

Supplemental Report

ICR: 19000783

Last Modified: 02-01-2019 1203

Title: Cell Phone Warrant - Heffernan - 1-20-19 - Nestrud

Created By: Aaron Nestrud

**HENNEPIN COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT**

SYNOPSIS:

This report pertains to the request and execution of a warrant for evidence related to this investigation.

OFFICERS INVOLVED:

From the Hennepin County Sheriff's Office Investigative Division: Det. Nestrud

NARRATIVE:

On 1-19-2019 I, Det. Nestrud responded to the scene of a death investigation of Matthew Neil Tuhkanen (dob 8-4-1983). The address of the scene was 2760 Louisiana Ct. St. Louis Park, Minnesota.

During the course of the investigation I was tasked with drafting a search warrant for the personal phone of St. Louis Park Police Officer Samuel Patrick Heffernan. I drafted the warrant in echarging and submitted it for review and signing. At 2:29 AM on 1-20-2019 I was notified that the Honorable Elena L. Ostby of Ramsey County signed the warrant authorizing the collection of the cell phone at [REDACTED] Ramsey County, Minnesota.

At about 3:15 AM Det. McLouden, Det. Braun and I arrived at [REDACTED] in Ramsey County Minnesota, the residence of Heffernan and knocked on the door. We were met at the door by Heffernan who was provided with a copy of the warrant. Heffernan handed me the cell phone and I completed a page 5 receipt and gave Heffernan the yellow copy. It should be noted that the screen of the phone appeared to have damage in the lower corner.

I then transported the cell phone to the locked and secure storage of the Hennepin County Sheriff's Office Investigative Division Offices located at 701 4th Avenue Suite 500 in Minneapolis. The phone was placed into locker 122.

The search warrant and page 5 were give to Hennepin County Office Attorney Amy Sweasy. HCOA Sweasy stated she was going to attempt to get the warrant sealed and filed.

The phone is in temporary storage awaiting transportation to be processed.

On 1-25-2019 I completed a Ramsey County affidavit in support of request for order directing sealing and non-filing of search warrant, a application of prosecuting attorney for order sealing and withholding filing of search warrant, application and related documents pursuant to Minn. R. Crim P. 33.04 and order sealing and withholding filing of search warrant pursuant to Minn. R. Crim. P. 33.04. I sent these documents along with the warrant and the page 5 to Ramsey County Criminal Division Director - Ramsey County Attorney Richard Dusterhoff. Dusterhoff signed the application and related documents pursuant to Minn. R. Crim P. 33.04 and order sealing and withholding filing of search warrant pursuant to Minn. R. Crim. P. 33.04. document and petitioned the court. The Honorable Judge Elena Ostby, Ramsey County District Court Judge signed the order sealing and withholding filing of search warrant pursuant to Minn. R. Crim. P. 33.04.

With these signed documents it is ordered that this warrant not be filed until the conclusion of the investigation and that I, Det. Nestrud continue to retain the documents on the courts behalf until filing.

A second warrant was drafted and signed to search Heffernan's personal phone and work phone. Separate reports will be generated related to those actions.

DISPOSITION/FOLLOW UP:

Pending

Supplemental Report

ICR: 19000783

Last Modified: 02-01-2019 1539

Title: Search Warrant - Cell Phones - Detective Hopkins

Created By: Michael Hopkins

**HENNEPIN COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT**

SYNOPSIS:

This report pertains to the application and execution for search warrants for cell phones

OFFICERS INVOLVED:

Detective Hopkins

NARRATIVE:

On 01/23/2019 I, Detective Hopkins, drafted a search warrant seeking the authorization to forensically examine two cell phones that were seized during the initial stages of this investigation. One cell phone was described in the warrant as a silver and black ANS Smartphone (item #6) and the other was a silver LG Smartphone (item #29). The warrant was reviewed and signed by the Honorable Nelson Peralta.

On 01/29/2019 I gathered evidence items 30 (SLPPD department issued Apple iPhone) and 31 (Samsung Galaxy S8+) from Detective Nestrud. I then transported items 6, 29, 30 and 31, and copies of respective search warrants, from the locked and secured HCSO Investigative Division Headquarters to Computer Forensic Services (CFS) in Minnetonka for forensic examination (see Det. Nestrud's search warrant reports for additional information regarding items #30 and 31).

The results of the cell phone forensic examination will be reviewed and summarized in an additional report on a future date.

I supplied all warrants and page 5s to Sgt. Mckloskey for e-filing.

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STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

APPLICATION FOR SEARCH WARRANT

I, Michael Hopkins, a licensed peace officer in the State of Minnesota, make an application to this Court for a warrant to search the device(s) described below, for the property and thing(s) described below.

I know the content of this application and affirm that the statements contained in this application are true based on my own knowledge, or are believed to be true.

I believe that the following described property and thing(s), namely:

All data contained within the cell phones including, but not limited to: call logs, contact lists, phone numbers, codes, text messages, e-mails, photos, videos, audio messages, notes/memos, internet search history, information showing ownership, possession and use of device, deleted information or any other electronic information stored within the electronic device.

is or are stored within the device(s) described as:

Silver LG smartphone seized from M.J.W.

Silve and black ANS smartphone seized at 2760 Louisiana Court Unit #7, pursuant to search warrant

located in city or township of Minnetonka, County of Hennepin, State of Minnesota.

I apply for a search warrant on the following grounds:

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts establishing the grounds for issuance of a search warrant are as follows:

Your affiant, Detective Michael Hopkins, is a licensed peace officer with the Hennepin County Sheriff's Office. Your affiant has been a Deputy Sheriff with the Hennepin County Sheriff's

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Office since 2012. In 2017, your affiant was promoted to the rank of Detective in the HCSO Investigative Division, assigned to general investigations. In this capacity, your affiant has received training relevant to general investigations and is working with experienced investigators. Your affiant has received the following information he believes to be true and correct.

Your affiant has learned the following from speaking with law enforcement officers and subsequent follow-up activity:

On 01/19/2019, at approximately 1703 hours, Saint Louis Park Police Department (SLPPD) officers were dispatched to 2760 Louisiana Court unit #7 in relation to a 911 call for a verbal domestic dispute. SLPPD Offices were familiar with this address and aware that Matthew Neil Tuhkanen DOB 08/04/1983 resided at the address. Your affiant learned that another tenant of the unit was identified as M.J.W. Additionally, SLPPD officers were aware that Tuhkanen had two outstanding misdemeanor arrest warrants. SLPPD officers also knew that Tuhkanen had a history of violent behavior, mental illness and fleeing from police.

At approximately 1712 hours SLPPD officers arrived at the address. Tuhkanen fled the apartment and officers to an unknown location inside the 2760 Louisiana Court apartment complex. Officers were not able to locate Tuhkanen and cleared the address without contacting Tuhkanen. At approximately 1757 hours, SLPPD received a second 911 call for 2760 Louisiana Court Unit #7 in relation to a possible domestic disturbance in progress.

At approximately 1804 hours, SLPPD officers arrived at the address and were granted access into unit #7 by M.J.W shortly thereafter. SLPPD officers then found Tuhkanen inside a bedroom within unit #7. SLPPD officers informed Tuhkanen that he was under arrest. At some point SLPPD officers advised dispatch that Tuhkanen was non-compliant. At approximately 1816 hours, SLPPD officers aired "shots fired" over the radio to dispatch and requested emergency medical services to respond to the address. Your affiant later learned that one SLPPD officer fired their service weapon inside the unit during the encounter with Tuhkanen.

At approximately 1922 hours HCSO detectives arrived on scene and entered unit #7. Detectives observed Tuhkanen deceased in the back left bedroom of the unit with what appeared to be gunshot wounds. Detectives observed spent firearm cartridge casings in plain view.

A search warrant was drafted, signed and served on unit #7. During the course of the search law enforcement personnel found a cell phone, described as a silver and black ANS smartphone, on the counter in the bathroom. The cell phone was connected to a charger that had the initials "MNT" written in blue marker on the USB wall charger. The cell phone was collected pursuant to the warrant. Your affiant later learned that M.J.W. was in possession of their own cell phone and that Tuhkanen was the only other adult in the unit

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during the course of the incident. Furthermore, your affiant learned Tuhkanen called a relative from his cell phone at 1802 hours, minutes prior to SLPPD arrival at unit #7. This leads your affiant to believe the cell phone found in the bathroom belonged to Tuhkanen.

Your affiant learned from law enforcement sources that following an interview with M.J.W, they were aware that M.J.W. communicated with Tuhkanen by cell phone via text message throughout the day on 01/19/2019. Following the interview, M.J.W voluntarily gave their personal cell phone, identified as a silver LG smartphone, to HCSO detectives. Your affiant secured the silver LG smartphone and silver and black ANS smartphone at the Hennepin County Sheriff's Office Investigative Division headquarters for storage pending a search warrant for the data to be analyzed at a later date.

Through training and experience, your affiant knows that many individuals actively use cell phones to communicate through text messages, applications, emails and phone calls. Also, many individual use built-in cell phone functionalities, applications and/or tools to document daily activities through photographic, text, and video means. Additionally, your affiant knows that suspects may record incidents through photographs, video or other means of documentation. Also, individuals may discuss the events surrounding an incident with others prior to and after the incident occurred through various forms of electronic communication. Your affiant believes a search of the cell phone may uncover photos, phone calls, text messages, emails and other forms of communication and documentation.

Your affiant knows that a forensic examination of the cells phones will download and document all data contained within the cellular devices. This data may contain call logs, text messages, web searches, emails, location services, photos, videos and related data. The data provided by the forensic examination technology will then be reviewed by an investigator who is familiar with the case to determine what is pertinent to the investigation. The data in its complete form may contain evidence of the crime, may contain exculpatory information and is likely to contain information unrelated to the investigation. Based upon all of the above listed findings, your affiant believes that a search of the cell phones is needed to recover any evidence, corroborative information and/or exculpatory evidence contained within the cell phones.

Your affiant believes that there is potentially evidence contained on the cell phones that may be beneficial to this investigation. These items may contain pertinent information not yet uncovered by law enforcement officers which may clarify the events surrounding the domestic disturbance 911 calls, subsequent police activity and circumstances of Tuhkanen's death.

Your affiant respectfully requests a daytime announced search warrant be granted for the cell phones, identified as a silver LG smartphone and a silver and black ANS smartphone.

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I request a search warrant be issued, commanding Michael Hopkins, a peace officer of the State of Minnesota, and any other authorized person, to enter and search between the hours of 7 a.m. and 8 p.m. to search the above described device(s) for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

I declare under penalty of perjury that everything stated in this document is true and correct.

Applicant: Michael Hopkins
Hennepin County Sheriff
Electronically Signed
01/23/2019 10:20 AM
Hennepin County, Minnesota

Search Warrant Page 1 - 2

STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

SEARCH WARRANT

TO: MICHAEL HOPKINS, A PEACE OFFICER OF THE STATE OF MINNESOTA.

WHEREAS, Michael Hopkins has this day on oath made an application to this Court for a warrant to search the following described device(s) :

Silver LG smartphone seized from M.J.W.

Silve and black ANS smartphone seized at 2760 Louisiana Court Unit #7, pursuant to search warrant

located in city or township of Minnetonka, State of Minnesota for the following described property and thing(s):

All data contained within the cell phones including, but not limited to: call logs, contact lists, phone numbers, codes, text messages, e-mails, photos, videos, audio messages, notes/memos, internet search history, information showing ownership, possession and use of device, deleted information or any other electronic information stored within the electronic device.

WHEREAS, the application of Michael Hopkins was duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following ground(s):

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The court further finds that probable cause exists to believe that the above-described property and thing(s) is or are stored within the above-described device(s)

Search Warrant Page 2 - 2

NOW, THEREFORE, you Michael Hopkins, peace officer of the State of Minnesota, and any other authorized person, are hereby commanded to enter and search between the hours of 7 a.m. and 8 p.m., to search the above-described device(s), for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

BY THE COURT

ISSUED ON: 23 January, 2019

Judicial Officer: Nelson Peralta

Judge of District Court
Electronically Signed
01/23/2019 11:07 AM

RECEIPT, INVENTORY AND RETURN

STATE OF MINNESOTA, COUNTY OF WENNEPUN DISTRICT COURT

I, DETECTIVE MICHAEL HARKINS, received the attached search warrant issued by the Honorable NELSON PERALTA, on 01/23, 2019, and have executed it as follows:

Pursuant to said warrant, on JANUARY 29, 2019, at 1245 o'clock P m., I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant (with) (in) (at) CFS AND WITH THE DEVICES

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

DIGITAL DATA TO BE RETRIEVED FROM FORENSIC EXAMINATION OF CELL PHONES IDENTIFIED AS SILVER LG SMARTPHONE AND SILVER AND BLACK AUIS SMARTPHONE

~~_____

_____~~

(Strike when appropriate:)

I left a receipt for the property and things listed above with a copy of the warrant.

~~None of the items set forth in the search warrant were found.~~

I shall (retain) or (deliver) custody of said property as directed by Court order.

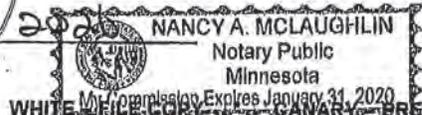
DETECTIVE MICHAEL HARKINS, being first duly sworn, upon oath, deposes and says that he has read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, he believes them to be true.

Subscribed and sworn to before me this 30th day of January, 2019

Nancy A. McLaughlin Notary Public, Hennepin County, MN

[Signature] Signature

My commission expires 1/31/2020



WHITE PILE COPY - CANARY - PREMISES/PERSON COPY

Application Page 1 - 4

STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

APPLICATION FOR SEARCH WARRANT

I, Aaron Nestrud, a licensed peace officer in the State of Minnesota, make an application to this Court for a warrant to search the device(s) described below, for the property and thing(s) described below.

I know the content of this application and affirm that the statements contained in this application are true based on my own knowledge, or are believed to be true.

I believe that the following described property and thing(s), namely:

All data contained within the cell phones including, but not limited to: call logs, contact lists, phone numbers, codes, text messages, e-mails, photos, videos, audio messages, notes/memos, internet search history, information showing ownership, possession and use of device, deleted information or any other electronic information stored within the electronic device.

is or are stored within the device(s) described as:

Black Samsung Galaxy S8+ Phone IMEI: 357725081296007.

located in city or township of Minneapolis, County of Hennepin, State of Minnesota.

I apply for a search warrant on the following grounds:

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts establishing the grounds for issuance of a search warrant are as follows:

Your affiant, Detective Aaron Nestrud, is a licensed peace officer with the Hennepin County Sheriff's Office. Your affiant has been a Deputy Sheriff with the Hennepin County Sheriff's Office since 2007. In 2017, your affiant was promoted to the rank of Detective in the HCSO Investigative Division, assigned to general investigations. In this capacity, your affiant has received training relevant to general investigations and is working with experienced investigators. Your affiant has received the following information he believes to be true and correct.

Application Page 2 - 4

Your affiant has learned the following from speaking with law enforcement officers and subsequent follow-up activity:

On 01/19/2019, at approximately 1703 hours, Saint Louis Park Police Department (SLPPD) officers were dispatched to 2760 Louisiana Court unit #7 in relation to a 911 call for a verbal domestic dispute. SLPPD Officers were familiar with this address and aware that Matthew Neil Tuhkanen DOB 08/04/1983 resided at the address. Your affiant learned that another tenant of the unit was identified as M.J.W. Additionally, SLPPD officers were aware that Tuhkanen had two outstanding misdemeanor arrest warrants. SLPPD officers also knew that Tuhkanen had a history of violent behavior, mental illness and fleeing from police. At approximately 1712 hours SLPPD officers arrived at the address. Tuhkanen fled the apartment and officers to an unknown location inside the 2760 Louisiana Court apartment complex. Officers were not able to locate Tuhkanen and cleared the address without contacting Tuhkanen. At approximately 1757 hours, SLPPD received a second 911 call for 2760 Louisiana Court Unit #7 in relation to a possible domestic disturbance in progress.

At approximately 1804 hours, SLPPD officers arrived at the address and were granted access into unit #7 by M.J.W shortly thereafter. SLPPD officers then found Tuhkanen inside a bedroom within unit #7. SLPPD officers informed Tuhkanen that he was under arrest. At some point SLPPD officers advised dispatch that Tuhkanen was non-compliant. At approximately 1816 hours, SLPPD officers aired "shots fired" over the radio to dispatch and requested emergency medical services to respond to the address. Your affiant later learned that one SLPPD officer fired their service weapon inside the unit during the encounter with Tuhkanen. At approximately 1922 hours HCSO detectives arrived on scene and entered unit #7. Detectives observed Tuhkanen deceased in the back left bedroom of the unit with what appeared to be gunshot wounds. Detectives observed spent firearm cartridge casings in plain view.

The Officer that was identified as firing their duty weapon, striking Tuhkanen was dispatched to both calls for service (describe above) at 2760 Louisiana Court Unit #7, St. Louis Park. After Officers cleared their initial response to 2760 Louisiana Court Unit #7 they left the scene in their squad cars. Your affiant learned from other investigators that in addition to work cell phone the Officer that fired their weapon was also in possession of a personal cell phone that was located in their squad car. Your affiant believes the Officer had access to their personal cell phone during that period of time between the first response to 2760 Louisiana Court #7 and the second response to the same address. In addition the Officer was in possession of their personal cell phone after the incident and may have communicated his involvement and or details of the response and or actions taken by this involved Officer. Your affiant also learned that Officers had previously responded to this address and had previous encounters with Tuhkanen. It is possible that the Officer that fired their weapon had previously encountered Tuhkanen at this address and may have

Application Page 3 - 4

documented those interactions on their personal cell phone.

On 1-20-2019 Detectives seized the personal cell phone of the Officer that fired their duty weapon, a Black (damaged screen) Samsung Galaxy S8+ IMEI:357725081296007 pursuant a warrant signed by the Ramsey County Judge, The Honorable Elena Ostby. The warrant was executed in Ramsey County. The cell phone was transported back to the locked and secure storage of the Hennepin County Sheriff's Office Investigative Division headquarters for temporary storage pending a search warrant for the data to be analyzed at a later date.

Through training and experience, your affiant knows that many individuals actively use cell phones to communicate through text messages, applications, emails and phone calls. Also, many individuals use built-in cell phone functionalities, applications and/or tools to document daily activities through photographic, text, and video means. Additionally, your affiant knows that individuals may record incidents through photographs, video or other means of documentation. Also, individuals may discuss the events surrounding an incident with others prior to and after the incident occurred through various forms of electronic communication. Your affiant believes a search of the cell phone may uncover photos, phone calls, text messages, emails and other forms of communication and documentation.

Your affiant knows that a forensic examination of the cells phones will download and document all data contained within the cellular devices. This data may contain call logs, text messages, web searches, emails, location services, photos, videos and related data. The data provided by the forensic examination technology will then be reviewed by an investigator who is familiar with the case to determine what is pertinent to the investigation. The data in its complete form may contain evidence of the crime, may contain exculpatory information and is likely to contain information unrelated to the investigation. Based upon all of the above listed findings, your affiant believes that a search of the cell phones is needed to recover any evidence, corroborative information and/or exculpatory evidence contained within the cell phones. In order to fully investigate this death your affiant is requesting a daytime announced search warrant be granted for the above listed cell phone.

(End of Page)

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I request a search warrant be issued, commanding Aaron Nestrud, Det. Nybeck, Det. Hopkins, Det. Braun, Det. Dawson, Det. Nelson, Det. Soeffker, Det. McLouden, peace officers of the State of Minnesota, and any other authorized person, to enter and search between the hours of 7 a.m. and 8 p.m. to search the above described device(s) for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

I declare under penalty of perjury that everything stated in this document is true and correct.

Applicant: Aaron Nestrud _____
Hennepin County Sheriff
Electronically Signed
01/28/2019 9:59 AM
Hennepin County, Minnesota

Search Warrant Page 1 - 2

STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

SEARCH WARRANT

TO: AARON NESTRUD, DET. NYBECK, DET. HOPKINS, DET. BRAUN, DET. DAWSON, DET. NELSON,
DET. SOEFFKER, DET. MCLLOUDEN PEACE OFFICERS OF THE STATE OF MINNESOTA.

WHEREAS, Aaron Nestrud has this day on oath made an application to this Court for a warrant to search the following described device(s) :

Black Samsung Galaxy S8+ Phone IMEI: 357725081296007.

located in city or township of Minneapolis, State of Minnesota for the following described property and thing(s):

All data contained within the cell phones including, but not limited to: call logs, contact lists, phone numbers, codes, text messages, e-mails, photos, videos, audio messages, notes/memos, internet search history, information showing ownership, possession and use of device, deleted information or any other electronic information stored within the electronic device.

WHEREAS, the application of Aaron Nestrud was duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following ground(s):

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The court further finds that probable cause exists to believe that the above-described property and thing(s) is or are stored within the above-described device(s)

Search Warrant Page 2 - 2

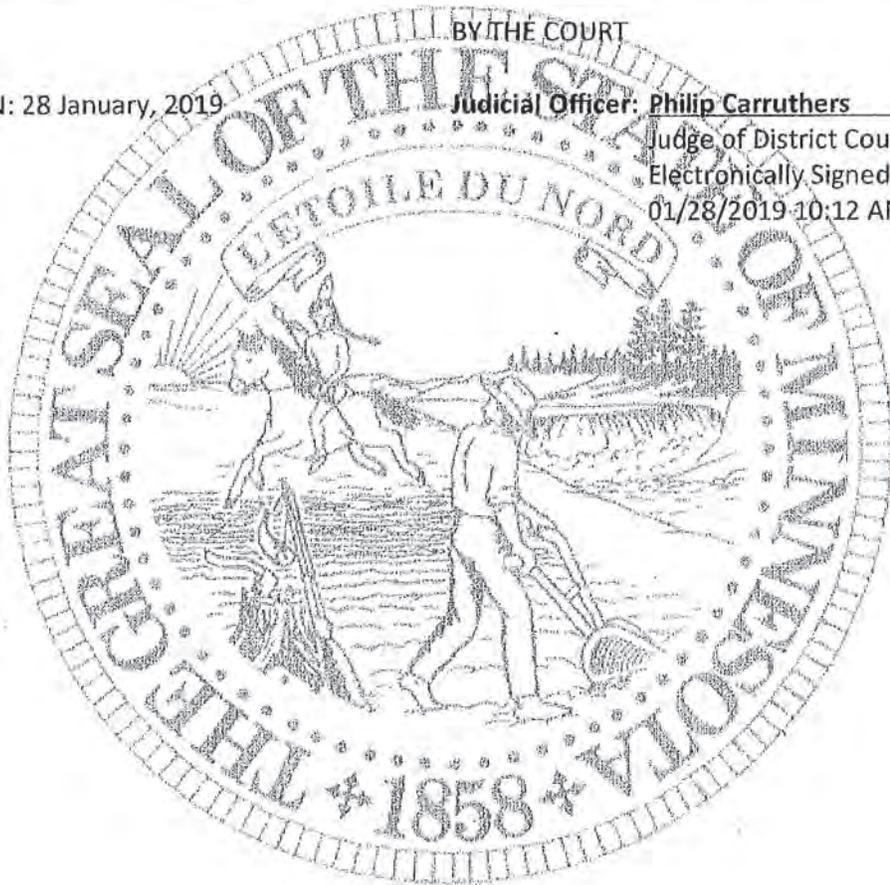
NOW, THEREFORE, you Aaron Nestrud, Det. Nybeck, Det. Hopkins, Det. Braun, Det. Dawson, Det. Nelson, Det. Soeffker, Det. McLouden, peace officers of the State of Minnesota, and any other authorized person, are hereby commanded to enter and search between the hours of 7 a.m. and 8 p.m., to search the above-described device(s), for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

BY THE COURT

ISSUED ON: 28 January, 2019

Judicial Officer: Philip Carruthers

Judge of District Court
Electronically Signed
01/28/2019 10:12 AM



HC 6431 (1/12)

RECEIPT, INVENTORY AND RETURN

STATE OF MINNESOTA, COUNTY OF HENNEPIN DISTRICT COURT

I, DETECTIVE MICHAEL HOPKINS, received the attached search warrant issued by the Honorable Philip Carruthers, on 1-28, 2019, and have executed it as follows:

Pursuant to said warrant, on JANUARY 29, 2019, at 1245 o'clock Pm., I searched the (~~premises~~) (~~motor vehicle~~) (~~person~~) described in said warrant, and left a true and correct copy of said warrant (with) (~~to~~) (~~at~~) CFS and with the device

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

Digital data to be obtained during forensic processing of Samsung Galaxy S8+ as described in the warrant

(This section contains several lines of text that have been completely crossed out with diagonal lines.)

(Strike when appropriate:)

I left a receipt for the property and things listed above with a copy of the warrant.

~~None of the items set forth in the search warrant were found.~~

I shall (retain) or (~~deliver~~) custody of said property as directed by Court order.

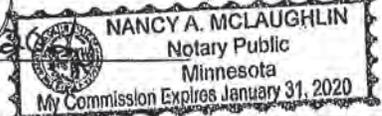
DETECTIVE MICHAEL HOPKINS, being first duly sworn, upon oath, deposes and says that he has read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, he believes them to be true.

Subscribed and sworn to before me this

30th day of January, 2019

Nancy A. McLaughlin Hennepin MN
Notary Public, County, MN

[Signature]
Signature

My commission expires 1/31/20 

Supplemental Report

ICR: 19000783

Last Modified: 02-01-2019 1412

Title: SW - Heffernan Personal Phone - Hennepin Cty - Nestrud

Created By: Aaron Nestrud

**HENNEPIN COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT**

SYNOPSIS:

This report pertains to the request and execution of a warrant for evidence related to this investigation.

OFFICERS INVOLVED:

From the Hennepin County Sheriff's Office Investigative Division: Det. Nestrud

NARRATIVE:

On 1-19-2019 I, Det. Nestrud responded to the scene of a death investigation of Matthew Neil Tuhkanen (dob 8-4-1983). The address of the scene was 2760 Louisiana Ct. St. Louis Park, Minnesota. During the course of the investigation I was tasked with drafting a search warrant for the personal phone of St. Louis Park Police Officer Samuel Patrick Heffernan. I drafted the warrant in echarging and submitted it for review and signing. At 2:29 AM on 1-20-2019 I was notified that the Honorable Elena L. Ostby of Ramsey County signed the warrant authorizing the collection of the cell phone at [REDACTED] Ramsey County, Minnesota.

The personal cell phone of Officer Heffernan was seized pursuant to the Ramsey County warrant on 1-20-2019 and transported back to the locked and secure storage of the Hennepin County Sheriff Investigative Offices located at 701 4th Avenue South, Suite 500 Minneapolis. A separate report was created regarding those actions. For greater details refer to the reports regarding those actions.

On 1-28-2019 I drafted another warrant to search the contents of the Black Samsung Galaxy S8+ Phone IMEI: 357725081296007 belonging to Heffernan. On 1-28-2018, Hennepin County District Court Judge, the Honorable Philip Carruthers signed the warrant authorizing a forensic examination.

The cell phone was removed from the locked and secure temporary storage and given to Det. Hopkins for transport to CFS for the forensic examination. The results of the examination will be added as evidence at future date.

The warrant and page 5 were given to Sgt. Mckloskey for filing.

DISPOSITION/FOLLOW UP:

Pending

Supplemental Report

ICR: 19000783

Last Modified: 02-01-2019 1412

Title: SW - Heffernan's Assigned Work Phone - Nestrud

Created By: Aaron Nestrud

**HENNEPIN COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT**

SYNOPSIS:

This report pertains to the request and execution of a warrant for evidence related to this investigation.

OFFICERS INVOLVED:

From the Hennepin County Sheriff's Office Investigative Division: Det. Nestrud

NARRATIVE:

On 1-22-2019 I, Det. Nestrud traveled to the St. Louis Park Police Department and met with Chief Harcey. Chief Harcey turned over possession of an Apple iPhone model A1660 with the following identification on the back of phone BCG-E3085A, IC:579C-E3085A to me. This phone was identified by Chief Harcey as being the St. Louis Park Police Department issued phone that was assigned to Officer Heffernan. The phone was brought back to the locked and secure storage of the Hennepin County Sheriff Investigative Division Offices located at 701 4th Avenue, Suite 500 For greater details of these actions refer to my report titled "evidence collection and transfer from SLP PD."

On 1-28-2019 I drafted a warrant to search the contents of the St. Louis Park Police Department issued cell that was assigned to Heffernan on 1-19-2019. On 1-28-2018, Hennepin County District Court Judge, the Honorable Philip Carruthers signed the warrant authorizing a forensic examination.

On 1-29-2019 the cell phone was removed from the locked and secure temporary storage and given to Det. Hopkins for transport to CFS for the forensic examination. The results of the examination will be added as evidence at future date.

The warrant and page 5 were given to Sgt. Mckloskey for filing.

DISPOSITION/FOLLOW UP:

Pending

Application Page 1 - 4

STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

APPLICATION FOR SEARCH WARRANT

I, Aaron Nestrud, a licensed peace officer in the State of Minnesota, make an application to this Court for a warrant to search the device(s) described below, for the property and thing(s) described below.

I know the content of this application and affirm that the statements contained in this application are true based on my own knowledge, or are believed to be true.

I believe that the following described property and thing(s), namely:

All data contained within the cell phones including, but not limited to: call logs, contact lists, phone numbers, codes, text messages, e-mails, photos, videos, audio messages, notes/memos, internet search history, information showing ownership, possession and use of device, deleted information or any other electronic information stored within the electronic device.

is or are stored within the device(s) described as:

Black Apple iPhone belonging to the St. Louis Park Police Department identified by the following inscription on the rear of the phone Model A1660 FCC ID; BCG-E3085A IC:579C-E3085A reported to have been assigned to the St. Louis Park Police Officer involved in a Officer Involved Shooting in the City of St. Louis Park Minnesota on 1-19-2019. Received from the St. Louis Park Police Chief on 1-23-2019.

located in city or township of Minneapolis, County of Hennepin, State of Minnesota.

I apply for a search warrant on the following grounds:

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts establishing the grounds for issuance of a search warrant are as follows:

Your affiant, Detective Aaron Nestrud, is a licensed peace officer with the Hennepin County Sheriff's Office. Your affiant has been a Deputy Sheriff with the Hennepin County Sheriff's Office since 2007. In 2017, your affiant was promoted to the rank of Detective in the HCSO Investigative Division; assigned to general investigations. In this capacity, your affiant has

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received training relevant to general investigations and is working with experienced investigators. Your affiant has received the following information he believes to be true and correct.

Your affiant has learned the following from speaking with law enforcement officers and subsequent follow-up activity:

On 01/19/2019, at approximately 1703 hours, Saint Louis Park Police Department (SLPPD) officers were dispatched to 2760 Louisiana Court unit #7 in relation to a 911 call for a verbal domestic dispute. SLPPD Officers were familiar with this address and aware that Matthew Neil Tuhkanen DOB 08/04/1983 resided at the address. Your affiant learned that another tenant of the unit was identified as M.J.W. Additionally, SLPPD officers were aware that Tuhkanen had two outstanding misdemeanor arrest warrants. SLPPD officers also knew that Tuhkanen had a history of violent behavior, mental illness and fleeing from police. At approximately 1712 hours SLPPD officers arrived at the address. Tuhkanen fled the apartment and officers to an unknown location inside the 2760 Louisiana Court apartment complex. Officers were not able to locate Tuhkanen and cleared the address without contacting Tuhkanen. At approximately 1757 hours, SLPPD received a second 911 call for 2760 Louisiana Court Unit #7 in relation to a possible domestic disturbance in progress:

At approximately 1804 hours, SLPPD officers arrived at the address and were granted access into unit #7 by M.J.W shortly thereafter. SLPPD officers then found Tuhkanen inside a bedroom within unit #7. SLPPD officers informed Tuhkanen that he was under arrest. At some point SLPPD officers advised dispatch that Tuhkanen was non-compliant. At approximately 1816 hours, SLPPD officers aired "shots fired" over the radio to dispatch and requested emergency medical services to respond to the address. Your affiant later learned that one SLPPD officer fired their service weapon inside the unit during the encounter with Tuhkanen. At approximately 1922 hours HCSO detectives arrived on scene and entered unit #7. Detectives observed Tuhkanen deceased in the back left bedroom of the unit with what appeared to be gunshot wounds. Detectives observed spent firearm cartridge casings in plain view.

The Officer that was identified as firing their duty weapon, striking Tuhkanen was dispatched to both calls for service (describe above) at 2760 Louisiana Court Unit #7, St. Louis Park. After Officers cleared their initial response to 2760 Louisiana Court Unit #7 they left the scene in their squad cars. Your affiant learned from other investigators that the Officer that fired their weapon was in possession of an assigned Department issued cell phone reported to be an Apple iPhone Model A1660. Your affiant believes the Officer had access to their department issued cell phone during that period of time between the first response to 2760 Louisiana Court #7 and the second response to the same address. Your affiant also learned that Officers had previously responded to this address and had previous encounters with Tuhkanen. It is possible that the Officer that fired their weapon had previously encountered Tuhkanen at this address and may have documented those interactions on

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their department issued cell phone.

On 1-23-2019 Detectives took possession the St. Louis Park Police Department issued cell phone of the Officer that fired their duty weapon, a Apple iPhone Model A1660 FCC ID; BCG-E3085A IC:579C-E3085A from the St. Louis Park Police Department, Cheif of Police, Mike Harcey. The cell phone was transported back to the locked and secure storage of the Hennepin County Sheriff's Office Investigative Division headquarters for temporary storage pending a search warrant for the data to be analyzed at a later date.

Through training and experience, your affiant knows that many individuals actively use cell phones to communicate through text messages, applications, emails and phone calls. Also, many individuals use built-in cell phone functionalities, applications and/or tools to document daily activities through photographic, text, and video means. Additionally, your affiant knows that individuals may record incidents through photographs, video or other means of documentation. Also, individuals may discuss the events surrounding an incident with others prior to and after the incident occurred through various forms of electronic communication. Your affiant believes a search of the cell phone may uncover photos, phone calls, text messages, emails and other forms of communication and documentation.

Your affiant knows that a forensic examination of the cells phones will download and document all data contained within the cellular devices. This data may contain call logs, text messages, web searches, emails, location services, photos, videos and related data. The data provided by the forensic examination technology will then be reviewed by an investigator who is familiar with the case to determine what is pertinent to the investigation. The data in its complete form may contain evidence of the crime, may contain exculpatory information and is likely to contain information unrelated to the investigation. Based upon all of the above listed findings, your affiant believes that a search of the cell phones is needed to recover any evidence, corroborative information and/or exculpatory evidence contained within the cell phones. In order to fully investigate this death your affiant is requesting a daytime announced search warrant be granted for the above listed cell phone.

(End of Page)

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I request a search warrant be issued, commanding Aaron Nestrud, Det. Nelson, Det. Dawson, Det. Nybeck, Det. Braun, Det. Hopkins, Det. McLouden, peace officers of the State of Minnesota, and any other authorized person, to enter and search between the hours of 7 a.m. and 8 p.m. to search the above described device(s) for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

I declare under penalty of perjury that everything stated in this document is true and correct.

Applicant: Aaron Nestrud _____
Hennepin County Sheriff
Electronically Signed
01/28/2019 10:14 AM
Hennepin County, Minnesota

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STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

SEARCH WARRANT

TO: AARON NESTRUD, DET. NELSON, DET. DAWSON, DET. NYBECK, DET. BRAUN, DET. HOPKINS,
DET. MCLOUDEN PEACE OFFICERS OF THE STATE OF MINNESOTA.

WHEREAS, Aaron Nestrud has this day on oath made an application to this Court for a warrant to search the following described device(s) :

Black Apple iPhone belonging to the St. Louis Park Police Department identified by the following inscription on the rear of the phone Model A1660 FCC ID; BCG-E3085A IC:579C-E3085A reported to have been assigned to the St. Louis Park Police Officer involved in a Officer Involved Shooting in the City of St. Louis Park Minnesota on 1-19-2019. Received from the St. Louis Park Police Chief on 1-23-2019.

located in city or township of Minneapolis, State of Minnesota for the following described property and thing(s):

All data contained within the cell phones including, but not limited to: call logs, contact lists, phone numbers, codes, text messages, e-mails, photos, videos, audio messages, notes/memos, internet search history, information showing ownership, possession and use of device, deleted information or any other electronic information stored within the electronic device.

WHEREAS, the application of Aaron Nestrud was duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following ground(s):

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The court further finds that probable cause exists to believe that the above-described property and thing(s) is or are stored within the above-described device(s)

Search Warrant Page 2 - 2

NOW, THEREFORE, you Aaron Nestrud, Det. Nelson, Det. Dawson, Det. Nybeck, Det. Braun, Det. Hopkins, Det. McLouden, peace officers of the State of Minnesota, and any other authorized person, are hereby commanded to enter and search between the hours of 7 a.m. and 8 p.m., to search the above-described device(s), for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

BY THE COURT

ISSUED ON: 28 January, 2019

Judicial Officer: Philip Carruthers

Judge of District Court
Electronically Signed
01/28/2019 10:22 AM



HC 6431 (1/12)

RECEIPT, INVENTORY AND RETURN

STATE OF MINNESOTA, COUNTY OF HENNEPIN DISTRICT COURT

I, DETECTIVE MICHAEL HOOKS, received the attached search warrant issued by the Honorable Philip Carruthers, on 1-28, 20 19 and have executed it as follows:

Pursuant to said warrant, on JANUARY 29, 20 19, at 1245 o'clock P m., I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant (with) (in) (at) CFS and with the device

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

Digital data to be obtained during forensic processing of the Apple iPhone described in the Warrant.

(The following lines are crossed out with diagonal lines)

(Strike when appropriate:)

I left a receipt for the property and things listed above with a copy of the warrant.
~~None of the items set forth in the search warrant were found.~~
I shall (retain) ~~or (deliver)~~ custody of said property as directed by Court order.

DETECTIVE MICHAEL HOOKS, being first duly sworn, upon oath, deposes and says that he has read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, he believes them to be true.

Subscribed and sworn to before me this

30th day of January, 20 19

Nancy A. McLaughlin Hennepin, MN
Notary Public, County, MN

[Signature]
Signature

My commission expires 1/31/2020

