

IN THE COUNTY COURT OF MADISON COUNTY, NEBRASKA

CASE: 22-619

STATE OF NEBRASKA)

)

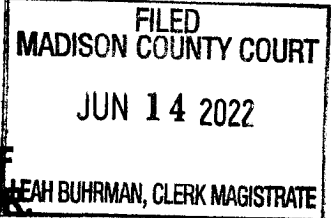
COUNTY OF MADISON)

ss:

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

CR 22-145
____ A.M. ____ P.M.

JUN 14 2022



The affidavit of the undersigned

IN DISTRICT COURT OF
MADISON COUNTY NEBRASKA

COMES NOW, Detective Ben McBride, on this 7th day of June, 2022, who being first duly sworn,
upon oath says:

1. I submit this Affidavit and Application for Issuance of a Search Warrant pursuant to Neb.Rev.Stat. § 86-2,106 and § 86-2,108. Affiant further states that he/she may obtain a Search Warrant requiring the disclosure by a provider of electronic communication service of the contents of an electronic communication pursuant to Neb.Rev.Stat. § 86-2,106(1), and additionally may obtain an order commanding a provider of electronic communication service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order pursuant to Neb.Rev.Stat. § 86-2,108(2).
2. I am a certified law enforcement officer with approximately 27 years of experience in law enforcement in the State of Nebraska. I am currently a Detective with the Norfolk Police Division, Norfolk, Madison County, Nebraska. My duties include the investigation, and enforcement, of violations of Norfolk City Ordinances and Nebraska State Statutes.
3. Based on my training and experience, I have developed probable cause to believe, and do believe that evidence related to the crimes described herein is secured or is being kept at or within the following described place, or person, to-wit: Meta Platforms, Inc., 1601 Willow Road, Menlo Park, CA 94025 .
4. That said property is under the control or custody of the Security Department/Custodian of



Records, Meta Platforms, Inc., 1601 Willow Road, Menlo Park, CA 94025.

5. The following facts support your Affiant's probable cause for issuance of a search warrant, to-wit:

On 04-26-22 I began in investigation into the concerns that a juvenile female, identified as Celeste Burgess (06-16-04), had given birth prematurely supposedly to a stillborn child. C. Burgess then enacted the help of her mother, Jessica Burgess (02-01-81) and the two of them buried the child together. Both of the Burgess' were telling others they needed to dig the child's body up and then burn it.

Over the next days I conducted interviews and obtained medical records. The medical records I obtained on 04-29-22 showed C. Burgess had been pregnant on 03-08-22.

On 04-29-22 I interviewed both J. Burgess and C. Burgess separately. It was learned that sometime the week prior C. Burgess unexpectedly gave birth to her child at home in a bathtub/shower, [REDACTED] NE. C. Burgess claimed the baby was stillborn. They did not know the exact date but stated it occurred in the early morning hours sometime after midnight. C. Burgess stated after she miscarried she tried to contact J. Burgess via phone but could not wake J. Burgess. Eventually C. Burgess went downstairs and woke J. Burgess up and explained what happened. C. Burgess ended up placing the body of the fetus into a bag, and then they placed the bag into a box in the back of a cargo van on their property.

The Burgess' stated the body of the fetus was taken to a property north of Norfolk where it was buried. They advised it was buried with the assistance of Tanner Barnhill (05-09-00) as it was his parent's property on which the fetus was buried. C. Burgess and J. Burgess took me out to the property which was learned to be [REDACTED]

██████████ Norfolk, Madison County, NE. This property is outside the city limits of Norfolk but still in the County of Madison.

On 04-29-22 C. Burgess and J. Burgess were taken to the scene and voluntarily showed me where the burial site of the fetus was, at ██████████ Norfolk, Madison Co., NE. T. Barnhill also arrived on scene prior to the exhumation of the fetus. T. Barnhill showed us where the fetus was buried (the same spot the Burgess' had showed us). We also learned from T. Barnhill that J. Burgess and C. Burgess tried to burn the body of the fetus prior to it being buried.

On 04-29-22 Sgt. Vrbsky and Deputy Dittberner, both of the Madison Co. Sheriff's Office, assisted at the scene and with the exhumation process. The body of a fetus that appeared to have thermal injuries to its' body was exhumed in the spot the Burgess's and Barnhill had shown me.

On 04-30-22 an autopsy on the fetus was conducted. An exact cause was unknown but the lungs didn't indicate they'd ever contained any air.

Over the next days I would conduct more interviews and learn the fetus body had actually been buried 3 times at different locations (2 of the locations were at ██████████ ██████████ Norfolk, Madison County, NE).

When I conducted the interview with C. Burgess I wanted to try and figure out when the miscarriage occurred. C. Burgess scrolled through her messages on her Facebook Messenger account. She showed me where she was trying to message J. Burgess to get her attention. The message showed it was sent on 04-22-22 at 0338 hrs.

I identified the URL of the Facebook account associated with Celeste Burgess (AKA Celeste Kerr) as; <https://www.facebook.com/profile.php?id=100009██████████>

I identified the URL of the Facebook account associated with Jessica Burgess (AKA Jessica Kerr) as; [https://www.facebook.com/\[REDACTED\]](https://www.facebook.com/[REDACTED])

On 06-06-22 I received the final autopsy report. The report stated the cause of death was undetermined. The findings were consistent with the fetus being stillborn but the placement of the fetus into a plastic bag raise the possibility of asphyxia due to suffocation.

6. I know from prior training and experience, and conversations with other seasoned criminal investigators, that people involved in criminal activity frequently have conversations regarding their criminal activities through various social networking sites, i.e. Facebook. Furthermore, the fact that C. Burgess showed she had already sent J. Burgess a message on Facebook Messenger pertaining to this investigation, leads me to believe that there will be more messages between C. Burgess and J. Burgess, and possibly with J. Burgess and others, with information regarding specifics of this case, including statements that might indicate whether the baby was stillborn or asphyxiated.
7. The above information leads me to believe, and to have probable cause to believe, that the premises of Meta Platforms, Inc., 1601 Willow Road, Menlo Park, CA 94025, are being used for the purpose of securing or keeping evidence related to Prohibited Acts with Skeletal Remains.
8. I have just and reasonable grounds to believe, and do believe that there is secured or kept at the aforementioned premises described, the following property, to-wit:
 - a. Neoselect, or Basic Subscriber Information, for username [https://www.facebook.com/\[REDACTED\]](https://www.facebook.com/[REDACTED]) including, but not limited to, the user identification number, e-mail address, date and time stamp of account creation date, most recent logins, and verification on whether the account was publicly viewable.


- b. Neoprint, or Expanded Subscriber Content, for username <https://www.facebook.com/> [REDACTED], including, but not limited to, profile contact information, wall postings, and friend listing, with Facebook ID's, for dates ranging from April 15th, 2022 through current.
- c. Photoprint of for username <https://www.facebook.com/> [REDACTED], including, but not limited to, all photos uploaded by the user that have not been deleted, along with all photos uploaded by any user which have the requested user tagged in them, for dates ranging from April 15th, 2022 through current..
- d. Private Messages for username <https://www.facebook.com/> [REDACTED] for dates ranging from April 15th, 2022 through current.
- e. IP log for username <https://www.facebook.com/> [REDACTED], for dates ranging from April 15th, 2022 through current.

- 9. I believe that the above property is being secured, kept, or used in violation of the laws of the State of Nebraska, or is being secured or kept at the premises of Meta Platforms, Inc., 1601 Willow Road, Menlo Park, CA 94025, and constitutes evidence of, or evidence relevant to proving a violation of the laws of the State of Nebraska, to wit: Prohibited Acts with Skeletal Remains.
- 10. Based on the facts and the opinions set forth herein, and based on my experience and training, I requests that a search warrant be issued.
- 11. I have reason to believe that notifying the subscriber or customer of the issuance of this Search Warrant may result in the destruction of or tampering with evidence, or have an adverse result or effect on the investigation. Therefore, pursuant to Neb.Rev.Stat. § 86-2,108, your Affiant requests that Meta Platforms, Inc., Security Department/Custodian of Records, 1601 Willow Road, Menlo Park, CA 94025, be ordered not to disclose the existence, nature, or contents of this Search Warrant or the investigation to the subscriber or

customer or to any unauthorized person until ordered or authorized to do so by this Court.

12. This search warrant should be served during daylight hours.

13. WHEREFORE, your Affiant prays that a search warrant may be issued according to law.

 #71
Ben McBride, Detective
Norfolk Police Division

SUBSCRIBED AND SWORN TO before me this 7th day of June, 2022.


JUDGE OF THE COURT

