

FILED SEP 30 2022

Missoula County Sheriff's Department
200 W Broadway St
Missoula, MT 59802
Tel: (406) 258-4810

SHIRLEY E. FAUST Clerk
By  Deputy

MONTANA FOURTH JUDICIAL DISTRICT COURT

IN RE THE SEARCH OF: The residence located at 5675 Donovan Creek Road	Case No.: SW- <u>22 - 537</u> APPLICATION FOR SEARCH WARRANT
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I, Stephen Deibert, a duly sworn law enforcement officer of the Missoula County Sheriff's Department, hereby state under penalty of perjury:

THAT I have reason to believe that the following crime has been committed in Missoula County, Montana:

Deliberate Homicide (§ 45-5-102, MCA);

THAT the evidence, contraband, or persons connected with the aforementioned crime(s) include:

- Deoxyribonucleic acid (DNA) evidence from the person, clothing, or item identified herein, to include saliva, semen, blood and/or other bodily fluids, transferred during direct or indirect physical contact.

- Examination of the person, clothing, or other items identified herein for evidence of direct or indirect physical contact.

- Blood and/or urine samples from the person, clothing, or items identified herein.

- A DNA reference standard from the person, clothing, or item identified herein.

All data currently stored in or related to the account or device identified herein related to the crimes or offenses identified herein, including but not limited to:

- Global or regional navigation satellite system data, including data from the Global Positioning System (GPS), Global Navigation Satellite System (GLONASS), BeiDou Navigation Satellite System (BDS), and similar systems;

- Latitude and longitude data;

- Location history,

- IP addresses;

- Activity history or logs;

- Address book or calendar data;

- Contact forwarding data;

- Photographs, audio or video files;

- Metadata;

- Email messages and attachments;

- Documents or other text-based files;
- Timeline history;
- Public profiles;
- Login history;
- Browsing or search history;
- Visited websites;
- Text messages (SMS);
- Media messages (MMS);
- Instant messages;
- Privacy settings;
- Account information, including any linked financial or credit card accounts;
- Any data on a linked social media or communication account or application.

Antler used to hit the victim

Any weapon that was used to cause injury to the victim

Clothing to include shoes, shirts or pants including any outerwear

Computers, tablets or paper(s) the suspect used for communication

Body of the victim

latent finger prints

Blood spatter

audio or visual recording of the crime scene at evidence collection

Any item(s) or products used to clean, destroy or alter items used in the commission of the crime

Any audio or visual media collected with security cameras or security devices

THAT I have reason to believe that the evidence, contraband, or persons connected with the
aforementioned crime(s) may be found:

**Upon the property to include the residence, out buildings or vehicles located at 5675
Donovan Creek Road**

THAT the facts which establish probable cause to believe that the aforementioned crime(s)
have been committed are attached hereto:

On September 25, 2022, Monte Field called 911 to report that his sister (Diane Field) beat
their mother. Monte reported that his mother was badly beaten and bleeding from the
head. Monte also reported that his mother was unconscious.

At approximately 1226 hours Deputy Merrill and Deputy Weber arrived at the address
5675 Donovan Creek Road. When Deputy Merrill entered the residence he noted the
victim, Delphine Field laying on the floor with blood on her head and on the floor
underneath her. Deputy Merrill rolled Delphine over and checked for a pulse. He was
unable to locate one. He then attempted CPR and hooked up an AED to her. Shortly
after this medical arrived at the residence. A short time after medical arrived they
announced that Delphine was deceased.

While deputies were at the address, they were able to speak with Monte. Monte told
deputies that Diane had beaten their mother with an antler. Deputy Merrill stated that he
noticed an antler in the residence. Prior to deputies' arrival Diane Field left the incident
address and went to her other brother, Shane's, residence. While at that residence she
removed her outer shirt that had blood on it. Deputy Merrill got consent from the people
at Shane's residence to retrieve the bloody garment. It was also reported to deputies that
Diane had a small cut on her forehead. Deputy Merrill relayed to me that Diane does not
communicate well. She communicates a little through ASL but mostly uses writing.

THAT I have received the following training:

I am a Detective for the Missoula County Sheriff's Office In Missoula MT currently

1 assigned to investigate crimes against persons as well as property crimes. I have been
2 assigned to the Detective Division for approximately 7 years. I have been a deputy sheriff
3 since July of 2001. I have successfully completed a Basic Police Academy at the Montana
4 Law Enforcement Academy and I hold a Montana Basic, Intermediate, Advanced,
5 Instructor and Supervisory Certifications governed by Montana's Police Officer
6 Standard's and Training. I have successfully completed additional training throughout
7 my career to total more than 1000 hours of law enforcement training. I have received
8 specific training in crime scene processing and crime scene reconstruction, sexual assault
9 investigations, domestic abuse investigations, digital evidence recovery, drug
10 investigations as well as numerous other trainings that pertain to my current position in
11 law enforcement. I have also served as a deputy coroner and had on the job training
12 related to death investigations.
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1 THAT I know from training and experience that:

2 A cellular telephone is a handheld wireless device used primarily for communication
3 through radio signals. Cellular telephones send signals through networks of transmitters
4 and receivers called cells"

5 Cellular telephones offer a broad range of capabilities, including but not limited to: (1)
6 the storage of names and telephone numbers; (2) the sending and receiving of
7 photographs, videos, emails, and text messages; (3) the storage of files; (4) as a tool to
8 access and download information from the internet and social media sites.

9 Criminals will often use voicemail messages, text messages, picture messages, and other
10 wireless communication methods to facilitate their crimes.

11 Digital evidence stored on cellular telephones can easily be deleted or transmitted from a
12 cellular telephone, but there will often be evidence of the crime left in the memory of the
13 cellular telephone. An investigator trained in data recovery and acquisition can often
14 recover evidence from a cellular telephone even if it has been deleted.

15 Modern cellular communication devices very often possess data processing and data
16 storage capabilities that were previously only found in computers. Cellular telephones,
17 personal digital assistant (PDA) devices and Smart Phones" are becoming more complex
18 with each innovation and provide features and capabilities that were previously only
19 found in computers. Most of these devices now provided Internet web browsers

20 Computer program or software means a set of instructions or statements and related data
21 that, when executed, because a computer, computer system, or computer network to
22 perform specified functions.

23 Computer system means a device or collection of devices, including support devices,
24 which are capable of being used in conjunction with external files, one or more of which
25 contain computer programs, electronic instructions, input data, and output data that
26 performs functions including, but not limited to, logic, arithmetic, data storage and
27 retrieval, communication, and control.

28 Data means a representation of information, knowledge, facts, concepts, computer
29 software, computer programs or instructions. Data may be in any form, in storage media,
or as stored in the memory of the computer or in transit or presented on a display device.

Digital camera is a device that records and stores photographic images in digital form
that can be transferred to a computer as the impressions are recorded or stored in the
camera for later loading into a computer or printer.

Electronic storage device is any technology capable of holding of data in an
electromagnetic form for access by a computer processor. It is any device or medium
used to store and retrieve data on a long-term basis, and serves as an element in
communicating a message. On a storage medium, the messages, in the form of data, are
suspended for use when needed.

Email or electronic mail means messages transmitted over communications networks.
The messages can be notes entered from the keyboard or electronic files stored on disk.
Most mainframes, computer networks, and minicomputers have an email system. Sent
messages are stored in electronic mailboxes at least until the recipient retrieves them.
After reading electronic mail, recipients can store it on their computer as a file, forward it
to other users, or delete it, or they may store the message on a remote server, such as the
one from which they may have retrieved the email.

1 **Extension or file extension is an optional addition to a computer file name as a suffix, in**
2 **the form .xxx" where "xxx" represents a limited number of alphanumeric characters**

3 **An electronic communication means any transfer of signals.**

4 **An electronic communication service" means: (i) a service that provides to users the**
5 **ability to send or receive electronic communications; (ii) a service that provides to users**
6 **computer storage or processing services; or (iii) a service that acts as an intermediary in**
7 **the transmission of electronic communications."**

7 **For any smartphone/pda identified above, the following definitions apply:**

8 **1. Metadata is generally defined as data about data. It is stored within the data file**
9 **itself, but is not normally seen when viewing the file. Metadata includes Exchangable**
10 **Image File Format (EXIF) which is a specification for image file formats used by digital**
11 **camera and includes specific information about the photograph, video or audio file, which**
12 **may include GPS data regarding when and where the photograph, video or audio file was**
13 **taken.**

12 **2. Short Message Service (SMS) is the text communication service that allows the**
13 **exchange of short text messages between mobile phone devices.**

13 **3. Multimedia Message Service (MMS) is a communication service that allows the**
14 **exchange of messages that include multimedia content to and from mobile phones.**

14 **4. Subscriber Identity Modules, sometimes referred to as SIM cards, are portable**
15 **memory chips often used in notebook computers and some models of mobile phones. SIM**
16 **cards securely store the service-subscriber key used to identify subscribers. The SIM card**
17 **allows users to change phones by simply removing the SIM card from one mobile phone**
18 **and inserting it into another mobile phone or broadband telephony device. SIM cards**
19 **store information used to authenticate and identify subscribers, including but not limited**
20 **to the Service Provider Name, Service Dialing Numbers and Value Added Service**
21 **applications. They can also be used to store personal address books and SMS data.**

19 **5. The Global Positioning System (GPS) is a satellite-based navigation system which**
20 **provides location and time information.**

20 **6. Modern cellular communication devices very often possess data processing and data**
21 **storage capabilities that were previously only found in computers. Cellular telephones,**
22 **personal digital assistant (PDA) devices and Smart Phones" are becoming more complex**
23 **with each innovation and provide features and capabilities that were previously only**
24 **found in computers. Most of these devices now provided Internet web browsers**

23 **Deoxyribonucleic Acid (DNA") is the hereditary material in humans**

24 **DNA can be left as evidence at a crime scene in many forms, including in tissue, hair,**
25 **blood, saliva, urine, sweat, mucus, ear wax, semen, and from vaginal or rectal cells.**

26 **DNA can be obtained and compared to evidence from the crime scene. The results of the**
27 **comparison may establish whether a suspect committed the crime.**

27 **DNA can be obtained and compared to profiles contained in DNA registries and**
28 **databases to help identify a perpetrator. DNA can also be used to link together multiple**
29 **crime scenes.**

1 WHEREFORE, I respectfully request that the District Court issue a *Search Warrant* as
2 described herein.

3 DATED this 25 day of September, 2022
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5 Electronically signed by Stephen Deibert 09/25/2022 16:03

6 Stephen Deibert
7 Missoula County Sheriff's Department

8 SUBSCRIBED AND SWORN to before me this 25 day of September, 2022
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10 Digitally signed by HON. JASON MARKS
11 Date: 2022.09.25 16:05:34 MDT
Reason: Application for Search Warrant Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT -- Missoula , MT

12 Hon. Jason Marks
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Hon. Jason Marks
Fourth Judicial District Dept. 4
200 W. Broadway
Missoula, MT 59802
Tel: 406-258-4774
Fax: 406-258-4852

MONTANA FOURTH JUDICIAL DISTRICT COURT

IN RE THE SEARCH OF:

The residence located at 5675 Donovan
Creek Road

Case No.: SW- _____

SEARCH WARRANT

**THE STATE OF MONTANA TO STEPHEN DEIBERT AND MISSOULA COUNTY
SHERIFF'S DEPARTMENT:**

An *Application for Search Warrant* having been made before me, under penalty of perjury,
stating that the Missoula County Sheriff's Department has reason to believe that the following
crime has been committed in Missoula County, Montana:

Deliberate Homicide (§ 45-5-102, MCA);

AND further providing that the evidence, contraband, or persons connected with the
aforementioned crime(s) include:

- Deoxyribonucleic acid (DNA) evidence from the person, clothing, or item identified
herein, to include saliva, semen, blood and/or other bodily fluids, transferred during
direct or indirect physical contact.

- Examination of the person, clothing, or other items identified herein for evidence of
direct or indirect physical contact.

- Blood and/or urine samples from the person, clothing, or items identified herein.

- A DNA reference standard from the person, clothing, or item identified herein.

All data currently stored in or related to the account or device identified herein related to
the crimes or offenses identified herein, including but not limited to:

- Global or regional navigation satellite system data, including data from the Global
Positioning System (GPS), Global Navigation Satellite System (GLONASS), BeiDou
Navigation Satellite System (BDS), and similar systems;

- Latitude and longitude data;

- Location history,

- IP addresses;

- Activity history or logs;

- Address book or calendar data;

- Contact forwarding data;

- Photographs, audio or video files;

- Metadata;
- Email messages and attachments;
- Documents or other text-based files;
- Timeline history;
- Public profiles;
- Login history;
- Browsing or search history;
- Visited websites;
- Text messages (SMS);
- Media messages (MMS);
- Instant messages;
- Privacy settings;
- Account information, including any linked financial or credit card accounts;
- Any data on a linked social media or communication account or application.

Antler used to hit the victim

Any weapon that was used to cause injury to the victim

Clothing to include shoes, shirts or pants including any outerwear

Computers, tablets or paper(s) the suspect used for communication

Body of the victim

latent finger prints

Blood spatter

audio or visual recording of the crime scene at evidence collection

Any item(s) or products used to clean, destroy or alter items used in the commission of the crime

Any audio or visual media collected with security cameras or security devices

AND further providing that evidence, contraband, or persons connected with the
aforementioned crimes may be found:

**Upon the property to include the residence, out buildings or vehicles located at 5675
Donovan Creek Road**

IT IS HEREBY FOUND that sufficient probable cause exists to believe that the
aforementioned crime(s) have been committed in Missoula County, Montana, and that the
identified evidence, contraband, or persons connected with the crime(s) may be found at the
location specified herein.

THEREFORE you are hereby commanded to serve this Search Warrant and to search the above
described location for the property specified; and if the property is found there, to seize it, give a
receipt for it, prepare a written inventory verified by you of the property seized, and bring the
property before me, all in the manner required by law.

IT IS FURTHER ORDERED that all necessary and reasonable force may be used to serve this
Search Warrant or to effect an entry into any building, property, or object to serve this Search
Warrant, but any restraint or detention of the person served must be in the least restrictive manner
that is consistent with the safety of the person serving the warrant and anyone assisting that

1 person.

2 IT IS FURTHER ORDERED that the Missoula County Sheriff's Department, may reasonably
3 detain and search any person on the premises being searched at the time of the search, but must do
4 so in the least restrictive manner that is consistent with the safety of the person serving the warrant
5 and anyone assisting that person. The search of persons on the premises is: (1) for protection of the
6 person serving the warrant and anyone assisting that person; or (2) to prevent the disposal or
7 concealment of any evidence, contraband, or persons particularly described in the warrant.
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9
10 DATED this 25 day of September, 2022
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12 Digitally signed by HON. JASON MARKS
Date: 2022.09.25 16:06:24 MDT
Reason: Search Warrant Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT -- Missoula , MT

13 Hon. Jason Marks
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1 Missoula County Sheriff's Department
200 W Broadway St
2 Missoula, MT 59802
3 Tel: (406) 258-4810
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6 **MONTANA FOURTH JUDICIAL DISTRICT COURT**

7 **IN RE THE SEARCH OF:**

8 The residence located at 5675 Donovan
9 Creek Road
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Case No.: SW- _____

SEARCH WARRANT RECEIPT

11 Pursuant to the *Search Warrant*, I searched:

12 **Upon the property to include the residence, out buildings or vehicles located at 5675**
13 **Donovan Creek Road**

14 The following is an inventory of the items taken pursuant to the *Search Warrant*.

15 **Hair from decedent's left hand**

16 **1-Swab from floor (hallway, dinning room, front door area) marked scale "D"**

17 **1-Swab from kitchen counter marked scale "F"**

18 **1-Swab from side counter marked scale "E"**

19 **1-Swab from wood leg of side counter marked scale "G"**

20 **1-Swab from bathroom wall marked scale "H"**

21 **1-Swab from kitchen sink marked scale "I"**

22 **1-Swab from kitchen floor under side counter marked scale "A"**

23 **1-piece of trash bag from trash bin under kitchen sink marked scale "J"**

24 **1-Swab from floor marked scale "C"**

25 **2-cribbage pegs 1-black, 1-blue**

26 **1-antler cribbage board from kitchen sink**

27 **1-blue wash cloth (wet) from kitchen sink**

28 **1-red towel under the decedent's head**

29 **1-Swab from door handle marked scale "K"**

1-Gauze from under decedent's head

1-hair tie from floor near decedent

1-verizon flip phone from kitchen counter near house phone

1-note pad from basement bedroom with note

1 I verify that this inventory is a true and detailed account of all property taken by me pursuant to
2 the aforementioned *Search Warrant*.

3 DATED this 28 day of September, 2022
4

5 Electronically signed by Stephen Deibert 09/28/2022 09:45

6
7 Stephen Deibert
Missoula County Sheriff's Department

8 DATED this 28 day of September, 2022
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10 Digitally signed by HON. JASON MARKS
Date: 2022.09.28 10:52:58 MDT
Reason: Search Warrant Receipt Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT -- Missoula , MT

11 Hon. Jason Marks
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Missoula County Sheriff's Department
200 W Broadway St
Missoula, MT 59802
Tel: (406) 258-4810

MONTANA FOURTH JUDICIAL DISTRICT COURT

IN RE THE SEARCH OF:

The residence located at 5675 Donovan
Creek Road

Case No.: SW-

SEARCH WARRANT RETURN

Pursuant to the *Search Warrant*, I searched:

**Upon the property to include the residence, out buildings or vehicles located at 5675
Donovan Creek Road**

The following is an inventory of the items taken pursuant to the *Search Warrant*.

Hair from decedent's left hand

1-Swab from floor (hallway, dinning room, front door area) marked scale "D"

1-Swab from kitchen counter marked scale "F"

1-Swab from side counter marked scale "E"

1-Swab from wood leg of side counter marked scale "G"

1-Swab from bathroom wall marked scale "H"

1-Swab from kitchen sink marked scale "I"

1-Swab from kitchen floor under side counter marked scale "A"

1-piece of trash bag from trash bin under kitchen sink marked scale "J"

1-Swab from floor marked scale "C"

2-cribbage pegs 1-black, 1-blue

1-antler cribbage board from kitchen sink

1-blue wash cloth (wet) from kitchen sink

1-red towel under the decedent's head

1-Swab from door handle marked scale "K"

1-Gauze from under decedent's head

1-hair tie from floor near decedent

1-verizon flip phone from kitchen counter near house phone

1-note pad from basement bedroom with note

1 I verify that I provided a copy of the aforementioned *Search Warrant*, together with a receipt
2 for the foregoing items seized to the following individual:

3 **On the dinning room table at 5675 Donovan Creek Road**

4 I verify that this inventory is a true and detailed account of all property taken by me pursuant to
5 the aforementioned *Search Warrant*.

6 DATED this 28 day of September, 2022
7

8 Electronically signed by Stephen Deibert 09/28/2022 09:48

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10 Stephen Deibert
Missoula County Sheriff's Department

11 DATED this 28 day of September, 2022
12

13 Digitally signed by HON. JASON MARKS
Date: 2022.09.28 10:52:00 MDT
Reason: Search Warrant Return Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT – Missoula, MT

14 Hon. Jason Marks
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