

File No.

SEARCH WARRANT

IN THE MATTER OF

404B Macon Street, Durham, NC

Date Issued	Time Issued	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
1/21/2011	0929	

Name Of Applicant: Martine S. Wilkins

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	Time Received	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
1/21/2011	2:29	
Date Executed	Time Executed	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
1/21/2011	3:05	

I made a search of 404B Macon St Durham, NC

as commanded.

- I seized the items listed on the attached inventory.
- I did not seize any items.
- This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.

Signature Of Officer Making Return

Carolyn Spears
Department Of Ageby Of Officer
NCSBI

Incident Number

STATE OF NORTH CAROLINA

Durham County

In The General Court Of Justice
District/Superior Court Division

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(s) shown.

Date	Signature	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> CSC
1/21/2011		<input checked="" type="checkbox"/> Magistrate	<input type="checkbox"/> District Ct. Judge	<input type="checkbox"/> Superior Ct. Judge

This Search Warrant was returned to me on the date and time shown below.

Date	Time	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Signature	<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
1-21-11	12:05		<u>Carolyn Spears</u>		<input type="checkbox"/> Clerk Of Superior Court

APPLICATION FOR SEARCH WARRANT

1. Special Agent M.E. Wilkins

(Insert name and address, or if law enforcement officer, name, 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 *(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)*

A shooting took place at 404B Macon Street, Durham, NC. See attachment #3

constitutes evidence of a crime and the identity of a person participating in a crime, *(Name crime)* Homicide

and is located *(Check appropriate box(es) and fill in specified information)*

in the following premises *(Give address and, if useful, describe premises)*

404B Macon Street, Durham, NC. See attachment #3.

(and)

on the following person(s) *(Give name(s) and, if useful, describe person(s))*

(and)

in the following vehicle(s) *(Describe vehicle(s))*

(and)

(Name and/or describe other places or items to be searched, if applicable)

See attachment #3

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:
See attachment #2

SWORN AND SUBSCRIBED TO BEFORE ME

Date

21, 2011

Date 1-21-11

Signature of Applicant

Martine E. Wilkins

Signature

Magistrate

Dep. CSC

Asst. CSC

Clerk of Superior Court

Judge

In addition to the affidavit included above, this application is supported by additional affidavits, 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.

NOTE: If more space is needed for any section, 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.

ATTACHMENT #1

AFFIDAVIT FOR SEARCH WARRANT
IN THE MATTER OF:
404 MACON STREET, DURHAM, NC

STATE OF NORTH CAROLINA
DURHAM COUNTY

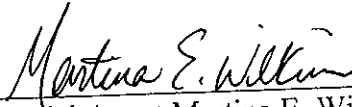
FACTS TO ESTABLISH PROBABLE CAUSE

I, Martina E. Wilkins, am employed as a Special Agent with the North Carolina State Bureau of Investigation (NCSBI). I am assigned as a Criminal Agent in Capital District. I graduated from North Carolina Central University with a Bachelor of Science Degree in Criminal Justice in May 2003. I have been employed by the NCSBI since August 2004 and have been a sworn law enforcement officer since April 2005. I received my Basic Law Enforcement Training Certificate through the North Carolina State Bureau of Investigation.


I am a graduate of the North Carolina State Bureau of Investigation Special Agent Academy, where I received approximately 1,000 hours of law enforcement training, including, but not limited to general investigations. The training that I received included preparation of search warrants, locating, identifying, seizing, and properly packaging evidence.

I have also attended numerous advanced law enforcement training schools such as interviewing and interrogation, homicide, fire scene investigation, crime scene investigation, drug investigation, child sexual abuse investigation, computer crimes investigation, and financial crimes investigation. I have assisted, investigated, and/or made arrest in crimes involving homicides, assaults, sexual abuse crimes, drugs, arsons, forging, uttering, and many other felony crimes.

I make this affidavit based upon my personal knowledge and based upon information I have received during the course of this investigation.


Special Agent Martina E. Wilkins

1-21-11
Date


January 21, 2011
Date

ATTACHMENT #2

AFFIDAVIT FOR SEARCH WARRANT
IN THE MATTER OF:
404B MACON STREET, DURHAM, NC

STATE OF NORTH CAROLINA
DURHAM COUNTY

FACTS TO ESTABLISH PROBABLE CAUSE

On Thursday, January 20, 2011, Latasha Terry with Durham County Probation and Parole office was contacted by United States Marshall Jason Evans. Evans asked for assistance from Terry with serving arrest warrants on Jerome Thompkins. The warrants for Thompkins were for taking indecent liberties with his children.

Terry asked Hope Nichols, also with Durham County Probation and Parole, if she could assist with serving the warrants on Thompkins and Nichols agreed to do so.

Intelligence information indicated that Thompkins was living with one of Terry's offenders, Howard Johnson Cox at 404B Macon Street, Durham, NC. Terry and Nichols met at the Durham Police Department at approximately 7:20 p.m., and William Smith (Durham County Probation and Parole) was also going to assist with serving the warrants on Thompkins.

Upon Terry, Nichols, and Smith arriving at the house along with Jason Evans and additional U.S. Marshalls, they approached the residence at 404B Macon Street. The Probation Officers ask for Howard Cox and a black female indicated that Cox was not at the residence and that he was at work. The Probation Officers also asked to enter the residence and the female allowed them to enter.

Soon after entering the residence, a black male identified as Jerome Thompkins appeared with what was described as a revolver handgun. As Thompkins came out with the handgun, the Probation Officers and Marshalls retreated and exited the residence.

Nichols was unable to exit the residence with everyone else and Thompkins took Nichols' holstered handgun and placed handcuffs on Nichols, essentially holding Nichols hostage.

Martina E. Wilkins
Special Agent Martina E. Wilkins
1-21-11
Date

[Signature]
January 21, 2011
Date

**In The Matter Of:
404B MACON STREET, DURHAM, NC**

All occupants in the residence at the time that Probation and Parole and the Marshalls entered the residence exited the residence with the officer's, including two young children.

An unknown period of time passed when Thompkins was observed pushing out a window, and Thompkins fired shots out of the window towards officer's taking cover outside of the residence.

As a result of Thompkins firing a weapon towards officer's, return fire took place and Thompkins was ultimately hit and is now deceased.

Based on the above information regarding the officer involved shooting that took place at 404B Macon Street, Durham, NC, the NCSBI would like to search the residence in an effort to locate the following items: any guns, ammunition, weapons, any items containing DNA, fired projectiles, shell casings, any items damaged by fired projectiles, handcuffs, and any other items that may be relevant to this officer involved shooting.

This applicant respectfully request that a search and seizure warrant be issued so that the North Carolina State Bureau of Investigation can perform the necessary investigation regarding this officer involved shooting.

Martina E. Wilkins
Special Agent Martina E. Wilkins

1-21-11
Date

[Signature]

January 21, 2011
Date

ATTACHMENT #3

AFFIDAVIT FOR SEARCH WARRANT
IN THE MATTER OF:
404B MACON STREET, DURHAM, NC

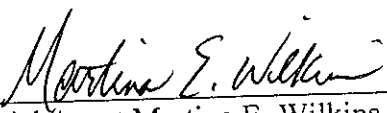
STATE OF NORTH CAROLINA
DURHAM COUNTY

DESCRIPTION OF RESIDENCE TO BE SEARCHED

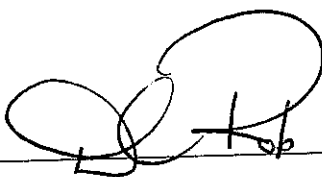
The residence located at 404B Macon Street, Durham, NC is a single story duplex with cream colored vinyl siding. The residence at 404B Macon Street is on the right side of the duplex and has white doors that face Macon Street. There are two windows on the front side of the residence in the middle, with doors on both sides. The B side of the duplex has four steps leading up to the front door with a white rail. There is also a black medal mailbox mounted next to both doors.

ITEMS TO BE SEIZED

- 1.) Any guns
- 2.) Ammunition
- 3.) Any Items containing DNA
- 4.) Fired projectiles
- 5.) Shell casings
- 6.) Any items damaged by fired projectiles
- 7.) Handcuffs
- 8.) Any other items that may be relevant to this officer involved shooting


Special Agent Martina E. Wilkins

1-21-11
Date


January 21, 2011
Date

STATE OF NORTH CAROLINA

File No.

DURHAM County

In The General Court of Justice
 District Superior Court Division

IN THE MATTER OF:

INVENTORY OF ITEMS SEIZED
PURSUANT TO SEARCH

Name
GEROME THOMPkins

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

I, the undersigned officer, executed a search of:

Person, Premises or Vehicle Searched
404 B MACON STREET
DURHAM, NC

Date of Search
1/21/2011

This search was made pursuant to:

- 1. a search warrant issued by: MAGISTRATE D. C. ROBINSON
- 2. consent to search given by: _____
- 3. other legal justification for the search: _____

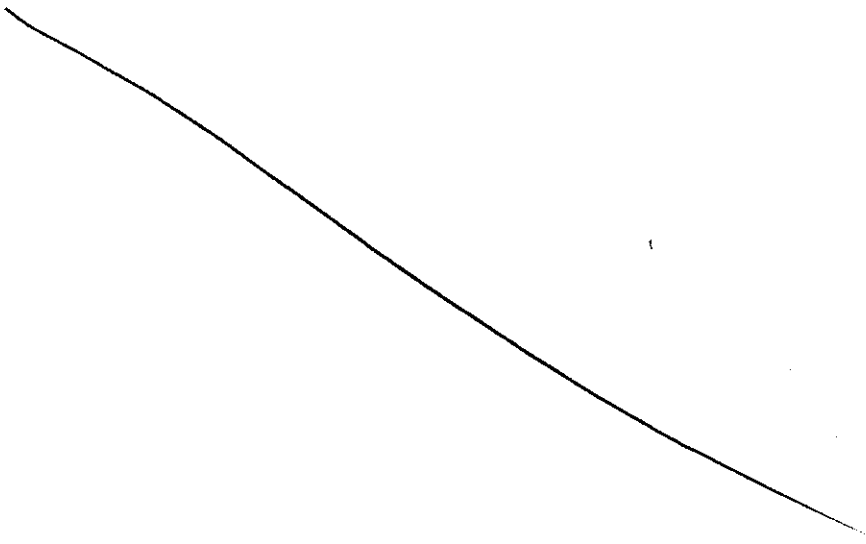
The following items were seized:

- ITEM #2 - (9) 223 SHELL CASINGS
- ITEM #3 - (4) SMITH & WESSON SHELL CASINGS
- ITEM #4 - 38 SPECIAL, SN: 417J79
- ITEM #5 - BLACK M & P SMITH & WESSON .40 CALIBER, SN: MPF0094
- ITEM #6 - (1) SPEER SMITH & WESSON .40 CALIBER SHELL CASING
- ITEM #7 - PROJECTILE
- ITEM #8 - (1) FRAGMENT FROM ITEM #5
- ITEM #9 - GSR KIT FROM THOMPkins
- ITEM #10 - PROJECTILE FROM TRUNK
- ITEM #11 - FRAGMENT FROM DOOR
- ITEM #12 - SHELL CASING

Mew

(Over)

Items Seized Continued:



WD

- 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>Carylyn Spess</i>
Date 1-21-11		Title of Law Enforcement Officer NCSBI
Signature <i>Keith Tollett</i>		Name And Address of Agency NCSBI 1705 Tryon Park Dr. Raleigh, NC
<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	
<input type="checkbox"/> Clerk of Superior Court	<input type="checkbox"/> Magistrate	

ACKNOWLEDGMENT OF RECEIPT

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

Date 1-21-11	Signature of Person Receiving Inventory <i>Keith Tollett</i>
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