

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

IN THE _____
CAUSE NUMBER. 32

STATE OF INDIANA

VS

Merci Habimana

PROBABLE CAUSE AFFIDAVIT

I, Sergeant Tim Wells, a Police Officer for 27.5 years, in Hendricks County, State of Indiana, who, being first duly sworn upon his/her oath or having affirmed, states:

The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is probable cause for the requested arrest and/or charges and does not set forth all of my knowledge on this matter.

On 05/28/2024, Brownsburg Community School Police reported an unknown individual posted an online threat on the Brownsburg High School TV Instagram account. The name on the account is "unknown_202473774". This account was started in April 2024. The post stated "I wanna kill three of them see u. Fc bhs I hate you all maybe 1 day in dis week I wish to shoot 1000 students before they going in summer break see you gloom Sunday". At the time, there was no information on the owner of the account.

On May 29, 2024, the Investigations Unit of the Brownsburg Police Department was contacted by BCSC Police and began conducting an investigation into these threats. The Unit, specifically our Criminal Intelligence Section obtained the following information:

On 28 May 2024, at approximately 5:45 p.m., a comment was posted to the Brownsburg.tv Instagram page by user: unknown_202473774 containing the following threat (verbatim):

"I wanna kill three of them see u. Fc bhs I hate you all maybe 1 day in dis week I wish to shoot 1000 students before they going in summer break see you gloom Sunday (followed by three theatrical tragedy/comedy mask emojis)"

On 29 May 2024 at approximately 9:09 a.m., Brownsburg School Police initiated a case under HP240004511. Upon notification of the event, Brownsburg Police Department requested subscriber information from Meta (parent company of Instagram) through emergency disclosure. Meta returned the following information:

- Vanity Name: unknown_202473774
- Registration date: 2024-04-04 21:56:52 UTC (5:56 pm local time)
- Account Active: True
- Verified Phone Number: (317) 419-8843
- Date of Birth: 2006-08-10
- Last Active Time: 2024-05-29 03:43:48 UTC (28 May 2024, 11:43 p.m. local time)
- Last Connected IP: 2603:900a:2106:7de0:e4c1:d0ce:65d9:b91e (IPv6)

The target phone number, (317) 419-8843, was run through LexisNexis Zetx, indicating the phone was a wireless phone on the T-Mobile network. An Emergency Disclosure form was submitted to T-Mobile for the target number. T-Mobile verified the number was active on their network, but the phone was provisioned

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through a third party reseller, Dish MNZO. An Emergency request was submitted through Subsentio (Legal Compliance provider for Dish Wireless, LLC) on the above listed target phone number. Subsentio returned the following information:

- Subscriber name: MERCI HABIMINI
- Subscriber Address: N/A
- Associated Email Address: MERCICHRIS@GMAIL.COM
- Associate Phone Numbers: N/A

The name 'Merci Habimini' was run through the Motorola P1 RMS system with negative results. A related search returned the following:

- Name: MERCI HABIMANA
- Address: 2655 Rothchild Place, Apt. 303, Brownsburg, IN
- DOB: 01/01/2006

HABIMANA was listed in several Brownsburg Police Department reports between 11 December 2023 and 20 May 2024. During a 11 December 2023 run to 2655 Rothchild Place, Apt. 303 on a simple assault run, documented under HP230010974, HABIMANA listed his date of birth as 10 August 2006 and a phone number as (317) 502-0445. HABIMANA is listed in the report as a sophomore at Brownsburg High School. On 20 May 2024, HABIMANA was arrested for Minor Consumption (BAC of .33) and Intimidation wherein he threatened the arresting officer and his family. This is documented under HP240004234. During the book in process, HABIMANA provided his home address as 2655 Rothchild Place, Apartment 303, Brownsburg, IN 46112 and listed his date of birth as 01 January 2006.

On 29 May 2024, Brownsburg Director of School Safety, Chief of Police Scott Dunning stated HABIMANA is currently a student at Harris Academy in Brownsburg. HABIMANA's home language is Swahili – Tanzania and is a Rwandan refugee. Dunning provided the following information for HABIMANA:

- Father: Christophe Makombe
 - o Cell: (76) 290-0156
 - o Cell: (317) 340-0274
 - o Home: (463) 269-0566
 - o 2655 Rothchild Place, Apt. 303, Brownsburg, IN 46112
- Mother: Nyirandorwa Gikumi
 - o Cell: (317) 340-0289
 - o Home: (317) 514-4434
 - o 2655 Rothchild Place, Apt. 303, Brownsburg, IN 46112
- Brother: Eric Nzozu
 - o Cell: (317) 665-0782

On 29 May 2024, T-Mobile initiated Precision Location Services (PING) on the target phone (317) 419-8843. The phone was pinged every 10 minutes with the registering tower location of the cell phone. From approximately 4:11 p.m. to current, the results all returned an "ABSENT SUBSCRIBER" message with no location given, indicating the phone was turned off.

The IP address provided by Meta (last accessing the target Instagram account unknown_202473774), was entered into WHOIS to determine the Internet Service Provider associated with the account. WHOIS returned it was a fixed line ISP provided by Charter Communications, Inc., through Spectrum.com. On 30 May 2024, an

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Emergency Request was sent to Charter Communications (Spectrum parent company) for IP Address 2603:900a:2106:7de0:e4c1:d0ce:65d9:b91e. Charter Communications provided the following information for the above listed IP Address:

- Subscriber: ERIC NZOVU
- Address: 2655 Rothchild Place, Apartment 303, Brownsburg, IN 46112

The following pertains to the target Instagram account and pursuant threat made from it: Through this fluid investigation, BPD personnel have been able to do moving surveillance on Merci Habimana who has been traveling around Hendricks County with his brother. The vehicle is a 2021 Silver Nissan Altima. Three search warrants were obtained by this Detective. One for the residence, one for Merci's person and one for the 2021 Nissan.

Brownsburg Police made contact with Merci and his family as he arrived at his home on Rothchild. The three search warrants were served and three phones were seized. One from Merci and two from his bedroom on Rothchild. Merci agreed to speak with me at the BPD and I transported him without restraints to the BPD located at 31 North Green Street.

I explained to Merci on the reasons for wanting to speak with him. I read him his Miranda Constitutional Rights to him and verbally asked him if he understood each one of his rights. He verbally indicated he understood them, and then signed the Rights form I read to him indicating he understood his rights and he agreed verbally and in written form to speak with me. The entire interview was video recorded.

Merci said that two days ago, May 28, 2024 he was told the by the principal at Brownsburg High School that he would be held back as a Junior and would not graduate with the class of 2025. Merci admitted to being angry and upset over this. At approximately 6 PM on the 28th, Merci communicated the following threatening message, "I wanna kill three of them see u. Fc bhs I hate you all maybe 1 day in dis week I wish to shoot 1000 students before they going in summer break see you gloom Sunday". He admitted this to me as I provided the printout of the Instagram posts that he sent to Brownsburg High School where the students were leaving messages on the school sponsored Instagram page. I then read it aloud and he explained what it meant. He said that he was angry over what happened to him.

Merci advised me that he used his cellular phone, with the number being 317-661-6632 to access his Instagram page to send the threats to the high school. He did this from his home at 2655 Rothchild Place, Apartment 303 Brownsburg, Indiana 46112. Merci then advised that he has several emails and social media sites, but that user ID unknown_203473774 is his and that is the user account he sent the threats from. He advised me that he had no intentions on hurting anyone. I was in contact with the HCPO regarding the case and search warrants and Merci Habimana was taken into custody by this Detective for Intimidation with threat of a forcible felony and transported to the HCJ. Merci was trespassed by Brownsburg Community Schools Police Chief Scott Dunning from all school property. I witnessed and signed the order.

Based on the above information, I would request that probable cause be found for the offense of Intimidation w/Threat of a Forcible Felony 35-45-2-1 Level 6 Felony

I SWEAR OR AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FACTS PROVIDED ABOVE ARE TRUE.

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/s/ Sergeant Tim Wells
Sergeant Tim Wells, Police Officer