

AFFIDAVIT FOR SEARCH WARRANT

THE STATE OF TEXAS

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COUNTY OF POLK

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath makes the following statements and accusations:

There is in Polk County, Texas, a suspected place and premises described as, and located as follows:

122 Beamon Drive, Livingston, Polk County Texas



Said location is featured in the above photograph and is more particularly described as: Single family residence comprised of a beige brick exterior with a composition roof. The residence has a driveway leading from Beamon Drive on the property. The entrance door of the residence faces Beamon Street. The above image was recently taken by your Affiant.

Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage, if said premises is a residence, which are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property which is the object of the search requested herein.

Said suspected place and premises are in charge of and controlled by each of the following person(s):

Richard Edward Staires	W/M	DOB	[REDACTED]
Sylvia Ann Joplin	W/F	DOB	[REDACTED]

Affiant requests that a warrant be issued to take evidentiary photographs of the interior and exterior of the location and persons described herein and for the following items be seized that could contain evidence of the criminal offense of Possession of Child Pornography, Texas Penal Code 43.26 described in the affidavit, to-wit:

1. Any and all information whether stored electronically as computer data or on paper and all data including communications, such as, text discussing, referring to, or otherwise regarding the sexual conduct and/or the exchange of child pornography images including images regarding the offense of Promotion or Possession of child pornography, or the sexual abuse of children.
2. Telephone books, address books or other writings tending to identify child victims.
3. Any videotapes, viewing and recording equipment to determine if they depict children engaged in nude or sexually explicit conduct.
4. Any data or images of persons who appear to be under the age of 18, engaged in sexual acts or posed in a manner to elicit sexual response or otherwise engaging in sexual conduct.
5. Any data or images pertaining to obtaining or possessing images of persons who appear to be under the age of 18, engaged in sexual acts or posed in a manner to elicit a sexual response.
6. Any data or images referring to online contacts or correspondences with the subjects under the age of 18 or related to the subject of communicating with children.
7. Computers and any computer programs, software and equipment, including but not limited to storage devices such as diskettes, compact discs and digital video discs, hard drives and thumb drives, flash drives, memory sticks, IPod's, MP3 players, Video IPods and any other devices that can be used to store or transport any type of computer media, and any means in which to power up, access, view or otherwise make use of those forms of electronic media;
8. Digital cameras, film cameras, digital video cameras, film video cameras, web cameras and all other devices used for the capture, taking, storing, transferring, developing, and otherwise manipulating images, including printers and all peripheral equipment associated with such cameras, including undeveloped film.
9. Any cellular telephones and other devices that can be used to communicate telephone to telephone or telephone to computer and all peripheral equipment associated with such cellular telephones;
10. Any papers or writings associated with online e-mail accounts, online social accounts, internet providers, cellular telephone bills and records, passwords, and screen names;
11. Documents showing dominion and control over the residence such as letters, utility bills, telephone bills, miscellaneous bills, pager bills and receipts for occupants, articles of personal property tending to establish the identity of the persons in control of the premises, vehicles, storage areas, safes, out buildings and containers being searched including utility company receipts, rent receipts, addressed envelopes, and keys and photographs of the defendant and his/her associates.

During the execution of the search of the SUBJECT PERSON and/or SUBJECT PREMISES law enforcement personnel are requesting to press the fingers (including thumbs) of individuals found at the SUBJECT PREMISES to the biometric unlocking sensor or to have the individual provide facial recognition to the camera of the device(s) or iris scanning to the sensor of the device(s) found at the SUBJECT PREMISES for the purpose of attempting to unlock the device via biometric unlocking functionality in order to search the contents as authorized by this warrant.

It is the belief of the Affiant, and he hereby charges and accuses, that the above listed items could contain evidence that constitute a violation of Texas Penal Code 43.26 Promotion/Possession of Child Pornography.

Affiant has probable cause for said belief by reason of the following facts:

1. Your Affiant is Sergeant Gary Marquis; a peace officer certified by The State of Texas, employed with the Office of the Texas Attorney General, Law Enforcement Division. Affiant has been a law enforcement officer since 1993 and possesses a Master Peace Officer's Certification issued by the

Texas Commission on Law Enforcement. Affiant is currently assigned to the Child Exploitation Unit/Internet Crimes Against Children (ICAC) Task Force where his responsibilities include investigations involving Child Pornography, Online Solicitation of a Minor, Child Sexual Assault and Child Sexual Exploitation. Affiant has specialized training in the areas of criminal investigations, interview and interrogation, child abuse and exploitation, and Internet investigations provided by federal, state, and local agencies and has specialized training in the seizure and analysis of computer equipment. Affiant has previously been involved in the execution of search warrants involving Internet crimes. Your Affiant is also certified by Texas Commission of Law Enforcement as a Cyber Crimes Investigator.

On 01-22-2019 your Affiant was assigned National Center for Missing and Exploited Children (NCMEC) CyberTipline #44213141 for investigation. This CyberTipline Report involves the suspect uploading 62 files of apparent child pornography to a Dropbox account.

On 12-11-2018 Dropbox (Dropbox is a file hosting service operated by American company Dropbox, Inc., headquartered in San Francisco, California, that offers cloud storage, file synchronization, personal cloud, and client software) detected a user had uploaded files of apparent child pornography.

Listed below is the subscriber information associated with the aforementioned suspected Dropbox account:

Email Address:

Username:

User ID:

The suspected Dropbox account was accessed was on 11-27-2018 at 19:08:22 UTC using the IP address of 199.187.248.39. Your Affiant conducted an Internet service provider using a public database. This search identified the Eastex Telephone Cooperative, Inc. as being the Internet service provider.

This report states 62 files of child pornography were uploaded to the suspected Dropbox, Inc. account. Your Affiant personally view these files. Listed below are the file names and descriptions of several of these files:

File name: DSC05073_1.jpg

This image depicts a prepubescent female child approximately 9-11 years of age completely nude sitting on the floor with her legs spread and knees raised. This image is an image of child pornography as defined by Texas Penal Code Chapter 43.

File name: Angelina.avi

This video file is 4 minutes and 53 seconds in length. This video file depicts a prepubescent female child approximately 5-7 years of age completely nude. The child is posed in several different poses throughout this video, with the focal point zooming in to the child anus and/or vagina several times. This video file is a file of child pornography as defined by Texas Penal Code Chapter 43.

File name: 2163421472105683887 (1).mp4

This video file is 15 seconds in length and depicts a prepubescent female child approximately 4-6 years of age. This child is completely nude sitting in a chair with her legs spread. This child is masturbating using her right hand. A nude adult male appears in the video and stands beside the child. The adult male penetrates the mouth of the child with his penis. This image is an image of child pornography as defined by Texas Penal Code Chapter 43.

File name: 7ba6a1f-6301-4bce-ac99-c8087e17e0b2 (1).mp4

This video file is 1 minute and 3 seconds in length and depicts two prepubescent female children. Both children are approximately 5-7 years of age. The first female child is nude from the waist down and is leaning back on her elbows with her legs spread. The second female child is completely nude and is on her hands and knees between the legs of the first female child. The second female child penetrates the first female's vagina with her fingers and also performs oral sex on first female child. This video is a video of child pornography as defined by Texas Penal Code Chapter 43.

File name: 635276664.jpg

This image depicts a prepubescent female child approximately 10-12 years of age completely nude. This child is lying on her stomach with her left knee raised and her legs spread. This child's genitals are being displayed in a lewd manner. This image is an image of child pornography as defined by Texas Penal Code Chapter 43.

File name: 2198961472368083133.mp4

This video file is 35 seconds in length and depicts a female toddler completely dressed on her knees on a bed. An adult male is standing next to the bed holding his erect penis. The adult male penetrates the mouth of the toddler with his erect penis several times throughout the duration of the video file. This video file is a file of child pornography as defined by Texas Penal Code Chapter 43.

The remaining files of child pornography will not be described within this report. These files can be viewed within the complete NCEMC digital CyberTipline Report.

On 01-23-2019 your Affiant prepared and submitted an administrative subpoena directing Eastex Telephone Cooperative, Inc. to provide subscriber information in regard to the IP address of 199.187.248.39 that was utilized on 11-27-2018 @ 19:08 UTC

On 01-26-2019 your Affiant received a response from Eastex Telephone Cooperative, Inc. in regard to the aforementioned administrative subpoena. Listed below is the subscriber information provided by Eastex Telephone Cooperative, Inc.:

Name: Richard Staires
Address: 122 Beamon Drive, Livingston, Texas
Phone: 936-967-0466

Your Affiant forwarded this information to a Crime Analyst employed by the Office of Attorney General and assigned to the Child Exploitation Unit. Your Affiant is seeking the identification of all occupants residing within the residence located at 122 Beamon Drive, Livingston, Texas.

On 02-12-2019 your Affiant prepared and submitted a search warrant affidavit for the suspected DropBox account with the unique identifying email address of [redacted] / User # [redacted] to 411th Judicial District Court Judge Kaycee Jones. District Judge Kaycee Jones accepted this affidavit and returned a signed search warrant on 02-13-2019.

On 02-12-2019 your Affiant prepared and submitted a non-disclosure affidavit for the suspected DropBox account with the unique identifying email address of [redacted] User # [redacted] to 411th Judicial District Court Judge Kaycee Jones. District Judge Kaycee Jones accepted this affidavit and returned a signed non-disclosure order.

On 02-13-2019 your Affiant executed both of the above documents by transmitting these documents to DropBox via email message.

On 02-13-2019 your Affiant received information from the aforementioned Crime Analyst this information listed the following individuals as occupants of the residence located at 122 Beamon Drive, Livingston, Texas:

Name: Richard Edward Staires

DOB:

DL:

Name: Sylvia Ann Joplin

DOB:

DL:

On 02-27-2019 your Affiant received a parcel package from DropBox. This parcel contained a 1 TB external hard drive containing the response from the above DropBox search warrant.

This search warrant response contained the following subscriber information:

Name: Tommy T

Email:

User ID:

Joined: 08-15-2017 @ 8:37 GMT

Current status: Disabled

Subscription: Free

This account at one time was a paid service account. The subscriber information contained billing information beginning on 08-17-2017 and continuing until 11-29-2018. These payments were made electronically to DropBox using "Braintree". Braintree is a subsidiary of PayPal, Inc.

On 03-04-2019 your Affiant prepared and submitted an Administrative Subpoena directing PayPal, Inc. to provide all subscriber information in regard to the email address of

The above search warrant response consisted of 722 GB of data, an overwhelming number of additional child pornography files. Also contained within the response are videos files and photographs of the suspect identified as RICHARD EDWARD STAIRES. Your Affiant made this identification by comparing images and videos contained within the aforementioned search warrant response from Dropbox to the Texas drivers license photography of RICHARD EDWARD STAIRES.

Contained specifically within the above search warrant response within the root folder named "+PHONE DUMP" a sub-folder named "rich nude" contains approximately 95 images of the suspect identified as RICHARD STAIRES, these images depict the suspect in various stages of undress, engaging in masturbation and/or deviate sexual intercourse. Listed below is one of those images:

File Name: 20170314_223349.jpg

This image depicts the suspect identified as RICHARD STAIRES (SGT. MARQUIS made this identification by comparing this image and the driver's license photograph for RICHARD STAIRES) completely nude standing up, this image has the following meta-data embedded within the image:

Date: 03-17-2017 @ 10:33:49PM

Make: Samsung

Model: SM-S120VL

Lat: 30 degrees 44' 24.75" N

Long: 95 degrees 1' 37.394" W

The above GPS location is in the vicinity of Beamon Drive and Ralph Lane, Polk County Texas).

This file was uploaded to the suspected DropBox account on 06-22-2018 @ 07:52 GMT.

Your Affiant also located screen shot of a KIK Messenger profile page within the above search warrant response. This KIK profile page has the user image of the suspect RICHARD STAIRES with the KIK username of "Boston6168".

On 03-04-2019 your Affiant prepared and submitted an Administrative Subpoena directing KIK to provide the subscriber information in regard to the KIK username of "Boston6168".

On 03-05-2019 your Affiant received a response from KIK in regard to the above listed administrative subpoena (Exhibit #7). Listed below is the subscriber information provided:

First name: Rich
Last name: B
Email:
Username: Boston

This KIK account used the IP address of 199.187.250.178 to access or log into KIK on 02-04-2019 @ 02:24 UTC. Your Affiant conducted an Internet service provider search using a public database using the above referenced IP address. This search determined Eastex Telephone Cooperative is the Internet service provider of the above referenced IP address.

On 03-13-2019 your Affiant received two responses from PayPal in regard to an Administrative Subpoena. Listed below is the subscriber information provided within the first response (Exhibit #8):

First name: Edward
Last name: Staires
Email:
Phone number: 936.252.2159

Listed below is the subscriber information provided within the second response provided by PayPal:

First name: Edward
Last name: Staires
Email:

On 03-20-2019 your Affiant received an additional CyberTipline Report #46513940 for investigation. This CyberTipline Report was reported by Google, Inc to NCMEC on 02-09-2019 at 17:13 UTC. The suspect in the case uploaded seven (7) files of child pornography. Your Affiant personally viewed all seven (7) files of child pornography.

Listed below is the suspected subscriber information reported by Google, Inc regarding CyberTipline Report #46513940:

Name: Virginia HIGGINS

Email address: (The same email address that is associated with the original CyberTipline Report). Listed below are three (3) file names and descriptions of the apparent child pornography files:

File name: Google-CT-RPT-6fa13c4c95aaf1de784a9486ad5252b9

This image depicts a prepubescent female child approximately 6-9 years of age completely nude kneeling on a bed. An adult male is lying on his back on the same bed with his erect penis exposed. The child is grasping the adult's erect penis with her right hand. This image is an image of child pornography as defined by Texas Penal Code Chapter 43. This image was uploaded to the suspected Google, Inc. account on 03-23-2018 @ 11:01 UTC using the IP address of 199.187.250.61.

Your Affiant conducted an Internet service provider search using a public database using the above referenced IP address. This search determined Eastex Telephone Cooperative is the Internet service provider of the above referenced IP address.

File name: dimka17.jpg

This image depicts three young male children completely nude lying on a bed. The first male child's face is obscured, he is lying on his back with his penis exposed. The second male child is lying on his stomach facing away from the camera. The third and final child is also completely nude and is approximately 8-11 years of age leaning back on his elbows. He is holding his penis with his left hand. This image is an image of child pornography as defined by Texas Penal Code Chapter 43. This image was uploaded to the suspected Google, Inc account on 04-26-2018 @ 13:53 UTC using the IP address of 66.171.3.43.

Your Affiant conducted an Internet service provider search using a public database using the above referenced IP address. This search determined Eastex Telephone Cooperative is the Internet service provider of the above referenced IP address.

File name: dimka07.jpg

This image depicts two prepubescent male children completely nude. The first male child is on a bed leaning back on her elbows with his legs spread. The second male is sitting on the bed facing the first child. The second child is holding the erect penis of the first child in his left hand. This image is an image of child pornography as defined by Texas Penal Code Chapter 43. This image was uploaded to the suspected Google account on 04-26-2018 @ 13:53 UTC using the IP address of 66.171.3.43.

Your Affiant conducted an Internet service provider search using a public database using the above referenced IP address. This search determined Eastex Telephone Cooperative is the Internet service provider of the above referenced IP address.

On 10-22-2019 NCMEC received an additional CyberTipline Report #57603145 from Facebook regarding a suspect uploading a file of child pornography within Facebook messenger on 08-19-2019 @ 21:09 UTC using the IP address of 174.254.64.200. Your Affiant personally viewed this video file of child pornography.

Your Affiant conducted an Internet service provider search using a public database using the above referenced IP address. This search determined Verizon Wireless is the Internet service provider of the above IP address.

Listed below is the subscriber information provided by Facebook regarding the aforementioned suspect account:

Name: Virginia Higgins

Phone: 702.514.7899

DOB:

Email:

Listed below is the file name and description of the suspected file of child pornography contained within CyberTipline Report#57603145:

This video file is one minute and 30 seconds in length and depicts two pubescent boys approximately 13-16 years of age completely nude in a shower together. Throughout this video these boys engaged in simulated deviate sexual intercourse (anal sex), masturbation, and deviate sexual intercourse (oral sex). This video is a video of child pornography as defined by Texas Penal Code Chapter 43.

On 01-07-2020 your Affiant conducted surveillance activities on the residence located at 122 Beamon Drive, Livingston, Polk County Texas. Your Affiant observed a silver colored Chrysler sedan bearing license plate number . Your Affiant forwarded this information to a Crime Analyst employed by the Office of Attorney General and assigned to the Child Exploitation Unit; your Affiant is seeking information regarding the registered owner of this vehicle.

On 01-07-2020 your Affiant received the following information from the above-mentioned crime analyst regarding the above described Chrysler sedan:

Registered Owner: EDWARD LEONARD STAIRES

Registration Address: 625 TINNEY RD., LIVINGSTON, TX, 77351

Your Affiant believes there is evidence of the criminal offense of Promotion/Possession of Child Pornography Texas Penal Code 43.26 located within the residence located at 122 Beamon Drive, Livingston, Polk County Texas.

2. Your Affiant believes, based upon his training and experience that individuals engaging in the collection of child pornography are persons who have a sexual interest in children, and the following information will apply to them.
3. As a result of the above-mentioned training and experience and in speaking with more experienced investigators, Affiant has learned that the following characteristics are generally found to exist in varying combinations and to be true in cases involving people with a sexual interest in children, people who buy, produce, trade, or sell child pornography, and people who molest children.
 - a. There are persons whose sexual objects are children. They receive sexual gratification and satisfaction from actual physical contact with children and from fantasy involving use of pictures, other photographic or art mediums, and writings on or about sexual activity with children.
 - b. People who have a sexual interest in children or minors often collect sexually explicit materials consisting of photographs, magazines, motion pictures, videotapes, books, diskettes, and slides depicting children, which they use for their own sexual gratification and fantasy.
 - c. People who have a sexual interest in children or minors often use sexually explicit materials, including those listed above, for lowering the inhibitions of children, sexually stimulating children and themselves, and for demonstrating the desired sexual acts before, during, and after sexual activity with children.
 - d. People who have a sexual interest in children or minors rarely, if ever, dispose of their sexually explicit materials, especially when it is used in the seduction of their victims, and those materials are treated as prized possessions.
 - e. People who have a sexual interest in children or minors often correspond or meet with one another to share information and identities of their victims as a means of gaining status, trust, acceptance, and psychological support.
 - f. People who have a sexual interest in children or minors rarely destroy correspondence received from other people with similar interests unless they are specifically requested to do so.
 - g. Many people who have a sexual interest in children or minors prefer contact with children of one sex and treat material featuring the preferred sex as prized possessions.
 - h. People who have a sexual interest in children or minors engage in activities or gravitate to programs, which will be of interest to the type of victim they desire to attract and provide them with access to these children.
 - i. Many people who have a sexual interest in children or minors use such photos as described above as a means of reliving fantasies or actual encounters with the depicted children. They also utilize the photos as keepsakes and as a means of gaining acceptance, status, trust, and psychological support by exchanging, trading, or selling them to other people with similar interests. These photos are often carried and kept by these people as a constant threat to the child as blackmail and/or exposure.
 - j. People who have a sexual interest in children or minors are afraid of discovery and often maintain and run their own photographic production and reproduction equipment. There may be as simple as the use of "instant" photo equipment, such as digital cameras, Polaroid equipment, video equipment, photo color quality printers, or a completely outfitted photo lab.

- k. People who have a sexual interest in children or minors go to great lengths to conceal and protect from discovery, theft, and damage, their collections of illicit materials. This often includes the rental or use of safe deposit boxes or other storage facilities outside their immediate residence.
- l. People who have a sexual interest in children or minors often collect, read, copy or maintain names, addresses, phone numbers, screen names, or lists of persons who have similar sexual interests. These may have been collected by personal contact, and/or Internet contact, or through advertisements in various publications. These contacts are maintained as a way of personal referral, exchange, and commercial profit. These people often correspond with others with the same interests through the use of computerized bulletin boards and chat rooms. These names may be maintained in the original publication, in phone books, notebooks or in computer hard drives, floppy disks, software, or merely on scraps of paper.
- m. People who have a sexual interest in children or minors often keep the names of children they are involved with or with whom they have sexual contact. They maintain these names in much the same manner as described in the preceding paragraph for many of the same reasons.
- n. People who have a sexual interest in children or minors often maintain diaries of their sexual encounters with children. These accounts of their sexual experiences are used as a means of reliving the encounter when the offender has no children to molest. Such diaries might consist of a notebook, scraps of paper, or a formal diary. Depending upon the resources available to the offender, they may be contained on audiotape or computer entries into a computer.
- o. People who have a sexual interest in children or minors often cut pictures of children out of magazines, newspapers, books, and other publications, which they use as a means of fantasy relationships. These "cutouts" help identify the age and sexual preference of the person under investigation.
- p. People who have a sexual interest in children or minors frequently collect books, magazines, newspapers, computerized visual images, and other writings on the subject of sexual activities with children. They maintain these as a way of understanding their own feelings toward children.
- q. People who have a sexual interest in children or minors frequently use sexual aids, such as dildos, fashioned after a man's penis, of various sizes and shapes, in addition to other sexual aids in the seduction of their victims. They often use these as a means of exciting their victims and as a method for arousing the curiosity of the children.
- r. People who have a sexual interest in children or minors often collect and maintain books, magazines, articles, and other writings on the subject of sexual activity. These books and materials may be on the topics of human sexuality and sexual education or consist of sexual manuals discussing or showing various sexual acts, positions, or sexual activities.
- s. People who have a sexual interest in children or minors often use drugs as a means of inducement to get a child to a particular location such as the offender's home. Alcohol is also used in this fashion. Both drugs and alcohol are also used as a means of seduction and for reducing the child's inhibitions for sexual excitement.
- t. People who have a sexual interest in children or minors often collect and maintain artifacts, statues, paintings, or other media, which depict children or young persons in nude poses or sexual acts. These are kept or "left" in places where the victims can find or "discover" them.

- u. People who have a sexual interest in children or minors may obtain and keep things of interest to their victims. They may consist of magazines, books, and toys of the age level of the victims they desire to attract and may be as complicated as video games, video game systems, and computers.
 - v. People who have a sexual interest in children or minors often keep mementoes of their relationships with specific children as a means of remembrance. These may consist of underwear or other garments or things, which are unique to the relationship they had with the child.
 - w. People who have a sexual interest in children or minors frequently obtain, collect, and maintain photographs of children they have been involved with. These photographs may depict children fully clothed, in various stages of undress, or totally nude, in various activities, not necessarily sexually explicit. These photographs are rarely, if ever, disposed of and are revered with such devotion that they are often kept upon the individual's person, in wallets and on diskettes. If such a person takes a picture of a child, depicting the child in the nude, there is a high probability the child was molested before, during, or after the photograph taking session, because the act of posing the child is a great sexual stimulus for the individual.
5. All of the material requested for seizure may identify children who are being sexually exploited through child molestation and/or child pornography. The materials may also identify other adults who engage in the sexual exploitation of children by these means. In addition, these materials may demonstrate the sexual proclivity, inclination, preference, and activities of the person under investigation and may provide evidence that may tend to show that the person under investigation has committed felonies in the State of Texas, to wit: Possession or Promotion of Child Pornography, Indecency with a Child, Sexual Assault of a Child, Aggravated Sexual Assault of a Child, etc.
6. Based on Affiant's training and experience, Affiant believes that a Preferential Sexual Offender or a person who has a sexual interest in children is a person whose primary sexual interest is in children. Preferential Sexual Offenders receive sexual gratification from actual contact with children and also from fantasies involving children, including the use of photographs and other electronic media, such as computer floppy disks and compact disks. Affiant knows that Preferential Sexual Offenders, or persons who have a sexual interest in children often collect sexually explicit material of photographs, videotapes, books, and slides, which they use for their own sexual gratification and fantasy and to show to children in an attempt to lower the child's inhibitions. Preferential Sexual Offenders, or persons who have a sexual interest in children rarely, if ever, dispose of such material.
7. Affiant has learned that the Internet has provided Preferential Sexual Offenders, or persons who have a sexual interest in children with a virtually anonymous venue in which they can meet other people with the same sexual interests they have. The Internet is a worldwide computer system in which people are able to communicate with others by means of a telephone or cable modem. Affiant also knows that a Preferential Sexual Offender or a person who has a sexual interest in children might create and maintain a World Wide Web site, through a web hosting service. A World Wide Web site is a graphical storefront maintained on the Internet that could be used for the postings of text files, image files, and or video files. Preferential Sexual Offender's, or persons who have a sexual interest in children often use the computer to electronically exchange pictures of children or adults engaged in sexual activity. These illegal images can be stored on the computer or external storage devices and viewed on the computer monitor anytime the subject chooses. In Affiant's training and experience, Affiant has learned that Preferential Sexual Offenders, or persons who have a sexual interest in children use many screen names and are not likely to have only one screen name; in fact, most have many screen names and frequently change screen names to help cover their tracks and avoid leaving a trail of identity over time. Affiant also knows from his training and experience that with the advances of modern technology, it is very easy to store and transport these items on your person in the form of flash drives, writeable CD's, external hard drives, or on laptops that are often taken with them on their person or in the person's vehicle.

8. Based on his past experience and training, Affiant knows that persons who use personal computers in their homes tend to retain their personal files and data for extended periods of time even if a person has replaced, traded in or "upgraded" to a new personal computer. Affiant also knows personal computer users routinely transfer most of their saved data onto their new computers when making an upgrade. The data transfer is often done by saving files from the old computer to media sources (CD's or external storage devices, etc.), then opening them onto the new computer and saving them to the new hard drive. Visual images, such as child pornography, are as likely (if not more so) as other data to be transferred to a person's new, replacement or upgraded computer system.
9. Affiant's past experience in the on-line child pornography area also suggests that collections of child pornography will more than likely be located in the suspect's home. Affiant knows from interviewing such offenders that the primary reason they collect sexually explicit images of children is for their personal sexual arousal and gratification, the primary reason pornography of any type is collected and viewed. Consequently, a high degree of privacy is necessary to enjoy the collection and no other location can provide the level of privacy needed than one's own home. Even if family members or roommates share living quarters, the collection can be viewed in a private room or at times when others are away or asleep. Sometimes, in Affiant's experience, persons sometimes use work or school computers to help compile a child pornography collection, but when that occurs, Affiant's experience is that the images will be stored on portable computer storage devices and thereafter be transported to the collector's residence for private viewing. Affiant knows from his training and experience that the users and possessors of child pornography will often keep their collection close at hand, through the means of portable storage devices such as flash drives that have the ability to hold millions of images and videos.
10. Affiant has spoken with experts in the field of forensic computer examinations. Because of the large volume of information stored on a computer, it is almost always necessary to examine the computer off-site. A comprehensive forensic examination of a computer may take days or even weeks. Affiant has also learned that experts in the field of computer forensics are able to recover data that has been deleted from a computer hard drive, as well as storage media (floppy disks, compact disks, Zip drives, Pen drives, Thumb drives, tapes, etc.). Affiant also knows from his training and experience that digital material has the capability of remaining on devices designed to store them for an indefinite period of time including weeks, months, and years. Unlike drugs, the user does not consume child pornography; rather they are stored and kept for an indefinite period of time.
11. Affiant is therefore requesting that a forensic examination of any computer and computer-related media found at the above locations be conducted for evidence of criminal activity, specifically Possession or Promotion of Child Pornography, as well as the identification of other child victims of sexual exploitation.
12. If authorized to search the previously described items, the forensic analyst will conduct the search within approved forensic guidelines that will safeguard the integrity of the original data stored on the hard drive.
13. Affiant knows that based on his training and experience that computers store the names of the people the operating system is registered to, as well as the name of the person to whom the programs are registered. Written documents are also often found that bear the name of the person that wrote them. The above information is used for identification of ownership to establish the identity of person (s) in control of the computer(s).
14. Affiant knows, through training and experience, it is likely that the SUBJECT PREMISES will contain at least one digital device with biometric unlocking functionality, such as a smartphone, tablet, or computer, because of the standardized security functions of modern electronic devices. Your Affiant knows that in previous child exploitation investigations, law enforcement has encountered devices containing biometric unlocking functions, which due to advanced data encryption, they have been otherwise unable to access using other investigative techniques. These biometric functions have included a fingerprint and/or facial recognition security feature.

15. Your Affiant knows, through training and experience, as well as from information found in publicly available materials including those published by device manufacturers that some device models offer their users the ability to unlock the device via the use of a fingerprint, thumbprint (collectively, "fingerprint"), or by facial recognition or iris scanning in lieu of a numeric or alphanumeric passcode or password.
16. Your Affiant knows if a user enables biometric unlocking on a given device, he or she can register multiple fingerprints or their eyes and/or face to be used to unlock that device. The user can then use any of these registered bio-metric items to unlock the device. Users with devices that offer biometric unlocking functionality often enable it because it is considered to be a more convenient way to unlock the device than by entering a numeric or alphanumeric passcode or password, as well as a more secure way to protect the device's contents. This is particularly true when the user(s) of the device are engaged in criminal activities and thus have a heightened concern about securing the contents of the device.
17. In some circumstances, bio-metric unlocking cannot be used to unlock a device that has biometric unlocking functionality enabled, and a passcode or password must be used instead. These circumstances include as examples: (1) when more than a preset amount of time passed since the last time the device was unlocked and/or (2) when the device has not been unlocked via biometric unlocking in a preset amount of time and the passcode or password has not been entered in the last number of days. Thus, in the event law enforcement encounters a locked device, the opportunity to unlock the device via biometric unlocking exists only for a short time. Biometric unlocking also will not work to unlock the device if (1) the device has been turned off or restarted; (2) the device has received a remote lock command; and (3) a preset number of attempts to unlock the device via biometric unlocking are made.
18. The passcode or password that would unlock the device(s) found during the search of the SUBJECT PREMISES is not known to law enforcement. Thus, it will likely be necessary to press the finger(s) of the user of the device(s) found during the search of the SUBJECT PREMISES to the device's biometric unlocking sensor or have them look into the iris scanner or device camera in an attempt to unlock the device for the purpose of executing the search authorized by this warrant. Attempting to unlock the relevant device(s) via biometric unlocking of the user is necessary because the government may not otherwise be able to access the data contained on those devices for the purpose of executing the search authorized by this warrant.
19. Your Affiant believes, through his training and experience, the person who is in possession of a device or has the device among his or her belongings at the time the device is found is likely a user of the device. However, in the Affiant's training and experience, that person may not be the only user of the device whose bio-metrics are among those that will unlock the device via biometric unlocking, and it is also possible that the person in whose possession the device is found is not actually a user of that device at all. Furthermore, in the Affiant's training and experience, he knows in some cases it may not be possible to know with certainty who is the user of a given device, such as if the device is found in a common area of a premises without any identifying information on the exterior of the device. Thus, it will likely be necessary for law enforcement to have the ability to require any occupant of the SUBJECT PREMISES to press their finger(s) against the biometric unlocking sensor or have them look into the iris scanner or device camera of the locked device(s) found during the search of the SUBJECT PREMISES in order to attempt to identify the device's user(s) and unlock the device(s) via biometric unlocking.

WHEREFORE, based on the facts, circumstances, the training of Affiant, and the information noted in this document, Affiant asks for issuance of a warrant that will authorize him to search said suspected place and premises for said personal property, the person(s) named within the warrant, seize the same, and transport said property to the Texas Attorney General's Office, 3500 D B Wood Road, Georgetown, Williamson County, Texas, or any appropriate jurisdiction for purposes of safekeeping, scientific analysis, and completion of any investigation or proceedings related to the activities described in the Affidavit upon which the foregoing Warrant was issued

Sgt. Gary Marquis
AFFIANT, SGT. GARY MARQUIS

Subscribed and sworn to before me by said Affiant on this the 13 day of January 2020.

Kaycee Jones
Printed Name

Kaycee Jones
Signature

411 District Judge, Polk County Texas

SEARCH WARRANT

THE STATE OF TEXAS

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COUNTY OF POLK

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

WHEREAS, the Affiant whose signature is affixed to 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 (which said affidavit is by this reference incorporated herein for all purposes), and whereas I find that the verified facts stated by Affiant in said Affidavit show that Affiant has probable cause for the belief he expresses therein and establishes the existence of proper grounds for the issuance of this Warrant:

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

122 Beamon Drive, Livingston, Polk County Texas



Said location is featured in the above photograph and is more particularly described as: Single family residence comprised of a beige brick exterior with a composition roof. The residence has a driveway leading from Beamon Drive on the property. The entrance door of the residence faces Beamon Street. The above image was recently taken by your Affiant.

Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage, if said premises is a residence, which are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property which is the object of the search requested herein.

You are further commanded to search the following persons located within the curtilage of the target residence:

Richard Edward Staires
Sylvia Ann Joplin

W/M DOB
W/F DOB

At said place and said persons, you shall take evidentiary photographs of the interior and exterior of the locations described herein above and search for and, if same be found, seize and bring before me the property that could contain evidence of the criminal offense of Possession of Child Pornography, Texas Penal Code 43.26 described in the affidavit, to-wit:

1. Any and all information whether stored electronically as computer data or on paper and all data including communications, such as, text discussing, referring to, or otherwise regarding the sexual conduct and/or the exchange of child pornography images including images by the names stated above and otherwise, regarding the offense of Online Solicitation of a Minor and/or the Promotion or Possession of child pornography, or the sexual abuse of children.
2. Telephone books, address books or other writings tending to identify child victims.
3. Any videotapes, viewing and recording equipment to determine if they depict children engaged in nude or sexually explicit conduct.
4. Any data or images of persons who appear to be under the age of 18, engaged in sexual acts or posed in a manner to elicit sexual response or otherwise engaging in sexual conduct.
5. Any data pertaining to obtaining or possessing images of persons who appear to be under the age of 18, engaged in sexual acts or posed in a manner to elicit a sexual response.
6. Any data referring to online contacts or correspondences with the subjects under the age of 18 or related to the subject of communicating with children.
7. Computers and any computer programs, software and equipment, including but not limited to storage devices such as diskettes, compact discs and digital video discs, hard drives and thumb drives, flash drives, memory sticks, iPod's, MP3 players, Video iPods and any other devices that can be used to store or transport any type of computer media, and any means in which to power up, access, view or otherwise make use of those forms of electronic media;
8. Digital cameras, film cameras, digital video cameras, film video cameras, web cameras and all other devices used for the capture, taking, storing, transferring, developing, and otherwise manipulating images, including printers and all peripheral equipment associated with such cameras, including undeveloped film.
9. Any cellular telephones and other devices that can be used to communicate telephone to telephone or telephone to computer and all peripheral equipment associated with such cellular telephones;
10. Any papers or writings associated with online e-mail accounts, online social accounts, internet providers, cellular telephone bills and records, passwords, and screen names;
11. Documents showing dominion and control over the residence such as letters, utility bills, telephone bills, miscellaneous bills, pager bills and receipts for occupants, articles of personal property tending to establish the identity of the persons in control of the premises, vehicles, storage areas, safes, out buildings and containers being searched including utility company receipts, rent receipts, addressed envelopes, and keys and photographs of the defendant and his/her associates.

During the execution of the search of the SUBJECT PERSON and/or SUBJECT PREMISES law enforcement personnel are authorized to press the fingers (including thumbs) of individuals found at the SUBJECT PREMISES to the biometric unlocking sensor or to have the individual provide facial recognition to the camera of the device(s) or iris scanning to the sensor of the device(s) found at the SUBJECT PREMISES for the purpose of attempting to unlock the device via biometric unlocking functionality in order to search the contents as authorized by this warrant.

Further, you are ORDERED, pursuant to the provisions of Article 18.10, Texas Code of Criminal Procedure, to retain custody of any property seized pursuant to this Warrant, until further order of this Court or any other court of appropriate jurisdiction shall otherwise direct the manner of safekeeping of said property. This Court grants you or a designee leave and authority to conduct a scientific examination(s) of seized property, either on-site or in a laboratory environment, and authority to remove such seized property from this county if such removal is necessary for scientific examination, for the safekeeping of such seized property by you, or if the provisions of Article 18.10, T.C.C.P. otherwise authorize such removal. You are further ORDERED to give notice to this Court, as a part of the inventory to be filed subsequent to the execution of this Warrant, and as required by Article 18.10, T.C.C.P., of the place where the property seized hereunder is kept, stored and held.

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 the same.

ISSUED AT 3:01 o'clock P.M., on this the 13 day of January, 2020 to certify which witness my hand this day.

Katrice Jones
Printed Name

Katrice Jones
Signature

411 District Judge, Polk County, Texas

FILED FOR RECORD
2020 FEB -11 PM 4:35
CLERK OF DISTRICT COURT
POLK COUNTY TEXAS

RETURN AND INVENTORY

THE STATE OF TEXAS

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COUNTY OF POLK

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath certifies that the foregoing Warrant came to hand on the day it was issued and that it was executed on the 14 day of JAN, 20 20, by making the search directed therein and seizing during such search the following described personal property:

** See Attached **

Sgt. Gary Marquis
AFFIANT, SGT. GARY MARQUIS

SUBSCRIBED AND SWORN to before me, the undersigned authority, on
this the _____ day of _____, 20_____.



ATTORNEY GENERAL OF TEXAS

CRIME SCENE LOG

SEARCH & SEIZURE RECORD

DEFENDANT Richard Stares	DATE/TIME 1-14-2020	CASE NO CX2100028565
DEFENSE Pass of CP.	LOCATION 122 Reamon Drive, Livingston TX	
OFFICER IN CHARGE Maraviz	ASSISTING OFFICERS SGT. Bowlin, SGT. HARRINGTON, SGT. CABRERA, SGT. MOORE, SGT. ULLMAN, SGT. STIFFLEMIER, SGT. MADORE.	

TAG NO	DESCRIPTION	LOCATION	FOUND BY
A-1	SAMSUNG GALAXY S7 cell phone	In Bed-Room By Desk in Richard Stares Room	R. HARRINGTON
A-2	Thumb Drive ATTACH: PNY 128MB	PLASTIC CONTAINER in front of Bed in Richard STARES Room	R HARRINGTON
A-3	ACER LAPTOP	ON FLOOR BY Bed in Richard Stares Room	HARRINGTON
	S/N-NXMRWAA0164471D6C86600		
A-4	SANDisk Thumb Drive 16GB	Box on Computer Desk in Richard Stares Room	HARRINGTON
A-5	SAMSUNG GALAXY S7	on Table in Richard Stares Room	HARRINGTON
A-6	GATEWAY LAPTOP	on shelf in closet in Richard Stares Room	HARRINGTON
	S/N-N325931047091		
A-7	SAMSUNG cell phone	TOP drawer of Desk in Richard Stares Room	HARRINGTON
	IMEI-354308080858193		
A-8	ALCATEL oneTouch cell phone	TOP drawer of Desk in Richard Stares Room	HARRINGTON
A-9	SAMSUNG cell phone	" " "	HARRINGTON
	IMEI-354727082931171		
B-1	COMPAQ PRESARIO CQ57 LAPTOP	on Bed in Edward Stares Room	HARRINGTON
	S/N-5GB2202514		
B-2	HP LAPTOP	In Edward Stares Room in corner	HARRINGTON
B-3	SAMSUNG cell phone	In Black safe box under Bed in Edward Stares Room	HARRINGTON
	IMEI-359258074660243		

PASS code - A-1-6186