

Search Warrant

State of Texas

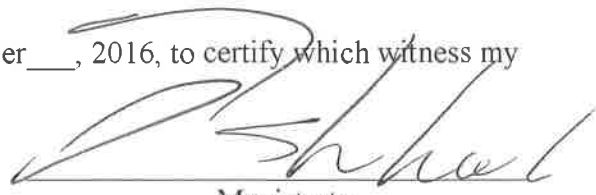
County of Taylor

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

5. Whereas, the affiant, Gabriel Thompson, is a Peace Officer under the laws of Texas, and did heretofore this date subscribe and swear to said facts before me, and whereas I find that the verified facts stated by the Affiant in the Affidavit show that the Affiant has probable cause for the belief that expresses therein and establish existence of proper grounds for issuance of this Warrant; now, therefore, you are commanded to enter cellular telephone with assigned number [REDACTED] belonging to Luke Matthew Sweetser with identification number [REDACTED], and information related to cellular phone with assigned number [REDACTED] belonging to Elloise Sweetser with identification number IMEI [REDACTED] and evidence of a criminal offense or constituting evidence tending to show that a particular person committed a criminal offense: Any and all items related to the offense of violation of Texas Penal Code Statute 19.02 Murder, a First Degree Felony, including but not limited to: cellular telephone with assigned number [REDACTED] belonging to Luke Matthew Sweetser with identification number [REDACTED], and information related to cellular phone with assigned number [REDACTED] belonging to Elloise Sweetser with identification number [REDACTED] which contains information and evidence of a criminal offense or constituting evidence tending to show that a particular person committed a criminal offense: Any and all items related to the offense of Texas Penal Code Statute 19.02 Murder, a First Degree Felony, including but not limited to: including subscriber information, call logs, historical call, text, electronic mail, and data logs, text message content, Facebook messages, Application Data and Application Storage Information, internet browser history, contact information, stored electronic data, and legend information from 01/01/2016 to 12/12/2016.

HEREIN FAIL NOT, but you then and there this Warrant within three (3) days, exclusive of the day of its issuance and showing how you executed same.

ISSUED this the 12 day of December, 2016, to certify which witness my hand this date at 5:14, P. M.


Magistrate
Manishhealer
350th District Court

Affidavit for Search Warrant

State of Texas

County of Taylor

I, Gabriel Thompson, being a peace officer under the law of the State of Texas and being duly sworn, on oath makes the following statements and accusations:

1. There is in Abilene, Taylor County, Texas a suspected place described and located as follows: 450 Pecan Street Abilene, Taylor County Texas, further described as The Taylor County Law Enforcement Center in which is contained a white Samsung Galaxy S6 cellular phone with IMEI 358843069541051 and a gray Apple I-Phone with [REDACTED] under Abilene Police Department case number 16-21797 being cellular phones.

2. Said place is in the charge of and controlled by the following named Party: Abilene Police Department, 450 Pecan Street, Abilene, Taylor County, Texas.

3. There are items constituting evidence of a criminal offense or constituting evidence tending to show that a particular person committed a criminal offense: Any and all items related to the offense of Texas Penal Code Statute 19.02 Murder, a First Degree Felony, including but not limited to: information related to cellular telephone with assigned number [REDACTED] belonging to Luke Matthew Sweetser with identification number [REDACTED], and information related to cellular phone with assigned number [REDACTED] belonging to Elloise Sweetser with identification number [REDACTED] which contains information and evidence of a criminal offense or constituting evidence tending to show that a particular person committed a criminal offense: Any and all items related to the offense of Texas Penal Code Statute 19.02 Murder, a First Degree Felony, including but not limited to: including subscriber information, call logs, historical call, text, electronic mail, and data logs, text message content, Facebook messages, Application Data and Application Storage Information, internet browser history, contact information, stored electronic data, and legend information from 01/01/2016 to 12/12/2016.

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3. Affiant has probable cause for said belief by reason of the following facts: Officers with the Abilene Police Department discovered during an investigation into the murder of Thomas Niblo, who had been shot during the morning hours of December 12, 2016 in the 3700 block of Woodridge, that a financial dispute had arisen between the Thomas Niblo, Luke Sweetser, and Elloise Sweetser regarding the execution of a will and the distribution of the assets in the estate. Officers with the Abilene Police Department contacted Luke Sweetser in reference to the murder investigation. Luke Sweetser advised that he did not have an alibi for his whereabouts for the time leading up to and during the time of the murder. Officers executed a search warrant at 1618 Sylvan Drive, Abilene, Taylor County, Texas. During the execution of the search warrant the cellular phone belonging to Luke Sweetser was located with assigned phone number [REDACTED] having assigned [REDACTED] and the cellular phone belonging to Elloise Sweetser was located with assigned phone number [REDACTED] having assigned IMEI [REDACTED]. Your affiant knows that often prior, during, or after the commission of a crime the offenders will communicate their actions to others using cellular phones, and evidence is stored on these phone to indicate the activities of persons involved in an offense.

4. As such, your affiant is making application for an order that will authorize him to obtain records from Luke Sweetser's and Elloise Sweetser's cellular phones regarding including but not limited to: information related to cellular telephone with assigned number [REDACTED] belonging to Luke Matthew Sweetser with identification number [REDACTED] and information related to cellular phone with assigned number [REDACTED] belonging to Elloise Sweetser with identification number [REDACTED] including subscriber information, call logs, historical call, text, electronic mail, and data logs, text message content, Facebook messages, Application Data and Application Storage Information, internet browser history, contact information, stored electronic data, and legend information from 01/01/2016 to 12/12/2016. Your affiant learned that the cell phone with assigned [REDACTED] is associated with Luke Sweetser (Abilene Police Department Case 16-021797) and the cell phone with [REDACTED] is associated with Elloise Sweetser (Abilene Police Department case number 16-021797).

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Your affiant has been a licensed peace officer for fifteen years. Additionally, your affiant is currently assigned as a Detective who investigates criminal activity. Your affiant has been trained and has experience in investigating criminal offenses. Your affiant also has training and experience in investigations involving cellular telephones. Your affiant believes there is additional evidence being stored at 450 Pecan Street Abilene, Taylor County, Texas, further described as the Law Enforcement Center, and these cellular phones are identified as a white Samsung Galaxy S6 with [REDACTED] and a Gray Apple I-Phone with [REDACTED] and they have been seized under Abilene Police Department Case Number 16-021797 specifically related to the aforementioned violation of Texas Penal Code Statute 19.02 Murder, a First Degree Felony.

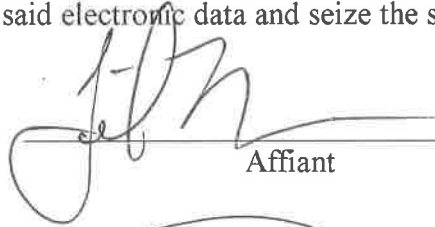
Your affiant knows from prior experience that financial disputes can be a contributing factor in instances of murder.

Your affiant knows from previous training and personal experience that cellular phones store records of call, text, geo locations, and data logs including cell site location data, including subscriber information, call logs, historical call, text, electronic mail, and data logs, text message content, Facebook messages, Application Data and Application Storage Information, internet browser history, contact information, stored electronic data, and legend information and precision location information. Your affiant also believes Luke Sweetser and Elloise Sweetser's cellular phones store some chat and text message content. Your affiant believes the data stored on Luke Sweetser and Elloise Sweetser's cellular phones will assist your affiant in identifying a historical account of the phone calls, text message, and data transmissions as related to the activities of Luke Sweetser and Elloise Sweetser leading up to and after the murder of Thomas Niblo during which a violation of Texas Penal Code Statute 19.02 Murder, a First Degree Felony occurred.

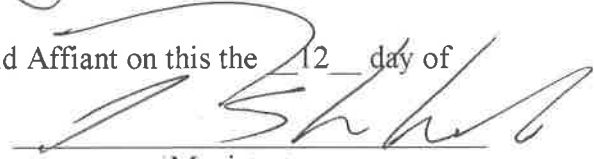
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Wherefore, your Affiant asks for issuance of a warrant that will authorize him to search said suspected place and premises for said electronic data and seize the same.


_____ Affiant

Subscribed and sworn before me by said Affiant on this the 12 day of
December, 2016 5:14PM.


_____ Magistrate
Thomas Wheeler
356th District Court