

THE STATE OF TEXAS

§

COUNTY OF TARRANT

§

COURT:

**EVIDENTIARY SEARCH WARRANT 16KP004942SW -2**

THE STATE OF TEXAS to the sheriff or any Peace Officer of Tarrant County, Texas or any Peace Officer of the State of Texas,

WHEREAS, the Affiant whose signature is affixed to AFFADAVIT FOR SEARCH WARRANT is a Peace Officer under the Laws of Texas and did heretofore this day subscribe and swear to said Affidavit before me (which said affidavit is by this reference incorporated herein for all purposes), and whereas I find that the verified facts stated by Affiant in said Affidavit show that Affiant has probable cause for the belief he expresses therein and establishes the existence of proper grounds for the issuance of this warrant:

NOW, THEREFORE, you are commanded to enter and search the following property:

2620 PERKINS RD, ARLINGTON, TARRANT COUNTY, TX 76016

A two story stone and masonry residence facing east with wooden doors, L shaped driveway, and shingled roof. With a stone mailbox with the numbers 2620 displayed.

Assigned Tarrant Appraisal district Account number 00080381

Legal Description ARLINGTON SHORES

Lot: 16R

1.22 ACRES

A. Property or items, except the personal writings by the accused, constituting evidence pertaining to the investigation, or constituting evidence of the acts committed during the offense of Sexual Assault of a Child.

B. Child Pornography and erotica as follows:

1. Images of children in various states of undress;
2. Images of adults sending or receiving nude photography to children
3. Images of children downloaded or received from other sources;
4. Images of children who are known victims of sexual assault;

C. Indicia of use, ownership, possession, or control of such records and media devices such as images of the suspected person, screen names of suspected person, internet history showing use of the computer or other device capable of accessing the internet.

D. Any form of communication concerning possession of child pornography or promotion of child pornography or any such communication concerning the posting of child pornography on a social networking website.

E. All of the above records, whether stored on paper, on magnetic media such as tape, cassette, disk, diskette or in digital form stored in digital media devices, programmable

instruments, telephones, hand held P.C.s, "electronic address books", calculators or any other storage media, including but not limited to.

1. Computers, including any electronic, magnetic, optical, electrochemical, or other digital data processing devices performing logical, arithmetic, or storage functions; data storage facilities such as magnetic tape, hard disk, floppy disk or drum, CD ROM, DVD, or other digital media.
2. Computers, personal computer peripherals, modems, computer printers, computer monitors, floppy disk drives, hard disk drives, diskettes, tapes, computer software, computer programs and applications, computer manuals, passwords and system documentation.
3. Items authorized to be seized under item number 1 and 2 above include, but are not limited to: photographs, videos, digital media, phone numbers, contact lists, address book, call logs, message logs, called phone numbers, incoming calls, missed calls, any and all electronic and alphanumeric messages and data retained and relevant to the, and any other evidence of a proprietary interest in the above- and below-described cellular telephone.

Furthermore, Affiant is seeking to remove the items containing digital evidence for analysis by trained experts.

a. From my training I know that it is possible to obtain information from cellular telephone numbers, including phone numbers, phone book, pass calls, incoming calls, missed calls, electronic and alphanumeric messages.

b. From my consultation with other officers and my own training, the cell phone must be protected because information may be over-written or altered. As such, in order to discover which telephone numbers were used, and the other information described above, it will be necessary to allow a trained officer to operate the cell phone in order to protect the phone from altering the evidence.

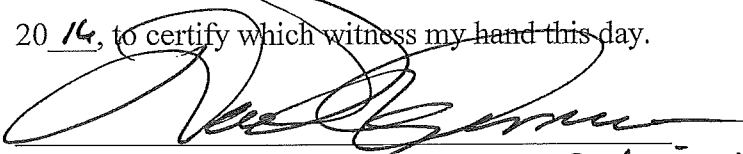
c. Request is thus made to seize and search the above-described telephones for phone numbers, phone book, pass calls, incoming calls, missed calls, any and all electronic and alphanumeric messages in a controlled laboratory environment. Said examination may take place at a later time, even though the search is conducted within 3 days of the warrant being signed.

I further find that affiant has established sufficient reason to remove items that contain digital evidence and allow experts to analyze these items as described in the affidavit. I also find that affiant has established sufficient reason and authorize officer to photograph the location described above while executing the search. Herein fail not, but have you then and there this Warrant within three days, exclusive of the day of its execution, with your return thereon, showing how you have executed same.

Where said property is said to be kept and concealed, and if you find that for which you are directed to search, you will seize and bring it before me. Herein fail not, but have you then and

there the Warrant within three days, exclusive of the day of its execution, with your return thereon, showing how you have executed the same.

ISSUED AT 11:23 o'clock A. M., on this the 9<sup>th</sup> of FEBRUARY,  
20 14, to certify which witness my hand this day.



Magistrate, Tarrant County, Texas -297th District Court  
THE STATE OF TEXAS

COUNTY OF TARRANT

THE STATE OF TEXAS )( WARRANT NO. 16KP004942SW-2  
COUNTY OF TARRANT )(

**EVIDENTIARY SEARCH WARRANT AFFIDAVIT**

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

**1. THERE IS IN TARRANT COUNTY, TEXAS, A SUSPECTED PLACE AND PREMISES DESCRIBED AND LOCATED AS FOLLOWS:**

2620 PERKINS RD, ARLINGTON, TARRANT COUNTY, TX 76016

A two story stone and masonry residence facing east with wooden doors, L shaped driveway, and shingled roof . With a stone mailbox with the numbers 2620 displayed.

Assigned Tarrant Appraisal district Account number 00080381

Legal Description ARLINGTON SHORES

Lot: 16R

1.22 ACRES

**2. THERE IS AT SAID SUSPECTED PLACE AND PREMISES, PROPERTY BELIEVED TO CONSTITUTE EVIDENCE AND CONTRABAND, AND, THEREFORE, SUBJECT TO SEIZURE AND FORFEITURE. THE PROPERTY IS SPECIFICALLY DESCRIBED AS FOLLOWS:**

A. Property or items, except the personal writings by the accused, constituting evidence pertaining to the investigation, or constituting evidence of the acts committed during the offense of Sexual Assault of a Child.

B. Child Pornography and erotica as follows:

1. Images of children in various states of undress;
2. Images of adults sending or receiving nude photography to children
3. Images of children downloaded or received from other sources;
4. Images of children who are known victims of sexual assault;

C. . Indicia of use, ownership, possession, or control of such records and media devices such as images of the suspected person, screen names of suspected person, internet history showing use of the computer or other device capable of accessing the internet.

D. Any form of communication concerning possession of child pornography or promotion of child pornography or any such communication concerning the posting of child pornography on a social networking website.

E. All of the above records, whether stored on paper, on magnetic media such as tape, cassette, disk, diskette or in digital form stored in digital media devices, programmable instruments, telephones, hand held P.C.s, "electronic address books", calculators or any other storage media, including but not limited to.

1. Computers, including any electronic, magnetic, optical, electrochemical, or other digital data processing devices performing logical, arithmetic, or storage functions; data storage facilities such as magnetic tape, hard disk, floppy disk or drum, CD ROM, DVD, or other digital media.
2. Computers, personal computer peripherals, modems, computer printers, computer monitors, floppy disk drives, hard disk drives, diskettes, tapes, computer software, computer programs and applications, computer manuals, passwords and system documentation.
3. Items authorized to be seized under item number 1 and 2 above include, but are not limited to: photographs, videos, digital media, phone numbers, contact lists, address book, call logs, message logs, called phone numbers, incoming calls, missed calls, any and all electronic and alphanumeric messages and data retained and relevant to the, and any other evidence of a proprietary interest in the above- and below-described cellular telephone.
4. Furthermore, Affiant is seeking to remove the items containing digital evidence for analysis by trained experts.
  - a. From my training I know that it is possible to obtain information from cellular telephone numbers, including phone numbers, phone book, pass calls, incoming calls, missed calls, electronic and alphanumeric messages.
  - b. From my consultation with other officers and my own training, the cell phone must be protected because information may be over-written or altered. As such, in order to discover which telephone numbers were used, and the other information described above, it will be necessary to allow a trained officer to operate the cell phone in order to protect the phone from altering the evidence.
  - c. Request is thus made to seize and search the above-described telephones for phone numbers, phone book, pass calls, incoming calls, missed calls, any and all electronic and alphanumeric messages in a controlled laboratory environment. Said examination may take place at a later time, even though the search is conducted within 3 days of the warrant being signed.

I further find that affiant has established sufficient reason to remove items that contain digital evidence and allow experts to analyze these items as described in the affidavit. I also find that affiant has established sufficient reason and authorize officer to photograph the location described above while executing the search. Herein fail not, but have you then and there this Warrant within three days, exclusive of the day of its execution, with your return thereon, showing how you have executed same.

Where said property is said to be kept and concealed, and if you find that for which you are directed to search, you will seize and bring it before me. Herein fail not, but have you then and there the Warrant within three days, exclusive of the day of its execution, with your return thereon, showing how you have executed the same.

E. Photographs of the suspect location.

**3. SAID PLACE AND PREMISES ARE IN CHARGE OF AND CONTROL OF EACH THE FOLLOWING PERSONS:**

2620 PERKINS RD, ARLINGTON, TARRANT COUNTY, TX 76016  
PROPERTY IS OWNED AND CONTROLLED BY TIMOTHY JAMES BURNS W/M,  
AND OTHERS UNKNOWN TO AFFIANT.

**4. IT IS THE BELIEF OF YOUR AFFIANT, AND AFFIANT HEREBY CHARGES AND ACCUSES THAT: TIMOTHY JAMES BURNS W/M, COMMITTED THE FOLLOWING OFFENSES:**

1. On or about 12/20/2015 Timothy Burns did in Tarrant County, Texas, did then and there knowingly and intentionally possess visual material that visually depicts a child younger than 18 years of age at the time the image of the child was made who is engaging in sexual conduct in violation of the criminal laws of the State of Texas. Specifically, these actions amounted to the offense of Possession of Child Pornography, Texas Penal Code Section 43.26, a Felony of the third degree.
2. On or about 12/20/2015 Timothy Burns did in Tarrant County, Texas, did then and there, knowing its content and character, produced an obscene performance that was obscene in violation of the criminal laws of the State of Texas. Specifically, these actions amounted to the offense of Production of Obscenity, Texas Penal Code Section 43.23, a class A misdemeanor.
3. On or about 12/20/2015 Timothy Burns did in Tarrant County, Texas, did with the intent to arouse or gratify the sexual desire of said defendant intentionally engage in sexual contact with \_\_\_\_\_, by touching the breast and genitals of \_\_\_\_\_ a child younger than 17 years of age. Specifically these actions amounted to the offense of Indecency with Child Sexual Contact Texas Penal Code Section 21.11(a)(1)(c)(1), a Felony of the Second degree.

**5. YOUR AFFIANT HAS PROBABLE CAUSE FOR SEIZURE OF SAID CONTRABAND AND EVIDENCE BY REASON OF THE FOLLOWING FACTS AND INFORMATION: That I, your Affiant, Detective R. Carte #206, has probable cause for said belief by reason of the following facts:**

**My name is Detective R. Carte #206 and I am employed as a Criminal Investigator for the City of Keller Police Department, 330 Rufe Snow Dr, Keller, in Tarrant County, Texas 76248. I am assigned to the Criminal Investigations Division and I have been a sworn Peace Officer for the State of Texas since March of 2008. Your affiant has received training in investigating crimes including Sexual Assault of Child,**

On 1/21/2016 Your Affiant was assigned case 16KP004942. The case is in reference to Sexual Assault of Child where there are numerous victims involved, Your Affiant met with the following:

Victim #1- W/F

Victim's Mother - W/F  
Victim's Father --- : W/M

The W/F with DOB of \_\_\_\_\_ will be known as Victim #1 from this point forward. Victim #1 made an outcry to her parents on 1-15-2016 that she had sex with a man and that he paid her money for having sex with him. Victim #1's parents stated that on or about the time of Thanksgiving break 2015, Victim #1 and 2 other girls W/F \_\_\_\_\_ whom will be known as Victim #2 from this point forward, and W/F \_\_\_\_\_ whom will be known as Victim #3 from this point forward went to an unknown address in Arlington, Tarrant County TX to meet a man that she believed was between 27 and 29 year old. A report was generated and a Forensic Interview was set up. \_\_\_\_\_ and \_\_\_\_\_ both wrote written statements to what they were told by Victim #1.

A forensic interview was conducted on 1-22-2016 at Alliance for Children in Hurst.

On 1-22-2016, the victim was interviewed by Charity Henry. Charity and Victim #1 were present during the recorded interview. During the interview the victim stated the following:

- Victim stated her name.
- Charity explains what she does and explains she will be asking numerous questions.
- Charity states where the interview is being recorded.
- Victim stated what she likes to do for fun.
- Victim stated she hangs out with friends and watches movies.
- Charity asks what it means to tell the truth.
- Victim states it means telling everything you know to the fullest extent.
- Victim agrees to tell the truth.
- Charity asked her why she came to talk to her today
- Victim stated she was here to talk about things that have been going on, that she had a bad friend that have been going on and getting into trouble.
- Victim stated her friend had lost her virginity for money from a man.
- Victim said she and her friend were talking about them going to have sex with a man for money.
- Victim said that she thinks they had went about 10 weeks prior to the date of this interview but did not know for sure.
- Victim said they got to the man's house from friends boyfriend.
- Victim said she did not plan to lose her virginity to him, she was told she was going to get paid just to hang out.
- Victim said she knew that hanging out was not all that would have to be done for money.
- Victim described the suspect as tall, W/M, short hair brown in color, medium build was not fat.
- Victim stated her friend was on her period, so she and the man had sexual intercourse.
- Charity asked her to explain what sexual intercourse means to her.
- Victim said sexual intercourse is how they make babies.
- Charity asked her to explain body parts.
- Victim explained his private area as were he pees from and her private area is where she pees from.

- Victim stated the man took off her pants and underwear and she took off her shirt and bra.
- Victim stated that it happened in his room in the house.
- Victim stated she was on the bed laying on her back with her legs open, said he was facing toward her, she believes he was kneeling on the bed.
- Victim said he put the part he pees from in the hole where she pees from.
- Victim said he was wearing a condom on the part he pees from.
- Victim said sperm came out of the part from where he pees from, but it was in the condom.
- Victim stated there was also kissing involved.
- Victim said he told her it was just a hang out that they get paid just to hang out.
- Victim said she got \$200.00 and her friend got \$200.00.
- Victim said the money was in his bathroom in one of the drawers by the sink and the bathroom was attached to his room.
- Victim said that he got the condom from a night stand drawer on the right side of the bed as you are lying on it.
- Victim described his house as big with a bar, she said her friend texted her boyfriend to come and pick them up.
- Victim said her friend had done it before with the man, but did not know how they met.
- Charity asked was there ever a time when the man asked you how old you were.
- Victim I look older so I thought he assumed, he never asked me my age, she just assumed her friend told him her age.
- Victim friend told her the man was 29 yrs. old, because that is what he told the friend.

After the interview Your Affiant then talked to the parents of Victim #1. They asked if her cell phone could be gone through to see if there were things on there that would lead us to a possible suspect. They were told that it could be gone through but they needed to sign a consent form because the phone did belong to the parents. Victim #1 did not know the suspects name or address of where he lived. She only knew the city of the suspect, which was Arlington, TX and that is where she went when they had sex, at his house.        signed a consent form for a search of the phone.        and        both stated they wanted to file charges on the suspect if he was ID'ed and arrested.

On 1-25-2016 Victim #1 cell phone was taken to Tarrant County Digital Forensic Technical Services for analysis. The phone was analysis and placed on a thumb drive. The phone and thumb drive was returned on the same day. There was not any information found on the phone about the suspect. I did find other things on her phone about meeting other guys with Victim #2 at a hotel. Your Affiant believed that there could have been other suspects and that "The Friend" that she talked about in the forensic interview may not have been involved as much as Victim #1 had indicated. It is not normal practice for Your Affiant to conduct a secondary interview after a forensic is done, but Your Affiant felt there was more to the story after looking through Victim #1 phone.

On 1-26-2016 Your Affiant contacted Victim #1 parents and asked them if Your Affiant could talk to Victim #1 again. They agreed and brought her into the Keller PD, the interview was conducted in CID interview room that was audio and video recorded.        and        both gave consent for Your Affiant to talk to Victim #1 alone. Victim #1 phone was returned to



her during this interview. The conversation was about the time frame of when she went to the suspect's home. There was talk about "The Friend" that she talked about in the forensic interview, in that she did not have a lot of info about the "The Friend" on her phone. Victim #2 was brought up briefly, because she had a lot of her on the phone. She said Victim #2 and her were friends but had to break it off cause she was getting in trouble with her. The story that Victim #1 told is that "The Friend" (who is also a Juvenile), introduce Victim #1 to the suspect. Victim #1 said that "The Friend" had made money before to have sex with the suspect, and there was conversation for about a month about Victim #1 going with "The Friend" to the suspect's house. She said the conversation was about getting paid for hanging out with him. Victim #1 asked "The Friend" like an escort, and "The Friend" said yeah exactly like that. Victim #1 said she knows what an escort is and does to earn money. One day "The Friend" snapchated Victim #1 and asked if she wanted to make money. Victim #1 said yes and "The Friend" and her boyfriend came and picked her up around her house. Victim #1 said they left and went to the suspect's house in Arlington. She said the boyfriend dropped them off, but she does not think he knew anything. Victim #1 said she thought "The Friend" was going to do something with the guy but not her. Your Affiant asked her about the suspect's house. She described the house as really big, but did not have a lot of other information about it. Victim #1 stated when they got there and went inside; they smoked weed, his and "The Friends". She said she thought suspect and "The Friend" was going to do stuff (sex). "The Friend" then told her that the suspect was going to pay her a lot of money if she lost her virginity to him. Your Affiant did not get into the sex acts because it was already discussed during the forensic interview. It was asked if what she told the forensic interviewer about the sexual act was all that happened. Victim #1 did say that she gave him a blow job along with what she told the interviewer. She said that the suspect then gave them \$200.00 each; "The Friend" got \$200.00 for introducing them. She said "The Friend" then went into the bathroom with her and "The Friend" opened a bathroom drawer and stole money from him. Victim #1 said "The Friend" got introduced to the suspect from another girl, and that girl met the suspect on www. Seekingarrangements.com. Victim #1 could not describe the suspect; she was asked if there was any age discussed with the suspect. She said "The Friend" told him she was 18 years old and she thinks she told him she was 18 also. The conversation continued about possible other people that were involved and things going on at school, and then the interview was over.

On 1-27-2016 Your Affiant received a phone call from [redacted] about Victim #1 telling them everything the night prior and that there was more information that needed to be discussed. [redacted] said that Victim #1 told her the story, which was the same but the players in the story were different. Victim #1 and [redacted] (father) came to the Keller PD for another interview. Your Affiant asked [redacted] consent again to talk to Victim #1 alone. On the first part of the interview she discussed some information about meeting guys at a hotel but not having sex with them and how all that happened. Your Affiant told her to start telling the truth, and that her story was not making a lot of since. She stated that she would tell me everything. She said that the person that introduced them to the suspect was actually Victim #2 not "The Friend". She said it was through the Seekingarraingments.com website that Victim #2 had got from another friend (whom is known juvenile in Keller). Victim #1 said she did not want to tell about Victim #2 because she was afraid of her getting into trouble. Victim #1 also mentioned another girl that had gone to the suspect's house, W/F [redacted] who will be known as Victim #4 from this point forward. Victim

#1 said that Your Affiant would be able to find everything about the suspect on Victim #2's phone, because she was the one that would be in contact with him. Victim #1 said she saw a picture on Victim #2's phone that was sent from the suspect, that showed Victim #2 tied up. Victim #2 told her yeah "I know he is weird". Victim #2 asked Victim #1 if she wanted to go do it with the suspect. Victim #1 said that she was picked up by Victim #3 whom is 16 and has a car and Victim #2 at the stop sign by her house. Victim #1 said Victim #2 pulled up the suspects address on maps on her phone. Victim #1 said Victim #2 said they were going to get paid \$200.00 to hang out with him. Victim #1 said Victim #2 did not do anything with him that night. Victim #1 said they were smoking weed and drinking alcohol. She said Victim #3 was brought into his bedroom and she thinks something happened but is not sure. She said that when he came out he really did not like Victim #3. Victim #1 said that Victim #3 was in the room for about 30mins and Victim #3 said they did have sex. She believed that the suspect was in his late 20's. She said that the suspect came out of the bedroom and started talking to Victim #1 about losing her virginity. Victim #1 said they did have sex after Victim #3 and the suspect were done. She said Victim #2 and she got paid \$200.00 each but Victim #3 only got paid \$50.00. Victim #1 stated that Victim #2 and Victim #4 had just done it a couple of weeks ago with the same guy (meaning in January 2016). Your Affiant and Victim #1 then talked about things that were found on her phone not pertaining to the suspect, also about Victim #2 and how she would react if talked to. The interview was ended and Victim #1 and her parents exited.

On 1-28-2016 Your Affiant wrote a Search Warrant for Victim #2's phone, from the conversation that I had from Victim #1 it was unsure if Victim #2 would be cooperative with the investigation. Your Affiant believed also that Victim #2 was also a possible victim of a crime, and the information on her phone would give the link to the possible suspect. The Search Warrant was signed by Judge G. Gallagher Tarrant County District Judge. Your Affiant then contacted Victim #2's mother and talked to her a little bit about the case. She was informed that there was a Search Warrant for the phone. said she owned the phone. It was agreed by that Your Affiant would go to High School and retrieve the phone from Victim #2 and then would go pick her up and bring her to the Keller PD so that she could be interviewed. Your Affiant went to the High School and found out Victim #2 had skipped school, Your Affiant informed . Approximately 2 hours later Victim #2 was found by Your Affiant and . Her phone was taken and all of us went to the PD. At the PD, Victim #2 was brought into CID interview room where it was audio and video recorded. gave consent for Your Affiant to talk to Victim #2 alone. Your Affiant talked to Victim #2 about truth and lies, she understood the difference between a truth and a lie. Victim #2 said she was introduced to the suspect by a friend (juvenile), the friend told Victim #2 that she did not do anything with him. She said all you do is go to dinner and hang out with him and you get paid. Victim #2 was told by the friend that he wanted to meet her; the friend gave the suspect Victim #2 phone number. The friend begged her to hang out with him because she was going to get paid also. Victim #2 started texting back and forth with the suspect. Victim #2 said that was on her old phone when she started talking to the suspect; she said that it broke and she got a new phone around November or December. Victim #2 said the suspects name is Tim, she said she saw his driver's license and it said he was born in 1971. She said he lives in Arlington; she thought the street name was Perkins Rd, she said she had been to his house several times. Your Affiant showed Victim #2 a map of where the suspect possibly lived. She also said she knew his email address,

she said it was \_\_\_\_\_, and a partial phone number 817-874. Victim #2 said the house is really big and it is on a lake, there is a boat dock, there is also camera's at the house, one in the living room and one by his garage. He also has a big truck outside the house that is super lifted. Victim #2 said she knew his email, because he would let her use his Uber account to get rides. She said his last name is Burns but she did not believe it. She said he is really tall over 6ft around 6ft or 6'2", brown hair, blue eyes, balding hair. Victim #2 said that her friend met Tim on a website called seekingarrangements.com. Victim #2 said Tim and she were texting, and then he came and picked her up from Milestone Church, at around 8pm on a Wednesday, she thinks it was around August time frame. She said he picked her up in his truck. They went to his house; she thought they were just going to hang out and maybe she would have to kiss him. Victim #2 said that Tim told her he was 30 years old; she told him that she was 17 and a senior. She said Tim took her on a tour of his house, made her alcohol drinks, and provided weed to smoke, she said he got the weed from a drawer behind his bar. Victim #2 said Tim was smoking the weed from a big glass pipe, orange, blue, pink, and red in color. She said they went out on the dock, and started getting closer to her and touching her, kissing her, and trying to take her clothes off. She said he kept telling her he would give her more money, when she would tell him no. Victim #2 said she finally gave in and they went into his bedroom. She said they were on his bed, and he got a condom out of a drawer, and they just did it. Victim #2 said he was trying to "eat her out", and "trying to get her wet", she said when she didn't enjoy it he put his penis inside her vagina. Victim #2 said they were both fully naked, after everything stopped she washed off and got clothes back on. She said they left and he bought her food and dropped her off by her house. Victim #2 said she didn't really want to do it the first time; she wanted to get to know him better, but gave in when he offered more money. She said that he gave her \$350.00. Victim #2 explained what a penis is and what it is used for (peeing), she also explained what a vagina is and used for (peeing). Victim #2 explained that his penis was inside her hole of her vagina. She described his bedroom as, the back of it has all windows, master bathroom, really big bed with TV in the corner, and dressers on both side of the bed, and a fireplace. She said you can look out the windows and see everything is his backyard. That was all about the first time she was with him.

Victim #2 said that he was always texting her but she ignored it a lot of times, she went over to his house around October 2015, and she remembers because she broke the screen on her phone,. She said that she could use the money to fix her phone. Victim #2 said he picked her up from the end of her street in Keller. She said he was in his Mercedes vehicle, she thinks it was black but not sure and there is a purple light in the back seat of the vehicle. Victim #2 said they went to his house, he poured drinks, and smoked weed on the back porch. She said they then went into his bedroom and had sex; he put his penis in her vagina. She took an Uber home, Tim paid her \$200.00, she said it was less, because he told her she used his Uber and she should not get as much. Victim #2 said Tim set up the Uber ride home and used his PayPal to pay for it.

Victim #2 said the next time she went to Tim's was before New Year's but after Christmas, she went with Victim #1 and Victim #3. Victim #2 said Victim #3 was wanting to lose her virginity, Victim #1 said well what about the Tim guy. Victim #2 texted him and asked if he wanted to meet her friend (Victim #3) that she wanted to lose her virginity. He agreed and they all went to his house, Victim #3 drove her vehicle to the house. Victim #2 said they were drinking and smoking and Tim took Victim #3 into his room, he denied doing anything, but Victim #3 said

they did. Victim #2 said that she believes they did because the condom broke and she has an infection now. Victim #2 said they were in the bedroom for no more than an hour. Victim #2 said after they came out he started flirting with Victim #1 and convinced her with more money to have sex with him. She said they were in the room no longer than 1 ½ hours, Victim #2 also said he kept trying to get her to do something. Tim then gave Victim #1 and #2 each \$200.00, he gave Victim #3 \$50.00. She said they got the \$200.00 in secret, because he did not want Victim #3 to know they got so much. Tim finally told Victim #2 and #1 that it was the grossest thing he has done, referring to him and Victim #3 having sex, he told them that Victim #3 "bit his dick". Victim #2 said they all left the house.

Victim #2 stated the next time she went to the house was . . . , it was her birthday and they were trying to get a hotel room. Victim #2 said she texted him and asked if he wanted to meet her friend Victim #4. She said Tim always wanted to meet Victim #4 because they had talked about her, Tim agreed to meet her. Tim sent Victim #2 and Victim #4 an Uber to the pick them up at the Taco Bell on Keller Parkway, Keller, TX. She said when they got there he was trying to get them to drink; they went to the back porch and smoked weed. Victim #2 said he had sex with Victim #4 in his room on his bed with Victim #2 in the room with them. Victim #2 said he was offering more money for Victim #2 to join in, said he offered \$500.00 each for her to join in with him and Victim #4. Victim #2 said they were both naked, but she was dressed, she said he just brought both of them in the room because he is controlling. They all had left the house and Tim was driving, she thought they were going to get a hotel room and then an argument ensued, and Tim said if I get you a hotel that would be all your money. Tim convinced them to go back to his house and stay the night. Victim #2 said that Tim and Victim #4 had sex again, they were all in the bed and Victim #2 was asleep and they woke her up, Tim offered Victim #4 more money. She said the next day they took an Uber to Victim #2 house and then got another Uber to the mall. They used Tim's Uber account. Victim #2 said she was paid \$150.00 and Victim #4 got paid \$250.00. During this interview Victim #2 was shown a photo lineup of a possible suspect. The lineup was made by Detective B. Todd and shown by Your Affiant. Victim #2 positively identified photo #3 as the suspect, known now as Timothy James Burns W/M . . . .  
 . . . was informed of everything that had occurred, and was informed that Victim #2 would be referred to AFC for . . . . stated she wanted to file charges on the suspect if he was ID'ed and arrested.

On 1-29-2016 Victim #4 and her mother . . . came into the Keller PD to talk about the investigation. They were taken into CID interview room where the conversation was audio and video recorded. . . . gave Your Affiant consent to talk to her 14 year old daughter alone. Victim #4 stated what the differences are between a truth and a lie and said she would tell the truth. Victim #4 seemed like she did not want to talk about what happened. Your Affiant told her there was knowledge of her having sex with an older man for money. She stated she is a virgin. Your Affiant asked her about . . . , at first she hesitated, and then she was asked about what special day that is. She stated that was Victim #2 birthday, and then said she knew what Your Affiant was talking about. Victim #4 agreed that her and Victim #2 went someplace and did something's on that date. Victim #4 said they went out to eat, and there was talk about what they were going to do. Victim #2 said she wanted to get a hotel room for her birthday, Victim #2 told Victim #4 she knew a guy named Tim and he had an Uber account and told her that he was about

30 years old. Victim #4 and Victim #2 went to Tim's, she then proceeded to tell a story about them being at the house but never said she had sex with Tim. Your Affiant asked her to back the story up to where they were hanging out at the beginning and how they got to Tim's. She said they were at Taco Bell on Keller Parkway in Keller, TX by the Kroger. She said Victim #2 had an Uber account and said that Tim's house was in Arlington on a big lake, she said she saw a dock, jet skis, pool, sign in the backyard that said no bikini's allowed. Victim #4 said he had cameras in the house, one in the living room, she also said he had like a kid room, with 2 kid beds. Victim #4 said his house was set back from the road and secluded with trees, and that he had a big truck "like a huge truck". Victim #4 described him as really tall and broad with muscles, older looking, said he was wearing a ball cap. Age was never discussed while they were together. Victim #4 said there was alcohol but she did not drink it, but did smoke weed that was in a drawer behind the bar. Victim #4 was very hesitate to tell Your Affiant about her having sex with Tim, she kept saying that Victim #2 was the one that had sex with him. Victim #4 also kept saying that the situation was hard and scary, and was worried about getting into trouble. Victim #4 started to break down crying, she said they went outside and smoked weed, and then he led both of them Victim #4 and Victim #2 inside and to his bedroom. Victim #4 stated Tim told both of them to kiss each other, and then started taking off her clothes. She did not like it and kept trying to put them back on, she said that all of them ended up not having any clothes on and they were all on the bed. Your Affiant asked Victim #4 what a man's part is called; she replied "dick" and said it was used to pee. She said that a female's part is called a "vagina" and used for peeing. Victim #4 said after he put a condom on that he stuck it in her. She agreed that he stuck his dick into her vagina. She said after about 10 minutes, Tim put on a different condom and had sex with Victim #2 while she was just lying there. Victim #4 said they all then got dressed and left the house in Tim's truck and then later came back, to Tim's house. She explained about a hotel that Victim #2 wanted to go to but then she got into an argument with Tim, so they just went back to his house. When they got back to Tim's they were all lying in Tim's bed, she said Tim tried to have sex with her again but she said no. She said that he kept rubbing her body, but she told him no. She said the next morning, they got up and he made them breakfast. Tim then got them an Uber to take home, she said he gave her and Victim #2 each \$150.00, and said to come back and see him so they can see about getting her phone fixed. During this interview Victim #4 was shown a photo lineup of a possible suspect. The lineup was made by Detective B. Todd and shown by Your Affiant. Victim #4 positively identified photo #3 as the suspect, known now as Timothy James Burns W/M. [redacted] was informed of everything that had occurred, and was informed that Victim #4 would be referred to AFC for [redacted]. [redacted] stated she wanted to file charges on the suspect if he was ID'ed and arrested.

On 1-29-2016 [redacted] and Victim #3 came into the Keller PD to talk about the case. They were taken into CID interview room where the conversation was audio and video recorded. Your Affiant asked [redacted] if she would give Your Affiant consent to talk to her daughter who is 16 years old about the case, [redacted] gave consent but with her present in the room. Your Affiant informed Victim #3 and [redacted] why they were there and what was going to be discussed. Victim #3 said she knew, and had already informed her mother [redacted]. Victim #3 was asked about truth and lies, and explained the difference between them. Victim #3 understood what the differences are and said she would tell the truth. Victim #3 stated on 12-29-2015, she drove Victim #1 and

Victim #2 to this guy's house. She said they were chilling on the couch and started asking questions about how is high school and things like that. Victim #3 said that she wanted to lose her virginity; she said that she went to the bathroom inside his bedroom and it happened, then he went into the bedroom with Victim #1 and then they left. She said his name was Timothy, she said Victim #2 said he was 45 years old, she thought he was 31 years old. Victim #3 said he did not know how old she was, but when they talked about school she told him she was a senior, he said so 18 and she agreed. Victim #3 said they talk about her losing her virginity while in a group with all of them. She said there was drinking and smoking weed going on prior to them having sex. Victim #3 said he agreed to have sexual intercourse with her and take her virginity. She said that the house was in Arlington and that Victim #2 had put the address in her phone to get there. Victim #3 said when she went into the bathroom, he was in the bedroom, she was putting her belt on and he came over to her and said you won't need that. She said they started kissing and then he moved them to the bedroom, and he took off his shirt, they both took off their own pants. She said she sat on the bed and gave him oral sex, and she bit it by accident. He then flopped her legs up and stuck it in. She said he put his genitals inside her genitals. Victim #3 explained what his genitals are used for; she said peeing, she then explained what her genitals and then said the word vagina, is used for peeing. She explained that he placed his genitals outside and inside her vagina. She said he was not wearing a condom and was on the outside of her and then stuck it in once, he then pulled out and put a condom on. Victim #3 said after he put the condom on he went in and out of her, she said that he did not ejaculate and told her they better stop because she would be soar. She said he stopped because she thought he wanted to have sex with Victim #1. Victim #3 said they were done having sex and they went out of the room. She said he then started hanging out with Victim #1, Victim #2 and Victim #3 were just hanging out in the back yard and Tim and Victim #1 went into his bedroom. Victim #3 described Tim as really tall, muscular, had scruff, and said he had a big truck. She said when she went outside to the back she saw a lake, and boat dock.

Victim #3 said she has \_\_\_\_\_, \_\_\_\_\_ said it is transferred from sexual intercourse, and she has never had a history of it. Victim #3 went to the doctor on 1-14-2016; she stated she had no sex before and no sex since then. During this interview Victim #3 was shown a photo lineup of a possible suspect. The lineup was made by Detective B. Todd and shown by Your Affiant. After she looked at all the photos she said she thinks image #3 but he looks younger. Victim #3 asked to look at the photo again. Your Affiant showed her the entire photo lineup again as if we had started over. Victim #3 positively identified image #3 as the suspect, known now as Timothy James Burns W/M \_\_\_\_\_, because of his eyes and jaw line. \_\_\_\_\_ and Victim #3 were informed that Victim #3 would be referred to AFC for \_\_\_\_\_ if they were interested in using the service. \_\_\_\_\_ stated she wanted to file charges on the suspect if he was ID'ed and arrested.

Through Your Affiants investigation of the interviews and cell phones of the victim's, it is learned that Timothy James Burns W/M \_\_\_\_\_ lives at 2620 Perkins Rd, Arlington TX. It is Your Affiants belief that Timothy Burns is the suspect that has been having sexual intercourse with underage girls and giving them money to do so.

Based upon the above facts, the Affiant has probable cause to believe that evidence of the above listed crimes is located at 2620 PERKINS RD, ARLINGTON, TARRANT COUNTY, TX 76016. Specifically, Affiant is seeking to remove items seized as listed in the warrant attached hereto from this location.

## **6. ADDITIONAL INFORMATION REGARDING CHILD PORNOGRAPHY AND RELATED OFFENSES:**

Based on your affiant's training and experience in child pornography cases, he has learned that collectors of child pornography have told other Investigators in debriefings that the most efficacious way to expand a collection of child pornography is to offer another collector (via a trade over the Internet) visual images that the trading partner does not already possess. Accordingly, it is necessary to keep a great number of images available so as to have adequate material to allow for participation in this informal barter system. The tendency to store child pornography is enhanced by the increased sense of security that a computer affords through its compact size and the ability with a computer, via passwords and otherwise, to keep others from looking at their material. A person in possession of one or more pornographic depictions involving children, either by film, photograph, videotape, negative, slide; or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, slide, on any disk, diskette; or other physical medium that allows an image to be displayed on a computer or other video screen; and any image transmitted to a computer or other video screen by telephone line, cable satellite transmission or other method is in violation of Texas Penal Code 43.26(a).

Furthermore, a person who knowingly or intentionally promotes or possesses with intent to promote, procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, offer or agree to do any of such is in violation of promoting child pornography as defined by Texas Penal Code Section 43.26(e). A person who possesses visual material that contains six (6) or more identical visual depictions of child pornography is also presumed to possess the material with the intent to promote the material.

Based on your affiant's past experience and training, your affiant knows that graphic image files containing child pornography can be maintained for long periods of time in a number of ways: on a computer's built-in hard disk drive, on portable storage disks, on CD-ROMs or on other media. Most often the collector maintains the files purposefully. Even when the pornographic files have been deleted (due to guilt or fear of discovery), computer forensic experts are nonetheless often able to recover the deleted pornographic images that had been purposefully possessed previously.

Based on his past experience and training, your affiant knows that persons who use personal computers in their homes tend to retain their personal files and data for extended periods of time even if a person has replaced, traded in or "upgraded" to a new personal computer. Your affiant also knows personal computer users routinely transfer most of their saved

data onto their new computers when making an upgrade. This data transfer is often done by saving files from the old computer to media sources (CD's or floppy disks, etc.), then opening them onto the new computer and saving them to the new hard drive. Visual images, such as child pornography, are as likely (if not more so) as other data to be transferred to a person's new, replacement or upgraded computer system.

Based on your affiant's training and experience, and on past experience in the on-line child pornography area also suggests that collections of child pornography will more than likely be located in the suspect's home. Your affiant has learned that the primary reason they collect sexually explicit images of children is for their personal sexual arousal and gratification, the primary reason pornography of any type is collected and viewed. Consequently a high degree of privacy is necessary to enjoy the collection, and no other location can provide the level of privacy needed than one's own home. Even if family members or roommates share living quarters, the collection can be viewed in a private room or at times when others are away or asleep. Your affiant has also learned from training and personal experience that persons sometimes use work or school computers to help compile a child pornography collection, but when that occurs, Your affiant's experience is that the images will likely be stored on portable computer storage devices and thereafter be transported to the collector's residence for private viewing.

**7. REQUEST FOR PERMISSION TO ANALYZE DIGITAL MEDIA:** Furthermore, Affiant is seeking to remove the items containing digital evidence for analysis by trained experts.

Based on your affiant's knowledge, training, and experience, and the experience of other law enforcement personnel with whom your affiant has consulted on this issue, your affiant knows that effective searches and seizures of evidence from computers commonly require law enforcement to seize most or all computer items (hardware, software, and instructions) then have these items processed later by a qualified computer forensic expert in a controlled laboratory environment. This is true because of the following:

Computer storage devices (hard disks, diskettes, tape, and removable drives) can store the equivalent of thousands of pages of information. When users desire to conceal criminal evidence, they often store the information in random order with deceptive file names. Directories and subdirectories that contain these files can also be electronically hidden from normal view.

Searching computer systems for criminal evidence is a highly technical process requiring expert skill in a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications.

The search of a computer is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover even hidden, erased, compressed, password protected, and/or encrypted files. Since computer evidence may be vulnerable to tampering or destruction from both external sources or from the form of a "booby trap," the controlled environment of a forensic laboratory is essential to its complete and accurate analysis and retrieval.

In order to fully retrieve data from a computer system, the forensic analyst needs all magnetic



storage devices, as well as the central processing unit (CPU).

In addition, the forensic analyst needs all the system software, encryption, encoding, archiving, un-archiving, and security software (operating system, applications, and hardware drivers) which may have been used to retrieve, store, create, transmit, encrypt, or encode the data.

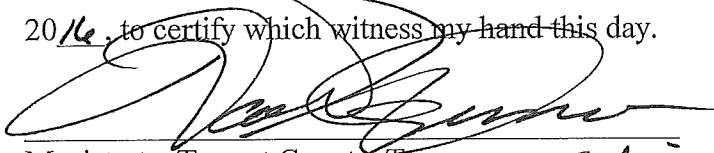
**8. REQUEST FOR PERMISSION TO PHOTOGRAPH OR VIDEO TAPE THE LOCATION AND EVIDENCE WHERE FOUND:**

Based upon affiant's training and experience, the location, configuration and connections to modems or wall outlets provides indicia of how a computer or other processing device has been and is being used. What is more, the location of the computer within the suspect location will also provide indicia of ownership, care, custody or control of the computer or other digital storage device. Finally, affiant is also requesting permission to photograph the location to provide a visual representation of the surroundings and circumstances in which the above-described offense was committed. Items of furniture, contraband or other environmentally advantageous circumstances will also provide evidence of how the offense and evidence of the offense was concealed from others showing intent and *modus operandi*. Finally, depictions of the different rooms in the suspect location are needed to compare backgrounds in photographs to prove location where image may have been created.

**WHEREFORE**, your Affiant asks for the issuance of a warrant that will authorize him to search said suspected place and premises and to seize that for which he is directed to search.

  
Affiant

**SUBSCRIBED AND SWORN** before me by the said affiant, on this the 9<sup>TH</sup> day of FEBRUARY, 2015 11:23 A.M.  
ISSUED AT 11:23 o'clock A. M., on this the 9<sup>TH</sup> of FEBRUARY, 2016, to certify which witness my hand this day.

  
Magistrate, Tarrant County, Texas - 297TH DISTRICT COURT  
THE STATE OF TEXAS

COUNTY OF TARRANT


## RETURN AND INVENTORY

Case # 16KP004942

THE STATE OF TEXAS    )(  
COUNTY OF TARRANT   )(

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath certifies that the foregoing Warrant came to hand on the day it was issued and that it was executed on the 10th day of February, 2016, by making the search directed therein and seizing during such search the following described property:

1 Black Adapt Technology  
1 White iPhone Model A1586  
1 Black Kindle  
1 Black iPad  
1 Lorex DVR SN-DK02110300970  
1 Lenovo Laptop SN-MP10AC3Q  
1 Trio Internet Tabley SN-1401418911  
1 Go Pro HD214 with 32G Card  
1 Samsung SL202, blue SN-A1RGC9D  
1 Black iPhone Model 4  
1 Silver PNY 64G USB  
1 White Digital Camera with SD Card  
1 Sanddisk, black, thumb drive  
1 Lexar Purple USB 8GB  
1 Silver Clock with Hidden Camera

  
\_\_\_\_\_  
AFFIANT