

THE STATE OF TEXAS

21-12-07

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SEARCH WARRANT

COUNTY OF {REAL}

THE STATE OF TEXAS: To the Sheriff or any Peace Officer of Real County, Texas, or any Peace Officer of the State of Texas:

WHEREAS, Ricardo Guajardo (Affiant), a Peace Officer under the laws of Texas, employed by the Texas Department of Public Safety, currently assigned to Texas Rangers Division, and whose signature is affixed to the Affidavit, did heretofore this day subscribe and swear to said Affidavit before me, and whereas I find that the verified facts stated by Affiant in said Affidavit show that Affiant has probable cause for the belief he expresses therein and establishes the existence of proper grounds for the issuance of this warrant.

NOW, THEREFORE, you are **COMMANDED** to enter the suspected place and premises located at 146 US-83, Leakey, Texas 78873, Grid Coordinates 29.726227, -99.762028 , described as: under the care, custody, or control of Real County Sheriff Nathan Todd Johnson, Date of Birth September 03, 1967 and any additional subjects who are determined to be in charge of and/or control at the time of search.. Said suspected place is more particularly described as: A single story building, constructed of light tan in color brick, with a tan in color roof. The suspected place has seven windows and two entrances facing East, a picture is attached as "Exhibit A" and which includes all other buildings, structures, places and vehicles on said premises and within the curtilage, that are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably conceal property that is the object of the search requested herein, obtain the evidence or property and bring it before me, to wit:

A. Any computers or digital storage devices including personal computers, computer systems, computer peripheral devices, any electronic, magnetic, optical, electrochemical, or other high speed data processing and storage devices performing logical, arithmetic, or storage functions; data storage facilities (internal and/or peripheral) or media storage devices such as magnetic tape, hard disk drives, floppy disks, CD_ROM or scanner; modems, communications facilities directly relating to or operating in conjunction with such devices; devices for printing records of data and such records or data produced in various forms; any and all data storage devices connected to the suspected device, either physically or remotely, which are capable of storing or processing data, to include but not limited to: Secure Digital Memory (SD Cards), Subscriber Identity Module (SIM Card) and other Flash Memory, Data Cloud Services (iCloud, Google, etc.), and any other storage, communication, or similar applications or services in which the device connects to remotely store data.

B. Any electronic communications, printed copy(s) of electronic communications, electrical digital music player capable of storing digital photography on internal or external flash type memory, mobile telecommunication devices, cellular phones, electronic media cards used by mobile communications devices, and associated proprietary cabling and charger cords used by mobile communication devices which could potentially contain offense reports regarding arrests, currency seizures, and vehicle seizures from April 2017 to present, body-cam and dashboard camera audio and/or video recordings regarding traffic stops from April 2017 to present, emergency communications and/or dispatch logs from April 2017 to present, seized evidence regarding currency and vehicle seizures from April 2017 to present, vehicle impoundment and/or inventory sheets regarding towed and/or seized vehicles containing information of registered owners, vehicle identification numbers, contents of vehicle, paperwork, ledgers, and or receipts of vehicle auctioned/sold from Real County from April 2017 to present, inmate and Magistration records from April 2017 to present, State's motions to dispose and/or destroy property and/or evidence, financial transactions regarding Real County Sheriff's Office and or Nathan Todd Johnson from April 2017 to present, expense receipts and/or ledgers regarding vehicles, trailers, and equipment, receipts and deposit slips regarding Real County Sheriff's Office General Operations Account, Real County Sheriff's Office Seized Fund Account, and Paladin Community Services Account.

FURTHER, you are **COMMANDED** to search said suspected location obtain the data therein, and bring it before me, to wit:

A. Any computers or digital storage devices including personal computers, computer systems, computer peripheral devices, any electronic, magnetic, optical, electrochemical, or other high speed data processing and storage devices performing logical, arithmetic, or storage functions; data storage facilities (internal and/or peripheral) or media storage devices such as magnetic tape, hard disk drives, floppy disks, CD_ROM or scanner; modems, communications facilities directly relating to or operating in conjunction with such devices; devices for printing records of data and such records or data produced in various forms; any and all data storage devices connected to the suspected device, either physically or remotely, which are capable of storing or processing data, to include but not limited to: Secure Digital Memory (SD Cards), Subscriber Identity Module (SIM Card) and other Flash Memory, Data Cloud Services (iCloud, Google, etc.), and any other storage, communication, or similar applications or services in which the device connects to remotely store data.

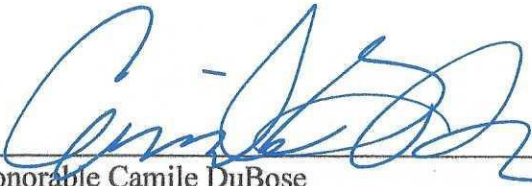
B. Any electronic communications, printed copy(s) of electronic communications, electrical digital music player capable of storing digital photography on internal or external flash type memory, mobile telecommunication devices, cellular phones, electronic media cards used by mobile communications devices, and associated proprietary cabling and charger cords used by mobile communication devices which could potentially contain offense reports regarding arrests, currency seizures, and vehicle seizures from April 2017 to present, body-cam and dashboard camera audio and/or video recordings regarding traffic stops from April 2017 to present, emergency communications and/or dispatch logs from April 2017 to present, seized evidence regarding currency and vehicle seizures from April 2017 to present, vehicle impoundment and/or inventory sheets regarding towed and/or seized vehicles containing information of registered owners, vehicle identification numbers, contents of vehicle, paperwork, ledgers, and or receipts of vehicle auctioned/sold from Real County from April 2017 to present, inmate and Magistration records from April 2017 to present, State's motions to dispose and/or destroy property and/or evidence, financial transactions regarding Real County Sheriff's Office and or Nathan Todd Johnson from April 2017 to present, expense receipts and/or ledgers regarding vehicles, trailers, and equipment, receipts and deposit slips regarding Real County Sheriff's Office General Operations Account, Real County Sheriff's Office Seized Fund Account, and Paladin Community Services Account.

FURTHER, pursuant to the provisions of Article 18.10, Texas Code of Criminal Procedure, you are hereby **ORDERED** to retain custody of any property seized pursuant to this warrant, until otherwise ordered by the Court or a court of competent jurisdiction. This Court grants you leave and authority to remove such seized property from the county, if and only if such removal is necessary for the safekeeping of such seized property by you, or for completion of forensic analysis.

FURTHER, you are **ORDERED** to give notice to the Court, as part of your return and inventory, and as required by Article 18.10, Texas Code of Criminal Procedure, of the place where the property seized hereunder is kept, stored, and held.

HEREIN fail not, but have you then and there this Warrant within **THREE** days, exclusive of the day of its issuance, with your return thereon, showing how you have executed the same.

ISSUED, at 10:58 o'clock A. M., on this the 7th day of December, 2021, to certify which witness my hand this day.



Honorable Camile DuBose
38th Judicial District Court
Uvalde County, Texas

COUNTY OF {REAL}

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared the Affiant herein, a Peace Officer under the laws of Texas, who, being duly SWORN, on oath made the following statements and accusations:

My name is Ricardo Guajardo (Affiant) and I am commissioned as a Peace Officer by the Texas Department of Public Safety, located at 703 North Main Street, Cotulla, Texas 78014. I have been a Peace Officer for 17 years and am currently assigned to the Texas Rangers Division.

Affiant, is a certified Master Peace Officer in the State of Texas with continuous 17 plus years of law enforcement service. Affiant's duties with the Texas Rangers involve several areas of criminal investigations within law enforcement to include local crime, aggravated assault, sexual assaults, theft, robbery, fugitive arrests, officer involved shootings, official oppression, manslaughter, and murder as well as conducting criminal investigations for the La Salle County Sheriff, Zavala County Sheriff and the Crystal City Police Department Chief of Police. Prior to being appointed to the Texas Rangers Division, Affiant was assigned to the Texas Department of Public Safety, Criminal Investigations Division as a Special Agent. Affiant's duties involved investigating organized crime to include illegal narcotics smuggling, bulk cash smuggling and weapons smuggling as well as operating in an undercover capacity in order to infiltrate drug trafficking organizations for six years, (11/01/2014 to 12/01/2020).

Affiant has received specialized training on criminal patrol, drug interdiction tactics, organized drug trafficking investigations, interview and interrogation tactics, advanced criminal investigations, crime scene investigations, and advanced 4th, 5th, and 6th Amendment training as early as 2003. Affiant has conducted investigations on drug trafficking organizations and violent Texas gangs which resulted in Affiant writing and executing multiple search warrants at locations trafficking narcotics, illegal weapons to include the seizure of bulk cash in U.S. currency under Code of Criminal Procedure, Title 1, Chapter 59, Forfeiture of Contraband and possession of child pornography within the State of Texas. Affiant has conducted interviews and interrogations of numerous suspects to further his understanding during criminal investigations which led to felony arrests, State and Federal indictments and convictions.

Affiant requests the issuance of a search warrant, pursuant to Article 18.02(a)(10), Texas Code of Criminal Procedure, to search a structure or property and would state the following:

Location of Warrant

1. There is, in Real County, Texas, a suspected place, commonly addressed and described as follows:
146 US-83, Leakey, Texas 78873, Grid Coordinates 29.726227, -99.762028
Said suspected place is more particularly described as: A single story building, constructed of light tan in color brick, with a tan in color roof. The suspected place has 7 windows and 2 entrances facing East, a picture is attached as "Exhibit A"
Suspected place can be located by traveling North on US-83 into the Leakey, Real County area, turn right onto Fourth Street and left on South Evergreen Street. The suspected place is located on the left at the intersection of East Main Street and South Evergreen Street. On November 30, 2021, the following photographs were taken: See Attachment A.
2. Said suspected place and premises, in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage, if said premises is a residence, that are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably conceal property that is the object of the search requested herein.

3. Said suspected place is in charge of and controlled by each of the following persons:
Real County Sheriff Nathan Todd Johnson, Date of Birth September 03, 1967 and any additional subjects who are determined to be in charge of and/or control at the time of search.

Particular Things to be Seized

4. There is at suspected place, suspected items and or evidence as described as follows:

A. Any computers or digital storage devices including personal computers, computer systems, computer peripheral devices, any electronic, magnetic, optical, electrochemical, or other high speed data processing and storage devices performing logical, arithmetic, or storage functions; data storage facilities (internal and/or peripheral) or media storage devices such as magnetic tape, hard disk drives, floppy disks, CD_ROM or scanner; modems, communications facilities directly relating to or operating in conjunction with such devices; devices for printing records of data and such records or data produced in various forms; any and all data storage devices connected to the suspected device, either physically or remotely, which are capable of storing or processing data, to include but not limited to: Secure Digital Memory (SD Cards), Subscriber Identity Module (SIM Card) and other Flash Memory, Data Cloud Services (iCloud, Google, etc.), and any other storage, communication, or similar applications or services in which the device connects to remotely store data.

B. Any electronic communications, printed copy(s) of electronic communications, electrical digital music player capable of storing digital photography on internal or external flash type memory, mobile telecommunication devices, cellular phones, electronic media cards used by mobile communications devices, and associated proprietary cabling and charger cords used by mobile communication devices which could potentially contain offense reports regarding arrests, currency seizures, and vehicle seizures from April 2017 to present, body-cam and dashboard camera audio and/or video recordings regarding traffic stops from April 2017 to present, emergency communications and/or dispatch logs from April 2017 to present, seized evidence regarding currency and vehicle seizures from April 2017 to present, vehicle impoundment and/or inventory sheets regarding towed and/or seized vehicles containing information of registered owners, vehicle identification numbers, contents of vehicle, paperwork, ledgers, and or receipts of vehicle auctioned/sold from Real County from April 2017 to present, inmate and Magistration records from April 2017 to present, State's motions to dispose and/or destroy property and/or evidence, financial transactions regarding Real County Sheriff's Office and or Nathan Todd Johnson from April 2017 to present, expense receipts and/or ledgers regarding vehicles, trailers, and equipment, receipts and deposit slips regarding Real County Sheriff's Office General Operations Account, Real County Sheriff's Office Seized Fund Account, and Paladin Community Services Account.

Probable Cause

5. Said item(s) constitute evidence that an offense has been committed, to wit:

It is the belief of the Affiant, and he hereby charges and accuses, that the above listed items could contain evidence that constitute a violation of felony theft offense, abuse of official capacity and any other criminal offenses committed by Nathan Todd Johnson. Affiant asks that evidentiary photographs of the interior and exterior of the location be taken and that said suspected place, premises, and persons be searched for the above item(s) which are believed to be implements or instruments used in the commission of a crime and or items constituting evidence of a criminal offense or constituting evidence tending to show that a particular person committed a criminal offense, including but not limited to: felony theft, abuse of official capacity, and any other criminal offenses.

6. Affiant has probable cause for said belief by reason of the following facts:

On October 27, 2021, Affiant conferred with Office of the Attorney General of Texas, Assistant Attorney General Amy Meredith and Sergeant Hank Stifflemire regarding allegations of Real County Sheriff Nathan Todd Johnson illegally seizing currency and violating Code of Criminal Procedure, Title 1, Chapter 59, Forfeiture of Contraband. Chapter 59 of the Texas Code of Criminal Procedure was enacted in 1989 to govern contraband seized by any Texas peace

officers. Contraband means property of any nature, including real, personal, tangible, or intangible, that is used in the commission of specific crimes listed in Chapter 59.

On October 27, 2021, Affiant reviewed bodycam audio/video footage recorded on May 04, 2021 by Edward's County Sheriff's Office Sergeant Danny W. Irwin while assisting the Real County Sheriff's Office in Real County. The bodycam audio/video recording documents Real County Sheriff's Office Deputies seizing a Blue, 2008, Toyota, Tundra, displaying temporary tag () and currency from multiple undocumented immigrants during a traffic stop in Real County. The audio/video footage documents Sheriff Nathan Todd Johnson supervising and instructing Real County Deputies to seize the Toyota Tundra and all currency from the undocumented immigrants. Sheriff Nathan Todd Johnson acknowledges the currency seized will be filed under abandoned cash and deposited into the Real County General Fund after a disposition order is obtained. Sheriff Nathan Todd Johnson explains he will attempt to identify the registered owners of the Toyota Tundra and notify them they have 30 days to claim the Toyota Tundra. Sheriff Nathan Todd Johnson explains if the owners of the Toyota Tundra fail to do so, the Toyota Tundra would be considered abandoned property and sold at the next auction. Sheriff Nathan Todd Johnson admits this procedure eludes having to file Chapter 59 paperwork. Sheriff Nathan Todd Johnson admits, if he files Chapter 59 proceedings, he must serve the owners with paperwork and the vehicle is seized under Chapter 59 guidelines which would cause him to split the proceeds.

On November 03, 2021, Affiant conferred with Edward's County Sheriff's Office Sergeant Danny W. Irwin regarding a traffic stop where he assisted Real County Sheriff's Office Deputy Jennifer Harvey and Deputy Sean Harvey with a traffic stop in Real County on May 04, 2021. Sergeant Irwin provided a compact disk containing a video/audio recording of the traffic stop generated by his department issued bodycam he was wearing at the time of the mentioned traffic stop. Sergeant Irwin identified Real County Sheriff Nathan Todd Johnson and Real County Deputy Alex Avilla who were at the mentioned traffic stop. Sergeant Irwin stated Sheriff Nathan Todd Johnson arrived in a Real County Sheriff's Office vehicle towing a flatbed trailer. Sergeant Irwin stated Sheriff Nathan Todd Johnson said the flatbed trailer would be utilized to tow the 2008, Toyota, ().

On November 03, 2021, Affiant interviewed Edwards County Sheriff's Office Deputy Felix Ruiz. Deputy Ruiz stated he assisted the Real County Sheriff's Office Deputy Matthew Christian and Deputy Jennifer Harvey with a traffic stop on October 24, 2021 in Real County. Deputy Ruiz stated Deputy Christian conducted a traffic stop where three undocumented immigrants were detained. Deputy Ruiz stated the two passengers, identified as Jose Jesus Gonzalez-Hernandez and Delfino Gonzalez-Gonzales were turned over to the custody of United States Border Patrol Agent Samuel Arredondo. Deputy Ruiz stated he heard Gonzalez-Hernandez ask Agent Arredondo inquiring about his wallet. Deputy Ruiz stated Deputy Christian retrieved a wallet from his marked unit, walked over to Agent Arredondo and handed him the wallet. Deputy Ruiz stated Agent Arredondo opened the wallet and showed the contents of the wallet to the undocumented immigrant. Deputy Ruiz stated Deputy Christian advised Agent Arredondo the currency was being seized. Deputy Ruiz stated he was unaware that currency was being seized from all three undocumented immigrants. Deputy Ruiz stated he contacted Agent Arredondo and requested for Agent Arredondo to generate a Memorandum of Investigation regarding the currency seized from Gonzalez-Hernandez and Gonzalez-Gonzales. Deputy Ruiz stated he obtained a copy of the mentioned Memorandum and attached it to an e-mail he forwarded to Edwards County Sheriff James W. Guthrie on October 25, 2021. I referred to a copy of a Memorandum of Investigation, Event Number: RKS2210000082, I received from Attorney General Sergeant Investigator Hank Stifflemire on October 27, 2021. Upon review, the memorandum summarized United States Border Patrol Agent Samuel A. Arredondo responded to a call for assistance from Real County in Camp Wood, Texas on 4th Street, between Llano and Guadalupe Street on October 24, 2021. Upon arrival, Agent Arredondo interviewed and took into custody two subjects. After completing a pat down search and securing the subjects personal property, Jose Jesus Gonzalez-Hernandez inquired about his wallet. Agent Arredondo asked Deputy Matthew Christian about Gonzalez-Hernandez' wallet. Deputy Christian retrieved the wallet from his marked unit. The wallet did not contain currency and was advised by Deputy Christian; the currency was being seized. At the Border Patrol Station in Rocksprings, Gonzalez-Hernandez and Delfino Gonzalez-Gonzales inquired about their currency. Agent Arredondo advised Gonzalez-Hernandez and Gonzalez-Gonzales the currency had been seized by the Real County Sheriff's Office and provided them a phone number of 830-232-5201. Agent

Arredondo advised Gonzalez-Hernandez and Gonzalez-Gonzales to contact the Real County Sheriff about their currency.

On November 03, 2021, Affiant interviewed United States Border Patrol Agent Samuel A. Arredondo. Agent Arredondo stated he was summoned to the Real County area to assist Real County Sheriff's Deputies on October 24, 2021. Agent Arredondo stated he arrived and interviewed two suspects he identified as undocumented immigrants, identified as Jose Jesus Gonzalez-Hernandez and Delfino Gonzalez-Gonzales. Agent Arredondo stated he interviewed Gonzalez-Hernandez and Gonzalez-Gonzales before transporting them to the United States Border Patrol Station in Rocksprings, Edwards County. Agent Arredondo stated Gonzalez-Hernandez and Gonzalez-Gonzales inquired about their money. Agent Arredondo stated he advised Gonzalez-Hernandez and Gonzalez-Gonzales the currency they had in their possession had been seized by the Real County Sheriff's Office and provided them with phone number 830-232-5201 to the Real County Sheriff's Office. Agent Arredondo stated he generated a Memorandum of Investigation, Event Number RKS2210000082 and forwarded the mentioned memorandum to his first line supervisor and Edwards County Sheriff's Office Deputy Felix Ruiz.

On November 03, 2021, Affiant spoke with Real County Sheriff Nathan Todd Johnson regarding currency seized from undocumented immigrants during a traffic stop by Real County Sheriff's Deputies on October 24, 2021. Sheriff Nathan Todd Johnson stated the currency may have been seized pending trial of the undocumented immigrants who was arrested. Sheriff Nathan Todd Johnson stated Chapter 59 paperwork had not been filed yet. Sheriff Nathan Todd Johnson stated some of the funds that are seized during traffic stops are held as, "Fruits of the Crime". Sheriff Nathan Todd Johnson stated currency and vehicles are held as evidence due to trafficking crimes. Sheriff Nathan Todd Johnson stated all currency was being seized without filing Chapter 59 paperwork. Sheriff Nathan Todd Johnson stated he asked District Attorney Christina Busbee on October 27, 2021 for clarification on how to handle seized currency moving forward. Sheriff Nathan Todd Johnson stated he was holding United States and Mexican currency as evidence from multiple traffic stops conducted in the Real County area. Sheriff Nathan Todd Johnson stated that on October 27, 2021, he met District Attorney Christina Busbee at the Real County Sheriff's Office and District Attorney Christina Busbee clarified to him that he needed to file Chapter 59 proceedings when probable cause existed. Sheriff Nathan Todd Johnson stated before meeting with District Attorney Christina Busbee, his office was seizing all currency to include currency in possession of undocumented immigrants before being released to the custody of the United States Border Patrol.

On November 03, 2021, Affiant interviewed Real County Sheriff's Office Deputy Matthew Christian at the Real County Sheriff's Office regarding a traffic stop he conducted in Real County on October 24, 2021. The mentioned traffic stop conducted resulted in the arrest of one male undocumented immigrant and two male undocumented immigrants being released to the United States Border Patrol. Deputy Matthew Christian stated the traffic stop stemmed from a report of a suspicious vehicle in the Real County area and no insurance. Deputy Matthew Christian acknowledged a total of \$2,742.00 in U.S. currency was seized from all three undocumented immigrants. Deputy Matthew Christian was unable to explain under what authority the currency was seized. Deputy Matthew Christian stated he called Sheriff Nathan Todd Johnson who directed him to seize all currency in possession of the undocumented immigrants and arrest the driver for Smuggling of Persons. Deputy Matthew Christian stated the currency was tagged and placed into evidence bags along with a property receipt. Deputy Matthew Christian stated the currency will be held as evidence pending a State Indictment. Deputy Matthew Christian stated the mentioned evidence bags were submitted into the entrusted property room at the Real County Sheriff's Office located in Leakey, Texas. Deputy Matthew Christian stated he refers cases regarding seized currency to Sheriff Nathan Todd Johnson. Deputy Matthew Christian stated he was unable to obtain a statement from the driver or passengers that would implicate or corroborate alleged charges of human smuggling and/or trafficking. Deputy Matthew Christian stated seizing currency from undocumented immigrants and the driver has been standard operating procedure for as long as he has been employed by the Real County Sheriff's Office from January 2021 to present time. Deputy Matthew Christian was unable to explain under what authority currency is seized and was unable to explain Chapter 59 proceedings. Deputy Matthew Christian stated he was briefed by Sheriff Nathan Todd Johnson on November 03, 2021 regarding new protocols regarding seized currency and Chapter 59 proceedings.

On November 04, 2021, Affiant interviewed Real County Sheriff's Corporal Jennifer Harvey at the Uvalde District Attorney's Office regarding her observations of Deputy Matthew Christian's action during the October 24, 2021 traffic

stop in Real County. Corporal Jennifer Harvey stated she assisted Deputy Matthew Christian and acknowledged currency was seized from one undocumented immigrant who was arrested and two undocumented immigrants which were turned over to the United States Border Patrol. Corporal Jennifer Harvey stated the currency was seized and held as evidence in their human trafficking and/or smuggling criminal investigation. Corporal Jennifer Harvey was unable to clarify what authority or proceedings were applied to seize currency. Corporal Jennifer Harvey stated the driver did not wish to cooperate or make a statement during the traffic stop. Corporal Jennifer Harvey stated she always calls Real County Sheriff Nathan Todd Johnson when seizing currency. Corporal Jennifer Harvey stated she has attended asset forfeiture training in the past. Corporal Jennifer Harvey stated the Real County Sheriff's Office procedure regarding seized currency was under the direction of Sheriff Nathan Todd Johnson and 38th Judicial District Attorney Christina Busbee.

Based upon Affiant's knowledge, training, and experience, and experience of other law enforcement personnel, whom Affiant has consulted with, Affiant knows that a head of a law enforcement agency such as a Sheriff oversees the financial spending of the agency budgeted funds and or asset forfeiture funds. Affiant knows from experience, training, and knowledge, and experiences of other law enforcement personnel, whom Affiant has consulted with, Affiant knows that bank transactions are created when the funds are deposited or dispersed and these transactions could be recorded in the form of but not limited to: bank receipts, expense receipts, deposit slips, account statements, and bank ledgers.

Based upon Affiant's knowledge, training, and experience, and experience of other law enforcement personnel, whom Affiant has consulted with, Affiant knows that law enforcement agencies use a communication system that are monitored by dispatcher(s). Dispatcher(s) within these communications centers will create dispatch logs of but not limited to: Calls for Services, Traffic Stops, and Radio Communications. These dispatch logs could be handwritten or documented through a computer program or records management system and will be stored/kept at the law enforcement agency. Furthermore, Affiant knows through his knowledge, training, and experience, and experiences of other law enforcement personnel, whom Affiant has consulted with, Affiant knows that radio communications (emergency and non-emergency) are recorded and are kept within a law enforcement agency.

Based upon Affiant's knowledge, training, and experience, and experience of other law enforcement personnel, whom Affiant has consulted with, Affiant knows that when conducting a criminal investigation and property is seized as evidence, that evidence is retained at a law enforcement agency. Affiant knows from experience, training, and knowledge, and experiences of other law enforcement personnel, whom Affiant has consulted with, Affiant knows a state's motion is required to dispose and or destroy seized property or evidence. Furthermore, Affiant knows from experience, training, and knowledge, and experiences of other law enforcement personnel, whom Affiant has consulted with, Affiant knows a copy of a state's motion should be maintained at a law enforcement agency for its own records as to the disposition of the seized property or evidence.

Based upon Affiant's knowledge, training, and experience, and experience of other law enforcement personnel, whom Affiant has consulted with, Affiant knows that it is a common practice within the law enforcement community to document findings of law enforcement conducted investigations in various forms to include but not limited to: Offense/Incident Reports, Affidavits of Seizures, Search and Seizure logs, Vehicle Tow Logs, Vehicle Impoundment Records, Chain of Custody of Evidence and or Seizures reports/forms, and Arrest and Magistration Records.

Based upon Affiant's knowledge, training, and experience, and experience of other law enforcement personnel, whom Affiant has consulted with, Affiant knows that it is a common practice within the law enforcement community to use dash cameras and or body worn cameras to record law enforcement activities such as but not limited to: traffic stops, calls for service, and interactions with members of the public. Affiant knows through his experience, knowledge, and training, and experience of other law enforcement personnel, whom Affiant has consulted with, Affiant knows these recordings from dash cameras and or body worn cameras are retained within the law enforcement agency on some type of digital storage device to include but not limited to: computer(s), hard drive(s), and computer server(s).

Based upon Affiant's knowledge, training, and experience, and experience of other law enforcement personnel, whom Affiant has consulted with, Affiant knows that in order to completely and accurately retrieve data maintained in computer hardware or on computer software, all computer equipment, peripherals, related instructions in the form of manuals and notes, as well as the software utilized to operate such a computer, must be seized and subsequently

processed by a qualified computer specialist in an appropriate setting. Accordingly, it is very often necessary to take all computer hardware and software found at the suspected location in order to have it examined in a qualified forensic environment. Such will sometimes be the only way that items such as previously sent and received emails can be effectively recovered from a computer or its password, can be encrypted, or could have been previously "deleted". In light of these concerns, Affiant request the Court's permission to seize at the search location all the computer hardware, software, and peripherals that are believed to potentially contain some or all of the instrumentalities of a crime, and/or evidence tending to show that the suspect committed the offense of Theft by a Public Servant, Texas Penal Code 31.03 as described in the warrant, and to conduct an offsite search of these computer materials for such evidence. Affiant intends to transport all such seized computer materials to a qualified forensic facility for imaging and analysis by experts.

Based on Affiant's knowledge, training, and experience, and experience of other law enforcement personnel, whom Affiant has consulted with, Affiant knows that electronic devices are common place among all persons in society today, such as telephones which are used to communicate, obtain GPS directions, and more. Electronic devices are often used by those engaged in criminal activity, to communicate prior to, during, and after the crime; in some cases, to document the offense via photograph or video. Electronic files on cellular telephones and other electronic devices may be renamed, altered, moved, or hidden. This is done so the file is not easily identified and/or appears corrupt or unable to be opened in an effort to subvert the discovery of the evidence.

Electronic files which were renamed, moved, or hidden may appear in areas not appearing to be subject to the search, such as, a photograph being stored with documents, or being renamed from ".jpg" (a photograph) to ".txt" (a text document). Cellphones, tablets, and other portable operating system devices may not store all photographs on the device to the "Photos" or "Camera" albums; such as a photograph being received via text message or email. Photos, Videos, and other digital files also contain metadata which may include the date, time and GPS location of the device at the time the photo/video was captured, or the file was created/modified. Additionally, this metadata is entered by the system at the time the file is created/modified, however, this data can be altered or removed by anyone with basic computer knowledge.

A search of the device's "Photos" or "Camera" would not produce a complete search of the device due to the device's storage policies and/or the user's attempt to conceal the files. Accordingly, a search of photos and/or videos may produce additional information, such as device location; such data (metadata) could possibly have been altered to show an alternate date, time, or location. Therefore, a complete search of the suspected device must be conducted and examined; including electronic files which have been deleted.

Electronic files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted, or viewed via the Internet. Electronic files downloaded to a hard drive can be stored for years at little or no cost. Even when such files have been deleted, they can be recovered months or years later using readily-available forensics tools. When a person "deletes" a file on a home computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space - that is, in space on the hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space - for long periods of time before they are overwritten.

In addition, a device's operating system may also keep a record of deleted data in a "swap" or "recovery" file. Similarly, files that have been viewed via the Internet are automatically downloaded into a temporary Internet directory or "cache." The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently viewed Internet pages. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a user's operating system, storage capacity, and habits.

The search of digital devices is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover even hidden, erased, compressed, password protected or encrypted files. Searches and seizures of evidence from computer systems commonly require the seizure of all computer items to be processed by a qualified computer expert in a laboratory or other controlled environment. The high volume of the contents and intentional concealment of criminal activity through random ordering and deceptive file names requires search authorities to examine all the stored

data. This sorting process may take weeks or months depending on the volume of the data stored and would be extremely impractical to attempt this kind of data search on site, therefore it may be necessary that the items seized be transported for forensic examination which is needed to check for other file variations, which may be erased, hidden, encrypted, compressed, or password protected.

WHEREFORE, Affiant requests the issuance of a warrant that will authorize him or a person acting on his behalf, to search said suspected place and collect or seize the items stated above, of the suspected offense. Furthermore, said items are to be analyzed by a trained computer evidence recovery specialist in order to retrieve, restore, and /or reproduce any or all information believe to be evidence of said offenses.

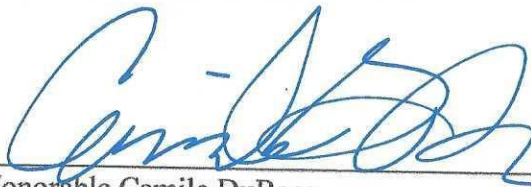
I believe Nathan Todd Johnson is committing felony offense of theft by public servant, abuse of official capacity and other possible criminal offenses.

FURTHER, Affiant requests authority from the Court to transport, remove, or take any property or evidence seized pursuant to the warrant requested herein to any location deemed necessary for purposes for safekeeping and completion of any investigation or proceeding related to the activities described in this affidavit. This Court grants you leave and authority to remove such seized property from the county, if and only if such removal is necessary for the safekeeping of such seized property by you, or for completion of forensic analysis.



Ricardo Guajardo

SUBSCRIBED AND SWORN to before me by said affiant on the 7th day of December, 2021.



Honorable Camile DuBose
38th Judicial District Court
Uvalde County, Texas

THE STATE OF TEXAS

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21-12-07

COUNTY OF {REAL}

OFFICER'S RETURN AND INVENTORY

The undersigned Affiant, being a Peace Officer under the laws of Texas, employed by the Texas Department of Public Safety, located at 703 North Main Street, Cotulla, Texas 78014, and being duly sworn, on oath certifies that the foregoing Warrant came to hand on the day it was issued and that it was executed on the 7th day of December, 2021 by conducting the search directed therein and by seizing during such search the following described property:

All property seized is listed and described on the attached page(s) entitled "Exhibit B"

Peace Officer

Printed Name and Badge Number

Attachment A:

146 US 83, Leakey, Texas 78873

Grid Coordinates: 29.726227, 99.762028



