



IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

APR 14 2021

RICK WARREN
COURT CLERK

26 _____

THE OKLAHOMA STATE BUREAU)
OF INVESTIGATION,)
A GOVERNMENTAL ENTITY, FOR AN)
ORDER REQUIRING THE DISCLOSURE)
CERTAIN RECORDS OR)
INFORMATION PERTAINING TO)
EMAIL ACCOUNT)
TIMHENDERSON_276@HOTMAIL.COM)

CASE NO. SW-2021-681

AFFIDAVIT FOR SEARCH WARRANT

The undersigned Affiant, being first duly sworn, upon oath deposes and states as follows:

Affiant is a Special Agent for the Oklahoma State Bureau of Investigation, State of Oklahoma, and has been employed in law enforcement for over 23 years. Your affiant is a duly sworn peace officer and has completed numerous hours of training with agencies which include CLEET, OSBI, Federal Law Enforcement Training Center, and IRS – Criminal Investigations. Furthermore, your affiant has received training from more experienced Agents and Officers during similar investigations along with specific training regarding the use and evaluation of email account records in criminal investigations.

The following constitutes evidence of a crime:

Any and all subscriber information for the email address timhenderson_276@hotmail.com, including, and not limited to:

1. Registration details to include billing information, billing transaction history, and services utilized for time period January 1, 2015 until April 1, 2021.
2. IP Logs and a list of devices associated with Microsoft account timhenderson_276@hotmail.com for time period January 1, 2015 until April 1, 2021.
3. Email content, for all emails including but not limited to sent e-mail, received e-mails, drafts, trash, any e-mails contained in other "folders" for time period January 1, 2015 until April 1, 2021.
4. A list of contacts stored and associated with Microsoft e-mail account timhenderson_276@hotmail.com for time period January 1, 2015 until April 1, 2021.
5. Lastly, provide a detailed definitions page which identifies all information for each type of records provided.

The said property and/or data may presently be found at and/or within the following email provider company, which may be found at the following location:

Microsoft Corporation, USA
ATTN: Online Services Custodian of Records
One Microsoft Way
Redmond, WA 98052-6399

A preservation request was sent to the above company on April 1st and again on April 5th to preserve all data and content related to the above mentioned email account.

As probable cause for believing that said company contains the data herein described, Affiant states the following:

On March 31, 2021, Oklahoma County District Attorney David Prater requested the OSBI open a full investigation into allegations Oklahoma County District Judge Timothy Henderson committed sexual battery on at least three female attorneys.

On April 1, 2021, during an interview with OSBI Special Agent ANDI HAMILTON individual 1 (a person identified to this affiant) who reported (in part) the following: She was an attorney and worked in Henderson's courtroom for a few years when she was a new lawyer, beginning in 2015. The first year Henderson was like a mentor to her. He reviewed case law with her and was encouraging. He was well-liked and well-respected by everyone.

The first time he touched her was in spring 2016. Individual 1 was in the courtroom at the end of the day and as Henderson walked by, he ran his hand across her butt. She was shocked and left. She was shaken. She convinced herself it must have been a mistake.

The next week, Henderson called her to his office. He shut door, turned her around, kissed her and put her hand on his erect penis (over the clothes). He told her he'd wanted to do that for a while. She left, feeling terrified about what he did, the power he had in the courtroom and legal community. She had been a lawyer only one year and she thought her career would be over.

From the summer of 2016 up until summer 2018, Henderson had Individual 1 come to his office multiple times a month to meet with him privately. Sometimes he did not do anything inappropriate. Other times, he shut the door and touched her breasts over her clothes and under her clothes. He would sometimes strip down to his white brief style underwear. He lay on top of her and "dry humped" her. There were times Henderson "fingered" her at this location and other locations he instructed her to go to.

She did not want to engage in anything Henderson did, but the longer the touching went on, the more trapped she felt—like it was too late to get out of it. He also frequently

mentioned he always had a gun with him—in his office, in the courtroom, and outside the courthouse.

Henderson gave Individual 1 his personal email address on the back of his judicial business card. He told her to email him. Almost all of their communication was through Hotmail. He rarely texted her. Henderson told Individual 1 he deleted all his emails and told her to do the same. In the emails, Henderson told her to come to his office, to meet him at different locations in Oklahoma City where crimes listed above occurred, and to communicate other instructions or information to Individual 1 about the sexual crimes listed above.

On April 1, 2021, during an interview with OSBI Special Agent ANDI HAMILTON individual 2 (a person identified to this affiant) who reported (in part) the following the following: She was a new lawyer when she was assigned to Henderson's courtroom in 2019. He was very tough, but well-respected and well-known in the legal community. He was like a mentor to her. He critiqued how she did in the courtroom, gave her case law to study, and was supportive of her career.

After being assigned to Henderson for several months, with nothing inappropriate occurring, in late January or early February 2020, the situation changed. He began hugging her—at first side-to-side and then face-to-face. In February 2020, after a DUI case, Individual 2 was in Henderson's office and complained about the attorney on the other side. He hugged her and said something like, "Yeah, he's a real pain in the ass" and grabbed and squeezed her buttocks. She left and got in the elevator, tearing up. She was shocked and didn't know what to do. She didn't feel like she could tell anyone because of who he was.

From there, it progressed to more hugs and touching on her back or waist. She did not initiate anything and did not want him to do that. She kept thinking she could handle it and no one needed to know. She did not want rumors going around about her and for her career to be ruined.

Henderson gave Individual 2 his personal email address on the back of his judicial business card. He told her to email him.

In the summer of 2020, when she went to pick up a file, Henderson grabbed her from behind and pulled her against him. She stood up to leave, but he held her so he could put his face in her hair and on her neck. He said, "You turn me on." From then on, Henderson tried to kiss her on the neck and put his hand on her breast. She felt nervous, scared, in shock, and questioned, "Is this really happening?"

Eventually, the touching progressed to Henderson touching her breasts on the clothes and skin-to-skin, him grabbing her head to make her kiss him, telling her to put her tongue in his mouth, and putting his fingers inside her.

Henderson communicated almost exclusively through Hotmail using his personal email address. He would tell her to come to his office, to meet him outside in the community, and asked for naked pictures of her. At one point on his email, Henderson acknowledged one time Individual 2 moved her head to avoid his kisses, but said, "It was bound to happen."

Your affiant knows through training and experience that communications between victims and offenders often occur before the alleged crimes begin. Your affiant believes it is likely that based on statements from Individual 1 and Individual 2 that email communications between Henderson and the victims is very likely starting in 2015 and continuing into 2021.

SEARCH PROCEDURE

In order to ensure that agents search only those computer accounts and/or files described herein, only employees of MICROSOFT CORPORATION, USA will conduct the search authorized by this warrant. This search will be conducted without the presence of a law enforcement officer. To further ensure that only those computer accounts and/or files described herein are obtained pursuant to this warrant, the following procedures will be implemented:

It is requested that this Court authorize that the search warrant be sent by email or fax to MICROSOFT CORPORATION, USA personnel who will be directed to isolate the account and files described herein. MICROSOFT CORPORATION, USA personnel are familiar with this procedure, as it is a normal practice for them to receive and "execute" search warrants in this manner. Since this warrant seeks the content of an account, the actual search will be conducted by MICROSOFT CORPORATION, USA personnel only. Title 18, United States Code, Section 2703 expressly permits the service and execution of a search warrant without the presence of the law enforcement officer.

In order to minimize any disruption of computer service to innocent third parties, MICROSOFT CORPORATION, USA employees trained in the operation of computers will create an exact duplicate of the computer accounts and files described herein, including an exact duplicate of all information stored in the computer accounts and files described herein. MICROSOFT CORPORATION, USA employees will not use any independent discretion and will comply with the express terms of the search warrant.

MICROSOFT CORPORATION, USA employees will provide the duplicate in electronic form of the account and files described herein and all information stored in that account and those files to the Agent or Investigator who serves this search warrant.

Law enforcement personnel will thereafter review the information stored in the account and files received from MICROSOFT CORPORATION, USA employees and then identify and copy the information contained in that account and those files which are authorized to be further copied by the search warrant.

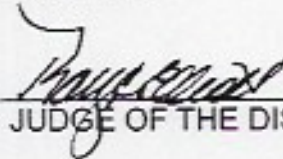
The statements in this Affidavit are based on information obtained during my investigation including, victim/subject/witness interviews, related activities, and consultation with other law enforcement agents. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of a crime.

WHEREFORE, based upon the above and foregoing facts, Affiant requested that a search warrant issue according to law, directed to any Agent of the Oklahoma State Bureau of Investigation, or any peace officer in the State of Oklahoma authorized to serve the same, command that a search be made of the email provider records herein described for the data aforesaid, and to seize or preserve the same. Due to the time required to conduct such a search, Affiant requests that an extension be made beyond the normally accepted ten days for a return of service to this court.



AFFIANT

Subscribed to and sworn before me this 14th day of April, 2021.



JUDGE OF THE DISTRICT COURT

CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

JUN 24 2021

RICK WARREN COURT CLERK
Oklahoma County



IN THE DISTRICT COURT OF OKLAHOMA COUNTY APR 14 2021
STATE OF OKLAHOMA

RICK WARREN
COURT CLERK

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IN THE MATTER OF THE APPLICATION OF)
THE OKLAHOMA STATE BUREAU)
OF INVESTIGATION,)
A GOVERNMENTAL ENTITY, FOR AN)
ORDER REQUIRING THE DISCLOSURE)
OF CERTAIN RECORDS OR)
INFORMATION PERTAINING TO)
EMAIL ACCOUNT)
TIMHENDERSON_276@HOTMAIL.COM)

CASE NO. SU-2021-681

SEARCH WARRANT PURSUANT TO
18 U.S.C. § 2703

THIS COURT, having considered the application of the Oklahoma State Bureau of Investigation for an order requiring the disclosure of certain customer or subscriber information by Microsoft Corporation, USA, finds as follows:

1. This Court is a Court of competent jurisdiction as defined by 18 U.S.C. § 2711(3) and 18 U.S.C. § 3127.
2. The information or records sought by the Applicant is of the type specifically provided for in 18 U.S.C. § 2703 (c).
3. The Applicant and the Oklahoma State Bureau of Investigation, are a governmental entity as that term is used in 18 U.S.C. § 2703 (c), and have set forth specific and articulable facts showing that they have an ongoing criminal investigation and that records or information they seek are relevant to this criminal investigation and pursuant to probable cause.

IT IS THEREFORE ORDERED that Microsoft Corporation, USA furnish to the Oklahoma State Bureau of Investigations the following records or information:

1. Registration details to include billing information, billing transaction history, and services utilized for time period January 1, 2015 until April 1, 2021.
2. IP Logs and a list of devices associated with Microsoft account timhenderson_276@hotmail.com for time period January 1, 2015 until April 1, 2021.
3. Email content, for all emails including but not limited to sent e-mail, received e-mails, drafts, trash, any e-mails contained in other "folders" for time period January 1, 2015 until April 1, 2021.
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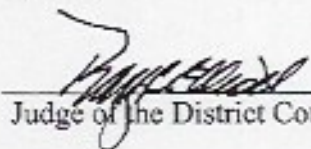
IT IS FURTHER ORDERED that Microsoft Corporation, USA create backup copies of the material provided pursuant to this order and to provide any technical assistance requested by Special Agent Marc Collins or any other employee of the Oklahoma State Bureau of Investigation.

IT IS FURTHER ORDERED Microsoft Corporation, USA not disclose to the customer or subscriber the existence of this Order, or the Application for this Order, pursuant to 18 U.S.C. § 2703 (c) (3).

IT IS FURTHER ORDERED that Microsoft Corporation, USA may be compensated for reasonable costs related to complying with this Order, pursuant to 18 U.S.C. § 2706.

THIS ORDER MAY BE COMPLIED WITH by sending anything listed on this order to Special Agent Marc Collins, email address: marc.collins@osbi.ok.gov

Dated this 14th day of April, 2021.



Judge of the District Court

APR 14 2021

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

RICK WARREN
COURT CLERK

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IN THE MATTER OF THE APPLICATION)
OF THE OKLAHOMA STATE BUREAU OF INVESTIGATION,)
A GOVERNMENT ENTITY,)
FOR AN ORDER REQUIRING THE DISCLOSURE)
OF CERTAIN RECORDS OR INFORMATION)
PERTAINING TO THE MICROSOFT CORPORATION, USA)
HOTMAIL ACCOUNT)
Timhenderson_276@hotmail.com)

Case No. SW-2021-681

AFFIDAVIT FOR ORDER OF NON-DISCLOSURE

This court, having considered the Now comes the OKLAHOMA STATE BUREAU OF INVESTIGATION, a governmental entity, by and through MARC COLLINS who, being duly sworn, upon his oath, and pursuant to 18 U.S.C. 2705(a), does state as follows as the Affiant for this order:

Special Agent MARC COLLINS, on behalf of OKLAHOMA STATE BUREAU OF INVESTIGATION, respectfully applies to this court for an order prohibiting Microsoft Corporation, USA to disclose, to the customer or subscriber identified above, the issuance of a request for records or information pursuant to 18 U.S.C. 2703.

In support of this affidavit, your Affiant respectfully submits to this court as follows:

1. This court is a court of competent jurisdiction to issue such orders as defined by Title 18, Sections 2711 and 3127 of the United States Code, and Title 13 Section 177.1 et seq. of the Oklahoma Statutes.
2. As a court of competent jurisdiction, this Court has the authority to order the prohibition of disclosure of the above information, pursuant to Title 18 of the United States Code, Section 2703 (c) and (d), based upon the specific and articulable facts set forth below.
3. Your Affiant is currently conducting a criminal investigation related to the offense of SEXUAL BATTERY, RAPE II, and VIOLATION OF THE OKLAHOMA COMPUTER CRIMES ACT.
4. Your Affiant has reason to believe that notifying the subscriber of the existing warrant with the case number OSBI2021-306 will result in the destruction of or tampering with evidence.
5. Your Affiant requests this court issue an order precluding Microsoft Corporation, USA from notifying the subscriber identified above of the existence of this order or any resulting order, as 18 U.S.C. 2703 (c)3 specifically provides that the governmental entity need not notify the subscriber or customer of the existence of an order with the reason stated above.

As a result of the reasons set forth above, your Affiant further requests this court seal this application and any resultant order to carry out the provisions of Title 18 Section 2703 (c)3.

RE *FOR A PERIOD NOT TO EXCEED 30 DAYS UNTIL FURTHER ORDER OF THIS COURT. AND*
FURTHER AFFIANT SAYETH NOT *RE* *Van Call.*

Affiant

SUBSCRIBED AND SWORN to before me this 14 day of April, 2021 at 8:55 AM. hours
CST.

[Signature]

Judge of the District Court
Oklahoma County, Oklahoma

Sealed Search Warrant

SW-2021-681

4-16-21 filed affidavit for search warrant/Quay Exhibit

4-16-21 filed search warrant pursuant to 1802C 2703D Quays
Exhibit

4-16-21 filed affidavit for order of non-disclosure Quays
Exhibit

email account #

Tim Anderson - 276@hotmail.com

Sealed this 14th day April 2021
for a period of 30 days from this date without
further order of this Court or Superior Court

Robert J. Quinn
District Judge