

PROBABLE CAUSE AFFIDAVIT

STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF WAKE

CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER OF: 1128 WOODWAY BLUFF CIRCLE, CARY, NORTH CAROLINA (WAKE COUNTY).

SECTION I: DESCRIPTION OF PROPERTY TO BE SEIZED

1. Evidence of ownership and/or residency of premises located at 1128 Woodway Bluff Circle, Cary, North Carolina (Wake County).
2. Any and all clothing resembling the clothing worn by HARISH PATEL on January 16, 2008 at approximately 10:06 a.m. (1006 hrs.) when HARISH PATEL was at the Circle K, 1001 N. Harrison Ave., Cary, N.C. (Wake County).
3. Any and all documents, to include but not limited to, personal writings, financial transaction receipts and documents or other documents containing correspondence among or directed to an individual(s), providing evidence of or believed to be related to the criminal offense of Murder, N.C.G.S. 14-17.
4. Any and all photographs providing evidence of or believed to be related to the criminal offense of Murder, N.C.G.S. 14-17.

SECTION II: NAME OF CRIMES

1. Murder, N.C.G.S. 14-17

SECTION III: DESCRIPTION OF PREMISES TO BE SEARCHED

1128 Woodway Bluff Circle, Cary, North Carolina (Wake County) and curtilage

The address of 1128 Woodway Bluff Circle, Cary, N.C. (Wake County) is located within the Marquis at Silverton apartment complex. The apartment is a second floor apartment which is contained within a multi-story residential apartment building. The apartment in question is located within the "1100" building of Woodway Bluff Circle. A number plate bearing the numbers "1100" is affixed to the building. There are two (2) entrances/breezeways into the "1100" building. When entering the southernmost breezeway of the "1100" building and going up the stairs to the second floor, 1128 Woodway Bluff Circle is the second apartment on the right. A number plate with the numbers "1128" is affixed to the siding directly to the left (when facing the door) of the door to the apartment. The siding of the apartment is light green in color and the door to the apartment is black in color. Directly to the right of the apartment entrance is a small

Paul Sam 1/26/08
SUPERIOR CT. JUDGE DATE

[Signature] 01-26-08
AFFDANT DATE

PROBABLE CAUSE AFFIDAVIT

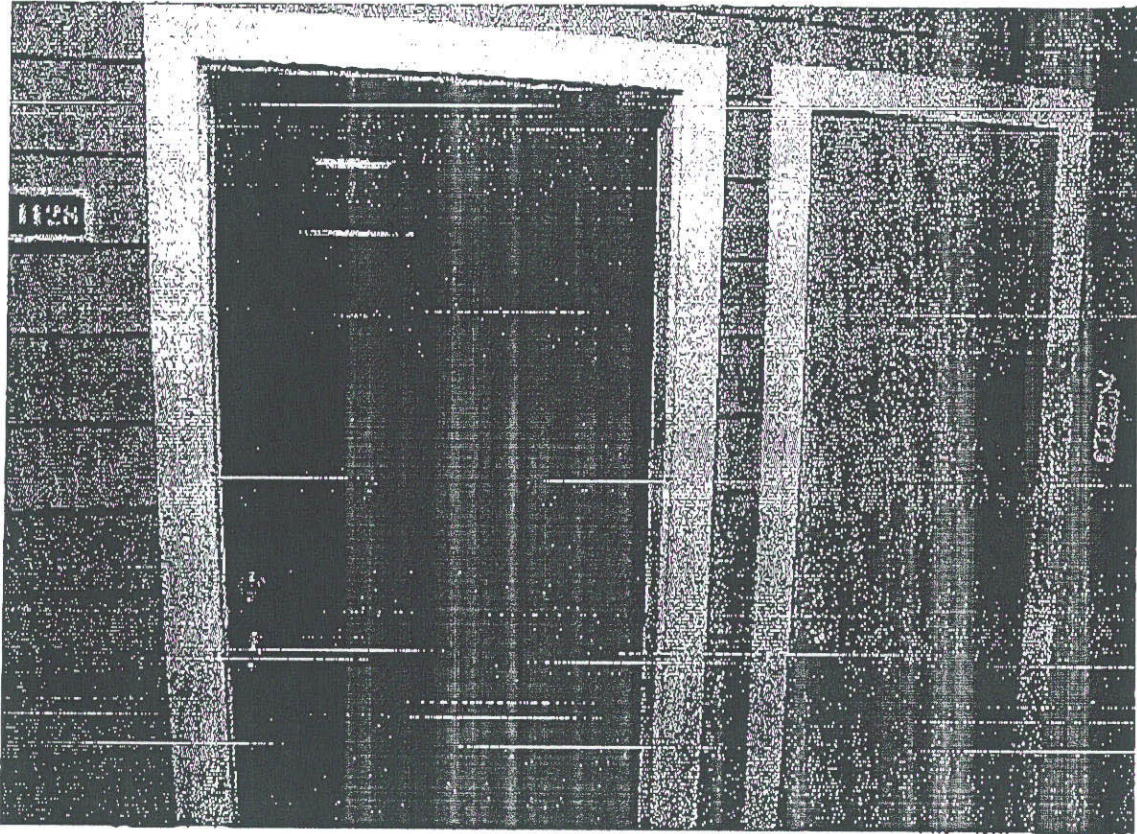
STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF WAKE

CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER OF: 1128 WOODWAY BLUFF CIRCLE, CARY, NORTH CAROLINA (WAKE COUNTY).

storage room designated for use by the resident(s) of 1128 Woodway Bluff Circle. The door to this storage room is similar in color to the apartment siding. The door is just to the left of a fire extinguisher.



SECTION IV: DESCRIPTION OF PERSONS TO BE SEARCHED

None

SECTION V: DESCRIPTION OF VEHICLES TO BE SEARCHED

None

Paul Horn 1/26/08
SUPERIOR CT. JUDGE DATE

[Signature] 01-26-08
AFFIDANT DATE

PROBABLE CAUSE AFFIDAVIT

STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF WAKE

CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER OF: 1128 WOODWAY BLUFF CIRCLE, CARY, NORTH CAROLINA (WAKE COUNTY).

SECTION VI: FACTS THAT ESTABLISH PROBABLE CAUSE

A. I, J.A. Young (Affiant), am a law enforcement officer with the Cary Police Department holding the rank of Senior Police Officer. I have been employed as a law enforcement officer with the Cary Police Department since 1994 with the exception of the time period of 1997 to 2001 when I was employed as a law enforcement officer with the Greensboro Police Department. I received my Advanced Certificate from the North Carolina Criminal Justice Training and Standards Commission in November, 2000. I am currently assigned as a Detective with the Criminal Investigations Division of the Cary Police Department. Prior to my assignment as a Detective, I investigated and arrested individuals regarding numerous incidents of breaking and entering to businesses and residences, larceny offenses, possession of stolen property criminal offenses and traffic offenses as an officers assigned to the Field Operations Bureau of both the Cary Police Department and the Greensboro Police Department. Since my assignment as a Detective in January, 2005, I have investigated and arrested individuals regarding the criminal offenses of attempted murder, assault with a deadly weapon with the intent to kill, armed robbery, rape, sex offenses, financial crimes and drug crimes. I have more than 1,400 hours of law enforcement training which includes advanced training in the investigation of natural deaths, 'unattended' deaths and homicides.

B. On January 17, 2008, Pankaj Patel, a resident of Cary, N.C. contacted the Cary Police Department to report Vanlata Patel as a 'missing person'. Cary Police Officers J. MacBride and T. Dotterman met with Pankaj at his residence, 112 Singer Way, Cary, N.C., and learned that Vanlata Patel arrived in Cary, N.C. on or about January 9, 2008 from Canada and was staying at Pankaj's residence. Vanlata came to Cary, N.C. to meet with her attorney, Corrie Seagroves, and attend legal proceedings regarding her 'separation' and division of marital property regarding a 'separation' of the marital union of Vanlata and her husband, Harish Patel. Pankaj advised that Vanlata was last seen at his residence on January 16, 2008 at approximately 10:00 a.m. (1000 hrs.) by Pankaj and his wife, Raxa Patel prior to both Raxa and Pankaj leaving their residence while Vanlata was talking with an individual on their residential telephone. Pankaj advised that Vanlata had not returned to the residence on the evening of January 16, 2008 and not contacted either Pankaj, Raxa or her son, Ashesh Patel, who Vanlata was living with in Canada and had daily contact with via telephone. Pankaj advised that this was 'unusual' for Vanlata to not return to their residence without contacting Pankaj, Raxa or at the least, her son,

Paul Summer 1/26/08
SUPERIOR CT. JUDGE DATE

[Signature] 01-26-08
AFFIANT DATE

PROBABLE CAUSE AFFIDAVIT

STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF WAKE

CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER OF: 1128 WOODWAY BLUFF CIRCLE, CARY, NORTH CAROLINA (WAKE COUNTY).

Ashesh in Canada. Pankaj further advised that Vanlata was scheduled to board a Northwest Airlines flight (#1695) to Canada on January 17, 2008 at 1618 hrs.

At the conclusion of the interview with Pankaj, Cary Police Officers J. MacBride and T. Dotterman located a 1997 Nissan Sentra, registered to Harish Patel, which had been ordered to the sole custody of Vanlata Patel on January 11, 2008 during a court hearing regarding the separation of marital items among Harish and Vanlata Patel. Officers MacBride and Dotterman confirmed with Pankaj that Vanlata had been in possession of the vehicle since January 11, 2008 and it had been parked in the public vehicle area near Pankaj's residence, which is approximately four (4) miles from the residence of 1128 Woodway Bluff Circle, Cary, N.C., while Vanlata was staying with them since the court hearing. When located by Cary Police Officers MacBride and Dotterman, the 1997 Nissan Sentra was 'secured' and 'backed' into a parking space in the 700 Block of Woodway Bluff Circle, which is approximately five to six hundred feet (500-600) from the apartment of 1128 Woodway Bluff Circle, Cary, N.C. The 1997 Nissan Sentra was parked in a manner such that the registration plate would not immediately be visible without a person first walking to the rear of the motor vehicle.

On January 18, 2008, Cary Police Officers J. MacBride and T. Dotterman returned to the residence of Pankaj Patel regarding further investigation. They learned that Vanlata had not boarded the Northwest Airlines flight on January 17, 2008 and no contact with Vanlata had been received by Pankaj, Raxa or Ashesh. Vanlata was entered into the National Crime Information Center (NCIC) files as a 'missing person' by the Cary Police Department on this date and further investigation was continued by various divisions and personnel within the agency.

During further investigation into the 'missing person' incident of Vanlata Patel, personnel from the Cary Police Department learned that Vanlata had disclosed physical and mental abuse to various family members and friends to include her attorney, Corrie Seagroves, and her son, Ashesh, since leaving the relationship on September 14, 2007. It was learned that Vanlata had moved to Canada to live with her son, Ashesh, due to her being fearful of physical violence by Harish after Harish had made threatening statements to Vanlata and numerous friends and family members according to these same sources of information.

Paul Sommer 1/26/08

SUPERIOR CT. JUDGE DATE

[Signature]
AFFIDANT

01-26-08

DATE

PROBABLE CAUSE AFFIDAVIT

STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF WAKE

CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER OF: 1128 WOODWAY BLUFF CIRCLE, CARY, NORTH CAROLINA (WAKE COUNTY).

In addition, interviews with Corrie Seagroves and Pankaj revealed that Harish and Vanlata had discussed an 'out of court' settlement regarding the division of the marital property which included numerous certificates of deposits and financial accounts which were 'frozen' during the initial court proceedings regarding their separation. On January 12, 2008, Pankaj went with Vanlata to a meeting with Harish in a public restaurant in Morrisville, N.C. As a result of being at that meeting, Pankaj was able to inform affiant that Vanlata and Harish had in fact agreed to an 'out of court' settlement which allowed for division of the marital property and permitted Vanlata to retrieve additional personal items from the residence of 1128 Woodway Bluff Circle, Cary, N.C., which is an apartment located in the Marquis at Silverton apartment community where Harish and Vanlata had lived together for approximately seven (7) months prior to Vanlata moving to Canada after 'leaving' the marriage. Pankaj and Raxa advised Cary Police Detective G. Daniels that as of January 16, 2008, Vanlata had not visited the apartment of 1128 Woodway Bluff Circle, Cary, N.C. to retrieve additional items agreed upon by both parties during the meeting on January 12, 2008. This suggests to affiant that Vanlata may have been at 1128 Woodway Bluff Circle on January 16, 2008, the date that she was last seen, for the purpose of obtaining these property items.

On January 20, 2008, Lt. T. Edmonds and Inv. C. Whittemore of the Mecklenburg County (VA) Sheriff's Office contacted the Cary Police Department regarding the 'missing person' investigation of Vanlata Patel. Lt. Edmonds and Inv. Whittemore advised that on January 16, 2008, the Mecklenburg County Sheriff's Office and local fire personnel had responded to a 'brush fire' on the shoulder of Interstate 85 North near mile marker 19. During an investigation of this fire, it was discovered that the 'origin' of the fire was a deceased person, a female, whose physical description and jewelry items worn resembled those of Vanlata Patel. Cary Police Detective G. Daniels and affiant met with Lt. Edmonds and Inv. Whittemore to learn additional details regarding their investigation of the deceased female.

Lt. Edmonds and Inv. Whittemore advised that an autopsy of the deceased female revealed that the female was deceased prior to being set ablaze on the shoulder of the interstate in a rural area of the roadway. The deceased female was found to have been partially clothed with a multicolored blanket/comforter being located under her body during the investigation. Interlaced in the decedent's body, clothing and blanket/comforter was a section of rope. Detective Daniels and affiant along with

P. S. Sharma 1/26/08
SUPERIOR CT. JUDGE DATE

[Signature] 01/26/08
AFFIDANT DATE

PROBABLE CAUSE AFFIDAVIT

STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF WAKE

CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER OF: 1128 WOODWAY BLUFF CIRCLE, CARY, NORTH CAROLINA (WAKE COUNTY).

additional Cary Police personnel continued the investigation of the 'missing person' incident regarding Vanlata while Lt. Edmonds and Inv. Whittemore continued their investigation of the deceased person located in Mecklenburg County, Virginia.

During further investigation by Detective Daniels and affiant, to include an interview with Harish Patel on January 20, 2008, Harish advised that he had not operated the 1997 Nissan Sentra since providing same to the custody and control on Vanlata on January 11, 2008 pursuant to a court order on that date. Information was learned from a resident of the Marquis at Silverton Apartment Community, which contains 1128 Woodway Bluff Circle, that the 1997 Nissan Sentra was not parked in the public vehicular area of the 700 Block of Woodway Bluff Circle at 6:00 p.m. (1800 hrs.) on January 16, 2008, but that the Nissan Sentra was observed in a parking space at that location at 8:30 p.m. (2030 hrs.) later on that same date. In addition, Harish Patel denied that Vanlata had visited him at his apartment on January 16, 2008 to retrieve personal items or for any other related or unrelated purpose.

On January 22, 2008, the affiant learned that Vanlata Patel went to a Capital Bank branch in Morrisville prior to 12:00 p.m. on January 15, 2008. Vanlata requested that bank personnel assist her in faxing a document due to her being scheduled to return to Canada via an airline flight on January 17, 2008. In addition, affiant learned from speaking with Vanlata's attorney, Corrie Seagroves, that Vanlata had met with her attorney, Corrie Seagroves on January 15, 2008 to discuss a 'consent order' to resolve the division of marital property in an 'out of court' settlement. Vanlata advised her attorney that she (Vanlata) had met with Harish during the weekend of January 12/13, 2008 and agreed to a settlement because Vanlata was 'tired' and 'stressed' due to the ongoing dispute over marital property with Harish Patel. On this date, January 15, 2008, Vanlata told Corrie Seagroves that she was going to Harish's apartment at 1128 Woodway Bluff Circle, Cary, N.C. to retrieve several items which were identified in the 'consent order' drawn up by Seagroves prior to boarding her flight to Canada on January 17, 2008. This information was consistent with statements provided by Pankaj and Raxa Patel, the friends with whom Vanlata had been staying while in Cary, N.C., that Vanlata intended to meet with Harish to retrieve personal items from him prior to departing the United States for Canada on January 17, 2008.



SUPERIOR CT. JUDGE DATE

 R.

AFFIANT 01-26-08
DATE

PROBABLE CAUSE AFFIDAVIT

STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF WAKE


CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER OF: 1128 WOODWAY BLUFF CIRCLE, CARY, NORTH CAROLINA (WAKE COUNTY).

During the late afternoon hours of January 22, 2008, Detective Daniels and affiant learned from Lt. Edmonds and Inv. Whittemore that a 'positive identification' had been made of the deceased person found set ablaze in Mecklenburg County, VA on January 16, 2008 as being the body of Vanlata Patel.

On January 23, 2008 at approximately 11:54 a.m. (1154 hrs.) affiant was contacted via telephone by Andrea Stewart, a banking representative of Capital Bank, Branch #05, located at 9632 Chapel Hill Rd., Morrisville, N.C. 27560. Andrea Stewart advised that she had viewed media reports that Vanlata Patel's body was positively identified as being the deceased person discovered to have been set ablaze in Mecklenburg County, VA on January 16, 2008. Andrea Stewart advised affiant that she recalled Harish Patel coming to the bank on January 18, 2008 at approximately 3:00 p.m. (1500 hrs.). She advised that Harish brought property to the bank and requested access to safe deposit box #1033, located within the financial institution and assigned to Harish Patel. Andrea Stewart advised that Harish placed at least one (1) item of property into the safe deposit box during his visit to the financial institution, the Capital Bank, Branch #05, located at 9632 Chapel Hill Rd., Morrisville, N.C. 27560. This access by Harish Patel to safe deposit box #1033 is documented at Capital Bank, Branch #05 on bank records.

On January 24, 2008 at approximately 6:00 p.m. (1800 hrs.) affiant learned from Cary Police Department Detective T. Thomas that surveillance video was located at the Circle K, a business located at 1001 N. Harrison Ave., Cary, N.C. (Wake County), showing Harish Patel making a purchase of goods and/or products sold by the business at approximately 10:06 a.m. (1006 hrs.) on January 16, 2008. Detective T. Thomas provided affiant with 'still' images from the surveillance video showing Harish Patel purchasing a red container, which is commonly used to contain gasoline, and 'paying for' gasoline 'pumped' by Harish Patel. Harish Patel is noted in the 'still' images viewed by the affiant to be wearing black and/or dark colored footwear, light blue pants and a black jacket with a white border extending from the neck area of the jacket down to the end of the sleeves on both sleeves of the jacket. This black jacket with white markings on the sleeves had a 'hood' attached behind the neck area of the jacket.

On January 26, 2008 at approximately 5:00 a.m. (0500 hrs.) Harish Patel contacted the Cary Police Department Emergency Communications Center via a '911' call to report that he needed assistance because he was 'dying'. Harish Patel advised Emergency


SUPERIOR CT. JUDGE 1/26/08
DATE


AFFIANT

01-26-08
DATE

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
 District Superior Court Division

WAKE County

IN THE MATTER OF:

Name 1128 WOODWAY BLUFF CIRCLE
CARY, NC

**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 1128 WOODWAY BLUFF CIRCLE,
CARY, NC

Date Of Search
01-26-2008

This search was made pursuant to

1. a search warrant issued by: SUPERIOR COURT JUDGE P. GESSNER -

2. consent to search given by: _____

3. other legal justification for the search: _____

The following items were seized:

① ONE (1) PAIR OF BLACK SHOES -

② TWO (2) PAIR OF JEANS -

③ ONE (1) BLACK JACKET -

④ PIECES OF CLEAR TAPE AND ROLL CONTAINING TAPE -

⑤ ASSORTED DOCUMENTS -

⑥ ASSORTED PHOTOGRAPHS -

END OF LIST
NO FURTHER

Items Seized Continued:

- 1. I left a copy of this inventory with the person named below, who is:
 - a. the owner of the premises searched.
 - b. the owner of the vehicle searched.
 - c. the person in apparent control of the premises searched.
 - d. the person in apparent control of the vehicle searched.
 - e. the person from whom the items were taken.

- 2. As no person was present, I left a copy of this inventory:
 - a. in the premises searched, identified on the reverse.
 - b. in the vehicle searched, identified on the reverse.

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

The law enforcement agency identified below will hold the seized property subject to court order.

SWORN AND SUBSCRIBED TO BEFORE ME		Signature Of Law Enforcement Officer
Date	1-28-08	<i>[Signature]</i> - IA YOUNG
Signature	<i>[Signature]</i> Suzanne P. Beiker	Title Of Law Enforcement Officer DETECTIVE
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	<input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Magistrate	Name And Address Of Agency CARY POLICE 100 WILKINSON AVE. CARY, NC

ACKNOWLEDGMENT OF RECEIPT

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

Date	Signature of Person Receiving Inventory
------	---