

FILED

JUN 01 2016

CARVER COUNTY COURTS

STATE OF MINNESOTA

COUNTY OF CARVER

DISTRICT COURT

FIRST JUDICIAL DISTRICT

Court File Number Not Applicable

In Re Search Warrant pertaining to Sprint Wireless Cellular Tower Data ("Tower Dumps") identifying all originating or terminating Sprint cell phone transmissions for the area near 7801 Audubon Road, Chanhassen, Carver County, from the dates of April 20-21, 2016.

DISTRICT COURT ORDER SEALING SEARCH WARRANT PURSUANT TO MINN. R. CRIM. PRO 33.04

The undersigned has reviewed the *ex parte* motion of Mark Metz, Carver County Attorney, for a District Court Order sealing the above-named search warrant and all accompanying documents because disclosure of said documents could create a risk of a search or a related search to become unsuccessful or severely hamper an ongoing investigation.

FINDINGS OF FACT

1) The Carver County Sheriff is conducting a lawful investigation into circumstances surrounding the sudden death of Prince Rogers Nelson, aged 57, the musical superstar known better simply as Prince.

2) There is unrelenting, worldwide media coverage on the circumstances surrounding the death of Prince.

3) Until this investigation is complete, criminal charges are brought (if any) or barring further order of the court, data collected in the course of this death investigation is classified as confidential law enforcement data under Minnesota Law.

4) This Court finds reasonable grounds exist to believe that making this search warrant public could create a risk of a search or a related search to become unsuccessful or severely hamper an ongoing investigation.

CONCLUSION OF LAW

This Court must issue an Order sealing this search warrant since through its *ex parte* motion; the Carver County Attorney's Office has met its legal burden set forth in Minn. Crim. Pro. 33.04(d), thereby relieving the government of having to comply with the ordinary search warrant filing requirements as set forth in Minn. Stat. §626.15 and §626.17

ORDERS

1) That the above-referenced search warrant and all accompanying documents shall not be filed as a public document within ten days of its execution to the Carver County Court Administrator's Office.

2) In lieu of filing as a public document, the search warrant and all accompanying documents shall instead be kept securely under lock and seal under the

direction of the Carver County Court Administrator until commencement of criminal proceedings or 180 days from the date of this order, whichever occurs first.

3) That the *ex parte* motion of Carver County Attorney Mark Metz and this Order Sealing Search Warrant shall also be kept securely under lock and seal with the original search warrant and accompanying documents under the direction of the Carver County Court Administrator until commencement of criminal proceedings or 180 days from the date of this order, whichever occurs first.

4) Any applicable E-Filing requirements are hereby waived and no data entry into MNCIS or other similar computer database shall be made.

Dated this 1 day of June, 2016.


Judge of District Court

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**PROSECUTOR'S REQUEST TO SEAL SEARCH
WARRANT PURSUANT TO MINN. R. CRIM. PRO. 33.04(d)**

PROSECUTOR'S EX PARTE REQUEST

Carver County Attorney Mark Metz requests that the above-entitled Application for Search Warrant, Search Warrant, Supporting Affidavit[s], Inventory and Receipt not be filed with the District Court within ten days of the warrant's execution as normally required by Minn. Stat. §626.15 (Execution and Return of Warrant; Time) and Minn. Stat. §626.17 (Return and Inventory).

County Attorney Metz requests that this warrant and accompanying documents instead be sealed pursuant to the provisions of Minnesota Rules of Criminal Procedure 33.04(d) (2016).

Minnesota Rule of Criminal Procedure 33.04(d) provides that an order sealing a search warrant and accompanying documents must be issued granting the prosecutor's

request if, based on a statement signed under penalty of perjury pursuant to Minn. Stat. § 358.116, the Court finds reasonable grounds exist to believe that making the search warrant and related documents public may cause the search or a related search to be unsuccessful, create a risk of injury to an innocent person, or severely hamper an ongoing investigation.

The specific reasons for this request to seal the search warrant and accompanying documents are as follows:

1) Prince Rogers Nelson, aged 57, known better simply as Prince, suddenly died April 21, 2016, at his residence known as Paisley Park, 7801 Audubon Road, Chanhassen, Carver County, Minnesota.

2) As of this date, an autopsy as conducted by the Midwest Medical Examiner's Office in Ramsey, Minnesota, is still pending. In part, related toxicological findings are not yet available.

3). Beyond public law enforcement data already disclosed, other data collected as part of this active and on-going death investigation constitutes *confidential data* as classified by Minn. Stat. Stat. §13.82, Subd. 7 (criminal investigative data).

4) Upon information and belief, Prince was and currently remains one of the best-selling iconic pop musicians of all time.

5) There will likely remain intense media scrutiny upon the manner and circumstances of Prince's death for the foreseeable future, particularly since the popular media has now widely reported prescription opiate use by Prince. In addition, the

Carver County Sheriff's Office has received information that such prescription opiates may have been provided to Prince by a third party or parties; that Prince was going through withdrawal symptoms; and that Prince was about to meet with medical professionals to deal with his alleged abuse of prescription medications.

6) Premature disclosure of data contained in this search warrant and the fruits of its search could cause potential suspects to flee; result in potential evidence being altered or destroyed; potentially provide an incentive for collusion of testimony between potential co-conspirators; give effective notice such that other suspects are on notice of a potential investigation, surveillance or search; may motivate witness tampering schemes; and may compromise potential witness statements if media representatives interview witnesses before law enforcement investigators.

7) Therefore, public filing of this search warrant within ten days of its execution could create a risk of a search or a related search to become unsuccessful or severely hamper an ongoing investigation.

Pursuant to Minn. Stat. §358.116, I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated this 1st day of June, 2016, in Carver County, Minnesota.



Mark Metz
Carver County Attorney
Carver County Justice Center
604 East Fourth Street
Chaska, Minnesota 55318