

ORIGINAL

**AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT**

THE STATE OF TEXAS

COUNTY OF HAYS

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

Before me, the undersigned authority, on this day personally appeared Kelly R. Woodard (So#2768), being a Peace Officer under the laws of Texas and being duly sworn, upon oath deposes and says (that he has good reason to believe and does believe and charge) that one Bowie Ibarra on (or about) the 31<sup>st</sup> day of October A.D., 2008, and before the making and filing of this complaint did then and there intentionally and knowingly commit the offense

**Improper Relationship Between Educator and Student**

against the peace and dignity of the state.

Affiant has probable cause for said belief by reason of the following facts:

**The undersigned Affiant, being a Peace Officer under the laws of Texas, and being duly sworn, on oath makes the following statements and accusations:**

**Affiant, Kelly Woodard, is a certified peace officer of the State of Texas, and is employed as such by the Hays County Sheriff's Department. Kelly Woodard is currently assigned with the Criminal Investigative Division as a Detective. Detective Woodard has been a certified peace officer with the state for approximately 11 years and involved in numerous criminal investigations.**

**On May 27, 2009 Affiant was contacted by Hays County Sheriff's Office Criminal Investigations Division Lieutenant, Kevin Flicke, and notified on this case. Affiant responded to Lehman High School and met with Hays County Sheriff's Office Deputy, John Dees, who is assigned to the school as a resource officer. Affiant was briefed further on this case by Deputy Dees and reviewed statements given by the victim, outcry witnesses and the school principal. Affiant reviewed the written statement from the victim and found stating she was having an inappropriate relationship with one of her teachers, Bowie Ibarra, who is the suspect. Affiant reviewed the statement provided by the principal and found that Mr. Ibarra had been questioned by her regarding the allegations and had subsequently resigned his position.**

**Affiant along with Hays County Sheriff's Office Detectives, Teddy Grabarkewitz, Jason Smith and Philip Taylor executed a search warrant at Mr. Ibarra's residence, which is located at 149 Ashwood South, Kyle, TX. Affiant was contacted by Detective Smith during the search and informed that a letter was found in the masterbedroom of the residence, which is believed to have been written by Ms.**

[REDACTED] Affiant reviewed the letter and found it read as follows: I love you. I always have. I always will even though I know it's wrong. I cant help it. Your amazing. Don't let anyone tell you any different ever. With all my heart, me.

Affiant contacted Mr. Ibarra on his cellular telephone (#512-[REDACTED]) due to him not being on scene at the time the warrant was executed. Affiant was informed by Mr. Ibarra that he was in south Texas with his mother and would not be returning until May 28, 2009. Affiant was informed by Mr. Ibarra that he was willing to speak with Affiant at that time with counsel present.

On May 29, 2009 Affiant completed a subpoena and presented it to Hays County Justice of the Peace, Beth Smith, who reviewed and issued the subpoena. Affiant mailed the subpoena via certified mail to AT&T. Affiant requested call detail records for Mr. Ibarra's, cellular telephone between October 1, 2008 and February 1, 2009.

On June 12, 2009 Affiant completed a subpoena and presented it to Judge Smith, who reviewed and issued the subpoena. Affiant faxed the subpoena to Sprint at fax number # (816) 600-3111. Affiant requested call detail records for Ms. [REDACTED] cellular telephone between October 1, 2008 and February 1, 2009.

On June 18, 2009 Affiant and Detective Grabarkewitz met with Ms. [REDACTED] at the Hays County Sheriff's Office Criminal Investigations Division, which is located at 1303 Uhland Road, San Marcos, TX for a follow up interview. Affiant was informed by Ms. [REDACTED] that she and Mr. Ibarra had been in contact via text messaging and telephone calls from October 31, 2008 to the first part of January 2009. Ms. [REDACTED] advised that during the text messaging several inappropriate comments were made between she and Mr. Ibarra pertaining to them having sex. Ms. [REDACTED] further advised that on at least three occasions she had "phone sex" with Mr. Ibarra.

Ms. [REDACTED] advised that at the end of her Junior her she left a note on Mr. Ibarra's car informing him that she was there for him and that she loved him. Ms. [REDACTED] advised that Mr. Ibarra called her since she did not leave her name on the note and asked if it was her that had placed the note on his car. Ms. [REDACTED] advised that she informed Mr. Ibarra that it was her that had left the note.

Affiant showed Ms. [REDACTED] the note that was recovered from Mr. Ibarra's residence on May 27, 2009. Ms. [REDACTED] looked at the note and stated "AWWW he kept it. Yeah this is definitely the note".

Affiant received the requested information from Sprint pertaining to Ms. [REDACTED] cellular telephone records. Affiant reviewed the records and found that Mr. Ibarra's cellular telephone number appeared for the first time on October 31, 2008 and ended on January 30, 2009. Affiant highlighted Mr. Ibarra's number

**and found that between October 1, 2008 and February 1, 2009 his cellular telephone number appeared in Ms. [REDACTED]'s telephone records 1190 times.**

Wherefore, Affiant asks for issuance of a warrant that will authorize the arrest of each said described and accused person.

[Signature]  
Affiant

Subscribed and sworn to before me by said Affiant on this the 16 day of July, A.D., 2009, at 9:20 o'clock A m.

[Signature]  
Magistrate, Hays County, Texas

I hereby find that the verified facts stated by the Affiant in said Affidavit show that Affiant has probable cause for the belief he expresses therein and establishes the existence of proper grounds for the issuance of an Arrest Warrant.

[Signature]  
Magistrate, Hays County, Texas

