

File No.

SEARCH WARRANT

IN THE MATTER OF

1029 MICA LAMP COURT APEX, NC 27502

Date Issued 4/8/09 Time Issued 11:04 AM PM

Name Of Applicant
DETECTIVE M. GARAFALO

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 04/08/2009 Time Received 11:04 AM PM

Date Executed 04/08/2009 Time Executed 5:20 AM PM

I made a search of 1029 MICA LAMP COURT APEX, NC

_____ as commanded.

I 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

Det Michael ...
Department Of Agency Of Officer _____
Incident Number 08-1896

STATE OF NORTH CAROLINA

WAKE County

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.

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 4/8/09 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 4/19/09 Time 4:55 AM PM
Signature *[Signature]*
 Deputy CSC Assistant CSC
 Clerk Of Superior Court

STATE OF NORTH CAROLINA

SEARCH WARRANT
WAKE COUNTY

IN THE GENERAL COURT JUSTICE
DISTRICT COURT DIVISION

CONTINUATION PAGE, IN THE MATTER OF: 1029 Mica Lamp Court Apex NC
27502

ATTACHMENT #1

Description of Evidence to be Seized

I. Certain property and documents to be Seized, to wit:

Evidence of ownership, or possession of the residence, at 1029 Mica Lamp Court in Apex, NC 27502. Computers, computer monitors, computer printers, computer related equipment, their attachments and accessories, including but not limited to : computer disks, CD-ROMS, floppy disks, video cameras, video recording devices, video cassettes, digital cameras, cellular phones, cellular phone cameras, secret digital recording devices and any other types of digital media or such related to videography. Cash, debit card and credit card receipts and or statements that show the purchase of any such computer or recording devices. Including, taking photographs of the interior and exterior of the residence. Also, any and all items likely to be evidence of any criminal activity and may be present within or on the premises, vehicle and or persons to be searched.

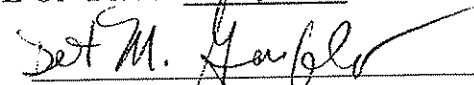
II. Certain evidence to be Seized, to wit:

Photographs to be taken of the residence, (inside and outside). Photographs to be taken of the vehicle, (inside and outside). Photographs to be taken of the listed persons in this search warrant (including any persons on the premises and/or in the vehicle). Any other items of a possible evidentiary nature that may be present within or on the premises, vehicle, and/or persons to be searched. Any and all equipment considered to be used for the purpose of video/audio recording and viewing and or any other illegal substances.

ATTACHMENT #2

PROBABLE CAUSE ATTACHMENT- PAGE 1
SWORN TO AND SUBSCRIBED BEFORE ME ON DATE 04/08/2009


Signature of Magistrate


Signature of Affiant

Detective Michael Garafalo
Apex Police Department

STATE OF NORTH CAROLINA







SEARCH WARRANT
WAKE COUNTY

IN THE GENERAL COURT JUSTICE
DISTRICT COURT DIVISION

CONTINUATION PAGE, IN THE MATTER OF: 1029 Mica Lamp Court Apex NC
27502

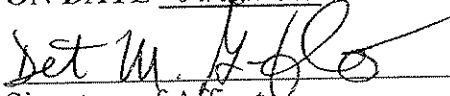
Description of premises to be Searched with Directions 1029 Mica Lamp Court Apex, NC 27502

The residence to be searched is a two bedroom, two story, townhome. The address is 1029 Mica Lamp Court in Apex, NC 27502. This residence is positioned off of Bungalow Park Drive, near Apex Barbeque Road. 1029 Mica Lamp Court is a two story structure that has a brick front porch, with a shingled overhang that has two clearly visible, white columns, one on either side of the porch. The building is painted green, while the front door is red. Also any and all out buildings, sheds, and garages that may be on the property. Driving directions from the Apex Police Department are as follows:

- | | | |
|---|--------|--|
|  1: Start out going EAST on SAUNDERS ST toward | 0.1 | • Map |
| COMMERCE ST. | mi | |
|  2: Turn RIGHT onto N SALEM ST. | 1.2 mi | • Map
• Avoid |
|  3: N SALEM ST becomes OLD US-1. | 0.3 mi | • Map
• Avoid |
|  4: Turn RIGHT onto APEX BARBECUE RD. | 0.9 mi | • Map
• Avoid |
|  5: Turn RIGHT onto HANDHEWN ST. | 0.1 mi | • Map
• Avoid |
|  6: Turn LEFT onto BUNGALOW PARK DR. | 0.1 mi | • Map |

PROBABLE CAUSE ATTACHMENT- PAGE 2
SWORN TO AND SUBSCRIBED BEFORE ME ON DATE ⁶² 04/08/2009


Signature of Magistrate


Signature of Affiant
Detective Michael Garafalo
Apex Police Department

STATE OF NORTH CAROLINA

SEARCH WARRANT
WAKE COUNTY

IN THE GENERAL COURT JUSTICE
DISTRICT COURT DIVISION

CONTINUATION PAGE, IN THE MATTER OF: 1029 Mica Lamp Court Apex NC
27502

• Avoid



7: Turn LEFT onto MICA LAMP CT.

0.0 mi

• Map
• Avoid



8: End at 1029 Mica Lamp Ct Apex, NC 27502-4903

• Map

Estimated Time: 7 minutes Estimated Distance: 2.65 miles

ATTACHMENT #3

Description of persons to be searched

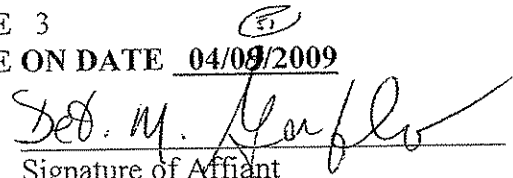
1. Elliot Brandon Zayas, DOB 06/08/1984, NC OL#:
2. Kandice Kennedy-Zayas, DOB 12/17/1986, NC OL#
3. Any and all other persons found to be in the home and or on the property.

PROBABLE CAUSE ATTACHMENT- PAGE 3

SWORN TO AND SUBSCRIBED BEFORE ME ON DATE 04/08/2009



Signature of Magistrate



Signature of Affiant
Detective Michael Garafalo
Apex Police Department

STATE OF NORTH CAROLINA

SEARCH WARRANT
WAKE COUNTY

IN THE GENERAL COURT JUSTICE
DISTRICT COURT DIVISION

CONTINUATION PAGE, IN THE MATTER OF: 1029 Mica Lamp Court Apex NC
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ATTACHMENT #4

Description of Vehicle to be Searched

1. 2006 Hyundai Elantra GL NC Registration Plate # XZD-6098
2. 2007 Ford Escape NC Registration Plate # WTJ5300
3. Any and all other vehicles found on the property or on the street belonging to any persons in the home at the time the search warrant is executed.

ATTACHMENT #5

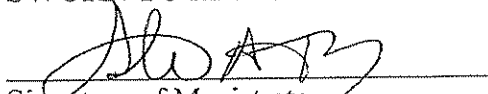
Probable Cause Affidavit

I, Detective Michael Garafalo, hereby swear and affirm that the following affidavit is based upon my personal knowledge, upon factual information I received from other persons as hereafter described, and upon my training and experience as a law enforcement officer, as follows:

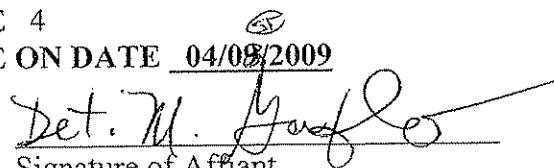
- I. I have been a sworn law enforcement officer in the State of North Carolina for over four years. I am currently employed by the Apex Police Department (APD) and have been for the past two years. Prior to APD, I worked as a Police Officer at the Raleigh Durham International Airport Police Department (RDU) for eighteen months. Before working at RDU, I was a New York City Police Officer for twenty consecutive years. I am currently a Detective assigned to the Apex Police Department Criminal Investigations Division. I investigate various frauds, property crimes and crimes against persons. As a police officer, I have investigated cases of burglary, larceny, automobile breaking and entering, motor vehicle theft and countless other types of crimes. I have received training in how to investigate and follow-up on these crimes which have led to arrests and convictions.

PROBABLE CAUSE ATTACHMENT- PAGE 4

SWORN TO AND SUBSCRIBED BEFORE ME ON DATE 04/08/2009



Signature of Magistrate



Signature of Affiant
Detective Michael Garafalo
Apex Police Department

STATE OF NORTH CAROLINA

SEARCH WARRANT
WAKE COUNTY


IN THE GENERAL COURT JUSTICE
DISTRICT COURT DIVISION

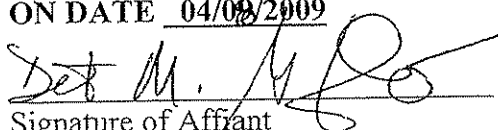
CONTINUATION PAGE, IN THE MATTER OF: 1029 Mica Lamp Court Apex NC
27502

- II. On 12/15/2008, at approximately 1239 hours, I responded to a call for service at the Apex Police Department where I made initial contact with the victim, Ms. [redacted]. Ms. [redacted] informed me that her best friend, Kandice Kennedy-Zayas, and her husband, Mr. Elliot Zayas, had lived with her in her Cameron Woods apartment for over three months. She stated that they moved out and she found the following items while cleaning the apartment. Ms. [redacted] informed me that she came across a wireless recording device on a closet shelf. This device contained a disk. She stated that she viewed the disk. The recording showed numerous females urinating in a public restroom. The tape also showed the male, Mr. Elliot Zayas affixing the recording device to the toilet, as well as to the top of his shoe. The camera, when affixed to his shoe, provided a ground level view by which the camera could look up skirts of unknowing female victims. Ms. [redacted] also stated that she herself was a victim, when she used the bathroom at her girlfriend Kandice Kennedy-Zayas's home. The home is located within the confines of Raleigh, at 5241 Knightsbridge Way.
- III. Ms. [redacted] had also supplied a box from a newer, more sophisticated, wireless, recording device. She stated that she had also found it on the top shelf in a closet, at her apartment. The UPS delivery box was addressed to Mr. Zayas at her apartment in Cameron Woods. It was recently purchased by Zayas and was delivered by UPS during the time that he lived there. I entered the wireless recording device, the disk, and all the boxes into evidence at the Apex Police Department. Detective Shawn Brady of Raleigh Police was subsequently notified of this incident by Sergeant Pearson of The Apex Police Criminal Investigations Division. Detective Brady had prepared an arrest warrant at RPD and filed it in NCIC.

On 04/06/2009, I Detective M. Garafalo made contact with Detective Sean Brady of the Raleigh Police Department. The Raleigh unit burned a video disk from Mr. Zayas's original recording device. I viewed the new disk at the Apex Police Department. One of the subjects was the original complainant, Ms. [redacted]. Raleigh Police has issued an arrest warrant for Mr. Zayas in regards to the original complaint. I identified three other places where the Subject had set up his secret video recorder. The first was a

PROBABLE CAUSE ATTACHMENT- PAGE 5
SWORN TO AND SUBSCRIBED BEFORE ME ON DATE 04/08/2009


Signature of Magistrate


Signature of Affiant
Detective Michael Garafalo
Apex Police Department

STATE OF NORTH CAROLINA

SEARCH WARRANT
WAKE COUNTY

IN THE GENERAL COURT JUSTICE
DISTRICT COURT DIVISION

CONTINUATION PAGE, IN THE MATTER OF: 1029 Mica Lamp Court Apex NC
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bathroom that apparently was at a public mall. There was Christmas music heard playing in the background. The subject, Mr. Zayas, is pictured in the recording. It shows him attaching the recording device to a women's toilet. He is then on the recording a second time as he adjusts the device to his liking. The device then records six females as they enter the bathroom, disrobe, urinate, and finally exit. (Six victims)

The video then switches to a hotel hallway. While there, Mr. Zayas is seen placing the recording device under doors of hotel rooms. The recording shows four hotel rooms where the occupants inside are either naked or partially dressed. (Four victims)

The tape then shows one female, the complainant, from a front camera view, in a bathroom while urinating. (One victim) Raleigh Police have issued this arrest warrant.

The tape then switches to the subject, Mr. Zayas, who is attaching a wire with a camera to his shoe, through his groin area. The subject then walks into a store. While inside the store, he stands near ten female victims that are wearing skirts. In all instances, the female victims were unaware that they were being recorded. (Ten additional victims)

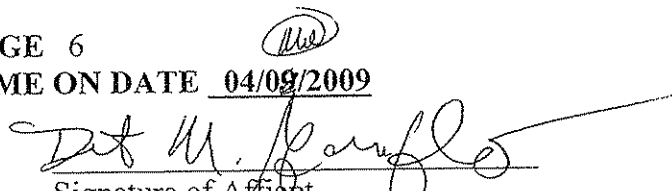
A check with the Town of Apex Utilities revealed that the utility bills at 1029 Mica Lamp Court are billed to the occupants, Mr. Elliott Brandon Zayas and Kandice Kennedy-Zayas, his wife. Town of Apex utility records show the phone number for Elliott Zayas is (919)

In conclusion, this affiant believes that the issuance of a search warrant for this address will result in the recovery of electronic devices used to secretly record and later view people without their permission or authority. The affiant respectfully requests that the court issue a search warrant for 1029 Mica Lamp Court Apex, NC 27502, the occupants and guests of the home, all vehicles found to belong to the occupants and guests of the home, and any and all sheds and outbuildings found in the home and or on the property.

PROBABLE CAUSE ATTACHMENT- PAGE 6

SWORN TO AND SUBSCRIBED BEFORE ME ON DATE 04/09/2009


Signature of Magistrate


Signature of Affiant
Detective Michael Garafalo
Apex Police Department

STATE OF NORTH CAROLINA

Wake County

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:

INVENTORY OF ITEMS SEIZED
PURSUANT TO SEARCH

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

Name

1029 Mica Lamp Ct.
Apex, NC 27502

I, the undersigned officer, executed a search of: 1029 Mica Lamp Ct. Apex, NC 27502

Person, Premises Or Vehicle Searched

① 1029 Mica Lamp Ct. Apex, NC 27502
② 2006 Hyundai Elantra NC registration

Date Of Search

04-08-2009

This search was made pursuant to

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

The following items were seized:

- 1 - Town of Apex utility bill for 1029 Mica Lamp Ct.
in the name of Elliot Brandon Zayas
- 2 - E-Machine serial # QAW48 603 06205
- 3 - Cisco System 2000 series switcher/router
Serial # SHN0309040P
- 4 - Cisco System 2600 series switcher/router
Serial # JMX0532KQUV
- 5 - Cisco System 2600 series switcher/router
Serial # JAB033481YF
- 6 - Prelude Encore digital link
Serial # 1438020578
- 7 - Catalyst 2900 series XL switcher/router
serial # FAB043SN18A
- 8 - Catalyst 2900 series XL switcher/router
Serial # FAA0318G13V

(Over)

STATE OF NORTH CAROLINA

Wake County

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:

Name
1029 Mica Lump Ct.
Apex, NC 27502INVENTORY OF ITEMS SEIZED
PURSUANT TO SEARCH

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

I, the undersigned officer, executed a search of: 1029 Mica Lump Ct. Apex, NC 27502

Person, Premises Or Vehicle Searched

① 1029 Mica Lump Ct. Apex, NC 27502
② 2006 Hyundai Elantra NC registration

Date Of Search

04-08-2009

This search was made pursuant to

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

The following items were seized:

- #17 - HP Pavilion N5000 laptop serial # TW21221815
- #18 - HP Pavilion dv2000 laptop serial # ZCE80502BM
and AC adapter
- #19 Sony Handycam video Hi8 serial # 059944 and
AC adapter and one JVC MP120 8mm videotape
- #20 Gold colored Memorex CD-R
- #21 Silver colored Memorex DVD+R
- ~~#22~~
- #22 1 to 3 splitter
- #23 BIK HP power cord
- #24 MacBook Air laptop serial # YD9110#XYS1
w/ two adapters
- #25 Micro camera w/ yellow, black and white adapters
- #26 Sprint Samsung touch phone and power cord
serial # AA1Q808QS/4-G
- #27 Adidas tennis shoes, spray painted black - left
shoe w/ hole in top
- #28 Angel Eyes black mini DVR
- #29 BIK pin hole camera model # JS618

(Over)