

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

IN THE MATTER OF
VANSICE VEHICLES

FILED

CASE NO. SWSW0002810

2017 OCT 17 PM 2:59

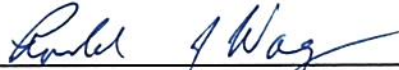
ORDER SEALING DOCUMENTS

BE IT REMEMBERED on this 17th day of October, 2017, the above-entitled matter came before the Court on the State's Application to Seal Documents.

The Court, having reviewed the Application, the search warrant, attachments, and Return, and further being advised in the premises and the nature of the ongoing investigation being conducted by the State, concludes that there is a substantial probability that the State's ongoing investigation would be severely compromised if the documents were to be made public. This is so because the documents contain information that potential suspects could use to avoid detection, and information that should remain confidential in case such information could later be used to corroborate any possible future confessions. Accordingly, in applying the balancing test set forth in In Re Search Warrant for Secretarial Area of the Office of Gunn, 855 F.2d 569 (8th Cir. 1988), the Court concludes that the Application for Search Warrant and related documents should be sealed, together with the State's Application to Seal Documents and the instant Order.

Pursuant to Gunn, however, the docket sheets shall remain unsealed.

IT IS, THEREFORE, ORDERED that the Application for sealing the search warrant, supporting affidavits, the search warrant itself, related documents, record of search warrant proceedings, as well as this Application to Seal Documents filed by the State shall be sealed by the Clerk of District Court for Cerro Gordo County, Iowa, for 1 year from the file stamped date of this order. The docket sheet, however, will remain unsealed.



(MAGISTRATE)(ASSOCIATE)(SENIOR)(DISTRICT) JUDGE
OF THE SECOND JUDICIAL DISTRICT OF IOWA

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

IN THE MATTER OF
VANSICE VEHICLES

FILED
2017 OCT 17 PM 2:59

CLERK OF DISTRICT COURT
CERRO GORDO COUNTY, IOWA

CASE NO. SWSW0002810

APPLICATION TO SEAL DOCUMENTS

COMES NOW the State of Iowa, by Carlyle D. Dalen, County Attorney, and states the following to the Court:

1. That on February 28, 2017, a search warrant was presented to the Court. Upon finding probable cause, a search warrant was issued.

2. At the present time, the State is conducting an ongoing investigation of the incident.

3. The State surmises that there is a substantial probability that the State's ongoing investigation would be severely compromised if the documents are not sealed. These documents contain information concerning essential facts in this investigation, and the investigation will be substantially compromised if information contained in the search warrant is prematurely released to the news media or to the suspect. Also, the rights to a fair trial of any potential defendant will be compromised by release of the information to the news media.

4. The State requests that the Application for Search Warrant, attachments thereto, and the District Court Judge's Endorsement, the search warrant, and the Return on search warrant, including any record of search warrant proceedings be sealed.

5. The public and the press have a right to immediate access to documents filed in Court based upon both common law and the First Amendment. However, the right to public access is not an absolute right; it is rather a qualified right. In Re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8TH Cir. 1988). Also see Certain Interested Individuals v. The Pulitzer Publishing Company, 895 F.2d 460, 462 (8th Cir. 1990).

6. The parties seeking sealing of these documents have the burden to show that such a restriction of First Amendment right of public access is necessitated by a compelling government interest. If the documents are not sealed, then the investigation of the underlying

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

IN THE MATTER OF
VANSICE VEHICLES

CASE NO.

ORDER SEALING DOCUMENTS

FILED

2017 MAR 20 AM 10:04

CLERK OF DISTRICT COURT
CERRO GORDO COUNTY, IOWA

BE IT REMEMBERED on this 9 day of March, 2017, the above-entitled matter

came before the Court on the State's Application to Seal Documents.

The Court, having reviewed the Application, the search warrant, attachments, and Return, and further being advised in the premises and the nature of the ongoing investigation being conducted by the State, concludes that there is a substantial probability that the State's ongoing investigation would be severely compromised if the documents were to be made public.

This is so because the documents contain information that potential suspects could use to avoid detection, and information that should remain confidential in case such information could later be used to corroborate any possible future confessions. Accordingly, in applying the balancing test set forth in In Re Search Warrant for Secretarial Area of the Office of Gunn, 855 F.2d 569 (8th Cir. 1988), the Court concludes that the Application for Search Warrant and related documents should be sealed, together with the State's Application to Seal Documents and the instant Order.

Pursuant to Gunn, however, the docket sheets shall remain unsealed.

IT IS, THEREFORE, ORDERED that the Application for sealing the search warrant, supporting affidavits, the search warrant itself, related documents, record of search warrant proceedings, as well as this Application to Seal Documents filed by the State shall be sealed by the Clerk of District Court for Cerro Gordo County, Iowa, for 180 days from the file stamped date of this order. The docket sheet, however, will remain unsealed.



(MAGISTRATE)(ASSOCIATE)(SENIOR)(DISTRICT) JUDGE
OF THE SECOND JUDICIAL DISTRICT OF IOWA

FILED

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

IN THE MATTER OF
VANSICE VEHICLES

2017 MAR 20 AM 10:06
CLERK OF THE DISTRICT COURT
CERRO GORDO COUNTY, IOWA

CASE NO.

APPLICATION TO SEAL DOCUMENTS

COMES NOW the State of Iowa, by Carlyle Dalen, County Attorney, and states the following to the Court:

1. That on February 28, 2017, a search warrant was presented to the Court. Upon finding probable cause, a search warrant was issued.

2. At the present time, the State is conducting an ongoing investigation of the incident.

3. The State surmises that there is a substantial probability that the State's ongoing investigation would be severely compromised if the documents are not sealed. These documents contain information concerning essential facts in this investigation, and the investigation will be substantially compromised if information contained in the search warrant is prematurely released to the news media or to the suspect. Also, the rights to a fair trial of any potential defendant will be compromised by release of the information to the news media.

4. The State requests that the Application for Search Warrant, attachments thereto, and the District Court Judge's Endorsement, the search warrant, and the Return on search warrant, including any record of search warrant proceedings be sealed.

5. The public and the press have a right to immediate access to documents filed in Court based upon both common law and the First Amendment. However, the right to public access is not an absolute right; it is rather a qualified right. In Re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8TH Cir. 1988). Also see Certain Interested Individuals v. The Pulitzer Publishing Company, 895 F.2d 460, 462 (8th Cir. 1990).

6. The parties seeking sealing of these documents have the burden to show that such a restriction of First Amendment right of public access is necessitated by a compelling government

interest. If the documents are not sealed, then the investigation of the underlying incident would be detrimentally affected because all of the information contained in the application for the warrant would be available to anyone who is or may become a suspect in this case. As is apparent from the face of the application, it contains information about this case which should be confidential to allow further investigation. If certain information in the application for search warrant is made available to any potential suspects, then they would be able to know what information to hide and what information not to hide. Also, the application contains information about the crime which could be used to corroborate a confession if one is ever obtained. If the information is released to the public, the information would lose its corroborative value. The Application also contains information regarding known locations, investigative techniques, confidential informants, and the identity of current suspects under investigation.

7. The State is requesting the document(s) to be sealed for 180 days.

8. If the Court decides to seal said documents, it must explain why sealing such documents was necessary, and why less restrictive alternatives were not appropriate. The Court's findings may be sealed, but it is improper to seal the docket sheets.

WHEREFORE, the State requests the Court to enter an Order sealing the documents identified above.

Respectfully submitted this 9th day of March, 2017.



Carlyle Dalen
Cerro Gordo County Attorney

IN THE DISTRICT COURT FOR CERRO GORDO COUNTY

FILED

STATE OF IOWA, 2017 MAR 20 AM 10:04)
PLAINTIFF)
CLEAR &)
CERRO GORDO COUNTY, IOWA)
)
)
)
)

COURT NO. 8WSW002810

APPLICATION FOR SEARCH WARRANT
IOWA CODE SECTION 808.3

STATE OF IOWA)
COUNTY OF CERRO GORDO)

I, **Terrance Prochaska**, being duly sworn, say that at the place [and on the person(s) and in the vehicle(s)] described as follows:

- 1999 Honda Civic VIN#2HGEJ8642XH577650 Registered to 4061 E. Ludlow Drive Phoenix AZ (Vansice Residence)
- 2013 GMC 1500 VIN#1GTN1TE09DZ337975 Registered to 4061 E. Ludlow Drive Phoenix AZ (Vansice Residence)
- Any vehicle operated or containing Arthur John Vansice DOB 02/19/1946

in CERRO GORDO COUNTY, there is now certain property, namely:

It is requested that law enforcement officials, Special Agents and their authorized representatives be allowed to surreptitiously enter the above described subject vehicle(s) for the explicit purpose of installing and removing said electronic tracking device, and to re-enter the subject vehicle at any time to make mechanical adjustments should the device be rendered inoperable and that subject vehicle(s) be allowed to be removed from its location so that these functions may be accomplished in order to avoid detection, but in no event shall officials or agents enter into any non-commercial garage or residence to accomplish these functions.

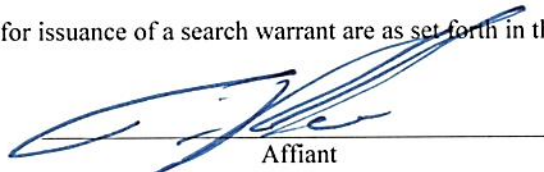
In light of the nature of this investigation and this affidavit, this affiant requests that this affidavit be sealed until further order of the court upon completion of the investigation.

This affiant respectfully requests that the court issue a search warrant authorizing law enforcement officials and/or their authorized representatives to install, monitor, maintain, service, repair, and ultimately remove a mobile tracking device in or on the subject vehicle(s) for a period of thirty days following the issuance of the search warrant, including signals produced from inside private garages and other locations no open to public or visual surveillance, and signals produced in the event that the subject vehicle(s) leave the jurisdiction of the 2nd Judicial District, Cerro Gordo County, Iowa.

which is:

- Property that has been obtained in violation of law.
- Property, the possession of which is illegal.
- Property used or possessed with the intent to be used as the means of committing a public offense or concealed to prevent an offense from being discovered.
- Property relevant and material as evidence in a criminal prosecution.

The facts establishing the foregoing ground(s) for issuance of a search warrant are as set forth in the attachments which are made part of this affidavit.


Affiant

Subscribed and sworn to before me this 28th day of February, 2017.

Paul J. Way
Magistrate/Judge

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

FILED

State of Iowa,
Plaintiff

2017 MAR 20 AM 10:04
CLERK OF DISTRICT COURT
CERRO GORDO COUNTY, IOWA

COURT NO. SW8W002810

SEARCH WARRANT
Iowa code Chapter 808

TO ANY PEACE OFFICER IN THE STATE OF IOWA:

Based on sworn application made to the Court, I have found that probable cause exists to believe that at the place [and on or otherwise in the possession of the person(s) and in the vehicle(s)] described as follows:

- 1999 Honda Civic VIN#2HGEJ8642XH577650 Registered to 4061 E. Ludlow Drive Phoenix AZ (Vansice Residence)
- 2013 GMC 1500 VIN#1GTN1TE09DZ337975 Registered to 4061 E. Ludlow Drive Phoenix AZ (Vansice Residence)
- Any vehicle operated or containing Arthur John Vansice DOB 02/19/1946

In CERRO GORDO COUNTY, there is now certain property, namely:

It is requested that law enforcement officials, Special Agents and their authorized representatives be allowed to surreptitiously enter the above described subject vehicle(s) for the explicit purpose of installing and removing said electronic tracking device, and to re-enter the subject vehicle at any time to make mechanical adjustments should the device be rendered inoperable and that subject vehicle(s) be allowed to be removed from its location so that these functions may be accomplished in order to avoid detection, but in no event shall officials or agents enter into any non-commercial garage or residence to accomplish these functions.

In light of the nature of this investigation and this affidavit, this affiant requests that this affidavit be sealed until further order of the court upon completion of the investigation.

This affiant respectfully requests that the court issue a search warrant authorizing law enforcement officials and/or their authorized representatives to install, monitor, maintain, service, repair, and ultimately remove a mobile tracking device in or on the subject vehicle(s) for a period of thirty days following the issuance of the search warrant, including signals produced from inside private garages and other locations not open to public or visual surveillance, and signals produced in the event that the subject vehicle(s) leave the jurisdiction of the 2nd Judicial District, Cerro Gordo County, Iowa.

THEREFORE, you are commanded to make immediate search of the described place [and person(s) and vehicle(s)] for the specified property; to seize the specified property if found, leaving a receipt for the seized property at the place of the search; to prepare a written inventory of the property seized; to return this warrant together with the written inventory; and to bring the seized property before me.

Dated this 28th day of February, 2017.

Robert J. Way
Magistrate/Judge

Return in Feb
45 days

RETURN OF SERVICE

(IOWA CODE CHAPTER 808)

FILED

2017 MAR 20 AM 10: 04

CLERK OF DISTRICT COURT
CERRO GORDO COUNTY, IOWA


STATE OF IOWA

COUNTY OF CERRO GORDO

RETURN TO SEARCH WARRANT

Being duly sworn, I, the undersigned, say that I have executed the attached search warrant and the following, to the best of my knowledge, is a complete inventory of the property seized pursuant to the warrant:

SEE ATTACHED LIST

Dated the 3 day of March, 2017


Officer's Signature

Subscribed and sworn to before me this 9 day of March, 2017.



Weiland
Judge/Magistrate,
Clerk or Deputy Clerk of Court, or Notary Public

ENDORSEMENT ON SEARCH WARRANT APPLICATION

1. In issuing the search warrant, the undersigned relied upon the sworn testimony of the following person(s) together with the statement and information contained in the application and any attachments thereto:

<u>Name</u>	<u>Address</u>
<u>Terrance Prochaska</u>	<u>78 S. Georgia, Mason City, IA 50401</u>
_____	_____

2. Abstract of testimony: (Information received in addition to that set forth in the application and attachments thereto.)

3. The undersigned has not relied on information supplied by a confidential informant to the peace officer(s).
- A portion of the grounds for issuance of this search warrant is based upon a confidential informant who provided information to _____.
- I find from sworn testimony and/or the affiant's affidavit that the informant has given reliable information on previous occasions.
- I find from sworn testimony and/or the affiant's affidavit that the informant's information is reliable because:

4. The information is found to justify probable cause and I therefore issue the warrant.
- The information is not found to justify probable cause and I therefore do not issue the warrant.



Magistrate/Judge

Return in 45 days

Report

Device	Date Time	Speed (mph)	Heading	Park Time	Estimated Address	Latitude	Longitude
Stealth 5	3/2/2017 2:24 PM	0	SE	00:02:25	<u>9790-9890 W 64th St N, Baxter, IA 50028, USA</u>	41.835000	-93.144280
Stealth 5	3/2/2017 2:27 PM	0	SE	14:58:55	<u>9790-9890 W 64th St N, Baxter, IA 50028, USA</u>	41.835030	-93.144280
Stealth 5	3/3/2017 7:41 AM	0	South	00:05:20	<u>29541 US-69, Winston, MO 64689, USA</u>	39.853960	-94.173900
Stealth 5	3/3/2017 7:46 AM			00:12:56	<u>I-35, Winston, MO 64689, USA</u>	39.837432	-94.184172
Stealth 5	3/3/2017 11:37 AM	0	South	00:27:35	<u>Kansas Turnpike & I-35, Belle Plaine, KS 67013, USA</u>	37.366440	-97.322580
Stealth 5	3/3/2017 2:06 PM	0	West	00:04:05	<u>I-40 & US-270 & I-40, El Reno, OK 73036, USA</u>	35.501410	-97.848180
Stealth 5	3/3/2017 2:10 PM			00:02:08	<u>I-40, El Reno, OK 73036, USA</u>	35.501212	-97.876834
Stealth 5	3/3/2017 2:12 PM	0	NE	00:05:16	<u>I-40 & US-270 & I-40, El Reno, OK 73036, USA</u>	35.501490	-97.848180
Stealth 5	3/3/2017 2:18 PM			00:08:30	<u>I-40, El Reno, OK 73036, USA</u>	35.501212	-97.876834
Stealth 5	3/3/2017 2:26 PM			00:30:21	<u>I-40, El Reno, OK 73036, USA</u>	35.511660	-97.983490
Stealth 5	3/3/2017 5:32 PM	0	West	00:12:28	<u>207-299 S Pullman Rd, Amarillo, TX 79118, USA</u>	35.193560	-101.706860
Stealth 5	3/3/2017 5:45 PM	0	North	00:49:40	<u>6930 Interstate 40 Access Rd, Amarillo, TX 79118, USA</u>	35.192000	-101.760830
Stealth 5	3/3/2017 9:52 PM	0	North	00:02:50	<u>I-40 Frontage Rd, Moriarty, NM 87035, USA</u>	35.010980	-106.044010
Stealth 5	3/3/2017 9:55 PM			00:02:54	<u>1611 Rte 66, Moriarty, NM 87035, USA</u>	35.008835	-106.065213
Stealth 5	3/3/2017 9:59 PM	0	North	00:10:36	<u>Carl Cannon Ranch Rd, Moriarty, NM 87035, USA</u>	35.011240	-106.043930
Stealth 5	3/3/2017 10:09 PM			00:12:45	<u>1611 Rte 66, Moriarty, NM 87035, USA</u>	35.008835	-106.065213
Stealth 5	3/3/2017 10:52 PM	0	NW	00:13:03	<u>I-40, Albuquerque, NM 87110, USA</u>	35.104190	-106.593520
Stealth 5	3/3/2017 11:05 PM	0	North	00:15:06	<u>I-40, Albuquerque, NM 87110, USA</u>	35.104250	-106.596070
Stealth 5	3/3/2017 11:26 PM	0	West	00:15:07	<u>I-40, Albuquerque, NM 87110, USA</u>	35.104280	-106.598770
Stealth 5	3/4/2017 12:20 AM	0	North	00:15:06	<u>I-40, Albuquerque, NM 87110, USA</u>	35.104110	-106.592650
Stealth 5	3/4/2017 12:40 AM	0	West	00:15:14	<u>I-40, Albuquerque, NM 87110, USA</u>	35.104060	-106.596640
Stealth 5	3/4/2017 2:00 AM	0	NW	00:02:55	<u>I 40 Horizon Blvd, Milan, NM 87021, USA</u>	35.183150	-107.899640
Stealth 5	3/4/2017 2:03 AM			00:03:10	<u>I-40, Milan, NM 87021, USA</u>	35.179691	-107.901842
Stealth 5	3/4/2017 4:12 AM	0	NE	00:12:12	<u>1301 Navajo Blvd, Holbrook, AZ 86025, USA</u>	34.915950	-110.154780
Stealth 5	3/4/2017 4:24 AM			00:02:02	<u>Legacy Pkwy, Holbrook, AZ 86025, USA</u>	34.945694	-110.101967

Stealth 5	3/4/2017 4:26 AM	0	th	00:02:29	<u>1301 Navajo Blvd, Holbrook, AZ 86025, USA</u>	34.915900	-110.154710
Stealth 5	3/4/2017 4:29 AM			00:12:39	<u>Legacy Pkwy, Holbrook, AZ 86025, USA</u>	34.945694	-110.101967
Stealth 5	3/4/2017 7:57 AM	0	South	04:26:36	<u>4062 E Ludlow Dr, Phoenix, AZ 85032, USA</u>	33.613360	-111.993240
Stealth 5	3/4/2017 12:24 PM			00:05:43	<u>14802 N 34th St, Phoenix, AZ 85032, USA</u>	33.620870	-112.008180
Stealth 5	3/4/2017 12:30 PM	0	North	00:09:15	<u>4056 E Ludlow Dr, Phoenix, AZ 85032, USA</u>	33.613340	-111.993410
Stealth 5	3/4/2017 12:39 PM			00:02:34	<u>14802 N 34th St, Phoenix, AZ 85032, USA</u>	33.620870	-112.008180
Stealth 5	3/4/2017 12:42 PM	0	North	00:49:39	<u>4061 E Ludlow Dr, Phoenix, AZ 85032, USA</u>	33.613100	-111.993320
Stealth 5	3/4/2017 1:31 PM			00:02:29	<u>14802 N 34th St, Phoenix, AZ 85032, USA</u>	33.620870	-112.008180
Stealth 5	3/4/2017 1:36 PM	0	North	01:02:01	<u>4055 E Ludlow Dr, Phoenix, AZ 85032, USA</u>	33.612970	-111.993460
Stealth 5	3/4/2017 2:38 PM			00:02:02	<u>14802 N 34th St, Phoenix, AZ 85032, USA</u>	33.620870	-112.008180
Stealth 5	3/4/2017 2:40 PM	0	North	03:40:03	<u>4061 E Ludlow Dr, Phoenix, AZ 85032, USA</u>	33.613080	-111.993350
Stealth 5	3/4/2017 6:20 PM			18:36:13	<u>14802 N 34th St, Phoenix, AZ 85032, USA</u>	33.620870	-112.008180
Stealth 5	3/5/2017 12:58 PM			01:52:28	<u>14802 N 34th St, Phoenix, AZ 85032, USA</u>	33.620870	-112.008180
Stealth 5	3/5/2017 2:50 PM	0	SW	04:46:48	<u>4061 E Ludlow Dr, Phoenix, AZ 85032, USA</u>	33.612960	-111.993360
Stealth 5	3/5/2017 7:37 PM			13:06:44	<u>14802 N 34th St, Phoenix, AZ 85032, USA</u>	33.620870	-112.008180
Stealth 5	3/6/2017 8:44 AM			00:05:45	<u>13710-13744 N 44th St, Phoenix, AZ 85032, USA</u>	33.610467	-111.987086

Disclaimer: Addresses in this report are only approximate and are not guaranteed to correspond exactly with the address where the tracking device is reporting from.

The accuracy of the length of stop time & the ability to detect all stops can vary based on the type of device, the firmware version of the device & what report interval the device was set to. Generally, quicker report intervals (ex. 30 second intervals) will provide more accuracy than using longer intervals such as 5 or 10 minutes.