

Film No. _____ File No. _____

SEARCH WARRANT

In the Matter of _____

Celco Partnership d/b/a Verizon Wireless

Cellular phone number _____)

Date Issued 22 January 2010 Time Issued 3:40 AM PM

Name of Applicant **Detective M. Boryla**

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 _____ Time Received 3:00 AM PM

Date Executed 22 January 2010 Date and Time of Return 02.01.2010 11:59

I made a search of _____

CELCO PARTNERSHIP d/b/a

VERIZON WIRELESS CELLULAR

PHONE # 919. _____

_____ 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 Knightsdale Public Safety Department

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 21/1/10 Time 2:00 AM PM
Signature [Signature]
 Deputy CSC Asst. CSC Clerk of Superior Court

Date January 22, 2010
Signature [Signature]
 Deputy CSC Asst. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

In the Matter of: Anna Painter
Cellco Partnership d/b/a Verizon Wireless
Cellular phone number

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

Continuation of: Description of Property to be Seized;

Subscriber and content information on account phone number [redacted] a Verizon Wireless Cellular phone, including the content of all text messages, MMS content, SMS content, E-mails and their content, and any other electronic communications made by or to this Verizon Cellular Phone # [redacted]

Continuation of: Description of Property to be Searched;

Subscriber and content information on account phone number [redacted] a Verizon Wireless Cellular phone, including the content of all text messages, MMS content, SMS content, E-mails and their content, and any other electronic communications made by or to this Verizon Cellular Phone # [redacted]

Continuation of: Probable Cause;

This affiant swears to the following facts establishing probable cause for the issuance of a search warrant. Affiant has been a sworn Law Enforcement Officer for over twelve years and is currently a Narcotics Investigator for Knightdale Public Safety Department Drugs & Vice Unit. Affiant has over fifteen hundred hours of formal training; Affiant has also been a part of numerous undercover purchases on the state and federal level. This Affiant has made numerous undercover drug buys. Through formal training (Police Law Institute, Narcotics Investigation) multiple homicide training courses and on-the-job experience, Affiant has applied for, received, and executed numerous search warrants for controlled substances and assisted in the execution of search warrants of illicit narcotics violations. I make this affidavit based on my personal knowledge together with information received and corroborated from other law enforcement officers and confidential sources that, through my observation, I believe to be credible.

SWORN AND SUBSCRIBED TO BEFORE ME

DATE January 22, 2010

[Signature]
Signature of Magistrate / District Court Judge / Superior Court Judge

[Signature]
Signature of Applicant

In the Matter of: Anna Painter
Cellco Partnership d/b/a Verizon Wireless
Cellular phone number

Continuation of: Probable Cause:

On January 9, 2010, At approximately 12:30am Mr. Kenneth Ring was working as the manager of Domino's Pizza in Knightdale. Mr. Ring was assaulted with some type of blunt object and robbed. Nico D'angelo Bowers works for Dominos Pizza as a delivery driver and was the person that found the victim, Kenny Ring and made the 911 call on January 9, 2010 around 12:37am. Mr. Ring was transported to Wake Medical Center, where on 01-11-2010 about 5:30pm Mr. Ring succumbed to his injuries and died.

Nico D'Angelo Bowers was interviewed by KPD Lt D. R. Simmons and SBI SA S.G. Quick on January 13th, 2010. Bowers stated that his brother, Travis Melton Sherman, was with him on Friday January 8th, 2010 while he worked delivering pizzas for Dominos. Bowers stated that Anna Painter was supposed to pick Sherman up at 10:00pm from the Dominos store in Knightdale, but did not arrive until 11:00pm that night. Bowers stated Sherman then left the store with Painter at that time. Bowers also stated that he last saw Kenneth Ring alive at the store at about 12:20am, when Bowers left to make a pizza delivery. Bowers stated that Kenneth Ring was alone at the store when Bowers left at that time. Bowers stated that no one else was at the store when Bowers returned from the delivery to find Kenneth Ring beaten and on the floor in the manager's office.

On January 13, 2010, SA SG Quick with NCSBI interviewed Travis Melton Sherman. Sherman told law enforcement that he had been with his brother, Nico D'angelo Bowers on January 8, 2010 from about 4:15pm until his girlfriend, Anna Painter picked up Sherman (01-08-2010 11:00pm) from the Dominos Pizza in Knightdale. During the interview with Sherman, Sherman indicated that he had used his cell phone to call Painter to pick him up on that Friday night (01/08/2010). Sherman then told SA Quick that he stayed with Painter at her house in Wendell the rest of that night (01-08-2010) and until Saturday (01-09-2010) night.

On January 16, 2010, SA Quick and Knightdale PD, Det. Solomon interviewed Painter about her knowledge of Sherman's whereabouts on the night of January 8-9, 2010. At first, Painter was hesitant to talk with law enforcement but then admitted that Sherman had called her (on her Verizon cellular phone) on Saturday, January 9, 2010 and told her to tell law enforcement that he was with her that night (January 8-9 2010). Painter advised that she and Sherman were no longer dating and had not dated since the summer. Painter advised she was now dating someone else and was with him (the new current boyfriend, , that Friday (01-08-2010) night. Painter stated that Sherman told her that he needed law enforcement to think that he was with her and to tell law enforcement that she was supposed to pick him up at 6:00pm but lost track of time and didn't pick him up until around 11:00pm. Painter advised that she asked Sherman why she needed to lie and Sherman told her it wasn't important. Painter told law enforcement that Sherman had sent her a text message on Friday, January 8, 2010 and that it was just to say "hey". Painter indicated that she had not been in communication with Sherman since the conversation about what to tell police.

SWORN AND SUBSCRIBED TO BEFORE ME

page 2

DATE January 22, 2010

[Signature]
Signature of Magistrate / District Court Judge / Superior Court Judge

[Signature]
Signature of Applicant

SEARCH WARRANT

STATE OF NORTH CAROLINA
Wake County

In the General Court of Justice
District Court Division
Investigator M. Boryla
Knightdale Public Safety
01-22-2010

In the Matter of: Anna Painter
Cellco Partnership d/b/a Verizon Wireless
Cellular phone number

Continuation of: Probable Cause:

On January 20, 2010, Det. Solomon received phone toll information from Sprint Cellular for Sherman's phone indicating that Sherman and Painter were not in contact at all on Friday (01-08-2010) and that on Saturday, January 9, 2010, Sherman sent Painter a text message at 1:55am and then called Painter at 3:26am. Phone records further indicate that Painter and Sherman began sending text messages from cell phones numbers (Painter) and (Sherman) at 8:32am (01-09-2010) and then consistently from 10:26am (01-09-2010) until midnight and again from 12:02am on January 10, 2010 until 2:30pm (01-10-2010). Sprint Toll Records also show a flow of text messages between Sherman and Painter from that point until the end of current toll records which is January 11, 2010 at midnight.

The Sprint Cellular records for Travis Sherman's cellular phone are inconsistent with Anna Painter's statement to law enforcement regarding the extent of her contact with Travis Sherman between Jan. 8th, 2010 and Jan. 11th, 2010. In addition, due to the timing and amount of text messages believed to have been sent between Travis Sherman and Anna Painter during this time frame, it is reasonable to believe based on the investigation that Painter and Sherman are communicating about the crime that occurred at Dominos Pizza on January 9th, 2010, about each parties whereabouts at the time of the crime, and each parties respective knowledge of what occurred at the Dominos-Pizza that night. Based on all of the above information, the affiant believes it is imperative to obtain the content of all text messages, or any other electronic communications made and received to Anna Painter's Verizon Wireless Cellular phone number during the time frame of Jan. 7th, 2010 thru Jan. 22nd, 2010 to facilitate this homicide investigation, to corroborate and/or disprove statements made to law enforcement by Anna Painter, Travis Sherman and Nico D'angelo Bowers, to identify any further electronic communications between Anna Painter and Travis Sherman since each parties interview with law enforcement until the present, and possibly identify who is responsible for killing Kenneth Ring.

I contend that Probable Cause exists to search Cellular telephone account of _____, service provider Cellco Partnership d/b/a Verizon Wireless for the listed items SMS, MMS, Text messages, Emails, and any other electronic communications from 01-07-2010 thru 01-22-2010. Based upon information provided, this officer respectfully request that this **search warrant** be issued so this matter can be further investigated.

Upon completion of compliance with this search warrant, Please contact Det. Solomon at Fax number _____, e-mail _____

Knightdale Public Safety Department
979 Steeple Square Ct.
Knightdale NC 27545

SWORN AND SUBSCRIBED TO BEFORE ME

DATE January 22, 2010

W. Donald W. Stephens
Signature of Magistrate / District Court Judge / Superior Court Judge

[Signature]
Signature of Applicant

STATE OF NORTH CAROLINA

File No.

Wake County

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:

Name

Cellco Partnership d/b/a Verizon Wireless

INVENTORY OF ITEMS SEIZED
PURSUANT TO SEARCH

G.S. 15A-223, 15A-254. -257

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched

Cellular phone

Date Of Search

01-22-2010

This search was made pursuant to

- 1. a search warrant issued by: Superior court Judge Stephens
- 2. consent to search given by: _____
- 3. other legal justification for the search: _____

The following items were seized:

Cellular phone records for cell phone , text messages (content), e-mail (content), MMS (content) and SMS (content)