

Film No.

File No.

SEARCH WARRANT

In the Matter of

1123 Ujamaa Drive, Raleigh NC 27610

Date Issued

12-25-2008

Time Issued

2:05 PM

☒ AM ☐ PM

Name of Applicant

Det. W.D. GIII

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

12/25/08

Time Received

2:25 PM

☒ AM ☐ PM

Date Executed

12/25/08

Date and Time of Return

1-2-09 10:00 AM

☒ I made a search of 1123 Ujamaa Dr. Raleigh, NC 27610

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

Det. W.D. GIII

Department or Agency of Officer

Raleigh PD

STATE OF NORTH CAROLINA

In the General Court of Justice

Wake

County

District 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 or persons shown.

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

Date

1-2-09

Time

9:47

☒ AM ☐ PM

Signature

Det. W.D. GIII

☒ Deputy CSC

☒ Asst. CSC

☐ Clerk of Superior Court

Date

12/25/08

Signature

☒ Deputy CSC

☐ Asst. CSC

☐ District Ct. Judge

☐ Clerk of Superior Court

☐ Superior Ct. Judge

APPLICATION FOR SEARCH WARRANT

I, Detective W.D. Gill, Major Crimes Task Force Investigator, Raleigh Police Department

(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 (See attached Affidavit for "Items to be Seized")

(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)

constitutes evidence of a crime and the identity of a person participating in a crime,

Murder NCGS 14-17

(Name Crime)

(check appropriate box(es) and fill-in specified information)

☒ In the following premises 1123 Ujamaa Drive, Raleigh NC and surrounding curtilage

(Give address and, if useful, describe premises)

(and)

☐ on the following person(s)

(Give name(s) and, if useful, describe person(s))

(and)

☒ in the following vehicle(s) 1989 Oldsmobile, Burgandy in color with N.C. Registration XWP-4979

(Describe vehicle(s))

(and)

☐

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

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

SEE ATTACHED AFFIDAVIT (Probable Cause)

see attached affidavit

H

SWORN AND SUBSCRIBED TO BEFORE ME

Date

12/25/08

Page ____ of ____

Signature

[Signature]

Signature of Applicant

[Signature]

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Superior Court ☒ Mag. ☐ Judge

☐ In addition to the affidavit included above, this application is supported by additional affidavit(s) 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.

H If a continuation is necessary, 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 the applicant and issuing official.

STATE NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF:
1123 Ujamaa Drive
Raleigh, NC 27610

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT BY:
Detective W. D. Gill
Date: December 25, 2008

DESCRIPTION OF ITEM(S) TO BE SEIZED

1. Blood, body fluids, saliva, hairs, and fibers.
2. DNA evidence.
3. Latent evidence including but not limited to fingerprints and shoe prints.
4. Weapons and ammunition.
5. Clothing.
6. Cellular phones.
7. Documents, personal papers, telephone records.
8. Any other evidence related to the crime of murder.

DESCRIPTION OF CRIME(S)

Murder NCGS 14-17

DESCRIPTION OF LOCATION TO BE SEARCHED

The location to be searched is 1123 Ujamaa Drive, Raleigh NC. The address, 1123 Ujamaa Drive is a single family, one story residence that is located on the north side of Ujamaa Drive. The exterior of the building at 1123 Ujamaa Drive is white colored siding with green trim. The front door for 1123 Ujamaa Drive is green in color and faces Ujamaa Drive. The numbers 1123 are located to the right of the front door. The numbers are arranged horizontally and are black in color and approximately 3 inches in height.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS THE 25th DAY OF December, 2008.


MAGISTRATE


APPLICANT

STATE NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF:
1123 Ujamaa Drive
Raleigh, NC 27610

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT BY:
Detective W. D. Gill
Date: December 25, 2008

FACTS TO ESTABLISH PROBABLE CAUSE

I, Detective W.D. Gill, hereby swear and affirm that the following affidavit is based on my personal knowledge, training, and experience as a sworn law enforcement officer and upon factual information which I have received from other persons as hereinafter described.

I am a sworn law enforcement officer with the Raleigh Police Department. I have been a sworn law enforcement officer for over 22 years and I am currently assigned to the Major Crimes Unit in the Investigative Division of the Raleigh Police Department.

During my experience as a detective, I have investigated narcotic cases, robberies, assaults, and homicides. I have received specialized training through the Raleigh Police Department and the United States Drug Enforcement Administration concerning the laws of arrest, search, and seizure as well as the preparation of search warrants.

On 12/24/2008 at approximately 11:15 pm, Raleigh Police Officers received a report of a shooting at 1123 Ujamaa Drive. Upon arriving at that location, officers entered the residence and observed a male juvenile lying on the living room floor with a gunshot wound. The father was the only adult present at the home when the officers arrived. Emergency Medical personnel responded and pronounced the victim deceased at the scene. Interviews conducted with other juveniles that were present when the incident occurred indicates that the father may have brought the firearm into the residence earlier in the day.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS THE 25th DAY OF December, 2008.


MAGISTRATE


APPLICANT

STATE NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF:
1123 Ujamaa Drive
Raleigh, NC 27610

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Date: December 25, 2008

Conclusion

Due to the aforementioned information, it is believed that evidence of the above crime exists within the above described residence and the surrounding curtilage. Therefore, I respectfully request that a search warrant be issued for the above listed residence to recover any evidence related to this murder.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS THE 25th DAY OF December, 2008.


MAGISTRATE


APPLICANT

STATE OF NORTH CAROLINA

File No. _____

Wake CountyIn The General Court Of Justice
☐ District ☐ Superior Court Division**IN THE MATTER OF:**

Name

Eric Hinton

**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

1123 Ujamaa Dr. Raleigh, NC 27610

Date Of Search

12/25/2008

This search was made pursuant to

- ☒ 1. a search warrant issued by: Magistrate
- ☐ 2. consent to search given by: _____
- ☐ 3. other legal justification for the search: _____

The following items were seized:

1. "Accurate Ammunition" box containing five 9mm rounds headstamped WIN 9mm Luger.
2. 10 round box of Winchester 12 gauge shotgun shells.
3. Pink copy of prior warrant for Eric Hinton.
4. Letter addressed to Eric Hinton.
5. Motorola cell phone with charger.
6. Cingular Samsung cell phone.
7. 18 round box of Winchester 12 gauge shotgun shells.
8. Digital scale with razor blade inside.
9. Kodak disposable camera.

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>C. R. Thompson</i>
Date 5-2-09		Title Of Law Enforcement Officer Detective C. R. Thompson
Signature <i>Deborah Williams</i>		Name And Address Of Agency Raleigh Police Dept. 110 S. McDowell St. Raleigh, NC 27602
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	<input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Magistrate	

ACKNOWLEDGMENT OF RECEIPT

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

Date	Signature of Person Receiving Inventory
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