



Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2024-3413
Officer Involved Critical Incident - Bernard Park - 1105
Bernard Ave., Findlay, OH 45840

Investigative Activity: Search Warrant Obtained
Involves: Calvin Darapheth
Activity Date: 11/13/2024
Activity Location: Wood County
Authoring Agent: SA Tiffany Najmulski

Narrative:

Search Warrant Obtained

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Tiffany Najmulski (SA Najmulski) drafted a search warrant for data from two cell phones relative to the officer-involved critical incident which occurred on October 28, 2024.

On Wednesday, November 13, 2024, SA Najmulski electronically sent the warrant and affidavit to Wood County Court of Common Pleas Judge Kuhlman (Judge Kuhlman). Judge Kuhlman reviewed the search warrant and search warrant affidavit. On, November 13, 2024 at approximately 14:16 hours, Judge Kuhlman signed / authorized the search warrant.

Search Warrant Executed

On Wednesday, November 13, 2024, at approximately 14:51 hours, SA Najmulski executed / served the aforementioned search warrant by electronically serving a copy to the BCI Cyber Crime Unit.

During the search, the following items of potential evidence were seized:

Phone data/records

Search Warrant Returned

On Monday, December 02, 2024, SA Najmulski filed the original search warrant, search warrant affidavit, inventory, and search warrant return electronically with the Wood County Clerk of Courts.

A copy of the search warrant documents, and search inventory are attached to this investigative report.

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



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Attachments:

1. Warrant (Court Documents) search warrant
2. Warrant (Court Documents) affidavit
3. Court Filing (Court Documents) return/inventory

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STATE OF OHIO)
) SS
COUNTY OF WOOD) IN THE WOOD COUNTY
 COURT OF COMMON PLEAS
 CRIMINAL DIVISION

AFFIDAVIT FOR SEARCH WARRANT

AFFIANT, Special Agent Tiffany Najmulski, first being duly sworn and cautioned according to law, states the following facts and circumstances to establish Probable Cause relating to the property to be searched for and seized; and the place and person to be searched for:

(1) Black Samsung Galaxy S9 cell phone further described as having a black and gold case with an astronaut on the back and (1) I-Phone described as being Rose Gold in color with a cracked back and having a case with anime characters and a sticker on the inside of the case that says APAC, both believed to belong to Calvin Darapheth. The phones are booked into the Ohio Bureau of Criminal of Investigation (BCI) property room located at 750 N. College Drive, Bowling Green, Ohio, as Item #1, and item #22 associated with BCI report 2024-3413 and may be transferred to another BCI facility for examination. Due to security feature unable to get serial #, password unknown, at this time.

The affiant says that she has good reasons to believe and does believe that the aforesaid property or some part thereof is kept at the place aforesaid, and that there is urgent necessity for the search thereof to be made in the daytime. This affidavit is based on facts as follows:

1. Affiant, Tiffany Najmulski, is a special agent for the Ohio Attorney General’s Office, Bureau of Criminal Identification and Investigation assigned to the Major Crimes/Special Investigation’s Division. Affiant is a certified Peace Officer in the State of Ohio. Prior to service at Ohio B.C.I.&I., Affiant was a juvenile investigator for the Lima Police Department, having nearly 30 years of total law enforcement experience. Affiant has conducted criminal investigations involving Officer Involved Critical Incidents and offenses where cellular phones were used to facilitate a crime. Through participation in these investigations, Affiant liaised with Computer Forensic Specialists and with Computer Crime Special Agents of the Ohio BCI&I.
2. On Monday, October 28, 2024, the Findlay Police Department (FPD) requested the assistance of the Ohio Bureau of Criminal Investigation regarding the investigation of an Officer Involved Critical Incident. Officers were investigating a complaint of juveniles consuming alcoholic beverages in Bernard Park, 1105 Bernard Ave, Findlay, Ohio.
3. Upon arrival, officers encountered three juveniles. While engaged in conversation, one of the juveniles fled the area on foot with officers giving chase. It was reported the subject brandished a firearm and fired several rounds at officers. None of the officers were struck or injured. One of the officers returned fire which struck the subject. The subject, identified as **Kalvin Darapheth**, with a DOB of 01/27/2007 (juvenile 17 yoa) was taken to Blanchard Valley hospital by Hanco EMS and later flown by medical helicopter to ProMedica Toledo Hospital where he passed away the following the day.

4. FPD requested the assistance of the Ohio Bureau of Criminal Investigation (BCI) crime scene unit and the Special Investigation Unit (SIU) to investigate the Officer Involved Critical Incident (OICI). Special Agent (SA) Tiffany Najmulski (Najmulski) was assigned the case.
5. SA Najmulski reviewed video footage of the body worn camera (BWC) worn by officers. The subject can be seen running away from officers before an arrest could be made for underage drinking. The subject is seen firing shots at [REDACTED] was not hit and in return fired his weapon striking the subject. The subject is heard firing 2 more shots and then seen collapsing.
6. First aid was rendered to the subject by officers. EMS and Fire arrived at the scene who continued life saving measures. The subject's pants had been taken off to check for injuries. The subject was then transported to the hospital, and his pants remained at the scene.
7. The Ohio Bureau of Criminal Investigation Crime Scene Unit and Special Investigations arrived. During the process of the scene a phone was found in the pants where the subject had been laying. Another phone was also located at the picnic table where the subject's first encounter with police begun.
8. BCI collected the phones as part of the crime scene process and placed the phones in evidence at BCI headquarters located at 750 N. College Drive, Bowling Green, Ohio.
9. Affiant believes the phones contain files and data with information about the gun used by the subject and how it was acquired and other information helpful to the investigation. It is believed both phones belong to the subject and that content of evidentiary value will be found in the phones.

The said item(s) described above is/are of evidentiary value due to one or more violation(s) of **R.C. §2903.11A2 (Felonious Assault), R.C. §2921.331A (Failure to comply with the order of a Police Officer), R.C. §2921.33C2 (Resisting Arrest)** in accord with the Ohio Revised Code and Ohio Criminal Rule 41 of the Ohio Rules of Criminal Procedure.

And seize the following property which is subject to search and seizure:

9. All information within the above-listed item and or devices including but not limited to machine-readable data, all previously erased data, and any personal communications including but not limited to email, chat capture, captured files, all communications by messenger applications furnished by the service provider such as but not limited to all third party messenger services such as but not limited to Facetime and any and all other correspondence stored in electronic form, or correspondence exchanged in electronic form, and all images stored in any electronic form and voicemails, texts, messaging, and emails.
10. Any and all electronic data contained in the device's memory as well as on other internal, external or removable media to include but not necessarily limited to; call history, any names, phone numbers, addresses, contact information, data, text, messages such as SMS, MMS and all other formats, images, voice memos, voice mail, photographs, videos, all GPS data such

as but not limited to locations, waypoints, favorite locations, points of interest and routes of travel, personal settings and preferences established by the user on the device or other media such as but not limited to internet favorites, email processing such as forwarding addresses, internet cache settings, other preferences such as but not limited to speed dial assignments or voice dialing assignments and ring tone assignment, internet sites, internet access, documents or other information contained in the device's internal, external or removable memory or memories, which may also include storage devices such as but not limited to smart cards, SIM cards or flash cards.

11. Any and all data contained on the device or other storage device which includes previously erased data that may be located such as but not necessarily limited to Personal Data Assistant, secure media cards, smart cards, digital camera media such as compact flash cards, in any format whether the data is stored in files, tables, other data structures, or unallocated space.

12. Said search may include production and examination of a duplicate memory card image, SIM Card or image of the device itself, or analysis files which contain all the data on the reference device or medium and or storage media, said duplicates, files and data becoming the property of Ohio Attorney General's Office – Ohio Bureau of Criminal Identification and Investigation or other law enforcement agency with jurisdiction or proper authority in this matter.

13. All other fruits and instrumentalities of crime at the present time unknown.

14. **ELECTRONIC MEDIA.** Based upon the training, education and experience of this Affiant, and that of other law enforcement officers associated with this investigation, this Affiant states that said phones do in fact possess electronic media in the form of the aforementioned cellular phone that has been seized. This Affiant reasonably believes that said electronic media is utilized to further the interests of the crime and may contain otherwise deemed as evidence. As a result, this Affiant respectfully requests that any and all electronic media be seized and subsequently searched as an instrumentality and/or proceeds of said enterprise.

Request for Modification of 3-Day Execution Deadline

The Affiant states that the request search of the electronic media which is to be performed by the Ohio Bureau of Criminal Identification and Investigation is expected to require more than three days due to logistical and technical concerns. Hence the "extension" of the requested warrant may require several weeks or more from the beginning to the end. If the term "execution" were deemed to occur at the completion of the analysis, then it would be pragmatically impossible for law enforcement to comply with the 3 day deadline and still properly conduct the search. Therefore, pursuant to the ORC2933.24(A), the Affiant respectfully requests this court to require said seizure and or search to be *initiated* within three days, unless and until otherwise authorized by this court.

Having shown cause, the Affiant's petition for modification of the three- day execution deadline is granted.

You are hereby commanded in the name of the State of Ohio, with the necessary and proper assistance, to serve this warrant and search forthwith the above- described cellular phone. This warrant must be executed within three (3) days of the date hereof. Said search may be made in the day season, and if the property, or any part thereof be found there, you are commanded to seize it, leave a copy of this warrant and a receipt for the property taken, prepare an inventory of the property seized, and return this warrant to the undersigned. Forthwith before me or some other Judge of this Court, to be disposed of according to law and make of this writ, legal service and return.

In consideration of the above-detailed information, this Affiant requests this Honorable Court issue a Search Warrant for, to be executed in the day season.

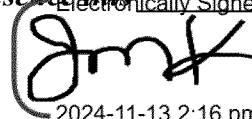
I certify under penalty of perjury that the foregoing is true and correct.

Electronically Signed

2024-11-13 9:58 am EST

Special Agent Tiffany Najmulski
Ohio Attorney General's Office
Bureau of Criminal Identification and Investigation

Sworn before me and subscribed to in my presence this ^{Electronically Signed} *day of November 2024.*


2024-11-13 2:16 pm EST

Judge of the Wood County Common Pleas Court

RETURN OF SEARCH WARRANT

JUDGE KUHLMAN
WOOD COUNTY COURT

On November 13, 2024, at approximately 14:16 hours, S/A Tiffany Najmulski received this Warrant, and on November 13, 2024, at approximately 14:51 hours, S/A Tiffany Najmulski requested the phone data from 2 phones believed to belong to Calvin Darapheth whereas a copy of this Search Warrant was electronically served to the BCI Cyber Crime Unit.

Further: property was taken-phone data belonging to Calvin Darapheth

Today's date: December 2, 2024

SA Tiffany Najmulski
SA Tiffany Najmulski

TATE OF OHIO)
) SS
COUNTY OF WOOD)

IN THE WOOD COUNTY
COURT OF COMMON PLEAS
CRIMINAL DIVISION

FILED
WOOD COUNTY CLERK
COMMON PLEAS COURT
2024 DEC -2 PM 1:27
DOUGLAS F. CUBBERLEY

SEARCH WARRANT

TO: Cyber Crime Unit and/or any Special Agent or Computer Forensic Specialist of the Ohio Attorney General's Office, Bureau of Criminal Identification and Investigation.

Greetings:

Whereas there has been filed with me an affidavit of which the following is a copy:

Before me, the Honorable Judge Kuhlman of the Common Pleas Court of Ohio, personally came one Special Agent Tiffany Najmulski who being first duly sworn according to law deposes and says: That she believes and has good cause to believe that on or about the 28th day of October, 2024, in the city of Bowling Green, Wood County, State of Ohio,

Certain property to-wit:

(1) Black Samsung Galaxy S9 cell phone further described as having a black and gold case with an astronaut on the back and (1) I-Phone described as being Rose Gold in color with a cracked back and having a case with anime characters and a sticker on the inside of the case that says APAC, both believed to belong to Calvin Darapheth. The phones are booked into the Ohio Bureau of Criminal of Investigation (BCI) property room located at 750 N. College Drive, Bowling Green, Ohio, as Item #1, and item #22 associated with BCI report 2024-3413 and may be transferred to another BCI facility for examination.

Due to security feature unable to get serial #, password unknown, at this time.

In a house, building or place, described as follows, to-wit:

The phones are booked into the Ohio Bureau of Criminal of Investigation (BCI) property room located at 750 N. College Drive, bowling Green, Ohio, as Item #1, and item #22 associated with report 2024-3413.

And seize the following property which is subject to search and seizure:

1. All information within the above-listed item and or devices including but not limited to machine-readable data, all previously erased data, and any personal communications including but not limited to email, chat capture, captured files, all communications by messenger applications furnished by the service provider such as but not limited to all third party messenger services such as but not limited to Facetime and any and all other correspondence stored in electronic form, or correspondence exchanged in electronic

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form, and all images stored in any electronic form and voicemails, texts, messaging, emails and/or calls.

2. Any and all electronic data contained in the device's memory as well as on other internal, external or removable media to include but not necessarily limited to; call history, any names, phone numbers, addresses, contact information, data, text, messages such as SMS, MMS and all other formats, images, voice memos, voice mail, photographs, videos, all GPS data such as but not limited to locations, waypoints, favorite locations, points of interest and routes of travel, personal settings and preferences established by the user on the device or other media such as but not limited to internet favorites, email processing such as forwarding addresses, internet cache settings, other preferences such as but not limited to speed dial assignments or voice dialing assignments and ring tone assignment, internet sites, internet access, documents or other information contained in the device's internal, external or removable memory or memories, which may also include storage devices such as but not limited to smart cards, SIM cards or flash cards.
3. Any and all data contained on the device or other storage device which includes previously erased data that may be located such as but not necessarily limited to Personal Data Assistant, secure media cards, smart cards, digital camera media such as compact flash cards, in any format whether the data is stored in files, tables, other data structures, or unallocated space.
4. Said search may include production and examination of a duplicate memory card image, SIM Card or image of the device itself, or analysis files which contain all the data on the reference device or medium and or storage media, said duplicates, files and data becoming the property of Ohio Attorney General's Office – Ohio Bureau of Criminal Identification and Investigation or other law enforcement agency with jurisdiction or proper authority in this matter.
5. All other fruits and instrumentalities of crime at the present time unknown.

In violation of section:

R.C. §2903.11A2 (Felony Assault), R.C. §2921.331A (Failure to comply with the order of a Police Officer), R.C. §2921.33C2 (Resisting Arrest) of the Ohio Revised Code.

You are hereby commanded in the name of the State of Ohio, with the necessary and proper assistance, to serve this warrant and search forthwith the above- described cellular phone. This warrant must be executed within three (3) days of the date hereof. Said search may be made in the day season, and if the property, or any part thereof be found there, you are commanded to seize it, leave a copy of this warrant and a receipt for the property taken, prepare an inventory of the property seized, and return this warrant to the undersigned. Forthwith before me or some other Judge of this Court, to be disposed of according to law and make of this writ, legal service and return.

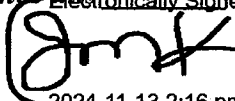
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In consideration of the above-detailed information, this Affiant requests this Honorable Court issue a Search Warrant for, to be executed in the day season.

Sworn before me and subscribed to in my presence this Electronically Signed *day of November 2024.*

A handwritten signature in black ink, appearing to be "Jmk", written over a horizontal line.

2024-11-13 2:16 pm EST

Judge of the Wood County Common Pleas Court

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