

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

SUPERIOR COURT

STATE OF NEW HAMPSHIRE

v.

LOGAN CLEGG

No. 217-2022-CR-1226

STATE’S PLEADING REGARDING INEVITABLE DISCOVERY

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully requests that this Honorable Court find that the defendant’s motion to suppress evidence should have been denied on the basis of inevitable discovery. In support of this pleading, the State submits the following:

FACTS

1. The State incorporates by reference the facts included in its Objection to Defendant’s Motion to Suppress: Cell Phone “Ping” Search, filed with this court on May 4, 2023 (“State’s Objection”). The State also incorporates by reference all facts elicited through testimony and evidence presented at the evidentiary hearing in this matter, conducted May 24-26, 2023. This court and the parties are in possession of a transcript of these proceedings.

2. The State also expects to present additional information, limited to information necessary for this court’s consideration of the inevitable discovery doctrine, at the evidentiary hearing scheduled in this matter for April 21-22, 2026. This additional information is as follows:

3. The State expects to call retired Lt. Marc McGonagle of the Concord Police. The State anticipates that Lt. McGonagle will testify that the Concord Police would have used all available legal methods to locate the defendant on the night of October 11 and the morning

of October 12, 2022. Had the warrantless exigency search not taken place, the police would have applied for a search warrant to obtain real-time location data, call and text detail records, and RTT records for the defendant's cell phone directly from Verizon on the night of October 11, 2022. The Concord Police would have communicated to Verizon that this search warrant was a high-priority request, and asked Verizon to process the warrant request as quickly as possible.

4. The State expects to call Jennie Tomalin, a representative from Verizon, to testify. The State anticipates that this Ms. Tomalin will provide information about how Verizon processes and responds to requests for cell phone data, including by search warrant and by exigent request.

5. The State anticipates that Ms. Tomalin will testify that when police request real-time cell phone location data (such as pings) via an exigent request, these requests are treated as a priority and addressed as soon as possible. The situation is the same if the police obtain a search warrant for cell phone data and then contact Verizon to indicate that it is a high priority request; in both cases, the requests are handled by the same team of analysts, and processed in the same way.

6. Ms. Tomalin will testify that it takes a matter of minutes for an analyst to set these requests up so that the police can begin receiving data. This is true even if the search warrants include requests for historical data and/or RTT data, in addition to real-time data. Although RTT data can sometimes take 10-15 minutes longer to provide, if the police had requested real-time location data as well as historical data and/or RTT data, they would begin receiving the real-time data as soon as the request was set up, and then receive the other data when that was available. It would be unusual for it to take more than a couple of hours for the

police to begin receiving results after providing Verizon with a priority request for cell phone data.

7. The State expects to call Det. Brendan Ryder to testify at the upcoming evidentiary hearing. Det. Ryder testified as a defense witness at the previous hearing, and established that on October 11, 2022, he was ordered to draft a warrant application for the use of a cell site simulator device (CSS) to locate the defendant. Tr. III, p. 527, line 14. Det. Ryder testified that as part of drafting that warrant application, he communicated with William Tufts of the United States Marshals Service, regarding the availability of the CSS. *Id.* at p. 529, l. 11 – p. 530, l. 2. Det. Ryder had subsequent communications with Dep. Tufts later in the night via email, and provided a copy of the judicially approved CSS warrant via email. *Id.* at p. 530, l. 11 – 14.

8. Det. Ryder further testified that he had phone conversations with Dep. Tufts the following morning on October 12, 2022, concerning a secondary warrant to Verizon for cellphone data. *Id.* at p. 535, l. 16-23. During questioning of Det. Ryder at the suppression hearing, defense counsel utilized a timeline that Det. Ryder had previously prepared to refresh his recollection. This timeline had been provided to the defense in discovery.

9. The State anticipates that Det. Ryder's testimony will provide further detail regarding his conversations with Dep. Tufts on the morning of Oct. 12, 2022; specifically, that Dep. Tufts informed him that the Concord Police would need to obtain the secondary search warrant for information from Verizon related to the defendant's phone, including location data, in order to subsequently use the CSS.

10. Det. Ryder will testify that following this conversation, he drafted a search warrant affidavit and attachment, in anticipation of applying for the secondary search warrant

for Verizon information (“the draft search warrant materials”). He submitted the draft search warrant materials to Lt. McGonagle for review between 9:12 and 9:28 a.m. on October 12, 2022. This information is contained in Det. Ryder’s timeline, which the State intends to introduce into evidence. A copy of the timeline is attached hereto as Exhibit A1.¹ The State also intends to introduce a copy of the email exchange between Det. Ryder and Dep. Tufts on October 11 and 12, 2022 (attached as Exhibit A2); a copy of the October 11, 2022 judicially approved CSS warrant materials (attached as Exhibit A3); a copy of the draft search warrant materials created by Det. Ryder the morning of Oct. 12, 2022 (attached as Exhibit A4); and a screenshot of Det. Ryder’s computer showing the date and time the draft search warrant materials were last modified, on October 12, 2022 (attached as Exhibit A5).

11. The State expects to call Sgt. Wade Brown, who also testified at the previous hearing. The State anticipates that Sgt. Brown will provide additional testimony related to the inevitable discovery of the defendant, and various items associated with the defendant that were discovered at or after the time he was apprehended on October 12, 2022.

12. Sgt. Brown will testify that, had the warrantless exigency searches not taken place, the Concord Police would have sought to obtain cell phone data for the defendant’s phone via a search warrant, and would have reached out to Verizon to communicate the urgency of the request.

13. Sgt. Brown will testify that the Concord Police received the first ping coordinate from Verizon on October 11, 2022 at around 5:04 p.m. over the phone, and began receiving additional information via email around 5:18 p.m. in fifteen-minute intervals. He will also testify that Verizon received the Concord Police’s second exigency request, for call and

¹ At the previous hearing, the State introduced exhibits numbered 1 through 9. For convenience, the State will label exhibits it anticipates entering at the upcoming hearing as Exhibit A1, A2, etc.

text detail records, at about 7:07 p.m., and the police received this data at about 11:43 p.m. via email. Sgt. Brown did not begin utilizing this data until after he arrived at the police station at 7:30 a.m. on the morning of October 12, 2022. The police sent their request for RTT data to Verizon at about 9:16 a.m. on October 12, 2022, and began receiving it at around 9:32 a.m.

14. Sgt. Brown will testify that on the morning of October 12, 2022, Detectives Garrett Lemoine and Matthew Doyon, who had travelled to Burlington, VT the previous evening, began physically searching Burlington for the defendant around 3:30 or 4:00 a.m. Sgt. Brown arrived at the Concord Police station at around 7:30 a.m. the same morning, and began assisting the detectives by directing them based on the continued receipt of information from Verizon.

15. Sgt. Brown testified previously that after the defendant was apprehended in Burlington, VT, he had a laptop in his possession. He also had a backpack. The Concord Police obtained a warrant to search his backpack, and found a fully loaded, Glock 9-millimeter handgun inside, along with other items. Tr. I, p. 83, l. 23. The State anticipates that Sgt. Brown will provide additional testimony about the other items found inside the defendant's backpack. These items included a gun holster, eBay packaging, a wallet, miscellaneous chargers, an envelope addressed to "Arthur Kelly, General Delivery, Burlington, VT" with a postmark from the United Kingdom, two gift cards, an envelope containing employment records for the defendant from the Price Chopper supermarket in Burlington, a Romanian ID card with a photograph of the defendant and the name "Claude Zemo," and approximately \$7,150 in U.S. currency.²

16. Sgt. Brown will also testify about the Concord Police's search of the

² Each of these items, with the exception of the U.S. currency, were entered into evidence as full exhibits at trial, either separately or as part of an exhibit containing multiple items. *See* Trial Transcript VI, pp. 967 – 982.

defendant's campsite in Burlington, including how they located that campsite, and what items were recovered as a result of the search. The items recovered included a tent, a sleeping bag consistent with a sleeping bag the defendant purchased at Walmart in Concord, NH on April 19, 2022, and various garbage bags, along with various debris located around the tent. One of the garbage bags contained clothing in the defendant's size, packing from a mail parcel addressed to the post office in Burlington, VT with something crossed out and the name "Kelly" written in.³ Another garbage bag contained two boxes of Sig Luger 9 mm ammunition, as well as other gun accessories including ear protection and gun oil.

17. Sgt. Brown will also testify that the Concord Police located one spent shell casing on the ground, among the debris outside the tent. After analysis by a firearms expert at the N.H. State Police Forensic Laboratory, it was determined that this shell casing, along with spent shell casings recovered from the Marsh Loop Trail and the defendant's burned tent site in Concord, were all fired from the same firearm – the Glock pistol found in the defendant's backpack.

18. Sgt. Brown will testify that on December 15, 2022, the Concord Police applied for and received a search warrant to obtain the same location data, call and text detail records, and RTT data associated with the defendant's phone that they had previously received in response to the warrantless exigency requests. The police served this warrant on Verizon on December 21, 2022, and received the responsive records on January 5, 2023. A copy of these materials is attached hereto as Exhibit A6. Sgt. Brown will testify that the Concord Police typically seek search warrants after obtaining information via warrantless searches, such as in an exigency situation.

³ The contents of the garbage bag were entered as State's full exhibit 50 at trial. Trial Transcript III, pp. 303 – 307.

19. Sgt. Brown will testify that in June of 2023, the Concord Police received records from Delta Airlines relating to a flight the defendant booked for travel from Burlington, VT to New York. These records indicate that on September 29, 2022, the defendant booked a flight from Burlington to JFK airport. The flight was scheduled to depart from Burlington on October 13, 2022 at 3:35 p.m., and to arrive at JFK at 5:03 p.m. A copy of these records is attached hereto as Exhibit A7.⁴

ARGUMENT

20. The State incorporates by reference the legal arguments previously presented to this court both in the State's Objection and at the evidentiary hearing on May 24-26, 2023, and presents the following additional arguments.

21. The defendant's motion to suppress should be denied on the basis of the inevitable discovery doctrine. The record clearly and unequivocally establishes that the Concord Police would have located the defendant on October 12, 2022 after obtaining a search warrant request to Verizon for location information and other data related to the defendant's cellphone. The police would have obtained this information from Verizon by the early morning hours of October 12, 2022, and would have used it to locate the defendant at the same time that he was actually located, in the same manner. The cell phone data, and derivative evidence obtained as a result, including the defendant's location and apprehension, the seizure of the defendant's belongings, the defendant's statements to police, and the seizure of items from the defendant's campsite in Burlington, should therefore not be suppressed.

22. "The general rule is that evidence must be excluded if it is a result of police misconduct." *State v. Robinson*, 170 N.H. 52, 57 (2017). "The exclusionary rule enjoins the

⁴ Records from Delta Airlines containing this information were introduced at trial as State's full exhibit 202. *See* Trial Transcript VI, pp. 984 – 985.

Government from benefitting from evidence it has unlawfully obtained.” *Id.* (quotations and citations omitted). However, the United States Supreme Court has held that “evidence discovered as a result of unlawful conduct does not automatically become forever inaccessible.” *Id.* In *Nix v. Williams*, the United States Supreme Court adopted the inevitable discovery doctrine as an exception to the exclusionary rule. 467 U.S. 431, 444 (1984). “Under this doctrine, illegally seized evidence is admissible if a search was justified, and the evidence discovered illegally would inevitably have come to light in a subsequent legal search.” *Robinson*, 170 N.H. at 58 (quotations and citation omitted). *See Nix v. Williams*, 467 U.S. at 444 (holding that “the interest of society in deterring unlawful police conduct and the public interest in having juries receive all probative evidence of a crime are properly balanced by putting the police in the same, not a *worse*, position that they would have been in if no police error or misconduct had occurred”) (emphasis in original).

23. The New Hampshire Supreme Court has “endorsed the application of” the inevitable discovery exception to the exclusionary rule when “evaluating admissibility challenges under [the] State Constitution.” *Id.* It has held that, “[u]nder this doctrine, illegally seized evidence is admissible if a search was justified, and the evidence discovered illegally would inevitably have come to light in a subsequent legal search.” *State v. Holler*, 123 N.H. 195, 200 (1983). It has also held that “[a]n important consideration in applying this doctrine is whether the police have benefited from the initial illegality,” and that “the element of good faith on the part of the police is inherent in the inevitable discovery exception.” *Id.* at 200, 201. The inevitable discovery doctrine requires the trial court to make factual findings on the likelihood that the police would have made a lawful discovery of the tainted evidence. *See State v. Broadus*, 167 N.H. at 314-315 (remanding case back to the trial court because the court did not

make any factual findings as to how likely it would have been that the police would have arrested the defendant in order to perform a lawful search).

24. Despite its endorsement of the doctrine of inevitable discovery, the New Hampshire Supreme Court has yet to decide what the State must prove for this doctrine to apply. In *State v. Broadus*, the New Hampshire Supreme Court noted that federal circuit courts are divided on this issue, but declined to adopt a test because neither the parties nor the trial court in *Broadus* had litigated or ruled on whether the inevitable discovery doctrine applied. 167 N.H. 307, 314-15 (2015). Six years later, in *State v. Davis*, the New Hampshire Supreme Court used the standard set by the First Circuit in *United States v. Almeida* to determine that the State had not established that the challenged evidence was admissible under the inevitable discovery doctrine. *State v. Davis*, 174 N.H. 596, 607-08 (2021). However, despite its use of the *Almeida* standard, the Court explicitly stated it was only assuming that the *Almeida* standard applied and did not formally adopt the *Almeida* standard, or any other standard of proof, for the inevitable discovery doctrine. *Id.* at 607.

25. Since *Davis*, the New Hampshire Supreme Court has not adopted a standard for determining whether evidence is admissible under the inevitable discovery doctrine. Likewise, federal circuits are still split as to what the State must prove for this doctrine to apply, and the United States Supreme Court has yet to weigh in. Thus, after a review of the federal circuits and state jurisdictions that have adopted a standard for the inevitable discovery doctrine, the State offers three different standards for this court to apply to determine whether the State has established that the evidence discovered as a result of the defendant's location would have inevitably been discovered. The State respectfully requests that this court make factual findings that the State has satisfied the elements, and would thus prevail, under each standard.

I. The State Prevails Under The Stringent Standard Adopted in Massachusetts.

26. The first standard is the stringent standard used in Massachusetts in *Commonwealth v. Sbordone*, 424 Mass. 802 (1997). This standard is appropriate because the New Hampshire Supreme Court often finds that the state constitution is more protective than the federal constitution, and because much of the New Hampshire Constitution is modeled after the Massachusetts Declaration of Rights. *Claremont School Dist. v. Governor*, 138 N.H. 183, 186 (1993).

27. Under the *Sbordone* standard, “if the [State] can demonstrate by a preponderance standard that discovery of the evidence by lawful means was certain as a practical matter, the evidence may be admissible as long as the officers did not act in bad faith to accelerate the discovery of evidence, and the practical constitutional violation is not so severe as to require suppression.” *Commonwealth v. Sbordone*, 424 Mass. at 810. The evidence in this case satisfies both requirements of the *Sbordone* test.

A. It Was Practically Certain That The Police Would Have Discovered The Evidence In Question In A Lawful Manner.

28. Here, it was practically certain that the Concord Police would have obtained real-time location data, call and text message detail data, and RTT data for the defendant’s phone via the lawful means of a search warrant either the night of October 11, 2022, or in the early morning hours of October 12, 2022. The warrant would have been granted, and Verizon would have provided the requested records, all in a timeframe that would have placed the police in the same position that they actually were as a result of the warrantless exigency searches: searching for the defendant in Burlington, armed with data obtained from Verizon, on the morning of October 12, 2022. They therefore would have found the defendant at the same time he was actually located, in the same manner. Subsequent events would have ensued in the same

manner that they actually did, resulting in the seizure of the same evidence. The police did not act in bad faith to accelerate the discovery of evidence.

i. It Is Practically Certain That The Concord Police Would Have Sought A Search Warrant.

29. At the previous hearing, on direct examination, Lt. Marc McGonagle of the Concord Police was asked if the police would have sought the cell phone location data in question from Verizon via a search warrant, if Verizon had for some reason not complied with the police's exigency request:

Q If, for some reason, Verizon had not provided you with the location data that they did -- whether because they refused or there were technical difficulties or whatever it may be -- would you have ultimately requested a search warrant for location data associated with that phone number, as part of the investigation?

A We absolutely would have requested a search warrant, not just for location data, for subscriber info, historical data, all phone usage. The phone would have been a key element in the investigation.

Transcript I, p. 84 lines 5-14.

30. Lt. McGonagle unequivocally and unambiguously stated that the police would have requested a search warrant for information related to the phone, including real-time location data.⁵ This evidence establishes conclusively that, had the warrantless exigency searches not taken place, the Concord Police would have instead obtained the same data for the defendant's cell phone via a search warrant. The State anticipates that Lt. McGonagle will reiterate this fact at the upcoming hearing, and confirm that the Concord Police would have decided to seek the search warrant at approximately the same time they made the first

⁵ Although Lt. McGonagle did not use the words "real-time," it is clear from the context of his statement, in which he states that the police also would have requested historical data, that when he said "location data," he meant real-time data.

warrantless exigency request. The State expects that Sgt. Brown will testify similarly.

31. Even absent Lt. McGonagle's unequivocal statement, and the anticipated testimony of Lt. McGonagle and Sgt. Brown, there is ample other evidence in the record supporting the conclusion that it was certain as a practical matter that the police would have contemporaneously sought the records in question via search warrant if a warrantless search had not taken place. By October 11, 2022, the Concord Police had investigated the murders of Stephen and Djeswende "Wendy" Reid for nearly six months. Through a meticulous, exhaustive, and comprehensive investigation, they had at that point identified the defendant as the perpetrator of the murders.⁶ The police had gone to significant lengths to reach that point, including several intensive physical searches of multiple crime scenes over time, several search warrants for various forms of information from multiple sources, and exhaustive review of vast amounts of video surveillance and business record evidence.⁷ It is clear that the Concord Police were prepared to use every tool available to them to locate the defendant, including search warrants, and would have done so regardless of the path the investigation took, and would have done so as quickly as possible.

32. It is unreasonable to believe that the police would not have used all available means to pursue information which would have assisted them in locating the defendant, including a search warrant, and done so as quickly as possible. October 11, 2022, was the first time the police received information that provided them with a feasible means to locate the defendant, in the form of airline flight booking information. The police learned from this

⁶ The New Hampshire Supreme Court has ruled that this court "supportably found that there was probable cause to believe the defendant committed the victims' violent murders, that CPD reasonably believed the defendant might be armed, and that, because the murders appeared to have been a random act of violence, the defendant might engage in other unpredictable, violent behavior." *State v. Clegg*, 2026 N.H. 11, ¶ 31 (2026).

⁷ Lt. McGonagle testified at the previous hearing that the Concord Police had "an extreme[ly] large number of search warrants in this investigation." Tr. I, p. 148, lines 19-21.

information that the defendant had booked an international flight leaving from New York in less than three days, and had done so using his real name, an address in Burlington, VT, and – most importantly – a Verizon phone number with a Vermont area code. Sgt. Brown came into the police station that night despite being on vacation. Det. Ryder also came in despite being off-duty, and remained until nearly midnight. Locating the defendant was the Concord Police’s highest priority, and the actions they took underscore the sense of urgency that was present.

33. In other words, the police had the knowledge and tools necessary to locate the defendant via his phone, and the motivation to do so. It would be contrary to the evidence, and common sense, for this court to find that the Concord Police, had the warrantless search not taken place, would have ignored their training and experience, and the urgency of the situation, and not sought to use one of the few tools available to them that could help them locate the defendant’s phone. There can thus be no doubt that it was certain as a practical matter that the police, even without the information from the warrantless searches, would have inevitably sought a search warrant for the cell phone data associated with defendant’s cell phone, and done so immediately. *See Commonwealth v. O’Connor*, 406 Mass. 112, 117 n. 4 (1998) (the test of inevitability should be made on the circumstances existing at the time of the seizure); *Cf. Commonwealth v. Barros*, 56 Mass.App.Ct. 675, 680 (2002) (ruling inevitable discovery was not practically certain where “without the tainted information, the officers would not have entered the bedroom and seen the incriminating evidence”); and *Commonwealth v. Perrot*, 407 Mass. 539, 548 (1990) (inevitable discovery did not apply to a pocketbook left partially concealed in an area traveled by pedestrians, even though the police would have ordered a search of the area, because it was only a probability that the pocketbook might have been found either by police or by a pedestrian).

34. Unlike the cases in *Barros* and *Perrot*, it is practically certain that the Concord Police would have obtained a warrant to search Verizon's records for data for the defendant's phone. There is no need to speculate - they knew that this data was their best means for locating the defendant, and there is no doubt that had they conducted the search (by obtaining a warrant and serving it on Verizon), they would have found the data. It is important to note that the Concord Police did obtain a warrant for the same data that they received via the warrantless search, according to their typical practice. They also obtained or had taken steps toward obtaining two search warrants for the real-time location data for the defendant's phone on the night of October 11, 2022 (the CSS warrant) and the morning of October 12, 2022 (the draft search warrant materials). Since the police actually did obtain the data in question via a search warrant, this court can easily find that it is practically certain that the police would have done so.

35. The Massachusetts courts have applied the inevitable discovery rule in similar situations where the police obtained a search warrant after an initial warrantless search that was ruled unconstitutional. *See Commonwealth v. McAfee*, 63 Mass.App.Ct. 467, 478 (2005) (inevitable discovery applied to a handgun, despite fact that an unlawfully obtained statement alerted the police to its presence and location, where the search warrant police later obtained would have been supported by probable cause even without the information obtained from the unlawfully obtained statements); *Commonwealth v. Starkweather*, 79 Mass.App.Ct. 791, 798 (2011) (applying the inevitable discovery doctrine to a warrantless search of a car after the defendant was arrested, based on the fact that officers later obtained a warrant to search the car, and the information in the affidavit was sufficient to justify issuance of the warrant even without the information from the warrantless search); *Cf Commonwealth v. Benoit*, 382 Mass.

210, 219 (1981) (inevitable discovery could not cure a warrantless seizure where the police did not make any efforts to obtain a warrant).

36. Here, the Concord Police followed their acquisition of the defendant's cell phone data via warrantless searches with a search warrant, obtaining the same information by unassailably legal means. This court, therefore, does not have to speculate about the content of the Concord Police's warrant application had the warrantless exigency search not taken place. Even with all references to the warrantless exigency search and the information obtained from it excised from the affidavit, these materials still contained probable cause to justify a search for the cell phone data. The same is true of the CSS affidavit and the draft search warrant materials.

ii. It Is Practically Certain That The Concord Police's Search Warrant Application Would Have Been Granted.

37. Not only is it practically certain that the Concord Police would have sought a warrant to obtain the real-time location data for the defendant's cell phone from Verizon, and done so on the evening of October 11, 2022; it is even more certain that probable cause existed to justify such a search, and the Concord Police's warrant application would have been granted.

38. This court has already ruled that "probable cause existed to believe that Mr. Clegg's location would be found from a search of cell phone location data of the phone number listed in association with Mr. Clegg's flight booking and that the data would aid in his apprehension." Order, p. 14. As noted by the New Hampshire Supreme Court, the defendant has not challenged this court's conclusion that the State has satisfied the probable cause element. *State v. Clegg, supra* at ¶ 14. The defendant did not challenge this conclusion before and cannot do so now.

39. The probable cause referenced above does not rely on the information the Concord Police learned from the pings obtained from Verizon without a warrant. This court's

ruling on probable cause, in the context of previous proceedings related to an examination of exigent circumstances, necessarily did not rely on information obtained via the exigency searches; instead, this court held that probable cause existed to conduct a search based on the information known to the police *before* the exigent searches were made and results were received.

40. Notwithstanding this fact, this court can consider the warrant affidavits that the Concord Police did submit at around the same time as the warrantless search. The CSS affidavit and the draft affidavit both contain the same snapshot of the information known to the police on the evening of October 11, 2022. Even with the information about the ping data obtained from the warrantless search excised, probable cause still existed.

iii. It Is Practically Certain That Verizon Would Have Provided The Requested Records In Short Order.

41. It is practically certain that the Concord Police *could have* obtained a search warrant for the cell phone data, since probable cause existed. Additionally, it is practically certain that the Concord Police *would have* in fact obtained a search warrant, given the fact that they had just obtained a phone number that they knew could be used to locate the person they believed had committed two violent murders and was about to flee the country.

42. It is also practically certain that the Concord Police would have obtained the requested records from Verizon in short order, in response to their request. Jennie Tomalin of Verizon will testify that when Verizon receives communications from police officers that they have obtained a search warrant for Verizon records, and that it is urgent that they receive those records quickly, Verizon prioritizes those requests and handles them as soon as possible. It takes mere minutes for an analyst to set these requests up for the police to begin receiving data, and most requests are addressed within a couple of hours.

43. There is no need to speculate as to what the timeframe would have been on the night of October 11, 2022, because this court can examine the timeframe in which Verizon actually did provide the police with data in response to priority requests. The police submitted the first exigency request to Verizon at approximately 5:00 p.m., and began receiving results by phone at 5:04 p.m., and by email at 5:18 p.m. They submitted their request for call and text detail records at approximately 7:07 p.m., and received results at about 11:43 p.m. There is no reason to believe that the results would have been different if the Concord Police had made their request several hours later.

44. Had the Concord Police submitted a search warrant to Verizon for cell phone data on the night of October 11, 2022, therefore, they would have received the location data within a matter of minutes, and the RTT data within four hours. They would thus have been in the same position that they were after the warrantless search.

iv. It Is Practically Certain That The Police Would Have Located The Defendant At Or Around The Same Time As They Actually Did.

45. It is practically certain that, had the Concord Police obtained the cell phone data for the defendant's phone via search warrant the night of October 11, 2022, they would have received the data quickly enough that they would have used it in the same manner as they actually did. The Concord Police would have been in the same position as they were after receiving the ping data from the warrantless search, and would have located the defendant at or around the same time that they actually did. This is precisely the scenario in which the United States Supreme Court has stated that the inevitable discovery doctrine should apply. *See Nix v. Williams*, 467 U.S. at 444.

46. This court does not need to speculate as to the timeline in which these events would have occurred. Det. Ryder previously testified that he arrived at the Concord Police

station around 6:00 p.m. on October 11, 2022, and was tasked with applying for a search warrant to use the CSS. Det. Ryder submitted his warrant application that evening, and received judicial approval around 11:30 p.m. that night. This timeline is a snapshot of what would have happened had the warrantless exigency search not taken place, and had the Concord Police instead sought to obtain the Verizon records via search warrant. The CSS warrant application was similar in scope and length to what the police would have submitted had they instead applied for a warrant for cell phone data from Verizon; the timeline during which the police would have applied for this warrant, and a judge would have approved it, therefore would have been the same. A comparison of the CSS warrant materials to the draft search warrant materials Det. Ryder prepared the morning of October 12, 2022, bears this out.

47. The Concord Police received the CSS warrant shortly before midnight on October 11, 2022. Had the warrantless search not taken place, they would have instead sought the same data via search warrant, and obtained a warrant for it around the same time that they received the CSS affidavit. They would have submitted that warrant to Verizon immediately, communicated the urgency of the request, and begun receiving the results within less than an hour. Even if it had taken three or four hours for Verizon to provide the requested data, the Concord Police would have still begun to receive it by 3:00 a.m. or 4:00 a.m. on October 12, 2022.

48. The Concord Police began their physical search for the defendant in Burlington, aided by data from Verizon, the morning of October 12, 2022, at around 3:30 or 4:00 a.m. Det. Brown did not begin assisting the detectives by directing them based on his interpretation of the data from Verizon until around 7:30 a.m. They located the defendant around 9:30 a.m., and the defendant was arrested several hours later.

49. Had the warrantless search not taken place, therefore, the Concord Police would

have applied for, obtained, and served upon Verizon a search warrant for the defendant's real-time location data, call and text detail records, and RTT data. They would have received this data in the early morning hours of October 12, 2022, prior to the time that they began their physical search. They thus would have been in the same position as they were after receiving the data from the warrantless search, mere hours earlier. They would have searched Burlington, VT for the defendant, with the use of the phone data, at the same time and in the same manner.⁸ The result would have been the same, and the police would have located the defendant, his belongings, and his campsite, and obtained his statements, at the same time and in the same manner as they actually did.

v. *It Is Practically Certain That The Police Would Have Obtained The Defendant's Personal Belongings, Items Seized From The Defendant's Campsite, And His Statements.*

50. Where the police would have located the defendant at the same time that they actually did, in the same manner, it follows that each item of evidence that the defendant seeks to suppress would have been found in the same way that it actually was. Since the police would have been in an identical position as they were after the warrantless searches, no speculation is required to determine what the outcome would have been.

51. As described above, the police would have obtained the real-time location data, detail records, and RTT data for the defendant's phone via search warrant prior to 7:30 a.m. on October 12, 2022. Using this data, the police would have conducted their search for the defendant in the same manner and at the same time that they actually did. They would have located the defendant in possession of his backpack and his laptop. The defendant's backpack

⁸ The defendant's flight from Burlington to New York was not scheduled to leave until October 13, 2022, at 3:35 p.m. The evidence indicates, therefore, that the defendant would have remained in Burlington for more than 24 hours after the time the police apprehended him, making it practically certain that the Concord Police would have located the defendant in Burlington.

would have contained the same items, including the defendant's gun, a holster, mail packaging, employment documents, a fraudulent ID card, an envelope from the United Kingdom, and \$7,150 in cash.

52. The police also would have obtained the same statements from the defendant. Since they would have located the defendant at the same time as they actually did, the ensuing events that led to the defendant's post-*Miranda* interview with Det. Brown would have occurred in exactly the same way. The defendant would have been taken to the South Burlington Police Station and been detained. Det. Brown would have gone to the police station and requested to speak with the defendant, and the defendant would have agreed. To make any other finding would be to engage in speculation and conjecture, which is antithetical to the requirements of the inevitable discovery doctrine.

53. Similarly, the police also would have located the defendant's campsite in the same manner. The Concord Police used data from the defendant's phone to assist them in their search of the Centennial Woods for the defendant's campsite on October 13, 2022; they would have done the same had they received the data via search warrant rather than via warrantless search. In either case, the Concord Police would have received the data by the morning of October 12, 2022; they did not begin their search for the defendant's campsite until October 13, 2022.

B. The Concord Police Did Not Act In Bad Faith To Accelerate The Discovery of Evidence.

54. The second prong of the *Sbordone* test states that evidence may be admissible under the inevitable discovery doctrine "as long as the officers did not act in bad faith to accelerate the discovery of evidence, and the practical constitutional violation is not so severe as to require suppression." *Commonwealth v. Sbordone*, 424 Mass. at 810. The New Hampshire

Supreme Court has similarly held that “[t]he element of good faith on the part of the police is inherent in the inevitable discovery exception.” *State v. Holler, supra* at 201. That element is satisfied here. The Concord Police acted in good faith in connection with making the warrantless search and locating the defendant. There were no actions by any officer that rose to the level of misconduct so severe that suppression is required.

55. It is inarguable that the Concord Police acted in good faith, and did not engage in blatant misconduct. The New Hampshire Supreme Court has acknowledged that “there was considerable evidence before the trial court that the defendant posed a substantial threat of danger to the public. It supportably found that there was probable cause to believe the defendant committed the victims’ violent murders, that CPD reasonably believed the defendant might be armed, and that, because the murders appeared to have been a random act of violence, the defendant might engage in other unpredictable, violent behavior.” *State v. Clegg, supra* at ¶ 31. The Court also held that “it was reasonable for CPD to conclude that it was necessary under the circumstances presented to request data via the exigency hotline.” *Id.* at ¶ 21.

56. Where the New Hampshire Supreme Court has stated that it was reasonable for the Concord Police to conclude it was necessary to request data via the exigency hotline, it cannot be said that when the police made this warrantless request, they acted in bad faith, or engaged in the type of flagrant or blatant misconduct that requires suppression in order to deter future constitutional violations. Instead, they acted on a good-faith belief that exigency existed.

57. The good faith of the investigators involved is additionally borne out by the fact that the Concord Police either obtained or took steps toward obtaining other search warrants for real-time location data for the defendant’s phone around the same time as the warrantless search. Det. Ryder obtained a search warrant for the use of a CSS device the night

of October 11, 2022; he prepared materials for a second search warrant to Verizon for the same data for the defendant's phone the following morning, and would have submitted it for judicial approval had the defendant not been located.

58. A finding that the inevitable discovery doctrine applies in this case, therefore, would not function as an incentive for the police to circumvent the warrant requirement in the future. By contrast, finding that the doctrine does not apply would work an injustice on the public and provide the defendant with a windfall by placing the police in a *worse* position than they would have been in had the warrantless search not occurred. This prong of the *Sbordone* test is satisfied. *See Commonwealth v. Ubilez*, 88 Mass.App.Ct. 814, 818 (2016) (the government satisfied the second prong of the inevitable discovery test in a case where an excessive show of force was employed by the police because “we are not faced with a situation where the police conduct was designed to obtain evidence or to circumvent the warrant requirement. Nor is there any claim or showing of bad faith on the part of the officer”).

C. The New Hampshire Superior Court Has Applied The *Sbordone* Standard And Found Inevitable Discovery Applied In A Similar Factual Situation.

59. The New Hampshire Superior Court recently addressed a case involving the inevitable discovery of cell phone location data in a similar factual situation, applying the *Sbordone* analysis. In *State v. Anderson Pereira*, No. 216-2021-CR-1916, the court (*Delker, J.*) denied the defendant's motion to suppress cell phone records, finding that the inevitable discovery doctrine applied. A copy of the court's order is attached hereto as Exhibit A8.⁹

60. In that case, police in Lawrence, MA assisted the Manchester Police in investigating the disappearance of Zakhia Charabaty. Mr. Charabaty was reported missing to

⁹ The New Hampshire Supreme Court affirmed the defendant's conviction in a final order dated March 18, 2025. The Court did not address the issue of inevitable discovery in its ruling. *See State of New Hampshire v. Anderson Pereira*, Case no. 2023-257 (March 18, 2025).

the Manchester Police Department on March 14, 2020. Subsequent investigation led to the discovery of Mr. Charabaty's Apple Watch and work truck in Lawrence. Video surveillance showed that in the early morning hours of March 14, 2020, a person parked the work truck and disposed of several of Mr. Charabaty's personal belongings in a nearby dumpster before being picked up in an Uber.

61. After receiving information from Uber on March 18, 2020, indicating that the defendant was the person who had disposed of the items and gotten into the Uber, a Lawrence detective sent an exigent request to T-Mobile for cell phone location data for the defendant's cell phone for a period of time spanning March 13 and 14, 2020. This information allowed the police to determine that the defendant's cell phone utilized cell towers in the same locations as Mr. Charabaty's Apple Watch, which were near where Mr. Charabaty's body was ultimately found weeks later. Neither the Lawrence nor the Manchester Police applied for or received a search warrant for the T-Mobile records either before or after they were received through the exigent request process.

62. The defendant filed a motion to suppress the T-Mobile records related to his cellphone on the grounds that they were obtained without a warrant. The State argued that the records should not be suppressed under the exigent circumstances and inevitable discovery exceptions to the warrant requirement.

63. In its analysis of inevitable discovery, the court applied the *Sbordone* standard. The court held that, under that standard, "it is not enough for the State to simply show that it could have obtained a warrant for the T-Mobile records, it must also show that it is practically certain the police would have done so." Ex. A8, p. 19, citing *Commonwealth v. Sbordone*, *supra*. Applying this stringent standard, the court ruled that the State had proved by a

preponderance of the evidence that it was certain the police would have inevitably discovered the evidence lawfully as a practical matter.¹⁰ The court based its ruling on testimony from a Lawrence detective that he intended to include a request for the T-Mobile records in a search warrant request made the next day but mistakenly failed to do so. *Id.* at 19-20. A second Lawrence detective testified that it is standard practice for the Lawrence Police to obtain warrants for cellphone location records if there are no exigent circumstances, and that he did not seek a warrant because he believed that exigent circumstances justified the warrantless request to T-Mobile. The court stated that this testimony “further demonstrates that had the police not received the cell phone records through the exigent request forms, it is certain as a practical matter that they would have realized the mistake in not submitting the search warrant to the magistrate on March 19 and would have corrected that error by obtaining a warrant for the T-Mobile records. *Id.* at 20.

64. The facts in this case are more compelling than those relied upon by the court in *Pereira*. The *Pereira* court credited the fact that although the Lawrence police never obtained a warrant for the information in question, they had begun the process of applying for a warrant for the cellphone records the day after receiving them, and would have obtained that warrant but for the detective’s mistake in failing to apply for it. The court held that this constituted sufficient evidence that it was certain as a practical matter that the police would have obtained a warrant.

65. Here, the Concord Police actually did obtain a warrant for the same information obtained via the exigency requests. Additionally, the Concord Police obtained a warrant to acquire the defendant’s cell phone location data the night of October 11, 2022, using the CSS,

¹⁰ Since the court found the T-Mobile records admissible under the inevitable discovery doctrine, it did not make a ruling on the issue of whether exigent circumstances existed. Ex. C, p. 16.

and were in the process of drafting and applying for a warrant to obtain location data directly from Verizon on the morning of October 12, 2022. These facts show that not only could the Concord Police have obtained a warrant, it is practically certain that they would have done so.

66. The *Pereira* court found that the police acted in good faith in obtaining the T-Mobile records through an exigent request, based on testimony from detectives that they did not seek a warrant because they believed that exigent circumstances were present. The same finding of good faith should be made in this case. The Concord Police acted in good faith in seeking the Verizon records via exigent requests, where they reasonably believed that the defendant had committed two murders, might be armed, and might engage in further unpredictable, violent behavior.

II. The State Prevails Under The *Almeida* Standard.

67. The State also will prevail if this court applies the inevitable discovery standard adopted by the First Circuit. This standard is less stringent than the standard described above in *Sbordone*, but the New Hampshire Supreme Court has analyzed a claim of inevitable discovery using the *Almeida* test before. *See State v. Davis*, 174 N.H. at 607-08.

68. Under this standard, this court must determine: (1) “whether the legal means by which the evidence would have been discovered was truly independent;” (2) “whether the use of the legal means would have inevitably led to the discovery of the evidence;” and (3) “whether applying the inevitable discovery rule would either provide an incentive for police misconduct or significantly weaken constitutional protections.” *United States v. Almeida*, 434 F.3d 25, 28 (1st Cir. 2006). Although not stated in *Almeida*, the United States Supreme Court held in *Nix* that the burden of proof for establishing that evidence is admissible under the inevitable discovery doctrine is a preponderance of the evidence standard. *Nix*, 467 U.S. at 442-44.

A. The Legal Means By Which The Evidence Would Have Been Discovered Was Truly Independent.

69. “Alternate legal means are ‘truly independent’ if law enforcement would have employed them absent the unlawful conduct by law enforcement.” *U.S. v. Clark*, 683 F.Supp.3d 97, 109 (D.Mass. 2023) (citing *U.S. v. Delgado-Perez*, 867 F.3d 244, 258 (1st Cir. 2017)). *See also U.S. v. Scott*, 270 F.3d 30, 43 (2001) (“the alternative avenue of inquiry that involved questioning [one individual] was truly independent because it did not rely on any information obtained from [another individual who was unconstitutionally arrested]”).

70. Here, the legal means by which the Concord Police would have discovered the cell phone data for the defendant’s phone, and thus the defendant’s location and all evidence derived from it, was a search warrant to Verizon. This legal means of obtaining the cell phone data is truly independent because probable cause existed prior to the warrantless searches, and the police would have sought the warrant based on the circumstances prior to the warrantless searches. As described above, the Concord Police knew before the warrantless search that Verizon had records that could be used to locate the defendant. The information obtained from the warrantless search did not lead the Concord Police to Verizon; the Concord Police had already decided to search there. Since the Concord Police would have pursued this evidence via a search warrant, based on the information known to them *prior* to the warrantless search, this legal means was truly independent.

71. The fact that the police would have pursued a warrant independent of the information they obtained from the warrantless searches is borne out by Lt. McGonagle’s testimony, and the anticipated additional testimony of Lt. McGonagle and Sgt. Brown that the Concord Police would have obtained a search warrant. The First Circuit has held that such credible testimony is sufficient to satisfy this prong of the inevitable discovery test. *See U.S. v.*

Soto-Peguero, 978 F.3d 13, 20-21 (1st Cir. 2020) (applying inevitable discovery and noting that the defense did not dispute testimony that a special agent would have pursued a warrant to search an apartment regardless of what was found in securing the apartment during a warrantless protective sweep, and officers had sufficient probable cause to substantiate a search warrant for the apartment before the protective sweep began); and *U.S. v. Procopio*, 88 F.3d 21, 27 (1st Cir. 1996) (applying the inevitable discovery doctrine to admit the illegally uncovered contents of a briefcase where there was “little reason to doubt that the local police would have contacted federal agents, even without the information gleaned during the search,” and where it was “even more certain that federal agents...would have then sought a warrant to search the briefcase”).

72. The defendant may argue that a search warrant to Verizon would not be a truly independent means by which the Concord Police would have obtained the defendant’s cell phone data, because the police had the opportunity to apply for a search warrant, but did not do so at the time. Instead, they pursued the data via the warrantless searches, and only applied for a search warrant after the fact. This is incorrect. In analyzing the first prong of the inevitable discovery test, “there is no necessary requirement that [a] warrant application have already been initiated at the time the illegal search took place.” *U.S. v. Hughes*, 640 F.3d 428, 440-441 (1st Cir. 2011). *See also U.S. v. Soto-Peguero*, 978 F.3d at 20 (“because the Task Force members need not have actually obtained a warrant to rely on the inevitable discovery exception, any defects in the warrant that they did obtain the day after their initial warrantless entry...are not directly relevant to the question of whether the evidence at issue must be suppressed); and *U.S. v. Silvestri*, 787 F.2d 736, 745-746 (1st Cir. 1986) (rejecting a strict requirement that the alternate legal avenue of investigation be actively pursued at the time of the illegal search or seizure).

73. It is enough, therefore, to show that the police would have obtained a warrant; it is not necessary to show that they actually did, or were in the process of doing so. Here, the evidence shows that the Concord Police not only would have obtained a warrant for the defendant's cell phone data, but actually did do so. The police obtained a warrant for the data in December of 2022. They also obtained the CSS warrant on the night of October 11, 2022, and would have obtained the secondary warrant for the data from Verizon on October 12, 2022.

74. The fact that the affidavits for each of these warrants contained references to the cell phone data obtained by means of the warrantless searches is immaterial, because the affidavits would set forth information satisfying the probable cause requirement even if the tainted information were excised. *See U.S. v. Ford*, 22 F.3d 374, 378-379 (1st Cir. 1994) (in an inevitable discovery analysis, holding that “[i]t requires no speculation to determine that the excised affidavit supports a finding of probable cause”).

B. The Use Of The Legal Means Would Have Inevitably Led To The Discovery Of The Evidence.

75. As described above, the Concord Police would have applied for and obtained a search warrant, served it on Verizon, and received the real-time location data, detail records, and RTT data for the defendant's phone by the early morning hours of October 12, 2022. They therefore would have not only received the same information obtained from the warrantless searches, but would have received it in time to use it as they actually did, and would have located and arrested the defendant at the same time and in the same manner that they actually did. The use of the legal means thus would have inevitably led to the discovery of the defendant's cell phone data and all subsequently obtained evidence, including the location of the defendant, the seizure of the defendant's belongings and his campsite, and obtaining the defendant's statements.

76. The timeline prepared by Det. Ryder provides this court with specific, direct evidence showing how long it would have taken for the Concord Police to draft and submit a search warrant seeking location data for a cell phone, and to receive judicial approval. The testimony from the Verizon representative provides evidence that, had the Concord Police obtained a warrant on this timeline and timely submitted it to Verizon, the police would have received the responsive information early on the morning of October 12, 2022, allowing them to proceed in the same fashion as they actually did in locating the defendant.

77. There is no need for this court to engage in speculation or conjecture to make this factual finding. The use of the legal means would have inevitably led to the discovery of not only the defendant's phone data, but also his statements, personal belongings, clothing, gun, electronics, and all items seized from his Vermont tent site. This evidence should not be suppressed.

C. Applying The Inevitable Discovery Rule Would Not Provide An Incentive For Police Misconduct Or Significantly Weaken Constitutional Protections.

78. It is clear and inarguable that the Concord Police did not act in such a manner that applying the inevitable discovery rule would provide an incentive for police misconduct or significantly weaken constitutional protections. As discussed in greater detail above, the New Hampshire Supreme Court has already ruled that the Concord Police reasonably believed that it was necessary under the circumstances to request data from Verizon via the exigency hotline. The action they took as a result of that reasonable belief - the warrantless exigency requests - therefore did not constitute police misconduct or a blatant constitutional violation. These facts are not comparable to cases where suppression has been warranted in the inevitable discovery context because of egregious unconstitutional behavior. *See U.S. v. Rullo*, 748 F.Supp.36 (D.Mass. 1990) (although a gun would have inevitably been discovered through a separate

search, inevitable discovery did not apply because the police used excessive physical force to compel the suspect to disclose the location of the gun).

79. Application of the inevitable discovery rule in these circumstances would not provide an incentive for police misconduct or significantly weaken constitutional protections. Instead, it would operate to place the Concord Police in the same position as they would have been had the warrantless searches not taken place. The motion to suppress should be denied.

III. The State Prevails Under The Second Circuit Standard.

80. The third standard the State proposes is the well-settled standard the Second Circuit Court of Appeals discussed in *United States v. Heath* and further clarified in *United States v. Stokes*. The State selected this test because it, like the *Almeida* standard, was referenced by the New Hampshire Supreme Court in *Broadus* and because the Second Circuit has reaffirmed this standard over time. An analysis under this standard leads to the same conclusion as under the other standards discussed above – the evidence is inevitably discoverable and should not be suppressed.

81. Under the Second Circuit standard, the State must establish, by a preponderance of the evidence, that there is a “high level of confidence” that “each of the contingencies necessary to the legal discovery of the contested evidence would be resolved in the government’s favor.” *U.S. v. Stokes*, 733 F.3d 438, 444 (2nd Cir. 2013); *U.S. v. Heath*, 455 F.3d 52, 60 (2nd Cir. 2006). Proof of this standard “involves no speculative elements but focuses on demonstrated historical facts capable of ready verification or impeachment.” *Stokes*, 733 F.3d at 444 (quotations and citations omitted). “The focus on demonstrated historical facts keeps speculation to a minimum, by requiring [this court] to determine, viewing affairs as they existed at the instant before the unlawful search occurred, what *would have happened* had the unlawful search never occurred.” *Id.* (quotations and citations omitted) (emphasis in original).

A. Each Of The Contingencies Necessary To The Legal Discovery Of The Contested Evidence Would Be Resolved In The Government's Favor.

82. The evidence is clear that the Concord Police could have, and would have, applied for a search warrant for the data for the defendant's cell phone if the warrantless search had not taken place. It is similarly clear that the police would have located the defendant as a result of receiving that warrant, at or around the same time that they actually did. This court should make a factual finding that there is a high level of confidence that each of the contingencies necessary to the legal discovery of the contested evidence would be resolved in the State's favor.

83. The first contingency that this court must address is the contingency of whether, had the warrantless exigency searches not taken place, the Concord Police would have applied for and obtained a search warrant for the same cell phone data. The answer is unequivocally yes. As described in greater detail above, the Concord Police learned on the evening of October 11, 2022, that the defendant, whom they had identified as the perpetrator of two random, violent murders, had purchased a one-way ticket to fly to Europe in less than three days. For the first time, they had a phone number that they knew could be used to locate him.

84. It is abundantly clear that the police, knowing that the defendant was about to leave the country, and knowing that Verizon had the capability of providing them with data for the defendant's phone, would have used all available legal means, including a search warrant to Verizon for cell phone data, to obtain this information. This court should resolve this contingency in favor of the State.

85. To resolve this contingency in favor the defendant, this court would have to make a factual finding that the Concord Police, after learning that the defendant had a phone number with Verizon, and that he was leaving the country in three days, would have ignored the

possibility of locating the defendant via his phone, despite their training and experience, and despite the heightened sense of urgency that existed to find the defendant before he fled the country. Such a finding is not supported whatsoever by any evidence before this court.

86. As described above, probable cause existed to support a warrant for the data for the defendant's phone. To the extent that this is a contingency this court must resolve, it should be resolved in the State's favor. This court has already ruled that probable cause existed. This court additionally has the benefit of considering the draft search warrant materials Det. Ryder prepared the morning of October 12, 2022, but did not submit; these materials are essentially identical to the materials the Concord Police would have submitted the night before had the warrantless search not taken place. Removing the paragraphs that reference the ping data and the CSS would not change the ultimate conclusion: that probable cause for the requested search existed, and the warrant would have been approved.

87. The next contingency for this court to consider is whether the Concord Police would have applied for and obtained this warrant, and received records back from Verizon, in sufficient time for them to have used the records to locate the defendant in the same manner that they actually did. This contingency should also be resolved in the State's favor.

88. Det. Ryder's timeline provides direct evidence of the time that it took for the Concord Police to draft and submit a search warrant application, and to obtain judicial approval. The timeframe in which Det. Ryder applied for and received the CSS warrant is identical to what the timeframe would have been if the Concord Police had instead (or also) applied for a search warrant for Verizon records. The CSS affidavit and the draft search warrant materials are nearly identical; the timelines associated with submitting and obtaining approval for a search warrant would have been the same. The Concord Police, therefore, would have applied for and

received a warrant for cell phone data from Verizon around 11:30 p.m. on October 11, 2022. This conclusion is based on demonstrated historical facts capable of ready verification, and requires no speculation. *See U.S. v. Stokes*, 733 F.3d at 444.

89. The testimony from the Verizon representative will establish that, had the Concord Police provided Verizon with a search warrant for real-time location data, Verizon would have provided it within hours, if not minutes. The police would have thus received the information on or before 7:30 am on October 12, 2022, when Concord detectives began physically searching for the defendant in Burlington, with the assistance of the ping data.

90. The last contingency this court must address is whether the Concord Police, who would have begun receiving the real-time location data on the morning of October 12, 2022, would have located the defendant at or around the same time that they actually did. The answer is yes. The Concord Police would have received the cell phone data in time to send officers to Burlington, and have them in place by the time they began using the data to assist their physical search, around 7:30 a.m. Since the Concord Police would have obtained the ping data on or before the time they actually began using it in their search for the defendant, they would have located him in the same manner, and at the same time, as they actually did. This conclusion is also based on demonstrated historical facts.

91. Since the police would have located the defendant in the same manner and at the same time as they actually did, it follows that they similarly would have obtained all evidence deriving from his location and apprehension, in the same fashion. This includes the defendant's laptop, the contents of his backpack, his campsite in Burlington, and his statements. Nothing would have been different, and this contingency should be resolved in the State's favor.

92. The Second Circuit standard requires this court to “determine, viewing affairs as they existed at the instant before the unlawful search occurred, what *would have happened* had the unlawful search never occurred.” *U.S. v. Stokes*, 733 F.3d at 444. As the State has described in greater detail above, there can be no doubt that had the warrantless search not taken place, the Concord Police would have applied for a search warrant for data for the defendant’s phone from Verizon; they would have done so the evening of October 11, 2022; and the warrant would have been approved at or around 11:30 p.m. that evening. The police would have immediately submitted this warrant to Verizon, and reached out to Verizon to communicate the urgency of the request. Verizon would have treated the request as high-priority, and supplied the police with the requested records within hours. The police would have begun receiving the records early on the morning of October 12, 2022, at or before the time that they began their physical search for the defendant. The results would have been the same.

93. These findings are all based on demonstrated historical fact, and require no speculation. This court should find that the Concord Police would have received a warrant for cell phone location data on the timeline described above, because the Concord Police did in fact receive one in that same timeframe. This court should therefore find that the Concord Police would have located the defendant, and all evidence derived from his location, at or around the same time as they actually did, had the warrantless search not taken place. Inevitable discovery should apply, and the motion to suppress should be denied.

WHEREFORE the State of New Hampshire respectfully requests that this Honorable Court:

- A. Find that inevitable discovery applies, and deny the motion to suppress; and
- B. Order such other and further relief as may be deemed just.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

JOHN M. FORMELLA
Attorney General

Date: April 10, 2026

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CERTIFICATE OF SERVICE

I, Joshua Speicher, do hereby certify that a copy of this pleading was provided to counsel of record on the date listed above.

/s/ Joshua L. Speicher
Joshua L. Speicher

EXHIBIT A1

CSS Warrant Estimated Timeline:

-10/11/2022: Throughout the afternoon I become aware that Det. Carter has initiated exigent pings of Clegg's number. Things pings indicated Clegg was in the area of S. Burlington Vt. I am also aware that Detectives Doyon and Lemoine have been dispatched to Vermont.

-10/11/2022: At approximately 1600 I leave work for the day as I normally would.

-10/11/2022: Between 1600 and approximately 1800 I was contacted by Lt. McGonagle and asked to return to work to complete a Cell Site Simulator warrant that authorized CPD's collaboration with the USMS to utilize their CSS to assist in locating Clegg.

-10/11/2022: Between approximately 2103 and 2338 I communicated with William Tufts at the USMS regarding the warrant. Within roughly the same timeframe, I have also conferred with AAG Geoffrey Ward regarding the warrant. It should be noted that my initial draft of the warrant was submitted to Geoff Ward for review at 2131.

-10/11/2022: Between 2131 and 2338 I work on the warrant and submit it to the portal. Though I do not have the exact time it was submitted to the portal, I estimate it would have been between 2245 and 2300. I believe this to be so as I received the signed warrant from the judge at approximately 2330. Furthermore, I sent a copy of the warrant to William Tufts at 2338 which is consistent with the overall timeframe.

-10/12/2022: I returned to work in the morning to see an e-mail from William Tufts that was received at 0614. This communication indicated that William Tufts was inquiring about an additional search warrant for Verizon relative to Clegg's phone number.

-10/12/2022: At 0747 I responded to William Tufts e-mail and indicated that the Verizon information had already been gathered via exigency. In response to this, William Tufts asked me for a phone call. **(It should be noted that there was a typo in my e-mail where I wrote "does" instead of "does not" as it related to Verizon being included in the CSS warrant. This was clarified amid my phone conversation with William Tufts.)*

-10/12/2022: After speaking to William Tufts on the phone, it was determined that I would proceed with a search warrant for Verizon as it was indicated that doing so was typically done along with the CSS warrant.

-10/12/2022: Between 0912 and 0928, I submitted the draft warrant and affidavit for Clegg's Verizon number to Lt. McGonagle for review.

10/12/2022: Between 0928 and approximately 1200, Clegg is located by Doyon and Lemoine. As such, it was no longer necessary to deploy the CSS Simulator and my further involvement with that portion of the investigation ceased.

10/17/2022: At approximately 0852, I submitted the CSS search warrant return. The return indicated that, "No property taken. Suspect was located prior to execution of warrant."

EXHIBIT A2

Ryder, C. Brendan

From: Tufts, William (USMS) <William.Tufts2@usdoj.gov>
Sent: Wednesday, October 12, 2022 7:52 AM
To: Ryder, C. Brendan
Cc: McGonagle, Marc
Subject: RE: [EXTERNAL] RE: CSS Warrant

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Understood. Can you give me a shout regarding a SW for Verizon?

Thanks

802-999-1855

From: Ryder, C. Brendan <CRyder@concordpolice.com>
Sent: Wednesday, October 12, 2022 7:47 AM
To: Tufts, William (USMS) <WTufts@usms.doj.gov>
Cc: McGonagle, Marc <MMcGonagle@concordpolice.com>
Subject: RE: [EXTERNAL] RE: CSS Warrant

Good Morning Billy,

So the warrant we have right now is purely for the use of the CSS and does include Verizon's records. The last time we did this our County Attorney did not want to blend the two and we ended up doing two separate warrants...one for Verizon and one for the CSS. In this case, we ended up getting all the Verizon information via exigency with a subpoena to follow.

Let me know if there are specifics you need from the Verizon information. Thanks.

-Brendan

From: Tufts, William (USMS) <William.Tufts2@usdoj.gov>
Sent: Wednesday, October 12, 2022 6:14 AM
To: Ryder, C. Brendan <CRyder@concordpolice.com>
Subject: Re: [EXTERNAL] RE: CSS Warrant

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Thanks man. Can you sent the affidavit and attachments so we can serve Verizon?

Deputy Billy Tufts
District of New Hampshire
U.S. Marshals Service
Cell [802-999-1855](tel:802-999-1855)

On Oct 11, 2022, at 23:38, Ryder, C. Brendan <CRyder@concordpolice.com> wrote:

Here's the warrant

From: Tufts, William (USMS) <William.Tufts2@usdoj.gov>
Sent: Tuesday, October 11, 2022 9:18 PM
To: Ryder, C. Brendan <CRyder@concordpolice.com>
Subject: FW: CSS Warrant

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

I just attached a SW we used with Manchester a few months ago. Attachment A and B are a good go by as well. The more specific we are in your search warrant the faster it will be with Verizon.

From: Tufts, William (USMS)
Sent: Tuesday, October 11, 2022 9:15 PM
To: Ryder, C. Brendan <CRyder@concordpolice.com>
Subject: RE: CSS Warrant

In addition to the cell site language we want to ask for all the following: This will help us not only with the cell site but also give us a lot more information from the phone company.

Here is all the information we should be asking for in the search warrant. Just replace the telephone number, cellular carrier, and Police Department information. **Also see at the bottom of this email info that needs to be included in the affidavit.**

It is ordered that Verizon Wireless provide any and all account, subscriber, credit and billing information, Mobile Identification Number (MIN), Mobile Station Identification (MSID), International Mobile Subscriber Identity (IMSI), International Mobile Station Equipment Identity (IMEI), Electronic Serial Number (ESN) in Hex format, Mobile Equipment Identifier (MEID) and any and all electronic identifiers that are unique to cellular phone number of 603-722-7171.

It is ordered that Verizon Wireless provide records of all incoming and outgoing calls, texts (no content), and cell sites information for the previous thirty (30) day period and for 15 days subsequent to the issuance of this warrant for the device containing cellular phone number 603-722-7171.

It is ordered that Verizon Wireless furnish any historical records containing approximate locations, sometimes reflected with GPS coordinates and other engineering information, of the Target Device while in use. Common names and terms for these reports include but are not all inclusive of Range to Tower or Real Time Tool (RTT), Per Call Measurement Data or Reveal Report (PCMD), Network Event Location System (NELOS) or True Call report (not all inclusive) for thirty (30) days prior to this search warrant being authorized and extending fifteen (15) days thereafter.

It is ordered that Verizon Wireless shall provide precision location information, Mobile Locator functions or initiate a signal to determine the location of the subject's mobile device on the service provider's network (E911, pinging, GPS, facing or directional azimuth, ranging information, signal strength, etc.) or with such other reference points as may be reasonably available and at such intervals as directed by the Manchester Police Department and/or United States Marshals Service for a period of 15 days subsequent to the issuance of this search warrant.

It is ordered that any additional cellular numbers added to this account be included should the subscriber have performed a number change within the past thirty (30) days or attempt to change the aforementioned number during the period covered by this warrant.

Precision location may also be obtained by and provided to the Manchester Police and/or United States Marshals Service for the location of this cellular / wireless device by any other available methods, including utilization of a cell site simulator without geographical boundaries, for a period of 15 days subsequent to the issuance of this search warrant.

******The affidavit needs to articulate the PD is working the case with the United States Marshals Service.**

Example:

This detective is working in conjunction with Deputy William Tufts and Senior Inspector Joseph Norton of the United States Marshals Service ("USMS"). Senior Inspector Norton has over 15 years of experience conducting fugitive investigations by means of electronic surveillance.

******The CSS (Cell Site Simulator) language below also needs to be included in the affidavit.**

Your affiant also respectfully requests permission, if needed, for members of the Manchester Police and/or the United States Marshals Service or their designee to utilize a cellular phone locator device, also known as a cell site simulator, to assist investigators in determining the possible general location of the target phone without geographic limitations. This cell site simulator may need to be utilized in conjunction with cell site, GPS and/or cell site triangulation information received from the cellular provider in order to assist in narrowing the general location of the Target Phone within a cell site area or cell phone signal area and will aide investigators in conducting surveillance in the immediate area of the Target Phone and identifying information that may lead to apprehending the subject. This cell site simulator will capture signaling information being transmitted by the target phone while it is in the close proximate area of the Target Phone. The cell site simulator is not capable of intercepting or recording the content of any electronic or telephonic communication and will cause minimal interference in the immediate area of the Target Phone. The cell site simulator will capture electronic identifiers (not phone numbers or subscriber information) of other cell phones in the

immediate area of the Target Phone, however these identifiers will be deleted from the cell site simulator database and no investigative effort will be made towards anything relating to these.

From: Ryder, C. Brendan <CRyder@concordpolice.com>

Sent: Tuesday, October 11, 2022 9:03 PM

To: Tufts, William (USMS) <WTufts@usms.doj.gov>

Subject: [EXTERNAL] CSS Warrant

Bill, So the affidavit will show some notes on the side from our AG's office...you can disregard those.

Thanks, -Brendan

Detective C. Brendan Ryder
Criminal Investigation Division
Concord, NH Police Department
35 Green Street Concord, NH 03301
Phone: 603-230-3772
CRyder@concordpolice.com

EXHIBIT A3

STATE OF NEW HAMPSHIRE

MERRIMACK, SS
SUPERIOR COURT

Date: 10/12/2022

STATE'S MOTION TO SEAL

REFERENCE WARRANT: 716LoganCleggCSS10-11-2022

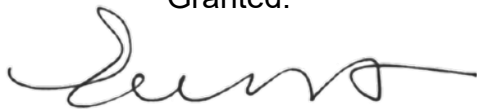
NOW COMES the State of New Hampshire, by and through Detective (Carleton) Brendan Ryder, a Police Detective for the City of Concord, New Hampshire, and respectfully requests this Honorable Court to seal the accompanying application for search warrant, the statement of probable cause in support of said search warrant, the search warrant and the return.

1. The above documents are sought in relation to an ongoing murder investigation. Premature disclosure of the information contained in such documents would likely compromise the integrity of the ongoing investigation.
2. This court has authority to seal these documents pursuant to RSA 595-A: 4.

WHEREFORE, the State respectfully requests that this Court:

- A. Seal the application for search warrant, the affidavit in support of such warrant, the search warrant, and return; and
- B. Grant such other relief as may be just and proper.

Granted.



Hon. Elizabeth M. Leonard
10/12/2022

Respectfully submitted,



Detective C. Brendan Ryder
Concord Police Department

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<https://www.courts.nh.gov>

PROBABLE CAUSE STATEMENT FOR SEARCH WARRANT

I, Detective C. Brendan Ryder declare under penalty of perjury:

1. I am employed by: The Concord Police Department as a Detective

2. I have information, based upon (Describe source, facts indicating reliability and credibility of source and nature of information. If based on personal knowledge, so state).

The information contained within this probable cause statement is a result of my direct involvement in this investigation and has included my reviewing reports, evidence, digital evidence, statements by witnesses, other police Officers, detectives, and by conversations I have had with the other officers, and detectives.

See additional page(s) for more information

3. Based upon the foregoing reliable information there is probable cause to believe that the property hereinafter described

Will provide information on the location of Logan Clegg (1/24/1996) who is wanted on an extraditable warrant out of Logan Utah and who is believed to be involved in the murders of Stephen and Djeswende Reid in Concord, NH

Verizon Phone Number (802) 598-8657

and may be found in the possession of

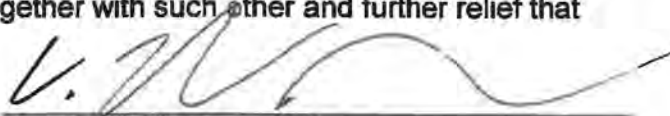
at premises located at Pending Cell Site Simulator Data

4. The property I intend to seize as a result of the issuance of a Search Warrant is the following:

See "Attachment "A"

Wherefore, I request that the court issue a warrant and order of seizure, authorizing the search of the above persons and /or premises and directing that if such property or evidence or any part thereof be found that it be seized and brought before the court; together with such other and further relief that the court may deem proper.

10/11/2022
Date


Signature of Officer
C. Brendan Ryder
Name of Officer

Signed under the penalty of perjury, the penalty for which may include a fine or imprisonment or both.

PROBABLE CAUSE STATEMENT FOR SEARCH WARRANT

Additional space for source description, facts indicating reliability and credibility of source and nature of information.

*Please see attached Statement of Probable Cause.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<https://www.courts.nh.gov>
SEARCH WARRANT

Warrant Name: 716LoganCleggCSS10-11-2022

To the sheriff, deputy sheriff, state police officer, constable, federal officer or police officer of any jurisdiction within the State of New Hampshire.

Proof by written statement under oath (supplemented by oral statements under oath) having been made this day by

Detective C. Brendan Ryder

(Names of person or persons whose signed the statement under oath)

that there is probable cause for believing that

Information as to the physical location of Logan Clegg (1/24/1996) who is wanted on an extraditable warrant out of Logan Utah and who is believed to be involved in the murders of Stephen and Djeswende Reid in Concord, NH

(Certain property which has been stolen, embezzled, or fraudulently obtained: OR is intended for use or has been used as he means of committing a crime: OR is contraband: OR is evidence of the crime to which probable cause upon which this search warrant is issued relates.)

may be found in the possession of Verizon Phone Number (802) 598-8657

at premises located Pending Cell Site Simulator Data
at

we therefore command you to make an immediate search
and locating of

The Verizon phone number (802) 598-8657, said number being utilized by Logan Clegg (1/24/1996)

and of the person of N/A

(Any identifiable individuals with respect to whom probable cause has been established by the Probable Cause statement)

in the daytime only OR in the daytime or nighttime

For the following property:

See "Attachment "A"

(Describe property)

and if you find any such property or any part thereof to bring it and the person in whose possession it is found before Merrimack County Superior Court (court having jurisdiction)

October 11, 2022

Date


Signature of Judge

Hon. Elizabeth M. Leonard

Name of Judge

I, (Carleton) Brendan Ryder, being duly sworn, do hereby depose and say:

I am a Detective with the Concord, New Hampshire Police Department, where I have been employed since August 25th, 2013. I was certified at the 162 New Hampshire Police Standards and Training Council Academy as a full-time law enforcement officer. I am a certified Intoxilyzer Operator, Long-Arm Officer, Evidence Technician, School Resource Officer, Mountain Bike Officer, and trained in Dignitary Security. Over the course of my employment I have conducted and participated in numerous investigations and arrests to include, thefts, criminal mischief, assaults, sexual assaults, missing persons, burglaries, robberies, attempted murder, murder, and the manufacturing/possession of child sexual abuse material. In the course of these investigations I have drafted both arrest and search warrants. I have also conferred with members of the Concord Police Computer Crimes Unit in the furtherance of my understanding of cellular phones and their ability to store data and indicate a user's location.

That as set forth below, the factual basis of the issuance of this warrant is based upon information obtained from this affiant's personal knowledge, observations, and beliefs, information provided to this affiant by other law enforcement officers, my training and experience, and the training and experience of other law enforcement officers assisting in this investigation. This statement does not contain every fact known to me or other investigators. Rather, it contains material information relevant to determining whether there is sufficient probable cause to believe that the crime of Homicide, RSA 630, has been committed.

As the result of an investigation conducted by the Concord Police Department, I have developed the probable cause outlined herein.

1. Initial Missing Persons Report: On Wednesday, April 20, 2022 at approximately 6:20 PM, the Concord Police Department was notified by a woman named Susan Forey (DOB 9/20/1961) that her brother, Stephen Reid (DOB 3/5/1955), and his wife Djeswende "Wendy" Reid (DOB 2/8/1956), were missing.
2. Susan reported that Stephen missed a tennis match with their brother that morning, which was out of character for him. Susan stated that family members then attempted to contact Stephen and Wendy via their cell phones, but got no response from either. Family members also responded to Stephen and Wendy's home at Building 14 Apartment 11 in the Alton Woods Apartment complex off of Loudon Road in Concord, NH, but found no signs of the couple.
3. Susan stated that the last contact her family had with Stephen was on the morning of Monday, April 18, 2022, via text message. Susan reported there were no known mental health issues, health issues, financial troubles, or history of domestic violence between Stephen and Wendy.
4. Officers Matthew Scheidel and KristieAnn DeSilvio responded to Alton Woods and conducted a consent search of Stephen and Wendy's apartment, which was located on the third floor of the apartment complex. They found that the apartment was neat and organized, with personal items left

behind, including two cell phones, wallets, and passports. They observed no signs of forced entry or disturbances, and both Stephen's and Wendy's vehicles were also found in the parking lot.

5. After the initial search of the apartment and building, members of the NH State Police and Concord Police Department conducted a canvass of the Alton Woods apartment complex, as well as the wooded areas directly adjacent, looking for any signs of Stephen and Wendy Reid.

6. First Contact "Arthur Kelly": While canvassing the wooded area east of the complex, at approximately 9:30 PM, investigators encountered a white male, 20-30 years old, clean shaven, with brown hair, who told them his name was "Arthur Kelly" and his date of birth was: 1/27/1992. Arthur was observed in a small tent approximately 100 meters into the woods. Officer DeSilvio called in Arthur's name and date of birth to CPD Dispatch, but no matching records were found.

7. Det. Garrett Lemoine explained to Arthur that they were searching the area for a missing couple. Arthur stated that he was just camping there for the night and was originally from the Boston area. Hearing this, Officer DeSilvio then requested that Dispatch check Arthur's name in Massachusetts records, but again no matches were found.

8. Arthur told Det. Lemoine that he left his tent earlier that morning and did not return until later in the afternoon. Arthur stated that he did not see anyone else in the area of his tent, and that he no longer wished to speak with the police. Arthur stated that he did not believe he was doing anything wrong, was only passing through the area, and did not want to answer any more questions.

9. Det. Lemoine asked Arthur one final question, specifically if Arthur had given his correct name and date of birth, and Arthur replied that he did. Detective Lemoine and Officer DeSilvio then left the area without further incident, in order to continue the search for the Reids. Det. Lemoine observed that Arthur had numerous Mountain Dew "Code Red" soda cans on the ground in and around his tent (Code Red is an alternate version of the soda, consisting of a red liquid typically in red soda cans).

10. Investigators found no signs of Stephen or Wendy that night, and it was agreed that detectives would continue the investigation during daylight hours on Thursday. At approximately 11:57 PM, Stephen and Wendy were entered into the NCIC system as Endangered Missing Persons.

11. Continued Search Efforts: On the morning of Thursday, April 21, 2022, the Concord Police Department and NH State Police responded back to the Alton Woods complex to continue the search for the Reids. Detectives conducted an intensive search of the apartment itself, while members of the Central New Hampshire Special Operations Unit (CNH-SOU) assisted with building canvasses and conducted line searches of the wooded areas. CPD Bike units and NHSP K-9 units were also called in to search nearby streets, parks, and other areas radiating outwards from Alton Woods.

12. In the afternoon hours, Concord PD and the NH State Police issued a press release requesting the public's help in locating Stephen and Djeswende Reid. Recent photos of the Reids were included, and their disappearance was covered in several local media outlets. Police asked for anyone with information to contact Concord PD or the Concord Regional Crimeline.

13. Detectives soon discovered that Stephen Reid's cell phone was not one of the two phones found in the apartment, and it was considered likely that Stephen brought his phone with him. Detective Alex Harbitz submitted an exigency request to Google, Inc. for location information related to Stephen's

Google account: iska23x@gmail.com. Google is known to collect location data from cell phone users who utilize Google software and services, and this data is typically connected to their Google account.

14. At approximately 5:10 PM, Google provided historical data showing Stephen Reid's cell phone location on April 18th. This data indicated that the phone left the area of the Reids' apartment complex at approximately 2:42 PM and arrived at the nearby Marsh Loop Trail at approximately 2:48 PM. Google indicated that the last GPS coordinates were obtained from Stephen's cell phone at approximately 3:47 PM, with an 11-meter accuracy measurement. These coordinates were determined to be in a wooded area off the Marsh Loop Trail, a popular city trail located near the Alton Woods complex.

15. The Marsh Loop Trail is part of the Broken Ground Trail System located on Portsmouth Street less than 0.5 miles from the Reids' apartment. The Marsh Loop Trail starts at a parking lot on Portsmouth Street, and continues in a grassy, cleared area under utility power lines before entering a wooded section about 0.3 miles later. There is a separate, established private trail leading from the Alton Woods complex to the Marsh Loop Trailhead, and the data points were consistent with the Reids taking that route.

16. At approximately 5:55 PM, Concord Police Detectives responded to the Marsh Loop Trailhead, along with NHSP K-9 Units, in order to search the area of the Google coordinates.

17. Discovery of Crime Scene: At approximately 6:14 PM, a NHSP Trooper indicated that his K-9 just took an interest in an apparent leaf/stick pile within the 11-meter radius of the Google coordinates. Upon closer look, the Trooper reported seeing the top of an apparent human head, specifically someone with African-American skin tone and black hair (consistent with Wendy Reid). There were no signs of movement or life, and it was obvious that the person covered by the leaves was deceased, indicating foul play.

18. A crime scene was immediately established, and it was not known if there were more potential bodies hidden in the pile. There were no obvious signs of blood in the area, nor were there any obvious drag marks or signs of a struggle. There was also no noticeable odor of death in the vicinity.

19. Over the course of several hours, Det. Nicole Murray and NHSP Trooper Tara Elsemiller processed the scene and discovered two bodies which were later positively identified as Stephen and Djeswende Reid. The bodies were found to be positioned in a natural depression (i.e. not a man-made hole), hidden under several inches of leaf and woodland debris.

20. It was believed that the suspect(s) covered the bodies and altered the crime scene, and it was considered unlikely that the victims would have been quickly discovered without the Google coordinates and K-9 units. Notably, Stephen's cell phone (i.e. the source of the coordinates) was not located with the bodies or within the vicinity.

21. Assistant Medical Examiner Ginger Chapman soon conducted an initial limited examination of the bodies. She advised that there was an apparent gunshot wound to each body, and further observed that the victims' clothing was bunched up in certain areas, consistent with having been dragged.

22. The bodies were soon transported from the scene to the Concord Hospital morgue for autopsy by the Office of the Chief Medical Examiner. After the bodies were removed, the scene was secured by CPD uniformed officers to await further processing during daylight hours.

23. On the morning of Friday, April 22, 2022, detectives returned to the Marsh Loop Trail scene to continue evidence collection efforts. Additional K-9 units were also brought in specializing in the detection of ballistics (bullets, shell casing, firearms, etc.), as well as the detection of mobile electronics (cell phones, flash drives, etc.).

24. At the morgue, Deputy Chief Medical Examiner Dr. Mitchell Weinberg conducted autopsies on Stephen and Wendy Reid and concluded that the cause of death for both was multiple gunshot wounds and that the manner of death was homicide. Dr. Weinberg concluded that Stephen suffered four gunshot wounds while Wendy suffered two gunshot wounds. Dr. Weinberg recovered multiple small bullet fragments and estimated that the bullets were smaller caliber, possibly in the .380 to 9mm range. Both Stephen and Wendy also suffered abrasions to their torsos, which corroborated that they were likely dragged.

25. At the trail scene, with assistance from the ballistics K-9, detectives discovered apparent bullet fragments and coagulated blood on the Marsh Loop Trail, about 80 feet from the recovery location. Investigators also located apparent ripped fabric on a log, which appeared to match the material of Wendy Reid's pants. Based on the autopsy results and evidence at the scene, detectives believed that the Reids were initially shot on the Marsh Loop Trail and then moved/dragged downhill to the recovery location afterward.

26. Despite exhaustive search efforts with the K-9 Electronics Sniffing Dog (ESD), as well as with metal detectors, no signs of Stephen Reid's cell phone were found within a roughly 100-meter area of the recovery location. Stephen's cell phone remains unaccounted for even now, more than four months after the homicides.

27. Revisit "Arthur Kelly's" Tent Site: In the afternoon hours of Friday, April 22nd, Sgt. Tom Yerkes directed Detectives Matt Doyon and Garrett Lemoine to return to the campsite near Alton Woods where "Arthur Kelly" was first observed on the night of April 20th. Sgt. Yerkes was concerned that this man was in the general vicinity of a double homicide and had given an apparently false name, leaving his true identity unknown. Det. Lemoine was the investigator who spoke with "Arthur" on Wednesday evening, and he therefore knew precisely where the tent was located.

28. Upon arrival at the tent site, Detectives Lemoine and Doyon discovered that the tent was now gone, as were all of the Mountain Dew Code Red soda cans previously observed on the ground. They searched the area but found no signs of "Arthur Kelly" or any apparent debris, garbage, or other remnants of his camp site. They found the situation unusual, as homeless campsites in Concord are typically abandoned with noticeable debris left behind.

29. Based on their suspicions, Detectives Lemoine and Doyon began a canvass of local stores known to sell the Mountain Dew Code Red soda. At the nearby Walmart, with assistance from Asset Protection Associates, they soon discovered video footage of a white male making a purchase of the soda on Wednesday, April 20, 2022, at approximately 2:40 PM, roughly seven hours before Lemoine's contact with "Arthur."

30. They observed that this male was similar in appearance to "Arthur Kelly," but could not be certain it was him as he wore a blue bandana covering the lower part of his face. In addition to the bandana, the unidentified male was wearing dark pants, dark boots, a blue jacket, and an apparent black leather baseball hat. The male was also carrying a black backpack with a distinct white mark on the back.

31. In addition to the Mountain Dew Code Red, the male bought small grocery items, which he paid for with cash at a self-serve register. The male never removed his bandana while in the store and was last seen walking towards the area of Harbor Freight, which is consistent with a route which would lead to the Alton Woods area.

32. Detectives Lemoine and Doyon noted that the male first arrived at Walmart on a Concord Area Transit (CAT) Bus. They then contacted Concord Area Transit and reviewed surveillance footage from that bus, which revealed that the male got on the bus at Eagle Square on N. Main Street at approximately 2:06 PM on Wednesday, April 20, 2022. The male kept the blue bandana covering his face during the entire bus ride. The male did not interact with any other persons while on the bus, and simply stared out the window for the duration of the trip. The CAT Bus is presently free for all riders and no identification is required to ride the bus.

33. With no further leads available at that time to identify the male, Detectives Lemoine and Doyon continued with other investigative efforts. This male was referred to as the "Mountain Dew Man," and it could not be confirmed that he was the same man who identified himself as "Arthur Kelly."

34. Witness Statements: Throughout the day on Friday April 22, 2022, local media outlets began reporting that Concord police were investigating suspicious deaths on the Marsh Loop Trail. In the later afternoon hours, the NH Attorney General's Office issued a press release confirming that Stephen and Djeswende Reid were the victims of a double homicide. The matter received widespread media attention throughout the New England area, and the public was again requested to contact Concord PD or the Concord Regional Crimeline with any information about the couple.

35. At approximately 2:25 PM, Det. Paul Shaughnessy interviewed a woman named Nan Nutt (DOB 4/13/1947), who called Concord PD in response to the media attention. Nan stated that earlier in the week she went for a hike with her two dogs on the Marsh Loop Trail. Nan stated that while still under the power lines, she was passed by a couple consisting of a white male and black female, whom she now believed to be Stephen and Wendy Reid. Nan stated that the Reids were hiking at a faster pace than her, so she moved her dogs off the trail to let the couple pass.

36. Nan stated that the couple were appropriately dressed for hiking, were relaxed and chatting with each other, and showed no signs of any distress. She stated that she last saw the couple as they entered the wooded section of the Marsh Loop Trail a short distance ahead of her.

37. Nan stated that she entered the wooded section after the couple, and within five to ten minutes she suddenly heard five gunshots. Nan believed that these shots came from a handgun as opposed to a rifle, and they sounded very close to her location. Nan stated that she and her dogs were startled and she was initially reluctant to continue the hike, but ultimately continued down the trail.

38. Nan stated that minutes later, she saw a young man standing on the trail looking into the woods to her right (which was consistent with the side of the trail where the Reids were later discovered). Nan stated that the male stood on the trail for a while, and looked back and forth at her and at the woods. Nan stated that as she continued to walk northbound towards the man, he began to walk southbound towards her (as though he was leaving the wooded section of the trail heading towards the parking lot). Nan stated that the man passed by her without saying anything. She stated that after she passed him, at one point she turned to look back at him and found that he was looking at her. Nan stated that she turned to continue walking and never saw the man after that point. Nan advised that she did not see any firearms or related objects to explain the shots she heard, nor did she see anything out of the ordinary in the woods where the male was looking.

39. Nan stated that the male seemed out of place and not like a typical hiker. She gave the following physical description:

- White male
- Late twenties to early thirties
- Approximately 5'10"
- Slender build
- Short brown hair
- Clean-shaven
- Gave the appearance of being a "street person" or homeless

40. Nan stated that the male was dressed casually, and provided the following clothing description:

- Dark-blue jacket or hoodie
- Khakis
- Black backpack
- Carried a brown, plastic bag (grocery bag - similar to Market Basket) - This bag appeared full of items and appeared heavy. Nan noticed a circular object that appeared to protrude through the plastic that reminded her of a can or a jar.

41. Based on Nan's statement along with the location data later recovered from her phone, we developed a specific timeline of events related to the Reids' homicides. The data established that Nan's hike started on Monday, April 18, 2022, at approximately 2:48 PM, that she was passed by the Reids at approximately 2:50 PM, and that she entered the wooded section of the trail (where she later heard five shots) at 2:54 PM. The data further showed that Nan arrived at the trail crime scene (where the blood and bullet fragments were recovered) at 2:59 PM, but did not see any bodies lying on the trail. This

provided a very limited window of time from about 2:54 PM to 2:59 PM for the shooting and movement of bodies to occur.

42. Based on the above facts, we considered it highly likely that the white male Nan Nutt encountered on the Marsh Loop Trail was directly involved with the killings of Stephen and Wendy Reid. He was loosely referred to as "Nan's Suspect" for tentative identification purposes.

43. In addition to Nan Nutt, a witness named Allan Schwarz (DOB 5/10/1945) reported that he also heard five gun shots while hiking on the Broken Ground Trails on Monday, April 18, 2022. Allan stated that towards the end of his hike while on the Marsh Loop Trail section, he saw four spent shell casings on the ground. Allan stated that he looked in the woods on both sides of the trail, but did not see anything out of the ordinary.

44. Allan personally showed detectives his approximate location where he saw the shell casings. No shell casings were located in the area during the extensive search process on April 22nd through April 23rd, even with the use of ballistics K-9 and metal detectors.

45. Despite widespread media attention, public awareness, and investigative follow-up, no suspects were identified in the first few weeks of the investigation. On May 17, 2022, the NH Attorney General's Office publicly released a sketch of "Nan's Suspect," which was created by an FBI sketch artist who conferred with Nan Nutt. We subsequently received dozens of tips from citizens, but none resulted in the positive identification of the male. It was noted that no male party ever came forward to identify themselves as the person in the sketch or the person seen on the trail that day, adding to our belief that this man was directly involved with the murders.

46. On Friday, May 20, 2022, during a revisit of the crime scene, two spent bullet shell casings were recovered on the trail about five feet from the spot where the shooting was believed to occur. These shell casings were marked "Sig Luger 9mm" on the bottom, which was within the estimated size range of the bullets which killed the Reids. The shell casings were later submitted to the NHSP Forensic Lab for analysis, and it was determined that they were fired by the same gun.

47. Over the course of several additional weeks, the investigation transitioned to a long-term effort, during which information from multiple sources slowly developed into a theory that pointed to a potential suspect, as described below:

48. Reports of Unidentified Man in the Marsh Loop Woods: Following the release of the suspect sketch, we received numerous credible reports regarding a distinct, unidentified white male who was frequently seen on the Broken Ground Trails. The male was seen regularly in the weeks and months before the homicides occurred, but was not seen afterwards. Multiple examples follow:

49. Local resident Rosie Cain (DOB 5/12/1972) reported that on multiple occasions she saw a male resembling the suspect sketch walking from Portsmouth Street up the Marsh Loop Trail under the power lines. Rosie stated that she first saw the male in late fall 2021 and that she last saw him approximately two weeks before the Reids' homicides. Rosie stated that the male was always walking on foot and often entering the trails just as it was getting dark out, which she thought was odd. Rosie considered that the male was homeless and living in the area, but stated that he appeared clean and did not look homeless.

50. Rosie stated that the male was always wearing dark-colored clothing, and that she never saw any firearms, suspicious items, or vehicles in the area. Rosie recalled that on one occasion she said hi to the male as she passed him, but he stared straight ahead without making eye contact or replying to her. Rosie stated that she had not seen the male since the news reports of the murders.

51. Another local resident, Tamara Hatcher (DOB 9/8/1965), reported that she saw a clean-shaven white male, approximately 25-35 years old, on the Broken Ground Trails who seemed out of place as he was under-dressed for the weather. Tamara stated that she saw the male on two separate occasions, with the first incident occurring on an extremely cold day during the winter. Tamara recalled that the man was only wearing jeans and a jean jacket, with his hands in his pockets, hunched over like he was freezing, and that he made her feel nervous. Tamara stated that she said hi to the man, but he only nodded and walked past her.

52. Tamara stated that the second encounter took place around March 2022, on a section of trail closest to Curtisville Road. Tamara stated that she was walking her dog when she heard a noise and realized a man was on the trail in front of her. She recognized it to be the same man she saw on the freezing day, and she opted to turn around and return to Curtisville Road rather than to pass the man in the woods alone. Tamara stated that she was reminded of this man when she later saw the suspect sketch, but thought the man's hair was different than what was depicted in the sketch.

53. Another local resident, Cindy Pulkkinen (DOB 1/20/1959), reported that she observed a white male resembling the suspect sketch walking on the Broken Ground Trails on two separate occasions around March 2022. Cindy described the male as white, light brown hair in a buzz cut, light eyes, around late 20's to early 30's. She stated that he had a thin, athletic build and was clean shaven.

54. Cindy stated that in her first sighting, the male was carrying an Amazon package into the woods, which was odd behavior which led her to believe he was homeless. Cindy stated that the male was yelling to himself and appeared agitated. Cindy stated that she asked the man how he was doing, and he stated "oh great" in an annoyed tone of voice.

55. Cindy stated that on a second occasion, the male was walking on the trail near the back of Cranmore Ridge toward the Marsh Loop Trail. Cindy stated that the male was carrying two plastic shopping bags and was screaming to himself. Cindy stated that once the male noticed her, he stopped screaming and stared at the ground to avoid eye contact. Cindy stated that the male was wearing a windbreaker with tan/light green pants. Cindy theorized that the male had mental health issues, and was possibly schizophrenic.

56. Another local resident, Male Juvenile ("MJ") (DOB 4/22/08), reported that he saw a "sketchy" male on the Marsh Loop Trail during the last week of March 2022. MJ stated that he was riding his bike through the wooded section, when he saw a white male, approximately 30's to 40's, about 6'00" tall, clean shaven, brown hair, wearing a brown leather vest, black cargo pants, a black baseball cap, wearing a black backpack and carrying a grocery bag from Shaw's or Market Basket. MJ hesitated before passing the man without incident. MJ added that he saw the suspect sketch and believed that this was the same man he saw in March.

57. Another local resident, Wilson Townsend (DOB 10/7/1964), reported that he encountered an unusual man on the trails on the afternoon of April 12, 2022 (six days before the homicides). Wilson stated that he saw the man on a trail leading from Cranmore Ridge to the Broken Ground Trails. Wilson stated that the male was in his 30's or 40's, wearing dark pants, a dark coat, and carrying a sleek black backpack. Wilson stated that the man had on black "business casual" shoes. Wilson stated that the male's clothing didn't fit in, and was not normal hiking attire. Wilson recalled that the man was about 5'10", light to medium build, with dark hair and a "high forehead." Wilson stated that the man looked like a "city person," not a homeless person. Wilson further stated that he said "hi" to the man, but the man did not respond. Wilson stated that he never saw this man before or after that date.

58. Another local resident, Linda Letourneau (DOB 8/9/1957), reported that she saw a male resembling the suspect sketch while she was visiting the Broken Ground Trails on April 14 (four days before the homicides). Linda stated that she first saw the male as he was staring at the Beaver Pond while standing on Curtisville Rd. (at the northern section of the trails). Linda stated that she was driving to the parking lot to grab a dog waste bag she accidentally left behind earlier that day. She recalled that the male deliberately avoided looking at her as she passed. She stated that the male then started walking towards the parking lot and later suddenly appeared standing directly behind her car as she prepared to leave. She stated that the male's unusual actions made her nervous enough that she actually called Concord PD once she cleared the area.

59. Det. Brown later confirmed that Linda Letourneau called Concord PD at around 5:10 PM on April 14th, to report a suspicious male. Linda described the male as a white male wearing a blue jacket, with white hat, between 30-40 years old, with dark hair. Linda expressed concern that the man was acting weird and that there were kids walking towards his area. The man was gone on arrival when officers were later able to respond.

60. Although none of the individuals above had any photographs or video of the suspicious male, there were numerous commonalities in description and behavior leading us to believe that they were referring to the same person, whom we suspected was living at an unknown location in the woods of the Broken Ground Trails. In addition, we found it noteworthy that two of the witnesses described seeing the white male carrying plastic grocery bags while on the trails. It was not publicly known that "Nan's Suspect" was carrying a grocery bag at the time of the homicides, which was an unusual detail that added credibility to their accounts.

61. Discovery of Burnt Tent Site: Early in the investigation, Detective Nicole Murray and Det. Brown spoke with a man named Steven Hatcher (DOB 5/7/1963), another local resident who regularly walks the Broken Ground Trails. Steven advised that on or about January 10, 2022, he first spotted a single tent in a secluded area near the power lines (about 1/3 mile from the Marsh Loop Trail crime scene). Steven stated that he reported the tent to Concord PD as a possible homeless camp, but was not able to walk them to the site that day (officers later responded but were unable to locate the tent).

62. Steven stated that from that point on, every time he walked along the trail he specifically looked for the tent and noted to himself that it was still there. Steven recalled that the tent had a green camouflage pattern, possibly with a brown tarp over it. Steven stated that he saw the tent regularly from January through April 2022, but never saw a person at or near it.

63. Steven stated that on Friday, April 15, 2022 (3 days before the murders), he observed from a different vantage point what he thought was a second tent in the same area. Steven advised that he called Concord PD again that day and walked two uniformed officers to the vicinity, but did not know the outcome of their response. Steven stated that approximately one week later (around April 22, 2022), he noticed that both tents were gone.

64. Steven walked Det. Murray and Det. Brown to the location where he saw the first tent. At this site, they observed dozens of small propane tanks which appeared burnt. The propane tanks were in the general shape of a square, and burnt tent poles were visible, consistent with a tent full of propane tanks that was burned at some point in the past. Det. Murray and Det. Brown also observed burnt soda cans, pots, and apparent heating/cooking equipment within the footprint of the tent. Det. Brown took photographs of the site, but did not touch or alter it. This site will be referred to hereinafter as the Burnt Tent Site.

65. Steven reported that he believed the tent and propane tanks were burnt prior to the homicides, initially leading us to believe that they were unrelated to the investigation. After learning of the unidentified white male possibly living in the Broken Ground Trail woods, we began to consider that this may have been his campsite. We then attempted to determine a specific time frame when the tent was burnt.

66. In August 2022, Det. Brown conferred with Officer Brian Cregg, who was one of the two officers who responded to the tent site on April 15, 2022. Ofc. Cregg advised that there were no burnt propane tanks at this site when he saw it. Ofc. Cregg recalled that there was a single tent with the tent door locked with a small padlock. Ofc. Cregg recalled that there was a single pair of worn brown boots outside the tent, and that the site was clean/well-kept. Ofc. Cregg stated that he was certain that there were no burnt propane tanks on the ground, though he did not know what was kept inside the tent. Ofc. Cregg added that he searched for a second tent that day, but never found one. Based on Ofc. Cregg's observations, we were confident that the tent site was not burned prior to April 15th.

67. Detective Danika Gorham and Det. Brown later learned additional information about the Burnt Tent Site from a local resident named Eliseo Medina (DOB 5/13/1983). Eliseo stated that on April 20, 2022, (two days after the homicides), he was hiking the Broken Ground Trails when he wandered off trail looking for a place to go to the bathroom. Eliseo stated that he unexpectedly discovered a pile of small propane tanks which appeared to have been recently burnt. Eliseo stated that he looked up and saw fire damage to the tree above the tanks, leading him to believe that the tanks were burnt 1 or 2 days earlier. Eliseo took pictures of the site that day, which he shared with Det. Brown. The pictures showed a site Det. Brown recognized as the Burnt Tent Site with a date/time stamp of April 20, 2022, at 3:59 PM.

68. Based on the credible information from Officer Cregg and Eliseo Medina, we came to believe that the tent and propane tanks were burned between April 15th and April 20th, a short window of time which included the date of the murders. In our training and experience, this increased the likelihood that the Burnt Tent Site was related to the April 18th murders.

69. As our suspicions increased, on July 19, 2022, Detectives Steven Carter, Garrett Lemoine, Wade Brown and I responded back to the Burnt Tent Site for possible evidence recovery. Wearing gloves, we located, separated, and tallied various fire-damaged items, to include 155 small propane tanks, 47 soda cans (Mountain Dew & Coca Cola), tent/tarp/sleeping bag remnants, three apparent pots, pieces of heating/cooking equipment, various remnants of plastic shopping bags (Walmart, Target, Hannaford), two socks, one t-shirt, one melted Mountain Dew plastic bottle, ten foreign coins (later determined to be one-cent, two-cent, and five-cent Euro coins), and several pieces of silverware and small knife blades. We also observed remnants of food packaging, cans, glass jars, mugs, and apparent glass droppers (initially thought to be smoking devices).

70. We seized limited items for possible lab testing, to include the clothing remnants, possible smoking devices, coins, silverware, and two small plastic propane tank caps. Over the next few weeks, after continued follow-up and conferral, detectives returned to the site and collected additional items including the sleeping bag, tent, and tarp remnants, propane tanks with smooth surfaces, plastic bag remnants, and glass jars. We also collected pieces and reassembled two separate camp stove/heaters, which were later found online where it was confirmed that they use propane tanks as their main fuel source.

71. Based on the extensive reviews of the site, we came to believe that this campsite was used by an unidentified individual who utilized small propane tanks for heating/cooking purposes. Given the volume of propane tanks, it was believed that the individual was likely there for weeks or months before vacating the site between April 15th and April 20th. We noted that this time frame was consistent with the reports of the unidentified white male frequently encountered on the Broken Ground Trails.

72. Additional Surveillance Footage of "Mountain Dew Man": In July 2022, Det. Brown was reviewing surveillance footage from the Shaw's Supermarket as captured on the day of the murders, when he discovered a white male leaving the Shaw's store at approximately 2:29 PM (less than 30 minutes before the homicides). The male was wearing dark pants, dark boots, a blue jacket, an apparent black leather baseball hat, with a blue bandana covering the lower part of his face. The male was also carrying a black backpack with a distinct white mark on the back. Det. Brown recognized the male as the "Mountain Dew Man" found by Detectives Lemoine and Doyon in Walmart footage purchasing Mountain Dew Code Red soda.

73. Det. Brown observed that "Mountain Dew Man" (hereinafter "MDM") was carrying a brown Shaw's shopping bag with an apparent cylinder-shaped object inside. Det. Brown showed the footage to Det. Gorham, and they agreed that MDM was largely consistent with "Nan's Suspect," (to include carrying a brown shopping bag with objects inside), with the primary difference being that he wore dark pants as opposed to tan pants.

74. Det. Gorham then responded to Shaw's to personally review additional footage of MDM to determine what was purchased. She noted that MDM bought a 2-liter bottle of Mountain Dew (the green version), as well as a rotisserie chicken, which he paid for with cash at a self-serve register. She found that MDM entered the store at 2:19 PM, which was consistent with the CAT Bus arrival time for the Shaw's stop (though there are no cameras covering the bus stop).

75. As in Walmart, Det. Gorham found that MDM never removed his bandana while in the store. MDM did remove the bandana after he exited the store and was walking through the Shaw's parking lot (facing away from the cameras). MDM was last seen at approximately 2:32 PM crossing Loudon Road and accessing a known trail which cuts through the Alton Woods complex and ultimately leads to the Marsh Loop Trail. [Note: This is the same trail believed to have been used by the Reids to get from their apartment to the Marsh Loop Trail.]

76. Later that day, Det. walked from the MDM's last location observed on the Shaw's surveillance all the way to the Marsh Loop Trail and then to the crime scene. Det. Brown found that there was adequate time for a person walking that route to arrive at the crime scene before the murders occurred. Det. Brown also determined that this would be a logical route for a person to take if they were camping at the Burnt Tent Site. Based on this information, Det. Gorham and Det. Brown focused their efforts on locating additional footage of MDM at Walmart, Shaw's, or within any other video we recovered.

77. In a related effort, based on our observations at the Burnt Tent Site, Det. Brown and Det. Gorham responded to Walmart to determine if Asset Protection Associates could search for the sales of small propane tanks. Given the large number of tanks at the site (155), we considered that Walmart was a likely source for the tanks and that searching for said sales could help identify the person who lived at the site.

78. Upon mentioning propane tank sales, APA Sanjay Darjee (DOB 9/8/98) stated that he recalled one particular person who always came in and bought small propane tanks during the winter months. Sanjay stated that it was a white male, early 30's, who always wore a black baseball hat and a black backpack. Sanjay also stated that the man wore a bandana mask, and that the man would get the propane tanks first before heading to the grocery section. Sanjay stated that the man always used the self-serve checkouts and never interacted with other guests.

79. APA Savanna Clemons (DOB 2/10/1997) pulled up the video she previously obtained of MDM for Detective Lemoine, and Sanjay confirmed that this was the male he was referring to. Savanna began searching for propane tank sales and reviewing corresponding video, and quickly discovered two incidents where MDM purchased propane tanks and small groceries in January and February 2022. MDM wore the same clothes previously observed, except that the black backpack appeared to be different (no distinct white mark on the back). MDM's face was covered with apparent cloth masks in both incidents, and he again paid with cash.

80. Based on these results, Det. Gorham subsequently spent several days at Walmart searching for additional footage of MDM. She ultimately located approximately 40 separate transactions involving MDM, which were made between November 2021 and April 2022. This time frame was consistent with the sightings of the unknown white male on the Broken Ground Trails, adding to our suspicion that MDM was that male. MDM consistently wore a mask over his face, and he consistently paid with either cash or pre-paid debit cards (i.e. payment methods that do not reveal his identity). MDM was consistently observed leaving the store carrying plastic shopping bags in his hands, walking towards the direction of Alton Woods. This search continues, but a tentative timeline has been developed with key observations noted below:

81. The earliest transaction involving MDM (found thus far) occurred on November 28, 2021, when he purchased a four-person tent and a wrist watch at Walmart. MDM appeared to wear the same outfit he wore on April 18th, except that he wore an apparent paper mask instead of the blue bandana. A few days later, MDM purchased a green camouflage tarp at Walmart, followed by socks, black khaki pants, thermal underwear and beef stew. [Note: the green camouflage tarp was consistent with Steven Hatcher's description of the tent he observed at the Burnt Tent Site.]

82. On December 22, 2021, MDM purchased two more green camouflage tarps along with small propane tanks, strongly suggesting that he possessed equipment that used propane tanks. From that point on, MDM was found to regularly purchase multiple small propane tanks at Walmart, with the volume appearing to increase during the colder weeks of January/February. Det. Gorham tallied all of the Walmart propane tank purchases found thus far, which added up to 114 small propane tanks (a significant portion of the 155 observed at the Burnt Tent Site).

83. MDM was also found to regularly purchase Mountain Dew, Coca Cola, Blue Bunny ice cream, lighters, cooking pots, trash bags, glass food storage containers, and mouse traps between December 2021 and April 2022. MDM also frequently purchased raw pork chops, ground beef, chicken, and mac & cheese, indicating to us that he had the ability to cook these items – consistent with the heating/cooking equipment and pots recovered from the Burnt Tent Site. We noted that some of these items were visually identical or had the matching UPC number as items/packaging recovered at the Burnt Tent Site.

84. On Friday, April 15, 2022 (three days before the murders). MDM purchased a 12-pack box of green Mountain Dew, as well as a rotisserie chicken, and was last seen walking towards Harbor Freight. MDM was observed to arrive via the CAT Bus at 2:34 PM, which is believed to be the same bus used on 4/18 and 4/20. MDM again wore the same outfit, to include the black backpack and blue bandana covering his face.

85. On Monday, April 18, 2022, (the day of the murders) MDM was observed in the Shaw's footage previously described in paragraph 72, last seen heading towards the Alton Woods trail at 3:32 PM.

86. On the morning of Tuesday, April 19, 2022 (less than 24 hours after the murders), MDM made an unusual purchase that we suspected was directly related to the homicides and Burnt Tent Site; specifically, he purchased a new three-person tent, a sleeping bag, and a bottle of 91% rubbing alcohol. Det. Brown is aware based on his training and experience that rubbing alcohol could be used to clean blood or bodily fluids from certain surfaces, and can also be used as an accelerant or fuel. Also, based on Det. Brown's training and experience, he strongly suspected that the new tent and sleeping bag could indicate that MDM's existing tent and sleeping bag were abandoned or destroyed, possibly to destroy trace evidence after the homicides.

87. MDM paid for the above items with a \$100 bill at a self-serve register. MDM's backpack appeared noticeably bulkier than previous appearances, possibly indicating more items stored inside. MDM was last seen headed towards Harbor Freight, consistent with a route which would take him to the Alton Woods campsite.

88. Unlike all other transactions found, MDM was not wearing a blue bandana or any type of mask over his face on April 19th. This was another unusual distinction that was considered to be related to the homicides, possibly indicating that the bandana had obvious blood or evidentiary material on it. MDM

did appear to cover his face with his hands when walking past certain obvious surveillance cameras, or otherwise looked down. We isolated a few still images depicting MDM's face, and noted that he was clean shaven and generally resembled the suspect sketch (though his hair appeared shorter).

89. We further noted that this transaction occurred one day before Lemoine and DeSilvio encountered "Arthur Kelly" in a tent in the woods of the Alton Woods complex. We considered that MDM set up his new tent at Alton Woods after the destruction of his former site, physically distancing himself from the crime scene but remaining close enough to check on it and continue efforts to obscure it. Det. Brown later showed Detective Lemoine a photo of the tent purchased by MDM on April 19th. Det. Lemoine stated that he believed that this was the same model tent he observed "Arthur Kelly" in on April 20th.

90. On Wednesday, April 20, 2022, MDM was observed purchasing the 12-pack of Mountain Dew Code Red soda previously described, last seen heading towards Harbor Freight (consistent with the direction of Alton Woods). Again, that transaction occurred roughly seven hours before Det. Lemoine's contact with "Arthur Kelly" in the tent.

91. Of particular relevance, we have found no surveillance footage or store transactions involving MDM after April 20, 2022 - consistent with MDM abruptly changing his behavior and/or leaving the area following his contact with Detective Lemoine and Officer DeSilvio.

92. Additional follow-up has shown that no agency in the United States conducted a name check on Arthur Kelly (DOB 1/27/1992) prior to Concord PD on April 20th (there were checks after that date which we believe were related to our requests for records searches). Federal agencies (HSI & FBI) also conducted separate checks of Arthur Kelly in their records with no matches found. In addition, civilian records searches have found no potential matches, all of which adds credibility to the belief that Arthur Kelly is a false identity.

93. Det. Brown later compiled several still images from the surveillance footage depicting MDM with and without the mask, which he showed to dozens of employers in the Concord area. Det. Brown also showed the images to representatives at the Homeless Resource Center, laundromats, gyms, banks, and libraries in the vicinity, and distributed them to New England law enforcement agencies through the NH Intelligence Analysis Center. Although a few people recalled seeing a similar-looking person, no one was able to identify this individual or provide any new details about him.

94. Recovery of Ballistics Evidence: On Thursday, August 25, 2022, based on mounting evidence, Lt. Marc McGonagle directed a team of CPD detectives to return to the Burnt Tent Site to search, recover, and seize any and all remaining (non-natural) items as part of continued efforts to learn MDM's true identity. On that date, we recovered all remaining propane tanks, soda cans, food packaging, tin foil remnants, glass from a dish, bowl, and food storage container, a mouse trap, burnt remnants of a cell phone, and additional small value Euro coins. [Note: The cell phone remnants were later examined and determined not to match Stephen Reid's missing cell phone.]

95. Of particular relevance, using a CPD metal detector Detectives Murray and Gorham located and recovered a spent shell casing marked "Sig Luger 9mm," within the debris inside the original tent footprint. This was known to be the same markings found on the two shell casings recovered at the Marsh Loop Trail crime scene on May 20, 2022.

96. About 15 feet from the tent footprint, Detectives Murray and Gorham located an additional eight spent shell casings which were all marked "Sig Luger 9mm." These casings were located in separate spots a few feet from one another, which is consistent with ejection patterns when target shooting from the same general spot. We observed that an apparent natural clearing created a "firing lane," and multiple trees were located downrange from this spot with apparent bullet defects (i.e. scars or marks consistent with the trajectory path of a bullet).

97. On Tuesday, August 30, 2022, and again on Wednesday, August 31, 2022, Detectives Murray, Gorham, Carter, and Brown returned to the Burnt Tent Site and the Marsh Loop Trail crime scene with an additional metal detector borrowed from NH Fish & Game. This metal detector was found to be particularly sensitive to ballistics, and they soon located 10 additional spent shell casings at the Burnt Tent Site, in the same area where eight casings were previously found. All 10 spent shell casings were marked "Sig Luger 9mm." They also located and recovered a spent bullet (i.e. the actual metal object propelled out of a gun) at the Burnt Tent Site, a few inches underground and downrange from the spent shell casings. This bullet was consistent in size with a 9mm, and we believe it likely originated from one of the spent shell casings.

98. After the results at the Burnt Tent Site, investigators responded back to the Marsh Loop Trail crime scene to use the NH Fish & Game metal detector there. Over the course of several hours, they located and recovered three spent bullets approximately 8-10 inches underground on the trail itself. These bullets were consistent in size with 9mm rounds and appeared visually similar to the bullet found at the Burnt Tent Site. The bullets were located in the same area where coagulated blood and bullet fragments were previously found, making it highly probable that they were fired during the shooting and may have passed through the Reids on that date.

99. Select pieces of this ballistics evidence have been submitted to the NHSP Forensic Lab for additional testing and comparison, with results expected to take several days or weeks.

100. Based on the totality of the investigation to this date, there is probable cause to believe that MDM was the man living at the Burnt Tent Site from roughly November 2021 through April 19, 2022, as encountered by multiple residents. We further have probable cause to believe that he was the same male observed by Nan Nutt at the crime scene minutes after she heard the shots, whom there is probable cause to believe was directly involved with the murders. In addition, there is probable cause to believe that MDM was the same male at the Alton Woods tent site who gave the name "Arthur Kelly" to Detective Lemoine on the night of April 20th. This man has not been seen since. It was therefore of utmost importance that MDM be positively identified as quickly as possible, leading us to seek any and all information about the prepaid debit cards used by MDM in several Walmart transactions.

101. Prepaid Debit Card Usage: In her review of Walmart records, Det. Gorham discovered twelve separate transactions where MDM paid with five different apparent credit or debit cards. It was first considered that MDM may have accidentally revealed his identity by using his own bank-issued credit or debit card, but it was soon discovered that these were actually pre-paid debit cards. Such cards can be purchased without any identification credentials, and are not typically linked to a particular person's identity or bank account. It should be noted that Walmart receipts do not contain the full debit card number, but only the first six digits and last four digits.

102. The first six numbers of a credit/debit card are known as the Bank Identification Number (BIN), which identifies the originating bank or financial institution. Using multiple reliable websites to search BIN number details, we identified three cards as belonging to MetaBank Payment Systems (hereinafter "MetaBank") located in Sioux Falls, South Dakota. The last two cards were identified as belonging to Sutton Bank, located in Attica, Ohio.

103. Although Prepaid and Gift cards are generally not connected to a particular person's identity or bank account, I am aware from my training and experience that there are details associated with these cards which can be used to help identify the person(s) using them. These details include full transaction history showing the date, time, location, and amount of other purchases made with the card, which can lead to other potential witnesses, surveillance footage, or personal information not yet known about the suspect. Other details include the original purchase date and location of the card itself, along with the payment type (e.g. cash, check, bank-issued credit/debit card, etc.). Said information can be used to identify the person who originally purchased the prepaid/gift card, which may or may not be the same person who ultimately used it. Some institutions may also collect and record Internet Protocol addresses for online access to the card (e.g. checking the card balance online, etc.).

104. It should be noted that Det. Gorham has accounted for many items purchased by MDM at Walmart, which were later found at the burnt tent site, but there are a few specific items not yet located. For example, we recovered two separate propane heater/stoves from the Burnt Tent Site, neither of which are sold in Walmart's physical stores. One stove/heater was identified as the Campy Gear Chubby 2 in 1 Portable Propane Heater & Stove, which appears to be primarily sold through Amazon. The second stove/heater was identified as the Mr. Heater Propane Heater/Cooker. This item was available through Walmart's online store, as well as through Amazon, Bass Pro Shops, and other outdoor stores.

105. Investigators also identified the distinct military-style backpack worn by MDM as the Military Tactical Outdoor Backpack manufactured by a company called LHI. According to Det. Gorham's review, this backpack first appeared in MDM's custody in April 2022. This backpack was found to be sold through Amazon and other outdoor-related websites, but does not appear to be sold at Walmart or local stores.

106. I am aware from my training and experience that a prepaid credit card can be used to make online purchases, to include from Amazon, without the need for actual credentials (e.g. photo identification, date of birth, etc.). Amazon also allows items to be shipped to designated pickup locations (there are at least four locations in Concord), which again do not require the buyer's home address or legitimate name to pick up (the customer either uses an app to interact with an automated Amazon locker, or they show a barcode and six-digit number to an employee to verify the purchase and claim their item). It is therefore considered that MDM could use any of the above Debit Gift cards to make online purchases which he then picked up in Concord.

107. Debit Gift Card Results: On September 8, 2022, Det. Brown sought and obtained search warrants for MetaBank and Sutton Bank for certain information about the usage and user(s) of the above-mentioned gift cards, which he served to them through their designated email addresses. Sutton Bank responded the same day and advised that they were unable to locate records without the full 16-digit

card numbers, due to limitations with the Vanilla gift card system. They referred me to Vanilla's parent company and/or Walmart Corporate to obtain the full card numbers, which they could then use to obtain the records.

108. On September 12, 2022, MetaBank provided the requested information for the three cards under their control. In contrast with Sutton Bank, MetaBank was able to provide the full credit card numbers, the activation date, and the full balance and transaction history for each of the cards. Det. Brown noted the following relevant observations concerning the MetaBank cards:

109. Between November 29, 2021, and April 20, 2022, the user of the cards bearing numbers "5113 3200 3589 6278" and "4358 8094 1367 0765" made twenty-three attempted or completed transactions with Amazon.com. Some of these transactions appeared to have failed, due to a zero-balance remaining on the card, while other transactions appeared successful. The exact details of the purchases were not known, but from training and experience it is believed that Amazon maintains said details which include the products purchased, the shipping/pickup location, and any user credentials or information provided. This information can be identified by Amazon using the full credit card numbers MetaBank provided. It is further believed that Amazon can then identify any user accounts affiliated with those credit cards, and provide additional transaction and user information for those accounts.

110. Some of the transactions were noted as "Amazon Prime Pmts," consistent with the user purchasing an Amazon Prime membership. Prime membership features additional benefits, such as access to video, music, video game streaming apps, discount shopping, photo storage, membership sharing, free shipping, and various digital reading resources. Such details can provide additional relevant information about the suspect which can help us to identify him, such as his personal interests, usage patterns (date/time/duration), connected mobile devices, and IP addresses for online access. Upon information and belief Amazon.com will provide details of the use of these benefits through a search warrant, which can be served through their designated law enforcement portal.

111. In addition to the Amazon purchases, Det. Brown further noted that the user of the card bearing number "5113 3201 8586 9745" made four apparent purchases on eBay and one account verification on PayPal on December 8, 2021. eBay is an online auction site allowing users to purchase new or used items from private sellers or businesses, which are shipped to the user's home or can be sent to a local UPS/Fedex location for pickup. PayPal is an online payment system frequently used with eBay (eBay once owned PayPal before separating it into a standalone company). As with Amazon, upon information and belief, eBay and PayPal maintain records of such purchases, to include personal identifying information, payment methods, transaction history, and shipping addresses provided by the user. Said information can be released by the companies through proper legal process served through their designated law enforcement portal systems.

112. Det. Brown further noted that the user of the card bearing number "5113 3201 8586 9745" made two apparent purchases on BulkSupplements.com on December 8, 2021 and December 9, 2021. BulkSupplements.com is an online provider of vitamins, protein, additives, and other nutritional health supplements similar to brick-and-mortar stores like GNC. BulkSupplements.com is based out of Henderson, Nevada.

113. On September 13, 2022, Det. Brown contacted BulkSupplements.com at their designated customer service number. Det. Brown soon spoke with a customer representative supervisor Alisha Budge regarding what types of information would be available for a specific transaction. Alisha asked if Det. Brown had the customer name to track and he advised her that he did not. Alisha then asked for the last four digits of the card number, and the transaction amount, which Det. Brown provided to her. Without further prompting, Alisha advised Det. Brown that the customer name for that transaction was "Logan Clegg."

114. Alisha added that Logan ordered several vitamins which were shipped to a FedEx pickup location on Loudon Road (later determined to be Walgreens). She stated that the package was picked up on December 13, 2021, and signed for by Logan Clegg. Alisha added that Logan provided an email address of rkxkelly@gmail.com for the transaction. Det. Brown noted that this email address incorporated the last name of "Kelly," similar to "Arthur Kelly."

115. The name "Logan Clegg" was new to me and Det. Brown and was not previously encountered in the investigation. We conducted checks of CPD records and nearby agencies, with no prior contacts noted. Det. Gorham soon responded to Walgreens and confirmed that it was a FedEx pickup location, and that an ID must be shown to receive the package. We therefore considered it likely that Logan Clegg was the real name of our suspect.

116. Identify Suspect as Logan Clegg: We soon conducted additional online checks and located a booking photo of a "Logan Clegg" with a date of birth of 1/24/1996, from a burglary arrest in Cache County, Utah in August 2020. We noted immediately that Logan Clegg was remarkably similar to the images of the "Mountain Dew Man" as well as to the suspect sketch. Det. Garrett Lemoine reviewed the booking photo of Logan Clegg and stated that he was certain that this was the same man he spoke to in the tent who provided the name "Arthur Kelly."

117. We conducted additional checks, to include a criminal records check, and discovered that Logan Clegg had an active arrest warrant for Burglary out of Logan, Utah - a town about an hour north of Salt Lake City which coincidentally shares Logan's first name. (For clarity, I will refer to Logan Clegg as "Clegg" in the next few paragraphs.) We soon called Logan PD and obtained records related to that warrant.

118. Clegg was arrested twice in August 2020 by two separate Utah police agencies. On August 10, 2020, Salt Lake City PD arrested Clegg for shoplifting at a local Walmart, when a loaded .45 caliber handgun was recovered from his waistband. This firearm was seized during his arrest and was subsequently logged in evidence. Clegg was apprehended by three SLCPD officers, and later commented that "three on one" was unfair to him, and that he wished he had "a chance to pull [the gun] out and fight one on one." Clegg added that he would have done this because he would "rather die than fucking go to prison."

119. The handgun was later found to be one of two firearms stolen from Al's Sporting Goods store in the town of Logan roughly two weeks earlier. Notably, a photo from the Walmart arrest showed that Clegg was wearing a black baseball cap, blue bandana, dark blue shirt, and dark sweatshirt, all very similar to MDM's regular outfit at the Concord Walmart.

120. Nineteen days after the Salt Lake City arrest, on August 29, 2020, Clegg was arrested again, this time by Logan PD during a burglary-in-progress call in which Clegg fled from officers. Clegg was once again found to be in possession of a loaded handgun, this one being a 9mm recovered from his backpack which was later determined to be the second stolen gun from Al's Sporting Goods. This firearm was also seized and subsequently logged in evidence, and is therefore not suspected of being used in the Reid homicides. The booking photo from this arrest was the same one found through google searches.

121. Clegg served approximately four days in a local jail before being released on bail. He was ultimately sentenced to 36 months of probation on November 9, 2020, for charges of Fail to Stop at Command of Law Enforcement (Class A Misdemeanor), Theft by Receiving Stolen Property (3rd Degree Felony), Burglary (3rd Degree Felony), and Theft (3rd Degree Felony). As part of his probation sentence, Clegg signed an agreement to obey all state, federal, and municipal laws, not to possess any firearms or dangerous weapons, and not to abscond from probation supervision.

122. On July 21, 2021, an arrest warrant was issued after Clegg failed to report to probation as he agreed. The warrant was entered in NCIC with extradition limited to states west of the Mississippi River. That arrest warrant remains active in NCIC to this day, and Logan PD recently obtained authorization for extradition in all 48 contiguous states. (This is the final mention of Logan PD, I will resume referring to Logan Clegg as "Logan" from this point forward).

123. Additional searches of civilian records established that Logan Clegg is the son of Randall Clegg (DOB: 10/6/1969) and Tisha Kitt Clegg (DOB: 1/19/1971). Logan appeared to be born in Arizona and moved to Colville, Washington, with his parents when he was around 3 years old. Logan's father committed suicide in July 2008, when Logan was about 12 years old. There are indications that Logan's behavior later took a downward turn in his teenage years, involving multiple domestic disturbances between him and his mother (we are awaiting police reports with additional details).

124. Notably, Logan reported in his probation paperwork that both of his parents were deceased and that he had no other family members. To the contrary, online research established that Logan's mother is alive and well, and that he has six aunts/uncles and twelve cousins – all apparently living in western states. Most of these family members (to include his mother) have active social media pages, but there were no photos or mentions of Logan found on any of their feeds. It is therefore believed that Logan is estranged from his family.

125. Additional police records documented that Logan Clegg was identified as the suspect in a fatal stabbing which occurred in Spokane, Washington, on May 18, 2018. In that investigation, Logan told investigators that he was assaulted by an unknown white male while walking to his job at McDonald's. Logan stated that after being repeatedly punched by the man, he stabbed the man with a small knife until the man finally ran off. Though the man died a short time later, local prosecutors ultimately declined to prosecute based on Logan's assertion of self-defense.

126. We also contacted federal authorities for searches of their records for Logan Clegg. An HSI investigator reported that Logan flew internationally from Denver to Paris on October 23, 2019, and then returned from Paris to Las Vegas on November 3, 2019.

127. The HSI investigator added that Clegg also flew from Chicago O'Hare to Lisbon, Portugal on June 21, 2021, but did not return to the United States until November 7, 2021. Clegg reportedly flew from Munich, Germany, to Reykjavik, Iceland, to Boston, Massachusetts. We recalled that we recovered several Euro coins from the Burnt Tent Site, as well as a headphone adapter commonly used on commercial airlines. These items are consistent with airline travel to Europe.

128. HSI also reported that Logan Clegg purchased a ticket to fly to Reykjavik from Newark, New Jersey, on February 26, 2022, but that he was listed as "Not on Board" when the flight departed. It was not immediately clear if Logan cancelled his ticket in advance or simply did not show up on that date. From Det. Gorham's Walmart research, Logan Clegg was known to be in Concord in the days before and after the flight.

129. On September 14, 2022, Detectives Mark Hassapes and Steven Carter conducted a canvass of several fast-food restaurants in Concord and learned that a man named Logan Clegg was employed at the McDonald's on Loudon Road beginning in November 2021.

130. Det. Hassapes spoke with Manager Courtney Davis (DOB 6/2/1976), who confirmed that she was Logan Clegg's supervisor at the Loudon Road McDonald's. Courtney reviewed the surveillance images from Walmart (showing "Mountain Dew Man") and identified the male in those photos as Logan Clegg. She added that Clegg wore the same clothes and the black leather hat to work every day, before switching his hat to a McDonald's hat. Courtney also reviewed the booking photo from Cache County and confirmed that this was her former employee, Logan Clegg. Courtney described Clegg as quiet with no friends, and stated that she came to consider that he was homeless as he appeared to be living out of his backpack.

131. Det. Carter later obtained work records from McDonald's documenting that Logan Clegg (using date of birth 1/24/1996) filled out an application on November 10, 2021, and began his first shift on November 19, 2021. Logan provided the same email address used in the BulkSupplements.com vitamin purchase, specifically rkxkelly@gmail.com, and indicated that this was his preferred method of communication (as opposed to a cell phone).

132. Det. Brown indicated that from his training and experience (to include from this investigation), that Google maintains location data and other user information, generally stored under the user's gmail account. Det. Brown contacted Google and learned that this particular gmail address was not used in September 2022 and did not appear to be presently active. I confirmed that historical information regarding the account could be released through proper legal service.

133. In his employment application with McDonald's Logan initially did not provide a cell phone number, but later reported a number of (810) 217-6818. I contacted a T-Mobile Law Enforcement specialist and provided details of the investigation. The specialist advised that this number was a T-Mobile-owned number, but it was not presently active for possible location tracking purposes. The specialist confirmed that historical information about the number could be released with proper legal service.

134. Logan also reported an address of 506/206 S. Main Street, #7, Concord, NH (on the written application he wrote "506," while the digital application stated "206.") There is no "506" S. Main Street, but there is a rooming house at 206 S. Main Street. Detectives responded to this location and found that

there was no room or apartment designated as "7." They are continuing efforts to determine if Logan ever lived anywhere at this address.

135. Logan worked regular hours at McDonald's until his final shift on February 6, 2022. The McDonald's management team recalled that Logan indicated he was leaving because he obtained another job, but they had no specific details.

136. Co-workers informed Det. Carter that Logan had anger issues and said he was leaving because of his co-workers' poor work quality. Co-workers stated that Logan was a loner who kept to himself, and that he was easily annoyed by others. They added that Logan was protective of his backpack and hat, not wanting anyone to go near his belongings. They recalled that Logan became agitated if someone got in his way, and that he would mutter to himself and/or yell at the manager. Two co-workers also recalled that Logan would slam his hand on surfaces to express his dissatisfaction when things went wrong. Without knowing that Logan was considered a suspect in these homicides, two co-workers conveyed that they wouldn't be surprised if Logan turned out to be a "serial killer" or "school shooter."

137. Related to the ballistics evidence, in mid-September 2022, the NHSP Forensic Lab advised that based on their analysis, they believed the first nine shell casings recovered from the Burnt Tent Site were fired by the same gun as the two shell casings recovered at the crime scene. The final report is pending and has not been received at this time.

138. On September 20, 2022, Det. Brown was contacted by Darick Leighty of Walmart Corporate Security, in response to my email request for assistance. Darick was able to locate and provide the full 16-digit card numbers for the Sutton Bank gift cards, which Sutton Bank previously advised were required in order to obtain records. Darick advised that one card number was 5456 6000 4222 9364, while the other was 5456 6000 4846 6663. By this time, Det. Brown already returned the original Sutton Bank search warrant and he advised their representatives that he would seek a new search warrant if/when CPD obtained the full card numbers.

139. Based on the information outlined above, there was now probable cause to believe that Logan Clegg (DOB 1/24/1996) was the actual identity of Arthur Kelly/"Mountain Dew Man," and that he was the person responsible for the murders of Stephen and Wendy Reid. It was also determined that further investigative steps would be taken while attempts to locate Logan Clegg were made.

140. One such step involved a subpoena that was issued to Greyhound Bus Lines for ticket information out of the South Station (Boston) terminal. This subpoena included the names Logan Clegg and Arthur Kelly. Though nothing came back to Logan Clegg, it was indicated that on 5/15/2022 a Arthur Kelly did in fact purchase a ticket. Further, this ticket appeared somewhat odd in that it booked a trip from Boston to Burlington VT. via Albany NY. At the time it was not confirmed whether or not the traveler was in fact Logan Clegg. However, the use of "Arthur Kelly" as well as the apparent indirect route piqued investigators' interest.

141. Other than the bus information above, investigative steps yielded no new information and Logan Clegg's whereabouts remained unknown, until 10/11/2022. On this date, Det. Gorham received a call from Det. Matt Pearce of the Logan, Utah Police Dept. As indicated in paragraph 122 of this statement this was the jurisdiction in which Logan's probation violation warrant originated. Det. Pearce advised Det. Gorham that he had just received a call from HSI Agent Daniel Ashment. Agent Ashment

alerted Det. Pearce to the fact that Logan Clegg had just booked an international flight for 10/14/2022 leaving from John F. Kennedy airport and due to arrive in Berlin, Germany.

142. Det. Gorham conducted further follow-up to include speaking directly to Agent Ashment and to CBI Agent Jose Cubria. In doing so, Det. Gorham learned that the reserved flight was a one-way ticket on Norse Atlantic Airways that was slated to depart on 10/14/2022 at 0030 and arrive in Germany the following day at 1425. Det. Gorham also learned that amid the booking process, Logan Clegg used the phone number (802) 598-8657 and an address of 11 Elmwood Ave. Burlington, VT 05401. This address came back to the U.S Federal Building in Burlington VT. which also houses a Post Office.

143. Using the phone number indicated above, Det. Steven Carter conducted an open-source search and determined that the number appeared to be associated with a Tracfone that utilized Verizon as its carrier.

144. In light of the facts established throughout this statement as well as the indication that Logan Clegg was intending to travel internationally, it was determined that exigency existed to ping the number associated with Logan's flight reservation to determine if it was actively being used and where it was located.

145. On 10/11/2022 at approximately 1700, Det. Carter initiated these pings and over a period of two hours several pings were conducted. These pings established that the phone number in question was currently in the Burlington, and South Burlington, VT area.

146. In cross referencing the above ping information with the Greyhound Bus subpoena information outlined in paragraph 140, it seems unlikely that it is coincidental that a phone number associated with Logan Clegg is pinging within the very city "Arthur Kelly" booked a ticket to on 5/15/2022. In fact, it appears likely that Logan Clegg travelled to Burlington while utilizing the alias "Arthur Kelly" and that Logan has now reserved a one-way international flight.

147. In considering the nature of the offenses outlined throughout this statement as well Logan Clegg's probable involvement in the homicide of Stephen and Djeswende Reid, it is imperative that he be located. Therefore, based upon the foregoing there is probable cause to warrant the use of Cell Site Simulator technology to locate the (802) 598-8657 phone, referenced below as the "Target Telephone."

148. A cell-site simulator detects radio signals that are emitted automatically at the time a cell phone is turned on, and periodically thereafter as long as the phone remains on, regardless of whether a call is being made, to communicate with the cellular infrastructure, including cell towers. Investigators plan to send signals to the Target Telephone that will cause it, and non-target phones on the same provider network in close physical proximity, to emit unique identifiers (such as Electronic Serial Number ("ESN") or International Mobile Subscriber Identification ("IMSI") number), which will be obtained by the cell-site simulator technology, and that investigators will use the information collected to determine information pertaining to the physical location of the Target Telephone even if it is located inside a house, apartment, or other building or to determine the currently unknown identifiers of the Target Telephone. The techniques do not intercept the content of communications, but rather search for signals emitted by the Target Telephone, which are identified through its identifying numbers (which are already known to law enforcement through other means).

149. The Target Telephone and other cellular devices in the area might experience a temporary disruption of service from the service provider as a result of use of a cell-site simulator. Any potential service disruption to non-target devices would be temporary and all operations will be conducted to ensure the minimal amount of interference to non-target devices.

150. In order to connect with the Target Telephone, the device may briefly exchange signals with all phones or other cellular devices in its vicinity. These signals may include cell phone identifiers. The device will not complete a connection with cellular devices determined not to be the Target Telephone, and law enforcement will limit collection of information from devices other than the Target Telephone. To the extent that any information from a cellular device other than the Target Telephone is collected by the law enforcement device, law enforcement will delete that information. Any information collected will be deleted as soon as the Target Telephone is located, and no less than once daily. Prior to deploying equipment for another mission, the operator will verify that the equipment has been cleared of any previous operational information obtained pursuant to the warrant. Further, the investigative agencies will make no affirmative investigative use of any non-target device information absent further order of the court, except to distinguish the Target Telephone from all other cellular devices.

151. New Hampshire RSA 570-A:2-a, II, reads: "No person shall use a cell site simulator device to locate or track the location of an individual's communications device without... (b) A warrant issued by a judge authorizing the use of a cell site simulator device, that is based upon probable cause and that describes with particularity the person, place, or thing to be searched or seized..."

152. The Statute goes on to require: "A law enforcement agency authorized to use a cell site simulator device in accordance with paragraph II shall: (a) Permanently delete any information, data, or metadata collected from any party not specified in the applicable court order as soon as reasonably possible and not later than the end of the day on which it was obtained immediately following such collection, and shall not transmit, use, or retain such information or metadata for any purpose. (b) Delete any information, data, or metadata collected from the target specified in the court order within 30 days if there is no longer reason to believe that such information or metadata is evidence of a crime."

153. In closing, I respectfully request permission, if needed, for members of the Concord, NH Police and/or the United States Marshals Service or their designee to utilize a cellular phone locator device, also known as a cell site simulator, to assist investigators in determining the possible general location of the target phone without geographic limitations. This cell site simulator may need to be utilized in conjunction with cell site, GPS and/or cell site triangulation information received from the cellular provider in order to assist in narrowing the general location of the Target Phone within a cell site area or cell phone signal area and will aide investigators in conducting surveillance in the immediate area of the Target Phone and identifying information that may lead to locating the subject. This cell site simulator will capture signaling information being transmitted by the target phone while it is in the close proximate area of the Target Phone. The cell site simulator is not capable of intercepting or recording the content of any electronic or telephonic communication and will cause minimal interference in the immediate area of the Target Phone. The cell site simulator will capture electronic identifiers (not phone numbers or subscriber information) of other cell phones in the immediate area of the Target Phone, however these identifiers will be deleted from the cell site simulator database and no investigative effort will be made towards anything relating to these.

154. Therefore, based upon the foregoing, there is probable cause to believe that evidence of the crime of Homicide (RSA 630), may be found by utilizing the cell site simulator as detailed above and in Attachment A. Therefore, I respectfully request that this Court issue a search warrant authorizing the use of the cell site simulator as described above and in Attachment A for evidence of the crime of Homicide (RSA 630).

Date: 10/11/2022



Signature of Officer

C. Brendan Ryder

Name of Officer

Signed under the penalty of perjury, the penalty for which may include a fine or imprisonment or both.

Warrant Name:

716LoganCleggCSS10-11-2022

RETURN

I received the attached search warrant on 10-11-2022 and have executed it as follows:

On Suspect was located prior to execution of warrant at N/A o'clock [X] am [] pm.

I searched N/A described in the warrant (The persons and the premises searched)

and I left a copy of the warrant with N/A

(Names of persons searched and occupant if not a person searched: Describe the premises searched if occupant not present.)

At N/A together with a receipt for the items seized. (The premises searched)

The following is an inventory of property taken pursuant to the warrant:

*No property taken. Suspect was located prior to execution of warrant

Detective C. Brendan Ryder

This inventory was made in the presence of

and N/A

I swear that this inventory is a true and detailed account of all property taken by me on the warrant.

10/17/2022 Date

[Signature] Signature of Officer Detective C. Brendan Ryder Name of Officer

Returned electronically this date 10/17/2022

Signed under penalty of perjury, the penalty for which may include a fine, imprisonment or both.

EXHIBIT A4

I, (Carleton) Brendan Ryder, being duly sworn, do hereby depose and say:

I am a Detective with the Concord, New Hampshire Police Department, where I have been employed since August 25th, 2013. I was certified at the 162 New Hampshire Police Standards and Training Council Academy as a full-time law enforcement officer. I am a certified Intoxilyzer Operator, Long-Arm Officer, Evidence Technician, School Resource Officer, Mountain Bike Officer, and trained in Dignitary Security. Over the course of my employment I have conducted and participated in numerous investigations and arrests to include, thefts, criminal mischief, assaults, sexual assaults, missing persons, burglaries, robberies, attempted murder, murder, and the manufacturing/possession of child sexual abuse material. In the course of these investigations I have drafted both arrest and search warrants. I have also conferred with members of the Concord Police Computer Crimes Unit in the furtherance of my understanding of cellular phones and their ability to store data and indicate a user's location.

That as set forth below, the factual basis of the issuance of this warrant is based upon information obtained from this affiant's personal knowledge, observations, and beliefs, information provided to this affiant by other law enforcement officers, my training and experience, and the training and experience of other law enforcement officers assisting in this investigation. This statement does not contain every fact known to me or other investigators. Rather, it contains material information relevant to determining whether there is sufficient probable cause to believe that the crime of Homicide, RSA 630, has been committed.

As the result of an investigation conducted by the Concord Police Department, I have developed the probable cause outlined herein.

1. Initial Missing Persons Report: On Wednesday, April 20, 2022 at approximately 6:20 PM, the Concord Police Department was notified by a woman named Susan Forey (DOB 9/20/1961) that her brother, Stephen Reid (DOB 3/5/1955), and his wife Djeswende "Wendy" Reid (DOB 2/8/1956), were missing.

2. Susan reported that Stephen missed a tennis match with their brother that morning, which was out of character for him. Susan stated that family members then attempted to contact Stephen and Wendy via their cell phones, but got no response from either. Family members also responded to Stephen and Wendy's home at Building 14 Apartment 11 in the Alton Woods Apartment complex off of Loudon Road in Concord, NH, but found no signs of the couple.

3. Susan stated that the last contact her family had with Stephen was on the morning of Monday, April 18, 2022, via text message. Susan reported there were no known mental health issues, health issues, financial troubles, or history of domestic violence between Stephen and Wendy.

4. Officers Matthew Scheidel and KristieAnn DeSilvio responded to Alton Woods and conducted a consent search of Stephen and Wendy's apartment, which was located on the third floor of the apartment complex. They found that the apartment was neat and organized, with personal items left behind, including two cell phones, wallets, and passports. They observed no signs of forced entry or disturbances, and both Stephen's and Wendy's vehicles were also found in the parking lot.

5. After the initial search of the apartment and building, members of the NH State Police and Concord Police Department conducted a canvass of the Alton Woods apartment complex, as well as the wooded areas directly adjacent, looking for any signs of Stephen and Wendy Reid.
6. First Contact "Arthur Kelly": While canvassing the wooded area east of the complex, at approximately 9:30 PM, investigators encountered a white male, 20-30 years old, clean shaven, with brown hair, who told them his name was "Arthur Kelly" and his date of birth was: 1/27/1992. Arthur was observed in a small tent approximately 100 meters into the woods. Officer DeSilvio called in Arthur's name and date of birth to CPD Dispatch, but no matching records were found.
7. Det. Garrett Lemoine explained to Arthur that they were searching the area for a missing couple. Arthur stated that he was just camping there for the night and was originally from the Boston area. Hearing this, Officer DeSilvio then requested that Dispatch check Arthur's name in Massachusetts records, but again no matches were found.
8. Arthur told Det. Lemoine that he left his tent earlier that morning and did not return until later in the afternoon. Arthur stated that he did not see anyone else in the area of his tent, and that he no longer wished to speak with the police. Arthur stated that he did not believe he was doing anything wrong, was only passing through the area, and did not want to answer any more questions.
9. Det. Lemoine asked Arthur one final question, specifically if Arthur had given his correct name and date of birth, and Arthur replied that he did. Detective Lemoine and Officer DeSilvio then left the area without further incident, in order to continue the search for the Reids. Det. Lemoine observed that Arthur had numerous Mountain Dew "Code Red" soda cans on the ground in and around his tent (Code Red is an alternate version of the soda, consisting of a red liquid typically in red soda cans).
10. Investigators found no signs of Stephen or Wendy that night, and it was agreed that detectives would continue the investigation during daylight hours on Thursday. At approximately 11:57 PM, Stephen and Wendy were entered into the NCIC system as Endangered Missing Persons.
11. Continued Search Efforts: On the morning of Thursday, April 21, 2022, the Concord Police Department and NH State Police responded back to the Alton Woods complex to continue the search for the Reids. Detectives conducted an intensive search of the apartment itself, while members of the Central New Hampshire Special Operations Unit (CNH-SOU) assisted with building canvasses and conducted line searches of the wooded areas. CPD Bike units and NHSP K-9 units were also called in to search nearby streets, parks, and other areas radiating outwards from Alton Woods.
12. In the afternoon hours, Concord PD and the NH State Police issued a press release requesting the public's help in locating Stephen and Djeswende Reid. Recent photos of the Reids were included, and their disappearance was covered in several local media outlets. Police asked for anyone with information to contact Concord PD or the Concord Regional Crimeline.
13. Detectives soon discovered that Stephen Reid's cell phone was not one of the two phones found in the apartment, and it was considered likely that Stephen brought his phone with him. Detective Alex Harbitz submitted an exigency request to Google, Inc. for location information related to Stephen's

Google account: iska23x@gmail.com. Google is known to collect location data from cell phone users who utilize Google software and services, and this data is typically connected to their Google account.

14. At approximately 5:10 PM, Google provided historical data showing Stephen Reid's cell phone location on April 18th. This data indicated that the phone left the area of the Reids' apartment complex at approximately 2:42 PM and arrived at the nearby Marsh Loop Trail at approximately 2:48 PM. Google indicated that the last GPS coordinates were obtained from Stephen's cell phone at approximately 3:47 PM, with an 11-meter accuracy measurement. These coordinates were determined to be in a wooded area off the Marsh Loop Trail, a popular city trail located near the Alton Woods complex.

15. The Marsh Loop Trail is part of the Broken Ground Trail System located on Portsmouth Street less than 0.5 miles from the Reids' apartment. The Marsh Loop Trail starts at a parking lot on Portsmouth Street, and continues in a grassy, cleared area under utility power lines before entering a wooded section about 0.3 miles later. There is a separate, established private trail leading from the Alton Woods complex to the Marsh Loop Trailhead, and the data points were consistent with the Reids taking that route.

16. At approximately 5:55 PM, Concord Police Detectives responded to the Marsh Loop Trailhead, along with NHSP K-9 Units, in order to search the area of the Google coordinates.

17. Discovery of Crime Scene: At approximately 6:14 PM, a NHSP Trooper indicated that his K-9 just took an interest in an apparent leaf/stick pile within the 11-meter radius of the Google coordinates. Upon closer look, the Trooper reported seeing the top of an apparent human head, specifically someone with African-American skin tone and black hair (consistent with Wendy Reid). There were no signs of movement or life, and it was obvious that the person covered by the leaves was deceased, indicating foul play.

18. A crime scene was immediately established, and it was not known if there were more potential bodies hidden in the pile. There were no obvious signs of blood in the area, nor were there any obvious drag marks or signs of a struggle. There was also no noticeable odor of death in the vicinity.

19. Over the course of several hours, Det. Nicole Murray and NHSP Trooper Tara Elsemiller processed the scene and discovered two bodies which were later positively identified as Stephen and Djeswende Reid. The bodies were found to be positioned in a natural depression (i.e. not a man-made hole), hidden under several inches of leaf and woodland debris.

20. It was believed that the suspect(s) covered the bodies and altered the crime scene, and it was considered unlikely that the victims would have been quickly discovered without the Google coordinates and K-9 units. Notably, Stephen's cell phone (i.e. the source of the coordinates) was not located with the bodies or within the vicinity.

21. Assistant Medical Examiner Ginger Chapman soon conducted an initial limited examination of the bodies. She advised that there was an apparent gunshot wound to each body, and further observed that the victims' clothing was bunched up in certain areas, consistent with having been dragged.

22. The bodies were soon transported from the scene to the Concord Hospital morgue for autopsy by the Office of the Chief Medical Examiner. After the bodies were removed, the scene was secured by CPD uniformed officers to await further processing during daylight hours.

23. On the morning of Friday, April 22, 2022, detectives returned to the Marsh Loop Trail scene to continue evidence collection efforts. Additional K-9 units were also brought in specializing in the detection of ballistics (bullets, shell casing, firearms, etc.), as well as the detection of mobile electronics (cell phones, flash drives, etc.).

24. At the morgue, Deputy Chief Medical Examiner Dr. Mitchell Weinberg conducted autopsies on Stephen and Wendy Reid and concluded that the cause of death for both was multiple gunshot wounds and that the manner of death was homicide. Dr. Weinberg concluded that Stephen suffered four gunshot wounds while Wendy suffered two gunshot wounds. Dr. Weinberg recovered multiple small bullet fragments and estimated that the bullets were smaller caliber, possibly in the .380 to 9mm range. Both Stephen and Wendy also suffered abrasions to their torsos, which corroborated that they were likely dragged.

25. At the trail scene, with assistance from the ballistics K-9, detectives discovered apparent bullet fragments and coagulated blood on the Marsh Loop Trail, about 80 feet from the recovery location. Investigators also located apparent ripped fabric on a log, which appeared to match the material of Wendy Reid's pants. Based on the autopsy results and evidence at the scene, detectives believed that the Reids were initially shot on the Marsh Loop Trail and then moved/dragged downhill to the recovery location afterward.

26. Despite exhaustive search efforts with the K-9 Electronics Sniffing Dog (ESD), as well as with metal detectors, no signs of Stephen Reid's cell phone were found within a roughly 100-meter area of the recovery location. Stephen's cell phone remains unaccounted for even now, more than four months after the homicides.

27. Revisit "Arthur Kelly's" Tent Site: In the afternoon hours of Friday, April 22nd, Sgt. Tom Yerkes directed Detectives Matt Doyon and Garrett Lemoine to return to the campsite near Alton Woods where "Arthur Kelly" was first observed on the night of April 20th. Sgt. Yerkes was concerned that this man was in the general vicinity of a double homicide and had given an apparently false name, leaving his true identity unknown. Det. Lemoine was the investigator who spoke with "Arthur" on Wednesday evening, and he therefore knew precisely where the tent was located.

28. Upon arrival at the tent site, Detectives Lemoine and Doyon discovered that the tent was now gone, as were all of the Mountain Dew Code Red soda cans previously observed on the ground. They searched the area but found no signs of "Arthur Kelly" or any apparent debris, garbage, or other remnants of his camp site. They found the situation unusual, as homeless campsites in Concord are typically abandoned with noticeable debris left behind.

29. Based on their suspicions, Detectives Lemoine and Doyon began a canvass of local stores known to sell the Mountain Dew Code Red soda. At the nearby Walmart, with assistance from Asset Protection Associates, they soon discovered video footage of a white male making a purchase of the soda on Wednesday, April 20, 2022, at approximately 2:40 PM, roughly seven hours before Lemoine's contact with "Arthur."

30. They observed that this male was similar in appearance to "Arthur Kelly," but could not be certain it was him as he wore a blue bandana covering the lower part of his face. In addition to the

bandana, the unidentified male was wearing dark pants, dark boots, a blue jacket, and an apparent black leather baseball hat. The male was also carrying a black backpack with a distinct white mark on the back.

31. In addition to the Mountain Dew Code Red, the male bought small grocery items, which he paid for with cash at a self-serve register. The male never removed his bandana while in the store and was last seen walking towards the area of Harbor Freight, which is consistent with a route which would lead to the Alton Woods area.

32. Detectives Lemoine and Doyon noted that the male first arrived at Walmart on a Concord Area Transit (CAT) Bus. They then contacted Concord Area Transit and reviewed surveillance footage from that bus, which revealed that the male got on the bus at Eagle Square on N. Main Street at approximately 2:06 PM on Wednesday, April 20, 2022. The male kept the blue bandana covering his face during the entire bus ride. The male did not interact with any other persons while on the bus, and simply stared out the window for the duration of the trip. The CAT Bus is presently free for all riders and no identification is required to ride the bus.

33. With no further leads available at that time to identify the male, Detectives Lemoine and Doyon continued with other investigative efforts. This male was referred to as the "Mountain Dew Man," and it could not be confirmed that he was the same man who identified himself as "Arthur Kelly."

34. Witness Statements: Throughout the day on Friday April 22, 2022, local media outlets began reporting that Concord police were investigating suspicious deaths on the Marsh Loop Trail. In the later afternoon hours, the NH Attorney General's Office issued a press release confirming that Stephen and Djeswende Reid were the victims of a double homicide. The matter received widespread media attention throughout the New England area, and the public was again requested to contact Concord PD or the Concord Regional Crimeline with any information about the couple.

35. At approximately 2:25 PM, Det. Paul Shaughnessy interviewed a woman named Nan Nutt (DOB 4/13/1947), who called Concord PD in response to the media attention. Nan stated that earlier in the week she went for a hike with her two dogs on the Marsh Loop Trail. Nan stated that while still under the power lines, she was passed by a couple consisting of a white male and black female, whom she now believed to be Stephen and Wendy Reid. Nan stated that the Reids were hiking at a faster pace than her, so she moved her dogs off the trail to let the couple pass.

36. Nan stated that the couple were appropriately dressed for hiking, were relaxed and chatting with each other, and showed no signs of any distress. She stated that she last saw the couple as they entered the wooded section of the Marsh Loop Trail a short distance ahead of her.

37. Nan stated that she entered the wooded section after the couple, and within five to ten minutes she suddenly heard five gunshots. Nan believed that these shots came from a handgun as opposed to a rifle, and they sounded very close to her location. Nan stated that she and her dogs were startled and she was initially reluctant to continue the hike, but ultimately continued down the trail.

38. Nan stated that minutes later, she saw a young man standing on the trail looking into the woods to her right (which was consistent with the side of the trail where the Reids were later discovered). Nan

stated that the male stood on the trail for a while, and looked back and forth at her and at the woods. Nan stated that as she continued to walk northbound towards the man, he began to walk southbound towards her (as though he was leaving the wooded section of the trail heading towards the parking lot). Nan stated that the man passed by her without saying anything. She stated that after she passed him, at one point she turned to look back at him and found that he was looking at her. Nan stated that she turned to continue walking and never saw the man after that point. Nan advised that she did not see any firearms or related objects to explain the shots she heard, nor did she see anything out of the ordinary in the woods where the male was looking.

39. Nan stated that the male seemed out of place and not like a typical hiker. She gave the following physical description:

- White male
- Late twenties to early thirties
- Approximately 5'10"
- Slender build
- Short brown hair
- Clean-shaven
- Gave the appearance of being a "street person" or homeless

40. Nan stated that the male was dressed casually, and provided the following clothing description:

- Dark-blue jacket or hoodie
- Khakis
- Black backpack
- Carried a brown, plastic bag (grocery bag - similar to Market Basket) - This bag appeared full of items and appeared heavy. Nan noticed a circular object that appeared to protrude through the plastic that reminded her of a can or a jar.

41. Based on Nan's statement along with the location data later recovered from her phone, we developed a specific timeline of events related to the Reids' homicides. The data established that Nan's hike started on Monday, April 18, 2022, at approximately 2:48 PM, that she was passed by the Reids at approximately 2:50 PM, and that she entered the wooded section of the trail (where she later heard five shots) at 2:54 PM. The data further showed that Nan arrived at the trail crime scene (where the blood and bullet fragments were recovered) at 2:59 PM, but did not see any bodies lying on the trail. This provided a very limited window of time from about 2:54 PM to 2:59 PM for the shooting and movement of bodies to occur.

42. Based on the above facts, we considered it highly likely that the white male Nan Nutt encountered on the Marsh Loop Trail was directly involved with the killings of Stephen and Wendy Reid. He was loosely referred to as “Nan’s Suspect” for tentative identification purposes.

43. In addition to Nan Nutt, a witness named Allan Schwarz (DOB 5/10/1945) reported that he also heard five gunshots while hiking on the Broken Ground Trails on Monday, April 18, 2022. Allan stated that towards the end of his hike while on the Marsh Loop Trail section, he saw four spent shell casings on the ground. Allan stated that he looked in the woods on both sides of the trail, but did not see anything out of the ordinary.

44. Allan personally showed detectives his approximate location where he saw the shell casings. No shell casings were located in the area during the extensive search process on April 22nd through April 23rd, even with the use of ballistics K-9 and metal detectors.

45. Despite widespread media attention, public awareness, and investigative follow-up, no suspects were identified in the first few weeks of the investigation. On May 17, 2022, the NH Attorney General’s Office publicly released a sketch of “Nan’s Suspect,” which was created by an FBI sketch artist who conferred with Nan Nutt. We subsequently received dozens of tips from citizens, but none resulted in the positive identification of the male. It was noted that no male party ever came forward to identify themselves as the person in the sketch or the person seen on the trail that day, adding to our belief that this man was directly involved with the murders.

46. On Friday, May 20, 2022, during a revisit of the crime scene, two spent bullet shell casings were recovered on the trail about five feet from the spot where the shooting was believed to occur. These shell casings were marked “Sig Luger 9mm” on the bottom, which was within the estimated size range of the bullets which killed the Reids. The shell casings were later submitted to the NHSP Forensic Lab for analysis, and it was determined that they were fired by the same gun.

47. Over the course of several additional weeks, the investigation transitioned to a long-term effort, during which information from multiple sources slowly developed into a theory that pointed to a potential suspect, as described below:

48. Reports of Unidentified Man in the Marsh Loop Woods: Following the release of the suspect sketch, we received numerous credible reports regarding a distinct, unidentified white male who was frequently seen on the Broken Ground Trails. The male was seen regularly in the weeks and months before the homicides occurred, but was not seen afterwards. Multiple examples follow:

49. Local resident Rosie Cain (DOB 5/12/1972) reported that on multiple occasions she saw a male resembling the suspect sketch walking from Portsmouth Street up the Marsh Loop Trail under the power lines. Rosie stated that she first saw the male in late fall 2021 and that she last saw him approximately two weeks before the Reids’ homicides. Rosie stated that the male was always walking on foot and often entering the trails just as it was getting dark out, which she thought was odd. Rosie considered that the male was homeless and living in the area, but stated that he appeared clean and did not look homeless.

50. Rosie stated that the male was always wearing dark-colored clothing, and that she never saw any firearms, suspicious items, or vehicles in the area. Rosie recalled that on one occasion she said hi to

the male as she passed him, but he stared straight ahead without making eye contact or replying to her. Rosie stated that she had not seen the male since the news reports of the murders.

51. Another local resident, Tamara Hatcher (DOB 9/8/1965), reported that she saw a clean-shaven white male, approximately 25-35 years old, on the Broken Ground Trails who seemed out of place as he was under-dressed for the weather. Tamara stated that she saw the male on two separate occasions, with the first incident occurring on an extremely cold day during the winter. Tamara recalled that the man was only wearing jeans and a jean jacket, with his hands in his pockets, hunched over like he was freezing, and that he made her feel nervous. Tamara stated that she said hi to the man, but he only nodded and walked past her.

52. Tamara stated that the second encounter took place around March 2022, on a section of trail closest to Curtisville Road. Tamara stated that she was walking her dog when she heard a noise and realized a man was on the trail in front of her. She recognized it to be the same man she saw on the freezing day, and she opted to turn around and return to Curtisville Road rather than to pass the man in the woods alone. Tamara stated that she was reminded of this man when she later saw the suspect sketch, but thought the man's hair was different than what was depicted in the sketch.

53. Another local resident, Cindy Pulkkinen (DOB 1/20/1959), reported that she observed a white male resembling the suspect sketch walking on the Broken Ground Trails on two separate occasions around March 2022. Cindy described the male as white, light brown hair in a buzz cut, light eyes, around late 20's to early 30's. She stated that he had a thin, athletic build and was clean shaven.

54. Cindy stated that in her first sighting, the male was carrying an Amazon package into the woods, which was odd behavior which led her to believe he was homeless. Cindy stated that the male was yelling to himself and appeared agitated. Cindy stated that she asked the man how he was doing, and he stated "oh great" in an annoyed tone of voice.

55. Cindy stated that on a second occasion, the male was walking on the trail near the back of Cranmore Ridge toward the Marsh Loop Trail. Cindy stated that the male was carrying two plastic shopping bags and was screaming to himself. Cindy stated that once the male noticed her, he stopped screaming and stared at the ground to avoid eye contact. Cindy stated that the male was wearing a windbreaker with tan/light green pants. Cindy theorized that the male had mental health issues, and was possibly schizophrenic.

56. Another local resident, Male Juvenile ("MJ") (DOB 4/22/08), reported that he saw a "sketchy" male on the Marsh Loop Trail during the last week of March 2022. MJ stated that he was riding his bike through the wooded section, when he saw a white male, approximately 30's to 40's, about 6'00" tall, clean shaven, brown hair, wearing a brown leather vest, black cargo pants, a black baseball cap, wearing a black backpack and carrying a grocery bag from Shaw's or Market Basket. MJ hesitated before passing the man without incident. MJ added that he saw the suspect sketch and believed that this was the same man he saw in March.

57. Another local resident, Wilson Townsend (DOB 10/7/1964), reported that he encountered an unusual man on the trails on the afternoon of April 12, 2022 (six days before the homicides). Wilson stated that he saw the man on a trail leading from Cranmore Ridge to the Broken Ground Trails. Wilson stated that the male was in his 30's or 40's, wearing dark pants, a dark coat, and carrying a sleek black

backpack. Wilson stated that the man had on black “business casual” shoes. Wilson stated that the male’s clothing didn’t fit in, and was not normal hiking attire. Wilson recalled that the man was about 5’10”, light to medium build, with dark hair and a “high forehead.” Wilson stated that the man looked like a “city person,” not a homeless person. Wilson further stated that he said “hi” to the man, but the man did not respond. Wilson stated that he never saw this man before or after that date.

58. Another local resident, Linda Letourneau (DOB 8/9/1957), reported that she saw a male resembling the suspect sketch while she was visiting the Broken Ground Trails on April 14 (four days before the homicides). Linda stated that she first saw the male as he was staring at the Beaver Pond while standing on Curtisville Rd. (at the northern section of the trails). Linda stated that she was driving to the parking lot to grab a dog waste bag she accidentally left behind earlier that day. She recalled that the male deliberately avoided looking at her as she passed. She stated that the male then started walking towards the parking lot and later suddenly appeared standing directly behind her car as she prepared to leave. She stated that the male’s unusual actions made her nervous enough that she actually called Concord PD once she cleared the area.

59. Det. Brown later confirmed that Linda Letourneau called Concord PD at around 5:10 PM on April 14th, to report a suspicious male. Linda described the male as a white male wearing a blue jacket, with white hat, between 30-40 years old, with dark hair. Linda expressed concern that the man was acting weird and that there were kids walking towards his area. The man was gone on arrival when officers were later able to respond.

60. Although none of the individuals above had any photographs or video of the suspicious male, there were numerous commonalities in description and behavior leading us to believe that they were referring to the same person, whom we suspected was living at an unknown location in the woods of the Broken Ground Trails. In addition, we found it noteworthy that two of the witnesses described seeing the white male carrying plastic grocery bags while on the trails. It was not publicly known that “Nan’s Suspect” was carrying a grocery bag at the time of the homicides, which was an unusual detail that added credibility to their accounts.

61. Discovery of Burnt Tent Site: Early in the investigation, Detective Nicole Murray and Det. Brown spoke with a man named Steven Hatcher (DOB 5/7/1963), another local resident who regularly walks the Broken Ground Trails. Steven advised that on or about January 10, 2022, he first spotted a single tent in a secluded area near the power lines (about 1/3 mile from the Marsh Loop Trail crime scene). Steven stated that he reported the tent to Concord PD as a possible homeless camp, but was not able to walk them to the site that day (officers later responded but were unable to locate the tent).

62. Steven stated that from that point on, every time he walked along the trail he specifically looked for the tent and noted to himself that it was still there. Steven recalled that the tent had a green camouflage pattern, possibly with a brown tarp over it. Steven stated that he saw the tent regularly from January through April 2022, but never saw a person at or near it.

63. Steven stated that on Friday, April 15, 2022 (3 days before the murders), he observed from a different vantage point what he thought was a second tent in the same area. Steven advised that he called Concord PD again that day and walked two uniformed officers to the vicinity, but did not know

the outcome of their response. Steven stated that approximately one week later (around April 22, 2022), he noticed that both tents were gone.

64. Steven walked Det. Murray and Det. Brown to the location where he saw the first tent. At this site, they observed dozens of small propane tanks which appeared burnt. The propane tanks were in the general shape of a square, and burnt tent poles were visible, consistent with a tent full of propane tanks that was burned at some point in the past. Det. Murray and Det. Brown also observed burnt soda cans, pots, and apparent heating/cooking equipment within the footprint of the tent. Det. Brown took photographs of the site, but did not touch or alter it. This site will be referred to hereinafter as the Burnt Tent Site.

65. Steven reported that he believed the tent and propane tanks were burnt prior to the homicides, initially leading us to believe that they were unrelated to the investigation. After learning of the unidentified white male possibly living in the Broken Ground Trail woods, we began to consider that this may have been his campsite. We then attempted to determine a specific time frame when the tent was burnt.

66. In August 2022, Det. Brown conferred with Officer Brian Cregg, who was one of the two officers who responded to the tent site on April 15, 2022. Ofc. Cregg advised that there were no burnt propane tanks at this site when he saw it. Ofc. Cregg recalled that there was a single tent with the tent door locked with a small padlock. Ofc. Cregg recalled that there was a single pair of worn brown boots outside the tent, and that the site was clean/well-kept. Ofc. Cregg stated that he was certain that there were no burnt propane tanks on the ground, though he did not know what was kept inside the tent. Ofc. Cregg added that he searched for a second tent that day, but never found one. Based on Ofc. Cregg's observations, we were confident that the tent site was not burned prior to April 15th.

67. Detective Danika Gorham and Det. Brown later learned additional information about the Burnt Tent Site from a local resident named Eliseo Medina (DOB 5/13/1983). Eliseo stated that on April 20, 2022, (two days after the homicides), he was hiking the Broken Ground Trails when he wandered off trail looking for a place to go to the bathroom. Eliseo stated that he unexpectedly discovered a pile of small propane tanks which appeared to have been recently burnt. Eliseo stated that he looked up and saw fire damage to the tree above the tanks, leading him to believe that the tanks were burnt 1 or 2 days earlier. Eliseo took pictures of the site that day, which he shared with Det. Brown. The pictures showed a site Det. Brown recognized as the Burnt Tent Site with a date/time stamp of April 20, 2022, at 3:59 PM.

68. Based on the credible information from Officer Cregg and Eliseo Medina, we came to believe that the tent and propane tanks were burned between April 15th and April 20th, a short window of time which included the date of the murders. In our training and experience, this increased the likelihood that the Burnt Tent Site was related to the April 18th murders.

69. As our suspicions increased, on July 19, 2022, Detectives Steven Carter, Garrett Lemoine, Wade Brown and I responded back to the Burnt Tent Site for possible evidence recovery. Wearing gloves, we located, separated, and tallied various fire-damaged items, to include 155 small propane tanks, 47 soda cans (Mountain Dew & Coca Cola), tent/tarp/sleeping bag remnants, three apparent pots, pieces of heating/cooking equipment, various remnants of plastic shopping bags (Walmart, Target, Hannaford), two socks, one t-shirt, one melted Mountain Dew plastic bottle, ten foreign coins (later determined to

be one-cent, two-cent, and five-cent Euro coins), and several pieces of silverware and small knife blades. We also observed remnants of food packaging, cans, glass jars, mugs, and apparent glass droppers (initially thought to be smoking devices).

70. We seized limited items for possible lab testing, to include the clothing remnants, possible smoking devices, coins, silverware, and two small plastic propane tank caps. Over the next few weeks, after continued follow-up and conferral, detectives returned to the site and collected additional items including the sleeping bag, tent, and tarp remnants, propane tanks with smooth surfaces, plastic bag remnants, and glass jars. We also collected pieces and reassembled two separate camp stove/heaters, which were later found online where it was confirmed that they use propane tanks as their main fuel source.

71. Based on the extensive reviews of the site, we came to believe that this campsite was used by an unidentified individual who utilized small propane tanks for heating/cooking purposes. Given the volume of propane tanks, it was believed that the individual was likely there for weeks or months before vacating the site between April 15th and April 20th. We noted that this time frame was consistent with the reports of the unidentified white male frequently encountered on the Broken Ground Trails.

72. Additional Surveillance Footage of "Mountain Dew Man": In July 2022, Det. Brown was reviewing surveillance footage from the Shaw's Supermarket as captured on the day of the murders, when he discovered a white male leaving the Shaw's store at approximately 2:29 PM (less than 30 minutes before the homicides). The male was wearing dark pants, dark boots, a blue jacket, an apparent black leather baseball hat, with a blue bandana covering the lower part of his face. The male was also carrying a black backpack with a distinct white mark on the back. Det. Brown recognized the male as the "Mountain Dew Man" found by Detectives Lemoine and Doyon in Walmart footage purchasing Mountain Dew Code Red soda.

73. Det. Brown observed that "Mountain Dew Man" (hereinafter "MDM") was carrying a brown Shaw's shopping bag with an apparent cylinder-shaped object inside. Det. Brown showed the footage to Det. Gorham, and they agreed that MDM was largely consistent with "Nan's Suspect," (to include carrying a brown shopping bag with objects inside), with the primary difference being that he wore dark pants as opposed to tan pants.

74. Det. Gorham then responded to Shaw's to personally review additional footage of MDM to determine what was purchased. She noted that MDM bought a 2-liter bottle of Mountain Dew (the green version), as well as a rotisserie chicken, which he paid for with cash at a self-serve register. She found that MDM entered the store at 2:19 PM, which was consistent with the CAT Bus arrival time for the Shaw's stop (though there are no cameras covering the bus stop).

75. As in Walmart, Det. Gorham found that MDM never removed his bandana while in the store. MDM did remove the bandana after he exited the store and was walking through the Shaw's parking lot (facing away from the cameras). MDM was last seen at approximately 2:32 PM crossing Loudon Road and accessing a known trail which cuts through the Alton Woods complex and ultimately leads to the Marsh Loop Trail. [Note: This is the same trail believed to have been used by the Reids to get from their apartment to the Marsh Loop Trail.]

76. Later that day, Det. walked from the MDM's last location observed on the Shaw's surveillance all the way to the Marsh Loop Trail and then to the crime scene. Det. Brown found that there was adequate time for a person walking that route to arrive at the crime scene before the murders occurred. Det. Brown also determined that this would be a logical route for a person to take if they were camping at the Burnt Tent Site. Based on this information, Det. Gorham and Det. Brown focused their efforts on locating additional footage of MDM at Walmart, Shaw's, or within any other video we recovered.

77. In a related effort, based on our observations at the Burnt Tent Site, Det. Brown and Det. Gorham responded to Walmart to determine if Asset Protection Associates could search for the sales of small propane tanks. Given the large number of tanks at the site (155), we considered that Walmart was a likely source for the tanks and that searching for said sales could help identify the person who lived at the site.

78. Upon mentioning propane tank sales, APA Sanjay Darjee (DOB 9/8/98) stated that he recalled one particular person who always came in and bought small propane tanks during the winter months. Sanjay stated that it was a white male, early 30's, who always wore a black baseball hat and a black backpack. Sanjay also stated that the man wore a bandana mask, and that the man would get the propane tanks first before heading to the grocery section. Sanjay stated that the man always used the self-serve checkouts and never interacted with other guests.

79. APA Savanna Clemons (DOB 2/10/1997) pulled up the video she previously obtained of MDM for Detective Lemoine, and Sanjay confirmed that this was the male he was referring to. Savanna began searching for propane tank sales and reviewing corresponding video, and quickly discovered two incidents where MDM purchased propane tanks and small groceries in January and February 2022. MDM wore the same clothes previously observed, except that the black backpack appeared to be different (no distinct white mark on the back). MDM's face was covered with apparent cloth masks in both incidents, and he again paid with cash.

80. Based on these results, Det. Gorham subsequently spent several days at Walmart searching for additional footage of MDM. She ultimately located approximately 40 separate transactions involving MDM, which were made between November 2021 and April 2022. This time frame was consistent with the sightings of the unknown white male on the Broken Ground Trails, adding to our suspicion that MDM was that male. MDM consistently wore a mask over his face, and he consistently paid with either cash or pre-paid debit cards (i.e. payment methods that do not reveal his identity). MDM was consistently observed leaving the store carrying plastic shopping bags in his hands, walking towards the direction of Alton Woods. This search continues, but a tentative timeline has been developed with key observations noted below:

81. The earliest transaction involving MDM (found thus far) occurred on November 28, 2021, when he purchased a four-person tent and a wrist watch at Walmart. MDM appeared to wear the same outfit he wore on April 18th, except that he wore an apparent paper mask instead of the blue bandana. A few days later, MDM purchased a green camouflage tarp at Walmart, followed by socks, black khaki pants, thermal underwear and beef stew. [Note: the green camouflage tarp was consistent with Steven Hatcher's description of the tent he observed at the Burnt Tent Site.]

82. On December 22, 2021, MDM purchased two more green camouflage tarps along with small propane tanks, strongly suggesting that he possessed equipment that used propane tanks. From that

point on, MDM was found to regularly purchase multiple small propane tanks at Walmart, with the volume appearing to increase during the colder weeks of January/February. Det. Gorham tallied all of the Walmart propane tank purchases found thus far, which added up to 114 small propane tanks (a significant portion of the 155 observed at the Burnt Tent Site).

83. MDM was also found to regularly purchase Mountain Dew, Coca Cola, Blue Bunny ice cream, lighters, cooking pots, trash bags, glass food storage containers, and mouse traps between December 2021 and April 2022. MDM also frequently purchased raw pork chops, ground beef, chicken, and mac & cheese, indicating to us that he had the ability to cook these items – consistent with the heating/cooking equipment and pots recovered from the Burnt Tent Site. We noted that some of these items were visually identical or had the matching UPC number as items/package recovered at the Burnt Tent Site.

84. On Friday, April 15, 2022 (three days before the murders). MDM purchased a 12-pack box of green Mountain Dew, as well as a rotisserie chicken, and was last seen walking towards Harbor Freight. MDM was observed to arrive via the CAT Bus at 2:34 PM, which is believed to be the same bus used on 4/18 and 4/20. MDM again wore the same outfit, to include the black backpack and blue bandana covering his face.

85. On Monday, April 18, 2022, (the day of the murders) MDM was observed in the Shaw's footage previously described in paragraph 72, last seen heading towards the Alton Woods trail at 3:32 PM.

86. On the morning of Tuesday, April 19, 2022 (less than 24 hours after the murders), MDM made an unusual purchase that we suspected was directly related to the homicides and Burnt Tent Site; specifically, he purchased a new three-person tent, a sleeping bag, and a bottle of 91% rubbing alcohol. Det. Brown is aware based on his training and experience that rubbing alcohol could be used to clean blood or bodily fluids from certain surfaces, and can also be used as an accelerant or fuel. Also, based on Det. Brown's training and experience, he strongly suspected that the new tent and sleeping bag could indicate that MDM's existing tent and sleeping bag were abandoned or destroyed, possibly to destroy trace evidence after the homicides.

87. MDM paid for the above items with a \$100 bill at a self-serve register. MDM's backpack appeared noticeably bulkier than previous appearances, possibly indicating more items stored inside. MDM was last seen headed towards Harbor Freight, consistent with a route which would take him to the Alton Woods campsite.

88. Unlike all other transactions found, MDM was not wearing a blue bandana or any type of mask over his face on April 19th. This was another unusual distinction that was considered to be related to the homicides, possibly indicating that the bandana had obvious blood or evidentiary material on it. MDM did appear to cover his face with his hands when walking past certain obvious surveillance cameras, or otherwise looked down. We isolated a few still images depicting MDM's face, and noted that he was clean shaven and generally resembled the suspect sketch (though his hair appeared shorter).

89. We further noted that this transaction occurred one day before Lemoine and DeSilvio encountered "Arthur Kelly" in a tent in the woods of the Alton Woods complex. We considered that MDM set up his new tent at Alton Woods after the destruction of his former site, physically distancing himself from the crime scene but remaining close enough to check on it and continue efforts to obscure it. Det. Brown later showed Detective Lemoine a photo of the tent purchased by MDM on April 19th.

Det. Lemoine stated that he believed that this was the same model tent he observed "Arthur Kelly" in on April 20th.

90. On Wednesday, April 20, 2022, MDM was observed purchasing the 12-pack of Mountain Dew Code Red soda previously described, last seen heading towards Harbor Freight (consistent with the direction of Alton Woods). Again, that transaction occurred roughly seven hours before Det. Lemoine's contact with "Arthur Kelly" in the tent.

91. Of particular relevance, we have found no surveillance footage or store transactions involving MDM after April 20, 2022 - consistent with MDM abruptly changing his behavior and/or leaving the area following his contact with Detective Lemoine and Officer DeSilvio.

92. Additional follow-up has shown that no agency in the United States conducted a name check on Arthur Kelly (DOB 1/27/1992) prior to Concord PD on April 20th (there were checks after that date which we believe were related to our requests for records searches). Federal agencies (HSI & FBI) also conducted separate checks of Arthur Kelly in their records with no matches found. In addition, civilian records searches have found no potential matches, all of which adds credibility to the belief that Arthur Kelly is a false identity.

93. Det. Brown later compiled several still images from the surveillance footage depicting MDM with and without the mask, which he showed to dozens of employers in the Concord area. Det. Brown also showed the images to representatives at the Homeless Resource Center, laundromats, gyms, banks, and libraries in the vicinity, and distributed them to New England law enforcement agencies through the NH Intelligence Analysis Center. Although a few people recalled seeing a similar-looking person, no one was able to identify this individual or provide any new details about him.

94. Recovery of Ballistics Evidence: On Thursday, August 25, 2022, based on mounting evidence, Lt. Marc McGonagle directed a team of CPD detectives to return to the Burnt Tent Site to search, recover, and seize any and all remaining (non-natural) items as part of continued efforts to learn MDM's true identity. On that date, we recovered all remaining propane tanks, soda cans, food packaging, tin foil remnants, glass from a dish, bowl, and food storage container, a mouse trap, burnt remnants of a cell phone, and additional small value Euro coins. [Note: The cell phone remnants were later examined and determined not to match Stephen Reid's missing cell phone.]

95. Of particular relevance, using a CPD metal detector Detectives Murray and Gorham located and recovered a spent shell casing marked "Sig Luger 9mm," within the debris inside the original tent footprint. This was known to be the same markings found on the two shell casings recovered at the Marsh Loop Trail crime scene on May 20, 2022.

96. About 15 feet from the tent footprint, Detectives Murray and Gorham located an additional eight spent shell casings which were all marked "Sig Luger 9mm." These casings were located in separate spots a few feet from one another, which is consistent with ejection patterns when target shooting from the same general spot. We observed that an apparent natural clearing created a "firing lane," and multiple trees were located downrange from this spot with apparent bullet defects (i.e. scars or marks consistent with the trajectory path of a bullet).

97. On Tuesday, August 30, 2022, and again on Wednesday, August 31, 2022, Detectives Murray, Gorham, Carter, and Brown returned to the Burnt Tent Site and the Marsh Loop Trail crime scene with

an additional metal detector borrowed from NH Fish & Game. This metal detector was found to be particularly sensitive to ballistics, and they soon located 10 additional spent shell casings at the Burnt Tent Site, in the same area where eight casings were previously found. All 10 spent shell casings were marked "Sig Luger 9mm." They also located and recovered a spent bullet (i.e. the actual metal object propelled out of a gun) at the Burnt Tent Site, a few inches underground and downrange from the spent shell casings. This bullet was consistent in size with a 9mm, and we believe it likely originated from one of the spent shell casings.

98. After the results at the Burnt Tent Site, investigators responded back to the Marsh Loop Trail crime scene to use the NH Fish & Game metal detector there. Over the course of several hours, they located and recovered three spent bullets approximately 8-10 inches underground on the trail itself. These bullets were consistent in size with 9mm rounds and appeared visually similar to the bullet found at the Burnt Tent Site. The bullets were located in the same area where coagulated blood and bullet fragments were previously found, making it highly probable that they were fired during the shooting and may have passed through the Reids on that date.

99. Select pieces of this ballistics evidence have been submitted to the NHSP Forensic Lab for additional testing and comparison, with results expected to take several days or weeks.

100. Based on the totality of the investigation to this date, there is probable cause to believe that MDM was the man living at the Burnt Tent Site from roughly November 2021 through April 19, 2022, as encountered by multiple residents. We further have probable cause to believe that he was the same male observed by Nan Nutt at the crime scene minutes after she heard the shots, whom there is probable cause to believe was directly involved with the murders. In addition, there is probable cause to believe that MDM was the same male at the Alton Woods tent site who gave the name "Arthur Kelly" to Detective Lemoine on the night of April 20th. This man has not been seen since. It was therefore of utmost importance that MDM be positively identified as quickly as possible, leading us to seek any and all information about the prepaid debit cards used by MDM in several Walmart transactions.

101. Prepaid Debit Card Usage: In her review of Walmart records, Det. Gorham discovered twelve separate transactions where MDM paid with five different apparent credit or debit cards. It was first considered that MDM may have accidentally revealed his identity by using his own bank-issued credit or debit card, but it was soon discovered that these were actually pre-paid debit cards. Such cards can be purchased without any identification credentials, and are not typically linked to a particular person's identity or bank account. It should be noted that Walmart receipts do not contain the full debit card number, but only the first six digits and last four digits.

102. The first six numbers of a credit/debit card are known as the Bank Identification Number (BIN), which identifies the originating bank or financial institution. Using multiple reliable websites to search BIN number details, we identified three cards as belonging to MetaBank Payment Systems (hereinafter "MetaBank") located in Sioux Falls, South Dakota. The last two cards were identified as belonging to Sutton Bank, located in Attica, Ohio.

103. Although Prepaid and Gift cards are generally not connected to a particular person's identity or bank account, I am aware from my training and experience that there are details associated with these cards which can be used to help identify the person(s) using them. These details include full transaction history showing the date, time, location, and amount of other purchases made with the card, which can

lead to other potential witnesses, surveillance footage, or personal information not yet known about the suspect. Other details include the original purchase date and location of the card itself, along with the payment type (e.g. cash, check, bank-issued credit/debit card, etc.). Said information can be used to identify the person who originally purchased the prepaid/gift card, which may or may not be the same person who ultimately used it. Some institutions may also collect and record Internet Protocol addresses for online access to the card (e.g. checking the card balance online, etc.).

104. It should be noted that Det. Gorham has accounted for many items purchased by MDM at Walmart, which were later found at the burnt tent site, but there are a few specific items not yet located. For example, we recovered two separate propane heater/stoves from the Burnt Tent Site, neither of which are sold in Walmart's physical stores. One stove/heater was identified as the Campy Gear Chubby 2 in 1 Portable Propane Heater & Stove, which appears to be primarily sold through Amazon. The second stove/heater was identified as the Mr. Heater Propane Heater/Cooker. This item was available through Walmart's online store, as well as through Amazon, Bass Pro Shops, and other outdoor stores.

105. Investigators also identified the distinct military-style backpack worn by MDM as the Military Tactical Outdoor Backpack manufactured by a company called LHI. According to Det. Gorham's review, this backpack first appeared in MDM's custody in April 2022. This backpack was found to be sold through Amazon and other outdoor-related websites, but does not appear to be sold at Walmart or local stores.

106. I am aware from my training and experience that a prepaid credit card can be used to make online purchases, to include from Amazon, without the need for actual credentials (e.g. photo identification, date of birth, etc.). Amazon also allows items to be shipped to designated pickup locations (there are at least four locations in Concord), which again do not require the buyer's home address or legitimate name to pick up (the customer either uses an app to interact with an automated Amazon locker, or they show a barcode and six-digit number to an employee to verify the purchase and claim their item). It is therefore considered that MDM could use any of the above Debit Gift cards to make online purchases which he then picked up in Concord.

107. Debit Gift Card Results: On September 8, 2022, Det. Brown sought and obtained search warrants for MetaBank and Sutton Bank for certain information about the usage and user(s) of the above-mentioned gift cards, which he served to them through their designated email addresses. Sutton Bank responded the same day and advised that they were unable to locate records without the full 16-digit card numbers, due to limitations with the Vanilla gift card system. They referred me to Vanilla's parent company and/or Walmart Corporate to obtain the full card numbers, which they could then use to obtain the records.

108. On September 12, 2022, MetaBank provided the requested information for the three cards under their control. In contrast with Sutton Bank, MetaBank was able to provide the full credit card numbers, the activation date, and the full balance and transaction history for each of the cards. Det. Brown noted the following relevant observations concerning the MetaBank cards:

109. Between November 29, 2021, and April 20, 2022, the user of the cards bearing numbers "5113 3200 3589 6278" and "4358 8094 1367 0765" made twenty-three attempted or completed transactions with Amazon.com. Some of these transactions appeared to have failed, due to a zero-balance remaining

on the card, while other transactions appeared successful. The exact details of the purchases were not known, but from training and experience it is believed that Amazon maintains said details which include the products purchased, the shipping/pickup location, and any user credentials or information provided. This information can be identified by Amazon using the full credit card numbers MetaBank provided. It is further believed that Amazon can then identify any user accounts affiliated with those credit cards, and provide additional transaction and user information for those accounts.

110. Some of the transactions were noted as “Amazon Prime Pmts,” consistent with the user purchasing an Amazon Prime membership. Prime membership features additional benefits, such as access to video, music, video game streaming apps, discount shopping, photo storage, membership sharing, free shipping, and various digital reading resources. Such details can provide additional relevant information about the suspect which can help us to identify him, such as his personal interests, usage patterns (date/time/duration), connected mobile devices, and IP addresses for online access. Upon information and belief Amazon.com will provide details of the use of these benefits through a search warrant, which can be served through their designated law enforcement portal.

111. In addition to the Amazon purchases, Det. Brown further noted that the user of the card bearing number “5113 3201 8586 9745” made four apparent purchases on eBay and one account verification on PayPal on December 8, 2021. eBay is an online auction site allowing users to purchase new or used items from private sellers or businesses, which are shipped to the user’s home or can be sent to a local UPS/Fedex location for pickup. PayPal is an online payment system frequently used with eBay (eBay once owned PayPal before separating it into a standalone company). As with Amazon, upon information and belief, eBay and PayPal maintain records of such purchases, to include personal identifying information, payment methods, transaction history, and shipping addresses provided by the user. Said information can be released by the companies through proper legal process served through their designated law enforcement portal systems.

112. Det. Brown further noted that the user of the card bearing number “5113 3201 8586 9745” made two apparent purchases on BulkSupplements.com on December 8, 2021 and December 9, 2021. Bulksupplements.com is an online provider of vitamins, protein, additives, and other nutritional health supplements similar to brick-and-mortar stores like GNC. Bulksupplements.com is based out of Henderson, Nevada.

113. On September 13, 2022, Det. Brown contacted BulkSupplements.com at their designated customer service number. Det. Brown soon spoke with a customer representative supervisor Alisha Budge regarding what types of information would be available for a specific transaction. Alisha asked if Det. Brown had the customer name to track and he advised her that he did not. Alisha then asked for the last four digits of the card number, and the transaction amount, which Det. Brown provided to her. Without further prompting, Alisha advised Det. Brown that the customer name for that transaction was “Logan Clegg.”

114. Alisha added that Logan ordered several vitamins which were shipped to a FedEx pickup location on Loudon Road (later determined to be Walgreens). She stated that the package was picked up on December 13, 2021, and signed for by Logan Clegg. Alisha added that Logan provided an email address of rkxkelly@gmail.com for the transaction. Det. Brown noted that this email address incorporated the last name of “Kelly,” similar to “Arthur Kelly.”

115. The name “Logan Clegg” was new to me and Det. Brown and was not previously encountered in the investigation. We conducted checks of CPD records and nearby agencies, with no prior contacts noted. Det. Gorham soon responded to Walgreens and confirmed that it was a FedEx pickup location, and that an ID must be shown to receive the package. We therefore considered it likely that Logan Clegg was the real name of our suspect.

116. Identify Suspect as Logan Clegg: We soon conducted additional online checks and located a booking photo of a “Logan Clegg” with a date of birth of 1/24/1996, from a burglary arrest in Cache County, Utah in August 2020. We noted immediately that Logan Clegg was remarkably similar to the images of the “Mountain Dew Man” as well as to the suspect sketch. Det. Garrett Lemoine reviewed the booking photo of Logan Clegg and stated that he was certain that this was the same man he spoke to in the tent who provided the name “Arthur Kelly.”

117. We conducted additional checks, to include a criminal records check, and discovered that Logan Clegg had an active arrest warrant for Burglary out of Logan, Utah - a town about an hour north of Salt Lake City which coincidentally shares Logan’s first name. (For clarity, I will refer to Logan Clegg as “Clegg” in the next few paragraphs.) We soon called Logan PD and obtained records related to that warrant.

118. Clegg was arrested twice in August 2020 by two separate Utah police agencies. On August 10, 2020, Salt Lake City PD arrested Clegg for shoplifting at a local Walmart, when a loaded .45 caliber handgun was recovered from his waistband. This firearm was seized during his arrest and was subsequently logged in evidence. Clegg was apprehended by three SLCPD officers, and later commented that “three on one” was unfair to him, and that he wished he had “a chance to pull [the gun] out and fight one on one.” Clegg added that he would have done this because he would “rather die than fucking go to prison.”

119. The handgun was later found to be one of two firearms stolen from Al’s Sporting Goods store in the town of Logan roughly two weeks earlier. Notably, a photo from the Walmart arrest showed that Clegg was wearing a black baseball cap, blue bandana, dark blue shirt, and dark sweatshirt, all very similar to MDM’s regular outfit at the Concord Walmart.

120. Nineteen days after the Salt Lake City arrest, on August 29, 2020, Clegg was arrested again, this time by Logan PD during a burglary-in-progress call in which Clegg fled from officers. Clegg was once again found to be in possession of a loaded handgun, this one being a 9mm recovered from his backpack which was later determined to be the second stolen gun from Al’s Sporting Goods. This firearm was also seized and subsequently logged in evidence, and is therefore not suspected of being used in the Reid homicides. The booking photo from this arrest was the same one found through google searches.

121. Clegg served approximately four days in a local jail before being released on bail. He was ultimately sentenced to 36 months of probation on November 9, 2020, for charges of Fail to Stop at Command of Law Enforcement (Class A Misdemeanor), Theft by Receiving Stolen Property (3rd Degree Felony), Burglary (3rd Degree Felony), and Theft (3rd Degree Felony). As part of his probation sentence, Clegg signed an agreement to obey all state, federal, and municipal laws, not to possess any firearms or dangerous weapons, and not to abscond from probation supervision.

122. On July 21, 2021, an arrest warrant was issued after Clegg failed to report to probation as he agreed. The warrant was entered in NCIC with extradition limited to states west of the Mississippi River. That arrest warrant remains active in NCIC to this day, and Logan PD recently obtained authorization for extradition in all 48 contiguous states. (This is the final mention of Logan PD, I will resume referring to Logan Clegg as “Logan” from this point forward).

123. Additional searches of civilian records established that Logan Clegg is the son of Randall Clegg (DOB: 10/6/1969) and Tisha Kitt Clegg (DOB: 1/19/1971). Logan appeared to be born in Arizona and moved to Colville, Washington, with his parents when he was around 3 years old. Logan’s father committed suicide in July 2008, when Logan was about 12 years old. There are indications that Logan’s behavior later took a downward turn in his teenage years, involving multiple domestic disturbances between him and his mother (we are awaiting police reports with additional details).

124. Notably, Logan reported in his probation paperwork that both of his parents were deceased and that he had no other family members. To the contrary, online research established that Logan’s mother is alive and well, and that he has six aunts/uncles and twelve cousins – all apparently living in western states. Most of these family members (to include his mother) have active social media pages, but there were no photos or mentions of Logan found on any of their feeds. It is therefore believed that Logan is estranged from his family.

125. Additional police records documented that Logan Clegg was identified as the suspect in a fatal stabbing which occurred in Spokane, Washington, on May 18, 2018. In that investigation, Logan told investigators that he was assaulted by an unknown white male while walking to his job at McDonald’s. Logan stated that after being repeatedly punched by the man, he stabbed the man with a small knife until the man finally ran off. Though the man died a short time later, local prosecutors ultimately declined to prosecute based on Logan’s assertion of self-defense.

126. We also contacted federal authorities for searches of their records for Logan Clegg. An HSI investigator reported that Logan flew internationally from Denver to Paris on October 23, 2019, and then returned from Paris to Las Vegas on November 3, 2019.

127. The HSI investigator added that Clegg also flew from Chicago O’Hare to Lisbon, Portugal on June 21, 2021, but did not return to the United States until November 7, 2021. Clegg reportedly flew from Munich, Germany, to Reykjavik, Iceland, to Boston, Massachusetts. We recalled that we recovered several Euro coins from the Burnt Tent Site, as well as a headphone adapter commonly used on commercial airlines. These items are consistent with airline travel to Europe.

128. HSI also reported that Logan Clegg purchased a ticket to fly to Reykjavik from Newark, New Jersey, on February 26, 2022, but that he was listed as “Not on Board” when the flight departed. It was not immediately clear if Logan cancelled his ticket in advance or simply did not show up on that date. From Det. Gorham’s Walmart research, Logan Clegg was known to be in Concord in the days before and after the flight.

129. On September 14, 2022, Detectives Mark Hassapes and Steven Carter conducted a canvass of several fast-food restaurants in Concord and learned that a man named Logan Clegg was employed at the McDonald’s on Loudon Road beginning in November 2021.

130. Det. Hassapes spoke with Manager Courtney Davis (DOB 6/2/1976), who confirmed that she was Logan Clegg's supervisor at the Loudon Road McDonald's. Courtney reviewed the surveillance images from Walmart (showing "Mountain Dew Man") and identified the male in those photos as Logan Clegg. She added that Clegg wore the same clothes and the black leather hat to work every day, before switching his hat to a McDonald's hat. Courtney also reviewed the booking photo from Cache County and confirmed that this was her former employee, Logan Clegg. Courtney described Clegg as quiet with no friends, and stated that she came to consider that he was homeless as he appeared to be living out of his backpack.

131. Det. Carter later obtained work records from McDonald's documenting that Logan Clegg (using date of birth 1/24/1996) filled out an application on November 10, 2021, and began his first shift on November 19, 2021. Logan provided the same email address used in the BulkSupplements.com vitamin purchase, specifically rkkelly@gmail.com, and indicated that this was his preferred method of communication (as opposed to a cell phone).

132. Det. Brown indicated that from his training and experience (to include from this investigation), that Google maintains location data and other user information, generally stored under the user's gmail account. Det. Brown contacted Google and learned that this particular gmail address was not used in September 2022 and did not appear to be presently active. I confirmed that historical information regarding the account could be released through proper legal service.

133. In his employment application with McDonald's Logan initially did not provide a cell phone number, but later reported a number of (810) 217-6818. I contacted a T-Mobile Law Enforcement specialist and provided details of the investigation. The specialist advised that this number was a T-Mobile-owned number, but it was not presently active for possible location tracking purposes. The specialist confirmed that historical information about the number could be released with proper legal service.

134. Logan also reported an address of 506/206 S. Main Street, #7, Concord, NH (on the written application he wrote "506," while the digital application stated "206.") There is no "506" S. Main Street, but there is a rooming house at 206 S. Main Street. Detectives responded to this location and found that there was no room or apartment designated as "7." They are continuing efforts to determine if Logan ever lived anywhere at this address.

135. Logan worked regular hours at McDonald's until his final shift on February 6, 2022. The McDonald's management team recalled that Logan indicated he was leaving because he obtained another job, but they had no specific details.

136. Co-workers informed Det. Carter that Logan had anger issues and said he was leaving because of his co-workers' poor work quality. Co-workers stated that Logan was a loner who kept to himself, and that he was easily annoyed by others. They added that Logan was protective of his backpack and hat, not wanting anyone to go near his belongings. They recalled that Logan became agitated if someone got in his way, and that he would mutter to himself and/or yell at the manager. Two co-workers also recalled that Logan would slam his hand on surfaces to express his dissatisfaction when things went wrong. Without knowing that Logan was considered a suspect in these homicides, two co-workers conveyed that they wouldn't be surprised if Logan turned out to be a "serial killer" or "school shooter."

137. Related to the ballistics evidence, in mid-September 2022, the NHSP Forensic Lab advised that based on their analysis, they believed the first nine shell casings recovered from the Burnt Tent Site were fired by the same gun as the two shell casings recovered at the crime scene. The final report is pending and has not been received at this time.

138. On September 20, 2022, Det. Brown was contacted by Darick Leighty of Walmart Corporate Security, in response to my email request for assistance. Darick was able to locate and provide the full 16-digit card numbers for the Sutton Bank gift cards, which Sutton Bank previously advised were required in order to obtain records. Darick advised that one card number was 5456 6000 4222 9364, while the other was 5456 6000 4846 6663. By this time, Det. Brown already returned the original Sutton Bank search warrant and he advised their representatives that he would seek a new search warrant if/when CPD obtained the full card numbers.

139. On October 7, 2022, Det. Brown received results from Google regarding the email address rkxkelly@gmail.com, which was used in Logan Clegg's McDonald's application and in multiple credit card transactions. A preliminary review showed that this appeared to be a "burner email" created on November 9, 2021 – in other words, an email not intended for regular personal use but to satisfy an email address requirement. Notably, the creator of the account gave the name "Arthur Kelly" when the account was first made, but then used the name "Logan Clegg" for his online purchases. This provided further corroboration that "Arthur Kelly" and Logan Clegg are the same individual. Det. Brown noted very little content in the account, no photos or location history, no outgoing emails, and no sign-ins after December 2021, all consistent with a "burner email."

140. Based on the information outlined above, there was now probable cause to believe that Logan Clegg (DOB 1/24/1996) was the actual identity of Arthur Kelly/"Mountain Dew Man," and that he was the person responsible for the murders of Stephen and Wendy Reid. It was also determined that further investigative steps would be taken while attempts to locate Logan Clegg were made.

141. One such step involved a subpoena that was issued to Greyhound Bus Lines for ticket information out of the South Station (Boston) terminal. This subpoena included the names Logan Clegg and Arthur Kelly. Though nothing came back to Logan Clegg, it was indicated that on 5/15/2022 a Arthur Kelly did in fact purchase a ticket. Further, this ticket appeared somewhat odd in that it booked a trip from Boston to Burlington VT. via Albany NY. At the time it was not confirmed whether or not the traveler was in fact Logan Clegg. However, the use of "Arthur Kelly" as well as the apparent indirect route piqued investigators' interest.

142. Other than the bus information above, investigative steps yielded no new information and Logan Clegg's whereabouts remained unknown, until 10/11/2022. On this date, Det. Gorham received a call from Det. Matt Pearce of the Logan, Utah Police Dept. As indicated in paragraph 122 of this statement this was the jurisdiction in which Logan's probation violation warrant originated. Det. Pearce advised Det. Gorham that he had just received a call from HSI Agent Daniel Ashment. Agent Ashment alerted Det. Pearce to the fact that Logan Clegg had just booked an international flight for 10/14/2022 leaving from John F. Kennedy airport and due to arrive in Berlin, Germany.

143. Det. Gorham conducted further follow-up to include speaking directly to Agent Ashment and to CBI Agent Jose Cubria. In doing so, Det. Gorham learned that the reserved flight was a one-way ticket on Norse Atlantic Airways that was slated to depart on 10/14/2022 at 0030 and arrive in Germany the

following day at 1425. Det. Gorham also learned that amid the booking process, Logan Clegg used the phone number (802) 598-8657 and an address of 11 Elmwood Ave. Burlington, VT 05401. This address came back to the U.S Federal Building in Burlington VT. which also houses a Post Office.

144. Using the phone number indicated above, Det. Steven Carter conducted an open-source search and determined that the number appeared to be associated with a Tracfone that utilized Verizon as its carrier.

145. In light of the facts established throughout this statement as well as the indication that Logan Clegg was intending to travel internationally, it was determined that exigency existed to ping the number associated with Logan's flight reservation to determine if it was actively being used and where it was located.

146. On 10/11/2022 at approximately 1700, Det. Carter initiated these pings and over a period of two hours several pings were conducted. These pings established that the phone number in question was currently in the Burlington, and South Burlington, VT area.

147. In cross referencing the above ping information with the Greyhound Bus subpoena information outlined in paragraph 140, it seems unlikely that it is coincidental that a phone number associated with Logan Clegg is pinging within the very city "Arthur Kelly" booked a ticket to on 5/15/2022. In fact, it appears likely that Logan Clegg travelled to Burlington while utilizing the alias "Arthur Kelly" and that Logan has now reserved a one-way international flight.

148. In considering the nature of the offenses outlined throughout this statement as well Logan Clegg's probable involvement in the homicide of Stephen and Djeswende Reid, it is imperative that he be located. Therefore, based upon the foregoing there was probable cause to warrant the use of Cell Site Simulator technology to locate the (802) 598-8657 phone, referenced below as the "Target Telephone."

149. On 10/11/2022 at approximately 2230, a warrant was issued for the use of a Cell Site Simulator by the Hon. Elizabeth M. Leonard. This warrant also authorized the U.S Marshall's Service to collaborate with Concord, NH Police in the execution of this warrant and the utilization of the Cell Site Simulator

150. Additionally, it was determined that information associated with (802) 598-8657 and currently in possession of Verizon, would further assist in locating Logan Clegg.

151. Based on my training, experience, and in conferring with CPD's Computer Crimes Unit, I am aware that the following is true regarding Verizon as a cellular provider.

152. I know that the number (802) 598-8657 is serviced by Verizon 180 Washington Valley Road, Bedminster, NJ 07921.

153. Accordingly, the cellular service provider records associated with Logan Clegg's cellular telephone number (802) 598-8657 and, including specialized location records, including estimated or known locations, commonly referred to TrueCall or TDOA (Time Difference of Arrival) or Timing Advance Information, PCMD (Per Call Measurement Data), call, text, and data detail records, mediation records, E9-1-1, and/or Historical GPS/Mobile Locate Information which shows GPS location (longitude and latitude) and Cell-Site and sector of the device in relationship to the network when connected to the network for the above referenced number, electronically stored records, carrier key, cell site lists, and

subscriber records will likely lead to evidence and aid in the course of this investigation in terms of identifying Hollins' location and/or any known associates or communications relevant to this felony level event.

154. Based on my training and experience and in speaking with other members of law enforcement, I am aware that a cellular telephone, or cell phone, is a mobile device that transmits and receives wire and electronic communications. Individuals using cell phones contract with service providers, who maintain antenna towers covering specific geographic areas. In order to transmit or receive calls and data, a cell phone must send a radio signal to an antenna tower that, in turn, is connected to a cellular service provider's network. When a user is not actively using a device, it will still be connected to the cellular network. Active internet applications and emergency push notifications are examples of a device being connected to the cellular network without user interaction. In order to terminate connection to the cellular network a user has to place their device in airplane mode.

155. Also, I am aware that many cellular service providers maintain antenna towers ("cell towers") that serve specific geographic areas. Each cell tower receives signals from wireless devices, such as cellular phones, in its general vicinity. These cell towers allow the wireless devices to transmit or receive communications, such as phone calls, text messages, and other data. The tower closest to a wireless device does not necessarily serve every call made to or from that device.

156. I am also aware that in addition to unique telephone number, each cell phone is identified by one or more unique identifiers. Depending on the cellular network and the device, the unique identifiers for a cell phone could include an Electronic Serial Number ("ESN"), a Mobile Electronic Identity Number ("MEIN"), a Mobile Identification Number ("MIN"), a Subscriber Identity Module ("SIM"), a Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), an International Mobile Subscriber Identified ("IMSI"), or an International Mobile Equipment Identity ("IMEI").

157. Cellular service providers routinely maintain historical cell-tower log information, including records identifying the wireless telephone calls and communications that used a particular tower. For each communication, these records may include the telephone cell number and unique identifiers for the wireless device in the vicinity of the tower that made or received the communication ("the locally served wireless device"); the source and destination telephone numbers associated with the communication (including the number of the telephone that called or was called by the locally served wireless device); the date, time, and duration of the communication; the "sectors" (i.e. the faces of the towers) that received a radio signal from the locally served device; and the type of communication transmitted through the tower (such as phone call or text messages).

158. Further, cellular telephones receive and send out signals through cellular towers, which send incoming and outgoing calls to the receiving and transmitting telephones. Moreover, cellular telephone carrier companies keep and retain, for a limited time, information pertaining to calls and data received and sent from cellular telephone towers, including call toll records, subscriber information, times of calls and the numbers of the receiving and sending telephones, and the approximate distance between handsets and towers sending and receiving cellular signals. This information is kept by the company for many different reasons, namely because they can analyze it to make sure their network is running efficiently and to monitor coverage areas and "dropped" calls. This information can also be used to locate a mobile device. As part of the tower connection information, the latitude and longitude of a tower a subscriber is using is logged along with the directional facing of the signal. This information can

tell police where a mobile device was. Gathering this information for the requested timeframe can show police travel patterns.

159. Based on my training and experience and in speaking with other members of law enforcement, I know that TrueCall or TDOA (Time Difference of Arrival) or Timing Advance Information provides key data and network information, which can geographically locate a cellular phone when it is used. This information can narrow down the location of a particular handset within the radius of the cell tower. However, I know that TrueCall or TDOA (Time Difference of Arrival) or Timing Advance Information is limited to only providing data when the cellular telephone is used in the course of making or receiving a telephone call.

160. Based on my training and experience and in speaking with other members of law enforcement, I know that in addition to TrueCall or TDOA (Time Difference of Arrival) or Timing Advance Information cellular data, SMS/MMS detail and data session detail (5G, 4G and 3G) provides similar key data and network information and is able to provide a location of mobile devices when it is used. I know that when a phone receives a text message or when phone application receives data automatically, the TrueCall or TDOA (Time Difference of Arrival) or Timing Advance Information data is generated (when a user activity uses a mobile device).

161. Therefore, based upon the foregoing, there is probable cause to believe that evidence of the crime of Homicide (RSA 630), may be found by utilizing cellular phone information as detailed above and in Attachment A. Therefore, I respectfully that this Court issue a search warrant ordering Verizon to furnish the information described above and in Attachment A for evidence of the crime of Homicide (RSA 630).

Date: _____

Signature of Officer

Name of Officer

Signed under the penalty of perjury, the penalty for which may include a fine or imprisonment or both.

Attachment A

It is ordered that Verizon Wireless provide any and all account, subscriber, credit and billing information, Mobile Identification Number (MIN), Mobile Station Identification (MSID), International Mobile Subscriber Identity (IMSI), International Mobile Station Equipment Identity (IMEI), Electronic Serial Number (ESN) in Hex format, Mobile Equipment Identifier (MEID) and any and all electronic identifiers that are unique to cellular phone number of 802-598-8657.

It is ordered that Verizon Wireless provide records of all incoming and outgoing calls, texts (no content), and cell sites information for **the previous thirty (30) day period and for 15 days subsequent to the issuance of this warrant** for the device containing cellular phone number:

802-598-8657

It is ordered that Verizon Wireless furnish any historical records containing approximate locations, sometimes reflected with GPS coordinates and other engineering information, of the Target Device while in use. Common names and terms for these reports include but are not all inclusive of Range to Tower or Real Time Tool (RTT), Per Call Measurement Data or Reveal Report (PCMD), Network Event Location System (NELOS) or True Call report (not all inclusive) for thirty (30) days prior to this search warrant being authorized and extending fifteen (15) days thereafter.

It is ordered that Verizon Wireless shall provide precision location information, Mobile Locator functions or initiate a signal to determine the location of the subject's mobile device on the service provider's network (E911, pinging, GPS, facing or directional azimuth, ranging information, signal strength, etc.) or with such other reference points as may be reasonably available and at such intervals as directed by the Concord Police Department and/or United States Marshals Service for a period of 15 days subsequent to the issuance of this search warrant.

It is ordered that any additional cellular numbers added to this account be included should the subscriber have performed a number change within the past thirty (30) days or attempt to change the aforementioned number during the period covered by this warrant.

Precision location may also be obtained by and provided to the Concord Police and/or United States Marshals Service for the location of this cellular / wireless device by any other available methods, including utilization of a cell site simulator without geographical boundaries, for a period of 15 days subsequent to the issuance of this search warrant.

EXHIBIT A5

Name	Date modified	Type	Size
Clegg SW Verizon Attachment A	10/12/2022 9:08 AM	Microsoft Word D...	14 KB
Clegg Verizon SW SOPC Word	10/12/2022 9:20 AM	Microsoft Word D...	43 KB

- Documents
 - Pictures
 - Music
 - Videos
 - Wilkinson pit
 - Wilkinson Phon
 - Wilkinson Upda
 - Clegg CSS Warri
 - This PC
 - Det. B. Ryder (F:
 - Cases Pending
 - Closed Cases
 - Cold Cases
- 2 items |

EXHIBIT A6

STATE OF NEW HAMPSHIRE
SUPERIOR COURT

MERRIMACK, SS.

DECEMBER TERM, 2022

In re: Deaths of Stephen and Djeswende Reid

STATE'S MOTION TO SEAL AFFIDAVIT IN SUPPORT OF SEARCH WARRANT APPLICATION, ANY RESULTING SEARCH WARRANT, ATTACHMENT, RETURN, ACCOMPANYING PAPERWORK, AND THE INSTANT MOTION TO SEAL

*****FILED UNDER SEAL*****

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and respectfully requests that this Honorable Court seal the accompanying Affidavit in Support of Search Warrant Application, any resulting Search Warrant, Attachment A to the Search Warrant, the Return, any additional Paperwork that may issue in this case, and the instant Motion to Seal. In support of its request, the State submits the following:

1. On April 21, 2022, the New Hampshire Attorney General's Office and the Concord Police Department began conducting a criminal investigation into the shooting deaths of two people, identified as Stephen Reid (DOB: 03/05/1955) and Djeswende Reid (DOB: 02/08/1956), during the week of April 18, 2022. On October 25, 2022, Logan Clegg (DOB: 01/24/1996), was charged with two counts of second-degree murder in connection with these killings.

2. Investigation into this matter is still ongoing. Premature disclosure of the information contained in the affidavit and warrant may compromise the integrity of this on-going criminal investigation by revealing the investigative information known to authorities, by stymying investigative leads at this stage, and by chilling cooperation by any additional witnesses who may have information concerning what happened to the deceased.

3. This Court has the authority to grant the State's request and order the relief requested. See Petition of State of New Hampshire (Bowman Search Warrants, 146 N.H. 621 (2001)). The present case is still in its investigative stage. Accordingly, premature disclosure of the information in the search warrant affidavits, warrants, returns, and other paperwork could prejudice the on-going investigation.

4. The State respectfully requests that the accompanying search warrant affidavit, search warrant application, warrant, attachment, returns, and any other related paperwork be sealed.

WHEREFORE, the State respectfully requests that this Honorable Court:

- A. Grant the State's motion and seal the accompanying search warrant affidavit in support of search warrant, application, any resulting search warrant, return, any resulting paperwork that may issue in this case, and the instant Motion to Seal; and,
- B. Grant such further relief as may be deemed just and proper.

GRANTED.



N. William Delker
Presiding Judge
Dec. 15, 2022

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: December 13, 2022

/s/ Joshua L. Speicher
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THE STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

<https://www.courts.nh.gov>

PROBABLE CAUSE STATEMENT FOR SEARCH WARRANT

I, Danika M. Gorham declare under penalty of perjury:
(Name of officer)

1. I am employed by: The Concord Police Department as a Detective in the Criminal Investigations Division
(Describe position, assignment, office, etc.)

2. I have information, based upon (Describe source, facts indicating reliability and credibility of source and nature of information. If based on personal knowledge, so state).

See attached Probable Cause Statement

See additional page(s) for more information

3. Based upon the foregoing reliable information there is probable cause to believe that the property hereinafter described

Is evidence of the crime of Homicide (RSA 630)

(Has been stolen, etc.)

Verizon Wireless Records

and may be found in the possession of

(Identify)

at premises located at Verizon Wireless (180 Washington Valley Road Bedminster, NJ 07921)

(Specify)

4. The property I intend to seize as a result of the issuance of a Search Warrant is the following:

See Attachment A

Wherefore, I request that the court issue a warrant and order of seizure, authorizing the search of the above persons and /or premises and directing that if such property or evidence or any part thereof be found that it be seized and brought before the court; together with such other and further relief that the court may deem proper.

12-14-22

Date



Signature of Officer

Danika Gorham

Name of Officer

Signed under the penalty of perjury, the penalty for which may include a fine or imprisonment or both.

PROBABLE CAUSE STATEMENT FOR SEARCH WARRANT

Additional space for source description, facts indicating reliability and credibility of source and nature of information.

I am a Police Officer with the Concord, New Hampshire Police Department where I have been employed since April of 2016. In March of 2020, I was assigned to the Criminal Investigations Division as a Detective. My training and experience is set-forth as followed:

- Associates Degree in Criminal Justice from NHTI
- Certified by the New Hampshire Police Standards and Training Council as a full-time law enforcement officer (Class 170)
- Concord Police F.T.O Program
- Search and Seizure Mobile Enforcement Training in relation to Operation Granite Hammer
- Evidence Collection and Processing (Sirchie)
- Interview/Interrogation (Reid Technique)
- Henry F. Williams Homicide Seminar (Albany, NY)
- FBI 40-hour basic crisis negotiations course

That as set forth below, the factual basis of the issuance of this warrant is based upon information obtained from this affiant's personal knowledge, observations, and beliefs, information provided to this affiant by other law enforcement officers, my training and experience, and the training and experience of other law enforcement officers assisting in this investigation. This statement does not contain every fact known to me or other investigators. Rather, it contains material information relevant to determining whether there is sufficient probable cause to believe that the crime of Homicide, RSA 630, has been committed.

As the result of an investigation conducted by the Concord Police Department, I have developed the probable cause outlined herein.

1. **Initial Missing Persons Report:** On Wednesday, April 20, 2022 at approximately 6:20 PM, the Concord Police Department was notified by a woman named Susan Forey (DOB 9/20/1961) that her brother, Stephen Reid (DOB 3/5/1955), and his wife Djeswende "Wendy" Reid (DOB 2/8/1956), were missing.
2. Susan reported that Stephen missed a tennis match with their brother that morning, which was out of character for him. Susan stated that family members then attempted to contact Stephen and Wendy via their cell phones, but got no response from either. Family members also responded to Stephen and Wendy's home at Building 14 Apartment 11 in the Alton Woods Apartment complex off of Loudon Road in Concord, NH, but found no signs of the couple.
3. Susan stated that the last contact her family had with Stephen was on the morning of Monday, April 18, 2022, via text message. Susan reported there were no known mental health issues, health issues, financial troubles, or history of domestic violence between Stephen and Wendy.
4. Officers Matthew Scheidel and KristieAnn DeSilvio responded to Alton Woods and conducted a consent search of Stephen and Wendy's apartment, which was located on the third floor of the apartment complex. They found that the apartment was neat and organized, with personal items left behind, including two cell phones, wallets, and passports. They observed no signs of forced entry or disturbances, and both Stephen's and Wendy's vehicles were also found in the parking lot.
5. After the initial search of the apartment and building, members of the NH State Police and Concord Police Department conducted a canvass of the Alton Woods apartment complex, as well as the wooded areas directly adjacent, looking for any signs of Stephen and Wendy Reid.

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6. **First Contact "Arthur Kelly":** While canvassing the wooded area east of the Alton Woods Apartment Complex, at approximately 9:30 PM, investigators encountered a white male, 20-30 years old, clean shaven, with brown hair, who told them his name was "Arthur Kelly" and his date of birth was: 1/27/1992. Arthur was observed in a small tent approximately 100 meters into the wood lines (about 1/2 mile from the Marsh Loop Trail crime scene later discovered by CPD Detectives). Officer DeSilvio called in Arthur's name and date of birth to CPD Dispatch, but no matching records were found.
7. Det. Garrett Lemoine explained to Arthur that they were searching the area for a missing couple. Arthur stated that he was just camping there for the night and was originally from the Boston area. Hearing this, Officer DeSilvio then requested that Dispatch check Arthur's name in Massachusetts records, but again no matches were found.
8. Arthur told Det. Lemoine that he left his tent earlier that morning and did not return until later in the afternoon. Arthur stated that he did not see anyone else in the area of his tent, and that he no longer wished to speak with the police. Arthur stated that he did not believe he was doing anything wrong, was only passing through the area, and did not want to answer any more questions.
9. Det. Lemoine asked Arthur one final question, specifically if Arthur had given his correct name and date of birth, and Arthur replied that he did. Detective Lemoine and Officer DeSilvio then left the area without further incident, in order to continue the search for the Reids. Det. Lemoine observed that Arthur had numerous Mountain Dew "Code Red" soda cans on the ground in and around his tent (Code Red is an alternate version of the soda, consisting of a red liquid typically in red soda cans).
10. Investigators found no signs of Stephen or Wendy that night, and it was agreed that detectives would continue the investigation during daylight hours on Thursday. At approximately 11:57 PM, Stephen and Wendy were entered into the NCIC system as Endangered Missing Persons.
11. **Continued Search Efforts:** On the morning of Thursday, April 21, 2022, the Concord Police Department and NH State Police responded back to the Alton Woods complex to continue the search for the Reids. Detectives conducted an intensive search of the apartment itself, while members of the Central New Hampshire Special Operations Unit (CNH-SOU) assisted with building canvasses and conducted line searches of the wooded areas. CPD Bike units and NHSP K-9 units were also called in to search nearby streets, parks, and other areas radiating outwards from Alton Woods.
12. In the afternoon hours, Concord PD and the NH State Police issued a press release requesting the public's help in locating Stephen and Djeswende Reid. Recent photos of the Reids were included, and their disappearance was covered in several local media outlets. Police asked for anyone with information to contact Concord PD or the Concord Regional Crimeline.
13. Detectives soon discovered that Stephen Reid's cell phone was not one of the two phones found in the apartment, and it was considered likely that Stephen brought his phone with him. Detective Alex Harbitz submitted an exigency request to Google, Inc. for location information related to Stephen's Google account: iska23x@gmail.com. Google is known to collect location data from cell phone users who utilize Google software and services, and this data is typically connected to their Google account.
14. At approximately 5:10 PM, Google provided historical data showing Stephen Reid's cell phone location on April 18th. This data indicated that the phone left the area of the Reids' apartment complex at approximately 2:42 PM and arrived at the nearby Marsh Loop Trail at approximately 2:48 PM. Google indicated that the last GPS coordinates were obtained from Stephen's cell phone at approximately 3:47

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- PM, with an 11-meter accuracy measurement. These coordinates were determined to be in a wooded area off the Marsh Loop Trail, a popular city trail located near the Alton Woods complex.
15. The Marsh Loop Trail is part of the Broken Ground Trail System located on Portsmouth Street less than 0.5 miles from the Reids' apartment. The Marsh Loop Trail starts at a parking lot on Portsmouth Street, and continues in a grassy, cleared area under Unitil power lines before entering a wooded section about 0.3 miles later. There is a separate, established private trail leading from the Alton Woods complex to the Marsh Loop Trailhead, and the data points were consistent with the Reids taking that route.
 16. At approximately 5:55 PM, Concord Police Detectives responded to the Marsh Loop Trailhead, along with NHSP K-9 Units, in order to search the area of the Google coordinates.
 17. **Discovery of Crime Scene:** At approximately 6:14 PM, a NHSP Trooper indicated that his K-9 just took an interest in an apparent leaf/stick pile within the 11-meter radius of the Google coordinates. Upon closer look, the Trooper reported seeing the top of an apparent human head, specifically someone with African-American skin tone and black hair (consistent with Wendy Reid). There were no signs of movement or life, and it was obvious that the person covered by the leaves was deceased, indicating foul play.
 18. A crime scene was immediately established, and it was not known if there were more potential bodies hidden in the pile. There were no obvious signs of blood in the area, nor were there any obvious drag marks or signs of a struggle. There was also no noticeable odor of death in the vicinity.
 19. Over the course of several hours, Det. Nicole Murray and NHSP Trooper Tara Elsemiller processed the scene and discovered two bodies which were later positively identified as Stephen and Djeswende Reid. The bodies were found to be positioned in a natural depression (i.e. not a man-made hole), hidden under several inches of leaf and woodland debris.
 20. It was believed that the suspect(s) covered the bodies and altered the crime scene, and it was considered unlikely that the victims would have been quickly discovered without the Google coordinates and K-9 units. Notably, Stephen's cell phone (i.e. the source of the coordinates) was not located with the bodies or within the vicinity.
 21. Assistant Medical Examiner Ginger Chapman soon conducted an initial limited examination of the bodies. She advised that there was an apparent gunshot wound to each body, and further observed that the victims' clothing was bunched up in certain areas, consistent with having been dragged.
 22. The bodies were soon transported from the scene to the Concord Hospital morgue for autopsy by the Office of the Chief Medical Examiner. After the bodies were removed, the scene was secured by CPD uniformed officers to await further processing during daylight hours.
 23. On the morning of Friday, April 22, 2022, detectives returned to the Marsh Loop Trail scene to continue evidence collection efforts. Additional K-9 units were also brought in specializing in the detection of ballistics (bullets, shell casing, firearms, etc.), as well as the detection of mobile electronics (cell phones, flash drives, etc.).
 24. At the morgue, Deputy Chief Medical Examiner Dr. Mitchell Weinberg conducted autopsies on Stephen and Wendy Reid and concluded that the cause of death for both was multiple gunshot wounds and that the manner of death was homicide. Dr. Weinberg concluded that Stephen suffered four gunshot wounds while Wendy suffered two gunshot wounds. Dr. Weinberg recovered multiple small bullet fragments and

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- estimated that the bullets were smaller caliber, possibly in the .380 to 9mm range. Both Stephen and Wendy also suffered abrasions to their torsos, which corroborated that they were likely dragged.
25. Dr. Weinberg described that Stephen suffered four gunshot wounds, specifically to his left wrist, left shoulder region and head, left arm and chest, and central back. He noted that two of the bullets entered and exited, and then re-entered and re-exited Stephen's body. Dr. Weinberg concluded that more than one of the gunshot wounds would have posed a near immediate threat to Stephen's life.
 26. Dr. Weinberg described that Wendy suffered two gunshot wounds, specifically to her right ear and head, and to her right ear and neck. Dr. Weinberg concluded that one of the gunshot wounds (the one which entered her head) caused a resultant fatal injury to Wendy's brain.
 27. At the trail scene, with assistance from the ballistics K-9, detectives discovered apparent bullet fragments and coagulated blood on the Marsh Loop Trail, about 80 feet from the recovery location. Investigators also located apparent ripped fabric on a log, which appeared to match the material of Wendy Reid's pants. Based on the autopsy results and evidence at the scene, detectives believed that the Reids were initially shot on the Marsh Loop Trail and then moved/dragged downhill to the recovery location afterward.
 28. Despite search efforts with the K-9 Electronics Sniffing Dog (ESD), as well as with metal detectors, no signs of Stephen Reid's cell phone were found within a roughly 100-meter area of the recovery location. Stephen's cell phone remains unaccounted for even now, more than four months after the homicides.
 29. **Revisit "Arthur Kelly's" Tent Site:** In the afternoon hours of Friday, April 22nd, Sgt. Tom Yerkes directed Detectives Matt Doyon and Garrett Lemoine to return to the campsite near Alton Woods where "Arthur Kelly" was first observed on the night of April 20th. Sgt. Yerkes was concerned that this man was in the general vicinity of a double homicide and had given an apparently false name, leaving his true identity unknown. Det. Lemoine was the investigator who spoke with "Arthur" on Wednesday evening, and he therefore knew precisely where the tent was located.
 30. Upon arrival at the tent site, Detectives Lemoine and Doyon discovered that the tent was now gone, as were all of the Mountain Dew Code Red soda cans previously observed on the ground. They searched the area but found no signs of "Arthur Kelly" or any apparent debris, garbage, or other remnants of his camp site. They found the situation unusual, as homeless campsites in Concord are typically abandoned with noticeable debris left behind.
 31. Based on their suspicions, Detectives Lemoine and Doyon began a canvass of local stores known to sell the Mountain Dew Code Red soda. At the nearby Walmart, with assistance from Asset Protection Associates, they soon discovered video footage of a white male making a purchase of the soda on Wednesday, April 20, 2022, at approximately 2:40 PM, roughly seven hours before Lemoine's contact with "Arthur."
 32. They observed that this male was similar in appearance to "Arthur Kelly," but could not be certain it was him as he wore a blue bandana covering the lower part of his face. In addition to the bandana, the unidentified male was wearing dark pants, dark boots, a blue jacket, and an apparent black leather baseball hat. The male was also carrying a black backpack with a distinct white mark on the back.
 33. In addition to the Mountain Dew Code Red, the male bought small grocery items, which he paid for with cash at a self-serve register. The male never removed his bandana while in the store and was last seen

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walking towards the area of Harbor Freight, which is consistent with a route which would lead to the Alton Woods area.

34. Detectives Lemoine and Doyon noted that the male first arrived at Walmart on a Concord Area Transit (CAT) Bus. They then contacted Concord Area Transit and reviewed surveillance footage from that bus, which revealed that the male got on the bus at Eagle Square on N. Main Street at approximately 2:06 PM on Wednesday, April 20, 2022. The male kept the blue bandana covering his face during the entire bus ride. The male did not interact with any other persons while on the bus, and simply stared out the window for the duration of the trip. The CAT Bus is presently free for all riders and no identification is required to ride the bus.
35. With no further leads available at that time to identify the male, Detectives Lemoine and Doyon continued with other investigative efforts. This male was referred to as the "Mountain Dew Man," and it could not be confirmed that he was the same man who identified himself as "Arthur Kelly."
36. **Witness Statements:** Throughout the day on Friday April 22, 2022, local media outlets began reporting that Concord police were investigating suspicious deaths on the Marsh Loop Trail. In the later afternoon hours, the NH Attorney General's Office issued a press release confirming that Stephen and Djeswende Reid were the victims of a double homicide. The matter received widespread media attention throughout the New England area, and the public was again requested to contact Concord PD or the Concord Regional Crimeline with any information about the couple.
37. At approximately 2:25 PM, Det. Paul Shaughnessy interviewed a woman named Nan Nutt (DOB 4/13/1947), who called Concord PD in response to the media attention. Nan stated that earlier in the week she went for a hike with her two dogs on the Marsh Loop Trail. Nan stated that while still under the power lines, she was passed by a couple consisting of a white male and black female, whom she now believed to be Stephen and Wendy Reid. Nan stated that the Reids were hiking at a faster pace than her, so she moved her dogs off the trail to let the couple pass.
38. Nan stated that the couple were appropriately dressed for hiking, were relaxed and chatting with each other, and showed no signs of any distress. She stated that she last saw the couple as they entered the wooded section of the Marsh Loop Trail a short distance ahead of her.
39. Nan stated that she entered the wooded section after the couple, and within five to ten minutes she suddenly heard five gunshots. Nan believed that these shots came from a handgun as opposed to a rifle, and they sounded very close to her location. Nan stated that she and her dogs were startled and she was initially reluctant to continue the hike, but ultimately continued down the trail.
40. Nan stated that minutes later, she saw a young man standing on the trail looking into the woods to her right (which was consistent with the side of the trail where the Reids were later discovered). Nan stated that the male stood on the trail for a while, and looked back and forth at her and at the woods. Nan stated that as she continued to walk northbound towards the man, he began to walk southbound towards her (as though he was leaving the wooded section of the trail heading towards the parking lot). Nan stated that the man passed by her without saying anything. She stated that after she passed him, at one point she turned to look back at him and found that he was looking at her. Nan stated that she turned to continue walking and never saw the man after that point. Nan advised that she did not see any firearms or related objects to explain the shots she heard, nor did she see anything out of the ordinary in the woods where the male was looking.

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41. Nan stated that the male seemed out of place and not like a typical hiker. She gave the following physical description:
- White male
 - Late twenties to early thirties
 - Approximately 5'10"
 - Slender build
 - Short brown hair
 - Clean-shaven
 - Gave the appearance of being a "street person" or homeless
42. Nan stated that the male was dressed casually, and provided the following clothing description:
- Dark-blue jacket or hoodie
 - Khakis
 - Black backpack
 - Carried a brown, plastic bag (grocery bag - similar to Market Basket) - This bag appeared full of items and appeared heavy. Nan noticed a circular object that appeared to protrude through the plastic that reminded her of a can or a jar.
43. Based on Nan's statement along with the location data later recovered from her phone, we developed a specific timeline of events related to the Reids' homicides. The data established that Nan's hike started on Monday, April 18, 2022, at approximately 2:48 PM, that she was passed by the Reids at approximately 2:50 PM, and that she entered the wooded section of the trail (where she later heard five shots) at 2:54 PM. The data further showed that Nan arrived at the trail crime scene (where the blood and bullet fragments were recovered) at 2:59 PM, but did not see any bodies lying on the trail. This provided a very limited window of time from about 2:54 PM to 2:59 PM for the shooting and movement of bodies to occur.
44. Based on the above facts, we considered it highly probable that the white male Nan Nutt encountered on the Marsh Loop Trail was directly involved with the killings of Stephen and Wendy Reid. He was loosely referred to as "Nan's Suspect" for tentative identification purposes.
45. In addition to Nan Nutt, a witness named Allan Schwarz (DOB 5/10/1945) reported that he also heard five-gun shots while hiking on the Broken Ground Trails on Monday, April 18, 2022. Allan stated that towards the end of his hike while on the Marsh Loop Trail section, he saw four spent shell casings on the ground. Allan stated that he looked in the woods on both sides of the trail, but did not see anything out of the ordinary.
46. Allan personally showed detectives his approximate location where he saw the shell casings. No shell casings were located in the area during the extensive search process on April 22nd through April 23rd, even with the use of ballistics K-9 and metal detectors.
47. Despite widespread media attention, public awareness, and investigative follow-up, no suspects were identified in the first few weeks of the investigation. On May 17, 2022, the NH Attorney General's Office publicly released a sketch of "Nan's Suspect," which was created by an FBI sketch artist who conferred with Nan Nutt. We subsequently received dozens of tips from citizens, but none resulted in the positive identification of the male. It was noted that no male party ever came forward to identify themselves as the

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- person in the sketch or the person seen on the trail that day, adding to our belief that this man was directly involved with the murders.
48. On Friday, May 20, 2022, during a revisit of the crime scene, two spent bullet shell casings were recovered on the trail about five feet from the spot where the shooting was believed to occur. These shell casings were marked "Sig Luger 9mm" on the bottom, which was within the estimated size range of the bullets which killed the Reids. The shell casings were later submitted to the NHSP Forensic Lab for analysis, and it was determined that they were fired by the same gun.
49. Over the course of several additional weeks, the investigation transitioned to a long-term effort, during which information from multiple sources slowly developed into a theory that pointed to a potential suspect, as described below:
50. **Reports of Unidentified Man in the Marsh Loop Woods:** Following the release of the suspect sketch, we received numerous credible reports regarding a distinct, unidentified white male who was frequently seen on the Broken Ground Trails. The male was seen regularly in the weeks and months before the homicides occurred, but was not seen afterwards. Multiple examples follow:
51. Local resident Rosie Cain (DOB 5/12/1972) reported that on multiple occasions she saw a male resembling the suspect sketch walking from Portsmouth Street up the Marsh Loop Trail under the power lines. Rosie stated that she first saw the male in late fall 2021 and that she last saw him approximately two weeks before the Reids' homicides. Rosie stated that the male was always walking on foot and often entering the trails just as it was getting dark out, which she thought was odd. Rosie considered that the male was homeless and living in the area, but stated that he appeared clean and did not look homeless.
52. Rosie stated that the male was always wearing dark-colored clothing, and that she never saw any firearms, suspicious items, or vehicles in the area. Rosie recalled that on one occasion she said hi to the male as she passed him, but he stared straight ahead without making eye contact or replying to her. Rosie stated that she had not seen the male since the news reports of the murders.
53. Another local resident, Tamara Hatcher (DOB 9/8/1965), reported that she saw a clean-shaven white male, approximately 25-35 years old, on the Broken Ground Trails who seemed out of place as he was under-dressed for the weather. Tamara stated that she saw the male on two separate occasions, with the first incident occurring on an extremely cold day during the winter. Tamara recalled that the man was only wearing jeans and a jean jacket, with his hands in his pockets, hunched over like he was freezing, and that he made her feel nervous. Tamara stated that she said hi to the man, but he only nodded and walked past her.
54. Tamara stated that the second encounter took place around March 2022, on a section of trail closest to Curtisville Road. Tamara stated that she was walking her dog when she heard a noise and realized a man was on the trail in front of her. She recognized it to be the same man she saw on the freezing day, and she opted to turn around and return to Curtisville Road rather than to pass the man in the woods alone. Tamara stated that she was reminded of this man when she later saw the suspect sketch, but thought the man's hair was different than what was depicted in the sketch.
55. Another local resident, Cindy Pulkkinen (DOB 1/20/1959), reported that she observed a white male resembling the suspect sketch walking on the Broken Ground Trails on two separate occasions around March 2022. Cindy described the male as white, light brown hair in a buzz cut, light eyes, around late 20's to early 30's. She stated that he had a thin, athletic build and was clean shaven.

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56. Cindy stated that in her first sighting, the male was carrying an Amazon package into the woods, which was odd behavior which led her to believe he was homeless. Cindy stated that the male was yelling to himself and appeared agitated. Cindy stated that she asked the man how he was doing, and he stated "oh great" in an annoyed tone of voice.
57. Cindy stated that on a second occasion, the male was walking on the trail near the back of Cranmore Ridge toward the Marsh Loop Trail. Cindy stated that the male was carrying two plastic shopping bags and was screaming to himself. Cindy stated that once the male noticed her, he stopped screaming and stared at the ground to avoid eye contact. Cindy stated that the male was wearing a windbreaker with tan/light green pants. Cindy theorized that the male had mental health issues, and was possibly schizophrenic.
58. Another local resident, Male Juvenile ("MJ") (DOB 4/22/08), reported that he saw a "sketchy" male on the Marsh Loop Trail during the last week of March 2022. MJ stated that he was riding his bike through the wooded section, when he saw a white male, approximately 30's to 40's, about 6'00" tall, clean shaven, brown hair, wearing a brown leather vest, black cargo pants, a black baseball cap, wearing a black backpack and carrying a grocery bag from Shaw's or Market Basket. MJ hesitated before passing the man without incident. MJ added that he saw the suspect sketch and believed that this was the same man he saw in March.
59. Another local resident, Wilson Townsend (DOB 10/7/1964), reported that he encountered an unusual man on the trails on the afternoon of April 12, 2022 (six days before the homicides). Wilson stated that he saw the man on a trail leading from Cranmore Ridge to the Broken Ground Trails. Wilson stated that the male was in his 30's or 40's, wearing dark pants, a dark coat, and carrying a sleek black backpack. Wilson stated that the man had on black "business casual" shoes. Wilson stated that the male's clothing didn't fit in, and was not normal hiking attire. Wilson recalled that the man was about 5'10", light to medium build, with dark hair and a "high forehead." Wilson stated that the man looked like a "city person," not a homeless person. Wilson further stated that he said "hi" to the man, but the man did not respond. Wilson stated that he never saw this man before or after that date.
60. Another local resident, Linda Letourneau (DOB 8/9/1957), reported that she saw a male resembling the suspect sketch while she was visiting the Broken Ground Trails on April 14 (four days before the homicides). Linda stated that she first saw the male as he was staring at the Beaver Pond while standing on Curtisville Rd. (at the northern section of the trails). Linda stated that she was driving to the parking lot to grab a dog waste bag she accidentally left behind earlier that day. She recalled that the male deliberately avoided looking at her as she passed. She stated that the male then started walking towards the parking lot and later suddenly appeared standing directly behind her car as she prepared to leave. She stated that the male's unusual actions made her nervous enough that she actually called Concord PD once she cleared the area.
61. I later confirmed that Linda Letourneau called Concord PD at around 5:10 PM on April 14th, to report a suspicious male. Linda described the male as a white male wearing a blue jacket, with white hat, between 30-40 years old, with dark hair. Linda expressed concern that the man was acting weird and that there were kids walking towards his area. The man was gone on arrival when officers were later able to respond.
62. Although none of the individuals above had any photographs or video of the suspicious male, there were numerous commonalities in description and behavior leading us to believe that they were referring to the

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- same person, whom we suspected was living at an unknown location in the woods of the Broken Ground Trails. In addition, we found it noteworthy that two of the witnesses described seeing the white male carrying plastic grocery bags while on the trails. It was not publicly known that "Nan's Suspect" was carrying a grocery bag at the time of the homicides, which was an unusual detail that added credibility to their accounts.
63. **Discovery of Burnt Tent Site:** Early in the investigation, Detective Nicole Murray and Detective Wade Brown spoke with a man named Steven Hatcher (DOB 5/7/1963), another local resident who regularly walks the Broken Ground Trails. Steven advised that on or about January 10, 2022, he first spotted a single tent in a secluded area near the power lines (about 1/3 mile from the Marsh Loop Trail crime scene). Steven stated that he reported the tent to Concord PD as a possible homeless camp, but was not able to walk them to the site that day (officers later responded but were unable to locate the tent).
 64. Steven stated that from that point on, every time he walked along the trail he specifically looked for the tent and noted to himself that it was still there. Steven recalled that the tent had a green camouflage pattern, possibly with a brown tarp over it. Steven stated that he saw the tent regularly from January through April 2022, but never saw a person at or near it.
 65. Steven stated that on Friday, April 15, 2022 (3 days before the murders), he observed from a different vantage point what he thought was a second tent in the same area. Steven advised that he called Concord PD again that day and walked two uniformed officers to the vicinity, but did not know the outcome of their response. Steven stated that approximately one week later (around April 22, 2022), he noticed that both tents were gone.
 66. On April 26, 2022, Steven walked Det. Murray and Det. Brown to the location where he saw the first tent. At this site, they observed dozens of small propane tanks which appeared burnt. The propane tanks were in the general shape of a square, and burnt tent poles were visible, consistent with a tent full of propane tanks that was burned at some point in the past. They also observed burnt soda cans, pots, and apparent heating/cooking equipment within the footprint of the tent. Det. Brown took photographs of the site, but did not touch or alter it. This site will be referred to hereinafter as the Burnt Tent Site.
 67. Steven reported that he believed the tent and propane tanks were burnt prior to the homicides, initially leading us to believe that they were unrelated to the investigation. After learning of the unidentified white male possibly living in the Broken Ground Trail woods, we began to consider that this may have been his campsite. We then attempted to determine a specific time frame when the tent was burnt.
 68. In August 2022, I conferred with Officer Brian Cregg, who was one of the two officers who responded to the tent site on April 15, 2022. Ofc. Cregg advised that there were no burnt propane tanks at this site when he saw it. Ofc. Cregg recalled that there was a single tent with the tent door locked with a small padlock. Ofc. Cregg recalled that there was a single pair of worn brown boots outside the tent, and that the site was clean/well-kept. Ofc. Cregg stated that he was certain that there were no burnt propane tanks on the ground, though he did not know what was kept inside the tent. Ofc. Cregg added that he searched for a second tent that day, but never found one. Based on Ofc. Cregg's observations, we were confident that the tent site was not burned prior to April 15th.
 69. Det. Brown and I later learned additional information about the Burnt Tent Site from a local resident named Eliseo Medina (DOB 5/13/1983). Eliseo stated that on April 20, 2022, (two days after the homicides), he was hiking the Broken Ground Trails when he wandered off trail looking for a place to go to the bathroom. Eliseo stated that he unexpectedly discovered a pile of small propane tanks which

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appeared to have been recently burnt. Eliseo stated that he looked up and saw fire damage to the tree above the tanks, leading him to believe that the tanks were burnt 1 or 2 days earlier. Eliseo took pictures of the site that day, which he shared with Det. Brown. The pictures showed a site Det. Brown recognized as the Burnt Tent Site with a date/time stamp of April 20, 2022, at 3:59 PM.

70. Based on the credible information from Officer Cregg and Eliseo Medina, we came to believe that the tent and propane tanks were burned between April 15th and April 20th, a short window of time which included the date of the murders. In our training and experience, this increased the likelihood that the Burnt Tent Site was related to the April 18th murders.
71. As our suspicions increased, on July 19, 2022, Detectives Steven Carter, Brendan Ryder, Garrett Lemoine, and Wade Brown responded back to the Burnt Tent Site for possible evidence recovery. Wearing gloves, we located, separated, and tallied various fire-damaged items, to include 155 small propane tanks, 47 soda cans (Mountain Dew & Coca Cola), tent/tarp/sleeping bag remnants, three apparent pots, pieces of heating/cooking equipment, various remnants of plastic shopping bags (Walmart, Target, Hannaford), two socks, one t-shirt, one melted Mountain Dew plastic bottle, ten foreign coins (later determined to be one-cent, two-cent, and five-cent Euro coins), and several pieces of silverware and small knife blades. They also observed remnants of food packaging, cans, glass jars, mugs, and apparent glass droppers (initially thought to be smoking devices). They further observed a clothing label for "Regular Straight Leg" pants in the size 30x30.
72. Detectives seized limited items for possible lab testing, to include the clothing remnants, possible smoking devices, coins, silverware, and two small plastic propane tank caps. Over the next few weeks, after continued follow-up and conferral, detectives returned to the site and collected additional items including the sleeping bag, tent, and tarp remnants, propane tanks with smooth surfaces, plastic bag remnants, and glass jars. They also collected pieces and reassembled two separate camp stove/heaters, which were later found online where it was confirmed that they use propane tanks as their main fuel source.
73. Based on the extensive reviews of the site, we came to believe that this campsite was used by an unidentified individual who utilized small propane tanks for heating/cooking purposes. Given the volume of propane tanks, it was believed that the individual was likely there for weeks or months before vacating the site between April 15th and April 20th. We noted that this time frame was consistent with the reports of the unidentified white male frequently encountered on the Broken Ground Trails.
74. **Additional Surveillance Footage of "Mountain Dew Man"**: In July 2022, Det. Brown was reviewing surveillance footage from the Shaw's Supermarket as captured on the day of the murders, when he discovered a white male leaving the Shaw's store at approximately 2:29 PM (less than 30 minutes before the homicides). The male was wearing dark pants, dark boots, a blue jacket, an apparent black leather baseball hat, with a blue bandana covering the lower part of his face. The male was also carrying a black backpack with a distinct white mark on the back. Det. Brown recognized the male as the "Mountain Dew Man" found by Detectives Lemoine and Doyon in Walmart footage purchasing Mountain Dew Code Red soda.
75. Det. Brown observed that "Mountain Dew Man" (hereinafter "MDM") was carrying a brown Shaw's shopping bag with an apparent cylinder-shaped object inside. Det. Brown showed the footage to me, and we agreed that MDM was largely consistent with "Nan's Suspect," (to include carrying a brown shopping bag with objects inside), with the primary difference being that he wore dark pants as opposed to tan pants.

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76. I then responded to Shaw's to personally review additional footage of MDM to determine what was purchased. I noted that MDM bought a 2-liter bottle of Mountain Dew (the green version), as well as a rotisserie chicken, which he paid for with cash at a self-serve register. I found that MDM entered the store at 2:19 PM, which was consistent with the CAT Bus arrival time for the Shaw's stop (though there are no cameras covering the bus stop).
77. As in Walmart, I found that MDM never removed his bandana while in the store. MDM did remove the bandana after he exited the store and was walking through the Shaw's parking lot (facing away from the cameras). MDM was last seen at approximately 2:32 PM crossing Loudon Road and accessing a known trail which cuts through the Alton Woods complex and ultimately leads to the Marsh Loop Trail. [Note: This is the same trail believed to have been used by the Reid's to get from their apartment to the Marsh Loop Trail.]
78. Later that day, Det. Brown walked from the MDM's last location observed on the Shaw's surveillance all the way to the Marsh Loop Trail and then to the crime scene. Det. Brown found that there was adequate time for a person walking that route to arrive at the crime scene before the murders occurred. Det. Brown also determined that this would be a logical route for a person to take if they were camping at the Burnt Tent Site. Based on this information, Det. Brown and I focused our efforts on locating additional footage of MDM at Walmart, Shaw's, or within any other video we recovered.
79. In a related effort, based on our observations at the Burnt Tent Site, we responded to Walmart to determine if Asset Protection Associates could search for the sales of small propane tanks. Given the large number of tanks at the site (155), we considered that Walmart was a likely source for the tanks and that searching for said sales could help identify the person who lived at the site.
80. Upon mentioning propane tank sales, APA Sanjay Darjee (DOB 9/8/98) stated that he recalled one particular person who always came in and bought small propane tanks during the winter months. Sanjay stated that it was a white male, early 30's, who always wore a black baseball hat and a black backpack. Sanjay also stated that the man wore a bandana mask, and that the man would get the propane tanks first before heading to the grocery section. Sanjay stated that the man always used the self-serve checkouts and never interacted with other guests.
81. APA Savanna Clemons (DOB 2/10/1997) pulled up the video she previously obtained of MDM for Detective Lemoine, and Sanjay confirmed that this was the male he was referring to. Savanna began searching for propane tank sales and reviewing corresponding video, and quickly discovered two incidents where MDM purchased propane tanks and small groceries in January and February 2022. MDM wore the same clothes previously observed, except that the black backpack appeared to be different (no distinct white mark on the back). MDM's face was covered with apparent cloth masks in both incidents, and he again paid with cash.
82. Based on these results, I subsequently spent several days at Walmart searching for additional footage of MDM. I ultimately located approximately 47 separate transactions involving MDM, which were made between November 2021 and April 2022. This time frame was consistent with the sightings of the unknown white male on the Broken Ground Trails, adding to our suspicion that MDM was that male. MDM consistently wore a mask over his face, and he consistently paid with either cash or pre-paid debit cards (i.e. payment methods that do not reveal his identity). MDM was consistently observed leaving the store carrying plastic shopping bags in his hands, walking towards the direction of Alton Woods. Based on the Walmart review, a tentative timeline was developed with key observations noted below:

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83. The earliest transaction involving MDM (found thus far) occurred on November 28, 2021, when he purchased a four-person tent and a wrist watch at Walmart. MDM appeared to wear the same outfit he wore on April 18th, except that he wore an apparent paper mask instead of the blue bandana. A few days later, MDM purchased a green camouflage tarp at Walmart, followed by socks, black khaki pants, thermal underwear and beef stew. [Note: the green camouflage tarp was consistent with Steven Hatcher's description of the tent he observed at the Burnt Tent Site.]
84. On December 22, 2021, MDM purchased two more green camouflage tarps along with small propane tanks, strongly suggesting that he possessed equipment that used propane tanks. From that point on, MDM was found to regularly purchase multiple small propane tanks at Walmart, with the volume appearing to increase during the colder weeks of January/February. I tallied all of the Walmart propane tank purchases found thus far, which added up to 114 small propane tanks (a significant portion of the 155 observed at the Burnt Tent Site).
85. MDM was also found to regularly purchase Mountain Dew, Coca Cola, Blue Bunny ice cream, lighters, cooking pots, trash bags, glass food storage containers, and mouse traps between December 2021 and April 2022. MDM also frequently purchased raw pork chops, ground beef, chicken, and mac & cheese, indicating to us that he had the ability to cook these items – consistent with the heating/cooking equipment and pots recovered from the Burnt Tent Site. We noted that some of these items were visually identical or had the matching UPC number as items/package recovered at the Burnt Tent Site.
86. On Friday, April 15, 2022 (three days before the murders). MDM purchased a 12-pack box of green Mountain Dew, as well as a rotisserie chicken, and was last seen walking towards Harbor Freight. MDM was observed to arrive via the CAT Bus at 2:34 PM, which is believed to be the same bus used on 4/18 and 4/20. MDM again wore the same outfit, to include the black backpack and blue bandana covering his face.
87. On Monday, April 18, 2022, (the day of the murders) MDM was observed in the Shaw's footage previously described in paragraphs 74 through 76, last seen heading towards the Alton Woods trail at 2:32 PM.
88. On the morning of Tuesday, April 19, 2022 (less than 24 hours after the murders), MDM made an unusual purchase that we suspected was directly related to the homicides and Burnt Tent Site; specifically, he purchased a new three-person tent, a sleeping bag, and a bottle of 91% rubbing alcohol. I am aware based on my training and experience that rubbing alcohol could be used to clean blood or bodily fluids from certain surfaces, and can also be used as an accelerant or fuel. Also, based on my training and experience, I strongly suspected that the new tent and sleeping bag could indicate that MDM's existing tent and sleeping bag were abandoned or destroyed, possibly to destroy trace evidence after the homicides.
89. MDM paid for the above items with a \$100 bill at a self-serve register. MDM's backpack appeared noticeably bulkier than previous appearances, possibly indicating more items stored inside. MDM was last seen headed towards Harbor Freight, consistent with a route which would take him to the Alton Woods campsite.
90. Unlike all other transactions found, MDM was not wearing a blue bandana or any type of mask over his face on April 19th. This was another unusual distinction that was considered to be related to the homicides, possibly indicating that the bandana had obvious blood or evidentiary material on it. MDM did appear to cover his face with his hands when walking past certain obvious surveillance cameras, or

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otherwise looked down. We isolated a few still images depicting MDM's face, and noted that he was clean shaven and generally resembled the suspect sketch (though his hair appeared shorter).

91. We further noted that this transaction occurred one day before Lemoine and DeSilvio encountered "Arthur Kelly" in a tent in the woods of the Alton Woods complex. We considered that MDM set up his new tent at Alton Woods after the destruction of his former site, physically distancing himself from the crime scene but remaining close enough to check on it and continue efforts to obscure it. Det. Brown later showed Detective Lemoine a photo of the tent purchased by MDM on April 19th. Det. Lemoine stated that he believed that this was the same model tent he observed "Arthur Kelly" in on April 20th.
92. On Wednesday, April 20, 2022, MDM was observed purchasing the 12-pack of Mountain Dew Code Red soda previously described, last seen heading towards Harbor Freight (consistent with the direction of Alton Woods). Again, that transaction occurred roughly seven hours before Det. Lemoine's contact with "Arthur Kelly" in the tent.
93. Of particular relevance, we have found no surveillance footage or store transactions involving MDM after April 20, 2022 - consistent with MDM abruptly changing his behavior and/or leaving the area following his contact with Detective Lemoine and Officer DeSilvio.
94. Additional follow-up has shown that no known law enforcement agencies conducted a name check on Arthur Kelly (DOB 1/27/1992) prior to Concord PD on April 20th (there were checks after that date which we believe were related to our requests for records searches). Federal agencies (HSI & FBI) also conducted separate checks of Arthur Kelly in their records with no matches found. In addition, civilian records searches have found no potential matches, all of which adds credibility to the belief that Arthur Kelly is a false identity.
95. Det. Brown later compiled several still images from the surveillance footage depicting MDM with and without the mask, which he showed to dozens of employers in the Concord area. Det. Brown also showed the images to representatives at the Homeless Resource Center, laundromats, gyms, banks, and libraries in the vicinity, and distributed them to New England law enforcement agencies through the NH Intelligence Analysis Center. Although a few people recalled seeing a similar-looking person, no one was able to identify this individual or provide any new details about him.
96. **Recovery of Ballistics Evidence:** On Thursday, August 25, 2022, based on mounting evidence, Lt. Marc McGonagle directed a team of CPD detectives to return to the Burnt Tent Site to search, recover, and seize any and all remaining (non-natural) items as part of continued efforts to learn MDM's true identity. On that date, we recovered all remaining propane tanks, soda cans, food packaging, tin foil remnants, glass from a dish, bowl, and food storage container, a mouse trap, burnt remnants of a cell phone, and additional small value Euro coins. [Note: The cell phone remnants were later examined and determined not to match Stephen Reid's missing cell phone.]
97. Of particular relevance, using a CPD metal detector Detectives Murray and I located and recovered a spent shell casing marked "Sig Luger 9mm," within the debris inside the original tent footprint. This was known to be the same markings found on the two shell casings recovered at the Marsh Loop Trail crime scene on May 20, 2022.
98. About 15 feet from the tent footprint, Detectives Murray and I located an additional eight spent shell casings which were all marked "Sig Luger 9mm." These casings were located in separate spots a few feet from one another, which is consistent with ejection patterns when target shooting from the same general

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- spot. We observed that an apparent natural clearing created a "firing lane," and multiple trees were located downrange from this spot with apparent bullet defects (i.e. scars or marks consistent with the trajectory path of a bullet).
99. On Tuesday, August 30, 2022, and again on Wednesday, August 31, 2022, Detectives Murray, Brown, Carter, and I returned to the Burnt Tent Site and the Marsh Loop Trail crime scene with an additional metal detector borrowed from NH Fish & Game. This metal detector was found to be particularly sensitive to ballistics, and we soon located 10 additional spent shell casings at the Burnt Tent Site, in the same area where eight casings were previously found. All 10 spent shell casings were marked "Sig Luger 9mm." We also located and recovered a spent bullet (i.e. the actual metal object propelled out of a gun) at the Burnt Tent Site, a few inches underground and downrange from the spent shell casings. This bullet was consistent in size with a 9mm, and we believe it likely originated from one of the spent shell casings.
100. After the results at the Burnt Tent Site, we responded back to the Marsh Loop Trail crime scene to use the NH Fish & Game metal detector there. Over the course of several hours, we located and recovered three spent bullets approximately 8-10 inches underground on the trail itself. These bullets were consistent in size with 9mm rounds and appeared visually similar to the bullet found at the Burnt Tent Site. The bullets were located in the same area where coagulated blood and bullet fragments were previously found, making it highly probable that they were fired during the shooting and may have passed through the Reid's on that date.
101. Select pieces of this ballistics evidence were submitted to the NHSP Forensic Lab for additional testing and comparison.
102. Based on the totality of the investigation to that point, there is probable cause to believe that MDM was the man living at the Burnt Tent Site from roughly November 2021 through April 19, 2022, as encountered by multiple residents. We further have probable cause to believe that he was the same male observed by Nan Nutt at the crime scene minutes after she heard the shots, whom there is probable cause to believe was directly involved with the murders. In addition, there is probable cause to believe that MDM was the same male at the Alton Woods tent site who gave the name "Arthur Kelly" to Detective Lemoine on the night of April 20th. This man has not been seen since. It was therefore of utmost importance that MDM be positively identified as quickly as possible, leading us to seek any and all information about the prepaid debit cards used by MDM in several Walmart transactions.
103. **Prepaid Debit Card Usage:** In my review of Walmart records, I discovered twelve separate transactions where MDM paid with five different apparent credit or debit cards. It was first considered that MDM may have accidentally revealed his identity by using his own bank-issued credit or debit card, but it was soon discovered that these were actually pre-paid debit cards. Such cards can be purchased without any identification credentials, and are not typically linked to a particular person's identity or bank account. It should be noted that Walmart receipts do not contain the full debit card number, but only the first six digits and last four digits.
104. The first six numbers of a credit/debit card are known as the Bank Identification Number (BIN), which identifies the originating bank or financial institution. Using multiple reliable websites to search BIN number details, we identified three cards as belonging to MetaBank Payment Systems (hereinafter "MetaBank") located in Sioux Falls, South Dakota. The last two cards were identified as belonging to Sutton Bank, located in Attica, Ohio.

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105. It should be noted that I have accounted for many items purchased by MDM at Walmart, which were later found at the burnt tent site, but there are a few specific items not yet located. For example, we recovered two separate propane heater/stoves from the Burnt Tent Site, neither of which are sold in Walmart's physical stores. One stove/heater was identified as the Campy Gear Chubby 2 in 1 Portable Propane Heater & Stove, which appears to be primarily sold through Amazon. The second stove/heater was identified as the Mr. Heater Propane Heater/Cooker. This item was available through Walmart's online store, as well as through Amazon, Bass Pro Shops, and other outdoor stores.
106. We also identified the distinct military-style backpack worn by MDM as the Military Tactical Outdoor Backpack manufactured by a company called LHI. In my review, this backpack first appeared in MDM's custody in April 2022. This backpack was found to be sold through Amazon and other outdoor-related websites, but does not appear to be sold at Walmart or local stores.
107. **Debit Gift Card Results:** On September 8, 2022, Det. Brown sought and obtained search warrants for MetaBank and Sutton Bank for certain information about the usage and user(s) of the above-mentioned gift cards, which he served to them through their designated email addresses. Sutton Bank responded the same day and advised that they were unable to locate records without the full 16-digit card numbers, due to limitations with the Vanilla gift card system. They referred Det. Brown to Vanilla's parent company and/or Walmart Corporate to obtain the full card numbers, which they could then use to obtain the records.
108. On September 12, 2022, MetaBank provided the requested information for the three cards under their control. In contrast with Sutton Bank, MetaBank was able to provide the full credit card numbers, the activation date, and the full balance and transaction history for each of the cards. Det. Brown noted the following relevant observations concerning the MetaBank cards:
109. Between November 29, 2021, and April 20, 2022, the user of the cards bearing numbers "5113 3200 3589 6278" and "4358 8094 1367 0765" made twenty-three attempted or completed transactions with Amazon.com. Some of these transactions appeared to have failed, due to a zero-balance remaining on the card, while other transactions appeared successful.
110. In addition to the Amazon purchases, Det. Brown further noted that the user of the card bearing number "5113 3201 8586 9745" made four apparent purchases on eBay and one account verification on PayPal on December 8, 2021. eBay is an online auction site allowing users to purchase new or used items from private sellers or businesses, which are shipped to the user's home or can be sent to a local UPS/FedEx location for pickup. PayPal is an online payment system frequently used with eBay (eBay once owned PayPal before separating it into a standalone company).
111. Det. Brown further noted that the user of the card bearing number "5113 3201 8586 9745" made two apparent purchases on BulkSupplements.com on December 8, 2021 and December 9, 2021. BulkSupplements.com is an online provider of vitamins, protein, additives, and other nutritional health supplements similar to brick-and-mortar stores like GNC. BulkSupplements.com is based out of Henderson, Nevada.
112. On September 13, 2022, Det. Brown contacted BulkSupplements.com at their designated customer service number. Det. Brown soon spoke with a customer representative supervisor Alisha Budge regarding what types of information would be available for a specific transaction. Alisha asked if Det. Brown had the customer name to track and he advised her that he did not. Alisha then asked for the last four digits of the card number, and the transaction amount, which Det. Brown provided to her. Without

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further prompting, Alisha advised Det. Brown that the customer name for that transaction was "Logan Clegg."

113. Alisha added that Logan ordered several vitamins which were shipped to a FedEx pickup location on Loudon Road (later determined to be Walgreens). She stated that the package was picked up on December 13, 2021, and signed for by Logan Clegg. Alisha added that Logan provided an email address of rkxkelly@gmail.com for the transaction. Det. Brown noted that this email address incorporated the last name of "Kelly," similar to "Arthur Kelly."
114. The name "Logan Clegg" was new to me and was not previously encountered in the investigation. We conducted checks of CPD records and nearby agencies, with no prior contacts noted. I soon responded to Walgreens and confirmed that it was a FedEx pickup location, and that an ID must be shown to receive the package. We therefore considered it likely that Logan Clegg was the real name of our suspect.
115. **Identify Suspect as Logan Clegg:** We soon conducted additional online checks and located a booking photo of a "Logan Clegg" with a date of birth of 1/24/1996, from a burglary arrest in Cache County, Utah in August 2020. We noted immediately that Logan Clegg was remarkably similar to the images of the "Mountain Dew Man" as well as to the suspect sketch. Det. Garrett Lemoine reviewed the booking photo of Logan Clegg and stated that he was certain that this was the same man he spoke to in the tent who provided the name "Arthur Kelly."
116. We conducted additional checks, to include a criminal records check, and discovered that Logan Clegg had an active arrest warrant for Burglary out of Logan, Utah - a town about an hour north of Salt Lake City which coincidentally shares Logan's first name. (For clarity, I will refer to Logan Clegg as "Clegg" in the next few paragraphs.) We soon called Logan PD and obtained records related to that warrant.
117. Clegg was arrested twice in August 2020 by two separate Utah police agencies. On August 10, 2020, Salt Lake City PD arrested Clegg for shoplifting at a local Walmart, when a loaded .45 caliber handgun was recovered from his waistband. This firearm was seized during his arrest and was subsequently logged in evidence. Clegg was apprehended by three SLCPD officers, and later commented that "three on one" was unfair to him, and that he wished he had "a chance to pull [the gun] out and fight one on one." Clegg added that he would have done this because he would "rather die than fucking go to prison."
118. The handgun was later found to be one of two firearms stolen from Al's Sporting Goods store in the town of Logan roughly two weeks earlier. Notably, a photo from the Walmart arrest showed that Clegg was wearing a black baseball cap, blue bandana, dark blue shirt, and dark sweatshirt, all very similar to MDM's regular outfit at the Concord Walmart.
119. Nineteen days after the Salt Lake City arrest, on August 29, 2020, Clegg was arrested again, this time by Logan PD during a burglary-in-progress call in which Clegg fled from officers. Clegg was once again found to be in possession of a loaded handgun, this one being a 9mm recovered from his backpack which was later determined to be the second stolen gun from Al's Sporting Goods. This firearm was also seized and subsequently logged in evidence, and is therefore not suspected of being used in the Reid homicides. The booking photo from this arrest was the same one found through google searches.
120. Clegg served approximately 72 days in a county jail before being released on November 9, 2020. On that date, he was sentenced to 36 months of probation for charges of Fail to Stop at Command of Law Enforcement (Class A Misdemeanor), Theft by Receiving Stolen Property (3rd Degree Felony), Burglary

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(3rd Degree Felony), and Theft (3rd Degree Felony). As part of his probation sentence, Clegg signed an agreement to obey all state, federal, and municipal laws, not to possess any firearms or dangerous weapons, and not to abscond from probation supervision.

121. On July 21, 2021, an arrest warrant was issued after Clegg failed to report to probation as he agreed. The warrant was entered in NCIC with extradition limited to states west of the Mississippi River. Logan PD later obtained authorization for extradition in all 48 contiguous states. That arrest warrant remained active in NCIC until Clegg's arrest as discussed below (This is the final mention of Logan PD, I will resume referring to Logan Clegg as "Logan" from this point forward).
122. Additional searches of civilian records established that Logan Clegg is the son of Randall Clegg (DOB: 10/6/1969) and Tisha Kitt Clegg (DOB: 1/19/1971). Logan appeared to be born in Arizona and moved to Colville, Washington, with his parents when he was around 3 years old. Logan's father committed suicide in July 2008, when Logan was about 12 years old. There are indications that Logan's behavior later took a downward turn in his teenage years, involving multiple domestic disturbances between him and his mother. Exact details have not been determined, it does not appear that Colville PD possesses records of these interactions.
123. Notably, Logan reported in his probation paperwork that both of his parents were deceased and that he had no other family members. To the contrary, online research established that Logan's mother is alive and well, and that he has six aunts/uncles and twelve cousins – all apparently living in western states. Most of these family members (to include his mother) have active social media pages, but there were no photos or mentions of Logan found on any of their feeds. It is therefore believed that Logan is estranged from his family.
124. Additional police records documented that Logan Clegg was identified as the suspect in a fatal stabbing which occurred in Spokane, Washington, on May 18, 2018. In that investigation, Logan told investigators that he was assaulted by an unknown white male while walking to his job at McDonald's. Logan stated that after being repeatedly punched by the man, he stabbed the man with a small knife until the man finally ran off. Though the man died a short time later, local prosecutors ultimately declined to prosecute based on Logan's assertion of self-defense.
125. We also contacted federal authorities for searches of their records for Logan Clegg. An HSI investigator reported that Logan flew internationally from Denver to Paris on October 23, 2019, and then returned from Paris to Las Vegas on November 3, 2019.
126. The HSI investigator added that Clegg also flew from Chicago O'Hare to Lisbon, Portugal on June 21, 2021, but did not return to the United States until November 7, 2021. Clegg reportedly flew from Munich, Germany, to Reykjavik, Iceland, to Boston, Massachusetts. We recalled that we recovered several Euro coins from the Burnt Tent Site, as well as a headphone adapter commonly used on commercial airlines. These items are consistent with airline travel to Europe.
127. HSI also reported that Logan Clegg purchased a ticket to fly to Reykjavik from Newark, New Jersey, on February 26, 2022, but that he was listed as "Not on Board" when the flight departed. It was not immediately clear if Logan cancelled his ticket in advance or simply did not show up on that date. From my Walmart research, Logan Clegg was known to be in Concord in the days before and after the flight.

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128. On September 14, 2022, Detectives Mark Hassapes and Steven Carter conducted a canvass of several fast-food restaurants in Concord and learned that a man named Logan Clegg was employed at the McDonald's on Loudon Road beginning in November 2021.
129. Det. Hassapes spoke with Manager Courtney Davis (DOB 6/2/1976), who confirmed that she was Logan Clegg's supervisor at the Loudon Road McDonald's. Courtney reviewed the surveillance images from Walmart (showing "Mountain Dew Man") and identified the male in those photos as Logan Clegg. She added that Clegg wore the same clothes and the black leather hat to work every day, before switching his hat to a McDonald's hat. Courtney also reviewed the booking photo from Cache County and confirmed that this was her former employee, Logan Clegg. Courtney described Clegg as quiet with no friends, and stated that she came to consider that he was homeless as he appeared to be living out of his backpack.
130. Det. Carter later obtained work records from McDonald's documenting that Logan Clegg (using date of birth 1/24/1996) filled out an application on November 10, 2021, and began his first shift on November 19, 2021. Logan provided the same email address used in the BulkSupplements.com vitamin purchase, specifically rkxkelly@gmail.com, and indicated that this was his preferred method of communication (as opposed to a cell phone).
131. Det. Brown knew from training and experience (to include from this investigation), that Google maintains location data and other user information, generally stored under the user's Gmail account. Det. Brown contacted Google and learned that this particular Gmail address was not used in September 2022 and did not appear to be presently active. Det. Brown confirmed that historical information regarding the account could be released through proper legal service.
132. In his employment application with McDonald's Logan initially did not provide a cell phone number, but later reported a number of (810) 217-6818. Det. Brown contacted a T-Mobile Law Enforcement specialist and provided details of the investigation. The specialist advised that this number was a T-Mobile-owned number, but it was not presently active for possible location tracking purposes. The specialist confirmed that historical information about the number could be released with proper legal service.
133. Logan also reported an address of 506/206 S. Main Street, #7, Concord, NH (on the written application he wrote "506," while the digital application stated "206.") There is no "506" S. Main Street, but there is a rooming house at 206 S. Main Street. Detectives responded to this location and found that there was no room or apartment designated as "7." They are continuing efforts to determine if Logan ever lived anywhere at this address.
134. Logan worked regular hours at McDonald's until his final shift on February 6, 2022. The McDonald's management team recalled that Logan indicated he was leaving because he obtained another job, but they had no specific details.
135. Co-workers informed Det. Carter that Logan had anger issues and that Logan said he was leaving because of his co-worker's poor work quality. Co-workers stated that Logan was a loner who kept to himself, and that he was easily annoyed by others. They added that Logan was protective of his backpack and hat, not wanting anyone to go near his belongings. They recalled that Logan became agitated if someone got in his way, and that he would mutter to himself and/or yell at the manager. Two co-workers also recalled that Logan would slam his hand on surfaces to express his dissatisfaction when things went

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wrong. Without knowing that Logan was considered a suspect in these homicides, two co-workers conveyed that they wouldn't be surprised if Logan turned out to be a "serial killer" or "school shooter."

136. Related to the ballistics evidence, in mid-September 2022, the NHSP Forensic Lab advised that based on their analysis, they concluded that the first nine shell casings recovered from the Burnt Tent Site were fired by the same gun as the two shell casings recovered at the crime scene.
137. On September 20, 2022, Det. Brown was contacted by Darick Leighty of Walmart Corporate Security, in response to Det. Brown's email request for assistance. Darick was able to locate and provide the full 16-digit card numbers for the Sutton Bank gift cards, which Sutton Bank previously advised were required in order to obtain records. Darick advised that one card number was 5456 6000 4222 9364, while the other was 5456 6000 4846 6663. By this time, Det. Brown already returned the original Sutton Bank search warrant and he advised their representatives that he would seek a new search warrant if/when we obtained the full card numbers.
138. On October 3, 2022, I received subpoena results from Legal Analyst George Cervantes with Greyhound Lines. Analyst Cervantes stated there were no records under the name Logan Clegg, but there was a bus ticket purchased on 5/15/22 under the name Arthur Kelly from Boston, MA to Burlington, VT Airport.
139. Upon learning this information, I followed up with Greyhound Lines Corporate Litigation Paralegal, Lisa Zemanek, who was able to provide me additional information on the bus ticket purchased by Arthur Kelly. Lisa stated that Arthur Kelly paid for the ticket with a credit card and that it shows he took a Greyhound Line from Boston, MA to Albany, NY and then switched to the Vermont Translines and travelled from Albany, NY to Burlington, VT airport.
140. On October 7, 2022, Det. Brown received results from Google regarding the email address rkxkelly@gmail.com, which was used in Logan Clegg's McDonald's application and in multiple credit card transactions. A preliminary review showed that this appeared to be a "burner email" created on November 9, 2021 – in other words, an email not intended for regular personal use but to satisfy an email address requirement. Notably, the creator of the account gave the name "Arthur Kelly" when the account was first made, but then used the name "Logan Clegg" for his online purchases. This provided further corroboration that "Arthur Kelly" and Logan Clegg are the same individual. Det. Brown noted very little content in the account, no photos or location history, no outgoing emails, and no sign-ins after December 2021, all consistent with a "burner email."
141. Based on all of this new information, there is now probable cause to believe that Logan Clegg (DOB 1/24/1996) is the actual identity of Arthur Kelly/"Mountain Dew Man," and that he is the person responsible for the murders of Stephen and Wendy Reid.
142. **Apprehension of Logan Clegg:** On October 11, 2022, I received a phone call from Detective Matt Pearce at the Logan City Police Department in Logan, UT. Detective Pearce, who I had been in contact with several times regarding this investigation, called me and advised me that he had just received a phone call from HSI Agent Daniel Ashment shortly before he called me regarding Mr. Clegg. Detective Pearce advised me that he got information from HSI Agent Ashment that Logan Clegg booked a flight for October 14th out of JFK airport and that he was travelling to Berlin, Germany.
143. I spoke to HSI Agent Ashment about the flight reservation for Logan Clegg. HSI Agent Ashment advised me that Logan Clegg scheduled a flight out of JFK airport at 0030 for 10/14/22 heading to Berlin,

PROBABLE CAUSE STATEMENT FOR SEARCH WARRANT

Additional space for source description, facts indicating reliability and credibility of source and nature of information.

Germany on flight number N0 602. After speaking with HSI Agent Ashment, I searched for flight number N0 602. This is a one-way flight on Norse Atlantic Airways leaving JFK airport at 0030 on 10/14/22 and arriving in Berlin, Germany at 2:25 PM.

144. I then called a phone number for HSI New York, NY listed on their official website. I spoke to SA David Burpoe who advised that he was able to get me the information on the flight, but that Customs and Boarder Protection (CBP), located across the hall from his office, would be able to provide any phone numbers, emails or payment information listed for Logan's ticket purchase. SA Burpoe stated that CBP was willing to assist us and was currently working on obtaining information about Logan Clegg's ticket purchase.
145. At approximately 4:30 PM, I received an email from SA Burpoe which was forwarded to me from CBP Officer Jose Cubria containing information on the ticket purchased by Logan Clegg. This information included an address, three emails and a phone number. Logan listed an address of 11 Elmwood Ave Burlington, VT 05401 and a phone number of 802-598-8657. A search of this address shows that it is the Federal Court House in Burlington, VT. A check on the phone number by Detective Carter showed that the phone was a Verizon Wireless TracFone. Detective Carter then began speaking with Verizon for exigent location requests based off of this information and Logan's unknown whereabouts.
146. Verizon Wireless was able to provide Detective Carter exigent cell-phone location pings for the phone number used by Logan Clegg, 802-598-8657 which was pinged every 15 minutes. As of the evening hours on 10/11/22, location pings were showing Logan's phone in the area of Centennial Woods Natural Area, a 3.8-mile loop used for hiking and walking in Burlington, VT.
147. On October 12, 2022, Detective Carter received exigent phone call history from Verizon Wireless. Records indicated that Logan called the phone number 802-864-9176 on 10/10/22 at 9:30 AM. Detective Brown conducted a search of civilian records for the phone number 802-864-9176, which was registered to a Misty Dawn Bowen. The civilian records indicated that Misty Bowen was possibly employed at the Price Chopper, located at 41 Hinesburg Rd, Burlington, VT.
148. Detective Brown stated that the latest ping (44.46624, -73.169053) which was sent on 10/12/22 at 9:20 AM and had a radius of 300 meters, was putting Logan in the area of Price Chopper, located at 41 Hinesburg Rd, Burlington, VT. Shortly after this information was obtained, Detective Brown notified Detective Lemoine and Detective Doyon who were in the area of Williston Rd in Burlington, VT checking the area for Logan. At approximately 9:33 AM on 10/12/22, Detective Doyon notified me that he and Detective Lemoine had eyes on a male subject they recognized to be Logan Clegg (01-24-96) at the Price Chopper located at 41 Hinesburg Rd, Burlington, VT.
149. I spoke to Detective Lemoine who stated that on October 12, 2022, when he saw Logan Clegg, he was wearing a black baseball style hat, possibly leather, a light-colored long sleeve shirt, dark colored pants and carrying a black backpack. Detective Doyon also stated that Logan was wearing dark colored shoes, possibly boots. This clothing was remarkably similar or identical to the clothing worn by Logan Clegg in the Walmart surveillance video at 344 Loudon Road in Concord, NH and on the Shaw's video surveillance at 20 D'amante Drive in Concord, NH on April 18, 2022, the day of the Reid homicides.
150. Detectives Doyon and Lemoine continued surveillance of Logan Clegg at the Price Chopper, and saw him hug multiple employees. Det. Doyon later overheard the employees saying that they were going to

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Additional space for source description, facts indicating reliability and credibility of source and nature of information.

miss him and would probably “never see him again.” Det. Doyon believed that they were referring to Logan Clegg, consistent with Logan leaving the area.

151. Detectives Doyon and Lemoine observed Logan Clegg go into the nearby Walgreen’s pharmacy, at which time he appeared to cash a check. They continued to observe Logan as he walked from Walgreens to the South Burlington Public Library. They soon entered the library and observed Logan sitting at a desk with a laptop in front of him, while wearing headphones.
152. At approximately 1:10 PM, Logan Clegg was taken into custody on the warrant out of Utah by members of the Vermont State Police and South Burlington Police Department while in the public library. Logan was observed to be using a laptop and was in possession of a black backpack. An officer placed the laptop inside Logan’s backpack, but did not search the backpack in any manner. Logan was subsequently transported to SBPD Headquarters.
153. **Interview of Logan Clegg:** At approximately 4:15 PM, Detectives Wade Brown and I responded from Concord PD to South Burlington PD Headquarters. Det. Brown was soon brought to the booking area and introduced himself to Logan Clegg in an interview room nearby. Det. Brown advised Logan that he was investigating a case from Concord, NH, and wanted to speak with Logan if he was willing. Logan was read his Miranda Warnings from a standard Concord PD form, which he signed agreeing to waive these rights to speak with Detective Brown. During this time, Logan was frequently offered food or drink, and bathroom usage, which he repeatedly declined. A brief summary of the interview follows, it should be understood that this is not a verbatim account.
154. Detective Brown informed Logan that he was investigating a double murder which happened in Concord, NH, around April 18, 2022. Det. Brown asked Logan if he was in Concord at that time, and Logan stated that he did not believe that he was. Logan stated that he believed he left Concord earlier than that, possibly in February or March when there was still snow on the ground.
155. Detective Brown asked Logan where he stayed while he was in Concord, and Logan stated that he typically slept out in the open under the powerlines next to Shaw’s on Loudon Road. Det. Brown described this area to Logan and Logan confirmed that this was the area he was referring to. It should be noted that Logan described staying in an area *south* of Loudon Road, while Arthur Kelly’s tent and the Burnt Tent Site were found on the *north* side of Loudon Road. Logan later added that he also used tarps to create a shelter, but did not own or use a tent while in Concord.
156. Detective Brown asked Logan if he ever stayed in the wooded area across from Shaw’s, near the Alton Woods apartment complex, and Logan stated that he did not. Det. Brown asked Logan if he ever stayed in the wooded area of the Broken Ground Trail system – providing accurate descriptions to access this area – and Logan stated that he had not.
157. Logan confirmed that he worked at McDonald’s in Concord, and stated that he had no family or friends in New Hampshire. Logan confirmed that he left McDonald’s in February, and that he had no further employment while in Concord. Logan stated that he spent his time at work or at his camp site.
158. Logan stated that he survived by buying hot food from supermarkets, specifically, Hannaford and Shaw’s. Detective Brown asked Logan if he ever shopped at the Concord Walmart. Logan stated that he did not like to go to that Walmart because it was too far from where he stayed and they didn’t serve hot food.

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159. Detective Brown explained that a man matching Logan's description was observed frequently shopping at Walmart, purchasing food and propane tanks. Logan stated that he may have shopped at Walmart a "couple" times, but denied shopping there regularly. Logan stated that he did not purchase propane tanks and was not the Walmart shopper Det. Brown was describing.
160. Det. Brown informed Logan that this same Walmart shopper purchased a tent at the end of November 2021, and a second tent on April 19, 2022. Logan stated that he never purchased any tent from Walmart. Det. Brown advised Logan that the male who bought the second tent, days after the killings, did not wear a mask and appeared to be Logan Clegg. Logan basically stated that he did not know what Det. Brown wanted him to say, but that this was not him.
161. Detective Brown asked Logan if he ever lived at a tent site in the Broken Ground Trails, where several dozen propane tanks were burnt along with the tent. Logan stated that he never lived in this location and basically did not know anything about a burnt tent.
162. Detective Brown asked Logan how he laundered his clothes while living in Concord, and Logan replied that he did not wash his clothes. Logan added that he cut his own hair with scissors and dry-shaved his face every few days as necessary, as he did not like facial hair.
163. Detective Brown asked Logan where else he shopped, and Logan stated that he used Amazon and eBay. Detective Brown asked Logan how he paid for these purchases, and Logan stated that he used his own bank-issued debit card. Logan stated that he no longer had this debit card, as it stopped working after he left Concord. Det. Brown asked Logan where he picked up online purchases. Logan explained that he had them sent to "General Delivery" at the Concord post office.
164. Detective Brown asked Logan how he accessed Amazon and eBay, and Logan replied that he used his phone. Logan added that he did not have cell service for the phone, and accessed wi-fi at McDonald's to gain an internet connection.
165. Detective Brown explained that the Walmart shopper who purchased propane tanks used cash and prepaid gift cards to make his purchases. Det. Brown added that the same gift cards were used to make Amazon purchases. Det. Brown informed Logan that the cards made purchases of vitamins which were delivered to Logan Clegg at a FedEx pickup location in a Concord Walgreen's. Logan stated that he never purchased vitamins online.
166. Detective Brown further explained to Logan that the user of the gift card created the Amazon account with the email address: rkxkelly@gmail.com. Logan stated that he did not know this email. Det. Brown informed him that this was the same email account he listed on his McDonald's application from November 2021. Logan stated that he did not recall putting this email on the application.
167. Det. Brown asked Logan if he was ever stopped by Concord Police Officers while he was in Concord. Logan stated that he had no interactions with CPD Officers. Det. Brown advised Logan that a white male matching his description was stopped by officers in a tent on April 20, 2022, in the woods near the Alton Woods complex. Det. Brown added that this male provided the name Arthur Kelly. Logan stated that this was not him, that he was never stopped by Concord PD, and that he did not know that name.
168. Detective Brown asked Logan directly if he had any involvement with the murders of Steven and Wendy Reid on the Marsh Loop Trail on April 18, 2022. Logan stated that he had no involvement. Det. Brown asked Logan if he ever used or possessed any firearms while he was in Concord. Logan stated that

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Additional space for source description, facts indicating reliability and credibility of source and nature of information.

he did not. Det. Brown asked Logan if he killed any persons while he was in Concord, and Logan stated no.

169. Logan stated that after he left Concord, he took a bus to Boston. He stated that he then traveled by bus from Boston to Albany, NY, then to Burlington, VT. Det. Brown later informed Logan that a person purchased a bus ticket matching this description on May 15, 2022. Logan stated that this sounded too late in the year to be him. Det. Brown asked Logan if he could guess the name of the person who purchased this ticket. Logan then guessed Arthur and appeared to mumble the last name Kelly. Det. Brown stated that this was correct. Logan indicated that this was not him.
170. Logan ultimately advised Det. Brown that he was done talking and the interview was ended. Logan was again offered food, drink or restroom use and he declined. Detective Brown advised Logan that a search warrant was being sought for his clothing and other property, and asked if he had additional clothing someplace that they could get for him. Logan indicated that he had no other clothing. Det. Brown then offered to buy Logan new clothes to replace what he was wearing. Logan offered his pants size as 30x30, his shirt size as small, and his sock size as 13. Det. Brown later recalled that a clothing label was documented at the Burnt Tent Site which was for pants size 30x30, consistent with Logan's pant size.
171. Detectives Brendan Ryder and Steven Carter soon purchased new pants, underwear, shirt, and socks for Logan. Det. Brown provided Logan with the new clothing and access to a paper bag to place his old clothing. This paper bag contained Logan's pants, socks, underwear, and shirt. The paper bag was placed into a temporary evidence locker next to Logan's other property.
172. Following the interview, Detective Brown and I observed the other items that had been in Logan's possession at the time of his apprehension, specifically a black baseball hat, black boots, a black belt, and the black backpack. None of these items were touched or searched.
173. Detectives observed that the black backpack appeared to be the same exact one possessed by Logan Clegg on the day of the Reid's' murders. In surveillance footage from April 18, 2022, I observed Logan carrying a similar black backpack, minutes before the killings, walking towards the Broken Ground Trail system. I further recalled that witness, Nan Nutt, observed the suspect on the trail carrying a similar black backpack.
174. Concerning Logan Clegg's clothing, Detectives Brown and I confirmed that the pants, boots, and hat were consistent with items worn by Logan while in Concord – though it could not be stated with certainty that they were the exact same items.
175. On October 13, 2022, South Burlington Police Department (SBPD) Detective Sergeant Gerard Eno sought and obtained a search warrant, signed by Honorable Judge Alison Arms of the Chittenden County, Vermont Superior Court. The warrant was for Logan Clegg's property at SBPD. The search warrants authorized the search, seizure, and transfer of items to Concord PD for further examination.
176. At approximately 2:40 PM, Lt. Chris Bataille and Det. Sgt. Eno of SBPD executed the search of Logan Clegg's backpack, witnessed by Detective Brown and me. Lt. Bataille located a black Glock 17 handgun inside a black holster in the main compartment of the backpack. The handgun was fully loaded with Sig Luger 9mm ammunition (the same type and caliber recovered at the Burnt Tent Site and crime scene) with one round in the chamber ready to be fired. An immediate check of the gun's serial number revealed that it was not reported stolen.

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177. Also, within the main compartment, Lt. Bataille recovered a black Nokia flip-phone and a dark-colored HP laptop. The laptop was believed to be the one used by Logan Clegg while he was in the South Burlington Public Library at the time of his arrest. The laptop was in a closed position and was not opened. The Nokia flip-phone was powered on. Det. Brown then opened the flip phone and navigated the menu system to place the phone into Airplane Mode. As he did this, I observed that the phone showed multiple apparent text messages, which appeared to be related to United States Postal System (USPS) packages. We did not open or access the messages.
178. Also, within the main compartment, Lt. Bataille located cardboard packaging with an eBay logo and a USPS delivery sticker with the address "11 Elmwood Ave, LOB, General Delivery Burlington, VT". The name was crossed out, but the name "Logan" was handwritten on the delivery label. Off the label, the name "Kelly" was written on the side of the box. The packaging was consistent with an eBay purchase sent to the local South Burlington post office.
179. Lt. Bataille further discovered sealed packaging for Apple device charging cables, consistent with an online order that had not been opened yet, as well as an Apple Watch, and various international charging devices.
180. Lt. Bataille further recovered an apparent valid US Passport issued to Logan Clegg (DOB 1/26/1996), with a photo of a person I recognized as Logan Clegg. He also recovered an open letter-size envelope with an apparent United Kingdom postmark from September 12, 2022, addressed to "Arthur Kelly" at "General Delivery, Burlington, Vermont." The envelope was found to contain an apparent fraudulent Romanian passport card (as opposed to a Passport booklet) bearing the name "Claude Zemo," with a photo of Logan Clegg.
181. Lt. Bataille also recovered a wallet with \$7,150 United States Currency, as well as two loose Vanilla gift cards bearing numbers 4118 1013 5882 3331 and 4097 5819 7486 7520. He also discovered an apparent unused Vanilla gift card with Walgreens receipt indicating the card was purchased on October 12, 2022, and loaded with \$300.00. I recalled that Detectives Lemoine and Doyon observed Logan enter the Walgreens next to Price Choppers on that date and time prior to him walking to the library.
182. **Discovery of Logan's Burlington Tent Site:** On October 13, 2022, Detective Brown spoke to FBI Cellular Analysis Survey Team (C.A.S.T.) member SA Kevin Hoyland regarding the location points on Logan Clegg's cellphone provided by Verizon Wireless. Detective Brown asked SA Hoyland to try to get a better location of where Logan's cellphone was pinging in the early morning hours of October 12, 2022 using RTT Data. SA Hoyland advised Detective Brown that Logan's cellphone was pinging near Patchen Road, in the area of 44.47907, -73.17840.
183. This information was given to Detectives Carter and Ryder who had just spoken to Logan's manager at Price Chopper (41 Hinesburg Road). Detective Carter advised that Logan's manager stated that Logan would cross the street, and walk toward the area of Patchen Road when he left work, which was consistent with the location data provided by SA Hoyland.
184. Detective Carter and Detective Ryder began checking the area of Patchen Road near 44.47907, -73.17840 with members of the UVM Police Department for a tent site or property belonging to Logan.
185. At approximately 10:30 AM, Detective Ryder notified me that Concord PD Detectives along with UVM Police Department, located a tent site they believed belonged to Logan Clegg.

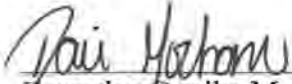
PROBABLE CAUSE STATEMENT FOR SEARCH WARRANT

Additional space for source description, facts indicating reliability and credibility of source and nature of information.

186. Detective Ryder was able to provide a location for the tent site of 44.478379, -73.178229 and stated that the site contained an Ozark Trail tent, camouflage tarp, several Mountain Dew bottles and trash piles, to include prepared food packaging. Many of these items being consistent with purchases made by Logan Clegg in Concord, NH and items found at the burnt tent site on the Marsh Loop Trail.
187. Detective Carter took photographs of the tent site which showed a gray colored Ozark Trail tent with a green cover. This tent being the same tent model purchased by Logan Clegg on April 19, 2022 at Walmart (344 Loudon Road, Concord, NH 03301) the morning after the Reids homicides.
188. Later that same day, October 13, 2022, South Burlington Police Department (SBPD) Detective Sergeant Gerard Eno sought and obtained a search warrant, signed by Honorable Judge Alison Arms of the Chittenden County, Vermont Superior Court. The warrant was for Logan Clegg's tent, located off Patchen Road. This search warrant authorized the search, seizure, and transfer of items to Concord PD for further examination.
189. **Search of the Burlington Tent Site:** Sgt. Eno and Lt. Bataille of SBPD accompanied CPD Detectives to the Centennial Woods Natural Area for the search of Logan Clegg's suspected tent site. The search was supervised by Lt. Bataille with several detectives from Concord PD.
190. During the search, detectives recovered two boxes of Sig Luger 9mm ammunition, consistent with the ammunition recovered in Concord and from the Glock 17 handgun. There was also gun cleaning equipment, ear plugs, and an ammunition magazine for a Glock 17.
191. It was noted that at this point there were more bullets in hand than there were empty spaces in the two ammunition boxes, leading us to believe there was likely a third box of ammunition at some point. We did not recover a third box at the site.
192. The ammunition was recovered inside a black trash bag found on the floor of the tent. It was noted that the tent was the same model previously known to have been purchased by Logan Clegg at the Concord Walmart on April 19, 2022. We further observed a blue sleeping bag, consistent with the sleeping bag purchased on that date (4/19/22). We also recovered a new set of clothes consistent with Logan's size and preferred attire, to include black pants, black shirt, a black leather baseball hat, and a black backpack. We further recovered a USPS package with the name and address crossed out. Visible through the cross out was the apparent name "Arthur Kelly".
193. We further recovered one more spent shell casing, Sig Luger 9mm, from the ground outside the tent. We also observed garbage and packaging for Mountain Dew, rotisserie chicken, ice cream, and other products known to be consumed by Logan Clegg.
194. Based on the items recovered at the scene, we concluded that this tent site belonged to Logan Clegg and was used by him for a period of at least several weeks up until the morning of his apprehension.
195. Therefore, based upon the foregoing information, there is probable cause to believe that evidence of the crime Homicide (NH RSA 630), may be found in Verizon Wireless Records as detailed in Attachment A. Therefore, I respectfully request that this Court issue a search warrant authorizing the seizure and search of the items described in the locations listed in Attachment A for evidence of the crime of Homicide (NH RSA 630).

PROBABLE CAUSE STATEMENT FOR SEARCH WARRANT

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Detective Danika M. Gorham
Concord Police Department

December 14, 2022

Date

Signed under the penalty of perjury, the penalty for which may include a fine or imprisonment or both and I acknowledge the foregoing to be true, to the best of my information, knowledge and belief.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
https://www.courts.nh.gov
SEARCH WARRANT

Warrant Name: #716VerizonWirelessRecords12142022

To the sheriff, deputy sheriff, state police officer, constable, federal officer or police officer of any jurisdiction within the State of New Hampshire.

Proof by written statement under oath (supplemented by oral statements under oath) having been made this day by

Danika M. Gorham

(Names of person or persons whose signed the statement under oath)

that there is probable cause for believing that

evidence of the crime of Homicide (RSA 630)

(Certain property which has been stolen, embezzled, or fraudulently obtained: OR is intended for use or has been used as the means of committing a crime: OR is contraband: OR is evidence of the crime to which probable cause upon which this search warrant is issued relates.)

may be found in the possession of

Verizon Wireless

(Identify)

at premises located at Verizon Wireless (180 Washington Valley Road Bedminster, NJ 07921)

(Specify)

we therefore command you to make an immediate search of

The locations described in Attachment A

and of the person of Not Applicable

(Any identifiable individuals with respect to whom probable cause has been established by the Probable Cause statement)

in the daytime only

OR

in the daytime or nighttime

For the following property:

See Attachment A

(Describe property)

and if you find any such property or any part thereof to bring it and the person in whose possession it is found before Merrimack County Superior Court (court having jurisdiction)

Dec. 15, 2022

Date



Signature of Judge
N. William Delker

Name of Judge

ATTACHMENT "A"

Verizon Wireless Records

I request permission to search, seize, and analyze the telephone records from the Verizon Wireless account associated with telephone number **(802) 598-8657**, utilized by Logan Clegg.

With regards to records associated with cellphone number **(802) 598-8657**, I am requesting that the court issue a search warrant for a complete search, seizure and analysis of evidence currently in the possession of:

Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921

The following specific records are requested for:


- Any and all subscriber data for the above listed number, to include name, address, email address, secondary phone number, type of plan, method of plan payment, debit/credit/gift card number or payment method used, region/location of activation, and date of account activation.
- All Call Detail Records and Text Detail Records for the above phone number from date of the account activation through October 12, 2022 at 2359 hours EDT, to include records of all incoming, outgoing, missed calls as well as records of all incoming, outgoing text (a.k.a. SMS and MMS) messages.
- Any and all location ping history and Range-To-Tower (RTT) Data records for the above phone number from the time frame of October 11, 2022, 1500hrs through October 12, 2022, 1500hrs. It should be noted that this data was previously provided pursuant to an exigency request on the above date/times, we are requesting the same data now be provided pursuant to this search warrant.

So ordered:



N. William Delker
Presiding Justice
December 15, 2022

EXHIBIT A7



SPIL | Imaging | Seat Maps | Logout
historical **PNR** Inquiry

Welcome, Victor Ector

[DEFAULT LOOKUP](#) |
 [PASSENGER LOOKUP](#) |
 [FLIGHT NUMBER LOOKUP](#) |
 [ORIGIN-DESTINATION LOOKUP](#)

PNR Locator Ticket No
 Employee No. DL PPRID (i.e. 012345600) or PMNW ID (i.e. 123456)
 Frequent Flyer No. (i.e. DL1234567890)

Go **Clear**

* Please enter data in one field per search only

[DL PNR Codes](#) [NW PNR Codes](#)

DL PNR's from 03/09/2011 to current (prior to 03/09/2011 PNRPUL) NW PNR's Thru 01/30/2010 [Print PNR Detail](#) [Redisplay List](#)

PNR Detail

DL RLOC GKIDIX
 CREATION DATA: 19:50 Z DATE 29 SEP 2022 DUTY CODE GS SIGNATURE WW CITY LAX
 AGENT SET: 24D634 SECURITY ID: D006217
 THIS PNR: WAS ORIGINATED BY AGENT-SET
 PASSENGER NAMES: 01CLEGG/LOGAN
 PHONE: BTV18025988657
 TICKET/INVOICE NUMBER DATA
 1.01 CLEGG/LOGAN 0062340255947 29SEP22 E
 TICKETING: TK/TE/1250P/29SEP
 TKI DATA E/ -ANONREF/CHANGES PERMITTED
 FARE 4P A-USD 185.12 TX 28.48 TTL 213.60 WW29SEP
 FARE CALC A BTV DL NYC185.12KAUQA0CL USD185.12END ZP BTV XF BTV4.5
 FOP REMARKS 1 FOR 1 PSGRS /FOPV141181J042CDD3331/01-31/-CID/LOGAN CLEGG
 FOP REMARKS 2 FOR 1 PSGRS AP/**422202/USD213.60/1250P 29SEP22
 NMNR NMRMK NAME W/BLANKS
 NAME REMARK FOP- 1 AP- 2 1.01
 REMARKS
 -IPAP-50.214.129.201*PDWKC** / 1950Z29SEP22
 /TBM MAIL TO:
 /LOGAN CLEGG
 /11 ELMWOOD AVE
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 /BURLINGTON VT 05401
 /TBM BILL TO-
 /LOGAN CLEGG
 /11 ELMWOOD AVE
 /*
 /BURLINGTON VT 05401
 /
 FACTS
 OSI TYPE A
 SSRCTEDLHK1/THIRDFLIGHT//PROTON.ME-1CLEGG/LOGAN
 SSRCTMDLHK1/18025988657-1CLEGG/LOGAN
 OSI DL CTC/ THIRDFLIGHT@PROTON.ME
 ITINERARY: CARRIER FLT # CLASS FLT DATE ORG DST STATUS NBR DPT TIME ARR TIME RD
 DL 5157 W 13 OCT 2022 BTV JFK NN/HK 01 3:35 PM 5:03 PM RD
 SEAT 5157 13 OCT 2022 BTV JFK RS/NR 7A CLEGG/LOGAN
 HISTORY
 AG OSI TYPE A
 AG SSRCTEDLHK1/THIRDFLIGHT//PROTON.ME-1CLEGG/LOGAN
 AG SSRCTMDLHK1/18025988657-1CLEGG/LOGAN
 AG OSI DL CTC/ THIRDFLIGHT@PROTON.ME
 AT TE/1200N/29SEP
 AS DL 5157 W 13 OCT 2022 BTV JFK NN/SS 01 3:35 PM 5:03 PM RD
 AV 00001 BTVJFK BTVJFK 0153 -4999 BTVJFK 0153 ** 00740 W2 -0152 WX K K 00000 0000 00184 0153 00
 84 0153
 A\$ 4P A-USD 185.12 TX 28.48 TTL 213.60 WW29SEP
 AC A BTV DL NYC185.12KAUQA0CL USD185.12END ZP BTV XF BTV4.5
 AT E/
 PS LAX DL A LAX GS WW LAXUSLAX DL BTV US S
 AF DOCS*CLEGG/LOGAN*////24JAN96/M//CLEGG/LOGAN
 29 SEP 2022 1950 Z D006217 24D634 LAXGSWBTV US
 XT TKTD-TE/1200N/29SEP
 AT TK/TE/1250P/29SEP
 TI 0062340255947 ECLEGG/LOGAN
 29 SEP 2022 1950 Z D006217 24D634 LAXGSW
 AS SEAT /RS 7A CLEGG/LOGAN DL5157 13OCT BTVJFK
 29 SEP 2022 1950 Z D027858 38AC3B ATLSUBC
 QP QR-XOC/004
 29 SEP 2022 2021 Z D010662 05ED39 ATLSAX
 XS SEAT RS/NR 7A CLEGG/LOGAN DL5157 13OCT BTVJFK
 AS SEAT RS/NR 7A CLEGG/LOGAN DL5157 13OCT BTVJFK
 13 OCT 2022 1940 Z 1835433 235039 BTPVDD

DL PNR's from 03/09/2011 to current (prior to 03/09/2011 PNRPUL) NW PNR's Thru 01/30/2010 [SPIL | Imaging | Seat Maps | Logout](#)
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EXHIBIT A8

**The State of New Hampshire
Superior Court**

Hillsborough North

STATE OF NEW HAMPSHIRE

V.

ANDERSON PEREIRA

NO. 216-2021-CR-01916

**ORDER ON THE DEFENDANT'S MOTION TO SUPPRESS PRIVATE AND
PERSONAL INFORMATION**

The defendant is charged with Purposeful First-Degree Murder for killing Zakhia Charabaty. The defendant has also been indicted on two counts of Falsifying Physical Evidence and one count of Theft by Unauthorized Taking. The defendant has filed a Motion to Suppress Private and Personal Information Obtained without a Warrant from Uber, T-Mobile, and Google. (Doc. 106). The State objected. (Doc. 94). The Court held hearings on November 4 and December 8, 2022. The State filed a post-hearing memorandum after the November 4, 2022 hearing elaborating upon its arguments in support of the objection. (Doc. 111). Upon consideration of the pleadings, evidence, and applicable law, the defendant's motion to suppress is DENIED.

Factual Background

The Court derives the following facts from the testimony and evidence introduced at the evidentiary hearing, as well as the factual findings made in connection with the Court's order following an evidentiary bail hearing (Doc. 44). Mr. Charabaty lived at 245 Pasture Drive in Manchester, New Hampshire and delivered food to various local

grocery stores with his own box truck. When Mr. Charabaty failed to show up for a scheduled work delivery, Mr. Charabaty's family became concerned for his well-being, as missing a delivery was out of character. They reported him missing to the Manchester Police Department on March 14, 2020, when they could not contact him and did not find him at his house. Mr. Charabaty's family used his iPad to find his Apple Watch, which was located in Lawrence, Massachusetts. When family members arrived at the pinged location, they found Mr. Charabaty's work truck, Apple Watch, and some of his belongings in a nearby dumpster. At this point, the Lawrence Police Department became involved with the missing person's investigation with the Manchester Police Department.

Next, Lawrence police officers requested that Verizon Wireless ping the location of Mr. Charabaty's cell phone using the number 603-490-4534. These records revealed that the last documented location of Mr. Charabaty's cell phone was Windham, New Hampshire at 1:49 a.m. on March 13, 2020. Lawrence police officers also reviewed surveillance footage of where they discovered Mr. Charabaty's work truck, and identified a person parking the truck and discarding items in a nearby dumpster. The person in the video was not Mr. Charabaty and was not otherwise known to the police at that time. Mr. Charabaty's Manchester residence showed no sign of criminal activity, and the police could not ascertain an obvious reason why Mr. Charabaty would be the subject of criminal activity. However, early on in the investigation, the police learned that Mr. Charabaty was having marital problems and that his wife was currently staying with her ex-boyfriend. The ex-boyfriend was identified as Anderson Pereira, the defendant.

The police learned of a heightened urgency to search for Mr. Charabaty on March 17, 2020, because Mr. Charabaty's family still had not heard from him and there was no recent cellphone or credit card activity. Based on the security footage the police reviewed and the evidence they gathered at Mr. Charabaty's home, detectives began to suspect that Mr. Charabaty disappeared from his house in the early morning hours of March 13, 2020. However, the police did not have any information on Mr. Charabaty's potential whereabouts for the following 24 hours, between about 2:00 a.m. on March 13, 2020, when Mr. Charabaty's cellphone pinged in Windham, and about 2:00 a.m. on March 14, 2020, when Mr. Charabaty's truck was abandoned in Lawrence. The police and forensic experts searched Mr. Charabaty's abandoned truck and identified the presence of blood, but did not know at that time whether the blood was that of Mr. Charabaty or someone else.

Also on March 17, 2020, Lawrence Police Detective Paul Aliano began reviewing Mr. Charabaty's cellphone location data to assist in the ongoing missing person's investigation. However, these searches did not result in any leads as to Mr. Charabaty's location. In response, Detective Aliano submitted an exigent request to Apple for cellular location data for Mr. Charabaty's iCloud account, which was associated with both his cell phone and Apple Watch. The internet protocol ("IP") data that Detective Aliano received was not helpful in locating Mr. Charabaty. The police continued reviewing surveillance footage from around where they discovered Mr. Charabaty's work truck and discovered that the person previously identified in surveillance footage near the truck afterwards walked to a nearby intersection and gotten into a car with stickers on it from both Uber and Lyft ride-sharing services.

Based on that surveillance footage police determined the pickup happened around 2:30 a.m. on March 14, 2020. At that point in the investigation, the police were still unable to identify the person in the video.

Next, on March 18, 2020, the police sent exigent requests to Uber and Lyft to try to discover the identity of the driver and vehicle for the pick-up that occurred in Lawrence on March 14, 2020. Uber responded later the same day with the identity of the driver and information on the pick-up vehicle. The police then sent a follow-up request to Uber that same day asking for information on the passenger. Uber informed the police that the passenger was the defendant, with the associated cell phone account number of 626-820-3863. The police also interviewed the Uber driver on March 18, 2020, and he confirmed that he picked up Anderson Pereira on March 14, 2020, and then dropped him off in a shopping plaza known as the Loop in Methuen, Massachusetts. The police at this time were already aware that the defendant was Mr. Charabaty's wife's ex-boyfriend, whom she was staying with at the time of Mr. Charabaty's disappearance. They also knew that he lived within walking distance of the location where he was dropped off by the Uber driver on March 14.

When Detective Aliano received this information from Uber, he sent an exigent request to T-Mobile to obtain cell phone location data for the defendant's cellphone number 626-820-3863. Specifically, Detective Aliano sought information from March 13, 2020 at 5:00 a.m. to March 14, 2020 at 5:00 a.m. The next day, on March 19, 2020, Detective Aliano sent another exigent request to T-Mobile to change the beginning of the time frame to March 12, 2020, after further investigation into the case. Detective Aliano submitted an identical request to Verizon Wireless to obtain cell phone location

data from Mr. Charabaty's cell phone. After Detective Aliano received the raw data from T-Mobile and Verizon, he sent it to the Manchester police department to have Detective Louis Krawczyk map it. At this point in the investigation, the police were looking at two locations in Methuen, Massachusetts—a Home Depot at the Loop and a Texas Roadhouse near the Village Mall—because of Mr. Charabaty's Apple Watch location data. The police recovered surveillance video from the Home Depot at the Loop which showed the defendant purchasing a shovel. The mapped data from the defendant's T-Mobile phone records established that the defendant's cellphone utilized cell towers in the same above locations as Mr. Charabaty's Apple Watch. The police did not locate Mr. Charabaty's body until June 2020.

Neither the Lawrence nor Manchester Police Department applied for or received a search warrant for the defendant's T-Mobile records before they obtained that information through the exigent request process. Detective Aliano and fellow Lawrence Police Detective Angel Mejia testified at the November 4, 2022 hearing that typically, cell phone providers can take upwards of two weeks to respond to warrants. Detectives Aliano and Mejia also testified that they typically could get a warrant signed by a Massachusetts judge or magistrate within one day. For example, on March 19, 2020, Detective Mejia applied for a warrant to search the defendant's apartment located at 142 Pleasant Valley Street in Methuen, Massachusetts, which a Massachusetts clerk magistrate signed the same day. Detective Mejia's search warrant affidavit indicates that he also was seeking the defendant's cell phone location records from T-Mobile. Detective Mejia testified, however, that he made a mistake in not submitting a separate

warrant application and proposed search warrant for the defendant's T-Mobile records, so the magistrate only issued a search warrant for the defendant's apartment.

Analysis

The defendant seeks to suppress all records obtained from Google, Uber, and T-Mobile. He argues that the police violated Part I, Article 2-b and Part I, Article 19 of the New Hampshire Constitution and the Fourth and Fourteenth Amendments to the United States Constitution when they received personal and private information from Google, Uber, and T-Mobile without a warrant. First, as to the Google and Uber records, the State argues that the defendant does not have standing to suppress the information. Even if the defendant does have standing to challenge the Google and Uber records, and as to all three of the records at issue, the State argues that the police properly obtained the challenged records pursuant to the exigent circumstances exception to the warrant requirement. In the alternative, the State argues that if the Court does not find that an exigency existed, the records are nevertheless admissible through either the inevitable discovery or independent source exceptions to the exclusionary rule. The Court will first address the Google and Uber records before turning to the T-Mobile records.

A defendant must preserve a state constitutional analysis by “specifically invoking a provision of the State Constitution.” State v. Dellorfano, 128 N.H. 628, 632 (1986). Further, the defendant must develop an argument based on the text or history of the State Constitution to meaningfully establish why the State Constitution is more protective than the Federal Constitution. See State v. Burris, 170 N.H. 802, 813 (2018).

Here, the defendant only does so in his argument about the application of Part I, Article 2-b of the New Hampshire State Constitution. The defendant does not otherwise meaningfully present any argument why Part I, Article 19 of the State Constitution is more protective than the Fourth and Fourteenth Amendments. Accordingly, the Court will assume Part I, Article 19 of the State Constitution is co-extensive with the Federal Constitution. As discussed below, Court will separately address the defendant's argument on the New Hampshire State Constitution with respect to Part I, Article 2-b. See Dellorfano, 128 N.H. at 633.

1. Google and Uber Records

A party must have standing to suppress any illegally obtained evidence. See State v. Alosa, 137 N.H. 33, 35 (1993). "The threshold question as to the determination of a party's standing to challenge the introduction of evidence by means of a motion to suppress is whether any rights of the moving party were violated." State v. Gubitosi, 152 N.H. 673, 680 (2005). "A defendant may have standing based upon (1) being charged with a crime in which possession of an item or thing is an element, which confers automatic standing, or (2) having a legitimate expectation of privacy in the place searched or the item seized." Id.

The New Hampshire Constitution provides that every citizen has "a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions." N.H. CONST. pt. I, art. 19. When evidence is obtained from a search or seizure in violation of Part I, Article 19, it "may be subject to exclusion from evidence in a criminal trial." State v. Davis, 161 N.H. 292, 295 (2010). It

is well-established that, at a hearing on a motion to suppress evidence, “the burden of proof . . . rests with the State in all cases.” State v. Martin, 145 N.H. 362, 364 (2000). “Absent an invasion of the defendant’s reasonable expectation of privacy, there has been no violation of the defendant’s rights under Part I, Article 19.” State v. Orde, 161 N.H. 260, 264 (2010); see also State v. Mello, 162 N.H. 115, 120 (2011) (holding that even where State obtained Comcast subscriber information with improper warrant, suppression was not proper because defendant had no expectation of privacy in that information). The Court uses a two-part analysis to determine whether there is a reasonable expectation of privacy: “first, that a person has exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as ‘reasonable.’” State v. Goss, 150 N.H. 46, 49 (2003). The second, objective prong is “highly dependent on the particular facts involved and is determined by examining the circumstances of the case in light of several factors, including the nature of the intrusion, whether the government agents had a lawful right to be where they were, and the character of the location searched, which entails examining whether the defendant took normal precautions to protect his privacy.” Orde, 161 N.H. at 265–66. Like Part I, Article 19, Article 2-b of the New Hampshire Bill of Rights is premised on a government intrusion into private or personal records of the defendant. See N.H. Const. pt. I, art. 2-b (“An individual’s right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.”).

As a preliminary matter, the Court finds that the defendant does not have standing to suppress the information from Google. In his motion to suppress, the

defendant does not identify what particular Google records he seeks to suppress, but specifies that he only seeks to suppress possible location information from Google the police obtained through exigent requests for the email addresses Zcharabaty@gmail.com and lifeloveimports@gmail.com. (Doc. 106 ¶ 29). However, the defendant does not explain why he has a reasonable expectation of privacy in either of the above email addresses, as neither of them are the defendant's own Google account. Gubitosi, 152 N.H. at 680. Furthermore, as to the lifeloveimports email address, the police obtained the information related to that account pursuant to a warrant signed on March 25, 2020. (State's Ex. 7). Accordingly, the defendant's motion the Google records is DENIED.

As to the Uber records, the defendant specifies records received by the police pursuant to two separate exigent requests that he seeks to suppress. The defendant moves to suppress the Lawrence Police Department's first exigent request to Uber which sought information on the Uber pick-up vehicle and the driver. The defendant also seeks to suppress the police's second exigent request, which sought information about the passenger. The defendant argues that the United States Supreme Court's decision in Carpenter v. United States, 138 S. Ct. 2206 (2018), requires the police to obtain a warrant before accessing Uber records. In Carpenter, the Supreme Court held that the accessing more than seven days of historical cell site location information ("CSLI") constituted a search within the meaning of the Fourth Amendment. Id. at 2217 n. 3.

The State argues that Carpenter is limited only to historical CSLI and does not include, and should not be expanded to include, records about an isolated Uber trip.

The State further asserts that the third-party doctrine otherwise precludes the defendant's privacy interest in the records. Finally, the State argues that Part I, Article 2-b of the New Hampshire State Constitution was not drafted to abrogate the third-party doctrine.

The third party doctrine rids a defendant of a reasonable expectation of privacy in information they disclose to a third party. United States v. Miller, 425, U.S. 435, 442 (1976). The United States Supreme Court held in Carpenter that the third-party doctrine does not apply to historical cellphone location data spanning more than seven days of data. 128 S.Ct. at 2217 n.3. The Carpenter Court concluded, "In light of the deeply revealing nature of CSLI, its depth, breadth, and comprehensive reach, and the inescapable and automatic nature of its collection, the fact that such information is gathered by a third party does not make it any less deserving of Fourth Amendment protection." 138 S. Ct. at 2223.

However, the Supreme Court noted, "[o]ur decision today is a narrow one. We do not express a view on matters not before us. . . . Nor do we address other business records that might incidentally reveal location information." Id. The Court was careful to note that its holding did not completely upset the third-party doctrine. It observed, "[w]e do not disturb the application of Smith and Miller or call into question conventional surveillance techniques and tools, such as surveillance cameras. Nor do we address other business records that might incidentally reveal location information." Id. at 2220. Uniformly, courts that have grappled with the intersection of the third-party doctrine and other forms of personal data since Carpenter have refused to extend the logic of Carpenter beyond historic cellphone location data. See Sanchez v. L.A. Dep't of

Transp., 39 F.4th 548, 561 (9th Cir. 2022) (finding the third-party doctrine applied to location data gathered from a voluntary lease of an electric scooter); United States v. Gratkowski, 964 F.3d 307, 312 (5th Cir. 2020) (determining that there is no reasonable privacy interest in public information voluntarily given to Bitcoin’s blockchain); United States v. Morel, 922 F.3d 1, 9 (1st Cir. 2019) (holding that Carpenter does not apply to IP address data).

Following those courts, this Court is not persuaded that Carpenter is applicable to the defendant’s situation. First, the information Uber provided does not reveal any detailed or intimate information about the defendant’s life in the way that CSLI does. See United States v. Medina, No. 20-CR-29A, 2022 WL 17834613, *1 (W.D.N.Y. Dec. 1, 2022) (rejecting the application of Carpenter to Uber records because the Uber records were only for a limited period of time); United States v. Jacobs, No. CR 16-78-RGA, 2019 WL 8230956, at *3 (D. Del. Apr. 2, 2019) (same). The requested data does not disclose the type of personal information about the defendant’s life that concerned the Carpenter Court. 128 S.Ct. at 2220 (“[T]his case is not about ‘using a phone’ or a person’s movements at a particular time. It is about a detailed chronicle of a person’s physical presence compiled every day, every moment, over several years. Such a chronicle implicates privacy concerns far beyond those considered in Smith and Miller.”). Here, critically, Uber only provided information on the trip that occurred on the morning of March 14, 2020, and did not provide any more of the defendant’s Uber history or personal information. This is markedly different from cellphone location data that is extensive and provides a comprehensive snapshot of a suspect’s daily life. Carpenter, 138 S. Ct. at 2217–18 (explaining that historical cellphone location data

“provides an intimate window into a person's life, revealing not only his particular movements, but through them his ‘familial, political, professional, religious, and sexual associations.’” (citation omitted)). Finally, the defendant voluntarily signed up for Uber and provided Uber with his name and phone number when he used Uber to request a ride. This is quite different from the passive and involuntary way that CSLI is gathered. See Carpenter, 128 S.Ct. at 2220 (“Cellphone location information is not truly ‘shared’ as one normally understands the term.”). As the Carpenter Court noted, “a cell phone logs a cell-site record by dint of its operation, without any affirmative act on the part of the user beyond powering up.” 128 S.Ct. at 2210. The Court recognized that virtually every activity of the phone connects with the tower, creating data connections with the cellular antenna. Id. The Court concluded, “As a result, in no meaningful sense does the user voluntarily assume the risk of turning over a comprehensive dossier of his physical movements.” Id. (quotation and brackets omitted). In contrast, the defendant here voluntarily provided his name and information to Uber, and Uber recorded it as part of their typical course of business. See Mello, 162 N.H. at 120 (finding no privacy interest in subscriber information provided to an internet service provider largely because providing said information was an affirmative, voluntary act).

It follows that, with respect to the police’s first Uber request that asked for pick-up and driver information, the defendant does not have a privacy interest in that record. None of the information the police sought or received belonged to the defendant. As noted, both Part I, Article 2-b and Part I, Article 19 protects information in which the defendant has a privacy interest. N.H. Const. pt. I, art. 2-b (“An individual's right to live free from governmental intrusion in private or personal information is natural, essential,

and inherent.”); id. pt. I, art. 19 (“Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. (emphasis added)). Here both requests to Uber involved Uber’s business records. The first exigent request to Uber simply sought the name of the Uber driver and identity of that driver’s vehicle. The second request involved sought the identity of the person who ordered the Uber ride. It is logical to conclude that in both instances the information was gathered and maintained by Uber in order to ensure it could provide the requested service and bill the appropriate customer. The defendant has provided no information that the defendant had any ownership interest in the records Uber disclosed to the police. In other words, neither request to Uber involved the defendant’s information, much less the type of private, personal, and pervasive information that lead the Supreme Court to require a warrant for CSLI.

Leaving that issue of standing aside, the defendant does not have a reasonable expectation of privacy in this information from Uber. See Goss, 150 N.H. at 49 (explaining that society’s objective belief in reasonableness is a factor to determine if a defendant has a reasonable expectation of privacy). The defendant does not specifically argue that he subjectively believed that he had a reasonable expectation of privacy in the personal information he provided to Uber. The Court will assume without deciding that the defendant had that subjective belief. Id. However, the defendant’s expectation of privacy in his subscriber information is not one that society is prepared to recognize as reasonable. As explained above, the defendant voluntarily provided his information to Uber in order to use Uber’s services. Society at large would not find it justified that the defendant retained a privacy interest in the information. See Gubitosi,

152 N.H. at 679 (“[W]e hold that the defendant does not have a reasonable expectation of privacy in billing records that were never in his possession and that only contain information that he voluntarily conveyed to U.S. Cellular in order to make use of its telephone service.”). A passenger has no reasonable expectation of privacy when he is picked up from a public street by a taxi or ride-sharing service. See Sanchez, 39 F.4th at 561 (“Because the third-party doctrine squarely applies to Sanchez’s voluntary agreement to provide location data to the e-scooter operators, the collection of that data by LADOT is not a search, and does not violate the Fourth Amendment or the California Constitution.”); Azam v. D.C. Taxicab Comm’n, 46 F. Supp. 3d 38, 50 (D.D.C. 2014) (“neither the taxicab drivers nor passengers have a reasonable expectation of privacy in the pick-up and drop-off data collected by the GPS tracking”).

Because Uber had to use his data to allow him to use their service, the defendant had no reasonable expectation of privacy in the information he provided to Uber. Moreover, since the nature of the intrusion was relatively minimal as Uber revealed limited information about one car trip and the defendant voluntarily signed up for and provided his information to Uber, the Court finds that society in general would not find his claimed privacy interest reasonable. See Orde, 161 N.H. at 265.

Lastly, the defendant’s argument that Part I, Article 2-b of the New Hampshire State Constitution requires that the police get a warrant before acquiring Uber records is not persuasive. As the defendant notes, there is no case law interpreting the breadth and scope of Article 2-b. Nevertheless, the defendant argues that the plain meaning of “personal and private information” easily includes the information he provides to Uber or where he has traveled to via Uber. However, the defendant has not advanced any

argument as to why the information he provided to Uber is private. The information the defendant provided to Uber is not privileged and was necessary for him to use Uber's services. See Mello, 162 N.H. at 119. Further, the defendant does not present any evidence that an Uber policy promised to keep information he provided confidential.

Likewise, the defendant does not develop an argument as to whether Article 2-b protects personal information that is not private. Even so, the Court finds that the Uber records at issue here are not truly personal. The defendant had to share his information with a driver to properly use the service. As a result, the defendant did not retain a personal interest in that information. See Azam, 46 F. Supp. 3d 38, 50. Uber pick-ups occur on public streets and thus are events that can be readily observed by the general public. See Carpenter, 128 S.Ct. at 2219–20 (“[A]n individual has no reasonable expectation of privacy in public movements he ‘voluntarily conveyed to anyone who wanted to look’” (quotation omitted)). In fact, that is exactly what happened in this case as the police observed a passenger getting into the Uber on surveillance footage of the public street. The defendant fails to articulate how using a service that by its design requires the defendant to share certain information with the company and his driver that can also be observed by the general public is truly personal information. Accordingly, the Court finds that the defendant's Uber records do not come within the plain meaning of personal and private information as found in Part I, Article 2-b of the New Hampshire State Constitution. For the foregoing reasons, the defendant's motion as to the Uber records is DENIED.

2. T-Mobile Records

The State argues that the defendant's T-Mobile cellphone records are admissible for the following three reasons: (1) there were exigent circumstances as the police were actively investigating Mr. Charabaty's disappearance and believed he was in great harm but potentially still alive; (2) even without the information obtained through the exigent requests, the police would have inevitably discovered the T-Mobile records with a warrant; and (3) Mr. Charabaty's cellphone records provided an independent source for obtaining the defendant's cellphone records. The defendant argues that there was not an exigency and the police should have sought warrants for the T-Mobile records before sending an exigent request form to T-Mobile. As the Court will discuss below, the Court finds that the T-Mobile records are admissible under the inevitable discovery doctrine and will limit its analysis accordingly. See Canty v. Hopkins, 146 N.H. 151, 156 (2001) (holding that the Court need not consider a party's remaining arguments where one or more was dispositive of the case).

Generally, under New Hampshire's exclusionary rule, evidence must be excluded if it was discovered as a result of an unlawful search. See State v. Robinson, 170 N.H. 52, 57 (2017). Thus, "[e]vidence obtained in violation of a defendant's rights under Part I, Article 19 is inadmissible under the exclusionary rule." State v. De La Cruz, 158 N.H. 564, 566 (2009). On the one hand, this rule advances society's interests in deterring police misconduct, safeguarding State constitutional protections, and redressing the government's unlawful intrusion into a person's privacy. See id. On the other, it undermines the public's interest in prosecuting crime because its application can result in the dismissal of a prosecution or deprive the jury of probative evidence in cases that

might otherwise be strong. See Robinson, 170 N.H. at 57 (quoting Nix v. Williams, 467 U.S. 431, 443 (1984)).

Our law attempts to balance these interests by recognizing that, in some circumstances, the exclusionary rule should not apply simply because the police obtained certain evidence during an unlawful search or derivative thereof. See Robinson, 170 N.H. at 57; De La Cruz, 158 N.H. at 566; see also Wong Sun v. United States, 371 U.S. 471, 487–88 (1963) (“We need not hold that all evidence is ‘fruit of the poisonous tree’ simply because it would not have come to light but for the illegal actions of the police. Rather, the more apt question in such a case is whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint.”). As such, there is a general principle that where exclusion would deprive the prosecution of evidence that it would have obtained irrespective of the police misconduct, the exclusionary rule should not apply. See Robinson, 170 N.H. at 57 (quoting Nix, 467 U.S. at 443). The purged taint, independent source, and inevitable discovery doctrines are the vehicles that carry out this general principle. See De La Cruz, 158 N.H. at 566 (citations omitted).

The New Hampshire Supreme Court has adopted the inevitable discovery rule. See, e.g., State v. Beede, 119 N.H. 620, 629–30 (1979) (applying the inevitable discovery doctrine to a body discovered in an apartment building). The State acknowledges that the New Hampshire Supreme Court has not specifically laid out what the prosecution is required to prove for the application of the inevitable discovery doctrine. The State proposes that it must demonstrate that the police officers acted in

good faith and that absent the illegal conduct, there would be a reasonable probability that the challenged evidence would have been discovered lawfully. Other courts have applied a higher burden of proof. This Court will apply the more stringent standard adopted in Massachusetts without determining definitively if this is the appropriate test under the New Hampshire Constitution. Compare Claremont School Dist. v. Governor, 138 N.H. 183, 186 (1993) (“Given that New Hampshire shares its early history with Massachusetts, [and] that we modeled much of our constitution on one adopted by Massachusetts four years earlier . . . we give weight to the interpretation given. . .by the [Massachusetts] Supreme Judicial Court.”) with Burris, 170 N.H. at 812 (declining to follow the Massachusetts Supreme Judicial Court (“SJC”)’s interpretation of an identical provision in the Massachusetts Constitution). Even applying the more exacting burden of proof applied by Massachusetts courts, the State still prevails.

“Under the inevitable discovery doctrine, if the [State] can demonstrate by a preponderance standard that discovery of the evidence by lawful means was certain as a practical matter, the evidence may be admissible as long as the officers did not act in bad faith to accelerate the discovery of evidence, and the particular constitutional violation is not so severe as to require suppression.” Commonwealth v. Sbordone, 678 N.E.2d 1184, 1190 (Mass. 1997). “It would not be enough to say that the ‘inevitability’ of discovery is established by proof that, more probably than not, the evidence would ultimately have been found by lawful means. Such a standard dilutes the meaning of the word ‘inevitable.’” Commonwealth v. O’Connor, 546 N.E.2d 336, 340 (Mass. 1989).

“The element of good faith on the part of the police is inherent in the inevitable discovery exception.” State v. Holler, 123 N.H. 195, 201 (1983). Good faith

of the police in this context is not the same as the good faith exception to the warrant requirement. See State v. Canelo, 139 N.H. 376, 387 (1995). Rather, the good faith inquiry for inevitable discovery ensures that the constitutional violation was not so flagrant as to require suppression of the evidence and to ensure the police do not rely on this exception to circumvent the warrant requirement in the future. See Sbordone, 678 N.E.2d at 1190; Holler, 123 N.H. at 201.

The State must show that with a near level of certainty the police both could have and would have obtained the defendant's T-Mobile records legally with a warrant to meet the first prong of the inevitable discovery test. This demanding standard requires the Court to make factual findings on how likely it would have been that the police would have made a lawful discovery of the tainted evidence. See State v. Broadus, 167 N.H. 307, 314–15 (2015) (remanding case back to trial court because the court did not make any factual findings as to how likely it would have been that the police would have arrested the defendant in order to perform a lawful search). Thus, it is not enough for the State to simply show that it could have obtained a warrant for the T-Mobile records, it must also show that it is practically certain the police would have done so. Sbordone, 678 N.E.2d at 1190.

The Court finds that the State proved by a preponderance of the evidence that the police would have discovered the evidence lawfully as a practical matter. First, at the November 4, 2022 hearing, Detective Mejia testified that he intended to get a warrant to search the defendant's T-Mobile records. The fact that Detective Mejia included a paragraph about wishing to obtain the defendant's T-Mobile records in his affidavit supporting his application for the warrant to search the defendant's apartment

evidences his intent to seek a warrant for the T-Mobile records. (State's Ex. 8 ¶ 25). Detective Mejia further testified that he made a mistake and did not realize that to receive a warrant for the T-Mobile records, he needed to submit a separate application and proposed warrant to the clerk magistrate. The Court finds Detective Mejia's testimony credible and that it supports that the police would have obtained a warrant absent Detective Mejia's mistake. See Broadus, 167 N.H. at 314. Detective Aliano further testified that the only reason that he did not seek a warrant for the T-Mobile records is because he believed there were exigent circumstances as the missing person's investigation into Mr. Charabaty's disappearance was still ongoing. He also testified that it is the Lawrence Police Department's standard practice to obtain warrants for cellphone location records if there are no exigent circumstances. This further demonstrates that had the police not received the cell phone records through the exigent request forms, it is certain as a practical matter that they would have realized the mistake in not submitting the search warrant to the magistrate on March 19 and would have corrected that error by obtaining a warrant for the T-Mobile records. Sbordone, 678 N.E.2d at 1190.

The Court also has no question that had Detectives Mejia or Aliano applied for a warrant for the T-Mobile records, a Massachusetts clerk magistrate or judge would have found probable cause and signed it. First, clerk magistrate Keith McDonough signed and approved the warrant for the defendant's apartment. Detective Mejia used the same affidavit for that warrant that included the information about the defendant's cell phone records. The fact that the clerk magistrate signed the affidavit in which Detective Mejia described the T-Mobile records he wished to search further demonstrates it is

certain that a court would have approved a warrant for the T-Mobile records. See Commonwealth v. Pellegrini, 539 N.E.2d 514, 517 (Mass. 1989) (finding that even though the judge did not sign the warrant itself, the fact that he signed the accompanying affidavit helped evidence the judge's intent to issue the warrant). Thus, the fact that a warrant was issued off of the same information that would have accompanied the warrant for the T-Mobile records and the clerk magistrate signed the affidavit further illustrate that the Lawrence Police both could have and would have obtained a warrant for the T-Mobile records certainly as a practical matter. Sbordone, 678 N.E.2d at 1190.

Based upon the Court's above factual findings, the instant case is distinguishable from other cases where the police did not obtain a search warrant when it needed a search warrant to conduct a lawful search. For example, in Commonwealth v. Perrot, 554 N.E.2d 1205, 1211 (Mass. 1990), the SJC declined to use the inevitable discovery doctrine to admit into evidence a pocketbook the police seized in a warrantless search. The SJC reasoned that the pocketbook was not in plain view as it was partially obstructed and no one found it for ten days. Id. The Massachusetts high court concluded that it was only a possibility that the police would have discovered it in plain view and it was not certain as a practical matter. Id. Here, the same level of uncertainty is not present. Detective Mejia began the process of applying for a warrant for the cellphone records and would have obtained that warrant but for his innocent error.

Likewise, Commonwealth v. Benoit, 415 N.E.2d 818, 823 (Mass. 1981), held that the inevitable discovery doctrine could not cure a warrantless seizure. However, the facts of that case do not indicate that the police ever applied for a warrant or otherwise

made any effort to actually obtain one like the police did here. As explained above, Pellegrini supports the proposition that it was all but certain that the police would have obtained a valid warrant, further distinguishing the case at bar from Benoit. Pellegrini, 539 N.E.2d at 517; Benoit, 415 N.E.2d at 823. Additionally, other courts have applied the inevitable discovery doctrine to cellphone location records initially discovered in a warrantless search. See, e.g., State v. Stewart, 867 S.E.2d 33, 37 (S.C. Ct. App. 2021) (applying inevitable discovery to the State's warrantless search of the defendant's CSLI because the police would have obtained the information through a valid warrant).

Next, the Court turns to the second part of the inevitable discovery doctrine, and finds that the police acted in good faith in obtaining the T-Mobile records through an exigent request. As described above, Detective Aliano testified that the only reason he submitted the warrantless request for the T-Mobile records is because he believed there was an exigency. Detective Aliano further testified that he believed that at the point he submitted the exigent requests Mr. Charabaty could have still been alive but was kidnapped and in peril. Lastly, Detective Aliano testified that he did not submit the exigent request to T-Mobile to attempt to cut corners, but rather did so to try and locate Mr. Charabaty as soon as possible. The Court finds Detective Aliano's testimony on the above issues to be credible, and concludes that the police did not attempt to cut legal corners but instead were acting on a good faith belief that exigent circumstances were present and necessary to further the investigation. See Commonwealth v. Ubilez, 43 N.E.3d 327, 331 (Mass. App. Ct. 2016) (holding that the Commonwealth met the second part of the inevitable discovery doctrine because the police's conduct was not designed to circumvent the warrant requirement).

The Court also finds that the constitutional violation is not so flagrant as to require suppression of the T-Mobile records. Though the Court does not make an opinion on the State's claim of exigency, the Court nevertheless notes that it is a close call whether an exigency existed in this case, thus lessening the flagrant nature of the police's constitutional violation because reasonable minds could differ on close cases. Cf. Thoyakulathu v. Brennan, 192 S.W.3d 849, 855 (Tex. App. 2006) (explaining that a mere difference of opinion over whether a piece of legislation was unconstitutional was not a sufficient basis for striking it down because reasonable minds could differ). Further, the State did not use any of the T-Mobile records in applying for the warrant to search the defendant's apartment, indicating that the police did not intend to cut constitutional corners here. The police utilized the Uber records to help establish probable cause that the defendant was engaging in criminal activity in relation to Mr. Charabaty's disappearance. However, as the Court found above, the police did not need a warrant to request the Uber records and thus, relying on that information to request the T-Mobile records was not a constitutional violation.

The police also did not obtain any benefit that they would not have obtained through a subsequent legal search pursuant to a warrant as the police sought roughly the same scope of data in both the exigent request and the warrant affidavit. See Holler, 123 N.H. at 201 (finding that a warrantless search that resulted in a seizure of a gun in plain view complied with the inevitable discovery requirements in part because the police did not gain anything additional in the warrantless search than they would have with the search warrant). The Court acknowledges that there was conflicting testimony at the suppression hearing about whether the police used the raw data


received from the exigent request before it was sent to the Manchester police department for mapping. Detective Krawczyk testified that he did not look at the T-Mobile data until Lawrence police officers told him to do so, whereas Detective Aliano testified that Detective Krawczyk reviewed the T-Mobile records immediately. However, the Court finds Detective Krawczyk to be a more credible witness than Detective Aliano on the issue of mapping based on Detective Krawczyk's experience with working with these kinds of records and further finds that the police did not benefit from their illegality. The Court also finds from the demeanor and presentation of the witnesses that Detective Krawczyk had a more concrete and reliable memory about this issue. See id.

For the foregoing reasons, the Court finds that the State proved by a preponderance of the evidence that the police could have obtained a search warrant for the T-Mobile records and most certainly would have done so. The police action in obtaining those records through a warrantless exigency search was not an effort to end-run the warrant requirement. Rather, it was based on a good faith belief that the urgency of Mr. Charabaty's disappearance excused the need for a search warrant. Accordingly, the defendant's motion as to his T-Mobile records is DENIED.

SO ORDERED.

January 12, 2023

Date



N. William Delker
Presiding Justice

Clerk's Notice of Decision
Document Sent to Parties
on 01/13/2023