

File No. → File No.

SEARCH WARRANT

In the Matter of:

Joseph Craig
Joy Johnson
2305 Albany Street
Durham, NC 27704

Date Issued 7-2-08
 AM PM

Name of Applicant

Investigator R.J. Guardino 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 7/2/08 Time Received 1046
 AM PM
Date Executed 7/2/08 Date & Time of Return 7/3/08 538 PM

I made a search of _____

_____ as commanded.

I seized the items listed on the attached 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
R.J. Guardino Jr.
Department or Agency of Officer
DPD

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 with in 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.

Date	<u>7-2-08</u>
Signature	<u>[Signature]</u>
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court <input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> District Ct. Judge <input type="checkbox"/> Superior Ct. Judge	

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

Date	Time
	<input type="checkbox"/> AM <input type="checkbox"/> PM
Signature	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court	

STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ATTACHMENT
CONTINUATION OF

Description of Premises to be Searched

IN THE MATTER OF:
Joseph Craig
Joy Johnson
2305 Albany Street



The residence to be searched is one story white ranch house with the front door centered in the middle of the front of the house with one window to the left and right of the door. There is an additional window on the east side of the house facing the street and four white columns supporting the front porch. On the rear east side of the house is a gray shed. There are two steps leading up to the front porch.

JUDGE/MAGISTRATE

DATE

AFFIANT

AFFIANT

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STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ATTACHMENT
CONTINUATION OF

Description of Evidence to be Seized

IN THE MATTER OF:

Joseph Craig
Joy Johnson
2305 Albany Street

1. Any 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 including any and all folders within, any information contained within and all contacts, email addresses and information ;
2. E-mails, letters, correspondence, books, notebooks or documents of any type involving the facts advised in this search warrant;
3. Any cellular phones belonging to the suspects /victims/witnesses and all data within including phone numbers, text messages, etc...
4. Any video, audio recording devices and all pictures, videos and information containing within.
5. Any hairs, fibers, blood, saliva, semen or other evidence of a sexual assault.
6. Any clothing, sheets (linens), towels, mattresses or clothing that is evidence in a sexual assault
7. Condoms, condom wrappers or other items related to sexual intercourse
8. Any items used to restrain a person including handcuffs, shackles, rope, chains, wire, straps or any item that can be used to restrain.
9. Identifications or any documents belonging to the suspect/victim to confirm identity.
10. Items or articles of personal property tending to show ownership, dominion, or control of the premises;
11. Photos and video of the location, any and all other evidence that may pertain to the crime;
12. Any contraband or items otherwise unlawful to be possessed under the laws of the United States and North Carolina;



JUDGE / MAGISTRATE

7.2.08

DATE



AFFIANT

AFFIANT

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STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ATTACHMENT
CONTINUATION OF

Probable Cause Affidavit

IN THE MATTER OF

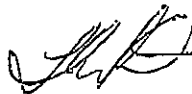
Joseph Craig
Joy Johnson
2305 Albany Street

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

I, the undersigned, Investigator R.J Guardino Jr., being duly sworn, swear and affirm as follows: That I have been a sworn law enforcement officer for more than 7 years 11 months for the City of Durham and the Durham Police Department. I have served as a Patrol Officer, Field Training Officer and Investigator during my time with the Durham Police Department. My assignments with the Durham Police Department have consisted of field training new recruits, patrol duties including responding to calls initiated by police communications, which included conducting misdemeanor and felony investigations and administrative duties.

I am currently assigned to the Criminal Investigations Division of the Durham Police Department. My job responsibility is to investigate all types violent and property related felonies. I have made numerous felony arrests in accordance with the laws of the State of North Carolina.

I have received extensive training in law enforcement practices and procedures. I have gained additional job knowledge through the following law enforcement classes: Interview and Interrogation, Crime Scene Investigations, Death Investigation, Criminal Intelligence Analysis, Laws of Interrogation & Confessions, field training officer, as well as several other law enforcement related schools. In addition to the previous listed schools, I have attended legal update classes and refresher courses.



~~JUDGE / MAGISTRATE~~

7.2.08

DATE



AFFIANT

AFFIANT

STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION


ATTACHMENT
CONTINUATION OF Probable Cause Affidavit

IN THE MATTER OF:

Joseph Craig
Joy Johnson
2305 Albany Street

On 6/26/08 I, Investigator R.J.Guardino, interviewed [redacted] reported that he met Joseph Craig and Joy Johnson through their internet site at www.theindigodawn.com. [redacted] stated that Craig and Johnson described themselves as teachers of the Order of the Morning Star (OMS) and he came to live with them in November 2007. [redacted] stated that during the time of December 2007 to June 26, 2008 he sustained numerous beatings and abuse from Craig with Johnson present. Johnson instigated and encouraged Craig during all the described incidents. On two occasions during that time period he was handcuffed to his bed by his hands and feet with a chain around his neck and left there for a day without food or water. On one occasion he was handcuffed and forced into a small dog cage where he was kept there for hours without water or food. [redacted] stated that in he was also beaten with a rattan cane and a cable cord. During this interview [redacted] had significant bruises, welts, open wounds and abrasions to his back, legs, buttocks, arms. He also had a visible mark around his neck along with a large cut on his right eyebrow and his right eye was bloodied. [redacted] also stated that [redacted] came to live in the house in December 2007. He stated that during the time period mentioned above [redacted] was beaten by Craig with the same rattan cane in May 2008 sustaining hand and foot damage. Johnson held [redacted]'s hands down as Craig beat her with the cane. [redacted] also stated that in May 2008 Craig raped [redacted] in the living room floor while Johnson sat on the couch looking on. [redacted] was in the house during both assaults.

I interviewed [redacted] separately and at a different location. [redacted] stated that she met Craig and Johnson via their website also and was invited to live with them. She moved into 2305 Albany Street in December 2007. During the time period of December 2007 to June 26, 2008 she witnessed [redacted] sustain a beating with a rattan cane and a cable cord, two instances in which [redacted] was handcuffed to his bed for a day with no food or water and one incident in which [redacted] was handcuffed and forced into a dog cage for hours. [redacted] stated Craig committed the physical assaults and restraining against [redacted] as Johnson was present and encouraging Craig to do so. [redacted] stated that she was raped by Craig in May on the living room floor as well as penetrated anally at the time of the rape. [redacted] also stated that she was beaten with a rattan cane by Craig as Johnson held her hands down. [redacted] suffered injuries to her hands and feet. All the above incidents occurred at 2305 Albany Street. Based on the previously stated facts and circumstances I respectfully request the court to issue this warrant to search the premises located at 2305 Albany Street, Durham, North Carolina.



JUDGE / MAGISTRATE
7.2.08

DATE



AFFIANT

AFFIANT

STATE OF NORTH CAROLINA

In The General Court of Justice

X District Superior Court Division

Durham County

→ File No.

Film No.

In the Matter of

Joseph Craig
Joy Johnson
2305 Albany Street
Durham, NC 27704

INVENTORY OF SEIZED PROPERTY

Date of Search

7/2/08

G.S. 15A-254,-257

I, the undersigned officer, executed a search of:

Person, place or vehicle searched

2305 Albany Street

This search was made pursuant to:

X a search warrant issued by:

a consent to search given by:

one legal justification for the search:

The following items were seized:

1. IBM Thinkpad laptop computer with cord s/n: L3-AA917

2. Alltel cellular phone s/n: 605CYPY0438728

3. Seagate computer hard drive s/n: 6RY4XVQ8

4. Samsung computer hard drive s/n: S01JJ50Y179060

5. Panasonic floppy disk drive

6. Samsung S730 Digital Camera s/n: 973244908

7. Tower CPU computer- no name

8. Microsoft Webcam

9. Mitsumi floppy disk drive

~~10. Sony floppy disk drive s/n: 20304063~~

Check here if separate sheet attached

Inventory continued

11. Lite-On CD-RW Drive s/n: 212320004758
12. Realistic Micro recorder
13. two Sony micro cassettes
14. Kodak 35mm film
15. Brown box containing various pictures, books, notepads, etc.
16. two black studded straps
17. floppy disk storage box with various disks
18. various cd/dvd
19. Sterilite plastic box containing various pictures, documents, notepads.
20. Brown rug
21. two memory sticks

I am leaving a copy of this inventory

- with the person who consented to the search, named on the reverse.
- with the owner of the place searched, named below.
- with the person from whom the items were seized, named below.
- with the person in apparent control of the place searched, named below.
- in the place searched, identified on the reverse.

Name of the owner of the place searched, from whom the items were seized or in apparent control

Joseph Craig and Joy Johnson

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 7/2/08		<i>[Signature]</i>
Signature		Title Investigator
<i>[Signature]</i>		Agency Durham Police Department
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court <input checked="" type="checkbox"/> Magistrate		Address
		505 W. Chapel Hill Street

Acknowledgment of Receipt

I, the undersigned, received a copy of this inventory

Date
Signature of Recipient

APPLICATION FOR SEARCH WARRANT

I, Investigator R.J Guardino Jr. with the Durham Police Department

(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: **See attachment titled "Description of Evidence to be Seized"**

(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 used for searching a place) constitutes evidence of a crime and the identity of a person participating in a crime, to wit:

- 1st Degree Rape GS14-27.3(A), 2nd Degree Sexual Assault GS14-27.5(A), Assault with Deadly Weapon Inflicting Serious Injury GS14-32(B),
- 1st Degree Kidnapping GS14-39, Felony Aid & Abet (common law)

(Name Crime) _____, and is located

(Check appropriate box(es) and fill in specified information)

in the following premises: See attachment titled "Description of Premises to be Searched"

(and) on the following person(s): .

(and) in the following 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: The facts to establish probable cause for the issuance of this search warrant are set forth on the attached continuation page titled "Probable Cause Affidavit"

SWORN AND SUBSCRIBED TO BEFORE ME

Date 7.2.08

Signature

Signature of Applicant

Deputy CSC, Assr. CSC Clerk of Superior Court Magistrate Judge

In addition to the affidavit included above, this application is supported by additional affidavit(s) attached, made by J. J. Guardino Jr.

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