

Film No. _____ File No. _____

SEARCH WARRANT

In the Matter of

@bellsouth.net

STATE OF NORTH CAROLINA
WAKE County

In the General Court of Justice
District Court Division

Date Issued June 16, 2009 Time Issued 3:36 AM PM

Name of Applicant
Senior Inv A. M. Sternberg WCSC

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 6-16-2009 Time Received 3:36 AM PM

Date Executed 6-16-2009 Date and Time of Return 6-18-09 1:53p

I made a search of the above records by service via fax & pink copy by us mail; results not yet in 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 [Signature] Return B-249

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 6/16/09 Time 1:56 AM PM

Signature [Signature]

Date June 16, 2009
Signature [Signature]
 Deputy CSC Asst. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

In the Matter of: @bellsouth.net

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;

Any and all residual email and full headers on this email for the account @bellsouth.net to include sent email; drafts; any email in files; file names; opened inbox mail; unopened inbox email; deleted email, if available; attachments to emails; any information to identify the subscriber information; date of opening of this account

Continuation of: Description of Items / Place / Records to be Searched;

AT&T / Bellsouth.net
Custodian of Records
11760 US Hwy 1
Suite 600
Palm Beach Gardens, FL 33408
TEL 1-800-635-6840
FAX 1-888-938-4715

Continuation of: Probable Cause;

This affiant, Senior 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 efforts to make identification of person(s) of the victim's acquaintance who may have wished harm upon him. During investigative searches of documents found in the victim's car, I located a reference to an email account @bellsouth.net on a piece of paper. The victim's name was also on this document. CCBI Examiner Whitney has made a preliminary search of electronics found at the victim's home. This featured a large quantity of email activity, including use of the above account. I know from my experience and training in criminal investigations of the common, everyday use of electronic communications devices and systems by victims, suspects, witnesses and other persons.

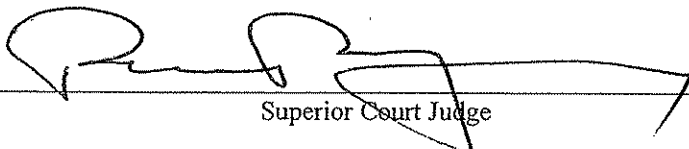
Continuation of: Conclusion;

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.

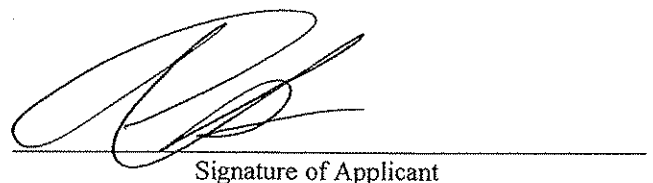
SWORN AND SUBSCRIBED TO BEFORE ME

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DATE June 16, 2009



Superior Court Judge



Signature of Applicant