

SEARCH WARRANT

THE STATE OF TEXAS

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DOCKET #

COUNTY OF AUSTIN

COURT:

**SEARCH WARRANT
{Article 18.02(10), Texas Code of Criminal Procedure}**

The State of Texas: To the Sheriff or any Peace Officer of Austin County, Texas, or any Peace Officer of the State of Texas:

Whereas, the Affiant whose name appears on the affidavit attached hereto is a Peace Officer under the laws of Texas and did heretofore this day subscribe and swear to said affidavit before me (which said affidavit is here now made a part hereof for all purposes and incorporated herein as if written verbatim within the confines of this Warrant), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he expresses herein and establishes the existence of proper grounds for issuance of this Warrant;

NOW THEREFORE YOU ARE COMMANDED to enter the suspected place described in said affidavit, to-wit:

1023 Eagle Lake Road, Sealy Austin County Texas 77474 further described as a single-family residence that is composed of light brown brick with tan trim and a brown composite shingle roof. The front door faces South and has a brown front door. The numbers 1023 are painted on the curb in front of the residence are on the mailbox in front of the residence and are to the left of the front door in white. There is a detached garage and the drive way to the garage is to the left of the residence.

At said places you shall search for and, if same be found, seize and bring before me the property described in the affidavit which the suspected party, or others in control of the suspected place, are alleged to be concealing and to have in his possession in violation of the laws of the State of Texas, to-wit:

1. A gray short sleeve "DALLAS COWBOYS" t-shirt. "DALLAS" is printed in white letters and outlined in blue. "COWBOYS" is printed in blue and outlined in white.
2. A dark gray short sleeve t-shirt with the word "BAM". "BAM" is in white lettering located in the center of the shirt. A white circular symbol in a red square is printed next to the "M".

3. A blue short sleeve collared polo shirt with a bird on the upper left portion of the shirt. The bird is red and outlined in white. The shirt is similar to the "American Eagle Outfitters" brand shirt.

Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places, and vehicles on said premises and within the curtilage, if said premises is a residence, which is found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably place or secrete property which is the object of the search requested herein.

YOU ARE FURTHER COMMANDED TO SEARCH THE PERSONS OF:

Stephen Wayne Sudduth w/m 6-7-1975

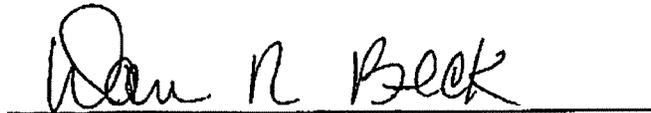
At said places and on said persons you are **AUTHORIZED** to search for and seize all property described above and you shall take evidentiary photographs of the interior and exterior of the location described, and bring before me the same.

YOU ARE FURTHER ORDERED, pursuant to the provisions of Article 18.10, Texas Code of Criminal Procedure, to retain custody of any property seized pursuant to this Warrant, until further order of this Court or any other court of appropriate jurisdiction shall otherwise direct the manner of safekeeping of said property. **This Court grants you leave and authority to remove such seized property from this county, if and only if such removal is necessary for the safekeeping of such seized property by you, or if the provisions of Article 18.10, T.C.C.P. otherwise authorize such removal.**

YOU ARE FURTHER ORDERED to give notice to this Court, as a part of the inventory to be filed subsequent to the execution of this Warrant, and as required by Article 18.10, T.C.C.P., of the place where the property seized hereunder is kept, stored and held.

Herein fail not, but have you then and there this Warrant within three days, exclusive of the day of its execution, with your return thereon, showing how you executed the same.

ISSUED THIS THE 27 day of Oct., A.D., 2009, at 12:20 o'clock P.M. to certify which witness my hand this day.



JUDGE
AUSTIN COUNTY, TEXAS

THE STATE OF TEXAS

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DOCKET #

COUNTY OF AUSTIN

COURT:

AFFIDAVIT FOR SEARCH WARRANT
{Article 18.02(10), Texas Code of Criminal Procedure}

BEFORE ME, THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS:

My name is Sgt. Ross Behrens and I am commissioned as a Peace Officer by the Texas Attorney General's Office.

There is in Austin County, Texas, a suspected place, located as follows:

1023 Eagle Lake Road, Sealy Austin County Texas 77474 further described as a single-family residence that is composed of light brown brick with tan trim and a brown composite shingle roof. The front door faces South and has a brown front door. The numbers 1023 are painted on the curb in front of the residence are on the mailbox in front of the residence and are to the left of the front door in white. There is a detached garage and the drive way to the garage is to the left of the residence.

YOU ARE FURTHER COMMANDED TO SEARCH THE PERSONS OF:

Stephen Wayne Sudduth w/m 6-7-1975

It is the belief of the Affiant that said suspected party has possession of and is concealing at suspected place the following property:

1. A gray short sleeve "DALLAS COWBOYS" t-shirt. "DALLAS" is printed in white letters and outlined in blue. "COWBOYS" is printed in blue and outlined in white.
2. A dark gray short sleeve t-shirt with the word "BAM". "BAM" is in white lettering located in the center of the shirt. A white circular symbol in a red square is printed next to the "M".
3. A blue short sleeve collared polo shirt with a bird on the upper left portion of the shirt. The bird is red and outlined in white. The shirt is similar to the "American Eagle Outfitters" brand shirt.

AFFIANT HAS PROBABLE CAUSE FOR THE SAID BELIEF BY REASON OF THE FOLLOWING FACTS, TO WIT:

Affiant, Sergeant Ross Behrens, is a certified and licensed Texas Peace Officer and has been in law enforcement since 1996. Affiant is currently assigned to the Cyber Crimes Unit of the Texas Attorney General's Office, and has focused exclusively on child exploitation crimes. The vast majority of the investigations in which Affiant has participated have involved the use of computers and/or the Internet to facilitate child exploitation crimes.

Affiant has specialized training in the investigation of crimes committed through the use of the Internet. This training includes the identification of suspects who use the Internet as a means to transmit and receive images of child pornography. Affiant has completed the following investigative courses:

- A. Internet Crimes Against Children Investigative Techniques Training Program
- B. Arrest, Search and Seizure
- C. Operation FairPlay: Peer to Peer Training
- D. Possesses a TCLEOSE Masters Peace Officers Certificate
- E. Completed over 2780 hours of TCLEOSE Training

Investigation Details

On July 13, 2009, Affiant received Cybertip #705759 from the National Center for Missing and Exploited Children. According to the Cybertip, an anonymous caller reported that he viewed images of young girls between the approximate ages of 2 and 11 nude and in sexually explicit positions on two external hard drives belonging to the suspect within the last two weeks.

On July 14, 2009, using information from the caller, Affiant drafted a search warrant affidavit and search warrant for the address located at 1023 Eagle Lake Road, Sealy, Austin County, Texas 77474. Affiant presented the search warrant affidavit and search warrant to Austin County Court at Law Judge Daniel W. Leedy. Judge Leedy signed reviewed and signed the search warrant for the address located at 1023 Eagle Lake Road, Sealy, Austin County, Texas 77474.

On July 14, 2009 at approximately 3:00 P.M., Affiant and other Investigators with the Texas Attorney General's Office Cyber Crimes Unit executed the search warrant for the address located at 1023 Eagle Lake Road, Sealy, Austin County, Texas 77474. During the execution of the search warrant, contact was made with the suspect Stephen Wayne Sudduth, date of birth 06/07/1975. During an interview, Sudduth admitted to possessing child pornography on an external hard drive. During the search warrant computers, external hard drives, and digital media were seized as evidence from Sudduth's room. A Texas Attorney General Investigator, who is a Digital Forensic Examiner, assisted the Affiant during the search warrant. That Investigator conducted an on-site preview of the on the evidence taken from Sudduth's room. Eleven images of child pornography were immediately found on the external hard drive. Due to the images found, Affiant placed

Sudduth under arrest for Possession of Child Pornography and booked him into the Austin County Jail. The evidence was collected and transported to the Office of the Attorney General Criminal Investigation Division temporary evidence lockers located in Austin.

A forensic examination was completed by Forensic Examiners with the Texas Attorney General Cyber Crimes Unit on all evidence seized in the search warrant. Over 52,000 images and 1000 videos of child pornography were found during the examination. During the examination, Office of the Attorney General Forensic Examiners found images taken by Sudduth in which he is exposing the genitalia of a prepubescent female approximately 5 years of age. Affiant and examiner reviewed additional images and videos and saw a series of photographs taken with Stephen Wayne Sudduth in the picture. By viewing the series, Affiant identified three different distinct articles of clothing that Stephen Wayne Sudduth was wearing at the time the photographs were taken. Affiant and examiner found other images on Stephen Wayne Sudduth's computer and external hard drive that showed him wearing the same articles of clothing. Through those photographs, Affiant identified these articles of clothing:

1. A gray short sleeve "DALLAS COWBOYS" t-shirt. "DALLAS" is printed in white letters and outlined in blue. "COWBOYS" is printed in blue and outlined in white.



2. A dark gray short sleeve t-shirt with the word "BAM". "BAM" is in white lettering located in the center of the shirt. A white circular symbol in a red square is printed next to the "M".



3. A blue short sleeve collared polo shirt with a bird on the upper left portion of the shirt. The bird is red and outlined in white. The shirt is similar to the "American Eagle Outfitters" brand shirt.

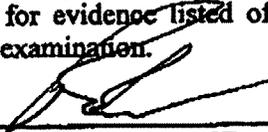


Based on Affiant's training, experience and the above facts, Affiant has the reasonable basis to believe Stephen Wayne Sudduth, who is known to reside at the location described previously, has committed the offense of Possession and Promotion of Child Pornography and is in possession of the three articles of clothing identified by Affiant. There is substantial cause to believe that the evidence of that criminal offense will be located at the following address: 1023 Eagle Lake Road, Sealy, Austin, County Texas 77474.

Affiant requests that a warrant be issued and the following items be seized from the above-described location:

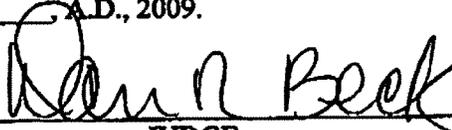
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WHEREFORE, PREMISES CONSIDERED, Affiant respectfully requests that a warrant issue authorizing your Affiant or any other peace officer of Austin County, to search the person of Stephen Wayne Sudduth w/m 6-7-1975, and to enter and search the aforesaid location, which is located at 1023 Eagle Lake Road, Sealy, Austin County Texas 77474, including all rooms, attics, and other parts therein, garages, storage rooms, vehicles at the location belonging to the persons named in this warrant, and outbuildings used in connection with the premises or located thereon and in any receptacle or safe therein; with authority to search for and to seize the property and items set out earlier in this affidavit and further search those items for evidence listed of criminal activity listed above, including with a qualified forensic examination.



AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME BY SAID AFFIANT ON THE
27 day of Oct, A.D., 2009.



JUDGE

AUSTIN COUNTY, TEXAS