

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT OF)
107 WOOLARD WAY)
APEX, NC)

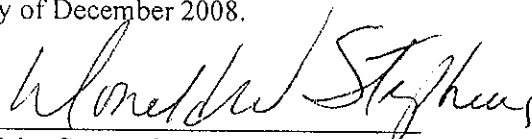
ORDER SEALING SEARCH
WARRANT, ITS RETURN AND
MOTION NCGS 132-1.5 (e)

THIS CAUSE coming on to be heard and being heard by the undersigned Superior Court Judge, upon motion by the State to seal a certain search warrant, its return and motion;

AND it appearing to the Court that the release of information contained in said search warrant, its return and motion will undermine an ongoing investigation,

IT IS THEREFORE ORDERED that this search warrant, its return and motion be sealed and not released to the public for a period of ninety days from today's date.

This the 10 day of December 2008.


Wake County Superior Court Judge

*Order to Seal Stricken by Judge Donald
W. Stephens 12-17-08*

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT OF)
107 WOOLARD WAY)
APEX, NC)

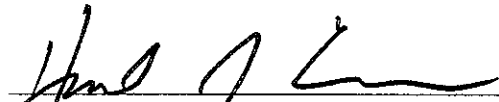
MOTION TO SEAL
SEARCH WARRANT AND
ITS RETURN NCGS 132-1.5 (e)

NOW COMES THE STATE of North Carolina by and through the undersigned Assistant District Attorney, hereby respectfully moves the Court to seal for a period of ninety days the above referenced search warrant, its return and this motion, and in support thereof, alleges:

1. That on December 2, 2008, the body of a white male was found at the unoccupied residence at 4221 Olive Branch Lane, New Hill, NC;
2. That identity of this deceased person has been confirmed to be that of Matthew Silliman;
3. That four persons have now been charged with first degree murder in connection with the investigation;
4. That the release of the contents of this search warrant and its return, will undermine an ongoing investigation by the Wake County Sheriff's Department.

WHEREFORE, The State of North Carolina respectfully moves the Court to seal this search warrant, its return and this motion for a period of ninety days.

Respectfully submitted this the 10th day of December, 2008.


Howard J. Cummings
Assistant District Attorney

Warrant

SEARCH WARRANT

Film No. _____ File No. _____
In the Matter of
107 Woolard Way Apex, NC

Date Issued Dec 3, 2008 Time Issued 3:00 AM PM

Name of Applicant
Investigator K Battle, Wake Co Sheriff's Office

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 12/3/08 Time Received PM 3:30 AM PM
Date Executed _____ Date and Time of Return _____

I made a search of PROPERTY SEARCH
107 WOOLARD WAY APEX NC

_____ 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 of _____

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 12-17-08 Time 5:36 AM PM

Signature Suzanne B Rucker
 Deputy CSC Asst. CSC Clerk of Superior Court

Date Dec 3 2008
Signature Shirley Stephens
 Deputy CSC Asst. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

APPLICATION FOR SEARCH WARRANT

I, Investigator K Battle, Wake County Sheriff's Office

(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,

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

, and is located

(Name Crime)

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

[X] in the following premises See attached

(Give address and, if useful, describe premises)

(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 Dec. 3, 2008

Page 2 of 2

Signature L. Donald W. Stephens

Signature of Applicant Dew. K Battle

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

In the Matter of:*107 Woolard Way Apex, NC**Continuation of: Constitutes evidence of a crime and the identity of a person participating in a crime;*
N.C.G.S. 14-17 Murder*Continuation of: Description of Property to be Seized;*

Computer hardware, software, electronic media, CDs, DVDs, video tapes, diskettes, cellular telephones, digital cameras, video cameras, any weapons, medications/drugs including those commonly used for animals, syringes, needles, duct tape, shovels, hammers and related tools, zip ties, cable ties, trash bags, clothing, tarot cards, receipts, papers and documentation which aid in identifying persons apparently in control of the premises and any other items determined to be possibly used in the commission of murder.

Continuation of: Description of Premises and Curtilage to be Searched;

107 Woolard Way Apex NC. The residence is a two-story beige in color, partially brick, residence with green shutters and an attached two-car garage. The numbers 107 are affixed to a black and white mailbox in front. Directions: From Raleigh take Hwy 64 westbound. Left onto Kelly Road. Right onto Olive Chapel Road. Left onto Piney Woods Lane. Right onto Kinship Lane. Right onto New Timber Path. Left onto Woolard Way. 107 Woolard Way.

Continuation of: Probable Cause;

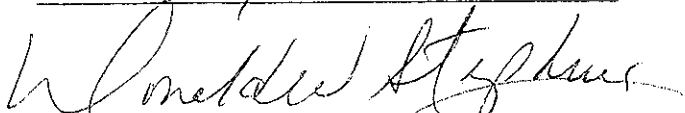
The affiant has been employed with the Wake County Sheriff's Office for 11 ½ years. I am currently assigned to the Wake County Sheriff's Office Criminal Investigation Division Person Crimes Unit. This unit is primarily responsible for investigating all death investigations, particularly murder. I am a North Carolina State Certified Criminal Justice instructor and have also obtained my Advanced Certification in Law Enforcement Training.

On Tuesday, December 2, 2008 at 9:33pm the Wake County Sheriff's Office responded to 4221 Olive Branch Lane pursuant to a request from the Apex Police Department to attempt locating a missing person. Responding deputies arrived on the scene and located a deceased male inside the residence. The deceased appeared to be a young, white male contained in a plastic bag with duct tape over his mouth. It was unknown at the time if the deceased male found inside the residence was in fact the missing person. Officers from the Apex Police Department were able to locate and interview several people whom they believe could identify the deceased and also provide additional information in this case. One person who Apex Police interviewed subsequently confessed to participating in the death of the deceased, along with three other co-conspirators. The witness admitted to beating the deceased on his head with a hammer, tying the deceased with zip ties, suffocating him with duct tape and disposing of him in a plastic bag. The witness also stated they attempted to utilize medications commonly used for animals to plan the murder and read the deceased his fortune using tarot cards just prior to his death. One of the co-conspirators who confessed also identified a subject who resides at 107 Woolard Way as having participated in the crimes as well. Investigators with the Wake County Sheriff's

SWORN AND SUBSCRIBED TO BEFORE ME

page 1

DATE

Dec - 3, 2008

Signature of Magistrate / District Court Judge / Superior Court Judge



Signature of Applicant

In the Matter of:

107 Woolard Way Apex, NC

Office respectfully request the issuance of this search warrant to corroborate the participant's involvement in murder, as well as collect additional evidence deemed relevant to aid in this investigation. This affidavit is based upon information received from officers with the Apex Police Department and investigators with the Wake County Sheriff's Office whom I deem reliable and credible.

SWORN AND SUBSCRIBED TO BEFORE ME

page 2

DATE Dec. 3, 2008

Donald W. Stephens
Signature of Magistrate / District Court Judge / Superior Court Judge

Dw. K Battle
Signature of Applicant



[Home](#)

Wake County Real Estate Data Photographs

[iMaps](#)
[Tax Bills](#)

Real Estate ID **0258095** PIN # **0721684657**

Location Address
107 WOOLARD WAY

Property Description
LO297 HOLLANDS CROSSING P3 BM1999-936

[Account Search](#)

[Pin/Parcel History](#) [Search Results](#) [New Search](#)

[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

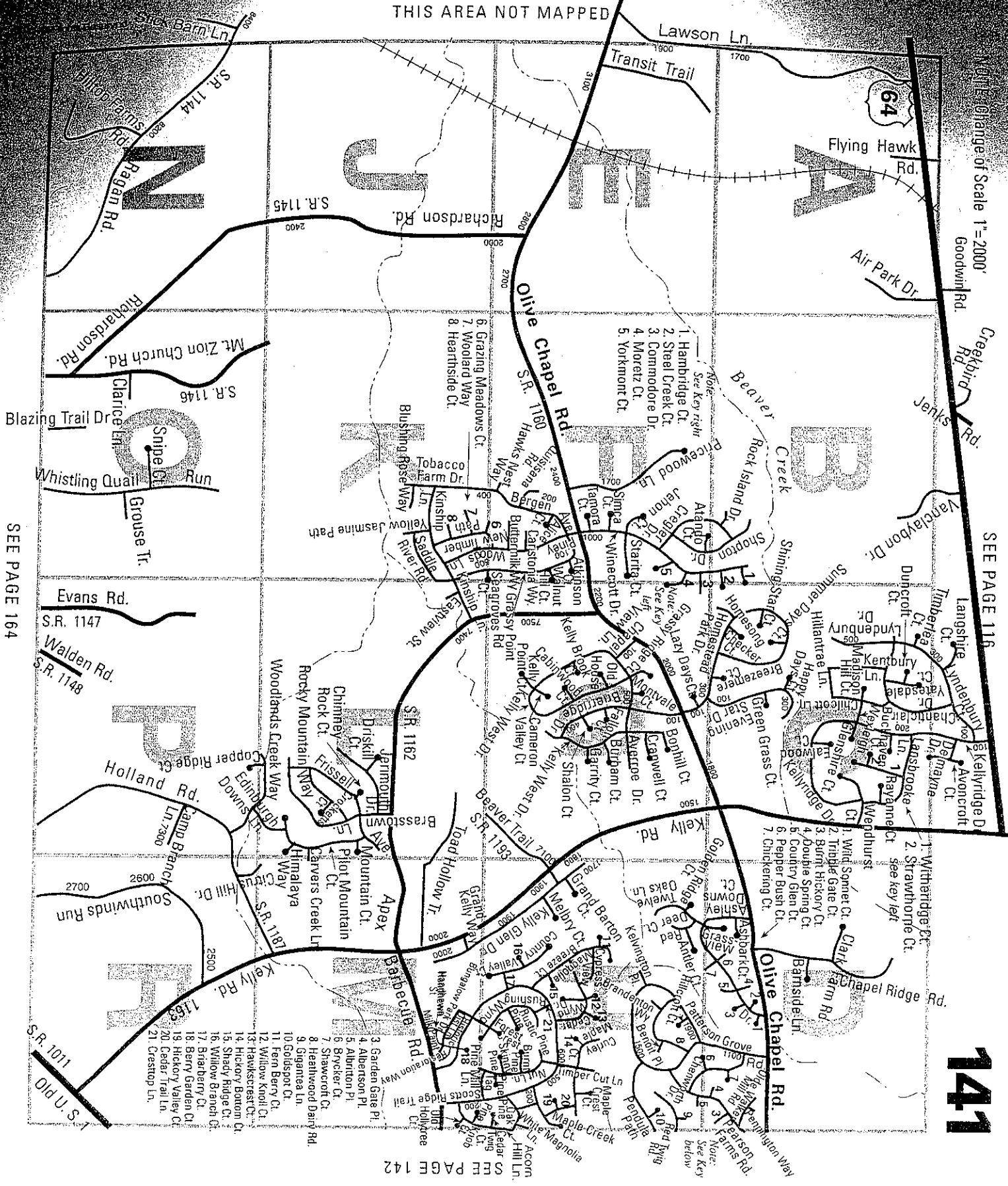


Photograph Date: 3/25/2001



For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@co.wake.nc.us or call 919-856-5400.

THIS AREA NOT MAPPED



SEE PAGE 164

Scale Change of Scale 1"=2000'

SEE PAGE 116

SEE PAGE 142

141

- 1. Hambridge Ct.
- 2. Steel Creek Ct.
- 3. Commodore Dr.
- 4. Moretz Ct.
- 5. Yorkmont Ct.
- 6. Grazing Meadows Ct.
- 7. Woodland Way
- 8. Heathside Ct.
- 9. Garden Gate Pl.
- 10. Albersson Pl.
- 11. Albritton Pl.
- 12. Brycker Ct.
- 13. Shawcroft Ct.
- 14. Heathwood Farm Rd.
- 15. Gaugata Ln.
- 16. Goldspur Ct.
- 17. Fern Berry Ct.
- 18. Willow Knoll Ct.
- 19. Hawkcrest Ct.
- 20. Hickory Bottom Ct.
- 21. Shady Ridge Ct.
- 22. Briardery Ct.
- 23. Berry Garden Ct.
- 24. Hickory Valley Ct.
- 25. Cedar Trail Ln.
- 26. Cresttop Ln.
- 27. Grand Barton Ct.
- 28. Melby Ct.
- 29. Gandy Ln.
- 30. Gandy Valley Dr.
- 31. Pine Hill Ln.
- 32. Pine Hill Ln.
- 33. Pine Hill Ln.
- 34. Pine Hill Ln.
- 35. Pine Hill Ln.
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- 45. Pine Hill Ln.
- 46. Pine Hill Ln.
- 47. Pine Hill Ln.
- 48. Pine Hill Ln.
- 49. Pine Hill Ln.
- 50. Pine Hill Ln.

- 1. Witheridge Ct.
- 2. Strawhorre Ct.
- 3. Witheridge Ct.
- 4. Witheridge Ct.
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- 22. Witheridge Ct.
- 23. Witheridge Ct.
- 24. Witheridge Ct.
- 25. Witheridge Ct.

Note:
See Key right

Note:
See Key left

Note:
See Key

SEE PAGE 142

STATE OF NORTH CAROLINA

In the General Court of Justice

District Superior Court Division

WAKE

County

File No.

Film No.

In the Matter of

Name

107 Woodland Way Apex, NC

INVENTORY OF SEIZED PROPERTY

Date of Search

Dec 3 2008

G.S. 15A-254.-257

I, the undersigned officer, executed a search of:

Person, place or vehicle searched

RESIDENCE @ 107 WOODLAND WAY, APEX, NC

This search was made pursuant to

a search warrant issued by: Judge David Staples

a consent to search given by:

other legal justification for the search:

The following items were seized.

1. E M YOUNG computer, MODEL T5086
SER#
2. SPADE SHOVEL
3. PICK AXE

Check here if separate sheet attached

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

The law enforcement agency identified below will hold the seized property subject to Court Order.

SWORN AND SUBSCRIBED TO BEFORE ME

Date

12-17-08

Signature

Suzanne P. Riike

Signature of Law Enforcement Officer

[Handwritten Signature]

Title

INVESTIGATOR

Agency

WAKE CO SHERIFF

Address

- Deputy CSC
- Assistant CSC
- Clerk of Superior Court
- Magistrate

Acknowledgment of Receipt

I, the undersigned, received a copy of this inventory

Date

Signature of Recipient