

IN THE MAGISTRATE COURT OF COBB COUNTY, GEORGIA

Search Warrant No: 18-SW-000054

Docket No: E020603

SEARCH WARRANT

Apple iPhone

TO ANY LAWFUL OFFICER TO EXECUTE AND RETURN:

Affidavit having been made before me by a post certified law enforcement officer P M Stoddard, of the following agency, Cobb County Police Department, charged with the duty to investigate criminal activity and enforce the criminal laws of the state of Georgia and that said officer has reason to believe that on the premises within Cobb County, Georgia, known as and more particularly described as:

140 N Marietta Parkway, Marietta, GA 30060
Cobb County Police Headquarters

The information of person to be searched

[Empty box for person information]

There is probable cause to believe that the following crime(s) (is being/has been/have been) committed. (List all applicable offenses and code sections.)

Table with 2 columns: Offense(s) and Code Section(s). Rows include MURDER FELONY (16-5-1) and AGGRAVATED ASSAULT, (Intent to Murder) (16-5-21).

The list of certain property, items, articles, instruments to be searched for and seized are located in Cobb County, Georgia and are specifically described as follows:

Apple iPhone documented on PCR284756 for evidence of the criminal activity outlined herein, felony murder and aggravated assault, to include text messages, phone call logs, IP logs, Wi-Fi logs, photographs of victim and accused, video of victim and accused, marketing business documents, communication with other people leading up to and the day of the incident, any information about firearms and firearm accoutrements, maps, driving directions, and online chats and any other information related to this incident.

The foregoing described property, items, articles, instruments and person(s) to be searched for and seized constitute evidence connected with the foregoing listed crime(s) and is/are: (O.C.G.A. 17-5-21)

- Checkboxes for: designed for use in the commission of the crime(s) herein described, intended for use in the commission of the crime(s) herein described, has/have been used in the commission of the crime(s) herein described, stolen property, embezzled property, contraband, the possession of which is unlawful, tangible evidence of the commission of the crime(s) set forth above, a person who has been kidnapped in violation of the laws of this state or who has been kidnapped in another jurisdiction and is now concealed within this state, a human fetus, a human corpse, a person for whom an arrest/fugitive warrant has been issued. (Brown v. State, 240 Ga. App. 321), other: digital information contained within device

I am satisfied that there is probable cause to believe that the certain person(s), property, items, articles, and instruments, specifically described herein, is/are being concealed on the premises/person(s) above described and that reasonable grounds exist for the application and issuance of this search warrant.

You are hereby commanded to immediately search the above described premises/person(s), for the above list of specifically described person(s), property, items, articles, instruments and making the search at any time of the day or night and if any of the above-listed person(s), property, items, articles, and instruments can be found to seize them. You shall leave a copy of this warrant and a receipt listing any person(s), property, items, articles, and instruments seized. A written inventory, signed under oath by the officer executing this search warrant ,

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listing the person(s), property, items, articles, and instruments seized shall be prepared without unnecessary delay and shall be returned to me or to any judicial officer of this court. (O.C.G.A. 17-5-29)

EXECUTION OF SEARCH WARRANT: This search warrant shall be executed within ten days from the time of issuance. If the warrant is executed, the duplicate copy shall be left with any person from whom the listed person(s), property, items, articles, and instruments were seized; or if no person is available, the copy shall be left in a conspicuous place on the premises particularly described above. Any search warrant not executed within ten days from the time of issuance shall be void and shall be returned to this court. (O.C.G.A. 17-5-25)

USE OF FORCE IN EXECUTION OF SEARCH WARRANT: Necessary and reasonable force may be used to effect an entry into any building or property or part thereof to execute this search warrant if, after verbal notice, or an attempt in good faith to give verbal notice, by the officer directed to execute the same of the officer's authority and purpose:

- (1) The officer is refused admittance;
- (2) The person or persons within the building or property or part thereof refuse to acknowledge and answer the verbal notice or the presence of the person or persons therein is unknown to the officer; or
- (3) The building or property, or part thereof, is not then occupied by any person. (O.C.G.A. 17-5-27)

DETENTION AND SEARCH OF PERSON(S) ON THE PREMISES: In the execution of the search warrant the officer executing the same may reasonably detain or search any person in the place at the time. The scope of the detention and search must be reasonably limited to the purposes of:

- (1) protecting an officer from attack; or
- (2) preventing the disposal or concealment of any instruments, articles, or things particularly described in the search warrant. (O.C.G.A. 17-5-28)


"NO KNOCK PROVISION." (Not valid unless checked by the judge.)

It appearing from affidavit docketed in this case, and such sworn oral testimony as may have been noted, if any, on the application for this search warrant, that there are reasonable grounds to believe that the giving of verbal notice would:


- greatly increase the peril to officer(s) executing this warrant;
- lead to the immediate destruction of any of the list of property, articles and instruments ordered to be seized.

In support, thereof, I state the following facts:

I swear or affirm that all of the information contained in this Affidavit and all other testimony given by me is true and correct to the best of my knowledge and belief

	Agency: Cobb County Police Department 18th day of January, 2018 at 09:53:49 AM
Name: P M Stoddard	Badge No: CC1553

SO ORDERED, 18th day of January, 2018 at 09:54:05 AM

	MAGISTRATE COURT OF COBB COUNTY
Magistrate: Timothy Wolfe	STATE OF GEORGIA

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IN THE MAGISTRATE COURT OF COBB COUNTY, GEORGIA

Search Warrant Number #: 18-SW-000054

Docket Number #: E020603

AFFIDAVIT & APPLICATION FOR A SEARCH WARRANT

The undersigned P M Stoddard, being duly sworn, deposes and says: I am a duly sworn, POST certified law enforcement officer in the state of Georgia charged with the duty to investigate criminal activity and enforce the criminal laws of this state. This is an application for a search warrant and my affidavit in support hereof. Pursuant to O.C.G.A. 17-5-20, et. seq., I am making this sworn affidavit setting forth that there exists probable cause to believe that:

- A. specific offense(s) is/are being committed/have been committed; and
B. specifically described property and items and/or persons are to be searched for and seized and constitute evidence of these specific offenses; and
C. the property and items and/or persons constituting evidence to be searched for and seized are located at the particular place to be searched.

There is probable cause to believe that the following crime(s) (is being/has been/have been) committed. (List all applicable offenses and code sections.)

Table with 2 columns: Offense(s) and Code Section(s). Rows include MURDER FELONY (16-5-1) and AGGRAVATED ASSAULT, (Intent to Murder) (16-5-21).

The information of person to be searched

The list of certain property, items, articles, instruments, to be searched for and seized are located in Cobb County, Georgia and are specifically described as follows:

Apple iPhone documented on PCR284756 for evidence of the criminal activity outlined herein, felony murder and aggravated assault, to include text messages, phone call logs, IP logs, Wi-Fi logs, photographs of victim and accused, video of victim and accused, marketing business documents, communication with other people leading up to and the day of the incident, any information about firearms and firearm accoutrements, maps, driving directions, and online chats and any other information related to this incident.

The foregoing described property, items, articles, instruments and person(s) to be searched for and seized constitute evidence connected with the foregoing listed crime(s) and is/are: (O.C.G.A. 17-5-21):

- checkbox designed for use in the commission of the crime(s) herein described.
checkbox intended for use in the commission of the crime(s) herein described.
checkbox has/have been used in the commission of the crime(s) herein described.
checkbox stolen property; checkbox embezzled property;
checkbox contraband, the possession of which is unlawful.
checkbox tangible evidence of the commission of the crime(s) set forth above.
checkbox a person who has been kidnapped in violation of the laws of this state or who has been kidnapped in another jurisdiction and is now concealed within this state.
checkbox a human fetus; checkbox a human corpse.
checkbox a person for whom an arrest/fugitive warrant has been issued. (Brown v. State, 240 Ga. App. 321)
checkbox Other: digital information contained within device

The facts establishing probable cause in searching for and seizing the foregoing specifically described

person(s), property, items, articles, instruments connected with the foregoing crime(s) at the location described herein are: (Set forth facts connecting all crimes, all items to searched for & seized, at the location to be searched.)

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Affiant is a sworn and certified police officer in the State of Georgia and has been for 15 years. Affiant is currently employed by the Cobb County Police Department and is currently assigned as a detective in the Crimes Against Persons Division, Homicide Squad (CAP). CAP is responsible for investigating crimes perpetrated against persons in unincorporated Cobb County, GA to include the physical and sexual abuse of persons, abuse involving the internet or other electronic devices and means, and murder. Affiant has completed Search and Seizure, Interviews and Interrogations, Crime Scene Processing, Sexual Assault Investigations and other investigation classes for POST credit.

On 10/14/2017 at 1009hrs uniformed officers from Cobb County Police Precinct II responded to 7220 Crestside Drive, Austell, Cobb County, GA 30168 in response to a person shot. Cobb Police discovered the resident, Khristopher Dixon, deceased from multiple gunshot wounds inside the residence.

A witness, Ronald Jackson, stated that was inside the residence talking with two friends when there was a knock at the front door. He opened the door to find a black male wearing a toboggan hat, black hoodie, and black pants standing on the front stoop. There was a dark colored SUV parked behind his friend's vehicle. Ronald's roommate, Khristopher Dixon, came down the stairs and went outside with the male. Ronald went into his room when he heard several gunshots a short time later. He ran out the back door of the residence. He returned a short time later and observed Khristopher lying at the top of the stairs. Ronald's friends, Quolesha Neely and John Lowe were sitting in the dining room when the victim came inside with the suspect and went upstairs. They heard several gunshots and they tried to exit the residence. They saw a black male with a black firearm come down the stairs then go back up. They then heard several more gunshots. Another witness saw a dark colored SUV driving erratically at the time of the homicide.

The victim had a Samsung phone on his person, which was seized and examined by your affiant. The victim had an Instagram account, tha_trilla. There was a series of messages between tha_trilla and another account prince_playa. There was a message from that morning, 10/14/2017 at 1000hrs from prince_playa that said I'm outside. Looking back at the previous messages from the two accounts the victim had given prince_playa his physical address on a previous date. There were further messages about a marketing venture that the two accounts spoke about often. Further investigation into the prince_playa account led us to believe it was owned by Corey Will Nelson.

Corey Nelson had an address at 400 Fairburn Rd SW, Z213, Atlanta, Fulton County, GA. On 10/14/2017 I met with Corey and his parents at his address. Parked in front of the residence was a black Dodge Journey SUV. The registered owner of the vehicle, Anthony Worthans, stated that Corey drove the vehicle that morning and that he had left after 9am but he believed he was only gone for 15-20minutes. Corey was wearing a black sweatshirt that morning. Corey's mother, Coretta Nelson, allowed Detective Piper to look at her messages. There was a message from Coretta to Corey at 11am asking Corey to take out the dog when he got home. Corey stated that his Instagram account did say playa but he denied being in Cobb County.

Fulton County Search Warrant SW-014201 was obtained for 400 Fairburn Rd SW, Z213 by your affiant on 10/15/2017. The warrant was executed that same day. The following items were seized from Corey's room inside the residence:

1. .380 firearm
2. Ammunition
3. Black toboggan hat
4. Black hooded sweatshirt
5. Black shirt
6. Black shoes
7. White apple iPhone
8. Black HP laptop
9. Samsung Phone
10. Black jeans

Therefore your affiant respectfully requests a search and seizure warrant be issued to lawfully search the Apple iPhone documented on PCR284756. The phone is currently being held at the Cobb County Police Headquarters Property Room.

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Affiant respectfully requests through this judiciary order that Affiant, or at the Affiants direction, a third party be allowed to examine the Apple iPhone cell phone and cell phone media seized for evidence of the criminal activity outlined herein, felony murder and aggravated assault, to include text messages, phone call logs, IP logs, Wi-Fi logs, photographs of victim and accused, video of victim and accused, marketing business documents, communication with other people leading up to and the day of the incident, any information about firearms and firearm accoutrements, maps, driving directions, and online chats and any other information related to this incident.

The cell phone will be physically examined, documented, the storage devices forensically imaged or copied (if necessary), and later examined for evidence of these crimes. The results of the examination will be presented by your affiant or designee and later forwarded to the Office of the District Attorney. The RETURN portion of this warrant will reflect the actual seizure of articles.

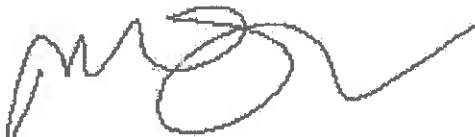
The geographic location of the above listed specifically described person(s), property, items, articles, instruments to be searched for and seized is within Cobb County, Georgia, and is more particularly described as follows:

140 N Marietta Parkway, Marietta, GA, 30060
Cobb County Police Headquarters

- NO KNOCK PROVISION SOUGHT:** I am seeking a "No Knock" provision so that entry can be made without knocking and without giving verbal notice of the lawful authority and purpose in execution of this search warrant. There are reasonable grounds to believe that the giving of verbal notice would: (check applicable)
- greatly increase the peril to officer(s) executing this warrant;
 - lead to the immediate destruction of the evidence sought.

In support, thereof, I state the following facts:


I swear or affirm that all of the information contained in this Affidavit and all other testimony given by me is true and correct to the best of my knowledge and belief.

	18th day of January, 2018 at 09:53:26 AM Agency: Cobb County Police Department
Prosecutor: P M Stoddard	Badge No: CC1553

Sworn to and subscribed before me, this 18th day of January, 2018 at 09:53:43 AM

ORAL TESTIMONY, GIVEN UNDER OATH, ORAL TESTIMONY NOT CONSIDERED

RECEIVED AND RECORDED

	COBB MAGISTRATE COURT
Magistrate: Timothy Wolfe	STATE OF GEORGIA

IN THE MAGISTRATE COURT OF COBB COUNTY, GEORGIA

Search Warrant No: 18-SW-000054

Docket No: E020603

RETURN OF SEARCH WARRANT & INVENTORY

(Include the entire search warrant & affidavit to insure proper & accurate docketing.)

I **P M Stoddard**, the undersigned officer, received the search warrant on the date and time set forth upon the search warrant and have executed it as follows:

- I did not execute the search warrant and I am returning it to this court.
- I did execute the search warrant and I am filling the return and inventory as follows:

On the 18th day of January 2018, I searched the premises particularly described in this search warrant for the specifically listed person(s), property, items, articles and instruments.

I left a copy of the warrant, together with the receipt of the seized person(s), property, items, articles, instruments,

- with the following person,
- in a conspicuous place on the premises particularly described in the Search Warrant left with item in police property


The following is an inventory of the property person(s), property, items, articles and instruments seized pursuant to execution of this search warrant:

electronic data contained within phone

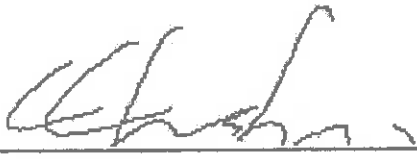
- See the attached list, consisting of pages, labeled

This inventory was made in the presence of

I swear that is a true and detailed account of the listed person(s), property, items, articles and instruments seized by me at the execution of this search warrant.

	Agency: Cobb County Police Department
Name: P M Stoddard	Badge No: CC1553

Sworn to and subscribed before me, 6th day of February, 2019 at 11:16:18 AM

	MAGISTRATE COURT OF COBB COUNTY
Magistrate: Charles Chesbro	State of Georgia

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