

Film No. \_\_\_\_\_ File No. \_\_\_\_\_

### SEARCH WARRANT

STATE OF NORTH CAROLINA In the General Court of Justice  
Orange County District Court Division

In the Matter of \_\_\_\_\_

#1 Rec Don Ann Acres P94-99  
PIN#: 9850-91-0030

Date Issued 9/11/08 Time Issued 1:50  AM  PM

Name of Applicant Special Agent PA Stevens

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/Executed	Time Received
9/11/08	1:50 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
Date and Time of Return	
9/15/08 10:56	

I made a search of #1 Rec Don Ann Acres P 94-99 PIN# 9850-91-0030 \_\_\_\_\_ 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  
Orange Co Sheriff's Office

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.

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

Date 9-15-08 Time 10:36  AM  PM

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

Date	09-11-08
Signature	[Signature]
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Asst. CSC
<input checked="" type="checkbox"/> Magistrate	<input type="checkbox"/> District Ct. Judge
<input type="checkbox"/>	<input type="checkbox"/> Superior Ct. Judge

APPLICATION FOR SEARCH WARRANT

I, SA P.A. Stevens, NCSBI

(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 see Attachment "A"

(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)

constitutes evidence of a crime and the identity of a person participating in a crime,

Kidnapping

(Name Crime)

, and is located

(check appropriate box(es) and fill-in specified information)

[X] in the following premises See Attachment "A"

(Give address and, if useful, describe premises)

(and)

[ ] on the following person(s)

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

(and)

[X] in the following vehicle(s) see Attachment "A"

(Describe vehicle(s))

(and)

[ ]

(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:

The facts to establish probable cause for issuance of this search warrant are set forth on the attached continuation pages titled "Probable Cause Affidavit"

H

SWORN AND SUBSCRIBED TO BEFORE ME

Date

09-11-08

Page \_\_\_ of

Signature

[Signature]

Signature of Applicant

[Signature]

[ ] Deputy CSC [ ] Asst. CSC [ ] Clerk of Superior Court [X] Mag. [ ] Judge

[ ] In addition to the affidavit included above, this application is supported by additional affidavit(s) 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.

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 the applicant and issuing official.

**CONTINUATION OF SEARCH WARRANT APPLICATION  
IN THE MATTER OF:**

#6 Birnam Woods, P39/8 Tract #: 627410 TMBL#: 6.21..18 PIN#: 9759793932

PROBABLE CAUSE AFFIDAVIT:

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

I, Special Agent P.A. Stevens have been employed with the North Carolina State Bureau of Investigation (NC SBI) for the past three years and one month. I attended the North Carolina Basic Law Enforcement training academy as well as a thirteen week agent academy and have since attended several training classes and seminars dealing with the enforcement of violent crimes as well as the Controlled Substances Act. Since being employed with the North Carolina State Bureau of Investigation, I have investigated violent crimes as well as narcotics-related crimes. I have prepared search and other affidavits, executed search and arrest warrants, seized evidence, assisted various North Carolina District Attorney's offices in case preparation, dealt with informants and conducted surveillance. I have participated in numerous investigations that resulted in successful prosecutions. I have questioned suspects, interviewed witnesses, debriefed informants and have conferred with other Agents and Prosecuting Attorneys, and as a result, have gained considerable experience.

The information received during the course of this investigation is discussed in this affidavit and is believed to be true and accurate by SA Stevens.

On August 20, 2008, family members of Joshua McCabe Bailey, W/M; DOB: 1/3/88 reported to the Orange County Sheriffs Office that they had not seen or heard from Bailey since July 21, 2008. A missing persons report was filed and investigators began attempting to ascertain the whereabouts of Bailey and identify his known associates as part of their investigation.

Your affiant and Investigator Tim Home of the Orange County Sheriffs Office spoke with a confidential source of information, hereinafter referred to as CI, concerning the whereabouts of Joshua McCabe Bailey. This source of information is maintained as a confidential source due to concerns for his safety and security should his identity become known to those individuals involved in this investigation. The disclosure of this source of information's identity could also compromise the locations and recovery of items of evidence including, but not limited to, Joshua McCabe Bailey's body and any weapon or items associated with his demise.

**SWORN AND SUBSCRIBED BEFORE ME**

  
Magistrate/Judge

  
S/A P.A. Stevens, NCSBI

Date: 09-11-08

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**CONTINUATION OF SEARCH WARRANT APPLICATION  
IN THE MATTER OF:**

#6 Birnam Woods, P39/8 Tract #: 627410 TMBL#: 6.21..18 PIN#: 9759793932

On 9/10/08, the CI advised this affiant that Joshua McCabe Bailey had been abducted, bound and taken against his will to a wooded area located off Twisted Oak Drive, Chapel Hill, NC. This CI advised that he was present at this location and observed "Black Jack", "Beef", Jake, Ryan, and an unidentified individual known to the CI as "BG" directed Bailey into the wooded area several hundred yards off of the roadway.

On Tuesday, September 2, 2008, during a previous interview, the CSI had identified these above individuals using photographic lineups. The CSI identified "Beef" as Brian Minton; "Blackjack" as Jack Johnson II; and "Jake" as Jacob Maxwell and Ryan as Ryan Ladar Davis Lee.

The CI stated that he personally observed some of the aforementioned individuals begin to dig a hole prior to Bailey being shot with a nine millimeter pistol by Jack Johnson II. The CI stated that Bailey was ordered to stand in a depression in the ground which had been formed by an uprooted tree and was shot there. This CI further stated that he observed the aforementioned individuals cover Bailey's body with a minimal amount of soil before departing this location.

On 9/10/08, this CI accompanied this affiant and Investigator Tim Horne to this wooded location off Twisted Oak Drive in Chapel Hill, NC. The CI then directed this affiant and Investigator Horne to a location several hundred yards from the roadway in this wooded area. At GPS coordinates N35 56 53.8 and W79 8 24.5, this affiant personally observed a depressed excavated area near a stump which also contained three plastic trash bags. Investigators opened one of these trash bags with a stick and immediately noticed the distinct odor of decomposition emanating from these bags and observed these bags to contain a quantity of soil.

This affiant and Investigator Horne also observed a piece of clear plastic sheeting positioned adjacent to the depressed excavated area. An Orange County Deputy has maintained custody of this location since its discovery at approximately 5:30 PM.

On 9/10/08, this affiant and Investigator Horne arranged for the deployment of cadaver canines at the above wooded location after contacting Donald Lysle of the North Carolina Search and Rescue Dog Association. On 9/11/08, Lysle utilized cadaver canine Loki who is a certified search and rescue canine to search the area identified by the CI. Between 8:45 AM and 9:00 AM, Loki alerted on three separate occasions on the same

**SWORN AND SUBSCRIBED BEFORE ME**

  
Magistrate/Judge

  
S/A P.A. Stevens, NCSBI

Date: 09-11-08

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**CONTINUATION OF SEARCH WARRANT APPLICATION  
IN THE MATTER OF:**

#6 Bimam Woods, P39/8 Tract #: 627410 TMBL#: 6.21..18 PIN#: 9759793932  
location within this same wooded area. Loki is specifically trained to only alert on human  
decomposition and not animal decomposition.

A query of the Orange County NC GIS record system found that three separate parcels of  
land encompass this wooded area mentioned above. These parcels are identified as #6  
Bimam Woods P39/8, Tract #: 627410 TMBL#: 6.21..18 PIN#: 9759793932 listed in the  
name of John J. Maxwell, Jr.; #5 Bimam Woods P39/8, PIN#: 9759-79-3932

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Listed in the name of Dean Shangler and Deborah Pope with an address of 102  
Stoneridge Place in Chapel Hill, NC.; #1 Rec Don Ann Acres P94-99, PIN#: 9850-91-  
0030 listed in the name of 16 Parkside Lane LLC, 2407 Homestead Road, Chapel Hill,  
NC.

Based upon this affiant's training and experience concerning outdoor death scenes, this  
affiant is aware that it is not uncommon for human remains to be disturbed by animal  
activity and subsequently strewn across a wide area over time. Given that the  
aforementioned parcels of property adjoin and are in proximity to the location identified  
by the CI as stated above, it is reasonable to believe that the possibility exists that any  
human remains present in this area could have been disturbed by this animal activity and  
strewn or transported across adjacent or adjoining parcels of property.

Attached to this affidavit is a copy of a Google-Earth image illustrating the general area  
this warrant requests to search.


PROPERTY/EVIDENCE TO BE SEIZED – ATTACHMENT "A":

The facts and circumstances outlined in this affidavit suggest that the following items of  
evidentiary value are contained within the property to be searched:

- 1.) Human remains to include skin, hair, blood, bones, tissue and body parts.
- 2.) Articles of clothing
- 3.) Any items used to bind or secure an individual, including but not limited to, rope,  
duct tape, cord, wire, chain, etc.
- 4.) Spent projectiles and fired and unfired cartridge casings.
- 5.) A nine millimeter handgun

**SWORN AND SUBSCRIBED BEFORE ME**

  
Magistrate/Judge

  
S/A P.A. Stevens, NCSBI

Date: 09-11-08


CONTINUATION OF SEARCH WARRANT APPLICATION  
IN THE MATTER OF:

#6 Birnam Woods, P39/8 Tract #: 627410 TMBL#: 6.21..18 PIN#: 9759793932

- 6.) Any personal belongings or articles identifying or belonging to Joshua McCabe Bailey
- 7.) Any items or materials that may have used to wrap, contain, transport or bury a human body.
- 8.) Any items which may be utilized to identify suspects or accomplices including but not limited to Jack Johnson II, Bryan Minton, Jacob Maxwell, "BG", Ryan Ladar Davis Lee and/or others
- 9.) Shoe track impressions/tire track impressions or any latent impressions left at the scene.
- 10.) Any item deemed to be contraband or to have evidentiary value.

SWORN AND SUBSCRIBED BEFORE ME

  
Magistrate/Judge

  
S/A P.A. Stevens, NCSBI

Date: 09-11-08

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**CONTINUATION OF SEARCH WARRANT APPLICATION  
IN THE MATTER OF:**

#6 Birnam Woods, P39/8 Tract #: 627410 TMBL#: 6.21..18 PIN#: 9759793932

PREMISES/PEOPLE TO BE SEARCHED – ATTACHMENT “A”


To locate the wooded area identified by the CI as mentioned above, travel west on Twisted Oak Drive outside of Chapel Hill, North Carolina until reaching the end of the cul de sac. Travel north on foot approximately several hundred yards, crossing a stream flowing roughly east/west across the parcel until arriving at the depressed, excavated area as identified by the CI above.

Three separate parcels of land encompass and adjoin this wooded area mentioned above. These parcels are identified in Orange County GIS land records as: #6 Birnam Woods P39/8, Tract #: 627410 TMBL#: 6.21..18 PIN#: 9759793932 listed in the name of John J. Maxwell, Jr.; #5 Birnam Woods P39/8, PIN#: 9759-79-3932 listed in the name of Dean Shangler and Deborah Pope with an address of 102 Stoneridge Place in Chapel Hill, NC.; #1 Rec Don Ann Acres P94-99, PIN#: 9850-91-0030 listed in the name of 16 Parkside Lane LLC, 2407 Homestead Road, Chapel Hill, NC.

The aforementioned depressed excavated depression identified by the CI is located at GPS coordinates N35 56 53.8 and W79 8 24.5. The crime scene to be searched encompasses an area surrounding these coordinates within the boundary limits of these parcels.

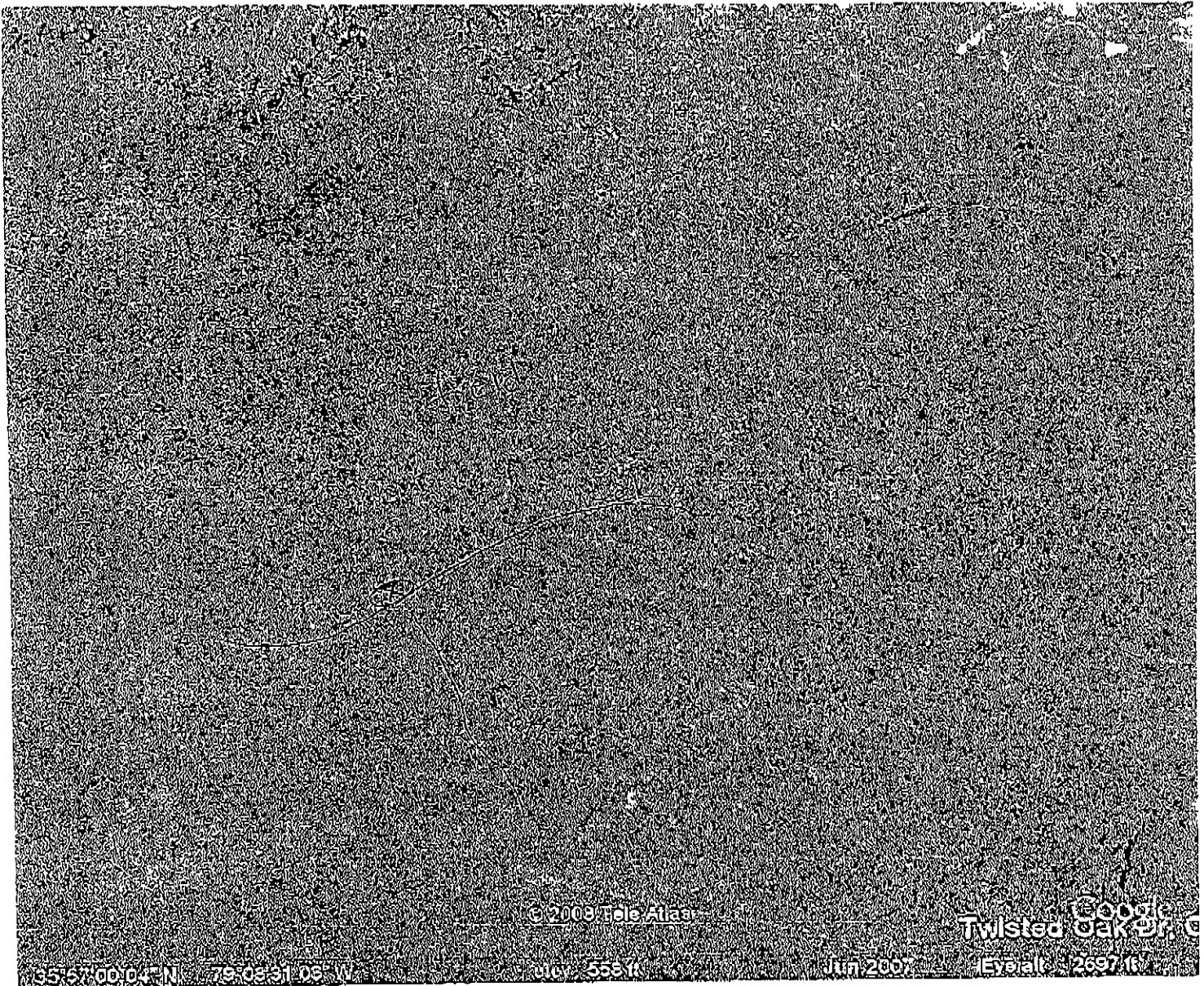
**SWORN AND SUBSCRIBED BEFORE ME**

  
Magistrate/Judge

  
S/A P.A. Stevens, NCSBI

Date: 09-11-08

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*Handwritten signature*  
09-11-08  
Magistrate

*Handwritten signature*  
NCSBI



File No. 2008-02446

STATE OF NORTH CAROLINA

Orange County

In The General Court Of Justice  
 District  Superior Court Division

IN THE MATTER OF:

Joshua McCabe Baitey

INVENTORY OF SEIZED PROPERTY

G.S. 15A-254, -257

Date Of Search 9/11/08

the undersigned officer, executed a search of:

Person, Place Or Vehicle Searched

#1 Rec Don Ann Acres P 94-99

PIN #: 9850-91-0030

This search was made pursuant to

a search warrant issued by:

Rex Fredrick, Magistrate

a consent to search given by:

other legal justification for this search:

The following items were seized:

- one single black trash bag
- one roll of tarp white/clear
- one lg black trash bag w/ dirt
- one sm. & one med. trash bags w/ dirt

Sworn and subscribed  
before me this the 15<sup>th</sup>  
day September, 2008

Melody C. Des <sup>(over)</sup> Asst CSC

R.D. Koenig 5343  
OCSD  
INVESTIGATOR

AOC-CR-208