

1540 hrs

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

SEARCH WARRANT

On this day, Detective Brian McKendry #20432, of the Chicago Police Department, has subscribed and sworn to a complaint for search warrant before me. Upon examination of the complaint, I find that it states facts sufficient to show probable cause.

I therefore command that you search:

Twitter, Inc.
1355 Market Street, Suite 900
San Francisco, CA 94103

in addition, search for, seize, and analyze the following instruments articles and things:

1. Any and all information pertaining to the account @ [redacted] and ID# [redacted] and https://twitter.com/[redacted] including but not limited to:

- a) contents of any and all communications including but not limited to read, unread, and direct messages, including but not limited to any and all communications relating to @ [redacted] and https://twitter.com/[redacted]
- b) all logs, including method of connection;
- c) connection time (including time zone) and date;
- d) disconnect time (including time zone) and date;
- e) source IP address;
- f) all aliases, followers, address books and profiles

which have been used in the commission of, which constitute evidence of, or which constitute the fruits of the offense of:

Disorderly Conduct - False Report of Offense

720 ILCS 5.0/26-1 (A)(4)

[redacted]

JUDGE

Judge's No.

1976

Date and time of issuance:

2-28-19 @ 10:34 AM

2/27/19



ASA

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

Non-Disclosure

This Court has authority under 18 U.S.C. § 2705(b) to issue "an order commanding a provider of electronic communication service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the Court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order."

Such an Order would be appropriate because the Search Warrant relates to an ongoing criminal investigation that is neither public nor known to the target of the investigation, and its disclosure may alert the target to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the Search Warrant will seriously jeopardize the investigation, including by giving the target an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subject under investigation could destroy that evidence, including information saved to his or her personal computer(s).

I further find that there is reason to believe that notification of the existence of the Search Warrant will seriously jeopardize the investigation, including by giving the target an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify alleged co-conspirators. See 18 U.S.C. §§ 2705(b)(2), (3), (5). I hereby further ORDER pursuant to 18 U.S.C. § 2705(b) that Twitter, Inc. shall not disclose the existence of said Search Warrant, or this Order of the Court, to the user(s), subscriber, or customer associated with the Twitter ID or to any other person, unless and until otherwise authorized to do so by the Court, except to the extent necessary to respond to the Search Warrant.

I further command that a return of anything so seized shall be made without necessary delay before me or before Judge _____, or before any court of competent jurisdiction.

[Redacted Signature]

1976

Judge

Time and date of issuance _____

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DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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Returned Not Executed

I did not execute this warrant within 96 hours from the time of issuance and is hereby returned to the court as void and not executed.

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Officer

Date:



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CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC-1-219 (1)

STATE OF ILLINOIS
COUNTY OF COOK

} ss.

THE CIRCUIT COURT OF COOK COUNTY

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

Detective Brian McKendry # 20432, of the Chicago Police Department, Complainant, now appears before the undersigned judge of the Circuit Court of Cook County and requests the issuance of a search warrant to search:

Twitter, Inc.
1355 Market Street, Suite 900
San Francisco, CA 94103

in addition, search for, seize, and analyze the following instruments articles and things:

1. Any and all information pertaining to the account @ [redacted] and ID# [redacted] documented under internal Twitter Case number [redacted] from August 1st 2018 to Present date, and https://twitter.com/[redacted] including but not limited to:
 - a) contents of any and all communications including but not limited to read, unread, and direct messages, including but not limited to any and all communications relating to @ [redacted] and https://twitter.com/[redacted]
 - b) all logs, including method of connection;
 - c) connection time (including time zone) and date;
 - d) disconnect time (including time zone) and date;
 - e) source IP address;
 - f) all aliases, followers, address books and profiles

which have been used in the commission of, which constitute evidence of, or which constitute the fruits of the offense of:

Disorderly Conduct - False Report of Offense
720 ILCS 5.0/26-1(A)(1)

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STATE OF ILLINOIS COUNTY OF COOK

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THE CIRCUIT COURT OF COOK COUNTY

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

Background:

I, Detective Brian McKendry, #20432, your affiant, am employed by the Chicago Police Department. I have been so employed for 28 years, and am currently assigned to the Area Central Detective Division, Chicago Police Department. As a Police Officer for the Chicago Police Department, I have attended numerous training classes pertaining to procuring and executing search warrants. I am a graduate of the Chicago Police Academy and numerous Law Enforcement training courses. I am a Peace Officer authorized to execute search warrants in accordance with 725 ILCS 5/108-5.

I have obtained the information contained in this affidavit from conversations with other law enforcement officers involved in this investigation, from my personal knowledge; from my participation in this case, as well as from documents I have reviewed and my prior training and experience. The following information contained in this affidavit is stated for the limited purpose of establishing probable cause and does not contain all facts and information regarding this investigation.

Definition:

Internet Protocol. An Internet Protocol (IP) address is a standardized string of numbers used throughout the Internet to identify an individual computer or computer system. When a subscriber of an Internet service provider wishes to access the Internet via the Internet provider's service, the Internet service provider will assign that account an IP address. This unique number string is similar to a residential mailing address in that it allows an email message or other computer traffic to reach a specific recipient. An IP number is most commonly in a dotted decimal format of four numbers, each from 0 to 255, separated by dots, such as 45.75.219.32. These strings of numbers can either be permanently assigned (in the case of permanent web pages or continuous Internet access connections) or temporarily assigned (in the case of dialup

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account). A static IP address is a permanently assigned address. A dynamic IP is an IP number that is assigned for the duration of a single online session, and may be reissued or used by another user at another time. During one continuous Internet session the IP number does not change.

Investigation

On Tuesday, January 22, 2019 at 2:30 pm, (RD# JC125614) subject [redacted] Male, Black, 36 years of age, claimed that he received a written letter at the location of [redacted] Chicago, Cook County, IL, which contained written threats directed toward subject [redacted]. An unknown white powdery substance was found within the letter along with cut out letters pieced together which stated "[redacted] you will die black fag" and "MAGA" which was hand written.

On Saturday, January 26, 2019 at an unknown time, subject Jussie SMOLLETT claimed that he received a phone call from an unidentified phone number in which an unidentified male caller stated, "Hey you little Faggot" at which point the call ended.

On January 29, 2019, at approximately 02:00 A.M., subject Jussie SMOLLETT claimed that he was the victim of battery on the public way at [redacted] Chicago, IL, 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by [redacted] to [redacted] for treatment. During the investigation of the Aggravated Battery/On The Public Way of subject Jussie SMOLLETT, investigators learned the following:



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On January 29, 2019, at approximately 02:42 AM Chicago Police responded to a 911 call of a person battered at [REDACTED]. The 911 call was initially made at approximately 02:27 AM. Chicago Police Officers arrived on scene and observed that SMOLLETT had a rope draped around his neck. Jussie SMOLLETT claimed he was the victim of an attack where he had been battered about his body.

The investigation revealed Jussie SMOLLETT lives at the address of [REDACTED]. On January 29th, 2019 Jussie SMOLLETT flew into Chicago O'Hare International Airport from New York and arrived at approximately 0030 hours. Jussie SMOLLETT was then driven by [REDACTED] from O'Hare International Airport to his home at [REDACTED] and arrived at approximately 0130 hours. Investigators learned that Jussie SMOLLETT walked by himself to a Subway restaurant at 511 N. McClurg Court, and ordered food. While on the way to Subway, Jussie SMOLLETT stated that he was in communication, via his cell phone, with [REDACTED].

Investigators learned Jussie SMOLLETT stated that, while returning home from Subway, he was communicating on his cell phone with [REDACTED] when he was approached by two unknown male subjects dressed in dark clothing. According to SMOLLETT, one of the unknown subjects gained Jussie SMOLLETT's attention by saying, "Empire faggot Empire nigger." SMOLLETT stated that both unknown male subjects then began to batter Jussie SMOLLETT about his face with their hands. SMOLLETT stated that the unknown subjects then poured a substance now believed to be bleach, onto Jussie SMOLLETT's head area and placed a white rope around his neck. SMOLLETT stated that the two unknown male subjects then fled on foot southbound on New St. towards the Chicago River and towards the pub named Lizzy McNeill's, located at 400 N. McClurg Ct. Jussie SMOLLETT subsequently returned home and the Chicago Police were contacted approximately twenty-five (25) minutes later at approximately 2:27 AM.

During this portion of the investigation, video evidence has been recovered from several locations to include, but not limited to, residential, commercial, and Chicago Police Observation

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Devices (POD). Since these videos are from different sources, the time stamps are approximate and individual video recordings may not be synchronized.

Investigators learned that on January 29, 2019 at approximately 1:03 A.M., two individuals (now identified as [redacted]) initiated an UBER ride at [redacted]. A dark colored Toyota Highlander UBER vehicle then brought these subjects to the 1400 block of North Wells St. where the ride terminated. This information was obtained by a subpoena return from UBER. The account used to order and pay for the UBER ride is registered to [redacted] under phone number of [redacted].

Investigators learned, from video evidence, that the two subjects exited the UBER vehicle and hailed an approaching "Sun Taxi Cab" [redacted] at the intersection of Schiller St. and Wells St. [redacted] entered the cab and requested to be taken to Illinois St. and Lake Shore Dr., where the vehicle arrived at approximately 1:25A.M. This information was verified by video evidence recovered from "Sun Taxi Cab" [redacted].

From approximately 1:25A.M. until approximately 2:03A.M., video evidence showed [redacted] on foot in an area bordered by Lake Shore Dr. on the east, Columbus Drive on the west, Illinois St to the north, and the Chicago River to the south.

At approximately 2:04 A.M., on January 29, 2019, [redacted] staged a battering of Mr. SMOLLETT, which was just outside the view of a nearby camera. Approximately one minute later, video evidence showed [redacted] run from the location, southbound toward the Chicago River, past the Chicago Burger Company, located at 301 E. North Water St. and westbound toward Columbus Dr. Video evidence subsequently captured [redacted] enter "Yellow Cab Company" Taxi # [redacted] at the Hyatt Regency Hotel, located at 151 E. Wacker Dr. at 02:10 A.M.

[redacted]

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Investigators obtained information from the "Yellow Cab Company," which stated the ride originated at the Hyatt Regency Hotel and terminated in the 3600 block of N. Marshfield Ave. at 02:25A.M., two minutes before Mr. SMOLLETT'S [redacted] called 911 on Mr. SMOLLETT'S behalf to report the crime. Video evidence then showed [redacted] exit the taxi cab in the 3600 block of North Marshfield Ave., and walk northbound on the west sidewalk out of camera view toward Grace Ave. The intersection of Grace Ave. and Marshfield Ave. is only a few blocks south from the original UBER pick up location.

Further investigation showed that [redacted] was an extra on the TV show, "EMPIRE". Jussie SMOLLETT is an actor who plays a character on that TV show. A photo of [redacted] was obtained from UBER as well as his driver's license. The photo of [redacted] strongly resembles one of the subjects that were seen on the Sun Taxi video. [redacted] strongly resembles the other subject in the Sun Taxi. A search of the Youtube.com internet channel under the name of Team Abel revealed a video posted on January 18, 2019 titled "Getting to Know [redacted] #BMFCASTING of [redacted] wherein [redacted] makes claims that he was involved in several projects including the TV show, "EMPIRE."

Investigators served a search warrant, 19SW4819, on Jussie SMOLLETT'S phones; [redacted] The returns from that search warrant revealed that SMOLLETT had approximately 20 phone calls between himself and [redacted] from January 14, 2019 through January 30, 2019. As far as the day of the battery, on January 29, 2019 at 12:49 AM, [redacted] phone number ending in [redacted] (registered to [redacted] called SMOLLETT'S phone number ending in [redacted] and the duration of the call was 3 minutes and 2 seconds. This was approximately 19 minutes after Smollett's plane landed in Chicago and just minutes before [redacted] ordered the UBER to set off for the crime scene. On January 29, 2019 at 7:45 PM, just less than 18 hours following the battery, SMOLLETT'S phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call was 5 seconds. Two minutes later, [redacted]

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[redacted] phone number ending in [redacted] called SMOLLET'S phone number ending in [redacted] and the duration of the call was 1 minute and 34 seconds. Investigators were able to determine that both [redacted] flew out of the country to Nigeria later on the evening of January 29th, 2019, which is the same day as the attack on Mr. Smollett. On January 30, 2019 at 10:46 AM, SMOLLET's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call lasted 8 minutes and 48 seconds.

On 5 February 2019, Investigators submitted Grand Jury # [redacted] to American Airlines to obtain flight information of the flight SMOLLET took on 28 January 2019. The results show that SMOLLETT used email address [redacted] when the flight was booked.

When the crime was originally reported, SMOLLET gave a contact number as [redacted] Investigators executed Search Warrant 19SW4819 and discovered that listed number is an Apple iPhone 6s.

On February 13, 2019 [redacted] returned from Nigeria, landing in Chicago O'Hare International Airport, wherein they were detained by US Customs. Members of the Chicago Police Department then placed them into custody.

Investigators then executed search warrant #19SW4998 on February 13, 2019, on the residence of [redacted] Chicago, IL. During the execution of the warrant investigators conducted a systematic search of the residence in which items of clothing were recovered that may have been used during the commission of the incident on January 29, 2019. Also recovered was a script for the "Empire" TV show Episode # 514 titled "Without All Remedy" which details that an actor by the name of [redacted] is a stand in actor for the date of January 22, 2019. This is the same date that the suspicious letter that is referenced above arrived on the "EMPIRE" set. Also recovered from the residence was a Payroll Department Standard Non-Union Voucher slip for the "EMPIRE" TV Show for actor [redacted] Chicago, Illinois; DOB: [redacted]

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95; Phone: [redacted] dated January 23, 2019. [redacted] was listed as a "Stand In" for the character "Kai" on the invoice. A further review of the script also indicates that there is a scene which takes place with the character Kai interacting with Jussie SMOLLETT'S character Jamal Lyon.

[redacted] agreed to cooperate in the investigation of the battery against SMOLLETT. [redacted] provided the following information to Investigators. [redacted] both corroborated that the attack was planned by SMOLLETT. SMOLLETT had informed the witnesses that he did not believe that the studio had taken the hate mail letter serious enough and wanted to bring attention back to the situation. SMOLLETT began discussing with [redacted] about staging the attack. [redacted] stated that SMOLLETT had informed them that his manager would be there to help plan the attack; the manager was not present on the actual day of the planning of the attack.

On the morning of January 27th, 2019, SMOLLETT picked up both [redacted] SMOLLETT then proceeded to drive them to the area of New Street and North Water Street where he wanted the attack to take place. SMOLLETT drove them and directed them through the route that he wanted the witnesses to take, the exact spot where he wanted the attack to occur and then the route that he wanted them to use to leave. SMOLLETT also directed them in what words he wanted them to yell at him. [redacted] stated that they all came up with the words that would be used during the attack, but SMOLLETT instructed them to specifically use the words, "EMPIRE, faggot and nigger."

Witnesses related that the location of the attack was chosen by SMOLLETT based on the Chicago POD Camera that was affixed to the pole on the corner. SMOLLETT told the witnesses that he wanted them to use a red hat, a noose and gasoline; which was later changed to bleach because the witnesses did not want to purchase gasoline. SMOLLETT informed them that his flight may be delayed and that they should be on stand-by on the night of the attack. SMOLLETT gave them a hundred dollars USC to purchase what they needed for the attack.

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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

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SMOLLETT also gave them a check in the amount of \$3500 which was deposited into [redacted] bank account the following day. CPD POD camera video and cell tower data from Jussie SMOLLETT's cell phone number both corroborate the claims of [redacted] regarding Jussie SMOLLETT's movements on January 25, 2019.

On January 29, 2019, after Jussie SMOLLETT's plane landed at approximately 12:30 AM, SMOLLETT and [redacted] had a phone conversation. SMOLLETT's plane was approximately 4 hours late. Following the phone call, [redacted] and [redacted] ordered an UBER ride share vehicle to their residence which arrived at approximately 01:03 AM. [redacted] then headed out to the agreed upon area of the attack which was now to take place at 02:00AM rather than the originally planned time of 10:00PM on January 28, 2019.

[redacted] stated that they called for a ride share. [redacted] stated that as they were driving in the area of Wells and Division when they observed a taxi cab; they then hailed the cab. They instructed the cab to drive them to Illinois and Lake Shore Drive. They instructed the cab to drop them off underneath lower Lake Shore Drive. They walked the route to the spot agreed upon. They walked to the stairs where the attack would take place but they stated that they were too early and waited by a bench area. [redacted] then stated they observed SMOLLETT and he began to approach him from behind. [redacted] stated that he observed a vehicle in the area and got nervous because he did not want anyone to think that the attack was real and call the police or shoot him. [redacted] stated that he considered not carrying out the attack but decided to carry it out as he was already there. [redacted] then stated that he yelled out, the scripted words agreed upon loud enough for people to hear. "Hey aren't you that Empire faggot nigger!" [redacted] stated that SMOLLETT had instructed him during the choreographing of the fight to strike him but not to break his jaw. [redacted] then punched him SMOLLETT in the face as agreed upon. [redacted] stated that he struck him about the chin area but pulled his punch; it was a pretend

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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

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punch because he did not want to knock him out. [redacted] then stated that he stopped and gave SMOLLETT a chance to fight back as was scripted. During the planning stages of this incident, SMOLLETT had informed them that the camera would be recording the attack and he wanted to be shown as fighting back on video.

SMOLLETT proceeded to fight back and they both came to a stand-still. [redacted] then tossed SMOLLETT to the ground and began to grind his fists into his face in an effort to leave bruising on his face. [redacted] then stated that he saw another vehicle in the area and got nervous, he struck him with a kick and ran off. [redacted] stated that he ran up to SMOLLETT; poured the bleach onto him, left the bottle, and then placed the rope on his face, but did not place it around his neck, and ran off behind [redacted]

[redacted] then fled the area as agreed upon. As they fled they stated that they ran towards someone with a flashlight, he flashed them with the light and they ran past him. They then ran up the stairs and across the street, down the street and saw a cab. They took the cab to an area in their neighborhood and then proceeded to walk home.

Investigators were informed by one of the cab drivers that the subjects were observed messaging and talking on their phones. Investigator is aware that Twitter allows for direct messages and photos to be sent to other users, and is a service commonly used by users. Investigator is aware that it is common for users to send messages/photos on Twitter in order to avoid paying long distance fees while using cellular service.

Investigators accessed the Internet using open source access and were able to identify the following Twitter account: @ [redacted] The account is believed attributable to Jussie SMOLLETT based on a comparison of the photos on the social media account with past arrest photos and driver's license photograph.

[redacted signature area]

JUDGE

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Complainant

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CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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STATE OF
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Investigators learned through the investigation that Jussie SMOLLETT was communicating on his cellular phone during the entire incident. Investigator is aware that Twitter allows for direct messages and photos to be sent to other users, and is a service commonly used by users.

On February 01, 2019, A Preservation Letter was uploaded to Twitter, Inc. for @ [REDACTED] for this search warrant.

Twitter, Inc. provides web-based services. Twitter tracks what is called source Internet Protocol (IP) information, which is the IP address of the Internet location from which the subscriber accessed Twitter's services.

I have learned that Twitter maintains information on connection time for its subscribers, as well as other information including but not limited to, subscriber information, session length, method of connection, source IP, data transfer volume, and stored read and unread emails. I have also learned that the Instant Messages are saved on the unallocated space in one's computer when it is sent or received by that computer.

I am familiar with the federal statute that controls the legal process through which we are authorized to obtain electronic information from a service provider. In specific, the Electronic Communications Privacy Act (ECPA), at 18 USC 2703, describes the legal process through which the government is entitled to get information from electronic communications services and remote computing services, more commonly referred to as Internet service providers. The ECPA requires that the government obtain a warrant supported by probable cause to obtain unread email in electronic storage at a service provider. It also allows the use of a warrant to obtain other information and content from a provider.

I am also familiar with California Penal Code 1524.2, which states that all California Corporations must honor legal process from foreign states when the foreign states are seeking electronic evidence under the terms of the Electronic Communications Privacy Act, 18 USC

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2701 et seq. I have learned that Twitter is a California Corporation subject to the terms of California Penal Code 1524.2

Furthermore, your affiant seeks authorization for civilian assistance from Twitter representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Twitter files.

Conclusion

Based on my training, experience, and investigation into this case Your Affiant believes that there is reasonable cause to believe that there exists evidence of Disorderly Conduct-False Report of Offense located in the aforementioned account in violation of 720 ILCS 5/26-1(A)(4).

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

SEARCH WARRANT

On this day, Detective Brian McKendry #20432, of the Chicago Police Department, Area Central Bureau of Detectives, Complainant, has subscribed and sworn to a complaint for search warrant before me. Upon examination of the complaint, I find that it states facts sufficient to show probable cause.

I therefore command that you search:

Instagram, 1601 Willow Road, Menlo Park, CA 94025

and search for, seize, and analyze the following instruments articles and things:

Any and all information pertaining to the account of User ID: [REDACTED] (documented under internal Instagram Case number [REDACTED] from August 01st 2018 to Present date, including but not limited to:

1. Subscriber information including Date of Birth, age, address, and contact information including full name, user identification numbers, birth date, contact email addresses (including city, state, and zip code), telephone numbers, screen names and other personal identifiers, date of initiation;
2. Dates of account creation, registration address, billing address, email address, I.P. address at account sign up and logs showing I.P. address and date stamps for account addresses;
3. IP history log including the date stamps for account access, Internet Information Services (IIS) logs, put-get logs, or any other record showing exercise of control or domain over the content or cloud or online digital storage; and

[REDACTED]

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[REDACTED]

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

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- 4. Any and all information regarding devices associated with the Instagram account and/or posting requested; and
- 5. Instagram postings under user name [REDACTED] and
- 6. Contents of any and all communication or contact, including but not limited to read, unread, deleted, chats, instant messages, public or private messages, and any attachments; including those previously deleted;
- 7. Contents of private messages in the user's inbox, sent mail folders, trash folder, saved folder and draft folder, including those previously deleted;
- 8. Any transcripts of chats or messages sent from and received by the account including all wall posts, wall comments, wall likes, interests, pictures, videos, comments related to attached pictures and videos, profile pictures that are present on page (what his page looked like during the period), or deleted from page;
- 9. Contact lists and blocked friends list including friends previously deleted from both friends list and blocked friends list;
- 10. Any and all posted, removed, and/or deleted images, videos, including GPS, EXIF and Meta-data;
- 11. Any and all posted, removed, and/or deleted images related to the subscriber account;
- 12. Any and all device(s) information linked via cookies;
- 13. Any and all profiles logged in from the same computer and all users associated by machine cookies;



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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

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- 14. All Instagram accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number;
- 15. For the period of time from the creation of the account to the present, any information collected by Instagram related to push tokens related to devices associated with the Subject Account(s);
- 16. Location information, including without limitation, location information obtained by Instagram related to any and all devices for the above Instagram accounts accessing Instagram services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history;
- 17. Written certification by the custodian of record(s) or other person authorized to make the certification that the record(s) provided pursuant to the search warrant: (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters; (b) were kept in the course of the regularly conducted activity; and (c) were made by the regularly conducted activity as a regular practice Pursuant to Illinois Rules of Evidence 902.



which have been used in the commission of, which constitute evidence of, or which constitute the fruits of the offense of:

Disorderly Conduct - False Report of Offense
720 ILCS 5.0/26-1 (A)(4)

Furthermore I authorize civilian assistance from Instagram Inc. representatives for the execution of



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DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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(3-81) CCMC-1-220

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation this search warrant because their technical assistance will be necessary to obtain the information from Instagram files.

2/27/19

I find that disclosure of this request must not be made at any time as it may jeopardize an on-going criminal investigation, and therefore this Court orders Instagram and their representatives, agents and employees, not to disclose in any manner, directly or indirectly, by any action or inaction, to the listed account holder or any person, the existence of the court's orders, in full or redacted form, or of this investigation unless ordered by the court.

I further command that a return of anything so seized shall be made without necessary delay before me or before Judge _____, or before any court of competent jurisdiction.

Judge

Time and date of issuance _____

Returned Not Executed

I did not execute this warrant within 96 hours from the time of issuance and is hereby returned to the court as void and not executed.

Officer

Date:

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CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC-1-219 (1)

STATE OF ILLINOIS COUNTY OF COOK

} ss.

THE CIRCUIT COURT OF COOK COUNTY

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

Detective Brian McKendry #20432 of the Chicago Police Department, Complainant now appears before the undersigned judge of the Circuit Court of Cook County and requests the issuance of a search warrant to search the following:

Instagram, 1601 Willow Road, Menlo Park, CA 94025

and analyze and seize the following instruments, articles and things:

Any and all information pertaining to the account of User ID: [redacted] (documented under internal Instagram Case number [redacted] from August 01st, 2018 to Present including but not limited to:

1. Subscriber information including Date of Birth, age, address, and contact information including full name, user identification numbers, birth date, contact email addresses (including city, state, and zip code), telephone numbers, screen names and other personal identifiers, date of initiation;
2. Dates of account creation, registration address, billing address, email address, I.P. address at account sign up and logs showing I.P. address and date stamps for account addresses;
3. IP history log including the date stamps for account access, Internet Information Services (IIS) logs, put-get logs, or any other record showing exercise of control or domain over the content or cloud or online digital storage; and
4. Any and all information regarding devices associated with the Instagram account and/or posting requested; and

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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

- 5. Instagram posting under user name [REDACTED]; and
- 6. Contents of any and all communication or contact, including but not limited to read, unread, deleted, chats, instant messages, public or private messages, and any attachments; including those previously deleted;
- 7. Contents of private messages in the user's inbox, sent mail folders, trash folder, saved folder and draft folder, including those previously deleted;
- 8. Any transcripts of chats or messages sent from and received by the account including all wall posts, wall comments, wall likes, interests, pictures, videos, comments related to attached pictures and videos, profile pictures that are present on page (what his page looked like during the period), or deleted from page;
- 9. Contact lists and blocked friends list including friends previously deleted from both friends list and blocked friends list;
- 10. Any and all posted, removed, and/or deleted images, videos, including GPS, EXIF and Meta-data;
- 11. Any and all posted, removed, and/or deleted images related to the subscriber account;
- 12. Any and all device(s) information linked via cookies;
- 13. Any and all profiles logged in from the same computer and all users associated by machine cookies;

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[REDACTED]

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[REDACTED]

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CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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STATE OF ILLINOIS COUNTY OF COOK

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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

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- 14. All Instagram accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number;
- 15. For the period of time from the creation of the account to the present, any information collected by Instagram related to push tokens related to devices associated with the Subject Account(s);
- 16. Location information, including without limitation, location information obtained by Instagram related to any and all devices for the above Instagram accounts accessing Instagram services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history;
- 17. Written certification by the custodian of record(s) or other person authorized to make the certification that the record(s) provided pursuant to the search warrant: (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters; (b) were kept in the course of the regularly conducted activity; and (c) were made by the regularly conducted activity as a regular practice Pursuant to Illinois Rules of Evidence 902.

which have been used in the commission of, which constitutes evidence of, or which constitute the fruits of the offense of:

Disorderly Conduct - False Report of Offense
720 ILCS 5.0/26-1 (A)(4)

3 [REDACTED]

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[REDACTED]

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[REDACTED]

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} ss.

THE CIRCUIT COURT OF COOK COUNTY

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

Complainant says that he has probable cause to believe, based upon the following facts, that the above listed things to be seized are now located upon the premises set forth above:

Background

I, Detective Brian McKendry, #20432, your affiant, am employed by the Chicago Police Department. I have been so employed for 28 years, and am currently assigned to the Area Central Detective Division, Chicago Police Department. As a Police Officer for the Chicago Police Department, I have attended numerous training classes pertaining to procuring and executing search warrants. I am a graduate of the Chicago Police Academy and numerous Law Enforcement training courses. I am a Peace Officer authorized to execute search warrants in accordance with 725 ILCS 5/108-5.

I have obtained the information contained in this affidavit from conversations with other law enforcement officers involved in this investigation, from my personal knowledge, from my participation in this case, as well as from documents I have reviewed and my prior training and experience. The following information contained in this affidavit is stated for the limited purpose of establishing probable cause and does not contain all facts and information regarding this investigation.

Definitions

Internet Protocol: An Internet Protocol address (also known as an IP address) is a standardized string of numbers or letters throughout the Internet to identify an individual computer or computer system. When a subscriber of an Internet service provider wishes to access the Internet via the Internet provider's service, the Internet service provider will assign that account an IP address. This unique number string is similar to a residential

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mailing address in that it allows an email message or other computer traffic to reach a specific recipient. An IP number is most commonly in a dotted decimal format of four numbers, each from 0 to 255, separated by dots, such as 45.75.219.32. These strings of numbers can either be permanently assigned (in the case of permanent web pages or continuous Internet access connections) or temporarily assigned (in the case of dialup account). A static IP address is a permanently assigned address. A dynamic IP is an IP number that is assigned for the duration of a single online session, and may be reissued or used by another user at another time. During one continuous Internet session the IP address does not change.

Instagram: Insatgram.com is an online mobile photo-sharing, video-sharing and social networking service that enables its users to take pictures and videos. Users can upload photographs and short videos; follow other users' feeds and geotag images with longitude and latitude coordinates, or the name of a location. Instagram allows the creation of web profiles which allows users to use their Instagram account like a social media site. This gives users a web profile featuring a selcction of recently shared photographs, biographical information, and other personal details. Users can connect their Instagram account to other social networking sites such as Facebook, Twitter, Tumblr and Flickr, which enables the option to share uploaded photos to those sites.

Investigation

On Tuesday, January 22, 2019 at 2:30 pm, (RD# JC125614) subject Jussie SMOLLETT, Male, Black, 36 years of age, claimed that he received a written letter at the location of Chicago, Cook County, IL, which contained written threats directed toward subject Jussie SMOLLETT. An unknown white powdery substance was found within the letter along with cut out letters pieced together which stated "Smollett Jussie you will die black fag" and "MAGA" which was hand written.

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On Saturday, January 26, 2019 at an unknown time, subject Jussie SMOLLETT claimed that he received a phone call from an unidentified phone number in which an unidentified male caller stated, "Hey you little Faggot" at which point the call ended.

On January 29, 2019, at approximately 02:00 A.M., subject Jussie SMOLLETT claimed that he was the victim of battery on the public way at [redacted] Chicago, IL. 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by [redacted] for treatment. During the investigation of the Aggravated Battery/On The Public Way of subject Jussie SMOLLETT, investigators learned the following;

On January 29, 2019, at approximately 02:42 AM Chicago Police responded to a 911 call of a person battered at [redacted] The 911 call was initially made at approximately 02:27 AM. Chicago Police Officers arrived on scene and observed that SMOLLETT had a rope draped around his neck. Jussie SMOLLETT claimed he was the victim of an attack where he had been battered about his body.

The investigation revealed Jussie SMOLLETT lives at the address of [redacted] On January 29th, 2019 Jussie SMOLLETT flew into Chicago O'Hare International Airport from New York and arrived at approximately 0030 hours. Jussie SMOLLETT was then driven by [redacted] from O'Hare International Airport to his home at [redacted] and arrived at approximately 0130 hours. Investigators learned that Jussie SMOLLETT walked by himself to a Subway restaurant at 511 N. McClurg Court, and ordered food. While on the way to Subway, Jussie SMOLLETT stated that he was in communication, via his cell phone, with [redacted]

Investigators learned Jussie SMOLLETT stated that, while returning home from Subway, he was communicating on his cell phone with [redacted]

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[REDACTED] when he was approached by two unknown male subjects dressed in dark clothing. According to SMOLLETT, one of the unknown subjects gained Jussie SMOLLETT's attention by saying, "Empire faggot Empire nigger." SMOLLETT stated that both unknown male subjects then began to batter Jussie SMOLLETT about his face with their hands. SMOLLETT stated that the unknown subjects then poured a substance now believed to be bleach, onto Jussie SMOLLETT's head area and placed a white rope around his neck. SMOLLETT stated that the two unknown male subjects then fled on foot southbound on New St. towards the Chicago River and towards the pub named Lizzy McNeill's, located at 400 N. McClurg Ct. Jussie SMOLLETT subsequently returned home and the Chicago Police were contacted approximately twenty-five (25) minutes later at approximately 2:27 AM.

During this portion of the investigation, video evidence has been recovered from several locations to include, but not limited to, residential, commercial, and Chicago Police Observation Devices (POD). Since these videos are from different sources, the time stamps are approximate and individual video recordings may not be synchronized.

Investigators learned that on January 29, 2019 at approximately 1:03 A.M., two individuals (now identified as [REDACTED]) initiated an UBER ride at [REDACTED]. A dark colored Toyota Highlander UBER vehicle then brought these subjects to the 1400 block of North Wells St. where the ride terminated. This information was obtained by a subpoena return from UBER. The account used to order and pay for the UBER ride is registered to [REDACTED] under phone number of [REDACTED].

Investigators learned, from video evidence, that the two subjects exited the UBER vehicle and hailed an approaching "Sun Taxi Cab" [REDACTED] at the intersection of Schiller St. and Wells St. [REDACTED] entered the cab and requested to be taken to Illinois St. and Lake Shore Dr., where the vehicle arrived at [REDACTED].

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approximately 1:25A.M. This information was verified by video evidence recovered from "Sun Taxi Cab" [redacted]

From approximately 1:25A.M. until approximately 2:03A.M., video evidence showed [redacted] on foot in an area bordered by Lake Shore Dr. on the east, Columbus Drive on the west, Illinois St to the north, and the Chicago River to the south.

At approximately 2:04 A.M., on January 29, 2019, [redacted] staged a battering of Mr. SMOLLETT, which was just outside the view of a nearby camera. Approximately one minute later, video evidence showed [redacted] run from the location, southbound toward the Chicago River, past the Chicago Burger Company, located at 301 E. North Water St. and westbound toward Columbus Dr. Video evidence subsequently captured [redacted] enter "Yellow Cab Company" Taxi [redacted] at the Hyatt Regency Hotel, located at 151 E. Wacker Dr. at 02:10 A.M.

Investigators obtained information from the "Yellow Cab Company," which stated the ride originated at the Hyatt Regency Hotel and terminated in the 3600 block of N. Marshfield Ave. at 02:25A.M, two minutes before Mr. SMOLLETT'S [redacted] called 911 on Mr. SMOLLETT'S behalf to report the crime. Video evidence then showed [redacted] exit the taxi cab in the 3600 block of North Marshfield Ave., and walk northbound on the west sidewalk out of camera view toward Grace Ave. The intersection of Grace Ave. and Marshfield Ave. is only a few blocks south from the original UBER pick up location.

Further investigation showed that [redacted] was an extra on the TV show, "EMPIRE". Jussie SMOLLETT is an actor who plays a character on that TV show. A photo of [redacted] was obtained from UBER as well as his driver's license. The photo of [redacted] strongly resembles one of the subjects that were

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seen on the Sun Taxi video. [redacted] strongly resembles the other subject in the Sun Taxi. A search of the Youtube.com internet channel under the name of [redacted] revealed a video posted on January 18, 2019 titled "Getting to Know [redacted] #BMFCASTING of [redacted] wherein [redacted] makes claims that he was involved in several projects including the TV show, "EMPIRE."

Investigators served a search warrant, 19SW4819, on Jussie SMOLLETT's phones; # [redacted] The returns from that search warrant revealed that SMOLLETT had approximately 20 phone calls between himself and [redacted] from January 14, 2019 through January 30, 2019. As far as the day of the battery, on January 29, 2019 at 12:49 AM, [redacted] phone number ending in [redacted] (registered to [redacted] called SMOLLETT's phone number ending in [redacted] and the duration of the call was 3 minutes and 2 seconds. This was approximately 19 minutes after Smollett's plane landed in Chicago and just minutes before [redacted] ordered the UBER to set off for the crime scene. On January 29, 2019 at 7:45 PM, just less than 18 hours following the battery, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call was 5 seconds. Two minutes later, [redacted] phone number ending in [redacted] called SMOLLETT'S phone number ending in [redacted] and the duration of the call was 1 minute and 34 seconds. Investigators were able to determine that both [redacted] [redacted] flew out of the country to Nigeria later on the evening of January 29th, 2019, which is the same day as the attack on Mr. Smollett. On January 30, 2019 at 10:46 AM, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call lasted 8 minutes and 48 seconds.

On 5 February 2019, Investigators submitted Grand Jury # Jan 2401 to American Airlines to obtain flight information of the flight SMOLLETT took on 28 January 2019. The results

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show that SMOLLETT used email address [redacted] when the flight was booked.

When the crime was originally reported, SMOLLETT gave a contact number as [redacted] [redacted] Investigators executed Search Warrant 19SW4819 and discovered that listed number is an Apple iPhone 6s.

On February 13, 2019, [redacted] returned from Nigeria, landing in Chicago O'Hare International Airport, wherein they were detained by US Customs. Members of the Chicago Police Department then placed them into custody.

Investigators then executed search warrant #19SW4998 on February 13, 2019, on the residence of [redacted] Chicago, IL. During the execution of the warrant investigators conducted a systematic search of the residence in which items of clothing were recovered that may have been used during the commission of the incident on January 29, 2019. Also recovered was a script for the "Empire" TV show Episode # 514 titled "Without All Remedy" which details that an actor by the name of [redacted] is a stand in actor for the date of January 22, 2019. This is the same date that the suspicious letter that is referenced above arrived on the "EMPIRE" set. Also recovered from the residence was a Payroll Department Standard Non-Union Voucher slip for the "EMPIRE" TV Show for actor [redacted] Chicago, Illinois; DOB: [redacted] 95; Phone [redacted] dated January 23, 2019. [redacted] was listed as a "Stand In" for the character "Kai" on the invoice. A further review of the script also indicates that there is a scene which takes place with the character Kai interacting with Jussie SMOLLETT'S character Jamal Lyon.

[redacted] agreed to cooperate in the investigation of the battery against SMOLLETT.

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[redacted] provided the following information to Investigators. [redacted] and [redacted] both corroborated that the attack was planned by SMOLLETT. SMOLLETT had informed the witnesses that he did not believe that the studio had taken the hate mail letter serious enough and wanted to bring attention back to the situation. SMOLLETT began discussing with [redacted] and [redacted] about staging the attack. [redacted] stated that SMOLLETT had informed them that his manager would be there to help plan the attack; the manager was not present on the actual day of the planning of the attack.

On the morning of January 27th, 2019, SMOLLETT picked up both [redacted] [redacted] SMOLLETT then proceeded to drive them to the area of New Street and North Water Street where he wanted the attack to take place. SMOLLETT drove them and directed them through the route that he wanted the witnesses to take, the exact spot where he wanted the attack to occur and then the route that he wanted them to use to leave. SMOLLETT also directed them in what words he wanted them to yell at him. [redacted] stated that they all came up with the words that would be used during the attack, but SMOLLETT instructed them to specifically use the words, "EMPIRE, faggot and nigger."

Witnesses related that the location of the attack was chosen by SMOLLETT based on the Chicago POD Camera that was affixed to the pole on the corner. SMOLLETT told the witnesses that he wanted them to use a red hat, a noose and gasoline; which was later changed to bleach because the witnesses did not want to purchase gasoline. SMOLLETT informed them that his flight may be delayed and that they should be on stand-by on the night of the attack. SMOLLETT gave them a hundred dollars USC to purchase what they needed for the attack. SMOLLETT also gave them a check in the amount of \$3500 which was deposited into [redacted] bank account the following day. CPD POD camera video and cell tower data from Jussie SMOLLETT's cell phone number both corroborate the claims of [redacted] [redacted] regarding Jussie SMOLLETT's movements on January 25, 2019.

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On January 29, 2019, after Jussie SMOLLETT's plane landed at approximately 12:30 AM, SMOLLETT and [redacted] had a phone conversation. SMOLLETT's plane was approximately 4 hours late. Following the phone call [redacted] ordered an UBER ride share vehicle to their residence which arrived at approximately 01:03 AM. [redacted] then headed out to the agreed upon area of the attack which was now to take place at 02:00AM rather than the originally planned time of 10:00PM on January 28, 2019.

[redacted] stated that they called for a ride share. [redacted] stated that as they were driving in the area of Wells and Division when they observed a taxi cab; they then hailed the cab. They instructed the cab to drive them to Illinois and Lake Shore Drive. They instructed the cab to drop them off underneath lower Lake Shore Drive. They walked the route to the spot agreed upon. They walked to the stairs where the attack would take place but they stated that they were too early and waited by a bench area. [redacted] then stated they observed SMOLLETT and he began to approach him from behind. [redacted] stated that he observed a vehicle in the area and got nervous because he did not want anyone to think that the attack was real and call the police or shoot him. [redacted] stated that he considered not carrying out the attack but decided to carry it out as he was already there. [redacted] then stated that he yelled out, the scripted words agreed upon loud enough for people to hear. "Hey aren't you that Empire faggot nigger!" [redacted] stated that SMOLLETT had instructed him during the choreographing of the fight to strike him but not to break his jaw. [redacted] then punched him SMOLLETT in the face as agreed upon. [redacted] stated that he struck him about the chin area but pulled his punch; it was a pretend punch because he did not want to knock him out. [redacted] then stated that he stopped and gave SMOLLETT a chance to fight back as was scripted. During the planning stages of this incident, SMOLLETT had informed them that the camera would be recording the attack and he wanted to be shown as fighting back on video.

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CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC-1-219 (1)

STATE OF ILLINOIS COUNTY OF COOK

} ss.

THE CIRCUIT COURT OF COOK COUNTY

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

SMOLLETT proceeded to fight back and they both came to a stand-still. [redacted] then tossed SMOLLETT to the ground and began to grind his fists into his face in an effort to leave bruising on his face. [redacted] then stated that he saw another vehicle in the area and got nervous, he struck him with a kick and ran off. [redacted] stated that he ran up to SMOLLETT; poured the bleach onto him, left the bottle, and then placed the rope on his face, but did not place it around his neck, and ran off behind [redacted]

Both [redacted] then fled the area as agreed upon. As they fled they stated that they ran towards someone with a flashlight, he flashed them with the light and they ran past him. They then ran up the stairs and across the street, down the street and saw a cab. They took the cab to an area in their neighborhood and then proceeded to walk home.

Investigators were informed by one of the cab drivers that the subjects were observed messaging and talking on their phones. Investigator is aware that Facebook allows for direct messages and photos to be sent to other users, and is a service commonly used by users. Investigator is aware that it is common for users to send messages/photos on Facebook in order to avoid paying long distance fees while using cellular service.

Investigators accessed the Internet using open source access and were able to identify the following Instagram account: [redacted] The account is believed attributable to [redacted] based on a comparison of the photos on the social media account with past arrest photos and driver's license photographs.

Based on the above facts, your affiant has reason to believe that the Instagram account of [redacted] may possess evidence that shows the violation of Illinois Compiled Statutes Chapter 720 Act 5 section 26-1(A)(4).

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1976

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Complainant

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A preservation request was sent to the Custodian of Records at Instagram (case number [redacted] requesting the account and all the contents of Instagram User [redacted] be preserved pending the issuance of a search warrant.

I have learned that Instagram maintains information of its Instagram Users, including, but not limited to, user profile, subscriber information, uploaded photos, posted comments, contact information, group contact information an IP log-in history.

Based on my training and experience a search of the social network provider accounts often yields investigative leads such as device information, location history, and subscriber information to identify the principal offender, co-conspirator, and their locations.

I am familiar with the federal statute that controls the legal process through which we are authorized to obtain electronic information from a service provider. In specific, the Electronic Communications Privacy Act, § 18 USC 2703, authorizes the use of a search warrant to obtain information from an electronic service provider for information maintained by that provider.

I have been advised of the California Penal Code 1524.2 which states that all California Corporations must honor legal process from foreign states when the foreign states are seeking electronic evidence under the terms of the Electronic Communications Privacy act, 18 USC 2701 et seq. Instagram Inc representatives have told me that they are a California Corporation subject to the terms of California Penal Code 1524.2.

Furthermore I am seeking authorization for civilian assistance from Instagram Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Instagram files

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Complainant

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[Redacted]

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Non-Disclosure

This Court has authority under 18 U.S.C. § 2705(b) to issue "an order commanding a provider of electronic communication service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the Court deems appropriate; not to notify any other person of the existence of the warrant, subpoena, or court order."

Such an Order would be appropriate because the Search Warrant relates to an ongoing criminal investigation that is neither public nor known to the target of the investigation, and its disclosure may alert the target to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the Search Warrant will seriously jeopardize the investigation, including by giving the target an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subject under investigation could destroy that evidence, including information saved to his or her personal computer(s).

Further, it is anticipated that any accountholders identified in the responsive documents may be the target of further investigation, including the issuance of search warrants for additional evidence.

As such, Your Affiant respectfully requests an Order directing Instagram not to disclose the existence or content of this Search Warrant, except to the extent necessary to respond to the Search Warrant.

Conclusion

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COMPLAINT FOR SEARCH WARRANT

Based on my training, experience, and investigation of this case, your affiant believes that there is probable cause to believe that there is evidence of Disorderly Conduct-False Report of Offense in the above named Instagram account, in violation of 720 ILCS 5/26-1 (A)(4).



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SEARCH WARRANT

On this day, Detective Brian McKendry #20432, of the Chicago Police Department, Area Central Bureau of Detectives, Complainant, has subscribed and sworn to a complaint for search warrant before me. Upon examination of the complaint, I find that it states facts sufficient to show probable cause.

I therefore command that you search:

Instagram, 1601 Willow Road, Menlo Park, CA 94025

and search for, seize, and analyze the following instruments articles and things:

Any and all information pertaining to the account of User ID: [REDACTED] (documented under internal Instagram Case number [REDACTED] from August 01st 2018 to Present date, including but not limited to:

1. Subscriber information including Date of Birth, age, address, and contact information including full name, user identification numbers, birth date, contact email addresses (including city, state, and zip code), telephone numbers, screen names and other personal identifiers, date of initiation;
2. Dates of account creation, registration address, billing address, email address, I.P. address at account sign up and logs showing I.P. address and date stamps for account addresses;
3. IP history log including the date stamps for account access, Internet Information Services (IIS) logs, put-get logs, or any other record showing exercise of control or domain over the content or cloud or online digital storage; and

[REDACTED]

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[REDACTED]

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4. Any and all information regarding devices associated with the Instagram account and/or posting requested; and
5. Instagram postings under user name [REDACTED] and
6. Contents of any and all communication or contact, including but not limited to read, unread, deleted, chats, instant messages, public or private messages, and any attachments; including those previously deleted;
7. Contents of private messages in the user's inbox, sent mail folders, trash folder, saved folder and draft folder, including those previously deleted;
8. Any transcripts of chats or messages sent from and received by the account including all wall posts, wall comments, wall likes, interests, pictures, videos, comments related to attached pictures and videos, profile pictures that are present on page (what his page looked like during the period), or deleted from page;
9. Contact lists and blocked friends list including friends previously deleted from both friends list and blocked friends list;
10. Any and all posted, removed, and/or deleted images, videos, including GPS, EXIF and Meta-data;
11. Any and all posted, removed, and/or deleted images related to the subscriber account;
12. Any and all device(s) information linked via cookies;
13. Any and all profiles logged in from the same computer and all users associated by machine cookies;



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14. All Instagram accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number;

15. For the period of time from the creation of the account to the present, any information collected by Instagram related to push tokens related to devices associated with the Subject Account(s);

16. Location information, including without limitation, location information obtained by Instagram related to any and all devices for the above Instagram accounts accessing Instagram services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history;

17. Written certification by the custodian of record(s) or other person authorized to make the certification that the record(s) provided pursuant to the search warrant: (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters; (b) were kept in the course of the regularly conducted activity; and (c) were made by the regularly conducted activity as a regular practice Pursuant to Illinois Rules of Evidence 902.

which have been used in the commission of, which constitute evidence of, or which constitute the fruits of the offense of:

Disorderly Conduct - False Report of Offense
720 ILCS 5.0/26-1 (A)(4)

Furthermore I authorize civilian assistance from Instagram Inc. representatives for the execution of

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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation this search warrant because their technical assistance will be necessary to obtain the information from Instagram files.

I find that disclosure of this request must not be made at any time as it may jeopardize an on-going criminal investigation, and therefore this Court orders Instagram and their representatives, agents and employees, **not to disclose** in any manner, directly or indirectly, by any action or inaction, to the listed account holder or any person, the existence of the court's orders, in full or redacted form, or of this investigation unless ordered by the court.

I further command that a return of anything so seized shall be made without necessary delay before me or before Judge _____, or before any court of competent jurisdiction.

Judge

Time and date of issuance _____

Returned Not Executed

I did not execute this warrant within 96 hours from the time of issuance and is hereby returned to the court as void and not executed.

Officer

Date:

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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

Detective Brian McKendry #20432 of the Chicago Police Department, Complainant now appears before the undersigned judge of the Circuit Court of Cook County and requests the issuance of a search warrant to search the following:

Instagram, 1601 Willow Road, Menlo Park, CA 94025

and analyze and seize the following instruments, articles and things:

Any and all information pertaining to the account of User ID: [redacted] (documented under internal Instagram Case number [redacted] from August 01st, 2018 to Present including but not limited to:

- 1. Subscriber information including Date of Birth, age, address, and contact information including full name, user identification numbers, birth date, contact email addresses (including city, state, and zip code), telephone numbers, screen names and other personal identifiers, date of initiation;
2. Dates of account creation, registration address, billing address, email address, I.P. address at account sign up and logs showing I.P. address and date stamps for account addresses;
3. IP history log including the date stamps for account access, Internet Information Services (IIS) logs, put-get logs, or any other record showing exercise of control or domain over the content or cloud or online digital storage; and
4. Any and all information regarding devices associated with the Instagram account and/or posting requested; and

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- 5. Instagram postings under user name [REDACTED] and
- 6. Contents of any and all communication or contact, including but not limited to read, unread, deleted, chats, instant messages, public or private messages, and any attachments; including those previously deleted;
- 7. Contents of private messages in the user's inbox, sent mail folders, trash folder, saved folder and draft folder, including those previously deleted;
- 8. Any transcripts of chats or messages sent from and received by the account including all wall posts, wall comments, wall likes, interests, pictures, videos, comments related to attached pictures and videos, profile pictures that are present on page (what his page looked like during the period), or deleted from page;
- 9. Contact lists and blocked friends list including friends previously deleted from both friends list and blocked friends list;
- 10. Any and all posted, removed, and/or deleted images, videos, including GPS, EXIF and Meta-data;
- 11. Any and all posted, removed, and/or deleted images related to the subscriber account;
- 12. Any and all device(s) information linked via cookies;
- 13. Any and all profiles logged in from the same computer and all users associated by machine cookies;

2 [REDACTED]

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- 14. All Instagram accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number;
- 15. For the period of time from the creation of the account to the present, any information collected by Instagram related to push tokens related to devices associated with the Subject Account(s);
- 16. Location information, including without limitation, location information obtained by Instagram related to any and all devices for the above Instagram accounts accessing Instagram services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history;
- 17. Written certification by the custodian of record(s) or other person authorized to make the certification that the record(s) provided pursuant to the search warrant: (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters; (b) were kept in the course of the regularly conducted activity; and (c) were made by the regularly conducted activity as a regular practice Pursuant to Illinois Rules of Evidence 902.

which have been used in the commission of, which constitutes evidence of, or which constitute the fruits of the offense of:

Disorderly Conduct - False Report of Offense
720 ILCS 5.0/26-1 (A)(4)

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Complainant says that he has probable cause to believe, based upon the following facts, that the above listed things to be seized are now located upon the premises set forth above:

Background

I, Detective Brian McKendry, #20432, your affiant, am employed by the Chicago Police Department. I have been so employed for 28 years, and am currently assigned to the Area Central Detective Division, Chicago Police Department. As a Police Officer for the Chicago Police Department, I have attended numerous training classes pertaining to procuring and executing search warrants. I am a graduate of the Chicago Police Academy and numerous Law Enforcement training courses. I am a Peace Officer authorized to execute search warrants in accordance with 725 ILCS 5/108-5.

I have obtained the information contained in this affidavit from conversations with other law enforcement officers involved in this investigation, from my personal knowledge, from my participation in this case, as well as from documents I have reviewed and my prior training and experience. The following information contained in this affidavit is stated for the limited purpose of establishing probable cause and does not contain all facts and information regarding this investigation.

Definitions

Internet Protocol: An Internet Protocol address (also known as an IP address) is a standardized string of numbers or letters throughout the Internet to identify an individual computer or computer system. When a subscriber of an Internet service provider wishes to access the Internet via the Internet provider's service, the Internet service provider will

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Complainant

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assign that account an IP address. This unique number string is similar to a residential mailing address in that it allows an email message or other computer traffic to reach a specific recipient. An IP number is most commonly in a dotted decimal format of four numbers, each from 0 to 255, separated by dots, such as 45.75.219.32. These strings of numbers can either be permanently assigned (in the case of permanent web pages or continuous Internet access connections) or temporarily assigned (in the case of dialup account). A static IP address is a permanently assigned address. A dynamic IP is an IP number that is assigned for the duration of a single online session, and may be reissued or used by another user at another time. During one continuous Internet session the IP address does not change.

Instagram: Insatgram.com is an online mobile photo-sharing, video-sharing and social networking service that enables its users to take pictures and videos. Users can upload photographs and short videos; follow other users' feeds and geotag images with longitude and latitude coordinates, or the name of a location. Instagram allows the creation of web profiles which allows users to use their Instagram account like a social media site. This gives users a web profile featuring a selection of recently shared photographs, biographical information, and other personal details. Users can connect their Instagram account to other social networking sites such as Facebook, Twitter, Tumblr and Flickr, which enables the option to share uploaded photos to those sites.

Investigation

On Tuesday, January 22, 2019 at 2:30 pm, (RD# JC125614) subject Jussie SMOLLETT, Male, Black, 36 years of age, claimed that he received a written letter at the location of [redacted] Chicago, Cook County, IL, which contained written threats directed toward subject Jussie SMOLLETT. An unknown white powdery substance was found within the letter along with cut out letters pieced together which stated "Smollett Jussie you will die black fag" and "MAGA" which was hand written.

[redacted]

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[redacted]

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On Saturday, January 26, 2019 at an unknown time, subject Jussie SMOLLETT claimed that he received a phone call from an unidentified phone number in which an unidentified male caller stated, "Hey you little Faggot" at which point the call ended.

On January 29, 2019, at approximately 02:00 A.M., subject Jussie SMOLLETT claimed that he was the victim of battery on the public way at [redacted] Street, Chicago, IL. 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by [redacted] to [redacted] for treatment. During the investigation of the Aggravated Battery/On The Public Way of subject Jussie SMOLLETT, investigators learned the following;

On January 29, 2019, at approximately 02:42 AM Chicago Police responded to a 911 call of a person battered at 340 E. North Water Street. The 911 call was initially made at approximately 02:27 AM. Chicago Police Officers arrived on scene and observed that SMOLLETT had a rope draped around his neck. Jussie SMOLLETT claimed he was the victim of an attack where he had been battered about his body.

The investigation revealed Jussie SMOLLETT lives at the address of [redacted]. On January 29th, 2019 Jussie SMOLLETT flew into Chicago O'Hare International Airport from New York and arrived at approximately 0030 hours. Jussie SMOLLETT was then driven by [redacted] from O'Hare International Airport to his home at [redacted] and arrived at approximately 0130 hours. Investigators learned that Jussie SMOLLETT walked by himself to a Subway restaurant at 511 N. McClurg Court, and ordered food. While on the way to Subway, Jussie SMOLLETT stated that he was in communication, via his cell phone, with [redacted].

Investigators learned Jussie SMOLLETT stated that, while returning home from Subway, he was communicating on his cell phone with [redacted].

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[redacted] when he was approached by two unknown male subjects dressed in dark clothing. According to SMOLLETT, one of the unknown subjects gained Jussie SMOLLETT's attention by saying, "Empire faggot Empire nigger." SMOLLETT stated that both unknown male subjects then began to batter Jussie SMOLLETT about his face with their hands. SMOLLETT stated that the unknown subjects then poured a substance now believed to be bleach, onto Jussie SMOLLETT's head area and placed a white rope around his neck. SMOLLETT stated that the two unknown male subjects then fled on foot southbound on New St. towards the Chicago River and towards the pub named Lizzy McNeill's, located at 400 N. McClurg Ct. Jussie SMOLLETT subsequently returned home and the Chicago Police were contacted approximately twenty-five (25) minutes later at approximately 2:27 AM.

During this portion of the investigation, video evidence has been recovered from several locations to include, but not limited to, residential, commercial, and Chicago Police Observation Devices (POD). Since these videos are from different sources, the time stamps are approximate and individual video recordings may not be synchronized.

Investigators learned that on January 29, 2019 at approximately 1:03 A.M., two individuals (now identified as [redacted]) initiated an UBER ride at [redacted]. A dark colored Toyota Highlander UBER vehicle then brought these subjects to the 1400 block of North Wells St. where the ride terminated. This information was obtained by a subpoena return from UBER. The account used to order and pay for the UBER ride is registered to [redacted] under phone number of [redacted].

Investigators learned, from video evidence, that the two subjects exited the UBER vehicle and hailed an approaching "Sun Taxi Cab" #904 at the intersection of Schiller St. and Wells St. [redacted] entered the cab and requested to be taken to Illinois St. and Lake Shore Dr., where the vehicle arrived at [redacted].

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approximately 1:25A.M. This information was verified by video evidence recovered from "Sun Taxi Cab" [REDACTED]

From approximately 1:25A.M. until approximately 2:03A.M., video evidence showed [REDACTED] on foot in an area bordered by Lake Shore Dr. on the east, Columbus Drive on the west, Illinois St to the north, and the Chicago River to the south.

At approximately 2:04 A.M., on January 29, 2019, [REDACTED] and [REDACTED] staged a battering of Mr. SMOLLETT, which was just outside the view of a nearby camera. Approximately one minute later, video evidence showed [REDACTED] run from the location, southbound toward the Chicago River, past the Chicago Burger Company, located at 301 E. North Water St. and westbound toward Columbus Dr. Video evidence subsequently captured [REDACTED] enter "Yellow Cab Company" Taxi [REDACTED] at the Hyatt Regency Hotel, located at 151 E. Wacker Dr. at 02:10 A.M.

Investigators obtained information from the "Yellow Cab Company," which stated the ride originated at the Hyatt Regency Hotel and terminated in the 3600 block of N. Marshfield Ave. at 02:25A.M, two minutes before Mr. SMOLLETT'S [REDACTED] [REDACTED] called 911 on Mr. SMOLLETT'S behalf to report the crime. Video evidence then showed [REDACTED] exit the taxi cab in the 3600 block of North Marshfield Ave., and walk northbound on the west sidewalk out of camera view toward Grace Ave. The intersection of Grace Ave. and Marshfield Ave. is only a few blocks south from the original UBER pick up location.

Further investigation showed that [REDACTED] was an extra on the TV show, "EMPIRE". Jussie SMOLLETT is an actor who plays a character on that TV show. A photo of [REDACTED] was obtained from UBER as well as his driver's license. The photo of [REDACTED] strongly resembles one of the subjects that were

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seen on the Sun Taxi video. Abimbola OSUNDAIRO (Olabinjo OSUNDAIRO's brother) strongly resembles the other subject in the Sun Taxi. A search of the Youtube.com internet channel under the name of [redacted] revealed a video posted on January 18, 2019 titled "Getting to Know [redacted] #BMFCASTING of [redacted] wherein [redacted] makes claims that he was involved in several projects including the TV show, "EMPIRE."

Investigators served a search warrant, 19SW4819, on Jussie SMOLLETT's phones; # [redacted] The returns from that search warrant revealed that SMOLLETT had approximately 20 phone calls between himself and [redacted] from January 14, 2019 through January 30, 2019. As far as the day of the battery, on January 29, 2019 at 12:49 AM, [redacted] phone number ending in [redacted] called SMOLLETT's phone number ending in 2810 and the duration of the call was 3 minutes and 2 seconds. This was approximately 19 minutes after Smollett's plane landed in Chicago and just minutes before [redacted] ordered the UBER to set off for the crime scene. On January 29, 2019 at 7:45 PM, just less than 18 hours following the battery, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call was [redacted] Two minutes later, [redacted] phone number ending in [redacted] called SMOLLETT'S phone number ending in [redacted] and the duration of the call was 1 minute and 34 seconds. Investigators were able to determine that [redacted] flew out of the country to Nigeria later on the evening of January 29th, 2019, which is the same day as the attack on Mr. Smollett. On January 30, 2019 at 10:46 AM, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call lasted 8 minutes and 48 seconds.

On 5 February 2019, Investigators submitted Grand Jury # Jan 2401 to American Airlines to obtain flight information of the flight SMOLLETT took on 28 January 2019. The results

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show that SMOLLETT used email address [redacted] when the flight was booked.

When the crime was originally reported, SMOLLETT gave a contact number as [redacted]. Investigators executed Search Warrant 19SW4819 and discovered that listed number is an Apple iPhone 6s.

On February 13, 2019, [redacted] returned from Nigeria, landing in Chicago O'Hare International Airport, wherein they were detained by US Customs. Members of the Chicago Police Department then placed them into custody.

Investigators then executed search warrant #19SW4998 on February 13, 2019, on the residence of [redacted] Chicago, IL. During the execution of the warrant investigators conducted a systematic search of the residence in which items of clothing were recovered that may have been used during the commission of the incident on January 29, 2019. Also recovered was a script for the "Empire" TV show Episode # 514 titled "Without All Remedy" which details that an actor by the name of [redacted] is a stand in actor for the date of January 22, 2019. This is the same date that the suspicious letter that is referenced above arrived on the "EMPIRE" set. Also recovered from the residence was a Payroll Department Standard Non-Union Voucher slip for the "EMPIRE" TV Show for actor [redacted] Chicago, Illinois; DOB: [redacted] 95; Phone: [redacted] dated January 23, 2019 [redacted] was listed as a "Stand In" for the character "Kai" on the invoice. A further review of the script also indicates that there is a scene which takes place with the character Kai interacting with Jussie SMOLLETT'S character Jamal Lyon.

[redacted] agreed to cooperate in the investigation of the battery against SMOLLETT. [redacted]

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[redacted] provided the following information to Investigators. [redacted] both corroborated that the attack was planned by SMOLLETT. SMOLLETT had informed the witnesses that he did not believe that the studio had taken the hate mail letter serious enough and wanted to bring attention back to the situation. SMOLLETT began discussing with [redacted] and [redacted] about staging the attack. [redacted] stated that SMOLLETT had informed them that his manager would be there to help plan the attack; the manager was not present on the actual day of the planning of the attack.

On the morning of January 27th, 2019, SMOLLETT picked up both [redacted] SMOLLETT then proceeded to drive them to the area of New Street and North Water Street where he wanted the attack to take place. SMOLLETT drove them and directed them through the route that he wanted the witnesses to take, the exact spot where he wanted the attack to occur and then the route that he wanted them to use to leave. SMOLLETT also directed them in what words he wanted them to yell at him. [redacted] stated that they all came up with the words that would be used during the attack, but SMOLLETT instructed them to specifically use the words, "EMPIRE, faggot and nigger."

Witnesses related that the location of the attack was chosen by SMOLLETT based on the Chicago POD Camera that was affixed to the pole on the corner. SMOLLETT told the witnesses that he wanted them to use a red hat, a noose and gasoline; which was later changed to bleach because the witnesses did not want to purchase gasoline. SMOLLETT informed them that his flight may be delayed and that they should be on stand-by on the night of the attack. SMOLLETT gave them a hundred dollars USC to purchase what they needed for the attack. SMOLLETT also gave them a check in the amount of \$3500 which was deposited into [redacted] bank account the following day. CPD POD camera video and cell tower data from Jussie SMOLLETT's cell phone number both corroborate the claims of [redacted] regarding Jussie SMOLLETT's movements on January 25, 2019.

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On January 29, 2019, after Jussie SMOLLETT's plane landed at approximately 12:30 AM, SMOLLETT and [redacted] had a phone conversation. SMOLLETT's plane was approximately 4 hours late. Following the phone call, [redacted] ordered an UBER ride share vehicle to their residence which arrived at approximately 01:03 AM. [redacted] then headed out to the agreed upon area of the attack which was now to take place at 02:00AM rather than the originally planned time of 10:00PM on January 28, 2019.

[redacted] stated that they called for a ride share. [redacted] stated that as they were driving in the area of Wells and Division when they observed a taxi cab; they then hailed the cab. They instructed the cab to drive them to Illinois and Lake Shore Drive. They instructed the cab to drop them off underneath lower Lake Shore Drive. They walked the route to the spot agreed upon. They walked to the stairs where the attack would take place but they stated that they were too early and waited by a bench area. [redacted] then stated they observed SMOLLETT and he began to approach him from behind. [redacted] stated that he observed a vehicle in the area and got nervous because he did not want anyone to think that the attack was real and call the police or shoot him. [redacted] stated that he considered not carrying out the attack but decided to carry it out as he was already there. [redacted] then stated that he yelled out, the scripted words agreed upon loud enough for people to hear. "Hey aren't you that Empire faggot nigger!" [redacted] stated that SMOLLETT had instructed him during the choreographing of the fight to strike him but not to break his jaw. [redacted] then punched him SMOLLETT in the face as agreed upon. [redacted] stated that he struck him about the chin area but pulled his punch; it was a pretend punch because he did not want to knock him out. [redacted] then stated that he stopped and gave SMOLLETT a chance to fight back as was scripted. During the planning stages of this incident, SMOLLETT had informed them that the camera would be recording the attack and he wanted to be shown as fighting back on video.

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SMOLLETT proceeded to fight back and they both came to a stand-still. [redacted] then tossed SMOLLETT to the ground and began to grind his fists into his face in an effort to leave bruising on his face. [redacted] then stated that he saw another vehicle in the area and got nervous, he struck him with a kick and ran off. [redacted] stated that he ran up to SMOLLETT; poured the bleach onto him, left the bottle, and then placed the rope on his face, but did not place it around his neck, and ran off behind [redacted]

Both [redacted] then fled the area as agreed upon. As they fled they stated that they ran towards someone with a flashlight, he flashed them with the light and they ran past him. They then ran up the stairs and across the street, down the street and saw a cab. They took the cab to an area in their neighborhood and then proceeded to walk home.

Investigators were informed by one of the cab drivers that the subjects were observed messaging and talking on their phones. Investigator is aware that Instagram allows for direct messages and photos to be sent to other users, and is a service commonly used by users. Investigator is aware that it is common for users to send messages/photos on Instagram in order to avoid paying long distance fees while using cellular service.

Investigators accessed the Internet using open source access and were able to identify the following Instagram account: [redacted] The account is believed attributable to [redacted] based on a comparison of the photos on the social media account with past arrest photos and driver's license photographs.

Based on the above facts, your affiant has reason to believe that the Instagram account of [redacted] may possess evidence that shows the violation of Illinois Compiled Statutes Chapter 720 Act 5 section 26-1(A)(4).

[redacted]

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A preservation request was sent to the Custodian of Records at Instagram (case number [redacted] requesting the account and all the contents of Instagram User [redacted] be preserved pending the issuance of a search warrant.

I have learned that Instagram maintains information of its Instagram Users, including, but not limited to, user profile, subscriber information, uploaded photos, posted comments, contact information, group contact information an IP log-in history.

Based on my training and experience a search of the social network provider accounts often yields investigative leads such as device information, location history, and subscriber information to identify the principal offender, co-conspirator, and their locations.

I am familiar with the federal statute that controls the legal process through which we are authorized to obtain electronic information from a service provider. In specific, the Electronic Communications Privacy Act, § 18 USC 2703, authorizes the use of a search warrant to obtain information from an electronic service provider for information maintained by that provider.

I have been advised of the California Penal Code 1524.2 which states that all California Corporations must honor legal process from foreign states when the foreign states are seeking electronic evidence under the terms of the Electronic Communications Privacy act, 18 USC 2701 et seq. Instagram Inc representatives have told me that they are a California Corporation subject to the terms of California Penal Code 1524.2.

Furthermore I am seeking authorization for civilian assistance from Instagram Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Instagram files.

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Non-Disclosure

This Court has authority under 18 U.S.C. § 2705(b) to issue "an order commanding a provider of electronic communication service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the Court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order."

Such an Order would be appropriate because the Search Warrant relates to an ongoing criminal investigation that is neither public nor known to the target of the investigation, and its disclosure may alert the target to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the Search Warrant will seriously jeopardize the investigation, including by giving the target an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subject under investigation could destroy that evidence, including information saved to his or her personal computer(s).

Further, it is anticipated that any accountholders identified in the responsive documents may be the target of further investigation, including the issuance of search warrants for additional evidence.

As such, Your Affiant respectfully requests an Order directing Instagram not to disclose the existence or content of this Search Warrant, except to the extent necessary to respond to the Search Warrant.

Conclusion

[Redacted Signature]

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[Redacted Name]

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Based on my training, experience, and investigation of this case, your affiant believes that there is probable cause to believe that there is evidence of Disorderly Conduct-False Report of Offense in the above named Instagram account, in violation of 720 ILCS 5/26-1 (A)(4).

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SEARCH WARRANT

On this day, Detective Brian McKendry #20432, of the Chicago Police Department, Area Central Bureau of Detectives, Complainant, has subscribed and sworn to a complaint for search warrant before me. Upon examination of the complaint, I find that it states facts sufficient to show probable cause.

I therefore command that you search:

Instagram, 1601 Willow Road, Menlo Park, CA 94025

and search for, seize, and analyze the following instruments articles and things:

Any and all information pertaining to the account of User ID: [REDACTED] (documented under internal Instagram Case number [REDACTED] from August 01st 2018 to Present date, including but not limited to:

1. Subscriber information including Date of Birth, age, address, and contact information including full name, user identification numbers, birth date, contact email addresses (including city, state, and zip code), telephone numbers, screen names and other personal identifiers, date of initiation;
2. Dates of account creation, registration address, billing address, email address, I.P. address at account sign up and logs showing I.P. address and date stamps for account addresses;
3. IP history log including the date stamps for account access, Internet Information Services (IIS) logs, put-get logs, or any other record showing exercise of control or domain over the content or cloud or online digital storage; and



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4. Any and all information regarding devices associated with the Instagram account and/or posting requested; and
5. Instagram postings under user name brandonzmoore; and
6. Contents of any and all communication or contact, including but not limited to read, unread, deleted, chats, instant messages, public or private messages, and any attachments; including those previously deleted;
7. Contents of private messages in the user's inbox, sent mail folders, trash folder, saved folder and draft folder, including those previously deleted;
8. Any transcripts of chats or messages sent from and received by the account including all wall posts, wall comments, wall likes, interests, pictures, videos, comments related to attached pictures and videos, profile pictures that are present on page (what his page looked like during the period), or deleted from page;
9. Contact lists and blocked friends list including friends previously deleted from both friends list and blocked friends list;
10. Any and all posted, removed, and/or deleted images, videos, including GPS, EXIF and Meta-data;
11. Any and all posted, removed, and/or deleted images related to the subscriber account;
12. Any and all device(s) information linked via cookies:



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- 13. Any and all profiles logged in from the same computer and all users associated by machine cookies;
- 14. All Instagram accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number;
- 15. For the period of time from the creation of the account to the present, any information collected by Instagram related to push tokens related to devices associated with the Subject Account(s);
- 16. Location information, including without limitation, location information obtained by Instagram related to any and all devices for the above Instagram accounts accessing Instagram services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history;
- 17. Written certification by the custodian of record(s) or other person authorized to make the certification that the record(s) provided pursuant to the search warrant: (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters; (b) were kept in the course of the regularly conducted activity; and (c) were made by the regularly conducted activity as a regular practice Pursuant to Illinois Rules of Evidence 902.

[REDACTED]

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which have been used in the commission of, which constitute evidence of, or which constitute the fruits of the offense of:

[REDACTED]

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Furthermore I authorize civilian assistance from Instagram Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Instagram files.

I find that disclosure of this request must not be made at any time as it may jeopardize an on-going criminal investigation, and therefore this Court orders Instagram and their representatives, agents and employees, not to disclose in any manner, directly or indirectly, by any action or inaction, to the listed account holder or any person, the existence of the court's orders, in full or redacted form, or of this investigation unless ordered by the court.

I further command that a return of anything so seized shall be made without necessary delay before me or before Judge _____, or before any court of competent jurisdiction.

Judge

Time and date of issuance _____

Returned Not Executed

I did not execute this warrant within 96 hours from the time of issuance and is hereby returned to the court as void and not executed.

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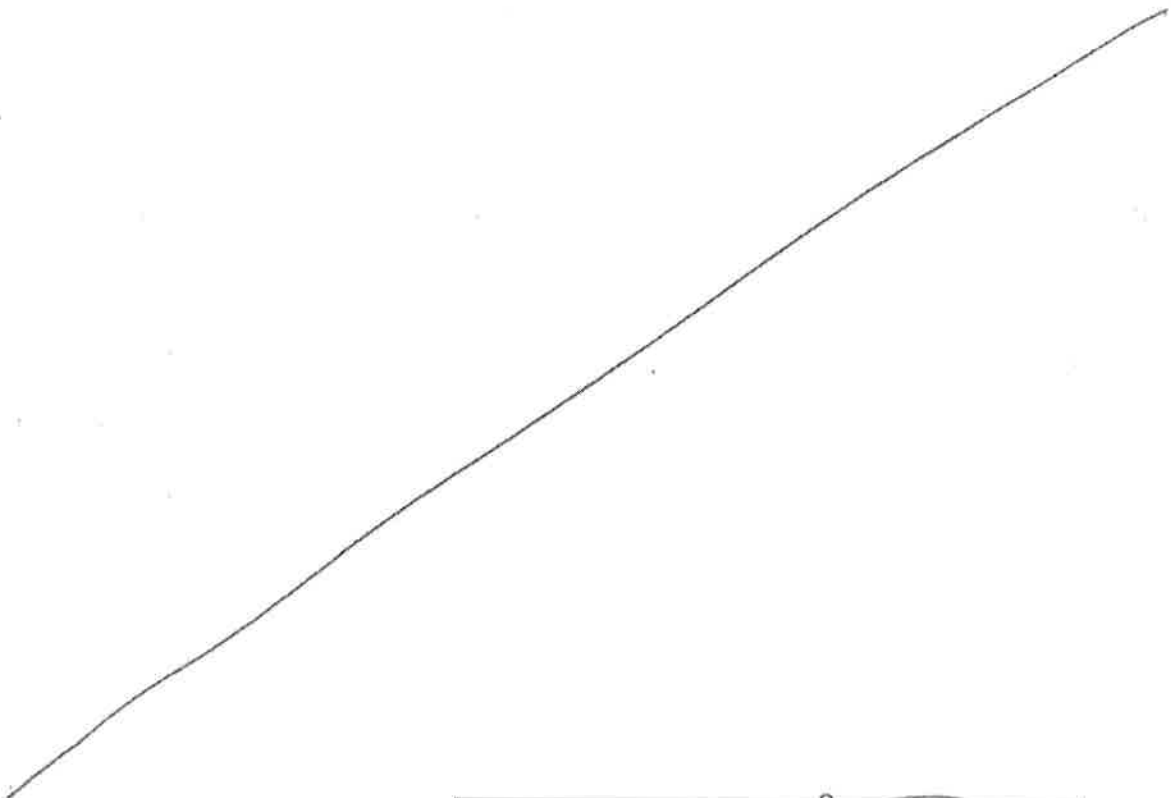
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COMPLAINT FOR SEARCH WARRANT

Detective Brian McKendry #20432 of the Chicago Police Department, Complainant now appears before the undersigned judge of the Circuit Court of Cook County and requests the issuance of a search warrant to search the following:

Instagram, 1601 Willow Road, Menlo Park, CA 94025

in addition, search for, seize, and analyze the following instruments articles and things:

Any and all information pertaining to the account of User ID: [redacted] (documented under internal Instagram Case number [redacted] from August 01st, 2018 to Present including but not limited to:

- 1. Subscriber information including Date of Birth, age, address, and contact information including full name, user identification numbers, birth date, contact email addresses (including city, state, and zip code), telephone numbers, screen names and other personal identifiers, date of initiation;
2. Dates of account creation, registration address, billing address, email address, I.P. address at account sign up and logs showing I.P. address and date stamps for account addresses;
3. IP history log including the date stamps for account access, Internet Information Services (IIS) logs, put-get logs, or any other record showing exercise of control or domain over the content or cloud or online digital storage; and
4. Any and all information regarding devices associated with the Instagram account and/or posting requested; and

[redacted]

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- 5. Instagram posting under user name [redacted] and
- 6. Contents of any and all communication or contact, including but not limited to read, unread, deleted, chats, instant messages, public or private messages, and any attachments; including those previously deleted;
- 7. Contents of private messages in the user's inbox, sent mail folders, trash folder, saved folder and draft folder, including those previously deleted;
- 8. Any transcripts of chats or messages sent from and received by the account including all wall posts, wall comments, wall likes, interests, pictures, videos, comments related to attached pictures and videos, profile pictures that are present on page (what his page looked like during the period), or deleted from page;
- 9. Contact lists and blocked friends list including friends previously deleted from both friends list and blocked friends list;
- 10. Any and all posted, removed, and/or deleted images, videos, including GPS, EXIF and Meta-data;
- 11. Any and all posted, removed, and/or deleted images related to the subscriber account;
- 12. Any and all device(s) information linked via cookies;
- 13. Any and all profiles logged in from the same computer and all users associated by machine cookies;

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- 14. All Instagram accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number;
- 15. For the period of time from the creation of the account to the present, any information collected by Instagram related to push tokens related to devices associated with the Subject Account(s);
- 16. Location information, including without limitation, location information obtained by Instagram related to any and all devices for the above Instagram accounts accessing Instagram services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history;
- 17. Written certification by the custodian of record(s) or other person authorized to make the certification that the record(s) provided pursuant to the search warrant: (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters; (b) were kept in the course of the regularly conducted activity; and (c) were made by the regularly conducted activity as a regular practice Pursuant to Illinois Rules of Evidence 902.

which have been used in the commission of, which constitutes evidence of, or which constitute the fruits of the offense of:

Disorderly Conduct - False Report of Offense
720 ILCS 5.0/26-1 (A)(4)

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Complainant says that he has probable cause to believe, based upon the following facts, that the above listed things to be seized are now located upon the premises set forth above:

Background

I, Detective Brian McKendry, #20432, your affiant, am employed by the Chicago Police Department. I have been so employed for 28 years, and am currently assigned to the Area Central Detective Division, Chicago Police Department. As a Police Officer for the Chicago Police Department, I have attended numerous training classes pertaining to procuring and executing search warrants. I am a graduate of the Chicago Police Academy and numerous Law Enforcement training courses. I am a Peace Officer authorized to execute search warrants in accordance with 725 ILCS 5/108-5.

I have obtained the information contained in this affidavit from conversations with other law enforcement officers involved in this investigation, from my personal knowledge, from my participation in this case, as well as from documents I have reviewed and my prior training and experience. The following information contained in this affidavit is stated for the limited purpose of establishing probable cause and does not contain all facts and information regarding this investigation.

Definitions

Internet Protocol: An Internet Protocol address (also known as an IP address) is a standardized string of numbers or letters throughout the Internet to identify an individual computer or computer system. When a subscriber of an Internet service provider wishes to access the Internet via the Internet provider's service, the Internet service provider will

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assign that account an IP address. This unique number string is similar to a residential mailing address in that it allows an email message or other computer traffic to reach a specific recipient. An IP number is most commonly in a dotted decimal format of four numbers, each from 0 to 255, separated by dots, such as 45.75.219.32. These strings of numbers can either be permanently assigned (in the case of permanent web pages or continuous Internet access connections) or temporarily assigned (in the case of dialup account). A static IP address is a permanently assigned address. A dynamic IP is an IP number that is assigned for the duration of a single online session, and may be reissued or used by another user at another time. During one continuous Internet session the IP address does not change.

Instagram: Insatgram.com is an online mobile photo-sharing, video-sharing and social networking service that enables its users to take pictures and videos. Users can upload photographs and short videos; follow other users' feeds and geotag images with longitude and latitude coordinates, or the name of a location. Instagram allows the creation of web profiles which allows users to use their Instagram account like a social media site. This gives users a web profile featuring a selection of recently shared photographs, biographical information, and other personal details. Users can connect their Instagram account to other social networking sites such as Facebook, Twitter, Tumblr and Flickr, which enables the option to share uploaded photos to those sites.

Investigation

The investigation revealed that [redacted] is [redacted] for the Victim, Jussie SMOLLETT and is aware of the incidents listed below, spoke with Jussie SMOLLETT on January, 29, 2019 and has been in communication via his cell phone with Jussie SMOLLETT during the date range of the incidents listed below.

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CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC-1-219 (1)

STATE OF ILLINOIS } COUNTY OF COOK

THE CIRCUIT COURT OF COOK COUNTY

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

On Tuesday, January 22, 2019 at 2:30 pm, (RD# JC125614) subject Jussie SMOLLETT, Male, Black, 36 years of age, claimed that he received a written letter at the location of Chicago, Cook County, IL, which contained written threats directed toward subject Jussie SMOLLETT. An unknown white powdery substance was found within the letter along with cut out letters pieced together which stated "Smollett Jussie you will die black fag" and "MAGA" which was hand written.

On Saturday, January 26, 2019 at an unknown time, subject Jussie SMOLLETT claimed that he received a phone call from an unidentified phone number in which an unidentified male caller stated, "Hey you little Faggot" at which point the call ended.

On January 29, 2019, at approximately 02:00 A.M., subject Jussie SMOLLETT claimed that he was the victim of battery on the public way at Chicago, IL. 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by to for treatment. During the investigation of the Aggravated Battery/On The Public Way of subject Jussie SMOLLETT, investigators learned the following;

On January 29, 2019, at approximately 02:42 AM Chicago Police responded to a 911 call of a person battered at The 911 call was initially made at approximately 02:27 AM. Chicago Police Officers arrived on scene and observed that SMOLLETT had a rope draped around his neck. Jussie SMOLLETT claimed he was the victim of an attack where he had been battered about his body.

The investigation revealed Jussie SMOLLETT lives at the address of On January 29th, 2019 Jussie SMOLLETT flew into Chicago O'Hare International Airport from New York and arrived at approximately 0030 hours. Jussie SMOLLETT was then driven by from O'Hare

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International Airport to his home at [redacted] and arrived at approximately 0130 hours. Investigators learned that Jussie SMOLLETT walked by himself to a Subway restaurant at 511 N. McClurg Court, and ordered food. While on the way to Subway, Jussie SMOLLETT stated that he was in communication, via his cell phone, with [redacted]

Investigators learned Jussie SMOLLETT stated that, while returning home from Subway, he was communicating on his cell phone with [redacted] when he was approached by two unknown male subjects dressed in dark clothing. According to SMOLLETT, one of the unknown subjects gained Jussie SMOLLETT's attention by saying, "Empire faggot Empire nigger." SMOLLETT stated that both unknown male subjects then began to batter Jussie SMOLLETT about his face with their hands. SMOLLETT stated that the unknown subjects then poured a substance now believed to be bleach, onto Jussie SMOLLETT's head area and placed a white rope around his neck. SMOLLETT stated that the two unknown male subjects then fled on foot southbound on New St. towards the Chicago River and towards the pub named Lizzy McNeill's, located at 400 N. McClurg Ct. Jussie SMOLLETT subsequently returned home and the Chicago Police were contacted approximately twenty-five (25) minutes later at approximately 2:27 AM.

During this portion of the investigation, video evidence has been recovered from several locations to include, but not limited to, residential, commercial, and Chicago Police Observation Devices (POD). Since these videos are from different sources, the time stamps are approximate and individual video recordings may not be synchronized.

Investigators learned that on January 29, 2019 at approximately 1:03 A.M., two individuals (now identified as [redacted]) initiated an UBER ride a [redacted] A dark colored Toyota Highlander UBER vehicle then brought these subjects to the 1400 block of North Wells St. where the ride

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terminated. This information was obtained by a subpoena return from UBER. The account used to order and pay for the UBER ride is registered to [REDACTED] under phone number of [REDACTED]

Investigators learned, from video evidence, that the two subjects exited the UBER vehicle and hailed an approaching "Sun Taxi Cab" [REDACTED] at the intersection of Schiller St. and Wells St. [REDACTED] entered the cab and requested to be taken to Illinois St. and Lake Shore Dr., where the vehicle arrived at approximately 1:25A.M. This information was verified by video evidence recovered from "Sun Taxi Cab" [REDACTED]

From approximately 1:25A.M. until approximately 2:03A.M., video evidence showed [REDACTED] on foot in an area bordered by Lake Shore Dr. on the east, Columbus Drive on the west, Illinois St to the north, and the Chicago River to the south.

At approximately 2:04 A.M., on January 29, 2019, [REDACTED] and [REDACTED] staged a battering of Mr. SMOLLETT, which was just outside the view of a nearby camera. Approximately one minute later, video evidence showed [REDACTED] run from the location, southbound toward the Chicago River, past the Chicago Burger Company, located at 301 E. North Water St. and westbound toward Columbus Dr. Video evidence subsequently captured [REDACTED] enter "Yellow Cab Company" Taxi # [REDACTED] at the Hyatt Regency Hotel, located at 151 E. Wacker Dr. at 02:10 A.M.

Investigators obtained information from the "Yellow Cab Company," which stated the ride originated at the Hyatt Regency Hotel and terminated in the 3600 block of N. Marshfield Ave. at 02:25A.M, two minutes before Mr. SMOLLETT'S [REDACTED] [REDACTED] called 911 on Mr. SMOLLETT'S behalf to report the crime. Video

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evidence then showed [redacted] exit the taxi cab in the 3600 block of North Marshfield Ave., and walk northbound on the west sidewalk out of camera view toward Grace Ave. The intersection of Grace Ave. and Marshfield Ave. is only a few blocks south from the original UBER pick up location.

Further investigation showed that [redacted] was an extra on the TV show, "EMPIRE". Jussie SMOLLETT is an actor who plays a character on that TV show. A photo of [redacted] was obtained from UBER as well as his driver's license. The photo of [redacted] strongly resembles one of the subjects that were seen on the Sun Taxi video. [redacted] strongly resembles the other subject in the Sun Taxi. A search of the Youtube.com internet channel under the name of [redacted] revealed a video posted on January 18, 2019 titled "Getting to Know [redacted] #BMFCASTING of [redacted] wherein [redacted] makes claims that he was involved in several projects including the TV show, "EMPIRE."

Investigators served a search warrant, 19SW4819, on Jussie SMOLLETT's phones; # [redacted] The returns from that search warrant revealed that SMOLLETT had approximately 20 phone calls between himself and [redacted] from January 14, 2019 through January 30, 2019. As far as the day of the battery, on January 29, 2019 at 12:49 AM, [redacted] phone number ending in [redacted] (registered to [redacted] called SMOLLETT's phone number ending in [redacted] and the duration of the call was 3 minutes and 2 seconds. This was approximately 19 minutes after Smollett's plane landed in Chicago and just minutes before [redacted] ordered the UBER to set off for the crime scene. On January 29, 2019 at 7:45 PM, just less than 18 hours following the battery, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call was 5 seconds. Two minutes later, [redacted] phone number ending in [redacted] called SMOLLETT'S phone

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number ending in [redacted] and the duration of the call was 1 minute and 34 seconds. Investigators were able to determine that [redacted] flew out of the country to Nigeria later on the evening of January 29th, 2019, which is the same day as the attack on Mr. Smollett. On January 30, 2019 at 10:46 AM, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call lasted 8 minutes and 48 seconds.

On 5 February 2019, Investigators submitted Grand Jury # Jan 2401 to American Airlines to obtain flight information of the flight SMOLLETT took on 28 January 2019. The results show that SMOLLETT used email address [redacted] when the flight was booked.

When the crime was originally reported, SMOLLETT gave a contact number as [redacted] Investigators executed Search Warrant 19SW4819 and discovered that listed number is an Apple iPhone 6s.

On February 13, 2019, [redacted] and [redacted] returned from Nigeria, landing in Chicago O'Hare International Airport, wherein they were detained by US Customs. Members of the Chicago Police Department then placed them into custody.

Investigators then executed search warrant #19SW4998 on February 13, 2019, on the residence of [redacted] at [redacted] Chicago, IL. During the execution of the warrant investigators conducted a systematic search of the residence in which items of clothing were recovered that may have been used during the commission of the incident on January 29, 2019. Also recovered was a script for the "Empire" TV show Episode # 514 titled "Without All Remedy" which details that an actor by the name of [redacted] is a stand in actor for the date

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of January 22, 2019. This is the same date that the suspicious letter that is referenced above arrived on the "EMPIRE" set. Also recovered from the residence was a Payroll Department Standard Non-Union Voucher slip for the "EMPIRE" TV Show for actor [redacted] Chicago, Illinois; DOB: [redacted] 95; Phone: [redacted] dated January 23, 2019. [redacted] was listed as a "Stand In" for the character "Kai" on the invoice. A further review of the script also indicates that there is a scene which takes place with the character Kai interacting with Jussie SMOLLETT'S character Jamal Lyon.

[redacted] agreed to cooperate in the investigation of the battery against SMOLLETT. [redacted] provided the following information to Investigators. [redacted] and [redacted] both corroborated that the attack was planned by SMOLLETT. SMOLLETT had informed the witnesses that he did not believe that the studio had taken the hate mail letter serious enough and wanted to bring attention back to the situation. SMOLLETT began discussing with [redacted] and [redacted] about staging the attack. [redacted] stated that SMOLLETT had informed them that his manager would be there to help plan the attack; the manager was not present on the actual day of the planning of the attack.

On the morning of January 27th, 2019, SMOLLETT picked up [redacted] SMOLLETT then proceeded to drive them to the area of New Street and North Water Street where he wanted the attack to take place. SMOLLETT drove them and directed them through the route that he wanted the witnesses to take, the exact spot where he wanted the attack to occur and then the route that he wanted them to use to leave. SMOLLETT also directed them in what words he wanted them to yell at him. [redacted] stated that they all came up with the words that would be used during the attack, but SMOLLETT instructed them to specifically use the words, "EMPIRE, faggot and nigger."

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Witnesses related that the location of the attack was chosen by SMOLLETT based on the Chicago POD Camera that was affixed to the pole on the corner. SMOLLETT told the witnesses that he wanted them to use a red hat, a noose and gasoline; which was later changed to bleach because the witnesses did not want to purchase gasoline. SMOLLETT informed them that his flight may be delayed and that they should be on stand-by on the night of the attack. SMOLLETT gave them a hundred dollars USC to purchase what they needed for the attack. SMOLLETT also gave them a check in the amount of \$3500 which was deposited into [redacted] bank account the following day. CPD POD camera video and cell tower data from Jussie SMOLLETT's cell phone number both corroborate the claims of [redacted] regarding Jussie SMOLLETT's movements on January 25, 2019.

On January 29, 2019, after Jussie SMOLLETT's plane landed at approximately 12:30 AM, SMOLLETT and [redacted] had a phone conversation. SMOLLETT's plane was approximately 4 hours late. Following the phone call, [redacted] ordered an UBER ride share vehicle to their residence which arrived at approximately 01:03 AM. [redacted] then headed out to the agreed upon area of the attack which was now to take place at 02:00AM rather than the originally planned time of 10:00PM on January 28, 2019.

[redacted] stated that they called for a ride share [redacted] stated that as they were driving in the area of Wells and Division when they observed a taxi cab; they then hailed the cab. They instructed the cab to drive them to Illinois and Lake Shore Drive. They instructed the cab to drop them off underneath lower Lake Shore Drive. They walked the route to the spot agreed upon. They walked to the stairs where the attack would take place but they stated that they were too early and waited by a bench area. [redacted] then stated they observed SMOLLETT and he began to approach him from behind. [redacted] stated

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that he observed a vehicle in the area and got nervous because he did not want anyone to think that the attack was real and call the police or shoot him [redacted] stated that he considered not carrying out the attack but decided to carry it out as he was already there. [redacted] then stated that he yelled out, the scripted words agreed upon loud enough for people to hear. "Hey aren't you that Empire faggot nigger!" [redacted] stated that SMOLLETT had instructed him during the choreographing of the fight to strike him but not to break his jaw. [redacted] then punched him SMOLLETT in the face as agreed upon [redacted] stated that he struck him about the chin area but pulled his punch; it was a pretend punch because he did not want to knock him out. [redacted] then stated that he stopped and gave SMOLLETT a chance to fight back as was scripted. During the planning stages of this incident, SMOLLETT had informed them that the camera would be recording the attack and he wanted to be shown as fighting back on video.

SMOLLETT proceeded to fight back and they both came to a stand-still. [redacted] then tossed SMOLLETT to the ground and began to grind his fists into his face in an effort to leave bruising on his face. [redacted] then stated that he saw another vehicle in the area and got nervous, he struck him with a kick and ran off. [redacted] stated that he ran up to SMOLLETT; poured the bleach onto him, left the bottle, and then placed the rope on his face, but did not place it around his neck, and ran off behind [redacted]

[redacted] then fled the area as agreed upon. As they fled they stated that they ran towards someone with a flashlight, he flashed them with the light and they ran past him. They then ran up the stairs and across the street, down the street and saw a cab. They took the cab to an area in their neighborhood and then proceeded to walk home.

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Investigators were informed by one of the cab drivers that the subjects were observed messaging and talking on their phones. Investigator is aware that Instagram allows for direct messages and photos to be sent to other users, and is a service commonly used by users. Investigator is aware that it is common for users to send messages/photos on Instagram in order to avoid paying long distance fees while using cellular service.

Investigators accessed the Internet using open source access and were able to identify the following Instagram account: [redacted] The account is believed attributable to [redacted] based on a comparison of the photos on the social media account with a driver's license photograph.

Investigators learned through the investigation that Jussie SMOLLETT was communicating on his cellular phone during the entire incident. Jussie SMOLLETT stated to investigators that he was on the phone with [redacted] during the incident. Investigator is aware that Instagram allows for direct messages and photos to be sent to other users, and is a service commonly used by users.

Based on the above information there is probable cause to believe that Jussie SMOLLETT had knowledge and participated in the planning of the attack upon himself on January 29th, 2019 at [redacted] Chicago, IL. 60611.

Based on the above facts, your affiant has reason to believe that the Instagram account of [redacted] may possess evidence that shows the violation of Illinois Compiled Statutes Chapter 720 Act 5 section 26-1(A)(4).

A preservation request was sent to the Custodian of Records at Instagram (case number [redacted] requesting the account and all the contents of Instagram User [redacted] be preserved pending the issuance of a search warrant.

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I have learned that Instagram maintains information of its Instagram Users, including, but not limited to, user profile, subscriber information, uploaded photos, posted comments, contact information, group contact information an IP log-in history.

Based on my training and experience a search of the social network provider accounts often yields investigative leads such as device information, location history, and subscriber information to identify the principal offender, co-conspirator, and their locations.

I am familiar with the federal statute that controls the legal process through which we are authorized to obtain electronic information from a service provider. In specific, the Electronic Communications Privacy Act, § 18 USC 2703, authorizes the use of a search warrant to obtain information from an electronic service provider for information maintained by that provider.

I have been advised of the California Penal Code 1524.2 which states that all California Corporations must honor legal process from foreign states when the foreign states are seeking electronic evidence under the terms of the Electronic Communications Privacy act, 18 USC 2701 et seq. Instagram Inc representatives have told me that they are a California Corporation subject to the terms of California Penal Code 1524.2.

Furthermore I am seeking authorization for civilian assistance from Instagram Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Instagram files.

Non-Disclosure

This Court has authority under 18 U.S.C. § 2705(b) to issue "an order commanding a provider of electronic communication service or remote computing service to whom a

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warrant, subpoena, or court order is directed, for such period as the Court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order."

Such an Order would be appropriate because the Search Warrant relates to an ongoing criminal investigation that is neither public nor known to the target of the investigation, and its disclosure may alert the target to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the Search Warrant will seriously jeopardize the investigation, including by giving the target an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subject under investigation could destroy that evidence, including information saved to his or her personal computer(s).

Further, it is anticipated that any accountholders identified in the responsive documents may be the target of further investigation, including the issuance of search warrants for additional evidence.

As such, Your Affiant respectfully requests an Order directing Instagram not to disclose the existence or content of this Search Warrant, except to the extent necessary to respond to the Search Warrant.

Conclusion

Based on my training, experience, and investigation of this case, your affiant believes that there is probable cause to believe that there is evidence of Disorderly Conduct-False Report of Offense in the above named Instagram account, in violation of 720 ILCS 5/26-1 (A)(4).

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SEARCH WARRANT

On this day, Detective Brian McKendry #20432, of the Chicago Police Department, Area Central Bureau of Detectives, Complainant, has subscribed and sworn to a complaint for search warrant before me. Upon examination of the complaint, I find that it states facts sufficient to show probable cause.

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I therefore command that you search:

Instagram, 1601 Willow Road, Menlo Park, CA 94025

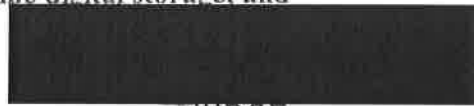
and search for, seize, and analyze the following instruments articles and things:

Any and all information pertaining to the account of User ID: [REDACTED] documented under internal Instagram Case number [REDACTED] from August 01st 2018 to Present date, including but not limited to:

1. Subscriber information including Date of Birth, age, address, and contact information including full name, user identification numbers, birth date, contact email addresses (including city, state, and zip code), telephone numbers, screen names and other personal identifiers, date of initiation;
2. Dates of account creation, registration address, billing address, email address, I.P. address at account sign up and logs showing I.P. address and date stamps for account addresses;
3. IP history log including the date stamps for account access, Internet Information Services (IIS) logs, put-get logs, or any other record showing exercise of control or domain over the content or cloud or online digital storage; and



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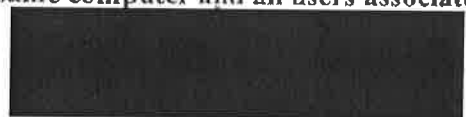
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4. Any and all information regarding devices associated with the Instagram account and/or posting requested; and
5. Instagram postings under user name [REDACTED] and
6. Contents of any and all communication or contact, including but not limited to read, unread, deleted, chats, instant messages, public or private messages, and any attachments; including those previously deleted;
7. Contents of private messages in the user's inbox, sent mail folders, trash folder, saved folder and draft folder, including those previously deleted;
8. Any transcripts of chats or messages sent from and received by the account including all wall posts, wall comments, wall likes, interests, pictures, videos, comments related to attached pictures and videos, profile pictures that are present on page (what his page looked like during the period), or deleted from page;
9. Contact lists and blocked friends list including friends previously deleted from both friends list and blocked friends list;
10. Any and all posted, removed, and/or deleted images, videos, including GPS, EXIF and Meta-data;
11. Any and all posted, removed, and/or deleted images related to the subscriber account;
12. Any and all device(s) information linked via cookies;
13. Any and all profiles logged in from the same computer and all users associated by machine cookies;



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- 14. All Instagram accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number;
- 15. For the period of time from the creation of the account to the present, any information collected by Instagram related to push tokens related to devices associated with the Subject Account(s);
- 16. Location information, including without limitation, location information obtained by Instagram related to any and all devices for the above Instagram accounts accessing Instagram services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history;
- 17. Written certification by the custodian of record(s) or other person authorized to make the certification that the record(s) provided pursuant to the search warrant: (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters; (b) were kept in the course of the regularly conducted activity; and (c) were made by the regularly conducted activity as a regular practice Pursuant to Illinois Rules of Evidence 902.



which have been used in the commission of, which constitute evidence of, or which constitute the fruits of the offense of:

ABA

Disorderly Conduct - False Report of Offense
720 ILCS 5.0/26-1 (A)(4)



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Furthermore I authorize civilian assistance from Instagram Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Instagram files.

I find that disclosure of this request must not be made at any time as it may jeopardize an on-going criminal investigation, and therefore this Court orders Instagram and their representatives, agents and employees, not to disclose in any manner, directly or indirectly, by any action or inaction, to the listed account holder or any person, the existence of the court's orders, in full or redacted form, or of this investigation unless ordered by the court.

I further command that a return of anything so seized shall be made without necessary delay before me or before Judge _____, or before any court of competent jurisdiction.

Judge

Time and date of issuance _____

Returned Not Executed

I did not execute this warrant within 96 hours from the time of issuance and is hereby returned to the court as void and not executed.

Officer

Date:

[Redacted Signature]

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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

Detective Brian McKendry #20432 of the Chicago Police Department, Complainant now appears before the undersigned judge of the Circuit Court of Cook County and requests the issuance of a search warrant to search the following:

Instagram, 1601 Willow Road, Menlo Park, CA 94025

in addition, search for, seize, and analyze the following instruments articles and things:

Any and all information pertaining to the account of User ID: [redacted] (documented under internal Instagram Case number [redacted] from August 01st, 2018 to Present including but not limited to:

- 1. Subscriber information including Date of Birth, age, address, and contact information including full name, user identification numbers, birth date, contact email addresses (including city, state, and zip code), telephone numbers, screen names and other personal identifiers, date of initiation;
2. Dates of account creation, registration address, billing address, email address, I.P. address at account sign up and logs showing I.P. address and date stamps for account addresses;
3. IP history log including the date stamps for account access, Internet Information Services (IIS) logs, put-get logs, or any other record showing exercise of control or domain over the content or cloud or online digital storage; and
4. Any and all information regarding devices associated with the Instagram account and/or posting requested; and

[redacted]

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[redacted]

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- 5. Instagram posting under user name [redacted] and
- 6. Contents of any and all communication or contact, including but not limited to read, unread, deleted, chats, instant messages, public or private messages, and any attachments; including those previously deleted;
- 7. Contents of private messages in the user's inbox, sent mail folders, trash folder, saved folder and draft folder, including those previously deleted;
- 8. Any transcripts of chats or messages sent from and received by the account including all wall posts, wall comments, wall likes, interests, pictures, videos, comments related to attached pictures and videos, profile pictures that are present on page (what his page looked like during the period), or deleted from page;
- 9. Contact lists and blocked friends list including friends previously deleted from both friends list and blocked friends list;
- 10. Any and all posted, removed, and/or deleted images, videos, including GPS, EXIF and Meta-data;
- 11. Any and all posted, removed, and/or deleted images related to the subscriber account;
- 12. Any and all device(s) information linked via cookies;
- 13. Any and all profiles logged in from the same computer and all users associated by machine cookies;

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- 14. All Instagram accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number;
- 15. For the period of time from the creation of the account to the present, any information collected by Instagram related to push tokens related to devices associated with the Subject Account(s);
- 16. Location information, including without limitation, location information obtained by Instagram related to any and all devices for the above Instagram accounts accessing Instagram services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history;
- 17. Written certification by the custodian of record(s) or other person authorized to make the certification that the record(s) provided pursuant to the search warrant: (a) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters; (b) were kept in the course of the regularly conducted activity; and (c) were made by the regularly conducted activity as a regular practice Pursuant to Illinois Rules of Evidence 902.

which have been used in the commission of, which constitutes evidence of, or which constitute the fruits of the offense of:

Disorderly Conduct - False Report of Offense
720 ILCS 5.0/26-1 (A)(4)

[REDACTED]

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COUNTY OF COOK

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Complainant says that he has probable cause to believe, based upon the following facts, that the above listed things to be seized are now located upon the premises set forth above:

Background

I, Detective Brian McKendry, #20432, your affiant, am employed by the Chicago Police Department. I have been so employed for 28 years, and am currently assigned to the Area Central Detective Division, Chicago Police Department. As a Police Officer for the Chicago Police Department, I have attended numerous training classes pertaining to procuring and executing search warrants. I am a graduate of the Chicago Police Academy and numerous Law Enforcement training courses. I am a Peace Officer authorized to execute search warrants in accordance with 725 ILCS 5/108-5.

I have obtained the information contained in this affidavit from conversations with other law enforcement officers involved in this investigation, from my personal knowledge, from my participation in this case, as well as from documents I have reviewed and my prior training and experience. The following information contained in this affidavit is stated for the limited purpose of establishing probable cause and does not contain all facts and information regarding this investigation.

Definitions

Internet Protocol: An Internet Protocol address (also known as an IP address) is a standardized string of numbers or letters throughout the Internet to identify an individual computer or computer system. When a subscriber of an Internet service provider wishes to access the Internet via the Internet provider's service, the Internet service provider will assign that account an IP address. This unique number string is similar to a residential

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mailing address in that it allows an email message or other computer traffic to reach a specific recipient. An IP number is most commonly in a dotted decimal format of four numbers, each from 0 to 255, separated by dots, such as 45.75.219.32. These strings of numbers can either be permanently assigned (in the case of permanent web pages or continuous Internet access connections) or temporarily assigned (in the case of dialup account). A static IP address is a permanently assigned address. A dynamic IP is an IP number that is assigned for the duration of a single online session, and may be reissued or used by another user at another time. During one continuous Internet session the IP address does not change.

Instagram: Insatgram.com is an online mobile photo-sharing, video-sharing and social networking service that enables its users to take pictures and videos. Users can upload photographs and short videos; follow other users' feeds and geotag images with longitude and latitude coordinates, or the name of a location. Instagram allows the creation of web profiles which allows users to use their Instagram account like a social media site. This gives users a web profile featuring a selection of recently shared photographs, biographical information, and other personal details. Users can connect their Instagram account to other social networking sites such as Facebook, Twitter, Tumblr and Flickr, which enables the option to share uploaded photos to those sites.

Investigation

The investigation revealed that [redacted] for the Victim, Jussie SMOLLETT and is aware of the incidents listed below. The investigation revealed [redacted] was with Jussie SMOLLETT on January, 29, 2019 when [redacted] picked Jussie SMOLLETT up from the airport but [redacted] was not with Jussie SMOLLETT during the time of the incident. [redacted] has been in

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communication via his cell phone with Jussie SMOLLETT during the date range of the incidents listed below.

The investigation revealed that [REDACTED] is a manager for the Victim, Jussie SMOLLETT and is aware of the incidents listed below, spoke with Jussie SMOLLETT on January, 29, 2019 and has been in communication via his cell phone with Jussie SMOLLETT during the date range of the incidents listed below.

On Tuesday, January 22, 2019 at 2:30 pm, (RD# JC125614) subject Jussie SMOLLETT, Male, Black, 36 years of age, claimed that he received a written letter at the location of [REDACTED] Chicago, Cook County, IL, which contained written threats directed toward subject Jussie SMOLLETT. An unknown white powdery substance was found within the letter along with cut out letters pieced together which stated "Smollett Jussie you will die black fag" and "MAGA" which was hand written.

On Saturday, January 26, 2019 at an unknown time, subject Jussie SMOLLETT claimed that he received a phone call from an unidentified phone number in which an unidentified male caller stated, "Hey you little Faggot" at which point the call ended.

On January 29, 2019, at approximately 02:00 A.M., subject Jussie SMOLLETT claimed that he was the victim of battery on the public way at [REDACTED] Chicago, IL. 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by [REDACTED] to [REDACTED] for treatment. During the investigation of the Aggravated Battery/On The Public Way of subject Jussie SMOLLETT, investigators learned the following;

On January 29, 2019, at approximately 02:42 AM Chicago Police responded to a 911 call of a person battered at [REDACTED] The 911 call was initially made at [REDACTED]

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approximately 02:27 AM. Chicago Police Officers arrived on scene and observed that SMOLLETT had a rope draped around his neck. Jussie SMOLLETT claimed he was the victim of an attack where he had been battered about his body.

The investigation revealed Jussie SMOLLETT lives at the address of [redacted] On January 29th, 2019 Jussie SMOLLETT flew into Chicago O'Hare International Airport from New York and arrived at approximately 0030 hours. Jussie SMOLLETT was then driven by [redacted] from O'Hare International Airport to his home at [redacted] and arrived at approximately 0130 hours. Investigators learned that Jussie SMOLLETT walked by himself to a Subway restaurant at 511 N. McClurg Court, and ordered food. While on the way to Subway, Jussie SMOLLETT stated that he was in communication, via his cell phone, with [redacted]

Investigators learned Jussie SMOLLETT stated that, while returning home from Subway, he was communicating on his cell phone with [redacted] when he was approached by two unknown male subjects dressed in dark clothing. According to SMOLLETT, one of the unknown subjects gained Jussie SMOLLETT's attention by saying, "Empire faggot Empire nigger." SMOLLETT stated that both unknown male subjects then began to batter Jussie SMOLLETT about his face with their hands. SMOLLETT stated that the unknown subjects then poured a substance now believed to be bleach, onto Jussie SMOLLETT's head area and placed a white rope around his neck. SMOLLETT stated that the two unknown male subjects then fled on foot southbound on New St. towards the Chicago River and towards the pub named Lizzy McNeill's, located at 400 N. McClurg Ct. Jussie SMOLLETT subsequently returned home and the Chicago Police were contacted approximately twenty-five (25) minutes later at approximately 2:27 AM.

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During this portion of the investigation, video evidence has been recovered from several locations to include, but not limited to, residential, commercial, and Chicago Police Observation Devices (POD). Since these videos are from different sources, the time stamps are approximate and individual video recordings may not be synchronized.

Investigators learned that on January 29, 2019 at approximately 1:03 A.M., two individuals (now identified as [REDACTED]) initiated an UBER ride at [REDACTED]. A dark colored Toyota Highlander UBER vehicle then brought these subjects to the 1400 block of North Wells St. where the ride terminated. This information was obtained by a subpoena return from UBER. The account used to order and pay for the UBER ride is registered to [REDACTED] under phone number of [REDACTED].

Investigators learned, from video evidence, that the two subjects exited the UBER vehicle and hailed an approaching "Sun Taxi Cab" [REDACTED] at the intersection of Schiller St. and Wells St. [REDACTED] entered the cab and requested to be taken to Illinois St. and Lake Shore Dr., where the vehicle arrived at approximately 1:25 A.M. This information was verified by video evidence recovered from "Sun Taxi Cab" [REDACTED].

From approximately 1:25 A.M. until approximately 2:03 A.M., video evidence showed [REDACTED] on foot in an area bordered by Lake Shore Dr. on the east, Columbus Drive on the west, Illinois St to the north, and the Chicago River to the south.

At approximately 2:04 A.M., on January 29, 2019, [REDACTED] staged a battering of Mr. SMOLLETT, which was just outside the view of a nearby camera. Approximately one minute later, video evidence showed [REDACTED] run from the location, southbound [REDACTED].

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toward the Chicago River, past the Chicago Burger Company, located at 301 E. North Water St. and westbound toward Columbus Dr. Video evidence subsequently captured [redacted] enter "Yellow Cab Company" Taxi [redacted] at the Hyatt Regency Hotel, located at 151 E. Wacker Dr. at 02:10 A.M.

Investigators obtained information from the "Yellow Cab Company," which stated the ride originated at the Hyatt Regency Hotel and terminated in the 3600 block of N. Marshfield Ave. at 02:25A.M, two minutes before Mr. SMOLLETT'S [redacted] [redacted] called 911 on Mr. SMOLLETT'S behalf to report the crime. Video evidence then showed [redacted] exit the taxi cab in the 3600 block of North Marshfield Ave., and walk northbound on the west sidewalk out of camera view toward Grace Ave. The intersection of Grace Ave. and Marshfield Ave. is only a few blocks south from the original UBER pick up location.

Further investigation showed that [redacted] was an extra on the TV show, "EMPIRE". Jussie SMOLLETT is an actor who plays a character on that TV show. A photo of [redacted] was obtained from UBER as well as his driver's license. The photo of [redacted] strongly resembles one of the subjects that were seen on the Sun Taxi video. [redacted] strongly resembles the other subject in the Sun Taxi. A search of the Youtube.com internet channel under the name of [redacted] revealed a video posted on January 18, 2019 titled "Getting to Know [redacted] #BMFCASTING of [redacted] wherein [redacted] makes claims that he was involved in several projects including the TV show, "EMPIRE."

Investigators served a search warrant, 19SW4819, on Jussie SMOLLETT's phones; # [redacted] The returns from that search warrant revealed that SMOLLETT had approximately 20 phone calls between himself and [redacted] from January 14, 2019 through January 30, 2019. As far as the

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day of the battery, on January 29, 2019 at 12:49 AM [redacted] phone number ending in [redacted] called SMOLLETT's phone number ending in [redacted] and the duration of the call was 3 minutes and 2 seconds. This was approximately 19 minutes after Smollett's plane landed in Chicago and just minutes before [redacted] ordered the UBER to set off for the crime scene. On January 29, 2019 at 7:45 PM, just less than 18 hours following the battery, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call was 5 seconds. Two minutes later, [redacted] phone number ending in [redacted] called SMOLLETT'S phone number ending in [redacted] and the duration of the call was 1 minute and 34 seconds. Investigators were able to determine that [redacted] flew out of the country to Nigeria later on the evening of January 29th, 2019, which is the same day as the attack on Mr. Smollett. On January 30, 2019 at 10:46 AM, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call lasted 8 minutes and 48 seconds.

On 5 February 2019, Investigators submitted Grand Jury # [redacted] to American Airlines to obtain flight information of the flight SMOLLETT took on 28 January 2019. The results show that SMOLLETT used email address [redacted] when the flight was booked.

When the crime was originally reported, SMOLLETT gave a contact number as [redacted] Investigators executed Search Warrant 19SW4819 and discovered that listed number is an Apple iPhone 6s.

On February 13, 2019 [redacted] returned from Nigeria, landing in Chicago O'Hare International Airport, wherein they were

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Det. Brian M. Keady 20432

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detained by US Customs. Members of the Chicago Police Department then placed them into custody.

Investigators then executed search warrant #19SW4998 on February 13, 2019, on the residence of [redacted] Chicago, IL. During the execution of the warrant investigators conducted a systematic search of the residence in which items of clothing were recovered that may have been used during the commission of the incident on January 29, 2019. Also recovered was a script for the "Empire" TV show Episode # 514 titled "Without All Remedy" which details that an actor by the name of [redacted] is a stand in actor for the date of January 22, 2019. This is the same date that the suspicious letter that is referenced above arrived on the "EMPIRE" set. Also recovered from the residence was a Payroll Department Standard Non-Union Voucher slip for the "EMPIRE" TV Show for actor [redacted] Chicago, Illinois; DOB: [redacted] 95; Phone: [redacted] dated January 23, 2019. [redacted] was listed as a "Stand In" for the character "Kai" on the invoice. A further review of the script also indicates that there is a scene which takes place with the character Kai interacting with Jussie SMOLLETT'S character Jamal Lyon.

[redacted] agreed to cooperate in the investigation of the battery against SMOLLETT. [redacted] provided the following information to Investigators. [redacted] and [redacted] both corroborated that the attack was planned by SMOLLETT. SMOLLETT had informed the witnesses that he did not believe that the studio had taken the hate mail letter serious enough and wanted to bring attention back to the situation. SMOLLETT began discussing with [redacted] and [redacted] about staging the attack. [redacted] stated that SMOLLETT had informed them that his manager would be there to help plan the attack; the manager was not present on the actual day of the planning of the attack.

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On the morning of January 27th, 2019, SMOLLETT picked up both [REDACTED] SMOLLETT then proceeded to drive them to the area of New Street and North Water Street where he wanted the attack to take place. SMOLLETT drove them and directed them through the route that he wanted the witnesses to take, the exact spot where he wanted the attack to occur and then the route that he wanted them to use to leave. SMOLLETT also directed them in what words he wanted them to yell at him. [REDACTED] stated that they all came up with the words that would be used during the attack, but SMOLLETT instructed them to specifically use the words, "EMPIRE, faggot and nigger."

Witnesses related that the location of the attack was chosen by SMOLLETT based on the Chicago POD Camera that was affixed to the pole on the corner. SMOLLETT told the witnesses that he wanted them to use a red hat, a noose and gasoline; which was later changed to bleach because the witnesses did not want to purchase gasoline. SMOLLETT informed them that his flight may be delayed and that they should be on stand-by on the night of the attack. SMOLLETT gave them a hundred dollars USC to purchase what they needed for the attack. SMOLLETT also gave them a check in the amount of \$3500 which was deposited into [REDACTED] bank account the following day. CPD POD camera video and cell tower data from Jussie SMOLLETT's cell phone number both corroborate the claims of [REDACTED] regarding Jussie SMOLLETT's movements on January 25, 2019.

On January 29, 2019, after Jussie SMOLLETT's plane landed at approximately 12:30 AM, SMOLLETT and [REDACTED] had a phone conversation. SMOLLETT's plane was approximately 4 hours late. Following the phone call, [REDACTED] ordered an UBER ride share vehicle to their residence which arrived at approximately 01:03 AM. [REDACTED] then headed

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out to the agreed upon area of the attack which was now to take place at 02:00AM rather than the originally planned time of 10:00PM on January 28, 2019.

[REDACTED] stated that they called for a ride share. [REDACTED] stated that as they were driving in the area of Wells and Division when they observed a taxi cab; they then hailed the cab. They instructed the cab to drive them to Illinois and Lake Shore Drive. They instructed the cab to drop them off underneath lower Lake Shore Drive. They walked the route to the spot agreed upon. They walked to the stairs where the attack would take place but they stated that they were too early and waited by a bench area. [REDACTED] then stated they observed SMOLLETT and he began to approach him from behind. [REDACTED] stated that he observed a vehicle in the area and got nervous because he did not want anyone to think that the attack was real and call the police or shoot him. [REDACTED] stated that he considered not carrying out the attack but decided to carry it out as he was already there. [REDACTED] then stated that he yelled out, the scripted words agreed upon loud enough for people to hear. "Hey aren't you that Empire faggot nigger!" [REDACTED] stated that SMOLLETT had instructed him during the choreographing of the fight to strike him but not to break his jaw. [REDACTED] then punched him SMOLLETT in the face as agreed upon. [REDACTED] stated that he struck him about the chin area but pulled his punch; it was a pretend punch because he did not want to knock him out. [REDACTED] then stated that he stopped and gave SMOLLETT a chance to fight back as was scripted. During the planning stages of this incident, SMOLLETT had informed them that the camera would be recording the attack and he wanted to be shown as fighting back on video.

SMOLLETT proceeded to fight back and they both came to a stand-still. [REDACTED] then tossed SMOLLETT to the ground and began to grind his fists into his face in an effort to leave bruising on his face. [REDACTED] then stated that he saw another vehicle in the area and got nervous, he struck him with a kick and ran off.

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[redacted] stated that he ran up to SMOLLETT; poured the bleach onto him, left the bottle, and then placed the rope on his face, but did not place it around his neck, and ran off behind [redacted]

[redacted] then fled the area as agreed upon. As they fled they stated that they ran towards someone with a flashlight, he flashed them with the light and they ran past him. They then ran up the stairs and across the street, down the street and saw a cab. They took the cab to an area in their neighborhood and then proceeded to walk home.

Investigators were informed by one of the cab drivers that the subjects were observed messaging and talking on their phones. Investigator is aware that Instagram allows for direct messages and photos to be sent to other users, and is a service commonly used by users. Investigator is aware that it is common for users to send messages/photos on Instagram in order to avoid paying long distance fees while using cellular service.

Investigators learned through the investigation that Jussie SMOLLETT was communicating on his cellular phone during the entire incident. [redacted] also stated he had been in communication via his cell phone with Jussie SMOLLETT.

Investigators accessed the Internet using open source access and were able to identify the following Instagram account: [redacted] The account is believed attributable to [redacted] based on a comparison of the photos on the social media account with a driver's license photograph.

Based on the above information there is probable cause to believe that Jussie SMOLLETT had knowledge and participated in the planning of the attack upon himself on January 29th, 2019 at [redacted] Chicago, IL. 60611.

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Based on the above facts, your affiant has reason to believe that the Instagram account of "frankgatson" may possess evidence that shows the violation of Illinois Compiled Statutes Chapter 720 Act 5 section 26-1(A)(4).

A preservation request was sent to the Custodian of Records at Instagram (case number [redacted]), requesting the account and all the contents of Instagram User [redacted] be preserved pending the issuance of a search warrant.

I have learned that Instagram maintains information of its Instagram Users, including, but not limited to, user profile, subscriber information, uploaded photos, posted comments, contact information, group contact information an IP log-in history.

Based on my training and experience a search of the social network provider accounts often yields investigative leads such as device information, location history, and subscriber information to identify the principal offender, co-conspirator, and their locations.

I am familiar with the federal statute that controls the legal process through which we are authorized to obtain electronic information from a service provider. In specific, the Electronic Communications Privacy Act, § 18 USC 2703, authorizes the use of a search warrant to obtain information from an electronic service provider for information maintained by that provider.

I have been advised of the California Penal Code 1524.2 which states that all California Corporations must honor legal process from foreign states when the foreign states are seeking electronic evidence under the terms of the Electronic Communications Privacy act, 18 USC 2701 et seq. Instagram Inc representatives have told me that they are a California Corporation subject to the terms of California Penal Code 1524.2.

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[redacted] Complainant

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CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC-1-219 (1)

STATE OF ILLINOIS COUNTY OF COOK

} ss,

THE CIRCUIT COURT OF COOK COUNTY

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

Furthermore I am seeking authorization for civilian assistance from Instagram Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Instagram files.

Non-Disclosure

This Court has authority under 18 U.S.C. § 2705(b) to issue "an order commanding a provider of electronic communication service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the Court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order."

Such an Order would be appropriate because the Search Warrant relates to an ongoing criminal investigation that is neither public nor known to the target of the investigation, and its disclosure may alert the target to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the Search Warrant will seriously jeopardize the investigation, including by giving the target an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subject under investigation could destroy that evidence, including information saved to his or her personal computer(s).

Further, it is anticipated that any accountholders identified in the responsive documents may be the target of further investigation, including the issuance of search warrants for additional evidence.

As such, Your Affiant respectfully requests an Order directing Instagram not to disclose the existence or content of this Search Warrant, except to the extent necessary to respond to the Search Warrant.

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Judge's No.

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COMPLAINT FOR SEARCH WARRANT

Conclusion

Based on my training, experience, and investigation of this case, your affiant believes that there is probable cause to believe that there is evidence of Disorderly Conduct-False Report of Offense in the above named Instagram account, in violation of 720 ILCS 5/26-1 (A)(4).



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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

SEARCH WARRANT

2/27/19

On this day, Detective Brian McKendry #20432, of the Chicago Police Department, has subscribed and sworn to a complaint for search warrant before me. Upon examination of the complaint, I find that it states facts sufficient to show probable cause.

I therefore command that you search:

Twitter, Inc.
1355 Market Street, Suite 900
San Francisco, CA 94103

in addition, search for, seize, and analyze the following instruments articles and things:

1. Any and all information pertaining to the @ [redacted] and ID# [redacted] (documented under Twitter case number [redacted] and https://twitter.com/[redacted] including but not limited to:
 - a) contents of any and all communications including but not limited to read, unread, and direct messages, including but not limited to any and all communications relating to @ [redacted] and https://twitter.com/[redacted]
 - b) all logs, including method of connection;
 - c) connection time (including time zone) and date;
 - d) disconnect time (including time zone) and date;
 - e) source IP address;
 - f) all aliases, followers, address books and profiles

which have been used in the commission of, which constitute evidence of, or which constitute the fruits of the offense of:

Disorderly Conduct - False Report of Offense
720 ILCS 5.0/26-1 (A)(4)

1976
Judge's No.

Date and time of issuance:

2-28-19 @ 9:59 Am

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

Non-Disclosure

This Court has authority under 18 U.S.C. § 2705(b) to issue "an order commanding a provider of electronic communication service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the Court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order."

Such an Order would be appropriate because the Search Warrant relates to an ongoing criminal investigation that is neither public nor known to the target of the investigation, and its disclosure may alert the target to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the Search Warrant will seriously jeopardize the investigation, including by giving the target an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subject under investigation could destroy that evidence, including information saved to his or her personal computer(s).

I further find that there is reason to believe that notification of the existence of the Search Warrant will seriously jeopardize the investigation, including by giving the target an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify alleged co-conspirators. See 18 U.S.C. §§ 2705(b)(2), (3), (5). I hereby further ORDER pursuant to 18 U.S.C. § 2705(b) that Twitter, Inc. shall not disclose the existence of said Search Warrant, or this Order of the Court, to the user(s), subscriber, or customer associated with the Twitter ID or to any other person, unless and until otherwise authorized to do so by the Court, except to the extent necessary to respond to the Search Warrant.

I further command that a return of anything so seized shall be made without necessary delay before me or before Judge _____, or before any court of competent jurisdiction.

[Redacted Signature]

JUDGE

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2-28-19 @ 9:59 AM

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DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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(3-81) CCMC-1-220

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

Judge

Time and date of issuance _____

Returned Not Executed

I did not execute this warrant within 96 hours from the time of issuance and is hereby returned to the court as void and not executed.

Officer

Date:



ASA



JUDGE

Judge's No.

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Date and time of issuance:

2-28-19 @ 9:59 AM

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STATE OF ILLINOIS
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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

Detective Brian McKendry # 20432, of the Chicago Police Department, Complainant, now appears before the undersigned judge of the Circuit Court of Cook County and requests the issuance of a search warrant to search:

Twitter, Inc.
1355 Market Street, Suite 900
San Francisco, CA 94103

in addition, search for, seize, and analyze the following instruments articles and things:

1. Any and all information pertaining to the @ [redacted] and ID# [redacted] (documented under internal Twitter case number [redacted] from Jan 1, 2012 to present date, and https://twitter.com/[redacted] including but not limited to:
2.
 - a) contents of any and all communications including but not limited to read, unread, and direct messages, including but not limited to any and all communications relating to@[redacted] and https://twitter.com/[redacted]
 - b) all logs, including method of connection;
 - c) connection time (including time zone) and date;
 - d) disconnect time (including time zone) and date;
 - e) source IP address;
 - f) all aliases, followers, address books and profiles

which have been used in the commission of, which constitute evidence of, or which constitute the fruits of the offense of:

[redacted signature]

JUDGE

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Complainant

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The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

Disorderly Conduct - False Report of Offense 720 ILCS 5.0/26-1 (A)(4)

Complainant says that he has probable cause to believe, based upon the following facts, that the above listed things to be seized are now located upon the premises set forth above:

I, Detective Brian McKendry, #20432, your affiant, am employed by the Chicago Police Department. I have been so employed for 28 years, and am currently assigned to the Area Central Detective Division, Chicago Police Department. As a Police Officer for the Chicago Police Department, I have attended numerous training classes pertaining to procuring and executing search warrants. I am a graduate of the Chicago Police Academy and numerous Law Enforcement training courses. I am a Peace Officer authorized to execute search warrants in accordance with 725 ILCS 5/108-5.

I have obtained the information contained in this affidavit from conversations with other law enforcement officers involved in this investigation, from my personal knowledge, from my participation in this case, as well as from documents I have reviewed and my prior training and experience. The following information contained in this affidavit is stated for the limited purpose of establishing probable cause and does not contain all facts and information regarding this investigation.

Definition

Internet Protocol An Internet Protocol (IP) address is a standardized string of numbers used throughout the Internet to identify an individual computer or computer system. When a subscriber of an Internet service provider wishes to access the Internet via the Internet provider's service, the Internet service provider will assign that account an IP address. This unique number string is similar to a residential mailing address in that it allows an email message or other computer traffic to reach a specific recipient. An IP number is most commonly in a dotted



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COMPLAINT FOR SEARCH WARRANT

decimal format of four numbers, each from 0 to 255, separated by dots, such as 45.75.219.32. These strings of numbers can either be permanently assigned (in the case of permanent web pages or continuous Internet access connections) or temporarily assigned (in the case of dialup account). A static IP address is a permanently assigned address. A dynamic IP is an IP number that is assigned for the duration of a single online session, and may be reissued or used by another user at another time. During one continuous Internet session the IP number does not change.

Investigation

On Tuesday, January 22, 2019 at 2:30 pm, (RD# JC125614) subject Jussie SMOLLETT, Male, Black, 36 years of age, claimed that he received a written letter at the location of [redacted] Chicago, Cook County, IL, which contained written threats directed toward subject Jussie SMOLLETT. An unknown white powdery substance was found within the letter along with cut out letters pieced together which stated "Smollett Jussie you will die black fag" and "MAGA" which was hand written.

On Saturday, January 26, 2019 at an unknown time, subject Jussie SMOLLETT claimed that he received a phone call from an unidentified phone number in which an unidentified male caller stated, "Hey you little Faggot" at which point the call ended.

On January 29, 2019, at approximately 02:00 A.M., subject Jussie SMOLLETT claimed that he was the victim of battery on the public way at [redacted] Chicago, IL. 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by [redacted] to [redacted]

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[redacted] for treatment. During the investigation of the Aggravated Battery/On The Public Way of subject Jussie SMOLLETT, investigators learned the following;

On January 29, 2019, at approximately 02:42 AM Chicago Police responded to a 911 call of a person battered at [redacted]. The 911 call was initially made at approximately 02:27 AM. Chicago Police Officers arrived on scene and observed that SMOLLETT had a rope draped around his neck. Jussie SMOLLETT claimed he was the victim of an attack where he had been battered about his body.

The investigation revealed Jussie SMOLLETT lives at the address of [redacted]. On January 29th, 2019 Jussie SMOLLETT flew into Chicago O'Hare International Airport from New York and arrived at approximately 0030 hours. Jussie SMOLLETT was then driven by [redacted] from O'Hare International Airport to his home at [redacted] and arrived at approximately 0130 hours. Investigators learned that Jussie SMOLLETT walked by himself to a Subway restaurant at 511 N. McClurg Court, and ordered food. While on the way to Subway, Jussie SMOLLETT stated that he was in communication, via his cell phone, with [redacted].

Investigators learned Jussie SMOLLETT stated that, while returning home from Subway, he was communicating on his cell phone with [redacted] when he was approached by two unknown male subjects dressed in dark clothing. According to SMOLLETT, one of the unknown subjects gained Jussie SMOLLETT's attention by saying, "Empire faggot Empire nigger." SMOLLETT stated that both unknown male subjects then began to batter Jussie SMOLLETT about his face with their hands. SMOLLETT stated that the unknown subjects then poured a substance now believed to be bleach, onto Jussie SMOLLETT's head area and placed a white rope around his neck. SMOLLETT stated that the two unknown male subjects then fled on foot southbound on New St. towards the Chicago River and towards the pub named Lizzy McNeill's, located at 400 N. McClurg Ct. Jussie SMOLLETT subsequently

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COMPLAINT FOR SEARCH WARRANT

returned home and the Chicago Police were contacted approximately twenty-five (25) minutes later at approximately 2:27 AM.

During this portion of the investigation, video evidence has been recovered from several locations to include, but not limited to, residential, commercial, and Chicago Police Observation Devices (POD). Since these videos are from different sources, the time stamps are approximate and individual video recordings may not be synchronized.

Investigators learned that on January 29, 2019 at approximately 1:03 A.M., two individuals (now identified as [redacted]) initiated an UBER ride at [redacted]. A dark colored Toyota Highlander UBER vehicle then brought these subjects to the 1400 block of North Wells St. where the ride terminated. This information was obtained by a subpoena return from UBER. The account used to order and pay for the UBER ride is registered to [redacted] under phone number of [redacted].

Investigators learned, from video evidence, that the two subjects exited the UBER vehicle and hailed an approaching "Sun Taxi Cab" [redacted] at the intersection of Schiller St. and Wells St. [redacted] entered the cab and requested to be taken to Illinois St. and Lake Shore Dr., where the vehicle arrived at approximately 1:25A.M. This information was verified by video evidence recovered from "Sun Taxi Cab" [redacted].

From approximately 1:25A.M. until approximately 2:03A.M., video evidence showed [redacted] on foot in an area bordered by Lake Shore Dr. on the east, Columbus Drive on the west, Illinois St to the north, and the Chicago River to the south.

At approximately 2:04 A.M., on January 29, 2019 [redacted] staged a battering of Mr. SMOLLETT, which was just outside the view of a nearby camera. Approximately one minute later, video evidence showed [redacted] run from the location, southbound toward the [redacted].

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Chicago River, past the Chicago Burger Company, located at 301 E. North Water St. and westbound toward Columbus Dr. Video evidence subsequently captured [redacted] enter "Yellow Cab Company" Taxi # [redacted] at the Hyatt Regency Hotel, located at 151 E. Wacker Dr. at 02:10 A.M.

Investigators obtained information from the "Yellow Cab Company," which stated the ride originated at the Hyatt Regency Hotel and terminated in the 3600 block of N. Marshfield Ave. at 02:25A.M, two minutes before Mr. SMOLLETT'S [redacted] called 911 on Mr. SMOLLETT'S behalf to report the crime. Video evidence then showed [redacted] exit the taxi cab in the 3600 block of North Marshfield Ave., and walk northbound on the west sidewalk out of camera view toward Grace Ave. The intersection of Grace Ave. and Marshfield Ave. is only a few blocks south from the original UBER pick up location.

Further investigation showed that [redacted] was an extra on the TV show, "EMPIRE". Jussie SMOLLETT is an actor who plays a character on that TV show. A photo of [redacted] was obtained from UBER as well as his driver's license. The photo of [redacted] strongly resembles one of the subjects that were seen on the Sun Taxi video. [redacted] strongly resembles the other subject in the Sun Taxi. A search of the Youtube.com internet channel under the name of [redacted] revealed a video posted on January 18, 2019 titled "Getting to Know [redacted] #BMFCASTING of [redacted] wherein [redacted] makes claims that he was involved in several projects including the TV show, "EMPIRE."

Investigators served a search warrant, 19SW4819, on Jussie SMOLLETT's phones; # [redacted] [redacted] The returns from that search warrant revealed that SMOLLETT had approximately 20 phone calls between himself and [redacted] from January 14, 2019 through January 30, 2019. As far as the day of the battery, on January 29, 2019 at 12:49 AM, [redacted] phone number ending in [redacted] (registered to [redacted])

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[redacted] called SMOLLETT's phone number ending in [redacted] and the duration of the call was 3 minutes and 2 seconds. This was approximately 19 minutes after Smollett's plane landed in Chicago and just minutes before [redacted] ordered the UBER to set off for the crime scene. On January 29, 2019 at 7:45 PM, just less than 18 hours following the battery, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call was 5 seconds. Two minutes later, [redacted] phone number ending in [redacted] called SMOLLETT'S phone number ending in [redacted] and the duration of the call was 1 minute and 34 seconds. Investigators were able to determine that both [redacted] flew out of the country to Nigeria later on the evening of January 29th, 2019, which is the same day as the attack on Mr. Smollett. On January 30, 2019 at 10:46 AM, SMOLLETT's phone number ending in [redacted] called [redacted] phone number ending in [redacted] and the duration of the call lasted 8 minutes and 48 seconds.

On 5 February 2019, Investigators submitted Grand Jury # Jan 2401 to American Airlines to obtain flight information of the flight SMOLLETT took on 28 January 2019. The results show that SMOLLETT used email address [redacted] when the flight was booked.

When the crime was originally reported, SMOLLETT gave a contact number as [redacted]. Investigators executed Search Warrant 19SW4819 and discovered that listed number is an Apple iPhone 6s.

On February 13, 2019, [redacted] returned from Nigeria, landing in Chicago O'Hare International Airport, wherein they were detained by US Customs. Members of the Chicago Police Department then placed them into custody.

Investigators then executed search warrant #19SW4998 on February 13, 2019, on the residence of [redacted] at [redacted] Chicago, IL. During the execution of the warrant investigators conducted a systematic search of [redacted]

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the residence in which items of clothing were recovered that may have been used during the commission of the incident on January 29, 2019. Also recovered was a script for the "Empire" TV show Episode # 514 titled "Without All Remedy" which details that an actor by the name of [redacted] is a stand in actor for the date of January 22, 2019. This is the same date that the suspicious letter that is referenced above arrived on the "EMPIRE" set. Also recovered from the residence was a Payroll Department Standard Non-Union Voucher slip for the "EMPIRE" TV Show for actor [redacted] Chicago, Illinois; DOB: [redacted] 95; Phone: [redacted] dated January 23, 2019. [redacted] was listed as a "Stand In" for the character "Kai" on the invoice. A further review of the script also indicates that there is a scene which takes place with the character Kai interacting with Jussie SMOLLETT'S character Jamal Lyon.

[redacted] agreed to cooperate in the investigation of the battery against SMOLLETT. [redacted] provided the following information to Investigators. [redacted] both corroborated that the attack was planned by SMOLLETT. SMOLLETT had informed the witnesses that he did not believe that the studio had taken the hate mail letter serious enough and wanted to bring attention back to the situation. SMOLLETT began discussing with [redacted] about staging the attack. [redacted] stated that SMOLLETT had informed them that his manager would be there to help plan the attack; the manager was not present on the actual day of the planning of the attack.

On the morning of January 27th, 2019, SMOLLETT picked up both [redacted] SMOLLETT then proceeded to drive them to the area of New Street and North Water Street where he wanted the attack to take place. SMOLLETT drove them and directed them through the route that he wanted the witnesses to take, the exact spot where he wanted the attack to occur and then the route that he wanted them to use to leave. SMOLLETT also directed them in what words he wanted them to yell at him. [redacted] stated

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that they all came up with the words that would be used during the attack, but SMOLLETT instructed them to specifically use the words, "EMPIRE, faggot and nigger."

Witnesses related that the location of the attack was chosen by SMOLLETT based on the Chicago POD Camera that was affixed to the pole on the corner. SMOLLETT told the witnesses that he wanted them to use a red hat, a noose and gasoline; which was later changed to bleach because the witnesses did not want to purchase gasoline. SMOLLETT informed them that his flight may be delayed and that they should be on stand-by on the night of the attack. SMOLLETT gave them a hundred dollars USC to purchase what they needed for the attack. SMOLLETT also gave them a check in the amount of \$3500 which was deposited into [redacted] bank account the following day. CPD POD camera video and cell tower data from Jussie SMOLLETT's cell phone number both corroborate the claims of [redacted] regarding Jussie SMOLLETT's movements on January 25, 2019.

On January 29, 2019, after Jussie SMOLLETT's plane landed at approximately 12:30 AM, SMOLLETT and [redacted] had a phone conversation. SMOLLETT's plane was approximately 4 hours late. Following the phone call, [redacted] ordered an UBER ride share vehicle to their residence which arrived at approximately 01:03 AM. [redacted] then headed out to the agreed upon area of the attack which was now to take place at 02:00AM rather than the originally planned time of 10:00PM on January 28, 2019.

[redacted] stated that they called for a ride share. [redacted] stated that as they were driving in the area of Wells and Division when they observed a taxi cab; they then hailed the cab. They instructed the cab to drive them to Illinois and Lake Shore Drive. They instructed the cab to drop them off underneath lower Lake Shore Drive. They walked the route to the spot agreed upon. They walked to the stairs where the attack would take place but they stated that they were too early and waited by a bench area.

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[redacted] then stated they observed SMOLLETT and he began to approach him from behind. [redacted] stated that he observed a vehicle in the area and got nervous because he did not want anyone to think that the attack was real and call the police or shoot him. [redacted] stated that he considered not carrying out the attack but decided to carry it out as he was already there. [redacted] then stated that he yelled out, the scripted words agreed upon loud enough for people to hear. "Hey aren't you that Empire faggot nigger!" [redacted] stated that SMOLLETT had instructed him during the choreographing of the fight to strike him but not to break his jaw. [redacted] then punched him SMOLLETT in the face as agreed upon. [redacted] stated that he struck him about the chin area but pulled his punch; it was a pretend punch because he did not want to knock him out. [redacted] then stated that he stopped and gave SMOLLETT a chance to fight back as was scripted. During the planning stages of this incident, SMOLLETT had informed them that the camera would be recording the attack and he wanted to be shown as fighting back on video.

SMOLLETT proceeded to fight back and they both came to a stand-still. [redacted] then tossed SMOLLETT to the ground and began to grind his fists into his face in an effort to leave bruising on his face. [redacted] then stated that he saw another vehicle in the area and got nervous, he struck him with a kick and ran off. [redacted] stated that he ran up to SMOLLETT; poured the bleach onto him, left the bottle, and then placed the rope on his face, but did not place it around his neck, and ran off behind [redacted]

[redacted] then fled the area as agreed upon. As they fled they stated that they ran towards someone with a flashlight, he flashed them with the light and they ran past him. They then ran up the stairs and across the street, down the street and saw a cab. They took the cab to an area in their neighborhood and then proceeded to walk home.

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[redacted]

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Based on the above information there is probable cause to believe that Jussie SMOLLETT had knowledge and participated in the planning of the attack upon himself on January 29th, 2019 at [redacted] Chicago, IL. 60611

Investigators accessed the Internet using open source access and were able to identify the following Twitter account [redacted]. The account is believed attributable to [redacted] based on a comparison of the photos on the social media account with past arrest photos and driver's license photograph.

Investigators were informed by one of the cab drivers that the subjects were observed messaging and talking on their phones. Investigator is aware that Twitter allows for direct messages and photos to be sent to other users, and is a service commonly used by users. Investigator is aware that it is common for users to send messages /photos on Twitter in order to avoid paying long distance fees while using cellular service.

On February 26, 2019, A Preservation Letter was uploaded to Twitter, Inc. for [redacted] for this search warrant.

Twitter, Inc. provides web-based services. Twitter tracks what is called source Internet Protocol (IP) information, which is the IP address of the Internet location from which the subscriber accessed Twitter's services.

I have learned that Twitter maintains information on connection time for its subscribers, as well as other information including but not limited to, subscriber information, session length, method of connection, source IP, data transfer volume, and stored read and unread emails. I have also

Judge's No.

1976

Date and time of issuance:

2-28-19

Complainant

20432

1540hrs

2/27/19

ASA

195W 5436

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC-1-219 (1)

STATE OF ILLINOIS COUNTY OF COOK

} ss.

THE CIRCUIT COURT OF COOK COUNTY

The People of the State of Illinois to all peace officers of the state and in conjunction with the Federal Bureau of Investigation

COMPLAINT FOR SEARCH WARRANT

learned that the Instant Messages are saved on the unallocated space in one's computer when it is sent or received by that computer.

I am familiar with the federal statute that controls the legal process through which we are authorized to obtain electronic information from a service provider. In specific, the Electronic Communications Privacy Act (ECPA), at 18 USC 2703, describes the legal process through which the government is entitled to get information from electronic communications services and remote computing services, more commonly referred to as Internet service providers. The ECPA requires that the government obtain a warrant supported by probable cause to obtain unread email in electronic storage at a service provider. It also allows the use of a warrant to obtain other information and content from a provider.

I am also familiar with California Penal Code 1524.2, which states that all California Corporations must honor legal process from foreign states when the foreign states are seeking electronic evidence under the terms of the Electronic Communications Privacy Act, 18 USC 2701 et seq. I have learned that Twitter is a California Corporation subject to the terms of California Penal Code 1524.2

Furthermore, your affiant seeks authorization for civilian assistance from Twitter representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Twitter files.

Conclusion

Based on my training, experience, and investigation into this case Your Affiant believes that there is reasonable cause to believe that there exists evidence of Disorderly Conduct-False Report of Offense located in the aforementioned account in violation of 720 ILCS 5/26-1(A)(4).

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