



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/05/12 SEARCH WARRANT AND AFFIDAVIT OF CELL PHONES

Summary

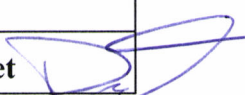
On Wednesday, December 5, 2012, S/A Thomas Verhiley and S/A Jean-Philippe Rigaud met with Summit County Court of Common Pleas Judge Elenor Marsh Stormer. The meeting occurred in the office of Judge Stormer at 209 S. High Street, Akron, Ohio, 44308. The purpose of the meeting was to have two (2) search warrants and accompanying affidavits signed related to case SI-18-12-82-1493.

Details

On Wednesday, December 5, 2012, S/A Thomas J. Verhiley and S/A Jean-Philippe Rigaud met with Summit County Court of Common Pleas Judge Stormer. The meeting occurred in the office of Judge Stormer at 209 S. High Street, Akron, Ohio, 44308. The purpose of the meeting was to have two (2) search warrants and accompanying affidavits signed related to case SI-18-12-82-1493.

S/A Verhiley and S/A Rigaud met with Judge Stormer in her office at 209 S. High Street, Akron, Ohio, 44308. Judge Stormer reviewed and signed two (2) search warrants and affidavits regarding a LG/Verizon Cellular telephone VN 1500PP S/N 111CYZP0424773 (BBCI CCU Item #2) and Kyocera 10-R727A-01 Cellular Telephone MEID #268435459906583945 (BCI CCU Item #3) upon S/A Rigaud's sworn testimony.

S/A Verhiley and S/A Rigaud then met with Summit County Clerk of Courts Supervisor, Chuck Weber. The meeting occurred at the Summit County Clerk of Court office at 205 S. High Street, Akron, Ohio, 44308. Weber received the original search warrants and affidavits, time-stamped them, assigned them one (1) Summit County Clerk of Court case file number (2012 0120), and provided two (2) copies to S/A Rigaud. Weber retained the originals of search warrants and affidavits.

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: S/A Mark Kollar	Authoring Agent :S/A Jean-Philippe Rigaud, #91
Date of Report: December 6, 2012	Exhibit #:
Investigative Activity: Search Warrants	Supervisor Approval: Dennis Sweet 

This document is the property of the Ohio Bureau of Criminal Identification and Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency.

S/A Rigaud turned over the two (2) copies of the search warrants and affidavits to S/A Verhiley. S/A Verhiley then met with Kris Patalita at BCI Richfield office, 4055 Highlander Parkway, Richfield, OH 44286. S/A Verhiley turned over one (1) copy of each search warrant and affidavit to Patalita in order to have the BCI Cyber Crimes Unit initiate analysis on LG/Verizon Cellular Telephone VN 1500PP S/N 111CYP0424773 (BBCI CCU Item #2) and Kyocera 10-R727A-01 Cellular Telephone MEID #268435459906583945 (BCI CCU Item #3).

S/A Verhiley also prepared an inventory and receipt of property form regarding the above-listed cellular telephones. S/A Verhiley had Patalita notarize the form.

Patalita also provided S/A Verhiley with a copy of BCI Computer Crime Unit Lab Submission sheet (CC-12-3-0116) regarding the above-listed cellular telephones.

S/A Verhiley then prepared one (1) return of search warrants.

On Thursday, December 6, 2012, S/A Verhiley met with Summit County Court of Common Pleas Judge Stormer. Judge Stormer signed the return of search warrant.

S/A Verhiley then filed the return of search warrant and inventory and receipt of property form with County of Summit Clerk of Courts Supervisor, CHUCK WEBER. WEBER provided time-stamped copies of the return and inventory to S/A Verhiley.

S/A Verhiley met with S/A Rigaud at the BCI Richfield office. S/A Verhiley then turned over the copy of each search warrant, return of search warrant, inventory and receipt for property, and lab submission sheet.

S/A Rigaud turned over the copy of each search warrant, return of search warrant, inventory and receipt for property, and lab submission sheet to Case Agent S/A Mark Kollar to be added as attachments to this investigative report.

(7) Attachments

2012

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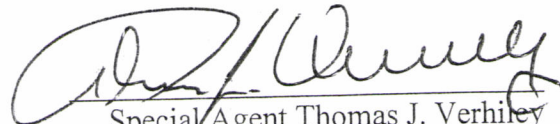
RETURN OF SEARCH WARRANT

2012 DEC -6 AM 9:19

JUDGE STORMER
SUMMIT COUNTY COURT OF COMMON PLEAS

On December 5, 2012 at 2:30 AM., S/A Jean-Philippe Rigaud received this Warrant, and on December 5, 2012 at 3:30 PM, S/A Thomas J. Verhiley requested the initiation of the analysis for the digital evidence sought on the LG/Verizon Cellular Telephone VN 150PP S/N 111CYZP0424773 (BCI CCU Item #2), and Kyocera 10-R727A-01 Cellular Telephone MEID #268435459906583945 (BCI CCU Item #3) located at Ohio Bureau of Criminal Investigations; Cyber Crime Unit; 4055 Highlander Parkway, Richfield, Ohio, the person/entity on whom or at whose place the search was made, and gave a copy of this Search Warrant.

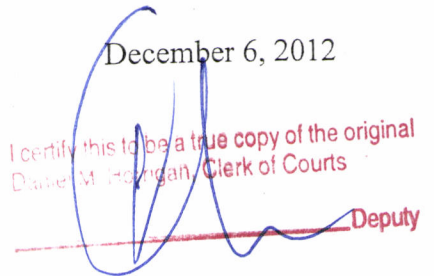
Further: property was taken, as shown by the attached Inventory/Receipt (Analysis Begun).


Special Agent Thomas J. Verhiley


JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

December 6, 2012

I certify this to be a true copy of the original
Date: 12/6/2012
Clerk of Courts


Deputy

In the Summit County Court of Common Pleas
Summit County
State of Ohio

2012

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DANIEL M. MORRIGAN

State of Ohio 2012 DEC -6 AM 9:19
SS

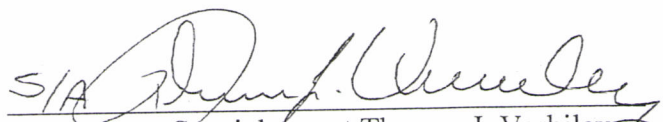
INVENTORY AND RECEIPT FOR PROPERTY
TAKEN UNDER A WARRANT FOR SEARCH

Summit County
SUMMIT COUNTY
CLERK OF COURTS

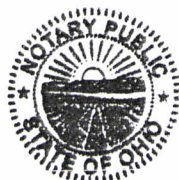
I hereby certify, under oath, that I received the items listed below.

Item No.	Quantity and Description of Property Taken
1	Digital Evidence Sought – Analysis Initiated LG/Verizon Cellular Telephone VN 150PP S/N 111CYZP0424773 (BCI CCU Item #2)
2	Digital Evidence Sought – Analysis Initiated Kyocera Cellular Telephone MEID # 268435459906583945 (BCI CCU Item #3)


Located at the Bureau of Criminal Investigation; Cyber Crime Unit, 4055 Highlander Parkway, Richfield, Ohio, during a search conducted pursuant to a warrant, a copy of which is attached hereto and made a part hereof as if fully written herein.


Special Agent Thomas J. Verhiley

Sworn to before me and signed in my presence this 5th day of December, 2012.



Kris L. Patalita
Notary Public-State of Ohio
My Commission Expires
January 22, 2017


Notary Public/Judge

2012

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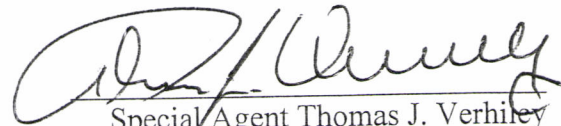
RETURN OF SEARCH WARRANT

2012 DEC -6 AM 9:19

JUDGE STORMER
SUMMIT COUNTY COURT OF COMMON PLEAS

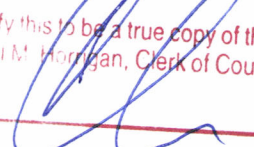
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Further: property was taken, as shown by the attached Inventory/Receipt (Analysis Begun).


Special Agent Thomas J. Verhiley


JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

December 6, 2012

I certify this to be a true copy of the original
Daniel M. Morgan, Clerk of Courts

Deputy

In the Summit County Court of Common Pleas
Summit County
State of Ohio

2012

0120

DANIEL M. MORRIGAN

State of Ohio 2012 DEC -6 AM 9:19

INVENTORY AND RECEIPT FOR PROPERTY
TAKEN UNDER A WARRANT FOR SEARCH

Summit County SS
SUMMIT COUNTY
CLERK OF COURTS

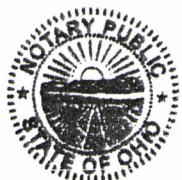
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S/A Thomas J. Verhiley
Special Agent Thomas J. Verhiley

Sworn to before me and signed in my presence this 5th day of December, 2012.



Kris L. Patalita
Notary Public-State of Ohio
My Commission Expires
January 22, 2017

Kris L. Patalita
Notary Public/Judge

2012

0120

STATE OF OHIO)
COUNTY OF SUMMIT)

DANIEL M. HOFFMAN)
SS) IN THE SUMMIT COUNTY
2012 DEC -5 PM 2:08) COURT OF COMMON PLEAS
CRIMINAL DIVISION

SUMMIT COUNTY)
CLERK OF COURTS) **SEARCH WARRANT ORDER**

TO: ANY SPECIAL AGENT OR COMPUTER FORENSIC SPECIALIST OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, and/or ANY LAW ENFORCEMENT OFFICER

Whereas there has been filed with me an affidavit, which is attached hereto and incorporated herein as though fully rewritten, wherein the Affiant avers that he believes that electronic evidence pertinent to the investigation of homicide offenses that occurred in CUYAHOGA County, State of Ohio, exists on a black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495. The LG/Verizon cell phone and Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495 were seized on November 30, 2012 by CUYAHOGA COUNTY CORNER'S OFFICE on November 30, 2012. As of December 5, 2012, the phone is currently in the possession and custody of the Ohio Attorney General's Office, Bureau of Criminal Investigation, located at 4055 Highlander Parkway, Richfield, in Summit County, Ohio.

As such, within the black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495, there is now, and it is necessary to obtain the following:

- 1) All information within the above-listed item including but not limited machine-readable data, all previously erased data, and any personal communications including but not limited to call logs, email, chat capture, capture files, correspondence stored in electronic form, text messages, voice mail, contact lists and/or correspondence exchanged in electronic form, usernames and passwords, user accounts and ownership information, and all photographs stored in electronic format.

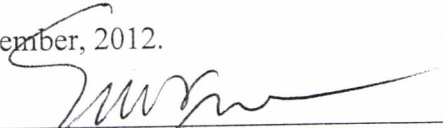
I am satisfied that there is probable cause to believe such evidence is contained within and/or upon the device described above and is necessary for the purpose of locating electronic evidence pertinent to the investigation of the deaths of TIMOTHY R. RUSSELL and MALISSA A. WILLIAMS that occurred in CUYAHOGA County, Ohio, and that grounds for issuance of the search warrant exist.

If found, said item will be seized and used as evidence in the investigation of the crimes of Felonious Assault, in violation of Ohio Revised Code Section 2903.11, Failure to comply with order or signal of police officer, in violation of Ohio Revised Code Section 2921.331, and/or other violations of the Ohio Revised Code in Summit County Common Pleas Court.

YOU ARE HEREBY COMMANDED IN THE NAME OF THE STATE OF OHIO with the necessary and proper assistance, to serve this warrant during the daytime season and to obtain forthwith, electronic evidence from within the black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495. Said property seized and maintained shall remain in the care, custody and control of the Ohio Attorney General's Office, Bureau of Criminal Investigation and/or the East Cleveland Police Department unless and until otherwise authorized by this Court.

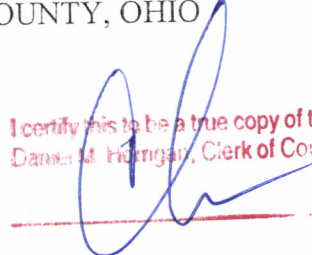
It is further ORDERED and authorized for good cause that the three (3) day rule for execution of the said warrant is extended to a reasonable period of time to allow agents to execute and thoroughly search the seized property. Said extension is based on the logistical and technical difficulties confronting law enforcement.

Given under my hand this 5th day of December, 2012.



JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

I certify this to be a true copy of the original
Dana M. Horgan, Clerk of Courts



Deputy

STATE OF OHIO
COUNTY OF SUMMIT

) IN THE SUMMIT COUNTY
) COURT OF COMMON PLEAS
) CRIMINAL DIVISION
2012 DEC -5 PM 2:08

AFFIDAVIT FOR SEARCH WARRANT

SUMMIT COUNTY
CLERK OF COURTS

Before me, a Judge in the Court Of Common Pleas, SUMMIT County, Ohio, personally appeared the undersigned, Special Agent Jean-Philippe Rigaud, who being duly sworn, deposes and says that he is a member of the Ohio Bureau of Criminal Investigation and avers that he believes that electronic evidence pertinent to the investigation of homicide offenses that occurred in CUYAHOGA County, State of Ohio exists on a black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495. The LG/Verizon cell phone and Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495 were seized on November 30, 2012 by CUYAHOGA COUNTY CORNER'S OFFICE on November 30, 2012. As of December 5, 2012, the phone is currently in the possession and custody of the Ohio Attorney General's Office, Bureau of Criminal Investigation, located at 4055 Highlander Parkway, Richfield, in Summit County, Ohio.

As such, within the black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495, there is now, and it is necessary to obtain the following:

- All information within the above-listed item including but not limited machine-readable data, all previously erased data, and any personal communications including but not limited to call log, email, chat capture, capture files, correspondence stored in electronic form, text messages, voice mail, contact lists and/or correspondence

exchanged in electronic form, usernames and passwords, user accounts and ownership information, and all photographs stored in electronic format.

If found, said items will be seized and used as evidence in the investigation of the deaths of TIMOTHY R. RUSSELL, DOB 12-09-68/ SSN [REDACTED] with a last known address of 19115 FAIRWAY AVE, MAPLE HTS, OH 44137, and passenger MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address, a violation of Ohio Revised Code Section 2903.11, Felonious Assault, Ohio Revised Code Section 2921.331, Failure to comply with order or signal of police officer, and/or other violations of the Ohio Revised Code in Summit County Common Pleas Court.

The Affiant states that he has good cause to believe that electronic evidence exists within the aforementioned device regarding the possible motive(s) and activities of the deceased occupants of the Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495, TIMOTHY R. RUSSELL, DOB 12-09-68/ SSN [REDACTED] with a last known address of 19115 FAIRWAY AVE, MAPLE HTS, OH 44137, and passenger MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address.

The facts upon which the affiant bases such belief are as follows:

1. Affiant, Jean-Philippe Rigaud, is a Special Agent in the Major Crimes Division, Special Investigations Unit for the Ohio Attorney General's Office, Bureau of Criminal Investigation. Affiant has been a law enforcement officer in the State of Ohio in excess of 17 years and has been employed by the Ohio Bureau of Criminal Investigation since November 5, 2012. Investigating felony criminal violations, including murders and other crimes against persons, is part of Special Agent Rigaud's regular duties. This affidavit is based upon Special Agent Rigaud's own personal knowledge of the facts and circumstances surrounding this investigation, a review of other law enforcement agency and governmental records and conversations with

participating law enforcement officers. The information contained herein does not describe the entirety of this investigation, but sets forth only those facts necessary to establish probable cause.

2. On the evening of November 29, 2012, Cleveland Police Officers began a pursuit of a vehicle, one Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495. This vehicle was driven by TIMOTHY R RUSSELL, DOB 12-09-68/ SSN [REDACTED] with a last known address of 19115 FAIRWAY AVE, MAPLE HTS, OH 44137 and passenger MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address. Cleveland Police Officers pursued the Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495 from the area of the Justice Center at 1300 Ontario Street in Cleveland into East Cleveland. The pursuit ended on an access road leading to Heritage Middle School.

3. Cleveland Police Officers fired rounds at the blue 1979 CHEVY MALIBU CLASSIC, killing both driver TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS.

4. The deceased bodies of TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS remained in the blue 1979 CHEVY MALIBU CLASSIC car until the vehicle was then towed from the scene by the CUYAHOGA medical examiner's office on Friday morning, November 30, 2012. CUYAHOGA medical examiners removed the deceased bodies of TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS from the 1979 CHEVY MALIBU CLASSIC. The vehicle was stored in a secured bay inside of the CUYAHOGA COUNTY Medical Examiner's Office.

5. The LG/Verizon Cell phone remained inside the blue 1979 CHEVY MALIBU CLASSIC which was stored inside the CUYAHOGA Medical Examiner's Office secured bay.

6. On December 3, 2012, the blue 1979 CHEVY MALIBU CLASSIC was turned over to the Ohio Attorney General's Office, Bureau of Criminal Investigation Special Agent John Saraya. The blue 1979 CHEVY MALIBU CLASSIC was then towed to Bureau of Criminal Investigations Richfield Office building, 4055 Highlander Parkway, Richfield, OH 44286 and placed in a secured bay.

7. On December 5, 2012, the black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495 was removed from the vehicle by Ohio Attorney General's Office, Bureau of Criminal Investigation Crime Scene Agent Dan Winterich and placed in temporary evidence at the Bureau of Criminal Investigations Richfield Office building .

8. PRESERVATION OF PROPERTY AND ELECTRONIC MEDIA. This Affiant states that the seized electronic media will remain in the care, custody and control of the Ohio Attorney General's Office, Bureau of Criminal Investigation and/or the East Cleveland Police Department unless and until otherwise authorized by this Court.

9. REQUEST FOR MODIFICATION OF 3-DAY EXECUTION DEADLINE.

This Affiant states that the requested search of the electronic media to be performed by the agent(s) identified above is expected to require more than three (3) days due to logistical and technical concerns. Hence, the "execution" of the requested warrant may require several weeks from beginning to end. If the term "execution" were deemed to occur at the completion of the analysis rather than the initiation of the analysis, then it would be pragmatically impossible for law enforcement officer to comply with the three (3) day deadline and still properly conduct the search. Therefore, pursuant to revised Code 2933.24(A), this Affiant requests this Court require said seizure and/or search be initiated within three (3) days, unless and until otherwise authorized by this Court.

10. Because of the ways in which various types of computer technologies operate in storing or processing records, it is common to find that specific records authorized to be seized are inextricably mixed or without difficult or extremely time-consuming procedures are inseparable from other records, programs, or files. Current technology also allows the storage of sounds, images and video movies as digital files on a diskette or chip in a recording device, as well as on different formats of magnetic tape. Additionally, personal correspondence stored in electronic form, including but not limited to open and unopened e-mail, chat logs, and instant messenger logs, is frequently stored on these systems and is also inextricably mixed with items of evidentiary value. Among these items may be personal correspondence stored in electronic form. Information or communication between conspirators and/or victims may be in the form of electronic communications residing on any media. The storage medium containing records or evidence relating to the crime will be seized for analysis, but only those items authorized to be seized by the warrant will be printed out, disclosed stored on an evidence disk, or otherwise copied for evidence purposes.

11. All of the above records, whether stored on paper, on magnetic media such as tape, cassette, cartridge, disk diskette or on memory storage devices such as optical disks, programmable instruments such as telephone, "electronic address books," calculators, or any other storage media, together with indicial of use, ownership, possession, or control of such records may be seized, listened to, read, reviewed, copied, and converted to human-readable form as necessary by the Ohio Attorney General's Office, Bureau of Criminal Investigation. Authorization is granted if necessary, to make human readable copies or recordings of this data in order to preserve and protect the information and to thereafter seize, read, listen to, copy, and maintain the described property.

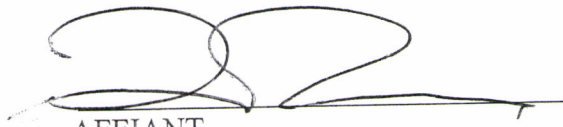
12. Affiant is aware that seizing stored communications implicates privacy rights which Congress believed important enough to protect under the Electronic Communication Privacy Act (ECPA), specifically, 18 U.S.C. 2703. Such material is further protected by Ohio Revised Code 2933.51 et.seq. In executing the warrant requested, it is possible that Affiant or designee will seize such communications, along with other material encompassed in the warrant. Affiant is also aware that seizing arguable work product and/or documentary materials from someone who may be publishing holding said materials for publication implicates privacy rights which Congress believed important enough to protect under the Privacy Protection Act, 42 U.S.C. 2000aa (PPA). However, Affiant believes that any material seized will not fall with the PPA.

13. The Affiant believes that the seizure and search of the black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495, will reveal crucial information regarding the possible activities and motive (s) of deceased subjects TIMOTHY R RUSSELL and MALISSA A. WILLIAMS prior to their

deaths by Cleveland Police. Evidence of TIMOTHY R RUSSELL and MALISSA A. WILLIAMS communications can be stored on various forms of electronic media. Based on the information contained in this affidavit, Affiant's training and experience as a law enforcement officer, participation in the investigation relative to this affidavit, conversations with participating law enforcement officers, and any oral testimony incorporated herein, it is Affiant's belief that the items to be searched for and seized are within the item to be searched.

14. A nighttime warrant is not requested.

Further, Affiant sayeth naught.



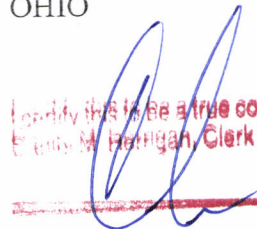
AFFIANT

Sworn to before me and subscribed in my presence
this 5th day of December, 2012.



JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

I certify this to be a true copy of the original
E. W. Horgan, Clerk of Courts



Deputy

STATE OF OHIO
COUNTY OF SUMMIT

) IN THE SUMMIT COUNTY
) COURT OF COMMON PLEAS
) CRIMINAL DIVISION
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AFFIDAVIT FOR SEARCH WARRANT

SUMMIT COUNTY
CLERK OF COURTS

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1. Affiant, Jean-Philippe Rigaud, is a Special Agent in the Major Crimes Division, Special Investigations Unit for the Ohio Attorney General's Office, Bureau of Criminal Investigation. Affiant has been a law enforcement officer in the State of Ohio in excess of 17 years and has been employed by the Ohio Bureau of Criminal Investigation since November 5, 2012. Investigating felony criminal violations, including murders and other crimes against persons, is part of Special Agent Rigaud's regular duties. This affidavit is based upon Special Agent Rigaud's own personal knowledge of the facts and circumstances surrounding this investigation, a review of other law enforcement agency and governmental records and conversations with

participating law enforcement officers. The information contained herein does not describe the entirety of this investigation, but sets forth only those facts necessary to establish probable cause.

2. On the evening of November 29, 2012, Cleveland Police Officers began a pursuit of a vehicle, one Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495. This vehicle was driven by TIMOTHY R RUSSELL, DOB 12-09-68/ SSN [REDACTED] with a last known address of 19115 FAIRWAY AVE, MAPLE HTS, OH 44137 and passenger MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address. Cleveland Police Officers pursued the Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495 from the area of the Justice Center at 1300 Ontario Street in Cleveland into East Cleveland. The pursuit ended on an access road leading to Heritage Middle School.

3. Cleveland Police Officers fired rounds at the blue 1979 CHEVY MALIBU CLASSIC, killing both driver TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS.

4. The deceased bodies of TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS remained in the blue 1979 CHEVY MALIBU CLASSIC car until the vehicle was then towed from the scene by the CUYAHOGA medical examiner's office on Friday morning, November 30, 2012. CUYAHOGA medical examiners removed the deceased bodies of TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS from the 1979 CHEVY MALIBU CLASSIC. The vehicle was stored in a secured bay inside of the CUYAHOGA COUNTY Medical Examiner's Office.

5. The LG/Verizon Cell phone remained inside the blue 1979 CHEVY MALIBU CLASSIC which was stored inside the CUYAHOGA Medical Examiner's Office secured bay.

6. On December 3, 2012, the blue 1979 CHEVY MALIBU CLASSIC was turned over to the Ohio Attorney General's Office, Bureau of Criminal Investigation Special Agent John Saraya. The blue 1979 CHEVY MALIBU CLASSIC was then towed to Bureau of Criminal Investigations Richfield Office building, 4055 Highlander Parkway, Richfield, OH 44286 and placed in a secured bay.

7. On December 5, 2012, the black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495 was removed from the vehicle by Ohio Attorney General's Office, Bureau of Criminal Investigation Crime Scene Agent Dan Winterich and placed in temporary evidence at the Bureau of Criminal Investigations Richfield Office building .

8. PRESERVATION OF PROPERTY AND ELECTRONIC MEDIA. This Affiant states that the seized electronic media will remain in the care, custody and control of the Ohio Attorney General's Office, Bureau of Criminal Investigation and/or the East Cleveland Police Department unless and until otherwise authorized by this Court.

9. REQUEST FOR MODIFICATION OF 3-DAY EXECUTION DEADLINE.

This Affiant states that the requested search of the electronic media to be performed by the agent(s) identified above is expected to require more than three (3) days due to logistical and technical concerns. Hence, the "execution" of the requested warrant may require several weeks from beginning to end. If the term "execution" were deemed to occur at the completion of the analysis rather than the initiation of the analysis, then it would be pragmatically impossible for law enforcement officer to comply with the three (3) day deadline and still properly conduct the search. Therefore, pursuant to revised Code 2933.24(A), this Affiant requests this Court require said seizure and/or search be initiated within three (3) days, unless and until otherwise authorized by this Court.

10. Because of the ways in which various types of computer technologies operate in storing or processing records, it is common to find that specific records authorized to be seized are inextricably mixed or without difficult or extremely time-consuming procedures are inseparable from other records, programs, or files. Current technology also allows the storage of sounds, images and video movies as digital files on a diskette or chip in a recording device, as well as on different formats of magnetic tape. Additionally, personal correspondence stored in electronic form, including but not limited to open and unopened e-mail, chat logs, and instant messenger logs, is frequently stored on these systems and is also inextricably mixed with items of evidentiary value. Among these items may be personal correspondence stored in electronic form. Information or communication between conspirators and/or victims may be in the form of electronic communications residing on any media. The storage medium containing records or evidence relating to the crime will be seized for analysis, but only those items authorized to be seized by the warrant will be printed out, disclosed stored on an evidence disk, or otherwise copied for evidence purposes.

11. All of the above records, whether stored on paper, on magnetic media such as tape, cassette, cartridge, disk diskette or on memory storage devices such as optical disks, programmable instruments such as telephone, "electronic address books," calculators, or any other storage media, together with indicial of use, ownership, possession, or control of such records may be seized, listened to, read, reviewed, copied, and converted to human-readable form as necessary by the Ohio Attorney General's Office, Bureau of Criminal Investigation. Authorization is granted if necessary, to make human readable copies or recordings of this data in order to preserve and protect the information and to thereafter seize, read, listen to, copy, and maintain the described property.

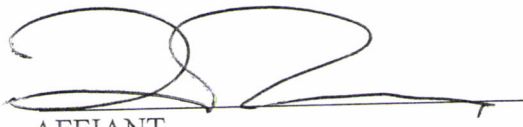
12. Affiant is aware that seizing stored communications implicates privacy rights which Congress believed important enough to protect under the Electronic Communication Privacy Act (ECPA), specifically, 18 U.S.C. 2703. Such material is further protected by Ohio Revised Code 2933.51 et.seq. In executing the warrant requested, it is possible that Affiant or designee will seize such communications, along with other material encompassed in the warrant. Affiant is also aware that seizing arguable work product and/or documentary materials from someone who may be publishing holding said materials for publication implicates privacy rights which Congress believed important enough to protect under the Privacy Protection Act, 42 U.S.C. 2000aa (PPA). However, Affiant believes that any material seized will not fall with the PPA.

13. The Affiant believes that the seizure and search of the black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495, will reveal crucial information regarding the possible activities and motive (s) of deceased subjects TIMOTHY R RUSSELL and MALISSA A. WILLIAMS prior to their

deaths by Cleveland Police. Evidence of TIMOTHY R RUSSELL and MALISSA A. WILLIAMS communications can be stored on various forms of electronic media. Based on the information contained in this affidavit, Affiant's training and experience as a law enforcement officer, participation in the investigation relative to this affidavit, conversations with participating law enforcement officers, and any oral testimony incorporated herein, it is Affiant's belief that the items to be searched for and seized are within the item to be searched.

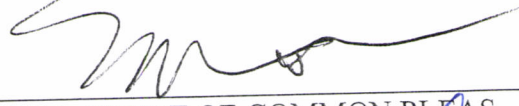
14. A nighttime warrant is not requested.

Further, Affiant sayeth naught.



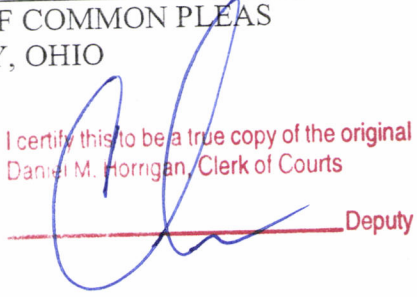
AFFIANT

Sworn to before me and subscribed in my presence
this 5th day of December, 2012.



JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

I certify this to be a true copy of the original
Daniel M. Horrigan, Clerk of Courts



Deputy

2012

0120

STATE OF OHIO DANIEL M. HERRIGAN) IN THE SUMMIT COUNTY
COUNTY OF SUMMIT) SS) COURT OF COMMON PLEAS
DEC -5 PM 2:08) CRIMINAL DIVISION

SUMMIT COUNTY CLERK OF COURTS SEARCH WARRANT ORDER

TO: ANY SPECIAL AGENT OR COMPUTER FORENSIC SPECIALIST OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, and/or ANY LAW ENFORCEMENT OFFICER

Whereas there has been filed with me an affidavit, which is attached hereto and incorporated herein as though fully rewritten, wherein the Affiant avers that he believes that electronic evidence pertinent to the investigation of homicide offenses that occurred in CUYAHOGA County, State of Ohio, exists on a black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945, originally seized from the clothing of a deceased black female, identified as MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address. It was seized on November 30, 2012 by CUYAHOGA COUNTY CORNER'S OFFICE on November 30, 2012. As of December 5, 2012, the phone is currently in the possession and custody of the Ohio Attorney General's Office, Bureau of Criminal Investigation, located at 4055 Highlander Parkway, Richfield, in Summit County, Ohio.

As such, within the black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945, there is now, and it is necessary to obtain the following:

- 1) All information within the above-listed item including but not limited machine-readable data, all previously erased data, and any personal communications including but not limited to call logs, email, chat capture, capture files, correspondence stored in electronic form, text messages, voice mail, contact lists and/or correspondence exchanged in electronic form, usernames and passwords, user accounts and ownership information, and all photographs stored in electronic format.

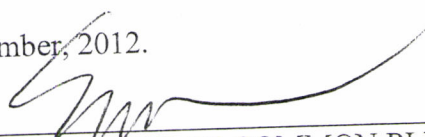
I am satisfied that there is probable cause to believe such evidence is contained within and/or upon the device described above and is necessary for the purpose of locating electronic evidence pertinent to the investigation of the deaths of TIMOTHY R RUSSELL and MALISSA A. WILLIAMS that occurred in CUYAHOGA County, Ohio, and that grounds for issuance of the search warrant exist.

If found, said item will be seized and used as evidence in the investigation of the crimes of Felonious Assault, in violation of Ohio Revised Code Section 2903.11, Failure to comply with order or signal of police officer, in violation of Ohio Revised Code Section 2921.331, and/or other violations of the Ohio Revised Code in Summit County Common Pleas Court.

YOU ARE HEREBY COMMANDED IN THE NAME OF THE STATE OF OHIO with the necessary and proper assistance, to serve this warrant during the daytime season and to obtain forthwith, electronic evidence from within the black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945. Said property seized and maintained shall remain in the care, custody and control of the Ohio Attorney General's Office, Bureau of Criminal Investigation and/or East Cleveland Police Department unless and until otherwise authorized by this Court.

It is further ORDERED and authorized for good cause that the three (3) day rule for execution of the said warrant is extended to a reasonable period of time to allow agents to execute and thoroughly search the seized property. Said extension is based on the logistical and technical difficulties confronting law enforcement.

Given under my hand this 5th day of December, 2012.



JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

I certify this to be a true copy of the original
Daniel M. Horrigan, Clerk of Courts



Deputy

2012

0120

STATE OF OHIO DANIEL W. DEAN)
) SS
COUNTY OF SUMMIT 2012 DEC - 5 PM 2: 08

IN THE SUMMIT COUNTY
COURT OF COMMON PLEAS
CRIMINAL DIVISION

SUMMIT COUNTY
CLERK OF COURTS

AFFIDAVIT FOR SEARCH WARRANT

Before me, a Judge in the Court Of Common Pleas, SUMMIT County, Ohio, personally appeared the undersigned, Special Agent Jean-Philippe Rigaud, who being duly sworn, deposes and says that he is a member of the Ohio Bureau of Criminal Investigation and avers that he believes that electronic evidence pertinent to the investigation of homicide offenses that occurred in CUYAHOGA County, State of Ohio exists on a black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945, originally seized from the clothing of a deceased black female, later identified as MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address. It was seized on November 30, 2012 by CUYAHOGA COUNTY CORNER'S OFFICE on November 30, 2012. As of December 5, 2012, the phone is currently in the possession and custody of the Ohio Attorney General's Office, Bureau of Criminal Investigation, located at 4055 Highlander Parkway, Richfield, in Summit County, Ohio.

As such, within the black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945, there is now, and it is necessary to obtain the following:

- All information within the above-listed item including but not limited machine-readable data, all previously erased data, and any personal communications including but not limited to call log, email, chat capture, capture files, correspondence stored in electronic form, text messages, voice mail, contact lists and/or correspondence exchanged in electronic form, usernames and passwords, user accounts and ownership information, and all photographs stored in electronic format.

If found, said items will be seized and used as evidence in the investigation of the deaths of TIMOTHY R. RUSSELL, DOB 12-09-68/ SSN [REDACTED] with a last known address of 19115 FAIRWAY AVE, MAPLE HTS, OH 44137, and passenger MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address, a violation of Ohio Revised Code Section 2903.11, Felonious Assault, Ohio Revised Code Section 2921.331, Failure to comply with order or signal of police officer, and/or other violations of the Ohio Revised Code in Summit County Common Pleas Court.

The Affiant states that he has good cause to believe that electronic evidence exists within the aforementioned device regarding the possible motive(s) and activities of the cell phone owner and deceased, MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] [REDACTED] with no known address.

The facts upon which the affiant bases such belief are as follows:

1. Affiant, Jean-Philippe Rigaud, is a Special Agent in the Major Crimes Division, Special Investigations Unit for the Ohio Attorney General's Office, Bureau of Criminal Investigation. Affiant has been a law enforcement officer in the State of Ohio in excess of 17 years and has been employed by the Ohio Bureau of Criminal Investigation since November 5, 2012. Investigating felony criminal violations, including murders and other crimes against persons, is part of Special Agent Rigaud's regular duties. This affidavit is based upon Special Agent Rigaud's own personal knowledge of the facts and circumstances surrounding this investigation, a review of other law enforcement agency and governmental records and conversations with participating law enforcement officers. The information contained herein does not describe the entirety of this investigation, but sets forth only those facts necessary to establish probable cause.

2. On the evening of November 29, 2012, Cleveland Police Officers began a pursuit of a vehicle, one Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495. This vehicle was driven by TIMOTHY R RUSSELL, DOB 12-09-68/ SSN [REDACTED] with a last known address of 19115 FAIRWAY AVE, MAPLE HTS, OH 44137 and passenger MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address. Cleveland Police Officers pursued the Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495 from the area of the Justice Center at 1300 Ontario Street in Cleveland into East Cleveland. The pursuit ended on an access road leading to Heritage Middle School.

3. Cleveland police officers fired rounds at the blue 1979 CHEVY MALIBU CLASSIC, killing both driver TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS.

4. The deceased bodies of TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS remained in the blue 1979 CHEVY MALIBU CLASSIC car until the vehicle was then towed from the scene by the CUYAHOGA medical examiner's office on Friday morning, November 30, 2012. CUYAHOGA medical examiners removed the deceased bodies of TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS from the 1979 CHEVY MALIBU CLASSIC. The vehicle was stored in a secured bay inside of the CUYAHOGA COUNTY Medical Examiner's Office.

5. The CUYAHOGA medical Examiner's Office removed the cellphone, a black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945 from the clothing of deceased MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address.

6. The black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945 was turned over to BCI Special Agent John Saraya on December 4, 2010 and placed in temporary evidence at the BCI Richfield Office building, 4055 Highlander Parkway, Richfield, OH 44286.

7. PRESERVATION OF PROPERTY AND ELECTRONIC MEDIA.

This Affiant states that the seized electronic media will remain in the care, custody and control of the Ohio Attorney General's Office, Bureau of Criminal Investigation and/or East Cleveland Police Department unless and until otherwise authorized by this Court.

8. REQUEST FOR MODIFICATION OF 3-DAY EXECUTION DEADLINE.

This Affiant states that the requested search of the electronic media to be performed by the agent(s) identified above is expected to require more than three (3) days due to logistical and technical concerns. Hence, the "execution" of the requested warrant may require several weeks from beginning to end. If the term "execution" were deemed to occur at the completion of the analysis rather than the initiation of the analysis, then it would be pragmatically impossible for law enforcement officer to comply with the three (3) day deadline and still properly conduct the search. Therefore, pursuant to revised

Code 2933.24(A), this Affiant requests this Court require said seizure and/or search be initiated within three (3) days, unless and until otherwise authorized by this Court.

9. Because of the ways in which various types of computer technologies operate in storing or processing records, it is common to find that specific records authorized to be seized are inextricably mixed or without difficult or extremely time-consuming procedures are inseparable from other records, programs, or files. Current technology also allows the storage of sounds, images and video movies as digital files on a diskette or chip in a recording device, as well as on different formats of magnetic tape. Additionally, personal correspondence stored in electronic form, including but not limited to open and unopened e-mail, chat logs, and instant messenger logs, is frequently stored on these systems and is also inextricably mixed with items of evidentiary value. Among these items may be personal correspondence stored in electronic form. Information or communication between conspirators and/or victims may be in the form of electronic communications residing on any media. The storage medium containing records or evidence relating to the crime will be seized for analysis, but only those items authorized to be seized by the warrant will be printed out, disclosed stored on an evidence disk, or otherwise copied for evidence purposes.

10. All of the above records, whether stored on paper, on magnetic media such as tape, cassette, cartridge, disk diskette or on memory storage devices such as optical disks, programmable instruments such as telephone, "electronic address books," calculators, or any other storage media, together with indicial of use, ownership, possession, or control of such records may be seized, listened to, read, reviewed, copied, and converted to human-readable form as necessary by the Ohio Attorney General's Office, Bureau of Criminal Investigation. Authorization is granted if necessary, to make human readable copies or recordings of this data in order to preserve and protect the

information and to thereafter seize, read, listen to, copy, and maintain the described property.

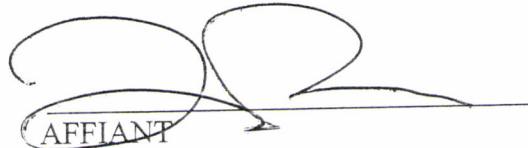
11. Affiant is aware that seizing stored communications implicates privacy rights which Congress believed important enough to protect under the Electronic Communication Privacy Act (ECPA), specifically, 18 U.S.C. 2703. Such material is further protected by Ohio Revised Code 2933.51 et.seq. In executing the warrant requested, it is possible that Affiant or designee will seize such communications, along with other material encompassed in the warrant. Affiant is also aware that seizing arguable work product and/or documentary materials from someone who may be publishing holding said materials for publication implicates privacy rights which Congress believed important enough to protect under the Privacy Protection Act, 42 U.S.C. 2000aa (PPA). However, Affiant believes that any material seized will not fall with the PPA.

12. The Affiant believes that the seizure and search of the cell phone a black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945, removed from the deceased body of MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address, will reveal crucial information regarding the possible activities and motive (s) of deceased subjects TMOTHY R RUSSELL and MALISSA A. WILLIAMS prior to their deaths by Cleveland Police. Evidence of TIMOTHY R RUSSELL and MALISSA A. WILLIAMS communications can be stored on various forms of electronic media. Based on the information contained in this affidavit, Affiant's training and experience as a law enforcement officer, participation in the investigation relative to this affidavit, conversations with participating law

enforcement officers, and any oral testimony incorporated herein, it is Affiant's belief that the items to be searched for and seized are within the item to be searched.

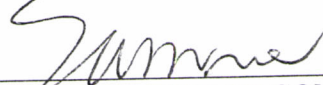
13. A nighttime warrant is not requested.

Further, Affiant sayeth naught.



AFFIANT

Sworn to before me and subscribed in my presence
this 5th day of December, 2012.



JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

I certify this to be a true copy of the original
Brenda M. Herrigan, Clerk of Courts



Deputy

2012

0120

STATE OF OHIO)

COUNTY OF SUMMIT)

DANIEL M. HOFFMANN

2012 DEC -5 PM 2:08

IN THE SUMMIT COUNTY
COURT OF COMMON PLEAS
CRIMINAL DIVISION

SUMMIT COUNTY
CLERK OF COURTS

SEARCH WARRANT ORDER

TO: ANY SPECIAL AGENT OR COMPUTER FORENSIC SPECIALIST OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, and/or ANY LAW ENFORCEMENT OFFICER

Whereas there has been filed with me an affidavit, which is attached hereto and incorporated herein as though fully rewritten, wherein the Affiant avers that he believes that electronic evidence pertinent to the investigation of homicide offenses that occurred in CUYAHOGA County, State of Ohio, exists on a black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495. The LG/Verizon cell phone and Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495 were seized on November 30, 2012 by CUYAHOGA COUNTY CORNER'S OFFICE on November 30, 2012. As of December 5, 2012, the phone is currently in the possession and custody of the Ohio Attorney General's Office, Bureau of Criminal Investigation, located at 4055 Highlander Parkway, Richfield, in Summit County, Ohio.

As such, within the black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495, there is now, and it is necessary to obtain the following:

- 1) All information within the above-listed item including but not limited machine-readable data, all previously erased data, and any personal communications including but not limited to call logs, email, chat capture, capture files, correspondence stored in electronic form, text messages, voice mail, contact lists and/or correspondence exchanged in electronic form, usernames and passwords, user accounts and ownership information, and all photographs stored in electronic format.

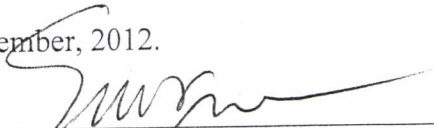
I am satisfied that there is probable cause to believe such evidence is contained within and/or upon the device described above and is necessary for the purpose of locating electronic evidence pertinent to the investigation of the deaths of TIMOTHY R. RUSSELL and MALISSA A. WILLIAMS that occurred in CUYAHOGA County, Ohio, and that grounds for issuance of the search warrant exist.

If found, said item will be seized and used as evidence in the investigation of the crimes of Felonious Assault, in violation of Ohio Revised Code Section 2903.11, Failure to comply with order or signal of police officer, in violation of Ohio Revised Code Section 2921.331, and/or other violations of the Ohio Revised Code in Summit County Common Pleas Court.

YOU ARE HEREBY COMMANDED IN THE NAME OF THE STATE OF OHIO with the necessary and proper assistance, to serve this warrant during the daytime season and to obtain forthwith, electronic evidence from within the black LG/Verizon cell phone located on the driver's side front seat of a Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495. Said property seized and maintained shall remain in the care, custody and control of the Ohio Attorney General's Office, Bureau of Criminal Investigation and/or the East Cleveland Police Department unless and until otherwise authorized by this Court.

It is further ORDERED and authorized for good cause that the three (3) day rule for execution of the said warrant is extended to a reasonable period of time to allow agents to execute and thoroughly search the seized property. Said extension is based on the logistical and technical difficulties confronting law enforcement.

Given under my hand this 5th day of December, 2012.



JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

I certify this to be a true copy of the original
Daniel M. Horigan, Clerk of Courts



Deputy

2012

0120

STATE OF OHIO DANIEL M. HARTIGAN) IN THE SUMMIT COUNTY
COUNTY OF SUMMIT) SS) COURT OF COMMON PLEAS
DEC -5 PM 2:08) CRIMINAL DIVISION

SUMMIT COUNTY CLERK OF COURTS SEARCH WARRANT ORDER

TO: ANY SPECIAL AGENT OR COMPUTER FORENSIC SPECIALIST OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, and/or ANY LAW ENFORCEMENT OFFICER

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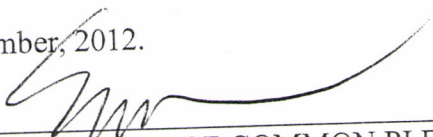
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It is further ORDERED and authorized for good cause that the three (3) day rule for execution of the said warrant is extended to a reasonable period of time to allow agents to execute and thoroughly search the seized property. Said extension is based on the logistical and technical difficulties confronting law enforcement.

Given under my hand this 5th day of December, 2012.



JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

I certify this to be a true copy of the original
Daniel M. Horgan, Clerk of Courts



Deputy

2012

0120

STATE OF OHIO DANIEL D.)
) SS
COUNTY OF SUMMIT 2012 DEC - 5 PM 2: 08

IN THE SUMMIT COUNTY
COURT OF COMMON PLEAS
CRIMINAL DIVISION

SUMMIT COUNTY
CLERK OF COURTS

AFFIDAVIT FOR SEARCH WARRANT

Before me, a Judge in the Court Of Common Pleas, SUMMIT County, Ohio, personally appeared the undersigned, Special Agent Jean-Philippe Rigaud, who being duly sworn, deposes and says that he is a member of the Ohio Bureau of Criminal Investigation and avers that he believes that electronic evidence pertinent to the investigation of homicide offenses that occurred in CUYAHOGA County, State of Ohio exists on a black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945, originally seized from the clothing of a deceased black female, later identified as MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address. It was seized on November 30, 2012 by CUYAHOGA COUNTY CORNER'S OFFICE on November 30, 2012. As of December 5, 2012, the phone is currently in the possession and custody of the Ohio Attorney General's Office, Bureau of Criminal Investigation, located at 4055 Highlander Parkway, Richfield, in Summit County, Ohio.

As such, within the black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945, there is now, and it is necessary to obtain the following:

- All information within the above-listed item including but not limited machine-readable data, all previously erased data, and any personal communications including but not limited to call log, email, chat capture, capture files, correspondence stored in electronic form, text messages, voice mail, contact lists and/or correspondence exchanged in electronic form, usernames and passwords, user accounts and ownership information, and all photographs stored in electronic format.

If found, said items will be seized and used as evidence in the investigation of the deaths of TIMOTHY R. RUSSELL, DOB 12-09-68/ SSN [REDACTED] with a last known address of 19115 FAIRWAY AVE, MAPLE HTS, OH 44137, and passenger MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address, a violation of Ohio Revised Code Section 2903.11, Felonious Assault, Ohio Revised Code Section 2921.331, Failure to comply with order or signal of police officer, and/or other violations of the Ohio Revised Code in Summit County Common Pleas Court.

The Affiant states that he has good cause to believe that electronic evidence exists within the aforementioned device regarding the possible motive(s) and activities of the cell phone owner and deceased, MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] [REDACTED] with no known address.

The facts upon which the affiant bases such belief are as follows:

1. Affiant, Jean-Philippe Rigaud, is a Special Agent in the Major Crimes Division, Special Investigations Unit for the Ohio Attorney General's Office, Bureau of Criminal Investigation. Affiant has been a law enforcement officer in the State of Ohio in excess of 17 years and has been employed by the Ohio Bureau of Criminal Investigation since November 5, 2012. Investigating felony criminal violations, including murders and other crimes against persons, is part of Special Agent Rigaud's regular duties. This affidavit is based upon Special Agent Rigaud's own personal knowledge of the facts and circumstances surrounding this investigation, a review of other law enforcement agency and governmental records and conversations with participating law enforcement officers. The information contained herein does not describe the entirety of this investigation, but sets forth only those facts necessary to establish probable cause.

2. On the evening of November 29, 2012, Cleveland Police Officers began a pursuit of a vehicle, one Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495. This vehicle was driven by TIMOTHY R RUSSELL, DOB 12-09-68/ SSN [REDACTED] with a last known address of 19115 FAIRWAY AVE, MAPLE HTS, OH 44137 and passenger MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address. Cleveland Police Officers pursued the Blue 1979 four (4) door CHEVY MALIBU CLASSIC, VIN: 1W19J91485352, and Ohio Plate Number FSA3495 from the area of the Justice Center at 1300 Ontario Street in Cleveland into East Cleveland. The pursuit ended on an access road leading to Heritage Middle School.

3. Cleveland police officers fired rounds at the blue 1979 CHEVY MALIBU CLASSIC, killing both driver TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS.

4. The deceased bodies of TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS remained in the blue 1979 CHEVY MALIBU CLASSIC car until the vehicle was then towed from the scene by the CUYAHOGA medical examiner's office on Friday morning, November 30, 2012. CUYAHOGA medical examiners removed the deceased bodies of TIMOTHY R RUSSELL and passenger MALISSA A. WILLIAMS from the 1979 CHEVY MALIBU CLASSIC. The vehicle was stored in a secured bay inside of the CUYAHOGA COUNTY Medical Examiner's Office.

5. The CUYAHOGA medical Examiner's Office removed the cellphone, a black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945 from the clothing of deceased MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address.

6. The black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945 was turned over to BCI Special Agent John Saraya on December 4, 2010 and placed in temporary evidence at the BCI Richfield Office building, 4055 Highlander Parkway, Richfield, OH 44286.

7. PRESERVATION OF PROPERTY AND ELECTRONIC MEDIA.

This Affiant states that the seized electronic media will remain in the care, custody and control of the Ohio Attorney General's Office, Bureau of Criminal Investigation and/or East Cleveland Police Department unless and until otherwise authorized by this Court.

8. REQUEST FOR MODIFICATION OF 3-DAY EXECUTION DEADLINE.

This Affiant states that the requested search of the electronic media to be performed by the agent(s) identified above is expected to require more than three (3) days due to logistical and technical concerns. Hence, the "execution" of the requested warrant may require several weeks from beginning to end. If the term "execution" were deemed to occur at the completion of the analysis rather than the initiation of the analysis, then it would be pragmatically impossible for law enforcement officer to comply with the three (3) day deadline and still properly conduct the search. Therefore, pursuant to revised

Code 2933.24(A), this Affiant requests this Court require said seizure and/or search be initiated within three (3) days, unless and until otherwise authorized by this Court.

9. Because of the ways in which various types of computer technologies operate in storing or processing records, it is common to find that specific records authorized to be seized are inextricably mixed or without difficult or extremely time-consuming procedures are inseparable from other records, programs, or files. Current technology also allows the storage of sounds, images and video movies as digital files on a diskette or chip in a recording device, as well as on different formats of magnetic tape. Additionally, personal correspondence stored in electronic form, including but not limited to open and unopened e-mail, chat logs, and instant messenger logs, is frequently stored on these systems and is also inextricably mixed with items of evidentiary value. Among these items may be personal correspondence stored in electronic form. Information or communication between conspirators and/or victims may be in the form of electronic communications residing on any media. The storage medium containing records or evidence relating to the crime will be seized for analysis, but only those items authorized to be seized by the warrant will be printed out, disclosed stored on an evidence disk, or otherwise copied for evidence purposes.

10. All of the above records, whether stored on paper, on magnetic media such as tape, cassette, cartridge, disk diskette or on memory storage devices such as optical disks, programmable instruments such as telephone, "electronic address books," calculators, or any other storage media, together with indicial of use, ownership, possession, or control of such records may be seized, listened to, read, reviewed, copied, and converted to human-readable form as necessary by the Ohio Attorney General's Office, Bureau of Criminal Investigation. Authorization is granted if necessary, to make human readable copies or recordings of this data in order to preserve and protect the

information and to thereafter seize, read, listen to, copy, and maintain the described property.

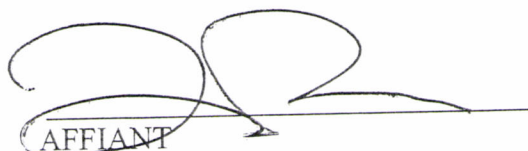
11. Affiant is aware that seizing stored communications implicates privacy rights which Congress believed important enough to protect under the Electronic Communication Privacy Act (ECPA), specifically, 18 U.S.C. 2703. Such material is further protected by Ohio Revised Code 2933.51 et.seq. In executing the warrant requested, it is possible that Affiant or designee will seize such communications, along with other material encompassed in the warrant. Affiant is also aware that seizing arguable work product and/or documentary materials from someone who may be publishing holding said materials for publication implicates privacy rights which Congress believed important enough to protect under the Privacy Protection Act, 42 U.S.C. 2000aa (PPA). However, Affiant believes that any material seized will not fall with the PPA.

12. The Affiant believes that the seizure and search of the cell phone a black KYOCERA cell phone, Model 10R-727-A-01, MEID #268435459906583945, removed from the deceased body of MALISSA A. WILLIAMS, DOB 06-20-82/ SSN [REDACTED] with no known address, will reveal crucial information regarding the possible activities and motive (s) of deceased subjects TMOTHY R RUSSELL and MALISSA A. WILLIAMS prior to their deaths by Cleveland Police. Evidence of TIMOTHY R RUSSELL and MALISSA A. WILLIAMS communications can be stored on various forms of electronic media. Based on the information contained in this affidavit, Affiant's training and experience as a law enforcement officer, participation in the investigation relative to this affidavit, conversations with participating law

enforcement officers, and any oral testimony incorporated herein, it is Affiant's belief that the items to be searched for and seized are within the item to be searched.

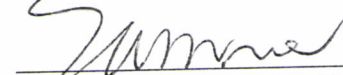
13. A nighttime warrant is not requested.

Further, Affiant sayeth naught.



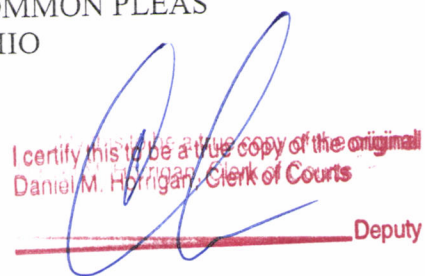
AFFIANT

Sworn to before me and subscribed in my presence
this 5th day of December, 2012.



JUDGE, COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

I certify this to be a true copy of the original
Daniel M. Horigan, Clerk of Courts



Deputy