

17A503639

§ 317(c)(5)(A)(iii), (c)(5)(D), (c)(7)
(unless noted below)

SEARCH WARRANT

STATE OF VERMONT

COUNTY OF ORLEANS, ss.

TO: Corporal Callie R. Field and any Law Enforcement Officer(s) to search the property of the Jasper Hill Farm Located at [REDACTED] Andersonville Road in Glover, VT for the following property or object(s);

video surveillance and associated equipment and storage device, including but not limited to computers, cell phones, external hard drives and the ability to examine the contents of the seized surveillance footage from 9/7/2017-9/8/2017 *for the video which may be associated*

The process of completing a search and analysis of a seized computer often takes longer than 10 days and may take months to complete.

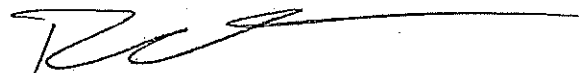
Depending upon the back log I would like to request up to 6 months time for the search and the analysis.

serving this warrant and making the search (between the hours of 6:00 a.m. and 10:00 p.m. ~~exception~~) within 10 days from the date hereof, and if the property or object(s) be found there, to seize it, prepare a written inventory of it, and bring such property, object(s) or inventory before the Superior Court of Vermont, Orleans Criminal Division.

This warrant is issued upon the basis of an affidavit and finding of probable cause by me, filed with the clerk of that unit.

Dated at _____, County of _____, this _____ day of _____

9/14/17


Judicial Officer

APPLICATION FOR SEARCH WARRANT WITH AFFIDAVIT

A. APPLICATION

State Trooper Callie R. Field requests the Honorable Judge Bent to issue a warrant to search the property of the Jasper Hill Farm Located at [REDACTED] Andersonville Road in Glover, VT for the following property or object(s):

video surveillance and associated equipment and storage device, including but not limited to computers, cell phones, external hard drives and the ability to examine the contents of the seized surveillance footage from 9/7/2017-9/8/2017

and if such property or object be found there, to seize it, prepare a written inventory of it, and promptly return the inventory to the District Court of Vermont, Unit No. Unit III, Orleans Circuit.

The applicant has probable cause to believe that such property or object(s) will be found in the phones, computer, surveillance system and will constitute:

Evidence of the crime of Vandalism/Unlawful Mischief. [REDACTED] advised me he had a surveillance system that was working on 9/8/2017. The digital content may easily be moved from one storage device to another. The listed items in the Application and Search Warrant are designed to contain digital content and will show the evidence of the crime of vandalism.

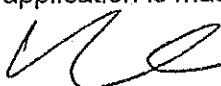
For the purposes of establishing probable cause for issuance of this warrant, there are attached hereto the following affidavits:

Corporal Callie R. Field and Corporal Amy LeClair

This application is made on this

day of

9/14/17



Judicial Officer



Applicant

VERMONT SUPERIOR COURT

SEP 14 2017

Filed
ORLEANS UNIT

17A503639

VERMONT SUPERIOR COURT

§ 317(c)(5)(A)(iii), (c)(5)(D), (c)(7)
(unless noted below)

SEP 14 2017

AFFIDAVIT

Filed
ORLEANS UNIT

STATE OF VERMONT
ORLEANS COUNTY, ss.

**NOW COMES Corporal Callie R. Field, affiant(s), being duly sworn and on oath,
deposes and says (s)he has probable cause.**

The undersigned being duly sworn, deposes and says that I, Corporal Callie R. Field am now and have been for the past 15.7 years, a full time employee of the Vermont State Police, being presently assigned to the Derby Barracks.

On 9/8/17 at 1209 hours, [REDACTED] called from [REDACTED] Andersonville Road in Glover to report vandalism to one of his barns. He advised sometime after 2000 hours on 9/7/17 his barn was spray painted with, " GET OUT" along with swastikas on the side of a barn and "Nigger". While I was there one of the farm workers advised the same thing was spray painted on the roadway, mailboxes, signs and posts on Mud Island Road in Glover. They did advise they had a worker who [REDACTED] after he was told to take his [REDACTED] down. They didn't want this person contacted in case it was him and he retaliated. They did advise there was a surveillance camera that would be able to [REDACTED] I asked them to make me § 317(c)(5)(D) a copy of the surveillance video and to call me as soon as this was done. They advised they are able to scrape off most of the paint which was light brown and black. They advised they will paint over it with white.

On 9/13/17 at 1431 hours myself and Corporal Amy LeClair went to the Jasper Hill farm to speak to [REDACTED] [REDACTED] and their employee, [REDACTED] We met with [REDACTED] and [REDACTED] who advised that they hadn't noticed any markings on 9/8/2017 the on barn until [REDACTED] notified them around 1130 hours of the swastikas and other markings. [REDACTED] advised he went by the barn on Thursday night around 2100 hours with the skid steer and never noticed any markings. He advised the street light by the house was on and working, but the truck in the way didn't light up the road side of the barn. I asked him if there were any suspicious vehicles in the area lately, he advised a small green [REDACTED] style on Thursday night which was very loud went up by headed toward the Daniels Road. [REDACTED] advised his neighbor [REDACTED] had come to the house, on 9/8/2017 around 1130 hours with [REDACTED] to show her compassion for

someone having written on the side of his barn. [REDACTED] advised he had driven by the barn at 0800 hours on Friday and never noticed it. He advised there hadn't been anything blocking the view of the barn on this day and believed he would have seen it then. [REDACTED] advised he gets to work at [REDACTED] hours each day and usually works with [REDACTED] except for Friday. [REDACTED] got off work at 2300 hours and he worked with [REDACTED]. This would indicate the vandalism took place on 9/8/17 between the hours of 0800 hours and 1130 hours.

I asked [REDACTED] if he had any visitors on Friday (9/8/2017); at first he said he didn't; it was just him and [REDACTED]. Cpl. LeClair asked him if he wanted to rethink his response and she told [REDACTED] that she knew he had a visitor. He then remembered that [REDACTED] and [REDACTED] had stopped by around 1230 hours that afternoon of the vandalism.

I also asked [REDACTED] what happened with the [REDACTED] incident; he advised that [REDACTED] and [REDACTED] were in an argument, which [REDACTED] thought was about the [REDACTED]. It should be noted that when I spoke with [REDACTED] about the incident with the [REDACTED], [REDACTED] advised there wasn't an argument and he had only asked him to take it down. He advised [REDACTED] put the [REDACTED] up on a Friday in [REDACTED] then took it down the following [REDACTED] when asked. [REDACTED] said that [REDACTED] seemed to have a little bit of an attitude about it, but nothing more. I asked [REDACTED] who the [REDACTED] was offending and he advised him and anyone driving by. [REDACTED] advised after the [REDACTED] issue, within a week, [REDACTED] had [REDACTED] unknown why. [REDACTED] said he figured [REDACTED] had another job, he never showed up for [REDACTED] again.

[REDACTED] further advised he [REDACTED] at the [REDACTED] at the Jasper Hill Farm with [REDACTED] for only a [REDACTED] and they are [REDACTED]. [REDACTED] stated he [REDACTED] their after [REDACTED] 2017 and [REDACTED] the end of [REDACTED] 2017. [REDACTED] said he now lives at [REDACTED] Greensboro, VT with his girlfriend [REDACTED]. He said that [REDACTED] was only there for [REDACTED] when he was there. I asked [REDACTED] what he thought should be done to the person(s) who put the graffiti on the barn. He stated, "apologize." I asked what he thought happened and he stated that someone was probably drinking and thought it would be funny. This was almost the same answer as [REDACTED] had given when Cpl. LeClair and I met with him on [REDACTED].

Since 9/8/17 the day of the vandalism, I haven't been given the surveillance video and it has been 4 days. While myself and Cpl. LeClair were at the barn, on 9/13/2017, we asked for the video again. [REDACTED] advised he didn't know anything about getting me the video surveillance and

would ask [REDACTED]. We met with [REDACTED] who advised that he didn't have it recorded for me. He also told me that the surveillance would only show the [REDACTED] of the barn, not up by where the [REDACTED] done and not [REDACTED]. It should be noted that when I initially spoke with [REDACTED] regarding the surveillance video, he advised me the video would show the location of the [REDACTED]. [REDACTED] further advised he didn't realize that the video wouldn't have shown the [REDACTED] of the [REDACTED] until he reviewed the video himself.

[REDACTED] said he would get the video for us today (9/13/17). Prior to us leaving [REDACTED] came out to my cruiser and advised he had looked at the surveillance video and it showed a big white car, with a [REDACTED] sticker on it. He stated [REDACTED] was in this vehicle along with [REDACTED] and another, older woman. [REDACTED] couldn't confirm the time he saw this vehicle and further advised he couldn't immediately get me a copy of the video. [REDACTED] said [REDACTED] was in the barn where we would be able to view the video so he was unable to allow us to watch the video.

On 9/13/17 at 1059 hours myself and Cpl. LeClair met with [REDACTED] at his residence located at [REDACTED] in the town of Richford, VT. As soon as we pulled into the driveway I noticed a dark colored SUV, VT Registration [REDACTED] registered to a [REDACTED] [REDACTED] with a sticker on the back of it that stated, [REDACTED]

This application was reviewed by Orleans County States Attorney Jennifer Barrett on 9/13/17.

Subscribed and sworn to before me on

this _____ day of _____, _____

(Affiant)

(Notary Public)

(Date)

1. Based on my conversation with members of the Vermont State Police Computer Crimes Unit, who have experience and training in the area of computer forensics, I have learned the following information in relation to searches of computers and computer-related equipment:

- a. Evidence seized from computers almost always requires agents to seize most or all of the electronic storage devices to be searched later by a qualified computer expert in a laboratory or other controlled environment. This is because when a user wants to conceal criminal evidence, he/she can store it in random order with deceptive file names. This requires searching authorities to examine all stored data to determine which particular files are included in the warrant. This sorting process can take weeks or months, depending on the volume of data stored, and is best accomplished in a laboratory or other controlled environment. It is impractical to attempt to retrieve this kind of data on site.
- b. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert should analyze the system and its data. The search of a computer system is an exacting scientific procedure, which is designed to protect the integrity of the evidence and to recover even "hidden," erased, compressed, password-protected, or encrypted files. Since computer evidence is vulnerable to tampering or destruction (both from external sources or from destructive codes imbedded in the system as a "booby trap"), the controlled environment of a laboratory is important to its complete and accurate analysis.
- c. In order to fully retrieve data from a computer system, the analyst needs all magnetic storage devices as well as the central processing unit (CPU). In addition, the analyst needs all the computer software, including system software (operating systems or interfaces, and hardware drivers) and any application software, which may have been used to create the data (whether stored on hard drives or on external media).
- d. Computer software is digital information, which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic magnetic, optical, or other digital form, and it commonly includes programs to run operating systems, applications (like word processing, graphics, or spreadsheet program), utilities, compilers, interpreters, and communication programs.
- e. Computer-related documentation consists of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use computer hardware, software, or other related items.
- f. Computer hardware-software, documentation, passwords and security devices may be important to a criminal investigation in two distinct and important respects: (1) the objects themselves may be instrumentalities, fruits or evidence of a crime and/or (2) the objects may have been used to collect and store information about crimes in the form of electronic data.
- g. Searching computerized information for evidence or instrumentalities of crime commonly requires agents to seize most or all of a computer system's input/output peripheral

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devices, storage media, related software, documentation, and data security devices (including passwords) so that a qualified computer expert can accurately retrieve the system's data in a laboratory or other controlled environment. The peripheral devices which allow users to enter or retrieve data from the storage devices vary widely in their compatibility with other hardware and software. Many system storage devices require particular input/output (or "I/O") devices in order to read the data on the system. It is important that the analyst be able to properly reconfigure the system as it now operates in order to accurately retrieve the evidence listed above.

- h. Because of the complexities of computer systems, it is useful for the computer analyst to have ready access after the seizure to any storage media, containing relevant material. In a typical case, the analyst will make a mirror image of the original storage media. In order to preserve the evidence as carefully as possible, it is preferable for the government to maintain the complete original storage media in its entirety, even if it contains information not specified in the warrant.
 - i. The process of completing a search and analysis of a seized computer often takes longer than 10 days and may take months to complete.
12. Based on the foregoing facts and information, this Affiant has probable cause to believe that the evidence of Vandalism, Unlawful Mischief will be found.

Subscribed and sworn to before me on

this 14th day of Sept., 2017

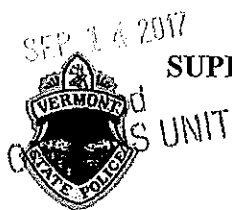
[Signature]
(Notary Public) (Judicial Officer)

[Signature]
(Affiant)

9/14/17

(Date)

VERMONT SUPERIOR COURT



SUPPLEMENTAL AFFIDAVIT OF CORPORAL AMY LECLAIR
VERMONT STATE POLICE
STATE OF VERMONT
ORLEANS COUNTY, ss.
Affidavit CN: 17A503639



NOW COMES Corporal Amy LeClair, affiant(s), being duly sworn and on oath, deposes and says the following:

On 09-13-17 at approximately 0936 hours, Sgt Debra Munson asked Corporal Callie Field and I if we would meet with [REDACTED] one of the [REDACTED] employees of Jasper Hill Farm in Glover VT. It was learned from previous interviews that [REDACTED] Jasper Hill Farm, [REDACTED] started work at the [REDACTED] in Berkshire VT.

Cpl Field and I arrived at the [REDACTED] which was located at [REDACTED] in Berkshire VT at approximately 1038 hours. We met with a male who was milking in one of the barns. While we were meeting with him, the [REDACTED] [REDACTED] DOB: [REDACTED] came into the barn and we spoke with him in his office. We asked if [REDACTED] worked there and roughly how long he has been employed by him. [REDACTED] advised that he did work there and that he has been there about [REDACTED] [REDACTED] advised that [REDACTED] was not working at that moment though. He advised that [REDACTED] works [REDACTED] hours to [REDACTED] hours. He advised that he worked last [REDACTED] so he wasn't sure if he would be sleeping or not. [REDACTED] provided us with [REDACTED] address, which is [REDACTED] in Richford VT. [REDACTED] also advised that [REDACTED] [REDACTED] also worked for him and that [REDACTED] has been working for him for about [REDACTED] months.

After clearing from the [REDACTED] Cpl Field and I responded to [REDACTED] residence. We arrived at approximately 1059 hours. [REDACTED] mother, [REDACTED] [REDACTED] met us at the door and went to get her son, [REDACTED] [REDACTED] met us outside the residence. This interview was recorded using my department issued audio recorder. While I was just getting [REDACTED] name and address, an older male opened the door very abruptly and appeared a bit disheveled and asked if I was aware of [REDACTED] age and that he was [REDACTED] He advised that "because he was [REDACTED] I shouldn't be asking him questions". I advised this male that I was there just meeting with [REDACTED] and that he was not a suspect. I asked him if he was aware of something that [REDACTED] had done or was guilty of something that I should be aware of and then would need an [REDACTED] to be there on his behalf. The older male advised that he wasn't aware of any such thing and that he just wanted me to be aware that he was [REDACTED] This male then closed the door and went back inside the residence.

I asked [REDACTED] if that was his father, to which he replied that it was. He advised that his name is [REDACTED] Before going any further I advised [REDACTED] that I was there to meet with him because of the vandalism that had occurred in

Glover at the farm. I advised him that we were meeting with several people and past and current employees. I advised him that if he had done something or been a part of something that he was guilty of, that we should have his father come out with us while we spoke. [REDACTED] then said, "Yeah, we can have him come out because he can verify that I work from [REDACTED] til [REDACTED] on [REDACTED] I advised him that I believed him about the work hours and asked if that was the only reason he wanted his father to come out. [REDACTED] advised that was it. I advised him again that if he was guilty of taking part in this, that we should have his father come out with us while we met. [REDACTED] advised that he had nothing to do with it.

[REDACTED] advised that he had heard about the incident from FaceBook and from the news. He stated that he hadn't known anything about it other than that. He stated that he knew a lot of "teens" in the area that liked to "spray paint" things in that area. When I asked him if he could provide me with any names, he stated, "there were hundreds of kids so it would be hard to just come up with a couple of names".

As we began speaking further, his father and mother ended up coming out to our location. [REDACTED] made the comment that there were a couple of [REDACTED] at Jasper Hill that were "heavy into drugs". When I asked for their names, [REDACTED] father interjected that he didn't want him to provide us with any names because it wasn't any of their business to be discussing with us, so [REDACTED] advised he didn't want to provide the names to me. I did advise both [REDACTED] and his father that we wouldn't go to these individuals and advise them who told us their names, however they still refused to provide any names to us.

[REDACTED] advised that he had been working at the [REDACTED] in Berkshire for about [REDACTED] months and that is also the length of time he has resided at this location in Richford. He advised that he only [REDACTED] for Jasper Hill Farm in Glover for a [REDACTED] months in the [REDACTED] in the hay field. He stated that while he [REDACTED] he [REDACTED] located right at the farm in Glover. Again, [REDACTED] advised that he has lived at this location in Richford for about [REDACTED] months and has been employed by [REDACTED] for about [REDACTED] months as well. Given that information, he would have moved to this location on or about [REDACTED]. (It should be noted that this wouldn't coincide with the [REDACTED] months" that [REDACTED] stated that he was "[REDACTED] Jasper Hill Farm". Also, according to [REDACTED] employer at Jasper Hill, [REDACTED] was [REDACTED] and working at their farm in [REDACTED].

[REDACTED] advised that while he was working at Jasper Hill Farm and [REDACTED] at the [REDACTED] on the farm, he was [REDACTED] with another [REDACTED] named [REDACTED]

[REDACTED] father started talking about how he saw this all over FaceBook and the news. He stated that he knew that we would be out to talk to his son, "he just knew it". I asked him why he hadn't come to us then, and he replied, "We probably should have".

When asked what [REDACTED] thoughts were on if this was directed at anyone specific, he advised that he believes that "it was probably just some drunk or stoned kid that did something stupid". He didn't think that it was a Hate Crime. He and his father stated that if it was directed at anyone, it probably would have been at his [REDACTED] at the time, [REDACTED] because the guys at the farm were always "making fun of him because of his [REDACTED]". He stated that [REDACTED] about [REDACTED] and the guys make fun of him. I asked him why he thought the swastika would be directed at [REDACTED] and he really didn't have an answer for that.

I advised [REDACTED] that I had to ask him about the [REDACTED] he had hanging in the window of the [REDACTED] while [REDACTED] at the Jasper Hill Farm. At first he seemed confused, but then responded, "You mean [REDACTED] I confirmed it was about his [REDACTED] I asked him what kind of [REDACTED] it was and he advised [REDACTED] [REDACTED] stated it's for [REDACTED]". His father asked, "What does that have to do with it? Does that make him guilty? I knew you were going to be asking about that. You should see the inside of our house right now". His father asked me why I was asking his son about that and I looked at him and said it was an obvious question that I needed to ask about. I advised him that hanging the [REDACTED] in the window is not a crime, but I needed to ask him about it. His father stated that all along Rte 95 heading toward Florida [REDACTED] [REDACTED] all over the place, even at the State Building. I again advised him that it wasn't a crime for him to display the [REDACTED] I just needed to ask him about it.

I asked him if he thought the vandalism was an [REDACTED] and he didn't think that it was because there were a bunch of kids in the area that he knew that liked to spray paint. [REDACTED] advised that because other mailboxes were also sprayed with the same graffiti, he didn't think it was directed at the farm or any of its employees.

I advised him that I was certainly not accusing him of anything because one of his employers that I had already spoken to advised that he was a [REDACTED] for them. I also advised that they said that he [REDACTED] stopped in to visit with them from time to time. Immediately after I said that, his father made the comment that he was just at that [REDACTED] last Friday, then asked his son if it was Thursday. [REDACTED] stated that he was there on Friday visiting. He stated that "it was definitely Friday". It should be noted that Friday, September 8th was actually when this vandalism took place at Jasper Hill Farm.

[REDACTED] father mentioned something about a camera system. [REDACTED] stated that there were cameras in the milking barn. He stated that when he was hired there, they advised him about the cameras in the barn, so if he didn't want to work in that barn with the cameras he could work outside. [REDACTED] stated that he chose to work outside, but followed that comment up by stating that it wasn't because he was doing anything wrong that he didn't want the cameras to pick up on, he just preferred to work outside. I advised [REDACTED] that we were going to be getting a surveillance video from the farm. I advised them that we just had to go pick it up.


[REDACTED] father asked what the punishment was for a Hate Crime and we advised that it very rarely occurs in VT so we weren't even sure ourselves. We advised him that the

Federal Task Force has already contacted us. We advised that their agency normally investigates these types of crimes, however, if we knew that whoever did this did not have any intent for this to be a Hate Crime and that it was like [REDACTED] thinks, "a drunk kid that did something stupid", and we knew that was the offender's only motivation, then VSP could potentially charge it as a vandalism. We advised them that if they heard anything, such as any names, to give us a call and we would follow up on any lead. We advised that if we could talk to the person responsible and get out ahead of the Federal agency taking it over, then we may be able to charge it as a simple vandalism, but without being able to talk to the person(s) responsible, we don't know what their intent is/was. Again, prior to clearing from this location, we advised them to call us and leave us a voicemail if they wanted, they didn't even have to leave their name if they didn't want to, just the information they wanted to pass along to us, should they hear anything.

Subscribed and sworn to before me on
This 13th day of September 2017.



Notary Public



Affiant
9/13/17

Date

17A503639

DISTRICT COURT OF VERMONT

Unit No. 3

Orleans Circuit

STATE OF VERMONT

[REDACTED]

Andersonville farm

SEARCH WARRANT

- Warrant never executed
- nothing seized
- grainy video

At Glover; Orleans

in said county, this 14th day of —

September, 2017, by

virtue of this warrant, I entered at —

o'clock (☐ a.m. ☐ p.m.) upon the premises

and into [REDACTED] Andersonville Rd
(person, premises, or vehicle)

Glover - Andersonville
Farm

described in said warrant, and there made diligent search for the goods and chattels in said warrant described, and thereupon such search found and seized:

VERMONT SUPERIOR COURT

JAN 17 2019

Filed
ORLEANS UNIT