

CASCADE  
SOUTH DISTRICT  
COURT OF SNOHOMISH COUNTY

STATE OF WASHINGTON )  
 )  
COUNTY OF SNOHOMISH ) ss. No. AEH1814  
 ) SEARCH WARRANT

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me, it appears that there is probable cause to believe that the crime(s) of

**RCW 9A.32.030 Murder in the first degree**

has been committed and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington.

YOU ARE COMMANDED TO:

1. Search, within ten (10) days of this date, the premises, vehicle or person described as follows:

**Smart phone in a red hard case that was recovered off of Jaylen Fryberg  
The cell phone is currently held at the Snohomish County Medical Examiner's Office  
The address for the Medical Examiner's Office is 9509 29<sup>th</sup> Ave W., Everett WA**

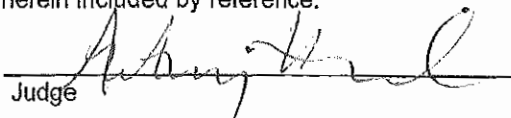
2. Seize, if located, the following property or person(s):

**All electronic information and data stored within this phone or device or within any removable storage cards. This includes, but is not limited to owner, subscriber and equipment information, text and multimedia messages (SMS and MMS), digital images, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, notes, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest and data showing dominion and control over the phone.**

3. Promptly return this warrant to me or the clerk of this court; the return must include an inventory of all property seized.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found. The affidavit is attached and herein included by reference.

NOVEMBER 13, 2014  
Date

  
Judge

ANTHONY E. HOWARD  
Printed or Typed Name of Judge

This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on \_\_\_\_\_ at .m. \_\_\_\_\_

\_\_\_\_\_  
Printed or Typed Name of Peace Officer,  
Agency and Personnel Number

\_\_\_\_\_  
Signature of Peace Officer Authorized to  
Affix Judge's Signature to Warrant

CASCADE  
~~SOMM~~ DISTRICT  
COURT OF SNOHOMISH COUNTY

STATE OF WASHINGTON ) No. AEH1814  
 )  
 ) ss.  
COUNTY OF SNOHOMISH ) AFFIDAVIT FOR SEARCH WARRANT

The undersigned on oath states: That affiant believes that:

- Evidence of the crime of **RCW 9A.32.030 Murder in the 1<sup>st</sup> degree**
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is unlawfully restrained

Are located in, on, or about the following described premises, vehicle or person:

Smart phone in a red hard case that was recovered off of Jaylen Fryberg  
The cell phone is currently held at the Snohomish County Medical Examiner's Office  
The address for the Medical Examiner's Office is 9509 29<sup>th</sup> Ave W., Everett WA

The following synopsis was taken from witnesses, victims, and officer's narratives:

On 10/24/14 at aprox. 1039 hours SNOPAC received a 911 call from an unknown male at Marysville Pilchuck High School. The caller reported that there was a shooting at the school. This initial call was followed by several other callers, all reporting a shooting at the school. Some specified that the shooting occurred in the school cafeteria. The address for Marysville Pilchuck High School (MPHS) is 5611 108<sup>th</sup> St NE, Marysville. That address is in Snohomish County.

Officers from multiple jurisdictions and EMT from several fire departments responded to the incident. As they arrived they located 6 students on the floor in the cafeteria. They were **Jaylen Fryberg, Zoe Galasso, Gia Soriano, Andrew Fryberg, Shaylee Chuckulnaskit** and **Nate Hatch**. All of the juvenile victims had what appeared to be gunshot wounds. Jaylen's appeared to be a self-inflicted gunshot wound. The other children had injuries that were consistent with homicidal violence. There was a single semi auto handgun lying on the table near Jaylen.

The initial responders checked Jaylen and Zoe for signs of life. They could not find any. They checked Gia, Andrew, Shaylee, and Nate and discovered they were breathing. Each were medically evacuated from the school to local hospitals.

Officers remained on scene, cleared the school, and evacuated the students. Eventually, the campus was secured. The Marysville Police Department requested assistance from SMART



(Snohomish County Multiple Agency Response Team). SMART took the lead in the investigation. Multiple detectives, to include your affiant, were paged and asked to respond.

Detectives were split up and given tasks. Some were instructed to start interviewing witnesses. Others were asked to start processing the scene. Your affiant was asked to contact Jaylen's family at the fire department near 51<sup>st</sup> Ave Ne and 108<sup>th</sup> St NE.

I responded to the fire department and met with two of Jaylen's uncles, **Anthony Hatch** and **John Dumont**. Anthony told me that Jaylen's mom and dad, **Ray** and **Wendy Fryberg** had gone home. Anthony asked me "have you seen the text?" At this point I hadn't heard anything about a text.

Anthony told me that he and 13 other family members received a text from Jaylen minutes before the shooting started. The text was titled "My Funeral Shit." The text described in great detail which of his family and friends received his property, what he wanted to wear in his casket, and asked his family to apologize to all of his friends' families who "get caught in this shit tomorrow". The exact content of the text message was documented.

After interviewing Anthony and John I responded to Jaylen's residence in hopes of talking to his mom and dad. I was met there by officers with the Tulalip Police Department. They told me that Ray and Wendy were not at home. Ray and Wendy received death threats as a result of the shooting and were staying at a friend's house nearby. One of the Tulalip officers called Ray and asked him to respond to his house.

Ray arrived a short time later. Ray allowed Det. Stone (Bothell) and I to enter his house and briefly search Jaylen's room. My hope was that we could find a note or something that would help explain what had happened. Nothing of evidentiary value was located in Jaylen's room. While I searched I asked Ray if Jaylen had access to a laptop or desktop computer. He told me "No." I asked Ray if Jaylen had any other access to the internet other than his cell phone. He told me "No. Only his cell."

My time with Ray was brief. I responded back to the high school and was asked to interview two students who were in the cafeteria and witnessed the shootings. Both are under the age of 18, have been fully identified by your affiant, and will be referred to with their initials. Both **JL** and **HK** stated that they were eating lunch in the cafeteria when they heard a gunshot. They looked up and observed Jaylen Fryberg standing at a table "calmly" shooting other students. JL and HK fled the cafeteria as Jaylen shot the students sitting at the table.

By this time other SMART detectives had conducted dozens of interviews, many of whom were students in the cafeteria when the shooting started. All of the students who witnessed the shooting identified the suspect as Jaylen Fryberg.

Once my interview with JL and HK was completed your affiant was asked to help process the crime scene.

The scene was contained in the cafeteria. Zoe and Jaylen were still lying on the floor. Jaylen was lying on his back with his hands near his waist. His wrists were secured in handcuffs (we'd later learn that the first responders placed Jaylen in handcuffs when they initially entered the cafeteria.) Jaylen had a close contact gunshot wound under his chin. There was a black semi auto firearm lying on the table near Jaylen and Zoe.

Lying a few feet from Jaylen was Zoe Galasso. Zoe was lying on her side and also had a gunshot wound to her head. Her injury did not appear to be self inflicted.



On the other side of the table were several separate pools of blood. Scattered amongst the pools of blood were cartridge casings.

The scene was processed. We recovered various pieces of evidence to include (but not limited to) the firearm, cartridge casings, bullets, and bullet fragments. The Snohomish County Medical Examiner's Office responded to the scene. Before the ME transported Jaylen he was searched. During the search of Jaylen's pants they found a smart phone in a red hard case. It was the only cell phone that was located on Jaylen. Jaylen's cell phone was taken with the rest of his property to the Medical Examiner's Office where it has remained, secured, since it was located.

On 10/25/14 the ME's office conducted an autopsy of Zoe Galasso and Jaylen Fryberg. Zoe's death was a result of a gunshot wound to the head and was ruled a homicide. Jaylen's death was also a result of a gunshot wound to the head. His death was ruled a suicide.

Unfortunately, 3 of the other 4 victims did not survive their injuries. Gia Soriano passed away on 10/26/14. Her autopsy was on 10/27/14. Her death was a result of a gunshot wound to the head and ruled a homicide.

Shaylee Chuckunaskit passed away on 10/31/14. Her autopsy was on 11/3/14. Her death was a result of a gunshot wound to the head and ruled a homicide.

Andrew Fryberg passed away on 11/7/14. His autopsy was on 11/10/14. His death was a result of a gunshot wound to the head and also ruled a homicide.

The lone surviving victim, **Nate Hatch**, was interviewed. Nate told investigators that he was eating lunch when Jaylen stood up and started shooting the other students at the table. Jaylen pointed the firearm at Nate and pulled the trigger, causing a round to enter and exit Nate's chin and lodge in the strap of his backpack. Nate confirmed that Jaylen was the shooting suspect.

Investigators have contacted numerous other subjects who may not have witnessed the shooting but had some contact with Jaylen in the minutes, hours, and days leading up to the shooting. One of those is a 15 year old named **SG**. SG was a close friend of Jaylen's and had what amounted to a running text dialogue on his/her cell phone. SG allowed us to download his/her cell.

The text conversation between Jaylen and SG was rather normal until 10/18/14. On that evening something happened between Jaylen and SG that led to an argument (please note that we are aware of what occurred on the 18<sup>th</sup> but are not including it in the warrant for fear that the information will identify SG, who is a minor). In the days leading up to the shooting Jaylen sent SG several text messages to include:

- "ohk well don't bother coming to my funeral"

SG stopped responding and ignored Jaylen's text messages. On 10/22/14 Jaylen sent a text to SG that read:

- "I set the date. Hopefully you regret not talking to me"
- "You have no idea what I'm talking about. But you will"
- "Bang bang I'm dead"

SG responded and asked Jaylen to quit. Jaylen replied:

- "No. You don't care. I don't care."

*ABJ*

When SG stopped replying, Jaylen started trying to reach SG through a friend. This person is also a juvenile and will be referred to as SJ. On the morning of the shooting Jaylen sent SJ a picture via Facebook Messenger of a firearm sitting between his legs. He told SJ "Have (SG) call me before I do this." This message was sent to SJ at approx. 1025 hours; a few minutes before the shooting started.

Your affiant has seen the picture that was sent to SJ and was present when the scene was processed. The firearm in the picture that Jaylen sent to SJ appears to be the firearm we located in the cafeteria.

SJ's cell phone was downloaded as well. The text messages that were sent to SJ were confirmed by SJ to be from Jaylen's cell phone.

Your affiant has checked Jaylen's multimedia accounts to include his Twitter feed, which is completely open to the public. Much like his texts with SG his Twitter 'tweets' (or posts) are pretty normal (with the exception of a random pornographic picture). Then, on 7/21/14 his tweets become angry. They include:

- "Your gonna piss me off...And then some shits gonna go down and I don't think you'll like it..."
- "I hate that I can't live without you"
- "I'm tired of this shit I'm sooo fucking done!!!"
- "It breaks me...It actually does...I know it seems like I'm sweating it off....But I'm not..And I never will be able to...."

#### **Item to be seized**

All electronic information and data stored within this phone or device or within any removable storage cards. This includes, but is not limited to owner, subscriber and equipment information, text and multimedia messages (SMS and MMS), digital images, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, notes, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest and data showing dominion and control over the phone.

Attached to the warrant and incorporated by reference is a letter from Det. Paxton, the Everett Police Department's forensics investigator, explaining why it's necessary to recover all electronic information on a cell phone; not just a single text message or Facebook post.

#### **Affiant's experience**

Your affiant has been a commissioned police officer since 1999. I have successfully completed several investigation training courses to include crime scene processing; crime scene analysis and reconstruction; Homicide Investigation; SIDS/SUID death investigation; Reid Interview; blood spatter interpretation; basic, advanced, and technical collision investigation; and Force Science. In 2007 I became a detective in the Property Crimes Unit. In 2009 I became a detective in the Major Crimes Unit (MCU). I am also a member of the Snohomish County Multi Agency Response Team (SMART). As a member of SMART and MCU I have been involved in the investigation of over 15 homicides and many more felony assault investigations.



I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. \_\_\_\_\_  
OFFICER SIGNATURE

Signed at Everett, Washington this 13 day of NOVEMBER, 2014.

Det. Andrew Williams, Everett Police #1183  
Agency, Title and Personnel Number

Subscribed and Sworn to before me this 13 day of NOVEMBER, 2014.

[Signature]  
Judge

Issuance of Warrant Approved:

Craig Matheson 18556  
Deputy Prosecuting Attorney

## **Training and Experience**

Detective Paxton has worked for the Everett Police Department as a commissioned police officer since 1996; he regularly attends training related to his duties and responsibilities as a police officer. Detective Paxton began examining cell phones in 2009. Since that time he has received over 200 hours of training related to cell phone and computer forensics and examined 100s of cell phones.

Forensic Imaging Specialist Youmans has worked for the Everett Police Department since 2008. She has received over 1400 hours of training related to cell phone and computer forensics. Forensic Imaging Specialist Youmans has examined or assisted in examining over 100 cell phones.

## **An Overview of Cell Phones**

By most standards, cell phones are as complex as personal computers. They can access resources on the Internet, send and receive email, keep track of contacts and store personal files. Cell phones are also capable of making telephone calls, sending/receiving text messages and chats, determining locations and looking up directions (using real time GPS technology), recording audio and capturing pictures and videos.

The primary difference between cell phones and personal computers are cell phones' enhanced ability to send and receive information and data. When a cell phone is turned on, it may passively or actively attempt to connect to various networks including Wi-Fi hotspots, cell towers and satellites. The metadata and geo-location information related to these connections are sent back to the service provider and (depending on the situation) logged within the device.

## **Information and Data Stored on Cell Phones May Be Related**

It's not unusual for information and data stored on a cell phone to be related. For example, a cell phone owner can enter a friend's contact information into his address book. The contact information can be used to make telephone calls (call logs) or video calls (Skype). This information can also be used to send/receive text messages (SMS), pictures and videos (MMS). Each of these types of communication may be related to the same conversation and can occur over a period of days, weeks or months.

Cell phones are capable of storing metadata (such as dates and times) associated with most forms of communication. Images and videos may also include geolocation information identifying the geographic location of where they were captured. The content of the communication may also be stored. For example, the content of text messages may be saved on the device.

If our search is limited to one type of communication (such as text messages), critical bits of information related to the conversation between the two parties may be missed. This could include, but is not limited to, contact entries, call history, images, videos and other files sent and received.

## **Recovering Deleted Information on a Cell Phone**

As with personal computers, deleted information (such as text messages and images) may be recoverable on cell phones using forensic tools. The process of extracting deleted data cannot be performed without making a forensic copy of the entire memory space of the cell phone.

Using specialized forensic tools and procedures that do not allow the contents of the data to be altered in any way; a forensic image of the device's memory space can be made.

The resulting image file is an exact, sector-by-sector copy of the original and is verified using a hash. This process not only copies all the standard computer related files, but it also copies file slack, some deleted files and unallocated space. This procedure does not change or alter the information stored on the cell phone in any way.

Once a forensic image is made, it is reviewed for visible and deleted data using forensic software. During this process, we may recover deleted text messages, call history, images, videos and other user data.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.



Detective Steve Paxton - 1150  
Forensic Investigations Unit  
Everett Police Department

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at the Everett Police Department in  
Everett, Snohomish County, Washington