

MAY 01 2023

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STATE OF MINNESOTA, COUNTY OF WINONA

DISTRICT COURT

APPLICATION FOR SEARCH WARRANT

I, Angela C Evans, a licensed peace officer in the State of Minnesota, make an application to this Court for a warrant to search the device(s) described below, for the property and thing(s) described below.

I know the content of this application and affirm that the statements contained in this application are true based on my own knowledge, or are believed to be true.

I believe that the following described property and thing(s), namely:

Any and all data contained within internal storage and/or external media within the devices, including, but not limited to: deleted files and data, encrypted files and data, email files, SMS/MMS data whether saved or deleted, incoming/outgoing call and/or text/chat message history, internet activity, application files and data, video files, image files, voice messages, contact information and GPS/tracking data, to include the forensic extraction and analysis of data.

Authority to extract, document, photograph, download and analyze listed data at the St. Paul Regional Office of the Minnesota Bureau of Criminal Apprehension or other suitable location.

is or are stored within the device(s) described as:

Apple iPad in a glittery pink case, packaged in Winona Police Department evidence packaging with Winona Police Department evidence barcode bearing barcode number 23005385:125 affixed.

located in city or township of Winona, County of Winona, State of Minnesota.

I apply for a search warrant on the following grounds:

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts establishing the grounds for issuance of a search warrant are as follows:

Affiant Background

Your affiant is a licensed peace officer and has been a licensed peace officer in the State of

Minnesota since August 1996. Your affiant has worked for the Winona Police Department in various capacities for the past 26 years, including patrol officer, evidence technician, and is currently an investigator assigned to the Criminal Investigation Division. Your affiant has worked in her current capacity since September 2012. Your affiant has investigated this case, discussed this case with other investigators and reviewed reports of other officers about this case and believes the following to be true, and to constitute probable cause sufficient to support the requested search.

Nature of Investigation

March 31, 2023

At approximately 8:20pm on Friday, March 31, 2023 the Winona Police Department took a report of a missing person. The reporting party ("Reporting Party") indicated that they were best friends with Madeline Jane Kingsbury (Date of Birth: June 1, 1996), who she had not had contact with all day, which she characterized as unusual. Reporting Party went to Kingsbury's residence and did not get an answer to her knocks at the door at 465 Kerry Drive, located in the City of Winona, Winona County, Minnesota. Reporting Party also informed officers that she was aware that Kingsbury was having issues with her significant other, Adam Taylor Fravel (Date of Birth: January 29, 1994).

One of Kingsbury's neighbors ("Neighbor") reported that they she did not see Kingsbury's van in the driveway at approximately 7:00am, but had seen it back at approximately 6:00pm. The van was still in the driveway when officers arrived on scene.

Officers did not get an answer to knocks at Kingsbury's door and noted that there were no lights on inside. Officers then spoke with Kingsbury's dad who reported not having had any contact with her throughout the day, explaining that as odd.

Officers also spoke with Fravel via phone. Fravel said he had not heard from Kingsbury since earlier that morning. He reported that Kingsbury was supposed to pick up their children from daycare after she got off of work, however, she did not show up so he went to pick them up. After picking up the children he and the kids went to his parents' residence in Mabel, Fillmore County, Minnesota.

Officers gained access to Kingsbury's apartment and verified that she was not there and noted that the apartment did not look disturbed.

April 1, 2023

On April 1, 2023 Kingsbury's mother and sister ("Sister") came to the Winona County Law Enforcement Center to report that there had still not been any contact with Kingsbury, which

was extremely out of character for her. Sister said that she had texted Kingsbury Friday morning and that Kingsbury replied at 8:15am with a response that is typical of Kingsbury. Sister reports sending a second text to her at 8:23am, which went unanswered. Sister said that she and Kingsbury communicated with one another multiple times a day.

They informed officers that Kingsbury and Fravel were in the process of splitting up, however, they were still living together. They said that the first night that Fravel hasn't stayed at their joint residence on Kerry Drive was last night, March 31, 2023.

Kingsbury reportedly told Fravel earlier in the week that she no longer wanted to continue with the plans they had to move closer to his parents and change the childrens' daycare, rather, she was going to stay in Winona, keep the children with her and at the daycare they were currently attending and that she was looking for an apartment. It was also known to Fravel, and others, that Kingsbury was currently seeing someone else.

They reported that Fravel was very emotionally abusive and controlling over Kingsbury. He insisted that she was not allowed to speak with her new boyfriend while he was around and demanded to see all text messages between the two of them. Kingsbury told Sister that Fravel had told her, "if you don't listen you'll end up like Gabby Petito".

Officers learned that Kingsbury had also told Reporting Party that Fravel told her, "if you don't listen you'll end up like Gabby Petito".

Gabrielle "Gabby" Petito was reported missing on September 11, 2022 after not returning from a months-long cross-county trip with her significant other, a case which garnered significant, nation-wide media coverage. Her remains were later located in a national park in Wyoming and it was determined that her death was a homicide. The person of interest in that case was her significant other.

Sister reported that Kingsbury had planned to travel, with her daughter, to visit her in the cities for the weekend and that Fravel was supposed to be taking their son with him to his parents' in Mabel. Both were supposed to be leaving for their intended destinations on Saturday, April 1, 2023, so they were very concerned that Fravel left with both children on Friday, knowing Kingsbury was going to be taking their daughter with her on Saturday.

Officers spoke with the childrens' daycare provider ("Daycare Provider"). She reported that Kingsbury and Fravel dropped the children off together Friday morning, and they arrived in the van, which is typically driven by Kingsbury. She told officers that Kingsbury is the one who typically picks up the children at the end of the day, but that Fravel will if Kingsbury can't. She explained that Fravel arrived to pick up the children at their normal pick-up time. When asked, Daycare Provider said that she never contacted Fravel, or anyone, in reference to Kingsbury not arriving to pick up the children because Fravel picked them up at their regularly scheduled time. Daycare Provider said that when Fravel showed up to get the

children they asked where their mother was. She said that he never answered their question, rather he just said, "we're going to Grandma's house". A review of the daycare provider's ring camera shows both Kingsbury and Fravel arrive at 8:03am to drop off the kids and Fravel arrive alone to pick up the kids at 4:21pm. Fravel can be seen wearing a white jacket, dark pants, a red bomber-style hat and white tennis shoes at drop-off and the same white jacket, a red colored shirt underneath, the same red bomber-style hat, dark pants and dark colored footwear at pick-up.

Reporting Party reported that her significant other (Witness #1) is very close friends with Fravel. Witness #1 and Fravel communicated via text about Kingsbury being missing. Witness #1 reports Fravel as being very frustrated that law enforcement was involved so quickly since he had seen her Friday morning. Witness #1 shared screenshots of his conversation with Fravel from Friday, March 31, 2023, which is detailed, in part, below:

- Fravel 9:37pm – "I talked to the police. Who or what prompted you guys to go check at the house? I'm so confused, she hasn't been gone for a day yet so I'm not freaking out but everyone else is"
- Fravel 9:42pm – "So Katie called the police?"
- Fravel 9:44pm – "She was leaving for Farmington in the morning"
- Witness #1 9:45pm – "Yes she did. Weird that no one can get ahold of her."
- Fravel 9:46pm – "Wow that's a little out of bounds of Katie. It hasn't even been 24 hrs and I saw her this morning"
- Witness #1 9:48pm – "Not really when no one has heard from her most of the day. Apparently no one was able to reach you either to at least know you've heard from her. You can't blame people for being worried man."
- Fravel 10:04pm – "Nobody tried to reach me at all until 7pm which was Megan so idk what you mean by that"
- Fravel 10:04pm – "I get being worried. But nobody asked me anything so it's like wtf lol"

An investigator spoke with Kingsbury's work supervisor ("Supervisor") who reported that Kingsbury works at the office on Mondays and Fridays, however, she did not show up for work on March 31, 2023. Supervisor said that Kingsbury did not contact anyone to let them know she was not coming in to work, which Supervisor said was out of character for Kingsbury. The IT department at Kingsbury's place of employment reported to investigators that Kingsbury last logged into her work system at 7:44am on Friday, March 31, 2023 and had not logged back in after it timed out, which it would have done in the time it took for

them to drop the children off at daycare at 8:03am.

Family also told investigators that a friend ("Friend") of Kingsbury's reports that, a couple weeks ago Kingsbury visited Friend in the hospital and told her that if something ever happened to her, "it was Adam".

Pings of Kingsbury's phone on April 1, 2023 reported GPS coordinates of 44.05627, -91.691015, which is the tower located at Service Drive and Sebo Steet in Winona, with an accuracy of 4043 meter radius. Multiple pings returned the same coordinates. Investigators located Kingsbury's phone at her residence during the execution of a search warrant later on April 1, 2023.

Investigators spoke with Fravel on April 1, 2023. Fravel told investigators that he and Kingsbury dropped their children off at daycare and returned home together. Fravel told investigators he played on his laptop in the living room while Kingsbury had breakfast in the kitchen. Fravel reports having left the Kerry Drive residence at approximately 10:30am, at which time he left in Kingsbury's van to move boxes and totes of belongings to his parents' residence, located at 42227 County Road 18, Mabel, Minnesota. According to Fravel, during the trip to his parents' residence he realized he had brought the wrong load of belongings and when he got to Choice, Minnesota, he turned around and returned to his Kerry Drive residence, approximating his arrival at about noon. Fravel allowed investigators to look through his vehicle, a gray Chrysler 200, bearing MN license plate ABN466. Investigators noted two pair of footwear that matched the general description of what Fravel was seen wearing on the Ring video when he picked up and dropped off the children at daycare. Investigators noted several faint scratches on Fravel's forehead, area immediately below his nose and on his neck.

Investigators were able to retrieve business surveillance video in Rushford, Minnesota, showing a van matching the description of Kingsbury's van, to include a sticker in the lower left corner of the back window. The van travels south, on Hwy 43 toward Choice, Minnesota, at 11:56am, and nearly an hour later, at 12:47pm, what appears to be the same vehicle is seen returning, travelling north on Hwy 43 from the direction of Choice, Minnesota. According to Google maps the distance between the business that captured the van on camera and Choice, Minnesota, travelling via Hwy 43, is approximately 11.5 miles, and takes 15 minutes to drive one way.

For reference, according to Google Maps, the distance between the business that captured the van on camera and Fravel's parents' residence, travelling via Hwy 43, is approximately 16.7 miles, and takes 23 minutes to drive one way.

Pursuant to a search warrant, a Minnesota Bureau of Criminal Apprehension (BCA) agent completed a forensic extraction of Fravel's cell phone on April 1, 2023, and found text messages sent from Fravel to Kingsbury, relevant to the timing of his travel, detailed below.

At no time did Kingsbury reply to the messages.

- March 31, 2023 10:29am – Fravel to Kingsbury – “Got gas in van and stuff ready to go. Gonna leave soon. When do you have to leave?”
- March 31, 2023 10:29am – Fravel to Kingsbury – “You just gonna stay home?”
- March 31, 2023 1:33pm – Fravel to Kingsbury – “Umm I’m back and my car is still here? You get a ride or something?”

Also located within the forensic extraction, investigators found a web search, “are dog scratches on face dangerous”, dated March 31, 2023 at 6:51pm.

Investigators executed search warrants for the production of records from Fravel’s cell phone provider for geolocation information and found that Fravel’s phone last recorded geolocation information on March 30, 2023. Geolocation services can be turned on or off by the user at any time.

Investigators also found that Fravel has four different Gmail accounts on his cell phone. A search of each of those account profiles, in the phone itself, shows that the location services for each account was turned off.

iPhones and iCloud connected devices can keep track of locations the devices have recently been, as well as how often that device visited those locations, in order to learn places that are significant to the user. A user can delete their significant location history at any time. Fravel’s only significant location listed was the location of his children’s daycare.

Based on the information detailed above, your affiant believes that Fravel went to great lengths to conceal the locations that he visited or traveled after March 30, 2023.

Investigators and BCA agents executed a search warrant at Kingsbury’s residence on Kerry Drive and her Chrysler Town and Country van and did not locate her or any obvious signs of a struggle or foul play.

April 2, 2023

During an interview of Fravel on April 2, 2023, regarding Kingsbury’s disappearance, Fravel told investigators that he is “infatuated” with the Gabby Petito case. Investigators asked Fravel where his laptop was located and Fravel said it was at his parents’ residence. Fravel asked investigators if they could bring him the laptop because he had to do homework. Fravel later told investigators that the laptop was in the basement of the Mabel, Minnesota residence, where investigators located it sitting on a bed after a consent search of the residence and property.

In reviewing the publically viewable information on Fravel's Facebook account, the intro section reads the following:

- "Studied Computer Science and Engineering at Winona State University"
- "Studied Web Design and Software Development at Minnesota State College Southeast Tech"
- "From Mabel, Minnesota"

A Winona Police Department sergeant spoke with Reporting Party. Reporting Party told the sergeant that Kingsbury had told her that she couldn't deal with this any longer and asked Reporting Party to take care of her children. Reporting Party doesn't know what happened to Kingsbury. Reporting Party wondered aloud if Kingsbury could have done something like jumped off a bridge, checked herself in to a mental health facility or left for a while.

April 4, 2023

Investigators reviewed surveillance video from March 31, 2023 at Kwik Trip, located at 375 Cottonwood Drive in Winona, Minnesota, which is the closest gas station to the Kerry Drive residence, at .3 miles. While reviewing the video, Investigators found a blue van, matching Kingsbury's vehicle, at the pumps at 10:02am. The rear license plate on the van was MN ABN466, which is the license plate for Fravel's Chrysler 200 sedan. A male subject matching Fravel's description was seen pumping gas in the van.

It should be noted that when investigators located Kingsbury's van at her Kerry Drive residence on both March 31, 2023 and April 1, 2023, it had plates belonging to her vehicle on it with areas around the bolts that hold the plate to the vehicle that were clean and clear of dirt, when the remainder of the plate was dirty.

Also of note is that Fravel's vehicle, when viewed by law enforcement, had plates belonging to his vehicle on it.

April 8, 2023

You affiant filed an emergency request to Apple, Inc. ("Apple") for GPS location information for any Apple iWatches that Kingsbury may have had linked to her Apple account. Apple returned information, which did not reveal any iWatches linked to the account.

Further review of the information included in the responsive records revealed the account belongs to Kingsbury. Your affiant also found four different iPads linked to the account at one time or another. A review of the iCloud Logs reveals 876 activity timestamps between 8:43:07pm on March 31, 2023 and 1:04:45pm on April 8, 2023 from IP address 69.173.171.162. Research on that IP address shows that it is located in Mabel, Minnesota.

Each timestamp corresponds with a particular device type and operating system, all of which appear to be for an iPad.

April 11, 2023

Investigators executed a search warrant at Fravel's parents' residence, located at 42227 County Road 18, Mabel, Minnesota on April 11, 2023, during which time they seized an Apple iPad in a glittery pink case.

April 24, 2023

Madeline Kingsbury remains missing as of 2:35 pm.

Digital Evidence

Your affiant knows that internet-capable devices, including computers, cell phones and tablets, have become common tools for various means of communication, including but not limited to text, voice and video. Given the ever-advancing computer-related technology, evidence may be retained on the suspect's internet-capable devices, including cell phones and tablets.

The information contained in internet-capable devices, whether deleted or not, can be retrieved, in whole or in part, through forensic examination of the devices. The information stored inside such devices is valuable to criminal investigations because it can be evidence of a crime itself and it can corroborate other evidence related to a case as well. Your affiant knows from training and experience that searches and seizures of evidence from internet-capable devices require processing by a qualified digital evidence expert in a secure/controlled environment.

Your affiant knows from training and experience that examination of electronic devices, such as that which is the subject of this warrant, often require application of complex computer programs and/or other means of forensic examination and therefore the examinations often cannot be completed within the ten (10) day time limit before which the warrant must typically be returned.

Based on your affiant's training and experience, your affiant knows that searching seized information from electronic devices may require a qualified specialist in a laboratory or other controlled environment to search all electronic storage devices. Images of backups of data may need to be made so as not to corrupt or change the data or media. Additionally, evidence may be encrypted, password protected or may be in a format that could result in evidence being overwritten and/or destroyed electronically should an attempt be made to examine the electronic device manually. Such searches can be complex and time consuming.

Your affiant knows that for records stored in electronic format, examination may entail opening and visually inspecting each file to determine its relevance to the case. Your affiant knows that electronic devices can store the equivalent of thousands of pages of information. Additionally, a suspect may try to conceal criminal evidence within the device and/or delete criminal evidence from the device. The sorting and analysis process can take considerable time, depending on the volume of data retrieved. In addition, searching electronic devices for criminal evidence sometimes entails a highly technical process requiring considerable skill and specialized equipment.

Because the examination of electronic devices, such as that which is the subject of this warrant, is time consuming, the location, retrieval and analysis of relevant content cannot be completed within the ten (10) day time period. Therefore, for purposes of the search warrant, your affiant requests the Court to consider the aforementioned item(s) is/are "brought before the court" upon transfer of the aforementioned item to the Minnesota Bureau of Criminal Apprehension. A return, indicating transfer of said item will then be filed with the Court.

(End of Page)

I request a search warrant be issued, commanding Angela C Evans, MN BCA SA Joe Swenson, MN BCA Agents and Personnel, peace officers of the State of Minnesota, and any other authorized person, to enter and search between the hours of 7 a.m. and 8 p.m. to search the above described device(s) for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

I declare under penalty of perjury that everything stated in this document is true and correct.

Applicant: Angela C Evans
Winona Police Department
Electronically Signed
04/24/2023 2:38 PM
Winona County, Minnesota

STATE OF MINNESOTA, COUNTY OF WINONA

DISTRICT COURT

SEARCH WARRANT

TO: ANGELA C EVANS, MN BCA SA JOE SWENSON, MN BCA AGENTS AND PERSONNEL PEACE OFFICERS OF THE STATE OF MINNESOTA.

WHEREAS, Angela C Evans has this day on oath made an application to this Court for a warrant to search the following described device(s) :

Apple iPad in a glittery pink case, packaged in Winona Police Department evidence packaging with Winona Police Department evidence barcode bearing barcode number 23005385:125 affixed.

located in city or township of Winona, State of Minnesota for the following described property and thing(s):

Any and all data contained within internal storage and/or external media within the devices, including, but not limited to: deleted files and data, encrypted files and data, email files, SMS/MMS data whether saved or deleted, incoming/outgoing call and/or text/chat message history, internet activity, application files and data, video files, image files, voice messages, contact information and GPS/tracking data, to include the forensic extraction and analysis of data.

Authority to extract, document, photograph, download and analyze listed data at the St. Paul Regional Office of the Minnesota Bureau of Criminal Apprehension or other suitable location.

WHEREAS, the application of Angela C Evans was duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following ground(s):

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The court further finds that probable cause exists to believe that the above-described property and thing(s) is or are stored within the above-described device(s)

NOW, THEREFORE, you Angela C Evans, MN BCA SA Joe Swenson, MN BCA Agents and Personnel, peace officers of the State of Minnesota, and any other authorized person, are hereby commanded to enter and search between the hours of 7 a.m. and 8 p.m., to search the above-described device(s), for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

BY THE COURT

ISSUED ON: 24 April, 2023

Judicial Officer: Mary C. Leahy

Judge of District Court

Electronically Signed

04/24/2023 2:57 PM

STATE OF MINNESOTA, COUNTY OF Winona

DISTRICT COURT

RECEIPT, INVENTORY AND RETURN

I, Inv. Angela Evans, received the attached search warrant issued by the Honorable Mary Leahy, on 04/24/2023, and have executed it as follows:

Pursuant to the warrant, on 04/25/2023, at 16:04 o'clock pm, I searched the following described in the search warrant.

☐ Premises ☐ Motor Vehicle ☐ Person ☒ Device

I have left a true and correct copy of the search warrant (with) ~~(in)~~ ~~(at)~~

The devices

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

Items transferred to MN BCA for forensic extraction of data

Check the appropriate:

- ☒ I left a receipt for the property and things listed above with a copy of the warrant.
☐ None of the items set forth in the search warrant was found.
☒ I shall retain or deliver custody of said property as directed by court order.

"I declare under penalty of perjury that everything I have stated in this document is true and correct." Minn. Stat. 358.116.

Angela Evans Date: 04/28/2023
(Signature)
County: Winona State: Minnesota

COPIES TO: • COURT • PROS. ATTORNEY • PEACE OFFICER • PREMISES/MOTOR VEHICLE/PERSON