

12/9/2009

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IN THE THIRD DISTRICT COURT - SALT LAKE DEPARTMENT  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

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**SEARCH WARRANT**

No. 1025781

COUNTY OF SALT LAKE, STATE OF UTAH

To any peace officer in the State of Utah:

Proof by Affidavit under oath having been made this day before me by DAVID GRECO, I am satisfied that there is probable cause to believe

THAT

On the premises known as 6254 West 3945 South, further described as On the premises known as 6254 West 3945 South, further described as a single story residence with white colored siding and grey rock trim. The residence is located on the northwest side of the circle and faces southeast. The residence has an attached garage with a white roll-up door located on the East side of the structure. The numbers 6254 in black are located on the West side of the front of the residence near the front door. These numbers can be easily seen from the street, and surrounding curtilage.;

In the City of West Valley, County of Salt Lake, State of Utah, there is now certain property or evidence described as:

gas can, generator, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
blanket [REDACTED]  
[REDACTED]

Any illegal contraband, and or fruits of the crime and or instrumentalities  
and that said property or evidence:

Was unlawfully acquired or is unlawfully possessed, or

Has been used to commit or conceal a public offense, or

Is being possessed with the purpose to use it as a means of committing or concealing a public offense, or

Consists of an item of, or constitutes evidence of, illegal conduct, possessed by a party to the illegal conduct.

Affiant believes the property and evidence described above is evidence of the crime or crimes of Murder 76-5-203, Kidnapping 76-5-301, Unlawful Detention 76-5-304, and or Obstruction of Justice 76-8-306.

YOU ARE THEREFORE COMMANDED:

to make a search of the above-named or described premises for the herein-above described property or evidence and if you find the same or any part thereof, to bring it forthwith before me at the THIRD DISTRICT COURT - SALT LAKE DEPARTMENT, County of Salt Lake, State of Utah, or retain such property in your custody, subject to the order of this court.

Dated: 9th day of December, 2009 /s/

Robert K. Hilder  
District Court Judge





Was unlawfully acquired or is unlawfully possessed, or

Has been used to commit or conceal a public offense, or

Is being possessed with the purpose to use it as a means of committing or concealing a public offense, or

Consists of an item of, or constitutes evidence of, illegal conduct, possessed by a party to the illegal conduct.

Affiant believes the property and evidence described above is evidence of the crime or crimes of Murder 76-5-203, Kidnapping 76-5-301, Unlawful Detention 76-5-304, and or Obstruction of Justice 76-8-306.

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

Your Affiant has been a police officer for 13 years with the West Valley City Police Department. Prior to that, Your Affiant worked for the Utah State Prison as a Corrections Officer for 1 and a half years. Your Affiant has been assigned to the Detective Division of the West Valley Police Department for 5 and a half years and is currently assigned to the Major Crimes Unit. Your Affiant investigates Robberies, Aggravated Robberies, Homicides, Aggravated Assaults, Simple Assaults, and other crimes against persons. Your Affiant has received specialized training from Utah Police Officer Standards and Training on crimes against persons. Your Affiant has also attended several classes and seminars involving evidence collection and crime scene processing, and investigation of crimes against persons.

Your affiant advises the court that on December 7, 2009, potential victim Susan Powell was reported as missing by her Mother-in-law Terrica Powell. The Potential victim was last seen on Sunday, November 6, 2009 at 5 pm by family friend Jovanna Owens. The Potential victim did not show up for work on Monday, December 7, 2009 and did not call in sick. The Potential victim's husband Joshua Powell was contacted by phone by his mother Terrica Powell and told her that he was out driving around the West Valley City area with his 2 children and did not know that his was wife had not shown up to work. Mr. Powell responded to his residence at 6254 West 3945 South at approximately 6:30 pm where he met with Officers and Detectives. Mr. Powell was interviewed by Detective Ellis Maxwell who has briefed your Affiant on the interview. Detective Maxwell told your Affiant that Mr. Powell had informed him that he had been camping out in the west desert which is the North Cedar Fort area on the Pony Express Trail with his 2 children

B. P. (2 years old), C. P.(4 years old), and that he had left to go camping on Monday, December 7, 2009 at approximately 1 am. Detective Maxwell informed your Affiant that when Mr. Powell was questioned about going camping at 1 am in the morning, Mr. Powell told him that he wanted to check out his new generator

and that he actually thought that it was Sunday and not Monday and because of the mix-up had missed work and believed he would be fired. Detective Maxwell told your Affiant that Mr. Powell had stated to him that he did not know where his wife was and did not appear to be concerned about her welfare.

During this investigation Mr. Powell gave consent for a search of his vehicle and residence. During the consent search of the vehicle a generator, blankets, gas can, tarps, and a shovel were located. Also inside the vehicle the Potential victim's cell phone was located inside the center console and. This phone was off and upon finding it Mr. Powell appeared nervous and could not account for the phone being in the vehicle. Detective Maxwell informed your Affiant that Mr. Powell told him that he and his wife only have the one vehicle between them and that he drives the potential victim to work every morning. Detective Maxwell identified this vehicle as a light blue colored four door 2005 Chrysler Town and Country bearing Utah license plate number [REDACTED].

Detective Maxwell told your Affiant that during the consent search of the residence Detectives and Officers found that there were two fans set up that were blowing onto the living room sofa that appeared to have just been cleaned. Detective Maxwell informed your Affiant that Mr. Powell had told him that the sofa had just been cleaned by him on Sunday prior to him leaving on his camping trip. Also during the search of the residence the Potential victim's purse was located inside the home. All of the Potential victim's credit cards and other personal items were located inside the purse other than her driver's license.

The Potential victim has no history of leaving without contacting family or friends. Your Affiant has also been informed by Detective Gavin Cook with the West Valley City Police Department who is assisting on this case, that he has made contact with 3 of the Potential victim's co-workers who say they have not heard from her, and that this is odd for her to leave and not tell anyone. All 3 of the co-workers stated that they were very concerned for the Potential victim's welfare and informed Detective Cook that they had been informed by the potential victim that if anything were to happen to her, that they were to give police a file that she had hidden from her husband [REDACTED]

[REDACTED] Detective Cook informed your Affiant that he had been told by friends that the Potential victim and her husband are having marital problems and that the Potential victim

was planning on leaving her husband. Contact has also been made with several family members who also do not know where the Potential victim is.

Detective Darrell Dain with the West Valley City Police Department is also assisting on this case and informed your Affiant that he has contacted 2 of the Potential victim's neighbors, [REDACTED]

[REDACTED], and her mother and father that live in Seattle Washington. Detective Dain stated that all of these individuals told him that the potential victim would never leave without telling at least one of them, and that they are very concerned for her welfare. Detective Dain told your Affiant that the Potential that the Potential victim's [REDACTED] told him that [REDACTED]

[REDACTED] Mr. Powell is very controlling with her and monitors her internet use and who she communicates with. The potential victim's friend stated that the victim would use her home computer to communicate with her by email as well as her work computer. Two computers were seen inside the residence during the consent search by Officers and Detectives [REDACTED]

[REDACTED] Detective Larry Marx with the West Valley City Police Department is also assisting on this case and informed your Affiant that he has contacted 1 of the potential victim's co-workers. Detective Marx told your Affiant that this co-worker stated that it is not common for her to not show up to work without calling and also verified that a file did exist that she had hidden from her husband [REDACTED] and that this file was to be given to police if something were to happen to her.

Detective Kim Waelty with the West Valley City Police Department is also assisting

on this case and conducted an interview with the Potential victim's 4 year old son C.P. at the Children's Justice Center. Detective Waelty informed your Affiant that during the interview C.P. told her that his mother had gone with them camping on Sunday and that for some reason she stayed at the camp site and did not return home with them.

On December 8, 2009 Mr. Powell voluntarily came to the West Valley City Police Department for a follow-up interview with Detective Maxwell. During that interview Mr. Powell denied knowing where his wife was or knowing anything about what happened to her.

On December 8, 2009 a search warrant was obtained by your Affiant and was served on Mr. Powell's and the Potential victim's residence at 6254 West 3945 South. During that search several blood stain patterns were located [REDACTED] the sofa that had been cleaned by Mr. Powell. These stains were tested and showed positive for human blood. Also observed at the residence in the garage were a [REDACTED] gas can, [REDACTED]

[REDACTED] generator,

[REDACTED] blanket

[REDACTED] These items were photographed but were not seized as evidence during the search. Your Affiant has met with Detective Maxwell and was informed that the above mentioned items observed at the house were seen and

photographed by him inside Mr. Powell's van when he returned from his camping trip to the West desert.

As of December 9, 2009 at 1 pm the victim has still not been located and your Affiant and assisting Detectives believe that the Potential victim's disappearance is suspicious.

[REDACTED]

This affidavit has been reviewed by Sandi Johnson of the District Attorney's Office 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.

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

Executed on: 9th day of December, 2009 by /s/ DAVID GRECO



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

Executed on: 18th day of December, 2009 by /s/ DAVID GRECO