

SEARCH WARRANT

IN THE MATTER OF

Pete Lucas Moses Jr

Date Issued 04/14/2011 Time Issued 11:30 AM AM PM

Name Of Applicant

Detective Charles E. Sole 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 4/14/11 Time Received 11:30 AM AM PM

Date Executed 4/14/11 Time Executed 1200 AM AM PM

I made a search of a person listed

_____ as commanded.

- I seized the items listed on the attached inventory.
- I did not seize any items.
- This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.

Signature Of Officer Making Return
Durham Police Department Incident Number 11-005070

STATE OF NORTH CAROLINA

Durham County

In The General Court Of Justice
District/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 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(s) shown.

Date 4/14/11 Signature _____
 Deputy CSC Assistant CSC CSC
 Magistrate District Ct. Judge Superior Ct. Judge

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

Date 4-14-11 Time 2:00 AM AM PM Signature _____
 Deputy CSC Assistant CSC
Clerk Of Superior Court

APPLICATION FOR SEARCH WARRANT

1. Detective Charles E. Sole Jr, Durham Police CID, Homicide Unit

(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 *(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)*

SEE ATTACHED

constitutes evidence of a crime and the identity of a person participating in a crime, *(Name crime)* NC General Statutes § 14-17, First Degree Murder & NC General Statutes § 14-7 Accessories after the fact to Murder and is located *(Check appropriate boxes) and fill-in specified information)*

in the following premises *(Give address and, if useful, describe premises)*

N/A

(and)

on the following person(s) *(Give name(s) and, if useful, describe person(s))*

PETE LUCAS MOSES JR

(and)

in the following vehicle(s) *(Describe vehicle(s))*

N/A

(and)


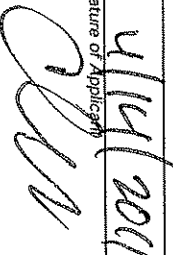
(Name and/or describe other places or items to be searched, if applicable)

N/A

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

SEE ATTACHED

SWORN AND SUBSCRIBED TO BEFORE ME

<p>Date <u>4/14/2011</u></p> <p>Signature </p> <p><input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Judge</p>	<p>Date <u>4/14/2011</u></p> <p>Signature of Applicant </p>
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In addition to the affidavit included above, this application is supported by additional affidavits, 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.

NOTE: *If more space is needed for any section, 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.*

**ATTACHMENT
CONTINUATION OF A SEARCH WARRANT**

In The Matter of :

Pete Lucas Moses Jr (hereafter referred to as Moses)

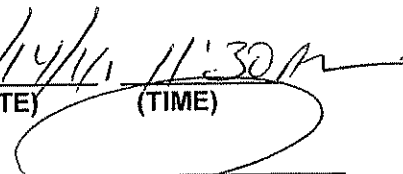
Description of Item to be Searched and Seized

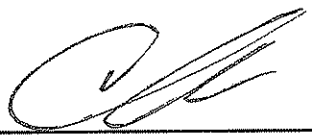
Saliva (DNA Sample), hair, major case fingerprints and photographs

Facts to Establish Probable Cause

I, Charles E. Sole Jr., hereafter referenced as Affiant, upon my oath, hereby
depose and say as follows:

1. At present, your Affiant is a member of the City of Durham Police Department assigned to the Criminal Investigations Division, Homicide Unit. Your Affiant has been a sworn law enforcement officer for more than fifteen years. Your Affiant's prior assignments include: Patrol Officer in the Uniform Patrol Bureau, a member of Crime Area Target Team, as well as assignments as a Police Canine Handler. Your Affiant has also served as a Detective in the Special Operations Division (Vice and Narcotics Enforcement) with assignments on the Street Crimes Unit, Major Crimes Unit and the Narcotic Interdiction Unit. Your Affiant has participated directly or indirectly in numerous criminal investigations, which have been prosecuted in the state and federal courts.
2. Your Affiant has basic and advanced law enforcement certificates issued by the North Carolina Department of Justice Education and Training Standards Commission. Your Affiant applied for and has been appointed to the rank of Master Officer. Your Affiant has attended and successfully completed the North Carolina Justice Academy, Police Law Institute

4/14/11 11:30 AM
(DATE) (TIME)

Signature Issuing Official
Judge/Magistrate


Signature of Applicant
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course (PLI), which covered the mechanics of arrest, search and investigation.


3. Your Affiant has attended and successfully completed several basic and advanced courses connected to law enforcement investigator/detective training. This training included but was not limited to, interview and interrogation, surveillance operations, narcotics investigation, criminal investigation, homicide investigation and crime scene management. Your Affiant has drafted or assisted in drafting numerous search warrants and associated affidavits which have been reviewed and signed by local Magistrates, North Carolina Superior Court Judges and United States Federal Magistrate Judges.

4. That during the week of March 21st, 2011, your Affiant was assigned to an ongoing criminal investigation regarding Pete Moses, Vania Sisk, Larhonda Smith and others that resided at 2109 Pear Tree Lane, Durham, NC. The information contained in this Affidavit is based on your Affiant's personal investigative efforts and the efforts of other officers and detectives with the Durham Police Department. Your Affiant has also received information regarding this investigation from other local, state and federal law enforcement agents/officers as well as other reliable sources of information. Since this affidavit is being submitted for the limited purpose of securing a search warrant, your Affiant has not included each and every fact known concerning this investigation.

5. That this investigation was predicated by a complaint of suspicious activity involving Moses, Sisk, Smith and others at the aforesaid address. According to numerous witnesses, police reports from this

4/14/11 11:30am
(DATE) (TIME)

Signature Issuing Official
Judge/Magistrate



Signature of Applicant
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jurisdiction and elsewhere, child services records, and other creditable sources of information, Moses and Sisk were directly involved in the murder of a juvenile and an adult. These incidents were reported to have occurred at 2109 Pear Tree Lane Durham, NC.

6. That Moses is considered a suspect in this investigation and that he is currently in the custody of the Durham County Jail.
7. That as a part of this ongoing investigation into North Carolina General Statutes § 14-17, First Degree Murder and North Carolina General Statutes § 14-7 Accessories after the fact to Murder, investigators/agents have conducted several searches at varying locations. During these investigative procedures; latent, biological, fiber, trace and other evidence has recovered. In order to conduct supplemental forensic exams of this evidence in is necessary to obtain a DNA sample, major case prints, and hair samples from Moses.
8. In the furtherance of this investigation, and based on the facts and circumstances listed in the affidavit, your Affiant respectfully request that the COURTS issue a search warrant for salvia, hair, and major case finger print impression from Moses.
9. Furthermore, in the event Moses does not submit to this order issued by this COURT, reasonable force may be used by law enforcement; jail/detention staff, so forensic personnel can to obtain the requested items/samples.

4/14/11, 11:30
(DATE) (TIME)

Signature Issuing Official
Judge/Magistrate



Signature of Applicant
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STATE OF NORTH CAROLINA

File No.

Durham County

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:

Name

Pete Lucas Moses Jr

INVENTORY OF ITEMS SEIZED
PURSUANT TO SEARCH

G.S. 15A-223, 15A-254. -257

I, the undersigned officer, executed a search of: above person

Person, Premises Or Vehicle Searched

Date Of Search

Pete Lucas Moses Jr.

4/14/2011

This search was made pursuant to

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

The following items were seized:

Salvia Sub
hair samples
major case prints



4/14/2011

Items Seized Continued:

CSM

4/14/2011

- 1. I left a copy of this inventory with the person named below, who is:
 - a. the owner of the premises searched.
 - b. the owner of the vehicle searched.
 - c. the person in apparent control of the premises searched.
 - d. the person in apparent control of the vehicle searched.
 - e. the person from whom the items were taken.
- 2. As no person was present, I left a copy of this inventory:
 - a. in the premises searched, identified on the reverse.
 - b. in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered, If Any

Empty box for name and address of person to whom a copy of the inventory was delivered.

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 <i>[Signature]</i>
Date 4-14-11		Title Of Law Enforcement Officer Dunham Police Department Investigator
Signature <i>[Signature]</i>		Name And Address Of Agency Dunham P.D. 505 West Chapel Hill St Dunham NC 27701
<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	
<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Magistrate	

ACKNOWLEDGMENT OF RECEIPT

I, the undersigned, received a copy of this inventory.

Date

Signature of Person Receiving Inventory