

UNITED STATES DISTRICT COURT

for the
District of Colorado

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address))

Case No. 14-sw-05039-KLM

IN THE MATTER OF THE SEARCH OF)
INFORMATION ASSOCIATED WITH GOOGLE)
SEARCHES THAT IS STORED AT PREMISES)
CONROLLED BY GOOGLE, INC.)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE "ATTACHMENT A", which is attached to and incorporated in this Application and Affidavit

located in the _____ State and _____ District of _____ Colorado _____, there is now concealed (identify the person or describe the property to be seized):

SEE "ATTACHMENT B", which is attached to and incorporated in this Application and Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

| Code Section | Offense Description |
|---------------|--------------------------|
| 18 USC § 1001 | False Material Statement |
| 18 USC § 1111 | Second Degree Murder |

The application is based on these facts:

- Continued on the attached affidavit, which is incorporated by reference.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

s/Elizabeth Shott

Applicant's signature

Elizabeth Shott, Special Agent, NPS
Printed name and title

Sworn to before me and: signed in my presence.

submitted, attested to, and acknowledged by reliable electronic means.

Date: 14 Jan 2014

Kristen L. Mix
Judge's signature

City and state: Denver, CO

Kristen L. Mix
United States Magistrate Judge
Printed name and title

ATTACHMENT A

DESCRIPTION OF LOCATION TO BE SEARCHED

This warrant applies to Internet Protocol, (IP) addresses associated with web browser search information that is stored at premises controlled by Google, Inc, a web browser provider headquartered at 1600 Amphitheatre Parkway, Mountain View CA 94043.

IP INFORMATION

| START | STOP | IP ADDRESS |
|----------------|-----------------|----------------|
| 6/30/2012 6:30 | 7/3/2012 6:10 | 65.100.140.46 |
| 7/3/2012 6:31 | 7/3/2012 20:22 | 174.29.76.83 |
| 7/3/2012 20:35 | 7/4/2012 20:15 | 174.29.67.221 |
| 7/4/2012 20:30 | 7/5/2012 16:40 | 75.166.175.127 |
| 7/5/2012 16:41 | 7/5/2012 16:52 | 75.166.187.160 |
| 7/5/2012 16:53 | 7/10/2012 18:28 | 184.96.179.115 |

| | | |
|-----------------|-----------------|----------------|
| 7/12/2012 18:45 | 7/12/2012 19:47 | 184.96.162.213 |
| 7/12/2012 19:48 | 7/12/2012 19:50 | 75.166.162.7 |
| 7/12/2012 19:50 | 7/12/2012 20:44 | 75.166.57.43 |
| 7/12/2012 20:44 | 7/12/2012 20:47 | 174.29.163.83 |
| 7/12/2012 20:47 | 7/12/2012 21:28 | 174.29.190.210 |
| 7/12/2012 21:29 | 7/12/2012 21:33 | 184.96.170.171 |
| 7/12/2012 21:36 | 7/12/2012 21:37 | 174.29.161.35 |
| 7/12/2012 21:47 | 7/12/2012 21:56 | 174.29.88.79 |
| 7/12/2012 21:57 | 7/12/2012 22:01 | 174.29.85.165 |
| 7/12/2012 22:02 | 7/12/2012 22:07 | 174.29.183.227 |
| 7/12/2012 22:08 | 7/12/2012 22:08 | 184.96.186.45 |
| 7/12/2012 22:08 | 7/12/2012 22:09 | 75.166.177.96 |
| 7/12/2012 22:09 | 7/12/2012 22:10 | 75.166.48.162 |
| 7/12/2012 22:10 | 7/12/2012 22:24 | 65.100.143.26 |
| 7/12/2012 22:24 | 7/12/2012 22:24 | 174.29.95.164 |
| 7/12/2012 22:26 | 7/12/2012 22:29 | 184.96.166.188 |
| 7/12/2012 22:45 | 7/15/2012 1:05 | 174.29.95.104 |
| 7/15/2012 1:06 | 7/19/2012 8:40 | 70.58.16.36 |
| 7/19/2012 9:11 | 7/23/2012 14:03 | 174.29.86.15 |
| 7/23/2012 14:05 | 7/23/2012 15:09 | 174.29.74.209 |
| 7/23/2012 15:11 | 7/23/2012 15:27 | 71.208.157.199 |
| 7/23/2012 15:29 | 7/23/2012 17:05 | 174.29.86.192 |
| 7/23/2012 17:07 | 8/4/2012 11:05 | 75.166.189.36 |
| 8/4/2012 11:22 | 8/4/2012 14:03 | 174.29.70.97 |

| | | |
|-----------------|-----------------|----------------|
| 8/7/2012 6:33 | 8/8/2012 23:57 | 184.96.167.191 |
| 8/9/2012 6:06 | 8/16/2012 18:45 | 174.29.75.157 |
| 8/16/2012 18:54 | 8/16/2012 19:15 | 184.96.168.202 |
| 8/17/2012 4:58 | 8/17/2012 6:43 | 75.166.54.9 |
| 8/18/2012 6:31 | 8/18/2012 7:07 | 184.96.177.206 |
| 8/18/2012 16:33 | 8/18/2012 23:33 | 174.29.72.212 |
| 8/20/2012 4:30 | 8/23/2012 8:47 | 75.166.61.84 |
| 8/23/2012 8:49 | 8/23/2012 9:19 | 75.166.176.125 |
| 8/23/2012 9:29 | 8/23/2012 23:27 | 75.166.61.69 |
| 8/24/2012 1:38 | 8/24/2012 1:39 | 174.29.95.18 |
| 8/24/2012 1:42 | 8/24/2012 6:31 | 174.29.163.12 |
| 8/24/2012 6:32 | 8/30/2012 9:11 | 75.166.178.82 |
| 8/30/2012 9:50 | 8/31/2012 21:46 | 75.166.173.215 |
| 8/31/2012 21:47 | 8/31/2012 21:48 | 75.166.60.67 |
| 8/31/2012 21:48 | 8/31/2012 21:49 | 75.166.63.201 |
| 8/31/2012 21:49 | 8/31/2012 22:00 | 75.166.161.189 |
| 8/31/2012 22:01 | 8/31/2012 22:09 | 75.166.225.62 |
| 8/31/2012 22:10 | 9/6/2012 8:31 | 174.29.90.173 |

| | | |
|------------------|------------------|----------------|
| 9/6/2012 9:05 | 9/10/2012 17:45 | 174.29.67.136 |
| 9/10/2012 17:46 | 10/3/2012 5:04 | 174.16.75.165 |
| 10/3/2012 5:08 | 10/23/2012 21:22 | 174.29.180.85 |
| 10/23/2012 21:25 | 10/23/2012 22:31 | 75.166.187.19 |
| 10/23/2012 22:38 | 10/31/2012 19:57 | 174.16.200.133 |
| 10/31/2012 19:58 | 10/31/2012 20:02 | 174.29.187.213 |
| 10/31/2012 20:03 | 10/31/2012 20:06 | 174.29.190.120 |
| 10/31/2012 20:07 | 11/4/2012 7:03 | 184.96.160.131 |
| 11/4/2012 7:04 | 11/15/2012 10:31 | 174.29.188.147 |
| 11/15/2012 10:35 | 11/15/2012 10:59 | 65.100.142.180 |
| 11/15/2012 11:08 | 12/4/2012 1:56 | 75.166.166.123 |
| 12/4/2012 1:58 | 12/9/2012 7:54 | 71.208.155.6 |
| 12/4/2012 1:58 | 12/9/2012 7:54 | 71.208.155.6 |
| 12/9/2012 7:55 | 1/14/2013 8:10 | 174.16.198.157 |
| 1/14/2013 8:29 | 1/14/2013 8:56 | 75.166.226.46 |
| 1/14/2013 8:57 | 1/14/2013 9:01 | 174.16.48.153 |
| 1/14/2013 9:01 | 1/15/2013 9:13 | 174.16.49.237 |
| 1/15/2013 9:14 | 2/6/2013 8:36 | 174.29.79.36 |
| 2/6/2013 20:32 | 3/7/2013 7:10 | 174.29.83.252 |
| 3/7/2013 7:17 | 3/7/2013 9:04 | 174.16.215.64 |
| 3/7/2013 9:11 | 3/18/2013 10:46 | 174.29.88.41 |
| 3/18/2013 10:47 | 3/18/2013 11:10 | 75.166.160.178 |
| 3/18/2013 11:12 | 3/18/2013 11:18 | 75.166.176.195 |
| 3/18/2013 11:21 | 3/23/2013 11:38 | 75.166.181.102 |
| 3/23/2013 11:39 | 3/26/2013 0:11 | 75.166.48.184 |
| 3/26/2013 0:11 | 4/13/2013 1:39 | 174.16.203.104 |
| 4/13/2013 1:40 | 4/18/2013 16:46 | 75.166.175.175 |
| 4/18/2013 16:46 | 4/26/2013 17:43 | 184.96.170.176 |
| 4/26/2013 17:43 | 5/7/2013 18:44 | 174.29.169.121 |
| 5/7/2013 18:44 | 5/10/2013 3:02 | 63.227.126.248 |
| 5/10/2013 3:02 | 5/27/2013 7:57 | 75.166.172.48 |
| 5/27/2013 7:57 | 6/6/2013 9:47 | 75.166.224.124 |
| 6/6/2013 9:49 | 6/6/2013 10:00 | 71.218.147.181 |
| 6/6/2013 10:06 | 6/6/2013 10:15 | 71.218.159.73 |
| 6/6/2013 10:22 | 7/10/2013 5:53 | 71.218.150.155 |

ATTACHMENT B

DESCRIPTION OF ITEMS TO BE SEIZED AND SEARCHED

Particular Things to be Seized

I. Information to be disclosed by Google Inc. (the “Provider”)

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, all Google browser search entries based on the IP addresses referenced in Attachment A, between the noted start and stop time.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, contraband, evidence and instrumentalities of violations of 18 USC 1111, involving Harold A Henthorn from June 30, 2012 through and including July 10, 2013, including information pertaining to the following matters:

- a. The death of Toni Henthorn;
- b. The May 2011 incident that resulted in the injury of Toni Henthorn;
- c. Any other incidents resulting in injury to Toni Henthorn;
- d. The nature of the relationship between Toni Henthorn and Harold Henthorn;
- e. Insurance for Toni Henthorn or Harold Henthorn;
- f. Insurance policies owned by or benefiting Harold Henthorn;
- g. The employment of Toni Henthorn or Harold Henthorn;
- h. The finances of Toni Henthorn or Harold Henthorn;
- i. Financial profiling of Toni Henthorn or other women known by Harold Henthorn;
- j. Research into Rocky Mountain National Park; and

k. Research into committing homicides and how to avoid getting caught

III. Non-Disclosure to Subscriber by Order of the Court

a. Pursuant to 18 U.S.C. §§ 2703(b)(1)(A) and 2705(b), the Court orders the Provider not to disclose the existence of this search warrant to the subscriber.

b. The Court further orders the Provider to continue to maintain the subject account in an open and active status so as not to disrupt this ongoing investigation.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC
BUSINESS RECORDS PURSUANT TO FEDERAL RULE
OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Google, and my official title is _____. I am a custodian of records for Google I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;

b. such records were kept in the ordinary course of a regularly conducted business activity of Google and

c. such records were made by as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Special Agent Elizabeth Shott, being duly sworn, hereby depose and state that the following is true to the best of my information, knowledge and belief:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises controlled by Google, Inc, a web browser service headquartered at 1600 Amphitheatre Parkway, Mountain View CA 94043. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google, Inc. to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent (SA) with the National Park Service (NPS), United States Department of the Interior. I am presently assigned to the Intermountain Region, duty stationed in Denver. I have been employed by the NPS as a Special Agent since 2001. From 1992 until 2001, I was a Law Enforcement Park Ranger with the National Park Service. I have received specialized training at the Federal Law Enforcement Training Center, completing the Criminal Investigator Training Program.

3. The facts in this affidavit come from my personal observations, my training and experience and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 1111, and Title 18, United States Code, Section 1001, have been committed by Harold A. Henthorn. There is also probable cause to search the information described in Attachment A for evidence of these crimes, as described in Attachment B.

JURISDICTION

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court “a district court of the United States that has jurisdiction over the offense being investigated. 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

6. On September 29, 2012, at about 5:54 PM, the Estes Park Police Department received a 911 phone call from Harold Henthorn (“HENTHORN”) from his cell phone (303) 246-4475, stating he was in Rocky Mountain National Park off the Deer Mountain Trail, and his wife Toni Henthorn had fallen off a cliff and needed Alpine Rescue. There were no other witnesses. The area where the fall occurred is a remote back country location within the exterior boundary of Rocky Mountain National Park in the District of Colorado. The call was transferred to the National Park Service (NPS) dispatch center.

7. Using the same cell phone, HENTHORN contacted his brother-in-law Barry Bertolet (hereinafter referred to as “Bertolet”) in Mississippi at about 6:21 PM Mountain Time, telling him to, “check your phone check your phone I have a low cell battery and can’t talk.” A review of text messages to and from the cell phone of HENTHORN showed there was one from HENTHORN from about 6:16 PM Mountain time, telling him, “Barry...Urgent...Toni is injured...in estes park...Fall from rock. Critical...requested flight for life. Emt rangers on way. Please come to Denver next flight. Low cell batt. Please return message.”

8. HENTHORN continued a text dialog with Bertolet, and when Bertolet requested if he needed help, HENTHORN replied “H”, which he took to mean, “yes get help.” Bertolet contacted NPS dispatchers and talked with them until EMS arrived on scene

9. At about 6:13 PM, NPS dispatchers asked HENTHORN if he knew how to do CPR, to which he replied “I do I do.”

10. At about 6:25 PM HENTHORN text messaged Barry Bertolet, “Pulse 60,” “Resp 5.”

11. At about 6:39 PM, Bertolet text messaged HENTHORN and told him help is on the way and asked, “what is status” to which HENTHORN replied, “no min pulse.”

12. A review of call logs from HENTHORN’s cell phone and recordings from NPS dispatch showed that at about 6:39 PM, HENTHORN called the NPS dispatch to tell them he started a fire and asked about when to start CPR. NPS dispatch requested Estes Park Police Department dispatch to do a CPR protocol with HENTHORN while on the phone.

13. At about 7:12 PM, HENTHORN text messaged Bertolet, “CPR critt.”

14. Bertolet text messaged HENTHORN, “Is ranger there?” to which HENTHORN texted back at 7:13 PM, “no.”

15. HENTHORN called NPS Dispatch at 7:17 PM, and again at 7:22 PM. The Incident Command Post picked up the calls on an unrecorded line.

16. At about 7:24 PM HENTHORN text messaged Bertolet, “can’t find pulse.” Bertolet text messaged back at 7:25 “Maybe still there. Keep on with CPR.” HENTHORN replied with a text message to Bertolet at about 7:25 PM, “Y.”

17. At about 7:31 PM, HENTHORN called the number 303-594-2841, belonging to Jack Barker (hereinafter referred to as “Barker”). The call lasted 2 seconds.

18. At about 7:31 PM, HENTHORN called the number 303-791-2696, also belonging to Barker. The call lasted 27 seconds.

19. At about 7:31 PM, HENTHORN called the number 303-791-2696 belonging to Barker. This call lasted 35 seconds.
20. At about 7:33 PM, HENTHORN text messaged the number 303-594-2841, belonging to Barker, "...Urgent....Toni is injured... in estes park...Fall from rock."
21. At about 7:34 PM, HENTHORN text messaged the number 303-594-2841, belonging to Barker, "Can you get Steve t and drive to estes pk."
22. At about 7:35:02 PM, the text continued from HENTHORN to Barker, "ASAP."
23. At about 7:35:21 PM Barker text messaged HENTHORN back, "What do you need."
24. At about 7:35:44 PM, HENTHORN text messaged Barker, "Do not call others\nHaley not told."
25. At about 7:35:52 PM, HENTHORN text messaged Barker, "you."
26. At about 7:35:57 PM, HENTHORN text messaged Barker, "Prayer."
27. At about 7:36:06 PM, HENTHORN text messaged Barker, "Doing cpr."
28. At about 7:36:43 PM, HENTHORN text messaged Barker, "Call 911 when you arrive."
29. At about 7:36:53 PM, Barker texted back to HENTHORN, "911?" and then "Oh crap."
30. At about 7:37:16 PM, HENTHORN text messaged Barker, "Tell me your eta."
31. At about 7:37:41 PM Barker replied, "OK."
32. At about 7:37:47 PM HENTHORN text messaged back to Barker, "Flight for life requested," then "Y."
33. At about 7:41 PM, HENTHORN called the NPS dispatch to verify if they had his location and was transferred to the Incident Command Post.
34. At about 7:53:56, PM, Bertolet text messaged HENTHORN, "Status?"

35. At about 7:55 PM, HENTHORN called the NPS and talked for 115 seconds and asked for the status of the responding ranger. HENTHORN told the NPS dispatcher if the ranger told HENTHORN where the ranger was, HENTHORN could direct the ranger to HENTHORN's location. HENTHORN then gave his latitude and longitude coordinates and description to the dispatcher. HENTHORN then told the dispatcher his battery was low and requested the dispatcher to text him with the ETA of the ranger and hung up.

36. At about 7:55 PM, HENTHORN text messaged a reply to Bertolet, "Cpr...Help 10 min out."

37. At about 8:01 PM, HENTHORN called the NPS. The call was picked up by the Incident Command Post on an unrecorded line. The call lasted for about 90 seconds.

38. Law Enforcement Ranger and Emergency Medical Technician Mark Faherty arrived on scene at about 8:09 PM.

39. I reviewed the reports from Law Enforcement Ranger Faherty and have spoken to him during the investigation. He told me when he arrived on scene it was dark, but he saw HENTHORN was at the base of an approximately 120 foot cliff, and had a small fire going. I verified sunset was at 6:44 PM on that day.

40. Law Enforcement Ranger Faherty told me HENTHORN met him at the edge of the ledge about 10 feet from where Toni Henthorn was lying supine. HENTHORN walked over to Toni Henthorn and did some chest compressions as Law Enforcement Ranger Faherty prepared his EMS gear. At that time he asked HENTHORN to move and assessed Toni Henthorn's condition, and determined her pupils were fixed and dilated with no pulse.

41. At about 8:12 PM, Law Enforcement Ranger Faherty reported that Toni Henthorn was dead to the Incident Command Post.

42. A review of text messages to and from HENTHORN's cell phone showed at about 8:23 PM, Steve Tokarski text messaged HENTHORN, "Harold Steve here. Jack & I r

northbound 225. Where do we go. We are praying & church praying too.”

43. At about 8:26 PM, HENTHORN text messaged Steve Tokarski back, “Estes,”
“Via Lyons.”

44. I reviewed Law Enforcement Ranger Faherty’s report which stated HENTHORN did not want to leave his wife and was going to stay with Toni’s body overnight. Law Enforcement Ranger Faherty told HENTHORN he should take care of himself and hike out. HENTHORN mildly protested but hiked out with Faherty.

45. Law Enforcement Ranger Faherty told me the following regarding his observations and actions the night of the incident:

- a. HENTHORN only had a small keychain type flashlight.
- b. HENTHORN had a day pack with him but Law Enforcement Ranger Faherty was unaware of the contents of the pack.
- c. He had to loan a flashlight to HENTHORN to hike out with from the scene for safety as it was dark. It took them over 2 hours and 30 minutes to hike to the trailhead.
- d. Prior to HENTHORN’s departure from the park on the early morning of September 30, Law Enforcement Ranger Faherty had arranged with HENTHORN to return to Rocky Mountain National Park at noon on October 1, 2012, for a further interview. On September 30, 2012, he received a phone call from a friend of HENTHORN’s who told him HENTHORN did not want to leave his daughter and did not want her to leave the security and comfort of her own home. It was then arranged Faherty would meet HENTHORN at his home on October 1, for the interview.

46. Toni Henthorn’s backpack was recovered with her body. I reviewed the contents of her pack and her clothing and there were no light sources located in the backpack or any

indication she was prepared to hike in the dark.

47. On October 1, 2012, Law Enforcement Ranger Faherty met HENTHORN at his house at 9205 S. Sand Hill St., Highlands Ranch, CO, for a follow up interview.

48. I reviewed Law Enforcement Ranger Faherty's report of his interview with HENTHORN and spoke to him several times during the investigation and learned in part the following:

- a. When he walked into the house HENTHORN excused himself and turned on a slide show on a computer next to him, complete with music that featured photos of himself, Toni and their daughter Haley Henthorn.
- b. HENTHORN appeared to be grieving but did not cry or show as much emotion as he did immediately following the fall.
- c. HENTHORN stated he was at Rocky Mountain National Park (RMNP) after surprising his wife for their 12th anniversary with a trip to Estes Park, staying at the Stanley Hotel in Estes Park.
- d. HENTHORN told him he had been on the Deer Mountain trail before and the last time was 2 to 3 months prior on a "scouting trip" to locate the best trail to take Toni on the anniversary trip. HENTHORN said he used a topographical map, not a park map, to plan the hikes.
- e. HENTHORN told him their original plan on September 29 was to hike in the Bear Lake area, but they changed their plan to hike up Deer Mountain Trail because it was very busy in the park.
- f. HENTHORN stated they started the hike around 1:30 to 1:45 PM and at a point where the trail leveled off, they reached a "use trail" leading north from the Deer Mountain trail. HENTHORN said they wanted to find a romantic spot for views, and to be alone. They reached a rocky knob on the top of the ridge where they

arrived at about 3:30 PM and had lunch.

- g. HENTHORN stated they were going to leave at about 4:45 PM when Toni saw what she thought were turkeys and deer through some binoculars, and they hiked down to the second knob to take pictures and for “romantic time,” because the first knob did not offer much privacy.
- h. Law Enforcement Ranger Faherty told me they did not find binoculars with Toni Henthorn’s body or belongings.
- i. HENTHORN told him Toni Henthorn was taking pictures and they were passing the camera back and forth. Toni was telling him where she wanted him to stand when he received a text message from his daughter Haley’s babysitter Katy Carvill, which told him his daughter’s soccer team had won 5 to 1. HENTHORN then saw a blur and realized Toni was gone.
- j. HENTHORN told him it took him about 45 minutes to hike to the bottom of the cliff where he found his wife unconscious but alive. He had to drag her body from a rocky location to a flatter area. HENTHORN told him as he dragged her, her head and shoulders bounced on the rock. He then called 911 at about 5:54 PM.
- k. HENTHORN told him he had a dinner reservations at “Nicki’s Steakhouse” in Estes Park at about 8:00 PM for September 29, 2012.

49. Law Enforcement Ranger Faherty later contacted Nicki’s Steakhouse and was told there was an anniversary dinner reservation for 7:00 PM for a party of 2 under the name “Henchorn” but nothing for 8:00 PM for HENTHORN.

50. On October 29, 2012, a friend of HENTHORN’s, Rebecca Roberts, told me right after Toni Henthorn died, HENTHORN told her he had taken six different hikes at Rocky Mountain National Park, about two weeks before, trying to find the hike to take Toni on their

anniversary weekend. HENTHORN told her he planned every minute of their trip.

51. On December 21, 2012, FBI Special Agent Chris Calarco and I interviewed Katy Carvill, the Henthorn's babysitter who was taking care of Haley on September 29, 2012. Carvill told us the soccer game the Henthorns' daughter played in on September 29, 2012, ended at about 3:00 PM, and she sent a text message to HENTHORN's cell phone around 3:00 PM with a picture of her with their daughter Haley telling him they won the game. She did not receive a reply text. A review of text records from Verizon showed the message delivered time to HENTHORN's phone was 5:54 PM.

52. HENTHORN left a green 1998 Jeep Grand Cherokee Laredo with Colorado license #RDR478 at the Deer Mountain trail head and left the keys with the National Park Service Rangers so they could secure his vehicle in a safe location. On September 30, 2012, the vehicle was impounded by Rocky Mountain National Park Rangers, and as per the park's standard operating procedures, an inventory of the contents was performed by Law Enforcement Ranger Carmen Selent and the vehicle was secured in a garage bay within Rocky Mountain National Park.

53. I reviewed the report by Law Enforcement Ranger Selent and spoke to her during the investigation and learned in part, the following:

- a. During the inventory of contents, a National Park Service map of Rocky Mountain National Park was located by her which had the Deer Mountain trail highlighted in pink highlighter, and an "X" marked near the location where Toni Henthorn fell to her death, and the word "Hike" written next to the highlighted trail.
- b. This map was given to Law Enforcement Ranger Faherty by Law Enforcement Ranger Selent on September 30, 2012.

54. A review of Law Enforcement Ranger Faherty's report showed when he asked

HENTHORN about the map, HENTHORN appeared at a loss for words and told him it was his map but it was not from the September 29, 2012, trip. HENTHORN could not explain why there was an “X” on the map near the site of the fall.

55. I spoke with Barry Bertolet on October 22, 2012, who told me on or around October 19, 2012, HENTHORN told him Ranger Faherty asked about the map. HENTHORN told Bertolet the following:

- a. HENTHORN had scoped the trail out a couple days before taking Toni out there.
- b. He had no idea about the map or that the map was in his car.
- c. HENTHORN didn’t remember making the map or why and said it may have been a map he made for his “nephew” Daniel Jarvis, who stayed with them a couple years ago.

56. On October 2, 2012, the NPS and the Larimer County Coroner’s Office received an anonymous letter stating HENTHORN’s wife from 17 years ago died in a suspicious accident where HENTHORN was the only witness and to, “Please thoroughly investigate the death of Dr. Toni Henthorn...Sadly there are many similarities to these two accidents.”

57. Subsequently the National Park Service, Estes Park Police Department, Larimer County Sheriff’s Office and Coroner’s Office and the Department of Homeland Security received a total of 16 calls and letters between October 1, 2012 and October 24, 2012, requesting the death of Toni Henthorn be investigated or to express concerns about Toni Henthorn’s death.

58. On October 23, 2012, Law Enforcement Ranger Faherty and I hiked the Deer Mountain Trail in the area described by HENTHORN and could not find the “use trail,” described by HENTHORN. There were several areas where the soil had drained into the trail. We followed those drainages until they disappeared. None led directly to the upper rock “knob” described by HENTHORN.

59. We hiked to the first knob area described by HENTHORN. From this vantage

point I observed a steep talus slope leading down from the rock outcropping. The area is very secluded and the upper rock outcropping is not visible from the trail. To reach the upper rock outcropping we had to hike through lodge pole pines and mixed conifer woods, which held downed trees and other natural obstacles. The location is about .24 miles from the trail.

60. I observed the steep talus slope leading down to the second “knob” described by HENTHORN, where Toni Henthorn’s body was recovered below. The rocky slope was steep and required careful navigation. The area where Toni Henthorn fell from was an uneven rocky area with a small pine tree growing from the edge and small up thrust rocks at the edge of the cliff. The top of the second knob had room to move about freely and easily accommodated Law Enforcement Ranger Faherty and myself and our gear.

61. After reaching the top of the second “knob,” I identified the small pine tree on the cliff above where Toni Henthorn’s body was recovered and compared it to the one as seen in the picture of HENTHORN from the camera recovered with Toni Henthorn’s body. The tree appeared to be the same tree in the pictures.

62. I hiked down the steep slope to the area where Toni Henthorn’s body was recovered. The slope had to be navigated carefully due to the steep terrain and natural obstacles. I timed the hike back up to the top of the cliff where Toni Henthorn fell, which took less than 10 minutes.

63. I hiked out in good lighting from the incident location and back to the trailhead in about 1 hour and 30 minutes.

64. Toni Henthorn’s parents told me Toni had bad knees and had several surgeries. Toni would not ski due to her bad knees.

65. Tammi Abruscato, Toni Henthorn’s Office Manager at Associates in Eyecare, told me Toni had bad knees. She said Toni would go on walks, not climbs. She also told me Toni is a very cautious person with “humongous” responsibilities.

66. A review of Law Enforcement Ranger Faherty's report showed during the October 1, 2012 interview with HENTHORN, HENTHORN told him there was a \$1.5 million Life Insurance Trust in Toni Henthorn's name, and that Tom Scheffel was the attorney for the trust and HENTHORN was the trustee. The trust was for their daughter, Haley Henthorn.

67. I contacted Tom Scheffel, who confirmed there is a Life Insurance Trust for \$1.5 million with Harold HENTHORN as a trustee and the trust to go to their daughter, Haley Henthorn. Neal Creswell was the agent who brokered the policy. Neal Creswell confirmed the policy was with ING-Reliastar.

68. After researching insurance policies owned by HENTHORN, I discovered the following:

- a. There is a \$1.5 million life insurance policy with American General Life Insurance on Toni Henthorn with Harold HENTHORN as the beneficiary taken out in 2001, shortly after they were married.
- b. There are no insurance policies on Harold HENTHORN with American General Life Insurance.
- c. There is another life insurance policy on Toni Henthorn with Genworth Financial for \$1.5 million, which was created in 2005.
- d. On May 11, 2011, the beneficiary for the Genworth Financial life insurance policy was changed from Harold HENTHORN to the "Harold A. Henthorn & Toni B. Henthorn Trust."
- e. There are no current insurance policies on Harold HENTHORN with Genworth Financial.
- f. Tom Sheffel told me he also set up a \$1 million dollar trust in Harold Henthorn's name with Haley Henthorn as the beneficiary. Neal Creswell told me there was a policy on HENTHORN with ING Reliastar.

- g. A review of documents received from ING-Reliastar indicated there are no insurance policies on HENTHORN with them.
- h. A review of documents from John Hancock Life Insurance Company shows a \$1 million policy on HENTHORN was received in May 2005, with Toni Henthorn as the beneficiary.
- i. In October 2009, a letter was sent from John Hancock Life Insurance Company to Toni B Henthorn, Trustee, acknowledging a change in assignment for the policy that referenced the new trust.
- j. A review of Law Enforcement Ranger Faherty's report from his October 1, 2012 interview showed HENTHORN stated there was a life insurance trust only, and did not tell him about the other life insurance policies.

69. In July 2007, Toni Henthorn created a variable annuity Accumulator Account with AXA Equitable Life Insurance. Toni Henthorn listed Haley Henthorn as the beneficiary in the initial paperwork.

70. On April 29, 2011, the beneficiary was changed to Harold Henthorn.

71. Paperwork received by AXA Equitable indicated that as of September 30, 2012, the Current Minimum Death Benefit payout was \$201,920.11 to HENTHORN.

72. Yvonne Bertolet, Toni Henthorn's mother, told me that on Memorial Day weekend 2011, while working at their cabin at Grand Lake, Colorado, a 20 foot beam fell on Toni Henthorn, cracking her vertebrae. Toni Henthorn told Yvonne Bertolet she was called outside by HENTHORN from where she was inside. When she came outside she saw something on the ground and bent over. At that time the beam hit her. She told her mother if she hadn't bent over when she did the beam would have killed her. The only witness to the accident was HENTHORN. On April 3, 2013, I spoke with SA Calarco about an interview he conducted of Andrew Sullivan on March 18, 2013. SA Calarco provided, in part, the following information

about said interview;

- a. In May 2011, Andrew Sullivan was employed as an emergency medical technician for Grand County Emergency Medical Services. Sullivan is currently employed as an FBI agent stationed at the Sacramento Field Division.
- b. In May 2011, Sullivan recalled responding to a house in Grand Lake where a middle aged woman had been hit by a piece of plywood while working under the deck at her house.
- c. Sullivan specifically recalled this incident in that he learned she had been hit by a large piece of plywood that had been thrown off the deck by her husband. When he arrived on scene to provide medical services, he saw the patient lying on the ground below the deck and the large piece of plywood lying on the ground approximately five feet from her. At the time it was dark outside and Sullivan recalled thinking it was a strange time to be working under the deck.
- d. Sullivan could not recall who told him, but he learned from either the patient or her husband that the husband had been on the deck doing some cleaning and dropped the plywood over the side of the deck that hit the patient.
- e. When Sullivan treated the patient she was in pain and seemed annoyed. He and his partner eventually transported her to the hospital.

73. A review of the paperwork from Grand County Emergency Services indicated the time of the ambulance call was 22:09 PM Mountain Time, and the cause of injury was due to a 6x2 piece of plywood which she was struck by when her husband was chucking the plywood over the deck.

74. Transcripts received from Swedish Hospital in Denver, the hospital where Toni Henthorn was transferred to and treated, stated the following:

- a. Toni Henthorn told the doctor on May 28, 2011, a light bulb blew from a

spotlight. She was outside with her husband cleaning up. She was under the deck bending over to pick up glass. Her husband was on the deck. A 20 foot 2x4 fell off the deck about 10 feet, striking her on her shoulder blades.

- b. After she was struck she got instant severe numbness over her entire body and did not recall how she ended up lying on the ground. Records indicate HENTHORN told the doctor he assisted Toni to the ground.

75. As a result of the accident, Toni Henthorn sustained paresthesia to her left index finger.

76. On October 12, 2012, I interviewed both of Toni Henthorn's parents and her mother, Yvonne Bertolet told me, in part, the following:

- a. Toni was the "breadwinner" of the family and received large sums of money from oil and gas investments as well as substantial monetary gifts from them annually.
- b. Yvonne Bertolet did the books for Toni's ophthalmology business when she lived in Mississippi as well as after she married and moved to Denver, and she did not believe HENTHORN provided much income.
- c. She once heard HENTHORN tell Toni, "If you tell your parents, I'll divorce you." She did not know what he was alluding to. Toni's father, Robert Bertolet, was going to confront HENTHORN when he heard it but Toni told them, "You can do things like that, but I'm going to pay the price." They did not confront HENTHORN.
- d. HENTHORN once refused to take Toni to her physical therapy for her knee after a surgery when they lived in Mississippi. When Yvonne Bertolet told Toni she would come and pick her up to take her, Toni called back "panicked" and told her not to come. She felt it was another incident where Toni would pay the price, and HENTHORN would argue with Toni about it.

- e. After the beam incident she feared for Toni's safety. She did not think HENTHORN would kill her but did fear he would hurt her.
 - f. HENTHORN was controlling of Toni and would not allow her to have long distance minutes on her cell phone to call them.
 - g. HENTHORN would not let them speak alone on the phone and whenever they would call Toni, HENTHORN would return the call, and if Toni was on the call it was usually on speakerphone with her in the background.
77. Robert Bertolet, Toni's father, told me the following:
- a. Toni had a 4% interest in a family oil business which paid out monthly dividends in the amount of \$2,000 to \$24,000.
 - b. They gave her money annually as they were successful entrepreneurs in the oil business. About one and a half years ago, Toni Henthorn received about \$320,000 from a lawsuit they won involving their oil wells.
78. Toni Henthorn bought into a partnership, Associates in Eyecare, in Denver about one year prior to her death. According to Dr. Stewart Frankel, one of the partners of the business, they would be paying back about \$186,000 to HENTHORN because Toni never signed the life insurance paperwork for the business.
79. Toni Henthorn's monthly salary was about \$9,800, according to Dr. Frankel.
80. Toni Henthorn's 2011 tax return showed she made \$114,236 in wages from Associates in Eyecare.
81. HENTHORN told Law Enforcement Ranger Faherty he was a fundraiser for nonprofits. On December 21, 2012, I was given a photo of a business card of his by one of HENTHORN's friends, Cathy Lynch, which stated "Development Services, Inc. Not for profit Fund Raising." The card listed an address of 9205 S. Sand Hill Street, Suite 200, Littleton, CO (HENTHORN's home address) as the address and an email of HHRDSDEN@AOL.COM as the

business email. Next to Harold HENTHORN's name on the card was "CFRE."

82. I confirmed with Certified Fund Raising Executives they were the only organization that had a CFRE certification, and HENTHORN had never received or applied for a certification with them.

83. Barry Bertolet told me HENTHORN travelled a lot for his work but could not tell me the name of his business or who his clients were. During Toni Henthorn's memorial in Colorado, none of her family met any co-workers or clients of HENTHORN's and don't believe anyone related to his work came to the service.

84. On December 21, 2012, FBI Special Agent Chris Calarco and I interviewed the Henthorns' babysitter, Katy Carvill, who told us the following;

- a. HENTHORN would leave on Thursdays for business trips during the time she took care of Haley. This occurred almost every Thursday and he would return the next day.
- b. HENTHORN told her he was travelling to Grand Junction and other locations but he never had any luggage with him when he left the house.
- c. HENTHORN on more than one occasion told Carvill he had to catch a flight at a certain time and would leave the house well after the time he said the flight was scheduled for.
- d. She thought his travel behavior was strange and wondered if HENTHORN was having an affair.
- e. Toni and HENTHORN slept in separate bedrooms. Carvill was told by Haley they had separate bedrooms, and one morning Carvill observed Haley go to a room different from the master bedroom where Toni slept to wake up HENTHORN.
- f. Haley, the Henthorns' 7 year old daughter, was the focus of HENTHORN's

attentions and he appeared to be more involved with Haley than Toni.

- g. HENTHORN was in control of Haley and made all decisions for her.
- h. HENTHORN was controlling of Toni. Carvill would occasionally go to dinner with the Henthorns on Fridays after babysitting. HENTHORN would control the conversation and would cut Toni off, not giving her a chance to voice her opinion.
- i. HENTHORN acted like he was superior to Toni.

85. A review of tax returns from 2005 through 2011 showed HENTHORN did not claim any income, nor did he claim any loss of income, from his business “Development Services, Inc.” There were no references to “Development Services, Inc.” on any of the tax returns, nor any businesses affiliated with HENTHORN. All wages listed were Toni Henthorn’s.

86. Investigators were unable to find any documentation of the Incorporation in the State of Colorado for “Development Services, Inc,” with HENTHORN as the registered agent, nor find any business with HENTHORN as the owner.

87. On October 22, 2012, I interviewed Allison Talley and learned in part, the following:

- a. Talley was a friend of Toni’s from Mississippi and remained friends after Toni and HENTHORN moved to Colorado. Talley told me HENTHORN called her on September 24, 2012. She found the call strange and made notes from it. Talley told me the following:
 - b. HENTHORN told her he was planning the surprise trip to Estes Park for the next weekend.
 - b. He told her he was pursuing an account in Albuquerque, New Mexico, but did not tell her who the account was with.
 - c. HENTHORN told her Toni wasn’t making any money, and no doctor in Colorado makes more than \$50,000. He told her he wanted Toni to quit.

- d. She thought Toni was making good money and did not know why HENTHORN said that.
- e. HENTHORN also lied to her about Toni's family not calling Toni on her 50th birthday. She knew they called her but again did not know why he lied.
- f. At the end of the call, she had an intuition Toni was going to take Haley and leave HENTHORN.

88. On October 3, 2012, I interviewed Linda Rankin who told me, in part, the following:

- a. Rankin has known HENTHORN for about 35 years.
- b. On September 27, 2012, she spoke to HENTHORN who told her he was unhappy Toni was going to have to pay into "Obamacare" and was basically going to have to work for free.
- b. HENTHORN told her during the same conversation that he was currently in Las Vegas bidding for a job.
- c. HENTHORN was always "flying around" for work, fundraising for hospitals and churches, and did quite well.
- d. HENTHORN told her he was unhappy Toni had a business so far away from home and wanted her to work closer.

89. On October 17, 2012, I interviewed Ginger Wilson, who worked for Toni Henthorn in Mississippi. Wilson told me that before Toni married him, HENTHORN had told her he had created financial profiles of three women he was dating and after asking some of his friends which one he should marry, decided on Toni.

90. Between October 10, 2012 and January 11, 2013, I spoke several times with Barry Bertolet. Bertolet is the brother of Toni Henthorn and lives in Mississippi. During the incident, HENTHORN was texting him about Toni's condition. Bertolet, in part, told me the following:

- a. After the incident, HENTHORN told Bertolet regarding the incident that cell coverage was poor and he had to move away from the area up and down the rocks to text him.
- b. Bertolet was surprised when he learned Toni had died from shock and had been bleeding profusely. As a doctor, he knew that as someone becomes hypovolemic, they become tachycardic and respirations increase, not decrease, which is what HENTHORN told him happened. He got from HENTHORN's text message that Toni was actually not doing that bad since her pulse and respirations were not that far from normal.
- c. Bertolet told me that on or around October 19, 2012, he spoke with HENTHORN who changed his story and told him Toni had a high heart rate of 110 to 115 and respirations of 5 to 11 after she fell, but never mentioned she was bleeding.
- d. HENTHORN initially told him during the incident, he received a text about his daughter Haley winning a soccer match when he saw a blur, looked up and saw Toni was gone and had fallen from a 24 foot cliff.
- e. HENTHORN called him on October 11, 2012, and changed his story to he was looking for a text message about his daughter Haley getting to the babysitter's house.
- f. HENTHORN told other family members the same thing about looking for a text about Haley winning a soccer game, and then later changed his story that he was looking for a text that Haley got to the babysitter's house.

91. During the weekend of October 20, and 21, 2012, while HENTHORN was in Mississippi for Toni Henthorn's memorial service, he asked to meet with Barry and Todd Bertolet. I spoke with both Barry and Todd Bertolet on October 22, 2012, via speakerphone and they provided me, in part, the following information:

- a. HENTHORN told them Ranger Faherty was “irritated” about his statement about looking at a text which came when Toni fell. Ranger Faherty told HENTHORN, “no you weren’t, the text came in 30 minutes after your call to rescuers.”
- b. HENTHORN told the Bertolets he misspoke and he was looking for texts from Toni’s hospital as she was on call. HENTHORN went “on and on” about the hospital text messages to Barry and Todd Bertolet and how Toni had traded “on call” duty with someone else.
- c. HENTHORN told their parents while he was in Mississippi for Toni Henthorn’s service, on or around October 19, 2012, he was indicted in Colorado and was expecting to be arrested when he returned home. HENTHORN told their parents he expected to be in jail for 2 weeks waiting for a bail hearing, and he had found someone to take care of Haley.
- d. During the meeting with HENTHORN, during the weekend of October 20 and 21, 2012, he also told them he was being investigated and told them Ranger Faherty had a “vendetta” against him.
- e. HENTHORN told them Ranger Faherty asked him about the park map. He told the Bertolet brothers he had scoped out the trail before taking Toni out to it but had no idea about the map or that the map was in his car. He may have made the map for his “nephew” Daniel Jarvis.
- f. HENTHORN told them he thinks he is in trouble based on the “rogue ranger” who has a vendetta against him.
- g. HENTHORN asked them about the oil interests in Toni’s name and if they were coming to him as, “it would look bad for him,” if he got that money. They asked him twice if there was a will to which he would not reply. HENTHORN never let them know about Toni’s will but later told them the money from the will was all

going to Haley and charity. They never saw the will.

92. Toni Henthorn's cell phone was left at her office during the weekend of September 29, 2012 and was later retrieved on October 1, 2012 by a friend. I reviewed the calls for Toni Henthorn from Contact One Call Center, her answering service for work. There were no calls made to Harold HENTHORN's cell number nor were there any text messages sent to either her phone or his cell phone.

93. A camera was recovered with Toni Henthorn's body. The camera was smashed but the SD card was removed from the camera and the pictures were reviewed by Law Enforcement Ranger Faherty, who later gave copies of the pictures to HENTHORN on October 1, 2012.

94. Using a SD card write blocker, I reviewed the SD card recovered from Toni Henthorn's camera. Recovered data with the photos showed a date and time stamp of the last photo to be September 29, 2012 at 5:00:30 PM and was a picture of HENTHORN standing on the edge of a cliff next to a small pine tree. There were no pictures of Toni Henthorn at the lower "knob" location where she fell.

95. On November 20, 2012, FBI SA Calarco and I interviewed Mike Whitener. Whitener was friends with HENTHORN from when he married his wife, Myra, who knew HENTHORN from grade school. Whitener told us, in part, the following;

- a. He and his wife would spend extended vacation times with the Henthorns, but he never saw a lot of openness between Toni and HENTHORN during their marriage.
- b. During the reception after the service for Toni Henthorn in Mississippi on October 19, 2012, HENTHORN went into a "litany" about how he was in a bind and he was in a legal situation which was a tangle for him.
- c. HENTHORN told him he was being investigated for the death of Toni and the

people investigating him were being too “zealous” and he had to get an attorney.

It was obvious that it occupied HENTHORN’s mind and time. He looked “distraught and under pressure.”

- d. HENTHORN told him he was being investigated for killing Toni, however he never said he didn’t kill Toni during their conversation. It “tormented” Whitener that HENTHORN did not deny killing Toni.
- e. HENTHORN told him he was being investigated because the ranger was overzealous.
- f. HENTHORN appeared more distraught he was being investigated than over the death of his wife. It troubled him HENTHORN didn’t say anything about losing his wife or show remorse over her death. He didn’t cry or seem to be in mourning.
- g. The HENTHORN’s marriage wasn’t a democracy, it was more like a dictatorship with HENTHORN as the dictator. HENTHORN would tell Toni to “do this, or get my stuff for me.” Toni would rarely challenge HENTHORN. When she did, HENTHORN would overrule her. He didn’t see HENTHORN having a lot of concern for Toni to have a say in things.

96. On April 19, 2013, SA Chris Calarco and I interviewed Jack Barker, a friend of HENTHORN’s. Barker told us, in part, the following:

- a. HENTHORN contacted him after Toni died and asked him to help him move data on his computers.
- b. Barker was “nervous” about helping HENTHORN.
- c. He “hacked” into Toni’s computer but didn’t delete anything and thought if anything was deleted “it might be obstructing justice.”
- d. He told HENTHORN how to move data off the computer.

97. A subpoena was served on Century Link for information related to Internet Protocol (IP) address used at the residence 9205 S. Sand Hill St. Highlands Ranch, CO. Century Link provided IP addresses assigned to the computers at the residence of HENTHORN, 9205 S. Sand Hill St. Highlands Ranch, CO, between June 30, 2012 and June 30, 2013.

98. I know through training and experience, when a user logs onto a computer and then accesses the internet, the Internet Service Provider (ISP) such as Century Link, provides that computer with an Internet Protocol (IP) Address. An Internet Protocol (IP) address is a numerical identification (logical address) that is assigned to devices participating in a computer network utilizing the Internet Protocol for communication between its nodes. A node can be a computer or some other device such as a printer. The Internet Protocol also has the task of routing data packets between networks, and IP addresses specify the locations of the source and destination nodes in the topology of the routing system, i.e.: it is the address for information to be delivered to, or sourced from, similarly like a physical address on a house allows a mailman to deliver a package to the correct location.

99. Your affiant knows that an IP address can help identify the originating source on the internet or the destination source on the internet based on the "address" or the numerical notations of the IP address. Century Link maintains and assigns IP addresses to its users, so that data on a network knows the "address" it came from and needs to go to. These IP addresses are dynamic and can change every time a user logs onto the web. Century Link maintains a log of these IP addresses and where and when they were assigned. The information provided by Century Link pursuant to the subpoena served on it, specifies the IP addresses assigned to the residence 9205 S. Sand Hill St. Highlands Ranch, CO during the requested date range. With the IP address information, Google, Inc., can access its own records that would show if any Google searches were run from that IP address during those specific dates and times. The IP addresses

provided by Century Link does not provide which computer the IP address was assigned to; it provides the IP address for the residence itself.

100. Through my training and experience I know users can remove traces of internet history from their computers using third party applications, or through deleting data files used by the internet browser, such as Internet Explorer, manually.

101. I know Google is one of the most popular internet search engines in the United States.

102. Through research I know that even if a user is not signed in, Google still keeps track of data from its products. Google, Inc notes what IP address the user is using when they connect to Google, and uses that information to generate the user's location. Although most IP addresses don't identify a particular location, they can get a general area.. Users cannot turn off Google's efforts to assess their location by IP address.

103. Google will also store search strings, note what search results and advertisements the user clicks, and keep track of what videos the user watches, even if the user is not logged in; the information is stored with an anonymous cookie instead of an account. If the user then logs in to a Google account while that anonymous cookie is on the user's browser, Google can then tie the two together.

104. A browser cookie is a small piece of data sent from a website and stored in a user's web browser while the user is browsing that website. Every time the user loads the website, the browser sends the cookie back to the server to notify the website of the user's previous activity

105. Through training and experience, I know individuals will research locations within National Parks on the internet using a web browser for various reasons.

106. Through training and experience I know individuals will utilize the internet to research crimes and even how to avoid getting caught conducting those crimes.

107. Through training and experience I know Google, Inc. may have search history for HENTHORN conducted on their web browser GOOGLE, and that search history, while it may be wiped from his home computer, may still exist with Google, and may be verified through the IP addresses issued by Century Link.

108. On April 10, 2013, I received a warrant to seize and review computers recovered from HENTHORN's residence at 9205 South Sand Hill St, Highlands Ranch, CO. On October 30, 2013, I observed three of the four computers had an internet use history, and two of the three computers had an internet "start page" of Google.

109. During the April 10, 2013, search warrant, a printed page from a website showing HENTHORN's reservation at the Stanley Hotel for the weekend of September 28, 2012, was recovered.

110. I conducted a keyword search of the word "Stanley" on the internet histories of all three computers. None of them showed any history of the Stanley Hotel reservation.

111. One computer, a Lenovo, did not have any internet use history prior to January 27, 2013.

CONCLUSION

112. Based on the forgoing, I request that the Court issue the proposed search warrant. Because the warrant will be served on Google, Inc. who will then compile the requested records at a time convenient to it, there exists good cause to permit the execution of the requested warrant at any time in the day or night.

113. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to the target of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

s/Elizabeth A. Shott
Elizabeth A. Shott
Special Agent
National Park Service

Subscribed and sworn to before me on January 14, 2014, 2014.


UNITED STATES MAGISTRATE JUDGE

**Application for search warrant was reviewed and is submitted by Valeria Spencer,
Assistant United States Attorney.**