



**OKLAHOMA
PROBABLE CAUSE AFFIDAVIT**
STATE OF OKLAHOMA VS FISHER, MICHAEL EDWARD

**IN THE DISTRICT COURT OF OSAGE COUNTY
STATE OF OKLAHOMA**

Plaintiff,)	
STATE OF OKLAHOMA)	
)	
VS)	Case No 2023-1134
Defendant,)	
FISHER, MICHAEL EDWARD)	
)	
)	
)	

AFFIDAVIT FOR ISSUANCE OF ARREST WARRANT

Comes now the undersigned Affiant and states upon Oath or Affirmation that the following information and facts are correct to the best of the Affiant's knowledge and belief. The undersigned believes that probable cause exists for the Arrest of the below named ARRESTEE for the below listed crimes committed on the below listed date, in Osage County, State of Oklahoma.

Subject Name	FISHER, MICHAEL EDWARD		
DOB	08/1957 (MM/YYYY)	SSN	
Race	White	Hair	Gray or Partially Gray
Height	5 Ft. 8 In.	Weight	158
Address	REDACTED	Skiatook, Oklahoma 74070	
Sex	Male	Eye	Brown
		Ethnicity	Not Hispanic Origin

Arrest Date / Time

Arrest Location / City

Offense Location / City 900 St Paul & 550 Kihekah Ave & 628 Kihekah Ave Pawhuska, Oklahoma within Osage County

Offense(s) Committed / Anticipated Charge(s)

- 21 O.S. § 540 - Obstructing officer
- 61 O.S. § 116 - Any public employee discloses any terms of a bid submitted in response to a bid notice in advance of the time of opening of such.
- 21 O.S. § 580 - Public officer willfully neglects duty.
- 21 O.S. § 781 - Communicates to any person false rumor or report of a slanderous nature, slander
- 21 O.S. § 1506 - Obtains money, property, or signature of another by means of any false or fraudulent sale of property or mock auction.



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Facts & Circumstance that support probable cause to arrest the above named person are

Affiant, Eddie Virden, who on oath deposes that he is currently elected Osage County Sheriff and has been for the past 7 years. Affiant is CLEET certified Peace Officer in good standing and has conducted and been involved in multiple law enforcement investigations for more than 30 years, in multiple counties across the State of Oklahoma. During those years your Affiant has worked for the Bartlesville Police Department as a Patrolman, the 11th Judicial District as a District Attorney's Investigator and Coordinator of the drug task force, Investigator for Osage County, Special Agent for the Oklahoma Department of Agriculture, and as Osage County Sheriff. Affiant has conducted innumerable investigations to include theft, multiple murders, drug trafficking; multiple drug distribution cases; crime scene investigations, child abuse, domestic violence, armed robberies, hostage negotiations, and cold case investigations.

In December of 2022, Affiant started investigating the possibility of Dennis Rader (AKA BTK) from the Wichita Kansas area could be a suspect in the June 23, 1976, missing person case of Cynthia Dawn Kinney. Kinney disappeared from the laundromat located at 801 Kihakah Ave., Pawhuska Osage County, Oklahoma which is within the affiant's jurisdiction. Affiant first investigated this case in 2007, 2008 again in 2012, 2013, and 2019 when additional information was received.

Affiant was made aware of the following details of Rader's convicted murder cases in Late December 2022. In 2005 Rader confessed in open court that he had murdered ten (10) victims over the time period of 1974 through 1991. The first convicted murder of Rader was the Otero family in 1974. In this case the father, mother, son, and daughter were murdered by Rader. Rader in the initial interview with investigators stated the young daughter was his target.

Rader murdered another young woman, Kathrine Bright in 1974 and two other women, Shirley Vian and Nancy Fox in 1977, one being approximately 9 months after Kinney disappeared. Rader is serving ten (10) life sentences for those murders, however there are several unsolved "cold cases" from other geographical areas where Rader is still a suspect.

Affiant conducted a background interview with Rader at the prison where he is currently incarcerated in January 2023. Affiant's intent was to see if Rader had any ties to Pawhuska or any other information that would give reason to investigate him further in the Kinney Case. Rader gave an account of his life, talked about numerous crimes he committed including mid-morning murders matching the time of Kinney's disappearance.

Rader told Affiant about an attempted kidnapping of a bank clerk in 1973 that he committed around noon when the female victim was getting into her car for lunch. Rader stated several of his convicted murders were committed during his work hours at ADT and gave details of his work at ADT, traveling along the Oklahoma/Kansas border which included the 1976 time period. Rader was very familiar with Cedar Vale and Sedan KS. Rader even said he stayed a month with family in Ponca City when he was a boy. All of the locations are in very close proximity to Pawhuska.

Affiant knows there was a bank across the street from the laundromat under construction and the construction stage of the building at the time of Kinney's disappearance and would have been consistent with the alarm system installation. It is not known who installed the alarm system of the bank during its construction, but research has proved ADT who Rader was employed with as an installer was one of the first Alarm companies in the United States. The information also showed ADT had 80 percent of the alarms systems into the 1980's when it became so large it became Federally regulated.

Rader told your Affiant he would stay in hotels when traveling outside the Wichita area for ADT and would have what he called hotel parties where he would dress in women's clothing and do self-bondage. Rader also stated he would prowl, window peep, stalk victims and commit burglaries during those work trips. Toward the end of the interview without your Affiant giving him any information about the Kinney case, with no explanation, Rader told your Affiant he had a favorite fantasy and asked if the Affiant wanted to hear it. Affiant told Rader sure, at that time Rader stated he had always wanted to kidnap a girl from a laundromat. In shock at the statement, Affiant asked Rader to explain how he would have committed the kidnapping, Rader then explained in detail how he would have parked and watched the laundromat until his female victim was inside alone and then approach her with a ruse to get her to his car and would take her with no one seeing or hearing anything.

During the investigation your Affiant found documents Rader had written before his arrest in 2005 giving details of a laundromat murder, he committed in 1976 and at the bottom of the page Rader had written "out of town again until things cool down". Affiant located numerous amounts of additional information that gave every indication of being related to the Kinney case and others.

With the amount of information, the Affiant had gained, he then held a meeting with State, Federal, and County Law enforcement from Oklahoma and Kansas along with representatives from the Oklahoma Attorney General's office and the U.S. Attorney's Office for the Northern District of Oklahoma. The intent was to share the information that he believed could be related to other cold cases and possibly gain additional assistance in the Kinney Case. District Attorney Michael Fisher, THE DEFENDANT attended the briefing for a short period of time arriving late and leaving early, only hearing a small portion of the investigation information.

The investigation is ongoing with Law Enforcement agencies from both Federal and State agencies who are assisting in the



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Kinney Investigation. Affiant also formed a National BTK task force with experts across the US in many different fields to assist on the Kinney Case and any other cold case murders potentially committed by Rader.

Specifically, probable cause exists that THE DEFENDANT interfered and obstructed the ongoing investigation of the Kinney case in the following manner.

In my capacity as the Osage County Sheriff as the Affiant, I personally interviewed Rader and developed tangible information relative to the aforementioned 1976 cold case murder as well as other murders. For obvious reasons, information from the interviews was kept confidential, within Law Enforcement persons and agencies only.

As typically may occur with any high-profile suspect investigation, media will cover any developments. After Affiant's first interview with Rader, Rader told a reporter by phone about the interview, and the reporter wrote and released a news article on the interview. The reporter contacted your Affiant while he was writing the article and your Affiant attempted to avoid it being released and gave no detailed information. After it was released, it did catch some local coverage. Affiant conducted several location searches over a several month time period with no media coverage.

Affiant found information in a letter written by Rader after his arrest to what Rader refers to as a club member stating he had trophies buried in his back yard police had never found. Affiant contacted Park City Police and KBI with the information and conducted a search of the area he described. The area described was covered by a six-foot sidewalk that had been placed over the described location in 2020.

While searching around the edges of the concrete, a panty hose ligature was located and collected. It matched crime scenes photographs investigators had taken which Rader used on victims. Due to the concrete a complete search could not be made that day and after finding the ligature and from sharing the information in Rader's letter with Park City Police they obtained both approval and assistance to remove the concrete from Park City, who now owns the property. A second search of the yard was conducted with items located and some later confirmed to be trophies from one of Rader's convicted murders.

Affiant left the location and was conducting a search at another location in Park City, when I learned Wichita News had received a tip of a search being conducted at Rader's previously owned residence property. Affiant was notified by the Park City Police Chief; the media had contacted him asking questions about the search and he had told them Osage County had conducted it. Once local news learned of the search and reported on it, their story caught national attention.

Affiant and his office were overrun by news crews and requests for information and having no control over the news coverage, some information was released along with asking for assistance from the public. This was done to solicit any information from anyone who may have information that would assist the investigation, especially the 1976 Kinney case. Prior to the public request for help, Mike Fisher had not shown any interest in the investigation, had not been involved in the investigation, and had no facts of the investigation.

Affiant learned from KDOC investigators who had been present during interviews with Rader and assisting in the investigation at the Prison, Rader was communicating with his club members about the investigation. It was further learned Rader was watching the press coverages related to this investigation. Affiant was aware Rader had become worried he might be charged in the Kinney case, along with being moved to Oklahoma. Due to this, Rader had prepared a mail out package to a club member in preparation. Affiant knowing the above information and Rader did not confess when arrested in 2005 until he learned there was DNA evidence, I made the decision to release some limited additional information to the press and show the panty hose ligature found on a previous search of his property in hopes Rader would be afraid of DNA testing and would again confess.

In furtherance of THE DEFENDANT'S attempt to derail the investigation, THE DEFENDANT took the following actions that constitute direct interference with the Kinney investigation and Rader.

In May of 2023, THE DEFENDANT telephoned the Kansas Department of Corrections and stated that Affiant's investigation was a "political move" and asked them to take that into account when allowing access to Rader. Kansas authorities interpreted that THE DEFENDANT was asking them to discontinue Affiant's access to Rader. This was not only an attempt to interfere with the investigation by stopping access to interview Rader but also hurt Affiant's credibility with law enforcement.

On May 2, 2023, at 9:26 AM, THE DEFENDANT followed up the phone call using his State DAC Email to Special Agent Supervisor T.K. O'Brian of the Kansas Department of corrections. THE DEFENDANT wrote: "As we discussed by phone, I am making a formal request for myself to interview, along with my investigator, Dennis Rader. The subject of the interview is a suspected cold case homicide (no body was ever recovered) that occurred in Osage County Oklahoma in the late 1970's. The victim's name was Cindy Kinney. The Osage County Sheriff has interviewed Mr. Rader on at least two separate occasions and, before he submits an affidavit for arrest, I would like to confirm whether the information that is alleged to have come from Mr.



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Rader is credible. As I expressed to you, I have some concerns about the accuracy of some of the information that I have received thus far. We could arrange to be there Thursday or Friday of this week as well as Tuesday, Wednesday, or Thursday of next week. Please advise if any of those days will work for you."

As THE DEFENDANT had done with the Kansas Department of Corrections, he made or caused to be made personal visits or phone calls to people who were critical to the Kinney investigation and essentially told them that the investigation was a not a valid investigation, and the Affiant was merely seeking publicity and political gain.

In early September 2023, THE DEFENDANT issued a press release to broadcast and print media outlets announcing he was holding a press conference on September 11, 2023. Prior to THE DEFENDANT'S press conference neither THE DEFENDANT nor his office had been presented with an affidavit seeking charges to be filed against Rader, nor were there plans to submit a request for formal charges as the investigation was still ongoing. Given that Rader's activities covered multiple counties and States, it was the Affiant's intent to refer any potential charges against Rader to the appropriate United States Attorney rather than a County District Attorney.

THE DEFENDANT'S press conference was attended by broadcast and printed media outlets from Tulsa to Kansas City, Missouri, and points in between. During the press conference, THE DEFENDANT agreed that he had not offered any assistance nor was he aware of the any facts or leads resulting from the investigation. THE DEFENDANT admitted that while he had no facts and was only acting on hearsay, speculation, rumors, and media reports, that he would not file charges on Rader.

While THE DEFENDANT was conducting his press conference, I was driving to interview Rader at the Kansas penitentiary. Before I arrived, Rader watched THE DEFENDANT'S press conference on the television in his prison cell. When I arrived at the room to speak with Rader, Rader referring to the Kinney case told me to the effect, "Well it looks like your District Attorney has cleared me." Due to THE DEFENDANT'S actions, this has interfered with and obstructed the investigation. Furthermore, some Law enforcement, victims, and possible other victims who had or would have come forth during the investigation, have now stopped cooperating or assisting me with information and leads. This inhibits further investigation on leads that were present prior to THE DEFENDANT'S interference.

After THE DEFENDANT'S press release, Affiant again was overrun by media request for a response to his comments and in an attempt to regain credibility and repair damage to the investigation Affiant scheduled a time in the afternoon to answer questions at the Osage County Sheriff's Training Center. Shortly after setting a time, Affiant was notified by KDOC that THE DEFENDANT had called trying to find out what they had released in regard to his contacting them. He then stated he was going to respond to Affiant's allegation of interference and stated he wished the Affiant would just work with the OSBI. The conversation with THE DEFENDANT was recorded and provided to Affiant. Statements by THE DEFENDANT were more lies in an obvious attempt to damage Affiant's credibility. Affiant had not made any public allegations at this time and for 35 plus years has worked with the OSBI, shared all information on the Kinney case and numerous other cases.

Later that afternoon during a media response the Pawnee County Sheriff and Undersheriff attended as they did when THE DEFENDANT held his press release in Pawnee County. The Pawnee County Sheriff has experienced issues with THE DEFENDANT as well and addressed some issues he has had with THE DEFENDANT. THE DEFENDANT showed up to this press release uninvited. THE DEFENDANT stood in the room staring at Affiant while I was in front of the cameras clearly not caring what damage he had done to the investigation or to my credibility thus far. After Affiant finished and left the room, Affiant was told THE DEFENDANT again, tried to justify his actions to the press.

A few days after THE DEFENDANT'S statements about him wanting the Affiant to work with the OSBI, Affiant was on the scene of a fatal and suspicious house fire where Affiant had requested OSBI to assist with the investigation. Affiant was standing next to an OSBI truck speaking with the agent who had just finished helping process the scene. The Osage County Undersheriff who was fully aware of the false claims being made by THE DEFENDANT and at that time he walked up to Affiant and said something to the effect of "well look who is working with the OSBI." Hearing this, Affiant turned around, both parties knowing how disturbing the issues with THE DEFENDANT had become thus making them laugh at the absurdity of the situation. The Undersheriff had his phone up and said he better get photo evidence of the cooperation with the OSBI, and he took a photo.

The Undersheriff sometime later posted the photo to his personal Facebook with a comment saying look who I saw hanging out with the OSBI today. THE DEFENDANT apparently saw the post, reposted it, making a post with comments saying that he knew much had recently been talked about in regard to the strained relationship between the Sheriff and himself, but this "leaves me at a loss for words" indicating the picture of Affiant standing with the OSBI at the previously mentioned house fire. He went on to express that there was a possible crime scene where a man lost his life and may have been murdered and "Sheriff Virden is posing in front of the burned-out home with a big grin on his face."

Furthermore, as far as political gain, if there is political gain in play, it has been sought by THE DEFENDANT. In fact, THE



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DEFENDANT himself has formally endorsed the Affiant's opposing candidate for the upcoming 2024 Osage County Sheriff election. Around January 2023, THE DEFENDANT publicly announced that he was endorsing and supporting the Affiant's opponent, Bart Perrier, for the 2024 election. Indicating this was in effort to replace Affiant with Mr. Perrier for Osage County Sheriff. This is during a time that THE DEFENDANT is supposed to represent myself for multiple matters as the current Osage County Sheriff.

During a public meeting on 10/26/2023, THE DEFENDANT said in front of multiple constituents that he did not trust Affiant or "things" the Affiant was doing, and he also believed the Affiant didn't trust him. THE DEFENDANT began conversing with a person in the crowd about the Affiant, stating he didn't know if Affiant "was crooked or not." THE DEFENDANT also made a comment to the man, "you know how you take care of it though, at the polls, at the ballot box".

Furthermore, THE DEFENDANT has made it clear he is not in support of Affiant as the Sheriff of Osage County. This is abundantly clear in his multiple social media posts. The following social media posts were pulled from THE DEFENDANT'S own personal Facebook page: (1) Photo of Bart Perrier holding a "Bart Perrier for Sheriff Osage County" sign, with the caption from THE DEFENDANT stating, "Good man who will make a really good sheriff!". (2) Two photos of "Bart Perrier for Sheriff Osage County" signs with the caption "Get to know the candidates! Ask people who know them or have worked with them. There is only one real choice" THE DEFENDANT also tags Bart Perrier in the post. (3) Photo of Bart Perrier holding a "Bart Perrier for Sheriff Osage County" sign with the caption "There's really only one choice!".

Affiant only mentions these posts due to the fact THE DEFENDANT has accused the Affiant of making an investigation political when he has been the one in fact making public political statements. Affiant agrees, every person is free and entitled to express their own opinions. However, THE DEFENDANT has publicly accused Affiant of doing things for political gain, which is blatantly not true and unfounded. Affiant brings this post forward as a small snippet to help show THE DEFENDANT has grown so grossly partial and publicly speaking against Affiant to the extent it is evident there is no way he could fairly or impartially represent the Affiant or the people of Osage County.

Affiant who has followed up on any information received on the Kinney case was sent a photo of a Facebook post from 08/30/2023. The post stated BTK didn't do it and then there was mention of a death bed confession. The post was made by Lilly Panther and in the (PUBLIC) post, she talks about a dead person she cares about, and she is not telling and wants her family left out of it. Affiant learned Lilly Panther lives in Washington County and then called the Washington County Investigator Herb Cline to see if he would assist to locate and interview her about the post. Investigator Cline informed Affiant that the OSBI was handling it and he refused to give any assistance or information. Affiant contacted OSBI Cold case investigator Tammie Ferrari who he has shared all information about the Kinney case and had prior to this incident requested assistance from OSBI on the case. Tammie Ferrari would give no details other than she had been requested by THE DEFENDANT to follow-up on the information. Affiant has still not received any information on details gained from the interview of Panther from OSBI Agent Ferrari.

On November 7th, 2023, Affiant received information to contact Joseph Gordon Jr. in reference to information on the Kinney Case. He was contacted and provided a location and information he believed could have been used by Rader in the Kinney case. Joe gave credible information and turned over possible evidence which is still being investigated at this time. After meeting with him at the location and searching several times, numerous items have been located that could be proof Rader used the abandoned property. Joe told Affiant he had seen the news articles on the Kinney case and issues between THE DEFENDANT and Affiant., Joe said he knows and contacted assistant District Attorney Jeff Jones who works for THE DEFENDANT in the Pawnee County Office. Joe told Jeff the information so he could get it to THE DEFENDANT so it could be investigated. Joe said after weeks had went by no one contacted him, he then decided to reach out to the Affiant. Affiant never received any information about this from THE DEFENDANT and five months or more have passed without anyone from the District Attorney's office contacting Joe about the information he provided.

Additionally, Kansas DOC Investigators are conducting an Investigation on Rader and club members and submitting criminal charges for prosecution. In two phone conversations recorded at the prison between Rader and one of his fan club members, the recording was provided to Affiant. In the conversation the fan stated to Rader they have spoken to THE DEFENDANT, and he has told them he was having the investigation shut down by FBI agents and on a more recent call he indicated that the investigation was shut down and FBI is no longer investigating the case. This is not true; the FBI is currently assisting the Affiant in several ways and is active in the Investigation on the Kinney case. Affiant has given information to other Law Enforcement Agencies, and they have recently interviewed Rader on three missing women. Due to THE DEFENDANT providing club members information and telling them to be assured the Affiant has no case and the investigation has been stopped has only given Rader a false sense of security and has significantly reduced the chance that Rader will cooperate in the investigation.

Additionally on bid rigging and the Mock Auction the following occurred: starting in 2017 Osage County sold the Kennedy Building located at 550 Kihekah, Ave in Pawhuska Oklahoma at Public Auction to Jay Mitchell for \$232,000.00. Mitchell placed \$11,600.00 as down payment for the purchase but during closing, a mistake had been made by Osage County and the sale could not go



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through. Mitchell later filed suit against Osage County over the sale not being completed. Judge Tate recused himself from the case and it was assigned to Judge Shawn Taylor from Mayes County on July 19th, 2019.

Three appraisals were complete in October 2015 value the Kennedy Building at the following:

\$200,000 from Great Plains Appraisals

\$150,000 from Certified Appraisal Services, LLC

\$120,000 from Elsberry Appraisals, LLC

Elsberry Appraisal, LLC completed a second appraisal on February 10, 2017, valuing the Kennedy Building at \$132,000

On May 17, 2022, an agreement to settle the lawsuit was made between the Osage County District Attorney's Office and Jay Mitchell's attorney. The agreement handwritten on notebook paper and signed by Attorney Todd Cone, ADA Ashley Kane and one other person on the copy I was provided.

The details

- A. State County will follow sale procedures and sell property pursuant to statute. (Public Auction)
- B. If not sold reaction until sold. Auction and expenses all of the county.
- C. Hold Funds in escrow settle JE that reflects county receives \$232,000.00 for sale to make whole from contract.
- D. Plaintiff receive all proceeds as damages in excess of \$232,000.00.
- E. County maintain current insurance on building until transfer of deed. Any loss insurance paid into case.
- F. Each party pay own Atty fees and cost.

Per signed agreement dated September 20, 2022, a copy of the resolution shall be certified by the County Clerk to the Judge of the Osage County District Court. Affiant spoke to Slack, and this did not happen.

When Affiant learned about the agreement as Sheriff, Affiant advised the Osage County Commissioners and Slack that this agreement was bid rigging, and any auction conducted would become a mock auction and a crime.

By following the agreement, the auction would become fraud for any other person attempting to buy the building believing it was a legitimate public auction and they would be bidding against Jay Mitchell who had an agreement that did not restrict him from bidding and no matter what he bid would only pay or risk \$232,000.00.

This would allow Mitchell the opportunity to run the bid to any amount and then decide if he wanted to take any profit over \$232,000.00 or take the building for \$232,000.00. In any case Mitchell would only be risking \$232,000.00 and any other bidder would be risking the real total amount of their bid.

Affiant warned this agreement should not be followed and Mitchell should be paid the \$232,000.00 if that is what he is owed for not getting the building in the first Auction. If this matter was settled before the county held an auction, then any bid by anyone would be legitimate with each person risking the dollar amount bid. If not, this agreement would be rigged for Jay Mitchell.

In addition to the above information Affiant is aware Osage County District One Commissioner Randall Jones made a surplus of county property to be sold past the deadline for an election year and it was approved by the Osage County Board of Commissioners. When it was questioned Jones contacted State Auditor Cheryl Wilson and she responded back to him by email with follow-up on our conversation regarding the prohibition on declaring county equipment surplus 30 days prior to filing for re-election as per 19 OS 421 2. She indicates that he had asked if declaring surplus property on March 14 was in violation of the above statute. She states that she is "not an attorney" and "cannot give a legal interpretation of statute" Although she didn't believe this particular instance is something her office would take issue with during an audit since it was done upon seeking advice from legal counsel which Affiant knows is in fact THE DEFENDANT who is aware of this statute.

On November 21st, 2022, Affiant was made aware Slack had emailed State Auditor Marla Latham and Trevor Harms stating that the District Attorney office was placing pressure on her to place the Kennedy building on the agenda to surplus. Slack had



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discovered a problem with the legal description and was trying to make sure it was corrected so another mistake was not made when it was sold and also explained to her, and other elected officials had concerns of bid rigging.

With THE DEFENDANT involved On November 28th, 2022, the Osage County Board of Commissioners signed a Resolution to surplus the Kennedy Building again a violation to 19 OS 421 2 B. The board of county commissioners shall not deem any property to be surplus during a period when the election of any two county commissioners occurs at the same time. At this time Commissioner Jones had lost the election for his position and Commissioner McKinney had not filed for re-election and Charlie Cartwright had won the election for McKinney's position. Out of the three Commissioners Steve Talbert was not in an election year and voted no to the surplus with the two leaving office voting yes passing the surplus.

Affiant presented some of this information and other issues to the Oklahoma Attorney General's Office. It was presented during the time period John O'Conner was preparing to leave office and Affiant has not heard any information regarding the matter from the Attorney General's office since.

Affiant also learned on September 20th, 2022; an agreed order had been obtained from Judge Shawn Taylor on the Kennedy Building lawsuit. The order was reflecting the agreement of the parties to release earnest money in the amount of \$11,600.00, the County Board of Commissioners to sell the Kennedy Building in accordance with and comply with the provisions of 19 OS 342. A copy of the resolution shall be certified by County Clerk to the Judge of the Osage County District Court and the Judge shall appoint three disinterested freeholders of Osage County to appraise the real estate and the appraisal shall be returned to the commissioners and upon the return of the appraisal the commissioners shall give notice by publication in a newspaper of general paid circulation in Osage County for two weeks successive weekly issues that the real estate is about to be sold at public auction. If the Kennedy Building is not sold or the sum of less than \$232,000.00 is the highest bid, Osage County shall resale until a sale is finalized, Further order Osage County shall receive the sum of \$232,000.00 from the sale proceeds. See attached order for full agreed order.

Affiant does not know if Judge Taylor was aware of all the above information before he signed the order but does not believe a Judge has the authority to make an illegal act legal. Affiant also made the two new Commissioners Charlie Cartwright and Everett Piper aware of all the above information before they took office with Commissioner Talbert already knowing about the agreement on the Kennedy building and it is the Affiant's belief it was Bid Rigging, along with it becoming a Mock Auction.

Affiant and all elected officials including THE DEFENDANT received a Cc on an email January 27th, 2023, from Marla Latham with the State of Oklahoma. Marla was responding to the June 13th Resolution to donate the items to Avant Fire Department and says it should not have been approved and the finding will be worded towards the BOCC not District #1 and also it was not done in accordance with Title 19-421.2 (B). ADA Kane replied to State auditor Marla Latham this issue was covered in its first part above but what was not covered was that just before the June election Commissioner Jones did a resolution changing the property from being sold to donating some of the equipment to the Avant Fire Department which he surplus improperly past the date. The fire Department had allowed Jones's re-election sign posted in front of the fire department, and it was brought to my attention at the time by several Jones had donated the equipment in an attempt to gain support in the election.

ADA Kane replied back to the email Marla, please see the email below from Cheryl Wilson to Mr. Jones regarding this issue. The facts were as follows. Our Office sent an e-mail to both Mr. Jones and Mr. McKinney in in order to prepare them for the upcoming election. Attached hereto, you will find the information we provided them to ensure that they understood their statutory obligations. Mr. Jones asked our office again, prior to this surplus resolution whether or not he could transfer to the city of Avant. We again provided the statute. He put together a resolution accordingly. The problem was that he started counting, he counted March 14th rather than starting the next day on March 15th. According to Mr. Jones this was merely a misunderstanding of what day to start the count. Our office had no reason to disbelieve Mr. Jones, as he had checked the statue with us prior to moving forward. It seems that Cheryl Wilson agreed.

On July 24th, 2023, during a meeting of the BOCC Everette Piper moved to approve the public auction of the Kennedy building on Tuesday August 15th, 2023, at 10:00 am. All three commissioners voted yes, and the motion was carried out.

On 09/25/2023, Slack, sent Affiant a letter about oddities/anomalies noted during the transactions/sale of the Kennedy Building. Slack noted the deal had been struck which would award the Plaintiff, who she identified as Jay Mitchell, all proceeds as damages in excess of \$232,000 in the sale of the building. Slack would note the Kennedy Building was advertised to the general public as having an appraised value of \$910,000 and must at least bring 20% of the value (\$728,000) at auction.

Slack went on to note THE DEFENDANT'S office handled everything in regard to this auction service of the Kennedy Building, rather than County Officials. Slack stated THE DEFENDANT'S office arranged the appraisers, the advertisements of the building and the auction. Slack even quotes an email dated 07/18/2023, where Assistant District Attorney Ashley Kane mentions she had been talking to the auction company (Chupps) about the auction of the Kennedy Building and they would not charge for it. Slack



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notes however they did receive a \$200 invoice for the auction. Slack noted the BOCC only received one appraisal letter signed by three different appraisers and normally it would have been one from each. Slack stated she was told a non-discloser was signed by the three appraisers at THE DEFENDANT'S request and felt this was out of the ordinary in public business.

Furthermore, during the public meeting held on 10/23/2023, THE DEFENDANT claimed he was not responsible for the mishap of the Kennedy building, blaming former District Attorney Rex Duncan for it. THE DEFENDANT said he only took care of happenings with the Kennedy building after 2019 until now. People within the crowd began asking THE DEFENDANT what the deal brokered within the court setting was.

THE DEFENDANT said when taking office, he told the Osage County Commissioners he felt the sale of the Kennedy building was illegal. THE DEFENDANT said he felt this because they had failed to surplus the building. THE DEFENDANT went on to say the sale was withdrawn and the purchaser was told they would need to pursue legal action. THE DEFENDANT said during the court case, the court sided with the County saying the sale was not proper, but said we were in breach of contract. THE DEFENDANT explained that due to this, the purchaser and he, along with one County Commissioner went into mediation.

THE DEFENDANT said during mediation, they would eventually agree on a price around \$240,000 (but stated he couldn't remember the actual price). THE DEFENDANT explained this meant the bid would start at this price and any amount over that would go to the original purchaser. THE DEFENDANT seemed to justify this by saying they would end up agreeing on this because they would make their original agreed amount and would not have to be out any fees to the original purchasers.

Affiant had Osage County Undersheriff Upton contact Chupps Auction company for the details of this auction as the County Clerk's Office had no information as she normally would with BOCC choosing and approving the auction company. Maria Chupp responded by email that in the previous Kennedy building auction after being chosen by the BOCC and they would have a copy of everything. Maria stated at that auction they had 10 registered bidders after delivering 5000 flyers, placing ads in newspapers, on Facebook, their mailing list, and their website. This time the agreement was they would show up and provide an auctioneer and someone to register bidders for \$200.00. She advised the registration was left with the assistant District Attorney and they did not keep a copy.

Affiant had warned several interested citizens about the agreement on the Kennedy Building and when it was auctioned, THE DEFENDANT was present. During the auction questions were asked to the auctioneer and he referred them to THE DEFENDANT. When THE DEFENDANT was asked if there were any prior agreements with anyone on the building or price for the Kennedy Building, he said there was no preexisting agreement with anyone.

The auction then went forth and the Kennedy building sold to Jay Mitchell for \$728,000.00. The County Assessor only had the value of the building around \$250,000.00 on the day it was sold this time and in 2017 top bid was \$232,000.00 and the appraisal at that time \$132,000. Affiant believes the appraisal of the Kennedy building was inflated to keep other people from bidding and allowed Mitchel to purchase the building in this mock auction for \$728,000,00 and only writing a check for the purchase in the amount of \$232,000.00.

Further showing the need for removal from office starting with the May 19, 2022, incident where, two campaign yard signs that belonged to Osage County Commissioner (District #1) Randall Jones were stolen from the Panther Pride Car Wash located in Barnsdall, OK. The owner of the car wash is Terry Shreve. The caretaker for the car wash is Kevin Swan. Kevin Swan provided a copy from the video surveillance system showing the theft of the signs from the property. Commissioner Jones had also obtained a copy of the surveillance video and given a statement to Barnsdall Police Chief Ferguson. May 19, 2022, is significant because it was Barnsdall High School graduation.

During that investigation, Barnsdall Police Chief John Ferguson contacted Affiant about the above theft and investigation. Chief Ferguson explained to Mr. Jones and THE DEFENDANT had positively identified Missy Clymer and her oldest daughter as the suspects in this theft investigation. Chief Ferguson explained THE DEFENDANT had requested him to submit warrant to his office, allowing him to issue an arrest warrant for Mrs. Clymer and their daughter. Chief Ferguson added as a courtesy, he was letting me know about the case and investigation because he had been told the Clymer are friends of mine. Mrs. Clymer is married to Jeff Clymer. The Clymer family is also personally known to the Affiant, so Affiant thought the theft of political signs would be out of character. Affiant told Chief Ferguson he would get him in contact with the Clymer family for an interview.

Chief Ferguson explained he needed to come to Pawhuska and would come to the office to review the video first. Once at the office, Chief Ferguson showed Affiant the video, at which point Affiant was able to see that the people in the video did not appear to be anyone in the Clymer family. Affiant asked Chief Ferguson if he would like to contact the Clymer's, so he could speak with them, which he agreed to do. Affiant went with Chief Ferguson to the Clymer residence where he met Jeff Clymer and three of his daughters, Misty Clymer was not present as she was reported to be out of town on work related trip. While there Chief Ferguson was able to see the Clymer's and photos of Mrs. Clymer and get confirmation of their vehicles, along with see their home



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surveillance video. It appeared to show Mrs. Clymer was at home during the time of the theft of the campaign signs. In the video coverage Affiant could clearly hear Mrs. Clymer talking in the background on what is believed was her cell phone and Jeff Clymer on video locking the front door around the time of the theft. Their daughter was not seen on the video, but keep in mind the car wash video allegedly showed Mrs. Clymer and her daughter together. The video showed no one had entered or left the residence before or after the time of the theft of the campaign signs. Prior to leaving the Clymer residence, Chief Ferguson told Jeff Clymer they could not have been two places at the same time.

Before leaving Clymer's residence, Affiant told Chief Ferguson his office would be more than happy to assist in sending the theft surveillance video off to be enhanced and post it on our social media page. After leaving the Clymer residence, Chief Ferguson called saying he had called THE DEFENDANT. Chief Ferguson said he had relayed the newly found information to THE DEFENDANT, who he said of Clymer, "took it better than expected".

In May 2022, THE DEFENDANT had posted the car wash video on his personal Facebook page and asked for the public's help in identifying the suspect(s). In the post, THE DEFENDANT said the suspects "presumable a mother and daughter" are seen taking the campaign signs and who they belong to. THE DEFENDANT explains this act is a crime and as long as he as he is the District Attorney, "we will not tolerate this conduct". This post was shared at least seventy-one times and had about eight thousand views on social media. This was concerning to me as and appeared to be odd that THE DEFENDANT was taking an active role in an investigation by becoming first a witness in the case and getting actively involved in the investigation before a report had even been sent to his office on the case. THE DEFENDANT would even go on televised news talking about the theft and the possible prosecution.

On 05/31/2022, Chief Ferguson again contacted Affiant asking to get him into contact with Mr. Clymer. Chief Ferguson explained he would be requesting the home surveillance video from the Clymer's. Chief Ferguson said THE DEFENDANT had told him he believed the Affiant had assisted, aided, or tipped off the Clymer's an somehow got them to alter the video of their home surveillance. Chief Ferguson said THE DEFENDANT indicated that the people in the home surveillance may not even really be Mr. Clymer's family. Affiant told Chief Ferguson Affiant would get him into contact with Mr. Clymer, but also asked him about the social media post made on THE DEFENDANT'S Facebook post about the theft. A Barnsdall local, Curtis Standley, saw the post and made a comment indicating he knew who the people were and had set next to them at the Barnsdall High School Graduation. Affiant suggested to Chief Ferguson he should speak with Mr. Standley about the identity of the suspects, mentioning the above social media post he had made. Confused, Chief Ferguson asked what Affiant was talking about.

Affiant explained the social media post and sent a screenshot of comment to him. Affiant told Chief Ferguson the post took place on THE DEFENDANT'S Facebook page post, to which Chief Ferguson said he had not been told about the comment. With the accusations Affiant was told THE DEFENDANT was making, Affiant felt very concerned again that he had received a report of valid evidence from Chief Ferguson that the Clymer family was not involved, and that THE DEFENDANT had withheld additional information on the post he had put out, a citizen stating that he knew the identity of the suspects but THE DEFENDANT did not relay this information to the investigator. This was a malicious attack on a person and his family. a family that actively supports the Affiant as sheriff.

The same evening, Affiant received a copy of a text message THE DEFENDANT had sent to a man named Wayne Hill, asking him to assist or to become involved in the investigation. Again, this was concerning due to the fact THE DEFENDANT had been told during the investigation that the Clymer family had already been excluded by their own video surveillance system and the above stated information. Wayne Hill was at the time a Republican candidate running for State Representative. Mr. Hill is known to associate with Mr. Clymer. Mr. Hill is not accused of any bad intentions and acted properly. He was simply a recipient of a text message. Following is a copy of the wording from the text message sent by THE DEFENDANT:

"Hi Wayne. I posted a video on Facebook last week and asked for help identifying the woman and girl stealing campaign signs in Barnsdall. I was already certain as to who it was but can't be a witness in a case that I would prosecute. Several people identified the same woman after watching the video and I am certain that you would agree when you watch it. However, to ensure that I wasn't accusing the wrong person, I had the Tulsa Police Department enhance the video. We now have a clear picture of the woman and daughter involved. We also have the registration information for the SUV that is seen in the video. It matches up with the woman and her husband. I can issue a warrant for her arrest but you know the family fairly well. Would you reach out to them and ask if she would like to take care of this without the need for a warrant? I certainly understand if you are uncomfortable with my request but it is not my goal to embarrass anyone. I am simply trying to do my job and thought you might be willing to help. If you are, ask her to call my office no later than this Friday at (918)287-1510 and ask for me."

After receiving all the above information and being extremely concerned Affiant contacted Oklahoma State Bureau of Investigation Agent Stan Florence. Affiant informed Agent Florence of the investigation, the allegations, and findings. Affiant told Agent Florence that THE DEFENDANT had implied the Affiant had altered or attempted to alter this investigation in favor of the Clymer family and that Affiant had been told, at some point, by Chief Ferguson that THE DEFENDANT stated to him that THE DEFENDANT did not



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like Mr. Clymer, because he had pushed his (THE DEFENDANT'S) mother during a campaign in 2018. Affiant requested Agent Florence to assist with the investigation, by interviewing the Clymer's and recovering the home video surveillance. After completing the call Affiant forwarded all information Affiant had been sent or advised of to this point including contact information for Chief Ferguson and Mr. Clymer. Affiant also sent copies of the text message sent to Mr. Hill, the Facebook post made by THE DEFENDANT and a message from Commissioner Talburt asking when THE DEFENDANT started conducting investigations and shouldn't that be a job for the Affiant. This was attached to a screen shot of THE DEFENDANT'S Facebook post. My concerns are growing, and I see that THE DEFENDANT is blindly ignoring the evidence and facts of the case, continuously pursuing the Clymer family, even after being told evidence did not support his personal belief.

In June 2022, Affiant told Chief Ferguson I had requested OSBI Agent Florence to assist with this investigation. Affiant explained to Chief Ferguson that THE DEFENDANT had sent Mr. Hill the above text message, requesting he speak with the Clymer's about the investigation. Affiant also had sent Agent Florence a copy of the text message. Affiant believes it was at this point, Chief Ferguson had informed him that, he also felt there might be someone working against me within my office.

Chief Ferguson went on to explain THE DEFENDANT had told him Deputy Matt Clark who is assigned to the Courthouse, had positively identified the Clymer family as the ones stealing the signs. Affiant advised Chief Ferguson that I would check into the information to see if it was true. In contacting Deputy Clark, he was asked what information he had in regard to the investigation. Deputy Clark advised he had been sent a photo of a female involved in the sign theft a week or so earlier by the maintenance man of the courthouse who at that time told him it was the Clymer's. Deputy Clark advised he had a week or so later seen THE DEFENDANT'S post about the theft. Deputy Clark stated he used the ODIS system to search for vehicles registered to the Clymer family. Deputy Clark stated he located one and had contacted THE DEFENDANT giving him their vehicle information.

Deputy Clark explained while looking up the Clymer's vehicle information, he found they did have a 2004 GMC registered to them but did not note the color. Deputy Clark reported when talking to THE DEFENDANT, he explained to him, he did not know the Clymers nor had he ever met them, so he was not identifying them. Deputy Clark noted THE DEFENDANT told him he "already knew that it is Missy Clymer" and it was because "he has had contact with her and spoken with her several times before".

Chief Ferguson would later contact the Affiant about asking THE DEFENDANT about submitting the surveillance video for enhancement, along with saying he had requested OSBI's assistance. Chief Ferguson explained he had talked to THE DEFENDANT, after I had sent him the text message, THE DEFENDANT had sent to Hill. THE DEFENDANT never mentioned the surveillance video had already been enhanced. THE DEFENDANT did, however, in fact offer to give Chief Ferguson the name of a person with the Tulsa Police Department that could do it. However, during the conversation, Chief Ferguson said he mentioned he had contacted the Oklahoma State Bureau of Investigation for this investigation, at which point THE DEFENDANT said he would not be giving Chief Ferguson the number to the Tulsa Police Department for the video enhancement. Chief Ferguson said THE DEFENDANT did tell him to have the Oklahoma State Bureau of Investigation Agent contact him as he would like to speak with him about Affiant's involvement in the investigation. This again was very concerning. THE DEFENDANT had lied in the message to Hill about all the information he had on the case, he lied to Chief Ferguson that Deputy Clark had identified the Clymer's when he only provided their vehicle registration. Furthermore, once THE DEFENDANT had the Clymer's vehicle information, he still failed to relay all pertinent facts to Chief Ferguson, who was the investigating officer on the case.

In June 2022, Osage County Investigator Barrett and Barnsdall Officer Rick Harper followed up on the information posted on THE DEFENDANT'S Facebook post by citizen, Mr. Standley. After speaking with Mr. Standley, the people in the video of the theft were identified and located. During the interview, they confessed to being in Barnsdall for the High School Graduation and as they were leaving noticed the campaign signs. The suspects explained their motive for stealing the sign was because the name matched a friend of theirs that was a coach and they thought it would be funny to have the signs as a prank. The Clymer family was cleared once again. THE DEFENDANT would later recant the previous statement of "not tolerate this conduct" when finding out it was not the Clymer family and decided not to prosecute the theft of the signs.

In 2018 there was an incident between THE DEFENDANT and Cathy Miller a citizen of Osage County. THE DEFENDANT, who at this time was actively campaigning to be District Attorney, had improperly placed her under citizen arrest after he confronted her. In the incident included THE DEFENDANT'S family who had removed and discarded one of District Attorney Rex Duncan campaign signs from the yard of a private residence. Cathy Miller had placed the sign in the yard with permission from the owner of the property. A report was taken, and an arrest affidavit was submitted for THE DEFENDANT. The case referred to the Oklahoma Attorney General's Office for prosecution, who would assign a special prosecutor. The assigned prosecutor would decline to file charges against THE DEFENDANT.

In June of 2020 on Affiant's second term election night and THE DEFENDANT was the current District Attorney for Osage County. Affiant was advised THE DEFENDANT had attended Affiant's opponent's watch party and had stated to several people he did not like the Affiant because of the incident with the sign and Mrs. Miller. No written documentation on this incident was ever produced, however after hearing the information I spoke with THE DEFENDANT in person telling him my concern as he was my legal



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Counsel. THE DEFENDANT did at that time tell me he had gone to the opponent's watch party but would have stopped by mine if he had been given information on it. In addition, Rocky Davis whose watch party he attended was running with Brown against me in 2016 as her undersheriff. We agreed or it was implied that we agreed to move forward for the good of the county and put the past behind us.

Affiant learned of a private Facebook post THE DEFENDANT made about having another fight against a foe who does not want him to be District Attorney for Osage and Pawnee County and how he had learned from a hard lesson by walking away when he should have stood his ground and that he is not going to back away from this fight. Copy of post provided.

On September 7th, 2022, Affiant reached out by phone and text to THE DEFENDANT asking him to return a call. The response from THE DEFENDANT was, "Given your Current Bar Complaint against me that would not be appropriate. Perhaps Ashley can assist you." Affiant has had no contact with THE DEFENDANT since this date.

Affiant was contacted by Pawnee County Sheriff who advised that Osage County Sheriff Department (OCSO) Deputy Jeremiah Godfrey who may be starting rumors about him and his office being under some type of investigation. The rumor indicated that the Sheriff and Undersheriff were going to be removed from office. The Sheriff advised the person providing him with the information was a dispatcher for his office and wanted to remain anonymous. It was agreed he would speak to them and see if they were willing to speak with the Affiant about the information. At that point Affiant thought it was gossip and they were dealing with an employee possibly causing a problem with neighboring law enforcement.

The next morning, Affiant was contacted by OCSO Undersheriff Ronnie Stevens who had seen me speaking with the Pawnee Sheriff the previous day. Stevens advised Affiant that to his understanding the District Attorney's Office was investigating Pawnee County Undersheriff for embezzlement and he wanted me to be aware. Affiant was surprised to hear this. However, based on past history from dealing with THE DEFENDANT, Affiant felt like this could be true.

In 2022 Pawnee County Sheriff contacted the Affiant requesting assistance on a high-risk search warrant service. Affiant asked for the details and after being told the circumstance, Affiant advised him the recommendation was not to get involved and requested the OSBI or ODAFF to investigate. The sheriff told Affiant he had spoken with THE DEFENDANT about the incident and was told he was good to move forward on the search warrant. Affiant told him that he should be concerned and recommended he send it to an outside agency.

Other examples would be Kevin Pasley a former commissioner for district 2 in Osage County; THE DEFENDANT requested the OSBI to do the investigation and it be sent the case out of county for prosecution because he represented him as District Attorney. It is further to my understanding, a case was handled the same for Nick Silva, the Pawhuska Police Chief, as well as a case submitted on the brother of William Hargraves who was Affiant's jail administrator at the time. THE DEFENDANT did not personally know Hargraves brother, but he did know Hargraves' and Hargraves' wife Emily Hargraves who is a legal aid within THE DEFENDANT'S office. THE DEFENDANT stated that he felt it was a conflict for him to handle the case and it needed to be sent out of county for prosecution. In this case records show that after it was sent to another county district attorney and a warrant issued, THE DEFENDANT failed to notify the prosecutor of the arrest and court date leading to dismissal in a trafficking and gun case. Affiant could not understand why in this situation the Pawnee County SO issue would not have been given to the OSBI. This was even more concerning to the Affiant, in light of the above-described Facebook posts and multiple other incidents.

Around this time period, Oct 28th Affiant received a call from Godfrey. Godfrey stated he wanted me to know that he had been contacted by Todd Fenton, who Affiant knows to be law enforcement or an ex-law enforcement officer who lives in Pawnee County. Godfrey said Fenton told him about the investigation involving the Pawnee County Sheriff's Office. Godfrey said Fenton was approached and asked to be appointed Sheriff of Pawnee County when the current Sheriff was removed from office. Godfrey stated Fenton asked if he would be willing to be undersheriff and Godfrey said he would consider it. Affiant considered this to be a very odd that people were being picked to replace a current elected sheriff and his undersheriff prior to any arrest or removal. Also, it is Affiant's understanding, if a Sheriff and Undersheriff were removed; all three county commissioners in an open meeting appoint someone as the interim while investigations take place. This would not be done in a private meeting held outside that by law require an open meeting. Again, shortly after this incident, Ronnie Stevens informed Affiant that he had loaned one of the Osage County trackers to the District Attorney investigator and it was his understanding that it was to be used in an investigation and an arrest of the undersheriff in Pawnee and that this arrest was planned to take place in the next few days. Prior to this Stevens had not discussed this with the Affiant or any other person within the OCSO, that he was aware of.

Affiant believes it was several days after learning the above information, Affiant received another call from the Pawnee County Sheriff. The Sheriff told Affiant that the Pawnee undersheriff had been called into a meeting under the pretense of talking about an upcoming criminal case and when he arrived THE DEFENDANT had showed him court documents where he was planning to arrest him on for two felony charges. At that time THE DEFENDANT told the undersheriff he was being given a week to make a choice on cooperating and providing information on the Pawnee County Sheriff including information on Affiant and Rex Duncan



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for conspiring to have him removed from office. He indicated the undersheriff was to provide this information or face the felony charges mentioned above. The Sheriff said he felt this was attempted at extortion on the part of THE DEFENDANT. Pawnee County Sheriff was aware of the incident with the Clymer's and other issues that Affiant had made complaints on and asked if Affiant wanted to be part of a news release his office intended to do about what was happening in Pawnee County. Affiant told him at this point I had made my complaints through official offices and would not participate in the press release.

Prior to the above information Affiant had no relationship with Pawnee County and honestly did not know the Sheriff personally or professionally or any of his staff. Affiant had only met him a few times and talked for a few minutes by phone, at meetings or training events. The sheriff had told Affiant, THE DEFENDANT had supported the previous Sheriff Mike Waters during the election and did not like him because he won the election. The sheriff also relayed he had to hire a private attorney to represent his office and had received his first letter from THE DEFENDANT dated, prior to him being sworn into office, warning him not to hire certain people in his office once he was sworn in. The Pawnee County Sheriff and his Undersheriff would then end up holding a press conference due to the above actions.

Affiant began to look into some of the things that Affiant had heard prior to or during a conversation with the Pawnee County Sheriff. Affiant learned the undersheriff prior to working at Pawnee County had been the Pawhuska Police Chief for a short time. Affiant did have one meeting with him and recalled when he came to the office after being hired as chief, he introduced himself in a professional manner. After that meeting the next thing, Affiant heard, THE DEFENDANT was telling people the undersheriff (who was chief at the time) had been Giglio when he had worked in Wagner County. Within a short time, Affiant heard he was removed as chief. Affiant was told that he had been a captain or someone of rank with Wagner County and had run for a state representative position. This would have been when THE DEFENDANT was assistant district attorney at Wagner County and before he was elected as district attorney in Osage and Pawnee in 2018. After hearing this Affiant looked at court records online and confirmed all the above was in a lawsuit filed in Wagner County by the undersheriff. This again concerned me as I believe THE DEFENDANT has shown in the above-described incidents that who he considers to be his political foe's he will not walk away without a fight.

A few days after this Affiant learned the undersheriff was arrested and charged in Pawnee County, which of course had numerous law enforcement officers worried that they could be next, especially because my office policy also allowed deputies to use units at other jobs. After hearing the news of the arrest my office reached out to THE DEFENDANT, communicating with Ashley Kane in his office and another assistant district attorney within his office in an attempt to get direction or clarification on what would be appropriate. We have still had no clear response since 11/08/2022 and I have been given no direction in this matter. Affiant would also like to say if the person charged with representing two counties learned of an improper policy it would be his responsibility to advise the elected official in charge of enforcing said policy so they could stop the practice immediately and then look or investigate a criminal side. From what Affiant has been told in the Pawnee incident instead of what Affiant believes would be proper, THE DEFENDANT allowed the policy to continue not just with one person but numerous others and then only addressed the undersheriff. This is consistent with what would have to happen in order to attempt to accomplish the alleged plan deputy Godfrey had told me about.

After this incident Affiant received information the district attorney investigator for THE DEFENDANT had gone to the Osage County District 2 barn and interviewed Anthony Hudson. That prior to the interview he had told commissioner Talburt he was investigating allegations that Affiant had used county equipment to install a swimming pool at my personal residence. At the time Affiant had recently contracted and had a pool installed at residence. Anthony Hudson who is a county employee has a pool business with another individual named Oklahoma Swimming Holes and did work on the pool project. He has done this for a number of years to my understanding has never been accused of using county equipment. Affiant can assure everyone that no county equipment was used and at no time during county office hours county was Anthony working on the installation of the pool at Affiant's residence. In addition, it is a crime to make a false report of a crime. Affiant has never been spoken to about the reported use of county equipment or given information on who had made the allegation.

Shortly after this Affiant received additional information THE DEFENDANT was again investigating the Affiant, stating that a vehicle had been purchased from Pawhuska Police Department for his son to drive. Affiant has no direct knowledge of the alleged investigation. Background information on the vehicle in question, Affiant's office purchased a truck several years ago and it had been driven by the undersheriff Doug Elliott. Doug was offered a state position some time ago and accepted the position leaving the agency. The truck was parked at the office and used for official business until Affiant stopped taking a monthly vehicle stipend and started driving a county vehicle. Affiant did this because at the time my personal truck was in the shop with parts on back order. Affiant then decided to sell it to the dealership and just drive a county vehicle until purchasing another truck. Affiant had run all of this through the District Attorneys civil attorney prior to making the change. Sometime later, when Affiant made new arrangements to drive my personal vehicle and began to again receive a monthly stipend. The truck was parked again at the office for official use until needed. My oldest son Ryan Virden who lives in the north end of the county and is an active reserve with the department, was prior to aforementioned incident provided with an old, marked unit as many of our reserves are given, so they can respond more quickly to calls in the large county. We had a shortage on marked units for a time and we needed the unit that was



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assigned to him to be used by another reserve that was covering part time shifts. When we pulled that unit back in use, Affiant traded out the unit with the above truck so that he would have something to drive when he responded to calls. The vehicle has never been used except for official use and was assigned to him according to normal policy. This would again show THE DEFENDANT's multiple attempts to find anything to use against the Affiant and he began starting more rumors to this effect. Both above alleged investigations could have been cleared up without starting rumors if THE DEFENDANT or his investigator would have contacted me or anyone within my office.

During a 2022 election watch party Commissioner Talburt said he was approached by THE DEFENDANT who advised him he was under investigation by the OSBI. That they had received a complaint from who he thought was Kevin Pasley, but he did not think there was anything too it. THE DEFENDANT stated they had decided to stop the investigation. Commissioner Talburt felt this was an attempt at intimidation and asked if Affiant would check into it with the OSBI. Affiant followed up with Stan Florence providing the information and learned there was no investigation into Commissioner Talburt. Stan stated a request had been made by Talburt into Pasley using a tax-exempt number from the county or a church organization for personal purchases and he had called THE DEFENDANT to see if he would consider prosecuting if they did open an investigation and found something.

During the same time period THE DEFENDANT approached Osage County Investigator Rex Wikel and told him that Thomas Trumbly who was a candidate for district 1 commissioner at the same time had come to THE DEFENDANT'S office and made a complaint against Wikel. THE DEFENDANT stated Trumbly would not say what the complaint was and could not talk about it. THE DEFENDANT said Trumbly had made other complaints against sheriff department employees in the past. Rex Wikel said he felt this was another attempt at intimidation from THE DEFENDANT.

Questions over Court House annex contract issues requiring Osage County Clerk Robin Slack to seek and retain private council. Commissioners signed contract with blank pages and handled out of normal practice. Information THE DEFENDANT approved Ashley Kane who was advising the commissioners to also work on the Bonding side privately making \$26,000.00. Slack reached out to State Auditor's Office questioning the \$26,000 payment Kane received. State Auditor responded August 9, 2022. On December 18, 2023 it was announced in the BOCC meeting that the \$10,500,000 Annex project would no longer be housed in the County Clerk's Office. This would now be managed by District #1. Per statute Title 19 Ch 6 sec 133, the County Clerk should house all County records. A second bond has been obtained by the County for the Annex project. Many requests have been made by both citizens and Slack to obtain payment document showing who was paid on the 2nd bond; however, this information has not been provided.

THE DEFENDANT supported Jones against Piper. Jones is confirmed telling numerous people, including elected officials, he was having the Clymer's, who were his opponents (Piper) campaign manager's family arrested for stealing his signs. Furthermore, Jones would brag on the damage it would do to Piper's campaign because of the prosecution of the Clymer's by THE DEFENDANT'S office. This along with press releases about the theft of the alleged signs where the newspaper reporter is quoting both Jones and THE DEFENDANT. Jones who appears to be pushing the annex for THE DEFENDANT who gets a new office with new furniture in said annex. This included THE DEFENDANT telling Commissioner Talburt that he could be sued by citizens for stopping the annex when Talburt was just trying to make sure everything was legal before moving forward.

AFCF ? Time (1) Time (2) or Other

Upon oath, I declare that the above information is true and correct to the best of my knowledge and belief.

Officer Name: VIRDEN, EDDIE Badge Number: 101

Signature of Affiant

Subscribed and sworn before me on _____



**OKLAHOMA
PROBABLE CAUSE AFFIDAVIT**

STATE OF OKLAHOMA VS FISHER, MICHAEL EDWARD

(Continued)

My commission number _____

My commission expires _____

Notary Public

FINDING OF PROBABLE CAUSE

The undersigned judge of this court, upon sworn affidavit, hereby determines there to be probable cause for issuance of an arrest warrant.

Date _____

Judge Signature

[NO] Sheriff's Affidavit Required ?

[_] Bond Posted ?

[_] A probable cause determination is not necessary, the arrestee bonded out of jail on _____

[_] Appear in Court ?

The undersigned Judge of this Court having conducted a probable cause determination for the above named person's arrest with warrant by sworn testimony and/or affidavit finds:

[_] This affidavit/testimony contains sufficient facts showing probable cause for the person's arrest existed at the time of the arrest. Arraignment before a court is ordered on _____

[_] This affidavit/testimony contains insufficient facts to show probable cause for the person's arrest existed at the time of arrest. The arrestee is ordered released from custody immediately.

I make the preceding findings and order pursuant to Gerstein v. Pugh, 420 U.S. 103 (1975), and County of Riverside v. McLaughlin, No. 89-1817 (U.S. May 13, 1991) (Lexis 2528):

FINDING OF PROBABLE CAUSE

The Undersigned Judge of this Court, upon sworn affidavit, hereby determines there to be probable cause for issuance of an arrest warrant.

Date _____



**OKLAHOMA
PROBABLE CAUSE AFFIDAVIT**
STATE OF OKLAHOMA VS FISHER, MICHAEL EDWARD

(Continued)

JUDGE OF THE COURT

.....

Date _____

OFFICER / SUPERVISOR SIGNATURE