STATE OF MICHIGAN 94th JUDICIAL DISTRICT	**SEARCH WARRANT**	CASE NO.

Police Agency: Michigan State Police
Report Number: 84-2521-20

TO THE SHERIFF OR ANY PEACE OFFICER:

Trooper Steven Wallenius has sworn to the attached affidavit regarding the following:

1. The PERSON, PLACE OR THING to be searched is described as and is located at:

Dustin Thomas Aker, white male, [redacted] listed at 6'2", 185 lbs., brown hair, hazel eyes. Aker is currently lodged in the Delta County Jail as an inmate. The Delta County Jail is located at 2800 College Avenue, Escanaba, MI 49829.

2. The PROPERTY to be searched for and seized, if found, is specifically described as:

Any and all fruits, instrumentalities, or evidence of the crime of Criminal Sexual Conduct

1) Buccal swabs of the interior cheek of the mouth belonging to Dustin Thomas Aker to obtain Deoxyribonulceic Acid (DNA) samples.

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: I have found that probable cause exists and you are commanded to make the search and seize the described property. Leave a copy of this warrant with the affidavit attached and tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the Court.

Issued: 2-18-2021
Date

Judge/Magistrate

84-2521-20

10011

STATE OF MICHIGAN 94th JUDICIAL DISTRICT	**AFFIDAVIT FOR SEARCH WARRANT**	CASE NO.

Police Agency: Michigan State Police
Report Number: 84-2521-20

Trooper Steven Wallenius, Affiant(s), state(s), that:

1. **The PERSON, PLACE OR THING to be searched is described as and is located at:**

Dustin Thomas Aker, white male, [redacted] listed at 6'2", 185 lbs., brown hair, hazel eyes. Aker is currently lodged in the Delta County Jail as an inmate. The Delta County Jail is located at 2800 College Avenue, Escanaba, MI 49829.

2. **The PROPERTY to be searched for and seized, if found, is specifically described as:**

Any and all fruits, instrumentalities, or evidence of the crime of Criminal Sexual Conduct

1) Buccal swabs of the interior cheek of the mouth belonging to Dustin Thomas Aker to obtain Deoxyribonulceic Acid (DNA) samples.

3. **The FACTS establishing probable cause or the grounds for search are:**

1. Affiant is a trooper with the Michigan State Police (MSP) for approximately 22 years. Affiant is currently assigned to the Gladstone Post.

2. Affiant is conducting an investigation for Criminal Sexual Conduct 1st Degree. Affiant has previously conducted Criminal Sexual Conduct ("CSC"). In those investigations, Affiant has obtained DNA and the DNA has been useful in identifying suspects and/or corroborating statements from victims. Affiant has received training in forensic interviewing and has investigated multiple Criminal Sexual Conduct cases throughout his career in law enforcement. In those investigations, obtaining forensic evidence such as DNA from victim and/or suspects has been helpful in prosecuting defendants for Criminal Sexual Conduct cases.

3. On November 22, 2020, at approximately 1 PM, Affiant responded to OSF St Francis Hospital in the city of Escanaba for a report of a sexual assault. Affiant made contact with a female individual who identified herself as [redacted] told Affiant that she had been sexually assaulted by Dustin Aker on November 21 to November 22, 2020. [redacted] told Affiant the following: that she was picked up in Gladstone, MI on 11/21/2020, by Dustin Aker and Sydney Horvath; that Aker and Horvath were in a dating relationship; that they went to a camper trailer to "hang out"; that at approximately 9 or 10 PM [redacted] wanted to go home and asked to be taken home; that when she asked to go home, Aker responded that she could not go home until "she sucked his dick or fucked" him; that she refused and that she was restrained to the bed by Horvath and Aker; that she was threatened by Aker with a small knife; that Horvath held her down to the bed with her hands on [redacted] breasts; that Aker penetrated her vagina with his penis; that he wanted to penetrate her anally, but she refused; that he put his hands on her neck and applied pressure; that she was turned over to her stomach; that Aker penetrated her anally with his penis; that Aker put his hands on her neck again and she passed out; that she woke up in the same position, on her stomach; that Aker penetrated her vagina and anus multiple times; that he would also have sex with Horvath; that at some point Horvath got mad that Aker was having sex with [redacted] and Horvath and Aker began arguing; that Aker

84-2521-20
1001

assaulted Horvath; that Horvath threatened [redacted] with a large knife; that [redacted] described the knife to be approximately 12 inches long and had a serrated blade; that Horvath and Aker made her take wha[redacted] described as methamphetamine but blowing it in her face; that [redacted] kept asking to go home; that Aker responded at one time that she could not go home until he "comes" in her; that she was eventually allowed to dress and dropped off by Horvath and Aker at the Oak Bluff Grocery in Gladstone around 8 AM; that she told her uncle that she was raped for 6 hours; that her uncle brought her to the hospital.

4. Affiant observed that [redacted] had what appeared to be petechia on the right side of her neck. Affiant is aware from prior training and experience, as well as prior investigations involving strangulation, that one cause of petechia can be strangulation. Affiant observed that [redacted] had a red mark on the left side of her neck.

5. At the time of Affiant's contact with [redacted] Affiant observed that [redacted] was undergoing a Sexual Assault Examination by a Sexual Assault Nurse. Affiant is aware that such an exam includes, but is not limited to the taking of samples of any fluids present, make notes of any injuries, and documenting and preserving any hairs or fibers. Following the examination, Affiant seized the SANE Kit as evidence and sent it to the Michigan State Police Forensic Lab for further testing.

6. Affiant received a Laboratory Report from the Michigan State Police Forensic Science Division. Affiant reviewed the report and observed the following: that the Agency Incident No was documented as 84-2521-20, consistent with Affiant's incident number associated his investigation involving [redacted] that the report was assigned laboratory Report No MQ 20-1001; that the report listed Affiant as the investigating officer, the victim as [redacted] and the suspect as Dustin Thomas Aker; that the report was drafted by [redacted], a Forensic Scientist with the Biology Unit on December 23, 2020; that Item MQ20-1001-1B was received as part of the sealed CSC Kit and identified as underwear; that the underwear "indicated the possible presence of seminal fluid. Apparent hair(s) observed; no further examinations at this time;" that DNA recovered from MQ 20-1001-1D (identified as vulver swabs) and MQ 20-1001-1H (identified as left breast swabs) indicated the possible presence of male DNA and were processed further; that MQ20-1001-1B (identified as underwear), MC 20-1001-1C (identified as vagial wall/cervical swabs), MQ 20-1001-1E (identified as anal/perianal swabs), and MQ 20-1001-1G (identified as right neck swabs) indicated the possible presence of male DNA and was not processed further; there was no male DNA indicated on MQ 20-1001-1F (identified as oral swabs); that further testing the scientist requests "Please submit a known buccal swab collected form the suspect(s) related to this case to be used for further analysis and comparisons by the Biology Unit".

7. Affiant arrested Dustin Aker on charges of Criminal Sexual Conduct for the assault on [redacted] on November 24, 2020. Affiant lodged Aker in the Delta County Jail, located at 2800 College Avenue in the City of Escanaba, County of Delta, State of Michigan. Affiant is aware from this contact with Aker that he matches the description provided above in Section 1. Affiant is aware that Aker has been lodged in the Delta County Jail since his arrest on November 24, 2020.

8. Affiant has probable cause that the taking of buccal swabs of the interior cheek will provide evidence that will aid in the investigation of the criminal sexual conduct.

84-1251-20 10011

IN CONSIDERATION OF THE FOREGOING, Affiant requests this Honorable Court issue a warrant to search for and seize the property specified in Section "2" above. Further, the Affiant sayeth not.....

The affiant respectfully requests this search warrant be granted for the information detailed above.

Further your affiant sayeth not.

Affiant / Trooper Steven Wallenius

Reviewed on 02/01/2021
Date

By
Prosecuting Official

Subscribed and sworn to before me on 2-8-2021
Date

Judge/Magistrate

84-1537-20

10011

STATE OF MICHIGAN 94th JUDICIAL DISTRICT	**RETURN AND TABULATION**	CASE NO.

Police Agency: Michigan State Police
Report Number: 84-2521-20

Search was made: 2-18-21 and the following property was seized:

2 BUCCAL SWABS FOR DNA

84-2521-20

1001

Officer

Copy of affidavit, warrant and tabulation served on: DUSTIN AKER
Name

Tabulation filed: 2-18-21
Date

STATE OF MICHIGAN JUDICIAL DISTRICT	SEARCH WARRANT	CASE NO.

(j) All past and present lists of friends created by the accounts;

(k) All records of Facebook searches performed by the accounts;

(l) All information about the user's access and use of Facebook Marketplace;

(m) The types of service utilized by the user;

(n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);

(o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the accounts;

(p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook accounts, including contacts with support services and records of actions taken.

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: I have found that probable cause exists and you are commanded to make the search and seize the described property. Leave a copy of this warrant with affidavit attached and a tabulation (a written inventory) of all property taken with the person from whom the property was taken of at the premises. You are further commanded to promply return this warrant and tabulation to the court.

Issued: 12/29/2020 — Date

Judge/Magistrate — Bar no.

RETURN AND TABULATION

Search was made: 1-25-21 — Date — **and the followingproperty was seized:**

One Verbatim 8gb thumb drive, light blue in color. Thumb drive contains above requested information from the Facebook of Sydney Horvath.

RECEIVED
JAN 29 2021
DELTA COUNTY
PROSECUTOR'S OFFICE

Officer

Copy of affidavit, warrant, and tabulation served on: Facebook L.E. Portal — Name

Tabulation filed: 1-26-21 — Date

21-259-FD

1 of 1

STATE OF MICHIGAN JUDICIAL DISTRICT	SEARCH WARRANT	CASE NO.

(j) All past and present lists of friends created by the accounts;

(k) All records of Facebook searches performed by the accounts;

(l) All information about the user's access and use of Facebook Marketplace;

(m) The types of service utilized by the user;

(n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);

(o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the accounts;

(p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook accounts, including contacts with support services and records of actions taken.

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: I have found that probable cause exists and you are commanded to make the search and seize the described property. Leave a copy of this warrant with affidavit attached and a tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promply return this warrant and tabulation to the court.

Issued: 12/29/2020 — Date

Judge/Magistrate — Bar no.

RETURN AND TABULATION

Search was made: 1-25-21 — Date — and the followingproperty was seized:

One Verbatim 8gb thumb drive, light blue in color. Thumb drive Contains above requested information from the Facebook of Sydney Horvath.

Officer

Copy of affidavit, warrant, and tabulation served on: Facebook L.E. Portal — Name

Tabulation filed: 1-26-21 — Date

STATE OF MICHIGAN 94th JUDICIAL DISTRICT	**SEARCH WARRANT**	CASE NO.

Police Agency: Michigan State Police
Report Number: 84-2521-20

TO THE SHERIFF OR ANY PEACE OFFICER:

Tpr Steven Wallenius has sworn to the attached affidavit regarding the following:

1. **The PERSON, PLACE OR THING to be searched is described as and is located at:**

Camper style-trailer located at [redacted] The property is located to the west of [redacted] There is a white, two story house located at [redacted] that has a concrete block porch with a wooden railing. There is a dirt/gravel driveway that accesses the property from [redacted] The driveway runs to the north of the residence. There is a white in color, camper trailer located to the north of the white house, and is not connected in any way. There appears to be a large window on the front, south facing side of the camper. The driveway runs south of the camper trailer, between the camper trailer and the residence. There is another camper style trailer that appears between [redacted] and residence, that appears to be covered in a blue tarp.

2. **The PROPERTY to be searched for and seized, if found, is specifically described as:**

Any and all evidence or instrumentalities of the crime of Unlawful Imprisonment, Felonious Assault, Criminal Sexual Conduct-1st Degree, Assault by Strangulation, Possession of Methamphetamine, and/or Delivery of Methamphetamine including but not limited to:

1. Semen, blood, sweat, and/or bodily fluids
2. Blankets, towels, sheets, pillows, and any other materials or surfaces that may contain blood, semen, or bodily fluids;
3. Knives
4. Rope and/or other binding materials,
5. Controlled substances, including but not limited to methamphetamine
6. Smoking devices, needles, baggies, scales, and/or other items of use, possession, and/or sale of controlled substances
7. Cell phone, tablets, or other electronic devices capable of sending or receiving text messages, social media messages, receiving or making telephone calls, recording video, and/or taking photographs

This warrant is also to include the digital extraction and forensic examination of any devices seized from the above listed location which may be conducted on scene and/or in a formal setting such as a computer lab where special software can be used as needed to conduct the examination.

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: I have found that probable cause exists and you are commanded to make the search and seize the described property. Leave a copy of this warrant with the affidavit attached and tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the Court.

Issued: 11-22-20
Date

Judge/Magistrate

STATE OF MICHIGAN 94th JUDICIAL DISTRICT	**AFFIDAVIT FOR SEARCH WARRANT**	CASE NO.

Police Agency: Michigan State Police
Report Number: 84-2521-20

Tpr Steven Wallenius, Affiant(s), state(s), that:

1. **The PERSON, PLACE OR THING to be searched is described as and is located at:**

Camper style-trailer located at [redacted]. The property is located to the west of [redacted]. There is a white, two story house located at [redacted] that has a concrete block porch with a wooden railing. There is a dirt/gravel driveway that accesses the property from [redacted]. The driveway runs to the north of the residence. There is a white in color, camper trailer located to the north of the white house, and is not connected in any way. There appears to be a large window on the front, south facing side of the camper. The driveway runs south of the camper trailer, between the camper trailer and the residence. There is another camper style trailer that appears between [redacted] and residence, that appears to be covered in a blue tarp.

2. **The PROPERTY to be searched for and seized, if found, is specifically described as:**

Any and all evidence or instrumentalities of the crime of Unlawful Imprisonment, Felonious Assault, Criminal Sexual Conduct-1st Degree, Assault by Strangulation, Possession of Methamphetamine, and/or Delivery of Methamphetamine including but not limited to:

1. Semen, blood, sweat, and/or bodily fluids
2. Blankets, towels, sheets, pillows, and any other materials or surfaces that may contain blood, semen, or bodily fluids;
3. Knives
4. Rope and/or other binding materials,
5. Controlled substances, including but not limited to methamphetamine
6. Smoking devices, needles, baggies, scales, and/or other items of use, possession, and/or sale of controlled substances
7. Cell phone, tablets, or other electronic devices capable of sending or receiving text messages, social media messages, receiving or making telephone calls, recording video, and/or taking photographs

This warrant is also to include the digital extraction and forensic examination of any devices seized from the above listed location which may be conducted on scene and/or in a formal setting such as a computer lab where special software can be used as needed to conduct the examination.

3. **The FACTS establishing probable cause or the grounds for search are:**

A. Your Affiant, Tpr. Steven Wallenius is employed as a Trooper for the Michigan State Police for 22 years and currently working out of the Gladstone Post. Affiant has received training and had personal experience investigating criminal sexual conduct cases, investigations involving the use of weapons, and strangulation assaults. In prior investigations involving criminal sexual conduct matters, Affiant has participated in the execution of search warrants at the location where the criminal sexual conduct acts occurred. In those prior investigations, Affiant has been able to retrieve samples of evidence of blood, semen or other bodily fluids that was subsequently sent for DNA analysis. In those prior investigations, retrieved materials such as bedding, blankets, or other soft materials that could absorb blood, semen, or bodily fluids. In these prior investigations, the collection and analysis of the blood, semen, and/or bodily fluids help to identify a location of the assault, as well those individuals involved.

B. On November 22, 2020, Affiant made contact with a young female individual who identified herself as [redacted] at OSF St Francis Hospital. [redacted] told Affiant the following: that she was picked up in Gladstone, MI on 11/21/2020, by Dustin Aker and

PA Review: LMW

84-2521-20
10011

Sydney Horvath; that Aker and Horvath were in a dating relationship; that they went to a camper trailer to "hang out"; that at approximately 9 or 10 PM [redacted] wanted to go home and asked to be taken home; that when she asked to go home, Aker responded that she could not go home until "she sucked his dick or fucked" him; that she refused and that she was restrained to the bed by Horvath and Aker; that she was threatened by Aker with a small knife; that Horvath held her down to the bed with her hands on [redacted] breasts; that Aker penetrated her vagina with his penis; that he wanted to penetrate her anally, but she refused; that he put his hands on her neck and applied pressure; that she was turned over to her stomach; that Aker penetrated her anally with his penis; that Aker put his hands on her neck again and she passed out; that she woke up in the same position, on her stomach; that Aker penetrated her vagina and anus multiple times; that he would also have sex with Horvath; that at some point Horvath got mad that Aker was having sex with [redacted] and Horvath and Aker began arguing; that Aker assaulted Horvath; that Horvath threatened [redacted] with a large knife; that [redacted] described the knife to be approximately 12 inches long and had a serrated blade; that Horvath and Aker made her take what [redacted] described as methamphetamine but blowing it in her face; that [redacted] kept asking to go home; that Aker responded at one time that she could not go home until he "comes" in her; that she was eventually allowed to dress and dropped off by Horvath and Aker at the Oak Bluff Grocery in Gladstone around 8 AM; that she told her uncle that she was raped for 6 hours; that her uncle brought her to the hospital.

C. Affiant observed that [redacted] had what appeared to be petechia on the right side of her neck. Affiant is aware from prior training and experience, as well as prior investigations involving strangulation, that one cause of petechia can be strangulation. Affiant observed that [redacted] had a red mark on the left side of her neck.

D. Affiant was told by hospital staff that a Sexual Assault Examination (SANE) would be conducted. Affiant was provided with the sealed SANE Kit prior to leaving the hospital.

E. Affiant conducted a search of Sydney Horvath in the Law Enforcement Information Network (LEIN). Affiant is aware that LEIN is used by police across the state of Michigan on a daily basis to obtain information about individuals, including last known addresses. Affiant has previously used LEIN to obtain addresses for individuals, and was able to determine the information provided by LEIN was accurate by making contact with the individual. Affiant observed that the last address for Sydney Horvath was [redacted].

F. Affiant spoke with Tpr Lisa Kanyuh, who told Affiant she was at the property located at [redacted] Tpr Kanyuh told Affiant the property was consistent with the property described above in Section 1, including the white camper trailer. Tpr Kanyuh provided Affiant photographs of the property. Affiant showed the photographs to [redacted] who told Affiant that was the camper trailer where the assault she described above occurred. Affiant reviewed the photographs provided by Tpr Kanyuh and observed a white in color, camper trailer parked in the wooded area north of the two story residence. The side facing the residence, the south side of the trailer appears to have a large window. Affiant observed a second camper style trailer covered in what appeared to be a blue tarp in front of the residence.

G. Affiant has previously executed search warrants to search of DNA, fingerprints, or similar forensic evidence. Affiant knows from those prior investigations, as well as training and experience, that fingerprints, DNA, and/or bodily fluids could remain on items such as blankets, sheets, or towels. In prior investigations, Affiant has submitted physical evidence to the Michigan State Police Forensic lab to attempt to locate forensic evidence.

H. During Affiant's investigation experience, affiant has on repeated occasions accessed the mobile phones of witnesses and suspects and reviewed data and/or information on said

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mobile phones including but not limited to: any and all records and documentation of incoming and outgoing telephone calls, including statements and account information, payment history; any and all voice mail records and recordings, text messaging, instant messaging, other electronic communications, videos, e-mail, and digital photograph records and website history located within the above described phone/devices(s). As a result, affiant has found that the review of such data and/or information on said mobile phones/devices routinely provides officers with relevant information about what a person is doing at, before and after a criminal event. Such review also can lead to the interview of other persons involved in such communications, who in turn can provide relevant information regarding what witnesses and suspects were doing before, during and after a criminal incident. Review of such date/information also can assist in determining specifics as to where a suspect or witness had been before a crime, where they were at the time of the commission of a crime and where they were after the incident. This information has repeatedly assisted affiant in determining the identity, intention, locations and actions of witnesses and suspects related to criminal activity.

I. Based on my knowledge, training, and experience, Affiant knows that searching for evidence described in section #2, above, may require a range of data analysis techniques. In some cases, computer analysts may be able to conduct carefully targeted searches that can locate evidence without requiring a time-consuming manual search through unrelated materials that may be commingled with criminal evidence. In other cases, however, such techniques may not yield the evidence described in the warrant. Criminals can mislabel or hide information, encode communications to avoid using key words, attempt to delete information to evade detection, or take other steps designed to frustrate law enforcement searches for information. These steps may require law enforcement or other analysts with appropriate expertise to conduct more extensive searches, such as scanning storage areas unrelated to things described in section #2, above, or perusing all stored information briefly to determine whether it falls within the scope of the warrant. In light of these circumstances, Michigan State Police, or our designated agent, intends to use whatever data analysis techniques that appear necessary to locate and retrieve evidence described within section #2, above.

J. Affiant has probable cause that a search of the camper trailer described above in Section 1 will provide evidence of criminal sexual conduct, unlawful imprisonment, Felonious assault, possession of methamphetamine and/or delivery of methamphetamine.

The affiant respectfully requests this search warrant be granted for the information detailed above.

Further your affiant sayeth not.

Affiant / Tpr Steven Wallenius

Reviewed on 11/22/2020
Date

By
Prosecuting Official

Subscribed and sworn to before me on 11-22-20
Date

Judge/Magistrate

PA Review:

STATE OF MICHIGAN 94th JUDICIAL DISTRICT	**RETURN AND TABULATION**	CASE NO.

Police Agency: Michigan State Police
Report Number: 84-2521-20

Search was made: 11-22-20 and the following property was seized:

1- ONE BLUE + WHITE CHECKER SHOOT
2 - ONE BLUE GYM SHORTS
3 - ONE DARK BLUE SWEAT SHIRT
4 - ONE PURPLE IN COLOR BED SHEET
5 - 2 CLEAR BAGGIES + GLASS PIPE
6 - 1 CLEAR CELLAPHANE WRAPPER WITH WHITE POWDER
7 - 1 PLASTIC CUP X-LARGE WRITTEN ON IT
8 - 1- WHITE PLASTIC CUP XX-LARGE IN BLUE LETTERING
9 - 1- GRAY TEE SHIRT

84-2521-11001

TPR STEVEN WALLENIUS
Officer

Copy of affidavit, warrant and tabulation served on: BETTY CONKLIN
Name

Tabulation filed: 11-23-20
Date

STATE OF MICHIGAN	SEARCH WARRANT	CASE NO. 88-947-20

TO THE SHERIFF OR ANY PEACE OFFICER:

Police Agency Report Number: Michigan State Police Manistique Outpost 88-947-20

Tpr. James Rempinski , has sworn to the attached affidavit regarding the following:

A. The person, place, or thing to be searched is described as and is located at:
A 2004 Dodge Ram, four doors, black in color, Michigan registration, VIN: [redacted] Currently located in secure storage at Burns Auto Salvage, [redacted], State of Michigan.

B. The PROPERTY to be searched for and seized, if found, is specifically described as:
Evidence of criminal conduct, including but not limited to DNA/biological evidence, the identification of the perpetrators of criminal conduct, weapons, more specifically described as firearms, cellular telephone devices, and any other evidence leading to the disposition of this assault.

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: I have found that probable cause exists, and you are commanded to make the search and seize the described property. Leave a copy of this warrant with affidavit attached and a tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the court.

Issued: 11/23/2020
Date

Judge/Magistrate P31242
Bar no.

SS. Apr. 20

STATE OF MICHIGAN	AFFIDAVIT FOR SEARCH WARRANT	CASE NO. 88-947-20

Police Agency Report Number: Michigan State Police, Manistique Outpost 88-947-20

Tpr. James Rempinski, affiant(s), state that:

A. The person, place, or thing to be searched is described as and is located at:
A 2004 Dodge Ram, four door, black in color, Michigan registration, VIN: [redacted] Currently located in secure storage at Burns Auto Salvage, [redacted] State of Michigan.

B. The PROPERTY to be searched for, seized and searched if found, is specifically described as:
Evidence of criminal conduct, including but not limited to DNA/biological evidence, the identification of the perpetrators of criminal conduct, weapons, more specifically described as firearms, cellular telephone devices, and any other evidence leading to the disposition of this assault.

C. The FACTS establishing probable cause or the grounds for the search are:

1. Tpr. James Rempinski, hereinafter known as Affiant, is a Trooper with the Michigan State Police so employed for 7 ½ years. Affiant is currently assigned to the Michigan State Police, Manistique Outpost. Affiant is experienced in the investigation of state crimes. All facts known to Affiant about this case are not included in this Affidavit, rather only enough information to support the seizure of items listed at the locations incorporated in this affidavit. Your Affiant relies upon information and belief from other witnesses and investigators involved in this investigation

2. On November 22nd, 2020, Trooper Steve Wallenius received a complaint of criminal sexual conduct in Cornell Twp Michigan. Tpr. Wallenius made contact with the victim, identified as [redacted] DOB: [redacted] Tpr. Wallenius interviewed the victim.

3. The victim disclosed she was hanging out with Dustin Thomas Aker and Sydney Ann Horvath. The victim stated when she told the suspects she wanted to go home Dustin Aker stated, "not unless you suck my dick, or I fuck you."

4. The victim disclosed that the suspect, Dustin Thomas Aker, DOB: [redacted] sexually assaulted. The victim further disclosed that the suspects girlfriend, Sydney Ann Horvath assisted Aker in the sexual assault by holding a knife up to her throat. The victim disclosed the suspects took photographs.

5. The victim disclosed that the suspects, Aker and Horvath held her down and that Aker put his penis inside her and began moving up and down. The victim further disclosed that Aker attempted to strangle her by putting his hands around her neck. The victim also disclosed that Aker put his penis inside her anus.

6. The victim disclosed that during the assault the suspects used two separate knives to detain her. The victim disclosed that Sydney Ann Horvath held a large knife to her neck while she was on the bed. The victim further disclosed that Dustin Thomas Aker pulled out a separate smaller knife out of a pocket.

7. On 11/23/2020, I was requested to assist with this investigation and received information that Dustin Thomas Aker and Sydney Ann Horvath were in the Manistique area. I received information that Aker and Horvath were traveling in an older black Dodge Ram with tinted windows. Sgt. Tim Russell of Manistique Public Safety Department located and stopped the vehicle in the parking lot of Jack's Fresh Market.

8. I shortly arrived on scene and observed a male subject standing outside the vehicle. From SOS images, I immediately

This affidavit consists of: 2 pages.

Tpr. James Rempinski

Review on: _____ Date

By: _____ Prosecuting Official

Subscribed and sworn before me on: Date 11/23/2020

P31242

Judge/Magistrate

STATE OF MICHIGAN	AFFIDAVIT FOR SEARCH WARRANT	CASE NO. 88-947-20

recognized the male subject as Dustin Thomas Aker. I placed Aker into custody.

9. While searching Aker, I found, on his person, a set of handcuffs, two gabapentin pills, and a single sided Winchester knife. The Winchester knife was found on Aker's waist inside a small knife holster.

10. The suspects' vehicle was identified as a 2004 Dodge Ram four door, black in color, no registered plate was attached to the vehicle, VIN [redacted]

11. The vehicle was towed from the scene by Burns Auto Salvage and taken to their yard. A hold was placed on this vehicle.

12. I met with Tpr. Wallenius and transferred custody of Dustin Thomas Aker over to him.

Based upon the above and foregoing, the Affiant believes probable cause exists that the property described in section "B" contains evidence which will assist in establishing a timeline for the alleged crime of criminal sexual conduct 1st degree.

Further Affiant sayeth not.

This affidavit consists of: 2 pages.

Tpr. James Rempinski

Review on: _____
Date

By: _____
Prosecuting Official

Subscribed and sworn before me on:
Date
11/23/2020

P31242
Judge/Magistrate

Michigan State Police

Metro North Post

SEARCH WARRANT TABULATION / RETURN

TAKEN FROM: 2004 Dodge RAM		PAGE: 1	
DATE: 11-23-20	TIME: 15:53	COMPLAINT #: SE-948-20	
ITEM #	DESCRIPTION OF ITEM(S)	LOCATION OF ITEM(S)	SEIZING TPR/SGT
1	large Knife, gray handle	found under neath driver seat	Rempiuski
2	Mid Knife, black handle	found in book bag behind driver seat	Rempiuski
3	Black book bag	found behind driver's seat	Rempiuski
4	Glass pipe	found in hat box, Marcell's bag	Rempiuski
5	Knife/Holster, brown finish handle	passenger side found in duffle bag in bed	Zestrow
6	Hatchet, black handle	of truck found in duffle bag ↑ Scene	Zestrow
7	Knife, black finish	found in duffle bag ↑ Scene	Zestrow
8	Small Knife, brown handle	found in duffle bag ↑ Scene	Zestrow
9	Small Knife, black handle	found in duffle bag ↑ Scene	Zestrow
10	Glass cylinder of unknown substance	found in T.J. Maxx bag bed of truck	Zestrow
11	1 red writing pen book	fund in T.J. Maxx bag, bed of truck	Zestrow
12	1 white/gray pocket Knife	found in bucket on front passenger seat	Zestrow

TABULATOR (signature)

TITLE + NAME (print) Trooper James Rempiuski

WITNESSES BY (signature)

TITLE + NAME (print) MCO Mindy Zestrow

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