

File No.

SEARCH WARRANT

IN THE MATTER OF

2109 Pear Tree Lane-Larchonda Smith

Date Issued 04/21/2011 Time Issued 11:12 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	Time Received	Date Executed	Time Executed
4/21/11	11:12	4/21/11	2:35

I made a search of above person

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 *[Signature]*
 Date of Return of Officer 4/21/11
 Incident Number 11-005070
 Durham Police Department

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 4-21-11 Signature *[Signature]*
 Deputy CSC Assistant CSC
 Magistrate District Ct. Judge CSC
 Superior Ct. Judge

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

Date 4-26-11 Time 2:10 AM AM PM
 Signature *[Signature]*
 Deputy CSC Assistant CSC
 Clerk Of Superior Court

APPLICATION FOR SEARCH WARRANT

1. Detective Charles E. Sole Jr, DDP, 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)*

14-17 Murder

and is located *(check appropriate box(es) 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))*

Larhonda Smith

(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

Date

4-21-11

Date

4/21/11

Signature of Applicant

Signature

(Signature)

Magistrate

Dep. CSC

Asst. CSC

Clerk of Superior Court

Judge

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.

STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
 DISTRICT SUPERIOR COURT DIVISION

**ATTACHMENT
CONTINUATION OF A SEARCH WARRANT**

In The Matter of:


2109 Pear Tree Lane Durham, NC- Larhonda Smith


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 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.

DATE: 4/21/11


Signature Issuing Official
NC Superior Court Judge

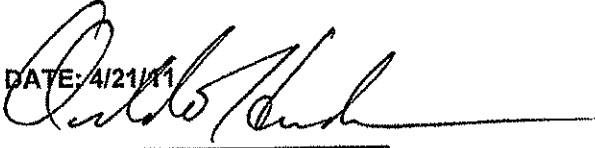

Signature of Applicant
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STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
 DISTRICT SUPERIOR COURT DIVISION

4. 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 Pete Moses, Vania Sisk, Shelia Moses, Larhonda Smith, Lavada Q. Harris, P. Leonard Moses and others who resided at 2109 Pear Tree Lane Durham, NC. According to numerous witnesses, police reports from this jurisdiction and elsewhere, child services records, and other creditable sources of information, the above mentioned individuals were directly involved in or party to information regarding the murder of a Jadon Higginbotham, a 4 year old child, and Antoinette McKoy, 28 year old adult. These incidents were reported to have occurred at 2109 Pear Tree Lane Durham, NC.
6. That Pete Moses, Vania Sisk, Shelia Moses, Larhonda Smith, Lavada Q. Harris, P. Leonard Moses and others that resided at 2109 Pear Tree Lane, Durham, NC. It has been discovered that Jadon Higginbotham and Antoinette McKoy also lived at 2109 Pear Tree Lane, Durham, NC. According to witnesses, Higginbotham was last seen alive in October of 2010, and McKoy was last seen alive in December of 2010.
7. That Vania Sisk, the mother of Jadon Higginbotham, has given numerous conflicting and untruthful statements regarding the whereabouts of Jadon to several different law enforcement agencies in Colorado and Durham, NC, as well as the Department of Social Services and to her own family. Sisk claims that sometime in mid February 2011, before moving to Colorado she left Jadon with a female in Durham. Sisk was not able to supply the name, address or legitimate contact information for this person that was taking care of Jadon. Sisk stated that the person was a

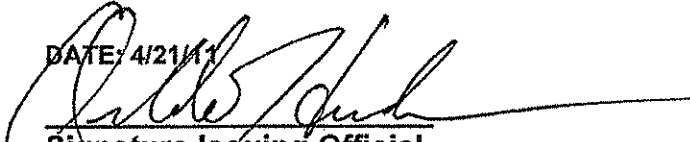
DATE: 4/21/11



Signature Issuing Official
NC Superior Court Judge


Signature of Applicant
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8. On or about March 2, 2011, Sisk travelled back to Durham NC from Colorado via a commercial bus line. Sisk related to law enforcement that she came back to Durham, NC to look for Jadon. However Sisk used a false name of Sherena Smith (passenger number 71798672), when booking her travel and purchasing her bus ticket. In addition, when law enforcement officials boarded the bus that Sisk was travelling on, she was found hiding partially underneath a bus seat. Sisk did have a cell phone with her, and she never called the police to file a missing person report. To this date, Sisk has never made any inquiry into the missing person investigation regarding her son. Based on your affiant's experience and training in the area of missing persons investigations, this conduct is unusual and suspicious.
9. That during the month of December 2010, a witness saw McKoy being forced back into the 2109 Pear Tree Lane, Durham, NC by two females as well as a male. The witness related that the two females lived at 2109 Pear Tree Lane and the male was Pete Moses. Moreover, when Pete Moses, Vania Sisk, Larhonda Smith, Lavada Q. Harris and P. Leonard Moses and others were asked by law enforcement about McKoy, they denied even knowing her. However, many records and witnesses relate that McKoy resided at 2109 Pear Tree Lane, Durham, NC. According to other records and interviews, it is evident that McKoy often kept in constant contact with her friends and family. This steady contact ceased shortly after McKoy was seen being forced back into 2109 Pear Tree Lane, Durham, NC.
10. That another witness related to law enforcement that sometime in December 2010, McKoy was assaulted and shot in the second floor master bathroom at 2109 Pear Tree Lane, Durham, NC. Investigators and Agents have searched 2109 Pear Tree Lane, Durham, NC several times. During these searches, evidence of an assault was discovered in second floor master bathroom and elsewhere inside 2109 Pear Tree Lane, Durham NC. That Law enforcement officials have recovered latent, biological, trace and other evidence. The evidence includes, but is not limited to, a fired bullet, shell casing, as well as the presence of obvious cleaning in the second floor master bathroom and other areas of the residence. Investigators and Agents documented positive

DATE: 4/21/11


Signature Issuing Official
NC Superior Court Judge


Signature of Applicant
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STATE OF NORTH CAROLINA
DURHAM COUNTY

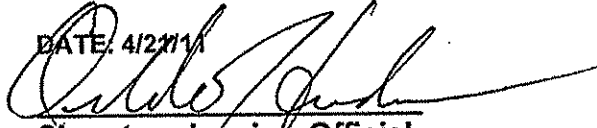
IN THE GENERAL COURT OF JUSTICE
 DISTRICT SUPERIOR COURT DIVISION

presumptive test for human blood on walls, blinds, bathroom fixtures and elsewhere inside 2109 Pear Tree Lane, Durham, NC.

11. That Larhonda Smith was a resident at 2109 Pear Tree Lane, Durham, NC when the aforementioned incident occurred. At this point, Larhonda Smith is considered a suspect in this investigation.
12. That as a part of this ongoing investigation into violations North Carolina General Statutes it is material and relevant to conduct supplemental forensic exams of the afore mentioned evidence. In order to complete the supplemental exams of certain evidence recovered in this investigation, it is required to obtain a DNA standard from Larhonda Smith.
13. Based on the facts and circumstances listed in this affidavit, your Affiant respectfully requests that the COURTS issue a search warrant for a salvia sample from Larhonda Smith. Furthermore, this COURT finds that probable cause is present to approach, detain and obtain the salvia sample from Larhonda Smith. Additionally, if Larhonda Smith does not submit to this order of the COURT, reasonable force may be used by law enforcement to obtain the requested samples.

On the following person(s)
Larhonda Smith



DATE: 4/27/11

Signature Issuing Official
NC Superior Court Judge


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
8109 Pear Tree Lane
Luxhonda Smith

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

4/21/2011

This search was made pursuant to

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

The following items were seized:

(Large handwritten scribble)

(Signature) 4/21/11

Items Seized Continued:

[A large handwritten mark, possibly a signature or initials, is present in the 'Items Seized Continued' section.]

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 recipient.]

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 4-26-11		Title Of Law Enforcement Officer Investigator Charles Sole
Signature <i>[Signature]</i>		Name And Address Of Agency Durham P.D. 505 W Chapel Hill St Durham NC 27301
<input 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
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