

| | |
|--|---|
| Film No. | File No. |
| SEARCH WARRANT | |
| In the Matter of | |
| 3 Kelly Pine Court Wake Forest, NC 27587 | |
| Date Issued 07/26/2009 | Time Issued 9:39 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM |
| Name of Applicant Investigator D. Scott Booth | |
| 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 7/30/09 | Time Received 11:00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM |
| Date Executed 7/26/2009 | Date and Time of Return 7/30/09 - 11:00 hrs |
| <input checked="" type="checkbox"/> I made a search of <u>3 KELLY PINE CT. WAKE FOREST NC 27587</u> | |
| _____ | |
| _____ as commanded. | |
| <input checked="" type="checkbox"/> I seized the items listed on the attached inventory | |
| <input type="checkbox"/> I did not seize any items. | |
| <input type="checkbox"/> 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 <i>[Signature]</i> | |
| Department or Agency of Officer Wake County Sheriff's Office | |

STATE OF NORTH CAROLINA In the General Court of Justice

Wake County **FILED** District Court Division

2009 JUL 30 PM 4:00

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 et 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 | <i>Jeffrey L. Godwin</i> |
| Signature | <i>[Signature]</i> Magistrate Fourth Judicial District |
| <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 | 7/30/09 | Time | 4:00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM |
| Signature | <i>[Signature]</i> | | |
| <input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court | | | |

APPLICATION FOR SEARCH WARRANT

I, Investigator D. Scott Booth Wake County Sheriff's Office 330 S. Salisbury Street Raleigh, NC 27602
(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 attached

(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,

Homicide _____, and is located
(Name Crime)

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

in the following premises see attached

(Give address and, if useful, describe premises)

(and)
 on the following person(s) _____

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

(and)
 in the following vehicle(s) see attached

(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:
see attached

SEE SUPPLEMENTAL ATTACHMENT SECTION V

H

SWORN AND SUBSCRIBED TO BEFORE ME

Date

Page ____ of ____

Signature

Jeffrey L. Godwin
Magistrate

Signature of Applicant

D. Scott Booth

Deputy CSC Asst. CSC Clerk of Superior Court 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.

SEARCH WARRANT

STATE OF NORTH CAROLINA

In the General Court of Justice
District Court Division

Wake County

In the Matter of:

3 Kelly Pine Court
Wake Forest, NC 27587.

Continuation of: Constitutes evidence of a crime and the identity of a person participating in a crime;
Homicide G.S. 14-17

Continuation of: Description of Property to be Seized;

Hair, blood, blood spatters, blood patterns, fibers, trace evidence, clothing fibers, physical layout of the premises, measurements of the premises, moving pictures, video, still photographs to preserve the nature of the crime scene, documentary evidence and writings indicating ownership, identifications, possession and control of the premises to investigate, all evidence that may relate to the suspected homicide or any other crime, weapons, ammunition bullets, fired bullets and casings, footwear impressions, tire impressions.

Continuation of: Description of Premises, Vehicles and Curtilage to be Searched;

The residence to be searched is located at # 3 Kelly Pine Court Wake Forest, NC 27587; the residence is a doublewide brown over white in color, two windows with light brown shutters. A number 3 is located on the left of the residence as you are facing the residence. The residence is entered via a small wooden deck through a white storm door.

1999 Chevrolet Suburban gold in color [REDACTED] NC [REDACTED] and 1998 Jeep Cherokee black in color [REDACTED] NC [REDACTED].

Continuation of: Directions to the Premises and Curtilage to be searched;

From Raleigh, travel Capital BLVD north to Wake Forest, North Carolina. Make a left on Ponderosa Service Road and a left on Ponderosa Park Drive. Make a right on Kelly Pine Court to # 3 Kelly Pine Court.

Continuation of: Probable Cause:

This affiant, Investigator D. Scott Booth, has been in law enforcement since 1992. I am currently assigned to the Wake County Sheriff's Office "Property Crimes Unit". I have also been assigned to the "Person Crime Unit". This unit investigates, Murders, Rapes, Arsons and violent crimes. During the course of my employment as a law enforcement officer, I have been trained in these areas of investigation, crime scene searches and arrest of criminals that are involved in such crimes.

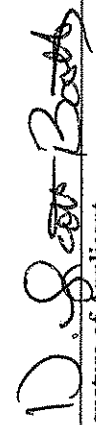
On 24 July 2009 the Wake County Sheriff's Office responded to # 3 Kelly Pine Court Wake Forest, NC 27587 in reference to a domestic. Upon arrival deputies made contact with a male and female. While deputies were on the scene the male subject requested for a neighbor to take possession of his .45 automatic handgun. On 26 July 2009 the male and female were arguing in the front yard of # 3 Kelly Pine Court Wake Forest, NC 27587. The male subject went to the neighbor and requested his handgun. The male subject went back to the residence at # 3
SWORN AND SUBSCRIBED TO BEFORE ME

page 1

DATE 7/26/09

Jeffrey L. Godwin

Magistrate
Wake Judicial District



Signature of Magistrate / District Court Judge / Superior Court Judge

Signature of Applicant

SEARCH WARRANT

STATE OF NORTH CAROLINA

**In the General Court of Justice
District Court Division**

Wake County

In the Matter of: _____

Kelly Pine Court and shot the female once in the chest. The male subject called 911 and advised he had shot the female in the chest and placed the handgun on the table. When deputies arrived they located a female deceased on the floor with what appeared to be a gunshot wound to the chest. The deputies also located a .45 automatic handgun on a table.

A search warrant is needed to investigate the death of this person and to establish if there is a criminal act that occurred at # 3 Pine Kelly Court Wake Forest North Carolina.

Based upon this affiant's training and experience, it is believed the preceding facts establish probable cause to believe the above described items will be found at# 3 Pine Kelly Court Wake Forest, N.C. and will aid in identifying the crime of *N.C.G.S. 14-17 Homicide*.

For these reasons, this affiant respectfully requests this warrant.

SWORN AND SUBSCRIBED TO BEFORE ME

DATE 7/26/09



Magistrate / District Court Judge / Superior Court Judge
Tenth Judicial District



Signature of Applicant

STATE OF NORTH CAROLINA

File No.

Wake County

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:

Name

3 Kelly Pine Ct.
Wake Forest NC 27587

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

Leslie Edward Smith
~~██████████~~ CHEV SUBURBAN
JEOP CHEROKEE
3 Kelly Pine Ct.
Wake Forest NC 27587

Date Of Search

7/26/09

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:

- 1.) CCBE item #4 a Highpoint Mosec JHP .45ACP BUCK IN LOBBE w/ ONE MAG. and 7 + 1 in chamber. 8 total.
- 2.) CCBE item #5 a fires shell casing head stamped Spear 45 auto
- 3.) Brown bag from left hand of suspect
- 4.) CCBE Item # 2 Brown bag from right hand of suspect.
- 5.) CCBE Item # 6 GSR from victim
- 6.) ~~CCBE Item # DAB~~
 ↳ Wallekt multi colored containing victim's credit cards and North Caroline ID.
- 7.) Paper writings