

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

In Re the Search Warrant for:
Black-colored mobile phone,
Unknown make / model.

**ORDER TO UNSEALING AND
AND FILE
SEARCH WARRANT PURSUANT TO
MINN. R. CRIM. P. 33.04**

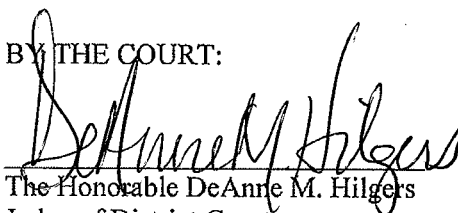
Upon Application by the Prosecuting Attorney made pursuant to Minn. R. Crim. P. 33.04(c) - (e):

NOW, IT IS HEREBY ORDERED:

That the above-described Search Warrant, Application, and Affidavit of Probable Cause and related documents, and the Application and supporting Affidavit for the Order to Seal, the Order to Seal, and any related documents are to be filed and made public on 11-01-2017.

November 1,
Dated: ~~October 31,~~ 2017

BY THE COURT:


The Honorable DeAnne M. Hilgers
Judge of District Court

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

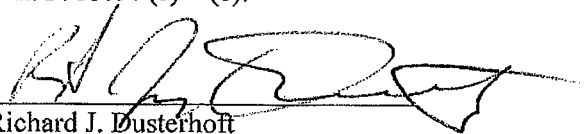
In Re the Search Warrant for:
Black-colored mobile phone,
Unknown make / model.

**APPLICATION OF PROSECUTING ATTORNEY
FOR ORDER UNSEALING AND
FILING OF SEARCH WARRANT,
APPLICATION AND RELATED DOCUMENTS
PURSUANT TO MINN. R. CRIM. P. 33.04**

A Search Warrant and supporting application having been duly prepared for the search for above-described information, issued on June 5, 2017, the same sealed by Order of the Court on June 13, 2017, application is hereby made for an Order of the above Court to unsealing and file of the above-referenced Search Warrant, Application, related documents, and all documents related to this application to seal, pursuant to Minn. R. Crim. P. 33.04.

Said application is made pursuant to Minn. R. Crim. P. 33.04 (c) – (e).

Dated: October 31, 2017


Richard J. Dusterhoft
Criminal Division Director
Office of the Ramsey County Attorney

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

In Re the Search Warrant for:
Black-colored mobile phone,
Unknown make / model.

**ORDER SEALING AND
WITHHOLDING FILING OF
SEARCH WARRANT PURSUANT TO
MINN. R. CRIM. P. 33.04**

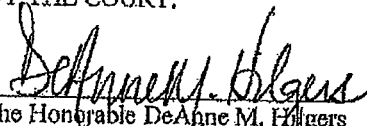
Upon Application by the Prosecuting Attorney made pursuant to Minn. R. Crim. P. 33.04(c) - (e), the Affidavit of Special Agent Brent Petersen, Bureau of Criminal Apprehension; and the Search Warrant and Affidavit of Probable Cause contained therein, the Court finds that the filing of the Search Warrant, Application and Affidavit of Probable Cause, related documents, and the documents related to this Order to Seal would create a substantial risk of severely hampering an ongoing criminal investigation.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the filing of the Search Warrant, Application, and Affidavit of Probable Cause and related documents, and the Application and supporting Affidavit for this Order, and this Order, shall be withheld until the conclusion of the investigations into the above matter by the filing of charges against any defendant, by the completion of the investigation, or by Order of the Court.
2. Upon completion of the investigations by any of the above means, the above-described documents shall be filed pursuant to Minn. R. Crim. P. 33.04(a).
3. Pending filing, I designate Special Agent Brent Petersen, Minnesota Bureau of Criminal Apprehension, to continue to retain the documents on the court's behalf.

Dated: June 13, 2017

BY THE COURT:


The Honorable DeAnne M. Hegers
Judge of District Court

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

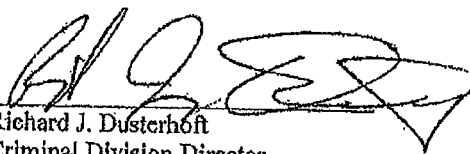
In Re the Search Warrant for:
Black-colored mobile phone,
Unknown make / model.

**APPLICATION OF PROSECUTING ATTORNEY
FOR ORDER SEALING AND
WITHHOLDING FILING OF SEARCH WARRANT,
APPLICATION AND RELATED DOCUMENTS
PURSUANT TO MINN. R. CRIM. P. 33.04**

A Search Warrant and supporting application having been duly prepared for the search for above-described information, issued on June 5, 2017, in connection with an ongoing criminal investigation, application is hereby made for an Order of the above Court sealing and withholding the filing of the above-referenced Search Warrant, Application, related documents, and all documents related to this application to seal, pursuant to Minn. R. Crim. P. 33.04, until the completion of the above investigation on the grounds that filing of the above documents would create a substantial risk of severely hampering the ongoing criminal investigation.

Said application is made pursuant to Minn. R. Crim. P. 33.04 (c) – (e) and is based upon the attached Affidavit of Special Agent Brent Petersen, Bureau of Criminal Apprehension, and the Search Warrant, Application, and related documents.

Dated: June 12, 2017


Richard J. Dusterhoft
Criminal Division Director
Office of the Ramsey County Attorney
Atty. Reg. No. 299777
50 West Kellogg Blvd., Ste. 315
St. Paul, MN 55102
(651) 266-3055

Application Page 1 - 4

STATE OF MINNESOTA, COUNTY OF RAMSEY

DISTRICT COURT

APPLICATION FOR SEARCH WARRANT

I, Brent Petersen, a licensed peace officer in the State of Minnesota, make an application to this Court for a warrant to search the premises described below, for the property and thing(s) described below.

I know the content of this application and affirm that the statements contained in this application are true based on my own knowledge, or are believed to be true.

I believe that the following described property and thing(s), namely:

Black-colored mobile phone, unknown make/model, found at scene of incident;

All data contained within the seized cellular phone and SIM card to include, but not limit to: call logs, contact list and information, text messages, electronic mail account(s) and contents, audio messages, images (saved or deleted), video (saved or deleted), internet cache, internet searches, information showing ownership, possession and use of the electronic device, screen names, deleted data, etc.

is or are at the premises described as:

**In the custody of the Minnesota Bureau of Criminal Apprehension
1430 Maryland Avenue East
Saint Paul, MN 55106**

located in city or township of Saint Paul, County of Ramsey, State of Minnesota.

I apply for a search warrant on the following grounds:

- The property or things 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 facts establishing the grounds for issuance of a search warrant are as follows:

Your Affiant is a licensed peace officer in the State of Minnesota and has been a licensed peace officer since 2001. Your Affiant is currently a Special Agent with the Minnesota Bureau of Criminal Apprehension's (BCA) Metro Homicide Section. Your Affiant has been an agent with the BCA since June, 2016. Your Affiant has training and experience in the investigation of crimes of violence such as homicide, sexual assault and robbery. Your Affiant also has training and experience in the investigation of officer-involved shootings. Your Affiant has

Application Page 2 - 4

firsthand knowledge of the facts in this affidavit and has learned facts from other agents and police officers involved in this investigation.

Because this affidavit is being submitted for the limited purpose of securing a search warrant, Your Affiant has not included each and every fact known concerning this investigation but rather a summary of events and information known to Your Affiant. Your Affiant has set forth only those facts that are necessary to establish probable cause. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

Your Affiant is aware the recovery of data by a computer forensic analyst takes significant time, and much the way recovery of narcotics must be forensically evaluated in a lab, digital evidence will also undergo a similar process. For this reason, the "return" inventory may contain a list of only the tangible item(s) recovered from the premises. Unless otherwise directed by the Court, the return may not include evidence later examined by a forensic analyst.

Your Affiant believes the following information to be true and factual:

On 05/24/2017 at approximately 8:55 AM, officers with the Crystal Police Department responded to Bassett Creek Park, 6001 - 32nd Ave N, on a 9-1-1 call reporting a male in the park with a handgun. Officers responded to the park and encountered a lone male in the park brandishing a black, semi-automatic handgun. Despite repeated commands from officers for the male to drop the weapon, the male refused and pointed the handgun at the officers. Four Crystal Police Department Officers fired their respective weapons at the male, injuring him. Bureau of Criminal Apprehension Crime Scene Team personnel later determined the handgun to be a replica, "Air soft," firearm. Alterations had been made to the replica firearm to make it appear as a real handgun. Khaleel Thompson identified as the injured subject brandishing the replica firearm.

During the crime scene investigation, BCA investigators located a cellular phone on the ground in proximity to where Thompson was shot and fell. Investigators collected the cellular phone and retained it as potential evidence. Your Affiant believes the phone likely to be the property of Thompson.

Your Affiant has learned during the subsequent investigation that the 9-1-1 call received by Hennepin County Dispatch was from phone number [redacted]. Your Affiant has learned from independent sources that this number is the identified number for Khaleel Thompson. A witness and friend to Thompson, known fully to Your Affiant, identified the voice of the 9-1-1 caller as being Thompson's, despite the 9-1-1 caller identifying himself to the dispatcher as "James Young."

Further, Your Affiant has learned from independent sources that Thompson expressed

Application Page 3 - 4

suicidal ideations in the weeks leading up to this incident including ideation for "suicide by cop," a phrase commonly used to describe a suicidal person provoking a police officer to shoot and kill as a means of completing suicide. Your Affiant learned that Thompson attempted to provoke a police shooting once before while having an emotional crisis, in January of 2017, within the city of Saint Louis Park, MN. Your Affiant confirmed this fact from Saint Louis Park Police Department reports documenting the incident as well as statements from family and friends of Thompson.

Your Affiant respectfully requests that the cell phone recovered from the scene of the officer-involved shooting, in proximity to Khaleel Thompson; be forensically examined for data contained within that confirms the placement of the 9-1-1 call, as well as any text messages, social media messages or Internet search history related to suicide generally, and "suicide by cop" specifically. Your Affiant respectfully requests this search warrant be issued to permit BCA Digital Multimedia Evidence examiners within the BCA Forensics Science Laboratory to forensically examine the cellular phone using current and forensically sound software and procedures.

(End of Page)

Application Page 4 - 4

I request a search warrant be issued, commanding Brent Petersen, a peace officer of the State of Minnesota, and any other authorized person, to enter and search between the hours of 7 a.m. and 8 p.m. to search the above described premises for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

I declare under penalty of perjury that everything stated in this document is true and correct.

Applicant: Brent Petersen

Minnesota Bureau of
Criminal Apprehension
Electronically Signed
06/05/2017 11:57 AM
Ramsey, Minnesota

Officer sworn and application attested to
under oath by telephone

Judicial Officer: DeAnne M Hilgers

Judge of District Court
Electronically Signed
06/05/2017 2:53 PM

Search Warrant Page 1 - 2

STATE OF MINNESOTA, COUNTY OF RAMSEY

DISTRICT COURT

SEARCH WARRANT

TO: BRENT PETERSEN, A PEACE OFFICER OF THE STATE OF MINNESOTA.

WHEREAS, Brent Petersen has this day on oath made an application to this Court for a warrant to search the following described premises :

**In the custody of the Minnesota Bureau of Criminal Apprehension
1430 Maryland Avenue East
Saint Paul, MN 55106**

located in city or township of Saint Paul, State of Minnesota for the following described property and thing(s):

Black-colored mobile phone, unknown make/model, found at scene of incident;

All data contained within the seized cellular phone and SIM card to include, but not limit to: call logs, contact list and information, text messages, electronic mail account(s) and contents, audio messages, images (saved or deleted), video (saved or deleted), Internet cache, Internet searches, information showing ownership, possession and use of the electronic device, screen names, deleted data, etc.

WHEREAS, the application of Brent Petersen was 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 ground(s):

- The property or things 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 above-described property and thing(s) is or are at the above-described premises.

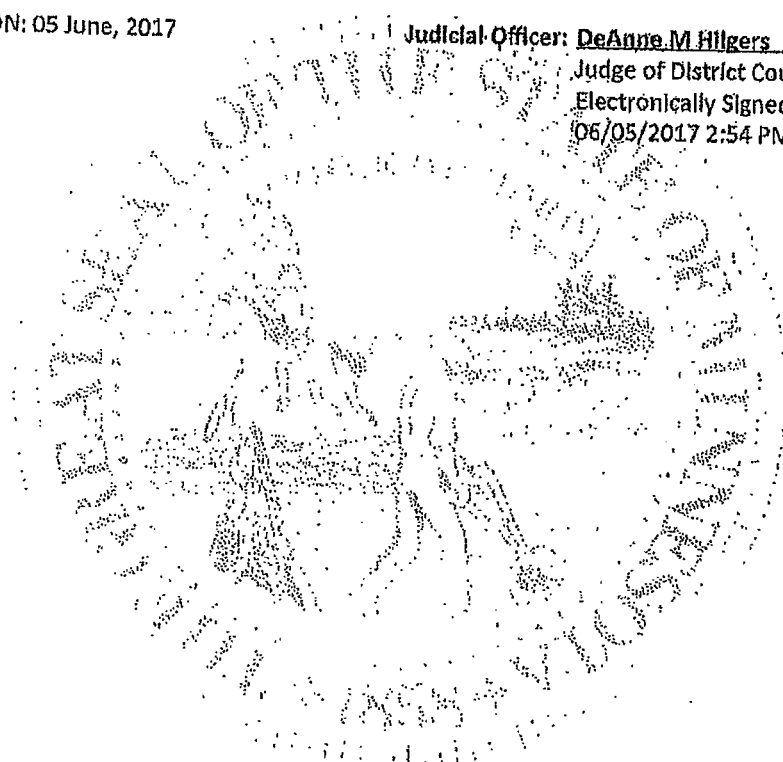
Search Warrant Page 2 - 2.

NOW, THEREFORE, you Brent Petersen, peace officer of the State of Minnesota, and any other authorized person, are hereby commanded to enter and search between the hours of 7 a.m. and 8 p.m., to search the above-described premises, for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

BY THE COURT

ISSUED ON: 05 June, 2017

Judicial Officer: DeAnne M Hilgers
Judge of District Court
Electronically Signed
06/05/2017 2:54 PM



STATE OF MINNESOTA, COUNTY OF RAMSEY

DISTRICT COURT

RECEIPT, INVENTORY AND RETURN

I, Special Agent Brent Petersen, received the attached search warrant issued by the Honorable Judge DeAnne Hilgers, on 06/05/2017, and have executed it as follows:

Pursuant to the warrant, on 06/05/2017, at 03:02 o'clock PM, I searched the following described in the search warrant.

Premises Motor Vehicle Person

I have left a true and correct copy of the search warrant (with) (In) (at)

BCA Laboratory - Digital Multimedia Evidence Unit

1430 Maryland Ave E

Saint Paul, MN 55106

I took into custody the property and things listed below: (attach and identify addition sheets if necessary).

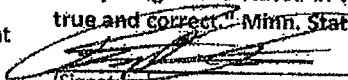
****CELLULAR PHONE DATA - PENDING FORENSIC EXAMINATION****

ENDEND***END***END***END***END***END***END***END***END***END***END***END***END

Check the 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 was found.
- I shall retain or deliver custody of said property as directed by court order.

"I declare under penalty of perjury that everything I have stated in this document is true and correct." Minn. Stat. 358.116.


(Signature)

Date: 06/14/2017

County: Ramsey

State: MN

COPIES TO: • COURT • PROS. ATTORNEY • PEACE OFFICER • PREMISES/MOTOR VEHICLE/PERSON