

MAY 03 2023

Application Page 1 - 5

STATE OF MINNESOTA, COUNTY OF WINONA

DISTRICT COURT

APPLICATION FOR SEARCH WARRANT

I, Nicholas J Walch, a licensed peace officer in the State of Minnesota, make an application to this Court for a warrant to search the premises 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:

- Video, and data associated with video, collected from dash cameras located in the FedEx Ground vehicles capturing the blue 2014 Chrysler mini van traveling in the Wilson (MN) area on March 31, 2023.

Foreign Corporation

FedEx Ground is a foreign corporation located outside the State of Minnesota. FedEx Ground is a nationwide subsidiary of FedEx and is a nationwide entity with its closest office location to Winona being 3251 Berlin Drive, LaCrosse, Wisconsin. The Court has jurisdiction to issue a Minnesota State search warrant for records held by FedEx pursuant to Minnesota Statutes section 626.18. Minnesota Statutes section 626.18 allows a search warrant for records that are in the actual or constructive possession of a foreign corporation that provides electronic communication services or remote computing services to the general public, where those records would reveal the identity of the customers using those services; data stored by, or on behalf of, the customer; the customer's usage of those services; the recipient or destination of communications sent to or from those customers; or the content of those communications. FedEx Ground provides such services to residents of the State of Minnesota.

Your affiant requests permission from the court to serve the search warrant on FedEx electronically and will expect an electronic response.

is or are at the premises described as:

FedEx Ground
Sr. Security Specialist Matthew Heggenberger
3251 Berlin Dr, LaCrosse, WI 54601

located in 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 currently an Investigator for the Winona County Sheriff's Office. Your affiant has been employed by the Winona County Sheriff's Office since December of 2008. Your affiant became a licensed Minnesota Peace Officer in 2009. Your affiant has previously worked in the patrol division of the Goodview Minnesota Police Department and the Arcadia Wisconsin Police Department. With the Winona County Sheriff's Office your affiant has held the positions of Transport Officer, Detention Deputy, Deputy Sheriff, and Investigator.

Your affiant is currently assigned to the Southeast Minnesota Violent Crimes Enforcement Team. In this capacity your affiant conducts investigations into the use, manufacturing, and sale of drugs, as well as other general crimes. Your affiant also assists other law enforcement agencies with drug and serious crime investigations. Your affiant knows the following from experience and training courses that he has attended:

Perpetrators of homicide and/or kidnapping/false imprisonment may transport deceased/detained individuals to and from various locations in order to hide or dispose of a body.

- Perpetrators of homicide may return to the disposed body to further destroy evidence or further conceal the corpse.
- Perpetrators of homicide and/or kidnapping/false imprisonment may use vehicles to transport evidence away from the initial crime scene to destroy evidence.
- Perpetrators of homicide and/or kidnapping/false imprisonment may use a vehicle for transportation to purchase items to aid them in concealing or destroying evidence.
- Perpetrators of homicide and/or kidnapping/false imprisonment may use multiple vehicles to avoid detection of their actions by law enforcement.
- Surveillance footage of vehicles can aid in determining the location and route of a vehicle at a specific time.

Investigation

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).

On April 1, 2023, Investigators went to interview Fravel regarding this incident. During this interview Fravel told Investigators that, on the day Kingsbury went missing, he had driven Kingsbury's van, a 2014 Chrysler minivan, to run errands. Fravel said that he drove to Choice (Minnesota) and then realized that he had loaded the wrong items into the van. Fravel turned around and returned to his residence in Winona.

On April 2, 2023, your affiant, along with other Investigators, coordinated an effort to canvas the route from Fravel's residence in Winona to Choice for any surveillance camera footage. Your affiant located cameras at the FedEx Freight building located at 27058 County Road 12, Winona. Your affiant spoke with an employee inside of the building who in turn directed your affiant to Ron Dietz, a Senior Corporate Specialist in Security for FedEx Freight. Dietz was able to locate the van on camera traveling past the building on County Road 12 at approximately 11:44a.m. (03/31/23). The van was traveling westbound on County Road 12 and then turned south onto Highway 43. The van then returned on the same path at approximately 1:00p.m. (03/31/23) Dietz also observed a FedEx Ground van traveling in the area. He said that the van is equipped with a dash camera and that he would check for footage.

Ron Dietz said that he would retain the footage and await a court order before turning the footage over to law enforcement. Ron Dietz asked your affiant to request records from the FedEx Ground van from Matthew Heggenberger, a Senior Security Specialist from FedEx Ground. The FedEx ground facility is located at 3251 Berlin Dr, LaCrosse, WI.

Law enforcement is requesting the court's permission to collect this video footage regarding this van from the dash camera on the FedEx Ground van. All records collected will be sent directly to the Winona County Sheriff's Office for retention.

- **Foreign Corporation**

FedEx Ground is a foreign corporation located outside the State of Minnesota. FedEx Ground is a nationwide subsidiary of FedEx and is a nationwide entity with its closest office location to Winona being 3251 Berlin Drive, LaCrosse, Wisconsin. The Court has jurisdiction to issue a Minnesota State search warrant for records held by FedEx pursuant to Minnesota Statutes section 626.18. Minnesota Statutes section 626.18 allows a search warrant for records that are in the actual or constructive possession of a foreign corporation that provides electronic communication services or remote computing services to the general public, where those records would reveal the identity of the customers using those services; data stored by, or on behalf of, the customer; the customer's usage of those services; the recipient or destination of communications sent to or from those

customers; or the content of those communications. FedEx Ground provides such services to residents of the State of Minnesota.

Your affiant requests permission from the court to serve the search warrant on FedEx electronically and will expect an electronic response.

(End of Page)

I request a search warrant be issued, commanding Nicholas J Walch, 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 premises 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: Nicholas J Walch

Winona County Sheriff

Electronically Signed

05/01/2023 11:43 AM

Winona County, Minnesota

STATE OF MINNESOTA, COUNTY OF WINONA

DISTRICT COURT

SEARCH WARRANT

TO: NICHOLAS J WALCH, A PEACE OFFICER OF THE STATE OF MINNESOTA.

WHEREAS, Nicholas J Walch has this day on oath made an application to this Court for a warrant to search the following described premises :

FedEx Ground

**Sr. Security Specialist Matthew Heggenberger
3251 Berlin Dr, LaCrosse, WI 54601**

located in State of Minnesota for the following described property and thing(s):

- Video, and data associated with video, collected from dash cameras located in the FedEx Ground vehicles capturing the blue 2014 Chrysler mini van traveling in the Wilson (MN) area on March 31, 2023.

Foreign Corporation

FedEx Ground is a foreign corporation located outside the State of Minnesota. FedEx Ground is a nationwide subsidiary of FedEx and is a nationwide entity with its closest office location to Winona being 3251 Berlin Drive, LaCrosse, Wisconsin. The Court has jurisdiction to issue a Minnesota State search warrant for records held by FedEx pursuant to Minnesota Statutes section 626.18. Minnesota Statutes section 626.18 allows a search warrant for records that are in the actual or constructive possession of a foreign corporation that provides electronic communication services or remote computing services to the general public, where those records would reveal the identity of the customers using those services; data stored by, or on behalf of, the customer; the customer's usage of those services; the recipient or destination of communications sent to or from those customers; or the content of those communications. FedEx Ground provides such services to residents of the State of Minnesota.

Your affiant requests permission from the court to serve the search warrant on FedEx electronically and will expect an electronic response.

WHEREAS, the application of Nicholas J Walch 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 at the above-described premises

(End of Page)

NOW, THEREFORE, you Nicholas J Walch, 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 premises, 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

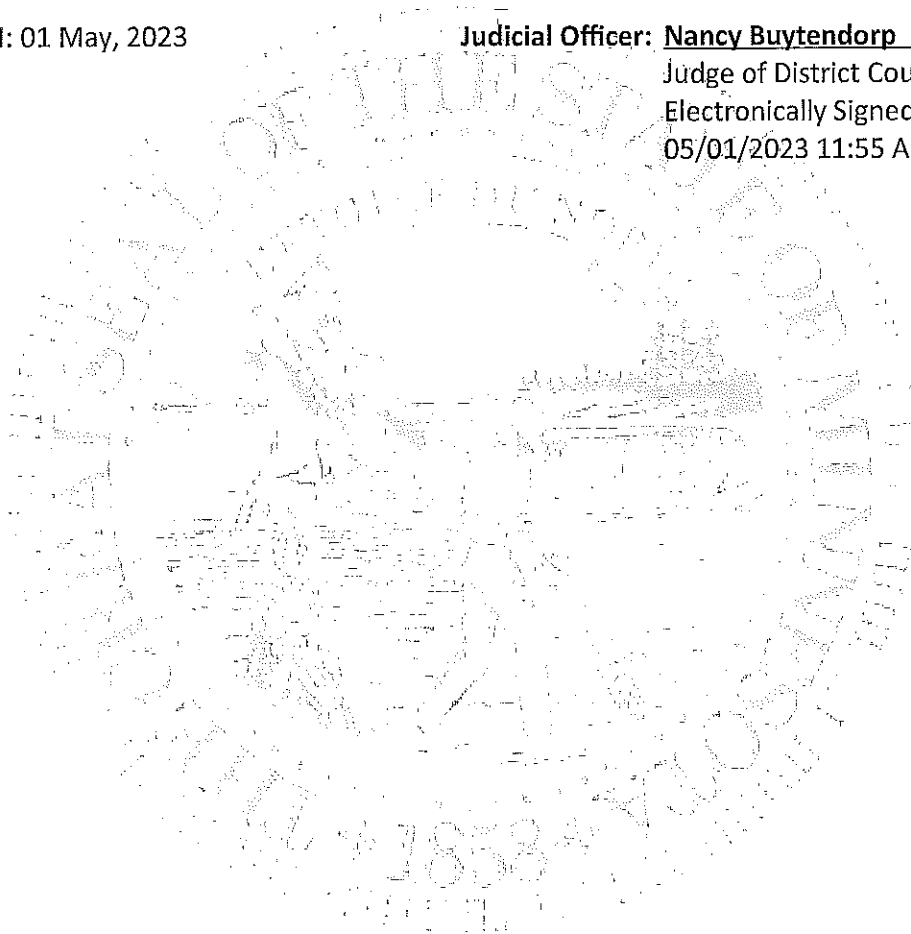
ISSUED ON: 01 May, 2023

Judicial Officer: Nancy Buytendorp

Judge of District Court

Electronically Signed

05/01/2023 11:55 AM



STATE OF MINNESOTA, COUNTY OF Winona

DISTRICT COURT

RECEIPT, INVENTORY AND RETURN

I, Investigator Nicholas Walch, received the attached search warrant issued by the Honorable Buytendorp, on 05/01/2023, and have executed it as follows:

Pursuant to the warrant, on 05/01/2023, at 12:01 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) emailed to Ron Dietz on behalf of Matthew Heggenberger

I took into custody the property and things listed below: (attach and identify additional sheets if necessary)
Digital copy of surveillance video from dashcams on FedEx Ground van(s)

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.

Nicholas Walch
(Signature)

Date: 05/02/2023

County: Winona

State: MN

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