

Specific Search Examples: Article 18.02(a)(1)–(9)

(Includes affidavit, search warrant, and return and inventory)

SSE #1: House; controlled substance + arrest + no-knock + out-of-county removal of evidence (Format A)

Type of warrant:	Combination search and arrest
Authority for search:	CCP Articles 18.02(a)(7), 18.02(a)(9), and 18.03
Place to be searched:	House in residential subdivision
Controlled by:	Named male individual and unidentified female
Thing to be seized:	Controlled substance (cocaine) and related delivery paraphernalia
Offense charged:	Possession of substance in Penalty Group 1
Probable cause source:	Proven confidential informant
Other features:	Format A; “no-knock” authority requested in affidavit (and ordered in warrant); out-of-county approval for removal of evidence requested in affidavit (and ordered in warrant)
Forms used:	Affidavit: #s 5, 33, 37, 39; Search Warrant: #s 8, 35, 38, 40; Return and Inventory: #s: 9, 36, 41

General forms should be recorded in word processors as templates. Place facts and circumstances pertinent to the particular case at locations in document marked **=X=**; omit information and directives in brackets shown in **[boldface]**.

CAUTION:

Always read thoroughly and carefully every word of any affidavit and requested warrant submitted to a magistrate. Use of a form inapplicable to the specific circumstances of the case may invalidate results of the investigation and possibly expose affiant and others to criminal penalties and civil liabilities.

READ IT BEFORE YOU SUBMIT IT!

THE STATE OF TEXAS

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DOCKET # 1234

COUNTY OF BEXAR

COURT: J. P. #3

AFFIDAVIT FOR SEARCH AND ARREST WARRANT {Article 18.02(a)(1-9), Texas Code of Criminal Procedure}

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS AND ACCUSATIONS:

My name is James Crockett and I am commissioned as a peace officer by the San Antonio Police Department.

1. There is in Bexar County, Texas, a suspected place and premises described and located as follows:

In the City of San Antonio at 1205 West Cottonwood Drive, said suspected place is a single story residence with a detached, one-vehicle garage on the east side, rust red in color with a green roof; the residence is constructed primarily

of wood with painted wood siding on its west, north, and east sides, and brick veneer on its south side, and it has a composition shingle roof; an entrance door is located on the south side of the residence, which is apparently the front of the house; also on the south side of the house is a covered porch approximately 10-12 feet in width and on which were two bicycles at the time of last observation by me; there are two windows on the south side of the house, the western-most one of which has an air conditioner installed in it; the garage is entered from a paved driveway located on the east side of the premises; in the front yard at said premises is an oak tree approximately 20-25 feet tall; the numbers "1205" are displayed on both sides of a black metal mailbox mounted on a wooden post at the southwest corner of the premises near the curb of West Cottonwood Drive;

The location of the suspected place is found by proceeding westward in said City on West Cottonwood Drive from its intersection with 12th Avenue, the suspected place being the third house on the north side of West Cottonwood Drive, and being otherwise known as "1205 West Cottonwood Drive."

Also expected to be on or about said premises and included in the suspected place is a 2013 Dodge Charger automobile, black in color, bearing Texas vehicle registration BLO 46. This vehicle is owned, controlled, and known to be operated by the suspected party described and named below according to state motor vehicle records. The property sought to be seized pursuant to the warrant requested herein may readily be contained, transported, or concealed in this vehicle.

Said suspected place and premises, in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage, if said premises is a residence, that are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property that is the object of the search requested herein.

Attached hereto as Exhibit A, to be considered part of this affidavit as if written herein, is a diagram illustrating the relative location of the place to be searched.

2. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties (hereafter called "suspected party," whether one or more), to wit: Abraham Boxer, a/k/a "Ham," described as a white male, approx. age 30-35 years, height 5' 10", weight 175-190 lbs., with brown hair and a full beard. Also, a woman, name unknown, who resides at the suspected place and is presumed to be the mate of Abraham Boxer; she is described as white, approx. age 30 years, height 5'5", weight 150-175 lbs., with short blonde hair.

3. It is my belief that said suspected party has possession of and is concealing at said suspected place the following property:

- 1) drugs kept, prepared, or manufactured in violation of the laws of this state, to-wit, cocaine.
- 2) implements or instruments used in the commission of the offense of delivery of controlled substances, to-wit: drug paraphernalia and evidence of cocaine trafficking including, but not limited to, scales for weighing drugs; containers, packaging materials, sealing devices and other paraphernalia commonly used to package cocaine for distribution in non-bulk, individualized use units; records, documentary and electronic, indicating sales, purchases, and customers for cocaine trafficking.

4. I have probable cause for said belief by reason of the following facts and circumstances:

Within 24 hours of the date of this affidavit, I received information from a confidential informant who shall hereafter be referred to as "CI." CI is a citizen of this State and has asked not to be named or otherwise identified in relation to this affidavit and the search warrant it requests. I have agreed to withhold CI's name and identity for purposes of CI's personal security and to avoid compromising investigations involving CI's information.

CI told me that CI was personally at the above-described suspected place within the past 36 hours before giving me this information and personally saw and observed the suspected party in possession therein of a substance that CI believes to be cocaine. CI said the substance is a white powder packaged in small, triangular-shaped plastic containers that appear to be corners of plastic bags commonly used for storing food and sandwiches. CI said that suspected party refers to the substance as "coke," a term known by CI to describe cocaine. CI advised that while inside the described premises, CI watched as suspected party delivered cocaine to an individual. CI related that suspected party indicated in CI's presence that suspected party had more cocaine available at the suspected place, implying that additional deliveries of the illegal substance are probable.

I believe CI to be a credible person and worthy of belief for the following reasons: CI has acted as an informant for me in the past, giving me information concerning illegal activity on over eight (8) occasions. On each of these occasions, CI's information has proved to be true and has led to seizures of illegal controlled substances and arrests for violations

of the Texas Controlled Substances Act. CI has correctly identified cocaine on more than one of these occasions. After making personal inquiry, I have learned that CI has a good reputation among CI's peers and acquaintances for being trustworthy.

I have discussed the information received from CI with other peace officers in this department as well as Bexar County Deputy Sheriffs who are assigned to narcotics law enforcement in the county. Most have heard of suspected party, some confirming that he has a reputation for illegal narcotics trafficking. Suspected party has a criminal history record and upon reviewing same, I learned of two (2) previous arrests wherein suspected party was charged with drug law offenses. I believe suspected party's reputation and past history are consistent with the facts reported by CI.

Therefore, considering all of the above, I believe CI is credible and that I and any magistrate can rely on CI's information in matters such as these. I further believe it is logical to conclude that a search of the described premises will probably yield cocaine and that it is reasonable for any magistrate to conclude the same.

I have experience in narcotics law enforcement. I also know "coke" is a name commonly used for the substance listed in Penalty Group 1 of the Texas Controlled Substances Act as "cocaine." I have learned that individuals involved in the illegal distribution of cocaine often package the substance in a manner consistent with that seen by CI at the suspected place. Based on CI's description of the packaging of the individual units of cocaine possessed by the suspected party, and the number of packages observed, I believe it reasonable to expect to find assorted drug paraphernalia and evidence of cocaine trafficking at suspected place. This evidence may include, but not be limited to: 1) a scale or scales for weighing drugs, 2) containers, packaging materials, sealing devices and other paraphernalia commonly used to package cocaine for distribution in non-bulk, individualized use units, 3) records, documentary and electronic, indicating sales, purchases, and customers for cocaine trafficking, and 4) additional quantities of cocaine not yet packaged for distribution.

5. I have good reason to believe, do believe, and hereby charge and accuse that on or about January 1, 2014 in Bexar County, Texas, the suspected party committed a felony offense against the laws of the State of Texas, to-wit, Possession of Substance in Penalty Group 1: On said date and at said place he did then and there intentionally and knowingly possess cocaine, a controlled substance listed in Penalty Group 1 of the Texas Controlled Substance Act.

6. I request authorization to enter the suspected place and premises without first knocking and announcing the presence and purpose of officers executing the warrant sought herein. As my reasons to believe that such knocking and announcing would be dangerous, futile, or would inhibit the effective investigation of the offense described in this Affidavit, I submit the following facts and circumstances: CI has been to the suspected place on more occasions than the one described in paragraph 5, above. On every occasion, CI saw evidence of preparations made by suspected party that were designed to prevent his apprehension and seizure of contraband by law enforcement officials. CI described a video surveillance device that enables suspected party to observe and identify individuals who approach the front entrance of the residence at suspected place from West Cottonwood Drive. CI saw a piece of 2" by 4" lumber near the front entrance and bracket-type devices that would enable placement of the lumber in a manner that would bar or block the door and prevent its being opened without force. Suspected party told CI that he has a similar device for the rear entrance to the residence. On one occasion, CI observed a large dog in the residence, which CI describes as "a Rottweiler that watched my every move." CI said the dog was not friendly, did not approach CI for the canine-human interaction common for house pets, and in CI's opinion, is a guard dog likely to be trained to attack on command.

Based on my experience in narcotics law enforcement, I know that one or more of the security methods employed by suspected party as described by CI are common at premises used for trafficking in contraband. Not only does this information increase the likelihood that illicit controlled substances are present at the suspected place, but also that timely entrance into the suspected place will be difficult. Officers executing the warrant requested herein will be required to employ special procedures designed to gain instant control of the individuals and the animal at the suspected place for the safety of all present and the preservation of property sought as evidence by the warrant. These procedures are necessarily inconsistent with traditional knocking and announcing of presence and purpose by officers executing a warrant on such premises. Otherwise, the probability of success during the search will be substantially diminished.

7. I request authority from the Court to transport, remove, or take any property or evidence seized pursuant to the warrant requested herein to any location deemed necessary for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in this Affidavit.

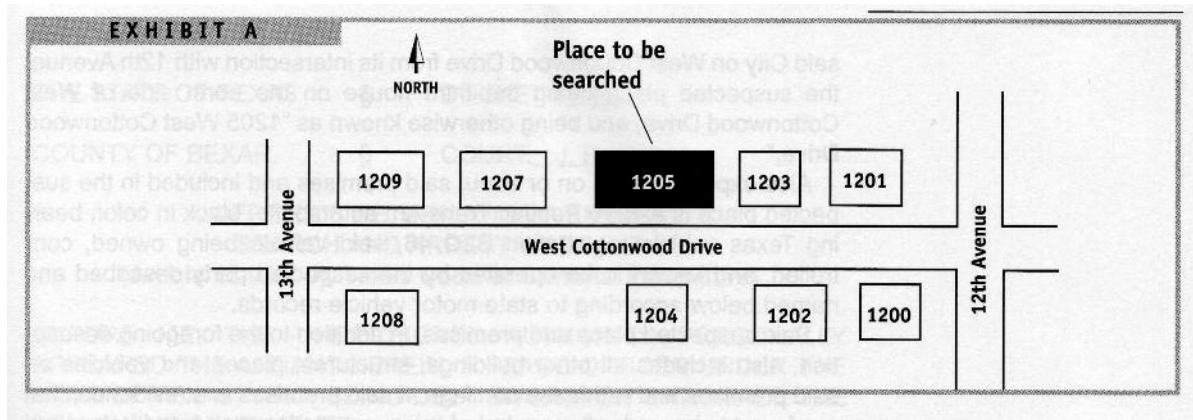
Wherefore, I ask for issuance of a warrant that will authorize me and other peace officers to search said suspected place and premises for the property described above and seize same. Further, I ask for issuance of a warrant that will authorize me and other peace officers to arrest and search each suspected party named and described herein and others unknown to me, but found to be occupants of and in control of said premises.

/s/ James Crockett
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 1st DAY OF JANUARY, 2014.

/s/ Roy Bean
Justice of the Peace, Precinct 3
Bexar County, Texas

Exhibit A



THE STATE OF TEXAS

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DOCKET # 1234

COUNTY OF BEXAR

COURT: J. P. #3

SEARCH AND ARREST WARRANT {Article 18.02(a)(1-9), Texas Code of Criminal Procedure}

The State of Texas: To the Sheriff or any Peace Officer of Bexar County, Texas, or any Peace Officer of the State of Texas:

Whereas I have been presented an affidavit requesting issuance of a search warrant by the affiant therein, and whereas I find that the verified facts stated by affiant in said affidavit show that affiant has probable cause for the belief he/she expresses therein, and whereas I believe said affidavit properly establishes grounds for issuance of this Warrant;

Now, therefore, you are commanded to enter the suspected place, vehicles, and premises described in said affidavit, to-wit: In the City of San Antonio at 1205 West Cottonwood Drive, said suspected place is a single story residence with a detached, one-vehicle garage on the east side, rust red in color with a green roof; the residence is constructed primarily of wood with painted wood siding on its west, north, and east sides, and brick veneer on its south side, and it has a composition shingle roof; an entrance door is located on the south side of the residence, which is apparently the front of the house; also on the south side of the house is a covered porch approximately 10-12 feet in width and on which were two bicycles at the time of last observation by affiant; there are two windows on the south side of the house, the western-most one of which has an air conditioner installed in it; the garage is entered from a paved driveway located on the east side of the premises; in the front yard at said premises is an oak tree approximately 20-25 feet tall; the numbers "1205" are displayed on both sides of a black metal mailbox mounted on a wooden post at the southwest corner of the premises near the curb of West Cottonwood Drive;

The location of the suspected place is found by proceeding westward in said City on West Cottonwood Drive from its intersection with 12th Avenue, the suspected place being the third house on the north side of West Cottonwood Drive, and being otherwise known as "1205 West Cottonwood Drive."

Also expected to be on or about said premises and included in the suspected place is a 2013 Dodge Charger automobile, black in color, bearing Texas vehicle registration BLO 46. This vehicle is owned, controlled, and known to be operated by the suspected party described and named below according to state motor vehicle records. The property sought to be seized pursuant to the warrant requested herein may readily be contained, transported, or concealed in this vehicle.

Attached hereto as Exhibit A is a diagram illustrating the relative location of the place to be searched; it is to be considered as part of this warrant as if written herein.

At said places you shall search for and, if same be found, seize and bring before me the property described in the affidavit, to-wit:

1) drugs kept, prepared, or manufactured in violation of the laws of this state, to-wit, cocaine.

2) implements or instruments used in the commission of the offense of delivery of controlled substances, to-wit: drug paraphernalia and evidence of cocaine trafficking including, but not limited to, scales for weighing drugs; containers, packaging materials, sealing devices and other paraphernalia commonly used to package cocaine for distribution in non-bulk, individualized use units; records, documentary and electronic, indicating sales, purchases, and customers for cocaine trafficking.

Further, you are commanded to arrest and search each suspected party named and described in said affidavit, to-wit: Abraham Boxer, a/k/a "Ham," described as a white male, approx. age 30-35 years, height 5' 10", weight 175-190 lbs., with brown hair and a full beard. Also, a woman, name unknown, who resides at the suspected place and is presumed to be the mate of Abraham Boxer; she is described as white, approx. age 30 years, height 5'5", weight 150-175 lbs., with short blonde hair.

These individuals are accused of an offense against the laws of the State, namely, Possession of Substance in Penalty Group: on or about January 1, 2014 in Bexar County, Texas, the suspected party committed a felony offense against the laws of the State of Texas, to-wit, they did then and there intentionally and knowingly possess cocaine, a controlled substance listed in Penalty Group 1 of the Texas Controlled Substances Act. You may arrest others for the same offense that are found to be occupants of said premises and in control of same.

I further find that affiant has established sufficient reason to believe that to knock and announce their purpose by the officers executing this Warrant would be futile, dangerous, and otherwise inhibit the effective investigation of the offense or offenses related to the purpose of this Warrant. Therefore, unless circumstances to the contrary are discovered prior to entry, you are hereby authorized to dispense with the usual requirement that you knock and announce your purpose before entering the suspected place to execute this Warrant.

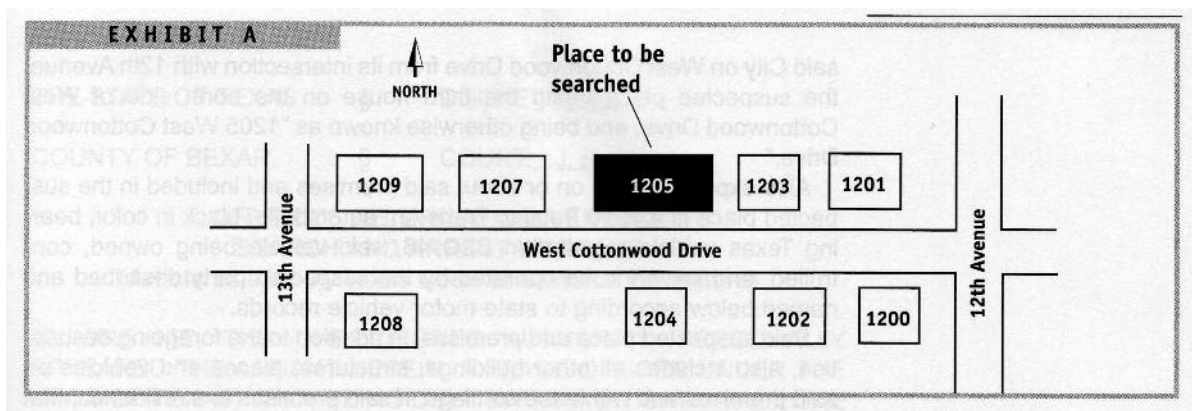
It is further ordered that any and all property seized by authority of this Warrant or during the execution thereof shall be and remain under the care, custody, and control of any peace officer to whom this Warrant is delivered for execution. Further, said property may be removed and taken to any location as deemed necessary by such peace officer for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in the Affidavit upon which the foregoing Warrant was issued.

Herein fail not, but have you then and there this Warrant to be executed without delay; and upon compliance with the orders herein, make return forthwith showing how you have executed same within three days of the date shown below, exclusive of said date and the day of its execution.

Issued this the 1st day of January, 2014, at 6:00 o'clock P.M. to certify which witness my hand this day.

/s/ Roy Bean
Justice of the Peace, Precinct 3
Bexar County, Texas

Exhibit A



THE STATE OF TEXAS

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DOCKET # 1234

COUNTY OF BEXAR

COURT: J. P. #3

**OFFICER'S RETURN AND INVENTORY
FOR SEARCH AND ARREST WARRANT
{Article 18.02(a)(1-9), Texas Code of Criminal Procedure}**

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS:

My name is James Crockett and I am commissioned as a peace officer by the San Antonio Police Department.

The attached Search Warrant came to hand on the day it was issued and it was executed on the 1st day of January, 2014, by arresting

Abraham Boxer and Corina DeLeon

and by conducting the search directed therein and by seizing during such search the following described property:

- 14 triangular plastic packages, approximately 2" long, containing a white powder believed to be cocaine
- 1 box of "Ziploc" brand plastic food storage bags, containing 39 bags, 6" x 3 1/4" in size
- 11 "Ziploc" brand plastic food storage bags, each with the bottom corners removed
- 1 "Ziploc"-type plastic food storage bag, approximately 7" x 8" in size, with white powdery residue inside bag
- 1 "Seal-a-Meal" brand device for sealing plastic food storage bags
- 1 Ohaus brand double beam scale
- 1 mirror, approximately 9" square, with white powdery residue on reflecting side
- 1 plastic pharmacist's straight-edged scraping device with the word "MERCK" imprinted on the handle
- 1 cloth bag with drawstring closure, purple in color with the words "Crown Royal" in yellow thereon
- \$640 U.S. Currency, found inside cloth bag described above

/s/ James Crockett
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 4th DAY OF JANUARY, 2014.

/s/ Roy Bean
Justice of the Peace, Precinct 3
Bexar County, Texas