IN THE COUNTY COURT of ADAMS COUNTY NEBRASKA

STATE OF NEBRASKA

COUNTY OF ADAMS



AFFIDAVIT AND APPLICATION FOR ISSUANCE OF AN ARREST WARRANT

The complaint and affidavit of Ryan Phinney, Nebraska State Patrol, on this 16th day of June, 2016, who being first duly sworn, upon oath says:

Your affiant is a Sergeant with the Nebraska State Patrol. Your affiant has 12 years of law enforcement experience nine of which have been in Investigative Services. Your affiant holds a Certificate in Forensic Science from Nebraska Wesleyan University and is a certified law enforcement officer in the state of Nebraska. Your affiant is a certified Crime Scene Investigator through the International Association of Identification and has investigated in excess of 200 criminal cases.

The affiant believes that Probable cause does exist for the issuance of an arrest warrant for the crime of Theft by Deception per Nebraska State Statute 28-512. The following facts support the issuance of a warrant.

Your affiant can testify that in November of 2015 he was requested by the Nebraska Attorney General's Office to investigate Hastings Police Officer Jerry ESCH regarding the establishment of a GoFundMe account posted on November 17, 2015, to determine whether or not that post was fraudulent. In the GoFundMe post entitled "Jerry's Medical Bills" ESCH requests $27,000 in donations for the following reasons quoted from his GoFundMe, *"I need your help to pay off some medical bills, medication and the credit cards that I put medication on."* ESCH further states in the GoFundMe request *"In January of that year my insurance and the hospital I was going to wouldn't agree on the contract. The hospital I was going through with the clinical trial became out-of-network and wasn't covered very well by my insurance. The cost of this medication was $18,000 a month and I had to pay twenty percent of the cost."*

Your affiant has multiple witnesses. D.J. Dramse, Norma Rust, and Alan Sedlak can all testify that they had conversations with ESCH regarding his GoFundMe Request and that during these conversations ESCH advised that the purpose of the donation request was to cover medical expenses not covered by his insurance provider Blue Cross and Blue Shield.

Your affiant swears that he did obtain the Blue Cross Blue Shield records for Jerry Esch from October 2014-November 2015. Blue Cross Blue Shield records indicate ESCH had no out-of-network services and no denied claims in 2015. Blue Cross Blue Shield pharmacy records show all fees for the $18,000 medication were paid except for ESCH's $50 copay, which he only paid from February 2015 to June 2015 when ESCH reached his out-of-pocket deductible and Blue Cross Blue Shield continued to pay for the medication with ESCH contributing $0. Further witness Kimberly Jacobitz, the plan administrator for the Hastings Police Department insurance plan can testify that there was no way ESCH could have accumulated $27,000 in medical debt in 2015.

Your affiant has additional witnesses. Joshua Fink can testify that he personally donated $1000 to Esch's GoFundMe account. Fink will swear that he believed the money was going to be used to cover medical expenses not covered by Esch's insurance. Fink will further testify that had he known the money was going to be used to pay other debt he would not have given money to ESCH or given a lesser amount.

Witness L. Wayne Johnson can testify that he raised $5500 for Jerry Esch with the understanding that the money was to be used to cover credit card bills accumulated for expenses not covered by insurance and so ESCH's kids could have a Christmas. Johnson based his fund raising efforts off of the GoFundME page. Johnson personally gave $500, his company gave another $500, and he solicited an additional $4500 from friends and family by referring them to ESCH's GoFundMe page. Johnson collected the money and turned it over to his step son Kyle Williamson who delivered the money to ESCH in December 2015.

Further evidence exists to support the issuance of a warrant. An examination of subpoenaed documents indicates a maximum of $3,286.45 in potential medical expenses paid from ESCH's checking and credit cards from January 2013 to December 2015.
Further your affiant swears that ESCH's three credit cards (Cabela's, Citi, First National)had an outstanding balance on all three of approximately $27,000, (the same amount requested by ESCH on his GoFundMe), but of those expenses only $653.01 were paid toward medical expenses between January, 2013 and December, 2015.

Subpoenaed Bank Records indicate that between November 17, 2015, and December 11, 2015, ESCH deposited $17,691.57 raised from his GoFundMe account into his personal checking account at Pinnacle Bank. Numerous payments were discovered going from the GoFundMe proceeds to non-medical entities to include paying divorce attorney John McDermott $6,802.95 on December 8,2015, vehicle repair, personal loans and other items.

Your affiant swears that on January 21, 2016 he did interview Jerry ESCH. During that interview ESCH advised that he raised in excess of $30,000 after posting his GoFundMe request. Some donations were given to him outside of the GoFundMe page. ESCH said only one to two percent of all GoFundMe proceeds he received went to any type of medical expense and that there was no way he incurred $27,000 worth of Medical debt in 2015. .During the interview ESCH admitted the claim in his GoFundMe post that he was paying twenty percent of $18,000 was fraudulent, which was why he edited the post after raising $13,000. ESCH acknowledged that he requested funds for medical expenses because he knew he was more likely to get donations than if he had truthfully stated his credit card debt and other debt were due to poor financial decisions.

Your affiant can testify to being in possession of credit card, bank, insurance, and medical records which indicate that ESCH created a false impression by stating that he intended to pay medical bills, medication, and the credit cards that he put medication on. These records clearly indicate that ESCH did not accrue debt due to medical expenses or insurance failing to pay.

WHEREFORE, he prays that an Arrest Warrant may issue according to law for JERRY A. ESCH WM, DOB 05/12/1970, 6'0 205lbs, Blue Eyes, Brown Hair, LKA 608 Forrest Blvd Hastings, NE, NE OLN H13184182

For the following crimes to wit:

Theft by Deception per Nebraska revised statute 28-512 a Class IIA felony

Ryan S Phinney #685

6/16/16

SUBSCRIBED AND SWORN TO before me this 16th day of June, 2016.

General Notary - State of Nebraska
JEAN M. LOUDY
My Comm. Exp. Dec. 7, 2016.

Notary Public