

APR 26 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 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:

- 1) Any and all information and data, to include video recordings between March 30, 2023 and present, for Wyze account associate with email address **afravelmkingsbury@gmail.com;**
- 2) Any and all subscriber/user information and account identification information, including but not limited to name(s), address(es), email address(es), phone number(s), billing information and account change information for account associate with email address **afravelmkingsbury@gmail.com;**
- 3) All device usage information, including but not limited to IP address(es), history of device settings, data collected directly from devices and any other information collected by Wyze for account associate with email address **afravelmkingsbury@gmail.com;**
- 4) All website/app use information, including but not limited to login/logout information for account associate with email address **afravelmkingsbury@gmail.com;** and
- 5) All records pertaining to communications between Wyze and any person regarding user or the user's Wyze account, including contacts with support services and records of actions taken for account associate with email address **afravelmkingsbury@gmail.com.**

is or are at the premises described as:

Wyze Labs, Inc
5808 Lake Washington Blvd NE Suite 301
Kirkland, WA 98033

Wyze Labs, Inc. is a foreign corporation subject to Minnesota Statutes section 626.18.

This search is of records held by an out-of-state corporation, Wyze Labs, Inc., doing business 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 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 discussed this case 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 white tennis shoes at drop-off 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, the area immediately below his nose and on his neck. Your affiant would note that sometime during the course of the

investigation I observed, on other investigators' bodycam footage of the interview with Fravel, a dog on the porch at Fravel's parents residence in Mabel, Minnesota.

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, including “afravelmkingsbury@gmail.com”. 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.

Also installed on Fravel's phone was a Wyze app. Your affiant noted that the only file containing surveillance video was titled 42227, which is the address location of Fravel's parents residence in Fillmore County. Investigators who have personally been to the Fillmore County property confirmed the video is of that property. The account name detailed on the app was "fravel.business@gmail.com", which was also detailed as the main email account within the phone and is listed as the username in multiple accounts within Fravel's phone, including being used as his Apple ID, messages and iCloud account.

Your affiant submitted a preservation letter to Wyze Labs, Inc. (Wyze) to preserve the "fravel.business@gmail.com" account, as the account identifier, per Wyze, is the email address. Your affiant received a response from Wyze indicating they were, "unable to locate the Wyze account associated with the email address provided". Per Wyze information, the user is able to change the username, as well as delete video, in both, the app and online.

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.

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.

Investigators executed a search warrant at Fravel's parents' residence, located at 42227 County Road 18 in Mabel, Fillmore County, Minnesota. During the execution of that search warrant they collected SD cards from the Wyze cameras located on that property. Later review of those cameras shows the following:

- March 31, 2023 at 5:14pm - Fravel parks in the driveway at the Fillmore County property, and is seen unpacking the vehicle and going back and forth from the house.
- March 31, 2023 at 5:19pm – Fravel walks into camera view from the house and goes to the open trunk of the vehicle and removes a garbage bag, that appeared to be full, and places it into a garbage dumpster. Fravel then walks back to the vehicle, shuts the trunk, retrieves items from the front passenger seat and the video stops at 5:20pm.

April 3, 2023

Investigators executed a search warrant at 456 Kerry Drive during which they noted there were multiple Wyze cameras present, including one outdoor camera, which were not installed at the time, as well as a Wyze watch. Investigators noted that the SD cards, which can be used to store video, were missing from the cameras. Investigators noted the MAC addresses of the cameras present at the scene, one of which is illegible. Per Wyze Lab, Inc., MAC addresses is one of the identifiers that can be used to locate an account.

Earlier in the course of the investigation investigators learned from Reporting Party that there had been security cameras installed at the home, of particular note, one mounted outside, above the garage door. Investigators noted that no cameras were installed inside or outside of the home during the execution of the search warrant. There were, however, several areas in which the drywall was torn, appearing as if something had been attached to the wall and subsequently pulled off the wall, pulling the surface of the drywall with it. All of the marks were high on a wall, nearer the ceiling, which would be consistent with the areas and height in which one would place cameras throughout a home.

April 6, 2023

Your affiant served Wyze with a search warrant for the production of records relative to the individual camera MAC addresses for the cameras located at Fravel's residence. Wyze responded to the search warrant saying they were unable to locate an account with the MAC addresses detailed in the warrant, which would likely indicate that those cameras, had they been active through Wyze at any time, have been deleted from an account by the user.

April 7, 2023

A search warrant executed at Fravel's parents 42227 County Road 18, Mabel, Minnesota property revealed that the trash, seen on Wyze video, being taken from Fravel's vehicle and

placed into the dumpster was no longer in the dumpster. Investigators had determined prior to the execution of the search warrant that the dumpster, which is emptied only when requested, had not been emptied by the trash company since September 2022.

April 8, 2023

Investigators interviewed Fravel's sister ("Sister") on April 8, 2023. During that interview she informed investigators that she also has access to the cameras on her parents' property at 42227 County Road 18 in Mabel. According to Sister, the three individuals with access to the account are her, Fravel and their dad.

Your affiant submitted a preservation letters to Wyze Labs, Inc. (Wyze) to preserve the three other gmail accounts located in Fravel's phone, including afravelmkingsbury@gmail.com. Your affiant received a response from Wyze indicating they were, "unable to locate the Wyze account associated with the email address provided" for two of the three email addresses. Wyze did not respond that they were unable to locate information for an account associated with afravelmkingsbury@gmail.com.

April 18, 2023

Madeline Kingsbury remains missing as of 11:00am.

Wyze Information

Wyze Labs, also known as Wyze ("Wyze") is a company that specializes in various smart home products, including video surveillance cameras. The Wyze video surveillance system records and can save to a cloud based storage system retained by Wyze. Per Wyze Labs, Inc.,

- "Users set up an account with an email address and password, in order to use the Wyze app and set up and access cameras through the Wyze app."
- "In order to find the video clips saved from a particular user's Wyze Cam to the user's Wyze app account on the Wyze Cloud, Wyze Labs will need the email address associated with that user's Wyze app account."
- "A user can also manually delete an alert video from the cloud. After 14 days the video clips are automatically deleted from the cloud and cannot be recovered."

Cloud storage is a service in which data is maintained, managed and backed up remotely and made available to users over a network, typically the Internet. Cloud storage users can use their personal cloud to "sync" (synchronize) content across devices connected to that

account. For example, data uploaded from a surveillance camera to a cloud account can be retrieved from the same cloud account using a cell phone, tablet, computer or any other device connected to that same cloud account, via internet website and/or app.

Foreign Corporation

Wyze Labs, Inc. is a foreign corporation located outside the State of Minnesota. Wyze Labs, Inc. is located in the State of Washington. The Court has jurisdiction to issue a Minnesota State search warrant for records held by Washington 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 or services sent to or from those customers; or the content of those communications or services. Wyze Labs, Inc. provides such services to residents of the State of Minnesota.

(End of Page)

I request a search warrant be issued, commanding Angela C Evans, 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: Angela C Evans

Winona Police Department

Electronically Signed

04/18/2023 11:06 AM

Winona County, Minnesota

STATE OF MINNESOTA, COUNTY OF WINONA

DISTRICT COURT

SEARCH WARRANT

TO: ANGELA C EVANS, A PEACE OFFICER 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 premises :

**Wyze Labs, Inc
5808 Lake Washington Blvd NE Suite 301
Kirkland, WA 98033**

Wyze Labs, Inc. is a foreign corporation subject to Minnesota Statutes section 626.18.

This search is of records held by an out-of-state corporation, Wyze Labs, Inc., doing business in city or township of Winona, State of Minnesota for the following described property and thing(s):

- 1) Any and all information and data, to include video recordings between March 30, 2023 and present, for Wyze account associate with email address afravelmkingsbury@gmail.com;**
- 2) Any and all subscriber/user information and account identification information, including but not limited to name(s), address(es), email address(es), phone number(s), billing information and account change information for account associate with email address afravelmkingsbury@gmail.com;**
- 3) All device usage information, including but not limited to IP address(es), history of device settings, data collected directly from devices and any other information collected by Wyze for account associate with email address afravelmkingsbury@gmail.com;**
- 4) All website/app use information, including but not limited to login/logout information for account associate with email address afravelmkingsbury@gmail.com; and**
- 5) All records pertaining to communications between Wyze and any person regarding user or the user's Wyze account, including contacts with support services and records of actions taken for account associate with email address afravelmkingsbury@gmail.com.**

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 at the above-described premises

(End of Page)

NOW, THEREFORE, you Angela C Evans, 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: 18 April, 2023

Judicial Officer: Nancy Buytendorp

Judge of District Court

Electronically Signed

04/18/2023 11:27 AM

DISTRICT COURT

Nothing - per Wyze, no account exists

A. A. A. Date: 04/25/2023
(Signature)
County: Winona State: Minnesota

v2.00 10/10/2018