

# SEARCH WARRANT

Commonwealth of Virginia VA. CODE §§ 19.2-56, 19.2-57

## TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth to forthwith search the following place, person or thing:  
White Apple iPhone, currently located at

for the following property, objects and/or persons:

All stored data to include; files, pictures, videos, phone books, call history and e-mail. All connection logs and records of user's activity, GPS coordinates, messages, applications, device information, web history, and all other stored communication files.

- This SEARCH WARRANT authorizes a search of a place of abode which may be executed by initial entry of the abode  
 only in the daytime hours between 8:00 a.m. and 5:00 p.m., unless prior to the issuance of this SEARCH WARRANT, law-enforcement officers lawfully entered and secured the place to be searched and remained at such place continuously OR  
 at any time for good cause shown.

As this SEARCH WARRANT authorizes a search of a place of abode, you are required to be recognizable and identifiable as a uniformed law-enforcement officer and to provide audible notice of your authority and purpose reasonably designed to be heard by the occupants of the place to be searched prior to the execution of this SEARCH WARRANT.

You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the Norfolk Circuit Court an inventory of all property, persons, and/or objects seized.

This SEARCH WARRANT is issued in relation to  an offense substantially described as follows:

a person to be arrested for whom a warrant or process for arrest has been issued identified as follows:

Violation of Virginia State Code 18.2-32: to wit Murder, 18.2-51: to wit Malicious wounding, and 18.2-53.1 to wit use of a firearm during a felony.

I, the undersigned, have found probable cause to believe that the property or person constitutes evidence of the crime identified herein or tends to show that the person(s) named or described herein has committed or is committing a crime, or that the person to be arrested for whom a warrant or process for arrest has been issued is located at the place to be searched, and further that the search should be made, based on the statements in the attached affidavit sworn to by

NORDAN, M M

NAME OF AFFIANT

Andrew L. Gabriel

04/05/2022 12:30 PM

DATE AND TIME

CLERK  MAGISTRATE  JUDGE

FORM DC-339 (MASTER, PAGE ONE OF TWO) 03/21 (EMERGENCY ENACTMENT)

Andrew L. Gabriel

FILE NO.

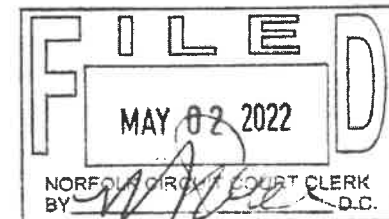
SEARCH WARRANT

COMMONWEALTH OF VIRGINIA

v./In re

White iPhone

Norfolk, Virginia



SWN: 710CM2200008576

**SEARCH INVENTORY AND RETURN**

The following items, and no others, were seized under authority of this WARRANT:

- 1. Data Extracted
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_
- 11. \_\_\_\_\_
- 12. \_\_\_\_\_

The statement above is true and accurate to the best of my knowledge and belief.

4-29-2022  
DATE

[Signature]  
EXECUTING OFFICER

Subscribed and sworn before me this day

\_\_\_\_\_  
DATE

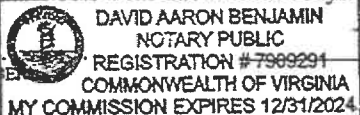
[ ] CLERK [ ] MAGISTRATE [ ] JUDGE

**FOR NOTARY PUBLIC'S USE ONLY:**

State of Virginia City [ ] County of Norfolk

Acknowledged, subscribed and sworn to before me this 29 day of April, 20 22

7909291  
NOTARY REGISTRATION NUMBER

 [Signature]  
NOTARY PUBLIC  
My commission expires: 12/31/2024

**EXECUTION**

Executed by searching the within described place, person or thing.

4/7/22 1057  
DATE AND TIME EXECUTED

M. Norden 30094  
EXECUTING OFFICER

Certified to Norfolk

Circuit Court on 4-29-2022  
DATE

[Signature]  
EXECUTING OFFICER

Received [ ] in person [ ] by certified mail  
[X] by electronically transmitted facsimile

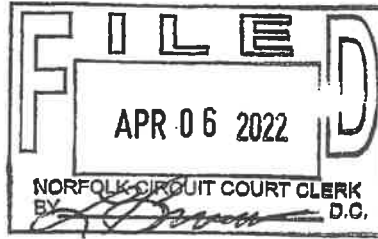
on 5/2/22  
DATE

by: [Signature]  
CLERK OF CIRCUIT COURT

RECEIVED 04/05/2022 11:01AM  
No. 1596 P. 2

Apr. 5. 2022 12:04PM

**AFFIDAVIT FOR SEARCH WARRANT**  
Commonwealth of Virginia VA. CODE § 19.2-54



The undersigned Applicant states under oath:

- 1. A search is requested in relation to  an offense substantially described as follows:  
 a person to be arrested for whom a warrant or process for arrest has been issued identified as follows:

Violation of Virginia State Code §18.2-32 to wit: Murder  
 Violation of Virginia State Code §18.2-51 to wit: Malicious Wounding  
 Violation of Virginia State Code §18.2-53.1 to wit: Use of a Firearm in the Commission of a Felony.

[ ] CONTINUED ON ATTACHED SHEET

- 2. The place, person or thing to be searched is described as follows [ ] and is a place of abode:  
 White Apple iPhone with no case, currently located at the Police Operations Center, located at 3661 East Virginia Beach Boulevard in the City of Norfolk, Virginia.

[ ] CONTINUED ON ATTACHED SHEET

- 3. The things or persons to be searched for are described as follows:  
 All stored data to include; files, pictures, videos, phone books, call history, e-mail, connection logs, device activity, GPS coordinates, messages, applications device information, web history, and all other stored communications or files.

[ ] CONTINUED ON ATTACHED SHEET

(OVER)

FILE NO. 710cm2200008576

**AFFIDAVIT FOR SEARCH WARRANT**

APPLICANT:  
 M.M. Nordan  
 NAME  
 Detective  
 TITLE (IF ANY)  
 ADDRESS  
 Norfolk, VA 23502

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Certified to Clerk of  
Norfolk Circuit Court  
 CITY OR COUNTY  
 ON 4.5.2022 DATE  
Magistrate SIGNATURE  
 TITLE

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Original Delivered  in person [ ] by certified mail  
 by electronically transmitted facsimile  
 by use of filing/security procedures defined in the Uniform Electronic Transactions Act

to Clerk of Norfolk Circuit Court  
 CITY OR COUNTY WHERE EXECUTED  
 ON 4.6.2022 DATE  
Magistrate SIGNATURE  
 TITLE

RECEIVED 04/05/2022 11:01AM

No. 1596 P. 3

Apr. 5. 2022 12:04PM

4. The material facts constituting probable cause that the search should be made are:

On 2/28/2022 Norfolk Police and Fire Rescue were called to 9294 Phillip Avenue for a report of two gunshot victims. Police responded and detained two individuals in the area transported them to the Police Operations Center, both individuals had cell phones on their person. Detective Austin responded to the crime scene and observed an elderly male deceased on the living room floor with multiple gunshot wounds. Detective Austin responded to the Police Operations Center and interviewed Xavier Hudspeth, Mr. Hudspeth identified the white iphone taken from his person as his phone, and admitted to being at the scene but not knowing what was going to happen. Detective Austin interviewed Mr. Andra Brown who stated he shot the individuals after attempting to steal guns from the location, and stated that Mr. Hudspeth said he couldn't go in because they would recognize him. It is this affiant's training and experience cell phones are routinely used to communicate about crimes before and after they are committed, pictures, video and location data stored in cell phones can also be used to connect individuals to crimes scenes and tools of the crime.

5. The object, thing or person to be searched for  constitutes evidence of the commission of such offense  is the person to be arrested for whom a warrant or process for arrest has been issued.

6.  Authorization to execute a search warrant of a place of abode other than in the daytime hours between 8:00 a.m. and 5:00 p.m. is requested.  
The material facts constituting good cause for such authorization are:

Reasonable efforts were made to locate a judge, and a judge is not available, before seeking authorization from a magistrate to execute a search warrant other than in the daytime hours between 8:00 a.m. and 5:00 p.m., with those reasonable efforts being as follows:

OR  Reasonable efforts were not made to locate a judge as the following circumstances require the issuance of the search warrant after 5:00 p.m.:

7.  I have personal knowledge of the facts set forth in this affidavit AND/OR  
 I was advised of the facts set forth in this affidavit, in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

Detective K.D. Austin is a member of the Norfolk Police Department who is currently in good standing with the department and currently assigned to the Homicide Unit.

Andra Brown was arrested for murder, malicious wounding and use of a firearm in commission of a felony, Brown gave statements against his penal interest and is believed to have been telling the truth.

The statements above are true and accurate to the best of my knowledge and belief.

Detective  
TITLE OF APPLICANT

APPLICANT

Subscribed and sworn to before me this day.

4.5.2022 12:26pm

DATE AND TIME

CLERK  MAGISTRATE  JUDGE