

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 either in day or night

The body, clothing and personal affects of F.B., a male known to law enforcement. F.B. is a 56 year old black male, who is currently being treated for a gunshot wound at the University of Virginia Hospital.

for the following property, objects and/or persons:

Clothing, personal affects contained within or upon said clothing, blood, bullets, bullet fragments, and gun shot residue from the body and/or person of F.B., as well as photographs taken during the collection of said items, during the course of his treatment at the University of Virginia Hospital on or about March 16, 2013.

You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the Charlottesville 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:
Shooting, stabbing, etc., with intent to maim, kill, etc. in violation of Virginia State Code 18.2-51

I, the undersigned, have found probable cause and 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 and further that the search should be made, based on the statements in the attached affidavit sworn to by

Det. J. Mooney CPD 306

NAME OF AFFIANT

E. Doudera

[] CLERK [X] MAGISTRATE [] JUDGE

03/16/2013 09:43 AM

DATE AND TIME

E Doudera

FILE NO.

SEARCH WARRANT

COMMONWEALTH OF VIRGINIA

v. *In re*

F.B.

Commonwealth of Virginia

Search Inventory and Return,
Search Warrant issued 3/16/13 @ 09:43 by Magistrate Doudera
Executed 3/16/13 @ 1006 by Officer Freivald

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

1. Blue jeans with white web belt
2. Samsung cell phone
3. Black hair pick with metal tines
4. Thirty five (35) dollars US currency
5. Virginia Driver's License
6. BB&T VISA Debit card
7. White key card
8. White napkin
9. Car key
10. Black hoodie
11. Plaid shirt
12. Remnant of t-shirt
13. Boxer shorts
14. Shoes and socks
15. watch

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

On March 16, 2013 Officers of the Charlottesville Police Department responded to the 100 block of 2nd Street NW, in the City of Charlottesville for a disorder. At 0047 Officer Oberholzer used his portable radio to advise the Emergency Communications Center that shots had been fired. Multiple Charlottesville Police Officers responded to assist. At the scene they found F.B., a male known to law enforcement, and L.B., a male known to police, who both had obvious gunshot wounds. They were both transported to the University of Virginia Emergency Room for treatment. One of the responding Officers, Alexander Bruner reported to his supervisor, Sgt. Victor Mitchell, that he discharged his gun during this call. Mitchell asked him how many times he had fired his gun and Bruner told him twice.

During the subsequent investigation a witness, Informant A, called the police department shortly after to report he was a witness to this shooting. Informant A then came to the police department and gave a statement to Detective's Scott Godfrey and Lee Gibson. Informant A stated to Police that he was driving Northbound across the Downtown Mall on 2nd St NE. Informant A stated that he knew something was going on because people were rushing out of the Elks Lodge. Informant A stated that a fight started on the street directly in front of his vehicle preventing him from driving forward. Informant A stated that a tall light skinned black male came out of nowhere and asked a shorter dark skinned black male, "what are you going to do to me"? Informant A then stated that 4 men jumped on top of the light skinned black male, one of which might have been trying to help, and they all went to the ground. Informant A then stated that the light skinned black male got up and pulled out a gun, and while the shorter dark skinned black male appeared as if he was going to run away, the light skinned black male shot him. Informant A stated that the shorter dark skinned black male fell after being shot right beside his van. Informant A stated that at this time the light skinned black male started advancing on the dark skinned black male with his gun lowered in the males direction as if he were going to shoot him again.

CONTINUED ON ATTACHED SHEET

5. The object, thing or person searched for constitutes evidence of the commission of such offense.

6. I have personal knowledge of the facts set forth in this affidavit OR


I was advised of the facts set forth in this affidavit in whole or in part, by an informer. This informer's credibility or the reliability of the information may be determined from the following facts:

- Informant A is a private citizen who provided his name to law enforcement and came to the Charlottesville Police Department. Informant A was interviewed by Detective's Scott Godfrey and Lee Gibson and provided the information described.
- Victor Mitchell is a Sergeant with the Charlottesville Police Department assigned to the Patrol Division. Mitchell has over 25 years of law enforcement experience with the Charlottesville Police Department.
- Scott Godfrey is a Detective with the Charlottesville Police Department and has over 10 years law enforcement experience.
- Lee Gibson is a Detective with the Charlottesville Police Department and has over 7 years law enforcement experience.

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

CONTINUED ON ATTACHED SHEET

Detective
TITLE OF APPLICANT


APPLICANT
James P. Mooney, Jr.

Subscribed and sworn to before me this day.
3/16/13 9:30 AM
DATE AND TIME


 CLERK MAGISTRATE JUDGE

The material facts constituting probable cause that the search should be made are: (continued)

Informant A stated that the Officer must have just hopped off of his bicycle, because the bicycle was lying on the ground in front of his vehicle. At this time, Informant A heard the Officer say "drop the weapon", and then heard 3 more shots. After hearing the shots, Informant A stated that he drove off turning right onto Market St. Informant A stated that he did not hear or see anything else after hearing the 3 shots fired.

Based on Informant A's description of the subjects involved, your affiant knows from previous personal contact with F.B. that he is of lighter complexion than L.B. This would reasonably indicate that F.B. shot L.B. and Officer Bruner then shot F.B. As is routine practice in shooting cases, an evidence technician of the Charlottesville Police Department, Jon Frievald, responded to the University of Virginia Hospital and collected the clothing and personal effects of gunshot victim F.B. Frievald observed what appeared to him to be blood on the items he collected. Frievald secured these items in his police car for preservation purposes and then secured his vehicle in the Sally port of the Charlottesville Police Department pending issuance of a search warrant to process the items for evidence. Your affiant knows from training and experiences that evidence of shootings, to include blood, gunshot residue, bullets, and bullet fragments, can be found on, within, or about the victim's body, to include their clothing. There is probable cause to believe, based on Frievald's observations and the presence of a gunshot wound that this type of evidence will be found on the items currently secured in his police car at the Charlottesville Police Department.



S. Doud