

AFFIDAVIT FOR SEARCH WARRANT

County/District Court
City and County of Denver, Colorado

I state under oath that I have reason to believe that at the place, in the vehicle or on the person known or described as:

**Suburban, Colorado license plate 522YRX, VIN 1GNFK26329R244458
Currently parked and locked in the driveway at 2112 South St. Paul Street**

In the City of Denver, County of Denver, State of Colorado, there is now located the following described property:

- **Pre 98 Bubba Kush Pre-Roll**
- **Marijuana**
- **Packaging consistent with the Pre 98 Bubba Kush Pre-Roll**

Upon one or more of the grounds set forth in the Colorado Revised Statutes and the Colorado Rules of Criminal Procedure, namely that this property is stolen or embezzled, or is designed or intended for use as a means of committing a criminal offense, or is or has been used as a means of committing a criminal offense, or the possession of which is illegal or would be material evidence in a subsequent criminal prosecution in this state or another state or the seizure of which is expressly required, authorized or permitted by any statute of this state.

The facts tending to establish the grounds for issuance of a Search Warrant are as follows:

Your Affiant Detective Mark Crider, 95014, has been a police officer for the City and County of Denver since January 2, 1995 and has worked as a detective since April 2002. Your Affiant spent one year investigating assaults and domestic assaults, one year investigating crimes against children including sexual assaults and serious bodily injury assaults. Your Affiant was assigned to the Criminal Investigation Division Homicide unit in June of 2004. Your Affiant has attended numerous schools and training seminars in regards to death investigations, including, but not limited to, crime scene investigation, child deaths, domestic related homicides, suicides and homicide investigations. Your Affiant has had personal experience and training in dozens of homicide investigations. Your Affiant obtained the following information from personal observations, interviewing witnesses and reviewing police reports of fellow officers. Your Affiant relates the following in support of a warrant to search 2112 South St. Paul Street, Denver Colorado:

On April 14, 2014, your Affiant was one of the on-call detectives for the Denver Police Department Homicide Unit. At approximately 10:00 p.m. your Affiant received a phone call from Denver Police Homicide Sergeant James Kukuris regarding a homicide at 2112 South St. Paul Street. Your Affiant responded to the scene at 2112 South St. Paul Street and observed the home to be cordoned off with yellow crime scene tape and secured in the front and rear by several uniformed police officers. While on scene your Affiant spoke with Detective Dan Andrews, who was one of the first detectives on scene. Detective Andrews told your Affiant that the Denver Combined Communications Center received a 911 call from a female caller, later identified as the victim, [REDACTED], who advised that her husband was talking like it was the end of the world and wanted her to shoot him. Police officers arrived

on scene and contacted a male, later identified as Richard Kirk, dob: 05/15/1966, inside the home. The officers secured Mr. Kirk and walked inside the home and found a female lying on the floor inside the home with an apparent gunshot wound to the head. The female believed to be [REDACTED] was pronounced dead at the scene by Doctor McVaney through Denver Health Medical Center Paramedics at 9:58 p.m. Detective Andrews told your Affiant that when he arrived on scene he entered the home and observed a black semi-automatic handgun on the floor of the front room inside the home and a cartridge on the floor in the hallway. Detective Andrews also observed the victim lying on the floor inside the home with an apparent gunshot wound to the head. Detective Andrews advised that Richard Kirk had been arrested and transported to Denver Police Department Headquarters. After receiving this information from Detective Andrews, your Affiant went to Denver Police Department Headquarters.

While at Denver Police Department Headquarters your Affiant listened to the 911 call made by [REDACTED] at 9:31 p.m. Ms. [REDACTED] reported that her husband, who she identified as Richard Kirk, dob: 05/15/1966, had taken some marijuana and possibly some prescription medication for back pain and she thinks he was hallucinating. She said that he had asked her to get the gun and to shoot him and she is scared of what he might do because her three kids were in the house with her. On the recorded call Mrs. [REDACTED] can be heard telling "Richard" to stay down and yelling for her kids to go downstairs. At one point Ms. [REDACTED] tells the 911 operator to "please hurry" because he was scaring the kids and he was "totally hallucinating". During the call, Mrs. [REDACTED] is having a conversation with her husband and he can be heard in the background talking about taking some marijuana "candy" that he had got from a store near Sprouts.

At one point during the call Mrs. [REDACTED] sounds panicked and tells the 911 operator that Richard was taking the firearm out of the safe. She next related that he had the gun and she did not know where to go. Within a few seconds Ms. [REDACTED] can be heard screaming. The screaming stopped after hearing what your Affiant believes was the sound of a gunshot. The 911 phone line remained opened, but Mrs. [REDACTED] is never heard from again.

Your Affiant spoke with Officer Eric Riedmuller, 01022, at Denver Police Department Headquarters. Officer Riedmuller told your Affiant that he had responded to the call for service at 2112 South St. Paul Street and assisted in taking the Richard Kirk into custody. Officer Riedmuller advised that while Mr. Kirk started "rambling to himself" while in the back seat of the police car. At one point Mr. Kirk told Officer Riedmuller that he was the strongest in the Church of the Latter Day Saints and he had killed his wife.

Your Affiant spoke with Detective Troy Bisgard who spoke to Richard Kirk, dob: 05/15/1966, at Denver Police Department Headquarters. Detective Bisgard noted that Richard Kirk appeared to be under the influence of some type of controlled substance and/or prescription pill based upon his speech patterns, his inability to focus and his pupils.

Your Affiant knows from his training and experience that marijuana ingestion and prescription pill ingestion may have adverse affects on a person's behavior.

On April 15, 2014, at approximately 1:30 a.m., your Affiant drafted Search Warrant/Affidavits to search the home at 2112 South St. Paul Street and to obtain a blood sample from Richard Kirk. The blood sample will be subsequently analyzed to determine in narcotics/medications/marijuana in Mr. Kirk's body.

At 2:00 a.m., Denver County Court Judge Bohning reviewed and approved both Search Warrants.

At approximately 2:30 a.m., your Affiant and Denver Police Crime Scene personnel executed the Search Warrant at 2112 South St. Paul Street. During the search of the home, Detective Troy Bisgard located a receipt in the basement for a purchase at Nutritional Elements at 2777 South Colorado Boulevard on April

14, 2014, at 6:40 p.m. for \$32.70. The purchased items listed on the receipt were "Karma Kandy Orange Ginger" and "Pre 98 Bubba Kush Pre-Roll". The package of the Karma Candy indicated that the content of the package was edible marijuana candy. This is consistent with the information Mrs. [REDACTED] provided to the 911 operator that her husband had ingested marijuana candy. During the search of the home your Affiant noted a champagne colored four-door Chevy Suburban, Colorado license plate 522-YRX, parked in the driveway of the residence. Your Affiant located a set of keys with an electronic car door opener style fob in a purse inside the home. Several items of identification including a Colorado driver's license belonging to Mrs. [REDACTED] were found in the purse. Your Affiant used the electronic car door opener and remotely locked the doors on the Suburban that was parked in the driveway. Prior to leaving the crime scene your Affiant took down the majority of the yellow crime scene tape on the block, but cordoned off the front of the house to include the suburban with crime scene tape.

On April 15, 2014, at approximately 10:10 a.m., your Affiant went to Nutritional Elements at 2777 South Colorado Boulevard and confirmed this was indeed a medical/recreational marijuana dispensary. Your Affiant spoke with employee [REDACTED] about Mr. Kirk purchasing marijuana products at the business on April 14, 2014, at 6:40 pm., which was the time on the receipt found in the basement at the crime scene and less than three hours before the 911 call from Mrs. Kirk. [REDACTED] allowed your Affiant to view the surveillance recordings at the business at the time on the receipt. Your Affiant observed Mr. Kirk on the recording enter the store at approximately 6:32 p.m. Mr. Kirk looked at several marijuana items in the display cases and made his purchases at 6:40 p.m. It should be noted that your Affiant identified Mr. Kirk in the surveillance recordings after observing Mr. Kirk in person at Denver Police Department Headquarters and numerous photographs of him displayed at his home at 2112 South St. Paul Street. [REDACTED] also confirmed through the business records that Mr. Kirk purchased the "Karma Kandy Orange Ginger" and "Pre 98 Bubba Kush Pre-Roll". [REDACTED] gave your Affiant packages of "Karma Kandy Orange Ginger" and "Pre 98 Bubba Kush Pre-Roll", which were the items purchased by Mr. Kirk. [REDACTED] explained that the Karma Kandy was marijuana in a candy form and the Bubba Kush Roll was a pre-rolled marijuana cigarette.

Your Affiant continued to watch the surveillance video and observed Mr. Kirk exit the store and walk towards the parking lot to the north of the business. This parking lot is not under video surveillance by the business. Within approximately one minute of seeing Mr. Kirk walk to the north parking lot, your Affiant observed a light colored four door Suburban style vehicle drive south bound on Colorado Boulevard from the area of the north parking lot. [REDACTED] contacted an employee to assist with downloading the surveillance recording and your Affiant was provided a flash drive which contained the surveillance recordings of Mr. Kirk entering the store, making his purchase, exiting the store and apparently driving his Suburban away from the store.

After leaving the recreational/medical marijuana store, your Affiant responded back to the crime scene at 2112 South St. Paul Street and confirmed that the Suburban was locked and parked in the driveway. Your Affiant also confirmed the VIN as 1GNFK26329R244458, Colorado license plate 522-YRX.

Your Affiant returned to Denver Police Department Headquarters and confirmed through the Colorado Department of Revenue that the above mentioned VIN is for a 2009 Chevy Sport Utility Vehicle registered to the suspect, Richard Kirk.

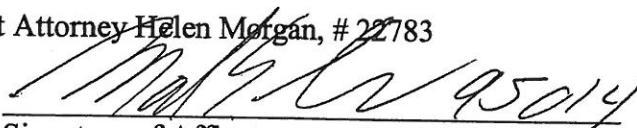
Your Affiant requests permission to search the suspect's 2009 Chevy Suburban for the "Pre 98 Bubba Kush Pre-Roll" marijuana cigarette which was not located during the search of the home. Your Affiant believes that the suspect left the marijuana retail business driving his 2009 Chevy Suburban, which is believed to be the vehicle in the store surveillance recording. Your Affiant knows the suspect left the store with the "Pre 98 Bubba Kush Pre-Roll", but there was no evidence of this item found inside the home.

Your Affiant requests permission to search the vehicle to locate the marijuana cigarette or any evidence of this item including the packaging for the marijuana cigarette.

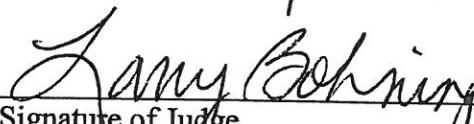
Pursuant to Colorado Rules of Criminal Procedure 41(d) (2) and due to the elevated media attention associated with this case, additional interviews are necessary, and extensive forensic analysis is to be done. Your Affiant respectfully request that this affidavit and all associated warrant be sealed until further ordered by the court.

This warrant was approved by Sergeant James Kukuris, 84031

This warrant was approved by Chief Deputy District Attorney Helen Morgan, # 22783


Signature of Affiant

Subscribed under oath before me on April 15, 2014 at 4:40 P.M.


Signature of Judge

Bohning
Printed Name of Judge