

FILED
FULTON COUNTY
COMMON PLEAS COURT

2016 JUL 22 A 8:52

PAUL E. MACDONALD
CLERK

FULTON COUNTY COMMON PLEAS COURT

State of Ohio }
Fulton County }
In the Matter of the Search of : }
Information associated with cell phone }
Account [REDACTED] that is stored }
at the premises controlled by SPRINT }
CORPORATION }

10-# 00000640

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a sworn peace officer as defined in R.C. 2935.01(B) requests the search of the following person or property at the premises owned, maintained, controlled, or operated by **Sprint Corporation**, located at 6480 Sprint Parkway, Overland Park, KS 66251. (SEE ATTACHMENT A, which is incorporated herein and made a part hereto by reference)

The person or property to be searched, described above, is believed to conceal: **SEE ATTACHMENT A section I**, which is incorporated herein and made a part hereto by reference.

I find that the affidavit (s), or any recorded testimony, establish probable cause to search and seize the person or property described above.

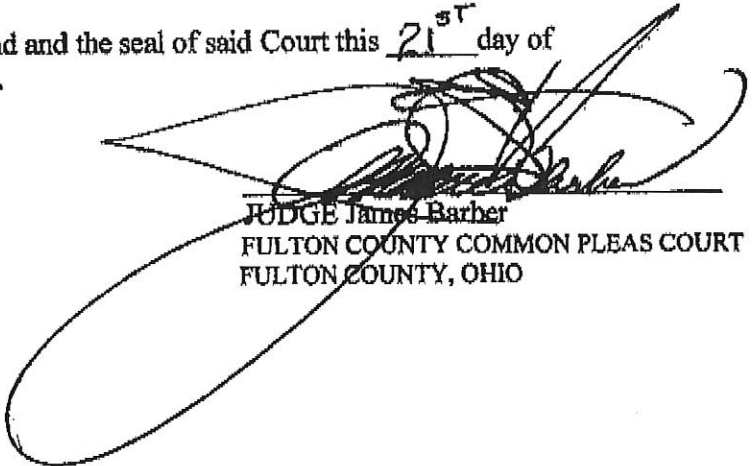
YOU ARE COMMANDED to execute this warrant on or before _____

 in the daytime 6:00 am to 9:00 pm
 X at any time in the day or night as I find reasonable cause has been established

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the issuing Judge or Magistrate.

Given under my hand and the seal of said Court this 21st day of July, 2016.


JUDGE James Barber
FULTON COUNTY COMMON PLEAS COURT
FULTON COUNTY, OHIO

FILED
FULTON COUNTY
COURT OF COMMON PLEAS
JUL 22 2016

RETURN

Paul E. MacDonald
CLERK

I received the attached search warrant on 7/21/16, 2016, and have executed it as follows:

On 7/21, 2016 at 8:39 P M., I searched the person/premises described in the warrant and I left a copy of the warrant with/at FAKED COPY TO SEARCH together with a receipt for the items seized.



JUL 22 2016

Paul E. MacDonald
CLERK

AFFIDAVIT FOR WARRANT TO SEARCH

THE STATE OF OHIO }
FULTON COUNTY } ss.

Case No.

Before me, Honorable James Barber, Judge of the Fulton County Common Pleas Court, Wauseon, Fulton County, Ohio, the undersigned

Sergeant Matt Smithmyer, Fulton County Sheriff's Office

being duly sworn, deposes and says that he has reason to believe that on the premises known as:

[REDACTED]

There is information associated with cell phone account [REDACTED] that is stored at the premises, owned, maintained controlled or operated by **Sprint Corporation** including:

Voicemail, text and multimedia messages stored and presently contained in or on behalf of the account. All transactional information of all activity of the telephones and/or voicemail accounts described above, including log files, messaging logs, records of session times and durations, dates and times of connecting, telephone numbers associated with outgoing and incoming calls/texts including outgoing digits, as well as historical cell site information including PCMD (per call measurement data) and subscriber information from 07/16/2016 to 7/21/2016.

AFFADAVIT INSUPPORT OF APPLICATION FOR SEARCH WARRANT

I, [REDACTED] Department, being first duly
sworn, hereby depose and state as follows:

MES
5/25/16

A. Introduction and Officer Background

1. I am a Sergeant with the Fulton County Sheriff's Office. I have been a Deputy or Sergeant with the Fulton County Sheriff's Office since January 24, 1994. During that time, I have had experience investigating crimes of violence, including felonious assaults, and I have received significant training in the investigation of violent crimes, with over 22 years of experience in conducting criminal investigations and the processing of crime scenes.

2. I make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises owned, maintained, controlled, or operated by Sprint Corporation, a wireless provider, located at [REDACTED]. The information to be searched is described in the following paragraphs and in Attachment A. This Affidavit is made in support of an application for a search warrant under 18 U.S.C. 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Sprint Corporation to disclose records and other information in its possession pertaining to the subscriber or customer associated with the accounts, including the contents of communications.

3. The phone number to be searched is [REDACTED] which is further described in the following paragraphs and in Attachment A. As set forth herein, there is probable cause to believe that on the premises of the aforementioned electronic communications service provider, there exists historical cell site locations (including PCMD-per call measurement data), in which communication was transmitted or received from the cellular device in question. As well as records relating to who created, used, or communicated with the account.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other Investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

B. Probable Cause

I have been advised by members of the Fulton County Sheriff's Department that, at approximately 11:30 p.m. on July 19, 2016, the Fulton County Sheriff's Office received a report from [REDACTED] the mother of Sierah Joughin, that Ms. Joughin, who is 20 years old, was missing, and that [REDACTED] and her family had not been able to make contact with Ms. Joughin since early that evening. The Fulton County Sheriff's Department's investigation revealed that Ms. Joughin was last seen on the evening of July 19, 2016, at approximately 6:45 p.m. in Fulton County, Ohio, riding a purple bicycle. I have further been advised by [REDACTED] that he was Ms. Joughin's boyfriend, that he had been talking with Ms. Joughin and/or exchanging text messages with Ms. Joughin using a communication device/cell phone which had the telephone number of [REDACTED] earlier in the evening of July 19, 2016, but that when he tried to get touch with her at approximately 10:00 p.m. on the night of July 19, 2016, he was unable to do so. [REDACTED] informed me that he made repeated calls to the aforementioned telephone number, but that they all went to voicemail.

Deputies began searching the area where Ms. Joughin was last seen, in Amboy Township, Fulton

County, Ohio, and discovered Ms. Joughin's purple bicycle in a corn field. When the bicycle was discovered, deputies also found evidence of a struggle, including corn that was knocked down, a substance that I suspect to be blood at the scene, a screwdriver, a motorcycle helmet that was covered in human blood with a partial palm print in the blood, two pairs of sunglasses, one of which is believed to belong to Ms. Joughin, and the ownership of the other pair of sunglasses being unknown at this time, but has confirmed male DNA on it.

I was also informed by [REDACTED] that Fulton County Sheriff's deputies had tried to call Ms. Joughin's cellphone, bearing number [REDACTED] after her disappearance, but were unable to make contact with Ms. Joughin. I was further informed that Fulton County Sheriff's Deputies had made contact with Cellco Partnership d/b/a Verizon Wireless, the company that had issued cellphone number [REDACTED] and that they "pinged" Ms. Joughin's cellphone in the late evening hours of July 19, 2016 and/or the early morning hours of July 20, 2016, and that those "pings" showed that the cellphone bearing number [REDACTED] was still in the area where Ms. Joughin was last seen.

During the canvassing of neighbors in the area, I made contact with James D. Worley, [REDACTED] who resides at 10627 County Road 6, Delta, OH 43515. He advised that he was in the area of the last known location of Sierah Joughin around the time of her disappearance. He stated he was riding a motorcycle that broke down and pushed the motorcycle in the field (there was a report made that a man with a dark helmet riding a motorcycle in the area just before Sierah went missing). He stated he observed two bicycles in the field where he had pushed his motorcycle. There was only one bicycle located there by the Sheriffs. He admitted he picked up one of the bikes and that his fingerprints would likely be on the bike. He also stated he lost his helmet, screwdriver, sunglasses, and fuses at the location. These items were precisely what items were found on the scene, and it was not made public that any of these items were found. The helmet found on the scene, that Mr. Worley claimed was his, was found covered in human blood. He made the comments that he didn't steal anything or kill anyone. Interviewers observed what appeared to be fresh marks on the arms of Mr. Worley and what appeared to be bruising on his lower legs.

I then requested a search warrant for Mr. Worley's home. Upon that being granted and executed, there was blood found on Mr. Worley's motorcycle at the residence along with zip tie restraints and a ski mask and mace found in his truck. We discovered a hidden "room" concealed by hay bales in the barn that led to a door that contained a freezer that was lined with carpet that was secured from the outside with a ratchet strap.

I further believe that due to the immediacy of the need to find Sierah Joughin, and with reasonable belief that her life is in imminent jeopardy, and as we request this warrant it is approximately 8:00 pm, I request this warrant be executed in the night time.

The FBI is assisting our agency with the investigation.

C. Further Background

1. In my training and experience, I have learned that Sprint Corporation is a company that

provides cellular telephone access to the general public, and that stored electronic communications, including retrieved and unretrieved voicemail, and multimedia messages for Sprint subscribers may be located on the computers of Sprint. Further, I am aware that computers located at Sprint contain information and other stored electronic communications belonging to unrelated third parties.

2. Wireless phone providers often provide their subscribers with voicemail services. In general, a provider will store voicemail messages on behalf of a particular subscriber until the subscriber deletes the voicemail. If the subscriber does not delete the message, the message may remain in the system of Sprint for weeks or months.

3. Among the services commonly offered by wireless phone providers is the capacity to send multimedia messages (photos, audio, or video) from one subscriber's phone or wireless device to another phone or wireless device via one or more wireless providers. This service is often referred to as "Multimedia Messaging Service" ("MMS"), and is often referred to generically as "wireless messaging." Based on my knowledge and experience, I believe that stored electronic communications, including MMS messages that have been sent or received by subscribers, may be stored by Sprint for short periods incident to and following their transmission. In addition, providers occasionally retain printouts from original storage of messages for a particular subscribers account.

4. Wireless phone providers typically retain certain transactional information about the use of each telephone, voicemail, and messaging account on their systems. This information can include log files and messaging logs showing all activity on the account, such as local and long distance telephone connections records, records of session times and durations, lists of all incoming and outgoing telephone numbers or e-mail addresses associated with particular telephone calls, voicemail messages, and multimedia messages. Providers may also have information about the dates, times and methods of connecting associated with every communication in which a particular cellular device was involved.

5. Many wireless providers retain information about the location in which a particular communication was transmitted or received. This information can include data about which "cell towers" (i.e., antenna towers covering specific geographic areas) received a radio signal from the cellular device and thereby transmitted or received the communication in question as well as PCMD(per call measurement data) relating to the approximate distance the handset was from the tower(s) in question for completed calls and text messages.

6. Wireless providers may also retain messaging logs that include specific information about multimedia messages sent or received from the account, such as the dates and times of the messages. A provider may also retain information about which cellular handset or device was associated with the account when the messages were sent or received. The provider could have this information because each cellular device has one or more unique identifiers embedded inside it. Depending upon the cellular network and the device, the embedded unique identifiers for a cellular device could take several different forms, including an Electronic Serial Number ("ESN"), a Mobile Electronic Identity Number ("MEIN"), a Mobile Identification Number ("MIN"), a Subscriber Identity Module ("SIM"), an International Mobile Subscriber Identifier ("IMSI"), or an International Mobile Station Equipment Identity ("IMEI"). When a cellular device connects to a cellular antenna or tower, it reveals its

embedded unique identifiers to the cellular antenna or tower in order to obtain service, and the cellular antenna or tower records those identifiers as a matter of course.

7. Wireless providers also maintain business records and subscriber information for particular accounts. This information could include the subscribers' full names and addresses, the address to which any equipment was shipped, the date on which the account was opened, the length of service, the types of service utilized, the ESN or other unique identifier for the cellular device associated with the account, the subscribers' Social Security Numbers and dates of birth, all telephone numbers and other identifiers associated with the account, and a description of the services available to the account subscribers. In addition, wireless providers typically generate and retain billing records for each account, which may show all billable calls (including outgoing digits dialed). The providers may also have payment information for the account, including the dates and times of payments and the means and source of payment (including any credit card or bank account number).

D. Information to be Searched and Things to be seized

1. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the warrant to require Sprint Corporation to disclose copies of the records and other information particularly described in Section I of Attachment A. Upon receipt of the information described in Section I of Attachment A, authorized persons will review that information to locate items described in Section II of Attachment A.

E. Conclusion


By this affidavit and application, your affiant is requesting the court to issue a Search Warrant directed to Sprint Corporation allowing Investigators to seize messages, voice mail and other stored files, as well as transactional, historical cell site (including PCMD) and other records associated with 419-466-9942.

In consideration of the foregoing, this Affiant requests this Honorable Court issue a search warrant for the property(records)maintained by Sprint Corporation at 6480 Sprint Parkway, Overland Park, KS 66251 during the Day Season.

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

Executed this 21st Day of July, 2016

Sworn to before me and subscribed in my presence this 21st Day of July 2016.



JUDGE JAMES BARBER
FULTON COUNTY COMMON PLEAS COURT
FULTON COUNTY, OHIO N. P. STATE OF OHIO
NO EXPIRATION

CERT ~~FILE~~