File No.

SEARCH WARRANT

IN THE MATTER OF

5639 Old Durham Road, Chapel Hill NC

Date Issued	Time Issued
09/11/2012	5:08 ☐ AM ☒ PM

Name Of Applicant: Inv. Bryan Walker

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
9/11/12	5:08 ☐ AM ☒ PM
Date Executed	**Time Executed**
9/11/12	6:30 ☐ AM ☒ PM

☒ I made a search of Data at Facebook, Inc.

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.

Name Of Officer Making Return (Type Or Print): Bryan D Walker

Signature Of Officer Making Return: Bryan D. Walker

Department Or Agency Of Officer	Incident Number
Chapel Hill Police	1220848

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 or affirmation by the person(s) shown.

Date	Name (Type Or Print)	Signature
11 Sept 2012	Robert H. Hobgood	Robert H. Hobgood

☐ Deputy CSC ☐ Assistant CSC ☐ CSC ☐ Magistrate ☐ District Ct. Judge ☒ Superior Ct. Judge

This Search Warrant was delivered to me on the date and at the time shown below when the Office of the Clerk of Superior Court is closed for the transaction of business. By signing below, I certify that I will deliver this Search Warrant to the Office of the Clerk of Superior Court as soon as possible on the Clerk's next business day.

Date	Time	Name Of Magistrate (Type Or Print)	Signature Of Magistrate
	☐ AM ☐ PM		

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

Date	Time	Name Of Clerk (Type Or Print)	Signature Of Clerk	
09/26/12	10:49 ☑ AM ☐ PM	Elizabeth Tagle	Elizabeth Tagle	☑ Dep CSC ☐ Asst CSC ☐ CSC

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(Over)

APPLICATION FOR SEARCH WARRANT

I, Bryan Walker, Investigator, Chapel Hill 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 attached "Description of Evidence"

constitutes evidence of a crime and the identity of a person participating in a crime, *(Name crime)* First Degree Murder NCGS 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)*

See attached "Place to be Searched"

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

See attached "Probable Cause Affidavit"

SWORN/AFFIRMED AND SUSCRIBED TO BEFORE ME	Date 9/11/12
Date 11 Sept. 2012	Name Of Applicant (Type Or Print) Bryan D. Walker
Signature Robert H. Hobgood	Signature Of Applicant

☐ 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 clrek.

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.*

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Continuation of ***SEARCH WARRANT APPLICATION*** *of Investigator Bryan Walker, Chapel Hill Police Department, Chapel Hill, North Carolina dated September 11th, 2012.*

Description of Evidence:

Information associated with the Facebook profile identified by PID 1392450142, Information is requested for the past 90 days.

Information requested consists of:

- Basic Subscriber Information:
  - User Identification Number
  - E-mail address
  - Date and Time Stamp of account creation date
  - Most recent logins
  - Registered Mobile Number
- Expanded Subscriber Content
  - Profile Contact Information
  - Mini-Feed
  - Status Update History
  - Shares
  - Notes
  - Wall Postings
  - Friend Listing, with Friends Facebook ID's
  - Groups Listing, with Facebook Group ID's
  - Future and Past Events
  - Video Listing, with filename
- User Photos
- Private Messages

Robert G. Hobgood
Judicial Official

11 Sept 2012
Date

Affiant

9/11/12
Date

Continuation of ***SEARCH WARRANT APPLICATION*** *of Investigator Bryan Walker, Chapel Hill Police Department, Chapel Hill, North Carolina dated September 11th, 2012.*

Description of Crime:

First Degree Murder NCGS 14-17

Place to be Searched:

Information associated with the Facebook profile identified by PID 1392450142. Information is requested for the past 90 days. This information is maintained by Facebook Incorporated, said company having a physical address of 18 Hacker Way, Menlo Park, CA 94025.

Probable Cause Affidavit:

I, the undersigned, Investigator Bryan Walker, hereinafter referred to as "Affiant," being duly sworn, say and depose as follows:

Affiant has been a full-time sworn law enforcement officer with the Chapel Hill Police Department, Chapel Hill, North Carolina for over twenty years. Affiant is currently assigned to the Criminal Investigations Division. Affiant was a part-time reserve police officer for one year and became a full-time police officer in 1992. Affiant spent a year and a half as a reserve investigator with Durham County (NC) ABC Law Enforcement. Affiant is familiar with the personal and behavioral traits that are consistent with the commission of internet and computer crimes and investigations. Affiant has knowledge and training in regards to the use of computers, social networking sites, and cellular phones.

Affiant investigates crimes including, but not limited to: Homicide, burglary, assault, frauds, computer related and high tech crimes, and participates in criminal investigations involving computer-related offenses, and in the execution of search warrants involving searches of residences, vehicles, as well as seizures of computers, computer equipment, software, and electronically stored information. In addition, affiant has received technical training from N.C. State University, Microsoft Corporation, and

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Cisco Systems in the function and operation of computers and computer networks. Affiant holds the Microsoft Certified Professional® and the Paraben Corporation® Certified Cell Phone Examiner professional certifications. Affiant has attended National Infrastructure Protection Center Training at the FBI Academy in Quantico, Virginia, and completed training at the Federal Law Enforcement Training Center in Glynco, Georgia. Affiant is certified by the US Department of Homeland Security as a Seized Computer Evidence Recovery Specialist. Affiant has received additional computer forensics and computer crime investigation training through the National White Collar Crime Center, InfraGard, Guidance Software, Inc. and Search, the National Consortium for Justice Information and Statistics. Affiant is a member of the Internet Crimes Against Children Task Force, and has attended training related to crimes against children online, including, but not limited to, possession and manufacture of Child Sexual Exploitation images. This training is augmented and updated by regular sessions of in-service training provided by the Chapel Hill Police Department and the ICAC Task Force.

Affiant has attended training Basic Criminal Investigations Training as well as advanced training in Interview and Interrogation and Death Investigation. Affiant is a Criminal Justice Instructor, with specialties in Law Enforcement Driving and Hazardous Materials.

In support of this Affidavit, the Affiant shows unto the court the following facts:

On September 7, 2012, Chapel Hill Police officers were dispatched to 5639 Old Chapel Hill Road, Durham NC 27707 in reference to a possible dead body located in apartment 1502. When officers arrived, they were greeted by the primary tenant, Karena Lynn Rosario (Rosario), who advised that she had seen the victim, Faith Hedgepeth, and that she was unresponsive. Rosario permitted officers to enter the apartment. Officers conducted an initial protective sweep and located Hedgepeth dead in a bedroom, on a bed face up. Ms. Hedgepeth's body was hanging off the bed over a pool of blood with her black shirt pulled up over her head; she had no clothes on from the waist down. There was blood spatter on the closet and a bloody tampon was lying beside her on the bed. On the center of the bed, there was also a small white paper bag with the words:

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"I'M NOT STUPID
BITCH
JEALOUS"

The statement was written directly on the bag, in what appears to be ink.

The Chapel Hill Police Department received a call on September 9, 2012 from a woman who was a former roommate of Hedgepeth. The former roommate stated that sometime between the months of May-July, 2012, Hedgepeth told her that Eriq Takoy Jones (Jones) hated her (Hedgepeth), and told her he was going to kill her (Hedgepeth) if Rosario did not get back together with him.

Through preliminary investigation, Affiant learned that a restraining order was issued against Jones by Rosario on July 11, 2012. The basis of the restraining order was a domestic assault to which officers with the Chapel Hill Police Department responded on July 11, 2012. In this incident, Jones kicked two doors in the apartment off their frame. As a apart of this investigation, Affiant also received several accounts of Rosario being seen with visible injuries to her body that were reportedly inflicted by Jones.

Affiant learned through further investigation that Jones resented Hedgepeth because of her influence over Rosario. Several witnesses also advised that Jones considered Hedgepeth as a barrier to their relationship.

On September 7, 2012, while the officers were processing the scene at 5639 Old Chapel Hill Road, Durham, NC, Jones arrived and agreed to go to the Police Department to speak with Officers at the Chapel Hill Police Department. After the interview was complete, Jones returned to the crime scene, and walked right up to the crime scene tape. Officers had to ask him to leave because Rosario's 50B was still active against Jones and she needed to return to her apartment.

A few days after his interview with police, Jones agreed to allow officers to search his cell phone. Pursuant to this consent search, officers retrieved a text sent to a friend on September 6, 2012, asking them to forgive him for what he was about to do. Similarly,

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Affiant

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officers recovered a tweet sent by Jones to another acquaintance, also asking them to forgive him for what he was about to do.

Through further investigation, officers also reviewed Eriq Jones Facebook page on September 10, 2012 and learned that Jones had changed the cover photo on his Facebook page to the following statement: "Dear Lord. Forgive me for all of my sins and the sins I may commit today. Protect me from the girls who don't deserve me and the ones who wish me dead today."

At the time of Hedgepeth's death, Eriq Jones resided, and is still living, in the same apartment complex as Hedgepeth and Rosario. His apartment was located just a few buildings down from the apartment where Hedgepeth was found dead.

Through Affiant's training and experience, Affiant believes that information contained in Mr. Jones Facebook profile and/or messages may help to determine who caused the death of Faith Hedgepeth.

Based upon the above stated facts and circumstances, the undersigned has probable cause to believe that the search and seizure of the aforementioned property is necessary for a full and complete and thorough investigation of one or more of the above stated criminal offenses and that evidence of at least one of the criminal offenses contained herein will be located in the aforementioned property. The undersigned further avers that it would be in the best interest of the administration of justice that all evidence be collected and preserved pending further action of the court.

Robert H. Hobgood
Judicial Official

Robert H. Hobgood
Judicial Official

11 Sept. 2012
Date

Affiant

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Date

REQUEST TO HAVE WARRANT SEALED

In support of this request, the Affiant submits that there is a preponderance of evidence to show that the release of the information contained in the court order at this time would undermine the ongoing criminal investigation, jeopardize the prosecution's right to prosecute its case relating to the criminal investigation, and jeopardize the right of the suspect to be charged in this matter from receiving a fair trial.

In further support of this request, the Affiant shows unto the court that release of the information contained herein, could also hinder the state's ability to bring the responsible parties to justice. Finally, there is evidence in this case that is yet to be collected that is essential to the resolution of this matter and if the information contained in the warrant is made public, it could jeopardize both the criminal investigation and prosecution of this case.

I, the undersigned judicial official, find that there is a preponderance of evidence to believe that the release of the information contained in this warrant would undermine the ongoing criminal investigation, jeopardize the prosecution's right to prosecute its case and/or compromise the criminal investigation, and jeopardize the right of the suspect to be charged in this matter from receiving a fair trial. I therefore, ORDER that this warrant be sealed for sixty days, unless extended for good cause shown.

Robert H. Hobgood
Judicial Official

Robert H. Hobgood	
Judicial Official	Affiant
11 Sept 2012	9/11/12
Date	Date

STATE OF NORTH CAROLINA

File No.

Durham County

In The General Court Of Justice
☐ District ☒ Superior Court Division

IN THE MATTER OF:

Name

5639 Old Durham Road, Chapel Hill NC

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	Date Of Search
Data at Facebook, Inc.	09-11-2012

This search was made pursuant to

☒ 1. a search warrant issued by: Judge Hobgood.

☐ 2. consent to search given by: _____.

☐ 3. other legal justification for the search: _____.

The following items were seized:

Data at Facebook, Inc.

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(Over)

Original - File Copy - Person Whose Property Seized

Items Seized Continued:

☐ 1. I left a copy of this inventory with the person named below, who is:

- ☐ a. the owner of the premises searched.
- ☐ b. the owner of the vehicle searched.
- ☐ c. the person in apparent control of the premises searched.
- ☐ d. the person in apparent control of the vehicle searched.
- ☐ e. the person from whom the items were taken.

☒ 2. As no person was present, I left a copy of this inventory:

- ☒ a. in the premises searched, identified on the reverse.
- ☐ b. in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered, If Any

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*
Date 09-25-2012	*Title Of Law Enforcement Officer* Investigator
Signature	*Name And Address Of Agency* Chapel Hill Police Department 828 Martin Luther King Jr. Blvd. Chapel Hill NC 27514
☒ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court* ☐ *Magistrate*	

ACKNOWLEDGMENT OF RECEIPT

I, the undersigned, received a copy of this inventory.

Date	*Signature of Person Receiving Inventory*

AOC-CR-206, Side Two, Rev. 5/98

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