

File No.

STATE OF NORTH CAROLINA

Wake County

FILED In The General Court Of Justice District/Superior Court Division

SEARCH WARRANT

IN THE MATTER OF

SAFE DEPOSIT BOX # 222 3x5

Date Issued 01/25/2011 Time Issued 1413 AM PM

Name Of Applicant Investigator W. Adams

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 1/25/11 Time Received 1413 AM PM

Date Executed 1/25/11 Time Executed 253 AM PM

I made a search of Safe Deposit Box 222

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 1/25/11 Signature William A. Van Deputy CSC Assistant CSC CSC Magistrate District Ct. Judge Superior Ct. Judge

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 W. Adams

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

Department Or Agency Of Officer Wake Co. SO Incident Number 11-005527 Date 1-27-11 Time 2:47 AM PM Signature C. Bobbitt Deputy CSC Assistant CSC Clerk Of Superior Court

**In the Matter of: CONTINUATION PAGE ATTACHED TO SEARCH WARRANT APPLICATION IN REGARDS TO SAFE DEPOSIT BOX # 222 3x5**

*Continuation of: Constitutes evidence of a crime and the identity of a person participating in a crime;*  
North Carolina G.S 14-17 Murder

***Continuation of: Description of Property to be seized;***

Physical evidence such as documents that show ownership, possession, and/or control over the safety deposit box, measurements of the safe deposit box, moving pictures, video, still photography to preserve the nature of the container, documentary evidence such as paper writings and still photographs; any firearms or parts thereof; any ammunition or the components used to manufacture ammunition, fired and unfired shell casings; any latent print evidence and/or hairs, fibers, blood, DNA, other bodily fluids, or other trace evidence that may show a person's presence as well as any drugs, medicines (over-the-counter or legal), drug paraphernalia, alcoholic beverages and or containers, US and/or foreign currency, cellular telephones, PDA's (personal digital assistant or other similar devices), computer hardware and software, electronic media storage devices; such as CDs, DVDs, floppy disks, flash drives, or any other file storage container whether in electronic, digital, or physical form; signature card showing who has access to the safe deposit box and when the safe deposit box was obtained; and any other evidence that may contain information related to the crime of murder.

***Continuation of: Description of containers to be Searched;***

Safe deposit box number 222 located inside Wachovia Bank N.A. located at 305 Colonades Way, Cary, NC. The dimensions of the safe deposit box are 3x5.

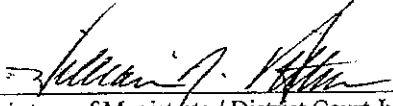
**Continuation of: Probable Cause;**

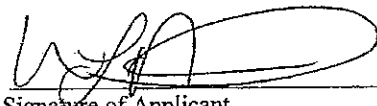
I This affiant, Investigator Walter Adams, has been in law enforcement for over nine years. I have been assigned to the Criminal Investigations Division where I have investigated and participated in investigations of adults and juveniles, both suspects and victims of crimes. My assignments and experience include criminal investigation of property crimes, person, and drug crimes. During the past nine years I have received, and continue to receive, specialized training through schools, and seminars on the above-mentioned crimes and areas of work as well as training in the interview and interrogation of suspects, witnesses and informants. I am also, a certified field training officer, assisting in training new deputies.

SWORN AND SUBSCRIBED TO BEFORE ME

Page 1 of 3

DATE 1/25/11

  
Signature of Magistrate / District Court Judge / Superior Court Judge

  
Signature of Applicant

In the Matter of: CONTINUATION PAGE ATTACHED TO SEARCH WARRANT APPLICATION IN  
REGARDS TO SAFE DEPOSIT BOX # 222 3x5

2 On January 16, 2011 a caller identified as Jamie Lee Brauer contacted 911 to report a shooting at 4224 Brook Cross Dr. Apex, NC 27539 in which there were two victims injured as a result. When Wake County Sheriff's deputies arrived they met Ms. Brauer who is renting a room from the homeowners of the residents. The owners are identified as John and Donna Evans. Ms. Brauer directed the responding officers to the upstairs master bedroom office where Mrs. Evans was lying face down near the doorway to the office and Mr. Evans was lying five to ten feet from Mrs. Evans and deeper inside the office. Mrs. Evans was found deceased inside the residence and Mr. Evans was transported to Wake Medical Center in critical condition.

3 Ms. Brauer said during her initial questioning by Deputy Vatter, she heard two loud bangs while taking a shower. As she came out of the shower to investigate where the loud noise was coming from she heard Mr. Evans say, "Help help I'm shot, she shot me." Ms. Brauer then made the call to 911 to request assistance from law enforcement and emergency medical service personnel. Ms. Brauer said the 911 operator gave her instructions to check on both Mr. and Mrs. Evans. According to Deputy Vatter Ms. Brauer told him she rolled Mrs. Evans over noticed a firearm lying next to her body and said she had a cellular telephone lying underneath her. Mr. Evans was lying on his back with his head facing the wall and feet facing towards the front of the office. Both Mr. and Mrs. Evans had injuries consistent with a gunshot wound. Wake County property tax records verify 4224 Brook Cross Dr. Apex, NC 27539 is within the territorial jurisdiction of Wake County North Carolina.

4 While examining the Mrs. Evans' injuries it was determined her injuries were consistent with a person being shot twice. Mrs. Evans body was transported to the Medical Examiner's office in Chapel Hill for autopsy. The medical examiner's office confirmed investigators observations from the scene, Mrs. Evans had been shot twice. Both shots were fatal. Based on the opinion of the Medical Examiner's Office, Mrs. Evans could not have inflicted the gunshot wounds to herself.

5 On January 16, 2011 a search warrant was issued for 4224 Brook Cross Dr., Apex, NC.

6 While conducting a search of the interior of the home located at 4224 Brook Cross Dr. two Wachovia safe deposit box keys were located. The keys were contained inside a pouch with Wachovia printed on the pouch, along with the box number, and the box size. One of the keys was located in Mrs. Evans' purse. The other key was located in Mrs. Evans' desk. While speaking with Mrs. Evans' sister, Dale Tullouch, she revealed Mrs. Evans had obtained this safe deposit box when Mrs. Evans' relationship with Mr. Evans was ending. Mrs. Evans told her sister she was going to maintain important documents and other personal property in the safe deposit box. Mrs. Evans intended to keep the existence of this safe deposit box from Mr. Evans. Mrs. Evans

SWORN AND SUBSCRIBED TO BEFORE ME

Page 2 of 3

DATE 1/25/11

[Signature]  
Signature of Magistrate / District Court Judge (Superior Court Judge)

[Signature]  
Signature of Applicant

**In the Matter of: CONTINUATION PAGE ATTACHED TO SEARCH WARRANT APPLICATION IN REGARDS TO SAFE DEPOSIT BOX # 222 3x5**

provided the information about the safe deposit box to her sister; with the intent her sister would have knowledge of the safe deposit box in the event she became unable to retrieve the items from the safe deposit box herself. Mrs. Tullouch was able to provide investigators with the location of the safe deposit box. Mrs. Evans communicated to Mrs. Tullouch she wanted her to sign documentation, when she comes to visit, giving her access to the safe deposit box. Due to Mrs. Evans murder, this never occurred. During this investigation writing's by Mrs. Evans were discovered, detailing issues and/or concerns involving the relationship between her and Mr. Evans. It's my opinion the content of this safety deposit box may contain information, in the form of documents and/or writings, that will assist in this investigation.

7 Based upon this affiant's training and experience, it is believed the preceding facts establish probable cause to believe the above-described items will be found within the property located at 203 College St. and will assist in investigating the crime of N.C.G.S. 14-17 Murder.

For these reasons, this affiant respectfully requests this warrant.

SWORN AND SUBSCRIBED TO BEFORE ME

Page 3 of 3

DATE 1/22/11

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

SAFE DEPOSIT BOX #222 3x5

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

SAFE DEPOSIT BOX #222 3x5

Date Of Search

1/25/11

This search was made pursuant to

- 1. a search warrant issued by: Judge Pittman
- 2. consent to search given by: \_\_\_\_\_
- 3. other legal justification for the search: \_\_\_\_\_

The following items were seized:

- 2 clear plastic bags cont. Jewelry
- 2 clear plastic bags cont. Various loose stones
- 2 Wachovia Envelopes cont. ① 1000.00 ② 600.00  
Various denominations of US currency
- 1 Envelope cont. HD title
- 1 black i/c name card cont. NCOR and SS card.
- 1 Wachovia box of checks including misc. Docs
- 1 copy of safe deposit box entry record
- 1 Wachovia inventory sheet
- 1 termination of lease

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:


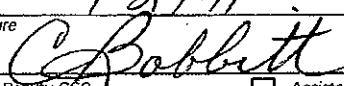
- a. in the premises searched, identified on the reverse.
- b. in the vehicle searched, identified on the reverse.

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

Gabrielle Settle

Store Manager 305 Colonnades Way Cary NC

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 
Date 1-27-11		Title Of Law Enforcement Officer Investigator
Signature 		Name And Address Of Agency Wake County Sheriff's Office
<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	Signature of Person Receiving Inventory
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File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice  
District/Superior Court Division

SEARCH WARRANT

Wake FILED County

IN THE MATTER OF

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

Winchester E-Vault SN:12 09 003273

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.

Date Issued 01/25/2011 Time Issued 1413  AM  PM

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.

Name Of Applicant Investigator W. Adams

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.

Name Of Additional Affiant

Name Of Additional Affiant

RETURN OF SERVICE

This Search Warrant is issued upon information furnished under oath by the person(s) shown.

I certify that this Search Warrant was received and executed as follows:

Date Received 1/25/11 Time Received 1413  AM  PM

Date Executed 1/26/11 Time Executed 1703  AM  PM

I made a search of Winchester E-Vault SN 1209003273

Date 1/25/11 Signature *[Signature]*  
 Deputy CSC  Assistant CSC  CSC  
 Magistrate  District Ct. Judge  Superior Ct. Judge

\_\_\_\_\_ 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 *[Signature]*

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

Department Or Agency Of Officer Wake County Incident Number 10-005527 Date 1-27-11 Time 2:44  AM  PM Signature *[Signature]*  
 Deputy CSC  Assistant CSC  Clerk Of Superior Court

SEARCH WARRANT

STATE OF NORTH CAROLINA  
Wake County

In the General Court of Justice  
District Court Division

**In the Matter of: CONTINUATION PAGE ATTACHED TO SEARCH WARRANT APPLICATION IN  
REGARDS TO WINCHESTER E-VAULT S/N 12 09 003273**

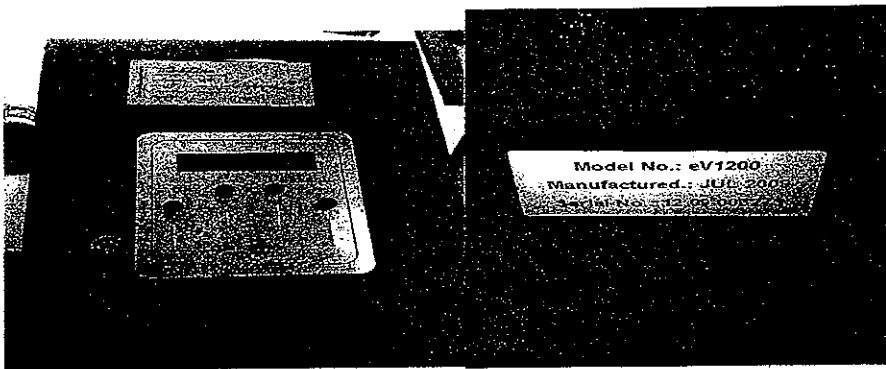
*Continuation of: Constitutes evidence of a crime and the identity of a person participating in a crime;*  
North Carolina G.S 14-17 Murder

***Continuation of: Description of Property to be seized;***

Physical evidence such as documents that show ownership, possession, and/or control over the vault, measurements of the vault, moving pictures, video, still photography to preserve the nature of the container, documentary evidence such as paper writings and still photographs; any firearms or parts thereof; any ammunition or the components used to manufacture ammunition, fired and unfired shell casings; any latent print evidence and/or hairs, fibers, blood, DNA, other bodily fluids, or other trace evidence that may show a person's presence as well as any drugs, medicines (over-the-counter or legal), drug paraphernalia, alcoholic beverages and or containers, US and/or foreign currency, cellular telephones, PDA's (personal digital assistant or other similar devices), computer hardware and software, electronic media storage devices; such as CDs, DVDs, floppy disks, flash drives, or any other file storage container whether in electronic, digital, or physical form that may contain information related to the crime of murder.

***Continuation of: Description of Containers to be Searched;***

A black in color Winchester eVault. Serial # 12 09 003273. The serial number, model number EV1200, and a manufacture date of July of 2009 can be located on the back portion of the vault. The brand Winchester is printed on the top of the vault next to the electronic keypad. (Photo's attached below.)



SWORN AND SUBSCRIBED TO BEFORE ME

Page 1 of 3

DATE 1/25/11

[Signature]  
Signature of Magistrate / District Court Judge / Superior Court Judge

[Signature]  
Signature of Applicant



**In the Matter of: CONTINUATION PAGE ATTACHED TO SEARCH WARRANT APPLICATION IN REGARDS TO WINCHESTER E-VAULT S/N 12 09 003273**

**Continuation of: Probable Cause;**

1 This affiant, Investigator Walter Adams, has been in law enforcement for over nine years. I have been assigned to the Criminal Investigations Division where I have investigated and participated in investigations of adults and juveniles, both suspects and victims of crimes. My assignments and experience include criminal investigation of property crimes, person, and drug crimes. During the past nine years I have received, and continue to receive, specialized training through schools, and seminars on the above-mentioned crimes and areas of work as well as training in the interview and interrogation of suspects, witnesses and informants. I am also, a certified field training officer, assisting in training new deputies.

2 On January 16, 2011 a caller identified as Jamie Lee Brauer contacted 911 to report a shooting at 4224 Brook Cross Dr. Apex, NC 27539 in which there were two victims injured as a result. When Wake County Sheriff's deputies arrived they met Ms. Brauer who is renting a room from the homeowners of the residents. The owners are identified as John and Donna Evans. Ms. Brauer directed the responding officers to the upstairs master bedroom office where Mrs. Evans was lying face down near the doorway to the office and Mr. Evans was lying five to ten feet from Mrs. Evans and deeper inside the office. Mrs. Evans was found deceased inside the residence and Mr. Evans was transported to Wake Medical Center in critical condition.

3 Ms. Brauer said during her initial questioning by Deputy Vatter, she heard two loud bangs while taking a shower. As she came out of the shower to investigate where the loud noise was coming from she heard Mr. Evans say, "Help help I'm shot, she shot me." Ms. Brauer then made the call to 911 to request assistance from law enforcement and emergency medical service personnel. Ms. Brauer said the 911 operator gave her instructions to check on both Mr. and Mrs. Evans. According to Deputy Vatter Ms. Brauer told him she rolled Mrs. Evans over noticed a firearm lying next to her body and said she had a cellular telephone lying underneath her. Mr. Evans was lying on his back with his head facing the wall and feet facing towards the front of the office. Both Mr. and Mrs. Evans had injuries consistent with a gunshot wound. Wake County property tax records verify 4224 Brook Cross Dr. Apex, NC 27539 is within the territorial jurisdiction of Wake County North Carolina.

4 On January 16, 2011 a search warrant was issued authorizing the search 4224 Brook Cross Dr., Apex, NC 27539. During the search of the residence a personal handgun vault was located inside the residence at 4224 Brook Cross Dr., Apex NC and was legally seized pursuant to that search warrant. Wake County Sheriff's Office investigators were unable to locate a key to gain entry into the handgun vault. This murder involves the

**SWORN AND SUBSCRIBED TO BEFORE ME**

Page 2 of 3

DATE 1/25/11

Signature of Magistrate / District Court Judge / Superior Court Judge

Signature of Applicant

SEARCH WARRANT

STATE OF NORTH CAROLINA  
Wake County

In the General Court of Justice  
District Court Division

**In the Matter of: CONTINUATION PAGE ATTACHED TO SEARCH WARRANT APPLICATION IN  
REGARDS TO WINCHESTER E-VAULT S/N 12 09 003273**

use of a firearm and this vault is commonly used to store firearms. The handgun vault is currently being stored at the Wake County Sheriff's Office.

5 Based on this affiant's training and experience it is believed the preceding facts establish probable cause to believe the above described items will be found inside the Winchester vault and will aid in investigating the crime of murder.


For these reasons, this affiant respectfully requests this warrant.

SWORN AND SUBSCRIBED TO BEFORE ME

Page 3 of 3

DATE 1/25/11

  
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

Winchester E-Vault S/N 12 09 003273

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

Winchester E-Vault S/N 12 09 003273

Date Of Search

This search was made pursuant to

- 1. a search warrant issued by: Judge Pitman
- 2. consent to search given by: \_\_\_\_\_
- 3. other legal justification for the search: \_\_\_\_\_

The following items were seized:

1 50 ct box (Full) 9mm Luger JHP ammo  
Magtech brand

1 Red gun lock

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 <sup>Container</sup>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

Date

1-27-11

Title Of Law Enforcement Officer

Investigator

Signature

*[Handwritten Signature]*

Name And Address Of Agency

Wake County Sheriff's Office

Deputy CSC

Assistant CSC

Clerk Of Superior Court

Magistrate

**ACKNOWLEDGMENT OF RECEIPT**

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

Date

Signature of Person Receiving Inventory

File No.

# SEARCH WARRANT

## STATE OF NORTH CAROLINA

Wake County

In The General Court Of Justice  
District/Superior Court Division

FILED

2011 JAN 27 PM 2:47

### IN THE MATTER OF

4224 Brook Cross Dr Apex, NC 27539

Date Issued: 01/16/2011  
Time Issued: 8:30  AM  PM

Name Of Applicant: Sr. Investigator Rich K. Whitlow

Name Of Additional Affiant: Sr. Investigator J.W. Carter

Name Of Additional Affiant:

### RETURN OF SERVICE

I certify that this Search Warrant was received and executed as follows:

Date Received: 1/16/11  
Time Received: 0830  AM  PM

Date Executed: 1/16/11  
Time Executed: 850  AM  PM

I made a search of 4224 Brook Cross Dr. Apex

Toyota Camry

Oldmobile

Black Chev. Tahoe

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: [Signature]

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: 1-16-2011  
Signature: [Signature]  
 Deputy CSC  Assistant CSC  CSC  
 Magistrate  District Ct. Judge  Superior Ct. Judge

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

Department Or Agency Of Officer: Wake County Sheriff's Office  
Incident Number: 11-005527  
Date: 1-27-11  
Time: 2:47  AM  PM  
Signature: [Signature]  
 Deputy CSC  Assistant CSC  
 Clerk Of Superior Court

In the Matter of: 4224 Brook Cross Dr, Apex, NC 27539; WCSO 11-005527

Continuation of: Description of Property to be Seized:

Physical evidence such as documents that show ownership, possession, and/or control over the premises, measurements of the premises, moving pictures, video, still photographs to preserve the nature of the crime scene, documentary evidence such as paper writings and still photographs; any firearm or parts thereof; any ammunition or the components used to manufacture ammunition, fired and unfired shell casings; any latent print evidence and/or footwear impressions, hairs, fibers, blood, DNA, other bodily fluids, or other trace evidence that may show a person's presence in the residence, as well as any drugs/medicines (prescription, over the counter, or illegal), drug paraphernalia, alcoholic beverage(s) and/or containers, cellular telephones, PDA's (Personal Digital Assistant or other similar devices), computer hardware and software, electronic media storage devices; such as CD's, DVD's, floppy disks, or flash drives, or any other file storage container whether in electronic, digital, or physical form that may contain information related to the crime of attempted murder.

Continuation of: Description of Premises to be Searched:

The residence is located at 4224 Brook Cross Dr Apex, NC 27539. The residence is a tan two story single family house with white trim around the window frames and a brick foundation. The residence also has single door double car garage. The front door is white with a black kick plate and the front porch has white rails and posts around it to the right end of the residence. The residence has a wooden mailbox at the beginning of the driveway with the numbers 4224 is clearly marked on the left side of the wooden post on the mailbox.



SWORN AND SUBSCRIBED TO BEFORE ME

Page 3 of 5

DATE 1-16-2011

[Signature]  
Signature of Magistrate / District Court Judge / Superior Court Judge

[Signature]  
Signature of Applicant

In the Matter of: 4224 Brook Cross Dr, Apex, NC 27539; WCSO 11-005527

Continuation of: Description of Vehicles to be Searched:

A silver Toyota Camry four-door sedan bearing NC registration plate VVW-3756 and VIN: 4T1BG22K21U037913.

A black Chevrolet Tahoe SUV bearing NC registration plate HD-53916 and VIN: 1GNEK13Z13R202885.

A white Oldsmobile 88 four-door sedan bearing NC registration plate WRW-3398 and VIN: 1G3HN52K9W4809790.

**Directions to premises, vehicles, and Curtilage to be searched:** From downtown Raleigh travel South on S. Saunders St to I-40. Travel on I-40 West and take exit 293 for US-1/US-64 towards Sanford. Continue South on US-1 to exit 96 for Ten Ten Rd. Take exit 96 and at the top of the ramp turn right onto Ten Ten Rd and proceed approximately 2.4 miles to Kildaire Farm Rd. Turn right onto Kildaire Farm Rd and travel approximately 0.8 miles to Brook Cross Dr. Turn right onto Brook Cross Dr. and 4224 Brook Cross Dr will be the third residence on the left and is clearly marked with the numbers "4224" on the wooden mailbox post.

Continuation of: Probable Cause:

I, Senior Investigator Rich K. Whitlow, earned my Bachelor of Arts Degree in Criminal Justice with a minor in Sociology at the University of North Carolina at Wilmington in May of 1995, completed the North Carolina Basic Law Enforcement Training certification program at Cape Fear Community College, Wilmington, NC in August of 1995, and have been duly sworn as a North Carolina Law Enforcement Officer since December of 1995 when my career began with the North Carolina State University Police. In August of 1997 I was hired as a Wake County Sheriff's Deputy where I currently serve. During the course of my career in law enforcement I have investigated numerous misdemeanor and felony incidents of all varieties including robberies, assaults, suicides, death investigations, and murders. I have attended special classes and in-service trainings that have included courses designed for the investigation of such incidents and currently serve the Wake County Sheriff's Office as a member of the Criminal Investigations Division, Person Crimes Unit.

I received the following information from Sr. Investigator J.W. Carter who is currently assigned to the Wake County Sheriff's Office Criminal Investigations Division and responded to the scene. Sr. Inv. J.W. Carter gained this information from his observations of the scene as well as through interviews with the initial responding Deputies and witness statements.

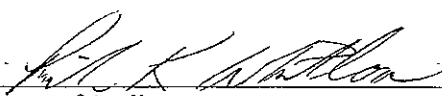
On January 16, 2011 a caller identified as Jamie Lee Brauer contacted 911 to report a shooting at 4224 Brook Cross Dr, Apex, NC 27539 in which there were two victims injured as a result. When Wake County Sheriff's Deputies arrived, they met Ms. Brauer, who a tenant renting a room from the owners of the residence. The owners are identified as John and Donna Evans. Ms. Brauer directed the responding officers to the upstairs master bedroom office where Mrs. Evans was lying face down near the doorway to the office and Mr. Evans

SWORN AND SUBSCRIBED TO BEFORE ME

Page 4 of 5

DATE 1-16-2011

  
\_\_\_\_\_  
Signature of Magistrate / District Court Judge / Superior Court Judge

  
\_\_\_\_\_  
Signature of Applicant

**SEARCH WARRANT**

**STATE OF NORTH CAROLINA  
Wake County**

**In the General Court of Justice  
District Court Division**

**In the Matter of: 4224 Brook Cross Dr, Apex, NC 27539; WCSO 11-005527**

was laying five to ten feet from Mrs. Evans and deeper inside of the office. Mrs. Evans was found deceased inside of the residence and Mr. Evans was transported to Wake Medical Center in critical condition.

Ms. Brauer said during her initial questioning by Deputy Vatter, she heard two loud bangs while taking a shower. As she came out of shower to investigate where the loud noise was coming from, she heard Mr. Evans say "Help, help I'm shot, she shot me." Ms. Brauer then made the call to 911 to request assistance from law enforcement and emergency medical service personnel. Ms. Brauer said the 911 operator gave her instructions to check on both Mr. and Mrs. Evans. According to Deputy Vatter, Ms. Brauer told him she rolled Mrs. Evans over, noticed a firearm lying next to her body, and said she had a cellular telephone laying underneath her. Mr. Evans was lying on his back with his head facing the wall and feet facing towards the front of the office. Both Mr. and Mrs. Evans had injuries consistent with a gunshot wound. Wake County property tax records verify 4224 Brook Cross Dr Apex, NC 27539 is within the territorial jurisdiction of Wake County, North Carolina.

Based on the affiant's training and experience it is believed the preceding facts establish probable cause to believe that the above-described items will be found at 4224 Brook Cross Drive, Apex, NC 27539 and will aid in the investigation of the attempted murder.

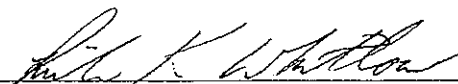
For these reasons, this affiant respectfully requests this warrant.

**SWORN AND SUBSCRIBED TO BEFORE ME**

**Page 5 of 5**

**DATE** 1-16-2011

  
\_\_\_\_\_  
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

4224 Brook Cross Dr. Apex, NC 27539; WCSO 11005527

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

4224 Brook Cross Dr. Apex, NC
Toyota NC VVW3756

Chevrolet Tahoe NC HD-53916
Oldsmobile NC WRW-3398

Date Of Search

01/16/2011

This search was made pursuant to

- 1. a search warrant issued by: Wake County Magistrate Phillips
2. consent to search given by:
3. other legal justification for the search:

The following items were seized:

- 1. HP Pavilion Computer Serial # MX20814906
2. e-machines CPU Serial # CAGS1 100 11314
3. Dell Studio Laptop Computer Serial # 14990185909
4. Dell Studio CPU Serial # 17171002765
5. Western Digital Drive Serial # WCASV0002671
6. Dell Studio CPU Serial # 28690152625
7. Western Digital External Hard drive Serial # WCALA2186429
8. NCOL # 5082520 (Donna Evans)
9. NCOL # 5122917 (John Evans)
10. CCW Permit for Donna Evans
11. CCW Permit for John Evans
12. Misc. Paper Documents
13. 2011 Calendar black i/c
14. Application for handicapped placard for John Evans
15. Black LG cellular phone w/ black case
16. Black LG cellular phone w/ pink case
17. Glock handgun case black i/c
18. Blackhawk handgun holster black i/c
19. 7 pocket knives
20. Motorola modem white i/c w/ cables
21. Netgear wireless router white i/c w/ cables
22. Multiple pictures
23. Blackhawk holster instructions
24. Benchmade and Gerber black i/c knives
25. Card w/ picture of motorcycle gangs
26. 4 ID's (John Evans)
27. Gerber Knife w/ case
28. Verizon Cell Phone w/ case
29. House Keys
30. Harley-Davidson Wallet w/ chain containing personal items
31. Coolpix Nikon camera red i/c serial # 38185727
32. Staff phone list and two business cards
33. Sony Ericsson cell phone black i/c
34. Kodak camera serial # KCACW33404663
35. Vergin Moble cell phone blue i/c
36. IGB Sandisk thumbdrive
37. 64mb SD card

Items Seized Continued:

- 38. Sony Ericsson cell phone in box
- 39. 6 throwing knives black i/c
- 40. Winchester pistol cleaning kit
- 41. Kodak camera serial# KCGJU83217594
- 42. Blackberry cell phone w/ case and 4 power cords
- 43. Empty St. Remy liquor bottle
- 44. 2 Flyers for home listings
- 45. Harley-Davidson Purse black i/c w/ personal items
- 46. XL Sonoma tank top
- 47. Purple PJ bottoms
- 48. Camera bag containing red i/c Nikon Coolpix camera Serial # 38177615
- 49. Winchester vault
- 50. Range bag black i/c w/ mags, ammo, and other misc range gear
- 51. Multiple swabs of brownish substance
- 52. Glock model 19 Serial # PAR333 / 1 live round in the chamber/ 10 live rounds in the magazine
- 53. 3 spent shell casings
- 54. 3 projectiles
- 55. Gunshot residue kit (Donna Evans)
- 56. Silicone casting
- 57. Paper towel
- 58. Section of drywall
- 59. Curtain
- 60. Photographs and measurements
- 61. Multiple Misc. paper documents/ writings
- 62. 2 small keys
- 63. 3 empty beer bottles
- 64. 64 mb flash card

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.

<b>SWORN AND SUBSCRIBED TO BEFORE ME</b>		Signature Of Law Enforcement Officer 
Date 1-27-11		Title Of Law Enforcement Officer Investigator
Signature 		Name And Address Of Agency Wake Co. Sheriff's office 330 S. Salisbury St.
<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	Signature of Person Receiving Inventory
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