

STATE OF COLORADO

COUNTY OF Arapahoe

SUPPRESSED

RETURN AND INVENTORY

REDACTED

356
JAN

Filed

The undersigned officer, being sworn says:

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

JUL 27 2012
CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

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

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

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

M. Yano
(Signature of Officer)

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

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



CLERK OF THE _____ COURT
By: _____
(Deputy Clerk)

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

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

RECEIPT

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

M. Yano
(Signature of Officer)

SUPPRESSED

SUPPRESSED

356

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

THE PEOPLE OF THE STATE OF COLORADO

vs

JAMES E. HOLMES,
Defendant.

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

Filed in
Division

JUL 20 2012

DOUGLAS COMBINED COURTS

COURT USE ONLY

Case Number:

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

THIS COURT, being fully advised in the premises,

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

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



BY THE COURT:

Judge

[Handwritten signature]

SUPPRESSED

STATE OF COLORADO)
) ss.
County of ARAPAHOE)

IN THE District COURT
18th JUDICIAL DISTRICT

356
JR

Filed

JUL 24 2012

CLERK OF THE CO.
ARAPAHOE COUNTY, COLORADO

SEARCH WARRANT

THE PEOPLE OF THE STATE OF COLORADO:

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

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

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

Believed to be situated at the place known as:

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

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

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

Dated on July 20, 2012, at ArAPAHOE County, Colorado.

10:41 p.m.

K. HORTON

District Court Judge

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

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

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

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

And upon person or persons within the above described structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional officers responded to the theatre and entered auditorium # 9 where they located ten victims found to be deceased. Your affiant briefly observed the interior to auditorium # 9 and observed the following: a black shotgun on the floor several feet inside the theatre along with six empty shotgun shell casings. Your affiant additionally observed a green colored plastic 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.

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

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

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

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

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

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

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

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

APD Case #

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

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

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

M. Yarnold
Affiant

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

K. Horton
District Court Judge