

SEARCH WARRANT

IN THE MATTER OF

MySpace.com User Profile FriendID=ssj4vegeta23;varnia0

Date Issued March 3, 2011 Time Issued 1:36 AM PM

Name Of Applicant

Detective Michele Soucie

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 3-3-2011 Time Received 1:37 AM PM

Date Executed 3-3-2011 Time Executed 1:40 AM PM

I made a search of MySpace.com
User Profile FriendID=ssj4vegeta23
and van...

as commanded.

I seized the items listed on the attached inventory.

I did not seize any items.

This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.

Signature Of Officer Making Return

M. Soucie

Department Or Agency Of Officer

Durham Police Department

Incident Number

11-005070

STATE OF NORTH CAROLINA

DURHAM

County

In The General Court Of Justice
District/Superior 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(s) shown.

Date March 3, 2011 Signature *Robert A. Johnson* Deputy CSC Magistrate Assistant CSC District Ct. Judge CSC Superior Ct. Judge

This Search Warrant was returned to me on the date and time shown below.

Date 4.4.11 Time 10:45 AM PM Signature *[Signature]* Deputy CSC Assistant CSC Clerk Of Superior Court

(Over)

APPLICATION FOR SEARCH WARRANT

1, Detective Michele Soucie of the Durham Police Department

(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 (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)

SEE ATTACHMENT TITLED "ITEMS TO BE SEIZED"

constitutes evidence of a crime and the identity of a person participating in a crime, (Name crime) MURDER G. S. 14-17

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)

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

WITHIN: MySpace.com User Profile FriendID=ssj4vegeta23 and MySpace.com User Profile FriendID=vania03

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:
SEE ATTACHMENT TITLED "FACTS TO ESTABLISH PROBABLE CAUSE"

SWORN AND SUBSCRIBED TO BEFORE ME

Date

March 3, 2011

Date 3-3-2011

Signature of Applicant

Signature

Robert A. Pittman

Signature of Judge

Magistrate

Dep. CSC

Asst. CSC

Clerk of Superior Court

Judge

In addition to the affidavit included above, this application is supported by additional affidavits, 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.

NOTE: If more space is needed for any section, 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 applicant and issuing official.

ATTACHMENT – CONTINUATION OF A SEARCH WARRANT

IN THE MATTER OF:

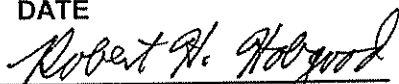
MySpace.com User Profile(s)
FriendID= ssj4vegeta23; FriendID= vania03

Items to Be Seized

1. Any and all information for the MySpace.com user profile friend ID **ssj4vegeta23** to include all subscriber information, such as name and address, date of birth, gender, date account created, contact and registration information provided at time of account creation, primary e-mail address, alternate or associated e-mail address(es), IP connection logs, dates and times of log-ins, and log-in IP addresses associated with session times and dates for any Internet or e-mail activities;
2. Any and all information for the MySpace.com user profile friend ID **vania03** to include all subscriber information, such as name and address, date of birth, gender, date account created, contact and registration information provided at time of account creation, primary e-mail address, alternate or associated e-mail address(es), IP connection logs, dates and times of log-ins, and log-in IP addresses associated with session times and dates for any Internet or e-mail activities;
3. For the subscribers identified in Paragraphs 1 and 2 above, the contents of any and all stored user files in the subscriber's account, to include photos, videos, blogs, blurbs, interests and friends comments section;
4. For the subscribers identified in Paragraphs 1 and 2 above, the MySpace Friend ID's of any user associated as a friend of the users, to include their basic subscriber contact information and e-mail addresses;

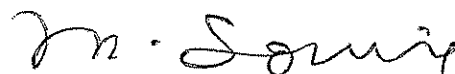
3 / 3 / 11

DATE



Signature Issuing Official

Magistrate / Superior Court Judge



Signature of Applicant

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ATTACHMENT – CONTINUATION OF A SEARCH WARRANT

IN THE MATTER OF:

MySpace.com User Profile(s)

FriendID= ssj4vegeta23; FriendID= vania03

5. For the subscribers identified in Paragraphs 1 and 2 above, the contents of any private messages sent or received by the users within the last 60 days;
6. The contents of any private blog or journal of Friend ID **ssj4vegeta23** and Friend ID **vania03**.

If practicable, these records may be supplied in electronic format, preferably read-only optical media, with a certification attesting to the authenticity of any records provided.

These items are in the possession of the Custodian of Records for MySpace.com.

407 N. Maple Drive / Beverly Hills, CA 90210

Telephone: (888) 309-1311 / Fax: (310) 356-3485

3/3/11
DATE

Robert H. Holzgrod

Signature Issuing Official

Magistrate / Superior Court Judge

M. Sourd

Signature of Applicant

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ATTACHMENT – CONTINUATION OF A SEARCH WARRANT

IN THE MATTER OF:

MySpace.com User Profile(s)
FriendID= ssj4vegeta23; FriendID= vania03

Facts to Establish Probable Cause

This affidavit in support of a search warrant is based upon my personal observations, information obtained during the course of the investigation, and obtained records. This affidavit is intended to show that there is probable cause for this search warrant and does not purport to set forth all of my knowledge of or investigation into this matter.

I, Michele Soucie, hereinafter designated as Affiant, having been duly sworn according to law, deposes and says that: Affiant is a Durham Police Investigator, who is currently assigned to the Durham Police Department's Criminal Investigation Division. The Affiant has been a sworn law enforcement officer with the State of North Carolina for over 11 years. The Affiant has participated in and/or conducted numerous investigations involving crimes of violence to include but not limited to: aggravated assaults involving firearms, robberies, sexual assaults, homicides and the physical and/or sexual abuse of children. Additionally, the Affiant has attended numerous schools throughout her tenure as a law enforcement officer.

1. On February 24, 2011, the Durham Police Department executed a search warrant at 2109 Pear Tree Lane, Durham, NC pursuant to a missing person/homicide investigation. Two individuals of interest in this investigation are Pete Lucas Moses Jr. and Vania R. Sisk.
2. During the course of the investigation it was discovered that these individuals have MySpace accounts on the internet and may have made statements or comments which may be relevant to this investigation. A check of the MySpace website by this investigator showed their Friend ID's to be ssj4vegeta23 and vania03.

Based on the applicants training, experience, and the information presented in this affidavit, there is probable cause to believe that information obtained from MySpace.com User Profiles Friend ID ssj4vegeta23 and vania03 would be of material value to this investigation.

The applicant respectfully requests that a search warrant be issued for MySpace.com User Profile FriendID= ssj4vegeta23 and vania03.

313111
DATE

Robert J. Hobgood

Signature Issuing Official

Magistrate / Superior Court Judge

M. Soucie

Signature of Applicant

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STATE OF NORTH CAROLINA In The General Court of Justice <input type="checkbox"/> District <input checked="" type="checkbox"/> Superior Court Division Durham County	→ File No.
	Film No.

In the Matter of	INVENTORY OF SEIZED PROPERTY
Name Myspace.com User Profile FriendID=ssj4vegeta23 and FriendID=vania03	
Date of Search 3/3/2011	

G.S. 15A-254,-

I, the undersigned officer, executed a search of:

 Myspace.com User Profile FriendID=ssj4vegeta23 and FriendID=vania03

Person, place or vehicle searched

This search was made pursuant to:
 a search warrant issued by: SUPERIOR COURT JUDGE ROBERT HOBGOOD

 a consent to search given by:

 other legal justification for the search:

The following items were seized:

- 1- Letter from MySpace
- 2- CD containing all account/profile information for FriendID=ssjvegeta23 and vania03

AOC-CR-206 Original - File Copy - person whose property was seized

Seized Items Continued:

I am leaving a copy of this Inventory with the person named below, who is:

- the owner of the place searched
- the owner of the vehicle searched
- the person in apparent control of the place searched
- the person in apparent control of the vehicle searched
- the person from whom the items were taken
- As no person was present, I am leaving a copy of this Inventory:
 - in the place searched, identified on the reverse
 - in the vehicle searched, identified on the reverse.

Name and Address of Person to Whom A Copy Of This Inventory Was Delivered

Custodian of Records
 MySpace.com
 407 N. Maple Drive
 Beverly Hills, CA 90210
 FAX# (310) 356-3485

The law enforcement agency identified below will hold the seized property subject to Court Order.

SWORN AND SUBSCRIBED TO BEFORE ME		Signature of Law Enforcement Officer <i>M. Stovall</i>
Date 4.4.11		Title of Law Enforcement Officer INVESTIGATOR
Signature <i>[Signature]</i>		Name and Address of Agency DURHAM POLICE DEPARTMENT 505 W. CHAPEL HILL STREET DURHAM, NC 27701
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court	<input type="checkbox"/> Asst. CSC <input checked="" type="checkbox"/> Magistrate	

Acknowledgment of Receipt

I, the undersigned, received a copy of this inventory

Date	4/4/2011
Signature of Recipient	<i>[Signature]</i>
	FAXED