

Film No.

File No.

SEARCH WARRANT

In the Matter of

607 Ralph Dr., Raleigh NC

Date Issued
08/30/2008

Time Issued
11:55 PM AM PM

Name of Applicant
Det. M. K. Galloway

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 08302008	Time Received 1155 PM	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Date Executed 08302008	Date and Time of Return 092011:15P	

I made a search of _____

_____ 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 or Agency of Officer
Raleigh Police Department

STATE OF NORTH CAROLINA
WAKE County

FILED

District Court Division

In the General Court of Justice

2008 SEP -9 AM 1:15

WAKE COUNTY, C.S.C.

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

BY _____

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 9/9/08 Time 115 AM AM PM

Signature B. Roberts

Deputy CSC Asst. CSC Clerk of Superior Court

Date 08/30/2008

Signature B. Roberts

Deputy CSC Asst. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF: 607 Ralph Drive.
Raleigh, NC 27610

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT BY:
Detective Michael Galloway, Raleigh Police
Date: 8/30/2008

Description of Items to be Seized

1. Evidence of ownership or possession of premises located at 607 Ralph Drive.
2. Blood, saliva, physiological fluids and secretions, hair, fibers, fingerprints, palm prints, footprints, shoeprints, weapons, and firearms, including, pistols, revolvers, rifles, shotguns, bullets, cartridges, fired cartridges, and items containing traces of any of the above mentioned articles.
3. Clothing, physical layout of the premises, moving pictures, video, still pictures to preserve the nature of the crime scene, and any and all evidence that may relate to the crimes in question
4. Documents, papers, notes, messages, or any other form of communication that has information pertaining to the crime in question, address, names, or details of locations or places that the suspect, or any other person associated with the suspect, whether written, typed, or printed, located within these premises, including but not limited to any personal property, clothing, shoes, or anything that could contain evidence of the crime of attempted murder.
5. Any and all evidence related to the offense of murder.

Description of Crimes

1. Murder NC General Statute GS 14-17

Description of Premises to be Searched



607 Ralph Drive Raleigh, NC 27610

607 Ralph Drive is a one story brick apartment building with beige trim. If you are facing the house, the numbers "607" appear in black to the left of the front door. Any and all out buildings, and any and all vehicles parked within the curtilage.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 30th DAY OF August, 2008.


MAGISTRATE/JUDGE


APPLICANT

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF: 607 Ralph Drive.
Raleigh, NC 27610

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT BY:
Detective Michael Galloway, Raleigh Police
Date: 8/30/2008

Probable Cause Affidavit

I, Detective Michael Galloway have been a Law Enforcement Officer with the Raleigh Police Department for approximately 14 years. I am currently assigned to the Major Crimes Unit. I completed Basic Law Enforcement Training at the Raleigh Police Academy and have received continuing and in-service training through the Raleigh Police Department since that time. During my career as a law enforcement officer, I have been involved in the investigation, arrest and conviction of numerous persons charged with assorted criminal violations, including but not limited to serious assaults, rapes, and murder. As a detective, I have continued to make charges as well as execute search warrants related to these criminal violations. I have previously drawn and executed search warrants in which arrests were made and controlled substances and firearms were seized. I have testified in numerous cases in court that have lead to convictions.

On Saturday August 30th, Roberto Torres-Cruz was approached by an unknown Hispanic male near 3104 WoodPecker Court. The subject produced a handgun and fired upon the victim several times. The victim was struck about the body and died as a result of his injuries.

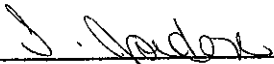
Several witnesses were located and interviewed at the scene. Witnesses indicate that the suspect fled the scene in a black Chevy S-10 pick up truck. Officers circulated the area for the suspect vehicle. As a result, they located the suspect vehicle parked in front of 607 Ralph Drive. The driver of the truck was inside the apartment. Further investigation revealed that the driver was at 3104 WoodPecker Court when the shooting occurred. Witnesses indicate that the driver was seen driving the suspect away from the scene following the shooting.

Conclusion

Based on the preliminary investigation, probable cause exists to believe that further evidence of the crime listed in this search warrant is present at 607 Ralph Drive. Given the suspects were inside the residence following the shooting, there is reason to believe that evidence of the crime is present at the aforementioned address. I request this warrant be issued.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 30th DAY OF August, 2008.


MAGISTRATE/JUDGE


APPLICANT

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 607 Ralph Drive
Raleigh, NC

INVENTORY OF SEIZED PROPERTY

Date of Search

8/31/2008

G.S. 15A-254.-257

I, the undersigned officer, executed a search of:

Person, place or vehicle searched

607 Ralph Drive Raleigh NC

This search was made pursuant to

- a search warrant issued by: magistrate
- a consent to search given by:
- other legal justification for the search:

The following items were seized.

1 pair blue jean shorts

1 white collared shirt with brown stripes

1 pair white tennis shoes (adidas)

1 pair white tennis shoes with gray checkered design

1 pair blue jean shorts with marijuana leaf design

1 white collared shirt with brown stripes

1 white collared shirt with brown stripes

Check here if separate sheet attached

Film No. File No.

SEARCH WARRANT

In the Matter of

1838 Fountain Dr., Raleigh, NC

Date Issued 08/31/2008 Time Issued 4:00 AM PM

Name of Applicant

Det. R. F. LaTour

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	8-31-08	Time Received	<u>4:00</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Date Executed	8-31-08	Date and Time of Return	<u>9-9-08 / 1:15</u>

I made a search of _____ 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 Agency of Officer
 Raleigh Police Department

STATE OF NORTH CAROLINA
 WAKE County
 2008 SEP -9 AM 1:15

In the General Court of Justice
 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.

Date	08/31/2008
Signature	<i>[Signature]</i>
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court <input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> District Ct. Judge <input type="checkbox"/> Superior Ct. Judge	

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

Date 8/19/08 Time 1:15 AM PM

Signature *[Signature]*
 Deputy CSC Asst. CSC Clerk of Superior Court

IN THE MATTER OF: 1838 Fountain Drive,
Raleigh, NC 27610

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT BY:
Detective Robert La Tour, Raleigh Police
Date: 8/31/2008

Description of Items to be Seized

1. Evidence of ownership or possession of premises located at 1838 Fountain Drive.
2. Blood, saliva, physiological fluids and secretions, hair, fibers, fingerprints, palm prints, footprints, shoeprints, weapons, and firearms, including, pistols, revolvers, rifles, shotguns, bullets, cartridges, fired cartridges, and items containing traces of any of the above mentioned articles.
3. Clothing, physical layout of the premises, moving pictures, video, still pictures to preserve the nature of the crime scene, and any and all evidence that may relate to the crimes in question
4. Documents, papers, notes, messages, or any other form of communication that has information pertaining to the crime in question, address, names, or details of locations or places that the suspect, or any other person associated with the suspect, whether written, typed, or printed, located within these premises, including but not limited to any personal property, clothing, shoes, or anything that could contain evidence of the crime of attempted murder.
5. Any and all evidence related to the offense of murder.

Description of Crimes

1. Murder NC General Statute GS 14-17

Description of Premises to be Searched

1838 Fountain Drive Raleigh, NC 27610

1838 Fountain Drive is a single story, brick apartment building. There are black shutters on the building and beige vinyl siding. A front stoop covers the black front door and the numbers 1838 are positioned above the door. Any and all out buildings, and any and all vehicles parked within the curtilage.

Probable Cause Affidavit

I, Detective Robert La Tour, have been a Law Enforcement Officer with the Raleigh Police Department for approximately 10 years. I am currently assigned to the Major Crimes Unit. I

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 31st DAY OF August, 2008.


MAGISTRATE/JUDGE


APPLICANT

IN THE MATTER OF: 1838 Fountain Drive.
Raleigh, NC 27610

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT BY:
Detective Robert La Tour, Raleigh Police
Date: 8/31/2008

completed Basic Law Enforcement Training at the Raleigh Police Academy and have received continuing and in-service training through the Raleigh Police Department since that time. During my career as a law enforcement officer, I have been involved in the investigation, arrest and conviction of numerous persons charged with assorted criminal violations, including but not limited to serious assaults, rapes, and murder. As a detective, I have continued to make charges as well as execute search warrants related to these criminal violations. I have previously drawn and executed search warrants in which arrests were made and controlled substances and firearms were seized. I have testified in numerous cases in court that have lead to convictions.

On Saturday August 30th, Roberto Torres-Cruz was approached by an unknown Hispanic male near 3104 WoodPecker Court. The subject produced a handgun and fired upon the victim several times. The victim was struck about the body and died as a result of his injuries.

Several witnesses were located and interviewed at the scene. Witnesses indicate that the suspect fled the scene in a black Chevy S-10 pick up truck. Officers circulated the area for the suspect vehicle. As a result, they located the suspect vehicle parked in front of 607 Ralph Drive. The driver of the truck was inside the apartment. Further investigation revealed that the driver was at 3104 WoodPecker Court when the shooting occurred. Witnesses indicate that the driver was seen driving the suspect away from the scene following the shooting.

Through the course of this investigation, Reynaldo Zamora-Marcial has been identified as the subject who murdered Roberto Torres-Cruz. A warrant for the murder of Roberto Torres-Cruz has been issued against Reynaldo Zamora-Marcial. Reynaldo Zamora-Marcial resides at 1838 Fountain Drive.

A search warrant for 1838 Fountain Drive is being sought to determine if any of the aforementioned items to be seized are found to be present.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS THE 31st DAY OF August, 2008.


MAGISTRATE/JUDGE


APPLICANT

STATE OF NORTH CAROLINA

File No.

Wake County

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:

Name

1838 Fountain Dr.

INVENTORY OF ITEMS SEIZED
PURSUANT TO SEARCH

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

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched

1838 Fountain Dr.

Date Of Search

This search was made pursuant to

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

The following items were seized:

Misc. papers, bills, check book, check cashing card
photo album
cell phone charger/Sprint phone: ~~XXXXXXXXXX~~

Items Seized Continued:

- 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

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 9-9-08		Title Of Law Enforcement Officer PA Detelku
Signature <i>[Signature]</i>		Name And Address Of Agency 110 S Mc Daniel St Faberh x
<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Assistant CSC <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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