

CR-16-370-2
SEARCH WARRANT RETURN

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS

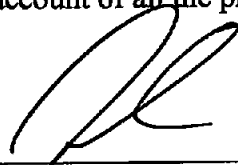
I received the attached Search Warrant on the 28th day of June, 2016, and have executed it as follows:

On the 28th day of June, efforts began on executing the search warrant on the devices described in the search warrant. Detective Mike Stegall was able to extract the data from the Amazon Echo device and the LG cell phone, but not from the Huawei cell phone due to the device being encrypted at the chipset level.

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

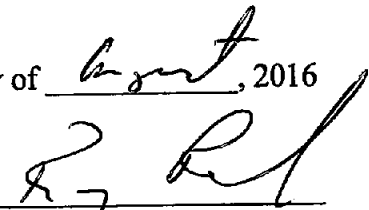
Data contained on the Amazon Echo device and LG cell phone

I swear that this inventory is a true and detailed account of all the property taken by me on the Search Warrant.


313

Det. Corporal Josh Woodhams
Bentonville Police Department

Subscribed and sworn to and returned before me this 26 day of August, 2016



HONORABLE JUDGE

045W-16-330

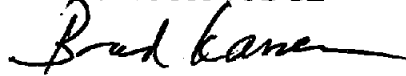
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CLERK AND RECORDER
BENTON COUNTY, AR

warrant and bring the property within the time as required by law, not to exceed five (5) days after execution of the warrant.

Dated this 28th day of June, 2016.



HONORABLE CIRCUIT JUDGE



REPORT #2015-39460

Officer Adam Corbett arrived shortly after and entered the residence and made contact with James Bates who was in the kitchen near the backdoor of the house. Adam asked James to have a seat in the living room and explain the events of what had occurred. James stated that he lives at the residence with his five year old son, who had not been at the residence this weekend as he was with his mother. James stated he had several of his friends over to his residence the night before (Saturday, November 21st), watching the Arkansas Razorback football game.

James advised that he knew the friends from work. He stated Victor Collins was the deceased male who was in the hot tub. Two other friends Owen McDonald and Sean Henry were also over, and were no longer at the residence.

According to James, he and his friends had been drinking beer and taken several shots of vodka. Following the conclusion of the football game Sean had left the residence. James, Victor, and Owen decided to get in the hot tub located on the back patio. James stated he and his friends continued to drink until approximately 0100 hours on Sunday, November 22, 2015, when he decided to go to bed for the night. James stated that Victor and Owen had decided to stay the night at his house because they were arguing with their wives, and he informed them they could sleep on his living room couch and a bed was available in his son's bedroom.

Shortly before the time of call, James awoke and exited his bedroom. James did not observe anyone on the living room couch, and walked into the kitchen. James began cleaning up some empty beer bottles lying on the kitchen counter and moments later opened the back door of the residence and observed a male laying face down and floating in the hot tub.

James ran over to the hot tub, flipped him over, and attempted to pull him out of the hot tub. James stated while he was pulling on Victor's body he realized Victor was deceased and called 911 for assistance. Owen was not located at the residence at the time of the call to 911.

James was read the Bentonville Police Department Consent to Search form. He stated he understood his rights, and consented to the search of his residence, vehicle, and

person. He was then escorted out of the residence and remained outside for the duration of the investigation. Det. Oliver was notified to respond to the scene.

Upon Oliver's arrival, Adam briefed Det. Oliver of the aforementioned incident and how Victor's remains were discovered in the hot tub. Adam also advised him that the home owner, James, had given consent to search the residence.

Detective Oliver proceeded to enter the residence to the back yard. In the back yard on the patio was a Hot Springs Spa hot tub. Det. Oliver observed Victor's body lying in the water in the spa face up. Det. Oliver observed blood and pink foam coming from Victor's nose. Victor's left eye and lips appeared to be dark and swollen. The water inside the spa had turned a dark reddish tint that appeared to be discolored because of blood, feces and vomit.

There also appeared to be signs of struggle around the spa. Several knobs and head rests from inside the spa were lying on the ground near the spa. There were suspected blood spots around the rim and side of the spa. I also observed the head rests and knobs had suspected blood them as well. There was broken blue glass bottle and a broken beer bottle next to the spa. Part of the blue bottle was busted against the privacy fence across the yard on the north side. Det. Oliver then contacted Detective Boyle and Captain Thompson to respond and process the scene. Det. Boyle photographed the scene and swabbed some the suspected blood areas around the spa and seized it as evidence.

On Tuesday, November 24th, 2015, Det. Oliver contacted James Bates and Owen McDonald and asked them if they would voluntarily come to the Bentonville Police Department for further a further detailed interview. Upon their arrival, Sgt. Moffitt and Det. Oliver interviewed Owen McDonald while Cpt. Thompson and I interviewed James Bates. Neither James nor Owen remembered what happened to cause the death of Victor Collins. They stated that they were very intoxicated and recalled very little about the night of his death. During this time, James consented to having pictures taken of his hands and some injuries sustained to them, but no further examination was done at that time.

On November 25, 2015, Dr. Charles Kokes, Medical Examiner, advised me that Victor Collins death was ruled a homicide. After speaking with Dr. Kokes, Bentonville

Detectives secured the residence mentioned above for a search warrant. I conducted the search, along with Detective Lieutenant Tony Marveggio, Detective Sergeant David Townsend, Detective Corporal Tracy Brown, Detective Corporal Josh Woodhams, and Detective Oliver.

Upon searching the interior of the home, we located three separate areas of what appeared to be dried blood. These areas were swabbed and collected as evidence to be sent to the Arkansas State Crime Lab for analysis. While searching the hot tub in the backyard of the residence, a set of broken glasses and a men's ring were discovered at the bottom, both of which were learned to have belonged to the victim in this case. Additionally, a broken shot glass was found in the hot tub and there was suspected blood spatter discovered on the covered awning located directly above the hot tub. These items, along with the observations of officers during the initial investigation, the medical examiner's findings, and the facts of this investigation thus far, suggest that a physical altercation occurred that resulted in the death of Victor Collins.

It should be noted that during a follow-up interview with Owen, he consented to an examination of his person for injuries and none were discovered. At the time of this writing, James has ceased cooperation with law enforcement. At the time of the initial search of his home when James reported Victor's death, James' truck was not thoroughly searched or processed and it was believed that it contained evidence related to the case under investigation. The truck was later seized pursuant to the issuance of a search warrant and it is still in the process of being search at the time of this writing.

On December 3rd, 2015, the Honorable Judge Brad Karren reviewed and approved a search warrant for James Bates' residence once again, located at 3502 SW Elm Manor Avenue, specifically for the search and seizure of electronic devices capable of storing and transmitting any form of data that could be related to this investigation. Officers executed this search warrant on this same date and during the course of the search, I located an Amazon Echo device in the kitchen, lying on the kitchen counter next to the refrigerator, plugged into the wall outlet. I had previously observed this device in the same position and state during the previous search warrant on November 25th, 2015. I

recognized this device from my previous training and personal experience as a product that Amazon.com sold to consumers for a variety of different services.

In summary and according to Amazon.com's website and other online sources, the Amazon Echo is a wireless speaker and voice command device. The device is cylindrical in shape and consists of a 9.25-inch (23.5 cm) tall cylinder speaker with a seven-piece microphone array. The device responds to the name "Alexa," which is a "wake word" that can be changed by the user to one other choice at the present, which is "Amazon." The device is capable of voice interaction, music playback, making to-do lists, setting alarms, streaming podcasts, playing audio books, providing weather, traffic and other real time information. It is also capable of controlling a variety of smart-home features, to include home security, lighting, and video surveillance, which are services offered by companies that are supported by Amazon Echo, to include WeMo. Amazon.com states that the Echo is equipped with an array of seven microphones, equipped with sensors that use beam-forming technology to hear users from any direction. With enhanced noise cancellation, Echo can hear users ask a question even while the device is playing music or if there is background noise. Echo then uses on-device keyword spotting to detect the wake word, either "Alexa" or "Amazon," and then lights up to stream what the user says to their cloud service, where Amazon leverages the Alexa Voice Service to recognize and respond to the user's request.

While searching James' residence, we discovered numerous devices that were used for "smart home" services, to include a "Nest" thermometer that is Wi-Fi connected and remotely controlled, a Honeywell alarm system that included door monitoring alarms and motion sensor in the living room, a wireless weather monitoring system outside on the back patio, and WeMo devices in the garage area for remote-activated lighting purposes that had not been opened yet. All of these devices, to include the Amazon Echo device, can be controlled remotely using a cell phone, computer, or other device capable of communicating through a network and are capable of interacting with one another through the use of one or more applications or programs. Through investigation, it was learned that during the time period of Victor's time at the residence, music was being wirelessly streamed throughout the home and onto the back patio of the residence, which

could have been activated and controlled utilizing the Amazon Echo device or an application for the device installed on James' cell Apple iPhone.

The Amazon Echo device is constantly listening for the "wake" command of "Alexa" or "Amazon," and records any command, inquiry, or verbal gesture given after that point, or possibly at all times without the "wake word" being issued, which is uploaded to Amazon.com's servers at a remote location. It is believed that these records are retained by Amazon.com and that they are evidence related to the case under investigation.

On December 4th, 2015, Amazon.com was served with a search warrant that was reviewed and approved by Circuit Court Judge Brad Karren on the same date. The search warrant was sent through Amazon's law enforcement email service and was also sent through United States Postal Service Certified Mail to their corporate headquarters in Tumwater, Washington. The search warrant was received by Amazon through the mail on December 11th, 2015, and representatives with Amazon have been in contact with this agency since receiving the search warrant. In speaking with their law enforcement liaison, Greg Haney, I was informed on two separate occasions that Amazon was in possession of the requested data in the search warrant but needed to consult with their counsel prior to complying with the search warrant. As of January 29th, 2016, Amazon has not provided our agency with the requested data and an extension for the originally ordered search warrant was sought.

After being served with the second search warrant, Amazon did not comply with providing all of the requested information listed in the search warrant, specifically any information that the Echo device could have transmitted to their servers. This agency maintains custody of the Echo device and it has since been learned that the device contains hardware capable of storing data, to potentially include time stamps, audio files, or other data. It is believed that the device may contain evidence related to this investigation and a search of the device itself will yield additional data pertinent to this case.


Our agency has also maintained custody of Victor Collins' cell phone, an LG Model LG-E980, and James Bates' cell phone, a Huawei Nexus cell phone, that was

seized from Bates as a result of his arrest on February 22nd, 2016, and we have been unable to access the data stored on the devices due to a passcode lock on them. Despite efforts to obtain the passcode, the devices could not be accessed. Our agency now has the ability to utilize data extraction methods that negate the need for passcodes and efforts to search Victor and Bates' devices will continue upon issuance of this warrant.

The reliability of said Affiant has been established by the following;

I, Detective Corporal Josh Woodhams, have been a Bentonville Police Officer for the past (10) years and a total of (11) years in law enforcement. I have had extensive training in criminal investigation, specifically related to personal crimes and evidence collection, as well as technology-based training and evidence handling processes related to this discipline.

It is further believed that evidence related to this case is in danger of being removed from said devices. It is, therefore, prayed by the affiant(s) herein that a Warrant to Search the devices, issue for the herein above-described items.


313

Detective Corporal Josh Woodhams
Bentonville Police Department

Sworn to before me and subscribed in my presence, at 2:48 pm, this 28th
day of June, 2016.



HONORABLE CIRCUIT JUDGE


REPORT #2015-39460