

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT OF )  
100 WALNUT HILL COURT )  
APEX, NC )

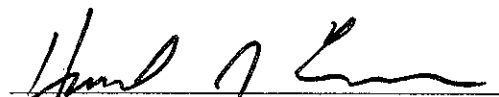
MOTION TO SEAL  
SEARCH WARRANT AND  
ITS RETURN NCGS 132-1.5 (e)

NOW COMES THE STATE of North Carolina by and through the undersigned Assistant District Attorney, hereby respectfully moves the Court to seal for a period of ninety days the above referenced search warrant, its return and this motion, and in support thereof, alleges:

1. That on December 2, 2008, the body of a white male was found at the unoccupied residence at 4221 Olive Branch Lane, New Hill, NC;
2. That identity of this deceased person has been confirmed to be that of Matthew Silliman;
3. That four persons have now been charged with first degree murder in connection with the investigation;
4. That the release of the contents of this search warrant and its return, will undermine an ongoing investigation by the Wake County Sheriff's Department.

WHEREFORE, The State of North Carolina respectfully moves the Court to seal this search warrant, its return and this motion for a period of ninety days.

Respectfully submitted this the 10<sup>th</sup> day of December, 2008.



Howard J. Cummings  
Assistant District Attorney

OKQmax

Film No. File No.

# SEARCH WARRANT

In the Matter of

100 Walnut Hill Court Apex NC

Date Issued Dec 3 2008 Time Issued 3:02  AM  PM

Name of Applicant Investigator K Battle, Wake Co Sheriff's Office

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 Dec 3 2008 Time Received  AM  PM  
Date Executed Dec 3 Date and Time of Return Dec 4 4:14 PM

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 [Signature]  
Department or Agency of Officer WCSO

STATE OF NORTH CAROLINA  
WAKE County

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.

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

Date 12-17-08 Time 5:31  AM  PM

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

Date	<u>Dec 3 2008</u>
Signature	<u>[Signature]</u>
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Asst. CSC
<input type="checkbox"/> Magistrate	<input type="checkbox"/> District Ct. Judge
	<input checked="" type="checkbox"/> Superior Ct. Judge

APPLICATION FOR SEARCH WARRANT

I, Investigator K Battle, Wake County Sheriff's Office

(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,

N.C.G.S. 14-17 Murder, and is located

(Name Crime)

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

[X] 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)

(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

H

SWORN AND SUBSCRIBED TO BEFORE ME

Date

Dec. 3, 2008

Page 1 of 2

Signature

Donald W. Stephens

Signature of Applicant

Inv. K Battle

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

In the Matter of:*100 Walnut Hill Court Apex, NC**Continuation of: Constitutes evidence of a crime and the identity of a person participating in a crime;*  
N.C.G.S. 14-17 Murder*Continuation of: Description of Property to be Seized;*

Computer hardware, software, electronic media, CDs, DVDs, video tapes, diskettes, cellular telephones, digital cameras, video cameras, any weapons, medications/drugs including those commonly used for animals, syringes, needles, duct tape, shovels, hammers and related tools, zip ties, cable ties, trash bags, clothing, tarot cards, receipts, papers and documentation which aid in identifying persons apparently in control of the premises and any other items determined to be possibly used in the commission of murder.

*Continuation of: Description of Premises and Curtilage to be Searched;*

100 Walnut Hill Court is a gray-sided two-story house with dark blue in color shutters and front door. The numbers 100 are affixed to the residence. There is a 2 door attached garage. Directions: From Raleigh take US 64 Hwy westbound, turn left onto Kelly Road, turn right onto Olive Chapel Road, turn left onto Piney Woods Lane, turn left onto Grassy Point, left onto Walnut Hill Court. 100 Walnut Hill Court

*Continuation of: Probable Cause;*

The affiant has been employed with the Wake County Sheriff's Office for 11 ½ years. I am currently assigned to the Wake County Sheriff's Office Criminal Investigation Division Person Crimes Unit. This unit is primarily responsible for investigating all death investigations, particularly murder. I am a North Carolina State Certified Criminal Justice instructor and have also obtained my Advanced Certification in Law Enforcement Training.

On Tuesday, December 2, 2008 at 9:33pm the Wake County Sheriff's Office responded to 4221 Olive Branch Lane pursuant to a request from the Apex Police Department to attempt locating a missing person. Responding deputies arrived on the scene and located a deceased male inside the residence. The deceased appeared to be a young, white male contained in a plastic bag with duct tape over his mouth. It was unknown at the time if the deceased male found inside the residence was in fact the missing person. Officers from the Apex Police Department were able to locate and interview several people whom they believe could identify the deceased and also provide additional information in this case. One person who Apex Police interviewed subsequently confessed to participating in the death of the deceased, along with three other co-conspirators. The witness admitted to beating the deceased on his head with a hammer, tying the deceased with zip ties, suffocating him with duct tape and disposing of him in a plastic bag. The witness also stated they attempted to utilize medications commonly used for animals to plan the murder and read the deceased his fortune using tarot cards just prior to his death. One of the co-conspirators who confessed also identified a subject who resides at 100 Walnut Hill Court as having participated in the crimes as well. Investigators with the Wake County Sheriff's

SWORN AND SUBSCRIBED TO BEFORE ME

page 1

DATE

Dec. 3, 2008Donald J. Stephens Inv. K. Barthe

Signature of Magistrate / District Court Judge / Superior Court Judge

Signature of Applicant

SEARCH WARRANT

STATE OF NORTH CAROLINA  
Wake County

In the General Court of Justice  
District Court Division

In the Matter of:

*100 Walnut Hill Court Apex, NC*

Office respectfully request the issuance of this search warrant to corroborate the participant's involvement in murder, as well as collect additional evidence deemed relevant to aid in this investigation. This affidavit is based upon information received from officers with the Apex Police Department and investigators with the Wake County Sheriff's Office whom I deem reliable and credible.

SWORN AND SUBSCRIBED TO BEFORE ME

page 2

DATE Dec. 3, 2008

Donald J. Stephens  
Signature of Magistrate / District Court Judge (Superior Court Judge)

D.W. Battle  
Signature of 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

100 WALNUT HILL COURT.  
APEX N.C.

INVENTORY OF SEIZED PROPERTY

Date of Search

3 DEC 2008

G.S. 15A-254.-257

I, the undersigned officer, executed a search of:

100 WALNUT HILL COURT.

Person, place or vehicle searched

This search was made pursuant to

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

The following items were seized.

DELL CPU UNIT SERIAL # \_\_\_\_\_ MODEL# MMS

TOSHIBA LAP TOP COMPUTER SERIAL # \_\_\_\_\_ MODEL: PR1251W

31-CABLE TICS, SLEDGE HAMMER W/ BLACK HANDLE, 2 PAIR PANTS.

TOSHIBA FLOPPY DISK DRIVE SERIAL # \_\_\_\_\_ MODEL: PA2611U, PAPER WRITINGS.

BOX SERIAL # \_\_\_\_\_ SONY ERICSSON CELL PHONE,

KALLMAN 35mm, 28- CD/DVD-R DISK,

2WD BOX 360 SERIAL # \_\_\_\_\_

HP CPU UNIT SERIAL # \_\_\_\_\_ MODEL# A1710N

Check here if separate sheet attached

I am leaving a copy of this inventory

- with the person who consented to the search, named on the reverse.
- with the owner of the place searched, named below.
- with the person from whom the items were seized, named below
- with the person in apparent control of the placed searched, named below.
- in the place searched, identified on the reverse.

Name of owner of the place searched, from whom the items were seized or in apparent control.

PATRICK MICHAEL HANE

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	12-17-08	<i>David J. Butler</i> Investigator
Signature	<i>Suzanne B. Risky</i>	Agency WCSD
<input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk of Superior Court <input type="checkbox"/> Magistrate	<input type="checkbox"/> Clerk of Superior Court	Address Raleigh, NC

Acknowledgment of Receipt

I, the undersigned, received a copy of this inventory

Date	12/03/2008
Signature of Recipient	<i>Patrick Hane</i>