

#623

FILED

STATE OF MINNESOTA, COUNTY OF RAMSEY

DISTRICT COURT

STATE OF MINNESOTA)

APPLICATION FOR SEARCH WARRANT AND
SUPPORTING AFFIDAVIT.
RAMSEY DISTRICT COURT

) SS.

COUNTY OF RAMSEY)

Officer Langfellow, 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/her own knowledge, save as to such as are herein stated on information and belief, and as to those, he/he believes them to be true.

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

Packages and their contents

Firearms

Ammunition, holsters, cleaning equipment for firearms

Weapons or devices that may be used as weapons

Hazardous materials and devices for delivering or deploying hazardous materials against persons or property

Photos and writings which tend to show ownership, use or possession of firearms and/or weapons

Photos, writings or images which show association with or involvement in terrorism, direct violent action, threats to law enforcement and/or government officials,

Mail or other evidence which tends to identify individuals living or staying at this property

Cell phones, computers, pagers, and other communication devices, power cords and chargers

The electronic data contained within the above devices

will be at the premises, described as:

949 Iglehart

located in the City of St. Paul, County of Ramsey, and State of Minnesota.

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

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

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

Your Affiant is a St. Paul Police Officer, currently assigned to the Special Investigations Unit. Affiant has 20 years of Law Enforcement Experience. Affiant is assigned as a Task Force Officer (TFO) to the FBI Joint Terrorism Task Force (JTTF). In the course of his duties, Affiant has investigated numerous crimes of violence and terrorism offenses, resulting in the arrest, charging and conviction of offenders. Affiant has received specialized training in terrorism investigations. Affiant bases this application on information he knows to be true and correct, and upon information from other Law Enforcement Officers, which he believes to be true and correct.

In the course of his duties as an FBI JTTF officer, Affiant learned that Michael Philip WHALEN, 8-21-1948 was previously under investigation during the 1990's due to a suspicion that he was supporting international terrorism. WHALEN is the co-owner of the Arise Bookstore located at 2441 Lyndale Avenue South in Minneapolis, MN. This was confirmed through Hennepin County property records. Over the course of several months and within the past week Affiant has observed that the Arise Bookstore has postings in plain view that are clear calls to action for unlawful activities including violence to law enforcement and destruction of property. Affiant has observed that there are specific postings related to the Republican National Convention that are clearly intended to call people to take violent action during the convention.

The Arise Bookstore is co-owned by Kathleen Ann SOLIAH, AKA Sara Jane OLSON, 1-16-1947. This has also been confirmed through Hennepin County property records. In 2001, she pled guilty to two counts of possessing explosives with intent to murder for an incident on 4-21-1975 in which she and others robbed a bank and killed a woman, as an action representing the Symbionese Liberation Army (SLA). She is currently in prison. The web site for Arise Bookstore is <http://www.arisebookstore.org/>. A statement on the website credits WHALEN with giving support and admiration to SOLIAH/OLSON and advocating violent direct action against police during the 2008 Republican National Convention (paraphrased). The following is a quote from the web page: 'We support the struggles of oppressed and colonized peoples for self-determination. Self-determination is a fundamental right to be obtained through whatever means necessary, including armed struggle. Imperialism and the nation-states' militarism which permits and encourages it must end.'

MN DMV records show that Michael WHALEN'S address of record is 951 Iglehart, in St. Paul. Affiant and other law enforcement officers have conducted surveillance on 951 Iglehart and have observed that it is a side by side duplex. The west unit is 951 Iglehart. Law Enforcement Officers have observed WHALEN at this address frequently. A female has also been observed apparently living at the address. Officer M. Weigel (SPPD) spoke with postal carrier Daniel Anthony PARTYKA, 9-22-1952. PARTYKA stated that he has delivered numerous items addressed to Erin C. STALNAKER. Affiant has learned from SPPD records that there are recent police contacts at 951 Iglehart with Erin S. STALNAKER, 8-23-1979. PARTYKA also stated that the house numbers for 951 Iglehart are not displayed and he has asked STALNAKER to display the numbers but she refused. PARTYKA posted a paper with the numbers and it was removed.

Affiant has learned from FBI Agent Scott Zimmerman that 21 packages were delivered to 951 Iglehart on 8-30-2008. Postal carrier PARTYKA stated that the packages were so heavy he could only carry 2 at a time. The packages were sent from Bakersfield, CA. Agent Zimmerman

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has information from a reliable source that the packages contained weapons that are intended to be used during the RNC. Agent Zimmerman has fully identified this source and obtained contact information. Affiant believes that identifying the source in this Affidavit would present a clear danger to the source. For the purpose of this Affidavit, this source will be referred to as Witness number 1.

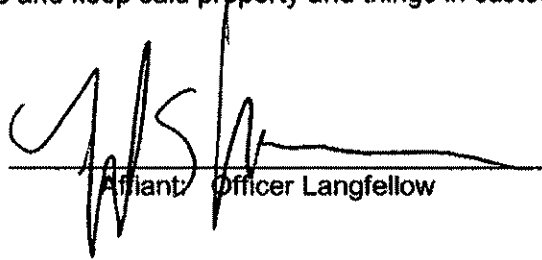
Law Enforcement was conducting surveillance on 951 Iglehart and observed WHALEN got into black Chevrolet Cobalt, MN lic XXM 558 (rented) and left. Law Enforcement followed the vehicle and attempted to stop it. The vehicle fled and was eventually stopped at approximately 1300 hours. WHALEN was in the vehicle and is being detained by police. Officers observed another male get into a vehicle and attempt to leave. Several officers stopped this vehicle and entered the house to prevent others from leaving and the destruction of evidence. There are numerous individuals in the house at this time. Officers have swept the property and made it safe and are awaiting a search warrant.

Through training and experience, Affiant knows that people involved in criminal activity will often use devices to store data and communicate with associates. This data and information is useful to Law Enforcement in determining the extent of the criminal activity and the identity of an offender's associates. Affiant requests that he be allowed to recover any pagers, cell phones, computers, peripheral devices, power cords, and any other devices used for storing data and communicating. Affiant further asks permission to examine the devices and recover any data contained on them for the purpose of investigation.

Affiant presented the above probable cause to the Honorable Judge J. Smith who granted the search warrant. Affiant served the warrant at 951 Iglehart. The structure is a side by side duplex and there is a common entry that also serves 949 Iglehart. Affiant observed that the entire structure is one common living space. Affiant spoke with Michael WHALEN who stated that he does own and control both sides of the structure and both addresses. Affiant made telephone contact with Judge J. Smith and explained the circumstances. Judge J. Smith gave verbal approval by phone at 1506 hours to Affiant to search the entire structure. Affiant now makes written application for a search warrant for 949 Iglehart.

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WHEREFORE, Affiant requests a search warrant be issued, commanding **Officer Langfellow**, (a) peace officer(s), of the State of Minnesota, **between the hours of 7:00 a.m. and 8:00 p.m. only** to search the hereinbefore described Premises, for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.



Affiant: Officer Langfellow

Subscribed and sworn to before me this

30 day of August, 2008
5:25 pm



Judge of District Court

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SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF RAMSEY
COURT

DISTRICT

TO: OFFICER LANGFELLOW, SGT. BRYANT GADEN, SGT. RICH MUNOZ, SGT. JANE MEAD, (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, **Officer Langfellow** has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described Premises:

949 Iglehart, St. Paul, MN 55104

located in the City of St. Paul, County of Ramsey, State of Minnesota for the following described property and things:

Packages and their contents

Firearms

Ammunition, holsters, cleaning equipment for firearms

Weapons or devices that may be used as weapons

Hazardous materials and devices for delivering or deploying hazardous materials against persons or property

Photos and writings which tend to show ownership, use or possession of firearms and/or weapons

Photos, writings or images which show association with or involvement in terrorism, direct violent action, threats to law enforcement and/or government officials,

Mall or other evidence which tends to identify individuals living or staying at this property

Cell phones, computers, pagers, and other communication devices, power cords and chargers

The electronic data contained within the above devices

WHEREAS, the application and supporting affidavit of **Officer Langfellow** was/were duly presented and read by the Court, and being fully advised in the premises.

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

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

The Court further finds that probable cause exists to believe that the above-described property and things will be at the above-described premises, .

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NOW, THEREFORE, YOU Officer Langfellow, THE PEACE OFFICER(S) AFORESAID, ARE HEREBY COMMANDED BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. ONLY TO SEARCH THE DESCRIBED PREMISES, , FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated : August 30, 2008

5:25 p.m.

Joseph M. Smith
JUDGE OF DISTRICT COURT

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STATE OF MINNESOTA, COUNTY OF RAMSEY

DISTRICT COURT

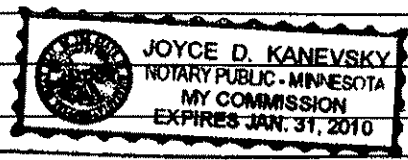
RECEIPT, INVENTORY AND RETURN

I, OFF. D. LANKFELLOW, received the attached search warrant issued by the Honorable J. SMITH, on 30 AVE, 20 08, and have excuted it as follows:

Pursuant to said warrant, on 30 AVE, 20 08, at 3:06 pm 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) 949/951 EGGLEHART, ST. PAUL, MN 55104

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

NOTHING VALUE TAKEN



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.

[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

27 day of Sept, 20 08
RAMSEY

Notary Public County, Minn.

My commission expires JAN 31, 2010

[Signature]
Signature

CN# 08-179-993