

File No. _____
SEARCH WARRANT

STATE OF NORTH CAROLINA
 WAKE County

In the General Court of Justice
 District Court Division

In the Matter of
5625 Windlake Court, Raleigh, NC

Date Issued ~~11/5~~ **11/5** Time Issued **11:50** AM PM

Name of Applicant
Inv. C. L. Jackson

Name of Additional Affiant

RETURN OF SERVICE

I Certify that this Search WARRANT was received and executed as follows:

Date Received **10-27-10** Time Received **11:57** AM PM

Date Executed **10-27-10** Date and Time of Return **7-1-10 9:56 AM**

I made a search of **5625 Windlake Ct, Raleigh, NC**

as commanded.

- I seized the items listed on the attached inventory
- I did not seize any items.
- 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
E. A. Blomgren
 Investigator WESO 1635
 Department or Agency of Officer
WAKE COUNTY Sheriff's Office

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 the reverse side 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 the date and time shown below

Date **7-1-10** Time **9:45** AM PM

Signature **[Signature]**
 Deputy CSC Asst. CSC Clerk of Superior Court

Date **10/27/2010**
 Signature **[Signature]**
 Deputy CSC Asst. CSC Clerk of Superior Court
 Magistrate Dist. Ct. Judge Superior Ct. Judge

SEARCH WARRANT

STATE OF NORTH CAROLINA
Wake CountyIn the General Court of Justice
District Court DivisionIn the Matter of:5625 Windlake Court
Raleigh, NC 27606*Continuation of: Constitutes evidence of a crime and the identity of a person participating in a crime;*
Homicide*Continuation of: Description of Property to be seized;*

Blood; hair; fingerprints, palm print, and items containing traces of any above-mentioned articles; Clothing, moving pictures, video, still pictures to preserve the nature of the crime scene, documentary evidence indicating ownership, possession and control of the premises, weapons used in the crime. and any and all evidence that may be related to the crime in question.

Continuation of: Description of Premises and Curtilage to be searched;

The residence is a brick single family/ single story dwelling with brown shingles, tan trim, and the numeric's 5625 clearly displayed on a mailbox post at the end of the driveway. The directions to the residence are as follows: Take S. Saunders St outbound from Raleigh. Turn right onto Lake Wheeler Drive. Turn Right onto Penny Road. Turn Left onto Huntford Lanc. Turn right onto Windlake Court to driveway on the left in the cul de sac.

Continuation of: Probable Cause;

This affiant is an Investigator for the Wake County Sheriff's Office and is currently assigned to the Criminal Investigation Division. The affiant has been a sworn law enforcement officer for 12 years. During the course of employment as a Law Enforcement Officer, this affiant has investigated many cases including homicide, arson, rape, robbery and drug offenses. The affiant has attended over 1000 hours of education to include homicide investigation, arson investigation, and drug investigation.

On Sunday June 27, 2010 the Wake County Sheriff's Office responded to 5625 Windlake Court in reference to a shooting. Upon arrival deputies met with Linwood Hamilton who was sitting on the porch. Mr. Hamilton stated that he had been in an altercation with his son, Benjamin Hamilton. Mr. Hamilton was backed into the bedroom with his wife by Benjamin. Mr. Hamilton stated that "he didn't have anywhere to go, that was my last resort" and shot Benjamin with a shotgun. EMS responded and determined that the Benjamin was deceased.

Benjamin Hamilton has had violent tendencies in the past against his father. The most recent occurred on 5/28/2010 including a statement overheard by deputies from Benjamin saying "If I have felonies, it'll be the last breath you take". In this case Benjamin had broken into the residence, damaged property and communicated threats.

Based upon this affiant's training and experience, it is believed the preceding facts establish probable cause to believe that the above listed items related to this crime will be located at the above mentioned address.

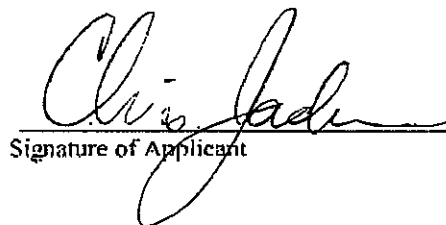
For these reasons, I request this search warrant.

SWORN AND SUBSCRIBED TO BEFORE ME

page 1

DATE 06/27/2010


Signature of Magistrate / District Court Judge / Superior Court Judge


Signature of Applicant

STATE OF NORTH CAROLINA

File No.

Wake County

In The General Court Of Justice

District Superior Court Division

IN THE MATTER OF:

Name

5625 Windlake Court, Raleigh, NC

INVENTORY OF ITEMS SEIZED
PURSUANT TO SEARCH

G.S. 15A-223, 15A-254, -257

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched

5625 Windlake Court, Raleigh, NC

Date Of Search

06/27/2010

This search was made pursuant to

1. a search warrant issued by: Magistrate Jones

2. consent to search given by:

3. other legal justification for the search:

The following items were seized:

(1) STEVENS MODEL 940E SAVAGE ARMS SERIAL # 620617

(1) SPENT REMINGTON MAX 11116-6 419-3" 76MM
GREEN IN COLOR MAX 10SD BAR SHELLCASING

(1) REMINGTON MAX 11116-6 419-3" 76MM
MAX 10SD BAR
FROM WEAPON

MISC STATE OF NC PAPERWORK
BENJAMIN HAMILTON - DEFENDANT
FROM GARAGE

(1) GATEWAY LAPTOP COMPUTER
SER IMA3G 000076 FROM FRONT LEFT BEDROOM

(1) GATEWAY LAPTOP POWER CORD FROM FRONT LEFT BEDROOM

RECOVERED BY
2001

Items Seized Continued:

- 1. I left a copy of this inventory with the person named below, who is:
 - a. the owner of the premises searched.
 - b. the owner of the vehicle searched.
 - c. the person in apparent control of the premises searched.
 - d. the person in apparent control of the vehicle searched.
 - e. the person from whom the items were taken.
- 2. As no person was present, I left a copy of this inventory:
 - a. in the premises searched, identified on the reverse.
 - b. in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered, If Any

The law enforcement agency identified below will hold the seized property subject to court order.

SWORN AND SUBSCRIBED TO BEFORE ME		Signature Of Law Enforcement Officer <i>Chris Jack</i>	
Date 7-1-10	Title Of Law Enforcement Officer INVESTIGATOR		
Signature <i>[Signature]</i>	Name And Address Of Agency WAKE COUNTY SHERIFF'S OFFICE		
<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Investigator WCSO 1834	
<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Magistrate		

ACKNOWLEDGMENT OF RECEIPT

I, the undersigned, received a copy of this inventory.

Date	Signature of Person Receiving Inventory
------	---