

Film No. File No.

SEARCH WARRANT

STATE OF NORTH CAROLINA

In the General court of Justice

WAKE

Superior Court Division

In the Matter of
Accounts associated with the area near the location
35.833966, -78.609595 between 3:00am EST and 4:00am
EST, on 06-01-2015, maintained on computer Servers
controlled by Google, Inc.

Date Issued 03/07/2017 Time issued 10:05 AM PM

Name of Applicant Detective S.B. Snowden

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 3-7-17 Time Received 10:05 AM PM

Date Executed 3-7-17 / 3:37 PM Date and Time Return 7-21-17

I made a search of Accounts associated
with the area near the location
35.833966, -78.609595 between 3:00AM
EST and 4:00AM EST, on 6-1-15
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 S.B. Snowden
Department or Agency of Officer Raleigh PD
AOC-CR-119 / Rev 8/83

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 describe 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 Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person or persons shown.

Date 7 MAR 2017
Signature [Signature]
Deputy CSC Asst. CSC clerk of Superior Court
Magistrate District Ct. Judge Superior CT. Judge

Date 7/21/17 Time 1:45 AM PM
Signature [Signature]
Deputy Asst. CSC Clerk of Superior Court

APPLICATION FOR SEARCH WARRANT

I, Detective S.B. Snowden of the Raleigh Police Department, 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 "PROPERTY/EVIDENCE TO BE SEIZED"

constitutes evidence of a crime and the identity of a person participating in a crime, NCGS Murder G.S. 14-17

and is located (check appropriate box(s) and fill-in specified information)

in the following premises: SEE ATTACHED "PLACES TO BE SEARCHED"

(and) on the following person(s)

(and) in the following vehicle(s)

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

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

SEE ATTACHED "PROBABLE CAUSE AFFIDAVIT".

SWORN AND SUBSCRIBED TO BEFORE ME

Date	7 MAR 2017	S. B. Snowden	3-7-17
Signature	<i>[Signature]</i>	Signature of Applicant	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst CSC <input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Magistrate <input checked="" type="checkbox"/> Judge			

In addition to the affidavit included above, this application is supported by additional affidavit(s), attached, made by the above named applicant

In addition to the affidavit included above, this application is supported by sworn testimony given by: _____

This testimony has been reduced to writing tape recorded and I have filed each with the Clerk. If a continuation is necessary, continue the statement on an attached sheet of paper with notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.

IN THE MATTER OF:

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT

Accounts associated with the area near the location
35.833966, -78.609595 between 3:00am EST and 4:00am EST, on 06-01-2015,
Maintained on computer Servers controlled by Google, Inc.

ATTACHMENT I- PROPERTY/EVIDENCE TO BE SEIZED:

The facts and circumstances outlined in this affidavit suggest that there is cause to believe evidence of the commission of the crime of Murder, a violation of North Carolina General Statute 14-17 (hereinafter "Subject Offense), may be found within Google, Inc. or Google Payment Corp. accounts described further in ATTACHMENT II (hereinafter "the Accounts") stored at premises controlled by Google, a company that accepts service of legal process at 1600 Amphitheatre Parkway, Mountain View, California 94043. The following material is sought for the time period of **3:00am EST and 4:00am EST on 06-01-2015:**

- Each account/device corresponding to the location data described further in ATTACHMENT II to be provided by Google will be identified only by a numerical identifier, without any further content or information identifying the user of a particular device. Law enforcement will analyze this location data to identify users who may have witnessed or participated in the Subject Offenses and will seek any additional information regarding those devices through further legal process.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 7th DAY OF MAY, 2017.

[Signature]

Deputy CSC Asst. CSC Clerk of Sup. Ct. Mag. Judge

[Signature]
Signature of Applicant

Page 1 of 4 Pages

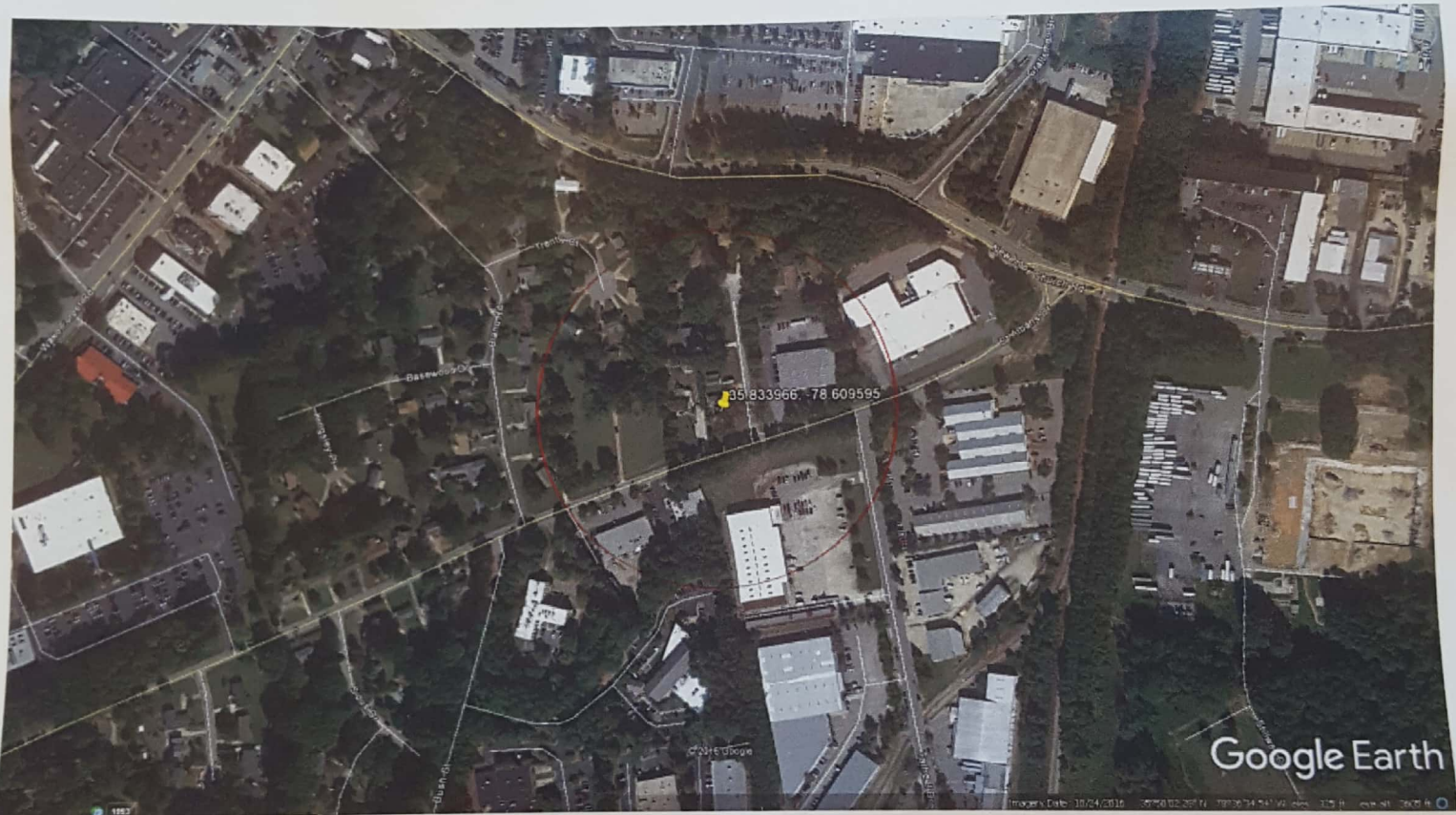
IN THE MATTER OF:

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT

Accounts associated with the area near the location
35.833966, -78.609595 between 3:00am EST and 4:00am EST, on 06-01-2015,
Maintained on computer Servers controlled by Google, Inc.

ATTACHMENT II- PLACES TO BE SEARCHED:

This warrant applies to information associated with the Google accounts located within the geographical region defined as being **within 150 meters of the GPS coordinates 35.833966, -78.609595 between 3:00am EST and 4:00am EST, on 06-01-2015**, that is stored at premises controlled by Google, a company that accepts service of legal process at 1600 Amphitheatre Parkway, Mountain View, California 94043.



A law enforcement officer will serve this warrant by transmitting it via email or another appropriate manner to the Provider. The Provider is directed to produce to the law enforcement officer an electronic copy of the information specified in ATTACHMENT I.

ATTACHMENT III - PROBABLE CAUSE AFFIDAVIT:

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 7th DAY OF MAR, 2017.

[Handwritten Signature]

Deputy CSC Asst. CSC Clerk of Sup. Ct. Mag. Judge

[Handwritten Signature]
Signature of Applicant

Page 2 of 4 Pages

IN THE MATTER OF:

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT

Accounts associated with the area near the location
35.833966, -78.609595 between 3:00am EST and 4:00am EST, on 06-01-2015,
Maintained on computer Servers controlled by Google, Inc.

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

On 06/01/2015 at approximately 6:45AM Raleigh Police personnel responded to a 911 call at 1721 Saint Albans Drive concerning a subject shot. Upon their arrival Raleigh Police personnel located the victim, Adrian Pugh, deceased just inside the front door to his residence. Mr. Pugh was located deceased after being shot one time in the torso. Two witnesses across the street from the residence reported hearing Mr. Pugh in an argument. During the altercation they heard multiple shots and called 911 immediately. One witness watched as the unknown suspect used the light from his cellular phone to either light a path to a vehicle or look for something on the ground. The unknown suspect was then seen fleeing west toward Wake Forest Rd in a dark colored vehicle.

This applicant knows that a cellular telephone or mobile telephone is a handheld wireless device primarily used for voice, text, and data communication through radio signals. Cellular telephones send signals through networks of transmitter/receivers called "cells" or "cell sites," enabling communication with other cellular telephones or traditional "landline" telephones. Cellular telephones rely on cellular towers, the location of which may provide information on the location of the subject telephone. Cellular telephones may also include global positioning system ("GPS") or other technology for determining a more precise location of the device.

This applicant also knows that Google is a company which, among other things, provides electronic communication services to subscribers, including email services. Google allows subscribers to obtain email accounts at the domain name gmail.com and/or google.com. Subscribers obtain an account by registering with Google. A subscriber using the Provider's services can access his or her email account from any computer/device connected to the Internet.

This applicant knows that Google has also developed a proprietary operating system for mobile devices, including cellular phones, known as Android. Nearly every cellular phone using the Android operating system has an associated Google account, and users are prompted to add a Google account when they first turn on a new Android device.

Based on this applicant's training and experience, this applicant knows that Google collects and retains location data from Android-enabled mobile devices when a Google account user has enabled Google location services. Google can also collect location data from non-Android devices if the device is registered to a Google account and the user has location services enabled. The company uses this information for location-based advertising and location-based search results and stored such data in perpetuity unless it is manually deleted by the user. This location information is derived from GPS data, cell site/cell tower information, Bluetooth connections, and Wi-Fi access points.

This applicant knows that location data can assist investigators in forming a fuller geospatial understanding and timeline related to a specific criminal investigation; and may tend to identify potential witnesses and/or suspects. Such information can also aid investigators in possibly inculcating or exculpating persons of interest.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 17 DAY OF MAY, 2017.

[Signature]

[Signature]
Signature of Applicant

Deputy CSC Asst. CSC Clerk of Sup. Ct. Mag. Judge

Page 3 of 4 Pages

IN THE MATTER OF:

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT

Accounts associated with the area near the location
35.833966, -78.609595 between 3:00am EST and 4:00am EST, on 06-01-2015,
Maintained on computer Servers controlled by Google, Inc.

Additionally, location information can be digitally integrated into image, video, or other computer files associated with a Google account and can indicate the geographic location of the accounts user at a particular date and time (e.g., digital cameras, including on cellular telephones, frequently store GPS coordinates indicating where a photo was taken in the "metadata" of an image file).

This applicant respectfully submits that there is probable cause to believe that information stored on the Providers' servers associated with the Google accounts and/or devices located at the location and timeframe specified in ATTACHMENT II, will contain evidence, fruits and instrumentalities of the Subject Offense¹.

The geographical region described in ATTACHMENT II is the area in close proximity to the location of where the Subject Offense being investigated was committed. The specific longitude and latitude indicated was identified through a mapping software and a screenshot of this location is included within ATTACHMENT II. This affidavit seeks authority to collect certain specified non-content and limited content information related to Google accounts that were located within the Target Area during the Target Time Period (the "Subject Accounts").

The information sought from Google regarding the Subject Accounts, specified in ATTACHMENT I to this warrant, will assist in identifying which cellular devices were near the location where the crime being investigated occurred during the time frame it is currently believed to have occurred. This information may assist law enforcement in determining which persons were present or involved with the Subject Offense under investigation.

The applicant would respectfully request the court issue a search warrant for the material outlined in ATTACHMENT I of the above-mentioned premises controlled by Google.

All information and facts provided in this affidavit are true and accurate to the best of the applicant's knowledge. The applicant feels that there is sufficient probable cause for the issuance of a search warrant for the evidence, fruits, and instrumentalities of violations of Subject Offense which may be contained within the furnished records.

¹ The State of North Carolina maintains that the information sought herein consists entirely of "record[s]" other than the "contents of communications" which is subject to the provisions outlined in 18 U.S.C. § 2703(d). Such records, requires only a showing that there are reasonable grounds to believe that the information sought is relevant and material to an ongoing criminal investigation. See 18 U.S.C. § 2703(c)(1)(A). Despite this, Google has indicated that it believes a search warrant, and not a court order, is required to obtain the location data sought in this application. Although the Government disagrees with Google's position, because there is probable cause to believe that the information sought herein will contain evidence of the criminal offenses specified in this affidavit, the Government is seeking a search warrant in this case.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 7th DAY OF MAR, 20 17.

[Signature]

[Signature]
Signature of Applicant

Deputy CSC Ass. CSC Clerk of Sup. Ct. Mag. Judge

STATE OF NORTH CAROLINA

File No.

Wake County

In The General Court Of Justice
District Superior Court Division

IN THE MATTER OF:

Name

See below

INVENTORY OF ITEMS SEIZED
PURSUANT TO SEARCH

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

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched

The search of information regarding accounts associated with the area near the location 5.833966, -76.609595 between 3:00AM EST and 4:00AM EST, on 06-01-2015, maintained on computer servers controlled by Google, Inc

Date Of Search

03/07/2017

This search was made pursuant to

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

The following items were seized:

Nothing with this search warrant.

Original - File

Copy - For Search by Warrant of a Person, to Person from Whom Items Taken

Copy - For Search by Warrant of Vehicle/Premises, to Owner or Person in Apparent Control; if No Such Person Present, Leave Copy Affixed Thereon

Copies - For Search by Consent, to Person Giving Consent and Owner of Vehicle/Premises Searched, if Known

(Over)

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
Google, Inc.

The law enforcement agency identified below will hold the seized property subject to court order.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		Name Of Law Enforcement Officer (type or print) S.B. Snowden
Date	Name (type or print)	Signature Of Law Enforcement Officer <i>S. B. Snowden</i>
<input type="checkbox"/> Notary	Signature	Title Of Law Enforcement Officer Detective
SEAL	Date My Commission Expires	Name And Address Of Agency Raleigh Police Department 6716 Six Forks Rd. Raleigh, NC 27617
	County Where Notarized	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Magistrate		

ACKNOWLEDGMENT OF RECEIPT

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

Date	Signature Of Person Receiving Inventory
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