

SEARCH WARRANT

COUNTY OF RUTHERFORD STATE OF TENNESSEE

TO ANY PEACE OFFICER WITHIN OR OF SAID COUNTY:

Proof by Affidavit having been made before me by [REDACTED] that there is probable cause to believe that **Felicia HURT (W/F DOB: [REDACTED] and Frank ATWELL (B/M DOB: [REDACTED]** are in possession and control of certain evidence of a crime to wit: violations of state laws as set forth in TCA Section 39-13-515 [Promoting Prostitution], and TCA 39-17-1005 [Especially Aggravated Sexual Exploitation of a Minor] and that evidence of said crimes will be found at the location of 220 Kerr Avenue in Murfreesboro, Rutherford County, Tennessee and the evidence to be searched for is as follows:

- Any equipment, devices, records, computers and computer storage discs, digital cameras, or telephones used to facilitate the aforementioned criminal activity. This search will include the seizure and examination of the aforementioned to retrieve such records.
- Any indication of ownership, dominion, or control over the premises to be searched including rental receipts, mortgage payments, and utility bills.
- Images, drawings, letters, photographs, computer graphic files, video graphic files, videotapes or any other data that is pornographic or explicit in nature.
- Photographs, videotapes, audiotapes, or electronically stored images of persons involved in the criminal conduct, or of persons spending proceeds of criminal activity.
- Any photographs of the "female juvenile runaway" referred to in the affidavit.
- All hotel records, hotel receipts and hotel room card keys
- All financial records pertaining to the disposition of the proceeds of the violation of the criminal laws specified above.
- Records of the aforementioned criminal activity whether stored on paper, on magnetic media such as tape, cassette, disk, diskettes or on memory storage devices. This shall also include but not be limited to records stored on programmable instruments and electronic storage media such as telephones, voice mail, answering machines, electronic address books, calculators, or any device designed to store information.
- Any indicia of use, ownership, possession, or control of such records mentioned above.
- Any goods or personal property, including US currency or negotiable instruments, constituting proceeds of a violation of the aforesaid laws or funds used to facilitate the aforesaid laws.
- Any evidence or items that would be used to conceal the FOREGOING or prevent its discovery.

YOU ARE THEREFORE COMMANDED to make an immediate search on the premises of 220 Kerr Avenue, Murfreesboro, Rutherford County, Tennessee and in the premises used and occupied by the occupants of this residence located and more particularly described as follows:

The residence of 220 Kerr Avenue is a tan colored residence with brown trim. The numbers "220" are visible above the front door. A chain link fence surrounds the front of this residence. See attached photograph below:



This search will include all outbuildings, outhouses, trash receptacles, mailboxes, storage buildings, and other outside structures directly related to this location. This will also include all vehicles found on or related to the residence, specifically including but not limited to a Pontiac Bonneville displaying TN LIC [REDACTED]. You are commanded to search for the aforesaid evidence; and if you find the same or any part thereof, you shall seize the evidence.

I HEREBY DELIVER THIS SEARCH WARRANT FOR EXECUTION TO:

at _____ o'clock ___ M, on this ___ day of March, 2010.

(Judge or Clerk)

OFFICER'S RETURN AND SUMMARY INVENTORY OF PROPERTY SEIZED

The within warrant came to hand, and executed on this _____ day of March, 2010, by searching the person(s) and premises herein described, and taking therefrom the following evidence which was seized:

Agent, Deputy or Officer Executing Warrant

JUDGEMENT ON SEARCH WARRANT

Due and proper return having been made of the warrant, the property seized as described in the said return shall be retained, subject to the orders of the Criminal Court of Rutherford County, and the within warrant, and return shall be filed in the office of the Clerk of said Criminal Court.

This _____ day of _____, 2010.

Judge of the Court

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

COUNTY OF RUTHERFORD STATE OF TENNESSEE

Special Agent Jason Wilkerson of the Tennessee Bureau of Investigation personally appeared before _____, Judge / Clerk of _____ for said State, and now makes oath in due form of law that there is probable cause to believe that **Felicia HURT (W/F DOB: [REDACTED]) and Frank ATWELL (B/M DOB: [REDACTED])** are in possession and control of certain evidence of a crime to wit: violations of state laws as set forth in TCA Section 39-13-515 [Promoting Prostitution], and TCA 39-17-1005 [Especially Aggravated Sexual Exploitation of a Minor] and that evidence of said crimes will be found at the residence of 220 Kerr Avenue, Murfreesboro, Rutherford County Tennessee and the evidence to be searched for is as follows:

- Any equipment, devices, records, computers and computer storage discs, digital cameras, or telephones used to facilitate the aforementioned criminal activity. This search will include the seizure and examination of the aforementioned to retrieve such records.
- Any indication of ownership, dominion, or control over the premises to be searched including rental receipts, mortgage payments, and utility bills.
- Images, drawings, letters, photographs, computer graphic files, video graphic files, videotapes or any other data that is pornographic or explicit in nature.
- Photographs, videotapes, audiotapes, or electronically stored images of persons involved in the criminal conduct, or of persons spending proceeds of criminal activity.
- Any photographs of the "female juvenile runaway" referred to in the affidavit.
- All hotel records, hotel receipts and hotel room card keys
- All financial records pertaining to the disposition of the proceeds of the violation of the criminal laws specified above.
- Records of the aforementioned criminal activity whether stored on paper, on magnetic media such as tape, cassette, disk, diskettes or on memory storage devices. This shall also include but not be limited to records stored on programmable instruments and electronic storage media such as telephones, voice mail, answering machines, electronic address books, calculators, or any device designed to store information.
- Any indicia of use, ownership, possession, or control of such records mentioned above.
- Any goods or personal property, including US currency or negotiable instruments, constituting proceeds of a violation of the aforesaid laws or funds used to facilitate the aforesaid laws.
- Any evidence or items that would be used to conceal the FOREGOING or prevent its discovery.

This search will include all outbuildings, outhouses, trash receptacles, mailboxes, storage buildings, and other outside structures directly related to this location. This will also

include all vehicles found on or related to the residence, specifically including but not limited to a Pontiac Bonneville displaying TN LIC [REDACTED]

The Affiant further testifies that the said evidence is now located and may be found in possession of said persons or on said premises located at 220 Kerr Avenue in Murfreesboro, Rutherford County, Tennessee and more particularly described as follows: The residence of 220 Kerr Avenue is a tan colored residence with brown trim. The numbers "220" are visible above the front door. A chain link fence surrounds the front of this residence. See attached photograph below:



Statement of Facts In Support of Probable Cause

This affidavit is made by [REDACTED] person of the Tennessee Bureau of Investigation. Your Affiant testifies that the information contained herein, unless otherwise stated, is based upon personal knowledge or information received from other law enforcement officers that your Affiant believes to be true.

1. On Thursday February 25, 2010 your affiant was made aware of the fact that a juvenile female runaway from Lawrenceburg, Tennessee was found to have been using a particular telephone number. This juvenile female runaway had been missing since the date of on or about January 7th of 2010. An open source query of this telephone number lead concerned parties and Agents of the Tennessee Bureau of Investigation to a website identified as "backpage.com". The page to which this number was linked displayed photographs of the juvenile female runaway and was clearly, in your Affiant's experience, an advertisement for escort / prostitution. Some of the photographs of the juvenile were pornographic in nature in that the juvenile female runaway was nude in the photographs. This page also advertised that the services were being offered in Murfreesboro, Tennessee.

2. On the afternoon of February 25, 2010 your affiant coordinated an undercover sting operation for the purpose of luring the aforesaid juvenile female to a hotel room in Murfreesboro, Rutherford County, Tennessee. During this operation a Murfreesboro Vice Detective contacted the juvenile female on the aforesaid cellular telephone number. The Detective spoke to the juvenile female runaway at that telephone number. The juvenile female runaway agreed to come to the hotel for a specified amount of money. Some time later on that same day, law enforcement officers observed the juvenile female runaway riding as a passenger in a vehicle that was driving through the parking lot of the hotel. This vehicle was observed as being a Pontiac Bonneville displaying TN LIC [REDACTED]

3. Your affiant initiated a traffic stop on this vehicle a short distance from the hotel. The juvenile female was found to be in control of two cellular telephones in the vehicle. A third cellular telephone was found in a purse that was with the juvenile female runaway. Also inside this purse your affiant observed a condom, a tube of KY personal lubricant, and what appeared to be the end of a marijuana cigarette. The driver of the vehicle was identified as Felicia Hurt. Both the juvenile female runaway and Ms. Hurt were questioned at the Murfreesboro Police Department.

4. During questioning, Hurt admitted that she was involved in prostitution. Hurt related to your affiant that she performed sexual favors in exchange for money under the guise of doing "massages". Hurt stated that she often did this illegal activity in motel rooms. One of the motel rooms that she used was the Super 8 motel that was off of Old Fort Parkway in Murfreesboro, Rutherford County, Tennessee.

5. Hurt stated that she advertised her "massage" services on computer-based classifieds to include Backpage.com. Hurt stated that she never used her real name on any of these sites. The telephone number that Hurt had potential customers call her at was the cellular telephone that Hurt had in her possession at the time of the traffic stop (paragraph 3).

6. Hurt stated that the vehicle that she was driving (the Pontiac Bonneville TN LIC [REDACTED] belonged to her "boyfriend". She stated that she and her boyfriend had recently moved to Murfreesboro and that she did not know his exact address. She did recall that the house was "off of State Street". Her boyfriend's name was Frank ATWELL. Hurt related that the juvenile female runaway had come into the residence "off of State Street" earlier that day just before the two of them came to the hotel. The vehicle [REDACTED] is registered to Frank ATWELL.

7. Your Affiant was able to verify that Hurt did in fact advertise herself on backpage.com. Your affiant compared the advertisement that Felicia Hurt had on Backpage.com alongside the ones that the juvenile female runaway had advertised on backpage.com. Your affiant observed that the background in the photographs of the two classified adds were identical in some instances. This led your affiant to believe that the photographs were taken at the same location. Other photographs of the juvenile female runaway that were posted on Backpage.com depict the juvenile female runaway posing topless on the couch in a hotel or motel.

8. On February 27, 2010 at approximately 2330 hours, your affiant went to the area of 220 Kerr Avenue in Murfreesboro, Rutherford County, Tennessee. Kerr Avenue is a street that intersects with State Street in Murfreesboro, Rutherford County, Tennessee. The address of 220 Kerr Avenue is less than 100 yards from the intersection of Kerr and State

Street. Your affiant observed that the Pontiac Bonneville (TN LIC [REDACTED]) was parked near the front of this address.

9. On March 1, 2010 your affiant went to the Super 8 Motel located at 127 Chaffin Place in Murfreesboro, Rutherford County, Tennessee. Your affiant acquired hotel records from this hotel that confirmed that Frank Atwell rented room 226 from the dates of January 6, 2010 until January 12, 2010. Your affiant observed that Atwell paid cash for the room each day that he was there. Your affiant inspected Room 226 and observed that it was the exact room depicted in the photographs of the juvenile as she was posed topless on the couch (paragraph 7). Your Affiant observed that the hotel records further detailed that Atwell listed a grey Chevy Impala on the hotel folio.

10. On March 1, 2010 I obtained records from Murfreesboro Electric Department concerning the address of 220 Kerr Avenue in Murfreesboro, Rutherford County, Tennessee. These records confirmed that electric service at 220 Kerr Ave. was being paid by Frank ATWELL. Service was connected at 08JAN2010.

11. On March 2, 2010 at approximately 0950 hours, your Affiant observed the address of 220 Kerr Avenue in Murfreesboro, Rutherford County, Tennessee. Your Affiant observed that two black male subjects were in front of the residence. The male subjects appeared to be working on the passenger's rear tire of a vehicle that was parked in the front yard. The vehicle that was parked in the yard had its trunk up. This vehicle appeared to be a grey or silver Chevrolet Impala with silver rims. One of the black male subjects in the front yard was wearing an orange jacket with a hood. This subject appeared to be very similar in appearance to the driver's license photograph of Frank Atwell.

12. Your Affiant directed Law Enforcement Information Coordinators with the Tennessee Bureau of Investigation to conduct NCIC queries on the subjects of this investigation. Although both subjects have multiple arrests for various crimes, your affiant observed a number of arrests that are directly related to the criminal offense that is the subject of this affidavit. Specifically, an NCIC query of Felicia HURT detailed that she was arrested for a capias in Metro Nashville for Prostitution in November of 2009. In June of 2009 she was charged with prostitution in Irving Texas. She was arrested for prostitution in July of 2007, a charge that she pled guilty to. In August of 2007 Ms. Hurt was charged with prostitution in Orlando, FL. An NCIC query of Frank Atwell shows that he was charged with, among other charges, promoting prostitution in November of 2004 by Metro Nashville Police Department.

Experience and Basis of Knowledge of Affiant

Your Affiant has worked in the field of law enforcement for over fifteen years, and has worked as a Special Agent for the Tennessee Bureau of Investigation since 1997. [REDACTED]

[REDACTED] Your Affiant has used overt and covert methods of investigation to include but not limited undercover operations, search warrants, controlled deliveries, subpoenas, interview / interrogation, controlled purchases, and long term surveillance operations. Your Affiant has attended classes and training sessions on the subjects of search warrant executions, investigation of complex criminal organizations, asset forfeiture, and tracing of illegal proceeds. Your Affiant has participated in, organized, and initiated several investigative

efforts that have targeted individuals involved in sex-related crimes. These cases have resulted in felony arrest and convictions.

While conducting criminal investigations, your affiant has had the occasion to search residences, businesses, safe deposit boxes, and other areas under the control of individuals who were involved in sex-related offenses. Your affiant has debriefed and interviewed defendants and informants who have extensive knowledge of prostitution rings and other criminal organizations. Through experience and training, your Affiant is familiar with the habits, practices, and characteristics of individuals who are involved in prostitution. Your Affiant has learned that the promotion of prostitution is an activity dependant upon communications. Those who are involved in the activity of organizing and promoting prostitution must stay in contact with customers and others involved in the conspiracy at all times. Your Affiant has learned that those involved in the promotion via the internet will often possess computers, digital cameras, credit cards and cellular telephones for the purpose of posting their photographs and web pages on line. These items will be found in locations at which the offenders have direct control such as their residences, businesses, safe deposit boxes, storage units or vehicles.

Concerning persons who are involved in the sexual exploitation of minors, your Affiant has learned that these adults have been found to collect pornography, whether adult or child oriented, consisted of both printed and visual aids. These materials are very often used for the adult's sexual arousal and gratification, but are also used in the pursuit of the lowering of inhibitions of their underaged victims and to arouse these victims by demonstrating the adult's desired sexual preference.

CONCLUSION

Therefore, considering the foregoing, your Affiant believes based on his knowledge, training, and experience that evidence of violations of TCA Section 39-13-515 [Promoting Prostitution], and TCA 39-17-1005 [Especially Aggravated Sexual Exploitation of a Minor] will be found at the residence of 220 Kerr Avenue in Murfreesboro, Rutherford County, Tennessee.

On February 25th 2010, your affiant learned that a juvenile female runaway was advertised as a prostitute on the internet. Law enforcement officers set up a sting operation for the purpose of luring the juvenile female runaway to a hotel in Murfreesboro. This was done under the pretence of hiring her as a prostitute. When the juvenile female runaway arrived in a car that was driven by Felicia HURT Felicia Hurt is an admitted prostitute and who has a history of prostitution (Paragraphs 4, 5, and 12). The car that Ms. HURT was driving was registered to Frank ATWELL (Paragraph 6). ATWELL has a history of arrest for the promotion of prostitution (Paragraph 12). ATWELL lives at 220 Kerr Avenue (Paragraph 6, 10 and 11). HURT stated that she and the juvenile female runaway were at 220 Kerr Avenue just before they were detained in the sting operation (Paragraph 6).

During subsequent investigation, your affiant learned that HURT and the juvenile female runaway both have similar photographs posted on the internet for the purposes of prostitution (Paragraph 5 and 7). In addition, the juvenile had photographs taken in a hotel room that ATWELL paid for (Paragraph 9). These photographs were also posted on the internet for the purpose of promoting prostitution. The vehicle that Hurt was driving during the evening of the sting has been observed at 220 Kerr Avenue. The vehicle that ATWELL

was operating when he rented the hotel room where the photos were taken is also located at 220 Kerr Avenue. These vehicles are assets that Atwell and Hurt use to commit the ongoing criminal offense of promotion of prostitution and sexual exploitation of a minor. Any computers, cellular telephones, digital cameras or any forms of electronic storage media found on the person or on the premises owned or inhabited by ATWELL or HURT may also be assets that are used to further these criminal offenses.

HURT stated that she and the juvenile female runaway were at the residence “off of State Street” just before their detainment in the sting operation. Any of the juvenile’s personal belongings, identification, notes or letters would be evidence that the juvenile was there and was therefore in the presence of ATWELL.

Your affiant respectfully requests that a search warrant be issued for the location of 220 Kerr Avenue in Murfreesboro, Rutherford County, Tennessee for the aforementioned evidence so that this investigation may continue.

I SWEAR THE FOREGOING IS TRUE UNDER PENALTY OF PERJURY.

_____ **AFFIANT** (Date)

Sworn to and subscribed before me this _____ day of March, 2010.

Judge of the Court