

FILED
US DISTRICT COURT
WESTERN DISTRICT
OF ARKANSAS

Jan 19, 2023

OFFICE OF THE CLERK

AO 106 (Rev. 01/09) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
Western District of Arkansas

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address))
IPHONE 11 belonging to and/or ultized)
by Levi White with associated number of)
479-259-7411)

Case No. 2:23-cm-00008

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Western District of Arkansas (identify the person or describe property to be searched and give its location): See "Attachment A"

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): See "Attachment B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of erime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. § 242/1512(c), and the application is based on these facts: See "Attachment C"-Title 18, United States Code, Sections 242 (deprivation of rights under color of law) and 1512(c) (destruction of evidence)

Continued on the attached sheet.

Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Jacob Stokes, FBI SA
Printed name and title



Sworn to before me and signed in my presence.

Date: 1/19/23


Judge's signature

City and state: Fort Smith, Arkansas

Hon. Mark E. Ford, U.S. MAGISTRATE JUDGE
Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH AND SEIZURE
WARRANT**

1. I, Jacob Stokes, Special Agent with the Federal Bureau of Investigation (FBI), being first duly sworn, hereby depose and state as follows:

Affiant Background and Experience

2. I am a Special Agent with the FBI Little Rock Division and have been so employed since 2015. I am currently a member of the White Collar Crime Squad, where I regularly investigate civil rights, public corruption, and complex financial crimes. In working these investigations, I have regularly worked with electronic evidence.

Purpose of Affidavit

3. Affiant respectfully submits this affidavit in support of an application under Federal Rule of Criminal Procedure 41 for a warrant to seize and search the cellular telephone described as a gray iPhone 11 Pro Max, IMEI 352850113623567, associated with telephone number (479) 259-7411 (the SUBJECT PHONE), that is used by Levi White, and to extract from that property the electronically stored information described in Attachment B.

4. The property to be searched is a personal cell phone used by Levi White during the period including August 20, 2022, to January 10, 2023. Based on the information set forth below and my training and experience, I believe the SUBJECT PHONE is kept on the person of Levi White.

5. For reasons set forth in this affidavit, probable cause exists to believe evidence of violations of federal law will be found in the SUBJECT PHONE, in particular, violations of Title 18, United States Code, Sections 242 (deprivation of rights under color of law) and Title 18, United States Code, Section 1512(c) (destruction of evidence).

6. In sum, as detailed in this affidavit, the FBI has obtained the following evidence that indicates that White destroyed evidence to prevent its use in a federal proceeding:

- a. On August 21, 2022, White repeatedly punched an arrestee named R.W. in the head while R.W. was lying on the ground, and he slammed R.W.'s head into the ground. Shortly after the incident, one of White's supervisors informed him that the incident would be criminally investigated.
- b. On the day of the R.W. incident, White made comments that tend to show that he knew he used excessive force.
- c. On August 22, 2022, there was a public announcement that the FBI and the U.S. Department of Justice were investigating the R.W. incident.
- d. On September 7, 2022, three weeks after the R.W. incident, county officials arranged to retrieve White's county-issued cell phone. Less than two hours before officers arrived to pick up this phone, White performed a factory reset that erased all data on the phone.
- e. White communicated about the R.W. incident using the SUBJECT PHONE. On August 21, 2022, White sent and received text messages using the SUBJECT PHONE that tend to show that he and other officers knew that White used excessive force during the R.W. incident.
- f. On September 17, 2022, White sent a text message from the SUBJECT PHONE to an officer with a different law enforcement agency that suggests that he erased data from the SUBJECT PHONE following the R.W. incident.

7. Information in this affidavit is based upon my personal involvement in the investigation, law enforcement reports, interviews, information received from other law

enforcement officers, videos, and my experience and training. Because of its limited purpose, this affidavit does not contain all facts known to me or other law enforcement officers about this ongoing investigation. Specifically, your affiant sets forth only those facts necessary to establish probable cause.

Background

8. On August 21, 2022, a 27-year-old man named R.W. was sought by law enforcement officers in Crawford County, Arkansas, because, earlier in the day, he had threatened a gas station attendant in Alma, Arkansas, then departed the scene prior to the arrival of law enforcement officers.

9. After several hours, R.W. was located sitting on a curb on the back side of the Kountry Xpress Gas Station (Kountry Xpress) in Mulberry, Arkansas, by Crawford County Sheriff's Office (CCSO) Deputy Levi White. Shortly after being located, CCSO Corporal Zackary King and Mulberry Police Officer Thell Riddle responded to assist White. Riddle's police vehicle was equipped with a dashboard camera which captured on video part of the interactions between R.W. and law enforcement officers at the Kountry Xpress, but it did not capture any audio.

10. The dash camera video shows that, when Riddle arrived, R.W. was sitting on a curb at the back of the Kountry Xpress and talking to White, who was standing nearby. Riddle and King exited their vehicles and stood nearby White and R.W. For approximately three minutes and 54 seconds, the dash camera captured R.W. sitting on the curb while the officers appeared to speak with him. During this time, King returned to his vehicle, and Riddle continued to stand near White and R.W.

11. At the end of the three minutes and 54 seconds, the dash camera video shows that R.W. stood up quickly, and White attempted to grab R.W. around the neck. R.W. escaped from

White's grasp and grabbed White around the legs and tackled White to the ground. Riddle and King immediately responded to assist White in subduing R.W. on the ground. Because all four men were on the ground below the hood of Riddle's vehicle, the video from the dash camera captured only a very limited amount of what happened in the first few seconds after the men went to the ground. After a bystander's cell phone video of a portion of the incident went viral, White wrote an official report that claimed that R.W. pinned White down, grabbed his neck, and punched him multiple times in the head during the period of time that is not visible on dash camera or on cell phone video. The dash camera video appears to confirm that R.W. briefly grabbed White's neck, but White and R.W. are not visible at the time that White claimed R.W. punched him. Riddle later told a federal grand jury that he did not see R.W. throw any punches at White.

12. Riddle was interviewed on August 22, 2022, by your Affiant, and Riddle provided more context to what happened in the moments before R.W. stood up. According to Riddle, White asked R.W. if he had any weapons on him. R.W. produced a folding razorblade utility knife and gave it to White. White then gave the knife to Riddle. R.W. also gave White a name and date of birth at White's request. Riddle offered to run R.W.'s identifiers through his computer in his vehicle but White said he would do it. At this time, according to Riddle, R.W. made a comment to the effect of, "Are you going to make this a conspiracy?" and "Are you going to tell them I killed you?" to which Riddle responded, "I'm not dead, I'm standing right here." R.W. then stood up and made a slight movement towards Riddle, after which White stepped in and attempted to gain control of R.W., leading to R.W. and the officers going to the ground.

13. Several seconds after R.W. and the officers went to the ground, a blue Subaru vehicle pulled up to the Kountry Xpress. A woman named M.H. drove the car with a female passenger, E.L., in the front passenger seat. I interviewed both women as part of the investigation

of this case. E.L. stated that, when she saw the level of force being used by law enforcement officers on R.W., she took out her cell phone and began to video record the interaction between R.W., White, King, and Riddle. E.L. provided a copy of this video to the FBI. She further explained that she was “frozen in shock” because the police beating “was so violent.” E.L.’s cell phone recorded approximately a 34-second video. The video begins with R.W. lying stretched out on the ground, with all three officers on top of him: King on his legs, Riddle on his midsection, and White near his head. The video shows that, while R.W. stays on the ground, White kned R.W. and punched R.W. multiple times in his head area, then lifted R.W.’s head and slammed it into the ground. After the head slam, White again delivered multiple strikes with his hand to R.W.’s head area. The cell phone video also captured multiple knee strikes by King to R.W.’s lower body region as R.W. was lying on the ground. King then stood up, moved around R.W. to the other side of his body, then kicked and kned R.W. in the back and punched R.W. in his midsection. The video shows that Riddle did not strike R.W.

14. When I interviewed Riddle, he stated that he was trying to place R.W. in handcuffs, and that he did not strike R.W. at all. Riddle further explained that, once the officers subdued R.W. on the ground, he did not believe any strikes to R.W. were necessary. Although Riddle did not see many of White and King’s strikes during the incident because he was focused on securing R.W.’s hands, he told a federal grand jury that he was “appalled” when he later saw E.L.’s cell phone video of the incident. He testified that White’s head strikes violated “morals” and “human decency.”

15. On the same day as the R.W. incident, CCSO Captain Michael Dawa informed White that the Arkansas State Police would be investigating the incident.

16. In addition, the media reported that there was a federal investigation into the officers' use of force. On Monday, August 22, 2022, the day after the officers' arrest of R.W., the Arkansas Democrat Gazette reported the following, "Gov. Asa Hutchinson announced Monday the U.S. Attorney's Office and the Civil Rights division of the U.S. Department of Justice have launched a separate investigation into the arrest of a man by Crawford County sheriff's deputies and a Mulberry police officer Sunday. The federal investigation is in addition to the Arkansas State Police probe undertaken by its Special Investigation Unit, the governor said at an afternoon press conference. 'First of all, that is reprehensible conduct in which a suspect is beat in that fashion,' Hutchinson said of a video, widely circulated on social media, showing the arrest of [R.W.] 'We don't have all of the details, and certainly that suspect had a history of concern that was legitimate for the officers, but what that response was, was not consistent with the training that they receive as certified officers with the Arkansas Law Enforcement Training Academy,' Hutchinson said."

Federal Investigation

17. Consistent with the Governor's announcement, the FBI opened an investigation of the officers' use of force on R.W. on Monday, August 22, 2022. That same day, the FBI asked CCSO to retrieve the work cell phones of White and King. King had already turned in all his equipment, including his cell phone, and CCSO turned King's cell phone over to the FBI and provided consent to search the device.

18. On the same day, CCSO attempted to obtain White's equipment, including his cell phone, but was unable to do so. A member of the CCSO command staff called White, but he did not answer his phone. Two members of the CCSO command then went to White's home and spoke with his mother, but they could not retrieve White's phone, as he was not at home. Several days later, on September 7, 2022, attorneys for Crawford County sent an email to White's attorney

that scheduled CCSO personnel to pick up White's equipment and work cell phone from his residence at 11:00 a.m. the next day, September 8, 2022. I obtained and reviewed this email as part of the FBI's investigation.

White Erased Data on His County-Issued Cell Phone

19. On September 8, 2022, CCSO Captain Michael Dawa and Lieutenant Jason Testerman went to White's residence to pick up White's equipment and cell phone as previously scheduled. I interviewed both Dawa and Testerman. According to them, White was sitting on his front porch when Dawa and Testerman arrived. White told them his equipment was in the CCSO vehicle parked in the driveway but his cell phone was inside the house and he would grab it for them. White was in and out of his home in a matter of seconds with the cell phone in hand. White told Dawa that he did not have a CCSO charger for the phone, and the phone was dead. The phone was placed in the CCSO vehicle with all of White's equipment, and Testerman drove the vehicle back to the CCSO. Once Testerman arrived at the CCSO, he took White's phone, put a label on it, and hooked it up to a charger in his office. Neither Dawa nor Testerman inspected the phone.

20. On September 12, 2022, I picked up White's work cell phone from CCSO. When I arrived at CCSO, Dawa took me to Testerman's office and handed me White's work cell phone from off the charger. When the phone was taken off the charger, your Affiant noticed that the cell phone screen came on and appeared on the "hello" screen. Based on my training and experience, this "hello" screen occurs when an Apple iPhone is first being set up or when it has been factory reset.

21. After receiving consent to search the cell phone from the CCSO, your Affiant took the cell phone to a forensic computer examiner at the FBI Little Rock office to conduct an extraction of the phone. During the extraction process, no data was retrievable from the phone.

The forensic examiner provided a report of the examination which stated, “Phone was received powered on in what appeared to be a factory reset state.” The Apple iPhone and SIM card located inside “were successfully extracted using forensic tools. The extractions were opened using forensic tools, and an examination to determine the approximate date/time of the factory reset were conducted. Based on database creation dates/times and analysis of the .obliterated file, it appears that the factory reset of the device occurred on or about September 8, 2022 at 14:35:54 (UTC+0).” UTC stands for Coordinated Universal Time, which, on September 8, 2022, would be five hours ahead of Central Standard Time. Based on the UTC time of 14:35:54, White’s work cell phone was factory reset on September 8, 2022, at approximately 9:35 a.m. Central Standard Time—an hour and a half prior to the scheduled pick up time by the CCSO. As a result, the FBI analyst was not able to retrieve any data from the phone, including call records, text messages, pictures, or other information that may have been relevant to the federal investigation.

22. On September 28, 2022, in a voluntary statement in a pre-termination hearing, White claimed to CCSO that he reset his work cell phone because it had been set up using his personal Apple ID account, credit card, and banking information, and he reset the phone to remove his personal information and returned the phone to CCSO in the state that he received it.

White’s Personal Cell Phone (the SUBJECT PHONE)

23. The FBI also obtained toll records for White’s personal cell phone number, (479) 259-7411, from Verizon Wireless. From the Verizon records, White’s cell phone was activated on August 9, 2020, and, as of January 10, 2023, had not been disconnected. According to the Verizon records, from August 20, 2022, to January 10, 2023, there has been only one phone attached to the phone number, (479) 259-7411, which is a gray iPhone 11 Pro Max 64GB with IMEI number 352850113623567.

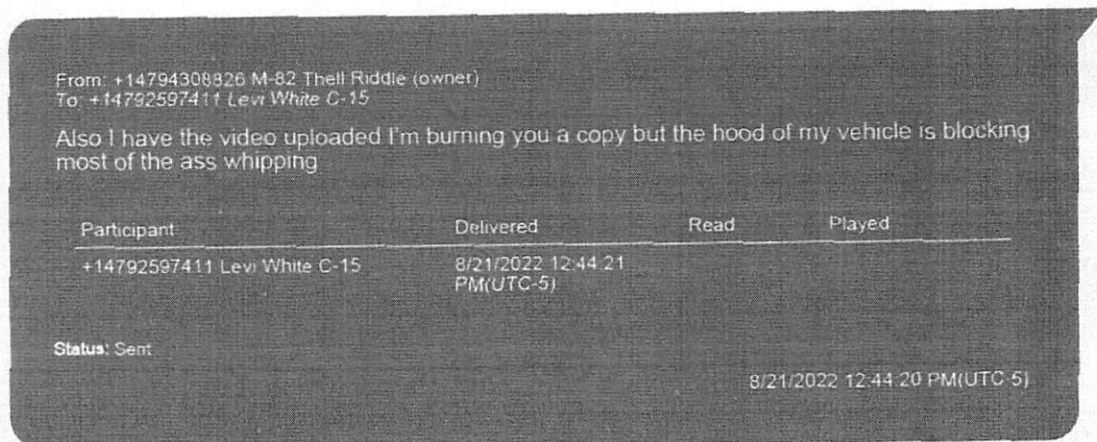
24. IMEI stands for International Mobile Equipment Identity and is a 15-digit number that uniquely identifies an individual wireless device. The IMEI is comprised of a unique 14-digit number followed by a “check digit” which validates the first 14 digits via an algorithm and guards against the use of incorrect IMEIs on the network.

25. Based on the toll records, on the day before the R.W. incident, on August 20, 2022, White had only made two phone calls on his personal cell phone, ending in 7411, and he had not sent or received a single text message on that phone on August 20.

26. Yet, following the incident with R.W., White used his personal cell phone, ending in 7411, to communicate frequently. From the toll records, the FBI identified that, on the day of the R.W. arrest, on August 21, 2022, White’s cell phone ending in 7411 sent or received a total of 12 phone calls and 51 text messages. The following day, on August 22, 2022, the cell phone ending in 7411 sent or received a total of 26 phone calls and 48 text messages.

27. The FBI investigation has found that White’s personal cell phone contained information relevant to the federal investigation of the R.W. incident, including text messages that indicate White and other officers recognized that White used excessive force.

28. Specifically, within two hours of the R.W. incident, Officer Riddle sent White a text message at the phone number ending in 7411 that described the R.W. incident as an “ass whipping.” The FBI obtained a copy of this message from Riddle’s phone. In the same text—sent before White wrote a report that claimed R.W. hit him in the head while he was out of view of the dashboard camera—Riddle disclosed to White that the hood of his police vehicle blocked much of the dash camera’s view of the incident.



29. In addition to the text from Riddle, White texted about the substance of the R.W. incident with L.V. On December 19, 2022, your Affiant identified L.V. from analysis of White's toll records which indicated L.V. communicated with White on August 21 and 22. The FBI interviewed L.V. over the phone, during which L.V. stated that he was childhood friends with White, and that they remained friends. L.V. told the FBI that, after seeing the viral video of White hitting R.W., he had sent text messages back and forth with White and had at least one phone conversation with White.

30. During an interview with the FBI, L.V. described the following regarding communications with White about the R.W. incident. Sometime after the arrest of R.W., White had said that the viral cell phone video was going to ruin his life and cost him his job. White said that there was also dash camera video of the arrest which provided more context to the arrest. White said that he was worried about going to jail over the incident and about losing his job. White stated, "Here I am getting my ass whipped and I guess I should have just taken the beating." White also told L.V. regarding the arrest, "we may have gone too far, but I had just had my head hit on the ground and was concussed." White later said, "after we got him down and secured, maybe it went too far." In federal grand jury testimony several weeks later, L.V. testified that he could not

remember the exact words that White used during a call they had, but L.V. reiterated that the gist of White's statements had been that White "went too far" during the R.W. incident. White also acknowledged to L.V. that, after watching the video of the arrest, "it does look bad." White said, "my punches look horrible, but I was lightly hitting him to get him to stop moving around."

31. Your Affiant obtained a search warrant for L.V.'s cell phone and obtained the phone on January 5, 2023. Preliminary analysis of this phone confirms that L.V. and White texted about the substance of the R.W. incident on the SUBJECT PHONE.

32. Additionally, through the analysis of White's toll records, Christopher Rogers was identified as using phone number (870) 476-8845. From August 21 through August 22, 2022, Rogers and White exchanged 15 text messages. The FBI interviewed Rogers over the phone at phone number (870) 476-8845 and learned Rogers is a Deputy with the Johnson County Sheriff's Office who had worked with White for a time. Rogers provided your Affiant with screen shots of text messages he exchanged with White following the R.W. incident. At 7:47 p.m. on August 21, 2022—the day of the R.W. incident—White texted Rogers from the SUBJECT PHONE that, after R.W. tackled White, "[t]hen I took the fight to him. I'll fight back with someone trying to do that stupid shit every time. I don't care."

33. Furthermore, White's text conversation with Rogers indicates that White may have wiped the SUBJECT PHONE, or, at least, some content on it. On September 17, 2022, Rogers replied to his prior text conversation with White on the SUBJECT PHONE and asked White for an update. Although White had previously exchanged 15 texts with Rogers on the day of the R.W. incident, in response to Rogers' September 17th text, he responded, "Who is this? new phone."

34. From my training and experience, it is common for those under criminal investigation to either get a new phone or wipe and/or factory reset their phone in order to remove evidence off

their phone. From my training and experience, I know that people under investigation are especially likely to wipe their phone where they have used the phone to discuss the incident under investigation and sent or received incriminating communications.

35. Because the Verizon Wireless records indicate that, as of January 10, 2023, White has only had one phone, the gray iPhone 11 Pro Max, using phone number ending in 7411, and the records further indicate that the phone number ending in 7411 has been receiving calls and text messages as of January 10, 2023, I believe that White did not get a new phone but may have deleted information and records from his existing personal cell phone (the SUBJECT PHONE), or reset the SUBJECT PHONE, thus erasing the contact information for Rogers, along with other relevant communications and information.

White's Prior Obstruction of Civil Rights Investigations

36. Erasing information from the SUBJECT PHONE would be consistent with White's handling of his work cell phone. As discussed above, a forensic examination of White's county-issued cell phone revealed that it was factory reset about an hour and a half before the scheduled pick up time by the CCSO.

37. Additionally, this course of action would be consistent with White's misleading actions toward investigating officers in a separate criminal investigation into former Franklin County Sheriff Anthony Boen. After a federal grand jury returned an indictment charging Boen with three counts of violating Title 18, United States Code, Sections 242 (deprivation of rights under color of law), White agreed to a voluntary interview with the FBI on May 5, 2020.

38. During the interview, an FBI special agent asked White about one of the incidents charged in the Boen indictment, in which Boen allegedly beat a handcuffed and shackled pretrial detainee named J.P. before bringing the detainee to the county jail, where White took custody of him. A

Franklin County deputy who was in the car with Boen at the time of the alleged beating testified at trial that Boen's assault left J.P.'s face covered in blood and that the scene resembled "a horror movie." White, however, told the FBI that he did not recall whether J.P. had facial injuries like cuts, bruising, or blood when he arrived at the jail. White also said he "dragged" J.P. to a holding cell because J.P. "dead-weighted" when he got out of Boen's vehicle.

39. Phone records obtained by the FBI show that the next day, May 6, 2020, Boen and White exchanged three text messages and had a 21-minute phone call. Moments after this 21-minute call ended, White called the FBI and asked to speak again about the J.P. incident. A second interview occurred later that day, May 6th. In this second interview, White provided an exculpatory explanation for J.P.'s head injuries that conflicted with the account he gave during the prior day's interview that he "dragged" J.P. to a cell because J.P. "dead-weighted." Specifically, in the May 6th interview, White claimed that J.P. was not "just walking" down the hall to the holding cell, but instead was struggling and pulling away, causing J.P. to hit his head on walls and door frames: "I do remember when we walked him through that door he banged his head on the doorframe of the first door; he banged his head on a wall; he banged his head on several of the walls just walking back . . . like we were like ping-ponging down the hallway, I mean it was, it was not a smooth walk."

40. Further, despite talking to Boen for 21 minutes immediately before he called to set up his second FBI interview, White suggested in the May 6 interview that he and Boen rarely spoke: "up until not seeing him because of [the indictment], it could be six months before I see him or talk to him or call him or he call me."

41. Based on my knowledge, training, and experience, I know electronic devices, such as cell phones, can store information for long periods of time. Similarly, materials sent by text, chat, or

e-mail are typically stored for some period of time on the device even after deletion. This information can sometimes be recovered with forensic tools even after it has been deleted. A forensic extraction of the phone can also determine if and when the cell phone was wiped or factory reset or if data was deleted from it.

42. Wherefore, your Affiant respectfully requests the Court issue a warrant to seize and search the gray iPhone 11 Pro Max, IMEI 352850113623567, associated with phone number (479) 259-7411 belonging to White (the SUBJECT PHONE).

43. To effectuate the search described above, your Affiant respectfully asks the Court to permit the Government to seize all phones on White's person at the time the warrant is executed to identify which phone, if any, is associated with the target phone number (479) 259-7411. The agent(s) executing the warrant will determine which phone is associated with the number by dialing the target phone number and seeing whether the seized phone responds. After a phone has been identified as associated with the target phone number, the agent will seize that phone and call his own phone with the seized phone to ensure that the same target phone number appears on his caller ID. All other phones, if any, will then be returned to White. The FBI will search only the phone associated with the target phone number for the information described in Attachment B. Furthermore, I also request that this Court authorize law enforcement officers to press the fingers (including thumbs) of White to the Touch ID sensor of the Cellular Phone or present White's iris or face to the device's camera in an attempt to unlock the device via Touch ID or Facial Recognition to search the contents as authorized by this warrant.

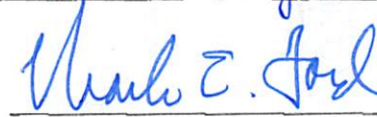
REQUEST FOR SEALING

44. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search

warrant. I believe that sealing these documents is necessary because the warrant is relevant to a sealed indictment related to violations of **Title 18, United States Code, Sections 242 (deprivation of rights under color of law) and an ongoing investigation related to violations of Title 18, United States Code, Section 1512(c) (destruction of evidence)**. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the arrest plan related to the sealed indictment and therefore on the safety of law enforcement personnel and the public, and it may seriously jeopardize the effectiveness of the continuing investigation related to obstruction.


Jacob Stokes, FBI Special Agent

Affidavit subscribed and sworn to before me this 19th day of January 2023


Honorable Mark E. Ford
United States Magistrate Judge



ATTACHMENT A

Property to be searched

The property to be searched is a gray iPhone 11 Pro Max, IMEI 352850113623567 associated with phone number (479) 259-7411 (the Subject Device). This warrant authorizes the forensic examination of the Device for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B

Property to be seized

All records contained in the item described in Attachment A (the Device) that constitutes fruits, evidence, information relating to, contraband, or instrumentalities, in whatever form and however stored, relating to violations of Title 18, United States Code, Sections 242 (deprivation of rights under color of law) and an ongoing investigation related to violations of Title 18, United States Code, Section 1512(c) (destruction of evidence) occurring between August 21, 2022, through the present, as described in the search warrant affidavit, including, but not limited to:

1. Any and all:
 - a. Information related to R.W.'s use of force on R.W. on August 21, 2022, the justification for such force, the perception of White and other officers about whether White's force was excessive, and any other evidence of White's intent or motive for destroying evidence, including, but not limited to:
 - i. Voicemail messages, SMS/MMS messages, and other communications and notes regarding the arrest of R.W. and of wiping or deleting related records.
 - ii. Photographs, audio clips, video clips, and other audio, video, or image files depicting or relating to the arrest of R.W.
 - iii. Records and information that constitute evidence of the state of mind of White, e.g., intent, absence of mistake, or knowledge and experience, related to the criminal activity under investigation; and
2. For the Device:
 - a. Evidence of factory resetting the device to delete data from the Device;

- b. Evidence of deleting communications, pictures, records, or other content from the Device;
- c. Evidence of who used, owned, or controlled the Device at the time the things described in this warrant were created, edited, or deleted, such as logs, registry entries, configuration files, saved usernames and passwords, documents, browsing history, user profiles, email, email contacts, chat, instant messaging logs, photographs, and correspondence;
- d. Evidence of the attachment to the Device of other storage devices or similar containers for electronic evidence;
- e. Evidence of counter-forensic programs (and associated data) that are designed to eliminate data from the Device;
- f. Evidence of the times the Device was used;
- g. Passwords, encryption keys, and other access devices that may be necessary to access the Device;
- h. Documentation and manuals that may be necessary to access the Device or to conduct a forensic examination of the Device;
- i. Records of, or information about, Internet Protocol addresses used by the Device;
and
- j. Any other records or information related to erasing or deleting content from a cellular phone, including internet searches.

With respect to the search of the information provided pursuant to this warrant, law enforcement personnel will make reasonable efforts to use methods and procedures that will locate and expose those categories of files, documents, communications, or other electronically stored

information that are identified with particularity in the warrant while minimizing the review of information not within the list of items to be seized as set forth herein, to the extent reasonably practicable. If the government identifies any seized communications that may implicate the attorney-client privilege, law enforcement personnel will discontinue its review and take appropriate steps to segregate all potentially privileged information so as to protect it from substantive review. The investigative team will take no further steps regarding any review of information so segregated absent further order of the court. The investigative team may continue to review any information not segregated as potentially privileged.

During the execution of the search of the Device described in Attachment A, law enforcement personnel are authorized to (1) press or swipe the fingers (including thumbs) of Levi White to the fingerprint scanner of the device; (2) hold the device in front of the face of Levi White and activate the facial recognition feature, for the purpose of attempting to unlock the device in order to search the contents as authorized by this warrant.