



MIDLOTHIAN POLICE DEPARTMENT



SEARCH/SEIZURE WARRANT

THE STATE OF TEXAS

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LOCATION:

FACEBOOK INC.

1601 WILLOW ROAD

MENLO PARK, CA 94025

ATTENTION: SECURITY

DEPARTMENT

COUNTY OF ELLIS

(Acct # 1229322185)

The State of Texas to the Sheriff or any Peace Officer of Ellis County, Texas, or any Peace Officers of the State of Texas and Officers of the Midlothian Police Department and other law enforcement forensic specialists.

GREETINGS:

Whereas, the Affiant whose signature is affixed to the attached affidavit appearing on the document labeled "Exhibit A" hereof is a Peace Officer under the laws of Texas and did heretofore this day subscribe and swear to said affidavit before me (which said affidavit is by this reference incorporated herein for all purposes), and whereas I find that the verified facts, stated by The Affiant show that The Affiant has Probable Cause for the belief he expresses therein and establishes the existence of proper grounds for the issuance of this Evidentiary Search Warrant.

Issued at 7:10 P M, on this the 20 day of April, 20 16 to certify which witness my hand this day.

JUDGE, ELLIS COUNTY, TEXAS

BOB CARROLL

40TH DISTRICT COURT



**MIDLOTHIAN POLICE DEPARTMENT**



**APPLICATION & AFFIDAVIT IN SUPPORT OF EVIDENTIARY  
SEARCH/SEIZURE WARRANT**

**EXIGENT CIRCUMSTANCES  
THIS IS A MURDER INVESTIGATION**

**THE STATE OF TEXAS**

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**LOCATION:**

FACEBOOK INC.  
1601 WILLOW ROAD  
MENLO PARK, CA 94025  
ATTENTION: SECURITY  
DEPARTMENT

**COUNTY OF ELLIS**

**THE UNDERSIGNED AFFIANT, BEING A PEACE OFFICER UNDER THE LAWS OF TEXAS, SPECIFICALLY THE MIDLOTHIAN POLICE DEPARTMENT AND BEING DULY SWORN, ON OATH MAKES THE FOLLOWING STATEMENTS AND ACCUSATIONS:**

- 1. THERE IS IN MIDLOTHIAN, ELLIS COUNTY, TEXAS, A PLACE AND PREMISES DESCRIBED AND LOCATED AS FOLLOWS:**

The Midlothian Police Department, which seeks information contained herein and believed to be in the possession of Facebook, Inc, FACEBOOK INC., 1601 WILLOW ROAD MENLO PARK, CA 94025 ATTENTION: SECURITY DEPARTMENT

- 2. THERE IS AT SAID SUSPECTED PLACE AND PREMISES PROPERTY CONCEALED AND KEPT IN VIOLATION OF THE LAWS OF TEXAS AND DESCRIBED AS FOLLOWS:**

Any and all data and/or information regarding Facebook ID "1229322185", Terri "Missy" Leann Bevers, to include all user private messages, shares, notes, wall postings, video listings with file names, all user photos, contact information, user phone numbers, email address or addresses, postal code, country,

Page 2 of 6

**EVIDENTIARY SEARCH/SEIZURE WARRANT**

Facebook Inc., 1601 Willow Road, Menlo Park, Ca 94025

date of account creation, all Intra-session logs, IP address at account sign up, last IP address used, and logs showing IP address and date stamps for account accesses; and status update activity pertaining to the following Facebook account: **"1229322185" regarding Midlothian Police Department Case Number 16MP016585**

Affiant has reasonable grounds to believe that the contents of the electronic communication, records or other information sought herein are relevant and material to an ongoing criminal investigation.

**THIS IS IN CONNECTION WITH A MURDER (CASE NUMBER 16MP016585) THAT MAY BE PART OF A CONTINUING CRIMINAL ACT IN PROGRESS. THE EXIGENCY OF THIS SITUATION REQUIRES AN IMMEDIATE REPLY TO ASSIST INVESTIGATORS IN LOCATING THE SUSPECT.**

Terri "Missy" Leann Bevers was found murdered by Midlothian Police on Monday 18 April 2016 at 0500 AM, a crime under Texas Penal Code 19.02 MURDER (b) (1), to wit: A person commits an offense if he: (1) intentionally or knowingly causes the death of an individual. An offense under this section is a felony of the first degree.

In the course of investigating this crime Affiant has developed probable cause to believe that Terri "Missy" Leann Bevers is the victim of this crime, and that the victim has been using a computer to access the Facebook social media website and engaged in message transactions constituting evidence in this murder investigation and potentially further offenses.

- 3. SAID SUSPECTED PLACE AND PREMISES ARE IN CHARGE OF AND CONTROLLED BY EACH OF THE FOLLOWING NAMED PARTIES (HEREAFTER CALLED "SUSPECTED PARTY" WHETHER ONE OR MORE), TO-WIT: IT IS THE BELIEF OF THE AFFIANT, AND AFFIANT HEREBY CHARGES AND ACCUSES, THAT:**

Because of the nature of the accesses described above, and in furtherance of the investigation described herein, Affiant believes that additional private messages, image sharing, and communications between the above named account and others, except from/through Facebook itself. This request is specific, with respect to requested account holder and related information from within the dates and approximate times listed above.

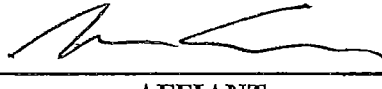
**THE COURT HEREBY ORDERS THE ABOVE-LISTED PROVIDER NOT TO DISCLOSE THE EXISTENCE OF THIS SEARCH WARRANT, BECAUSE THE EVIDENCE BEING SOUGHT IS EASILY DELETED OR DESTROYED. IN ADDITION, AFFIANT'S INVESTIGATION IS NOT KNOWN TO THE SUSPECT AND DISCLOSURE OF THE INVESTIGATION WILL LIKELY CAUSE IMMEDIATE DANGER TO WITNESSES, DESTRUCTION OF OTHER PHYSICAL EVIDENCE AND FLIGHT FROM PROSECUTION.**

BECAUSE OF THE EXIGENCY OF THIS INVESTIGATION AND THE BELIEF OF AFFIANT THAT DELAY MAY POSE IMMEDIATE DANGER TO HUMAN LIFE MAY RESULT DELAY, THIS COURT HEREBY ORDERS THAT FACEBOOK USE ALL REASONABLE MEANS TO RESPOND TO THIS ORDER WITHIN ONE (1) DAY FROM THE DATE OF ISSUANCE.

4. AFFIANT HAS PROBABLE CAUSE FOR THE SAID BELIEF BY REASON OF THE FOLLOWING FACTS, TO-WIT:

See attached Supporting Affidavit labeled "Exhibit A". Exhibit A is attached hereto and by this reference incorporated herein for all purposes.

*WHEREFORE, Your Affiant respectfully requests this court to authorize this seizure warrant*



AFFIANT

Investigator N. Selby  
Midlothian Police Department

Subscribed and sworn to before me by said Affiant on this the 20 day of April,  
A.D., 2016. (7:10pm)



Judge, Ellis County, Texas

BOB CARROLL  
40<sup>TH</sup> DISTRICT COURT

## AFFIDAVIT OF NICHOLAS SELBY

STATE OF TEXAS

COUNTY OF ELLIS

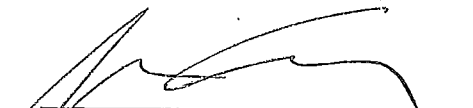
Before me, the undersigned authority, on this day personally appeared, NICHOLAS SELBY, known by me to be the person whose name is undersigned, who being first by me duly sworn, stated:

"My name is Nicholas Selby. I am over the age of eighteen and competent to make this affidavit. The facts included are within my personal knowledge.

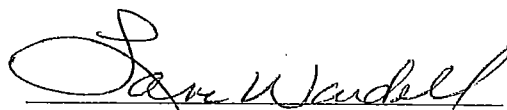
"I am an investigator with the Midlothian, Texas, Police Department (MPD) and have been assigned to the Criminal Investigation Division for approximately two years. I also have four previous years of law enforcement experience with a Tarrant County Municipal Law Enforcement agency. I am an expert in cyber crime and information security systems and have investigated cases in those areas.

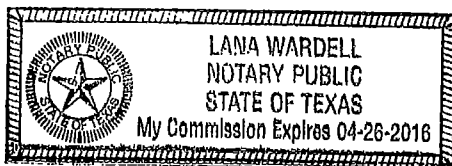
"Regarding MPD Case Number 16MP016585, I am an investigator reporting to Corporal Cody Moon of the MPD, the case's primary investigator. In the course of investigating this case, I prepared an application for an evidentiary search warrant and an attached affidavit containing my probable cause. In my probable cause statement, I revealed specific information about the case that I believe, if released to the public, would result in the destruction of evidence. At this time, the search warrant has not been fully executed.

"Further affiant sayeth not."

  
\_\_\_\_\_  
Nicholas Selby

Subscribed and sworn to before me by Nicholas Selby on this the 21<sup>st</sup> day of April, 2016.

  
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Notary public in and for the State of Texas



IN RE

SEARCH WARRANT

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IN THE 40<sup>TH</sup> JUDICIAL

DISTRICT COURT

ELLIS COUNTY, TEXAS

**STATE'S MOTION TO SEAL SEARCH WARRANT AFFIDAVIT**  
(Article 18.011, Texas Code of Criminal Procedure)

COMES NOW THE STATE OF TEXAS, by the County and District Attorney for Ellis County, Texas, and pursuant to Article 18.011 of the Texas Code of Criminal Procedure, and moves the Court to seal the affidavit supporting issuance of search warrants filed in Case Number 16MP016585 by the Midlothian Police Department and issued by this Court, acting as a magistrate, on the 20<sup>th</sup> day of April, 2016.

The affidavit attached to this Motion establishes the existence of a compelling State interest in the confidentiality of the information contained in the probable cause affidavit, specifically that public disclosure of the affidavit would cause the destruction of evidence.

Therefore, the State requests that the affidavit for the search warrants issued in the above-cited Case Number on the 20<sup>th</sup> Day of April, 2016, be sealed for a period of thirty days from the date the warrants are executed.

Respectfully submitted this 21st day of April, 2016.

PATRICK M. WILSON  
County and District Attorney  
Ellis County, Texas

By: 

Cynthia Hellstern  
Assistant County and District Attorney  
109 S. Jackson  
Waxahachie, Texas 75165  
Phone: 972-825-5035  
Fax: 972-825-5047  
State Bar No. 00784242

ATTORNEY FOR THE STATE

IN RE

SEARCH WARRANT

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IN THE 40<sup>TH</sup> JUDICIAL

DISTRICT COURT

ELLIS COUNTY, TEXAS

**ORDER SEALING SEARCH WARRANT AFFIDAVIT**

(Article 18.011, Texas Code of Criminal Procedure)

Upon consideration of the State's Motion, the affidavit attached to the State's Motion, and the probable cause affidavit previously tendered to the Court, the Court finds that there is a compelling State interest in the confidentiality of information in the warrant affidavit in Midlothian Police Department Case Number 16 MP016585 because public disclosure of the affidavit would cause the destruction of evidence.

Therefore, the search warrant affidavit described in the foregoing motion is hereby ordered SEALED for thirty days, pursuant to Article 18.011, Texas Code of Criminal Procedure, unless this Court should subsequently find that there is no longer a compelling State interest in the confidentiality of information contained in the affidavit.

The Clerk shall attach to the original search warrant affidavit the foregoing State's Motion and this Order granting the motion to seal the affidavit, and shall not disclose the affidavit or any information contained therein to any person for a period of 30 days from this date, without the express written permission of this Court.

ORDERED and signed on the 22 day of April, 2016, at 9:00AM.



JUDGE PRESIDING

★ FACEBOOK Acc# #1229322185

IN RE

SEARCH WARRANT

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IN THE 40<sup>TH</sup> JUDICIAL

DISTRICT COURT

ELLIS COUNTY, TEXAS

**ORDER SEALING SEARCH WARRANT AFFIDAVIT**

(Article 18.011, Texas Code of Criminal Procedure)

Upon consideration of the State's Motion, the affidavit attached to the State's Motion, and the probable cause affidavit previously tendered to the Court, the Court finds that there is a compelling State interest in the confidentiality of information in the warrant affidavit in Midlothian Police Department Case Number 16 MP016585 because public disclosure of the affidavit would cause the destruction of evidence.

Therefore, the search warrant affidavit described in the foregoing motion is hereby ordered SEALED for thirty days, pursuant to Article 18.011, Texas Code of Criminal Procedure, unless this Court should subsequently find that there is no longer a compelling State interest in the confidentiality of information contained in the affidavit.

The Clerk shall attach to the original search warrant affidavit the foregoing State's Motion and this Order granting the motion to seal the affidavit, and shall not disclose the affidavit or any information contained therein to any person for a period of 30 days from this date, without the express written permission of this Court.

ORDERED and signed on the 22 day of April, 2016, at 9:03 AM



JUDGE PRESIDING

★ FACEBOOK ACCT # 1516975471





AFFIDAVIT OF CODY MCKINNEY

STATE OF TEXAS

COUNTY OF ELLIS

Before me, the undersigned authority, on this day personally appeared, Cody McKinney, known by me to be the person whose name is undersigned, who being first by me duly sworn, stated:

I am an investigator with the Midlothian Police Department, Midlothian, Ellis County, Texas 76065. I am currently a Sergeant with this agency and have approximately eleven (11) years assigned to specialized investigations.

Regarding the current MURDER investigation assigned Midlothian Police Department case number 16MP016585, I am an Investigator assigned to this case. Throughout the course of this investigation, I have drafted several evidentiary search warrants and have petitioned the court to have the related probable cause affidavits sealed to prevent the destruction of potential evidence not yet analyzed (Due to electronic data being easily erased or destroyed.)

In the probable cause affidavit I have revealed specific information about the case that I believe, if released to the public, would result in the destruction of other possible evidence not yet received or analyzed.

Therefore, I am requesting that the following **Facebook** probable cause affidavits remain sealed for an additional 30 days to insure all the ordered evidence has been received and analyzed,

to-wit: Account # 1516975471 #1229322185.

Cody McKinney  
Investigator Cody McKinney  
Midlothian Police Department

Subscribed and sworn to before me at 1:50 P M on the 19 day of  
MAY 20 16

Bob Carroll  
JUDGE BOB CARROLL  
40<sup>TH</sup> JUDICIAL DISTRICT COURT OF  
ELLIS COUNTY, TEXAS.

IN RE

SEARCH WARRANT

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IN THE 40<sup>TH</sup> JUDICIAL

DISTRICT COURT

ELLIS COUNTY, TEXAS

**STATE'S MOTION TO SEAL SEARCH WARRANT AFFIDAVIT (EXTENSION)**  
(Article 18.011, Texas Code of Criminal Procedure)

COMES NOW THE STATE OF TEXAS, by the County and District Attorney for Ellis County, Texas, and pursuant to Article 18.011 of the Texas Code of Criminal Procedure, and moves the Court to seal for an additional 30 days, the affidavit supporting issuance of search warrant for *FaceBook Account Number 1229322185* filed in Case Number 16MP016585 by the Midlothian Police Department and issued by this Court, acting as a magistrate, on the 22<sup>nd</sup> day of April, 2016.


The affidavit attached to this Motion establishes the existence of a continued compelling State interest in the confidentiality of the information contained in the probable cause affidavit, specifically that public disclosure of the affidavit would cause the destruction of evidence.

Therefore, the State requests that the affidavit for the search warrants issued in the above-cited Case Number on the 22<sup>nd</sup> Day of April, 2016, be sealed for an additional period of thirty days from the date the warrants are executed.

Respectfully submitted this 19<sup>th</sup> day of May, 2016.

PATRICK M. WILSON  
County and District Attorney  
Ellis County, Texas

By: \_\_\_\_\_

  
Lindy Tober Beaty  
Assistant County and District Attorney  
109 S. Jackson  
Waxahachie, Texas 75165  
Phone: 972-825-5035  
Fax: 972-825-5047  
State Bar No. 00784242  
ATTORNEY FOR THE STATE

IN RE

SEARCH WARRANT

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IN THE 40<sup>TH</sup> JUDICIAL

DISTRICT COURT

ELLIS COUNTY, TEXAS

**ORDER SEALING SEARCH WARRANT AFFIDAVIT (EXTENSION)**

(Article 18.011, Texas Code of Criminal Procedure)

Upon consideration of the State's Motion, the affidavit attached to the State's Motion, and the probable cause affidavit previously tendered to the Court, the Court finds that there is a continued compelling State interest in the confidentiality of information in the warrant affidavit in Midlothian Police Department Case Number 16 MP016585 for FaceBook Account Number 1229322185 because public disclosure of the affidavit would cause the destruction of evidence.

Therefore, the search warrant affidavit described in the foregoing motion is hereby ordered SEALED for an additional thirty days, pursuant to Article 18.011, Texas Code of Criminal Procedure, unless this Court should subsequently find that there is no longer a compelling State interest in the confidentiality of information contained in the affidavit.

The Clerk shall attach to the original search warrant affidavit the foregoing State's Motion and this Order granting the motion to seal the affidavit, and shall not disclose the affidavit or any information contained therein to any person for a period of 30 days from this date, without the express written permission of this Court.

ORDERED and signed on the 19 day of May 2016, at 1:50 PM



JUDGE PRESIDING