

STATE OF NORTH CAROLINA in the General Court of Justice Wake County District Court Division		SEARCH WARRANT in the Matter of 1852 Spring Drive Garner, NC 27529 Date issued 11/17/2008 Time issued 10:25 PM	
Name of Applicant Investigator S Klein		Name of Additional Affiant Investigator S Selvek	
Name of Additional Affiant Investigator S Selvek		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 11/17/08 Time Received 2:00 AM			
Date Executed 11/17/08 Date and Time of Return 11/17/08		I made a search of 1852 Spring Drive	
This Search Warrant is issued upon information furnished under oath by the person or persons shown. 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.			
I seized the items listed on the attached inventory <input checked="" type="checkbox"/> I did not seize any items. <input type="checkbox"/> 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 Department or Agency of Officer Garner Police Department		Signature Date 11/19/08 Time 1:15 PM	
Signature of Officer Making Return Department or Agency of Officer Garner Police Department		Signature Date 11-17-08 Time 1:17-08 Signature Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Magistrate <input checked="" type="checkbox"/> Superior Ct. Judge <input type="checkbox"/>	

APPLICATION FOR SEARCH WARRANT

I, Investigator S Klein, Investigator Garner 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  
*(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 & Felony Child Abuse NCGS 14-318, and is located

*(Name Crime)*

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

In the following premises 1852 Spring Drive Garner, NC 27529  
*(Give address and, if useful, describe premises)*

SEE ATTACHED

*(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)*

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

SEE ATTACHED

SWORN AND SUBSCRIBED TO BEFORE ME \_\_\_\_\_ H

Date 11-17-08 Page 2 of 2

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.

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 of NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

IN THE MATTER OF:  
1852 Spring Drive  
Garner, NC 27529

ATTACHMENT TO APPLICATION  
FOR SEARCH WARRANT  
Investigator S Klein  
Date: November 17, 2008

**PROPERTY TO BE SEIZED:**

Evidence of ownership and/or residency of premises located at 1852 Spring Drive Garner, NC 27529. Photographs, saliva, blood, fluids and secretions, hair, fibers, fingerprints, palm prints, footprints, shoeprints, trace evidence and items containing traces of any of the above listed items. A gray plastic container with a white plastic bag and any and all items located inside this container. Any prescription bottle(s) that located inside the residence. Documents, journals and other writings that may be of evidentiary value.

**FACTS TO ESTABLISH PROBABLE CAUSE:**

1. I, S Klein, have been a duly sworn law enforcement officer in Wake County for the past twelve years. I was employed with the Garner Police Department in 1996 and then employed with the Raleigh Police Department in 1999. I then came back to the Garner Police Department in 2001 and I am currently assigned to the Investigative Unit within the Garner Police Department. I have investigated a number of murder cases in the past. Some of these investigations have resulted in convictions.
2. At 2217 hours on 11/14/2008, Garner Police and Garner EMS received a call for service regarding a person unresponsive at 1852 Spring Dr Garner, NC 27529. Upon arrival, Officer Conley, Garner Police Officer, met with family member of the current tenant, Sherita McNeil. He was advised that there was a child upstairs in a front-facing bedroom, in the closet, in a gray plastic bin. The child was inside a white plastic trash bag, which was sealed. Officer Conley confirmed visually that there appeared to be a child inside a white plastic trash bag, which was inside a gray plastic bin. There was also clothing in the bin surrounding the bag. Garner EMS responded and confirmed that the white plastic trash bag contained a deceased child.
3. Garner Police then secured the residence and asked the family members that were present upon Garner Police's arrival to remain with Garner Police for interviews, and they agreed.
4. Detective Pappas with the Garner Police had received a report from Child Protective Services on 11/3/2008 regarding a welfare check on Devarion Gross, DOB 3/7/07. The caller to Child Protective Services expressed concern that Devarion Gross had not been seen by anyone since Labor Day, 2008. The caller wanted someone to make contact with the mother, Sherita McNeil, and have her produce the child to check on the wellbeing of Devarion. Through investigative means, Detective Pappas confirmed that Sherita McNeil is the listed tenant of 1852 Spring Dr., and two juvenile occupants were listed as Devarion Gross and I'Jahnae James.
5. Detective Pappas, through investigative means, located family members and attempted to set up a meeting with Sherita McNeil and Devarion Gross on Thursday 11/13/2008. Detective Pappas was

~~SWORN AND SUBSCRIBED BEFORE ME ON DATE:~~ November 17, 2008

SIGNATURE OF JUDICIAL OFFICIAL

SIGNATURE OF APPLICANT

11-17-08

STATE of NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

IN THE MATTER OF:  
1852 Spring Drive  
Garner, NC 27529

ATTACHMENT TO APPLICATION  
FOR SEARCH WARRANT  
Investigator S Klein  
Date: November 17, 2008

told by a family member that Sherita was acting strangely about the Devarion Gross, not wanting certain people to see him. The family member was not sure why, because Sherita would not tell the family about the situation. The meeting did not materialize, and on 11/14/2008 Detective Pappas attempted contact with family unsuccessfully. The family then became concerned with their inability to contact Sherita, and went to her residence at 1852 Spring Dr. on 11/14/2008. The family was able to enter the residence by a key that was given to the family by Sherita McNeil previously. The family advised Garner Police that they checked the residence to see if Sherita and her children were there, and that is when they found the gray plastic bin in the upstairs front bedroom closet.

6. The Garner Police were able to determine that the last time a family member saw Sherita, it was Wednesday 11/13/2008, after 2300 hours. The family member said that Sherita and the family member were at Sherita's residence, and Sherita came downstairs from the second floor with her daughter I'Jahnae James, and said "I gotta go." The family member asked Sherita where she was going, and she wouldn't reply. The family member said that Devarion Gross was not with Sherita when she left the residence when she left on 11/13/2008. The family member said that Devarion Gross stayed with Sherita, and did not live with anyone else. The family member said that others in the family had noticed that Sherita McNeil had stopped eating and was losing weight, and was withdrawing from people close to her.

7. Through investigative means, Garner Police determined that Sherita McNeil frequents 103 Center St., Garner, NC, the residence of Derek Allen. Garner Police responded to 103 Center St. and made contact with Derek Allen, who stated that Sherita McNeil and her 2 year old daughter I'Jahnae James had been at his residence two hours previously, and had taken his 2005 Dodge Durango, white in color, NC license tag of XNC-8153. Mr. Allen told Garner Police that Sherita McNeil has told him that she and I'Jahnae James were going to a church somewhere in Raleigh.

8. Garner Police were at 103 Center St. when they observed a white Dodge Durango pull up to the residence at 103 Center St. They confirmed that the vehicle belonged to Derek Allen. Garner Police observed Sherita McNeil exit the vehicle, and approached her and made contact.

9. During the initial search, additional items of probable evidentiary value were located inside 1852 Spring Drive Garner, NC 27529. It has been confirmed that Sherita McNeil is the mother of both I'Jahnae James and Devarion Gross (the deceased child). The father of the deceased child is Eric Chambers, a known gang member who is currently incarcerated, and Ira James (also incarcerated) is the father of I'Jahnae James. Both fathers maintain or attempt to maintain some sort of relationship with Sherita McNeil. The correspondences between the Sherita McNeil and the children's fathers is probable to produce evidence in this case.

**LOCATION TO BE SEARCHED:**

1852 Spring Drive Garner, NC 27529. The apartments are cream colored and most are two stories. Directions to 1852 Spring Drive Garner, NC 27529 are as follows:

~~SWORN TO AND SUBSCRIBED BEFORE ME ON DATE:~~ November 17, 2008

~~SIGNATURE OF JUDICIAL OFFICIAL~~

Attachment 2 of 3

SIGNATURE OF APPLICANT

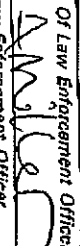

Items Seized Continued:

- 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**

Date 11-19-08	Signature Of Law Enforcement Officer 	Name And Address Of Agency Detective Det. R. S. Miller 9007th Ave Garner, NC 27529
Signature 	Title Of Law Enforcement Officer Detective	Name And Address Of Agency (Same as above)
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Magistrate	Name And Address Of Agency (Same as above)

**ACKNOWLEDGMENT OF RECEIPT**

I, the undersigned, received a copy of this inventory. Date	Signature of Person Receiving Inventory
----------------------------------------------------------------	-----------------------------------------



# APPLICATION FOR SEARCH WARRANT

1. Investigator S Kleu Garner 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 (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)

See attached

constitutes evidence of a crime and the identity of a person participating in a crime, (Name crime) Murder NCGS 14-17 & Felony Child Abuse NCGS 14-318.4

and is located (Check appropriate boxes) and fill in specified information)

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

See attached

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

in the following vehicle(s) (Describe vehicle(s))  
2005 Dodge Durango NC tag XNC-8153 VIN: 1D4HD48N75R510920

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

(and)

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

See attached

SWORN AND SUBSCRIBED TO BEFORE ME

Date

11/508

Signature of Applicant

*A Kleu*

Date

11 15 08

Signature

Magistrate

Dep. CSC

Assr. CSC

Clerk of Superior Court

Judge

In addition to the affidavits 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.

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

**IN THE MATTER OF:**

1852 Spring Drive  
Garner, NC 27529

**ATTACHMENT TO APPLICATION**

**FOR SEARCH WARRANT**

Investigator S Klein

Date: November 15, 2008

**PROPERTY TO BE SEIZED:**

Evidence of ownership and/or residency of premises located at 1852 Spring Drive Garner, NC 27529. Photographs, saliva, blood, fluids and secretions, hair, fibers, fingerprints, palm prints, footprints, shoeprints, trace evidence and items containing traces of any of the above listed items. A gray plastic container with a white plastic bag and any and all items located inside this container.

**VEHICLE TO BE SEIZED:**

White, 2005 Dodge Durango North Carolina registration XNC-8153, VIN: 1D4HD48N75F510920

**FACTS TO ESTABLISH PROBABLE CAUSE:**

1. I, S Klein, have been a duly sworn law enforcement officer in Wake County for the past twelve years. I was employed with the Garner Police Department in 1996 and then employed with the Raleigh Police Department in 1999. I then came back to the Garner Police Department in 2001 and I am currently assigned to the Investigative Unit within the Garner Police Department. I have investigated a number of murder cases in the past. Some of these investigations have resulted in convictions.
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3. Garner Police then secured the residence and asked the family members that were present upon Garner Police's arrival to remain with Garner Police for interviews, and they agreed.
4. Detective Pappas with the Garner Police had received a report from Child Protective Services on 11/3/2008 regarding a welfare check on Devarion Gross, DOB 3/7/07. The caller to Child Protective Services expressed concern that Devarion Gross had not been seen by anyone since Labor Day, 2008. The caller wanted someone to make contact with the mother, Sherita McNeil, and have her produce the child to check on the wellbeing of Devarion. Through investigative means, Detective Pappas confirmed that Sherita McNeil is the listed tenant of 1852 Spring Dr., and two juvenile occupants were listed as Devarion Gross and Jahnae James.

SWORN TO AND SUBSCRIBED BEFORE ME ON DATE: November 15, 2008

\_\_\_\_\_  
SIGNATURE OF JUDICIAL OFFICIAL

\_\_\_\_\_  
SIGNATURE OF APPLICANT



STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

**IN THE MATTER OF:**

1852 Spring Drive  
Garner, NC 27529

**ATTACHMENT TO APPLICATION**

**FOR SEARCH WARRANT**

Investigator S Klein

Date: November 15, 2008

5. Detective Pappas, through investigative means, located family members and attempted to set up a meeting with Sherita McNeil and Devarion Gross on Thursday 11/13/2008. Detective Pappas was told by a family member that Sherita was acting strangely about the Devarion Gross, not wanting certain people to see him. The family member was not sure why, because Sherita would not tell the family about the situation. The meeting did not materialize, and on 11/14/2008 Detective Pappas attempted contact with family unsuccessfully. The family then became concerned with their inability to contact Sherita, and went to her residence at 1852 Spring Dr. on 11/14/2008. The family was able to enter the residence by a key that was given to the family by Sherita McNeil previously. The family advised Garner Police that they checked the residence to see if Sherita and her children were there, and that is when they found the gray plastic bin in the upstairs front bedroom closet.

6. The Garner Police, were able to determine that the last time a family member saw Sherita, it was Wednesday 11/13/2008, after 2300 hours. The family member said that Sherita and the family member were at Sherita's residence, and Sherita came downstairs from the second floor with her daughter I'Jahnae James, and said "I gotta go." The family member asked Sherita where she was going, and she wouldn't reply. The family member said that Devarion Gross was not with Sherita when she left the residence when she left on 11/13/2008. The family member said that Devarion Gross stayed with Sherita, and did not live with anyone else. The family member said that others in the family had noticed that Sherita McNeil had stopped eating and was losing weight, and was withdrawing from people close to her.

7. Through investigative means, Garner Police determined that Sherita McNeil frequents 103 Center St., Garner, NC, the residence of Derek Allen. Garner Police responded to 103 Center St. and made contact with Derek Allen, who stated that Sherita McNeil and her 2 year old daughter I'Jahnae James had been at his residence two hours previously, and had taken his 2005 Dodge Durango, white in color, NC license tag of XNC-8153. Mr. Allen told Garner Police that Sherita McNeil has told him that she and I'Jahnae James were going to a church somewhere in Raleigh.

8. Garner Police were at 103 Center St. when they observed a white Dodge Durango pull up to the residence at 103 Center St. They confirmed that the vehicle belonged to Derek Allen. Garner Police observed Sherita McNeil exit the vehicle, and approached her and made contact.

**LOCATION TO BE SEARCHED:**

1852 Spring Drive Garner, NC 27529. The apartments are cream colored and most are two stories. Directions to 1852 Spring Drive Garner, NC 27529 are as follows:

From the Garner Police Station, 900 Seventh Ave Garner, NC, take a right onto Seventh Ave. Cross over Vandora Springs Road (road name changes from Seventh Ave to Foxwood Drive) and take a left onto Forest Ridge Drive. Go to the stop sign at Forest Ridge and Spring Drive and take a left onto Spring Drive. 1852 Spring Drive will be located on the left and will be the second apartment building on the left. 1852 Spring Drive will be the 2<sup>nd</sup> door from left to right in that second apartment building.

**SWORN TO AND SUBSCRIBED BEFORE ME ON DATE:** November 15, 2008

**SIGNATURE OF JUDICIAL OFFICIAL**

Attachment 2 of 3

**SIGNATURE OF APPLICANT**

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

IN THE MATTER OF:  
1852 Spring Drive  
Garner, NC 27529

ATTACHMENT TO APPLICATION  
FOR SEARCH WARRANT  
Investigator S Klein  
Date: November 15, 2008

**PROBABLE CAUSE CONTINUED:**

Based on the listed information, I hereby request a search warrant for 1852 Spring Drive Garner, NC 27529 and the 2005 Dodge Durango.

SWORN TO AND SUBSCRIBED BEFORE ME ON DATE: November 15, 2008

SIGNATURE OF JUDICIAL OFFICIAL

Attachment 3 of 3

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  
1852 Spring Dr  
Garner NC 27529

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

Date Of Search

1852 Spring Drive Garner, NC

11/18/08  
11/16/08

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:

- 3 white/green/blue Floral sheets
  - Pair of child's Denim Pants
  - Pink/yellow/blue blanket
  - white/grey sheet
  - Green plaid/floral blanket
  - Green/blue/floral pillow case
  - 2 Clorox bottles
  - Tilex bottle
  - Clorox Toilet bowl Cleaner bottle
  - Fantastik Cleaner bottle
  - Tilex Shower Cleaner bottle
  - Power House Fabric Freshener bottle
  - Grey Plastic Storage Tote
  - Red Dickies shirt
  - Orange and red striped shirt
  - Cherokee Denim shorts
  - 1 Diaper
  - 2 white Plastic bags
  - Fluid
  - Hair
- Pink/green/white Floral Comforter
  - Grey/white child's socks
  - Blue Belt
  - 2 white plastic bags
  - bottle of Orango Glc
  - bottle of Mr. Clean Fabricase
  - bottle of Lysol Kitchen Cleaner
  - bottle of Mr. Clean All-purpose
  - bottle of Lysol Disinfectant w/ bleach
  - blue sponge
  - Bath Dishcloth
  - Social Security Card
  - Roll of White Trash Bags
  - Cotton Tote

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

[Empty box for 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.

<b>SWORN AND SUBSCRIBED TO BEFORE ME</b>		Signature Of Law Enforcement Officer <i>[Signature]</i>	
Date 11-19-08	Title Of Law Enforcement Officer Deputy	Name And Address Of Agency A.B.M. 168 9007 Hc Ave Clemens NC 27529	
Signature <i>[Signature]</i>	<input checked="" type="checkbox"/> Deputy <input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Magistrate	ACKNOWLEDGMENT OF RECEIPT
Date 11-19-08		Signature of Person Receiving Inventory	

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