

THE STATE OF TEXAS

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DOCKET #

COUNTY OF GONZALES

COURT: 2nd 25th Dist. Ct.

AFFIDAVIT FOR SEARCH WARRANT
{Article 18.02(1-10), Texas Code of Criminal Procedure}

BEFORE ME, THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS:

My name is **Raymond C. Benoist Jr.** and I am commissioned as a peace officer under the laws of the State of Texas. The AFFIANT is currently commissioned as a Texas Ranger by the authority of the Director of the Texas Department of Public Safety. Your AFFIANT has been commissioned a peace officer of the Texas Department of Public Safety since August 2005. Your AFFIANT has served in the capacity of a Texas State Trooper from August 2005 through February 2009 and September 2012 through January 2016, until being assigned to the Texas Ranger Division in February 2016. During the break in service as a certified peace officer, Your AFFIANT was employed continuously as a U.S. Secret Service Special Agent.

During his tenure with the Texas Department of Public Safety, your AFFIANT has received extensive training and experience in the field of criminal investigation. Your AFFIANT has participated in numerous criminal investigations into a wide range of both state and federal criminal law violations.

1. There is in Gonzales, Gonzales County, Texas, a suspected place and premises described and located as follows:

In the City of Gonzales, Gonzales County, Texas, a government owned business building located at 1703 St. Joseph Street. The exterior of the business is a white brick, with sheet metal sides, bay doors, and the roof is metal, painted white. The east side of the business is the front and the front door enters from the parking lot. A parking lot is located on the east side of the business with name of the agency on the roof of the building facing east. Usually there are vehicles parked in the parking lot and emergency vehicles parked in the garage bays. On the south side of the business is a smaller parking lot with two doors entering into the business.

A second building related to this business is located at the intersection of Hickston Street and Qualls Street. The exterior of the business building is a white sheet metal

building, with blue trim, bay doors, and the roof is metal painted white. Usually there are vehicles parked on the grass to the east of the building.

The location of the suspected place is found by proceeding east on U.S. Highway 90 Alternate, from U.S. 183, to the intersection of U.S. 90 Alternate, and St. Joseph Street. At the intersection of U.S. 90 Alternate and St. Joseph Street, turn south on St. Joseph Street and travel south on St. Joseph Street, until the intersection of St. Joseph Street and Qualls Street. At the intersection of St. Joseph Street and Qualls Street, the suspected place is the building at the intersection of St. Joseph Street and Qualls, on the west side of the intersection.

Said suspected place in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage, if said premises is a residence, that are found to be under control of the suspected party named below and in, on, or around which the object of the search requested herein may be reasonably found.



2. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties (hereafter called "suspected party", whether one or more), to wit:

James Edward Russell, described as a Anglo male, DOB: 05-31-1960 approximate age 57 years, height 6'03", weight approximately 250 pounds, with brown hair

Carla Jean Russell, described as an Anglo female, DOB: 04-02-1969, approximate age 48 years, height 5' 06", weight approximately 145 pounds.

It is the belief of AFFIANT that said suspected party has possession of and is concealing at said suspected place the following property:

Electronically stored data, meta data, credit cards, credit card statements, bank statements, any and all receipts related to **Gonzales County Emergency Medical Services, Gonzales County Volunteer Ambulance Corp., or Gonzales County rescue and Recovery** any paper ledgers, payroll statements, pay stubs, and other digital information in the form of financial records evidencing money transfers with persons and financial institutions same being received and stored in business/personal computers, tablet computers, business/personal cellular phones, and all electronic storage devices capable of receiving or storing electronic data, including but not limited to any external storage devices such as floppy discs and diskettes, digital video discs (DVDS), compact discs (CDs), flash drives ("thumb drives"), external hard drives, tape drives, internet appliances, digital cameras and digital camera memory media, and Secure Digital (SD) memory cards; the hardware necessary to retrieve such data, including, but not limited to, central processing units (CPUs), connecting devices, viewing screens, disc and cartridge drives, tape drives, and monitors; the manuals with all software, handwritten notes, or printed materials describing the operation of said devices, equipment and software; and, any and all passwords, cryptographic keys, digital security tokens, integrated circuit cards (Smart cards), radio-frequency identification (RFID) cards found at the location that may allow access to the electronically stored data, meta data, and other digital information, contained in any of the aforementioned devices and equipment.

It is further ordered that any and all property seized by authority of this Warrant or during the execution thereof shall be and remain under the care, custody, and control of any peace officer to whom this Warrant is delivered for execution.

Further, said property may be removed and taken to any location deemed necessary by such peace officer for purposes of safekeeping and completion of any investigation or proceedings, including access and downloading all electronic items related to the activities described in the Affidavit upon which the foregoing Warrant was issued.

3. AFFIANT has probable cause for said belief by reason of the following facts and circumstances:

On 04-21-2017 I, **Texas Ranger Raymond Conde Benoist Jr.**, hereafter referred to as AFFIANT was contacted by the Gonzales Police Department in regards to the Misappropriation of Financial/Fiduciary Property involving Gonzales County Emergency Medical Services (EMS) Director **James (Jim) Russell** and his wife **Carla J. Russell**, from 2015-2017, and possibly longer.

On 05-15-2017, AFFIANT interviewed former Gonzales County EMS employee [REDACTED]. [REDACTED] told AFFIANT that donations had been made to Gonzales County EMS for specific equipment and training, but the donations never resulted in new equipment or training. [REDACTED] also told AFFIANT that he saw an itemized spreadsheet for equipment maintenance, but Gonzales County EMS did not have an equipment maintenance program. [REDACTED] told AFFIANT a Gonzales County citizen approached **J. Russell**, inquiring how much a new ambulance cost, and **J. Russell** told the citizen, a new ambulance cost two hundred thousand (\$200,000) dollars. The citizen wrote a check to Gonzales County EMS for that amount, which **J. Russell** used the donated funds to purchase a chassis, had a re-mount done, which only cost approximately eighty thousand (\$80,000) dollars, instead of purchasing a new ambulance. The investigation along with bank records has not shown a deposit of either two hundred thousand dollars (\$200,000.) or eighty thousand dollars (\$80,000) into any bank account associated with Gonzales County EMS.

On 05-15-2017, AFFIANT interviewed Gonzales County EMS employee [REDACTED]. [REDACTED] told AFFIANT that medical insurance coverage for Gonzales County EMS employees had been cancelled, due to non-payment by **J. Russell**. [REDACTED] also told AFFIANT that **J. Russell** has used leftover narcotics from medical calls for personal use. [REDACTED] told and showed AFFIANT documents that showed both **J. Russell** and **C. Russell** were double dipping in regards to their pay. [REDACTED] told AFFIANT that **J. Russell** would be assigned to an ambulance, while simultaneously being scheduled as a supervisor, and be paid for both. [REDACTED] told AFFIANT that **C. Russell** would be assigned to an ambulance, and would carry out her bookkeeping duties, while being simultaneously paid for both duties.

On 05-15-2017, AFFIANT interviewed Gonzales County EMS employee [REDACTED]. [REDACTED] told AFFIANT that in March 2017 medical insurance coverage for Gonzales County EMS employees had been cancelled due to non-payment by **J. Russell**, even though it was taken out of [REDACTED]'s check. [REDACTED] also told AFFIANT that **J. Russell** and **C. Russell** were salaried employees of Gonzales County EMS.

On 05-29-2017, AFFIANT interviewed Gonzales County EMS employee [REDACTED]. [REDACTED] told AFFIANT that the Gonzales County ESD board funded Gonzales County EMS each month with a check, but was not aware of the state of Gonzales County EMS finances, or the lack of EMS equipment. [REDACTED] told AFFIANT that **J. Russell** had a laptop that he used to conduct Gonzales County EMS business on, and that **J. Russell** was secretive and refused to let anyone ever see the contents of the laptop. [REDACTED] also showed AFFIANT a document of what the salaries for **J. Russell** and **C. Russell** were supposed to make annually, but [REDACTED] told AFFIANT that **J. Russell** made more money than what his salary was stated to be. [REDACTED] told AFFIANT that **J. Russell** would take a 911 response ambulance out of service to conduct non-emergency out of county transfers for medical facilities, without any specific contract. [REDACTED] also told AFFIANT that he believed **J. Russell** was using left over narcotics from medical calls to self-medicate himself. [REDACTED] told AFFIANT that **J. Russell** kept the laptop in his or **C. Russell's** possession, and took it wherever he went, whether it was at the EMS Station or at **J. Russell's** personal residence where he is known to work from when **J. Russell** is scheduled as a Gonzales County EMS supervisor.

In May 2017, AFFIANT received subpoenaed records for Wells Fargo bank account # 6420385129 that listed **J. Russell** and **C. Russell** as the only signers for the account, as well as listing their personal P.O. Box being listed as the account mailing address. It was also determined that this account did not have any connection to accounts related to Gonzales County EMS. Further investigation showed this account was labeled as EMST, used exclusively by **J. Russell** and **C. Russell** to deposit checks made out personally to **J. Russell** and **C. Russell** for teaching CPR and First Aid classes to the following Gonzales County entities: Gonzales Independent School District, BYK Inc. Chemical Plant, Kitchen Pride Mushroom Farm, City of Gonzales, S & K Electrical, and Emmanuel Fellowship and School for a total of \$21,040.00. It should be noted that the previously listed entities believed the checks were written to Emergency Medical Services Training (EMST) and going back into an account related to the Gonzales County EMS for the received training, and the Gonzales County EMS contract states that Gonzales County EMS will provide CPR and First Aid training at comparable area rates. Further investigation of account records show that the EMST account was used exclusively by **J. Russell** and **C. Russell** for personal purchases unrelated to Gonzales County EMS business, to include the purchase of a livestock bull for \$2,200.00 and a new roof for their personal residence at a cost of \$7,411.00.

On 12-11-2017, AFFIANT interviewed Gonzales County EMS [REDACTED]. [REDACTED] told AFFIANT in October 2016, Gonzales County Rescue, a group of volunteers, falling under the umbrella of Gonzales County EMS hosted a Haunted Hay Ride Fundraiser to raise money for Gonzales County EMS to purchase two (2) AED's for the Gonzales County Sheriff's Office. [REDACTED] also told AFFIANT that at the

conclusion of the event, the raised funds were turned over to the possession of **J. Russell** and **C. Russell**. [REDACTED] told AFFIANT that to his knowledge the AED's were never purchased with the raised funds from the Haunted Hay Ride, and that he has not seen any new AED's related to being donated to the Gonzales County Sheriff's Office. Further investigation by AFFIANT showed that as of the interview with [REDACTED], the Gonzales County Sheriff's Office, has not been presented with donated AED's by Gonzales County EMS, and [REDACTED] does not know where or what the raised funds were utilized for. The investigation has shown that approximately one thousand four hundred sixty four dollars (\$1,464.00) was raised from the Haunted Hay Ride, and bank records do not show a deposit of that amount, being deposited into accounts related to the finances of Gonzales County EMS of that.

On 12-27-2017, AFFIANT interviewed Gonzales County ESD Board President [REDACTED]. [REDACTED] told AFFIANT that for approximately fifteen (15) to twenty (20) years, **J. Russell** wrote the bid specifications for the Gonzales County ESD, as well as determined the content of the bid. [REDACTED] told AFFIANT that **J. Russell** also bid through his company, on the same contract the he wrote for the Gonzales County ESD Board, to provide Gonzales County with EMS Services. [REDACTED] also told AFFIANT that during his tenure on the ESD board, an audit had never been conducted in relation to the funds used for Gonzales County EMS. [REDACTED] told AFFIANT that he was not aware of Gonzales County EMS credit cards/credit accounts being cancelled due to non-payment by **J. Russell**. [REDACTED] also told AFFIANT that he was not aware of a donation for the amount of and forty six thousand (\$46,000) dollars made to Gonzales County EMS for equipment by a citizen of Gonzales County. Further investigation has shown that donation check was never deposited into any account associated with Gonzales County EMS, nor was it ever shown as a donation on the minutes from the ESD Board meetings. The investigation revealed that the bank used by citizen who made the donation, provided us with a copy of the cashed check, but was unable to provide us with the information related to the bank where the check was cashed. [REDACTED] told AFFIANT that he was not aware of **J. Russell** and **C. Russell** receiving checks written to them personally by previously listed Gonzales County entities to provide a Gonzales County EMS presence at events, while simultaneously being on the clock, and compensated by Gonzales County EMS funds. [REDACTED] also told AFFIANT that based on the contract between the Gonzales County ESD Board and Gonzales County EMS that in his interpretation, that was a contract violation as well as a criminal law violation for **J. Russell** and **C. Russell** to be compensated by another entity while simultaneously being on duty and paid by Gonzales County EMS, using Gonzales County funds. [REDACTED] also stated to AFFIANT that regarding the Wells Fargo EMST bank account previously discussed, he interpreted the use of that account by **J. Russell** and **C. Russell**, to be a violation of the Emergency Service District contract along with being a violation of criminal law. [REDACTED] stated to AFFIANT, that because **J. Russell** and **C. Russell** received funds in the form of checks written to them personally, instead

of Gonzales County EMS, from local entities for providing the CPR and First Aid classes, and the investigation showing those funds were deposited into their personal account (EMST), which has been shown to have no connection to Gonzales County EMS bank accounts, and solely used for the **Russell's** personal gain, that they are stealing and misapplying funds related to Gonzales County EMS.

Through my training and experience, in investigating financial crimes, persons who engage in these crimes, are known to store and maintain records in a digital format, hard copy, ledgers, digital storage devices, receipts, and bank statements in multiple locations, to include their personal residences, place of business, storage units, and they tend to maintain control of these said records for lengthy periods of time. Based on all the information discovered during this investigation to include witness interviews, business and personal bank records from multiple financial institutions, and the actions of both **J. Russell** and **C. Russell** related to the financial records of Gonzales County EMS, I believe that records related to this investigation, including both digital and paper copies are located at both the Gonzales County EMS station, as well as the **Russell's** private residence in Gonzales, Texas. Persons who commit these crimes, have been known to use the proceeds from committing these crimes, for their personal expenses/gains, personal enjoyment, improvements to their private residence, and to pay off personal debt to include credit cards, mortgages, car loans, and personal loans.

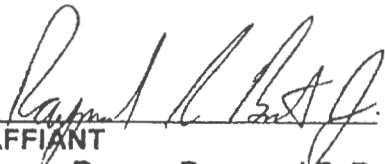
4. Your AFFIANT knows that the effective searches and seizure from cell phones / or computers require processing by a qualified computer forensic examiner in a controlled laboratory environment. This is true because of the following:

Searching cell phone / computer for criminal evidence is a highly technical process requiring specialized skill in a properly controlled environment. The vast array of hardware and software available requires even computer examiners to specialize in some systems and applications. It is difficult to predict before a search which examiner should analyze the system and its data. The search of a cell phone / computer is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover even hidden, erased, compressed, password protected, and/or encrypted files. Since cell phone / computer evidence is extremely vulnerable to tampering or destruction from both external sources or from destructive codes imbedded in the system in the form of a "booby trap" the controlled environment of a forensic laboratory is essential to its complete and accurate analysis and retrieval.


In order to fully retrieve data from cell phone / computer systems, the forensic analyst needs all magnetic storage devices as well as the cell phone / computer system itself. In addition, the forensic analyst needs all the system software, encryption, encoding, archiving, unarchiving and security software (operating system, applications, and

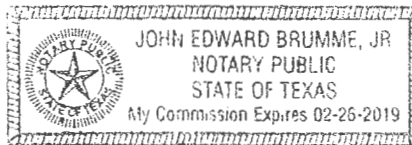
hardware drivers) which may have been used to retrieve, store, create, transmit, encrypt, or encode the data. The AFFIANT seeks the above noted items to facilitate and affect a search with minimal intrusion and to lessen the likelihood of damage to non-pertinent files or equipment.

WHEREFORE, the Affiant requests the issuance of the search warrant that will authorize Affiant and other peace officers to search said suspected place, premises for the items named, described above, seize the same, and transport said property to the **United States Secret Service Office, 100 N.E. Loop 410 Suite 1200, San Antonio, Bexar County, Texas** for the purposes of safekeeping, scientific analysis, and completion of any investigation or proceedings related to the activities described, in order to execute the search warrant outstanding from the Gonzales County District Court.


AFFIANT
Texas Ranger Raymond C. Benoist Jr.

SWORN TO AND SUBSCRIBED BEFORE ME BY THE SAID AFFIANT ON THIS THE 16th DAY OF January, 2018.


NOTARY PUBLIC
GONZALES COUNTY, TEXAS



THE STATE OF TEXAS

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DOCKET #

COUNTY OF GONZALES

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COURT: 2nd 25th Dist. Ct

SEARCH WARRANT

The State of Texas: To the Sheriff or any Peace Officer of Gonzales County, Texas, or any Peace Officer of the State of Texas:

Whereas, the Affiant whose name appears on the affidavit attached hereto 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 here now made a part hereof for all purposes and incorporated herein as if written verbatim within the confines of this Warrant), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he expresses herein and establishes the existence of proper grounds for issuance of this Warrant;

- 1 Now, therefore, you are commanded to enter the suspected place, vehicles, and premises described in said affidavit, to-wit:

In the City of Gonzales, Gonzales County, Texas, a government owned business building located at 1703 St. Joseph Street. The exterior of the business is a white brick, with sheet metal sides, bay doors, and the roof is metal, painted white. The east side of the business is the front and the front door enters from the parking lot. A parking lot is located on the east side of the business with agency name on the roof of the building facing east. Usually there are vehicles parked in the parking lot and emergency vehicles located in the garage bays. On the south side of the business is a smaller parking lot with two doors entering into the business.

A second building related to this business is located at the intersection of Hickston Street and Qualls Street. The exterior of the business building is a white sheet metal building, with blue trim, bay doors, and the roof is metal painted white. Usually there are vehicles parked on the grass to the east of the building.

The location of the suspected place is found by proceeding east on U.S. Highway 90 Alternate, from U.S. 183, to the intersection of U.S. 90 Alternate, and St. Joseph Street. At the intersection of U.S. 90 Alternate and St. Joseph Street.

turn south on St. Joseph Street and travel south on St. Joseph Street, until the intersection of St. Joseph Street and Qualls Street. At the intersection of St. Joseph Street and Qualls Street, the suspected place is the building at the intersection of St. Joseph Street and Qualls, on the west side of the intersection.

Said suspected place in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage, if said premises is a residence, that are found to be under control of the suspected party named below and in, on, or around which the object of the search requested herein may be reasonably found.

Attached hereto as Exhibit A, to be considered as part of this affidavit as if written herein, is photographs illustrating the appearance of the place to be searched.

At said place, you shall search for and, if same be found, seize and bring before me any and all of the property described in the affidavit, to-wit:

It is the belief of Affiant that said suspected party has possession of and is concealing at said suspected place the following property: Electronically stored data, meta data, credit cards, credit card statements, bank statements, any and all receipts related to **Gonzales County Emergency Medical Services or Gonzales County Volunteer Ambulance Corp**, any paper ledgers, payroll statements, pay stubs, and other digital information in the form of financial records evidencing money transfers with persons and financial institutions same being received and stored in personal/company computers, tablet computers, personal/company cellular phones, and all electronic storage devices capable of receiving or storing electronic data, including but not limited to any external storage devices such as floppy discs and diskettes, digital video discs (DVDS), compact discs (CDs), flash drives ("thumb drives"), external hard drives, tape drives, internet appliances, digital cameras and digital camera memory media, and Secure Digital (SD) memory cards; the hardware necessary to retrieve such data, including, but not limited to, central processing units (CPUs), connecting devices, viewing screens, disc and cartridge drives, tape drives, and monitors; the manuals with all software, handwritten notes, or printed materials describing the operation of said devices, equipment and software; and , any and all passwords, cryptographic keys, digital security tokens, integrated circuit cards (Smart cards), radio-frequency identification (RFID) cards found at the location that may allow access to the electronically stored data, meta data, and other digital information, contained in any of the aforementioned devices and equipment.

It is further ordered that any and all property seized by authority of this Warrant or during the execution thereof shall be and remain under the care, custody, and control of any peace officer to whom this Warrant is delivered for execution.

Further, said property may be removed and taken to the **United States Secret Service Office, 100 N.E. Loop 410 Suite 1200, San Antonio, Bexar County, Texas** or other location deemed necessary by such peace officer for purposes of safekeeping, scientific analysis, and completion of any investigation or proceedings, including access and downloading all electronic items related to the activities described in the Affidavit upon which the foregoing Warrant was issued.

Herein fail not, but have you then and there this Warrant is to be executed within three days, exclusive of the day of its execution, with your return thereon, showing how you executed the same.

Issued this the 16th day of **January**, A.D., **2018**, at 3:46 o'clock P. M. to certify which witness my hand this day.



District Judge
GONZALES COUNTY, TEXAS


Exhibit A



**STATE OF TEXAS
COUNTY OF GONZALES**

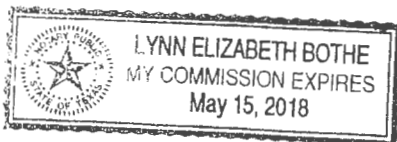
EACH OF THE UNDERSIGNED AFFIANTS, BEING A PEACE OFFICER UNDER THE LAWS OF TEXAS AND BEING DULY SWORN, ON OATH CERTIFIED THAT THE FOREGOING WARRANT CAME TO HAND ON THE DAY IT WAS ISSUED AND THAT IT WAS EXECUTED ON THE 19th DAY OF JANUARY, 2018 BY MAKING THE SEARCH DIRECTED THEREIN AND BY SEIZING DURING SUCH SEARCH THE FOLLOWED DESCRIBED PROPERTY; RETAINING BY SUCH PEACE OFFICER, AND KEPT, STORED AND HELD AS HEREINAFTER SET OUT:

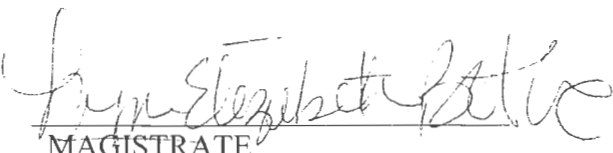
1. 2 external Harddrives Black
2. Gray and Black external Harddrive, Two 8gb Flash drives
3. 3 DVDs and misc Documents
4. 3 unknown Brand Tablets
5. 1 RCA cassette Tape
6. 5 DVD's
7. 3 Sony Recorders, 2 Flash drives, 4 SD cards
8. Several Misc Documents



AFFIANT

**SUBSCRIBED AND SWORN TO BEFORE ME, THE UNDERSIGNED
AUTHORITY, ON THIS THE 5th DAY OF February
2018**





MAGISTRATE
Notary