



FILED FOR RECORD
2016 MAY -3 PM 4:24
MELANIE REED
DISTRICT CLERK
ELLIS COUNTY, TX

SW16-060
MIDLOTHIAN POLICE DEPARTMENT

EVIDENTIARY SEARCH WARRANT

THE STATE OF TEXAS	§	LOCATION:
	§	1150 N. State Highway 67,
	§	Suite 300, Midlothian, Ellis
	§	County, Texas 76065
COUNTY OF ELLIS	§	Midlothian Police Cellebrite
	§	Laboratory

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 Special Agents/Officers of the North Texas High Intensity Drug Trafficking Area, Southern Money Laundering Initiative (HIDTA- SMLI).

GREETINGS:

Whereas, the Affiant whose signature is affixed to the attached Affidavit & Application For Evidentiary Search Warrant ("Affidavit") appearing on the document 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.

Now, therefore, you are ^{Authorized And} commanded to enter the suspected place described in said affidavit and to there to conduct a search for evidence relating to violations of the Texas Penal Code, specifically, ~~Murder, [unclear], [unclear], [unclear]~~ ~~authorizes [unclear] from this court to enable persons from the Midlothian Police Department, along with Special Agents/Task Force Officers of the North Texas High Intensity Drug Trafficking Area, Southern Money Laundering Initiative (HIDTA-SMLI) to search and/or examine the below listed items.~~


And therein seize, retain, and * →



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~~WHEREFORE, my Affiant, respectfully requests that this court grant authorization for~~
→ ~~Midlothian Police Department personnel to~~ conduct a thorough forensic examination and extraction of the electronic devices owned by Terri Leann Bevers. These specific electronic devices are One (1) Apple iPhone 6, Model: A1549 IMEI Number:35699006428811027 and One (1) iPad, Model: A1396, S/N: DN6GWJNJDKNV.

Issued at 5:56 PM, on this the 19 day of APRIL, 2016 to certify which witness my hand this day.


40th District Judge, Ellis County, Texas
BOB GARROLL



SW16-060
MIDLOTHIAN, TEXAS POLICE DEPARTMENT

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2016 MAY -3 PM 4:24
MELANIE REED
DISTRICT CLERK
ELLIS COUNTY, TX

APPLICATION AND AFFIDAVIT IN SUPPORT OF EVIDENTIARY SEARCH
WARRANT

THE STATE OF TEXAS

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LOCATION:

1150 N. State Highway 67,
Suite 300, Midlothian, Ellis
County, Texas 76065
Midlothian Police Cellebrite
Laboratory

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 ELLIS COUNTY, TEXAS, A PLACE AND PREMISES DESCRIBED AND LOCATED AS FOLLOWS:

The Midlothian Police Department, 1150 North State Highway 67, Suite 300, Midlothian, Ellis County, Texas.

2. THERE IS AT SAID PLACE AND PREMISES PROPERTY CONCEALED AND KEPT IN VIOLATION OF THE LAWS OF TEXAS AND DESCRIBED AS FOLLOWS; *And/or containing evidence in the Commission of the offense Murder:*

Cellular telephone discovered owned by Terri Leann Bevers: Apple iPhone, Model: A1549
IMEI Number:35699006428811027.

Your Affiant believes that the cell phone contains forensic evidence to aid this criminal investigation of ~~the~~ Murder.

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:



Terri Lean Bevers, a White Female with a Date of birth of August 9th, 1970
Texas Drivers License: 13428061.

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

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

WHEREFORE, Your Affiant, respectfully requests that this court grant authorization for Midlothian Police Department personnel to conduct a thorough forensic examination and extraction of the electronic devices owned by Terri Leann Bevers. These specific electronic devices are One (1) Apple iPhone 6, Model: A1549 IMEI Number:35699006428811027 and One (1) iPad, Model: A1396, S/N: DN6GWJNJDKNV.

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**AFFIANT
Investigator Cody Moon
Midlothian Police Department**

Subscribed and sworn to before me by said Affiant on this the 19 day of

April, A.D., 2016. (*5:56PM*)

Bob Carroll

40th District Judge, Ellis County, Texas
BOB CARROLL

EXHIBIT "A"

I. THE AFFIANT'S BACKGROUND, TRAINING AND EXPERIENCE

Your Affiant, Cody Moon, Badge Number 128, is an Investigator with the Midlothian Police Department, Midlothian, Ellis County, Texas. Your Affiant has been employed by said department for a period of approximately seven (9) years. Your Affiant is currently assigned as a Corporal over the Criminal Investigations Division of the Midlothian Police Department. Your Affiant is also a Federal Task Force Officer (TFO) with the North Texas High Intensity Drug Trafficking Area (HIDTA) – Southern Money Laundering Initiative (SMLI) Internal Revenue Service-Criminal Investigations (IRS-CI). Your Affiant has previously served in investigative capacities within this department for approximately three (3) years.

Your Affiant, during the course of his employment with the Midlothian Police Department and Southern Regional Response Group (SRT) has received specialized training in the area of Narcotics, Vice, Money Laundering, Interview, Interrogation, and other Criminal Investigations from the; United States Drug Enforcement Administration (DEA) and also Financial Investigation and Bank Secrecy Act training from the Department of Treasury (IRS). Your Affiant has executed search warrants in furtherance of these investigations. Your Affiant currently possesses an Intermediate Peace Officer Certification as merited by the Texas Commission on Law Enforcement (TCOLE)

Your Affiant has used a variety of investigative techniques during investigations including, but not limited to, electronic surveillance, visual surveillance, the use of confidential sources and the use of undercover agents. Information contained in this Affidavit is derived from Your Affiant's knowledge of, and prior experiences in financial and narcotics investigations; information obtained during interviews with drug traffickers familiar with this drug trafficking organization, and review of reports prepared by special agents with multiple federal, state and local law enforcement agencies. Your Affiant is familiar with all aspects of this investigation as articulated in this Affidavit. Information contained in this Affidavit includes the results of review of property records and other information obtained from public sources; physical surveillance; information from cooperating witnesses and law enforcement personnel.

II. THE AFFIANT'S PROBABLE CAUSE

This investigation is being conducted by Investigator C. Moon of the Midlothian Police Department. The following statements are based upon Your Affiant's personal knowledge and upon the information and evidence gathered during the course of this investigation.

On April 18th, 2016, at approximately 0506 hours, Midlothian Police received a call of an unresponsive person at The Creekside Church of Christ, located at 5401 East US Highway 287, Midlothian, Ellis County, Texas 76065. The caller advised a female subject (later identified as the victim Terri Bevers) was at the location and was not breathing and was deceased.

As first responders arrived on scene they observed several exterior and internal doors with extensive damage to them as well as broken glass throughout the inside of the church.

Investigators arrived on scene and were able to access the video surveillance recordings from within the church. Investigators reviewed the video of the incident which shows a subject wearing a black helmet, black balaclava, dark pants, dark long sleeve shirt, black gloves, and a black vest with Police in white lettering on the front and back. The subject is seen walking throughout the building holding a hammer, breaking windows and going through offices.

At approximately 0418 hours, the victim Terri Bevers is observed entering the building through the main door under the awning area. The video shows Terri Bevers walking toward where the suspects location. Neither the suspect nor victim, were seen again on video. The victim was later found deceased at the south west corner of the interior of the building.

Terri Bevers' had multiple puncture wounds found on her head and chest are consistent with the tools the suspect was carrying throughout the building.

IN CONCLUSION,

Your Affiant knows, through his training and experience that electronic devices such as cellular phones and tablets commonly contain or store digital information in some form or another. It is my opinion based on my experience with suspects, witnesses and/or involved victims of criminal activity.

Your Affiant also knows that digital evidence such as text messages; phone logs, voicemails and emails are stored by cellular telephone provider(s) companies, like AT&T, Verizon and Metro PCS for up to six months, and that this digital evidence can be recovered, even after the information is deleted. This evidence includes but not limited to information of GPS or map locations, phone calls, electronic messaging, note books, bank records, computer disks, data storage devices, and any other electronic means utilized to store Data, including cellular contact numbers, Text Messages, E-mails, Photos, or audio/video recordings.

Your Affiant believes that Terri Bevers may have made or received a series of cellular telephone calls, e-mails, and or messages prior to or during the incident that may contain

vital information relating to the deceased and/or other unknown persons, including but not limited to financial information, communications by or to the deceased and /or other unknown persons, identifying information, locations, and whereabouts of the deceased and/or other unknown persons in regards to this investigation of murder.

WHEREFORE, Your Affiant, respectfully requests that this court grant authorization for Midlothian Police Department personnel to conduct a thorough forensic examination and extraction of the electronic devices owned by Terri Leann Bevers. These specific electronic devices are One (1) Apple iPhone 6, Model: A1549 IMEI Number:35699006428811027 and One (1) iPad, Model: A1396, S/N: DN6GWJNJDKNV.

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AFFIANT
Investigator C. Moon
Midlothian, Texas Police Department

Subscribed and sworn to before me by said Affiant on this the 19 day of April A.D., 2016 (5:56PM)

Bob Carroll

40th District Judge, Ellis County, Texas
BOB CARROLL

2016 MAY -3 PM 4:24



SW16-060

MELANIE REED
DISTRICT CLERK
ELLIS COUNTY, TX



MIDLOTHIAN POLICE DEPARTMENT

WARRANT RETURN

THE STATE OF TEXAS

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LOCATION: Midlothian Police Dept.
1150 North Highway 67
Suite #300
Midlothian, Texas 76065.

COUNTY OF ELLIS

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath certified that the foregoing Warrant came to hand on the day it was issued and that it was executed on the 20th day of April A.D., 2016, by making the seizure directed therein and by seizing during such search the following described property; retained by such Peace Officer, and kept, stored and held as hereinafter set out:

Items Seized

1. **Electronic data extracted from an iPhone 6**
2. **Electronic data extracted from an iPad 2**

C. Moon

AFFIANT

STATE OF TEXAS
COUNTY OF ELLIS

Before me, a Notary Public, on this day personally appeared Investigator Cody Moon, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal this 28th day of April, 2016.

Jane Marie Bivens
Notary for and in the State of Texas

