

**SUPPRESSED**

Aurora Police Department  
Case No. 2012-28181  
Authored By: Sergeant Matthew E. Fyles #26218

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REDACTED

Filed

AUG 03 2012

**ARAPAHOE COUNTY RETURN AND INVENTORY**  
**1945 North Wheeling Street, Building T36**

CLERK OF THE DISTRICT COURT  
ARAPAHOE COUNTY, COLORADO

On July 23<sup>rd</sup>, 2012, I, Sergeant Matthew E. Fyles #26218, received this Search Warrant.

On July 23<sup>rd</sup>, 2012, at 9:00 o'clock P.M., I, Sergeant Matthew E. Fyles #26218, executed the Search Warrant on the property described:

**1945 North Wheeling Street, Building T36**

(Location of place searched, or owner, or name of person searched together with an inventory of the property taken.)

ITEM #	AMOUNT	DESCRIPTION OF ITEM	WHERE FOUND
1	1	Brown Spiral Notebook	Mail Room
2	1	White US Postal Service Envelope (Holmes to Fenton)	Mail Room
3	1	Clear Evidence Envelope	Mail Room
4	1	Sticky Note w/ Infinity Design	Mail Room
5	1	Brown Evidence Bag - Moreno (empty)	Mail Room
6	20	Partially Burnt U.S. Currency 20x\$20.00 Denominations (\$400.00 total)	Mail Room

This inventory is a true and detailed account of all property taken pursuant to the Search Warrant as was made by:

*M. Fyles* M. Fyles 07.25.2012  
Signature of Officer and date

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**SUPPRESSED**

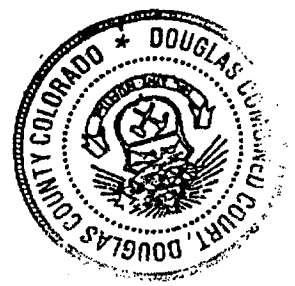
COUNTY/DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	Filed in Division  JUL 20 2012  DOUGLAS COMBINED COURTS  COURT USE ONLY
<u>THE PEOPLE OF THE STATE OF COLORADO</u>  vs  JAMES E. HOLMES, Defendant.	Case Number:
Attorney: CAROL CHAMBERS, 18 <sup>th</sup> Judicial District Attorney 6450 S. Revere Pkwy., Centennial, CO 80112 Phone: (720) 874-8500 Atty. Reg. #: 14948	

**ORDER TO SEAL SEARCH WARRANTS, AFFIDAVITS, ORDERS AND CASE FILE**

THIS COURT, being fully advised in the premises,

ORDERS that the ORDERS, SEARCH WARRANTS, AFFIDAVITS AND CASE FILE, be Sealed from Public Inspection and remain sealed until further order of either this Court or any Court with jurisdiction over any subsequently filed charges.

DONE IN COURT this 10th day of July, 2012.



BY THE COURT:  
[Signature]  
Judge

STATE OF COLORADO )  
County of ARAPAHOE )

**SUPPRESSED**

IN THE District COURT  
18th JUDICIAL DISTRICT

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A/C

**SEARCH WARRANT**

THE PEOPLE OF THE STATE OF COLORADO:

TO: Any officer authorized by law to execute a search warrant in the County wherein the property is located.

Sergeant Matthew E. Fyles #26218, a commissioned Police Officer, having this date filed an Affidavit for Search Warrant in conformity with the provisions of Colorado Rules of Criminal Procedure 41(b) and (c) for the following described property, to-wit:

**A white, approximately 12" by 16", soft-sided envelope with a listed sender of "James Holmes" and a listed recipient of "Lynne Fenton M.D." with a mail date stamp of July 12<sup>th</sup> 2012 from the Fletcher Station in Aurora, Colorado, which contains a brown spiral notebook. The brown spiral notebook will be placed separately into Aurora Police Property/Evidence in a sealed evidence envelope where it will remain unopened until in-camera review.**

Believed to be situated at the place known as:

**1945 North Wheeling Street**  
**City of Aurora, County of Adams, State of Colorado**

**1945 North Wheeling Street can further be described as a beige in color three story building with doors located on the south and east sides. The front door of the building is glass, faces east and has a gray in color awning located above the door. "Campus Services T36 THIS IS A NO SMOKING FACILITY" appears in six inch lettering, white in color, on the east side glass door. There is a stone placard, black in color, with the numerals 1-9-4-5 and wording North Wheeling Street Campus Services appearing white in color on the stone placard. The stone placard is located on the ground just east of the east facing glass door.**

upon one or more grounds as set forth in Rule 41 (b), Colorado Rules of Criminal Procedure, namely: is stolen or embezzled; is designed or intended for use or which is or has been used as a means of committing a criminal offense or the possession of which is illegal; would be material evidence in a subsequent criminal prosecution.

The names of persons whose affidavits have been taken in support hereof are: Sergeant Matthew E. Fyles #26218 and as I am satisfied that grounds for the application exist, or that there is probable cause to believe that they exist, and that property is located on the premises above described, YOU ARE HEREBY COMMANDED to search forthwith the place above described for the property described and to seize the property described above at any time, day or night, and to make return of this Warrant to the CLERK of the COURT, and to deliver to the person from whom the property is taken a copy of this Warrant together with a receipt for the property taken; and to deliver to the CLERK of the COURT a written inventory of the property with the return of this Warrant within ten (10) days.

Dated on July 23, 2012, at Arapahoe County, Colorado.  
8:31 p.m.

Kurt A. Horton  
DISTRICT COURT Judge

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**AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**

**APD Case # 2012-28181**

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DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

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**AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**

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I, Sergeant Matthew E. Fyles #26218, the Affiant herein, being of lawful age and having been first duly sworn upon oath, depose and state that I am a commissioned police officer with the Aurora Police Department and I have probable cause to believe that there is located at the place known as:

**1945 North Wheeling Street**  
**City of Aurora, County of Adams, State of Colorado**

1945 North Wheeling Street can further be described as a beige in color three story building with doors located on the south and east sides. The front door of the building is glass, faces east and has a gray in color awning located above the door. "Campus Services T36 THIS IS A NO SMOKING FACILITY" appears in six inch lettering, white in color, on the east side glass door. There is a stone placard, black in color, with the numerals 1-9-4-5 and wording North Wheeling Street Campus Services appearing white in color on the stone placard. The stone placard is located on the ground just east of the east facing glass door.

And upon person or persons within the above described structure.

The following property which is illegal to possess and/or would be material evidence in a subsequent criminal prosecution. My reasons for this belief follow the description of the property below.

**A white, approximately 12" by 16", soft-sided envelope with a listed sender of "James Holmes" and a listed recipient of "Lynne Fenton M.D." with a mail date stamp of July 12<sup>th</sup> 2012 from the Fletcher Station in Aurora, Colorado, which contains a brown spiral notebook. The brown spiral notebook will be placed separately into Aurora Police Property/Evidence in a sealed evidence envelope where it will remain unopened until in-camera review.**

THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH AND SEIZURE WARRANT EXIST ARE AS THE FOLLOWING:

Your Affiant, Sergeant Matthew E. Fyles #26218, of lawful age and being first duly sworn upon oath, depose and state that I am a commissioned Police Officer employed by the City of Aurora Police Department currently assigned to the Major Crime/Homicide Unit and that the following information was obtained by me personally and from official records of the aforementioned Department.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theatres. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theatre. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theatre.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theatre. Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by Officer Jason Oviatt # 301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle on the driver side with the driver side door open.

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police officer but observed that the gas mask appeared to be an older version of the type currently utilized by the police. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James Holmes, DOB: 12-13-87 was then taken into custody. Officer Oviatt informed your affiant that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' advised that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address and that there were bombs inside his apartment and they would go off if the wires were tripped.

As Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was removed at the scene by officers during his arrest. Your affiant responded to this area and personally observed the following items that were removed from Holmes during his arrest: a pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstep. Your affiant also observed what appeared to be a silver cellular telephone among these items. Your affiant also observed a black assault type rifle on the ground directly outside the emergency exit door. Your affiant observed a great deal of blood on the sidewalk outside the door as numerous victims exited the theatre through this door.

Among the items collected at the scene, was a pair of black tactical pants that were removed by Officers Sweeney and Oviatt upon Holmes' arrest. FBI Special Agent Nick Vanicelli collected these pants from the scene and these pants were subsequently transported to the crime lab at Aurora Police headquarters.

Aurora Police Questioned Document Examiner Janette Guscott # 14780 removed a black and silver colored iPod 8GB from the front pants pocket of these tactical pants. This iPod was then secured in an evidence locker within the crime lab.

Officers from the Arapahoe County Sheriff's Department Bomb Squad responded and utilizing an explosive removal robot, removed items from the vehicle. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where Detectives Craig Appel # 18562 and Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theatre and entered auditorium # 9 where they located ten victims found to be deceased. Your affiant briefly observed the interior to auditorium # 9 and observed the following: a black shotgun on the floor several feet inside the theatre along with six empty shotgun shell casings. Your affiant additionally observed a green colored plastic doorstop attached to the emergency exit door. This item appeared to be similar to the plastic doorstop located among Holmes' property upon his arrest. Your affiant observed two .40 caliber magazines on the floor beside the shotgun, and several empty rifle shell casings on the floor. All of these items were observed on the floor at the front of the theatre.

Your affiant observed three additional rifle magazines that appeared to still have live rounds, a 90 round Beta Mag magazine and another .40 caliber magazine on the floor leading towards the lobby of the theatre on the west side of the seating area. Your affiant observed numerous deceased parties throughout the theatre.

Your affiant met briefly with Captain James Puscian who provided your affiant with additional information regarding the deceased and injured parties. Captain Puscian advised that ten parties were pronounced deceased inside the theatre. Twenty individuals were shot and transported to University Hospital, with one deceased. Six individuals were shot and transported to Denver General Hospital; twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Captain Puscian also informed your affiant that upon Jason Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Officers from the Aurora Police SWAT Team responded to this address and established a perimeter on the apartment building.

Your affiant spoke with Detective Tom Wilson # 13163 who responded to this address. Detective Wilson informed your affiant that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene. Detective Wilson informed your affiant that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson informed your affiant that the explosive robot made entry to the apartment and immediately was stopped by trip wires. The explosive robot then utilized a camera and the interior to the apartment was viewed by officers. Detective Wilson informed your affiant that the camera observed the main room and observed additional trip wires that lead into different rooms within the apartment. Detective Wilson also informed your affiant that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed located throughout the apartment. Detective Wilson informed your affiant that the Denver Police Bomb Squad also responded and determined that entry to the apartment was too dangerous to send an officer inside.

Aurora Police Officer Will Hinton contacted University of Colorado Police Officer Lynn Whitten. Officer Whitten advised Officer Hinton that she had received correspondence, back in June 2012, with Dr. Lynne Fenton, a psychiatrist with the University of Colorado Medical Campus. Dr. Fenton advised that through her contact with James Holmes she was reporting, per her requirement, his danger to the public due to homicidal statements he had made. Additionally, Dr. Fenton was advising that she had been treating Holmes, and that Holmes had stopped seeing her and had begun threatening her via text messages.

On July 23, 2012 Your Affiant was notified via the Aurora Police Dispatch that police were responding to the University of Colorado Medical Campus reference a package that was supposedly sent from Holmes to Fenton at her campus office.

Your Affiant responded to the University of Colorado Medical Campus and contacted University Police Chief Doug Abraham. Chief Abraham advised that Dr. Fenton had received a phone call from the defense counsel of Holmes who told her that Holmes had mailed a package to her at the campus and the defense wanted the package turned over to them. Chief Abraham indicated police responded to her office and found an envelope from FedEx slid under her office door. The package was determined not to be the one sent from Holmes.

University Police Commander James Mysiades responded to Campus Services (mail room) located at 1945 North Wheeling Street, building T36, City of Aurora, County of Adams, State of Colorado, in an effort to locate the package in question. Upon searching the location a white, approximately 12" x 16", soft-sided envelope was located in a mail bin. The package listed a sender of "James Holmes" also listing Holmes' residence at 1690 North Paris Street #10.



Additionally the package listed a recipient of "Lynne Fenton M.D." and her corresponding work address of CU Anschutz Medical Campus, Mail Stop A035 Education 11, North Room #3208, Aurora, Colorado, 80045. Additionally the package was found to have a stamped mailing date of July 12, 2012 which was processed at the Fletcher Station in Aurora, Colorado.

Members of the Adams County Sheriff's Bomb Squad and the FBI Bomb Squad responded to the location. The package was scanned and x-rayed and found to contain no incendiary or explosive devices. The package was then opened under a portable venting hood and found to have no toxic contaminants. The package was found to contain a brown in color spiral notebook, 8" x 11", with a cover which had a box placard. Listed on the box placard for name was "James Holmes", listed on the box placard for course was "Of Life". Additionally an unknown number of \$20.00 denominations of United States currency were located inside the envelope, all partially burned. The brown spiral notebook was checked for any toxic contaminants and it was found to have none. Bomb Technicians observed that the brown spiral notebook appeared to be a journal as evidenced by unknown writings within. At this time the envelope in question and the contents remain inside 1945 North Wheeling Street, building T36-1V, on a mail processing table.

Your Affiant advises that once collected the brown spiral notebook will be packaged separately from the United States currency and envelope, and placed into police property/evidence where it will remain sealed and unopened until an in-camera review by a judge for a ruling on its evidentiary value and admissibility.

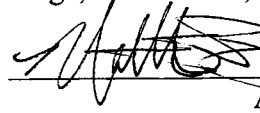
Application is hereby made for issuance of a search warrant, directed to any officer authorized by law to execute warrants in the county wherein said property is located, commanding said officer to search forthwith the person or place named above for said property, and the said property and every part thereof, to take, remove, and seize using such force as may reasonably be required in the execution of the warrant, and directing that return thereof be made to the judge issuing the warrant.

Your affiant believes that this white in color, approximately 12" x 16", soft-sided envelope may contain evidence relating to the planning of the crime, the purchase of weapons and ammunition, communications indicating the state of mind of James Holmes and his culpable mental state. Your affiant believes that information contained in this white in color, approximately 12" x 16", soft-sided envelope may contain communications between the suspect in this case and other potential suspects. Your affiant believes that information contained in this white in color, approximately 12" x 16", soft-sided envelope may assist in determining what methods of planning were involved to carry out this crime.

**AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT**

**APD Case #**

The Affiant has read the above and foregoing application and affidavit, and the statements therein contained are true to the best of his/her knowledge, information, and belief.

 NIFILES #26218  
Affiant

SUBSCRIBED AND SWORN to before me this 23<sup>rd</sup> day of July,  
A.D., 2012.

KURT A. HORTON 8:30 P.M.  
District Court Judge