

ORIGINAL

STATE OF NORTH CAROLINA

In The General Court Of Justice
District/Superior Court Division

JOHNSTON County

SEARCH WARRANT

IN THE MATTER OF

2439 GLENDALE ROAD, KENLY, NC

Date Issued 11/23/2008 Time Issued 1:16 AM PM

Name Of Applicant ASAC MICHAEL EAST - NC SBI

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 11/23/08 Time Received 1:16 AM PM
Date Executed 11/23/08 Time Executed 2:02 AM PM

I made a search of 2439 GLENDALE ROAD, KENLY, 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

Department Or Agency Of Officer

Incident Number

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 11/23/08 Signature *R. J. [Signature]* Deputy CSC Magistrate Assistant CSC District Ct. Judge CSC Superior Ct. Judge

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

Date _____ Time AM PM Signature _____
Deputy CSC Assistant CSC
Clerk Of Superior Court

AFFIDAVIT ATTACHMENT TO SEARCH WARRANT

I. APPLICANT

I, Michael East have been a sworn Agent with the North Carolina State Bureau of Investigation since 1991. Currently, I am an Assistant Special Agent In Charge in the Capital District. During my career I have conducted the following types of investigations in counties all through out the state of North Carolina: Homicide, Corruption, Officer Involved Shootings, Dignitary Protection, State and Federal Narcotics Trafficking, Rape, Arson, Embezzlement, and numerous other violations of North Carolina General Statutes. I have received extensive training from the SBI, North Carolina Justice Academy, United States Secret Service, Drug Enforcement Administration, and other accredited law enforcement entities in the areas of: Search and Seizure, Interview and Interrogation, Forensics, and various other courses. I am currently the team leader for the SBI Crisis Negotiation Team, and I have a Bachelor of Arts Degree in History from Virginia Tech University in Blacksburg, Virginia.

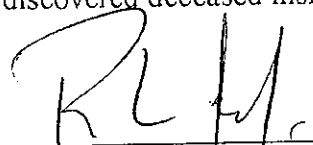
II. STATEMENT OF PROBABLE CAUSE

The following information has been provided to your Affiant by Johnston County Sheriffs Office Lieutenant Chris Strickland. All of the information is believed to be factual and accurate.

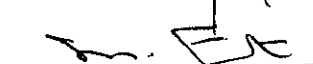
On Saturday, November 22, 2008, Johnston County Emergency Medical Services was requested at 2439 Glendale Road, Kenly, North Carolina (Johnston County) in reference to some type of medical emergency. Once on the scene, the EMTs encountered several intoxicated individuals and subsequently requested assistance from Johnston County Sheriffs Office deputies at 8:41 p.m.

Johnston County Sheriffs Office Deputies Sergeant Keith Garner and Deputy Adam Case subsequently arrived at 2439 Glendale Road, Kenly, North Carolina several minutes later. While Sergeant Garner and Deputy Case were assisting the EMTs, an unidentified white male, tentatively identified as Reginald Lee Witcher, DOB: 11/20/54 fired a shotgun at Sergeant Garner and Deputy Case from inside of the residence, through the front door. Sergeant Garner was on the front porch area of the residence, and was struck in the face by broken glass and other debris from the shotgun blast.

Sergeant Garner then returned fire from the front porch area of the residence, striking the white male and critically wounding him. At approximately 9:06 p.m., the deputies requested Signal 25, or officers need immediate assistance at the residence. Several other officers and EMTs responded to the scene. The white male, as well as one dog were discovered deceased inside of the residence.

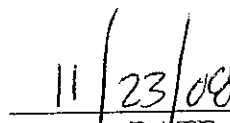


MAGISTRATE



AFFILIANT

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DATE

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AFFIDAVIT ATTACHMENT TO SEARCH WARRANT

At approximately 10:00 p.m., the Johnston County Sheriffs Office dispatcher contacted your Affiant via telephone and requested that the SBI conduct and officer involved shooting investigation.

As a result, this Affiant respectfully requests to enter the residence of 2439 Glendale Road, Kenly, North Carolina to seize items of evidence related to the Officer Involved Shooting.

III. DESCRIPTION OF PREMISES TO BE SEARCHED:

The premises to be searched are the residence, any outbuildings and the following vehicles located at 2439 Glendale Road, Kenly, North Carolina: Blue Jeep NC Tag#: KYS-6502, Silver Ford Escort NC Tag#: TYZ-6335, White Ford Pickup NC Tag#: BV-1558, Toyota Tacoma NC Tag#: KXV-6343, Chevrolet Tahoe NC Tag#: NYV-9695, and a marked Johnston County Sheriffs Office Patrol Vehicle a Ford Crown Victoria NC Tag#: 86049S.

This residence is located in Johnston County. The residence is described as two story brown wooden structure, with white trim on the shutters, and a small wooden porch. There are 2 outbuildings located on the front right side of the residence as one faces the residence from the street. There is a mailbox with the numbers 2439 in front of the residence.

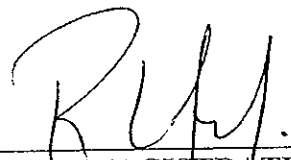
Directions to the residence are as follows: from Interstate 95, take exit 105, turn left on Bagley Road, cross over Highway 301, at the end of Weaver Road, turn right on Old Route 22, take first left on Beulah Town Road, turn left on Glendale Road and 2439 will be approximately 1 mile down on the left.

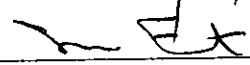
IV. ITEMS TO BE SEIZED:

The items to be seized in this investigation are as follows:

1. Any spent projectile, shell casing, fired and unfired rounds.
2. A shotgun, or any other handgun or rifle.
3. Any items with ballistic damage to them.
4. Any items with blood on them.
5. Any identification or documentation on the body or inside of the residence to determine ownership and the identity of the white male deceased inside of the residence.
6. Any item deemed to have evidentiary value.

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 MAGISTRATE


 AFFIANT

2 11/23/08

 DATE

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AFFIDAVIT ATTACHMENT TO SEARCH WARRANT

V. CONCLUSION:

I, ASAC Michael East contend that sufficient probable cause exists to indicate that Sergeant Keith Garner was involved in the fatal shooting of a white male at 2439 Glendale Road, Kenly, North Carolina on Saturday, November 22, 2008. I respectfully request the issuance of this search warrant for the furtherance of justice.

END OF SEARCH WARRANT

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JAN 16 03:00

R. L. M.
MAGISTRATE
M. East
AFFIANT

3

11/23/08
DATE

ORIGINAL

STATE OF NORTH CAROLINA

Johnston County

File No.

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:

Name 2439 Glendale Rd. Kenley, NC

INVENTORY OF SEIZED PROPERTY

Date Of Search 11/23/08

G.S. 15A-254, -257

I, the undersigned officer, executed a search of:

Person, Place Or Vehicle Searched

2439 Glendale Rd
Kenley, NC
Reginald Lee Witches

This search was made pursuant to

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

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The following items were seized:

- (8) .45 Spear Auto Shell casing
- (1) Lead Projectile
- (1) Mossberg 12 gauge shotgun SN# UM482477
- (1) Fired Shotgun Shell/casing
- (1) Unfired 12 gauge shotgun shell
- (1) GSR kit