STATE OF NORTH CAROLINA

File No.

DURHAM County

In The General Court Of Justice
☐ District ☑ Superior Court Division

In Re: The Nontestimonial Identification Order Of

Name And/Or Description
DAVID BELL

Address
3216 STONESTHROW DRIVE

City, State, Zip
DURHAM, NC 27713

Offense
HOMICIDE/MURDER

APPLICATION FOR NONTESTIMONIAL IDENTIFICATION ORDER

(ADULT SUSPECT)

G.S. Chapter 15A, Art. 14

The undersigned prosecutor applies for a nontestimonial identification order directing the person named or described above to appear as follows for the requested nontestimonial identification procedures:

Date	Time	Location
03/18/2013	10:00 am ☑ AM ☐ PM	CHAPEL HILL POLICE DEPARTMENT (9191) 968-2760

Requested Nontestimonial Identification Procedures

BUCCAL SWAB FOR DNA

828 MARTIN LUTHER KING, JR. BLVD, CHAPEL HILL, NC
ATTN: SGT. RODNEY MATTHEWS

There is probable cause to believe that an offense punishable as a felony or a Class A1 or Class 1 misdemeanor has been committed and reasonable grounds to suspect that the person named or described above committed the offense. The results of the requested nontestimonial identification procedures will be of material aid in determining whether this person committed the offense.

The facts establishing the matters stated in the preceding paragraph are set forth in the affidavit on the reverse.

Date	Signature Of Prosecutor
03/13/2013	

☐ Modification of Seventy-two (72) Hour Rule

The undersigned prosecutor, being first duly sworn, requests that the seventy-two (72) hour rule be modified for the following reason:

☐ a. delay will adversely affect the probative value of the evidence sought.

☐ b. it appears likely that the person named or described above may not appear for the nontestimonial identification procedure.

Facts Supporting Reason Checked Above For Modification Of Seventy-Two (72) Hour Rule

SWORN AND SUBSCRIBED TO BEFORE ME	**NOTE:** *Prosecutor must be sworn only if he/she seeks a modification of the seventy-two (72) hour rule.*
Date 03/13/2013	Date
Signature Of Judge	Signature Of Prosecutor

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Original-File
(Over)

AFFIDAVIT FOR NONTESTIMONIAL IDENTIFICATION PROCEDURE

I, the undersigned affiant, being first duly sworn, say that:

1. I have probable cause to believe that an offense punishable as a felony or Class A1 or Class 1 misdemeanor was committed.

Offense	County In Which Offense Committed	Offense Date
HOMICIDE/MURDER	DURHAM	09/07/2012

Facts Which Establish Probable Cause

VICTIM FAITH HEDGEPETH WAS FOUND INSIDE HER APPARTMENT DECEASED. IT APPEARS SHE HAD BEEN BEATEN ABOUT THE HEAD AND FACE AND DIED AS A RESULT OF WHAT OCCURRED INSIDE THE APPARTMENT BY AN UNKNOWN PARTY OR PARTIES.

2. I have reasonable grounds to suspect that the person named or described on the reverse committed the offense.

Facts Which Establish Reasonable Grounds

DAVID BELL WAS IDENTIFIED AS WALKING OUT OF CLUB THRILL WITH FAITH HEDGEPETH SHORTLY BEFORE THE HOMICIDE OCCURRED. HE WAS THE LAST MALE TO BE SEEN WITH HER BEFORE HER DEATH. HE ADMITTED TO TALKING TO HER ON THE NIGHT OF THE HOMICIDE AND TO MEETING HER THE WEEKEND BEFORE. DAVID BELL REFUSED TO OFFER DNA STATING THAT HE MAY HAVE TOUCHED HER THE NIGHT OF THE HOMICIDE. HIS STATEMENTS TO LAW ENFORCEMENT OFFICERS WERE INCONSISENT WITH STATEMENTS GIVEN BY OTHERS. SEE ATT. RPT. FROM SGT. RODNEY MATTHEWS.

3. The results of the nontestimonial identification procedures requested on the reverse will be of material aid in determining whether the person named or described on the reverse committed the offense.

Reasons Why Procedures Will Be Of Material Aid

UNKNOWN DNA WAS RECOVERED AT THE SCENE OF THE HOMICIDE OF FAITH HEDGEPETH. THE BUCCAL SWAB FROM DAVID BELL FOR DNA COMPARISON IS OF MATERIAL AID IN DETERMING IF DAVID BELL MAY HAVE COMMITTED THE OFFENSE.

SWORN AND SUBSCRIBED TO BEFORE ME	Date 3-13-13
Date 3-13-13	Signature Of Affiant
Signature	Name Of Affiant (Type Or Print) SGT. RODNEY MATTHEWS
☐ District Court Judge ☒ Superior Court Judge	Title Or Position SGT; CHAPEL HILL POLICE DEPARTMENT

AOC-CR-204, Side Two, Rev. 6/99
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STATE OF NORTH CAROLINA

File No.

DURHAM County

In The General Court Of Justice
☐ District ☒ Superior Court Division

In Re: The Nontestimonial Identification Of

Name And/Or Description: DAVID BELL

Address: 3216 STONESTHROW DRIVE

City, State, Zip: DURHAM, NC 27713

NONTESTIMONIAL IDENTIFICATION ORDER
(ADULT SUSPECT)

G.S. Chapter 15A, Art. 14

Offense: HOMICIDE/MURDER

To The Suspect Named Or Described Above:

You are ORDERED to appear at:

Date	Time	Location
03-18-2013	10:00 ☒ AM ☐ PM	CHAPEL HILL POLICE DEPARTMENT

The undersigned finds that there is probable cause to believe that the offense named above, which is punishable as a felony or Class A1 or Class 1 misdemeanor, has been committed.

There are reasonable grounds to suspect that you committed the offense and that the results of the procedures ordered here will be of material aid in determining whether you committed the offense. The grounds to believe that an offense has been committed, to suspect that you committed it, and to believe that this Order will be of material aid in confirming or negating the suspicion, are stated in the attached application and affidavit. Your presence is required for the purpose of permitting nontestimonial identification procedures in order to aid in the investigation of the offense named above.

The methods to be used and the time required to conduct the nontestimonial procedures are as follows:

Procedures For Nontestimonial Identification: BUCCAL SWAB FOR DNA BY THE CHAPEL HILL POLICE DEPARTMENT PERSONNEL

Methods: BUCCAL SWAB FOR DNA BY PERSONNEL WITHIN THE POLICE DEPARTMENT

Time Required: 1 Hours ____ Minutes

During the period of your appearance you will not be subject to interrogation or asked to make any testimonial statement except that required for voice identification.

You may request the Court to modify the time and place for the identification procedure ordered including a request to hold the procedure at your residence, unless a line-up is ordered.

You are entitled to be represented by an attorney at the procedure, and if you cannot afford to retain an attorney, the state will appoint one if you so desire.

IF YOU FAIL TO APPEAR AS THIS ORDER DIRECTS, YOU MAY BE HELD IN CONTEMPT OF COURT.

This information was furnished under oath by the person(s) named below.

Name Of Prosecutor: L CHARLENE COGGINS-FRANKS

Name Of Other Affiant: SGT. RODNEY MATTHEWS

Date: 03-13-2013

Signature:

☐ District Court Judge ☒ Superior Court Judge

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Original-File Copy-Suspect
(Over)

INSTRUCTION TO SERVING OFFICER

☒ 1. This Order must be served personally at least seventy-two (72) hours before the nontestimonial identification procedure.

☐ 2. I find, for the reasons stated by the prosecutor in the application for the nontestimonial identification order, that the order does not have to be served at least seventy-two (72) hours before the nontestimonial procedure. Therefore, the order must be served within the time indicated below.

Time In Which Order Must Be Served Prior To Procedure	
Date	
Signature	
☐ District Court Judge	☐ Superior Court Judge

RETURN OF SERVICE

I certify that this Order was received and served as follows:

Date Served	Time Served ☐ AM ☐ PM	Signature Of Suspect

☐ By delivering to the named suspect personally a copy of the order.

☒ Suspect WAS NOT served for the following reason:

David Bell agreed to provide a sample of his DNA during a second interview so the order was not served.

Date Received	Date Of Return	Name Of Law Enforcement Officer
3-13-2013	3-15-2013	Rodney Matthews
City, County		Agency: Chapel Hill Police Department

MODIFICATION ORDER

The time and place of the suspect's appearance is changed as follows:

Date	
Signature	
☐ District Court Judge	☐ Superior Court Judge

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Recently, Lt. Smith and I have been reviewing the video footage from The Thrill. The footage shows Faith Hedgepeth leaving the nightclub at closing time with an unidentified male. The footage also shows the same unidentified male entering the club earlier in the evening with three other men, all of whom seem to be together as a group. Lastly, the footage at the end of the video shows a former employee, Chris White, talking to one of the four men in the group. I spoke to White earlier in the investigation after finding out that he was a roommate of Jim Loftus. Loftus was a co-worker of Faith Hedgepeth at the Red Robin.

3/6/2013

I called Chris White to set an appointment to view video from the Thrill. We met later in the afternoon and Lt. Smith showed him different segments of the video. One segment showed four men entering the club together. The one who enters the club first appears to be the same man who exits the club with Faith Hedepeth. The fourth man also appears near the end of the video footage talking to Chris White. We asked White if he knew the four men, and he said he didn't think so. We showed him the footage of him talking to one of the men, which was a better angle, and he said he thought the man he was talking to Antwine Jackson. White also identified another man that he knows, Elias Clark. He also identified one of the men in the group as a guy he played basketball with who attend NC Central Law School, but doesn't know his name. White provided contact numbers for Elias Clark, 919-259-0935, and Antwine Jackson, 910-286-9266. White left.

Later, I received a call from White who said after talking to his friend, Elias Clark; they believe the man that White was talking to was a guy named Brandon Wright, who is also a law student at NC Central. This was interesting since one of the men White pointed out on the video was another law student. Our conversation ended and I went to Facebook where I found Micah Byrd's page. I searched his friend's page and found that he is friends with Brandon Wright. I looked at photos on both of their pages and found a guy in the photos named David Bell that resembles the man walking out of Thrill with Faith. He too is friends with both Micah and Brandon. At this point 3 of the four been may be identified.

3/8/2013

I called the number listed for Elias Clark and received his voicemail. I left a message for him to call me. Later, Elias called me back and we scheduled a meeting at the police department at 13:00. Elias arrived and we showed him the footage from Thrill. Clark believes that the guy who is seen talking to Chris White is Brandon Wright. Elias also identified another man who plays soccer at UNC, Darvin Ebanks. I completed a questionnaire with Clark and he also submitted a sample of DNA.

Lt. Smith and I were on are way to the Wake County Jail to talk to a former Red Robin employee, Robert Hart, when we discovered that he was released from jail yesterday. We were near the airport at the time and decided to go back to the PD.

I then decided to pull over and call Brandon Wright (919-649-4461). I called Wright and received his voicemail. I left a message for him to call me. Moments later, I received a phone call and it was Brandon Wright. I told Wright that I was investigating the death of Faith Hedgepeth and asked if he knew her.

Wright stated that he didn't really know her, but remembers seeing her at The Thrill that night. I asked him who was with him that night, and he stated Micah Byrd, David Bell, Cameron Belton, and another guy who he didn't know by name, but explained that he used to room with Micah Byrd and David Bell.

I asked Wright where he was and who he was with that night prior to going to The Thrill. Wright said that he attended a function, and then went to the apartment that Micah Byrd and David Bell share. I asked him who was at the apartment, and he said Micah Byrd, David Bell, Cameron Belton, and the unknown former roommate. Wright said when they left the apartment, David Bell rode with him, and the other three men rode together in a separate car. I asked Wright if they made any stops along the way, and he said no. Wright said they arrived at The Thrill and went inside where he eventually saw Faith. Wright further stated that he left the club that night after it closed and drove back home to Raleigh, NC alone. Wright said that Micah Byrd, Cameron Belton, David Bell and the unknown roommate drove back to Durham together.

I told Wright that I was currently in the Durham area and asked if he would be willing to meet with me and review some of the footage from The Thrill. Wright said that he had an appointment at 17:00, but would be willing to meet with me Monday, March 11, 2013. I told him that I would give him a call Monday morning and setup a time to meet. Before our conversation ended, I asked if he had a contact number for David Bell. Wright said that Bell could be reached at 919-633-2895. Our conversation ended.

I called the number listed for David Bell and received his voicemail. I left a message for him to call me. Moments later, he called back. I told David that I was investigating the death of Faith Hedgepeth and asked if he knew her. He said he met her that night at The Trill and they talked some. I told him that I was in the Durham area and was wondering if he would meet with me to view some footage from The Thrill. Bell agreed to meet with me and asked me where I wanted to meet. I asked where he lived and he said near Hwy 55 and Hwy 54. I asked if he would meet me at the Bojangles near 55 and 54 to which he agreed. Our conversation ended and Lt. Smith and I drove to Bojangles.

Shortly after we arrived, David Bell pulled up in a black BMW. He parked his car and got into the front seat of my car. After some brief introductions I told him again that I was investigating the death of Faith Hedgepeth and pulled out a photo of her showing it to him. Bell took a quick glance at the photo and then looked away. I asked him if that was the girl he talked to that night, and he said yes. I remember thinking to myself how odd Bell seemed to react when he saw the photo of Faith, almost like he was ashamed.

I put the photo away and asked him to tell me where he was at and who he was with prior to going to The Thrill. Bell said that he was at his apartment which he shares with Micah Byrd, and that Byrd and their former roommate and friend, Marvin Askew, was there. Bell stated that he, Micah Byrd and Marvin Askew left the apartment together at approximately 23:30-23:45 for The Thrill, and that Micah Byrd was driving his car. I asked Bell if Brandon Wright was with them when they left for The Thrill, and he stated that they ran into Brandon at the club and that they met him there. This statement was suspicious to me, as I remember Brandon Wright specifically telling me that he was at the apartment with the other

men prior to them leaving for the club, and that David Bell rode with him to the club while the other men rode together in a separate car.

I asked Bell if they stopped anywhere on the way to The Thrill, and he said no. Bell said they arrived at the club where they stayed until closing and then left. He said he remembers talking to Faith inside The Thrill, and also outside of the club when they closed. Bell said that he had recently met Faith briefly the previous weekend, and then saw her again on the night in question. I asked Bell if he remembered walking out of The Thrill with Faith that night at closing, and he said he wasn't sure, but may have. Bell said that he, Micah Byrd, and Marvin Askew left the club about minutes after walking outside and then drove back to his apartment. Bell said they may have made one stop at Wendy's restaurant on the way home.

I asked Bell where they parked that night, and he said they parked in the parking deck across from The Thrill. I asked him if he could describe the route they took and he said they made a right turn out of the deck, turned right on the next street that leads to East End (Henderson St.) and then turned left on Franklin St. and took it to 15-501 to Durham.

We showed Bell the footage of the four men entering The Thrill, and he identified himself, Micah Byrd, Marvin Askew (former roommate that Brandon Wright spoke of), and another man that he couldn't identify. I asked him if the last man in with him was Brandon Wright, and he said he didn't think so because Wright is usually clean shaven.

Next, I explained to Bell that I had a list of questions that I wanted to ask him and asked if he would be willing to go through the questionnaire to which he agreed. I completed the questionnaire and Bell answered all of the questions. Then, I asked Bell if he would be willing to submit a sample of his DNA to which he replied "I don't feel comfortable doing that because I touched her that night." I told Bell that was fine if he did not want to submit and then asked if he would be willing to meet me at the police department next week to view more footage from The Thrill, as we did not have the footage of the person believed to be him coming out of the club with Faith. Bell agreed to meet with me again, so I gave him my card and told him I would call him Monday, March 11, 2013. I asked Bell for his address and he stated that he currently lives at 3216 Stonesthrow Dr. Durham, NC 27707. Bell also mentioned that Marvin Askew was his former roommate when all of this happened. Our conversation ended and Bell left in his car.

Note:

I was concerned after my conversation with Bell for a few reasons. He had a strange reaction to Faith's photo, either he or Brandon Wright lied about who rode with who to The Thrill, and he refused to submit a sample of DNA stating that he touched her that night. It should also be noted that Micah Byrd was contacted by Investigators earlier in this investigation and he also refused to meet with Investigators or provide a sample of his DNA, but eventually did. Marvin Askew was also contacted earlier in the investigation and submitted a sample of his DNA to Investigator Chambers, but then told him after he collected the samples that he didn't want him to have his DNA.

3/11/2013

This afternoon I called the number listed for David Bell and received his voicemail. I left a message asking that he call me at either my office number or cell number.

I called the number listed for Brandon Wright and received his voicemail. I left a message for him to call me. Moments later I received a call from Brandon Wright. I asked Wright if he would still be willing to meet with me to view the footage from The Thrill, and he said he would. Wright said that he would meet me at the police department at 14:30.

Brandon Wright arrived on time and we went to my office to talk. I asked him to tell me again where he was at and who he was with prior to arriving at The Thrill on the night in question. Wright said that he was at a law school function at Champs restaurant and recalls watch portions of the Democratic National Convention. Wright said he left there and went to Micah Byrd and David Bells apartment where they watched President Obamas speech. Wright said that Micah Byrd, David Bell, Cameron Belton, and the unknown former roommate of Byrd and Bell were at the apartment. Wright said that they all left the apartment for The Thrill at approximately 23:30, and that he and David Bell rode together to The Thrill. I specifically asked Wright if it was just him and Bell, and he said yes. Wright believes that the unknown roommate drove his car, and that Micah Byrd and Cameron Belton rode with him. Wright described the man's car as being white in color.

I asked Wright where they parked when they arrived at The Thrill, and he described Town parking lot 2 which is at the corner of E. Rosemary St. and N. Columbia St. I asked where the other men parked, and he said the same parking lot. Wright said that five of them total entered The Thrill at approximately 23:45-00:00. I asked him if he met Faith Hedgepeth that night and he said he never met her, but remembers Micah Byrd pointing her out and talking about how good she looked. I asked him if he remembers any of the men in his group talking to Faith, and he said no. Wright said he left the club that night around closing with a girl named Elizabeth Applegate and stood outside with her and smoked a cigarette. Wright said that eventually all five of them walked back to the parking lot where they were parked. He further explained that David Bell, Micah Byrd, Cameron Belton, and the unknown left the parking lot for Durham while he stayed behind for approximately 10 minutes smoking and gathering his bearings. Wright said he left the parking lot in his car alone and drove back to his home in Raleigh, NC.

I showed Brandon Wright the footage of the four men entering The Thrill and he identified David Bell, Micah Byrd, unknown roommate, and himself in that order.

I asked Wright if he would be willing to answer the questions on the questionnaire, and he said yes. We went through the questionnaire and Wright answered all of the questions. I then asked him to submit a sample of his DNA, to which he agreed. I collected the sample of DNA and our meeting concluded.

3/12/2013

I called the number listed for David Bell and received his voicemail. I left a message again asking that he contact me as soon as possible.

3-13-2013