2016 CF 3036

# PROBABLE CAUSE

**CASE: 14-019848**

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**TO: FIRST APPEARANCE MAGISTRATE**

**DEFENDANT: Katherine Magbanua (DOB: 12/22/1984)**

**CHARGES: Murder (F.S. 782.04), ~~Principal Accessory Conspiracy to Murder (F.S. 777.011) and Tampering with Evidence (F.S. 918.13 1A)~~**

**SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT:**

This affidavit sets forth probable cause to believe that Sigfredo Garcia (Garcia) and Luis Rivera (Rivera) murdered Florida State University (FSU) Law School Professor Daniel Markel in violation of Florida Statutes: Murder per Chapter 782. It is believed that the murder was arranged through Katherine Magbanua, who has been romantically involved with both Garcia and Charlie Adelson, the victim's former brother-in-law.

On Friday, July 18, 2014, at 11:02 a.m., a report of a shooting was received at the home of Florida State University Law School Professor Daniel Markel (Markel), in Tallahassee, Florida. Upon arrival, Tallahassee Police officers found Markel slumped over in the driver seat of his vehicle from an apparent gunshot to the head. Markel was transported from the scene to a local hospital where he later died from the injuries sustained during the shooting. The investigation of the crime scene found no indication that this incident was part of any other criminal intent, such as burglary or robbery.

At the time of the shooting, Markel was talking to an individual on his cellular telephone. That person stated Markel interrupted their conversation, saying *someone he did not recognize was in his driveway.* The person on the telephone with Markel then heard what sounded like a loud grunt. He heard a muffled conversation in the background, but could not make out the words being spoken. He then heard labored breathing but could not get Markel to respond.

Initial investigation at the scene revealed that a neighbor heard what he believed to be a gunshot and looked out the window, where a small silver or light-colored vehicle, resembling a Prius, was observed backing out of the victim's driveway. As will be explained later in the probable cause affidavit, a Prius matching this description was also observed following Markel the day of the murder, including following him into his neighborhood immediately prior to the homicide.

Investigators developed information that around the time of the murder, Katherine Magbanua (Magbanua) was involved in a personal relationship with Charlie Adelson, the victim's former brother-in-law. Magbanua's cellular telephone number was 786-564-1312. Call records show Magbanua as one of Charlie's top contacts.

Investigators further believe Magbanua enlisted the father of her two children, Sigfredo Garcia, and his close associate, Luis Rivera, to carry out this murder, and they all were compensated for their actions. Magbanua is the only tie between Markel and the shooters, Garcia and Rivera.

**Theory of the Murder**

It is investigators' belief that after her divorce from Markel, Wendi Adelson and her parents, Harvey and Donna Adelson, as well as her brother, Charlie, were determined to relocate Wendi and the

two Markel children to South Florida where the Adelsons reside. After exhausting all efforts to force or compel Markel into agreeing to allow his ex-wife and children to relocate to South Florida, the subject family members previously identified realized any hope of a legal remedy in their favor was futile.

Investigators obtained information that Markel and Wendi had gone through a bitter divorce. Wendi filed for divorce on September 10, 2012, when Markel was out of town. The divorce was later finalized by a Marital Settlement Agreement (MSA) on July 31, 2013. However, after filing for divorce and prior to the finalization, Wendi relocated with their two children to her parent's home in Coral Springs, Broward County, Florida. Markel objected and on June 20, 2013, Leon County Circuit Judge Hobbs formally denied *with prejudice* Wendi's Motion for Relocation with the children.

After the Court's denial, investigation revealed that Wendi's parents, especially her mother, Donna Adelson (Donna), repeatedly tried to convince Wendi to coerce Markel into allowing the relocation to South Florida. Donna suggested the family offer Markel *$1,000,000.00* to allow the children to relocate to South Florida. Donna and her husband would contribute 1/3, Wendi 1/3, and Charlie Adelson would contribute 1/3. Donna also suggested that Wendi lie to Markel and tell him the children were going to be converted to Catholicism. The Adelsons knew that Markel and his family were very strict in the Jewish faith and they believed that any suggestion that his children would be baptized and raised Catholic would convince him to allow the children's relocation. This latter suggestion was in spite of the fact that the Adelsons are also Jewish. When Wendi refused these tactics, Donna was extremely upset.

Prior to Markel's murder, he had filed a motion alleging Wendi had failed to disclose all of her financial assets and a motion to require supervised visitation for Donna. Markel alleged the children had disclosed that Grandma (Donna) had said Markel "was stupid" and "she hate's you." The children further said that Grandma hated Markel because he was "taking her 'Sunshines' away from her." The motions were scheduled for May 15, 2014; however, attorneys for both sides had to withdraw due to conflicts. New counsel was retained, but a new court date was unable to be scheduled before Markel's murder.

Additional investigation revealed Charlie reportedly did not like Markel and did not get along with him. Information was also received from Wendi's prior boyfriend who stated Wendi had disclosed that Charlie had previously looked into hiring a hit man the summer before and he was told it would cost $15,000.

Initially Wendi was cooperative during her interview and confirmed Markel was her ex-husband with whom she shared custody of their children. During her interview, Wendi made statements suggesting the murder of Markel could have been arranged by someone on her behalf, without her knowledge. Wendi further suggested that someone could have arranged the murder thinking it would help her, and mentioned that her brother, Charlie, had joked about hiring a hit man to kill Markel in the past. Specifically, she said her brother makes a lot of jokes in bad taste, and had previously commented that he had looked into hiring a hit man, but it was cheaper to buy her a television as a divorce gift. However, Wendi indicated that she did not think her brother would actually commit this crime.

Wendi also stated that, after the divorce, she wanted to relocate to South Florida with her children. She felt her former in-laws would suspect her of murdering their son since she was denied the ability to move by the court.



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While in the interview room, Wendi wanted to call her parents to notify them of the incident. While contemplating aloud as to what she would say, she told the Victim Advocate, sitting next to her, that her parents were very angry with Markel and described it as "a very fucked up situation." Wendi then called and talked to her mother at 7:03 p.m. per the video timestamp. After notifying her mother of the shooting, Wendi asked her mother to notify Charlie of the shooting so Wendi would not have to do so. Call detail records indicate after Wendi's conversation with her mother, Donna Adelson called Charlie's cellphone at 7:11 p.m. which went to voicemail. Charlie then called Donna's cellphone at 7:13 p.m. with a call duration of 5 minutes, 47 seconds. At 7:29 p.m. Charlie called Donna again with a duration of 6 minutes, 31 seconds. At 7:36 p.m. Charlie called Katherine Magbanua's cellphone with a duration of 2 minutes and 49 seconds. This call is significant because as previously stated investigators believe Magbanua was the person that facilitated the homicide in that she is the link between the subject family members and the shooters.

**Contact with Harvey and Donna Adelson**

Wendi's parents, Harvey and Donna Adelson, made contact with the lead TPD investigator at Markel's memorial service on Sunday morning, July 20, 2014, in Tallahassee at the Shomrei Torah Synagogue. They agreed to contact the TPD investigator to arrange an interview before returning to their home in South Florida. The following day, the TPD investigator contacted Wendi on her cellular telephone. Once the investigator identified himself, Wendi claimed to have a bad connection and the call was terminated. Less than five minutes later, Wendi's attorney called the investigator at the same telephone number used to call Wendi and informed him that Wendi left town with her children and parents in route to South Florida. The attorney could not provide a date for Wendi's return to Tallahassee, and requested he be contacted for any further inquiries.

Harvey and Donna Adelson left Tallahassee with Wendi and the grandchildren the day after the memorial service without speaking with this investigator as promised. Since leaving, no one in the Adelson family has contacted TPD or inquired about the status of the investigation.

**Change of Children's Names**

On September 24, 2015, the TPD investigator was notified by Markel's parents that on or around July 6, 2015, Wendi had her children's surname changed from Markel to Adelson. Markel's parents, who live in Canada, were unaware of this change until they received an e-mail from Wendi on September 24, 2015. Wendi indicated in the e-mail she did this to "protect them" from media reports and the possibility of someone trying to find her children.

In addition, the parents discovered Wendi had also removed her older son's middle name, which was the Hebrew name of Markel's deceased maternal grandmother. According to the Markels, it is traditional in the Jewish faith to give a newborn child a first or middle name of a deceased relative. The Markel family is deeply troubled by this action and believe it was done by Wendi to sever any connection to the Markel family.

**The Suspect Vehicle**

Investigation has revealed that Sigfredo Garcia (Garcia) is the father of Magbanua's two minor children, both with the last name 'Garcia.' Magbanua is also listed as the vice president of S. Garcia Solutions Inc., and Garcia is listed as the president of the company on State of Florida records for corporations. No records have been found indicating that Magbunua and Garcia are married.

As previously stated, it is believed a Prius was driven by the perpetrators of Markel's murder and records show that Garcia is linked to this same Prius.

Investigation has revealed that Markel left his home the morning of July 18, 2014, and drove his two young children to their daycare facility on the west side of Tallahassee, approximately five miles away, dropping them off at 8:50 a.m. Markel then drove to Premier Health and Fitness Center (Premier). At approximately 9:12 a.m., Markel arrived at Premier, where surveillance video shows a silver or light green Toyota Prius enter the parking lot after Markel parked his car. After Markel went into the health club, the video captured the Prius in the parking lot where the driver moved the vehicle to different parking positions while Markel was in the building. Video also shows that no individuals ever exited the Prius.

Markel left Premier at approximately 10:38 a.m., and drove off in his vehicle toward Thomasville Road. The video shows the Prius exiting the parking lot and following the direction of Markel's car.

Additional surveillance video discovered for the day of the homicide shows what appears to be the same Prius before and after the homicide was committed, including following Markel into Markel's neighborhood immediately prior to the shooting. After analyzing all of the surveillance videos, investigators believed the suspect vehicle to be a 2006-2009 Toyota Prius with 'Silver Pine Mica' paint, which appears to be a light green/silver color. The Prius appears to have tinted windows, a Sunpass transponder on the top-center of the windshield, a missing tow-hook cover on the front bumper and a black passenger side mirror casing.

Investigators analyzed the time stamps from the videos when the Toyota Prius was observed, which confirmed that the Prius had the opportunity to be present at the crime scene when the murder was committed. Additional surveillance video was obtained through other sources along Markel's route the morning of July 18, 2014, which also shows a similar vehicle trailing Markel's car. Investigators believe the suspects in the Prius followed the victim throughout the morning and back to his residence, where the victim was shot in the head as he sat in his car.

As previously stated, at the time of the homicide, Markel's neighbor heard what he believed to be a gunshot and looked out the window, where he saw a small silver or light-colored vehicle, resembling a Prius, backing out of the victim's driveway.

A subpoena was sent to the Florida Department of Transportation (FDOT) for Sunpass toll records on Alligator Alley, I-75 west of Ft. Lauderdale, on July 16, and 18, 2014. Only one account listing a Prius as a customer vehicle had Sunpass transponder activity at the Alligator Alley toll booths on those two dates at the times consistent with when cell site data shows the subject handsets traversing those toll plazas. On July 16, 2014, at 2:18 p.m., the transponder registered at the toll plaza in Broward County, westbound on I-75. On July 18, 2014, at 5:23 p.m., the transponder registered at the eastbound toll facility of I-75 in Collier County near Naples, Florida. The transponder of interest in this case is number 11525706-01-10, per FDOT records.

FDOT shows the subscriber for the Sunpass account using the above transponder is a rental car company in North Miami, Florida. The company has Toyota Prius vehicles listed on their Sunpass account. FDOT does not have a record of which transponder is assigned to a specific customer's vehicle. FDOT records only show that a transponder is assigned to a customer and the customer can voluntarily provide vehicle information on all vehicles using that transponder. In this case, the rental car company

purchased a large quantity of transponders; all are the adhesive type that sticks to the windshield, which is not transferred from car-to-car.

The rental car company was contacted by law enforcement on September 17, 2015. They provided several rental contracts for Prius' that were rented around the time of the homicide, including a copy of the rental contract for a 2008 Toyota Prius on July 15, 2014, three days before the homicide. The customer is listed as "Luis Rivera" with a contact number of 305-570-8153. A second telephone number was also written on the rental contract, 786-372-5986, Garcia's phone, with the word "Brother" written beside the number. The rental contract indicates the Prius was checked out at 6:15 p.m. on July 15, 2014, and rented to Rivera through July 21, 2014, three days after the homicide.

This vehicle has since been sold by the rental car company. It has been located, identified by its registration, photographed and searched by law enforcement. Since the homicide, the vehicle has been repainted and sold twice. No evidence of the crime was discovered within the vehicle.

Investigation also revealed the Prius rented by Luis Rivera on July 15, 2014, contained a GPS device installed by the owner to assist with theft or non-return. The device reports its location every 25 hours automatically. Investigators subpoenaed the GPS company and their records revealed that device #P011190143 was installed on a 2008 green Prius and provided the Florida license plate. This Florida plate matches the plate listed for the vehicle rented by Luis Rivera on the receipt from the rental car company. The GPS company provided the following records for this GPS unit for the duration of Rivera's rental of the Prius between July 15, 2014, and July 21, 2014.

The GPS company records use Pacific Time Zone (below times have been converted to Eastern Daylight Saving Time):

- On July 15, 2014, at 10:25 p.m. EDST, the vehicle was located at {25.84544, -80.14534} the parking lot of 7501 E. Treasure Drive, North. Bay Village, Florida. *This was the location of Magbanua's residence at that time.*

- On July 16, 2014, at 11:26 p.m. EDST, the vehicle was located at {30.4605, -83.77986} I-10 near Aucilla, (Jefferson County) Florida.

- On July 18, 2014, at 12:26 a.m. EDST, the vehicle was located at {30.45653, -84.28077} North Monroe Street and East 6th Avenue, Tallahassee, Florida.

- On July 19, 2014, at 1:26 a.m. EDST, the vehicle was located at {25.90072, -80.16849}, which is behind 1505 N.E. 135 Street, North Miami, Florida. This address is the residence of Jessica Rodriguez, who was a girlfriend of (and has a child with) Rivera. Further investigation revealed that Rivera was arrested at this address on January 20, 2015, for a domestic violence incident with Rodriguez. Rivera was residing at this address according to the arrest report.

- On July 20, 2014, at 2:27 a.m. EDST, the vehicle was located at {25.86379, -80.12386} which is in the area of 7835 Byron Avenue and 79th Street, Miami Beach, Florida.

- On July 21, 2014, at 3:27 a.m. EDST, the vehicle was located at {25.86384, -80.12392} which is in the area of 7850 Byron Avenue and 79th Street, Miami Beach, Florida.

Cellular location data for Magbanua, Garcia, and Rivera revealed that their handsets are communicating with cell sites consistent with being in the area of Magbanua's residence during and around the time the vehicle GPS shows it location to be in the parking lot of Magbanua's condominium. Magbanua's condominium building is located on a small island between Miami and Miami Beach. This evidence shows that shortly after renting the Toyota Prius, both Garcia and Rivera met with Magbanua the night before departing for Tallahassee to commit the murder.

**Photograph of Garcia and Rivera in the Prius**

Analysis of Rivera's checking account revealed an ATM transaction took place in Broward County on July 18, 2014 at 6:46 p.m. as they were returning to Miami from Tallahassee, Florida. Security video from the drive-through ATM lane shows Rivera driving a Toyota Prius up to the ATM at 6:45 p.m. The Prius appears to have the same identifying features as the suspect Prius seen on video from the northbound bus cameras in Tallahassee: tinted windows, a Sunpass transponder on the top-center of the windshield, and a black passenger side mirror casing. The bank video shows Rivera completing the ATM transaction and Garcia in the front passenger seat. As the Toyota Prius exits the ATM area at 6:47 p.m., a Florida license plate can be seen on the rear of the car. The tag characters appear to match those of the car rental contract. Cellular site data is consistent with this stop at the ATM location prior to Garcia and Rivera arriving back in North Miami.

**Connection to Magbanua, Garcia, Rivera, Adelsons**

Cellular records show numerous contacts between Katherine Magbanua and both Charlie Adelson and Sigfredo Garcia. On one occasion, telephone records show contact between both Garcia's and Magbanua's telephones and a cellular telephone registered to Harvey Adelson, Charlie's and Wendi's father.

Specifically on July 1, 2014, telephone tower location records show a flurry of communication between the alleged conspirators. On that date, Charlie's and Magbanua's cellular telephones were in the vicinity of Charlie's residence between 10:04 a.m. and 1:20 p.m., possibly indicating they were together. At approximately 11:47 a.m., Magbanua's telephone began attempting to contact Garcia's telephone. Over the next 5½ hours, Magbanua attempted to contact Garcia approximately 48 times. At 5:05 p.m., Magbanua made contact with Garcia and they appeared to have a conversation lasting 6 minutes and 22 seconds. Approximately 9 minutes later, at 5:20 p.m., Garcia's cellular telephone, 786-372-5986, attempted to contact Harvey's cellular telephone, 954-980-9032. The cellular records indicate this call went to voicemail. There is no known reason for Garcia to call Harvey Adelson.

Over the next two hours, there are several more contacts between the suspected conspirators. Magbanua's telephone attempted to contact or did contact Garcia's telephone over 30 times. Then Magbanua's telephone called Harvey's telephone at 7:43p.m., which also appeared to go to voicemail. At 7:44 p.m., Magbanua's telephone contacted Garcia's telephone with a call duration of 4 minutes and 33 seconds.

At 8:29 p.m., Magbanua's and Charlie's telephones had contact for approximately 3 minutes. Immediately following this call, at 8:33p.m., Magbanua's telephone again contacted Garcia's telephone. At 9:07 p.m., Magbanua's and Charlie's telephones had contact for over 36 minutes and, at 9:44 p.m., they again had contact for over 13 minutes. At 9:58 p.m., Charlie's telephone attempted to contact



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Harvey, which appeared to go to voicemail. Throughout the remainder of the evening and night, there were numerous other contacts between Magbanua's telephone and Garcia's telephone as well as Magbanua's telephone and Charlie's telephone, with all the calls ending just after midnight. At 12:43a.m., on July 2, 2014, Charlie's telephone contacted Harvey's telephone with a duration of 11 minutes and 42 seconds.

The two separate attempted calls on July 1, 2014 from Magbanua and Garcia to Harvey's telephone, 2 hours and 23 minutes apart, were the only contacts found between these phones in records dating back to May 1, 2014.

Cellular telephone analysis conducted during this investigation has revealed that on July 18, 2014, the day of the homicide, at approximately 9:36 a.m., cellular telephone number 786-372-5986 was in the vicinity of Premier in Tallahassee where the victim was last seen alive. Investigation of telephone number 786-372-5986 shows that it was used to contact the cellular phone of Harvey Adelson, Wendi's father, on July 1, 2014, approximately 2 ½ weeks prior to the murder.

Investigation of telephone number 786-372-5986 revealed that it was being used by Garcia prior to the murder and had been in contact with Magbanua's telephone number, 786-564-1312, approximately 2,700 times between May 1, 2014 and July 19, 2014, when Garcia's cellular phone ceased activity. July 19th is the day after the homicide.

Cellular telephone analysis revealed phone number 305-570-8153, which is one of Garcia's frequent contacts, was also in the vicinity of Premier on the morning of the homicide. It was also in the vicinity of Markel's residence twice the day before the homicide on July 17, 2014. Investigation shows this phone number was being used by Luis Rivera during the time leading up to Markel's murder.

Analysis of cellular telephone call detail records revealed that on numerous occasions during the weeks leading up to Markel's murder, Magbanua would have telephonic contact with Charlie Adelson, followed by telephonic contact between Charlie and Donna Adelson, coinciding with Magbanua having contact with Sigfredo Garcia. Investigators believe this pattern is consistent with Magbanua being the conduit during the planning of Markel's murder.

In addition, the following events illustrate that the subjects of this investigation were in communication with each other around the time of the homicide. The following contacts took place the morning of July 18, 2014:

- 12:00-12:23 a.m. – RIVERA's and GARCIA's handsets communicated with cell sites in the area of Roadway Inn on N. Monroe St.
- 12:01 a.m. - MAGBANUA contacts GARCIA (over 1 minute)
- 12:07 a.m. - CHARLIE ADELSON contacts MAGBANUA (over 7 minutes)
- 12:26 a.m. - GPS shows Toyota Prius at N. Monroe St. and E. 6th Avenue in Tallahassee, Florida
- 12:34 a.m. - MAGBANUA contacts CHARLIE ADELSON (less than 1 minute)
- 1:02 a.m. - CHARLIE ADELSON contacts DONNA ADELSON
- 1:03 a.m. - CHARLIE ADELSON contacts MAGBANUA (20 minutes)



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- 2:21, 3:10, 6:45, and 8:03 a.m. – RIVERA's handset communicated with cell sites in the area of Roadway Inn on N. Monroe Street
- 8:09 a.m. - DONNA ADELSON contacts WENDI ADELSON (35 seconds)
- 8:50 a.m. - DANIEL MARKEL drops his children off at Creative Preschool, 2746 W. Tharp St., Tallahassee, Fl.
- 9:02 a.m. - DANIEL MARKEL contacts WENDI ADELSON (1 minute)
- 9:12 a.m. - Video shows MARKEL arrive at Premier, 3521 Maclay Blvd. S., Tallahassee, Florida along with green Prius
- 9:12 a.m. - CHARLIE ADELSON contacts WENDI ADELSON (less than 1 minute)
- 9:17 a.m. - MARKEL swipes into Premier
- 9:19 a.m. - WENDI ADELSON contacts CHARLIE ADELSON (over 18 minutes)
- 9:14-9:46 a.m. – GARCIA's and Rivera's handsets communicated with cell sites in the area of Premier Fitness
- 9:38 a.m. - CHARLIE ADELSON contacts DONNA ADELSON (30 seconds)
- 9:58 a.m. - CHARLIE ADELSON contacts MAGBANUA (over 6 minutes)
- 10:07 a.m. - MAGBANUA contacts CHARLIE ADELSON (over 1 minute)
- 10:08 a.m. - MAGBANUA contacts CHARLIE ADELSON (9 seconds)
- 10:09 a.m. - CHARLIE ADELSON contacts MAGBANUA (6 minutes)
- 10:38 a.m. - Video shows MARKEL leaving Premier and Toyota Prius following
- 10:44-10:51 a.m. - Bus video shows Toyota Prius following the victim's route south on Thomasville Road to Betton Road
- 10:48 a.m. – MARKEL makes phone call to subject inquiring about children's school
- 10:52-10:55 a.m. - Neighbor hears gunshot and sees small light colored vehicle pulling out of Markel's driveway
- 10:55 a.m. - Bus video shows Toyota Prius northbound on Thomasville Road at Armistead Road
- 11:00 a.m. – Subject on phone with MARKEL attempts to call MARKEL back, call goes to voicemail
- 11:01 a.m. – Subject texts MARKEL asking if he is okay
- 11:02 a.m. – MARKEL'S neighbor calls 911



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- 11:06 a.m. - DONNA ADELSON contacts CHARLIE ADELSON (either attempted call or text)
- 11:22 a.m. - CHARLIE ADELSON contacts DONNA ADELSON (7 minutes)
- 11:30 a.m. - CHARLIE ADELSON contacts MAGBANUA (30 seconds)
- 11:31 a.m. - CHARLIE ADELSON contacts MAGBANUA (5 minutes)

**Cellular Telephone Information Linking Magbanua, Garcia and Rivera to the Murder**

Information obtained from the cellular service provider for Rivera's phone, 305-570-8153, and Garcia's phone, 786-372-5986, revealed that the two traveled from North Miami, Florida on the afternoon of July 16, 2014 and arrived in Tallahassee, Florida just after midnight on July 17, 2014. A receipt from a motel on W. Tennessee Street in Tallahassee shows that Rivera checked in at approximately 1:00 a.m. on July 17, 2014, which is consistent with the cellular location data. Both Garcia's and Rivera's phones were in the area of the victim's residence during the day of July 17, 2014. A witness, who previously met Garcia and Rivera in Tallahassee a month or more before, was telephonically contacted by Rivera's cellular phone on the afternoon of July 17, 2014. The witness rented a hotel room on N. Monroe Street, in his name, for Garcia and Rivera on the night of July 17, 2014. This is consistent with the cellular location data and a receipt obtained from the hotel showing a room registered in the witness's name. The witness was able to positively identify both Garcia and Rivera, individually, in two separate photographic line-ups.

The witness also recalled Rivera having in his possession a silver finish, short-barrel revolver handgun the first time he met Garcia and Rivera, possibly in June 2014, at the motel on W. Tennessee Street. Recovered evidence from the crime scene indicates the caliber of firearm used in this murder is consistent with revolver ammunition and no spent casings were found at the scene. The investigation did not reveal any other legitimate purpose for either suspect to be in Tallahassee at the time of the murder.

On the morning of July 18, 2014, both Garcia's and Rivera's cellular phones were in the area of Premier during the time when the victim was inside and surveillance video shows the Toyota Prius in the parking lot. Garcia's telephone ceased activity just before 10:00 a.m. while in the area of Premier, with the last text message occurring at 9:58 a.m. The next event on Garcia's telephone was text messages and/or notifications being received at 12:29 p.m., consistent with the handset being powered up. Immediately afterward at 12:30 p.m., Garcia placed a call to Magbanua, which was the first contact initiated by Garcia after the homicide. This call occurred when Garcia's phone was in the area of Lake City, Florida, on or near I-75 approximately one and a half hours after the shooting was reported.

Investigators believe Garcia and Rivera turned their phones off before 10:00 a.m., committed the murder of Markel at his home on Trescott Drive, and then fled back to North Miami, Florida via I-10 and I-75.

Cellular telephone location data revealed that while in route and after arriving to the area of Rivera's residence, several telephone contacts occurred between Magbanua and Garcia. Approximately two hours after arriving back in Miami, cellular telephone location data shows that Magbanua departs her residence and goes to the area of Rivera's residence while attempting to contact Garcia telephonically. While cellular location data is showing Magbanua, Garcia, and Rivera being in the same area, Magbanua has telephonic contact with Charlie Adelson. There is no further cellular location data for Magbanua until the next morning, 7/19/2014, at 9:44 a.m., when Magbanua attempts to contact Garcia. This cellular

location data for Magbanua is consistent with her departing Charlie Adelson's residence in Ft. Lauderdale and returning to the Miami area.

**Evidence of Purchases following Homicide**

The investigation has revealed that following Markel's homicide on July 18, 2014, Garcia and Rivera acquired several vehicles. State of Florida Motor Vehicle Records indicate Garcia got a 1984 blue Chevrolet Monte Carlo on July 26, 2014; a 2000 Nissan Maxima on August 6, 2014; and a black and yellow 1997 Honda motorcycle on August 22, 2014. Garcia posted photos of the blue Monte Carlo and the black and yellow motorcycle on his Facebook page.

Rivera also acquired a 2003 Suzuki motorcycle on July 28, 2014. A photograph of Garcia and Rivera sitting together on their motorcycles was posted on Garcia's Facebook page in December, 2014.

**Magbanua's Finances**

Investigation indicates that prior to the homicide, Magbanua was employed at a Miami area dental office. Investigation revealed that after the homicide occurred in July 2014, Magbanua started receiving paychecks from the Adelson Institute for Aesthetics and Implant Dentistry, which were handwritten and signed by Donna Adelson. These paychecks started in September 2014, and were consistently in the amount of $407.58. The memo section of each check indicated it was for a period of ten days usually preceding the date of the check. The checks continued at least through January, 2016. On at least two different occasions, Magbanua received paychecks *in advance* of the time period indicated on the check. The checks appear to have been written at the same time, either using the same date or in check number sequence, with the memo covering a ten day period past the date of the check.

Investigation of Magbanua's bank accounts revealed a significant increase in cash deposits after Markel's murder. In the twelve months leading up to the homicide, Magbanua made cash deposits totaling approximately $15,000, with approximately $10,000 of that deposited in the last four months. In the twelve months following the murder, Magbanua made cash deposits totaling approximately $44,000. These numerous deposits were conducted mostly through ATMs in increments of $300 to $2000. Since the homicide through November, 2015, the total amount of cash that investigators have been able to identify deposited into Magbanua's accounts is *over* $56,000. This amount is over and above the paychecks she had received.

Further analysis of Magbanua's bank accounts since the homicide revealed that the large majority of credits were cash deposits. The other large credits to her accounts were the Adelson Institute paychecks, totaling less than $13,000 for 2015, a Federal Tax Refund deposit in March, 2015 for $7,532, and paychecks from her employer with a total amount in 2015 of approximately $4,500. Investigation shows that Magbanua began working for that employer in Ft. Lauderdale in the third quarter of 2015.

Surveillance information shows that Magbanua and Garcia currently reside together in a townhouse with their two minor children in North Miami, Florida, paying monthly rent of $1,500 plus utilities. Their typical pattern of behavior during the week is that Garcia takes the children to school/daycare and then goes to a job during the day. According to cellular location data, Magbanua leaves the home after Garcia, goes to the area of Broward Dermatology in Ft. Lauderdale, then returns home in the evening. Investigators believe Magbanua legitimately worked at this location and was typically there during normal business hours. Cellular telephone location records do not show Magbanua going to the Adelson Institute for Aesthetic & Implant Dentistry in Tamarac, Broward County. Surveillance revealed that in early March, 2016, Magbanua stopped going to her employment in Ft.

Lauderdale and remained at her residence during the weekdays. Investigators believe she is no longer employed at that business but obtained new part time employment in mid-April, 2016 at a real estate office in Sunny Isles, Florida. Surveillance has also revealed that Magbanua has only gone to the Adelson Institute one time.

Investigators have also learned that Magbanua has been in possession of and operating a 2001 Lexus LS430 sedan automobile which was registered to Harvey Adelson and previously used by Charlie Adelson. Magbanua started using the Lexus as early as September, 2015. On January 23, 2016, the title for this car was transferred to Magbanua and a new license plate was obtained in Magbanua's name. Motor vehicle records indicate the vehicle was sold to Magbanua for the price of $1,700. None of Magbanua's bank records show a withdrawal for $1,700. Research of auto value websites indicates the minimum retail value of this vehicle is $6,000. In addition, examination of Magbanua's Facebook profile before and after the homicide show images of Magbanua with obvious breast enhancements following the murder.

Through analysis of Magbanua's bank accounts and other investigative techniques, it appears that the majority of her income does not come from legitimate employment, yet Magbanua received a Federal income tax refund of $7,532 in 2015. Investigators believe that Magbanua is supported financially by Charlie Adelson and has received numerous benefits from the Adelsons since Markel's murder.

Additionally, after Markel's murder, Rivera was incarcerated on an unrelated charge. While incarcerated he made a telephone call and indicated to the person on the line that Magbanua had all the money and that she needed to be nice to him (Rivera) and give him bail money.

**Electronic Surveillance**

During the course of the investigation, it was decided to use an undercover agent to make contact with Donna Adelson in reference to Markel's murder. The undercover agent provided a press release of Markel's murder, asked for $5,000 and provided a phone number at which he could be contacted. As a result of this contact, conversations were intercepted.

**Call #1380** - Donna Adelson call to Charlie Adelson asking him to meet her about some paperwork that was hand delivered to her outside her condominium, The Icon, on South Beach, was intercepted. During this conversation, when Charlie inquired whether it involved him or others, Donna responded in a whisper, "Well, probably both of us." When Charlie asked her to repeat herself she stated, "Probably the two of us" and "you probably have a general idea what I'm talking about." When Charlie inquired further, Donna said this was not something she wants to discuss over the phone.

**Call #1382** - Donna and Charlie discussed meeting and whether or not Charlie needed to bring cash. Charlie inquired whether or not a threat was involved and whether the police should be contacted. Donna responded that this time, she did not believe that was a good idea.

**Call #1386:** Charlie Adelson called and immediately told his mother Donna Adelson, don't talk about things in the apartment or anyplace. He then asked if the person was black, white or Hispanic to which Donna said he was white. Charlie said it sounds like something that needs the police. Donna said she may have to, but wants to talk to him first. When Charlie asks what the letter asked for Donna said, "This TV is probably about five." Charlie asked if they asked for $5,000 to which Donna responded affirmatively. Donna also said they mentioned an ex-girlfriend.



JCH

**Call #1392:** Charlie Adelson called Katherine Magbanua after trying to reach her by phone unsuccessfully about an hour before. Charlie explained the situation to Magbanua as he understood it from his mother. Something regarding her son, something regarding his ex-girlfriend, and the person asking for some money. Charlie tells Magbanua that he is going to see his mom the next day to discuss the matter. There is some discussion of whether Magbanua is the girlfriend referenced by the Agent. Charlie said he thought his mother said the Agent mentioned Magbanua's name but he is not sure and will follow up with her if the situation does involve her. Magbanua agrees to meet Charlie in person the next day, April 20, 2016, around 4:00 pm.

*Charlie never contacts any other females to discuss the contact between his mother and the undercover agent.*

The morning of April 20, 2016 Charlie tells his mother he will meet her at her home at 12:35 p.m. After Charlie arrived at the Icon where his mother and father reside, he and Donna walked outside to a remote table behind the building and sat close together while conversing. None of their conversation was successfully captured.

After meeting with Donna in person he calls Magbanua and is in route to her in Sunny Isle at the real estate office where she works. When Charlie arrived at the strip mall where Magbanua works they talk briefly outside, then go into a restaurant near the real estate office. Parts of their conversation were captured while they sat in the restaurant.

**CHARLIE and MAGBANUA in RESTAURANT**
**4/20/2016**

Charlie (CA) arrives at Optimar Realty on Sunny Isle at 3:14 p.m. to meet Magbanua (KM). They go to a restaurant in the same strip mall to eat and converse. No one else joins them. The following are ORAL statements Charlie made directly to Magbanua.

TIME STAMPS FROM ORAL INTERCEPT CLOCK:

15:46:23- CA says "My mom doesn't know these guys."

15:48:05- CA says "Paying someone off is not an admission of guilt."

16:11- CA provides examples of Q&A about details reference what the messenger knows about crime; such as, what kind of gun was used and what kind of car. *(This will have to be reviewed again after enhancement to capture whole content of statement)*

16:11:55- CA says "You have to put that at the scene at the time, not in the car." (Gives examples of people being present in vehicles before cars are used in crimes)

16:13- CA says the guy's name is "Tu-Lo" and repeats this name to Magbanua.

16:13:50- CA tells KM the messenger looked white, could have been Hispanic.
16:19:30- CA referring to rental car, "I don't have any knowledge....."



JEW

16:27:25- CA gives instructions to Magbanua saying "I give you money, you call him on the phone. All I want you to say is I got a call from somebody who said you reached out." He then tells her again "I got a call from some friends that said you reached out to them and that you mentioned my name. These people want to know if it's the police, which they had nothing to do with what you're talking about, and frankly I don't know what you're talking about; but, the name sounds familiar....probably something as charity to help the less fortunate, but do not contact these people again or they're going to the police."

16:30:21- CA says to KM "Let him know we had to do everything in the world to prevent these people from going to the police 'cause they don't know anything and I don't know anything; and that you, to me, sound a little familiar and that I will help you out with some charity and don't ever contact me, my friends or my family again. We will.... that way if he gets the money....if it happens again we will go to the police."

**16:32:10- CA says "If it's the police, they can't take the money and won't even come meet you, they fucked up. If it's this guy, maybe that's....what he knows....you better kill him, because he's going to be a big problem."**
**"If you can't do it I'll have someone else do it. "**

16:37- CA says "He ain't going away....problem is if you give in and mom meets him to pay, what happens next month...needs help again; if it's cops she's guilty as hell."

After the in-person meeting with Magbanua, Charlie calls Donna back to report about his meeting and says he is handling everything. Donna then calls Charlie back, sounding very concerned.

On April 21, 2016 calls are intercepted between Magbanua and Charlie and they attempt to disguise their conversation using real estate references such as security, property posted incorrectly, and wrong tenants for rental property. Charlie and his dad, Harvey, meet for dinner later this evening.

Magbanua and Garcia are intercepted having numerous arguments over the phone. The morning of April 21, 2016 it appears Magbanua is trying to convince Garcia to determine whose phone number it was from the undercover agent and/or place the call himself and determine the identity of the person asking for financial assistance from Donna Adelson. In a heated exchange, Garcia says "I'm not making that fucking phone call." He later says "I am going to take care of this fucking problem."

Approximately 20 minutes later the same morning, Magbanua called Garcia after she had left the house. She told him she may have written down the wrong amount for their son's school expense. She thought it was $65.70 but it may be $60.57. Garcia is not following her intended message and she has to reiterate it to him, "the amount that I gave you on the piece of paper, I don't know if it is $60.57 or $65.70." Garcia responds, "Got it." This is their attempt to disguise the last four digits of the phone number provided for the under-cover Agent. It appears Magbanua may have transposed the numbers from Charlie and she wants Garcia to either check for someone having that phone number or make the call himself.

Magbanua and Garcia are continuing to argue over the next two days. She packed some of her belongings in her car and left on April 23, 2016 in the middle of the day. Magbanua tells Charlie later in the day that she left the house and left her kids with their father. Charlie tries to convince her to stay with him (Garcia). Magbanua does not want discuss it. She tells Charlie not to respond if he gets any other phone calls about "property."



JEH

On April 23, 2016, Magbanua is intercepted telling a friend about the fight she had with Garcia. She states she took her gun from the house and is keeping it in her car. She concedes she does not have a concealed weapons permit.

On Monday, April 25, 2016, the under-cover agent mailed a letter to Harvey and Donna Adelson. This letter was sent via USPS by investigators for the purpose of follow up from the undercover's initial conversation. **Calls intercepted indicate Donna has shared the information with Charlie who in turn has forwarded it to Magbanua**. Magbanua has again asked Garcia to either determine who the phone number belongs to or call the phone number. Magbanua reported to Charlie the phone is either out of service or not a good number. It appears Garcia lied to Magbanua about making the call or has not called the correct phone number. The Agent's phone has not been called and is working properly after conducting tests to verify.

Later the same date, Charlie called Magbanua and asked if she was on her way. It appears Charlie and Magbanua have been communicating through a different source to schedule a meeting. Charlie directs her to Harvey and Donna's building to meet with them. **Charlie told Magbanua that he was talking to his parents about everything.** Charlie continues to try and convince her to meet at Donna and Harvey's building, but eventually gives in and agrees to meet with her at another location. Magbanua called Charlie back who advised they are meeting at a marina near "Monty's."

On April, 26, 2016, Charlie calls Donna and they discuss the conversation that occurred the night prior. Donna says she feels better after their conversation. Donna asked Charlie to let her know once things are taken care of.

He further states that "if you don't know who the person is it's a much bigger problem. Charlie said if you know who it is, it's very, very easy." Charlie tells Donna to stop getting worked up about things. Charlie assures Donna there is nothing she needs to worry about and that it is being looked into.

On April 29, 2016, at 3:03 PM (CA call #2389) Charlie tells Magbanua he bought her husband (Garcia) a Go-Pro for his birthday. *[Charlie does not know Garcia's name but he's buying an expensive gift for him.]* Magbanua says Charlie should have given the Ferrari he owns as a present. She mentions Charlie's boat and Charlie offers to "sell" her his boat. *This refers to a previous conversation (CA #899) on April 15th when Charlie offers to transfer the title for his 18' bay boat with a 115 HP Yamaha motor to her name.* Magbanua says she wants to get an Escalade. Charlie says they will work out future car situations. Officers believe this is more evidence of Charlie wanting to keep Magbanua content.

On May 4, 2016, at approximately 2:09 AM, a text message was sent to Donna's cell phone from the undercover Agent. Later in the day, Charlie asks Donna if she is ok and Donna advises she will talk to Charlie about it on Sunday. Charlie wants to talk to Donna before Sunday and they agree to Charlie coming by around 11:30 AM the following day (May 5, 2016). While driving to meet with Donna, Charlie calls Magbanua advising there has been a new problem and he may need to meet with her later in the day.

On May 5, 2016, Charlie arrives at the Icon and they agree to meet at the pool area to discuss the text message. This time Harvey is present with Charlie and Donna as they huddle at a corner area for privacy. There is no oral intercept captured.

After this occurs, Charlie leaves the Icon and calls Magbanua (KM call #2016) asking her how someone would get his mother's number. Magbanua tells Charlie it's possible to locate the phone number online. Charlie talks about specific phrases sent via the text message.

Charlie then calls Donna and they discuss paying the $5,000. Charlie advised the sooner they pay the money the better. They discuss being nice, but firm when the money is paid so the person knows that it is only a one-time payment.

On Friday, May 6, 2016, at 5:03 PM, Donna successfully contacted the Agent by calling his phone number, 305-712-6570. The total duration of the call is 8 minutes and 48 seconds. The call was recorded by the FBI. In summary, Donna makes the excuse her grandchildren had possession of her phone so she did not know he had called. Donna goes over the previous contacts between herself and the Agent. She says she is taking him seriously and she is stressed out. She claims she has asked friends what she should do. She denies knowing anything referenced by the Agent concerning help provided to her by the Agent's friend, (Rivera). She then brings up the reward offered and suggests he seek that out instead. The Agent reminds her all he is asking for is $5,000. Donna claims she had nothing to do with the death of her ex-son-in-law. The Agent reminds her, this is not going away and she does in fact know Magbanua and what was done for her. Donna continued to deny knowledge and ends the conversation by saying she will call the Agent back.

**CA call #3240: 5/6/16 @ 11:17 PM**
Charlie called Donna. She gave him a disguised report on her call to the Agent. Donna referred to the Agent as a patient. Indicates she used a recording app for him to listen to the call. Donna says the call the call took 8 minutes. Charlie asked if the Agent make any threats. Donna said no. Charlie said that was very interesting. They agree to meet the following day.

**CA call #3290: 5/7/16 @ 5:07 PM**
Charlie tells Magbanua about a new CD he wants her to listen to, indicating he has a recording of the call between Donna and the Agent. Charlie uses the reference "pot belly pigs" (Police) to which Magbanua responds, "That's not good."

**KM call #2648: 5/13/16 @ 3:55 PM**
Magbanua complains about her car, the Lexus, originally owned by Harvey Adelson. Charlie offers his newly acquired Range Rover, titled in Harvey Adelson's name, for her use.

**KM call #2653: 5/13/16 @ 4:06 PM**
Magbanua calls Charlie back complaining about the cost of fixing her car. Charlie tells her he would pay for the repair himself or have his mechanic that originally worked on the car do it for free. *[Once again Charlie is willing to spend any amount of money on Magbanua to keep her content.]*

**KM call #2956: 5/16/16 @ 6:19 PM (CA call #4480)**
Charlie returns call to Magbanua from her previous call. She complained about the Lexus not being repaired properly. She states she feels the welfare of her kids outweighs any monetary concern she would have.

**AT 14:45**: Charlie says everything is fine with the office, no more "patients" annoying him (*A suspected reference to the Agent not having any contact for over a week).* Magbanua asks, "Well I'm doing my job right...will I get a raise soon?" Charlie says he will look in the budget. He then says, "By the way thank

you for going up there this weekend and straightening it up, I do appreciate that." Magbanua says, "I was just cleaning up...I'm still cleaning up though, my job never ends." *[Investigation indicates Magbanua never went to the Adelson Institute the past weekend]*

**Attempted Police Contact with Magbanua and Garcia**

On May 24, 2016, contact was made with Sigfredo Garcia at work, Rapid City Funding 11900 Biscayne Blvd. Simultaneously, contact was attempted with Magbanua at her residence. Magbanua never came to the door and did not acknowledge law enforcement's presence. Garcia spoke with Agents at his business but denied having knowledge about this investigation. Details regarding this conversation will be documented by the FBI Agents who were present. While FBI Agents were outside Magbanua's residence, she repeatedly attempted to contact Garcia by making several phone calls and sending text messages. This occurred while agents were present with Garcia. Garcia asked to speak with his attorney.

**KM Call #3398:** 5/24/16 @ 10:56 AM
Magbanua called Garcia's work and Mike Perez answers the phone. Magbanua asks Mike for Garcia because someone is knocking on her door and she is scared. Magbanua is whispering. Mike tells Magbanua that the "Feds" are there with Garcia. Mike asks Magbanua if she knows who is at the door and Magbanua responds saying she does not know, that maybe it is the police officers. Mike tells Magbanua that he is going to stop by and the call ends.

KM calls Mike back after receiving a text message from him for her to call. Magbanua continues to whisper saying she is freaking out right now because they are knocking on the door. Mike tells Magbanua that he is on his way to drive by her house. Magbanua tells Mike she does not want them to know she is home. Mike tells Magbanua that a male and female FBI Agent came by the office and is currently speaking with Garcia. Magbanua tells Mike the agents are in a white truck with black windows. Mike tells Magbanua that vehicle is the undercover car he recognizes from the neighborhood. Mike said he is going to drive around the front and back of her house.

**KM Call #3407:** 5/24/16 @11:09 AM
KM calls Mike back after receiving another text message for her to call him. Mike tells Magbanua that it's the "Feds" outside her house. He said they are parked three houses down on the same street. Mike told her the driver of the car is not inside. Magbanua asks if they are going to come inside her house and he responds saying they cannot without a warrant. Magbanua says the Agents had something in their hand. Mike told Magbanua he does not think they are going to "bust down her door" with only two guys. Mike told Magbanua that he was headed back to the office to check on Garcia. Magbanua said she does not know what is going on. Mike then tells Magbanua that he is pretty sure that it has something to do with "Tato" (Rivera) and all of them. Magbanua said she does not know what to think and she does not want someone coming to her. Mike tells Magbanua to lay low and make them think no one is home

**KM Call #3408:** 5/24/16 @11:17 AM
Garcia called Magbanua and tells her Special Agents came to talk to him. Magbanua asks Garcia what is going on and asked what they wanted to talk to him about. Garcia tells Magbanua not to answer the door for the Agents. Garcia tells Magbanua that they wanted to ask him some question and he will talk to her about it when he gets home. Magbanua makes comments about "those people" coming into her house and taking things (referring to the police). Garcia tells Magbanua they asked him questions about people he did not even know. Garcia tells Magbanua he told them he wanted to speak with his attorney and have him contact them back.

**KM Call #3411:** 5/24/16 @ 11:30 AM
Garcia called Magbanua and asks if the Agents are still outside and Magbanua says yes. Garcia told Magbanua he spoke with an attorney who could not help, but would have a friend contact them. They talk about it being embarrassing for them to go to Garcia's work to talk to him. Magbanua asks if they were allowed to sit outside her residence. Garcia asks Magbanua if they have $300 for the attorney fees. Magbanua continues to be paranoid making comments about the Agents possibly jumping the fence into the back yard.

**Purchase of Cellular Phones**

On May 24th 2016, Magbanua and Garcia went to Walmart in Miami and purchased two new cellular telephones while still operating their previous cellular phones.

After contact was attempted with both suspects they quickly fled the residence. On May 25th 2016 two unknown subjects returned to the residence and gathered the family dog and several unknown objects. On May 25th Garcia returned to the residence and continued to pack up items. A warrant was signed and he was taken into custody during a traffic stop.

On Friday September 30, 2016 a proffer was conducted with Luis Rivera in the presence of his attorney. During the proffer Rivera stated he was approached by Garcia about 'killing a man for a lady who wanted custody of her kids.' Rivera stated he and Garcia traveled to Tallahassee on two separate occasions and the murder occurred on the second trip. When returning to Miami, Florida, on the day of the murder, Rivera stated Garcia contacted Katie (Katherine Magbanua) approximately an hour after they left Tallahassee, Florida. When Garcia made contact with Katie he told her "It was done" and Rivera understood Katie to have said "I know" in response. Rivera then told Garcia to ask Katie where the money was because he wanted it immediately. Katie told Garcia she would have the money for them when they returned to Miami. Upon returning to Miami, Florida Friday night, the same day of the murder, Rivera stated Garcia took the Prius and stayed at a female named "Shrimp's" house. Rivera stated that the following morning, he received a phone call from Katie, who indicated that she had been trying to reach Garcia to get the money to him. Phone records corroborate that Katie attempted to make contact with Garcia multiple times, unsuccessfully, and eventually contacted Rivera. Katie told Rivera that if he wanted his money, he needed to get Garcia. Rivera stated that later that day he was at the barber shop when he received a call from his wife, Jessica Rodriguez. Jessica told Rivera that Garcia and Katie were at their house and Katie had given Jessica a brown bag with a lot of cash. Rivera stated he returned home where he observed a white SUV in his driveway. He recalled the SUV being the same one driven by Katie on prior occasions. When he entered the residence he observed both Katie and Garcia. The money was exchanged at that time.

On 09/30/2016, Inv. Bennett made contact with Jessica Rodriguez via telephone. She confirmed her identity and agreed to speak with her regarding this case. Rodriguez stated that in the summer of 2014 Katherine Magbanua and Sigfredo Garcia arrived at her residence unannounced. Rodriguez stated she believes it was about a month or two after she had her daughter which was in June 2014. Rodriguez stated Magbanua and Garcia had a package in the shape of a brick wrapped in plastic grocery bags. She stated she thought it was weird Garcia and Magbanua were at her residence together due to her knowledge of them not being together at this time. Rodriguez stated she did not know what was in the bag but assumed it was money and/or narcotics, but later realized it was only money in the bag. Rodriguez further stated Garcia contacted Rivera to advise he was there with the money and Rivera immediately responded to the residence. Rodriguez stated Magbanua and Garcia left the residence prior

to Rivera arriving at the residence. Rodriguez further stated Rivera immediately grabbed the money that was wrapped in the plastic grocery bags and she had not seen it since.

Rodriguez stated after Garcia was arrested, she attempted to make contact with Magbanua. Rodriguez stated Magbanua initially said she would meet with her but never did. Rodriguez stated once she observed the news article regarding the reason Garcia was arrested she recognized pictures of Charlie Adelson as being Magbanua's boyfriend. Rodriguez stated she did not know what occurred prior to reviewing the article.

Based on the above information, this investigator believes there is sufficient evidence to prove Katherine Magbanua, Sigfredo Garcia, and Luis Rivera are responsible for the murder of Daniel Markel.

The preceding is true to the best of my present knowledge or belief.

**SIGNATURE** 714 **Inv. Sherrie Bennett # 714**
**TALLAHASSEE POLICE DEPARTMENT**

**NOTARY/A.S.A.** **Notarization: Sworn and subscribed before me this** 30th **day of** September **2016.**
**My commission expires: Law Enforcement Officer**

Full Extradition

***Probable Cause approved by A.S.A.***

**ORDER: THIS CAUSE coming before me as a First Appearance Magistrate, and having reviewed the preceding Affidavits, find:**
**__X__ Probable cause sufficient;**
**_____ Probable cause not sufficient and unless corrected within seventy-two hours, the defendant shall be released on his own recognizance.**

**Bond Amount Requested:**

**JUDGE'S SIGNATURE**

No bond.