

MANES, MARK

JC-001-025737

IN THE _____ COURT IN AND FOR
THE COUNTY OF JEFFERSON
NO. _____ DIV. _____

4292

SEARCH WARRANT

TO: INVESTIGATOR KATE BATTAN, an officer authorized by law and any other officer authorized to execute search warrants within the County of DENVER, State of Colorado.

INVESTIGATOR KATE BATTAN, having this date filed an affidavit for a search warrant in conformity with the provisions of Rule 41, Colorado Rule of Criminal Procedure and C.R.S. 16-3-301, et. seq., as amended, for the following described PROPERTY, to wit:

All bank records for Mark Manes, to include account #103699324796, and debit card receipt reference number 24455018214821690012359, purchase from Eagle Enterprise, and any merchant information regarding Eagle Enterprise.

Believed to be situated AT THE BUSINESS known and described as:

US Bank, Legal Department, 950 17th Street, Suite 600, Denver, Colorado.

Upon one or more grounds set forth in Rule 41, Colorado Rules of Criminal Procedure and C.R.S. 16-3-302, as amended, namely:

- Which is stolen or embezzled; or
- Which is designed or intended for use as a means of committing a criminal offense; or
- X Which is or has been used as a means of committing a criminal offense; or
- The possession of which is illegal; or
- X Which would be material evidence in a subsequent criminal prosecution in this state or in another state; or
- X Other: ANY DOCUMENTS AND/OR PAPERS TENDING TO SHOW OCCUPANCY OR CONTROL OF SAID ACCOUNT.

I am satisfied that there is probable cause to believe that the property so described is located within the BUSINESS above described, and at the grounds for this search warrant exist.

YOU ARE THEREFORE COMMANDED to search the place above described for the property above described, and seize those items described.

YOU ARE FURTHER COMMANDED to leave a copy of the search warrant and receipt for the property taken with the person from whom or from whose premises the property is taken; or, in lieu thereof, to leave a copy of the search warrant and receipt at the place from which the property is taken.

YOU ARE FURTHER COMMANDED to make return of this search warrant and a written inventory of the property taken to the undersigned judge within ten days from date hereof.

On the basis of the information set forth in the affidavit and pursuant to C.R.S. 16-3-301, et. seq., as amended, YOU ARE AUTHORIZED to execute this search warrant in the manner set forth above, with the following special conditions, to wit: _____

Dated this 5th day of May, A.D. 19 99

BY THE COURT:

Henry H. Hitt

JUDGE



JUDGE

COURT, JEFFERSON COUNTY, COLORADO

INVESTIGATOR KATE BATTAN,

being duly sworn upon oath says:

That the foregoing offense(s) alleged was committed of this affiant's own personal knowledge, and the facts stated therein are true.

Your affiant is of lawful age and a sworn peace officer of the Jefferson County Sheriff's Office, Golden, Colorado, in the County of Jefferson.

Your affiant states that the following facts are true and based upon his/her personal knowledge, as a result of his/her conversations with the person(s) named herein and reviewing their written reports.

On April 20, 1999, at about 11:20 a.m., Jefferson County Sheriff's Dispatch received a 9-1-1 call reporting that there was a shooting in the parking lot at Columbine High School located at 6201 South Pierce Street, County of Jefferson, State of Colorado.

Upon arrival, Jefferson County Sheriff's Deputies Scott Taborsky and Eric Miller observed numerous students who were yelling and screaming as they ran out of the school. Deputies Taborsky and Miller also heard what they believed to be gunshots coming from inside the school. Deputies Taborsky and Miller were told by numerous students that people had been shot inside the school.

Your affiant subsequently learned that 15 individuals were killed within Columbine High School during the incident as the result of gunshot wounds. Your affiant further learned that two of the decedents, Dylan Bennet Klebold, dob/09-11-81, and Eric David Harris, dob/04-09-81, were the suspects who had shot the 13 decedents, and had injured approximately 25 other students.

On April 21, 1999, crime scene personnel, led by Technician Chris Andrist, provided the serial numbers and model numbers of the four guns used by Klebold and Harris in the shooting at Columbine High School. Those weapons included two shotguns, a high point 9mm carbine rifle, and an Intratec model TEC-DC9, 9mm handgun, serial #D076305.

The Bureau of Alcohol, Tobacco, and Firearms (ATF) Special Agent Marcus Motte subsequently traced the TEC 9mm handgun to various owners beginning on September 5, 1997. Special Agent Motte discovered that the gun had been registered to a business, "Just Guns," owned by Royce Spain. The TEC-9 was then purchased or transferred to the personal property of Royce Spain on June 2, 1998. Special Agent Motte interviewed Royce Spain who said he transferred several guns, to include the TEC-9, to a long time friend of his identified as Larry Russell. Special Agent Motte subsequently interviewed Russell, who confirmed that he obtained 30 to 40 firearms from Royce Spain, and sold them at the Tanner Gun Show located at I-25 and 58th Avenue in Denver, Colorado.

Russell said he obtained a Federal Firearms License in October of 1998, and did not show any record of selling the 9mm TEC-9 handgun, and therefore, believes that it would have been sold prior to October of 1998, when he was not required to keep such records. Russell further told Special Agent Motte that he does not know the identify of the individual who purchased the TEC-9.

On April 25, 1999, Special Agent Motte interviewed Phillip Duran, dob/11-28-76, who reported that his friend, Mark Manes, had sold a 9mm TEC-9 handgun to Dylan Klebold and Eric Harris, who he had worked with at Blackjack Pizza. Duran told Special Agent Motte that Harris and Klebold had approached him about buying a gun, and Duran gave them Mark Manes' telephone number. Duran also reported that after Manes sold the gun to Harris and Klebold, he received \$125.00 from Harris and Klebold, which he gave to Mark Manes as the balance due for the purchase of the TEC-9.

Sworn to before me this _____

y of _____, 19 _____

JUDGE

JC-001-025739

COURT, JEFFERSON COUNTY, COLORADO

INVESTIGATOR KATE BATTAN,

being duly sworn upon oath says:

that the foregoing offense(s) alleged was committed of this affiant's own personal knowledge, and the facts stated therein are true.

On April 30, 1999, at about 10:20 a.m., ATF Special Agents Marcus Motte and Larry Krisl interviewed Mark Edward Manes, dob/03-25-77, at the Bureau of Alcohol, Tobacco, and Firearms located at 1961 South Stout Street, Suite #630, Denver, Colorado 80202. Also present was Manes' attorney, Robert Ransome, as well as Jefferson County Assistant District Attorney Brian Boatright, and your affiant. Manes told your affiant that he had purchased the Intratec model TEC-DC9 9mm pistol, serial #D076305, from the Tanner Gun Show located at I-25 and 58th Avenue in Denver, Colorado, on August 2, 1998. Manes told your affiant sometime after he purchased the TEC-9, his friend, Phillip Duran, told him that he worked with "two guys" at Blackjack Pizza who wanted to buy a TEC-9. Manes stated that on January 23, 1999, he went to the Tanner Gun Show located at I-25 and 58th Avenue, with Duran, and at this gun show he purchased a Ruger .45 caliber pistol. Manes then provided a copy of that receipt to show the date was in fact January 23, 1999. Manes said that during this gun show, he met Eric Harris and Dylan Klebold, and Duran told him that Eric Harris was the person who wanted to buy his TEC-9. Manes said he had a short conversation with Harris and told him he would sell his TEC-9 to him for \$500.00. Manes said he told Duran to give Harris his cell phone number if he was interested in purchasing the gun. Manes stated that on the evening of January 23, 1999, he received a telephone call from Klebold, who obtained directions to Manes' residence at 6002 West Alder Avenue, County of Jefferson, State of Colorado, and a short time later, arrived at the residence. Manes said he showed Klebold the TEC-9 9mm pistol, and Klebold gave him \$300.00 as a down payment for the purchase for the pistol. Manes then gave the pistol to Klebold, who left the residence. Manes indicated that approximately two weeks later, he received the balance of \$200.00 from Duran who had received it from Harris and Klebold. Manes stated that he knew Harris and Klebold were not 21; however, thought that they were 18 years old. Manes also stated that he went shooting with Harris on three occasions, and Klebold on two occasions. During all three of those times, Harris and Klebold had the TEC-9, as well as a 9mm rifle which they were shooting. Manes also advised the last time he went shooting with Harris and Klebold was March 6, 1999, at which time they had the TEC-9, the 9mm rifle, and two sawed off shotguns, which Manes described as being "way, way too short." Manes stated that on the Thursday prior April 20, 1999, he received a phone call from Harris asking him to purchase two boxes of 9mm ammunition for him. Manes said he did in fact purchase two boxes of 9mm ammunition at K-Mart on Monday, April 19, 1999. Manes said on Monday night, April 19, 1999, after the purchase, he gave the two boxes of 9mm ammunition to Harris who gave him \$25.00.

Special Agent Motte asked Manes why he bought ammunition for Harris and Klebold, and he advised that he thought you had to be 21 to buy ammunition for handguns. Manes again said he was under the assumption that Klebold and Harris were Seniors, and they were both 18 years old. Manes then said after he sold them the TEC-9, he knew that they were not 18, but felt that he could not go and take the gun back. Manes then corrected himself and said that he was never actually told that Harris and Klebold were under 18, but he "assumed" they were under 18. Manes also made the statement that he "assumed" that Harris and Klebold were 17 years old. Special Agent Motte asked Manes if this was an assumption that he had when he sold Harris and Klebold the TEC-9 pistol, and Manes responded, "Yes."

Manes told Special Agent Motte when he purchased the TEC-9 at the Tanner Gun Show on August 2, 1998, he used his debit card. Manes later provided Special Agent Motte with his US Bank statement, account #103699324796, showing the purchase occurred on August 2, 1998, from Eagle Enterprise for \$491.00. The statement shows a reference number of 24455018214821690012359. Manes could provide no additional information for Eagle Enterprise.

Special Agent Motte spoke with Sandy Dimmitt of US Bank. Dimmitt stated she could provide a copy of the transaction if she

Sworn to before me this _____

of _____, 19 _____

JC-001-025740

JUDGE

COURT, JEFFERSON COUNTY, COLORADO

INVESTIGATOR KATE BATTIAN,

being duly sworn upon oath says:

that the foregoing offense(s) alleged was committed of this affiant's own personal knowledge, and the facts stated therein are true.

was provided with a subpoena or search warrant.

Based upon the aforementioned information, your affiant respectfully requests that the court issue a search warrant for the business located at US Bank, Legal Department, 950 17th Street, Suite 600, City of Denver, County of Denver, State of Colorado, described as:

US Bank, Legal Department, 950 17th Street, Suite 600, Denver, Colorado

For the purpose of searching for the following:

All bank records for Mark Manes, to include account #103699324796, and debit card receipt reference number 24455018214821690012359, purchase from Eagle Enterprise.

Any merchant information regarding Eagle Enterprise.

Your affiant further requests that this affidavit and warrants or orders resulting from this affidavit be sealed by the court to preserve the integrity of the on-going criminal investigation.

Approved *Henry J. Fietz*
Judge

Kate Battian
Sworn to before me this 5th
of May, 19 99
Henry J. Fietz
JUDGE



JC-001-025741

COUNTY OF JEFFERSON)
)
STATE OF COLORADO)

RETURN AND INVENTORY

I, Marcus Motte, received the within Search Warrant on this 5th day of May, 1999, and executed it as follows:

On May 6, 1999, at 9:00 am, I searched the Business described in the Search Warrant and left a copy of the Search Warrant with:

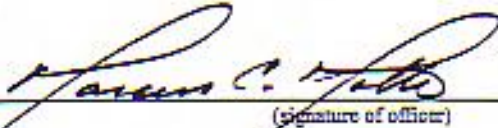

Sandy Dimmitt
(occupant's name)

OR
(at address of search)

The following is an inventory of property taken pursuant to the Search Warrant:

- Copies of Bank Statements
- Copy of Signature card

Note: Additional records will be provided as they become available.

This inventory was made by , in the presence of , and is a true and detailed account of all

(signature of officer)
(signature of another officer or credible person)

property taken pursuant to the Search Warrant.