

AFFIDAVIT FOR SEARCH WARRANT

Commonwealth of Virginia

VA. CODE § 19.2-54

The undersigned Applicant states under oath:

1. A search is requested in relations to an offense substantially described as follows:

Violation of Section 18.2-32, Code of Virginia, as amended, to wit: Murder

[] CONTINUED ON ATTACHED SHEET

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

Computers, cell phones, cameras, compact disks and digital video disks, hard drives, thumb drives, and other digital storage devices itemized on the continuation page. These items are currently secured in the evidence room of the Farmville Police Department, 116 North Main Street, Farmville, Virginia, 23901.

[✓] CONTINUED ON ATTACHED SHEET

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

Digitally stored images, pictures, files, folders, emails, internet chats, internet activity logs, website or "blog" postings, time and date information relating to creation dates and access dates of files, registry information; also stored cellular telephone messages, text, images, dialed number logs, incoming and outgoing numbers; images, times, and dates stored on digital cameras or other magnetic and optical storage devices currently secured at the Farmville Police Department.

[] CONTINUED ON ATTACHED SHEET

(OVER)

COURT
200900081

CASE NO.
AFFIDAVIT FOR SEARCH WARRANT
APPLICANT: M. Barry Stephens NAME Spec9ial Agent, Virginia State Police, BCI TITLE (IF ANY) 240 Third Division Loop ADDRESS Appomattox, Virginia 24522
Certified to Clerk of Circuit Court CITY OR COUNTY on DATE TITLE SIGNATURE
Original Delivered [] in person [] by certified mail [] by electronically transmitted facsimile to Clerk of Circuit Court CITY OR COUNTY WHERE EXECUTED on DATE TITLE SIGNATURE
Complete only if different than above: Copy delivered [] in person [] certified mail [] by electronically transmitted facsimile to Clerk of Circuit Court CITY OR COUNTY OF ISSUANCE on DATE

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

See attached Section 4 continuation page

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

7. 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:

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

Special Agent

.....
TITLE OF APPLICANT

M Barry Stephens

APPLICANT

Subscribed and sworn to before me this day.

OCT 8 2009 11:25 AM
.....
DATE AND TIME

Ed Mel...

[] CLERK MAGISTRATE [] JUDGE

Continuation of affidavit in support of search warrant, Section 2, the place, person, or thing to be searched:

Items to be searched currently secured in the evidence room of the Farmville Police Department, 116 North Main Street, Farmville, Virginia, 23901:

- Motorola Cell Phone, serial number KAUF0044AA
- Lexar 2 GB SD memory card
- Kingston 2 GB SD memory card
- Panasonic telephone and charger, serial number 8GAQA171518
- An envelope containing a compact Disc
- Kodak Easyshare Z1285 digital camera, serial number KCXJB83707351
- Motorola L7C cell phone, serial number SJUG0357DB
- Top Ram 4 GB SD memory card
- Patriot XT 4 GB Thumb Drive
- 80 GB iPod, serial number 8K8055E9YMV
- 4 GB iPod, serial number YM641PQZV8T
- Sony Compact Disc
- Kingston 2 GB Thumb Drive
- Patriot 4 GB Thumb Drive
- HP Pavilion DV6500 Laptop Computer, serial number CNF743594S
- Belkin Thumb Drive, serial number 00227538585E
- An envelope containing 2 compact discs
- An envelope containing unlabeled compact discs
- A custom made computer tower Model TR2-430W, No serial number
- A paper bag containing 4 computer hard drives:
 - Western Digital hard drive, s/n WCAJD1890008
 - Western Digital hard drive, s/n WMA9N9399055
 - Maxtor hard drive, s/n D245SXFA
 - Hitachi Desk Star hard drive, s/n CBE1EOND
- A paper bag containing miscellaneous compact discs and DVDs
- An envelope containing compact discs
- An iPod shuffle, serial number 2Y8470RKYX6
- Model 568 DXG Digital Camera, serial number A58072378
- An envelope containing 5 compact discs
- An envelope containing assorted compact discs
- An envelope containing assorted compact discs and 4 DVDs
- A paper bag containing 4 USB devices:
 - 2Gb thumb drive, gray in color
 - Comcast 128 Mb thumb drive
 - Pilot mouse laser wireless USB device, s/n A0538005932
 - Coby audio player USB device
- Kodak Easyshare Z885 digital camera, serial number KCXGY72901462
- Compaq computer tower, CT # L57B80A6JMZ20H
- Kodak Easyshare C713 digital camera, serial number KCGHB74208666
- JVC camcorder, serial number 140P5307
- Pink in color Polaroid i633 digital camera, serial number JR700405960001965

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 since 1997 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.

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.

Evidence related to this investigation was found in a motor vehicle thought to be used by the suspect in his attempt to flee the area. Additional evidence was located in a backpack being carried by the suspect at the time of his arrest. Items were also seized from the suspect's residence in California. These items and items taken from the victims' residence are currently secured at the Farmville Police Department.

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 during his stay in the Farmville area. 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 or other digital storage media. Communications with the victims prior to his arrival in the Farmville area may be recorded or stored on computers or other storage media found at the suspect's residence.

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

Your affiant requests permission to search the items listed in section two of this affidavit and on the attached continuation page for text messages, communications, files, folders, or images pertinent to this 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. Digital cameras may contain pictures of the crime scene or other material connecting the suspect to the crime.

Due to the complexity and length of a time it takes for a complete forensic examination of computer media, cellular communications devices, and digital photography equipment, and to protect the integrity of the data from loss, destruction, or alteration, your affiant also requests permission to remove any computers, fixed, removable hard drives, magnetic and optical data storage devices, communications devices, and digital cameras from the Farmville Police Department 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

Computers, cell phones, cameras, compact and digital video disks, hard drives, thumb drives, and other digital storage devices listed. They are currently located in the Farmville Police Department evidence room located at 116 North Main Street in Farmville, Va.

for the following property, objects and/or persons:

Digitally stored images, pictures, files, folders, emails, internet chats, internet activity logs, website and "blog" postings including time and date information relating to creation and access dates of files and registry information. Also stored cellular telephone messages, text, images, dialed number logs, incoming and outgoing numbers, images, times, and dates stored on digital cameras or other magnetic and optical storage devices.

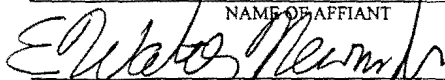
You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the Prince Edward Circuit Court an inventory of all property, persons, and/or objects seized.

This SEARCH WARRANT is issued in relation to an offense substantially described as follows:
18.2-32 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

Sp. Agent M Barry Stephens VSP

NAME OF AFFIANT



[] CLERK [X] MAGISTRATE [] JUDGE

10/08/2009 11:38 AM

DATE AND TIME

E. Walter Newman Jr.

FILE NO.

SEARCH WARRANT

COMMONWEALTH OF VIRGINIA

v./In re

Digital Equipment

Farmville Police Dept.

Farmville, Va. 23901

SEARCH INVENTORY AND RETURN

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

1. DIGITALLY STORED DATA, FILES, FOLDERS,
2. IMAGES, TEXT, VIDEOS, AND REGISTRY
3. INFORMATION
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

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

10/8/09
DATE

M. Barry Stephens
EXECUTING OFFICER

Subscribed and sworn before me this day

10-8-09
DATE

Jackie Glasco DC
[] 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: _____)

EXECUTION

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

10/8/09 12:53 PM
DATE AND TIME EXECUTED

M. Barry Stephens
EXECUTING OFFICER

Certified to PRINCE EDWARD

Circuit Court on 10/8/09
DATE

M. Barry Stephens
EXECUTING OFFICER

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

on 10-8-09
DATE

by: Jackie Glasco
CLERK OF CIRCUIT COURT 1:25 PM