

File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice
District/Superior Court Division

Durham County

SEARCH WARRANT

IN THE MATTER OF

2109 Pear Tree Lane, Durham, NC

Date Issued **3/29/11** 12:30 AM PM

Name Of Applicant
Detective Charles E. Sole Jr

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	3/29/2011	Time Received	12:30	<input type="checkbox"/> AM	<input checked="" type="checkbox"/> PM
Date Executed	3-30-11	Time Executed	10:00	<input checked="" type="checkbox"/> AM	<input type="checkbox"/> PM

I made a search of

about location

_____ 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]
Department or Agency Of Officer
Durham Police Department

Incident Number
11-005070

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 **3/29/11** 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.

Date **4-5-11** Time **12:10** AM PM

Signature *[Signature]* Deputy CSC Assistant CSC
 Clerk Of Superior Court

(Over)

APPLICATION FOR SEARCH WARRANT

I, Detective Charles E. Sole Jr., CID Homicide Unit,
(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) North Carolina General Statutes § 14-17, Murder

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

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

2109 Pear Tree Lane, Durham, NC

(and)

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

N/A

(and)

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

N/A

(and)

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

N/A

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

3/29/2011

Signature of Applicant



Magistrate

Dep. CSC

Asst. CSC

Clerk of Superior Court

Judge

In addition to the affidavit included above, this application is supported by additional affidavits, attached, made by _____

In addition to the affidavit included above, this application is supported by sworn testimony, given by _____

This testimony has been (check appropriate box) reduced to writing

tape recorded and I have filed each with the clerk.

NOTE: If more space is needed for any section, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.

**ATTACHMENT
CONTINUATION OF A SEARCH WARRANT**

Item(s) To Be Seized:

1. Clothing, garments, footwear and the like that could contain trace evidence;
2. Latent and trace evidence to include fingerprints, bloodstains, footwear impressions, trace hair and clothing fibers, photographs and the physical layout of the premises;
3. Firearms, fired and unfired bullets and casings, ammunition;
4. Any contraband or items otherwise unlawful to be possessed under the laws of the United States and North Carolina;
5. Any and all item(s), drawings, photographs, symbols, clothing, electronic data processing and storage devices, computers and computer systems including central processing units; internal and peripheral storage devices such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, cartridges, optical storage devices or other memory storage devices;
6. E-mails, letters, correspondence or documents of any type which might show ownership, control and custody of the above listed location, to include other correspondence which might be relevant or material to this investigation;
7. Any and all cellular telephone or other communication devices
8. Any and all evidence that may relate to the suspected murders and or assaults

Fact to Establish Probable Cause:

I, Charles E. Sole Jr., hereafter referenced as Affiant, upon my oath, hereby depose and say as follows:

3/29/11
(DATE)



Signature Issuing Official
Superior Court Judge




Signature of Applicant
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1. At present, your Affiant is a member of the City of Durham Police Department assigned to the Criminal Investigations Division, Homicide Unit. Your Affiant has been a sworn law enforcement officer for more than fifteen years. Your Affiant's prior assignments include: Patrol Officer in the Uniform Patrol Bureau, a member of Crime Area Target Team, as well as assignments as a Police Canine Handler. Your Affiant has also served as a Detective in the Special Operations Division (Vice and Narcotics Enforcement) with assignments on the Street Crimes Unit, Major Crimes Unit and the Narcotic Interdiction Unit. Your Affiant has participated directly or indirectly in numerous criminal investigations, which have been prosecuted in the state and federal courts.
2. Your Affiant has basic and advanced law enforcement certificates issued by the North Carolina Department of Justice Education and Training Standards Commission. Your Affiant applied for and has been appointed to the rank of Master Officer. Your Affiant has attended and successfully completed the North Carolina Justice Academy, Police Law Institute course (PLI), which covered the mechanics of arrest, search and investigation.
3. Your Affiant has attended and successfully completed several basic and advanced courses connected to law enforcement investigator/detective training. This training included but was not limited to, interview and interrogation, surveillance operations, narcotics investigation, criminal investigation, homicide investigation and crime scene management. Your Affiant has drafted or assisted in drafting numerous search warrants and associated affidavits which have been reviewed and signed by local Magistrates, North Carolina Superior Court Judges and United States Federal Magistrate Judges.
4. That during the week of March 21st, 2011, your Affiant was assigned to an ongoing criminal investigation regarding Pete Moses, Vania Sisk, Larhonda Smith and others that resided at 2109 Pear Tree Lane, Durham, NC. The information contained in this Affidavit is based on your Affiant's personal investigative efforts and the efforts of other officers and detectives with the Durham Police Department. Your Affiant has also received information regarding this

3/29/11

(DATE)


Signature Issuing Official
Superior Court Judge


Signature of Applicant
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investigation from other local, state and federal law enforcement agents/officers as well as other reliable sources of information. Since this affidavit is being submitted for the limited purpose of securing a search warrant, your Affiant has not included each and every fact known concerning this investigation.

5. That this investigation was predicated by a complaint of suspicious activity involving Moses, Sisk, Smith and others at the aforesaid address. According to numerous witnesses, police reports from this jurisdiction and elsewhere, child services records, and other creditable sources of information, Moses and Sisk were directly involved in the murder of a juvenile and an adult. These incidents were reported to have occurred at 2109 Pear Tree Lane, Durham, NC.

6. On or about February 24th, 2011, a search warrant was obtained for 2109 Pear Tree Lane, Durham, NC. That search warrant contained detailed information about a missing juvenile and a missing adult who were murdered at this location. The search warrant was reviewed and signed by a judicial official. Probable cause was present that a crime occurred at 2109 Pear Tree Lane, Durham, NC and that evidence of that crime was contained within 2109 Pear Tree Lane, Durham, NC.


7. Forensics Investigators with the Durham Police Department recovered latent, biological, trace and other evidence from within 2109 Pear Tree Lane, Durham, NC. This evidence included but is not limited to, a fired bullet, shell casing, positive presumptive test for human blood, and the presence of overt cleaning in the areas of the residence where these crimes were stated to have occurred as well as elsewhere. Some of these items have been submitted to the Federal Bureau of Investigation Lab for supplemental exam.

3/29/11

(DATE)



Signature Issuing Official
Superior Court Judge

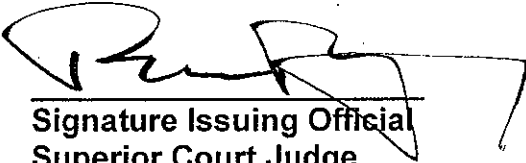



Signature of Applicant
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8. Those investigators have also obtained biological samples from family members of the missing juvenile and the missing adult. These samples have also been submitted to the Federal Bureau of Investigation Lab for supplemental exam.

9. That based on the evidence found in the initial search, the above mentioned information, and additional information gained in the ongoing investigation, it is material and relevant that another search of the 2109 Pear Tree Lane, Durham, NC be conducted. At present there is sufficient forensic evidence to support the statements made by the witnesses regarding criminal activity that has been or is currently being carried out by Pete Moses, Vania Sisk, Larhonda Smith and others that resided at 2109 Pear Tree Lane, Durham, NC. Furthermore, your Affiant has provided the COURTS with specific probable cause which says and articulates that evidence of the crime is contained within 2109 Pear Tree Lane, Durham, NC. Your Affiant respectfully requests that the COURT issue a search warrant for 2109 Pear Tree Lane, Durham, NC.

3/29/11
(DATE)


Signature Issuing Official
Superior Court Judge


Signature of Applicant
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STATE OF NORTH CAROLINA
ESTADO DE CAROLINA DEL NORTE

File No.
Expediente No.

Durham County
 Condado de _____

In The General Court Of Justice
 En los Tribunales Generales de Justicia - División
 District Tribunales de Distrito Superior Court Division Tribunales Superiores

IN THE MATTER OF:/EN EL ASUNTO DE:

Name
Nombre 2109 Pear Tree Lane
Durham, NC

INVENTORY OF ITEMS SEIZED
PURSUANT TO SEARCH
INVENTARIO DE ARTICULOS CONFISCADOS
DESPUES DE UN REGISTRO

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

I, the undersigned officer, executed a search of:
 Yo, el oficial suscrito, ejecuté un registro de:

Person, Premises Or Vehicle Searched
 Persona, lugar o vehículo registrado 2109 Pear Tree Lane
Durham, NC

Date Of Search
 Fecha del registro 3/30/2011
 Month/mes Day/día Year/año

This search was made pursuant to:/Este registro se hizo de acuerdo con

- 1. a search warrant issued by: Superior Court Judge
 una orden de registro emitida por:
- 2. consent to search given by: _____
 un consentimiento al registro dado por:
- 3. other legal justification for the search: _____
 otra justificación legal para el registro:

The following items were seized:
 Se confiscaron los siguientes artículos:

- Photos
- Cricket paperwork
- Various, Miscellaneous paperwork
- Financial documents (paperwork)
- Birth Documents for Higsonbotham
- Wachovia Receipt
- Handwritten letter
- Gun lock & metal sickle
- Reloadable credit card
- Qur'an
- black socks
- Shoes Faded Glomg
- belt
- kswtss sneakers
- 3 computer boxes
- linoleum
- carpet
- swabs of dark red substance
- cell phone
- high school transcript
- computer tower
- Receipt
- Red, white tennis shoes
- jacket
- suitcase
- cord
- misc. clothing
- bleach container
- Husley trash bag box

(Over)/(véase al dorso)
 Original - File Copy - Person Whose Property Seized
 Original - al expediente Copia - a la persona cuya propiedad fue confiscada