

AUG 22 2012

TAMMERA HERIVEL
Clerk of County Court

STATE OF COLORADO)
COUNTY OF ARAPAHOE)

SS: RETURN AND INVENTORY

SUPPRESSED

The undersigned officer, being sworn says:

From July 20, 2012, to July 25, 2012 I duly executed the within Search Warrant by taking into my possession from the place named in said Warrant, certain property, and the following is a true, complete and correct inventory of the property as taken:

INSERT DESCRIPTION:

Items listed on the attached Aurora Police Department Property Reports and Property Receipts of the Federal Bureau of investigation.

I further certify that said Inventory
was made by me in the presence of:

Detective Gretchen Fronapfel, Aurora Police Department
Special Agent Daniel Leyman, Federal Bureau of Investigation
Special Agent Leslie Kopper, Federal Bureau of Investigation
Special Agent Rebecca Sauerhaft, BATF
Officer David Gallegos, Aurora Police Department, TFO/BATF

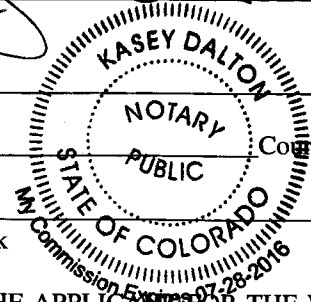
and that a copy of said warrant and a Receipt for property taken
was left by me at the place from which the property was taken.

Thomas Wilson
(Signature of Officer)

SUBSCRIBED AND SWORN/AFFIRMED TO before me by Thomas Wilson
this 16 day of August, 2012.

My Commission expires: 7/28/2016

Kasey Dalton
Notary Public
Clerk of the _____ Court
By: _____
Deputy Clerk



THE INVENTORY SHALL BE MADE IN THE PRESENCE OF THE APPLICANT FOR THE WARRANT AND THE PERSON FROM WHOSE POSSESSION OR PREMISES OR VEHICLE THE PROPERTY WAS TAKEN. IF THEY ARE PRESENT, OR IN THE PRESENCE OF AT LEAST ONE CREDIBLE PERSON OTHER THAN THE APPLICANT FOR THE WARRANT OR THE PERSON FROM WHOSE POSSESSION OR PREMISES OR VEHICLE THE PROPERTY WAS TAKEN.

*According to fact
See Rule 41(c)(d), Colorado Rules of Criminal Procedure.

RECEIPT

On _____, 2010, I received the items listed in the foregoing Inventory.

(Signature of Officer)

STATE OF COLORADO)
) ss.
County of ARAPAHOE)

IN THE District COURT
18th JUDICIAL DISTRICT

SEARCH WARRANT

THE PEOPLE OF THE STATE OF COLORADO:

TO: Any officer authorized by law to execute a search warrant in the County wherein the property is located.

Detective Mark Yacano #15678, a commissioned Police Officer, having this date filed an Affidavit for Search Warrant in conformity with the provisions of Colorado Rules of Criminal Procedure 41(b) and (c) for the following described property, to-wit:

Any item that in the manner it is used or intended to be used, and is capable of producing death or serious bodily injury to include, but not limited to, guns, bullets, shells, shell casings, bullet magazines, tear gas canisters, tactical and ballistic body armor, any type of military equipment to include gas masks, protective eyewear, bodily fluids to include, but not limited to blood, bloody items, suspected blood, any object containing blood or suspected blood, any projectile or item which is capable of being fired out of a weapon, any knives, photos and video tape of the business, measurements, any trace evidence, microscopic evidence or evidence patterns, any items to include, cellular telephones, any documentation and literature indicating any ill will towards any of the victims, any receipts and documentation for the purchase and use of firearms and ammunition, any receipts indicating the purchase of chemicals and explosives, any documentation indicating the use of chemical and explosive devices. Electronic data processing and storage devices, computers, and computer systems, including central processing units; internal and peripheral storage devices, such as fixed disks, external hard disks, floppy disk drives, and diskettes, tape drives and tapes, optical storage devices or other memory storage devices; peripheral input/output devices, such as keyboards, printers, video display monitors, optical readers, and related communication devices, such as modems; together with system documentation, operating logs, and documentation, software and instruction manuals, proof of ownership or control of 1690 North Paris Street #10, Aurora, Adams County, Colorado and any other evidence that may be material to this investigation or is illegal to possess.

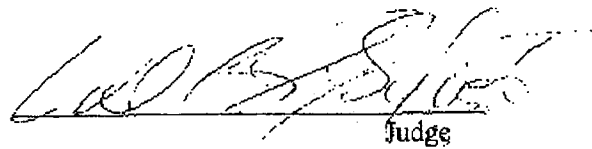
Believed to be situated at the place known as:

1690 North Paris Street #10, Aurora, Adams County, Colorado. 1690 North Paris Street is described as a three story multi-family apartment building comprised of red brick and is situated at the southeast corner of East 17th Avenue & North Paris Street, Aurora, Adams County, Colorado. The front door to this building faces north. Apartment number 10 is located on the third floor and the front door to apartment number 10 faces west.

upon one or more grounds as set forth in Rule 41 (b), Colorado Rules of Criminal Procedure, namely: is stolen or embezzled; is designed or intended for use or which is or has been used as a means of committing a criminal offense or the possession of which is illegal; would be material evidence in a subsequent criminal prosecution.

The names of persons whose affidavits have been taken in support hereof are: Detective Mark Yacano and as I am satisfied that grounds for the application exist, or that there is probable cause to believe that they exist, and that property is located on the premises above described, YOU ARE HEREBY COMMANDED to search forthwith the place above described for the property described and to seize the property described above at any time, day or night, and to make return of this Warrant to the CLERK of the COURT, and to deliver to the person from whom the property is taken a copy of this Warrant together with a receipt for the property taken; and to deliver to the CLERK of the COURT a written inventory of the property with the return of this Warrant.

Dated on 7/20, 2012, at DOUGLAS County, Colorado.


Judge

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 174C-DN-2402545On (date) 7/21/12

item(s) listed below were:

- ☒ Received From
☐ Returned To
☐ Released To
☐ Seized

(Name) _____
(Street Address) 1690 Paris St. #10
(City) Aurora, CO

Description of Item(s): _____

- 1) Ecyber Power PC - Tower Computer serial # C11420301361
- 2) Netgear PTVU 1000 PC Adapter serial # 2RT1194M00EAB
- 43) Kandango movie receipt
- 3) Le Pan Tablet computer w/ powercord
- 5) Lenovo Idea Centre K230 tower computer
- 6) Dark unknown powder
- 7) white powder
- 8) 2 jars of bullets approx 323
- 9) 2 black small pressurized tanks
- 10) Black plastic spheres with fuses
- 11) Toshiba Satellite L505 Laptop w/ powercord
- 12) orange wire
- 13) 2 bags of black plastic spheres
- 14) trash can contents
- 15) Launch Control
- 16) Control Panel
- 17) Remington Rifle Box
- 18) craftsman gas torch
- 19) Batman mask

Received By: [Signature]

(Signature)

Received From: _____

(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/SeizedFile # 174C-DN-2402545On (date) 7/21/12

item(s) listed below were:

- ☒ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name) _____

(Street Address) 1690 Paris St. #10(City) Aurora, Co

Description of Item(s): _____

20) Sorted fuse - 3 varieties

21) wire + thumb tack

22) tactical magazine pouch w/ 3 full clips approx 39 rounds each

23) tactical magazine pack w/ + 2 glock clips 13 rounds each

24) 151 (approx) rounds of Remington 12 gauge shells

25) approx 497 gold dot + blazer .40 cal rounds

26) wall calendar

27) 1 glock pistol case

28) 1 glock pistol case

29) Winchester 12 gauge + Remington 12 gauge shells approx 244

30) ammo can w/ approx 360 rifle rounds

31) 1 glowstick + Coleman package

32) Motorola cable modem

33) stove top pan

34) stove top pan

35) vent filter

36) funnels

37) metal + spoon

Received By: _____

(Signature)

Received From: _____

(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File #

174C-DN-2402545

On (date)

7/21/12

item(s) listed below were:

- ☒ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name)

(Street Address)

1690 Paris St. #10

(City)

Aurora, Co.

Description of Item(s):

38) misc. metal strips

39) metal files

40) 3 rolls of tape

41) Box of electric igniters

42) Netgear Bush 2 TV adaptor

43) Tools

44) Bag of hobby glue

45) Black spraypaint can

46) Bag of clips

47) Dust mask and safety glasses

48) CPU fan

49) launch controller

50) LED light

51) Black plastic rings

52) red/green/blue flashlights

53) thermos top

54) shoes & gloves

55) tactical mirror

56) Rotella Oil

Received By:

(Signature)

Received From:

(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File #

174C-DN-2402545

On (date)

7/21/12

item(s) listed below were:

- ☒ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name)

(Street Address)

1690 Paris St. #10

(City)

Aurora, CO

Description of Item(s):

57) Penzoi Bottle

58) 2 bottles of oil

59) Lease Paperwork

60) Pharmacy paper

61) 81) Index card w/ supply list

62) 82) 2 Index cards w/ chemical formulas

83) Le Pan TC 970 Box + 2g memory card

84) 1 Business car, misc. gun pamphlets & misc. documents

85) approx 2 rifle rounds, 1glock back strap;

gun cleaning kit; approx. 36 rifle rounds

86) passport + contact lens case

87) ammo can

88) 455B medic Drive

89) gasoline tag

90) air fresheners

91) gun cleaning bench & target stand

92) paper targets

Received By:

Lulu Kopp
(Signature)

Received From:

(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File #

174B-DN-2402945

On (date)

7/21/12

item(s) listed below were:

- ☐ Received From
☐ Returned To
☐ Released To
☒ Seized

(Name)

(Street Address)

1690 Paris St. #10

(City)

Aurora, Co

Description of Item(s):

94) Remote Control95) Zebco monofilament empty bottle of
potassium permanganate96) 1 Attache USB media drive1 Dane Elec 512 MB media Drive97) a sight mark98) Black unknown powder99) metal chips

Received By:

Linda Kopp
(Signature)

Received From:

(Signature)

AURORA POLICE DEPARTMENT NON-SERIALIZED PROPERTY REPORT

CASE REPORT NO.

12-28181

CONNECTING CASE NO.

FEL ☒
MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI

NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES ☐ NO

ROLE: NAME

PHONE

ADDRESS
(Include Zip Code)

ADDRESS (Include Zip Code)

PHONE

RECOVERED FROM

WHERE RECOVERED

Use codes from back of 2nd page for items below:

ITEM #	STATUS	CODE	TYPE	ITEM - BRAND / MAKE, MODEL, COLOR, DESCRIPTION, ETC.	TOTAL VALUE EACH LINE	QUANTITY
602	4			CAN OF COORS LIGHT		26
602	4			CAN OF BUD LIGHT		5
602	4			BOTTLE BUD LIGHT		3
602	4			BOTTLE COORS LIGHT		1
602	4			BOTTLE BLUE MOON		12
602	4			BOTTLE MILLER HIGH LIFE		1
602	4			BOTTLE BACKWARD 151		1
602	4			BOTTLE JIM BEAM BLACK		1
677	4			BIOLOGY - SEVENTH EDITION		1
677	4			PRINCIPLES OF BIOCHEMISTRY - 5TH		1
677	4			NEUROSCIENCE - 5TH		1
677	4			MOLECULAR CELL BIOLOGY - 6TH		1
677	4			NEUROSCIENCE - 5TH		1
677	4			PSYCHOLOGY		1
677	4			NEURON TO BRAIN - 4TH		1
677	4			ESSENTIALS OF NEURAL SCIENCE		1
677	4			THE CELL - 5TH		1
677	4			BIOCHEMICAL NEUROBIOLOGY		1

DATE NARRATIVE TIME

DRUG TYPE CODES:

A - "Crack" Cocaine
B - Cocaine
C - Hashish
D - Heroin
E - Marijuana
F - Morphine
G - Opium
H - Other Narcotics
I - LSD
J - PCP
K - Other Hallucinogens
L - Amphetamines / Methamphetamines
M - Other Stimulants
N - Barbiturates
O - Other Depressants
P - Other Drugs
Q - Unknown

DRUG FORM:

A - Block
B - Liquid
C - Plant
D - Powder
E - Rock
F - Sheet
Z - Other

DRUG MEASURE CODES:

GM - Gram
KG - Kilogram
OZ - Ounce
LB - Pound
ML - Milliliter
LT - Liter
GL - Gallon
DU - Dosage Units (Pills)
NP - Number of Plants

ITEM NO.	STATUS	DRUG TYPE	DRUG FORM	DRUG QUANTITY	DRUG MEASURE
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Officer's Signature

Officer's Name PRINTED

ID Number

District

Watch

Supervisor ID & Initials

Date

PROPERTY RECEIVED FROM:

Page 1 of 1

AURORA POLICE DEPARTMENT NON-SERIALIZED PROPERTY REPORT

CASE REPORT NO. 12 28181
CONNECTING CASE NO.

FEL ☒
MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER EVIDENCE ☒ YES ☐ NO

ROLE: NAME PHONE

ADDRESS (Include Zip Code)

ROLE: NAME ADDRESS (Include Zip Code) PHONE

RECOVERED FROM 1690 PAMIS ST. #10 WHERE RECOVERED

Use codes from back of 2nd page for items below:

ITEM #	STATUS	CODE	TYPE	ITEM - BRAND / MAKE, MODEL, COLOR, DESCRIPTION, ETC.	TOTAL VALUE EACH LINE	QUANTITY
6	77	4		BASIC STATISTICS		1
6	77	4		STANLEY'S ESSENTIAL PSYCHOPHARMACOLOGY		1
6	77	4		THE DEVELOPING HUMAN - 8TH		1
6	77	4		MEMORY - 2ND		1
6	77	4		STARFISH PAPERBACK		1
6	77	4		POSTER FROM REFRIGERATOR		1
6	77	4		POSTER FROM LIVING ROOM - NORTH		1
6	77	4		FRAMED POSTER LIVING ROOM - WEST		1
6	77	4		POSTER FROM DINING ROOM -		1
6	77	4		RED POSTER w/ SYMBOL - KITCHEN		1
6	77	4		POSTER FROM HALL WALK - NORTH		1
6	77	4		PULP KITCHEN POSTER - BEDROOM		1
6	77	4		CHALLENGE POSTER - BEDROOM		1
6	77	4		SILYAM POSTER - BEDROOM SOUTH		1
6	77	4		SOVIET W/ MISFORTUNE POSTER - BR		1
6	77	4		CARDBOARD TUBES - BATH CLOSET		3
6	77	4		COLUMBIA HAT - LIVING ROOM TV STAND		1
6	77	4		LENS BOX FROM KITCHEN TRASH		1

DATE	NARRATIVE	TIME	DRUG TYPE CODES:	DRUG FORM:	DRUG MEASURE CODES:
			A - "Crack" Cocaine	A - Block	GM - Gram
			B - Cocaine	L - Amphetamines / Methamphetamines	KG - Kilogram
			C - Hashish	D - Powder	OZ - Ounce
			D - Heroin	E - Rock	LB - Pound
			E - Marijuana	F - Sheet	ML - Milliliter
			F - Morphine	G - Other	LT - Liter
			G - Opium	H - Other Narcotics	GL - Gallon
			H - Other Narcotics	I - LSD	DU - Dosage Units (Pills)
			I - LSD	J - PCP	NP - Number of Plants
			J - PCP		

ITEM NO.	STATUS	DRUG TYPE	DRUG FORM	DRUG QUANTITY	DRUG MEASURE

Officer's Signature [Signature] Officer's Name PRINTED T. Wilson ID Number 1563 District ME4 Watch ME4 Supervisor ID & Initials [Signature] Date 1/24/81

CONNECTING CASE NO.

Page of

AURORA POLICE DEPARTMENT NON-SERIALIZED PROPERTY REPORT

CASE REPORT NO.
12-28181

CONNECTING CASE NO.

FEL ☒
MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER EVIDENCE ☒ YES ☐ NO

ROLE: NAME PHONE

ADDRESS (Include Zip Code) ADDRESS (Include Zip Code) PHONE

ROLE: NAME ADDRESS (Include Zip Code) PHONE

RECOVERED FROM WHERE RECOVERED

1690 PARIS ST. #10

Use codes from back of 2nd page for items below:

ITEM #	STATUS	CODE	TYPE	ITEM - BRAND / MAKE, MODEL, COLOR, DESCRIPTION, ETC.	TOTAL VALUE EACH LINE	QUANTITY
6	20	9		U.S. CURRENCY	\$5.00	
6	77	9		CALIFORNIA EMS PAPERWORK		1
6	77	9		P.O. LANYARD		1
6	77	9		KEY RING w/3 KEYS		1
6	77	9		KEY RING w/1 KEY		1
6	77	9		BLUE LANSFORT BACK PACK		1
6	77	9		2 PENCILS		2
6	77	9		2 PENS		2
6	77	9		LEAD REFILLS		1
6	77	9		2 ERASERS		2
6	77	9		9V BATTERY		1
6	77	9		KEY TAG		1
6	77	9		PAD LOCK		1
6	77	9		CONTACT LENS CASE w/LENS		1
6	77	9		PACKET OF TISSUES		1
6	77	9		2 BUSINESS CARDS		2
6	77	9		PLASTIC BOTTLE (SEE DRUGS)		1

DATE	NARRATIVE	TIME	DRUG TYPE CODES:	DRUG FORM:	DRUG MEASURE CODES:
			A - "Crack" Cocaine B - Cocaine C - Hashish D - Heroin E - Marijuana F - Morphine G - Opium H - Other Narcotics I - LSD J - PCP	K - Other Hallucinogens L - Amphetamines / Methamphetamines M - Other Stimulants N - Barbiturates O - Other Depressants P - Other Drugs Q - Unknown A - Block B - Liquid C - Plant D - Powder E - Rock F - Sheet Z - Other	GM - Gram KG - Kilogram OZ - Ounce LB - Pound ML - Milliliter LT - Liter GL - Gallon DU - Dosage Units (Pills) NP - Number of Plants

ITEM NO.	STATUS	DRUG TYPE	DRUG FORM	DRUG QUANTITY	DRUG MEASURE
6	Q	2		13	DU

Officer's Signature: *[Signature]* Officer's Name PRINTED: **T. Wilson** ID Number: **15163** District: **MCU** Watch: **MCU** Supervisor ID & Initials: **7/10/12**

PROPERTY RECEIVED FROM:

Page **1** of **1**

AURORA POLICE DEPARTMENT (Rev. 3/01)

AURORA POLICE DEPARTMENT SERIALIZED PROPERTY AND JEWELRY REPORT

CASE REPORT NO.

12-28181

CONNECTING CASE NO.

FEL ☒
MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI

NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES ☐ NO

ROLE: NAME

PHONE

ADDRESS

(Include Zip Code)

ROLE: NAME

ADDRESS (Include Zip Code)

PHONE

RECOVERED FROM

WHERE RECOVERED

Use codes from back of 2nd page for items below:

ITEM #	STATUS		CODE	TYPE	ITEM		BRAND / MAKE		COLOR								
	MODEL		OWNER APPLIED NUMBER				SERIAL NUMBER / CREDIT CARD NUMBER										
	IDENTIFYING CHARACTERISTICS								APPROX. VALUE		QUANTITY						
	LICENSE PLATE		DRIVER'S LICENSE NUMBER		LICENSE STATE		LICENSE YEAR		FIREARM		ITEM	TYPE	CALIBER	BARREL LGTH	FINISH		
ITEM #	SECURITIES		Code	Denomination	Country/Issuer	Yr. Issued	BICYCLE	Type	Style	Speed	Frame Size	JEWELRY	Item	Gender	Metal	Carat	Stone Type
	STATUS		CODE	TYPE	ITEM		BRAND / MAKE		COLOR								
	MODEL		OWNER APPLIED NUMBER				SERIAL NUMBER / CREDIT CARD NUMBER										
	IDENTIFYING CHARACTERISTICS								APPROX. VALUE		QUANTITY						
ITEM #	LICENSE PLATE		DRIVER'S LICENSE NUMBER		LICENSE STATE		LICENSE YEAR		FIREARM		ITEM	TYPE	CALIBER	BARREL LGTH	FINISH		
	SECURITIES		Code	Denomination	Country/Issuer	Yr. Issued	BICYCLE	Type	Style	Speed	Frame Size	JEWELRY	Item	Gender	Metal	Carat	Stone Type
	STATUS		CODE	TYPE	ITEM		BRAND / MAKE		COLOR								
	MODEL		OWNER APPLIED NUMBER				SERIAL NUMBER / CREDIT CARD NUMBER										
ITEM #	IDENTIFYING CHARACTERISTICS								APPROX. VALUE		QUANTITY						
	LICENSE PLATE		DRIVER'S LICENSE NUMBER		LICENSE STATE		LICENSE YEAR		FIREARM		ITEM	TYPE	CALIBER	BARREL LGTH	FINISH		
	SECURITIES		Code	Denomination	Country/Issuer	Yr. Issued	BICYCLE	Type	Style	Speed	Frame Size	JEWELRY	Item	Gender	Metal	Carat	Stone Type
	STATUS		CODE	TYPE	ITEM		BRAND / MAKE		COLOR								
ITEM #	MODEL		OWNER APPLIED NUMBER				SERIAL NUMBER / CREDIT CARD NUMBER										
	IDENTIFYING CHARACTERISTICS								APPROX. VALUE		QUANTITY						
	LICENSE PLATE		DRIVER'S LICENSE NUMBER		LICENSE STATE		LICENSE YEAR		FIREARM		ITEM	TYPE	CALIBER	BARREL LGTH	FINISH		
	SECURITIES		Code	Denomination	Country/Issuer	Yr. Issued	BICYCLE	Type	Style	Speed	Frame Size	JEWELRY	Item	Gender	Metal	Carat	Stone Type

DATE	TIME	NARRATIVE

Officer's Signature	Officer's Name PRINTED	ID Number	District	Watch	Supervisor ID & Initials	Date
<i>[Signature]</i>	T. Wilson	1463	1463	1463		12/28/11

PROPERTY RECEIVED FROM:

Page ____ of ____

AURORA POLICE DEPARTMENT NON-SERIALIZED PROPERTY REPORT

CASE REPORT NO.
12-28181

CONNECTING CASE NO.

FEL ☒
MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI

NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES ☐ NO

ROLE: NAME PHONE

ADDRESS (Include Zip Code)

ROLE: NAME ADDRESS (Include Zip Code) PHONE

RECOVERED FROM **1030 PAIS ST. #10** WHERE RECOVERED

Use codes from back of 2nd page for items below:

ITEM #	STATUS	CODE	TYPE	ITEM - BRAND / MAKE, MODEL, COLOR, DESCRIPTION, ETC.	TOTAL VALUE EACH LINE	Q
6	11	4	9	SEPTALINE BOTTLE (I BELOW) BATHROOM		
6	11	4	9	CLONAZEPAM BOTTLE (II BELOW) BATHROOM		
6	11	4	9	CLONAZEPAM BOTTLE (III BELOW) BATHROOM		
6	11	4	9	IBUPROFEN BOTTLE (IV BELOW) BATHROOM		
6	10	4	9	TOSSINAM BOTTLE w/LIQUID BATHROOM		
6	11	4	9	HYDROCOZONE/ACETAMINOFEN - EMPTY - BATHROOM		1
6	10	4	9	FLUTICASONE PROPIONATE SPARTY - BATHROOM		1
6	77	4	9	GIFT BAG HALL CLOSET		1
6	77	4	9	DISCS - CD HALL CLOSET		10
6	77	4	9	DOCUMENTS HALL CLOSET		3
6	77	4	9	RECEIPT KITCHEN TRASH		1
6	77	4	9	ENVELOPE KITCHEN TRASH		1
6	77	4	9	GUN LOCKS DRESSER DRAWER		2
6	77	4	9	PETITE DISH BEDROOM CLOSET		1

NARRATIVE
DATE TIME

DRUG TYPE CODES:
A - "Crack" Cocaine K - Other Hallucinogens
B - Cocaine L - Amphetamines / Methamphetamines
C - Hashish M - Other Stimulants
D - Heroin N - Barbiturates
E - Marijuana O - Other Depressants
F - Morphine P - Other Drugs
G - Opium Q - Unknown
H - Other Narcotics
I - LSD
J - PCP

DRUG FORM:
A - Block
B - Liquid
C - Plant
D - Powder
E - Rock
F - Sheet
Z - Other

DRUG MEASURE CODES:
GM - Gram
KG - Kilogram
OZ - Ounce
LB - Pound
ML - Milliliter
LT - Liter
GL - Gallon
DU - Dosage Units (Pills)
NP - Number of Plants

ITEM NO.	STATUS	DRUG TYPE	DRUG FORM	DRUG QUANTITY	DRUG MEASURE
6	Q	E		4	100
6	Q	E		3	104
6	Q	E		22	104
6	Q	E		428	104

Officer's Signature **T. Wilson** Officer's Name PRINTED **T. Wilson** ID Number **15165** District **M04** Watch **7/23/12** Supervisor ID & Initials **7/23/12** Date

APD FM #104 (Rev. 3/01)

AURORA POLICE DEPARTMENT NON-SERIALIZED PROPERTY REPORT

CASE REPORT NO.
12-28181

CONNECTING CASE NO.

FEL ☒
MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI

NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES ☐ NO

ROLE: NAME

PHONE

ADDRESS
(Include Zip Code)

ROLE: NAME

ADDRESS (Include Zip Code)

PHONE

RECOVERED FROM **1690 PAULS ST. #10**

WHERE RECOVERED

Use codes from back of 2nd page for items below:

ITEM #	STATUS	CODE	TYPE	ITEM - BRAND / MAKE, MODEL, COLOR, DESCRIPTION, ETC.	TOTAL VALUE EACH LINE	QUANTITY
6	77	4		FRAMED POSTER - LIVING ROOM WEST		1
6	77	4		RED POSTER w/ SYMBOR - KITCHEN		1
6	77	4		POSTER FROM LIVING ROOM - NORTH		1
6	77	4		POSTER FROM REFRIGERATOR		1
6	77	4		POSTER FROM DINING ROOM		1
6	77	4		POSTER FROM HALL WALL - N		1
6	77	4		POUFFERTON POSTER - VBR		1
6	77	4		CHALLENGE POSTER - VBR		1
6	77	4		SKYLINE POSTER - VBR		1
6	77	4		SOLDIERS OF MISANTHROPY POSTER - VBR		1
6	06	4		COLUMBIA HAT		1
6	77	4		GREY SUNGLASSES		1
6	77	4		RED SUNGLASSES		1
6	77	4		BLACK SUNGLASSES		1
6	77	4		LENS BOX FROM KITCHEN TREASIT		1
6	77	4		PHOTO MOUSE PAD		1
6	77	4		PACKET OF NOTES		1

DATE	NARRATIVE	TIME	DRUG TYPE CODES:	DRUG FORM:	DRUG MEASURE CODES:	
			A - "Crack" Cocaine B - Cocaine C - Hashish D - Heroin E - Marijuana F - Morphine G - Opium H - Other Narcotics I - LSD J - PCP	K - Other Hallucinogens L - Amphetamines / Methamphetamines M - Other Stimulants N - Barbiturates O - Other Depressants P - Other Drugs Q - Unknown	A - Block B - Liquid C - Plant D - Powder E - Rock F - Sheet Z - Other	GM - Gram KG - Kilogram OZ - Ounce LB - Pound ML - Milliliter LT - Liter GL - Gallon DU - Dosage Units (Pills) NP - Number of Plants

ITEM NO.	STATUS	DRUG TYPE	DRUG FORM	DRUG QUANTITY	DRUG MEASURE

Officer's Signature

Officer's Name PRINTED

ID Number

District

Watch

Supervisor ID & Initials

Date

PROPERTY RECEIVED FROM:

Page **1** of **1**

CASE REPORT NO.
12-28181

CONNECTING CASE NO.

FEL ☒

MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI

NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES ☐ NO

ROLE:	NAME
-------	------

PHONE

ADDRESS

(Include Zip Code)

ROLE:	NAME
-------	------

ADDRESS (Include Zip Code)**PHONE**

RECOVERED FROM

WHERE RECOVERED

Use codes from back of 2nd page for items below:

NARRATIVE		DRUG TYPE CODES:		DRUG FORM:		DRUG MEASURE CODES:	
DATE	TIME	A - "Crack" Cocaine	K - Other Hallucinogens	A - Block	GM - Gram		
		B - Cocaine	L - Amphetamines /	B - Liquid	KG - Kilogram		
		C - Hashish	Methamphetamines	C - Plant	OZ - Ounce		
		D - Heroin	M - Other Stimulants	D - Powder	LB - Pound		
		E - Marijuana	N - Barbiturates	E - Rock	ML - Milliliter		
		F - Morphine	O - Other Depressants	F - Sheet	LT - Liter		
		G - Opium	P - Other Drugs	Z - Other	GL - Gallon		
		H - Other Narcotics	Q - Unknown		DU - Dosage Units (Pills)		
		I - LSD			NP - Number of Plants		
		J - PCP					

Officer's Signature <i>T. Wilson</i>	Officer's Name PRINTED T. WILSON	ID Number 15163	District MCH	Watch	Supervisor ID & Initials	Date 8/29/10
---	-------------------------------------	--------------------	-----------------	-------	--------------------------	-----------------

PROPERTY RECEIVED FROM:

Page 1 of 1

AURORA POLICE DEPARTMENT NON-SERIALIZED PROPERTY REPORT

CASE REPORT NO.
12-28181

CONNECTING CASE NO.

FEL ☒
MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI

NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES ☐ NO

ROLE: NAME

PHONE

ADDRESS

(Include Zip Code)

ADDRESS (Include Zip Code)

PHONE

ROLE: NAME

RECOVERED FROM

WHERE RECOVERED

1690 PARRIS ST. #10

Use codes from back of 2nd page for items below:

ITEM #	STATUS	CODE	TYPE	ITEM - BRAND / MAKE, MODEL, COLOR, DESCRIPTION, ETC.	TOTAL VALUE EACH LINE	QUANTITY
6	77	4		TAPE DISPENSER - HALL CLOSET		1
6	77	4		SKYRIM DVD GAME		1
6	77	4		ESOLIVION GAME		1
6	77	4		STAR CRAFT GAME		1
6	77	4		GUN KIT RODS		2
6	77	4		BRAIN CHART BR S. WALL		1
6	77	4		CEMENT BELL BEDROOM RT SIDE		1
6	77	4		CEMENT PAPERS LIVING ROOM		2
6	77	4		FINANCIAL PAPERS BEDROOM DRESSER		1
6	27	4		CD - BEDROOM CLOSET FLOOR		1
6	77	4		DOCUMENTS FROM BACKPACK		1
6	77	4		VEHICLE PAPERS FROM BEDROOM CLOSET		1
6	77	4		SCHOOL PAPERS BEDROOM DRAWER 4TH DRAWER LEFT		1
6	77	4		SCHOOL PAPERS BEDROOM DRAWER 4TH DRAWER RIGHT		1
6	77	4		NOTEBOOK FROM BACKPACK		1
6	77	4		NOTEBOOK FROM BACKPACK		1
6	77	4		BINDER FROM BACKPACK		1
6	77	4		FILE FROM BACKPACK		1

DATE	NARRATIVE	TIME	DRUG TYPE CODES:	DRUG FORM:	DRUG MEASURE CODES:
			A - "Crack" Cocaine B - Cocaine C - Hashish D - Heroin E - Marijuana F - Morphine G - Opium H - Other Narcotics I - LSD J - PCP	K - Other Hallucinogens L - Amphetamines / Methamphetamines M - Other Stimulants N - Barbiturates O - Other Depressants P - Other Drugs Q - Unknown A - Block B - Liquid C - Plant D - Powder E - Rock F - Sheet Z - Other	GM - Gram KG - Kilogram OZ - Ounce LB - Pound ML - Milliliter LT - Liter GL - Gallon DU - Dosage Units (Pills) NP - Number of Plants

ITEM NO.	STATUS	DRUG TYPE	DRUG FORM	DRUG QUANTITY	DRUG MEASURE

Officer's Signature

Officer's Name PRINTED

ID Number

District

Watch

Supervisor ID & Initials

Date

PROPERTY RECEIVED FROM:

Page 1 of 1

CASE REPORT NO.

CONNECTING CASE NO.

NCIC Classification:

EVIDENCE ☒ YES ☐ NO

PHONE

(Include Zip Code)

ADDRESS (Include Zip Code)**PHONE**

RECOVERED FROM

WHERE RECOVERED

Use codes from back of 2nd page for items below:

Page 1 of 1

CONNECTING CASE NO.

Page 1 of 1

AURORA POLICE DEPARTMENT SERIALIZED PROPERTY AND JEWELRY REPORT

CASE REPORT NO.

CONNECTING CASE NO.

FEL ☒
MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES ☐ NO

ROLE: NAME PHONE

ADDRESS

(Include Zip Code)

ROLE: NAME ADDRESS (Include Zip Code) PHONE

RECOVERED FROM WHERE RECOVERED

Use codes from back of 2nd page for items below:

ITEM #	STATUS		CODE	TYPE	ITEM										BRAND / MAKE		COLOR					
	MODEL		OWNER APPLIED NUMBER										SERIAL NUMBER / CREDIT CARD NUMBER									
	IDENTIFYING CHARACTERISTICS																APPROX. VALUE		QUANTITY			
	LICENSE PLATE		DRIVER'S LICENSE NUMBER				LICENSE STATE		LICENSE YEAR		FIREARM		ITEM		TYPE		CALIBER		BARREL LGTH		FINISH	
	SECURITIES		Code	Denomination	Country/Issuer	Yr. Issued	BICYCLE	Type	Style	Speed	Frame Size	JEWELRY	Item	Gender	Metal	Carat	Stone Type					

ITEM #	STATUS		CODE	TYPE	ITEM										BRAND / MAKE		COLOR					
	MODEL		OWNER APPLIED NUMBER										SERIAL NUMBER / CREDIT CARD NUMBER									
	IDENTIFYING CHARACTERISTICS																APPROX. VALUE		QUANTITY			
	LICENSE PLATE		DRIVER'S LICENSE NUMBER				LICENSE STATE		LICENSE YEAR		FIREARM		ITEM		TYPE		CALIBER		BARREL LGTH		FINISH	
	SECURITIES		Code	Denomination	Country/Issuer	Yr. Issued	BICYCLE	Type	Style	Speed	Frame Size	JEWELRY	Item	Gender	Metal	Carat	Stone Type					

ITEM #	STATUS		CODE	TYPE	ITEM										BRAND / MAKE		COLOR					
	MODEL		OWNER APPLIED NUMBER										SERIAL NUMBER / CREDIT CARD NUMBER									
	IDENTIFYING CHARACTERISTICS																APPROX. VALUE		QUANTITY			
	LICENSE PLATE		DRIVER'S LICENSE NUMBER				LICENSE STATE		LICENSE YEAR		FIREARM		ITEM		TYPE		CALIBER		BARREL LGTH		FINISH	
	SECURITIES		Code	Denomination	Country/Issuer	Yr. Issued	BICYCLE	Type	Style	Speed	Frame Size	JEWELRY	Item	Gender	Metal	Carat	Stone Type					

ITEM #	STATUS		CODE	TYPE	ITEM										BRAND / MAKE		COLOR					
	MODEL		OWNER APPLIED NUMBER										SERIAL NUMBER / CREDIT CARD NUMBER									
	IDENTIFYING CHARACTERISTICS																APPROX. VALUE		QUANTITY			
	LICENSE PLATE		DRIVER'S LICENSE NUMBER				LICENSE STATE		LICENSE YEAR		FIREARM		ITEM		TYPE		CALIBER		BARREL LGTH		FINISH	
	SECURITIES		Code	Denomination	Country/Issuer	Yr. Issued	BICYCLE	Type	Style	Speed	Frame Size	JEWELRY	Item	Gender	Metal	Carat	Stone Type					

DATE	TIME	NARRATIVE

Officer's Signature	Officer's Name PRINTED	ID Number	District	Watch	Supervisor ID & Initials	Date
<i>[Signature]</i>	T. Wilson	15163	404			7/10

PROPERTY RECEIVED FROM:	Page ____ of ____
-------------------------	-------------------

SUPPRESSED

COUNTY/DISTRICT COURT
 ARAPAHOE COUNTY, COLORADO
 Court Address: Arapahoe County Justice Center
 7325 S. Potomac St., Centennial, CO 80112
THE PEOPLE OF THE STATE OF COLORADO

vs

JAMES E. HOLMES,
 Defendant.

Attorney:
 CAROL CHAMBERS, 18th Judicial District Attorney
 6450 S. Revere Pkwy., Centennial, CO 80112
 Phone: (720) 874-8500
 Atty. Reg. #: 14948

Filed in
 Division

JUL 20 2012

DOUGLAS COMBINED COURTS

COURT USE ONLY

Case Number:

ORDER TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE

THIS COURT, being fully advised in the premises,

ORDERS that the ORDERS, SEARCH WARRANTS, AFFIDAVITS AND CASE FILE, be Sealed from Public Inspection and remain sealed until further order of either this Court or any Court with jurisdiction over any subsequently filed charges.

DONE IN COURT this 20th day of July, 2012.



BY THE COURT:

[Signature]
 Judge

COUNTY/DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	COURT USE ONLY Case Number: Division/Ctrm:
THE PEOPLE OF THE STATE OF COLORADO vs JAMES E. HOLMES, Defendant.	
Attorney: CAROL CHAMBERS, 18th Judicial District Attorney 6450 S. Revere Pkwy., Centennial, CO 80112 Phone: (720) 874-8500 Atty. Reg. #: 14948	

MOTION TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE

COMES NOW Carol Chambers, District Attorney for the Eighteenth Judicial District, by and through her duly-appointed Deputy District Attorney, and moves this court for an Order to Seal. As grounds therefore, the People state:

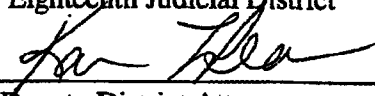
1. Contained within the above-noted court order for production of records and affidavit are facts regarding the investigation of First Degree Murder. The release at this time of any of this court order for production of records, affidavit and return of service inventory sheets could result in disclosure of information that could result in destruction, disposal, or secreting evidence and tampering with identified and unidentified witnesses which could jeopardize the ongoing investigation.
2. Further, disclosure of information contained in this court order for production of records and affidavit would be "contrary to public interest" as provided in 24-72-305, C.R.S.

ACCORDINGLY, the People respectfully request that Arapahoe County court order for production of records and corresponding affidavit and return of service inventory sheets be sealed and remain sealed until further order of the Court.

Respectfully submitted,

CAROL CHAMBERS
 District Attorney
 Eighteenth Judicial District

Date 7-20-12

By 
 Deputy District Attorney
 6450 S. Revere Pkwy.
 Englewood, CO 80112
 (720) 874-8500



Suppressed

Filed

JUL 20 2012

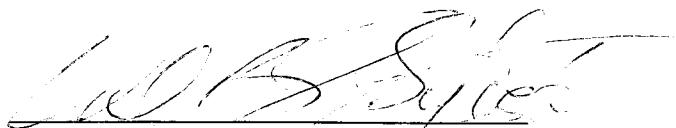
CLERK OF THE COMBINED COUNTY
ARAPAHOE COUNTY, COLORADO

upon one or more grounds as set forth in Rule 41 (b), Colorado Rules of Criminal Procedure, namely: is stolen or embezzled; is designed or intended for use or which is or has been used as a means of committing a criminal offense or the possession of which is illegal; would be material evidence in a subsequent criminal prosecution.

Aurora Police Department Case No.: 2012-28181
1690 North Paris Street #10, Aurora, Adams County, Colorado

The names of persons whose affidavits have been taken in support hereof are: Detective Mark Yacano and as I am satisfied that grounds for the application exist, or that there is probable cause to believe that they exist, and that property is located on the premises above described, YOU ARE HEREBY COMMANDED to search forthwith the place above described for the property described and to seize the property described above at any time, day or night, and to make return of this Warrant to the CLERK of the COURT, and to deliver to the person from whom the property is taken a copy of this Warrant together with a receipt for the property taken; and to deliver to the CLERK of the COURT a written inventory of the property with the return of this Warrant.

Dated on 7/20, 2012, at DALLAS County, Colorado.


Judge

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case # 2012-28181**

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

I, Detective Mark Yacano # 15678, the Affiant herein, being of lawful age and having been first duly sworn upon oath, depose and state that I am a commissioned police officer with the Aurora Police Department and I have probable cause to believe that there is located at the place known as:

1690 North Paris Street #10, Aurora, Adams County, Colorado. 1690 North Paris Street is described as a three story multi-family apartment building comprised of red brick and is situated at the southeast corner of East 17th Avenue & North Paris Street, Aurora, Adams County, Colorado. The front door to this building faces north. Apartment number 10 is located on the third floor and the front door to apartment number 10 faces west.

And upon person or persons within the above described structure.

The following property which is illegal to possess and would be material evidence in a subsequent criminal prosecution. My reasons for this belief follow the description of the property below.

Any item that in the manner it is used or intended to be used, and is capable of producing death or serious bodily injury to include, but not limited to, guns, bullets, shells, shell casings, bullet magazines, tear gas canisters, tactical and ballistic body armor, any type of military equipment to include gas masks, protective eyewear, bodily fluids to include, but not limited to blood, bloody items, suspected blood, any object containing blood or suspected blood, any projectile or item which is capable of being fired out of a weapon, any knives, photos and video tape of the business, measurements, any trace evidence, microscopic evidence or evidence patterns, any items to include, cellular telephones, any documentation and literature indicating any ill will towards any of the victims, any receipts and documentation for the purchase and use of firearms and ammunition, any receipts indicating the purchase of chemicals and explosives, any documentation indicating the use of chemical and explosive devices. Electronic data processing and storage devices, computers, and computer systems, including central processing units; internal and peripheral storage devices, such as fixed disks, external hard disks, floppy disk drives, and diskettes, tape drives and tapes, optical storage devices or other memory storage devices;

peripheral input/output devices, such as keyboards, printers, video display monitors, optical readers, and related communication devices, such as modems; together with system documentation, operating logs, and documentation, software and instruction manuals, proof of ownership or control of 1690 North Paris Street #10, Aurora, Adams County, Colorado and any other evidence that may be material to this investigation or is illegal to possess.

THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH AND SEIZURE WARRANT EXIST ARE AS THE FOLLOWING:

Your Affiant, Detective Mark Yacano # 15678, of lawful age and being first duly sworn upon oath, depose and state that I am a commissioned Police Officer employed by the City of Aurora Police Department currently assigned to the Major Crime/Homicide Unit and that the following information was obtained by me personally and from official records of the aforementioned Department.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theatres. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theatre. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theatre.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theatre. Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by Officer Jason Oviatt # 301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle on the driver side with the driver side door open.

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type utilized by the police. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James Holmes, DOB: 12-13-87 was then taken into custody. Officer Oviatt informed your affiant that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' advised that there

was not. Holmes informed Officer Oviatt that the address on his license was his correct address and that there were bombs inside his apartment and they would go off if the wires were tripped.

As Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was removed at the scene by officers during his arrest. Your affiant responded to this area and personally observed the following items that were removed from Holmes during his arrest: a pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstep. Your affiant also observed what appeared to be a silver cellular telephone among these items. Your affiant also observed a black assault type rifle on the ground directly outside the emergency exit door. Your affiant observed a great deal of blood on the sidewalk outside the door as numerous victims exited the theatre through this door.

Officers from the Arapahoe County Sheriff's Department Bomb Squad responded and utilizing an explosive removal robot, removed items from the vehicle. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where Detectives Craig Appel # 18562 and Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theatre and entered auditorium # 9 where they located ten victims found to be deceased. Your affiant briefly observed the interior to auditorium # 9 and observed the following: a black shotgun on the floor several feet inside the theatre along with six empty shotgun shell casings. Your affiant additionally observed a green colored plastic doorstep attached to the emergency exit door. This item appeared to be similar to the plastic doorstep located among Holmes' property upon his arrest. Your affiant observed two .40 caliber magazines on the floor beside the shotgun, and several empty rifle shell casings on the floor. All of these items were observed on the floor at the front of the theatre.

Your affiant observed three additional rifle magazines that appeared to still have live rounds, a 90 round Beta Mag magazine and another .40 caliber magazine on the floor leading towards the lobby of the theatre on the west side of the seating area. Your affiant observed numerous deceased parties throughout the theatre.

Your affiant met briefly with Sergeant Matt Fyles # 26218 who provided your affiant with additional information regarding the deceased and injured parties. Sergeant Fyles advised that ten parties were pronounced deceased inside the theatre. Twenty individuals were shot and transported to University Hospital, with two deceased. Six individuals were shot and transported

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

to Denver General Hospital, twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Sergeant Fyles also informed your affiant that upon Jason Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Officers from the Aurora Police SWAT Team responded to this address and established a perimeter on the apartment building.

Your affiant spoke with Detective Tom Wilson # 13163 who responded to this address. Detective Wilson informed your affiant that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene. Detective Wilson informed your affiant that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson informed your affiant that the explosive robot made entry to the apartment and immediately was stopped by trip wires. The explosive robot then utilized a camera and the interior to the apartment was viewed by officers. Detective Wilson informed your affiant that the camera observed the main room and observed additional trip wires that lead into different rooms within the apartment. Detective Wilson also informed your affiant that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed located throughout the apartment. Detective Wilson informed your affiant that the Denver Police Bomb Squad also responded and determined that entry to the apartment was too dangerous to send an officer inside.

Your Affiant has personally observed the residence at:

1690 North Paris Street #10, Aurora, Adams County, Colorado. 1690 North Paris Street is described as a three story multi-family apartment building comprised of red brick and is situated at the southeast corner of East 17th Avenue & North Paris Street, Aurora, Adams County, Colorado. The front door to this building faces north. Apartment number 10 is located on the third floor and the front door to apartment number 10 faces west.

Application is hereby made for issuance of a search warrant, directed to any officer authorized by law to execute warrants in the county wherein said property is located, commanding said officer to search forthwith the person or place named above for said property, and the said property and every part thereof, to take, remove, and seize using such force as may reasonably be required in the execution of the warrant, and directing that return thereof be made to the judge issuing the warrant.

The Affiant has read the above and foregoing application and affidavit, and the statements therein contained are true to the best of his/her knowledge, information, and belief.

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

APD Case #

SUBSCRIBED AND SWORN to before me this
A.D., 2012.

20th day of July,
Affiant
[Signature]
Judge

STATE OF COLORADO)

COUNTY OF Arapahoe)

RETURN AND INVENTORY

Filed

JUL 27 2012

The undersigned officer, being sworn says:

On July 22, 2012, I duly executed the within Search Warrant by taking into my possession from the OFFICE OF THE COORDINATOR in ARAPAHOE COUNTY, COLORADO said Warrant certain property and the following is a true, complete and correct inventory of the property as taken.

Two phone lists, one Walgreens business card, one red plastic, five gallon, Enviroflo gas container.

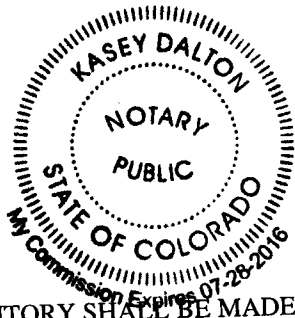
I further certify that said Inventory was made by Detective Tom Wilson # 13163

and that a copy of said Warrant and a receipt for property taken was left by Detective Tom Wilson # 13163 at 1690 Paris Street, # 5, Aurora, Adams County Colorado, the place from which the property was taken.

M. Yano
(Signature of Officer)

Sworn and subscribed to before me this 27 day of July, 2012.

Kasey Dalton
NOTARY PUBLIC
My Commission Expires: 7/28/2016



CLERK OF THE _____ COURT

By: _____
(Deputy Clerk)

THE INVENTORY SHALL BE MADE IN THE PRESENCE OF THE APPLICANT FOR THE WARRANT AND THE PERSON FROM WHOSE POSSESSION OR PREMISES OR VEHICLE THE PROPERTY WAS TAKEN, IF THEY ARE PRESENT, OR IN THE PRESENCE OF AT LEAST ONE CREDIBLE PERSON OTHER THAN THE APPLICANT FOR THE WARRANT OR THE PERSON FROM WHOSE POSSESSION OR PREMISES OR VEHICLE THE PROPERTY WAS TAKEN.

*ACCORDING TO FACT
SEE RULE 41(C)(D), COLORADO RULES OF CRIMINAL PROCEDURE.

RECEIPT

On the 22 day of July, 2012, I received the items listed in the foregoing inventory.

M. Yano
(Signature of Officer)

STATE OF COLORADO)
) ss.
County of ARAPAHOE)

IN THE District COURT
18th JUDICIAL DISTRICT

SEARCH WARRANT

THE PEOPLE OF THE STATE OF COLORADO:

TO: Any officer authorized by law to execute a search warrant in the County wherein the property is located.

Detective Mark Yacano #15678, a commissioned Police Officer, having this date filed an Affidavit for Search Warrant in conformity with the provisions of Colorado Rules of Criminal Procedure 41(b) and (c) for the following described property, to-wit:

A red colored plastic five gallon gas container, any receipts related to the purchase of this gas container or gasoline purchased. Proof of ownership or control of 1690 North Paris Street # 5, Aurora, Adams County, Colorado and any other evidence that may be material to this investigation or is illegal to possess.

Believed to be situated at the place known as:

1690 North Paris Street # 5, Aurora, Adams County, Colorado. 1690 North Paris Street is described as a three story multi-family apartment building comprised of red brick and is situated at the southeast corner of East 17th Avenue & North Paris Street, Aurora, Adams County, Colorado. The front door to this building faces north. Apartment number 5 is located on the second floor and the front door to apartment number 5 faces south.

upon one or more grounds as set forth in Rule 41 (b), Colorado Rules of Criminal Procedure, namely: is stolen or embezzled; is designed or intended for use or which is or has been used as a means of committing a criminal offense or the possession of which is illegal; would be material evidence in a subsequent criminal prosecution.

The names of persons whose affidavits have been taken in support hereof are: Detective Mark Yacano and as I am satisfied that grounds for the application exist, or that there is probable cause to believe that they exist, and that property is located on the premises above described, **YOU ARE HEREBY COMMANDED** to search forthwith the place above described for the property described and to seize the property described above at any time, day or night, and to make return of this Warrant to the CLERK of the COURT, and to deliver to the person from whom the property is taken a copy of this Warrant together with a receipt for the property taken; and to deliver to the CLERK of the COURT a written inventory of the property with the return of this Warrant.

Dated on 7/22, 2012, at ARAPAHOE County, Colorado.


Judge

SUPPRESSED

353

COUNTY/DISTRICT COURT
ARAPAHOE COUNTY, COLORADO
Court Address: Arapahoe County Justice Center
7325 S. Potomac St., Centennial, CO 80112
THE PEOPLE OF THE STATE OF COLORADO

VS

JAMES E. HOLMES,
Defendant.

Attorney:
CAROL CHAMBERS, 18th Judicial District Attorney
6450 S. Revere Pkwy., Centennial, CO 80112
Phone: (720) 874-8500
Atty. Reg. #: 14948

Filed in
Division

JUL 20 2012

DOUGLAS COMBINED COURTS

COURT USE ONLY

Case Number:

ORDER TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE

THIS COURT, being fully advised in the premises,

ORDERS that the ORDERS, SEARCH WARRANTS, AFFIDAVITS AND CASE
FILE, be Sealed from Public Inspection and remain sealed until further order of
either this Court or any Court with jurisdiction over any subsequently filed
charges.

DONE IN COURT this 20th day of July, 2012.



BY THE COURT:

Judge

[Handwritten signature]

COUNTY/DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	
<u>THE PEOPLE OF THE STATE OF COLORADO</u> vs JAMES E. HOLMES, Defendant.	COURT USE ONLY
Attorney: CAROL CHAMBERS, 18th Judicial District Attorney 6450 S. Revere Pkwy., Centennial, CO 80112 Phone: (720) 874-8500 Atty. Reg. #: 14948	
<u>MOTION TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE</u>	

COMES NOW Carol Chambers, District Attorney for the Eighteenth Judicial District, by and through her duly-appointed Deputy District Attorney, and moves this court for an Order to Seal. As grounds therefore, the People state:

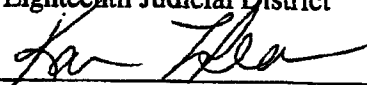
1. Contained within the above-noted court order for production of records and affidavit are facts regarding the investigation of First Degree Murder. The release at this time of any of this court order for production of records, affidavit and return of service inventory sheets could result in disclosure of information that could result in destruction, disposal, or secreting evidence and tampering with identified and unidentified witnesses which could jeopardize the ongoing investigation.
2. Further, disclosure of information contained in this court order for production of records and affidavit would be "contrary to public interest" as provided in 24-72-305, C.R.S.

ACCORDINGLY, the People respectfully request that Arapahoe County court order for production of records and corresponding affidavit and return of service inventory sheets be sealed and remain sealed until further order of the Court.

Respectfully submitted,

CAROL CHAMBERS
 District Attorney
 Eighteenth Judicial District

Date 7-20-12

By 
 Deputy District Attorney
 6450 S. Revere Pkwy.
 Englewood, CO 80112
 (720) 874-8500



STATE OF COLORADO)
) ss.
County of ARAPAHOE)

IN THE District COURT
18th JUDICIAL DISTRICT

353
Filed

JUL 27 2012

CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

SEARCH WARRANT

THE PEOPLE OF THE STATE OF COLORADO:

TO: Any officer authorized by law to execute a search warrant in the County wherein the property is located.

Detective Mark Yacano #15678, a commissioned Police Officer, having this date filed an Affidavit for Search Warrant in conformity with the provisions of Colorado Rules of Criminal Procedure 41(b) and (c) for the following described property, to-wit:

A red colored plastic five gallon gas container, any receipts related to the purchase of this gas container or gasoline purchased. Proof of ownership or control of 1690 North Paris Street # 5, Aurora, Adams County, Colorado and any other evidence that may be material to this investigation or is illegal to possess.

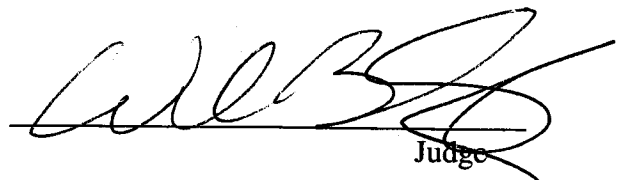
Believed to be situated at the place known as:

1690 North Paris Street # 5, Aurora, Adams County, Colorado. 1690 North Paris Street is described as a three story multi-family apartment building comprised of red brick and is situated at the southeast corner of East 17th Avenue & North Paris Street, Aurora, Adams County, Colorado. The front door to this building faces north. Apartment number 5 is located on the second floor and the front door to apartment number 5 faces south.

upon one or more grounds as set forth in Rule 41 (b), Colorado Rules of Criminal Procedure, namely: is stolen or embezzled; is designed or intended for use or which is or has been used as a means of committing a criminal offense or the possession of which is illegal; would be material evidence in a subsequent criminal prosecution.

The names of persons whose affidavits have been taken in support hereof are: Detective Mark Yacano and as I am satisfied that grounds for the application exist, or that there is probable cause to believe that they exist, and that property is located on the premises above described, YOU ARE HEREBY COMMANDED to search forthwith the place above described for the property described and to seize the property described above at any time, day or night, and to make return of this Warrant to the CLERK of the COURT, and to deliver to the person from whom the property is taken a copy of this Warrant together with a receipt for the property taken; and to deliver to the CLERK of the COURT a written inventory of the property with the return of this Warrant.

Dated on 7/22, 2012, at ARAPAHOE County, Colorado.


Judge

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

APD Case # 2012-28181

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

I, Detective Mark Yacano # 15678, the Affiant herein, being of lawful age and having been first duly sworn upon oath, depose and state that I am a commissioned police officer with the Aurora Police Department and I have probable cause to believe that there is located at the place known as:

1690 North Paris Street # 5, Aurora, Adams County, Colorado. 1690 North Paris Street is described as a three story multi-family apartment building comprised of red brick and is situated at the southeast corner of East 17th Avenue & North Paris Street, Aurora, Adams County, Colorado. The front door to this building faces north. Apartment number 5 is located on the second floor and the front door to apartment number 5 faces south.

And upon person or persons within the above described structure.

The following property which is illegal to possess and would be material evidence in a subsequent criminal prosecution. My reasons for this belief follow the description of the property below.

A red colored plastic five gallon gas container, any receipts related to the purchase of this gas container or gasoline purchased. Proof of ownership or control of 1690 North Paris Street # 5, Aurora, Adams County, Colorado and any other evidence that may be material to this investigation or is illegal to possess.

THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH AND SEIZURE WARRANT EXIST ARE AS THE FOLLOWING:

Your Affiant, Detective Mark Yacano # 15678, of lawful age and being first duly sworn upon oath, depose and state that I am a commissioned Police Officer employed by the City of Aurora Police Department currently assigned to the Major Crime/Homicide Unit and that the following information was obtained by me personally and from official records of the aforementioned Department.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theatres. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theatre. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theatre.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theatre. Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by Officer Jason Oviatt # 301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle on the driver side with the driver side door open.

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type utilized by the police. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James Holmes, DOB: 12-13-87 was then taken into custody.

Officer Oviatt informed your affiant that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' advised that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address and that there were bombs inside his apartment and they would go off if the wires were tripped.

As Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was removed at the scene by officers during his arrest. Your affiant responded to this area and personally observed the following items that were removed from Holmes during his arrest: a pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstep. Your affiant also observed what appeared to be a silver cellular telephone among these items. Your affiant also observed a black assault type rifle on the ground directly outside the emergency exit door. Your affiant observed a great deal of blood on the sidewalk outside the door as numerous victims exited the theatre through this door.

Officers from the Arapahoe County Sheriff's Department Bomb Squad responded and utilizing an explosive removal robot, removed items from the vehicle. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where Detectives Craig Appel # 18562 and Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theatre and entered auditorium # 9 where they located ten victims found to be deceased. Your affiant briefly observed the interior to auditorium # 9 and observed the following: a black shotgun on the floor several feet inside the theatre along with six empty shotgun shell casings. Your affiant additionally observed a green colored plastic doorstep attached to the emergency exit door. This item appeared to be similar to the plastic doorstep located among Holmes' property upon his arrest. Your affiant observed two .40 caliber magazines on the floor beside the shotgun, and several empty rifle shell casings on the floor. All of these items were observed on the floor at the front of the theatre.

Your affiant observed three additional rifle magazines that appeared to still have live rounds, a 90 round Beta Mag magazine and another .40 caliber magazine on the floor leading towards the lobby of the theatre on the west side of the seating area. Your affiant observed numerous deceased parties throughout the theatre.

Your affiant met briefly with Sergeant Matt Fyles # 26218 who provided your affiant with additional information regarding the deceased and injured parties. Sergeant Fyles advised that ten parties were pronounced deceased inside the theatre. Twenty individuals were shot and transported to University Hospital, with ^{one} ~~two~~ deceased. Six individuals were shot and transported to Denver General Hospital; twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Sergeant Fyles also informed your affiant that upon Jason Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Officers from the Aurora Police SWAT Team responded to this address and established a perimeter on the apartment building.

Your affiant spoke with Detective Tom Wilson # 13163 who responded to this address. Detective Wilson informed your affiant that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene. Detective Wilson informed your affiant that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson informed your affiant that the explosive robot made entry to the apartment and immediately was stopped by trip wires. The explosive robot then utilized a camera and the interior to the apartment was viewed by officers. Detective Wilson informed your affiant that the camera observed the main room and observed additional trip wires that lead into different rooms within the apartment. Detective Wilson also informed your affiant that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed located throughout the apartment. Detective Wilson informed your affiant that the

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

Denver Police Bomb Squad also responded and determined that entry to the apartment was too dangerous to send an officer inside.

Your affiant met with Detective Thomas Wilson # 13163 and learned the following information about the crime scene located at 1690 Paris Street.

On 07-20-12 at 2:00 A.M., Detective Wilson responded to 1690 Paris Street. Detective Wilson met with the members of Aurora Police SWAT Team. The SWAT Team was positioned on Paris Street in an armored vehicle. The SWAT Team had secured the apartment building and was maintaining surveillance on the building and the suspect's apartment, identified as apartment # 10. Residents of the building had been contacted and evacuated. The Adams County Bomb Squad was on scene and two robots had been deployed in the apartment building.

Detective Wilson met with Sergeant Mike Holm # 19094 and Officer Murray Hanley # 13162. Officer Hanley informed Detective Wilson that during the contact and evacuation of the building he met Ms. Tori Everhart, the resident of apartment # 5. Ms. Everhart was evacuated. Officer Hanley noted during the secondary checks of the building, where confirmation of evacuation was requested, he observed a red plastic 5 gallon gasoline container on the floor inside apartment # 5. Officer Hanley informed Detective Wilson that the gasoline container was in the bedroom.

On 07-21-12 Detective Wilson was assisting at the scene at 1690 Paris Street with agents from the Bureau of Alcohol, Tobacco, and Firearms (BATF), as well as agents of the Federal Bureau of Investigation (FBI). Detective Wilson was advised by bomb technicians that the suspect had used a red plastic 5 gallon gasoline container when setting booby traps in his apartment unit. The bomb technicians showed Detective Wilson the red gasoline container.

On 07-21-12 Agents from ATF advised Detective Wilson that the apartment building was safe to search. Detective Wilson had a copy of the Search Warrant for apartment # 10, drafted by your affiant. Detective Wilson was assigned to work with the FBI Evidence recovery Team in executing the search warrant for this apartment. Detective Wilson advised the FBI Team of the information he received from Officer Hanley concerning the gasoline container in apartment # 5.

Detective Wilson found that all of the apartment units were unsecured and their entry doors were left in the open position. Detective Wilson went to the second floor and looked through the open door of apartment # 5. From that location, Detective Wilson observed a red colored 5 gallon size gasoline container on the bedroom floor.

Detective Wilson attempted contact with the resident of apartment # 5, identified as Tori Lynn Everhart, DOB: 04-29-85. Detective Wilson contacted the apartment manager, Joan Holley, and obtained a phone number of 970-874-0576 for Ms. Everhart. Detective Wilson advised that the phone number has been disconnected. Detective Wilson stated that Ms. Holley did not know if Ms. Everhart and the suspect, James Holmes, knew each other. Ms. Holley advised that Holmes has resided at this address since May 2011.

APD Case #

5

CLERK OF THE DISTRICT COURT
ARAPAHOE COUNTY, COLORADO

M. Fyles 07.25.2012
Signature of Officer and date

SUPPRESSED

354

COUNTY/DISTRICT COURT
 ARAPAHOE COUNTY, COLORADO
 Court Address: Arapahoe County Justice Center
 7325 S. Potomac St., Centennial, CO 80112
THE PEOPLE OF THE STATE OF COLORADO

Filed in
 Division

JUL 20 2012

DOUGLAS COMBINED COURTS

COURT USE ONLY

vs

JAMES E. HOLMES,
 Defendant.

Attorney:
 CAROL CHAMBERS, 18th Judicial District Attorney
 6450 S. Revere Pkwy., Centennial, CO 80112
 Phone: (720) 874-8500
 Atty. Reg. #: 14948

Case Number:

ORDER TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE

THIS COURT, being fully advised in the premises,

ORDERS that the ORDERS, SEARCH WARRANTS, AFFIDAVITS AND CASE FILE, be Sealed from Public Inspection and remain sealed until further order of either this Court or any Court with jurisdiction over any subsequently filed charges.

DONE IN COURT this 20 day of July, 2012.

BY THE COURT:

Judge [Signature]



STATE OF COLORADO)
County of ARAPAHOE)

SUPPRESSED

IN THE District COURT

18th JUDICIAL DISTRICT

354/2

SEARCH WARRANT

THE PEOPLE OF THE STATE OF COLORADO:

TO: Any officer authorized by law to execute a search warrant in the County wherein the property is located.

Sergeant Matthew E. Fyles #26218, a commissioned Police Officer, having this date filed an Affidavit for Search Warrant in conformity with the provisions of Colorado Rules of Criminal Procedure 41(b) and (c) for the following described property, to-wit:

A white, approximately 12" by 16", soft-sided envelope with a listed sender of "James Holmes" and a listed recipient of "Lynne Fenton M.D." with a mail date stamp of July 12th 2012 from the Fletcher Station in Aurora, Colorado, which contains a brown spiral notebook. The brown spiral notebook will be placed separately into Aurora Police Property/Evidence in a sealed evidence envelope where it will remain unopened until in-camera review.

Believed to be situated at the place known as:

1945 North Wheeling Street
City of Aurora, County of Adams, State of Colorado

1945 North Wheeling Street can further be described as a beige in color three story building with doors located on the south and east sides. The front door of the building is glass, faces east and has a gray in color awning located above the door. "Campus Services T36 THIS IS A NO SMOKING FACILITY" appears in six inch lettering, white in color, on the east side glass door. There is a stone placard, black in color, with the numerals 1-9-4-5 and wording North Wheeling Street Campus Services appearing white in color on the stone placard. The stone placard is located on the ground just east of the east facing glass door.

upon one or more grounds as set forth in Rule 41 (b), Colorado Rules of Criminal Procedure, namely: is stolen or embezzled; is designed or intended for use or which is or has been used as a means of committing a criminal offense or the possession of which is illegal; would be material evidence in a subsequent criminal prosecution.

The names of persons whose affidavits have been taken in support hereof are: Sergeant Matthew E. Fyles #26218 and as I am satisfied that grounds for the application exist, or that there is probable cause to believe that they exist, and that property is located on the premises above described, YOU ARE HEREBY COMMANDED to search forthwith the place above described for the property described and to seize the property described above at any time, day or night, and to make return of this Warrant to the CLERK of the COURT, and to deliver to the person from whom the property is taken a copy of this Warrant together with a receipt for the property taken; and to deliver to the CLERK of the COURT a written inventory of the property with the return of this Warrant within ten (10) days.

Dated on July 23, 2012, at Grapahoe County, Colorado.
8:31 p.m.

Kurt A. Horton
District Court Judge

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

APD Case # 2012-28181

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

I, Sergeant Matthew E. Fyles #26218, the Affiant herein, being of lawful age and having been first duly sworn upon oath, depose and state that I am a commissioned police officer with the Aurora Police Department and I have probable cause to believe that there is located at the place known as:

1945 North Wheeling Street
City of Aurora, County of Adams, State of Colorado

1945 North Wheeling Street can further be described as a beige in color three story building with doors located on the south and east sides. The front door of the building is glass, faces east and has a gray in color awning located above the door. "Campus Services T36 THIS IS A NO SMOKING FACILITY" appears in six inch lettering, white in color, on the east side glass door. There is a stone placard, black in color, with the numerals 1-9-4-5 and wording North Wheeling Street Campus Services appearing white in color on the stone placard. The stone placard is located on the ground just east of the east facing glass door.

And upon person or persons within the above described structure.

The following property which is illegal to possess and/or would be material evidence in a subsequent criminal prosecution. My reasons for this belief follow the description of the property below.

A white, approximately 12" by 16", soft-sided envelope with a listed sender of "James Holmes" and a listed recipient of "Lynne Fenton M.D." with a mail date stamp of July 12th 2012 from the Fletcher Station in Aurora, Colorado, which contains a brown spiral notebook. The brown spiral notebook will be placed separately into Aurora Police Property/Evidence in a sealed evidence envelope where it will remain unopened until in-camera review.

THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH AND SEIZURE WARRANT EXIST ARE AS THE FOLLOWING:

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

Your Affiant, Sergeant Matthew E. Fyles #26218, of lawful age and being first duly sworn upon oath, depose and state that I am a commissioned Police Officer employed by the City of Aurora Police Department currently assigned to the Major Crime/Homicide Unit and that the following information was obtained by me personally and from official records of the aforementioned Department.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theatres. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theatre. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theatre.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theatre. Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by Officer Jason Oviatt # 301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle on the driver side with the driver side door open.

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type currently utilized by the police. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James Holmes, DOB: 12-13-87 was then taken into custody. Officer Oviatt informed your affiant that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' advised that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address and that there were bombs inside his apartment and they would go off if the wires were tripped.

As Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was removed at the scene by officers during his arrest. Your affiant responded to this area and personally observed the following items that were removed from Holmes during his arrest: a pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstop. Your affiant also observed what appeared to be a silver cellular telephone among these items. Your affiant also observed a black assault type rifle on the ground directly outside the emergency exit door. Your affiant observed a great deal of blood on the sidewalk outside the door as numerous victims exited the theatre through this door.

Among the items collected at the scene, was a pair of black tactical pants that were removed by Officers Sweeney and Oviatt upon Holmes' arrest. FBI Special Agent Nick Vanicelli collected these pants from the scene and these pants were subsequently transported to the crime lab at Aurora Police headquarters.

Aurora Police Questioned Document Examiner Janette Guscott # 14780 removed a black and silver colored iPod 8GB from the front pants pocket of these tactical pants. This iPod was then secured in an evidence locker within the crime lab.

Officers from the Arapahoe County Sheriff's Department Bomb Squad responded and utilizing an explosive removal robot, removed items from the vehicle. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where Detectives Craig Appel # 18562 and Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theatre and entered auditorium # 9 where they located ten victims found to be deceased. Your affiant briefly observed the interior to auditorium # 9 and observed the following: a black shotgun on the floor several feet inside the theatre along with six empty shotgun shell casings. Your affiant additionally observed a green colored plastic doorstop attached to the emergency exit door. This item appeared to be similar to the plastic doorstop located among Holmes' property upon his arrest. Your affiant observed two .40 caliber magazines on the floor beside the shotgun, and several empty rifle shell casings on the floor. All of these items were observed on the floor at the front of the theatre.

Your affiant observed three additional rifle magazines that appeared to still have live rounds, a 90 round Beta Mag magazine and another .40 caliber magazine on the floor leading towards the lobby of the theatre on the west side of the seating area. Your affiant observed numerous deceased parties throughout the theatre.

Your affiant met briefly with Captain James Puscian who provided your affiant with additional information regarding the deceased and injured parties. Captain Puscian advised that ten parties were pronounced deceased inside the theatre. Twenty individuals were shot and transported to University Hospital, with one deceased. Six individuals were shot and transported to Denver General Hospital; twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

Captain Puscian also informed your affiant that upon Jason Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Officers from the Aurora Police SWAT Team responded to this address and established a perimeter on the apartment building.

Your affiant spoke with Detective Tom Wilson # 13163 who responded to this address. Detective Wilson informed your affiant that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene. Detective Wilson informed your affiant that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson informed your affiant that the explosive robot made entry to the apartment and immediately was stopped by trip wires. The explosive robot then utilized a camera and the interior to the apartment was viewed by officers. Detective Wilson informed your affiant that the camera observed the main room and observed additional trip wires that lead into different rooms within the apartment. Detective Wilson also informed your affiant that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed located throughout the apartment. Detective Wilson informed your affiant that the Denver Police Bomb Squad also responded and determined that entry to the apartment was too dangerous to send an officer inside.

Aurora Police Officer Will Hinton contacted University of Colorado Police Officer Lynn Whitten. Officer Whitten advised Officer Hinton that she had received correspondence, back in June 2012, with Dr. Lynne Fenton, a psychiatrist with the University of Colorado Medical Campus. Dr. Fenton advised that through her contact with James Holmes she was reporting, per her requirement, his danger to the public due to homicidal statements he had made. Additionally, Dr. Fenton was advising that she had been treating Holmes, and that Holmes had stopped seeing her and had begun threatening her via text messages.

On July 23, 2012 Your Affiant was notified via the Aurora Police Dispatch that police were responding to the University of Colorado Medical Campus reference a package that was supposedly sent from Holmes to Fenton at her campus office.

Your Affiant responded to the University of Colorado Medical Campus and contacted University Police Chief Doug Abraham. Chief Abraham advised that Dr. Fenton had received a phone call from the defense counsel of Holmes who told her that Holmes had mailed a package to her at the campus and the defense wanted the package turned over to them. Chief Abraham indicated police responded to her office and found an envelope from FedEx slid under her office door. The package was determined not to be the one sent from Holmes.

University Police Commander James Mysiades responded to Campus Services (mail room) located at 1945 North Wheeling Street, building T36, City of Aurora, County of Adams, State of Colorado, in an effort to locate the package in question. Upon searching the location a white, approximately 12" x 16", soft-sided envelope was located in a mail bin. The package listed a sender of "James Holmes" also listing Holmes' residence at 1690 North Paris Street #10.

Additionally the package listed a recipient of "Lynne Fenton M.D." and her corresponding work address of CU Anschutz Medical Campus, Mail Stop A035 Education 11, North Room #3208, Aurora, Colorado, 80045. Additionally the package was found to have a stamped mailing date of July 12, 2012 which was processed at the Fletcher Station in Aurora, Colorado.

Members of the Adams County Sheriff's Bomb Squad and the FBI Bomb Squad responded to the location. The package was scanned and x-rayed and found to contain no incendiary or explosive devices. The package was then opened under a portable venting hood and found to have no toxic contaminants. The package was found to contain a brown in color spiral notebook, 8" x 11", with a cover which had a box placard. Listed on the box placard for name was "James Holmes", listed on the box placard for course was "Of Life". Additionally an unknown number of \$20.00 denominations of United States currency were located inside the envelope, all partially burned. The brown spiral notebook was checked for any toxic contaminants and it was found to have none. Bomb Technicians observed that the brown spiral notebook appeared to be a journal as evidenced by unknown writings within. At this time the envelope in question and the contents remain inside 1945 North Wheeling Street, building T36-1V, on a mail processing table.

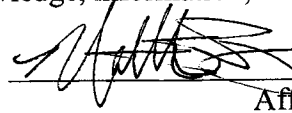
Your Affiant advises that once collected the brown spiral notebook will be packaged separately from the United States currency and envelope, and placed into police property/evidence where it will remain sealed and unopened until an in-camera review by a judge for a ruling on its evidentiary value and admissibility.

Application is hereby made for issuance of a search warrant, directed to any officer authorized by law to execute warrants in the county wherein said property is located, commanding said officer to search forthwith the person or place named above for said property, and the said property and every part thereof, to take, remove, and seize using such force as may reasonably be required in the execution of the warrant, and directing that return thereof be made to the judge issuing the warrant.

Your affiant believes that this white in color, approximately 12" x 16", soft-sided envelope may contain evidence relating to the planning of the crime, the purchase of weapons and ammunition, communications indicating the state of mind of James Holmes and his culpable mental state. Your affiant believes that information contained in this white in color, approximately 12" x 16", soft-sided envelope may contain communications between the suspect in this case and other potential suspects. Your affiant believes that information contained in this white in color, approximately 12" x 16", soft-sided envelope may assist in determining what methods of planning were involved to carry out this crime.

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

The Affiant has read the above and foregoing application and affidavit, and the statements therein contained are true to the best of his/her knowledge, information, and belief.

 N. Files #26218
Affiant

SUBSCRIBED AND SWORN to before me this 23rd day of July,
A.D., 2012. 8:30 P.M.

Kurt A. Horton
District Court Judge

REDACTED

Filed in County Court
ARAPAHOE COUNTY COLORADO

AUG 22 2012

TAMMERA HERIVEL
Clerk of County Court

Aurora Police Department Case Number 12-28881

STATE OF COLORADO
SS: RETURN AND INVENTORY
COUNTY OF ARAPAHOE

SUPPRESSED

The undersigned officer, being sworn says:

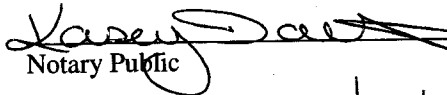
On August 3th, 2012, I duly executed the within Search Warrant by taking into my possession from the vehicle named in said Warrant, certain property, and the following is a true, complete and correct Inventory of the property as taken:

SEE ATTACHED PROPERTY INVOICES

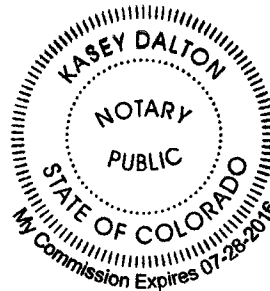
SUBSCRIBED AND SWORN/AFFIRMED TO before me by

Detective Tom Sobieski

This August 10th, 2012.


Notary Public

My Commission expires: 7/28/2016



Clerk of the _____ Court

By: _____
Deputy Clerk

THE INVENTORY SHALL BE MADE IN THE PRESENCE OF THE APPLICANT FOR THE WARRANT AND THE PERSON FROM WHOSE VEHICLE THE PROPERTY WAS TAKEN. IF THEY ARE PRESENT, OR IN THE PRESENCE OF AT LEAST ONE CREDIBLE PERSON OTHER THAN THE APPLICANT FOR THE WARRANT OR THE PERSON FROM WHOSE VEHICLE THE PROPERTY WAS TAKEN.

*According to fact
See Rule 41(c)(d), Colorado Rules of Criminal Procedure.

RECEIPT

On August 3rd, 2012 I received the items listed in the foregoing Inventory.

**AURORA POLICE DEPARTMENT
NON-SERIALIZED PROPERTY REPORT**

CASE REPORT NO. 12-288
CONNECTING CASE NO.

FEL ☒
MIS ☐

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES ☐ NO

ROLE: NAME PHONE

ADDRESS (Include Zip Code) **HOMICIDE** PHONE

RECOVERED FROM 136116 E CILSWORTH WHERE RECOVERED N. W. 119-ROC

Use codes from back of 2nd page for items below:

ITEM #	STATUS	CODE	TYPE	ITEM - BRAND / MAKE, MODEL, COLOR, DESCRIPTION, ETC.	TOTAL VALUE EACH LINE	QUANT
06	77	Y		CONTROL SWAB -		
				DNA SWABS - MAGAZINE - CNT CONSOLE		2
				DNA SWABS - GOGGLES		2
				DNA SWABS - MAG BUTT PLATE		2
				DNA SWAB - METAL SPIKE #1		1
				DNA SWAB - METAL SPIKE #2		1
				DNA SWAB - METAL SPIKE #3		1
				DNA SWAB - METAL SPIKE #4		1
				DNA SWAB - METAL SPIKE #5		1
				DNA SWAB - METAL SPIKE #6		1
				DNA SWAB - METAL SPIKE #7		1
				DNA SWAB - METAL SPIKE #8		1
				DNA SWAB - METAL CLIP w/ BOLT TAP		2
				DNA SWAB - MAGAZINE BETWEEN SEAT CNT COV		2
				DNA SWAB - ABOVE REAR DR WINDOW - SHOWER		2
				DNA SWABS - gear shift knob		2
V	V	V		DNA SWABS - INSIDE DR DOOR HANDLE		2

DATE 8-3-12 NARRATIVE TIME

DRUG TYPE CODES:
A - "Crack" Cocaine K - Other Hallucinogens
B - Cocaine L - Amphetamines / Methamphetamines
C - Hashish M - Other Stimulants
D - Heroin N - Barbiturates
E - Marijuana O - Other Depressants
F - Morphine P - Other Drugs
G - Opium Q - Unknown
H - Other Narcotics
I - LSD
J - PCP

DRUG FORM:
A - Block
B - Liquid
C - Plant
D - Powder
E - Rock
F - Sheet
Z - Other

DRUG MEASURE CODE:
GM - Gram
KG - Kilogram
OZ - Ounce
LB - Pound
ML - Milliliter
LT - Liter
GL - Gallon
DU - Doseage Units (P)
NP - Number of Plant

ITEM NO.	STATUS	DRUG TYPE	DRUG FORM	DRUG QUANTITY	DRUG MEASURE

Officer's Signature [Signature] Officer's Name PRINTED FS3010000 ID Number 14001 District 2 Watch 1 Supervisor ID & Initials [Signature] Date 8-3-12

PROPERTY RECEIVED FROM: [Signature] Page 1 of 1

CONNECTING CASE NO.

COURT:

COURT: ☒ ARAP ☐ ADAMS ☐ MUNI

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES

☐ NC

ROLE:	NAME
-------	------

PHONE**ADDRESS**

(Include Zip Code)

ROLE:	NAME
-------	------

ADDRESS (Include Zip Code)**PHONE**

RECOVERED FROM

WHERE RECOVERED

13616 E Ellsworth

COVERED
Hyundai

119-ROC

Use codes from back of 2nd page for items below:

HOMESIDE

NARRATIVE

TIME

DRUG TYPE CODES:

A - "Crack" Cocaine	K - Other Hallucinogens
B - Cocaine	L - Amphetamines /
C - Hashish	Methamphetamines
D - Heroin	M - Other Stimulants
E - Marijuana	N - Barbiturates
F - Morphine	O - Other Depressants
G - Opium	P - Other Drugs
H - Other Narcotics	Q - Unknown
I - LSD	
J - PCP	

DRUG FORM:

A - Block
B - Liquid
C - Plant
D - Powder
E - Rock
F - Sheet
Z - Other

DRUG MEASURE CODE

GM - Gram
 KG - Kilogram
 OZ - Ounce
 LB - Pound
 ML - Milliliter
 LT - Liter
 GL - Gallon
 DU - Dosage Units (Pill)
 NP - Number of Plants

[illegible]

Officer's Signature

Officer's Name PRINTED

ID Number

District

Watch

Supervisor ID & Initials

Date _____

F. BORQUEZ

14607

2

DAYS

PROPERTY RECEIVED FROM:

Page _____ of _____

**AURORA POLICE DEPARTMENT
NON-SERIALIZED PROPERTY REPORT**

CASE REPORT NO. 12-2718
CONNECTING CASE NO.

PEL ☐
MIS ☐

COURT: ☐ ARAP ☐ ADAMS ☐ MUNI NCIC Classification:

ROLE: 1 VICTIM 3 ARRESTEE 5 REPORTING PARTY 15 FINDER 16 OWNER

EVIDENCE ☒ YES ☐ NO

ROLE: NAME

PHONE

ADDRESS
(Include Zip Code)

HOMICIDE

ROLE: NAME

ADDRESS (Include Zip Code)

PHONE

RECOVERED FROM

13616 E CUISWORTH

WHERE RECOVERED

HYUNDAI 119-POC

Use codes from back of 2nd page for items below:

ITEM #	STATUS	CODE	TYPE	ITEM - BRAND / MAKE, MODEL, COLOR, DESCRIPTION, ETC.	TOTAL VALUE EACH LINE	QUANT
06	77	Y		POSSIBLE MAGAZINE BUILT PLATE - HATCH		1
				GOGGLES HATCH		1
				MAGAZINE w/ CARTRIDGES CNT CON.		1
				INSURANCE PAPER - GAVE BIX		1
				METAL SPIKE #1		1
				METAL SPIKE #2		1
				METAL SPIKE #3		1
				METAL SPIKE #4		1
				METAL SPIKE #5		1
				METAL SPIKE #6		1
				METAL SPIKE #7		1
				METAL SPIKE #8		1
				METAL clip w/ ALUM TAPE - FT PASS DOOR PAPER		1
				MAGAZINE w/ CARTRIDGES - BETWEEN DR SEAT + CNT CON.		1
				BLK & WHITE FILA TENDIS SHOES - HATCH		2
X	Y	Y		BLK FLEESE CAP		1
				METAL HOOKS FS		4
06	77	Y		BLK OLD FLOPS - SANDALS		2

DATE 8-3-12

NARRATIVE TIME

DRUG TYPE CODES:

A - "Crack" Cocaine
B - Cocaine
C - Hashish
D - Heroin
E - Marijuana
F - Morphine
G - Opium
H - Other Narcotics
I - LSD
J - PCP
K - Other Hallucinogens
L - Amphetamines / Methamphetamines
M - Other Stimulants
N - Barbiturates
O - Other Depressants
P - Other Drugs
Q - Unknown

DRUG FORM:

A - Block
B - Liquid
C - Plant
D - Powder
E - Rock
F - Sheet
Z - Other

DRUG MEASURE CODE:

GM - Gram
KG - Kilogram
OZ - Ounce
LB - Pound
ML - Milliliter
LT - Liter
GL - Gallon
DU - Doseage Units (Pi)
NP - Number of Plants

ITEM NO.	STATUS	DRUG TYPE	DRUG FORM	DRUG QUANTITY	DRUG MEASURE

Officer's Signature

Officer's Name PRINTED

ID Number

District

Watch

Supervisor ID & Initials

Date

PROPERTY RECEIVED FROM:

Page 1 of 1

SUPPRESSED

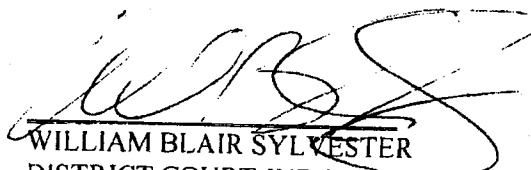
388
JAL

DISTRICT COURT, ARAPAHOE COUNTY, COLORADO 7325 South Potomac Street Centennial, Colorado 80112	
Plaintiff(s): People of the State of Colorado v. Defendant(s): Holmes, James	▲ COURT USE ONLY ▲ Case Number: 12CR1522 Div.: 22
SUPPLEMENT TO ORDER TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE (P-1)	

In an effort to assist in the tracking of matters associated with this case, pending the Court's Ruling on the Motion to Unseal Court File (Including Docket), the Court ORDERS the District Attorney to provide a copy of the Court's current Order to Seal Search Warrants, Affidavits, Orders and Case File (P-1) (attached) to any issuing judicial officer and court staff along with any and all future search warrants and affidavits associated with this case so that the issuing judicial officer and court staff handling the search warrants and/or affidavits are aware that the particular search warrant or affidavit is associated with this case. The intent is to prevent a search warrant or affidavit associated with this case from not being properly identified.

DONE this 31st day of July, 2012.

BY THE COURT:


WILLIAM BLAIR SYLVESTER
DISTRICT COURT JUDGE

COUNTY/DISTRICT COURT
ARAPAHOE COUNTY, COLORADO
Court Address: Arapahoe County Justice Center
7325 S. Potomac St., Centennial, CO 80112
THE PEOPLE OF THE STATE OF COLORADO

vs

JAMES E. HOLMES,
Defendant.

Attorney:
CAROL CHAMBERS, 18th Judicial District Attorney
6450 S. Revere Pkwy., Centennial, CO 80112
Phone: (720) 874-8500
Atty. Reg. #: 14948

Filed in
Division

JUL 20 2012

DOUGLAS COMBINED COURTS

COURT USE ONLY

Case Number:

ORDER TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE (21)

THIS COURT, being fully advised in the premises,

ORDERS that the ORDERS, SEARCH WARRANTS, AFFIDAVITS AND CASE
FILE, be Sealed from Public Inspection and remain sealed until further order of
either this Court or any Court with jurisdiction over any subsequently filed
charges.

DONE IN COURT this 20th day of July, 2012.



BY THE COURT:

Judge

William R. Syster



388
4/2

DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO **Filed**
CASE NO. _____

SUPPRESSED
AUG - 3 2012
CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

SEARCH WARRANT
THE PEOPLE OF THE STATE OF COLORADO:

TO: Any Officer authorized by law to execute a search warrant in the County wherein the property is located.

Detective Tom Sobieski #13669, having this date filed an Affidavit for Search Warrant with the provisions of Colorado Rules of Criminal Procedure, 41(b) and (c), for the following described property:

Any documents, including mail, indicating possession, or indicia of ownership of the vehicle, any item that in the manner it is used or intended to be used, and is capable of producing death or serious bodily injury to include, but not limited to, any firearms, firearm cases or holsters, firearm packaging, firearm ammunition, firearm ammunition packaging, firearm documents, firearm shell casings, or any projectile which is capable of being fired out of a firearm or any paraphernalia associated with firearm usage or any documents that indicate firearm ownership, any clothing, the taking of photographs and video tape, sketches and measurements of the vehicle, hairs, fibers, latent fingerprints, vacuumings, microscopic evidence or evidence patterns or any items that may contain DNA or trace evidence.

Said property is believed to be situated at the place described as:

A white, 2000, Hyundai, Tiburon, 2 door, VIN #KMHJG25F8YU200570 bearing Colorado License Plate 119ROC. Official records of the Colorado Department of Motor Vehicles indicate that this vehicle is registered to: James Eagan Holmes at 1690 Paris Street #10, Aurora, Colorado 80010.

This vehicle is currently secured at the Aurora Police Evidence Bay at 13616 East Ellsworth Avenue in the City of Aurora, County of Arapahoe, State of Colorado.

Upon one or more grounds as set forth in Rule 41(b), Colorado Rules of Criminal Procedure, namely: is designed or intended to use or which is or has been used as a means of committing a criminal offense and would be material evidence in a subsequent criminal prosecution;

The name of the person whose affidavit has been taken in support hereof is Detective Tom Sobieski and as I am satisfied that grounds for the application exist, or that there is probable cause to believe that they exist, and that the property is located in the premises above described.

You are therefore commanded to search forthwith the property and the return thereof be made to the judge or clerk of the court issuing the warrant within 10 days of the date hereof, and to deliver to the person from whom the property is taken or from whose premises the property is taken a copy of this warrant together with a receipt for the property taken, or in lieu thereof, to leave the copy and receipt at the place from which the property is taken; and to deliver to the Clerk of the court a written inventory of the property with the RETURN OF THIS WARRANT.

Dated on August 2, 2012, at Arapahoe County.

Kurt G. Huftin 4:13 p.m.
JUDGE

DISTRICT COURT, COUNTY OF ARAPAHOE, COLORADO

Aurora Police Case Number 12-28181

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

I, Detective Thomas Sobieski # 13669, the affiant herein, being of lawful age and having been first duly sworn upon oath, depose and state that I am a commissioned police officer with the Aurora Police Department, and I have probable cause to believe that there is located at the place known as:

A white, 2000, Hyundai, Tiburon, 2 door, VIN #KMHJG25F8YU200570 bearing Colorado License Plate 119ROC. Official records of the Colorado Department of Motor Vehicles indicate that this vehicle is registered to: James Eagan Holmes at 1690 Paris Street #10, Aurora, Colorado 80010.

This vehicle is currently secured at the Aurora Police Evidence Bay at 13616 East Ellsworth Avenue in the City of Aurora, County of Arapahoe, State of Colorado.

the following property, which has been used to commit a crime and would be material evidence in a subsequent criminal prosecution. My reasons for this belief follow the description of the property below:

Any documents, including mail, indicating possession, or indicia of ownership of the vehicle, any item that in the manner it is used or intended to be used, and is capable of producing death or serious bodily injury to include, but not limited to, any firearms, firearm cases or holsters, firearm packaging, firearm ammunition, firearm ammunition packaging, firearm documents, firearm shell casings, or any projectile which is capable of being fired out of a firearm or any paraphernalia associated with firearm usage or any documents that indicate firearm ownership, any clothing, the taking of photographs and video tape, sketches and measurements of the vehicle, hairs, fibers, latent fingerprints, vacuumings, microscopic evidence or evidence patterns or any items that may contain DNA or trace evidence.

Your affiant is a commissioned police officer with the Aurora Police Department; currently assigned to the Major Crime/Homicide Unit, whose function it is to investigate all homicides that occur within the City of Aurora. Your affiant personally obtained the information contained in this affidavit by talking with witnesses and officers of the Aurora Police Department and reviewing official police reports of Case Number 12-28181.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Communications Center received numerous 911 calls reporting

DISTRICT COURT, COUNTY OF ARAPAHOE, COLORADO
Aurora Police Case Number 12-28181

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

multiple gunshots being fired inside the Century 16 Theatres at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

Callers indicated that there were explosions and gunshots inside auditorium #9 and that several people had been shot and injured.

At approximately 12:40 A.M., officers from the Aurora Police Department arrived on scene.

Your affiant advises that Officer Jason Sweeney #300364 arrived on scene and parked his vehicle to the south of the building where he was met by Officer Jason Oviatt #301013. Officer's Sweeney and Oviatt then observed a white Hyundai, Tiburon displaying Colorado License Plate 119ROC parked on the east side of the theatre directly next to the emergency exit for auditorium #9. This vehicle was parked facing the building and a male party was standing outside the vehicle on the driver's side. The driver's side door was open. According to the Colorado Department of Motor Vehicles the Hyundai is registered to James Eagan Holmes at 1690 Paris Street, #10, Aurora, CO 80010.

Officer Sweeney observed this male wearing ballistic protection, including a helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type that is currently utilized by the police. At this time Officers Sweeney and Oviatt ordered this male to raise his hands, which he did. This male, was taken into custody without incident and was identified by a Colorado Drivers License as James Holmes Dob: 12/13/1987. Officer Sweeney observed a Glock semi-automatic pistol equipped with a green laser sight on the roof of the Hyundai.

Officer Oviatt advised that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' said that there was not. Holmes informed Officer Oviatt that the address on his driver's license was his current address (1690 Paris Street, #10, Aurora, CO) and that there were bombs inside his apartment that would go off if the wires were tripped.

Officers from the Aurora Police Special Weapons and Tactics (SWAT) Team responded to 1690 Paris Street and immediately secured the apartment building including James Holmes apartment, #10.

Your affiant advises the following items were removed from Holmes during his arrest: a pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing

DISTRICT COURT, COUNTY OF ARAPAHOE, COLORADO
Aurora Police Case Number 12-28181

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

live rounds, a magazine for a pistol and a green colored plastic doorstep. A black Smith and Wesson, .223 caliber assault rifle was on the ground directly outside the emergency exit door of auditorium #9.

Officers responded and entered auditorium #9 where they located ten gunshot victims. All ten were pronounced deceased.

Your affiant advises that Detective Mark Yacano #15678 entered auditorium #9 and observed a black colored, Remington, 12 gauge, pump action, tactical shotgun on the floor inside the theatre's emergency exit door, nearby were six shotgun shell casings.

Detective Yacano further observed two .40 caliber handgun magazines on the floor beside the Remington shotgun and several .223 caliber rifle shell casings on the floor. All of these items were observed near the front of the theatre.

Detective Yacano observed three additional rifle magazines that contained live rounds, a 90 round "Beta Mag" rifle magazine and another .40 caliber handgun magazine on the floor in the hallway leading towards the lobby of the theatre on the west side of the seating area.

Detective Yacano also observed that a green colored plastic doorstep was attached to the emergency exit door of auditorium #9. This item was similar to the plastic doorstep located among Holmes' property upon his arrest.

Your affiant advises that twenty people suffering from gunshot wounds were transported to University Hospital, one was pronounced deceased. Six people with gunshot wounds were transported to Denver Health Hospital. Twelve people with gunshot wounds were transported to The Medical Center of Aurora. Six people with gunshot wounds were transported to Children's Hospital, one was pronounced deceased. Two people with gunshot wounds were transported to Parker Adventist Hospital and another individual with gunshot wounds was transported to Swedish Medical Center.

Your affiant advises Deputies from the Arapahoe County Sheriff's Office Bomb Squad responded to the scene and utilizing an explosive removal robot, removed items from the Hyundai. Included among these items were two rifle cases, a pair of black gloves and a second black Glock semi-automatic pistol contained in a holster.

DISTRICT COURT, COUNTY OF ARAPAHOE, COLORADO
Aurora Police Case Number 12-28181

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

James Holmes was transported to an interview room located on the third floor of the Aurora Police Department where Detective's Craig Appel #18562 and Chuck Mehl #16848 met with him. Holmes was advised of his rights per Miranda. James Holmes requested an attorney at which time the interview was concluded.

Detective Yacano interviewed Corbin Dates Dob: 07/12/1989. Dates advised that he was inside the theatre when this incident took place. Dates stated that he entered the theatre at approximately 11:30 P.M. and sat in the second row from the bottom near the emergency exit door. Dates stated he observed a male enter the theatre and sit in the first row in the end seat closest to the emergency exit door. Dates stated that he observed this male put his cell phone up to his ear as if he was receiving a phone call and go to the emergency exit door and prop the door open while he talked on the phone.

Dates stated that he (Dates) received a phone call and went to the lobby to meet a friend and when he returned to his seat this unknown male was no longer seated in the first row.

Dates advised that he then observed a party enter the theatre through the emergency exit door wearing a gas mask along with body armor. Dates stated that this party then threw a gas canister towards the seats at which time Dates said he (Dates) got on the ground then he began to hear gunfire.

Detective Tom Wilson informed your affiant that he spoke with Special Agent Jeff Russell from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Agent Russell provided Detective Wilson with firearm trace reports from the ATF database on the weapons recovered from the theatre crime scene and Hyundai. Detective Wilson informed your affiant that James Holmes purchased a Glock model 22, .40 caliber pistol from the Gander Mountain store located in Aurora, a Remington, model 870, 12 gauge, pump action, tactical shotgun and a Glock model 23, .40 caliber pistol from the Bass Pro Shops located in Denver and a Smith and Wesson, .223 caliber assault rifle from the Gander Mountain store located in Thornton.

Your affiant advises that on July 20th, 2010 Detective Yacano authored a search warrant for the white, 2000, Hyundai, Tiburon, 2 door, VIN #KMHJG25F8YU200570 bearing Colorado License Plate 119ROC. This search warrant was signed by the honorable Arapahoe County District Court Judge William Sylvester.

DISTRICT COURT, COUNTY OF ARAPAHOE, COLORADO
Aurora Police Case Number 12-28181

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

On July 20th, 2010, your affiant was present when the white, 2000, Hyundai, Tiburon, 2 door, VIN #KMHJG25F8YU200570 bearing Colorado License Plate 119ROC was seized and towed from the Century 16 Theatre at 14300 East Alameda Avenue. Your affiant followed the tow truck to the Aurora Police Evidence Bay at 13616 East Ellsworth Avenue in the City of Aurora, County of Arapahoe, State of Colorado where the vehicle was secured.

Your affiant advises that due to the immense undertaking of processing the Century 16 Theatre crime scene and the crime scene at James Holmes' residence at 1610 Paris Street, #10, Aurora Police Crime Scene Investigators were unavailable to process the Hyundai as of this time and thus the original search warrant has expired. Your affiant advises Crime Scene Investigators are now available to process this vehicle.

Due to the aforementioned facts and circumstances, this affiant requests that an additional search warrant be granted for the white, 2000, Hyundai, Tiburon, 2 door, VIN #KMHJG25F8YU200570 bearing Colorado License Plate 119ROC.

I HAVE READ THE foregoing statement, and the matters stated therein are true, to the best of my knowledge and belief.

Tom Sobieski

Affiant

SUBSCRIBED AND SWORN/AFFIRMED TO before me by

Detective Tom Sobieski

this 2nd day of August, A.D., 2012.

4:11 p.m.

Kurt Q. Horton

JUDGE

STATE OF COLORADO

COUNTY OF Arapahoe

SUPPRESSED

RETURN AND INVENTORY

REDACTED

Filed

The undersigned officer, being sworn says:

On July 21, 2012, I duly executed the within Search Warrant by taking into my possession from the place named in said Warrant certain property and the following is a true, complete and correct inventory of the property as taken:

Cellular telephone was downloaded utilizing Cellebrite technology; report was prepared and submitted as discovery.

I further certify that said Inventory was made Detective Michael Leiker # 5635

and that a copy of said Warrant and a receipt for property taken was given to James E. Holmes, through discovery the person from whom the property was taken.

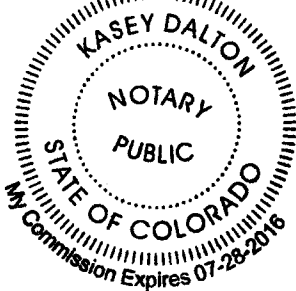
M. Yano

(Signature of Officer)

Sworn and subscribed to before me this 27 day of July, 2012.

Kasey Dalton
NOTARY PUBLIC

My Commission Expires: 7/28/2016



CLERK OF THE _____ COURT

By: _____
(Deputy Clerk)

THE INVENTORY SHALL BE MADE IN THE PRESENCE OF THE APPLICANT FOR THE WARRANT AND THE PERSON FROM WHOSE POSSESSION OR PREMISES OR VEHICLE THE PROPERTY WAS TAKEN, IF THEY ARE PRESENT, OR IN THE PRESENCE OF AT LEAST ONE CREDIBLE PERSON OTHER THAN THE APPLICANT FOR THE WARRANT OR THE PERSON FROM WHOSE POSSESSION OR PREMISES OR VEHICLE THE PROPERTY WAS TAKEN.

*ACCORDING TO FACT

SEE RULE 41(C)(D), COLORADO RULES OF CRIMINAL PROCEDURE.

RECEIPT

On the 31 day of July, 2012, I received the items listed in the foregoing inventory.

M. Yano

(Signature of Officer)

SUPPRESSED

SUPPRESSED

356

COUNTY/DISTRICT COURT
ARAPAHOE COUNTY, COLORADO
Court Address: Arapahoe County Justice Center
7325 S. Potomac St., Centennial, CO 80112
THE PEOPLE OF THE STATE OF COLORADO

vs

JAMES E. HOLMES,
Defendant.

Attorney:
CAROL CHAMBERS, 18th Judicial District Attorney
6450 S. Revere Pkwy., Centennial, CO 80112
Phone: (720) 874-8500
Atty. Reg. #: 14948

Filed in
Division

JUL 20 2012

DOUGLAS COMBINED COURTS

COURT USE ONLY

Case Number:

ORDER TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE

THIS COURT, being fully advised in the premises,

ORDERS that the ORDERS, SEARCH WARRANTS, AFFIDAVITS AND CASE
FILE, be Sealed from Public Inspection and remain sealed until further order of
either this Court or any Court with jurisdiction over any subsequently filed
charges.

DONE IN COURT this 20th day of July, 2012.



BY THE COURT:

Judge

SUPPRESSEDSTATE OF COLORADO)
) ss.
County of ARAPAHOE)

IN THE District COURT

18th JUDICIAL DISTRICT

Filed

JUL 24 2012

CLERK OF THE CO.
ARAPAHOE COUNTY, COLORADO**SEARCH WARRANT**

THE PEOPLE OF THE STATE OF COLORADO:

TO: Any officer authorized by law to execute a search warrant in the County wherein the property is located.

Detective Mark Yacano #15678, a commissioned Police Officer, having this date filed an Affidavit for Search Warrant in conformity with the provisions of Colorado Rules of Criminal Procedure 41(b) and (c) for the following described property, to-wit:

Any information contained in the memory of the cellular telephone, to include, but not limited to, the cellular numbers, cellular service providers, caller identifications displaying sent calls, received calls, dialed calls, missed calls, text messages received, text messages sent, text messages drafted, pictures taken, pictures received, pictures saved, videos taken, videos received, videos saved, audio taken, audio saved, emails sent, emails received, emails drafted, phone books displaying names, addresses, phone numbers, forwarding information and dates and times associated with the aforementioned information.

Believed to be situated at the place known as:

The Aurora Police Department, 15001 East Alameda Parkway, Aurora, CO. 80012, a Verizon cellular telephone further described as a black colored Apple iPhone, telephone number 858-449-7348, subscribed to by James Holmes.

upon one or more grounds as set forth in Rule 41 (b), Colorado Rules of Criminal Procedure, namely: is stolen or embezzled; is designed or intended for use or which is or has been used as a means of committing a criminal offense or the possession of which is illegal; would be material evidence in a subsequent criminal prosecution.

The names of persons whose affidavits have been taken in support hereof are: Detective Mark Yacano and as I am satisfied that grounds for the application exist, or that there is probable cause to believe that they exist, and that property is located on the premises above described, YOU ARE HEREBY COMMANDED to search forthwith the place above described for the property described and to seize the property described above at any time, day or night, and to make return of this Warrant to the CLERK of the COURT, and to deliver to the person from whom the property is taken a copy of this Warrant together with a receipt for the property taken; and to deliver to the CLERK of the COURT a written inventory of the property with the return of this Warrant.

Dated on July 20, 2012, at ArAPA hoe County, Colorado.

10:41 p.m.

K. HORTON

District Court Judge

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case # 2012-28181**

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

I, Detective Mark Yacano # 15678, the Affiant herein, being of lawful age and having been first duly sworn upon oath, depose and state that I am a commissioned police officer with the Aurora Police Department and I have probable cause to believe that there is located at the place known as:

The Aurora Police Department, 15001 East Alameda Parkway, Aurora, CO. 80012, a Verizon cellular telephone further described as a black colored Apple iPhone, telephone number 858-449-7348, subscribed to by James Holmes.

And upon person or persons within the above described structure.

The following property which is illegal to possess and would be material evidence in a subsequent criminal prosecution. My reasons for this belief follow the description of the property below.

Any information contained in the memory of the cellular telephone, to include, but not limited to, the cellular numbers, cellular service providers, caller identifications displaying sent calls, received calls, dialed calls, missed calls, text messages received, text messages sent, text messages drafted, pictures taken, pictures received, pictures saved, videos taken, videos received, videos saved, audio taken, audio saved, emails sent, emails received, emails drafted, phone books displaying names, addresses, phone numbers, forwarding information and dates and times associated with the aforementioned information.

THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH AND SEIZURE WARRANT EXIST ARE AS THE FOLLOWING:

Your Affiant, Detective Mark Yacano # 15678, of lawful age and being first duly sworn upon oath, depose and state that I am a commissioned Police Officer employed by the City of Aurora Police Department currently assigned to the Major Crime/Homicide Unit and that the following information was obtained by me personally and from official records of the aforementioned Department.

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theatres. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theatre. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theatre.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theatre. Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by Officer Jason Oviatt # 301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle on the driver side with the driver side door open.

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type utilized by the police. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James Holmes, DOB: 12-13-87 was then taken into custody. Officer Oviatt informed your affiant that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' advised that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address and that there were bombs inside his apartment and they would go off if the wires were tripped.

Your affiant spoke with Corbin Dates, DOB: 07-12-89 who advised that he was inside the theatre when this incident took place. Dates informed your affiant that he entered the theatre at approximately 11:30 P.M. Dates informed your affiant that he sat in the second row from the bottom near the emergency door. Dates observed a male enter the theatre and sit in the first row in the end seat closest to the emergency door. Dates informed your affiant that he observed this male put his cell phone up to his ear as if he was receiving a phone call and go to the emergency door and prop the door open while he talked on the phone.

Dates informed your affiant that he received a phone call and went to the lobby to meet a friend and when he returned to his seat this male was no longer seated in the first row. Dates informed your affiant that he observed the suspect enter the theatre through the emergency door and at this time the suspect was wearing a gas mask along with body armor. Dates informed your affiant that the suspect threw a gas canister towards the seats, and at that time Dates got on the ground and heard gunfire.

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

As Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was removed at the scene by officers during his arrest. Your affiant responded to this area and personally observed the following items that were removed from Holmes during his arrest: a pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstep. Your affiant also observed what appeared to be a silver cellular telephone among these items. Your affiant also observed a black assault type rifle on the ground directly outside the emergency exit door. Your affiant observed a great deal of blood on the sidewalk outside the door as numerous victims exited the theatre through this door.

Holmes was processed into the Aurora City Jail and during that processing he provided the telephone number of 858-449-7348. This phone number was queried through the law enforcement database CLEAR and determined that this number is serviced by Cellco Partnership dba Verizon Wireless. It was determined that Jason Holmes was listed as the subscriber for this cellular telephone. The address of 1690 Paris Street, # 10, Aurora, CO. 80010 was additionally listed with this information.

Officers from the Arapahoe County Sheriff's Department Bomb Squad responded and utilizing an explosive removal robot, removed items from the vehicle. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where Detectives Craig Appel # 18562 and Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theatre and entered auditorium # 9 where they located ten victims found to be deceased. Your affiant briefly observed the interior to auditorium # 9 and observed the following: a black shotgun on the floor several feet inside the theatre along with six empty shotgun shell casings. Your affiant additionally observed a green colored plastic doorstep attached to the emergency exit door. This item appeared to be similar to the plastic doorstep located among Holmes' property upon his arrest. Your affiant observed two .40 caliber magazines on the floor beside the shotgun, and several empty rifle shell casings on the floor. All of these items were observed on the floor at the front of the theatre.

Your affiant observed three additional rifle magazines that appeared to still have live rounds, a 90 round Beta Mag magazine and another .40 caliber magazine on the floor leading towards the lobby of the theatre on the west side of the seating area. Your affiant observed numerous deceased parties throughout the theatre.

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

Your affiant met briefly with Sergeant Matt Fyles # 26218 who provided your affiant with additional information regarding the deceased and injured parties. Sergeant Fyles advised that ten parties were pronounced deceased inside the theatre. Twenty individuals were shot and transported to University Hospital, with two deceased. Six individuals were shot and transported to Denver General Hospital, twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Sergeant Fyles also informed your affiant that upon Jason Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Officers from the Aurora Police SWAT Team responded to this address and established a perimeter on the apartment building.

Your affiant spoke with Detective Tom Wilson # 13163 who responded to this address. Detective Wilson informed your affiant that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene. Detective Wilson informed your affiant that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson informed your affiant that the explosive robot made entry to the apartment and immediately was stopped by trip wires. The explosive robot then utilized a camera and the interior to the apartment was viewed by officers. Detective Wilson informed your affiant that the camera observed the main room and observed additional trip wires that lead into different rooms within the apartment. Detective Wilson also informed your affiant that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed located throughout the apartment. Detective Wilson informed your affiant that the Denver Police Bomb Squad also responded and determined that entry to the apartment was too dangerous to send an officer inside.

FBI Agent Payne located a black Apple iPhone cellular telephone believed to belong to James Holmes inside the 2000 Hyundai, displaying Colorado registration 119-ROC that was parked on the south side of the theatre. Agent Payne collected this phone and placed it in a plastic evidence bag. Detective Chuck Mehl # 16848 then transported this phone to police headquarters.

Your affiant is aware that Apple iPhones contains information contained in the memory of the cellular telephone, to include, but not limited to, the cellular numbers, cellular service providers, caller identifications displaying sent calls, received calls, dialed calls, missed calls, text messages received, text messages sent, text messages drafted, pictures taken, pictures received, pictures saved, videos taken, videos received, videos saved, audio taken, audio saved, emails sent, emails received, emails drafted, phone books displaying names, addresses, phone numbers, forwarding information and dates and times associated with the aforementioned information.

Application is hereby made for issuance of a search warrant, directed to any officer authorized by law to execute warrants in the county wherein said property is located, commanding said officer to search forthwith the person or place named above for said property, and the said

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**APD Case #**

property and every part thereof, to take, remove, and seize using such force as may reasonably be required in the execution of the warrant, and directing that return thereof be made to the judge issuing the warrant.

Your affiant believes that this cellular telephone contains evidence relating to the planning of the crime, the purchase of weapons and ammunition, communications indicating the state of mind of James Holmes and his culpable mental state. Your affiant believes that information contained in this cellular telephone may contain communications between the suspect in this case and other potential suspects. Your affiant believes that information contained in this cellular telephone may assist in determining what methods of planning involved to carry out this crime.

The Affiant has read the above and foregoing application and affidavit, and the statements therein contained are true to the best of his/her knowledge, information, and belief.

M. Yarnold
Affiant

SUBSCRIBED AND SWORN to before me this 20th day of July,
A.D., 2012. 10:39 p.m.

K. Horton
District Court Judge

REDACTED 355

STATE OF COLORADO)
COUNTY OF ARAPAHOE)

SS: RETURN AND INVENTORY

Filed

DEC 14 2012

The undersigned officer, being sworn says:

CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

On July 23rd, 2012, I duly executed the within Search Warrant by taking into my possession from the place named in said Warrant, certain property, and the following is a true, complete and correct Inventory of the property as taken:

See attached Property Invoice.

SUPPRESSED

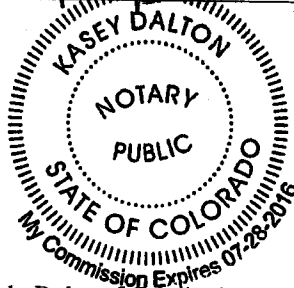
Tom Sobieski

(Signature of Officer)

SUBSCRIBED AND SWORN/AFFIRMED TO before me by Tom Sobieski
this 14 day of December, 2012.

Kasey Dalton
Notary Public

My Commission expires: 7/28/2016



Clerk of the _____ Court

By: _____
Deputy Clerk

*According to fact
See Rule 41(c)(d), Colorado Rules of Criminal Procedure.

RECEIPT

On December 15th, 2012, the item listed was received in the foregoing Inventory.

Tom Sobieski

(Signature of Officer)

①

FEL ☒
MIS ☐

NCIC Classification: **HOMICIDE**

EVIDENCE ☒ YES ☐ NO

JAMES E. HOLMES

PHONE**ADDRESS (Include Zip Code)****PHONE**

WHERE RECOVERED

ITEM #	STATUS	CODE	TYPE	ITEM - BRAND / MAKE, MODEL, COLOR, DESCRIPTION, ETC.	TOTAL VALUE EACH LINE	QUANTITY
188	6	77	Y	SIX BUCCAL SWABS FROM JAMES HOLMES	-	6
189	6	27	E	DVD - FINDINGS FROM COMPUTER PROCESSING BY LEIKER	-	1
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <h1>HOMICIDE</h1> </div>						

HOMICIDE

NARRATIVE	
DATE	TIME
BUCIAL SWAGS FOR RULE 16 EXEMPTED ON 10.01.12 BY FUGES, APPEL & WEISS	

A - "Crack" Cocaine	K - Other Hallucinogens
B - Cocaine	L - Amphetamines /
C - Hashish	Methamphetamines
D - Heroin	M - Other Stimulants
E - Marijuana	N - Barbiturates
F - Morphine	O - Other Depressants
G - Opium	P - Other Drugs
H - Other Narcotics	Q - Unknown
I - LSD	
J - PCP	

A - Block
B - Liquid
C - Plant
D - Powder
E - Rock
F - Sheet
Z - Other

GM - Gram
KG - Kilogram
OZ - Ounce
LB - Pound
ML - Milliliter
LT - Liter
GL - Gallon
DU - Dosage Units (Pills)
NP - Number of Plants

[illegible]

10.0512

0 8 OCT '12 S K

Page 1 of 1

SUPPRESSED

355

COUNTY/DISTRICT COURT
ARAPAHOE COUNTY, COLORADO
Court Address: Arapahoe County Justice Center
7325 S. Potomac St., Centennial, CO 80112
THE PEOPLE OF THE STATE OF COLORADO

vs

JAMES E. HOLMES,
Defendant.

Attorney:
CAROL CHAMBERS, 18th Judicial District Attorney
6450 S. Revere Pkwy., Centennial, CO 80112
Phone: (720) 874-8500
Atty. Reg. #: 14948

Filed in
Division

JUL 20 2012

DOUGLAS COMBINED COURTS

COURT USE ONLY

Case Number:

ORDER TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE

THIS COURT, being fully advised in the premises,

ORDERS that the ORDERS, SEARCH WARRANTS, AFFIDAVITS AND CASE FILE, be Sealed from Public Inspection and remain sealed until further order of either this Court or any Court with jurisdiction over any subsequently filed charges.

DONE IN COURT this 20th day of July, 2012.



BY THE COURT:

Judge

SUPPRESSED

DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO
CASE NO. _____ DIVISION _____

Filed 355
JUL 24 2012
CLERK OF THE COMBINED COUNTY
ARAPAHOE COUNTY, COLORADO

**SEARCH WARRANT
THE PEOPLE OF THE STATE OF COLORADO:**

TO: Any Officer authorized by law to execute a search warrant in the County wherein the property is located.

Detective Tom Sobieski #13669, having this date filed an Affidavit for Search Warrant with the provisions of Colorado Rules of Criminal Procedure, 41(b) and (c), for the following described property:

Any and all Information and data stored within the 10 listed items,

Including any and all Information relating to any written documents, diaries, memoirs, journals, notes, letters, memorandums, address/phone number listings, training records, certificates, photographs, videos, audio recordings, sent and received e-mails, chat line logs and communications, Internet web sites visited, Internet history, financial transactions detail, online purchases, user/owner identifications, computer registration information, and passwords whether or not these any of these items have been encrypted, password protected, previously deleted, or privatized to deny access in any other manner by any prior operator of the computer.

Any and all computer programs or software used in the operation of the computer system, used to transmit or receive information, used to display or print graphics or other types of files, and all other computer programs and software associated with the computer system to include all programs stored on the computer or other storage media.

Any and all correspondence, electronic mail (e-mail), letters, notes, memorandum, or other communications in written or oral form, stored on the listed items.

Any and all documents which serve the purpose of explaining the way in which the computer hardware, programs and data are used, including manuals for computer equipment or software, printouts of computer programs, data files or other information which has been or continues to be stored electronically or magnetically in the computer system.

Any and all computer programs or software used in the operation of the computer system, used to transmit or receive information, used to display or print graphics or other types of files, and all other computer programs and software associated with the computer system to include all programs stored on the computer or other storage media.

Said property is believed to be situated at the place described as:

- 1) **Black NZXT eCyberpower tower PC, model number: 8C-T2NL1-WWR, serial number: C11420301361; containing one Seagate 2TB HDD, model number: ST2000DM001, serial number: W2402PJS. (FBI evidence marked item: 1)**
- 2) **Black Lenovo tower PC, model number: IdeaCentre K230, serial number: SS09244663; containing one Western Digital 640 GB HDD, model number:**

WD6400AAKS, serial number: WMASY4742554. (FBI evidence marked item: 5)

- 3) Silver *Toshiba* laptop, model number L505D, serial number: 1A029002Q; containing one Toshiba 250 HDD, model number: MK2555GSX, serial number: Z98FCGA2T, with power adapter. (FBI evidence marked item: 11)**
- 4) Black *LePan* tablet PC, model number: TC970, serial number: no serial number visible; containing one 2GB SanDisk Micro SD Flash card, one box labeled with the TC970 serial number ZBTC976DFL12191 and also containing charging adapter. (FBI evidence marked item: 3 & 83)**
- 5) Black and gray metal, unknown manufacture, unknown size, USB thumb drive labeled with "Denver Anshutz Medical Campus Graduate School, ucdenver.edu/graduateschool." (FBI evidence marked item: 88)**
- 6) Black *Motorola* cable modem, model number: SB5101, serial number: 166958915902902401011107. (FBI evidence marked item: 32)**
- 7) Black USB *Netgear* wireless network adapter, model number: PTVU1000, serial number: 2RT1194M00EAB. (FBI evidence marked item: 2)**
- 8) Black USB *Netgear* Push2TV wireless adapter base unit, model number: PTVU1000, serial number: 2RT1194M00EAB (Note: Unit has same model number and serial number as previous listed item but is actually a different evidence item); containing one Black USB *Netgear* wireless network adapter, model number: PTVU1000, serial number: 2RT1194M00EAB. (FBI evidence marked item: 42)**
- 9) Black *DANE ELEC* 500 MB USB thumb drive, unknown model number or serial number. (FBI evidence marked item: 96)**
- 10) Gray and red *PNY* 256 MB, model Attache USB thumb drive, no serial number. (FBI evidence marked item: 96)**

Currently being held as evidence at the Aurora Police Department Crime Laboratory, 15001 E. Alameda Parkway, Aurora, CO 80012

Upon one or more grounds as set forth in Rule 41(b), Colorado Rules of Criminal Procedure, namely: is designed or intended to use or which is or has been used as a means of committing a criminal offense and would be material evidence in a subsequent criminal prosecution;

The name of the person whose affidavit has been taken in support hereof is Detective Tom Sobieski and as I am satisfied that grounds for the application exist, or that there is probable cause to believe that they exist, and that the property is located in the premises above described.

You are therefore commanded to search forthwith the property and the return thereof be made to the judge or clerk of the court issuing the warrant within 10 days of the date hereof, and to deliver to the person from whom the property is taken or from whose premises the property is taken a copy of this warrant together with a receipt for the property taken, or in lieu thereof, to leave the copy and receipt at the place from which

the property is taken; and to deliver to the Clerk of the court a written inventory of the property with the RETURN OF THIS WARRANT.

Dated on July 23, 2012, at Arapahoe County.
9:07 p.m.

Kurt G. Husted
JUDGE District Court Judge

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

Re: Holmes, James dob:12/13/1978

APD Case Number: 12-28181

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO
CASE NO. _____ DIVISION _____**APPLICATION AND AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**

I, Detective Tom Sobieski #13669, Affiant herein, being of lawful age and having been first duly sworn upon oath, depose and state that your affiant is a commissioned police officer with the Aurora Police Department, and your affiant has probable cause to believe that there is located at the place described as:

- 1) Black *NZXT* eCyberpower tower PC, model number: 8C-T2NL1-WWR, serial number: C11420301361; containing one Seagate 2TB HDD, model number: ST2000DM001, serial number: W2402PJS. (FBI evidence marked item: 1)
- 2) Black *Lenovo* tower PC, model number: IdeaCentre K230, serial number: SS09244663; containing one Western Digital 640 GB HDD, model number: WD6400AAKS, serial number: WMASY4742554. (FBI evidence marked item: 5)
- 3) Silver *Toshiba* laptop, model number L505D, serial number: 1A029002Q; containing one Toshiba 250 HDD, model number: MK2555GSX, serial number: Z98FCGA2T, with power adapter. (FBI evidence marked item: 11)
- 4) Black *LePan* tablet PC, model number: TC970, serial number: no serial number visible; containing one 2GB SanDisk Micro SD Flash card, one box labeled with the TC970 serial number ZBTC976DFL12191 and also containing charging adapter. (FBI evidence marked item: 3 & 83)
- 5) Black and gray metal, unknown manufacture, unknown size, USB thumb drive labeled with "Denver Anshutz Medical Campus Graduate School, ucdenver.edu/graduateschool." (FBI evidence marked item: 88)
- 6) Black *Motorola* cable modem, model number: SB5101, serial number: 166958915902902401011107. (FBI evidence marked item: 32)
- 7) Black USB *Netgear* wireless network adapter, model number: PTVU1000, serial number: 2RT1194M00EAB. (FBI evidence marked item: 2)
- 8) Black USB *Netgear* Push2TV wireless adapter base unit, model number: PTVU1000, serial number: 2RT1194M00EAB (Note: Unit has same model number and serial number as previous listed item but is actually a different evidence item); containing one Black USB *Netgear* wireless network adapter, model number: PTVU1000, serial number: 2RT1194M00EAB. (FBI evidence marked item: 42)
- 9) Black *DANE ELEC* 500 MB USB thumb drive, unknown model number or serial number. (FBI evidence marked item: 96)
- 10) Gray and red *PNY* 256 MB, model Attache USB thumb drive, no serial number.

(FBI evidence marked item: 96)

**Currently being held as evidence at the Aurora Police Department Crime Laboratory,
15001 E. Alameda Parkway, Aurora, CO 80012**

the following property, which has been used to commit a crime or is illegal to possess, and would be material evidence in a subsequent criminal prosecution. My reasons for this belief follow the description of the property below:

Any and all Information and data stored within the 10 listed items.

Including any and all Information relating to any written documents, diaries, memoirs, journals, notes, letters, memorandums, address/phone number listings, training records, certificates, photographs, videos, audio recordings, sent and received e-mails, chat line logs and communications, Internet web sites visited, Internet history, financial transactions detail, online purchases, user/owner identifications, computer registration information, and passwords whether or not these any of these items have been encrypted, password protected, previously deleted, or privatized to deny access in any other manner by any prior operator of the computer.

Any and all computer programs or software used in the operation of the computer system, used to transmit or receive information, used to display or print graphics or other types of files, and all other computer programs and software associated with the computer system to include all programs stored on the computer or other storage media.

Any and all correspondence, electronic mail (e-mail), letters, notes, memorandum, or other communications in written or oral form, stored on the listed items.

Any and all documents which serve the purpose of explaining the way in which the computer hardware, programs and data are used, including manuals for computer equipment or software, printouts of computer programs, data files or other information which has been or continues to be stored electronically or magnetically in the computer system.

Any and all computer programs or software used in the operation of the computer system, used to transmit or receive information, used to display or print graphics or other types of files, and all other computer programs and software associated with the computer system to include all programs stored on the computer or other storage media.

Your affiant is a commissioned police officer with the Aurora Police Department, currently assigned to the Major Crime/Homicide Unit, whose duties are to investigate homicide cases within the City of Aurora. The information contained in this affidavit was personally obtained by your affiant by talking with witnesses and officers of the Aurora Police Department, and reviewing official Aurora Police Department reports Case Number 12-28181.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several 911 calls reporting multiple gunshots being fired inside the Century 16 Theatres at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**Re: Holmes, James dob:12/13/1978****APD Case Number: 12-28181**

Numerous callers indicated that there were explosions and gunshots inside auditorium #9 and that several people had been shot and injured.

At approximately 12:40 A.M., numerous officers from the Aurora Police Department arrived on scene.

Your affiant advises that Officer Jason Sweeney #300364 arrived on scene and parked his vehicle to the south of the building where he was met by Officer Jason Oviatt #301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the east side the building directly next to the emergency exit for auditorium #9. This vehicle was parked facing the building and a male party was standing outside the vehicle on the driver side. The driver side front door was open.

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type that is currently utilized by the police. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male, who was taken into custody without incident and was identified by a Colorado Drivers License as James Holmes Dob: 12/13/1987.

Officer Oviatt stated that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' advised that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address (1690 Paris Street, #10, Aurora, CO) and that there were bombs inside his apartment that would go off if the wires were tripped.

Officers from the Aurora Police SWAT Team responded to 1690 Paris Street and immediately secured the apartment building.

As Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the Hyundai. Your affiant advises the following items were removed from Holmes during his arrest: a pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstep. A black assault type rifle was on the ground directly outside the emergency exit door near where the Hyndai was parked.

Your affiant observed a great deal of blood on the sidewalk outside the emergency exit door as numerous victims exited the theatre through this door.

Additional officers responded to the theatre and entered auditorium # 9 where they located ten victims deceased. A black Remington 12 gauge pump action shotgun was on the floor several feet inside the theatre's emergency exit door along with six empty shotgun shell casings.

Detective Mark Yacano #15678 observed a green colored plastic doorstep was attached to the emergency exit door. This item appeared to be similar to the plastic doorstep located among Holmes' property upon his arrest.

Detective Yacano also observed two .40 caliber handgun magazines on the floor beside the shotgun, and several empty rifle shell casings on the floor. All of these items were observed on the floor at the front of the theatre.

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**Re: Holmes, James dob:12/13/1978****APD Case Number: 12-28181**

Detective Yacano observed three additional rifle magazines that appeared to still have live rounds, a 90 round "Beta Mag" magazine and another .40 caliber handgun magazine on the floor leading towards the lobby of the theatre on the west side of the seating area.

Your affiant advises that ten parties were pronounced deceased inside the theatre. Twenty individuals who were shot were transported to University Hospital; with one deceased. Six individuals who were shot were transported to Denver Health Hospital; twelve individuals who were shot were transported to The Medical Center of Aurora. Six individuals who were shot were transported to Children's Hospital, with one deceased. Two victims who were shot were transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Your affiant advises Deputies from the Arapahoe County Sheriff's Office Bomb Squad responded and utilizing an explosive removal robot, removed items from the Hyundai. Included among these items were two rifle cases, a pair of black gloves and a second black semi-auto pistol in a holster.

Holmes was transported to an interview room located on the third floor of police headquarters where the Detective's Craig Appel #18562 and Chuck Mehl #16848 met with him. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Holmes was processed into the Aurora City Jail and during that processing he advised his address was 1690 Paris Street, #10, Aurora, CO. 80010.

Detective Yacano spoke with Corbin Dates Dob: 07/12/1989 who advised that he was inside the theatre when this incident took place. Dates stated that he entered the theatre at approximately 11:30 P.M. and sat in the second row from the bottom near the emergency door. Dates stated he observed a male enter the theatre and sit in the first row in the end seat closest to the emergency door. Dates stated that he observed this male put his cell phone up to his ear as if he was receiving a phone call and go to the emergency door and prop the door open while he talked on the phone.

Dates stated that he (Dates) received a phone call and went to the lobby to meet a friend and when he returned to his seat this unknown male was no longer seated in the first row.

Dates advised that he then observed a party enter the theatre through the emergency door wearing a gas mask along with body armor. Dates stated that this party then threw a gas canister towards the seats at which time Dates said he got on the ground then he began to hear gunfire.

Detective Tom Wilson informed your affiant that he spoke with Special Agent Jeff Russell from ATF. Agent Russell provided Detective Wilson with firearms trace reports from the ATF database on the weapons recovered from the scene. Detective Wilson informed your affiant that James Holmes purchased a Glock model 22, .40 caliber pistol at the Gander Mountain store located in Aurora. Detective Wilson informed your affiant that ATF discovered that James Holmes purchased a Remington model 870, tactical shotgun on May 28, 2012 from the Bass Pro Shops located in Denver. Detective Wilson informed your affiant that James Holmes purchased a Smith and Wesson .223 caliber assault rifle from the Gander Mountain store

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**Re: Holmes, James dob:12/13/1978****APD Case Number: 12-28181**

located in Thornton on June 7, 2012. Detective Wilson informed your affiant that James Holmes purchased a Glock model 23, .40 caliber pistol from Bass Pro Shops located in Denver on July 6, 2012.

On July 20th, 2012 FBI Agent Toni Payne located a black Apple iPhone cellular telephone believed to belong to James Holmes inside the 2000 Hyundai parked on the east side of the theatre. Agent Payne collected this phone as evidence.

Detective Yacano authored a search warrant for this iphone which was approved by the honorable Arapahoe County District Court Judge Kurt Horton.

Aurora Police Computer Forensic Examiner Detective Mike Lieker conducted a forensic exam on the iPhone. The device information showed the iPhones owners name as "Jame's iPhone" and that the phone was sync'd with a computer named "JAMES-PC".

Your affiant reviewed a few of the images from the iPhone. Image "img_0073.JPG" is a photograph of James Holmes wearing a black tactical vest holding an assault rifle. This image was captured on 07/05/2012. Image "img_0077.JPG" shows a photograph of the rear of the Century Theatre. This image was captured 07/05/2012. Image "img_0105.JPG" is a photograph of a white bowl that appears to contain gunpowder sitting next to a jar containing a liquid with wire leads coming out. This image was captured on 07/16/2012. Image "IMG_0112.JPG" shows James Holmes holding a black colored semi automatic pistol. This image was captured on 07/20/2012. Image "IMG_0109.JPG" is a photograph showing a gas mask, an assault rifle, a shotgun, a black tactical vest and other items. This image was captured 07/19/2012.

Your affiant advises that on July 20th, 2012 Detective Yacano authored a search warrant for 1690 Paris Street, #10, which was approved by the honorable Arapahoe County District Court Judge William Sylvester.

The warrant authorized the seizure of the following items:

Electronic data processing and storage devices, computers, and computer systems, including central processing units; internal and peripheral storage devices, such as fixed disks, external hard disks, floppy disk drives, and diskettes, tape drives and tapes, optical storage devices or other memory storage devices; peripheral input/output devices, such as keyboards, printers, video display monitors, optical readers, and related communication devices, such as modems; together with system documentation, operating logs, and documentation, software and instruction manuals.

Your affiant advises that on July 21st, 2012 Detective Wilson entered 1690 Paris Street and seized the following items and they are currently located at the Aurora Police Department Crime Laboratory, 15001 E. Alameda Parkway, Aurora, CO 80012.

:

1. Black NZXT eCyberpower tower PC, model number: 8C-T2NL1-WWR, serial number: C11420301361; containing one Seagate 2TB HDD, model number: ST2000DM001, serial number: W2402PJS. (FBI evidence marked item: 1)

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**Re: Holmes, James dob:12/13/1978****APD Case Number: 12-28181**

2. Black *Lenovo* tower PC, model number: IdeaCentre K230, serial number: SS09244663; containing one Western Digital 640 GB HDD, model number: WD6400AAKS, serial number: WMASY4742554. (FBI evidence marked item: 5)
3. Silver *Toshiba* laptop, model number L505D, serial number: 1A029002Q; containing one Toshiba 250 HDD, model number: MK2555GSX, serial number: Z98FCGA2T, with power adapter. (FBI evidence marked item: 11)
4. Black *LePan* tablet PC, model number: TC970, serial number: no serial number visible; containing one 2GB SanDisk Micro SD Flash card, one box labeled with the TC970 serial number ZBTC976DFL12191 and also containing charging adapter. (FBI evidence marked item: 3 & 83)
5. Black and gray metal, unknown manufacture, unknown size, USB thumb drive labeled with "Denver Anshutz Medical Campus Graduate School, ucdenver.edu/graduateschool." (FBI evidence marked item: 88)
6. Black *Motorola* cable modem, model number: SB5101, serial number: 166958915902902401011107. (FBI evidence marked item: 32)
7. Black USB *Netgear* wireless network adapter, model number: PTVU1000, serial number: 2RT1194M00EAB. (FBI evidence marked item: 2)
8. Black USB *Netgear* Push2TV wireless adapter base unit, model number: PTVU1000, serial number: 2RT1194M00EAB (Note: Unit has same model number and serial number as previous listed item but is actually a different evidence item); containing one Black USB *Netgear* wireless network adapter, model number: PTVU1000, serial number: 2RT1194M00EAB. (FBI evidence marked item: 42)
9. Black *DANE ELEC* 500 MB USB thumb drive, unknown model number or serial number. (FBI evidence marked item: 96)
10. Gray and red *PNY* 256 MB, model Attache USB thumb drive, no serial number. (FBI evidence marked item: 96)

Due to the complexity and technical knowledge required to perform the evidence recovery examination of any digital evidence, it will not be able to be completed within the ten day time period as digital evidence examinations require extended periods of time, many times several months, to complete. For this reason your affiant is further requesting authorization to conduct the examination of the digital evidence at a later date to be determined by computer forensic examiner(s) at the Aurora Police Department or the Rocky Mountain Regional Computer Forensics Lab (RMRCFL) for any and all Information and data stored within the listed items that were seized and described above.

Including any and all Information relating to any written documents, diaries, memoirs, journals, notes, letters, memorandums, address/phone number listings, training records, certificates, photographs, videos, audio recordings, sent and received e-mails, chat line logs and communications, Internet web sites visited, Internet history user/owner identifications, computer registration information, and passwords whether or not these any of these items have been

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

Re: Holmes, James dob:12/13/1978

APD Case Number: 12-28181

encrypted, password protected, previously deleted, or privatized to deny access in any other manner by any prior operator of the computer.

Any and all computer programs or software used in the operation of the computer system, used to transmit or receive information, used to display or print graphics or other types of files, and all other computer programs and software associated with the computer system to include all programs stored on the computer or other storage media.

Any and all correspondence, electronic mail (e-mail), letters, notes, memorandum, or other communications in written or oral form, stored on the listed items.

Any and all documents which serve the purpose of explaining the way in which the computer hardware, programs and data are used, including manuals for computer equipment or software, printouts of computer programs, data files or other information which has been or continues to be stored electronically or magnetically in the computer system.

Any and all computer programs or software used in the operation of the computer system, used to transmit or receive information, used to display or print graphics or other types of files, and all other computer programs and software associated with the computer system to include all programs stored on the computer or other storage media.

The dates of the weapon purchases and iPhone photographs indicate to your affiant that this event had been planned for a long period of time. In your affiants experience and training people often store images and plans for such an event on their computers and other electronic storage devices. Your affiant advises that searching the computers and electronic storage devices would lead to the discovery of additional evidence for possible future prosecution.

Based on the facts and information of the above, your affiant requests the issuance of a search warrant be granted for the above described property, directed to any officer authorized by law to execute warrants in the county wherein said property is located, commanding said officer to search forthwith the property, and directing that return thereof be made to the judge or clerk of the court issuing the warrant.

YOUR AFFIANT has read the foregoing statement, and the matters stated therein are true, to the best of my knowledge and belief.

Detective Tom Sobieski
Affiant

SUBSCRIBED AND SWORN before me by Detective Tom Sobieski
this 23rd day of July, A.D., 2012.
9:05 pm.

Kurt G. Horton
DISTRICT COURT JUDGE

REDACTED

Aurora Police Department Case No.: 2012-28181
FedEx Corporation

376

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

Filed

AUG - 1 2012

COURT No.:

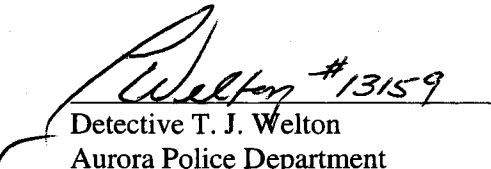
CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

**RETURN AND INVENTORY FOR COURT ORDER FOR PRODUCTION OF
RECORDS**

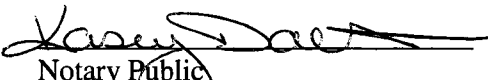
Pursuant to section 16-3-301.1, C.R.S., the undersigned peace officer has received from, Federal Express Corporation; the following business records pursuant to an order issued by this court, and served on the business on July 27, 2012. The records were received on July 31, 2012.

The records received were:

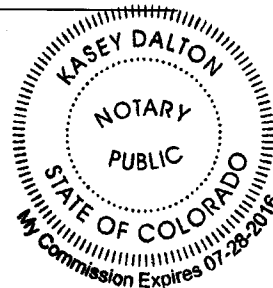
1. FedEx letter from Sr. Paralegal Specialist; Tracey Learned.
2. Certification of Business records
3. Billing, shipping and data base information
4. These records were received on paper and include (25) pages.


Detective T. J. Welton
Aurora Police Department
Major Crimes/Homicide Unit
15001 E. Alameda Parkway
Aurora. Colorado 80012

Subscribed and sworn to before me this 1 day of August, 2012.


Notary Public

7/28/2016
Commission expires



Filed with the court this 1st day of August, 2012

**DISTRICT OR COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF
COLORADO**

NO.: _____

APD Case # 2012-28181

Filed

COURT ORDER FOR PRODUCTION OF RECORDS JUL 27 2012

CLERK OF THE DISTRICT COURT
ARAPAHOE COUNTY, COLORADO

CO State I.D. Number: 19871391593

Federal Express Corporation

Registered Agent: The Corporation Company

Registered Agent Street Address: 1675 Broadway Suite 1200, Denver, CO 80202

Attention: Tracey Learned

Principal Street Address: 3620 Hacks Cross Road, Building B, 3rd Floor, Memphis, TN 38125

Principal Mailing Address: 942 S. Shady Grove Road, Memphis, TN 38120

Telephone: 901-434-8600

Facsimile: 901-434-9270

The court, upon review of an affidavit filed by Detective T. J. Welton #13159, a peace officer in support of the issuance of this order, hereby orders the production of the following records, for which there is probable cause to believe are in your actual or constructive possession or control:

For the period of February 1, 2012 to July 24, 2012, please produce copies of any and all records evidencing or otherwise related to the shipment and/or delivery of packages, parcels, and/or envelopes to or from 1690 North Paris Street #10, Aurora, Colorado 80010, and 13310 Sparren Avenue, San Diego, California 92129, any and all tracking numbers, to include but not limited to; tracking number=323448815010179 and tracking number=267192915546766. Responsive documents should include, but not limited to, shipping records, bills of lading, airfreight bills, declaration forms, account statements, billing and payment information, and records evidencing proof of delivery, any and all surveillance video captured related to the deliveries to or from the above address, and/or related to the described tracking labels. Any and all documents related to James E. Holmes at the aforementioned addresses to include the University of Colorado at Denver Anschutz Medical Campus, which is located in Aurora, Colorado.

The court also hereby finds probable cause to believe that the requested material constitutes records: for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding, and that such grounds and probable cause support the issuance of this order pursuant to §16-3-301.1, C.R.S.

**DISTRICT OR COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF
COLORADO**

NO.: _____

APD Case # 2012-28181

Pursuant to §16-3-301.1, C.R.S., the above-named business entity shall produce the above-described records within 30 days after the date this court order is served. The records shall be delivered to the Colorado criminal investigator or peace officer named in this order during normal business hours. The records shall be supplied in any form or format that is convenient for the business entity and that may be accessed by the named officer or the officer's agency or department. The business entity shall also provide a notarized statement that the records produced represent complete and accurate copies of all records identified in this order that are in the actual or constructive control of the business entity. If the business entity does not produce all records identified in this order, it shall identify the records not produced. Failure to comply with this order shall support a finding of contempt of court.

Pursuant to §16-3-301.1, C.R.S., the peace officer named below is hereby authorized to serve this order during normal business hours of the above-named business entity, and to receive the records during normal business hours of the business entity. Service shall issue in the same manner as a summons under C.R.C.P. 4 or by personal service on a manager or supervisor of the business entity. This order must be served within 10 days after the date it is issued. Upon receiving the records from the business entity, the criminal investigator or officer shall file a return and inventory with the court indicating the records that have been received, the total number of pages if supplied on paper, and the date upon which the records were received. The investigator or officer shall also file the original of the attestation of authenticity and completeness with the court.

All records shall be produced to:

Detective T. J. Welton #3159
Aurora Police Department
Major Crime/Homicide Unit
15001 East Alameda Parkway, Aurora CO 80012
twelton@auroragov.org

Further orders which the court deems necessary:

Dated this 27th day of July, 2012.

By the Court:

Judge

John L. Haggan DM-206

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

APPLICATION AND AFFIDAVIT FOR A COURT ORDER FOR PRODUCTION OF RECORDS, PURSUANT TO C.R.S. 16-3-301.1

I, Detective T. J. Welton #13159, the Affiant, under oath states: that the Affiant has reason to believe that the business entity described as:

CO State I.D. Number: 19871391593

Federal Express Corporation

Registered Agent: The Corporation Company

Registered Agent Street Address: 1675 Broadway Suite 1200, Denver, CO 80202

Attention: Tracey Learned

Principal Street Address: 3620 Hacks Cross Road, Building B, 3rd Floor, Memphis, TN 38125

Principal Mailing Address: 942 S. Shady Grove Road, Memphis, TN 38120

Telephone: 901-434-8600

Facsimile: 901-434-9270

is in actual or constructive control of certain records, to wit:

For the period of February 1, 2012 to July 24, 2012, please produce copies of any and all records evidencing or otherwise related to the shipment and/or delivery of packages, parcels, and/or envelopes to or from 1690 North Paris Street #10, Aurora, Colorado 80010, and 13310 Sparren Avenue, San Diego, California 92129, any and all tracking numbers, to include but not limited to; tracking number=323448815010179 and tracking number=267192915546766. Responsive documents should include, but not limited to, shipping records, bills of lading, airfreight bills, declaration forms, account statements, billing and payment information, and records evidencing proof of delivery, any and all surveillance video captured related to the deliveries to or from the above address, and/or related to the described tracking labels. Any and all documents related to James E. Holmes at the aforementioned addresses to include the University of Colorado at Denver Anschutz Medical Campus, which is located in Aurora, Colorado.

for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**APD Case # 2012-28181**

THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH WARRANT EXIST ARE THE FOLLOWING:

The Affiant, Detective T. J. Welton, a peace officer, being duly sworn upon oath, says that the facts stated herein are true. Your Affiant is a commissioned Police Officer employed by the City of Aurora Police Department assigned to the Major Crime/Homicide Unit and that the following information was obtained by your Affiant personally from official records of the aforementioned Department related to Aurora Police Department case number: 2012-28181.

Your Affiant further advises that he is a commissioned Police Officer for the Aurora Police Department and have been so employed since November 1985. Your Affiant is currently assigned to the Aurora Police Departments Major Crime/Homicide Unit and has been so assigned since June 2004. Your Affiant's primary function is to investigate all major crimes to include, but not limited to Homicides, aggravated assaults, suicides, suspicious deaths and missing persons within the city of Aurora. Prior to being assigned to the Major Crimes Unit, your Affiant was assigned to the Aurora Police Departments District 1 property crimes unit from January 2004 to June 2004. Prior to that, your Affiant was assigned to the Aurora Police Departments Vice and Narcotics Unit from April 1996 until January 2004. Upon completing the Aurora Police Department training academy, your Affiant was assigned to the Aurora Police Departments patrol bureau from March 1986 until April 1996.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theaters. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theater. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theater.

Your Affiant advises the court, that on July 20, 2012, at approximately 12:05 A.M., Century 16 Theater was showing Batman: The Dark Knight Rises in auditoriums 8 and 9.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theater. Commissioned Aurora Police Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by commissioned Aurora Police Officer Jason Oviatt # 301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle at the driver side with the driver side door standing open.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

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Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type currently being utilized by law enforcement. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James E. Holmes, DOB: 12/13/1987 was then taken into custody. Officer Oviatt informed commissioned Aurora Police Officer, Detective Mark Yacano that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' stated that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address and stated that there were bombs inside his apartment and they would go off if the wires were tripped.

On July 20, 2012, at approximately 01:45 hours, your affiant arrived at the Century 16 Theaters, located at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado. During a briefing of the incident, your Affiant was handed a brown wallet and told that it belonged to the shooting suspect that is now in custody.

Your Affiant examined the contents of the wallet and found a University of Colorado at Denver medical campus student graduate school identification card. That identification card was issued to James E. Holmes and contained the photo image of a white male. Except for the hair color in the photo; the image of the white male is that of the person that is now in custody for the crime now being investigated.

Your Affiant also found a blank check, and credit cards issued to James Holmes that were located inside the wallet along with \$280.00 in U.S. currency. Your Affiant copied the contents of the wallet and placed the original items into evidence.

Detective Yacano spoke with Corbin Dates, DOB: 07/12/1989 who advised that he was inside the theater when this incident took place. Dates informed Detective Yacano that he entered the theater at approximately 11:30 P.M. Dates informed Detective Yacano that he sat in the second row from the bottom near the emergency exit. Dates observed a male subject enter the theater and sit in the first row in the end seat closest to the emergency exit.

Dates informed Detective Yacano that he observed this male subject put his cell phone up to his ear as if he was receiving a phone call and walk to the emergency exit; the male subject propped the door open while he talked on the phone.

Dates informed Detective Yacano that he then received a phone call and walked to the lobby to meet a friend. Dates stated that when he returned to his seat the male subject was no longer seated in the first row.

Dates informed Detective Yacano that he then observed the suspect enter the theater through the emergency exit door wearing a gas mask along with body armor. Dates informed Detective Yacano that the suspect threw a gas canister towards the seats, and at that time Dates got on the ground and heard gunfire.

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Your Affiant advises that as Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was removed at the scene by officers during his arrest. Detective Yacano responded to this area and personally observed the following items that were removed from Holmes during his arrest:

A pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstep. Detective Yacano also observed what appeared to be a silver cellular telephone among these items. Detective Yacano also observed a black assault type rifle on the ground directly outside the emergency exit door. Detective Yacano advised that he observed a large amount of blood on the sidewalk outside the door as numerous victims exited the theater through this door.

Holmes was processed into the Aurora City Jail and during that processing he provided the Aurora Police Department telephone number 858-449-7348. This phone number was queried through the law enforcement database CLEAR and determined that this number is serviced by Cellco Partnership dba; Verizon Wireless. It was determined that Jason Holmes was listed as the subscriber for this cellular telephone. The address associated with the cellular phone subscriber is identified as; 1690 Paris Street, # 10, Aurora, Colorado. 80010

Law Enforcement Officers from the Arapahoe County Sheriff's Department Bomb Squad responded to the scene; utilizing an explosive removal robot, they removed items from the white Hyundai. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where commissioned Aurora Police Officers, Detective Craig Appel # 18562 and Detective Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theater and entered auditorium # 9 where they located ten victims found to be deceased. Detective Yacano briefly observed the interior of auditorium # 9 and observed the following:

A black shotgun setting on the floor several feet inside the theater and six empty shotgun shell casings. Detective Yacano additionally observed a green colored plastic doorstep attached to the emergency exit door. This item appeared to be similar to the plastic doorstep located among Holmes' property upon his arrest. Detective Yacano observed two .40 caliber magazines on the floor beside the shotgun, and several empty rifle shell casings setting on the floor. All of these items were observed on the floor at the front of the theater.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

Detective Yacano observed three additional rifle magazines that appeared to contain live rounds, a ninety round Beta Mag magazine and another .40 caliber magazine setting on the floor leading towards the lobby of the theater, located at the west side of the seating area. Detective Yacano stated that he observed numerous deceased parties throughout the theater auditorium.

Detective Yacano stated that he met briefly with commissioned Aurora Police Officer, Sergeant Matt Fyles # 26218 who provided additional information regarding the deceased and injured parties. Sergeant Fyles advised that ten parties were pronounced deceased inside the theater. Twenty individuals were shot and transported to University Hospital, with one deceased. Six individuals were shot and transported to Denver General Hospital; twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Sergeant Fyles also stated that upon James Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Law enforcement officers from the Aurora Police Departments SWAT Team responded to this address and established a perimeter around the apartment building.

Detective Yacano stated that he spoke with commissioned Aurora Police Officer, Detective Tom Wilson # 13163 who responded to the Paris Street address. Detective Wilson informed Detective Yacano that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene.

Detective Wilson informed Detective Yacano that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson stated that the explosive robot made entry to the apartment and immediately was stopped by trip wires.

Detective Wilson stated that the explosive robot then utilized a camera which allowed law enforcement officers to view the apartment interior. Detective Wilson stated that the camera viewed the main room at which time additional trip wires that lead into different rooms within the apartment were discovered.

Detective Wilson stated that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed throughout the apartment. Detective Wilson stated that the Denver Police Bomb Squad responded and determined that entry into the apartment was too dangerous.

Detective Tom Wilson stated that he spoke with Special Agent Jeff Russell from ATF. Agent Russell provided Detective Wilson with firearms trace reports from the ATF database reference the weapons recovered from the scene.

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Through the information provided by ATF, Detective Wilson learned that James Holmes purchased a Glock model 22, .40 caliber pistol at the Gander Mountain store located in Aurora, Colorado. ATF also discovered that James Holmes purchased a Remington model 870, tactical shotgun on May 28, 2012 from the Bass Pro Shops located in Denver, Colorado, a Smith and Wesson .223 caliber assault rifle from the Gander Mountain store located in Thornton, Colorado on June 7, 2012, and a Glock model 23, .40 caliber pistol from Bass Pro Shops located in Denver, Colorado on July 6, 2012.

Detective Wilson also recovered a rental agreement for 1690 North Paris Street #10, Aurora, Colorado 80010. Your Affiant reviewed that rental agreement and found that James Eagan Holmes signed a one year lease on April 20, 2011 that commenced at 12:00 P.M. on May 1, 2011 and ending at 12:00 P.M. on May 1, 2012.

Further review of the rental agreement indicated that James Eagan Holmes signed a six month lease for 1690 North Paris Street #10, Aurora, Colorado 80010, on April 18, 2012 that commenced at 12:00 P.M. on May 1, 2012 and ending at 12:00 P.M. on November 1, 2012.

Your Affiant also found that the rental agreement identified Arlene Holmes at 13310 Sparrow Avenue, San Diego, California as being James Eagan Holmes' emergency contact.

On July 20, 2012, FBI Agent Payne located a black Apple iPhone cellular telephone believed to belong to James Holmes inside the 2000 Hyundai displaying Colorado registration 119-ROC that was parked on the south side of the theater. Agent Payne collected this phone and placed it in a plastic evidence bag. Detective Chuck Mehl then transported this phone to the Aurora Police Department.

Detective Yacano authored an affidavit requesting a search warrant to authorize members of the Aurora Police Department to examine the iPhone recovered from James Holmes' white 2000 Hyundai. Detective Yacano submitted the affidavit to the Honorable Judge Horton in Arapahoe County. After reviewing the affidavit, Judge Horton granted a search warrant for the iPhone.

On July 21, 2012, commissioned Aurora Police Officer, Detective Mike Leiker executed the search warrant for the iPhone. During his forensic examination Detective Leiker identified the cellular telephone number to be 858-449-7348.

Detective Leiker also recovered four e-mail addresses associated with that iPhone. Those e-mail addresses are identified as; dsherlockb@gmail.com, dsherlockb@hotmail.com, james.e.holmes@ucdenver.edu, classic.jimbo@gmail.com

Further examination of the iPhone contents indicated that numerous emails were sent and received from the iPhone utilizing the above listed e-mails.

Detective Leiker also recovered numerous photographs from the iPhone containing images of James E. Holmes with reddish/orange hair. Your Affiant viewed the photos and observed that

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

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there were four photos captured on June 29, 2012 at approximately 4:20 p.m. Those photos contained images of the interior and specifically the door jamb of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

Your Affiant viewed two photos that were captured on July 5, 2012 at approximately 10:30 P.M. Those photos contained images of the exterior of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

Your Affiant viewed several photos containing the images of James E. Holmes wearing ballistic/tactical gear, holding what appeared to be a black semi-auto handgun, detonation devices, gas canisters, powder and liquid.

Detective Leiker also recovered mobile tracking information reference FedEx during the forensic examination of the iPhone. Detective Leiker identified FedEx tracking information dated; 07/11/2012 at approximately 2:08 A.M. The tracking number is identified as: 323448815010179.

Your Affiant contacted Steve Neely with FedEx security. Mr. Neely confirmed that FedEx made approximately ten (10) deliveries to 1690 North Paris Street #10, Aurora, Colorado between February 2012 and July 2012. Mr. Neely also advised your Affiant that FedEx records are searched by address and tracking numbers; not by name.

Mr. Neely also informed your Affiant that he located two FedEx deliveries to 13310 Sparren Avenue, San Diego, California during the February 2012 and July 2012 time frame. Mr. Neely stated that those deliveries appeared to be from cellular telephone companies.

Mr. Neely advised your Affiant that FedEx was currently in possession of two videos captured from FedEx security cameras. Mr. Neely identified one of those videos as being from the FedEx office print & ship center, which is located at; 13700 East Colfax Avenue #F, Aurora, Colorado 80011. Mr. Neely advised your Affiant that this video was related to packages delivered to James Holmes and that an individual believed to be James Holmes is videotaped picking up those packages from the FedEx office print & ship center.

Mr. Neely stated that the second video captured was from a FedEx office in Clearwater, Florida on July 11, 2012. Mr. Neely advised that the video contained footage of an unknown male sending a package to 1690 North Paris Street #10, Aurora, Colorado. Mr. Neely stated that the sender declared the value of that package to be \$700.00.

Mr. Neely identified to your Affiant six (6) FedEx ground packages from BulkAmmo.com. The order date is identified as: 06/28/2012 at approximately 6:41 P.M. The buyer is identified as; James Holmes and the buyer's phone number is identified as; 303-326-0534.

Mr. Neely advised your Affiant that those packages were shipped from BulkAmmo.com on 6/29/2012 and the tracking number is identified as; 267192915546766.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

Mr. Neely stated that the FedEx Corporation has several individual entities associated with the company and suggested that your Affiant complete court orders for the following: Federal Express Corporation, FedEx Ground Package System, Inc. FedEx Office and Print Services, Inc. and FedEx Freight, Inc.

Mr. Neely advised your Affiant that although these entities are part of the Federal Express Corporation, they each have different methods for searching for the information your Affiant is requesting.

Mr. Neely also informed you Affiant that once the court orders are obtained; your Affiant is to serve those orders to Mr. Neely at his office, which is located at 26900 East 75th Avenue, Denver, Colorado 80249.

Your Affiant reviewed the Aurora Police Department custody report reference James E. Holmes' arrest in this incident. According to that custody report; James E. Holmes identified his parent's home address as; 13310 Sparren Avenue, San Diego, California 92129.

On July 21, 2012, at approximately 6:05 P.M., commissioned Aurora Police Officer, Sergeant Bob Wesner advised your Affiant that he had spoken to University of Colorado Police Officer, Lynn Whitten. Officer Whitten advised that she had spoken to Lynne Fenton; a student psychologist.

Officer Whitten advised Sergeant Wesner that Lynne Fenton had contacted Officer Whitten reference James E. Holmes on June 12, 2012. Lynne Fenton described James E. Holmes as having Homicidal thoughts and also stated that James E. Holmes had threatened and harassed her via e-mail/text messages.

Officer Whitten Advised Sergeant Wesner that she had deactivated James E. Holmes' I.D. on June 12, 2012 due to that complaint. On July 21, 2012, your Affiant spoke to Steve Zweck-Bronner, UC Denver Medical Campus representative. Mr. Zweck-Bronner advised be that the medical facility uses an electronic locking mechanism throughout the campus to secure labs and classrooms. The deactivation of a student's I.D. card prevents that student from entering any locked facility.

Sergeant Wesner attempted to obtain University of Colorado at Denver Anschutz Medical Campus school records, which included academic/scholastic, e-mail and student health services records for James E. Holmes. Sergeant Wesner was advised by CU personnel that those records could not be released without a court order.

Your affiant believes that the Federal Express Corporation records contain information that would indicate deliveries of ammunition, ballistic/tactical gear, certain apparatus used to manufacture chemicals and/or gas, and other items that were delivered to James E. Holmes at 1690 North Paris Street #10, Aurora, Colorado, and that this information will assist investigators


AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

in determining from whom James E. Holmes may have obtained or sent those items before, during and after this incident. Your affiant believes that information contained in those records may assist in determining what methods of planning may have been involved to carry out this crime as well.

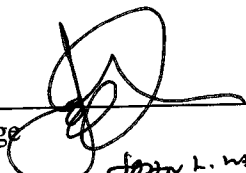
Based on the foregoing facts and circumstances, your affiant has probable cause to believe that the Federal Express Corporation records are in the actual or constructive control of the business entity and that there is probable cause for the issuance of a court order under C.R.S. 16-3-301.1. Application is hereby made for issuance of a court order directing the Federal Express Corporation to produce the described records within thirty days after the date this court order is served and deliver the records to the affiant.

The Affiant has read the above and foregoing application and affidavit, and the statements therein contained are true to the best of his knowledge, information and belief.

 #13159

Affiant

Subscribed and sworn before me this 27th day of JULY, 2012.



Judge John L. Hartzel DV 206

SUPPRESSED

Aurora Police Department Case No.: 2012-28181
FedEx Ground

REDACTED
375
JR

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

AUG 30 2012

COURT No.:

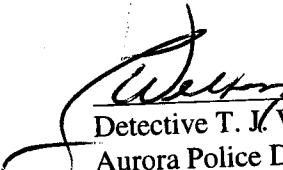
CLERK OF THE DISTRICT COURT
ARAPAHOE COUNTY, COLORADO

**RETURN AND INVENTORY FOR COURT ORDER FOR PRODUCTION OF
RECORDS**


Pursuant to section 16-3-301.1, C.R.S., the undersigned peace officer has received from, Federal Express Ground Package System, Inc.; the following business records pursuant to an order issued by this court, and served on the business on July 27, 2012. The records were received on or about August 3, 2012 and reviewed by me on August 24, 2012.

The records received were:

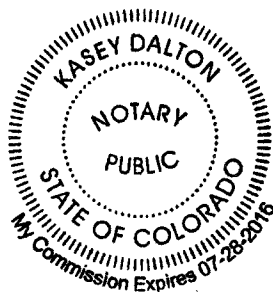
1. FedEx letter from Sr. Paralegal Specialist; Susannah Gilberti.
2. Certification of Business records
3. Billing, shipping and data base information
4. These records were received on paper and include (17) pages.
5. One CD


7W #13159
Detective T. J. Welton
Aurora Police Department
Major Crimes/Homicide Unit
15001 E. Alameda Parkway
Aurora. Colorado 80012

Subscribed and sworn to before me this 28 day of August, 2012.


Notary Public

7/28/2016
Commission expires



**DISTRICT OR COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF
COLORADO**

NO.: _____

APD Case # 2012-28181

Filed

JUL 27 2012

CLERK OF THE COMBINED COUNTY
ARAPAHOE COUNTY, COLORADO

COURT ORDER FOR PRODUCTION OF RECORDS

CO State I.D. Number: 19961095977

FedEx Ground Package System, Inc

Registered Agent: The Corporation Company

Registered Agent Street Address: 1675 Broadway Suite 1200, Denver, CO 80202

Attention: Legal Department

Principal Street Address: 1000 FedEx Drive, Moon Township, PA 15108

Telephone: 412-747-8445

Facsimile: 412-859-5450

The court, upon review of an affidavit filed by Detective T. J. Welton #13159, a peace officer in support of the issuance of this order, hereby orders the production of the following records, for which there is probable cause to believe are in your actual or constructive possession or control:

For the period of February 1, 2012 to July 24, 2012, please produce copies of any and all records evidencing or otherwise related to the shipment and/or delivery of packages, parcels, and/or envelopes to or from 1690 North Paris Street #10, Aurora, Colorado 80010, and 13310 Sparren Avenue, San Diego, California 92129, any and all tracking numbers, to include but not limited to; tracking number=323448815010179 and tracking number=267192915546766. Responsive documents should include, but not limited to, shipping records, bills of lading, airfreight bills, declaration forms, account statements, billing and payment information, and records evidencing proof of delivery, any and all surveillance video captured related to the deliveries to or from the above address, and/or related to the described tracking labels. Any and all documents related to James E. Holmes at the aforementioned addresses to include the University of Colorado at Denver Anschutz Medical Campus, which is located in Aurora, Colorado.

The court also hereby finds probable cause to believe that the requested material constitutes records: for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding, and that such grounds and probable cause support the issuance of this order pursuant to §16-3-301.1, C.R.S.

**DISTRICT OR COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF
COLORADO**

NO.: _____

APD Case # 2012-28181

Pursuant to §16-3-301.1, C.R.S., the above-named business entity shall produce the above-described records within 30 days after the date this court order is served. The records shall be delivered to the Colorado criminal investigator or peace officer named in this order during normal business hours. The records shall be supplied in any form or format that is convenient for the business entity and that may be accessed by the named officer or the officer's agency or department. The business entity shall also provide a notarized statement that the records produced represent complete and accurate copies of all records identified in this order that are in the actual or constructive control of the business entity. If the business entity does not produce all records identified in this order, it shall identify the records not produced. Failure to comply with this order shall support a finding of contempt of court.

Pursuant to §16-3-301.1, C.R.S., the peace officer named below is hereby authorized to serve this order during normal business hours of the above-named business entity, and to receive the records during normal business hours of the business entity. Service shall issue in the same manner as a summons under C.R.C.P. 4 or by personal service on a manager or supervisor of the business entity. This order must be served within 10 days after the date it is issued. Upon receiving the records from the business entity, the criminal investigator or officer shall file a return and inventory with the court indicating the records that have been received, the total number of pages if supplied on paper, and the date upon which the records were received. The investigator or officer shall also file the original of the attestation of authenticity and completeness with the court.

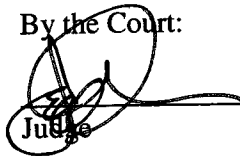
All records shall be produced to:

Detective T. J. Welton #3159
Aurora Police Department
Major Crime/Homicide Unit
15001 East Alameda Parkway, Aurora CO 80012
twelton@auroragov.org

Further orders which the court deems necessary:

Dated this 2nd day of July, 2012.

By the Court:


Judge

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case #2012-28181

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

APPLICATION AND AFFIDAVIT FOR A COURT ORDER FOR PRODUCTION OF RECORDS, PURSUANT TO C.R.S. 16-3-301.1

I, Detective T. J. Welton #13159, the Affiant, under oath states: that the Affiant has reason to believe that the business entity described as:

CO State I.D. Number: 19961095977

FedEx Ground Package System, Inc

Registered Agent: The Corporation Company

Registered Agent Street Address: 1675 Broadway Suite 1200, Denver, CO 80202

Attention: Legal Department

Principal Street Address: 1000 FedEx Drive, Moon Township, PA 15108

Telephone: 412-747-8445

Facsimile: 412-859-5450

is in actual or constructive control of certain records, to wit:

For the period of February 1, 2012 to July 24, 2012, please produce copies of any and all records evidencing or otherwise related to the shipment and/or delivery of packages, parcels, and/or envelopes to or from 1690 North Paris Street #10, Aurora, Colorado 80010, and 13310 Sparren Avenue, San Diego, California 92129, any and all tracking numbers, to include but not limited to; tracking number=323448815010179 and tracking number=267192915546766. Responsive documents should include, but not limited to, shipping records, bills of lading, airfreight bills, declaration forms, account statements, billing and payment information, and records evidencing proof of delivery, any and all surveillance video captured related to the deliveries to or from the above address, and/or related to the described tracking labels. Any and all documents related to James E. Holmes at the aforementioned addresses to include the University of Colorado at Denver Anschutz Medical Campus, which is located in Aurora, Colorado.

for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**APD Case #2012-28181**

THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH WARRANT EXIST ARE THE FOLLOWING:

The Affiant, Detective T. J. Welton, a peace officer, being duly sworn upon oath, says that the facts stated herein are true. Your Affiant is a commissioned Police Officer employed by the City of Aurora Police Department assigned to the Major Crime/Homicide Unit and that the following information was obtained by your Affiant personally from official records of the aforementioned Department related to Aurora Police Department case number: 2012-28181.

Your Affiant further advises that he is a commissioned Police Officer for the Aurora Police Department and have been so employed since November 1985. Your Affiant is currently assigned to the Aurora Police Departments Major Crime/Homicide Unit and has been so assigned since June 2004. Your Affiant's primary function is to investigate all major crimes to include, but not limited to Homicides, aggravated assaults, suicides, suspicious deaths and missing persons within the city of Aurora. Prior to being assigned to the Major Crimes Unit, your Affiant was assigned to the Aurora Police Departments District 1 property crimes unit from January 2004 to June 2004. Prior to that, your Affiant was assigned to the Aurora Police Departments Vice and Narcotics Unit from April 1996 until January 2004. Upon completing the Aurora Police Department training academy, your Affiant was assigned to the Aurora Police Departments patrol bureau from March 1986 until April 1996.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theaters. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theater. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theater.

Your Affiant advises the court, that on July 20, 2012, at approximately 12:05 A.M., Century 16 Theater was showing Batman: The Dark Knight Rises in auditoriums 8 and 9.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theater. Commissioned Aurora Police Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by commissioned Aurora Police Officer Jason Oviatt # 301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle at the driver side with the driver side door standing open.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**APD Case #2012-28181**

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type currently being utilized by law enforcement. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James E. Holmes, DOB: 12/13/1987 was then taken into custody. Officer Oviatt informed commissioned Aurora Police Officer, Detective Mark Yacano that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' stated that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address and stated that there were bombs inside his apartment and they would go off if the wires were tripped.

On July 20, 2012, at approximately 01:45 hours, your affiant arrived at the Century 16 Theaters, located at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado. During a briefing of the incident, your Affiant was handed a brown wallet and told that it belonged to the shooting suspect that is now in custody.

Your Affiant examined the contents of the wallet and found a University of Colorado at Denver medical campus student graduate school identification card. That identification card was issued to James E. Holmes and contained the photo image of a white male. Except for the hair color in the photo; the image of the white male is that of the person that is now in custody for the crime now being investigated.

Your Affiant also found a blank check, and credit cards issued to James Holmes that were located inside the wallet along with \$280.00 in U.S. currency. Your Affiant copied the contents of the wallet and placed the original items into evidence.

Detective Yacano spoke with Corbin Dates, DOB: 07/12/1989 who advised that he was inside the theater when this incident took place. Dates informed Detective Yacano that he entered the theater at approximately 11:30 P.M. Dates informed Detective Yacano that he sat in the second row from the bottom near the emergency exit. Dates observed a male subject enter the theater and sit in the first row in the end seat closest to the emergency exit.

Dates informed Detective Yacano that he observed this male subject put his cell phone up to his ear as if he was receiving a phone call and walk to the emergency exit; the male subject propped the door open while he talked on the phone.

Dates informed Detective Yacano that he then received a phone call and walked to the lobby to meet a friend. Dates stated that when he returned to his seat the male subject was no longer seated in the first row.

Dates informed Detective Yacano that he then observed the suspect enter the theater through the emergency exit door wearing a gas mask along with body armor. Dates informed Detective

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case #2012-28181

Yacano that the suspect threw a gas canister towards the seats, and at that time Dates got on the ground and heard gunfire.

Your Affiant advises that as Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was removed at the scene by officers during his arrest. Detective Yacano responded to this area and personally observed the following items that were removed from Holmes during his arrest:

A pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstep. Detective Yacano also observed what appeared to be a silver cellular telephone among these items. Detective Yacano also observed a black assault type rifle on the ground directly outside the emergency exit door. Detective Yacano advised that he observed a large amount of blood on the sidewalk outside the door as numerous victims exited the theater through this door.

Holmes was processed into the Aurora City Jail and during that processing he provided the Aurora Police Department telephone number 858-449-7348. This phone number was queried through the law enforcement database CLEAR and determined that this number is serviced by Cellco Partnership dba; Verizon Wireless. It was determined that Jason Holmes was listed as the subscriber for this cellular telephone. The address associated with the cellular phone subscriber is identified as; 1690 Paris Street, # 10, Aurora, Colorado. 80010

Law Enforcement Officers from the Arapahoe County Sheriff's Department Bomb Squad responded to the scene; utilizing an explosive removal robot, they removed items from the white Hyundai. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where commissioned Aurora Police Officers, Detective Craig Appel # 18562 and Detective Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theater and entered auditorium # 9 where they located ten victims found to be deceased. Detective Yacano briefly observed the interior of auditorium # 9 and observed the following:

A black shotgun setting on the floor several feet inside the theater and six empty shotgun shell casings. Detective Yacano additionally observed a green colored plastic doorstep attached to the emergency exit door. This item appeared to be similar to the plastic doorstep located among Holmes' property upon his arrest. Detective Yacano observed two .40 caliber magazines on the

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**APD Case #2012-28181**

floor beside the shotgun, and several empty rifle shell casings setting on the floor. All of these items were observed on the floor at the front of the theater.

Detective Yacano observed three additional rifle magazines that appeared to contain live rounds, a ninety round Beta Mag magazine and another .40 caliber magazine setting on the floor leading towards the lobby of the theater, located at the west side of the seating area. Detective Yacano stated that he observed numerous deceased parties throughout the theater auditorium.

Detective Yacano stated that he met briefly with commissioned Aurora Police Officer, Sergeant Matt Fyles # 26218 who provided additional information regarding the deceased and injured parties. Sergeant Fyles advised that ten parties were pronounced deceased inside the theater. Twenty individuals were shot and transported to University Hospital, with one deceased. Six individuals were shot and transported to Denver General Hospital; twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Sergeant Fyles also stated that upon James Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Law enforcement officers from the Aurora Police Departments SWAT Team responded to this address and established a perimeter around the apartment building.

Detective Yacano stated that he spoke with commissioned Aurora Police Officer, Detective Tom Wilson # 13163 who responded to the Paris Street address. Detective Wilson informed Detective Yacano that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene.

Detective Wilson informed Detective Yacano that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson stated that the explosive robot made entry to the apartment and immediately was stopped by trip wires.

Detective Wilson stated that the explosive robot then utilized a camera which allowed law enforcement officers to view the apartment interior. Detective Wilson stated that the camera viewed the main room at which time additional trip wires that lead into different rooms within the apartment were discovered.

Detective Wilson stated that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed throughout the apartment. Detective Wilson stated that the Denver Police Bomb Squad responded and determined that entry into the apartment was too dangerous.

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Detective Tom Wilson stated that he spoke with Special Agent Jeff Russell from ATF. Agent Russell provided Detective Wilson with firearms trace reports from the ATF database reference the weapons recovered from the scene.

Through the information provided by ATF, Detective Wilson learned that James Holmes purchased a Glock model 22, .40 caliber pistol at the Gander Mountain store located in Aurora, Colorado. ATF also discovered that James Holmes purchased a Remington model 870, tactical shotgun on May 28, 2012 from the Bass Pro Shops located in Denver, Colorado, a Smith and Wesson .223 caliber assault rifle from the Gander Mountain store located in Thornton, Colorado on June 7, 2012, and a Glock model 23, .40 caliber pistol from Bass Pro Shops located in Denver, Colorado on July 6, 2012.

Detective Wilson also recovered a rental agreement for 1690 North Paris Street #10, Aurora, Colorado 80010. Your Affiant reviewed that rental agreement and found that James Eagan Holmes signed a one year lease on April 20, 2011 that commenced at 12:00 P.M. on May 1, 2011 and ending at 12:00 P.M. on May 1, 2012.

Further review of the rental agreement indicated that James Eagan Holmes signed a six month lease for 1690 North Paris Street #10, Aurora, Colorado 80010, on April 18, 2012 that commenced at 12:00 P.M. on May 1, 2012 and ending at 12:00 P.M. on November 1, 2012.

Your Affiant also found that the rental agreement identified Arlene Holmes at 13310 Sparrow Avenue, San Diego, California as being James Eagan Holmes' emergency contact.

On July 20, 2012, FBI Agent Payne located a black Apple iPhone cellular telephone believed to belong to James Holmes inside the 2000 Hyundai displaying Colorado registration 119-ROC that was parked on the south side of the theater. Agent Payne collected this phone and placed it in a plastic evidence bag. Detective Chuck Mehl then transported this phone to the Aurora Police Department.

Detective Yacano authored an affidavit requesting a search warrant to authorize members of the Aurora Police Department to examine the iPhone recovered from James Holmes' white 2000 Hyundai. Detective Yacano submitted the affidavit to the Honorable Judge Horton in Arapahoe County. After reviewing the affidavit, Judge Horton granted a search warrant for the iPhone.

On July 21, 2012, commissioned Aurora Police Officer, Detective Mike Leiker executed the search warrant for the iPhone. During his forensic examination Detective Leiker identified the cellular telephone number to be 858-449-7348.

Detective Leiker also recovered four e-mail addresses associated with that iPhone. Those e-mail addresses are identified as; dsherlockb@gmail.com, dsherlockb@hotmail.com, james.e.holmes@ucdenver.edu, classic.jimbo@gmail.com

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Further examination of the iPhone contents indicated that numerous emails were sent and received from the iPhone utilizing the above listed e-mails.

Detective Leiker also recovered numerous photographs from the iPhone containing images of James E. Holmes with reddish/orange hair. Your Affiant viewed the photos and observed that there were four photos captured on June 29, 2012 at approximately 4:20 p.m. Those photos contained images of the interior and specifically the door jamb of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

Your Affiant viewed two photos that were captured on July 5, 2012 at approximately 10:30 P.M. Those photos contained images of the exterior of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

Your Affiant viewed several photos containing the images of James E. Holmes wearing ballistic/tactical gear, holding what appeared to be a black semi-auto handgun, detonation devices, gas canisters, powder and liquid.

Detective Leiker also recovered mobile tracking information reference FedEx during the forensic examination of the iPhone. Detective Leiker identified FedEx tracking information dated; 07/11/2012 at approximately 2:08 A.M. The tracking number is identified as: 323448815010179.

Your Affiant contacted Steve Neely with FedEx security. Mr. Neely confirmed that FedEx made approximately ten (10) deliveries to 1690 North Paris Street #10, Aurora, Colorado between February 2012 and July 2012. Mr. Neely also advised your Affiant that FedEx records are searched by address and tracking numbers; not by name.

Mr. Neely also informed your Affiant that he located two FedEx deliveries to 13310 Sparren Avenue, San Diego, California during the February 2012 and July 2012 time frame. Mr. Neely stated that those deliveries appeared to be from cellular telephone companies.

Mr. Neely advised your Affiant that FedEx was currently in possession of two videos captured from FedEx security cameras. Mr. Neely identified one of those videos as being from the FedEx office print & ship center, which is located at; 13700 East Colfax Avenue #F, Aurora, Colorado 80011. Mr. Neely advised your Affiant that this video was related to packages delivered to James Holmes and that an individual believed to be James Holmes is videotaped picking up those packages from the FedEx office print & ship center.

Mr. Neely stated that the second video captured was from a FedEx office in Clearwater, Florida on July 11, 2012. Mr. Neely advised that the video contained footage of an unknown male sending a package to 1690 North Paris Street #10, Aurora, Colorado. Mr. Neely stated that the sender declared the value of that package to be \$700.00.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case #2012-28181

Mr. Neely identified to your Affiant six (6) FedEx ground packages from BulkAmmo.com. The order date is identified as: 06/28/2012 at approximately 6:41 P.M. The buyer is identified as; James Holmes and the buyer's phone number is identified as; 303-326-0534.

Mr. Neely advised your Affiant that those packages were shipped from BulkAmmo.com on 6/29/2012 and the tracking number is identified as; 267192915546766.

Mr. Neely stated that the FedEx Corporation has several individual entities associated with the company and suggested that your Affiant complete court orders for the following: Federal Express Corporation, FedEx Ground Package System, Inc. FedEx Office and Print Services, Inc. and FedEx Freight, Inc.

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Mr. Neely also informed you Affiant that once the court orders are obtained; your Affiant is to serve those orders to Mr. Neely at his office, which is located at 26900 East 75th Avenue, Denver, Colorado 80249.

Your Affiant reviewed the Aurora Police Department custody report reference James E. Holmes' arrest in this incident. According to that custody report; James E. Holmes identified his parent's home address as; 13310 Sparren Avenue, San Diego, California 92129.

On July 21, 2012, at approximately 6:05 P.M., commissioned Aurora Police Officer, Sergeant Bob Wesner advised your Affiant that he had spoken to University of Colorado Police Officer, Lynn Whitten. Officer Whitten advised that she had spoken to Lynne Fenton; a student psychologist.

Officer Whitten advised Sergeant Wesner that Lynne Fenton had contacted Officer Whitten reference James E. Holmes on June 12, 2012. Lynne Fenton described James E. Holmes as having Homicidal thoughts and also stated that James E. Holmes had threatened and harassed her via e-mail/text messages.

Officer Whitten Advised Sergeant Wesner that she had deactivated James E. Holmes' I.D. on June 12, 2012 due to that complaint. On July 21, 2012, your Affiant spoke to Steve Zweck-Bronner, UC Denver Medical Campus representative. Mr. Zweck-Bronner advised be that the medical facility uses an electronic locking mechanism throughout the campus to secure labs and classrooms. The deactivation of a student's I.D. card prevents that student from entering any locked facility.

Sergeant Wesner attempted to obtain University of Colorado at Denver Anschutz Medical Campus school records, which included academic/scholastic, e-mail and student health services

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

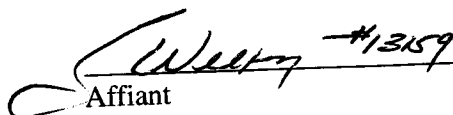
APD Case #2012-28181

records for James E. Holmes. Sergeant Wesner was advised by CU personnel that those records could not be released without a court order.

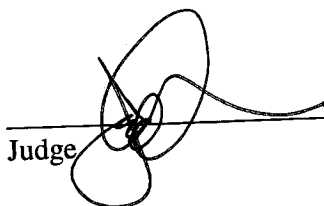
Your affiant believes that the Federal Express Corporation records contain information that would indicate deliveries of ammunition, ballistic/tactical gear, certain apparatus used to manufacture chemicals and/or gas, and other items that were delivered to James E. Holmes at 1690 North Paris Street #10, Aurora, Colorado, and that this information will assist investigators in determining from whom James E. Holmes may have obtained or sent those items before, during and after this incident. Your affiant believes that information contained in those records may assist in determining what methods of planning may have been involved to carry out this crime as well.

Based on the foregoing facts and circumstances, your affiant has probable cause to believe that the Federal Express Corporation records are in the actual or constructive control of the business entity and that there is probable cause for the issuance of a court order under C.R.S. 16-3-301.1. Application is hereby made for issuance of a court order directing the Federal Express Corporation to produce the described records within thirty days after the date this court order is served and deliver the records to the affiant.

The Affiant has read the above and foregoing application and affidavit, and the statements therein contained are true to the best of his knowledge, information and belief.

 #13159
Affiant

Subscribed and sworn before me this 27th day of July, 2012.


Judge

REDACTED

Aurora Police Department Case No.: 2012-28181
Classic.jimbo@gmail.com

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

COURT No.:

Filed

AUG 23 2012

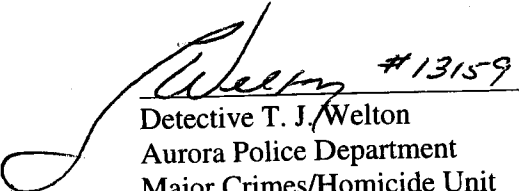
RETURN AND INVENTORY FOR COURT ORDER FOR PRODUCTION OF
RECORDS

CLERK OF THE DISTRICT COURT
ARAPAHOE COUNTY, COLORADO

Pursuant to section 16-3-301.1, C.R.S., the undersigned peace officer has received from, Google Inc, DBA: gmail.com., the following business records pursuant to an order issued by this court, and served on the business on July 25, 2012. The records were received on or about August 8, 2012 and reviewed by me on August 21, 2012.

The records received were:

1. A letter of acknowledgement and invoice from Google Inc.
2. A Certificate of Authenticity
3. Data pertaining to the Gmail account identified as; classic.jimbo
4. These records were received on one CD.

 #13159
Detective T. J. Welton
Aurora Police Department
Major Crimes/Homicide Unit
15001 E. Alameda Parkway
Aurora. Colorado 80012

Subscribed and sworn to before me this 22 day of August, 2012.


Notary Public


Commission expires



COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181


DISTRICT OR COUNTY COURT

COUNTY OF _____

STATE OF COLORADO

NO.: _____

SEALED

 7/24/12

COURT ORDER FOR PRODUCTION OF RECORDS

ID Number: 20031277465 Name: GOOGLE INC.
Registered Agent: Corporation Service Company
Registered Agent Street Address: 1560 Broadway Ste 2090, Denver, CO 80202
Google Inc, DBA; gmail.com
Attn: Google Legal Investigations Support
Phone: 650-253-3425
FAX: 650-249-3429

The court, upon review of an affidavit filed by Detective T. J. Welton #13159, a peace officer in support of the issuance of this order, hereby orders the production of the following records, for which there is probable cause to believe are in your actual or constructive possession or control:

Provide any and all e-mail records to include but not limited to all electronic mail stored and presently contained in, or on behalf of, the following electronic mail address and/or individual account: classic.jimbo@gmail.com, All existing printouts from original storage of all of the electronic mail, all transactional information of all activity of the electronic mail address and/or individual account described above, including log files, dates, times, methods of connecting, ports, IP addresses, dial-ups, and/or locations; all business records and subscriber information, in any form kept, pertaining to the electronic mail address and/or individual account described above, including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and all records indicating the services available to subscribers of the electronic mail address and/or individual account described above. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage, any and all records reference James E. Holmes, DOB: 12/13/1987, that are in actual or constructive control by Google Inc, DBA: gmail.com.

The court also hereby finds probable cause to believe that the requested material constitutes records: for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of

COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding, and that such grounds and probable cause support the issuance of this order pursuant to §16-3-301.1, C.R.S.

Pursuant to §16-3-301.1, C.R.S., the above-named business entity shall produce the above-described records within 30 days after the date this court order is served. The records shall be delivered to the Colorado criminal investigator or peace officer named in this order during normal business hours. The records shall be supplied in any form or format that is convenient for the business entity and that may be accessed by the named officer or the officer's agency or department. The business entity shall also provide a notarized statement that the records produced represent complete and accurate copies of all records identified in this order that are in the actual or constructive control of the business entity. If the business entity does not produce all records identified in this order, it shall identify the records not produced. Failure to comply with this order shall support a finding of contempt of court.

Pursuant to §16-3-301.1, C.R.S., the peace officer named below is hereby authorized to serve this order during normal business hours of the above-named business entity, and to receive the records during normal business hours of the business entity. Service shall issue in the same manner as a summons under C.R.C.P. 4 or by personal service on a manager or supervisor of the business entity. This order must be served within 10 days after the date it is issued. Upon receiving the records from the business entity, the criminal investigator or officer shall file a return and inventory with the court indicating the records that have been received, the total number of pages if supplied on paper, and the date upon which the records were received. The investigator or officer shall also file the original of the attestation of authenticity and completeness with the court.

All records shall be produced to:

Detective T. J. Welton #3159
Aurora Police Department
Major Crime/Homicide Unit
15001 East Alameda Parkway, Aurora CO 80012
twelton@auroragov.org

Further orders which the court deems necessary:

Dated this 24th day of July, 2012

By the Court:

Judge

COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

DISTRICT OR COUNTY COURT

Filed

COUNTY OF _____

JUL 25 2012

STATE OF COLORADO

CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

NO.: _____

SEAL

7/24/12

COURT ORDER FOR PRODUCTION OF RECORDS

ID Number: 20031277465 Name: GOOGLE INC.

Registered Agent: Corporation Service Company

Registered Agent Street Address: 1560 Broadway Ste 2090, Denver, CO 80202

Google Inc, DBA: gmail.com

Attn: Google Legal Investigations Support

Phone: 650-253-3425

FAX: 650-249-3429

The court, upon review of an affidavit filed by Detective T. J. Welton #13159, a peace officer in support of the issuance of this order, hereby orders the production of the following records, for which there is probable cause to believe are in your actual or constructive possession or control:

Provide any and all e-mail records to include but not limited to all electronic mail stored and presently contained in, or on behalf of, the following electronic mail address and/or individual account: classic.jimbo@gmail.com, All existing printouts from original storage of all of the electronic mail, all transactional information of all activity of the electronic mail address and/or individual account described above, including log files, dates, times, methods of connecting, ports, IP addresses, dial-ups, and/or locations; all business records and subscriber information, in any form kept, pertaining to the electronic mail address and/or individual account described above, including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and all records indicating the services available to subscribers of the electronic mail address and/or individual account described above. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage, any and all records reference James E. Holmes, DOB: 12/13/1987, that are in actual or constructive control by Google Inc, DBA: gmail.com.

The court also hereby finds probable cause to believe that the requested material constitutes records: for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of

COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding, and that such grounds and probable cause support the issuance of this order pursuant to §16-3-301.1, C.R.S.

Pursuant to §16-3-301.1, C.R.S., the above-named business entity shall produce the above-described records within 30 days after the date this court order is served. The records shall be delivered to the Colorado criminal investigator or peace officer named in this order during normal business hours. The records shall be supplied in any form or format that is convenient for the business entity and that may be accessed by the named officer or the officer's agency or department. The business entity shall also provide a notarized statement that the records produced represent complete and accurate copies of all records identified in this order that are in the actual or constructive control of the business entity. If the business entity does not produce all records identified in this order, it shall identify the records not produced. Failure to comply with this order shall support a finding of contempt of court.

Pursuant to §16-3-301.1, C.R.S., the peace officer named below is hereby authorized to serve this order during normal business hours of the above-named business entity, and to receive the records during normal business hours of the business entity. Service shall issue in the same manner as a summons under C.R.C.P. 4 or by personal service on a manager or supervisor of the business entity. This order must be served within 10 days after the date it is issued. Upon receiving the records from the business entity, the criminal investigator or officer shall file a return and inventory with the court indicating the records that have been received, the total number of pages if supplied on paper, and the date upon which the records were received. The investigator or officer shall also file the original of the attestation of authenticity and completeness with the court.

All records shall be produced to:

Detective T. J. Welton #3159
Aurora Police Department
Major Crime/Homicide Unit
15001 East Alameda Parkway, Aurora CO 80012
twelton@auroragov.org

Further orders which the court deems necessary:

Dated this 24th day of July, 2012

By the Court:

Judge

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

APPLICATION AND AFFIDAVIT FOR A COURT ORDER FOR PRODUCTION OF RECORDS, PURSUANT TO C.R.S. 16-3-301.1

I, Detective T. J. Welton #13159, the Affiant, under oath states: that the Affiant has reason to believe that the business entity described as:

ID Number: 20031277465 Name: GOOGLE INC.

Registered Agent: Corporation Service Company

Registered Agent Street Address: 1560 Broadway Ste 2090, Denver, CO 80202

Google Inc, DBA; gmail.com

Attn: Google Legal Investigations Support

Phone: 650-253-3425

FAX: 650-249-3429

is in actual or constructive control of certain records, to wit:

Provide any and all e-mail records to include but not limited to all electronic mail stored and presently contained in, or on behalf of, the following electronic mail address and/or individual account: classic.jimbo@gmail.com. All existing printouts from original storage of all of the electronic mail, all transactional information of all activity of the electronic mail address and/or individual account described above, including log files, dates, times, methods of connecting, ports, IP addresses, dial-ups, and/or locations; all business records and subscriber information, in any form kept, pertaining to the electronic mail address and/or individual account described above, including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and all records indicating the services available to subscribers of the electronic mail address and/or individual account described above. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage, any and all records reference James E. Holmes, DOB: 12/13/1987, that are in actual or constructive control by Google Inc, DBA: gmail.com.

for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH WARRANT EXIST ARE THE FOLLOWING:

The Affiant, Detective T. J. Welton, a peace officer, being duly sworn upon oath, says that the facts stated herein are true. Your Affiant is a commissioned Police Officer employed by the City of Aurora Police Department assigned to the Major Crime/Homicide Unit and that the following information was obtained by your Affiant personally from official records of the aforementioned Department related to Aurora Police Department case number: 2012-28181.

Your Affiant further advises that he is a commissioned Police Officer for the Aurora Police Department and have been so employed since November 1985. Your Affiant is currently assigned to the Aurora Police Departments Major Crime/Homicide Unit and has been so assigned since June 2004. Your Affiant's primary function is to investigate all major crimes to include, but not limited to Homicides, aggravated assaults, suicides, suspicious deaths and missing persons within the city of Aurora. Prior to being assigned to the Major Crimes Unit, your Affiant was assigned to the Aurora Police Departments District 1 property crimes unit from January 2004 to June 2004. Prior to that, your Affiant was assigned to the Aurora Police Departments Vice and Narcotics Unit from April 1996 until January 2004. Upon completing the Aurora Police Department training academy, your Affiant was assigned to the Aurora Police Departments patrol bureau from March 1986 until April 1996.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theaters. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theater. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theater.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theater. Commissioned Aurora Police Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by commissioned Aurora Police Officer Jason Oviatt # 301013.

These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle at the driver side with the driver side door standing open.

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

officer but observed that the gas mask appeared to be an older version of the type currently being utilized by law enforcement. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James E. Holmes, DOB: 12/13/1987 was then taken into custody.

Officer Oviatt informed commissioned Aurora Police Officer, Detective Mark Yacano that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' stated that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address and stated that there were bombs inside his apartment and they would go off if the wires were tripped.

On July 20, 2012, at approximately 01:45 hours, your affiant arrived at the Century 16 Theaters, located at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado. During a briefing of the incident, your Affiant was handed a brown wallet and told that it belonged to the shooting suspect that is now in custody.

Your Affiant examined the contents of the wallet and found a University of Colorado at Denver medical campus student graduate school identification card. That identification card was issued to James E. Holmes and contained the photo image of a white male. Except for the hair color in the photo; the image of the white male is that of the person that is now in custody for the crime now being investigated.

Your Affiant also found a blank check, and credit cards issued to James Holmes that were located inside the wallet along with \$280.00 in U.S. currency. Your Affiant copied the contents of the wallet and placed the original items into evidence.

Detective Yacano spoke with Corbin Dates, DOB: 07-12-89 who advised that he was inside the theater when this incident took place. Dates informed Detective Yacano that he entered the theater at approximately 11:30 P.M.

Dates informed Detective Yacano that he sat in the second row from the bottom near the emergency exit. Dates observed a male subject enter the theater and sit in the first row in the end seat closest to the emergency exit.

Dates informed Detective Yacano that he observed this male subject put his cell phone up to his ear as if he was receiving a phone call and walk to the emergency exit; the male subject propped the door open while he talked on the phone.

Dates informed Detective Yacano that he then received a phone call and walked to the lobby to meet a friend. Dates stated that when he returned to his seat the male subject was no longer seated in the first row. Dates informed Detective Yacano that he then observed the suspect enter the theater through the emergency exit door wearing a gas mask along with body armor. Dates informed Detective Yacano that the suspect threw a gas canister towards the seats, and at that time Dates got on the ground and heard gunfire.

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APD Case # 2012-28181

Your Affiant advises that as Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was removed at the scene by officers during his arrest. Detective Yacano responded to this area and personally observed the following items that were removed from Holmes during his arrest:

A pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstep. Detective Yacano also observed what appeared to be a silver cellular telephone among these items. Detective Yacano also observed a black assault type rifle on the ground directly outside the emergency exit door. Detective Yacano advised that he observed a large amount of blood on the sidewalk outside the door as numerous victims exited the theater through this door.

Holmes was processed into the Aurora City Jail and during that processing he provided the Aurora Police Department telephone number 858-449-7348. This phone number was queried through the law enforcement database CLEAR and determined that this number is serviced by Cellco Partnership dba; Verizon Wireless. It was determined that Jason Holmes was listed as the subscriber for this cellular telephone. The address associated with the cellular phone subscriber is identified as; 1690 Paris Street, # 10, Aurora, Colorado. 80010

Law Enforcement Officers from the Arapahoe County Sheriff's Department Bomb Squad responded to the scene; utilizing an explosive removal robot, they removed items from the white Hyundai. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where commissioned Aurora Police Officers, Detective Craig Appel # 18562 and Detective Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theater and entered auditorium # 9 where they located ten victims found to be deceased. Detective Yacano briefly observed the interior of auditorium # 9 and observed the following:

A black shotgun setting on the floor several feet inside the theater and six empty shotgun shell casings. Detective Yacano additionally observed a green colored plastic doorstep attached to the emergency exit door. This item appeared to be similar to the plastic doorstep located among Holmes' property upon his arrest. Detective Yacano observed two .40 caliber magazines on the floor beside the shotgun, and several empty rifle shell casings setting on the floor. All of these items were observed on the floor at the front of the theater.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

Detective Yacano observed three additional rifle magazines that appeared to contain live rounds, a ninety round Beta Mag magazine and another .40 caliber magazine setting on the floor leading towards the lobby of the theater, located at the west side of the seating area. Detective Yacano stated that he observed numerous deceased parties throughout the theater auditorium.

Detective Yacano stated that he met briefly with commissioned Aurora Police Officer, Sergeant Matt Fyles # 26218 who provided additional information regarding the deceased and injured parties. Sergeant Fyles advised that ten parties were pronounced deceased inside the theater. Twenty individuals were shot and transported to University Hospital, with one deceased. Six individuals were shot and transported to Denver General Hospital; twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Sergeant Fyles also stated that upon Jason Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Law enforcement officers from the Aurora Police Departments SWAT Team responded to this address and established a perimeter around the apartment building.

Detective Yacano stated that he spoke with commissioned Aurora Police Officer, Detective Tom Wilson # 13163 who responded to the Paris Street address. Detective Wilson informed Detective Yacano that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene.

Detective Wilson informed Detective Yacano that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson stated that the explosive robot made entry to the apartment and immediately was stopped by trip wires.

Detective Wilson stated that the explosive robot then utilized a camera which allowed law enforcement officers to view the apartment interior. Detective Wilson stated that the camera viewed the main room at which time additional trip wires that lead into different rooms within the apartment were discovered.

Detective Wilson stated that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed throughout the apartment. Detective Wilson stated that the Denver Police Bomb Squad responded and determined that entry into the apartment was too dangerous.

Detective Tom Wilson stated that he spoke with Special Agent Jeff Russell from ATF. Agent Russell provided Detective Wilson with firearms trace reports from the ATF database reference the weapons recovered from the scene.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

Through the information provided by ATF, Detective Wilson learned that James Holmes purchased a Glock model 22, .40 caliber pistol at the Gander Mountain store located in Aurora, Colorado. ATF also discovered that James Holmes purchased a Remington model 870, tactical shotgun on May 28, 2012 from the Bass Pro Shops located in Denver, Colorado, a Smith and Wesson .223 caliber assault rifle from the Gander Mountain store located in Thornton, Colorado on June 7, 2012, and a Glock model 23, .40 caliber pistol from Bass Pro Shops located in Denver, Colorado on July 6, 2012.

On July 20, 2012, FBI Agent Payne located a black Apple iPhone cellular telephone believed to belong to James Holmes inside the 2000 Hyundai displaying Colorado registration 119-ROC that was parked on the south side of the theater. Agent Payne collected this phone and placed it in a plastic evidence bag. Detective Chuck Mehl then transported this phone to the Aurora Police Department.

Detective Yacano authored an affidavit requesting a search warrant to authorize members of the Aurora Police Department to examine the iPhone recovered from James Holmes' white 2000 Hyundai. Detective Yacano submitted the affidavit to the Honorable Judge Horton in Arapahoe County. After reviewing the affidavit, Judge Horton granted a search warrant for the iPhone.

On July 21, 2012, commissioned Aurora Police Officer, Detective Mike Leiker executed the search warrant for the iPhone. During his forensic examination Detective Leiker identified the cellular telephone number to be 858-449-7348.

Detective Leiker also recovered four e-mail addresses associated with that iPhone. Those e-mail addresses are identified as;

dsherlockb@gmail.com
dsherlock@hotmail.com
james.e.holmes@ucdenver.edu
classic.jimbo@gmail.com

Further examination of the iPhone contents indicated that numerous emails were sent and received from the iPhone utilizing the above listed e-mails.

Detective Leiker also recovered numerous photographs from the iPhone containing images of James E. Holmes with reddish/orange hair. Your Affiant viewed the photos and observed that there were four photos captured on June 29, 2012 at approximately 4:20 p.m. Those photos contained images of the interior and specifically the door jamb of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

Your Affiant viewed two photos that were captured on July 5, 2012 at approximately 10:30 p.m. Those photos contained images of the exterior of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

Your Affiant viewed several photos containing the images of James E. Holmes wearing ballistic/tactical gear, holding what appeared to be a black semi-auto handgun, detonation devices, gas canisters, powder and liquid.

On July 21, 2012, at approximately 18:05 hours, commissioned Aurora Police Officer, Sergeant Bob Wesner advised your Affiant that he had spoken to University of Colorado Police Officer, Lynn Whitten. Officer Whitten advised that she had spoken to Lynne Fenton; a student psychologist.

Officer Whitten advised Sergeant Wesner that Lynne Fenton had contacted Officer Whitten reference James E. Holmes on June 12, 2012. Lynne Fenton described James E. Holmes as having Homicidal thoughts and also stated that James E. Holmes had threatened and harassed her via e-mail/text messages.

Officer Whitten Advised Sergeant Wesner that she had deactivated James E. Holmes' I.D. on June 12, 2012 due to that complaint. On July 21, 2012, your Affiant spoke to Steve Zweck-Bronner, UC Denver Medical Campus representative. Mr. Zweck-Bronner advised be that the medical facility uses an electronic locking mechanism throughout the campus to secure labs and classrooms. The deactivation of a student's I.D. card prevents that student from entering any locked facility.

Sergeant Wesner attempted to obtain University of Colorado at Denver Anschutz Medical Campus school records, which included academic/scholastic, e-mail and student health services records for James E. Holmes. Sergeant Wesner was advised by CU personnel that those records could not be released without a court order.

Your affiant believes that gmail.com, hotmail.com and University of Colorado at Denver Anschutz Medical Campus records contain information that would indicate communications between James E. Holmes and other potential witnesses and suspects. This information will assist investigators in determining with whom James E. Holmes may have been in contact before, during and after this incident. Your affiant believes that information contained in those records may assist in determining what methods of planning may have been involved to carry out this crime.

Your Affiant advises that gmail.com asks users to provide basic contact and personal identifying information to Gmail, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Gmail passwords, Gmail security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Gmail.com also assigns a user identification number to each account.

Gmail groups all replies with their original message, creating a single conversation or thread. In other email systems, responses appear as separate messages in your inbox, forcing you to wade through all your mail to follow the conversation. In Gmail, replies to emails (and replies to those

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181


replies) are displayed in one place, in order, making it easier to understand the context of a message or to follow the conversation. When you open one message in a conversation, all of your related messages will be stacked neatly on top of each other. Gmail refers to this as Conversation View. In Conversation View, each new message is stacked on top of the ones that arrived before it, so that the newest message is always the one you see first. A conversation will break off into a new thread if the subject line of the conversation is changed, or if the conversation reaches over 100 messages. Google's chat network lets you send and receive instant messages with friends, family, and colleagues. Exchange real time notes and emoticons with anyone on the network using Google properties (i.e. Gmail, iGoogle, orkut, Google Talk, Google+) or a third-party client.

Your Affiant advises that all that is needed to chat is a Google account. You can either create a new Google account or use an existing one. Note: A Gmail account is required to use Google Talk or other download clients. The group chat feature lets you chat with many friends at once. There's no limit to the number of people you can chat with, and any participant can invite others to join.

Your Affiant advises that if someone is using Gmail and wants to start a group chat with a group of contacts that they are currently communicating with on an email thread, you can simply click the double chat bubble icon next to People on the right side of your Gmail page. This will start a Chat lobby where you can see who's available for your group chat. At that time, you can decide whether to add or remove participants. The group chat will not actually start until you type and send your message. In addition to sharing voice and video chats with your contacts from computer to computer, you can also place phone calls to any landline or mobile phone number in Gmail. Your Affiant personally knows that gmail.com is owned and operated by Google Inc.

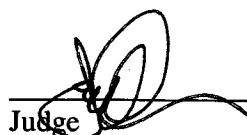
Based on the foregoing facts and circumstances, your affiant has probable cause to believe that Google Inc, DBA: gmail.com records are in the actual or constructive control of the business entity, and that there is probable cause for the issuance of a court order under C.R.S. 16-3-301.1. Application is hereby made for issuance of a court order directing Google Inc, DBA gmail.com to produce the described records within thirty days after the date this court order is served and deliver the records to the affiant.

The Affiant has read the above and foregoing application and affidavit, and the statements therein contained are true to the best of his knowledge, information and belief.

 #1359

Affiant

Subscribed and sworn before me this 2nd day of July, 2012.



Judge

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

Filed

COURT No.:

AUG 30 2012

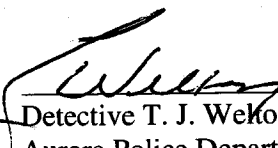
CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

RETURN AND INVENTORY FOR COURT ORDER FOR PRODUCTION OF
RECORDS

Pursuant to section 16-3-301.1, C.R.S., the undersigned peace officer has received from, Microsoft Corporation Online Services, DBA: Hotmail.com the following business records pursuant to an order issued by this court, and served on the business on July 25, 2012. The records were received electronically on August 3, 2012.

The records received were:

1. Hotmail.com records reference dsherlockb@hotmail.com
2. These records were received electronically and copied to DVD

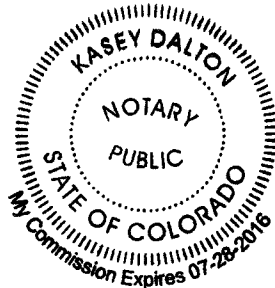

Detective T. J. Welton
Aurora Police Department
Major Crimes/Homicide Unit
15001 E. Alameda Parkway
Aurora, Colorado 80012

TV #13159

Subscribed and sworn to before me this 28 day of August, 2012.


Notary Public

7/28/2016
Commission expires



COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

DISTRICT OR COUNTY COURT

Filed

COUNTY OF _____

JUL 25 2012

STATE OF COLORADO

COURT OF THE COMBINED COUNTY
AND PRAIRIE COUNTY, COLORADO

NO.: _____

SEALED
7/24/12

COURT ORDER FOR PRODUCTION OF RECORDS

ID Number: 19931121425 Name: MICROSOFT CORPORATION

Registered Agent: CORPORATION SERVICE COMPANY

Registered Agent Street Address: 1560 Broadway Ste 2090, Denver, CO 80202

Microsoft Corporation Online Services, DBA: Hotmail.com

Attn: Custodian of Records

Phone: 425-722-1299

FAX: 425-708-0096

The court, upon review of an affidavit filed by Detective T. J. Welton #13159, a peace officer in support of the issuance of this order, hereby orders the production of the following records, for which there is probable cause to believe are in your actual or constructive possession or control:

Provide any and all e-mail records to include but not limited to all electronic mail stored and presently contained in, or on behalf of, the following electronic mail address and/or individual account: dsheerlockb@hotmail.com. All existing printouts from original storage of all of the electronic mail, all transactional information of all activity of the electronic mail address and/or individual account described above, including log files, dates, times, methods of connecting, ports, IP addresses, dial-ups, and/or locations; all business records and subscriber information, in any form kept, pertaining to the electronic mail address and/or individual account described above, including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and all records indicating the services available to subscribers of the electronic mail address and/or individual account described above. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage, any and all records reference James E. Holmes, DOB: 12/13/1987, that are in actual or constructive control by Microsoft Corporation Online Services, DBA: Hotmail.com

The court also hereby finds probable cause to believe that the requested material constitutes records: for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of

COURT ORDER FOR PRODUCTION OF RECORDS**APD Case # 2012-28181**

which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding, and that such grounds and probable cause support the issuance of this order pursuant to §16-3-301.1, C.R.S.

Pursuant to §16-3-301.1, C.R.S., the above-named business entity shall produce the above-described records within 30 days after the date this court order is served. The records shall be delivered to the Colorado criminal investigator or peace officer named in this order during normal business hours. The records shall be supplied in any form or format that is convenient for the business entity and that may be accessed by the named officer or the officer's agency or department. The business entity shall also provide a notarized statement that the records produced represent complete and accurate copies of all records identified in this order that are in the actual or constructive control of the business entity. If the business entity does not produce all records identified in this order, it shall identify the records not produced. Failure to comply with this order shall support a finding of contempt of court.

Pursuant to §16-3-301.1, C.R.S., the peace officer named below is hereby authorized to serve this order during normal business hours of the above-named business entity, and to receive the records during normal business hours of the business entity. Service shall issue in the same manner as a summons under C.R.C.P. 4 or by personal service on a manager or supervisor of the business entity. This order must be served within 10 days after the date it is issued. Upon receiving the records from the business entity, the criminal investigator or officer shall file a return and inventory with the court indicating the records that have been received, the total number of pages if supplied on paper, and the date upon which the records were received. The investigator or officer shall also file the original of the attestation of authenticity and completeness with the court.

All records shall be produced to:

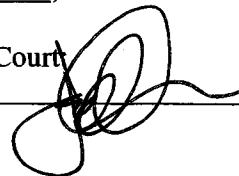
Detective T. J. Welton #3159
Aurora Police Department
Major Crime/Homicide Unit
15001 East Alameda Parkway, Aurora CO 80012
twelton@auroragov.org

Further orders which the court deems necessary:

Dated this 24th day of June, 2012.

By the Court

Judge



DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

APPLICATION AND AFFIDAVIT FOR A COURT ORDER FOR PRODUCTION OF RECORDS, PURSUANT TO C.R.S. 16-3-301.1

I, Detective T. J. Welton #13159, the Affiant, under oath states: that the Affiant has reason to believe that the business entity described as:

ID Number: 19931121425 Name: MICROSOFT CORPORATION
Registered Agent: CORPORATION SERVICE COMPANY
Registered Agent Street Address: 1560 Broadway Ste 2090, Denver, CO 80202
Microsoft Corporation Online Services, DBA: Hotmail.com
Attn: Custodian of Records
Phone: 425-722-1299
FAX: 425-708-0096

is in actual or constructive control of certain records, to wit:

Provide any and all e-mail records to include but not limited to all electronic mail stored and presently contained in, or on behalf of, the following electronic mail address and/or individual account: dsheerlockb@hotmail.com. All existing printouts from original storage of all of the electronic mail, all transactional information of all activity of the electronic mail address and/or individual account described above, including log files, dates, times, methods of connecting, ports, IP addresses, dial-ups, and/or locations; all business records and subscriber information, in any form kept, pertaining to the electronic mail address and/or individual account described above, including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and all records indicating the services available to subscribers of the electronic mail address and/or individual account described above. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage, any and all records reference James E. Holmes, DOB: 12/13/1987, that are in actual or constructive control by Microsoft Corporation Online Services, DBA: Hotmail.com

for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH WARRANT EXIST ARE THE FOLLOWING:

The Affiant, Detective T. J. Welton, a peace officer, being duly sworn upon oath, says that the facts stated herein are true. Your Affiant is a commissioned Police Officer employed by the City of Aurora Police Department assigned to the Major Crime/Homicide Unit and that the following information was obtained by your Affiant personally from official records of the aforementioned Department related to Aurora Police Department case number: 2012-28181.

Your Affiant further advises that he is a commissioned Police Officer for the Aurora Police Department and have been so employed since November 1985. Your Affiant is currently assigned to the Aurora Police Departments Major Crime/Homicide Unit and has been so assigned since June 2004. Your Affiant's primary function is to investigate all major crimes to include, but not limited to Homicides, aggravated assaults, suicides, suspicious deaths and missing persons within the city of Aurora. Prior to being assigned to the Major Crimes Unit, your Affiant was assigned to the Aurora Police Departments District 1 property crimes unit from January 2004 to June 2004. Prior to that, your Affiant was assigned to the Aurora Police Departments Vice and Narcotics Unit from April 1996 until January 2004. Upon completing the Aurora Police Department training academy, your Affiant was assigned to the Aurora Police Departments patrol bureau from March 1986 until April 1996.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theaters. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theater. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theater.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theater. Commissioned Aurora Police Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by commissioned Aurora Police Officer Jason Oviatt # 301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle at the driver side with the driver side door standing open.

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type currently being

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

utilized by law enforcement. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James E. Holmes, DOB: 12/13/1987 was then taken into custody. Officer Oviatt informed commissioned Aurora Police Officer, Detective Mark Yacano that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' stated that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address and stated that there were bombs inside his apartment and they would go off if the wires were tripped.

On July 20, 2012, at approximately 01:45 hours, your affiant arrived at the Century 16 Theaters, located at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado. During a briefing of the incident, your Affiant was handed a brown wallet and told that it belonged to the shooting suspect that is now in custody.

Your Affiant examined the contents of the wallet and found a University of Colorado at Denver medical campus student graduate school identification card. That identification card was issued to James E. Holmes and contained the photo image of a white male. Except for the hair color in the photo; the image of the white male is that of the person that is now in custody for the crime now being investigated.

Your Affiant also found a blank check, and credit cards issued to James Holmes that were located inside the wallet along with \$280.00 in U.S. currency. Your Affiant copied the contents of the wallet and placed the original items into evidence.

Detective Yacano spoke with Corbin Dates, DOB: 07/12/1989 who advised that he was inside the theater when this incident took place. Dates informed Detective Yacano that he entered the theater at approximately 11:30 P.M. Dates informed Detective Yacano that he sat in the second row from the bottom near the emergency exit. Dates observed a male subject enter the theater and sit in the first row in the end seat closest to the emergency exit.

Dates informed Detective Yacano that he observed this male subject put his cell phone up to his ear as if he was receiving a phone call and walk to the emergency exit; the male subject propped the door open while he talked on the phone.

Dates informed Detective Yacano that he then received a phone call and walked to the lobby to meet a friend. Dates stated that when he returned to his seat the male subject was no longer seated in the first row.

Dates informed Detective Yacano that he then observed the suspect enter the theater through the emergency exit door wearing a gas mask along with body armor. Dates informed Detective Yacano that the suspect threw a gas canister towards the seats, and at that time Dates got on the ground and heard gunfire.

Your Affiant advises that as Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was

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removed at the scene by officers during his arrest. Detective Yacano responded to this area and personally observed the following items that were removed from Holmes during his arrest:

A pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstep. Detective Yacano also observed what appeared to be a silver cellular telephone among these items. Detective Yacano also observed a black assault type rifle on the ground directly outside the emergency exit door. Detective Yacano advised that he observed a large amount of blood on the sidewalk outside the door as numerous victims exited the theater through this door.

Holmes was processed into the Aurora City Jail and during that processing he provided the Aurora Police Department telephone number 858-449-7348. This phone number was queried through the law enforcement database CLEAR and determined that this number is serviced by Cellco Partnership dba; Verizon Wireless. It was determined that Jason Holmes was listed as the subscriber for this cellular telephone. The address associated with the cellular phone subscriber is identified as; 1690 Paris Street, # 10, Aurora, Colorado. 80010

Law Enforcement Officers from the Arapahoe County Sheriff's Department Bomb Squad responded to the scene; utilizing an explosive removal robot, they removed items from the white Hyundai. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where commissioned Aurora Police Officers, Detective Craig Appel # 18562 and Detective Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theater and entered auditorium # 9 where they located ten victims found to be deceased. Detective Yacano briefly observed the interior of auditorium # 9 and observed the following:

A black shotgun setting on the floor several feet inside the theater and six empty shotgun shell casings. Detective Yacano additionally observed a green colored plastic doorstep attached to the emergency exit door. This item appeared to be similar to the plastic doorstep located among Holmes' property upon his arrest. Detective Yacano observed two .40 caliber magazines on the floor beside the shotgun, and several empty rifle shell casings setting on the floor. All of these items were observed on the floor at the front of the theater.

Detective Yacano observed three additional rifle magazines that appeared to contain live rounds, a ninety round Beta Mag magazine and another .40 caliber magazine setting on the floor leading

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

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towards the lobby of the theater, located at the west side of the seating area. Detective Yacano stated that he observed numerous deceased parties throughout the theater auditorium.

Detective Yacano stated that he met briefly with commissioned Aurora Police Officer, Sergeant Matt Fyles # 26218 who provided additional information regarding the deceased and injured parties. Sergeant Fyles advised that ten parties were pronounced deceased inside the theater. Twenty individuals were shot and transported to University Hospital, with one deceased. Six individuals were shot and transported to Denver General Hospital; twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Sergeant Fyles also stated that upon Jason Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Law enforcement officers from the Aurora Police Departments SWAT Team responded to this address and established a perimeter around the apartment building.

Detective Yacano stated that he spoke with commissioned Aurora Police Officer, Detective Tom Wilson # 13163 who responded to the Paris Street address. Detective Wilson informed Detective Yacano that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene.

Detective Wilson informed Detective Yacano that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson stated that the explosive robot made entry to the apartment and immediately was stopped by trip wires.

Detective Wilson stated that the explosive robot then utilized a camera which allowed law enforcement officers to view the apartment interior. Detective Wilson stated that the camera viewed the main room at which time additional trip wires that lead into different rooms within the apartment were discovered.

Detective Wilson stated that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed throughout the apartment. Detective Wilson stated that the Denver Police Bomb Squad responded and determined that entry into the apartment was too dangerous.

Detective Tom Wilson stated that he spoke with Special Agent Jeff Russell from ATF. Agent Russell provided Detective Wilson with firearms trace reports from the ATF database reference the weapons recovered from the scene.

Through the information provided by ATF, Detective Wilson learned that James Holmes purchased a Glock model 22, .40 caliber pistol at the Gander Mountain store located in Aurora,

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Colorado. ATF also discovered that James Holmes purchased a Remington model 870, tactical shotgun on May 28, 2012 from the Bass Pro Shops located in Denver, Colorado, a Smith and Wesson .223 caliber assault rifle from the Gander Mountain store located in Thornton, Colorado on June 7, 2012, and a Glock model 23, .40 caliber pistol from Bass Pro Shops located in Denver, Colorado on July 6, 2012.

On July 20, 2012, FBI Agent Payne located a black Apple iPhone cellular telephone believed to belong to James Holmes inside the 2000 Hyundai displaying Colorado registration 119-ROC that was parked on the south side of the theater. Agent Payne collected this phone and placed it in a plastic evidence bag. Detective Chuck Mehl then transported this phone to the Aurora Police Department.

Detective Yacano authored an affidavit requesting a search warrant to authorize members of the Aurora Police Department to examine the iPhone recovered from James Holmes' white 2000 Hyundai. Detective Yacano submitted the affidavit to the Honorable Judge Horton in Arapahoe County. After reviewing the affidavit, Judge Horton granted a search warrant for the iPhone.

On July 21, 2012, commissioned Aurora Police Officer, Detective Mike Leiker executed the search warrant for the iPhone. During his forensic examination Detective Leiker identified the cellular telephone number to be 858-449-7348.

Detective Leiker also recovered four e-mail addresses associated with that iPhone. Those e-mail addresses are identified as;

dsherlockb@gmail.com
dsherlock@hotmail.com
james.e.holmes@ucdenver.edu
classic.jimbo@gmail.com

Further examination of the iPhone contents indicated that numerous emails were sent and received from the iPhone utilizing the above listed e-mails.

Detective Leiker also recovered numerous photographs from the iPhone containing images of James E. Holmes with reddish/orange hair. Your Affiant viewed the photos and observed that there were four photos captured on June 29, 2012 at approximately 4:20 p.m. Those photos contained images of the interior and specifically the door jamb of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

Your Affiant viewed two photos that were captured on July 5, 2012 at approximately 10:30 p.m. Those photos contained images of the exterior of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

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Your Affiant viewed several photos containing the images of James E. Holmes wearing ballistic/tactical gear, holding what appeared to be a black semi-auto handgun, detonation devices, gas canisters, powder and liquid.

On July 21, 2012, at approximately 18:05 hours, commissioned Aurora Police Officer, Sergeant Bob Wesner advised your Affiant that he had spoken to University of Colorado Police Officer, Lynn Whitten. Officer Whitten advised that she had spoken to Lynne Fenton; a student psychologist.

Officer Whitten advised Sergeant Wesner that Lynne Fenton had contacted Officer Whitten reference James E. Holmes on June 12, 2012. Lynne Fenton described James E. Holmes as having Homicidal thoughts and also stated that James E. Holmes had threatened and harassed her via e-mail/text messages.

Officer Whitten Advised Sergeant Wesner that she had deactivated James E. Holmes' I.D. on June 12, 2012 due to that complaint. On July 21, 2012, your Affiant spoke to Steve Zweck-Bronner, UC Denver Medical Campus representative. Mr. Zweck-Bronner advised be that the medical facility uses an electronic locking mechanism throughout the campus to secure labs and classrooms. The deactivation of a student's I.D. card prevents that student from entering any locked facility.

Sergeant Wesner attempted to obtain University of Colorado at Denver Anschutz Medical Campus school records, which included academic/scholastic, e-mail and student health services records for James E. Holmes. Sergeant Wesner was advised by CU personnel that those records could not be released without a court order.

Your affiant believes that gmail.com, hotmail.com and University of Colorado at Denver Anschutz Medical Campus records contain information that would indicate communications between James E. Holmes and other potential witnesses and suspects. This information will assist investigators in determining with whom James E. Holmes may have been in contact before, during and after this incident. Your affiant believes that information contained in those records may assist in determining what methods of planning may have been involved to carry out this crime.

Your Affiant advises that similar to other major webmail services, Hotmail uses Ajax programming techniques and supports later versions of Internet Explorer, Firefox, Safari, and Google Chrome. Some of its features include keyboard controls giving the ability to navigate around the page without using the mouse, the ability to search the user's messages including structured query syntax such as "from:ebay", message filters, folder-based organization of messages, auto-completion of contact addresses when composing, contact grouping, importing and exporting of contacts as CSV files, rich text formatting, rich text signatures, spam filtering and virus scanning, support for multiple addresses, and different language versions.

In comparison to other webmail services, Hotmail offers the following unique features:

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

APD Case # 2012-28181

Hotmail's Active view allows users to interact directly with contents and functionalities within their email message. For example, any photo attachments can be previewed directly using Active view. In addition, Hotmail provides a partner platform which allows contents and functionalities from various websites and services such as YouTube, Flickr, LinkedIn, and United States Postal Service to be viewed directly within the email message. For example, users may view the YouTube video within Hotmail when a user receives an email which contains a link to the video. Other functionalities of Active view include tracking of real time shipping status from United States Postal Service and performing social networking actions on LinkedIn directly from within the email message.

Hotmail integrates with Office Web Apps to allow high fidelity viewing and editing of Microsoft Office Word, Excel, and PowerPoint documents that are attached to the email messages. Users can directly open attached Office documents within the web browser, and save them into their Windows Live SkyDrive. Users can also perform edits to any received Office documents, and directly reply to the sender with the edited version of the document. In addition, users may also send up to 10 GB of Office documents (up to 50 MB each) using Hotmail by uploading these documents onto Windows Live SkyDrive, and share these documents with other users for viewing or collaboration.

Hotmail provides the ability to automatically group sent and received emails that are from the same conversation into the same conversation thread, allowing users to quickly browse through all the emails within the same conversation thread. This feature can be turned on or off depending on the user's preferences.

Hotmail offers a "virtual broom" which allow users to delete or move large amounts emails into specified folders based on the sender's information. Once a "sweep" is performed, the user may choose to configure Hotmail to remember the sweep settings and perform the same move or delete actions for any future emails. Users may also set up custom message rules based on the sender's or recipient's information, the subject of the email, or attachments to the email. There is also an option to delete/move messages that are older than a specified amount of days, or only keep the latest message from a sender.

Quick views allow users to filter all emails (in all folders) by document attachments, photo attachments, flagged messages, or shipping updates. One-click filters allow users to filter the inbox (or specific folder) based on whether or not the email message is unread, from the Windows Live Contacts list, from group mailing lists or Windows Live Groups, or from a social networking website. Categories appear under Quick views for ease of access.

Users can create Hotmail aliases for their Windows Live ID. Once an alias is set up, users can choose to have all email sent to that address go to a specific folder, or to the inbox. Users can send emails from that alias as if it is a normal email address. Up to 5 aliases can be made every year, and up to 15 in total. Aliases are completely different to the user's original addresses, and can be removed or created at any time. Aliases are not actual Windows Live IDs, so users can not sign in with them.

AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS

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Categories allow users to label messages or senders into a particular group, and those categories will appear under "Quick views" in the sidebar. Some categories are created by default, and some mail is put in those categories by default (e.g. photos, office docs and newsletters). Users can select multiple categories for each piece of mail, have categories applied automatically, and create new ones.


Upon registration, new users can choose from a Hotmail domain address (e.g. @hotmail.com and @live.com).

A single-use code is a code you can use instead of your password when you sign in with your Windows Live ID. Each code can be used only one time, but you can request one whenever you need it. If a user is signing in on a public computer—like at the library or school—using a single-use code helps keep your account information secure. The single-use code is sent to the user when requested during login.

Your Affiant personally knows that Hotmail.com is owned and operated by Microsoft Corporation Online Services.

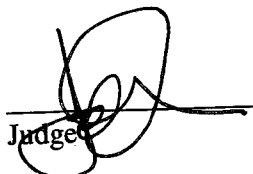
Based on the foregoing facts and circumstances, your affiant has probable cause to believe that Microsoft Corporation Online Services, DBA: Hotmail.com records are in the actual or constructive control of the business entity, and that there is probable cause for the issuance of a court order under C.R.S. 16-3-301.1. Application is hereby made for issuance of a court order directing Microsoft Corporation Online Services, DBA: Hotmail.com to produce the described records within thirty days after the date this court order is served and deliver the records to the affiant.

The Affiant has read the above and foregoing application and affidavit, and the statements therein contained are true to the best of his knowledge, information and belief.

 #13159

Affiant

Subscribed and sworn before me this 24th day of June, 2012.



Judge