

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT OF)
JOHN DOE (DECEASED))
DATE ISSUED 12/03/08)
MYSPACE ACCOUNTS)

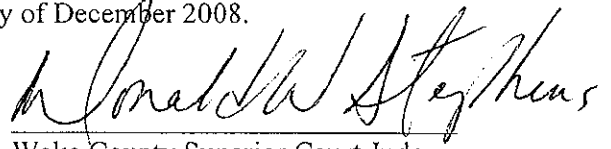
ORDER SEALING SEARCH
WARRANT, ITS RETURN AND
MOTION NCGS 132-1.5 (e)

THIS CAUSE coming on to be heard and being heard by the undersigned Superior Court Judge, upon motion by the State to seal a certain search warrant, its return and motion;

AND it appearing to the Court that the release of information contained in said search warrant, its return and motion will undermine an ongoing investigation,

IT IS THEREFORE ORDERED that this search warrant, its return and motion be sealed and not released to the public for a period of ninety days from today's date.

This the 12th day of December 2008.


Wake County Superior Court Judge

Order to Seal Stricken by Judge Ronald W. Stephens

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

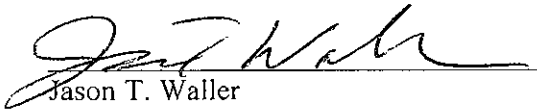
IN RE: SEARCH WARRANT OF)	MOTION TO SEAL
JOHN DOE (DECEASED))	SEARCH WARRANT AND
DATE ISSUED 12/03/08)	ITS RETURN NCGS 132-1.5 (e)
MYSFACE ACCOUNTS)	

NOW COMES THE STATE of North Carolina by and through the undersigned Assistant District Attorney, hereby respectfully moves the Court to seal for a period of ninety days the above referenced search warrant, its return and this motion, and in support thereof, alleges:

1. That on December 2, 2008, the body of a white male was found at the unoccupied residence at 4221 Olive Branch Lane, New Hill, NC;
2. That identity of this deceased person has been confirmed to be that of Matthew Silliman;
3. That four persons have now been charged with first degree murder in connection with the investigation;
4. That the release of the contents of this search warrant and its return, will undermine an ongoing investigation by the Wake County Sheriff's Department.

WHEREFORE, The State of North Carolina respectfully moves the Court to seal this search warrant, its return and this motion for a period of ninety days.

Respectfully submitted this the 12th day of December, 2008.


Jason T. Waller
Assistant District Attorney

SEARCH WARRANT

STATE OF NORTH CAROLINA
 WAKE County
 In the General Court of Justice
 District Court Division

In the Matter of
John Doe (deceased)

Date Issued _____ Time Issued 11:58 AM PM

Name of Applicant
12-3-08
Inv. C. Jackson (Wake County Sheriff's Office)
Case 08-124966
Christopher.Jackson@co.wake.nc.us
 Name of Additional Affiant _____
 Name of Additional Affiant _____

RETURN OF SERVICE

I Certify that this Search WARRANT was received and executed as follows:

Date Received 12/3/08 Time Received 11:58 AM PM
 Date Executed 12/3/08 Date and Time of Return _____

I made a search of FAKED ID
MYSPACE SID-356-3485

 as commanded.
 I seized the items listed on the attached Inventory
 I did not seize any items.

This warrant was not executed within 48 hours of the date of issuance and I hereby return it not executed!

Signature of Officer Making Return _____
 Department or Agency of Officer
Wake County Sheriff's Office

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as described in the application.

You are commanded to search the premises, vehicle, person, and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person or persons shown.

This Search Warrant was returned to me on the date and time shown below
 Date 12-17-08 Time 5:51 AM PM
 Signature _____

Date 12-3-08
 Signature _____
 Deputy CSC Asst. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

Deputy CSC Asst. CSC Clerk of Superior Court

APPLICATION FOR SEARCH WARRANT

I, Inv. Chris Jackson, Wake County Sheriff's Office

(Insert name and address; or if law enforcement officer, name, rank and agency)

being duly sworn, request that the court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that See Attached

(Describe property to be seized; or if search warrant is to be used for searching a place

to serve an arrest warrant or other process, name person to be arrested)

constitutes evidence of a crime and the identity of a person participating in a crime,

14-17 Murder

(Name Crime)

, and is located

(check appropriate box(es) and fill-in specified information)

in the following premises

(Give address and, if useful, describe premises)

(and)

on the following person(s)

(Give name(s) and, if useful, describe person(s))

(and)

in the following vehicle(s)

(Describe vehicle(s))

(and)

Myspace.com

(Name and/or describe other places or items to be searched, if applicable)

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

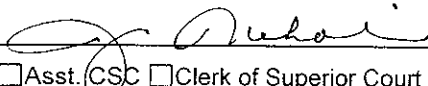
(See Attached Documents)

SWORN AND SUBSCRIBED TO BEFORE ME

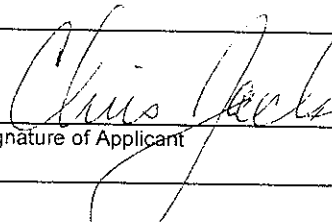
Date

12-3-07

Signature



Signature of Applicant



Deputy CSC Asst. CSC Clerk of Superior Court Mag. Judge

In addition to the affidavit included above, this application is supported by additional affidavit(s) attached, made by

In addition to the affidavit included above, this application is supported by sworn testimony, given by

This testimony has been (check appropriate box) reduced to writing tape recorded and I have filed each with the Clerk.

If a continuation is necessary, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of the applicant and issuing official.

In the Matter of: John Doe (deceased)

Continuation of: Constitutes evidence of a crime and the identity of a person participating in a crime;
N.C.G.S 14-17 Murder

Continuation of: Description of Property to be seized;

Records concerning the identities of the users with the Friend ID
consisting of name, postal code, country, e-mail address, date of account creation, IP address at
account sign-up, logs showing IP address and date stamps for account accesses, and the contents of private
messages in the user's inbox, trash and sent mail folders, including front end content.

Continuation of: Description of Premises and Curtilage to be searched;

Profile URL:
<http://profile.myspace.com/index.cfm?fuseaction=user.viewProfile&friendID=>
Friend ID:

Profile URL:
<http://profile.myspace.com/index.cfm?fuseaction=user.viewProfile&friendID=>
Friend ID:

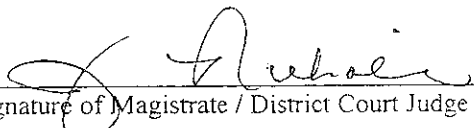
Profile URL:
<http://profile.myspace.com/index.cfm?fuseaction=user.viewProfile&friendID=>
Friend ID:

Profile URL:
<http://profile.myspace.com/index.cfm?fuseaction=user.viewProfile&friendID=>
Friend ID:

Profile URL:
<http://profile.myspace.com/index.cfm?fuseaction=user.viewProfile&friendID=>
Friend ID:

SWORN AND SUBSCRIBED TO BEFORE ME

DATE 12-3-08


Signature of Magistrate / District Court Judge / Superior Court Judge


Signature of Applicant

In the Matter of: John Doe (deceased)

Continuation of: Probable Cause;

The affiant has been employed as a full-time law enforcement officer since 1998 and is currently assigned to the Wake County Sheriff's Office Intel/Gang Unit as an Investigator. The affiant has received general and specialized training in criminal investigation, fraud investigation, homicide investigation, and gang investigation. My assignments and experience includes criminal investigation of property crimes, crimes of violence against persons, frauds, drug investigations and undercover operations, child abuse, fire and explosive investigations, and covert and electronic surveillance operations. During the past 10 years I have received, and continue to receive, specialized training through schools, universities in and out-of-state and seminars on the above mentioned crimes and areas of work as well as training in the interview and interrogation of suspects, witnesses, and informants.

On Tuesday, December 2, 2008 at 9:33pm the Wake County Sheriff's Office responded to 4221 Olive Branch Lane pursuant to a request from the Apex Police Department to attempt to locate a missing person. Responding deputies arrived on the scene and located a deceased male inside the residence. The deceased appeared to be a young, white male contained in a plastic bag with duct tape over his mouth. It was unknown at the time if the deceased male found inside the residence was in fact the missing person. Officers from the Apex Police Department were able to locate and interview several people whom they believe could identify the deceased and also provide additional information in this case. One person who Apex Police interviewed subsequently confessed to participating in the death of the deceased, along with three other co-conspirators. The witness admitted to beating the deceased on his head with a hammer, tying the deceased with zip ties, suffocating him with duct tape and disposing of him in a plastic bag. The witness also stated they attempted to utilize medications commonly used for animals to plan the murder.

Further investigation revealed that the subjects involved have Myspace accounts. Myspace.com is a public website that contains online diaries and journal entries. Members can send and receive messages, as well as post messages on other member's accounts.

Further investigation has identified those accounts (listed above) of the parties involved in this case.

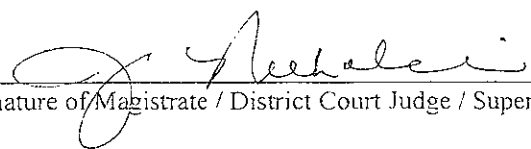
Based upon this affiant's training and experience, it is believed the preceding facts establish probable cause to believe the above described items will be found at Myspace.com and will aid in identifying the suspects as a participant in the crime of *N.C.G.S. 14-17 Murder*.

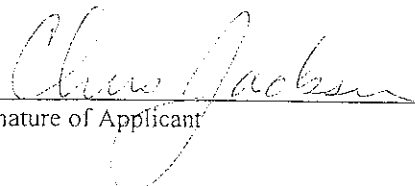
For these reasons, this affiant respectfully requests this warrant.

To Myspace Custodian of Records: Please return the above requested information in electronic format to Christopher.Jackson@co.wake.nc.us

SWORN AND SUBSCRIBED TO BEFORE ME

DATE 12-3-08


Signature of Magistrate / District Court Judge / Superior Court Judge


Signature of Applicant