

Film No. \_\_\_\_\_ File No. \_\_\_\_\_

### SEARCH WARRANT

In the Matter of \_\_\_\_\_

Computer contents: OCA 09-057773

Date Issued June 8, 2009 Time Issued 12:30  AM  PM

Name of Applicant Senior Inv A. M. Sternberg WCSO

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 <u>6-8-09</u>	Time Received <u>12:30</u> <input type="checkbox"/> AM <input type="checkbox"/> PM
Date Executed <u>6-8-09</u>	Date and Time of Return <u>6-8-09 1:33p</u>

I made a search of the search  
Never commenced search  
nothing 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 WAKE \_\_\_\_\_  
Department or Agency of Officer WAKE Sheriff's Office

STATE OF NORTH CAROLINA  
WAKE County

In the General Court of Justice  
District Court Division

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 6/18/09 Time 1:36  AM  PM  
Signature R. James Barber

Date	<u>6-8-09</u>
Signature	<u>[Signature]</u>
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Asst. CSC
<input type="checkbox"/> Magistrate	<input type="checkbox"/> District Ct. Judge
<input type="checkbox"/> Clerk of Superior Court	<input checked="" type="checkbox"/> Superior Ct. Judge

In the Matter of: OCA 09-057773 Seized electronic devices

Continuation of: Constitutes evidence of a crime and the identity of a person participating in a crime:

Murder NCGS 14-17

Continuation of: Description of Property to be Seized:

The electronic contents of the below listed computers, to include: remnants of emails, purchase records, financial records, insurance records, image files, audio files, motion picture files, calendars, travel records, journals, websites visited, cookie files, remnants of instant messages, journals and diaries, contact lists. From the cell phones I am additionally requesting user information, incoming/outgoing call activity, missed calls, photos and video, notes, drafts, directory data, any residual text messages, any records of website visits and any saved voicemail audio content. The Garmin device should be inspected for any residual electronic records of travels, itineraries, location searches, and dates/times of movements.

Continuation of: Description of Items to be Searched:

HP Pavillion tower computer, serial number MXX80409GB (collected by CCBI forensic computer Elizabeth Whitney from the 1808 Lucas Rd Knightdale location June 4, 2009)

HP dv4000 laptop computer, serial number 2CE5450CJ1, and power adapter (collected by CCBI forensic computer Elizabeth Whitney from the 1808 Lucas Rd Knightdale location June 4, 2009)

HP xg922 tower computer, serial number MX13906027 (collected by CCBI forensic computer Elizabeth Whitney from the 1808 Lucas Rd Knightdale location June 4, 2009)

Netopia wireless USB card, serial number F082W401A7L38836 (collected by CCBI forensic computer Elizabeth Whitney from the 1808 Lucas Rd Knightdale location June 4, 2009)

Boost Mobile cell phone Motorola model i335, S/N 364VJQWW3P and SIM card in the device (collected from stepdaughter Carletta Alston)

Sprint Sanyo, Model Katana II, DEC 268435456501191623 HEX A0000005122EC777 and any SIM card that may be in the device (found in the victim's house 1808 Lucas Rd Knightdale)

Two other cell phones and any SIM cards that may be in the devices, one an iPhone, collected by CCBI, at the OCME at autopsy of the victim

Garmin GPS device, collected from the victim's car on June 5, 2009 by Investigator Sternberg

Continuation of: Probable Cause:

SWORN AND SUBSCRIBED TO BEFORE ME

DATE June 8, 2009

Paul Sternberg  
Superior Court Judge

[Signature]  
Signature of Applicant

In the Matter of: OCA 09-057773 Seized electronic devices

This affiant, Investigator Alfred Sternberg, has been in law enforcement since 1988. I am currently assigned to the Wake County Sheriff's Office Investigations Division. This unit investigates murders, robberies, rapes, frauds and violent crimes. During the course of my employment as a law enforcement officer, I have been trained in these areas of investigation, crime scene searches and arrest of criminals that are involved in such crimes. This includes recent seminars on Death Investigation and Suicide Investigation.

Michael Donnell Smith was found murdered by apparent gunshot wound in the driveway of his home at 1808 Lucas Rd outside of Knightdale in unincorporated Wake County during the early morning hours of Thursday June 4, 2009. Wake County Sheriff's Office investigators are engaged in the investigative reconstruction of events leading up to the crime, the time period of the crime itself, and aftermath. This includes identification of all persons residing in the victim's home and investigation into the nature of their relationship with the victim and their activities at the scene, as well as identification of any person(s) of the victim's acquaintance who may have wished harm upon the victim.

Items of electronic evidence, described above in the 'descriptions of items to be searched' section, were collected by various CCBI and Wake County Sheriff's Office law enforcement personnel as noted above.

I obtained some of the victim's banking records on June 4, 2009 pursuant to a financial search warrant and noted online banking activity. On June 5 and 6, 2009 I conducted follow up searches, pursuant to search warrant, of two vehicles that had been on the 1808 Lucas Rd Knightdale property as well as the house itself. I recovered printouts of email communications. I also collected a number of paper writings with lists of names and phone numbers. I recovered at least one partial paper diary/journal.

Your affiant knows from his experience of the common use of electronic communications devices by victims, suspects, witnesses and other persons in everyday communications and for online activity. I also have training and knowledge of some of the sorts of data customarily contained in various electronic devices.

WCSD needs authorization to search, examine, and analyze the above-described electronic contents of the above devices so as to further investigate the above listed crime.

Continuation of: Conclusion:

Based upon my training and experience, it is believed the preceding facts establish probable cause to believe the above-described items will be found and will aid in identifications that will assist in identifying the person or persons responsible for the crime of Murder. For these reasons, your affiant respectfully requests this warrant.

SWORN AND SUBSCRIBED TO BEFORE ME

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DATE June 8, 2009

Paul Sternberg  
Superior Court Judge

[Signature]  
Signature of Applicant