

# **EXHIBIT I**

Approved, SCAO

AFFIDAVIT FOR SEARCH WARRANT

Original affidavit - Issuing court  
1st copy - Prosecutor

Please type or press hard.

See the other side for instructions.

Police Agency Report Number: 2015-2257

R. DeVoge (#123)

1. The person, place, or thing to be searched is described as and is located at:  
Yik Yak User Records which is located at:

Yik Yak, Inc.  
3525 Piedmont Road NE  
Building 6, Suite 500  
Atlanta, GA 30305

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

All user information associated with the account that posted the comment "Gonna shoot all black people..... A smile tomorrow." on Yik Yak from the Houghton, MI area at approximately 1345 hours EST. The user information requested shall include, but is not limited to the following: The IP address from which the message was posted; The GPS coordinates of the location from which the message was posted; The time and date when the message was posted; The Media Access Control (MAC) address associated with the account; Any Names associated with the account; Any telephone numbers associated with the account and The user-agent string associated with the device from which the message was posted.

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

On 11-12-15, at approximately 1400 hours, the Michigan Technological University (MTU) Department of Public Safety and Police Services (DPSPS), received a report of a threatening message that was posted through a social media application identified as "YikYak". YikYak is best described as a software application that allows users to post anonymous messages to other users that are located within a specific geographical area.

The message that was reported to DPSPS stated the following, "Gonna shoot all black people..... A smile tomorrow." The message also had a small picture, commonly referred to as an "emoji", at the end which indicated a smile or laughter. A copy of the message, identified as Attachment #1, is attached and is incorporated by reference as if fully set forth herein.

Due to the fact that the message was threatening in nature, Deputy Chief Cadwell investigated the message further. Upon reviewing the message Deputy Chief Cadwell saw that the user who posted the comment was located somewhere in the Houghton, MI area when they posted. This was determined by the "Houghton" place marker that was associated with the comment. It was also determined that the place markers are associated with all comments made on YikYak so as to identify where a user posts from. It was also determined that the message was posted at approximate 1344 hours, as indicated by the time since the comment was posted on the bottom left of the message

Due to the fact that the previously mentioned message threatened violence, the message identified a specific group of people on which the violence was to be enacted, the user was located within the Houghton, MI area, and it indicated the user would be smiling "tomorrow", it was determined the threat was immediate.

This affidavit consists of 1 pages.

Review on \_\_\_\_\_ Date \_\_\_\_\_  
by \_\_\_\_\_  
Prosecuting official

Affiant [Signature] #123  
Subscribed and sworn to before me 11-12-2015 Date  
9TH DISTRICT Court  
[Signature] Judge/Magistrate  
Bar no. \_\_\_\_\_

Approved, SCAO

Original warrant - Return to issuing court  
1st copy - Prosecutor  
2nd copy - Serve  
3rd copy - Issuing judge

SEARCH WARRANT

TO THE SHERIFF OR ANY PEACE OFFICER:

Police Agency \_\_\_\_\_  
Report Number: #2015-2257

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IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: I have found that probable cause exists and you are commanded to make the search and seize the described property/person. Leave a copy of this warrant and a tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the court.

Issued: 11-12-2015  
Date

*[Signature]*  
Judge/Magistrate

Bar no.

RETURN AND TABULATION

Search was made 11/12/15 and the following property/person was seized:  
Date

IP ADDRESS: [REDACTED]  
LATITUDE: 47.1196  
LONGITUDE: 88.5491  
TIME POSTED: 2015-11-12 18:46:44 (UTC)  
USER AGENT: YIK YAK/2.10.3 (iPHONE; iOS9.1; SCALE/2.00)  
PHONE NUMBER: [REDACTED]

Continued on other side.

Officer: *[Signature]*  
Copy of warrant and tabulation served on: YIK YAK LEGAL DEPT.  
Name

Tabulation filed: 11/12/15  
Date