

STATE OF COLORADO)
)
COUNTY OF Arapahoe)

RETURN AND INVENTORY

REDACTED (353)
Filed

SUPPRESSED

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 COCLAINED COURT said Warrant certain property and the following is a true, complete and correct inventory of the property as taken. ARAPAHOE COUNTY, COLORADO

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

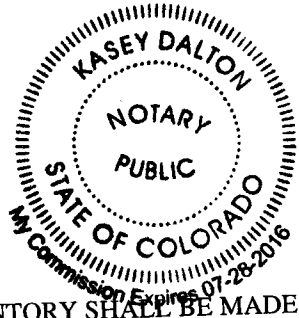
I further certify that said Inventory was made by Detective Tom Wilson # 13163

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.

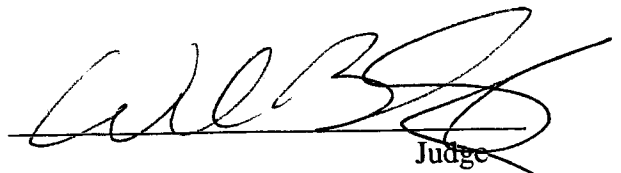
Believed to be situated at the place known as:

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

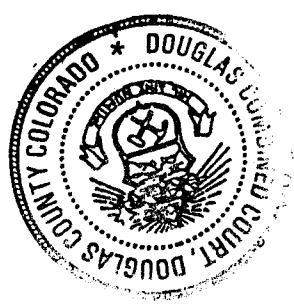
COUNTY/DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	Filed in Division JUL 20 2012 DOUGLAS COMBINED COURTS COURT USE ONLY
<u>THE PEOPLE OF THE STATE OF COLORADO</u> vs JAMES E. HOLMES, Defendant.	
Attorney: CAROL CHAMBERS, 18 th Judicial District Attorney 6450 S. Revere Pkwy., Centennial, CO 80112 Phone: (720) 874-8500 Atty. Reg. #: 14948	Case Number:
<u>ORDER TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE</u>	

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	
<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	

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.

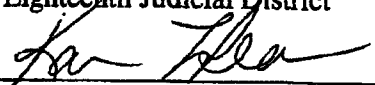
2. Further, disclosure of information contained in this court order for production of records and affidavit would be "contrary to public interest" as provided in 24-72-305, C.R.S.

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



353

STATE OF COLORADO)
) ss.
County of ARAPAHOE)

IN THE District COURT
18th JUDICIAL DISTRICT

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.

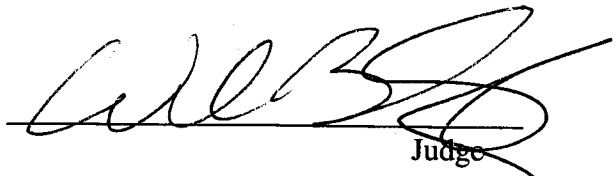
Believed to be situated at the place known as:

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

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 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

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.

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

APD Case #

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 # 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.

Your affiant believes that this red five gallon gas container may contain evidence relating to the planning of this crime. Your affiant believes that the recovery of this item may assist investigators in determining if the suspect in this case acted alone or had assistance in the planning and commission of this crime

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.

[Signature]
Affiant

SUBSCRIBED AND SWORN to before me this

22nd day of July

A.D., 2012.

[Signature]
Judge