

STATE OF TEXAS

COUNTY OF DENTON

AFFIDAVIT OF PROBABLE CAUSE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned Affiant who, after being by me duly sworn under oath deposes and says that **BRIANA MARIE BREEDLOVE B/F [REDACTED]** hereinafter styled DEFENDANT, on or about the **28th** day of **July**, A.D. **2020**, and before the making and filing of this complaint, in the County of Denton, in the State of Texas, did then and there commit the offense of: **False Report to Peace Officer, Federal Special Investigator, Law Enforcement Employee, Corrections Officer or Jailer.**

Your Affiant, T. Potts #1069 is a peace officer licensed by the State of Texas and employed by the City of Denton Police Department, Denton County, Texas, and has reason to believe and does believe the DEFENDANT committed the offense based on

- Affiant's personal investigation of the alleged offense
- or
- Your Affiant has read the reports filed by \_\_\_\_\_, who is licensed peace officer that is employed by the City of Denton Police Department, Denton County, Texas, who presented the following facts:

On July 29, 2020 your Affiant was assigned a Terroristic Threat case which was reported to have occurred between the dates of July 4, 2020 and July 27, 2020. The reporting party, identified as Briana Marie Breedlove b/f [REDACTED] told the reporting officer she had received text messages from a phone number that Breedlove did not recognize. Breedlove reported the text messages she received made multiple racially insensitive remarks toward Breedlove.

Breedlove explained on or about July 4, 2020, on a social media platform, Breedlove commented on a photograph that had been posted. Breedlove explained the photograph was a picture of a female known to Breedlove. A male was also in the picture. Breedlove reported the male was wearing a Trump shirt. Breedlove explained her comment sparked a political debate over social media with three individuals. Breedlove told officers she made a video, in which Breedlove threatened harm towards two of these individuals. Breedlove explained she was eventually arrested for threatening the individuals by the Corinth Police Department. Breedlove was later released from jail on July 26, 2020 and upon her release, she received the racially insensitive text messages on or about July 27th.

On July 28, 2020 Breedlove contacted the Denton Police Department and filed a police report for Terroristic Threat- Cause of Fear of Imminent Serious Bodily Injury. In the report Breedlove provided the phone number from where the text messages originated. The reporting officer

requested Breedlove send screen shots of the text messages to the officer's email so the officer could include the messages in the case file. According to the reporting officer, Breedlove did not send the text messages to the officer.

Your Affiant learned several social media posts had been made public, and some of those posts included the suspected text messages. The social media posts of the racially insensitive messages appeared to have been made public by Breedlove and family member of Breedlove's. Your Affiant observed multiple text messages which contained racially insensitive language and referenced the sender having connections in "high places".

On July 31, 2020 your Affiant met with Briana Breedlove and a family member at the address provided by Breedlove to the reporting officer. During the interview, Breedlove explained to your Affiant she had engaged in a social media debate, turning into an argument about politics. Breedlove told your Affiant some of the comments made towards Breedlove were racist, which led Breedlove to make the threatening video and ultimately be arrested for the threats by Corinth PD. Breedlove told your Affiant this debate/argument occurred on or around July 6, 2020.

Breedlove went on to explain she was released from jail on July 26, 2020 and that on the following day she received text messages from a phone number that Breedlove did not recognize or have in her phone's contact list. Breedlove provided the same phone number to your Affiant and to the patrol officer who took the initial report from Breedlove. Breedlove explained the text messages referred to Breedlove being released from jail, as well as other highly racially insensitive and threatening remarks towards Breedlove. Breedlove told me she believed she knew the sender of the messages. Breedlove told me she was afraid of what the sender could do to Breedlove or her family, so Breedlove expressed her concerns to her family which led Breedlove to file a Terroristic Threat report with the Denton Police Department.

During the interview, your Affiant asked Breedlove if she still had the communication on her cell phone. Breedlove and her family member advised they would like to speak with an attorney before providing Breedlove's cell phone to the police. Your Affiant explained to Breedlove the importance of retrieving the evidence contained on her cell phone for the prosecution of the sender(s) of the text messages. Your Affiant later spoke with the attorney who is representing Breedlove and was told Breedlove would not be providing the police the cell phone.

Your Affiant applied and received search warrants for numerous social media accounts and phone records for Breedlove and for other individuals accused of sending the messages. Your Affiant determined the phone number associated with sending the racial and threatening messages to Breedlove belong to a cell phone application company. Your Affiant applied and received a search warrant for this company, requesting user information related to the dates in question and any identifying information related to the phone number.

Your Affiant received a username, email address, IP address and the text message conversation between Breedlove's cell phone number and the sender's cell phone number. The results show that the account was created on July 27, 2020, at approximately 0239 hours, which is in the early morning hours the day after Breedlove was released from Denton County Jail. The search warrant returns also contained the content of those text messages, and times the messages were sent and

received, which matched what Breedlove had reported and what your Affiant observed on social media.

Your affiant was able to determine the cell phone application allows a user to select a phone number from a list of multiple phone numbers and asks the user to enter some personal contact information. According to the guidelines your Affiant received from the cell phone application company, the company does not verify the email address, username or the downloading phone number as being factual or fabricated.

Your Affiant took the listed personal information from the cell phone application company and issued search warrants for the listed email address and the IP address used to create the account. Your Affiant later received information advising the email address associated with the cell phone application is not and has not been a valid email address.

Your Affiant also received information that the IP address used to create the account (sender's phone number) is registered to Breedlove's family member. The results from the internet provider showed the internet account holder's name, address, email address and phone number. The listed address is the same address Breedlove listed in her report, as her address, and the same address where your Affiant met with Breedlove and family.

During the investigation, your Affiant received information from Breedlove as to whom she believed were the sender(s) (suspects) of the racially insensitive remarks and provided your Affiant with the names and contact information of these individuals. Breedlove explained to your Affiant that the sender(s) are the same individuals who had the social media debate with Breedlove on or about July 6th. Your Affiant conducted interviews with these individuals as well as conducted search warrants on the social media accounts for their respective platforms. Your Affiant along with Corinth PD conducted forensic downloads of the cell phones of these individuals. After a thorough search and analysis of the social media accounts and the cell phone downloads, your Affiant did not locate any evidence that the suspected individuals made any racially or threatening remarks toward Breedlove during the time period outlined by Breedlove.

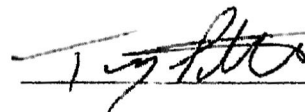
Based on the physical evidence and statements made by Breedlove, your Affiant believes that on July 28, 2020, Briana Marie Breedlove b/f [REDACTED], did then and there commit the offense of False Report to Peace Officer, Federal Special Investigator, Law Enforcement Employee, Corrections Officer, or Jailer. Breedlove, with intent to deceive, knowingly made false statements that are material to a criminal investigation, to a police officer.

462 - 1207 2020 - 002

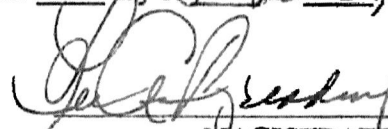
Your Affiant believes all witnesses to be credible persons.

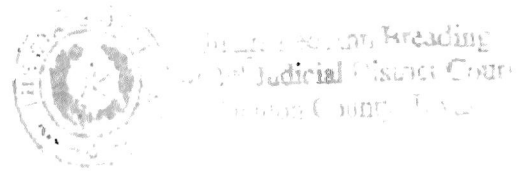
WHEREFORE, premises considered your Affiant respectfully requests a warrant be issued for the arrest of **BRIANA MARIE BREEDLOVE B/F** [REDACTED] to answer for the **MISDEMEANOR** offense of **False Report to Peace Officer, Federal Special Investigator, Law Enforcement Employee, Corrections Officer or Jailer.**

**AGAINST THE PEACE AND DIGNITY OF THE STATE OF TEXAS.**

  
AFFIANT

Subscribed and sworn to before me on this 7<sup>th</sup> day of December 20, by telephone.


  
MAGISTRATE, in and for the  
County of Denton, State of Texas

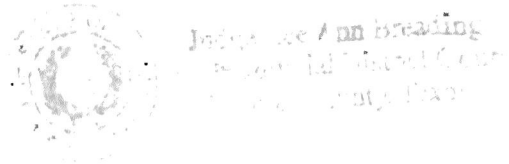


**MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE**

As the reviewing Magistrate, I hereby acknowledge that I have examined the foregoing affidavit and have determined that:

- PROBABLE CAUSE EXISTS** for the issuance of an arrest warrant for the person identified above as the defendant.
  
- NO PROBABLE CAUSE EXISTS** for the issuance of an arrest warrant for the person identified above as the defendant.

  
\_\_\_\_\_  
**MAGISTRATE** in and for the  
County of Denton, State of Texas



STATE OF TEXAS

vs.

BRIANA MARIE BREEDLOVE

~  
~  
~

SITTING AS MAGISTRATE  
FOR

DENTON COUNTY, TEXAS

**DEFENDANT'S ACKNOWLEDGEMENT OF ALLEGED OFFENSE(S), BOND(S) AND RIGHTS**

I am the person whose name appears above. I have been brought before a magistrate after my arrest on the following charges:

<u>OFFENSE CHARGED</u>	<u>Agency &amp; Warrant No./On Sight</u>	<u>Bond Set</u>
FALSE REPORT TO PEACE OFFICER	462-12072020-002	<del>\$5,000</del> \$1,500

"Regarding the offense(s) listed above, I acknowledge and understand the following: (Bond lowered by Judge CTA)

1. "I have the right to remain silent and I do not have to make any statement to the police or attorney(s) representing the state; However, any statements I make may be used against me as evidence in court at a later time;
2. "I have the right to hire a lawyer and to have my lawyer present prior to and/or during any questioning by peace officer(s) or lawyer(s) representing the State of Texas;
3. "I have the right to stop any interview or questioning by any peace officer(s) or lawyer(s) representing the State of Texas at any time;
4. "If I am too poor to afford a lawyer, I have the right to request that the court appoint a lawyer to represent me at the state's expense, except in Class C Misdemeanor cases;
5. "If I am charged with a felony level offense, I have the right to have an examining trial;
6. "If I am not a U.S. citizen, a plea of guilty or no contest to the charge(s) could affect my right to remain in this country;
7. "If I am not a U.S. citizen and I am arrested or detained, I am entitled to notify my country's consular representatives here in the United States. Do Not Notify \_\_\_\_\_ Notify \_\_\_\_\_ the (country) \_\_\_\_\_ consulate."

**REQUEST FOR APPOINTMENT OF ATTORNEY AND STATEMENT OF INDIGENCY**

"The Magistrate before whom I now appear has explained to me that if I am too poor to hire a lawyer, the county will appoint and pay for a lawyer to represent me. The Magistrate has asked me if I am indigent and if I want the court to appoint legal counsel to represent me. Based on my current financial status and ability to pay, I make the following declaration:

- I am NOT INDIGENT. I am able to pay for my own lawyer and do not request court-appointed counsel.
- I am INDIGENT. I am unable to pay for my own lawyer and I request the court to appoint legal counsel to represent me. I have been

given an "Application for Court-Appointed Attorney and Financial Affidavit" and the magistrate has provided me with reasonable assistance in its preparation. I understand this form will be transmitted to the appropriate office within 24 hours of completion."

SIGNED on the 29th day of December, 2020.

Witness: \_\_\_\_\_

Defendant's Signature:  \_\_\_\_\_

**MAGISTRATE'S VERIFICATION OF WARNINGS AND DETERMINATION OF PROBABLE CAUSE**

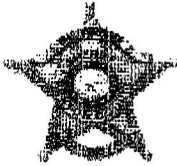
As the reviewing magistrate, I certify to the following: I personally advised the Defendant of the rights listed above and inquired if he or she was indigent and whether they wanted court-appointed counsel. If the Defendant requested appointment of counsel, I provided him with the appropriate forms and reasonable assistance to complete them and caused the documents to be forwarded to the appropriate office for processing and, if granted, appointment of counsel.

I have reviewed the charges listed above and find:

- PROBABLE CAUSE EXISTS** for each charge alleged above which is supported by  sufficient factual detail set forth in a sworn affidavit,  (a) verified complaint(s) or  documentation confirming the existence of (an) arrest warrant(s). There IS therefore sufficient basis for further detention of the defendant, absent posting of bond or bail as set above; or
- NO PROBABLE CAUSE EXISTS** for further detention. The defendant is **ORDERED** to be **RELEASED IMMEDIATELY**.

SIGNED on the 29th day of December, 2020 at 10:57 o'clock P.M.

  
MAGISTRATE FOR DENTON COUNTY, TEXAS



**DENTON COUNTY SHERIFF'S OFFICE**  
**Teletype Request**

**DENTON P.D.**  
Destination (Holding Agency)

**DNPZ/DNPF**  
Mnemonic Address or ORI

**DENTON COUNTY**  
Destination (Issuing Agency)

Mnemonic Address or ORI

**BOND INFORMATION**

**REFERENCE:**

**BREEDLOVE**  
Last Name

**BRIANA**  
First Name

**[REDACTED]**  
Middle Name

**[REDACTED]**  
Race

**[REDACTED]**  
Sex

**[REDACTED]**  
Date of Birth

**[REDACTED]**  
Driver's License Number State

**[REDACTED]**  
Social Security Number

**[REDACTED]**  
Other Identifiers

**COMMENTS OR MESSAGE TEXT:**

1) CHARGE:	<b>FALSE REPORT TO PEACE OFFICER</b>	WARRANT#	<b>432-12872024-002</b>
AMOUNT:	<b>\$1,500.00</b>	ISSUING AGENCY:	<b>DENTON COUNTY</b>
2) CHARGE:		WARRANT#	
AMOUNT:		ISSUING AGENCY:	
3) CHARGE:		WARRANT#	
AMOUNT:		ISSUING AGENCY:	
4) CHARGE:		WARRANT#	
AMOUNT:		ISSUING AGENCY:	
5) CHARGE:		WARRANT#	
AMOUNT:		ISSUING AGENCY:	

**C. PAULSEN**  
Authorization (Requested by)

**4308**  
I.D. #

**DETENTION**  
Division

**FRONT DESK**  
Section / Unit

**SUBJECT HAS POSTED THE FOLLOWING BOND(S) AT THIS AGENCY AND MAY BE RELEASED ON THIS/THESE CHARGE(S).**