

State of Iowa, County of Linn

**APPLICATION FOR SEARCH WARRANT**

Being duly sworn, I, the undersigned, say that in the electronic device described as follows: A tan in color, Samsung smart phone, model no. SM-J326AZ, IMEI: 355601080705656, belonging to Kyler Jacob Junkins (DOB 08-20-1998), seized from his property at the Linn County Correction Center on 1-24-2018, and is currently located at the Marion Police Department and secured in the property & evidence bureau.

**Search to Include:**

- A. A tan in color, Samsung smart phone, model no. SM-J326AZ, IMEI: 355601080705656, belonging to Kyler Jacob Junkins (DOB 08-20-1998), and its digitally stored contents.
- B. The forensic and physical examination of the device which can include the removal of the cell phone case and other hardware such as SIM cards and SD cards; as well as changing software settings on the phone to allow access to the digitally stored information.
- C. The collection or forensic extraction of any and all stored or incoming digital or electronic data, images, videos, text or image messages including SMS, MMS and IM, phone call logs, applications, and contacts as related to (type of investigation).
- D. The search of the created forensically extracted, digital copy of the device.

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LINN COUNTY, IOWA

In Linn County, there is now certain property, namely:

- A. The above described cellular phone which has hardware and software that can collect, analyze, create, copy, display, convert, store, conceal or transmit electronic data which can include but not be limited to; phone contact lists, incoming and outgoing phone call logs, audio and video files, SMS text messages, Multi-Media messages (MMS), Instant Messages (IM), manufacturer applications, downloaded or internet based applications, photographs and SIM and SD card information.
- B. Electronically stored data having information associated with the phone physical location/GPS positioning when active and or in use.
- C. Electronically stored data having information associated with the possession, consumption, acquisition, distribution and concealment of marijuana, a Schedule I controlled substance.
- D. Electronically stored data having information associated with the possession, consumption, acquisition, distribution and concealment of methamphetamine a Schedule I controlled substance.
- E. Electronically stored data having information associated with the possession, consumption, acquisition, distribution and concealment of powder cocaine a Schedule II controlled substance.
- F. Electronically stored data having information associated with the possession, acquisition, and concealment of firearms and stolen firearms.

Which is:

       Property that has been obtained in violation of law.

       Property, the possession of which is illegal.

       Property used or possessed with the intent to be used as the means of committing a public offense or concealed to prevent an offense from being discovered.

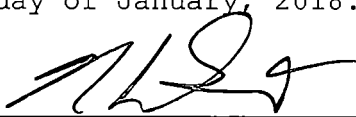
  X   Property relevant and material as evidence in a criminal investigation and/or prosecution.

       A person for whom there is an outstanding arrest warrant.

The facts establishing the foregoing ground(s) for issuance of a search warrant are as set forth in the Attachments which are made part of this Affidavit.

  
Affiant

Subscribed and sworn to before me  
this 25th day of January, 2018.

  
Magistrate/Judge

  6th   Judicial District,  
  Linn   County, Iowa

WHEREFORE, the undersigned asks that a Search Warrant be issued.

By: \_\_\_\_\_  
Assistant County Attorney

ATTACHMENT A

Affiant's name: James C. Hancox, #160

Occupation: Police Officer No. of years: 18

Assignment: Investigative Division No. of years: 6

Your affiant is a sworn Marion Police Officer assigned to the Investigative Division of the Marion Iowa Police Department whose assignments have included but are not limited to: Being a member of the area's Drug Enforcement Administration, Federal Drug Task Force, patrol operations, the current state and local drug investigator for the City of Marion, crime scene investigator, identification officer, and tactical team operator. Your affiant has received training in, but not limited to; criminal investigation, narcotics investigation, clandestine lab investigation, clean-up and disposal, gang and terrorist organization investigation, interview and interrogation, money laundering investigation, asset forfeiture and search and seizure. Your affiant has received training from the Iowa Law Enforcement Academy, the Midwest Counter-Drug Training Center, the Drug Enforcement Administration, Iowa Division of Criminal Investigation, Iowa Division of Narcotics Enforcement, Federal Bureau of Investigation, U.S. Department of Justice, Multijurisdictional Counterdrug Task Force Training Center, the Bureau of Alcohol, Tobacco, Firearms and Explosives as well as other training sources.

As part of your affiant's experience and training, and as a member of numerous investigating teams, your affiant has accumulated information and training concerning drug related crime. Your affiant has experience in debriefing informants, defendants, witnesses, and others who have experience in using, gathering, transporting, manufacturing, distributing, and concealing, controlled substances; and gathering, transporting, spending, converting, distributing, and concealing the proceeds of trafficking in controlled substances.

Further, as part of your affiant's experience in conducting and investigating drug related crimes, your affiant knows:

That drug users maintain books, records, receipts, notes, ledgers, money order receipts, and other papers relating to the use, transportation, ordering, and distribution of controlled substances or paraphernalia. That the aforementioned books, records, receipts, notes, ledgers, etc. are maintained where the drug users have ready access to them. These records may be kept in printed copy or may be maintained electronically in computers, external/portable drives, and in cellphone or tablet style devices.

That drug users/traffickers commonly maintain addresses or telephone numbers in electronic devices, books and papers which reflect names, addresses and/or telephone numbers for their associates in the trafficking organization. These records may be kept in printed copy or may be maintained electronically.

That drug users/traffickers commonly maintain electronically, within cell phones or other electronic data storage devices owned or utilized by the drug users/traffickers, lists of names and/or telephone numbers of other associates involved in the illegal drug use/trafficking as well as text, audio or video messages to and from associates involved in illegal drug use/trafficking.

That drug users/traffickers take or cause to them to be taken, photographs of themselves, their associates, their property and/or their product. That drug users/traffickers usually maintain these photographs in their possession. These photos may be kept as unprocessed film, printed copy or may be maintained electronically as a digital image.

SEARCH WARRANT APPLICATION: ATTACHMENT A, AFFIDAVIT

**Your affiant conducted an investigation and/or received information from fellow officers and other sources as follows:**

On 3-28-2017, Kyler JUNKINS (DOB 8-20-1998) accidentally shot Gavin GAST at the residence located at 1994 Mary Dr. Marion. In subsequent interviews with your affiant JUNKINS admitted to obtaining the firearm associated with that event by trading marijuana for it. JUNKINS also stated that he was a user of marijuana and was going to continue to use marijuana. As a part of that investigation JUNKINS submitted to chemical testing which confirmed that JUNKINS was a marijuana user.

On 12-20-2017, members of the Marion Police Department took a report of criminal mischief 2<sup>nd</sup> reference naming JUNKINS as the suspect in that case. According to the report JUNKINS and the victim had/have a disagreement that has led to a physical altercation and the damaging of the reported victim's car in the amount of \$2,500 allegedly perpetrated by JUNKINS. During the course of that investigation the victim reported being threatened with further violence telling officers that JUNKINS had threatened to "...shoot up (the victim's) place up..." Additionally, during the course of that investigation while being questioned JUNKINS again admitted to recent use of marijuana.

Checks of JUNKINS' Instagram account have resulted in the discovery of photos depicting JUNKINS holding multiple firearms. Three of these photos show posting dates of 12-8-2017, 12-9-2017 and as recently as 1-18-2018. In one of the posted photos the serial number of the suspect firearm being held by JUNKINS can be read. An NCIC check of that number revealed that the firearm was stolen.

On 1-23-2018, JUNKINS was arrested on an outstanding warrant stemming from the 12-20-2017 criminal mischief investigation. At the time of his arrest JUNKINS was in possession of a cell phone. That cell phone was placed into JUNKINS property upon being booked into the Linn County Correctional Center.

On 1-24-2018 your affiant seized a tan Samsung smart phone out of JUNKINS' property with the intent of obtaining a search warrant for that phone in an effort to locate evidence to corroborate the above stated criminal activities, specifically drug use, possession of stolen property and being a prohibited person (a drug user) in possession of a firearm. Due to the suspected multiple locations of these of the various offenses your affiant will also be seeking geolocation (GPS) information to help establish jurisdiction/location of suspected offenses.

**End of Narrative.**

ATTACHMENT B

Peace Officer \_\_\_\_\_ received information from an informant whose name is:

\_\_\_ Confidential because:

\_\_\_ Disclosure of their identity would endanger their safety.

\_\_\_ Disclosure of their identity would impair their future usefulness to law enforcement.

The informant is reliable for the following reason(s):

\_\_\_ The informant is a concerned citizen who has been known by the above peace officer for \_\_\_ years and who:

\_\_\_ Is a mature individual.

\_\_\_ Is regularly employed.

\_\_\_ Is a student in good standing.

\_\_\_ Is a well-respected family and/or business person.

\_\_\_ Is a person of truthful reputation.

\_\_\_ Has no known motivation to falsify the information.

\_\_\_ Has no known association with known criminals.

\_\_\_ Has no known criminal record.

\_\_\_ Has otherwise demonstrated truthfulness. (State in the narrative the facts that led to this conclusion.)

\_\_\_ The informant has supplied information in the past \_\_\_ times.

\_\_\_ The informant's past information has helped supply the basis for search warrants.

\_\_\_ The informant's past information has led to the making of arrests.

\_\_\_ Past information from the informant has led to the filing of the following charges:

\_\_\_ Past information from the informant has led to the discovery and seizure of stolen property, drugs or other contraband.

\_\_\_ The informant has not given false information in the past.

\_\_\_ The information supplied by the informant in this investigation has been corroborated by law enforcement personnel.



ENDORSEMENT ON SEARCH WARRANT APPLICATION

1. In issuing the search warrant, the undersigned relied upon the sworn testimony of the following person(s) together with the affidavit contained in the application and any other attached affidavit or abstract of testimony for a witness:

Name

Address

*Affiant Only*

2. The undersigned has relied, at least in part, on information supplied by a confidential informant to the peace officer(s) shown on Attachment(s) B.

The informant's information appears credible because:

- \_\_\_ a. Sworn testimony indicates that the informant has given reliable information on previous occasions.
- \_\_\_ b. The informant or the informant's information appears credible for the reasons indicated in Attachment B.
- \_\_\_ c. The informant or the informant's information appears credible for the following reasons:



Magistrate/Judge