

File No.

SEARCH WARRANT

IN THE MATTER OF

DWAYNE H. DAVIS

Date Issued 08/10/2011 Time Issued 1:54 AM PM

Name Of Applicant B.L. MARTIN

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 8-10-11 Time Received 1:54 AM PM

Date Executed 8-10-11 Time Executed 2:30 AM PM

I made a search of Scotland Neck N.C. 285 Country Rd

_____ as commanded.

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 *Bobby Wilson*

Department Or Agency Or Officer Halifax County Sheriff's Office Incident Number

STATE OF NORTH CAROLINA
HALIFAX County

FILED

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.
BY *SJO*

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 8/10/11 Signature *[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 8/11/11 Time 3:50 AM PM Signature *Susan L Salmon* Deputy CSC Assistant CSC
Clerk Of Superior Court

Seized items Continued:

N/A

FILED

2011 AUG 11 PM 3:51

HALIFAX CO., C.S.C.

BY



I am leaving a copy of this inventory with the person named below, who is:

- the owner of the place searched.
- the owner of the vehicle searched.
- the person in apparent control of the place searched.
- the person in apparent control of the vehicle searched.
- the person from whom the items were taken.

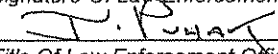
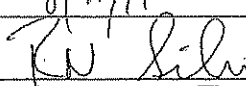
As no person was present, I am leaving a copy of this

- in the place searched, identified on the reverse.
- in the vehicle searched, identified on the reverse.

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

Dwayne Hosea Davis
285 Cemetery Road
Scotland Neck, NC

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  |
| Date 8/11/11 | Title Of Law Enforcement Officer Detective Sergeant |
| Signature  | Name And Address Of Agency Halifax County Sheriff's Office 355 Ferrell Lane, Halifax, NC 27839 |
| <input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court | |

ACKNOWLEDGMENT OF RECEIPT

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

| | |
|------|---|
| Date | Signature Of Person Receiving Inventory |
|------|---|

APPLICATION FOR SEARCH WARRANT

FILED

I, Lt. B.L. Martin
(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)

SBE ATTACHED

constitutes evidence of a crime and the identity of a person participating in a crime. (Name crime) SBE ATTACHED

and is located (Check appropriate box(es) and fill-in specified information)

[X] in the following premises (Give address and, if useful, describe premises) SBE ATTACHED

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

(and) [X] in the following vehicle(s) (Describe vehicle(s)) SBE ATTACHED

(and)

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

2011 AUG 11 PM 3: 50

HALIFAX CO., C.S.C.

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

SBE ATTACHED

SWORN AND SUBSCRIBED TO BEFORE ME

Date

8-10-11

Signature of Applicant

B. M. [Signature]

Signature

[Signature]

Magistrate

[] Dep. CSC

[] Asst. CSC

[] Clerk of Superior Court

[X] 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
COUNTY OF HALIFAX

AFFIDAVIT FILED

2011 AUG 11 PM 3:50

CONTINUATION OF THE SEARCH WARRANT APPLICATION IN THE MATTER OF HALIFAX CO., C.S.C.

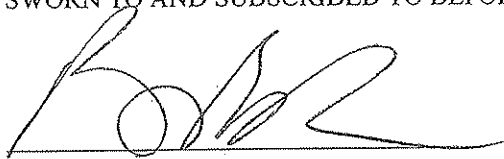
DWAYNE HOSEA DAVIS
285 CEMETARY RD.
SCOTLANDNECK N.C.

BY 

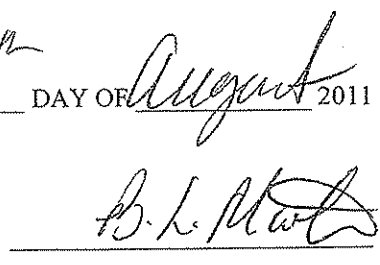
I, B. L. MARTIN, JR., INVESTIGATOR WITH THE HALIFAX COUNTY SHERIFF'S OFFICE HAVE BEEN A SWORN LAW ENFORCEMENT OFFICER SINCE JUNE OF 1995. I BEGAN MY LAW ENFORCEMENT CAREER WITH THE WARREN COUNTY SHERIFF'S OFFICE IN JUNE OF 1995 AS A PATROL DEPUTY AND K-9 OFFICER. IN MAY OF 2001, I CONTINUED MY LAW ENFORCEMENT CAREER AND WENT TO WORK FOR THE ROANOKE RAPIDS POLICE DEPARTMENT AS A UNIFORM PATROL OFFICER. IN AUGUST OF 2002, I BEGAN MY EMPLOYMENT WITH THE WELDON POLICE DEPARTMENT AS A UNIFORM OFFICER AND A K-9 OFFICER. IN MAY OF 2003, I CONTINUED MY LAW ENFORCEMENT CAREER WITH THE HALIFAX COUNTY SHERIFF'S OFFICE AS A PATROL DEPUTY. IN DECEMBER OF 2004, I WAS PROMOTED TO CORPORAL. IN SEPTEMBER OF 2005, I WAS PROMOTED TO DETECTIVE SERGEANT. IN JUNE OF 2007, I WAS PROMOTED TO DETECTIVE LIEUTENANT.

DURING MY LAW ENFORCEMENT CAREER, I SUCCESSFULLY COMPLETED 560 HOURS OF BASIC LAW ENFORCEMENT TRAINING CONDUCTED BY THE NORTH CAROLINA JUSTICE ACADEMY. SINCE THIS INITIAL TRAINING, I HAVE COMPLETED HUNDREDS OF HOURS OF VARIOUS LAW ENFORCEMENT TRAINING, A PORTION OF WHICH RELATES TO CRIMINAL INVESTIGATIONS. THIS INVESTIGATION WILL BE REFERRED TO AS THE AFFIANT.

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS THE 10th DAY OF August 2011



MAGISTRATE / JUDGE



LT. B.L. MARTIN

FILED

CONTINUATION OF THE SEARCH WARRANT APPLICATION IN THE MATTER OF:

DWAYNE HOSEA DAVIS
285 CEMETARY RD.
SCOTLANDNECK N.C.

2011 AUG 11 PM 3:50

HALIFAX CO., C.S.C.

CONTINUATION OF "PREMISES TO BE SEARCHED"

BY SD

THIS IS A WHITE HOME THAT APPEARS TO BE STICK BUILT. LOCATED ON THE LEFT HAND SIDE OF CEMETARY RD. AS YOU ARE COMING FROM MARY CHAPEL RD. THE HOME IS LOCATED BETWEEN LEROY AND SYLVIA LN. THIS HOME DISPLAYS THE NUMBERS OF 285 ON THE FRONT OF THE HOME.

CONTINUATION OF "VEHICLE (S) TO BE SEARCHED"

- 1) ANY VEHICLES THAT MAY BE ON THE PROPERTY ABLE TO STORE A CELL PHONE WITHIN IT

CONTINUATION OF "PROBABLE CAUSE TO SEARCH"

THIS AFFIANT HAS BEEN CONDUCTING AN INVESTIGATION INVOLVING 911 CALLS ORIGINATING FROM THE AREA OF 285 CEMETARY RD., LEROY DR., MARY CHAPELS RD AND SALVIA LN. SCOTLANDNECK. THIS ACTIVITY IS IN THE AREA WHERE DWAYNE HOSEA DAVIS RESIDES. DURING THESE CALLS, A PERSON WAS ATTEMPTING TO DISGUISE THEIR VOICE TO SOUND AS IF THEY WERE A FEMALE CALLING FOR HELP. FROM THE TIME FRAME OF 6-16-2010 TO PRESENT DATE, WE HAVE RECEIVED IN EXCESS OF 14 CALLS FROM THREE DIFFERENT CELL PHONES WITH DEACTIVATED SERVICE. THE HALIFAX 911 CALL CENTER WAS ABLE TO RECORD EACH CALL, INDICATING THE PREFIX 911 AND THE LAST SEVEN DIGITS OF THE CELL PHONE SERIAL NUMBER, (911-656-8541, 911-417-9423 AND 911-652-146). BY UTILIZING THEIR GPS TRACKING SYSTEM, THE 911 CENTER WAS ABLE TO IDENTIFY THE LOCATION OF THE CALLS. ALL CALLS WERE RECEIVED FROM THE CEMETARY ROAD, LEROY DR., MARY CHAPEL RD AREA, AND SALVIA LN. AND THE ADDRESS OF 285 CEMETARY RD, WHICH IS THE RECORDED ADDRES OF DWAYNE H. DAVIS. THE "GEOLYNX" TRACKING SYSTEM HAS LOCATED FOUR SEPARATE ORIGINATING CALLS FROM THE ADDRESS OF 285 CEMETARY RD. SCOTLAND NECK. AFTER MANY HOURS OF REVIEWING THE RECORDED 911 CALLS, IT IS APPARENT THAT THE PERSON MAKING THESE CALLS ARE ASSOCIATED WITH THE ADDRESS OF 285 CEMETARY RD., SCOTLAND NECK NC. THESE CALLS HAVE ORIGINATED AFTER MR. DAVIS BECAME A SUSPECT IN A CASE WHERE A FEMALE JUVINILE IS MISSING FROM THE SCOTLAND NECK AREA, AND IS KNOWN TO HAVE BEEN IN THE PRESENCE OF MR. DAVIS PRIOR TO HER DISAPPEARANCE.

FOR EVERY 911 CALL RECEIVED, THE HALIFAX COUNTY SHERIFFS OFFICE HAS DISPATCHED A DEPUTY TO RESPOND TO THE AREA, AND MANY MAN HOURS HAVE BEEN SPENT INVESTIGATING THESE CALLS.

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS THE

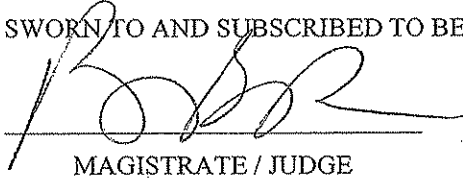
10th

DAY OF

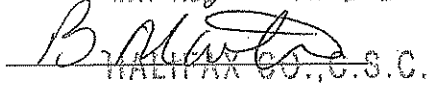
FILED
August

2011

2011 AUG 11 PM 3:51



MAGISTRATE / JUDGE


WALTON CO., G.S.C.
LT. B.L. MARTIN
BY 80

PAGE 3

FILED

CONTINUATION OF THE SEARCH WARRANT APPLICATION IN THE MATTER OF:

DWAYNE HOSEA DAVIS
285 CEMETARY RD.
SCOTLANDNECK N.C.

2011 AUG 11 PM 3: 51

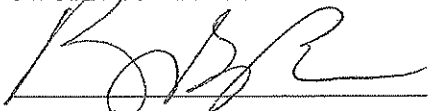
HALIFAX CO., C.S.C.

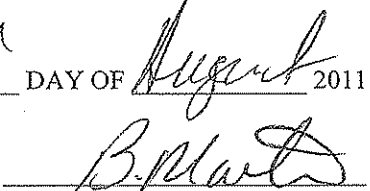
BY 

CONTINUATION OF "PROBABLE CAUSE TO SEARCH"

ON TODAY'S DATE WE RECEIVED FIVE ADDITIONAL CALLS FROM THE AREA OF 285 CEMETARY RD. SCOTLANDNECK. THE CALLS WERE SIMILAR TO THE PREVIOUS CALLS FROM THE AREA, WITH SOMEONE TRYING TO DISGUISE THEIR VOICE AS A FEMALE IN DISTRESS. THE ADDITIONAL CALLS CONSISTED OF WHAT SOUNDED LIKE SIMULATED GUN SHOTS. THROUGH UTILIZING THE HALIFAX COUNTY COMMUNICATION CENTER'S GPS MAPPING SYSTEM WAS ABLE TO DETERMINE THAT THE CALLS ORIGINATED FROM 285 CEMETARY RD. SCOTLANDNECK

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS THE 10th DAY OF August 2011


MAGISTRATE / JUDGE


LT. B.L. MARTIN

FILED

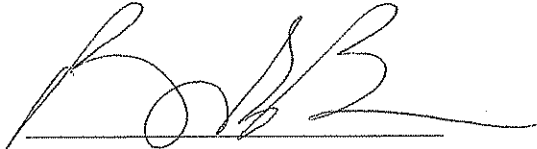
2011 AUG 11 PM 3:51
HALIFAX CO., C.S.C.
BY SD

CONTINUATION OF THE SEARCH WARRANT APPLICATION IN THE MATTER OF:

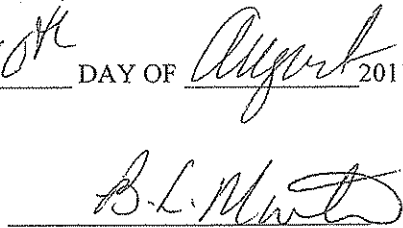
DWAYNE HOSEA DAVIS
285 CEMETARY RD.
SCOTLANDNECK N.C.

BASED ON THE INFORMATION RECEIVED FROM THE HALIFAX COUNTY COMMUNICATIONS CENTER AND FURTHER INVESTIGATIONS BY THE HALIFAX COUNTY SHERIFF'S OFFICE AND THE AFFIANT'S OWN INVESTIGATION, IT IS MY OPINION THAT THE TOTALITY OF THE INFORMATION IS CONSISTENT WITH THE ACTIVITY OF COMMITTING MISSUSE OF 911. ON THE AFOREMENTIONED INFORMATION IN THIS AFFIDAVIT, I RESPECTFULLY REQUEST A SEARCH WARRANT TO BE GRANTED TO SEARCH 285 CEMETARY RD. SCOTLANDNECK N.C. 27839

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS THE 10th DAY OF August 2011



MAGISTRATE / JUDGE



LT. B.L. MARTIN

STATE OF NORTH CAROLINA
HALIFAX County

FILED

File No.

In The General Court Of Justice
 District Superior Court Division

2011 AUG 11 PM 3:51

IN THE MATTER OF:

Name

Dwayne Hosea Davis
285 Cemetery Road
Scotland Neck, NC

HALIFAX CO., C.S.C.

BY

INVENTORY OF SEIZED PROPERTY

Date Of Search

G.S. 15A-254, -257

I, the undersigned officer, executed a search of:

Person, Place Or Vehicle Searched

Dwayne Hosea Davis
285 Cemetery Road
Scotland Neck, NC

This search was made pursuant to

- a search warrant issued by: Chief District Court Judge Branch
- a consent to search given by:
- other legal justification for this search:

The following items were seized:

Item JP01: 1 Black in color HTC Sprint Touch Phone with a neon blue case

Item JP02: Farmers Home Furniture receipt to Dwayne Davis of 285 Cemetery Road

Item JP03: Three cell phone chargers; 2 HTC USB wall style, one LG wall charger

Item JP04: One silver and blue in color Audiovox flip style camera phone

Item JP05: Two LG "text phones," one with a multi-colored pastel case, the other with a blue case

Item JP06: One LG USB wall style cell phone charger

Item JP07: One Nokia old style cell phone, black in color with a leather like case

Item JP08: One LG wall style cell phone charger

Item JP09: One OEM wall style cell phone charger

Item JP10: One dirty silver and blue in color Motorola V262 flip phone with three cell phone batteries

Item JP11: One OEM wall style cell phone charger

Item JP12: One Silver and gray in color Motorola flip phone with V262 reference guide (broken)

Item JP13: One white, silver and gray in color Kyocera Soho phone w/ LG AX275 Manual

Item JP14: Miscellaneous paper trash items