

AFFIDAVIT FOR SEARCH WARRANT

Commonwealth of Virginia VA. CODE § 19.2-54

The undersigned Applicant states under oath:

1. A search is requested in relation to ☒ an offense substantially described as follows:
[] a person to be arrested for whom a warrant or process for arrest has been issued identified as follows:
§ 18.2-386.1. Unlawful creation of image of another

[] CONTINUED ON ATTACHED SHEET

2. The place, person or thing to be searched is described as follows [] and is a place of abode:

An iPhone in a black Otterbox case and an iPhone in a gray Otterbox case. These devices are currently located in the possession of the Chesapeake Police Department at 304 Albemarle Drive, Chesapeake, VA 23322. These items are being kept under Case

[] CONTINUED ON ATTACHED SHEET

3. The things or persons to be searched for are described as follows:

Digital files currently stored on the phones (to include videos, images, applications, and other files) providing evidence of a violation of § 18.2-386.1. Unlawful creation of image of another. Digital files currently stored on the phones showing the identity of the owner/operator of the devices.

[] CONTINUED ON ATTACHED SHEET

(OVER)

FILE NO.

AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

B. J. Furbish
NAME

Detective

TITLE (IF ANY)

304 Albemarle Drive

ADDRESS

Chesapeake, VA 23322

Certified to Clerk of

Chesapeake

CITY OR COUNTY

Circuit Court

on

6/16/2025

DATE

Magistrate

TITLE

SIGNATURE

Original Delivered ☒ in person [] by certified mail
[] by electronically transmitted facsimile
[] by use of filing/security procedures
defined in the Uniform Electronic
Transactions Act

to Clerk of

Chesapeake

CITY OR COUNTY WHERE EXECUTED

Circuit Court

on

6/16/2025

DATE

Magistrate

TITLE

SIGNATURE

RECEIVED
2025 JUN 6 PM 2:39
CLERK OF CIRCUIT CLK

4. The material facts constituting probable cause that the search should be made are:

On 5/29/2025, Officer Ortiz responded to Sentara Family Medicine & Pediatrics at 1933 Edwin Drive in the City of Chesapeake. Victim 1 (A.H.) was using the bathroom when she found a hidden cell phone recording her. The phone was positioned so that its camera was pointed towards the bathroom's toilet. Building manager, [redacted], went to the bathroom to recover the phone and then Jeffrey Leffel, an employee, walked to him saying his life was over because of this. Mr. [redacted] called for police. Officer Ortiz spoke with Leffel. Leffel said he placed his work phone in the bathroom and set it to record for the purpose of recording people using the bathroom. He had been doing this here for years and has been employed with Sentara for 9 years. He would retrieve his work phone later in the day, review the recordings, and copy the parts he liked onto his personal cell phone. He would store these files into a fake calculator storage application. Officer Ortiz oversaw the collection of both phones. Mr. Leffel provided his phone passcodes as well as the code to the fake calculator file storage application.

5. The object, thing or person to be searched for ☒ constitutes evidence of the commission of such offense [] is the person to be arrested for whom a warrant or process for arrest has been issued.

6. [] Authorization to execute a search warrant of a place of abode other than in the daytime hours between 8:00 a.m. and 5:00 p.m. is requested.
The material facts constituting good cause for such authorization are:

[] Reasonable efforts were made to locate a judge, and a judge is not available, before seeking authorization from a magistrate to execute a search warrant other than in the daytime hours between 8:00 a.m. and 5:00 p.m., with those reasonable efforts being as follows:

OR [] Reasonable efforts were not made to locate a judge as the following circumstances require the issuance of the search warrant after 5:00 p.m.:

7. ☒ I have personal knowledge of the facts set forth in this affidavit AND/OR

☒ I was advised of the facts set forth in this affidavit, in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

Victim 1 (A.H.), who found the hidden phone recording her while she was using the bathroom.

Jeffrey Leffel is the building manager, who observed the hidden phone in the bathroom, heard Leffel say his life was over due to this, and called for police.

Officer A. Ortiz has been employed with the Chesapeake Police Department for 5 years.

Detective B. J. Furbish has been employed with the Chesapeake Police Department for 15 years. For the last 4 years he has assigned to the Criminal Investigations Section and is a member of the Digital Forensics Unit. During that time, Det. Furbish has investigated and assisted in numerous crimes involving digital evidence, including those involving hidden recording devices in bathrooms which has led to the conviction of the offender.

The statements above are true and accurate to the best of my knowledge and belief.

Detective

TITLE OF APPLICANT

Subscribed and sworn to before me this day.

6/6/25 12:28pm

DATE AND TIME

FORM DC-338 (MASTER, PAGE TWO OF TWO) 03/21 (EMERGENCY ENACTMENT)

SEARCH WARRANT

Commonwealth of Virginia VA. CODE §§ 19.2-56, 19.2-57

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth to forthwith search the following place, person or thing:

An iPhone in a black Otterbox case and an iPhone in a gray Otterbox case. These devices are currently located in the possession of the Chesapeake Police Department at 304 Albemarle Drive, Chesapeake, VA 23322. These items are being kept under Case ;

for the following property, objects and/or persons:

Digital files currently stored on the phones (to include videos, images, applications, and other files) providing evidence of a violation of § 18.2-386.1. Unlawful creation of image of another. Digital files currently stored on the phones showing the identify of the owner/operator of the phones.

[] This SEARCH WARRANT authorizes a search of a place of abode which may be executed by initial entry of the abode [] only in the daytime hours between 8:00 a.m. and 5:00 p.m., unless prior to the issuance of this SEARCH WARRANT, law-enforcement officers lawfully entered and secured the place to be searched and remained at such place continuously OR [] at any time for good cause shown.

As this SEARCH WARRANT authorizes a search of a place of abode, you are required to be recognizable and identifiable as a uniformed law-enforcement officer and to provide audible notice of your authority and purpose reasonably designed to be heard by the occupants of the place to be searched prior to the execution of this SEARCH WARRANT.

You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the Chesapeake

This SEARCH WARRANT is issued in relation to [✓] an offense substantially described as follows:

[] a person to be arrested for whom a warrant or process for arrest has been issued identified as follows:

§ 18.2-386.1. Unlawful creation of image of another

☐ Supplemental sheet attached and incorporated by reference. Number of supplemental pages _____

I, the undersigned, have found probable cause to believe that the property or person constitutes evidence of the crime identified herein or tends to show that the person(s) named or described herein has committed or is committing a crime, or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched, and further that the search should be made, based on the statements in the attached affidavit sworn to by

Detective B. J. Furbish

NAME OF AFFIANT

DATE AND TIME

6/16/25 12:23pm

☒ CLERK ☐ JUDGE

FILE NO.

SEARCH WARRANT

COMMONWEALTH OF VIRGINIA

v./In re

iPhone in Black Otterbox Case

iPhone in Gray Otterbox Case

KB

2025 JUN 6 PM 1:14
CHESAPEAKE CIRCUIT CLK

6791117

550CM2500011656

SEARCH INVENTORY AND RETURN

The following items, and no others, were seized under authority of this WARRANT:

1. Pending digital forensic extraction/examination
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

[Signature]
6/6/2025

The statement above is true and accurate to the best of my knowledge and belief.

6/6/2025
DATE

Subscribed and sworn before me this day

6/6/2025
DATE

Det. B.J. Furbish
EXECUTING OFFICER

FOR NOTARY PUBLIC'S USE ONLY:

State of _____ [] City [] County of _____

Acknowledged, subscribed and sworn to before me this _____ day of _____, 20____

NOTARY REGISTRATION NUMBER _____

NOTARY PUBLIC
(My commission expires: _____)

EXECUTION

Executed by searching the within described place, person or thing.

6/6/2025 @ 12:54pm
DATE AND TIME EXECUTED

Det. B.J. Furbish
EXECUTING OFFICER

Certified to Chesapeake

Circuit Court on 6/6/2025
DATE

Det. B.J. Furbish
EXECUTING OFFICER

Received ☒ in person ☐ by certified mail
☐ by electronically transmitted facsimile

on 6/6/2025
DATE

by: *[Signature]*
CLERK OF CIRCUIT COURT