

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:
Violation of VA state code 18.2-32, Premeditated First Degree Murder.
2. The place, person or thing to be searched is described as follows:
The residence of Haiyang Zhu located at 913 University City Boulevard Apartment B1. Located in Blacksburg, VA.

☐ CONTINUED ON ATTACHED SHEET
3. The things or persons to be searched for are described as follows:
Any cell phones, telephone logs, records, PDA's, computers, emails, data, media storage devices, zip drives, cd's, dvd's, diaries, ledgers, external storage devices, floppy drives, paper and electronic data, photos and videos, and data contained in any of the aforementioned devices, showing a means, motive, opportunity for the related crime, and the relationship between suspect and victim. Any weapons or restraining devices evidencing preparation or premeditation of the related crime.

☐ CONTINUED ON ATTACHED SHEET

RECEIVED AND FILED

JAN 22 2009

Montgomery Co. Circuit Court
Erica W. Williams

☐ CONTINUED ON ATTACHED SHEET

ZHU, HAIYANG

CASE NO.

AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

D A Hardy

NAME

Detective

TITLE (IF ANY)

Sterett Facilities Complex 0523

ADDRESS

Blacksburg VA 24060

Certified to Clerk of

MONTGOMERY Co. Circuit Court

CITY OR COUNTY

on

01/22/2009

DATE

MAGISTRATE

TITLE

SIGNATURE

Original Delivered ☒ in person ☐ by certified mail
☐ by electronically transmitted facsimile

1-22-09

to Clerk of MONTGOMERY Circuit Court

CITY OR COUNTY WHERE EXECUTED

MAGISTRATE

TITLE

SIGNATURE

Complete only if different from above:

Original Delivered ☐ in person ☐ by certified mail
☐ by electronically transmitted facsimile

to Clerk of _____ Circuit Court

CITY OR COUNTY WHERE EXECUTED

TITLE

SIGNATURE

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

On January 21, 2009, at approximately 1906 hours, Officer Nicole Irvine from the Virginia Tech Police Department responded to the Graduate Life Center in reference to an assault involving a weapon. Upon arrival, Officer Irvine was directed by witnesses to the Au Bon Pain café, where they had observed the suspect attacking the victim with a knife. Officer Irvine, upon entering the café, observed the suspect holding the head of the victim in his hand, and she placed him under arrest. The victim was subsequently pronounced dead. Witnesses indicated that the victim and suspect had been seated together earlier in the night and appeared as if they knew one another. The victim listed the suspect as her emergency contact on official Virginia Tech records. Based on my training and experience, individuals who commit crime keep evidence of the planning of said crimes in their homes; as well as evidence of their personal relationships in the form of correspondence to include letters, emails, photographs, etc.

☐ 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:

Officer Irvine is a patrol officer of the Virginia Tech Police Department, is in good standing, and has served for a year and a half. Officer Irvine was the responding officer to this incident.

This affiant is a Detective with the Virginia Tech Police Department, has served in good standing for five years, and has investigated numerous crimes to include, assault, homicide, stalking, and computer harassment.

☐ CONTINUED ON ATTACHED SHEET

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

Detective

TITLE OF APPLICANT

[Signature]

APPLICANT

Subscribed and sworn to before me this day.

01/22/2009

0128Am

DATE AND TIME

[Signature]

☐ CLERK ☐ MAGISTRATE ☐ JUDGE

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 residence of Haiyang Zhu, located at 913 University City Boulevard Apartment B1; located in Blacksburg, VA 24060.

for the following property, objects and/or persons:

Any cell phones, telephone logs, records, PDA's, computers, emails, data, media storage devices, zip drives, cd's, dvd's, diaries, ledgers, external storage devices, floppy drives, papers, and electronic data, photos and videos, and data contained in any of the aforementioned devices, showing a means, motive, opportunity, for the related crime, and the relationship between the suspect and victim. Any weapons or restraining devices evidencing preparation or premeditation of the related crime.

You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the Montgomery 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:

Violation of Virginia State Code 18.2-32, Premeditated First Degree Murder, as amended in the Code of Virginia.

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. D.A. Hardy, VTPD

NAME OF AFFIANT

K S Garnand

01/22/2009 01:56 AM

DATE AND TIME

☐ CLERK ☒ MAGISTRATE ☐ JUDGE

K S. Garnand

FILE NO.

SEARCH WARRANT

COMMONWEALTH OF VIRGINIA

v./In re

913-B1 University City Blvd

Blacksburg, VA 24060

SEARCH INVENTORY AND RETURN

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

- 1.
- 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.

..... DATE EXECUTING OFFICER

Subscribed and sworn before me this day

..... DATE [] CLERK [] MAGISTRATE [] JUDGE

FOR NOTARY PUBLIC'S USE ONLY:

State of [] City [] County of

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

..... NOTARY REGISTRATION NUMBER NOTARY PUBLIC
(My commission expires:)

EXECUTION

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

..... DATE AND TIME EXECUTED

..... EXECUTING OFFICER

Certified to

Circuit Court on DATE

..... EXECUTING OFFICER

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

on DATE

by: CLERK OF CIRCUIT COURT