\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*INSTRUCTIONS\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

-This search warrant mask is specifically for the search of a residence after the exigency of homicide scene has dissipated.

-There is RED text below that needs to be changed based on the needs of your search warrant.

-There is BLUE text below which is provided for information to the reader about what is being requested and why. Make sure you read this information and understand it since you are putting it your search warrant. You may need to adjust some of the wording or content in these areas to the specifics of your case.

-There is PURPLE text below which addresses at what time during the day a residential warrant may be served. By default, it must be served between 7AM and 7PM pursuant to C.R.S. 16-3-305(7)(a). Serving a warrant outside of that time period must be approved by the Court upon a showing of good cause.

Mincey v. Arizona, 437 U.S. 385 (1978)

* + There is no constitutional exception authorizing the general search of a homicide scene.
  + Police may, however, conduct a prompt warrantless search for other victims or suspects.
  + Once the emergency is over, law enforcement must obtain a warrant to search the scene.

- After the warrant is finalized, highlight all of the text by selecting CTRL+A and then change all text to black

-It would be a good idea to delete this section before printing/sending your warrant to get signed.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*PLEASE DELETE\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Case No:

COUNTY OF LARIMER ) IN THE COMBINED COURT

) SS

STATE OF COLORADO )

**AFFIDAVIT FOR SEARCH WARRANT**

BEFORE THE HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge / Magistrate

AFFIANT, YOUR NAME HERE, a commissioned law enforcement officer, being duly sworn, deposes and states that I have probable cause to believe that in, on, or upon the address, together with the yard and curtilage thereof, described and identified as:

SPECIFICALLY DESCRIBE THE RESIDENCE

ADD PHOTO OF PHONE IF AVAILIABLE

There is now located within or upon said premises certain property the possession of which is stolen property, contraband, proceeds from evidence that is intended to be used in the commission of a crime and would be material evidence in a subsequent criminal prosecution in this state or another, namely:

1. Documents and effects which tend to show possession, dominion and control over said premises, including but not limited to keys, mail envelopes, letters, rental/owner agreements and receipts, utility and telephone bills, photographs and film, prescription bottles, vehicle registration, insurance papers, address and telephone books, government notices and documents, papers bearing a person’s name, phone number or address;
2. Still and video photographs, and crime scene drawings;
3. The body of a deceased person who appears to be a MALE/FEMALE;
4. Weapons and Instruments of any kind that could cause or contribute to the injuries and/or death of the victim;
5. Clothing or any other objects with blood, blood stains or other bodily fluids in or upon them;
6. Human hairs;
7. Human tissues or parts thereof;
8. Visible and latent fingerprints and objects on which they are found;
9. Fibers and other trace evidence that may contribute to determining the cause, manner, or mechanism of death as well as indicate the presence of any other individuals at the proximate time of death of the victim;
10. ADD ADDITIONAL ITEMS TO SEARCH FOR BASED ON CASE INFORMATION. ITEMS MAY INCLUDE: specific weapons, specific evidence observed by first responders, controlled substances, alcoholic beverages, phones, computers or other electronic devices.

For which a search warrant may be issued upon one or more of the grounds set forth in the Colorado Rules of Criminal Procedure and CRS § 16-3-301, namely that this property has been stolen or embezzled, or which is designed or intended for use as a means of committing a criminal offense, or which is or had been used as a means of committing a criminal offense, or the possession of which is illegal, or which would be material evidence in a subsequent criminal prosecution in this state, another state, or federal court, or the seizure of which is expressly required, authorized, or permitted by a statute of this state or the United States, or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

The facts establishing grounds for issuance of a search warrant and showing probable cause to believe that they exist are as follows:

BACKGROUND OF AFFIANT

STATEMENT OF PROBABLE CAUSE REGARDING CRIME BEING INVESTIGATED – OR IF FOR FUGITIVE PURPOSES, EXISTENCE OF OUTSTANDING WARRANT – AND PC TO BELIEVE THE CELLPHONE LISTED COULD LEAD TO MATERIAL EVIDENCE OR A FUGITIVE MIXED WITH THE BELOW PARAGRAPHS

It is my experience and training that the above described property is necessary in determining the cause of death, the circumstances related to the death, and to circumstantially identify the perpetrator of the crime. It is also my experience that the evidence of dominion and control as described is necessary in establishing dominion and control over the premises and often assists in identifying the victim and/or perpetrator(s) of a possible crime. Such evidence is normally left or maintained upon premises by persons in control or by persons visiting such premises.

***Further requests:***

1. Pursuant to Crim. P. 41 and §16-3-304(2), Your Affiant requests that this Court seal the affidavit and search warrant and court order for production of records until the filing of charges based on this law enforcement criminal investigation. The affidavit establishes grounds to believe that disclosure at this time of the affidavit and search warrant and court order for production of records would be contrary to the public interest. Such order for sealing does not apply to representatives of law enforcement agencies, and District Attorney’s Offices.
2. Pursuant to CRS § 16-3-305(7)(a), Your Affiant requests that this Court authorizes the execution of this search warrant outside of the time requirements of between the hours of 7 A.M. and 7 P.M. Your Affiant requests authorization to execute this warrant between the hours of [AM TIME] and [PM TIME]. As good cause, [STATEMENT OF GOOD CAUSE].

I believe the above facts to be true from official LAW ENFORCEMENT AGENGY records, conversations with fellow officers, personal observations and interviews. I am a YOUR TITLE with the LAW ENFORCEMENT AGENGY. I have been trained at the State, and local levels with regard to my duties. I am authorized by law to execute search warrants in the State of Colorado.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIANT

This affidavit was sworn to and subscribed by telephone this DATE day of MONTH 20\*\* at \_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge / Magistrate

Case No.

COUNTY OF LARIMER ) IN THE COMBINED COURT

) SS

STATE OF COLORADO )

**SEARCH WARRANT**

BEFORE THE HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE

TO: ANY PEACE OFFICER AUTHORIZED BY LAW TO EXECUTE SEARCH WARRANTS IN THE STATE OF COLORADO.

The Court, upon review of a sworn affidavit filed by YOUR NAME HERE, a commissioned police officer, in support of the issuance of this search warrant, hereby commands you to search the premisesand curtilage thereof, described and identified as:

SPECIFICALLY DESCRIBE THE RESIDENCE

ADD PHOTO OF PHONE IF AVAILIABLE

To enter upon, search said premises and to seize:

1. Documents and effects which tend to show possession, dominion and control over said premises, including but not limited to keys, mail envelopes, letters, rental/owner agreements and receipts, utility and telephone bills, photographs and film, prescription bottles, vehicle registration, insurance papers, address and telephone books, government notices and documents, papers bearing a person’s name, phone number or address;
2. Still and video photographs, and crime scene drawings;
3. The body of a deceased person who appears to be a MALE/FEMALE;
4. Weapons and Instruments of any kind that could cause or contribute to the injuries and/or death of the victim;
5. Clothing or any other objects with blood, blood stains or other bodily fluids in or upon them;
6. Human hairs;
7. Human tissues or parts thereof;
8. Visible and latent fingerprints and objects on which they are found;
9. Fibers and other trace evidence that may contribute to determining the cause, manner, or mechanism of death as well as indicate the presence of any other individuals at the proximate time of death of the victim;
10. ADD ADDITIONAL ITEMS TO SEARCH FOR BASED ON CASE INFORMATION. ITEMS MAY INCLUDE: specific weapons, specific evidence observed by first responders, controlled substances, alcoholic beverages, phones, computers or other electronic devices.

For which a search warrant may be issued upon one or more of the grounds set forth in the Crim. P. 41 and CRS § 16-3-301, namely that this property has been stolen or embezzled, or which is designed or intended for use as a means of committing a criminal offense, or which is or had been used as a means of committing a criminal offense, or the possession of which is illegal, or which would be material evidence in a subsequent criminal prosecution in this state, another state, or federal court, or the seizure of which is expressly required, authorized, or permitted by a statute of this state or the United States, or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

Based upon the affidavit of the above-named affiant, which is incorporated by reference, I am satisfied that there is probable cause to believe that the property described is located at the place above described, and probable cause to seize the items described above pursuant to Crim. P. 41, and §16-3-301. YOU ARE THEREFORE AUTHORIZED to search the place described for the property described, and to make a return of this Warrant to the undersigned judge within fourteen days, and to deliver to the person from whom the property is taken, a copy of this Warrant together with a receipt for the property taken, or, to leave a copy of the Warrant and receipt at the place from which the property was taken.

IT IS FURTHER ORDERED:

1. That this Search Warrant and Order and application be **SEALED** until the filing of charges based on this law enforcement criminal investigation, that the identity of any target(s) of the underlying criminal investigation may be redacted from any copy of this Order to be served on any service provider or other person. After charges are filed, disclosure of this Search Warrant and Order and application is governed by Crim. P. 55.1.
2. Pursuant to CRS § 16-3-305(7)(a), this warrant must be executed between the times of 7 A.M. and 7 P.M. --- OR --- Pursuant to CRS § 16-3-305(7)(a), the Court finds good cause and authorizes the execution of this warrant between the hours of [AM TIME] and [PM TIME].

Based upon the affidavit of the above-named Affiant, which is incorporated by reference, I am satisfied that there is probable cause to believe there is a legal basis and also legal authority for the issuance of this Search Warrant. You are therefore authorized to execute this Search Warrant according to these terms and as otherwise permitted by law.

Dated this **\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_ 20\_\_**, at \_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE