

## Ohio Attorney General's Office Bureau of Criminal Investigation

**Investigative Report** 

2022-1316

Officer-Involved Critical Incident - Quincy Pritchett and Izak Ackerman



Investigative Activity: Search Warrant

Activity Date: 6/21/2022

Activity Location: Allen County Common Pleas Court

Authoring Agent: SA Chris Hamberg #69

#### Narrative:

#### **Search Warrant Obtained**

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chris Hamberg (Hamberg) drafted a search warrant for an Apple iPhone, black-in-color, located on the grass next to Quincy Pritchett, relative to the officer-involved critical incident which occurred on June 21, 2022.

On Tuesday, June 21, 2022, SA Hamberg met with Allen County Court of Common Pleas Judge Matt C. Staley (Judge Staley). Judge Staley reviewed the search warrant and search warrant affidavit. On June 21, 2022, at approximately 1600 hours, Judge Staley signed/authorized the search warrant.

### **Search Warrant Executed**

On Wednesday, June 22, 2022, at approximately 1000 hours, SA Hamberg executed/served the aforementioned search warrant by placing the search warrant into the Matrix system. SA Price examined the cell phone for potential evidence. A copy of the search warrant was left with the cell phone.

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

The phone had a passcode which prevented it from being connected to Cellebrite. No data was taken from the cell phone.

#### **Search Warrant Returned**

On Wednesday, July 20, 2022, SA Chris Hamberg returned the search warrant, affidavit, inventory and search warrant return with the Allen County Clerk of Courts.

A copy of the search warrant documents and search inventory is attached to this Investigative Report.

# WARRANT TO SEARCH AND SEIZE (Cell Phones and Mobile Devices)

STATE OF OHIO	}
	} ss
ALLEN COUNTY	}

#### TO: Ohio Bureau Criminal Identification

Before me, Judge Matt C Staley of the Allen County Common Pleas, Court, Lima, in Allen County, County Ohio Special Agent Christopher Hamberg of the Ohio Bureau of Criminal Identification, being duly sworn, deposed and said that he/she has probable cause to believe that in the cell phone(s) and/or mobile device(s) below:

## Apple iPhone, black in color located on the grass near Quincy Pritchett

(hereinafter, the "Device(s)")

there is now located certain property, namely:

- 1. All telephone numbers, direct connect numbers, identities assigned to the Device(s), and any other Device information;
- 2. Call history information, direct-connect history information, and contacts list;
- 3. Photographs, videos, audio files, documents, user dictionary, and user created files;
- 4. Text messages, chat logs, and email;
- 5. Applications, application data, and database files;
- 6. Internet history, bookmarked web pages, and favorite internet sites;
- 7. Stored Wi-Fi information;
- 8. Stored passwords;
- 9. Stored geographical location information; and

10. Any other data, including deleted data, contained on the Device(s).

(hereinafter, collectively, the "Property"),

which constitutes evidence that is relevant to one or more suspected violations of the following sections of the Ohio Revised Code:

Felonious Assault R.C. 2903.11 (A) (1)
Failure to Comply with the order of or signal of a police officer R.C. 2921.331 (B)
Failure to stop for a stop sign. R.C. 4511.12

(hereinafter, collectively, the "Offenses").

<u>Finding of Probable Cause</u>. I am satisfied that probable cause exists to believe that the Property is now located in the Device(s) and that such Property is relevant to determining if one or more of the Offenses have been committed.

<u>Command to Search and Seize</u>. You are commanded to search the Device(s), and, if the Property be found there, to seize the Property. Your search and/or seizure shall commence—by delivering the Device(s) to the examiner—within three (3) days of the issuance of this warrant.

**Daytime Execution.** You are authorized to execute this warrant in the Daytime (i.e., 7:00 a.m. to 8:00 p.m.).

**Service of Inventory.** You shall serve a copy of this warrant, along with a written inventory of the Property taken, to every person whose Device(s) are the subject of this warrant. In that regard, a person's possessory interest (whether actual, constructive, or joint) in the Device(s), not a person's ownership interest in the Device(s), shall be the determinative factor.

**Return of Service.** You shall make prompt return of this warrant to the Clerk of this Court, along with a written inventory of the Property taken, as required by law.

Judge's Signature

Date and time signed

# AFFIDAVIT FOR WARRANT TO SEARCH AND SEIZE

(Cell Phones and Mobile Devices)

STATE OF OHIO	}
	} ss
ALLEN COUNTY	}

Before me, Judge Matt C Staley of the Allen County Common Pleas, Court, Lima, in Allen County, County Ohio. Special Agent Christopher Hamberg of the Ohio Bureau of Criminal Identification, being duly sworn, deposes and says that he/she has probable cause to believe that in the cell phone listed below:

Apple iPhone, black in color.

(hereinafter, the "Device")

there is now located certain property, namely:

- 1. All telephone numbers, direct connect numbers, identities assigned to the Device(s), and any other Device information;
- 2. Call history information, direct-connect history information, and contacts list;
- 3. Photographs, videos, audio files, documents, user dictionary, and user created files;
- 4. Text messages, chat logs, and email;
- 5. Applications, application data, and database files;
- 6. Internet history, bookmarked web pages, and favorite internet sites;
- 7. Stored Wi-Fi information;
- 8. Stored passwords;
- 9. Stored geographical location information; and
- 10. Any other data, including deleted data, contained on the Device(s).

(hereinafter, collectively, the "Property"

which constitutes evidence that is relevant to one or more suspected violations of the following sections of the Ohio Revised Code:

Felonious Assault R.C. 2903.11 (A) (1)
Failure to Comply with the order of or signal of a police officer R.C. 2921.331 (B)
Failure to stop for a stop sign. R.C. 4511.12

(hereinafter, collectively, the "Offenses").

## **Probable-Cause Basis**

**Affiant Qualifications.** I, Special Agent Chris Hamberg, being first duly sworn and placed under oath hereby state that I have good and probable cause to believe that the above described property is located in the place I am requesting to search and further state that all of the information set forth in this affidavit is true to the best of my knowledge and belief.

The facts and grounds upon which I believe that a warrant should be issued and that the property sought is located where noted are as follows: affidavit of Special Agent Chris Hamberg.

- 1. I have been employed with the Ohio Bureau of Criminal Investigation since 2011.
- 2. I am currently assigned to the Major Crimes/Special Investigations Unit.
- 3. I have 31 years of law enforcement experience, with nearly 20 of those years from the Mercer County Sheriff's Office and 11 years as a special agent with BCI.
- 4. I have participated in approximately 500 search warrants.
- 5. I have investigated and been in charge of numerous cases, involving homicides, suspicious deaths, felonious assaults, assaults, sexual assaults, rapes, burglaries, and robberies.
  - a. I am a "law enforcement officer" as that term is defined in R.C. 2901.01(A) (11) and as used in R.C. 2933.21 to R.C. 2933.33 (search warrants, generally) and Criminal Rule 41(A).
- 2. <u>Sources of Information</u>. I have obtained the information set forth in this affidavit from the following sources:
  - a. A police report from the Allen County Sheriff's office written by John Butler (Report #2022-00010353.
- 3. The Devices. I have already described the cell phones and/or mobile devices that is/are the subject of this affidavit and the requested warrant (*i.e.*, the "Devices"), and I hereby incorporate by reference that description as if it is fully restated here.

On June 21, 2022, Deputy Izak Ackerman (Deputy Ackerman) of the Allen County Sheriff's Office was on routine patrol. At 0235 hours Deputy Ackerman attempted to stop the 2003 Red in color Buick Le Sabre, bearing the Ohio License Plate (JNJ8296) in the area of Taft Avenue and East Second St. in Lima, Ohio, for failure to stop at the stop sign at Taft Avenue and East Second St. The Buick Le Sabre continued on East Second Street, to South Sugar St and then went south on South Sugar Street, and turned back east in an alley. The alley was parallel to East Second Street and was between South Sugar Street and Taft Avenue.

The Buick Le Sabre came to a stop in a back yard, when the black male driver, later identified as Quincy Pritchett (Pritchett) exited the vehicle. A physical altercation took place between Deputy Ackerman and Pritchett. During the altercation, Deputy Ackerman was shot in the left chin area and in the upper left chest area, which Deputy Ackerman's bullet proof vest, stopped the bullet. Deputy Ackerman then fired his service weapon at Pritchett. Pritchett had succumbed to his injuries at the scene.

The following evidence was located at the scene:

- 1) The Buick Le Sabre was left running and was in a parked position.
- 2) A Taurus G3 9 mm handgun was located on the chest of Pritchett.
- 3) Cartridge casings were located in the grassy area near Pritchett's body.
- 4) The Buick Le Sabre windshield was damaged on both the outside and inside.
- 5) Suspected red brown stains were on the hood of the Buick Le Sabre.
- 6) A black in color Apple iPhone, located near the body of Quincy Pritchett.
- 4. <u>Inferences.</u> Based upon the foregoing, and given my training, education, and experience, as well as that of other law enforcement officers associated with this investigation, I believe that the following inferences are warranted:
  - a. I know from my training and experience that is reasonable to infer that suspects involved with criminal activity will communicate via their respective cell phone devices to discuss what occurred, and what to say if the police are notified.
- 5. <u>Searching Digital Evidence</u>. Based upon my training, education, experience, and discussions with others involved in digital forensics, I know that searching all areas of an electronic device is necessary in order to conduct a complete search for electronic evidence relevant to the investigation for the following reasons:
  - a. All electronic devices have a "file system," which is how the device organizes directories and files. The "file system" is a representation of the storage device's organization as opposed to the actual data that is stored inside of the files. In other words, the "file system" is like a table of contents or an index in a book; it is

- a mechanism that keeps track of where the actual file or data is located on the hard drive. Each "file system" works in different ways and can vary between devices. "File systems" have their own conventions for the naming of files, such as how long a name can be or what characters are permissible in a file name.
- b. Keyword searches may assist the examiner in locating electronic evidence, due to the vast amount of storage contained on electronic devices; however, the software and applications used to create or store the files may be such that it is not conducive to finding relevant evidence by solely using a keyword search. Software and applications may save data in a proprietary format, in an encrypted format, or in a compressed format that is not human readable and, therefore, not conducive to keyword searching. Therefore, the forensic examiner must review and analyze the operating system, software, and application configurations.
- c. In addition, the user can take other steps that inhibit law enforcement from discovering the information that is the subject of the search relevant to the investigation. This includes, but is not limited to, renaming files or file extensions, using encryption or compression, password protecting files, using software or applications specifically designed to allow a user to hide portions of the storage area, or embedding a file within another file or files. In other words, a keyword search or merely looking at a file name or file type may lead an examiner to conclude, for example, that a data file contains text, when the file actually contains a picture, or vise-versa. A user does not need extensive computer knowledge to perform these steps, and software and applications are readily available for free on the internet that will perform these steps for the user.
- d. When a file is deleted, it may still be possible to recover the file because the file system usually just changes the entry related to that file as to where a file is located, but does not actually go to the physical location on the storage media and remove the information at that physical location. Therefore, it may be possible to recover deleted data for a substantial period of time after the deletion occurred.
- e. Therefore, personnel executing the requested warrant must examine all areas of an electronic device, including, but not limited to, scanning storage areas to discover and possibly recover deleted data, scanning storage areas for deliberately hidden files, performing electronic keyword searches through all electronic storage areas, and opening and previewing various file folders or directories and the individual files they contain, because evidence relevant to the investigation can reasonably be expected to be found anywhere on the Device(s).

## Request for Issuance of a Warrant

Based upon the foregoing, I respectfully submit that probable cause exists to believe that the Property is now located in the Device(s) and that the Property is relevant to determining if one or more of the Offenses has been committed, and who committed such Offenses. I, therefore, respectfully request that this Court issue the requested warrant, authorizing and commanding law enforcement officers to search the Device(s) for the Property, and, if the Property be found there, to seize the Property.

Request for Daytime Execution. I respectfully request permission to execute the requested warrant during the Daytime (i.e., from 7:00 a.m. to 8:00 p.m.).

Request for Modification of the Three-Day Execution Deadline. The requested search of the Device(s) to be performed by a qualified computer forensic examiner is expected to require more than three (3) days due to logistical and technical concerns. Hence, the "search" of the requested warrant may require several weeks from beginning to end. If the term "search" was deemed to occur at the completion of the examination, rather than at the initiation of the examination, then it would be pragmatically impossible for law enforcement officers to comply with the three-day deadline (see Criminal Rule 41(C)(2)) and still properly conduct the search and seizure. Therefore, pursuant to Criminal Rule 41(C)(2), I respectfully ask this court to require that the search and/or seizure be initiated—by delivering the Device(s) to the examiner—within three (3) days of the issuance of the requested warrant.

<u>Participating Agencies and Individuals</u>. I respectfully request that this court authorize the following law enforcement agencies and/or civilian personnel to participate in the execution of the requested warrant: The Ohio Bureau Criminal Identification 750 N. College Dr. Bowling Green, Wood County, Ohio.

Further, the Affiant Sayeth Naught:

Affiant's Signature

Sworn to before me, and subscribed in my presence this 2/sf day of

Judge's Signature

Date and Time Signed

Page 5 of 5

# RETURN OF SEARCH WARRANT

COMMON PLEAS COURT 2022 JUL 20 AM 8: 41

On June 21, 2022, I received this warrant, and (choose one):

{x} there	Warrant Served. On June 22 at 9:00 AM, I executed this warrant at the place named in. Thereafter (choose one):
{ }	Person present. I gave to,, the person at whose place the search was made, a copy of this search warrant.
{x}	<u>Person absent</u> . I left a copy of the SW with the cellphone, the place named in the search warrant and where the search was made, a copy of this search warrant, because the person at whose place the search was made was not present.
{x} iPhone, black Cellebrite or	No property was taken. (Cyber Agents were unable to gain access to the Apple in color, located near Pritchett, due to the passcode and the phone not supported by Gray Key. Attempts were made with the family to ascertain the possible passcode, nunsuccessful.  Property was taken as shown by the attached Inventory/Receipt.
{ } <u>Warra</u>	ant Unserved. I am returning this search warrant unexecuted because:
7. 20.3 Date	Agency (Ohio BCI)  Special Agent Chris Handero

# RETURN OF SEARCH WARRANT

COMMON PLEAS COURT 2022 JUL 20 AM 8: 42

On June 21, 2022, I received this warrant, and (choose one):

{x} there	Warrant Served. On June 22 at 9:00 AM, I executed this warrant at the place make in. Thereafter (choose one):	LEI med
{ } {x}	Person present. I gave to,	
Furth	warrant, because the person at whose place the search was made was not present.  ner (choose one):	
{x}	No property was taken. (Cyber Agents were unable to gain access to the Samsurd in the glovebox of the car, due to the port being locked from data.	
{x } the Black in c it was lost and onto a mediur	Property was taken: (Cyber Agents were able to get a partial BFU extraction from the color iPhone 8 that was located in the glovebox of the car. The phone indicated the dhad a phone number of (419-957-2349) being displayed. The partial data was placem.	1
{ } <u>Warra</u>	ant Unserved. I am returning this search warrant unexecuted because:	_
		_
7.a.	Agency (Ohio BCI)  Special Agent Chris Hamberg	-

# RETURN; RECEIPT; INVENTORY OF SEARCH WARRANT

The State of Ohio	٦			COMMON PL	ED EAS COURT
County of Allen	-	SS. Allen County Commo	n Pleas Court	2022 JUH 22	
	STOPHER HAM	BERG, the person taking p	roperty hereund	MARGIE MURP CLERK OF C ALLEN COUN	HY MILLER COURTS TY, OHIO
(Check Appr		, 20_2	aliu		
I executed  M. I se  Warrant, a	it as follows: On the earched the said per and left a copy of the	ithout having executed the see <u>21</u> day of <u>JUNE</u> son, premises, place, electrone warrant (check one):	20 <u>2</u> onic device, or ve	ehicle described	clock in the
Furthermore (che	ck appropriate box):  Description Evidence was seize  Evidence was seize  Evidence was seize  Evidence was seize  Evidence following is an Inv	ed	n pursuant to the	e warrant prepar	red
Item No.	Quant	ity and description of proper	ty taken		
signing below:  Applicant for this warra	nt ry is a true and deta ry was deposited wi	AMMORD, OHSO BCI in a control of all property in the person or at the premise ith the person or at the person of the	icer acting in lieu of	applicant for this w	d a
·		Inventory Officer		2022 - Case Number	1316

### Ohio Bureau of Criminal Investigation



**Inventory/Receipt Attachment** 

Treceived the below listed property from (person/location): Allens County EMA N. West Lima Buck LesABRE

Item	Description	Location Found	TE MURPHY MILL
VI	Touch DNA	FRONT DRIVERS DOOR INT.	Hammond
¥ 2	Touch DNA	FRONT PASS DOOR IN	
V3	SAMSUNG Phone (BLUE CASE)	GLOVE BOX	Hamman 8
V 4	BLACK IPHONE	Glove Box	Hammond
/ - /	2 4		

Inventory Agent

# WARRANT TO SEARCH AND SEIZE

FILED
COMMON PLEAS COURT
2022 JUN 22 AM II: 37

(2003 Buick Le Sabre)

MARGIE MURPHY MILLER CLERK OF COURTS ALLER COUNTY, OHIO

STATE OF OHIO }
ALLEN COUNTY }

TO: Ohio Bureau Criminal Identification

Before me, Judge Matt C Staley of the Allen County Common Pleas, Court, Lima, in Allen County, County Ohio. Ohio Special Agent Chris Hamberg of the Ohio Bureau of Criminal Identification, being duly sworn, deposes and says that he has probable cause to believe that the 2003 Buick Le Sabre listed below:

2003 Red 4 door Buick Le Sabre sedan having the Ohio license plate (JNJ8296) and the VIN:1G4HR54K73U181320



which is/are now located at the EMA Building, 2000 North West St, in Lima, Ohio. Page 1 of 3

(hereinafter, the "Vehicle"

....

there is now located certain property, namely:

- 1. Suspected DNA
- 2. Cartridge Casings.
- 3. Bullet and suspected Bullet fragments.
- 4. Latent Fingerprints.
- 5. Cell Phone
- 6. Firearms and weapons
- 7. Suspected drugs and drug paraphernalia

(hereinafter, collectively, the "Property"),

which constitutes evidence that is relevant to one or more suspected violations of the following sections of the Ohio Revised Code:

Felonious Assault R.C. 2903.11 (A) (1)
Failure to Comply with the order of or signal of a police officer R.C. 2921.331 (B)
Failure to stop for a stop sign. R.C. 4511.12

(hereinafter, collectively, the ("Offenses").

<u>Finding of Probable Cause</u>. I am satisfied that probable cause exists to believe that the Property is now located in the Device(s) and that such Property is relevant to determining if one or more of the Offenses have been committed.

<u>Command to Search and Seize</u>. You are commanded to search and seize such property as herein described and if the property is to be found there, to seize the property, and to file with me a return with a written inventory of all property taken. Your search and/or seizure shall commence—by delivering the Search Warrant to the vehicle—within three (3) days of the issuance of this warrant.

FILED COMMON PLEAS COURT

<u>Daytime Execution</u>. You are authorized to execute this warrant in the Daytime (i.e., 7:00 a.m. to 8:00 p.m.).

Service of Inventory. You shall serve a copy of this warrant, along with a written inventory of MILLER the Property taken, to every person who's the subject of this warrant.

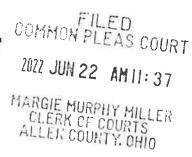
ALLEN COUNTY. OHIO

Return of Service. You shall make prompt return of this warrant to the Clerk of this Court, along with a written inventory of the Property taken, as required by law.

Judge's Signature

Date and time signed

# AFFIDAVIT FOR WARRANT TO SEARCH AND SEIZE (2003 Buick Le Sabre)



STATE OF OHIO }
ss
ALLEN COUNTY }

Before me, Judge Matt C Staley of the Allen County Common Pleas, Court, Lima, in Allen County, County Ohio. Ohio Special Agent Chris Hamberg of the Ohio Bureau of Criminal Identification, being duly sworn, deposes and says that he/she has probable cause to believe that the 2003 Buick Le Sabre listed below:

2003 Buick Le Sabre having the Ohio license plate (JNJ8296) and the VIN:1G4HR54K73U181320



which is now located at the EMA Building, 2000 North West St, in Lima, Ohio. (hereinafter, the "Vehicle")

# FILED COMMON PLEAS COURT

there is now located certain property, namely:

2022 JUN 22 AM 11: 37

- 1. Suspected DNA
- 2. Cartridge Casings.

- MARGIE MURPHY MILLER
  CLERK OF COURTS
  ALLER COUNTY OHIO
- 3. Bullet and suspected Bullet fragments.
- 4. Latent Fingerprints.
- 5. Cell Phone
- 6. Firearms and weapons
- 7. Suspected drugs and drug paraphernalia

(hereinafter, collectively, the "Property")

which constitutes evidence that is relevant to one or more suspected violations of the following sections of the Ohio Revised Code:

Felonious Assault R.C. 2903.11 (A) (1)
Failure to Comply with the order of or signal of a police officer R.C. 2921.331 (B)
Failure to stop for a stop sign. R.C. 4511.12

(hereinafter, collectively, the "Offenses").

## **Probable-Cause Basis**

Affiant Qualifications. I, Special Agent Chris Hamberg, being first duly sworn and placed under oath hereby state that I have good and probable cause to believe that the above described property is located in the place I am requesting to search and further state that all of the information set forth in this affidavit is true to the best of my knowledge and belief.

The facts and grounds upon which I believe that a warrant should be issued and that the property sought is located where noted are as follows: affidavit of Special Agent Chris Hamberg.

- 1. I have been employed with the Ohio Bureau of Criminal Investigation since 2011.
- 2. I am currently assigned to the Major Crimes/Special Investigations Unit.
- 3. I have 31 years of law enforcement experience, with nearly 20 of those years from the Mercer County Sheriff's Office and 11 as a special agent with BCI.

COMMON PLEAS COURT

4. I have participated in approximately 500 search warrants.

5. I have investigated and been in charge of numerous cases, involving homicides, suspicious deaths, felonious assaults, assaults, sexual assaults, rapes, burglaries, and AMII: 37 robberies.

MARGIE MURPHY MILLER CLERK OF COUNTY

- a. I am a "law enforcement officer" as that term is defined in R.C. 2901.01(A) (11) TS and as used in R.C. 2933.21 to R.C. 2933.33 (search warrants, generally) and Criminal Rule 41(A).
- 2. <u>Sources of Information</u>. I have obtained the information set forth in this affidavit from the Allen County Sheriff's Office.

On June 21, 2022, Deputy Izak Ackerman (Deputy Ackerman) of the Allen County Sheriff's Office was on routine patrol. At 0235 hours Deputy Ackerman attempted to stop the 2003 Red in color Buick Le Sabre, bearing the Ohio License Plate (JNJ8296) in the area of Taft Avenue and East Second St. in Lima, Ohio, for failure to stop at the stop sign at Taft Avenue and East Second St. The Buick Le Sabre continued on East Second Street, to South Sugar St and then went south on South Sugar Street, and turned back east in an alley. The alley was parallel to East Second Street and was between South Sugar Street and Taft Avenue.

The Buick Le Sabre came to a stop in a back yard, when the black male driver, later identified as Quincy Pritchett (Pritchett) exited the vehicle. A physical altercation took place between Deputy Ackerman and Pritchett. During the altercation, Deputy Ackerman was shot in the left chin area and in the upper left upper chest area. Deputy Ackerman then fired his service weapon at Pritchett. Pritchett had succumbed to his injuries at the scene.

The following evidence was located at the scene:

- 1) The Buick Le Sabre was left running and was in a parked position.
- 2) A Taurus G3 9 mm handgun was located on the chest of Pritchett.
- 3) Cartridge casings were located in the grassy area near Pritchett's body.
- 4) The Buick Le Sabre windshield was damaged on both the outside and inside.
- 5) Suspected red brown stains were on the hood of the Buick Le Sabre.

## Request for Issuance of a Warrant

Based upon the foregoing, I respectfully submit that probable cause exists to believe that Page 3 of 4

the Property is now located in the 2003 Buick Le Sabre; being red in Color and having RT the Ohio License Plate (JNJ8296) and the VIN:1G4HR54K73U181320.

2022 JUN 22 AM 11: 37

Request for Daytime Execution. I respectfully request permission to EXECUTE THE REQUESTED REPORTS ALLEN COUNTY, OHIO

Further, the Affiant Sayeth Naught:

Affiant's Signature

Sworn to before me, and subscribed in my presence this <u>2/sf</u> day of Jum, 2022.

Judge's Signature

Date and Time Signed