

STATE OF COLORADO

COUNTY OF Arapahoe

**SUPPRESSED**

SS: RETURN AND INVENTORY

REDACTED

Filed

357  
JK

The undersigned officer, being sworn says:

JUL 27 2012

On July 20, 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:

CLERK OF THE COMBINED COURT  
ARAPAHOE COUNTY, COLORADO

**Cellular telephone records provided by Verizon Wireless, for phone number 858-449-7348 to include: subscriber information, billing information, call detail records, dates, times and duration of phone calls, voice mail messages, text messages; cellular site locations associated with the calls.**

I further certify that said Inventory was made by me in the presence of: Detective Matt Ingui # 19987

and that a copy of said Warrant and a receipt for property taken was given by me through discovery to James Holmes, 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 21 day of July, 2012, I received the items listed in the foregoing inventory.

M. Yano  
(Signature of Officer)

**SUPPRESSED**

357

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

Filed in  
Division

JUL 20 2012

DOUGLAS COMBINED COURTS

COURT USE ONLY

Case Number:

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

THIS COURT, being fully advised in the premises,

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

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



BY THE COURT:

Judge

**SUPPRESSED**

Aurora Police Department  
Case No. 001234818

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

**COURT ORDER FOR PRODUCTION OF RECORDS**

Filed  
JUL 24 2012  
CLERK OF THE COUNTY COURT  
ARAPAHOE COUNTY, COLORADO

To:

**Cellco Partnership dba Verizon Wireless  
8350 East Crescent Parkway,  
Greenwood Village, CO.  
888-667-0026 -Fax  
Attn: Custodian of records**

The court, upon review of an affidavit filed by Mark Yacano #15678, a Commissioned Aurora Police Officer in support of the issuance of this order, hereby orders the production of the following records, for which there is probable cause to believe are in your actual or constructive control:

**All records pertaining to Cellco Partnership dba Verizon Communications, serviced cellular phone number 858-449-7348, to include, but not limited to, billing, toll numbers, the name, address and telephone numbers of the subscriber; incoming and outgoing telephone numbers, to include dates, times and duration of the calls, voice-mail messages, text messages, cellular site locations associated with the calls, an area cell site listing of the cell site locations, RTT data, for this cellular telephone, all subscriber information for incoming and outgoing calls belonging to or serviced by Cellco Partnership dba Verizon Communications, and any division thereof, any other pertinent information that may be helpful in the investigation; and other data associated with the account or account holder, from May 22, 2012 through July 20, 2012.**

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

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

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all records identified in this order the records not produced shall be identified. Failure to comply with this order shall support a finding of contempt of court.

Pursuant to section 16-3-301.1, C.R.S., Detective Mark Yacano, 15001 East Alameda Pkwy, Aurora, Colorado 80012, 303-739-6090, a Commissioned Aurora Police Officer, is hereby authorized to serve this order during normal business hours of the business entity above-named, and to receive the records during normal business hours of the business entity. This order must be served within 10 days after the date it is issued. Upon receiving the records from the business entity, the criminal investigator or officer shall file a return and inventory with the court indicating the records that have been received, the total number of pages if supplied on paper, and the date upon which the records were received. The investigator or officer shall also file the original of the attestation of authenticity and completeness with the court.

Further orders which the court deems necessary:

\_\_\_\_\_  
\_\_\_\_\_

Dated this 20<sup>th</sup> day of July, 2012. 10:40 p.m.  
By the Court:

K. Horton  
District Court Judge

Aurora Police Department  
Case No. 2012-28181  
858-449-7348

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## COUNTY COURT, ARAPAHOE COUNTY, COLORADO

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

I, Detective Mark Yacano #15678, the affiant, under oath states: That the affiant has reason to believe that the business entity described as:

**Cellco Partnership dba Verizon Wireless  
8350 East Crescent Parkway # 200  
Greenwood Village, CO.  
1-888-667-0026 - Fax  
Attn: Custodian of records**

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

All records pertaining to Cellco Partnership dba Verizon Communications, serviced cellular phone number 858-449-7348, to include, but not limited to, billing, toll numbers, the name, address and telephone numbers of the subscriber; incoming and outgoing telephone numbers, to include dates, times and duration of the calls, voice-mail messages, text messages, cellular site locations associated with the calls, an area cell site listing of the cell site locations, RTT data, SMS and data connections, SMS content for this cellular telephone, all subscriber information for incoming and outgoing calls belonging to or serviced by Cellco Partnership dba Verizon Communications, and any division thereof, any other pertinent information that may be helpful in the investigation; and other data associated with the account or account holder, from May 22, 2012 through July 20, 2012.

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

**THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A COURT ORDER FOR PRODUCTION OF RECORDS ARE 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

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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.

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

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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.

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.

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

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

Detective Tom Wilson informed your affiant that he spoke with Special Agent Jeff Russell from ATF. Agent Russell provided Detective Wilson with firearms trace reports from the ATF database on the weapons recovered from the scene. Detective Wilson informed your affiant that James Holmes purchased a Glock model 22, .40 caliber pistol at the Gander Mountain store located in Aurora. Detective Wilson informed your affiant that ATF discovered that James Holmes purchased a Remington model 870, tactical shotgun on May 28, 2012 from the Bass Pro Shops located in Denver. Detective Wilson informed your affiant that James Holmes purchased a Smith and Wesson .223 caliber assault rifle from the Gander Mountain store located in Thornton on June 7, 2012. Detective Wilson informed your affiant that James Holmes purchased a Glock model 23, .40 caliber pistol from Bass Pro Shops located in Denver on July 6, 2012.



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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, 15001 East Alameda Parkway, Aurora, CO. 80012

Your affiant believes that cellular telephone records contains information that would indicate communications between the suspect in this case and other potential witnesses and suspects. This information will assist investigators in determining who the suspect may have been in contact before, during and after this incident. Your affiant believes that information contained in this cellular telephone may assist in determining what methods of planning may have been involved to carry out this crime.

Your affiant believes that this cellular telephone contains information that would indicate communications between the suspect in this case and other potential suspects. This information will assist investigators in determining who the suspect may have been in contact before and after this incident. Your affiant believes that information contained in this cellular telephone may assist in determining what methods of planning may have been involved to carry out this crime.

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

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

M. Yuano  
Affiant

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of July, 2012.

10:38 pm

K. Horton  
District Court Judge