

Tarrant County Constables Office Pct. 2

SEARCH/SEIZURE WARRANT

THE STATE OF TEXAS

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LOCATION:
FACEBOOK INC.
1601 WILLOW ROAD
MENLO PARK, CA 94025
ATTENTION: SECURITY
DEPARTMENT

COUNTY OF TARRANT

The State of Texas to the Sheriff or any Peace Officer of Tarrant County, Texas, or any Peace Officers of the State of Texas and Officers of the Tarrant County Constables Office Pct. 2 and other law enforcement forensic specialists.

GREETINGS:

Whereas, the Affiant whose signature is affixed to the attached affidavit appearing on the document labeled "Exhibit A" hereof 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 The Affiant show that The Affiant has Probable Cause for the belief he expresses therein and establishes the existence of proper grounds for the issuance of this Evidentiary Search Warrant.

THEREFORE, YOU ARE COMMANDED forthwith to search;

FACEBOOK INC., 1601 WILLOW ROAD MENLO PARK, CA 94025 ATTENTION: SECURITY DEPARTMENT

and to seize;

Any and all data and/or information regarding Facebook ID "1687568461516285", Thiefbillwaybourn, to include all user contact information, user phone numbers, email address or addresses, postal code, country, date of account creation, all Intra-session logs, IP address at account sign up, last IP address used, and logs showing IP address and date stamps for account accesses; any and all private messages, shares, notes, wall postings, video listings with file names, all user photos, and status update activity pertaining to the following Facebook account: 1687568461516285,

and to hold them to be dealt with according to law. On execution hereof you should make due return of this warrant and a copy hereof shall be provided the person searched or the person in possession or control of the premises or thing or means of conveyance searched.

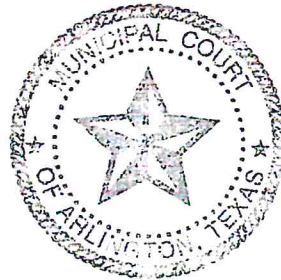
IN CONCLUSION,

Issued at 10:3 M, on this the 4 day of April, 2016 to certify which witness my hand this day.



Erlin L. Jackson

**MAGISTRATE JUDGE, TARRANT COUNTY, TX
101 S. MESQUITE ST.
ARLINGTON, TARRANT COUNTY, TEXAS 76010
817-459-7710**



Tarrant County Constable Office Pct. 2

APPLICATION & AFFIDAVIT IN SUPPORT OF EVIDENTIARY SEARCH/SEIZURE WARRANT

THE STATE OF TEXAS

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LOCATION:
FACEBOOK INC.
1601 WILLOW ROAD
MENLO PARK, CA 94025
ATTENTION: SECURITY
DEPARTMENT

COUNTY OF TARRANT

THE UNDERSIGNED AFFIANT, BEING A PEACE OFFICER UNDER THE LAWS OF TEXAS, SPECIFICALLY TARRANT COUNTY CONSTABLE OFFICE PCT 2, AND BEING DULY SWORN, ON OATH MAKES THE FOLLOWING STATEMENTS AND ACCUSATIONS:

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

The Tarrant County Constable Office Pct. 2, which seeks information contained herein and believed to be in the possession of Facebook, Inc, FACEBOOK INC., 1601 WILLOW ROAD MENLO PARK, CA 94025 ATTENTION: SECURITY DEPARTMENT

2. THERE IS AT SAID SUSPECTED PLACE AND PREMISES PROPERTY CONCEALED AND KEPT IN VIOLATION OF THE LAWS OF TEXAS AND DESCRIBED AS FOLLOWS:

Any and all data and/or information regarding Facebook ID "1687568461516285", "Thiefbillwaybourn", to include all user contact information, user phone numbers, email address or addresses, postal code, country, date of account creation, all Intra-session logs, IP address at account sign up, last IP address used, and logs showing IP address and date stamps for account accesses; any and all private messages, shares, notes, wall postings, video listings with file names, all user photos, and status update activity pertaining to the following Facebook account: 1687568461516285

Affiant has reasonable grounds to believe that the contents of the electronic communication, records or other information sought herein are relevant and material to an ongoing criminal

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investigation. The page cited above is believed to be a fraudulent depiction of the victim's persona that was created on or about March 23, 2016. The victim, Bill Waybourn, did not authorize the creation of the page, or the use of his name, or persona.

The creator and manager of this page, without obtaining Bill Waybourn's consent, and with the intent to harm, defraud, intimidate, or threaten Bill Waybourn, used the name or persona of Bill Waybourn to create a web page on a commercial social networking site or other Internet website, and is in violation of Section 33.07 of the Texas Penal Code.

Affiant has probable cause to believe that a person using a computer and identifying himself or herself as stated above, accessed a social media website and engaged in transactions constituting the commission or furtherance of the above mentioned crimes.

3. SAID SUSPECTED PLACE AND PREMISES ARE IN CHARGE OF AND CONTROLLED BY EACH OF THE FOLLOWING NAMED PARTIES (HEREAFTER CALLED "SUSPECTED PARTY" WHETHER ONE OR MORE), TO-WIT: IT IS THE BELIEF OF THE AFFIANT, AND AFFIANT HEREBY CHARGES AND ACCUSES, THAT:

This request is specific, with respect to requested account holder and related information from Facebook and within the approximate dates listed above.

4. AFFIANT HAS PROBABLE CAUSE FOR THE SAID BELIEF BY REASON OF THE FOLLOWING FACTS, TO-WIT:

See attached Supporting Affidavit labeled "Exhibit A". Exhibit A is attached hereto and by this reference incorporated herein for all purposes.

WHEREFORE, Your Affiant respectfully requests this court to authorize this seizure warrant *2A2*

C. Driskell #252
AFFIANT
Craig Driskell
Tarrant County Deputy Constable
Constable Office Pct. 2

Subscribed and sworn to before me by said Affiant on this the 4 day of April,
A.D., 2016.

E. L. Jackson
Erin L. Jackson
Magistrate, Tarrant County, Texas

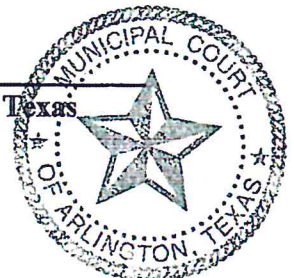


EXHIBIT "A"

AFFIDAVIT IN SUPPORT OF EVIDENTIARY SEARCH WARRANT

{Article 18.02(10), Texas Code of Criminal Procedure}

YOUR AFFIANT'S BACKGROUND, TRAINING AND EXPERIENCE

Your Craig Driskell, is a Sworn Peace Officer, with the Tarrant County Constable Office Pct. 2, Tarrant County, Texas. Your Affiant has a total of 30 years of law enforcement experience. Your Affiant currently possesses a Master Peace Officer Certification as merited by the Texas Commission on Law Enforcement (TCOLE).

YOUR AFFIANT'S PROBABLE CAUSE

This investigation is being conducted by Your Affiant, Craig Driskell of the Tarrant County Constable Office Pct. 2.

The recitation of facts contained in this Affidavit is not meant to be a complete narrative of all information that is known to Your Affiant, but only a summary of facts to necessitate the establishment of sufficient probable cause, in support of this affidavit, for an Evidentiary Search Warrant to assist the Tarrant County Constable Office Pct. 2, in furtherance of its investigation of the suspected party.

On March 27, 2016, Bill Waybourn, W/M, 07/30/1959, notified me of a Facebook page that had been created using his name and persona without his permission. Facebook is a social networking website on which users create personal profiles about their lives, and typically include pictures, video recordings, and statements.

I viewed the Facebook page which bears the name "Thiefbillwaybourn", and can be found at web address: <https://www.facebook.com/Thiefbillwaybourn-1687568461516285/>. It contains pictures of Bill Waybourn, and posts alleging its authenticity. The first post on the page, which was made and published by the fraudulent persona Thiefbillwaybourn states in part:

"Howdy y'all, I am Thief Bill Waybourn. I used to be the police chief for Dalworthington Gardens. But, after a few little hiccups, I had to retire. You probably already know about how I shot myself in the hand teaching a CHL class, then covered it up, then lied about it happening in the line of duty so I could get the tax payers to foot the bill for my medical expenses."

And

"The bottom line is I stole hundreds of thousands of dollars of resources from DWG tax payers in an unauthorized scheme to provide security for Taya in hopes that ingratiating myself with her would lead to her helping me seek higher office. Because of this scheme, I am proud to announce, I am Thief Bill Waybourn."

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And

"Even when I was doing it, I knew it was wrong. I am Thief Bill Waybourn."

I know Bill Waybourn to be the recently retired Chief of the Dalworthington Gardens D.P.S.

I spoke with Bill Waybourn who told me that he did not create, or authorize any person to create, this Facebook page. Bill Waybourn also told me that he has been harmed by the page which has impacted his reputation through false statements and derogatory comments made by the suspected party, who is posing as Bill Waybourn. Bill Waybourn also believes that the suspected party intended to intimidate him, as he is currently running for public office.

The page appears to have been created on or about March 23, 2016.

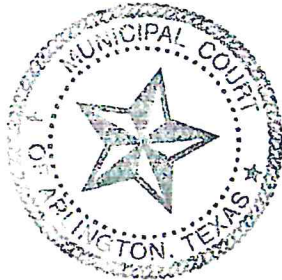
This is in violation of the offense of ONLINE IMPERSONATION, as stated in Section 33.07 of the Texas Penal Code as the suspected party used the name or persona of Bill Waybourn, without obtaining the consent of Bill Waybourn, and with the intent to harm, defraud, intimidate, or threaten Bill Waybourn, to create a webpage on a commercial social networking site or other Internet website.

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C. Driskell #252

**AFFIANT
CRAIG DRISKELL
TARRANT COUNTY DEPUTY CONSTABLE
CONSTABLE OFFICE PCT.2**

Subscribed and sworn to before me by said Affiant on this the 4 day of April,
A.D., 2016.



Erin L. Jackson
MAGISTRATE, TARRANT COUNTY, TEXAS