

SEARCH WARRANT

FILED IN THE SOLEMNIZED COURT
DATE FILED: December 7, 2018
DAVID T. HULL, CLERK OF COURT

IN THE (DISTRICT) (COUNTY) COURT, TELLER COUNTY, STATE OF COLORADO
CRIMINAL ACTION NUMBER _____

DEC 11 2018
SHEILA GRIFFIN
CLERK OF COURT

Whereas Commander Christopher Adams #1220 has made an Application and Affidavit to the Court for the issuance of a Search Warrant, and;

Whereas the application is in proper form and probable cause is found for the issuance of a Search Warrant to search the person(s), thing(s) and or premises specified in the application.

THEREFORE, the applicant, and any other peace officer into whose hands this Search Warrant shall come, is hereby ordered, with the necessary and proper assistance, to enter and search within the next ten (10) days the person, premises, location and any appurtenances thereto, description of which is: Moto M108D, Model XT1650-01, currently being held in the possession of the Woodland Park Police Department evidence storage area, 911 Tamarac Parkway, City of Woodland Park, County of Teller and State of Colorado.

The following person(s), property or thing(s) will be searched for, and if found seized:
See Attachment "B"

as probable cause has been found to believe that it:

- Is stolen or embezzled, or
- Is designed or intended for use in committing a criminal offense, or
- Is or has been used as a means of committing a criminal offense, or
- Is illegal to possess, or
- Would be material evidence in a subsequent criminal prosecution, or required, authorized or permitted by a statute of the State of Colorado, or
- Is a person, property or thing the seizure of which is expressly required, authorized or permitted by a statute of the State of Colorado, or
- Is kept, stored, transported, sold, dispensed, or possessed in violation of a statute of the State of Colorado under circumstances involving a serious threat to the public safety, or order, or to the public health.

(Mark "X" according to fact)

Furthermore, a copy of this warrant is to be left with the person whose premises or person is searched along with a list of any and all items seized at the time of its execution. If said person cannot be located or identified, a copy of the search Warrant and the list of property seized shall be left at the place from which the property was taken.

Further, a return shall be promptly made to this Court upon the execution of this Search Warrant along with an inventory of any property taken. The property seized shall be held in some safe place until the Court shall further order.

Done by the Court this 7 day of Dec, 2018.

Judge: [Signature]

(DISTRICT) (COUNTY) COURT, TELLER COUNTY, STATE OF COLORADO
CRIMINAL ACTION NUMBER _____

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

The undersigned, a peace officer as defined in 18-1-901 (3) (1), C.R.S. 1973 as amended, being first duly sworn on oath moves the Court to issue a Warrant to search those person(s), thing(s) and/or premises known as: Moto M108D, Model XT1650-01, currently being held in the possession of the Woodland Park Police Department evidence storage area, 911 Tamarac Parkway, City of Woodland Park, County of Teller and State of Colorado.

The undersigned states that there exists probable cause to believe that the following person, property or thing(s) to be searched for, and if found, seized will be found on the aforementioned person(s) and or premises and are described as follows:

See Attachment "B"

The grounds for the seizure of said person(s), property or thing(s) are that probable cause exists to believe that it: () Is stolen or embezzled, or () Is designed or intended for use as a means of committing a criminal offense, or () Is or has been used as a means of committing a criminal offense, or (X) Is illegal to possess, or (X) would be material evidence in a subsequent criminal prosecution, or () Is a person, property or thing the seizure of which is expressly required, authorized, or permitted by a statute of the State of Colorado, or () Is kept, stored, transported, sold, dispensed, or possessed in violation of the statute of the State of Colorado under circumstances involving a serious threat to the public safety, or order, or to the public health, (mark X according to the fact);

The facts submitted in support of this application are set for in the accompanying attachment designated as Attachment "A" which is attached hereto and made a part hereof.

Applicant: _____

Law enforcement agency: Woodland Park Police Department

Position: Commander

Sworn and subscribed before me this 7 day of Dec 2018

Judge: _____

ATTACHMENT "A"

Your Affiant, Sergeant Christopher Adams #1220 is a sworn police officer for the City of Woodland Park, currently assigned to the Woodland Park Police Departments Patrol Division. Your Affiant has been a sworn police officer with the City of Woodland Park since 2004.

Your Affiant knows from my training and experience that modern cellular communication devices very often possess data processing and data storage capabilities that were previously only found in computers. Cellular telephones, personal digital assistant (PDA) devices and "Smart Phones" are becoming more complex with each innovation and provide features and capabilities that were previously only found in computers. Most of these devices now provided Internet web browsers, instant messaging capabilities, chat programs, and even e-mail access capabilities. These devices are capable of storing address books and calendars containing a person's personal and business contacts. They can also store audio and video clips, call histories, call logs, photographs, text and recorded messages sent and received and subscriber information. Many of these devices contain high resolution still and video cameras, and include Global Positioning System (GPS) functions that record data about the phone's locations including tracks, ways points and even the coordinates where photographs were taken.

All information contained in this affidavit can be found in Woodland Park Police Department Case Report No. 18-1530.

On 12-02-18, Corporal Currin was dispatched to 269 E. Lake Avenue in Woodland Park, Colorado for a welfare check. Cheryl Berreth called the Woodland Park Police Department reporting she has not heard from her daughter Kelsey Marie Berreth (DOB: 09/15/89). Cheryl stated this is highly unusual for Kelsey.

Cheryl told Cpl. Currin she has contacted her daughter's boyfriend Patrick Frazee and Patrick told her he has not heard from Kelsey since last Sunday 11/25/18. Cheryl told me Patrick and Kelsey have a one-year-old daughter together named _____, she is currently with Patrick. Cpl. Currin wrote in her report that Kelsey had no known planned vacations, two vehicles belonging to Kelsey were still parked at her residence, and there was a package at Kelsey's residence in the doorway along with a notice from Black Hills Energy.

Cpl. Currin called Patrick at 1315 hours at telephone number (719) 440-5759. This number was provided to Cpl. Currin by Cheryl as belonging to Patrick. Patrick told Cpl. Currin the last time he had any contact with Kelsey was a text message on the 25th. He told Cpl. Currin Kelsey was an employee at Doss Aviation in Pueblo, Colorado as a flight instructor. Patrick told Cpl. Currin that recently he returned all of Kelsey's belongings such as the spare key to her apartment, extra car key, a hand gun, and other personal belongings. He told Cpl. Currin they have grown apart and the extent of their relationship was their daughter. Cpl. Currin asked Patrick about depression and he denied Kelsie of having any.

At 1415 hours, Cpl. Currin, contacted Doss Aviation located at 1 William White Blvd. in Pueblo, Colorado (719) 423-8600. Cpl. Currin spoke to the security officer on duty, he advised he would return Cpl. Currin's call after he obtained any information. At approximately 1600 hours the security officer called and spoke with the dispatcher. The information obtained, Merle Merriak (719) 289-4514 is Kelsey's direct supervisor. He received a text message from Kelsey last Sunday 11/25/18 stating she was going out of state to check on grandma.

Cpl. Currin called Cheryl and she was not aware of her daughter traveling to see her grandmother. Cheryl told Cpl. Currin her mother has Parkinson's and Alzheimer's and is unable to communicate on the telephone.

Cheryl told Cpl. Currin she was going to call her dad. Cheryl later told Cpl. Currin she contacted her father and he has not heard from Kelsey. Cheryl also told investigators Kelsey has never gone on a road trip to visit family without first notifying someone for her safety.

On 12-03-18, MPO Beth Huber conducted follow up related to this case. MPO Huber wrote in her report "On December 3, 2018 I, Officer B.Huber #3601 of Woodland Park Police Department, contacted Cheryl Berreth to see if she had heard from Kelsey. Cheryl informed me she had contacted Kelsey's direct supervisor this morning. Kelsey again did not show up to work. Kelsey's direct supervisor attempted to contact Kelsey with no success. Cheryl said Patrick was attempting to work with Verizon to get text message transcripts in an attempt to determine if Kelsey was texting and to see if the texts would provide clues as to Kelsey's location. I asked Cheryl if she would like to list Kelsey as missing. Cheryl said she would. Kelsey was entered into CCIC as a mission person, CIC: 124629897, NIC: M014878747 at 0944 hours.

I contacted Patrick to determine the last time he physically saw Kelsey. Patrick said the evening of 11/21 they spoke on the phone. Kelsey informed Patrick she wanted them to 'go their separate ways'. Kelsey said they had been growing apart. Patrick gave Kelsey all of her things back. Patrick said he and Kelsey talked about the custody of their daughter. Patrick said they both agreed they were both good parents and they would split custody 50/50. Patrick said Kelsey was not able to keep enough hours at work to maintain insurance for. Kelsey asked for Patrick to pick up on 11/22. Patrick went to Kelsey's residence to pick up. No one was home. Patrick ran some errands in town then returned to Kelsey's residence. Patrick saw Kelsey in the alley way leading to the residence. They spoke in the alley way where Kelsey gave to Patrick. Patrick said he and Kelsey talked on the phone on both Friday, Saturday, and Sunday. The last time Patrick talked with Kelsey she told him she was going to study. She did not tell Patrick where she was physically located that day. Patrick said on Sunday 11/25 Kelsey texted "Do you even love me?" to Patrick. Patrick texted her back telling her he did. Days later he received notice his reply did not go through. Patrick said if he had any further information regarding Kelsey. Patrick said she is a 7th Day Adventist and does attend church, but does not know where (maybe one in Colorado Springs). Patrick said Kelsey does have PO Box 811 in Florissant.

At approximately 1105 hours, I attempted to call Kelsey's phone number. It went straight to voice mail. Being concerned Kelsey may be suicidal due to the depression and rehabilitation mentioned by Patrick to Corporal Currin and the fact Patrick informed Corporal Currin he returned Kelsey's gun to her, I contacted Verizon in an attempt to determine Kelsey's last known location. I spoke with Jinny at Verizon. Kelsey's phone was last operational in Gooding, Idaho approximately 6.30 miles from the tower heading in a west/southwest direction on 11/25 at approximately 1713 hours. Dispatch contacted Gooding dispatch. Gooding dispatch said there has been no contact with Kelsey in Gooding or the surrounding four counties searching back to November 1, 2018."

Based on this information, I applied for a search warrant Kelsey's residence located at 269 E. Lake Ave, City of Woodland Park, County of Teller and State of Colorado. The warrant was signed by the Honorable Judge Kilgore. While searching the residence we recovered an iPad, Notebook with passwords and a Safeway receipt dated 11-22-18 at 1222 hrs. The Safeway purchase was for food items. There did not appear to be any signs of a struggle, altercations, or foul play. While searching the residence, I observed a 2006 Toyota Corolla and a red colored Chevrolet pick-up truck parked outside of the residence. The pick-up truck registered to Kelsey's mother and the Toyota registered to both Kelsey and Patrick.

On 12/04/18 the Colorado Bureau of Investigation (CBI) was requested to assist the WPPD due to the suspicious circumstances surrounding Kelsey's disappearance. CBI Agent's Gregg Slater and Kevin Torres responded to assist. CBI Agent Gregg Slater requested a second search of Kelsey's residence, curtilage, and vehicles. Agent Slater also arranged for a human decomposition K9 to respond to Kelsey's residence to assist with searching her residence and vehicles for the presence of human decomposition.

The two vehicles were towed from Kelsey's residence to the WPPD impound lot to be searched. A search warrant was obtained to search a 2006 Toyota Corolla belonging to Kelsey and Patrick. The Honorable Judge Billings-Vela signed the search warrant for the vehicle. A sock with a small amount of what appeared to be blood was located on the front passenger seat. The K-9 indicated to the presence of human decomposition on the driver side rear bumper area.

A 2011 red colored Chevrolet Silverado pick-up truck parked at Kelsey's residence was searched at the WPPD after consent to search was obtained from Kelsey's mother (the registered owner). A Safeway receipt dated 11/22/18 at 1223 hrs. was located on the front passenger seat. The Safeway purchase was for flowers. A Wal-Mart receipt dated 11/22/18 at 0150 hrs. was located on the front passenger floor board. The Wal-Mart purchase was for Tum's Antacid and what appear to be over the counter stomach medicine.

Officer Huber requested an exigent cell phone ping for Kelsey's cell phone through Verizon. The ping revealed the following information:

- The last activity on Kelsey's phone was 11/25/18 at 17:13 hours located at 2037 S. 1800 E. Gooding, Gooding, ID. The ping was 6.38 miles west/southwest from the cell phone tower.
- On 11/25/18 at 17:11 hours there was an outgoing text message to 719-440-5759 (Patrick's Frazee's cell phone).

Gooding County Sheriff's Office Detective A. Boyer in Idaho was contacted regarding Kelsey's disappearance and cell phone ping. Detective Boyer and several law enforcement officers went to the location of the cell phone ping. Detective Boyer described the entire surrounding area of the cell phone ping to be a large steep gorge. Kelsey nor her cell phone were located.

On 12-04-18, Agent Kevin Torres of the Colorado Bureau of Investigation and Deputy Christopher Paulsen of the Teller County Sheriff's Office, currently assigned to the Federal Bureau of Investigation's Safe Street Team, met with Patrick to conduct a welfare check of the child. Patrick was asked if he would provide a formal statement regarding his knowledge, relationship, and details about his last interaction with Kelsey and her whereabouts. Patrick voluntarily agreed to provide a statement to Agent Torres but then changed his mind and requested an attorney before providing any information. Agent Torres asked Patrick if he knew what attorney he would consult so that a meeting could be arranged for him to provide a statement. Patrick stated he was going to meet with attorney Jeremy Lowe. Agent Torres impounded Patrick's cell phone which is described as a Moto M108D, Model Number XT1650-01.

On 12/04/18 CBI Agent Gregg Slater told me he spoke with Cheryl Berreth, Kelsey's mother. During that conversation Cheryl reported she last physically spoke with Kelsey on 11-22-18 at approximately 0900 at which time Kelsey stated that she (Kelsey, Patrick and) had gone out to check on a herd of cattle on 11-21-18. While driving back to Patrick's residence, Patrick became ill requiring Kelsey to drop him off at his residence, pick up some medication and take it back to Patrick. After doing so Kelsey and drove to Kelsey's home arriving at approximately 0400 on 11-22-18. Kelsey further reported She, baby and Patrick had plans to go out for thanksgiving dinner. The conversation quickly ended because diaper needed to be changed.

Chery told Agent Slater, on 11-22-18 at approximately 0915, she called Kelsey back and during that short conversation Kelsey spoke about Christmas gift lists and related items. Kelsey made no comments or statements to Cheryl regarding the dissolution of the relationship between Patrick and Kelsey. Kelsey provided no additional information and the conversation ended.

Cheryl told Agent Slater on 11/24/18 she (Cheryl) inadvertently dialed Kelsey's cell phone and hung up before anyone answered. A short time after the inadvertent call, Cheryl received a text message from Kelsey's phone stating, "I'm tied up, I'll call you later." Cheryl stated she never received a return phone call or text message from Kelsey.

Having not spoken to Kelsey since 11/22/18, Cheryl attempted to contact Kelsey on 12/02/18 via cell phone. Cheryl never received a response from Kelsey via text message or phone call, thus prompting Cheryl to text Patrick and inquire about Kelsey's whereabouts. Patrick called Cheryl from his cell phone (#719-440-5759) and said he and Kelsey had decided to end their relationship and go their separate ways, and said he and Kelsey were going to share custody of [redacted] 50/50. Patrick also stated he met with Kelsey on 11/22/18 at her residence and returned several items to her including a handgun, ammunition, keys to both vehicle (2006 Toyota Corolla & red Chevy pick-up truck), and keys to her residence. Patrick stated Kelsey also returned his personal property. Patrick said that was the last time he saw Kelsey, he did not know where she was, and he was going to give her some space.

Agent Slater asked Cheryl about Patrick and his behavior. Cheryl shared a story regarding the birth of [redacted] was born three weeks early and required some extra medical care. The special medical care prevented Kelsey from having [redacted] in her hospital room upon her birth. Patrick was very upset about this because he believed the first few hours of birth needed to be spent with mother and father for bonding purposes. Patrick became so upset and verbally abusive with the nursing staff that Social Services was notified. [redacted] was removed from the care of Patrick and Kelsey until a safety evaluation could be done to determine if Kelsey was being physically abused by Patrick. Cheryl stated Patrick later stated he should have "killed" the nurse that reported them and then again joked about the incident at [redacted] first birthday.

Cheryl told Agent Slater, Kelsey has never gone this long without contacting family, especially her. Kelsey does not have a history of disappearing, running away, or leaving without a trace. Cheryl stated she believes Kelsey is deceased. Cheryl also told Agent Slater she believed Patrick may have been using Kelsey's cell phone to communicate with her (Cheryl) because the text messages were fragmented. Cheryl stated Kelsey uses complete sentencings in her text messages and some of the last text messages she received from Kelsey were fragmented.

On 12/04/18 I received copies of bank records from Kelsie's credit union, ENT. The records contained transactions for Kelsey's bank account for the month of November and for the first four days of December. The last transaction on Kelsie's bank activity was on 11/22/18. This transaction was for the purchase of food items at Safeway previously described. No other physical financial transactions were made on Kelsey's ENT account since 11/22/18. It should be noted there are numerous transactions, both deposits and withdrawals, on Kelsie's bank records, but cease on 11/22/18.

On 12/06/18 Agent Slater received a text message from Cheryl. Cheryl is staying at Kelsey's residence while she is in town searching for Kelsey. Cheryl and her son Clint Berreth noticed what appeared to be blood around the outer bowl of the toilet. Cheryl took a photo of the possible blood stain and text it to Agent Slater.

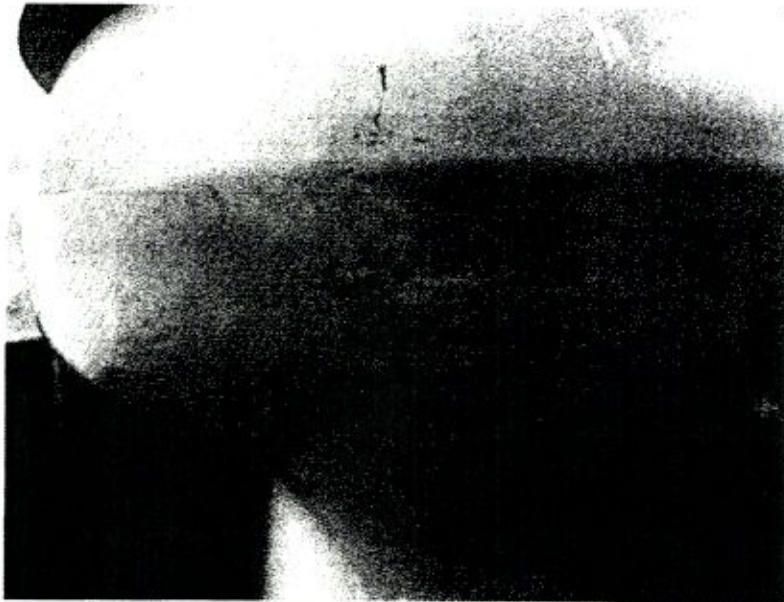


Photo taken by Cheryl Berreth on 12/06/2018 and text to Agent Slater

Cheryl told Agent Slater she stayed with Kelsey at the residence in October of 2018 for [redacted] first birthday. During that visit, Cheryl recalled seeing a bath rug or mat on the floor near the shower and toilet at Kelsey's residence. Cheryl said she noticed since she has arrived in Woodland Park to look for Kelsey she has not seen the bath rug/mat inside Kelsey's residence. Kelsey and Clint looked around Kelsey's residence this morning and did not locate the bath rug/mat. Cheryl stated while looking for the rug/mat she noticed the refrigerator appeared to have been wiped down because she could see visible wipe marks on it.

Due to the fact that both modes of transportation for Kelsey were located at her residence it is unlikely she traveled anywhere far from her residence on her own will. No other vehicles belonging to Kelsey are known by family members or neighbors of Kelsey. No indication was observed in Kelsey's residence that indicate she had planned to be gone for any period of time. Due to the discovery of possible blood stains on the toilet bowl and the details of the investigation until this point, I believe foul play to be involved in the disappearance of Kelsey.

Based on the above information a search warrant application for 269 E. Lake Ave, City of Woodland Park, County of Teller and State of Colorado was presented to the Honorable Judge Kilgore. The search warrant was signed on 12-06-18 at approximately 11:55am.

Crime scene analysts from CBI arrived and began processing the residence. At the time of this warrant, Crime scene analyst Tanya Atkinson began processing the bathroom due to the suspected blood located on the toilet bowl. Crime scene analyst Atkinson first phenolphthalein (a presumptive chemical test for the presence of blood). The suspected blood on the toilet tested for positive for the presence of blood. Crime scene analyst Atkinson then used Blue Star Forensic Latent Bloodstain Reagent, a chemiluminescence test that detects blood that has been cleaned up or is not readily visible. When Blue star is applied to the target area a blue chemiluminescence reaction will occur if blood is present. Blue Star Forensic Latent Bloodstain Reagent is also a presumptive test for the presence of blood. Crime scene analyst Atkinson applied Blue Star to the bathroom and the following areas in the bathroom reacted and tested positive to the presence of blood:

- Bathroom Floor
- Side of the bathtub that is next to the toilet
- Ceiling above the toilet.
- The wall with the towel rack
- Towel rack
- Base of the trash can that was between the toilet and bathtub
- A portion of the vanity countertop

- Wall Outlet
- Vanity cabinet
- Hinges on the vanity cabinet and door
- Door knob on the interior of the bathroom door
- Lower hinges of interior bathroom door.
- GFI outlet and outlet plate

Due to the suspicious nature and circumstances of Kelsey's disappearance and her whereabouts currently being unknown, the WPPD and the CBI are investigating the case as a possible assault and possible homicide. During an interview between Officer Huber and Cheryl Berreth, Cheryl told Officer Huber that Patrick told her that he last spoke with Kelsey on Nov 23, 24 and 25.

On 12-06-18, I received Verizon cell phone records for 719-660-6179, which is Kelsey's phone number. A review of the records showed the following text message dates and times sent and received from Kelsey's phone 719-660-6179 to Patrick's cell phone 719-440-5759:

Sent	Received
11/22/2018 3:53	11/22/2018 3:53
11/22/2018 9:15	11/22/2018 9:15
11/22/2018 9:37	11/22/2018 9:37
11/22/2018 12:41	11/22/2018 12:41
11/23/2018 6:59	11/23/2018 6:59
11/23/2018 7:32	11/23/2018 7:32
11/23/2018 15:37	11/23/2018 15:38
11/23/2018 17:13	11/23/2018 17:14
11/23/2018 17:30	11/23/2018 17:30
11/24/2018 7:45	11/24/2018 7:45
11/25/2018 7:34	11/25/2018 7:34
11/25/2018 8:53	11/25/2018 8:53
11/25/2018 9:17	11/25/2018 9:17

It is common for suspects to download digital information regarding their participation in crimes. These devices are commonly referred to as hard drives, floppy drives, compact discs (CS/DVD), flash media, personal digital assistants (PDA), digital cameras, media players (MP3), cell phones and other types of magnetic or recordable media.

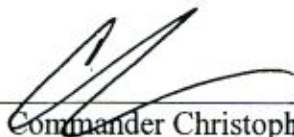
Digital data storage devices are capable of storing large amounts of data. Such data may be in the form of personal notes, letters, correspondence, diaries, digital (e) mail, computer programs or digitally stored images.

Information stored on digital media is extremely vulnerable to destruction, alteration or manipulation in order to conceal its true identity. This includes, but not limited to changing file names, altering file extensions, changing file attributes, concealing a file within another file, and encryption. This requires that the entire contents of the digital storage media and/or their input/output devices be thoroughly examined to determine which particular file is evidence or instrumentalities of a crime.

A thorough search of a single digital storage device (computer) may take days or weeks, and would be impractical and invasive to attempt this kind of data search on site. That action requires a degree of expertise beyond that of the executing officers, not only to find evidence, but also to avoid (inadvertent) destruction of data. Thus, it will require a search to be conducted in a controlled environment in another location by a trained forensic examiner. Data recovery and search protocols require specialized training and tools which are designed to protect the integrity of the evidence and to recover "hidden", erased, compressed, password-

protected or encrypted files. Because digital evidence is vulnerable to inadvertent, intentional modification or destruction (both from external sources or from destructive code imbedded in the system as a "booby trap") a controlled environment is required to complete an accurate analysis.

Based on the aforementioned information, your Affiant respectfully requests that a Search Warrant be issued for a **Moto M108D, Model XT1650-01, currently being held in the possession of the Woodland Park Police Department evidence storage area, 911 Tamarac Parkway, City of Woodland Park, County of Teller and State of Colorado.**

AFFIANT: 
Commander Christopher Adams #1220
Woodland Park Police Department

JUDGE: 

DATE: 12/17/18 TIME: 11:27 AM

ATTACHMENT "B"

The following items, if located during the search will be recovered as evidence.

1. Search and seizure of any and all information contained on the cell phone identified as Moto M108D, Model XT1650-01, currently being held in the possession of the Woodland Park Police Department evidence storage area, 911 Tamarac Parkway, City of Woodland Park, County of Teller and State of Colorado. to include, but not limited to, all text messages, all telephone lists, all call logs, all identifying information contained on this cell phone. The search will be conducted manually or with the use of a Universal Forensic Extraction Device. (Cellebrite UFED).