

AFFIDAVIT FOR SEARCH WARRANT

VA. CODE ANN. § 19.2-54
RULE 3A:27

Count copy
CASE NO. *0*

The undersigned Applicant states under oath:

1. A search is requested in relation to an offense substantially described as follows:
Violation of Section 18.2-32, Code of Virginia, as amended, to wit: Murder

AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

M. Barry Stephens

NAME

Special Agent, VA State Police, BCI

TITLE (IF ANY)

240 Third Division Loop,
ADDRESS

Appomattox, Virginia 24522

Certified to Clerk of

Circuit Court on

CONTINUED ON
ATTACHED SHEET

2. The place, person, or thing to be searched is described as follows:

The residence located at 505 First Avenue, in the Town of Farmville and Prince Edward County, Virginia, and the curtilage thereof. The residence is further described as a single family dwelling, bluish gray in color with red shutters. There is an address marker in the front yard with the wording "505 First Avenue". On the front door is a knocker with the "Kelley & Niederbrock".

CONTINUED ON
ATTACHED SHEET

3. The things or persons to be searched for are described as follows:

Computers, hard drives, DVDs, CDs, other magnetic or optical storage media, cellular telephones, cameras and image storage devices, thumb drives, handheld communication devices such as Ipods, any other device capable of storing or transmitting text or images

TITLE

SIGNATURE

Delivered to Clerk of

Circuit Court on

by the undersigned

TITLE

SIGNATURE

CONTINUED ON
ATTACHED SHEET

4. The material facts constituting probable cause that the search should be made are:

See attached sheets

[] CONTINUED ON
ATTACHED SHEET

5. The object, thing or person searched for constitutes evidence of the commission of such offense.

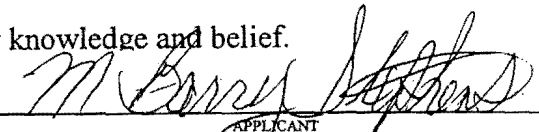
6. I have personal knowledge of the facts set forth in this affidavit OR

I was advised of the facts set forth in this affidavit, in whole or in part, by an informer.
This informer's credibility or the reliability of the information may be determined from the following facts:

[] CONTINUED ON
ATTACHED SHEET

The statements above are true and accurate to the best of my knowledge and belief.

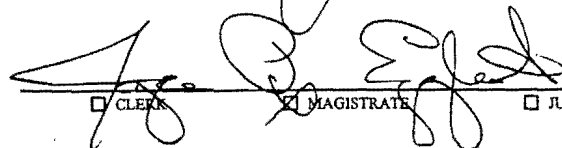
Special Agent
TITLE OF APPLICANT (IF ANY)



APPLICANT

Subscribed and sworn to before me this day.

9/21/09 1:50 PM
DATE AND TIME



 CLERK MAGISTRATE JUDGE

4. Continuation of affidavit in support of search warrant, material facts supporting probable cause.

Your affiant, Virginia State Police Senior Special Agent M. Barry Stephens has been employed by the Virginia State Police for about thirty-four years. Your affiant has been a special agent in the Bureau of Criminal Investigation since 1986 and has conducted criminal investigations in numerous areas of this state requiring the application for and execution of search warrants. Your affiant has been assigned to the High Technologies Crimes Investigations Unit for the last ten years and has completed extensive training in the investigation of crimes involving offenses committed utilizing modern technological methods, including training provided by the National White Collar Crime Center, the National Center for Missing and Exploited Children, the Federal Law Enforcement Training Center in Glynco, Georgia, conferences and seminars relating to specific areas of high technology investigation such as child exploitation on the internet, internet fraud, and identity theft, classes at Northern Virginia and Central Virginia Community Colleges related to computer technology, and several months of internship at the state police Computer Evidence Recovery Unit receiving training on computer evidence and erased file recovery. Your affiant teaches Computer Crimes Investigations classes at the Southside Community College in Keysville, Virginia. Your affiant has executed numerous search warrants related to high technology investigations and has assisted other local, state, and federal agencies in the execution of search warrants directly related to the seizure of computers and computer related equipment. Your affiant is currently attached to the Central Virginia Computer Crimes Task Force in Rustburg, Virginia.

The Farmville Police Department responded to 505 First Avenue, Farmville, Virginia on Friday, September 18, 2009 in response to a welfare check. Upon arrival, the officers noted the smell of decomposition and the presence of flies inside and outside the residence. Upon entry, the officers found three bodies which appeared to be the victims of foul play. A search warrant was obtained for the residence and was executed on September 18, 2009 at 5:25 PM.

On Saturday, a suspect was taken into custody in relation to the events at 505 First Avenue, Farmville, Virginia. Further investigation has determined the suspect met one of the victims found in the residence on the social networking internet website, Myspace. The suspect and victim communicated using computers through the website.

Onsite examination of the residence at 505 First Avenue, Farmville, Virginia has revealed the presence of a computer and a cellular telephone. Other cellular communications devices and computer related items may also be present in the residence. The suspect traveled to the Farmville area from California and has contacts on the west coast he may have remained in contact with by computer or cellular telephone. The suspect is a "rapper" musician who makes recordings about death and dying and may have documented his activities while at the victims' residence through the use of the computer, cellular telephone, still or video camera.

Your affiant requests permission to search the residence at 505 First Avenue, Farmville, Virginia to seize those cellular communications devices and computer related items already located in the residence by investigators and to search for and seize any other computers, computer related equipment, or communications devices which may be found. These items may contain text messages or images pertinent to the investigation. Computers store lines of text and images which may be retrieved by trained computer forensic examiners with proper equipment and facilities. Cellular telephones and other handheld communications devices may also contain messages, images, and dialed, saved, or received telephone numbers with time and date stamps.

4. Continuation of affidavit in support of search warrant, material facts supporting probable cause.

Due to the complexity and length of a time it takes for a complete forensic examination of computer media and cellular communications devices, and to protect the integrity of the data from loss, destruction, or alteration, your affiant also requests permission to remove any computers, fixed, removable, magnetic and optical data storage devices and communications devices from the residence and transport those items to a proper facility where trained personnel can conduct an examination of the contents of any such seized media and devices in a safe and secure laboratory setting.

SEARCH WARRANT

Commonwealth of Virginia VA. CODE §§ 19.2-56, 19.2-57

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth to forthwith search the following place, person or thing either in day or night

The residence located at 505 First Avenue, in the Town of Farmville and Prince Edward County, Virginia, and the curtilage thereof. The residence is further described as a single family dwelling, bluish gray in color with red shutters. There is an address marker in the front yard with the wording "505 First Avenue". On the front door is a knocker with the "Kelley & Niederbrock".

for the following property, objects and/or persons:

Computers, hard drives, DVDs, CDs, other magnetic or optical storage media, cellular telephones, cameras and image storage devices, thumb drives, handheld communication devices such as Ipods, any other device capable of storing or transmitting text or images.

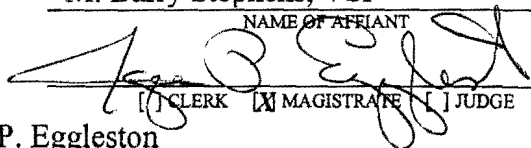
You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the Prince Edward Circuit Court an inventory of all property, persons, and/or objects seized.

This SEARCH WARRANT is issued in relation to an offense substantially described as follows:
18.2-32, Code of Virginia, Murder

I, the undersigned, have found probable cause and believe that the property or person constitutes evidence of the crime identified herein or tends to show that the person(s) named or described herein has committed or is committing a crime and further that the search should be made, based on the statements in the attached affidavit sworn to by

M. Barry Stephens, VSP

NAME OF AFFIANT


 CLERK MAGISTRATE JUDGE

Joyce P. Eggleston

09/21/2009 01:49 PM

DATE AND TIME

FILE NO.
SEARCH WARRANT
COMMONWEALTH OF VIRGINIA
<i>v./In re</i>
505 First Avenue
Farmville, VA 23901

SEARCH INVENTORY AND RETURN

The following items, and no others, were seized under authority of this WARRANT:

- 1. HEWLETT PACKARD PAVILION PC, MODEL A6000 S/N MXG727038H
- 2. LG VERIZON Photo CELLULAR TELEPHONE, Model VX8300
S/N 607K PWQ 1352489
- 3. SCANDISK 80Gb STORAGE DEVICE, MODEL E280
- 4. 256 Mb Thumb Drive w/ LONGWOOD LOGO
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____

The statement above is true and accurate to the best of my knowledge and belief.

9/21/09
DATE

M Barry Stephens
EXECUTING OFFICER

Subscribed and sworn before me this day

9-21-09
DATE

Lynette Col, D.C.
[] CLERK [] MAGISTRATE [] JUDGE

FOR NOTARY PUBLIC'S USE ONLY:

State of _____ [] City [] County of _____

Acknowledged, subscribed and sworn to before me this _____ day of _____, 20 _____

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires: _____)

200900072

EXECUTION

Executed by searching the within described place, person or thing.

9/21/09 2:33 PM
DATE AND TIME EXECUTED

M Barry Stephens
EXECUTING OFFICER

Certified to PRINCE EDWARD
Circuit Court on 9/21/09
DATE

M Barry Stephens
EXECUTING OFFICER

Received in person [] by certified mail
[] by electronically transmitted
facsimile

on 9-21-2009
DATE

by: Lynette Col, D.C.
CLERK OF CIRCUIT COURT

4:20pm