

JUN 16 2022

IN THE COUNTY COURT OF MADISON COUNTY, NEBRASKA

IN DISTRICT COURT OF
STATE OF NEBRASKA)
COUNTY OF MADISON)

ss: AFFIDAVIT IN SUPPORT OF SEARCH WARRANT



The affidavit of the undersigned on this 15th day of June, 2022, who being first duly sworn, upon oath says:

That I am a certified law enforcement officer with the Norfolk Police Division, Norfolk, Madison County Nebraska, and have been employed by the Norfolk Police Division as a law enforcement officer for nearly 27 years. My duties include the investigation of criminal violations of the Nebraska State Statutes.

Contrary to the statutes of the State of Nebraska, there is kept and concealed as hereinafter described the following described property:

1. **Electronic information devices such as computers, phones, electronic tablets.**
2. **External storage devices such as flash drives, used for the purpose of saving electronic information on.**
3. **Medications which could be used for the purpose of causing a miscarriage.**
4. **Evidence of internet searches and/or purchase of Medications which could be used for the purpose of causing a miscarriage.**
5. **Messages regarding the use of medications which could be used for the purpose of causing a miscarriage.**

That this property is concealed or kept in or about the following described place:

1. Madison County, NE. This is a two story house on the

That the property is under the custody or control of: **Jessica Burgess, Celeste Burgess, David Burgess**

That the grounds for issuance of the search warrant are as follows:

On 04-26-22 I began in investigation into the concerns that a juvenile female, identified as Celeste Burgess (06-16-04), had given birth prematurely supposedly to a stillborn child. C. Burgess then enacted the help of her mother, Jessica Burgess (02-01-81) and the two of them buried the child together. Both of the Burgess' were telling others they needed to dig the child's body up and then burn it.

Over the next days I conducted interviews and obtained medical records. The medical records I obtained on 04-29-22 showed C. Burgess had been pregnant on 03-08-22. C. Burgess' pregnancy was estimated to be 23 weeks and 2 days along with a due date of 07-03-22.



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On 04-29-22 I interviewed both J. Burgess and C. Burgess separately. It was learned that sometime the week prior C. Burgess unexpectedly gave birth to her child at home in a bathtub/shower, [REDACTED] NE. C. Burgess claimed the baby was stillborn. They did not know the exact date but stated it occurred in the early morning hours sometime after midnight. C. Burgess stated after she miscarried she tried to contact J. Burgess via phone but could not wake J. Burgess. Eventually C. Burgess went downstairs and woke J. Burgess up and explained what happened. C. Burgess ended up placing the body of the fetus into a bag, and then they placed the bag into a box in the back of a cargo van on their property.

The Burgess' stated the body of the fetus was taken to a property north of Norfolk where it was buried. They advised it was buried with the assistance of Tanner Barnhill (05-09-00) as it was his parent's property on which the fetus was buried. C. Burgess and J. Burgess took me out to the property which was learned to be [REDACTED]. This property is outside the city limits of Norfolk but still in the County of Madison.

On 04-29-22 C. Burgess and J. Burgess were taken to the scene and voluntarily showed me where the burial site of the fetus was, at [REDACTED]. T. Barnhill also arrived on scene prior to the exhumation of the fetus. T. Barnhill showed us where the fetus was buried (the same spot the Burgess' had showed us). We also learned from T. Barnhill that J. Burgess and C. Burgess tried to burn the body of the fetus prior to it being buried.

On 04-29-22 Sgt. Vrbsky and Deputy Dittberner, both of the Madison Co. Sheriff's Office, assisted at the scene and with the exhumation process. The body of a fetus that appeared to have thermal injuries to its' body was exhumed in the spot the Burgess's and Barnhill had shown me. The investigation was ongoing over the next weeks. During this it was determined, by C. Burgess checking a date she'd sent a message via Facebook Messenger, that the miscarriage/stillbirth had taken place on 04-22-22.

On 06-07-22 I obtained and served a search warrant to Facebook/Meta Platforms for information on C. Burgess and J. Burgess' accounts.

On 06-09-22 I received the results of the search warrant regarding C. Burgess' Facebook account, and on 06-13-22 I received the results of the search warrant regarding J. Burgess Facebook account. There were messages between J. Burgess and C. Burgess. On 04-20-22 (2 days prior to the miscarriage/stillbirth) J. Burgess and C. Burgess exchanged messages concerning some pills J. Burgess received for C. Burgess to take. In the messages they discuss how C. Burgess needs to take one pill which is supposed to stop hormones, and then wait 24 hours to take the 2nd pill. C. Burgess talks about how she can't wait to get the "thing" out of her body and reaffirms with J. Burgess that they will burn the evidence afterwards.

On 06-14-22 Sumer Waite contacted the County Attorney's Office with information regarding this case. Waite advised she is a friend to C. Burgess and was present when C. Burgess took the first of the 2 pills meant to cause a miscarriage. Waite also stated there were a number of computers within the residence of [REDACTED].

That I am also aware that:

I know from prior training and experience, and conversations with other seasoned criminal investigators, people involved in criminal activity frequently have conversations regarding their criminal activities through various social networking sites, i.e. Facebook, and through text messages.

I also now it is common for people to purchase things such as medications over the internet exchanging currency electronically. I know it is possible to perform these various things from electronic devices such as computers, phones, electronic tablets, etc. I know many times there is evidence of these electronic transactions retained on the devices even if the user believes the matter to have been permanently deleted.

As described in this affidavit, computer hardware, software, and data are instrumentalities and evidence in the commission of this crime. Based on my experience and consultation with technical computer experts, I know that searching and seizing information from computers requires all electronic storage devices (along with related peripherals) to be searched later by qualified computer technicians in a controlled environment. A search of computer records will need to be conducted off-site. An off-site search is necessary because computer storage devices can store the equivalent of thousands of pages of information.

Additionally, a suspect may try to conceal criminal evidence; he/she might store it in random order with deceptive file names. This may require searching authorities to examine all the stored data to determine which particular files is evidence or instrumentalities of a crime. This sorting process can take weeks or months, depending upon the volume of data stored, and it would be impractical to attempt this kind of data search on site. Further, searching computer systems for criminal evidence is a technical process requiring technical skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer technicians to specialize in some systems and applications, so it is difficult to know before a search which technician is qualified to analyze the system and its data. Data search procedures are exacting scientific procedures designed to protect the integrity of the evidence and to recover even "hidden", erased, compressed, password protected, or encrypted files.

Since computer evidence is vulnerable to inadvertent or intentional modification or destruction (both from external sources and from destructive code imbedded in the system as a "booby trap") a controlled environment is essential to its complete and accurate analysis.

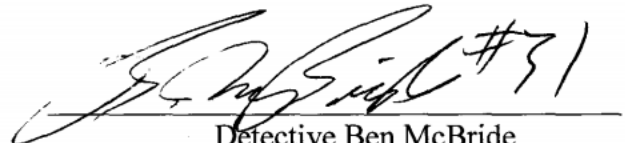
Based on my experience and consultation with technical computer technicians, I know that searching computerized information for evidence or instrumentalities of crime commonly requires the seizure of all of a computer system's input/output peripheral devices (including related documentation, passwords, and security devices) so that a qualified computer technician can accurately retrieve the system's data in a controlled environment. Peripheral devices which allow users to enter and retrieve data from storage devices vary widely in their compatibility with other hardware and software. Many system storage devices require particular input/output devices in order to read the data on the system. It is important that the analyst be able to properly retrieve the evidence listed above. In addition, the analyst needs the relevant system software (operating systems, interfaces, and hardware drivers) any applications software which may have been used to create the data (whether stored on hard drives or on external media), as well as all related instruction manuals or other documentation and data security devices.

I am also aware through my experience and consultation with computer technicians that deleted files and information on computers can be restored with proper investigative, forensic software that is currently being utilized by law enforcement.


That the affiant further requests the courts permission to conduct a forensic examination search of any computer equipment recovered in this warrant for the purpose of evidentiary retrieval.

Due to the above information, this affiant requests that a search warrant searching the residence of [REDACTED]
[REDACTED]

WHEREFORE, affiant prays that a search warrant be issued.


Detective Ben McBride
Norfolk Police Investigations Unit

SUBSCRIBED AND SWORN to before me on this 15th day of June, 20 22


Judge


ATTACHMENT # 1

Attached are printouts (2 pages) of the conversation between Jessica Burgess and Celeste Burgess had on 04-20-22 over Facebook Messenger concerning the purchase and use of the medication to induce the miscarriage. Please note that Jessica Burgess' Facebook username is Jessica Kerr and Celeste Burgess' Facebook username is Celeste Kerr.

Body

Hey we can get The show on the road the stuff came in

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:47:34 UTC

Body Ill talk w her

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:47:37 UTC

Body Bet

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:48:02 UTC

Body It came 2day

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:48:36 UTC

Body Just the one or both

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:49:14 UTC

Body Both

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:49:27 UTC

Body What i ordered last month

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:49:45 UTC

Body Kaylee mom accepted my friends request

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:49:53 UTC

Body Ok

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:50:06 UTC

Body Are we starting it today

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:50:30 UTC

Body We can if u want the one will stop the hormones

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:50:51 UTC

Body Ok

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:51:16 UTC

Body Bc I get out at 1130 tomorrow's

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:52:06 UTC

Body Ya the 1 pill stops the hormones an rhen u gotta wait 24 HR 2 take the other

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:52:20 UTC

Body Ok

Author

Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:52:50 UTC

Body Remember we burn the evidence

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:53:01 UTC

Body Yep

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:53:04 UTC

Body Once everything is out

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:53:26 UTC

Body Yep

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:53:45 UTC

Body Thought u would b happy 2 hear the stuff came in

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:54:01 UTC

Body Yes

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 16:54:11 UTC

Body Did u hear the thunder earlier

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:54:17 UTC

Body I will finally be able to wear jeans

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:54:24 UTC

Body Fuck yes

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 16:54:37 UTC

Body I jumped outta my seat

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 17:04:17 UTC

Body She better not say another word to me

Author Celeste Kerr (Facebook: 100009604664543)

Sent 2022-04-20 17:05:34 UTC

Body I'm trynna get through today peacefully with a sore throat

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 17:06:09 UTC

Body There was a boom of some sort b4 the thunder an it shook the house then both thunders shook the house

Author Jessica Kerr (Facebook: 592346902)

Sent 2022-04-20 17:06:37 UTC

Body I'm drinking encheana tea

Author Celeste Kerr (Facebook: 100009604664543)

FILED
A.M. 3:37 P.M.

JUN 16 2022

IN DISTRICT COURT OF
MADISON COUNTY, NEBR.

STATE OF NEBRASKA

COUNTY OF MADISON

SEARCH WARRANT

ss: SEARCH WARRANT

FILED
MADISON COUNTY COURT
JUN 16 2022
LEAH BUHRMAN, CLERK MAGISTRATE

TO: Detective Ben McBride of the Norfolk Police Division and other officers under his supervision.

THIS MATTER came on for hearing on the 15th day of June, 2022, upon the sworn affidavit for issuance of a Search Warrant, and the Court, being fully advised in the premises finds as follows:

That the Court has jurisdiction in this matter.

That based upon the sworn affidavit for issuance of a Search Warrant by Norfolk Police Detective Ben McBride, dated June 15th, 2022, that there is probable cause and grounds for the issuance of this Search Warrant.

You are therefore commanded, with necessary and proper assistance, to search the following person(s) or place(s):

1. [REDACTED]

for the purpose of discovering and seizing the following, to wit:

1. Any and all electronic information devices such as computers, phones, electronic tablets.
2. Any and all external storage devices such as flash drives, used for the purpose of saving electronic information on.
3. Any and all medications which could be used for the purpose of causing a miscarriage.
4. Evidence of internet searches and/or purchase of Medications which could be used for the purpose of causing a miscarriage.
5. Evidence of messages regarding the use of medications which could be used for the purpose of causing a miscarriage.

And, if found, to seize and deal with the same as provided by law, and to make return of this warrant to me within ten days after the date hereof.

This warrant shall be served during the DAYTIME.

DATED THIS 15th DAY OF June, 2022.

AT 3:05 O'CLOCK P.M.

Michael J. [Signature]
Signature of Judge



County Judge - 7th District
Title

JUN 16 2022

RETURN AND INVENTORY

IN DISTRICT COURT OF
MADISON COUNTY, NEBR.

STATE OF NEBRASKA

COUNTY OF MADISON

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RETURN AND INVENTORY

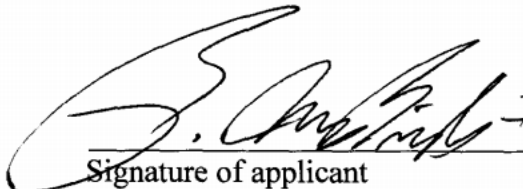
CR22-150

THE UNDERSIGNED, being first duly sworn, upon oath says that on June 16th, 2022, at 10:17 o'clock A.M., I executed the within warrant as directed there.

I seized from the place described in said warrant the following described property of which I am now in possession.

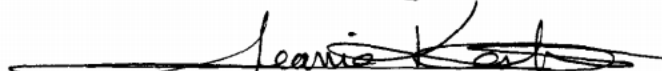
1. Samsung Galaxy A10e Smart phone Model #SM-A102U1 , Serial #RF8N41QDFOE
2. LG Smartphone Model G7 ThinQ, Serial #902KPNY0198743
3. Samsung Galaxy S7 Model #SM-G930F, Serial #R58H64LQJAP
4. Samsung Galaxy S7 SM-G930F, Serial #R58H7486MCK
5. Toshiba laptop computer, Model PSSD2N-01900K, Serial #X9059212H
6. Dell Latitude 5580 laptop computer, Serial #JF7KPH2
7. Lenovo Thinkpad laptop computer, Serial #L3-N3323 08/03
8. Samsung Chromebook laptop computer, Serial #HY3A91BF201228L
9. Samsung Chromebook laptop computer, Serial #HY3A91BF201086H
10. Samsung Chromebook laptop computer, Serial #HY3A91BF201168X
11. HP laptop computer, Model #m6-k022dx, Serial #CND4091S6F
12. Samsung Galaxy J1 smartphone (no serial # available due to heavy damage)
13. LG smartphone Model G7 ThinQ G7 Serial 806KPUU0029734

A copy of the search warrant and an inventory of the items seized was signed for by David Burgess and left on the dining room table at [REDACTED].

 #31
Signature of applicant

DETECTIVE - NORFOLK P.D.
Title

SUBSCRIBED AND SWORN to me on June 16, 2022.


Judge or Notary Public

