

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**

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:

Facebook Inc., 1601 Willow Road, Menlo Park, CA 94025,

And seize the following instruments, articles and things:

Any and all information pertaining to the account(s) of:

Jussie Smollett

Facebook ID# [REDACTED]

Preservation Case # [REDACTED]

that constitutes evidence, instrumentalities, and fruits of violations of the Subject Offense listed below from:

August 01<sup>st</sup>, 2018 to Present

1. Contents of any and all communications or contact, including, but not limited to, read, unread, drafts of chats, instant messages, posts to timeline(s), any and all messages and voice or audio clips/files and video calls, video clips or movies associated with the user account accessed through Facebook and Facebook Messenger to include text, voice call option and content of the messages or the audio content, contents of private mail in the user's account, including without limitation the date/time/IP address; and
2. All photos uploaded by that user ID, all stored user files, complete with EXIF and metadata data associated with those photos, including date, time, type of device, and geolocation information, and all photos uploaded by any user that have that user tagged in them; and

JUDGE

1976  
Judge's No.

Date and time of issuance:

2-28-19 @ 9:43 AM

1540 hrs

2/27/19



ASA

195W5435

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

3. Any and all friends list and group memberships; and
4. Any and all Subscriber information; and
5. Any and all searches associated with user account; and
6. Any and all account status history including without limitation, dates and times for when the account was activated, deactivated, reactivated, disabled and/or deleted; and
7. Any and all device(s) information linked via cookies; and
8. Any and all profiles logged in from the same computer and all users associated by machine cookies; and
9. For the period of time from the creation of the account to the present, any non-content information about the Subject Account(s) from companies that are owned or operated by Facebook, including but not limited to Instagram;
10. All Facebook accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number; and
11. For the period of time from the creation of the account to the present, any non-content information collected by Facebook about the people and groups the Subject Account(s) is/are connected to, such as the people or groups the Subject Account(s) communicate(s) with the most or like(s) to share with; and
12. For the period of time from the creation of the account to the present, any information collected by Facebook related to push tokens related to devices associated with the Subject Account(s); and
13. Location information, including without limitation, location information obtained by Facebook related to any and all devices for the above Facebook accounts accessing Facebook services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history; and

[REDACTED]

JUDGE

1976  
Judge's No.

Date and time of issuance:

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1540 Hrs

2/27/19

[REDACTED]

ASA

19 SW 5435

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

1540 Hrs

2/27/19

- 14. 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)

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 in the accounts:



**Jussie Smollett**  
Facebook ID# [REDACTED]  
Preservation Case [REDACTED]

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

ASA



JUDGE

1976  
Judge's No.

195w 5435

Date and time of issuance:

2-28-19 @ 9:43 AM

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

*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 Facebook, 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 Facebook User 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

1976  
Judge's No.

Date and time of issuance:

2-28-19 @ 9:43 AM

1540 HRS

2/27/19

ASA

19Sw 5435

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC1-219 (1)

THE CIRCUIT COURT OF COOK COUNTY

STATE OF ILLINOIS }  
COUNTY OF COOK

ss.

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:

**Jussie Smollett**  
Facebook ID# [REDACTED]  
Preservation Case # [REDACTED]

For the timeframe of:

**August 01<sup>st</sup>, 2018 to Present**

1. Contents of any and all communications or contact, including, but not limited to, read, unread, drafts of chats, instant messages, posts to timeline(s), any and all messages and voice or audio clips/files and video calls, video clips or movies associated with the user account accessed through Facebook and Facebook Messenger to include text, voice call option and content of the messages or the audio content, contents of private mail in the user's account, including without limitation the date/time/IP address; and
2. All photos uploaded by that user ID, all stored user files, complete with EXIF and metadata data associated with those photos, including date, time, type of device,

[REDACTED SIGNATURE] **JUDGE** 1976  
Judge's No.

Date and time of issuance:

2-28-19

[REDACTED SIGNATURE] **Complainant**

1540 hrs

2/27/19



ASA

19 SW 5435

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

THE CIRCUIT COURT OF COOK COUNTY

STATE OF ILLINOIS }  
COUNTY OF COOK

ss.

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

and geolocation information, and all photos uploaded by any user that have that user tagged in them; and

3. Any and all friends list and group memberships; and
4. Any and all Subscriber information; and
5. Any and all searches associated with user account; and
6. Any and all account status history including without limitation, dates and times for when the account was activated, deactivated, reactivated, disabled and/or deleted; and
7. Any and all device(s) information linked via cookies; and
8. Any and all profiles logged in from the same computer and all users associated by machine cookies; and
9. For the period of time from the creation of the account to the present, any non-content information about the Subject Account(s) from companies that are owned or operated by Facebook, including but not limited to Instagram;
10. All Facebook accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number; and
11. For the period of time from the creation of the account to the present, any non-content information collected by Facebook about the people and groups the Subject Account(s) is/are connected to, such as the people or groups the Subject

Date and time of issuance:

2-28-19

JUDGE

Judge's No.

1976

Complainant

1540 hrs

2/27/19



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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

Account(s) communicate(s) with the most or like(s) to share with; and

- 12. For the period of time from the creation of the account to the present, any information collected by Facebook related to push tokens related to devices associated with the Subject Account(s); and
13. Location information, including without limitation, location information obtained by Facebook related to any and all devices for the above Facebook accounts accessing Facebook services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history; and
14. 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)(1)

JUDGE

Judge's No.

1976

2-28-19

Date and time of issuance:

Complainant

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2/27/19



ASA

195W 5435

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

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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 in the accounts:

Jussie Smollett
Facebook ID# [redacted]
Preservation Case [redacted]

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.

Investigation:

[redacted signature]

JUDGE

1976
Judge's No.

Date and time of issuance:

2-28-19

[redacted name]

Complainant

1540 hrs
2/27/19

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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

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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

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 1455 S. Rockwell, 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 341 E Lower North Water Street, Chicago, IL. 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by one of his managers, [REDACTED] to Northwestern Hospital 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 340 E North Water Street [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 one of his managers, [REDACTED] from O'Hare International Airport to his home at 340 E North Water and arrived at approximately 0130 hours. Investigators learned that Jussie

JUDGE

Judge's No.

1976

Date and time of issuance:

2-28-19

Complainant

1540 HFS

2/27/19

ASA

19 SW3435

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

(3-81) CCMC1-219 (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 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 one of his managers, [REDACTED]

Investigators learned Jussie SMOLLETT stated that, while returning home from Subway, he was communicating on his cell phone with another one of his managers, [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] and [REDACTED]) initiated an UBER ride at [REDACTED] N. Ashland. 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]

JUDGE

Judge's No. 1976

Date and time of issuance:

2-28-19

Complainant

1540 #45

2/27/19

ASA

19 SW 5435

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

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] and [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] and [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] and [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] and [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] and [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.

[redacted]

JUDGE

1976 Judge's No.

Date and time of issuance:

2-28-19

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2/27/19

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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

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 'Rock' BMF" #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] # [redacted]. The returns from that search warrant revealed that SMOLLETT had approximately 20 phone calls between himself and Abimbola OSUNDAIRO 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] 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 8716 and the duration of the call lasted 8 minutes and 48 seconds.

JUDGE

1976 Judge's No.

Date and time of issuance:

2-28-19

Complainant

1540 Hrs

2/27/19

ASA

19SW 5435

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

On 5 February 2019, Investigators submitted Grand Jury # Jan 2401 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]@gmail .com 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] at [redacted] N Ashland Ave, Apartment [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] of [redacted] N. Ashland Ave, [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 SMOLLET. [redacted] provided

Judge [redacted] Judge's No.

1976

2-28-19

Date and time of issuance:

[redacted]

Complainant

1540 hrs

7/27/19

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ASA

19 SW 5435

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

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 Olabinjo [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] TCF 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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Date and time of issuance:

2-28-19

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2/27/19

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19SW 5435

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

On January 29, 2019, after Jussie SMOLLETT's plane landed at approximately 12:30 AM, [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. The [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.

JUDGE

Judge's No. 1976

Date and time of issuance:

2-28-19

Complainant

1540665

2/27/19

ASA

19 SW 5435

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

STATE OF ILLINOIS } COUNTY OF COOK

} ss.

THE CIRCUIT COURT OF COOK COUNTY

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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 Facebook account: Jussie Smollet. 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.

Investigators learned through the investigation that Jussie SMOLLETT was communicating on his cellular phone during the entire incident. 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.

JUDGE

1976 Judge's No.

Date and time of issuance:

2-28-19

Complainant

1540 hrs

2/27/19

[redacted]

ASA

1950 5435



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

The accounts have several posts before and after the attack. Investigator is aware that Facebook keeps track of metadata of its user's posts. This metadata will assist in establishing a timeline of the subject's movements prior to and after the attack, which will assist in concluding the investigation.

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 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. Facebook 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 Facebook Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Facebook files.

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 in the above mentioned Facebook Accounts of the above referenced crime.

[Redacted Signature]

JUDGE

1976  
Judge's No.

Date and time of issuance:

2-28-19

[Redacted Name]

Complainant

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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 01<sup>st</sup> 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;

[REDACTED]

JUDGE

1976

Judge's No.

Date and time of issuance:

2-28-19 @ 9:36 AM

1540 Hrs

2/27/19

[REDACTED]

ASA

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1540 hrs

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

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

2/27/19

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
5. Instagram postings under user name jussiesmollett; 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;



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JUDGE

1976  
Judge's No.

Date and time of issuance:

2-28-19 @ 9:36 AM

1950 5434

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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

2/28/19

- 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;
- 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:



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[REDACTED SIGNATURE]

JUDGE

1976  
Judge's No.

Date and time of issuance:

2-28-19 @ 9:36 AM

19 Sw 5434

1540 hrs

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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

2/27/19

(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 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



JUDGE

1976  
Judge's No.

Date and time of issuance:

2-28-19 @ 9:36 AM



ASA

19 sw 5434

1540 hrs

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

Page 5 of 5  
(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

6/1/22/19

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:

ASA



JUDGE

1976  
Judge's No.

Date and time of issuance:

2-28-19 @ 9:36 AM

19 SW 5434

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

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 01<sup>st</sup>, 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
5. Instagram posting under user name **jussiesmollet**; and

1. [REDACTED]  
Complainant

Subscribed and sworn to before me on

..... 2-28-19 .....

[REDACTED]

Judge  
Judge's No.  
1976

1540 hrs

2/27/19

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19SW 5434

1540 hrs

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

2/27/19

COMPLAINT FOR SEARCH WARRANT

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

2 [REDACTED] Complainant

Subscribed and sworn to before me on

2-28-19 [REDACTED] Judge [REDACTED] Judge's No. 1976

ASA

5434

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1540 Hrs

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

2/27/19

COMPLAINT FOR SEARCH WARRANT

- 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)

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

3



Complainant

Subscribed and sworn to before me on

2-28-19



Judge  
Judge's No.

1976

ASA

19 SW 5434

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

STATE OF ILLINOIS COUNTY OF COOK

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

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 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.

4 [Redacted] Complainant

Subscribed and sworn to before me on

2-28-19 [Redacted] Judge Judge's No. 1976

1540 hrs

2/27/19



ASA

19 SW 5434

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

COMPLAINT FOR SEARCH WARRANT

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 1455 S. Rockwell, 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 341 E Lower North Water Street, Chicago, IL. 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by one of his managers, [redacted] to Northwestern Hospital for treatment. During the investigation of the Aggravated Battery/On The Public Way of subject Jussie SMOLLETT, investigators learned the following;

5

Complainant

Subscribed and sworn to before me on

2-28-19

Judge's No.

1976

1540 hrs

2/27/19

ASA

19 SW 5434

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

COMPLAINT FOR SEARCH WARRANT

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 340 E North Water Street #3900. 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 one of his managers, [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 one of his managers, [redacted]

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

6

Complainant

Subscribed and sworn to before me on

2-28-19

Judge

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1540 hrs

2/27/19

[Redacted signature]

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19 Sw 5434

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

COMPLAINT FOR SEARCH WARRANT

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 4139 N. Ashland. 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] 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.

7 [redacted] Complainant

Subscribed and sworn to before me on

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2/27/19

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ASA

19 SW 5434

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

STATE OF ILLINOIS COUNTY OF COOK

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

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 'Rock' BMF" #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] # [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]

8

Complainant

Subscribed and sworn to before me on

2-28-19

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2/27/19

ASA

19SW 5434

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

COMPLAINT FOR SEARCH WARRANT

[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] [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 # Jan 2401 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]@gmail .com when the flight was booked.

When the crime was originally reported, SMOLLET 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] at [redacted] N Ashland Ave, [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 [redacted]

9 [redacted] Complainant

Subscribed and sworn to before me on

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2/27/19

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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

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

Department Standard Non-Union Voucher slip for the "EMPIRE" TV Show for actor Abimbola OSUNDAIRO of [redacted] N. Ashland Ave. [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 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

10

Complainant

Subscribed and sworn to before me on

2-28-19

Judge's No.

1976

1506 hrs

2/27/19

ASA

195W 5434



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

COMPLAINT FOR SEARCH WARRANT

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] TCF 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, [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. The [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]

11 [REDACTED] 32  
Complainant

Subscribed and sworn to before me on

2-28-19 [REDACTED]

[REDACTED] Judge [REDACTED] 1976

15:10 hrs

6/12/19

[REDACTED]

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195w 5434

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

[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]

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 Jussie SMOLLETT based on a comparison of the photos on the social media account with past arrest photos and driver's license photograph.

12

Complainant

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2-28-19

Judge's No.

1976

1540 hrs

2/27/19

ASA

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1540 hrs

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

2/27/19

Investigators learned through the investigation that Jussie SMOLLETT was communicating on his cellular phone during the entire 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 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.

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

13

Complainant

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2-28-19

Judge

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ASA

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

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

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 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.

14

[Redacted signature area]

Complainant

Subscribed and sworn to before me on

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2/27/19

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19 SW 5434

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STATE OF  
ILLINOIS  
COUNTY OF  
COOK

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THE CIRCUIT COURT OF COOK COUNTY

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).

15

Complainant

Subscribed and sworn to before me on

2-28-19

Judge

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1540 hrs

2/28/19

ASA

19 SW 5434

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.

The court finds that disclosure of this request may jeopardize an ongoing criminal investigation. The Court orders Snapchat Inc. and their representatives, agents and employees pursuant to 18 U.S.C. § 2705(b) not to disclose in any manner, directly or indirectly, by any action or inaction, or to any person, the existence of the Court's orders or of this investigation unless ordered by this Court.

I therefore command that you search:

Snapchat, Inc., 63 Market Street, Venice, CA 90291

and seize the following instruments, articles and things:

Any and all information pertaining to the account

Snapchat User name: [REDACTED]  
Preservation # [REDACTED]

That constitutes evidence, instrumentalities, and fruits of the violations of the Subject Offense listed below from:

August 01<sup>st</sup>, 2018 to Present

Including but not limited to

1. Subscriber information including but not limited to the Snapchat username, Email address, Phone number.
2. Snapchat account creation date.
3. Friend List, Timestamp and IP address of account logins and logouts.
4. Logs, including content sender, recipient, date time, content of unopened Snaps concerning the previous Snaps sent to or from the Snapchat account with username [REDACTED].
5. Logs, including content, sender, recipient, date, and time concerning the previous chat [REDACTED]

[REDACTED]  
JUDGE

1976  
Judge's No.

Date and time of issuance:

2-28-19 @ 9:31 AM

1540 hrs

2/27/19



ASA

19 SW 5433

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

messages sent to or from the Snapchat account with the username '[REDACTED]'

- 6. IP address at the time the account was created.
- 7. IP history log including the date stamps for account access.
- 8. Any and all documentation logs relative snaps, stories and chat.
- 9. Any and ALL DELETED content from his snaps, stories and chat from Snapchat account [REDACTED], spanning from August 01, 2018 till present.
- 10. Any other Snapchat accounts opened via email address matching [REDACTED]
- 11. Any and All data, electronic or otherwise, that exists pertaining to Snapchat account [REDACTED], is retained or can be rebuilt.

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)

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 in the accounts:

[REDACTED]  
Preservation # 37249358

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

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Judge's No.

Date and time of issuance:

2-28-19 @ 9:31 AM

1540 Hrs

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 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 Facebook, 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 Facebook User 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.



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19 SW 5433



JUDGE

1976

Judge's No.

Date and time of issuance:

2-28-19 @ 9:31 AM

1540 hrs

2/27/19



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(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

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:

Snapchat Inc., 63 Market Street, Venice, CA 90291

and seize the following instruments, articles and things:

Any and all information pertaining to the account User name [redacted] preservation number # [redacted] Including but not limited to

1. Subscriber information including but not limited to the Snapchat username, Email address, Phone number.
2. Snapchat account creation date.
3. Friend List, Timestamp and IP address of account logins and logouts.
4. Logs, including content sender, recipient, date time, content of unopened Snaps concerning the previous Snaps sent to or from the Snapchat account with username [redacted]
5. Logs, including content, sender, recipient, date, and time concerning the previous chat messages sent to or from the Snapchat account with the username [redacted]
6. IP address at the time the account was created.
7. IP history log including the date stamps for account access.
8. Any and all documentation logs relative snaps, stories and chat.
9. Any and ALL DELETED content from his snaps, stories and chat from Snapchat account [redacted] spanning from August 01, 2018 till present.
1. Any other Snapchat accounts opened via email address matching jussiesmollett.
2. Any and All data, electronic or otherwise, that exists pertaining to Snapchat account (jussiesmollett),



ASA

[redacted signature]  
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1976  
Judge's No.

Date and time of issuance:

2-28-19



Complainant

19 SW 5433

15:40 Hrs

2/27/19

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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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

is retained or can be rebuilt.

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

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 person and 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.

Investigation

JUDGE

1976 Judge's No.

Date and time of issuance:

2-28-19

Complainant

1540 hrs

2/27/19

ASA

19 SW 5433

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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

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 1455 S. Rockwell, 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 341 E Lower North Water Street, Chicago, IL. 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by one of his managers, [REDACTED] to Northwestern Hospital 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 one of his managers, [REDACTED] from O'Hare International Airport to his home at 340 E North Water 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 [REDACTED]

JUDGE

1976 Judge's No.

Date and time of issuance:

2-28-19

Complainant

1540 Hrs

2/27/19

ASA

19 SW 5433

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THE CIRCUIT COURT OF COOK COUNTY

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COMPLAINT FOR SEARCH WARRANT

communication, via his cell phone, with one of his managers, Frank GATSON.

Investigators learned Jussie SMOLLETT stated that, while returning home from Subway, he was communicating on his cell phone with another one of his managers, [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] N. Ashland. 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] and [REDACTED] entered the cab and requested to be taken to Illinois St. and Lake Shore Dr., where the

[REDACTED] 1976 Judge's No.

Date and time of issuance:

2-28-19

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Complainant

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2/27/19

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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

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] and [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 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 'Rock'

[redacted]

JUDGE

1976 Judge's No.

Date and time of issuance:

2-28-19

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CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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} ss.

THE CIRCUIT COURT OF COOK COUNTY

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COMPLAINT FOR SEARCH WARRANT

BMF" #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] # [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 1649 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]@gmail .com 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.

[redacted signature] 1976 JUDGE Judge's No.

Date and time of issuance:

2-28-19

[redacted signature] Complainant

1540 hrs

2/27/19

[redacted]

ASA

19SW 5433

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

Investigators then executed search warrant #19SW4998 on February 13, 2019, on the residence of [redacted] at [redacted] N Ashland Ave, [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] of [redacted] N. Ashland Ave. 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 that they all came up with the words that would be used during the attack, but

JUDGE

1976 Judge's No.

Date and time of issuance:

2-28-19

Complainant

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2/27/19

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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

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 USG to purchase what they needed for the attack. SMOLLETT also gave them a check in the amount of \$3500 which was deposited into [redacted] TCF 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. The [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 [redacted]

JUDGE

1976 Judge's No.

Date and time of issuance:

2-28-19

Complainant

1540 hrs

2/27/19

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THE CIRCUIT COURT OF COOK COUNTY

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COMPLAINT FOR SEARCH WARRANT

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]

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 Snapchat 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 Snapchat 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 Snapchat account: jussiesmollet. 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]

JUDGE

1976 Judge's No.

Date and time of issuance:

2-28-19

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Complainant

1546 Hrs

7/27/19

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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

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

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.

A preservation request # [redacted] was conducted of Snapchat Username [redacted] requesting the account and the contents be preserved pending the issuance of a search warrant.

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

I have learned that Snapchat maintains information of its Snapchat Users, including but not limited to, user profile, subscriber information, sent and received messages, sent and received chats, contact information, an IP log-in history, and image file metadata, (possibly containing GPS coordinates of the subscriber during his use of the service.)

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 Communication Privacy act, 18 USC 2701 et seq. Snapchat 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 Snapchat representatives for the execution of the search warrant because their technical assistance will be necessary to obtain the information from Snapchat files.

[redacted signature area]

JUDGE

Judge's No.

Date and time of issuance:

2-28-19

[redacted signature area]

Complainant

1540 HRS

2/27/19

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1540 hrs

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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STATE OF ILLINOIS  
COUNTY OF COOK

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THE CIRCUIT COURT OF COOK COUNTY

2/27/19

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

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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19SW5433



JUDGE

1976

Judge's No.

Date and time of issuance:

2-28-19



Complainant

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

STATE OF  
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COUNTY OF  
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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

1540hrs

2/27/19



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JUDGE

1976  
Judge's No.

Date and time of issuance:

2-28-19



Complainant

195W 5433

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

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:

Facebook Inc., 1601 Willow Road, Menlo Park, CA 94025,

And seize the following instruments, articles and things:

Any and all information pertaining to the account(s) of:

Facebook ID# [REDACTED]  
Preservation Case # [REDACTED]  
Preservation Case # [REDACTED]  
Preservation Case # [REDACTED]

that constitutes evidence, instrumentalities, and fruits of violations of the Subject Offense listed below from:

August 01<sup>st</sup>, 2018 to Present

1. Contents of any and all communications or contact, including, but not limited to, read, unread, drafts of chats, instant messages, posts to timeline(s), any and all messages and voice or audio clips/files and video calls, video clips or movies associated with the user account accessed through Facebook and Facebook Messenger to include text, voice call option and content of the messages or the audio content, contents of private mail in the user's account, including without limitation the date/time/IP address; and
2. All photos uploaded by that user ID, all stored user files, complete with EXIF and metadata data associated with those photos, including date, time, type of device,

JUDGE

Judge's No.

Date and time of issuance:

2-23-19 9:30am

1500hrs

2/26/19

ASA

19 SW 5384

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

and geolocation information, and all photos uploaded by any user that have that user tagged in them; and

3. Any and all friends list and group memberships; and
4. Any and all Subscriber information; and
5. Any and all searches associated with user account; and
6. Any and all account status history including without limitation, dates and times for when the account was activated, deactivated, reactivated, disabled and/or deleted; and
7. Any and all device(s) information linked via cookies; and
8. Any and all profiles logged in from the same computer and all users associated by machine cookies; and
9. For the period of time from the creation of the account to the present, any non-content information about the Subject Account(s) from companies that are owned or operated by Facebook, including but not limited to Instagram;
10. All Facebook accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number; and
11. For the period of time from the creation of the account to the present, any non-content information collected by Facebook about the people and groups the Subject Account(s) is/are connected to, such as the people or groups the Subject Account(s) communicate(s) with the most or like(s) to share with; and
12. For the period of time from the creation of the account to the present, any information collected by Facebook related to push tokens related to devices associated with the Subject Account(s); and
13. Location information, including without limitation, location information obtained by Facebook related to any and all devices for the above Facebook accounts accessing Facebook services. This is to include check-ins, geographic location [REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30am

1500 hrs

2/26/19



ASA

19 SW 5384

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history; and

- 14. 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)**

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 in the accounts:

[Redacted]  
 Facebook ID# [Redacted]  
 Preservation Case # [Redacted]  
 Preservation Case # [Redacted]  
 Preservation Case # [Redacted]

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

[Redacted Signature Area]

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30AM

1500hrs

2/26/19

ASA

19 Sw 5384

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

1500 hrs

7/26/19

*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 Facebook, 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 Facebook User 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

Judge's No.

Date and time of issuance:

2.28.19

9.30 AM

19 SW 5384

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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

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:

Facebook Inc., 1601 Willow Road, Menlo Park, CA 94025,

And seize the following instruments, articles and things:

Any and all information pertaining to the account(s) of:

Ola Osun

Facebook ID# [REDACTED]

Preservation Case # [REDACTED]

Preservation Case # [REDACTED]

Preservation Case # [REDACTED]

that constitutes evidence, instrumentalities, and fruits of violations of the Subject Offense listed below from:

August 01<sup>st</sup>, 2018 to Present

1. Contents of any and all communications or contact, including, but not limited to, read, unread, drafts of chats, instant messages, posts to timeline(s), any and all messages and voice or audio clips/files and video calls, video clips or movies associated with the user account accessed through Facebook and Facebook Messenger to include text, voice call option and content of the messages or the audio content, contents of private mail in the user's account, including without limitation the date/time/IP address; and
2. All photos uploaded by that user ID, all stored user files, complete with EXIF and metadata data associated with those photos, including date, time, type of device.

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30 AM

Complainant

1500 hrs

2/26/19



ASA

19 Sw 5384

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

and geolocation information, and all photos uploaded by any user that have that user tagged in them; and

3. Any and all friends list and group memberships; and
4. Any and all Subscriber information; and
5. Any and all searches associated with user account; and
6. Any and all account status history including without limitation, dates and times for when the account was activated, deactivated, reactivated, disabled and/or deleted; and
7. Any and all device(s) information linked via cookies; and
8. Any and all profiles logged in from the same computer and all users associated by machine cookies; and
9. For the period of time from the creation of the account to the present, any non-content information about the Subject Account(s) from companies that are owned or operated by Facebook, including but not limited to Instagram;
10. All Facebook accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number; and
11. For the period of time from the creation of the account to the present, any non-content information collected by Facebook about the people and groups the Subject Account(s) is/are connected to, such as the people or groups the Subject Account(s) communicate(s) with the most or like(s) to share with; and
12. For the period of time from the creation of the account to the present, any information collected by Facebook related to push tokens related to devices associated with the Subject Account(s); and

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2-28-19

9:30 AM

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Complainant

1500 hrs

2/26/19

[REDACTED]

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19Sw 5384

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

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

14. 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)**

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 in the accounts:

Facebook ID# [REDACTED]  
Preservation Case [REDACTED]  
Preservation Case [REDACTED]  
Preservation Case [REDACTED]

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30 AM

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Complainant

1500 hrs

2/26/19



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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

Background:

I, Detective Brian McKendry #20432, your affiant, am employed as a detective with the Chicago Police Department, Bureau of Detectives. I have been a Police Officer for 28 years, and am currently assigned to 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 also 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.

Investigation:

On Tuesday, January 22, 2019 at 2:30 pm, recorded under Chicago Police RD# JC125614 victim Jussie SMOLLETT, Male, Black, 36 years of age, at the location of 1455 S. Rockwell, Chicago, Cook County, IL, received a written letter containing written threats directed toward victim Jussie SMOLLETT. According to the victim 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, victim Jussie SMOLLETT 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., victim Jussie SMOLLETT was physically battered on the public way at 341 E Lower North Water Street, Chicago, IL. 60611. Reported under Chicago Police Record number JC133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by one of his managers, [REDACTED] to Northwestern

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30am

Complainant

1500 hrs

2/26/19



ASA

19500 5384

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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Hospital for treatment. During the investigation of the Aggravated Battery/On The Public Way of victim Jussie SMOLLETT, investigators learned the following;

On January 29, 2019 Chicago Police responded to a person battered located at 340 E. North Water Street. Chicago Police Officers arrived on scene and learned that Jussie SMOLLETT had been battered about his body.

The investigation revealed Jussie SMOLLETT lives at the address of [REDACTED] #3900. On January 29<sup>th</sup>, 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 one of his managers, [REDACTED] from O'Hare International Airport to his home at [REDACTED] and arrived at approximately 0130 hours. Investigators learned that Jussie SMOLLETT was hungry and walked by himself to a Subway at 511 N. McClurg Ct. and ordered food. While on the way to Subway, Jussie SMOLLETT was in communication via his cell phone with one of his managers, [REDACTED]

Jussie SMOLLETT stated, while returning to his home from Subway he was in communication, via his cell phone, with another of his managers, [REDACTED] when he was approached by two unknown male subjects in all dark clothing. One of the unknown subjects gained Jussie SMOLLETT's attention by saying, "Empire faggot Empire nigger." Both unknown male subjects then began to batter Jussie SMOLLETT about his face with their hands. 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. Investigators now know the two unknown male subjects fled on foot southbound on New Street towards the Chicago River and towards the pub named Lizzy McNeill's, located at 400 N. McClurg Ct. Jussie SMOLLETT subsequently returned to his home and the Chicago Police were contacted approximately twenty-five (25) minutes later.

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.

JUDGE

Judge's No.

Date and time of issuance:

2-28-19

9:34 AM

Complainant

1500 hrs

2/26/19

ASA

19 Sw 5384

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

Investigators learned that on January 29, 2019 at approximately 1:03 A.M., two unknown individuals initiated an Uber ride at [REDACTED] N. Ashland. 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] of [REDACTED] N. Ashland, Chicago, IL. With a phone number of [REDACTED]. The driver of the Uber vehicle stated that one of the subjects was using his mobile device during the cab ride.

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. The two unknown individuals 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 that these two individuals 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, the two individuals moved outside the view of a camera and the attack on the victim, Jussie SMOLLETT. Approximately one minute later, video evidence showed the same two unknown individuals run from the attack 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 these same individuals 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. The driver of the Yellow Cab stated that one of the subjects was using his mobile device during the cab ride. Video evidence then showed these individuals 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.

1500hrs

2/26/19

[REDACTED]

ASA

195w 5384

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30am

[REDACTED]

Complainant

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

Further investigation showed that [REDACTED] was an extra on the TV show, "EMPIRE". It should be noted that the victim, Jussie SMOLLETT is a character of that TV show. A photo of [REDACTED] was obtained from UBER as well as his driver's license. The photo of [REDACTED] strongly resembled one of the subjects that were seen on the Sun Taxi video. [REDACTED] strongly resembled the other subject in the Sun Taxi. Investigators were able to determine that both [REDACTED] flew out of the country to Nigeria on the evening of January 29<sup>th</sup>, 2019.

Investigators accessed the Internet using open source access and were able to identify the following Facebook 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. A search of Facebook also revealed that the phone number [REDACTED] which is connected to the UBER account, is also connected to the Facebook profile of [REDACTED].

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. A review of the account showed that there were recent posts and videos which reference to the brothers being in Nigeria. 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.

The accounts have several posts before and after the attack. Investigator is aware that Facebook keeps track of metadata of its user's posts. This metadata will assist in establishing a timeline of the subject's movements prior to and after the attack, which will assist in concluding the investigation.

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 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

JUDGE

Judge's No.

Date and time of issuance:

2.28.19 9:30 AM

Complainant

1500 Hrs

2/26/19

ASA

195w 5384

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

electronic evidence under the terms of the Electronic Communications Privacy Act, 18 USC 2701 et seq. Facebook 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 Facebook Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Facebook files.

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 in the above mentioned Facebook Accounts of the above referenced crime.

ASA

19Sw 5384

Date and time of issuance:

2-28-19 9:30 AM

JUDGE

Judge's No.

Complainant

1500hrs

2/26/19





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

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:

Facebook Inc., 1601 Willow Road, Menlo Park, CA 94025,

And seize the following instruments, articles and things:

Any and all information pertaining to the account(s) of:

Facebook ID# [REDACTED]  
Preservation Case [REDACTED]  
Preservation Case [REDACTED]

that constitutes evidence, instrumentalities, and fruits of violations of the Subject Offense listed below from:

August 01<sup>st</sup>, 2018 to Present

1. Contents of any and all communications or contact, including, but not limited to, read, unread, drafts of chats, instant messages, posts to timeline(s), any and all messages and voice or audio clips/files and video calls, video clips or movies associated with the user account accessed through Facebook and Facebook Messenger to include text, voice call option and content of the messages or the audio content, contents of private mail in the user's account, including without limitation the date/time/IP address; and
2. All photos uploaded by that user ID, all stored user files, complete with EXIF and metadata data associated with those photos, including date, time, type of device,

JUDGE [REDACTED]

Judge's No. [REDACTED]

Date and time of issuance:

2-25-19

9:30 AM

15cc Hrs

2/26/19

ASA

19 SW 5382

1503/19-5

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

and geolocation information, and all photos uploaded by any user that have that user tagged in them; and

2/26/19

3. Any and all friends list and group memberships; and
4. Any and all Subscriber information; and
5. Any and all searches associated with user account; and
6. Any and all account status history including without limitation, dates and times for when the account was activated, deactivated, reactivated, disabled and/or deleted; and
7. Any and all device(s) information linked via cookies; and
8. Any and all profiles logged in from the same computer and all users associated by machine cookies; and
9. For the period of time from the creation of the account to the present, any non-content information about the Subject Account(s) from companies that are owned or operated by Facebook, including but not limited to Instagram;
10. All Facebook accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number; and
11. For the period of time from the creation of the account to the present, any non-content information collected by Facebook about the people and groups the Subject Account(s) is/are connected to, such as the people or groups the Subject Account(s) communicate(s) with the most or like(s) to share with; and
12. For the period of time from the creation of the account to the present, any information collected by Facebook related to push tokens related to devices associated with the Subject Account(s); and
13. Location information, including without limitation, location information obtained by Facebook related to any and all devices for the above Facebook accounts accessing Facebook services. This is to include check-ins, geographic location



ASA

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2.28.19 9.30am

19 SW 5382

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history; and

- 14. 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)

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 in the accounts:

Facebook ID# [REDACTED]  
Preservation Case [REDACTED]  
--Preservation Case [REDACTED]

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

JUDGE

Judge's No.

Date and time of issuance:

2/28/19 9:30 AM

1500 Hrs

2/26/19



ASA

19 SW 5382

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

1500hrs

2/26/19

*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 Facebook, 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 Facebook User 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.

JUDGE

Judge's No.

Date and time of  
issuance:

2-28-19 9:30am

ASA

19 Sw 5382

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

**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:

Facebook Inc., 1601 Willow Road, Menlo Park, CA 94025,

And seize the following instruments, articles and things:

Any and all information pertaining to the account(s) of:

Facebook ID# [REDACTED]  
Preservation Case # [REDACTED]  
Preservation Case # [REDACTED]

that constitutes evidence, instrumentalities, and fruits of violations of the Subject Offense listed below from:

**August 01<sup>st</sup>, 2018 to Present**

1. Contents of any and all communications or contact, including, but not limited to; read, unread, drafts of chats, instant messages, posts to timeline(s), any and all messages and voice or audio clips/files and video calls, video clips or movies associated with the user account accessed through Facebook and Facebook Messenger to include text, voice call option and content of the messages or the audio content, contents of private mail in the user's account, including without limitation the date/time/IP address; and
2. All photos uploaded by that user ID, all stored user files, complete with EXIF and metadata data associated with those photos, including date, time, type of device, and geolocation information, and all photos uploaded by any user that have that user tagged in them; and

JUDGE

Judge's No.

Date and time of issuance:

2.25.19

9:30 AM

Complainant

1502HRS

2/26/19

ASA

19 SW 5382

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

1500 hrs

2/26/19

3. Any and all friends list and group memberships; and
4. Any and all Subscriber information; and
5. Any and all searches associated with user account; and
6. Any and all account status history including without limitation, dates and times for when the account was activated, deactivated, reactivated, disabled and/or deleted; and
7. Any and all device(s) information linked via cookies; and
8. Any and all profiles logged in from the same computer and all users associated by machine cookies; and
9. For the period of time from the creation of the account to the present, any non-content information about the Subject Account(s) from companies that are owned or operated by Facebook, including but not limited to Instagram;
10. All Facebook accounts associated with the user ID// [REDACTED] by cookies, recovery email address, or telephone number; and
11. For the period of time from the creation of the account to the present, any non-content information collected by Facebook about the people and groups the Subject Account(s) is/are connected to, such as the people or groups the Subject Account(s) communicate(s) with the most or like(s) to share with; and
12. For the period of time from the creation of the account to the present, any information collected by Facebook related to push tokens related to devices associated with the Subject Account(s); and
13. Location information, including without limitation, location information obtained by Facebook related to any and all devices for the above Facebook accounts accessing Facebook services. This is to include check-ins, geographic location



ASA

19 SW 5382

Date and time of issuance:

2-25-19

9:30 am

JUDGE [REDACTED] Judge's No. [REDACTED]



Complainant

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

through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history; and

- 14. 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)

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 in the accounts:

Facebook ID# [REDACTED]  
Preservation Case [REDACTED]  
Preservation Case [REDACTED]

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2.28.19

9:30am

[REDACTED]

Complainant

1500hrs

2/26/19



ASA

19 Sw 5382

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

Background:

I, Detective Brian McKendry #20432, your affiant, am employed as a detective with the Chicago Police Department, Bureau of Detectives. I have been a Police Officer for 28 years, and am currently assigned to 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 also 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.

Investigation:

On Tuesday, January 22, 2019 at 2:30 pm, recorded under Chicago Police RD# JC125614 victim Jussie SMOLLETT, Male, Black, 36 years of age, at the location of 1455 S. Rockwell, Chicago, Cook County, IL, received a written letter containing written threats directed toward victim Jussie SMOLLETT. According to the victim 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, victim Jussie SMOLLETT 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., victim Jussie SMOLLETT was physically battered on the public way at 341 E Lower North Water Street, Chicago, IL. 60611. Reported

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30am

Complainant

1500 Hrs

2/26/19



ASA

19 SW 5382



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

under Chicago Police Record number JC133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by one of his managers, [REDACTED] to Northwestern Hospital for treatment. During the investigation of the Aggravated Battery/On The Public Way of victim Jussie SMOLLETT, investigators learned the following:

On January 29, 2019 Chicago Police responded to a person battered located at [REDACTED] Chicago Police Officers arrived on scene and learned that Jussie SMOLLETT had been battered about his body.

The investigation revealed Jussie SMOLLETT lives at the address of [REDACTED] #3900. On January 29<sup>th</sup>, 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 one of his managers, [REDACTED] from O'Hare International Airport to his home at [REDACTED] and arrived at approximately 0130 hours. Investigators learned that Jussie SMOLLETT was hungry and walked by himself to a Subway at 511 N. McClurg Ct. and ordered food. While on the way to Subway, Jussie SMOLLETT was in communication via his cell phone with one of his managers [REDACTED]

Jussie SMOLLETT stated, while returning to his home from Subway he was in communication, via his cell phone, with another of [REDACTED] when he was approached by two unknown male subjects in all dark clothing. One of the unknown subjects gained Jussie SMOLLETT's attention by saying, "Empire faggot Empire nigger." Both unknown male subjects then began to batter Jussie SMOLLETT about his face with their hands. 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. Investigators now know the two unknown male subjects fled on foot southbound on New Street towards the Chicago River and towards the pub named Lizzy McNeill's, located at 400 N. McClurg Ct. Jussie SMOLLETT subsequently returned to his home and the Chicago Police were contacted approximately twenty-five (25) minutes later.

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 vidcos are from different sources, the time stamps are approximate and individual video recordings may not be synchronized.

JUDGE

Judge's No.

Date and time of issuance:

2-23-19

9-30am

Complainant

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2/26/19

ASA

19 SW 5382

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

150047-5

2/26/19

Investigators learned that on January 29, 2019 at approximately 1:03 A.M., two unknown individuals initiated an Uber ride at [REDACTED] N. Ashland. 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] of [REDACTED] N. Ashland, Chicago, IL. With a phone number of [REDACTED]. The driver of the Uber vehicle stated that one of the subjects was using his mobile device during the cab ride.

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. The two unknown individuals 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 that these two individuals 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, the two individuals moved outside the view of a camera and the attack on the victim, Jussie SMOLLETT. Approximately one minute later, video evidence showed the same two unknown individuals run from the attack 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 these same individuals 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. The driver of the Yellow Cab stated that one of the subjects was using his mobile device during the cab ride. Video evidence then showed these individuals 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.

[REDACTED]

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19 SW 5382

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2.28.19

9:30 AM

[REDACTED]

Complainant

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

Further investigation showed that [REDACTED] was an extra on the TV show, "EMPIRE". It should be noted that the victim, Jussie SMOLLETT is a character of that TV show. A photo of [REDACTED] was obtained from UBER as well as his driver's license. The photo of [REDACTED] strongly resembled one of the subjects that were seen on the Sun Taxi video. [REDACTED] strongly resembled the other subject in the Sun Taxi. Investigators were able to determine that both [REDACTED] flew out of the country to Nigeria on the evening of January 29<sup>th</sup>, 2019.

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

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. A review of the account showed that there were recent posts and videos which reference to the brothers being in Nigeria. 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.

The accounts have several posts before and after the attack. Investigator is aware that Facebook keeps track of metadata of its user's posts. This metadata will assist in establishing a timeline of the subject's movements prior to and after the attack, which will assist in concluding the investigation.

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 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

JUDGE

/ Judge's No.

Date and time of issuance:

2-28-19 9:31 AM

Complainant

1500 hrs

2/26/19

ASA

19Sw 5382

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

2701 et seq. Facebook 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 Facebook Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Facebook files.

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 in the above mentioned Facebook Accounts of the above referenced crime.

150044-5

2/26/19



ASA

19500 5382



JUDGE

Judge's No.

Date and time of issuance:

2-25-19 9:20 AM



Complainant

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

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:

Facebook Inc., 1601 Willow Road, Menlo Park, CA 94025,

And seize the following instruments, articles and things:

Any and all information pertaining to the account(s) of:

Facebook ID# [redacted]  
Preservation Case# [redacted]  
Preservation Case# [redacted]  
Preservation Case# [redacted]

that constitutes evidence, instrumentalities, and fruits of violations of the Subject Offense listed below from:

August 01<sup>st</sup>, 2018 to Present

1. Contents of any and all communications or contact, including, but not limited to, read, unread, drafts of chats, instant messages, posts to timeline(s), any and all messages and voice or audio clips/files and video calls, video clips or movies associated with the user account accessed through Facebook and Facebook Messenger to include text, voice call option and content of the messages or the audio content, contents of private mail in the user's account, including without limitation the date/time/IP address; and
2. All photos uploaded by that user ID, all stored user files, complete with EXIF and metadata data associated with those photos, including date, time, type of device,

JUDGE

Judge's No.

Date and time of issuance:

2.28.19

9:30 AM

1500 hrs

2/26/19

ASA

19 SW 5381

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

and geolocation information, and all photos uploaded by any user that have that user tagged in them; and

3. Any and all friends list and group memberships; and
4. Any and all Subscriber information; and
5. Any and all searches associated with user account; and
6. Any and all account status history including without limitation, dates and times for when the account was activated, deactivated, reactivated, disabled and/or deleted; and
7. Any and all device(s) information linked via cookies; and
8. Any and all profiles logged in from the same computer and all users associated by machine cookies; and
9. For the period of time from the creation of the account to the present, any non-content information about the Subject Account(s) from companies that are owned or operated by Facebook, including but not limited to Instagram;
10. All Facebook accounts associated with the user ID# [REDACTED] by cookies, recovery email address, or telephone number; and
11. For the period of time from the creation of the account to the present, any non-content information collected by Facebook about the people and groups the Subject Account(s) is/are connected to, such as the people or groups the Subject Account(s) communicate(s) with the most or like(s) to share with; and
12. For the period of time from the creation of the account to the present, any information collected by Facebook related to push tokens related to devices associated with the Subject Account(s); and
13. Location information, including without limitation, location information obtained by Facebook related to any and all devices for the above Facebook accounts accessing Facebook services. This is to include check-ins, geographic location

JUDGE

Judge's No.

Date and time of issuance:

*2-25-17* *we* *9:30am*

*1500 hrs*

*2/26/17*



*ASA*

*195w 5381*

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history; and

- 14. 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)**

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 in the accounts:

Facebook ID# [REDACTED]  
 Preservation Case# [REDACTED]  
 Preservation Case# [REDACTED]  
 Preservation Case# [REDACTED]

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

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30 AM

1500 hrs

2/26/19

ASA

19 SW 5381

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

1500 Hrs

2/26/19

*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 Facebook, 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 Facebook User 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.



JUDGE

Judge's No.

Date and time of issuance:

2-26-19 9:30 AM

19 SW 5381



ASA



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

**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:**

Facebook Inc., 1601 Willow Road, Menlo Park, CA 94025,

**And seize the following instruments, articles and things:**

Any and all information pertaining to the account(s) of:

Facebook ID# [REDACTED]  
Preservation Case# [REDACTED]  
Preservation Case# [REDACTED]  
Preservation Case# [REDACTED]

that constitutes evidence, instrumentalities, and fruits of violations of the Subject Offense listed below from:

**August 01<sup>st</sup>, 2018 to Present**

1. Contents of any and all communications or contact, including, but not limited to, read, unread, drafts of chats, instant messages, posts to timeline(s), any and all messages and voice or audio clips/files and video calls, video clips or movies associated with the user account accessed through Facebook and Facebook Messenger to include text, voice call option and content of the messages or the audio content, contents of private mail in the user's account, including without limitation the date/time/IP address; and
2. All photos uploaded by that user ID, all stored user files, complete with EXIF and metadata data associated with those photos, including date, time, type of device,

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30 AM

Complainant

1500 hrs

2/26/19

[REDACTED]

ASA

19 SW 5881

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

and geolocation information, and all photos uploaded by any user that have that user tagged in them; and

3. Any and all friends list and group memberships; and
4. Any and all Subscriber information; and
5. Any and all searches associated with user account; and
6. Any and all account status history including without limitation, dates and times for when the account was activated, deactivated, reactivated, disabled and/or deleted; and
7. Any and all device(s) information linked via cookies; and
8. Any and all profiles logged in from the same computer and all users associated by machine cookies; and
9. For the period of time from the creation of the account to the present, any non-content information about the Subject Account(s) from companies that are owned or operated by Facebook, including but not limited to Instagram;
10. All Facebook accounts associated with the user ID [REDACTED] by cookies, recovery email address, or telephone number; and
11. For the period of time from the creation of the account to the present, any non-content information collected by Facebook about the people and groups the Subject Account(s) is/are connected to, such as the people or groups the Subject Account(s) communicate(s) with the most or like(s) to share with; and
12. For the period of time from the creation of the account to the present, any information collected by Facebook related to push tokens related to devices associated with the Subject Account(s); and [REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2-26-19 9:30 AM

Complainant

1500 hrs

2/26/19

ASA

19Sw 5381

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

- 13. Location information, including without limitation, location information obtained by Facebook related to any and all devices for the above Facebook accounts accessing Facebook services. This is to include check-ins, geographic location through Global Positioning System (GPS), Bluetooth, or WiFi signals, including last location and location history; and
- 14. 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)**

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 in the accounts:

Facebook ID# [REDACTED]  
 Preservation Case # [REDACTED]  
 Preservation Case # [REDACTED]  
 Preservation Case# [REDACTED]

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2.25.19 9:30am

[REDACTED]

Complainant

1500 hrs

2/17/19



ASA

19 SW 5381

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

Background:

I, Detective Brian McKendry #20432, your affiant, am employed as a detective with the Chicago Police Department, Bureau of Detectives. I have been a Police Officer for 28 years, and am currently assigned to 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 also 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.

Investigation:

On Tuesday, January 22, 2019 at 2:30 pm, recorded under Chicago Police RD# JC125614 victim Jussie SMOLLETT, Male, Black, 36 years of age, at the location of 1455 S. Rockwell, Chicago, Cook County, IL, received a written letter containing written threats directed toward victim Jussie SMOLLETT. According to the victim 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, victim Jussie SMOLLETT 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., victim Jussie SMOLLETT was physically battered on the public way at 341 E Lower North Water Street, Chicago, IL. 60611. Reported under Chicago Police Record number JC133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by one of his managers, [REDACTED] to Northwestern

JUDGE

Judge's No.

[REDACTED]

2-25-19 9:30am

[REDACTED]

Complainant

Date and time of issuance:

1500 hrs

2/26/19

[REDACTED]

ASA

1950w 5381

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

Hospital for treatment. During the investigation of the Aggravated Battery/On The Public Way of victim Jussie SMOLLETT, investigators learned the following;

On January 29, 2019 Chicago Police responded to a person battered located at [REDACTED] Chicago Police Officers arrived on scene and learned that Jussie SMOLLETT had been battered about his body.

The investigation revealed Jussie SMOLLETT lives at the address of 340 E North Water Street #3900. On January 29<sup>th</sup>, 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 one of his managers, [REDACTED] from O'Hare International Airport to his home at [REDACTED] and arrived at approximately 0130 hours. Investigators learned that Jussie SMOLLETT was hungry and walked by himself to a Subway at 511 N. McClurg Ct. and ordered food. While on the way to Subway, Jussie SMOLLETT was in communication via his cell phone with one of his managers, [REDACTED]

Jussie SMOLLETT stated, while returning to his home from Subway he was in communication, via his cell phone, with another of his managers, [REDACTED] when he was approached by two unknown male subjects in all dark clothing. One of the unknown subjects gained Jussie SMOLLETT's attention by saying, "Empire faggot Empire nigger." Both unknown male subjects then began to batter Jussie SMOLLETT about his face with their hands. 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. Investigators now know the two unknown male subjects fled on foot southbound on New Street towards the Chicago River and towards the pub named Lizzy McNeill's, located at 400 N. McClurg Ct. Jussie SMOLLETT subsequently returned to his home and the Chicago Police were contacted approximately twenty-five (25) minutes later.

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.

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30AM

[REDACTED]

Complainant

1500 hrs

2/26/19

[REDACTED]

ASA

19 Sic 5381

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

Investigators learned that on January 29, 2019 at approximately 1:03 A.M., two unknown individuals initiated an Uber ride at [REDACTED] N. Ashland. 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] of [REDACTED] N. Ashland, Chicago, IL. With a phone number of [REDACTED]. The driver of the Uber vehicle stated that one of the subjects was using his mobile device during the cab ride.

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. The two unknown individuals 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 that these two individuals 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, the two individuals moved outside the view of a camera and the attack on the victim, Jussie SMOLLETT. Approximately one minute later, video evidence showed the same two unknown individuals run from the attack 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 these same individuals 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. The driver of the Yellow Cab stated that one of the subjects was using his mobile device during the cab ride. Video evidence then showed these individuals 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.

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2.28.19 9:30am

[REDACTED]

Complainant

1500 Hrs

2/26/19

[REDACTED]

ASA

195w 5381

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

Further investigation showed that [REDACTED] was an extra on the TV show, "EMPIRE". It should be noted that the victim, Jussie SMOLLETT is a character of that TV show. A photo of [REDACTED] was obtained from UBER as well as his driver's license. The photo of [REDACTED] strongly resembled one of the subjects that were seen on the Sun Taxi video [REDACTED] strongly resembled the other subject in the Sun Taxi. Investigators were able to determine that both [REDACTED] flew out of the country to Nigeria on the evening of January 29<sup>th</sup>, 2019.

Investigators accessed the Internet using open source access and were able to identify the following Facebook 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 Facebook allows for direct messages and photos to be sent to other users, and is a service commonly used by users. A review of the account showed that there were recent posts and videos which reference to the brothers being in Nigeria. 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.

The accounts have several posts before and after the attack. Investigator is aware that Facebook keeps track of metadata of its user's posts. This metadata will assist in establishing a timeline of the subject's movements prior to and after the attack, which will assist in concluding the investigation.

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 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

[REDACTED]

JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30 AM

[REDACTED]

Complainant

1500 hrs

2/26/19

[REDACTED]

ASA

19 SW 5381

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

2701 et seq. Facebook 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 Facebook Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Facebook files.

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 in the above mentioned Facebook Accounts of the above referenced crime.



JUDGE

Judge's No.

Date and time of issuance:

2-28-19 9:30am



Complainant

1500 hrs

2/26/19

ASA

19 Sw 5381



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

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 or their designees.

**SEARCH WARRANT**

On this day, Detective Michael Theis #21217, of the Chicago Police Department, Area Central SOMEX Team, 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:

**Apple  
Corporate Legal Counsel  
1 Infinite Loop, M/S 36-SU  
Cupertino, CA 95014  
subpoenas@apple.com**

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

Any and all information and files pertaining to the Apple, Inc. iCloud target account(s) of user with iCloud Account email [REDACTED]@gmail.com including, but not limited to:

**The above account will herein be referred to as "Target Account".**

1. Subscriber information, names of the accounts, dates of account creation, registration address, billing address, email address, date of account activation and deactivation, telephone numbers associated with account, and any alternate e-mail addresses.
2. All iCloud Services data associated with the Apple accounts affiliated with the above mentioned "Target Accounts" including Dashboard Account Data, Location History Data, Text messages, Call Logs, Contacts, Calendar Data, Application Data, Images, Photo Stream, Notes, and any other data relevant to the iCloud Services data.
3. Any and all iCloud Service "back-up" files associated with the "Target Accounts;" All records and other evidence relating to the "Target Accounts", including; without limitation, subscriber names, user names, screen names or other identities, mailing addresses, residential addresses, business addresses, e-mail addresses and other contact information, telephone numbers or other subscriber number or identifier number, billing records, information about the length of service and the types of services the subscriber or customer utilized, and any other identifying information, whether such records or other

12:40:11

6:03:02

195W5223

evidence are in electronic or other form.

4. Contents of any and all e-mails and private messages in the user's in-box including but not limited to read, unread, drafted, deleted, and sent mail and trash folders;
5. All source Internet Protocol ("IP") address associated with above account to include any connection IP's, set up IP's and any IP's used to connect to cloud account;
6. Any and all photos or videos stored or contained in the account including their EXIF and Meta-data;
7. Any device information to include IMEI information, make and model for all devices used to connect to account.

Specifically for the dates: 01 Jan 2019-14 Feb 2019

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

720 ILCS 5/26-1(a)(4) Disorderly Conduct

The Court finds that Apple representative technical assistance will be necessary to obtain the information from Apple, and hereby authorizes civilian assistance from Apple representatives for the execution of this search warrant.

The Court finds that disclosure of this request may jeopardize an ongoing criminal investigation. The Court orders Apple and their representatives, agents and employees not to disclose in any manner, directly or indirectly, by any action or inaction to any person, the existence of the Court's orders, in full or redacted form, or of this investigation unless ordered by this Court.

Time and date of issuance

1:12 P.M. 2-20-19 Judge

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:

2-20-19



12:40 NRJ

20 FEB 19

195W 5223

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

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 or their designees.

**SEARCH WARRANT**

On this day, Detective Michael Theis #21217, of the Chicago Police Department, Area Central SOMEX Team, 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:

**Apple  
Corporate Legal Counsel  
1 Infinite Loop, M/S 36-SU  
Cupertino, CA 95014  
subpoenas@apple.com**

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

Any and all information and files pertaining to the Apple, Inc. iCloud target account(s) of user with iCloud Account email [REDACTED]@gmail.com including, but not limited to:

**The above account will herein be referred to as "Target Account".**

1. Subscriber information, names of the accounts, dates of account creation, registration address, billing address, email address, date of account activation and deactivation, telephone numbers associated with account, and any alternate e-mail addresses.
2. All iCloud Services data associated with the Apple accounts affiliated with the above mentioned "Target Accounts" including Dashboard Account Data, Location History Data, Text messages, Call Logs, Contacts, Calendar Data, Application Data, Images, Photo Stream, Notes, and any other data relevant to the iCloud Services data.
3. Any and all iCloud Service "back-up" files associated with the "Target Accounts;" All records and other evidence relating to the "Target Accounts", including; without limitation, subscriber names, user names, screen names or other identities, mailing addresses, residential addresses, business addresses, e-mail addresses and other contact information, telephone numbers or other subscriber number or identifier number, billing records, information about the length of service and the types of services the subscriber or customer utilized, and any other identifying information, whether such records or other

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evidence are in electronic or other form.

4. Contents of any and all e-mails and private messages in the user's in-box including but not limited to read, unread, drafted, deleted, and sent mail and trash folders;
5. All source Internet Protocol ("IP") address associated with above account to include any connection IP's, set up IP's and any IP's used to connect to cloud account;
6. Any and all photos or videos stored or contained in the account including their EXIF and Meta-data;
7. Any device information to include IMEI information, make and model for all devices used to connect to account.

Specifically for the dates: 01 Jan 2019-14 Feb 2019

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

720 ILCS 5/26-1(a)(4) Disorderly Conduct

The Court finds that Apple representative technical assistance will be necessary to obtain the information from Apple, and hereby authorizes civilian assistance from Apple representatives for the execution of this search warrant.

The Court finds that disclosure of this request may jeopardize an ongoing criminal investigation. The Court orders Apple and their representatives, agents and employees not to disclose in any manner, directly or indirectly, by any action or inaction to any person, the existence of the Court's orders, in full or redacted form, or of this investigation unless ordered by this Court.

[Redacted signature area]

Time and date of issuance 1:12 P.M. 2-20-19 Judge

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.

[Redacted signature area]

Officer

Date: 2-20-19

[Redacted mark]

ADA

12:40 NCA

20 FEB 19

195W5573

(Court Branch)

(Court Date)

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

COMPLAINT FOR SEARCH WARRANT

Complainant, Detective Michael Theis #21217 of the Chicago Police Department, Area Central SOMEX Team, 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:

**Apple  
Corporate Legal Counsel  
1 Infinite Loop, M/S 36-SU  
Cupertino, CA 95014  
subpoenas@apple.com**

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

Any and all information and files pertaining to the Apple, Inc. iCloud target account(s) of user with iCloud Account email [REDACTED]@gmail.com including, but not limited to:

**The above account will herein be referred to as "Target Account".**

1. Subscriber information, names of the accounts, dates of account creation, registration address, billing address, email address, date of account activation and deactivation, telephone numbers associated with account, and any alternate e-mail addresses.
2. All iCloud Services data associated with the Apple accounts affiliated with the above mentioned "Target Accounts" including Dashboard Account Data, Location History Data, Text messages, Call Logs, Contacts, Calendar Data, Application Data, Images, Photo Stream, Notes, and any other data relevant to the iCloud Services data.
3. Any and all iCloud Service "back-up" files associated with the "Target Accounts;" All records and other evidence relating to the "Target Accounts", including; without limitation, subscriber names, user names, screen names or other identities, mailing addresses, residential addresses, business addresses, e-mail addresses and other contact information, telephone numbers or other subscriber number or identifier number, billing records, information about the length of service and the types of services the subscriber or customer utilized, and any other identifying information, whether such records or other evidence are in electronic or other form.

Page 1 of 11

Subscribed and sworn to before me on

2-20-19

Complainant

Judge  
Judge's No.

DN 01:21

20 FEB 19

1956 5223

(Court Branch)

(Court Date)

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

COMPLAINT FOR SEARCH WARRANT

4. Contents of any and all e-mails and private messages in the user's in-box including but not limited to read, unread, drafted, deleted, and sent mail and trash folders;
5. All source Internet Protocol ("IP") address associated with above account to include any connection IP's, set up IP's and any IP's used to connect to cloud account;
6. Any and all photos or videos stored or contained in the account including their EXIF and Meta-data;
7. Any device information to include IMEI information, make and model for all devices used to connect to account.

Specifically for the dates: 01 Jan 2019-14 Feb 2019

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

**720 ILCS 5/26-1(a)(4) Disorderly Conduct**

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 Theis #21217, affiant, am employed by the Chicago Police Department. I have been so employed for approximately 16 years and am currently assigned to the Area Central Detective Division as an investigator. I am a member of the SOMEX Team.

I have obtained the information contained in this affidavit from conversations with other law enforcement officers, witnesses 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 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.

Page 2 of 11

Subscribed and sworn to before me on

2-20-19

Complainant

Judge  
Judge's No.

12:40 PM

20 FEB 19

19565523

(Court Branch)

(Court Date)

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

COMPLAINT FOR SEARCH WARRANT

Definitions

Cloud Storage: Cloud storage is a model of networked and archived data media storage via the internet. Data is preserved in pools of virtual storage hosted by third parties that provide the electronic data memory. Hosting companies operate large data centers, from which users needing data storage may buy, lease or obtain for free data capacity to save their files virtually. Cloud storage accounts may be personalized and assigned to individual users. Access to these cloud storage accounts is typically via a login and can be password protected by users themselves. Users of cloud storage may access their saved files via the internet using applications, websites or other electronic means designed to facilitate access to data storage.

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. 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 dialup 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 1455 S. Rockwell, 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.

Page 3 of 11

Subscribed and sworn to before me on

*D. J. [Signature]*

Complainant

Judge  
Judge's No.

12:40 hrs

20 FEB 19

19JSM223

(Court Branch)

(Court Date)

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

COMPLAINT FOR SEARCH WARRANT

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 341 E Lower North Water Street, Chicago, IL. 60611. Reported under Chicago Police Record number JC-133190. Jussie SMOLLETT initially refused medical attention but eventually was driven by one of his managers, [REDACTED] to Northwestern Hospital 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 29<sup>th</sup>, 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 one of [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 one of his managers, [REDACTED].

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

Page 4 of 11

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2-20-19

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COMPLAINT FOR SEARCH WARRANT

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] N. Ashland. 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.

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

Page 5 of 11

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2-20-19

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

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 'Rock' BMF" #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 1649 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 29<sup>th</sup>, 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]@gmail.com 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.

Page 6 of 11

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

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] N Ashland Ave, [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] of [REDACTED] N. Ashland Ave, [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 27<sup>th</sup>, 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

Page 7 of 11

Subscribed and sworn to before me on

2-20-19

Complainant

Judge  
Judge's No.

12:40 AM

20 FEB 19

19JW 5223

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(Court Date)

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

[REDACTED] 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] TCF 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 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

Page 8 of 11

Subscribed and sworn to before me on

2-20-19

Complainant

Judge's  
Judge's No.

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20 FEB 19

19JWS223

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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

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

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.

Recent models of the Apple iPhone, including SMOLLETT'S iPhone, come with Apple, Inc.'s cloud storage and computer service, iCloud. Upon activating your iPhone, users are prompted to turn on the iCloud. The iPhone user's phone number is one of the means by which the account linked to a particular user or account. The service provides its users with means to store data such as documents, photos, and music on remote servers for download to iOS, Macintosh or Windows devices, to share and send data to other users, and to manage their Apple devices if lost or stolen. The service also provides the means to wirelessly back up iOS devices directly to iCloud, instead of being reliant on manual backups to a host Mac or Windows computer using iTunes. Service users are also able to share photos, music, and games instantly by linking accounts via AirDrop wireless. iCloud automatically backs up the information on iPhones over Wi-Fi every day when they are turned on, locked, and connected to a power source. When your iOS device information is backed up in iCloud, users can easily set up a new device or restore information on one you already have.

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, describes the legal process through which the government is entitled to obtain information from electronic communication 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 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. The terms of service for Apple, Inc. state that Apple Inc. is subject to terms of California law.

Page 9 of 11

Subscribed and sworn to before me on

2-20-19

Complainant

Judge

Judge's No.

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(Court Date)

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

STATE OF ILLINOIS  
COUNTY OF COOK

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THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

Furthermore, Apple, Inc. is not suspected of committing any crimes in connection with the account that is the subject of this search warrant; therefore it would be contrary to the interests of public policy and of justice, for law enforcement officials to conduct a physical or electronic search of the servers of Apple, Inc. Moreover, allowing Apple, Inc. to search their own records, in the absence of any law enforcement personnel, is in accordance with the Electronic Communications Privacy Act (ECPA).

Therefore, I am seeking authorization for civilian assistance from Apple, Inc. representatives for the execution of this search warrant because their technical assistance will be necessary to obtain the information from Apple, Inc.'s iCloud files for the Target Account of email [REDACTED]@gmail.com.

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 90 days 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 Apple, Inc, **not to disclose** the existence or content of this Search Warrant, except to the extent necessary to respond to the Search Warrant.

Page 10 of 11

Subscribed and sworn to before me on

2-20-19

Complainant

[REDACTED]

[REDACTED]

Judge  
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(Court Branch)

(Court Date)

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

STATE OF ILLINOIS  
COUNTY OF COOK

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ss.

THE CIRCUIT COURT OF COOK COUNTY

COMPLAINT FOR SEARCH WARRANT

Conclusion

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 29<sup>th</sup>, 2019 at 341 E Lower North Water Street, Chicago, IL. 60611 and there is evidence that pertains to the violation of the Illinois Compiled Statutes Chapter 720 ILCS 5 Section 26-1 (a)(4); contained within Apple, Inc.'s iCloud Account email [REDACTED]@gmail.com and seeks your authorization to issue this search warrant.



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20 FEB 19

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Page 11 of 11

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Judge  
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 Delete  Junk  Block ...

**Apple receipt confirmation; Case Number: 19sw5223; (19224471)**



Subpoenas@apple.com on behalf of  
lawenforcement@apple.com  
Fri 2/22/2019 11:00 AM  
Theis, Michael J.; Hagen, Richard E.; somex610 ✕

Dear Detective Theis,

Apple confirms receipt of your legal request (re Case No. 19sw5223) on 2019-02-21. It has been assigned to a specialist. Apple receives a high volume of requests, please allow adequate time from the date of receipt for Apple to respond.

All future inquiries related to this request should be directed to lawenforcement@apple.com and reference ID [REDACTED] in the subject line.

Sincerely,

Apple Privacy & Law Enforcement Compliance  
lawenforcement@apple.com  
<http://www.apple.com/privacy/>

For more information about Apple's Legal Process Guidelines for U.S. Law Enforcement, please visit:  
<http://www.apple.com/legal/privacy/law-enforcement-guidelines-us.pdf>

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