

File No.

# STATE OF NORTH CAROLINA

In The General Court Of Justice  
District/Superior Court Division

DURHAM County

## SEARCH WARRANT

### IN THE MATTER OF

1914 Cook Road Durham, NC 27713

Date Issued 03/13/2008 Time Issued 01:18  AM  PM

Name Of Applicant NMC

Cpl. N.M. Cloninger

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	3-13-08	Time Received	0119	<input checked="" type="checkbox"/> AM	<input type="checkbox"/> PM
Date Executed	3-13-08	Time Executed	0421	<input checked="" type="checkbox"/> AM	<input type="checkbox"/> PM

I made a search of 1914 Cook Rd Durham NC 27713

\_\_\_\_\_ 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 Of Agency Of Officer  
Durham Police Department

Incident Number  
08-2129

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.

[Signature]

Date	3-13-08	Signature	[Signature]	Deputy CSC	<input type="checkbox"/>	Assistant CSC	<input type="checkbox"/>	CSC	<input type="checkbox"/>
				Magistrate	<input checked="" type="checkbox"/>	District Ct. Judge	<input type="checkbox"/>	Superior Ct. Judge	<input type="checkbox"/>

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

Date	3-24-08	Time	1:58	AM	<input type="checkbox"/>	PM	<input checked="" type="checkbox"/>	Signature	[Signature]	Deputy CSC	<input type="checkbox"/>	Assistant CSC	<input type="checkbox"/>
										Clerk Of Superior Court	<input type="checkbox"/>		<input type="checkbox"/>

(Over)

# APPLICATION FOR SEARCH WARRANT

I, Cpl. N.M. Cloninger, Durham Police Dept.  
(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 attachment titled "Description of Property to be Seized"

constitutes evidence of a crime and the identity of a person participating in a crime, (Name crime)

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

in the following premises (Give address and, if useful, describe premises)  
 See attachment titled "Description of Premises to be Searched"

(and)  
 on the following person(s) (Give name(s) and, if useful, describe person(s))  
 See attachment titled "Person to be Searched"

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

(and)

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

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

See attachment titled "Probable Cause"

**SWORN AND SUBSCRIBED TO BEFORE ME**

Date

Date 3/13/08

Signature

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.

Description of Property to be Seized

Fired and unfired bullets and casings, firearms, moving pictures, video, measurements, sketches, and still pictures; documentary evidence indicating ownership, possession and control of the residence; clothing, firearms, and any and all evidence that may relate to the suspected homicide or any other crime.

Description of Premises to be Searched

1. The residence located at 1914 Cook Road in Durham, NC. This residence is a yellow single family one-story structure trimmed in white. It has several windows on the front surrounded by dark colored shutters. The front door is also dark colored with a glass insert in it's top half. The numbers "1914" are in black and are located to the left of the front door. There is a dark colored shingle roof on the structure.

Persons to be Searched

1. Lawrence Alvin Lovette - Black Male - DOB 11/17/90

Vehicle to be Searched

1. Not Applicable

(DATE)

3-13-20

*[Handwritten Signature]*

*[Handwritten Signature]*  
3/13/20

ATTACHMENT

CONTINUATION OF A SEARCH WARRANT

IN THE MATTER OF: 1914 Cook Road Durham, NC 27713

Probable Cause

1. I, Nicholas M. Cloninger, hereinafter designated as Affiant, having been duly sworn according to law, deposes and says that: Affiant is a Durham Police Corporal (Cpl.), who is currently assigned to the Durham Police Department's Homicide Unit. The Affiant has been a sworn law enforcement officer with the State of North Carolina for over 7 years. The Affiant has participated in and/or conducted numerous investigations involving crimes of violence to include but not limited to: aggravated assaults involving firearms, robberies, homicides and the unlawful possession and distribution of firearms. Additionally, the Affiant has attended numerous schools throughout his tenure as a law enforcement officer.

2. On January 18, 2008 at approximately 2341 hours, Durham Police Officers were dispatched to death investigation at 1600 Anderson Street, Apt. C-2 in Durham, North Carolina. Upon arrival officers located the victim, Abhijit Mahato, dead inside the residence.

3. Investigation led to warrants being issued for the arrest of Stephen Oates and Lawrence Alvin Lovette for MURDER (08CR043173). Lovette is a fugitive at this time and is also wanted for MURDER in Chapel Hill, North Carolina.

4. On March 13, 2008 Durham County Sheriff's investigators received information from a reliable source and who is also a friend of Lovette's indicating that he is currently inside the residence located at 1914 Cook Road. This subject reported that she followed Lovette to this residence and watched as he entered alone. She advised that she maintained constant visual of this residence until Officers arrived.

Based on the above information set out in this affidavit, Cpl. Cloninger respectfully requests that a search warrant be issued for the residence located at 1914 Cook Road Durham, NC 27713

Signature Issuing Official

Magistrate/Judge

(DATE)

3-13-08

3

Signature of Applicant

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**STATE OF NORTH CAROLINA**

**DURHAM County**

**IN THE MATTER OF:**

Name

1914 Cook Road  
Durham, NC 27713

**INVENTORY OF ITEMS SEIZED  
PURSUANT TO SEARCH**

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

I, the undersigned officer, executed a search of:

Person, Furnishes Or Vehicle Searched

1914 Cook Road  
Durham, NC 27713

Date Of Search

03/13/2008

This search was made pursuant to

1. a search warrant issued by:

Durham County Magistrate - Payne

2. consent to search given by:

3. other legal justification for the search:

The following items were seized:

1. Photographs of scene

2. Laurence Alvin Lovette - Black Male - DOB 11/17/90

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

*[Signature]*

Title Of Law Enforcement Officer

Corporal

Name And Address Of Agency

Durham Police Department  
505 W. Chapel Hill Street  
Durham, NC 27701

Assistant CSC

Magistrate

Deputy CSC   
Clerk Of Superior Court

Signature

*[Signature]*  
3-24-2007

Date

**ACKNOWLEDGMENT OF RECEIPT**

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

Date

Signature of Person Receiving Inventory

ATTACHMENT FOR APPLICATION FOR SEARCH WARRANT

IN THE MATTER OF:

Laurence Alvin Lovette

Description of Items to be Seized

1. Photographs (Digital and/or 35mm and/or Polaroid)
2. Fingerprints / Palm Prints
3. Cheek swabbings (to include saliva)

Description of Person to be Searched

Laurence Alvin Lovette is a Black Male with a date of birth of 11-17-90. He is currently in custody at the Durham County Jail.

Probable Cause

1. I, Nicholas M. Cloninger, hereinafter designated as Affiant, having been duly sworn according to law, deposes and says that: Affiant is a Durham Police Corporal (Cpl.), who is currently assigned to the Durham Police Department's Homicide Unit. The Affiant has been a sworn law enforcement officer with the State of North Carolina for over 7 years. The Affiant has participated in and/or conducted numerous investigations involving crimes of violence to include but not limited to: aggravated assaults involving firearms, robberies, homicides and the unlawful possession and distribution of firearms. Additionally, the Affiant has attended numerous schools throughout his tenure as a law enforcement officer.
  2. On January 18<sup>th</sup>, 2008 Durham Police Officers responded to 1600 Anderson Street, Apt. C-2 in reference to a death investigation. Upon arrival, officers found the body of Abhijit Mahato inside the apartment. Investigation revealed that Mahato had been fatally shot.
  3. Investigation of this homicide led to warrants being obtained for Laurence Alvin Lovette for the murder of Abhijit Mahato
  4. A search of the crime scene by Forensics personnel yielded several DNA samples. These samples were presumably left on the scene by subjects other than the victim.
- The applicant respectfully request that a search warrant be issued for the previously listed items. These items will be obtained directly from Laurence Alvin Lovette.

DATE: 3-24-08  
MAGISTRATE/JUDGE  
*[Signature]*

DATE: 3/24/08  
APPLICANT  
*[Signature]*