

JAN 18 2019

CLERK OF DISTRICT COURT
OF TELLER COUNTY

SEARCH WARRANT

IN THE (DISTRICT) (COUNTY) COURT, TELLER COUNTY, STATE OF COLORADO
CRIMINAL ACTION NUMBER 19-10

Whereas Commander Christopher Adams #1220 has made an Application and Affidavit to the Court for the issuance of a Search Warrant, and;

Whereas the application is in proper form and probable cause is found for the issuance of a Search Warrant to search the person(s), thing(s) and or premises specified in the application.

THEREFORE, the applicant, and any other peace officer into whose hands this Search Warrant shall come, is hereby ordered, with the necessary and proper assistance, to enter and search within the next ten (10) days the person, premises, location and any appurtenances thereto, description of which is:

Which is currently in the possession of: Facebook.com
Attn: Custodian of Records Specific Facebook
Account:
<https://www.facebook.com/kelsey.berreth.7>

- Facebook records for the period of October 5, 2017 through December 21st, 2018.
- Basic user identity information-first and last name provided by user ID; date profile created, e-mail address provided by user; zip code provided by user, city and country, account creation date and time and the IP address at time of sign-up.
- IP address logs-the IP address assigned to the user at the time the user accesses his profile including the date and time of the log-in (PST).
- Private user communications-available private mail messages in user inbox, sent mail and trash folders.
- Stored user files- photos (user photoprint) or videos uploaded to the user's profile, classified advertisements, messages posted on the Facebook forums or in Facebook groups, private journals or blogs, and address book and calendar contents.
- Expanded subscriber content (Neopring) - Facebook wall postings, mini-feeds, status update history, shares, notes, future and past events. Facebook friend listing with friend Facebook identification numbers and Facebook group listing with Facebook group identification numbers.
- Other general records or information-supplied by the user not specifically covered as basic subscriber information, including the user's date of birth, gender, hometown, and occupation, as well as historical private message header information.
- Any and all location data stored or kept by Facebook. This includes all GPS locations, IP Address locations, and Xif data collected by Facebook, Inc..
- Any and all other messages, including but not limited to deleted and sent messages.
- Any and all information pertaining to device information, phone numbers associated, and email addresses used.
- Any and all additional records maintained by Facebook.

The following person(s), property or thing(s) will be searched for, and if found seized:
See Attachment "B"

as probable cause has been found to believe that it:

- Is stolen or embezzled, or
- Is designed or intended for use in committing a criminal offense, or
- Is or has been used as a means of committing a criminal offense, or
- Is illegal to possess, or
- Would be material evidence in a subsequent criminal prosecution, or required, authorized or permitted by a statute of the State of Colorado, or
- Is a person, property or thing the seizure of which is expressly required, authorized or permitted by a statute of the State of Colorado, or
- Is kept, stored, transported, sold, dispensed, or possessed in violation of a statute of the State of Colorado under circumstances involving a serious threat to the public safety, or order, or to the public health.

(Mark "X" according to fact)

Furthermore, a copy of this warrant is to be left with the person whose premises or person is searched along with a list of any and all items seized at the time of its execution. If said person cannot be located or identified, a copy of the search Warrant and the list of property seized shall be left at the place from which the property was taken.

Further, a return shall be promptly made to this Court upon the execution of this Search Warrant along with an inventory of any property taken. The property seized shall be held in some safe place until the Court shall further order.

Done by the Court this _____ day of 11/15/19, 20__

Judge: [Signature]

11:32 AM

(DISTRICT) (COUNTY) COURT, TELLER COUNTY, STATE OF COLORADO
CRIMINAL ACTION NUMBER _____

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

The undersigned, a peace officer as defined in 18-1-901 (3) (1), C.R.S. 1973 as amended, being first duly sworn on oath moves the Court to issue a Warrant to search those person(s), thing(s) and/or premises known as:

Which is currently in the possession of: Facebook.com
Attn: Custodian of Records Specific Facebook
Account:
<https://www.facebook.com/kelsey.berreth.7>

- Facebook records for the period of October 5, 2017 through December 21st, 2018.
- Basic user identity information-first and last name provided by user ID; date profile created, e-mail address provided by user; zip code provided by user, city and country, account creation date and time and the IP address at time of sign-up.
- IP address logs-the IP address assigned to the user at the time the user accesses his profile including the date and time of the log-in (PST).
- Private user communications-available private mail messages in user inbox, sent mail and trash folders.
- Stored user files- photos (user photoprint) or videos uploaded to the user's profile, classified advertisements, messages posted on the Facebook forums or in Facebook groups, private journals or blogs, and address book and calendar contents.
- Expanded subscriber content (Neopring) - Facebook wall postings, mini-feeds, status update history, shares, notes, future and past events. Facebook friend listing with friend Facebook identification numbers and Facebook group listing with Facebook group identification numbers.
- Other general records or information-supplied by the user not specifically covered as basic subscriber information, including the user's date of birth, gender, hometown, and occupation, as well as historical private message header information.
- Any and all location data stored or kept by Facebook. This includes all GPS locations, IP Address locations, and Xif data collected by Facebook, Inc..
- Any and all other messages, including but not limited to deleted and sent messages.
- Any and all information pertaining to device information, phone numbers associated, and email addresses used.
- Any and all additional records maintained by Facebook.

The undersigned states that there exists probable cause to believe that the following person, property or thing(s) to be searched for, and if found, seized will be found on the aforementioned person(s) and or premises and are described as follows:

See Attachment "B"

The grounds for the seizure of said person(s), property or thing(s) are that probable cause exists to believe that it: () Is stolen or embezzled, or () Is designed or intended for use as a means of committing a criminal offense, or () Is or has been used as a means of committing a criminal offense, or () Is illegal to possess, or (X) would be material evidence in a subsequent criminal prosecution, or () Is a person, property or thing the seizure of which is expressly required, authorized, or permitted by a statute of the State of Colorado, or () Is kept, stored, transported, sold, dispensed, or possessed in violation of the statute of the State of Colorado under circumstances involving a serious threat to the public safety, or order, or to the public health, (mark X according to the fact);

The facts submitted in support of this application are set for in the accompanying attachment designated as Attachment "A" which is attached hereto and made a part hereof.

Applicant:  _____

Law enforcement agency: Woodland Park Police Department

Position: Commander

Sworn and subscribed before me this _____ day of 11/18/19 20__.

Judge:  _____

11:32 AM

JAN 18 2019

CHERYL BAILEY
CLERK OF COURT

19-10
ATTACHMENT "A"

1. Your Affiant is Commander Christopher Adams #1220, a duly sworn and state certified Police Officer with the Woodland Park Police Department (WPPD), who has been employed as such since 2004. Your Affiant has participated in other law enforcement investigations, and has relied on other investigators with more investigative training and experience, including, but not limited to, Special Agent Andrew Cohen, Federal Bureau of Investigation (FBI), Special Agent Kevin Hoyland, FBI, and Agent Greg Slater, Colorado Bureau of Investigation (CBI).
2. Your Affiant submits the following facts demonstrate the Facebook records recovered would be material evidence used in subsequent criminal prosecution. This is important to establish patterns of life. This will allow investigators to corroborate statements made during the course of the investigation,
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement officials, and witnesses. Much of this affidavit is derived from information provided to me by other law enforcement agencies, namely from the FBI and the CBI. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.
4. All information contained in this affidavit can be found in Woodland Park Police Department Case Report No. 18-1530.

Facts in support of probable cause
Background of those mentioned in this affidavit

5. Patrick Frazee, date of birth 04/18/1986, is a Colorado resident, and is the last known person known to investigators to see Kelsey Berreth alive. Frazee and Berreth are parents of a _____, and although they do not live together, they co-parented _____. Frazee works as a rancher and is involved in the ferrying of horses. Your affiant was unable to locate any prior felony criminal history for Frazee.
6. Krystal Jean Kenney Lee, date of birth 04/04/1986, is an Idaho resident who lives at 3551 E. 3200 North, Kimberly, Idaho and is a Registered Nurse (RN). Your affiant was unable to locate any prior felony criminal history for Lee. Investigators believe Lee has known Patrick Frazee for over twelve years, and has traveled to Colorado in the past, other than as it relates to this investigation.

Summary of a Missing Person Investigation in Colorado

7. On December 2, 2018 Cheryl Berreth reported to the Woodland Park Police Department (WPPD) that she had not been able to communicate with her daughter Kelsey Berreth, date of birth 09/15/1989, in over a week and requested WPPD conduct a welfare check at her residence. Officers responded to Kelsey's residence in Woodland Park, Colorado and were unable to locate Kelsey. Berreth's family reported that it would be highly unusual for Berreth to leave without informing any of her friends or family. A missing person investigation was initiated, and weeks later ultimately turned into a murder investigation.
8. Of note, and in some portions of this affidavit, depending on the date of events being discussed, the investigation may be referred to as a missing person investigation, or a murder investigation. For the purposes of this affidavit, they are indeed one and the same.
9. Officers later contacted the father of Kelsey's 14-month old child, Patrick Frazee, who claimed that he last saw Kelsey on November 22nd, 2018 when the two exchanged custody of their child in an alley behind her residence. Frazee reported he had not seen her since then. Ultimately, Frazee is allegedly the last person that ever saw Berreth alive. Frazee told officers that his romantic relationship with Kelsey was over, and during the custody exchange he returned items that belonged to her, including a handgun, residence keys, and other personal belongings. To date, none of these items have been recovered.
10. Ultimately, investigators located video surveillance from the Safeway in Woodland Park, Colorado that showed Berreth with her daughter _____ shopping at the store. It appeared she departed the grocery store at approximately 12:27 hours on November 22, 2018. Investigators located receipts from Safeway in her residence and vehicle that corroborate this information.

11. Between 1254-1317 hours also on November 22, 2018, Frazee is captured on surveillance footage at a Walmart in Woodland Park, Colorado with a baby carrier with a similar blanket as seen in the Safeway footage. Although [redacted] cannot be clearly seen in the footage, it is likely she was in the baby carrier. Frazee told a Woodland Park Police Officer that he met with Berreth in an alleyway outside of her residence to exchange custody of the child. Investigators believe this exchange did indeed happen since Frazee appeared at Walmart with [redacted] and this is the last known in person sighting of Berreth.
12. At approximately 1324 hours, also on November 22, 2018, an individual that matches the physical description of Frazee is captured on a neighbor's surveillance camera entering the front door of Berreth's residence. This photograph contradicts Frazee's timeline provided to investigators.
13. The same residential surveillance camera captured an individual that matches the physical description of Frazee at Berreth's residence at or about 1536hours. It is noted that around this time, Frazee's phone records indicated that he called his mother and Krystal Lee.

Cell phone communication between Berreth and Frazee during the early morning of November 22, 2018

14. Your affiant has reviewed cellular telephone records between Kelsey's cell phone (719-660-6179), and Patrick's cell phone (719-440-5759) during the early morning of November 22, 2018. Your affiant found that between the hours of 1:00am and 4:00am, there were approximately ten contacts between these phones, one of which was an approximate four-minute phone call at or about 1:42am.

Cell phone communication between Berreth and Frazee after November 22, 2018

15. Patrick reported that he was in cell phone communication with Berreth through November 25th, 2018. Investigators applied for, and were granted search warrants related to Frazee's and Berreth's historical call detail records, and historical cell site information. Indeed, investigators located messages between Berreth's phone and Frazee's phone between November 22nd and November 25th, 2018. Ultimately, as discussed below, investigators learned that much of the communication between Frazee's cell phone and Berreth's cell phone between November 22 and 25, 2018 was a scheme developed by Frazee in an attempt to distract law enforcement, distort the actual date of her disappearance, and separate himself as a suspect in a murder investigation.
16. A review of the records showed the following text message dates and times sent and received from Kelsey's cell phone 719-660-6179, to Patrick's cell phone 719-440-5759 between November 22 and 25, 2018.

summary of SMS messages between Frazee and Berreth's cell phones

Sent	Received
11/22/2018 3:53	11/22/2018 3:53
11/22/2018 9:15	11/22/2018 9:15
11/22/2018 9:37	11/22/2018 9:37
11/22/2018 12:41	11/22/2018 12:41
11/23/2018 6:59	11/23/2018 6:59
11/23/2018 7:32	11/23/2018 7:32
11/23/2018 15:37	11/23/2018 15:38
11/23/2018 17:13	11/23/2018 17:14
11/23/2018 17:30	11/23/2018 17:30
11/24/2018 7:45	11/24/2018 7:45
11/25/2018 7:34	11/25/2018 7:34
11/25/2018 8:53	11/25/2018 8:53
11/25/2018 9:17	11/25/2018 9:17

17. Phone call history was also located from a physical download of Frazee's cellular telephone. These records revealed the following call history between November 22, 2018 and November 25, 2018, and are displayed below:

From: +17196606179 Kelsey Berreth	11/22/2018	11/22/2018 01:17(UTC-7)	00:00:00	Missed
From: +17196606179 Kelsey Berreth	11/22/2018	11/22/2018 01:18(UTC-7)	00:00:00	Missed
From: +17196606179 Kelsey Berreth	11/22/2018	11/22/2018 01:20(UTC-7)	00:00:16	Incoming
From: +17196606179 Kelsey Berreth	11/22/2018	11/22/2018 01:42(UTC-7)	00:04:32	Incoming
From: +17196606179 Kelsey Berreth	11/22/2018	11/22/2018 03:32(UTC-7)	00:00:00	Missed
To: 17196606179 Kelsey Berreth	11/22/2018	11/22/2018 03:34(UTC-7)	00:00:13	Outgoing
To: 7196606179 Kelsey Berreth	11/22/2018	11/22/2018 09:40(UTC-7)	00:03:28	Outgoing
To: 7196606179 Kelsey Berreth	11/22/2018	11/22/2018 12:31(UTC-7)	00:00:35	Outgoing
From: +17196606179 Kelsey Berreth	11/22/2018	11/22/2018 12:33(UTC-7)	00:00:08	Incoming
To: 7196606179 Kelsey Berreth	11/23/2018	11/23/2018 07:21(UTC-7)	00:04:18	Outgoing
To: 7196606179 Kelsey Berreth	11/23/2018	11/23/2018 09:52(UTC-7)	00:00:55	Outgoing
To: 7196606179 Kelsey Berreth	11/23/2018	11/23/2018 16:40(UTC-7)	00:05:13	Outgoing
From: +17196606179 Kelsey Berreth	11/24/2018	11/24/2018 08:32(UTC-7)	00:16:28	Incoming
To: 17196606179 Kelsey Berreth	11/24/2018	11/24/2018 15:56(UTC-7)	00:02:49	Outgoing
To: 7196606179 Kelsey Berreth	11/25/2018	11/25/2018 07:39(UTC-7)	00:00:50	Outgoing
To: 7196606179 Kelsey Berreth	11/25/2018	11/25/2018 07:46(UTC-7)	00:00:04	Outgoing
To: 7196606179 Kelsey Berreth	11/25/2018	11/25/2018 07:48(UTC-7)	00:02:34	Outgoing
To: 7196606179 Kelsey Berreth	11/25/2018	11/25/2018 16:49(UTC-7)	00:00:38	Outgoing
To: 7196606179 Kelsey Berreth	11/25/2018	11/25/2018 17:21(UTC-7)	00:01:00	Outgoing

Historical cell site location for related cellular telephones

18. Special Agent Kevin Hoyland, FBI, conducted a historical call detail record analysis to include cell site locations from lawfully obtained cellular telephone records of Berreth and Frazee. Your Affiant has reviewed information from this analysis, and in summary, learned the following information.
19. Historical cell site analysis helps to determine the location of a cellular telephone based on cell tower antenna locations and orientation. Locations are determined by activity of the cellular telephone, and represent an approximate area, not an exact location. Different cellular carriers report this information in different formats and fashions.
20. The analysis of the data revealed that Berreth's and Frazee's cellular telephones both connected to the same Verizon tower in Woodland Park at 12:33pm on November 22, 2018 when Berreth's cell phone returned a missed call from Frazee at 12:31pm. Following those connections, both phones were seen by towers near Cripple Creek the evening of November 22, 2018, traveling in the same directions and often similar distances from the cell towers when measurements were captured by the Verizon network. This would indicate the phones were likely traveling together.
21. On November 23, 2018, both Berreth's and Frazee's cellular telephones utilized the Verizon cell tower in Florissant, along with the sector facing Frazee's residence when Frazee's phone called Berreth's phone in the morning. Later in the day, both phones then appear to travel together from the area of Frazee's residence towards the same area west of Cripple Creek that both phones had visited the prior evening, before returning back in the direction of Frazee's residence.
22. On November 24, 2018, both Berreth's and Frazee's phones utilized the Verizon cell tower in Florissant, along with the sector facing Frazee's residence first thing in the morning. Both phones eventually travel to the same area west of Cripple Creek.
23. A further analysis of those records revealed that Berreth's cellular telephone likely traveled from Colorado via I-70 into Utah and I-15 through Salt Lake City, UT into Idaho during the evening of November 24th and/or the morning of November 25, 2018. The last activity for Berreth's phone was on November 25, 2018 at 1713hrs approximately 6.38 W/SW from a Verizon cell tower in Gooding, Idaho. That distance from the tower places the phone at or near Malad Gorge State Park, which is further supported by additional distance from tower measurements from Verizon in the minutes leading up to that data point.
24. Based on the last location of Berreth's cell phone, members of the Gooding County Sheriff's Office were requested to search this area for her cell phone with negative results.
25. Your Affiant submits it is likely that Frazee murdered Berreth at her residence on the afternoon of November 22, 2018, and took her cell phone with him when he left her residence. This is the most likely explanation for the movement of the two cellular telephone together for the remainder of November 22, 23, and 24th. Frazee

ultimately gave the cell phone to Krystal Lee, who then traveled back to Idaho with she disposed of the phone. Indeed, Lee admitted to sending messages from Berreth's cell phone on the return trip to Idaho, with the intent of distracting law enforcement at the direction of Frazee.

Search of Berreth's apartment and discovery of blood in the bathroom

26. Investigators searched the residence of Berreth several times. Items like clothing, toiletries, and other cosmetics were still present in the residence. Berreth's family members stated it would be unlikely for her to take a trip without bringing these items with her. Investigators did not locate several expected items, including, but not limited to, her car keys (although both known vehicles were parked outside of the residence), her driver's license, purse, or cellular telephone.
27. Berreth's family members were living in the residence during this period, and alerted investigators to an unknown substance on the base of the toilet. Crime scene analysts from the Colorado Bureau of Investigation (CBI) responded to the residence, and found the unknown substance to be traces of blood based on Blue Star Forensic latent blood stain reagent tests. This reagent was applied to the rest of the bathroom, and found positive results for the presence of blood in the bathroom of the residence. In summary, blood was located on the base of the toilet, bathtub, towel rack, door handle, ceiling, and other areas of the bathroom.
28. A DNA profile was developed, and investigators learned that the blood matched the profile for Berreth. Additionally, one unknown male profile and one unknown female profile were also developed from various areas of the bathroom. It is unlikely the male profile is Frazee's based on lab reports.
29. Additionally, Berreth's mother stated there had previously been a bath rug near the toilet and shower in the bathroom, but the bath rug appeared to be missing.
30. As will be discussed below, Lee eventually admitted to investigators what happened in Berreth's residence.

Searches of the residence of Frazee in Florissant, Colorado

31. On or about December 13, 2018, investigators applied for, and were granted a search warrant for the residence of Frazee. That warrant was executed, and although some items of evidentiary value were collected, the body of Berreth was not found.
32. For example, during the search at Frazee's residence, a bottle of bleach, and a Swiffer (a mop) were found to have presumptive positive tests for the presence of blood. These items were not seized during the first warrant, and a second warrant was applied for, and granted to return to the residence to seize them.
33. There was also a document found with a list of five people who could provide medical care for the event that Frazee was absent. This document was dated December 12, 2018, and signed Patrick Frazee. Of particular interest, Kelsey Berreth's name is not on the list, presumably because she is deceased.

Development of information related to Krystal Lee

34. Based on call detail analysis from Frazee's cell phone, investigators learned that Frazee was communicating with 208-731-6679 (208 is an Idaho area code) during the dates surrounding Berreth's suspicious disappearance. Open source and other information revealed that the 6679 phone number belonged to Lee, including a recorded phone interview conducted by FBI Agents on December 14th, 2018, with Lee on the 6679 number. During this interview, in short, Lee provided materially false and misleading information during that recorded interview.
35. During the interview, Lee was asked when the last time she communicated with Frazee was, and responded by saying she wasn't sure, and would have to look at her phone. When pressed by the interviewing Agents, she responded "within a month, month and a half". She then stated that she was actually at Frazee's residence in Colorado on Saturday, November 24th, 2018 from approximately 9am-5pm to look at a horse, and arrived back home in Utah on Sunday, November 25, 2018 around 10:30am or 11:00am after driving during the night. Lee stated she took this trip by herself. Ultimately, investigators learned that Frazee made up the story and told Lee what to tell the FBI if they called her.
36. Lee stated she had never met Berreth, and had "no idea" who she was until she saw the online news articles about her disappearance. Lee did know that Frazee had an infant daughter, and it is unusual that she would not know who the mother of the child was.
37. As mentioned above, there are call records between Frazee and Lee (who used 208-731-6679) on the 24th of November of 2018 around 7:23am, 10:47am, 11:39am, 1:06pm, and 5:21pm when Lee said she was at Frazee's

residence. Your Affiant submits that it would be unlikely for Lee to be talking with Frazee if they were together at his residence, as people tend to communicate in person and not by telephone when they are with each other.

38. On her return trip, she stated she drove on I-70 through Salt Lake City. Lee borrowed a black vehicle from a friend, but could not remember the make or model of the car. Lee stated Frazee did not ask her to take Berreth's phone and dispose of it.
39. Investigators applied for, and were granted a search warrant for the call detail records and historical cell site information related to Lee's cell phone. In summary, a review of the information revealed that Lee's phone was connected to not only a cell phone tower, but a sector of that tower that would service Berreth's residence on the morning of November 24, 2018. The tower is some distance from Frazee's residence, and likely would not service his residence. This fact tends to lead investigators that Lee was not at Frazee's residence like she stated, and lied during her interview.
40. Additionally, investigators learned that Lee's phone traveled back to Idaho on the 24th and 25th of November. Coincidentally, Lee's phone was connected to the exact same tower and sector in a remote area of the Colorado/Utah border on the morning of November 25th, 2018. Specifically, Lee's phone was connected to the tower at approximately 4:13am, 4:17am, and 4:23am. Berreth's phone was connected to the tower at approximately 4:11am, and 4:16am. It is reasonable to assume, based on this information, that Lee was likely in possession of Berreth's cellular telephone.
41. Also during the return trip to Idaho, Lee appeared to be in communication with Frazee utilizing her cell phone, including phone activity shortly after the last activity of Berreth's cellular telephone.
42. Also on the 4th of December, investigators seized the cell phone belonging to Frazee. Also on the 4th of December, Lee obtained a new cellular telephone according to her phone records. The acquisition of Lee's new phone will be discussed below in more detail.

Interview of Krystal Lee in Idaho by CBI and FBI

43. On or about December 17, 2018, Lee was interviewed by Agents from the CBI and FBI at her residence. During that recorded interview, Lee stated she wanted to speak to her attorney before continuing to speak with investigators, but indicated she would want to be cooperative.
44. Indeed, Lee eventually cooperated with law enforcement, and the details of the information she provided will be discussed below.

Interview of Chad Lee, Krystal Lee's ex-husband

45. Chad Lee, an Idaho resident, was interviewed by FBI Agents in Idaho. Chad stated he was married to Krystal Lee for approximately the last 8 years, but was recently divorced in the summer of 2018. Chad and Krystal still share a home in Idaho, and they raise two children together.
46. Lee lied to Chad about her whereabouts during November 24th and 25th of 2018. Initially, she told Chad she was going to a birthday party at a friend's house in Idaho, then told Chad she was going to help her friend Meghan move, also in Idaho. Investigators ultimately learned that Lee drove Meghan's 2012 Black Volkswagen Jetta to Colorado on or about these dates. Meghan was later identified as Meghan Garrison, and her interview will be discussed in detail below.
47. After Lee was interviewed on the phone around December 14th, 2018 by FBI Agents, Chad stated she was very nervous when she talked to him about the phone call, and finally told Chad she had actually gone to Colorado to see a horse she and Patrick own together around Thanksgiving. Lee also stated that she thought someone "set her up". Based on the facts Lee concealed her whereabouts to Chad, combined with lying to FBI Agents, it is reasonable to believe Lee's statements are unreliable at best.
48. Chad also stated that Krystal and Patrick dated in college, and that they were involved in a sexual relationship during at least 2016, and possibly into 2017. Chad did not want any of the details of the affair, and did not have further information regarding their relationship to provide. Lee did not mention her sexual and romantic relationship with Patrick to investigators, and based on the circumstances, investigators consider this information to be both material and relevant, and that Lee purposely concealed this information prior to her fully cooperation and truthful statements to investigators on December 20, 2018.
49. On or about December 4, 2018, Lee told Chad she could not find her cell phone, and asked Chad to take her into town to purchase a new one, which ultimately was a replacement Samsung device. Based on phone records

obtained from Verizon Wireless, investigators knew Lee had a Samsung device during the time period of Berreth's disappearance. Again, the timing of her new phone acquisition in Idaho is approximately the same as when Patrick's phone was taken by law enforcement in Colorado.

50. Chad knows that Lee has a Google email account, and he had her account information stored in his phone contacts, under the name "Krystal Lee" as "mrs.lee10210@gmail.com". Investigators applied for, and were granted a search warrant for this account. During a review of that account, investigators found Google location history data for most of November, and most of December, 2018. However, the dates surrounding the murder of Berreth contained no location history.

Interview of Meghan Garrison, a longtime friend and co-worker of Lee

51. Meghan is the owner of a black 2012 Volkswagen Passat sedan, and is a co-worker and friends with Lee. They have been friends for approximately the last ten years. She knew Lee was friends with "Patrick" in Colorado, and that they were friends prior to her relationship with Meghan. Meghan and Krystal have swapped vehicles in the past because sometimes Meghan has a use for a pickup truck, and Lee owns one.
52. On November 23, 2018 Meghan had asked Lee if they could switch vehicles because she needed to move due to a change in family situation, and wanted to borrow Lee's truck. Meghan knew Lee was planning to drive to Colorado in her vehicle.
53. Lee sent Meghan a text message on the afternoon of the 24th asking if she could stay the night at her house because she had too much to drink. Meghan stated the content of the message was false, that Lee did not really want to sleep at her house, and the message was meant to establish an alibi in case her ex-husband checked her phone or called Meghan to see where Lee was.
54. Around 4:00pm on November 25, 2018 Meghan meets Lee to swap vehicles back at the Walmart in Jerome, Idaho. It is noted that the Walmart in Jerome, Idaho is approximately 20 miles from the last location of Berreth's cell phone on November 25, 2018.
55. Around Friday December 14, 2018, Lee called Meghan and told her she was contacted by the FBI, and that the FBI might ask her questions about Lee borrowing her car. Lee did not provide specific instructions on what to say to the FBI or other investigators.
56. Meghan saw a news article about Berreth, and decided to check the status of her weapon she keeps in her vehicle. She keeps eight rounds in the magazine, and nothing in the chamber. Upon the return of her vehicle, the weapon had one round in the chamber, and six rounds in the magazine. Meghan never loads a round into the chamber, and Meghan felt it was suspicious the gun was in a different condition.
57. Ultimately, several days after her interview, Meghan reported to a FBI Agent that Lee had called her, stated she lied to her, was apologetic, and told her she was going to cooperate with law enforcement.

Interview of Michelle Stein in Twin Falls, Idaho

58. An interview was conducted by Agents from the CBI and FBI with Michelle Stein, date of birth 09/05/1971 in Twin Falls, Idaho. Michelle is a paralegal at a personal injury law firm in Twin Falls. Your Affiant was unable to locate any prior felony criminal history for Michelle. In summary, Michelle is a friend of Lee's, and has been for some time. On or about October 22, 2018, Michelle stated that Krystal told her that Patrick asked her to help kill his daughter's mother. Michelle remembered the date because she was driving her son to a Doctor's appointment in Utah during the conversation.
59. Michelle stated she advised Krystal to tell the Police what Patrick requested, but did not believe Krystal ever went to the Police. Michelle provided the interviewing Agents access to her phone records, and indeed the Agents located phone records between Krystal and Michelle on October 22, 2018. Your Affiant submits this information tends to corroborate Michelle's statements, and for these reasons, her information is considered to be reliable. Furthermore, the information tends to speak towards Frazee's deliberation of the murder of Berreth.

The cooperation of Krystal Lee on December 20 and 21, 2018

60. Lee has obtained an attorney, and agreed to provide truthful statements, and fully cooperate with investigators in consideration of charges in the captioned investigation. The below information in paragraphs 61-79 comes from an audio and video recorded interview conducted by investigators with Lee.

61. Lee stated that Frazee has been contemplating killing Berreth for months, specifically as early as September of 2018. Indeed, Frazee had approached Lee in the past with plans to kill Berreth, although the plans did not come to fruition until November 22, 2018. Frazee had told Lee that Berreth was an abusive mother who physically abused their daughter in multiple instances, including with an iron. Your Affiant is unaware of any reports of child abuse or neglect.
62. For example, Frazee instructed Lee to obtain a cell phone that did not trace to her, known as a "burner phone". The purpose of obtaining this phone would be to distract law enforcement and conceal her involvement. Frazee had discussed putting poison in Berreth's coffee, and had also given Lee a metal pipe to hit Berreth in the back of the head. Specifically, Lee was solicited on multiple occasions by Frazee to commit the murder of Berreth.
63. Meghan Garrison knew of Patrick recruiting Lee to help kill Berreth in October of 2018. Your Affiant submits that this information tends to speak towards Frazee's intent and deliberation prior to the murder of Berreth, and information obtained from Lee tends to corroborate Meghan's statements.
64. On or about November 22, 2018, Lee stated that Frazee called her and instructed her to come to Colorado, and told her she "had a mess to clean up". Lee brought bleach, gloves, a hairnet, shoe covers, and other supplies from Idaho. Your Affiant submits that when Frazee discussed a "mess", Lee understood that as Berreth had been killed. Cell phone call and text records support the fact that Lee and Frazee did indeed have conversation on the 22nd of November, 2018 as Lee reported.

Lee's involvement and knowledge related to the murder scene

65. Lee had knowledge of how Frazee murdered Berreth, because he told her about it in detail. Frazee used a baseball bat to kill Berreth in the living room of her residence on the 22nd of November, 2018. Frazee had tied something around Berreth's eyes, and was having her guess the scents of different candles. While she was blindfolded and distracted, he hit her with the bat, causing her death.
66. Frazee's 14-month daughter, _____, was present in the residence when her mother was murdered by Frazee. Specifically, Frazee stated _____ was inside a play pen in a back bedroom of the residence. Investigators were able to look at Frazee's historical cell site locations and found Frazee's phone was connected to a tower that would service Berreth's residence between the hours of approximately 1300-1630 on November 22, 2018. This information tends to support Lee's information about the location of Frazee on November 22, 2018. Furthermore, investigators located a child play pen at Berreth's residence.
67. Frazee instructed Lee to clean Berreth's residence. Lee described a horrific scene at Berreth's residence that was inclusive of blood all over the residence. Blood was on the curtains, pillows, books, baby toys, stuffed animals, oven mitts, Berreth's purse, and other items. Lee took the items covered in blood from Berreth's apartment and burned them on Frazee's property with Frazee, which will be discussed more below.
68. Blood was also on the floor in the kitchen, on the walls, on the television, pictures, couch and books. Lee used bleach and Windex to clean the residence. Lee wore gloves, a hair net, and a white suit that covered her whole body. She also used the shower to help clean up the residence, and spent hours cleaning the residence.
69. Lee stated investigators could still find Berreth's blood on the rock face around the fireplace because she was hoping investigators would find it. There is also blood on the baby gate, which Lee moved to the back bedroom. She also stated that there might be blood on the base of the walls. Your Affiant has viewed photos of Berreth's residence, and found a fireplace that matched the description Lee gave.

The disposal of Berreth's body at Frazee's residence in Florissant, CO

70. Frazee originally took Berreth's body from her residence, and stored it in a black plastic tote with silver handles at the Nash Ranch on the 22nd of November. The tote was stored on top of a hay stack at the ranch, and Frazee used a tractor to put the tote up high.
71. He later took the tote from the Nash Ranch to his property, 1713 Wildhorn Dr, Florissant, Colorado, on the late afternoon/early evening of November 24, 2018. Lee went with Frazee to Nash Ranch to retrieve the body, which explains how she has intimate details of what the tote looked like, and where it was stored. Investigators were able to review historical cell phone records, and the cell phones belonging to Lee, Berreth, and Frazee were connected to a cell phone tower outside Cripple Creek, Colorado between approximately 1701-1814 hours on November 24, 2018.

72. Frazee put the black tote in a trough on his residence, 1713 Wildhorn Dr, Florissant, Colorado along with items from Berreth's residence; the bat used to kill Berreth, and burned it to dispose of evidence. The trough was described as a round aluminum structure that would hold approximately 100 gallons. Accelerants, including gasoline and motor oil, were poured into the trough as a fire burned. Lee stated Frazee poured at least five gallons of gasoline from a gasoline container into the trough to keep the fire burning, and continued to add wood to the fire.
73. Frazee wanted Lee to take the body back to Idaho, but Lee refused. Lee never saw the body, but Frazee said the body was in the black tote. However, at one point, the tote had been burned, and there was a heap that Lee believed to be a human body still in the fire.
74. Frazee gave Lee the firearm that belonged to Berreth late in the evening on the 24th of November. Frazee wanted Berreth's firearm to appear to be missing in an attempt to lead investigators to believe that Berreth might have committed suicide. Frazee said that because she wouldn't take the body, she had to take Berreth's firearm with her and dispose of it.
75. Lee disposed of all the contents of Berreth's purse, and her cell phone. The content of Berreth's purse was burned at the same time as her body. There was a mace container, a pair of earrings, and Berreth's identification card. These items were all burned, with the exception of Berreth's cell phone.
76. Frazee gave Lee the cell phone that belonged to Berreth while at 1713 Wildhorn Drive Florissant, Colorado on November 24, 2018. Lee stated she used Berreth's phone in Woodland Park, Colorado, Grand Junction, Colorado, after getting to Utah, and in Idaho before getting rid of the phone in Idaho.
77. Lee sent text messages from Berreth's phone at the direction of Frazee. Frazee told her to text Berreth's employer, her mother, and his phone. Investigators were able to corroborate this information, and cell site records confirmed Berreth's phone was indeed used in Woodland Park, Grand Junction, and Utah.
78. Lee stated she sent Berreth's mother a message referencing that she would "call her tomorrow".
79. Lee stated she and Patrick would communicate often through Facebook messenger, however that she would frequently delete the conversations so that her husband would not find out.

Conclusion

80. After obtaining full cooperation from Lee, she admitted to her involvement in the destruction of evidence from the murder of Berreth, cleaning Berreth's blood from inside her residence, transporting Berreth's phone to Idaho, and ultimately told investigators that Frazee did indeed murder Berreth with a baseball bat in the living room of her residence.
81. Lee's friend, Meghan, told investigators that Frazee had solicited Lee in the past, specifically October 22, 2018, to help kill Berreth. This information was corroborated by Lee's statements, and speaks directly to Frazee's intent and deliberation to murder Berreth.
82. Lee admitted she initially lied to FBI investigators, her ex-husband, and her friends about her whereabouts and purpose of her trip to Colorado. Lee has now fully cooperated with investigators in consideration of charges, and made truthful statements that have been corroborated.
83. Berreth has been missing for weeks, and there has been national news attention on major networks related to her disappearance. To date, nobody has come forward saying they have seen Berreth, and her family and friends have not heard from her. There are no indications that Berreth is still alive, including logins to her known email accounts, or use of her known cell phone, or ENT Bank Account.
84. Although the remains of Berreth have not yet been located to date, Lee admitted she participated in the destruction of evidence of the murder, viewed and identified the murder scene, and provided information to investigators about how Berreth's body was burned. Investigators have begun to search, but have not yet located Berreth's remains.
85. Lee admits that she and Patrick would communicate via Facebook Messenger.

Based on the aforementioned information, your Affiant respectfully requests that a Search Warrant be issued for records:

Which is currently in the possession of: Facebook.com

Attn: Custodian of Records Specific Facebook

Account:

<https://www.facebook.com/kelsey.berreth.7>

- Facebook records for the period of October 5, 2017 through December 21st, 2018.
- Basic user identity information-first and last name provided by user ID; date profile created, e-mail address provided by user; zip code provided by user, city and country, account creation date and time and the IP address at time of sign-up.
- IP address logs-the IP address assigned to the user at the time the user accesses his profile including the date and time of the log-in (PST).
- Private user communications-available private mail messages in user inbox, sent mail and trash folders.
- Stored user files- photos (user photoprint) or videos uploaded to the user's profile, classified advertisements, messages posted on the Facebook forums or in Facebook groups, private journals or blogs, and address book and calendar contents.
- Expanded subscriber content (Neopring) - Facebook wall postings, mini-feeds, status update history, shares, notes, future and past events. Facebook friend listing with friend Facebook identification numbers and Facebook group listing with Facebook group identification numbers.
- Other general records or information-supplied by the user not specifically covered as basic subscriber information, including the user's date of birth, gender, hometown, and occupation, as well as historical private message header information.
- Any and all location data stored or kept by Facebook. This includes all GPS locations, IP Address locations, and Xif data collected by Facebook, Inc..
- Any and all other messages, including but not limited to deleted and sent messages.
- Any and all information pertaining to device information, phone numbers associated, and email addresses used.
- Any and all additional records maintained by Facebook.

AFFIANT: _____

Commander Christopher Adams #1220

Woodland Park Police Department

JUDGE: _____

DATE: _____

TIME: _____

[Handwritten signature of Christopher Adams]
[Handwritten signature of Judge]
11/18/19 11:34 AM

19-10

ATTACHMENT "B"

The following items, if located during the search will be recovered as evidence.

Which is currently in the possession of: Facebook.com

Attn: Custodian of Records Specific Facebook

Account:

<https://www.facebook.com/kelsey.berreth.7>

- Facebook records for the period of October 5, 2017 through December 21st, 2018.
- Basic user identity information-first and last name provided by user ID; date profile created, e-mail address provided by user; zip code provided by user, city and country, account creation date and time and the IP address at time of sign-up.
- IP address logs-the IP address assigned to the user at the time the user accesses his profile including the date and time of the log-in (PST).
- Private user communications-available private mail messages in user inbox, sent mail and trash folders.
- Stored user files- photos (user photoprint) or videos uploaded to the user's profile, classified advertisements, messages posted on the Facebook forums or in Facebook groups, private journals or blogs, and address book and calendar contents.
- Expanded subscriber content (Neopring) - Facebook wall postings, mini-feeds, status update history, shares, notes, future and past events. Facebook friend listing with friend Facebook identification numbers and Facebook group listing with Facebook group identification numbers.
- Other general records or information-supplied by the user not specifically covered as basic subscriber information, including the user's date of birth, gender, hometown, and occupation, as well as historical private message header information.
- Any and all location data stored or kept by Facebook. This includes all GPS locations, IP Address locations, and Xif data collected by Facebook, Inc..
- Any and all other messages, including but not limited to deleted and sent messages.
- Any and all information pertaining to device information, phone numbers associated, and email addresses used.
- Any and all additional records maintained by Facebook.

FILED IN THE DISTRICT COURT
OF TELLER COUNTY, COLORADO

JAN 18 2013

CLERK OF COURT