

APR 07 2023

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STATE OF MINNESOTA, COUNTY OF WINONA

DISTRICT COURT

### APPLICATION FOR SEARCH WARRANT

I, Mark Dungy, 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:

A forensic extraction and review of the data from the four described SD cards to be analyzed by law enforcement or designee for the purposes related to security video of the exterior of the residence located at 42227 County Road 18, Mabel, Minnesota.

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

**4 micro SD cards collected by law enforcement from 42227 County Road 18, Mabel, Minnesota.**

**All 4 SD cards are currently at the LEC building in the City of Winona, County of Winona, State of Minnesota.**

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 and Experience:

Your affiant has been a licensed Minnesota Peace Officer since 1998, has worked for the Goodview Police Department, the Worthington Police Department, the Brooklyn Park Police Department, the Lewiston Police Department, and the Winona County Sheriff's Office. Your affiant is currently assigned to the Criminal Investigative Division of the Winona County Sheriff's Office and is a current member of the Internet Crimes Against Children (ICAC) task force. Since 2009, your affiant has worked as an investigator and has also been assigned to the Southeast Minnesota Violent Crime Enforcement Team and assists other law enforcement agencies with violent crime and drug investigations. Your affiant has attended

the 80-hour Basic Narcotic Investigations course as well as other drug investigation/identification and search warrant trainings. Your affiant has been to trainings covering other aspects of investigations including property crimes, sex crimes, human trafficking crimes, and violent crimes. Your affiant has completed the 36 hour ICAC Investigative Techniques training. Your affiant has completed the Cellebrite Certified Physical Analyst course, Basic Data Forensic Imaging course, and Digital Evidence Examination and Processing course. Your affiant is a Magnet Certified Forensic Examiner. Your affiant has investigated this matter, reviewed reports and search warrant affidavits regarding this case, and discussed this case with fellow officers in preparation for requesting the search. Your affiant believes the following to be true, and to constitute probable cause sufficient to support the requested search.

Current Case:

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 456 Kerry Drive, located in the City of Winona, Winona County, State of 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). 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. Law enforcement knows, based on phone contact with Fravel, an in-person interview of Fravel and surveillance of Fravel's movements, that he has been at that residence the majority of the time since then.

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

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 they described as 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, March 31, 2023.

They reported that Kingsbury 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 monthslong 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 Fravel 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 white tennis shoes at drop-off and boots at pick-up. It should be noted that there was no snow on the ground at that time, it was raining and the temperature was approximately 40 degrees. Reporting Party reported that Reporting Party's 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 is 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 have returned the same coordinates. Investigators located Kingsbury's phone at her residence during the execution of a search warrant later on April 1, 2023. The phone was powered off and believed to be passcode locked.

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. Because investigators were trying to develop rapport with Fravel, the shoes were not collected. 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.

Reviewing the forensic extraction of Fravel's cell phone, which is an Apple iPhone, investigators found that there was no Advertising ID listed. An advertising ID is a unique identifier assigned to a device that is used to facilitate the sale of customized advertising which is made visible to the mobile device user based on locations visited, internet search history and data from a host of other sources. A user can change or deactivate the

advertising ID at their choosing. In sum, the advertising ID is the key that enables most third party tracking on mobile devices.

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 has 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 childrens' 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. The two HP lap top computers believed to belong to Kingsbury were recovered by law enforcement during the search.

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.

Reporting Party told the sergeant that she recalled Fravel with an older cell phone with a cracked screen and two pop-sockets on the back. Reporting Party reports not having seen Fravel with the newer phone that he provided to investigators on April 1, 2023.

At the time of drafting this warrant no one has had contact with Kingsbury and she has not been located.

The four described SD cards were provided to law enforcement by Fravel's father along with consent to search the contents of the SD cards. The SD card were from the home security cameras at 42227 County Road 18, Mabel, Minnesota. On 04/03/23, your affiant was asked to forensically image and examine the SD cards so the video footage from the cards could be reviewed by law enforcement to establish a timeline for when Fravel was coming and going from his parents' residence. The SD cards were imaged but the data had not yet been reviewed at the time this warrant was drafted. Your affiant learned that Fravel's parents directed law enforcement to communicate through their attorney on 04/05/23, and law enforcement understood this action to revoke their consent to search the SD cards further. Law enforcement took no further action after this contact to search the SD cards pending a search warrant allowing the search.

**Additional Information:**

Your affiant is aware that the examination/analysis of data can take significant time. Your Affiant is aware that this examination is unlikely to be completed within 10 days from the issuance of the warrant. Your Affiant requests that the courts permit additional time, as necessary, to execute the search and analysis of the data on the media storage devices. Additionally, specialists (located in and outside of the State of Minnesota) may be needed to assist in evaluating/examining the evidence. In addition, the search/analysis of the media storage devices may be sent to the lab and/or specialist to conduct an examination.

Examination of all data on a media storage device is necessary because a wide variety of data can be critical evidence to establish owner or user attribution, as well as to establish timelines. Media storage devices can be used in one or more devices over time. Generally, whenever a file is created, used, accessed, or downloaded, there is a date and time-stamp on the file that provides valuable information that can potentially be used to determine who was creating, using, accessing, or downloading the file at the given time. For evidence recovered from a media storage device to be attributed to a particular device it can become necessary to show a pattern of use of that media storage device within a particular timeframe. Many devices also save location information for images or videos at the time of creation and/or modification using that device.

I request a search warrant be issued, commanding Mark Dungy, a peace officer 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: Mark Dungy**

Winona County Sheriff

Electronically Signed

04/06/2023 9:46 AM

Winona County, Minnesota

STATE OF MINNESOTA, COUNTY OF WINONA

DISTRICT COURT

**SEARCH WARRANT**

TO: MARK DUNGY, A PEACE OFFICER OF THE STATE OF MINNESOTA.

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

**4 micro SD cards collected by law enforcement from 42227 County Road 18, Mabel, Minnesota.**

**All 4 SD cards are currently at the LEC building in the City of Winona, County of Winona, State of Minnesota.**

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

A forensic extraction and review of the data from the four described SD cards to be analyzed by law enforcement or designee for the purposes related to security video of the exterior of the residence located at 42227 County Road 18, Mabel, Minnesota.

WHEREAS, the application of Mark Dungy 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)

**(End of Page)**

NOW, THEREFORE, you Mark Dungy, peace officer 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: 06 April, 2023

Judicial Officer: Mary C. Leahy

Judge of District Court

Electronically Signed

04/06/2023 9:55 AM

STATE OF MINNESOTA, COUNTY OF Winona

DISTRICT COURT

### RECEIPT, INVENTORY AND RETURN

I, Mark Dungy, received the attached search warrant issued by the Honorable Judge Leahy, on 04/06/2023, and have executed it as follows:

Pursuant to the warrant, on 04/06/2023, at 10:38 o'clock am, 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)

4 SD Cards

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

Forensic examination of data and review process

**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.

(Signature)

County: Winona

Date: 04/06/2023

State: MN

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