

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

Your affiant, Agent Brian Davis, is employed by the Utah Department of Public Safety, State Bureau of Investigation and is currently assigned to the Major Crimes Unit. Your affiant has been given the responsibility to investigate general criminal offenses occurring in the State of Utah including but not limited to death investigation, officer involved critical incidents, fugitive apprehension, federal firearm violations, violent crimes, sex offenses, fraud, forgery, public corruption, and identity theft.

Your affiant has been a police officer since 1999, and has worked in a variety of assignments such as, State Trooper, Alcohol Enforcement Task Force, ATF Task Force, FBI Violent Crime/Gang Task Force, US Marshal Fugitive Task Force, Officer Involved Critical Incident Task Force, FBI Public Corruptions Task Force, Utah Transit Authority Police.

Your affiant has received a variety of continuous basic, and advanced training. This training includes: Advanced Drug Interdiction, Field Training Officer, Crime Scene, Interview and Interrogation, Fraudulent Document Recognition, National Liquor Law Academy, Narcotic Investigations, Gang Enforcement, Fugitive Apprehension, US Department of Justice-Firearms Trafficking, Homicide Investigations, Financial Investigations, Force Science Certified, and Children's Justice Center-Forensic Interviews for Child Victims.

Your affiant has investigated and assisted in a variety of investigations including homicides, violent crimes, fraud, forgery, theft, narcotic trafficking, interrogation of suspects, gang crimes, sexual assaults, and federal firearm and narcotic crimes.

Your affiant, Agent Brian Davis is assisting and working in conjunction with with the Michigan State Police in regard to a homicide investigation that occurred in Michigan. Detective Sergeant Amy Hofmeister with the Michigan State Police has requested the assistance of your affiant, and the Utah State Bureau of Investigation in obtaining a Utah search warrant for the DNA of an individual currently residing in Box Elder County, Utah.

Detective Sergeant Hofmeister will provide the following facts establishing probable cause.

AFFIANT TRAINING AND EXPERIENCE (MICHIGAN STATE POLICE)

Your Affiant, Michigan State Police (MSP) Detective Sergeant Amy Hofmeister, is currently employed by the Michigan State Police, and is assigned to the Lapeer Post. She has been employed by MSP for 25 years. The MSP is a full-service law enforcement agency.

Your Affiant obtained a Bachelor of Arts Degree from Saginaw Valley State University prior to entering the MSP.

Your Affiant graduated from Michigan State Police Trooper Recruit School in 1998.

Your Affiant was assigned to the Caro Post upon graduation and served as a trooper in a road patrol capacity at that post for thirteen years. Her road patrol duties included traffic enforcement, traffic crash investigations, crime scene response, and a vast number of criminal investigations including but not limited to attempted murder, felonious assault, domestic violence, criminal sexual conduct, breaking and entering, and fraud.

Your Affiant transferred to the Lapeer Post as a trooper in 2011 and continued road patrol assignment for four years. Road patrol investigations in this post area were similar to the crimes listed above; with additional venues including freeway patrol, and criminal investigations within the Michigan Department of Corrections (MDOC), as the Lapeer Post area contains a state prison facility.

Your Affiant transferred to the MSP Third District Marijuana & Tobacco Unit in 2015 until 2019. Your Affiant's title and rank in this position was detective trooper. Her responsibilities in this unit involved surveillance and fraud investigations.

Your Affiant was promoted to sergeant in February 2019 at the Lapeer Post. Her position involved road patrol as a uniformed squad sergeant, serving as a supervisor to road patrol troopers.

Your Affiant was selected to reassignment to detective sergeant in June 2019 at the Lapeer Post. In this capacity she also serves as a member of the MSP Third District Special Investigation Section. Her duties include but are not limited to supervision of trooper's criminal investigations, crime scene response, and a variety of criminal investigations at the post level, including cold cases and homicides. She also serves as a member of the MSP Third District Incident Response Team, responsible for investigating Officer Involved Shootings and Critical Incidents. This response team investigates incidents throughout the entire State of Michigan.

Throughout her 25-year career, Your Affiant has received extensive training in fraud, search and seizure, intelligence gathering, child abuse, criminal sexual conduct, officer involved shooting, critical incident response, cold case homicide, and homicide investigations.

PROBABLE CAUSE

A) Your Affiant, Detective Sergeant Amy Hofmeister, is a certified and sworn law enforcement officer and has been for the past twenty-five years with the Michigan

State Police. Affiant is currently assigned to the Special Investigations Section, as a member of the Third District Lapeer Post. Affiant's responsibilities include investigating major crimes such as homicides. D/Sgt. Hofmeister will be further referred to as Affiant.

B) Affiant knows that on Tuesday, 11/15/2011 at approximately 10:40PM, Tpr. Brian Reece from the Michigan State Police Flint Post was dispatched to a Missing Person report to a residence in Forest Township, Genesee County Michigan. Complainant Harold Eilber informed Tpr. Reece his daughter, 20-year-old Andrea Eilber, who lived at 10257 North State Road, Otisville, Michigan 48463 had been missing for over 24 hours and had last been seen on Monday, 11/14/2011. Harold explained Andrea was supposed to be housesitting at 2926 Kings Mill Road, Mayfield Township, Lapeer County Michigan. Other family members had checked the address for Andrea. Andrea's vehicle, a 1993 Mazda, was also missing. There was no answer at the door at the Kings Mill address. Harold told Tpr. Reece numerous calls to Andrea's cell phone and the Kings Mill address were not answered. The cell phone calls went directly to voicemail, and the calls to the address went to the answering machine.

C) Troopers from the Michigan State Police Lapeer Post responded to 2926 Kings Mill Road, Lapeer County to check for Andrea, her vehicle, and any signs of suspicious activity.

D) Tpr. Reece obtained Andrea's phone records for her cell phone number (810)610-8848 for her recent phone activity. He learned her last telephone contact was on Monday, 11/14/2011 between 5:45PM and 7:14PM with telephone number (239)877-0953 which was identified as belonging to Kenneth Grondin III, Andrea's boyfriend.

E) In the early morning hours of Wednesday, 11/16/2011, Michigan State Police Lapeer troopers advised Tpr. Reece the residence at 2926 Kings Mill Road was locked, and there was no sign of neither Andrea nor her vehicle.

F) In the early morning hours of Wednesday, 11/16/2011, Michigan State Police Lapeer troopers located Andrea's vehicle empty and abandoned at a DNR (state land) hunting parking lot approximately 1.5 miles away from the Kings Mill Road residence.

G) Troopers subsequently entered 2926 Kings Mill Road and located Andrea Eilber deceased.

H) On Wednesday, 11/16/2011 at approximately 7:00AM, Tpr. Reece and detectives from the Michigan State Police Flint and Lapeer Posts interviewed Andrea's boyfriend, Kenneth Grondin III. Kenneth said he had gone to the house at 2926 Kings Mill Road on 11/14/2011 at approximately 8:00PM to watch movies

with Andrea. He said when he arrived at the house Andrea was not there. He tried to enter the house, but the front door was locked. After being unable to find Andrea at the house, Kenneth texted Andrea to ask her what was going on. Kenneth said after about ten to fifteen minutes, he received a text message from Andrea. The text message said she had to cancel, and she would "catch him tomorrow."

I) Kenneth provided a written statement to detectives after an additional interview later in the day on Wednesday, 11/16/2011. In the written statement, Kenneth said he had been inside the house and moved items to "make it look like she did not do this to herself." He told detectives he had moved her car to the parking area and walked back to the house. He also said he was wearing black gloves and had burned them. Kenneth refused to describe the items he moved from the crime scene or where he had placed them. He said after he left the house, he went home to his residence. His mother and brother were home, but he did not tell them he had found Andrea deceased, or what he had done. Kenneth subsequently told detectives the statement he wrote wasn't true.

J) On Thursday, 11/17/2011, an autopsy was performed on Andrea Eilber by Medical Examiner Dr. Kanu Virani. Dr. Virani concluded Andrea's death was caused by a single gunshot wound to the head and ruled her manner of death as a homicide.

K) In 2015, Kenneth Grondin III was convicted by jury in Lapeer County for the homicide of Andrea Eilber.

L) In 2018, Kenneth Grondin III was granted an appeal based on faulty language on the jury verdict instruction form. He was subsequently released from prison and a new trial was ordered.

M) Your Affiant, as the current officer in charge of the investigation, has been reviewing the case for new investigative information.

N) Your Affiant knows from the original investigation a cigarette butt was collected outside the home, in the yard, at 2926 Kings Mill Road. Affiant is aware a single source male DNA profile was created from the cigarette butt. Detectives collected approximately 36 DNA samples with people associated with this complaint. No matches were made. The profile was entered into CODIS, where it has remained since 2011 without being identified.

O) Your Affiant knows D/Sgt. Reece researched DNA genealogy and familial genealogy. He requested the testing in 2019 and requested funding in 2020. D/Sgt. Reece's attempts and requests were unsuccessful due to incorrect information on property items and budget constraints from the effects of the COVID-19 pandemic.

P) In 2022, Your Affiant continued to research the possibility of genealogy testing. Affiant learned the property item containing the cigarette butt DNA extract contained enough for further testing. Affiant spoke with Joel Schultze, who is the lead MSP scientist of DNA submissions for forensic genetic genealogy (FGG). Schultze approved submission of the cigarette butt extract (unknown DNA sample), to Othram Laboratory, a private laboratory specializing in genetic genealogy testing.

Q) In January 2023, Othram Laboratory notified the Michigan State Police and provided a lead on the DNA. The individual lead they provided is a resident in the State of Utah. It was requested by Othram that this individual's DNA be collected and submitted, to exclude him from being the donor of the cigarette butt DNA profile.

R) Affiant identified the individual using Othram's provided information as Chadwick Shane Mobley, a white male with date of birth 01/10/1981, who's current address is 830 W 1075 S #102, Brigham City, Utah 84302 (address on his valid Utah operator's license).

S) In February 2023, Affiant requested and secured assistance from the Utah Department of Public Safety State Bureau of Investigations to locate and surveil Chadwick Mobley in attempt to collect a sample of his DNA.

T) Affiant learned through further investigation Chadwick Mobley resided in Michigan in November 2011. At the time of Andrea's murder, his address was 2139 Allerton Road, Auburn Hills Michigan. This address is approximately 37 miles south of 2926 Kings Mill Road, Lapeer. In November 2011, Chadwick Mobley was employed by Star EMS in Pontiac Michigan; 30 to 40 miles south of the residence on Kings Mill.

U) Affiant learned through further investigation Chadwick Mobley's mobile telephone number in November 2011 was (248)227-7251.

V) Affiant is aware of a cell site tower download obtained by MSP detectives in their original investigation. Specifically, the cell tower nearest 2926 Kings Mill Road, and the download content from Monday 11/14/2011: the date of Andrea's murder.

W) Affiant was advised by D/Sgt. Randy Khan, MSP Technical Services Unit, Chadwick Mobley's cell phone number (248)227-7251 utilized the AT&T Tower (26521 – 32199) & sector that points towards the crime scene for 23 communications from 6:03pm – 8:45pm on 11/14/2011.

X) Affiant was advised one of the communications to Chadwick's cell number was an incoming phone call from phone number (248)371-9300. The other

communications were data messages (text messages; to/from phone numbers not available on listed tower data).

Y) Affiant learned phone number (248)371-9300 is to Walton Charter Academy, a public charter school Y5K-8 located in Pontiac, Michigan. This school is located approximately two miles from where Chadwick lived at the time.

Z) Affiant confirmed with Walton Charter Academy that Chadwick's two children were enrolled with their school in November 2011, and the phone number on file for their father was (248)227-7251.

AA) Affiant learned from Utah Department of Public Safety State Bureau of Investigations Agent Brian Davis of his and his teams extensive, over two-month long surveillance, of Chadwick Mobley and Chadwick's observed behaviors. Chadwick does not have a physical address; no residence, rather, he is observed to "live" inside the semi issued to him. Chadwick has never been observed to discard or abandon any object known to have been in his mouth. He has never been observed by Utah Department of Public Safety State Bureau of Investigations to converse or visit any residence, restaurant, nor any other building location unrelated to work. Chadwick has been observed to be a smoker of cigarettes.

BB) Affiant was advised the following information by Utah DPS SBI Agent Brian Davis: Chadwick Shane Mobley, Utah driver's license number 236505855, is currently employed by Swift Transportation Company, hauling goods to Walmart locations within and outside the state of Utah. He is the sole driver assigned to the 2020 Freightliner with Indiana registration plate 2905720, VIN# 3AKJHHDR4LSLP8942. His personal vehicle was commonly parked next to the semi in the Walmart Distribution Center parking lot located in Corinne, UT between February and April 2023.

Further: Traffic stop information indicates Chadwick was stopped by Montana Department of Transportation in June 2022, Colorado State Patrol in December 2022, and Utah Department of Public Safety in February 2023. At the time of each traffic stop, Chadwick was driving the semi listed above.

CC) On 2-28-23, Utah agents observed Chadwick walking a dog. Chadwick was observed collecting the dog's feces in a plastic bag, tying a knot in the bag, and placing the bag in a trash receptacle. After he abandoned the plastic bag, Utah agents collected and packaged the top, knotted portion, of the bag. Agent Brian Davis sent the bag via overnight Fed Ex to Affiant.

DD) Affiant submitted the bag to the MSP Bridgeport lab, in request of analysis of the bag for comparison purposes to the cigarette profile.

EE) Affiant was advised by Joel Schultze the bag profile analysis to create a known comparison was unsuccessful.

FF) Affiant was advised by Agent Brian Davis that Brigham City Police Department had contact with Chadwick Mobley on 5-2-23. The nature of the call for service was a parking complaint. Brigham City Officer Barlow observed a semi without trailer blocking traffic on 100 W. Chadwick Mobley identified himself as the driver of the semi, and told the officer he was spending the night at 555 S 100 W.

GG) Based on your Affiant's training and experience, it is clear, that DNA comparison helps to both include and exclude individuals as potential donors to DNA evidence collected at a crime scene. In the homicide case of Andrea Eilber, it is known the article collected near the crime scene, the cigarette butt, contains a single source male profile. Affiant, in conjunction with the investigative results supplied by Othram Labs and MSP Crime Labs, coupled with the details learned about Chadwick Mobley and surveillance efforts from the agents in Utah, believes that a collection of buccal swabs from Chadwick, can be compared to that of the evidentiary sample and DNA profile from the cigarette butt. This is an effort to exclude Chadwick Mobley as the profile from the cigarette butt.

HH) Affiant is requesting that this warrant be situational and able to be served upon locating and contacting Chadwick Mobley and be executed under State of Michigan court seal by State of Utah DPS SBI Agents.

Wherefore, based on the totality of the information possessed by me set for in this affidavit, I assert that I have probable cause to believe that the items sought to be seized will be located at the places sought to be searched and that your affiant's training and experience, causes her to believe that the execution of this search warrant will assist with the furtherance of this investigation into the crime of homicide.

This affidavit has been reviewed by Blair Wardle of the Box Elder County Attorney Office, and it has been approved for presentation to the court.

WHEREFORE, your affiant prays that a Search Warrant be issued for the seizure of said items in the daytime.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on: 1st day of June, 2023 @ 08:02 AM by /s/ BRIAN L DAVIS

IN THE FIRST DISTRICT COURT - ALL DEPARTMENT
IN AND FOR BOX ELDER COUNTY, STATE OF UTAH

SEARCH WARRANT

No. 2660241

COUNTY OF BOX ELDER, STATE OF UTAH

To any peace officer in the State of Utah:

Proof by Affidavit made upon oath or written affirmation subscribed under criminal penalty of the State of Utah having been made to me by Detective BRIAN L DAVIS of State Bureau of Investigation, this day, I am satisfied that there is probable cause to believe

THAT

On the person(s) of: Chadwick Shane Mobley

Date of Birth 01/10/1981

SSN 290-86-2509

Further described as a white male, blonde hair, blue eyes, weighing approximately 155 pounds, being approximately 6'0" tall.;

On the items(s) described as: DNA buccal swabs of Chadwick Shane Mobley;

In the City of Brigham City, County of Box Elder, State of Utah, there is now certain property or evidence described as:

Six (6) DNA sample/Buccal Swabs from the person of Chadwick Shane Mobley, W/M, DOB: 01/10/1981.

and that said property or evidence:

Was unlawfully acquired or is unlawfully possessed;

has been used or is possessed for the purpose of being used to commit or conceal the commission of an offense; or

is evidence of illegal conduct.

Affiant believes the property and evidence described above is evidence of the crime or crimes of Homicide.

YOU ARE THEREFORE COMMANDED:

to make a search in the daytime of the above-named or described person, vehicle, item, and/or premises for the herein-above described property or evidence and if you find the same or any part thereof, retain such property in your custody subject to the direction of a prosecutor or an order of this Court.

Dated: 1st day of June, 2023 @ 08:31 AM /s/

Kevin L. Nelson
Justice Court Judge

The seal of the State of Utah, Department of the Judiciary, is circular. It features a central figure, likely a personification of Justice, surrounded by the text "STATE OF UTAH" at the top and "DEPARTMENT OF THE JUDICIARY" at the bottom. The seal is positioned to the right of the signature line.

RETURN TO SEARCH WARRANT

NO. 2660241

The personal property listed below or set out on the inventory attached hereto was taken from the person of Chadwick Shane Mobley

Date of Birth 01/10/1981

SSN 290-86-2509

Further described as a white male, blonde hair, blue eyes, weighing approximately 155 pounds, being approximately 6'0" tall., by virtue of a search warrant dated the 1st day of June, 2023, and issued by Magistrate KEVIN L NELSON of the FIRST DISTRICT COURT - ALL DEPARTMENT:

Not Served

I, Detective BRIAN L DAVIS of State Bureau of Investigation, by whom this warrant was executed, do swear that the above listed or below attached inventory contains a true and detailed account of all the property taken by me under the warrant, on the 9th day of June, 2023.

All of the property taken by virtue of said warrant will be retained in my custody subject to the order of this Court or of any other court in which the offense in respect to which the property, or things taken, is triable.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on: 9th day of June, 2023 @ 12:30 PM by /s/ BRIAN L DAVIS