

File No.

STATE OF NORTH CAROLINA

In The General Court Of Justice
District Court Division

SEARCH WARRANT FOR BLOOD OR URINE IN DWI CASES

_____ County

IN THE MATTER OF

Name

Date Issued _____ Time Issued _____
 AM PM

Name Of Applicant

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 PM

Date Executed _____ Time Executed _____
 AM PM

I made a search of _____

_____ 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 and time of issuance and I hereby return it not executed.

Name Of Officer Making Return (type or print)

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 on the attached sheets and related to the commission of a crime is located as described in the application.

You are commanded to take the person named in the application to a physician, registered nurse, emergency medical technician or other qualified person to obtain sample(s) of blood and/or urine described in the application from the person named in the application. You are to seize the sample(s), have the sample(s) tested for one or more impairing substances and keep the unconsumed sample(s) 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 _____ Name (type or print) _____ Signature _____

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.

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.

Date _____ Time _____ AM PM Name Of Clerk (type or print) _____ Signature Of Clerk _____
 Dep. CSC
 Asst. CSC
 CSC

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 FOR BODILY FLUIDS

(Attach additional sheets if necessary.)

Name Of Law Enforcement Officer (Applicant)	Rank	<input type="checkbox"/> N.C. State Highway Patrol <input type="checkbox"/> _____ Police/Sheriff
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Name Of Individual To Be Searched	Race	<input type="checkbox"/> Male <input type="checkbox"/> Female
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Location Of Individual To Be Searched	Fluid To Be Seized
	<input type="checkbox"/> Blood <input type="checkbox"/> Urine

Crime(s) Charged

<input type="checkbox"/> Commercial DWI. G.S. 20-138.2.
<input type="checkbox"/> DWI. G.S. 20-138.1. <input type="checkbox"/> Death By Vehicle. G.S. 20-141.4.
<input type="checkbox"/> Habitual DWI. G.S. 20-138.5 <input type="checkbox"/> Other (specify) _____

I, the law enforcement officer named above, being duly sworn, request that the Court issue a warrant to search the person of the individual named above, who may be found at the location described above, and to seize sample(s) of the above-specified bodily fluid(s) of that individual.

I swear to the following facts to establish probable cause for the issuance of a search warrant.

I am a sworn law enforcement officer of the above-named agency. As such, I am empowered to search for and seize evidence described in N.C. General Statutes Chapter 14, Criminal Law, Chapter 20, Motor Vehicle Law, and Chapter 90, Controlled Substances. I have received training in the detection and apprehension of impaired drivers and the investigation of motor vehicle collisions. I have been a sworn law enforcement officer for over _____ years and during that time I have investigated over _____ incidents of offenses related to impaired driving.

1. I rely on the facts stated in the following report(s), of which a copy or copies is/are attached and incorporated by reference: *(Attach a copy of the report(s) checked below if available and if either contains relevant facts.)*
- Affidavit and Revocation Report (AOC-CVR-1A/DHHS 3907).
 - Driving While Impaired Report Form/Alcohol Influence Report Form.

2. The following facts establish on or about the _____ day of _____, _____, at _____ AM PM, the individual named above was operating a (commercial motor) vehicle, to wit: *(type, make and year)* _____ on _____ a
- highway/street public vehicular area in _____ County at or near the city/town of _____ in violation of the statute(s) specified above:
(check all that apply)

- a. At the time and place stated above:
- I observed the above-named individual operating the above-described vehicle.
 - I observed the above-described vehicle being operated in the following manner:

- b. On or about the date stated above, at _____ AM PM, I responded to a report of a vehicle crash and, after arriving at the scene, I ascertained that the above-named individual was operating the described vehicle at the time and place stated from the following facts:

- c. The above-named individual admitted to me operating the described vehicle at the time and place indicated.
- d. On or about the date stated above, at _____ AM PM
 - I detected a strong moderate faint odor of alcohol coming from the breath of the above-named person:
 - at the scene.
 - at the following hospital _____.
 - at other location _____.
 - I observed the following behaviors of the individual named above, which evidence impairment of the person's mental and/or physical faculties as follows:

- e. The above-named individual stated to me that before or while operating the described vehicle he/she:
 - had consumed alcohol.
 - was consuming alcohol.
 - had consumed controlled substance, to wit: _____.
 - had consumed other impairing substance, to wit: _____.
- f. The above-named individual refused to submit to a chemical analysis.
- g. I observed the following facts:

- h. Other reliable persons stated to me the following facts: **(NOTE: Name officer or witness(es) and list facts related to impairment, vehicle operation, etc.)**

- 3. The above-named individual has previously been convicted of one or more offenses involving impaired driving.

Based on all the foregoing, and on my training in detecting impaired driving violations and my experience as a law enforcement officer, I have formed an opinion satisfactory to myself that the above-named person had consumed a sufficient quantity of some impairing substance(s) as to appreciably impair that person's physical or mental faculties or both, and that the person drove the above-described vehicle on the above-described highway or public vehicular area while under the influence of impairing substance(s). It is my further opinion that evidence of impairing substance(s) is at this time present in the body or bodily fluids of the above-named person, and that unless a warrant is issued and executed without delay, the evidence may dissipate and be lost.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	Date	Signature Of Applicant
Signature	Date My Commission Expires	County Where Notarized

Magistrate
 Dep. CSC
 Asst. CSC
 CSC
 Judge
 Notary Public
SEAL