

THE STATE OF TEXAS

COUNTY OF ELLIS

FILED FOR RECORD
§ 2015 JUL 13 PM 4:01
§ MELANIE REED
DISTRICT CLERK
ELLIS COUNTY, TX

DOCKET # _____

COURT: _____

AFFIDAVIT FOR EVIDENTIARY SEARCH WARRANT
{Article 18.02(10), Texas Code of Criminal Procedure}

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 **Adam Sweaney** and I am commissioned as a peace officer by the **Texas Department of Public Safety, Texas Ranger Division**.

1.) SUSPECTED PLACE:

A). Maypearl Police Department located in the Maypearl City Hall, at 104 E. 2nd Street, Maypearl, Ellis County, Texas. Attached hereto as Exhibit A, to be considered as part of this affidavit as if written herein, is a photograph illustrating the appearance of the place to be searched.

2.) SAID SUSPECTED PLACE IS IN CHARGE OF AND CONTROLLED BY EACH OF THE FOLLOWING PARTIES, HEREAFTER REFERRED TO AS "SUSPECTED PARTY" TO WIT:

- **KEVIN M. COFFEY**, W/M, DOB: 10-09-1965, Texas DL #: 18505629

3.) It is the belief of Affiant that said suspected place contains property or items which constitute evidence of an offense or constituting evidence tending to show that the suspected party committed the offense(s) of Official Oppression PC: 39.03, Misuse of Official Information PC:39.06, Online Solicitation of a Minor PC:33.021, Stalking PC:42.072, Harassment PC:42.07, and Tampering with Evidence PC:37.09. It is the belief of affiant that said suspected person listed in paragraph #2 above, is concealing within said suspected place the following property:

Computers, smartphones, I Pads, I Phones, cell phones, recording devices, cameras, electronic storage devices/drives, DVD's, CD'S, digital recording devices, or any other device capable of containing simple messaging system (SMS), Multimedia System (MMS), call logs, short videos, electronic data, voice communication, contact lists, electronic messages, digital

photographs, e-mails, having the ability to send/receive electronic messages, send/receive digital photographs, I tunes software application used to backup cell phone information/data, and any other item(s) unknown to affiant which could constitute evidence of or relating to the offense(s) of Official Oppression, Misuse of Official Information, Online Solicitation of a Minor, Stalking, Harassment, and Tampering with Evidence.

4.) Affiant has probable cause for said belief by reason of the following facts

and circumstances: Your Affiant is a Peace Officer for the Texas Department of Public Safety and is assigned to the Texas Ranger Division. Your Affiant has been a Peace Officer since October of 2003 and has approximately ten (10) years of investigations experience in general criminal investigations. Your Affiant currently holds a Advanced Peace Officer Certification from the Texas Commission on Law Enforcement Officers Standards and Education (TCOLE).

- a.) Your Affiant learned the following information from the parents of JUVENILE (pseudonym given to victim) at the Whataburger in Venus, Texas.
- b.) The parents stated JUVENILE had been in contact through the use of cell phones and personal interaction with the City of Maypearl Police Chief Kevin M. COFFEY from the age of fourteen to the age of sixteen (present age).
- c.) The parents said JUVENILE informed them that she felt Chief COFFEY was messaging and saying inappropriate things to her, and she felt his end goal was to have sex with her.
- d.) The parents stated Chief COFFEY drove to Abilene, Texas, to get JUVENILE'S cell phone from another person's impounded vehicle without their consent or a search warrant to search the cell phone. They advised Chief COFFEY kept the cell phone and would not return it. Chief COFFEY requested the password from the parents. Chief COFFEY informed them he connected JUVENILE'S cell phone to his computer in an attempt to obtain information from it. When Chief COFFEY did return the cell phone, it was disabled and they had to buy a new cell phone.
- e.) On 07-08-2015, your AFFIANT attended a forensic interview of JUVENILE at the Gingerbread House in Waxahachie, Texas, and learned the following.
- f.) JUVENILE stated Chief COFFEY contacted her on Facebook when she was fourteen years old.
- g.) JUVENILE said while she was up at City Hall, Chief COFFEY told her, "Just so you know, your ass is getting bigger." JUVENILE continued to say that Chief COFFEY showed her the police offices, his office, and gave her permission to view police records and any other thing she wanted to view inside the police department offices. JUVENILE stated that Chief COFFEY allowed her to view files, citations, and patrol vehicle in-car video of officers' traffic stops.
- h.) JUVENILE said Chief COFFEY has made sexual comments about her body to her in person like "Your ass is getting big," "I would like to smack your ass," "You have a nice body," "You have nice boobs, and "You have a pretty smile." JUVENILE stated that Chief COFFEY has said these comments to her many times, and the last time was a few months prior to this date.
- i.) JUVENILE stated that Chief COFFEY would send her Snapchat photographs of him holding handcuffs with a caption of, "One of the days, hahaha."
- j.) JUVENILE stated around New Years 2015, Chief COFFEY will flash the lights of his Maypearl patrol vehicle at her window late at night to get her to come outside to see him. JUVENILE said Chief COFFEY brought her a meal from Whataburger one night and allowed her to sit in his patrol unit and operated the lights, computer, camera, laser, and weapons. JUVENILE stated that Chief COFFEY

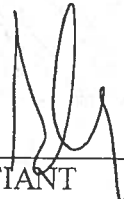
would come by her house in his patrol vehicle and his personal vehicle.

- k.) JUVENILE stated she used to use marijuana, and Chief COFFEY would enjoy seeing her stoned. JUVENILE said Chief COFFEY would ask her to come to his office late at night around 2:00 AM or 3:00 AM.
- l.) JUVENILE stated she gave Chief COFFEY her cell phone to hold so her parents would not get it. Chief COFFEY advised her he was not going to return it due to him searching it for information.
- m.) JUVENILE said Chief COFFEY drove to Abilene and got her cell phone out of a vehicle impound, and kept the cell phone to search it. JUVENILE stated that Chief COFFEY informed her he attempted to use his Apple ID to get into the phone, but did not succeed and disabled her phone.
- n.) JUVENILE stated that Chief COFFEY messages her almost daily, and he messages through Facebook and text messaging application comments like, "Are you mad at me," "Are you around," and "Let me come see you."
- o.) JUVENILE said that Chief COFFEY is very touchy when he is around her, and he has asked her to hang out with him since she was fourteen. JUVENILE said if she told Chief COFFEY she was leaving town, he would be waiting on her to leave town. JUVENILE stated that during these encounters Chief COFFEY would inform her he was going to search her car and so he could with fuck her.
- p.) JUVENILE stated that Chief COFFEY would rub her arm from elbow to shoulder, and run his hand through her hair and flip it around.
- q.) JUVENILE said Chief COFFEY is currently talking to five other juvenile females. JUVENILE stated that one of the females was getting stopped by Chief COFFEY like she was, another juvenile female has asked her for Chief COFFEY'S number to call him because she keeps forgetting it, and she had seen cell phone messages between one and Chief COFFEY.
- r.) JUVENILE stated that Chief COFFEY would monitor her Facebook so he could come find her and mess with her.
- s.) JUVENILE said that Chief COFFEY sits outside her house and waits for her to leave so he can stop her.
- t.) JUVENILE stated that she and her parents have kept this quiet because they are scared Chief COFFEY would retaliate against them or their business in town.
- u.) JUVENILE said Chief COFFEY took photographs of her in his patrol car when he brought Whataburger to her at her house, and she requested those from him at a later time and he informed her he would have to get them off of his laptop. JUVENILE stated Chief COFFEY took those photographs using his Apple Iphone.
- v.) JUVENILE stated that she felt Chief COFFEY was waiting until she was seventeen to try to have sex with her.
- w.) JUVENILE said that Chief COFFEY would private message her on Facebook.
- x.) JUVENILE stated Chief COFFEY'S messages have progressively gotten worse since he started messaging her since she was fourteen.
- y.) JUVENILE stated that her parents, boyfriend, and a co-worker had observed the text messages she received from Chief COFFEY.
- z.) Your Affiant obtained two cell phones from JUVENILE and had them forensically examined at the Navarro County Sheriff's Office by a certified examiner. Your Affiant learned the following from the information received.
- aa.) Your Affiant observed Facebook Messenger messages between Chief COFFEY and JUVENILE that corroborate the outcry made by JUVENILE. Some of the messages from Chief COFFEY were of a possible sexual nature such as, "I'll cuff u and put u on the hood again and smack that ass lol." In another message Chief COFFEY sent a photograph of a remote location, that said, "Had a nice spot

picked out to stop you and everything lol.”

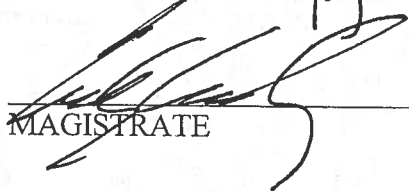
It is my belief that a search of Chief COFFEY’S residence and office at the Maypearl City Hall, will provide further evidence of Official Oppression, Misuse of Official Information, Online Solicitation of a Minor, Stalking, Harassment, and Tampering with Evidence, and can show communications between the suspects and other victims.

WHEREFORE, AFFIANT ASKS FOR ISSUANCE OF A EVIDENTIARY SEARCH WARRANT THAT WILL AUTHORIZE THE SEARCH OF SAID SUSPECTED PLACES FOR SAID EVIDENCE AND SEIZE THE SAME AND TO TAKE CUSTODY OF ALL SEIZED EVIDENCE AND SAFEKEEP SUCH EVIDENCE AS PROVIDED BY STATUTE.



AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME BY SAID AFFIANT ON THIS THE 10 DAY OF July, 2015.



MAGISTRATE

THE STATE OF TEXAS
COUNTY OF ELLIS

§ DOCKET # _____
§ COURT: _____

FILED FOR RECORD
2015 JUL 13 PM 4:01

MELANIE REED
DISTRICT CLERK
ELLIS COUNTY, TX

EVIDENTIARY SEARCH WARRANT
{Article 18.02(10), Texas Code of Criminal Procedure}

The State of Texas: To the Sheriff or any Peace Officer of **ELLIS** County, Texas, or any Peace Officer of the State of Texas: Whereas, the affiant whose name appears on the affidavit attached hereto is a peace officer under the laws of Texas and 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/she expresses herein and establishes existence of proper grounds for issuance of this Warrant;

Now, therefore, you are commanded to enter the suspected place and premises described in said affidavit, to-wit:

A). Maypearl Police Department located in the Maypearl City Hall, at 104 E. 2nd Street, Maypearl, Ellis County, Texas. Attached hereto as Exhibit A, to be considered as part of this affidavit as if written herein, is a photograph illustrating the appearance of the place to be searched.

At said places you shall search for and, if same be found, seize and bring before me the property described in the affidavit that the suspected party, or others in control of the suspected place, are alleged to be concealing and to have in his/her possession in violation of the laws of the State of Texas, namely Official Oppression, Misuse of Official Information, Online Solicitation of a Minor, Stalking, Harassment, and Tampering with Evidence to-wit: Computers, smartphones, I Pads, I Phones, cell phones, recording devices, cameras, electronic storage devices/drives, DVD's, CD'S, digital recording devices, or any other device capable of containing simple messaging system (SMS), Multimedia System (MMS), call logs, short videos, electronic data, voice communication, contact lists, electronic messages, digital photographs, e-mails, having the ability to send/receive electronic messages, send/receive digital photographs, I tunes software application used to backup cell phone information/data, and any other item(s) unknown to affiant which could constitute evidence of or relating to the offense(s) above.

*It is ordered that the property seized by authority of the foregoing Warrant and described therein shall be and remain under the care, custody, and control of said Peace Officer, and may be removed and taken to any location within the State of Texas, as deemed necessary by such officer, for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in the Affidavit upon which the foregoing Warrant was issued.

Herein fail not, but have you then and there this Warrant within three days, exclusive of the day of its execution, with your return thereon, showing how you have executed same.

Issued this the 10 day of July, 2015, at 6:10 o'clock P. M. to certify which witness my hand this day.

442 Federal District Court Magistrate
ELLIS COUNTY, TEXAS

WARRANT # _____

THE STATE OF TEXAS }

COUNTY OF ELLIS }

EVIDENTIARY SEARCH WARRANT RETURN

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath certified that the forgoing Warrant came to hand on the day it was issued and that it was executed on the _____ DAY OF JULY, 2015, by making the search directed therein and seizing during the search the following described evidence:

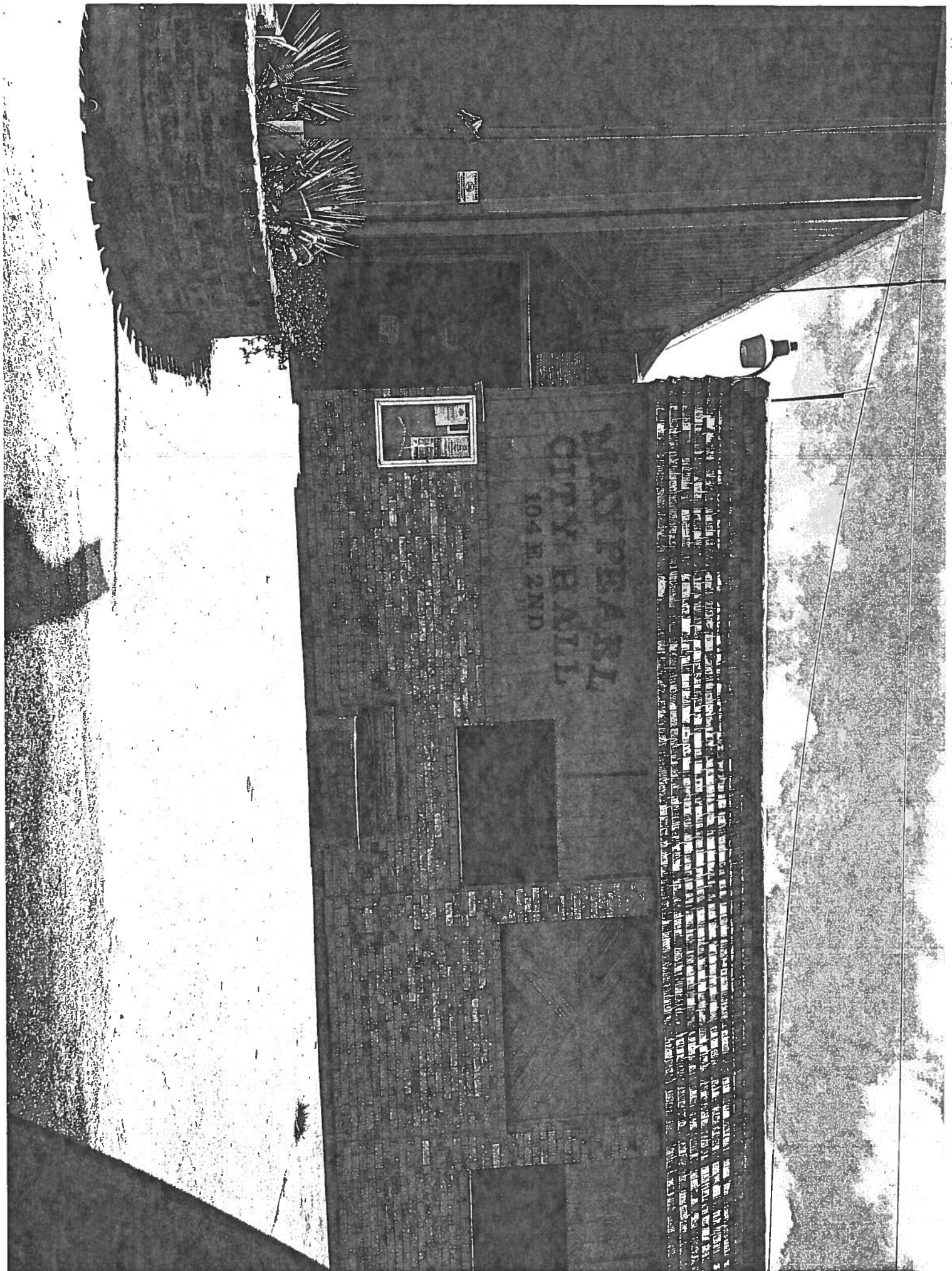
A.)

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME by said affiant whose name is signed above on this _____ day of _____, A.D. 2013.

MAGISTRATE

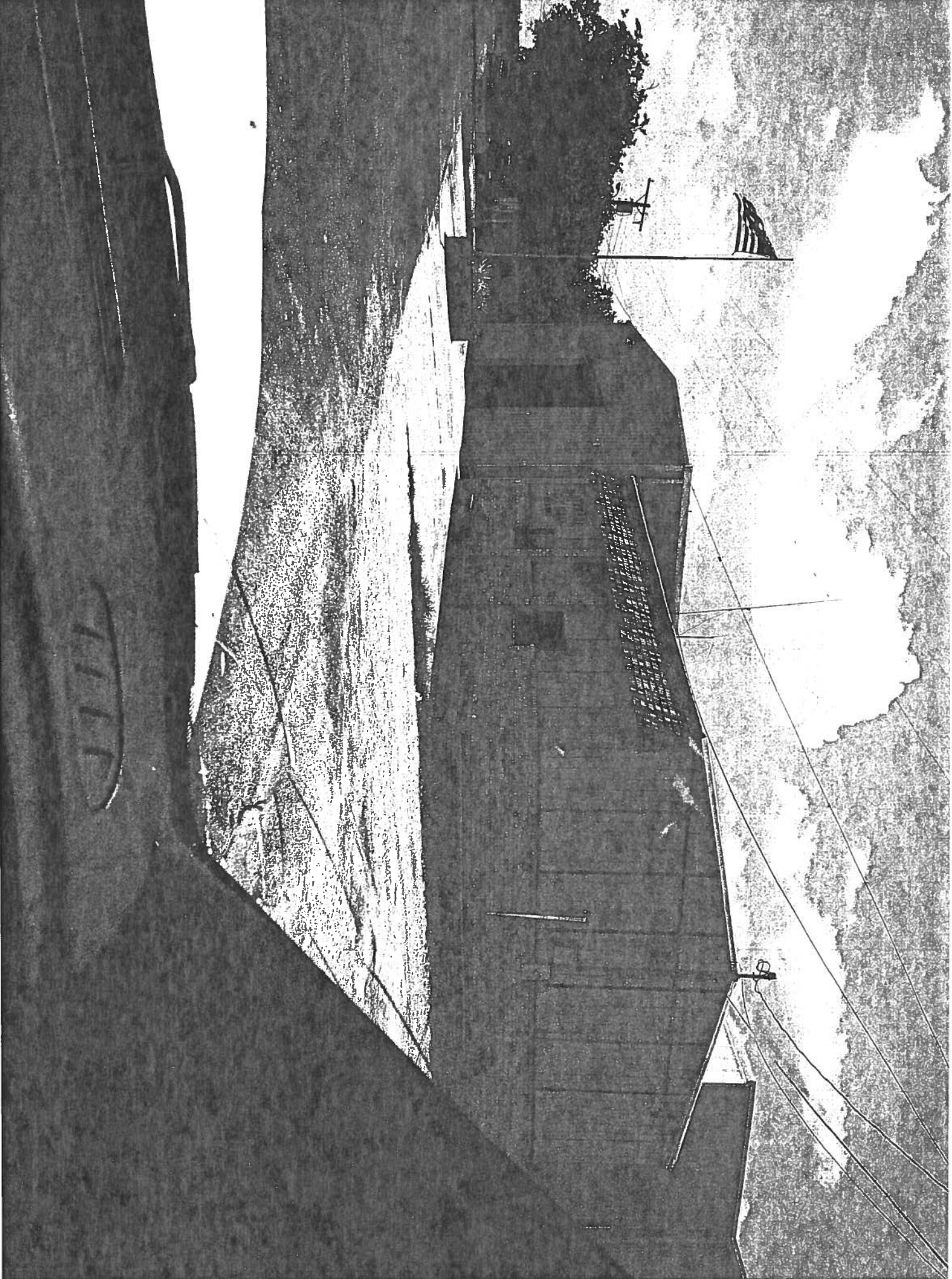
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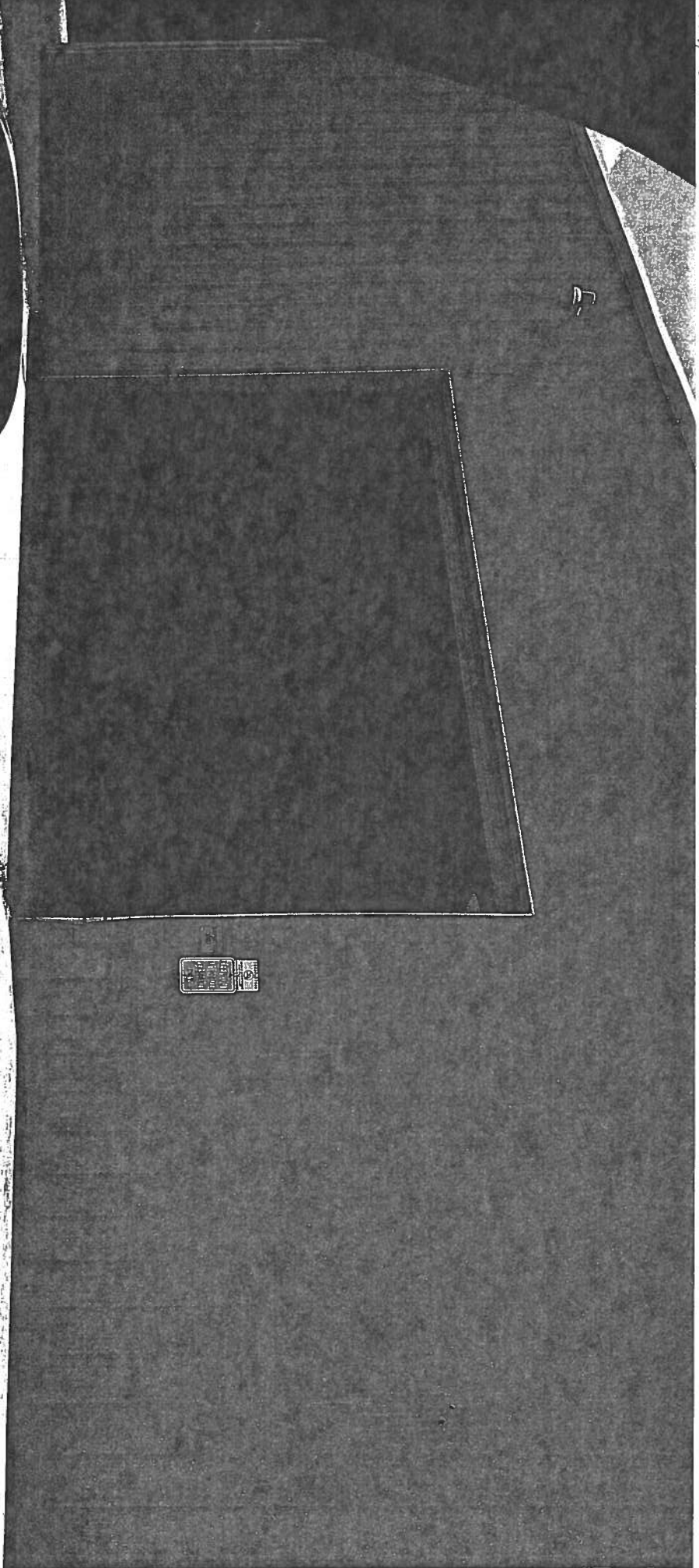
CITY HALL
104 N. 2ND



HTN West 11



HTA/10/02/17



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ELLIS COUNTY, TX

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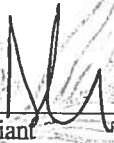
THE STATE OF TEXAS }

COUNTY OF ELLIS }

EVIDENTIARY SEARCH WARRANT RETURN

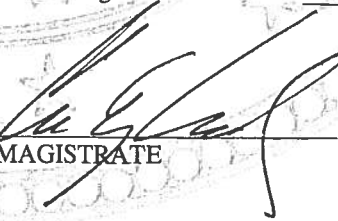
The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath certified that the forgoing Warrant came to hand on the day it was issued and that it was executed on the 13th DAY OF JULY, 2015, by making the search directed therein and seizing during the search the following described evidence:

A.) See attachement "B" – Attorney General Search & Seizure Record (1 pages)



Affiant

SUBSCRIBED AND SWORN TO BEFORE ME by said affiant whose name is signed above on this 13 day of July, A.D. 2013.



MAGISTRATE

