

EXHIBIT J

Case Number

2015-10-25



Michigan Tech Police
MICHIGAN TECH - PUBLIC SAFETY & POLICE SERVICES

Case Report

Reported by: DEVOGE, REID

Incident Type/Label: 7300 MISCELLANEOUS CRIMINAL OFFENSE Offender: Incident Disposition:

Report Disposition: CLEARED/CLOSED Related Number: 2015-11-12-13470

Report Recorder: DEVOGE, REID Manager/Supervisor On Duty: Manager/Supervisor Notified:

Incident Occurred Date: 11/12/2015 at 1:45 PM Incident Occurred End Date: 11/13/2015 at 1:45 PM Incident Discovered / Called In: 11/12/2015 at 2:05 PM

Location: MICHIGAN TECH BUILDINGS : WIDMAIER HOUSE Specific Location:

Report Synopsis/Overview: Report of a threat posted on YikYak.

Contact # 1 (SUSPECT)

Full Name: MATTHEW ALLEN SHULTZ

Age: 21 Date of Birth: 08/29/1994 Gender: M Race: WHITE

Addresses

Street Number: 238 Street Direction: QUINCY Street Type: STREET Apt./Suite: 9
City: HANCOCK State: MI Zip: 49931 Country: Address Type: HOME

Phones: (HOME) 9208506441

Contact # 2 (WITNESS)

Full Name: DAVID HALE

Driver's License: DDH@MTU.EDU

Age: 46 Date of Birth: 02/16/1969 Gender: M Race: WHITE

Note: IT SECURITY OFFICER

Prepared By: DEVOGE, REID(RDEVOGE) Submitted Date:


Signature: [Signature] Reviewed By/Date:


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2015 00725

Addresses				
Street Number	Street Direction	Street Name	Street Type	Apt./Suite
616		EERC		
City	State	Zip	County	Address Type
Houghton	MI	49931		
Phones :				
(WORK) 9064871727				

Contact # 3 (WITNESS)				
Full Name				
RYAN J GRAINGER				
Age	Date of Birth	Gender	Race	
22	06/14/1993	M	W - WHITE	
Addresses				
Street Number	Street Direction	Street Name	Street Type	Apt./Suite
220		BLANCHE ST.		
City	State	Zip	County	Address Type
HOUGHTON	MI	49931		
Phones :				
(CELL) (586) 808-1493				

Property #1 (EVIDENCE)		
Property Reference #	Property Type	Property Category
1	OTHER	EVIDENCE
Property Disposition	Barcode Number	
SEIZED/ TAKEN INTO CUSTODY	100000001661	
Property Description	Property Location	
DVD	EVIDENCE LOCKER #5	
Brand	Model	Serial Number
MEMOREX		
Approximate Size	Property Color	Owner
4.7GB	SILVER	
Approximate Value	Quantity	Total
\$0.00	1	

Property #2 (EVIDENCE)		
Property Reference #	Property Type	Property Category
2	OTHER	EVIDENCE
Property Disposition	Barcode Number	
SEIZED/ TAKEN INTO CUSTODY	100000001662	
Property Description	Property Location	
MICROSD CARD	EVIDENCE LOCKER #5	
Brand	Model	Serial Number

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Approximate Size	Property Color	Owner
4GB	BLACK	
Approximate Value	Quantity	Total
\$0.00	1	

Narrative text

On 11-12-15, at approximately 1400 hours, while on duty at the Michigan Technological University (Michigan Tech) the Department of Public Safety and Police Services (DPSPS), received a report from a student, identified as Ryan Grainger, that stated he observed 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 (See attachment for details).

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 such 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 approximately 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 message in question 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. As a result, Deputy Chief Cadwell sent YikYak an emergency request via email that requested user information associated with the post (see attached for details). Deputy Chief Cadwell and Chief Bennett also notified the University Marketing and Communications (UMC) Department to send out a timely warning notice. The notice was subsequently sent out at approximately 1455 hours, and made the campus community aware of the threat and ongoing investigation (See attachment for details).

At approximately 1611 hours, YikYak responded to Deputy Chief Cadwell via email stating that his request was denied as they did not have, "sufficient basis to form a good faith belief that post in question constitute "an emergency involving danger of death or serious physical injury" (See attachment for details). They further explained that in order to obtain the requested information, he would need to send a search warrant or subpoena.

As a result of the emergency request being denied, I prepared a search warrant affidavit requesting 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 that was requested limited included 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.

Upon completing the affidavit, I took it to the 97th district Court Magistrate, identified as Sheryl Ala, where the affidavit along with the actual search warrant were officially sworn out and signed (See attached for details).

At approximately 2118 hours, I sent the search warrant via email to YikYak's legal department. At approximately 2132 hours, Yik Yak responded back with the following information:
Post: Gonna shoot all black people..... A smile tomorrow. ☺"

Prepared By	Submitted Date
DEVOGE, REID/DEVOGE	
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IP Address: 141.219.225.61
Latitude: 47.1196
Longitude: -88.5491
Time Posted: 2015-11-12 18:46:44 (UTC)
User Agent: Yik Yak/2.10.3 (iPhone; iOS 9.1; Scale/2.00)
Phone Number: +19208506441

Upon reviewing the information YikYak provided, it was determined that the longitude and latitude was located in the Mechanical Engineering-Engineering Mechanics (MEEM) Building on Michigan tech's campus. A search through student records revealed that the phone number was associated with a student identified as Matthew Shultz. Shultz was also identified as a mechanical engineering student. The IP address, which is best described as specific connection to the internet, was sent to David Hale (Chief Information Security Officer) for review. A short time later Hale informed me that the user the IP address was assigned to at the time the message was sent was Shultz.

Due to the fact that Shultz was identified as a mechanical engineering student, the message were sent from inside the MEEM, his telephone number was associated with the comment, and he was assigned the IP address that was used to send the comment. It was determined that there was enough probable cause to arrest Shultz for MCL 750.543p Internet or telecommunications or electronic device; prohibited use.

Next it was determined that Shultz had a current address of 238 Quincy St. in Hancock, MI. I was unable to determine an apartment number. It was also determined that Shultz had a blue Jeep Laredo (MI-CFQ1667) registered to him. Due to the fact that Shultz lived in Hancock, the Hancock Police Department (HPD) was asked for assistance. Upon arriving in the are of 238 Quincy St. I saw a vehicle that matched the previous description parked behind the building (Wood World parking lot). As result, Shultz was contacted via telephone under the false pretense that his vehicle was involved in a minor accident and that he needed to come to the scene.

A short time later, Shultz came out to his vehicle where he was immediately placed under arrest for for Prohibited use of Internet or Telecommunications or Electronic Device. Shultz was placed in handcuffs, which were then double locked and checked for tightness. Shultz was advised of his rights per Miranda. I asked Shultz if he understood his rights and he said, "Yes." A search incident to arrest of Shultz's person revealed an iPhone that had a black protective case on it. The phone was discovered in his front right jean pocket. Video of the arrest was captured on my department issued Body Camera.

Shultz was then transported to the Michigan DPSPS station for questioning. Upon arrival I interviewed Shultz. The interview was recorded via my department issued body camera. Upon interviewing Shultz, I advised him that I needed to talk to him about a YikYak post that was made. He stated, "I think I know what you're talking about." I asked if he could explain and he said it probably had to with with his post about "smiles". I told him that it was. He then proceeded to tell me that he made the post and quickly realized it may have been a mistake and that is why he had it taken down so fast. He then said he had, "No bad thoughts or intentions about that comment" and that he was "not that kind of person." I asked him about the comment before he mentions smiles, where it stated he wanted to shoot black people. He stated that portion of the comment was referring to another comment someone made at the University of Missouri. He stated he was essentially making fun of that comment, but quickly realized the manner in which he posted it may not be received well. He stated his comment was to poke fun at the ridiculousness of the one posted at University of Missouri and that he did not intend on harming anyone. I informed him his posting was not taken that way and many felt it was a threat. He continually stated that was not his intention with the post. I asked Shultz if he posted any other comments on YikYak to clarify his posting and he said he did not.

I asked Shultz if he was in the MEEM when he posted the comment and he said that he was. He also said he posted it using his iPhone 5. He stated the phone he had in his pocket was the one he used to post the comment.

At the conclusion of the interview, I informed Shultz that he would be booked at the Houghton County Jail (HCJ) for the previously mentioned charge. Shultz was then transported to the HCJ and booked without incident.

Upon returning to the DPSPS station, Body Camera video of the incident was booked into evidence locker #5.

Prepared By DEVOGE, REID(RDEVOGE)	Submitted Date
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[REDACTED]

Attachments: (1) Copy of image of YikYak comment, (1) Copy of Emergency request Emails and responses, (1) Copy of Search Warrant and Search Warrant Affidavit, (1) Copy of Booking Sheet, (1) Copy of Email from Hale, (1) copy of Timely Warning Notice

Prepared By DEVOGE, REID(RDEVOGE)	Submitted Date
Signature	Reviewed By/Date