

THE STATE OF TEXAS

§

SEARCH WARRANT

§

COUNTY OF HARRIS

§

TO THE SHERIFF OR ANY PEACE OFFICER OF HARRIS COUNTY TEXAS

GREETINGS:

WHEREAS, Complaint in writing, under oath, has been made before me by Sgt. John Clarke, a certified peace officer employed by the Houston Department, which complaint is attached hereto and expressly made a part hereof for all purposes and said complaint having stated facts and information in my opinion sufficient to establish probable cause for the issuance of this warrant;

YOU ARE THEREFORE COMMANDED to forthwith to enter and search the suspected place(s) therein named, to wit: the property and premises of 2520 Robinhood Street, apartment unit number 1405, in Houston, Harris County, Texas; the property and premises of 2520 Robinhood Street, apartment unit number 606, in Houston, Harris County, Texas; the property and premises of 2520 Robinhood Street apartment unit number 801, in Houston, Harris County, Texas. Said location is more particularly described as a multi-story complex containing many private condominiums. 2520 Robinhood sits on the North side of Robinhood Street and the front entrance of the complex faces south. This section of Robinhood Street where 2520 Robinhood is located is bordered on the East by Kelvin Drive and to the West by Kirby Drive. Unit/Apartment #1405 is identified by the numbers "1405," on or about the entrance to the unit. Unit/Apartment #606 is identified by the numbers "606," on or about the entrance to the unit. Unit/Apartment #801 is identified by the numbers "801," on or about the entrance to the unit. The multi-story complex at 2520 Robinhood Street is located in Houston, Harris County, Texas 77005. A picture of 2520 Robinhood is pictured below and incorporated herein for all purposes.



At said place(s) you shall search for and, if same be found, seize, and where necessary search within, and bring before me evidence, namely the property, described in the affidavit, to-wit:

- 1) Property or items constituting evidence of Murder, evidence tending to show that a particular person committed the offense of Murder, contraband, and/or any and all implements or instruments used in the commission of a crime.
- 2) Any and all firearms, handguns or any miscellaneous firearm pieces, ammunition, holsters, ammunition belts, firearm clips, firearms boxes or packaging, expended casings or pieces of lead, any photographs of firearms, or any paperwork showing the purchase, storage, sale, disposition or dominion and control over guns and ammunition or of any of the above items.

- 3) Any and all evidence tending to show that a particular person was attempting to flee from law enforcement and/or leave the country to avoid apprehension, prosecution, or judicial process; including, but not limited to: travel arrangements, hotel reservations, flight reservations, travel itinerary, transportation plans, disguises; internet searches to research transportation, travel arrangements, other countries, extradition procedures, and/or law enforcement fugitive investigative techniques.
- 4) Any and all electronic or digital storage devices capable of accessing, sending, creating, receiving or storing electrical or digital data including, without limitation, magnetic tapes recordings, audio tapes, video tapes, CD ROMs, DVD ROMs, DVDs and the hardware necessary to retrieve such data, including, without limitation, central processing units (CPU's), viewing screens, disk or tape drives, printers, monitors, and the manuals for the operation thereof, together with all software, handwritten notes, and/or printed materials describing the operation of said computers, hardware and software.
- 5) Any and all ledgers, notes, receipts, financial files, checks, wire instructions, monies, currency, correspondence, photographs, videos and/or documents relating to or depicting the transfer, purchase, sale or possession of funds.
- 6) Any and all files, forms, documents, wire instructions and/or records pertaining to or received from any domestic or foreign financial institution or investment institution, including any bank, credit union, savings and loan, credit card company, securities firm, commodities firm, mutual fund company, domestic or foreign corporation, partnership, sole proprietorship or other business entity.
- 7) Any and all articles or property tending to establish the identity of the person who has dominion and control over the premises, or items to be seized consisting of rent, receipts, utility bills, miscellaneous addressed mail, letters, identification, tax statements, photographs, and/or registration.
- 8) Any and all opened and unopened letters, envelopes, packages, parcels, shipping records, shipping receipts, address books, and/or telephone lists.
- 9) Any and all documents and records related to obtaining false identifying information, and/or forgery of governmental documents.
- 10) Any and all documents and handwriting samples of the suspected person.
- 11) Any and all newspaper articles or magazines related to the murder of Susan Berman and/or the disappearance of Kathy Durst.

To facilitate this search you are authorized to seize all computer hardware and software which can collect, access, analyze, create, display, convert, store, conceal and/or transmit electronic, magnetic, optical or similar computer impulses or data.

"Hardware" includes, but is not limited to, any data processing devices (such as central processing units; internal and peripheral storage devices such as computer disks, magnetic media, floppy disks, tape systems, hard drives, disk drives, tape drives, transistor-like binary devices, zip drives and other memory storage devices; RAM or ROM units, acoustic couplers, automatic dialers, programmable telephone dialing or signaling devices, and electronic tone-generating devices; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

"Computer software" includes, but is not limited to, digital information, which can be interpreted by a computer and any of its related components, which may be stored in electronic, magnetic, optical, or other digital form. Computer software commonly includes programs to run operating systems, applications (such as word processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and/or communication programs.

and computer-related documents, that is, written, recorded, printed, or electronically-stored material which explains and/or illustrates how to configure and/or use computer hardware, software, or other related items.

Furthermore, you are ordered, pursuant to the provisions of Article 18.10, Texas Code of Criminal Procedure, to retain custody of any property seized pursuant to this Warrant, until further order of this Court, or any other court of appropriate jurisdiction, otherwise directs the manner of safekeeping of said property.

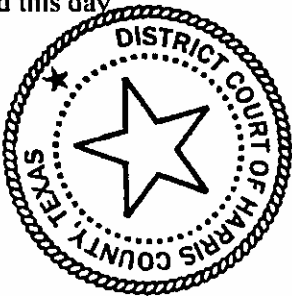
You are further ordered to give notice to this Court, as a part of the inventory to be filed subsequent to the execution of this Warrant, and as required by Article 18.10 T.C.C.P., of the place where the property seized hereunder is kept, stored and held.

You are further ordered, and this Court grants you leave and authority, to remove such seized property from Harris County, Texas, and to transport any evidence seized during the search of the above described location to any other state and county in the United States in order to aid and assist in the ongoing investigation and prosecution of said crime.

You are hereby authorized to search the suspected place for said property and to seize the same and to take custody of all seized property and to safekeep such property as provided by statute, and this warrant authorizes the removal of such property from Harris County, Texas, if necessary to the criminal investigation or the safekeeping of the property; the photographing and visual recording of the search of the suspected place and seizure of said property; and the opening, by force if necessary, of any containers.

HEREIN FAIL NOT, but have you then and there this Warrant within three days, exclusive of the day of its issuance and exclusive of the day of its execution, with your return thereon, showing how you executed the same, filed in this court.

Issued this the 17<sup>th</sup> day of March, A.D., 2015, at 1:34 o'clock, 7 . M., to certify which witness my hand this day.



[Signature]  
JUDGE 263 District Court  
Harris County, Texas

Chris Dairfel  
District Clerk  
March 17 2015  
By: [Signature]

I, Sgt. John Clarke, a certified peace officer employed by the Houston Police Department do solemnly swear that I have reason to believe and do believe that within the property and premises of 2520 Robinhood Street, apartment unit number 1405, in Houston, Harris County, Texas; the property and premises of 2520 Robinhood Street, apartment unit number 606, in Houston, Harris County, Texas; the property and premises of 2520 Robinhood Street apartment unit number 801, in Houston, Harris County, Texas, is evidence of Murder. Said location is more particularly described as a multi-story complex containing many private condominiums. 2520 Robinhood sits on the North side of Robinhood Street and the front entrance of the complex faces south. This section of Robinhood Street where 2520 Robinhood is located is bordered on the East by Kelvin Drive and to the West by Kirby Drive. Unit/Apartment #1405 is identified by the numbers "1405," on or about the entrance to the unit. Unit/Apartment #606 is identified by the numbers "606," on or about the entrance to the unit. Unit/Apartment #801 is identified by the numbers "801," on or about the entrance to the unit. The multi-story complex at 2520 Robinhood Street is located in Houston, Harris County, Texas 77005. A picture of 2520 Robinhood is pictured below and incorporated herein for all purposes.



It is the belief of affiant that the suspect place(s) may contain the following evidence:

- 1) Property or items constituting evidence of Murder, evidence tending to show that a particular person committed the offense of Murder, contraband, and/or any and all implements or instruments used in the commission of a crime.
- 2) Any and all firearms, handguns or any miscellaneous firearm pieces, ammunition, holsters, ammunition belts, firearm clips, firearms boxes or packaging, expended casings or pieces of lead, any photographs of firearms, or any paperwork showing the purchase, storage, sale, disposition or dominion and control over guns and ammunition or of any of the above items.
- 3) Any and all evidence tending to show that a particular person was attempting to flee from law enforcement and/or leave the country to avoid apprehension, prosecution, or judicial process; including, but not limited to: travel arrangements, hotel reservations, flight reservations, travel itinerary, transportation plans, disguises; internet searches to research transportation, travel arrangements, other countries, extradition procedures, and/or law enforcement fugitive investigative techniques.

- 4) Any and all electronic or digital storage devices capable of accessing, sending, creating, receiving or storing electrical or digital including, without limitation, magnetic tapes recordings, audio tapes, video tapes, CD ROMs, DVD ROMs, DVDs and the hardware necessary to retrieve such data, including, without limitation, central processing units (CPU's), viewing screens, disk or tape drives, printers, monitors, and the manuals for the operation thereof, together with all software, handwritten notes, and/or printed materials describing the operation of said computers, hardware and software.
- 5) Any and all ledgers, notes, receipts, financial files, checks, wire instructions, monies, currency, correspondence, photographs, videos and/or documents relating to or depicting the transfer, purchase, sale or possession of funds.
- 6) Any and all files, forms, documents, wire instructions and/or records pertaining to or received from any domestic or foreign financial institution or investment institution, including any bank, credit union, savings and loan, credit card company, securities firm, commodities firm, mutual fund company, domestic or foreign corporation, partnership, sole proprietorship or other business entity.
- 7) Any and all articles or property tending to establish the identity of the person who has dominion and control over the premises, or items to be seized consisting of rent, receipts, utility bills, miscellaneous addressed mail, letters, identification, tax statements, photographs, and/or registration.
- 8) Any and all opened and unopened letters, envelopes, packages, parcels, shipping records, shipping receipts, address books, and/or telephone lists.
- 9) Any and all documents and records related to obtaining false identifying information, and/or forgery of governmental documents.
- 10) Any and all documents and handwriting samples of the suspected person.
- 11) Any and all newspaper articles or magazines related to the murder of Susan Berman or the disappearance of Kathy Durst.

**MY BELIEF IS BASED UPON THE FOLLOWING FACTS:**

I, Sgt. John Clarke, am a certified peace officer with the city of Houston, Texas, and am assigned to the Major Offenders Division of the Houston Police Department. I have been a certified peace officer for 37 years and have been assigned to the Major Offenders Division for 10 years. As a police officer in Major Offenders, I have handled numerous complex investigations with suspects who have successfully avoided identification and/or prosecution for their crimes. I have thousands of hours of training and have made hundreds of arrests. Affiant has received training through the Federal Bureau of Investigations (FBI) in fugitive apprehension. Affiant is currently assigned to the FBI Violent Crimes Task Force. Over the past several days, I have been aiding and assisting detectives from the Los Angeles Police Department regarding suspect Robert Durst. One of the detectives I have been speaking with and assisting is Detective Michael Whelan. I know Detective Sgt. Michael Whelan to be a certified peace officer with the Los Angeles Police Department and know him to be a credible and reliable person.

Detective Whelan advised me that on December 24, 2000, at approximately 1300 hours, members of the Los Angeles Police Department – West Los Angeles Patrol Officers responded to a radio call of an “Open Door” at 1527 Benedict Canyon Drive. Per Detective Whelan, the officers discovered the victim Susan Berman on the floor of her bedroom located in the Southwest portion of the residence. Per Detective Whelan, the officers reported that she had been shot once in the back of the head and there appeared to be no forced entry and no items of value were taken.

Detective Whelan advised me that on January 11, 2001, Robbery Homicide Division (RHD) Detectives Jerry Stephens, Serial No. 13612, and Paul Coulter, Serial No 21892 of the Los Angeles Police Department, assumed the investigative responsibility for the murder of Susan Jane Berman as well as Detective Roberts, Serial No. 17324 and Detective Hays, Serial No. 22768 from the West Los Angeles Detective Division of the Los Angeles Police Department. Detective Whelan advised me that he knows Detectives Stephens, Coulter, Roberts and Hays to be credible and reliable.

Detective Whelan advised me that Detectives Stephens, Coulter, Roberts and Hays discovered that Susan Berman lived alone and was last seen alive by a friend on Friday evening, December 22, 2000, at approximately 2230 hours. Detective Whelan advised me that the friend was identified by the detectives as Richard Markey. Detective Whelan advised that the detectives stated that they met with Richard Markey and found him to be a credible and reliable person. Detective Whelan advised that the detectives stated that they met with Richard Markey, who stated that he know Susan Berman by name and sight. Detective Whelan advised affiant that Richard Markey told the detectives that on December 22, 2000, he and Susan Berman had been out for the evening and she dropped him off at his residence at about 10:30 p.m. and drove away alone.

Detective Whelan advised that during the course of his investigation and from speaking to the detectives, he learned that on December 27, 2000, the Beverly Hills Police Department received an anonymous letter. Detective Whelan told me that in 2000 LAPD Detective Roberts, spoke to Detective C. Stevens from the Beverly Hills Police Department, whom he found to be a credible and reliable person. Detective Whelan told me that Roberts interviewed Detective Stevens and learned that the letter had been opened by Beverly Hills Police Department Administrative Secretary Ria Ionnidis. Detective Whelan told me that Roberts told him that per Detective Stevens, the envelope was addressed "BEVERLEY HILLS POLICE" and a note inside the envelope read "1527 BENEDICT CANYON" and under it the word "CADAVER," and further, the words and numbers were written in ink in large capital block style printing. Detective Whelan told me that Roberts told him that per Detective Stevens, the envelope had been postmarked on December 23, 2000, at the Marina Del Rey Post Office Processing Center the day before the discovery of the Susan Berman's body.

Detective Whelan advised that Detective Roberts also informed RHD detectives of a letter received at the west Los Angeles Police Station. Per Detective Whelan, the envelope, which was addressed to "Detective Ronald Phillips-Confidential," was postmarked from New York on January 9, 2001, and was entitled "Possible motive for Susan Berman murder" and referred to the case regarding the disappearance of Kathleen Durst being re-opened. Detective Whelan advised me that Robert and Kathleen Durst were husband and wife and that in January 1982, Kathleen Durst was reported missing under suspicious circumstances to the New York City Police Department. Detective Whelan told me Kathleen Durst has never been located and is presumed dead.

Detective Whelan advised me that the letter indicated that Susan Berman had suspected Robert Durst of being involved in Kathleen Durst's disappearance and that Robert Durst was planning to visit Susan Berman in late December, around the time Susan was killed. Per Detective Whelan, enclosed with the letter was a New York Post article dated Sunday, November 12, 2000, regarding Kathleen Durst's case. Per Detective Whelan, both the envelopes were type written.

Detective Whelan advised me that on January 15, 2001, Detective Stephens and Coulter interviewed Hillary Johnson, a longtime friend of Susan Berman and a person they found to be credible and reliable. Per Detective Whelan, Johnson told the detectives that in October of 2000, Berman confided to her that Robert Durst had sent her a check for \$25,000.00, accompanied by a note describing the money as a gift. Detective Whelan told me that Detective Roberts and Coulter recovered a Wells Fargo Bank statement for the month of November, 2000, from Berman's residence, showing a deposit of \$25,000.00 on November 21, 2000. The bank statement was subsequently booked as evidence as item #25 per Detective Whelan.

Detective Whelan advised me that Detective Roberts also recovered a piece of paper listing names and dollar amounts from Berman's residence and that one of the entries read "Bobby \$50,000.00," which was typewritten. This piece of paper was subsequently booked as evidence as item #26. Detective Whelan told me that Berman's computer hard drive was recovered and booked as evidence as item #18 and a check of its stored files was conducted. Per Detective Whelan, a November 5, 2000 letter was located and was

addressed 'dearest Bobby,' referencing money loans from "Bobby" to Berman.

Detective Whelan advised me that during the course of the investigation, Detective Stephens telephonically spoke with Robert Durst on several occasions and Durst admitted to him (Stephens) that he sent Berman the \$25,000. Per Detective Whelan, Durst also faxed a copy of Berman's 1982 deposition regarding his wife's disappearance but due to the on-going New York investigation and the then-current publicity regarding his possible involvement in the disappearance of his wife, Durst declined to be formally interviewed regarding Susan Berman's murder.

Detective Whelan advised me that on October 11, 2001, Sergeant Franklyn Cazalas of the Galveston Police Department in Texas contacted Detectives Stephens and Coulter and advised them that Robert Durst had been arrested for a murder that occurred in Galveston on September 30, 2001. Per Detective Whelan, after being booked, Durst was released on bail after posting a \$250,000 bond. According to Whelan, Durst was scheduled to appear in court for arraignment on October 16, 2001. Per Detective Whelan, Sergeant Cazalas also informed LAPD that during the arrest of Durst, a 9mm semi-automatic handgun was recovered from a storage compartment inside of Durst's vehicle. Per Detective Whelan, on October 16, 2001, Sergeant Cazalas telephonically advised LAPD that Durst had failed to appear for court as scheduled, his bail had been revoked, and a warrant for his arrest was issued. Per Detective Whelan, the warrant was issued by the Federal Bureau of Investigation for "Unlawful Flight to Avoid Prosecution." Detective Whelan advised me that on November 30, 2001, Durst was arrested on the Fugitive Murder warrant in Bath, Pennsylvania and was subsequently extradited back to Galveston Texas. Per Detective Whelan, during his Pennsylvania arrest, several normal course writings – writings located that were written in the normal course of business/personal correspondence – in Robert Durst's penmanship were recovered, but were held in the custody of Galveston Police for prosecution.

Detective Whelan advised me that on October 31, 2001, Detectives Stephens and Coulter were contacted by Senior Investigator John O'Donnell of the Westchester District Attorney's Office in the State of New York. Per Detective Whelan, O'Donnell was certified peace officer assigned to investigate the 1982 disappearance of Kathleen Durst. Detective Whelan advised that O'Donnell told Detectives Stephens and Coulter, that on October 18, 2001, he interviewed and took a statement from Debrah Lee Charatan, a person he believed to be credible and reliable, who was the wife of Robert Durst. Per Whelan, O'Donnell faxed a copy of the statement to detectives and the statement indicates that Durst and Charatan were married on December 11, 2000, and Durst signed a Power of Attorney allowing Charatan to conduct business for him. Detective Whelan also informed me that at the time of Berman's murder, Charatan and Durst were not together and she stated that she did not know his whereabouts during the Christmas Holidays of 2000. Per Detective Whelan, Debrah Charatan also provided to the Westchester County investigators an American Express Credit card statement in the name of Robert Durst (Account No. 3713-839619-93004). Per Whelan, the account transaction record lists a purchase on December 23, 2000 for an American Airlines ticket for passenger Robert Durst, The American Airlines ticket No. 00121739319884, listed a departure date of December 23, 2000, from San Francisco, CA to J.F. Kennedy NY, NY Detective Whelan informed affiant that Detective Stephens contacted American Airlines corporate Security, Colette Odell, and verified that Durst was on American Airlines Flight 18, leaving San Francisco at 10:00 PM on December 23, 2000 and arriving at JFK in New York at 6:28 AM on December 24, 2000.

Detective Whelan advised me that on April 30, 2002, Scientific Investigations Division, Questioned Documents Section supervisor Karen Chiarodit #B9199 and Detective Coulter traveled to Galveston Texas and obtained an extensive handwriting exemplar from Robert Durst per a Galveston County Court Order. Included in the exemplar were samples of Durst writing the following phrases:

"BEVERLEY HILLS POLICE"

"1527 BENEDICT CANYON"

"CADAVER"

Detective Whelan advised that in addition to the handwriting exemplar obtained from Durst, copies of handwriting samples, obtained by the Galveston Police Department from Durst's apartment, as well as Durst's Texas Driver's License application, were provided to Los Angeles Police Department Questioned Documents

Examiner William Leaver #N1267 for comparison to evidence items No. 21 and 22 – the envelope addressed to the Beverly Hills Police and note. Detective Whelan advised me that on June 20, 2002, the handwriting analysis was completed and it was the opinion of Questioned Document Examiner Leaver that "it is probable that the questioned writing on the envelope and note was written by the exemplar writer (Durst)".

Detective Whelan advised me that on November 11, 2003, Robert Durst was acquitted of the murder of Morris Black in Galveston, Texas but was found guilty of the unlawful disposal of a body and sentenced to five years. Per Detective Whelan, during the trial, Durst himself took the stand and was questioned regarding his whereabouts in December 2000; where he testified under oath that he was in California during the week of December 17<sup>th</sup>, 2000, and stayed for 3 days. Per Whelan, Durst stated under oath that he returned to the east coast and spent Christmas with his new wife Debrah Charatan. Detective Whelan informed me that Durst also testified under oath in Galveston that he only returned to California for one day on January 31, 2001, to attend the memorial service for Susan Berman, but decided against it because of media attention.

Detective Whelan advised me that on November 16, 2012, Detective P. Coulter retired from the Los Angeles Police Department and Detective G. Shamlyan, Serial No. 25836, working (RHD), Cold Case Homicide Unit (CCHU), was assigned the investigative responsibility of this case. Per Whelan, on July 17, 2014, Detective E. Camacho, Serial No. 31108, was also assigned to assist with the investigation. Detective Whelan advised he found Shamlyan and Camacho credible and reliable.

Detective Whelan informed me that on October 28, 2014, Detective Shamlyan transported the questioned documents – items No. 21 and 22 – and requested and normal, business course of writings from Robert Durst be sent to Forensic Document Examiner Lloyd Cunningham, a person he believed to be a credible and reliable document examiner. Per Whelan, Cunningham is an independent Forensic Document Examiner and someone he along with Shamlyan found credible and reliable.

Detective Whelan advised me that on November 4, 2014, Detectives Shamlyan and Camacho, along with Deputy District Attorney J. Lewin, and Deputy District Attorney H. Balian conferred with Forensic Document Examiner Lloyd Cunningham. Per Whelan, Shamlyan advised that Cunningham stated that based on his analysis and examination of the questioned documents and the provided requested and normal course of writings from Robert Durst, Cunningham identified Robert Durst as the author of the questioned documents and eliminated Nyle Brenner as the author of the cadaver letter and note. Detective Whelan advised me that Cunningham subsequently submitted a detailed report stating that he identified Robert Durst and eliminated Nyle Brenner as the author of the cadaver envelope and note. Detective Whelan advised me that another independent Forensic Document Examiner, Linton Mohammed, reviewed Cunningham's analyses and the handwriting evidence submitted to him. Detective Whelan advised me that Mohammed agreed with Cunningham's conclusions and opinions and also identified Robert Durst and eliminated Nyle Brenner – who was the manager and friend of the Susan Berman – as the author of the cadaver letter and envelope.

Note: Detective Whelan advised me that on February 28, 2001, a report was issued by Los Angeles Police Department Questioned Documents Examiner William Leaver #N1267 for comparison to evidence items No. 21 and 22 – the envelope addressed to the Beverly Hills Police and note. Detective Whelan advised me that Leaver concluded that it was "highly probable" that the note was authored by Nyle Brenner. Detective Whelan advised me that Leaver's analysis and report were later signed off by his supervisor K. Chiarodeit. Detective Whelan advised me that at the time, that there had not been an analysis of handwriting exemplars from Robert Durst. Detective Whelan advised me that on or about October 23, 2001, a comparison was made between the cadaver note and an envelope, and Durst's requested and normal course of writings. Detective Whelan advised me that the exemplar writing was limited. Detective Whelan advised me that Leaver concluded there were "similarities" that warranted the submission of additional exemplar writings. Detective Whelan advised me that on or about April 30, 2002, Detective Coulter accompanied by LAPD SID Questioned Documents supervisor K. Chiarodeit, met with Robert Durst and his attorney Dick Deguerin, Chip Lewis, and Defense Handwriting Examiner J. Mason. Detective Whelan advised me that a handwriting exemplar was obtained from Robert Durst for comparison with the cadaver letter and note. Detective Whelan advised me that on or about June 20, 2003, the cadaver letter and envelope were compared with the exemplars from Robert Durst by Leaver. Detective Whelan advised me that Leaver concluded that "it is probable" that Durst was the author of the cadaver letter. Detective Whelan advised me that Leaver further concluded that requested exemplar from Durst "may not be a completely natural execution of handwriting"



– and that this factor and condition of questioned envelope and letter precluded more definite opinion. Detective Whelan advised me that on or about July 2, 2003, a more detailed comparison by Nyle Brenner's handwriting was completed by Leaver. Detective Whelan advised me that Leaver conducted additional analysis of Nyle Brenner's handwriting with the cadaver note. Detective Whelan advised me that Leaver concluded that it was "highly probable" that Brenner was not the author of the cadaver letter. Detective Whelan advised me that on or about October 23, 2003, the cadaver envelope and letter as well as the exemplars from Nyle Brenner and Robert Durst were submitted to Sean Espley of California Department of Justice (DOJ), Bureau of Forensic Services. Detective Whelan advised me that Espley concluded that Robert Durst is "probably the author of the cadaver letter and note." Detective Whelan advised me that Espley further concluded that there was no evidence that Nyle Brenner was the author of the cadaver letter and envelope. Detective Whelan advised me that on or about September 25, 2014, Detective G. Shamlyan interviewed LAPD SID Questioned Documents Supervisor K. Chiarodeit. Detective Whelan advised me that Chiarodeit stated that she did not perform technical peer review and basically "rubber stamped" Leaver's report regarding his opinion that "it was highly probable that Nyle Brenner was the author of the cadaver envelope and letter."

Detective Whelan told me that on January 7, 2015, he, along with his partner Detective Luis Romero, Serial No. 30372, whom he knows to be credible and reliable, were assigned to this investigation as part of a RHD Task Force.

Detective Whelan advised that he spoke with FBI Special Agent Eric Perry, whom he believes to be a credible and reliable person. Detective Whelan advised that S.A. Perry has been working on the investigation of Robert Durst. Per Detective Whelan, S. A. Perry successfully obtained the cellular phone number [REDACTED] subscribed to Robert Durst. Per Detective Whelan, S. A. Perry also learned that Robert Durst has a net worth of approximately one hundred million dollars and therefore has the means to flee outside of the United States. Per Detective Whelan, S.A. Perry further advised that Robert Durst has been withdrawing large sums of money from his bank accounts most often with daily withdrawals of nine thousand dollars over a period of (35) days since October of 2014.

Your Affiant is aware of recent national media attention regarding Robert Durst as a possible suspect in the murder of Susan Berman. Your Affiant noted that the media attention has coincided with an HBO series which has detailed Robert Durst's life and the speculation that he is a suspect in the disappearance of his wife and the murder of Susan Berman. Your Affiant and Detective Whelan noted that on the final episode of the HBO series on March 15, 2015, there is an audio excerpt of Durst talking to himself stating: "There it is. You're caught! What the hell did I do? Kill [or 'Killed'] them all, of course."

Based on the above information, it is your Affiant's opinion that Robert Durst's is responsible for the murder of Susan Berman. It is your Affiant's opinion based on Robert Durst's history when confronted with being arrested and charged in a criminal investigation that he will use his monetary resources to flee and avoid arrest.

Detective Whelan informed your Affiant that on March 11, 2015, Los Angeles Police Department Detective Luis Romero, presented a Ramey Probable Cause Arrest Warrant and Affidavit to the Honorable Judge Craig Richman of the Los Angeles County Superior Court, Central Judicial District. Per Detective Whelan, the Honorable Judge Richman approved the Probable Cause Arrest Warrant for the arrest of Robert Durst for murder in violation of Section 187 of the California Penal Code.

Detective Whelan informed your Affiant that on March 14, 2015, he spoke with FBI Special Agent William Williams, whom he believes to be a credible and reliable person. Per Detective Whelan, S.A. Williams advised that he and Agent Bender went to the JW Marriot Hotel, in New Orleans, Louisiana, and established that Robert Durst had not checked into the hotel under his true and correct name. Per Detective Whelan and through Affiant's own knowledge, Agents Bender and Williams subsequently observed a male matching Robert Durst's description, who was later positively identified as Robert Durst, in the lobby area. Per Detective Whelan, Agent Williams told him he (Williams) approached Durst from the rear and asked, "Mr. Durst?" Per Detective Whelan and Agent Williams, Robert Durst turned around and Agent Williams identified himself as an FBI agent. Per Detective Whelan and Agent Williams, Robert Durst had a small back pack with him, but he claimed to have no identification. Per Detective Whelan and Agent Williams, Robert Durst advised Agents Williams and Bender that he had a passport in his room and that he had checked into the hotel under the name of "Everette Ward." Per

Detective Whelan and Agent Williams, learned that Robert Durst was later found to be in possession of a Texas Identification Card under the name "Everette Ward." Per Detective Whelan and Agent Williams, when Williams recovered the false identification card, Durst commented, "that's pretty good..." Affiant has confirmed through law enforcement records that this document is a false and fraudulent government record. Per Detective Whelan, he obtained a search warrant for the hotel room rented at the JW Marriott, room 2303, located at 614 Canal Street, New Orleans, Louisiana, by Robert Durst under the name "Everette Ward." Per Detective Whelan Durst was in possession of approximately \$42,631 cash monies, mostly in \$100 bills that were packed in small envelopes. Per Detective Whelan and Agent Williams, Durst had in his hotel room a loaded Smith and Wesson 38 revolver with one spent shell casing, and four live rounds. Per Detective Whelan and Agent Williams, Durst had in his hotel room a rubber/latex mask – which would cover an individual's head and neck. Per Detective Whelan and Agent Williams, Durst had in his hotel room his true and correct birth certificate and passport. Per Detective Whelan and Agent Williams, Durst had in his hotel room marijuana. Per Detective Whelan and Agent Williams, Durst had in his hotel room a piece of paper containing handwriting documenting "UPS" and a series of numbers, Durst advised it was a tracking number for a shipment of a large sum of cash monies.

Per Detective Whelan, he spoke with a certified peace officer from the State of Louisiana named Saunders Craine, whom is a Louisiana State Police Officer. Per Detective Whelan, Craine stated that Robert Durst identified himself during the booking process as Robert Durst, date of birth [REDACTED], who resides at 2520 Robinhood Street, #1405, in Houston, Texas, 77005.

Your Affiant has conducted research of law enforcement databases, independently conducted visual surveillance, and confirmed that Robert Durst resides within a residence located at 2520 Robinhood Street, #1405, in Houston, Harris County, Texas, 77005. Affiant has also confirmed through research of law enforcement databases that Robert Durst owns a total of three units within the building located at 2520 Robinhood Street, Houston, Harris County, Texas 77005, namely, apartment unit number 1405, apartment unit number 606, and apartment unit number 801.

Detective Whelan advised your Affiant, and I believe, that a search of his residence(s), located at 2520 Robinhood Street, Houston, Harris County, Texas 77005, namely, apartment unit number 1405, apartment unit number 606, and apartment unit number 801; will provide items constituting evidence of Murder, evidence tending to show that a particular person committed the offense of Murder, contraband, and/or any and all implements or instruments used in the commission of a crime. Additionally, Detective Whelan advised your Affiant, and I believe, that a search of his residence(s), located at 2520 Robinhood Street, Houston, Harris County, Texas 77005, namely, apartment unit number 1405, apartment unit number 606, and apartment unit number 801, will provide evidence of fleeing his primary residence in Houston, Texas, and using an alias to rent a room in New Orleans in order to avoid arrest and prosecution for the murder of Susan Berman. Additionally, Detective Whelan advised your Affiant, and I believe, that a search of his residence(s), located at 2520 Robinhood Street, Houston, Harris County, Texas 77005, namely, apartment unit number 1405, apartment unit number 606, and apartment unit number 801, will provide evidence of his preparations to make travel arrangements and/or obtain large sums of cash monies to flee from law enforcement and/or leave the country to avoid apprehension and prosecution for the murder of Susan Berman. Additionally, Detective Whelan advised your Affiant, and I believe, that a search of his residence(s), located 2520 Robinhood Street, Houston, Harris County, Texas 77005, namely, apartment unit number 1405, apartment unit number 606, and apartment unit number 801, will provide evidence that can also lead to evidence of tampering with a government document. Based upon your Affiant's training and experience, Affiant knows that individuals looking to change or mask their identities, often do research of possible names online, order fake identifications online, and/or even make their own identities on programs found on computers. The evidence sought will tend to further identify him as the suspect in the murder of Susan Berman.

Based upon your Affiant's training and experience, Affiant knows that individuals who commit murder often retain, within their primary residence, possession of items constituting evidence of Murder, evidence tending to show that a particular person committed the offense of Murder, contraband, and/or any and all implements or instruments used in the commission of a crime. Affiant believes that these items include firearms evidence. Additionally, based upon Affiant's training and experience, Affiant knows that individuals who commit murder often retain, within their primary residence, evidence of media coverage of their crime. Additionally, based upon Affiant's training and experience, Affiant knows that individuals often have items with their own handwriting within their primary residence. Affiant believes that these handwriting samples are evidence in this investigation into the murder of Susan Berman and disappearance of Kathy Durst.

Your affiant spoke with Capt. Mike Kelly of the Harris County District Attorney's Office, who is employed as a Captain of Investigators. Captain Mike Kelly has been a Certified Texas Peace Officer for thirty four (34) years. He has handled over two hundred (200) white-collar crime investigations. He has received a great deal of training in the field of white-collar crime and computer-related crime. Captain Kelly told your affiant that it is common for an individual with large financial assets to use their computer and/or electronic or digital devices to transfer assets in a manner to avoid detection. Per Captain Kelly, it is also common for an individual with large financial assets to use their computer and/or electronic or digital device to store files and other electronic data related to their assets. It is also common for an individual to structure financial transactions in a manner to avoid federal reporting and detection.

Based on your Affiant's training and experience, Affiant knows that electronic or digital devices are capable of receiving, sending, and/or storing electronic data and that evidence can be contained within those devices. Affiant also knows it is possible to capture video and photos within electronic or digital devices. Further, Affiant knows that electronic or digital devices are capable of storing information for long periods of time, including many years of information and that information can be recovered from electronic devices even when the user has "deleted" the information. Based on that knowledge, Affiant believes it's possible to go back many years to look for information. Affiant also knows that that it is common for a suspect to communicate about their plans through digital applications.

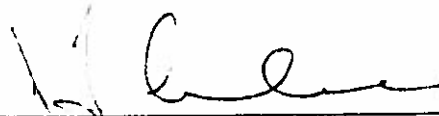
Based on your Affiant's training and experience, Affiant knows that someone who commits a murder, often communicates, researches, and plans, his flight and/or attempt to evade apprehension and prosecution. Additionally, based upon Affiant's training and experience, Affiant knows that it is common for individuals who commit murder to attempt to flee and that evidence supports the individual suspect's consciousness of guilt. Affiant also knows that often times, in an attempt to cover up and/or evade apprehension that suspects utilize the internet via digital devices to search for relevant information. Further, Affiant knows that in many "cold" cases where the crime happened years earlier, when new inquiries are made (such as the HBO documentary series which aired in March of 2015 about Robert Durst) or investigations are reopened, the suspect often will research areas regarding the crime scene or utilize search terms that may provide affiant and law enforcement officers with additional leads or clues in solving the case.

Based upon Affiant's knowledge, training, and experience, and the experience of other law enforcement personnel and a computer forensic analyst with whom Affiant has consulted, Affiant knows that in order to completely and accurately retrieve data maintained in or accessed by computer hardware or on computer software and computer equipment, peripherals, related instructions in the form of manuals and notes, as well as the software utilized to operate such a computer, must be seized and subsequently processed by a qualified computer specialist in an appropriate setting. Accordingly, it is very often necessary to take all computer hardware and software found at the suspected location in order to have it examined in a qualified forensic environment. Such will sometimes be the only way that items such as documents and internet caches can be effectively recovered from a computer when they can be encrypted and/or password-protected, or which could have been previously "deleted." In light of these concerns, Affiant request the Court's permission to seize at the search location all the computer hardware, software, and peripherals that are believed to potentially contain some or all of the contraband, or instrumentalities, or evidence described in the warrant, and to conduct an on-site or offsite search of these computer materials for such evidence. Affiant intends to transport all such seized computer materials to a qualified forensic facility for imaging and analysis by experts and/or to retain all such computer materials within the current forensic facility.

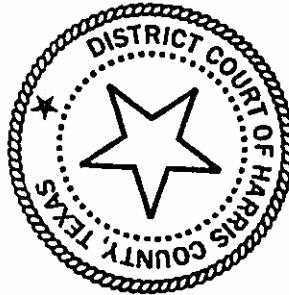
Based on the aforementioned information the affiant believes that probable cause exist for the search of the above listed location.


WHEREFORE, PREMISES CONSIDERED, your affiant respectfully requests that a warrant issue authorizing your affiant, or any other peace officer of Harris County, Texas to enter the aforementioned property and premises at 2520 Robinhood Street, apartment unit number 1405, apartment unit number 606, and apartment unit number 801, in Houston, Harris County, Texas, with authority to search for and to seize the property and items set out earlier in this affidavit.

FUTHER Affiant requests permission to transport any evidence seized during the search of the above described location to any other state and county in the United States in order to aid and assist in the ongoing investigation and prosecution of said crimes.

  
\_\_\_\_\_  
AFFIANT

Sworn to and Subscribed before me on this  
the 17<sup>th</sup> of MARCH, 2015, A.D.



  
JUDGE 263 District Court  
Harris County, Texas

**FILED**  
Chris Duffel  
District Clerk

2015

Attest: \_\_\_\_\_  
Harris County, Texas  
By \_\_\_\_\_  
Deputy

THE STATE OF TEXAS

§

RETURN AND INVENTORY

COUNTY OF HARRIS

§

The undersigned, being a peace officer under the laws of the State of Texas, certifies that the foregoing warrant came to hand on the day it was issued and that it was executed on the 17 day of MARCH, 2015 by making the search directed therein and seizing during the search the following described property:

14 CD's - left side of desk

4 CD's - right side of desk

8 CD's - rt side of desk

1 CD - top shelf of CD rack on desk

7 CD's - right rear side of desk

Tracfone manual and cards

2 bank statements from CHASE, Susan Giordano correspondence/article - top shelf

2 bank statements (WAMU, AMERICAN EXPRESS), (2) Xerox copy of deeds to 2520

Robinhood St.

Misc documents - email correspondences, misc papers. Article w/ handwritten note

attached

7 credit cards; 7 blank checks (top drawer)

**Credit Cards**

Bank of America, MasterCard, [REDACTED]

Chase, Visa, [REDACTED]

Capital One Bank, MasterCard, [REDACTED]

Charles Schwab Bank, Visa, [REDACTED]

Prosperity Bank, MasterCard, [REDACTED]

Prosperity Bank, MasterCard, [REDACTED]

Prosperity Bank, MasterCard, [REDACTED]

**Checks (all in name of Robert Durst)**

Capital One Bank, [REDACTED]

Charles Schwab, [REDACTED]

Bank of America, [REDACTED]

Frost Bank, [REDACTED]

Chase, [REDACTED]

Prosperity Bank, [REDACTED]

Premier America Credit Union, [REDACTED]

2 blank 8 1/2 x 11 stationary paper w/ Robert Durst letterhead, (2) blank/stamped envelopes with Robert Durst and address imprint (middle drawer)

Credit card –Prosperity Bank, MasterCard, in name of “Stafford J Demouchette July 15 Real Estate, LLC”, [REDACTED]

2 email correspondences from Charles Schwab

Cell Phone – Alcatel , One Touch, Model 2017B (With phone charger)

MEID DEC: [REDACTED]

MEID HEX: [REDACTED]

AT&T mail – addressed to ROBERT DURST at Robinhood address

5 Bekins boxes containing several court docs, and new articles

1 bankers box with misc court docs and photographs

trash bag containing misc court transcripts

3 books – Without a Trace, A Deadly Secret (paperback), A Deadly Secret (hard cover)

Misc transcripts

A handwritten signature in black ink, appearing to read "H. Lee", is written over a horizontal line.

**OFFICER EXECUTING PROCESS**