to anyone. We informed him that we were Virginia law enforcement officers and he agreed to speak with us. Mr. Hammer stated that he was not in the area of Charles Spencer Road this date. He stated that he was working in Todd North Carolina at Marlin Crider's residence. We interviewed Mr. Crider and he was unable to verify Mr. Hammer's presence at his residence on January 24, 2008. Mr. Hammer stated that he had been to Mr. Hudler's residence on several occasions. He stated that he did some remodeling for him several years ago. Mr. Hammer stated that he hauled a large gun safe from Chicago to Mr. Hudler's residence in Grayson County. He also stated that he has seen Mr. Hudler open the safe before and knew that it took two keys to open the safe. Nancy Barker, secretary for Hudler Carolina Tree Farms, Inc., stated that Mr. Hammer came by the office on Tuesday, January 22, 2008. Mrs. Barker stated that Mr. Hammer told her that he owed Bill Hudler some money and wanted to know where he was. He also asked where Ron Hudler was. She told him that Ron had been out of town for nearly three weeks and was suppose to be back the end of the week. Leonard Houck, Fire Chief for New River District, informed us that, on January

24, 2008 at about 0910 hours, he observed Mr. Hammer travelling north on Highway 16 toward Grayson County, approximately one and 1/4 miles south of Charles Spencer Road. He recalled the time because he was listening to the obituaries on the radio. He further related that he knows Hammer personally because he has been to Mr. Hammer's residence to perform septic work and that Hammer has delivered wood to Houck's residence. He stated that Mr. Hammer was operating his burgundy and white Ford flatbed truck, and that he was wearing some type of head-cover he had seen him wearing on several occasions previously. On January 25, 2008 Special Agent Walt Parker with the Virginia State Police observed Mr. Hammer on his property wearing a similar head-cover pulled tightly around his face, and was operating a burgundy and white Ford flatbed displaying North Carolina registration XN3554. Fredrick Phillip Hammer has an extensive criminal history dating back to 1978, to include charges for robbery, murder, burglary, assault and escape.

Additional information gathered after issuance of original search warrant.

Based on the above information, a search warrant was obtained and was later executed at 7701 Old Highway 16, Crumpler, NC. During that search, the following information was obtained. Investigators discovered an empty box to a Crossman scope, model #0410 4x15 mm. Laramie Shad Roark (Frederick Hammer's step-son) related that the scope was mounted on his .22 magnum rifle he received as a

Attachment of section 4

page 2

Christmas gift. When investigators asked Roark to present the weapon, they discovered that it was missing. The lenses and broken pieces of a scope, of the same dimensions as those of the missing scope from the empty box, were found near one of the victims at the murder scene. The type and caliber of weapon Roark stated was missing, is of the same type and caliber casings found at the murder scene. Investigators searching the Hammer property also discovered that a .25 caliber Beretta automatic pistol, allegedly, one of a matching pair owned by Brenda Roark, (Laramie Roark's mother) was also missing. The type and caliber of that weapon is also one of the same type and caliber casings found at the murder scene. Investigators also discovered a fifty count box of 50 grain .25 caliber pistol ammunition missing eleven rounds.

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The investigation has revealed information that Hammer drove a Ford Thunderbird with North Carolina plates from West Jefferson to Florida, and there may be evidence of the crimes contained in that vehicle. Hammer owns a Chrysler Town and Country van with North Carolina registration which is also missing from North Carolina and ^{is now} ~~is~~ apparently located in Punta Gorda, Florida at 27457 Tierra Del Fuego Cr. The home of Hammer's close relative, and this vehicle may contain evidence of the crimes.

Eyewitness accounts place Hammer headed toward the area of the Hudler home prior to the murders and traveling away from the area of the Hudler home between 12:30 p.m. and 1:30 p.m. after the time of the murders at a high rate of speed.

The United States Marshall Service located Hammer in the Punta Gorda, Florida area. Hammer is on active probation prohibiting him from leaving North Carolina.

Interviews with and statements from Hammer and interviews with his traveling companions referred to a trip Hammer took to his fifth-wheel camper trailer located in the Cripple Creek area of Wythe County on the morning of the murders in Grayson County. Weapons used and clothing worn in the commission of the crimes have yet to be located and may have been concealed at the camper trailer. Items to be searched for would be a small caliber handgun, a larger caliber handgun and a .22 caliber rifle with a scope that may have sustained damage to lenses, money in the form of bills or currency and also rolls of quarters of other coin, personal effects or jewelry of Ronald Hudler including but not limited to a Tag Heur wristwatch, footwear and clothing.