

STATE OF MINNESOTA, COUNTY OF STEARNS

SEVENTH DISTRICT COURT

STATE OF MINNESOTA)
) SS.
COUNTY OF STEARNS

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT.

Special Agent Kenneth McDonald, being duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, to install, monitor, and maintain a mobile tracking device, hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his/her own knowledge, save as to such as are herein stated on information and belief, and as to those, he/she believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

Affiant seeks permission to search the premises described as:

The land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site and outlying property.

Located in the PAYNESVILLE TOWNSHIP, County of Stearns, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described will tend to show that a crime has been committed or that a particular person committed the crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Your affiant, Special Agent Kenneth McDonald is presently an agent with the Minnesota Bureau of Criminal Apprehension. Agent McDonald has 26 years of felony level investigative experience. The last 19 years agent McDonald has been assigned to the homicide unit within Minnesota BCA. Agent McDonald has a Master's degree in criminal justice and is a Police Forensic Pathologist Specialist. During that time, Your Affiant has drafted and executed numerous search warrants. Those warrants have resulted in the collection of evidence and the recovery of property. They have also lead to successful prosecution of offenders. This affidavit is made in support of a warrant to search PAYNESVILLE TOWNSHIP, County of Stearns, State of Minnesota. Based on review of reports and personal knowledge, Your Affiant believes the following to be true.

The City of Paynesville, County of Stearns had several incidents from 1986 through 1988 where juvenile males were assaulted and/or sexually assaulted in various locations throughout the city. The juvenile males ranged in age from twelve to sixteen years old. All of the juvenile males listed below have been fully identified and their names are contained in police reports.

Incident number one occurred in August of 1986. A juvenile male was attacked in an alley behind Papa's Pizza at 108 West Hoffman St. A husky, white male who was approximately 5'9" with a mud like substance on his face jumped from the bushes, knocked the juvenile off of his bicycle, and struck the juvenile in the nose. The juvenile struck the unknown offender who then fled the area on foot. The suspect didn't say anything.

Incident number two occurred on August 21, 1986. Two juvenile males were leaving Papa's Pizza. A heavy set male who stood approximately 5'6"-5'8" and wore a long sleeve sweater and gloves, attacked one of the juveniles. The suspect hit the juvenile in the back of the head with his hand and knocked him to the ground. The suspect groped the juvenile male's front pockets. As the second juvenile male approached, the suspect fled the area on foot. The suspect didn't say anything.

Incident number three occurred on November 30th, 1986. A juvenile male was attacked in the vicinity of 603 Augusta Ave. A heavy set male, wearing a nylon windbreaker came out of the bushes in the alley. The suspect put his hand over the juvenile male's mouth and dragged him into some trees. The suspect told the juvenile not to speak or the juvenile would be killed. The suspect spoke in a "low, static filled" voice. There was also a strong odor of cigarette smoke on the suspects' hands. The suspect rubbed the juvenile male's testicles both over and under his clothing. The suspect removed the juvenile male's stocking hat and cut off some of his hair with a jagged edged knife. The suspect asked the juvenile male's name and age. Once the attack was over, the suspect told the juvenile to "keep laying down for five minutes or I'll blow your head off". The attacker kept possession of the juvenile male's brown and tan stocking cap and hair. The hat was trimmed with the letter "T" and the symbol for a heart repeated all the way around the hat.

Incident number four occurred on February 14th, 1987. The attack occurred in the stairwell of an apartment building at 122 West James St. A juvenile male was attacked by a heavy set male who was approximately 5'6" tall wearing a dark colored quilted jacket with mask covering his face. The juvenile had been at Papa's Pizza earlier in the evening. The suspect grabbed the juvenile and threw him down the steps. The juvenile began to scream. The suspect told the juvenile to keep quiet or he would kill the juvenile. The suspect groped the juvenile's penis and testicles both over and under his clothing. The suspect spoke in a deep low whisper. The suspect asked the juvenile what grade he was in. The suspect told the juvenile not to move or he would kill him. The suspect took the juvenile's wallet and left the area on foot.

Incident number five occurred on May 17th, 1987. It occurred on Main Street near Maple Street. The same juvenile male from incident number four was attacked again. The suspect was described as being about the same height as the suspect in the previous incident, pudgy, with a dark looking face, and dark colored clothing. The suspect grabbed the juvenile off of his bicycle. The suspect groped the juvenile's testicles. The juvenile screamed and told the suspect that he had already got him. The suspect fled the area on foot. The suspect left behind a baseball cap which was turned over to police. No statements were made by the suspect. The juvenile victim believed the suspect in this incident was the same person who previously attacked him.

Incident number six occurred on September 20th, 1987. Two juvenile males were approached near 111 Lyndall Ave. The suspect was described as a chubby male 5'7"-5'8", with short chubby legs. The suspect had either painted his face or wore a mask. The juvenile males saw the suspect approaching them, screamed, and ran. The suspect fled on foot without assaulting the juveniles or speaking to them. The juveniles had been at Papa's Pizza earlier in the night.

Incident number seven occurred in the late summer of 1988. It occurred in the woods near the address of 200 West Railroad Ave. A Juvenile male was attacked by a white male with a husky build. The male spoke in a raspy voice and wore panty hose over his face. He also wore camo colored pants and a green army-type jacket with black boots and black gloves. There was a group of juveniles camping together. Two juveniles left the camp to get beverages. The suspect tackled one of the juveniles. The suspect sat on the juvenile, and held a small knife to the juvenile's throat. The juvenile screamed and the suspect said "shut up or I'll kill you". The juvenile fought back and escaped without being harmed or groped.

Incident number eight occurred in the late fall of 1988. It occurred in the vicinity of 512 West Minnesota Street. A juvenile male was on his bicycle delivering papers and had stopped briefly at this location. He was attacked by a white male who was husky and stood approximately 5'6" tall. The suspect was possibly wearing a ski mask, dark colored stocking hat, black shirt, black pants, and black gloves. The suspect ran out from a line of trees in the yard. The suspect knocked the juvenile off of his bicycle. The suspect then fled the area on foot without saying or doing anything further.

At the time all of these incidents took place, Danny James Heinrich primarily resided at the Plaza Hotel, 121 Washburne Ave in the City of Paynesville. These incidents all took place within several blocks of his residence.

On 01/13/1989, the Stearns County Sheriff's Office (SCSO) received a report of a kidnapping and sexual assault which occurred in Munson Township, Stearns County, Minnesota. Law enforcement spoke to a juvenile male (hereinafter "JNS"), whose name and other identifying information are known to the affiant and are contained in reports relevant to this investigation. JNS was born on 01/19/1976 and was twelve years old at the time of the alleged kidnapping and sexual assault.

JNS told law enforcement officers that on 01/13/1989, at approximately 9:45 pm, he was walking home from the Side Caf^e in Cold Spring, MN. Approximately three blocks from his home in Cold Spring, JNS was met on the street by an adult white male driving a car. The driver stopped his vehicle and asked JNS words to the effect of "whether he knew where Kraemer lived." As JNS began to respond, the driver exited the vehicle, grabbed JNS, told JNS to get in the car, and forced him into the backseat. The driver re-entered the car and began to drive. He told JNS the car was equipped with child safety locks.

As the driver was leaving the area, he instructed JNS to cover his face with his stocking cap and lay down in the back seat. He also told JNS he had a gun and he wasn't afraid to use it. No gun was displayed. JNS complied with the instructions but was able to see he was being driven out of Cold Spring. JNS specifically remembered going past the John Paul Apartment building located in the 200 block of 8th Ave. N. JNS also remembered going up "Bell's Hill" which is Stearns County Road 158. JNS believed they turned onto HWY 23 towards Richmond. JNS was able to look out the left rear window. He saw what he thought was the Richmond ball park, located in Munson TWP. The driver stopped shortly thereafter. JNS looked out and thought he saw the lights of the City of Richmond. JNS believed the driver took exaggerated turns to confuse JNS. During the drive, JNS noticed a "walkie talkie" type handheld radio device with an antenna on the passenger seat. The walkie talkie had gray duct tape on it and was scratched. JNS heard a male voice and a female voice coming from the walkie talkie. The driver shut off the walkie talkie while driving. The entire drive took approximately 10-15 minutes. The driver stopped the car on a gravel road.

The driver got into the backseat with JNS. He instructed JNS to remove JNS's snowmobile suit and to pull JNS' pants and underwear down. JNS complied out of fear and lowered his pants and underwear to his ankles. The driver lowered his own pants to his ankles. The driver touched JNS's penis with his hand. The driver ordered JNS to touch the driver's genital area which JNS did. The driver placed JNS's penis into his mouth and then had JNS put his mouth on the driver's penis. JNS complied. JNS later advised he wiped his mouth on his sweatshirt sleeve several times during this incident. The driver ordered JNS to kneel on his hands and knees and spread his legs. JNS complied and the driver attempted to insert his penis into JNS's rectum; however, JNS struggled and the driver was unable to penetrate JNS and eventually stated, "I give up."

The driver returned to the driver's seat through the center console. The driver took the snowsuit and wiped it off with a cloth or a mitten. The driver gave the snowsuit back. The driver took JNS's pants and underwear and placed them on the front seat. He allowed JNS to put on his snowmobile suit but the driver maintained possession of JNS's jeans and underwear. He told JNS if the police got a "lead" on the driver, the driver would "get him after school and shoot him." The driver told JNS he was lucky to be alive. The driver returned towards Cold Spring and had JNS exit the vehicle near Cold Spring. The driver told JNS to roll around in the snow to wipe his snowmobile suit off. He also told JNS to run and not to look back or he would shoot JNS. The driver kept the pants and under wear that JNS had been wearing. The pants were described as "Lee" brand stonewashed jeans boys regular size 14. The underwear were boys sized 12 or 14. JNS was able to return home and reported the crime to his parents and law enforcement. JNS's snowmobile suit, sweatshirt, and t-shirt were all seized as evidence.

JNS described the driver as follows: white male, approximately thirties in age; approximately 5'6"-5'7"; weighing approximately 170 pounds; with dark brown mid-length hair; brown eyes; fat ears that stuck out; a fat nose; bushy eyebrows; rough, wrinkled skin, darker complected with dark hair; broad neck and thick shoulders; rough, short, thick hands; a pudgy "beer belly" stomach, crooked bottom teeth like "cheese teeth", and a deep raspy voice. The driver also had an indentation of a ring on his right ring finger. He was wearing a brown baseball cap with unknown lettering; a dark-colored zip up vest; camouflage fatigues; black Army boots, and a military-style watch. On 12/13/1989 JNS met with FBI agents to create an artists rendering of the driver. (See appendix A, attached hereto and incorporated herein, for a copy of the artists rendering and a copy of a photograph of Danny James Heinrich from 1990).

JNS described the car as follows: a dark blue four-door automatic transmission passenger car with a luggage rack on the trunk; blue cloth interior with dark blue leather or vinyl interior trim, and front bucket seats. JNS believed the shifter was in the center console area. The car smelled "new." (See appendix B, attached hereto and incorporated herein, for a copy of eight photographs of the Mercury Topaz Danny Heinrich owned in January 1989).

On 01/16/1989, SCSO Deputy Ziegelmeyer telephoned SCSO Detective Doug Pearce and indicated he had information regarding a possible suspect in the kidnapping and assault of JNS. Deputy Ziegelmeyer identified the possible suspect as Danny James Heinrich, born 03/21/1963, of Paynesville, MN. Officer Ziegelmeyer advised Heinrich drove a 1987 dark blue Mercury Topaz, 4-door with a light blue interior bearing Minnesota license plate #086CEZ. Deputy Ziegelmeyer re-contacted Detective Pearce early that afternoon to advise Heinrich was currently in either the National Guard or Army Reserves and was observed on a regular basis wearing military fatigues.

Based on Your Affiant's review of documents and photographs, Danny James Heinrich's physical description in the late 1980's was as follows: white male; born 03/21/1963; 5'5"; 160 pounds, brown hair, and brown eyes.

On 01/17/1989, Detective Pearce displayed to JNS a photographic lineup consisting of six photographs of males with similar builds and characteristics. This photo line-up included a then current photograph of Danny James Heinrich. Upon viewing the lineup, JNS indicated the picture of Danny James Heinrich and a picture of another male somewhat resembled the person who kidnapped and sexually assaulted him on 01/13/1989.

On 01/17/1989, Detective Pearce confirmed Danny Heinrich was a member of the Willmar National Guard.

On 01/18/1989, Detective Pearce and Detective L. Leland observed a 1987 dark blue 4-door Mercury Topaz bearing Minnesota license plate #086CEZ at Master Mark Plastics where Danny Heinrich was employed. Detective Pearce and Detective Leland observed the interior of the car appeared to be gray-colored. There was no luggage rack on the trunk.

Subsequently, on 10/22/1989, the SCSO received the report of a kidnapping which occurred in St. Joseph Township, Stearns County, MN. TW and AL, male juveniles whose names and other identifying information are known to Your Affiant, told SCSO law enforcement officers at approximately 9:15 pm, they were in the company of Jacob Erwin Wetterling, age 11. A masked male subject approached the boys, on foot, with a handgun in the area of 29748 91st Avenue, St. Joseph Township. He ordered them into the ditch. He asked the boys how old they were. They told him their ages. He also grabbed AL's penis over AL's clothing. He then ordered TW and AL to run and not to look back or he would shoot them. Jacob Wetterling was led away by the masked male and has never been located. AL and TW reported they did not see any vehicles when the confrontation took place. Jacob Wetterling was last seen wearing a

red hockey team jacket with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back. He was also wearing blue sweat pants, a blue mesh jersey, boys white tube socks, white boys underwear, a red t-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. The number "11" and the name "Wetterling" is on the back. He was also wearing an orange traffic vest with silver trim, and black drawstrings on each side. He was wearing boys Nike high top tennis shoes size 5, that were white with a grey Nike swoosh on the side and Nike written on the bottoms.

The masked male was described as follows: adult; approximately 5'9"-5'10"; approximately 180 pounds, and a low rough voice as if he had a cold. He was wearing a smooth, nylon-type mask to cover his face; dark coat, dark pants, and dark shoes. He had a silver colored handgun.

Shoe prints and tire impressions were discovered by law enforcement in the gravel driveway at 29748 91st Avenue, St. Joseph, MN. These shoe prints and impressions were approximately 75 yards away from the location where AL, TW, and Jacob Wetterling were initially confronted and 300-400 yards away from the woods that TW and AL were told to run to. Cast impressions and photographs were obtained of the shoe prints and tire impressions. One set of shoe prints looked to be similar to the Nike shoes Jacob Wetterling was wearing on 10/22/1989.

On 12/16/1989, following the suspected kidnapping of Jacob Wetterling, Danny Heinrich was interviewed by two FBI Agents. He advised he had been arrested twice for Burglary and also for Driving While Intoxicated (DWI). He belonged to the Army National Guard in Willmar, MN. He could not recall where he was on 01/13/1989 nor could he recall where he was on 10/22/1989; however, he offered he could have been washing clothes or visiting a friend on 10/22/1989. From the fall of 1988 through November 1989, Heinrich continued to live at 121 Washburne Av in Paynesville. He moved out in November 1989. He moved to his father's residence 16021 CR 124 in Paynesville TWP. Prior to February 1989, Heinrich split time staying at his mother's residence at 121 Washburne Ave and his father's residence at 16021 CR 124. Since 06/1989, he had been driving a light/medium blue 1982 Ford EXP bearing Minnesota license plate #188AOB. The 1982 Ford EXP had Sears Response Superguard rear tires. Prior to 07/1989, he indicated he drove a 1975 gray Ford Grenada which he sold to his mother. He denied wearing camouflage clothes or Army boots other than when on guard duty as it was stressed guards were not to wear Army clothes or Army-related clothes while off duty. He denied any knowledge regarding the abductions of JNS or Jacob Wetterling.

On 01/08/1990, Paynesville Police Chief Robert Schmiginsky advised the Wetterling investigators that Paynesville had a year of molestation episodes. Chief Schmiginsky believed Danny Heinrich should be considered a suspect in the molestations. Several incidents of an unknown adult male groping or chasing juvenile males were reported to Paynesville law enforcement from approximately 09/1986-09/1987. No arrest(s) were ever made in connection to the reports. (Those and additional incidents are summarized ante at pgs 1-3 and 1-4).

On 01/12/1990, Heinrich was re-interviewed by law enforcement. He indicated the tennis shoes he was wearing at the interview were the only tennis shoes he owns and were purchased at Sears. The shoes had been purchased approximately one year prior to the interview. Heinrich voluntarily provided his tennis shoes to law enforcement officers. On 01/15/1990, Heinrich voluntarily authorized law enforcement officers to remove the rear tires from his 1982 blue Ford EXP bearing Minnesota license plate #188-AOB. He informed police that he purchased the EXP in September 1989. (see Appendix C, attached hereto and incorporated herein, for photographs of the EXP owned by Danny Heinrich in 1990).

On 01/15/1990, Detective Pearce obtained and reviewed documentation indicating the four-door 1987 Mercury Topaz, blue exterior/blue interior, automatic transmission, vehicle identification number (VIN) 2MEBM36X8HB64633, bearing Minnesota license plate #086CEZ, was purchased on 03/10/1988 by Danny Heinrich. On the purchasing contract, Heinrich's home address was listed as 121 Washburne Avenue, Paynesville, MN. Detective Pearce also received and reviewed documentation the vehicle was repossessed from Heinrich on 03/15/1989. Detective Pearce telephonically contacted the then current owners of the Topaz who voluntarily drove the car to Detective Pearce on 01/16/1990.

On 01/16/1990, JNS sat inside the 1987 Mercury Topaz and examined the vehicle. JNS said the Topaz "feels like" the car he was in and he "wouldn't change a thing" about the interior. On a scale of 1 to 10 (with 10 being most similar) the Mercury Topaz was an "8 or possibly a 9" as being similar to the car in which he had been kidnapped and sexually assaulted. (Photographs of the Topaz taken on 1/16/1990 are attached in Appendix B).

On 01/18/1990, back seat carpet and seat samples were obtained by Detective Pierce from the 1987 Mercury Topaz, VIN 2MEBM36X8HB646334. Those samples were retained by law enforcement. On 02/09/1990, the FBI Laboratory verbally indicated a "synthetic fiber found on JNS's snowmobile suit exhibited the same microscopic and optical properties as the fibers in the composition of the seat samples obtained on 01/18/1990 from the 1987 Mercury Topaz owned by Danny Heinrich in January 1989. On 03/05/1990, the FBI Laboratory provided a written document which stated "a gray synthetic fiber found on the snowmobile suit exhibited the same microscopic characteristics and optical properties as the fibers in the seat sample from the 1987 Mercury Topaz and, accordingly, is consistent with having originated from the same source."

On 01/23/1990, SCSO obtained a search warrant for Danny Heinrich's father's (Howard Heinrich) residence at 16021 County Road 124, Paynesville, MN. According to a family member, Danny Heinrich moved from his mother's apartment at 121 Washburne Avenue, Paynesville, MN in October 1989 and was living with his father at 16021 County Road 124, Paynesville.

On 01/24/1990, law enforcement officials conducted a search of the residence at 16021 County Road 124, Paynesville, MN. The following items were seized: One black portable scanner carrying case; lists of scanner frequencies and operating manuals; one pair black lace up boots; two brown caps; one "Radio Shack" scanner frequency book; one shirt and pair of trousers (both camouflage); one past due loan payment in the name of "Danny Heinrich" and one pay stub from Fingerhut Corporation dated 10/08/1989 in the name of "Danny Heinrich"; one vest; one handheld Regency programmable scanner; one six channel Regency scanner. (See Appendix D , attached hereto and incorporated herein, for a nine page copy of the search warrant affidavit and inventory).

During the search, Danny Heinrich was re-interviewed. He still could not remember where he was on Sunday 10/22/1989 but his best guess was he was at home at his former apartment at 121 Washburne Ave #24 in Paynesville. Per Heinrich, his Sundays were usually spent driving around Paynesville, washing clothes, or watching a movie. He was "mostly by himself." He could not locate any receipts or paperwork which could provide him an alibi but he stated he was not in St. Joseph, MN at any time that weekend. He was not working and was unemployed. After consulting his records, his last day of work at Fingerhut Corporation was 10/08/1989 and he was unemployed until 11/12/1989 when he started at North Star Mailing in St. Cloud, MN. He moved out of his apartment at the Plaza Hotel in Paynesville on 11/30/1989 and moved into his father's basement. Investigators noted Heinrich's bottom teeth had black spots in the front and he advised he chewed tobacco for many years. During a search of one of Heinrich's locked trunks, he produced six photographs. Three of the photographs were school-type photos of children with the last name, "Wurm." Heinrich stated he obtained the photos while he was at the Willmar Regional Treatment Center (WRTC) and the children depicted were from the Twin Cities area of Minnesota, but he had met them while they were at the WRTC Adolescent Treatment Unit. Investigators were able to confirm that Danny James Heinrich was a patient at WRTC. The other photos depicted a male child coming out of the shower with a towel wrapped around himself, a male child in his underwear, and an additional photo of three fully clothed children. Reports did not indicate any age range for the children in the photographs. Heinrich objected to law enforcement officers seizing the photographs because "they just didn't look right". The photographs were not seized. In subsequent interviews, Heinrich stated that he burned the photos. He told officers the photos "looked bad" and were "no kind of pictures to have anyway."

On 01/25/1990, Heinrich was re-contacted by FBI SA Eric D. Odegard at his residence. His father, Howard Heinrich, was also present. Heinrich volunteered to appear at the SCSO to retrieve the two rear tires for his 1982 Ford EXP. He also agreed to appear in a physical lineup. On 01/26/1990, a physical lineup of six white males, including Danny Heinrich, was conducted. JNS could not identify any of the males as being the individual who kidnapped and sexually assaulted him. JNS said one of the participants and Danny Heinrich were similar to his kidnapper based on build, chest, and stomach. JNS indicated the one of the participants was a "7" on a scale of one to ten and Danny Heinrich was a "4" in similarity to his kidnapper.

On 01/26/1990, Jacob Wetterling Investigators were verbally advised by the FBI Laboratory that the tires provided by Heinrich were consistent with but not an exact match of the tire impressions left at the scene of the Wetterling kidnapping. It was determined the Sears Superguard Response tread design was consistent with the tire impressions at the scene and the tire size was also consistent with measurements obtained of the tire impression at the crime scene. On 04/13/1990, FBI Laboratory examiner David Attenberger submitted a written report regarding shoe print

impressions from the scene of the Wetterling kidnapping and compared them to Heinrich's shoes taken on 1/12/1990. Attenberger concluded that "due to lack of sufficient detail in the submitted questioned shoe impression," it could not be determined whether the right shoe impression at the scene was made by Heinrich's right shoe. However the shoe impression at the scene "corresponds in design" to Heinrich's right shoe. Attenberger also compared the tire impressions from the Wetterling crime scene to the tires taken on 1/25/1990 from Danny Heinrich's car and concluded the tires tread pattern was "consistent with the tire impressions found at the Wetterling crime scene." (See appendix E , attached hereto and incorporated herein, for copies of the photographs of the shoes, tires, shoe prints, and tire marks.)

On 02/05/1990, James Martin Wurm, was interviewed by FBI SA Odegard. Wurm said his sister is Arlene Jude of Paynesville, MN. Wurm and his wife had five boys aged 22 to 11. His sons, Leroy and Lloyd, would often stay at the Jude residence in Paynesville. Wurm recalled a juvenile named Tommy Heinrich playing football with his boys. Tommy Heinrich was 17 years old at the time of the interview. Wurm was shown a photograph of Danny Heinrich and stated Danny Heinrich would often accompany Tommy Heinrich to the Jude residence but would not play football with the kids. Wurm advised the Jude home had been burglarized five or six years earlier and had again been recently burglarized and set on fire in approximately 11/1989. Wurm provided a photograph of Lloyd and Leroy Wurm taken in 1980. FBI SA Odegard noted the photographs looked similar to photographs he had observed in Danny Heinrich's possession on 01/24/1990.

On 02/09/1990, Danny Heinrich was arrested on probable cause for the kidnapping and sexual assault of JNS. Heinrich stated emphatically he was not guilty, that he was being framed, and that he was not going to talk to the interviewing agents. Heinrich re-stated he was innocent and he invoked his right to an attorney. Heinrich was later released without being charged. All property seized during the search warrant executed on 01/24/1990 was released to Heinrich on 02/08/1991.

On 07/18/2012, a Minnesota Bureau of Criminal Apprehension (BCA) Report on the Examination of Physical Evidence (laboratory report number S890-1699, report #40), indicated a DNA profile was obtained from JNS's snowmobile suit (item 46), JNS's sweatshirt (item 47), and JNS's shirt (item 48).

DNA analysis was performed on those samples as well as on a known DNA sample from JNS. The DNA profiling results indicated a sample obtained from the right wrist of JNS's sweatshirt (item 47-5) contained a "mixture of two or more individuals." JNS could not be excluded as being a possible contributor. The unidentified predominant male DNA profile did not match JNS; however, "it is estimated 99.5% of the general population could be excluded from being contributors." Samples which contained a mixture of two or more individuals were also obtained from the center chest of the snowsuit, the neck of the sweatshirt, and the chest of the sweatshirt. The partial predominant male DNA profile obtained from the neck of the sweatshirt and the chest of the sweatshirt matched JNS.

On 03/05/2014, a BCA lab report (Laboratory number S890-1699, report number 44) indicated DNA profiling was performed on a sample collected from the baseball hat collected following an attack in Paynesville, MN on 05/17/1987 (item 75). DNA results indicated a mixture of three or more unknown individuals was present.

On 1/12/1990, Danny James Heinrich voluntarily provided body hair samples to Detective Steve Mund and SA Pete Cunningham of the FBI. SA Cunningham delivered those samples to the FBI lab for comparison. These samples were placed under glass slides and mark K1 and K2 for identification and have been retained by law enforcement.

On 5/12/2015, Your Affiant presented slides K1 and K2 to the BCA trace evidence unit. The trace evidence unit examined the hair slides and deemed them suitable for nuclear DNA testing. They were forwarded to the Biology section for further testing. On 7/10/2015, Your Affiant received a report regarding the examination of the hair samples. (Laboratory number S890-1699, report number 49). The report stated there was a "mixture of two or more individuals" on the right wrist of JNS's sweatshirt (item 47-5). The "predominant male DNA profile matches Danny James Heinrich. The predominant profile would not be expected to occur more than once among unrelated individuals in the world population."

The DNA of Danny James Heinrich was also compared to the blue baseball cap that was recovered after an incident in 1987 in Paynesville. The hat contained a "mixture [of DNA] from three or more individuals. Danny James Heinrich

could not be excluded from being a possible contributor." "It was estimated that 80.5% of the general population could be excluded from being contributors." (Laboratory number S890-1699, report number 49).

On July 28, 2015 the search warrant was executed at Danny Heinrich's residence 55 Myrtle Ave. S. in the city of Annandale, Wright County Minnesota. As result of that search numerous items believed to contain child pornographic images were seized. Danny Heinrich was present during the search and did make some admissions to Stearns County Capt. Pam Jensen and Agent Kenneth McDonald to possessing those items.

On October 26, 2015 after reviewing the items seized in the search warrant, Capt. Jensen and Agent McDonald make contact with Heinrich at his residence to discuss the child pornography. Heinrich admitted that he possessed the child pornography. Investigators also began questioning Heinrich on the disappearance of Jacob Wetterling at which time indicated he did not want to discuss that and wanted legal counsel. Investigators did not arrest Heinrich and left the residence.

On the late evening of October 26, 2015 Heinrich was arrested for possession of child photography and taken into federal custody. The investigation was turned over to federal prosecutors in St. Paul Minnesota. Subsequently Heinrich was charged federally on numerous counts of possession and receipt of child pornography.

On August 30, 2016, law enforcement was provided information from a source of information (SOI), who shall remain anonymous, relative to the investigation of the Wetterling abduction. The SOI has a personal relationship with Danny Heinrich and has regular contact with him.

According to the SOI, on August 30, 2016, the SOI spoke with Heinrich. Heinrich told the SOI that approximately 25 years ago, he buried the physical remains, to include bones and clothing, of Jacob Wetterling in a clandestine grave located at the land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site. The SOI provided a detailed description of where these remains were buried by Heinrich.

Agent McDonald believes these statements to be reliable: The identity of the SOI is known to law enforcement. The SOI is known to be in a position to have directly obtained this information from Heinrich. The SOI knew that this information was going to be provided to law enforcement for the purpose of conducting a search to recover the remains of Jacob Wetterling. The SOI is well aware of the serious adverse consequences of providing false information to law enforcement about this matter. The SOI would have no reason to provide information that would bring negative consequences to Heinrich or to the SOI. According to the SOI, Heinrich was aware that this information would be provided to law enforcement by the SOI.

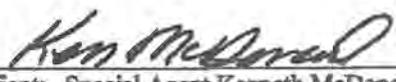
On August 31, 2016, a search warrant was executed at 27725 Business 23 East, Paynesville, Stearns County. During that search a red nylon jacket preliminarily consistent with the jacket Jacob Wetterling was wearing at the time of his abduction, bone fragments, and teeth were recovered. Later examination by experts determined neither the bones or teeth were human. Heinrich was present at 27725 Business 23 East during execution of the initial search warrant. He provided additional information referencing an initial burial site near where he assaulted and killed Jacob Wetterling. At a later time, approximately a year later, Heinrich moved the remains from the original scene to 27725 Business 23 East. Law enforcement now requests authority to return to 27725 for a more extensive examination.

Items to be searched for:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.

7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the side. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

WHEREFORE, Affiant requests a search warrant be issued, commanding, Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold, (a) peace officer(s), of the State of Minnesota, and all other personnel under your direction and control between the hours of 7:00 a.m. and 8:00 p.m. only to search the hereinbefore described Premises(s), for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.


Affiant: Special Agent Kenneth McDonald

Subscribed and sworn to before me this

September 2, 2016


John Green
Judge of District Court

SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF STEARNS

SEVENTH DISTRICT COURT

TO: Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold , (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, SPECIAL AGENT KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described Premises:

The land on 27725 Business 23 East, Paynesville, Stearns County, described as a farm operation site and outlying property.

Located in PAYNESVILLE TOWNSHIP County of Stearns STATE OF MINNESOTA for the following described property and things:

1. Jacob Erwin Wetterling DOB 12/17/78. Human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, or biological samples.
2. Red hockey jacket, name "Jacob" stitched on the front and a St. Cloud police logo on the back.
3. Blue boys' sweatpants.
4. Red T-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. Number of 11 and the name "Wetterling" on the back.
5. Orange traffic vest, with silver trim and black drawstrings on each side.
6. Blue mesh jersey.
7. Boys white socks.
8. Boys white underwear.
9. Boys Nike tennis shoes size 5, white with gray Nike swoosh on the sides. Nike written on the bottom.
10. Any/all handguns specifically but not limited to handguns serial numbers indicating pre 1990 manufacture date.
11. Any and all firearm bullets, cartridges, shell casing(s), bullet projectiles and/or fragments.
12. Any type of clothing article/garment that could possibly be construed as a mask.
13. Military style watch.

WHEREAS, the application and supporting affidavit of Special Agent Kenneth McDonald was/were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described will tend to show that a crime has been committed or that a particular person committed the crime.

NOW, THEREFORE, YOU Special Agents, Kenneth McDonald, Mike Kaneko, and Chief Deputy Bruce Bechtold THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY AUTHORIZED BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. TO SEARCH THE DESCRIBED PREMISES,

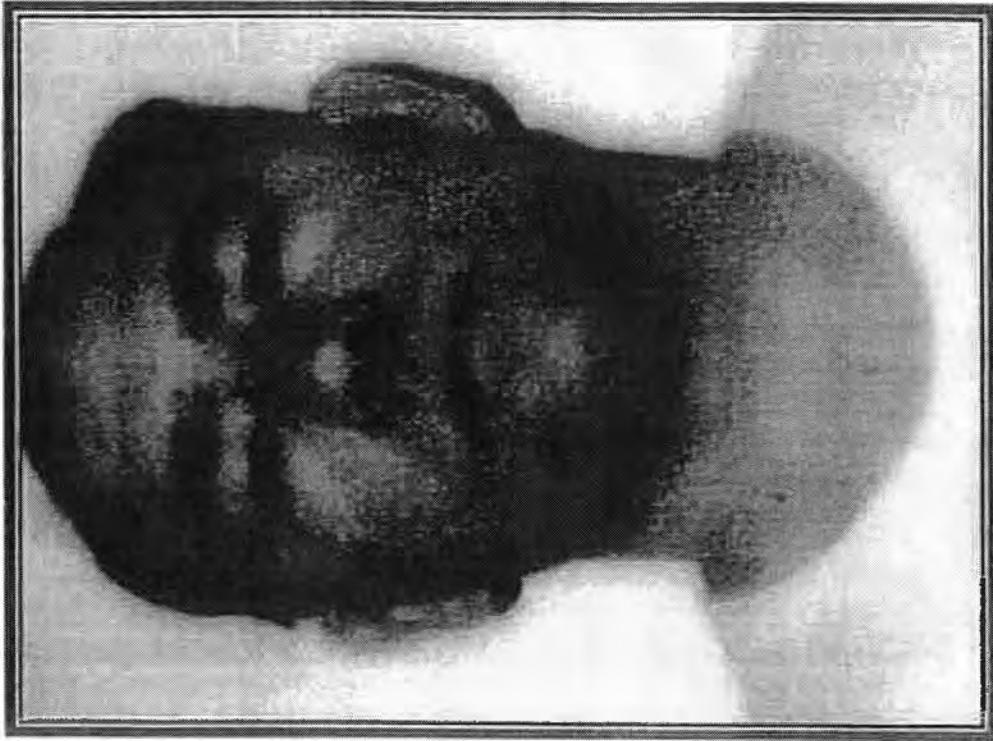
BY THE COURT:

Dated : 7-2-16

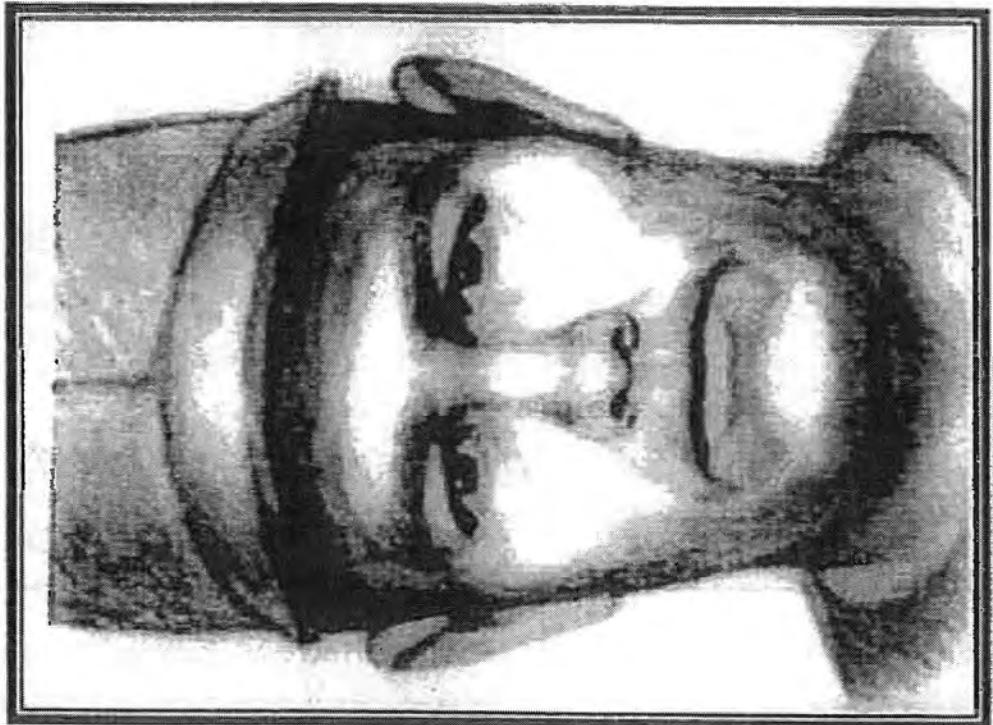


JUDGE OF DISTRICT COURT

Appendix A



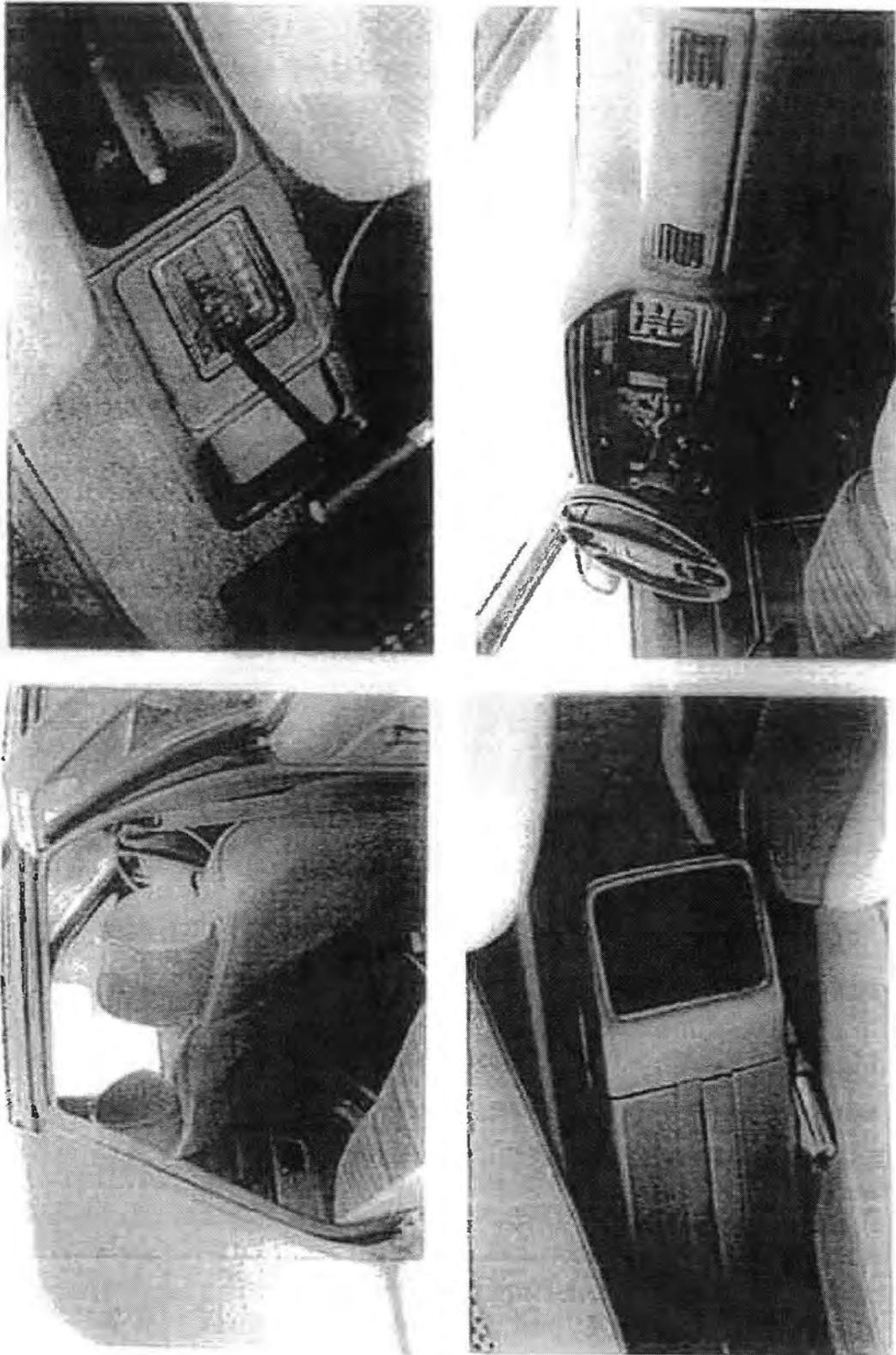
Danny James Heinrich, DOB 3/21/63
Taken in 1990



Artist rendering of driver who kidnapped JNS

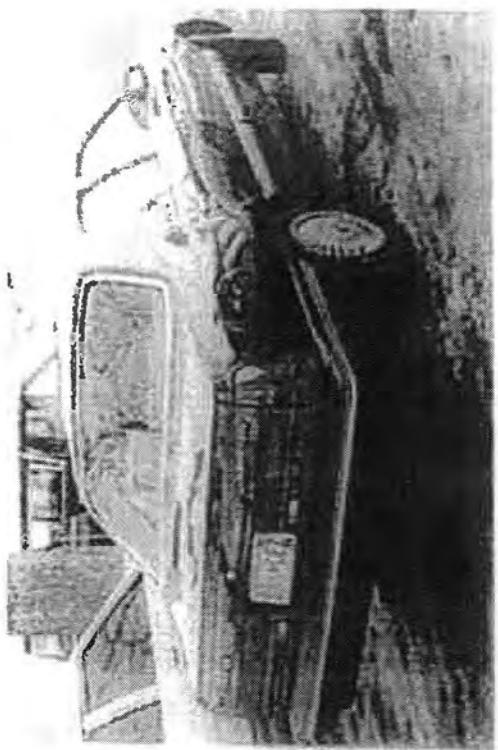
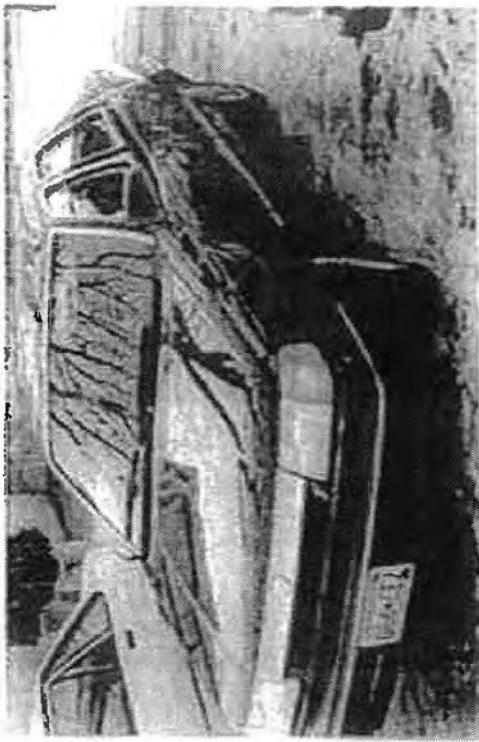
Appendix B

1987 Mercury Topaz



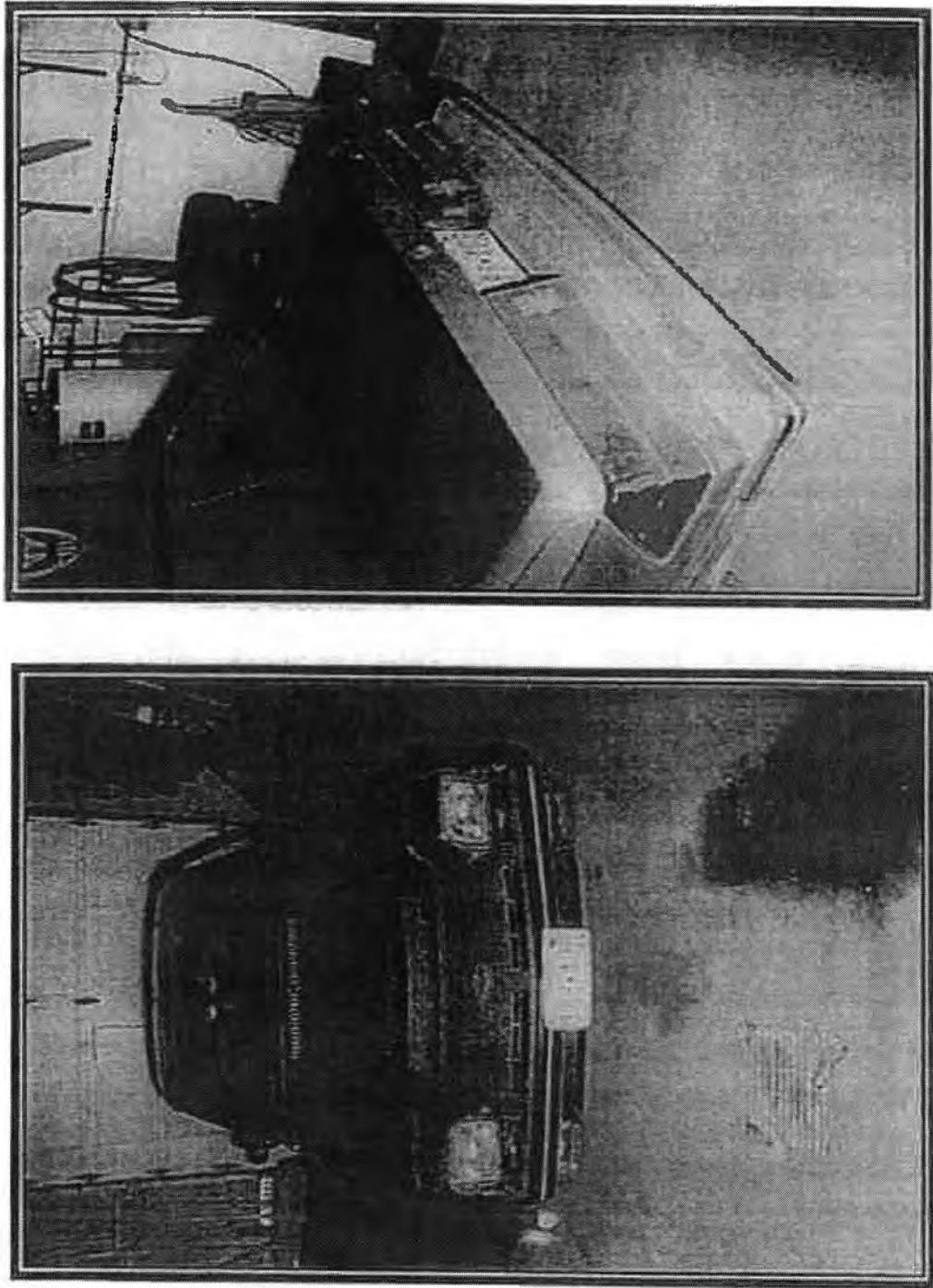
1987 Mercury Topaz

Appendix B



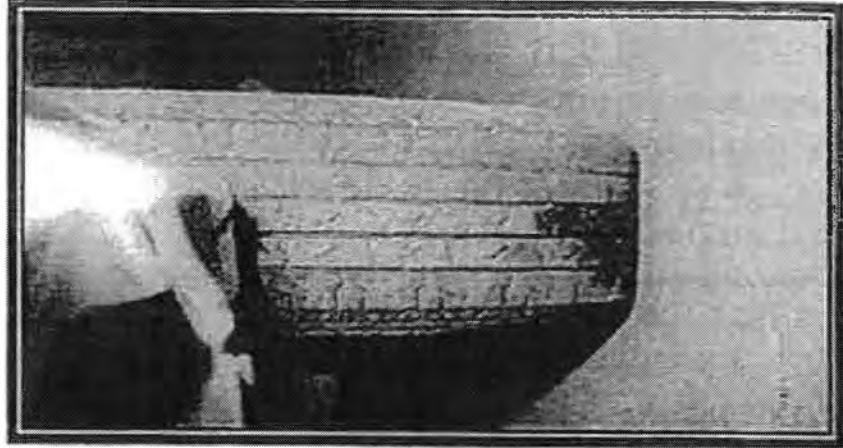
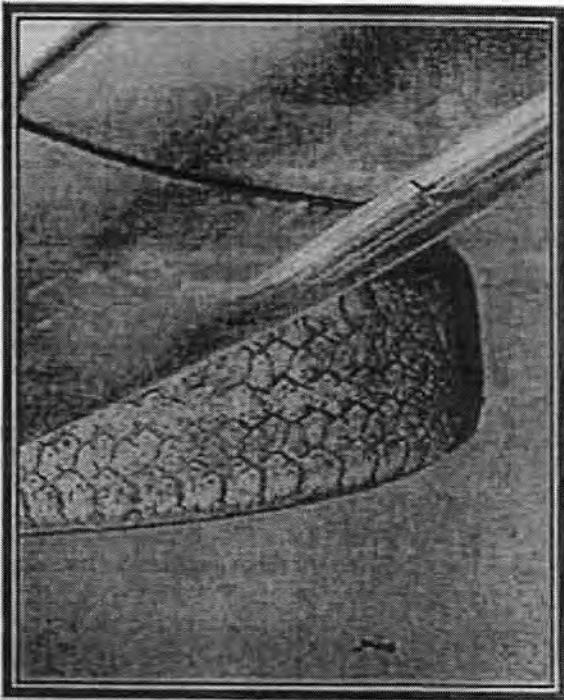
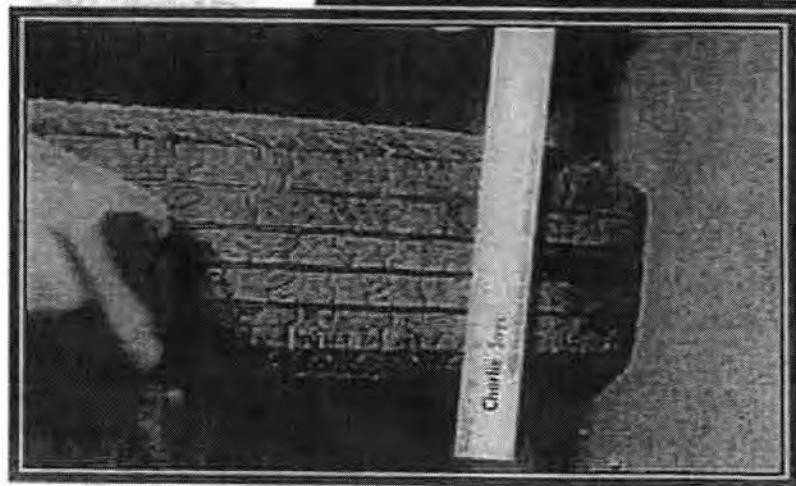
Danny Heinrich's, 1982 Ford EXP

Appendix C



Ford EXP
Superguard Tires

Appendix C



STATE OF MINNESOTA, COUNTY OF _____

COURT

STATE OF MINNESOTA _____
COUNTY OF _____
I SS.APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT

_____, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (motor vehicles) (person) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

(are) (will be)

(at the premises) (in the motor vehicle) (on the person) described as:

located in the _____ of _____, County of _____, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (Strike inapplicable paragraph)

1. The property above-described was stolen or embezzled.
2. The property above-described was used or means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

Appendix 1

APPLICATION

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

(continued on page 1-3)

COURT - WHITE COPY • PROS ATTY. - YELLOW COPY • PEACE OFFICER - PINK COPY

Appendix J

APPLICATION 1-2A

lowering his pants and underwear to his ankles and exposing his genital area. The driver lowered his pants to his ankles, also exposing his genital area. The driver began touching JS, feeling JS's penis with his hand. The driver instructed JS to touch the driver's genital area, which JS did. The driver then placed JS's penis into his mouth and began to suck on it. After some time, the driver instructed JS to suck on the driver's penis. JS complied, placing the driver's penis inside his mouth. JS noted that the driver's penis was hard at this time. During the time when he was performing this sexual act, JS wiped his mouth on his T-shirt several times. The driver instructed JS to kneel on his hands and knees and spread his legs. JS complied and the driver attempted to insert his penis into JS's rectum. JS struggled and the driver was unable to effect entrance. The driver stated, "I give up".

JS stated that the driver then returned to the driver's seat, instructing JS to give the driver JS's pants, which were Lee stonewashed jeans, size Regular 14, and underwear, size 12 or 14. The driver took JS's pants and underwear into the front seat and permitted JS to put on his snowmobile suit. The driver then drove JS back toward Cold Spring. While driving, the driver asked JS whether he had any money. JS stated that he did not, and he observed the driver check his pants for money or a wallet. The driver mentioned that he had an appointment at the Red Carpet and that he didn't want to be late. The driver dropped JS off near the City of Cold Spring, instructing JS to roll around in the snow in order to wipe his snowmobile suit off. Before permitting JS to put the snowmobile suit back on, the driver had wiped the suit with a cloth or mitten. At the beginning of the incident, the driver had informed JS that the driver had a gun. As he dropped JS off, the driver stated that JS could tell what happened, but if the police got a lead on the driver, the driver would "get [JS] after school and kill [JS].

On January 17, 1989, Detective Pearce displayed to JS a photographic line-up consisting of six photographs of males with similar builds and characteristics. Upon viewing the photographic line-up, JS indicated that the picture of Danny James Heinrich and another picture of another male somewhat resembled the person who sexually assaulted him on January 13, 1989.

On January 17, 1989, Detective Pearce proceeded to the Willmar National Guard Armory and was informed by Guard personnel that Danny James Heinrich was then a member of the Willmar National Guard and that the Guard did not have any meetings the weekend of January 13, 1989.

On January 25, 1990, Deputy Winkels received documents from which he learned that on March 15, 1989, a 1987 Mercury Topaz, 4-door, automatic transmission, blue interior, blue exterior, vehicle identification number 2MEBM36X8HB646334, previously purchased by Dan James Heinrich, DOB 03-21-63, D/L H-562-135-367-229, was repossessed. From a current vehicle registration check on the Mercury vehicle, Deputy Winkels contacted the current owner of the vehicle and arrangements were made to have the vehicle driven to St. Cloud. On January 16, 1990, in Deputy Winkels' presence JS sat in and examined the Mercury vehicle and told Deputy Winkels that on a scale of 1 to 10 the Mercury vehicle was an 8 or 9 (10 being most like) as similar to the vehicle in which he (JS) was abducted.

Affiant is aware that on October 22, 1989, the Stearns County Sheriff's Department received and began to investigate the report of an abduction which had happened that day in St. Joseph Township, Stearns County, Minnesota.

Appendix D

APPLICATION 1-2B

TW and AL, male juveniles whose names and other identifying information are known to your affiant, told Stearns County Sheriff's Department Detective Douglas Pearce that while they were present in the area of 29748-91st Avenue, St. Joseph Township, Stearns County, Minnesota, at approximately 9:15 p.m., on October 22, 1989, they were in the company of Jacob Erwin Wetterling, whose age is 11 years; TW and AL told Detective Pearce and other investigators that at said time and place they were approached by a male subject described as 5'9" to 5'10", weighing approximately 180 pounds, and wearing dark clothing, including a smooth nylon-type mask to cover his face; they reported that the subject had a handgun and ordered TW and AL to leave, taking Jacob Wetterling by force.

Affiant learned from investigators who had been at the scene of the kidnapping that shoe prints were found in the soil where the boys were accosted by the kidnapper which could not be identified to the boys shoes and are presumably those of the kidnapper. Affiant also learned that tire impressions were found near the shoe prints. Cast impressions were made of the shoe print and tire impressions.

That Detective Pearce and other investigators were told by Jerry and Patty Wetterling, parents of Jacob Wetterling, that at the time of the kidnapping Jacob Wetterling was wearing clothing items including a St. Cloud Hockey jacket with the name "Jacob" on the front and the badge of the St. Cloud Police Department on the rear, a Central Minnesota Youth Soccer Association t-shirt, red in color, with the number "11" and last name "Wetterling" on the back, a pair of blue sweat pants, a blue mesh t-shirt, a pair of Nike tennis shoes, white tube socks, white boys brief, and a blaze orange runners-type vest.

On January 12, 1990, Danny James Heinrich provided his tennis shoes to FBI Special Agent Peter S. Cunningham. On January 15, 1990, Danny James Heinrich, DOB 03-21-63, authorized peace officers to remove the rear tires from his blue Ford Hatchback vehicle, bearing Minnesota license #188-AOB.

Affiant has been informed that Federal Bureau of Investigation (FBI) Laboratory Examiner David Attenberger examined the shoe print impressions and compared them with the shoes of Danny James Heinrich, and concluded that the pattern of the Heinrich shoes were the same pattern found at the Jacob Wetterling crime scene. Attenberger also examined the tire impressions and compared them with the tires of Danny James Heinrich, and concluded the tires are consistent with the tire impressions found at the Jacob Wetterling crime scene.

Affiant has learned from Deputy Winkels that Winkels was reliably informed on January 15, 1990, by TH, a male juvenile whose age is 17 years and whose name and other identifying information is known to your affiant and contained in offense reports concerning this investigation, that Danny James Heinrich has been residing with him and Howard, his father, for approximately the last two months. TH stated that the residence is located at 16021 County Road 124, located in Paynesville Township, Stearns County, Minnesota. Winkels informed your affiant that Winkels was personally present at the residence, which is more specifically described as a one story residence, tan in color, with dark brown trim and with a two car attached garage. The house faces East and is located at the northwest corner of the intersection of Stearns County Road

Appendix D

APPLICATION 1-3

(attach and identify additional sheet if necessary)

A nighttime search is necessary to prevent the loss, destruction or removal of the objects of the search because:

An unannounced entry is necessary (to prevent the loss, destruction or removal of the objects of the search (and) to protect the safety of the peace officers) Because:

WHEREFORE, Affiant request a search warrant be issued, commanding the law enforcement officer(s) named above to search the hereinbefore described (premises) (motor vehicle) (person)

(a) peace officer(s), of the State of Minnesota, (to enter without announcement of authority and purpose)
(in the daytime only) (at the day time or nighttime)
to search the hereinbefore described (premises) (motor vehicle) (person)
for the described property and things and to seize said property and things and keep said property and things in
custody until the same be dealt with according to law.

Subscribed and sworn to before me this
5 day of June 1971.

J. J. Becker
Affiant 1971 - Becker
Judge of Court

COURT - WHITE COPY • PROS. ATTY. - YELLOW COPY • PEACE OFFICER - PINK COPY

STATE OF MINNESOTA, COUNTY OF STERANS DISTRICT

COURT

RECEIPT, INVENTORY, AND RETURN

I, Kenneth P McDonald , received the attached search warrant issued by the Honorable Scherer, on September 2, 2016 , and have executed it as follows:

Pursuant to said warrant, on September 2, 2016, at 11:00am, I searched the (premises described in said warrant, and left a true and correct copy of said warrant (at) residence September 8, 2016

I took into custody the property and things listed below (attach and identify additional sheets if necessary):

Apparent bones
Boys T-shirt with the name "Wetterling" on it
Mesh shirt
Miscellaneous fabric

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant September 8, 2016.
-
- I shall (retain) custody of said property as directed by Court order.

I, Kenneth P McDonald , being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory, and return, and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this
____ day of _____, _____.

Notary Public _____ County, MN

My commission expires _____

Signature

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sheriff's Office Case No. 15058128

Regarding the Ongoing Investigation into
the Disappearance of Jacob Erwin Wetterling

**MOTION PURSUANT TO MINNESOTA
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Assistant Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d) for an Order that the attached Application for Search Warrant and supporting Affidavit, the actual Search Warrant, and the Receipt Inventory, and Return Form, the attached Affidavit of Kenneth McDonald, the attached Order, and this Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization.

This Motion is based on the attached Affidavit of Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, an officer involved in the investigation of activities involving the disappearance and kidnapping of Jacob Erwin Wetterling as referenced in the attached Search Warrant. Said document contains information which, if filed, could cause this search or a future, related search to be unsuccessful, create a substantial risk of injury to an innocent person, and/or could severely hamper the ongoing investigation regarding the disappearance and kidnapping of Jacob Erwin Wetterling as summarized in the Search Warrant. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said searches or at any other time the court directs.

Dated: September 2, 2016

NeJL

Michael J. Lieberg, 0269141
Assistant Stearns County Attorney
Administration Center, RM 448
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sheriff's Office Case No. 15058128

Regarding the Ongoing Investigation into
the Disappearance of Jacob Erwin Wetterling

**AFFIDAVIT OF
INVESTIGATOR KENNETH
MCDONALD**

State of Minnesota)
)ss.
County of Stearns)

The undersigned Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the police officers involved in the investigation into the disappearance of Jacob Erwin Wetterling as summarized in the attached Search Warrant. Your affiant also states that the investigation is ongoing and that several avenues of the investigation are being pursued. Your affiant further states that the release of the information contained within the Application for Search Warrant and supporting Affidavit, the actual Search Warrant and Receipt Inventory, and Return Form, this Affidavit of Kenneth McDonald, the attached Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04, could cause this search or future related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and could create a substantial risk of severely hampering this ongoing investigation.

Ken McDonald

Investigator Kenneth McDonald
Stearns County Sheriff's Office

State of Minnesota)
)ss.
County of Stearns)

Subscribed and sworn to before me this 2nd

day of Sept., 2016 by Investigator Kenneth McDonald.

Melissa Dahberg
Notary Public



STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. _____

Stearns County Sheriff's Office Case No. 15058128

Regarding the Ongoing Investigation into
the Disappearance of Jacob Erwin Wetterling

ORDER

Based upon the attached Motion submitted by Assistant Stearns County Attorney Michael J. Lieberg and the Affidavit of Investigator Kenneth McDonald, Minnesota Bureau of Criminal Apprehension, the Court finds reasonable grounds to believe that the filing of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt Inventory, and Return Form, the Affidavit of Kenneth McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 could cause this search or future, related searches to be unsuccessful, create a substantial risk of injury to an innocent person, and/or could create a substantial risk of severely hampering the ongoing investigation into the disappearance of Jacob Erwin Wetterling.

Accordingly, **IT IS ORDERED** that the original of the Application for Search Warrant and supporting Affidavit, the actual Search Warrant, the Receipt Inventory, and Return Form, the Affidavit of Kenneth McDonald, this Order, and the Motion Pursuant to Minnesota Rule of Criminal Procedure 33.04 be withheld from filing and be retained by Investigator Kenneth McDonald of Stearns County Sheriff's Office. **IT IS FURTHER ORDERED** that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said search, or at any time as directed by the Judge, that said documents shall be filed forthwith.

Dated: 9-2-16



Judge of District Court