

SEARCH WARRANT

Commonwealth of Virginia VA. CODE §§ 19.2-56, 19.2-57

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth to forthwith search the following place, person or thing:

See attachment labeled: Description of Items to be Searched. All items are located in York County in the possession of law enforcement.

for the following property, objects and/or persons:

As related to the following offense: 46.2-852 felony reckless driving, see attachment labeled: Supplement to Affidavit Section #3.

- This SEARCH WARRANT authorizes a search of a place of abode which may be executed by initial entry of the abode
 - only in the daytime hours between 8:00 a.m. and 5:00 p.m., unless prior to the issuance of this SEARCH WARRANT, law-enforcement officers lawfully entered and secured the place to be searched and remained at such place continuously OR
 - at any time for good cause shown.

As this SEARCH WARRANT authorizes a search of a place of abode, you are required to be recognizable and identifiable as a uniformed law-enforcement officer and to provide audible notice of your authority and purpose reasonably designed to be heard by the occupants of the place to be searched prior to the execution of this SEARCH WARRANT.

You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the York Circuit Court an inventory of all property, persons, and/or objects seized.

This SEARCH WARRANT is issued in relation to an offense substantially described as follows:

- a person to be arrested for whom a warrant or process for arrest has been issued identified as follows:
46.2-852 felony reckless driving

Supplemental sheet attached and incorporated by reference. Number of supplemental pages _____

I, the undersigned, have found probable cause to believe that the property or person constitutes evidence of the crime identified herein or tends to show that the person(s) named or described herein has committed or is committing a crime, or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched, and further that the search should be made, based on the statements in the attached affidavit sworn to by

Trp. D. Bicking, VSP

NAME OF AFFIANT



CLERK MAGISTRATE JUDGE

Katie Slavnik

12/21/2022 06:11 PM

DATE AND TIME

FILE NO.

SEARCH WARRANT

COMMONWEALTH OF VIRGINIA

v./In re

Attachment labeled:

Description of Items to be

Searched

Filed in the Clerk's Office, Circuit Court,
York County - Poquoson, VA

the 27th day of December, 2022

Teste: Kristen N. Nelson, Clerk 2:37pm

By:  D.C.

SWN: 199CM2200006666

4. The material facts constituting probable cause that the search should be made are:

See Statement of Material Facts

5. The object, thing or person to be searched for constitutes evidence of the commission of such offense [] is the person to be arrested for whom a warrant or process for arrest has been issued.

6. [] Authorization to execute a search warrant of a place of abode other than in the daytime hours between 8:00 a.m. and 5:00 p.m. is requested.
The material facts constituting good cause for such authorization are:

[] Reasonable efforts were made to locate a judge, and a judge is not available, before seeking authorization from a magistrate to execute a search warrant other than in the daytime hours between 8:00 a.m. and 5:00 p.m., with those reasonable efforts being as follows:

OR [] Reasonable efforts were not made to locate a judge as the following circumstances require the issuance of the search warrant after 5:00 p.m.:

7. I have personal knowledge of the facts set forth in this affidavit AND/OR

I was advised of the facts set forth in this affidavit, in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

Information not directly observed by your affiant, was provided by other law enforcement officers directly involved in this investigation and the National Safety Transportation Board. (NTSB). Sgt. Bicking

Sgt. Bicking

The statements above are true and accurate to the best of my knowledge and belief.

Sergeant

TITLE OF APPLICANT

Subscribed and sworn to before me this day.

12/21/22 @ 5:58pm

DATE AND TIME

Dennis Bicking
APPLICANT
[Signature]
[] CLERK MAGISTRATE [] JUDGE

AFFIDAVIT FOR SEARCH WARRANT

Commonwealth of Virginia

VA. CODE § 19.2-54

The undersigned Applicant states under oath:

1. A search is requested in relation to an offense substantially described as follows:
 a person to be arrested for whom a warrant or process for arrest has been issued identified as follows:

46.2-852. Reckless driving; general rule, Irrespective of the maximum speeds permitted by law, any person who drives a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person shall be guilty of reckless driving.

CONTINUED ON ATTACHED SHEET

2. The place, person or thing to be searched is described as follows and is a place of abode:

Black iphone with purple case, Silver Samsung Cellphone Model # sm-j337t, Black iphone with cracked back, Red iphone with yellow glitter, Black iphone with black and gray case, Black iphone with blue case, Black iphone no case, Black cellphone model #SL101AE, Black iphone with red and black case, Gray Motorola 48MP 1.6 Quad Pixel Cellphone, and Blue iphone with Black case and writing on the back.

The phones are currently located inside the confines of York County

CONTINUED ON ATTACHED SHEET

3. The things or persons to be searched for are described as follows:

Stored text messages (SMS and MMS); both read and unread, sent and unsent; contents of the stored address book; telephone call logs; pictures and/or videos stored on the subject device (along with any metadata associated with these files); sent and/or received audio files; GPS location history; evidence of user attribution showing who used or owned the device at the time the things described in this warrant were created, edited, or deleted; such as logs, phonebooks, saved usernames and passwords, documents, and browsing history; list of installed application and any data associated with, created, or stored by these applications to include location history, chat history and/or shared pictures or videos as they relate to the offenses described in this affidavit.

CONTINUED ON ATTACHED SHEET

(OVER)

FILE NO.

AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

Dennis Bicking

NAME

Sergeant

TITLE (IF ANY)

1401 Airport Rd.

ADDRESS

Williamsburg, VA 23188

Certified to Clerk of

York

CITY OR COUNTY

Circuit Court

on

12-27-22

DATE

SGT

TITLE



SIGNATURE

Original Delivered in person by certified mail
 by electronically transmitted facsimile
 by use of filing/security procedures defined in the Uniform Electronic Transactions Act

to Clerk of

York

CITY OR COUNTY WHERE EXECUTED

Circuit Court

on

12-27-22

DATE

SGT

TITLE



SIGNATURE

Filed in the Clerk's Office, Circuit Court

York County - Poquoson, VA

the 27th day of December, 20 22

Teste: Kristen N. Nelson, Clerk

2:37pm

By: 

D.C.

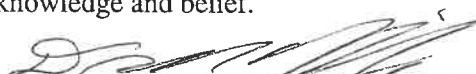
SEARCH INVENTORY AND RETURN

The following items, and no others, were seized under authority of this WARRANT:

1. Electronic Data
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

The statement above is true and accurate to the best of my knowledge and belief.

12-27-22
DATE


EXECUTING OFFICER

Subscribed and sworn before me this day

12-27-2022
DATE

KRISTEN N. NELSON, CLERK

 CLERK MAGISTRATE JUDGE

FOR NOTARY PUBLIC'S USE ONLY:

State of _____ [] City [] County of _____

Acknowledged, subscribed and sworn to before me this _____ day of _____, 20 _____

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires: _____)

EXECUTION

Executed by searching the within described place, person or thing.

12-22-22 0805
DATE AND TIME EXECUTED

SGT D. Bickling
EXECUTING OFFICER

Certified to York

Circuit Court on 12-27-22
DATE


EXECUTING OFFICER

Received in person [] by certified mail
[] by electronically transmitted
facsimile

on 12-27-2022
DATE

KRISTEN N. NELSON, CLERK

by: 
CLERK OF CIRCUIT COURT

Statement of Material Facts

Before the magistrate in and for the County of York, came, Sergeant Dennis Bicking of the Virginia State Police, herein referred to as your Affiant.

Your Affiant has been a full-time police officer for over ten (10) years, and is currently assigned to the Area 37 Williamsburg field office of the Virginia State Police, Bureau of Field Operations. Your Affiant has received training from the Virginia State Police Academy in the areas of criminal interdiction and the writing of search warrants. Your Affiant has previously held the rank of Senior Trooper in the Virginia State Police Bureau of Field Operations Area 45-Arlington and has conducted numerous criminal investigations on the State/Local and Federal levels as well as written numerous Search Warrants within the Northern Virginia area. Your Affiant was a sworn police officer during all times herein.

Your affiant is requesting a search warrant for the following list of cell phones, belonging to the victims of the investigation. The phones are currently in Virginia State Police custody located at the Area 37 Williamsburg field office.

Your Affiant bases his probable cause upon the following facts, although not all information known to your Affiant has been included in this affidavit:

On 12-16-22 at approximately 0139 hours Trooper A. Gasparyan was dispatched to a 2-vehicle crash with fatality off of Interstate 64 East near the 241 Mile Marker. When Trooper A. Gasparyan arrived on scene at approximately 0143 hours, he observed a female laying on the left shoulder unresponsive. She was later identified as Montia Bowie DOB 1-9-2003. While walking the scene of the crash trying to give aide to the other injured passengers, Trooper A. Gasparyan observed a male laying on the left shoulder unresponsive. He was later identified as Johnntae Kaalib Russell DOB 5-31-2001 by his mother Kesha Russel. Trooper Gasparyan saw a third male laying on the left shoulder unresponsive who was later identified as Xzavier Raquan Evans using his Virginia ID Card.

Filed as Xzavier Raquan Evans using
Filed in the Clerk's Office, Circuit Court,
York County - Poquoson, VA

the 27th day of Decem, 2022

Teste: Kristina M. Nelson, Clerk

2:33pm

By:  D.C.

During the crash investigation Trooper A. Gasparyan spoke with the driver of the 2000 International party bus Antonio L. Wiggins using his Virginia OL # [REDACTED]. Mr. Wiggins stated "I was driving in the far-right lane, I checked my driver side mirror I see a semi-truck approaching very fast I began to change lanes and got hit from the back." Once the paramedics were able to extract the driver of the 2002 Freightliner Cascadia who was identified as Daniel L. Cramer using his Alabama OL # [REDACTED]. Mr. Cramer stated to Trooper A. Gasparyan "I drove up on the bus, I did not see any tail lights." Everyone involved with this crash was transported to Riverside Doctors Hospital, Riverside Hospital and Sentara Hospital. Bucktrout Funeral Home transported the 3 deceased bodies to the ME's office.

As the crash investigation continued Trooper A. Gasparyan and the Division 5 Crash Team determined that both vehicles were traveling in lane # 3 when the tractor trailer rear ended the party bus which made the party bus do a 180 degrees locks with the tractor trailer and both vehicles ran off the roadway into the embankment on the left side of the road. When the party bus struck the guard rail, the bus lost its entire cab shell and all the passengers were ejected, tractor trailer continued forward and struck the guard rail on the West bound side. One of the passengers of the party bus was struck underneath the wreckage of the party bus where fire and rescue had to get him out from underneath.

While walking the crash scene Trooper Gasparyan observed many empty bottles of alcohol scattered with the party bus wreckage. Both vehicles were towed to Scotty's Auto and Fleet Repair yard. On 12-20-22 Trooper A. Gasparyan went to Scotty's Auto and Fleet Repair Yard and looked into the 2022 Freightliner Cascadia from the driver side window and saw 4 unknown pill bottles on the floor board and a diabetic sugar tester on the driver's seat.

During recovery of items from the scene, 13 cell phones amongst the debris were recovered. These cell phones could have crucial data stored from video to messages of what was occurring before, during and after the crash. This information will be critical in piecing the events of the

incident into place to determine the series of actions that led to this crash. This data could aid in the determining of charges in this case.

Your Affiant knows based on training and experience that cellular phones now outnumber the population of the planet and the use of cellular technologies is the number one means of communication between people.

Your Affiant knows that modern smartphones record precise location information for the device when location service features are enabled. These location services allow the device to provide driving directions, find amenities and services located nearby and to market products to the user through various applications. Locations recorded within the device will show the travels of cell phones.

Based on Your Affiant's training and experience, electronic devices like the **cell phones recovered**, when located during the course of events contain electronic information such as messages, videos, photographs and call logs related to the use and events of the incident. Additionally, information within the phone will often contain information related to the timeline of events, location data and calls logs which are directly related to the investigation.

DESCRIPTION OF ITEMS TO BE SEARCHED

1. This is an Affidavit in Support of a Search Warrant authorizing the search of the following items all of which were seized by your affiant pursuant to evidence collection at the scene of the crime:

Item #	Description
0006	Black iphone with purple case.
0007	Silver Samsung Cell Phone Model# sm-j337t
0008	Black iphone with cracked back.
0009	Red iphone with yellow glitter.
0010	Black iphone with black and gray case.
0011	Black iphone with blue case.
0012	Black iphone no case.
0013	Black phone (missing battery) model #SL101AE

0014	Black iphone with red and black case.
0020	Gray Motorola 48MP 1.6pm Quad Pixel Cellphone.
0021	Blue iphone with black case. Writing on the back; "Note to Self: You gotta do this for you. This is for you. This isn't about anybody. Live for you. Honor you. Never lose sight of that."

The above items are hereinafter referred to collectively as the "**Subject Electronic**

Devices." The **Subject Electronic Devices** are currently stored in a secure manner in Law enforcement custody.

2. The applied-for warrant would authorize the forensic examination of the **Subject Electronic Devices** for the purpose of identifying electronically stored data which is listed below.

3. The **Subject Electronic Devices** are currently in the possession of law enforcement agents. All of the **Subject Electronic Devices** came into law enforcement custody through the clean-up and inventory of the crash scene. Therefore, while law enforcement agents may already have the authority necessary to examine the **Subject Electronic Devices**, your affiant is seeking these additional warrants out of an abundance of caution to be certain that an examination of the **Subject Electronic Devices** will comply with the Fourth Amendment and other applicable laws.

RELEVANT STATUTES

4. Section 18.2-852 of the Code of Virginia makes Reckless driving; general rule, Irrespective of the maximum speeds permitted by law, any person who drives a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person shall be guilty of reckless driving.

Supplement to Affidavit Section #3

Financial records related to any business entities

Audits or other internal reports or memorandums generated for the purpose of maintaining accurate records.

Communications regarding maintenance of inventories, theft or loss reports.

Copies of training material and procedures regarding the performance of internal audits.

Records relating to the receipt of payments, including accounting records, books of original entry, general ledgers, cash receipts journals, expense journals, disbursements records, patient ledger cards, personal or business bank statements, and any journal, ledger, or notebooks containing entries of cash, personal checks, or credit card payments received;

Records relating to hours worked by employees and/or owners of the companies.

~~Any identification received from customers.~~ *DS*

Evidence of who used, owned, or controlled the **Subject Electronic Devices** 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;

Evidence of software that would allow others to control the **Subject Electronic Devices**, such as viruses, Trojan horses, and other forms of malicious software, as well as evidence of the presence or absence of security software designed to detect malicious software;

Evidence of the lack of such malicious software;

Evidence indicating how and when the **Subject Electronic Devices** were accessed or used to determine the chronological context of **Subject Electronic Device** access, use, and events relating to crime under investigation and to the phones user.

Evidence of the attachment to **Subject Electronic Devices** of other storage devices or similar containers for electronic evidence;

Evidence of counter-forensic programs (and associated data) that are designed to eliminate data from the **Subject Electronic Devices**;

Evidence of the times the **Subject Electronic Devices** were used;

Passwords, encryption keys, and other access devices that may be necessary to access the **Subject Electronic Devices**;

- K. Evidence of the lack of such malicious software;
- L. Evidence indicating how and when the **Subject Electronic Devices** were accessed or used to determine the chronological context of **Subject Electronic Device** access, use, and events relating to crime under investigation and to the phones user.
- M. Evidence of the attachment to **Subject Electronic Devices** of other storage devices or similar containers for electronic evidence;
- N. Evidence of counter-forensic programs (and associated data) that are designed to eliminate data from the **Subject Electronic Devices**;
- O. Evidence of the times the **Subject Electronic Devices** were used;
- P. Passwords, encryption keys, and other access devices that may be necessary to access the **Subject Electronic Devices**;
- Q. Documentation and manuals that may be necessary to access the **Subject Electronic Devices** or to conduct a forensic examination of the **Subject Electronic Devices**;
- R. Records of, or information about, Internet Protocol addresses used by the **Subject Electronic Devices**;
- S. Records of, or information about, the **Subject Electronic Devices'** Internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that the user entered into any Internet search engine, and records of user-typed web addresses; and

T. ~~Contextual information necessary to understand the evidence described in this Affidavit.~~ 

CONCLUSION AND REQUEST

15. Based on the information set forth in this Affidavit, your affiant respectfully submits that sufficient probable cause exists to believe that in the **Subject Electronic Devices**, there is evidence of Reckless Driving General (Felony) in which 3 passengers were killed and the driver of the bus was suspended from driving ^{by} ~~by~~ traveling well under the speed limit, and the driver of the tractor trailer that struck the bus who slammed the back of the bus at full speed with falsified Log Books, by driving well outside his working duty time allowed. Pursuant to the Code

of Virginia, 1950, as amended.

16. WHEREFORE, in consideration of the facts presented, your affiant requests that search warrants be issued for the **Subject Electronic Devices** and authorize the search of the items described herein which constitute fruits, evidence, and instrumentalities of violations of § 46.2-852 Code of Virginia, 1950, as amended.

Affiant:



Date 12-21-22

Dennis Bickling

Magistrate:



Date

12/21/22

Supplement

The party bus was modified in such a way that the weight precluded the party bus from going any faster than ~~40~~⁴⁰ mph. This was also the statement from the driver, Mr. Wiggins, that the bus would not go more than 40 mph. The wreck revealed heavy material used to modify the bus. This exceeded the weight limit of the bus.

Attiant



Dennis Bicking

12-21-22