

TO THE HONORABLE JUDGE ROBERT TORNATTA

I, ETHAN SMITH, A DEPUTY SHERIFF WITH THE VANDERBURGH COUNTY SHERIFF'S OFFICE, HEREBY CERTIFY THAT SAID (SILVER SAMSUNG GALAXY S7 SMARTPHONE RECOVERED FROM KEVIN CARTER AND A WHITE SAMSUNG GALAXY S5 SMARTPHONE RECOVERED FROM TIFFANI COLSCHEN) DESCRIBED THEREIN WAS DULY SEARCHED AND THE FOLLOWING ITEMS WERE SEIZED:

SILVER SAMSUNG GALAXY - ELECTRONIC DATA TO INCLUDE SMS, MMS, PHOTO'S, VIDEO'S, CONTACTS

WHITE SAMSUNG GALAXY - ELECTRONIC DATA TO INCLUDE SMS, MMS, PHOTO'S, VIDEO'S, CONTACTS

THIS RETURN DATED: 01/04/2017

Ethan Smith
DEPUTY ETHAN SMITH 3X159
VANDERBURGH COUNTY SHERIFF'S OFFICE

ORDERS REGARDING DISPOSITION OF PROPERTY

IN ACCORDANCE WITH THE LAWS OF THE STATE OF INIDANA, I HEREBY ACKNOWLEDGE THE ABOVE RETURN ON SEARCH WARRANT AND DIRECT THAT SAID ITEMS BE SECURELY HELD BY THE LAW ENFORCEMENT AGENCY WHOSE OFFICER EXECUTED THE WARRANT, BEING THE VANDERBURGH COUNTY SHERIFF'S OFFICE SUBJECT TO THE ORDER OF THE COURT HAVING THE JURISDICTION OVER ANY CAUSE ARISING FROM THE EXECUTION OF THIS SEARCH WARRANT OR EXCEPT AS OTHERWISE PROVIDED BY LAW.

DATED

JUDGE



8KD06-1701-MC-258

STATE OF INDIANA

COUNTY OF VANDERBURGH

NOT FOR PUBLIC ACCESS

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) SS:
)

SEARCH WARRANT

VANDERBURGH SUPERIOR COURT
FILED

DEC 17 2016

Debra B. Stucke
VANDERBURGH COUNTY CLERK

FOR:

1. Silver Samsung Galaxy S7 phone bearing partial DEC number "089476327" recovered from Kevin Carter.
2. White Samsung Galaxy S5 phone bearing partial IMEI number "354691" and SKU number "S234A" recovered from Tiffani Colschen.

DESCRIPTION OF THE PROPERTY

The property is more particularly described as:

1. Silver Samsung Galaxy S7 phone bearing partial DEC number "089476327" recovered from Kevin Carter.
2. White Samsung Galaxy S5 phone bearing partial IMEI number "354691" and SKU number "S234A" recovered from Tiffani Colschen.

The phones are currently secured by Det. Ethan Smith.

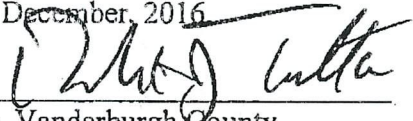
To any Constable, Police Officer, Sheriff or conservator of the Peace, Greetings: Whereas, there has been filed with me an Affidavit for Search Warrant, a copy of which is attached hereto and made part of this Search Warrant. You are, therefore, commanded in the name of the State of Indiana, with the necessary and proper assistance, in the daytime or in the nighttime, to enter into the above listed premises in the City of Evansville, Vanderburgh County, State of Indiana as described in said attached Affidavit and there diligently to search therein for fruits, instrumentalities and evidence pertaining to the crime(s) of **DEALING, POSSESSION and/or CONSPIRACY TO COMMIT DEALING OR POSSESSION OF METHAMPHETAMINE**, as more particularly described as follows:

- 1) Permission to search the above described phone for any information relating to calls, messages, including Facebook messages and accounts, and all information including but not limited to photographs, images, emails, letters, applications, and folders as well as any messages that may be stored on the phone that would indicate the identity of the phone's

owner/user and permission to view and copy said information if deemed necessary for preservation.

and that you bring the same or any part thereof found on such search forthwith before me at my office to be disposed of according to law.

Given under my hand and seal this, the 19th day of December, 2016


Judge, Vanderburgh County



NOT FOR PUBLIC ACCESS

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

AFFIDAVIT FOR SEARCH WARRANT

Ethan Smith, being a Detective with the Vanderburgh County Sheriff's Office assigned to the Evansville-Vanderburgh County Joint Drug Task Force, after having first been duly sworn upon his oath, swears that he believes and has good and probable cause to believe that property constituting fruits, instrumentalities and evidence of the crime of **DEALING, POSSESSION and/or CONSPIRACY TO COMMIT DEALING OR POSSESSION OF METHAMPHETAMINE**, said evidence being more particularly described as follows:

- 1) Permission to search the above described phone for any information relating to calls, messages, including Facebook messages and accounts, and all information including but not limited to photographs, images, emails, letters, applications, and folders as well as any messages that may be stored on the phone that would indicate the identity of the phone's owner/user and permission to view and copy said information if deemed necessary for preservation.

are being concealed in the following:

1. Silver Samsung Galaxy S7 phone bearing partial DEC number "089476327" recovered from Kevin Carter.
2. White Samsung Galaxy S5 phone bearing partial IMEI number "354691" and SKU number "S234A" recovered from Tiffani Colschen.

The phones are currently secured by Det. Ethan Smith.

Your affiant states that his investigation revealed the following:

On Dec. 14, 2016 at approximately 2330 hours, while traveling east bound on Walnut St., Dep. Brandon Mattingly observed a black Ford Mustang (lic# D408EN) drive left of center three times. I initiated a traffic stop at Walnut St. and Vann Ave., Evansville, Indiana. Dep. Mattingly observed the

front seat passenger making furtive movements with his hands. It appeared that he was placing an unknown object underneath his seat.

Dep. Mattingly made contact with the female driver identified as Tiffani Colschen. Colschen then told Dep. Mattingly she did not have a driver's license and could not locate the vehicle's registration or insurance. The passenger, who was identified as Kevin Carter, also indicated he did not have any identification.

While waiting for an assisting Deputy, a BMV inquiry response indicated Colschen's license was suspended. When Deputy Fein arrived, Dep. Mattingly requested Colschen to step out of her vehicle. Colschen indicated that Carter and her purchased the vehicle three weeks ago and have not got it registered. Dep. Mattingly then requested to search "her" vehicle, to which she responded "I dont care, it's his car," referring to Carter. She also said, "If something is in there it's not mine."

Carter was then requested to step out of the vehicle. During Dep. Mattingly's interview with Carter, he also indicated "they" bought the vehicle three weeks ago. Dep. Mattingly also requested Carter's consent to search the vehicle, to which he replied "yeah that's fine."

After receiving consent, Dep. Mattingly began his search. As he began searching the passenger's side, he noticed a McDonald's bag sitting in the console between the driver's and passenger's seat. After he opened the bag, he observed a needle and spoon inside of a sandwich box which he recognized through his training and experience as associated with the use of illegal narcotics. Also inside the McDonald's bag, he observed a large clear plastic bag containing a white crystal substance that through his training and experience he recognized to be methamphetamine.

At this point Dep. Mattingly stopped his search and placed both involved subjects in handcuffs. He then recited Carter his *Miranda* warning. Carter stated, "I will speak to my lawyer". Dep. Mattingly then stopped his interview and sat Carter in the back of his patrol car. Colschen was placed

in the back of Deputy Fein's patrol car, while Det. Mattingly recovered the narcotics.

The first baggie recovered field tested positive for Methamphetamine and had a field weight of 207 grams. The second bag recovered also field tested positive for Methamphetamine and had a field weight of 19.83 grams. A third baggie recovered field tested positive for Heroin and had a field weight of 9 grams. Another bag recovered also field tested for Heroin and had a field weight of 21 grams. The last baggie recovered field tested positive for Cocaine and had a field weight 2.36 grams.

During Deputy Fein's interview with Colschen, she indicated she and Carter had been together since approximately 1500 hours. She also told Dep. Fein that approximately 15 minutes prior to the car stop they stopped and ordered food from McDonald's. She also told Dep. Fein that she didn't know the narcotics were in the vehicle. Dep. Fein told me while taking photographs he could feel the warmth of the sandwich box that contained the needle and spoon.

All recovered narcotics were placed into evidence. Plus, both Carter and Colschen's cellphones were collected and placed into evidence.

Your Affiant knows based on his training and experience that methamphetamine is typically purchased in one gram quantities. The quantity of meth recovered from Carter and Colschen's vehicle is consistent with dealing activity, rather than simply a user amount. Your Affiant also knows based on his training and experience that heroin is typically purchased by the tenth of a gram. The quantity of heroin recovered from Carter and Colschen's vehicle is most certainly consistent with dealing activity, rather than simply a user amount.

Based on your Affiant's training and experience, your Affiant knows that individuals who are involved in the sale and/or purchase of illicit narcotics primarily use cellular telephones, electronic devices and other data storage devices (including, but not limited to: computers, tablet computers, thumb drives and memory cards) to communicate with other individuals involved in the purchase.

and/or sale of illicit narcotics and/or store information relating to the purchase and/or sale of illicit narcotics. Individuals who are involved in these acts do not only communicate through actual phone calls but through the use of text messaging and other applications (such as Facebook, Twitter and other social media site applications) to contact the other individuals involved in the purchase and/or sale of illicit narcotics. Based on your affiant's training and experience, examining phones, electronic devices and other data storage devices, and contents therein, of an individual involved in the purchase and/or sale of illicit narcotics often produces leads which are helpful in identifying individuals who deal in that, or other, illicit substance(s).

Your affiant speaks from personal knowledge and observation and believes that all persons named above speak from personal knowledge and observation and are reliable and credible in that they voluntarily relayed the above information to either your affiant or other law enforcement personnel during the course of their law enforcement duties in an effort to aid in the investigation of this offense.

Your affiant believes there is a factual basis for the above in that the information given by each of the individuals is corroborated by that given by the other.

WHEREFORE, your affiant believes and has good and probable cause to believe that the above-described property constituting fruits, instrumentalities and evidence of the aforesaid crime of **DEALING, POSSESSION and/or CONSPIRACY TO COMMIT DEALING OR POSSESSION OF METHAMPHETAMINE.**

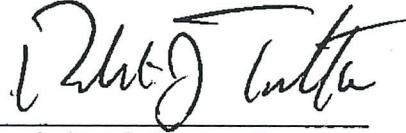
This Affidavit is made for the sole and only purpose of obtaining a Search Warrant.


Ethan Smith, AFFIANT

STATE OF INDIANA)

COUNTY OF VANDERBURGH) SS:
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SUBSCRIBED AND SWORN to before me, a Judge of the Vanderburgh Superior Court,
in and for said County and State this the 14th day of December, 2016.



Judge, Vanderburgh County Court

