

Specific Search Examples

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

SSE #4: Garage apartment: prohibited weapon + arrest + no-knock (Format A)

On CD as: #51
Type of warrant: Combination search and arrest
Authority for search: CCP Articles 18.02(a)(4), 18.02(a)(9), and 18.03
Place to be searched: Garage apartment
Controlled by: Named individuals
Thing to be seized: Prohibited weapon
Offense charged: Aggravated robbery and possession of prohibited weapon
Probable cause source: Co-defendant to offense and victim
Other features: Format A; arrest warrant; no-knock entry; out-of-county removal of evidence on return and inventory
Forms used: Affidavit: #s 5, 33, 37; Search Warrant: #s 8, 35, 38; Return and Inventory: #s 9, 41

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

§
§
§

DOCKET # 9319

COUNTY OF NUECES

COURT: County Court At Law No. 4

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 Jesse Z. Saenz and I am commissioned as a peace officer by the Corpus Christi Police Department.

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

In the City of Corpus Christi, 4309A Orlando Street. Said suspected place is an apartment above a two-vehicle detached garage at the rear of a residence located at 4309 Orlando Street. The residence at 4309 Orlando Street is single story with exterior construction of white wood siding and black trim. The roof consists of gray composition shingles and a red brick chimney extends above from the north side of the house. An entrance door is located on the west side in the approximate center of the residence, apparently the main entrance and front door to the dwelling. Two large windows, on each side of the door, are on the front of the residence. A paved driveway enters the premises from the north side and extends past the side of the house to the garage. The garage, a two-story structure, is constructed of the same material as the residence. An exterior stairway on the south side of the garage provides access to the apartment above. The door at the top of the stair landing is the only entrance to the apartment. There is one window on each of the four

sides of the apartment. The numbers "4309A" are displayed in black on the southwest corner of the garage at ground level near the foot of the stairway.

The location of the suspected place is found by proceeding northward in the City of Corpus Christi on Orlando Street in the 4300 block from its intersection with Kingfish Avenue. The suspected place and premises is located to the northeast of the third house on the right, or east, side of Orlando Street, and being otherwise known as "4309A" Orlando Street.

Also expected to be on or about said premises and included in the suspected place is a 2010 Chevrolet Camaro two-door automobile, white in color, bearing Texas license registration 321 BAR. This vehicle is owned, controlled and known to be operated by the suspected party 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, in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage of said residence, which 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 which is the object of the search requested herein.

Attached hereto as Exhibit A, to be considered as 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: Nasasoto "Nash" Puentes, described as a white (Hispanic) male, approximate age 20-22 years, height 5' 10", weight 180-190 lbs., with black hair and mustache.

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

1) weapons prohibited by the Penal Code, to-wit, a short-barrel firearm, specifically a 12 gauge pump-action shotgun of unknown brand with the barrel sawed to less than 18 inches and the stock shortened with a resulting overall length of less than 26 inches.

2) implements or instruments used in the commission of a crime, namely, an aggravated robbery in the City of Corpus Christi on the evening of January 30, 2014, including the above described weapon, an unknown quantity of 12 gauge shotgun shells, a hack saw, a file, a saw horse, a vise, duct tape, and the residual ends of the barrel and stock from the above-described short-barrel firearm.

4. I have probable cause for said belief by reason of the following facts and circumstances: On the evening of January 30, 2014, the Circle K convenience store at Airport Road and Morgan Avenue in the City of Corpus Christi was robbed. The clerk and only employee on duty at the time, Audine Sockwell, advised responding officers that there were two men, one of whom was apparently a juvenile. She said they came in on foot from the north end of the building and the older one had a "sawed-off shotgun." Ms. Sockwell is somewhat familiar with shotguns because she hunts water fowl in season with her husband and identified the weapon as a pump-action, apparently 12 gauge. She said the gun's length was clearly less than the legal limit and that the barrel was cut back to about 2 inches in front of the magazine tube on which the pump slides. She said she could not see it well enough to identify the brand, but it was similar to a Remington Model 870.

Ms. Sockwell said the older male came straight to her, held the gun at waist level and pointed it at her upper body as she stood behind the counter. He said, "Give me all the money in the cash register. I'm not gonna say it again." The younger male followed the older male into the store and stood alongside observing but not saying anything. Neither of them had anything covering their faces. Ms. Sockwell emptied all of the cash from the register into a plastic sack and gave it to the man with the gun. Both individuals walked to the door, then ran northward as soon as they exited the store.

Yesterday, February 1, 2014, the juvenile involved in the robbery was arrested on a tip from his friend's mother and he confessed to the robbery. In his confession he admitted going to the Circle K with Nash Puentes to commit the robbery after Puentes finished cutting the barrel and stock off of a shotgun while both were at the suspected place. The juvenile said suspected party resides at the suspected place and that he has a large vise mounted on a saw horse that they used to hold the shotgun while altering it. A hack saw and file were used to work on the gun. The fresh cut end of the stock was covered with duct tape, an identifying feature confirmed by Ms. Sockwell. The juvenile said suspected party had a box of 12 gauge shells and that three were placed in the gun before they left the suspected place. He said the two of them walked from there to the store and back. He said they divided the cash from the theft and hid the shotgun under the mattress of a bed in the apartment. The juvenile said the amount of cash was \$78 and some cents, which Ms. Sockwell confirms as the amount stolen.

This morning I obtained a driver's license photo of Nasasoto Puentes from the Texas Department of Public Safety and showed it to Audine Sockwell in a photographic line-up. She readily identified suspected party as the man with the shotgun.

I believe the information from the juvenile is reliable and sufficient for a magistrate to find probable cause exists to believe the prohibited weapon is at the suspected place. While the juvenile's credibility has not been previously tested, the incriminating and inculpatory nature of his statement against his penal interest supports his veracity. Further, the details concerning the alteration of the weapon and the amount of cash stolen would be known only by an individual involved in the offenses. The identification of suspected party's photograph by the victim further corroborates the juvenile's story. Therefore, I believe it reasonable to infer that suspected party committed the offenses of Aggravated Robbery and Possession of Prohibited Weapon and that a search of the suspected place will produce the short-barrel firearm used in commission of the offenses.

I have good reason to believe, do believe, and hereby charge and accuse that on or about January 30, 2014, in Nueces County, Texas, the suspected party committed offenses against the laws of the State of Texas, to-wit, Aggravated Robbery and Possession of a Prohibited Weapon: On or about said date and at said place he did then and there, while in the course of committing theft of United States currency from Audine Sockwell, intentionally and knowingly threaten and place Audine Sockwell in fear of imminent bodily injury and death while using, exhibiting, and thereby possessing a deadly weapon, to-wit, a short-barrel firearm, the same being a weapon prohibited by the Texas Penal Code.

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: Suspected party has committed an offense within the past 48 hours by use of a deadly weapon that I believe to be within ready access and control of said individual. He has demonstrated that he will threaten someone with the weapon to accomplish his purpose. The configuration of the suspected place will require officers to climb an exterior stairway with no protection or cover to access the only doorway on the premises. If suspected party is present, he will hear and/or see officers ascending the stairs with sufficient time to access the deadly weapon. When officers attempt entry to execute the warrant requested herein, suspected party will be trapped inside the suspected place with a readily accessible firearm that he has demonstrated an ability to use. Therefore I have reason to suspect that the use of traditional entry procedures, whereby officers knock on the door and announce their purpose before entering to execute the warrant, will be extremely dangerous.

Officers executing the warrant requested herein will be required to employ special procedures designed to gain instant control of the individual and the 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 safely and successfully executing the Court's orders will be substantially diminished.

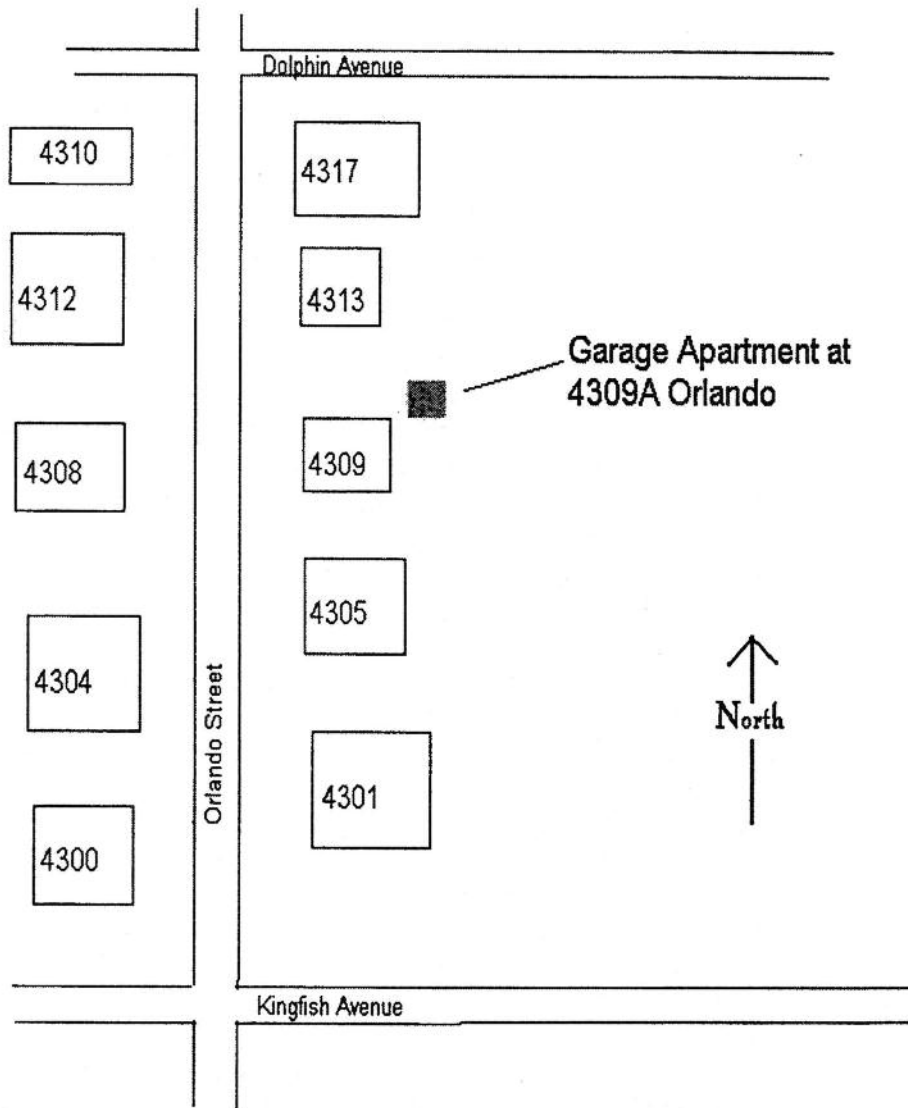
Wherefore, I ask for issuance of a warrant that will authorize me and other peace officers to search said suspected place and premises for the property described above and seize same. Further, I ask for issuance of a warrant that will authorize me and other peace officers to arrest and search each suspected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

/s/ Jesse Z. Saenz
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 2nd DAY OF FEBRUARY, 2014.

/s/ Evangelina Avalos
Judge, County Court At Law No. 4
Nueces County, Texas

Exhibit A



THE STATE OF TEXAS

§

DOCKET # 9319

COUNTY OF NUECES

§

COURT: County Court at Law No. 4

§

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 Nueces 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 Corpus Christi, 4309A Orlando Street. Said suspected place is an apartment above a two-vehicle detached garage at the rear of a residence located at 4309 Orlando Street. The residence at 4309 Orlando Street is single story with exterior construction of white wood siding and black trim. The roof consists of gray composition shingles and a red brick chimney extends above from the north side of the house. An entrance door is located on the west side in the approximate center of the residence, apparently the main entrance and front door to the dwelling. Two large windows, on each side of the door, are on the front of the residence. A paved driveway enters the premises from the north side and extends past the side of the house to the garage. The garage, a two-story structure, is constructed of the same material as the residence. An exterior stairway on the south side of the garage provides access to the apartment above. The door at the top of the stair landing is the only entrance to the apartment. There is one window on each of the four sides of the apartment. The numbers "4309A" are displayed in black on the southwest corner of the garage at ground level near the foot of the stairway.

The location of the suspected place is found by proceeding northward in the City of Corpus Christi on Orlando Street in the 4300 block from its intersection with Kingfish Avenue. The suspected places and premises is located to the northeast of the third house on the right, or east, side of Orlando Street, and being otherwise known as "4309A" Orlando Street.

Also expected to be on or about said premises and included in the suspected place is a 2010 Chevrolet Camaro two-door automobile, white in color, bearing Texas license registration 321 BAR. This vehicle is owned, controlled and known to be operated by the suspected party 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, in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage of said residence, which 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 which is the object of the search requested herein.

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

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) weapons prohibited by the Penal Code, to-wit, a short-barrel firearm, specifically a 12 gauge pump-action shotgun of unknown brand with the barrel sawed to less than 18 inches and the stock shortened with a resulting overall length of less than 26 inches.
- 2) implements or instruments used in the commission of a crime, namely, an aggravated robbery in the City of Corpus Christi on the evening of January 30, 2014, including the above described weapon, an unknown quantity of 12 gauge shotgun shells, a hack saw, a file, a saw horse, a vise, duct tape, and the residual ends of the barrel and stock from the above-described short-barrel firearm.

Further, you are commanded to arrest and search each suspected party named and described in said affidavit, to-wit: Nasasoto "Nash" Puentes, described as a white (Hispanic) male, approximate age 20-22 years, height 5' 10", weight 180-190 lbs., with black hair and mustache. This individual is accused of offenses against the laws of the State, namely, Aggravated Robbery and Possession of Prohibited Weapon.

I further find that affiant has established reasonable suspicion to believe that to knock and announce their purpose by

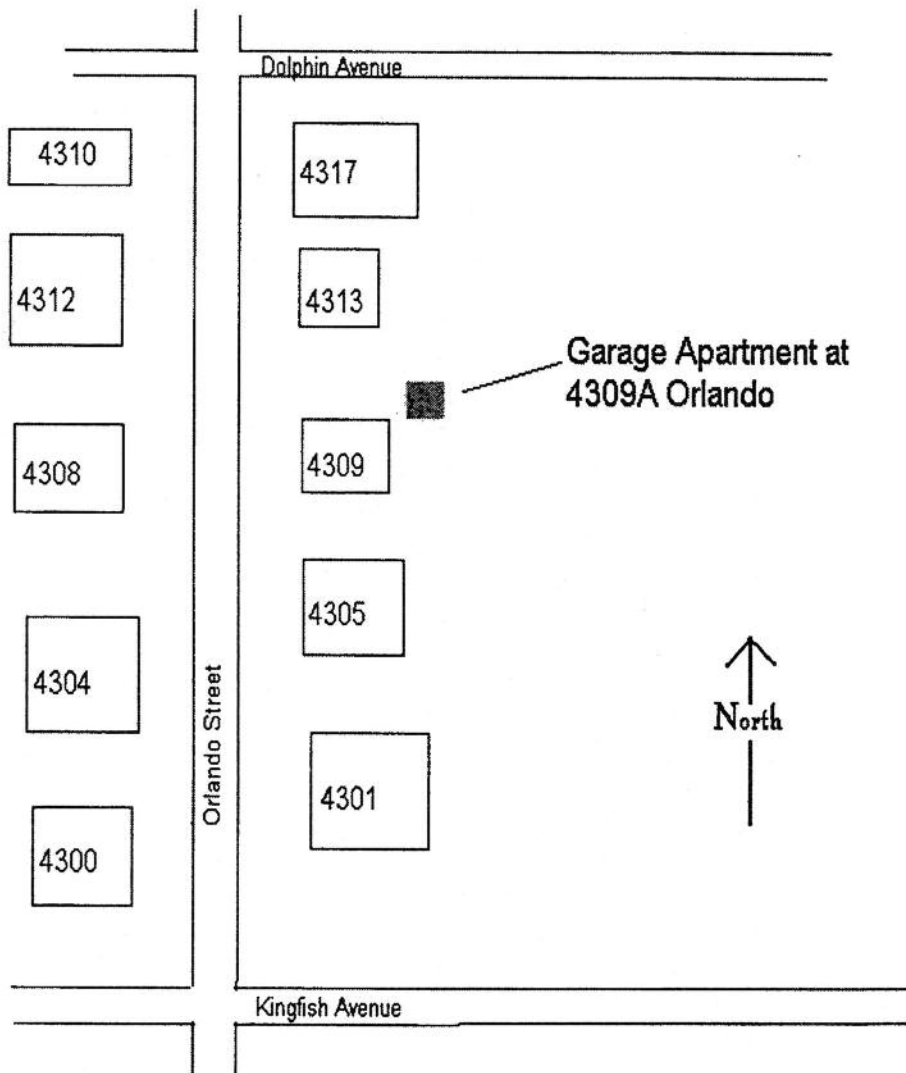
the officers executing this Warrant would be futile, dangerous, and otherwise inhibit the effective investigation of the offense or offenses related to the purpose of this Warrant. Therefore, unless circumstances to the contrary are discovered prior to entry, you are hereby authorized to dispense with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

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 2nd day of February, 2014, at 11:30 o'clock A.M. to certify which witness my hand this day.

/s/ Evangelina Avalos
Judge, County Court At Law No. 4
Nueces County, Texas

Exhibit A



THE STATE OF TEXAS

§
§
§

DOCKET # 9319

COUNTY OF NUECES

COURT: County Court at Law No. 4

**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 Jesse Z. Saenz and I am commissioned as a peace officer by the Corpus Christi Police Department.

The attached Search Warrant came to hand on the day it was issued and it was executed on the 2nd day of February, 2014, by arresting

Nasasoto Puentes

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

- 1 Remington Model 870 12 gauge pump shotgun, Serial No. 92R918273645, overall length of 24 inches with barrel altered to 12 inches
- 1 box of Winchester 12 gauge shotgun shells containing 19 rounds
- 1 saw horse with vise attached
- 1 file
- 1 piece of shotgun barrel approximately 14 inches long
- 1 wood butt piece from shotgun stock
- 1 hack saw
- 1 partial roll of duct tape

/s/ Jesse Z. Saenz
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME BY SAID PEACE OFFICER WHOSE NAME IS SIGNED ABOVE ON THIS THE 2nd DAY OF FEBRUARY, 2014.

/s/ Evangelina Avalos
Judge, County Court At Law No. 4
Nueces County, Texas

On this day the above named Peace Officer delivered into this Court the Return and Inventory set out above. It is Ordered that the property seized by authority of the foregoing Warrant or during the execution thereof shall be and remain under the care, custody, and control of said Peace Officer, and may be removed and taken to any location deemed necessary by such 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.

Ordered and signed this the 2nd day of February, 2014.

/s/ Evangelina Avalos
Judge, County Court At Law No. 4
Nueces County, Texas