

APPLICATION FOR SEARCH WARRANT

I, **Detective Yvonne Cobourn, Asheville 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 public hair, head hair, fiber, blood, clothing, DNA, penal swabs, photographs of Lewis Kyle Wilson and including photographs of any injuries to the body of Lewis Kyle Wilson

(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 **Assault w/ Deadly Weapon Inflicting Serious Injury GS 14-32**, and is located

(Name Crime)

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

See Attachment "IN THE FOLLOWING PREMISES"

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))

(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 "CONTINUATION OF PROBABLE CAUSE"**

To comply with this search warrant, all information can be mailed to the Asheville Police Department,

P.O. Box 7148, Asheville, North Carolina, 28802. Attention Detective Yvonne Cobourn. Or you can fax this information to 828-350-0093, Attention Detective Yvonne Cobourn.

SWORN TO AND SUBSCRIBED BEFORE ME

Date

Signature

Signature of Applicant

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:

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. *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 applicant and issuing official.

PAGE ONE OF AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT IN THE MATTER OF A LEWIS KYLE WILSON DATE OF BIRTH 05/09/1977

I, Yvonne Cobourn, being duly sworn, depose and say that I am a sworn Law Enforcement Officer in the State of North Carolina, employed by the Asheville Police Department, Asheville, North Carolina. I have been employed in the field of law enforcement for twelve years. I am currently assigned to the Criminal Investigations Division functioning as a Detective assigned to cold case homicide. I have assisted in the investigations of several homicides. Before becoming employed with the Asheville Police Department, I attended Central Carolina Technical College in the field of Veterinary Medicine Technology and Asheville Buncombe Technical College in the field of Criminal Justice. I have attended numerous schools during my tenure to enhance my expertise in the field of law enforcement, more particularly Criminal Investigations. I have successfully completed training in the fields of, Criminal Investigations, Criminal Evidence, Interview and Interrogations and Hate Crimes. While as a patrol officer I worked as a Patrol Evidence Technician. Than as a fulltime Forensic Officer, as well as serving on the public housing ACET Team. I am currently enrolled in the Criminal Investigator's Certificate Program at the North Carolina Justice Academy. I have remained abreast of the current legal updates forwarded to our department through both the North Carolina Supreme Court and the United States Supreme Court.

On November 19, 2008 at 1240am, the Asheville Police Department responded to 16 Brownwood Ave Asheville NC 28806 in reference to a woman that had been assaulted and bleeding. The woman [redacted] asked the homeowner at 16 Brownwood Ave to call the police. [redacted] was transported to Mission Hospital by ambulance. [redacted] was interviewed on scene by Asheville Police Department patrol officers Travis Haralson, Nick Mitchell and Sgt. Mike Hensley. She gave a description of the suspect vehicle has being a pick up truck with a camper, gold or beige on color. She stated that her boyfriend [redacted] could give officers more information about the suspect vehicle. Officer Evan Coward then went to [redacted] residence and obtained information that the suspect vehicle was small gold pickup with matching camper cover. That the suspect vehicle was king cab with chrome factory wheels. Officer Coward then obtained a written statement from [redacted].

SWORN AND SUBSCRIBED TO ME:

[Signature]
(Judge / Magistrate)
11/19/08
(Date)

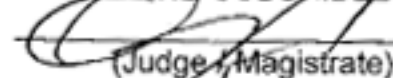
[Signature]
(Affiant)
11/19/08
(Date)

PAGE TWO OF AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT IN THE MATTER OF LEWIS KYLE WILSON DATE OF BIRTH 05/09/1977

Detective Barnes and Cobourn interviewed [REDACTED] at the emergency room at Mission Hospital. [REDACTED] stated that she had been picked up by a white male with black hair, average build and wearing a gold hoop earring. She stated that he requested oral sex, which she agreed to perform. [REDACTED] began to perform oral sex on the suspect while he was driving. The suspect then hit [REDACTED] in the head. He then drove [REDACTED] to a location in which she described as being past the Burger Bar, past the storage buildings and in a gravel lot. She stated that there was a garage nearby. Once at this location, the suspect forcefully removed the victim from the pickup truck and dragged her by the hair to an abandoned RV. The suspect then forced [REDACTED] to perform oral sex on him again, while he stabbed [REDACTED] in her head. [REDACTED] attempted to defend herself and suffered defensive wounds on her hands. [REDACTED] then bit the suspect on his penis. [REDACTED] was then able to escape from the suspect. She ran up Waynesville Ave to Brownwood Ave where she found a house with a porch light on. [REDACTED] stated that she knocked on the door and requested that they call an ambulance. Asheville Police Communications sent out an attempt to locate on the suspect vehicle to patrol, as well as a message to area hospitals in reference to a white male presenting himself with an injured penis.

[REDACTED] then presented himself at Mission Hospital where he spoke to Detective Cobourn and Detective Barnes. [REDACTED] stated that [REDACTED] and he had been walking from Aston Tower Apartment to Bartlett Arm Apartments when they noticed a gold king cab truck with a matching gold camper shell repeatedly drive by them. The gold truck followed them into the parking lot of Bartlett Arms apartment and the driver began a conversation with [REDACTED], where he asked [REDACTED] for oral sex. [REDACTED] had refused at first, stating that she didn't know him. After some conversation between [REDACTED] and the driver, she told [REDACTED] that she would be back in a few minutes. [REDACTED] then got into the passenger seat of the truck. [REDACTED] stated that the driver was a white male, possibly Mexican, with black hair and a goatee. He stated that the driver was wearing blue jeans.

SWORN AND SUBSCRIBED TO ME:


(Judge/Magistrate)


(Affiant)

11/19/08
(Date)

11/19/08
(Date)

PAGE ONE OF AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT
IN THE MATTER OF 60, 64, 68, 68 1/2, 72, and 80 CRAVEN STREET

I, the undersigned affiant Kevin J. Taylor, am a sworn law enforcement officer in the State of North Carolina, and employed as a detective with the Asheville Police Department. I have been a law enforcement officer for the past 23 years and have been assigned to the Criminal Investigations Division of the Asheville Police Department for the past 14 years. I have received an Associate of Arts degree in Law Enforcement from Kirkwood Community College and a Bachelor of Arts degree in Political Science from the University of North Carolina - Asheville. In addition to completing basic law enforcement training I have completed numerous other training courses, all of which totals well over 1000 classroom hours. Included in this training is courses in Police Law Institute and Homicide Investigation. I have also received my Advanced Certification from the North Carolina Criminal Justice Education and Training Standards Commission, and completed the Criminal Investigators Certification Program through the North Carolina Justice Academy.

On 07/31/06 the Asheville Police Department received a call from employees at Highwater Clays located at 600 Riverside Drive in Asheville in reference to skeletal remains found in the French Broad River behind the business. Further investigation led to the recovery of a human skull, two tibias, two knee caps, a partial left foot, and a lower jaw bone. The remains were clearly dismembered and cut into smaller parts, and most of the teeth were missing from the jaw.

On 08/07/06 the Asheville Police Department received a second call about human remains found in a culvert near the intersection of Roberts Street and West Haywood Street. Further investigation led to the recovery of both a right and left hand, and part of a left arm. Fingerprint comparison from the hands later identified the remains as those of Kelly Lane Smith, a local prostitute, who was last seen by friends on 07/29/06. Additional DNA analysis later by the North Carolina State Bureau of Investigation confirmed the skeletal remains found previously in the river were also those of Smith. The distance between the two locations is approximately 1 mile along Riverside Drive. The rest of Kelly Smith's bodily remains, including her entire torso, are still unaccounted for, as well as her clothing, jewelry, purse, and other personal possessions. To date no suspect has been charged in Smith's murder.

SWORN AND SUBSCRIBED TO ME:


MAGISTRATE

DATE

12/8/08


SIGNATURE OF AFFIANT

DATE

12/8/08

PAGE TWO OF AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT
IN THE MATTER OF 60, 64, 68, 68 1/2, 72, and 80 CRAVEN STREET

On 11/19/08 the Asheville Police Department received a call from [REDACTED] after she had been severely beaten. [REDACTED] also a local prostitute, had been solicited to perform a sexual act by a white male in a gold colored extended cab pickup with a camper top. This individual was later identified as Lewis Kyle Wilson who resides at 68 1/2 Craven Street. Wilson drove [REDACTED] to his residence where he then held her captive in an old camper on the property. Wilson beat her severely about the head and face, and stabbed her with a knife, while forcing her to perform sexual acts on him. Wilson later drove [REDACTED] away from the residence and dropped her along the roadway where she then ran and called for help. [REDACTED] was transported to Mission Hospital where she was treated for her injuries. Wilson's pickup was located that same night at his residence and a criminal investigation was initiated.

Detectives also learned that two other local prostitutes had reported being beaten in this same area in the past. On 05/11/08 [REDACTED] was picked up by a white male in a tan colored extended cab pickup and taken to 64 Craven Street where she was assaulted and raped both vaginally and anally. During the assault the suspect threatened to cut [REDACTED] throat and throw her in river. [REDACTED] managed to escape and run to a nearby residence. On 08/06/08 [REDACTED] was picked up by a white male in a gold colored extended cab pickup with a camper top and taken to 68 1/2 Craven Street. She was beaten about the head and face, and knocked unconscious after refusing anal sex. When she regained consciousness [REDACTED] was then transported away from the scene and dropped off alongside the roadway.

On 11/19/08 APD detectives executed a search warrant at Lewis Wilson's residence at 68 1/2 Craven Street in reference to the assault of [REDACTED]. Items seized during the search included two plastic bags of hair, a small box of teeth, knives, saws, guns, handcuffs, leg irons, pornography, computers, and cell phones. During the search detectives also discovered that most of the residence is uninhabitable. There is no running water or plumbing, and the interior is gutted of most walls. It appears as though Wilson lives in only one room of the house and that is the only area with heat. Also noted was that the interior of the house had two open areas in the floor where it appears there has been digging in the dirt foundation. An open crawl space is under the house and piles of fill dirt are located on the property, along with a burn pit.

SWORN AND SUBSCRIBED TO ME:


MAGISTRATE

DATE

12/8/08


SIGNATURE OF AFFIANT

DATE

12/8/08

PAGE THREE OF AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT IN THE MATTER OF 60, 64, 68, 68 ½, 72, and 80 CRAVEN STREET

From the second location where Kelly Smith's remains were found Lewis Wilson's residence is only ½ mile away. From the intersection of West Haywood Street and Roberts Street, Wilson's residence is straight across the French Broad River via the Craven Street Bridge, and then around a curve and up Craven Street. This entire area is a known location for prostitutes to carry on their trade.

On 11/22/08 APD Detective Paula Barnes interviewed [REDACTED] a former girlfriend of Lewis Wilson. [REDACTED] told Detective Barnes that during her relationship with Wilson she was physically and sexually assaulted on numerous occasions. She told Barnes that "this man is so dangerous," and that she is still fearful of him. [REDACTED] advised she had filed a 50-B domestic violence order on Wilson in the past. [REDACTED] also stated that Wilson frequently viewed pornography on his computer and had posted personal ads on the website Adultfinders. She stated that Wilson has accounts on both Myspace and Facebook and provided Detective Barnes with two email addresses for Wilson, journeyman77@yahoo.com and kyle@yogaplant.com

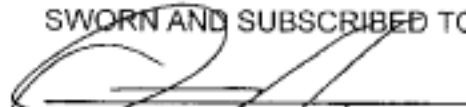
On 11/26/08 APD Detective Yvonne Cobourn charged Lewis Wilson with assault with a deadly weapon inflicting serious injury with intent to kill and first degree kidnapping in reference to the [REDACTED] complaint.


On 12/02/08 [REDACTED] was shown a photo line-up by APD Detectives Yvonne Cobourn and Mandy Buchanan. [REDACTED] identified Lewis Wilson as the person who raped and assaulted her and that investigation continues. [REDACTED] is currently residing out of state and therefore has not been shown a line-up.

Further investigation by APD detectives revealed that Lewis Wilson's mother, Mary Mahan, owns the residences at 64, 68, & 68 1/2 Craven Street, as well as the vacant lots at 60, 72, & 80 Craven Street. Wilson is responsible for the upkeep of these properties, and according to tax records they were all purchased in 2004 and 2005. The residence at 68 Craven Street is currently being rented to a third party, while the residence at 64 Craven Street is unoccupied and uninhabitable. Lewis Wilson is using 64 Craven Street as storage and has run an extension cord to it from his residence at 68 ½ Craven Street.

Based upon the above statement of facts the affiant believes that probable cause exists to warrant a second search of Lewis Kyle Wilson's residence at 68 ½ Craven Street, as well as the vacant residence at 64 Craven Street, the vacant lots at 60, 72, and 80 Craven Street, and the curtilage at 68 Craven Street. Specifically requested is that APD investigators be allowed to use cadaver dogs to search the properties, and if needed, forensic methods to better examine them for any possible human remains or blood that may be present.

SWORN AND SUBSCRIBED TO ME:


MAGISTRATE
12/5/08
DATE


SIGNATURE OF AFFIANT
12/08/08
DATE

STATE OF NORTH CAROLINA

File No.

Buncombe County

In The General Court Of Justice
 District Superior Court Division

IN THE MATTER OF:

Name

Lewis Kyle Wilson

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

64, 68.5 Craven Street

Date Of Search

12-08-2008

This search was made pursuant to

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

The following items were seized:

- Plastic bag with hair strand & pins
- Old US coins
- Foreign coins in green bag and metal box
- Micro-cassette recorder and tape
- Digital recorder
- Film
- Thumb drive
- Memory card
- Books
- Photo album
- Calender
- Wooden box
- Notebooks
- Miscellaneous papers

Items Seized Continued:

1. I left a copy of this inventory with the person named below, who is:

- a. the owner of the premises searched.
- b. the owner of the vehicle searched.
- c. the person in apparent control of the premises searched.
- d. the person in apparent control of the vehicle searched.
- e. the person from whom the items were taken.

2. As no person was present, I left a copy of this inventory:

- a. in the premises searched, identified on the reverse.
- b. in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered, If Any

Lewis Kyle Wilson
68.5 Craven Street

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 <i>Kentz</i>
Date		Title Of Law Enforcement Officer Detective
Signature		Name And Address Of Agency Asheville Police Department 100 Court Plaza
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	
<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Magistrate	
ACKNOWLEDGMENT OF RECEIPT		
I, the undersigned, received a copy of this inventory.		
Date		Signature of Person Receiving Inventory