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Case/File Number:

15-2031

Division: Criminal Crm:

DISTRICT COURT, EL PASO COUNTY COLORADO  
270 South Tejon Street  
Colorado Springs, Colorado 80903

RE: The business identified as Duke Energy Carolinas, LLC  
150 Fayetteville St.  
Raleigh, NC 27601

Target Identifier: Duke Premise #64874047 and #71206845;

Agency Name: Colorado Springs Police Department Agency Number: 15-47334

**SEARCH WARRANT**

Whereas Detective J. Schiffelbein 3343 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) 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 fourteen (14) days the person, premises, location and any appurtenances thereto, description of which is identified above.

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

See Attachment 'B' which is hereby incorporated in reference

as probable cause has been found to believe that it: (Mark "X" according to fact)

- 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, 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.

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, Thursday, December 03, 2015 at 2:42 AM / (PM)

Judge/Magistrate: [Signature]

DISTRICT COURT, EL PASO COUNTY COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903		▲ COURT USE ONLY ▲  Case/File Number:
RE: The business identified as Duke Energy Carolinas, LLC 150 Fayetteville St. Raleigh, NC 27601  Target Identifier: <b>Duke Premise #64874047 and #71206845;</b>		
Agency Name: Colorado Springs Police Department	Agency Number: 15-47334	Division: Criminal    Ctrm:
<b>APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT</b>		

The undersigned, a peace officer as defined in 16-2.5-101 Colorado Revised Statutes, as amended, being first duly sworn on oath moves the Court to issue a Warrant to search person, premises, location and any appurtenances thereto, description of which is provided above.

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' which is hereby incorporated in reference

The grounds for the seizure of said person(s), property or thing(s) are that probable cause exists to believe that it: (Mark 'X' according to the fact)  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  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,  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 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:  3343  
 Detective J. Schiffelbein 3343

Law enforcement agency: Colorado Springs Police Department.

Sworn and subscribed before me this day Thu, Dec 03, 2015

Judge/Magistrate: 

DISTRICT COURT, EL PASO COUNTY COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903		▲ COURT USE ONLY ▲
RE: The business identified as Duke Energy Carolinas, LLC 150 Fayetteville St. Raleigh, NC 27601 Target Identifier: <b>Duke Premise #64874047 and #71206845;</b>		
Agency Name: Colorado Springs Police Department	Agency Number: 15-47334	Case/File Number:  Division: Criminal    Ctrm:
<b>ATTACHMENT 'A'</b>		

In support of a request for the issuance of a Search Warrant for the business identified as Duke Energy Carolinas, LLC, located at 150 Fayetteville St., Raleigh, NC 27601, to produce records as listed, specifically in Attachment 'B'; your affiant, Detective J. Schiffelbein 3343, a Police Officer for the Colorado Springs Police Department and so employed for over 8 years and now currently assigned to the Violent Crimes-Homicide Unit, state under oath that I have personal knowledge of the following facts:

On November 27, 2015, at approximately 11:30 a.m., the Colorado Springs Police Department received a call for service regarding an active shooter at the Planned Parenthood building, 3480 Centennial Blvd. this location is within the City of Colorado Springs, County of El Paso, State of Colorado.

Upon receiving this call for service, numerous units responded from the Colorado Springs Police Department, as well as the University of Colorado at Colorado Springs Police Department and the El Paso County Sheriff's Department. The initial reports of shots fired indicated there were multiple shots fired; reportedly over 20 being fired from an automatic weapon and that at least one victim had been shot. The initial CSPD and UCCS Officers responded to the scene and immediately came under fire from the area of the Planned Parenthood building.

The initial information indicated that the suspect was described as an older white male with facial hair and was standing near a truck in the parking lot of Planned Parenthood. There was information that the suspect was reported to be shooting a long gun and then was seen walking into the Planned Parenthood building continuing to fire shots.

Information obtained from responding officers indicated there were two people shot and the responding officers continued to be fired upon as they arrived into the area.

During the active shooter response by the Colorado Springs Police Department and El Paso County Sheriff's Office, and University of Colorado at Colorado Springs Police Department, multiple officers were shot and sustained injuries. Officer [REDACTED] of the Colorado Springs Police Department was shot in the left hand. Officer [REDACTED] with the Colorado Springs Police Department Tactical Enforcement Unit was shot in the left leg. Officer [REDACTED] with the Colorado Springs Police Department Tactical Enforcement Unit sustained a gunshot wound to the left hand and left upper arm area. Officer [REDACTED] with the Colorado Springs Police Department sustained a gunshot wound to the upper left arm. Sgt. [REDACTED] with the El Paso County Sheriff's Department sustained a gunshot wound to the right lower leg.

Officer [REDACTED] with the University of Colorado at Colorado Springs Police Department was also shot and he succumbed to his injuries at the scene.

Additionally, when officers were able to enter the building, the body of [REDACTED] DOB: 02/09/86 was located deceased within the front doorway of the Planned Parenthood building. [REDACTED] DOB: 12/22/79 was located deceased in the parking lot of the Planned Parenthood building.

Autopsies were performed by the El Paso County Coroner's Office on 11/30/15 on [REDACTED] and Officer [REDACTED]. At the conclusion of the autopsies the cause of death for all three individuals was determined to be gunshot wounds and the manner to be homicide.

In addition to the three homicide victims and the officers being shot, there were numerous other officers that were shot at and numerous vehicles in the area of the Planned Parenthood building that were impacted by projectiles fired from the immediate area of the Planned Parenthood building. These vehicles included both patrol vehicles, Tactical Enforcement Unit vehicles (SWAT) civilian vehicles parked in the parking lot.

Sgt. [REDACTED] with the Colorado Springs Police Department was acting as a sniper for this response and was setting up in the position to the south of the Planned Parenthood. As he was setting up his position as a sniper, to get a view into the Planned Parenthood building, he came under fire and projectiles impacted a curb line directly in front of where he was positioned.

During the course of this active shooter investigation, Tactical Enforcement Unit Officers reported that the suspect was inside of the Planned Parenthood building and had shot at propane tanks that he had outside of the building next to a vehicle.

The active shooter situation continued for several hours and Tactical Enforcement Unit Officers located numerous witnesses and civilians hiding throughout the building. As they were evacuating these individuals from the building, they heard a male voice call out that he was ready to give up and a male later identified as Robert Lewis Dear Jr. DOB: 04/16/55 surrendered to Tactical Enforcement Unit Officers.

As Robert Dear Jr. was being placed into a patrol car, he began yelling out statements about the killing of babies.

Robert Dear Jr. was interviewed by Detective Schiffelbein with the Colorado Springs Police Department and Detective S. Mackey with the El Paso County Sheriff's Dept. During this interview, Robert Dear Jr. told detectives that he had gone to the Planned Parenthood location because he was upset with Planned Parenthood for performing abortions and the selling of baby parts. Robert Dear Jr. stated he had entered the building with four SKS rifles, after shooting somebody in the parking lot and also shooting up a car in the parking lot as well.

During the course of this interview with Robert Dear Jr., he had told Detective Schiffelbein that he had driven to Colorado Springs from Woodland Park on 11/27/15 and had to stop several places to ask for directions and the address to Planned Parenthood. Robert Dear Jr. indicated that he eventually obtained the address for the Planned Parenthood building after making a telephone call to Planned Parenthood. Robert Dear Jr. stated he had utilized phone books at multiple locations in Colorado Springs and had torn the page containing the Planned Parenthood information out of one phone book. He stated that after receiving this address, he looked at a map that he had in his pickup, which he stated was a 2014 Toyota Tacoma, and then drove to the Planned Parenthood. Robert Dear Jr. told Detective Schiffelbein that in addition to the four SKS rifles he had inside the building, there were at least four other guns within the Toyota Tacoma; two handguns, a shotgun and a rifle.

Robert Dear Jr. also told Detective Schiffelbein that he had brought the propane tanks to the scene with the belief that when he shot them they would explode. Robert Dear Jr. advised that he had in fact shot the propane tanks during this incident, hoping they would explode but they did not.

Robert Dear Jr. continued on by saying that while he was inside of the Planned Parenthood building, he saw a police officer approaching the building with a gun and because of the tint on the window; the officer could not see him. When asked, Robert Dear Jr. stated he knew this was a police officer because the officer was in uniform at the time. Robert Dear Jr. stated that he then shot the police officer through the window. Based on the information provided by Robert Dear Jr., it is believed that this is Officer [REDACTED]

Robert Dear Jr. advised that he had also shot at other officers as they arrived on scene. At the time Robert Dear Jr. was interviewed, he had an injury to his right hand and an injury to his lower abdomen which he said was from being shot by officers. He indicated that he was wearing a homemade ballistic vest during the course of the shooting that was made of silver coins and duct tape.

During the interview Robert Dear Jr. he indicated he had posted messages to the webpage of Paul Hill, and further advised Robert Dear Jr. was somebody he thought very highly of because of the actions he (Paul Hill) had taken against the abortion provider.

Detective Schiffelbein determined that Paul Hill had been convicted of murdering an abortion provider, Dr. [REDACTED] in Florida in 1994, as well as the bodyguard for [REDACTED]

Additionally, Robert Dear Jr. stated he had committed acts against an abortion clinic previously in South Carolina many years ago. He advised he had gone to an abortion clinic and placed superglue in all the door locks of the clinic so they could not get into the building, and he had at least stopped any abortions from occurring that day at that abortion clinic.

Robert Dear Jr. also advised Detective Schiffelbein that his dream was that when he died and went to heaven he would be met by all the aborted fetuses at the gates of heaven and they would thank him what for what he did because his actions saved lives of other unborn fetuses. Robert Dear Jr. also advised he was happy because his actions on November 27, 2015, ensured that no more abortions would be conducted at the Planned Parenthood facility in Colorado Springs.

Additionally, Robert Dear Jr. stated he had committed acts against an abortion clinic previously in South Carolina. He advised he had gone to an abortion clinic and placed superglue in all the door locks of the clinic so they could not get into the building, and he had at least stopped any abortions for occurring that day at that abortion clinic.

Robert Dear Jr. also told Detective Schiffelbein he believes that President Barack Obama is the "antichrist" and referred to Biblical passages that he believed supported his view points. At numerous times during the interview Robert Dear Jr. recited verses from the bible.

Video surveillance footage was obtained from the Planned Parenthood building. In this video, Robert Dear Jr. is seen on the video shooting [REDACTED] and [REDACTED] with a SKS type rifle. This video also shows Officer [REDACTED] when he sustains the gunshot wound and dies. The account provided by Robert Dear Jr. matches the video footage for each of these individuals.

In addition, after the initial shooting of [REDACTED] and [REDACTED], Robert Dear Jr. is seen shooting out the glass portion of window to an employee entrance door. Robert Dear Jr. then enters the building for a short period of time, and then returns to his Toyota Tacoma in the parking lot and retrieves more items and takes them into Planned Parenthood. Robert Dear Jr. then exits the building again and goes to his Toyota Tacoma and is seen setting up propane tanks in the parking lot near another vehicle.

[REDACTED] F [REDACTED] DOB: 02/17/1983, was interviewed by Detective J. Somosky with the Colorado Springs Police Department Homicide Unit. [REDACTED] F [REDACTED] advised he had gone to Planned Parenthood with his girlfriend, S [REDACTED] W [REDACTED], and her friend, [REDACTED] W [REDACTED] F [REDACTED] advised S [REDACTED] W [REDACTED] was pregnant and they were going to the Planned Parenthood Facility to terminate the pregnancy of S [REDACTED] W [REDACTED]. He advised that [REDACTED] went with him and S [REDACTED] W [REDACTED] to provide support for S [REDACTED] W [REDACTED]. According to V [REDACTED] F [REDACTED], when they arrived at Planned Parenthood they parked in the parking lot, and as they were getting out of the vehicle, a male on the passenger side of the vehicle made a statement saying they shouldn't have come here today. W [REDACTED] F [REDACTED] advised this male then began shooting and he was shot multiple times, as were Jennifer Markovsky and S [REDACTED] W [REDACTED].

Detective Schiffelbein was able to briefly interview S [REDACTED] W [REDACTED] but a full interview has not been able to be completed because of her medical condition. S [REDACTED] W [REDACTED] advised she had gone to Planned Parenthood on November 27, 2015, and when she arrived, she was approached by a male in the parking lot who told her she should not have come to Planned Parenthood and this male then shot her multiple times.

[REDACTED] had gone to Planned Parenthood on November 27, 2015, with his girlfriend [REDACTED]. [REDACTED] had received an ultrasound, and [REDACTED] went outside to use his phone after his payment by credit card was rejected, so he could contact his bank. [REDACTED] was outside when he was shot by Robert Dear Jr. At the time the shooting began, [REDACTED] was still inside the Planned Parenthood Facility.

Agent Joseph Cahill with the Colorado Bureau of Investigation conducted an interview with S [REDACTED] B [REDACTED], who is the girlfriend of Robert Dear Jr. She advised that she and Robert Dear Jr. had been together since June 2009. She advised that Robert Dear Jr. had anti-abortion views and had talked about Paul Hill. S [REDACTED] B [REDACTED] advised Robert Dear Jr. talked about Paul Hill after driving past an abortion clinic in North Carolina, as well as when he learned that Colorado Springs had an abortion clinic.

Robert Dear Jr. has two properties in North Carolina, and per county records are exclusively in his name. These addresses are 215 Long Branch Road, Swannanoa, North Carolina, and 105 Anderson Acres, Black Mountain, North Carolina.

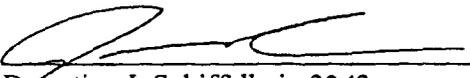
The Federal Bureau of Investigation has assisted the Colorado Springs Police Department in obtaining information for these residences and have determined that property is still within these residences, and there is a vehicle registered to Robert Dear Jr. still parked at one of the residences, but both residences appear that nobody is currently occupying them.

The utilities at both of these addresses in North Carolina are provided by Duke Energy Carolinas, LLC. The account number for the utilities account at 215 Long Branch Road, Swannanoa is Duke Premise #64874047. The account at 105 Anderson Acres is Duke Premis3 #71206845.

FBI Task Force Officer Cody Muse has spoken with Duke Energy Carolinas, LLC, and they have acknowledged they will honor a warrant from Colorado.

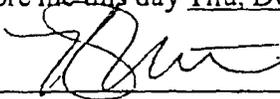
The information pertaining to the utilities at these addresses is requested to determine if Robert Dear Jr. still has utilities at these location, or when the utilities were last active to determine if a search warrant will be sought for these addresses in North Carolina. Information contained in these residences may be of material evidence in this investigation.

Your Affiant has checked and verified that the service for the target identified as Duke Premise #64874047 and #71206845 is provided by Duke Energy Carolinas, LLC. Your Affiant has received training in conducting investigations involving social networking and cellular communications service providers such as, Duke Energy Carolinas, LLC. Your Affiant has personal knowledge that Duke Energy Carolinas, LLC will accept service of Search Warrants issued from other states.

Applicant:  3343D  
Detective J. Schiffelbein 3343

Law enforcement agency: Colorado Springs Police Department

Sworn and subscribed before me this day Thu, Dec 03, 2015

Judge/Magistrate: 

DISTRICT COURT, EL PASO COUNTY COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903		
RE: The business identified as Duke Energy Carolinas, LLC 150 Fayetteville St. Raleigh, NC 27601 Target Identifier: <b>Duke Premise #64874047 and #71206845;</b>		▲ COURT USE ONLY ▲ Case/File Number:
Agency Name: Colorado Springs Police Department      Agency Number: 15-47334		Division: Criminal      Ctrm:
<b>ATTACHMENT 'B'</b>		

The following record(s) will be searched for and if found seized:

**OTHER RECORDS**

Target identifier: **Duke Premise #64874047 and #71206845;**

- Utility Information specific to 215 Long Branch Branch Rd., Swannanoa, NC 28778 (Duke Premise #64874047), to include the dates utilities were active at this location in the name of Robert Dear Jr., and if there have been any additional utility account holders at this addresss since Robert Dear Jr.
- Utility Information specific to 105 Anderson Acres, Black Mountain, NC 28711 (Duke Premise #71206845), to include the dates utilities were active at this location in the name of Robert Dear Jr., and if there have been any additional utility account holders at this addresss since Robert Dear Jr.

----- NO OTHER ITEMS ARE SOUGHT FOR SEIZURE -----

<b>DISTRICT COURT, EL PASO COUNTY, STATE OF COLORADO</b> Address: 270 South Tejon Street PO Box 2980 Colorado Springs, Colorado 80903		▲ COURT USE ONLY ▲ Case/File Number: <p style="text-align: center;"><b>15-2031</b></p> Division:                      Courtroom:
State of Colorado in the matter of: Search Warrant Duke Energy Carolinas, LLC 150 Fayetteville St., Raleigh, NC 27601		
Agency: Colorado Springs Police Department	Offense No. 15-4473	
<b>REPORT OF EXECUTION OF SEARCH WARRANT</b>		

On 12/03/2015, a Search Warrant was issued by the County Court for El Paso County and State of Colorado, directing that a search may be made of the following described premise, location, or person:

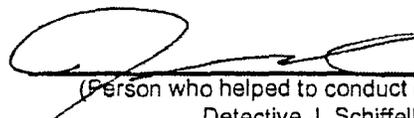
Duke Energy Carolinas, LLC  
 150 Fayetteville St., Raleigh, NC 27601

And on 12/03/2015, the undersigned, as one of the persons authorized to conduct such a search and seizure, conducted such search, and reports the following was found and seized:

Quantity	Description	Evidence No.
1	Duke Energy Carolinas, LLC Information	200888019

The undersigned does further inform the Court that if property was seized, that the person from whose premises the items were taken was furnished with a copy of the search warrant, as well as a copy of this inventory of the goods seized.

DONE this day, Tuesday December 8, 2015 12:50 PM MST

  
 \_\_\_\_\_ 33431)  
 (Person who helped to conduct the search and seizure)  
 Detective J. Schiffelbein, 3343D  
 Colorado Springs Police Department