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July 19, 2013
FOR IMMEDIATE RELEASE

SUSPECT CHARGED IN HOMICIDE **Death investigation of Kathy Fortner**

Mesa County, Colo. — Investigators, working with the 21st Judicial District Attorney's Office, today obtained a signed arrest warrant for David James Norman, 44, of Grand Junction, in connection with the homicide of Kathy Fortner.

Norman was charged with the following:

- **MURDER IN THE SECOND DEGREE**
 - In violation of 18-3-103 CRS, a class 2 Felony
- **TAMPERING WITH PHYSICAL EVIDENCE**
 - In violation of 18-8-610(1)(a) CRS, a class 6 Felony
- **FALE REPORTING TO AUTHORITIES**
 - In violation of 18-8-111(1)(b) CRS, a class 3 Misdemeanor

The complete arrest warrant and booking photo (from Norman's Parole violation booking on July 2, 2013) are attached to this news release. Media inquiries about this case should be directed to the District Attorney's Office as this case moves through the court process. A JPEG photo can be requested through email.

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Previously Released on July 9, 2013 - On Tuesday, July 2, 2013, a car of out-of-state visitors stopped at the West entrance to the Colorado National Monument for a photo with the Park sign. Those visitors saw a lifeless adult body off the east side of the entrance road and south of Highway 340. They made a call to dispatch to report their find about 12:45 p.m.

Investigators and the Mesa County Coroner processed the scene around the body. The Mesa County Coroner released the identity of the victim as 49-year-old Kathy Fortner and ruled her death a homicide from the result of blunt force trauma. Their news release is attached below to this document and can be found on their website: <http://coroner.mesacounty.us>.

Anyone who saw anything suspicious around the west entrance of the Colorado National Monument or on the south end of Fruita between the July 1st and the morning of July 2nd, or anyone with information about the death of Kathy Fortner should contact Investigations Division at: (970) 244-3263.

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215 Rice Street Grand Junction Colorado 81501

<http://sheriff.mesacounty.us/>

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DISTRICT / COUNTY COURT, MESA COUNTY, STATE OF COLORADO
ACTION NUMBER 13CR
Mesa County (Colorado) Sheriff's Department Incident 13-19266

ARREST WARRANT

THE PEOPLE OF THE STATE OF COLORADO,

TO: **ANY PEACE OFFICER IN THE STATE OF COLORADO, INTO WHOSE HANDS THIS WARRANT SHALL COME, GREETINGS:**

WHEREAS, Investigator Peter Burg, a peace officer, has made Application and Affidavit for the issuance of an Arrest Warrant; and,

WHEREAS, the Application appears proper, and this Court is satisfied that there is probable cause to believe that the person named in the Application has committed the offenses of:

1. MURDER IN THE SECOND DEGREE
In violation of 18-3-103 CRS, a class 2 Felony.
2. TAMPERING WITH PHYSICAL EVIDENCE
In violation of 18-8-610(1)(a) CRS, a class 6 Felony.
3. FALE REPORTING TO AUTHORITIES
In violation of 18-8-111(1)(b) CRS, a class 3 Misdemeanor.

YOU ARE THEREFORE COMMANDED TO ARREST

NORMAN, DAVID JAMES dob 04/24/69
W/M / 6 [REDACTED] / BROWN Hair / BROWN Eyes
SSAN: [REDACTED]

and bring them without unnecessary delay before the nearest available Judge of the County or District Court.

It is therefore ordered that Bond is set in the amount of \$_____.

DONE this _____ day of _____, 2013.

BY THE COURT

JUDGE

Return of Service

I certify I arrested this person on _____ at

Date / Time

_____, _____ County, State of _____.

Location

County Name

State Name

Officer

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

IN THE MATTER OF:

The People of The State of Colorado

V.

NORMAN, DAVID DOB 04/24/69

and in support of the Application for Arrest Warrant, Investigator Peter Burg, hereinafter referred to as "Affiant", presents the following Affidavit in support of Arrest Warrant and asserts the following:

1. That the Affiant is of lawful age and is a duly sworn law enforcement officer currently employed by the Mesa County Sheriff's Department and was so at all times relevant to the facts contained herein. All of the information herein contained was compiled by the Affiant in the course of a criminal investigation, including reviewing official reports and documents, speaking with fellow law enforcement officers, and interviews with named citizens. All locations referred to are in the County of Mesa, State of Colorado, unless specifically noted otherwise.
2. On 07/02/13 at about 0754 hours, Mesa County Sheriff's Deputy Hall was dispatched to 2955 North Avenue, apartment #2, for a report of a missing female. David Norman (DOB 04/24/69) reported his live in girlfriend, Kathy Fortner (DOB 06/22/64) was missing. He said they had an argument at about 2230 hours the previous night and she left the home without her purse or any money or identification. She took her cell phone and had not been heard from since. Deputy Hall and Sgt Sorenson had concerns about the nature and details of the report, so they notified investigations.
3. On 07/02/13, I (Inv Burg) interviewed David at his apartment. Upon entering the home, to speak voluntarily with David, I noted the faint odor of what smelled like bleach. David gave his and Kathy's cell phone numbers. He said he had texted and tried calling Kathy several times throughout the night and morning with no answer. During the interview. David showed me some of the information on the screen of his phone, such as calls he had placed to Kathy showing

only as "7 hours ago" and so on down to "4 hours ago". The "call history" appeared it did not show anything before 07/02/13. The first call of 07/02/13, I noted was to 611, or Verizon Tech Support.

4. David said he worked with his boss, Wesley yesterday (07/01/13) until early afternoon. He went home, they (David and Kathy) went for a drive and got some beers. He said they did not get drunk, they came home, watched TV, Kathy went upstairs and watched TV.

5. Kathy came back downstairs and David was on his phone. Kathy got "pissed about me being on my phone", "cause I'm always on the phone". He described Kathy as getting "pissed about it, she gets mad". Kathy said, "you are on the phone all the god damn time, fuck this I'm going walking". Kathy grabbed her cigarettes, lighter, her phone, her keys, and went out the door (indicating the door on the east side of the home). David said, "she does it when she gets pissed, she usually just walks around here and comes back", "in about 15 - 20 minutes, maybe a half hour".

6. David said, Sunday night (06/30/13) they went to bed and sleep in the same bed. I asked him to tell me about Monday morning (07/01/13) and what time did he get up. David said, I get up about 0430 every morning. Kathy got up shortly afterward and came downstairs. She got a cup of coffee and they sat together. David waited until just before 0800 hours and dropped Kathy off at the Laundromat to do laundry. David went to work. He did not hear from Kathy while at work, but she usually does not call him while at work.

7. David said he got off work around noon (07/01/13). He went home and they sat around for a little while. They "went and got some beers, went for a ride, drank a couple beers". They went for a ride, toward Whitewater, drank beers and came home. He said they drove up highway 141, toward Divide Road. He said they did not go up Divide Road and when asked if they ever left the pavement, David said "no". David said (after they returned home) they "sat here, watched TV... oh I went grocery shopping too". He then started talking about his grocery shopping.

8. David said he went to Wal Mart (North Avenue) early in the morning of 07/01/13. He said he went alone and Kathy was asleep. He said he bought hot dogs, laundry detergent, bleach, and other items. David gave me a receipt for the items purchased at Wal Mart. David said he first went around midnight, but had to go back around 0400 hours, because the deposit had not gone on the credit card yet.

9. David explained this deposit is for her (Kathy's) disability. He said the credit card is "her money" but David is Kathy's "custodian". David explained that Kathy was deemed by Social Security to not be responsible, so he is responsible for her finances. Her mother was responsible for her until shortly after they moved to Colorado from Mississippi, in about November, 2012.

10. David said at about 2130 hours, Kathy went upstairs saying she was going to go lay down. "She wasn't up there very long before she came down and got pissed off because I was surfing my phone". I asked if there was something specific. David said, "yeah I'm on it all the time and she gets pissed about it". When asked what he was surfing, David said he thought he was doing "Craigslist". He explained he is trying to sell a couch. Kathy "came downstairs, looked at me, said, you're on that fucking phone again, god I'm fucking sick of that, I'm going walking". Kathy grabbed her phone and lighter and left.

11. David said Kathy walked out the door, "shortly after 1030" (2230). I asked how long they argued before she left. David said, "that was it, that was the whole conversation". I asked if David said anything. David said, he said something to the effect of "what's the fucking problem? Blah blah blah, I'm just trying to check my e mails".

12. I asked if Kathy ever gets violent with him or anyone else when she gets mad. David said, no she just gets ornery. I questioned if she was intoxicated enough to get lost. David said, no, we bought a 20 pack of beer and had some left over. Yesterday, Kathy had drank 7 or 8 beers in a 4 to 5 hour timeframe.

13. Not until toward the end of the interview, did David say, Kathy takes medication for seizures. David said she did not take any medication with her. He said if she did not take her medication for a day or two, she would have the likelihood of having a seizure. David said, she had a pretty good one yesterday, that lasted about 10 or 15 minutes. He said this seizure occurred right after her got home from work and before they went on the drive. She was making groaning noises, kicked the bottom of the table, and "bit the shit out of her tongue". He said, besides this and scraping her toes on the tile in the kitchen, Kathy had no marks or injuries when she left the home.

14. In viewing his truck, a 1984 Ford, bearing plate 717-ZRY, Deputy Hall and I noted what appeared to be blood in the bed. A

larger area was found on the back bumper. I took a swab of the blood from the bumper and it tested presumptive positive for blood. The truck was seized and towed to the Mesa County Sheriff's Office. While waiting for the tow truck, David left the home with a friend, Shane Hill.

15. On 07/02/13, at about 1234 hours, Deputies were dispatched to the Colorado National Monument, west entrance area, for the report of an obviously deceased female. The body was found about 654 feet north of the west Monument entry building, about 15 feet off the east side of the entry roadway and down an embankment.

16. On 07/03/13, Mesa County Coroner Dr Havlik, identified the deceased female as Kathy Fortner and ruled her death a homicide. Dr Havlik advised Kathy was not murdered at the location she was found, but her body had been transported there after death. According to Dr Havlik, Kathy had multiple blunt force injuries, primarily of the head. There were multiple impact sites on the head. It is difficult to estimate the number of impact sites due to the extensive head injuries present but there appeared to be at least 4 or 5 impacts and very likely even more than that. The injuries were due to a blunt force object, such as a baseball bat, shovel, rock or basically any object with a blunt hard surface. It is possible that a human fist could have caused the injuries but because of the extensive nature of the injuries, it would be more likely a hard blunt object was used.

17. The Colorado National Monument has closed circuit video cameras at the entry / pay stations. On 07/04/13, I viewed video received from the Colorado National Monument, West Entrance. This video has several camera angles. I noted the following images on the Monument videos:

*07/02/13 - 00:11:35, camera 6, a truck is visible driving south toward the entrance of the monument.

*07/02/13 - 00:12:34, camera 6, a truck is visible driving north away from the monument, on east side of the road, and the brake lights are activated as if the truck is slowing or stopping near the upcoming area where Kathy's body was found. The actual area where her body was found is about 192 feet beyond the camera view.

*07/02/13 - 00:12:23, camera 1, the rear of truck and Colorado license plate 717-ZRY are clearly visible.

*07/02/13 - 00:12:08, camera 4, the male driver of the truck is clearly visible in the cab of the truck as it circles the entrance post. It appears he is looking directly into the camera or into the

windows of the post as he drives around it. Based on meeting with him on 07/02/13, and viewing past mug shots, I positively identified the person on video as David Norman.

18. On 07/09/13, Inv Martin received video from the car wash located at 2884 North Avenue. I viewed the video and saw David Norman pull into a wash bay in his truck, at about 0040 on 07/02/13. He spends about 15 minutes washing the truck, appearing to pay special attention to the truck bed. This about 25 - 30 minutes after he was seen on the Monument video, where Kathy's body had been left on the side of the road. At the car wash, he is also seen removing several items from the bed of the truck and taking them to the trash.

19. Inv Ehlers completed a search of David Norman's truck under 13SW241. Several samples of suspected blood were obtained from the truck bed and bumper areas. Samples were sent to the Colorado Bureau of Investigations Laboratory and were tested against a known standard of Kathy Fortner's DNA. The results revealed, the tested two samples from the bed area and one sample from the rear bumper area, to a reasonable degree of scientific certainty, absent an identical sibling, Kathy Fortner is the source of the DNA profile.

20. Searches of David and Kathy's cell phone records, under 13Sw238 and 13SW239, revealed information that David and Kathy's cell phones were being used near their home in the early afternoon of 07/01/13, then travelled up highway 141, not as far as Divide Road (so remained well within Mesa County). A text from David to Kathy's phone on 07/01/13 at 1211 hours reads, "Pack for overnight. Going back to the mountain in 45 minutes. No questions. Leave it...David". In the morning, prior to the camping message to Kathy, there are messages to Connie Hernandez, asking her to go camping but she declined. On 07/01/13, beginning at about 2249 hours, David's phone calls the "Direct Express" customer service number. This is the number for assistance with the credit card David possesses that has the moneys for Kathy's disability account. This is also just after the timeframe when he claims Kathy walked out the door.

21. On David's phone, there are text messages between he and Connie Hernandez around 2325 hours on 07/01/13 (about 40 minutes before he is at the Monument where Kathy's body was found). On David's cell phone, there is a gap of usage between 07/01/13 at 2334 hours and 07/02/13 at 0111 hours, covering the timeframe of when he is seen on camera at the Monument and at the car wash. On 07/02/13, at 0111 hours, his first call after the gap, is to Verizon Wireless

technical support.

22. On 07/11/13, I contacted Connie Hernandez. She confirmed David had texted her on the morning of 07/01/13, wanting her to go camping with him. She declined and he became "all mad"...and "pissed off". After 2300 hours, on 07/01/13, he had texted asking if he could go to her home in Fruita. She declined to allow him to come over and has not heard from David since. She explained she had met David on an internet dating site on 06/12/13. They then met in person a few times, including the Fruita Maverick store. He had spent the night at her home on a few occasions but would always leave by 0400 hours. They did have a sexual relationship "a few times" and she was unaware he had a girlfriend, wife or lived with anyone other than a cat. She said he did drive a red truck that usually had work and camping equipment inside.

23. On 07/02/13, at about 2050 hours, Sgt Lewis contacted me and advised David Norman (DOB 04/24/69) had been arrested on a parole violation warrant and was in the company of Shane Hill and Sharon Lucero upon his arrest. Shane and Sharon volunteered to meet investigators at the sheriff's office to give a statement.

24. I interviewed Shane, who said he had arrived at David's house around 1100 hours on 07/02/13. David told Shane, Kathy was missing. Shane asked what all the investigators were doing. David said he did not know, they are treating me like I did something wrong. Shane asked, "straight out, did you do something?" David told Shane, "dude I swear to God I didn't do anything". David said, "we got into an argument because I was on my cell phone and she left". I explained that there were text messages about packing for the mountains. Shane said, "they would fight off and on and he would always say, well I'm sending you back to Mississippi".

25. When asked if Kathy and David fight often, Shane said, "yeah, yeah I mean, a lot, they argue a lot, don't know if they actually got in a fist fight". Shane said he did not know of them actually getting into a fist fight, but Kathy says that "he has and he says that he hasn't, and I've never seen any marks, so I don't know". Shane said "I've never known her just to leave either, you know, she's on medication, you know, so for her just to leave is kind of strange and not come back".

26. Shane said he met David in prison. Shane "moved them out here from Mississippi". At one time, Shane lived on Texas Ave and had a trailer outside. He let Kathy and David stay in the trailer. He

said Kathy does not know anyone in this area. Shane said, tonight before his arrest, David had about 6 or 7 beers.

27. On 07/02/13, Inv Norcross interviewed Wesley Rackliff . Mr. Rackliff said he received a text message twice from Mr. Norman at about 2230 hrs. on 07/01/13. Mr. Rackliff said the text stated something to the effect of, "please don't ask any questions, I need to borrow \$200." Mr. Rackliff stated he had just given Mr. Norman \$100 earlier that date. Mr. Rackliff said he talked with Mr. Norman on 07/02/13, and Mr Norman said MCSO deputies may call him to confirm Mr. Norman was with Mr. Rackliff all day on 07/01/13. Mr Rackliff stated this was not true (that he had been with him all day). Mr. Rackliff said Mr. Norman was at one of Mr. Rackliff's job sites on 07/01/13 at about 0800 hours. Mr. Rackliff was then gone for some time, and when he came back he saw Mr. Norman at the job site again and Mr Norman left at about 1200 hours.

28. Mr. Rackliff said on Sunday, 06/30/13, while at the job site Mr. Norman talked about he and Ms. Fortner had been arguing about money. Mr. Rackliff said on that Sunday Mr. Norman talked about not having enough money to pay the July rent. Mr. Rackliff said Mr. Norman talked about Ms. Fortner not being happy when Mr. Norman said he was going to have use Ms. Fortner's check to pay for the rent. Mr. Rackliff explained he understood Mr. Norman had about \$550 and he needed \$600 for rent. Mr. Rackliff said that was why on Monday, 07/01/13, he gave Mr. Norman \$100, thinking it would help cover the rent. Mr. Rackliff said he had also given Mr. Norman \$100 2-3 days prior, so when he got the text asking for \$200 he was upset and did not plan to give Mr. Norman more money and avoided responding. Mr. Rackliff said within about the last 2 weeks, he had noticed Mr. Norman on the phone several times. Mr. Rackliff said he asked Mr. Norman if he was talking to another girl and Mr. Norman confirmed he was.

29. On 07/03/13, I interviewed David Norman at the Mesa County Sheriff's Office. He agreed that he and Kathy had been together when their phones were used, somewhere up Highway 141, around 2035 hours on 07/01/13. He still said the last time he saw her was when she walked out the door of their home. When confronted with blood being found in the bed of his truck, David requested an attorney.

30. David Norman is currently on parole for an assault in Summit County, Colorado (02CR244). In 02CR244, a Dillon P.D. officer wrote in his affidavit, a motel clerk at the Super 8 Motel in the town of Dillon, CO was "severely beaten with head and facial injuries including hair ripped from her scalp." The affidavit indicated that

Norman beat the female motel clerk after 2 credit cards were declined when she was trying to check him in. He was ultimately found guilty in the case of Felony Robbery and Felony 2nd degree Assault with Serious Bodily Injury, resulting in a 16 year DOC sentence.

31. David Norman's criminal history also shows, a 1993 Felony conviction in CA for receiving stolen property with a two year DOC sentence, a 2000 Felony conviction in OK for carrying a firearm after felony conviction and while on probation with a 5 year DOC sentence. I also found note of David being on parole in 1996 and his parole was revoked, but I was unable to locate the original case.

32. Kathy Fortner's body was located near the west entry to the Colorado National Monument, in Mesa County, Colorado. Kathy and David's home is located at 2955 North Avenue, Mesa County, Colorado. Their cell phones were tracked to an area around Highway 141, but still within the boundaries of Mesa County, Colorado. It appears all criminal episodes related to this case occurred in Mesa County, Colorado.

33. That the Defendant is identified based upon Mesa County Sheriff's Department records as follows:

NORMAN, DAVID J:	DOB 04/24/69
	WHITE/MALE
	6'04" tall
	185 pounds
	BROWN hair
	BROWN eyes
	SSAN: 

34. That the Victims are identified based upon Mesa County Sheriff's Department records as follows:

FORTNER, KATHY:	DOB 06/22/64
	WHITE/FEMALE

35. That based upon the above information, the Affiant has probable cause to believe the following:

That the Defendant, between 07/01/13 and 07/02/13, in Mesa County, Colorado, Committed the offense of MURDER IN THE SECOND DEGREE, in violation of 18-3-103 Colorado Revised Statutes, a class 2 Felony.

That the Defendant, between 07/01/13 and 07/02/13, in Mesa County, Colorado, Committed the offense of TAMPERING WITH PHYSICAL EVIDENCE, in violation of 18-8-610(1)(a) Colorado Revised Statutes, a class 6 Felony.

That the Defendant, between 07/01/13 and 07/02/13, in Mesa County, Colorado, Committed the offense of FALSE REPORTING TO AUTHORITIES, in violation of 18-8-111(1)(b) Colorado Revised Statutes, a class 3 Misdemeanor.

36. That your Affiant respectfully requests the issuance of a warrant for the arrest of DAVID NORMAN, for the above-named offenses.

**Investigator Peter Burg
Mesa County Sheriff's Office
215 Rice Street
Grand Junction, CO 81505**

The foregoing Attachment was subscribed and sworn to or affirmed before me on this 19th day of July, 2013, by Inv. Peter Burg.

Notary Public

My commission expires _____.