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SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

13-1-01546-8

v.

ALAN J. SMITH

STATE'S RESPONSE TO DEFENSE MOTION
TO SUPPRESS

Defendant.

Declaration

I, Katherine E. Wetmore, Deputy Prosecuting Attorney, hereby make the following declaration upon information and belief, based upon the affidavit of probable cause contained in search warrant number SW2013-49, which is incorporated into all warrants contested before the court as a part of this motion:

1. On Tuesday February 12, 2013 Bothell Police Officers were dispatched to 216 240th St. SW in the City of Bothell for a welfare check of Susann Smith who had failed to report to work for the past two days. The first officer on scene was able to see through a window what appeared to be large amounts of blood on the floor of a bedroom and what appeared to be blood smears and spatter on the walls and window of the room. The officer also saw an apparent blood trail consistent with a bloody body being dragged.
2. Officers entered the home to check on the welfare of those inside and found that there was no sign of forced entry. The officers observed bloody footprints in the kitchen and the hallway that ran the length of the left half of the residence. The footprints appeared to be from a single individual. Officers noticed that the amount of suspected blood increased considerably as the hallway stretched into the threshold of the bedroom that the responding officer had observed from outside the home.

ORIGINAL

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3. Officers found partially clothed female in the bathtub with her head submerged face down in the water. There were no signs of life on the victim who was later identified as Susann Smith through use of dental records.
4. An autopsy was performed by Associate Medical Examiner S. Adams, MD. Dr. Adams advised that Susann Smith suffered both blunt force and sharp force trauma to her face, forehead, and back of her head. She suffered a fractured skull to the lower left section. The Dr. estimated 19 separate blunt force and sharp force wounds on the face and head. Susann Smith was observed to have contusions to both of her arms and hands that were consistent with defensive wounds. There were no sharp force wounds to any other parts of Susann Smith's body besides her face and head. There were no injuries to the torso and legs. The autopsy revealed the victim had water in her lungs and airway consistent with drowning. Dr. Adams determined the cause of death was blunt force and sharp force trauma with a third component of asphyxiation by drowning.
5. The blood evidence in the bedroom indicated that the assault started while the victim was in bed before graduating to the right side of the bed and then the floor. The blood evidence further indicated that there were breaks in the assault and then the assault continued on the same victim. The blood pattern and blood smearing on the floor made it evident that the victim was moved in a dragging fashion out of the bedroom into the hallway and into the bathroom. There was evidence that there had been an attempt to wipe up the blood in the room, hallway and the bathroom.
6. There were observed several bloody finger type impressions throughout the house which did not show ridge detail. This was an indication that the suspect may have been wearing protective gloves during the commission of the crime.
7. Officers were able to determine that the suspected victim, Susanne Smith was married but currently separated from her husband Alan J. Smith. It was determined that Alan Smith resided in the Canyon Pointe Apartments in Bothell, which is approximately ten minutes away from Susann Smith's home when traveling by vehicle. Officers made contact Alan Smith at his place of employment, the Boeing Aerospace Company in Everett.
8. When officers made contact with Alan Smith they observed his demeanor and movements to appear rehearsed. Officers at this time observed Alan Smith to have a recent injury to his left hand that was swollen and the skin on top of his hand was flushed. Alan Smith indicated that this injury was the result of his three year old son striking his hand with a hatchet while cutting fire wood. A cut was also observed on Alan Smith's left thumb which he attributed to an injury from cutting an apple.
9. Alan Smith re-contacted the Detectives at the Bothell Police Department at approximately 1830 hours and agreed to a search of his vehicle. During the search officers observed a Garmin portable GPS in the front dash of the vehicle. Officers also observed a plastic Home Depot bag in the rear of the vehicle with two, unopened

bags containing Kleenguard Chemical Splash Resistant Coveralls, a new roll of masking tape and a pair of latex gloves still in their box.

10. Detectives spoke with Rachel Amrine, who advised that she was an ex-girlfriend of Alan Smith and that the two had a 2-3 month dating relationship during the fall of 2012. Ms. Amrine advised that Alan Smith told her he was divorced and was currently going through a nasty, bitter custody battle with Susann. On more than one occasion Alan Smith asked Ms. Amrine how he could make someone disappear without anyone knowing. During one rant about Susan Smith, Alan Smith told Ms. Amrine that "I just want her to be done with."
11. Susann Smith and Alan Smith were engaged in a contentious custody dispute over their two children following the filing of a Petition for Dissolution by Alan Smith on 11/18/2011. During the following litigation Alan Smith went through three different lawyers. Susann Smith was represented by John Ely who described to law enforcement "an incredibly menacing stare" that Alan gave to Susann after one ruling in which monthly support and maintenance were set by the Commissioner. Susann had previously indicated to Ely that Alan Smith court be emotionally threatening and aggressive towards her.
12. Beginning in November of 2012 Alan Smith for the first time indicated that he had concerns about Susann's parenting and made claims of sexual abuse by Susann Smith which John Ely described as "outrageous." The motions for reconsideration were denied and the Commissioner awarded Susann Smith \$500 in attorney fees for having to respond to the motion to appoint a GAL. Subsequent to this ruling on 1/10/2013 Susann sent an email to John Ely indicating that Alan wanted to move back in, which confirmed to Ely that Alan Smith was making up stories about Susann in his declaration in order to win in court. On 1/11/2013 Alan Smith added to his motion for Revision a concern that Susann was going to move back to Germany. After the 3rd hearing for Revision on 1/25/2013, at which Susann Smith prevailed, Susann related to her attorney Ely that Alan Smith confronted her and called her a "monster."
13. Investigators spoke with two of Alan Smith's co-workers who both described Smith's preoccupation with his divorce proceedings. Co-worker Colin Warner told investigators about a work trip to Ireland that he, Alan Smith and Matthew Pierce were on from 2/6/2013-2/9/2013 during which Alan Smith would change the topic to his family problems at least 60-70% of the time. Warner indicated that Alan Smith was very upset and distraught about his wife winning a recent court ruling regarding their children and commented "I want her to know the pain I feel." Alan Smith implied that he thought his wife would move to Germany after getting full custody of the children and mentioned that she was mentally abusive to him and used to treat their dog poorly. Co-worker Matthew Pierce described the same trip to Ireland in which he was told by Alan Smith several times that his wife was "pure evil" and called her a "psychopath." Alan Smith told Pierce that his wife was interested in taking the children back to Germany. During this trip Pierce said that 70-80% of their conversations related to his divorce and ex-wife and became tiresome to hear. Pierce

indicated that in the 2-3 years he had known Alan Smith that the majority of their conversations were about Smith's divorce and his wife. Alan Smith communicated to him that the courts were against him and it was a "fixed system."

14. Investigators were aware of searches made by Alan Smith on his Boeing computers which were provided to them by Boeing security. These searches included a 0849 hrs search on 2/12/2013 prior to notification of Susann's death an inquiry on Kayak.com for flight information from Seattle to Venezuela for 1 adult and two children ages 6 and 3. At 0927 hours Alan Smith performed a Google search for "Where is the best place to live in South Central America?" At 0931 hours Alan Smith performed a Google search for, "Best Countries to Live and Work Abroad." After notification from law enforcement of Susann's death and that his children had been placed in to CPS custody, Alan performed another search on Kayak.com. At 0606 hours on 2/13/2013 Alan searched for flight information from Seattle to Venezuela for only 1 adult.
15. Forensic analysis of Susann Smith's cell phone showed that the last incoming text message from Alan Smith was on 2/12/13 which read "hi Susi." The detectives indicated that on no other occasion in the text message history did Alan refer to Susann as Susi, but specifically addressed her as Susann on many of the messages. The Detective reported that in all time frames the conversations between Alan and Susann by text were with regards to child transfers or other issues with the children or them, and that in no other message did Alan ever simply write "hi."

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 7th day of July, 2014.



Katherine E. Wetmore, WBSA #34976

Deputy Prosecuting Attorney

Legal Argument

A) The February 21, 2013 search warrant (#2013-49) signed by Judge Goodwin which authorized the search of Alan Smith's person, apartment, Mercedes, and Honda motorcycle;

The warrant authorized the police to search:

1. The residence and curtilage of Alan Smith's apartment, including any storage areas,
2. 2000 Mercedes ML320 registered to Alan Smith,
3. A 2002 Honda motorcycle registered to Alan Smith, and
4. To take case prints, seize head and pubic hair, take foot impressions, and document and photograph any injuries, including nude photos.

The warrant authorized the seizure of evidence to include, but not limited to: trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene. This evidence to include but not limited to: bloody clothing, footwear, socks, disposable coveralls, etc. Furthermore the warrant authorized the seizure of: any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter; any sharp edges cutting devices such as knives, swords, daggers, razors, or other sharp instruments capable of inflicting sharp force trauma; electronic devices not limited to laptops (work and personal), desktop or personal type of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation; any journals, diaries, or notes containing information related to Alan Smith's past and present relationships, including Susann Smith, and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce; legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees; Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition; as well as authorizing the above-mentioned examination of Mr. Smith's person.

Issues:

- 1) The warrant establishes probable cause that Alan Smith committed the crime of Murder 1.**

Article I, section 7 of the Washington constitution provides that “[n]o person shall be disturbed in his private affairs, or his home invaded, without authority of law.” It is well

established law that article I, section 7 provides more protection than the Fourth Amendment, and a Gunwall analysis is no longer necessary to raise state constitutional issues. *State v. Vrieling*, 144 Wn.2d 489, 495 (2001) (citing *State v. Gunwall*, 106 Wn.2d 54 (1986)). The inquiry under article I, section 7 is broader than under the Fourth Amendment to the United States Constitution, and focuses on “those privacy interests which citizens of this state have held, and should be entitled to hold, safe from governmental trespass.” *State v. Myrick*, 102 Wn.2d 506, 511 (1984); *State v. Jackson*, 150 Wn.2d 251, 259-60 (2003).

The warrant clause of the Fourth Amendment of the United States Constitution and article I, section 7 of the Washington Constitution require that a search warrant be issued upon a determination of probable cause based upon “facts and circumstances sufficient to establish a reasonable inference” that criminal activity is occurring or that contraband exists at a certain location. *State v. Thein*, 138 Wn.2d 133, 140 (1999). Probable cause is established when an affidavit supporting a search warrant provides sufficient facts for a reasonable person to conclude there is a probability the defendant is involved in the criminal activity. *State v. Young*, 123 Wn.2d 173, 195 (1994); *State v. Cole*, 128 Wn.2d 262, 286 (1995); *State v. Seagull*, 95 Wn.2d 898, 907 (1981). The affidavit in support of the search warrant must be based on more than suspicion or mere personal belief that evidence of the crime will be found on the premises searched. *Seagull, supra*, at 907. The Washington Supreme Court generally accords great deference to the magistrate and views the supporting affidavit for a search warrant in the light of common sense. *Cole, supra*, at 286. Doubts concerning the existence of probable cause are generally resolved in favor of issuing the search warrant. Id.; *State v. Vickers*, 148 Wn.2d 91, 108 (2002). It is only the probability of criminal activity, not a *prima facie* showing of it, that governs probable cause. The magistrate is entitled to make reasonable inferences from the facts and circumstances set out in the affidavit. *In re Pers. Restraint of Yim*, 139 Wn.2d 581, 596 (1999) (quoting *State v. Helmka*, 86 Wn.2d 91, 93 (1975)); *State v. Maddox*, 152 Wn.2d 506 (2004).

The 20 page affidavit in support of the warrant here is based on the facts that (1) the Smiths were going through an acrimonious divorce and custody battle and had asked his girlfriend at the time how someone could make somebody disappear without anyone knowing indicating that “I just want her to be done with”; (2) Mr. Smith appeared to be obsessed with the divorce, discussing his hatred and hostility constantly with his co-workers to include as recently as during a trip to Ireland from February 6-9, 2013 in which Mr. Smith called Susann Smith “pure evil” and a “psychopath; (3) Mr. Smith indicated a fear that Susann Smith would attempt to take the two children back to her native Germany and Mr. Smith indicated he would do whatever necessary to keep this move from occurring; (4) at 0849 hours on February 12, 2013 prior to receiving notification of Susann Smith’s death and placement of the children with CPS, Mr. Smith performed a search on Kayak.com (a travel site) for a flight from Seattle to Venezuela with 1 adult and 2 children ages 6 and 3, then after receiving a death notification from police and notice his children were being placed into CPS custody, Mr. Smith performed a search at 0606 hours for a flight from Seattle to Venezuela with only 1 adult listed; (5) Alan Smith resided only 10 minutes from the scene of the homicide; (6) the homicide did not appear to be a random act, but one in which it appeared the suspect had taken steps to wear protective clothing to prevent contamination of the scene and that it occurred while the victim was in bed with no signs of forced entry into the home and that the injuries to the victim were specifically directed at her

face with no injuries to her torso and legs; (7) Alan Smith was observed with injuries to his hand which could be consistent with blunt force trauma.

These factors taken individually, or in combination, establish probable cause that Alan Smith had an involvement in his wife's death. The affidavit must establish a probability that Alan Smith was involved in the criminal activity; in this case, this affidavit satisfies that requirement. The affidavit in support of this warrant establishes Alan Smith's motive through witness testimony, Alan Smith's interview with law enforcement, and considerable circumstantial evidence linking Alan Smith to the death of Susann Smith. The affidavit in support of this warrant establishes Alan Smith's link to Susann Smith's death beyond mere suspicion; the affidavit clearly points to Alan Smith as a likely suspect in the death of Susann Smith. Reasonable inferences may be drawn from the information contained within the affidavit in support of the search warrant. Here, it is reasonable to assume that Susan Smith was specifically targeted while in her bed by an individual who prepared for the commission of this murder by putting on protective clothing and making some efforts to clean the scene. Alan Smith lived a mere 10 minutes away from the scene of the homicide, had reached a point in court proceedings where his efforts to gain advantage over Susann Smith were being frustrated and as recently as the previous week made comments to co-workers about the proceedings and indicated that the victim was "pure evil." Given all the factors stated in the probable cause affidavit and the reasonable inferences which may be drawn from them, there was certainly probable cause to believe that Alan Smith committed the brutal murder of his estranged wife.

Defense relies on *State v. Neth*, 165 Wn.2d 177 (2008), the Washington Supreme Court struck down a warrant based on supporting evidence of suspicious circumstances and behavior that amounted to a lack of a factual basis to support probable cause. The defendant was stopped for speeding, and the state trooper called for a K-9 unit. After the dog alerted for drugs, the car was impounded, and the trooper obtained a search warrant. The trial court denied defendant's motion to suppress the drugs discovered. The trial court in Neth determined that there was sufficient probable cause to support the warrant, even though the trial court found the dog sniff should have been excluded from the probable cause determination because the affidavit did not contain enough information to establish the dog's reliability. The issue before the court in Neth was whether the trial court correctly ruled that there was probable cause to issue the warrant even without the dog sniff. The Washington Supreme Court held that the facts did not create probable cause to search defendant's car and the evidence obtained pursuant to the warrant should have been suppressed. Although the Neth court pointed to the facts being unusual, but consistent with legal activity, the court stated: "[...] absent some other evidence of illicit activity, the mere possession of a few empty, unused plastic baggies in a coat pocket does not constitute probable cause to search an automobile, even when combined with nervousness, inconsistent statements, and a large sum of money in the car." *Id.*, at 184.

The main issue in Neth was whether there were enough facts surrounding the speeding ticket stop to create probable cause to search Neth's car, without the aid of the dog sniff. This case would be analogous if Mr. Smith had simply browsed the internet on his work computer, but that is not the case. Mr. Smith's search entries are indicative of Mr. Smith's plan and thought process around the time of Susann Smith's murder and are strongly corroborative of a larger plan to possibly flee the country with his children after murdering Susann Smith. In this case, Mr.

Smith was not merely the subject of a traffic stop where his car was subsequently searched; the facts surrounding Mr. Smith's involvement here create probable cause to search because of his statements to co-workers, his ex-girlfriend, his whereabouts around the time of the crime, his internet searches on his work computer, and the facts of the homicide itself which suggest that it was a targeted and planned out murder which occurred while the victim was in bed and that her injuries were specifically directed at her face suggesting that the attack was personal and with the sole intent of killing Suzann Smith.

Although defense claims that Mr. Smith's internet searches of travel website are not illegal, the internet searches are highly indicative of Mr. Smith's plan at or around the time of Susann Smith's death. Mr. Smith searched for flight information for 1 adult and 2 children (the same age as his own children) on February 12, 2013 at 0849 hours. On February 12, 2013 at 1500 hours, police notified Mr. Smith of Susann Smith's death and that CPS had taken custody of their two children. On February 13, 2013 at 0606 hours, Mr. Smith returned to the same website, but this time he changed the search criteria to 1 adult.

In *State v. Kalakosky*, 121 Wn.2d 525 (1993), the Washington Supreme Court held that, even disregarding the statement regarding defendant's criminal history, the warrant was supported by probable cause. The court noted that "an affidavit need not establish proof of criminal activity, but merely probable cause to believe it may have occurred." *Id.*, at 531. In *Kalakosky*, the affidavit explained that a police officer had observed Kalakosky in a vehicle which matched the description of one of the vehicles described by one of the rape victims. Some of the victims had told police they were assaulted on a sleeping bag and the officer saw sleeping bags on the floor of Kalakosky's vehicle. When the officer questioned Kalakosky, he said he was having car trouble and had walked to his sister's home. However, the officer noted the vehicle started without trouble and the police later learned the suspect did not have a sister. The court ruled that there was ample information in the affidavit from which the judge could reasonably conclude that Kalakosky probably was involved in criminal activity.

As in *Kalakosky*, the facts outlined in the affidavit in this case are consistent with a suspect that may not be engaging in per se criminal activity, but whose actions are strongly indicative of a plan to commit or cover up the crime in question. As defense counsel points out, it is not unusual for divorces to be acrimonious; it is unusual when (1) a person going through a divorce asks another individual how to "make someone disappear without anyone knowing," (2) logs search terms regarding working in a foreign country and travel to a foreign country with 1 adult and 2 children the same age as his own, and (3) change the search term to 1 adult after CPS took custody of the children and he received notification from law enforcement of Susann Smith's death.

Although Mr. Smith's internet searches of travel websites are not illegal, the law does not require per se illegal activity to support a probable cause to search for evidence that supports the commission of the crime at issue. The police noted Mr. Smith's sudden change in the search terms regarding a trip to Venezuela. On February 12, 2013, Mr. Smith searched for a trip for 1 adult and 2 children, ages 6 and 3. After being notified of Susann Smith's death and CPS taking custody of the children, Mr. Smith changed the search terms to simply look for a trip for 1 adult. Even if taking a vacation is not illegal, the sudden change in search terms is more than sufficient

to establish probable cause to believe criminal activity may have occurred. This analysis must also include the myriad of other information that law enforcement had before them which was included into the warrant.

The affidavit established probable cause to believe criminal activity may have occurred. The police are not required to prove the crime before the search; however, the police are required to provide a search warrant that provides sufficient facts for a reasonable person to conclude there is a probability the defendant is involved in the criminal activity. The affidavit here satisfies that requirement and the warrant must stand, along with any evidence seized.

2) The warrant establishes that evidence is likely to be located at the search locations.

Probable cause has two necessary aspects. *State v. Goble*, 88 Wn.App. 503, 509 (1997) (citing *State v. Grannis*, 84 Wn.App. 546, 552 (1997)). One is whether a reasonable person, given the evidence presented, would believe that the item sought is contraband or other evidence of a crime. If the answer is yes, the police have a valid reason to seize the item sought. The second is whether a reasonable person, given the evidence presented, would believe that the item sought is likely to be found at the place to be searched. If the answer is yes, the police have a valid reason to search that place. *Id.*, at 509. Thus, probable cause requires a nexus between criminal activity and the item to be seized, and also a nexus between the item to be seized and the place to be searched. *Id.*, (citing *Wayne R. LaFave, Search and Seizure* § 3.7(d) at 372 (3d ed. 1996)). The search warrants are to be tested and interpreted in a common sense, practical manner, rather than in a hyper technical sense. *State v. Stenson*, 132 Wn.2d at 691-92 (1997).

The defense claims that the search warrant affidavit spells out a broad list of items to be seized if located and it fails to state any reason to believe that any of those items would be located at Alan Smith's residence or in his vehicle. However the police clearly spell out the reason for each group of items requested on page 19 of the February 21, 2013 Affidavit for Search Warrant. Furthermore, it is not beyond a lay person's knowledge to believe that an individual's personal electronic devices, hammers, recreational sports equipment, journals, and legal documents would be located at an individual's residence or automobile. As outlined above, the court is to test search warrants and interpret them in a common sense, practical manner, rather than in a hyper technical sense; requiring police to state, with extreme detail, why a suspect's personal items, such as clothing and personal documents, are likely to be located at his home or automobile exceed the bounds of common sense and practicality and venture into hyper technicality. Although defense points to the initial search of Mr. Smith's home and vehicle as "multiple officers with specific knowledge of the homicide" that searched both places, the search was still cursory at best. The first search, to which Mr. Smith consented, took place at 1900 hours on February 12, 2013, hours after the police discovered the body of Susann Smith. Although Mr. Smith consented to a search of his home and vehicle, it is reasonable to believe that the officers were simply looking for items that would connect Mr. Smith to Susann Smith, as was the case in *State v. Clark*, 143 Wn.2d 731 (2001) (holding that it was not a material omission that the officer did not mention a previous cursory search by a single officer in the search warrant affidavit). Even if the search in this case is deemed to not be cursory, there is still a sufficient nexus between criminal activity and the item to be seized, and also a nexus between the item to be seized and the place to be searched.

Defense relies on *State v. Thein*, 138 Wn.2d 133 (1999). *Thein* dealt with a situation where there was probable cause to believe the defendant was a drug dealer, but no independent evidence linking the defendant's drug dealing activities to the home. However, the holding in *Thein* states that officer's general statements regarding the common habits of drug dealers were not alone sufficient to establish probable cause. In *Thein*, the police overlooked the fact that Thein owned at least one more house, was not the only dealer supplying Laurence McKone (the buyer), and that Thein's relative also supplied drugs to McKone. *Id.*, at 151. Conversely in our case, the police clearly state that they observed the Garmin GPS in the initial search of the vehicle on February 12, 2013 and outline the reasons for searching and seizing the cellular devices; Furthermore, they state that the GPS and cellular devices are directly connected to proving Mr. Smith's alibi and his location before, during, and after the murder.

In *State v. Jackson*, 150 Wn.2d 251 (2003), the Washington Supreme Court held that the affidavit set forth sufficient facts and circumstances for a reasonable person to infer that the defendant was probably involved in a crime and that installation of the GPS devices would lead to evidence of that crime.

The *Jackson* court specifically mentioned the holding in *Thein*, noting that the affidavit in *Jackson* established the necessary probable cause and was not overly broad, nor did it make generalizations, as was the case in *Thein*. *Id.*, at 267. In *Jackson*, the first affidavit was for a search of Jackson's vehicle and the second was for a GPS device to be attached to Jackson's car for 10 days. The second affidavit was at issue because it contained language similar to that used in *Thein*. *Id.* Although the court did not find the trial court's reasoning persuasive in its attempt to distinguish *Thein*, the court concluded that the affidavits set forth sufficient facts and circumstances for a reasonable person to infer that Jackson was probably involved in a crime and that installation of the GPS devices would lead to evidence of that crime; thus, the court reached a different conclusion than that reached in *Thein*. *Id.*, at 266. More specifically that "Jackson might use a vehicle to travel to provide for [victim's] needs since it was reasonable to infer that she might still be alive. And, assuming she was dead, it was reasonable to infer that Jackson would use a vehicle to drive to her location to thoroughly hide the body and dispose of evidence, given the limited time that would have been available to Jackson the morning [victim] disappeared." *Id.* The affidavit in support of issuance of the initial warrant for the GPS devices contained the following: (1) bloodstains were found on victim's pillow and sheets. (2) More than one red pubic hair was found in her sheets, and both she and Jackson have red hair. Her family physician had advised the detective that victim had not reached puberty and to his knowledge did not have pubic hair. The affidavit said this suggested the possibility the father was donor of the hair and the possibility of some kind of sexual misconduct or assault. (3) Victim had been taught by her grandmother to scream if threatened, but no screams were heard. (4) Her backpack was found on the front porch of the residence. (5) The house and neighborhood had been thoroughly searched. No one else saw the child between 4:30 A.M. and 8:30 A.M., and there was some evidence she had been missing only a half hour. (6) Mr. Jackson was the only person at the home and he had access to two vehicles. The affidavit in support of the additional warrant, seeking an extension of 10 days of surveillance using the GPS devices, was an addendum. *Id.*, at 265. Similarly, in this case, the affidavit in support of issuance of the warrant contains the following: (1) the Smiths were going through an acrimonious divorce and custody battle, during which Alan Smith was described as confrontational and asked his girlfriend, at the

time, how someone could make somebody disappear without anyone knowing; (2) Mr. Smith appeared to be obsessed with the divorce, discussing his hatred and hostility constantly with his co-workers; (3) Mr. Smith indicated a fear that Susann Smith would attempt to take the two children back to her native Germany and Mr. Smith indicated he would do whatever necessary to keep this move from occurring; (4) at 0849 hours on February 12th, 2013 Mr. Smith performed a search on Kayak.com (a travel site) for a flight from Seattle to Venezuela with 1 adult and 2 children ages 6 and 3, after receiving a death notification from police and his children being placed into CPS custody, Mr. Smith performed a search at 0606 hours for a flight from Seattle to Venezuela with only 1 adult listed.

The affidavit establishes a nexus between the item to be seized and the place to be searched; it establishes probable cause and any evidence seized as a result must not be suppressed.

3) The search warrant was not constitutionally overbroad.

In addition to a finding that the warrant is supported by probable cause, the warrant is also constitutional on its face and should stand, along with any evidence seized.

The Fourth Amendment provides that “no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” *State v. Stenson*, 132 Wn.2d 668, 691 (1997) (citing U.S. Const. amend. IV). The rationale behind the search warrant particularity requirement is to prevent the issuance of a “general warrant” which would authorize an unlimited search for and seizure of any evidence of any crime. *Id.*, at 691. A determination of whether a warrant meets the particularity requirement of the Fourth Amendment is reviewed *de novo*. *Id.*

To comply with the Fourth Amendment particularity clause, a search warrant must be sufficiently definite so that the officer executing the warrant can identify the property sought with reasonable certainty. *Id.*, at 692. The degree of specificity required varies according to the circumstances and the type of items involved. A description is valid if it is as specific as the circumstances and the nature of the activity, or crime, under investigation permits. *Id.* The fact that a warrant lists generic classifications, such as business records or certain kinds of documents, does not result in a per se impermissibly broad warrant. *Id.* Generally, a search warrant for documents is given closer scrutiny than one for physical objects because of the potential for intrusion into personal privacy. *Id.* However, where the precise identity of items sought cannot be determined when the warrant is issued, a generic or general description of items will be sufficient if probably cause is shown and a more specific description is impossible. *Id.* “To comply with the Fourth Amendment particularity clause, a search warrant must be sufficiently definite so that the officer executing the warrant can identify the property sought with reasonable certainty. The degree of specificity required varies according to the circumstances and the type of items involved. A description is valid if it is as specific as the circumstances and the nature of the activity, or crime, under investigation permits. The fact that a warrant lists generic classifications, such as business records or certain kinds of documents, does not result in a per se impermissibly broad warrant.” *Id.*

In this case, the warrant is not lacking in particularity and pointed officers to what was to be searched and seized from Mr. Smith's possession. Defense points out that the particularity requirement serves the dual function of limiting the executing officer's discretion and informing the person subject to the search what items may be seized. *State v. Higgs* 177 Wn. App. 425 (2013). However, defense omits the portion of Stenson that is quoted in the following paragraph in the Higgs opinion. In that paragraph, the court notes that the required degree of specificity "varies according to the circumstances and the type of items involved." *Id.*, at 426. The warrant authorized searching "any journals, diaries or notes" containing information related to Mr. Smith's "past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce." The warrant also pointed officers to search and seize "legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees." The warrant points specifically to documents without using overly broad or general language that pertain to the ongoing legal strife that Mr. Smith was engaged in regarding the divorce/separation, billing relating to that issue, child custody paperwork, and any divorce decrees. The warrant states that co-workers, an ex-girlfriend, and Susann Smith's divorce attorney were privy to Mr. Smith's statements regarding the divorce/separation and how it made him feel towards Susann Smith.

The warrant is in compliance with the standard articulated in Stenson; the officers were not sent on an exploratory rummaging, they were sent to Mr. Smith's home with court orders to search and seize specified documents and items that directly linked Mr. Smith to the death of Susann Smith.

4) The search did not exceed the scope of the warrant.

Although the police seized and made note of financial information not described in the warrant and not constituting contraband or instrumentalities of crime while executing this warrant; the officers seized the evidence because it aided in a particular apprehension or conviction, and had a sufficient nexus with the crime under investigation.

"Where officers executing a warrant find evidence not described in the warrant and not constituting contraband or instrumentalities of crime, the officers may seize the evidence if it will aid in a particular apprehension or conviction, or has a sufficient nexus with the crime under investigation." *State v. Stenson*, 132 Wn.2d 668, 697 (1997). In *Stenson*, the officers searching the Stenson records found documents tending to show prior insurance fraud on the part of Mr. Stenson, and life insurance policies on Mrs. Stenson's life, they reasonably could believe these documents might relate to a motive for the shooting death of Mrs. Stenson. *Id.*, at 698.

Similarly, in this case, the police could reasonably believe the bank account information might relate to motive, alibi, and the commission of the murder of Susann Smith. Defense argues that under *Higgs*, evidence found in plain view during the service of a warrant may be seized and that the long-standing rule is limited to items immediately recognized as incriminating evidence. *Higgs, supra*, at 433. Defense also points out that "financial records are easily recognized as such and are not illegal in and of themselves, nor were they immediately apparent as being incriminating." However using *Stenson*, to which *Higgs* cites, the appropriate standard is not

whether the documents are *per se* illegal; the appropriate test is whether the officers executing the warrant could reasonably believe the documents might relate to a motive or link the suspect to the crime. *Stenson, supra*, at 698. As a result, the financial information obtained as a result of the execution of this warrant must stand.

Additionally, defense relies on *State v. Nordlund*, 113 Wn.App. 171 (2002) to argue that the data obtained and forensic examination of the computers and Samsung T-Mobile cell phone seized during the search was unauthorized by the court. Defense points out that the warrant was “specific to seizing devices which might contain information but it did not authorize the seizure of electronic data from those devices.”

In *Nordlund* the court held that the warrant for the computer lacked a nexus between the computer and the possible evidence of the crimes under investigation. Conversely, in this case, police were aware of Mr. Smith’s search history on his work computer at Boeing; therefore, given his search history on his work computer, it is reasonable to infer that Mr. Smith would engage in similar searches on his personal computer that may provide information as to Mr. Smith’s whereabouts and planned activities during the days leading up to Susann Smith’s murder and how he may have attempted to cover up the crime subsequently.

Furthermore, what defense omits in its argument is that the warrant states “... [T]hese items, along with other similar items which might be located, may provide information as to Alan Smith’s whereabouts and planned activities during the days leading up to Susann Smith’s murder and the whereabouts and plans of Alan Smith immediately following the murder.” Looking at the warrant in a light favoring commonsense over hyper technicality, it would stand to reason that the warrant authorized the search and seizure of the electronic devices and the data on the devices. Without the data, the police would have no way of tracking Alan Smith’s whereabouts, planned activities, commission of the crime, or his attempts to cover up the murder of Susann Smith.

B) The February 27, 2013 search warrant (2013-0070) signed by Judge E. Fair which authorized the search of Alan Smith’s computers, cell phones, work area, GPS unit, and several flash drives;

The warrant authorized the police to search:

1. A Dell Latitude laptop computer;
2. A Blackberry Curve;
3. An Apple iPad laptop computer;
4. A Dell laptop computer;
5. A Samsung T-Mobile cellular phone;
6. Alan Smith’s work area at Boeing;

7. 4 USB flash drives;
8. A Garmin Nuvi GPS unit from Alan Smith's Mercedes.

The warrant authorized the seizure of: trace evidence of any kind, footwear and socks for comparison purposes, bloody clothing, etc; as well as: any items capable of inflicting blunt force trauma or producing medium velocity blood spatter, any sharp instruments capable of inflicting sharp force trauma; electronic devices; written documents including journals, notes, etc., as well as legal documents, correspondence and billing related to divorce decrees, child custody or divorce/separation proceedings. It further authorized seizure of all computers, all electronic information within the two cell phones, any information from the cell phones held by the companies providing the cell phone service, including cell phone site tower usage between January 1, 2013 and February 22, 2013, and all electronic information inside the GPS.

Issues:

- 1) **The warrant establishes probable cause that Alan Smith committed the crime of Murder 1.**

Please see Section A) 1 of the State's response brief as the legal argument in favor of establishing probable cause in the search warrant #2013-0070 is the same as previously stated as it incorporates by reference the 20 page probable cause affidavit that is set forth in search warrant # 2013-49.

The affidavit in support of search warrant #2013-70 includes additional information with regards to the Garmin Nuvi GPS unit located inside Alan Smith's SUV during the voluntary search of his vehicle. Investigators document in the search warrant affidavit their belief that forensically examining the Garmin GPS device will help them to determine Alan Smith's location and travel patterns before and after the murder. The affidavit describes the technology that the Garmin uses to transmit and store information relating to latitude, longitude, time and sometimes altitude at which the antenna projects to satellites. Investigators describe how based on their training and experience this could assist in revealing where and when a vehicle travelled.

Defense argues that blood traces located nine days after the initial interview with Mr. Smith on February 12, 2013 does not necessarily relate to the homicide, given the "lack of any information that the blood was Susann Smith's." However the warrant permits officers to gather trace evidence of any kind. Additionally, a warrant for trace evidence is valid when it would be impossible to know what type of trace evidence could be present beforehand. *State v. Clark*, 143 Wn.2d 731, 754 (2001). Given Mr. Smith's prior relationship with the victim, it would be impossible to know what type of trace evidence could be present beforehand.

The affidavit established probable cause to believe criminal activity may have occurred. The police are not required to prove the crime before the search; however, the police are required to provide a search warrant that provides sufficient facts for a reasonable person to conclude there is a probability the defendant is involved in the criminal activity. The affidavit here satisfies that requirement and the warrant must stand, along with any evidence seized.

2) The warrant establishes that evidence is likely to be located at the search location.

The affidavit establishes a nexus between the item to be seized and the place to be searched; it establishes probable cause and any evidence seized as a result must not be suppressed.

Work Space

This warrant authorized the search of Mr. Smith's work space at Boeing for the same items that were specified in the warrant to search Mr. Smith's home and vehicle. The affidavit indicates that the Defendant's work computers are located at his work space, additionally; given the rule laid out in *State v. Stenson*, 132 Wn.2d 668 (1997), the degree of specificity required should be analyzed given the circumstance. *Id.*, at 692. Defense claims that the affiant states his personal belief "that evidence of these types will be found at Mr. Smith's workplace, but gives no reason, other than that Mr. Smith showed up for work on February 11 and 12, 2013." Defense also notes that there can be "no reasonable basis to believe that Mr. Smith went directly from the crime scene to his workplace." However, it is not necessary to prove, or even allege, that Mr. Smith went directly from the scene of the crime to his office space for there to be probable cause to search the workplace. The requisite nexus between Mr. Smith, the workspace, and the murder of Susann Smith is satisfied through Mr. Smith's several internet searches at his work place leading up to the murder and his searches upon being notified of her death; thus, it is not a requirement that Mr. Smith went to his workplace immediately before or after the crime.

Phones, Computers, and USB drives

Although the affidavit establishes reason to believe that technicians can obtain information from these devices, it is not what is being offered by the officers in support of the nexus required for probable cause. The nexus required for probable cause is satisfied through the last incoming text message on Susann Smith's cell phone, which was from Mr. Smith.

Victim Susann Smith's recovered cell phone was searched and examined by King County Major Crimes Unit/Digital Forensics Detective Pavlovich on February 19, 2013. Detective Pavlovich reported that the last incoming text message on Susann Smith's cell phone was from Mr. Smith on February 12, 2013, which read, "Hi Susi." Detective Pavlovich states on no other occasion in her cell phone text message history, does Mr. Smith refer to Susann Smith as 'Susi.' Mr. Smith specifically addresses her as Susann on previous text messages, the last text message, other than February 12, is from January 27, 2013. Furthermore, defense offers no case law to substantiate the argument that the warrant fails because it does not limit the data sought. Older messages are relevant to this case because of the ongoing acidic relationship between Mr. Smith and the victim, before and at the time of the murder of Susann Smith.

Although the warrant may not mention what specific document was being searched for on the USB drives, the warrant states the rationale that supports including it in the warrant. In this day and age of technological sophistication, many individuals store their digital information in a variety of ways; thus, the evidence being searched for on Mr. Smith's computers will likely be augmented by a search of his USB flash drives. It is not necessary for the officers to state

what specific file they are looking for on the USB flash drives; the required nexus is satisfied through Mr. Smith's use of his work computers for searches outlined above.

Defense cites *Thein*, explaining that "general, exploratory searches are unreasonable, unauthorized, and invalid." *Thein, supra*, at 149. Defense also notes that the affidavit failed to establish probable cause that evidence could be found in the locations to be searched. However defense omits the statement in the police report that inside Mr. Smith's backpack, which he grabbed from his office right before his initial interview with police, were three USB flash drives and the fourth drive was located on his key ring. It is not merely exploratory to suppose that Mr. Smith logged search information or pertinent information to the case on the USB drives, nor is it speculative to believe that Mr. Smith may keep relevant financial information on the USB drives that would lead police to connect Mr. Smith to the murder of Susann Smith.

3) The search warrant was not unconstitutionally overbroad.

In addition to a finding that the warrant is supported by probable cause, the warrant is also constitutional on its face and should stand, along with any evidence seized.

The Fourth Amendment provides that "no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." *State v. Stenson*, 132 Wn.2d 668, 691 (1997) (citing U.S. Const. amend. IV). The rationale behind the search warrant particularity requirement is to prevent the issuance of a "general warrant" which would authorize an unlimited search for and seizure of any evidence of any crime. *Id.*, at 691. A determination of whether a warrant meets the particularity requirement of the Fourth Amendment is reviewed *de novo*. *Id.*

To comply with the Fourth Amendment particularity clause, a search warrant must be sufficiently definite so that the officer executing the warrant can identify the property sought with reasonable certainty. *Id.*, at 692. The degree of specificity required varies according to the circumstances and the type of items involved. A description is valid if it is as specific as the circumstances and the nature of the activity, or crime, under investigation permits. *Id.* The fact that a warrant lists generic classifications, such as business records or certain kinds of documents, does not result in a per se impermissibly broad warrant. *Id.* Generally, a search warrant for documents is given closer scrutiny than one for physical objects because of the potential for intrusion into personal privacy. *Id.* However, where the precise identity of items sought cannot be determined when the warrant is issued, a generic or general description of items will be sufficient if probable cause is shown and a more specific description is impossible. *Id.*

Although years' worth of information can be stored on computers, phones, and computer flash drives; in this case, the warrant is not overly broad and pointed the officers to what, specifically, was to be searched and seized. Defense cites to *State v. Perrone*, 119 Wn.2d 538 (1992); stating that "the warrant must enable the searcher to reasonably ascertain and identify the things which are authorized to be seized." *Id.*, at 549. However, the standard set in *Perrone* was further explained in *Stenson*, where the court determined that the required degree of specificity "varies according to the circumstances and the type of items involved." *Stenson, supra*, at 692. Similarly, in *Higgs*, the court states that a warrant can be overbroad if "either because it fails to

describe with particularity items for which probable cause exists, or because it describes, particularly or otherwise, items for which probable cause does not exist." *Higgs, supra*, at 426.

As Stenson clearly states; "to comply with the Fourth Amendment particularity clause, a search warrant must be sufficiently definite so that the officer executing the warrant can identify the property sought with reasonable certainty. The degree of specificity required varies according to the circumstances and the type of items involved. A description is valid if it is as specific as the circumstances and the nature of the activity, or crime, under investigation permits. The fact that a warrant lists generic classifications, such as business records or certain kinds of documents, does not result in a per se impermissibly broad warrant." *Stenson, supra*, at 692. The warrant is in compliance with the standard articulated in Stenson; the officers were not sent on an unconstitutionally overbroad exploratory rummaging, they were sent to Mr. Smith's work place with court orders to search and seize specified items that directly linked Mr. Smith to the murder of Susann Smith.

C) The March 12, 2013 search warrant (#2013-0071)signed by Judge E. Fair which authorized the search of Alan Smith's financial accounts.

The warrant authorized the police to search:

1. BECU checking account #35889966504;
2. Bank of America account #4313 070503490 8774
3. US Bank account #4355 7785 6680 5168
4. Discover Financial Services account #6011 2089 3976 1170

The warrant authorized the seizure of savings account records, checking account records, credit card records from March 7 2012 through March 7, 2013.

Issues:

1) The warrant was not based on illegally obtained evidence.

In arguing that search warrant #2013-0071 was based on illegally obtained evidence, defense counsel cites *State v. Gaines* to support the proposition that "[i]llegally obtained information cannot be the basis for establishing probable cause to issue a search warrant, absent an independent lawful source of for the information." However, the facts of *Gaines* are notably different from the instant case. In *Gaines*, a police officer noticed a rifle and ammunition in the defendant's locked trunk after the officer "glanced" into the trunk without a valid search warrant. The weapon and ammunition were later seized under a search warrant that the court ultimately held was valid due to the independent source exception. *State v. Gaines*, 154 Wn.2d 711, 717-19, 116 P.3d 993, 996 (2005).

In the present case, Mr. Smith's financial statements, that the defense claims were "illegally obtained," were in fact seized during the execution of a court authorized search

warrant. As such, the seizure of the financial statements falls not under *Gaines*, but under the rule laid out in *State v. Stenson*, in which the court held that “[w]here officers executing a warrant find evidence not described in the warrant and not constituting contraband or instrumentalities of crime, the officers may seize the evidence if it will aid in a particular apprehension or conviction, or has a sufficient nexus with the crime under investigation. *State v. Stenson*, 132 Wn.2d 668, 695, 940 P.2d 1239, 1254 (1997) (citing *State v. Terrovona*, 105 Wn.2d 632, 648, 716 P.2d 295 (1986); *State v. Turner*, 18 Wn.App. 727, 729, 571 P.2d 955 (1977)). Detective Chissus mentions in his affidavit for warrant #2013-0071 that police already had evidence from October 2012 that Mr. Smith used his Bank of America VISA card to purchase items in that were potentially linked to Susan Smith's death by forensic evidence. Considering that fact, it is entirely reasonable that other financial information documents be seized according to *Stenson* during the valid execution of a warrant. The evidence obtained under search warrant # 2013-0071 should not be suppressed.

2) The warrant establishes probable cause that Alan Smith committed the crime of Murder 1.

Please see Section A) 1 of the State's response brief as the legal argument in favor of establishing probable cause in the search warrant #2013-0071 is the same as previously stated as it incorporates by reference the 20 page probable cause affidavit that is set forth in search warrant # 2013-49.

In addition to the facts incorporated in search warrant # 2013-49 the court also had before it a 5 page affidavit authored by Detective Chissus of the Bothell Police Department which set forth additional facts to include: 1) That through previously authorized searches Detectives learned that Alan Smith had used his Bank of America VISA card to purchase a sheet of plywood, two different sets of disposable coveralls, one box of disposable shoe covers and a rubber mallet at home depot on October 27, 2012; 2) searches of Alan Smith's residence, his place of work and his two known vehicles recovered only a sheet of MDF plywood that appeared to match the plywood from the receipt; 3) on February 12, 2013 Alan Smith used cash to purchase two more sets of disposable coveralls and a roll of masking tape at Home Depot and later that same day officers located coveralls and a new roll of masking tape in Smith's vehicle; 4) on February 22, 2013 Detectives located two sets of coveralls and a new roll of masking tape during service of a warrant at Alan Smith's home; 5) During consent to search of Alan Smith's vehicle on 2/12/2013 officers located an unopened pair of latex gloves still in their packaging with purchase origins unknown; 6) investigators located a mallet similar to one purchased by Alan Smith on 10/27/2013 to the Medical Examiner who advised that it is conceivable the blunt force injuries on Susann Smith could have been caused by that type of rubber mallet; 7) Sgt Dan Christman was able to replicate a fabric pattern mark that was found in blood on the bath tub that held Susann Smith's body using the same type of coveralls which were purchased by Alan Smith on both October 27, 2012 and on February 12, 2013.

3) and 4) The warrant establishes that any evidence is likely to be located at the search location, and the search warrant was not unconstitutionally overbroad.

The defense argues that under *State v. Thein*, 138 Wn.2d 133, 977 P.2d 582 (1999), Det. Chissus' affidavit is too "generalized" to sufficiently establish the probable cause needed to issue a search warrant for Mr. Smith's financial accounts. In particular, the defense narrowly refers to a portion of Detective Chissus' affidavit where he made statements about his experience regarding the financial behaviors of homicide suspects. When read out of context, these statements may indeed be too generic to form the basis for probable cause that evidence was likely to be located in Mr. Smith's financial accounts. However, the defense fails to note that it has redacted key portions of the affidavit in an effort to paraphrase the document. In *Thein*, the court held that "[p]robable cause exists if the affidavit in support of the warrant sets forth facts and circumstances sufficient to establish a reasonable inference that the defendant is probably involved in criminal activity and that evidence of the crime can be found at the place to be searched. *State v. Thein*, 138 Wn.2d 133, 140, 977 P.2d 582, 585 (1999). When Det. Chissus' statements about his experience with homicide suspects are read in conjunction with the additional facts and evidence he provided in the affidavit, a reasonable inference exists that Mr. Smith was probably involved in criminal activity and that corroborating evidence could be found by searching his financial accounts.

In the affidavit, prior to any discussion about his experience with the spending patterns of homicide suspects, Det. Chissus specifically mentioned that on October 27th, 2012, Alan Smith "used his Bank of America VISA Signature card to purchase a sheet of plywood, two different sets of disposable coveralls, one box of disposable shoe covers, and a rubber mallet at Home Depot." Det. Chissus' affidavit then states that by using the SKU (Stock Keeping Unit) # to identify one of the types of coveralls that Mr. Smith purchased with his bank card, detectives were later able to use a pair of identical coveralls to create a forensically similar fabric pattern to the one found in blood pools on the bathtub that held Susan Smith's body. Additionally, Det. Chissus also mentioned in his affidavit that a medical examiner advised the detectives it was conceivable that a rubber mallet, such as the one Alan Smith purchased with his bank card, could be used to inflict the blunt force trauma that killed Susan Smith. The defense states in its own brief that "[a]bsent specific information that Mr. Smith...was purchasing items a year before the crime with traceable account funds, there is nothing to justify this type of fishing expedition through a person's financial records." The specific facts from Det. Chissus outlined above show that Mr. Smith was purchasing items that reasonably could be related to his wife's death with "traceable funds" at least as far back as October 2012.

Additionally, in contradiction to the defense's claim that detectives sought to engage in a "fishing expedition" due to a lack of evidence, Det. Chissus' affidavit specifically requested permission to only search bank account records from September 12, 2012 through March 12, 2013. The fact that the warrant was issued for any records from the time period between March 2012 and March 2013 is a harmless error, as the only relevant evidence found by police officers in the financial records was the purchase of a bicycle on November 24th, 2012.

If indeed the court does determine that the dates listed by the warrant are overly broad, the Washington State Supreme Court held in *Perrone* that "[u]nder the severability doctrine, 'infirmity of part of a warrant requires the suppression of evidence seized pursuant to that part of the warrant' but does not require suppression of anything seized pursuant to valid parts of the warrant." *State v. Perrone, supra*, at 538, 556 (1992) (citing *United States v. Fitzgerald*, 724

F.2d 633, 637 (8th Cir.1983)). Noting that a person must still be able to read warrants in a common sense fashion, the court also held that “there must be some logical and reasonable basis for the division of the warrant into parts which may be examined for severability.” *Id.*, at 538, 560. In the instant case, the warrant specifically orders the seizure of any and all accounts “[f]rom March 7th, 2012 through March 7th, 2013.” Applying a common sense reading to this language, it should come as no surprise that the format used by the warrant of “date A through date B” is common shorthand employed by the author to avoid the trouble of specifically listing 12 individual months, and their corresponding financial statements, as items to be seized. As such, the warrant can logically and reasonably be severed into 12 one-month statement periods. If there is any infirmity to be found in the warrant for Mr. Smith’s financial records, the statements corresponding to Sept. 2012, Oct. 2012, Nov. 2012, Dec. 2012, Jan. 2013, Feb. 2013, and March 2013 are all supported by probable cause in Det. Chissus’ affidavit and should not be suppressed under the severability doctrine.

D) The March 12, 2013 search warrant (#2013-0072) signed by Judge Ellen Fair which authorized the search of a Samsung cell phone belonging to Alan Smith:

Issues:

- 1) and 2) The warrant establishes probable cause that Alan Smith committed the crime of Murder 1 and the warrant establishes that evidence is likely to be located at the search location.**

Please see Section A) 1 of the State’s response brief as the legal argument in favor of establishing probable cause in the search warrant #2013-0072 is the same as previously stated as it incorporates by reference the 20 page probable cause affidavit that is set forth in search warrant # 2013-49. This search warrant was a supplement to warrant #2013-71 to correct an error as to the details of the Samsung Cellular phone which was not listed on the warrant and affidavit which was previously authorized by the court. Additional details provided in this addendum in addition to the information incorporated from #2013-71 and #2013-49 were the specific information about the phone number and identifying information relating to the phone. As this is an addendum to #2013-71 please see Section C) 3 and 4 for analysis of nexus and breadth of the warrant.

E) The March 28, 2013 search warrant (#2013-0078) signed by Judge E. Fair which authorized the search of a VISA Signature credit card belonging ot Alan Smith.

Issues:

- 1) The warrant was not based on illegally obtained evidence. The warrant establishes probable cause that Alan Smith committed the crime of Murder 1 and establishes that evidence is likely to be located at the search location.**

Please see Section A) 1 of the State’s response brief as the legal argument in favor of establishing probable cause in the search warrant #2013-0078 is the same as previously stated as it incorporates by reference the 20 page probable cause affidavit that is set forth in search

warrant # 2013-49 as well as in search warrant #2013-0071 for which this addendum was prepared.

In addition to the facts incorporated in search warrant # 2013-49 the court also had before it a 5 page affidavit authored by Detective Chissus of the Bothell Police Department for search warrant #2013-0071 which set forth additional facts to include: 1) That through previously authorized searches Detectives learned that Alan Smith had used his Bank of America VISA card to purchase a sheet of plywood, two different sets of disposable coveralls, one box of disposable shoe covers and a rubber mallet at home depot on October 27, 2012; 2) searches of Alan Smith's residence, his place of work and his two known vehicles recovered only a sheet of MDF plywood that appeared to match the plywood from the receipt; 3) on February 12, 2013 Alan Smith used cash to purchase two more sets of disposable coveralls and a roll of masking tape at Home Depot and later that same day officers located coveralls and a new roll of masking tape in Smith's vehicle; 4) on February 22, 2013 Detectives located two sets of coveralls and a new roll of masking tape during service of a warrant at Alan Smith's home; 5) During consent to search of Alan Smith's vehicle on 2/12/2013 officers located an unopened pair of latex gloves still in their packaging with purchase origins unknown; 6) investigators located a mallet similar to one purchased by Alan Smith on 10/27/2013 to the Medical Examiner who advised that it is conceivable the blunt force injuries on Susann Smith could have been caused by that type of rubber mallet; 7) Sgt Dan Christman was able to replicate a fabric pattern mark that was found in blood on the bath tub that held Susann Smith's body using the same type of coveralls which were purchased by Alan Smith on both October 27, 2012 and on February 12, 2013.

This addendum to #2013-71 gave law enforcement the ability to search records relating to the VISA Signature credit card which was sought under the previous warrant for which they were notified after the warrant had been approved must be requested through a different source. Officers in this case in an abundance of caution executed this addendum to give them authority to make such a request.

F) The April 10, 2013 search warrant (#2013-0089) signed by Judge E. Fair which authorized the search of additional cell phone records from Alan Smith's Samsung cell phone

Even though it is mentioned at the end of Section F in the defense's memo to suppress, it is necessary to start by addressing the initial seizure of Mr. Smith's phone. The defense states the following presumption: "As shown above, the police forensic search of the cell phone itself was unlawful and beyond the scope of the warrant authorizing seizure of the cell phone." However, nowhere else in Section F does the defense address the initial seizure of the cell phone, nor does it ever specify where exactly "As shown above" refers to. In responding, the State will address the issue under the scope of warrant # 2013-49 and warrant # 2013-0070.

Warrant# 2013-49- signed by Judge Goodwin:

Defense relies on *State v. Nordlund*, 113 Wn.App. 171 (2002) to argue that the data obtained and forensic examination of the computers and Samsung T-Mobile cell phone seized

during the search was unauthorized by the court. Defense points out that the warrant was "specific to seizing devices which might contain information but it did not authorize the seizure of electronic data from those devices."

In *Nordlund* the court held that the warrant for the computer lacked a nexus between the computer and the possible evidence of the crimes under investigation. Conversely, in this case, police were aware of Mr. Smith's search history on his work computer at Boeing; therefore, given his search history on his work computer, it is reasonable to infer that Mr. Smith would engage in similar searches on his personal computer that may provide information as to Mr. Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and how he may have attempted to cover up the crime subsequently.

Furthermore, what defense omits in its argument is that the warrant states "... [T]hese items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder." Therefore, looking at the warrant in a light favoring commonsense over hyper technicality, it would stand to reason that the warrant authorized the search and seizure of the electronic devices and the data on the devices. Without the data, the police would have no way of tracking Alan Smith's whereabouts, planned activities, commission of the crime, or his attempts to cover up the murder of Susann Smith.

Warrant # 2013-0070- signed by Judge E. Fair:

Although the affidavit establishes reason to believe that technicians can obtain information from these devices, it is not what is being offered by the officers in support of the nexus required for probable cause. The nexus required for probable cause is satisfied through the last incoming text message on Susann Smith's cell phone, which was from Mr. Smith.

Victim Susann Smith's recovered cell phone was searched and examined by King County Major Crimes Unit/Digital Forensics Detective Pavlovich on February 19, 2013. Detective Pavlovich reported that the last incoming text message on Susann Smith's cell phone was from Mr. Smith on February 12, 2013, which read, "Hi Susi." Detective Pavlovich states on no other occasion in her cell phone text message history, does Mr. Smith refer to Susann Smith as 'Susi.' Mr. Smith specifically addresses her as Susann on previous text messages, the last text message, other than February 12, is from January 27, 2013. Furthermore, defense offers no case law to substantiate the argument that the warrant fails because it does not limit the data sought. Older messages are relevant to this case because of the ongoing acidic relationship between Mr. Smith and the victim, before and at the time of the murder of Susann Smith.

In addressing defense counsel's remaining arguments under this section, the first issue that needs to be resolved is exactly *which* warrant the defense's motion to suppress is referring to in Section F when it talks about the "previous warrant." The defense cites to "the March 12, 2013 warrant, #2013-70," but warrant #2013-0070 and the corresponding affidavit are actually dated February 27th, 2013. The warrant dated March 12th, 2013 is the one numbered 2013-0072. Given that warrant # 2013-0070 refers to the seizure of Mr. Smith's cell phone and phone records, which seems to be the main thrust of the defense's argument in this section, the State

will assume in its response that warrant #2013-0070 is the one to which defense counsel is referring.

The defense argues that any phone records obtained under the authority of warrant # 2013-0089 are “fruit of the poisonous tree” because police used information obtained outside the scope of warrant #2013-070 as the basis for requesting additional phone records under warrant # 2013-0089. However, defense counsel appears to confuse the fact that warrant #2013-0070 authorized both the seizure of Mr. Smith’s Samsung phone, and its contents, *as well as* phone records from the phone companies themselves. Even assuming the validity of the defense’s argument (that date limitations clearly pertaining to data from cell phone towers can be imparted onto phone company records because of how the companies “interpreted” the warrant) the defense’s argument that Det. Chissus used data from outside the date range of January 1st, 2013 through February 22nd, 2013 carries no weight because the data used as the basis for warrant #2013-0089 was obtained directly, and legally, from the cell phone itself. Det. Chissus’ affidavit for warrant #2013-0089 even includes a handwritten note on page 2 clarifying that the forensic electronic reports used to obtain the “Samsung phone data” that the defense complains about were in regard to Mr. Smith’s phone, and not the date restricted records from the phone company.

Given the reason outlined at the beginning of this section, the seizure of Mr. Smith’s phone and all its contents were legally obtained within the scope of warrant #2013-0070; therefore, any information from the phone was not obtained illegally and was a perfectly valid basis for the extended date range requested in warrant # 2013-0089. Accordingly, all evidence seized under warrant # 2013-0089 should not be suppressed.

G) The June 19th, 2013 search warrant (#2013-137) signed by Judge Goodwin which authorized the search of Alan Smith’s apartment, Mercedes and Honda motorcycles.

Issues:

- 1) The police search did not exceed the scope of this warrant and seized items not authorized under the warrant.**

The defense argues that police officers exceeded the scope of search warrant #2013-137 when they seized the birth certificates, passports, immunization records, social security cards, and health records of the defendant’s children, Felix and Noeland Smith. In its motion, the defense claims that the scope of the warrant was limited only to “the seizure of Alan Smith’s passport and travel documents.” To support its position, the defense cites a rule from *State v. Kelley*, which reads as follows: “Pursuant to the Fourth Amendment of the United States Constitution, an officer must execute a search warrant strictly within the bounds set by the warrant. *State v. Kelley*, 52 Wn. App. 581, 585, 762 P.2d 20, 22 (1988) (citing *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 394, 91 S.Ct. 1999, 2004 n. 7, 29 L.Ed.2d 619 (1971)).

However, in applying this rule to the instant case, it is crucial to note that the defense has incorrectly established the bounds of the warrant #2013-137, which actually reads as follows: “YOU ARE COMMANDED to:...2) Seize, if located, the following property, *but not be limited*

to the following: Alan Smith's passport and or travel documents based on his internet searches of countries that do not recognize US extradition and his vehicle tracking from his GPS." Search Warrant #2013-137 (June 19th, 2013) (emphasis added). Under a strict reading of the warrant, and any bounds it imposes, police officers, in fact, did not exceed the scope of the warrant in seizing any travel documentation related to Alan Smith's children.

In other portions of its motion to suppress evidence, the defense raises the issue of warrants being overly broad. Anticipating that it will respond similarly to a corrected reading of warrant #2013-137 under *Kelley*, it bears mentioning that the Washington State Supreme Court has already ruled on the acceptable scope of a warrant under similar circumstances. In *State v. Stenson*, the defendant was convicted of first degree murder and challenged both the particularity of the warrant and whether or not the search was beyond the scope of the warrant. The court held that "[t]he fact that a warrant lists generic classifications, such as business records or certain kinds of documents, does not necessarily result in an impermissibly broad warrant. *State v. Stenson*, 132 Wn.2d 668, 692, 940 P.2d 1239, 1252 (1997) (citing *State v. Riley*, 121 Wn.2d at 28, 846 P.2d 1365). Additionally, the *Stenson* court held that "where the precise identity of items sought cannot be determined when the warrant is issued, a generic or general description of items will be sufficient if probable cause is shown and a more specific description is impossible. *State v. Stenson*, 132 Wn.2d 668, 692, 940 P.2d 1239, 1252 (1997). In the present case, the warrant authorized police to seize Mr. Smith's "travel documents." Police officers reasonably interpreted this language as including any documentation that Mr. Smith, Felix and Noelani Smith's only living parent, would require to travel successfully with his children. The defense's argument precludes the fact that warrant #2013-137 can reasonably be read as including any documents necessary for Mr. Smith to affect his travel plans, and not just those bearing his name.

Furthermore, even if the travel documents pertaining to Felix and Noelani are not considered directly necessary for Mr. Smith's ability to travel, the court in *Stenson* held that "[w]here officers executing a warrant find evidence not described in the warrant and not constituting contraband or instrumentalities of crime, the officers may seize the evidence if it will aid in a particular apprehension or conviction, or has a sufficient nexus with the crime under investigation. *State v. Stenson*, 132 Wn.2d 668, 695, 940 P.2d 1239, 1254 (1997) (citing *State v. Terrovona*, 105 Wn.2d 632, 648, 716 P.2d 295 (1986); *State v. Turner*, 18 Wash.App. 727, 729, 571 P.2d 955 (1977)). Given that search warrant #2013-137 was issued in response to an affidavit highlighting the very real concern that Mr. Alan planned to leave the U.S. during a homicide investigation, the presciently prepared assemblage of documents necessary for Mr. Smith to take his children to a foreign country reasonably falls under the umbrella of *Stenson*.

CONCLUSION

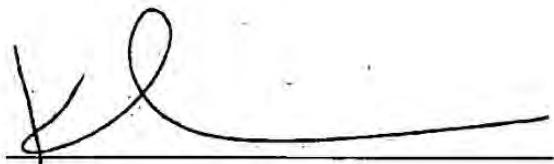
For the above listed reasons the State respectfully requests that the court deny the defense motions to suppress the evidence gathered during the execution of the search warrants associated with this case, as they were authorized and executed with lawful authority and the evidence gathered pursuant to those warrants should not be suppressed.

DATED this 7th day of July, 2014.

Respectfully submitted,

MARK K. ROE

Prosecuting Attorney



KATHERINE.E. WETMORE, #34976

Deputy Prosecuting Attorney

APPENDIX A

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON

) No. SW2013-49

COUNTY OF SNOHOMISH

) ss.

SEARCH WARRANT

FILED

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

FEB 27 2013
SNO. CO. DISTRICT COURT
SOUTH DIVISIONUpon the sworn complaint made before me it appears that there is probable cause to believe that the crime(s) of Murder 1st Degree (RCW 9A.32.30)

has been committed and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

- a. The residence and curtilage to include covered porches and any storage unit associated with unit J304 located at The Canyon Pointe Apartment Complex at 1630 228th ST SE unit #J304 In the City of Bothell, Snohomish County, Washington, 98021. Unit #J304 is in the "J" building of the south west end of the apartment complex off of 15th AVE SE. The building is clearly marked with the letter "J" posted on the front of the building facing the south entrance to the building units and where the parking area is located. All the units are accessed from the outside breezeway. Unit J304 is located on the third floor and on the northwest end of the building. The marker 304 is clearly positioned at eye level on the front door of the unit. The unit is a one level 3 bedroom, 2 bath flat with a fireplace.
- b. 2000 Mercedes ML320 4 door dark blue in color identified by Washington State license ABD4760; described by Vehicle identification Number "VIN" of 4JGAB54E2YA169178. Vehicle registered to Alan J. Smith at 1305 NE Ravenna BLVD #205 Seattle, WA. 98105. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.
- c. 2002 Honda VF750C motorcycle black in color with soft black carry bags, identified by Washington State license 5A0091; described by

Vehicle identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith with an address 216 240th ST SW Bothell, 98021. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.

- d. Inspect, observe, identify, document, seize and photograph any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.
2. Seize, if located, the following property, but not be limited to the following:
Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene. This evidence to include but not limited to: bloody clothing, footwear, socks, disposable coveralls etc.

Authority to dismantle any items identified as to have evidence of the crime contained in them and or on them such as but not limited to car seat, flooring, carpet in the vehicle and or residence, sink drains where clean up may have occurred and other appliances, devices or cleaners.

Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Electronic devices not limited to laptops (work and personal), desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.

Based upon the above information, it is requested that judicial permission be granted to further inspect and photo document any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA 98011.

3. Promptly return this warrant to me or the clerk of this court; the return must include an inventory of all property seized.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

21 Feb 2013
Date



Signature of Judge Approving Warrant

Issuance of warrant approved by Snohomish County DPA Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective M. Stone
Bothell Police Department / #0087

Signature of Peace Officer Authorized to
Judge's Signature to Warrant

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON)
COUNTY OF SNOHOMISH)

No. SW2013-49

AFFIDAVIT FOR SEARCH WARRANT

FILED

FEB 27 2013

SNO. CO. DISTRICT COURT
SOUTH DIVISION

The undersigned on oath states: I believe that:

- (X) Evidence of the crimes of Murder 1st Degree (RCW 9A.32.030)
- (X) Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- (X) Weapons or other things by means of which a crime has been committed or reasonably appears to have been committed, and
- () A person for whose arrest there is probable cause, or who is unlawfully restrained is/are located in, on, or about the following described premises, vehicle or person:
1. The residence and curtilage to include covered porches and any storage unit associated with unit J304 located at The Canyon Pointe Apartment Complex at 1630 228th ST SE unit #J304 in the City of Bothell, Snohomish County, Washington, 98021. Unit #J304 is in the "J" building of the south west end of the apartment complex off of 15th AVE SE. The building is clearly marked with the letter "J" posted on the front of the building facing the south entrance to the building units and where the parking area is located. All the units are accessed from the outside breezeway. Unit J304 is located on the third floor and on the northwest end of the building. The marker 304 is clearly positioned at eye level on the front door of the unit. The unit is a one level 3 bedroom, 2 bath flat with a fireplace.
 2. 2000 Mercedes ML320 4 door dark blue in color Identified by Washington State license ABD4760; described by Vehicle Identification Number "VIN" of 4JGAB54E2YA169178. Vehicle registered to Alan J. Smith at 1305 NE Ravenna BLVD #205 Seattle, WA. 98105. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.

3. 2002 Honda VF750C motorcycle black in color with soft black carry bags, identified by Washington State license 5A0091; described by Vehicle identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith with an address 216 240th ST SW Bothell, 98021. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.
4. Inspect, observe, identify, document, seize and photograph any and all injuries, via Alternate Light Source (ALS) and standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.

This is an additional affidavit and warrant request to the original Snohomish County District Court (Southwest Division) Judge Goodwin approved search warrant affidavit and search warrant No. SW13-36 (supported by addendum No.SW13-41) submitted by Bothell Police Department Detective Sean Ungvarsky on 02/12/2013. In summary, search warrant No.SW13-36 (supported by addendum No.SW13-41) authorized the entry, body recovery, processing and evidence collection at the residence of 216 240th ST SW Bothell in Snohomish County and parked vehicles at the same residence on 2/12/2013. The text of the original affidavit is included below, both as background and as a way of establishing probable cause for the seizure and search requested in this warrant. This search warrant is part of an ongoing criminal investigation in the murder of Susann Smith and additional evidence and circumstances have been developed and included in this warrant.

Your Affiant, Detective Michael Stone #0087, has been a full time commissioned Police Officer employed by the City of Bothell Police Department since July1992, and I am currently assigned to the Criminal Investigations Unit as a Lead General Case Detective for the past 7 years. Prior to July 1992, I was a commissioned Police Officer for the University of Washington Police Department for a period of two years. My training includes but is not limited to successfully graduating from the Washington State Basic Law Enforcement Academy in September 1990 and attending and successfully completing criminal investigation courses such as the following: Basic Homicide; Assault Investigation, Evidence handling and processing; REID interview techniques; Criminal Justice Vocational Training Instructor; Police Field Officer Training; Basic and advanced Special Weapons and Tactics and Police Supervisory School. I further have participated as the lead and primary detective in numerous investigations involving property and violent crimes in the past 22 years. I further hold a Bachelor of Business Administration degree from Central Washington University.

I am familiar with the method of operations of criminal's involved in homicide cases. My past investigation of homicide cases shows relevant training and field experience which led me to establish probable cause for Bothell PD case 13-3354.

The investigation is predicated on the following circumstances, which occurred in Snohomish County, at the location of 216 240th ST SW Bothell, WA. 98021:

On 2/12/13 at about 1030 hours, Bothell Police Department Officers were dispatched to 216 240th St. SW, City of Bothell, County of Snohomish, to check the welfare of Susann Smith. The request had been made by someone who worked with Smith at her place of employment, Z2 Live located in Seattle where Smith is employed as a language translator. The call had been placed by "Kat" from Human Resources. Smith had failed to show up for work for the past two days, Monday and Tuesday, February 11 and 12. Bothell Police Officer Caban was one of the initial officers at the scene. He initially knocked on the door and received no answer. After getting no response Officer Caban checked the exterior of the home. Officer Caban looked into a window of a bedroom located on the southeast corner of the house. Caban was able to see the interior of the room. Inside, Caban observed what appeared to be large amounts of blood on the floor, along with apparent blood smears and blood spatter on the walls and window of the room. In addition, Caban observed that the furnishings in the room appeared askew. Caban also saw an apparent blood trail consistent with a bloody body being dragged. Based on these observations it was apparent that someone had been seriously injured and/or killed inside the room in the recent past. Based on this, officers determined to enter the home to check on the welfare of anyone inside.

Responding officers entered the front door of the residence, which was closed but unlocked, and showed no sign of forced entry. The officers entered and observed areas of the residence which were consistent with living and dining areas. As they started moving to the left side of the house, they noticed suspected bloody footprints in the kitchen and a hallway which ran the length of the left half of the residence. Officers noticed that the amount of suspected blood increased considerably as the hallway stretched to the threshold of the bedroom that Officer Caban had looked into from the rear of the residence. Officers proceeded down the hallway, and looked into a bathroom and noticed a partially clothed subject in the bathtub. Officers advised that the bathtub was almost full, with the subject's head submerged in the water. The subject in the tub was unclothed from the waist down. The bathwater was brownish/red, similar to blood mixed with water. The subject's head was completely submerged in water and there was no movement in the water indicating any signs of life. Based on these observations, the officers determined the subject was deceased. The deceased subject appeared to be a female; however, the subject was positioned in such a way that officers could not confirm the gender of the subject. Officers continued down the hallway and entered the master bedroom and checked to be sure there were no other subjects in the residence. Officers later described they observed suspected blood droplets, suspected blood smears, and possible blood spatter castoff on the floor and walls of this bedroom, this is the same bedroom that Officer Caban earlier

observed from the outside of the residence. In addition, an axe had been located in the southwest corner of the dining room area of the residence.

Bothell Police Sergeant Christman was one of the responding officers to the scene. In addition to working as a Police Sergeant with the Bothell Police Department, Sergeant Christman is Owner of Christman Forensics, a Forensic Consulting and Education Company, specializing in crime scene reconstruction and bloodstain pattern analysis. He has been qualified to testify as an expert witness in Bloodstain Pattern Analysis, Crime Scene Reconstruction, and Death Investigation in State, Federal and Military Courts, as well as the Provincial and Superior Courts in British Columbia, Canada. Sergeant Christman advised that he had observed the same suspected bloodstain patterns as the other officers. Based on his training and experience, Sergeant Christman categorized some of the bloodstain patterns as impact spatters, projected bloodstains, smears, and transfer stains. Sergeant Christman advised that the transfer stains appeared to lead from the master bedroom to the hallway and then into the adjacent bathroom. Based on his training and experience, Sergeant Christman believed the bloodstain patterns he observed to be consistent with medium velocity blood spatter, such as would occur in a beating. Based upon the observations of the officers at the scene, it appeared that all or part of a serious assault had occurred in the master bedroom then ended into the bathroom where the body was found.

When the first search warrant was written for the residence, it was unknown if the deceased subject in the bathtub was Susann Smith, although it was determined through interviews with neighbors and checks with the Snohomish County Property Assessor's Office, that Susann Smith currently lived in the same residence with her two small children. It was further determined Susann Smith was married but currently separated from her husband, Alan J. Smith (07/19/1975). Interviews with neighbors further determined the last known sighting of Susann alive was when she was observed alone by the neighbor Mark Buckley on Sunday night, February 10th, 2013, at around 22:45 hours, in her driveway.

The investigation determined Alan Smith (37) currently lived in the Canyon Pointe Apartments 1630 228th ST SE in Bothell, which is about ten minutes away from Susann Smith's home while traveling by vehicle. The couple has two small children in common and the children were in Alan's care over the weekend before being dropped off by Alan at school and/or daycare the morning of 02/12/2013. Both children were contacted and determined to be safe. They were later placed into CPS protective custody.

Detective Chissus spoke with Oksana Gutnikov and Mark Buckley, who attended the children's 'Carnival' party at Susann Smith's house on Saturday 2/09/2013. The only other adults at this party were Susann and Alan Smith. Alan did not attend the party, but arrived at the end of the party to pick up their children. Both Gutnikov and Buckley advised they never saw Alan leave the living room of Susann's house on this day. However, both left the party while Alan was still inside the residence.

Alan Smith interview

On 02/12/2013, at around 1500 hours, this affiant and Bothell Police Detective Chissus contacted and interviewed Alan Smith at his place of employment at the Boeing Aerospace Company in Everett. Alan agreed to speak to us and did not ask what the contact was about. Alan was very precise in his movements and the manner he spoke. I advised Alan we were investigating a serious crime but that his children were safe. He did not ask what the crime was nor did he ask where his children were. His reaction seemed rehearsed. I further advised Alan that police found a dead body in his wife's house. He said nothing, did not ask any questions as to who the body might be and did not offer any assistance to us. Alan told us he last saw Susann at her residence on Saturday 02/10/2013, at around 14:30 hours, when he picked up the children. Susann had a party for the children and he had been in the home for about 20 minutes. Alan described his relationship with Susann as friendly. I asked him the reason for the separation and pending divorce and he announced, "sex and the kids." Alan's voice tone when answering the question, indicated that he was angry about the situation. Alan struggled with his timeline as regards to his actions on Sunday evening and into Monday morning. He focused his thoughts and explained he was with his children Sunday afternoon and they were at his residence from 1930 hours, until the following morning watching movies and then went to bed. Alan told us he could not account for about a four hour time frame from Sunday afternoon into Sunday evening. Alan did not provide a further explanation of his movement or actions during the previous weekend other than he arrived at SeaTac Airport from a business trip on Saturday afternoon at around 12:00 hours. Alan said he was sure he was home on Sunday evening after 19:30 hours and remained home until he took the two children to daycare the following morning. Alan did not comment nor did he make any statements regarding his pending divorce with Susann. He mentioned he was paying child support and maintenance to Susann. Alan said he had no idea who would want to harm Susann. Alan did not immediately answer when he was asked if he had anything to do with harming Susann. Alan did not answer when he was asked if there would be any reason why his DNA would be in the house. After waiting and asking a few more times Alan said he didn't think his DNA would be found in the home. I asked Alan where he was when he was in the residence on Saturday. He explained he was in the living room, back bedroom, and bathroom where he helped his son use the bathroom. Alan said he was playing, wrestling with his son in the hallway and in the living room. Alan mentioned his hair might be in the home because he was wrestling with this son in the residence and then pulled on the front of his hair line indicating his hair being pulled.

I saw Alan had a recent injury to his left hand. His left hand was swollen and the skin on the top of the same hand was flushed. The injury looked like the result of a contusion from blunt force trauma. I did not see any abrasions or cuts to the injured area. I asked Alan about the injury and he replied his three year old son struck his hand with a hatchet while cutting fire wood. Alan said this happened on Monday night while they were at his apartment. Alan further said his son hit without warning.

I further observed a cut on Alan's left thumb on the top of the thumb. Alan had a band aid over the cut. Alan said he cut his thumb while cutting an apple earlier in the morning at his residence. Alan had some other abrasions on his knuckles of his right hand that were almost healed. Alan mentioned he always seems to cut himself.

I asked Alan if there would be any reason why he would harm Susann. Alan did not immediately answer and would not look at me. I ask the question again and Alan hesitated then said, "I think I may need to talk to an attorney." I explained to him he had that right but that he was not under arrest. He said he understood.

Alan agreed to allow Detective Chissus to take some photos of his left hand and some comparison photos of both hands. It was obvious based on the comparison of both hands, the left hand was swollen.

The interview with Alan at Boeing ended at approximately 1630 hours. After the interview, Alan had no reaction when he was told his children were going to remain in Child Protective Services (CPS) care until further notice. He said, "I guess I'll have to live with that." Alan did not mention nor did he ask where his children were or how to contact them. It was when we told him the steps to take to reach CPS that he asked about the welfare of his children.

Alan Smith's second interview

Following notification of the body found at the home of his wife Alan Smith contacted detectives at Bothell Police Department at approximately 1830 hours and volunteered to allow a search of his car and apartment. Detective Chissus and I contacted Alan and I read him the BPD Consent to Search Form at 1900 hours. Alan stated he understood and signed the form allowing us to search his 2000 Mercedes SUV WA license ABD4760 as it was parked in the BPD parking lot.

At around 1900 hours, we performed a search of his SUV while Alan stood nearby. Detective Chissus and I observed a Garmin portable GPS in the front dash of Alan's vehicle. Detective Chissus located a plastic Home Depot bag on the rear seat. Inside the bag were two, unopened bags containing Kleenguard Chemical Splash Resistant Coveralls and a new role of masking tape. Alan stated he had purchased the coveralls earlier in the day. He stated that he was planning on painting his apartment and had not purchased paint yet. When Detective Chissus asked Alan what he was going to paint, he replied, "Accent walls." Detective Chissus asked what color and Alan replied, "Beige." Detective Chissus also located a new, single pair of Playtex brand latex gloves, still in the box. We did not question Alan on the latex gloves.

After searching his vehicle, Detective Chissus and I followed Alan to his residence. Alan had also volunteered to have officers search his apartment located at Canyon Pointe Apartments 1630 228th ST SE unit #J304 Bothell. Detective Chissus read Alan the BPD Consent to Search Form regarding his apartment, which he signed. A search of the apartment was conducted while Alan sat at the dining room table.

In the spare bedroom off the living room, Detective Chissus noticed approximately ten separate, neat stacks of paper placed on the floor. The stacks were very orderly and the room was void of furniture and furnishings. Detective Chissus noticed a fair amount of the paper appeared to be related to the divorce proceedings and child custody issues. Detective Chissus noticed a VISA statement with a \$5,084.60 balance. Written in pen on the top of this VISA statement was, "I stopped using the card on 11/17/11." Detective Chissus also noticed correspondence from Bates and Ely PLLC, which was Susann Smith's lawyer.

In the master bedroom, Detective Chissus noticed several binders and folders in a box. On one of the binders was a piece of paper titled, "Self Talk." Several items were written under "Self Talk," including: "Anger at Colleagues for helping me drive her off. Excessive need to talk and get validation. Sleeplessness." Another piece of paper located is titled, "Issues" and has several lines related to what appears to be list of his own issues, including: "Living in a crappy apt."

Earlier in the day when Detective Chissus and I made notification to Alan at Boeing, Detective Chissus and I noticed Alan's left hand was severely swollen and he had a fresh cut on his left thumb. Alan advised his left hand was swollen due to his 3 year old son hitting him with a hatchet. Detective Chissus asked Alan if a hatchet located in his living room was the one his son had used and he replied it was. Detective Chissus asked if we could re-create the incident, which Alan agreed to do. Alan was asked to hold a piece of firewood exactly as he had at the time. Alan held a piece of firewood on the table with his hand palming the top portion of the wood, essentially covering the top with his hand. He indicated that his 3 year old had hit him on the back of his hand with the hatchet turned backward. This portion of the hatchet is similar to a hammer. Detective Chissus raised the hatchet and gently brought it down, hammer side, onto the back of his hand. Alan agreed this was how it had happened. The swelling on the back of Alan's hand did not appear to be consistent with this type of injury. There was no distinct marking consistent with the circular hammer portion of the hatchet. The hatchet also appeared to be a heavy tool for a 3 year old to be able to use.

I requested permission to take the hatchet and Alan agreed. Detective Chissus wrote it on the Consent to Search Form.

Alan also volunteered to provide a buccal swab from his mouth. Alan further volunteered to provide an audio recorded statement. In his statement, Alan was more articulate about his timeline and whereabouts on Sunday evening. Alan signed a witness recorded statement form. Alan mentioned in his statement he purchased the two coveralls at the Home Depot at 128th and Evergreen Way on his lunch break earlier in the day on 02/12/2013. He further mentioned he had stopped at the Taco Bell during the same time prior to purchasing the coveralls. Alan still couldn't answer who would want to harm Susann or what might have happened to her. During our hour or so with Alan he never mentioned anything about his children nor did he ask about Susann.

Alan Smith's ex-girlfriend's statement

Detectives contacted Rachel Amrine, who advised she is an ex-girlfriend of Alan Smith. Amrine advised that Alan and her had a 2-3 month dating relationship during the fall of 2012. She advised that Alan told her he was divorced and was currently going through a nasty, bitter custody battle with Susann. Amrine said Alan was angry with Susann and in October, 2012 he had asked Amrine how someone could make somebody disappear without anyone knowing. A few days later Alan called Amrine and was "ranting and ranting." She described Alan as, "really angry, really angry." Alan told her, "I just want her to be done with." Alan asked her if there was any way he could just get rid of her and nobody would know. Another time as they were in bed, Amrine said Alan was really anxious, so to lighten up the situation she jokingly mentioned that he could use potassium chloride into the rectum to kill someone and it would be difficult to detect. She said Alan stopped and looked at her for a really long time and she felt he was thinking about it. Amrine said she realized this was not something she should have told Alan. Amrine ended the relationship just before Thanksgiving 2012. Around Christmas, Alan re-contacted Amrine trying to start the relationship again. After Detectives contacted Amrine by phone on 2/12/2013, and set an appointment to come to her residence, Amrine sent Alan a text. Alan replied back to her by text stating that he was in a meeting.

Crime scene

The initial warrant to search Susann's residence was obtained reference Snohomish County Southwest District Court No.SW2013-36. The residence was processed by the Washington State Crime Scene Response Team (CSRT). The CSRT members examined the noted axe and eliminated it as being involved in the crime because it did not test positive for blood, the material found near the axe was determined to be small pieces of wood and the axe had a large amount of dust on it indicating it had not been moved for some time.

The WSP CSRT members continued their processing and a single droplet of blood was identified at the front entry way inside the residence. Sergeant Dan Christman stated the following regarding his professional opinion of this droplet of blood:

Although it is possible this one bloodstain was created when wet blood dropped off of blood-soaked items (clothing or weapons) being carried out of the scene by the suspect, it is equally possible that the bloodstain was created when blood dripped from a fresh wound the suspect sustained during the incident. It should be noted that in the area where this single bloodstain was located, there are no other similar bloodstains present. Because it is a symmetrical bloodstain (width is equal to its length) it was deposited from directly above the floor, and it makes sense that the blood could have dropped from the suspect as s/he were leaving the crime scene, and this one piece of evidence may contain the DNA profile of the

suspect in this case. The importance of getting this blood evidence to the State Lab for further analysis is key to this investigation.

The WSP CSRT identified blood smearing on the inside and outside of the doorknob on the front door. CSRT collected a sample of the blood for future analysis and examination.

The CSRT members identified several foot impressions in the home including the hallway, kitchen, dining room and living room that tested positive for the presence of blood. The foot impressions were consistent in shape and size as being that of only one person. The foot impressions were processed and photographed. It was further determined the foot impressions were from a soft sole shoe or from some type of soft material such as a sock or shoe cover with a waffle type pattern.

The WSP CSRT members processed the bathroom where the body was in the tub full of water. The tub walls and bathroom floor did not have any water or residue staining to indicate the tub was full of water first before the body was placed in the tub. CSRT identified and collected hairs from the victim's right hand and above her buttock. CSRT further identified and processed the blood transfer staining from some material left on the front edge of the tub. These stains from the material had a small woven pattern of equally squared shapes consistent with an article of clothing or soft fabric.

The WSP CSRT members processed the far south east bedroom where Officer Caban had looked into the window and saw the suspected bloodstains. There was a large amount of blood and blood spatter in the room. It was obvious based on the amount of blood and cast off (blood from an object in motion) of the blood; a body had been on the floor between the bed and interior wall. The same body (victim) suffered severe trauma consistent with another human being (suspect) applying some form of lethal force resulting in a large pool of blood on the floor and heavy cast off blood on the walls and ceiling.

The scene in the bedroom was analyzed by Sergeant Christman and based on his professional opinion a violent assault occurred in the room. The suspect(s) used an as yet unidentified object capable of causing enough blunt force and or sharp force trauma to seriously harm or cause death to the victim. The suspect(s) continued striking the victim with the object multiple times, creating multiple events, meaning there were multiple layers of blood cast off and blood smearing on the interior wall and floor indicating there were breaks in the assault and then the assault continued on the same victim. Based on the amount of blood cast off and the pattern of the casted off blood landed, it was determined the assaulted started while the victim was in bed. The assault graduated to the right side of the bed onto the floor. Based on the blood pattern and blood smearing on the floor it was evident the victim was moved in a dragging fashion out of the bedroom into the hallway and into the bathroom. There was evidence the suspect(s) attempted to wipe up the blood in the room, hallway and

bathroom based on the large swirl impressions on the floors in the bedroom, hallway and bathroom.

The WSP CSRT members noted there were several bloody finger type impressions throughout the scene but none of these impressions were AFIS quality nor did these prints show any ridge detail. This is an indication the suspect(s) may have been wearing protective gloves during the commission of the crime.

Based on the initial evidence and processing of the residence, it was determined a brutal and lethal assault started in the back bedroom. The suspect(s) then dragged the victim into the bathroom and placed the victim in the bath tub face down. The suspect(s) then filled the tub with water and positioned the victim's head under the water. The suspect(s) then moved (walked) about the hallway and kitchen during and after the crime based on the bloody foot impressions. The suspect then left the residence via the front door based on the bloody foot impression leading out of the living room to the front door.

CSRT found no indication of presence of blood on the kitchen sink or on any of the sharp edge knives found in the kitchen. There was also no presence of blood detected in the bathroom sink.

The Snohomish County Associate Medical Examiner Stanley Adams, MD and Snohomish County Medical Examiner Investigator Don Carman responded to the scene. The body was removed from the tub and examined. The body was confirmed as an adult white female. The female's physical features fit the physical description of Susann Smith. The female had suffered multiple blunt force trauma to the face and head. The wounds were so severe Dr. Adams could not determine the initial number of injuries or how the injuries occurred other than they were not caused by self-infliction and not caused by accident. Identification of the female was not initially confirmed due to the amount and severity of the wounds to her face. Dr. Adams and ME Investigator Carman took possession of the body.

Detectives conducted an experiment of filling the bath tub with water to the water mark left on the tub as found by the first responders.. It took 14 minutes and 45 seconds to fill the tub to the water line. The experiment results would indicate the suspect(s) spent close to 15 minutes waiting for the tub to fill with enough water to submerge the victim.

Autopsy summary

On 2/13/13, this Affiant and Detective Chissus attended the autopsy of the decedent. The autopsy was performed by Snohomish County Associate Medical Examiner Stanley Adams, MD. Associate Medical Examiner Adams advised the female had suffered both blunt force and sharp force trauma to her face, forehead, and back of her head. The female further suffered a fractured skull to the lower left section of the skull. Dr. Adams noted the fracture was a fatal wound in and of itself. There were an estimated 19 separate blunt force along with sharp force wounds in the face and head.

There were contusions to both of the arms and hands that were consistent with defensive wounds. There were no sharp force wounds to any other parts of Susann's body other than the face and head. There were no injuries to the torso and legs. The autopsy revealed the victim had water in the lungs and airway consistent with drowning. Dr. Adams determined the cause of death was blunt force and sharp force trauma with a third component of asphyxiation by drowning. The manner of death was ruled, homicide.

The body was officially identified as Susann Smith from her current dental records.

Susann Smith and Alan Smith relationship summary

Based on Detective's interviews of Alan Smith and Susann's civil family law attorney, John Ely, as well as from documents filed in Snohomish County Civil Court, a summary was prepared relating to Alan and Susann's separation and pending divorce. The summary is as follows:

Alan Smith filed a Petition for Dissolution on 11/18/2011. While they had spent months attempting to reach a share agreement, Alan and Susann could not reach an accord on all parenting issues. Alan wanted a 50/50 share plan, but Susann felt a 50/50 plan would be too disruptive for the children.

When it became clear an agreement on the issues between the parties could not be reached, Alan hired an attorney, Laurie Ummel, and filed a Motion for Temporary Order. A hearing was held on 8/3/2012 and the Commissioner largely adopted Susann's proposed parenting plan as the parties Temporary Parenting Plan. One of the issues raised by the Commissioner was that Alan had moved to the Ravenna neighborhood of Seattle and felt the commute to Bothell for the young children did not make a lot of sense. Monthly support was set at \$1,128 and maintenance was set at \$600 and the Commissioner ordered Alan to pay Susann \$2,000 in attorney fees. After the hearing, all parties went into the hallways and were discussing the ruling. Alan and Susan disagreed about an issue and Alan became upset. Susann's attorney, John Ely advised Alan became upset and gave Susann an incredibly angry and chilling stare. In his 15 years practicing of family law, Ely does not remember ever seeing a stare by one party to the other in the courthouse quite like the stare Alan gave Susann. It was such "an incredibly menacing stare" – so much that he commented about it to both Susann and other office staff. Susann denied Alan had ever physically abused her, but said that Alan could be emotionally threatening to her. Susann indicated to Ely that Alan could be very aggressive to her by getting in her face and confronting her. A couple of weeks after this hearing, Laurie Ummel filed a Notice of Immediate Withdrawal as Alan's attorney.

Alan represented himself for approximately 1 ½ months, but nothing really transpired. Trial date for dissolution was set for 11/8/2012. However, on 9/21/2012, Sabrina Layman filed a Notice of Appearance indicating she was Alan's new attorney. Layman

requested and received a continuance on the trial date to 5/16/2013, so she could become acquainted with the case.

However, on 11/7/2012 Alan fired Layman and hired a 3rd attorney, Brook Goddard. Goddard filed a Motion with the Court seeking to have a Guardian Ad Litem (GAL) on 11/19/2012. Alan contended the GAL was necessary to investigate the parenting of the parties and the welfare of the children. Ely felt this was odd, as Alan had not previously mentioned any concerns about Susann's parenting.

On 12/3/2012, a Commissioner heard the Motion to Appoint a GAL and she did not find any evidence to appoint a GAL. In addition, the Commissioner awarded Susann \$500 in attorney fees as a result of having to defend the motion.

Alan then filed a Motion for Reconsideration to the Commissioner on 12/13/2012. Alan provided a declaration at this time, claiming he went to a psychiatrist and reported his own observations/concerns. Alan claimed that as a result of his discussions, the psychiatrist raised concerns that Susann may have sexually abused their 6 year old daughter. Alan also said, "Susann is very much in need of psychiatric evaluation and the children need to be protected." Ely felt that Alan was engaging in 'double hearsay' with no real evidence and this showed Ely how "outrageous" Alan had become in trying to convince the court. Ely felt Alan was willing to do anything to try and get the court to listen to him. On 1/10/2013 the Commissioner denied Alan's Motion for Reconsideration.

On 1/10/2013 Susann sent an email to Ely advising Alan had called with a proposal to "give his children their family back." Susann said, "Essentially, he wants to move back in." To Ely, this confirmed to him that Alan was making up stories about Susann in his declaration in order to win in court. Ely asked why would a person who truly believed that his wife had sexually abused his daughter turn around in a couple of weeks and ask to reconcile with his wife.

On 1/11/2013, Alan filed a Motion of Revision of the Commissioners Ruling on the issue of appointment of a GAL. The Motion for Revision was scheduled for hearing on 1/25/2013. In this Motion, Alan added that he was concerned Susann was going to move to Germany.

On 1/25/2013 the 3rd Motion for Revision was denied by the Judge and upheld the ruling of the previous Commissioner. Ely related that after this hearing, Susann had been waiting in the hallway at the Snohomish County Courthouse alone. When Ely contacted her, Susann told Ely that Alan had confronted her and called her a "monster."

Detectives conducted interviews with neighbors, co-workers, friends and family members of Susann Smith and Alan Smith. Below is a summary of those interviews:

Alan Smith

The witnesses interviewed described Alan Smith as "creepy", "weird" and "awkward." They describe Alan as not being overly interested or involved with his children prior to separating from Susann. One witness related that after the separation between Alan and Susann, Susann came home and discovered Alan inside her home with a new girlfriend, preparing a meal. Co-workers of Alan describe him discussing his hatred and hostility constantly, to the point where a supervisor at work told Alan that his continued discussion of his divorce proceedings was disrupting the work environment. On the most recent business trip that Alan took to Ireland, from 02/06/2013 thru 02/09/2013, a co-worker described how Alan constantly and bitterly complained about Susann, and turned any conversation back to his issues with her. Alan indicated a fear that Susann would attempt to take the two children back to her native Germany. Alan indicated he would do whatever necessary to keep this move from occurring.

Alan Smith's third interview

On 2/14/2013, Detective Chissus and I contacted Alan at his apartment. He invited us in to speak to us. Alan mentioned he was reluctant to cooperate with us because he believed we were, "Trying to traumatize me." Alan's answers were very direct and non-emotional regarding Susann and her personal life. Again Alan never asked about his children and only said I took his kids away from him. Alan declined to allow us to take photos of him and his injuries. Alan did tell us he stayed 2-3 minutes longer than the other adults at the party at Susann's house on Saturday before leaving. During this 2-3 minutes, Alan said Susann "took him by the hand" and took him into her bedroom to show him new photos of him and the children. Alan stated the photos were on a shelf in the room. During a search of Susann's residence over 2/12/2011, through 2/14/2013, Detectives took notes and photographed the contents of Susann's room. No photos of Alan Smith were located on the shelves, walls or anywhere else in that room.

During the interview, Alan mentioned that he and Susann communicated through email once a week and through phone calls three times a week on average. The communication was centered on the children's schedules or to speak with the children.

Alan's description of Susann's taking him by the hand and taking him to the bedroom was inconsistent with the increasing acrimony of the divorce proceedings and custody issues. This acrimony was outlined in the court documents where Alan claimed Susann might be sexually abusing the children, and Alan calling Susann a "monster" after their last court hearing on 01/25/2013. Communication between the two was generally relegated to either emails or phone calls.

During the interview, Alan became agitated regarding personal questions we were asking about Susann. He stood up from his chair and while answering the questions in a very direct tone, he continued to stare at me and walked into my personal space. This was very unusual behavior and both Detective Chissus and I felt very uncomfortable. Alan then asked us to leave his residence.

Blood transfer experiment

On 02/18/2013, Bothell Police Detectives along with Sergeant Christman conducted a blood transfer experiment. Sergeant Chirstman led the experiment and used animal blood to simulate human blood. Samples of the same type of Kleenguard Chemical Splash Resistant Coverall suit that were found by detectives in Alan's vehicle during consent to search on 02/12/2013 were obtained from Home Depot and were used for the experiment. A fiberglass bath tub similar to the tub at the scene was purchased and set up for the experiment. Animal Blood was applied to test samples of the Kleenguard suit and pressed against the sample bath tub to simulate blood transfer. The experiment results were evaluated and determined to have similar characteristics to that of the blood transfer stains identified on the bath tub in the residence of 216 240th ST SW Bothell.

Detectives located and confirmed Alan Smith did purchase two Kleenguard coveralls and masking tape at the Home Depot Store on 02/12/2013, at 13:40 hours, as he had stated to detectives.

Smith child interview

On 02/19/2013, Bothell Police Department Detective Thompson attended a professional child interview with Susann and Alan's 6 year old daughter, N.S. During the interview, when asked about her little brother using a hatchet to chop wood, N.S. asked, "How could a 3 year old even chop wood?" N.S. said that her dad was the only one that chopped wood and he did it outside in the hallway.

N.S. also related in great detail how Alan had cut up apples in the morning on 2/12/2013 and sprinkled cinnamon on them. She was very descriptive with how he cut the apples with a knife, took the seeds out, placed the slices on plates and sprinkled them with cinnamon. He then brought the plates to them at the dining table and they all ate. She did not mention a cut finger or need for band aid.

Alan Smith's co-workers statements regarding recent business trip

On 02/19/2013 at 1310 hours, Detectives interviewed Colin Warner who works in the same work group with Alan, but he did not socialize with Alan outside of work. On 2/6/2013 Warner met Alan and another coworker, Matthew Pierce, in Ireland on a Boeing business trip. All three returned to Seattle together on 2/9/2013 around 1200 hours. Warner said although it was a business trip, he had dinner every night and toured Dublin with Alan. Warner said Alan was very upset and distraught about his wife winning a recent court ruling regarding their children. He commented, "I want her to know the pain I feel." Alan felt the court would not listen to him and said he did not know how to show the court that she was not a good mother. Alan implied that his wife was going to get full custody of the children and he thought she would move them to Germany. Alan had mentioned that Susann was mentally abusive to him and used to treat their dog poorly. Alan said she treated the kids like she did the dog. Warner said that when Alan was present, he would change the topic to his family problems at least 60 to 70% of the time.

On a previous business trip to North Carolina about 6 months ago, Alan had also talked about the divorce. Alan told him how his wife had broken his heart and how he was trying really hard to make it work, but she did not appear to be trying.

On 2/20/2013 at 1540 hours, Detectives interviewed Matthew Pierce, the other coworker Alan was in Ireland with. In the 2-3 years Pierce has known Alan, the majority of the conversations with Alan were related to the divorce of his wife. Alan told Pierce that he felt repressed and mentally abused by his ex-wife and would often say there was a conspiracy in the state of Washington to hide mental abuse. He felt the courts were against him and it was a "fixed system."

While in Ireland, Alan told Matthew that his wife is, "Pure evil" and described her in this manner in more than one occasion. Alan also called his wife a "psychopath." Alan told Pierce his wife had an interest in going back to Germany and taking the kids with her. From the time Pierce has known him, especially during the trip to Ireland, he could tell the relationship between Alan and his ex-wife was not amicable and that he "really, really did not like her-close to hatred." Pierce said that 70-80% of the conversations with Alan were related to his divorce and ex-wife and became tiresome to hear.

Alan Smith's Internet searches

On 02/19/2013, Detective Chissus received information from Boeing Security via email, which in part included a McAfee Web Reporter report on Alan Smith's web browsing activity back to 11/20/2012. In part, this report showed the following:

On 2/12/2013 at 0847 hours it appears that Alan Smith went to Google.com

0848 hrs, from google.com he goes to Kayak.com (which is a travel website)

0849 hrs, on Kayak.com it appears he searches for a flight from SEA to CCS with 1 adult and 2 children ages 6 and 3 (CCS is Simon Bolivar Airport in Venezuela).

0913 hrs, it appears he exits off Kayak.com.

0916 hrs, he goes onto Priceline.com (travel website)

0927 hrs, he performs a Google search for, "Where is the Best Place to Live in South Central America?"

0931 hrs, Alan performs a Google search for, "Best Countries to Live and Work Abroad."

0942 hrs, he appears to go back onto Kayak.com 1256 hrs, he appears to go back onto Priceline.com

On 2/13/2013 at 0553 hours, it appears Alan goes onto Kayak.com. At 0606 hrs, it appears Alan searches for a flight from SEA to CCS with only 1 adult listed this time (This is after receiving the death notification from police and having his children placed into CPS custody).

The date parameters on his airline reservation searches were February 12th through March 5th, 2013.

Det. Chissus performed a Google search, typing, "Will Venezuela extradite to the U.S." He noticed the 2nd and 4th site listed were titled, "If You Had to Disappear, Where Would You Go?" The 3rd site listed is titled, "Venezuela Rejects U.S. Extradition Request." The 1st site listed is Wikipedia-The Free Encyclopedia" providing the definition for extradition.

On 2/6/2013 Alan appears to visit virtuallythere.com, which is also a travel website. He appears to have only been on this site from 1005-1006 hours. Detective Chissus was unable to find any additional, specific information about Alan's visit to this site.

There is no other indication that Alan routinely searched any other travel websites until 2/6 and again on 2/12 and 2/13. Based upon the information provided on Alan's searches regarding Venezuela with 1 adult and two children ages 6 and 3, it appears as if he was planning a trip to Venezuela for several weeks. The information about his Google search on "The Best Place to Live in South Central America" and "Best Countries to Live and Work Abroad" suggest Alan had more permanent plans. Based upon the increasing acidic relations between Alan and Susann, it would also appear very unlikely that Susann would have agreed to allow the children to leave the country. It is also interesting to note that Alan made Kayak.com searches on the morning of 2/12, which was the day the children were scheduled to be returned to Susann.

Based upon the above searches Alan performed on his Boeing laptop, it is reasonable to believe that Alan would make similar searches on his home personal computer(s).

Boeing Corporate Investigator Brian Ferguson advised Detective Chissus that Alan had a Boeing issued cell phone identified as a Blackberry through AT&T, phone number: 425-220-7064. Based on my training and experience, it is common for people who are in possession of work phones to sometimes use these for personal use. Corporate Investigator Ferguson advised Detective Chissus that Alan had recent email history on his blackberry relating to his contact with Susann.

Alan Smith's work laptop was identified as a Dell E6410, Boeing tag number A4914760, serial number 2WZSVM1. Boeing Corporate Investigator Ferguson provided the following warning that the employee has to select "OK" to continue past this banner on their computer.

This system is company property and is provided for Boeing-authorized use only, including occasional personal use, as set forth in applicable written policies. Unauthorized use is prohibited and may be subject to discipline, civil suit and criminal prosecution. By using this system you understand and consent as follows: you have no reasonable expectation of privacy in any communications or data, personal or otherwise, transiting or stored on this system; any communications or data transiting or stored on this system may be monitored, intercepted, recorded, and searched at any time and for any lawful purpose, and may be used or disclosed for any lawful purpose. You also agree to comply with all other applicable written policies, procedures and guidelines for system use and protection of company information or information that the company has an obligation to protect, including but not limited to proprietary information, personally identifiable information, and export controlled information.

Susann Smith's cell phone examination

On 02/19/2013, victim Susann Smith's recovered cell phone from her residence was searched and examined by King Count Major Crimes Unit/Digital Forensics Detective Pavlovich. Detective Pavlovich is a 19 year King County Sheriff's Office (KCSO) Deputy Sheriff veteran. He has been assigned to the KCSO Major Crimes Unit for the past 11 years. To date, he has attended over 100 hours of formal training on cell phone data, to include forensic examinations, tower mapping and interpreting call detail and subscriber records for cell phone communications. To date, he has examined over 100 cell phones for both KCSO and other agencies, for crimes ranging from Robbery, Homicide, Assault and Kidnapping. Detective Pavlovich reported, the last incoming text message from Alan Smith was on 02-12-13 which read "Hi Susi." Detective Pavlovich further reported, "On no other occasion in the text message history does Alan refer to Susann as "Susi". He specifically addresses her as Susann on many of the messages, never Susi or Susan or any other form. The last text message exchange between Alan and Susann was on 01/27/13 in which Susann asks Alan for a good time to call the children.

Detective Pavlovich reported Susann's phone contains text message history dating back to 12/13/11. During the last 14 month period from 12/13/11 thru 02/12/13, Alan and Susann exchanged a total of 127 messages, for an average of 9 per month. It was Detective Pavlovich's experience the 127 messages in that time frame was "a very low volume."

Detective Pavlovich further reported, all of the messages or exchanges (excluding the message on 02/12/13) between Alan and Susann in that time frame are conversations in which they discuss transferring children back and forth or other issues related to the children or between them. In no other messages does Alan ever simply write "Hi". All other messages have specific content or revolve around specific issues to be discussed or handled between them.

Susann Smith had Alan's contact information listed in her phone as follows:

Smith, Alan
206/369-7614
425/717-4710
425/387-0558
alan-ucsu@yahoo.com
alan.smith7@boeing.com

Your affiant knows from training and experience that people own cellular telephones and other portable electronic devices for the purpose of being able to use them wherever they are, and as such carry them virtually constantly, or are nearly always within the near vicinity of their cell phones and/or portable devices. I know that criminals often use cellular phones to communicate with accomplices and will sometimes store accomplice's contact information in contact lists, speed dial lists, or other areas of the phone. Communication between suspects and other involved parties can occur in many ways, including through typical cellular phone voice calls, instant messaging, text messages, SMS communications, chat sessions, and email. This information can be used to assist and corroborate surveillance officers' observations and anticipate future movements and locations of the suspect and/or his or her criminal associates, by establishing his or her communication and location habit patterns over time. For example, if the telephone consistently signals the same tower both late at night and in the early morning hours, it is reasonable to conclude that the suspect is living, sleeping, hiding or working at a night job in that vicinity.

Your affiant knows, based on my training and experience, that those involved in criminal enterprises sometimes will use multiple phones in the commission of crimes or to facilitate criminal activity and to avoid detection by law enforcement. They also sometimes possess multiple phones to have a secondary means of communication if a phone is lost or seized by law enforcement. I know through my training and experience that criminals also use cellular phones to document criminal activities through photographs, videos, and digital or voice memos. Many mobile data devices have camera and video capabilities as well. I know that images saved in a cellular phone or mobile data device can contain location evidence and photographs of criminal activity, contraband items, items of evidence, crime victims and criminal accomplices.

Sometimes users sync their cellular telephones to cloud services, which backup or simply store data from the phone or its other internal or external storage. In this case, data stored on the cellular telephone can identify the provider and locations where information, records and evidence regarding use and/or possession of the phone has been stored by suspects. Users of cellular telephones can also send images or documents or other data to others via email, text messages, IM messages and SMS communications. Cellular telephone providers routinely store such messages in

company servers, at least until the message has been retrieved by its intended recipient.

Sometimes it might be possible to find data or records that can be used to corroborate details of an alibi. Other categories of exculpatory evidence might also be available that can help investigators to rule out an individual as a suspect.

Request to seize and search

Based upon the above facts, your affiant is requesting a search warrant to be issued on Alan Smith's above described residence, storage units, vehicles and his person, where I believe there is probable cause that evidence to the crime of Murder 1st Degree will be located. It is still undetermined as to what type of weapons caused the death of Susann Smith.

Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene. This evidence to include but not limited to: bloody clothing, footwear, socks, disposable coveralls etc.

Authority to dismantle any items identified as to have evidence of the crime contained in them and or on them such as but not limited to car seat, flooring, carpet in the vehicle and or residence, sink drains where clean up may have occurred and other appliances, devices or cleaners.

Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Electronic devices not limited to laptops (work and personal), desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.

Based upon the above information, it is requested that judicial permission be granted to further inspect and photo document any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA 98011.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, signed in Snohomish County, on the below listed date.



Detective Michael Stone #0087 Date
Bothell Police Department

Subscribed and sworn to before me this date:



21 Feb 2013
21 Feb 2013
Judge / Commissioner Date

Issuance of Warrant Approved:

DPA Craig Matheson Bar #18556
Snohomish County Deputy Prosecuting Attorney

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON)

COUNTY OF SNOHOMISH)

) ss.

No. SW2013-49

INVENTORY AND RETURN OF SEARCH WARRANT

FILE

FEB 27 2013
SNO CO. DISTRICT C
SOUTH DIVISION

1. I received a search warrant for the premises, vehicle or person specifically described as follows:
ALAN J. SMITH (07/19/1975)
2. On the 22 day of February, 2013, I made a diligent search of the above-described premises, vehicle or person and found and seized the items listed below in Item 7.
3. Name(s) of person(s) found in possession of property: SAME AS IN #1. ALAN J. SMITH.
4. The inventory was made in the presence of:
 - The person(s) named in (3) from whose possession the property was taken.
 - Others: Bothell Police Detectives Chesus & Strong
5. Name of person served with a copy or description of place where copy is posted: GIVEN TO SAME IN #1. ALAN J. SMITH.
6. Place where property is now stored: 18410 101st AVE NE Bothell, WA 98041
7. Property and person(s) seized:
 - PHOTOGRAHPS OF ALAN J. SMITH
 - HEAD HAIR IN ENVELOPE MARKED W/CASE #13-3854
 - PUBIC HAIR IN ENVELOPE MARKED W/CASE #13-3854
 - BLACK LEATHER JACKET
 - 1 PAIR BLACK SOCKS
 - 1 PAIR TENNIS SHOES

2/22/2013

Date

Bothell Police Department
Agency and Personnel Number

michael s/

Signature of Peace Officer

MICHAEL STONE

Printed or Typed Name

APPENDIX B

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

COUNTY OF SNOHOMISH

) ss.

No. 20130070

SEARCH WARRANT

FILED

2013 MAR 21 PM 12:57

COURT OF WASHINGTON

SNOHOMISH CO. WASH

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECEIPT AND REQUEST FOR ADDITIONAL TIME TO REPLY.

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:
 - a. A Dell Latitude E6410 laptop computer, labeled with Boeing asset tag #A4914760, serial number: 2WZSVM1. This computer is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
 - b. A Blackberry Curve 9360, model # RDC71UW, IMEI: 357965042362130, phone #425-387-0558. One 1-GB micro SD card (#1050 C16258D), 1 AT&T Sim card (89014103254763149923). This phone is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
 - c. An Apple iPad laptop computer, model #A1219, serial number: GB045MMMZ38. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - d. A Dell laptop computer, model #PP02X, service number: GF33Y61. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

- e. A Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - f. Alan J. Smith's work area to include his desk, table, calendar, pictures, employee locker, assigned file cabinet(s) and any other storage areas assigned to him at the Boeing Plant Everett. Alan Smith's cubicle is located in the 40-83 building, desk location is designated as 1F1-4:3, in the City of Everett, Snohomish County, Washington.
 - g. The following USB flash drives located inside Alan's backpack; an Imation 4GB, an Attache 1G and a Ridata. Also, a Lexar 8GB flash drive located on Alan's key ring. These USB flash drives are currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - h. A Garmin Nuvi GPS unit removed from Alan Smith's 2000 Mercedes ML320 bearing WA license ABD4760. No serial number or identifying information besides 'Garmin Nuvi' can be seen on the outside of the GPS. The GPS unit is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
2. Seize, if located, the following property or persons:
- Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene, bloody clothing, footwear, socks, disposable coveralls etc.
- Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter.
- Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.
- Seize and examine any electronic devices not limited to laptop, desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.
- Any journals, diaries or notes containing information related to Alan Smith's past and present relationships, including Susann Smith and any other person(s) who

he might have contacted with and determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.

Any computer that is capable to be connected to the Internet, to include: the computer system case with internal components, motherboard, Central Processing Unit (CPU), memory, etc., internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, zip drives, optical storage devices, transistor-like binary devices, and any other memory storage devices); peripheral input / output devices (such as keyboards, mouse/track ball/pad, video display monitor); routers, modems and all related cables, power cords and connections, RAM or ROM units or CD ROM; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

Computer software applications used by the computer system and any related components. Software is stored in electronic, magnetic, optical, or other digital form.

Computer-related documentation which explains or illustrates how to configure or use the computer hardware, software, or other related items/devices. The documentation consists of written, recorded, printed, or electronically stored material.

Computer-related passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security may consist of hardware, software or other programming code.

Any data that may be kept on any computer related storage device as listed in "1" above; to include router logs.

All electronic information within the Blackberry Curve and Samsung cellular phones, including but not limited to owner/subscriber information, IMEI (International Mobile Subscriber Identity), text/multimedia messages (SMM and MMS), calendar events, digital image, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, personal alarms, notes, music, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest.

Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)

Records or other items in whatever form evidencing dominion and control of the above-described cellular telephones;

Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and phototexts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.

To seize any information located within the search of the cellular telephone data that is held by AT&T Wireless, Verizon Wireless and Tracfone Wireless. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone site tower usage between 01/01/2013 and 02/22/2013, associated with this cell phone numbers which are held by AT&T Wireless, Verizon Wireless and Tracfone Wireless

All electronic information located inside the GPS device including addresses, locations, maps, historical points as well as recorded dates and times.

3. The Affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through TRACFONE WIRELESS, Inc. Subpoena Compliance, 9700 NW 112th Avenue, Miami, FL 33178. VIA FAX: 305-715-6932 and AT&T MOBILITY-NATIONAL COMPLIANCE CENTER 11760 U.S. Highway One North Palm Beach, FL 33408 VIA FAX: 888-938-4715.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

2/27/2013

Date: February 27, 2013

Ellen J. Fair

Signature of Judge Approving Warrant

Ellen J. Fair

Issuance of warrant approved by Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON)

No. 2013 00 70COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

1. A Dell Latitude E6410 laptop computer, labeled with Boeing asset tag #A4914760, serial number: 2WZSVM1. This computer is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
2. A Blackberry Curve 9360, model # RDC71UW, IMEI: 357965042362130, phone #425-387-0558. One 1-GB micro SD card (#1050 C16258D), 1 AT&T Sim card (89014103254763149923). This phone is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
3. An Apple iPad laptop computer, model #A1219, serial number: GB045MMMZ38. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
4. A Dell laptop computer, model #PP02X, service number: GF33Y61. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
5. A Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

6. Alan J. Smith's work area to include his desk, table, calendar, pictures, employee locker, assigned file cabinet(s) and any other storage areas assigned to him at the Boeing Plant Everett, Alan Smith's cubicle is located in the 40-83 building, desk location is designated as 1F1-4.3, in the City of Everett, Snohomish County, Washington.
7. The following USB flash drives located inside Alan's backpack; an Imation 4GB, an Attache 1G and a Ridata. Also, a Lexar 8GB flash drive located on Alan's key ring. These USB flash drives are currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
8. A Garmin Nuvi GPS unit removed from Alan Smith's 2000 Mercedes ML320 bearing WA license ABD4760. No serial number or identifying information besides 'Garmin Nuvi' can be seen on the outside of the GPS. The GPS unit is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to the original affidavit and warrant issued on February 12th, 2013 and authored by Det. Ungvarsky. That warrant and supporting affidavit was assigned number SW2013-36. A supplemental affidavit and warrant was authored by Det. Ungvarsky on February 14, 2013 (#SW2013-41). A second supplemental warrant and affidavit was authored by Det. Stone on February 21, 2013. The second supplemental warrant assigned number is SW2013-49 and the second supplemental warrant and supporting affidavit is attached and incorporated by reference.

The investigation in this case has led investigators to believe that Susann Smith was murdered sometime after she was last seen on 2240 hours Sunday, February 10, 2013 and the morning Monday, February 11th when she failed to show up to work. Alan Smith had shown up to work on both Monday and Tuesday, February 11th and 12th.

Bothell Police Officers have been observing Alan's activities and the only vehicle he has been seen driving is his 2000 Mercedes SUV. On 2/26/2013, Forensic Scientists from WSP Crime Lab processed Alan's SUV and traces of blood were found on the steering wheel, center console and floor mat from Alan's SUV. Traces of blood were also found on Alan's backpack. When your affiant and Det. Stone initially spoke with Alan at his work on 2/12/2013, Alan went to his office and retrieved this same back pack before leaving work in the SUV. On 2/19/2013, your affiant, Detective Glen Chissus, received web browsing information from Boeing Security regarding Alan Smith's company issued Dell Latitude laptop (item #1). In part, the report showed Alan's issued laptop showed searches on a travel website for 1 adult and 2 children, ages 6 and 3 to Venezuela. These searches were performed on the morning of 2/12/2013 before your affiant and Det. Stone contacted Alan to notify him of his estranged wife's probable death. On 2/13/2013, the next day after we made notification with Alan and after he had been advised that Child Protective Services had custody of his children, his laptop showed a search on the same travel website for 1 adult only to Venezuela. Other web searches located on Alan's laptop through Google, asked, "The Best Place to Live in South Central America" and "Best Countries to Live and Work Abroad." Based upon the increasing acidic relations between Alan and Susann Smith, it would appear very unlikely that Susann would have agreed to allow the children to leave the country with Alan. Boeing security also provided information that Alan sent and received personal emails from his laptop (or Blackberry) to Susann Smith related to child custody issues and schedules. Also based upon the above searches performed on Alan's company issued laptop, it is reasonable to believe that Alan would make similar searches on his personal computers (items #3 and 4).

Alan's company issued Blackberry cellular phone (Above item #2) accesses the same Outlook email system as his laptop computer and he is able to send and receive personal emails on his cell phone.

During the search of Alan Smith's residence on February 22, 2013 (under the authority of warrant #2013-49), Officers located and seized an Apple iPad computer, a Dell laptop computer and a Samsung cellular phone (Listed above as items #3, 4, and 5).

A backpack was also recovered during the search of Alan's residence and inside the backpack were 3 USB flash drives. A fourth flash drive was located on Alan's key ring. All of these items are covered in item #7, above.

Request to Search:

Alan Smith's work space

Based upon the above facts, your affiant is requesting a search warrant to be issued on Alan Smith's above described work area and assigned storage areas assigned to him at his place of employment where I believe there is probable cause that evidence to the crime of Murder 1st degree will be located.

Evidence to include, but not limited to; trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions located at the scene, bloody clothing, footwear, socks, disposable coveralls, etc.

Any hammers, hatchets, axes, mauls, fireplace poker, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Seize and examine any electronic devices not limited to laptop, desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries, such as Venezuela, that do not recognize US extradition.

Computers

In addition to Alan's work area, I am requesting a search warrant to seize and examine the Dell Latitude laptop currently located at the Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington and to examine the Apple iPad computer, Dell laptop computer, model #PP02X, and 4 USB flash drives all currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington. The items will be provided to the King County Sheriff's Office for forensic examination:

- 1) Any computer that is capable to be connected to the Internet, to include: the computer system case with internal components, motherboard, Central Processing Unit (CPU), memory, etc., internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, zip drives, optical storage devices, transistor-like binary devices, and any other memory storage devices); peripheral input / output

devices (such as keyboards, mouse/track ball/pad, video display monitor); routers, modems and all related cables, power cords and connections, RAM or ROM units or CD ROM; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

- 2) Computer software applications used by the computer system and any related components. Software is stored in electronic, magnetic, optical, or other digital form.
- 3) Computer-related documentation which explains or illustrates how to configure or use the computer hardware, software, or other related items/devices. The documentation consists of written, recorded, printed, or electronically stored material.
- 4) Computer-related passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security may consist of hardware, software or other programming code.
- 5) Any data that may be kept on any computer related storage device as listed in "1" above; to include router logs.

Based upon my knowledge, training and experience, and the experience of other law enforcement personnel with whom I have consulted on this issue, it is a fact that effective searches and seizures of evidence from computers commonly require law enforcement officers to seize most or all computer items (hardware, software and instructions), then have these items processed later by a qualified forensic expert in a controlled laboratory environment. This is true because computer storage devices (hard drives, disks, diskettes, tape, CDs and removable drives) can store thousands of pages of information in random order with deceptive file names. Directories and subdirectories that contain these files can also be electronically hidden from normal view. Special forensic software is required to detect these hidden directories.

Searching computer systems for criminal evidence is a highly technical process requiring skill in a properly controlled environment. The vast array of computer hardware and software available to the public requires that computer experts specialize in some systems and applications. It is difficult to predict before a search which expert should analyze the system and data. The search of a computer is an exacting procedure that is designed to protect the integrity of the evidence and to recover hidden, erased, compressed, protected and / or encrypted files. Since computer evidence is extremely vulnerable to tampering or destruction from both external sources or from destructive codes imbedded in the system in the form of a "booby trap," the controlled environment of the laboratory is essential to complete an accurate analysis and retrieval.

In order to fully retrieve data from a computer system, the forensic analyst needs all magnetic storage devices, as well as the central processing unit (CPU). In cases like this one, where the evidence consists of electronic communications, the system hardware demonstrating the capability to engage in electronic communication is also essential to show the nature and quality of the graphic images that the system could produce. In addition, the forensic analyst needs all the system software, encryption, encoding, archiving, unarchiving and security software which may have been used to retrieve, store, create, transmit, encrypt or encode data. I seek the above noted items to facilitate the search with minimal intrusion and to lessen the likelihood of damage to non-pertinent files or equipment.

Cellular phones

On 2/19/2013, victim Susann Smith's recovered cell phone was searched and examined by King County Major Crimes Unit/Digital Forensics Detective Pavlovich. Det. Pavlovich reported that last incoming text message on Susann's cell phone was from Alan Smith on 2/12/2013, which read, "Hi Susi." Det. Pavlovich states on no other occasion in her cell phone text history, does Alan refer to Susann as 'Susi'. Alan specifically addresses her as Susann on previous text messages, the last text message (other than on 2/12) is 1/27/2013. In addition to the examination of the above listed computers, your affiant is requesting to seize and examine the Blackberry cellular phone currently located at the Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington and examine Samsung cellular phone Samsung cellular phone currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington by providing them to the King County Sheriff's Office for forensic examination. These phones will be provided to the King County Sheriff's Office for forensic examination:

- 1) All electronic information within the Blackberry Curve and Samsung cellular phones, including but not limited to owner/subscriber information, IMEI (International Mobile Subscriber Identity), text/multimedia messages (SMM and MMS), calendar events, digital image, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, personal alarms, notes, music, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest.
- 2) Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)
- 3) Records or other items in whatever form evidencing dominion and control of the above-described cellular telephones;

- 4) Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and phototexts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.
- 5) To seize any information located within the search of the cellular telephone data that is held by AT&T Wireless, Verizon Wireless and Tracfone Wireless. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone site tower usage between 01/01/2013 and 02/22/2013, associated with this cell phone numbers which are held by AT&T Wireless, Verizon Wireless and Tracfone Wireless

I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination, that a cellular telephone is form of a computer, which has the capacity to store a variety of digital evidence in its memory. This includes, for example, records of telephone calls made and received; records and copies of text messages made and received; photographs; contact lists; notes; records of internet searches; voicemail recordings. I also know that conducting a search of a cellular device or computer storage system, documenting the search, and making evidentiary and discovery copies is a lengthy process. Digital evidence is extremely vulnerable to tampering or to destruction through error, electrical outages, and other causes. It is necessary to determine that no security devices are in place, which could cause the destruction of evidence during the search; in some cases it is impossible even to conduct the search without expert technical assistance. Additionally, to be used to connect with other cellular phones, the internet, or computers, the telephones must communicate with nearby cellular antenna towers and /or Global Positioning Satellites. Evidence of such communication can be stored in the cellular telephone's memory and retrieved by a forensic expert.

I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination, that, whether records are stored on cellular device or computer storage system, even when they purportedly have been erased or deleted, they may still be retrievable. The forensic examiner is familiar with the methods of restoring "lost" data commonly employed by cellular telephone and computer users, and has used those methods himself.

Forensic examination of a cellular telephone is technical and time consuming, and requires the use of forensic equipment. Typically, the forensic examiner needs to conduct the examination in a lab, to ensure that outside influences cannot interfere with the examination. Thus, the phone will need to be taken off site to be analyzed by a qualified forensic detective.

There is probable cause to believe that a search of the Samsung cell phone will result in locating telephone records and owner information for AT&T Wireless and Tracfone wireless phone number (206)369-7614 belonging to Alan Smith and Blackberry Curve cell phone will result in locating telephone records and owner information for Verizon Wireless phone number (425)387-0558 assigned to Alan Smith; Telephone records to include incoming calls, outgoing calls and cell tower information for incoming and outgoing calls from 01/01/2013 to 02/22/2013; owner information to include, owner name, date birth, address and home phone number. The expert searching the phone can also manually retrieve incoming and outgoing text messages sent/received using the above described cell phone.

USB Flash Drives

Your affiant is requesting to examine the four USB flash drives that have been seized under previous search warrant #2013-49 on 2/22/2013. I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination that the most common use of flash drives is to transport and store personal files, such as documents, pictures and videos. USB flash drives are removable and rewritable.

I believe by forensically examining the four USB flash drives already stored at the police department, specialists will be able to determine if Alan Smith utilized these flash drives to store files, documents, pictures or videos related to this crime, or information regarding potential flight from the country.

GPS Unit

Also, your affiant is requesting to seize and examine the Garmin Nuvi GPS located inside Alan Smith's SUV. On 2/12/2013 Alan consented to a voluntary search of his 2000 Mercedes SUV. Detectives Stone and Chissus performed the search on Alan's SUV and noticed a Garmin GPS mounted on the center console. On 2/22/2013 under the authority of search warrant #2013-49, Officers of the Bothell Police Department impounded Alan's SUV and inside this vehicle was a Garmin Nuvi GPS on the center console.

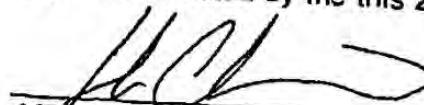
A GPS navigation device uses the Global Positioning System to display its current location. It often contains records of the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated "GPS") consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

Based on my training, experience, and research, I know that the GPS device has capabilities that allow the individual to navigate to and from addresses and locations as well as to record dates and times. Also, the individual is able to record historical points of travel. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests where and when the vehicle travelled to a distinct location.

I believe by forensically examining the Garmin GPS device, specialists will be able to determine if Alan Smith utilized his GPS for locations related to the crime of Murder 1st.

The GPS tracking device may also aid Detectives in determining any patterns before and after the murder was committed. All electronic information located inside the GPS device including addresses, locations, maps, historical points as well as recorded dates and times.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 27th day of February, 2013 at Bothell, Washington.


Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 27th of February, 2013


Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18556
Deputy Prosecuting Attorney

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON
COUNTY OF SNOHOMISH

)
ss.

No. SW2013-49

SEARCH WARRANT

FILED

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

FEB 27 2013
SNO. CO. DISTRICT COUR
SOUTH DIVISION

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime(s) of Murder 1st Degree (RCW 9A.32.30)

has been committed and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:
 - a. The residence and curtilage to include covered porches and any storage unit associated with unit J304 located at The Canyon Pointe Apartment Complex at 1630 228th ST SE unit #J304 in the City of Bothell, Snohomish County, Washington, 98021. Unit #J304 is in the "J" building of the south west end of the apartment complex off of 15th AVE SE. The building is clearly marked with the letter "J" posted on the front of the building facing the south entrance to the building units and where the parking area is located. All the units are accessed from the outside breezeway. Unit J304 is located on the third floor and on the northwest end of the building. The marker 304 is clearly positioned at eye level on the front door of the unit. The unit is a one level 3 bedroom, 2 bath flat with a fireplace.
 - b. 2000 Mercedes ML320 4 door dark blue in color identified by Washington State license ABD4760; described by Vehicle Identification Number "VIN" of 4JGAB54E2YA169178. Vehicle registered to Alan J. Smith at 1305 NE Ravenna BLVD #205 Seattle, WA. 98105. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 90821.
 - c. 2002 Honda VF750C motorcycle black in color with soft black carry bags, identified by Washington State license 6A0091; described by

Vehicle identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith with an address 216 240th ST SW Bothell, 98021. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.

- d. Inspect, observe, identify, document, seize and photograph any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.
2. Seize, if located, the following property, but not be limited to the following:
Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene. This evidence to include but not limited to: bloody clothing, footwear, socks, disposable coveralls etc.

Authority to dismantle any items identified as to have evidence of the crime contained in them and or on them such as but not limited to car seat, flooring, carpet in the vehicle and or residence, sink drains where clean up may have occurred and other appliances, devices or cleaners.

Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Electronic devices not limited to laptops (work and personal), desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

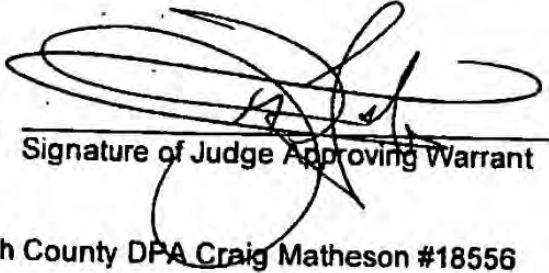
Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.

Based upon the above information, it is requested that judicial permission be granted to further inspect and photo document any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.

3. Promptly return this warrant to me or the clerk of this court; the return must include an inventory of all property seized.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

21 Feb 2013
Date


Signature of Judge Approving Warrant

Issuance of warrant approved by Snohomish County DPA Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective M. Stone
Bothell Police Department / #0087

Signature of Peace Officer Authorized to
Judge's Signature to Warrant

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON)
COUNTY OF SNOHOMISH)

No. SW2013-49

AFFIDAVIT FOR SEARCH WARRANT

FILED

FEB 27 2013

SNO. CO. DISTRICT COURT
SOUTH DIVISION

The undersigned on oath states: I believe that:

- (X) Evidence of the crimes of Murder 1st Degree (RCW 9A.32.030)
- (X) Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- (X) Weapons or other things by means of which a crime has been committed or reasonably appears to have been committed, and
- () A person for whose arrest there is probable cause, or who is unlawfully restrained is/are located in, on, or about the following described premises, vehicle or person:
1. The residence and curtilage to include covered porches and any storage unit associated with unit J304 located at The Canyon Pointe Apartment Complex at 1630 228th ST SE unit #J304 in the City of Bothell, Snohomish County, Washington, 98021. Unit #J304 is in the "J" building of the south west end of the apartment complex off of 15th AVE SE. The building is clearly marked with the letter "J" posted on the front of the building facing the south entrance to the building units and where the parking area is located. All the units are accessed from the outside breezeway. Unit J304 is located on the third floor and on the northwest end of the building. The marker 304 is clearly positioned at eye level on the front door of the unit. The unit is a one level 3 bedroom, 2 bath flat with a fireplace.
 2. 2000 Mercedes ML320 4 door dark blue in color Identified by Washington State license ABD4760; described by Vehicle Identification Number "VIN" of 4JGAB54E2YA169178. Vehicle registered to Alan J. Smith at 1305 NE Ravenna BLVD #205 Seattle, WA. 98105. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.

3. 2002 Honda VF750C motorcycle black in color with soft black carry bags, identified by Washington State license 5A0091; described by Vehicle identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith with an address 216 240th ST SW Bothell, 98021. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.
4. Inspect, observe, identify, document, seize and photograph any and all injuries, via Alternate Light Source (ALS) and standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.

This is an additional affidavit and warrant request to the original Snohomish County District Court (Southwest Division) Judge Goodwin approved search warrant affidavit and search warrant No. SW13-36 (supported by addendum No.SW13-41) submitted by Bothell Police Department Detective Sean Ungvarsky on 02/12/2013. In summary, search warrant No.SW13-36 (supported by addendum No.SW13-41) authorized the entry, body recovery, processing and evidence collection at the residence of 216 240th ST SW Bothell in Snohomish County and parked vehicles at the same residence on 2/12/2013. The text of the original affidavit is included below, both as background and as a way of establishing probable cause for the seizure and search requested in this warrant. This search warrant is part of an ongoing criminal investigation in the murder of Susann Smith and additional evidence and circumstances have been developed and included in this warrant.

Your Affiant, Detective Michael Stone #0087, has been a full time commissioned Police Officer employed by the City of Bothell Police Department since July1992, and I am currently assigned to the Criminal Investigations Unit as a Lead General Case Detective for the past 7 years. Prior to July 1992, I was a commissioned Police Officer for the University of Washington Police Department for a period of two years. My training includes but is not limited to successfully graduating from the Washington State Basic Law Enforcement Academy in September 1990 and attending and successfully completing criminal investigation courses such as the following: Basic Homicide; Assault Investigation, Evidence handling and processing; REID interview techniques; Criminal Justice Vocational Training Instructor; Police Field Officer Training; Basic and advanced Special Weapons and Tactics and Police Supervisory School. I further have participated as the lead and primary detective in numerous investigations involving property and violent crimes in the past 22 years. I further hold a Bachelor of Business Administration degree from Central Washington University.

I am familiar with the method of operations of criminal's involved in homicide cases. My past investigation of homicide cases shows relevant training and field experience which led me to establish probable cause for Bothell PD case 13-3354.

The investigation is predicated on the following circumstances, which occurred in Snohomish County, at the location of 216 240th ST SW Bothell, WA. 98021:

On 2/12/13 at about 1030 hours, Bothell Police Department Officers were dispatched to 216 240th St. SW, City of Bothell, County of Snohomish, to check the welfare of Susann Smith. The request had been made by someone who worked with Smith at her place of employment, Z2 Live located in Seattle where Smith is employed as a language translator. The call had been placed by "Kat" from Human Resources. Smith had failed to show up for work for the past two days, Monday and Tuesday, February 11 and 12. Bothell Police Officer Caban was one of the initial officers at the scene. He initially knocked on the door and received no answer. After getting no response Officer Caban checked the exterior of the home. Officer Caban looked into a window of a bedroom located on the southeast corner of the house. Caban was able to see the interior of the room. Inside, Caban observed what appeared to be large amounts of blood on the floor, along with apparent blood smears and blood spatter on the walls and window of the room. In addition, Caban observed that the furnishings in the room appeared askew. Caban also saw an apparent blood trail consistent with a bloody body being dragged. Based on these observations it was apparent that someone had been seriously injured and/or killed inside the room in the recent past. Based on this, officers determined to enter the home to check on the welfare of anyone inside.

Responding officers entered the front door of the residence, which was closed but unlocked, and showed no sign of forced entry. The officers entered and observed areas of the residence which were consistent with living and dining areas. As they started moving to the left side of the house, they noticed suspected bloody footprints in the kitchen and a hallway which ran the length of the left half of the residence. Officers noticed that the amount of suspected blood increased considerably as the hallway stretched to the threshold of the bedroom that Officer Caban had looked into from the rear of the residence. Officers proceeded down the hallway, and looked into a bathroom and noticed a partially clothed subject in the bathtub. Officers advised that the bathtub was almost full, with the subject's head submerged in the water. The subject in the tub was unclothed from the waist down. The bathwater was brownish/red, similar to blood mixed with water. The subject's head was completely submerged in water and there was no movement in the water indicating any signs of life. Based on these observations, the officers determined the subject was deceased. The deceased subject appeared to be a female; however, the subject was positioned in such a way that officers could not confirm the gender of the subject. Officers continued down the hallway and entered the master bedroom and checked to be sure there were no other subjects in the residence. Officers later described they observed suspected blood droplets, suspected blood smears, and possible blood spatter castoff on the floor and walls of this bedroom, this is the same bedroom that Officer Caban earlier

observed from the outside of the residence. In addition, an axe had been located in the southwest corner of the dining room area of the residence.

Bothell Police Sergeant Christman was one of the responding officers to the scene. In addition to working as a Police Sergeant with the Bothell Police Department, Sergeant Christman is Owner of Christman Forensics, a Forensic Consulting and Education Company, specializing in crime scene reconstruction and bloodstain pattern analysis. He has been qualified to testify as an expert witness in Bloodstain Pattern Analysis, Crime Scene Reconstruction, and Death Investigation in State, Federal and Military Courts, as well as the Provincial and Superior Courts in British Columbia, Canada. Sergeant Christman advised that he had observed the same suspected bloodstain patterns as the other officers. Based on his training and experience, Sergeant Christman categorized some of the bloodstain patterns as impact spatters, projected bloodstains, smears, and transfer stains. Sergeant Christman advised that the transfer stains appeared to lead from the master bedroom to the hallway and then into the adjacent bathroom. Based on his training and experience, Sergeant Christman believed the bloodstain patterns he observed to be consistent with medium velocity blood spatter, such as would occur in a beating. Based upon the observations of the officers at the scene, it appeared that all or part of a serious assault had occurred in the master bedroom then ended into the bathroom where the body was found.

When the first search warrant was written for the residence, it was unknown if the deceased subject in the bathtub was Susann Smith, although it was determined through interviews with neighbors and checks with the Snohomish County Property Assessor's Office, that Susann Smith currently lived in the same residence with her two small children. It was further determined Susann Smith was married but currently separated from her husband, Alan J. Smith (07/19/1975). Interviews with neighbors further determined the last known sighting of Susann alive was when she was observed alone by the neighbor Mark Buckley on Sunday night, February 10th, 2013, at around 22:45 hours, in her driveway.

The investigation determined Alan Smith (37) currently lived in the Canyon Pointe Apartments 1630 228th ST SE in Bothell, which is about ten minutes away from Susann Smith's home while traveling by vehicle. The couple has two small children in common and the children were in Alan's care over the weekend before being dropped off by Alan at school and/or daycare the morning of 02/12/2013. Both children were contacted and determined to be safe. They were later placed into CPS protective custody.

Detective Chissus spoke with Oksana Gutnikov and Mark Buckley, who attended the children's 'Carnival' party at Susann Smith's house on Saturday 2/09/2013. The only other adults at this party were Susann and Alan Smith. Alan did not attend the party, but arrived at the end of the party to pick up their children. Both Gutnikov and Buckley advised they never saw Alan leave the living room of Susann's house on this day. However, both left the party while Alan was still inside the residence.

Alan Smith interview

On 02/12/2013, at around 1500 hours, this affiant and Bothell Police Detective Chissus contacted and interviewed Alan Smith at his place of employment at the Boeing Aerospace Company in Everett. Alan agreed to speak to us and did not ask what the contact was about. Alan was very precise in his movements and the manner he spoke. I advised Alan we were investigating a serious crime but that his children were safe. He did not ask what the crime was nor did he ask where his children were. His reaction seemed rehearsed. I further advised Alan that police found a dead body in his wife's house. He said nothing, did not ask any questions as to who the body might be and did not offer any assistance to us. Alan told us he last saw Susann at her residence on Saturday 02/10/2013, at around 14:30 hours, when he picked up the children. Susann had a party for the children and he had been in the home for about 20 minutes. Alan described his relationship with Susann as friendly. I asked him the reason for the separation and pending divorce and he announced, "sex and the kids." Alan's voice tone when answering the question, indicated that he was angry about the situation. Alan struggled with his timeline as regards to his actions on Sunday evening and into Monday morning. He focused his thoughts and explained he was with his children Sunday afternoon and they were at his residence from 1930 hours, until the following morning watching movies and then went to bed. Alan told us he could not account for about a four hour time frame from Sunday afternoon into Sunday evening. Alan did not provide a further explanation of his movement or actions during the previous weekend other than he arrived at SeaTac Airport from a business trip on Saturday afternoon at around 12:00 hours. Alan said he was sure he was home on Sunday evening after 19:30 hours and remained home until he took the two children to daycare the following morning. Alan did not comment nor did he make any statements regarding his pending divorce with Susann. He mentioned he was paying child support and maintenance to Susann. Alan said he had no idea who would want to harm Susann. Alan did not immediately answer when he was asked if he had anything to do with harming Susann. Alan did not answer when he was asked if there would be any reason why his DNA would be in the house. After waiting and asking a few more times Alan said he didn't think his DNA would be found in the home. I asked Alan where he was when he was in the residence on Saturday. He explained he was in the living room, back bedroom, and bathroom where he helped his son use the bathroom. Alan said he was playing, wrestling with his son in the hallway and in the living room. Alan mentioned his hair might be in the home because he was wrestling with this son in the residence and then pulled on the front of his hair line indicating his hair being pulled.

I saw Alan had a recent injury to his left hand. His left hand was swollen and the skin on the top of the same hand was flushed. The injury looked like the result of a contusion from blunt force trauma. I did not see any abrasions or cuts to the injured area. I asked Alan about the injury and he replied his three year old son struck his hand with a hatchet while cutting fire wood. Alan said this happened on Monday night while they were at his apartment. Alan further said his son hit without warning.

I further observed a cut on Alan's left thumb on the top of the thumb. Alan had a band aid over the cut. Alan said he cut his thumb while cutting an apple earlier in the morning at his residence. Alan had some other abrasions on his knuckles of his right hand that were almost healed. Alan mentioned he always seems to cut himself.

I asked Alan if there would be any reason why he would harm Susann. Alan did not immediately answer and would not look at me. I ask the question again and Alan hesitated then said, "I think I may need to talk to an attorney." I explained to him he had that right but that he was not under arrest. He said he understood.

Alan agreed to allow Detective Chissus to take some photos of his left hand and some comparison photos of both hands. It was obvious based on the comparison of both hands, the left hand was swollen.

The interview with Alan at Boeing ended at approximately 1630 hours. After the interview, Alan had no reaction when he was told his children were going to remain in Child Protective Services (CPS) care until further notice. He said, "I guess I'll have to live with that." Alan did not mention nor did he ask where his children were or how to contact them. It was when we told him the steps to take to reach CPS that he asked about the welfare of his children.

Alan Smith's second interview

Following notification of the body found at the home of his wife Alan Smith contacted detectives at Bothell Police Department at approximately 1830 hours and volunteered to allow a search of his car and apartment. Detective Chissus and I contacted Alan and I read him the BPD Consent to Search Form at 1900 hours. Alan stated he understood and signed the form allowing us to search his 2000 Mercedes SUV WA license ABD4760 as it was parked in the BPD parking lot.

At around 1900 hours, we performed a search of his SUV while Alan stood nearby. Detective Chissus and I observed a Garmin portable GPS in the front dash of Alan's vehicle. Detective Chissus located a plastic Home Depot bag on the rear seat. Inside the bag were two, unopened bags containing Kleenguard Chemical Splash Resistant Coveralls and a new role of masking tape. Alan stated he had purchased the coveralls earlier in the day. He stated that he was planning on painting his apartment and had not purchased paint yet. When Detective Chissus asked Alan what he was going to paint, he replied, "Accent walls." Detective Chissus asked what color and Alan replied, "Beige." Detective Chissus also located a new, single pair of Playtex brand latex gloves, still in the box. We did not question Alan on the latex gloves.

After searching his vehicle, Detective Chissus and I followed Alan to his residence. Alan had also volunteered to have officers search his apartment located at Canyon Pointe Apartments 1630 228th ST SE unit #J304 Bothell. Detective Chissus read Alan the BPD Consent to Search Form regarding his apartment, which he signed. A search of the apartment was conducted while Alan sat at the dining room table.

In the spare bedroom off the living room, Detective Chissus noticed approximately ten separate, neat stacks of paper placed on the floor. The stacks were very orderly and the room was void of furniture and furnishings. Detective Chissus noticed a fair amount of the paper appeared to be related to the divorce proceedings and child custody issues. Detective Chissus noticed a VISA statement with a \$5,084.60 balance. Written in pen on the top of this VISA statement was, "I stopped using the card on 11/17/11." Detective Chissus also noticed correspondence from Bates and Ely PLLC, which was Susann Smith's lawyer.

In the master bedroom, Detective Chissus noticed several binders and folders in a box. On one of the binders was a piece of paper titled, "Self Talk." Several items were written under "Self Talk," including: "Anger at Colleagues for helping me drive her off. Excessive need to talk and get validation. Sleeplessness." Another piece of paper located is titled, "Issues" and has several lines related to what appears to be list of his own issues, including: "Living in a crappy apt."

Earlier in the day when Detective Chissus and I made notification to Alan at Boeing, Detective Chissus and I noticed Alan's left hand was severely swollen and he had a fresh cut on his left thumb. Alan advised his left hand was swollen due to his 3 year old son hitting him with a hatchet. Detective Chissus asked Alan if a hatchet located in his living room was the one his son had used and he replied it was. Detective Chissus asked if we could re-create the incident, which Alan agreed to do. Alan was asked to hold a piece of firewood exactly as he had at the time. Alan held a piece of firewood on the table with his hand palming the top portion of the wood, essentially covering the top with his hand. He indicated that his 3 year old had hit him on the back of his hand with the hatchet turned backward. This portion of the hatchet is similar to a hammer. Detective Chissus raised the hatchet and gently brought it down, hammer side, onto the back of his hand. Alan agreed this was how it had happened. The swelling on the back of Alan's hand did not appear to be consistent with this type of injury. There was no distinct marking consistent with the circular hammer portion of the hatchet. The hatchet also appeared to be a heavy tool for a 3 year old to be able to use.

I requested permission to take the hatchet and Alan agreed. Detective Chissus wrote it on the Consent to Search Form.

Alan also volunteered to provide a buccal swab from his mouth. Alan further volunteered to provide an audio recorded statement. In his statement, Alan was more articulate about his timeline and whereabouts on Sunday evening. Alan signed a witness recorded statement form. Alan mentioned in his statement he purchased the two coveralls at the Home Depot at 128th and Evergreen Way on his lunch break earlier in the day on 02/12/2013. He further mentioned he had stopped at the Taco Bell during the same time prior to purchasing the coveralls. Alan still couldn't answer who would want to harm Susann or what might have happened to her. During our hour or so with Alan he never mentioned anything about his children nor did he ask about Susann.

Alan Smith's ex-girlfriend's statement

Detectives contacted Rachel Amrine, who advised she is an ex-girlfriend of Alan Smith. Amrine advised that Alan and her had a 2-3 month dating relationship during the fall of 2012. She advised that Alan told her he was divorced and was currently going through a nasty, bitter custody battle with Susann. Amrine said Alan was angry with Susann and in October, 2012 he had asked Amrine how someone could make somebody disappear without anyone knowing. A few days later Alan called Amrine and was "ranting and ranting." She described Alan as, "really angry, really angry." Alan told her, "I just want her to be done with." Alan asked her if there was any way he could just get rid of her and nobody would know. Another time as they were in bed, Amrine said Alan was really anxious, so to lighten up the situation she jokingly mentioned that he could use potassium chloride into the rectum to kill someone and it would be difficult to detect. She said Alan stopped and looked at her for a really long time and she felt he was thinking about it. Amrine said she realized this was not something she should have told Alan. Amrine ended the relationship just before Thanksgiving 2012. Around Christmas, Alan re-contacted Amrine trying to start the relationship again. After Detectives contacted Amrine by phone on 2/12/2013, and set an appointment to come to her residence, Amrine sent Alan a text. Alan replied back to her by text stating that he was in a meeting.

Crime scene

The initial warrant to search Susann's residence was obtained reference Snohomish County Southwest District Court No.SW2013-36. The residence was processed by the Washington State Crime Scene Response Team (CSRT). The CSRT members examined the noted axe and eliminated it as being involved in the crime because it did not test positive for blood, the material found near the axe was determined to be small pieces of wood and the axe had a large amount of dust on it indicating it had not been moved for some time.

The WSP CSRT members continued their processing and a single droplet of blood was identified at the front entry way inside the residence. Sergeant Dan Christman stated the following regarding his professional opinion of this droplet of blood:

Although it is possible this one bloodstain was created when wet blood dropped off of blood-soaked items (clothing or weapons) being carried out of the scene by the suspect, it is equally possible that the bloodstain was created when blood dripped from a fresh wound the suspect sustained during the incident. It should be noted that in the area where this single bloodstain was located, there are no other similar bloodstains present. Because it is a symmetrical bloodstain (width is equal to its length) it was deposited from directly above the floor, and it makes sense that the blood could have dropped from the suspect as s/he were leaving the crime scene, and this one piece of evidence may contain the DNA profile of the

suspect in this case. The importance of getting this blood evidence to the State Lab for further analysis is key to this investigation.

The WSP CSRT identified blood smearing on the inside and outside of the doorknob on the front door. CSRT collected a sample of the blood for future analysis and examination.

The CSRT members identified several foot impressions in the home including the hallway, kitchen, dining room and living room that tested positive for the presence of blood. The foot impressions were consistent in shape and size as being that of only one person. The foot impressions were processed and photographed. It was further determined the foot impressions were from a soft sole shoe or from some type of soft material such as a sock or shoe cover with a waffle type pattern.

The WSP CSRT members processed the bathroom where the body was in the tub full of water. The tub walls and bathroom floor did not have any water or residue staining to indicate the tub was full of water first before the body was placed in the tub. CSRT identified and collected hairs from the victim's right hand and above her buttock. CSRT further identified and processed the blood transfer staining from some material left on the front edge of the tub. These stains from the material had a small woven pattern of equally squared shapes consistent with an article of clothing or soft fabric.

The WSP CSRT members processed the far south east bedroom where Officer Caban had looked into the window and saw the suspected bloodstains. There was a large amount of blood and blood spatter in the room. It was obvious based on the amount of blood and cast off (blood from an object in motion) of the blood; a body had been on the floor between the bed and interior wall. The same body (victim) suffered severe trauma consistent with another human being (suspect) applying some form of lethal force resulting in a large pool of blood on the floor and heavy cast off blood on the walls and ceiling.

The scene in the bedroom was analyzed by Sergeant Christman and based on his professional opinion a violent assault occurred in the room. The suspect(s) used an as yet unidentified object capable of causing enough blunt force and or sharp force trauma to seriously harm or cause death to the victim. The suspect(s) continued striking the victim with the object multiple times, creating multiple events, meaning there were multiple layers of blood cast off and blood smearing on the interior wall and floor indicating there were breaks in the assault and then the assault continued on the same victim. Based on the amount of blood cast off and the pattern of the casted off blood landed, it was determined the assaulted started while the victim was in bed. The assault graduated to the right side of the bed onto the floor. Based on the blood pattern and blood smearing on the floor it was evident the victim was moved in a dragging fashion out of the bedroom into the hallway and into the bathroom. There was evidence the suspect(s) attempted to wipe up the blood in the room, hallway and

bathroom based on the large swirl impressions on the floors in the bedroom, hallway and bathroom.

The WSP CSRT members noted there were several bloody finger type impressions throughout the scene but none of these impressions were AFIS quality nor did these prints show any ridge detail. This is an indication the suspect(s) may have been wearing protective gloves during the commission of the crime.

Based on the initial evidence and processing of the residence, it was determined a brutal and lethal assault started in the back bedroom. The suspect(s) then dragged the victim into the bathroom and placed the victim in the bath tub face down. The suspect(s) then filled the tub with water and positioned the victim's head under the water. The suspect(s) then moved (walked) about the hallway and kitchen during and after the crime based on the bloody foot impressions. The suspect then left the residence via the front door based on the bloody foot impression leading out of the living room to the front door.

CSRT found no indication of presence of blood on the kitchen sink or on any of the sharp edge knives found in the kitchen. There was also no presence of blood detected in the bathroom sink.

The Snohomish County Associate Medical Examiner Stanley Adams, MD and Snohomish County Medical Examiner Investigator Don Carman responded to the scene. The body was removed from the tub and examined. The body was confirmed as an adult white female. The female's physical features fit the physical description of Susann Smith. The female had suffered multiple blunt force trauma to the face and head. The wounds were so severe Dr. Adams could not determine the initial number of injuries or how the injuries occurred other than they were not caused by self-infliction and not caused by accident. Identification of the female was not initially confirmed due to the amount and severity of the wounds to her face. Dr. Adams and ME Investigator Carman took possession of the body.

Detectives conducted an experiment of filling the bath tub with water to the water mark left on the tub as found by the first responders.. It took 14 minutes and 45 seconds to fill the tub to the water line. The experiment results would indicate the suspect(s) spent close to 15 minutes waiting for the tub to fill with enough water to submerge the victim.

Autopsy summary

On 2/13/13, this Affiant and Detective Chissus attended the autopsy of the decedent. The autopsy was performed by Snohomish County Associate Medical Examiner Stanley Adams, MD. Associate Medical Examiner Adams advised the female had suffered both blunt force and sharp force trauma to her face, forehead, and back of her head. The female further suffered a fractured skull to the lower left section of the skull. Dr. Adams noted the fracture was a fatal wound in and of itself. There were an estimated 19 separate blunt force along with sharp force wounds in the face and head.

There were contusions to both of the arms and hands that were consistent with defensive wounds. There were no sharp force wounds to any other parts of Susann's body other than the face and head. There were no injuries to the torso and legs. The autopsy revealed the victim had water in the lungs and airway consistent with drowning. Dr. Adams determined the cause of death was blunt force and sharp force trauma with a third component of asphyxiation by drowning. The manner of death was ruled, homicide.

The body was officially identified as Susann Smith from her current dental records.

Susann Smith and Alan Smith relationship summary

Based on Detective's interviews of Alan Smith and Susann's civil family law attorney, John Ely, as well as from documents filed in Snohomish County Civil Court, a summary was prepared relating to Alan and Susann's separation and pending divorce. The summary is as follows:

Alan Smith filed a Petition for Dissolution on 11/18/2011. While they had spent months attempting to reach a share agreement, Alan and Susann could not reach an accord on all parenting issues. Alan wanted a 50/50 share plan, but Susann felt a 50/50 plan would be too disruptive for the children.

When it became clear an agreement on the issues between the parties could not be reached, Alan hired an attorney, Laurie Ummel, and filed a Motion for Temporary Order. A hearing was held on 8/3/2012 and the Commissioner largely adopted Susann's proposed parenting plan as the parties Temporary Parenting Plan. One of the issues raised by the Commissioner was that Alan had moved to the Ravenna neighborhood of Seattle and felt the commute to Bothell for the young children did not make a lot of sense. Monthly support was set at \$1,128 and maintenance was set at \$600 and the Commissioner ordered Alan to pay Susann \$2,000 in attorney fees. After the hearing, all parties went into the hallways and were discussing the ruling. Alan and Susan disagreed about an issue and Alan became upset. Susann's attorney, John Ely advised Alan became upset and gave Susann an incredibly angry and chilling stare. In his 15 years practicing of family law, Ely does not remember ever seeing a stare by one party to the other in the courthouse quite like the stare Alan gave Susann. It was such "an incredibly menacing stare" – so much that he commented about it to both Susann and other office staff. Susann denied Alan had ever physically abused her, but said that Alan could be emotionally threatening to her. Susann indicated to Ely that Alan could be very aggressive to her by getting in her face and confronting her. A couple of weeks after this hearing, Laurie Ummel filed a Notice of Immediate Withdrawal as Alan's attorney.

Alan represented himself for approximately 1 ½ months, but nothing really transpired. Trial date for dissolution was set for 11/8/2012. However, on 9/21/2012, Sabrina Layman filed a Notice of Appearance indicating she was Alan's new attorney. Layman

requested and received a continuance on the trial date to 5/16/2013, so she could become acquainted with the case.

However, on 11/7/2012 Alan fired Layman and hired a 3rd attorney, Brook Goddard. Goddard filed a Motion with the Court seeking to have a Guardian Ad Litem (GAL) on 11/19/2012. Alan contended the GAL was necessary to investigate the parenting of the parties and the welfare of the children. Ely felt this was odd, as Alan had not previously mentioned any concerns about Susann's parenting.

On 12/3/2012, a Commissioner heard the Motion to Appoint a GAL and she did not find any evidence to appoint a GAL. In addition, the Commissioner awarded Susann \$500 in attorney fees as a result of having to defend the motion.

Alan then filed a Motion for Reconsideration to the Commissioner on 12/13/2012. Alan provided a declaration at this time, claiming he went to a psychiatrist and reported his own observations/concerns. Alan claimed that as a result of his discussions, the psychiatrist raised concerns that Susann may have sexually abused their 6 year old daughter. Alan also said, "Susann is very much in need of psychiatric evaluation and the children need to be protected." Ely felt that Alan was engaging in 'double hearsay' with no real evidence and this showed Ely how "outrageous" Alan had become in trying to convince the court. Ely felt Alan was willing to do anything to try and get the court to listen to him. On 1/10/2013 the Commissioner denied Alan's Motion for Reconsideration.

On 1/10/2013 Susann sent an email to Ely advising Alan had called with a proposal to "give his children their family back." Susann said, "Essentially, he wants to move back in." To Ely, this confirmed to him that Alan was making up stories about Susann in his declaration in order to win in court. Ely asked why would a person who truly believed that his wife had sexually abused his daughter turn around in a couple of weeks and ask to reconcile with his wife.

On 1/11/2013, Alan filed a Motion of Revision of the Commissioners Ruling on the issue of appointment of a GAL. The Motion for Revision was scheduled for hearing on 1/25/2013. In this Motion, Alan added that he was concerned Susann was going to move to Germany.

On 1/25/2013 the 3rd Motion for Revision was denied by the Judge and upheld the ruling of the previous Commissioner. Ely related that after this hearing, Susann had been waiting in the hallway at the Snohomish County Courthouse alone. When Ely contacted her, Susann told Ely that Alan had confronted her and called her a "monster."

Detectives conducted interviews with neighbors, co-workers, friends and family members of Susann Smith and Alan Smith. Below is a summary of those interviews:

Alan Smith

The witnesses interviewed described Alan Smith as "creepy", "weird" and "awkward." They describe Alan as not being overly interested or involved with his children prior to separating from Susann. One witness related that after the separation between Alan and Susann, Susann came home and discovered Alan inside her home with a new girlfriend, preparing a meal. Co-workers of Alan describe him discussing his hatred and hostility constantly, to the point where a supervisor at work told Alan that his continued discussion of his divorce proceedings was disrupting the work environment. On the most recent business trip that Alan took to Ireland, from 02/06/2013 thru 02/09/2013, a co-worker described how Alan constantly and bitterly complained about Susann, and turned any conversation back to his issues with her. Alan indicated a fear that Susann would attempt to take the two children back to her native Germany. Alan indicated he would do whatever necessary to keep this move from occurring.

Alan Smith's third interview

On 2/14/2013, Detective Chissus and I contacted Alan at his apartment. He invited us in to speak to us. Alan mentioned he was reluctant to cooperate with us because he believed we were, "Trying to traumatize me." Alan's answers were very direct and non-emotional regarding Susann and her personal life. Again Alan never asked about his children and only said I took his kids away from him. Alan declined to allow us to take photos of him and his injuries. Alan did tell us he stayed 2-3 minutes longer than the other adults at the party at Susann's house on Saturday before leaving. During this 2-3 minutes, Alan said Susann "took him by the hand" and took him into her bedroom to show him new photos of him and the children. Alan stated the photos were on a shelf in the room. During a search of Susann's residence over 2/12/2011, through 2/14/2013, Detectives took notes and photographed the contents of Susann's room. No photos of Alan Smith were located on the shelves, walls or anywhere else in that room.

During the interview, Alan mentioned that he and Susann communicated through email once a week and through phone calls three times a week on average. The communication was centered on the children's schedules or to speak with the children.

Alan's description of Susann's taking him by the hand and taking him to the bedroom was inconsistent with the increasing acrimony of the divorce proceedings and custody issues. This acrimony was outlined in the court documents where Alan claimed Susann might be sexually abusing the children, and Alan calling Susann a "monster" after their last court hearing on 01/25/2013. Communication between the two was generally relegated to either emails or phone calls.

During the interview, Alan became agitated regarding personal questions we were asking about Susann. He stood up from his chair and while answering the questions in a very direct tone, he continued to stare at me and walked into my personal space. This was very unusual behavior and both Detective Chissus and I felt very uncomfortable. Alan then asked us to leave his residence.

Blood transfer experiment

On 02/18/2013, Bothell Police Detectives along with Sergeant Christman conducted a blood transfer experiment. Sergeant Chirstman led the experiment and used animal blood to simulate human blood. Samples of the same type of Kleenguard Chemical Splash Resistant Coverall suit that were found by detectives in Alan's vehicle during consent to search on 02/12/2013 were obtained from Home Depot and were used for the experiment. A fiberglass bath tub similar to the tub at the scene was purchased and set up for the experiment. Animal Blood was applied to test samples of the Kleenguard suit and pressed against the sample bath tub to simulate blood transfer. The experiment results were evaluated and determined to have similar characteristics to that of the blood transfer stains identified on the bath tub in the residence of 216 240th ST SW Bothell.

Detectives located and confirmed Alan Smith did purchase two Kleenguard coveralls and masking tape at the Home Depot Store on 02/12/2013, at 13:40 hours, as he had stated to detectives.

Smith child Interview

On 02/19/2013, Bothell Police Department Detective Thompson attended a professional child interview with Susann and Alan's 6 year old daughter, N.S. During the interview, when asked about her little brother using a hatchet to chop wood, N.S. asked, "How could a 3 year old even chop wood?" N.S. said that her dad was the only one that chopped wood and he did it outside in the hallway.

N.S. also related in great detail how Alan had cut up apples in the morning on 2/12/2013 and sprinkled cinnamon on them. She was very descriptive with how he cut the apples with a knife, took the seeds out, placed the slices on plates and sprinkled them with cinnamon. He then brought the plates to them at the dining table and they all ate. She did not mention a cut finger or need for band aid.

Alan Smith's co-workers statements regarding recent business trip

On 02/19/2013 at 1310 hours, Detectives interviewed Colin Warner who works in the same work group with Alan, but he did not socialize with Alan outside of work. On 2/6/2013 Warner met Alan and another coworker, Matthew Pierce, in Ireland on a Boeing business trip. All three returned to Seattle together on 2/9/2013 around 1200 hours. Warner said although it was a business trip, he had dinner every night and toured Dublin with Alan. Warner said Alan was very upset and distraught about his wife winning a recent court ruling regarding their children. He commented, "I want her to know the pain I feel." Alan felt the court would not listen to him and said he did not know how to show the court that she was not a good mother. Alan implied that his wife was going to get full custody of the children and he thought she would move them to Germany. Alan had mentioned that Susann was mentally abusive to him and used to treat their dog poorly. Alan said she treated the kids like she did the dog. Warner said that when Alan was present, he would change the topic to his family problems at least 60 to 70% of the time.

On a previous business trip to North Carolina about 6 months ago, Alan had also talked about the divorce. Alan told him how his wife had broken his heart and how he was trying really hard to make it work, but she did not appear to be trying.

On 2/20/2013 at 1540 hours, Detectives interviewed Matthew Pierce, the other coworker Alan was in Ireland with. In the 2-3 years Pierce has known Alan, the majority of the conversations with Alan were related to the divorce of his wife. Alan told Pierce that he felt repressed and mentally abused by his ex-wife and would often say there was a conspiracy in the state of Washington to hide mental abuse. He felt the courts were against him and it was a "fixed system."

While in Ireland, Alan told Matthew that his wife is, "Pure evil" and described her in this manner in more than one occasion. Alan also called his wife a "psychopath." Alan told Pierce his wife had an interest in going back to Germany and taking the kids with her. From the time Pierce has known him, especially during the trip to Ireland, he could tell the relationship between Alan and his ex-wife was not amicable and that he "really, really did not like her-close to hatred." Pierce said that 70-80% of the conversations with Alan were related to his divorce and ex-wife and became tiresome to hear.

Alan Smith's internet searches

On 02/19/2013, Detective Chissus received information from Boeing Security via email, which in part included a McAfee Web Reporter report on Alan Smith's web browsing activity back to 11/20/2012. In part, this report showed the following:

On 2/12/2013 at 0847 hours it appears that Alan Smith went to Google.com

0848 hrs, from google.com he goes to Kayak.com (which is a travel website)

0849 hrs, on Kayak.com it appears he searches for a flight from SEA to CCS with 1 adult and 2 children ages 6 and 3 (CCS is Simon Bolivar Airport in Venezuela).

0913 hrs, it appears he exits off Kayak.com.

0916 hrs, he goes onto Priceline.com (travel website)

0927 hrs, he performs a Google search for, "Where is the Best Place to Live in South Central America?"

0931 hrs, Alan performs a Google search for, "Best Countries to Live and Work Abroad."

0942 hrs, he appears to go back onto Kayak.com 1256 hrs, he appears to go back onto Priceline.com

On 2/13/2013 at 0553 hours, it appears Alan goes onto Kayak.com. At 0606 hrs, it appears Alan searches for a flight from SEA to CCS with only 1 adult listed this time (This is after receiving the death notification from police and having his children placed into CPS custody).

The date parameters on his airline reservation searches were February 12th through March 5th, 2013.

Det. Chissus performed a Google search, typing, "Will Venezuela extradite to the U.S." He noticed the 2nd and 4th site listed were titled, "If You Had to Disappear, Where Would You Go?" The 3rd site listed is titled, "Venezuela Rejects U.S. Extradition Request." The 1st site listed is Wikipedia-The Free Encyclopedia" providing the definition for extradition.

On 2/6/2013 Alan appears to visit virtuallythere.com, which is also a travel website. He appears to have only been on this site from 1005-1006 hours. Detective Chissus was unable to find any additional, specific information about Alan's visit to this site.

There is no other indication that Alan routinely searched any other travel websites until 2/6 and again on 2/12 and 2/13. Based upon the information provided on Alan's searches regarding Venezuela with 1 adult and two children ages 6 and 3, it appears as if he was planning a trip to Venezuela for several weeks. The information about his Google search on "The Best Place to Live in South Central America" and "Best Countries to Live and Work Abroad" suggest Alan had more permanent plans. Based upon the increasing acidic relations between Alan and Susann, it would also appear very unlikely that Susann would have agreed to allow the children to leave the country. It is also interesting to note that Alan made Kayak.com searches on the morning of 2/12, which was the day the children were scheduled to be returned to Susann.

Based upon the above searches Alan performed on his Boeing laptop, it is reasonable to believe that Alan would make similar searches on his home personal computer(s).

Boeing Corporate Investigator Brian Ferguson advised Detective Chissus that Alan had a Boeing issued cell phone identified as a Blackberry through AT&T, phone number: 425-220-7064. Based on my training and experience, it is common for people who are in possession of work phones to sometimes use these for personal use. Corporate Investigator Ferguson advised Detective Chissus that Alan had recent email history on his blackberry relating to his contact with Susann.

Alan Smith's work laptop was identified as a Dell E6410, Boeing tag number A4914760, serial number 2WZSVM1. Boeing Corporate Investigator Ferguson provided the following warning that the employee has to select "OK" to continue past this banner on their computer.

This system is company property and is provided for Boeing-authorized use only, including occasional personal use, as set forth in applicable written policies. Unauthorized use is prohibited and may be subject to discipline, civil suit and criminal prosecution. By using this system you understand and consent as follows: you have no reasonable expectation of privacy in any communications or data, personal or otherwise, transiting or stored on this system; any communications or data transiting or stored on this system may be monitored, intercepted, recorded, and searched at any time and for any lawful purpose, and may be used or disclosed for any lawful purpose. You also agree to comply with all other applicable written policies, procedures and guidelines for system use and protection of company information or information that the company has an obligation to protect, including but not limited to proprietary information, personally identifiable information, and export controlled information.

Susann Smith's cell phone examination

On 02/19/2013, victim Susann Smith's recovered cell phone from her residence was searched and examined by King Count Major Crimes Unit/Digital Forensics Detective Pavlovich. Detective Pavlovich is a 19 year King County Sheriff's Office (KCSO) Deputy Sheriff veteran. He has been assigned to the KCSO Major Crimes Unit for the past 11 years. To date, he has attended over 100 hours of formal training on cell phone data, to include forensic examinations, tower mapping and interpreting call detail and subscriber records for cell phone communications. To date, he has examined over 100 cell phones for both KCSO and other agencies, for crimes ranging from Robbery, Homicide, Assault and Kidnapping. Detective Pavlovich reported, the last incoming text message from Alan Smith was on 02-12-13 which read "Hi Susi." Detective Pavlovich further reported, "On no other occasion in the text message history does Alan refer to Susann as "Susi". He specifically addresses her as Susann on many of the messages, never Susi or Susan or any other form. The last text message exchange between Alan and Susann was on 01/27/13 in which Susann asks Alan for a good time to call the children.

Detective Pavlovich reported Susann's phone contains text message history dating back to 12/13/11. During the last 14 month period form 12/13/11 thru 02/12/13, Alan and Susann exchanged a total of 127 messages, for an average of 9 per month. It was Detective Pavlovich's experience the 127 messages in that time frame was "a very low volume."

Detective Pavlovich further reported, all of the messages or exchanges (excluding the message on 02/12/13) between Alan and Susann in that time frame are conversations in which they discuss transferring children back and forth or other issues related to the children or between them. In no other messages does Alan ever simply write "Hi". All other messages have specific content or revolve around specific issues to be discussed or handled between them.

Susann Smith had Alan's contact information listed in her phone as follows:

Smith, Alan
206/369-7614
425/717-4710
425/387-0558
alan-ucsu@yahoo.com
alan.smith7@boeing.com

Your affiant knows from training and experience that people own cellular telephones and other portable electronic devices for the purpose of being able to use them wherever they are, and as such carry them virtually constantly, or are nearly always within the near vicinity of their cell phones and/or portable devices. I know that criminals often use cellular phones to communicate with accomplices and will sometimes store accomplice's contact information in contact lists, speed dial lists, or other areas of the phone. Communication between suspects and other involved parties can occur in many ways, including through typical cellular phone voice calls, instant messaging, text messages, SMS communications, chat sessions, and email. This information can be used to assist and corroborate surveillance officers' observations and anticipate future movements and locations of the suspect and/or his or her criminal associates, by establishing his or her communication and location habit patterns over time. For example, if the telephone consistently signals the same tower both late at night and in the early morning hours, it is reasonable to conclude that the suspect is living, sleeping, hiding or working at a night job in that vicinity.

Your affiant knows, based on my training and experience, that those involved in criminal enterprises sometimes will use multiple phones in the commission of crimes or to facilitate criminal activity and to avoid detection by law enforcement. They also sometimes possess multiple phones to have a secondary means of communication if a phone is lost or seized by law enforcement. I know through my training and experience that criminals also use cellular phones to document criminal activities through photographs, videos, and digital or voice memos. Many mobile data devices have camera and video capabilities as well. I know that images saved in a cellular phone or mobile data device can contain location evidence and photographs of criminal activity, contraband items, items of evidence, crime victims and criminal accomplices.

Sometimes users sync their cellular telephones to cloud services, which backup or simply store data from the phone or its other internal or external storage. In this case, data stored on the cellular telephone can identify the provider and locations where information, records and evidence regarding use and/or possession of the phone has been stored by suspects. Users of cellular telephones can also send images or documents or other data to others via email, text messages, IM messages and SMS communications. Cellular telephone providers routinely store such messages in

company servers, at least until the message has been retrieved by its intended recipient.

Sometimes it might be possible to find data or records that can be used to corroborate details of an alibi. Other categories of exculpatory evidence might also be available that can help investigators to rule out an individual as a suspect.

Request to seize and search

Based upon the above facts, your affiant is requesting a search warrant to be issued on Alan Smith's above described residence, storage units, vehicles and his person, where I believe there is probable cause that evidence to the crime of Murder 1st Degree will be located. It is still undetermined as to what type of weapons caused the death of Susann Smith.

Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene. This evidence to include but not limited to: bloody clothing, footwear, socks, disposable coveralls etc.

Authority to dismantle any items identified as to have evidence of the crime contained in them and or on them such as but not limited to car seat, flooring, carpet in the vehicle and or residence, sink drains where clean up may have occurred and other appliances, devices or cleaners.

Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Electronic devices not limited to laptops (work and personal), desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.

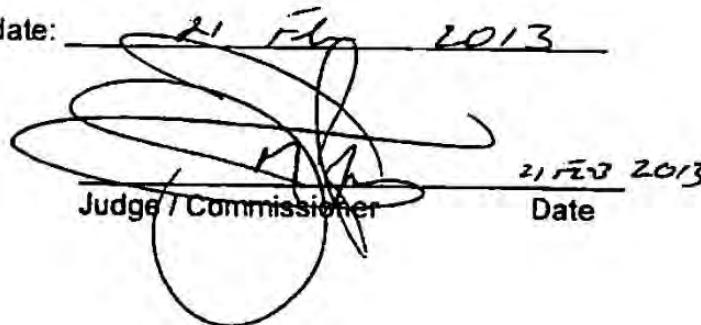
Based upon the above information, it is requested that judicial permission be granted to further inspect and photo document any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, signed in Snohomish County, on the below listed date.



Detective Michael Stone #0087 Date
Bothell Police Department

Subscribed and sworn to before me this date:



21 May 2013
21 May 2013
Judge / Commissioner Date

Issuance of Warrant Approved:

DPA Craig Matheson Bar #18556
Snohomish County Deputy Prosecuting Attorney

SW DistrictCOURT FOR Snohomish COUNTY

STATE OF WASHINGTON)

) ss.

No. SW 2013-49COUNTY OF Snohomish)

INVENTORY AND RETURN OF SEARCH WARRANT

FEB 27 2013

SNO. CO. DISTRICT CC
GOUTH DIVISION

1. I received a search warrant for the premises, vehicle or person specifically described as follows:
1630 228 ST. SE UNIT 5-304 Bothell Wa within Snohomish County.
2. On the 22 day of February, 2013, I made a diligent search of the above-described premises, vehicle or person and found and seized the items listed below in Item 7.
3. Name(s) of person(s) found in possession of property: Alan J. Smith
4. The inventory was made in the presence of:

The person(s) named in (3) from whose possession the property was taken.

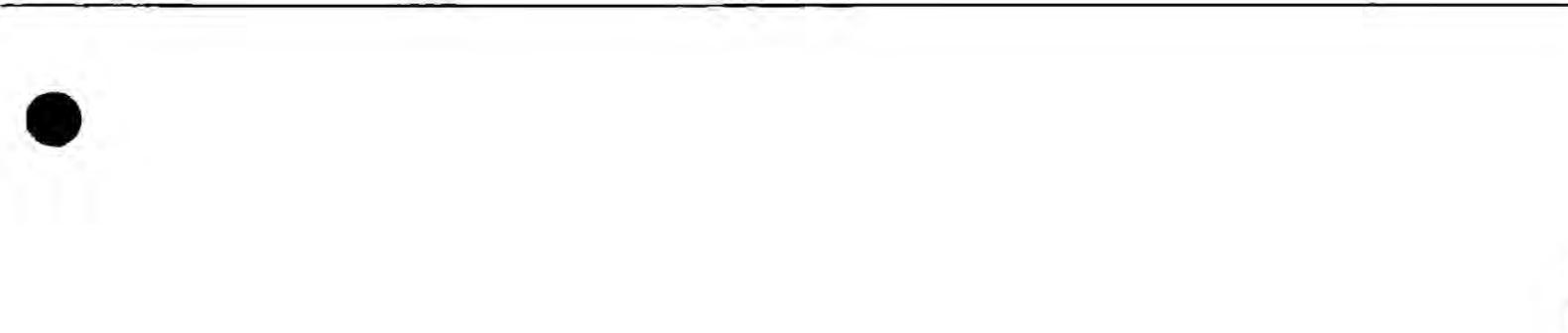
Others: Detect. Vngarsky, Officer Muro
5. Name of person served with a copy or description of place where copy is posted: On diary book w/ copy of search warrant.
6. Place where property is now stored: Bothell Police Dept
7. Property and person(s) seized: Swaks (2) Peacocks Towel, Hair Backpuff and its content, (2) laptop computers, Documents of dominion & control, thumbdrives, envelopes, knife(s), knives w/ black, garbage disposal, cell phone, Plastic bag w/ (2) Tyrex static and tape, Carpet keys, contents of package disposal and special notehooks w/ handwritten notes.

2/22/13
DateBothell Police Department 0276
Agency and Personnel Number

Signature of Peace Officer

Printed or Typed Name

APPENDIX C



SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON)
COUNTY OF SNOHOMISH)

No. 2013 0071

ss.

SEARCH WARRANT

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECEIVED REQUEST FOR ADDITIONAL TIME TO REPLY.

COUNTY CLERK
SNOHOMISH CO. WASH

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

Bank of America, Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021. VISA Signature credit card #4313 0705 3490 8774.

US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021. Line of credit account #4355 7785 6680 5168.

Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015. Fax (224)405-4972. Discover card #6011 2089 3976 1170.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

2. Seize, if located, the following property;

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals.

From March 7, 2012 through March 7, 2013.

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued.

Checking Account Records: Including signature cards, bank statements, deposit slips, checks deposited, checks drawn on the account, records pertaining to all debit and credit memos, Forms 1099 issued.

Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kern*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

3. The affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168, Bank of America,

Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021, US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021 and Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date: March 7, 2013
12

EIM/ta
Signature of Judge Approving Warrant
Ellen J. Fair

Issuance of warrant approved by Craig Matheson #18556

() This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

COUNTY OF SNOHOMISH

) ss.

No. 2013 0071

SEARCH WARRANTED

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. ~~REASON IS DUE~~
 WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS
 STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECEIPT REQUEST
 FOR ADDITIONAL TIME TO REPLY.

~~REASON IS DUE~~
 COUNTY CLERK
 SNOHOMISH CO. WASH

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

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Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

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4. ~~Promptly return this warrant to me or the clerk of this court; after the data has been obtained through Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168, Bank of America,~~

Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021, US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021 and Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date: March 7, 2013
12

EJW/JL
Signature of Judge Approving Warrant
Eileen J. Fair

Issuance of warrant approved by Craig Matheson #18556

() This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

FILED

20130074

2013 MAR 21 PM 12:57

STATE OF WASHINGTON)

No. _____

COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

SEARCH WARRANT

SNOHOMISH COUNTY CLERK

SNOHOMISH CO. WASH

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

is/are located in, on, or about the following described premises, vehicle or person:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

Bank of America, Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021. VISA Signature credit card #4313 0705 3490 8774.

US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021. Line of credit account #4355 7785 6680 5168.

Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015. Fax (224)405-4972. Discover card #6011 2089 3976 1170.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 835-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division

since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to the original affidavit and warrant issued on February 12th, 2013 and authored by Det. Ungvansky. That warrant and supplemental affidavit was assigned number SW2013-36. A supplemental affidavit and warrant was authored by Det. Ungvansky on February 14, 2013 (SW2013-41). A second supplemental warrant was authored by Det. Stone on February 21, 2013. The second supplemental warrant was assigned number SW2013-49 and that warrant and supporting affidavit is attached and incorporated by reference. A third supplemental warrant was also authored by your affiant on 2/27/2013, but has not yet been assigned a number.

The investigation in this case has led investigators to list Alan Smith as a person of interest in the murder of his wife, Susann Smith. Investigators believe the murder of Susann Smith took place on either Sunday night, February 10, 2013 or the morning of Monday, February 11, 2013.

On 2/22/2013 Detectives served a search warrant on Alan Smith's residence and his person under the authority of warrant number SW2013-49. During that search, detectives located the above financial information with Alan Smith listed as the account holder. Subsequent to that search warrant being served, on March 7, 2013, your affiant called Boeing Employee Credit Union and confirmed that Alan Smith's checking account #3588966504 had an assigned debit card in addition to checks.

On October 27, 2012 at 1527 hours, Alan Smith used his Bank of America VISA Signature card to purchase a sheet of plywood, two different sets of disposable coveralls, one box of disposable shoe covers and a rubber mallet at Home Depot. Detectives have subsequently gathered the receipt from Home Depot on this purchase by Alan Smith. A review of the receipt shows that one set of coveralls was listed as SKU #4233 and one SKU#4363. This would indicate that two different types of coveralls were purchased. Through previously obtained search warrants, detectives searched Alan Smith's residence, his place of work and his two known vehicles. Detectives also searched Susann's Smith's residence and two known vehicles. A sheet of MDF plywood, which appeared to be the same plywood on the October 27, 2012 receipt, was located at Alan's residence. None of the other items listed on this purchase were located in or at

any of the above locations by detectives. Your affiant compared and photographed the listed items by SKU from the receipt at Home Depot.

On February 12, 2013 Alan Smith used cash to purchase two more sets of disposable coveralls (both SKU #4363) and a roll of masking tape at Home Depot. On that same evening, your affiant located two sets of coveralls (SKU #4363) during a consent to search on Alan's vehicle. The coveralls were located along with a new roll of masking tape inside a Home Depot bag. Later on 2/12/2013, your affiant and other detectives received consent to search Alan's residence. No items listed on either receipt from Home Depot were located inside his residence on that night.

On 2/22/2013 detectives searched Alan Smith's residence under the authority of a search warrant and two sets of coveralls (SKU #4363) along with a new roll of masking tape were located in the Home Depot shopping bag at Alan Smith's residence. These are believed to be the same two coveralls (and masking tape) located inside his vehicle on 2/12/2013.

During the consent to search on Alan's vehicle on 2/12/2013, your affiant also located one unopened pair of latex gloves in the center console still in their original packaging. It is unknown where and when these gloves were purchased.

Your affiant later provided a similar mallet (same SKU) purchased by Alan Smith on 10/27/2013 to the Medical Examiner. The ME advised it is conceivable the blunt force injuries on Susan Smith could have been caused by this type of rubber mallet.

Investigators determined the evidence at the scene of the murder (Susann Smith's residence) suggests the suspect(s) most likely cleaned up the crime scene and evidence is consistent that the suspect(s) used gloves, i.e. fingerprints in blood displaying no ridge detail one might expect from an unclothed hand. As mentioned previously in the attached supporting affidavit detectives and the Crimes Scene Response Team located what appeared to be fabric pattern marks in blood on the bath tub that held Susann Smith's body. This pattern was very similar to the pattern that Sgt Dan Christman was able to produce using the same type coveralls (per their SKU #) that Alan Smith purchased on both October 27, 2012 and February 12, 2013. Further, detectives have received information from neighbors of Susann Smith that prior to Alan moving out of the home he had been seen wearing coveralls while he was doing remodel work on his home, specifically removing the "popcorn" texturing form the ceiling. This remodel happened sometime in 2009.

Based upon my knowledge, training and experience, I know that people who commit these types of crimes will access their financial accounts to purchase

items to prepare for, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes. I also know that people will sometimes pay others to prepare, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes.

I believe that financial records from Alan Smith's debit cards, credit cards, and checks will provide the points of sale for items related to preparing for, planning, committing, cleaning up, hiding or attempting to destroy evidence connected to these crimes. I believe these points of sale may also show movement of Alan Smith and anyone else possibly related to this crime in the days immediately preceding and following the murder.

For these reasons, I believe that evidence of the crime of Murder 1st Degree in violation of RCW 9A.32.030, will be found in Alan Smith's financial accounts.

Your affiant requests permission search the above listed financial accounts and to seize, if located the following:

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals:

From September 12, 2012 through March 12, 2013:

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued.

Checking Account Records: Including signature cards, bank statements, deposit slips, checks deposited, checks drawn on the account, records pertaining to all debit and credit memos, Forms 1099 issued.

Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

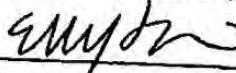
Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kern*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 12th day of March, 2013 at Bothell, Washington,


Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 12th of March, 2013



Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18556
Deputy Prosecuting Attorney

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

No.

COUNTY OF SNOHOMISH

ss.

SEARCH WARRANT

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECIPIENT'S REQUEST FOR ADDITIONAL TIME TO REPLY.

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

Bank of America, Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021. VISA Signature credit card #4313 0705 3490 8774.

US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021. Line of credit account #4355 7785 6680 5168.

Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015. Fax (224)405-4972. Discover card #6011 2089 3976 1170.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

2. Seize, if located, the following property;

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals:

From March 7, 2012 through March 7, 2013:

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued.

Checking Account Records: Including signature cards, bank statements, deposit slips, checks deposited, checks drawn on the account, records pertaining to all debit and credit memos, Forms 1099 issued.

Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kern*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

3. The affidavit for Search Warrant is attached and incorporated by reference.
4. ~~Promptly return this warrant to me or the clerk of this court, after the data has been obtained through Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168, Bank of America,~~

Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021, US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021 and Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date: March 4, 2013
12

E. Mylar
Signature of Judge Approving Warrant
Ellen S. Fair

Issuance of warrant approved by Craig Matheson #18556

() This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

No.

COUNTY OF SNOHOMISH

ss.

SEARCH WARRANT

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECIPIENT'S REQUEST FOR ADDITIONAL TIME TO REPLY.

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

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Bank of America, Canyon Park Branch, 22833-228th ST SE, Bothell, WA 98021. VISA Signature credit card #4313 0705 3490 8774.

US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA 98021. Line of credit account #4355 7785 6680 5168.

Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL 60015. Fax (224)405-4972. Discover card #6011 2089 3976 1170.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA 98011; 218-240th ST SW, Bothell, WA 98021.

2. Seize, if located, the following property;

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals:

From March 7, 2012 through March 7, 2013:

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued.

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All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kem*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

3. The affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through ~~Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168, Bank of America,~~

Canyon Park Branch, 22833-228th ST SE, Bothell, WA, 98021, US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA, 98021 and Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL, 60015

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date: March 8, 2013
12

EJMF
Signature of Judge Approving Warrant
Ellen J. Fair

Issuance of warrant approved by Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

COUNTY OF SNOHOMISH

) ss.

No. 20130071

SEARCH WARRANTED

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. ~~REASONABLE TIME IS DUE~~
 WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS
 STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECEIPT REQUEST
 FOR ADDITIONAL TIME TO REPLY.

~~REASONABLE TIME IS DUE~~
 COUNTY CLERK
 SNOHOMISH CO. WASH

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

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The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

2. Seize, if located, the following property:

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From March 7, 2012 through March 7, 2013:

These records should include but are not limited to:

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Date: March 7, 2013
12

EJF/ta
Signature of Judge Approving Warrant
Ellen J. Fair

Issuance of warrant approved by Craig Matheson #18556

() This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

FILED

20130071

2013 MAR 21 PM 12:57

STATE OF WASHINGTON)

No. _____

COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

SEARCH WARRANT

COURT CLERK

SNOHOMISH CO. WASH

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

is/are located in, on, or about the following described premises, vehicle or person:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

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US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021. Line of credit account #4355 7785 6680 5168.

Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015. Fax (224)405-4972. Discover card #6011 2089 3976 1170.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division

since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to the original affidavit and warrant issued on February 12th, 2013 and authored by Det. Ungvarsky. That warrant and supplemental affidavit was assigned number SW2013-36. A supplemental affidavit and warrant was authored by Det. Ungvarsky on February 14, 2013 (SW2013-41). A second supplemental warrant was authored by Det. Stone on February 21, 2013. The second supplemental warrant was assigned number SW2013-49 and that warrant and supporting affidavit is attached and incorporated by reference. A third supplemental warrant was also authored by your affiant on 2/27/2013, but has not yet been assigned a number.

The investigation in this case has led investigators to list Alan Smith as a person of interest in the murder of his wife, Susann Smith. Investigators believe the murder of Susann Smith took place on either Sunday night, February 10, 2013 or the morning of Monday, February 11, 2013.

On 2/22/2013 Detectives served a search warrant on Alan Smith's residence and his person under the authority of warrant number SW2013-49. During that search, detectives located the above financial information with Alan Smith listed as the account holder. Subsequent to that search warrant being served, on March 7, 2013, your affiant called Boeing Employee Credit Union and confirmed that Alan Smith's checking account #3588966504 had an assigned debit card in addition to checks.

On October 27, 2012 at 1527 hours, Alan Smith used his Bank of America VISA Signature card to purchase a sheet of plywood, two different sets of disposable coveralls, one box of disposable shoe covers and a rubber mallet at Home Depot. Detectives have subsequently gathered the receipt from Home Depot on this purchase by Alan Smith. A review of the receipt shows that one set of coveralls was listed as SKU #4233 and one SKU#4363. This would indicate that two different types of coveralls were purchased. Through previously obtained search warrants, detectives searched Alan Smith's residence, his place of work and his two known vehicles. Detectives also searched Susann's Smith's residence and two known vehicles. A sheet of MDF plywood, which appeared to be the same plywood on the October 27, 2012 receipt, was located at Alan's residence. None of the other items listed on this purchase were located in or at

any of the above locations by detectives. Your affiant compared and photographed the listed items by SKU from the receipt at Home Depot.

On February 12, 2013 Alan Smith used cash to purchase two more sets of disposable coveralls (both SKU #4363) and a roll of masking tape at Home Depot. On that same evening, your affiant located two sets of coveralls (SKU #4363) during a consent to search on Alan's vehicle. The coveralls were located along with a new roll of masking tape inside a Home Depot bag. Later on 2/12/2013, your affiant and other detectives received consent to search Alan's residence. No items listed on either receipt from Home Depot were located inside his residence on that night.

On 2/22/2013 detectives searched Alan Smith's residence under the authority of a search warrant and two sets of coveralls (SKU #4363) along with a new roll of masking tape were located in the Home Depot shopping bag at Alan Smith's residence. These are believed to be the same two coveralls (and masking tape) located inside his vehicle on 2/12/2013.

During the consent to search on Alan's vehicle on 2/12/2013, your affiant also located one unopened pair of latex gloves in the center console still in their original packaging. It is unknown where and when these gloves were purchased.

Your affiant later provided a similar mallet (same SKU) purchased by Alan Smith on 10/27/2013 to the Medical Examiner. The ME advised it is conceivable the blunt force injuries on Susan Smith could have been caused by this type of rubber mallet.

Investigators determined the evidence at the scene of the murder (Susann Smith's residence) suggests the suspect(s) most likely cleaned up the crime scene and evidence is consistent that the suspect(s) used gloves, i.e. fingerprints in blood displaying no ridge detail one might expect from an unclothed hand. As mentioned previously in the attached supporting affidavit detectives and the Crimes Scene Response Team located what appeared to be fabric pattern marks in blood on the bath tub that held Susann Smith's body. This pattern was very similar to the pattern that Sgt Dan Christman was able to produce using the same type coveralls (per their SKU #) that Alan Smith purchased on both October 27, 2012 and February 12, 2013. Further, detectives have received information from neighbors of Susann Smith that prior to Alan moving out of the home he had been seen wearing coveralls while he was doing remodel work on his home, specifically removing the "popcorn" texturing form the ceiling. This remodel happened sometime in 2009.

Based upon my knowledge, training and experience, I know that people who commit these types of crimes will access their financial accounts to purchase

items to prepare for, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes. I also know that people will sometimes pay others to prepare, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes.

I believe that financial records from Alan Smith's debit cards, credit cards, and checks will provide the points of sale for items related to preparing for, planning, committing, cleaning up, hiding or attempting to destroy evidence connected to these crimes. I believe these points of sale may also show movement of Alan Smith and anyone else possibly related to this crime in the days immediately preceding and following the murder.

For these reasons, I believe that evidence of the crime of Murder 1st Degree in violation of RCW 9A.32.030, will be found in Alan Smith's financial accounts.

Your affiant requests permission search the above listed financial accounts and to seize, if located the following:

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals:

From September 12, 2012 through March 12, 2013:

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued.

Checking Account Records: Including signature cards, bank statements, deposit slips, checks deposited, checks drawn on the account, records pertaining to all debit and credit memos, Forms 1099 issued.

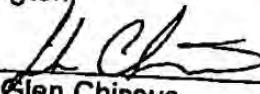
Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

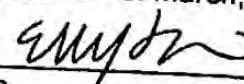
Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kern*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 12th day of March, 2013 at Bothell, Washington,


Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 12th of March, 2013



Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18556
Deputy Prosecuting Attorney

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON) No.
COUNTY OF SNOHOMISH) SS.
SEARCH WARRANT

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECIPIENT'S REQUEST FOR ADDITIONAL TIME TO REPLY.

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

Bank of America, Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021. VISA Signature credit card #4313 0705 3490 8774.

US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021. Line of credit account #4355 7785 6680 5168.

Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015. Fax (224)405-4972. Discover card #6011 2089 3976 1170.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

2. Seize, if located, the following property;

caused by this type of rubber mallet. The rubber mallet purchased by Alan Smith was not located in any of the searches of Alan's residence, his work place, vehicles or at Susann Smith's residence. Your affiant believes it is possible this mallet may have been used by Alan Smith during the murder of Susann Smith on or around 2/10/2013.

Investigators determined the evidence at the scene of the murder (Susann Smith's residence) suggests the suspect(s) most likely cleaned up the crime scene and evidence is consistent that the suspect(s) used gloves, i.e. fingerprints in blood displaying no ridge detail one might expect from an unclothed hand. The Crime Scene Response Team located what appeared to be fabric pattern marks in blood on the bath tub that held Susann Smith's body. This pattern was very similar to the pattern that Sgt Dan Christman was able to produce using the same type coveralls (per their SKU #) that Alan Smith purchased on both October 27, 2012 and February 12, 2013. Further, detectives have received information from neighbors of Susann Smith that prior to Alan moving out of the home he had been seen wearing coveralls while he was doing remodel work on his home, specifically removing the "popcorn" texturing form the ceiling. This remodel happened sometime in 2009. The coveralls and box of shoe covers purchased by Alan Smith were not located in any of the searches of Alan's residence, his work place, vehicles or at Susann Smith's residence. Your affiant believes the coveralls and shoe covers purchased on 10/27/2012 may have been used by Alan Smith to plan, commit, clean up, hide or attempt to destroy evidence connected to Susann Smith's murder.

Your affiant believes if the previously approved search warrant dates for T-Mobile are backed up to October 1, 2012, that investigators will find information that will assist in this investigation. Your affiant believes there is probable cause to believe that a search of Alan Smith's T- Mobile cellular phone number 206-369-7614 will result in locating/seizing:

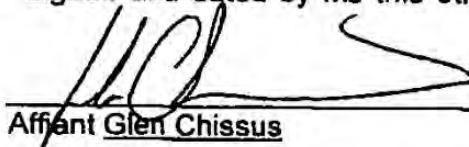
- 1) Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)
- 2) Records or other items in whatever form evidencing dominion and control of the above-described Samsung cellular telephone;
- 3) Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and photo texts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.
- 4) To seize any information located within the search of the cellular telephone data that is held by T-Mobile. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone

site tower usage. All of the above information requested between 10/01/2012 and 12/31/2012, associated with cell phone number 206-369-7614, which is held by T-Mobile.

I know from my training, experience, and discussions with fellow officers who are trained in cellular phone investigation techniques; that to connect with other cellular phones, the internet, or computers, the telephones must communicate with nearby cellular antenna towers and /or Global Positioning Satellites. Evidence of such communication can be stored in the cellular telephone's memory and retrieved by a forensic expert.

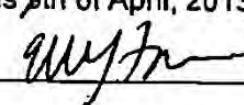
There is probable cause to believe that a search of the above listed Samsung cell phone records will result in locating telephone records and owner information for T-Mobile phone number 206-369-7614 belonging to Alan Smith. Telephone records to include incoming calls, outgoing calls and cell tower information for incoming and outgoing calls from 10/01/2012-12/1/2012; owner information to include owner name, date of birth, address and home phone number.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 9th day of April, 2013 at Bothell, Washington.


Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this ¹⁰/₉th of April, 2013


Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18556
Deputy Prosecuting Attorney

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

COUNTY OF SNOHOMISH

No. 20130070

ss.

SEARCH WARRANT

2013 MAR 21 PM 12:15

FILED

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECEIPT REQUEST FOR ADDITIONAL TIME TO REPLY.

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:
 - a. A Dell Latitude E6410 laptop computer, labeled with Boeing asset tag #A4914760, serial number: 2WZSVM1. This computer is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
 - b. A Blackberry Curve 9360, model # RDC71UW, IMEI: 357965042362130, phone #425-387-0558. One 1-GB micro SD card (#1050 C16258D), 1 AT&T Sim card (89014103254763149923). This phone is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
 - c. An Apple iPad laptop computer, model #A1219, serial number: GB045MMMZ38. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - d. A Dell laptop computer, model #PP02X, service number: GF33Y61. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

- e. A Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
- f. Alan J. Smith's work area to include his desk, table, calendar, pictures, employee locker, assigned file cabinet(s) and any other storage areas assigned to him at the Boeing Plant Everett, Alan Smith's cubicle is located in the 40-83 building, desk location is designated as 1F1-4:3, in the City of Everett, Snohomish County, Washington.
- g. The following USB flash drives located inside Alan's backpack; an Imation 4GB, an Attache 1G and a Ridata. Also, a Lexar 8GB flash drive located on Alan's key ring. These USB flash drives are currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
- h. A Garmin Nuvi GPS unit removed from Alan Smith's 2000 Mercedes ML320 bearing WA license ABD4760. No serial number or identifying information besides 'Garmin Nuvi' can be seen on the outside of the GPS. The GPS unit is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
2. Seize, if located, the following property or persons:
- Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene, bloody clothing, footwear, socks, disposable coveralls etc.
- Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter.
- Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.
- Seize and examine any electronic devices not limited to laptop, desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.
- Any journals, diaries or notes containing information related to Alan Smith's past and present relationships, including Susann Smith and any other person(s) who

he might have contacted with and determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

~~Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.~~

Any computer that is capable to be connected to the Internet, to include: the computer system case with internal components, motherboard, Central Processing Unit (CPU), memory, etc., internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, zip drives, optical storage devices, transistor-like binary devices, and any other memory storage devices); peripheral input / output devices (such as keyboards, mouse/track ball/pad, video display monitor); routers, modems and all related cables, power cords and connections, RAM or ROM units or CD ROM; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

Computer software applications used by the computer system and any related components. Software is stored in electronic, magnetic, optical, or other digital form.

Computer-related documentation which explains or illustrates how to configure or use the computer hardware, software, or other related items/devices. The documentation consists of written, recorded, printed, or electronically stored material.

Computer-related passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security may consist of hardware, software or other programming code.

Any data that may be kept on any computer related storage device as listed in "1" above; to include router logs.

All electronic information within the Blackberry Curve and Samsung cellular phones, including but not limited to owner/subscriber information, IMEI (International Mobile Subscriber Identity), text/multimedia messages (SMM and MMS), calendar events, digital image, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, personal alarms, notes, music, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest.

Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)

Records or other items in whatever form evidencing dominion and control of the above-described cellular telephones;

Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and phototexts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.

To seize any information located within the search of the cellular telephone data that is held by AT&T Wireless, Verizon Wireless and Tracfone Wireless. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone site tower usage between 01/01/2013 and 02/22/2013, associated with this cell phone numbers which are held by AT&T Wireless, Verizon Wireless and Tracfone Wireless

All electronic information located inside the GPS device including addresses, locations, maps, historical points as well as recorded dates and times.

3. The Affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through TRACFONE WIRELESS, Inc. Subpoena Compliance, 9700 NW 112th Avenue, Miami, FL 33178. VIA FAX: 305-715-6932 and AT&T MOBILITY-NATIONAL COMPLIANCE CENTER 11760 U.S. Highway One North Palm Beach, FL 33408 VIA FAX: 888-938-4715.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

2/27/2013

Date: February 27, 2013

Ely J. Fair

Signature of Judge Approving Warrant
Ely J. Fair

Issuance of warrant approved by Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON)

No. 20130070COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

1. A Dell Latitude E6410 laptop computer, labeled with Boeing asset tag #A4914760, serial number: 2WZSVM1. This computer is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
2. A Blackberry Curve 9360, model # RDC71UW, IMEI: 357965042362130, phone #425-387-0558. One 1-GB micro SD card (#1050 C16258D), 1 AT&T Sim card (89014103254763149923). This phone is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
3. An Apple iPad laptop computer, model #A1219, serial number: GB045MMMZ38. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
4. A Dell laptop computer, model #PP02X, service number: GF33Y61. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
5. A Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

6. Alan J. Smith's work area to include his desk, table, calendar, pictures, employee locker, assigned file cabinet(s) and any other storage areas assigned to him at the Boeing Plant Everett, Alan Smith's cubicle is located in the 40-83 building, desk location is designated as 1F1-4.3, in the City of Everett, Snohomish County, Washington.
7. The following USB flash drives located inside Alan's backpack; an Imation 4GB, an Attache 1G and a Ridata. Also, a Lexar 8GB flash drive located on Alan's key ring. These USB flash drives are currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
8. A Garmin Nuvi GPS unit removed from Alan Smith's 2000 Mercedes ML320 bearing WA license ABD4760. No serial number or identifying information besides 'Garmin Nuvi' can be seen on the outside of the GPS. The GPS unit is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to the original affidavit and warrant issued on February 12th, 2013 and authored by Det. Ungvarsky. That warrant and supporting affidavit was assigned number SW2013-36. A supplemental affidavit and warrant was authored by Det. Ungvarsky on February 14, 2013 (#SW2013-41). A second supplemental warrant and affidavit was authored by Det. Stone on February 21, 2013. The second supplemental warrant assigned number is SW2013-49 and the second supplemental warrant and supporting affidavit is attached and incorporated by reference.

The investigation in this case has led investigators to believe that Susann Smith was murdered sometime after she was last seen on 2240 hours Sunday, February 10, 2013 and the morning Monday, February 11th when she failed to show up to work. Alan Smith had shown up to work on both Monday and Tuesday, February 11th and 12th.

Bothell Police Officers have been observing Alan's activities and the only vehicle he has been seen driving is his 2000 Mercedes SUV. On 2/26/2013, Forensic Scientists from WSP Crime Lab processed Alan's SUV and traces of blood were found on the steering wheel, center console and floor mat from Alan's SUV. Traces of blood were also found on Alan's backpack. When your affiant and Det. Stone initially spoke with Alan at his work on 2/12/2013, Alan went to his office and retrieved this same back pack before leaving work in the SUV. On 2/19/2013, your affiant, Detective Glen Chissus, received web browsing information from Boeing Security regarding Alan Smith's company issued Dell Latitude laptop (item #1). In part, the report showed Alan's issued laptop showed searches on a travel website for 1 adult and 2 children, ages 6 and 3 to Venezuela. These searches were performed on the morning of 2/12/2013 before your affiant and Det. Stone contacted Alan to notify him of his estranged wife's probable death. On 2/13/2013, the next day after we made notification with Alan and after he had been advised that Child Protective Services had custody of his children, his laptop showed a search on the same travel website for 1 adult only to Venezuela. Other web searches located on Alan's laptop through Google, asked, "The Best Place to Live in South Central America" and "Best Countries to Live and Work Abroad." Based upon the increasing acidic relations between Alan and Susann Smith, it would appear very unlikely that Susann would have agreed to allow the children to leave the country with Alan. Boeing security also provided information that Alan sent and received personal emails from his laptop (or Blackberry) to Susann Smith related to child custody issues and schedules. Also based upon the above searches performed on Alan's company issued laptop, it is reasonable to believe that Alan would make similar searches on his personal computers (items #3 and 4).

Alan's company issued Blackberry cellular phone (Above item #2) accesses the same Outlook email system as his laptop computer and he is able to send and receive personal emails on his cell phone.

During the search of Alan Smith's residence on February 22, 2013 (under the authority of warrant #2013-49), Officers located and seized an Apple iPad computer, a Dell laptop computer and a Samsung cellular phone (Listed above as items #3, 4, and 5).

A backpack was also recovered during the search of Alan's residence and inside the backpack were 3 USB flash drives. A fourth flash drive was located on Alan's key ring. All of these items are covered in item #7, above.

Request to Search:

Alan Smith's work space

Based upon the above facts, your affiant is requesting a search warrant to be issued on Alan Smith's above described work area and assigned storage areas assigned to him at his place of employment where I believe there is probable cause that evidence to the crime of Murder 1st degree will be located.

Evidence to include, but not limited to; trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions located at the scene, bloody clothing, footwear, socks, disposable coveralls, etc.

Any hammers, hatchets, axes, mauls, fireplace poker, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Seize and examine any electronic devices not limited to laptop, desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries, such as Venezuela, that do not recognize US extradition.

Computers

In addition to Alan's work area, I am requesting a search warrant to seize and examine the Dell Latitude laptop currently located at the Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington and to examine the Apple iPad computer, Dell laptop computer, model #PP02X, and 4 USB flash drives all currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington. The items will be provided to the King County Sheriff's Office for forensic examination:

- 1) Any computer that is capable to be connected to the Internet, to include: the computer system case with internal components, motherboard, Central Processing Unit (CPU), memory, etc., internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, zip drives, optical storage devices, transistor-like binary devices, and any other memory storage devices); peripheral input / output

devices (such as keyboards, mouse/track ball/pad, video display monitor); routers, modems and all related cables, power cords and connections, RAM or ROM units or CD ROM; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

- 2) Computer software applications used by the computer system and any related components. Software is stored in electronic, magnetic, optical, or other digital form.
- 3) Computer-related documentation which explains or illustrates how to configure or use the computer hardware, software, or other related items/devices. The documentation consists of written, recorded, printed, or electronically stored material.
- 4) Computer-related passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security may consist of hardware, software or other programming code.
- 5) Any data that may be kept on any computer related storage device as listed in "1" above; to include router logs.

Based upon my knowledge, training and experience, and the experience of other law enforcement personnel with whom I have consulted on this issue, it is a fact that effective searches and seizures of evidence from computers commonly require law enforcement officers to seize most or all computer items (hardware, software and instructions), then have these items processed later by a qualified forensic expert in a controlled laboratory environment. This is true because computer storage devices (hard drives, disks, diskettes, tape, CDs and removable drives) can store thousands of pages of information in random order with deceptive file names. Directories and subdirectories that contain these files can also be electronically hidden from normal view. Special forensic software is required to detect these hidden directories.

Searching computer systems for criminal evidence is a highly technical process requiring skill in a properly controlled environment. The vast array of computer hardware and software available to the public requires that computer experts specialize in some systems and applications. It is difficult to predict before a search which expert should analyze the system and data. The search of a computer is an exacting procedure that is designed to protect the integrity of the evidence and to recover hidden, erased, compressed, protected and / or encrypted files. Since computer evidence is extremely vulnerable to tampering or destruction from both external sources or from destructive codes imbedded in the system in the form of a "booby trap," the controlled environment of the laboratory is essential to complete an accurate analysis and retrieval.

In order to fully retrieve data from a computer system, the forensic analyst needs all magnetic storage devices, as well as the central processing unit (CPU). In cases like this one, where the evidence consists of electronic communications, the system hardware demonstrating the capability to engage in electronic communication is also essential to show the nature and quality of the graphic images that the system could produce. In addition, the forensic analyst needs all the system software, encryption, encoding, archiving, unarchiving and security software which may have been used to retrieve, store, create, transmit, encrypt or encode data. I seek the above noted items to facilitate the search with minimal intrusion and to lessen the likelihood of damage to non-pertinent files or equipment.

Cellular phones

On 2/19/2013, victim Susann Smith's recovered cell phone was searched and examined by King County Major Crimes Unit/Digital Forensics Detective Pavlovich. Det. Pavlovich reported that last incoming text message on Susann's cell phone was from Alan Smith on 2/12/2013, which read, "Hi Susi." Det. Pavlovich states on no other occasion in her cell phone text history, does Alan refer to Susann as 'Susi'. Alan specifically addresses her as Susann on previous text messages, the last text message (other than on 2/12) is 1/27/2013. In addition to the examination of the above listed computers, your affiant is requesting to seize and examine the Blackberry cellular phone currently located at the Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington and examine Samsung cellular phone Samsung cellular phone currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington by providing them to the King County Sheriff's Office for forensic examination. These phones will be provided to the King County Sheriff's Office for forensic examination:

- 1) All electronic information within the Blackberry Curve and Samsung cellular phones, including but not limited to owner/subscriber information, IMEI (International Mobile Subscriber Identity), text/multimedia messages (SMM and MMS), calendar events, digital image, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, personal alarms, notes, music, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest.
- 2) Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)
- 3) Records or other items in whatever form evidencing dominion and control of the above-described cellular telephones;

- 4) Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and phototexts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.
- 5) To seize any information located within the search of the cellular telephone data that is held by AT&T Wireless, Verizon Wireless and Tracfone Wireless. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone site tower usage between 01/01/2013 and 02/22/2013, associated with this cell phone numbers which are held by AT&T Wireless, Verizon Wireless and Tracfone Wireless

I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination, that a cellular telephone is form of a computer, which has the capacity to store a variety of digital evidence in its memory. This includes, for example, records of telephone calls made and received; records and copies of text messages made and received; photographs; contact lists; notes; records of internet searches; voicemail recordings. I also know that conducting a search of a cellular device or computer storage system, documenting the search, and making evidentiary and discovery copies is a lengthy process. Digital evidence is extremely vulnerable to tampering or to destruction through error, electrical outages, and other causes. It is necessary to determine that no security devices are in place, which could cause the destruction of evidence during the search; in some cases it is impossible even to conduct the search without expert technical assistance. Additionally, to be used to connect with other cellular phones, the internet, or computers, the telephones must communicate with nearby cellular antenna towers and /or Global Positioning Satellites. Evidence of such communication can be stored in the cellular telephone's memory and retrieved by a forensic expert.

I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination, that, whether records are stored on cellular device or computer storage system, even when they purportedly have been erased or deleted, they may still be retrievable. The forensic examiner is familiar with the methods of restoring "lost" data commonly employed by cellular telephone and computer users, and has used those methods himself.

Forensic examination of a cellular telephone is technical and time consuming, and requires the use of forensic equipment. Typically, the forensic examiner needs to conduct the examination in a lab, to ensure that outside influences cannot interfere with the examination. Thus, the phone will need to be taken off site to be analyzed by a qualified forensic detective.

There is probable cause to believe that a search of the Samsung cell phone will result in locating telephone records and owner information for AT&T Wireless and Tracfone wireless phone number (206)369-7614 belonging to Alan Smith and Blackberry Curve ~~cell phone will result in locating telephone records and owner information for Verizon~~ Wireless phone number (425)387-0558 assigned to Alan Smith; Telephone records to include incoming calls, outgoing calls and cell tower information for incoming and outgoing calls from 01/01/2013 to 02/22/2013; owner information to include, owner name, date birth, address and home phone number. The expert searching the phone can also manually retrieve incoming and outgoing text messages sent/received using the above described cell phone.

USB Flash Drives

Your affiant is requesting to examine the four USB flash drives that have been seized under previous search warrant #2013-49 on 2/22/2013. I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination that the most common use of flash drives is to transport and store personal files, such as documents, pictures and videos. USB flash drives are removable and rewritable.

I believe by forensically examining the four USB flash drives already stored at the police department, specialists will be able to determine if Alan Smith utilized these flash drives to store files, documents, pictures or videos related to this crime, or information regarding potential flight from the country.

GPS Unit

Also, your affiant is requesting to seize and examine the Garmin Nuvi GPS located inside Alan Smith's SUV. On 2/12/2013 Alan consented to a voluntary search of his 2000 Mercedes SUV. Detectives Stone and Chissus performed the search on Alan's SUV and noticed a Garmin GPS mounted on the center console. On 2/22/2013 under the authority of search warrant #2013-49, Officers of the Bothell Police Department impounded Alan's SUV and inside this vehicle was a Garmin Nuvi GPS on the center console.

A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated "GPS") consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

Based on my training, experience, and research, I know that the GPS device has capabilities that allow the individual to navigate to and from addresses and locations as well as to record dates and times. Also, the individual is able to record historical points of travel. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests where and when the vehicle travelled to a distinct location.

I believe by forensically examining the Garmin GPS device, specialists will be able to determine if Alan Smith utilized his GPS for locations related to the crime of Murder-1st.

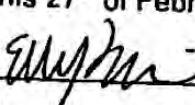
The GPS tracking device may also aid Detectives in determining any patterns before and after the murder was committed. All electronic information located inside the GPS device including addresses, locations, maps, historical points as well as recorded dates and times.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 27th day of February, 2013 at Bothell, Washington.


Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 27th of February, 2013


Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18558
Deputy Prosecuting Attorney

SUPERIORCOURT FOR SNOHOMISH COUNTY

, STATE OF WASHINGTON)

) ss.

No. Z0130089COUNTY OF SNOHOMISH)INVENTORY AND RETURN OF SEARCH
WARRANT

1. I received a search warrant for the premises, vehicle or person specifically described as follows:
SAMSUNG CELL PHONE SERIAL NUMBER: R21C4082XOF
AND PHONE NUMBER 206-369-7614

2. On the 15TH day of APRIL, 20 13, I made a diligent search of the above-described premises, vehicle or person and found and seized the items listed below in Item 7.

3. Name(s) of person(s) found in possession of property: T-MOBILE

4. The inventory was made in the presence of:

- The person(s) named in (3) from whose possession the property was taken.
 Others: _____

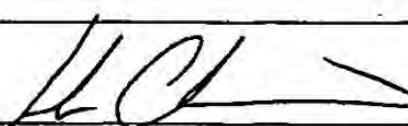
5. Name of person served with a copy or description of place where copy is posted: FAKED TO
T-MOBILE

Place where property is now stored: BOTHELL POLICE DEPARTMENT

7. Property and person(s) seized: T-MOBILE SUBSCRIBER AND CALL DETAIL
RECORDS
- _____

4/15/2013

Date


Signature of Peace OfficerGLEN CRISSUS
Printed or Typed Name

Bothell Police Department- 13-3354
Agency and Personnel Number

APPENDIX D

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

COUNTY OF SNOHOMISH

)
ss.

No.

20130072

FILED

SEARCH WARRANT

2013 MAR 21 PM 1:00

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE
WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS ~~SNOHOMISH CO. WASH~~ TIME IS
STATED HEREIN, OR THE APPLICANT CONSENTS TO A ~~SNOHOMISH CO. WASH~~ REQUEST
FOR ADDITIONAL TIME TO REPLY.

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

A Samsung T-Mobile cellular phone #206-369-7614, model #SGH-T679, serial number: R21C4082X0F. This phone is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

All electronic information within the Samsung cellular phone, including but not limited to owner/subscriber information, IMEI (International Mobile Subscriber Identity), text/multimedia messages (SMM and MMS), calendar events, digital image, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, personal alarms, notes, music, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest.

Records or other items in whatever form evidencing dominion and control of the above-described cellular telephone;

Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and phototexts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.

To seize any information located within the search of the cellular telephone data that is held by AT&T Wireless, Verizon Wireless and Tracfone Wireless. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. ~~This request is to also include the cell phone site tower usage between 01/01/2013 and 02/22/2013, associated with this cell phone numbers which are held by AT&T Wireless, Verizon Wireless and Tracfone Wireless~~

3. The Affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through TRACFONE WIRELESS, Inc. Subpoena Compliance, 9700 NW 112th Avenue, Miami, FL 33178. VIA FAX: 305-715-6932 and AT&T MOBILITY-NATIONAL COMPLIANCE CENTER 11760 U.S. Highway One North Palm Beach, FL 33408 VIA FAX: 888-938-4715.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

3-12-13
Date

Craig Matheson
Signature of Judge Approving Warrant

Issuance of warrant approved by Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective M. Stone
Bothell Police Department / #00087

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT FILED

20130072

STATE OF WASHINGTON)

No. _____ 2013 MAR 21 PM 1:00

COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

SNOHOMISH

COUNTY CLERK

SNOHOMISH CO. WASH

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

A Samsung T-Mobile cellular phone #206-369-7614, model #SGH-T679, serial number: R21C4082X0F. This phone is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

My belief is based upon the following facts and circumstances:

Your Affiant, Detective Michael Stone #0087, has been a full time commissioned Police Officer employed by the City of Bothell Police Department since July 1992, and I am currently assigned to the Criminal Investigations Unit as a Lead General Case Detective for the past 7 years. Prior to July 1992, I was a commissioned Police Officer for the University of Washington Police Department for a period of two years. My training includes but is not limited to successfully graduating from the Washington State Basic Law Enforcement Academy in September 1990 and attending and successfully completing criminal investigation courses such as the following: Basic Homicide; Assault Investigation, Evidence handling and processing; REID interview techniques; Criminal Justice Vocational Training Instructor; Police Field Officer Training; Basic and advanced Special Weapons and Tactics and Police Supervisory School. I further have participated as the lead and primary detective in numerous investigations involving property and violent crimes in the past 22 years. I further hold a Bachelor of Business Administration degree from Central Washington University.

I am familiar with the method of operations of criminal's involved in homicide cases. My past investigation of homicide cases shows relevant training and field experience which led me to establish probable cause for Bothell PD case 13-3354.

Addendum to search warrant issued on 02/27/2013

This is an addendum to the search warrant and search warrant affidavit authored by Bothell Police Detective Chissus and reviewed and signed by Snohomish County Superior Court Judge Ellen Fair on 02/27/2013. That search warrant and search warrant affidavit are both attached to his addendum and incorporated by reference. This ongoing series of search warrants and search warrant affidavits are in regard to the ongoing homicide investigation of 37 year old Susann Smith who's body was discovered on 02/12/2013, in her residence of 216 240th ST SW Bothell, in Snohomish County Washington.

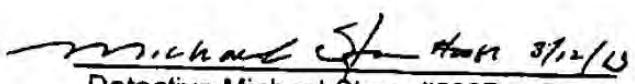
The warrant and affidavit outline why Alan J. Smith (07-19-1975) is a person of interest regarding the murder of his estrange wife, Susann Smith. The warrant and affidavit that was granted by Judge Fair, allowed the seizure of, among other identified electronic devices, Alan Smith's personal Samsung cellular phone.

It was discovered that Alan Smith's Samsung Cellular phone number (206) 369-7614 was not listed on the warrant and affidavit to be searched under section "1.e" a Samsung T-Mobile cellular phone, model #SGH-T679, S/N: R21C4082X0F. Therefore AT&T could not make a search of the requested records and data.

This addendum has added the phone number (206)369-7614 to the identified Samsung cellular phone S/N: R21C4082X0F determined to be owned by Alan Smith.

As mentioned in Detective Chissuss' search warrant and warrant affidavit issued on 02/27/2013, there is probable cause to believe that a search of the Samsung cell phone will result in locating telephone records and owner information for AT&T Wireless and Tracfone wireless phone number (206)369-7614 belonging to Alan Smith; Telephone records to include incoming calls, outgoing calls and cell tower information for incoming and outgoing calls from 01/01/2013 to 02/22/2013; owner information to include, owner name, date birth, address and home phone number. The expert searching the phone can also manually retrieve incoming and outgoing text messages sent/received using the above described cell phone.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, signed in Snohomish County, on the below listed date.


Michael Stone 3/12/13

Detective Michael Stone #0087 Date
Bothell Police Department

Subscribed and sworn to before me this date: March 12, 2013

JW/TM

Judge / Commissioner

3-12-13

Date

Issuance of Warrant Approved:

DPA Craig Matheson Bar #18556
Snohomish County Deputy Prosecuting Attorney

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

)

No.

20130070

COUNTY OF SNOHOMISH

)

ss.

FILED

SEARCH WARRANT

2013 MAR 21 PM 12:57

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECEIPT OF A REQUEST FOR ADDITIONAL TIME TO REPLY.

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:
 - a. A Dell Latitude E6410 laptop computer, labeled with Boeing asset tag #A4914760, serial number: 2WZSVM1. This computer is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
 - b. A Blackberry Curve 9360, model # RDC71UW, IMEI: 357965042362130, phone #425-387-0558. One 1-GB micro SD card (#1050 C16258D), 1 AT&T Sim card (89014103254763149923). This phone is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
 - c. An Apple iPad laptop computer, model #A1219, serial number: GB045MMMZ38. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - d. A Dell laptop computer, model #PP02X, service number: GF33Y61. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

- e. A Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - f. Alan J. Smith's work area to include his desk, table, calendar, pictures, employee locker, assigned file cabinet(s) and any other storage areas assigned to him at the Boeing Plant Everett. Alan Smith's cubicle is located in the 40-83 building, desk location is designated as 1F1-4:3, in the City of Everett, Snohomish County, Washington.
 - g. The following USB flash drives located inside Alan's backpack; an Imation 4GB, an Attache 1G and a Ridata. Also, a Lexar 8GB flash drive located on Alan's key ring. These USB flash drives are currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - h. A Garmin Nuvi GPS unit removed from Alan Smith's 2000 Mercedes ML320 bearing WA license ABD4760. No serial number or identifying information besides 'Garmin Nuvi' can be seen on the outside of the GPS. The GPS unit is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
2. Seize, if located, the following property or persons:
- Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene, bloody clothing, footwear, socks, disposable coveralls etc.
- Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter.
- Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.
- Seize and examine any electronic devices not limited to laptop, desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.
- Any journals, diaries or notes containing information related to Alan Smith's past and present relationships, including Susann Smith and any other person(s) who

he might have contacted with and determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

~~Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.~~

Any computer that is capable to be connected to the Internet, to include: the computer system case with internal components, motherboard, Central Processing Unit (CPU), memory, etc., internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, zip drives, optical storage devices, transistor-like binary devices, and any other memory storage devices); peripheral input / output devices (such as keyboards, mouse/track ball/pad, video display monitor); routers, modems and all related cables, power cords and connections, RAM or ROM units or CD ROM; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

Computer software applications used by the computer system and any related components. Software is stored in electronic, magnetic, optical, or other digital form.

Computer-related documentation which explains or illustrates how to configure or use the computer hardware, software, or other related items/devices. The documentation consists of written, recorded, printed, or electronically stored material.

Computer-related passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security may consist of hardware, software or other programming code.

Any data that may be kept on any computer related storage device as listed in "1" above; to include router logs.

All electronic information within the Blackberry Curve and Samsung cellular phones, including but not limited to owner/subscriber information, IMEI (International Mobile Subscriber Identity), text/multimedia messages (SMM and MMS), calendar events, digital image, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, personal alarms, notes, music, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest.

Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)

Records or other items in whatever form evidencing dominion and control of the above-described cellular telephones;

Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and phototexts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.

To seize any information located within the search of the cellular telephone data that is held by AT&T Wireless, Verizon Wireless and Tracfone Wireless. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone site tower usage between 01/01/2013 and 02/22/2013, associated with this cell phone numbers which are held by AT&T Wireless, Verizon Wireless and Tracfone Wireless.

All electronic information located inside the GPS device including addresses, locations, maps, historical points as well as recorded dates and times.

3. The Affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through TRACFONE WIRELESS, Inc. Subpoena Compliance, 9700 NW 112th Avenue, Miami, FL 33178. VIA FAX: 305-715-6932 and AT&T MOBILITY-NATIONAL COMPLIANCE CENTER 11760 U.S. Highway One North Palm Beach, FL 33408 VIA FAX: 888-938-4715.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

2/27/2013

Date: February 27, 2013

Ellen J. Fair

Signature of Judge Approving Warrant
Ellen J. Fair

Issuance of warrant approved by Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON)

No. 20130070COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

1. A Dell Latitude E6410 laptop computer, labeled with Boeing asset tag #A4914760, serial number: 2WZSVM1. This computer is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
2. A Blackberry Curve 9360, model # RDC71UW, IMEI: 357965042362130, phone #425-387-0558. One 1-GB micro SD card (#1050 C16258D), 1 AT&T Sim card (89014103254763149923). This phone is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
3. An Apple iPad laptop computer, model #A1219, serial number: GB045MMMZ38. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
4. A Dell laptop computer, model #PP02X, service number: GF33Y61. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
5. A Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

6. Alan J. Smith's work area to include his desk, table, calendar, pictures, employee locker, assigned file cabinet(s) and any other storage areas assigned to him at the Boeing Plant Everett, Alan Smith's cubicle is located in the 40-83 building, desk location is designated as 1F1-4.3, in the City of Everett, Snohomish County, Washington.
7. The following USB flash drives located inside Alan's backpack; an Imation 4GB, an Attache 1G and a Ridata. Also, a Lexar 8GB flash drive located on Alan's key ring. These USB flash drives are currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
8. A Garmin Nuvi GPS unit removed from Alan Smith's 2000 Mercedes ML320 bearing WA license ABD4760. No serial number or identifying information besides 'Garmin Nuvi' can be seen on the outside of the GPS. The GPS unit is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to the original affidavit and warrant issued on February 12th, 2013 and authored by Det. Ungvarsky. That warrant and supporting affidavit was assigned number SW2013-36. A supplemental affidavit and warrant was authored by Det. Ungvarsky on February 14, 2013 (#SW2013-41). A second supplemental warrant and affidavit was authored by Det. Stone on February 21, 2013. The second supplemental warrant assigned number is SW2013-49 and the second supplemental warrant and supporting affidavit is attached and incorporated by reference.

The investigation in this case has led investigators to believe that Susann Smith was murdered sometime after she was last seen on 2240 hours Sunday, February 10, 2013 and the morning Monday, February 11th when she failed to show up to work. Alan Smith had shown up to work on both Monday and Tuesday, February 11th and 12th.

Bothell Police Officers have been observing Alan's activities and the only vehicle he has been seen driving is his 2000 Mercedes SUV. On 2/26/2013, Forensic Scientists from WSP Crime Lab processed Alan's SUV and traces of blood were found on the steering wheel, center console and floor mat from Alan's SUV. Traces of blood were also found on Alan's backpack. When your affiant and Det. Stone initially spoke with Alan at his work on 2/12/2013, Alan went to his office and retrieved this same back pack before leaving work in the SUV. On 2/19/2013, your affiant, Detective Glen Chissus, received web browsing information from Boeing Security regarding Alan Smith's company issued Dell Latitude laptop (item #1). In part, the report showed Alan's issued laptop showed searches on a travel website for 1 adult and 2 children, ages 6 and 3 to Venezuela. These searches were performed on the morning of 2/12/2013 before your affiant and Det. Stone contacted Alan to notify him of his estranged wife's probable death. On 2/13/2013, the next day after we made notification with Alan and after he had been advised that Child Protective Services had custody of his children, his laptop showed a search on the same travel website for 1 adult only to Venezuela. Other web searches located on Alan's laptop through Google, asked, "The Best Place to Live in South Central America" and "Best Countries to Live and Work Abroad." Based upon the increasing acidic relations between Alan and Susann Smith, it would appear very unlikely that Susann would have agreed to allow the children to leave the country with Alan. Boeing security also provided information that Alan sent and received personal emails from his laptop (or Blackberry) to Susann Smith related to child custody issues and schedules. Also based upon the above searches performed on Alan's company issued laptop, it is reasonable to believe that Alan would make similar searches on his personal computers (items #3 and 4).

Alan's company issued Blackberry cellular phone (Above item #2) accesses the same Outlook email system as his laptop computer and he is able to send and receive personal emails on his cell phone.

During the search of Alan Smith's residence on February 22, 2013 (under the authority of warrant #2013-49), Officers located and seized an Apple iPad computer, a Dell laptop computer and a Samsung cellular phone (Listed above as items #3, 4, and 5).

A backpack was also recovered during the search of Alan's residence and inside the backpack were 3 USB flash drives. A fourth flash drive was located on Alan's key ring. All of these items are covered in item #7, above.

Request to Search:

Alan Smith's work space

Based upon the above facts, your affiant is requesting a search warrant to be issued on Alan Smith's above described work area and assigned storage areas assigned to him at his place of employment where I believe there is probable cause that evidence to the crime of Murder 1st degree will be located.

Evidence to include, but not limited to; trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions located at the scene, bloody clothing, footwear, socks, disposable coveralls, etc.

Any hammers, hatchets, axes, mauls, fireplace poker, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Seize and examine any electronic devices not limited to laptop, desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries, such as Venezuela, that do not recognize US extradition.

Computers

In addition to Alan's work area, I am requesting a search warrant to seize and examine the Dell Latitude laptop currently located at the Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington and to examine the Apple iPad computer, Dell laptop computer, model #PP02X, and 4 USB flash drives all currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington. The items will be provided to the King County Sheriff's Office for forensic examination:

- 1) Any computer that is capable to be connected to the Internet, to include: the computer system case with internal components, motherboard, Central Processing Unit (CPU), memory, etc., internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, zip drives, optical storage devices, transistor-like binary devices, and any other memory storage devices); peripheral input / output

devices (such as keyboards, mouse/track ball/pad, video display monitor); routers, modems and all related cables, power cords and connections, RAM or ROM units or CD ROM; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

- 2) Computer software applications used by the computer system and any related components. Software is stored in electronic, magnetic, optical, or other digital form.
- 3) Computer-related documentation which explains or illustrates how to configure or use the computer hardware, software, or other related items/devices. The documentation consists of written, recorded, printed, or electronically stored material.
- 4) Computer-related passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security may consist of hardware, software or other programming code.
- 5) Any data that may be kept on any computer related storage device as listed in "1" above; to include router logs.

Based upon my knowledge, training and experience, and the experience of other law enforcement personnel with whom I have consulted on this issue, it is a fact that effective searches and seizures of evidence from computers commonly require law enforcement officers to seize most or all computer items (hardware, software and instructions), then have these items processed later by a qualified forensic expert in a controlled laboratory environment. This is true because computer storage devices (hard drives, disks, diskettes, tape, CDs and removable drives) can store thousands of pages of information in random order with deceptive file names. Directories and subdirectories that contain these files can also be electronically hidden from normal view. Special forensic software is required to detect these hidden directories.

Searching computer systems for criminal evidence is a highly technical process requiring skill in a properly controlled environment. The vast array of computer hardware and software available to the public requires that computer experts specialize in some systems and applications. It is difficult to predict before a search which expert should analyze the system and data. The search of a computer is an exacting procedure that is designed to protect the integrity of the evidence and to recover hidden, erased, compressed, protected and / or encrypted files. Since computer evidence is extremely vulnerable to tampering or destruction from both external sources or from destructive codes imbedded in the system in the form of a "booby trap," the controlled environment of the laboratory is essential to complete an accurate analysis and retrieval.

In order to fully retrieve data from a computer system, the forensic analyst needs all magnetic storage devices, as well as the central processing unit (CPU). In cases like this one, where the evidence consists of electronic communications, the system hardware demonstrating the capability to engage in electronic communication is also essential to show the nature and quality of the graphic images that the system could produce. In addition, the forensic analyst needs all the system software, encryption, encoding, archiving, unarchiving and security software which may have been used to retrieve, store, create, transmit, encrypt or encode data. I seek the above noted items to facilitate the search with minimal intrusion and to lessen the likelihood of damage to non-pertinent files or equipment.

Cellular phones

On 2/19/2013, victim Susann Smith's recovered cell phone was searched and examined by King County Major Crimes Unit/Digital Forensics Detective Pavlovich. Det. Pavlovich reported that last incoming text message on Susann's cell phone was from Alan Smith on 2/12/2013, which read, "Hi Susi." Det Pavlovich states on no other occasion in her cell phone text history, does Alan refer to Susann as 'Susi'. Alan specifically addresses her as Susann on previous text messages, the last text message (other than on 2/12) is 1/27/2013. In addition to the examination of the above listed computers, your affiant is requesting to seize and examine the Blackberry cellular phone currently located at the Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington and examine Samsung cellular phone Samsung cellular phone currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington by providing them to the King County Sheriff's Office for forensic examination. These phones will be provided to the King County Sheriff's Office for forensic examination:

- 1) All electronic information within the Blackberry Curve and Samsung cellular phones, including but not limited to owner/subscriber information, IMEI (International Mobile Subscriber Identity), text/multimedia messages (SMM and MMS), calendar events, digital image, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, personal alarms, notes, music, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest.
- 2) Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)
- 3) Records or other items in whatever form evidencing dominion and control of the above-described cellular telephones;

- 4) Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and phototexts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.
- 5) To seize any information located within the search of the cellular telephone data that is held by AT&T Wireless, Verizon Wireless and Tracfone Wireless. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone site tower usage between 01/01/2013 and 02/22/2013, associated with this cell phone numbers which are held by AT&T Wireless, Verizon Wireless and Tracfone Wireless

I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination, that a cellular telephone is form of a computer, which has the capacity to store a variety of digital evidence in its memory. This includes, for example, records of telephone calls made and received; records and copies of text messages made and received; photographs; contact lists; notes; records of internet searches; voicemail recordings. I also know that conducting a search of a cellular device or computer storage system, documenting the search, and making evidentiary and discovery copies is a lengthy process. Digital evidence is extremely vulnerable to tampering or to destruction through error, electrical outages, and other causes. It is necessary to determine that no security devices are in place, which could cause the destruction of evidence during the search; in some cases it is impossible even to conduct the search without expert technical assistance. Additionally, to be used to connect with other cellular phones, the internet, or computers, the telephones must communicate with nearby cellular antenna towers and /or Global Positioning Satellites. Evidence of such communication can be stored in the cellular telephone's memory and retrieved by a forensic expert.

I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination, that, whether records are stored on cellular device or computer storage system, even when they purportedly have been erased or deleted, they may still be retrievable. The forensic examiner is familiar with the methods of restoring "lost" data commonly employed by cellular telephone and computer users, and has used those methods himself.

Forensic examination of a cellular telephone is technical and time consuming, and requires the use of forensic equipment. Typically, the forensic examiner needs to conduct the examination in a lab, to ensure that outside influences cannot interfere with the examination. Thus, the phone will need to be taken off site to be analyzed by a qualified forensic detective.

There is probable cause to believe that a search of the Samsung cell phone will result in locating telephone records and owner information for AT&T Wireless and Tracfone wireless phone number (206)369-7614 belonging to Alan Smith and Blackberry Curve cell phone will result in locating telephone records and owner information for Verizon Wireless phone number (425)387-0558 assigned to Alan Smith; Telephone records to include incoming calls, outgoing calls and cell tower information for incoming and outgoing calls from 01/01/2013 to 02/22/2013; owner information to include, owner name, date birth, address and home phone number. The expert searching the phone can also manually retrieve incoming and outgoing text messages sent/received using the above described cell phone.

USB Flash Drives

Your affiant is requesting to examine the four USB flash drives that have been seized under previous search warrant #2013-49 on 2/22/2013. I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination that the most common use of flash drives is to transport and store personal files, such as documents, pictures and videos. USB flash drives are removable and rewritable.

I believe by forensically examining the four USB flash drives already stored at the police department, specialists will be able to determine if Alan Smith utilized these flash drives to store files, documents, pictures or videos related to this crime, or information regarding potential flight from the country.

GPS Unit

Also, your affiant is requesting to seize and examine the Garmin Nuvi GPS located inside Alan Smith's SUV. On 2/12/2013 Alan consented to a voluntary search of his 2000 Mercedes SUV. Detectives Stone and Chissus performed the search on Alan's SUV and noticed a Garmin GPS mounted on the center console. On 2/22/2013 under the authority of search warrant #2013-49, Officers of the Bothell Police Department impounded Alan's SUV and inside this vehicle was a Garmin Nuvi GPS on the center console.

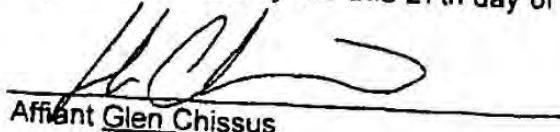
A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated "GPS") consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

Based on my training, experience, and research, I know that the GPS device has capabilities that allow the individual to navigate to and from addresses and locations as well as to record dates and times. Also, the individual is able to record historical points of travel. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests where and when the vehicle travelled to a distinct location.

I believe by forensically examining the Garmin GPS device, specialists will be able to determine if Alan Smith utilized his GPS for locations related to the crime of Murder-1st.

The GPS tracking device may also aid Detectives in determining any patterns before and after the murder was committed. All electronic information located inside the GPS device including addresses, locations, maps, historical points as well as recorded dates

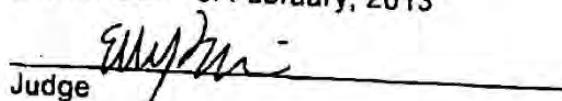
Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 27th day of February, 2013 at Bothell, Washington.



Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 27th of February, 2013



Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18556
Deputy Prosecuting Attorney

SUPERIORCOURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON)

ss.

COUNTY OF Snohomish)No. 2013-0072

INVENTORY AND RETURN OF SEARCH WARRANT

1. I received a search warrant for the premises, vehicle or person specifically described as follows:
SAMSUNG T-MOBILE PHONE (CELL) # 206-369-7614
MUL # 561-T679; S/N: R21C4082X0F
2. On the 12 day of March, 2013, I made a diligent search of the above-described premises, vehicle or person and found and seized the items listed below in Item 7.
3. Name(s) of person(s) found in possession of property: ALAN J. SMITH
4. The inventory was made in the presence of:

The person(s) named in (3) from whose possession the property was taken.

Others: AT & T National Crime Center Complaint
5. Name of person served with a copy or description of place where copy is posted: Snohomish County Clerk's Office - ADDENDUM TO SEARCH WARRANT #2013-70
6. Place where property is now stored: Bothell Police Department
EVIDENCE Room
7. Property and person(s) seized: PHONE NUMBER WAS PORTED TO T-MOBILE-
AT & T HAD NO DATA RECORDS

3/22/2013

Date

Bothell Police Department
Agency and Personnel Number

Signature of Peace Officer

M. STONE
Printed or Typed Name

APPENDIX E

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON)

No. 2013-0078

COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed by or reasonably appears about to be committed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

is/are located in, on, or about the following described premises, vehicle or person:

FIA Card Services, N.A., 22833-228th ST SE, Bothell, WA. 98021. VISA Signature credit card #4313 0705 3490 8774.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to the original affidavit and warrant issued on February 12th, 2013 and authored by Det. Ungvarsky. That warrant and supplemental affidavit were assigned number SW2013-36. Based upon that warrant, Det. Stone authored SW2013-49 on February 21, 2013. Det. Stone's

SNOHOMISH COUNTY
POLICE
DEPARTMENT
SEARCH WARRANT
SW2013-49

2013 MAR 28 AM 9:00

FILED

search warrant and supporting affidavit (SW2013-49) are attached and incorporated by reference.

On March 12, 2013 your affiant authored a warrant (SW2013-71) for financial accounts in the name of Alan Smith to several financial institutions, including Bank of America. This warrant and supporting affidavit are also attached and incorporated by reference.

On 3/22/2013, your affiant received a notice from Bank of America advising that their credit card services are now handled by FIA Card Services, N.A. Bank of America advised that any legal requests for Alan Smith's VISA Signature credit card need to be obtained from FIA Card Services.

The investigation in this case has led investigators to list Alan Smith as a person of interest in the murder of his wife, Susann Smith. Investigators believe the murder of Susann Smith took place on either Sunday night, February 10, 2013 or the morning of Monday, February 11, 2013.

Based upon my knowledge, training and experience, I know that people who commit these types of crimes (Murder-1) will access their financial accounts to purchase items to prepare for, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes. I also know that people will sometimes pay others to prepare, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes.

I believe that financial records from Alan Smith's credit card will provide the points of sale for items related to preparing for, planning, committing, cleaning up, hiding or attempting to destroy evidence connected to these crimes. I believe these points of sale may also show movement of Alan Smith and anyone else possibly related to this crime in the days immediately preceding and following the murder.

For these reasons, I believe that evidence of the crime of Murder 1st Degree in violation of RCW 9A.32.030, will be found in Alan Smith's financial accounts.

Your affiant requests permission search the above listed financial accounts and to seize, if located the following:

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals:

From September 12, 2012 through March 12, 2013:

These records should include but are not limited to:

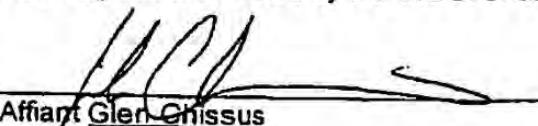
Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

The warrant will be hand delivered to FIA Card Services, N.A at 22833 – 228th ST SE, Bothell, WA. 98021. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kem*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 27th day of March, 2013 at Bothell, Washington.


Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 27th of March, 2013


Judge

Issuance of Warrant Approved:

By: Katie Wetmore, Bar #34976
Deputy Prosecuting Attorney

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON

)) ss.

No. Sw2013-49

COUNTY OF SNOHOMISH

SEARCH WARRANT

FILED

FEB 27 2013

SNO. CO. DISTRICT COURT
SOUTH DIVISION

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime(s) of Murder 1st Degree (RCW 9A.32.30)

has been committed and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:
 - a. The residence and curtilage to include covered porches and any storage unit associated with unit J304 located at The Canyon Pointe Apartment Complex at 1630 228th ST SE unit #J304 in the City of Bothell, Snohomish County, Washington, 98021. Unit #J304 is in the "J" building of the south west end of the apartment complex off of 15th AVE SE. The building is clearly marked with the letter "J" posted on the front of the building facing the south entrance to the building units and where the parking area is located. All the units are accessed from the outside breezeway. Unit J304 is located on the third floor and on the northwest end of the building. The marker 304 is clearly positioned at eye level on the front door of the unit. The unit is a one level 3 bedroom, 2 bath flat with a fireplace.
 - b. 2000 Mercedes ML320 4 door dark blue in color identified by Washington State license ABD4760; described by Vehicle identification Number "VIN" of 4JGAB54E2YA169178. Vehicle registered to Alan J. Smith at 1305 NE Ravenna BLVD #205 Seattle, WA. 98105. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.
 - c. 2002 Honda VF750C motorcycle black in color with soft black carry bags, identified by Washington State license 5A0091; described by

Vehicle identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith with an address 216 240th ST SW Bothell, 98021. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA, 98021.

-
- d. Inspect, observe, identify, document, seize and photograph any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA, 98011.
 - 2. Seize, if located, the following property, but not be limited to the following:
Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene. This evidence to include but not limited to: bloody clothing, footwear, socks, disposable coveralls etc.

Authority to dismantle any items identified as to have evidence of the crime contained in them and or on them such as but not limited to car seat, flooring, carpet in the vehicle and or residence, sink drains where clean up may have occurred and other appliances, devices or cleaners.

Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Electronic devices not limited to laptops (work and personal), desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

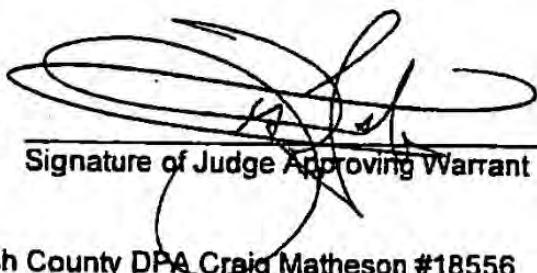
Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.

Based upon the above information, it is requested that judicial permission be granted to further inspect and photo document any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA 98011.

3. Promptly return this warrant to me or the clerk of this court; the return must include an inventory of all property seized.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

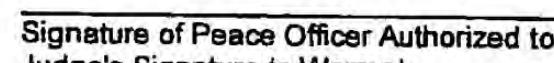
21 Feb 2013
Date


Signature of Judge Approving Warrant

Issuance of warrant approved by Snohomish County DPA Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective M. Stone
Bothell Police Department / #0087


Signature of Peace Officer Authorized to
Judge's Signature to Warrant

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON)

No. SW2013-49

COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

FILED*The undersigned on oath states: I believe that:*

FEB 27 2013

(X) Evidence of the crimes of Murder 1st Degree (RCW 9A.32.030) SNO. CO. DISTRICT COURT
SOUTH DIVISION

(X) Contraband, the fruits of a crime, or things otherwise criminally possessed, and

(X) Weapons or other things by means of which a crime has been committed or
reasonably appears to have been committed, and

() A person for whose arrest there is probable cause, or who is unlawfully
restrained is/are located in, on, or about the following described premises,
vehicle or person:

1. The residence and curtilage to include covered porches and any storage unit associated with unit J304 located at The Canyon Pointe Apartment Complex at 1630 228th ST SE unit #J304 in the City of Bothell, Snohomish County, Washington, 98021. Unit #J304 is in the "J" building of the south west end of the apartment complex off of 15th AVE SE. The building is clearly marked with the letter "J" posted on the front of the building facing the south entrance to the building units and where the parking area is located. All the units are accessed from the outside breezeway. Unit J304 is located on the third floor and on the northwest end of the building. The marker 304 is clearly positioned at eye level on the front door of the unit. The unit is a one level 3 bedroom, 2 bath flat with a fireplace.
2. 2000 Mercedes ML320 4 door dark blue in color identified by Washington State license ABD4760; described by Vehicle Identification Number "VIN" of 4JGAB54E2YA169178. Vehicle registered to Alan J. Smith at 1305 NE Ravenna BLVD #205 Seattle, WA. 98105. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 90821.

3. 2002 Honda VF750C motorcycle black in color with soft black carry bags, identified by Washington State license 5A0091; described by Vehicle identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith with an address 216 240th ST SW Bothell, 98021. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.
4. Inspect, observe, identify, document, seize and photograph any and all injuries, via Alternate Light Source (ALS) and standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.

This is an additional affidavit and warrant request to the original Snohomish County District Court (Southwest Division) Judge Goodwin approved search warrant affidavit and search warrant No. SW13-36 (supported by addendum No.SW13-41) submitted by Bothell Police Department Detective Sean Ungvarsky on 02/12/2013. In summary, search warrant No.SW13-36 (supported by addendum No.SW13-41) authorized the entry, body recovery, processing and evidence collection at the residence of 216 240th ST SW Bothell in Snohomish County and parked vehicles at the same residence on 2/12/2013. The text of the original affidavit is included below, both as background and as a way of establishing probable cause for the seizure and search requested in this warrant. This search warrant is part of an ongoing criminal investigation in the murder of Susann Smith and additional evidence and circumstances have been developed and included in this warrant.

Your Affiant, Detective Michael Stone #0087, has been a full time commissioned Police Officer employed by the City of Bothell Police Department since July1992, and I am currently assigned to the Criminal Investigations Unit as a Lead General Case Detective for the past 7 years. Prior to July 1992, I was a commissioned Police Officer for the University of Washington Police Department for a period of two years. My training includes but is not limited to successfully graduating from the Washington State Basic Law Enforcement Academy in September 1990 and attending and successfully completing criminal investigation courses such as the following: Basic Homicide; Assault Investigation, Evidence handling and processing; REID interview techniques; Criminal Justice Vocational Training Instructor; Police Field Officer Training; Basic and advanced Special Weapons and Tactics and Police Supervisory School. I further have participated as the lead and primary detective in numerous investigations involving property and violent crimes in the past 22 years. I further hold a Bachelor of Business Administration degree from Central Washington University.

I am familiar with the method of operations of criminal's involved in homicide cases. My past investigation of homicide cases shows relevant training and field experience which led me to establish probable cause for Bothell PD case 13-3354.

The Investigation is predicated on the following circumstances, which occurred in Snohomish County, at the location of 216 240th ST SW Bothell, WA. 98021:

On 2/12/13 at about 1030 hours, Bothell Police Department Officers were dispatched to 216 240th St. SW, City of Bothell, County of Snohomish, to check the welfare of Susann Smith. The request had been made by someone who worked with Smith at her place of employment, Z2 Live located in Seattle where Smith is employed as a language translator. The call had been placed by "Kat" from Human Resources. Smith had failed to show up for work for the past two days, Monday and Tuesday, February 11 and 12. Bothell Police Officer Caban was one of the initial officers at the scene. He initially knocked on the door and received no answer. After getting no response Officer Caban checked the exterior of the home. Officer Caban looked into a window of a bedroom located on the southeast corner of the house. Caban was able to see the interior of the room. Inside, Caban observed what appeared to be large amounts of blood on the floor, along with apparent blood smears and blood spatter on the walls and window of the room. In addition, Caban observed that the furnishings in the room appeared askew. Caban also saw an apparent blood trail consistent with a bloody body being dragged. Based on these observations it was apparent that someone had been seriously injured and/or killed inside the room in the recent past. Based on this, officers determined to enter the home to check on the welfare of anyone inside.

Responding officers entered the front door of the residence, which was closed but unlocked, and showed no sign of forced entry. The officers entered and observed areas of the residence which were consistent with living and dining areas. As they started moving to the left side of the house, they noticed suspected bloody footprints in the kitchen and a hallway which ran the length of the left half of the residence. Officers noticed that the amount of suspected blood increased considerably as the hallway stretched to the threshold of the bedroom that Officer Caban had looked into from the rear of the residence. Officers proceeded down the hallway, and looked into a bathroom and noticed a partially clothed subject in the bathtub. Officers advised that the bathtub was almost full, with the subject's head submerged in the water. The subject in the tub was unclothed from the waist down. The bathwater was brownish/red, similar to blood mixed with water. The subject's head was completely submerged in water and there was no movement in the water indicating any signs of life. Based on these observations, the officers determined the subject was deceased. The deceased subject appeared to be a female; however, the subject was positioned in such a way that officers could not confirm the gender of the subject. Officers continued down the hallway and entered the master bedroom and checked to be sure there were no other subjects in the residence. Officers later described they observed suspected blood droplets, suspected blood smears, and possible blood spatter castoff on the floor and walls of this bedroom, this is the same bedroom that Officer Caban earlier

observed from the outside of the residence. In addition, an axe had been located in the southwest corner of the dining room area of the residence.

Bothell Police Sergeant Christman was one of the responding officers to the scene. In addition to working as a Police Sergeant with the Bothell Police Department, Sergeant Christman is Owner of Christman Forensics, a Forensic Consulting and Education Company, specializing in crime scene reconstruction and bloodstain pattern analysis. He has been qualified to testify as an expert witness in Bloodstain Pattern Analysis, Crime Scene Reconstruction, and Death Investigation in State, Federal and Military Courts, as well as the Provincial and Superior Courts in British Columbia, Canada. Sergeant Christman advised that he had observed the same suspected bloodstain patterns as the other officers. Based on his training and experience, Sergeant Christman categorized some of the bloodstain patterns as impact spatters, projected bloodstains, smears, and transfer stains. Sergeant Christman advised that the transfer stains appeared to lead from the master bedroom to the hallway and then into the adjacent bathroom. Based on his training and experience, Sergeant Christman believed the bloodstain patterns he observed to be consistent with medium velocity blood spatter, such as would occur in a beating. Based upon the observations of the officers at the scene, it appeared that all or part of a serious assault had occurred in the master bedroom then ended into the bathroom where the body was found.

When the first search warrant was written for the residence, it was unknown if the deceased subject in the bathtub was Susann Smith, although it was determined through interviews with neighbors and checks with the Snohomish County Property Assessor's Office, that Susann Smith currently lived in the same residence with her two small children. It was further determined Susann Smith was married but currently separated from her husband, Alan J. Smith (07/19/1975). Interviews with neighbors further determined the last known sighting of Susann alive was when she was observed alone by the neighbor Mark Buckley on Sunday night, February 10th, 2013, at around 22:45 hours, in her driveway.

The investigation determined Alan Smith (37) currently lived in the Canyon Pointe Apartments 1630 228th ST SE in Bothell, which is about ten minutes away from Susann Smith's home while traveling by vehicle. The couple has two small children in common and the children were in Alan's care over the weekend before being dropped off by Alan at school and/or daycare the morning of 02/12/2013. Both children were contacted and determined to be safe. They were later placed into CPS protective custody.

Detective Chissus spoke with Oksana Gutnikov and Mark Buckley, who attended the children's 'Carnival' party at Susann Smith's house on Saturday 2/09/2013. The only other adults at this party were Susann and Alan Smith. Alan did not attend the party, but arrived at the end of the party to pick up their children. Both Gutnikov and Buckley advised they never saw Alan leave the living room of Susann's house on this day. However, both left the party while Alan was still inside the residence.

Alan Smith interview

On 02/12/2013, at around 1500 hours, this affiant and Bothell Police Detective Chissus contacted and interviewed Alan Smith at his place of employment at the Boeing Aerospace Company in Everett. Alan agreed to speak to us and did not ask what the contact was about. Alan was very precise in his movements and the manner he spoke.

I advised Alan we were investigating a serious crime but that his children were safe. He did not ask what the crime was nor did he ask where his children were. His reaction seemed rehearsed. I further advised Alan that police found a dead body in his wife's house. He said nothing, did not ask any questions as to who the body might be and did not offer any assistance to us. Alan told us he last saw Susann at her residence on Saturday 02/10/2013, at around 14:30 hours, when he picked up the children. Susann had a party for the children and he had been in the home for about 20 minutes. Alan described his relationship with Susann as friendly. I asked him the reason for the separation and pending divorce and he announced, "sex and the kids." Alan's voice tone when answering the question, indicated that he was angry about the situation. Alan struggled with his timeline as regards to his actions on Sunday evening and into Monday morning. He focused his thoughts and explained he was with his children Sunday afternoon and they were at his residence from 1930 hours, until the following morning watching movies and then went to bed. Alan told us he could not account for about a four hour time frame from Sunday afternoon into Sunday evening. Alan did not provide a further explanation of his movement or actions during the previous weekend other than he arrived at SeaTac Airport from a business trip on Saturday afternoon at around 12:00 hours. Alan said he was sure he was home on Sunday evening after 19:30 hours and remained home until he took the two children to daycare the following morning. Alan did not comment nor did he make any statements regarding his pending divorce with Susann. He mentioned he was paying child support and maintenance to Susann. Alan said he had no idea who would want to harm Susann. Alan did not immediately answer when he was asked if he had anything to do with harming Susann. Alan did not answer when he was asked if there would be any reason why his DNA would be in the house. After waiting and asking a few more times Alan said he didn't think his DNA would be found in the home. I asked Alan where he was when he was in the residence on Saturday. He explained he was in the living room, back bedroom, and bathroom where he helped his son use the bathroom. Alan said he was playing, wrestling with his son in the hallway and in the living room. Alan mentioned his hair might be in the home because he was wrestling with this son in the residence and then pulled on the front of his hair line indicating his hair being pulled.

I saw Alan had a recent injury to his left hand. His left hand was swollen and the skin on the top of the same hand was flushed. The injury looked like the result of a contusion from blunt force trauma. I did not see any abrasions or cuts to the injured area. I asked Alan about the injury and he replied his three year old son struck his hand with a hatchet while cutting fire wood. Alan said this happened on Monday night while they were at his apartment. Alan further said his son hit without warning.

I further observed a cut on Alan's left thumb on the top of the thumb. Alan had a band aid over the cut. Alan said he cut his thumb while cutting an apple earlier in the morning at his residence. Alan had some other abrasions on his knuckles of his right hand that were almost healed. Alan mentioned he always seems to cut himself.

I asked Alan if there would be any reason why he would harm Susann. Alan did not immediately answer and would not look at me. I ask the question again and Alan hesitated then said, "I think I may need to talk to an attorney." I explained to him he had that right but that he was not under arrest. He said he understood.

Alan agreed to allow Detective Chissus to take some photos of his left hand and some comparison photos of both hands. It was obvious based on the comparison of both hands, the left hand was swollen.

The interview with Alan at Boeing ended at approximately 1630 hours. After the interview, Alan had no reaction when he was told his children were going to remain in Child Protective Services (CPS) care until further notice. He said, "I guess I'll have to live with that." Alan did not mention nor did he ask where his children were or how to contact them. It was when we told him the steps to take to reach CPS that he asked about the welfare of his children.

Alan Smith's second interview

Following notification of the body found at the home of his wife Alan Smith contacted detectives at Bothell Police Department at approximately 1830 hours and volunteered to allow a search of his car and apartment. Detective Chissus and I contacted Alan and I read him the BPD Consent to Search Form at 1900 hours. Alan stated he understood and signed the form allowing us to search his 2000 Mercedes SUV WA license ABD4760 as it was parked in the BPD parking lot.

At around 1900 hours, we performed a search of his SUV while Alan stood nearby. Detective Chissus and I observed a Garmin portable GPS in the front dash of Alan's vehicle. Detective Chissus located a plastic Home Depot bag on the rear seat. Inside the bag were two, unopened bags containing Kleenguard Chemical Splash Resistant Coveralls and a new role of masking tape. Alan stated he had purchased the coveralls earlier in the day. He stated that he was planning on painting his apartment and had not purchased paint yet. When Detective Chissus asked Alan what he was going to paint, he replied, "Accent walls." Detective Chissus asked what color and Alan replied, "Beige." Detective Chissus also located a new, single pair of Playtex brand latex gloves, still in the box. We did not question Alan on the latex gloves.

After searching his vehicle, Detective Chissus and I followed Alan to his residence. Alan had also volunteered to have officers search his apartment located at Canyon Pointe Apartments 1630 228th ST SE unit #J304 Bothell. Detective Chissus read Alan the BPD Consent to Search Form regarding his apartment, which he signed. A search of the apartment was conducted while Alan sat at the dining room table.

In the spare bedroom off the living room, Detective Chissus noticed approximately ten separate, neat stacks of paper placed on the floor. The stacks were very orderly and the room was void of furniture and furnishings. Detective Chissus noticed a fair amount of the paper appeared to be related to the divorce proceedings and child custody issues. Detective Chissus noticed a VISA statement with a \$5,084.60 balance. Written in pen on the top of this VISA statement was, "I stopped using the card on 11/17/11." Detective Chissus also noticed correspondence from Bates and Ely PLLC, which was Susann Smith's lawyer.

In the master bedroom, Detective Chissus noticed several binders and folders in a box. On one of the binders was a piece of paper titled, "Self Talk." Several items were written under "Self Talk," including: "Anger at Colleagues for helping me drive her off. Excessive need to talk and get validation. Sleeplessness." Another piece of paper located is titled, "Issues" and has several lines related to what appears to be list of his own issues, including: "Living in a crappy apt."

Earlier in the day when Detective Chissus and I made notification to Alan at Boeing, Detective Chissus and I noticed Alan's left hand was severely swollen and he had a fresh cut on his left thumb. Alan advised his left hand was swollen due to his 3 year old son hitting him with a hatchet. Detective Chissus asked Alan if a hatchet located in his living room was the one his son had used and he replied it was. Detective Chissus asked if we could re-create the incident, which Alan agreed to do. Alan was asked to hold a piece of firewood exactly as he had at the time. Alan held a piece of firewood on the table with his hand palming the top portion of the wood, essentially covering the top with his hand. He indicated that his 3 year old had hit him on the back of his hand with the hatchet turned backward. This portion of the hatchet is similar to a hammer. Detective Chissus raised the hatchet and gently brought it down, hammer side, onto the back of his hand. Alan agreed this was how it had happened. The swelling on the back of Alan's hand did not appear to be consistent with this type of injury. There was no distinct marking consistent with the circular hammer portion of the hatchet. The hatchet also appeared to be a heavy tool for a 3 year old to be able to use.

I requested permission to take the hatchet and Alan agreed. Detective Chissus wrote it on the Consent to Search Form.

Alan also volunteered to provide a buccal swab from his mouth. Alan further volunteered to provide an audio recorded statement. In his statement, Alan was more articulate about his timeline and whereabouts on Sunday evening. Alan signed a witness recorded statement form. Alan mentioned in his statement he purchased the two coveralls at the Home Depot at 128th and Evergreen Way on his lunch break earlier in the day on 02/12/2013. He further mentioned he had stopped at the Taco Bell during the same time prior to purchasing the coveralls. Alan still couldn't answer who would want to harm Susann or what might have happened to her. During our hour or so with Alan he never mentioned anything about his children nor did he ask about Susann.

Alan Smith's ex-girlfriend's statement

Detectives contacted Rachel Amrine, who advised she is an ex-girlfriend of Alan Smith. Amrine advised that Alan and her had a 2-3 month dating relationship during the fall of 2012. She advised that Alan told her he was divorced and was currently going through a nasty, bitter custody battle with Susann. Amrine said Alan was angry with Susann and in October, 2012 he had asked Amrine how someone could make somebody disappear without anyone knowing. A few days later Alan called Amrine and was "ranting and ranting." She described Alan as, "really angry, really angry." Alan told her, "I just want her to be done with." Alan asked her if there was any way he could just get rid of her and nobody would know. Another time as they were in bed, Amrine said Alan was really anxious, so to lighten up the situation she jokingly mentioned that he could use potassium chloride into the rectum to kill someone and it would be difficult to detect. She said Alan stopped and looked at her for a really long time and she felt he was thinking about it. Amrine said she realized this was not something she should have told Alan. Amrine ended the relationship just before Thanksgiving 2012. Around Christmas, Alan re-contacted Amrine trying to start the relationship again. After Detectives contacted Amrine by phone on 2/12/2013, and set an appointment to come to her residence, Amrine sent Alan a text. Alan replied back to her by text stating that he was in a meeting.

Crime scene

The initial warrant to search Susann's residence was obtained reference Snohomish County Southwest District Court No.SW2013-36. The residence was processed by the Washington State Crime Scene Response Team (CSRT). The CSRT members examined the noted axe and eliminated it as being involved in the crime because it did not test positive for blood, the material found near the axe was determined to be small pieces of wood and the axe had a large amount of dust on it indicating it had not been moved for some time.

The WSP CSRT members continued their processing and a single droplet of blood was identified at the front entry way inside the residence. Sergeant Dan Christman stated the following regarding his professional opinion of this droplet of blood:

Although it is possible this one bloodstain was created when wet blood dropped off of blood-soaked items (clothing or weapons) being carried out of the scene by the suspect, it is equally possible that the bloodstain was created when blood dripped from a fresh wound the suspect sustained during the incident. It should be noted that in the area where this single bloodstain was located, there are no other similar bloodstains present. Because it is a symmetrical bloodstain (width is equal to its length) it was deposited from directly above the floor, and it makes sense that the blood could have dropped from the suspect as s/he were leaving the crime scene, and this one piece of evidence may contain the DNA profile of the

suspect in this case. The importance of getting this blood evidence to the State Lab for further analysis is key to this investigation.

The WSP CSRT identified blood smearing on the inside and outside of the doorknob on the front door. CSRT collected a sample of the blood for future analysis and examination.

The CSRT members identified several foot impressions in the home including the hallway, kitchen, dining room and living room that tested positive for the presence of blood. The foot impressions were consistent in shape and size as being that of only one person. The foot impressions were processed and photographed. It was further determined the foot impressions were from a soft sole shoe or from some type of soft material such as a sock or shoe cover with a waffle type pattern.

The WSP CSRT members processed the bathroom where the body was in the tub full of water. The tub walls and bathroom floor did not have any water or residue staining to indicate the tub was full of water first before the body was placed in the tub. CSRT identified and collected hairs from the victim's right hand and above her buttock. CSRT further identified and processed the blood transfer staining from some material left on the front edge of the tub. These stains from the material had a small woven pattern of equally squared shapes consistent with an article of clothing or soft fabric.

The WSP CSRT members processed the far south east bedroom where Officer Caban had looked into the window and saw the suspected bloodstains. There was a large amount of blood and blood spatter in the room. It was obvious based on the amount of blood and cast off (blood from an object in motion) of the blood; a body had been on the floor between the bed and interior wall. The same body (victim) suffered severe trauma consistent with another human being (suspect) applying some form of lethal force resulting in a large pool of blood on the floor and heavy cast off blood on the walls and ceiling.

The scene in the bedroom was analyzed by Sergeant Christman and based on his professional opinion a violent assault occurred in the room. The suspect(s) used an as yet unidentified object capable of causing enough blunt force and or sharp force trauma to seriously harm or cause death to the victim. The suspect(s) continued striking the victim with the object multiple times, creating multiple events, meaning there were multiple layers of blood cast off and blood smearing on the interior wall and floor indicating there were breaks in the assault and then the assault continued on the same victim. Based on the amount of blood cast off and the pattern of the casted off blood landed, it was determined the assaulted started while the victim was in bed. The assault graduated to the right side of the bed onto the floor. Based on the blood pattern and blood smearing on the floor it was evident the victim was moved in a dragging fashion out of the bedroom into the hallway and into the bathroom. There was evidence the suspect(s) attempted to wipe up the blood in the room, hallway and

bathroom based on the large swirl impressions on the floors in the bedroom, hallway and bathroom.

The WSP CSRT members noted there were several bloody finger type impressions throughout the scene but none of these impressions were AFIS quality nor did these prints show any ridge detail. This in an indication the suspect(s) may have been wearing protective gloves during the commission of the crime.

Based on the initial evidence and processing of the residence, it was determined a brutal and lethal assault started in the back bedroom. The suspect(s) then dragged the victim into the bathroom and placed the victim in the bath tub face down. The suspect(s) then filled the tub with water and positioned the victim's head under the water. The suspect(s) then moved (walked) about the hallway and kitchen during and after the crime based on the bloody foot impressions. The suspect then left the residence via the front door based on the bloody foot impression leading out of the living room to the front door.

CSRT found no indication of presence of blood on the kitchen sink or on any of the sharp edge knives found in the kitchen. There was also no presence of blood detected in the bathroom sink.

The Snohomish County Associate Medical Examiner Stanley Adams, MD and Snohomish County Medical Examiner Investigator Don Carman responded to the scene. The body was removed from the tub and examined. The body was confirmed as an adult white female. The female's physical features fit the physical description of Susann Smith. The female had suffered multiple blunt force trauma to the face and head. The wounds were so severe Dr. Adams could not determine the initial number of injuries or how the injuries occurred other than they were not caused by self-infliction and not caused by accident. Identification of the female was not initially confirmed due to the amount and severity of the wounds to her face. Dr. Adams and ME Investigator Carman took possession of the body.

Detectives conducted an experiment of filling the bath tub with water to the water mark left on the tub as found by the first responders.. It took 14 minutes and 45 seconds to fill the tub to the water line. The experiment results would indicate the suspect(s) spent close to 15 minutes waiting for the tub to fill with enough water to submerge the victim.

Autopsy summary

On 2/13/13, this Affiant and Detective Chissus attended the autopsy of the decedent. The autopsy was performed by Snohomish County Associate Medical Examiner Stanley Adams, MD. Associate Medical Examiner Adams advised the female had suffered both blunt force and sharp force trauma to her face, forehead, and back of her head. The female further suffered a fractured skull to the lower left section of the skull. Dr. Adams noted the fracture was a fatal wound in and of itself. There were an estimated 19 separate blunt force along with sharp force wounds in the face and head.

There were contusions to both of the arms and hands that were consistent with defensive wounds. There were no sharp force wounds to any other parts of Susann's body other than the face and head. There were no injuries to the torso and legs. The autopsy revealed the victim had water in the lungs and airway consistent with drowning. Dr. Adams determined the cause of death was blunt force and sharp force trauma with a third component of asphyxiation by drowning. The manner of death was ruled, homicide.

The body was officially identified as Susann Smith from her current dental records.

Susann Smith and Alan Smith relationship summary

Based on Detective's interviews of Alan Smith and Susann's civil family law attorney, John Ely, as well as from documents filed in Snohomish County Civil Court, a summary was prepared relating to Alan and Susann's separation and pending divorce. The summary is as follows:

Alan Smith filed a Petition for Dissolution on 11/18/2011. While they had spent months attempting to reach a share agreement, Alan and Susann could not reach an accord on all parenting issues. Alan wanted a 50/50 share plan, but Susann felt a 50/50 plan would be too disruptive for the children.

When it became clear an agreement on the issues between the parties could not be reached, Alan hired an attorney, Laurie Ummel, and filed a Motion for Temporary Order. A hearing was held on 8/3/2012 and the Commissioner largely adopted Susann's proposed parenting plan as the parties Temporary Parenting Plan. One of the issues raised by the Commissioner was that Alan had moved to the Ravenna neighborhood of Seattle and felt the commute to Bothell for the young children did not make a lot of sense. Monthly support was set at \$1,128 and maintenance was set at \$600 and the Commissioner ordered Alan to pay Susann \$2,000 in attorney fees. After the hearing, all parties went into the hallways and were discussing the ruling. Alan and Susan disagreed about an issue and Alan became upset. Susann's attorney, John Ely advised Alan became upset and gave Susann an incredibly angry and chilling stare. In his 15 years practicing of family law, Ely does not remember ever seeing a stare by one party to the other in the courthouse quite like the stare Alan gave Susann. It was such "an incredibly menacing stare" – so much that he commented about it to both Susann and other office staff. Susann denied Alan had ever physically abused her, but said that Alan could be emotionally threatening to her. Susann indicated to Ely that Alan could be very aggressive to her by getting in her face and confronting her. A couple of weeks after this hearing, Laurie Ummel filed a Notice of Immediate Withdrawal as Alan's attorney.

Alan represented himself for approximately 1 ½ months, but nothing really transpired. Trial date for dissolution was set for 11/8/2012. However, on 9/21/2012, Sabrina Layman filed a Notice of Appearance indicating she was Alan's new attorney. Layman

requested and received a continuance on the trial date to 5/16/2013, so she could become acquainted with the case.

However, on 11/7/2012 Alan fired Layman and hired a 3rd attorney, Brook Goddard. Goddard filed a Motion with the Court seeking to have a Guardian Ad Litem (GAL) on 11/19/2012. ~~Alan contended the GAL was necessary to investigate the parenting of the parties and the welfare of the children.~~ Ely felt this was odd, as Alan had not previously mentioned any concerns about Susann's parenting.

On 12/3/2012, a Commissioner heard the Motion to Appoint a GAL and she did not find any evidence to appoint a GAL. In addition, the Commissioner awarded Susann \$500 in attorney fees as a result of having to defend the motion.

Alan then filed a Motion for Reconsideration to the Commissioner on 12/13/2012. Alan provided a declaration at this time, claiming he went to a psychiatrist and reported his own observations/concerns. Alan claimed that as a result of his discussions, the psychiatrist raised concerns that Susann may have sexually abused their 6 year old daughter. Alan also said, "Susann is very much in need of psychiatric evaluation and the children need to be protected." Ely felt that Alan was engaging in 'double hearsay' with no real evidence and this showed Ely how "outrageous" Alan had become in trying to convince the court. Ely felt Alan was willing to do anything to try and get the court to listen to him. On 1/10/2013 the Commissioner denied Alan's Motion for Reconsideration.

On 1/10/2013 Susann sent an email to Ely advising Alan had called with a proposal to "give his children their family back." Susann said, "Essentially, he wants to move back in." To Ely, this confirmed to him that Alan was making up stories about Susann in his declaration in order to win in court. Ely asked why would a person who truly believed that his wife had sexually abused his daughter turn around in a couple of weeks and ask to reconcile with his wife.

On 1/11/2013, Alan filed a Motion of Revision of the Commissioners Ruling on the issue of appointment of a GAL. The Motion for Revision was scheduled for hearing on 1/25/2013. In this Motion, Alan added that he was concerned Susann was going to move to Germany.

On 1/25/2013 the 3rd Motion for Revision was denied by the Judge and upheld the ruling of the previous Commissioner. Ely related that after this hearing, Susann had been waiting in the hallway at the Snohomish County Courthouse alone. When Ely contacted her, Susann told Ely that Alan had confronted her and called her a "monster."

Detectives conducted interviews with neighbors, co-workers, friends and family members of Susann Smith and Alan Smith. Below is a summary of those interviews:

Alan Smith

The witnesses interviewed described Alan Smith as "creepy", "weird" and "awkward." They describe Alan as not being overly interested or involved with his children prior to separating from Susann. One witness related that after the separation between Alan and Susann, Susann came home and discovered Alan inside her home with a new girlfriend, preparing a meal. ~~Co-workers of Alan describe him discussing his hatred and hostility constantly, to the point where a supervisor at work told Alan that his continued discussion of his divorce proceedings was disrupting the work environment.~~ On the most recent business trip that Alan took to Ireland, from 02/06/2013 thru 02/09/2013, a co-worker described how Alan constantly and bitterly complained about Susann, and turned any conversation back to his issues with her. Alan indicated a fear that Susann would attempt to take the two children back to her native Germany. Alan indicated he would do whatever necessary to keep this move from occurring.

Alan Smith's third interview

On 2/14/2013, Detective Chissus and I contacted Alan at his apartment. He invited us in to speak to us. Alan mentioned he was reluctant to cooperate with us because he believed we were, "Trying to traumatize me." Alan's answers were very direct and non-emotional regarding Susann and her personal life. Again Alan never asked about his children and only said I took his kids away from him. Alan declined to allow us to take photos of him and his injuries. Alan did tell us he stayed 2-3 minutes longer than the other adults at the party at Susann's house on Saturday before leaving. During this 2-3 minutes, Alan said Susann "took him by the hand" and took him into her bedroom to show him new photos of him and the children. Alan stated the photos were on a shelf in the room. During a search of Susann's residence over 2/12/201, through 2/14/2013, Detectives took notes and photographed the contents of Susann's room. No photos of Alan Smith were located on the shelves, walls or anywhere else in that room.

During the interview, Alan mentioned that he and Susann communicated through email once a week and through phone calls three times a week on average. The communication was centered on the children's schedules or to speak with the children.

Alan's description of Susann's taking him by the hand and taking him to the bedroom was inconsistent with the increasing acrimony of the divorce proceedings and custody issues. This acrimony was outlined in the court documents where Alan claimed Susann might be sexually abusing the children, and Alan calling Susann a "monster" after their last court hearing on 01/25/2013. Communication between the two was generally relegated to either emails or phone calls.

During the interview, Alan became agitated regarding personal questions we were asking about Susann. He stood up from his chair and while answering the questions in a very direct tone, he continued to stare at me and walked into my personal space. This was very unusual behavior and both Detective Chissus and I felt very uncomfortable. Alan then asked us to leave his residence.

Blood transfer experiment

On 02/18/2013, Bothell Police Detectives along with Sergeant Christman conducted a blood transfer experiment. Sergeant Chirstman led the experiment and used animal blood to simulate human blood. Samples of the same type of Kleenguard Chemical Splash Resistant Coverall suit that were found by detectives in Alan's vehicle during consent to search on 02/12/2013 were obtained from Home Depot and were used for the experiment. A fiberglass bath tub similar to the tub at the scene was purchased and set up for the experiment. Animal Blood was applied to test samples of the Kleenguard suit and pressed against the sample bath tub to simulate blood transfer. The experiment results were evaluated and determined to have similar characteristics to that of the blood transfer stains identified on the bath tub in the residence of 216 240th ST SW Bothell.

Detectives located and confirmed Alan Smith did purchase two Kleenguard coveralls and masking tape at the Home Depot Store on 02/12/2013, at 13:40 hours, as he had stated to detectives.

Smith child interview

On 02/19/2013, Bothell Police Department Detective Thompson attended a professional child interview with Susann and Alan's 6 year old daughter, N.S. During the interview, when asked about her little brother using a hatchet to chop wood, N.S. asked, "How could a 3 year old even chop wood?" N.S. said that her dad was the only one that chopped wood and he did it outside in the hallway.

N.S. also related in great detail how Alan had cut up apples in the morning on 2/12/2013 and sprinkled cinnamon on them. She was very descriptive with how he cut the apples with a knife, took the seeds out, placed the slices on plates and sprinkled them with cinnamon. He then brought the plates to them at the dining table and they all ate. She did not mention a cut finger or need for band aid.

Alan Smith's co-workers statements regarding recent business trip

On 02/19/2013 at 1310 hours, Detectives interviewed Colin Warner who works in the same work group with Alan, but he did not socialize with Alan outside of work. On 2/6/2013 Warner met Alan and another coworker, Matthew Pierce, in Ireland on a Boeing business trip. All three returned to Seattle together on 2/9/2013 around 1200 hours. Warner said although it was a business trip, he had dinner every night and toured Dublin with Alan. Warner said Alan was very upset and distraught about his wife winning a recent court ruling regarding their children. He commented, "I want her to know the pain I feel." Alan felt the court would not listen to him and said he did not know how to show the court that she was not a good mother. Alan implied that his wife was going to get full custody of the children and he thought she would move them to Germany. Alan had mentioned that Susann was mentally abusive to him and used to treat their dog poorly. Alan said she treated the kids like she did the dog. Warner said that when Alan was present, he would change the topic to his family problems at least 60 to 70% of the time.

On a previous business trip to North Carolina about 6 months ago, Alan had also talked about the divorce. Alan told him how his wife had broken his heart and how he was trying really hard to make it work, but she did not appear to be trying.

~~On 2/20/2013 at 1540 hours, Detectives interviewed Matthew Pierce, the other coworker Alan was in Ireland with. In the 2-3 years Pierce has known Alan, the majority of the conversations with Alan were related to the divorce of his wife. Alan told Pierce that he felt repressed and mentally abused by his ex-wife and would often say there was a conspiracy in the state of Washington to hide mental abuse. He felt the courts were against him and it was a "fixed system."~~

While in Ireland, Alan told Matthew that his wife is, "Pure evil" and described her in this manner in more than one occasion. Alan also called his wife a "psychopath." Alan told Pierce his wife had an interest in going back to Germany and taking the kids with her. From the time Pierce has known him, especially during the trip to Ireland, he could tell the relationship between Alan and his ex-wife was not amicable and that he "really, really did not like her-close to hatred." Pierce said that 70-80% of the conversations with Alan were related to his divorce and ex-wife and became tiresome to hear.

Alan Smith's internet searches

On 02/19/2013, Detective Chissus received information from Boeing Security via email, which in part included a McAfee Web Reporter report on Alan Smith's web browsing activity back to 11/20/2012. In part, this report showed the following:

On 2/12/2013 at 0847 hours it appears that Alan Smith went to Google.com

0848 hrs, from google.com he goes to Kayak.com (which is a travel website)

0849 hrs, on Kayak.com it appears he searches for a flight from SEA to CCS with 1 adult and 2 children ages 6 and 3 (CCS is Simon Bolivar Airport in Venezuela).

0913 hrs, it appears he exits off Kayak.com.

0916 hrs, he goes onto Priceline.com (travel website)

0927 hrs, he performs a Google search for, "Where is the Best Place to Live in South Central America?"

0931 hrs, Alan performs a Google search for, "Best Countries to Live and Work Abroad."

0942 hrs, he appears to go back onto Kayak.com 1256 hrs, he appears to go back onto Priceline.com

On 2/13/2013 at 0553 hours, it appears Alan goes onto Kayak.com. At 0606 hrs., it appears Alan searches for a flight from SEA to CCS with only 1 adult listed this time (This is after receiving the death notification from police and having his children placed into CPS custody).

~~The date parameters on his airline reservation searches were February 12th through March 5th, 2013.~~

Det. Chissus performed a Google search, typing, "Will Venezuela extradite to the U.S." He noticed the 2nd and 4th site listed were titled, "If You Had to Disappear, Where Would You Go?" The 3rd site listed is titled, "Venezuela Rejects U.S. Extradition Request." The 1st site listed is Wikipedia-The Free Encyclopedia" providing the definition for extradition.

On 2/6/2013 Alan appears to visit virtuallythere.com, which is also a travel website. He appears to have only been on this site from 1005-1006 hours. Detective Chissus was unable to find any additional, specific information about Alan's visit to this site.

There is no other indication that Alan routinely searched any other travel websites until 2/6 and again on 2/12 and 2/13. Based upon the information provided on Alan's searches regarding Venezuela with 1 adult and two children ages 6 and 3, it appears as if he was planning a trip to Venezuela for several weeks. The information about his Google search on "The Best Place to Live in South Central America" and "Best Countries to Live and Work Abroad" suggest Alan had more permanent plans. Based upon the increasing acidic relations between Alan and Susann, it would also appear very unlikely that Susann would have agreed to allow the children to leave the country. It is also interesting to note that Alan made Kayak.com searches on the morning of 2/12, which was the day the children were scheduled to be returned to Susann.

Based upon the above searches Alan performed on his Boeing laptop, it is reasonable to believe that Alan would make similar searches on his home personal computer(s).

Boeing Corporate Investigator Brian Ferguson advised Detective Chissus that Alan had a Boeing issued cell phone identified as a Blackberry through AT&T, phone number: 425-220-7064. Based on my training and experience, it is common for people who are in possession of work phones to sometimes use these for personal use. Corporate Investigator Ferguson advised Detective Chissus that Alan had recent email history on his blackberry relating to his contact with Susann.

Alan Smith's work laptop was identified as a Dell E6410, Boeing tag number A4914760, serial number 2WZSVM1. Boeing Corporate Investigator Ferguson provided the following warning that the employee has to select "OK" to continue past this banner on their computer.

This system is company property and is provided for Boeing-authorized use only, including occasional personal use, as set forth in applicable written policies. Unauthorized use is prohibited and may be subject to discipline, civil suit and criminal prosecution. By using this system you understand and consent as follows: you have no reasonable expectation of privacy in any communications or data, personal or otherwise, transiting or stored on this system; any communications or data transiting or stored on this system may be monitored, intercepted, recorded, and searched at any time and for any lawful purpose, and may be used or disclosed for any lawful purpose. You also agree to comply with all other applicable written policies, procedures and guidelines for system use and protection of company information or information that the company has an obligation to protect, including but not limited to proprietary information, personally identifiable information, and export controlled information.

Susann Smith's cell phone examination

On 02/19/2013, victim Susann Smith's recovered cell phone from her residence was searched and examined by King Count Major Crimes Unit/Digital Forensics Detective Pavlovich. Detective Pavlovich is a 19 year King County Sheriff's Office (KCSO) Deputy Sheriff veteran. He has been assigned to the KCSO Major Crimes Unit for the past 11 years. To date, he has attended over 100 hours of formal training on cell phone data, to include forensic examinations, tower mapping and interpreting call detail and subscriber records for cell phone communications. To date, he has examined over 100 cell phones for both KCSO and other agencies, for crimes ranging from Robbery, Homicide, Assault and Kidnapping. Detective Pavlovich reported, the last incoming text message from Alan Smith was on 02-12-13 which read "Hi Susi." Detective Pavlovich further reported, "On no other occasion in the text message history does Alan refer to Susann as "Susi". He specifically addresses her as Susann on many of the messages, never Susi or Susan or any other form. The last text message exchange between Alan and Susann was on 01/27/13 in which Susann asks Alan for a good time to call the children.

Detective Pavlovich reported Susann's phone contains text message history dating back to 12/13/11. During the last 14 month period from 12/13/11 thru 02/12/13, Alan and Susann exchanged a total of 127 messages, for an average of 9 per month. It was Detective Pavlovich's experience the 127 messages in that time frame was "a very low volume."

Detective Pavlovich further reported, all of the messages or exchanges (excluding the message on 02/12/13) between Alan and Susann in that time frame are conversations in which they discuss transferring children back and forth or other issues related to the children or between them. In no other messages does Alan ever simply write "Hi". All other messages have specific content or revolve around specific issues to be discussed or handled between them.

Susann Smith had Alan's contact information listed in her phone as follows:

Smith, Alan
206/369-7614
425/717-4710
425/387-0558
alan-ucsu@yahoo.com
alan.smith7@boeing.com

Your affiant knows from training and experience that people own cellular telephones and other portable electronic devices for the purpose of being able to use them wherever they are, and as such carry them virtually constantly, or are nearly always within the near vicinity of their cell phones and/or portable devices. I know that criminals often use cellular phones to communicate with accomplices and will sometimes store accomplice's contact information in contact lists, speed dial lists, or other areas of the phone. Communication between suspects and other involved parties can occur in many ways, including through typical cellular phone voice calls, instant messaging, text messages, SMS communications, chat sessions, and email. This information can be used to assist and corroborate surveillance officers' observations and anticipate future movements and locations of the suspect and/or his or her criminal associates, by establishing his or her communication and location habit patterns over time. For example, if the telephone consistently signals the same tower both late at night and in the early morning hours, it is reasonable to conclude that the suspect is living, sleeping, hiding or working at a night job in that vicinity.

Your affiant knows, based on my training and experience, that those involved in criminal enterprises sometimes will use multiple phones in the commission of crimes or to facilitate criminal activity and to avoid detection by law enforcement. They also sometimes possess multiple phones to have a secondary means of communication if a phone is lost or seized by law enforcement. I know through my training and experience that criminals also use cellular phones to document criminal activities through photographs, videos, and digital or voice memos. Many mobile data devices have camera and video capabilities as well. I know that images saved in a cellular phone or mobile data device can contain location evidence and photographs of criminal activity, contraband items, items of evidence, crime victims and criminal accomplices.

Sometimes users sync their cellular telephones to cloud services, which backup or simply store data from the phone or its other internal or external storage. In this case, data stored on the cellular telephone can identify the provider and locations where information, records and evidence regarding use and/or possession of the phone has been stored by suspects. Users of cellular telephones can also send images or documents or other data to others via email, text messages, IM messages and SMS communications. Cellular telephone providers routinely store such messages in

company servers, at least until the message has been retrieved by its intended recipient.

Sometimes it might be possible to find data or records that can be used to corroborate details of an alibi. Other categories of exculpatory evidence might also be available that can help investigators to rule out an individual as a suspect.

Request to seize and search

Based upon the above facts, your affiant is requesting a search warrant to be issued on Alan Smith's above described residence, storage units, vehicles and his person, where I believe there is probable cause that evidence to the crime of Murder 1st Degree will be located. It is still undetermined as to what type of weapons caused the death of Susann Smith.

Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene. This evidence to include but not limited to: bloody clothing, footwear, socks, disposable coveralls etc.

Authority to dismantle any items identified as to have evidence of the crime contained in them and or on them such as but not limited to car seat, flooring, carpet in the vehicle and or residence, sink drains where clean up may have occurred and other appliances, devices or cleaners.

Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Electronic devices not limited to laptops (work and personal), desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.

Based upon the above information, it is requested that judicial permission be granted to further inspect and photo document any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.

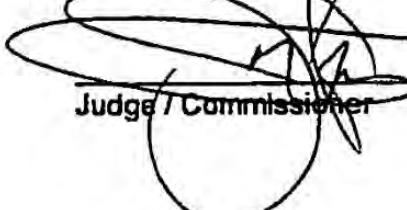
I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, signed in Snohomish County, on the below listed date.

 2/21/13
Detective Michael Stone #0087 Date
Bothell Police Department

Subscribed and sworn to before me this date:

 2/21/2013

Judge / Commissioner

 2/21/2013
Date

Issuance of Warrant Approved:

DPA Craig Matheson Bar #18556
Snohomish County Deputy Prosecuting Attorney

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

No. 2013 0071

COUNTY OF SNOHOMISH

ss.

SEARCH WARRANT

FILED

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECEIPT REQUEST FOR ADDITIONAL TIME TO REPLY.

COUNTY CLERK
SNOHOMISH CO. WASH

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

Bank of America, Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021. VISA Signature credit card #4313 0705 3490 8774.

US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021. Line of credit account #4355 7785 6680 5168.

Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015. Fax (224)405-4972. Discover card #6011 2089 3976 1170.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

2. Seize, if located, the following property;

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals.

From March 7, 2012 through March 7, 2013:

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals. Forms 1099 issued.

Checking Account Records: Including signature cards, bank statements, deposit slips, checks deposited, checks drawn on the account, records pertaining to all debit and credit memos, Forms 1099 issued.

Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kern*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

3. The affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168, Bank of America,

Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021, US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021 and Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date: March 4, 2013
12

EJMTA
Signature of Judge Approving Warrant
Ellen J. Fair

Issuance of warrant approved by Craig Matheson #18556

() This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

FILED

2013 MAR 21

PM 12:57

STATE OF WASHINGTON)

No.

COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

SNOHOMISH CO. WASH

COUNTY CLERK

SNOHOMISH CO. WASH

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

is/are located in, on, or about the following described premises, vehicle or person:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

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My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division

since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to the original affidavit and warrant issued on February 12th, 2013 and authored by Det. Ungvarsky. That warrant and supplemental affidavit was assigned number SW2013-36. A supplemental affidavit and warrant was authored by Det. Ungvarsky on February 14, 2013 (SW2013-41). A second supplemental warrant was authored by Det. Stone on February 21, 2013. The second supplemental warrant was assigned number SW2013-49 and that warrant and supporting affidavit is attached and incorporated by reference. A third supplemental warrant was also authored by your affiant on 2/27/2013, but has not yet been assigned a number.

The investigation in this case has led investigators to list Alan Smith as a person of interest in the murder of his wife, Susann Smith. Investigators believe the murder of Susann Smith took place on either Sunday night, February 10, 2013 or the morning of Monday, February 11, 2013.

On 2/22/2013 Detectives served a search warrant on Alan Smith's residence and his person under the authority of warrant number SW2013-49. During that search, detectives located the above financial information with Alan Smith listed as the account holder. Subsequent to that search warrant being served, on March 7, 2013, your affiant called Boeing Employee Credit Union and confirmed that Alan Smith's checking account #3588966504 had an assigned debit card in addition to checks.

On October 27, 2012 at 1527 hours, Alan Smith used his Bank of America VISA Signature card to purchase a sheet of plywood, two different sets of disposable coveralls, one box of disposable shoe covers and a rubber mallet at Home Depot. Detectives have subsequently gathered the receipt from Home Depot on this purchase by Alan Smith. A review of the receipt shows that one set of coveralls was listed as SKU #4233 and one SKU#4363. This would indicate that two different types of coveralls were purchased. Through previously obtained search warrants, detectives searched Alan Smith's residence, his place of work and his two known vehicles. Detectives also searched Susann's Smith's residence and two known vehicles. A sheet of MDF plywood, which appeared to be the same plywood on the October 27, 2012 receipt, was located at Alan's residence. None of the other items listed on this purchase were located in or at

any of the above locations by detectives. Your affiant compared and photographed the listed items by SKU from the receipt at Home Depot.

On February 12, 2013 Alan Smith used cash to purchase two more sets of disposable coveralls (both SKU #4363) and a roll of masking tape at Home Depot. On that same evening, your affiant located two sets of coveralls (SKU #4363) during a consent to search on Alan's vehicle. The coveralls were located along with a new roll of masking tape inside a Home Depot bag. Later on 2/12/2013, your affiant and other detectives received consent to search Alan's residence. No items listed on either receipt from Home Depot were located inside his residence on that night.

On 2/22/2013 detectives searched Alan Smith's residence under the authority of a search warrant and two sets of coveralls (SKU #4363) along with a new roll of masking tape were located in the Home Depot shopping bag at Alan Smith's residence. These are believed to be the same two coveralls (and masking tape) located inside his vehicle on 2/12/2013.

During the consent to search on Alan's vehicle on 2/12/2013, your affiant also located one unopened pair of latex gloves in the center console still in their original packaging. It is unknown where and when these gloves were purchased.

Your affiant later provided a similar mallet (same SKU) purchased by Alan Smith on 10/27/2013 to the Medical Examiner. The ME advised it is conceivable the blunt force injuries on Susan Smith could have been caused by this type of rubber mallet.

Investigators determined the evidence at the scene of the murder (Susann Smith's residence) suggests the suspect(s) most likely cleaned up the crime scene and evidence is consistent that the suspect(s) used gloves, i.e. fingerprints in blood displaying no ridge detail one might expect from an unclothed hand. As mentioned previously in the attached supporting affidavit detectives and the Crimes Scene Response Team located what appeared to be fabric pattern marks in blood on the bath tub that held Susann Smith's body. This pattern was very similar to the pattern that Sgt Dan Christman was able to produce using the same type coveralls (per their SKU #) that Alan Smith purchased on both October 27, 2012 and February 12, 2013. Further, detectives have received information from neighbors of Susann Smith that prior to Alan moving out of the home he had been seen wearing coveralls while he was doing remodel work on his home, specifically removing the "popcorn" texturing form the ceiling. This remodel happened sometime in 2009.

Based upon my knowledge, training and experience, I know that people who commit these types of crimes will access their financial accounts to purchase

items to prepare for, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes. I also know that people will sometimes pay others to prepare, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes.

I believe that financial records from Alan Smith's debit cards, credit cards, and checks will provide the points of sale for items related to preparing for, planning, committing, cleaning up, hiding or attempting to destroy evidence connected to these crimes. I believe these points of sale may also show movement of Alan Smith and anyone else possibly related to this crime in the days immediately preceding and following the murder.

For these reasons, I believe that evidence of the crime of Murder 1st Degree in violation of RCW 9A.32.030, will be found in Alan Smith's financial accounts.

Your affiant requests permission search the above listed financial accounts and to seize, if located the following:

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals:

From September 12, 2012 through March 12, 2013:

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued.

Checking Account Records: Including signature cards, bank statements, deposit slips, checks deposited, checks drawn on the account, records pertaining to all debit and credit memos, Forms 1099 issued.

Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit, Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

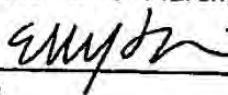
Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kern*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 12th day of March, 2013 at Bothell, Washington,


Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 12th of March, 2013


Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18556
Deputy Prosecuting Attorney

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON) No.
COUNTY OF SNOHOMISH) ss.
SEARCH WARRANT

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECIPIENT'S REQUEST FOR ADDITIONAL TIME TO REPLY.

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

Bank of America, Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021. VISA Signature credit card #4313 0705 3490 8774.

US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021. Line of credit account #4355 7785 6680 5168.

Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015. Fax (224)405-4972. Discover card #6011 2089 3976 1170.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

2. Seize, if located, the following property;

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals:

From March 7, 2012 through March 7, 2013:

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued.

Checking Account Records: Including signature cards, bank statements, deposit slips, checks deposited, checks drawn on the account, records pertaining to all debit and credit memos, Forms 1099 issued.

Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kem*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

3. The affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168, Bank of America,

Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021, US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021 and Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date: March 4, 2013
12

EJMTA
Signature of Judge Approving Warrant
Ellen J. FAIL

Issuance of warrant approved by Craig Matheson #18556

() This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

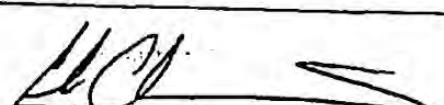
SUPERIOR COURT FOR SNOHOMISH COUNTY
 STATE OF WASHINGTON) No. 20130078
)
 COUNTY OF SNOHOMISH)
INVENTORY AND RETURN OF SEARCH
WARRANT

1. I received a search warrant for the premises, vehicle or person specifically described as follows:
FIA CARD SERVICES (VISA SIGNATURE CARD # 8774)
2. On the 11TH day of APRIL, 2013, I made a diligent search of the above-described premises, vehicle or person and found and seized the items listed below in Item 7.
3. Name(s) of person(s) found in possession of property: FIA CARD SERVICES
4. The inventory was made in the presence of:

The person(s) named in (3) from whose possession the property was taken.
 Others: DET. CHISSLUS
5. Name of person served with a copy or description of place where copy is posted: HAND DELIVERED
FATED TO FIA CARD SERVICES BANK OF AMERICA, 22833-228 ST SE,
BOTHELL, WA 98021
6. Place where property is now stored: BOTHELL PD
7. Property and person(s) seized: FIA CARD SERVICES, VISA SIGNATURE
CARD # 8774 REPORT

Date4/11/2013

Signature of Peace Officer


COLEEN CHISSLUS
 Printed or Typed Name

Bethell Police Department
 Agency and Personnel Number

APPENDIX F

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

No. 20130089

COUNTY OF SNOHOMISH

ss.

SEARCH WARRANT

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECIPIENT'S REQUEST FOR ADDITIONAL TIME TO REPLY.

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

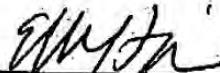
1. Search, within 10 days of this date, the premises, vehicle or person described as follows:
- Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. Phone number: 206-369-7614. This cell phone is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - Cellular call data records and other items obtained through T-Mobile for phone number 206-369-7614, 4 Sylvan Way, Parsippany, NJ. 07054, fax number 973-292-8697.
2. Seize, if located, the following property:
- Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)
 - Records or other items in whatever form evidencing dominion and control of the above-described Samsung cellular telephone;
 - Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and photo texts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.

- D. To seize any information located within the search of the cellular telephone data that is held by T-Mobile. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone site tower usage. All of the above information requested between 10/01/2012 and 12/31/2012, associated with cell phone number 206-369-7614, which is held by T-Mobile.
3. The affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through T-Mobile.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

9-10-13

Date: April 10, 2013



Signature of Judge Approving Warrant
Craig J. Fair

Issuance of warrant approved by Craig Matheson #18556

- (.) This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON)

No. 20130089COUNTY OF SNOHOMISH)~~AFFIDAVIT FOR SEARCH WARRANT~~

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed and
- Weapons or other things by means of which a crime has been committed and reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

A Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. Phone number: 206-369-7614. This cell phone is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

Cellular call data records and other items obtained through T-Mobile for phone number 206-369-7614, 4 Sylvan Way, Parsippany, NJ. 07054, fax number 973-292-8697.

My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to an affidavit and warrant that was authored by your affiant on March 12th, 2013 (#SW2013-70). SW2013-70 covered several items, including the above listed Samsung cellular phone. SW2013-70 warrant and supporting affidavit is attached and incorporated by reference.

2013 APR 10
SNOHOMISH COUNTY
KING COUNTY
WASH
4:30 PM

FILED

At the time your affiant authored affidavit and search warrant #SW2013-70, the request for call data records related to Alan Smith's cell phone was from 1/1/2013 through 2/22/2013. Since that warrant was authored, Investigators have determined several reasons to request call data records further back in time.

FROM ALAN SMITH'S CELL PHONE *AT*
While analyzing forensic electronic reports, Investigators noticed a deteriorating shift in Alan Smith's text conversations regarding Susann Smith. On 10/18/2012 Alan had a text conversation with his aunt, who lives in Oklahoma, regarding Thanksgiving plans. On one of the texts, Alan writes, "Point is, Susann is playing very dirty. She lied about a number of things to the court, in order to limit my time with them to every other weekend." Several texts later, Alan's aunt asks, "Here's an auntie question. Are you and Suzanne on civil terms?" Alan replied, "How could it possibly be civil to steal my kids?" Later in the thread, Alan texts, "Aunt Brenda, she hoodwinked us. She says that the kids get disturbed in anticipation of visiting me. That way, they spend minimum overnights with me, and she gets maximum money from me. She has threatened me a number of times about what may happen if I argue for more time with the kids." When his aunt asks what the threat is, Alan responded, "Relocation to Germany." Later in the same conversation, Alan texts, "My behavior last Thanksgiving is called Abused Spouse Syndrome."

On 11/02/2012 Alan sent texts to a co-worker asking for his declaration "really soon" as he is "thinking about changing lawyers again." On 11/03/2012 he sent a text to his father asking for both declarations by Tuesday. On 11/05/2012 Alan texts the same co-worker, "I've just spoken with a forensic psychologist who can challenge S's parenting in court. Need those declarations! Let's make this happen now." On 11/06/2012 he sends a text to an unidentified subject stating, "Heya, good news: I talked to a forensic psychologist last night. He may be able to help me rescue the kids :)"

On 11/9/2012 Alan has a text conversation with his sister where Alan texts that he is, "fighting to protect the kids. Felix not doing well." Alan says Felix has, "Attachment anxiety & low self esteem. Su barks BAD BOY" Later in the same day, Alan texts with a friend and says, "I'm ok bro. Kids iffy." The friend texts back, "Roger that. Gotta be tough on them. Hang tough bro." To this, Alan replies, "Actually, someone's way too tough on them. Hangin'"

On 11/30/2012 Alan texts his father, "I just got done with the good doctor. He thinks it quite likely that susann is a borderline personality. That is, unification of psychopath and narcissistic personality disorder. He is qualified to treat her, but sounded very pessimistic about her prospects, even if she were willing." "Likely that her father raped her as a toddler." Alan continues, "Forensic psychiatrist. Actually, she would have awareness within many parts of her fractured persona. Likely her father raped her as a toddler." Alan's father then asks, "So, do you have a "Personality disorder?" Alan responds, "Not that he's mentioned.) Definitely not what s has. I've had multiple bouts with ptsd, of course." Alan then texts, "You, Vick & Amanda prob have it too. My guess is that Vick has a touch of borderline." "Brenda has Narcissistic Personality disorder, at

min. Peter and kids all have ptsd, except maybe Caitlin." "Jess has some deeper issues, maybe 'complex' ptsd, which Peter also has." "Lani is developing mild signs of sexual perversion. S is WAY off the scales in sexual perversion." On 12/01/2012 his father texts back asking what his and the other family members symptoms are. Alan texts back, "Well this should be fun. Your symptoms: difficulty relating to daughters + overly dramatic love life" "Amanda seems to me pretty good, but very cautious about intimacy - with good reason. She seems to understand that she's surrounded by bad examples & building her own knowledge base" "Peter is highly fatalistic - he's relegated himself to being a slave. Don't let that get back to him" "Mom was probably 'just' narcissist. She wasn't slick like S. That's the psychopath component." Alan's father responds, "No , mom often Sabotaged me, and herself. She didn't want to be happy" Alan replies, "Also didn't want to be evil, but couldn't help it. S wallows in evil. Maybe that makes her happier than Mom - source of release & amusement." "Still, Susann has always been into subtle self-sabotage. Alan then offers suggestions to his father to "1. Visit & spend as much time as you can with your daughters. 2. Maybe they could stand an apology from their protector/father. I feel this could have a positive influence on your love life, too." Father asks, "For letting mom Hurt them?" Alan replies, "Yup" and his father responds, "She did mostly in my absence" and Alan replies, "Of course." Alan's father texts, "I would do whatever was Necessary to stop Her if I was around, or even of I Heard about it later" Alan asks, "Like call the cops to report child abuse, help her find a therapist, maybe try to get the kids away from her?" "Like investigate the warning signs?" His father replied, "Girls didn't want me to call the cops" "She absolutely REFUSED therapy" "I Was afraid I wouldn't get full custody in a divorce, thereby putting the kids in her care unsupervised" Alan ends the thread, "That's legitimate, it turns out."

About an hour later on 12/01/2012, Alan texts another sister, "Hey Sis. I learned something last night." "Susann has borderline personality disorder" "Discussing with a qualified psychiatrist." She asks Alan, "Can you use it?" and Alan replies, "Trying."

On 12/02/2012 a female friend of the family, who sometimes provides carpools with their children texts, "Goof morning" and Alan responds, "Indeed :) Thought you might like to know what I found out, talking to a qualified psychiatrist. Susann is a real psychopath. She also has narcissistic personality disorder. Can't tell her any of this, of course." IN REVIEWING TEXT HISTORY ON ALAN'S CELL PHONE, IT APPEARS TO INVESTIGATORS THAT TOT MESSAGING MAY HAVE BEEN DELETED FROM ALAN'S PHONE. Investigators have not found anything that supports Alan's perception that Susan has a personality disorder or any of the other diagnoses he has communicated in the above threads.

As mentioned in previous warrants, Investigators determined that on October 27, 2012 Alan Smith purchased a mallet, two sets of coveralls, shoe covers and a piece of plywood at the Everett, Washington Home Depot. Your affiant provided a replica mallet (same SKU number) purchased by Alan on 10/27/2013 to the Medical Examiner. The ME advised it is conceivable the blunt force injuries on Susan Smith could have been

caused by this type of rubber mallet. The rubber mallet purchased by Alan Smith was not located in any of the searches of Alan's residence, his work place, vehicles or at Susann Smith's residence. Your affiant believes it is possible this mallet may have been used by Alan Smith during the murder of Susann Smith on or around 2/10/2013.

Investigators determined the evidence at the scene of the murder (Susann Smith's residence) suggests the suspect(s) most likely cleaned up the crime scene and evidence is consistent that the suspect(s) used gloves, i.e. fingerprints in blood displaying no ridge detail one might expect from an unclothed hand. The Crime Scene Response Team located what appeared to be fabric pattern marks in blood on the bath tub that held Susann Smith's body. This pattern was very similar to the pattern that Sgt Dan Christman was able to produce using the same type coveralls (per their SKU #) that Alan Smith purchased on both October 27, 2012 and February 12, 2013. Further, detectives have received information from neighbors of Susann Smith that prior to Alan moving out of the home he had been seen wearing coveralls while he was doing remodel work on his home, specifically removing the "popcorn" texturing form the ceiling. This remodel happened sometime in 2009. The coveralls and box of shoe covers purchased by Alan Smith were not located in any of the searches of Alan's residence, his work place, vehicles or at Susann Smith's residence. Your affiant believes the coveralls and shoe covers purchased on 10/27/2012 may have been used by Alan Smith to plan, commit, clean up, hide or attempt to destroy evidence connected to Susann Smith's murder.

Your affiant believes if the previously approved search warrant dates for T-Mobile are backed up to October 1, 2012, that investigators will find information that will assist in this investigation. Your affiant believes there is probable cause to believe that a search of Alan Smith's T- Mobile cellular phone number 206-369-7614 will result in locating/seizing:

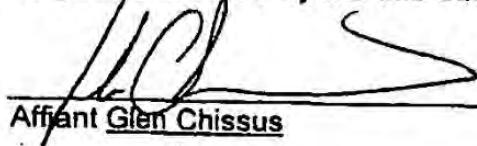
- 1) Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)
- 2) Records or other items in whatever form evidencing dominion and control of the above-described Samsung cellular telephone;
- 3) Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and photo texts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.
- 4) To seize any information located within the search of the cellular telephone data that is held by T-Mobile. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone

site tower usage. All of the above information requested between 10/01/2012 and 12/31/2012, associated with cell phone number 206-369-7614, which is held by T-Mobile.

I know from my training, experience, and discussions with fellow officers who are trained in cellular phone investigation techniques; that to connect with other cellular phones, the internet, or computers, the telephones must communicate with nearby cellular antenna towers and /or Global Positioning Satellites. Evidence of such communication can be stored in the cellular telephone's memory and retrieved by a forensic expert.

There is probable cause to believe that a search of the above listed Samsung cell phone records will result in locating telephone records and owner information for T-Mobile phone number 206-369-7614 belonging to Alan Smith. Telephone records to include incoming calls, outgoing calls and cell tower information for incoming and outgoing calls from 10/01/2012-12/1/2012; owner information to include owner name, date of birth, address and home phone number.

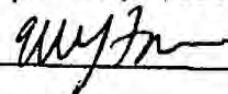
Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 9th day of April, 2013 at Bothell, Washington.



Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 10th of April, 2013



Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18556
Deputy Prosecuting Attorney

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON

No. 20130070

COUNTY OF SNOHOMISH

ss.

SEARCH WARRANT

FILED

2013 MAR 21 PM 1:27

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. A RESPONSE IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECEIPT DATE UP TO ONE YEAR FROM THE DATE OF ISSUE REQUEST SNOHOMISH CO. WASH

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:
 - a. A Dell Latitude E6410 laptop computer, labeled with Boeing asset tag #A4914760, serial number: 2WZSVM1. This computer is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
 - b. A Blackberry Curve 9360, model # RDC71UW, IMEI: 357965042362130, phone #425-387-0558. One 1-GB micro SD card (#1050 C16258D), 1 AT&T Sim card (89014103254763149923). This phone is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
 - c. An Apple iPad laptop computer, model #A1219, serial number: GB045MMMZ38. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - d. A Dell laptop computer, model #PP02X, service number: GF33Y61. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

- e. A Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - f. Alan J. Smith's work area to include his desk, table, calendar, pictures, employee locker, assigned file cabinet(s) and any other storage areas assigned to him at the Boeing Plant Everett, Alan Smith's cubicle is located in the 40-83 building, desk location is designated as 1F1-4:3, in the City of Everett, Snohomish County, Washington.
 - g. The following USB flash drives located inside Alan's backpack; an Imation 4GB, an Attache 1G and a Ridata. Also, a Lexar 8GB flash drive located on Alan's key ring. These USB flash drives are currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
 - h. A Garmin Nuvi GPS unit removed from Alan Smith's 2000 Mercedes ML320 bearing WA license ABD4760. No serial number or identifying information besides 'Garmin Nuvi' can be seen on the outside of the GPS. The GPS unit is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
2. Seize, if located, the following property or persons:
- Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene, bloody clothing, footwear, socks, disposable coveralls etc.
- Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter.
- Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.
- Seize and examine any electronic devices not limited to laptop, desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.
- Any journals, diaries or notes containing information related to Alan Smith's past and present relationships, including Susann Smith and any other person(s) who

he might have contacted with and determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

~~Alan Smith's passport and/or travel documents based on his recent searches of countries that do not recognize US extradition.~~

Any computer that is capable to be connected to the Internet, to include: the computer system case with internal components, motherboard, Central Processing Unit (CPU), memory, etc., internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, zip drives, optical storage devices, transistor-like binary devices, and any other memory storage devices); peripheral input / output devices (such as keyboards, mouse/track ball/pad, video display monitor); routers, modems and all related cables, power cords and connections, RAM or ROM units or CD ROM; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

Computer software applications used by the computer system and any related components. Software is stored in electronic, magnetic, optical, or other digital form.

Computer-related documentation which explains or illustrates how to configure or use the computer hardware, software, or other related items/devices. The documentation consists of written, recorded, printed, or electronically stored material.

Computer-related passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security may consist of hardware, software or other programming code.

Any data that may be kept on any computer related storage device as listed in "1" above; to include router logs.

All electronic information within the Blackberry Curve and Samsung cellular phones, including but not limited to owner/subscriber information, IMEI (International Mobile Subscriber Identity), text/multimedia messages (SMM and MMS), calendar events, digital image, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, personal alarms, notes, music, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest.

Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)

Records or other items in whatever form evidencing dominion and control of the above-described cellular telephones;

Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and phototexts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.

To seize any information located within the search of the cellular telephone data that is held by AT&T Wireless, Verizon Wireless and Tracfone Wireless. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone site tower usage between 01/01/2013 and 02/22/2013, associated with this cell phone numbers which are held by AT&T Wireless, Verizon Wireless and Tracfone Wireless

All electronic information located inside the GPS device including addresses, locations, maps, historical points as well as recorded dates and times.

3. The Affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through TRACFONE WIRELESS, Inc. Subpoena Compliance, 9700 NW 112th Avenue, Miami, FL 33178. VIA FAX: 305-715-6932 and AT&T MOBILITY-NATIONAL COMPLIANCE CENTER 11760 U.S. Highway One North Palm Beach, FL 33408 VIA FAX: 888-938-4715.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

2/27/2013

Date: February 27, 2013

Ellen J. Fair

Signature of Judge Approving Warrant
Ellen J. Fair

Issuance of warrant approved by Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON)

No. 20130070COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

1. A Dell Latitude E6410 laptop computer, labeled with Boeing asset tag #A4914760, serial number: 2WZSVM1. This computer is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
2. A Blackberry Curve 9360, model # RDC71UW, IMEI: 357965042362130, phone #425-387-0558. One 1-GB micro SD card (#1050 C16258D), 1 AT&T Sim card (89014103254763149923). This phone is currently located at Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington.
3. An Apple iPad laptop computer, model #A1219, serial number: GB045MMMZ38. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
4. A Dell laptop computer, model #PP02X, service number: GF33Y61. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
5. A Samsung T-Mobile cellular phone, model #SGH-T679, serial number: R21C4082X0F. This computer is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

6. Alan J. Smith's work area to include his desk, table, calendar, pictures, employee locker, assigned file cabinet(s) and any other storage areas assigned to him at the Boeing Plant Everett, Alan Smith's cubicle is located in the 40-83 building, desk location is designated as 1F1-4.3, in the City of Everett, Snohomish County, Washington.
7. The following USB flash drives located inside Alan's backpack; an Imation 4GB, an Attache 1G and a Ridata. Also, a Lexar 8GB flash drive located on Alan's key ring. These USB flash drives are currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.
8. A Garmin Nuvi GPS unit removed from Alan Smith's 2000 Mercedes ML320 bearing WA license ABD4760. No serial number or identifying information besides 'Garmin Nuvi' can be seen on the outside of the GPS. The GPS unit is currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington.

My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to the original affidavit and warrant issued on February 12th, 2013 and authored by Det. Ungvarsky. That warrant and supporting affidavit was assigned number SW2013-36. A supplemental affidavit and warrant was authored by Det. Ungvarsky on February 14, 2013 (#SW2013-41). A second supplemental warrant and affidavit was authored by Det. Stone on February 21, 2013. The second supplemental warrant assigned number is SW2013-49 and the second supplemental warrant and supporting affidavit is attached and incorporated by reference.

The investigation in this case has led investigators to believe that Susann Smith was murdered sometime after she was last seen on 2240 hours Sunday, February 10, 2013 and the morning Monday, February 11th when she failed to show up to work. Alan Smith had shown up to work on both Monday and Tuesday, February 11th and 12th.

Bothell Police Officers have been observing Alan's activities and the only vehicle he has been seen driving is his 2000 Mercedes SUV. On 2/26/2013, Forensic Scientists from WSP Crime Lab processed Alan's SUV and traces of blood were found on the steering wheel, center console and floor mat from Alan's SUV. Traces of blood were also found on Alan's backpack. When your affiant and Det. Stone initially spoke with Alan at his work on 2/12/2013, Alan went to his office and retrieved this same back pack before leaving work in the SUV. On 2/19/2013, your affiant, Detective Glen Chissus, received web browsing information from Boeing Security regarding Alan Smith's company issued Dell Latitude laptop (item #1). In part, the report showed Alan's issued laptop showed searches on a travel website for 1 adult and 2 children, ages 6 and 3 to Venezuela. These searches were performed on the morning of 2/12/2013 before your affiant and Det. Stone contacted Alan to notify him of his estranged wife's probable death. On 2/13/2013, the next day after we made notification with Alan and after he had been advised that Child Protective Services had custody of his children, his laptop showed a search on the same travel website for 1 adult only to Venezuela. Other web searches located on Alan's laptop through Google, asked, "The Best Place to Live in South Central America" and "Best Countries to Live and Work Abroad." Based upon the increasing acidic relations between Alan and Susann Smith, it would appear very unlikely that Susann would have agreed to allow the children to leave the country with Alan. Boeing security also provided information that Alan sent and received personal emails from his laptop (or Blackberry) to Susann Smith related to child custody issues and schedules. Also based upon the above searches performed on Alan's company issued laptop, it is reasonable to believe that Alan would make similar searches on his personal computers (items #3 and 4).

Alan's company issued Blackberry cellular phone (Above item #2) accesses the same Outlook email system as his laptop computer and he is able to send and receive personal emails on his cell phone.

During the search of Alan Smith's residence on February 22, 2013 (under the authority of warrant #2013-49), Officers located and seized an Apple iPad computer, a Dell laptop computer and a Samsung cellular phone (Listed above as items #3, 4, and 5).

A backpack was also recovered during the search of Alan's residence and inside the backpack were 3 USB flash drives. A fourth flash drive was located on Alan's key ring. All of these items are covered in item #7, above.

Request to Search:

Alan Smith's work space

Based upon the above facts, your affiant is requesting a search warrant to be issued on Alan Smith's above described work area and assigned storage areas assigned to him at his place of employment where I believe there is probable cause that evidence to the crime of Murder 1st degree will be located.

Evidence to include, but not limited to; trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions located at the scene, bloody clothing, footwear, socks, disposable coveralls, etc.

Any hammers, hatchets, axes, mauls, fireplace poker, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Seize and examine any electronic devices not limited to laptop, desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries, such as Venezuela, that do not recognize US extradition.

Computers

In addition to Alan's work area, I am requesting a search warrant to seize and examine the Dell Latitude laptop currently located at the Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington and to examine the Apple iPad computer, Dell laptop computer, model #PP02X, and 4 USB flash drives all currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington. The items will be provided to the King County Sheriff's Office for forensic examination:

- 1) Any computer that is capable to be connected to the Internet, to include: the computer system case with internal components, motherboard, Central Processing Unit (CPU), memory, etc., internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, zip drives, optical storage devices, transistor-like binary devices, and any other memory storage devices); peripheral input / output

devices (such as keyboards, mouse/track ball/pad, video display monitor); routers, modems and all related cables, power cords and connections, RAM or ROM units or CD ROM; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

- 2) Computer software applications used by the computer system and any related components. Software is stored in electronic, magnetic, optical, or other digital form.
- 3) Computer-related documentation which explains or illustrates how to configure or use the computer hardware, software, or other related items/devices. The documentation consists of written, recorded, printed, or electronically stored material.
- 4) Computer-related passwords and other data security devices designed to restrict access to or hide computer software, documentation, or data. Data security may consist of hardware, software or other programming code.
- 5) Any data that may be kept on any computer related storage device as listed in "1" above; to include router logs.

Based upon my knowledge, training and experience, and the experience of other law enforcement personnel with whom I have consulted on this issue, it is a fact that effective searches and seizures of evidence from computers commonly require law enforcement officers to seize most or all computer items (hardware, software and instructions), then have these items processed later by a qualified forensic expert in a controlled laboratory environment. This is true because computer storage devices (hard drives, disks, diskettes, tape, CDs and removable drives) can store thousands of pages of information in random order with deceptive file names. Directories and subdirectories that contain these files can also be electronically hidden from normal view. Special forensic software is required to detect these hidden directories.

Searching computer systems for criminal evidence is a highly technical process requiring skill in a properly controlled environment. The vast array of computer hardware and software available to the public requires that computer experts specialize in some systems and applications. It is difficult to predict before a search which expert should analyze the system and data. The search of a computer is an exacting procedure that is designed to protect the integrity of the evidence and to recover hidden, erased, compressed, protected and / or encrypted files. Since computer evidence is extremely vulnerable to tampering or destruction from both external sources or from destructive codes imbedded in the system in the form of a "booby trap," the controlled environment of the laboratory is essential to complete an accurate analysis and retrieval.

In order to fully retrieve data from a computer system, the forensic analyst needs all magnetic storage devices, as well as the central processing unit (CPU). In cases like this one, where the evidence consists of electronic communications, the system hardware demonstrating the capability to engage in electronic communication is also essential to show the nature and quality of the graphic images that the system could produce. In addition, the forensic analyst needs all the system software, encryption, encoding, archiving, unarchiving and security software which may have been used to retrieve, store, create, transmit, encrypt or encode data. I seek the above noted items to facilitate the search with minimal intrusion and to lessen the likelihood of damage to non-pertinent files or equipment.

Cellular phones

On 2/19/2013, victim Susann Smith's recovered cell phone was searched and examined by King County Major Crimes Unit/Digital Forensics Detective Pavlovich. Det. Pavlovich reported that last incoming text message on Susann's cell phone was from Alan Smith on 2/12/2013, which read, "Hi Susi." Det. Pavlovich states on no other occasion in her cell phone text history, does Alan refer to Susann as 'Susi'. Alan specifically addresses her as Susann on previous text messages, the last text message (other than on 2/12) is 1/27/2013. In addition to the examination of the above listed computers, your affiant is requesting to seize and examine the Blackberry cellular phone currently located at the Boeing Plant Everett, Building 40-83, column 1D2-2, in the City of Everett, Snohomish County, Washington and examine Samsung cellular phone Samsung cellular phone currently located in the Bothell Police Department Investigation's temporary evidence room, 18410 101st AVE NE, in the City of Bothell, King County, Washington by providing them to the King County Sheriff's Office for forensic examination. These phones will be provided to the King County Sheriff's Office for forensic examination:

- 1) All electronic information within the Blackberry Curve and Samsung cellular phones, including but not limited to owner/subscriber information, IMEI (International Mobile Subscriber Identity), text/multimedia messages (SMM and MMS), calendar events, digital image, video and audio files, caches, logs of recent activity, maps and direction queries, map and satellite imagery, personal alarms, notes, music, email, web browsing activity (including web history, browser cookies and bookmarked web addresses), passwords and personal credentials, fragments of typed communication, voicemail, call history, contacts, information pertaining to relationships with other devices and items of personal interest.
- 2) Records, or other items in whatever form that are fruits or evidence of the crimes of Murder 1st (RCW 9A.32.030)
- 3) Records or other items in whatever form evidencing dominion and control of the above-described cellular telephones;

- 4) Records, or other items, in whatever form, used in the commission of the above-described crime, including: Voicemail recordings, text messages, emails, photographs and phototexts, videos and videotexts, instant messages, and incoming and outgoing telephone calls.
- 5) To seize any information located within the search of the cellular telephone data that is held by AT&T Wireless, Verizon Wireless and Tracfone Wireless. To include the registered customer information and data held on the registered telephone by the maintained subscriber database. This data is to include text messages, instant messages, photographs, email, video web pages, phone lists, call data. This request is to also include the cell phone site tower usage between 01/01/2013 and 02/22/2013, associated with this cell phone numbers which are held by AT&T Wireless, Verizon Wireless and Tracfone Wireless

I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination, that a cellular telephone is form of a computer, which has the capacity to store a variety of digital evidence in its memory. This includes, for example, records of telephone calls made and received; records and copies of text messages made and received; photographs; contact lists; notes; records of internet searches; voicemail recordings. I also know that conducting a search of a cellular device or computer storage system, documenting the search, and making evidentiary and discovery copies is a lengthy process. Digital evidence is extremely vulnerable to tampering or to destruction through error, electrical outages, and other causes. It is necessary to determine that no security devices are in place, which could cause the destruction of evidence during the search; in some cases it is impossible even to conduct the search without expert technical assistance. Additionally, to be used to connect with other cellular phones, the internet, or computers, the telephones must communicate with nearby cellular antenna towers and /or Global Positioning Satellites. Evidence of such communication can be stored in the cellular telephone's memory and retrieved by a forensic expert.

I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination, that, whether records are stored on cellular device or computer storage system, even when they purportedly have been erased or deleted, they may still be retrievable. The forensic examiner is familiar with the methods of restoring "lost" data commonly employed by cellular telephone and computer users, and has used those methods himself.

Forensic examination of a cellular telephone is technical and time consuming, and requires the use of forensic equipment. Typically, the forensic examiner needs to conduct the examination in a lab, to ensure that outside influences cannot interfere with the examination. Thus, the phone will need to be taken off site to be analyzed by a qualified forensic detective.

There is probable cause to believe that a search of the Samsung cell phone will result in locating telephone records and owner information for AT&T Wireless and Tracfone wireless phone number (206)369-7614 belonging to Alan Smith and Blackberry Curve ~~cell phone will result in locating telephone records and owner information for Verizon~~ Wireless phone number (425)387-0558 assigned to Alan Smith; Telephone records to include incoming calls, outgoing calls and cell tower information for incoming and outgoing calls from 01/01/2013 to 02/22/2013; owner information to include, owner name, date birth, address and home phone number. The expert searching the phone can also manually retrieve incoming and outgoing text messages sent/received using the above described cell phone.

USB Flash Drives

Your affiant is requesting to examine the four USB flash drives that have been seized under previous search warrant #2013-49 on 2/22/2013. I know from my training, experience, and discussions with fellow officers who are trained in computer forensic examination that the most common use of flash drives is to transport and store personal files, such as documents, pictures and videos. USB flash drives are removable and rewritable.

I believe by forensically examining the four USB flash drives already stored at the police department, specialists will be able to determine if Alan Smith utilized these flash drives to store files, documents, pictures or videos related to this crime, or information regarding potential flight from the country.

GPS Unit

Also, your affiant is requesting to seize and examine the Garmin Nuvi GPS located inside Alan Smith's SUV. On 2/12/2013 Alan consented to a voluntary search of his 2000 Mercedes SUV. Detectives Stone and Chissus performed the search on Alan's SUV and noticed a Garmin GPS mounted on the center console. On 2/22/2013 under the authority of search warrant #2013-49, Officers of the Bothell Police Department impounded Alan's SUV and inside this vehicle was a Garmin Nuvi GPS on the center console.

A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated "GPS") consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

Based on my training, experience, and research, I know that the GPS device has capabilities that allow the individual to navigate to and from addresses and locations as well as to record dates and times. Also, the individual is able to record historical points of travel. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests where and when the vehicle travelled to a distinct location.

I believe by forensically examining the Garmin GPS device, specialists will be able to determine if Alan Smith utilized his GPS for locations related to the crime of Murder-1st.

The GPS tracking device may also aid Detectives in determining any patterns before and after the murder was committed. All electronic information located inside the GPS device including addresses, locations, maps, historical points as well as recorded dates and times.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 27th day of February, 2013 at Bothell, Washington.



Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 27th of February, 2013



Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18556
Deputy Prosecuting Attorney

SUPERIORCOURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON

)) ss.

No. 20130089COUNTY OF SNOHOMISHINVENTORY AND RETURN OF SEARCH
WARRANT

1. I received a search warrant for the premises, vehicle or person specifically described as follows:

SAMSUNG CELL PHONE SERIAL NUMBER: R21C4082XOF
AND PHONE NUMBER 206-369-7614

2. On the 15th day of APRIL, 2013, I made a diligent search of the above-described premises, vehicle or person and found and seized the items listed below in Item 7.
3. Name(s) of person(s) found in possession of property: T-MOBILE
4. The inventory was made in the presence of:

- The person(s) named in (3) from whose possession the property was taken.
- Others: _____

5. Name of person served with a copy or description of place where copy is posted: FAKED TO
T-MOBILE

Place where property is now stored: BOTHELL POLICE DEPARTMENT

7. Property and person(s) seized: T-MOBILE SUBSCRIBER AND CALL DETAIL
RECORDS

Date

4/15/2013

Signature of Peace Officer

GLEN CHIASSUS

Printed or Typed Name

Bothell Police Department- 13-3354
,ency and Personnel Number

APPENDIX G

20130141

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON)

No. Sw2013-137

COUNTY OF SNOHOMISH)
ss.)

SEARCH WARRANT

FILED

JUN 21 2013

SNO. CO. DISTRICT COURT
SOUTH DIVISION

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime(s) of Murder 1st Degree (RCW 9A.32.30)

has been committed and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:
 - a. The residence and curtilage to include storage sheds, covered porches, and any out-buildings located at 218 240th ST SW in the City of Bothell, Snohomish County, Washington 98021. The residence is described as a one-story single family dwelling, light beige in color with yellow trim. The house number is posted on the fence which encompasses the front and back yards.
 - b. 2000 Mercedes ML320 4 door dark blue in color identified by Washington State license ABD4760; described by Vehicle Identification Number "VIN" of 4JGAB54E2YA169178. Vehicle is registered to Alan J. Smith.
 - c. 2002 Honda VF750C motorcycle black in color with soft black carry bags, Identified by Washington State license 5A0991; described by Vehicle identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith.
 - d. Alan J. Smith; DOB 07-19-1975; HGT/5'-07"; WGT/ 155; EYE/GRN; SOC/635-30-0203; WA OLN/SMITHAJ250MR.

2. Seize, if located, the following property, but not be limited to the following:

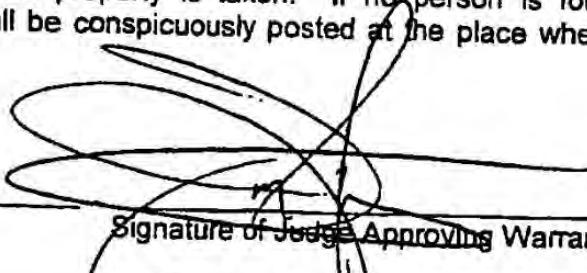
Alan Smith's passport and or travel documents based on his internet searches of countries that do not recognize US extradition and his vehicle tracking from his GPS.

3. ~~Promptly return this warrant to me or the clerk of this court; the return must include an inventory of all property seized.~~

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date

19 June 13


Signature of Judge Approving Warrant

Issuance of warrant approved by Snohomish County DPA Craig Matheson #18556

() This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective M. Stone
Bothell Police Department / #0087

Signature of Peace Officer Authorized to
Judge's Signature to Warrant

20130141

SNOHOMISH COUNTY ~~SUPERIOR COURT~~

STATE OF WASHINGTON) No. SW2013-137
COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

FILED

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
 Contraband, the fruits of a crime, or things otherwise criminally possessed, and
 Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
 A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

1. The residence and curtilage to include storage sheds, covered porches, and any out-buildings located at 216 240th ST SW in the City of Bothell, Snohomish County, Washington 98021. The residence is described as a one-story single family dwelling, light beige in color with yellow trim. The house number is posted on the fence which encompasses the front and back yards.
2. 2000 Mercedes ML320 4 door dark blue in color identified by Washington State license ABD4760; described by Vehicle identification Number "VIN" of 4JGAB54E2YA169178. Vehicle registered to Alan J. Smith.
3. 2002 Honda VF750C motorcycle black in color with soft black carry bags, identified by Washington State license 5A0991; described by Vehicle Identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith.
4. Alan J. Smith; DOB 07-19-1975; HGT/5'-07"; WGT/ 155; EYE/GRN; SOC/636-30-0203; WA OLN/SMITHAJ250MR.

JUN 21 2013
SNO. CO. DISTRICT COURT
SOUTH DIVISION

My belief is based upon the following facts and circumstances:

Your Affiant, Detective Michael Stone #0087, has been a full time commissioned Police Officer employed by the City of Bothell Police Department since July 1992, and I am

currently assigned to the Criminal Investigations Unit as a Lead General Case Detective for the past 7 years. Prior to July 1992, I was a commissioned Police Officer for the University of Washington Police Department for a period of two years. My training includes, but is not limited to; successfully graduating from the Washington State Basic Law Enforcement Academy in September 1990 and attending and successfully completing criminal investigation courses such as the following: Basic Homicide; Assault Investigation, Evidence handling and processing; REID interview techniques; Criminal Justice Vocational Training Instructor; Police Field Officer Training; Basic and advanced Special Weapons and Tactics and Police Supervisory School. I further have participated as the lead and primary detective in numerous investigations involving property and violent crimes in the past 22 years. I further hold a Bachelor of Business Administration degree from Central Washington University.

I am familiar with the method of operations of criminals involved in homicide cases. My past investigation of homicide cases shows relevant training and field experience which led me to establish probable cause for Bothell PD case 13-3354.

This is an addendum to the original search warrant and search warrant affidavit authored by Bothell Police Detective Ungvarsky and issued on 02/12/2013. The search warrant and search warrant affidavit was reviewed and signed by Snohomish County Southwest District Court Judge Goodwin on 02/12/2012, and assigned warrant #SW2013-36. A supplemental search warrant and search warrant affidavit was authored by Detective Ungvarsky and reviewed and signed by Judge Goodwin on 02/14/2013. That supplemental search warrant and search warrant affidavit was assigned warrant #SW2013-41. A second supplemental search warrant and search warrant affidavit was authored by this affiant on 02/21/2013. That search warrant and search warrant affidavit was reviewed and signed by Judge Goodwin and assigned warrant #2013-49. **That search warrant and search warrant affidavit are both attached to this addendum and incorporated by reference**

An additional search warrant and search warrant affidavit was authored by Bothell Police Detective Chissus on 03/12/2013. That search warrant and search warrant affidavit was reviewed and signed by Snohomish County Superior Court Judge Fair and assigned warrant #2013-71. **That search warrant and search warrant affidavit are both attached to this addendum and incorporated by reference.**

This ongoing series of search warrants and search warrant affidavits are in regard to the ongoing homicide investigation of 37 year old Susann Smith whose body was discovered on 02/12/2013, in her residence of 216 240th ST SW Bothell, in Snohomish County Washington.

Search warrant and search warrant affidavit #2013-49 outlined why Alan J. Smith (07-19-1975) is a person of interest regarding the murder of his estranged wife, Susann Smith. Alan Smith had not lived in the residence located at 216 240th ST SW Bothell, in Snohomish County, since November 2011. Investigators believe that the murder of

Susann Smith took place on either Sunday night, 02/10/2013, or the morning of Monday, 02/11/2013 at the residence.

Search warrant and search warrant affidavit #2013-71, outlined Alan Smith's past financial purchases of items such as a rubber mallet, disposable chemical coverall suits and shoe covers on 10/27/2012 at an Everett Home Depot Store. That information was recovered during the serving and processing of search warrant #2013-49 on 02/22/2013. That warrant granted among other directives, the search of Alan Smith's person and his residence. An inventory of Smith's items in his backpack seized from his residence, showed an October 2012 Bank of America statement listing the 10/27/2012, purchase at the Everett Home Depot with the Bank of America VISA card account #XXXX XXXX XXX 8774.

WSP Crime Laboratory conducted a comparison of the mallet with the images of the autopsy of Susann Smith's injuries. The laboratory reported, the mallet's head surface fit within the same class characteristics and arched dimensions to several of the injuries to Susann Smith. Investigators were unable to determine the disposition of the mallet, coveralls and shoe covers. Searches of Alan Smith's residence, vehicles, work space, Susann Smith's residence and residence curtilage did not locate the mallet, coveralls or shoe covers, nor was there anything to indicate the same items had previously been at any of the searched locations. One of the two purchased chemical coveralls Smith made on 10/27/2012, was the same brand name, Kleenguard, as the two chemical coveralls Alan Smith purchased on 02/12/2013 and was identified during a search of his vehicle on 02/12/2013, outlined in warrant #2013-49. The cash purchase made on 02/12/2013, was at the same Everett Home Depot as the 10/27/2012 purchase. Investigators were able to obtain Home Depot Store video footage of Alan Smith making the purchase on 02/12/2012.

During the examination of the financial records of Alan Smith obtained from warrant #2013-71, a purchase of \$617.56 was recorded on Smith's Bank of America VISA card account #XXXX XXXX XXXX 8774 on 11/24/2012, at 16:11 hours, at Gregg's Greenlake Cycle at 7007 Woodlawn Ave NE Seattle. Detectives confirmed Alan Smith purchased a black and red in color Trek 17.5" with serial number WTU158C5881G men's bicycle.

Search warrant and search warrant affidavit #2013-115 outlined Alan Smith had not mentioned purchasing or owning a bicycle. **That search warrant and search warrant affidavit are both attached to this addendum and incorporated by reference.** Detectives were unable to locate the same bicycle under the previous search warrants. Detectives learned from interviews of Alan Smith's co-workers and acquaintances he was an avid bicyclist.

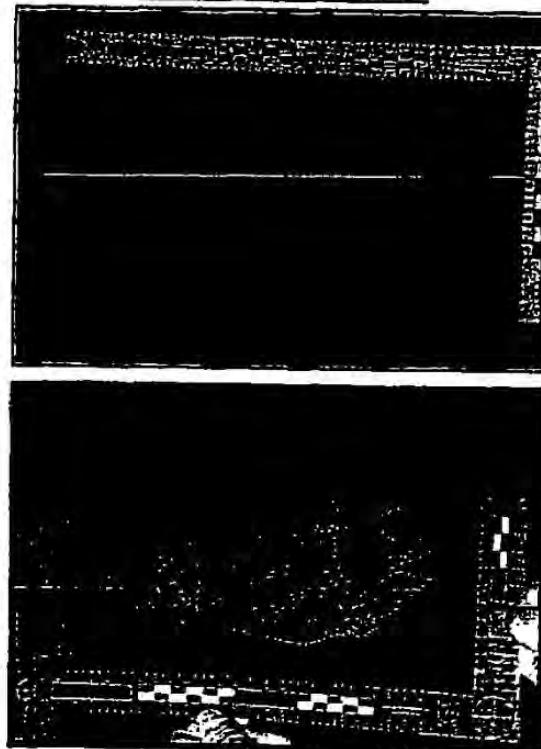
Search warrant #2013-115 further outlined the same Trek bicycle was recovered abandoned in a green belt in Alan Smith's apartment complex on 03/01/2013, reference Bothell Police report #13-4723. Detectives checked outside ATM video surveillance from the US Bank located at 23131 Bothell Everett Hwy which showed a subject riding a

bicycle southbound past the ATM on 02/11/2013, at 02:24 hours. A search of the highway video obtained from the camera at Bothell Everett Hwy (SR 527 SE) and 240th ST SE shows at 02/11/2012, at 04:13 hours, a subject similar to shape and size of a bicyclist riding from eastbound on 240th ST SE making a left turn and continuing riding north bound onto Bothell Everett Hwy. There is not enough of a clear image on both videos to depict any physical characteristics of the individual or the bicycle. This is the shortest route to travel (approximately 1.7 miles) from Alan Smith's apartment to Susann Smith residence.

Under the authority of search warrant and search warrant affidavit #2013-49, photographs of Alan Smith were taken including photographs of Alan Smith's bare feet.

As described in the initial search warrant #2013-36, a large amount of the victim's blood was present at the crime scene. Also observed at the crime scene were numerous bloody foot impressions. Washington State Patrol Crime Scene Response Team (WSP CSRT) processed the scene including taking detail photographs of the bloody foot impressions. Detectives conducted a comparison of the images of the foot impressions from the crime scene against Alan Smith's bare feet images and determined Alan Smith's left foot is similar in shape and size to the left foot impression image taken at the crime scene. Refer to below images.

FOOT COMPARISON



Detectives were unable to determine or confirm a positive match of Alan Smith's bare feet to the bloody foot impressions from the crime scene. Additionally, your affiant was further not able to obtain detailed foot impressions of Alan Smith's bare feet under the authority of search warrant #2013-49, due to limited resources and expertise to properly take latent foot and foot castings at the time the warrant was served.

Washington State Patrol (WSP) Crime Laboratory does not conduct examinations, analysis or comparisons involving human feet. Your affiant was not aware of WSP Laboratory limitations regarding bare feet comparisons at the time warrant #2013-49 was authorized and therefore only photographs of Alan Smith's bare feet were taken.

Upon further investigation and conducting comparisons of the foot impressions from the crime scene against the photographs taken of Alan Smith's feet, specifically his left foot as shown in the above image, your affiant is researching an expert in barefoot morphology comparison described as follows:

The examination of the impressions of weight-bearing areas on the bottom of a human foot. It is carried out when ridge detail is not present so that a link can be established between the bare foot of an individual and an impression found at a crime scene. Barefoot morphology comparisons can be used with care of sock foot impressions or with shoes that have been linked to a crime scene. Comparisons using shoes involves comparing the wear areas on the outsole of the shoe with the inked barefoot impression taken from the suspect.

Your affiant believes there is a sufficient cause to request obtaining inked foot impressions and castings of Alan Smith's feet. Your affiant further believes these inked foot impressions and castings will provide a more detailed comparison for examination in determining Alan Smith's involvement with the death of Susann Smith.

Internet searches of interest

Search warrant and search warrant affidavit #2013-49 further authorized the search and seizure of Alan Smith's passport. This was authorized based on the internet searches Alan Smith made on his Boeing work computer outlined in the search warrant affidavit and listed below:

Date/Time:

Internet searches made the same day and prior to when detectives told him a body was found in Susann Smith's residence:

02/12/2013 08:48 hours kayak.com: Flights from Seattle to Venezuela (SEA to CCS).

02/12/2013 09:31 hours cbsnews. com: 10 best countries to live and work aboard.

02/12/2013 08:50 hours kayak.com: 3 tickets from Seattle to Venezuela departing 02/12/2013 returning 03/05/2013 – 1 adult & 2 children (6 & 3).

02/12/2013 09:28 hours fodos.com: Where is the best place to live in southcentral America.

~~Alan Smith's internet searches made the early morning hours following after detectives spoke to him:~~

02/13/2013 12:45 AM kayak.com: flight from SEA to CCS

02/13/2013 01:22 AM kayak.com 3 tickets from SEA to CCS departing 02/13/2013 returning 03/02/2013.

02/13/2013 01:22 AM kayak.com: 3 tickets from SEA to Vancouver (YVR) departing 02/13/2013 returning 03/05/2013.

02/13/2013 01:23 AM alaskaair.com: Flight from SEA to Vancouver departing 02/13/2013 returning 03/05/2013.

02/13/2013 01:22 AM kayak.com: 3 tickets from SEA to Vancouver (YVR) departing 02/13/2013 returning 03/05/2013.

02/13/2013 01:23 AM onetravel.com: Flights from SEA to Vancouver

02/13/2013 02:02 AM kayak.com: Flights from SEA to YTO (Toronto) for 1 adult departing 02/13/2013 returning 03/05/2013.

02/13/2013 02:02 AM kayak.com: 1 adult and no children from SEA to Vancouver (YVR) departing 02/13/2013 returning 03/05/2013.

An additional search warrant and search warrant affidavit was authored by Bothell Police Detective Chissus on 02/27/2013. That search warrant and search warrant affidavit was reviewed and signed by Snohomish County Superior Court Judge Fair and assigned warrant #2013-70. The search warrant and search warrant affidavit authorized the digital forensic search of Alan Smith's electronic devices including his person Apple I-Pad and Samsung android cell phone. **That search warrant and search warrant affidavit are both attached to this addendum and incorporated by reference.** Related results of the digital forensic searches of Alan Smith's I-Pad and Samsung cell phone listed the following internet searches:

Date/ Time:

12/02/12 19:57 hours google.com: How realistic is CSI Miami.

12/02/12 20:05 hours google.com: Most realistic crime shows

12/07/12 20:30 hours google.com: Forensic Files

01/03/2013 16:59 hours google.com: Where do people get fake passports.

02/13/2013 02:04 AM Metro Transit Planner: 1630 228th ST SE to Seattle Tacoma International Airport leaving 02/13/2013 at 03:30 hrs.

~~02/13/2013 02:12 AM Map of Bellevue Transit Center~~

Alan Smith's internet searches regarding DNA:

02/21/2013 17:19 hours wiki.answers: How long does it take for DNA test.

02/21/2013 17:51 hours google.com: How much material is need for DNA.

02/21/2013 17:52 hours google.com redirect to orchidcellmark.com

02/21/2013 17:52 hours orchidcellmark.com: Forensic DNA FAQ's.

Detectives were unable to locate Alan Smith's passports during authorized searches of his apartment, work place and vehicles.

On 03/08/2013, your affiant met Alan Smith at the Bothell Police Department to returned his vehicle to him that was seized and searched under the authority of search warrant and search warrant affidavit #2013-49 and search warrant addendum #2013-50. During the contact, your affiant asked Alan Smith about his passport including telling of the authorization to seize his passport under authority of search warrant #2013-49. Alan Smith declined to turn over his passport at that time.

Alan Smith moves into victim's residence (crime scene)

On 04/21/2013, Detectives determined Alan Smith moved into Susann Smith's residence. Alan Smith began clean up and remodeling projects to the residence including removing Susann Smith's two vehicles. Bothell Police patrol officers have responded to the residence on 3 separate occasions on domestic incidences involving Alan Smith and his 32 year old female girlfriend. Officers confirmed Alan Smith is living at the residence.

On 05/21/2013, your affiant learned from an adult friend of the 32 year old girlfriend of Alan Smith's that she and Alan Smith were considering, "getting out of this country" and going to South America to avoid the police.

Alan Smith is placed on leave without pay with Boeing

On 06/18/2013, detectives learned from Boeing Corporate Security, on 06/13/2013, Alan Smith was sent a notice indicating his employment status had been changed to leave without pay from the Boeing Company effective 07/25/2013. Alan Smith had been on paid administrative leave since end of February 2013.

Investigative Summary

Your affiant believes probable cause exists that Alan Smith murdered his estranged wife Susann Smith at her Bothell residence during the early morning hours of 02/11/2013. The Medical Examiner determined the death was caused by multiple sharp-force (12)

and blunt-force (10) injuries of the head with contributing factor of asphyxia to drowning. The manner of death was classified as homicide. No weapon(s) or obvious evidence, including latent fingerprints leading to the suspect(s) were recovered during the initial processing of the bloody crime scene. Unexplained bloody footprints along with bloody shoeprints were identified and recorded. A bloody textile pattern transfer was identified on the edge of the bath tub where Susann Smith's body was recovered. This bloody transfer stain appears consistent with the weave pattern of disposable coveralls Alan Smith purchased prior to the homicide.

The investigation has determined Alan Smith had motive, means and opportunity to commit the murder. Alan and Susann were going through a very acrimonious separation and pending divorce. Alan Smith had lost his last contested family court child custody hearing on 01/25/2013. Alan Smith shared his anger and bitterness over losing the court hearings and hatred towards Susann Smith with co-workers, acquaintances and his girlfriend. Alan Smith further displayed no emotion or concern upon hearing of Susann Smith's suspicious death. He did not provide detectives with any insight or assistance with leads as to whom or why someone would want to murder Susann Smith. Alan Smith declined to cooperate with detectives and refused to turn over his passport as was authorized to seize under search warrant #2013-49.

Susann Smith was determined to be a low risk victim. She was not actively dating and was not involved in social events that did not include her two small children. Checks of criminal activity in the neighborhood proved negative and there were no convicted criminals with similar offenses living in the surrounding area.

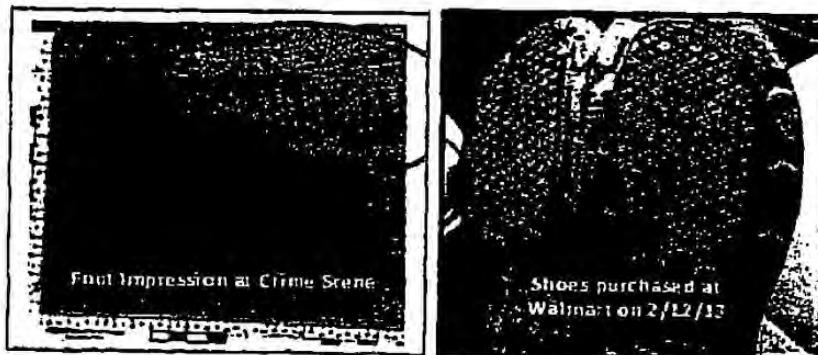
Related search warrants led detectives to determine Alan Smith was living beyond his means. Based on his income statements, Alan Smith was spending far more than he made, particularly when the child support, child care and other family court order financial obligations were factored in. Alan Smith made purchases of a rubber mallet, disposable coverall suits and shoe covers in the fall of 2012. WSP Crime Lab reports listed the mallet fit within the same class characteristics consistent with the injuries to Susann Smith.

Detectives further discovered Alan Smith purchased a mountain bicycle in the fall of 2012 and lied to detectives about owning a bicycle. Alan Smith was an avid bicyclist. Detectives determined the short distance of 1.7 miles between Alan Smith's apartment and Susann Smith's residence could easily been made on a bicycle.

Search warrants further revealed Alan Smith made internet searches and viewed crime shows detailing how police conduct homicide investigations in the fall of 2012. Alan Smith made internet searches as recent as the day after the death of Susann Smith to travel and work in countries and countries without U.S. extradition treaties.

Detectives determined Alan Smith purchased a pair of sandals, rubber gloves, gas can and disposable coverall suits then drove to near Susann Smith's residence the day her body was discovered by police on 02/12/2013. Alan Smith failed to mention his actions

30 minutes after he returned to work and detectives contacted him. The sandals were never accounted for during any of the search warrant activity. The soles of the sandals are similar with the bloody shoe sole impressions at the crime scene. Refer to below images.



Searches of Alan Smith's text messaging from his cell phone listed a November 2012, conversation he had with his father. Alan Smith tells his father he believes Susann Smith had a "borderline personality" disorder and explained, "That is unification of psychopath and narcissistic personality disorder." Alan Smith mentioned he believes Susann Smith was sexually abused by her father when she was a toddler. Detectives were unable to find any facts, evidence or witnesses supporting Alan Smith's allegations of Susann Smith's mental health. Further Alan Smith did not mention any of these allegations to detectives during any of the interviews.

Alan Smith holds a degree in aerospace engineering and is a very private person. Alan Smith had no close relationships with anyone including his family members. Interviews with friends and co-workers described Alan as "creepy, weird and socially awkward" especially towards females.

Request to seize and search

Based upon the above facts, your affiant is requesting a search warrant to be issued on Alan Smith's above described residence, storage units, vehicles and his person, to search and seize Alan Smith's passport and or travel documents based on his internet searches of countries that do not recognize US extradition.

I certify (or declare) under penalty of perjury under the laws of the State of Washington
that the foregoing is true and correct, signed in Snohomish County, on the below listed
date.

Michael Stone

Detective Michael Stone #0087 Date
Bothell Police Department

Subscribed and sworn to before me this date:

15 ~ 13
Judge / Commissioner

15 ~ 13
Date

Issuance of Warrant Approved:

DPA Craig Matheson #18556
Snohomish County Deputy Prosecuting Attorney

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON

No. SW2013-49

COUNTY OF SNOHOMISH

ss.

SEARCH WARRANT

FILED

FEB 27 2013

SNO. CO. DISTRICT COURT
SOUTH DIVISION

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime(s) of Murder 1st Degree (RCW 9A.32.30)

has been committed and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:
 - a. The residence and curtilage to include covered porches and any storage unit associated with unit J304 located at The Canyon Pointe Apartment Complex at 1630 228th ST SE unit #J304 in the City of Bothell, Snohomish County, Washington, 98021. Unit #J304 is in the "J" building of the south west end of the apartment complex off of 15th AVE SE. The building is clearly marked with the letter "J" posted on the front of the building facing the south entrance to the building units and where the parking area is located. All the units are accessed from the outside breezeway. Unit J304 is located on the third floor and on the northwest end of the building. The marker 304 is clearly positioned at eye level on the front door of the unit. The unit is a one level 3 bedroom, 2 bath flat with a fireplace.
 - b. 2000 Mercedes ML320 4 door dark blue in color identified by Washington State license ABD4760; described by Vehicle identification Number "VIN" of 4JGAB54E2YA169178. Vehicle registered to Alan J. Smith at 1305 NE Ravenna BLVD #205 Seattle, WA. 98105. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 90821.
 - c. 2002 Honda VF750C motorcycle black in color with soft black carry bags, identified by Washington State license 5A0091; described by

Vehicle identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith with an address 216 240th ST SW Bothell, 98021. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 98021.

- d. Inspect, observe, identify, document, seize and photograph any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.
2. Seize, if located, the following property, but not be limited to the following: Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene. This evidence to include but not limited to: bloody clothing, footwear, socks, disposable coveralls etc.

Authority to dismantle any items identified as to have evidence of the crime contained in them and or on them such as but not limited to car seat, flooring, carpet in the vehicle and or residence, sink drains where clean up may have occurred and other appliances, devices or cleaners.

Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Electronic devices not limited to laptops (work and personal), desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce..

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

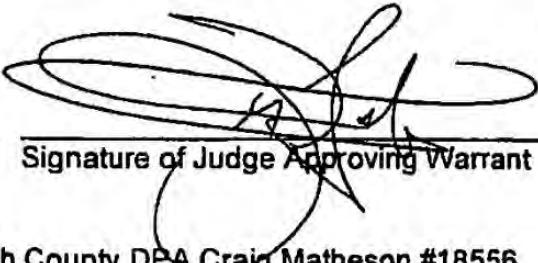
Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.

Based upon the above information, it is requested that judicial permission be granted to further inspect and photo document any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA 98011.

3. Promptly return this warrant to me or the clerk of this court; the return must include an inventory of all property seized.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

21 Feb 2013
Date


Signature of Judge Approving Warrant

Issuance of warrant approved by Snohomish County DPA Craig Matheson #18556

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective M. Stone
Bothell Police Department / #0087

Signature of Peace Officer Authorized to
Judge's Signature to Warrant

SOUTHWEST DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON)

No. SW2013-49

COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

FILED

FEB 27 2013

SNO. CO. DISTRICT COURT
SOUTH DIVISION*The undersigned on oath states: I believe that:*

- (X) Evidence of the crimes of Murder 1st Degree (RCW 9A.32.030)
- (X) Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- (X) Weapons or other things by means of which a crime has been committed or reasonably appears to have been committed, and
- (.) A person for whose arrest there is probable cause, or who is unlawfully restrained is/are located in, on, or about the following described premises, vehicle or person:

1. The residence and curtilage to include covered porches and any storage unit associated with unit J304 located at The Canyon Pointe Apartment Complex at 1630 228th ST SE unit #J304 in the City of Bothell, Snohomish County, Washington, 98021. Unit #J304 is in the "J" building of the south west end of the apartment complex off of 15th AVE SE. The building is clearly marked with the letter "J" posted on the front of the building facing the south entrance to the building units and where the parking area is located. All the units are accessed from the outside breezeway. Unit J304 is located on the third floor and on the northwest end of the building. The marker 304 is clearly positioned at eye level on the front door of the unit. The unit is a one level 3 bedroom, 2 bath flat with a fireplace.
2. 2000 Mercedes ML320 4 door dark blue in color identified by Washington State license ABD4760; described by Vehicle Identification Number "VIN" of 4JGAB54E2YA169178. Vehicle registered to Alan J. Smith at 1305 NE Ravenna BLVD #205 Seattle, WA. 98105. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630 228th ST SE #J304 Bothell, WA. 90821.

3. 2002 Honda VF750C motorcycle black in color with soft black carry bags, identified by Washington State license 5A0091; described by Vehicle identification Number "VIN" of JH2RC43OX2M801071. Motorcycle is registered to Alan J. Smith with an address 216 240th ST SW Bothell, 98021. The vehicle has recently been driven by Alan Smith and parked at his current place of residence at The Canyon Pointe Apartment complex of 1630-228th ST SE #J304 Bothell, WA. 98021.
4. Inspect, observe, identify, document, seize and photograph any and all injuries, via Alternate Light Source (ALS) and standard lighting, and seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.

This is an additional affidavit and warrant request to the original Snohomish County District Court (Southwest Division) Judge Goodwin approved search warrant affidavit and search warrant No. SW13-36 (supported by addendum No.SW13-41) submitted by Bothell Police Department Detective Sean Ungvarsky on 02/12/2013. In summary, search warrant No.SW13-36 (supported by addendum No.SW13-41) authorized the entry, body recovery, processing and evidence collection at the residence of 216 240th ST SW Bothell in Snohomish County and parked vehicles at the same residence on 2/12/2013. The text of the original affidavit is included below, both as background and as a way of establishing probable cause for the seizure and search requested in this warrant. This search warrant is part of an ongoing criminal investigation in the murder of Susann Smith and additional evidence and circumstances have been developed and included in this warrant.

Your Affiant, Detective Michael Stone #0087, has been a full time commissioned Police Officer employed by the City of Bothell Police Department since July 1992, and I am currently assigned to the Criminal Investigations Unit as a Lead General Case Detective for the past 7 years. Prior to July 1992, I was a commissioned Police Officer for the University of Washington Police Department for a period of two years. My training includes but is not limited to successfully graduating from the Washington State Basic Law Enforcement Academy in September 1990 and attending and successfully completing criminal investigation courses such as the following: Basic Homicide; Assault Investigation, Evidence handling and processing; REID interview techniques; Criminal Justice Vocational Training Instructor; Police Field Officer Training; Basic and advanced Special Weapons and Tactics and Police Supervisory School. I further have participated as the lead and primary detective in numerous investigations involving property and violent crimes in the past 22 years. I further hold a Bachelor of Business Administration degree from Central Washington University.

I am familiar with the method of operations of criminal's involved in homicide cases. My past investigation of homicide cases shows relevant training and field experience which led me to establish probable cause for Bothell PD case 13-3354.

The investigation is predicated on the following circumstances, which occurred in Snohomish County, at the location of 216 240th ST SW Bothell, WA. 98021:

On 2/12/13 at about 1030 hours, Bothell Police Department Officers were dispatched to 216 240th St. SW, City of Bothell, County of Snohomish, to check the welfare of Susann Smith. The request had been made by someone who worked with Smith at her place of employment, Z2 Live located in Seattle where Smith is employed as a language translator. The call had been placed by "Kat" from Human Resources. Smith had failed to show up for work for the past two days, Monday and Tuesday, February 11 and 12. Bothell Police Officer Caban was one of the initial officers at the scene. He initially knocked on the door and received no answer. After getting no response Officer Caban checked the exterior of the home. Officer Caban looked into a window of a bedroom located on the southeast corner of the house. Caban was able to see the interior of the room. Inside, Caban observed what appeared to be large amounts of blood on the floor, along with apparent blood smears and blood spatter on the walls and window of the room. In addition, Caban observed that the furnishings in the room appeared askew. Caban also saw an apparent blood trail consistent with a bloody body being dragged. Based on these observations it was apparent that someone had been seriously injured and/or killed inside the room in the recent past. Based on this, officers determined to enter the home to check on the welfare of anyone inside.

Responding officers entered the front door of the residence, which was closed but unlocked, and showed no sign of forced entry. The officers entered and observed areas of the residence which were consistent with living and dining areas. As they started moving to the left side of the house, they noticed suspected bloody footprints in the kitchen and a hallway which ran the length of the left half of the residence. Officers noticed that the amount of suspected blood increased considerably as the hallway stretched to the threshold of the bedroom that Officer Caban had looked into from the rear of the residence. Officers proceeded down the hallway, and looked into a bathroom and noticed a partially clothed subject in the bathtub. Officers advised that the bathtub was almost full, with the subject's head submerged in the water. The subject in the tub was unclothed from the waist down. The bathwater was brownish/red, similar to blood mixed with water. The subject's head was completely submerged in water and there was no movement in the water indicating any signs of life. Based on these observations, the officers determined the subject was deceased. The deceased subject appeared to be a female; however, the subject was positioned in such a way that officers could not confirm the gender of the subject. Officers continued down the hallway and entered the master bedroom and checked to be sure there were no other subjects in the residence. Officers later described they observed suspected blood droplets, suspected blood smears, and possible blood spatter castoff on the floor and walls of this bedroom, this is the same bedroom that Officer Caban earlier

observed from the outside of the residence. In addition, an axe had been located in the southwest corner of the dining room area of the residence.

Bothell Police Sergeant Christman was one of the responding officers to the scene. In addition to working as a Police Sergeant with the Bothell Police Department, Sergeant Christman is Owner of Christman Forensics, a Forensic Consulting and Education Company, specializing in crime scene reconstruction and bloodstain pattern analysis. He has been qualified to testify as an expert witness in Bloodstain Pattern Analysis, Crime Scene Reconstruction, and Death Investigation in State, Federal and Military Courts, as well as the Provincial and Superior Courts in British Columbia, Canada. Sergeant Christman advised that he had observed the same suspected bloodstain patterns as the other officers. Based on his training and experience, Sergeant Christman categorized some of the bloodstain patterns as impact spatters, projected bloodstains, smears, and transfer stains. Sergeant Christman advised that the transfer stains appeared to lead from the master bedroom to the hallway and then into the adjacent bathroom. Based on his training and experience, Sergeant Christman believed the bloodstain patterns he observed to be consistent with medium velocity blood spatter, such as would occur in a beating. Based upon the observations of the officers at the scene, it appeared that all or part of a serious assault had occurred in the master bedroom then ended into the bathroom where the body was found.

When the first search warrant was written for the residence, it was unknown if the deceased subject in the bathtub was Susann Smith, although it was determined through interviews with neighbors and checks with the Snohomish County Property Assessor's Office, that Susann Smith currently lived in the same residence with her two small children. It was further determined Susann Smith was married but currently separated from her husband, Alan J. Smith (07/19/1975). Interviews with neighbors further determined the last known sighting of Susann alive was when she was observed alone by the neighbor Mark Buckley on Sunday night, February 10th, 2013, at around 22:45 hours, in her driveway.

The investigation determined Alan Smith (37) currently lived in the Canyon Pointe Apartments 1630 228th ST SE in Bothell, which is about ten minutes away from Susann Smith's home while traveling by vehicle. The couple has two small children in common and the children were in Alan's care over the weekend before being dropped off by Alan at school and/or daycare the morning of 02/12/2013. Both children were contacted and determined to be safe. They were later placed into CPS protective custody.

Detective Chissus spoke with Oksana Gutnikov and Mark Buckley, who attended the children's 'Carnival' party at Susann Smith's house on Saturday 2/09/2013. The only other adults at this party were Susann and Alan Smith. Alan did not attend the party, but arrived at the end of the party to pick up their children. Both Gutnikov and Buckley advised they never saw Alan leave the living room of Susann's house on this day. However, both left the party while Alan was still inside the residence.

Alan Smith interview

On 02/12/2013, at around 1500 hours, this affiant and Bothell Police Detective Chissus contacted and interviewed Alan Smith at his place of employment at the Boeing Aerospace Company in Everett. Alan agreed to speak to us and did not ask what the contact was about. Alan was very precise in his movements and the manner he spoke. ~~I advised Alan we were investigating a serious crime but that his children were safe.~~

He did not ask what the crime was nor did he ask where his children were. His reaction seemed rehearsed. I further advised Alan that police found a dead body in his wife's house. He said nothing, did not ask any questions as to who the body might be and did not offer any assistance to us. Alan told us he last saw Susann at her residence on Saturday 02/10/2013, at around 14:30 hours, when he picked up the children. Susann had a party for the children and he had been in the home for about 20 minutes. Alan described his relationship with Susann as friendly. I asked him the reason for the separation and pending divorce and he announced, "sex and the kids." Alan's voice tone when answering the question, indicated that he was angry about the situation. Alan struggled with his timeline as regards to his actions on Sunday evening and into Monday morning. He focused his thoughts and explained he was with his children Sunday afternoon and they were at his residence from 1930 hours, until the following morning watching movies and then went to bed. Alan told us he could not account for about a four hour time frame from Sunday afternoon into Sunday evening. Alan did not provide a further explanation of his movement or actions during the previous weekend other than he arrived at SeaTac Airport from a business trip on Saturday afternoon at around 12:00 hours. Alan said he was sure he was home on Sunday evening after 19:30 hours and remained home until he took the two children to daycare the following morning. Alan did not comment nor did he make any statements regarding his pending divorce with Susann. He mentioned he was paying child support and maintenance to Susann. Alan said he had no idea who would want to harm Susann. Alan did not immediately answer when he was asked if he had anything to do with harming Susann. Alan did not answer when he was asked if there would be any reason why his DNA would be in the house. After waiting and asking a few more times Alan said he didn't think his DNA would be found in the home. I asked Alan where he was when he was in the residence on Saturday. He explained he was in the living room, back bedroom, and bathroom where he helped his son use the bathroom. Alan said he was playing, wrestling with his son in the hallway and in the living room. Alan mentioned his hair might be in the home because he was wrestling with this son in the residence and then pulled on the front of his hair line indicating his hair being pulled.

I saw Alan had a recent injury to his left hand. His left hand was swollen and the skin on the top of the same hand was flushed. The injury looked like the result of a contusion from blunt force trauma. I did not see any abrasions or cuts to the injured area. I asked Alan about the injury and he replied his three year old son struck his hand with a hatchet while cutting fire wood. Alan said this happened on Monday night while they were at his apartment. Alan further said his son hit without warning.

I further observed a cut on Alan's left thumb on the top of the thumb. Alan had a band aid over the cut. Alan said he cut his thumb while cutting an apple earlier in the morning at his residence. Alan had some other abrasions on his knuckles of his right hand that were almost healed. Alan mentioned he always seems to cut himself.

I asked Alan if there would be any reason why he would harm Susann. ~~Alan did not immediately answer and would not look at me. I ask the question again and Alan hesitated then said, "I think I may need to talk to an attorney."~~ I explained to him he had that right but that he was not under arrest. He said he understood.

Alan agreed to allow Detective Chissus to take some photos of his left hand and some comparison photos of both hands. It was obvious based on the comparison of both hands, the left hand was swollen.

The interview with Alan at Boeing ended at approximately 1630 hours. After the interview, Alan had no reaction when he was told his children were going to remain in Child Protective Services (CPS) care until further notice. He said, "I guess I'll have to live with that." Alan did not mention nor did he ask where his children were or how to contact them. It was when we told him the steps to take to reach CPS that he asked about the welfare of his children.

Alan Smith's second Interview

Following notification of the body found at the home of his wife Alan Smith contacted detectives at Bothell Police Department at approximately 1830 hours and volunteered to allow a search of his car and apartment. Detective Chissus and I contacted Alan and I read him the BPD Consent to Search Form at 1900 hours. Alan stated he understood and signed the form allowing us to search his 2000 Mercedes SUV WA license ABD4760 as it was parked in the BPD parking lot.

At around 1900 hours, we performed a search of his SUV while Alan stood nearby. Detective Chissus and I observed a Garmin portable GPS in the front dash of Alan's vehicle. Detective Chissus located a plastic Home Depot bag on the rear seat. Inside the bag were two, unopened bags containing Kleenguard Chemical Splash Resistant Coveralls and a new role of masking tape. Alan stated he had purchased the coveralls earlier in the day. He stated that he was planning on painting his apartment and had not purchased paint yet. When Detective Chissus asked Alan what he was going to paint, he replied, "Accent walls." Detective Chissus asked what color and Alan replied, "Beige." Detective Chissus also located a new, single pair of Playtex brand latex gloves, still in the box. We did not question Alan on the latex gloves.

After searching his vehicle, Detective Chissus and I followed Alan to his residence. Alan had also volunteered to have officers search his apartment located at Canyon Pointe Apartments 1630 228th ST SE unit #J304 Bothell. Detective Chissus read Alan the BPD Consent to Search Form regarding his apartment, which he signed. A search of the apartment was conducted while Alan sat at the dining room table.

In the spare bedroom off the living room, Detective Chissus noticed approximately ten separate, neat stacks of paper placed on the floor. The stacks were very orderly and the room was void of furniture and furnishings. Detective Chissus noticed a fair amount of the paper appeared to be related to the divorce proceedings and child custody issues. Detective Chissus noticed a VISA statement with a \$5,084.60 balance. Written in pen on the top of this VISA statement was, "I stopped using the card on 11/17/11." Detective Chissus also noticed correspondence from Bates and Ely PLLC, which was Susann Smith's lawyer.

In the master bedroom, Detective Chissus noticed several binders and folders in a box. On one of the binders was a piece of paper titled, "Self Talk." Several items were written under "Self Talk," including: "Anger at Colleagues for helping me drive her off. Excessive need to talk and get validation. Sleeplessness." Another piece of paper located is titled, "Issues" and has several lines related to what appears to be list of his own issues, including: "Living in a crappy apt."

Earlier in the day when Detective Chissus and I made notification to Alan at Boeing, Detective Chissus and I noticed Alan's left hand was severely swollen and he had a fresh cut on his left thumb. Alan advised his left hand was swollen due to his 3 year old son hitting him with a hatchet. Detective Chissus asked Alan if a hatchet located in his living room was the one his son had used and he replied it was. Detective Chissus asked if we could re-create the incident, which Alan agreed to do. Alan was asked to hold a piece of firewood exactly as he had at the time. Alan held a piece of firewood on the table with his hand palming the top portion of the wood, essentially covering the top with his hand. He indicated that his 3 year old had hit him on the back of his hand with the hatchet turned backward. This portion of the hatchet is similar to a hammer. Detective Chissus raised the hatchet and gently brought it down, hammer side, onto the back of his hand. Alan agreed this was how it had happened. The swelling on the back of Alan's hand did not appear to be consistent with this type of injury. There was no distinct marking consistent with the circular hammer portion of the hatchet. The hatchet also appeared to be a heavy tool for a 3 year old to be able to use.

I requested permission to take the hatchet and Alan agreed. Detective Chissus wrote it on the Consent to Search Form.

Alan also volunteered to provide a buccal swab from his mouth. Alan further volunteered to provide an audio recorded statement. In his statement, Alan was more articulate about his timeline and whereabouts on Sunday evening. Alan signed a witness recorded statement form. Alan mentioned in his statement he purchased the two coveralls at the Home Depot at 128th and Evergreen Way on his lunch break earlier in the day on 02/12/2013. He further mentioned he had stopped at the Taco Bell during the same time prior to purchasing the coveralls. Alan still couldn't answer who would want to harm Susann or what might have happened to her. During our hour or so with Alan he never mentioned anything about his children nor did he ask about Susann.

Alan Smith's ex-girlfriend's statement

Detectives contacted Rachel Amrine, who advised she is an ex-girlfriend of Alan Smith. Amrine advised that Alan and her had a 2-3 month dating relationship during the fall of 2012. She advised that Alan told her he was divorced and was currently going through a nasty, bitter custody battle with Susann. Amrine said Alan was angry with Susann and in October, 2012 he had asked Amrine how someone could make somebody disappear without anyone knowing. A few days later Alan called Amrine and was "ranting and ranting." She described Alan as, "really angry, really angry." Alan told her, "I just want her to be done with." Alan asked her if there was any way he could just get rid of her and nobody would know. Another time as they were in bed, Amrine said Alan was really anxious, so to lighten up the situation she jokingly mentioned that he could use potassium chloride into the rectum to kill someone and it would be difficult to detect. She said Alan stopped and looked at her for a really long time and she felt he was thinking about it. Amrine said she realized this was not something she should have told Alan. Amrine ended the relationship just before Thanksgiving 2012. Around Christmas, Alan re-contacted Amrine trying to start the relationship again. After Detectives contacted Amrine by phone on 2/12/2013, and set an appointment to come to her residence, Amrine sent Alan a text. Alan replied back to her by text stating that he was in a meeting.

Crime scene

The initial warrant to search Susann's residence was obtained reference Snohomish County Southwest District Court No. SW2013-36. The residence was processed by the Washington State Crime Scene Response Team (CSRT). The CSRT members examined the noted axe and eliminated it as being involved in the crime because it did not test positive for blood, the material found near the axe was determined to be small pieces of wood and the axe had a large amount of dust on it indicating it had not been moved for some time.

The WSP CSRT members continued their processing and a single droplet of blood was identified at the front entry way inside the residence. Sergeant Dan Christman stated the following regarding his professional opinion of this droplet of blood:

Although it is possible this one bloodstain was created when wet blood dropped off of blood-soaked items (clothing or weapons) being carried out of the scene by the suspect, it is equally possible that the bloodstain was created when blood dripped from a fresh wound the suspect sustained during the incident. It should be noted that in the area where this single bloodstain was located, there are no other similar bloodstains present. Because it is a symmetrical bloodstain (width is equal to its length) it was deposited from directly above the floor, and it makes sense that the blood could have dropped from the suspect as s/he were leaving the crime scene, and this one piece of evidence may contain the DNA profile of the

suspect in this case. The importance of getting this blood evidence to the State Lab for further analysis is key to this investigation.

The WSP CSRT identified blood smearing on the inside and outside of the doorknob on the front door. CSRT collected a sample of the blood for future analysis and examination.

The CSRT members identified several foot impressions in the home including the hallway, kitchen, dining room and living room that tested positive for the presence of blood. The foot impressions were consistent in shape and size as being that of only one person. The foot impressions were processed and photographed. It was further determined the foot impressions were from a soft sole shoe or from some type of soft material such as a sock or shoe cover with a waffle type pattern.

The WSP CSRT members processed the bathroom where the body was in the tub full of water. The tub walls and bathroom floor did not have any water or residue staining to indicate the tub was full of water first before the body was placed in the tub. CSRT identified and collected hairs from the victim's right hand and above her buttock. CSRT further identified and processed the blood transfer staining from some material left on the front edge of the tub. These stains from the material had a small woven pattern of equally squared shapes consistent with an article of clothing or soft fabric.

The WSP CSRT members processed the far south east bedroom where Officer Caban had looked into the window and saw the suspected bloodstains. There was a large amount of blood and blood spatter in the room. It was obvious based on the amount of blood and cast off (blood from an object in motion) of the blood; a body had been on the floor between the bed and interior wall. The same body (victim) suffered severe trauma consistent with another human being (suspect) applying some form of lethal force resulting in a large pool of blood on the floor and heavy cast off blood on the walls and ceiling.

The scene in the bedroom was analyzed by Sergeant Christman and based on his professional opinion a violent assault occurred in the room. The suspect(s) used an as yet unidentified object capable of causing enough blunt force and or sharp force trauma to seriously harm or cause death to the victim. The suspect(s) continued striking the victim with the object multiple times, creating multiple events, meaning there were multiple layers of blood cast off and blood smearing on the interior wall and floor indicating there were breaks in the assault and then the assault continued on the same victim. Based on the amount of blood cast off and the pattern of the casted off blood landed, it was determined the assaulted started while the victim was in bed. The assault graduated to the right side of the bed onto the floor. Based on the blood pattern and blood smearing on the floor it was evident the victim was moved in a dragging fashion out of the bedroom into the hallway and into the bathroom. There was evidence the suspect(s) attempted to wipe up the blood in the room, hallway and

bathroom based on the large swirl impressions on the floors in the bedroom, hallway and bathroom.

The WSP CSRT members noted there were several bloody finger type impressions throughout the scene but none of these impressions were AFIS quality nor did these prints show any ridge detail. This in an indication the suspect(s) may have been wearing protective gloves during the commission of the crime.

Based on the initial evidence and processing of the residence, it was determined a brutal and lethal assault started in the back bedroom. The suspect(s) then dragged the victim into the bathroom and placed the victim in the bath tub face down. The suspect(s) then filled the tub with water and positioned the victim's head under the water. The suspect(s) then moved (walked) about the hallway and kitchen during and after the crime based on the bloody foot impressions. The suspect then left the residence via the front door based on the bloody foot impression leading out of the living room to the front door.

CSRT found no indication of presence of blood on the kitchen sink or on any of the sharp edge knives found in the kitchen. There was also no presence of blood detected in the bathroom sink.

The Snohomish County Associate Medical Examiner Stanley Adams, MD and Snohomish County Medical Examiner Investigator Don Carman responded to the scene. The body was removed from the tub and examined. The body was confirmed as an adult white female. The female's physical features fit the physical description of Susann Smith. The female had suffered multiple blunt force trauma to the face and head. The wounds were so severe Dr. Adams could not determine the initial number of injuries or how the injuries occurred other than they were not caused by self-infliction and not caused by accident. Identification of the female was not initially confirmed due to the amount and severity of the wounds to her face. Dr. Adams and ME Investigator Carman took possession of the body.

Detectives conducted an experiment of filling the bath tub with water to the water mark left on the tub as found by the first responders.. It took 14 minutes and 45 seconds to fill the tub to the water line. The experiment results would indicate the suspect(s) spent close to 15 minutes waiting for the tub to fill with enough water to submerge the victim.

Autopsy summary

On 2/13/13, this Affiant and Detective Chissus attended the autopsy of the decedent. The autopsy was performed by Snohomish County Associate Medical Examiner Stanley Adams, MD. Associate Medical Examiner Adams advised the female had suffered both blunt force and sharp force trauma to her face, forehead, and back of her head. The female further suffered a fractured skull to the lower left section of the skull. Dr. Adams noted the fracture was a fatal wound in and of itself. There were an estimated 19 separate blunt force along with sharp force wounds in the face and head.

There were contusions to both of the arms and hands that were consistent with defensive wounds. There were no sharp force wounds to any other parts of Susann's body other than the face and head. There were no injuries to the torso and legs. The autopsy revealed the victim had water in the lungs and airway consistent with drowning. Dr. Adams determined the cause of death was blunt force and sharp force trauma with a third component of asphyxiation by drowning. The manner of death was ruled, homicide.

The body was officially identified as Susann Smith from her current dental records.

Susann Smith and Alan Smith relationship summary

Based on Detective's interviews of Alan Smith and Susann's civil family law attorney, John Ely, as well as from documents filed in Snohomish County Civil Court, a summary was prepared relating to Alan and Susann's separation and pending divorce. The summary is as follows:

- Alan Smith filed a Petition for Dissolution on 11/18/2011. While they had spent months attempting to reach a share agreement, Alan and Susann could not reach an accord on all parenting issues. Alan wanted a 50/50 share plan, but Susann felt a 50/50 plan would be too disruptive for the children.

When it became clear an agreement on the issues between the parties could not be reached, Alan hired an attorney, Laurie Ummel, and filed a Motion for Temporary Order. A hearing was held on 8/3/2012 and the Commissioner largely adopted Susann's proposed parenting plan as the parties Temporary Parenting Plan. One of the issues raised by the Commissioner was that Alan had moved to the Ravenna neighborhood of Seattle and felt the commute to Bothell for the young children did not make a lot of sense. Monthly support was set at \$1,128 and maintenance was set at \$600 and the Commissioner ordered Alan to pay Susann \$2,000 in attorney fees. After the hearing, all parties went into the hallways and were discussing the ruling. Alan and Susan disagreed about an issue and Alan became upset. Susann's attorney, John Ely advised Alan became upset and gave Susann an incredibly angry and chilling stare. In his 15 years practicing of family law, Ely does not remember ever seeing a stare by one party to the other in the courthouse quite like the stare Alan gave Susann. It was such "an incredibly menacing stare" – so much that he commented about it to both Susann and other office staff. Susann denied Alan had ever physically abused her, but said that Alan could be emotionally threatening to her. Susann indicated to Ely that Alan could be very aggressive to her by getting in her face and confronting her. A couple of weeks after this hearing, Laurie Ummel filed a Notice of Immediate Withdrawal as Alan's attorney.

Alan represented himself for approximately 1 ½ months, but nothing really transpired. Trial date for dissolution was set for 11/8/2012. However, on 9/21/2012, Sabrina Layman filed a Notice of Appearance indicating she was Alan's new attorney. Layman

requested and received a continuance on the trial date to 5/16/2013, so she could become acquainted with the case.

However, on 11/7/2012 Alan fired Layman and hired a 3rd attorney, Brook Goddard. Goddard filed a Motion with the Court seeking to have a Guardian Ad Litem (GAL) on 11/19/2012. Alan contended the GAL was necessary to investigate the parenting of the parties and the welfare of the children. Ely felt this was odd, as Alan had not previously mentioned any concerns about Susann's parenting.

On 12/3/2012, a Commissioner heard the Motion to Appoint a GAL and she did not find any evidence to appoint a GAL. In addition, the Commissioner awarded Susann \$500 in attorney fees as a result of having to defend the motion.

Alan then filed a Motion for Reconsideration to the Commissioner on 12/13/2012. Alan provided a declaration at this time, claiming he went to a psychiatrist and reported his own observations/concerns. Alan claimed that as a result of his discussions, the psychiatrist raised concerns that Susann may have sexually abused their 6 year old daughter. Alan also said, "Susann is very much in need of psychiatric evaluation and the children need to be protected." Ely felt that Alan was engaging in 'double hearsay' with no real evidence and this showed Ely how "outrageous" Alan had become in trying to convince the court. Ely felt Alan was willing to do anything to try and get the court to listen to him. On 1/10/2013 the Commissioner denied Alan's Motion for Reconsideration.

On 1/10/2013 Susann sent an email to Ely advising Alan had called with a proposal to "give his children their family back." Susann said, "Essentially, he wants to move back in." To Ely, this confirmed to him that Alan was making up stories about Susann in his declaration in order to win in court. Ely asked why would a person who truly believed that his wife had sexually abused his daughter turn around in a couple of weeks and ask to reconcile with his wife.

On 1/11/2013, Alan filed a Motion of Revision of the Commissioners Ruling on the issue of appointment of a GAL. The Motion for Revision was scheduled for hearing on 1/25/2013. In this Motion, Alan added that he was concerned Susann was going to move to Germany.

On 1/25/2013 the 3rd Motion for Revision was denied by the Judge and upheld the ruling of the previous Commissioner. Ely related that after this hearing, Susann had been waiting in the hallway at the Snohomish County Courthouse alone. When Ely contacted her, Susann told Ely that Alan had confronted her and called her a "monster."

Detectives conducted interviews with neighbors, co-workers, friends and family members of Susann Smith and Alan Smith. Below is a summary of those interviews:

Alan Smith

The witnesses interviewed described Alan Smith as "creepy", "weird" and "awkward." They describe Alan as not being overly interested or involved with his children prior to separating from Susann. One witness related that after the separation between Alan and Susann, Susann came home and discovered Alan inside her home with a new girlfriend, preparing a meal. Co-workers of Alan describe him discussing his hatred and hostility constantly, to the point where a supervisor at work told Alan that his continued discussion of his divorce proceedings was disrupting the work environment. On the most recent business trip that Alan took to Ireland, from 02/06/2013 thru 02/09/2013, a co-worker described how Alan constantly and bitterly complained about Susann, and turned any conversation back to his issues with her. Alan indicated a fear that Susann would attempt to take the two children back to her native Germany. Alan indicated he would do whatever necessary to keep this move from occurring.

Alan Smith's third interview

On 2/14/2013, Detective Chissus and I contacted Alan at his apartment. He invited us in to speak to us. Alan mentioned he was reluctant to cooperate with us because he believed we were, "Trying to traumatize me." Alan's answers were very direct and non-emotional regarding Susann and her personal life. Again Alan never asked about his children and only said I took his kids away from him. Alan declined to allow us to take photos of him and his injuries. Alan did tell us he stayed 2-3 minutes longer than the other adults at the party at Susann's house on Saturday before leaving. During this 2-3 minutes, Alan said Susann "took him by the hand" and took him into her bedroom to show him new photos of him and the children. Alan stated the photos were on a shelf in the room. During a search of Susann's residence over 2/12/2013, through 2/14/2013, Detectives took notes and photographed the contents of Susann's room. No photos of Alan Smith were located on the shelves, walls or anywhere else in that room.

During the interview, Alan mentioned that he and Susann communicated through email once a week and through phone calls three times a week on average. The communication was centered on the children's schedules or to speak with the children.

Alan's description of Susann's taking him by the hand and taking him to the bedroom was inconsistent with the increasing acrimony of the divorce proceedings and custody issues. This acrimony was outlined in the court documents where Alan claimed Susann might be sexually abusing the children, and Alan calling Susann a "monster" after their last court hearing on 01/25/2013. Communication between the two was generally relegated to either emails or phone calls.

During the interview, Alan became agitated regarding personal questions we were asking about Susann. He stood up from his chair and while answering the questions in a very direct tone, he continued to stare at me and walked into my personal space. This was very unusual behavior and both Detective Chissus and I felt very uncomfortable. Alan then asked us to leave his residence.

Blood transfer experiment

On 02/18/2013, Bothell Police Detectives along with Sergeant Christman conducted a blood transfer experiment. Sergeant Chirstman led the experiment and used animal blood to simulate human blood. Samples of the same type of Kleenguard Chemical Splash Resistant Coverall suit that were found by detectives in Alan's vehicle during consent to search on 02/12/2013 were obtained from Home Depot and were used for the experiment. A fiberglass bath tub similar to the tub at the scene was purchased and set up for the experiment. Animal Blood was applied to test samples of the Kleenguard suit and pressed against the sample bath tub to simulate blood transfer. The experiment results were evaluated and determined to have similar characteristics to that of the blood transfer stains identified on the bath tub in the residence of 216 240th ST SW Bothell.

Detectives located and confirmed Alan Smith did purchase two Kleenguard coveralls and masking tape at the Home Depot Store on 02/12/2013, at 13:40 hours, as he had stated to detectives.

Smith child Interview

On 02/19/2013, Bothell Police Department Detective Thompson attended a professional child interview with Susann and Alan's 6 year old daughter, N.S. During the interview, when asked about her little brother using a hatchet to chop wood, N.S. asked, "How could a 3 year old even chop wood?" N.S. said that her dad was the only one that chopped wood and he did it outside in the hallway.

N.S. also related in great detail how Alan had cut up apples in the morning on 2/12/2013 and sprinkled cinnamon on them. She was very descriptive with how he cut the apples with a knife, took the seeds out, placed the slices on plates and sprinkled them with cinnamon. He then brought the plates to them at the dining table and they all ate. She did not mention a cut finger or need for band aid.

Alan Smith's co-workers statements regarding recent business trip

On 02/19/2013 at 1310 hours, Detectives interviewed Colin Warner who works in the same work group with Alan, but he did not socialize with Alan outside of work. On 2/6/2013 Warner met Alan and another coworker, Matthew Pierce, in Ireland on a Boeing business trip. All three returned to Seattle together on 2/9/2013 around 1200 hours. Warner said although it was a business trip, he had dinner every night and toured Dublin with Alan. Warner said Alan was very upset and distraught about his wife winning a recent court ruling regarding their children. He commented, "I want her to know the pain I feel." Alan felt the court would not listen to him and said he did not know how to show the court that she was not a good mother. Alan implied that his wife was going to get full custody of the children and he thought she would move them to Germany. Alan had mentioned that Susann was mentally abusive to him and used to treat their dog poorly. Alan said she treated the kids like she did the dog. Warner said that when Alan was present, he would change the topic to his family problems at least 60 to 70% of the time.

On a previous business trip to North Carolina about 6 months ago, Alan had also talked about the divorce. Alan told him how his wife had broken his heart and how he was trying really hard to make it work, but she did not appear to be trying.

On 2/20/2013 at 1540 hours, Detectives interviewed Matthew Pierce, the other coworker Alan was in Ireland with. In the 2-3 years Pierce has known Alan, the majority of the conversations with Alan were related to the divorce of his wife. Alan told Pierce that he felt repressed and mentally abused by his ex-wife and would often say there was a conspiracy in the state of Washington to hide mental abuse. He felt the courts were against him and it was a "fixed system."

While in Ireland, Alan told Matthew that his wife is, "Pure evil" and described her in this manner in more than one occasion. Alan also called his wife a "psychopath." Alan told Pierce his wife had an interest in going back to Germany and taking the kids with her. From the time Pierce has known him, especially during the trip to Ireland, he could tell the relationship between Alan and his ex-wife was not amicable and that he "really, really did not like her-close to hatred." Pierce said that 70-80% of the conversations with Alan were related to his divorce and ex-wife and became tiresome to hear.

Alan Smith's internet searches

On 02/19/2013, Detective Chissus received information from Boeing Security via email, which in part included a McAfee Web Reporter report on Alan Smith's web browsing activity back to 11/20/2012. In part, this report showed the following:

On 2/12/2013 at 0847 hours it appears that Alan Smith went to Google.com

0848 hrs, from google.com he goes to Kayak.com (which is a travel website)

0849 hrs, on Kayak.com it appears he searches for a flight from SEA to CCS with 1 adult and 2 children ages 6 and 3 (CCS is Simon Bolivar Airport in Venezuela).

0913 hrs, it appears he exits off Kayak.com.

0916 hrs, he goes onto Priceline.com (travel website)

0927 hrs, he performs a Google search for, "Where is the Best Place to Live in South Central America?"

0931 hrs, Alan performs a Google search for, "Best Countries to Live and Work Abroad."

0942 hrs, he appears to go back onto Kayak.com 1256 hrs, he appears to go back onto Priceline.com

On 2/13/2013 at 0553 hours, it appears Alan goes onto Kayak.com. At 0606 hrs, it appears Alan searches for a flight from SEA to CCS with only 1 adult listed this time (This is after receiving the death notification from police and having his children placed into CPS custody).

The date parameters on his airline reservation searches were February 12th through March 5th, 2013.

Det. Chissus performed a Google search, typing, "Will Venezuela extradite to the U.S." He noticed the 2nd and 4th site listed were titled, "If You Had to Disappear, Where Would You Go?" The 3rd site listed is titled, "Venezuela Rejects U.S. Extradition Request." The 1st site listed is Wikipedia-The Free Encyclopedia" providing the definition for extradition.

On 2/6/2013 Alan appears to visit virtuallythere.com, which is also a travel website. He appears to have only been on this site from 1005-1006 hours. Detective Chissus was unable to find any additional, specific information about Alan's visit to this site.

There is no other indication that Alan routinely searched any other travel websites until 2/6 and again on 2/12 and 2/13. Based upon the information provided on Alan's searches regarding Venezuela with 1 adult and two children ages 6 and 3, it appears as if he was planning a trip to Venezuela for several weeks. The information about his Google search on "The Best Place to Live in South Central America" and "Best Countries to Live and Work Abroad" suggest Alan had more permanent plans. Based upon the increasing acidic relations between Alan and Susann, it would also appear very unlikely that Susann would have agreed to allow the children to leave the country. It is also interesting to note that Alan made Kayak.com searches on the morning of 2/12, which was the day the children were scheduled to be returned to Susann.

Based upon the above searches Alan performed on his Boeing laptop, it is reasonable to believe that Alan would make similar searches on his home personal computer(s).

Boeing Corporate Investigator Brian Ferguson advised Detective Chissus that Alan had a Boeing issued cell phone identified as a Blackberry through AT&T, phone number: 425-220-7064. Based on my training and experience, it is common for people who are in possession of work phones to sometimes use these for personal use. Corporate Investigator Ferguson advised Detective Chissus that Alan had recent email history on his blackberry relating to his contact with Susann.

Alan Smith's work laptop was identified as a Dell E6410, Boeing tag number A4914760, serial number 2WZSVM1. Boeing Corporate Investigator Ferguson provided the following warning that the employee has to select "OK" to continue past this banner on their computer.

This system is company property and is provided for Boeing-authorized use only, including occasional personal use, as set forth in applicable written policies. Unauthorized use is prohibited and may be subject to discipline, civil suit and criminal prosecution. By using this system you understand and consent as follows: you have no reasonable expectation of privacy in any communications or data, personal or otherwise, transiting or stored on this system, any communications or data transiting or stored on this system may be monitored, intercepted, recorded, and searched at any time and for any lawful purpose, and may be used or disclosed for any lawful purpose. You also agree to comply with all other applicable written policies, procedures and guidelines for system use and protection of company information or information that the company has an obligation to protect, including but not limited to proprietary information, personally identifiable information, and export controlled information.

Susann Smith's cell phone examination

On 02/19/2013, victim Susann Smith's recovered cell phone from her residence was searched and examined by King Count Major Crimes Unit/Digital Forensics Detective Pavlovich. Detective Pavlovich is a 19 year King County Sheriff's Office (KCSO) Deputy Sheriff veteran. He has been assigned to the KCSO Major Crimes Unit for the past 11 years. To date, he has attended over 100 hours of formal training on cell phone data, to include forensic examinations, tower mapping and interpreting call detail and subscriber records for cell phone communications. To date, he has examined over 100 cell phones for both KCSO and other agencies, for crimes ranging from Robbery, Homicide, Assault and Kidnapping. Detective Pavlovich reported, the last incoming text message from Alan Smith was on 02-12-13 which read "Hi Susi." Detective Pavlovich further reported, "On no other occasion in the text message history does Alan refer to Susann as "Susi". He specifically addresses her as Susann on many of the messages, never Susi or Susan or any other form. The last text message exchange between Alan and Susann was on 01/27/13 in which Susann asks Alan for a good time to call the children.

Detective Pavlovich reported Susann's phone contains text message history dating back to 12/13/11. During the last 14 month period from 12/13/11 thru 02/12/13, Alan and Susann exchanged a total of 127 messages, for an average of 9 per month. It was Detective Pavlovich's experience the 127 messages in that time frame was "a very low volume."

Detective Pavlovich further reported, all of the messages or exchanges (excluding the message on 02/12/13) between Alan and Susann in that time frame are conversations in which they discuss transferring children back and forth or other issues related to the children or between them. In no other messages does Alan ever simply write "Hi". All other messages have specific content or revolve around specific issues to be discussed or handled between them.

Susann Smith had Alan's contact information listed in her phone as follows:

Smith, Alan
206/369-7614
425/717-4710
~~425/387-0558~~
alan-ucsu@yahoo.com
alan.smith7@boeing.com

Your affiant knows from training and experience that people own cellular telephones and other portable electronic devices for the purpose of being able to use them wherever they are, and as such carry them virtually constantly, or are nearly always within the near vicinity of their cell phones and/or portable devices. I know that criminals often use cellular phones to communicate with accomplices and will sometimes store accomplice's contact information in contact lists, speed dial lists, or other areas of the phone. Communication between suspects and other involved parties can occur in many ways, including through typical cellular phone voice calls, instant messaging, text messages, SMS communications, chat sessions, and email. This information can be used to assist and corroborate surveillance officers' observations and anticipate future movements and locations of the suspect and/or his or her criminal associates, by establishing his or her communication and location habit patterns over time. For example, if the telephone consistently signals the same tower both late at night and in the early morning hours, it is reasonable to conclude that the suspect is living, sleeping, hiding or working at a night job in that vicinity.

Your affiant knows, based on my training and experience, that those involved in criminal enterprises sometimes will use multiple phones in the commission of crimes or to facilitate criminal activity and to avoid detection by law enforcement. They also sometimes possess multiple phones to have a secondary means of communication if a phone is lost or seized by law enforcement. I know through my training and experience that criminals also use cellular phones to document criminal activities through photographs, videos, and digital or voice memos. Many mobile data devices have camera and video capabilities as well. I know that images saved in a cellular phone or mobile data device can contain location evidence and photographs of criminal activity, contraband items, items of evidence, crime victims and criminal accomplices.

Sometimes users sync their cellular telephones to cloud services, which backup or simply store data from the phone or its other internal or external storage. In this case, data stored on the cellular telephone can identify the provider and locations where information, records and evidence regarding use and/or possession of the phone has been stored by suspects. Users of cellular telephones can also send images or documents or other data to others via email, text messages, IM messages and SMS communications. Cellular telephone providers routinely store such messages in

company servers, at least until the message has been retrieved by its intended recipient.

Sometimes it might be possible to find data or records that can be used to corroborate details of an alibi. Other categories of exculpatory evidence might also be available that can help investigators to rule out an individual as a suspect.

Request to seize and search

Based upon the above facts, your affiant is requesting a search warrant to be issued on Alan Smith's above described residence, storage units, vehicles and his person, where I believe there is probable cause that evidence to the crime of Murder 1st Degree will be located. It is still undetermined as to what type of weapons caused the death of Susann Smith.

Evidence to include, but not limited to, trace evidence such as DNA, blood, hair(s), fiber(s), shoe wear to compare with the foot impressions identified at the scene. This evidence to include but not limited to: bloody clothing, footwear, socks, disposable coveralls etc.

Authority to dismantle any items identified as to have evidence of the crime contained in them and or on them such as but not limited to car seat, flooring, carpet in the vehicle and or residence, sink drains where clean up may have occurred and other appliances, devices or cleaners.

Any hammers, hatchets, axes, mauls, fireplace tools, clubs, poles, rods, bars, baseball bats, and any other item that would be capable of inflicting blunt force trauma and/or producing medium velocity blood spatter

Any sharp edges cutting devices such as knives, swords, daggers, razors or other sharp instruments capable of inflicting sharp force trauma.

Electronic devices not limited to laptops (work and personal), desktop or personal types of computers, GPS, cellular phones, voice messages, voice mail machines, cameras or similar devices capable of storing images, messages, electronic mail or other information related to this investigation. These items, along with other similar items which might be located, may provide information as to Alan Smith's whereabouts and planned activities during the days leading up to Susann Smith's murder and the whereabouts and plans of Alan Smith immediately following the murder.

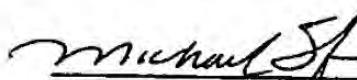
Any journals, diaries or notes containing information related to the Alan Smith's past and present relationships, including Susann Smith and any other person(s) who he might have contacted with determined to be related to the crime and any written information regarding his pending separation/divorce.

Legal documents, correspondence and billing related to the divorce/separation proceedings, child custody paperwork, and any divorce decrees.

Alan Smith's passport and or travel documents based on his recent searches of countries that do not recognize US extradition.

Based upon the above information, it is requested that judicial permission be granted to further inspect and photo document any and all injuries, via Alternate Light Source (ALS) and/or standard lighting, seize head and pubic hair, and take foot impressions of both feet, and take major case latent prints, of and on the nude body of Alan J. Smith (DOB 07-19-1975) at the Bothell Police Department 18410 101st AVE NE Bothell, WA. 98011.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, signed in Snohomish County, on the below listed date.

 2/21/13
Michael Stone

Detective Michael Stone #0087 Date
Bothell Police Department

Subscribed and sworn to before me this date:

 2/21/2013

Judge / Commissioner

2/21/2013 Date

Issuance of Warrant Approved:

DPA Craig Matheson Bar #18556
Snohomish County Deputy Prosecuting Attorney

SNOHOMISH COUNTY SUPERIOR COURT

STATE OF WASHINGTON) No. 2013 0071
 COUNTY OF SNOHOMISH) ss. SEARCH WARRANTED

THIS WARRANT IS ISSUED PURSUANT TO RCW 10.96.020. ~~REPLACEMENT IS DUE WITHIN TWENTY BUSINESS DAYS OF RECEIPT, UNLESS A SHORTER TIME IS STATED HEREIN, OR THE APPLICANT CONSENTS TO A RECEIPT REQUEST FOR ADDITIONAL TIME TO REPLY.~~

~~REPLACEMENT IS DUE
WITHIN TWENTY BUSINESS DAYS OF RECEIPT
COUNTY CLERK
SNOHOMISH CO. WASH~~

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime of Murder 1st Degree (RCW 9A.32.30) and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within Snohomish County, Washington. This search warrant incorporates herein by reference the affidavit of probable cause for search warrant.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises, vehicle or person described as follows:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

Bank of America, Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021. VISA Signature credit card #4313 0705 3490 8774.

US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021. Line of credit account #4355 7785 6680 5168.

Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015. Fax (224)405-4972. Discover card #6011 2089 3976 1170.

The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

2. Seize, if located, the following property;

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals:

From March 7, 2012 through March 7, 2013:

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued.

Checking Account Records: Including signature cards, bank statements, deposit slips, checks deposited, checks drawn on the account, records pertaining to all debit and credit memos, Forms 1099 issued.

Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kem*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

3. The affidavit for Search Warrant is attached and incorporated by reference.
4. Promptly return this warrant to me or the clerk of this court; after the data has been obtained through Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168, Bank of America,

Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021, US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA. 98021 and Discover Financial Services, 2500 Lake Cook Road, Riverwood, IL. 60015

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Date: March 7, 2013
12

EJF
Signature of Judge Approving Warrant
Ellen J. Fair

Issuance of warrant approved by Craig Matheson #18556

() This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Detective G. Chissus
Bothell Police Department / #0249

Signature of Peace Officer Authorized to
Affix Judge's Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

FILED

2013 MAR 21

PM 12:57

STATE OF WASHINGTON)

No. _____

COUNTY OF SNOHOMISH)

AFFIDAVIT FOR SEARCH WARRANT

SNOHOMISH MARRANT

COURT CLERK

SNOHOMISH CO. WASH

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

is/are located in, on, or about the following described premises, vehicle or person:

Boeing Employees Credit Union, Research and Adjustments, 12770 Gateway Drive, Tukwila, WA 98168. Fax (206)214-1633. BECU Checking account #3588966504. Account has an assigned debit card.

Bank of America, Canyon Park Branch, 22833-228th ST SE, Bothell, WA. 98021. VISA Signature credit card #4313 0705 3490 8774.

US Bank, Canyon Park Branch, 23131 Bothell-Everett Highway, Bothell, WA 98021. Line of credit account #4355 7785 6680 5168.

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The above accounts and associated records in the name of Alan Justin Smith date of birth 7/19/1975, social security number: 635-30-0203. Previous addresses over last 2 years for Alan J. Smith: 1630-228th ST SE #J-304, Bothell, WA 98021; 1305 NE Ravenna Blvd. #205, Seattle, WA 98105; 12614 NE 180th ST #GG-304, Bothell, WA. 98011; 216-240th ST SW, Bothell, WA 98021.

My belief is based upon the following facts and circumstances:

I, Detective Glen Chissus, am a commissioned police officer employed by the City of Bothell. I have been employed as a police officer since April, 1995 and have been assigned to the Bothell Police Department Investigations Division

since January, 2008. I have attended the Basic Police Academy, Crime Scene Investigation course, Crime Processing and Management course, CJTC Homicide Investigation course, Practical Homicide Investigation, Criminal Investigation course and over 400 additional hours of law enforcement related training. I have written, served and processed approximately thirty warrants as the primary case manager. I have participated in approximately one hundred death investigations. I have also earned a Bachelor of Arts Degree in Justice Studies from Lewis-Clark State College.

This is a supplemental affidavit and warrant request to the original affidavit and warrant issued on February 12th, 2013 and authored by Det. Ungvarsky. That warrant and supplemental affidavit was assigned number SW2013-36. A supplemental affidavit and warrant was authored by Det. Ungvarsky on February 14, 2013 (SW2013-41). A second supplemental warrant was authored by Det. Stone on February 21, 2013. The second supplemental warrant was assigned number SW2013-49 and that warrant and supporting affidavit is attached and incorporated by reference. A third supplemental warrant was also authored by your affiant on 2/27/2013, but has not yet been assigned a number.

The investigation in this case has led investigators to list Alan Smith as a person of interest in the murder of his wife, Susann Smith. Investigators believe the murder of Susann Smith took place on either Sunday night, February 10, 2013 or the morning of Monday, February 11, 2013.

On 2/22/2013 Detectives served a search warrant on Alan Smith's residence and his person under the authority of warrant number SW2013-49. During that search, detectives located the above financial information with Alan Smith listed as the account holder. Subsequent to that search warrant being served, on March 7, 2013, your affiant called Boeing Employee Credit Union and confirmed that Alan Smith's checking account #3588966504 had an assigned debit card in addition to checks.

On October 27, 2012 at 1527 hours, Alan Smith used his Bank of America VISA Signature card to purchase a sheet of plywood, two different sets of disposable coveralls, one box of disposable shoe covers and a rubber mallet at Home Depot. Detectives have subsequently gathered the receipt from Home Depot on this purchase by Alan Smith. A review of the receipt shows that one set of coveralls was listed as SKU #4233 and one SKU#4363. This would indicate that two different types of coveralls were purchased. Through previously obtained search warrants, detectives searched Alan Smith's residence, his place of work and his two known vehicles. Detectives also searched Susann's Smith's residence and two known vehicles. A sheet of MDF plywood, which appeared to be the same plywood on the October 27, 2012 receipt, was located at Alan's residence. None of the other items listed on this purchase were located in or at

any of the above locations by detectives. Your affiant compared and photographed the listed items by SKU from the receipt at Home Depot.

On February 12, 2013 Alan Smith used cash to purchase two more sets of disposable coveralls (both SKU #4363) and a roll of masking tape at Home Depot. On that same evening, your affiant located two sets of coveralls (SKU #4363) during a consent to search on Alan's vehicle. The coveralls were located along with a new roll of masking tape inside a Home Depot bag. Later on 2/12/2013, your affiant and other detectives received consent to search Alan's residence. No items listed on either receipt from Home Depot were located inside his residence on that night.

On 2/22/2013 detectives searched Alan Smith's residence under the authority of a search warrant and two sets of coveralls (SKU #4363) along with a new roll of masking tape were located in the Home Depot shopping bag at Alan Smith's residence. These are believed to be the same two coveralls (and masking tape) located inside his vehicle on 2/12/2013.

During the consent to search on Alan's vehicle on 2/12/2013, your affiant also located one unopened pair of latex gloves in the center console still in their original packaging. It is unknown where and when these gloves were purchased.

Your affiant later provided a similar mallet (same SKU) purchased by Alan Smith on 10/27/2013 to the Medical Examiner. The ME advised it is conceivable the blunt force injuries on Susan Smith could have been caused by this type of rubber mallet.

Investigators determined the evidence at the scene of the murder (Susann Smith's residence) suggests the suspect(s) most likely cleaned up the crime scene and evidence is consistent that the suspect(s) used gloves, i.e. fingerprints in blood displaying no ridge detail one might expect from an unclothed hand. As mentioned previously in the attached supporting affidavit detectives and the Crimes Scene Response Team located what appeared to be fabric pattern marks in blood on the bath tub that held Susann Smith's body. This pattern was very similar to the pattern that Sgt Dan Christman was able to produce using the same type coveralls (per their SKU #) that Alan Smith purchased on both October 27, 2012 and February 12, 2013. Further, detectives have received information from neighbors of Susann Smith that prior to Alan moving out of the home he had been seen wearing coveralls while he was doing remodel work on his home, specifically removing the "popcorn" texturing form the ceiling. This remodel happened sometime in 2009.

Based upon my knowledge, training and experience, I know that people who commit these types of crimes will access their financial accounts to purchase

items to prepare for, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes. I also know that people will sometimes pay others to prepare, plan, commit, clean up, hide or attempt to destroy evidence connected to these crimes.

I believe that financial records from Alan Smith's debit cards, credit cards, and checks will provide the points of sale for items related to preparing for, planning, committing, cleaning up, hiding or attempting to destroy evidence connected to these crimes. I believe these points of sale may also show movement of Alan Smith and anyone else possibly related to this crime in the days immediately preceding and following the murder.

For these reasons, I believe that evidence of the crime of Murder 1st Degree in violation of RCW 9A.32.030, will be found in Alan Smith's financial accounts.

Your affiant requests permission search the above listed financial accounts and to seize, if located the following:

Any and all accounts associated with the above listed account / persons, including but not limited to accounts for individuals associated with this account(s), who had or have signatory authority and/or the right of withdrawal. Any and all accounts associated with the above named individuals and / or their social security numbers as well as any and all accounts associated with any and all individuals associated with the accounts for the above named individuals:

From September 12, 2012 through March 12, 2013:

These records should include but are not limited to:

Savings Account Records: Including signature cards, ledger cards, or records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, checks deposited, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued.

Checking Account Records: Including signature cards, bank statements, deposit slips, checks deposited, checks drawn on the account, records pertaining to all debit and credit memos, Forms 1099 issued.

Credit Card Records: Including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records disclosing the dates, amounts and method (cash or check) or repayment, checks used to make repayments (front and back).

Other Records: Records of certified checks, wire transfers, or collections, letters of credit. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions.

All correspondence with the above person/entities and/or with third parties regarding the above persons/entities. All memoranda, notes, files, or records relating to meetings or conversations concerning the above persons/entities.

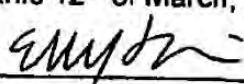
Your affiant requests permission to serve this warrant on Discover Financial and Boeing Employee Credit Union by fax. The warrant will be hand delivered to both US Bank and Bank of America. The Washington Court of Appeals has approved the practice of executing a search warrant for records held by a third party by serving that party with the warrant and allowing the third party to produce the covered records at a later date. *State v. Kern*, 81 Wn. App. 308 (1996). Furthermore, the Eighth U.S. Circuit Court of Appeals has upheld service by fax. *U.S. v. Bach*, 310 F.3d 1063 (8th Cir. 2002).

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 12th day of March, 2013 at Bothell, Washington,


Affiant Glen Chissus

Bothell Police Department, Detective Chissus #0249
Agency, Title, and Personnel Number

Subscribed and sworn to before me this 12th of March, 2013


Judge

Issuance of Warrant Approved:

By: Craig Matheson, Bar #18556
Deputy Prosecuting Attorney

SUPERIOR COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON

COUNTY OF SNOHOMISHNo. 2013-0115

ss.

SEARCH WARRANT

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me it appears that there is probable cause to believe that the crime Murder 1st Degree (RCW 9A.32.030):

has been committed and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained are concealed in or on certain premises, vehicles or persons within King County, Washington.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the records described as follows:

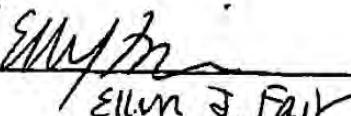
Black 17.5" Trek 7.2 FX Disc Hybrid bicycle, S/N: WTU158C5881G. The bicycle is a two-wheel with black wheel rims, black seat, and black handlebars with hand touch gear shifters. Reference Bothell Police case #13-4723, under Bothell Police evidence item #0155-01. The bicycle is secured at the King County AFIS Processing Center at 4624 7th Ave S Seattle, WA. 98108.

2. Seize, if located, the following:
Latent fingerprints, trace and DNA identification.
- 2A. The Affidavit for Search Warrant is attached and incorporated by reference.
3. Promptly return this warrant to me or the clerk of this court; the return must include an inventory of all property seized.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found.

Dated: 5-2-13

JUDGE



Ellen J. Fair

- () This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on

Michael A. Stone #0087 Bothell PD
Printed or Typed Name of Peace Officer,
Agency and Personnel Number

Signature of Peace Officer Authorized to Judge's
Signature to Warrant

SNOHOMISH COUNTY SUPERIOR COURT

FILED

STATE OF WASHINGTON

No. 2013-0115 2013 MAY -2 PM 12:52

COUNTY OF SNOHOMISH

AFFIDAVIT FOR SEARCH WARRANT

SONYA KRASANT
SNOHOMISH CO. WASH
CLERK

The undersigned on oath state: I believe that:

- Evidence of the crime of Murder-1 (RCW 9A.32.030).
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is/are located in, on, or about the following described premises, vehicle or person:

Black 17.5" Trek 7.2 FX Disc Hybrid bicycle, S/N: WTU158C5881G. The bicycle is a two wheel with black wheel rims, black seat, and black handlebars with hand touch gear shifters. The bicycle is secured at the King County AFIS Processing Center at 4624 7th Ave S Seattle, WA. 98108.

My belief is based upon the following facts and circumstances:

Your Affiant, Detective Michael Stone #0087, has been a full time commissioned Police Officer employed by the City of Bothell Police Department since July 1992, and I am currently assigned to the Criminal Investigations Unit as a Lead General Case Detective for the past 7 years. Prior to July 1992, I was a commissioned Police Officer for the University of Washington Police Department for a period of two years. My training includes, but is not limited to; successfully graduating from the Washington State Basic Law Enforcement Academy in September 1990 and attending and successfully completing criminal investigation courses such as the following: Basic Homicide; Assault Investigation, Evidence handling and processing; REID interview techniques; Criminal Justice Vocational Training Instructor; Police Field Officer Training; Basic and advanced Special Weapons and Tactics and Police Supervisory School. I further have participated as the lead and primary detective in numerous investigations involving property and violent crimes in the past 22 years. I further hold a Bachelor of Business Administration degree from Central Washington University.

I am familiar with the method of operations of criminals involved in homicide cases. My past investigation of homicide cases shows relevant training and field experience which led me to establish probable cause for Bothell PD case 13-3354.

This is an addendum to the original search warrant and search warrant affidavit authored by Bothell Police Detective Ungvarsky and issued on 02/12/2013. The search warrant and search warrant affidavit was reviewed and signed by Snohomish County Southwest District Court Judge Goodwin on 02/12/2012, and assigned warrant #SW2013-38. A supplemental search warrant and search warrant affidavit was authored by Detective Ungvarsky and reviewed and signed by Judge Goodwin on 02/14/2013. That supplemental search warrant and search warrant affidavit was assigned warrant #SW2013-41. A second supplemental search warrant and search warrant affidavit was authored by this affiant on 02/21/2013. That search warrant and search warrant affidavit was reviewed and signed by Judge Goodwin and assigned warrant #2013-49. An additional search warrant and search warrant affidavit was authored by Bothell Police Detective Chissus on 03/12/2013. That search warrant and search warrant affidavit was reviewed and signed by Snohomish County Superior Court Judge Fair and assigned warrant #2013-71. **That search warrant and search warrant affidavit are both attached to this addendum and incorporated by reference.**

This ongoing series of search warrants and search warrant affidavits are in regard to the ongoing homicide investigation of 37 year old Susann Smith whose body was discovered on 02/12/2013, in her residence of 216 240th ST SW Bothell, in Snohomish County Washington.

Search warrant and search warrant affidavit #2013-49 outlined why Alan J. Smith (07-19-1975) is a person of interest regarding the murder of his estranged wife, Susann Smith. Alan Smith had not lived in the residence located at 216 240th ST SW Bothell, in Snohomish County, since November 2011. Investigators believe that the murder of Susann Smith took place on either Sunday night, 02/10/2013, or the morning of Monday, 02/11/2013 at the residence.

Search warrant and search warrant affidavit #2013-71, outlined Alan Smith's past financial purchases of items such as a rubber mallet, chemical tyvek coveralls and shoe covers on 10/27/2012 at an Everett Home Depot Store. That information was recovered during the serving and processing of search warrant #2013-49 on 02/22/2013. That warrant granted among other directives, the search of Alan Smith's person and his residence. An inventory of Smith's items in his backpack seized from his residence, showed an October 2012 Bank of America statement listing the 10/27/2012, purchase at the Everett Home Depot with the Bank of America VISA card account #4313 0705 3490 8774.

WSP Crime Laboratory conducted a comparison of the mallet with the images of the autopsy of Susann Smith's injuries. The laboratory reported, the mallet's head surface fit within the same class characteristics and arched dimensions to several of the injuries to Susann Smith. Investigators were unable to determine the disposition of the mallet, coveralls and shoe covers. Searches of Alan Smith's residence, vehicles, work space, Susann Smith's residence and residence curtilage did not locate the mallet, coveralls or

shoe covers, nor was there anything to indicate the same items had previously been at any of the searched locations. One of the two purchased chemical coveralls Smith made on 10/27/2012, was the same brand name, Kleenguard, as the two chemical coveralls Alan Smith purchased on 02/12/2013 and was identified during a search of his vehicle on 02/12/2013, outlined in warrant #2013-49. The cash purchase made on 02/12/2013, was at the same Everett Home Depot as the 10/27/2012 purchase. Investigators were able to obtain Home Depot Store video footage of Alan Smith making the purchase on 02/12/2012.

During the examination of the financial records of Alan Smith obtained from warrant #2013-71, a purchase of \$617.56 was recorded on Smith's Bank of America VISA card account #4313 0705 3490 8774 on 11/24/2012, at 16:11 hours, at Gregg's Greenlake Cycle at 7007 Woodlawn Ave NE Seattle.

On 02/12/2013, Detective Chissus and your affiant conducted a recorded interview with Alan Smith at his residence. During the interview, Smith stated he owned his 2000 Mercedes ML320 and 2002 Honda VF750C motorcycle and stated he did not own any other means of transportation. Smith volunteered he had owned a bicycle while living in the Ravenna apartment in Seattle and that the bicycle was stolen. He said he did not report the bicycle stolen to police. Smith described the stolen bicycle as a "Jamis Zenith, it's a really nice uh...street bike." Smith stated the bicycle was stolen near the time he moved out from his Ravenna apartment and moved to his current residence at Canyon Pointe Apartments in Bothell. Investigators determined Smith moved to Canyon Pointe Apartments, Unit J304 in Bothell on 10/07/2012.

On 04/17/2013, Detective Chissus contacted Gregg's Greenlake Cycle in Seattle. Detective Chissus obtained a copy of the sales invoice of the purchase on 11/24/2012, at 16:11 hours. The invoice listed Alan Smith's name and address 1630 228th ST SE Bothell, WA 98021. Detective Chissus spoke to the salesperson listed on the invoice "Aladino." He recalled the transaction and but could not recall details regarding the person who purchased the bicycle. The invoice further listed the description of the purchased bicycle as a black, 17.5 Trek 7.2 FX Disc with serial number SWTU158C55881G and another number A 150/814. The purchase price was \$549.99. There was another item listed on the invoice that was purchased listed as a Bont light flare for the amount of \$13.00. Investigators later determined the Bont (Bontrager) light flare is a rear bicycle light. The invoice listed the purchase as being made with VISA card #8774. For security reasons, it is common practice for retailers to only list the last four digits of the credit card that was used to make the purchase.

A search of Alan Smith's Garmin Nuvi GPS seized from his 2000 Mercedes ML320 under search warrant #2013-49, showed on 11/24/2012, data location points recorded from the GPS device was transmitting near Gregg's Greenlake Cycle at 7007 Woodlawn Ave NE Seattle, during the time frame of 13:50 hours to 16:28 hours. The

GPS data showed later the same day, location track points to Alan Smith's residence at 17:34 hours, to Canyon Pointe Apartments in Bothell 1630 228th ST SE Bothell.

During searches of Susann Smith's residence and searches of Alan Smith's property under the mentioned authorized warrants, the Trek bicycle was not located. None of the interviews Investigators conducted with co-workers and friends of Alan Smith's mentioned Smith being in possession of the Trek bicycle.

On 03/01/2013, Reporting Party Ronald "Nicholas" Droze (40) contacted Bothell Police Patrol Officers to report he found a bicycle abandoned at his apartment complex greenbelt area. Droze lives at the Canyon Pointe Apartments 1630 228th ST SE, Unit I305 Bothell, in Snohomish County. This is the same apartment complex Alan Smith lives in. Officers record the found bicycle as a black and red in color Trek 17.5" with serial number WTU158C5881G. The bicycle was logged into Bothell Police evidence under case #13-4723.

On 04/24/2013, Bothell Police Officer Davis conducted a search of Bothell Police records for recently recovered bicycles. Officer Davis located case report #13-4723 and confirmed the serial number of the found Trek bicycle # WTU158C5881G reference case #13-4723 matched the serial number and description from the Gregg's Greenlake Cycle invoice of the Trek bicycle purchased on 11/24/2012, with Alan Smith's Bank of America credit card.

The recovered bicycle was photographed and packaged. The serial # WTU158C5881G was printed on the bar code tag under the down tube on the bicycle. Additionally, the number 158C5881G was stamped in the bottom of the cracks set housing.

Investigators checked with Gregg's Greenlake Cycle and learned the letter "S" at the beginning of the serial number listed on the purchase invoice was a typo of the salesperson at the time of entering the serial number on the invoice.

The bicycle was transported to King County AFIS processing laboratory and secured pending a search warrant.

Investigators interviewed Ronald Droze regarding finding the bicycle. Droze reported he works at the Canyon Park QFC Store located at 22833 Bothell Everett Hwy Bothell, in Snohomish County. Investigators determined Alan Smith frequents the same QFC, including being at the store on 02/10/2013, and 02/11/2013. Droze related he initially saw the same bicycle parked unattended and unsecured in the front of the Canyon Park QFC Store while working a week prior to discovering the bicycle. Droze reported recovering the bicycle from the greenbelt around 02/28/2013. Droze was not certain of the exact dates he first saw the bicycle. Droze further related he saw the bicycle again unattended in the bushes near the Holiday Inn Express Hotel at 22922 15th Ave SE Bothell, in Snohomish County prior to 02/28/2013. Droze then saw the same bicycle in

the greenbelt area near the "I" building of Canyon Pointe Apartments where he lives. Investigators determined the greenbelt Droze mentioned finding the bicycle is in the Canyon Pointe Apartment Complex and is south of the "I" building and north of the "J" building where Alan Smith resides.

Video surveillance

Video surveillance from the US Bank located at 23131 Bothell Everett Hwy was obtained. The video is of the outside ATM and front entrance to the bank. The time frame of the video is on 02/10/2013, from 00:00 thru 04:00. A search of the video showed a subject riding a bicycle southbound past the ATM at 02:24 hours. The subject is too far in the distance to identify but does show someone is riding south with a front light. The image of the subject is consistent with a person riding a bicycle based on the comparison of other images on the video of vehicles driving past and the characteristics of the image are similar to shape and size of a person riding a bicycle.

A search of the highway video obtained from the camera at Bothell Everett Hwy (SR 527 SE) and 240th ST SE shows at 02/11/2012, at 04:13 hours, a subject similar to shape and size of a bicyclist riding from eastbound on 240th ST SE making a left turn and continuing riding north bound onto Bothell Everett Hwy. There is not enough of a clear image to depict any physical characteristics of the individual or the bicycle. The same highway camera is on a motion sensor recording. It was determined the camera would only record when a vehicle approached the intersection. Something the shape and size of a bicycle was too small for the camera to pick up on the motion sensor to record. The bicyclist recorded at 04:13 hours, was captured because a panel van happened to enter the intersection the same time. Investigators are continuing the examination of the video at the time of writing this warrant.

Investigators determined the distance between Susann Smith's residence and Alan Smith's residence to be an estimated 1.7 miles. It should be noted, Alan Smith moved out of the Canyon Point Apartments on 04/21/2013, and moved back into Susann Smith's residence.

Your affiant believes the Trek bicycle recovered on 03/01/2013, at the Canyon Pointe Apartment Complex reported under police report #13-4723 is the same Trek bicycle purchased on 1/24/2012 at Gregg's Greenlake Cycle based on the same description and serial number SWTU158C5881G.

Your affiant further believes Alan Smith purchased the Trek bicycle at Gregg's Greenlake Cycle on 11/24/2012, based on his credit card records and his GPS data reports seized and examined from his vehicle. Additionally, Alan Smith failed to mention to investigators the purchase of the bicycle and lied to your affiant that he did not currently own a bicycle.

Your affiant determined the bicycle was not reported to the police as being reported stolen or lost.

Your affiant is requesting the search and processing of the black Trek 17.5 bicycle, S/N: SWTU158C5881G reference case #13-4723 under evidence item #0155-01, to include processing the bicycle for latent fingerprints, trace and DNA testing. As described in the initial search warrant, a large amount of the victim's blood was present at the crime scene. Also observed at the crime scene were numerous bloody foot impressions. Your affiant believes that if the bicycle was used as a means of transportation to and from the crime scene, trace evidence may be present on the bicycle.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, signed in Snohomish County, on the below listed date.

michael stone 5/2/13
Detective Michael Stone #0087 Date
Bothell Police Department

Subscribed and sworn to before me this date:

5-2-13

J. Myhr _____
Judge / Commissioner Date

Issuance of Warrant Approved:

DPA Katie Wetmore Bar #34976
Snohomish County Deputy Prosecuting Attorney

20130141

Southwest District COURT FOR Snohomish COUNTY

STATE OF WASHINGTON)

No. SW2013-137

COUNTY OF Snohomish)

ss.

FILED

INVENTORY AND RETURN OF SEARCH

JUN 21 2013

WARRANT

SNO. CO. DISTRICT COURT
SOUTH DIVISION

1. I received a search warrant for the premises, vehicle or person specifically described as follows:
Residence located at 216 240 ST SW Bothell WA,
 within Snohomish County

2. On the 20th day of June, 2013, I made a diligent search of the above-described premises, vehicle or person and found and seized the items listed below in Item 7.

3. Name(s) of person(s) found in possession of property: Alan Smith

4. The inventory was made in the presence of:

The person(s) named in (3) from whose possession the property was taken.

Others: Det Thompson, Det Odegard, Det Vugvarsky

5. Name of person served with a copy or description of place where copy is posted: Dining room
 table

6. Place where property is now stored: Bothell Police Dept.

7. Property and person(s) seized: Birth certificate, Passport's, immigration
 records, social security card and health record books
 for Felix and Natalee Smith

June 20, 2013

Date

Bothell Police Department
 Agency and Personnel Number

Signature of Peace Officer

Cyrus O'Bryant 10276
 Printed or Typed Name