NORTH CAROLINA DURHAM COUNTY

STATE OF NORTH CAROLINA,

Plaintiff,

v.

MARIAH DENISE KING,

Defendant.

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

24CR368446-310

MOTION TO PRESERVE EVIDENCE

COMES NOW Defendant, by and through her undersigned counsel, and respectfully moves the Court for entry of an Order directing the Department of Social Services to preserve, and not to destroy or alter, any evidence relating to the above-captioned case.

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Pursuant to N.C. Gen. Stat. § 15A-903 et seq., Defendant is entitled to "the complete files of all law enforcement agencies, investigatory agencies, and prosecutors' offices involved in the investigation of the crimes committed or the prosecution of the defendant." The term "file" includes "the defendant's statements...witness statements, investigating officers' notes...or any other matter or evidence obtained during the investigation of the offenses alleged to have been committed by the defendant." N.C. Gen. Stat. § 15A-903(1)(a). The term "investigatory agency" includes any public...entity that obtains information on behalf of a law enforcement agency or prosecutors' office in connection with the investigation of the crimes committed..." N.C. Gen. Stat. § 15A-903(1)(b1).

Defendant shows unto the Court:

- 1. That the Defendant has been charged with one (1) count of Abduction of Children in violation of N.C. Gen. Stat. § 14-41.
- 2. That law enforcement officials obtained a warrant for arrest on July 25, 2024, relying entirely on information provided by Durham Child Protective Services ("CPS"), which operates under Durham County Department of Social Services ("DSS"). See Exhibit A.
- 3. That according to law enforcement, DSS employees were in contact with law enforcement officers throughout their entire investigation on July 25, 2024, and July 26, 2024. <u>See Exhibit B.</u>
- 4. That, as result of such conduct, DSS is an "investigatory agency" under 15A-903(1)(b1).
- 5. That preservation of the evidence referenced in this motion is essential to ensure Defendant her right to a fair hearing, right to confrontation of witnesses, right to prepare a defense on her own behalf, right to effective assistance of counsel, right to due process of law guaranteed by the North Carolina and United States Constitutions, and all other rights not herein enumerated.

WHEREFORE, Defendant respectfully requests that the Court order DSS to preserve all evidence on personal and professional electronic devices, including but not limited to notes, emails, text messages, call transcripts, and reports between the Durham Police Department and DSS relating to this case, from the time of first contact between DSS and law enforcement on July 25, 2024, until Defendant's arrest on July 26, 2024.

Respectfully submitted this 2nd day of October 2024.

<u>/s/Janki Kaneria</u> Janki Kaneria (NCSB #54879) janki@scsj.org

/s/Dominique Erney Dominique Erney (NCSB #62345) dominique@scsj.org

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REPORTING OFFICER NARRATIVE

OCA

24-022817

Durham Police Department

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Victim	Offense	Date / Time Reported
KING-PARRIETT, GEON	KIDNAPPING/ABDUCTION	Thu 07/25/2024 20:20

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On July 25, 2024 at 1856 hours, I was dispatched to 202 S Benjamine St in reference to a disturbance. (Event 24261212)

Prior to arrival, myself and other officers were notified that Durham Child Protective Services (CPS) advised Mariah King left that residence on foot with her child, Geon King-Parriett.

Myself and other officers circulated the area, but we were unable to locate them.

No further information was provided on scene beyond the fact CPS was trying to take custody of Geon. No paperwork was provided to officers on scene.

CPS later called the incident in as an abduction. They attempted to locate Mariah and Geon at 3622 Danube Ln Apt 14, but they were not there.

I spoke to CPS at Headquarters later, where they advised more details about the situation.

CPS advised Mariah hasn't had custody of Geon since 2016. CPS advised Treva King, Geon's grandmother has been a legal caretaker of him since 2016, but CPS has had legal custody of Geon during that time.

CPS advised Mariah has picked Geon up multiple times. CPS advised Mariah has taken him back to CPS because she could not handle having him. CPS advised one time she took Geon back to CPS and said she would kill him and drop him off there.

CPS advised Mariah had been given a list of things to do in order to regain custody of Geon, but she never did any of those things.

CPS advised Treva has health issues and had Geon placed with Ashley Smith located on 235 Kent Lake Dr Apt 203.

CPS advised they did an unannounced visit at Ashley's residence, and she advised CPS that Mariah had taken Geon approximately 2 weeks prior.

CPS advised they called Treva before driving there, and Mariah answered the phone with Treva. CPS advised Mariah told them to catch her if they can and to call the police because she was going to prison tonight for this.

CPS advised after they arrived, Mariah left on foot with Geon, walking northbound on S Benjamine St.

CPS had a juvenile summons and a nonsecure order for Geon, which I made copies of and provided to Inv Althaus and in the felony screening packet.

In the nonsecure order, Geon is considered to be exposed to a substantial risk of physical injury or sexual abuse because the parent has created conditions likely to cause injury or abuse or has failed to provide, or is unable to provide, adequate protection or supervision.

An amber alert was made for Geon.

I went to the Magistrate's Office where I was granted probable cause for abduction of a child.

A felony packet is completed.



Durham Police Department

OCA: 24022817

	THE INFORMATION BELOW I	S CONFIDENTIAL - FOR USE BY AUTHORIZ	ED PERSONNEL	ONLY	
Case Status:	CBA	Case Mng Status: CLOSED/CLEAR	ED BY	Occurred:	07/25/2024
Offense:	KIDNAPPING/ABDUCTION				
Investigator:	RAMOS, A. P. (19994)	Date / Time:	07/26/2024 14	:11:17, Frid	lay
Supervisor:	KING, J. B. (17107)	Supervisor Review Date / Time:	07/26/2024 16	:41:07, Frid	lay
Contact:		Reference:	Supplemental .	Narrative	

On 7/26/2024 I assisted the Durham Police Department's Special Victims Unit with an attempt to locate the child abducted in this case, and his mother (the suspect). At the time of this event I was a Corporal assigned to District 4, D Squad. I was working my regularly assigned day shift.

At approximately 11:37AM I saw Investigators Armstrong and Sterling conducting a knock and talk in the Cornwallis Apartments community. I stopped and assisted them with two knock and talks and received a general briefing from them. Next, we responded to the area of Fayetteville St. & E Pilot St. after investigators were notified that the suspect's phone was pinging in the area. I walked the area with investigators and determined more officers would be needed to properly search it. Investigators began to receive updates from CPS officials who were on the phone with the suspect. I communicated with available officers over police channel 4 and instructed multiple units to respond to the area.

The suspect was telling CPS officials that she was going to kill her son. CPS provided investigators with continuous updates, including call background noise, suspect statements, etc. Investigators received additional pings for the suspect's phone in the area of S Roxboro St. & Summit St., concentrated around apartment buildings 2248 and 2246.

I circulated the area while members of the Selective Enforcement Team (SET) conducted surveillance. The suspect's phone continued to ping in the area, and it was believed that she was inside of one of the apartments. I communicated with other officers in the area and told them to stage nearby. Myself and other officers staged on Summit St.

At approximately 1:14PM SET members notified officers over the radio that they were arresting the suspect. I responded to them at 2248 S Roxboro St. and was the first uniformed officer on scene. I assisted by taking custody of the missing child and broadcasting information to responding officers. I stood by with the child until releasing him to CID for transport to Headquarters. I remained on scene as scene security until investigators notified us that the scene could be released.

BWC

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Durham Pol	lice Department			OCA: 24022817
	THE INFORMATION BELOW I	S CONFIDENTIAL - FOR USE BY AUTHOR	IZED PERSONN	EL ONLY
Case Status: Offense:	CBA KIDNAPPING/ABDUCTION	Case Mng Status: CLOSED/CLEA	RED BY	Occurred: 07/25/2024
	KING, J. B. (17107) MCCLAIN, T. L. (105)	Supervisor Review Date / Time		

On 7/26/2024, at 1208 hours, I responded to Fayetteville Street and Pilot Street, to assist the Durham Police Department's Special Victims Unit with an attempt to locate for an abducted child (victim) and his mother (the suspect). Upon arrival, I made contact with Sgt. T McClain (D400) at the command post and awaited updated information. A few minutes later, social services employees on scene stated that they made contact with the suspect and said that she was inside somewhere. They advised that they could here a toilet flush in the background at the suspect's location. I circulated the area on foot and checked a couple of businesses.

I responded to 3019 Fayetteville Street, the Chicken Hut, then made contact with the business owner to see if the child and his Mother had been inside the restaurant today. I was informed that they may have eaten there today and was later able to view video footage of the restaurant at the time the suspect's phone was pinged in the area. The mother and son in the video footage were not the victim or the suspect from the child abduction.

I also checked the Jamaat Ibad Ar Rahman Mosque, located at 3034 Fayetteville Street. No one site had seen the victim or the suspect from the child abduction. A picture of both individuals was shown in case they were later seen in the area.

I stayed on scene, until the child was located at 2248 S. Roxboro Street, then cleared for other calls of service.

BWC

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Durham Pol	ice Department		OCA: 24022817
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Case Status: Offense:	CBA KIDNAPPING/ABDUCTION	Case Mng Status: CLOSED/CLEAR	ED BY Occurred: 07/25/202
	MEEHAN, R. M. (25604) KING, J. B. (17107)	Supervisor Review Date / Time:	07/26/2024 14:55:43, Friday 07/26/2024 15:42:06, Friday Supplemental Narrative

On Friday, July 26, 2024, at 1211 hrs, I responded to the intersection of Fayetteville St. and Pilot St. in reference to an update Inv. I. Harton received regarding the recent kidnapping incident on 07/25/2024. The suspect, Mariah King, was on the phone with DSS and her cell phone was pinging near the intersection.

King had allegedly told DSS over the phone she would kill herself as well as the child. When I arrived, I began circulating the area on foot and walked northbound on the American Tobacco Trail. As I was walking, the call notes updated, stating King could be heard over the phone apparently flushing a toilet. Given that update, it did not appear she was on the trail and I walked back to my patrol vehicle.

When I returned, the call notes updated again and stated her phone was pinging in the area of S. Roxboro St. and Summit St. I along with multiple other officers drove in that direction to circulate the area. While enroute, the ping was narrowed down to the 2200 block of S. Roxboro St. Officers in unmarked police vehicles established a perimeter and advised marked units to continue circulating the area. Shortly after, we received another update advising a black female who matched King's description was spotted at the Family Fare gas station located at 106 W. Cornwallis Rd. in a vehicle. The female had 2 children with her, one of which matched the description. The vehicle was ultimately described as a grey or silver Ford Flex with a NC 30-day tag.

I continued canvassing the area traveling northbound, focusing my attention on S. Roxboro St. and University Dr., as they were both northbound conduits to NC 147. A short while later, Officer J. Barnes advised he located the Ford Flex near Normandy St. and S. Roxboro St. I was close by and drove to his location. When I arrived, we both confirmed the vehicle as well as the occupants were not involved.

Afterward, I continued circulating the area. The cell phone pinged several more times and appeared to either be stationary or moving very little in the area of 2248 S. Roxboro St. I drove to the PVA of 2130 S. Roxboro St. to standby and wait for the unmarked units to update us. A few minutes later, one of the units advised over the radio they made contact with King. She walked out of 2248 S. Roxboro St. Apt. D. Myself and multiple other units responded.

When I arrived, I noticed a silver pickup truck backed into the PVA in front of Apt. D. King had just been taken into custody and the child was safely recovered. I placed crime scene tape up to secure the apartment in the event CID wanted to pursue a search warrant. CID ultimately did not and tape was taken down shortly after.

BWC

Durham Pol	ice Department			OCA: 24022817
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Case Status: Offense:	CBA KIDNAPPING/ABDUCTION	Case Mng Status: CLOSED/CLEARI	ED BY	Occurred: 07/25/2024
~	STERLING, A. M. (7755) HARTON, I. (19796)	Supervisor Review Date / Time:		5:29:05, Friday 4:07:50, Thursday

me that she had lived in this apartment for two years and she did not know Mariah King. We showed her a recent photograph of King and of Geon. She said that Geon looked familiar however she had never seen King before.

I received a phone call from Cpl. Harton who informed me that communicators was pinging King's cell phone and it was recently located in the 2800 block of Fayetteville Street. I responded to the Parkview Mini mart where we began to canvass.

I agreed to take Food Lion and the businesses South of the intersection. I walked into Food Lion and met with management and the armed security guard that was working. I asked them if they had seen Geon and produced a color photograph. They stated that they had not seen Geon or Mariah. I asked them to please call 911 if they did see them. An associate of the store asked to see the photograph and told me that she knew Moriah well and that she had a brother named Marcus, that lived in the west end. She was unsure of the address but was willing to look at a Google Map and point out the house. She narrowed it down to Crest Street. She suggested that we check that area because Moriah and her brother are close.

We then decided to brief in the Food Lion parking lot after we asked on Police A for additional units because her phone was actively pinging in the area and they were believed to be on foot. We all shared the information that we had and CPS arrived. Mariah called social worker Martin and told her that she was going to kill Geon and herself. That information was relayed to all units and communications was able to ping her location to 2248 S. Roxboro Street. All units in the area were given that location and members from the selective enforcement team set up surveillance on that apartment building.

Mariah continued to call social worker Martin and a plan was generated to help Mariah find another family member that she was comfortable leaving Geon with. Social worker Martin continued to have telephone contact with Mariah, in an attempt to keep her on the phone and to allow is to obtain a more precise location, where Moriah may be.

We were notified on the Police radio channel 4 that the suspect was in custody and Geon was found safely at 2248 S. Roxboro Street. We requested that Geon be transported in an unmarked vehicle to Headquarters. I responded to 2248 S. Roxboro Street where a Heart team member was talking to Geon and Mariah was on the back seat of Officer K. Smith's patrol car.

Officer K. Smith transported Mariah to the Magitrate's's Office and CPS responded to Headquarters and took Geon to an emergency placement. [07/26/2024 16:52, STERLING, 321, DPD]

I was emailed this informstion from Investigator D. Johnson as they assisted with a canvass of South Benjamine Street.

Printed: 09/04/2024 14:42

Durham Pol	lice Department			OCA: 24022817
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Case Status: Offense:	CBA KIDNAPPING/ABDUCTION	Case Mng Status: CLOSED/CLEAR	ED BY	Occurred: 07/25/2024
	PARK, C. (23316) HARTON, I. (19796)	Supervisor Review Date / Time:		

On 07/26/24, I, Senior Officer C.A. Park, Investigator with the Special Victims Unit, accompanied Cpl. Harton with visiting the addresses of Mariah King and her associates. I contacted Roxboro Police Department and had them attempt to locate Allen King, Mariah's brother. His last known address, according to the Roxboro Police Department, was 1553 Pine Ridge Dr. They did not locate him there. They made contact with Britney Stellar, Allen King's girlfriend, at 122 Saddlebrook Road. Allen King had been removed from the home a couple of nights prior during a domestic disturbance. He was dropped off at Sheetz and did not have a working phone unless connected to Wi-Fi. Roxboro Police Department left my contact information with Britney.

Cpl. Harton and I responded to Faytteville/Pilot Street to canvas the area where Mariah's cellphone was last pinged. We showed photographs of Geon and Mariah to those on the street and in businesses surrounding this intersection. While we were doing this, Cpl. Harton received a phone call that CPS was talking to Mariah King. Mariah was actively telling CPS that she was going to kill Geon and herself, and she was utilizing a different phone number. I got onto the radio and notified Communications to dispatch additional units to the area. I secured Police 4 and had all units switch. I relayed information from the CPS call to units on Police 4 and requested that a unit with a laptop/OSMCT begin to spread out resources around the pinged location in an attempt to locate them. I then emailed photos of Geon and Mariah to units that needed them.

Communications advised the cellphone was pinging at 2248 S Roxboro Street. Cpl. Harton and I responded to this location. When D410 advised he was out with the child, we went to the location. I assisted in securing the scene and removing Geon from the location to Headquarters.

I assisted in returning Geon to CPS and escorted them out of DPD Headquarters. No further at this time. BWC [07/26/2024 16:27, PARK, 20288, DPD]

NOT SUPERVISOR APPROVED

Printed: 09/04/2024 14:42

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Offense: KIDNAPPING/ABDUCTION Investigator: HARTON, I. (19796) Supervisor: (0) Date / Time: NOT REVIEWED	Durham Pol	lice Department				OCA: 24022817
Offense: KIDNAPPING/ABDUCTION Investigator: HARTON, I. (19796) Date / Time: 07/26/2024 16:11:22, Friday Supervisor: (0) Supervisor Review Date / Time: NOT REVIEWED		THE INFORMATION BELOW I	S CONFIDENTIAL - FOR	USE BY AUTHORIZ	ED PERSONNI	ELONLY
Supervisor: (0) Supervisor Review Date / Time: NOT REVIEWED			Case Mng Status: (CLOSED/CLEARE	ED BY	Occurred: 07/25/2024
Contact: Reference: Supplemental Narrative			Supervisor Re	view Date / Time:	NOT REVIE	EWED

I contacted Durham Emergency Communications Center (DECC) and requested a ping on Mariah's phone number of 919-638-4628.

I called Darryl Stephens, who was previously listed in a report with Mariah, at 919-292-9724. This phone number was no in service.

I contact Warren Townsend, who was previously listed in a report with Ashley, at 704-249-6500. This phone number was not in service.

At 11:31 am DECC communicated back that Mariah's phone number had pinged in the area of 2983 Fayetteville St. and had a radius of 1410 meters. This location was right at the intersection of E. Pilot St. and Fayetteville St. near the American Tobacco Trail (ATT). This location was a busy intersection with several businesses. I notified Inv. Sterling and Inv. Armstrong of this update. Inv. Park and I went to this location. There were many people in the area. We spoke to people on the ATT, both bus stops, people generally in the area as well as employees of Parkview Mini Mart at 433 E. Pilot St. and Office Connection at 2919 Fayetteville St. but nobody had seen GK or Mariah.

At 11:50 am I received a call from SW Latisha with Durham County Child Protective Services (CPS), who did not have any additional information on where Mariah or GK may be. I updated her on the situation. At 12:04 pm, SW Latisha called me back stating Mariah had called and was currently threatening to kill herself and GK stating that they needed to get ready to bury her and her child. SW Latisha stated the phone number Mariah was calling from was 984-207-4602. Inv. Sterling and Inv. Armstrong were updated on this information. Additional units were requested to canvass the area of E. Pilot St. and Fayetteville St. Inv. Armstrong also received phone calls from SW Latisha and stated he heard Mariah threatening her life and GK's life. Inv. Armstrong stated it sounded like Mariah was outside and could hear other people in the area. Inv. Park and I checked Elmira Park and spoke to several people there but did not locate Mariah or GK.

Around 12:26 pm DECC updated the ping for Mariah's phone to 2268 S. Roxboro St. with a radius of about 11 meters and then to 2272 S. Roxboro St. about 10 minutes later. DECC continued to update the ping for Mariah's phone, all in the 2200 block of S. Roxboro St. Sgt. Schneider had building 2248 on S. Roxboro St. in sight. SBI was on the way with a phone truck to attempt to get an exact location on Mariah's phone. Before this could happen, Sgt. Schneider stated Mariah and GK had been located and Mariah was in custody. It appeared Mariah and GK had tried to get into a vehicle to leave. They had come out of 2248 S. Roxboro St. Apt. D. Other officers had already conducted a safety sweep of the location and found nobody else was inside. GK was safe and was transported to Durham Police Headquarters, where he would meet SW Latisha from CPS. Mariah was transported by Uniform Patrol to the jail to serve her active warrants.

I spoke with Raymond Midgette (DOB: 06/19/1969, phone number 919-423-9707), who lived at 2248 S.

Investigator	Signature
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Durham Pol	ice Department			OCA: 24022817
	THE INFORMATION BELOW I	S CONFIDENTIAL - FOR USE BY AUTHORIZ	ED PERSONNE	ELONLY
Case Status: Offense:	CBA KIDNAPPING/ABDUCTION	Case Mng Status: CLOSED/CLEAR	ED BY	Occurred: 07/25/2024
0	ARMSTRONG, R. (18578) HARTON, I. (19796)	Supervisor Review Date / Time:		

7-26-24

I assisted with this case by visiting multiple historical addresses for Mariah King in an attempt to locate the misssing juvenile. Inv. Sterling and I went to 3622 Danube Ln. Apt. 14. A resident of the apartment suggested that we go to apartment 15. At apartment 15, a resident said that Mariah had been at her apartment the day before, collected her belongings, and said that she was going to go to her child's father's residence in Apex, NC.

I requested that Apex PD go by the residence in Apex listed in Mariah's RMS history - 504 2nd St. Apex, NC. An Apex PD officer called me back and said that Elton McLean was the father of Mariah's child, but she was not at his house. The officer said that they checked the residence but did not find Mariah or the missing juvenile.

Communications alerted responding officers that Mariah's phone had been used recently in the area of Fayetteville and Pilot Streets. Inv. Sterling and I went to the area and looked for Mariah and the child. We did not locate her.

Social Worker T. Martin and another Social Worker responded to the scene. They were able to speak to Mariah on the phone. I recorded portions of the phone calls on my BWC. Mariah refused to tell the Social Workers where she was and refused to give the child to them. The Social Workers said that Mariah had threatened to kill the juvenile and herself, that she wasn't going to take any more losses. From the phone call, it sounded like Mariah was inside. The social workers said that they'd heard a toilet flush.

I spoke to SBI Agent A. Tanner, who worked to provide further resources to help locate Mariah's phone. I spoke to the Selective Enforcement Team (SET), who responded to the scene to assist with locating the missing juvenile.

Mariah's phone was located multiple times in the area of the 2200 block of S. Roxboro St. Members of SET responded to the area in unmarked vehicles.

Other officers said that they'd found video of Mariah and the child leaving a gas station in a vehicle. This did not match with the audio from the phone calls with the social workers. A BOLO was sent out to the city for the vehicle. I recommended that officers continue to focus on the residences in the 2200 block of S. Roxboro St.

SET spotted Mariah and the juvenile coming out of an apartment in the 2200 block of S. Roxboro St. and took them into custody. Both were transported to the Durham Police Department Headquarters.

Inv. Sterling and I went to the apartment on S. Roxboro St. and determined that there was no reason to continue to hold or search the apartment, since Mariah and the juvenile had been located.

The Social Workers came to the Durham Police Department Headquarters and took custody of the juvenile.

	Investigat	or Signature
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that they have served the foregoing notice on opposing counsel via email:

Brooks B. Stone brooks.b.stone@nccourts.org

This the 2nd day of October 2024.

<u>/s/Janki Kaneria</u> Janki Kaneria (NCSB #54879) janki@scsj.org

<u>/s/Dominique Erney</u> Dominique Erney (NCSB #62345) <u>dominique@scsj.org</u>