

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT OF)
4221 OLIVE BRANCH LN,)
NEW HILL, NC 27562)
12-3-08

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.

Ronald W. Stephens
Wake County Superior Court Judge

Order to Seal Stricken by Judge Ronald 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)
4221 OLIVE BRANCH LN,)
NEW HILL, NC 27562)

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

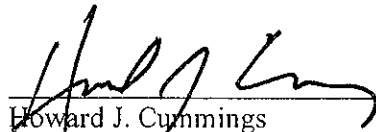
12-3-08

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

File No. File No.

SEARCH WARRANT ©

In the matter of:
4221 Olive Branch Ln.
New Hill NC 27562-9183

Date issued: **12308** Time issued: **6:15** a.m. p.m.

Name of Applicant
Det. R. O. Campen Jr. WCSO B244.

Name of additional affiant
Det. W. Brown Apex PD

Name of additional affiant
Lt. J. Winstead

RETURN OF SERVICE
I certify that this SEARCH WARRANT was received and executed as follows

Date received **12308** Time received a.m. p.m.

Date Executed **12308** Date and time of return **12:40 8:00 1620**

I made a search of:
4221 Olive Branch Ln.

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
M.S. JAREMA

Department or Agency of Officer
WCSO

STATE OF NORTH CAROLINA
Wake County

In the general court of Justice
Superior 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 page two attached hereto 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 this date and time
shown below


Date: _____ Time: _____ a.m. p.m.

Signature

Magistrate Superior Court Judge
 District Court Judge Deputy CSC
 Clerk of Superior Court

SEARCH WARRANT ISSUED BY

Date **12308**

Signature 

Magistrate Superior Court Judge
 District Court Judge Deputy CSC
 Clerk of Superior Court

APPLICATION FOR SEARCH WARRANT

I, Det. R.O. Campen Jr. WCSO B244

(Insert name and address of law enforcement officer, 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 Pages

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

Murder

(Name Crime)

And is located (check the appropriate box or boxes and fill in specified information)

In the following premises:

See Attachment pages

(Give addresses and, if useful, describe premises)

And

On the following person(s):

See Attachment Pages

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

And

In the following vehicle(s):

See Attachment Pages

(Describe vehicle(s))

And

Other names, places or item(s):

See Attachment Pages

(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 Pages

SWORN AND SUBSCRIBED TO BEFORE ME		
Date		
Signature	<i>[Signature]</i>	
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Superior Court Judge <input type="checkbox"/> District Court Judge <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court		Signature of Applicant <i>[Signature]</i>

In addition to the affidavit included above, this application is supported by additional affidavit(s) attached, made by: Det. W. Brown Apex PD and LLJ. Winstead WCSO

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.

** 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 applicant and issuing official.

In the Matter of:

The residential address of
4221 OLIVE BRANCH LN
NEW HILL NC 27562-9183

Constitutes evidence of a crime and the identity of a person participating in a crime;
Homicide G.S. 14-17

Continuation of: Description of Property to be Seized;

Hair, blood, blood spatters, blood patterns, fibers, trace evidence, clothing, clothing fibers, physical layout of the residence, measurements of the residence, moving pictures, video, still photographs to preserve the nature of the crime scene, documentary evidence and writings indicating ownership, identifications, possession and control of the residence to investigate, all evidence that may relate to the suspected homicide or any other crime, weapons, footwear impressions, and tire impressions. Any type of medicines or narcotic's related to veterinarian health care. Specifically zip ties, baseball bat, pick ax, shovels and such item as a tazer gun and duct tape.

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

The residence of 4221 Olive Branch Ln. New Hill NC 27562. Is a yellow colored doublewide trailer home with an entry door in front and is currently an unoccupied residence. This residence is 30 years old and has not been maintained for some time.

Continuation of: Directions to the Premises and Curtilage to be searched;

The residence is located off Olive Branch Lane, which runs off of New Olive Branch Rd. New Hill NC,

Continuation of: Probable Cause;

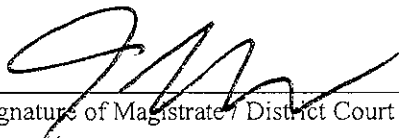
This affiant, Investigator R.O.Campen, has been in law enforcement since 1984. I am currently assigned to the Wake County Sheriff's Office "Person Crimes Unit". This unit investigates, murders, rapes, arsons and violent crimes. During the course of my employment as a law enforcement officer, I have been trained in these areas of Criminal Investigations, crime scene searches and arrest of criminals that are involved in such crimes.

On December 2, 2008 this office was notified by the Apex Police Dept. that their investigators had been informed that a current missing person, Matthew Silliman might be located at this residence. The Wake Co. Sheriff's Office obtained written consent from the owner to go and see if in fact the missing person was located there. Once investigators arrived entry was made into this unoccupied structure and a white male was located deceased there in. Investigators made sure that there were no other persons in this structure and exited same. Uniformed deputies then secured the structure with crime scene tape and remained on site. Further investigation, collection of evidence, and the body are needed to determine the cause of death and to determine if the death is in violation of Homicide N.C.G.S. 14-17.

For these reasons, this affiant respectfully requests this warrant.

SWORN AND SUBSCRIBED TO BEFORE ME

DATE 12308


Signature of Magistrate / District Court Judge / Superior Court Judge


Signature of Applicant