

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

DANIEL JAMES HEINRICH

Case No. 15-MJ-838 JJK

UNDER SEAL

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. Between August 13, 2009 and August 28, 2015, in Wright County, in the State and District of Minnesota, defendant:

SEE ATTACHMENT A

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Complainant's signature

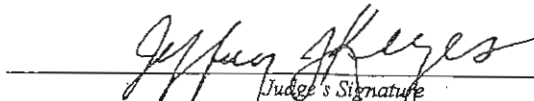
Shane Ball, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/27/15

City and State: St. Paul, MN



Judge's Signature

Jeffrey J. Keyes, U.S. Magistrate Judge

Printed Name and Title

ATTACHMENT A

COUNT 1

(Possession of Child Pornography)

On or about July 28, 2015, in the State and District of Minnesota, the defendant,

DANIEL JAMES HEINRICH,

did knowingly possess and access with intent to view any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that involved a prepubescent minor who had not attained 12 years of age that has been mailed and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit: Image 1 as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 2

(Possession of Child Pornography)

On or about July 28, 2015, in the State and District of Minnesota, the defendant,

DANIEL JAMES HEINRICH,

did knowingly possess and access with intent to view any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit: Image 2, Image 3, Image 4, Image 5, Image 6, as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 3

(Possession of Child Pornography – Morphed Image)

did knowingly possess and access with intent to view any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit: Image 7, as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2) and 2256(8)(C).

DANIEL JAMES HEINRICH,

COUNT 4

(Receipt of Child Pornography)

On or about from August 13 through August 16, 2009, in the State and District of Minnesota, the defendant,

DANIEL JAMES HEINRICH,

did knowingly receive any child pornography that has been shipped and transported in interstate and foreign commerce by any means, including by computer, to wit: Image 8, Image 9 and Image 10, as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 5

(Possession of Child Pornography)

On or about July 28, 2015, in the State and District of Minnesota, the defendant,

DANIEL JAMES HEINRICH,

did knowingly possess and access with intent to view any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit: Image 8, 9 and 10, as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

15-mj-838 JJK

UNDER SEAL

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

ss. AFFIDAVIT OF Shane A. Ball

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") and have been so employed for over 20 years. I am currently assigned to St. Cloud Resident Agency with the Minneapolis, Minnesota, Division of the FBI. I have received FBI training in criminal investigation involving the sexual exploitation of children. As a FBI Special Agent, my responsibilities include the investigation of criminal offenses involving the sexual exploitation of children using computers, computer networks, and the Internet. While employed by the FBI, I have participated in numerous investigations in which I have collected evidence in electronic form.

2. As a federal agent, I am authorized to investigate, and make arrests for, violations of United States laws and to execute warrants issued under the authority of the United States.

3. This affidavit is submitted in support of a criminal complaint charging Daniel "Danny" James Heinrich, DOB 3/21/1963, ("defendant") with violations of 18 U.S.C. §2252 and 18 U.S.C. §2252A, possession and receipt of child pornography.

4. The statements in this Affidavit are based in part on information provided by other FBI Special Agents and law enforcement officers and on my investigation of this matter. Since this Affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known

to me concerning this investigation, but rather only those I believe are necessary to establish probable cause to believe that the defendant has violated the above-referenced statutes.

I. Summary of Investigation

5. On July 28, 2015, law enforcement officers executed a search warrant at 55 Myrtle Avenue South, Annandale, Wright County, Minnesota, the residence of defendant, seeking evidence related to the January 13, 1989 kidnapping and sexual assault of a Cold Spring, Minnesota juvenile male ("Victim A") and the October 22, 1989 abduction of a St. Joseph Township, Stearns County, Minnesota juvenile male ("Victim B").¹ During the execution of the warrant, officers recovered numerous images of suspected child pornography from the residence. These images were maintained in multiple 3-ring binders in various locations throughout the residence and found in the hard drive of a desktop computer.

6. Various items located in the residence demonstrate the defendant's sexual interest in children and support probable cause to believe the defendant was in knowing possession of the child pornography recovered as well as defendant's motive to receive and maintain possession of these materials. These items include: hours of video footage apparently surreptitiously recorded by the defendant of children delivering newspapers, riding bicycles, playing in public playgrounds and participating in sporting activities; recordings of news reports concerning the abduction of Victim B, and other missing children; and several bins of boys' sized clothing.

¹ Defendant has not been charged with any crimes related to either Victim A or Victim B.

7. As explained in greater detail in this affidavit, the defendant's past conduct further demonstrates his motive to knowingly possess and receive the child pornography seized at his residence during the execution of the search warrant. The defendant had previously been found to be in possession of suggestive images of children. Further, a recently-tested article of clothing worn by Victim A during the 1989 Cold Spring abduction and sexual assault was found to contain the defendant's DNA.

II. Investigation of Daniel James Heinrich

A. Paynesville Assault Cluster

8. Between 1986 and 1988, there were multiple incidents during which juvenile males were physically and/or sexually assaulted in various locations in the town of Paynesville, Minnesota. The perpetrator of these assaults was described by the various victims as a white male in his 30's, 5'6" to 5'9" tall, with a heavy set or pudgy build. The defendant's general physical description at the time of these assaults matched this general description. The defendant is a white male and according to records, his physical description in the late 1980's was 5'5", 160 pounds, with brown hair and brown eyes. Each of the Paynesville assaults took place less than a mile from the defendant's residence, the Plaza Hotel, located at 121 Washburne Avenue in Paynesville.

9. These Paynesville assaults involved eight different incidents of seven victims ("Victims C through I") and involved a very similar pattern. In addition to the common location and the similar description of the assailant described above, the attacks typically involved the assailant approaching boys approximately 12 years old in a public place, such as while the boys were walking or biking home, or otherwise outside. The assailant

would attack the children, for example knocking them off their bikes, and usually grope or attempt to grope the area of their genitals, either over or under clothing. A few times the assailant would ask the boys their age or grade and/or the suspect would threaten to kill the child as part of the assault. For example, after one assault on November 30, 1986, the assailant told the Victim E to "keep laying down for five minutes or I'll blow your head off." The attacker usually wore something like a mask to obscure his identity.

10. One victim, Victim F, was victimized twice. First, on February 14, 1987, Victim F was with a juvenile friend when he was attacked in the stairwell of an apartment building located at 122 West James Street. The perpetrator was described as a heavy set male, approximately 5'6" tall and wearing a mask. The male threw Victim F down onto the stairs. When Victim F screamed, his attacker told him to keep quiet or he would be killed. The attacker asked Victim F what grade he was in and groped his testicles and penis over and under his clothing. The attacker took Victim F's wallet and left the area on foot.

11. On May 17, 1987, Victim F was in the area of Main and Maple Street when he was attacked again. Victim F described the attacker as being pudgy and about the same height as the person who committed the previous attack. The suspect knocked Victim F off of his bicycle and groped Victim F's testicles. Victim F screamed and told the attacker that he had already got him. The attacker fled the area on foot and left behind a baseball cap. The cap was turned over to the police and was subsequently tested by the Minnesota Bureau of Criminal Apprehension crime lab. The cap was found to contain a mixture of DNA from three or more individuals. The defendant could not be

excluded from being a contributor. The laboratory report noted that an estimated 80.5% of the general population could be excluded.

B. Cold Spring Kidnapping and Sexual Assault

12. On January 13, 1989, Victim A, a 12 year old juvenile male, was kidnapped and sexually assaulted in Cold Spring, Minnesota. Victim A reported that at approximately 9:45 pm, he was walking home from the Side Café in Cold Spring when he was approached by an adult white male driving an automobile. The driver stopped the vehicle and asked Victim A "whether he knew where [John Doe] lived." As Victim A began to respond, the driver got out of the car, grabbed Victim A and told him to get into the car. The suspect forced Victim A into the back seat, re-entered the car and began to drive for approximately 15 minutes. During the drive, Victim A noticed a handheld "walkie talkie" radio on the passenger seat. The driver told Victim A that he had a gun and wasn't afraid to use it. The driver stopped the car on a gravel road.

13. The driver got into the backseat of the car with Victim A and instructed him to remove his snowmobile suit and to pull down his pants and underwear. Victim A complied due to fear. The driver lowered his own pants to his ankles. The driver touched Victim A's penis with his hand. He ordered Victim A to touch the driver's genital area. Victim A complied. The driver placed Victim A's penis in his mouth and forced Victim A to place his mouth on the driver's penis. Victim A complied. The driver ordered Victim A to kneel on his hands and knees and spread his legs. Victim A complied and the driver unsuccessfully attempted to insert his penis into Victim A's rectum.

14. The driver returned to the driver's seat through the center counsel. He gave Victim A his snowmobile suit back, but kept Victim A's pants and underwear. The driver told Victim A that he was lucky to be alive and if the police got a "lead" on the driver he would "get him after school and shoot him." The driver drove back near Cold Spring and released Victim A, telling him not to look back or he would be shot.

15. The suspect was described as being in his 30's, between approximately 5'6" to 5'7" tall, an estimated 170 pounds, with dark brown mid-length hair, brown eyes, fat ears that stuck out, a fat nose, bushy eyebrows, a pudgy "beer belly" and crooked bottom teeth. This general physical description fit the defendant. Victim A participated in the creation of a composite sketch of the suspect. The sketch resembles the defendant's physical appearance at the time of the incident. Victim A was shown photographs of the defendant and 5 other individuals with similar builds and characteristics. Victim A believed that a photo of the defendant and one other person resembled his attacker. The suspect was wearing a brown baseball cap, a dark vest, camouflage fatigues, black army boots and a military style watch. The defendant was known to wear military fatigues during this period of time and was a member of the Minnesota National Guard. Victim A described the automobile as a dark blue, four-door automatic transmission with a blue cloth interior and front bucket seats. This general description matched the defendant's vehicle at the time, a 1987 blue Mercury Topaz, 4-door with a light blue interior.

16. The sweatshirt worn by Victim A was taken into evidence after the assault in 1989. It was resubmitted to the Minnesota Bureau of Criminal Apprehension for testing in 2015. A mixture of DNA contributed by two or more individuals was found to be

present on the right wrist of Victim A's sweatshirt. According to the laboratory report, the predominant male DNA profile matches a known sample of the defendant. The predominant profile match to defendant's DNA would not be expected to occur more than once among unrelated individuals in the world population.

C. The Abduction of Victim B

17. On October 22, 1989, Victim B, age 11, was abducted by a masked male in St. Joseph Township, Stearns County, Minnesota. Victim B and two other juvenile males, ("Witness 1") and ("Victim J") were in the area of 29748 91st Avenue when the masked man approached on foot and displayed a handgun. The masked man grabbed Victim J's penis over his clothing. The masked man asked the boys how old they were and the boys told him their ages. He ordered Witness 1 and Victim J to run and not to look back or he would shoot them. Victim B was led away by the masked man and never seen again. The masked man was described as an adult male, between 5'9" and 5'10" tall, approximately 180 pounds. He was wearing a mask, dark coat, dark pants and dark shoes.

18. Law enforcement discovered in a gravel driveway next to the abduction site shoe prints and tire tracks and took cast impressions of these prints and tracks. One set of the two shoe impressions appeared similar to the shoes worn by Victim B at the time of his abduction. On January 12, 1990, the defendant voluntarily provided his shoes to officers investigating the abduction. On January 15, 1990, the defendant allowed investigators to remove the rear tires from the 1982 Ford EXP he owned at the time of the abduction. An FBI examiner conducted a comparison examination between the tracks

from the abduction site and the defendant's tires and found that the defendant's tires were consistent in size and tire tread to the cast impressions. The examiner also found that the defendant's right shoe corresponded in size and design to an impression taken from the abduction site. Based on my experience and training, I am aware that an opinion of an "exact match" of such impressions would have to be based upon unique characteristics of the tire or shoe, such as a scuff, wear mark or divot, in the item itself. No such unique markings were present on the tire or the shoe. However, the non-unique "class characteristics" of size, shoe pattern and tread pattern of each appear to be the same.

D. Search Warrant – 16021 County Road 124, Paynesville - 1990

19. On January 24, 1990, investigators executed a search warrant at 16021 County Road 124, Paynesville, Minnesota, the residence of defendant's father, where the defendant was living at the time. Investigators seized two scanners, various scanner equipment and operating manuals, black lace-up boots, camouflage clothing and a brown cap. Investigators located a photograph of a male child dressed in underwear and a male child coming out of the shower wrapped in a towel.

III. Search Warrant – 55 Myrtle Avenue South, Annandale - 2015

20. On July 28, 2015, investigators executed a search warrant at the defendant's residence located at 55 Myrtle Avenue South, Annandale, Minnesota, a small, one-bedroom home with a detached garage located in a residential neighborhood near a school. This warrant authorized the search and seizure of evidence related to the abduction of Victim B in St. Joseph Township and the kidnapping and sexual assault of Victim A in Cold Spring.

A. Binders Containing Child Pornography

21. During the search, investigators located 19 three-ring binders, each of which contained photographs of images of children. In the majority of the binders, there were multiple images of what appears to me to be images of nude photographs of pre-pubescent children that would fit the definition of child pornography. Several of the pornographic photographs appear to be printed material obtained from the internet. For example, some pages containing suspected child pornography also displayed what appear to be advertisements in the margins of the pages and "URL" or Universal Resource Locator, information on the bottom of the page. Based on my experience and training, this information typically displays the particular web page where the image was located on the World Wide Web. Based on this information, I believe these images were acquired on the internet using a computer and then printed and maintained in the binders as a collection. Law enforcement reviewed each binder and gave each binder an "SD" property evidence number. Law enforcement took a photograph of each page in each binder to create a computer disc containing the images from the defendant's binders. Where this affidavit references a page number to identify an image from the binders, it is referencing the page number as seen on the disc.

22. One of the binders, labeled for reference as SD 29770-2, contains a fully nude image (page 11/151) ("Image 1") of a prepubescent boy, laying back on a bed, with an erect penis who appears to be under the age of 12. The image contains the title "Young Blonde Haired Boys" and is purported to have been "posted by" an individual with the moniker "Jackin Boy" on December 19, 2000. Printed at the bottom of the page is the

URL http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=Y...; and bears a print date of January 4, 2001. The page contains the phrase "Welcome Danny (visitor)".

23. Binder SD 29770-2 also contains a fully nude image (page 9/151) ("Image 2") of a fully naked prepubescent boy sitting on the arm of a couch displaying his genitalia. The image also contains the title "Young Blonde Haired Boys" and is purported to have been "posted by" "Jackin Boy" on December 19, 2000. Printed at the bottom of the page is the URL http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=Y...; and bears a print date of January 4, 2001. The page also bears the phrase "Welcome Danny (visitor)."

24. Binder SD 29770-2 also contains a fully nude image (page 12/151) ("Image 3") of a fully naked prepubescent boy, standing nearly in profile towards the camera, with an erect penis. The image contains the title "Young Blonde Haired Boys" and is purported to have been "posted by" an individual with the moniker "Cobra" on December 27, 2000. Printed at the bottom of the page is the URL http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=Y...; and has a print date of January 4, 2001. The page contains the phrase "Welcome Danny (visitor)."

25. Binder SD 29770-2 also contains a picture of a boy naked from the waist down, sitting in a recliner-type chair, holding his erect penis (page 45/151) ("Image 4"). The image contains the title "gay teens having fun" and is purported to have been "posted by" "gayboy" on November 23, 2000. Printed at the bottom of the page is the URL

http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=g...; and has a print date of January 9, 2001. The page bears the phrase "Welcome Danny (visitor)". Image 4 has preliminarily been identified as being that of a known child of sexual exploitation using a national database of victims of sexual abuse.

26. A preliminary review – of only a small portion of the binders – using this national database of known victims of sexual abuse, identified additional images as containing a depiction of a known child of sexual exploitation. Although there were several of these identified images, two examples are found in Binder SD29784-1. One image depicts a fully naked prepubescent boy holding his penis while he looks at the camera (page 72/115) ("Image 5"). The image contains the title "The Titan's (Teens)" and is purported to have been "posted by" "Adorable_Titan" on December 5, 2000. Printed at the bottom of the page is the URL http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=T...; and bears a print date of January 3, 2001. The page also contains the phrase "Welcome Danny (visitor)."

27. Another image found in Binder SD29784-1, of identified children, is a picture of two fully naked young boys with one naked boy on top of the other naked boy, the boy on top is facing the camera while he is being anally penetrated by the boy on the bottom (page 109/115) ("Image 6"). The image contains the title "Gay teen chat (14-19)2" and is purported to have been "posted by" "devon1234" on January 1, 2001. Printed at the bottom of the page is the URL

http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=G...; and bears a print date of January 13, 2001. The page also contains the phrase "Welcome Danny (visitor)."

B. "Morphed" Images of Child Pornography

28. I am familiar with a practice known as "morphing" by which individuals use computers and software such as Photoshop to convert images of children into child pornography. An example of this practice is taking the image of the head of a child of sexual interest from a non-pornographic picture and digitally inserting the child's head onto the image of a nude body. The result is an image that portrays the child in a sexually explicit manner, thereby creating and constituting child pornography.

29. Items seized from the defendant's residence contain what appear to be "morphed" images of child pornography. These morphed images appear both on defendant's computer and in the printed materials contained in the binders. Typically the morphed images are comprised of a boy's head taken from a non-pornographic image (like a yearbook photograph or an advertisement), and that child's head is placed on a naked body. The naked bodies are of different genders and ages; for example, some images include a boy's head morphed onto the body of a naked adult woman, while several of the images involve a child's head morphed onto a child's naked body. One morphing scheme done by defendant appears to have involved using the yearbook photographs of boys from Paynesville High School in the late 1970s.

30. An example of this is in Binder SD29784-8 which contains multiple images of the same boy whose head has been placed on many different bodies. Investigators were

able to identify this male individual ("Victim K"). Victim K was born in the early 1960s and would have been a juvenile during the 1970s. An image of the head of Victim K appears to have been taken from an old yearbook photo from the late 1970's and superimposed onto various images of nude bodies using a computer, printed and placed into the binder. For example, one particular image (page 66/124) ("Image 7") depicts two prepubescent males standing in what appears to be a shower exposing their genitalia. One of the nude images was created placing Victim K's head from his yearbook photo onto the naked body. Yet another (page 68/124) depicts a young male wearing a sleeveless t-shirt with his left leg up exposing his naked genitalia through an opening in his underwear. This image was similarly altered so that Victim K's face appears on the original nude image. In addition to the printed morphed images, I have reviewed some images recovered from the hard drive of the defendant's computer. The face/head of Victim K appears in several of these images. A forensic examination of the defendant's computer reveals evidence of internet searches for Victim K.

31. There are other examples of images of "morphed" pornography in the defendant's binders or on his computer using the heads of other children in addition to Victim K. Law enforcement has reviewed these heads and have been able to identify by name at least three of these individuals whose images were used to create child pornography. The faces/heads used to create these images have been superimposed on the nude bodies of various combinations of male, female, adult and child bodies.

32. The defendant had the means by which to create and print morphed child pornography. A forensic examination showed that a software program named Adobe

Photoshop Elements ("Photoshop") was installed on defendant's computer. Photoshop, a common commercially available software program that is manufactured outside the state of Minnesota, is capable of creating morphed images. Packaging material for Photoshop was located at defendant's residence during the execution of the warrant. Investigators also recovered a CD-ROM containing a link to Adobe Photoshop Home Edition. Investigators located a Kodak color printer/scanner, also manufactured outside the state of Minnesota, during the execution of the warrant. The preliminary examination of the hard drive revealed files containing images of Victim K that appear identical to the head/face yearbook picture used in the above-described morphed images. According to the examiner, one such file, created on August 12, 2012, was saved in ".png" format, which is a format commonly associated with scanners. Another file of Victim K's head, created on August 25, 2012, was saved in ".psd" format, which indicates a Photoshop project file. Based on this information, I believe it likely that the defendant scanned a photograph of Victim K using the Kodak printer/scanner, saved it to his computer, and utilized Photoshop to create some of the printed images of Victim K discovered in the binders.

D. Computer Containing Digital Images of Child Pornography

33. As previously indicated, investigators have examined the computer seized from defendant's residence. The computer is a Gateway brand Model 510XL, which was manufactured in 2004. The computer has a 180 gigabyte hard-drive, capable of storing digital images. The computer has the ability to be connected to the internet. Indeed,

evidence collected from the computer demonstrates the defendant's use of the computer to access the Internet.

34. A forensic examination of the computer revealed evidence of sexual interest in children. For example, the examination revealed the following internet search terms were entered by the user of the computer: "Justboys.com," "Teenpornpictures.com," "Gay teen photos," "Nude teen girl photos," "My naked teens," "Boys boners," and "Nude young boys." The search history also is indicative of seeking materials that could be used to create morphed child pornography. These terms include: "1976 7th grade class photos," "2013 7th grade class photos," "Kids Christmas photos 1978," "2013 7th grade wrestling photos," "Boys in Toughskins jeans photos," "Boys in undies photos," "1977 summer camp photos," "13 year old boy," "Pre teen boy models," "Paynesville Minnesota school photos" and "Paynesville Minnesota kids photos."

35. The hard drive of defendant's computer was also examined for digital images. This examination revealed images that had been previously saved on the hard drive, including subsequently deleted files, that contained sexually explicit images of children. At least 11 of these images ("Image 8 through Image 18") depict children that have preliminarily been identified as being known child victims using a national database of known victims of sexual abuse. These images were recovered as "thumbnail" images, which is a lower-quality image generated by the computer to assist the operating system when accessing the original images. The thumbnail images were found as having been in the "My Documents\My Pictures" folder of the computer, which had a Windows-based operating system. The corresponding pictures of these 11 thumbnail images were not

recovered from the hard drive. Based on my experience, training and consultation with investigators having expertise in computers, the presence of the thumbnail images in this particular location demonstrates that the original image was intentionally saved by the user in the "My Documents\My Pictures" folder of the hard drive and subsequently deleted. The remaining thumbnail file serves as a sort of "digital footprint," showing the past existence of the original file.

36. I conducted a visual analysis to compare the thumbnail images of the 11 known victims with images contained within the various binders seized from the defendant's residence. In the course of my preliminary review, I located numerous images in the binders that appear to match computer thumbnail Images 8 through 18. For example, Binder SD29784-5 (Page 48/63) shows a naked blond-haired juvenile male, legs spread, exposing his genitalia, facing the camera. This printed image in the binder appears to be the same as the thumbnail photo identified as thumbnail Image 8 (Raw115.jpg). According to a preliminary forensic examination of the hard drive, the file Raw115.jpg was created on the computer on August 13, 2009 at 11:52 am. The examination revealed that this file was subsequently opened using Internet Explorer.

37. With respect to thumbnail Image 9 (126.jpg), according to the forensic examination, the file 126.jpg was created on the computer on August 13, 2009 at 12:09 pm and was also later opened using Internet Explorer. An image in binder SD29784-10 (Page 5/95) depicts a naked brown-haired juvenile male sitting with his back on a pillow, legs spread, exposing his genitalia. This image appears to be the same picture identified as Image 9 (126.jpg).

38. With respect to thumbnail Image 10 (Cas56.jpg), the forensic examination showed that file Cas56.jpg was created on the computer on August 16, 2009 at 9:07 am and was also later opened using Internet Explorer. An image in Binder SD29784-13 (Page 58/72) depicts a naked blond-haired juvenile male lying on his back on multi-colored cushions exposing his genitalia. This picture appears to be the same picture as previously identified Image 10 (Cas56.jpg).

39. In addition, I located over 100 images throughout the various binders that appear to depict pornographic images of these known victims. Based on the existence of the thumbnail files on the computer, the indications that the files were opened after being created, the corresponding printed images in the binders, and the defendant's admissions below, I believe that the defendant received these images on or about the dates the thumbnails were created by downloading them from the internet.

F. Defendant's statement

40. The defendant spoke with investigators during the execution of the search warrant. The defendant acknowledged that he had "child porn" in his home, stating that some of the things law enforcement would find are "pretty damning..." The defendant discussed the binders containing the images of the young boys, stating that he "...might have got some of this shit off the internet..." when he had internet access "...years ago." The defendant admitted that he downloaded the images and explained that he printed the images to save memory on his computer. The defendant described himself as being "addicted" when he had internet access and that he was a "dirty old man." The defendant was asked by investigators if he produced or made any of the images himself. The

defendant hesitated, then asked, "What do you mean 'made.?'” Based on the context of this investigation, I believe that the defendant was referring to the morphed images previously described. The defendant denied distributing or sharing child pornography with others, stating that the material was for his own personal use.

G. Additional Items Found during Execution of Search Warrant

41. Investigators recovered additional evidence demonstrating the defendant's knowing possession and his motive to receive and retain the child pornography recovered from his residence. These include numerous videotapes of what appear to be surreptitiously recorded footage of neighborhood children delivering newspapers, riding bicycles, playing in public playgrounds and participating in sporting activities. The children appearing in these ordinary activities are sexualized in a variety of ways. For example, the videos focus and zoom in on the buttocks and genital regions of the children. Several videos show footage of juvenile males delivering newspapers in a multi-dwelling apartment building. The videos are shot from a hidden camera pointed toward a set of stairs. On numerous occasions the defendant can be seen stepping in front of the camera and dropping what appears to be a coin on one of the stairs and then exiting the view of the camera. After a period of time, newspaper delivery boys enter the building, stop on the stairway and bend over to retrieve the coin. The video camera is set up in a manner to capture the image of the boys bending over with their buttocks oriented toward the camera.

42. Further evidence of the defendant's sexualization of the surreptitiously recorded children was found in the defendant's collection of binders. Some of the video

images of the children appear to have been converted into still photographs and those photos then had sexually themed "meme" style messages imposed upon them. One such photo, found in Binder 29784-6, shows a still photo depicting two juvenile boys with the message "SUCK MY SKINNY DICK TUBS!" imposed on the front. Another photo in the same binder displays the image of what appears to be an elementary age girl on playground equipment. The words "MY TIGHT LITTLE PUSSY" appear in pink lettering across the photo. A third example from this binder is the image of a juvenile boy with the message "my BIG DICK is yours!" displayed across the picture. Based on my experience and training, I am aware that the Photoshop software found on defendant's computer is capable of placing messages like these on photos.

43. Investigators located a VHS video camera, a Hi-8 video camera, various Hi-8 video cassettes, a tripod and two Ambico super telephoto lenses in defendant's residence. A keyboard, mouse, LCD monitor and Kodak printer manual were located near the Gateway computer tower.

44. Investigators found various knives in different locations in the residence. A pair of silver handcuffs was found next to a roll of duct tape in a desk drawer located in the kitchen. A set of military-style camouflage pants and shirt as well as four clear "tote" style bins filled with boys' sized athletic wear were found in the defendant's basement, although your affiant has reason to believe no children live in the defendant's home. Although no firearms were recovered, one of the videos located in the residence included a recording of the defendant giving a "video tour" of his residence. In the recording, the

defendant can be seen opening the door of a safe and focusing on what appears to be a loaded pistol.

IV. Federal Statutes

45. Title 18 United States Code Section 2256(8) defines “child pornography” as any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where: (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

46. Title 18 United States Code Section 2256(1) defines a “minor” as any person under the age of eighteen years.

47. Title 18 United States Code Section 2256(2) defines “sexually explicit conduct” as actual or simulated: (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (ii) bestiality; (iii) masturbation; (iv) sadistic or masochistic abuse; or (v) lascivious exhibition of the genitals or pubic area of any person. In the case of digital, computer or computer generated image that is indistinguishable from that of a minor engaging in sexually explicit conduct, “sexually explicit conduct” means (i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether

between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited; graphic or lascivious simulated; (I) bestiality; (II) masturbation; or (III) sadistic or masochistic abuse; or (iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person.

48. Title 18 United States Code Section 2256(5) defines a “visual depiction” to include undeveloped film and videotape, data stored on computer disk or by electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

49. Title 18 United States Code Section 2256(9) defines an “identifiable minor” as (A) a person (i) (I) who was a minor at the time the visual depiction was created, adapted, or modified; or (II) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and (ii) who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and (B) shall not be construed to require proof of the actual identity of the identifiable minor.

50. Title 18 United States Code Section 2256(10) defines “graphic” to mean that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.

51. Title 18 United States Code Section 2256(11) defines “indistinguishable” used with respect to a depiction, to mean virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is

of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

52. Pursuant to Title 18 United States Code Sections 2256A(a)(5)(B) and 2256A(b)(2), any person who knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, or attempts or conspires to do, so shall be fined and/or imprisoned not more than 10 years, but, if any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined and/or imprisoned for not more than 20 years.

53. Pursuant to Title 18 United States Code Sections 2252A(a)(2) and 2252A(b)(1), any person who knowingly receives or distributes A) any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; or (B) any material that contains child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by

computer; or attempts or conspires to do, so shall be fined and/or imprisoned not less than 5 years and not more than 20 years.

V. Conclusions

54. There is probable cause to believe that the defendant, Daniel "Danny" James Heinrich, did knowingly possess and access with intent to view books, a computer disk, and other material that contain an image of child pornography that had been mailed and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, specifically, Images 1 through 10 as described in this Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

55. There is probable cause to believe that the defendant, Daniel "Danny" James Heinrich, did knowingly receive any child pornography that had been shipped and transported in interstate and foreign commerce by any means, including by computer, specifically, Images 8 through 10 as described in this Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

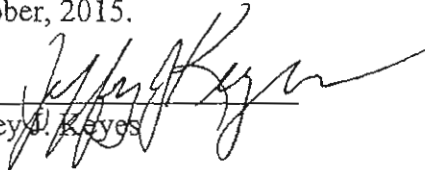
Further your Affiant sayeth not.



Shane A. Ball, Special Agent
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me

this ____ day of October, 2015.



The Honorable Jeffrey D. Reyes

Appendix A



Artist rendering of driver who kidnapped JNS



Danny James Heinrich, DOB 3/21/63
Taken in 1990

Appendix B

1987 Mercury Topaz



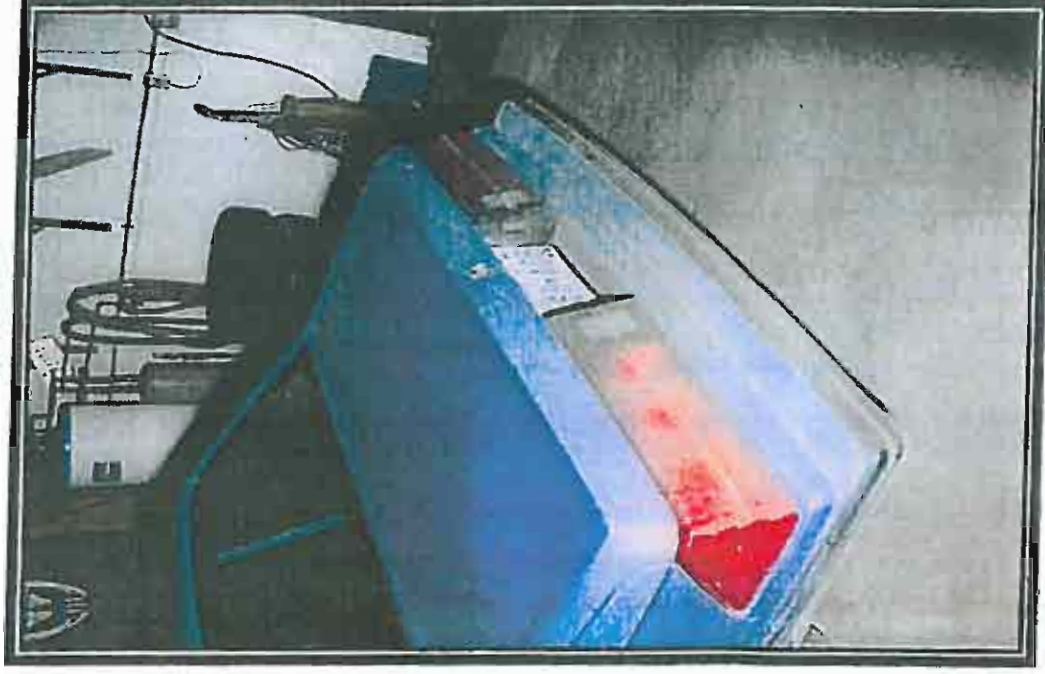
1987 Mercury Topaz



Appendix B



Danny Heinrich's, 1982 Ford EXP



RECEIPT, INVENTORY AND RETURN

COURT - WHITE COPY • PROS. ATTY. - YELLOW COPY • PEACE OFFICER - PINK COPY • PREMISES/PERSON - GOLD COPY

Appendix D

SEARCH WARRANT 2-1B

1. Jacob Erwin Wetterling, DOB 02-17-78.
2. Clothes of Jacob Wetterling which include a St. Cloud Hockey jacket with the name "Jacob" on the front and a badge of the St. Cloud Police Department on the rear, , blue sweat pants, white high top "Nike" tennis shoes, blue mesh shirt, blaze orange vest, and red Central Minnesota Youth Soccer shirt with the number "11" and last name "Wetterling" on the back, white tube socks, and white boys brief.
3. Handgun.
4. Papers and documents tending to show the whereabouts of Danny James Heinrich on or about January 13, 1989, and on or about October 22, 1989, including cancelled checks, credit card receipts, etc.
5. Keys tending to show rental and ownership of garages, storage lockers, safety deposit boxes, or other storage-type facilities.
6. A walkie talkie or other hand-held radio device, bearing gray duck tape.
7. Adult male clothing, including green camouflage fatigues, black military-type boots, a brown baseball cap, and a dark gray vest.
8. A man's army-type watch.
9. Boys clothing, including a pair of Lee stonewashed jeans, size Regular 14, and a pair of underwear, size 12 or 14.
10. Receipts, letters, bills, and other documents indicating possession of the premises.

Appendix D SEARCH WARRANT 2-1A

A one story house, tan in color, with dark brown trim and with a two car attached garage, facing East and located at the northwest corner of the intersection of Stearns County Road #124 and Cushing Road, having the fire number of 21P11 and having a 911 address of 16021 County Road #124, Paynesville, Minnesota, said residence owned by Howard Heinrich, and located in Section 21

Appendix D
SEARCH WARRANT

2-1

STATE OF MINNESOTA, COUNTY OF ST. LOUIS COURT
TO: Judge of the District Court, St. Louis County
John J. [illegible] (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, John J. [illegible] has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described (premises) (motor vehicle) (person):

John J. [illegible]
located in the City of St. Louis, county of St. Louis STATE OF MINNESOTA
for the following described property and things. (attach and identify additional sheet if necessary)

WHEREAS, the application and supporting affidavit of John J. [illegible]
(was) (were) duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds: (Strike inapplicable paragraphs)

1. ~~The property above described was stolen or embezzled.~~
2. ~~The property above described was used as a means of committing a crime.~~
3. ~~The possession of the property above described constitutes a crime.~~
4. ~~The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~
5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things (are) (will be) (at the above-described premises) (in the above-described motor vehicle) (on the person of)

~~The Court further finds that a nighttime search is necessary to prevent the loss, destruction, or removal of the objects of said search.~~

~~The Court further finds that entry without announcement of authority or purpose is necessary (to prevent the loss, destruction, or removal of the objects of said search) (and) (to protect the safety of the peace officers).~~

NOW, THEREFORE, YOU John J. [illegible]

John J. [illegible]
THE PEACE OFFICER(S) AFORESAID, ARE HEREBY COMMANDED (TO ENTER WITHOUT ANNOUNCEMENT OF AUTHORITY AND PURPOSE) (IN THE DAYTIME ONLY) (IN THE DAYTIME OR NIGHTTIME) TO SEARCH (THE DESCRIBED PREMISES) (THE DESCRIBED MOTOR VEHICLE) (THE PERSON OF) FOR THE ABOVE DESCRIBED PROPERTY AND THINGS. AND TO SEIZE SAID PROPERTY AND THINGS AND (TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW) (DELIVER CUSTODY OF SAID PROPERTY AND THINGS TO)

BY THE COURT.

Dated 1/28, 1990

John J. [illegible]
JUDGE OF COURT

(attach and identify additional sheet if necessary)

A nighttime search is necessary to prevent the loss, destruction or removal of the objects of the search because:

An unannounced entry is necessary (to prevent the loss, destruction or removal of the objects of the search [and] to protect the safety of the peace officers) because:

WHEREFORE, Affiant request a search warrant be issued, commanding: _____

(a) peace officer(s), of the State of Minnesota, (to enter without announcement of authority and purpose)
(in the daytime only) (in the daytime or nighttime)
to search the hereinbefore described (premises) (motor vehicle) (person)
for the described property and things and to seize said property and things and keep said property and things in
custody until the same be dealt with according to law.

Affiant

Subscribed and sworn to before me this

_____ day of _____ 19____

Judge of

Court

TW and AL, male juveniles whose names and other identifying information are known to your affiant, told Stearns County Sheriff's Department Detective Douglas Pearce that while they were present in the area of 29748-91st Avenue, St. Joseph Township, Stearns County, Minnesota, at approximately 9:15 p.m., on October 22, 1989, they were in the company of Jacob Erwin Wetterling, whose age is 11 years; TW and AL told Detective Pearce and other investigators that at said time and place they were approached by a male subject described as 5'9" to 5'10", weighing approximately 180 pounds, and wearing dark clothing, including a smooth nylon-type mask to cover his face; they reported that the subject had a handgun and ordered TW and AL to leave, taking Jacob Wetterling by force.

Affiant learned from investigators who had been at the scene of the kidnapping that shoe prints were found in the soil where the boys were accosted by the kidnapper which could not be identified to the boys shoes and are presumably those of the kidnapper. Affiant also learned that tire impressions were found near the shoe prints. Cast impressions were made of the shoe print and tire impressions.

That Detective Pearce and other investigators were told by Jerry and Patty Wetterling, parents of Jacob Wetterling, that at the time of the kidnapping Jacob Wetterling was wearing clothing items including a St. Cloud Hockey jacket with the name "Jacob" on the front and the badge of the St. Cloud Police Department on the rear, a Central Minnesota Youth Soccer Association t-shirt, red in color, with the number "11" and last name "Wetterling" on the back, a pair of blue sweat pants, a blue mesh t-shirt, a pair of Nike tennis shoes, white tube socks, white boys brief, and a blaze orange runners-type vest.

On January 12, 1990, Danny James Heinrich provided his tennis shoes to FBI Special Agent Peter S. Cunningham. On January 15, 1990, Danny James Heinrich, DOB 03-21-63, authorized peace officers to remove the rear tires from his blue Ford Hatchback vehicle, bearing Minnesota license #188-AOB.

Affiant has been informed that Federal Bureau of Investigation (FBI) Laboratory Examiner David Attenberger examined the shoe print impressions and compared them with the shoes of Danny James Heinrich, and concluded that the pattern of the Heinrich shoes were the same pattern found at the Jacob Wetterling crime scene. Attenberger also examined the tire impressions and compared them with the tires of Danny James Heinrich, and concluded the tires are consistent with the tire impressions found at the Jacob Wetterling crime scene.

Affiant has learned from Deputy Winkels that Winkels was reliably informed on January 15, 1990, by TH, a male juvenile whose age is 17 years and whose name and other identifying information is known to your affiant and contained in offense reports concerning this investigation, that Danny James Heinrich has been residing with him and Howard, his father, for approximately the last two months. TH stated that the residence is located at 16021 County Road 124, located in Paynesville Township, Stearns County, Minnesota. Winkels informed your affiant that Winkels was personally present at the residence, which is more specifically described as a one story residence, tan in color, with dark brown trim and with a two car attached garage. The house faces East and is located at the northwest corner of the intersection of Stearns County Road

Appendix D

APPLICATION 1-2A

lowering his pants and underwear to his ankles and exposing his genital area. The driver lowered his pants to his ankles, also exposing his genital area. The driver began touching JS, feeling JS's penis with his hand. The driver instructed JS to touch the driver's genital area, which JS did. The driver then placed JS's penis into his mouth and began to suck on it. After some time, the driver instructed JS to suck on the driver's penis. JS complied, placing the driver's penis inside his mouth. JS noted that the driver's penis was hard at this time. During the time when he was performing this sexual act, JS wiped his mouth on his T-shirt several times. The driver instructed JS to kneel on his hands and knees and spread his legs. JS complied and the driver attempted to insert his penis into JS's rectum. JS struggled and the driver was unable to effect entrance. The driver stated, "I give up".

JS stated that the driver then returned to the driver's seat, instructing JS to give the driver JS's pants, which were Lee stonewashed jeans, size Regular 14, and underwear, size 12 or 14. The driver took JS's pants and underwear into the front seat and permitted JS to put on his snowmobile suit. The driver then drove JS back toward Cold Spring. While driving, the driver asked JS whether he had any money. JS stated that he did not, and he observed the driver check his pants for money or a wallet. The driver mentioned that he had an appointment at the Red Carpet and that he didn't want to be late. The driver dropped JS off near the City of Cold Spring, instructing JS to roll around in the snow in order to wipe his snowmobile suit off. Before permitting JS to put the snowmobile suit back on, the driver had wiped the suit with a cloth or mitten. At the beginning of the incident, the driver had informed JS that the driver had a gun. As he dropped JS off, the driver stated that JS could tell what happened, but if the police got a lead on the driver, the driver would "get [JS] after school and kill [JS]."

On January 17, 1989, Detective Pearce displayed to JS a photographic line-up consisting of six photographs of males with similar builds and characteristics. Upon viewing the photographic line-up, JS indicated that the picture of Danny James Heinrich and another picture of another male somewhat resembled the person who sexually assaulted him on January 13, 1989.

On January 17, 1989, Detective Pearce proceeded to the Willmar National Guard Armory and was informed by Guard personnel that Danny James Heinrich was then a member of the Willmar National Guard and that the Guard did not have any meetings the weekend of January 13, 1989.

On January 25, 1990, Deputy Winkels received documents from which he learned that on March 15, 1989, a 1987 Mercury Topaz, 4-door, automatic transmission, blue interior, blue exterior, vehicle identification number 2MEBM36X8HB646334, previously purchased by Dan James Heinrich, DOB 03-21-63, D/L E-562-135-367-229, was repossessed. From a current vehicle registration check on the Mercury vehicle, Deputy Winkels contacted the current owner of the vehicle and arrangements were made to have the vehicle driven to St. Cloud. On January 16, 1990, in Deputy Winkels' presence JS sat in and examined the Mercury vehicle and told Deputy Winkels that on a scale of 1 to 10 the Mercury vehicle was an 8 or 9 (10 being most like) as similar to the vehicle in which he (JS) was abducted.

Affiant is aware that on October 22, 1989, the Stearns County Sheriff's Department received and began to investigate the report of an abduction which had happened that day in St. Joseph Township, Stearns County, Minnesota.

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

(continued on page 1-3)

STATE OF MINNESOTA, COUNTY OF _____ COURT

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

**APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT**

_____ being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (motor vehicles) (person) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

(are) (will be)
(at the premises) (in the motor vehicle) (on the person) described as:

located in the _____ of _____, County of _____, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (Strike inapplicable paragraph)

1. The property above described was stolen or embezzled.
2. The property above described was used as means of committing a crime.
3. The possession of the property above described constitutes a crime.
4. The property above described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

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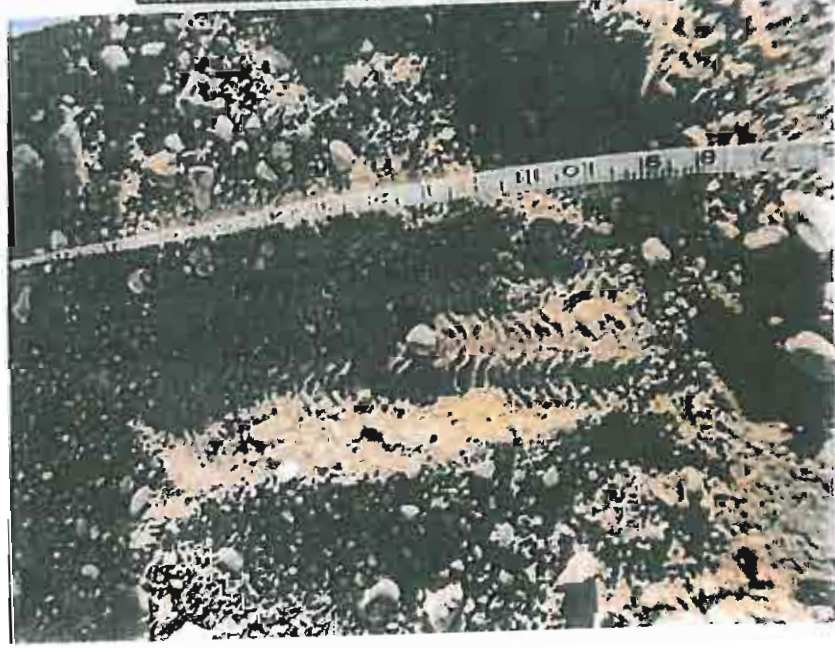
Ford EXP Superguard Tires

Appendix C



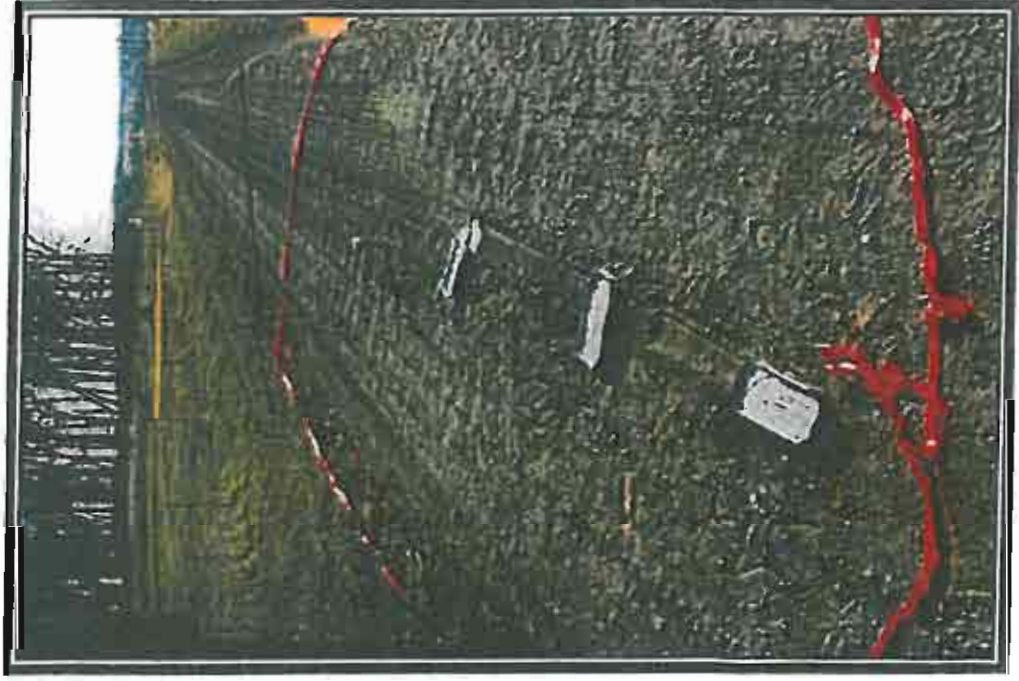
Scene Shoe Prints and Heinrich's shoes from
January 1990

Appendix E



Castings and Footprints from the Wetterling
Abduction Site

Appendix E



STATE OF MINNESOTA, COUNTY OF WRIGHT

TENTH DISTRICT COURT

STATE OF MINNESOTA)
) SS.
COUNTY OF WRIGHT

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT.

INV Dennis Kern, being duly sworn upon oath, hereby makes application to this Court for a warrant to search the Premises and Person, hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his/her own knowledge, save as to such as are herein stated on information and belief, and as to those, he/she believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Documents of residency
2. Papers or documents tending to show the whereabouts of Danny James Heinrich from 1986-1988 and/or on January 13th 1989 and/or October 22nd 1989
3. Jacob Erwin Wetterling DOB 12/17/78. Alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, or biological samples
4. Red Hockey team jacket, name "Jacob" stitched on the front and a St. Cloud Police logo on the back
5. Blue boy's sweat pants
6. Red t-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. Number 11 and the name "Wetterling" on the back.
7. Orange traffic vest, with silver trim and black drawstrings on each side
8. Blue mesh jersey
9. Boys white tube socks
10. Boys white underwear
11. Boys Nike high top tennis shoes size 5, white with grey Nike swoosh on the side. Nike written on the bottoms.
12. Keys and/or documents tending to show ownership or rental of garages, storage lockers, safety deposit boxes, or other storage type facilities.
13. Any/all handguns specifically but not limited to handguns with serial numbers indicating a pre-1990 manufacture date
14. Adult male clothing, including camouflage fatigues, black military-type boots, a brown baseball hat, and a dark colored vest
15. Boys clothing, including a pair of Lee stonewashed jeans, size regular 14, and a pair of underwear size 12 or 14
16. A walkie-talkie, scanner or other hand held radio device, possibly bearing gray duct tape.
17. Brown and tan-colored stocking hat with the letter "I" and the symbol for a heart repeated all the way around the hat.
18. Human hair pieces
19. Jagged edge knives
20. DNA buccal saliva swab of Danny James Heinrich, DOB 03/21/1963
21. Military style watch
22. Computer systems including, but not limited to: the main computer box, hard drives, monitors, scanners, printers, modems and/or other peripheral devices
23. Media, capable of storage, in whatever form, including but not limited to be magnetic (i.e., floppy disks and tapes); optical (i.e., CD's and DVD's), and/or solid state (i.e., Flash Drives and Memory Cards)
24. Personal electronic devices including, but not limited to: cell phones, personal data assistants, portable audio devices, digital video recorders, video entertainment consoles, and/or any other data storage medium
25. Data contained on either hard drives or removable media to include: deleted files and e-mail files that may show the receipt, possession, and/or distribution of child pornography; chat line logs

- that may identify children being enticed online; or data that reveals the distribution of child pornography
26. Papers and effects that tend to show the possession or distribution of child pornography or the enticement of children online, including but not limited to address books or diaries
 27. Notes and other documentation that may reveal logins and or passwords
 28. Programs and manuals relating to the operating systems or any applications
 29. Proof of residency and documentation relating to the internet including but not limited to bills from the internet service provider
 30. Any and all camera equipment, videotapes, or other items that may be used for the possession, production, and/or distribution of child pornography
 31. Any evidence related to the sexual exploitation of children.
 32. Depictions of minors under the age of eighteen engaged in or simulating prohibited sexual acts, such as: actual or simulated sexual intercourse, deviant sexual intercourse, sadism, masochism, sexual bestiality, incest, masturbation, or sadomasochistic abuse; actual or simulated exhibition of the genitals, the pubic or rectal area, or the bare feminine breasts, in a lewd or lascivious manner; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such a person is female, breast with the intent to arouse or gratify the sexual desire of either party; defecation or urination for the purpose of creating sexual excitement in the viewer; and/or any act or conduct which constitutes a Criminal Sexual Assault or simulates that a Criminal Sexual Assault is being or will be committed.
 33. Any data relating to ownership of the computer, personal login information including but not limited to unique login ID's and passwords.
 34. Any documentation, operating logs and reference manuals regarding the operation of the computer equipment, storage devices or software.
 35. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data.
 36. Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.
 37. Data contained on hard drives to include deleted files, email files, chat line logs, internet history and any data that tends to show possession or distribution of pornographic work involving minor children.
 38. Photographs or photographic albums including but not limited to photographs of children
 39. Wallet possibly containing identifying information of a juvenile male

are on the premises and person described as:

55 Myrtle Ave South, City of Annandale, County of Wright, State of Minnesota, further described as a single story, white, single family dwelling with a detached garage located on the southeast corner of Myrtle Avenue South and Spruce Drive East. The front door of the home faces west onto Myrtle Avenue. The detached garage is a white oversized garage with a single overhead door. It faces north towards Spruce Drive East.

Danny James Heinrich, DOB 03/21/1963, described as a white male approximately 5'5 and weighing approximately 235 pounds for purposes of obtaining a DNA Buccal swab and locating any other evidence of criminal activity that may be on his person.

located in the City of Annandale, County of Wright, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property was stolen or embezzled.
2. The property was used to commit a crime.
3. Possession of the property constitutes a crime.
4. The property in the possession of person with intent to use the property to commit a crime.

5. **The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.**

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Your Affiant is Dennis Kern, an investigator with the Stearns County Sheriff's Office. Your Affiant has been a licensed police officer with Stearns County for fifteen years. Your Affiant has spent the last three years assigned to the Investigative Division. During that time, Your Affiant has drafted and executed numerous search warrants. Those warrants have resulted in the collection of evidence and the recovery of property. They have also lead to successful prosecution of offenders. This affidavit is made in support of a warrant to seize buccal swabs from Danny James Heinrich, born 03/21/1963, to search his person for any evidence of criminal activity, and to search his home and detached garage located at 55 Myrtle Ave South, City of Annandale, County of Wright, State of Minnesota. Based on review of reports, Your Affiant believes the following to be true.

The City of Paynesville, County of Stearns had several incidents from 1986 through 1988 where juvenile males where assaulted and/or sexually assaulted in various locations throughout the city. The juvenile males ranged in age from twelve to sixteen years old. All of the juvenile males listed below have been fully identified and their names are contained in police reports.

Incident number one occurred in August of 1986. A juvenile male was attacked in an alley behind Papa's Pizza at 108 West Hoffman St. A husky, white male who was approximately 5'9" with a mud like substance on his face jumped from the bushes, knocked the juvenile off of his bicycle, and struck the juvenile in the nose. The juvenile struck the unknown offender who then fled the area on foot. The suspect didn't say anything.

Incident number two occurred on August 21, 1986. Two juvenile males were leaving Papa's Pizza. A heavy set male who stood approximately 5'6"-5'8" and wore a long sleeve sweater and gloves, attacked one of the juveniles. The suspect hit the juvenile in the back of the head with his hand and knocked him to the ground. The suspect groped the juvenile male's front pockets. As the second juvenile male approached, the suspect fled the area on foot. The suspect didn't say anything.

Incident number three occurred on November 30th, 1986. A juvenile male was attacked in the vicinity of 603 Augusta Ave. A heavy set male, wearing a nylon windbreaker came out of the bushes in the alley. The suspect put his hand over the juvenile male's mouth and dragged him into some trees. The suspect told the juvenile not to speak or the juvenile would be killed. The suspect spoke in a "low, static filled" voice. There was also a strong odor of cigarette smoke on the suspects hands. The suspect rubbed the juvenile male's testicles both over and under his clothing. The suspect removed the juvenile male's stocking hat and cut off some of his hair with a jagged edged knife. The suspect asked the juvenile male's name and age. Once the attack was over, the suspect told the juvenile to "keep laying down for five minutes or I'll blow your head off". The attacker kept possession of the juvenile male's brown and tan stocking cap and hair. The hat was trimmed with the letter "I" and the symbol for a heart repeated all the way around the hat.

Incident number four occurred on February 14th, 1987. The attack occurred in the stairwell of an apartment building at 122 West James St. A juvenile male was attacked by a heavy set male who was approximately 5'6" tall wearing a dark colored quilted jacket with mask covering his face. The juvenile had been at Papa's Pizza earlier in the evening. The suspect grabbed the juvenile and threw him down the steps. The juvenile began to scream. The suspect told the juvenile to keep quiet or he would kill the juvenile. The suspect groped the juvenile's penis and testicles both over and under his clothing. The suspect spoke in a deep low whisper. The suspect asked the juvenile what grade he was in. The suspect told the juvenile not to move or he would kill him. The suspect took the juvenile's wallet and left the area on foot.

Incident number five occurred on May 17th, 1987. It occurred on Main Street near Maple Street. The same juvenile male from incident number four was attacked again. The suspect was described as being about the same height as the suspect in the previous incident, pudgy, with a dark looking face, and dark colored clothing. The suspect grabbed the juvenile off of his bicycle. The suspect groped the juvenile's testicles. The juvenile screamed and told the suspect that he had already got him. The suspect fled the area on foot. The suspect left behind a baseball cap which was turned over to police. No statements were made by the suspect. The juvenile victim believed the suspect in this incident was the same person who previously attacked him.

Incident number six occurred on September 20th, 1987. Two juvenile males were approached near 111 Lyndall Ave. The suspect was described as a chubby male 5'7"-5'8", with short chubby legs. The suspect had either painted his face or wore a mask. The juvenile males saw the suspect approaching them, screamed, and ran. The suspect fled on foot without assaulting the juveniles or speaking to them. The juveniles had been at Papa's Pizza earlier in the night.

Incident number seven occurred in the late summer of 1988. It occurred in the woods near the address of 200 West Railroad Ave. A Juvenile male was attacked by a white male with a husky build. The male spoke in a raspy voice and wore panty hose over his face. He also wore camo colored pants and a green army-type jacket with black boots and black gloves. There was a group of juveniles camping together. Two juveniles left the camp to get beverages. The suspect tackled one of the juveniles. The suspect sat on the juvenile, and held a small knife to the juvenile's throat. The juvenile screamed and the suspect said "shut up or I'll kill you". The juvenile fought back and escaped without being harmed or groped.

Incident number eight occurred in the late fall of 1988. It occurred in the vicinity of 512 West Minnesota Street. A juvenile male was on his bicycle delivering papers and had stopped briefly at this location. He was attacked by a white male who was husky and stood approximately 5'6" tall. The suspect was possibly wearing a ski mask, dark colored stocking hat, black shirt, black pants, and black gloves. The suspect ran out from a line of trees in the yard. The suspect knocked the juvenile off of his bicycle. The suspect then fled the area on foot without saying or doing anything further.

At the time all of these incidents took place, Danny James Heinrich primarily resided at the Plaza Hotel, 121 Washburne Ave in the City of Paynesville. These incidents all took place within several blocks of his residence.

On 01/13/1989, the Stearns County Sheriff's Office (SCSO) received a report of a kidnapping and sexual assault which occurred in Munson Township, Stearns County, Minnesota. Law enforcement spoke to a juvenile male (hereinafter "JNS"), whose name and other identifying information are known to the affiant and are contained in reports relevant to this investigation. JNS was born on 01/19/1976 and was twelve years old at the time of the alleged kidnapping and sexual assault.

JNS told law enforcement officers that on 01/13/1989, at approximately 9:45 pm, he was walking home from the Side Café in Cold Spring, MN. Approximately three blocks from his home in Cold Spring, JNS was met on the street by an adult white male driving a car. The driver stopped his vehicle and asked JNS words to the effect of "whether he knew where Kraemer lived." As JNS began to respond, the driver exited the vehicle, grabbed JNS, told JNS to get in the car, and forced him into the backseat. The driver re-entered the car and began to drive. He told JNS the car was equipped with child safety locks

As the driver was leaving the area, he instructed JNS to cover his face with his stocking cap and lay down in the back seat. He also told JNS he had a gun and he wasn't afraid to use it. No gun was displayed. JNS complied with the instructions but was able to see he was being driven out of Cold Spring. JNS specifically remembered going past the John Paul Apartment building located in the 200 block of 8th Ave. N. JNS also remembered going up "Bell's Hill" which is Stearns County Road 158. JNS believed they turned onto HWY 23 towards Richmond. JNS was able to look out the left rear window. He saw what he thought was the Richmond ball park, located in Munson TWP. The driver stopped shortly thereafter. JNS looked out and thought he saw the lights of the City of Richmond. JNS believed the driver took exaggerated turns to confuse JNS. During the drive, JNS noticed a "walkie talkie" type handheld radio device with an antenna on the passenger seat. The walkie talkie had gray duct tape on it and was scratched. JNS heard a male voice and a female voice coming from the walkie talkie. The driver shut off the walkie talkie while driving. The entire drive took approximately 10-15 minutes. The driver stopped the car on a gravel road.

The driver got into the backseat with JNS. He instructed JNS to remove JNS's snowmobile suit and to pull JNS' pants and underwear down. JNS complied out of fear and lowered his pants and underwear to his ankles. The driver lowered his own pants to his ankles. The driver touched JNS's penis with his hand. The driver ordered JNS to touch the driver's genital area which JNS did. The driver placed JNS's penis into his mouth and then had JNS put his mouth on the driver's penis. JNS complied. JNS later advised he wiped his mouth on his sweatshirt sleeve several times during this incident. The driver ordered JNS to kneel on his hands and knees and spread his legs. JNS

complied and the driver attempted to insert his penis into JNS's rectum; however, JNS struggled and the driver was unable to penetrate JNS and eventually stated, "I give up."

The driver returned to the driver's seat through the center console. The driver took the snowsuit and wiped it off with a cloth or a mitten. The driver gave the snowsuit back. The driver took JNS's pants and underwear and placed them on the front seat. He allowed JNS to put on his snowmobile suit but the driver maintained possession of JNS's jeans and underwear. He told JNS if the police got a "lead" on the driver, the driver would "get him after school and shoot him." The driver told JNS he was lucky to be alive. The driver returned towards Cold Spring and had JNS exit the vehicle near Cold Spring. The driver told JNS to roll around in the snow to wipe his snowmobile suit off. He also told JNS to run and not to look back or he would shoot JNS. The driver kept the pants and underwear that JNS had been wearing. The pants were described as "Lee" brand stonewashed jeans boys regular size 14. The underwear were boys sized 12 or 14. JNS was able to return home and reported the crime to his parents and law enforcement. JNS's snowmobile suit, sweatshirt, and t-shirt were all seized as evidence.

JNS described the driver as follows: white male, approximately thirties in age; approximately 5'6"-5'7"; weighing approximately 170 pounds; with dark brown mid-length hair; brown eyes; fat ears that stuck out; a fat nose; bushy eyebrows; rough, wrinkled skin, darker complected with dark hair; broad neck and thick shoulders; rough, short, thick hands; a pudgy "beer belly" stomach, crooked bottom teeth like "cheese teeth", and a deep raspy voice. The driver also had an indentation of a ring on his right ring finger. He was wearing a brown baseball cap with unknown lettering; a dark-colored zip up vest; camouflage fatigues; black Army boots, and a military-style watch. On 12/13/1989 JNS met with FBI agents to create an artists rendering of the driver. (See appendix A, attached hereto and incorporated herin, for a copy of the artists rendering and a copy of a photograph of Danny James Heinrich from 1990).

JNS described the car as follows: a dark blue four-door automatic transmission passenger car with a luggage rack on the trunk; blue cloth interior with dark blue leather or vinyl interior trim, and front bucket seats. JNS believed the shifter was in the center console area. The car smelled "new." (See appendix B, attached hereto and incorporated herin, for a copy of eight photographs of the Mercury Topaz Danny Heinrich owned in January 1989).

On 01/16/1989, SCSO Deputy Zieglmeier telephoned SCSO Detective Doug Pearce and indicated he had information regarding a possible suspect in the kidnapping and assault of JNS. Deputy Zieglmeier identified the possible suspect as Danny James Heinrich, born 03/21/1963, of Paynesville, MN. Officer Zieglmeier advised Heinrich drove a 1987 dark blue Mercury Topaz, 4-door with a light blue interior bearing Minnesota license plate #086CEZ. Deputy Zieglmeier re-contacted Detective Pearce early that afternoon to advise Heinrich was currently in either the National Guard or Army Reserves and was observed on a regular basis wearing military fatigues.

Based on Your Affiant's review of documents and photographs, Danny James Heinrich's physical description in the late 1980's was as follows: white male; born 03/21/1963; 5'5"; 160 pounds, brown hair, and brown eyes.

On 01/17/1989, Detective Pearce displayed to JNS a photographic lineup consisting of six photographs of males with similar builds and characteristics. This photo line-up included a then current photograph of Danny James Heinrich. Upon viewing the lineup, JNS indicated the picture of Danny James Heinrich and a picture of another male somewhat resembled the person who kidnapped and sexually assaulted him on 01/13/1989.

On 01/17/1989, Detective Pearce confirmed Danny Heinrich was a member of the Willmar National Guard.

On 01/18/1989, Detective Pearce and Detective L. Leland observed a 1987 dark blue 4-door Mercury Topaz bearing Minnesota license plate #086CEZ at Master Mark Plastics where Danny Heinrich was employed. Detective Pearce and Detective Leland observed the interior of the car appeared to be gray-colored. There was no luggage rack on the trunk.

Subsequently, on 10/22/1989, the SCSO received the report of a kidnapping which occurred in St. Joseph Township, Stearns County, MN. TW and AL, male juveniles whose names and other identifying information are known to Your Affiant, told SCSO law enforcement officers at approximately 9:15 pm, they were in the company of Jacob Erwin Wetterling, age 11. A masked male subject approached the boys, on foot, with a handgun in the area of 29748 91st Avenue, St. Joseph Township. He ordered them into the ditch. He asked the boys how old they were.

They told him their ages. He also grabbed AL's penis over AL's clothing. He then ordered TW and AL to run and not to look back or he would shoot them. Jacob Wetterling was led away by the masked male and has never been located. AL and TW reported they did not see any vehicles when the confrontation took place. Jacob Wetterling was last seen wearing a red hockey team jacket with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back. He was also wearing blue sweat pants, a blue mesh jersey, boys white tube socks, white boys underwear, a red t-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. The number "11" and the name "Wetterling" is on the back. He was also wearing an orange traffic vest with silver trim, and black drawstrings on each side. He was wearing boys Nike high top tennis shoes size 5, that were white with a grey Nike swoosh on the side and Nike written on the bottoms.

The masked male was described as follows: adult; approximately 5'9"-5'10"; approximately 180 pounds, and a low rough voice as if he had a cold. He was wearing a smooth, nylon-type mask to cover his face; dark coat, dark pants, and dark shoes. He had a silver colored handgun.

Shoe prints and tire impressions were discovered by law enforcement in the gravel driveway at 29748 91st Avenue, St. Joseph, MN. These shoe prints and impressions were approximately 75 yards away from the location where AL, TW, and Jacob Wetterling were initially confronted and 300-400 yards away from the woods that TW and AL were told to run to. Cast impressions and photographs were obtained of the shoe prints and tire impressions. One set of shoe prints looked to be similar to the Nike shoes Jacob Wetterling was wearing on 10/22/1989.

On 12/16/1989, following the suspected kidnapping of Jacob Wetterling, Danny Heinrich was interviewed by two FBI Agents. He advised he had been arrested twice for Burglary and also for Driving While Intoxicated (DWI). He belonged to the Army National Guard in Willmar, MN. He could not recall where he was on 01/13/1989 nor could he recall where he was on 10/22/1989; however, he offered he could have been washing clothes or visiting a friend on 10/22/1989. From the fall of 1988 through November 1989, Heinrich continued to live at 121 Washburne Av in Paynesville. He moved out in November 1989. He moved to his father's residence 16021 CR 124 in Paynesville TWP. Prior to February 1989, Heinrich split time staying at his mother's residence at 121 Washburne Ave and his father's residence at 16021 CR 124. Since 06/1989, he had been driving a light/medium blue 1982 Ford EXP bearing Minnesota license plate #188AOB. The 1982 Ford EXP had Sears Response Superguard rear tires. Prior to 07/1989, he indicated he drove a 1975 gray Ford Grenada which he sold to his mother. He denied wearing camouflage clothes or Army boots other than when on guard duty as it was stressed guards were not to wear Army clothes or Army-related clothes while off duty. He denied any knowledge regarding the abductions of JNS or Jacob Wetterling.

On 01/08/1990, Paynesville Police Chief Robert Schmiginsky advised the Wetterling investigators that Paynesville had a year of molestation episodes. Chief Schmiginsky believed Danny Heinrich should be considered a suspect in the molestations. Several incidents of an unknown adult male groping or chasing juvenile males were reported to Paynesville law enforcement from approximately 09/1986-09/1987. No arrest(s) were ever made in connection to the reports. (Those and additional incidents are summarized ante at pgs 1-3 and 1-4).

On 01/12/1990, Heinrich was re-interviewed by law enforcement. He indicated the tennis shoes he was wearing at the interview were the only tennis shoes he owns and were purchased at Sears. The shoes had been purchased approximately one year prior to the interview. Heinrich voluntarily provided his tennis shoes to law enforcement officers. On 01/15/1990, Heinrich voluntarily authorized law enforcement officers to remove the rear tires from his 1982 blue Ford EXP bearing Minnesota license plate #188-AOB. He informed police that he purchased the EXP in September 1989. (see Appendix C, attached hereto and incorporated herein, for photographs of the EXP owned by Danny Heinrich in 1990).

On 01/15/1990, Detective Pearce obtained and reviewed documentation indicating the four-door 1987 Mercury Topaz, blue exterior/blue interior, automatic transmission, vehicle identification number (VIN) 2MEBM36X8HB64633, bearing Minnesota license plate #086CEZ, was purchased on 03/10/1988 by Danny Heinrich. On the purchasing contract, Heinrich's home address was listed as 121 Washburne Avenue, Paynesville, MN. Detective Pearce also received and reviewed documentation the vehicle was repossessed from Heinrich on 03/15/1989. Detective Pearce telephonically contacted the then current owners of the Topaz who voluntarily drove the car to Detective Pearce on 01/16/1990.

On 01/16/1990, JNS sat inside the 1987 Mercury Topaz and examined the vehicle. JNS said the Topaz "feels like" the car he was in and he "wouldn't change a thing" about the interior. On a scale of 1 to 10 (with 10 being most similar) the Mercury Topaz was an "8 or possibly a 9" as being similar to the car in which he had been kidnapped and sexually assaulted. (Photographs of the Topaz taken on 1/16/1990 are attached in Appendix B).

On 01/18/1990, back seat carpet and seat samples were obtained by Detective Pierce from the 1987 Mercury Topaz, VIN 2MEBM36X8HB646334. Those samples were retained by law enforcement. On 02/09/1990, the FBI Laboratory verbally indicated a "synthetic fiber found on JNS's snowmobile suit exhibited the same microscopic and optical properties as the fibers in the composition of the seat samples obtained on 01/18/1990 from the 1987 Mercury Topaz owned by Danny Heinrich in January 1989. On 03/05/1990, the FBI Laboratory provided a written document which stated "a gray synthetic fiber found on the snowmobile suit exhibited the same microscopic characteristics and optical properties as the fibers in the seat sample from the 1987 Mercury Topaz and, accordingly, is consistent with having originated from the same source."

On 01/23/1990, SCSO obtained a search warrant for Danny Heinrichs father's (Howard Heinrich) residence at 16021 County Road 124, Paynesville, MN. According to a family member, Danny Heinrich moved from his mother's apartment at 121 Washburne Avenue, Paynesville, MN in October 1989 and was living with his father at 16021 County Road 124, Paynesville.

On 01/24/1990, law enforcement officials conducted a search of the residence at 16021 County Road 124, Paynesville, MN. The following items were seized: One black portable scanner carrying case; lists of scanner frequencies and operating manuals; one pair black lace up boots; two brown caps; one "Radio Shack" scanner frequency book; one shirt and pair of trousers (both camouflage); one past due loan payment in the name of "Danny Heinrich" and one pay stub from Fingerhut Corporation dated 10/08/1989 in the name of "Danny Heinrich"; one vest; one handheld Regency programmable scanner; one six channel Regency scanner. (See Appendix D, attached hereto and incorporated herein, for a nine page copy of the search warrant affidavit and inventory).

During the search, Danny Heinrich was re-interviewed. He still could not remember where he was on Sunday 10/22/1989 but his best guess was he was at home at his former apartment at 121 Washburne Ave #24 in Paynesville. Per Heinrich, his Sundays were usually spent driving around Paynesville, washing clothes, or watching a movie. He was "mostly by himself." He could not locate any receipts or paperwork which could provide him an alibi but he stated he was not in St. Joseph, MN at any time that weekend. He was not working and was unemployed. After consulting his records, his last day of work at Fingerhut Corporation was 10/08/1989 and he was unemployed until 11/12/1989 when he started at North Star Mailing in St. Cloud, MN. He moved out of his apartment at the Plaza Hotel in Paynesville on 11/30/1989 and moved into his father's basement. Investigators noted Heinrich's bottom teeth had black spots in the front and he advised he chewed tobacco for many years. During a search of one of Heinrich's locked trunks, he produced six photographs. Three of the photographs were school-type photos of children with the last name, "Wurm." Heinrich stated he obtained the photos while he was at the Willmar Regional Treatment Center (WRTC) and the children depicted were from the Twin Cities area of Minnesota, but he had met them while they were at the WRTC Adolescent Treatment Unit. Investigators were able to confirm that Danny James Heinrich was a patient at WRTC. The other photos depicted a male child coming out of the shower with a towel wrapped around himself, a male child in his underwear, and an additional photo of three fully clothed children. Reports did not indicate any age range for the children in the photographs. Heinrich objected to law enforcement officers seizing the photographs because "they just didn't look right". The photographs were not seized. In subsequent interviews, Heinrich stated that he burned the photos. He told officers the photos "looked bad" and were "no kind of pictures to have anyway."

On 01/25/1990, Heinrich was re-contacted by FBI SA Eric D. Odegard at his residence. His father, Howard Heinrich, was also present. Heinrich volunteered to appear at the SCSO to retrieve the two rear tires for his 1982 Ford EXP. He also agreed to appear in a physical lineup. On 01/26/1990, a physical lineup of six white males, including Danny Heinrich, was conducted. JNS could not identify any of the males as being the individual who kidnapped and sexually assaulted him. JNS said one of the participants and Danny Heinrich were similar to his kidnapper based on build, chest, and stomach. JNS indicated the one of the participants was a "7" on a scale of one to ten and Danny Heinrich was a "4" in similarity to his kidnapper.

On 01/26/1990, Jacob Wetterling Investigators were verbally advised by the FBI Laboratory that the tires provided by Heinrich were consistent with but not an exact match of the tire impressions left at the scene of the Wetterling kidnapping. It was determined the Sears Superguard Response tread design was consistent with the tire impressions at the scene and the tire size was also consistent with measurements obtained of the tire impression at the crime scene. On 04/13/1990, FBI Laboratory examiner David Attenberger submitted a written report regarding shoe print impressions from the scene of the Wetterling kidnapping and compared them to Heinrich's shoes taken on 1/12/1990. Attenberger concluded that "due to lack of sufficient detail in the submitted questioned shoe impression," it could not be determined whether the right shoe impression at the scene was made by Heinrich's right shoe. However the shoe impression at the scene "corresponds in design" to Heinrich's right shoe. Attenberger also compared the tire impressions from the Wetterling crime scene to the tires taken on 1/25/1990 from Danny Heinrich's car and concluded the tires tread pattern was "consistent with the tire impressions found at the Wetterling crime scene." (See appendix E, attached hereto and incorporated herein, for copies of the photographs of the shoes, tires, shoe prints, and tire marks.)

On 02/05/1990, James Martin Wurm, was interviewed by FBI SA Odegard. Wurm said his sister is Arlene Jude of Paynesville, MN. Wurm and his wife had five boys aged 22 to 11. His sons, Leroy and Lloyd, would often stay at the Jude residence in Paynesville. Wurm recalled a juvenile named Tommy Heinrich playing football with his boys. Tommy Heinrich was 17 years old at the time of the interview. Wurm was shown a photograph of Danny Heinrich and stated Danny Heinrich would often accompany Tommy Heinrich to the Jude residence but would not play football with the kids. Wurm advised the Jude home had been burglarized five or six years earlier and had again been recently burglarized and set on fire in approximately 11/1989. Wurm provided a photograph of Lloyd and Leroy Wurm taken in 1980. FBI SA Odegard noted the photographs looked similar to photographs he had observed in Danny Heinrich's possession on 01/24/1990.

On 02/09/1990, Danny Heinrich was arrested on probable cause for the kidnapping and sexual assault of JNS. Heinrich stated emphatically he was not guilty, that he was being framed, and that he was not going to talk to the interviewing agents. Heinrich re-stated he was innocent and he invoked his right to an attorney. Heinrich was later released without being charged. All property seized during the search warrant executed on 01/24/1990 was released to Heinrich on 02/08/1991.

On 07/18/2012, a Minnesota Bureau of Criminal Apprehension (BCA) Report on the Examination of Physical Evidence (laboratory report number S890-1699, report #40), indicated a DNA profile was obtained from JNS's snowmobile suit (item 46), JNS's sweatshirt (item 47), and JNS's shirt (item 48).

DNA analysis was performed on those samples as well as on a known DNA sample from JNS. The DNA profiling results indicated a sample obtained from the right wrist of JNS's sweatshirt (item 47-5) contained a "mixture of two or more individuals." JNS could not be excluded as being a possible contributor. The unidentified predominant male DNA profile did not match JNS; however, "it is estimated 99.5% of the general population could be excluded from being contributors." Samples which contained a mixture of two or more individuals were also obtained from the center chest of the snowsuit, the neck of the sweatshirt, and the chest of the sweatshirt. The partial predominant male DNA profile obtained from the neck of the sweatshirt and the chest of the sweatshirt matched JNS.

On 03/05/2014, a BCA lab report (Laboratory number S890-1699, report number 44) indicated DNA profiling was performed on a sample collected from the baseball hat collected following an attack in Paynesville, MN on 05/17/1987 (item 75). DNA results indicated a mixture of three or more unknown individuals was present.

On 1/12/1990, Danny James Heinrich voluntarily provided body hair samples to Detective Steve Mund and SA Pete Cunningham of the FBI. SA Cunningham delivered those samples to the FBI lab for comparison. These samples were placed under glass slides and mark K1 and K2 for identification and have been retained by law enforcement.

On 5/12/2015, Your Affiant presented slides K1 and K2 to the BCA trace evidence unit. The trace evidence unit examined the hair slides and deemed them suitable for nuclear DNA testing. They were forwarded to the Biology section for further testing. On 7/10/2015, Your Affiant received a report regarding the examination of the hair samples. (Laboratory number S890-1699, report number 49). The report stated there was a "mixture of two or more individuals" on the right wrist of JNS's sweatshirt (item 47-5). The "predominant male DNA profile matches

Danny James Heinrich. The predominant profile would not be expected to occur more than once among unrelated individuals in the world population. "

The DNA of Danny James Heinrich was also compared to the blue baseball cap that was recovered after an incident in 1987 in Paynesville. The hat contained a "mixture [of DNA] from three or more individuals. Danny James Heinrich could not be excluded from being a possible contributor." "It was estimated that 80.5% of the general population could be excluded from being contributors." (Laboratory number S890-1699, report number 49).

Based on Your Affiant's training and experience, and the knowledge and experience of other law enforcement personnel involved in this investigation and other crimes against children investigations, Your Affiant is informed that serial sexual offenders who engage in sexual fantasies may keep articles from victims as a keepsakes, souvenir, or trophies even years after their crimes. These trophies often consist of biological samples or articles of clothing taken from their victims. In incident number three in Paynesville, the attacker kept a sample of the victims hair along with the victims stocking cap. In the kidnapping and sexual assault of JNS, the suspect kept the victims pants and underwear. Jacob Wetterling and his clothing have never been recovered. Some offenders may also keep a written or digital journal/diary in which they describe their fantasies and/or their crimes in detail.

Based on Your Affiant's training and experience, and the knowledge and experience of other law enforcement personnel involved in this and other crimes against children investigations, Your Affiant believes the following:

a. Individuals who are sexually attracted to children may collect and save sexually-explicit materials including items such as photographs, magazines, videotapes, books, slides, and electronic digital images and videos transmitted and maintained through the use of computers and related technologies. The most common method of acquisition is by purchase, sale, or barter with other persons harboring similar interests.

b. The use of computers to traffic, trade, and collect child pornography is well-documented and established phenomenon. I am aware that an individual familiar with computers and related technologies can utilize such systems' abilities to interact with many other individuals while remaining essentially anonymous. This sense of privacy and secrecy along with the ability to interact with many individuals without the risk of easy identification satisfies the needs of individuals who are interested in trafficking, trading, and collecting child pornography.

c. Child pornographers and persons with a sexual attraction to children typically maintain and possess these kinds of materials in the form of photographs, magazines, negatives, films, videotapes, and graphic image files. They also possess correspondence, mailing lists, books, tapes, recordings, and catalogs relating to child pornography and a sexual interest in children. In many instances, these individuals will amass a collection of child pornography in more than one type of the aforementioned media.

d. It is common for child pornographers and persons with a sexual interest in children to retain material, including related correspondence, for lengthy periods of time. These individuals will rarely voluntarily dispose of or part with their materials, which they consider to be their treasured possessions and sources of sexual pleasure.

e. Individuals who share child pornography are often individuals who have a sexual interest in children and in images of children, and who download images and videos of child pornography. Based upon my knowledge, experience, and training in child pornography investigations, and the training and experience of other law enforcement officers with whom I have had discussions, there are certain characteristics common to individuals involved in the receipt and collection of child pornography.

f. Individuals who have a sexual interest in children or images of children may receive sexual gratification, stimulation, and satisfaction from contact with children; or from fantasies they may have viewing children engaged in sexual activity or in sexually suggestive poses, such as in person, in photographs, or other visual media; or from literature describing such activity.

g. Individuals who have a sexual interest in children or images of children may collect sexually-explicit or suggestive materials, in a variety of media, including photographs, magazines, motion pictures, videotapes, books, slides and/or drawings or other visual media. Individuals who have a sexual interest in children or images of children oftentimes use these materials for their own sexual arousal and gratification. Further, they may use these materials to lower the inhibitions of children they are attempting to seduce, to arouse the selected child partner, or to demonstrate the desired sexual acts.

h. Individuals who have a sexual interest in children or images of children almost always possess and maintain their "hard copies" of child pornography material, that is, their pictures, films, video tapes, magazines, negatives, photographs, correspondence, mailing lists, books, tape recordings, etc., in the privacy and security of their home or some other secure location. Individuals who have a sexual interest in children or images of children typically retain pictures, films, photographs, negatives, magazines, correspondence, books, tape recordings, mailing lists, child erotica, and videotapes for many years.

i. Likewise, individuals who have a sexual interest in children or images of children often maintain their collections that are in a digital or electronic format in a safe, secure, and private environment, such as a computer and surrounding area. These collections are often maintained for several years and are kept close by, usually at the collector's residence, to enable the individual to view the collection, which is valued highly.

j. Individuals who have a sexual interest in children or images of children also may correspond with and/or meet others to share information and materials; rarely destroy correspondence from other child pornography distributors/collectors; conceal such correspondence as they do their sexually-explicit material; and often maintain lists of names, addresses, account names, e-mail addresses, and telephone numbers of individuals with whom they have been in contact and who share the same interests in child pornography.

k. Individuals who have a sexual interest in children or images of children prefer not to be without their child pornography for any prolonged time period. This behavior has been documented by law enforcement officers involved in the investigation of child pornography throughout the world.

Based on the foregoing, Your Affiant respectfully submits there is probable cause to believe that on the person of Danny James Heinrich there is DNA sample and/or other materials which may be evidence of crimes possibly involving children. Your Affiant is requesting authorization to seize Danny James Heinrich for the purpose of obtaining buccal swabs, and/or other materials which may be evidence of crimes, possibly involving children, which will then be forwarded to the Minnesota Department of Public Safety, Bureau of Criminal Apprehension, Forensic Science Laboratory, for appropriate testing, analyses, and comparisons. Your affiant also believes there is probable cause to believe there is evidence of criminal activity located at 55 Myrtle Avenue South, Annandale, MN.

This affidavit is being submitted for the limited purpose of establishing probable cause. Your Affiant has set forth only those facts believed necessary to establish probable cause in this matter.

WHEREFORE, Affiant requests a search warrant be issued, commanding **INV Dennis Kern**, (a) peace officer(s), of the State of Minnesota, and all other personnel under your direction and control between the hours of 7:00 a.m. and 8:00 p.m. only to search the hereinbefore described Person, and premises for the described property and things and to seize said property and things and keep said property, premises, and things in custody until the same be dealt with according to law.


Affiant: INV Dennis Kern

Subscribed and sworn to before me this 27th

day of July, 2015


Judge of District Court

GEOFFREY W. TENNEY
JUDGE OF DISTRICT COURT

SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF WRIGHT TENTH DISTRICT COURT
TO: INV DENNIS KERN, (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, INV DENNIS KERN has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described premises and Person:

55 Myrtle Ave South, City of Annandale, County of Wright, State of Minnesota, further described as a single story, white, single family dwelling with a detached garage located on the southeast corner of Myrtle Avenue South and Spruce Drive East. The front door of the home faces west onto Myrtle Avenue. The detached garage is a white oversized garage with a single overhead door. It faces north towards Spruce Drive East.

Danny James Heinrich, DOB 03/21/1963, described as a white male approximately 5'5 and weighing approximately 235 pounds for purposes of obtaining a DNA Buccal swab and locating any other evidence of criminal activity that may be on his person.

located in the City of Annandale, County of Wright STATE OF MINNESOTA for the following described property and things:

1. Documents of residency
2. Papers or documents tending to show the whereabouts of Danny James Heinrich on from 1986-1988, January 13th 1989 and/or October 22nd 1989
3. Jacob Erwin Wetterling DOB 12/17/78. Alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, or biological samples
4. Red Hockey team jacket, name "Jacob" stitched on the front and a St. Cloud Police logo on the back
5. Blue boy's sweat pants
6. Red t-shirt with CMYSA, soccer ball logo, and St. Cloud, MN on the front. Number 11 and the name "Wetterling" on the back.
7. Orange traffic vest, with silver trim and black drawstrings on each side
8. Blue mesh jersey
9. Boys white tube socks
10. Boys white underwear
11. Boys Nike high top tennis shoes size 5, white with grey Nike swoosh on the side. Nike written on the bottoms.
12. Keys and/or documents tending to show ownership or rental of garages, storage lockers, safety deposit boxes, or other storage type facilities.
13. Silver handgun
14. Adult Any/all handguns with serial numbers indicating a pre-1990 manufacture date
15. male clothing, including camouflage fatigues, black military-type boots, a brown baseball hat, and a dark colored vest
16. Boys clothing, including a pair of Lee stonewashed jeans, size regular 14, and a pair of underwear size 12 or 14
17. A walkie-talkie, scanner or other hand held radio device, possibly bearing gray duct tape.
18. Brown and tan-colored stocking hat with the letter "I" and the symbol for a heart repeated all the way around the hat.
19. Human hair pieces
20. Jagged edge knives
21. DNA buccal saliva swab of Danny James Heinrich, DOB 03/21/1963
22. Military style watch
23. Computer systems including, but not limited to: the main computer box, hard drives, monitors, scanners, printers, modems and/or other peripheral devices

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23. Media, capable of storage, in whatever form, including but not limited to be magnetic (i.e., floppy disks and tapes); optical (i.e., CD's and DVD's), and/or solid state (i.e., Flash Drives and Memory Cards)
24. Personal electronic devices including, but not limited to: cell phones, personal data assistants, portable audio devices, digital video recorders, video entertainment consoles, and/or any other data storage medium
25. Data contained on either hard drives or removable media to include: deleted files and e-mail files that may show the receipt, possession, and/or distribution of child pornography; chat line logs that may identify children being enticed online; or data that reveals the distribution of child pornography
26. Papers and effects that tend to show the possession or distribution of child pornography or the enticement of children online, including but not limited to address books or diaries
27. Notes and other documentation that may reveal logins and or passwords
28. Programs and manuals relating to the operating systems or any applications
29. Proof of residency and documentation relating to the internet including but not limited to bills from the internet service provider
30. Any and all camera equipment, videotapes, or other items that may be used for the possession, production, and/or distribution of child pornography
31. Any evidence related to the sexual exploitation of children.
32. Depictions of minors under the age of eighteen engaged in or simulating prohibited sexual acts, such as: actual or simulated sexual intercourse, deviant sexual intercourse, sadism, masochism, sexual bestiality, incest, masturbation, or sadomasochistic abuse; actual or simulated exhibition of the genitals, the pubic or rectal area, or the bare feminine breasts, in a lewd or lascivious manner; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such a person is female, breast with the intent to arouse or gratify the sexual desire of either party; defecation or urination for the purpose of creating sexual excitement in the viewer; and/or any act or conduct which constitutes a Criminal Sexual Assault or simulates that a Criminal Sexual Assault is being or will be committed.
33. Any data relating to ownership of the computer, personal login information including but not limited to unique login ID's and passwords.
34. Any documentation, operating logs and reference manuals regarding the operation of the computer equipment, storage devices or software.
35. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data.
36. Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.
37. Data contained on hard drives to include deleted files, email files, chat line logs, internet history and any data that tends to show possession or distribution of pornographic work involving minor children.
38. Photographs or photographic albums including but not limited to photographs of children
39. Wallet possibly containing identifying information of a juvenile male

WHEREAS, the application and supporting affidavit of INV Dennis Kern was/were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

- 1 The property was stolen or embezzled.
- 2 The property was used to commit a crime.
- 3 Possession of the property constitutes a crime.
- 4 The property in the possession of person with intent to use the property to commit a crime.

- 5 The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are on the above described person and/or at the above described premises.

NOW, THEREFORE, YOU, INV Dennis Kern, SA Ken McDonald, Capt Pam Jensen, INV Tony Kotschevar, INV Steve Lehmkuhl, INV Zach Sorenson, THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY COMMANDED BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. ONLY TO SEARCH THE DESCRIBED PREMISES, THE PERSON OF, FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated : July 24, 2015

JUDGE OF DISTRICT COURT
GEOFFREY W. TENNEY
JUDGE OF DISTRICT COURT