

205 East Academy Street
Asheboro, NC 27203
Phone: 336-626-1300
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**Asheboro Police
Department**

Fax

To: Cellco Partnership, LLP DBA Verizon Wireless From: Detective Jeremy Sudduth

Fax: 888-667-0026 Pages: Nine (including cover)

Phone: - Date: 12/20/19

Re: LERT Case #190312309 cc:

Urgent For Review Please Comment Please Reply Please Recycle

- **Comments:**
Attached is the Search Warrant to follow up with the preservation request sent for the phone number [REDACTED]. Response can be emailed to JSudduth@CI.Asheboro.nc.us.

**STATE OF NORTH CAROLINA
Randolph**

In the general court of Justice
Superior Court Division

Film No.	File No.
SEARCH WARRANT ©	
In the matter of: Phone Number (719)431-3704	
Date issued: <u>12/20/19</u>	Time issued: <u>4:49</u> <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Name of Applicant Detective Jeremy Sudduth	
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 <u>12/20/19</u>	Time received <u>9:54</u> <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Date Executed <u>12/20/19</u>	Date and time of return
<input type="checkbox"/> I made a search of :	
As commanded.	
<input type="checkbox"/> I seized the items listed on the attached inventory. <input type="checkbox"/> I did not seize any items. <input type="checkbox"/> 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	
Department or Agency of Officer Asheboro Police Department	

To any officer with authority and jurisdiction to conduct the search authorized by this SEARCH WARRANT:

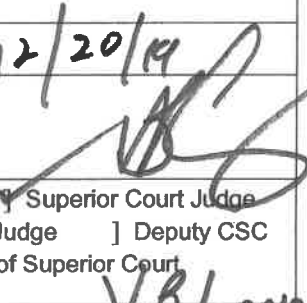
I, the undersigned, find that there is probable cause to believe that the property and person described in the application on page two attached hereto and related to the commission of a crime is located as described in the application.

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 this date and time shown below		
Date	Time:	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Signature		
<input type="checkbox"/> Magistrate <input type="checkbox"/> Superior Court Judge <input type="checkbox"/> District Court Judge <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court		

SEARCH WARRANT ISSUED BY	
Date	<u>12/20/19</u>
Signature	
<input type="checkbox"/> Magistrate <input checked="" type="checkbox"/> Superior Court Judge <input type="checkbox"/> District Court Judge <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court	

6200
0079

APPLICATION FOR SEARCH WARRANT

I, Detective Jeremy Sudduth

(Insert name and address of law enforcement officer, 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:

See Attachment pages

(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)

Constitute evidence of a crime and the identity of a person participating in a crime,
Death Investigation

(Name Crime)

And is located (check the appropriate box or boxes and fill in specified information)

In the following premises:

See Attachment pages

(Give addresses and, if useful, describe premises)

And

On the following person(s):

See Attachment Pages

(Give name(s) and, if useful, describe person(s))

And

In the following vehicle(s):

See Attachment Pages

(Describe vehicle(s))

And

Other names, places or item(s):

See Attachment Pages

(Name and /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 Attachment Pages

SWORN AND SUBSCRIBED TO BEFORE ME	
Date	12/20/19
Signature	<i>[Signature]</i>
<input checked="" type="checkbox"/> Superior Court Judge <input type="checkbox"/> District Court Judge <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Magistrate	Signature of Applicant

In addition to the affidavit included above, this application is supported by additional affidavit(s) 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 clerk.

** If a continuation is necessary, 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.

CONTINUATION OF "PROPERTY / EVIDENCE TO BE SEIZED"

All customer/subscriber information, including any listed addresses, telephone numbers, social security numbers, dates of birth, names, addresses, any other customer identifying information, mobile handset or device identifiers/serial numbers (MEID, ESN, IMSI, IMEI), activation date and deactivation date, and location device was purchased if applicable.

Call detail records, including detailed information in reference to all known outgoing and incoming calls associated with the account, dates and times calls were made, and duration of all calls made or received. This is to include any other pertinent call detail records including special features codes, or any other codes that are maintained in the normal course of business for Verizon; Attn: VSAT, of any Verizon; Attn: VSAT cellular numbers identified in the course of the investigation. In addition to voice calls, this would also include any detail records showing text messages, MMS messages, or data activity.

Cell site information, to include all known cell towers associated with outgoing and incoming calls (Call Detail Records). This information is to include any sector information, if known, cell site location, and any other related material that would be necessary to identify the location and sector in reference to the cell site information associated with the call detail records. In the event text messages, MMS messages, LTE and Data activity including IP session and destination addresses that were produced are also available with cell site information, this information would be included in this request.

Cell Site locations for all Verizon; Attn: VSAT Cell Sites, sector information, including Azimuth headings, in the regional market associated with the requested cell site information.

Location information, to include any estimated or known Longitude and Latitude of the cellular device's current location, or approximate location, information received by cell tower(s) in reference to direction and distance from the tower a device may be located (timing and triangulation information). Radio Frequency signal strengths, direction, and

SWORN AND SUBSCRIBED TO BEFORE ME:

Judge / Magistrate

Date

0081



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Applicant(s)
12/20/19
Date

Continuation page attached to the SEARCH WARRANT application, dated Wednesday, December 18, 2019 transmission information. The geographical constraints of location information will be limited to the United States.

Location information can be in the form of historical records. Specific to Verizon; Attn: VSAT, this would include any reports of device activity that would include the approximate latitude and longitude of the device at the time of the activity, direction and distance from the tower, and other location related information commonly referred to as an RTT(Round Trip Timing), EVDO, ALULTE, and Levdot report. This further includes any other report similar in nature.

All text message and/or MMS messages, including message content, currently stored in the normal course of business for Verizon; Attn: VSAT, to include any cloud services which allow for the long term storage of both voicemails and SMS/MMS messages.

Cloud Data, any content that may have been backed up to Cloud Storage for the listed dates/times. If said Cloud Storage has been provided by a third-party provider, please provide relevant contact information for that provider.

CONTINUATION OF "PREMISES, PERSON, VEHICLE, OR OTHER ITEM (S) TO BE SEARCHED"

The above information is being requested in reference to the following mobile device:

Telephone: [REDACTED]
Subscriber: [REDACTED]
Service Provider: Verizon; Attn: VSAT
Location: 180 Washington Valley Rd, Bedminster, NJ 07921

SWORN AND SUBSCRIBED TO BEFORE ME:

Judge / Magistrate

Date

0082

[Handwritten Signature]
12/20/19

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Applicant(s)

Date

[Handwritten Signature]
12/20/19

The information is being requested during the following time period

Historical Records – September 10, 2019 through September 14, 2019

AND

December 3, 2019 through December 5, 2019

CONTINUATION OF “PROBABLE CAUSE AFFIDAVIT”

1. I, Detective Jeremy Sudduth have been a sworn Law Enforcement Officer in the state of North Carolina since August 1, 2009. I am currently employed with the Asheboro Police Department, assigned to the Criminal Investigations Division as a Detective. Prior to this I was assigned to the Patrol Division as a Patrol Officer. I have received specialized training in Interviews, Forensics, Investigations, Search Warrant Writing and Homicides. I hold an Advanced Certificate in Homicide Investigations from The Southeast Investigator Group (SIG) as well as an Advanced Law Enforcement Certificate from North Carolina Criminal Justice Education and Training Standards Commission. I have been involved with numerous investigations including Death/Homicide, Assaults Psychological and Sexual, as well as Burglaries. I am currently a member of the North Carolina Homicide Investigators Association.
2. On 09/12/2019, Sarah Lee called 911 due to her son, Brandon Embry, not responding to phone calls or answering the door of his apartment for two days. Mr. Embry lost his job two days ago and was not heard from again. Officer Kivett was let in the apartment by maintenance and located Mr. Embry naked on the bedroom floor. Mr. Embry had numerous wounds to include face and head wounds. There was bloodstains in the apartment in several areas and also overturned furniture. Mr. Embry was rushed to Randolph Health and was unresponsive. Mr. Embry lived alone. Mr. Embry was transferred to Cone Health in Greensboro where he later died. There were no signs of forced entry into the apartment. Mr. Embry’s apartment was locked with a deadbolt which is keyed suggesting that whoever had assaulted Mr. Embry and left him lying in the floor where he was found, had used a key to secure the apartment upon leaving.
3. On September 18, 2019 I sent a search warrant to AT&T Mobility. I received Mr. Embry’s telephone records through this search warrant. I learned that Mr. Embry frequently called [REDACTED] This number is a Colorado Springs, Colorado number. I called this number and spoke with a female who

SWORN AND SUBSCRIBED TO BEFORE ME:

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Date

[Signature]
Applicant(s)

12/20/19
Date

[REDACTED]

[REDACTED]

[REDACTED]

4. When I asked Sara Lee, Brandon Embry's mother, about Brandon's girlfriend she told me she didn't think Brandon had a girlfriend however a lady had contacted her on the internet claiming to be Brandon's girlfriend. Mrs. Lee said [REDACTED] had contacted her shortly after Brandon's death and the two of them had been talking frequently on the phone and texting back and forth about Brandon. Mrs. Lee was surprised to learn that Brandon had a girlfriend and found it odd that Brandon had never spoken of her, especially if the two had been dating since April and were talking of marriage. By speaking with Mrs. Lee about [REDACTED] I concluded that [REDACTED] were the same person. Mrs. Lee pointed out a lot of statements that [REDACTED] had made to her that she felt to be untrue, such as [REDACTED] place of employment and her job title which [REDACTED]. One of the statements that [REDACTED] made to Mrs. Lee was about how [REDACTED] had surprised Brandon one day after work and was waiting on him inside his apartment when he got off work. [REDACTED] claimed that Brandon had hidden a key outside of his apartment just for her to use when he wasn't there.

5. I ran a criminal history on [REDACTED] and found nothing but traffic violations however [REDACTED] had told Mrs. Lee that she had been arrested several times. I was unable to locate any arrests on [REDACTED]. I was able to run [REDACTED] telephone number through Transunion and learned that it was registered to a [REDACTED]. I also learned that [REDACTED] has the same listed address as [REDACTED].

6. On November 15, 2019 I called [REDACTED] and asked her if she could come up to Asheboro and speak with me about Brandon's Death. [REDACTED] was very hesitant to agree to come to Asheboro and asked me several times if she was in trouble. I assured her I was trying to figure out what had happened to Brandon and why he had died. [REDACTED] finally agreed to come and talk to me and we set up an appointment for November 19, 2019. The day before on November 18, I received a message from Mrs. Lee telling me that [REDACTED] said she wasn't going to come to talk with me. Mrs. Lee said [REDACTED] was scared to talk to me because she felt like I knew something about Brandon's death that could get her into trouble. The next day I

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SWORN AND SUBSCRIBED TO BEFORE ME:

Judge / Magistrate

Applicant(s)

Date

Date

Continuation page attached to the SEARCH WARRANT application, dated Wednesday, December 18, 2019 called [REDACTED] and she told me she had food poison and could not come speak with me today. I called [REDACTED] back on December 3, 2019 and she agreed to come and speak with me the next day.

7. On December 4, 2019 [REDACTED] came to the Asheboro Police Department to speak with me about Brandon Embry's death. I spoke with her for approximately two hours. The interview was audio and video recorded. During the interview [REDACTED] told me she was still legally married and lived with her husband. She told me that she had been seeing Brandon and had come to Asheboro about three or four times to visit with him. She stated that she loved Brandon and he loved her. She showed me texts on her phone between her and Brandon talking about their feelings. When I asked her where she was at when Brandon had been assaulted, she said she was at home in the bed. I asked her how she knew this happened at night and she could not answer. She asked me where Brandon was found and I told her in his apartment. She asked me to elaborate on where in the apartment and I told her I could not divulge that information because it was still an open case. I asked her about speaking with Mrs. Lee and the stories she had told her. [REDACTED] admitted that she had lied to Mrs. Lee about a lot of things and stated she would tell Mrs. Lee herself. I asked [REDACTED] when the last time was when she came to Asheboro and she said on Brandon's birthday, at the first of September. Then she told me she came to Asheboro about a week after Brandon had died because she had not heard from him. [REDACTED] stated she called the Police Department and was told that Brandon had died. I could not find any record of this call. I asked [REDACTED] if she would consent to a dump of her phone to show she was not in the Asheboro area during the time of Brandon's death. A phone "dump" is the term used when a cellphone is hooked up to a computer and the data is extracted to the computer. The data is duplicated from the phone and does not harm the phone in any way. I explained to her that we would have to go to the Sheriff's Office to get the phone dumped. She agreed. I stepped out of the interview room to consult with Randolph County Sheriff's Office to see if the dump could be done today. I observed [REDACTED] on camera when I left the interview room. She took her phone out and began to type or do something on her phone very fast. [REDACTED] followed me to the Sheriff's Office in her vehicle. During the drive I observed her holding her phone to the steering wheel as we drove like she was texting or working on her phone. Upon arrival to the Sherriff's Office, [REDACTED] preformed the phone dump using [REDACTED] software. After the data was extracted [REDACTED] left.

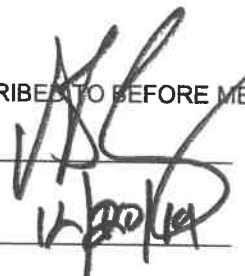
8. Upon reviewing the data extracted from [REDACTED] phone I was unable to get any recent GPS location data. I was also unable to see any text messages at all. [REDACTED] stated the extraction was a

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Judge / Magistrate

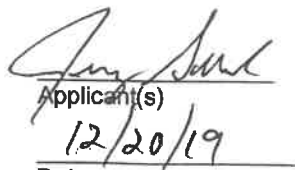
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Date


12/20/19

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Applicant(s)

Date


12/20/19

Continuation page attached to the SEARCH WARRANT application, dated Wednesday, December 18, 2019 complete extraction and the computer had extracted everything on the phone. He stated that if there was no GPS location or text messages it was because that data was erased prior to the phone being hooked up to the computer. I had just observed the text message a few minutes before we traveled to the Sheriff's Office and concluded that [REDACTED] must have been erasing data when I observed her using her phone in the interview room and on the drive to their office. Upon returning to my office I sent a perseveration request to Verizon for [REDACTED] phone records.

9. Therefore in the interests of justice I ask the courts to find probable cause to issue this search warrant to obtain [REDACTED] phone records. The GPS locations during the time of Brandon Embry's death, September 10, 2019 through September 14, 2019, could be valuable evidence to prove who was responsible for Brandon injuries ultimately leading to his death. The text messages [REDACTED] sent and received during the day of December 4, 2019 could help explain the missing data from her phone, if she was asking somebody how to erase the data on her phone or texting someone during this time.

SWORN AND SUBSCRIBED TO BEFORE ME:

Judge / Magistrate

Date

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Applicant(s)

Date

12/20/19

Verizon Security Assistance Team (VSAT)

VSAT Case Number:



VSAT has received the legal process you recently submitted. In addition to acknowledging its receipt, we wanted to let you know that for search warrants you should normally receive a response within 7 to 10 days and for court orders you should normally receive a response within 10 to 14 days.

Please note your VSAT case number above regarding this request so that you can reference it in the event you need to call and speak with an analyst.

Thank you,
VSAT

800.451.5242

- Option 1: Subpoenas
- Option 2: Orders & Search Warrants
- Option 3: Electronic Surveillance Units
- Option 4: General Information
- Option 9: Exigent Situations Only



This information has been prepared and distributed for law enforcement and public safety organizations.
All information contained herein should be considered and handled as confidential.

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