

SEARCH WARRANT

STATE OF NORTH CAROLINA In the General Court of Justice
 Wake County District Court Division

In the Matter of
 102 Durnhagan Place, Cary, NC (Wake County)

Date Issued Time Issued
 September 6, 2008 345 am pm

Name of Applicant
 Detective J.A. Young

Name of Additional Affiant
 N/A

Name of Additional Affiant
 N/A

RETURN OF SERVICE

I certify that this search WARRANT was received and executed as follows:

Date Received Time Received
 09-06-08 345 am pm

Date Executed Date and Time of Return
 09-06-08 09-09-08 @ 1450 hrs

made a search of 102 DURNHAGAN PLACE, CARY, NC (WAKE COUNTY) -

as commanded.

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
J.A. Young, Jr.

Department of CARY Agency Officer
POLICE

FILED
 2008 SEP -9 AM 2:52
 Wake County, N.C.

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.

WDS 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.

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

Date 9/9/08 Time 2:52 am pm

Signature [Signature]

Deputy CSC Asst. CSC Clerk of Superior Court

Date 090608
 Signature [Signature]

Deputy CSC Asst. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

PROBABLE CAUSE AFFIDAVIT

STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF WAKE

CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER
OF: 102 DUNHAGAN PLACE, CARY, NORTH CAROLINA (WAKE COUNTY).

SECTION I: DESCRIPTION OF PROPERTY TO BE SEIZED

1. Evidence of ownership and/or residency of premises located at 102 Dunhagan Place, Cary, North Carolina (Wake County).
2. Blood, saliva, physiological fluids and secretions, hair, fibers, fingerprints, palm prints, footprints, shoeprints, trace evidence, and items containing traces of any of the aforementioned items.
3. Photographs, documents, journals and writings of or belonging to Maria Teresa-Herrera Diaz and/or Arnulfo Barron Cobos.
4. Any and all computers, computer hardware, computer related documentation and computer passwords which contain photographs, documents, journals or writings of or belonging to Maria Teresa-Herrera Diaz and/or Arnulfo Barron Cobos.
5. Any and all digital storage media, to include but not limited to, thumb drives, compact discs (CDs), digital video discs (DVDs), ZIP discs, hard drives, and SD cards which contain photographs, documents, journals or writings of or belonging to Maria Teresa-Herrera Diaz and/or Arnulfo Barron Cobos.

SECTION II: NAME OF CRIMES

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

SECTION III: DESCRIPTION OF PREMISES TO BE SEARCHED

102 Dunhagan Place, Cary, North Carolina (Wake County) and curtilage

The residence located at 102 Dunhagan Place in Cary, North Carolina (Wake County) is a two (2) floor split-level residence which is constructed of a brick foundation and wood siding, which is beige in color. The front door of the residence is white in color and there are red shutters attached to each side of every window frame on the front of the residence. The residence is identified as 102 Dunhagan Place based upon the numbers '102' being placed upon one side (opposite of the mailbox flag) of a black mailbox attached to a light blue wood post, which is set at the curbing of Dunhagan Place directly in front of the residence described above. In addition, the numbers '102' are attached to one side of the light blue wood post (same side as the mailbox flag) which holds the mailbox. A photograph of the residence obtained on this date is included in this section.

MAGISTRATE

DATE

09/06/08

AFFIDAVIT

DATE

09-06-08

PROBABLE CAUSE AFFIDAVIT

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COUNTY OF WAKE

CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER
OF: 102 DUNHAGAN PLACE, CARY, NORTH CAROLINA (WAKE COUNTY).



SECTION IV: DESCRIPTION OF PERSONS TO BE SEARCHED

None

SECTION V: DESCRIPTION OF VEHICLES TO BE SEARCHED

None

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 earned a Bachelor of Science in Administration of Criminal Justice degree from the University of North Carolina at Chapel Hill in August, 1993. 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 earned 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

MAGISTRATE

DATE

090608

AFFIDAVIT

DATE

09-06-08

PROBABLE CAUSE AFFIDAVIT

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CONTINUATION OF SEARCH WARRANT APPLICATION IN THE MATTER
OF: 102 DUNHAGAN PLACE, CARY, NORTH CAROLINA (WAKE COUNTY).

offenses, possession of stolen property and traffic offenses as an officer 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, suicides and homicides.

B. On Saturday, September 6, 2008 at approximately 0801 hrs. (8:01 a.m.), Cary Police Cpl. C. Budo and Cary Police Officer T. Sears were assigned by Cary Police Emergency Communications personnel to assist Cary Fire Department and Cary EMS personnel regarding an incident of 'unknown nature' at 102 Dunhagan Place, Cary, North Carolina. Upon the arrival of these First Responders to the residence of 102 Dunhagan Place, a

Hispanic female, identified as Maria Diaz, was found to be deceased within a bedroom located on the 'main level' of the residence. Diaz's body was found lying on two (2) mattresses within a bedroom, which is located on the left side of the hallway directly to the left of the stairs. Diaz's body showed indications that the 'cause and manner' of death were not a result of 'natural causes', 'accidental' or 'self-inflicted' injuries. During an observation of Diaz's body by Detective A. Dismukes, it was noted that bodily fluids to include blood and additional bodily fluids secreted from the mouth and nostrils of Diaz were present on or about Diaz's body and upon the sheets of the mattresses upon which she was found. These bodily fluids appeared to have come from Diaz's body as a result of her death and are consistent with bodily fluids released by the body in which the 'manner' of death was homicide.

During the course of the investigation of Diaz's death, affiant has learned that Diaz's 'common law husband', Arnulfo Barron Cobos, who is a resident of 102 Dunhagan Place, Cary, North Carolina, was not at the residence and had left, without authorization or permission by the owner, in a motor vehicle owned by Leonardo Sanchez Diaz. Cobos and Diaz were seen in the bedroom in which Diaz was located by Diaz's brother, Eleazar Herrera Diaz at approximately 2300 hrs. (11:00 p.m.) on Friday, September 5, 2008. At approximately 0400 hrs. (4:00 a.m.) to 0430 hrs. (4:30 a.m.) on this date, Saturday, September 06, 2008, Eleazar Diaz advised that Cobos came to the bedroom in which Eleazar Diaz was sleeping and woke him (Eleazar Diaz) to direct Eleazar Diaz to awake Maria Diaz at 0700 hrs. (7:00 a.m.) because Cobos was 'going to work'. Eleazar Diaz

MAGISTRATE

DATE

DATE

[Signature]

09/06/08

[Signature]

09/06/08

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advised that he went back to sleep until he was awakened at 0800 hrs. (8:00 a.m.) by
other residents within the home.

At 1120 hrs. (11:20 a.m.) on this date, Detective G. Daniels obtained 'verbal consent' to
search the interior of the residence from Leonard Sanchez Diaz, an owner of the
residence and the individual in apparent control of the residence on this date upon the
arrival of Cary Police Department officers.
Based on the above information provided in this affidavit, the affiant requests that a
search warrant be issued for the residence and curtilage of 102 Dunhagan Place, Cary,
North Carolina (Wake County) for the property items listed under 'Section I: Description
of Property to be Seized'.

MAGISTRATE

DATE

AFFIANT

DATE

090608

DP

09-06-08

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
 District Superior Court Division

WAKE County

IN THE MATTER OF:

102 DUNHAGAN PLACE
GARY, NC (WAKE COUNTY)

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

102 DUNHAGAN PLACE
GARY, NC (WAKE COUNTY)

This search was made pursuant to

1. a search warrant issued by: WAKE COUNTY MAGISTRATE J. PAXTON

2. consent to search given by:

3. other legal justification for the search:

The following items were seized:

1) Two (2) UNKNOWN HAIRS FROM STOUGH AREA OF MARIA HERRERA-DIAZ -

2) ONE (1) SEALED PLASTIC BAG CONTAINING ONE (1) GOLD STUD EARRING -

3) ONE (1) DUVET COVER (BLUE IN COLOR) -

4) ONE (1) GREEN BEDSPREAD -

5) ONE (1) YELLOW BED SHEET -

6) ONE (1) GREEN AND WHITE PILLOW CASE -

7) ONE (1) GREEN AND WHITE FLOWERED PILLOW CASE -

8) MISC. DOCUMENTS AND WRITINGS -

9) FOUR (4) T-SHIRTS -

10) TWO (2) CD-R DISCS IN PLASTIC COVERING -

11) ONE (1) PAIR OF PANTAMA BOTTOMS -

12) ONE (1) BLUE BASEBALL CAP -

13) FOUR (4) PAIRS OF UNDERWEAR -

14) SIX (6) PAIRS OF 'HANDS' SOCKS -

15) ONE (1) PAIR OF 'PACO' BLUEJEANS -