

STATE OF MICHIGAN 77th JUDICIAL DISTRICT	AFFIDAVIT FOR SEARCH WARRANT	CASE NO.
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Police Agency
Report Number: 63-1018-13

Detective Sergeant Mike Stephens, affiant(s), state that:

A. The person, place, or thing to be searched is described as and is located at:

21271 Bierri Rd., Lincoln Township, Osceola County, State of Michigan.

More specifically the premise to be searched is a single story dwelling with tan in color siding, white in color trim, and brown in color shutters. The residence has an attached 2-stall garage on its west side of the residence. There is a green in color address post on the south side of Bierri Rd, directly in front of the residence which displays the numbers (in white) 21271. All outbuildings, persons and vehicles associated with the aforementioned premises.

B. The PROPERTY to be searched for, seized and searched if found, is specifically described as:

1. Any and all records, files, or documents* pertaining to Thomas Owen Beemer and his role as a confidential informant and/or dismissal of charges in the 77th District Court and /or 49th Circuit Court.
2. Any and all mailing items including but not limited to envelopes, address labels, and stamps that match the items seized in this investigation.

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*As used above, the terms records or documents includes records or documents which were created, modified or stored in electronic or magnetic form and any data, image, or information that is capable of being read or interpreted by a computer. In order to search for any such items, searching agents may seize and search the following:

- a. Any computer hardware or computer-related equipment capable of creating or storing information in electronic form;
- b. Any computer peripheral used to facilitate the transmission, creation, display, encoding or storage of information, images and data including word processing equipment, modems, monitors, printers, plotters, encryption circuit boards, optical scanners;
- c. Any magnetic or electronic storage device, including but not limited to, floppy diskettes, hard disks, backup tapes, CD-Roms, DVD-Roms, Zip disks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks;
- d. Computer software, documentation, operating logs and instruction manuals relating to the operation of the computer hardware and software to be searched;
- e. Application software, utility programs, compilers, interpreters, and other programs or software used to facilitate direct or indirect communication with the computer hardware and software to be searched;
- f. Any physical keys, encryption devices and similar physical items that are necessary to gain access to the computers to be searched or are necessary to gain access to the programs, data, and information contained on the computer to be searched;
- g. Any passwords, password files, test keys, encryption codes or other computer codes necessary to access the computers to be searched or to convert any data, file or information on the computers into a readable form;

Handwritten signature/initials

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h. Electronically stored communications or messages, including any of the items to be found in electronic mail ("e-mail").

C. The FACTS establishing probable cause or the grounds for the search are:

1. Your Affiant, Detective Sergeant Mike Stephens, hereinafter referred to as Affiant, is a law enforcement officer with the Michigan State Police, having been so for fifteen years. Affiant's duties include the investigation of criminal matters.
2. On March 15, 2013, D/Sgt. Joshua Lator was contacted by Central Michigan Enforcement Team (CMET) regarding two letters sent via U.S. Mail to the Reed City Public Schools and the Mecosta Osceola Department of Human Services Office.
 - a. These letters were to inform the recipient that Thomas Beemer was a confidential informant and set up former medical marijuana caregivers and patients in exchange for leniency/immunity from criminal charges he was facing.
 - b. The letter to Mecosta Osceola DHS claimed that Beemer was operating a drug house and endangering his children.
 - c. The author of these letters claimed to be Det. Jason Coon of CMET.
 - d. Det. Coon was contacted and denied authoring these letters and CMET confirmed this is not normal practice or policy.
 - e. Det. Coon informed D/Sgt. Lator that he suspected Jesse Lee Pepper, d.o.b 12/25/1958, as being the author and sender of the letters based on his CMET experience and contacts. Pepper was arrested for Delivery of Marijuana by CMET on 06/12/2012 as a result of information provided by Beemer.
 - f. The information gleaned from Pepper's arrest led to a search of his residence (21271 Bierri Rd., Reed City, Osceola County, MI) in 2012 by the Traverse Narcotics Team (TNT). The search of Pepper's residence revealed further evidence of narcotics manufacturing/delivery and Pepper was charged in Osceola County as well.
 - g. D/Sgt. Lator began in investigation into the fraudulent "Coon" letter, documented as incident 63-1018-13.
 - h. The investigation was turned over to Tpr. Rob Glentz upon D/Sgt. Lator obtaining a new position within the department.
 - i. Tpr. Glentz made several attempts to contact Jesse Pepper through the office of Attorney James Samuels from 04/09/2013 to 04/04/2014 for interview without success. Tpr. Glentz' last attempt to contact Pepper was on 4/4/2014 again through Pepper's attorney, James Samuels. On these occasions Tpr. Glentz left his name as the person seeking contact with Pepper.
 - j. On 03/29/2014, Tpr. Glentz received two suspicious packages in the mail at his residence. These packages were made to appear as if Tpr. Glentz attempted to mail the packages, but insufficient postage was paid and they were returned to sender (Tpr. Glentz). These packages contained small plastic vials containing suspected marijuana seeds. Tpr. Glentz did not mail these packages nor did Tpr. Glentz know the addressees of the packages. Tpr. Glentz reported this information to affiant and an investigation in that matter was started, documented as 63-1527-14.

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3. Affiant was informed by CMET detectives that Thomas Beemer contacted them on 06/23/2014 reporting that more fliers were being sent via U.S. Mail in the Big Rapids and Reed City areas.
 - a. CMET Det. Sean Shantz recovered seven of these fliers from local businesses in Big Rapids. Det. Shantz opened an investigation documented as CMT-121-14.
 - b. The fliers contained a photograph of Beemer and labeled him as a confidential informant.
 - c. The fliers list Beemer's home address and last known telephone number. They also contain what appears to be a portion of a 77th District/49th Circuit Court document detailing the charges that Beemer faced that were dismissed. The fliers request anyone with information to contact CMET or TNT. The fliers were clearly designed to cause harm to Beemer as a result of his actions as a confidential informant.
 - d. The fliers were turned over to affiant on 7/30/2014 as evidence.
4. Affiant was contacted on 7/30/2014 by D/Lt. Joel Abendroth of CMET. D/Lt. Abendroth advised there was another flier reference Thomas Beemer being sent via U.S. Mail to local businesses and residents in the Big Rapids, Mecosta County area.
 - a. This flier contained the same image of Beemer. The author wrote the flier to give the appearance it was written by Thomas Beemer. Beemer was contacted by CMET detectives and denied producing the flier and a careful review of the flier indicates it would not be in Beemer's best interest to create or distribute the flier.
 - b. The flier indicates that Beemer was the owner of a dispensary in Big Rapids that was shut down due to several criminal charges. The flier states that Prosecutor Peter Jaklevic set Beemer free. It states to vote for Peter Jaklevic for District Court Judge claiming he is a friend of criminals.
 - c. The flier contains the same 77th District/49th Circuit Court document indicating the eight criminal counts Beemer faced and were dismissed. It also contains descriptions of the criminal charges as they would appear on a court charging document. The bottom of the flier reads "Citizens Against Peter Jaklevic for Judge Osceola and Mecosta County, MI".
 - d. Two of these fliers were recovered by CMET detectives and turned over to the affiant as evidence. Affiant has been informed that more fliers have been mailed to other Mecosta county residents and have been saved for law enforcement.
5. Affiant contacted the Mecosta County Prosecuting Attorney's Office on 07/30/2014. Affiant was informed that Jesse Peffer was sentenced for his crimes on 06/16/2014 in Mecosta County, coinciding with the release of the second batch of fliers.
6. Affiant knows from CMET records, that Thomas Beemer was a confidential informant for CMET and provided information regarding individuals involved in narcotics activity. In reviewing these records, Jesse Peffer was the only individual charged in both Mecosta and Osceola Counties for narcotics activity which involved both CMET and TNT. As noted in section 2c of this document, the second group of fliers disseminated requested that anyone with information on Beemer contact CMET or TNT. Additionally, Affiant is unaware of any contact between Tpr. Glentz and any other person in regard to whom Beemer provided information. Prosecutor Peter Jaklevic was physically present for the plea and sentencing of Jesse Peffer on June 16, 2014. Thus, the only case which brings together all of the objects of the four separate fraudulent uses of the mails is that involving Jesse and Julie Peffer.

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7. The fliers that were recovered with envelopes showed post marks of Grand Rapids, Michigan which is the central sorting facility for the U. S. Postal Service for this area.
8. Affiant was informed by TNT Detective Rich Kopach that there are valid arrest warrants for Jesse Peffer's wife, Julie Peffer. Osceola County Sheriff Department Dep. Larry Start went to the residence described as the place to be searched (the residence of Jesse and Julie Peffer in 2012 and still owned by them) in an attempt to locate Julie on 07/30/2014. Dep. Start made contact with a man identifying himself as Jesse Peffer. Jesse Peffer told Dep. Start that he resides at the residence alone and that Julie lives in Florida.
9. Affiant drove by the residence identified as the place to be searched on 7/31/2014 and obtained a physical description of the residence. The yard appeared freshly mowed and a vehicle was parked in the driveway.
10. Based upon the affiants training and experience, documents such as these fliers are mass produced with the use of a computer and saved to the computer hard drive or other storage devices. The fliers in question appear to have been produced with the use of a computer. There are similarities in content and format between the various fliers.
11. Based upon Affiant's knowledge, training, and experience, Affiant knows that searching and seizing information from computers often requires officers to seize most or all electronic storage devices (along with related peripherals) to be searched later by a qualified computer technician in a laboratory or other controlled environment. This search would be conducted by the MSP Sixth District Computer Crimes Unit located at 345 Northland Dr., Rockford MI 49341. This is true because of the following:
 - a. Computer storage devices (like hard disks, diskettes, tapes, laser disks) can store the equivalent of millions of pieces of information. Additionally, a suspect may try to conceal criminal evidence; he or she might store it in random order with deceptive file names. This may require searching evidence for instrumentalities of crime. This sorting process can take weeks or months, depending on the volume of data stored, and it would be impractical and invasive to attempt this kind of data search on-site.
 - b. Searching computer systems for criminal evidence is a highly technical process requiring skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer technicians to specialize in some systems and applications, so it is difficult to know before a search which technician is qualified to analyze the system and its data. Data searches are exacting procedures designed to protect the integrity of the evidence and to recover "hidden," erased, compressed, password-protected, or encrypted files. Because computer evidence is vulnerable to inadvertent or intentional modification or destruction (both from external sources or from destructive code imbedded in the system as a "booby trap"), a controlled environment may be necessary to compete an accurate analysis. Further, such searches often require the seizure of most or all of a computer system's input/output peripheral devices, related software, documentation, and data security devices (including passwords) so that a qualified computer technician can accurately retrieve the system's data in a laboratory or other controlled environment.

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Based upon the above, Affiant asserts that probable cause exists that the location described in Section "A" above may contain evidence of the crime of Impersonating a Police Officer and Witness Intimidation.

IN CONSIDERATION OF THE FOREGOING, Affiant requests this Honorable Court issue a Warrant to search for and seize the property specified in Section "B" above from 21271 Bierri Rd., Lincoln Township, Osceola County, State of Michigan, then to search any items created, modified or stored in electronic or magnetic form and any data, image, or information that is capable of being read or interpreted by a computer for the property specified above, off-site if necessary if, upon arriving at the scene, the officers executing the search concluded that it would be impractical to search the computer hardware on-site for this evidence.

This affidavit consists of: 5 pages.

Review on: _____
Date

By: _____
Prosecuting Official

Affiant: *[Signature]*

Subscribed and sworn before me on: _____
Date 7/31/14

[Signature]
Judge/Magistrate

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