

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF THE SEARCH WARRANT
FOR THE ZTE CELLULAR TELEPHONE, MODEL Z831, AND
SERIAL NUMBER: 32C365920DF2
LOCATED AT OKLAHOMA STATE BUREAU INVESTIGATION
6600 NORTH HARVEY PLACE,
OKLAHOMA CITY, OKLAHOMA
OKLAHOMA COUNTY, OKLAHOMA

Case No. *SN. 17. 521*

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RICK WARREN
COURT CLERK

AFFIDAVIT FOR SEARCH WARRANT MAY 12 2017

State of Oklahoma)
County of OKLAHOMA) ss

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

I, JIM ELY, of lawful age, and being first duly sworn upon an oath, depose and say:

I am an agent with the Oklahoma State Bureau of Investigation, State of Oklahoma. I have probable cause to believe that the following property constitutes evidence of a crime:

ZTE brand cellular telephone, model number Z831, serial number 32C365920DF2 and unknown brand 32 Gigabyte MicroSD card installed in a slot in the phone, with data stored within the memory of the cellular telephone and MicroSD card in the following forms: document files, notes, personal address book contacts, calls log, text messages, email, multimedia messages, chat logs, digital photographs and their metadata, video files and their metadata, internet history and search terms, internet web pages, user accounts and passwords for online social media and user accounts for online services, own telephone number for the phone, GPS and address location information within files and application files.

These items are relevant to the cause and manner of the murder of Carina Saunders and the identification of the person(s) responsible for the murder, and the crimes of unlawful distribution of controlled dangerous substances, conspiracy to distribute controlled dangerous substances, and possession of controlled dangerous substances, constitutes evidence that an offense was committed.

I further state the above described property may be found and is now being kept at the following described location: Oklahoma County, Oklahoma, at the Oklahoma State Bureau of Investigation, 6600 North Harvey Place, City of Oklahoma City, Oklahoma, described as follows:

Beige in color, three story office building, with the front door for public entrance facing the South, with a fenced parking area to the north of the building. The building is marked on the public side on the south side of the building with the letters OSBI and an OSBI logo.

As probable cause for believing that said property may be found at the location aforesaid, I allege and state as follows:

Affiant's Qualifications, Education, and Experience

Your affiant is a Special Agent with the Oklahoma State Bureau of Investigation, (herein after

OSBI assigned to the South Central Region of OSBI. Affiant has been so employed since 1997. Your affiant has received Advanced Law Enforcement Certification through the Oklahoma Council on Law Enforcement Education and Training. Your affiant holds a Bachelor's Degree in Criminal Justice. Your affiant has thirty-three years experience as an Oklahoma Peace Officer. Your affiant has received many hours of training in crime scene and criminal investigation including Homicide Investigation from the Southern Police Institute, CLEET Criminal Investigation Academy and the OSBI Investigative Academy. Your affiant has been lead and assisting investigator in numerous homicide and suicide investigations throughout the State of Oklahoma.

In addition, your affiant has been admitted as a Computer Crimes/Digital Evidence subject matter expert witness at preliminary hearings and trials in State District Courts throughout many counties in Oklahoma and at trial in the United States Western District Court of Oklahoma, has experience and training in cellular telephone records investigation from the National White Collar Crime Center, experience in conducting cellular telephone and digital evidence forensics and the investigation of computer crimes. Your affiant was previously assigned at the OSBI in the Computer Crimes Unit and Internet Crimes Against Children Task Force from 1999 until 2014, as a Computer Forensic Examiner.

Bethany Police Murder Investigation Activities and Interviews

Your affiant received the following information based on reviews of reports, interviews, and investigative activity of the Bethany Police Department and the OSBI.

On October 13, 2011, the body of CARINA SAUNDERS was found on the west side of the Homeland Store at 7101 Northwest 23rd Street in Bethany, Oklahoma. Her manner of death was ruled as homicide by the Oklahoma Office of Chief Medical Examiner. SAUNDERS feet, hands and forearms, and left breast, along with clothing and personal effects were not found with her body at the Bethany, Oklahoma crime scene and are still missing.

In April of 2013, the OSBI was requested to investigate the death. In the spring of 2015, your affiant was assigned the case after the case had been investigated by previous OSBI Agents and Bethany Police Detectives. Your affiant reviewed the materials in the case and performed interviews and investigative activities.

During the review of reports made by investigating agencies earlier in the investigation, your affiant reviewed two Bethany Police reports filed by Detective ANGELO OREFICE on October 15, 2011. The first report was an interview of KATHRYN BLOODWORTH, relative of CARINA SAUNDERS. BLOODWORTH stated she had taken SAUNDERS on October 28, 2011, to the Taco Bell near Reno and Rockwell Avenue in Oklahoma City, Oklahoma. This was the last time BLOODWORTH saw SAUNDERS alive. BLOODWORTH reported SAUNDERS had a friend named KENNY and she wanted KENNY to "pimp her out" for sex. SAUNDERS told BLOODWORTH that KENNY had created a nude video of her to post on the Internet.

The second report had a narrative summary of the interview of KENNY RICHARDS on October 14, 2011, at 1830 hours, at RICHARDS' home at 504 Oakdale, in Oklahoma City, Oklahoma. RICHARDS admitted having known SAUNDERS. RICHARDS admitted having picked SAUNDERS up from a Taco Bell near Interstate 40 and Rockwell Avenue in Oklahoma City, Oklahoma. RICHARDS and SAUNDERS hung out together until he dropped SAUNDERS off at apartments in the 2500 block of Rockwell Avenue in Bethany, Oklahoma, the same day. This was the last time RICHARDS saw SAUNDERS alive. RICHARDS stated the information provided by BLOODWORTH was not true.

Tip Received by the OSBI: Cell Phone with Murder Video in Kenneth Richards Car

Your affiant reviewed a tip received from an anonymous source via Email service to OSBI Email sent on February 13, 2013. This was received after the OSBI was requested to assume investigation and after Bethany Police received tips on KENNETH RICHARDS and 504 ½ Oakdale Drive in Oklahoma City, Oklahoma, having the victim's buried clothing there. The text of the Email stated that a metal tank was buried near a well on the property, CARINA SAUNDERS' belongings and clothing from the day of her murder were buried in the tank at 504 ½ Oakdale Drive, in Oklahoma City, Oklahoma, and that KENNETH RICHARDS placed it there. On April 10, 2017, a search of the 504 ½ Oakdale residence revealed no buried tank, however what appeared to have been what resembled a metal septic tank was in the front yard of RICHARDS' home at 504 Oakdale Drive. A search of the tank revealed a shirt, jacket, and sandals buried under debris and trash in that tank. Both searches of 504 ½ and 504 Oakdale Drive were conducted on previously issued search warrants issued by an Oklahoma County District Court Judge.

In addition to the information about the buried items, the tip stated a phone that held a video of the murder was in RICHARDS' car at the time of the tip. Efforts to locate the car have not been successful.

Receipt of RICHARDS' Telephone and Info Provided by the Drug Enforcement Administration

On April 12, 2017, your affiant met with United States Drug Enforcement Administration (herein after DEA) Task Force Officer ERIC VANGURP, employed as an Oklahoma County District Attorney Investigator but assigned to DEA. VANGURP had become aware of the search from a news story during the previous two days about the OSBI search that involved two homes formerly owned by RICHARDS. VANGURP advised your affiant the DEA still has possession of RICHARDS' cellular telephone from a November 2016 controlled dangerous substances distribution/possession investigation and arrest in Oklahoma City, Oklahoma. DEA Special Agent SHAN SPAIN had obtained the phone from RICHARDS with RICHARDS consent to search. SPAIN delivered RICHARDS' cellular telephone to your affiant at the DEA Office in Oklahoma City, Oklahoma. Your affiant transported and stored the phone in his office at Oklahoma State Bureau of Investigation, 6600 North Harvey Place in Oklahoma City, Oklahoma.

On April 17, 2017, VANGURP provided the following information to your affiant regarding an arrest of RICHARDS and the cellular telephone obtained by the DEA from RICHARDS.

On November 16, 2016, EDUARDO MARTINEZ-DELOSSANTOS was arrested in Oklahoma City during an undercover controlled transaction for ICE/methamphetamine. MARTINEZ gave consent for agents to search and down-load his cell phone. During the search and down-load of MARTINEZ'S cell phone, Agents discovered subjects were attempting to call and text MARTINEZ, requesting drugs. TFO VANGURP began to communicate with the subjects and told them to contact VANGURP'S undercover cell phone. VANGURP was able to communicate with the suspect on his undercover cell phone. VANGURP communicated with a subject who was identified as KENNETH RICHARDS, through cell phone information (405-482-1422). VANGURP negotiated with RICHARDS to buy two ounces of ICE/methamphetamine from VANGURP. RICHARDS agreed to meet VANGURP in the parking lot of 12304 Market Drive Oklahoma City, Oklahoma.

On November 17, 2016, at approximately 4:00 p.m., VANGURP arrived at the pre-arranged meet location, 12304 Market Drive Oklahoma City, Oklahoma. A short time later, VANGURP observed a white Jeep Cherokee bearing Oklahoma tag 804-LKC, pull into the parking lot and park on the driver's side of VANGURP'S vehicle. The Jeep Cherokee was occupied by the

driver, who was later identified as KENNETH RICHARDS, and the passenger, later identified as TRACY SMALLWOOD. VANGURP motioned for RICHARDS to come to his vehicle and RICHARDS complied. RICHARDS got into the front passenger seat of VANGURP'S vehicle. VANGURP asked RICHARDS to show him the money and he complied. RICHARDS showed VANGURP approximately \$500.00 in U.S. currency. VANGURP told RICHARDS he had to go get the ICE/methamphetamine and he would be back. RICHARDS returned to his vehicle and VANGURP pulled away from the parking spot and the arrest team moved in and took RICHARDS and SMALLWOOD into custody.

During the arrest the following items were found in either RICHARD'S vehicle or on RICHARD'S person. A clear plastic baggy containing suspected methamphetamine seized from the passenger seat floorboard of RICHARDS' vehicle, a Walgreens Pill Pouch containing suspected methamphetamine residue, seized from SMALLWOOD'S purse, a Hello Kitty coin pouch containing several old miscellaneous silver and gold in color rings, seized from passenger seat of RICHARDS' vehicle, a new glass pipe used for smoking methamphetamine seized from RICHARDS' front left pants' pocket, and \$500.00 in U.S. currency seized from RICHARDS. During a post Miranda interview with RICHARDS, he admitted to coming to meet VANGURP to purchase ICE/methamphetamine with the \$500.00.

During a post Miranda interview, RICHARDS gave DEA Special Agent SHAN SPAIN consent to search and down-load his cell phone and left the cell phone in SPAIN'S custody. RICHARDS admitted to using his cell phone to communicate with his ICE/methamphetamine Source of Supply (SOS) on his cell phone. During the search and down-load of the cell phone, SPAIN observed a photo of CARINA SAUNDERS on RICHARDS' cell phone.

Affiant's Experience with Cell Telephone Examinations and MicroSD Devices

Your affiant while working for the OSBI has conducted hundreds of examinations of cellular telephones and digital devices like the MicroSD cards. The cell phone had a limited storage capability and the purpose of the user of removable MicroSD cards facilitated the storage of pictures and video on the card. The card could easily be removed by the consumer and transferred to another cell phone when the cell phone was replaced due to upgrades or damage replacement. The download conducted by SPAIN was limited and it is your affiant's experience that the cellular telephone and MicroSD card should be examined by computer forensic Criminalists at the OSBI for a complete attempt of the recovery of data described in this warrant.

See continuation next page.

In the past, your affiant used computer forensic software and hardware on the MicroSD cards from cellular telephones to recover deleted data instead of an extraction by cell phone hardware and software. The MicroSD card had a computer type file system and data was more appropriately recovered by the use of computer forensic software to recover deleted pictures and video files.

WHEREFORE, Affiant asks that a search warrant be issued according to law, directed to any OSBI Agent, Sheriff, Policeman or law enforcement officer in Oklahoma County, Oklahoma, commanding that he search, at any time of the day and take possession of the property hereinbefore described and detain the same as provided by law, and make a written return thereof according to law.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

SUBSCRIBED AND SWORN to before me this

18th

day of

APRIL

2017

10:47 A.M.

JUDGE OF THE DISTRICT COURT

GLENN M. JONES
District Judge

IN THE DISTRICT COURT IN AND FOR OKLAHOMA

COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA)

) SS.

COUNTY OF OKLAHOMA)

82.17.521 10

RICK WARREN
COURT CLERK

MAY 12 2017

SEARCH WARRANT

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA

TO: ANY SHERIFF, DEPUTY, CONSTABLE, MARSHAL, POLICE OFFICER, HIGHWAY PATROL
TROOPER, AGENT OF THE OKLAHOMA STATE BUREAU OF INVESTIGATION, OR OTHER LAW
ENFORCEMENT OFFICER IN OKLAHOMA COUNTY,
STATE OF OKLAHOMA.

An Affidavit having been sworn to by Affiant JIM ELY of the
OKLA. STATE BUREAU OF INVESTIGATION before me this day, based upon facts stated herein,
probable cause having been found, I command you to make immediate search for the following described
property and things, and if you find the same or any part thereof to bring it forthwith before me at my
office at OKLAHOMA CITY, Oklahoma.

ZTE brand cellular telephone, model number Z831, serial number 32C365920DF2 and unknown
brand 32 Gigabyte MicroSD card installed in a slot in the phone, with data stored within the memory of
the cellular telephone and MicroSD card in the following forms: document files, notes, personal address
book contacts, calls log, text messages, email, multimedia messages, chat logs, digital photographs and
their metadata, video files and their metadata, internet history and search terms, internet web pages, user
accounts and passwords for online social media and user accounts for online services, own telephone
number for the phone, GPS and address location information within files and application files.

Said search to be conducted at the following location at any time of the day:

Oklahoma County, Oklahoma, at the Oklahoma State Bureau of Investigation, 6600 North Harvey
Place, City of Oklahoma City, Oklahoma, described as follows: beige in color, three story office building,
with the front door for public entrance facing the South, with a fenced parking area to the north of the
building. The building is marked on the public side on the south side of the building with the letters OSBI
and an OSBI logo.

Issued under my hand 18 day of APRIL 2017 10:47 A.M.

[Signature]
Judge of the District Court

OKLAHOMA County, Oklahoma

GLENN M. JONES
District Judge

SEARCH WARRANT RETURN:

8w. 17. 521

THE STATE OF OKLAHOMA)
) SS.
COUNTY OF OKLAHOMA)

10
RICK WARREN
COURT CLERK

MAY 12 2017

FILED IN DISTRICT COURT
OKLAHOMA COUNTY
18 day of

The following described property was seized under this warrant on the

April , 17.

2 Calendar Entries
221 Calls Log Entries
1169 Address Book Contact Entries
88 Installed Applications Entries
3 Password Entries
19 Search Item Entries
SIM Data
9 User Account Entries
7 Wireless Network Information Entries
22 Application Data Files
87 Audio Files
10 Configuration Files
233 Database Files
1 Document File
3147 Photo Files
305 text files (not text messages)
272 Video Files

I, Jim Ely, the officer by whom this warrant was executed on 18th
day of April , 2017 , do swear that the above inventory is a true and detailed
account of items taken by authority of the warrant.

Subscribed and sworn to before me this

12 day of May , 2017

Jim Ely
Affiant
Beth Spawer
Judge of the District Court