

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

EXHIBIT 1

AFFIDAVIT FOR COMPLAINT

Special Agent Edward I. Jacobson, after being duly sworn, deposes and states as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and am assigned to the Coeur d'Alene Resident Agency, which is part of the Salt Lake City Division of the Federal Bureau of Investigation (FBI). As part of my duties in the Coeur d'Alene Resident Agency, I am the coordinator for the North Idaho Violent Crimes Task Force (NIVCTF). I am a graduate of the FBI Academy in Quantico, Virginia. I have been employed as a Special Agent for over 12 years. I have extensive training and experience in investigating violations of federal law to include violations of Titles 18 and 21, of the United States Code.

2. This affidavit is presented to establish probable cause for the issuance of an Arrest Warrant charging John Kent Davis, date of birth January 22, 1950, with Interstate Communication of a Threat of Bodily Injury, in violation of Title 18, United States Code, Section 875(c).

3. I have been working with Sergeant Mark Todd, and Detective Patrick Cwik, both Task Force Officers on the NIVCTF and Officers of the Coeur d'Alene Police Department, on this investigation, and much of the information contained herein has been provided to me by Sergeant Todd and Detective Cwik. I have known Sergeant Todd for over three years and know him to be credible, truthful, and reliable. I have known Detective Cwik for over three years and know him to be credible, truthful, and reliable. I have also been working with a Federal Bureau of Investigation Undercover Agent (UCA) in this investigation. I have known the UCA for over three years and know him to be credible, truthful and reliable. The information contained herein comes from an investigation conducted jointly with the Coeur d'Alene Police Department, and the NIVCTF, which occurred during July and August, 2015.

SUMMARY OF INVESTIGATION

4. On July 17, 2015, your Affiant and the NIVCTF were made aware of a report filed with the Coeur d'Alene Police Department on July 15, 2015, by K.M.W. regarding a possible threat on her life by her ex-husband John Kent Davis. K.M.W. reported that she had received a text message from a female named J.D.. The text message stated Davis was trying to have K.M.W. hurt, and J.D. had an audio recording to this fact. K.M.W. reported this information to the Coeur d'Alene Police Department and did not contact J.D. regarding the threat.

5. Detective Cwik contacted J.D. on the telephone number provided by K.M.W., [REDACTED]. J.D. was interviewed telephonically on July 17, 2015. J.D. was subsequently interviewed in person on July 22, 23, and 24, 2015. J.D. stated she was an escort and advertises her services on a website called "backpage.com." J.D. resides with her boyfriend, N.J., in Spokane, Washington. J.D. told law enforcement that Davis, who J.D. knows as "Jack," first contacted her in approximately February or March, 2015. Davis had received J.D.'s contact information from her advertisement on the website. During this conversation, Davis told J.D. he lived in Pocatello, Idaho. After a short conversation, Davis told J.D. that he was not interested in her escort services, but wanted to hire her to make phone calls to his ex-wife, K.M.W., and harass her. Davis told J.D. that K.M.W. lives in Coeur d'Alene, Idaho. Davis offered to pay J.D. \$1,000 for doing this. J.D. agreed to make the phone calls. J.D. stated she had attempted to call K.M.W. multiple times but only spoke to her once. J.D. told K.M.W. she was Davis's fiancée and wanted to know why she wouldn't let Davis see his kids. J.D. said Davis told her to stop making the calls because they didn't seem to be making K.M.W. jealous. J.D. told investigators Davis transferred her \$1,000 in various means for making the calls.

6. J.D. stated she did not hear from Davis a lot until approximately the middle to the end of June 2015. Davis contacted J.D. and offered her \$5,000 to beat K.M.W. up, \$10,000 to put K.M.W. in the hospital, and \$100,000 to kill K.M.W.. During this conversation, J.D. told Davis she could not kill anyone, so they agreed to take the \$5,000 to beat her up. Davis told J.D. that he wanted K.M.W. hurt because he blamed K.M.W. for Davis losing his medical license and ruining his life. J.D. recalled during one of her conversations with Davis, Davis said he and

K.M.W. were in a car accident. K.M.W. was knocked unconscious and Davis told J.D. that he thought about covering her airway while she was unconscious until she died. Davis agreed to pay \$2,500 to J.D. prior to the beating, and the remaining \$2,500 after the beating was done. J.D. stated that Davis knew she had a boyfriend, N.J., who was a big African American male, and he would do the beating. After agreeing to do the beating, Davis contacted J.D. frequently, sometimes multiple times a day, to see how they were progressing. J.D. recorded one of these conversations and provided it to investigators. The investigators reviewed this recording and Davis and J.D. could be heard discussing the beating that Davis wanted done to K.M.W., and what Davis wanted as evidence of the beating. Davis referred to this as "Proof of Mugging," or "POM."

7. J.D. stated that Davis had already paid her \$2,400 towards the initial \$2,500 that had been agreed upon. J.D. said that Davis paid her through multiple smaller deposits directly into her bank account, Western Union transfers, Bitcoin transfers, and Google Wallet transfers. Davis told J.D. he did this to avoid suspicion. J.D. provided investigators with copies of bank records and an email from Western Union. The email from Western Union showed a transfer of \$200 on April 8, 2015. J.D. stated that this transfer was for the harassing phone calls. J.D. provided her Bank [REDACTED] records that showed transfers of \$300 on April 9, 2015, and \$350 on April 13, 2015. The transaction records showed the Originator of the transfers being "John K Davis, [REDACTED]tt . . ." Your affiant knows that [REDACTED], Pocatello, Idaho is Davis's address. J.D. stated these transfers were also payment for the harassing phone calls. The transaction records also showed a transfer of \$500 on July 6, 2015. This transaction also shows the Originator being "John K Davis [REDACTED] . . ." J.D. explained that this transaction was for the beating for which she and N.J. were being hired. The transaction records showed a \$453.81 transfer from COINBASE on July 14, 2015. J.D. stated COINBASE is the name Bitcoin transfers come in from. J.D. also stated this was a transfer from Davis. J.D. stated this transfer was also for beating K.M.W.. J.D. stated she and N.J. never intended on carrying out the agreement and beating K.M.W.. J.D. contacted K.M.W. about what Davis was trying to have done because she felt if they did not do it, that Davis would hire someone else. J.D. told investigators that she would usually discuss details of watching K.M.W. with Davis, but N.J. would usually discuss the details of the beating with Davis. J.D. stated that neither she, nor N.J., ever went to Coeur d'Alene, Idaho, and watched K.M.W.. J.D. would just provide back

information that Davis, himself, had said to J.D. during conversations. J.D. provided the telephone number [REDACTED] as the number Davis would use during their contact.

8. Investigators contacted and interviewed K.M.W. on July 17, 2015. The main purpose of the interview was to notify K.M.W. that there may be a threat against her safety. The interview also covered her history with Davis. K.M.W. told investigators she married John Kent Davis in 1995, after she became pregnant during their relationship. Davis and K.M.W. had a son together, and then two years later adopted a daughter. K.M.W. told investigators Davis was a doctor. After getting married, the pair moved to Bullhead City, Arizona, and finally settled in Pocatello, Idaho, in late 2000 or early 2001. K.M.W. described her and Davis's marriage as being tumultuous from the start. In 2008, Davis and K.M.W. were involved in a car accident when Davis was driving. K.M.W. received a severe head injury and was unconscious for a period of time while in the car. It took a year for K.M.W. to recover from the head injury. After her recovery and further marital strife, she decided to leave Davis. K.M.W. stated she packed up the two children and left with just what she could fit into a car and came back to Coeur d'Alene, Idaho. K.M.W. moved in with her brother, who is currently [REDACTED].

9. Davis was very vindictive after she left him. Davis immediately filed for divorce. K.M.W. further explained that Davis fought the distribution of their joint property and any child support for the children. K.M.W. stated the divorce took over two years to complete. When the divorce was final, Davis was ordered to pay \$1,600 per month in child support and K.M.W. was supposed to receive one-half of the value of the joint property. After the divorce was finalized, Davis refused to pay child support at first and was brought up on a contempt of court charge for not paying. After a period of time, Davis paid all of the back child support to K.M.W.. Davis paid child support until approximately one year ago, and then stopped paying again. K.M.W. stated the State of Idaho revoked Davis's Medical License last year because of the back child support. K.M.W. stated on their son's sixteenth birthday, in 2012, Davis called to speak to their son. During this conversation, Davis told their son that he would be alright going to jail if something would happen to his mother. K.M.W. took this as a threat and took her son down to Coeur d'Alene Police Department to file a report on the telephone call. The investigators located a report filed by K.M.W. and her son on August 14, 2012. The report reflects that Davis said something like "He was ok if something happened to [REDACTED] mother and he is OK with going

to prison.” During a follow-up conversation at a later date, K.M.W. told investigators she believed Davis lived on [REDACTED] Street in Pocatello, Idaho.

10. On July 23, 2015, investigators had J.D. place a consensually monitored telephone call from her telephone, [REDACTED], while at her residence in Spokane, Washington, to Davis at [REDACTED]. During this call, J.D. told Davis she was not able work on the job Davis wanted to her to do because she was sick, but that N.J. wanted to talk to him about something the next day. Davis asked if it was something he needed to be worried about, and J.D. assured him he didn’t need to worry about it.

11. On July 24, 2015, investigators interviewed N.J. at the Coeur d’Alene Police Department. N.J. confirmed a lot of the statements J.D. had already told investigators. After the interview, J.D. and N.J. placed a consensually monitored telephone call to Davis at [REDACTED]. Initially, J.D. talked to Davis and told him N.J. needed to talk to Davis about something. N.J. got on the telephone and told Davis that he had met a “Biker” who did jobs like what Davis wanted them to do. Davis at first asked “how much?” Then Davis told N.J. that if “there was a way they could accomplish this while limiting their exposure” he would be willing to discuss it. Davis was worried N.J. and J.D. were trying to back out of their deal with him, but the discussion moved to using the “Biker” would limit N.J. and J.D.’s “exposure.” N.J. also told Davis that the “Biker” would be able to “get rid of her” (kill her) if Davis wanted. Davis stated “it wouldn’t hurt his feelings,” but he already knows someone in New York who could do that. N.J. explained that they weren’t backing out of the deal, but the “Biker” could “take care of her” which J.D. and N.J. were not willing to do. Davis responded, “in all honesty, I kind of like the idea of having the shit kicked out of her, and her having to live with it for a while.” N.J. and Davis discussed a possible fee that N.J. would receive for setting up the deal, and Davis once again stated he could “make a call to New York and spend, lots cheaper than that.” Davis stated “it looks like I’m going to go from \$5,000 just to have what appears to be a significant mugging to being \$20,000 or something like that.” Davis told N.J. that he would probably just make some other phone calls unless it was a very reasonable cost. Davis then said, “I’m still kind of inclined to do the, you know, mugged beyond belief, just so, you know, there’s an element of suffering involved.” Davis confirmed that their first agreement was for \$2,500 before, and \$2,500 after, and now they were trying to change the deal. Davis then told N.J. he wasn’t sure how he would be able to have the money ready without it looking suspicious. J.D. got back on the phone and

explained she and N.J. were worried that they could be tied to Davis because of the frequent contact. Davis agreed and also agreed they could explore that option if it wasn't too expensive.

12. On July 29, 2015, J.D. placed a consensually monitored telephone call to Davis at [REDACTED] from her residence in Spokane, Washington. During the telephone call, J.D. told Davis they had talked to the "Biker" and the "Biker" would not negotiate with them but wanted to talk to Davis direct. J.D. also explained that the "Biker" could work fairly inexpensively. J.D. provided to Davis the cellular telephone number for the "Biker," who was an Undercover FBI Agent.

13. On July 29, 2015, within 15 minutes after the telephone call with J.D., Davis called the Undercover Agent (UCA) from [REDACTED] 876. The UCA was located in Salt Lake City, Utah, and the call was recorded. Davis introduced himself to the UCA as "Jack." Davis asked the UCA if he was a Law Enforcement Officer. The UCA denied he was a Law Enforcement Officer. Davis told the UCA "there's someone in Coeur d'Alene who's not a very good friend of mine." Davis explained that he wasn't sure he wanted a "permanent solution," but wanted a "pretty explicit display of hatred." The UCA explained that he was a professional at doing jobs of this nature. Davis stated he lived in Pocatello, Idaho, and asked where the UCA was from. The UCA explained he was a "Nomad" biker so he was all over in Oregon, Idaho, Washington, and Utah. Davis told the UCA he trained at "Emanuel" in Portland, and was the emergency room doctor in Bullhead City, Arizona, on the night the Mongol's and Hells Angels had a shoot out in Laughlin, Nevada and Bullhead City, Arizona. Davis stated he worked on thirteen people that night. The conversation turned back to the job Davis wanted done. The UCA told Davis he would do a job like that for "3G" (\$3,000) with 50% up front. The UCA also said if Davis wanted "pics" of the results, he could provide those. Davis replied "it's always nice to have POM, you know, Proof of Mugging." The UCA told Davis, he just needed to let him know "how bad you want the beating." Davis replied "BAD." The UCA discussed how bad Davis wanted the beating and confirmed with Davis that he wanted the victim to recover from it. Davis replied "short of permanent." Davis asked the UCA how to make arrangements for payment. The UCA asked Davis for details on the victim. Davis responded "She's my ex-wife, she's fat, she's 5'4", she has reddish dyed hair, she's, ah, she lives at [REDACTED], in Coeur d'Alene, and the only other thing you need to know is her brother is the [REDACTED] [REDACTED] so this requires a little bit of caution." The UCA explained to Davis that he has been

doing this a long time and is very cautious. The UCA and Davis discussed how to transfer money again. Davis said he had some cash and the two agreed that Davis would mail the money to a postal address the UCA provided in Salt Lake City, Utah. The UCA provided the name and address of "[REDACTED]." Davis wanted the UCA to perform the beating the next week before the UCA left to go to the Sturgis, South Dakota, biker rally. Davis then told the UCA that his ex-wife "wears a diamond ring that's worth about \$13,000." The UCA asked Davis if wanted it, and Davis responded no he didn't. Davis told the UCA "If it's going to look like a mugging... if it's going to look muggable, it's important if she has a purse or something with her." The UCA told Davis he would take all of that. Davis told the UCA that he believed his ex-wife is a pharmacist in Coeur d'Alene. Davis told the UCA that he had some people follow her and they believed that she worked at Kootenai Medical Center, but they couldn't find her there. The UCA told Davis he would follow her around for a couple of days and find a place that he was comfortable with doing the mugging. Davis told the UCA that his ex-wife has a Newfoundland dog, and he didn't want the dog hurt. The UCA told Davis he would contact him once the money arrived, and they ended the call.

14. On August 3, 2015, the UCA placed a consensually monitored phone call to Davis at [REDACTED]. The UCA was located in Salt Lake City, Utah, at the time of the call. Davis told the UCA that he had purchased another telephone and gave the number as [REDACTED]. The UCA told Davis that the money Davis was supposed to send never arrived. Davis responded "I felt kinda scared sending fifteen, so I sent five and it came back undeliverable." The UCA asked what address Davis had, and Davis responded "[REDACTED]." The UCA told Davis it was the wrong box number and the correct box number was 231. Davis offered to send a picture of the envelope to the UCA. The UCA offered possibly taking care of the deal on the way to Sturgis, and stopping at Davis's house afterwards to pick up the money. Davis responded "That works ok for me, and after a little bit of a wait, there would be one other, um, one other little task we can talk about." Davis continued and said "However, it involves an attorney, and I don't know how you feel about that?" The UCA told Davis he would be interested. Davis then told the UCA that he went to the library and tried to "Google" the UCA's name and couldn't find any information on him. The UCA explained that he doesn't have anything in his name because he doesn't like to be found that way, and can't be tracked.

The UCA then once again discussed that he could go through Coeur d'Alene and try to locate Davis's ex-wife and determine her schedule. Davis then responded "[REDACTED]" The UCA confirmed he had her name and address. The UCA then confirmed with Davis that he didn't want to go all the way. Davis responded "We're ahh, we're on the same page." The UCA responded he understood. Davis added, "I like to call it uhhh, I like to call it mugged beyond belief." Davis told the UCA "I've got a pile of currency sitting here for you too." The two agreed to meeting up after it was done the following week. Davis reminded the UCA about the \$13,000 ring and his ex-wife's purse. The UCA confirmed that he remembered that. Davis then said "ok, and give some consideration to the, uh, legal question, the lawyer." The UCA agreed that he would do that job too. Davis told the UCA he would call him one time from the new telephone so the UCA could save his number and they ended the call.

15. On August 5, 2015, the UCA placed a consensually monitored telephone call to Davis on telephone number [REDACTED]. The UCA was located in Salt Lake City, Utah. The UCA told Davis he had watched Davis's ex-wife's house the night before, and that there were a lot of teenage girls at the house so he was unable to perform the beating. Davis confirmed that he had an adopted teenage daughter who would be living with his ex-wife. The UCA told Davis that he had to head to Sturgis for the rally so he would not be able to take care of it until the following week. Davis asked for the UCA to confirm the address where he is supposed to send the money. The UCA provided the address as "[REDACTED]." The UCA confirmed it was a Salt Lake City address and the zip code was [REDACTED]. Davis confirmed he had "[REDACTED]" Davis told the UCA, "I'm bummed out, I'm bummed out man, I'm bummed out you didn't have a chance to say hi for me." The UCA told Davis to not worry about it, it will happen next week. The UCA and Davis continued to discuss why he could not perform the beating the night before, then when the UCA would be back through Coeur d'Alene. Davis once again confirmed the address he needed to send the money through. The UCA told Davis they would discuss the other business once he was done with her, then they ended the call.

16. On August 9, 2015, the UCA placed a consensually monitored telephone call to Davis on telephone number [REDACTED]. The UCA was located in Cheyenne, Wyoming during the call. Davis told the UCA that he had another \$500 to send the following morning, and asked the UCA if he had received the \$500 that he had sent on Thursday. The UCA replied that he won't be in Salt Lake City until the following morning to check the mailbox. The UCA asked

Davis if he wanted him to come to Pocatello on his way to Coeur d'Alene to pick up the rest of the money, and Davis replied any way the UCA wanted to do it. The UCA and Davis agreed to talk the next day after the UCA checked the mailbox, and then they ended the call.

17. On August 10, 2015, the UCA received a call from Davis. The UCA was located in Salt Lake City, Utah, and the call was recorded. Davis wanted to confirm the address of the mailbox, because the envelope got returned to him. The two discussed that the UCA would just come to Pocatello the next day and the UCA would pick up the money in person at Davis's house. Davis provided his address as [REDACTED] to the UCA. Davis gave the UCA directions on how to get to his house, and the UCA told Davis he would just put it into his GPS. The UCA told Davis if he picked up the money the next day, the job would be done the day after. Davis asked the UCA if there was a different address that he could send the second half of the money to after the job. The UCA said he had a different address he could give to him after the job was done. After discussing the mailing, Davis told the UCA, "for future planning, there is a guy in Pocatello, his name is [REDACTED], he's not a very good friend of mine." The UCA told Davis they would talk about it in person the next day, and they ended the call.

18. On August 11, 2015, the UCA placed a consensually monitored telephone call to Davis and told him he was getting ready to leave Salt Lake City and head to Pocatello to meet Davis. Davis reaffirmed with the UCA his address was [REDACTED], and the UCA confirmed he had it. Davis told the UCA that the house has a white flag pole in front of it, and the mailbox to the right of the flagpole has the house number on it. Davis told the UCA that his mother was sick that morning and if wasn't at the house, he would leave the envelope in the mailbox. The UCA told Davis he would just call him when he arrived into town, and the call ended.

19. On August 11, 2015, at approximately 3:22 p.m., the UCA arrived at Davis's house located at [REDACTED], Pocatello, Idaho. The UCA was wearing a covert video camera and recorded the entire meeting. Davis met the UCA on the front porch of the house. After conversation about vehicles, Davis took the UCA inside the house. After entering the house, Davis handed the UCA some cash. The UCA asked Davis if he had a picture of his ex-wife, and Davis responded he didn't. Davis told the UCA a story about how his ex-wife had broken into the house and taken everything. The UCA told Davis that he was going to go to Coeur d'Alene that night and try to take care of it quickly. Davis told the UCA "there's, um, I

put 2,500 in there because of the changes, because the other stuff has been so fucked up. And then we may have a discussion about [REDACTED], he lives here in Pocatello.” The UCA asked if [REDACTED] was the lawyer Davis was talking about before, and Davis confirmed he was. The UCA asked if [REDACTED] was Davis’s lawyer, and Davis told UCA that [REDACTED] was his ex-wife’s lawyer. Davis told the UCA they may want to wait awhile before they do that. The two discussed what happened with the mailings that didn’t go through. Davis showed the UCA one of the returned envelopes and the UCA confirmed it was the correct address on the envelope. The UCA confirmed with Davis how bad he wanted his ex-wife beat, and Davis responded “Beat the fucking shit out of her.” The UCA asked if Davis wanted her to survive it. Davis responded “how much for not?” then laughed. Then Davis said again “beat the fucking shit out of her, I mean really fucking hurt her, I mean really hurt her, not kinda hurt her.” The UCA confirmed he understood and told Davis if he decided later it wasn’t enough, he would give him a discount. Then Davis said “I think we ought to wait a while on [REDACTED] because to have them happen at the same time might look a little peculiar.” Davis asked the UCA if he had heard from J.D. or N.J., and the UCA told Davis he told them not to contact him. Davis then said “Well, you’ve got the address, it’s [REDACTED], her brother’s [REDACTED], and everybody hates his fucking guts.” Davis discussed that he didn’t believe his son was really his because he was too tall and neither Davis nor K.M.W. had any people who were tall in his family. Davis told the UCA that [REDACTED] (K.M.W.) either worked in a pharmacy or at a real estate agency, but he hadn’t been able to find out. Davis told the UCA he wasn’t sure what kind of car his ex-wife drove. During the meeting, Davis claimed that if anyone looked at his phone, they would see that he was looking for a computer. Davis told the UCA “you can text me or call me and just say I found the computer” when the job is done. Davis told the UCA that the phone he has been calling him on is a “burner phone” and it’s registered to someone who is “three people distant from his mother.” Davis told the UCA that he believed he was “hustled” by N.J. and J.D.. Davis then talked to the UCA about when he was the emergency room doctor when the Hell’s Angels and Mongols had the shootout in Laughlin, Nevada. As the UCA was leaving, Davis told the UCA “[REDACTED] [REDACTED] is the next guy, he’s, he’s, ah, you know, I want him hurt worse than I want my ex-wife hurt.” The UCA confirmed he could do that job. Davis said “the guy in New York wanted 7 plus travel to do the lawyer.” The UCA told Davis he would do it for \$5,000. Davis responded “Done.” The UCA then left Davis’s residence.

20. Your Affiant talked to the UCA after he had met with Davis. The UCA stated that when Davis gave the UCA the \$2,500, Davis pulled the cash from a pile of cash he had sitting on the kitchen table. The UCA said Davis had multiple piles of \$100 bills on the kitchen table.

21. Your Affiant viewed the video taken by the UCA on August 11, 2015. Your Affiant compared the video of the individual who met with the UCA, at [REDACTED], Pocatello, Idaho with the Idaho Drivers License photograph of John Kent Davis, born [REDACTED] and believes it is the same person.

22. Your Affiant believes that based on the above information, probable cause exists that John Kent Davis has violated Title 18, of the United States Code, Section 875(c), Interstate Communication of a Threat of Bodily Injury.

Respectfully submitted,

/s/

Edward I. Jacobson, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 13th day of August, 2015.

/s/

Hon. Candy W. Dale
Chief United States Magistrate Judge