

Search Warrant

**State of Texas
County of Taylor**

THE STATE OF TEXAS to the Sheriff or any Peace Officer of Taylor County, Texas or any Peace Officer of the State of Texas, GREETINGS:


Whereas, the affiant, Lynn Beard, is a Peace Officer under the laws of Texas, and did heretofore this date subscribe and swear to said facts before me, and whereas I find that the verified facts stated by the Affiant in the Affidavit show that the Affiant has probable cause for the belief that expresses therein and establish existence of proper grounds for issuance of this Warrant; now, therefore, you are commanded to enter the suspected place, locate the suspected person(s), in Abilene, Taylor County, Texas, and to seize property including but not limited to emails, text messages, call logs, voicemails sent, received, or drafted beginning December 27, 2014 to the present contained on :

- A Blackberry 10 Smart Phone and Samsung Galaxy Tab 4 belonging to Heath Burns, and bring them before me.

HEREIN FAIL NOT, but you then and there this Warrant within three (3) days, exclusive of the day of its issuance and showing how you executed same.

ISSUED this the 25th day of February, 2015, to certify which witness my hand this date at

11:39, A. M.


Magistrate
Thomas Wheeler
350th District Court

Affidavit for Search Warrant

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I, Lynn Beard, being a peace officer under the law of Texas and being duly sworn, on oath makes the following statements and accusations:

1. There is in Abilene, Taylor County, Texas, a suspected person and place described and located as follows:

A suspected person described as: Heath Burns, a white male, age 41.

The suspected place is further described as a single family dwelling located at 2018 Brentwood Dr, in Abilene, Taylor County. The suspected place has a dark composite shingle roof, and light colored brick walls.

2. There is, in the possession of the listed suspected person(s), the following items constituting evidence of a criminal offense or constituting evidence tending to show that particular person committed a criminal offense:

Texas Family Code 261.101 & 261.109, Failure to Report Child Abuse. including all electronic communication to wit: emails, text messages, call logs, voicemails sent, received, or drafted beginning December 27, 2014 through the present contained on:

A Blackberry 10 smartphone and Samsung Galaxy Tab 4 in the possession of Heath Burns.

3. Affiant has probable cause for said belief by reason of the following facts:

On December 27, 2014, Abilene High School Principal Jennifer Raney received information regarding a possible sexual relationship between AHS teacher Breanne Brown and a student. The email included information about the possible sexual relationship and sexting between Breanne Brown and the student. The email also stated the student's parents had no knowledge of any such activity. Mrs. Raney notified Heath Burns, then Superintendent of the Abilene Independent School District, of these allegations on December 27, 2014, at 4:11 pm.

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The recovered email string dated December 27, 2014, through December 29, 2014, includes a conversation between Mark Neal and Heath Burns. In this email, Mark Neal suggests to Heath Burns, Phil Ashby, Audra Ude, and Gail Gregg that the allegations surrounding Breanne Brown should be reported to the Abilene Police Department – *“shall we consider handing the rumor over to APD for investigation before we risk any procedural errors” this time? I can imagine them criticizing us for tipping off the student and teacher before somehow seizing their cellphones and/or freezing teacher's computers and email*”. Heath Burns then responded privately to Mark Neal and chastised him for suggesting the Brown incident be reported to the police – *“Don't like it worth a shit, but can't do much with your very public recommendation.”* Mark Neal responded to that comment, *“Thought we were still in discussion mode, which the whole gallery has been in on all along”*. Heath Burns further responded, *“We were, but kinda hard to say no to that point of discussion for the very political reasons you thought to 'discuss' it”*.

Of note as it pertains to this warrant application, Heath Burns appears to be communicating via a mobile device. Heath Burns is utilizing a *“Blackberry 10 Smartphone on the Sprint Network”*. In this instance, Burns is utilizing this device to discuss his knowledge of the Brown case.

Your affiant conducted an interview with the victim student's mother on February 10, 2015. The mother provided a sworn affidavit which contained her account of the events that took place at Abilene High School and One AISD Center on January 5, 2015. After receiving confirmation that her son had been in a sexual relationship with Breanne Brown, she drove to Abilene High School and informed Jennifer Raney. According to the affiant, Jennifer Raney notified Heath Burns and then they all drove to One AISD Center. The student's mother further stated that she provided the full details of the allegation involving Breanne Brown to Heath Burns.

Abilene Police Chief Stan Standridge received an email on January 5, 2015 at 2:47 pm from Heath Burns regarding the Breanne Brown incident. That email did not include any of the sexual assault or STD information provided by the student's mother. The email only indicated Breanne Brown was guilty of, *“policy violation and insubordination, texting with the student.”* The email to Chief Standridge appears to omit all the information about the sexual assault of which Heath Burns was in possession.

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Another email exchange utilizing a mobile device occurred on January 9, 2015 and includes direct discussion about the Breanne Brown case. During this exchange which was located in Heath Burns' AISD email, Heath Burns appeared to utilize a Samsung Galaxy Tab 4. The applicable email string details the AISD response to a media inquiry involving the Brown case. In this instance, Heath Burns is utilizing a Samsung Galaxy Tab 4 to communicate about the Brown case. The email string directly discusses AISD's response to a media inquiry regarding the Brown case. Included in the email conversation are: Heath Burns, Phil Ashby, and Mark Neal. Heath Burns utilized a Samsung Galaxy Tab 4.

All of the above listed email exchanges were discovered pursuant to a search warrant issued on February 4, 2015, and executed on February 6, 2015. Based on the above email content, it appears Heath Burns has utilized mobile devices to directly communicate about the Breanne Brown case. Heath Burns was aware of the allegations regarding Breanne Brown's sexual assault of a student and did not report that information to police. Your affiant also located emails from Mark Neal to AISD staff directing them to keep Heath Burns' AISD email account active after his resignation in order to maintain contact with him. Heath Burns resigned from AISD on February 3, 2015. Further emails recovered indicate Mark Neal and Heath Burns maintained contact after his resignation.

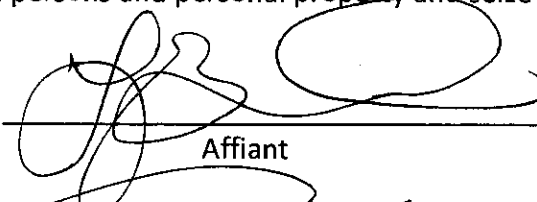
Therefore your affiant asks for the issuance of a warrant to locate and examine a Blackberry 10 smartphone and Samsung Galaxy Tab 4 in the possession of Heath Burns for the purposes of locating any communication which further substantiates both the possession of information regarding the Breanne Brown case and any intent to fail to report such information to the Police Department.

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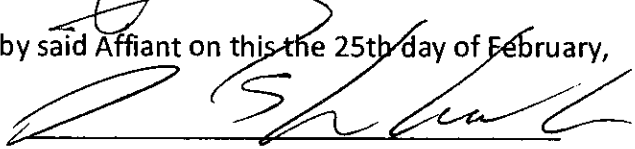
Heath Burns is no longer employed by AISD and has no office on AISD property. Based on your affiant's training and experience, it is common for people to store personal electronic devices in their home.

Wherefore, your Affiant asks for issuance of a warrant that will authorize him to search said suspected place and premises for said persons and personal property and seize the same.



Affiant

Subscribed and sworn before me by said Affiant on this the 25th day of February, 2015.



Magistrate
Thomas Wheeler
350th District Court