

APR 6 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:

1. Any and all data, whether stored, saved or deleted, contained within internal storage and/or external media within the cellular phone, including, but not limited to: deleted files, email files, SMS/MMS data whether saved or deleted, incoming/outgoing call and/or text message history, application files and data, video files, image files, voice messages, contact information, global positioning system information, internet cache, internet searches, data showing ownership, possession and use of the electronic device, screen names and databases; to include the extraction and analysis of data
2. Data that is encrypted and unreadable may not be returned unless law enforcement personnel have determined that the data is not (1) an instrumentality of the offense, (2) a fruit of the criminal activity, (3) contraband, (4) otherwise unlawfully possessed, or (5) evidence of a crime; and
3. Photograph and/or video of the electronic device and its contents/data

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

A black colored, Apple iPhone, cellular phone in a clear case, which was handed to law enforcement by Adam Fravel.

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's Background

Your affiant 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. In this capacity, your affiant investigates all types of crimes, conducts interviews, and drafts and executes search warrants.

Your affiant is assigned to investigate this matter, has reviewed reports of fellow officers, discussed this case with fellow officers, and believes the following to be true, and to constitute probable cause sufficient to support the requested search.

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 456 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, and father of her children, 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, as is still there at 6:30pm on April 1, 2023.

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, 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 getting divorced, 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".

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 she 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 and Grandpa's house". Daycare Provider found that odd as, in the past, Fravel would answer that question to reassure the children that Kingsbury was fine. 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 4:21. 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 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 is involved so quickly since he had seen her Friday morning. Witness #1 shared screenshots of his conversation with Fravel from Friday night, 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 officer returned to the residence on Kerry Drive to look over the property again and examined the van from the outside. The officer noted that there was a "mud mark" on the interior door handle and a clear and distinct set of what appeared to be palm prints and mud on the steering wheel. The rear cargo area was clear of any items. The officer noticed "several pieces of garbage on the ground" immediately below the tailgate of the van.

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.

An officer spoke with a friend ("Friend") of Kingsbury's who reports that, a couple weeks ago Kingsbury visited Friend in the hospital and told her, "everything is bad with Adam at the house" and "if anything happens to me, know that Adam did it. I would never leave my kids." Friend reports that Fravel, "has been beating the hell out of her for years".

Cell Phone Information Generally

Your affiant knows that Internet-capable devices, including cell phones such as that which is the subject of this warrant, have become common tools for various means of communication and storage, including but not limited to text, voice and video and phone global positioning location information. Given the ever-advancing computer-related technology, evidence may be retained on the subject's Internet-capable devices, including cell phones, and any removable media within the phone, even after deletion by the user.

The information contained in Internet-capable devices, and any removable media within the phone, 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 forensic searches and seizures of evidence from Internet-capable devices require processing by a qualified digital evidence expert in a secure/controlled environment.

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. Additionally, specialists, located in and/or outside of the State of Minnesota, may be needed to assist in evaluating/examining the evidence. In addition, the search/analysis of the electronic devices may be sent to a lab and/or specialist to conduct an examination. Images of backups of data may need to be made so as not to corrupt or change the data or media.

Additionally, data may be encrypted, passcode protected or may be in a format that could potentially 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. Given limited options for trained forensic personnel, both law enforcement and non-law enforcement, and the demands for their services, professional forensic examination of an electronic device and its contents is not always an option.

Your affiant knows that, for records stored in electronic format, and those within proprietary applications (apps), such as Snapchat, 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 subject 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.

It is imperative that this phone be searched as soon as possible in an attempt to corroborate or disprove statements provided in reference to Fravel's communications and location since Kingsbury's disappearance that could potentially lead to Kingsbury's location. Due to this, your affiant is requesting a night-time warrant .

(End of Page)

A nighttime search outside the hours of 7 a.m. to 8 p.m. is necessary to prevent the loss, destruction or removal of the objects of the search or to protect the searchers or the public because It is imperative that this phone be searched as soon as possible in an attempt to corroborate or disprove statements provided in reference to Fravel's communications and location since Kingsbury's disappearance that could potentially lead to Kingsbury's location. Due to this, your affiant is requesting a night-time warrant .

I request a search warrant be issued, commanding Angela C Evans, MN BCA SA Joe Swenson, MN BCA SA Rob Wilkinson, 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., and a nighttime search outside those hours, 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
04/01/2023 8:39 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 SA ROB WILKINSON 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) :

A black colored, Apple iPhone, cellular phone in a clear case, which was handed to law enforcement by Adam Fravel.

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

1. Any and all data, whether stored, saved or deleted, contained within internal storage and/or external media within the cellular phone, including, but not limited to: deleted files, email files, SMS/MMS data whether saved or deleted, incoming/outgoing call and/or text message history, application files and data, video files, image files, voice messages, contact information, global positioning system information, Internet cache, Internet searches, data showing ownership, possession and use of the electronic device, screen names and databases; to include the extraction and analysis of data
2. **Data that is encrypted and unreadable may not be returned unless law enforcement personnel have determined that the data is not (1) an instrumentality of the offense, (2) a fruit of the criminal activity, (3) contraband, (4) otherwise unlawfully possessed, or (5) evidence of a crime; and**
3. Photograph and/or video of the electronic device and its contents/data

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)

The court further finds that a nighttime search outside the hours of 7 a.m. to 8 p.m. is necessary to prevent the loss, destruction, removal of the objects of said search, or to protect the safety of the searchers or the public.

NOW, THEREFORE, you Angela C Evans, MN BCA SA Joe Swenson, MN BCA SA Rob Wilkinson, 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., and a nighttime search outside those hours, 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: 01 April, 2023

Judicial Officer: Nancy Buytendorp

Judge of District Court

Electronically Signed

04/01/2023 8:48 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 Nancy Buytendorp, on 04/01/2023, and have executed it as follows:

Pursuant to the warrant, on 04/01/2023, at 08:57 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 device - black colored, Apple iPhone, cellular phone in a clear case, which was handed to law enforcement by Adam Fravel

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

Forensic and manual extraction of data from within the phone

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: 04/05/2023
(Signature)

County: Winona State: Minnesota

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