

EXHIBIT 4

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

DURHAM County

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.

RETURN OF SERVICE

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

Date Received: 3/16/06 1:56 PM
 Date Executed: 3/16/06 1:56 PM

I made a search of 6110 North Buchanan
BLVD

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: [Signature] Time: 11:30 AM
 Department or Agency of Officer: DURHAM Police Department

Date: 3/16/06 Time: 11:30 AM
 Signature: [Signature] Time: 11:30 AM
 Deputy CSC Assl. CSC Clerk of Superior Court
 Magistrate District Ct. Judge Superior Ct. Judge

APPLICATION FOR SEARCH WARRANT

1. INVESTIGATOR B.W. HIMAN OF DURHAM CITY POLICE DEPARTMENT 505 W. Chapel Hill Street
Durham, NC

(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 TITLED DESCRIPTION OF ITEMS TO BE SEIZED

(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,
First Degree Forcible Rape (N.C.G.S. 14-27.3), First Degree Kidnapping, and is located
(N.C.G.S.14-39), First Degree Forcible Sexual Offense (N.C.G.S. 14-27.4), Common Law Robbery (N.C.G.S.
14-87.1), Felonious Strangulation (N.C.G.S. 14-32 4(b))

(Name Crime)

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

In the following premises 610 North Buchanan DURHAM, NORTH CAROLINA
(Give address and, if useful, describe premises)

SEE ATTACHMENT PREMISES TO BE SEARCHED

(and)

on the following person(s) _____
(Give name(s) and, if useful, describe person(s))

(and)

in the following vehicle(s) SEE ATTACHMENT VEHICLES TO BE SEARCHED
(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 ATTACHMENT TITLED PROBABLE CAUSE AFFIDAVIT

H

SWORN AND SUBSCRIBED TO BEFORE ME

Date 9-16-06

Signature 

Signature of Applicant  #7754

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 H. Adkins, pp.

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.

H 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.


STATE OF NORTH CAROLINA
JUSTICE
-- DURHAM COUNTY

IN THE GENERAL COURT OF 4
DISTRICT COURT DIVISION


ATTACHMENT FOR APPLICATION FOR SEARCH WARRANT

On 3/14/06 at 1:22am Durham City Police Officers were called to the Kroger on Hillsborough Road. The victim reported to the officers that she had been sexually assaulted at 610 North Buchanan Blvd. The investigation revealed that the victim and another female had an appointment to dance at 610 North Buchanan Blvd. The victim arrived at the residence and joined the other female dancer. The victim reported that they began to perform their dance in master bedroom area. After a few minutes, the males watching them started to get excited and aggressive. The victim and her fellow dancer decided to leave because they were concerned for their safety. As the two women got into a vehicle, they were approached by one of the suspects. He appoligized and requested they go back inside and continue to dance. Shortly after going back into the dwelling the two women were seperated. Two males, Adan and Matt pulled her into the bathroom. Someone closed the door to the bathroom where she was, and said "sweet heart you can't leave." The victim stated she tried to leave and the three males (Adam, Bret, and Matt) force fully held her legs and arms and sexually assaulted her anally, vaginally and orally. The victim stated she was hit, kicked and strangled during the assault and she attempted to defend herself, but was overpowered. The victim reported she was sexually assaulted for an approximate 30 minute time period by the three males. Police went to the residence in the early morning hours shortly after the victim reported the event. The Green Honda was parked at the residence at that time. Officers documented that vehicle was present, and no one would come to the door.

This Affiant is requesting the COURT to issue a warrant to search the residence, outbuildings, trash, and any vehicles on the curtilage of 610 North Buchanan Blvd Durham, North Carolina. In order to search and seize any evidence described under "Evidence to be Seized" from inside the residence of 610 North Buchanan Blvd. Durham, North Carolina.



MAGISTRATE / JUDGE
DATE: 3-16-06



APPLICANT
DATE: 3-16-06

STATE OF NORTH CAROLINA In The General Court of Justice <input type="checkbox"/> District <input type="checkbox"/> Superior Court Division Durham County	→ File No.
	Film No.

In the Matter of	INVENTORY OF SEIZED PROPERTY G.S. 15A-254.
Name	
Date of Search	

610 N. Buchanan Blvd.

3/16/06

I, the undersigned officer, executed a search of:
610 N. Buchanan Blvd DURHAM, NC

Person, place or vehicle searched
610 N. Buchanan

This search was made pursuant to:

a search warrant issued by: **Tammy Drew**

a consent to search given by:

other legal justification for the search:

The following items were seized:

1. make up bag with ID
2. Laptop - Dell serial # **H5VXV31**
3. P.C. Card - Motorola - ^{serial #} 03UT17415856
4. Dell Latitude Laptop serial # **76CX011**
5. Motorola Notebook adapter ^{serial #} 14590142680724
6. Web Cam - Creative Serial # **cd0f00621000**
7. Digital Camera case - Sony - serial # **3515746**
8. Micro Cassette Recorder - Olympus
9. Verizon cell phone - **706KSYU0099602**
10. Apple Laptop Mac product
11. Verizon cell phone - **VX9300**
12. Sony Hard Drive - **30430S3**

AOC-CR-206 Original - File Copy - person whose property was seized

Seized Items Continued:

13 Apple Laptop - I Book

14. Canon Digital camera PC1158

15. Sony Camera DSC P8

16 Canon Digital Camera,

17. Large Rectangle green bath rug

18. Small Bath Mat,

19 white floor Cleaning wipe, hand towel with initials,

20. Swabbing

21. 5 fingernails,

22. Dish Rag

23 Green Rug

24. Plastic Bag with wet paper towel

25. Large Rug

26. Paper towels

27. Pills,

28. #160

29. #160

30. Ky Jelly Bottle

Photograph

I am leaving a copy of this Inventory with the person named below, who is:

the owner of the place searched

the owner of the vehicle searched

the person in apparent control of the place searched

the person in apparent control of the vehicle searched

the person from whom the items were taken

As no person was present, I am leaving a copy of this Inventory:

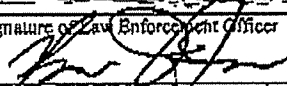
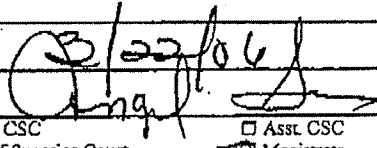
in the place searched, identified on the reverse

in the vehicle searched, identified on the reverse.

Name and Address of Person to Whom A Copy Of This Inventory Was Delivered

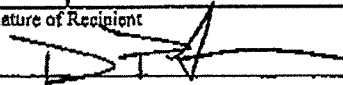
Dan Flannery Durham, NC
610 N. Buchanan

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 3/22/06		Title of Law Enforcement Officer Investigator
Signature 		Name and Address of Agency 505 W. Chapel Hill St DURHAM, NC 27701
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court	<input type="checkbox"/> Asst. CSC <input checked="" type="checkbox"/> Magistrate	

Acknowledgment of Receipt

I, the undersigned, received a copy of this inventory

Date	3/22/06
Signature of Recipient	

STATE OF NORTH CAROLINA
JUSTICE
DURHAM COUNTY

IN THE GENERAL COURT OF
DISTRICT COURT DIVISION

1


ATTACHMENT FOR APPLICATION FOR SEARCH WARRANT

IN THE MATTER OF: 610 N. Buchanan Blvd. Durham, NC 27701


I, Investigator Benjamin Himan being a duly sworn officer, request that the COURT issue a warrant to search the place, person, vehicles, and any other items or places described in this application; and to find and seize the property described in this application.

Description of items to be seized

1. Any DNA evidence to include hair, semen, blood, saliva related to the suspects and victim
2. Blue bathroom carpet/ rug
3. Any clothing related to the suspects and the victim
4. Any documentation identifying the suspects
5. Collection of latent prints identifying persons in the residence
6. Documentation of ownership of residence
7. Property belonging to Crystal Mangum to include but not limited to a purse, wallet, make-up and make-up bag, cellular camera telephone, and a shoe
8. Still photographs, video footage and digital recordings of the party
9. Any cameras or video devices which could contain photographs or footage of the party on 03/13/2006 to 3/14/2006
- ~~10. Artificial fingernails with a reddish color polish~~
11. United States Currency totaling \$400.00 or portions of said currency (all twenty dollar bills)



 MAGISTRATE/JUDGE
 DATE: 3-16-06



 APPLICANT
 DATE: 3/16/06

STATE OF NORTH CAROLINA
JUSTICE
DURHAM COUNTY

IN THE GENERAL COURT OF 2
DISTRICT COURT DIVISION

ATTACHMENT FOR APPLICATION FOR SEARCH WARRANT

Description of items to be seized - Continued

12. Any electronic data processing and storage devices, computers and computer systems including central processing units; internal and peripheral storage devices such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, cartridges, optical storage devices or other memory storage devices; peripheral input/output devices such as keyboards, printers, video display monitors; optical reader/write devices, and related communications devices such as modems; together with system documentation, operating logs and documentation, software and instruction manuals Any e-mail correspondence, other electronic communications, memos, or documents of any type referring to *First Degree Rape, Robbery, Kidnapping, First Degree Sexual Offense, Hate Crimes, Felony Strangulation, and Assault on a female.*

Description of Crimes

First Degree Forcible Rape (N.C.G.S. 14-27.3), First Degree Kidnapping (N.C.G.S. 14-39), First Degree Forcible Sexual Offense (N.C.G.S. 14-27.4), Common Law Robbery (N.C.G.S. 14-87.1), Felonious Strangulation (N.C.G.S. 14-32 4(b))

Description of Premises to be Searched

The residence to be searched is located at 610 North Buchanan Blvd. in Durham, North Carolina. From the Durham Police District 2 Substation located at 1058 W. Club Blvd, officers will turn left traveling south on Guess Rd which turns into North Buchanan. The residence is on the east side of the street just after W. Markham. The premise to be searched is a one story single family dwelling white in color with black shutters. The shutters are only on the front and right side of the home if looking at the residence from the street. The front door faces west towards the street. There is a green motor vehicle parked in the garage on the East side of the dwelling. The numbers 610 are black and are on the front door of the residence. There are two brick chimney protruding from the roof of the dwelling. A chain link fence runs along the East side of the dwelling.


MAGISTRATE / JUDGE

DATE: 3/16/06


APPLICANT

DATE: 3/16/06

STATE OF NORTH CAROLINA
JUSTICE
DURHAM COUNTY

IN THE GENERAL COURT OF
DISTRICT COURT DIVISION

3

ATTACHMENT FOR APPLICATION FOR SEARCH WARRANT

Description of Vehicle to be Searched

1996 Green Honda Accord, Virginia License Plate Number JBM-5999
VIN: IHGCD5654TA199992
And / or
Any vehicle on the curtilage

Description of Person to be Searched

Not applicable

IN THE MATTER OF: 610 N. Buchanan, Durham N.C.

Probable Cause Affidavit

The affiant swears to the following facts to establish probable cause for the issuance of a search warrant. I, Inv. B.W. Himan, am a sworn law enforcement officer and have been since 2003. I have been employed as a sworn police officer with the Durham City Police Department since 2003. I am currently an investigator with the Durham City Police Department's Criminal Investigation Division Violent Crimes Unit.

The Criminal Investigations Division has the responsibility of follow-up investigations of the crimes committed by adults and juveniles involving crimes against person and property. The primary objectives of this Division are to provide both investigative and general support to the other Divisions of the Durham Police Department in the accomplishment of establishing departmental goals and objectives. The Violent Crimes and Property Crimes Units are a part of the District 2 Criminal Investigations Division, dedicated to investigation matters of the people within the city of Durham, NC concerning persons.

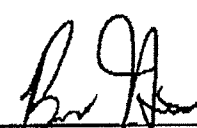
I have been assigned to the Criminal Investigations Division as an Investigator in District 2. I have been involved in numerous investigations to include domestic violence assaults, robberies, sexual assaults, and homicide investigations. I have received specialized training in the area of criminal investigation over my years with the Durham City Police Department. I have attended the following classes related to Law enforcement:

Interview and Interrogation, Police Law Institute, Field Training Officers School, Street Drug Enforcement for Patrol Officers, and Child Death Investigation. These classes are in addition to hundreds of hours of In-Service Training with the Durham Police



MAGISTRATE/JUDGE

DATE: 3/16/06



APPLICANT

DATE: 3/16/06