

APPLICATION FOR SEARCH WARRANT

I, Investigator S Klein, Investigator Garner 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 ATTACHED

(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)

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

Murder NCGS 14-17 & Felony Child Abuse NCGS 14-318

, and is located

(Name Crime)

(check appropriate box(s) and fill-in specified information)

[X] in the following premises 1852 Spring Drive Garner, NC 27529

(Give address and, if useful, describe premises)

SEE ATTACHED

(and)

[] on the following person(s)

(Give name(s) and, if useful, describe person(s))

(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 ATTACHED

H

SWORN AND SUBSCRIBED TO BEFORE ME

Date

11-17-08

Signature

[Handwritten Signature]

Page 2 of 2

Signature of Applicant

[Handwritten Signature]

[] Deputy CSC [] Asst. CSC [X] Clerk of Superior Court [X] Mag. [] Judge

[] In addition to the affidavit included above, this application is supported by additional affidavit(s) 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.

H If a continuation is necessary, 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 the applicant and issuing official.

Film No. File No.

SEARCH WARRANT

In the Matter of

1852 Spring Drive
Garner, NC 27529

Date Issued 11/17/2008 Time Issued 10:25 AM AM PM

Name of Applicant Investigator S Klein

Name of Additional Affiant Investigator S Selvek

Name of Additional Affiant

RETURN OF SERVICE
I Certify that this Search WARRANT was received and executed as follows:

Date Received 11/17/08 Time Received PM 9:00 AM AM PM
Date Executed 11/17/08 Date and Time of Return

I made a search of 1852 Spring Dr
_____ 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
Department or Agency of Officer Garner Police Department

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

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 or persons shown.

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

Date 11/19/08 Time 1:15 AM AM PM

Signature of _____
 Deputy CSC Asst. CSC Clerk of Superior Court

Date 11-17-08
Signature _____
 Deputy CSC Asst. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

IN THE MATTER OF:

1852 Spring Drive
Garner, NC 27529

**ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT**

Investigator S Klein
Date: November 17, 2008

PROPERTY TO BE SEIZED:

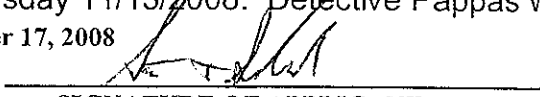
Evidence of ownership and/or residency of premises located at 1852 Spring Drive Garner, NC 27529. Photographs, saliva, blood, fluids and secretions, hair, fibers, fingerprints, palm prints, footprints, shoeprints, trace evidence and items containing traces of any of the above listed items. A gray plastic container with a white plastic bag and any and all items located inside this container. Any prescription bottle(s) that located inside the residence. Documents, journals and other writings that may be of evidentiary value.

FACTS TO ESTABLISH PROBABLE CAUSE:

1. I, S Klein, have been a duly sworn law enforcement officer in Wake County for the past twelve years. I was employed with the Garner Police Department in 1996 and then employed with the Raleigh Police Department in 1999. I then came back to the Garner Police Department in 2001 and I am currently assigned to the Investigative Unit within the Garner Police Department. I have investigated a number of murder cases in the past. Some of these investigations have resulted in convictions.
2. At 2217 hours on 11/14/2008, Garner Police and Garner EMS received a call for service regarding a person unresponsive at 1852 Spring Dr Garner, NC 27529. Upon arrival, Officer Conley, Garner Police Officer, met with family member of the current tenant, Sherita McNeil. He was advised that there was a child upstairs in a front-facing bedroom, in the closet, in a gray plastic bin. The child was inside a white plastic trash bag, which was sealed. Officer Conley confirmed visually that there appeared to be a child inside a white plastic trash bag, which was inside a gray plastic bin. There was also clothing in the bin surrounding the bag. Garner EMS responded and confirmed that the white plastic trash bag contained a deceased child.
3. Garner Police then secured the residence and asked the family members that were present upon Garner Police's arrival to remain with Garner Police for interviews, and they agreed.
4. Detective Pappas with the Garner Police had received a report from Child Protective Services on 11/3/2008 regarding a welfare check on Devarion Gross, DOB 3/7/07. The caller to Child Protective Services expressed concern that Devarion Gross had not been seen by anyone since Labor Day, 2008. The caller wanted someone to make contact with the mother, Sherita McNeil, and have her produce the child to check on the wellbeing of Devarion. Through investigative means, Detective Pappas confirmed that Sherita McNeil is the listed tenant of 1852 Spring Dr., and two juvenile occupants were listed as Devarion Gross and [REDACTED].
5. Detective Pappas, through investigative means, located family members and attempted to set up a meeting with Sherita McNeil and Devarion Gross on Thursday 11/13/2008. Detective Pappas was

SWORN TO AND SUBSCRIBED BEFORE ME ON DATE: November 17, 2008


SIGNATURE OF JUDICIAL OFFICIAL


SIGNATURE OF APPLICANT

11-17-08

IN THE MATTER OF:

1852 Spring Drive
Garner, NC 27529

ATTACHMENT TO APPLICATION

FOR SEARCH WARRANT

Investigator S Klein

Date: November 17, 2008

told by a family member that Sherita was acting strangely about the Devarion Gross, not wanting certain people to see him. The family member was not sure why, because Sherita would not tell the family about the situation. The meeting did not materialize, and on 11/14/2008 Detective Pappas attempted contact with family unsuccessfully. The family then became concerned with their inability to contact Sherita, and went to her residence at 1852 Spring Dr. on 11/14/2008. The family was able to enter the residence by a key that was given to the family by Sherita McNeil previously. The family advised Garner Police that they checked the residence to see if Sherita and her children were there, and that is when they found the gray plastic bin in the upstairs front bedroom closet.

6. The Garner Police were able to determine that the last time a family member saw Sherita, it was Wednesday 11/13/2008, after 2300 hours. The family member said that Sherita and the family member were at Sherita's residence, and Sherita came downstairs from the second floor with her daughter [REDACTED] and said "I gotta go." The family member asked Sherita where she was going, and she wouldn't reply. The family member said that Devarion Gross was not with Sherita when she left the residence when she left on 11/13/2008. The family member said that Devarion Gross stayed with Sherita, and did not live with anyone else. The family member said that others in the family had noticed that Sherita McNeil had stopped eating and was losing weight, and was withdrawing from people close to her.

7. Through investigative means, Garner Police determined that Sherita McNeil frequents 103 Center St., Garner, NC, the residence of Derek Allen. Garner Police responded to 103 Center St. and made contact with Derek Allen, who stated that Sherita McNeil and her 2 year old daughter [REDACTED] had been at his residence two hours previously, and had taken his 2005 Dodge Durango, white in color, NC license tag of [REDACTED]. Mr. Allen told Garner Police that Sherita McNeil has told him that she and [REDACTED] were going to a church somewhere in Raleigh.

8. Garner Police were at 103 Center St. when they observed a white Dodge Durango pull up to the residence at 103 Center St. They confirmed that the vehicle belonged to Derek Allen. Garner Police observed Sherita McNeil exit the vehicle, and approached her and made contact.

9. During the initial search, additional items of probable evidentiary value were located inside 1852 Spring Drive Garner, NC 27529. It has been confirmed that Sherita McNeil is the mother of both [REDACTED] and Devarion Gross (the deceased child). The father of the deceased child is Eric Chambers, a known gang member who is currently incarcerated, and Ira James (also incarcerated) is the father of [REDACTED]. Both fathers maintain or attempt to maintain some sort of relationship with Sherita McNeil. The correspondences between the Sherita McNeil and the children's fathers is probable to produce evidence in this case.

LOCATION TO BE SEARCHED:

1852 Spring Drive Garner, NC 27529. The apartments are cream colored and most are two stories. Directions to 1852 Spring Drive Garner, NC 27529 are as follows:

SWORN TO AND SUBSCRIBED BEFORE ME ON DATE: November 17, 2008


SIGNATURE OF JUDICIAL OFFICIAL


SIGNATURE OF APPLICANT

WAKE County

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:

Name

1852 Spring Dr
Garner, NC 27529

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

Date Of Search

1852 Spring Drive

11/17/08

This search was made pursuant to

- 1. a search warrant issued by: Magistrate
- 2. consent to search given by: _____
- 3. other legal justification for the search: _____

The following items were seized:

- 1 Lezapro Pill Bottle
- Various Pictures of Dr. VARIOUS GROSS
- Family Dollar Receipt
- Opened and unopened mail addressed Sherita McNeil @ 1852 Spring Dr
- Various Letters
- Pictures of [redacted] & Sherita McNeil
- 3 CD's
- Various gang writings to include symbols, letters, and Journals
- 1 Wood stick
- Vacuum Cleaner Contents (Dirt Devil)
- Vacuum Cleaner Contents (Bissel)