



Affidavit of Probable Cause

I. Initial Police Response

On Sunday, August 5, 2007 at 3:30 AM, officers of the Whitpain Township Police Department responded to 291 W. Mount Pleasant Avenue in Ambler, Montgomery County, Pennsylvania on the report of an interrupted burglary with a person shot. Officer Scott Buchanan, one of the first officers to arrive, encountered the homeowner, Myra MORTON. She told him that her husband was shot and that the assailant fled from the residence through a master bedroom sliding door. Officer Buchanan went to the master bedroom, where he observed the bloodied and obviously deceased body of a black male, later identified as 47-year-old Jereleigh Morton.

Based upon the report of an alleged intruder, initial responding officers requested the assistance of a canine officer in order to track the intruder's scent. In response to that request, Officer Lawrence Rubas of the Upper Moreland Police Department responded to the Morton residence with his K-9 partner "Eraz". Officer Rubas is a 15-year K-9 veteran who has conducted in excess of four hundred (400) tracks. During the last four and a half years his K-9 partner Ezra has completed in excess of one hundred fifty (150) tracks. Officer Rubas described the

weather, humidity and other tracking conditions present that morning as "excellent". In reliance upon Myra MORTON's report that the intruder fled from the master bedroom, onto the patio, and through the yard towards the pool, Officer Rubas ordered Eraz to begin tracking at the edge of the patio. According to Officer Rubas, Eraz showed "no interest" in that area, meaning that Eraz did not detect a human scent. Officer Rubas said that under the conditions present that morning, Eraz would most certainly have detected a human scent in the grass at the patio's edge had a person walked there in the preceding two hours. Eraz was unable to track any scent along the path described by Myra MORTON.

This attempt to find the intruder's scent began at 4:10 AM, forty minutes after the 911 call.

On Sunday, August 5, 2007, Montgomery County Deputy Coroner Gary Schmoltze went to 291 W. Mount Pleasant Avenue. He pronounced the victim dead after observing two (2) apparent gunshot wounds to his head.

As a result of these circumstances, members of the Whitpain Township Police Department and the Montgomery County Detective Bureau's Homicide and Forensics Units commenced a joint investigation.

II. Autopsy

On Sunday, August 5, 2007 Dr. Ian Hood, a Forensic Pathologist, performed an autopsy on the body of Jereleigh Morton. Dr. Hood determined the victim died as the result of two (2) gunshots to the head, one to the left cheek and one above the left eye. Dr. Hood opined that the manner of death is Homicide.

III. Crime Scene

A. Morton Residence

On Sunday, August 5, 2007 members of the Montgomery County Detective Bureau's Forensic Sciences Unit examined the scene of this murder. The Morton residence is a single-story home in a secluded wooded setting. There is a fence-enclosed in-ground pool at the rear of the property.

Based upon the report that this incident was an interrupted burglary, detectives specifically searched for broken glass, pry marks, scratched locks and any other signs of recent attempts at forced entry. There were none. Every door and window in the home, with the exception of the master bedroom sliding door, was closed. After an

exhaustive, two-day search of the inside of the home detectives found no signs of tampering, ransacking or other common indicators of burglary. In fact, detectives determined the primary crime scene is the master bedroom, the patio adjacent to the master bedroom, and the yard immediately adjacent to the patio.

B. Master Bedroom

Detectives found the victim's body lying on the left side of his bed, covered by bed linens to the upper portion of his bare chest. He wore a CPAP (Continuous Positive Airway Pressure) breathing mask as therapy for his chronic sleep apnea. The victim's right arm was bent at the elbow with his right hand under his head. There was a large pool of collected blood on the mattress and on the floor beneath the bed the victim shared with his wife. There were no indications the victim attempted to defend himself from an attacker. To the contrary, detectives have concluded the victim was shot in his bed as he slept.

Detectives noted blood spatter of the type associated with gunshot injuries on the wall behind the marital bed as well as on the bed linens. Specifically, Myra MORTON's side of the bed, including the pillow and fitted sheet, was covered with spattered blood. Detectives collected the bed coverings and a section of the blood-spattered bedroom wall.

Detectives recovered two (2) spent RMP brand .40 caliber shell cases. One was found on the floor on the victim's side of the bed. The other shell case was found at the base of Myra MORTON's pillow, at about the location of her neck if she were lying in bed.

On the top of a dresser next to Myra MORTON's side of the bed, detectives found an empty Galco brand holster as well as several items of apparent value. There was an expensive watch, jewelry and cash in plain view near the empty holster. Detectives also found a large black suitcase, packed but not zipped, on a divan near the foot of the bed.

Among other things, it contained 3 pairs of women's pants (size Small) and one pair of new women's shoes (European size 37, the equivalent of US size 6.5 or 7). A filing cabinet in the corner of the room contained three Glock brand handgun magazines loaded with RMP .40 caliber cartridges.

C. Rear Patio

As noted above, a sliding door led from the master bedroom to a rear concrete patio. Detectives found this door fully open. On the patio just outside this door were a number of items from inside the home, including jewelry boxes and pieces of jewelry. Additionally, detectives found on the patio a yellowish-green lightweight women's nightwear set on a hanger. The store tag, still attached, listed the size as "Small".

Montgomery County Detective Michael Gilbert examined this item and located on a pants leg several smears of what appeared to be blood.

According to her Pennsylvania Department of Transportation Operator's License, Myra MORTON is 5'3" tall. Women's clothing found in her bedroom closet and drawers were mostly size "Large".

D. Rear Yard

Detectives examined the yard adjacent to the rear patio. Approximately 29 feet from the patio they found a small black Glock brand .40 caliber handgun, serial number GUN138. A check of Pennsylvania State Police records revealed that this gun is registered to the victim, Jereleigh MORTON. Detectives also found a sealed white envelope under a bush at the rear of the house. It was determined this envelope contained \$6000 in US currency. These two items were approximately 40 feet from one another. From the perspective of a person standing on the patio looking to the rear of the property, the gun was directly off the patio, slightly to the left. The envelope was to the right of the patio.

On Monday, August 6, 2007 Montgomery County Detective John Finor, a ballistics expert, examined the Glock handgun found in the Morton's yard and the two spent shell cases recovered from the master

bedroom. He determined that the two RMP .40 caliber cases were fired from the Glock handgun. Furthermore, this Glock handgun is of the appropriate size and design to fit into the empty holster found on top of Myra MORTON's bedroom dresser.

Jereleigh MORTON was killed with a handgun he owned.

IV. Statement of Myra MORTON

On Sunday, August 5, 2007 Whitpain Police Detective Brad Potter and Montgomery County Detective Christopher Kuklantz interviewed Myra MORTON who told them the following:

- 1) She and her husband went to a movie and arrived home at about 1:00 AM on Sunday, August 5, 2007. At that time, her husband went out to the pool to check on a drainage problem while she went and spoke to her daughter, Amina.
- 2) When she went to her bedroom, her husband was already asleep in bed. She then went to bed and fell asleep.
- 3) She said she was lying on her side of the bed, between the quilt and the bottom fitted sheet. She said she had the quilt pulled up to her chest.

- 4) She was awakened from a sound sleep by a "bap-bap" which she said were gunshots. She immediately jumped out of bed and saw "a figure" going out the bedroom sliding door.
- 5) She "heard feet and running" and chased the figure out the door all the time screaming "somebody help me" and "somebody shot my husband". She stepped on things as she chased the intruder outside.
- 6) Her husband was scheduled to go to Morocco on Sunday, August 5, 2007.
- 7) When asked about her husband's trip to Morocco, Myra MORTON said the trip was for business. When asked if he had family there her response was "friends". Not until detectives asked her if there was anything else she needed to add did she say that her husband has a second wife that lives in Morocco. She told detectives she approved of this second marriage in accordance with Muslim tradition.
- 8) She and her husband were partners in a real estate business and have approximately six million dollars in assets.
- 9) She and her daughter are beneficiaries of her husband's Will.

- 10) On Saturday, August 4, 2007 in the evening, she was present, along with her daughter and granddaughter, when a man she knows gave her husband a white envelope, which she believed contained cash.
- 11) When asked about the home alarm system, Myra MORTON said "We normally keep it secured. I was tired though and I went to bed."
- 12) When asked about handguns in the home, she said her husband always locked the guns up because of the young child (her granddaughter) in the home. She added, however, that "once in a while he would slip up."
- 13) She said one of the handguns, "a small black one" is hers.
- 14) She did not specifically recall what items were strewn about the patio, nor did she report that anything was missing from the house.

Detectives Potter and Kuklantz noted that Myra MORTON was wearing a light blue, zip-up jacket and black Spandex pants at the time of her interview. Neither detective observed any blood spatter or stains on Myra MORTON's clothing.

V. Follow-Up Investigation

A. Dr. Ian Hood, Forensic Pathologist

Detectives preserved the bloodstain evidence found in the master bedroom and brought it to Dr. Ian Hood, an expert in the field of blood spatter analysis. He examined the pillow and fitted sheet and confirmed that neither Myra MORTON's body nor any other intervening barrier occluded the flight path of the victim's blood. In other words, had Myra MORTON been lying in bed when the gunshots were fired, as she claimed, then her body would have protected her pillow and sheet from blood spatter, and detectives would have observed blood spatter on her light blue zip-up jacket.

B. Interview of Robert and Elizabeth Ervin

On Sunday, August 5, 2007 Sgt. Joseph Fenerty of the Whitpain Township Police Department and Detective Mark Minzola of the Montgomery County Detective Bureau interviewed Robert Ervin. Mr. Ervin lives in the residence directly behind the Morton residence, not more than 75 yards to the rear. He told detectives he was in his bedroom with his wife in the early morning hours of Sunday, August 5, 2007. Because of the discomfort of a back problem, he was awake at the

time of this incident. He told detectives he heard a gunshot and then heard nothing for a period of 3-4 minutes. When asked if he heard anyone yelling for help, or that someone was shot, he said no. It was only after the 3-4 minute delay that Mr. Ervin heard the excited voices coming from the Morton residence.

Elizabeth Ervin, Robert's wife, told detectives she was asleep just prior to this incident but specifically recalled hearing two "cracks". Sometime after that she heard the raised, frantic voices of a male and a female.

C. Interview of Amina Morton

On Sunday, August 5, 2007 Sergeant Fenerty and Detective Minzola interviewed Amina Morton, the victim's daughter. She and her husband, Harouna Sokhouana reside in the Morton residence. She told detectives that her parents arrived home from the movies at about 1:00 AM, and that her father went out to check on the pool. She talked to her mother briefly and then went to bed. Amina told the detectives she was asleep at the time of this incident and did not wake until her mother ran into her bedroom screaming "dad got shot". According to Amina, her mother also told her that she was right next to the victim, she heard the

shots, and that she then ran out the door after the person. At that point, Amina's husband called the police on his cell phone.

As part of their collection of background information, detectives asked Amina about the home security system. She told them that the alarm is always on. Specifically, she said "I have a practice with my mom that we set the alarm."

Amina told the detectives that she and her daughter were in the car the previous evening when her father met with a man in Philadelphia. The man handed her father a white envelope which Amina believed contained cash. According to Amina, her mother asked the victim what the money was for but he would not tell her.

D. Interview of Brahim Ighladen

On Sunday, August 5, 2007 Sergeant Fenerty and Detective Minzola interviewed Brahim Ighladen, a South Street jewelry seller. Mr. Ighladen is the best friend of the victim's son-in-law, Sokhouna. On Saturday, August 4, 2007 at about 9:54 PM, Jereleigh and Myra Morton stopped by his Philadelphia home to pick-up some money. Mr. Ighladen met the Mortons at their car and handed Jereleigh a white envelope that contained \$6000 cash. According to Mr. Ighladen, the victim was to

deliver this money to Mr. Ighladen's family in Morocco on Sunday, August 5, 2007.

Detectives confirmed that the envelope of cash found outside the Morton residence is the one Mr. Ighladen handed to the victim.

E. Interview of Harouna Sokhouna

On Sunday, August 5, 2007 Whitpain Township Police Detective James Vinter and Montgomery County Detective Drew Marino interviewed Harouna Sokhouna, the victim's son-in-law. He told them he was asleep at the time of this incident and did not wake until Myra MORTON ran into his bedroom. According to Mr. Sokhouna, Myra MORTON screamed "someone just shot dad", that she saw someone in the room, and that she chased that person out of the house. Mr. Sokhouna also said that Myra MORTON told him "money is missing".

VI. Motive--Jereleigh Morton's Second Wife

A. Interview of Marguerite Griffin

On Monday, August 6, 2007 Detective James Vinter of the Whitpain Township Police Department and Detective Drew Marino of the Montgomery County Detective Bureau interviewed Marguerite Griffin.

Mrs. Griffin is a friend and confidante of Myra MORTON. She told the detectives of conversations she had with Myra MORTON concerning the latter's marriage. When the two women met approximately seven months ago, Myra MORTON told Mrs. Griffin that she was unhappy with her marriage. She complained that her husband wouldn't spend time with her or talk to her. Myra MORTON told Mrs. Griffin that she found her husband's computer password and learned that he was talking, online, to a girl from Morocco.

According to Mrs. Griffin, Myra MORTON told her that this other woman is 25-30 years old and "of childbearing years". This information was significant as Myra MORTON told her the victim wanted to have a son and she (Myra MORTON) is no longer capable of having children. Myra MORTON told Mrs. Griffin that she did not think it was right that her husband had a second wife. Myra MORTON did not agree to this marriage at first, but eventually relented. Myra MORTON further confided in Mrs. Griffin that the other wife was changing her husband and that he would send her \$3000 a month in "maintenance money".

Myra MORTON told Mrs. Griffin that the victim was supposed to go to Morocco on Sunday, August 5, 2007. In that context, Myra MORTON told Mrs. Griffin that her husband's second wife "was ovulating" and that

he "wanted to have a son". Mrs. Griffin said Myra MORTON told her the second wife was trying to take her husband from her by having a baby.

B. Interview of Delzora Morton

On Monday, August 6, 2007 Sergeant Fenerty and Detective Minzola interviewed Delzora Morton, the victim's mother. She told them she had a number of conversations with Myra MORTON regarding Jereleigh's second wife. According to Delzora, Myra MORTON was not at all happy with the fact that her husband married another woman. Delzora told the detectives that she advised her daughter-in-law to "walk away from it".

C. Interview of Darryl Morton

On Monday, August 6, 2007 Sergeant Fenerty and Detective Minzola interviewed Darryl Morton, the victim's brother. He said that although his brother would not speak to him about his marriage with Myra MORTON, the latter would "always call [him]". Myra MORTON told him that she was sick of her husband and that she was going to leave him. She said her husband loved the other woman and not her. The victim's brother added that these conversations with Myra MORTON have been occurring for the past couple of months.

D. State Department Letter

On Tuesday, August 7, 2007 Montgomery County Detective Richard Nilsen met with Michael Eagan, a Special Agent with the United States Department of State. Special Agent Eagan possessed an open investigative file involving Myra MORTON. The file included a "poison pen" letter, postmarked April 20, 2007, sent by Myra MORTON to the "Immigration Department of the USA". In the letter, Myra MORTON writes:

...I am writing to inform you that I've just became a victim of polygamy. My husband in March 07 (see documents attached) married a Moroccan woman, Zahra Toural.

He is desperately trying to bring her to our country. He is married to me and I'm a US citizen legally by our court system. He says he is telling her to come as a tourist and not mention me on the papers from immigration in her country. I have spoke to an attorney who said USA does not allow polygamy.

She have marriage papers from her country saying my husband is married to me also. She talks to him on computer, on Yahoo everyday or by phone about bombings in Casablanca. She know alot and about the lady who help Alquida that have a baby. She have newspapers to give to him when he comes back April 29th-May 6th-07.

She knows a whole lot about the bombings and the people involved. I am afraid for my family sometime when he goes over there.

He has been talking to her 3-4 months prior to there marriage. He sneaks around me and speaks real low when he talks to her.

Please don't let her come here—don't let her in US.

PS: Please don't send me response letter he will know.

Thank you.

(Misspellings in original)

E. Tracking Device

Detectives learned that during the time period Myra MORTON was complaining to others about her husband, she purchased a satellite tracking device. Myra purchased the device on her credit card on January 6, 2007 at the Spy Shop in Atlantic City, New Jersey. The \$2200 device is weatherproof and designed to be covertly attached to motor vehicles. With the accompanying software, one can precisely track the movements of the target vehicle.

F. Interview of Zahra Toural

On Wednesday, August 8, 2007 Detectives Marino and Nilsen telephoned Zahra Toural in Morocco. She told the detectives she met Jereleigh Morton online in about December of 2006. The two spoke frequently and eventually agreed to marry. According to Ms. Toural, Myra MORTON and the victim came to Morocco and the three stayed in

the same apartment. Myra MORTON allowed the victim and Ms. Toural to marry, and this wedding took place in Morocco on March 19, 2007.

Ms. Toural related that Myra MORTON became upset with this marriage almost immediately. Nonetheless, a short time after the marriage, Myra MORTON and the victim returned to Morocco and again stayed with Ms. Toural. During this stay, the victim told Ms. Toural that Myra MORTON was jealous of her. Ms. Toural said the victim and Myra MORTON fought both inside and outside the home and frequently screamed and argued.

As for the victim's scheduled trip to Morocco on Sunday, August 5, 2007, Ms. Toural said she waited for him at the airport on Monday morning. When he did not show up, she made calls to the United States and eventually learned of his death. She told the detectives that she and the victim were to have a baby. She had been seeing a doctor and would be ovulating at the time of the victim's visit. Ms. Toural said Myra MORTON knew of their plans to have a child.

Most recently, the tensions between Myra MORTON and the victim increased. Ms. Toural said that Myra MORTON wanted to put her money into a separate bank account and to have certain property put in her name. According to Ms. Toural, she and Myra MORTON exchanged text

messages concerning the victim. In one, Myra MORTON told Ms. Toural that the victim told Myra MORTON to file for divorce. Ms. Toural spoke on the telephone to the victim about this and he told her that Myra MORTON said to him she didn't like polygamy. The victim told Ms. Toural that he told Myra MORTON "if you don't like polygamy, get a divorce."

CONCLUSIONS

Myra MORTON lied to the police when she said she was sleeping in bed next to her husband at the time he was shot. Her statement is directly refuted by the presence of blood spatter on her pillow and fitted sheet, as well as by a spent shell case at the base of her pillow.

No burglary occurred at the Morton residence. Again, Myra MORTON's report that a burglar killed her husband is false. Detectives found no signs of forced entry, nor were there any signs of ransacking. It is the regular practice of the homeowners to set their security alarm. There was no alarm activation. Cash and other items of value were found in the master bedroom. An envelope containing \$6000 cash and a valuable Glock handgun were just outside the residence. There would be no reason for a burglar to leave these items behind.

Myra MORTON's description of events is thoroughly inconsistent with the physical evidence found at the scene. The victim's Glock handgun was most likely stored in the back of a metal filing cabinet where the three loaded Glock magazines were found. According to Myra MORTON's version of events, an intruder who somehow located this hidden gun would have walked to her side of the bed, unholstered the gun, left the holster on her dresser, walked to the victim's side of the bed and shot him, but not her, in his sleep. Because Myra MORTON claimed that she immediately woke and chased the intruder out of the house, he would, necessarily, have already been holding all the items that were allegedly discarded along the path of his flight.

Myra MORTON lied to the police when she reported that she was screaming "somebody help me" as she chased the intruder from her bedroom. Robert and Elizabeth Ervin, the Morton's neighbors, heard the gunshots but did not hear any voices for 3-4 minutes. Instead of corroborating Myra MORTON's account of her loud pursuit of the intruder, the Ervins' statements bolster detectives' conclusion that Myra MORTON used those quiet 3-4 minutes to throw the gun and money envelope into the backyard and scatter the jewelry items and clothing onto the patio. Apparent blood smears on the brand new women's outfit found on the patio would have been deposited after the shooting.

In addition to the inherent implausibility of Myra MORTON's story, the fact that K-9 Eraz detected absolutely no human scent at the patio's edge is proof there was no intruder. Eraz showed "no interest" in the area described by Myra MORTON despite tracking conditions being "excellent".

During her interview, Myra MORTON did not initially admit that her husband had a second wife. Thereafter, she told police she readily agreed to the marriage, dutifully following her Muslim faith. To the contrary, Myra MORTON told friends that she did not approve of her husband's second marriage and did so only after protest. As further evidence of her disapproval of her husband's second marriage, Myra MORTON contacted the U.S. Department of State to report her husband's illegal polygamy and his attempts to import his Moroccan wife to the United States by fraud. Myra MORTON went so far as to allege her husband's Moroccan wife had ties to terrorist organizations.

Myra MORTON knew that her husband was flying to Morocco on August 5, 2007. Although she told police that this was a business trip, she confided in a friend that her husband was going there to meet his Moroccan wife and have a baby. What Myra MORTON told her friend, but failed to tell police, is that the victim's Moroccan wife would be ovulating at the time.

Based upon the foregoing, we request an Arrest Warrant be issued charging Myra MORTON, black female, DOB: 12/5/1959, of 291 W. Mount Pleasant Avenue, Ambler, PA with violation of Pennsylvania Crimes Code Section 2502 (a) & (c), First and Third Degree Murder and the lesser included violations of the Pennsylvania Crimes Code enumerated in the attached Criminal Complaint.

Detective James Vinter
Whitpain Township Police Department

Detective Drew Marino
Montgomery County Detective Bureau

Issuing Authority