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COURT ADMINISTRATOR
POLK COUNTY, MINNESOTA

STATE OF MINNESOTA
APPLICATION 1-1
COUNTY OF POLK
DISTRICT COURT

STATE OF MINNESOTA)
) SS.
COUNTY OF POLK)

APPLICATION FOR SEARCH WARRANT AND SUPPORTING AFFIDAVIT

EGFPD Officer Aeisso Schrage, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described for the property and things hereinafter described.

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

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

1. Books, ledgers, journals, notes, and/or other records which pertain to the violation of the Amended Order for injunction for protection against repeat violence Dated September 19, 2011 and the Sentencing Order of the Judge Yon dated October 29, 2012 in court file number 60-CR-12-2640 including those contained on a computer hard-drive, a storage disc, or other electronic media
2. Controlled substances, including but not limited to marijuana
3. Documents and/or records which tend to show actual or constructive possession or control of the premises to be searched, including but not limited to bank records, telephone records, and/or utility bills
4. Cellular telephones and/or pagers
5. Photographs of the person(s) exercising possession or control of the premises to be searched, controlled substances, accomplices, and/or co-conspirators
6. Computers which pertain to the violation of the Amended Order for injunction for protection against repeat violence and the sentencing order dated October 29, 2012.

are at the premises, on the person, or in the vehicle described as:

the apartment of Timothy Charles Holmseth, 320 17th street Northwest apartment #17, which is a three-story apartment building with bricks and cream-colored siding with #17 being on the second floor in the Northwest-most corner of the building, also a silver Ford Taurus bearing MN plates: 231EGA located in the City of East Grand Forks, County of Polk, and State of Minnesota.

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

1. The property or things above-described were used as the means of committing a crime.
2. The possession of the property or things above-described constitutes a crime.

3. The property or things above-described are in the possession of a person with the intent to use such property or things as a means of committing a crime, or the property or things so intended to be used are in the possession of another to whom they have been delivered for the purpose of concealing them or preventing their being discovered.

4. The property or things above-described consist of any item or constitute any evidence which tends to show a crime has been committed or tends to show that a particular person has committed a crime.

5. The property or things above-described are in danger of loss, destruction or removal as Timothy Charles Holmseth has denied allegations that he is in violation of the sentencing order dated October 29, 2012 and evidence to prove the allegation would be contained above referenced would be contained on or in the property or things above-described.

APPLICATION 1-2

Affiant is a Detective with the East Grand Forks Police Department (EGFPD), and he has been a law enforcement officer for approximately 8 years, and is a current member of the drug task force in Polk County. Affiant has participated in numerous drug-related investigations, including execution of drug-related search warrants in Polk County and other jurisdictions. Based upon his own personal participation in this investigation and/or information provided by other law enforcement officers, Affiant hereby sets forth the following facts which he believes establish probable cause for issuance of a search warrant on one or more of the grounds noted above:

On July 26, 2011, EGFPD Officer Aeisso Schrage was dispatched to 320 17th St NW #17 for a welfare check based on information from an Indiana investigator. Officer Schrage spoke to Timothy Charles Holmseth in his apartment and verified that a possible missing person was not present. While in the apartment Officer Schrage observed a small desk with a computer and monitor set up as well as other peripherals in the living room that Timothy Charles Holmseth appeared to be working at.

On September 12, 2011, Timothy Charles Holmseth posted on his website "Write into action" information about Kim Picazio requesting an order for protection against Timothy Charles Holmseth.

On September 13, 2011, EGFPD Lt. Rodney Hajicek received a telephone call from Kim Picazio informing him she had a temporary injuction for protection issued against Timothy Charles Holmseth and that he had violated that order by writing things about her on the internet. Lt. Rodney Hajicek reviewed a copy of the Temporary Injunction For Protection Against Repeat Violence which was issued by a Judge in Broward County, Florida and part of that order reads that, "The respondent shall not post any information, photo's or other items on the internet concerning or referencing the petitioner". See attached Temporary Injunction For Protection Against Repeat Violence.

On or about September 14, 2011 Timothy Charles Holmseth again posted on his website information making mention that he had been served with a protection order.

On September 19, 2011, Lt. Rodney Hajicek interviewed Timothy Holmseth in reference to these violations of the order. Timothy Charles Holmseth admitted posting things on the internet regarding Kim Picazio after receiving the order.

On November 21, 2011, Timothy Charles Holmseth again posted on his website a picture of Kim Picazio.

On November 21, 2011, Lt. Rodney Hajicek and Det. Sgt. Chris Olson interviewed Timothy Charles Holmseth. Timothy Charles Holmseth admitted the picture being on his website "Write into action", admits to posting the picture yesterday, and admits that he knows what Kim Picazio looks like. Det. Sgt. Chris Olson located Kim Picazio's picture on the internet and confirmed that the picture on Timothy Charles Holmseth's website matches Kim Picazio.

On August 7, 2012, EGFPD Officer Aeisso Schrage was dispatched to the odor of Marijuana at 320 17th St NW #17. Timothy Charles Holmseth answered the door, but denied smoking Marijuana. Officer Schrage recognized the smell as being Marijuana based on his training and experience, but Timothy Charles Holmseth was warned.

On October 29,2012 Timothy Charles Holmseth pled guilty to the Three counts of violating the protection order in CR-60-11-2640. The Plea agreement called for a Stay of Adjudication for one year on the condition that he followed the Amended Order dated September 19, 2011 and that he not make any direct or indirect contact of reference about Kim Picazio on the internet or by use of electronic communication and that he remove all books, writings, videos, photos, recordings and or materials currently on the internet about Kim Piczio.

On November 6th, 2012, EGFPD Lt. Rodney Hajicek received an e-mail from Kim Picazio stating that Tim Holmseth is once again posting stories on the internet regarding her husband's business, referring to her as a Ft. Lauderdale attorney and people in her and her husband's life.

On December 6, 2012, a Notion of Motion and Motion to revoke the Stay of adjudication was served and filed in CR-60-11-2640 based upon continued violations of the Amended Order for protection and the sentencing order.

On December 11, 2012 Kim Picazio contacted the Lt. Rodney Hajicek informing that Timothy Charles Holmseth posted on his website writeintoaction.com an article that refers to Kim Picazio numerous times throughout the article as "Redacted".

On December 12, 2012 Lt. Rodney Hajicek confirmed that the above reference post was on the website and confirmed that at least 26 other Youtube video postings were still available on the internet for viewing in violation of the orders.

On December 12, 2012, EGFPD Officer Aeisso Schrage confirmed with apartment manager Justine Counts, that Timothy Charles Holmseth does still reside in #17 and the last time she was in the apartment there were several computers. Officer Schrage also observed Timothy Charles Holmseth park and get out of a silver Ford Taurus bearing MN plates: 231EGA.

On December 12, 2012, EGFPD Officer Aeisso Schrage confirmed that Timothy Holmseth is a user name on Youtube indicating: Date joined: May 19, 2008 and Location: East Grand Forks. There is also an uploaded video from Timothy Holmseth dated October 29, 2012 regarding the HaLeigh Cummings disappearance.

On December 12, 2012, EGFPD Officer Aeisso Schrage confirmed at http://writeintoaction.com/HaLeigh%20Cummings%20For%20Dummies.html that Timothy Charles Holmseth refers to Kim Picazio as "REDACTED" repeatedly throughout the posting.

On December 12, 2012, EGFPD Officer Aeisso Schrage confirmed that MN: 231EGA is registered to Timothy Charles Holmseth at 320 17th St NW #17, East Grand Forks, MN.

Affiant knows that Timothy Charles Holmseth resides at 320 17th St NW #17 in East Grand Forks. This is a brick and cream-colored apartment building with #17 being on the second floor in the Northwestern-most corner of the building. Affiant has attached as Exhibits 1, 2, and 3 photographs of this residence.

APPLICATION 1-3

Wherefore, Affiant requests a search warrant be issued, commanding EGFPD Officer Aeisso Schrage and other law enforcement officers acting under his direction and control, peace officers of the State of Minnesota, between the hours of 7:00 a.m. and 8:00 p.m to search the described premises and person for the described property and things, to seize the described property and things, and to keep the described property and things in custody until they can be dealt with according to law or further court order.

Affiant

Subscribed and sworn to before me this
13 day of Dec, 2012.

Judge of District Court

2-1 SEARCH

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POLK COUNTY, MINNESOTA

WARRANT
STATE OF MINNESOTA
COUNTY OF POLK
DISTRICT COURT

TO: EGFPD Officer Aeisso Schrage AND OTHER LAW ENFORCEMENT OFFICERS ACTING UNDER HIS DIRECTION AND CONTROL, PEACE OFFICERS OF THE STATE OF MINNESOTA.

WHEREAS, EGFPD Officer Aeisso Schrage has this day on oath made application to the said Court applying for issuance of a search warrant to search the following described premises, motor vehicle, and person:

the apartment of Timothy Charles Holmseth, 320 17th street Northwest apartment #17, which is a three-story apartment building with bricks and cream-colored siding with #17 being on the second floor in the Northwest-most corner of the building located in the City of East Grand Forks, County of Polk, State of Minnesota, for the following described property and things: (attach and identify additional sheet if necessary).

1. Books, ledgers, journals, notes, and/or other records which pertain to the violation of the Amended Order for injunction for protection against repeat violence Dated September 19, 2011 and the Sentencing Order of the Judge Yon dated October 29, 2012 in court file number 60-CR-12-2640 including those contained on a computer hard-drive, a storage disc, or other electronic media
2. Controlled substances, including but not limited to marijuana
3. Documents and/or records which tend to show actual or constructive possession or control of the premises to be searched, including but not limited to bank records, telephone records, and/or utility bills
4. Cellular telephones and/or pagers
5. Photographs of the person(s) exercising possession or control of the premises to be searched, controlled substances, accomplices, and/or co-conspirators
6. Computers which pertain to the violation of the Amended Order for injunction for protection against repeat violence and the sentencing order dated October 29, 2012.

WHEREAS, the application and supporting affidavit of EGFPD Officer Aeisso Schrage was duly presented and read by the Court, and being fully advised in the premises,

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

1. The property or things above-described were used as the means of committing a crime.
2. The possession of the property or things above-described constitutes a crime.
3. The property or things above-described are in the possession of a person with the intent to use such property or things as a means of committing a crime, or the property or things so intended to be used are in the possession of another to whom they have been delivered for the purpose of concealing them or preventing their being discovered.

4. The property or things above-described consist of any item or constitute any evidence which tends to show a crime has been committed or tends to show that a particular person has committed a crime.

5. The property or things above-described are in danger of loss, destruction or removal as Timothy Charles Holmseth has denied allegations that he is in violation of the sentencing order dated October 29, 2012 and evidence to prove the allegation would be contained above referenced would be contained on or in the property or things above-described.

The Court further finds that probable cause exists to believe that the above-described property and things are at the above-described premises or on the person of Timothy Charles Holmseth based upon the application of EGFPD Officer Aeisso Schrage, which is attached hereto and expressly incorporated herein.

NOW, THEREFORE, YOU, EGFPD Officer Aeisso Schrage AND OTHER LAW ENFORCEMENT OFFICERS ACTING UNDER YOUR DIRECTION AND CONTROL, THE PEACE OFFICERS AFORESAID, HEREBY ARE COMMANDED BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M TO SEARCH THE DESCRIBED PREMISES, MOTOR VEHICLE, AND THE PERSON OF TIMOTHY CHARLES HOLMSETH FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, TO SEIZE THE DESCRIBED PROPERTY AND THINGS, AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated Dec. 13, 2012.

Judge of District Court

Exhibit 1

STATE OF MINNESOTA

COUNTY OF POLK

DISTRICT COURT

NINTH JUDICIAL DISTRICT

COURT FILE NO. 60-CR-11-2640

CITY OF EAST GRAND FORKS
STATE OF MINNESOTA,
Plaintiff,

vs.

TIMOTHY CHARLES HOLMSETH
320 17TH STREET NW, #17
EAST GRAND FORKS, MN 56721
DOB: 06/17/1968
DL NO.: N134153994708,
Defendant.

COMPLAINT- ORDER FOR DETENTION

COMPLAINT

The Complainant being duly sworn, makes complaint to the above-named Court and states that Complainant believes there is probable cause to believe that the above-named Defendant committed the offense described below. The Complainant states that the following facts establish PROBABLE CAUSE:

On September 13, 2011 Lt. Rodney Hajicek of the East Grand Forks Police Department received a telephone call from Kim Picazio informing him she had a temporary injunction for protection issued against Timothy Holmseth and that he had violated that order by writing things about her on the internet. Lt. Rodney Hajicek reviewed a copy of the Temporary Injunction For Protection Against Repeat Violence which was issued by a Judge in Broward County, Florida and part of the Order reads that, "The respondent shall not post any information, photo's or other items on the internet concerning or referencing the petitioner". See attached Temporary Injunction For Protection Against Repeat Violence.

On September 12, 2011, Timothy Holmseth posted on his website "Write into action" information about Kim Picazio requesting an order for protection against Timothy Charles Holmseth.

On or about September 14, 2011, Timothy Holmseth again posted on his website information making mention that he had been served with a protection order.

On September 19, 2011, Lt. Rodney Hajicek interviewed Timothy Holmseth in reference to these violations of the order. Timothy Holmseth admitted posting things on the internet regarding Kim Picazio after receiving the order.

On November 21, 2011, Timothy Holmseth again posted on his website a picture of Kim Picazio.

On November 21, 2011, Lt. Rodney Hajicek and Det. Sgt. Chris Olson interviewed Timothy Holmseth. Timothy Holmseth admits the picture being on his website "Write into action", admits to posting the picture yesterday, and admits that he knows what Kim Picazio looks like. Det. Sgt. Chris Olson located Kim Picazio's picture on the internet and confirmed that the picture on Timothy Holmseth's website matches Kim Picazio.

The above facts constitute Complainant's basis for believing that the above-named Defendant, on the 12th and 14th day of September, 2011 and on the 21st day of November, 2011, in the City of East Grand Forks in the above-named County, committed the following described

OFFENSE

Charge: Violation of Order For Protection in violation of Section: 609.748, Subd. 6(b)

Maximum Sentence: 90 days of incarceration; $1,000.00 fine or both in that:

The defendant did post information regarding Kim Picazio on the internet.

OFFENSE

Charge: Violation of Order For Protection in violation of Section: 609.748, Subd. 6(b)

Maximum Sentence: 90 days of incarceration; $1,000.00 fine or both in that:

The defendant did post information regarding Kim Picazio on the internet.

OFFENSE

Charge: Violation of Order For Protection in violation of Section: 609.748, Subd. 6(b)

Maximum Sentence: 90 days of incarceration; $1,000.00 fine or both in that:

The defendant did post a picture of Kim Picazio on the internet.

Exhibit 2



Exhibit 3



RECEIPT, INVENTORY AND RETURN 3-1

STATE OF MINNESOTA, COUNTY OF Polk — District COURT

RECEIPT, INVENTORY AND RETURN

I, Aeisso Schrage, received the attached search warrant issued by the Honorable Judge Remick, on 13 Dec 12 (yr) and have executed it as follows:

Pursuant to said warrant, on 14 December, 2012 (yr) at 2 o'clock P m., I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant (with) (in) (at) Timothy Charles Holmseth

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

1- Audio recorder 2- LG Phone 3- Computer
4- SD Card from Camera 5- CDs 6- Paperwork
7- Express Mail envelope w/ Brasseo paperwork
8- CDs on Card table 9- Compact flash card
10- Computer 11- (4) thumb drives, casette
12- Casette (13) paperwork - table 14- Phone LG - Bedroom

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Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant.
- ~~None of the items set forth in the search warrant were found.~~
- I shall (retain) or ~~(deliver)~~ custody of said property as directed by Court order.

I, [signature], being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this 14th day of December, 2012 (yr)

Notary Public County, MN

My commission expires

[signature]
Signature

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

5/03

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