

**SEARCH WARRANT**

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

In the Matter of

**William Scott Morris**

Date Issued **02-18-2009** Time Issued 12:15  AM  PM

Name of Applicant  
**Special Agent Brian Fleming**

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 <b>02-18-09</b>	Time Received <b>12:15</b>	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Date Executed <b>02-19-09</b>	Date and Time of Return <b>02-23-09 10:18am</b>	

I made a search of ADL.COM

\_\_\_\_\_ as commanded.

- I seized the items listed on the attached inventory
- I did not seize any items. *copies of ADL.com records will be provided later*
- 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  
SBI

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.

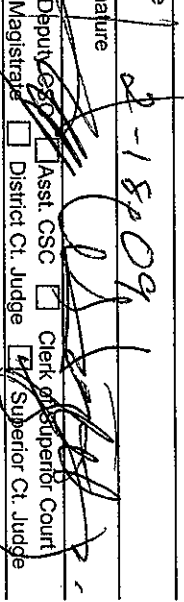
You are commanded to search the premises, vehicle, person, and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

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 02/23/2009 Time 10:18  AM  PM  
 Signature Manda R. Whitmore  
 Deputy CSC  Asst. CSC  Clerk of Superior Court

Date	<u>2-18-09</u>
Signature	
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Asst. CSC
<input type="checkbox"/> Magistrate	<input checked="" type="checkbox"/> Clerk of Superior Court
<input type="checkbox"/> District Ct. Judge	<input type="checkbox"/> Superior Ct. Judge

**APPLICATION FOR SEARCH WARRANT**

I, Special Agent Brian Fleming, of the SBI,

*(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 Attachment A

*(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,

Homicide and/or arson

, and is located

*(Name Crime)*

*(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)*

Records held by AOL.com pertaining to the account @aol.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 Attachment A

**SWORN AND SUBSCRIBED TO BEFORE ME**

H

Date 2-18-09

Page      of     

Signature [Signature]

Signature of Applicant [Signature]

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.

H 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.

**Attachment A**

**Continuation page attached to search warrant application of SA B.S. Fleming, NC SBI, in support of a search warrant for records held by AOL.com pertaining to the account “ @aol.com”:**

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

I have been employed with the North Carolina State Bureau of Investigation (NC SBI) for the past 4 years. I attended the twenty six week agent academy and have since attended several training classes and seminars dealing with the enforcement of violent crimes as well as the Controlled Substances Act. Since being employed with the NC SBI I have investigated violent crimes as well as narcotics-related crimes. I have prepared search and other affidavits, executed search and arrest warrants, seized evidence, assisted various North Carolina Districts Attorney’s offices in case preparation, dealt with informants and conducted surveillance. I have participated in numerous investigations that resulted in successful prosecutions. I have questioned suspects, interviewed witnesses, debriefed informants, have conferred with other Agents and Prosecuting Attorneys, and as a result, have gained considerable experience.

**“PROBABLE CAUSE”**

At approximately 11:19 a.m. on September 4, 2008, a 911 caller reported that the house of Kelly and William Scott Morris, located at 3220 Tump Wilkins Road, Stem, NC, was on fire. Scott Morris and Kelly Morris were married and lived at that residence together.

An initial fire scene examination indicated the cause of the fire was arson.

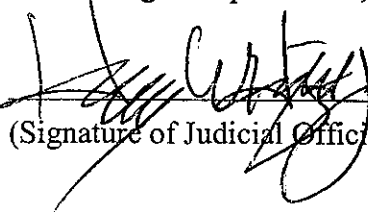
To the best of your affiant’s knowledge, Scott was the last person to see Kelly alive on Wednesday, September 3, 2008. Kelly never reported to work on the morning of Thursday, September 4, 2008.


Between 4:30 p.m. and 5:00 p.m. on the afternoon of Thursday, September 4, 2008, the vehicle last driven by Kelly Morris was located on Glasgow Road in the Highlands of Prestwick subdivision, which is approximately 1 mile from her residence. Morris’ cell phones, pocketbook and other personal belongings were left inside her vehicle.

When interviewed, Scott said he last saw Kelly on the evening of September 3, 2008, at approximately 9:30 p.m. when Kelly went outside looking for a lost dog. After that time, Scott took a shower and went to bed in a separate room from the room Kelly slept in. Scott said he slept in a different room that night because he did not want to be awakened by Morris when she returned from looking for the dog. Family and friends, however, indicated Scott and Kelly slept separately because of marital problems.

Call detail and cell site information were obtained on September 10, 2008, from Scott’s cell phone via a court order signed by Superior Court Judge A. Leon Stanback.

The call records indicated Scott called the residence of his mother and father, Carolyn and James “Jimmy” Morris, on Church Street in Creedmoor, NC, at 9:45 p.m. on the evening of September 3, 2008. Their number was

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(Signature of Affiant) Date

**Attachment A Continued**

Also according to the records, at 10:59 p.m. Scott received a call from which was the work cell phone of his father, Jimmy Morris.

The call records indicated Scott made an outbound call to : 11:56 p.m. Scott said in his initial statement to law enforcement that he showered and went to bed around or shortly after 9:30 p.m. At no time in any interview did Scott indicate he was awake after that time or made or received any telephone calls. Specifically, Scott said he slept throughout the night.

In an interview with Jimmy Morris on September 12, 2008, Jimmy Morris said Scott called him around 10:00 p.m. on Wednesday, September 3, 2008, and asked him to come to Scott's residence. Scott wanted Jimmy to sit with the Morris' two children while Scott went to look for Kelly, because he thought Kelly was cheating on him. Scott made no mention of a missing dog, as he had made to this affiant in his initial statement.

Jimmy said he went to the Morris residence where he remained while Scott left, driving Scott's green 1996 Toyota pickup. Jimmy said Scott had never called him and asked him to do anything like that prior to the night of September 3, 2008.

The cell site records indicated Scott's cell phone utilized a Creedmoor, NC, cell tower during a 10:59 p.m. incoming call from Jimmy; further indicating Scott was not at his residence at that time.

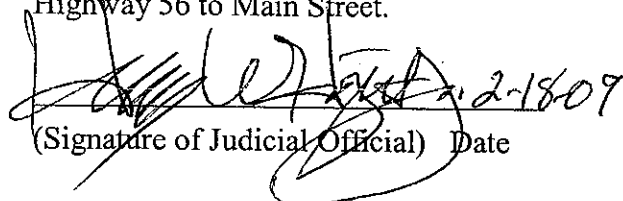
Scott said in his initial statement with your affiant that around 5:45 a.m. on September 4, 2008, he was awakened by a tow truck driver who called wanting to pick up a vehicle from Scott's storage lot in Butner. Scott owned a wrecker service business named Scott's Towing.

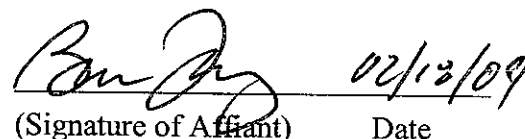
According to Scott, the driver, later identified as Tim Rice, wanted to meet Scott at 6:00 a.m. at Scott's storage lot. Scott told Tim he could not meet him until around 8:00 a.m.

Scott said after the 5:45 a.m. phone call, he waited for Kelly to come in and wake him up like she usually did, but Kelly never did. Scott fell back asleep after a little while and eventually woke up around 6:30 a.m., then got the two children ready for school and drove them in his rollback to the BP Station located at 101 South Main Street in Creedmoor where Scott worked as a mechanic and also temporarily stored his personally owned Geo Tracker. Scott took the children to Mt. Energy Elementary School in the Tracker and left the rollback at the gas station while doing so. Scott then returned to the BP station, put some gas in the Tracker, and went to meet Tim Rice at Scott's storage lot in Butner located on Wilkins Road.

According to Tim Rice, Scott arrived at the lot between 8:05 and 8:15 a.m. and stayed just two or three minutes before leaving and asking Tim to lock the gate. Video surveillance footage at Pallet 1 in Butner, NC, showed Scott leaving the area of Scott's storage lot at approximately 8:14 a.m.

Scott said he left the storage lot and went straight to Hardee's, located at 2568 West Lyon Station Road, Butner. Scott indicated he traveled down C Street in Butner to Hardee's, then left Hardee's and went "straight" to the BP station in Creedmoor, taking Highway 56 to Main Street.

  
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**Attachment A Continued**

Scott, however, did not arrive at Hardee's for approximately 55 minutes. At 9:09 a.m. video footage from the Shell gas station next door to the Hardee's showed what appeared to be a Geo Tracker traveling on West Lyon Station Road and coming from the direction of Scott's residence. Scott would not have approached Hardee's from that direction had he traveled the way he stated from his storage lot.

At 9:10 a.m. Hardee's video surveillance footage showed Scott entering the restaurant. The footage showed Scott's Geo Tracker leaving the parking lot at 9:15 a.m. and turning right onto West Lyon Station Road, which was the direction of Scott's residence and not the direction Scott indicated he traveled to get to his workplace at the BP Station.

Further, Kelly's daughter, \_\_\_\_\_, was interviewed and said when she and her sister, \_\_\_\_\_ left for school, their two dogs were locked in dog crates inside the house, but when firefighters arrived, the dogs were outside.

Interviews with some of Kelly's friends and family indicated Kelly and Scott had marital problems, had separated in the past, and discussed divorce. In the past, Scott had punched holes in the wall during arguments and once threw a computer out of a window. Kelly had never left home before and no witness was interviewed who believed Kelly would ever leave her children.

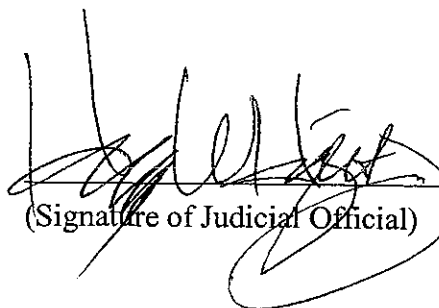
As of February 18, 2009, none of Kelly's family or friends had seen or spoken with her since the evening of September 3, 2008.

No evidence has been located that indicates Kelly's disappearance was voluntary.

During the course of this investigation, it was learned that Scott was using the email address " \_\_\_\_\_ @aol.com". Scott's mother's name is Carolyn Batchelor Morris and she goes by "Lyn."

On February 13, 2009, investigators interviewed a good citizen (hereafter referred to as "citizen") who wished to assist in this investigation. The citizen was not connected to this investigation apart from the information the citizen relayed. Your Affiant wishes to protect the citizen's identity at this time due to the high profile nature of this case. In the past, search warrants for this case have been published by media outlets. For private citizens named in affidavits, this brings unwanted and unsolicited notoriety and may deter them or other potential witnesses from providing additional information.

When interviewed, it was discovered that this citizen made a purchase from Scott Morris through Craigslist earlier in the month. Craigslist is a website that allows users to post and view items for sale, among other things. The citizen advised investigators that he initially did not know who he was communicating with via the email address " \_\_\_\_\_ @aol.com" but he later determined it was Scott Morris. The citizen did not personally know Scott Morris, but knew he was because of the disappearance of Kelly Morris.

  
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**Attachment A Continued**

Scott provided the citizen with his phone number and when the citizen spoke with Scott, Scott told the citizen where the item was located. The citizen went to the house at the address Scott gave the citizen. The citizen believed the address was 4242 Old NC 75, Stem. The citizen said the man he met there was named Connie Wright and Wright lived at the location. Wright was storing items for Scott and said he was helping Scott sell some of them so Scott could pay his attorney, Jerry Clayton. Jerry Clayton was, in fact, representing Scott.

The citizen said the item he bought was still in its original box and it appeared it had been originally shipped to Kelly Morris. The citizen showed investigators the shipping label off the box, which did have Kelly Morris' name and address on it.

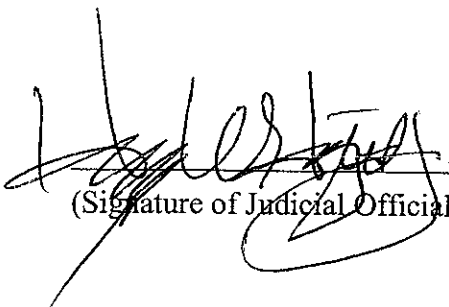
Further, a publicly listed address for 4242 Old NC 75 indicated that a Connie Wright did live at that address. Connie Wright was the father of Chris Wright, who was a friend of Scott's.

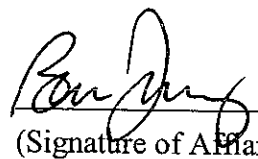
For these reasons, your Affiant believes this citizen provided truthful information and that Scott Morris is utilizing the email address " \_\_\_\_\_ @aol.com" for communication purposes.

Based on my training and experience, e-mails are frequently used as a means of communication, and may therefore contain information that would be valuable in this investigation, potentially generate additional leads and may therefore lead to additional evidence of the crimes of homicide and/or arson. An examination of the records and communication held by AOL.com regarding the account " \_\_\_\_\_ @aol.com" is needed to gather information related to this investigation.

**"TO BE SEARCHED"**

The records held by AOL.com pertaining to the account " \_\_\_\_\_ @aol.com"

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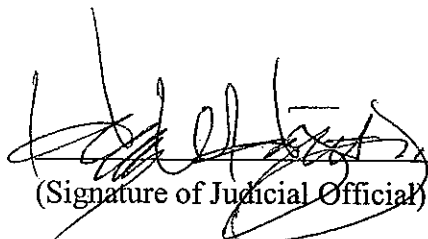
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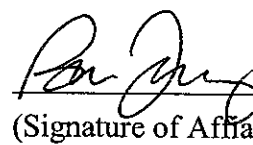
**Attachment A Continued**

**“ITEMS TO BE SEIZED”**

In the matter of the search of the records held by AOL.com for the account “ @aol.com”, the items to be seized are:

- A. Detailed subscriber and account information and history for the account ‘ @aol.com”
- B. Address book content for the account “ @aol.com”
- C. Any read and/or unread e-mail, and files attached to e-mail, for the account ‘ ol.com” consisting of both sent and received e-mails between January 1, 2008, and February 18, 2009
- D. Any other information to include computer files and user data maintained by or within the databases and/or data storage of AOL.com pertaining to the account “ @aol.com”

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