

2023

File No.

22 CRS 366 223

STATE OF NORTH CAROLINA

MECKLENBURG County

In The General Court Of Justice District/Superior Court Division

SEARCH WARRANT

IN THE MATTER OF

18413 Victoria Bay Dr. Cornelius, North Carolina 28031

Name Of Applicant

Det. Gina Patterson CP108

Name Of Additional Affiant(s)

RETURN OF SERVICE

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

Date Received 2-14-2023 Time Received 2:33 PM

Date Executed 2-14-23 Time Executed 2:00 PM

I made a search of

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 or affirmation by the person(s) shown.

Date Issued 2-14-23 Time Issued 2:33 PM Name (type or print) Dawn M. Layton Signature Dawn M Layton

Deputy CSC Assistant CSC CSC Magistrate District Ct. Judge Superior Ct. Judge

NOTE: When issuing a search warrant, the issuing official must retain a copy of the warrant and warrant application and must promptly file them with the clerk. G.S. 15A-245(b).

This Search Warrant was delivered to me on the date and at the time shown below when the Office of the Clerk of Superior Court is closed for the transaction of business. By signing below, I certify that I will deliver this Search Warrant to the Office of the Clerk of Superior Court as soon as possible on the Clerk's next business day.

Name Of Officer Making Return (type or print)

Det. Gina Patterson CP108

Signature Of Officer Making Return

Det. Gina Patterson CP108

Date Time AM PM Name Of Magistrate (type or print) Signature Of Magistrate

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

Department Or Agency Of Officer Incident Number Date Time AM PM Name Of Clerk (type or print) Signature Of Clerk

Original - File Copy - For Search of a Person, to Person from Whom Items Taken Copy - For Search of Vehicle/Premises, to Owner or Person in Apparent Control; if No Such Person Present, Leave Copy Affixed Thereon

APPLICATION FOR SEARCH WARRANT

I, Det. Gina C. Patterson CP108 Cornelius Police Department
(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 ATTACHMENT "Property/Evidence to be Seized"

constitutes evidence of a crime and the identity of a person participating in a crime, *(Name crime)* NCGS 14-318.5 Failure to Report the Disappearance of a Child to Law Enforcement

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

in the following premises *(Give address and, if useful, describe premises)*

SEE ATTACHMENT "Location/premises to be Searched"

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

SEE ATTACHMENT

(and)
 in the following vehicle(s) *(Describe vehicle(s))*

SEE ATTACHMENT

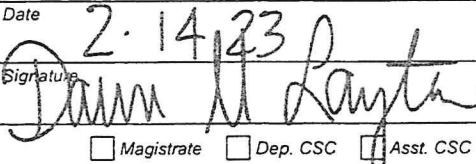
(and)

(Name and/or describe other places or items to be searched, if applicable)

SEE ATTACHMENT

The applicant swears or affirms to the following facts to establish probable cause for the issuance of a search warrant:

PROBABLE CAUSE STATEMENT- SEE ATTACHEMENT

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	<small>Date</small> 12/21/2022
<small>Date</small> 2.14.23	<small>Name Of Applicant (type or print)</small> Det. Gina Patterson CP108
<small>Signature</small> 	<small>Signature Of Applicant</small> Det. GC Patterson CP108 02/14/23
<input type="checkbox"/> Magistrate <input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court <input checked="" type="checkbox"/> 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
 recorded, and I have filed any such writing/recording 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.*

Continuation page attached to the SEARCHWARRANT application, dated 02/14/2023

LOCATION/PREMESIS TO BE SEARCHED:

18413 Victoria Bay Drive, Cornelius, NC 28031.

To reach this residence from the Cornelius Police Department located at 21440 Catawba Avenue, Cornelius, North Carolina 28031, travel northwest on Catawba Avenue toward Milling Way. Travel approximately 0.5 miles. Turn right onto Lake Village Boulevard. Travel approximately 446 feet, turn right onto Victoria Bay Drive. Travel approximately 59 feet, 18413 Victoria Bay Drive will be on the right. Direction derived from Google Maps.

See Attached Photograph of residence derived from Google.



CONTINUATION OF "PROPERTY / EVIDENCE TO BE SEIZED":

Sworn and Subscribed to Before Me:

Dawn M. Layton
Judge / Magistrate Date 2-14-23

Det. GC Patterson CP108 02/14/23
Applicant /Date

Continuation page attached to the SEARCHWARRANT application, dated 02/14/2023

Any and all indicia of a missing person, Madalina Cojocari (W/F, DOB 04/11/2011), including but not limited to:

1. The following materials which constitute evidence of the commission of a criminal offense; or contraband, the fruits of crime, or property designed or intended for use or which is or has been used as the means of committing a criminal offense, namely a violation of North Carolina General Statute 14-318.5, "Failure to Report the Disappearance of a Child to Law Enforcement".
2. Any and all medications, illegal drugs, drug paraphernalia, etc.,
3. Any and US and Foreign Currency
4. Any evidence or indicia related to include, any physical evidence, documents or electronic devices pertaining to planning, execution or assistance with the crime.
5. Any papers, tickets, notes, schedules, receipts, and/or other items relating to domestic and foreign travel, and/or purchase, rental, or lease of automobiles.

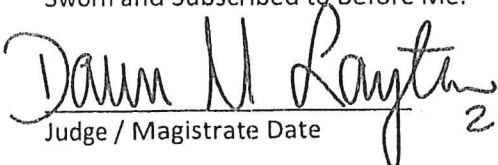
CONTINUATION OF "PREMISES, PERSON, VEHICLE, OR OTHER ITEM (S) TO BE SEARCHED":

The property located at 18413 Victoria Bay Drive, Cornelius, NC 28031, including the residence, curtilage, outbuildings, persons, and vehicles.

CONTINUATION OF "PROBABLE CAUSE AFFIDAVIT":

In 2002 I, Det. Gina Patterson, received my Basic Law Enforcement Certificate from Central Piedmont Community College. In 2003 I joined the Cornelius Police Department. During my time with the Cornelius Police Department I have been assigned to the patrol division, worked in traffic enforcement, community resources, and since 2016 have worked in the Criminal Investigations Division. I have participated in the investigation, apprehension, and prosecution of subjects involved in the offenses related to substance abuse, property crimes, crimes against persons, weapons, and conspiracy. I have developed expertise in the daily operations of subjects involved in these types of criminal activities through personal observations and interactions, which include interviews and arrests of suspects who have committed or attempted to commit those crimes. I have worked with other investigators and experts with whom I have discussed the various elements of, and common methods used to commit the aforementioned crimes. I have conducted numerous searches for evidence on persons, premises, vehicles, telephones, and other common areas used by suspects in an attempt to conceal evidence of criminal activity.

Sworn and Subscribed to Before Me:

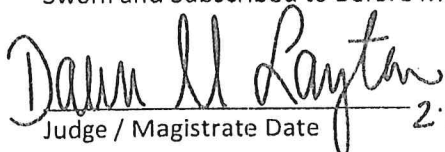

Judge / Magistrate Date 2.14.23

Det. GC Patterson CP108 02/14/23
Applicant /Date

PROBABLE CAUSE:

1. On Thursday, December 15, 2022 at approximately 1312 hours, Officer responded to Bailey Middle School, located at 11900 Bailey Road in Cornelius. The complainant, Diana Cojocari, who resides at 18413 Victoria Bay Drive in Cornelius, reported her juvenile daughter, Madalina Cojocari, has been missing since approximately 2200 hours on Wednesday, November 23, 2022. On Monday, December 12, 2022, at approximately 1400 hours, Bailey Middle School Resource Officer J. Nobles attempted a home visit with 6th grade school counselor Mrs. D. Lampkin in reference to Madalina Cojocari. Mrs. Lampkin stated Madalina Cojocari has not been to school since Monday, November 21, 2022. There was no answer at the door, and a truancy packet was left by Mrs. Lampkin.
2. On Thursday, December 15, 2022, Diana Cojocari arrived at the school without Madalina and met with Mrs. Lampkin. Mrs. Lampkin requested Officer Nobles step into the meeting. When Officer Nobles arrived, Mrs. Lampkin and Diana advised me that Madalina has been missing since Wednesday, November 23, 2022, at approximately 2200 hours.
3. Officer Nobles spoke to Diana Cojocari who advised she last saw Madalina on Wednesday, November 23, 2022 at 2200 hours. She stated that Madalina went into her room that night to go to bed. Diana stated her and her husband, Christopher Palmiter, argued that night and the next morning he drove to his family's house in Michigan to recover some items. Diana Cojocari stated she went to check on Madalina around 1130 hours on the 24th and noticed Madalina was not in her room. Diana Cojocari stated she waited until Saturday, November 26th at 1900 hours, when Christopher Palmiter returned home before asking if he knew where Madalina was. Christopher stated he did not and asked the same question in return. I asked Diana why she did not report Madalina missing until now. Diana stated she was worried it might start a "conflict" between her and Christopher.
4. Due to the circumstances surrounding the absence of Madalina Cojocari and the three (3) week delayed reporting Madalina missing Christopher Palmiter and Diana Cojocari were arrested on December 17, 2022, and charged with NCGS 14-318.5, "Failure to Report the Disappearance of a Child to Law Enforcement".
5. In an interview with Octavian Cebanu (a distant relative of Diana), he stated that Diana Cojocari and her mother asked him if he would assist Diana with "smuggling" her and Madalina Cojocari away from the residence. Octavian stated that she told him she was in a bad relationship with co-defendant Christopher Palmiter and wanted a divorce.

Sworn and Subscribed to Before Me:


Judge / Magistrate Date 2-14-23

Det. GC Patterson CP108 02/14/23
Applicant /Date

6. On Thursday, February 10, 2023, Cornelius Police Department Detectives and NC SBI Agents reviewed phone records for Diana Cojocari (Phone Number [REDACTED]). When reviewing phone numbers that defendant, Cojocari, contacted, she had an extensive communication on December 2, 2022 with a known subject, Octavian Cebanu (Phone Number [REDACTED]). In reviewing this subject's phone records, there was multiple calls to phone numbers belonging to unidentified targets involved in ongoing T3 drug/narcotic trafficking investigations.

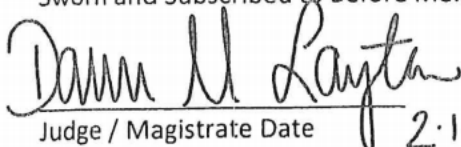
7. Based off the information received, investigators decided to conduct a canine sniff around the vehicles seized. A NC SBI K-9 handler was asked to assist with an outside search of the vehicle (Green 2008 Toyota Prius NC-EAZ1948 VIN: JTDKB20U687747347), suspect Diana Cojocari's vehicle. The Vehicle is currently being held in a secured property lot managed by the Cornelius Police Department located at 18521 Starcreek Dr in Cornelius, NC 28031 with diminished expectation of privacy.

On Thursday, February 10, 2023, at 1350 hours the K-9 alerted on the driver's side door of the vehicle (Green 2008 Toyota Prius NC-EAZ1948 VIN: JTDKB20U687747347), suspect Diana Cojocari's vehicle. K-9 is trained to alert any and all narcotics. The dog also alerted on the vehicle on Monday, February 13, 2023, when a search warrant for the vehicle was obtained.

w/ K-9

The affiant believes that a search of the residence may locate drugs and/or money not previously found in the residence. We believe that the additional search could be helpful in locating and leading to information on the disappearance of Madalina Cojocari. Based on affiant's training and experience persons associated with narcotics activity are also associated with human smuggling. Affiant prays this search warrant be issued to authorize a search of the residence to locate this item and any other item that may remain in the residence that may bear evidence of the crime and is listed on the "items to be seized" as described in this application.

Sworn and Subscribed to Before Me:


Judge / Magistrate Date 2.14.23

Det. GC Patterson CP108 02/14/23
Applicant /Date