

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS
(N.R.S. 171.106)
(N.R.S. 53 amended 7/13/1993)

Event Number: LLV220799999697

STATE OF NEVADA) Samuel Otis Brinton
) ss:
COUNTY OF CLARK) DOB: PII 87

Detective Murray, being first duly sworn, deposes and says:

That he is a detective with the Las Vegas Metropolitan Police Department, being so employed for a period of 14 years, assigned to investigate the crime(s) of grand larceny committed on or about 07/06/22, which investigation has developed Samuel Otis Brinton as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:

Synopsis

On 11/29/22, I, Detective Murray P#13458, while assigned to the Las Vegas Metropolitan Police Department (LVMPD), South Central Area Command, Patrol Investigations section, was assigned to investigate a grand larceny which occurred on 07/06/22, at the location of 5757 Wayne Newton Blvd Las Vegas NV 89119, the Harry Reid International Airport, under LVMPD event LLV220799999697.

The victim, PRVCY DOB PII 85, arrived at Harry Reid International Airport on 07/06/22 at approximately 1930 hours aboard United Airlines Flight UA780, which departed from Dulles International Airport. The victim checked three (3) total bags with United Airlines. She arrived at terminal three (3), luggage carousel nineteen (19), where her luggage was to be claimed. The victim located two of her checked bags but was unable to locate the third. The missing luggage was described as a gray in color, hard shell, "Away" brand, model "Bigger Carry-On". After checking with lost and found United Airlines multiple times, the luggage was never located. The victim filed the online police report with LVMPD on 07/10/22.

Original Investigation

The report was originally assigned to South Central Area Command Detective Richardson P#14739 on 07/16/22 to investigate. Detective Richardson contacted Officer's S. Rollo P#9688, who is assigned to Harry Reid International airport FLEX team for assistance. The FLEX team is capable of reviewing video footage from the airport. FLEX Officers have training, experience, and knowledge pertaining to luggage theft investigations which occur at Harry Reid International Airport. Detective Richardson provided Officer Rollo with case details including time, location, and a description of the missing luggage who began investigating. The victim provided Officer Rollo with a picture of a matching piece of

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luggage from the same set. The design and color were identical, just a smaller size of the missing piece.

Video Of Theft and Suspect Description

Officer Rolo reviewed video surveillance and at 1942 hours observed a white male adult wearing a white T-shirt with a large rainbow colored atomic nuclear symbol design on the front, dark pants, and a backpack approach carousel #19 alone. Officer Rolo observed several nonverbal cues, or body language anomaly's, from the suspect which caught his attention. The suspect then removes a piece of luggage matching the exact description of the victim's luggage and quickly exits the airport. Officer Rolo was able to backtrack the video and see the suspect came from the arrival/departure gates which is a secure location, making it likely the suspect had just arrived from an inbound flight and because of the timing, likely the same flight the victim was on. It was not known at the time what flight, however.



EV

Surveillance video of suspect taken 07/09/22 at Hairy Reid International Airport

The video was impounded as evidence. Detective Richardson subpoenaed a passenger manifest list from United Airlines flight UA780, the flight the victim had arrived on. Specifically, all male passengers. This was provided by United Airlines and contained approximately 96 names. Detective Richardson followed up on possible leads utilizing the passenger manifest but was unsuccessful in identifying the suspect at that time. The case was temporarily closed, and all evidence was impounded and uploaded to OnBase.

Case Reopened and Suspect Identified

On 11/29/22, FLEX Officer Rolo observed a news article identifying a subject named Samuel Brinton as a suspect in an OJ incident, which occurred at Minneapolis-Saint Paul International Airport on 09/16/22. This incident was being investigated by the Minneapolis-Saint Paul Airport Police Department and made national news due to the fact Brinton is a current United States federal employee in the Office of Nuclear Energy. Numerous news articles covering the story had photographs of Brinton who Officer Rolo immediately recognized as the suspect pertaining to this case.

CONTINUATION

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I reviewed the passenger manifest for United Airlines Flight UA780. On the second page I observed Samuel Brinton, DOB [REDACTED] 87, was seated in 21A of Flight UA780 which arrived at Hairy Reid International Airport on 07/06/22. I met with Officer Rolo and viewed a still image of the suspect, snipped from surveillance footage, showing the suspect with the victim's luggage. The image quality was very good, and the suspects face could be clearly seen. His T-shirt was also very identifiable, being that it was a T-shirt with a with a large rainbow colored atomic nuclear symbol design on the front. The victim's luggage was also very identifiable being that it was clearly a gray hard case, with visible embossing lines and the logo visible in the top right corner if looking at the front. When comparing the suspect to open source internet searches of Brinton, it appeared to be the same person.

Instagram Picture

I conducted an open source search of the social networking site Instagram and located a page operated by Brinton, @radioactiveness1. On his page I located a post which was dated 07/06/22, the same day of the theft. The post was a selfie picture of Brinton who appeared to be in an airport. Brinton was clearly wearing the same exact white T-shirt a with a large rainbow colored atomic nuclear symbol design on the front as seen on video at Hairy Reid International Airport. The post reads:

“Thank you to @americannuclear for selling such a great shirt for me to wear on my flight today. My professional society continues to grow and learn and I'm proud of them. Goodness how we have changed since my service as a chapter president and then on the National Board of Directors. #NuclearPride. “



Instagram posting dated 07/06/22 / Surveillance video of suspect taken 07/09/22 at Hairy Reid International Airport

CONTINUATIONEvent #: LLV220799999697**United Airlines Itinerary**

I contacted Vicki White, who works for United Airlines legal department. White was provided with a subpoena requesting ticketing documentation for Sameul Brinton's flight on 07/06/22. White provided this documentation which I reviewed.

Per United Airlines, Brinton checked one (1) piece of "checked" luggage for flight UA780 from Dulles International Airport to Las Vegas. Luggage ticket number 4680503. On 07/09/22 Brinton flew on Flight UA1961 from Las Vegas to Dulles International Airport. Brinton again checked one (1) piece of "checked" luggage for that flight. Luggage ticket number 6407386.

Surveillance Video Review

All video was obtained though the Department of Aviation.

- 1938 hours, Brinton exits the secure gate area of terminal 3 alone and walks towards the luggage carousel area.
- 1942 hours, Brinton walks into frame at carousel #19. He is already carrying one piece of rolling luggage by the handle which appears black. The carousel is moving right to left and Brinton is walking left to right.
- The carousel appears very empty with minimal luggage on it.
- Brinton visually examines the first piece of luggage that passes him, a black soft case. Brinton continues walking and approaches the victim's luggage, a gray hard case.
- Brinton stops walking, stares forward and as the victim's luggage begins passing him on the carousel, he quickly picks it up and pulls it off the carousel setting it on the ground.
- Brinton examines the luggage tag briefly and places it back on the carousel.
- Brinton looks around, turns his body 180 degrees, and picks the victims luggage up off the carousel again. Brinton sets it back to back with his luggage, pulls the handle up and looks around again.
- Brinton quickly walks away with his luggage and the victim's luggage back to back, rolling them on the floor holing on by the handles.
- 1944 hours Brinton exits the airport with the victim's luggage and boards a shuttle bus to the rental car facility.

Brinton demonstrated several signs of abnormal behavior while taking the victims luggage which are cues suspects typically give off when committing luggage theft. Specifically, Brinton pulled the victims luggage from the carousel and examined the tag. Then placing it back on the carousel, looking in all directions for anyone who might be watching, or might approach. Pulling it back off the carousel and demonstrating the same behavior by looking around before walking away with it quickly. Brinton only having checked one piece of luggage, which Brinton had already claimed from the carousel, had no reason to be examining and taking any other pieces of luggage.

CONTINUATIONEvent #: LLV220799999697**Victim's Luggage Value**

The victim provided an itemized list of her property inside her luggage. This property included the luggage itself valued at \$320, jewelry valued at \$1700, makeup valued at \$500, contact lenses valued at \$150, toiletries including bag valued at \$150, clothing valued at \$850.74. Total loss of \$3670.74. The itemized list is documented in the incident crime report.

Suspect Contact

I attempted to contact Brinton via phone. There was no response.

Conclusion

Samuel Brinton DOB [PII] 87 did travel to Hairy Reid International Airport on 07/06/22 on United Airlines flight UA780. Brinton is documented on Instagram the same day wearing the same specific clothing as seen on surveillance video from Hairy Reid International Airport. Brinton is also documented on United Airlines flight records including a passenger manifest and ticketing information which was provided directly from United Airlines to LVMPD. Brinton is documented as only checking one piece of luggage with United Airlines both to and from Las Vegas. Brinton can clearly be seen and identified on video stealing the victim's luggage from the carousel, valued at \$3,670.74 and leaving the airport with it, permanently depriving the owner of her property. This luggage being positively identified by the victim.

Probable cause does exist for Samuel Brinson DOB [PII] 87 for grand larceny (NRS 205.222.2A) due to the fact he willfully, unlawfully, and intentionally, with intent to deprive the owner permanently thereof, did steal, take and carried away, personal good or property of another valued at \$3670.74.

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect Samuel Otis Brinton on the charge(s) of grand larceny.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 7th day of December, 2022.

DECLARANT:

[Signature] #13458

WITNESS:

[Signature] SGT. MCMURTRY

8375

DATE:

12-7-22

EV

Evidence

Your request is for evidence, not a public record.

A “record” is “[a] documentary account of past events, usually designed to memorialize those events.” BLACK’S LAW DICT., 7th ed. ab., at p. 1023 (2000). A “public record” is “[a] record that a governmental unit is required by law to keep, such as land deeds kept at a county courthouse.” *Id.* “A public record, strictly speaking, is one made by a public officer in pursuance of a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public reference.” “Evidence,” on the other hand, is “[s]omething (including testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact.” BLACK’S LAW DICT., 7th ed. ab., at p. 457 (2000).

Materials obtained from a third-party during a criminal investigation by legal process such as a warrant, subpoena or even consent are not public records – they are evidence. The government only possesses the evidence for the purpose of the criminal investigation. The evidence was not created by the government nor is it owned by the government. *Piedmont Publishing Co. v. City of Winston-Salem*, 434 S.E.2d 176, 177 (N.C. 1993) (holding that discovery of materials gathered by state for use in criminal prosecution may be obtained by defendant pursuant to rules of discovery, not by newspaper through a public records request).

Moreover, providing evidence obtained through legal process, including consent, would exceed the authority granted either by the court or by the owner. See e.g., *Wilson v. Layne*, 526 U.S. 603, 119 S. Ct. 1692 (1999) (holding

that when balancing a person's Fourth Amendment right to be secure in their persons, houses, papers, and effects, probable cause may justify a *police* entry and seizure but it does not justify the *media's* entry and/or seizure).

Here, you seek evidence, not a public record. Feel free to reformulate your request. If you seek a particular record that is not evidence and is readily available, LVMPD can proceed with researching your request.

PII

Personal Identifying Information

The record(s) you seek contain personal identifying information.

NRS 239.001 provides that public records are open to inspection. However, NRS 239.010(1) expressly creates exemptions to the disclosure of records falling under various statutes, including NRS 239B.030. NRS 239B.030 makes “personal information” confidential. NRS 603A.040 defines “personal information” to include social security numbers, driver’s license numbers, account numbers, and the like.

Here, because the record(s) you seek contain confidential personal identifying information, they have been redacted.

PRVCVY

Privacy Interests

The record(s) you seek contain information the disclosure of which would constitute an unwarranted invasion of a person's privacy interests.

In *Reno Newspapers v. Sheriff*, 126 Nev. 211, 218, 234 P.3d 922, 927 (2010), the Nevada Supreme Court recognized that an individual's privacy must be balanced with the public's general right to open government, "especially because private and personal information may be recorded in government files"). Later, in *Clark County Sch. Dist. v. Las Vegas Review-Journal*, -- Nev. --, 429 P.3d 313, 319-20 (2018), the Court adopted a balancing test in which the burden shifts to the requester of a record if the public agency demonstrates a "nontrivial personal privacy interest" including "intrusion[s] into a person's reasonable expectation of privacy, seclusion, or solitude." Privacy interests include information that may cause "embarrassment, shame, stigma, [or] harassment" or "endangerment, or similar harm." *Las Vegas Metro. Police Dep't v. Las Vegas Review-Journal*, 136 Nev. Ad. Op. 86, -- P.3d -- (2020). Medical information, personnel files, details about sexual orientation, and other information about a person's life give rise to privacy interests. *Clark County Office of the Coroner/Medical Examiner v. Las Vegas Review-Journal*, 136 Nev. Adv. Op. 5, -- P.3d -- (2020).

The Nevada Supreme Court equates the type of information that should be withheld under the Nevada Public Records Act with the common law tort of invasion of privacy. *Clark County Sch. Dist.*, *supra*, at 708, 549 P.3d at 320. "The tort of invasion of privacy embraces four different tort actions: '(a) unreasonable intrusion upon the seclusion of another; or (b) appropriation of the other's name or likeness; or (c) unreasonable publicity given to the other's

private life; or (d) publicity that unreasonably places the other in a false light before the public.” *Franchise Tax Bd. of Cal. v. Hyatt*, 133 Nev. 826, 842, 407 P.3d 717, 733 (2017), *overturned on other grounds by Franchise Tax Bd. v. Hyatt*, 139 S. Ct. 1485 (2019) *quoting* RESTATEMENT (SECOND) OF TORTS § 652A (1977); *see also PETA v. Bobby Berosini, Ltd.*, 111 Nev. 615, 629, 895 P.2d 1269, 1278 (1995), *overruled on other grounds by City of Las Vegas Downtown Redev. Agency v. Hecht*, 113 Nev. 644, 650, 940 P.2d 134, 138 (1997).

Here, the record(s) you seek contain information the disclosure of which would constitute an unwarranted invasion of a person’s privacy interests. Therefore, they are confidential and must be withheld or redacted.

OJ

Other Jurisdiction's Record

LVMPD is not the custodian of record for the records you seek.

NRS 239.001 provides that public records are open to inspection. However, NRS 239.010(1) expressly creates exemptions to the disclosure of records falling under various statutes, including NRS 179A.070, which defines "records of criminal history." Pursuant to NRS 179A.070(2)(j), "[r]ecords which originated in an agency other than an agency of criminal justice in this State" are excluded from the definition and thus confidential.

The record you seek is not within LVMPD's custody and control. Rather, the record is within the custody and control of a different governmental entity. In particular, and pursuant to NRS 239.0107(1)(b), please contact Minneapolis-Saint Paul Airport Police at (612) 726-5555.