

DISTRICT COURT DIVISION

STATE OF NORTH CAROLINA

SWAIN COUNTY

CONTINUATION IN THE MATTER OF:
Swain County Department of Social Services
80 Academy Street
Bryson City, North Carolina

Smith told the investigators that within the last two weeks prior to Thursday, February 17, 2011, Cagle asked Lassiter and Smith to find LadyBird Powell and for them (Lassiter and Smith) to ask Powell about taking Aubrey to the hospital. Lassiter and Smith were unable to locate Powell after going to 187 Kenneth Cooper Road, Bryson City, North Carolina and Powell's sister's residence located in "the projects" on Goose Creek located in Cherokee, North Carolina. Lassiter reported to Cagle that she and Smith were unable to locate Powell.

Smith admitted to the investigators that he had knowingly altered and falsified Swain County Department of Social Services official records concerning Aubrey Kina-Marie Littlejohn at the instruction of Lassiter.


Throughout the course of this investigation into the death of Aubrey Littlejohn, investigators Posey and Cheetham have interviewed numerous persons who indicated that they witnessed physical abuse and neglect inflicted on the child and observed no food, a lack of heat and other inadequacies in the home environment. This information is in direct contrast to the information provided by Department of Social Services' employees: Misty Tabor, Craig Smith, Candace Lassiter, Angela Biggs, T.L. Jones and Tammy Cagle. In addition, witnesses interviewed have stated that they called the Department of Social Services and made Child Protective Services' reports detailing abuse and neglect of the child and received no response from any Departmental employee. T.L. Jones and Tammy Cagle informed Detective Posey that only the CPS reports provided to her were received by the Department. The records provided to Detective Posey indicate that further contact was made with LadyBird Powell, describe further visits to the residence of Aubrey Littlejohn, contact with other persons who confirmed the fictitious hospital visit and other information contradicted by findings of that officer's investigation.


Through the experience of law enforcement, DSS cases assigned to particular social workers may have other social workers and/or DSS employees contribute and/or investigate, follow-up on, and/or document on other social workers' case files. In addition, reports require supervisor approval and cases are staffed by multiple persons which could include any DSS CPS employee and/or administrator.

I believe that the information contained in this affidavit establishes probable cause for a search warrant to be issued for the Swain County Department of Social Services located at 80 Academy Street, Bryson City, North Carolina.

Therefore, in the interest and in the pursuit of justice, I respectfully request the court to issue this search warrant based on the aforementioned facts to search the Swain County Department of Social Services located at 80 Academy Street, Bryson City, North Carolina.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 21st DAY OF FEBRUARY, 2010.


Superior Court Judge


Signature of Applicant