

File No.

## SEARCH WARRANT

**IN THE MATTER OF**

**MARIA LAUTERBACH**

Date Issued: 01/12/2008      Time Issued: 9:44  AM  PM

Name Of Applicant: **JOHN H DUBOIS**

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: 1-12-08      Time Received: 9:44  AM  PM

Date Executed: 01-13-08      Time Executed: 1:33  AM  PM

I made a search of Western Union

\_\_\_\_\_ 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 of issuance and I hereby return it not executed.

Signature Of Officer Making Return: John H Dubois 0423

### STATE OF NORTH CAROLINA

\_\_\_\_\_ ONSLOW \_\_\_\_\_ County

In The General Court Of Justice  
District/Superior Court Division

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 by the person(s) shown.

Date: 1-12-08      Signature: [Signature]

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

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

Department Or Agency Of Officer: OCSO      Incident Number: 2007026892      Date: 1-13-08      Time: 5:00  AM  PM      Signature: [Signature]

Deputy CSC     Assistant CSC  
 Clerk Of Superior Court

*Original*

# APPLICATION FOR SEARCH WARRANT

I, OCSO DEPUTY DETECTIVE JOHN H DUBOIS

*(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)*

THE RECORDS OF THE WESTERN UNION COMPANY

constitutes evidence of a crime and the identity of a person participating in a crime. *(Name crime)* MURDER

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

in the following premises *(Give address and, if useful, describe premises)*  
CUSTODIAN OF RECORDS, WESTERN UNION COMPANY,

*(and)*

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

*(and)*

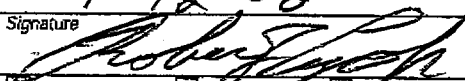
in the following vehicle(s) *(Describe vehicle(s))*

*(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 ATTACHED AFFIDAVIT

<b>SWORN AND SUBSCRIBED TO BEFORE ME</b>		Date
Date	<u>1-12-08</u>	<u>01-12-08</u>
Signature		Signature of Applicant
<input checked="" type="checkbox"/> Magistrate	<input type="checkbox"/> Dep. CSC	<input type="checkbox"/> Asst. CSC
<input type="checkbox"/> Clerk of Superior Court	<input 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 OCSO Deputy Detective John H Dubois

This testimony has been *(check appropriate box)*  reduced to writing

tape recorded and I have filed each 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 SEARCH WARRANT APPLICATION BY ONSLOW COUNTY SHERIFF'S DEPUTY JOHN DUBOIS, DATED JANUARY 12, 2008; TO SEARCH THE RECORDS OF THE WESTERN UNION COMPANY FOR DOCUMENTATION OF THE TRANSFER OF UNITED STATES CURRENCY TO CESAR ARMANDO LAUREAN, A WHITE MALE, DATE OF BIRTH NOVEMBER 13, 1986 FOR THE PERIOD OF DECEMBER 10, 2007 TO JANUARY 12, 2008 AND FOR CHRISTINA SUE LAUREAN, A WHITE FEMALE, DATE OF BIRTH JULY 21, 1983 FOR THE PERIOD OF DECEMBER 10, 2007 TO JANUARY 12, 2008.**

### **PROBABLE CAUSE AFFIDAVIT**

This affidavit is executed by Detective John Dubois of the Onslow County Sheriff's Office. I have been a Law Enforcement Officer for eighty (80) months. During my career I have received both basic and specialized training regarding investigations; to include homicides, arsons, robbery, fraud, and gang investigation training. I have been involved in numerous investigations involving violations of the North Carolina General Statutes.

The Affiant swears to the following facts to establish Probable Cause for the issuance of a Search Warrant:

1. On December 19, 2007, the stepmother of Maria Frances Lauterbach, Mary Lauterbach used her local police department, i.e., the Vandalia Police Department in Vandalia, Ohio that Maria Lauterbach was missing. December 14, 2007 was last time she had spoken with Maria Lauterbach. Maria Frances Lauterbach was identified as a female U. S. Marine stationed at Camp Lejeune, North Carolina. Maria Lauterbach was also identified as a pregnant female with an anticipated delivery date for her child of approximately January 8, 2008. The Vandalia Police Department (VPD) provided that information to the Onslow County Sheriff's Office (OCSO).
2. The OCSO opened an official report of a missing person, with the victim listed as Maria Lauterbach, based on the information received from the VPD.
3. According to the report, Mary Lauterbach told an investigator that Maria Lauterbach had received some threats, relating to her military career, from the person she had accused of assaulting her.
4. The OCSO began to investigate the missing person report described above. Eventually, other agencies, including the Naval Criminal Investigative Services (NCIS) and the North Carolina State Bureau of Investigation (SBI) became involved and assisted the OCSO.
5. According to an OCSO investigative report dated 12/19/2007, Maria Frances Lauterbach alleged, to military officials, that she had been sexually assaulted by a superior officer.
6. Sergeant Daniel Durham, a member of the United States Marine Corps, told a detective with OCSO, that, out of sympathy, he made his home available to Maria Lauterbach "a short period of time" before her disappearance. Sergeant Durham

said Maria Lauterbach had been, for the most part, bedridden by her pregnancy and gave no indications of leaving his residence until December 14, 2007.

7. Sergeant Durham stated that Maria Lauterbach had been upset after a telephone call from her stepmother.
8. Sergeant Durham reported that Maria Lauterbach was absent "to his command" on base. He has not seen Maria Lauterbach since then.
9. On December 24, 2007, a surveillance camera from a bank's Automated Teller Machine (ATM), located near the intersection of Gum Branch Road and Western Boulevard, Jacksonville, North Carolina, showed that a white male attempted to access Lauterbach's account. That white male covered a camera at the ATM with a rag when he used Maria Lauterbach's bank card to withdraw money on December 24 2007.
10. Based upon my investigation, I know that Lauterbach did not go to a prenatal care appointment December 26, 2007.
11. Based on my training and experience, I believe a woman due to give birth soon would not normally abandon her source of low-cost medical care and enter a military status of unauthorized absence; and she would be reluctant to abandon her cellular phone on the side of the road.
12. Maria Lauterbach's cellular phone was found near the main gate of Camp Lejeune, North Carolina, on December 20, 2007, by a local citizen. The citizen transferred physical control of that telephone to the OCSO.
13. Based on my training and experience, it is common knowledge that cellular phone signals can be traced. I believe that any person, who was in possession of a telephone that he/she did not want to be traced to his/her location, would dispose of the cellular phone.
14. Based on my training and experience, I do not believe that Maria Lauterbach would abandon her family's support and/or abandon contact with her family.
15. Based on the investigation I know that it was her routine to talk with members of her family at least every other day and she has not spoken with any of them since December 14, 2007.
16. As a result of the investigation, I know that Maria Lauterbach purchased a bus ticket to Texas on December 15, 2007. I learned this after receiving reports from OCSO Detective Jason Daughtry who interviewed employees at the Trailways' bus station in Jacksonville station. I know, based on the investigation, that the ticket, that was purchased at the Trailways bus station in Jacksonville, North Carolina, was not used.
17. Deputies from OCSO found Maria Lauterbach's blue 2006 Hyundai Sonata motor vehicle abandoned near the Jacksonville bus station on or about January 7, 2008.
18. Christina S. Laurean reported to the Sheriff's Office with legal counsel and with an active-duty, U.S. Marine Corps Master Sergeant, who had been in Christina L. Laurean's military chain of command, before she returned to civilian status.
19. On January 11, 2008, I spoke to Christina S. Laurean, the wife of Cesar Laurean. Cesar Laurean was accused, by Maria Lauterbach, of allegedly raping Maria Lauterbach. She told me:
  - a. In May of 2007, her husband, Cesar Laurean, told her that he had been

- accused of rape by a junior Marine
- b. Her husband told her that he did not do it
  - c. Her husband updated her on the progress of the investigation of the allegation of rape every couple of months
  - d. In July of 2007, her husband told her that the female who had accused him of rape was pregnant
  - e. Her husband told her he was not the father of the baby
  - f. Her husband recently told her that the Marine who had accused him of rape had been placed in a military status of "Unauthorized Absence"
  - g. She asked him what that meant for his case and he said he did not know
  - h. Her husband later told her that civilian investigators wanted to speak to him about the disappearance of Maria Lauterbach
  - i. He told her that he had retained legal counsel
  - j. On the morning of January 10, 2008, she and her husband rode to the office of Jacksonville Attorney Mark Raynor. While enroute, her husband asked her, "If she was with him on this" She told him, "I do not know. Is there anything that you have not told me"
  - k. Cesar Laurean told her that:
    - (1) On December 15, 2007, Maria Lauterbach visited their residence at 103 Meadow Trail, Jacksonville, North Carolina.
    - (2) Maria Lauterbach told him she had a plan and was leaving the area.
    - (3) Maria Lauterbach demanded money from him.
    - (4) He then went to the bus station and helped Lauterbach to purchase a ticket.
    - (5) Later in the evening, Maria Lauterbach went back to their residence, told him that her plan had failed, that an argument ensued
    - (6) Maria Lauterbach was disoriented, agitated and acting differently
    - (7) Maria Lauterbach produced a knife and killed herself by slitting her throat
    - (8) He became scared, took her body to a wooded area adjacent to his residence, and buried her
    - (9) He obtained legal counsel and explained the facts to them
    - (10) He was told that he was facing the death penalty
  - l. At approximately 4:00 A.M., on January 11, 2008, Cesar Laurean left their residence. She has not seen him since then
  - m. She discovered several notes that were written by her husband, wherein he described his involvement in the death of Maria Lauterbach
20. She transferred physical control of those notes to OCSO Deputy Detective Sergeant Theodore Cavanagh.
  21. Based on my training and experience, I know that when a person who committed a crime, confides the details of that crime to a confidant, often the person who committed the crime minimizes their personal involvement in the crime.
  22. Based on my training and experience, I do not believe that Maria Lauterbach committed suicide. I base my conclusion on the totality of the facts and circumstances listed above and the fact that she was pregnant and had expressed a desire to keep her unborn child.

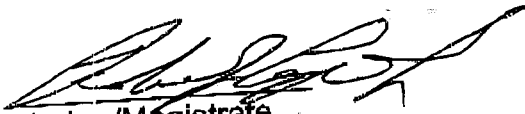
23. Based on the facts listed above probable cause exists to believe that Cesar Laurean committed murder against Maria Frances Lauterbach.

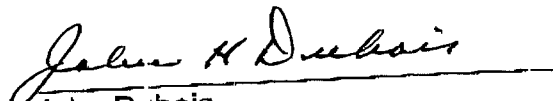
Based on my training and experience, probable cause exists to believe that evidence of the crime of murder occurred at 103 Meadow Trail, Jacksonville, North Carolina. I spoke to both Cesar and Christina Laurean at 103 Meadow Trail and know that the residence at that location is their property.

I believe a search of search the records of the Western Union Company for documentation of the transfer of United States currency to Cesar Armando Laurean, a white male, date of birth November 13, 1986, for the period of December 10, 2007 to January 12, 2008, and for Christina Sue Laurean, a white female, date of birth July 21, 1983, for the period of December 10, 2007 to January 12, 2008, will reveal information that will aid and assist the investigation in establishing necessary facts to prove the crime of murder, to include the date of death, the manner of her death and facts that will assist identifying her killer.

**"The investigation of this case is ongoing. Based on the crime committed and other factors, Probable Cause exists to believe that public disclosure of the contents of this affidavit would impede the investigation. Therefore, I request that this search warrant and all accompanying documents be sealed."**

The information requested will be used only for legitimate law enforcement purposes in connection with the investigation described above.

  
Judge/Magistrate  
January 12, 2008

  
John Dubois  
Deputy/Detective  
Onslow County Sheriff's Office