STATE OF NORTH CAROLINA COUNTY OF WAKE IN THE GENERAL COURT OF JUSTICE SUPERIOR DIVISION

IN RE: INVESTIGATION

OF COMPLAINT P10-029647 MOTION TO
TEMPORARILY SEAL
911 CALLS, INCIDENT
REPORT, THE
APPLICATIONS FOR
SEARCH WARRANTS
ISSUED-BY-MAGISTRATES
DATED MARCH 6, 2010, AND THE
MOTION TO SEAL RECORDS

Now comes the State by and through the District Attorney, and moves this Court for an order temporarily sealing certain records in the above-referenced homicide investigation for thirty (30) days or until an arrest is made in connection with the investigation, which ever comes sooner. In support of the motion the State shows:

- 1. That pursuant to two calls to 911 on the morning of March 6, 2010, between the hours of 6:00 a.m. and 12:00 noon, the Raleigh Police Department (RPD) initiated an investigation into injuries suffered by Kathy A. Taft.
- 2. Taft was discovered in an injured condition at 2710 Cartier Drive, Raleigh, N. C.
- 3. After an examination by medical personnel, it was their opinion that the injuries were the result of a serious assault.
- 4. As is the usual practice of RPD, they prepared an "offense/incident report" that contained certain information identifying who made the 911 call to police, the number from which it was made, and information that identified the victim.
- 5. The 911 calls contain information regarding the nature of the injuries and the condition of the victim that is not yet public and would be known only to those persons involved in the investigation or who had observed the victim at the time of or after her injury.
- 6. RPD officers prepared affidavits and were issued search warrants for the residence at 2710 Cartier Drive and for a 2002 Dodge Durango that was nearby and under the care and control of someone at 2710 Cartier Drive.

- 7. Disclosure of the information contained in the affidavits, the search warrants, and their returns (inventories), would reveal information about the nature of the assault and other confidential information about the evidence and the progress of the investigation.
- 8. That on March 9, 2010, the victim, Kathy A. Taft, died as the result of the injuries she suffered from an assault and this is now an ongoing homicide investigation.
- That to publicly disclose the two-911-calls, the offense/incident report, the twoaffidavits and applications for search warrants, the two search warrants, the two returns (inventories), and this motion will jeopardize the right of the State to prosecute a defendant, or the right of a defendant to receive a fair trial, or will undermine an ongoing or future investigation.

WHEREFORE, the State prays that the Court temporarily seal and prohibit the disclosure of the two 911 calls made regarding this assault, the offense/incident report of this matter, the two affidavits and applications for search warrants described above, the two search warrants described above, the two returns (inventories) for these search warrants, and this motion for an initial period of thirty (30) days from this date unless further orders to the contrary are issued by this Court.

> This is the day of March, 2010

> > District Attorne

NORTH CAROLINA WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

IN RE: INVESTIGATION
OF
COMPLAINT
P-10-029647

ORDER TO
TEMPORARILY SEAL
911 CALLS, INCIDENT
REPORT, THE APPLICATIONS
FOR SEARCH WARRANTS
ISSUED BY MAGISTRATES
DATED MARCH 6, 2010, AND
THE MOTION TO SEAL
RECORDS

This cause having come on to be heard by the undersigned Superior Court Judge, upon written motion by the State, and it appearing to the Court and the Court finding by a preponderance of the evidence that:

- 1. The information contained in the two 911 calls, the offense/incident report, the two search warrants, and their applications, possible return results thereof, and a motion to seal records fall within the purview of the Administrative Order signed by the Honorable Senior Resident Superior Court Judge, Donald W. Stephens and the Honorable Chief District Court Judge, Robert B. Rader and filed on May 20, 2008 and N.C.G.S. 132-1.4 (e) and (k).
- 2. That the Court seeks to balance the interests of the public in immediate disclosure of the information described in the motion against the public's interest in having the matter properly investigated and prosecuted and believes that temporarily preventing the disclosure of the information is in the interest of justice and will assist in preserving the integrity of the above-referenced investigation.
- 3. The immediate disclosure of the two 911 calls and the offense/incident report will jeopardize the right of the State to prosecute a defendant or the right of a defendant to a fair trial or will undermine an ongoing or future investigation within the meaning of N.C.G.S. 132-1.4(e) and are therefore ordered to be scaled.
- 4. The two search warrants, their applications, possible return results thereof, and motion to seal are ordered to be sealed pursuant to N.C.G.S. 132-1.4(k). The Court finds that release of these documents would likely risk and jeopardize the success of this criminal investigation and will likely undermine the investigation and jeopardize the right of the State to discover and prosecute the perpetrator. It could also publically expose hearsay

information about the offense which may prejudice the public against anyone charged and arrested for this crime.

It is therefore ORDERED pursuant to the Administrative Order signed and filed On May 20, 2008, that the two 911 calls, the offense/incident report, the two applications (including affidavits) for search warrants issued on March 6, 2010, the two search warrants described above, the two returns (inventories) of those search warrants, and the motion to seal records be sealed. The applications (including affidavits), search warrants and returns (inventories), and motion are to be sealed and held by the Wake County Clerk of Court for an initial period of thirty (30) days from this date, subject to court order prior to that time. The 911 calls and the offense/incident report shall be held by the Raleigh Police Department for an initial period of thirty (30) days, subject to court order prior to this time.

So ordered this the _//

day of MARCH, 2010.

JUDGE DONALD W. STEPHENS

SENIOR RESIDENT SUPERIOR COURT JUDGE

Deputy CSC Asst. CSC	1	Date 3/72/76/0	This Search Warrant was returned to me on the date	This warrant was not executed within 48 hours of the date of issuance and I hereby	I did not selze any items.	seized the items listed on the attached	as commanded.	This Search Warrant is issued upon information for	 Ne DUTINOSO	Date and Time of Return You are directed to execute 3:6-10 Warrant and make due return	Parte Received Time Received property Subject to Court Orde	Certify that this Search WARRANT was received for the property and person in	RETURN OF SERVICE	Name of Additional Affiant the application.	al Affiant	Date issued 03-06-2010 Date issued To any officer with authority are part of the property	Vin# 1B4HR8N12F202584	2002 Dodge Durango, NC Reg. TRR-4164	ri the Matter of	SEARCH WARRANT Wake	FIIB NO. STATE OF NO.	
Clerk of Superior Court	TO STANK LIFTER		urned to me on the date	C Massic CSC C Clerk	Signature A O	Date ·> / /	The second secon	ued upon information furnished under oath buths nomes		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	property subject to Court Order and process the person according to law.	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 keen the		the application.	I, the undersigned, find that there is probable cause to believe that the property and person described the application on the reverse side and related to the commission of principles.	To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:	A. T. A. M. S. C. S. C.	200E22 MO 59			STATE OF NORTH CAROLINA In the General Court of Justice	

IN THE MATTER OF: 2002 Dodge Durango

NC Registration TRR-4164

Vin# 1B4HR48N12F202584

IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

ATTACHMENT TO APPLICATION FOR SEARCH WARRANT BY:

Detective C. T. Penny Date: March 6, 2010

Description of Item(s) to be Seized

- 1. Documents showing occupancy, ownership and possession of the listed vehicle.
- 2. Documents leading to the positive identification of the victim and or possible suspects.
- 3. Trace evidence including but not limited to blood, body fluids, hairs, fibers or any other DNA evidence, latent (fingerprints) evidence, footwear, clothing, photographic evidence, firearms, bullets, cartridges, fired cartridges, computers, electronic storage devices, cellular phones, video camera, CD's, CD ROMS and all electronic media.
- 4. Physical layout of the premises, moving pictures, video, still pictures to preserve the nature of the crime scene, and any and all evidence that may relate to the crimes in question.
- 5. Documents, papers, notes, messages, or any other form of communication that has information pertaining to the crime in question, address, names, or details of locations or places that the suspect, or any other person associated with the suspect, whether written, typed, or printed, located within these premises, including but not limited to any personal property, clothing, shoes, or anything that could contain evidence of the crime of assault.
- 6. Any and all evidence related to the offense of assault/sexual assault.

<u>Description of Crime(s)</u>

Assault GS 14-33 Sexual Assault GS 14-27

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 6th DAY OF March, 2010.

IN THE MATTER OF: 2002 Dodge Durango NC Registration TRR-4164 Vin# 1B4HR48N12F202584 IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION

ATTACHMENT TO APPLICATION FOR SEARCH WARRANT BY:

Detective C. T. Penny Date: March 6, 2010

Description of location to be Searched

The location to be searched is a 2002 Dodge Durango, NC Registration TRR-4164, and Vin#1B4HR48N12F202584. This vehicle is black in color and is registered to Dina Arnold Holton of 304 Main Street, Apartment A in Oriental, NC.

Probable Cause Affidavit

I, Detective C. T. Penny, have been a Law Enforcement Officer with the Raleigh Police Department for 10 years. I am currently assigned to Raleigh P.D. Detective Division, Aggravated Assault Unit. I completed Basic Law Enforcement Training in 2000 by attending the Raleigh Police Academy. I have a Bachelor of Arts degree in History, with a second major in Anthropology, which I received in 1994. In 1999 I earned a Master's Degree in History from East Carolina University. After completing the Raleigh Police Academy in 2000 I was assigned as a patrol officer. I have trained and evaluated six new officers. I completed Detective training, a 40 hour course, with the Raleigh Police Department. I have assisted in the execution of multiple search warrants as a patrol officer and detective. My training and experience have helped me form the conclusions to the facts presented in this affidavit.

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 6^{th} DAY OF March, 2010.

MKGISTRATE

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION

IN THE MATTER OF:

2002 Dodge Durango NC Registration TRR-4164 Vin# 1B4HR48N12F202584 ATTACHMENT TO APPLICATION FOR SEARCH WARRANT BY:

Detective C. T. Penny Date: March 6, 2010

On-03/06/2010-Wake County-Emergency Medical-Personnel were dispatched to a sick call at 2710 Cartier Drive in Raleigh, NC. Upon arriving at that location, medical personnel found an unresponsive white female in the residence with her sister. This individual was transported to Wake Medical Center for treatment. After arriving at Wake Medical the subject was examined by further medical personnel. This examination revealed that the subject had a laceration to the back of her head and had suffered trauma to the vaginal area. Raleigh Police Officers were notified of this finding and responded to 2710 Cartier Drive and secured the residence for processing. The victim's 2005 white Lexus was found parked in the driveway for this residence.

The sister, Dina Holton, was present when Emergency Medical Personnel arrived at the scene. Through interviews conducted with Ms. Holton, it was learned that her personal vehicle was parked approximately 1 block away at the Harris Teeter. Ms. Holton advised that she had locked her keys in this vehicle earlier and had left it at this location. Ms. Holton was the caretaker for the victim when the incident occurred and was the only known individual present inside the residence at the time of the incident.

Conclusion

Due to the aforementioned information, it is believed that evidence of the above crime may exist within the above described vehicle. Therefore, I respectfully request that a search warrant be issued to recover any evidence related to this crime.

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 6th DAY OF March, 2010.

MXGISTRATE

STATE OF NORTH CAROLINA	File No.
Wake County	In The General Court Of Justice ☐ District ☑ Superior Court Division
IN THE MATTER OF:	INVENTORY OF ITEMS SEIZED
2002 Dodge Durango vin: 1b4hr8n12f202584	PURSUANT TO SEARCH G.S. 15A-223, 15A-254, -26
I, the undersigned officer, executed a search of: Person, Premises Or Vehicle Searcned	pare Of Search
2002 Dodge Durango vin: 1b4hr8n12f202584	03/06/2010
This search was made pursuant to I 1, a search warrant issued by: Magistrate 2. consent to search given by:	
2. consent to search given by: 3. other legal justification for the search:	
The following items were seized: one handwritten note latent prints DNA swabs	

AOC-CR-206, Rev. 5/98
• 1998 Administrative Office of the Courts

(Over)
Original - File Copy - Person Whose Property Seized

Items Seized Continued:	The state of the s
items Seized Continued:	·
product the control of the low control with the person person	I holow who is:
1. I left a copy of this inventory with the person named	Delow, Wild is:
a. the owner of the premises searched.	
b. the owner of the vehicle searched.	
c. the person in apparent control of the premises so	
d. the person in apparent control of the vehicle sea	rched.
e, the person from whom the items were taken.	
2. As no person was present, I left a copy of this invent	tory:
a. in the premises searched, identified on the reverse	se.
b. in the vehicle searched, identified on the reverse	
Name And Address Of Person To Whom A Copy Of This Inventory W	aş Delivered, if Any
·	_
The law enforcement agency identified below will hold the	seized property subject to court order.
	Signardre Of Yaw Enforcement Officer
SWORN AND SUBSCRIBED TO BEFORE ME	1/ Mm
ate	Title Of Law Entercement Officer
3/22/20/0	Detective Name And Address Of Agency
Ignature Roman Karban	Z.A. Morse 2022
Deputy CSC Assistant CSC	Raleigh Police Department
Clerk Of Superior Court Magistrate	110 S. McDowell St. Raleigh, NC
	MENT OF RECEIPT
I, the undersigned, received a copy of this inventory.	
ste	Signature of Person Receiving Inventory
AOC-CR-206, Side Two, Rev. 5/98 e 1998 Administrative Office of the Courts	

Example 1 Seized the items listed on the attached inventory 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 Repartment or Agency of Officer	RETURN OF SERVICE I Certify that this Search WARRANT was received and encented as follows: Date Received 3-6-10 Date and Time of Return 3-6-10 Date and Time of Return 3-7-72-10 (Ivos) Traverish, v.c. as commanded.	Film No. SEARCH WARRANT In the Matter of 2710 Cartier Drive, Raleigh NC Date Issued 03-06-2010 Name of Applicant Det. W.D. Gill Name of Additional Affiant Name of Additional Affiant
Date 3/6/10 This Search Warrant was returned to me on the date and time shown below Date 3/12/2010 Time Date 3/12/2010 Time Signature PM Signature PM Signature PM Clerk of Superior Court Clerk of Superior Court	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.	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. If 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.

IN THE MATTER OF: 2710 Cartier Drive Raleigh, NC

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION

ATTACHMENT TO APPLICATION FOR SEARCH WARRANT BY:

Detective W. D. Gill Date: March 6, 2010

Description of Item(s) to be Seized

- 1. Documents showing occupancy, ownership and possession of residence and vehicles.
- 2. Documents leading to the positive identification of the victim and or possible suspects.
- 3. Trace evidence including but not limited to blood, body fluids, hairs, fibers or any other DNA evidence, latent (fingerprints) evidence, footwear, clothing, photographic evidence, firearms, bullets, cartridges, fired cartridges, computers, electronic storage devices, cellular phones, video camera, CD's, CD ROMS and all electronic media.
- 4. Physical layout of the premises, moving pictures, video, still pictures to preserve the nature of the crime scene, and any and all evidence that may relate to the crimes in question.
- 5. Documents, papers, notes, messages, or any other form of communication that has information pertaining to the crime in question, address, names, or details of locations or places that the suspect, or any other person associated with the suspect, whether written, typed, or printed, located within these premises, including but not limited to any personal property, clothing, shoes, or anything that could contain evidence of the crime of assault.
- 6. Any and all evidence related to the offense of assault/sexual assault.

<u>Description of Crime(s)</u>

Assault GS 14-33 Sexual Assault GS 14-27

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 6th DAY OF March, 2010.

MAGISTRATE

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION

IN THE MATTER OF: 2710 Cartier Drive Raleigh, NC

ATTACHMENT TO APPLICATION FOR SEARCH WARRANT BY:

Detective W. D. Gill Date: March 6, 2010

Description of location to be Searched

The location to be searched is 2710 Cartier Drive in Raleigh, NC. The address 2710 Cartier Drive is a single family two story structure with grey siding. The front entrance door for 2710 Cartier Drive is located on the rear lower level of the structure. The exterior door is light grey in color. Affixed to the front of the structure on the right hand side is a black placard with the address 2710 Cartier Drive in white letters and numbers.

Probable Cause Affidavit

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 23 years and I am currently assigned to the Homicide Unit in the Investigative Division of the Raleigh Police Department.

During my experience as a detective, I have investigated narcotic cases, robberies, assaults, rapes, 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.

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 6th DAY OF March, 2010.

MAGISTRATE

ADDI ICANT

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION

IN THE MATTER OF: 2710 Cartier Drive Raleigh, NC

ATTACHMENT TO APPLICATION FOR SEARCH WARRANT BY:

Detective W. D. Gill Date: March 6, 2010

On-03/06/2010-Wake-County-Emergency-Medical-Personnel-were-dispatched-to-a-sick—call at 2710 Cartier Drive in Raleigh, NC. Upon arriving at that location, medical personnel found an unresponsive white female in the residence with her sister. This individual was transported to Wake Medical Center for treatment. After arriving at Wake Medical the subject was examined by further medical personnel. This examination revealed that the subject had a laceration to the back of her head and had suffered trauma to the vaginal area. Raleigh Police Officers were notified of this finding and responded to 2710 Cartier Drive and secured the residence for processing. The victim's 2005 white Lexus was found parked in the driveway for this residence. This search warrant is requested to identify any other individuals that may have been in this residence and any other evidence related to this assault.

Conclusion

This detective believes that evidence of this assault/sexual assault may be located at 2710 Cartier Drive. I am requesting this search warrant to recover any evidence related to this sexual assault.

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 6th DAY OF March, 2010.

MAGISTRATE

STATE OF NORTH CAROLINA	File No.						
Wake County	In The General Court Of Justice District Superior Court Division INVENTORY OF ITEMS SEIZED PURSUANT TO SEARCH G.S. 15A-223, 15A-254, -257						
IN THE MATTER OF: Name 2710 Cartier Dr. Raleigh NC							
I, the undersigned officer, executed a search of:	Date Of Sourch						
Person, Premises Or Vehicle Searched 27-10-Cartier-DrRaleigh-NC	03/06/2010						
This search was made pursuant to 1. a search warrant issued by: 2. consent to search given by: 3. other legal justification for the search:							
The following items were seized: two hairs latent prints DNA swabs cotton pajama pants washcloth three pillows bed comforter blue jeans top bed sheet plastic cap fitted bed sheet lamp power switch assembly cye bolt latch portion of bed skirt diet coke can two drinking glasses							
two portions of carpet trace tappings two beer bottles one hand written note pink cloth sweat suit two bowls two spoons assorted jewelry black make up case two shotgun barrels medicine pill dividers nine golf clubs black 2009 day planner car keys Garmin GPS two Harris Teeter receipts plastic bag corners misc. clothing Dell CPU HP laptop purse							
purse (Over)	Whose Property Selzed						

The state of the s	THE PROPERTY OF THE PROPERTY O
Items Seized Continued:	in the supplementary of the su
\$59,67 U.S. Currency	
2005 Lexus ES	•
check from Lexus checkbook from Lexus	
hotel receipt from Lexus	
2010 day planner	
box of cereal	
cutting board knife	·
sleeve of Ritz crackers	
•	
1. I left a copy of this inventory with the person name	ed 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	sparched
d. the person in apparent control of the vehicle se	alongu.
e, the person from whom the items were taken.	
2. As no person was present, I left a copy of this inver	ntory;
a. in the premises searched, identified on the reve	
b. in the vehicle searched, identified on the revers	
Name And Address Of Person To Whom A Copy Of This Inventory	
John Geil 2710 Cartier Dr. Raleigh, NC	
The law enforcement agency identified below will hold th	e seized property subject to court order.
	Signaturo Of Law Enforcement Officer
SWORN AND SUBSCRIBED TO BEFORE ME	2022
Date 31 1	fiele Of Law Enforcement Officer
3/22/20/0	Name And Address Of Agency
Signature Do and Roll of	Rale the Pig.
Deputy CSC Assistant CSC	110 5. 116 000-11 55
Clark Of Superior Court Magistrate	BOLLY, LC
	GMENT OF RECEIPT
I, the undersigned, received a copy of this inventory.	
Page	Signature of Person Receiving inventory
	
According Cids Town Day (1/27)	
AOC-CR-206, Side Two, Rev. 5/98	

AOC-CR-206, Side Two; Rev. 5/98
• 1998 Administrative Office of the Courts