

APPLICATION FOR SEARCH WARRANT

1. Det. J. Sondergaard / Fayetteville Police Dept / 467 Hay St Fayetteville, 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 *(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)*

See Attached Affidavit

constitutes evidence of a crime and the identity of a person participating in a crime. *(Name crime)* NCGS 14-39 First Degree Kidnapping

and is located *(Check appropriate box(es) and fill in specified information)*

in the following premises *(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))*
1997 Mitsubishi Galant / NC registration XZJW4001 / VIN: 4A3AJ56G4YE059031
Black in color

(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 Attached Affidavit

SWORN AND SUBSCRIBED TO BEFORE ME

Date

11-13-09

Signature

Signature of Applicant

Date

Signature of Applicant

11-13-09

Magistrate

Dep. CSC

Asst. CSC

Clerk of Superior Court

Judge

In addition to the affidavit included above, this application is supported by additional affidavits, attached, made by _____

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.

NOTE: If more space is needed for any section, 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 applicant and issuing official.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

FILE NO _____

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

Vehicle
1997 Mitsubishi Galant
North Carolina registration XZW4001
[REDACTED]

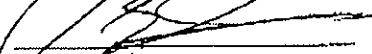
I, Jason E. Sondergaard, being duly sworn, depose and says that I am a sworn law enforcement officer in the State of North Carolina, employed by the City of Fayetteville, North Carolina, Fayetteville Police Department. I have been employed with the Fayetteville Police Department for twelve years (12 years). During my tenure with the Fayetteville Police Department I have been assigned to the Major Crimes Investigative Bureau for one and half years, Operations Support Division for one year, Community Affairs Unit for six years, Patrol Division for three and half years. I am currently assigned to the Major Crimes Investigative Bureau, Crimes Against Persons Unit. I am experienced in the criminal investigation of deaths, felony assaults, robbery, rape, burglary, and assaults. My experience also extends to the performance of all duties of preventative and investigative police enforcement, to include, but not limited to violations of the law in traffic enforcement, criminal law, protective services and domestic disturbance. I have successfully completed Certification in Basic Law Enforcement training through Fayetteville Community Technical College. My general training and certifications include, but are not limited to, Police Law Institute Certification, Interview and Interrogation (NCJA), Death Investigation (NCJA) Dealing With Difficult People (NCJA), and Search Warrants (FTCC).

The AFFIANT is a Detective with the Fayetteville Police Department's Homicide Unit, who being duly sworn, deposes and says that he has reason to believe that certain laws have been violated and that evidence of the violation of certain laws is at the location named to be searched in this search warrant.

In support of this Affidavit, the Affiant shows unto the court the following facts:

On November 10, 2009 at approximately 0653 hours, the Fayetteville Police Department received a 911 call from 1116-A Sleepy Hollow Drive in reference to a missing child, identified as SHANIYA DAVIS. Fayetteville Police Officers responded to the scene and once on scene they located what appeared to be human feces smeared on the handrails going up the steps to the residence and on the outside door handle of the residence.

This the 13th day of November, 2009



Affiant's Signature

Sworn to and subscribed before me this the 13th day of November, 2009



Magistrate

11:20 a.m.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

FILE NO _____

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

Vehicle
1997 Mitsubishi Galant
North Carolina registration XZW4001
~~XXXXXXXXXXXX~~

On November 11, 2009, the Fayetteville Police Department received information that MARIO ANDRETTE MCNEILL checked into a hotel in Sanford, North Carolina with a small child that looked like SHANIYA DAVIS. Detectives with the Fayetteville Police Department responded to Sanford, North Carolina and made contact with the hotel owner.

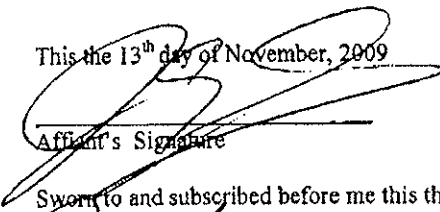
On November 12, 2009, Detectives with the Fayetteville Police Department responded back to Sanford, North Carolina and viewed the security video at the hotel and confirmed that child with MARIO ANDRETTE MCNEILL was SHANIYA DAVIS.

SERGEANT CORCIONE conducted an interview with MARIO ANDRETTE MCNEILL at the Fayetteville Police Administrative Building. MARIO ANDRETTE MCNEILL admitted during the interview that he had taken SHANIYA DAVIS from in front of 1116-A Sleepy Hollow Drive Fayetteville, North Carolina. He admitted that he had driven her to Sanford, North Carolina in his 1997 Mitsubishi Galant and taken her to the hotel in Sanford, North Carolina.

SHANIYA DAVIS is still listed as missing and endangered and has not been located since she went missing on November 10, 2009.

This the 13th day of November, 2009

2



Affiant's Signature

Sworn to and subscribed before me this the 13th day of November, 2009



Magistrate

12:20 a.m.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

FILE NO _____

GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

Vehicle
1997 Mitsubishi Galant
North Carolina registration XZW4001
VIN: 4A3AJ56G4VE059031

Based on factual information provided in this affidavit; the Affiant believes there is sufficient probable cause to show that one or more of the following North Carolina General Statutes:

14-39 First Degree Kidnapping

Based upon the facts and circumstances, the undersigned reasonably believes that the search of the aforementioned vehicle, seizure, collection and analysis of the listed evidence is necessary for a full and complete investigation of the Kidnapped and Endangering Juvenile and would be in the best interest of the administration of justice. Affiant prays a search warrant be issued for the black 1997 Mitsubishi Galant with North Carolina registration XZW4001, VIN: 4A3AJ56G4VE059031.

DESCRIPTION OF EVIDENCE TO BE SEIZED

- 1. Human biological materials.
- 2. Fingerprints and Photographs.
- 3. Blankets and children's clothing.
- 4. Documentation showing ownership and occupants of the vehicle.

DESCRIPTION OF PROPERTY TO BE SEARCHED

Black 1997 Mitsubishi Galant with North Carolina registration XZW4001, VIN: 4A3AJ56G4VE059031 located in the Forensic Bay at the Fayetteville Police Administrative Building.

This the 13th day of November, 2009

3

Affiant's Signature

Sworn to and subscribed before me this the 13th day of November, 2009

Magistrate

10:20 a.m.

SEARCH WARRANT

IN THE MATTER OF

1997 Mits. NC XZWW4001 VIN:4A3AJ56G4VE059031

Date Issued 11/13/2009 12:20 AM AM PM

Name Of Applicant DETECTIVE J. SONDERGAARD

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	11/13/2009	Time Received	12:20	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Date Executed	11/13/2009	Time Executed	12:07	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM

I made a search of 1997 Mitsubishi Galant / NC registration XZWW4001 / VIN: 4A3AJ56G4VE059031

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 Issuing Warrant

Department Or Agency Of Officer Fayetteville Police Department

Officer Number 2009-039256

STATE OF NORTH CAROLINA

CUMBERLAND 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 11-13-09

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 11-17-09 3:25 PM

Signature [Signature]

Deputy CSC Assistant CSC

Clerk Of Superior Court

STATE OF NORTH CAROLINA File No.

CUMBERLAND County

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:
 Name
 1997 Mits. NC XZW4001 VIN:4A3AJ56G4VE059031

**INVENTORY OF ITEMS SEIZED
 PURSUANT TO SEARCH**
 G.S. 15A-223, 15A-254, -257

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched
 1997 Mitsubishi Galant / NC registration XZW4001 / VIN:4A3AJ56G4VE059031

Date Of Search
 11-13-2009

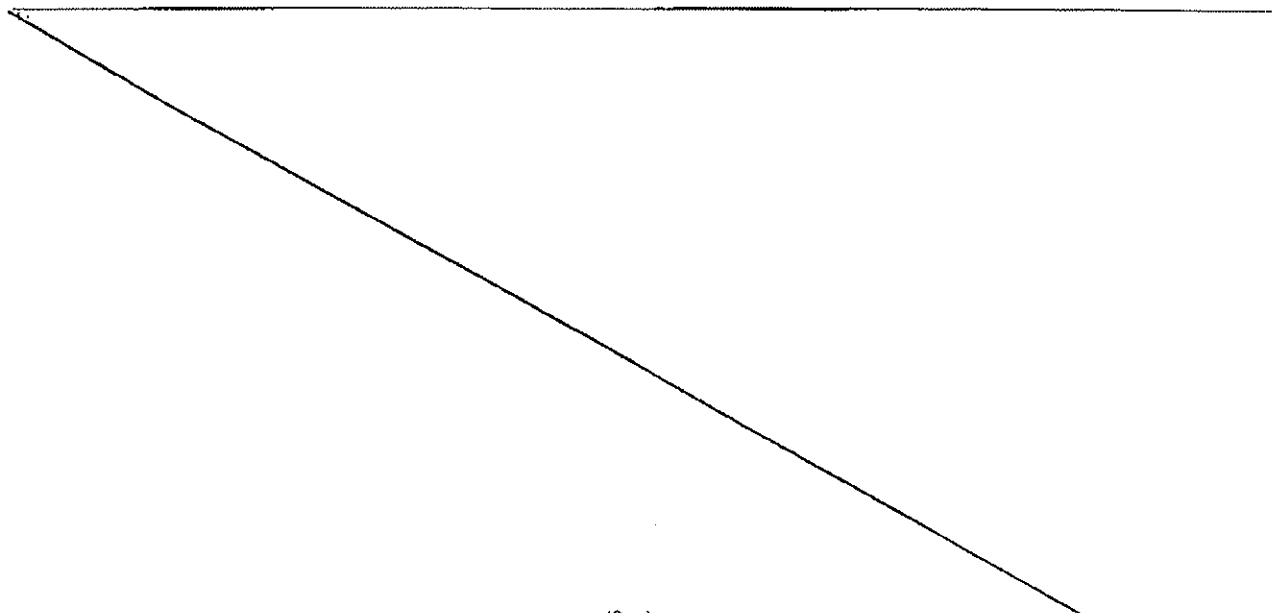
This search was made pursuant to

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

The following items were seized:

1. Eleven sealed plastic bags containing trace tapings collected from the interior of the vehicle and trunk.
2. Black and yellow Apple bottoms jacket size, 4
3. Akdmks pair of jeans, size 24m
4. Blue and silver belt
5. Clear plastic straw
6. Three swabbing from interior of vehicle
7. Four soil samples from exterior of vehicle
8. One dollar bill collected from the back right pants pocket of jeans
9. Copies of paperwork from the glove box
10. Photographs of the exterior and interior and individual items inside the vehicle
11. GARMIN NUVI GPS
12. Page Plus Cell Phone Model No: LG VX610 / SN: BEJVX6100

Nothing Follows





Law Enforcement Case No. 2009-039254 SID No. FBI No.

FAYETTEVILLE POLICE DEPARTMENT

STATE OF NORTH CAROLINA

CUMBERLAND County In The General Court Of Justice District Court Division

File No. 09CR 065760

WARRANT FOR ARREST

Offense: 1 FIRST DEGREE KIDNAPPING

THE STATE OF NORTH CAROLINA VS.

Name And Address Of Defendant:
MARIO ANDRETTE MCNEILL

[REDACTED]

FAYETTEVILLE NC 28306

Alias I. MARIO ANDRETTE MCNEILL

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did kidnap SHANIYA DAVIS, a person under the age of 16 years by unlawfully restraining the victim and removing the victim from one place to another, without the consent of the victim's parent or legal guardian, and for the purpose of terrorizing SHANIYA DAVIS. SHANIYA DAVIS was not released by the defendant in a safe place.

Race	B	Sex	M	Date Of Birth	[REDACTED]	Age	[REDACTED]
Social Security No.	[REDACTED]	Drivers License No. & State	[REDACTED]	Name Of Defendant's Employer			
Offense Code(s)	11026						
Offense In Violation Of G.S.	114-39						
Date Of Offense	11/10/2009						
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)	11-13-09 1674 6WS						
Complainant (Name, Address Or Department)	TRACEY BOWMAN FAYETTEVILLE POLICE DEPARTMENT 467 HAY ST FAYETTEVILLE NC 28301 CUMBERLAND (910) 433-1856						
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)							

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature: M. L. JOHNSON

Location Of Court: Cumberland County Courthouse, 117 DICK ST FAYETTEVILLE, NC 28301

Court Date: 11/13/2009

Court Time: 2:30 PM

Magistrate Deputy CSC

Assistant CSC Clerk Of Superior Court

AOC-CR-100, Rev. 3/09 (Structured Sentencing)

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VRA Case

Printed on 11/13/2009 03:40:51 AM

File No 09CR 065834	Law Enforcement Case No. 2009-039245	S/D No.	FBI No.
WARRANT FOR ARREST			
Offense I HUMAN TRAFFICKING CHILD VICTIM II FELONY CHILD ABUSE-PROSTITUTIN			
STATE OF NORTH CAROLINA			
CUMBERLAND		County	
In The General Court Of Justice District Court Division			

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below.

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did KNOWINGLY PROVIDE, SHANIYA DAVIS, WITH THE INTENT THAT SHE BE HELD IN SEXUAL SERVITUDE

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully; willfully and feloniously did permit an act of prostitution with SHANIYA DAVIS, who was 5 and thus under 16 years of age. The act of prostitution UNSPECIFIED SEXUAL ACTS. At the time the defendant committed the offense, the defendant was the child's parent.

Name Of Defendant		Age	
ANTONNETTE DAVIS		28311	
Race	Sex	Date Of Birth	Age
B	F		
Social Security No.		Drivers License No. & State	
		NC	
Name Of Defendant's Employer			
FAYETTEVILLE CUMBERLAND			
Offense Code(s)		Offense In Violation Of G.S.	
I 1151		114-43.11(A)	
II 3836		114-318.4(A1)	
Date Of Offense			
11/10/2009			
Date Of Arrest & Check Digit No (As Shown On Fingerprint Card)			
14 Nov 2009 7734 BWT			
Complainant (Name, Address Or Department)			
TRACEY BOWMAN			
FAYETTEVILLE POLICE DEPARTMENT			
467 HAY ST		NC 28301	
FAYETTEVILLE		(910) 433-1856	
CUMBERLAND			
Names & Addresses Of Witnesses (Including Counties & Telephone Nos)			

Signature		Location Of Court	
R. L. APPLFWHITE		Cumberland County Courthouse	
<input checked="" type="checkbox"/> Magistrate	<input type="checkbox"/> Deputy CSC	117 DICK ST FAYETTEVILLE	
<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court	NC 28301	
Court Date		Court Time	
11 Nov 2009		2:30	
		<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Law Enforcement Case No. 2009-039254 SID No. FBI No.

FAYETTEVILLE POLICE DEPARTMENT

STATE OF NORTH CAROLINA

In The General Court Of Justice
District Court Division

CUMBERLAND County

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did resist, delay and obstruct DETECTIVE TRACEY BOWMAN, a public officer holding the office of FAYETTEVILLE POLICE DETECTIVE, by LYING AND DELAYING THE PROGRESSION OF THE INVESTIGATION INTO THE DISAPPEARANCE OF HER DAUGHTER, SHANIYA DAVIS., At the time, the officer was discharging and attempting to discharge a duty of her office, INVESTIGATING A KIDNAPPING.

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did make to a law enforcement agency FAYETTEVILLE POLICE DEPARTMENT a misleading report and STATED THAT HER CHILD WAS MISSING AND HER WHEREABOUTS WERE UNKNOWN to hinder and obstruct the law enforcement officer in the performance of her duty, INVESTIGATING A KIDNAPPING

This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature: R L APPELWHITE

Magistrate Deputy CSC
 Assistant CSC Clerk Of Superior Court

Location Of Court: Cumberland County Courthouse, 117 DICK ST FAYETTEVILLE NC 28301

Court Date: 16 Nov 2009
 Court Time: 2:30 AM P

Printed on 11/14/2009 08:59:54 PM

AOC-CR-100, Rev. 3/09 (Structured Sentencing)
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File No. 09CR 065835

WARRANT FOR ARREST

Offense: I RESISTING PUBLIC OFFICER
 II FALSE REPORT TO POLICE STATION

THE STATE OF NORTH CAROLINA VS.
 Name And Address Of Defendant: ANTONIETTE DAVIS
 [REDACTED] NC 28311

FAYETTEVILLE CUMBERLAND

Race: B Sex: F Date Of Birth: [REDACTED] Age: [REDACTED]
 Drivers License No. & State: [REDACTED]

Social Security No. [REDACTED]

Name Of Defendant's Employer: [REDACTED]

Offense Code(s): I 14-223
 II 14-225

Date Of Offense: 11/10/2009

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card): 14 NOV 2009 77348W

Complainant (Name, Address Or Department): TRACEY BOWMAN NC 28301
 FAYETTEVILLE POLICE DEPARTMENT (910) 433-1856
 FAYETTEVILLE CUMBERLAND

Names & Addresses Of Witnesses (Including Counties & Telephone Nos.):

Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan

Date Issued: 11/14/2009