**SEARCH WARRANT AFFIDAVIT**

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

1. THERE IS DOING BUSINESS IN BRAZOS COUNTY, TEXAS A BUSINESS DESCRIBED AND LOCATED AS FOLLOWS:

**Facebook, Inc (\*\*This sample also can be used for Google, Instagram, or Snapchat\*\*)**

**Attn: Facebook Security Team**

**1601 Willow Rd**

**Menlo Park, CA 94025**

1. SAID BUSINESS IS IN CHARGE OF AND CONTROLLS RECORDS OF THE FOLLOWING PARTIES, HEREAFTER CALLED “SUSPECTED PARTY” WHETHER ONE OR MORE:

**Nichols, Maranda (W/F, 10/9/90);**

3. IT IS THE BELIEF OF AFFIANT, AND HE HEREBY CHARGES AND ACCUSES, THAT SAID BUSINESS HAS POSSESSION OF DOCUMENTS OR FILES, DESCRIBED BELOW, WHICH CONSTITUTE EVIDENCE OF THE OFFENSE HEREIN CHARGED: **Abandoning or Endangering Child**

**Facebook username: Maranda.nichols.587**

**Period of Activity: 1/4/2021 through 3/4/2021**

1. **Any and all information relating to wall posts made on this account for the date and times specified above and comments posted to those posts made by the user of the account;**
2. **Any and all private messages sent from and received by this account, including deleted messages during the time frame;**
3. **Any and all “likes” or “pokes” on photos or comments to or from this account;**
4. **Any and all photographs or videos posted on this account during this time frame;**
5. **Any and all personal information posted about the user of this account on this account;**
6. **All account owner information to include any names, alias names, email addresses, addresses, and profile information used by the person on this account;**
7. **A record of all user login and logout information for this account, including:**
	1. **User IP address with port information;**
	2. **Time (and zone) / Date;**
	3. **Device and browser identification, including but not limited to Make, Model, Serial Number, MAC address, IMEI, Browser identification/version information, etc;**
8. **Location or “Geo-tag” information with Latitude and Longitude when available;**
9. **Any additional records maintained by Facebook for accounts that are associated with the above referenced Facebook accounts, including other Facebook accounts with the same registration information or accounts for other services managed by Facebook (such as Instagram) registered with the same user information.**

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

**Background of Affiant**

Your Affiant, Detective Jared Cleere, has worked for the College Station Police Department since September of 2004. He began as a Communications Operator, and was hired as a sworn Peace Officer in January of 2012. Following basic academy training, he swore into service as a police officer assigned to the Uniformed Patrol division on June 8th, 2012. Det. Cleere remained with the Uniformed Patrol division, serving as a patrol officer and, later, as a Field Training Officer, until he was selected as a Detective in December 2015. Det. Cleere has served as a Detective since that time, assigned the primary responsibility of investigating crimes involving fraud, such as forgery, credit card abuse, and business thefts. Det. Cleere has been a Certified Fraud Examiner (CFE) since July 2020. During his time as a police officer, Det. Cleere has participated in investigations of a wide variety of crimes, including Capital Murders, Robbery and Aggravated Robbery, Aggravated Assaults, and numerous other serious offenses. Det. Cleere has also specialized in offenses of a technical nature, investigating computer crimes and offenses committed using the internet, frequently obtaining documentary evidence from third-party sources. Det. Cleere has been previously recognized as an expert witness in the field of mobile phone record analysis and tracking.

**Summary of Incident**

On 3/4/21 at 0806 hours, officers of the College Station Police Department were dispatched to the Holleman Oaks Apartments at 1501 Holleman Dr. #35 for a report of a missing person. The reporting person, Alicia Wade, told officers that her daughter, Maranda Nichols, and her granddaughter, a three-year-old female identified in this document by the initials A.W., were missing from their residence. Wade said that A.W. had cerebral palsy and epilepsy and had numerous seizures throughout the day. A.W. took regular medication for her condition and it was of the utmost importance that her dosages were not missed. Also, A.W. could only be fed through a feeding tube and would need her medication administered to her.

Detective J. Primo Alaniz arrived at the scene at around 0845 hours. Through his investigation, it was determined that A.W. only had one medical tube feeding device. That feeding device was located inside Nichols residence rather than with Nichols or A.W. A.W. was prescribed Omeprazole, Diazepam, and Oxcarbazepine, the latter two of which were necessary for her health and safety. Nichols was diagnosed with bipolar disorder and paranoid schizophrenia, and frequently experienced manic episodes during which she was unable to care for A.W. to the extent that her medical needs required. Wade believed that Nichols was currently experiencing those symptoms at this time based on her behavior.

Officer Hill contacted Dr. Daniel Ransom, a partner with Dr. Carly Lyons at Baylor Scott and White Hospital in College Station. Dr. Ransom said that he had seen A.W. before and knew the medication that she was taking. Ofc. Hill advised Dr. Ransom that it was believed that A.W. had not been given any of her medication that day. Dr. Ransom advised Ofc. Hill that if A.W. went without her prescribed seizure medication, she would be in dire need and would shortly after need medical attention.

Investigation of Nichols’s bank account revealed a declined charge at the Days Inn in Burleson, Texas. This led to the discovery of a video of Nichols carrying A.W. at 0207 hours on the morning of 3/4/21 taken by the security video system of that motel. Investigators also discovered an automated hit on a License Plate Reader (LPR) camera showing Nichols’s vehicle (a white 2006 Toyota Highlander bearing Texas license plate MWS8187) in Denton, Texas at 0257 hours. Another declined bank card transaction took place at 0904 hours in Weatherford, Oklahoma.

As of 1100 hours on 3/4/21, the welfare and location of Nichols and A.W. were unknown. Based on the ongoing threat to A.W.’s welfare, Detective J. Cleere began a search for accounts and available sources of location information to be used to safely recover A.W. and end the emergency threatening her life. Det. Cleere found that there was an account on Facebook (Username: maranda.nichols.587) that had been used by Nichols to make public social media posts as recently as 3/3/21. Det. Cleere knew from previous training and experience that Facebook would sometimes retain information that could be used to locate the user, including direct location data, IP address logs, and user content. Det. Cleere completed an exigent request form for that data for Nichols’s Facebook account. That request was fulfilled when Facebook returned Nichols’s most current location data, including usage from 3/3/21.

Due to investigative efforts, Nichols and A.W. were located in Oklahoma sometime near 2100 hours on 3/4/21, and A.W. was recovered before serious harm was done. Due to the circumstances of the case, Nichols was charged with Abandoning and Endangering Child.

Additionally, Det. Cleere knows that the communications through social media and similar platforms tends to make evident the mental state of users, as well as the users common patterns of life and history. Det. Cleere believes that this data may reveal either inculpatory or exculpatory evidence concerning Nichols’s mental state at the time of the offense and any recent deterioration of that mental state or significant deviations from the patterns of ordinary life. Therefore, this warrant seeks an additional two months of user data from Nichols’s account to assist in recovering this evidence.

WHEREFORE, AFFIANT ASKS FOR ISSUANCE OF A WARRANT THAT WILL AUTHORIZE THE SEARCH OF SAID SUSPECTED PLACE FOR SAID PROPERTY AND SEIZE THE SAME.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 AFFIANT

SUBSCRIBED AND SWORN TO ME BY SAID AFFIANT ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_, \_\_\_\_

 JUDGE \_\_\_\_\_ \_\_\_\_\_COURT,

 BRAZOS COUNTY

 Printed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SEARCH WARRANT**

THE STATE OF TEXAS to the Sheriff or any Peace Officer of Brazos County, Texas or any Peace Officer of the State of Texas, GREETINGS:

WHEREAS, the Affiant whose name appears on the Affidavit filed in application of this search warrant is a Peace Officer under the laws of Texas, I find that the verified facts stated by Affiant in said Affidavit show that Affiant has probable cause and did heretofore this day subscribe and swear to said Affidavit before me, and whereas cause for the belief he expresses therein and establishes existence of proper grounds for issuance of this Warrant; now, therefore, you are commanded to search the Suspected Place, located and described as follows:

**Facebook, Inc**

**Attn: Facebook Security Team**

**1601 Willow Rd**

**Menlo Park, CA 94025**

Which is under the control of the following person(s):

**Facebook, Inc, and;**

**Nichols, Maranda (W/F, 10/9/90);**

For the following evidence:

**Facebook username: Maranda.nichols.587**

**Period of Activity: 1/4/2021 through 3/4/2021**

1. **Any and all information relating to wall posts made on this account for the date and times specified above and comments posted to those posts made by the user of the account;**
2. **Any and all private messages sent from and received by this account, including deleted messages during the time frame;**
3. **Any and all “likes” or “pokes” on photos or comments to or from this account;**
4. **Any and all photographs or videos posted on this account during this time frame;**
5. **Any and all personal information posted about the user of this account on this account;**
6. **All account owner information to include any names, alias names, email addresses, addresses, and profile information used by the person on this account;**
7. **A record of all user login and logout information for this account, including:**
	1. **User IP address with port information;**
	2. **Time (and zone) / Date;**
	3. **Device and browser identification, including but not limited to Make, Model, Serial Number, MAC address, IMEI, Browser identification/version information, etc;**
8. **Location or “Geo-tag” information with Latitude and Longitude when available;**
9. **Any additional records maintained by Facebook for accounts that are associated with the above referenced Facebook accounts, including other Facebook accounts with the same registration information or accounts for other services managed by Facebook (such as Instagram) registered with the same user information.**

And to seize same and bring it before me.

Further, you are ORDERED, pursuant to the provisions of Texas Code of Criminal Procedure Article 18.10, to retain custody of any property seized pursuant to this Warrant, until further order of this Court or until any other court of appropriate jurisdiction shall otherwise direct the manner of safekeeping of said property. The Court grants you leave and authority to remove such seized property from this county, if and only if such removal is necessary for the safekeeping of such seized property by you, or if such removal is otherwise authorized by the provisions of Article 18.10. You are further ORDERED to give notice to this Court, as part of the inventory to be filed subsequent to the execution of the Warrant, and as required by Article 18.10 of the place where the property seized hereunder is kept, stored and held.

**ORDER OF NONDISCLOSURE CONCERNING SEARCH WARRANT**

IT IS ORDERED that the PROVIDER, including any of its employees or agents, may not disclose to any person the existence of this warrant for an indefinite period, as any notification or disclosure to any person of the existence of this warrant will have an adverse result as defined by Texas Code of Criminal Procedure (T.C.C.P.) Chapters 18A and 18B § 8 and 18 USC 2705b. Irrespective of California Penal Code Chapter 3.6 Section 1546 et al, this prohibition from notice to ANYONE has no expiration date. IT IS FURTHER ORDERED that the PROVIDER SHALL, notify the submitting agency, named investigator, and submitter of this process, in writing, 15 days prior to providing NOTICE to ANYONE so that additional legal process can be obtained.

**REQUIRED TIMEFRAME OF COMPLIANCE WITH WARRANT**

PURSUANT to Texas Code of Criminal Procedure (Art. 18B.356), a district judge shall indicate in a warrant issued under Article 18A.354 that the deadline for compliance by the provider of an electronic communications service or the provider of a remote computing service is the 15th business day after the date the warrant is served if the warrant is to be served on a domestic entity or a company or entity otherwise doing business in this state, except that the deadline for compliance with a warrant served in accordance with Section 5.251, Business Organizations Code, may be extended to a date that is not later than the 30th day after the date the warrant is served. The judge may indicate in the warrant that the deadline for compliance is earlier than the 15th business day after the date the warrant is served if the authorized peace officer who applies for the warrant makes a showing and the judge finds that failure to comply with the warrant by the earlier deadline would cause serious jeopardy to an investigation, cause undue delay of a trial, or create a material risk of: (1) danger to the life or physical safety of any person; (2) flight from prosecution; (3) the tampering with or destruction of evidence; or (4) intimidation of potential witnesses. The service provider shall produce all electronic customer data, contents of communications, and other information sought, regardless of where the information is held and within the period allowed for compliance with the warrant.

**The deadline for compliance with this warrant by the provider is ordered to be:**

**( ) The 15th business day after the date the warrant is served;**

**( ) An earlier deadline of the \_\_\_\_\_\_\_\_\_\_\_ business day.**

HEREIN FAIL NOT, you shall execute this Warrant within three days, exclusive of the day of issuance and exclusive of the day of its execution, with our return thereon, showing how you have executed the same.

ISSUED this the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, A.D., \_\_\_\_\_\_, at \_\_\_\_\_o’clock \_\_. M., to certify which witness my hand this day.

 JUDGE \_\_\_\_\_ \_\_\_\_\_COURT,

 BRAZOS COUNTY

 Printed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SEARCH WARRANT RETURN**

The undersigned Affiant, being a Peace Officer under the laws of Texas 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 \_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, A.D., 20\_\_ by making the search directed therein and by seizing during such search the following described property:

 ( ) Digital copies of electronic files

 ( ) Paper hard copies of documents

 ( ) No files returned

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIANT

 SUBSCRIBED AND SWORN TO BEFORE ME by the said affiant whose name is signed above on this the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, A.D., 20 .

 Signed \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

 Printed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* Judge, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Court, Brazos County
* Peace Officer
* Notary Public