SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

STATE OF WASHINGTON) **SW NO. _____**
)
COUNTY OF PIERCE) **APPLICATION FOR SEARCH WARRANT**

Declaration

I, **Detective Jeff C. Martin**, declare that I have personal knowledge of the matters set forth below and that I am competent to testify to the matters stated herein:

On the basis of the following, I believe there is probable cause that, [redacted], has committed the crime(s) of **RCW 9A.36.011 Assault 1st degree; RCW 9A.36.021 Assault 2nd degree** (with a firearm) in Pierce County, and that:

- ☒ Evidence of those crimes;
- ☐ Contraband, the fruits of a crime, or things otherwise criminally possessed;
- ☐ Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed;
- ☐ A person for whose arrest there is probable cause, or who is unlawfully restrained;

is located in, on, at, or about the following described premises, vehicle or person:

To: Cellco Partnership dba: Verizon Wireless
Verizon Security Assistance Team (VSAT)
Attn: Custodian of Records
180 Washington Valley Road
Bedminster, NJ 07921
Email: vsat.cct@one.verizon.com

Affiant:

Your Affiant **Detective Jeff C. Martin** being first duly sworn, under oath, deposes and says that: The affiant began his law enforcement career with the Washington State Patrol in July, 1998 and lateralled to the Lakewood Police Department in December 2004. The affiant is currently assigned to the Lakewood Police Department Major Crimes Unit and formally the Tacoma FBI-South Sound Gang Task Force as a Special Federal Officer from 2013-2019. The affiant previously served as Special Operations Unit investigator/detective assigned to the Lakewood Police Department Gang Unit for 9 ½ years. The affiant is currently responsible for investigating violent crimes against persons, missing persons, and suspicious deaths.

Training and Experience:

During his tenure, the affiant has accumulated hundreds of hours of training in the area of investigative techniques, interview/interrogation, narcotics, and violent crimes. The affiant has conducted and/or assisted several hundred drug investigations and has conducted numerous gang-related cases and incidents such as homicide, shootings, robberies, and other violent crimes many of which were/are gang motivated and involved, along with cultivating and managing confidential informants.

Furthermore, the affiant has received more than 220 hours of formal training in the area of cellular phone, mobile device usage, and internet investigations, in addition to countless hours of actual investigative experience in this field. This includes GPS locations by way of pen trap and trace, E911 locators, analyzing and interpreting historical call detail records (CDRs) from all 4 major carriers; cellular tower plotting with cell tower sector analysis, accessing open-source internet sites such as Twitter, Facebook, Google, Kik, Snapchat, Instagram, and other popular sites. With regards to cellular investigations, the affiant has plotted over 1000 historical data entries (calls, text messages, etc) from a variety of cellular providers, including the 4 major companies, Verizon, T-Mobile, Sprint, and AT&T, during training and actual investigations. The affiant has testified in Washington State Superior Court on past cases after utilizing these techniques. Furthermore, the affiant corresponds with members of the FBI's Cellular Analyst Survey Team (CAST) members daily. CAST members are highly trained and specialize in cellular investigation at the state and federal levels and are known as subject matter experts in this field. The affiant routinely works active investigations in tandem with CAST members from the Seattle and Portland FBI offices.

The Investigation:

On January 17, 2025, 5:30 pm, I was notified of a shooting at the B&I Indoor Market Place, located at 8012 South Tacoma Way. According to the initial information, an eighteen-year-old female, innocent bystander, was struck by an errant bullet that traveled through her upper thigh, passing through the inner-groin and entering the opposite leg. The suspect and two associates fled out of the B&I to the rear parking lot running northbound. Approximately twenty-five minutes later, a second victim arrived at Allenmore Hospital with a gunshot wound to the ankle, later confirmed to be an unintended victim.

I arrived on scene at 6:28 pm and spoke with several officers and was directed inside the B&I where I noted two fired cartridge casings (FCC), a black hat and a black piece of semi-bloody clothing.
Responding officers had previously contacted the B&I owner who provided access to the business' surveillance camera system, which was of high-definition quality. From still photos and video footage, the fleeing vehicle appeared to be a white Chrysler passenger vehicle, possibly 200 or Sebring.

Detective Latimer interviewed the gunshot victim Dre'Shawn PONA, who stated he, along with Keyondre Burns and Kenneth Pierce, had gone to the B&I to have his cell phone repaired at the "Fix It store." After dropping off his phone, someone pulled out a gun and started shooting. PONA said he had never seen the shooter before. PONA denied seeing a gun and said he hadn't

been looking at the shooter, simply heard the shots and started running when he realized he had been hit.

Next, Detective Latimer interviewed BURNS who stated he, PONA and PIERCE went to the B&I to have Pona's phone repaired. They dropped the phone off at the "We Fix It" store and were told it would be 30 minutes until the phone was completed. They walked around the B&I and went into the food court while waiting for approximately 30 minutes. BURNS noticed a group of males "chilling in the food court" but had no interactions with them other than exchanging looks. While returning to "We Fix It" to pick up the phone, BURNS heard people arguing and heard somebody say, "What are you looking at?" He then heard gunshots and while they were running away, both PONA and the uninvolved female were struck by gunfire. BURNS did not see the shooter's face but described him as wearing a red hoodie, standing approximately 5'08" and skinny.

PIERCE was interviewed and said while waiting for PONA's phone to be repaired, they walked to the food court. There, he noticed a group sitting down, including black male with a red hoodie sweatshirt. The subject was "mean-mugging" in their direction. PIERCE said they walked back to the phone store and ran into the group again. As the they passed each other, the subject in the red sweatshirt said, "Yo, what's up?" PIERCE said he "felt like something was going to happen" because there was no reason for the male to speak to them. PIERCE said he threw a punch at the subject wearing the red sweatshirt, but did not actually make contact with him. The male in the red sweatshirt immediately pulled a gun and fired two or three shots. PIERCE described the shooter as African American and said the other two males with him were white.

Investigator White conducted an interview with **Avrin K. Lowery,** who was detained by security and with the suspect when the shooting occurred. AVRIN stated he only knew the shooter as **"BJ,"** described a black male with long dreadlocks or braids, originally from Louisiana who is close friends with his brother, **Michael K. Lowery.** AVRIN stated his brother met BJ about one year ago and the two routinely hangout at his residence in Spanaway. AVRIN later told detectives the white Chrysler belonged to his friend, **Seth Nadasky,** whose address was nearby. AVRIN also identified a female with them at time of the shooting as **Heaven Sakellis.** AVRIN said he wasn't paying much attention but heard commotion followed by shots being fired.

AVRIN said he wasn't too familiar with "BJ" but agreed to accompany investigators to the area of BJ's residence. Using an undercover vehicle, AVRIN directed us to the area of 176th Street East and 28th Ave East in Spanaway. AVRIN pointed out a neighborhood to the north of the intersection and indicated that BJ normally emerges from that area when he has picked him up or been in the car when he was picked up in the past.

Later that evening detectives pored over footage, including surveillance cameras surrounding the B&I's exterior, specifically along South Tacoma Way. In doing so, detectives identified the fleeing vehicle as a 2013 Chrysler 200, Washington license CJM1363, associated with **Seth M. Nadaksy.** Investigators obtained recent photographs of NADASKY and matched them to still photos of the B&I surveillance footage.

Approximately three hours after the shooting, detectives drove past NADASKY's residence and observed the white Chrysler parked in the driveway. Uncover officers surveilled the vehicle for several hours and eventually broke off when it failed to leave.

On January 19, I spoke with Michael and Avrin's mother, Briana Capps, who stated she was aware of the shooting and had seen media coverage. CAPPS acknowledged the shooter was known to her as, "BJ," and was at her house (3306 240TH ST CT E) for at least three days, off and on, before the shooting occurred. CAPPS said "BJ" was close friends with her son, Michael (Lowery) and the driver of the vehicle, (Seth) NADASKY. CAPPS also stated "BJ" was at her house before the shooting and left with NADASKY, (Heavenly) SAKELLIS and her second son, (Avrin) Lowery. CAPPS described "BJ" as a black male, with dreadlock or braided hair, originally from the south and speaks with a southern accent. CAPPS said when the group left her house, "BJ" was wearing a red sweatshirt.

On January 21, detectives finally began reviewing the interior surveillance footage. The footage clearly shows the two groups briefly coming together in the intersection of the interior hallway. The uninvolved victim can be seen approximately 80 feet behind the victim group in the background. Some posturing is seen from the victim group, but no weapons are present. BJ produces a handgun at near pointblank range and fires one round, backpedals and wildly fires a second round. BJ, NADASKY, LOWERY and SAKELLIS are seen running away from the shooting down the hallway. The group exits the west doors into the rear parking lot. NADASKY and SAKELLIS run to the Chrysler and flee southbound on South Tacoma Way with NADAKSY driving. BJ fled westbound along Durango St SW at first, then east along 80th Street South, then northbound into the parking lot of South Tacoma Auto and out of sight. BJ is wearing a solid red hoodie pullover, gray pants and solid red shoes. The handgun appeared to be desert tan with an extended magazine. BJ is seen as a dark complected male with long braided hair, wearing a solid red pullover sweatshirt, gray pants and solid red shoes.

In the morning hours of January 22, Investigator White and I made contact with a subject at the location referred to herein as "W," but whose full name and identity is known to me (BWC recorded). "W" acknowledged being present at the B&I and indicated the entire incident evolved around the victim group aggressively staring in their direction. Eventually the groups came together and "W" heard the shooter, whom he identified as, **"**08**"** not **"BJ,"** verbally challenge them. "W" said one of the subjects swung at "08" and was under the impression he was struck. "08" responded by immediately producing a handgun and firing – "W" said he heard a male screaming and thought he was dying. "W" said the group ran off, but "08" was purposefully left behind as they fled in the Chrysler. Initially, "W" provided minimal information regarding the identity of "08," but asked that we speak privately. At that point our BWCs were turned off. "W" provided a phone number for "08" as 206-391-6685 and said "08"called him a short time after the shooting to ask if he left something in the car. "W" also said "08"s" first name was 08 and was originally from Louisianna. Lastly, "W" said his Facebook account was under his real name, which he thought was "08 08 or "08 08."

Once clearing the residence, we began researching the information obtained. Within minutes detectives identified the shooter as 08 08 08 08 originally from

Louisianna. Further, a check of the cellular phone provided by "W" showed a Verizon carrier with the owner listed as [redacted]

Next, we located an open-source Facebook account: https://www.facebook.com/profile.php?id=100087906519014, showing a username of **"[redacted]" and** a 2022 profile photo that was a match to the B&I surveillance footage. I later contacted "W" who identified this photo with "110%" certainty as the person shooting at the B&I.

Detective Latimer located [redacted]'s grandmother's name, [redacted], whose address was listed as [redacted] Per Google Maps this location is 127 yards from where LOWERY escorted Investigator White and I on the night of the shooting.

Next, Detective Latimer began searching for RICHARDSON's vehicle, eventually identified as a silver 2016 Dodge Journey, Washington license #CKP7855. Video surveillance showed the vehicle entering the SeaTac airport drive course on January 20th at 11:05:58 AM. Research is currently being done to determine if [redacted] has fled the State of Washington.

By obtaining [redacted]'s historical call detail records from Verizon for a time period of **January 16, 2025, to January 24, 2025**. This timeframe will allow detectives the opportunity to analyze call and text patterns leading up to and following the shooting. Additionally, by reviewing historical cellular tower data, detectives can determine the general location of [redacted]'s device before and after the incident, providing insight to who he called, potentially identifying the person(s) who picked him up, along with where the device ended up afterwards, to include [redacted]'s current whereabouts. Furthermore, detectives can analyze the movement of the device in the days following the shooting, including pinpointing its location and activity around the SeaTac airport on January 20th.

Based on all the foregoing information, I believe that evidence of the above-listed crime(s) exists at the above-described location, and that there is probable cause to search that location for evidence of the above-listed crimes, including:

<u>For Verizon account 206-391-6685</u>

1. **Specialized Location Records:** All call, voice, **<u>text (SMS & MMS</u>**), and data connection location information and transactions (registration of network events), related to all specialized carrier records that may be referred to as LOCDBOR (Location Database of Record), Historical Mobile Locate (HML), vMLC (Virtual Mobile Locate - vLMC3, vMLC4, vMLC5), NELOS (Network Event Location System), RTT (Round Trip Time/Return Trip Time/Real Time Tool), PCMD (Per Call Measurement Data), TDOA (Time Difference of Arrival) or Timing Advance Information, Mediation Records, E9-1-1, and/or Historical GPS/Mobile Locate Information which shows GPS location (longitude and latitude) and Cell-Site and sector of the device in relationship to the network when connected to the network for the above referenced number.

2. All records associated with the identified mobile numbers (**206-391-6685**), relating to all delivered and undelivered inbound and outbound calls and text messages to the above listed number, all voice mail, and all data connections from **January 16, 2025,** to **January 24, 2025**. **Pacific Standard Time** and to include date, time, direction, duration, number called or text to and/or received from, bytes up, bytes down, cell-site and sector information related to each call, text, web site and/or application activity (name of web site or application visited and/or accessed) or data connection, all text message content, and voicemails.

3. **FCC TRACED Act STIR/SHAKEN Authentication Standard:** All records associated with the identified mobile number **206-391-6685** related to the FCC TRACED (Telephone Robocall Abuse Criminal Enforcement and Deterrence) Act, STIR/SHAKEN caller identification framework, identifying all incoming Voice, Text Message Service (SMS) and Multi-Media Service (MMS) traffic, whether or not the caller ID passed or failed authentication. The report shall include the date, time (with time zone), originating and terminating numbers in their original state prior to Stir/Shaken authentication, the status whether it passed or failed authentication, the Attestation type, and the originating and terminating verified number that was used to validate Stir/Shaken Caller ID authentication. The report shall provide all usage events, even if the incoming usage event was blocked and flagged by the service provider (or other third-party entities), prior to delivery to the identified target mobile number.

4. **Time on Tower and/or Sector:** Also provide all cell-site and sector information related to each number called to and/or received from, and data connections, specific to the **"Time on Tower" and/or Sector**, to include information with the start and end date and time for each time the connection was involved in a **"hand-off"** to another cell-site and/or sector, to include the elapsed time (in seconds) for each **"hand-off"**, that was used during and throughout each voice call (whether completed or not), and/or which was used during and throughout each data session.

5. All records associated with the identified mobile number **206-391-6685** to include all stored communications or files, including voice mail, text messages (including numbers text to and received from and all related content), e-mail, digital images (e.g. pictures), contact lists, video calling, web activity (name of web site or application visited or accessed), domain accessed, data connections (to include Internet Service Providers (ISPs), Internet protocol (IP) addresses, IP Session data, IP Destination Data, bookmarks, data sessions, name of web sites and/or applications accessed, date and time when all web sites, applications, and/or third party applications were accessed and the duration of each web site, application, and/or third party application was accessed, and any other files including all cell site and sector information associated with each connection and/or record associated with cell number identified as: **206-391-6685.**

6. Carrier Key related to call detail, text messages, data connections, IP logs, IP Sessions, web site and/or application connections, and cell site information. The "carrier key" is a legend related to the types of responsive data received from the service provider, which contain the record column header labels and their definitions of what each cell value represents in the spreadsheet. Carrier keys are required to decipher what the values represent in these cells, as many of these values may be presented in codes only known to the service provider.
7. Content stored in remote storage or 'cloud accounts' associated with the target device including, but not limited to, contacts, call logs, SMS and MMS messages with associated content including audio, video, and image files, digital images and videos, and files or documents.

8. List of all cell-sites as of **January 16, 2025,** to **January 24, 2025, Pacific Standard Time,** for all state(s) in which the above records used cell locations. Cell site lists to include switch, cell-site number, name, physical address, longitude and latitude, all sectors associated with each cell-site, sector beam width, tower height, and azimuth of each sector associated with each cell-site. If multiple technologies (CDMA, UMTS, GSM, LTE etc.) are referenced in the records all appropriate corresponding cell site lists will also be preserved.

9. Subscriber information for the following mobile number **206-391-6685** including:

A. All Subscriber information to include name, tax identification number (social security number or employer identification number).
B. Physical address, mailing addresses, residential addresses, business addresses, e-mail addresses and any other address information.
C. Credit information obtained or used by the company to grant account status.
D. All numbers associated with account.
E. Billing records.
F. All payments to include method, date and time of payments, and location (store name, address, and phone number of location where payment(s) were made).
G. All Authorized users on the associated account.
H. Activation date and termination date of each device associated with the account and the above listed number.
I. Types of service subscriber utilized (e.g. A-list, AT&T Messages, friends and family).
J. Make, model, serial number, IMEI, ESN, MEID, and MAC address associated with the above listed number, including any and all equipment or SIM card changes for the life of the account.
K. All customer service and account notes.
L. Any and all number and/or account number changes prior to and after the cell number was activated.
M. Any other records and other evidence relating to phone number **206-391-6685.**

[X] This application was submitted to the issuing Judge using an electronic device that is

owned, issued, or maintained by the below-identified criminal justice agency.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 25th day of January 2025, at Pierce County, WA.

OR, if submitted electronically or by telephone:

Declarant's Full Name: Det. Jeff C. Martin
Agency Badge/Serial or Personnel #: L04112/LK53
Agency Name: Lakewood Police Department

[X] The Judge's signature, below, was placed by declarant, at the Judge's direction given by:

[X] Email (preserve and file the email)

On the 25th day of January 2025, I reviewed and considered the above application, submitted to me under penalty of perjury.

Signature:

_____
SUPERIOR COURT JUDGE

Printed Judge's Name: _____

Redaction Log

Reason	Page (# of occurrences)	Description
08	**1** (4) **4** (17) **5** (12)	Juvenile information has been redacted pursuant to RCW 13.50.050 (records relating to commission of juvenile offenses) and RCW 13.50.100(3) and/or RCW 13.50.100(4)(a)and(b) (records not relating to commission of juvenile offenses). Records covered by this section shall be confidential. Agencies are prohibited from disclosing information related to juveniles without a court order or written consent because disclosure is statutorily prohibited.