

SEARCH WARRANT GENERAL AFFIDAVIT AND APPLICATION

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MCSO Case # 2024-00096543

**IN THE MARTIN COUNTY COURT OF THE
NINETEENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR MARTIN COUNTY, FLORIDA**

APPLICATION FOR SEARCH WARRANT
HISTORICAL CELLULAR TELEPHONE SITE INFORMATION

**THE STATE OF FLORIDA
MARTIN COUNTY**

BEFORE ME, D. Steele, a Judge in and for Martin County, personally came, Martin County Sheriff's Office **Detective Ingrid Faison**, who is a duly sworn law enforcement officer with the Martin County Sheriff's Office, and a citizen and resident of the State of Florida, and that she has probable cause to believe that evidence related to the crime of Sexual Battery and Burglary.

DESCRIPTION OF PROPERTY TO BE SEARCHED

Verizon requires a Search Warrant before releasing any information pertaining to the cellular site location of a cellular telephone, pursuant to 18 U.S.C. §2703 and Florida Statute 934.23(4)(a). Historical Records of cellular service provider which are now in the care, custody and control of **Verizon** located at **180 Washington Valley Road Bedminster, NJ 07921**.

Authorization for Night/Sunday Service:

I am aware that service providers usually have staff on duty at nighttime (or 24/7) including Sunday, to process backlog work and be available for exigent law enforcement requests. I request night service or service on Sunday, be authorized so that the search warrant may be served and executed at night or Sunday via fax, service provider portal access, or e-mail.

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DESCRIPTION OF PROPERTY TO BE SEIZED

Cellular tower activation information and Call Detail Records (CDR) for cellphone number (561) 850-9671 for 07/09/2024 through 07/10/2024, to include:

- 1) All customer/subscriber information, including any listed addresses, telephone numbers, social security numbers, dates of birth, names, addresses, any other customer identifying information, mobile handset or device identifiers/serial numbers (MEID, ESN, IMSI, IMEI), activation date and deactivation date, and location device was purchased if applicable.
- 2) Any email addresses associated with the account. This is to specifically include Google Gmail addresses associated with any Android device associated with this device or any email associated with an iPhone and/or iTunes account associated with this device that is currently on file and stored in the normal course of business of **Verizon**.
- 3) Call detail records, including detailed information in reference to all known outgoing and incoming calls associated with the account, dates and times calls were made, and duration of all calls made or received. This is to include any other pertinent call detail records including special features codes, or any other codes that are maintained in the normal course of business for **Verizon** of any **Verizon** cellular numbers identified in the course of the investigation. In addition to voice calls, this would also include any detail records showing text messages (without content), MMS messages, or data activity.
- 4) Cell site information, to include all known cell towers associated with outgoing and incoming calls. This information is to include any sector information, if known, cell site location, and any other related material that would be necessary to identify the location and sector in reference to the cell site information associated with the call detail records. In the event text messages, MMS messages, and Data activity are also available with cell site information, this information would be included in this request.

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- 5) Cell Site Location Information (“CSLI”) for the cellular device associated **(561) 850-9671 for 07/09/2024 through 07/10/2024**, to include the following: 1) any estimated or known longitude and latitude location information; 2) information received by cell tower(s) in reference to direction and distance from the tower a device may be located (timing and triangulation information;) 3) radio frequency signal strengths, direction, and transmission information; and 4) any reports of device activity that includes the approximate latitude and longitude of the device at the time of the activity, direction and distance from the tower. The geographical constraints of location information will be limited to the United States and location information can be in the form of historical records.
- 6) A notarized certification of records of any documents provided by **Verizon** related to this legal demand.
- 7) RTT / TDOA / NELOS Timing Advance Information – **07/09/2024 through 07/10/2024**, RTT (Round Trip Time) this is also referred to as a type of TDOA (Time Difference of Arrival) technology, also referred as NELOS (Network Event Location System.) This is when the network measures how long it takes a signal to travel from the cell site to the cellular device and then back. This information is relevant as it may provide cellular device location in relation to the cellular tower location.

AFFIANT

The facts tending to establish the grounds for the application and probable cause are as follows:

Your Affiant, Detective Ingrid Faison has been a law enforcement officer in Florida since June 2015. Your Affiant is currently employed as an investigator for the Martin County Sheriff’s Office assigned to the Special Victims Unit within the Criminal Investigations Division. Currently, your Affiant is a member of the South Florida Internet Crimes Against Children Task Force (ICAC). Your Affiant has attended numerous advanced law enforcement courses to include, but not limited to: Interview and Interrogations, Hostage Negotiations, Forensic Interviewing of Children, Trauma Informed Sexual Assault, Homicide Investigations, Force Science, Sudden Unexplained Infant Death Investigations, ICAC Investigations of CyberTips,

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and ICAC Undercover Concepts and Techniques. Your Affiant has successfully applied for multiple search warrants in many different investigations involving various offenses.

Based on your Affiant's training and experience your Affiant knows people often use cellular phones as a communication tool. Your Affiant also knows that people often document and share their locations via mapping applications commonly found on cellular devices. These mapping applications utilize cellular towers to create and store GPS locations when the cellular device is in use. The evidence gathered from cellular telephone technology is valuable and relevant in proving the commission of a crime.

Based on your Affiant's training and experience and the facts, as set forth in this affidavit, there is probable cause to believe that there is a violation of **F.S.S 794.011 (5B) Sexual Battery and F.S.S 810.02 (2A) Burglary.**

PROBABLE CAUSE

On 07/10/2024, Deputy K. Fritchie responded to 2100 SE Salerno Rd (Cleveland Clinic South) in reference to a police service call. Upon arrival, Deputy K. Fritchie met with Nurse Rachel Matner who stated she had a Sexual Assault Kit (SAK) to turn in.

Victim, Katelyn Hiebert, hereinafter referred to as KH, came into the ER, requested to have a SAK completed, but did not want to make a report. Deputy K. Fritchie collected the SAK and turned it into evidence as a non-reporting SAK. A non-reporting SAK is submitted with minimal information, and there is no investigation initiated until the victim requests the case moves forward.

On 07/13/2024, Deputy J. Garduno responded to a sexual battery complaint and made contact with KH who wanted to report and pursue criminal charges on a sexual battery that occurred on 07/10/2024.

KH stated on 07/09/2024, she was contacted by suspect, Nicholas Lentine (09/28/2002) via text message inviting her to a birthday party. KH stated she agreed to go to the party with Nicholas and the location was somewhere on Southeast Cove Road.

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KH at the party, she noticed that Nicholas was consuming excessive amounts of cocaine. She stated she was offered to join but declined. KH stated she was leaving the party when she was approached by Nicholas, asking her if he could sleep on her couch due to not having his vehicle and over drinking alcohol. KH stated that this was not abnormal because she has offered her brother's, Brandon Hiebert, hereinafter referred to as BH, friends, a place to stay if they have had too much to drink.

KH stated when they went into the residence, they spoke for roughly 40 minutes. After the conversation, KH offered Nicholas the couch or the spare bedroom to sleep in and she proceeded to her bedroom (master) closing the door (unlocked).

KH stated around 0700 hours, she woke to who she believed was Nicholas giving her oral sex. She advised she was in fear, shock and disbelief. She stated that the suspect attempted to remove her shorts, and she nudged him away. At this time the suspect left the room leaving her bedroom door open.

KH stated she laid in her bed in shock. Shortly after she heard the front door close, pulled her shorts up, closed her bedroom door, and got back in bed. After a period of time, she got out of bed, locked the front door and took a shower. KH stated around 0730 hours, Nicholas sent her a text message stating he had taken an Uber to his residence. Later that day (07/10/24) KH went to the hospital (Cleveland Clinic South) and had a SAK completed by medical staff.

Deputy J. Garduno asked Katelyn if she recalls what she was wearing during this incident. She stated she was wearing loose pink shorts, a grey hoodie, and no underwear. Deputy J. Garduno asked KH if the oral sex took place over or under her shorts and if penetration occurred. KH stated the oral was mouth to skin (vagina) and that penetration did occur. She believes the penetration was from the suspect's tongue but could have also been digits. KH disclosed that no penetration occurred with the suspects penis and did not discover any semen.

Deputy J. Garduno questioned KH if she had physically seen the suspect and could identify him as Nicholas. KH advised she did not physically see Nicholas but believes he is the suspect

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due to no one else being at the residence. KH informed Deputy J. Garduno that since the incident she has washed her clothing and did take a shower prior to completing the SAK.

On 07/15/2024, I was assigned this case for further investigation. I was able to make contact with KH over the phone who agreed to come to the Martin County Sheriff's Office on 07/16/2024.

On 07/16/2024, KH arrived at the Martin County Sheriff's Office Criminal Investigation Division (CID). The following is a summary of said interview and not meant to be verbatim. I spent a few moments building rapport with KH and asked KH what was going on. KH stated on Tuesday (07/09/2024) she went out for a friend's birthday party, on her way home Nicholas sent her a text asking what she was doing and if she wanted to hang out.

KH explained Nicholas is "my brothers practically his best friend." Nicholas was not a stranger, they have hung out previously, and she has told him if he is messed up to call her. KH went to a house in the area of Port Salerno around 0130 hours (07/10/2024.) KH stated she was offered a beer (Modelo) and drank half of it. It should be noted KH submitted a screen shot of the messages she had with Nicholas on Wednesday (07/10/2024). The screen shot shows Nicholas phone number sending KH the message "Nick" at 0324 hours and KH replied with her first and last name. At 0400 hours KH stopped sharing her location with Nicholas' phone. The next message was from Nicholas at 0733 hours stating he got an Uber.

KH stated, "I started noticing he was doing Coke and a couple other people there as well and for me, like that's a big no. Like I've never done anything of the source just 'cause I've always been wanting to do aviation." KH further stated about an hour in she said she was leaving, and Nicholas asked if he could sleep on her couch. KH stated Nicholas was drunk, and that prior to the party he had been to Harpers and left his truck there. Nicholas asked KH if she could bring him back to his truck in the morning, and she stated she told him that it was fine.

KH stated, "we get home. He asked me a couple questions about aviation 'cause he was thinking about maybe pursuing it and then we went to bed. I gave him a blanket. I said, you can sleep in my guest bedroom, or you can sleep on the couch. And that was that. And then around 7 AM, I was woken up to him giving me oral." KH stated she was in disbelief and

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thought if she causes a scene this could potentially get worse. KH stated she started to move a little bit thinking maybe he will walk away. KH stated the suspect got her pants (pink shorts with stars) halfway down, she then nudged him off, and he ran out of her room.

Later in the interview KH explained she felt the suspect's mouth and tongue. I asked if she was penetrated. KH stated possibly, and that part is a blur. KH stated she told the officer there was possibly digital penetration.

KH stated she laid there for a couple of minutes, heard her front door open, got up, and closed her bedroom door. KH stated she heard her front door open, but not close, and she wasn't sure if the suspect had left. KH further stated, "I know 110% I close my bedroom door", and explained she sleeps with her door closed.

KH stated she called her friend Alyssa (unknown last name) who came to her house, and then she called her father. On a later date, KH would provide that she called Alyssa at 0830 hours but could not say how much time had passed between waking up and making the call. KH believed it was less than 45 minutes. KH stated she did take a shower after calling Alyssa due to felling gross but did not know that could disrupt evidence. KH stated she went to the hospital later that day and did the non-reporting SAK.

KH went on to explain Nicholas had been texting BH. KH stated, "Nick has been texting my brother. Kind of angrily. Like saying just stuff along the lines of like, I've done everything for you. I dunno what I like what I did. He's like, I know I did stuff with your sister." KH stated BH no longer has these messages due to being on Snapchat. KH denied doing anything with Nicholas.

I summarized to KH what she had told me and asked her to correct me if I repeated anything wrong. I asked KH how many lines (Cocaine) she saw Nicholas do. KH stated six to eight. I asked KH if anyone else lived with her to which she stated no. I asked KH about what she wore to bed. KH stated a hoodie with loose shorts.

KH stated when he (the suspect) woke her up he had pulled them (shorts) to the side and tried to take them off. KH denied wearing underwear. I asked KH if she still had the shorts and if she had washed them. KH stated she did have them and did not believe that she had washed

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them but would need to double check. I stated to KH, I would like to collect them (shorts) and try to see if there is DNA.

I asked KH if she saw the suspect run out or if she heard him run out. KH stated, "A little bit of both because like my room's extremely dark." I asked if she's had any communication with Nicholas since that night. KH stated Nicholas texted her that he got an Uber.

I spoke to KH about doing a control phone call. KH decided to take a few days to think about it.

KH had submitted a screen shot of her text with Nicholas, Axon File 6062 SE LANDING WAY 14. The screen shot shows Nicholas sent KH a text message on 07/10/2024 at 0733 hours that he got an uber to his truck.

07/18/2024, I received a call from KH stating she wanted to go ahead with the control phone call.

On 07/25/2024, KH came to the Martin County Sheriff's Office to do a control phone call. The following is a summary of said interview and not meant to be verbatim. I spent some time explaining the process to KH and what she can say.

KH called Nicholas. KH stated to Nicholas she woke up to him in her room doing what he was doing, and she wants an apology. Nicholas replied, "What the hell are you talking about?" Nicholas further stated, "I woke up, I, I texted you if you can drive me back to my truck and then it was at 7:30 you said, no, I'm going to bed. Said okay. And then five minutes later I left and I said, Hey, I didn't wanna wake you. I left. I got an Uber. What the hell are you talking about? I never did any."

Nicholas stated he was never in her room, he didn't do anything to her, and that is a lie. The call continued for several minutes, and Nicholas denied KH's allegations. KH ended the conversation, and we spoke for several minutes about possible options and outcomes. KH provided me with the shorts she was wearing the day of the incident. The pink shorts with stars were in a Ziplock bag with KH's name.

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KH stated, "I do want to do like the right thing and press charges, but I just like don't want it like get super ugly for me." It was decided KH would like to take some time and think about what she wants to do while the evidence was being processed.

I made contact with Crime Scene Detective M. Weaver and G. Camba to have KH's shorts examined. Detective Camba did not locate any seminal fluid on the shorts.

On 07/26/2024, I made contact with the Indian River Crime lab to have KH's shorts processed. I spoke with Daniel Baker who was already working on the SAK. Baker stated that after the kit is completed, he (Baker) would let me know about the shorts.

Baker called me on a later date informing me there was Male DNA mixed with Female DNA on the "Mons Pubis Swabs" (001F). The official Indian River Crime Laboratory report was received on 08/27/2024. According to the National Library of Medicine, the Mons Pubis is a rounded area of fatty tissue overlying the pubic symphysis, which is the joint in the pelvis that connects the left and right pelvis bones.

On 08/20/2024, I received another call from Baker. He informed me that there is a DNA match to Jose Contreras (09/20/1985) for the male DNA in the Mons Pubis Swab. The official Indian River Crime Laboratory report was later received on 09/04/2024.

On 08/21/2024, Detective Hau and I went to KH's apartment complex and checked the area for any cameras, but did not locate any.

I made contact with the victim and informed her of the male DNA that was located and only elaborated that it was a Hispanic male. I asked KH if she saw the suspect, Nicholas Lentine, in her room. KH reiterated that she saw a figure.

I went to KH's residence along with Crime Scene Detective M. Libasci and Crime Scene Tech R. Hickey. My BWC was activated. The following is a brief summary of said interaction with KH and not meant to be verbatim.

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I informed KH the DNA hit was to a Hispanic male. KH informed me the house she had gone to, referring to the party she went to meet up with Nicholas, "they were Hispanic." Using Google maps KH was able to show me the residence she had gone to located at 4932 SE Bollard Avenue Stuart, FL, which is approximately 1.8 miles from her residence. KH stated there was at least two Hispanic males, one of them had a girlfriend, but KH could not provide names. KH explained these were Nicholas's coworkers, and "they weren't the best crowd."

KH denied noticing anyone following her home or seeing anyone randomly walking outside her residence. I asked KH if she remembers if the lawn was being cut that day and she replied she has never seen people cutting grass. During this interview KH would also deny ever being sexually active with a Hispanic male.

On 08/22/2024, Detective Hau went to Contreras's last known address located at 4414 SW Cacao Street, Port St. Lucie, FL 34953. There was a real estate lock on the front door.

On 09/04/2024, Detective Perez and I made contact with the management of Stack Burger and Taco Shack Bar and Grill who denied Jose Contreras ever working for them.

On 09/10/2024, Detective I. Hau and I went to 4952 SE Bollard Avenue, Stuart, FL which is the residence the victim, KH, stated she met Nicholas Lentine at. The following is a summary and not meant to be verbatim.

Contact was made with Jose Guadalupe Mata (02/10/1961) who denied anyone working at Stack Burger or Taco Shack Bar and Grill. Mata stated his roommate, Antonio "Tony" Sanchez Jr (10/10/1983) worked at Sonny's. Mata denied having any party, stating he is too old. Mata denied anyone else having a party. Mata denied knowing someone by the name Jose Contreras.

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On 09/12/2024, I made contact with KH by text message, and she again confirmed the address 4952 SE Bollard Avenue, Stuart, FL as the place she met with Nicholas.

On 09/20/2024, I made contact with Nicholas Lentine by phone. The interview was audio recorded, this is a summary of said interview, and not meant to be verbatim. Nicolas confirmed the location of where the victim had meet him (Nicholas). Nicholas explained he was there with his coworker Mikayla Brienne Slappey (11/29/1998) and her ex-boyfriend Ivan, and the apartment belonged to a Hispanic male (unknown name), who Nicholas described the unknown male as on the heavier side, late 30 to early 40's, around 5'6. Nicholas stated he was shorter than him (Nicholas). It should be noted the description Nicholas provided for the unknown Hispanic male who's apartment they were at described Sanchez.

Nicholas further explained the male stated he had a roommate, but he (Nicholas) never saw the roommate. Nicholas stated there were like four of them there, KH wanted to leave after about 20 minutes, and he (Nicholas) asked if he could go with her.

Nicholas confirmed he and KH then went back to her residence. Nicholas stated, "then we had went to her place. That was probably two miles down the road...And then we sat there, it was like probably two or three o'clock when we got back to her place, or one I forget. And we sat there for over hours just talking about, uh, family stuff. And then, um, her aviation school, I mean, we were talking about it till like 7:30. So she had told me she had to fly, she had to fly a plane at like 10 30 in the morning. And it was like seven o'clock when we, when we were still talking, minus two was not, there was, I wasn't doing any drugs or drinking and all that matter of time. So, by seven 30 I was completely sober by, by any means."

Nicholas further stated he texted KH if she could drive him back to his vehicle and KH told him no. It should be noted the screen shot KH provided with her conversation with Nicholas does not show Nicholas asking KH to drive him to his vehicle. It only shows Nicholas texting KH that he got an Uber. Nicholas stated, "I was just laying there in bed...So I got an Uber back to my truck, and that was it. So then two days, three days after that, uh, her little brother, my really good friend quit, um, my family's restaurant. And I was just confu-confused on what was going on."

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Nicholas explained KH had blocked him and a couple weeks later KH called him wanting an apology. Nicholas stated he told KH he had no idea what she was talking about and "I didn't even go into her room once. I didn't even see her go really even know where her room was. Um, and then she kept saying that I did that. And I said, no, I, I never did. She said, I never texted her that if she could drive me back or that I had left."

I stated to Nicholas that we have a potential suspect and his name is Jose. I further stated, "I know she, she accused you of these things. And I'm not trying to say, kind of being accused of something is not a big deal...understand from her perspective she was sleeping in her room, and she woke up to something and didn't see who it was. And in her last memory, you were the only one in the house. But we have evidence to suggest that something else may have happened, which is why we're trying to track down where this party was at, who was at the party. And you know, if when you left her house, did you see anybody, did anything stand out to you?"

Nicholas stated no. I asked Nicholas if he works with anybody named Jose Contreras. Nicholas stated no he did not. I asked Nicholas whose house was it. Nicholas stated he guesses the guy named Jose. I stated to Nicholas that I didn't want him to guess and asked who invited him. Nicholas stated he believes the guy named Jose and he believes he said he had a roommate.

It was determined Nicholas did not know the name of the Hispanic male's residence they went to. However, Nicholas recalled being told he had a roommate. I asked Nicholas how he got to the house on Bollard. Nicholas stated he went there with Ivan and Mikayla, and later left with KH. Nicholas further stated he was at KH's place till around 0730 hours and then called Ivan and Mikayla to come pick him up. It should be noted earlier in the interview Nicholas stated he got an Uber.

Nicholas would then request if he could finish the conversation he had with KH. Nicholas explained when KH had called him, he was out on a boat fishing and he was not going to apologize for anything he did not do. Nicholas further stated, "I would never do this to any girl, especially you...her little brother Brandon was my really, he's a really good, was a really good friend of mine. And this, this all happened and there were countless times where KH has tried to, got, tried to have sexual in intercourse. I guess you would say that with me... But I know

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for I did not do anything, um, I was completely sober the whole time. I, um, have a text message to prove that I left”

Nicholas denied seeing anyone when he first got to KH’s residence or when he left. I asked Nicholas when he left. Nicholas stated, “Let me pull up these text messages real quick...so it was 3:25 when she started sharing her location with me and then, um, July. And then that was on July 10th. And then July 10th also, I just told her I got an Uber to my truck at 7:33 AM I said I got a, I just got a Uber to my truck.”

I asked Nicholas if he had already left when he sent that text message. Nicholas stated he had just left. Nicholas confirmed he did not lock KH’s front door when he left. I asked Nicholas if he left in an Uber or if Mikayla picked him (Nicholas) up. Nicholas stated Mikayla and Ivan picked him up.

While speaking with Nicholas I noticed that Jose Contreras’s middle name was Ivan. I asked Nicholas to describe Ivan. Nicholas stated late 30’s to early 40’s, heavier, and around 5’8. I asked Nicholas where he (Nicholas) was dropped off to get his truck. Nicholas stated Harpers (794 SW Federal Highway, Stuart, FL 34994). I asked Nicholas if he would be willing to do a photo array to which he agreed, and I stated I would call him back if it could be done today. I spoke with the Martin County Crime Analyst who explained a photo array would take some time, and it would not be possible to complete today.

I called Nicholas. The interview was audio recorded, this is a summary of said interview, and not meant to be verbatim. I explained to Nicholas the photo array would need to be next week. Nicholas informed me had had reached out to Mikayla to ask about the Hispanic males whose house they went to. Nicholas learned through Mikayla that Ivan (Mikayla’s friend that was with her) is Jose Contreras. I asked Nicholas for Mikayla’s phone number and asked him not to make any more contact with Mikayla.

I made contact with Mikayla by phone. The interview was audio recorded, this is a summary of said interview, and not meant to be verbatim. Mikayla stated they were not out at a party, but they were out drinking.

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I asked Mikayla if she was at the house on Bollard. Mikayla stated she picked him (Nicholas) up from her (KH's) house. I stated I was talking about where she was prior. Mikayla stated it was an apartment, she didn't know the street name, and it was the first time she had been there. I asked if she knew somebody that lived there. Mikayla stated it was somebody from the bar. A friend of a friend. Mikayla could not recall what time. Mikayla stated she looked in her phone, but her phone calls only went back to 9/11/2024.

I asked Mikayla if she was alone when she picked up Nicholas. Mikayla stated no, Ivan was with her, and she never went inside (referring to KH's residence). Mikayla confirmed Ivan is Jose Ivan Contreras and that he was with her when they picked Nicholas. Mikayla stated she dropped off Nicholas at his truck and then dropped off Ivan at his house in Stuart. Mikayla could not state where Jose Contreras lived but it was a 10-minute drive from where Nicholas was dropped off.

I asked Mikayla for Jose Contreras's number to which she stated she deleted it a month ago. I asked Mikayla not to make any contact with Jose Contreras.

I received call from a male who identified himself as Todd Weicholz and stated he is the attorney for Nicholas Lentine and to contact him for anything else I needed from Nicholas. I stated to Weicholz that I needed the screenshot of the messages Nicholas had. Weicholz stated I would need to obtain a subpoena.

On 09/22/2024, Sergeant E. Spencer was able to locate Jose Ivan Contreras's vehicle, a 2018 white Chevrolet Impala with Florida tag LMMW45, at 10 SE Broadway Street, Stuart, FL. On 09/24/2024, Detective Perez and I went to Mikayla's residence. No one answered the door, and I called her cell phone and left her a voice message.

Detective Perez and I then made contact with Antonio Sanchez Jr at his residence, 4952 SE Bollard Ave Stuart, FL. The interview was recorded with my BWC, this is a summary of said interview, and not meant to be verbatim. I explained to Antonio why we were there. Antonio denied knowing Mikayla and stated he didn't remember her when I showed him a picture. Antonio stated he remembers having a couple of people over, and one of his friends had a girl come over. Antonio described her as blonde, was a pilot, and stayed for 10 minutes.

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I asked if he knew any of their names. Antonio stated one of the males he met that night worked at Stack Burger. Antonio also described him as the owner's son. Antonio could not recall anyone else that came to his residence and denied any drug use. It should be noted that KH did mention Nicholas's father does own Stack Burger.

Around 1323 hours I again called Mikayla, and she did not answer.

Through the assistance of fixed surveillance assets on 07/10/2024, at 07:38:37 AM Jose Contreras vehicle, 2018 white Chevrolet Impala (LMMW45), is seen traveling northbound in the area of US1 and SE Salerno Road located in Martin County. At 07:49:51 the same vehicle is traveling Southbound in the area of US1 and S Colorado Avenue located in Martin County. On 09/27/2024, at or around 1421 hours I called Mikayla and left her a voice message. Mikayla returned my call. This is a summary of said interview, and not meant to be verbatim. Mikayla would state she could not recall how Nicholas called her to come pick him up and stated the night is a blur due to it being three months ago. Later in the interview I asked Mikayla where she was when Nicholas asked to be picked up, and she replied they were still at the apartment (4932 SE Bollard Avenue).

I stated to Mikayla that I wanted to make sure what car was being driven when Nicholas was picked up. Mikayla stated she believes it was Ivan's, and it is a white car. Mikayla stated they were parked in front of the building, she knows it was on the second floor, and Nicholas was seen walking down the stairs when they picked him up. Mikayla denied Jose Contreras getting out of the vehicle and going inside KH's apartment.

I asked Mikayla if they were in Jose's Ivan Contreras vehicle, where her vehicle was. Mikayla stated at Harper's parking lot. I confronted Mikayla with her statement from her previous interview where she stated she (Mikayla) had dropped off Nicholas and Ivan at his house. Mikayla stated she has talked to Nicholas about the situation due to it being so long. Furthermore, she has three jobs and a baby, and she could not tell me what she ate yesterday.

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Mikayla again confirmed Jose never got out of the vehicle when they picked up Nicholas. Jose then dropped her and Nicholas at their vehicle. Mikayla could not recall what time she got home.

I asked Mikayla about the drug use at the Bollard residence. Mikayla stated she believes there was some there. Mikayla could not recall who or what was being done but stated she knows there was Modelo's.

On 10/01/2024, Detective Hau and I spoke to Jose Ivan Contreras at 10 SE Broadway Street. The following is a summary of said interview and not meant to be verbatim. Contreras confirmed who he was and provided the phone number 561-955-0104. Contreras confirmed he knew Makayla Slappy and he had been to the address on SE Bollard Avenue, which he called "Tony's House." I asked Contreras how he knew Tony, and he replied they were old school friends.

I read Contreras Miranda rights, and he confirmed he understood his rights. Contreras, further confirmed from Harpers he went to Tony's house and Nicholas. Contreras explained he knows Nicholas because he (Contreras) had a friend (Unknown) who worked for Nicholas at the Taco Shack.

I asked Contreras if Nicholas had a friend come over to which Contreras stated, "some girl, I guess she came, picked him up. Contreras did not know her name. Contreras further stated, "she was there. We kind of offered her if she wanted some party stuff we were doing." Contreras could not recall if the girl (KH) took the "party stuff."

Contreras confirmed he went with Mikayla to pick up Nicholas. I asked Contreras if he went inside the apartment (KH's residence). Contreras stated not that he remembers. I asked Contreras was there any reason him to go inside the apartment. Contreras moved his head side to side to indicate a no response.

Contreras then dropped Nicholas off at Harpers and stated he dropped Mikayla off at her vehicle at Stack Burgers. Contreras stated he was with Mikayla the entire time and followed her home. It should be noted during Mikayla's interview she stated she did not see Contreras

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again until later that day. Contreras stated, "I'm telling we were, I kind of blacked out. We were pretty fucked up all like all night bender" and "I was on a two-day bender." When asked what he was on (Cocaine, LSD, Molly) Contreras stated he would rather not talk about that stuff. Contreras confirmed he uses cocaine.

I asked Contreras if there is any reason his DNA would be inside the apartment where he (Contreras) picked up Nicholas. Contreras stated to be honest and moved his head side to side. I asked Contreras beside seeing KH at the party and talking to KH was that all the contact they had. Contreras stated he thinks they said hi, a shake (handshake), and he gave her beer. Contreras would state he really can't remember, and he would take a lied detector test. Contreras further stated it was so long ago he can't quite remember everything.

I stated to Contreras that KH woke up to someone in her house and his DNA was found. Contreras stated that is mind blowing and, "I can't remember none of that stuff." I asked Contreras how his DNA was on KH. Contreras stated, "That's a very good question. 'cause I don't remember going to that apartment at all. I mean, like, not like inside her apartment. 'cause we picked up Nick and that's about it."

Contreras stated he hasn't seen KH again and doesn't know what she looks like. Contreras denied KH writing down her address on a sheet of paper for him. Contreras denied Mikayla providing him with KH's address.

In conclusion, on 07/10/2024, Jose Ivan Contreras was at the residence 4952 SE Bollard Ave Stuart, FL with Mikayla Brianna Slappey and Nicholas Lentine when KH arrived. In KH's interview on 08/21/2024, KH explained that at the party on Bollard there was at least two Hispanic males, one of them had a girlfriend, but KH could not provide names. Furthermore, KH stated she has never sexually involved with a Hispanic male. During Nicholas interview Nicholas stated Mikayla had brought her ex-boyfriend (Hispanic male), Jose Ivan Contreras, to the party.

Afterwards Nicholas and KH left to KH's residence. Later that morning, around 0733 hours, Nicholas had Mikayla and Jose Ivan Contreras pick him (Nicholas) up from KH's residence, and Nicholas sent KH a text message that he got an Uber to his truck after he had left her

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residence. Nicholas confirmed he closed KH's front door but did not lock it. Mikayla confirmed she and Jose Contreras were waiting for Nicholas in front of KH's building and Nicholas was seen coming down the second floor of the apartment complex.

Jose Ivan Contreras vehicle is captured on fixed surveillance assets at 07:38:37 hours traveling northbound in the area of US1 and SE Salerno Road. Which is consistent with traveling to drop off Nicholas to his vehicle. Nicholas was dropped off at his vehicle which was located at 794 SW Federal Hwy, Stuart, FL 34994, and it is approximately a 19-to-21-minute drive from KH's residence. At 07:49:51 hours Jose Ivan Contreras vehicle is seen on fixed surveillance assets traveling Southbound in the area of US1 and S Colorado which is an approximate 13-to-15-minute drive to KH's apartment building.

At this time based on Nicholas and Mikayla's interviews, Jose Ivan Contreras did not go inside KH's residence while Nicholas was being picked up.

KH was in her bedroom sleeping when she was awakened by someone performing oral sex on her. KH saw a figure leave her room but was not able to see who it was due to the darkness of the bedroom. KH assumed it was Nicholas as he was who she believed was in her house. After waiting some unknown amount of time KH called her friend at 08:30 hours to tell her what had occurred.

In KH's Sexual Assault Kit a male DNA profile was found on the "Mons Pubis Swabs". The official Indian River Crime Laboratory report a DNA match to Jose Ivan Contreras (09/20/1985) for the male DNA located on the Mons Pubis Swab.

Contreras could not offer an explanation on why or how his DNA was found on the victim. Furthermore, Contreras confirmed the drug usage KH stated she witnessed while she was at the residence located on SE Bollard Ave, and that he (Contreras) was on a two day "bender" that day. Jose Ivan Contreras (09/20/1985) was arrested for violating F.S.S 794.011 (5B) Sexual Battery and F.S.S 810.02 (2A) Burglary.

Based on the above investigation, your affiant is requesting the issuance of a search warrant to obtain historical cellular phone records, to include service provider location information, for

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Jose Ivan Contreras' cellular phone **(561) 850-9671 for 07/09/2024 through 07/10/2024**. The granting of the issuance of this search warrant will allow investigators to obtain additional evidence such as the locations of Mikayla Brianne Slappey before, during, and after the sexual battery of the victim. Mikayla stated she went home after Contreras picked her up and he went to her residence later that day. Contreras stated he followed Mikayla directly to her house after dropping her off at her vehicle.

It is commonly known that cellular phones have revolutionized the way people communicate and operate within modern society. In fact, based on my experience, cellular phones have become so integral that most people carry them on their person or within arm's reach of their person at all times. Based on training and experience, your Affiant knows that cellular telephones send signals through networks of transmitter or receivers called "cells," enabling communication with other cellular telephones or traditional "landline" telephones. Cellular telephones rely on cellular towers, the location of which may provide information on the location of the telephone. Additionally, in the modern age, most cellular telephones rely on global positioning system ("GPS"), WIFI and Bluetooth Technology for determining the devices' location. It is known through your Affiant's training and experience that the majority of the United States population owns at least one cellular or tablet device that uses Google Services. Your Affiant is aware that Android OS and iOS are the two dominant operating systems on smart phones in Martin County and worldwide. Android OS is manufactured by Google Inc. iOS is developed by Apple, Inc. Your Affiant knows through training and experience that despite iOS being manufactured by Apple, Inc, iOS devices commonly have applications (apps) which are made by and communicate with Google, Inc. including Google Maps, Google Search, Google earth, Google Docs, etc. iOS devices and Android devices communicate with Google Inc and provide information which is stored on servers operated by Google Inc. This information is a business record of Google Inc and recorded and stored in the course of normal business operations of Google Inc. Your Affiant knows through training and experience that Google collects certain location data to include cellular tower data, WIFI data, GPS data and Bluetooth data. This information is collected and stored by Google to provide enhanced services and experiences for the account holders and allows Google to provide and sell directed ads to its account holders (a major income stream for Google). This stored data will allow Your Affiant to map the location of target devices as it relates to the above investigation.

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Investigators are continuing to evaluate all mechanisms of investigation by utilizing conventional investigative techniques. Your affiant, through her training and experience is aware of the proliferation of cellular devices in society and some of the capabilities that the cellular service providers and the device operating systems are capable of as it relates to cellular communications and location information. These capabilities may assist Law Enforcement in developing further information and may provide crucial evidence of the “who, what, when, and where” of the criminal conduct under investigation, thus enabling Law Enforcement to identify and locate any information which could potentially aid in the successful resolution of the investigation.

In your affiant’s training and experience, it is known that while the requested information may reveal inculpatory evidence that further shows the listed suspect was involved with the specified crime, there may be exculpatory information also contained within the records requested. For example, the records may show the specific mobile device was in the area of the crime at the time of the crime; however, when reviewed in totality within the entire data set requested, it is possible the mobile device frequents that area and is perfectly consistent with typical patterns and trends identified within the requested data set. While it is not the intent of a legal order to preserve exculpatory evidence, in this specific request we are requesting information that we know will be purged based on the retention periods defined by Verizon. These retention periods for some records can be as short as 48 hours.

Given the totality of requesting information that is Electronically Stored Information (ESI) with a known retention period, the possible inculpatory and exculpatory nature of these records, in addition to the State’s requirement to preserve all potential evidence in the course of a criminal investigation, your affiant is requesting the time period set forth above. Given the nature of the crime, possible planning period, and the ability to identify common patterns and trends within the requested records, your affiant believes it is reasonable and appropriate to request this period of time.

Furthermore, there is probable cause to support the requested records are of evidentiary value and the act of preserving the requested period of time is within the “best practices” of preserving digital evidence as well as ESI. The information being requested is relevant to an

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ongoing criminal investigation and furthermore considered evidence of the crime, Sexual Battery and Burglary. The above information has led your Affiant to believe that probable cause exists to believe that the items listed in "Property to be seized" are evidence of F.S.S 794.011 (5B) Sexual Battery and F.S.S 810.02 (2A) Burglary. Considering these concerns, your Affiant hereby requests the Court's permission to seize the Call Details Records, historical cell site location information, and subscriber information that are believed to contain some or all the evidence described in the warrant.

WHEREFORE, your Affiant hereby makes application for a Search Warrant authorizing the Affiant, and/or other representatives of the Martin County Sheriff's Office, Martin County, Florida, with proper and necessary assistance, to search the above described accounts in a manner consistent with F.S. 92.605 by delivering said warrant via facsimile, U.S. mail, email, or internet web portal to an authorized legal representative of Verizon and to seize any and all of the aforesaid property found by virtue of such Search Warrant and to list the property seized on a return and inventory, to be filed within this Judicial Circuit within ten days of this date.



AFFIANT

Detective Ingrid Faison

SWORN to and subscribed before me this 23 day of oct, 2024



JUDGE in and for MARTIN
COUNTY, FLORIDA