

STATE OF MICHIGAN
53RD DISTRICT COURT

Police Agency: Hamburg Township Police Department

Incident No.: 19-00914

AFFIDAVIT FOR SEARCH WARRANT

D/Sgt. Gary Harpe, Affiant, states that:

1. The person, place, or thing to be searched is described as and is located at:

A residence located at 7809 Winans Lake Road. The residence is grey vinyl sided and faces toward the south. The residence sits atop a large hill and the property including the driveway is cordoned off with caution tape due to the fire damage that occurred.

The property to be searched is the interior of the building and its contents as well as its curtilage. Any out buildings and its curtilage associated with the residence, or any vehicles or debris located on the property.

A home surveillance system and its data initially taken from the home by the Hamburg Township Fire Investigation Unit with consent from the homeowner and now currently located at the Hamburg Township Police Department.

2. The property to be searched for and seized, if found, is specifically described as:

- a. Any evidence pertaining to a fire/arson investigation including but not limited to utility connections and utility delivery systems, security and fire safety devices, contents of the structure including heat producing devices. Any incendiary devices or incendiary piles. Any accelerants or receptacles that may contain accelerants which may include any substrate material that may contain accelerants.

- b. Digital media devices and/or any electronic device including cellular phones containing electronic data that may be reviewed and preserved to assist in determining the cause and origin of the fire.

- c. Information stored within the above listed digital media devices, electronic devices or cellular phones including but not limited to video or audio recordings, phone

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numbers, names, text messages, call histories, search histories including times, voice mail messages, or photographs.

- d. Documents including but not limited to ledgers, addresses, phone numbers, financial documents, written communications, and/or journals or notes.
- e. Scene documentation including but not limited to photographs, measurements, and/or sketches. DNA samples, latent fingerprints and or any item or data that would provide information in the manner or cause of the fire.
- f. The home surveillance system digital video recorder and its data that was taken by the Hamburg Township Fire Investigation Unit and is currently located at the Hamburg Township Police Department.

3. The facts establishing probable cause for the search are:

- a. Affiant is a Detective Sergeant with Hamburg Township Police Department and has investigated numerous criminal complaints during his 22 year career. He is a member of the Hamburg Township Fire Investigation Unit and has training and experience with determining cause and origin in regard to fire/arson investigations.
- b. That the Fire Prevention Code, 1941 PA 207, as amended, MCL 29.1 et seq.; MSA 4.559(1) et. seq.; and Executive Order 2003-18 gives the authority to investigate the origin and cause of a fire resulting in the loss of life or damage to property.
- c. On November 11th, 2019 the Hamburg Township Fire Department and Hamburg Township Police Department were dispatched to 7809 Winans Lake Road for a structure fire. A passing motorist had saw smoke coming from the residence and called 911. Upon the Fire Department's arrival, the flames were visible through the lower level of the home. Hamburg Township Firefighters extinguished the fire within minutes. The homeowner, Philip Neuemeier, returned shortly after the fire was extinguished and spoke with Fire Marshall Zernick. Philip during a follow up interview informed the Fire Marshall that he was in the process of changing the oil on his residential generator which was located outside in the yard of the home. Philip had placed an aluminum tray full of oil on his basement floor and had taken photograph and sent it to his roommate so that he would know not to bump into it. He sent the photograph to his roommate so that he would be aware not to bump the tray of oil if he returned home. Philip left his home to purchase a tool at a nearby hardware store to complete the work on his exterior generator. When Philip returned home approximately 15 minutes later the Fire Department was already working to extinguish the flames.
- d. When Fire Marshall Zernick spoke to Philip Neuemeier he received a voluntary signed consent to conduct a search to try to determine cause and origin. From that voluntary consent Fire Marshall Zernick had located a hard drive for the video home surveillance system. Philip granted him access but claimed that fire officials would not be able to gain entry because he

did not know the password. Fire Marshall Zernick was able to gain access to the video hard drive and reviewed the video footage. From the video, Philip Neuemeier can be seen leaving his home from a second story doorwall. According to the video footage at no point did anyone else enter or exit the home. Smoke began emanating from the residence where Philip exited the home two minutes after his departure. It was clear from the fire damage that the ignition site was in the basement. Based on Affiant's training and experience, it would have taken time for the smoke to build and rise to the second story. From the video it would appear that Philip Neuemeier had to have been aware that his home was filling with smoke prior to his departure. The smoke alarms were clearly functional and could be heard providing the audible alarm when the firefighters entered to extinguish the blaze.

- e. On Wednesday, November 27th, 2019 Affiant was contacted by Fire Marshall Zernick. The cause and origin investigation was still ongoing. The residence had been boarded and locked which is customary during an ongoing investigation. Fire Marshall Zernick was the only individual that had access to the interior of the home. As part of the ongoing investigation Fire Marshall Zernick allowed Jeremy Berard entry into the residence. Jeremy Berard, who is an investigator for the homeowner's insurance company and an expert in the field of fire investigation, had brought an Electrical Engineer to inspect the electrical system in the home as a potential cause of the fire. They discovered during the course of their investigation an incendiary device located in an incendiary pile beneath the stairwell of the basement. The incendiary device was a lamp wrapped in fabric that was placed in the tray of oil that Philip had previously informed Fire Marshall Zernick about. The tray of oil was located underneath the stairwell with a mattress and other flammable debris placed around it. The electrical cord to the lamp extended into an adjoining bathroom outlet that was chest high. The cord appeared to be too short for the incendiary device to reach the incendiary pile so a power strip outlet was added to the end of the cord to provide the additional length needed. Fire Marshall Zernick requested that I come to the fire scene and showed me what they had discovered. The incendiary device was taken as possible evidence and we vacated the structure to obtain a search warrant to investigate further.
- f. The residence has remained boarded up and locked since the date of November 27, 2019, with no one being permitted to enter.
- g. Fire Marshall Zernick informed me that while reviewing the home surveillance system footage he discovered that the homeowner, Philip Neuemeier, could be seen removing property from his home the day prior to the fire.
- h. From Affiant's training and both professional experience and everyday life experience, it would be reasonable for an individual to remove personal items of value prior to committing arson so that those items would not be damaged in the fire that the individual knew was going to happen in the future.
- i. Affiant knows from his training and experience that individuals planning to commit a crime often prepare and attempt to research that crime prior to committing the act. Crimes like

arson that are technical, or even scientific in nature, can require knowledge in order to perpetrate them that is beyond a person's general knowledge base, and therefore, individuals contemplating or planning the commission of such a crime, may need to research how to effectively accomplish the crime. Based on Affiant's training and professional experience and every day experience, in modern terms, individuals may use multiple resources to research topics, including multiple electronic devices. Further, information obtained from that research may be preserved either electronically or in paper format due to printing of information or the writing of notes. Therefore, evidence regarding the planning of a crime or researching the mechanism for commission of a crime may be derived from electronic and digital devices, financial statements, ledgers, and notes within the home that may shed light on if the fire was intentional, premeditated or researched.

- j. Based upon the affiants' training and experience and from the evidence that has already been obtained, Affiant believes it is necessary to search for further evidence to establish if a crime has been committed and to document all the information obtained.
4. Based on these circumstances, Affiant has probable cause to believe that the items described in paragraph 2 are located at the places described in paragraph 1. The execution of this search warrant is essential to this investigation.

Reviewed on 12/11/19
(Date)

Affiant Officer [Signature]
D/Sgt GARY HARPE

by:
Assistant Prosecuting Attorney
ANGELA S&L VERB

Subscribed and sworn to before me 12-11-19
Print Name: JERRY SHERWOOD
Judge/Magistrate [Signature] 244603

STATE OF MICHIGAN
53rd DISTRICT COURT

SEARCH WARRANT

TO THE SHERIFF OR ANY PEACE OFFICER:

D/Sgt. Gary Harpe, Affiant, has sworn to the attached Affidavit regarding the following:

1. The person, place or thing to be search is described as and is located at:

A residence located at 7809 Winans Lake Road. The residence is grey vinyl sided and faces toward the south. The residence sits atop a large hill and the property including the driveway is cordoned off with caution tape due to the fire damage that occurred.

The property to be searched is the interior of the building and its contents as well as its curtilage. Any out buildings and its curtilage associated with the residence, or any vehicles or debris located on the property.

A home surveillance system and its data initially taken from the home by the Hamburg Township Fire Investigation Unit with consent from the homeowner and now currently located at the Hamburg Township Police Department.

2. The property to be searched for and seized, if found, is specifically described as:
 - a. Any evidence pertaining to a fire/arson investigation including but not limited to utility connections and utility delivery systems, security and fire safety devices, contents of the structure including heat producing devices. Any incendiary devices or incendiary piles. Any accelerants or receptacles that may contain accelerants which may include any substrate material that may contain accelerants.
 - b. Digital media devices and/or any electronic device including cellular phones containing electronic data that may be reviewed and preserved to assist in determining the cause and origin of the fire.
 - c. Information stored within the above listed digital media devices, electronic devices or cellular phones including but not limited to video or audio recordings, phone numbers, names, text messages, call histories, search histories including times, voice mail messages, or photographs.
 - d. Documents including but not limited to ledgers, addresses, phone numbers, financial documents, written communications, and/or journals or notes.

- e. Scene documentation including but not limited to photographs, measurements, and/or sketches. DNA samples, latent fingerprints and or any item or data that would provide information in the manner or cause of the fire.
- f. The home surveillance system digital video recorder and its data that was taken by the Hamburg Township Fire Investigation Unit and is currently located at the Hamburg Township Police Department.

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

I have found that probable cause exists and you are commanded to make the search and seize the described property. Leave a copy of this warrant with affidavit attached and tabulation (a written inventory) of all property taken with the person from whom the property was taken or at the premises. You are further commanded to promptly return this warrant and tabulation to the Court.

Issued: 12-11-19
(Date)

Affiant: [Signature]

[Signature] p44603
Print Name: JERRY SHERWOOD
Judge/Magistrate p44603

RETURN AND TABULATION

Search was made on _____ and the following property was seized:
(Date)

Continued on reverse side

Officer Signature

Copy of affidavit, warrant, and tabulation served on:
(Name)

Tabulation filed:
(Date)

INSTRUCTIONS

1. Have the judge sign three originals of the affidavit and three originals of the search warrant.
2. Leave one original affidavit and search warrant with the judge.
3. Execute warrant.
4. Complete the tabulation of property taken in the presence of the person from whom it is seized, if present, or any other person (including another officer). Make three originals of the tabulation.
5. Have the person before whom the tabulation is completed sign the tabulation as witness.
6. Leave a copy of the search warrant, and completed tabulation with the person from whom the property was taken, if present, or at the premises.
7. Return one original completed tabulation to the court indicating the date returned and name of the person served. Keep the remaining original affidavit, search warrant, and tabulation with your file.