

1000 U-46617

Film No. → File No.

**SEARCH WARRANT**

Officers: Fresh Tomovich, and Mike Kennef: *ep*

203 Watts Street Durham, NC 27701

Date Issued: 10/9/2005  
 2:46 AM PM

Name of Applicant: Sergeant M.E. Gottlieb

Name of Additional Applicant:

STATE OF NORTH CAROLINA

In The General Court of Justice  
 Durham County District Court Division

**RETURN OF SERVICE**

I certify that this Search WARRANT was received and executed as follows:

Date Received 10/9/2005	Time Received 0243 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Date Executed 10/9/05 0319	Date & Time of Return 10/9/05 0455

The undersigned, a duly qualified and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, do find that there is probable cause to believe that the property and person described in this 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.

EXHIBIT 5

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.

I made a search of  
 203 WATTS

\_\_\_\_\_ as commanded.

This Search Warrant is issued upon information furnished under oath by the person or persons shown.

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: DURHAM PD

Date	10/9/2005
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	10/9/05	Time	10:01
Signature		<i>[Signature]</i>	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court			

APPLICATION FOR SEARCH WARRANT

Sgt. M.D. C... with the Durham Police Department 505 W. Chapel Hill Street Durham, NC 27701  
(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 seize the property and person described in this application. There is probable cause to believe that

see Attached (the property to be seized; or if search warrant is to be used for searching a place)

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

Poss. Stolen Car 12-71.1, Durham City Noise Ord. 11-1, and Durham City Ord. Open Containers 12-16.1

(Check appropriate box(es) and fill in specified information)  
X in the following premises, 203 w. 1st Street Durham, NC 27701

Premises described on attachment titled "Location to be searched"  
(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)  
X SEE ATTACHED PAGES 1-4 \_\_\_\_\_  
(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 the issuance of this search warrant are set forth on the attached continuation page titled "Probable Cause Affidavit".

SWORN AND SUBSCRIBED TO BEFORE ME

Date 10/19/2005

Signature [Handwritten Signature]

Signature of Applicant [Handwritten Signature]

Deputy Clerk of Superior Court  Clerk of Superior Court  Magistrate  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 application 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 is filed and include on it the signatures of applicant and issuing official.

STATE OF NORTH CAROLINA  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

ATTACHMENT  
CONTINUATION OF SEARCH WARRANT  
PROBABLE CAUSE AFFIDAVIT

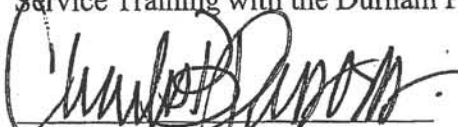
IN THE MATTER OF 203 Watts Street Durham, North Carolina 27701:


I, Sergeant M.D. Gottlieb, being duly sworn depose and say that I am a Sworn Law Enforcement Officer in the State of North Carolina for approximately 16 years, and employed by the Durham Police Department, Durham, NC for approximately 12 years. I am assigned to the Uniform Patrol Division as a Patrol Supervisor.

The Uniform Patrol Division has the responsibility of responding to calls for service, investigations of crimes committed by adults and juveniles involving crimes against persons and property, and ensuring the safety of the public in general. The primary objectives of this Division is to provide both law enforcement to the citizens of Durham, and the investigative and general support to other Divisions of the Durham Police Department in the accomplishment of establishing departmental goals and objectives. The District Two Command is under the Uniform Patrol Division. It is set up as a geographic district boundary line to answers these calls in the city.

I have been assigned to the District Two Substation since May 2005 as the Sergeant over D-Squad. I have received specialized training in Law Enforcement from Durham Technical Community College, Wake Technical Community College, Davidson County Community College, Guilford County Community College, Public Agency Training Council, National College of District Attorneys University of South Carolina in Reno, NV, NCDAAU Anaheim, CA, and Durham Police Department Training Unit. I have attended the following classes related to law enforcement:

National District Attorneys Domestic Violence Conference 1999 and 2000, Rape and Sex Crimes Investigations, Interview and Interrogation, Domestic Violence and Child Abuse Investigation, Greenville Police Department Domestic Violence Intervention Seminar, Black Church Response to Domestic Violence, NC General Instructors School - Specialized Instructor, Field Training Officers School, Techniques for Sudden Life and Death Encounters, EMS Technology - Paramedic Curriculum, AHA Basic and Advanced Life Support Instructor School. These classes are in addition to hundreds of hours of In-Service Training with the Durham Police Department.

  
\_\_\_\_\_  
JUDGE / MAGISTRATE  
10/9/2005  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
AFFIANT  
\_\_\_\_\_  
AFFIANT

STATE OF NORTH CAROLINA  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

ATTACHMENT  
CONTINUATION OF SEARCH WARRANT  
PROBABLE CAUSE AFFIDAVIT

IN THE MATTER OF 203 Watts Street Durham, North Carolina 27701; Jason B. Matthews, Kevin Breaux, Justin Bieber, Jeff Goldfarb, Joshua H. Weinstein, Mike Kenney, and Urosh Tomovich:

This investigation concerns the the Durham City Ordinance Violation of Open Containers 12-16.1, City Noise Ordinance- General 11-1, and the Possessing of Stolen Goods NCGS 14-71.1.

Based upon the factual information hereinafter described in detail, I believe probable cause exists to conclude that the evidence described in this application probably is located at the residence and inside the residence to be searched as described in this application. The information related in this affidavit is based upon the personal knowledge of this officer executing this application, and upon information received from the people interviewed in the course of this investigation. All the citizens interviewed appeared creditable and truthful in relation to whatever information they had relevant to this investigation. None of the persons interviewed have an apparent motive to be untruthful. None of the persons interviewed have any reputation or history for being untruthful or uncooperative with Law Enforcement Officers performing in an investigation. The information received by me in the course of this investigation is discussed in detail in this affidavit and is believed accurate and true. No significant contradiction or difference exists in the information that I have received from persons interviewed since October 8, 2005.

**The facts are as follows:**

On October 8, 2005 Sergeant M.D. Gottlieb of the Durham Police Department Uniform Patrol Bureau 2-D, hereafter being referred to as the affiant to this search warrant, received information from the complainant concerning illegal activity being conducted inside and outside of 203 Watts Street. This information was called in by a Lee Coggins of 204 Watts Street Durham, North Carolina 27701.



JUDGE / MAGISTRATE

10/9/2005  
DATE



AFFIANT

AFFIANT

STATE OF NORTH CAROLINA  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

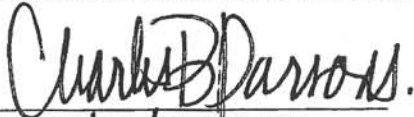
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IN THE MATTER OF 203 Watts Street Durham, North Carolina 27701; Jason B. Matthews, Kevin Breaux, Justin Bieber, Jeff Goldfarb, Joshua H. Weinstein, Mike Kenney, and Urosh Tomovich:

The information provided indicates the suspects who all reside at 203 Watts Street, while attending Duke University, are known to have regular parties at their school residence. They are reported to be a part of the Delta Phi Alpha Fraternity according to representatives of Duke University. The complainant stated today around 5:00pm the suspects began a party that was both inside and flowed outside of their home. People were in the street, sidewalk, on the porch, looking out of second story windows, and up on the second story balcony drinking beer out of red cups, cans, and bottles. They were yelling and playing music that was very disruptive. The suspects and their friends continued this activity until 6:30pm when the police were called. The complainant stated at that point people were urinating on her home, and throwing beer cans on her lawn. She stated she walked outside to tell one of the subjects to pick up the can, and a second male threw a 40 ounce bottle in her direction that struck the sidewalk and shattered.

A near by neighbor, Nathan Isley, of 115 Watts Street stated he saw two individuals urinating across the street at his neighbors home during this event. One male was urinating on her fence, and a second male was urinating on the white house next to the complainant's home. He stated the noise was very upsetting and he wanted to press charges also. He stated he ran inside and got his camera to document what was occurring. He stated while he was on the way back outside he heard the complainant tell someone to pick up something, and then heard the glass breaking. He stated he took a picture of the white male running back to a white SUV, get in and drive off. The complainant positively identified the person in the photo as the male who threw the beer bottle in her direction.

Over several years, the Durham Police Department has received numerous complaints about a liquor and noise violations concerning 203 Watts Street and its residents. In addition, police records indicate multiple complaints have been generated just since the return of the Duke students to this home since August 2005. Arrest warrants have been obtained for the arrest of all seven residents of the home.

  
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JUDGE/MAGISTRATE  
10/9/03  
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AFFIANT

STATE OF NORTH CAROLINA  
DURHAM COUNTY

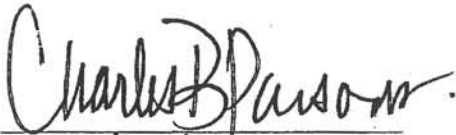
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According to Duke University Police Officer David Dyson, he observed a rare Duke University flag hanging in a second story window of 203 Watts Street Durham, North Carolina 27701. He stated the flag was stole from the Allen Building on 3-30-2005, and the Duke report number is 2005-01541. He stated the flag is approximately 4'x6', blue in color, and has a Duke logo on it. He stated he has conducted research on the make of this flag, and this is not a flag that is sold to the public. He stated he was unable to retrieve the stolen property on the day he observed it inside the home. It is believed to still be inside the residence of 203 Watts Street.

It is believed there is currently evidence of the crimes that the suspects are charged with inside the residence to aid the State of NC in their prosecution. In addition, it is also believed there is the flag that was stole from Duke University still inside of the residence. Finally, as the residence is the temporary dwelling for all seven of the wanted suspects reside in while attending Duke University it is believed all of the suspects can be apprehended during the search warrant.

  
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JUDGE / MAGISTRATE  
10/9/05  
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DATE

  
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AFFIANT  
\_\_\_\_\_  
AFFIANT

STATE OF NORTH CAROLINA  
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**Description of Evidence to be seized**

1. Kegs
2. Red serving cups
3. Beer distribution equipment
4. Receipts of purchases of materials listed above
5. Written documentation of illegal activities conducted in the home
6. Duke flag approximately 4'x6' blue in color with a Duke logo
7. Documents to show legal possession or attachment to the residence of the occupants.
8. Any other items used in criminal activity not listed in this application.

  
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JUDGE/MAGISTRATE  
10/19/05  
\_\_\_\_\_  
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AFFIANT  
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9. BODY – Jason Matthews, W/M, 07/04/1984



10. BODY – Kevin Breaux, W/M, 12/30/1980



11. BODY – Justin Bieber, W/M, 06/02/1983

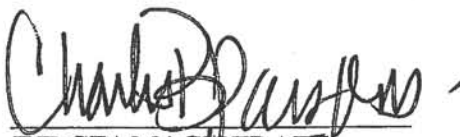



12. BODY – Jeff Goldfarb, W/M, 06/22/1984



13. BODY – Josh Weinstein, W/M, 04/02/1984



  
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JUDGE / MAGISTRATE  
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