

STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

STATE OF MINNESOTA )  
 )  
 COUNTY OF HENNEPIN )

SS:

APPLICATION FOR SEARCH WARRANT AND  
 SUPPORTING AFFIDAVIT

**Detective Christofer Nybeck** being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the (premises) (motor vehicle) (black cellular phone) hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true to the affiant's own knowledge, save as to such as are herein stated on information and belief, and as to those, affiant believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

**Black cellular phone, accompanying power cord, documentaiton for or written by Brian Jesus Quinones Rosario DOB 12-26-1988 or variations of this name, additional weapons (knife, gun,etc), other cellular phones or recording devices.**

(are) (will be)

(at the premises) (in the motor vehicle) (black cellular phone) described as:

**2013 Silver Honda Civic with MN plate 761-MWE and Black Cellular Phone in center console**

Located in the **Brooklyn Park** County of **HENNEPIN**, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. ~~The property above described was stolen or embezzled.~~
2. The property above described was used as means of committing a crime.
3. ~~The possession of the property above described constitutes a crime.~~
4. ~~The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~
5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

**The foregoing grounds for the issuance of a search warrant are as follows:**

Your affiant, Detective Christofer Nybeck, is a licensed Law Enforcement Officer with the Hennepin County Sheriff's Office and has been so since January of 2002. Your affiant has been assigned as an investigator within the Hennepin County Sheriff's Office continuously since September of 2005. While in the capacity of an investigator, your affiant has investigated numerous crimes that have led to the convictions of suspects at the State and Federal levels in the Criminal Justice System. Additionally, your affiant has continuously attended and successfully passed numerous law enforcement schools designed for investigators since 2005.

In the late evening of 9-7-2019 Brian Jesus Quinones Rosario DOB 12-26-1988 was involved in an OIS (Officer Involved Shooting) in the City of Richfield, MN while driving a silver Honda Civic bearing MN plate 761-MWE (herein referred to as "vehicle"). As a result of this OIS Quinones-Rosario was pronounced dead at the scene by EMS (Emergency Medical Services) in the late evening hours of 9-7-2019.

Your affiant has been assigned as the lead investigator in Quinones-Rosario's death and as of 9-9-2019 your affiant has learned the following:

In speaking with a family member of Quinones-Rosario in the early morning hours of 9-8-2019 your affiant learned that Quinones-Rosario was displaying odd and erratic behavior earlier that night that concerned this family member to the point that the family member attempted to follow and find Quinones-Rosario after he rapidly departed the family member's residence in the above listed vehicle.

In the early morning hours of 9-8-2019 your affiant learned from the Ramsey County Sheriff's Office, and then later from local media outlets, that Quinones-Rosario was live streaming his police pursuit on Facebook Live. Your affiant has not reviewed the entire Facebook Live stream of Quinones-Rosario that night (9-7-2019) but was able to observe shorter segments of this video that detailed Quinones-Rosario driving while police lights and sirens were observed over his shoulder as he was driving away from them. Additionally your affiant observed Quinones-Rosario stop his vehicle and quickly exit the vehicle with what appeared to be a knife in his hand. Your affiant learned that Quinones-Rosario's Facebook Live stream continued to air and record for an additional and approximate 90 minutes after Quinones-Rosario was shot by Law Enforcement that night. It was learned that a Hennepin County Sheriff's Office Crime Lab Tech was observed turning off Quinones-Rosario's phone which was located in the vehicle by viewing Quinones-Rosario's Facebook Live stream.

Your affiant observed a black cellular phone resting on the vehicle's dashboard that would provide the same angle of view that was observed on Quinones-Rosario's Facebook Live stream from earlier that night and detailed his pursuit by Law Enforcement. Prior to transporting this vehicle to the Hennepin County Sheriff's Office Patrol garage for temporary secured storage your affiant conducted a brief inventory search of the vehicle for dangerous items and weapons and for items of financial value. At this time your affiant placed the black cellular phone that Quinones-Rosario was using to Facebook Live stream in the vehicle's center console.

On 9-9-2019 your affiant received a written report from the Stillwater MN DOC prison detailing an interaction with inmate William Santiago. In review of this report dated 9-8-2019 your affiant learned

that Mr. Santiago is Quinones-Rosario's father and that Mr. Santiago expressed his grief to MN DOC staff members regarding his son's death. Additionally Mr. Santiago stated that Quinones-Rosario went to multiple family members prior to his death and "thanked" each one of them, drove recklessly to attract Law Enforcement's attention on 9-7-2019 and exited his vehicle with a knife. Finally Mr. Santiago stated "yes" to MN DOC staff members when they asked Mr. Santiago if Quinones-Rosario's actions that night were for the purpose of "suicide by cop".

Based upon the above stated facts your affiant believes that a black cellular phone in the center console for the above listed vehicle belonged to Quinones-Rosario. Your affiant believes that the black phone contains video of Quinones-Rosario's police pursuit and subsequent OIS on 9-7-2019. Your affiant knows that Quinones-Rosario's recent behavior caused his family and friends to express concern over his recent erratic, odd and alarming behavior. Your affiant knows from training and experience that individuals use their cellular phones to communicate with family and friends via text messaging, Facebook Messenger and other communication platforms and applications.

Additionally your affiant has learned that Quinones-Rosario's actions on 9-7-2019 prior to the OIS may have been premeditated, organized and planned. Your affiant believes there could be additional items used as weapons or weapons (gun, knife, etc) located in the above listed vehicle along with other forms of documentation that would indicate Quinones-Rosario's intentions that night.

Therefore your affiant is requesting the issuance of a daytime knock and announce search warrant be issued for a silver 2013 Honda Civic with MN plate 761-MWE and black cellular phone in this vehicle's center console to search for all items listed within the scope of the search warrant and the authority to examine these devices and associated media storage at the scene or at another location within Hennepin County as may be necessary with proper equipment for capturing data from these devices.

A nighttime search outside the hours between 7:00 AM and 8:00 PM is necessary to prevent the loss, destruction or removal of the objects of the search or to protect the searchers or the public because:

NA

An unannounced entry is necessary to prevent the loss, destruction or removal of the objects of the search and to protect the safety of the peace officers because:

N/A

WHEREFORE, Affiant requests a search warrant be issued, commanding **Detectives Nybeck, Hopkins, Nestrud and Braun**, and all other officers under their direction and control, peace officers, of the State of Minnesota, ~~(to enter without announcement of authority and purpose)~~  
~~(between the hours of 7:00 AM and 8:00 PM only)~~ ~~(between the hours of 7:00 AM and 8:00 PM or a nighttime search outside those hours)~~  
to search the hereinbefore described ~~(premises)~~ (motor vehicle) (black cellular phone)  
for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.

Det C. Nybeck  
Affiant

Subscribed and sworn to before me this  
10<sup>th</sup> day of September 2019

[Signature]  
Judge of Cah. H. District Court

STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

TO: **Detectives Nybeck, Hopkins, Nestrud and Braun**, and all other officers under their direction and control, PEACE OFFICERS OF THE STATE OF MINNESOTA.

WHEREAS, **Detective Christofer Nybeck** has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described (premises) (motor vehicle) (black cellular phone):

**2013 Silver Honda Civic with MN plate 761-MWE and Black Cellular Phone in center console**

located in the **Brooklyn Park** County of **HENNEPIN**, STATE OF MINNESOTA for the following described property and things:

**Black cellular phone, accompanying power cord, documentaiton for or written by Brian Jesus Quinones Rosario DOB 12-26-1988 or variations of this name, additional weapons (knife, gun,etc), other cellular phones or recording devices.**

WHEREAS, the application and supporting affidavit of **Detective Christofer Nybeck** (was) (were) duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. ~~The property above described was stolen or embezzled.~~
2. The property above described was used as a means of committing a crime.
3. ~~The possession of the property above described constitutes a crime.~~
4. ~~The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~
5. The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

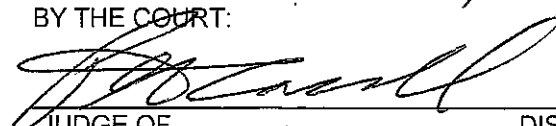
The Court further finds that probable cause exists to believe that the above-described property and things (are) (will be) (at the above described premises) (in the above-described motor vehicle) (black cellular phone).

~~The Court further finds that a nighttime search outside the hours between 7:00 AM and 8:00 PM is necessary to prevent the loss, destruction, or removal of the objects of said search, or to protect the searchers or the public.~~

~~The Court further finds that entry without announcement of authority or purpose is necessary to prevent the loss, destruction, or removal of the objects of said search and to protect the safety of the peace officers.~~

NOW, THEREFORE, YOU, **Detectives Nybeck, Hopkins, Nestrud and Braun** AND ALL OTHER OFFICERS UNDER THEIR DIRECTION AND CONTROL, THE PEACE OFFICER(S) AFORESAID, ARE HEREBY COMMANDED (TO ENTER WITHOUT ANNOUNCEMENT OF AUTHORITY AND PURPOSE) (BETWEEN THE HOURS OF 7:00 AM AND 8:00 PM ONLY) (BETWEEN THE HOURS OF 7:00 AM AND 8:00 PM OR A NIGHTTIME SEARCH OUTSIDE THOSE HOURS) TO SEARCH (THE DESCRIBED PREMISES) (THE DESCRIBED MOTOR VEHICLE) (BLACK CELLULAR) FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND (TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW) (DELIVER CUSTODY OF SAID PROPERTY AND THINGS TO **Hennepin County Sheriff's Crime Lab**).

BY THE COURT:



JUDGE OF

DISTRICT COURT

Dated 9/10, 2019.

STATE OF MINNESOTA, COUNTY OF Hennepin Dutchtown COURT

I, Det Nybeck, received the attached search warrant issued by the Honorable Judge Cahill, on 9-10, 2019, and have executed it as follows:

Pursuant to said warrant, on 9-10, 2019, at 1040 o'clock A m., I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant ~~(with)~~ (in) (at) 2013 Honda Civic 761-MWE

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

- 1- BLK cell phone + power cord - Center console 1579
- 2- Silver Knife w/ blk handle - Glove compartment 1579

(Strike when appropriate:)

~~I left a receipt for the property and things listed above with a copy of the warrant.~~

~~None of the items set forth in the search warrant were found.~~

I shall (retain) or (deliver) custody of said property as directed by Court order.

\_\_\_\_\_, being first duly sworn, upon oath, deposes and says that he has read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, he believes them to be true.

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public, \_\_\_\_\_ County, MN

Signature \_\_\_\_\_

My commission expires \_\_\_\_\_