EXHIBIT 2

TO

DEFENDANT CITY OF DURHAM, NORTH CAROLINA'S MOTION TO DISMISS SECOND AMENDED COMPLAINT

In the General Court of Justice	District Court Division		h authorized by this Search Warrant:		that the property and person described ion of a crime is located as described in			and other place or item described in the application rson are found, make the seizure and keep the g to law.	ght (4.8) hours from the time indicated on this		er cath by the person or persons shown.	(3.111.00	Jan San San San San San San San San San S	Deputy CSC Asst. CSC Clerk of Superior Court Magistrate District Ct. Judge Superior Ct. Judge			1
 STATE OF NORTH CAROLINA	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 Courl Order and process the person according to law.	You are directed to execute this Search Warrant within forty-eight (4.8) 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 oatn by the person or persons shown.	A TRUE COPY	CLERK OF SUPERIOR COURT DURHAM COUNTY, N.S.	BY Wille D. Handy Signature	7.2.08	This Search Warrant was returned to me on the date 7 and time shown below	Date Time Time BOS AM PM	□ Deputy CSC ☐ Ass C3C ☐ Clerk of Superior Court
 File No.	SEARCH WARRANT	In the Matter of 610 North Buchanan Blvd.	Date Issued Time Issued (25)	N. F.	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 Time Received AM M PM Date Executed Date and Timg of Return AM S/16/06 SA/200 SA/200	N I made a search of COIC Numberchann		as commanded	X 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	$\mathcal{F}H\mathcal{F}$	Department of Agency of Mica Department

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APPLICATION FOR SEARCH WARRANT	
I, INVESTIGATOR B.W. HIMAN OF DURHAM CITY POLICE DEPARTMENT 505 W. Chapel Hill Durham, NC	Street .
(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 n this application and to find and seize the property and person described in this application. There is to believe thatSEE 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	9
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))	, and to toodled
(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) SEE ATTACHMENT VEHICLES TO BE SEARCHED (Describe vehicle(s))	
(and)	
(Name and/or describe other places or items to be searched, if applicate	ole)
The applicant swears to the following facts to establish probable cause for the issuance of a search w	arrant:
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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 preform 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, Adam 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.

> A IKUE CUPY **CLERK OF SUPERIOR COURT** DURHAM COUNTY, M.C.

> > 7.2.08

DATE: 3-16.06

3-16-06

In The General Court of Justice District Superior Court Division Durham County In the Matter of Name 610 N. Buchanan Blvd. Date of Statech 610 N. Buchanan Blvd. District Statech 610 N. Buchanan Blvd. A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SEIZED PROPERTY A TRUE COPY CLERK OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SUPERIOR COURT DURHAM CUDINTY, G. C. BY INVENTIORY OF SUPERIOR COURT DURHAM CUDINTY A TRUE COPY CLERK OF SUPERIOR COURT	STATE OF NORTH CAROLINA		→ File No.
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	☐ I am leaving a copy of this Inventory with the person r		
	the owner of the vehicle searched		

the person in apparent control of the place sear	rched
☐ the person in apparent control of the vehicle se	earched
☐ the person from whom the items were taken	
As no person was present, I am leaving a copy of th	is Inventory:
in the place searched, identified on the revers	
in the vehicle searched, identified on the reve	
Name and Address of Person to Whom A Copy Of This Inventory Was Delivered	
Dan Flannery Ducham, 610 N. Buchanan	, WC
GID N. Buchanan	
The law enforcement agency identified below wi	ill hold the seized property subject to Court Order.
	A serial time designed property studyout to count order.
SWORN AND SUBSCRIBED TO BEFORE ME	Signature of Law Enforcement Officer
	But 19/2
Date S 22/06	Title of Law Enforcement Officer LNV851.9450
Signature	Name and Address of Agenty 505 W. Chapel Hill St
☐ Deputy CSC ☐ Asst. CSC	305 W. Chaper Hill J
☐ Clerk of Superior Court ☐ Magistrate	Name and Address of Agency St So S W. ENGPET HILL ST DIRITAM, NC 27701
Acknowledgn	nent of Receipt
I, the undersigned, receive	ed a copy of this inventory
	I Duy
	Date 3 2 2/0 G
	Signature of Recipient

CLERK OF SUPERIOR COUR
DURHAM COUNTY 1. 9 Collegy, Clark Superior Conf

A TRUE COPY CLERK OF SUPERIOR COURT

7.2.0B

DURHAM COUNTY

DISTRICT COURT DIVISION

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, salvia 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: 3/0:00

APPLICANT

DISTRICT COURT DIVISION

ATTACHMENT FOR APPLICATION FOR SEARCH WARRANT

CLERK OF SUPERIOR COURT
DURHAM COUNTY H. C.

7.2.08

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.

MAGISŤRAŤŽ/JUDGE

DATE: 3/0/10

DISTRICT COURT DIVISION

ATTACHMENT FOR APPLICATION FOR SEARCH WARRANT

Description of Vehicle to be Searched

1996 Green Honda Accord, Virginia License Plate Number JBM-5999

VIN: 1HGCD5654TA199992

And / or

Any vehicle on the curtilage

Description of Person to be Searched

Not applicable

A TRUE COPY

CLERK OF SUPERIOR COURT DURHAM COUNTY N. C.

7.200

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: へ ブ

APPLICANT

In the General Court of Justice	SEARCH WARRANT DURHAM County District Court Division		anan Bivd.	Time Issued To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:	\	Affiant 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		RETURN OF SERVICE	I Certify that this Search WARRANT was received for the property and person in question. If the property and person in question. If the property and person in question. If the property and property subject to Court Order and process the person according to law.	Time Received	110 1	ch of	This Search Warrant is issued upon information furnished under oath by the person or persons shown.	ems listed on the attached CLERK OF SUPERIOR COURT DURHAM COUNTY OF SUPERIOR COUNTY OF SU	any items.	····-	This Search Warrant was returned to me on the date and time shown below	Date	
rim No.	SEARCH WA	In the Matter of	610 North Buchanan Blvd.	Date Issued 3/16/2006	Name of Applicant INV B.W. Himan	Name of Additional Affiant	Name of Additional Affiant	RETURN OF S	I Certify that this Search W/and executed as follows:	Date Received	Date Executed	☐ I made a search of		☐ 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 herel	return it not executed	Signature of Officer Making Return	, cold of

APPLICATION FOR SEARCH WARRANT	
 INVESTIGATOR B.W. HIMAN OF DURHAM CITY POLICE DEPARTMENT 505 W. Chapel Hill St Durham, NC 	reet .
(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 ite in this application and to find and seize the property and person described in this application. There is property to believe thatSEE 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)	<u>. </u>
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) [Signature in the following vehicle(s) SEE ATTACHMENT VEHICLES TO BE SEARCHED (Describe vehicle(s))	·
(and) ·	<u></u>
(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 warr	ant:
SEE ATTACHMENT TITLED PROBABLE CAUSE AFFIDAVIT	
A IKUL (CULL
CLERK OF SUPER	IOR COURT
DURHAM COUN	M. M.
BY DOUBLE	Superior Court H
	2.08
1/1/1/1	
Signature Signature of Applicant	754
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	у
In addition to the affigavit included above, this application is supported by sworn testimony, given by	•

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.

Clerk.

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 preform 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, Adam 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.

	CLERK OF SUPERIOR COURT DURHAM COUNTY, N. 9 By Molla Superior Court 7, 2.08	ruels
/	1	

A TRUE COPY

MAGISTRATE / JUDGE	APPLICANT					
DATE:	DATE:					

DISTRICT COURT DIVISION

ATTACHMENT FOR APPLICATION FOR SEARCH WARRANT

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

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- 10. Artificial Fingernails with a reddish color polish

11. United States Currency totaling \$400.00	or portions of said currency (all twenty
dollar bills)	A TRUE COPY
	CLERK OF SUPERIOR COURT
	DUBHAM COUNTY N. C

APPLICANT
DATE:

MAGISTRATE / JUDGE

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.

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/	A TRUE COPY	/
	CLERK OF SUPERIOR COURT.	$\int \int $
. /	DURHAM COUNTY, N.C.	*
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MAGISTRATE / JUDGE	Deputy, Clerk Superior Court	<i>i</i> , , ,
DATE:	7.2.08 BATE:	

STATE OF NORTH CAROLINA JUSTICE DURHAM COUNTY

DISTRICT COURT DIVISION

ATTACHMENT FOR APPLICATION FOR SEARCH WARRANT

Description of Vehicle to be Searched

1996 Green Honda Accord, Virginia License Plate Number JBM-5999 VIN: 1HGCD5654TA199992 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

A TRUE CUPY
CLERK OF SUPERIOR COURT
DURHAM COUNTY, W.C.

BY Deputy, Clerk Superior Court
7.2.08

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MAGISTRATE / JUDGE	APPLICANT					
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DATE:	DATE:	<u> </u>				