

Specific Search Examples

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

SSE #6: Apartment complex; controlled substance (Format B)

On CD-Rom as	#53
Type of warrant:	Search only
Authority for search:	CCP Article 18.02(a)(7)
Place to be searched:	Apartment in complex
Controlled by:	Named male individual and unidentified female
Thing to be seized:	Controlled substance (marihuana)
Offense contemplated:	Possession of marihuana
Probable cause source:	Named individual
Other features:	Format B; Out-of-county removal of evidence requested in affidavit; granted in search warrant
Forms used:	Affidavit: #s 6, 39; Search Warrant: #s 8, 40; Return and Inventory: #9

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

COUNTY OF NOLAN

AFFIDAVIT FOR SEARCH WARRANT

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

I am David Perkins and I am a peace officer employed as a Deputy Sheriff with the Nolan County Sheriff's Office assigned to the Narcotics Section. I have reason to believe and do believe that drugs kept, prepared, or manufactured in violation of the laws of this state, to-wit, marihuana, is currently located at Apartment 414 of the Plainsman Apartments in the City of Sweetwater.

Said location is more particularly described as being in a multi-family apartment complex consisting of six (6) separate buildings, each containing eight (8) individual apartments. All of the buildings are of wood frame construction with ship-lap style wood exterior painted or stained to a bronze/brown color. The roofs of the buildings are dark brown composition shingle. Doors and door frames of each apartment are trimmed in tan or cream color. On the door of the suspected place are the numbers "414" in black. At the front entrance of each apartment is a concrete porch approximately 6 feet square; on the porch of the suspected place is a large terra cotta clay pot with apparently no plant or vegetation growing in it.

The apartment complex is known as the "Plainsman Apartments." The complex is entered from the 1400 block of North Hailey Street by turning westward onto a divided boulevard-style access street. There are three apartment buildings on the north side of the access street and three on the south side. The west end of the access street is a cul-de-sac style turnaround near which is a swimming pool and a playground. The first building on the right as one enters the complex (or north side of the access street) is identified as building 100; the second is 200, the third is 300. After turning into the cul-de-sac and passing the playground and pool, one proceeds eastward. The first building on the right is building 400, the next is 500, and the last before re-entering Hailey Street is building 600. Between each building and the access street is a parking lot. The suspected place is in building 400 which is nearest the swimming pool.

The complex is identified at the entrance with a large wooden sign, approximately 8 ft. by 12 ft. in size, painted tan or cream color, with black lettering. The sign reads on both sides: "The PLAINSMAN Apartments, 1400 N. Hailey St., Manager in Apt. 311" The sign is in the eastern-most median of the access street, clearly visible when traveling north or south on Hailey Street. The buildings are configured with four apartments downstairs and four apartments upstairs. The apartment numbers identify the location of each individual unit. As one faces the front of each building, apartment number 11 is downstairs on the left, apartment 12 next to the right of unit 11, apartment 13 next to the right of number 12, and apartment 14 on the right end of the building. Upstairs, numbers 21 through 24 correspond with those downstairs. The suspected place, for example, is unit number 414. The number identifies it as being in building number 4, downstairs, and the fourth apartment from the left. The front entrances to all apartments are visible from the access street and each has the apartment number in black numerals on the front door. The address of the suspected place is Apartment 414, 1400 N. Hailey Street, Sweetwater, TX.

Said location, 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 as part of this affidavit as if written herein, is a diagram illustrating the relative location illustrating the appearance of the place to be searched.

The location is under the care, custody and control of Albert Burkett, described as a white male, approx. age 25-30 years, height 6' 1", weight 190-200 lbs., with brown hair, and a female whose name and description are unknown to me (herein called "suspected party," whether one or more).

My belief is based on the following facts: I was contacted on this day by Calvin Dewhurst whom I have known personally for approximately five years. Dewhurst is employed as an installer technician for Verizon Telephone Company, a position he has held for eleven years. In the community where he lives and works he enjoys a good reputation for being a trustworthy citizen, a responsible family member, and a devout member of the First Baptist Church. He has held positions of leadership in local organizations of which he is or has been a member.

Dewhurst informed me today that during his routine duties for Verizon, he was assigned to install an extension telephone in the suspected place described above. He said the apartment had one telephone in the front or living area, but that suspected party had requested installation of another telephone connection in the master bedroom at the rear of the apartment. Standard installation procedures call for placing wiring in residences in non-visible locations if possible. Dewhurst chose to route the wiring through a closet adjoining the bedroom location. The closet contained clothing and other apparel usually found in residential closets, including numerous shoe boxes stacked 3 and 4 high. Dewhurst said he had to move the shoe boxes away from the wall of the closet to route the telephone wire and while doing so, accidentally knocked over a four-box stack. The lid to the top box came off and Dewhurst saw in plain view numerous plastic baggies, at least eight (8), containing what he knows to be marihuana. He said as soon as he saw the marihuana, he consciously realized the unmistakable odor of fresh marihuana in the closet, too.

Dewhurst said he promptly completed the wiring work, replaced the lid to the shoe box, restacked and relocated the boxes in their original position, and left the apartment. He said suspected party had admitted him into the apartment when he arrived, but soon left the premises saying he was going to his place of employment. Dewhurst saw no other persons on the premises, but did observe that approximately half of the closet contained women's clothing. The dressing area and the bathroom also contained toiletries, jewelry, and other personal items routinely used by women. As soon as practical after leaving the apartment, Dewhurst called and asked the Sheriff's Office dispatcher to contact me. He gave me this information within an hour of his being in the apartment.

I have confirmed with the U.S. Postal Service that the mailing address for Albert Burkett is 1400 N. Hailey Street, Apt. #414, in the City of Sweetwater, Texas. A check with the City's Utilities Department further confirms this address as the residence of Albert Burkett. Nothing in any of these official records indicates that a spouse resides at the same address and I am unable to obtain a name or description of a female presumed to be residing at the suspected place.

I submit that the foregoing information is reliable because the informant is willing to be identified as the source of the information upon which this warrant request is founded and because the informant is a respected, responsible law-abiding citizen who enjoys a good reputation among peers and fellow citizens. Further, assuming the information to be true, it would be reasonable for a magistrate to conclude that marihuana is probably at the suspected place at the present time and that it is in the control of both individuals described as "suspected party" herein.

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.

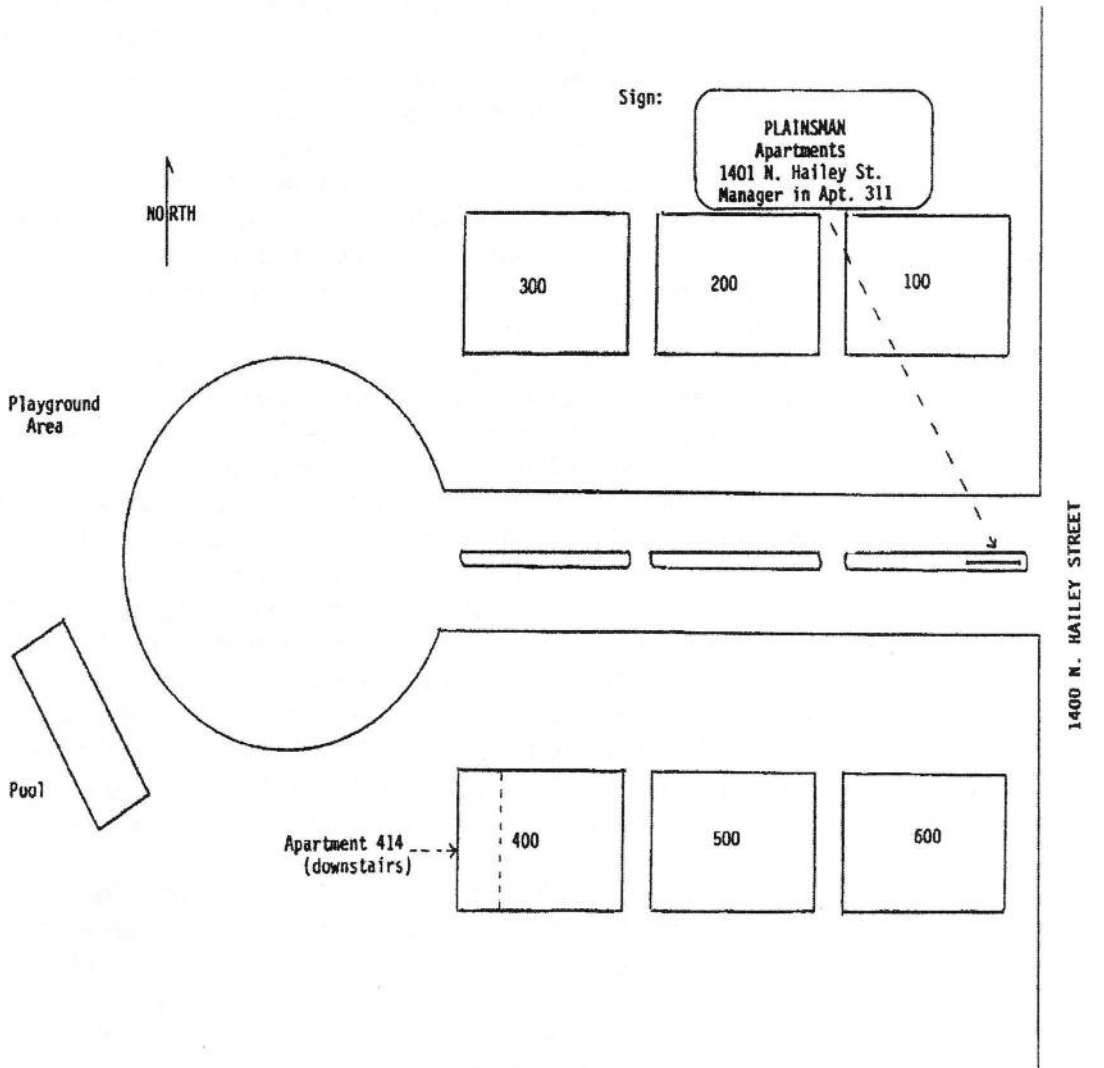
Wherefore, premises considered, I respectfully request that a warrant issue authorizing me, or any other peace officer of Nolan County, Texas, to search for and to seize drugs kept, prepared, or manufactured in violation of the laws of this state, to-wit, marihuana, that may be found in the above-described location.

/s/ David Perkins
Affiant

Sworn to and subscribed before me by the said Affiant on this the 1st day of January, 2014.

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

Exhibit A



THE STATE OF TEXAS

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DOCKET # 6769

COUNTY OF NOLAN

COURT: J. P. Pct. 3

SEARCH WARRANT

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

The State of Texas: To the Sheriff or any Peace Officer of Nolan 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: Apartment 414 of the Plainsman Apartments in the City of Sweetwater.

Said location is more particularly described as being in a multi-family apartment complex consisting of six (6) separate buildings, each containing eight (8) individual apartments. All of the buildings are of wood frame construction with ship-lap style wood exterior painted or stained to a bronze/brown color. The roofs of the buildings are dark brown composition shingle. Doors and door frames of each apartment are trimmed in tan or cream color. On the door of the suspected place are the numbers "414" in black. At the front entrance of each apartment is a concrete porch approximately 6 feet square; on the porch of the suspected place is a large terra cotta clay pot with apparently no plant or vegetation growing in it.

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Said location, 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 as part of this warrant as if written herein, is a diagram illustrating the relative location illustrating the appearance 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: drugs kept, prepared, or manufactured in violation of the laws of this state, to-wit, marihuana.

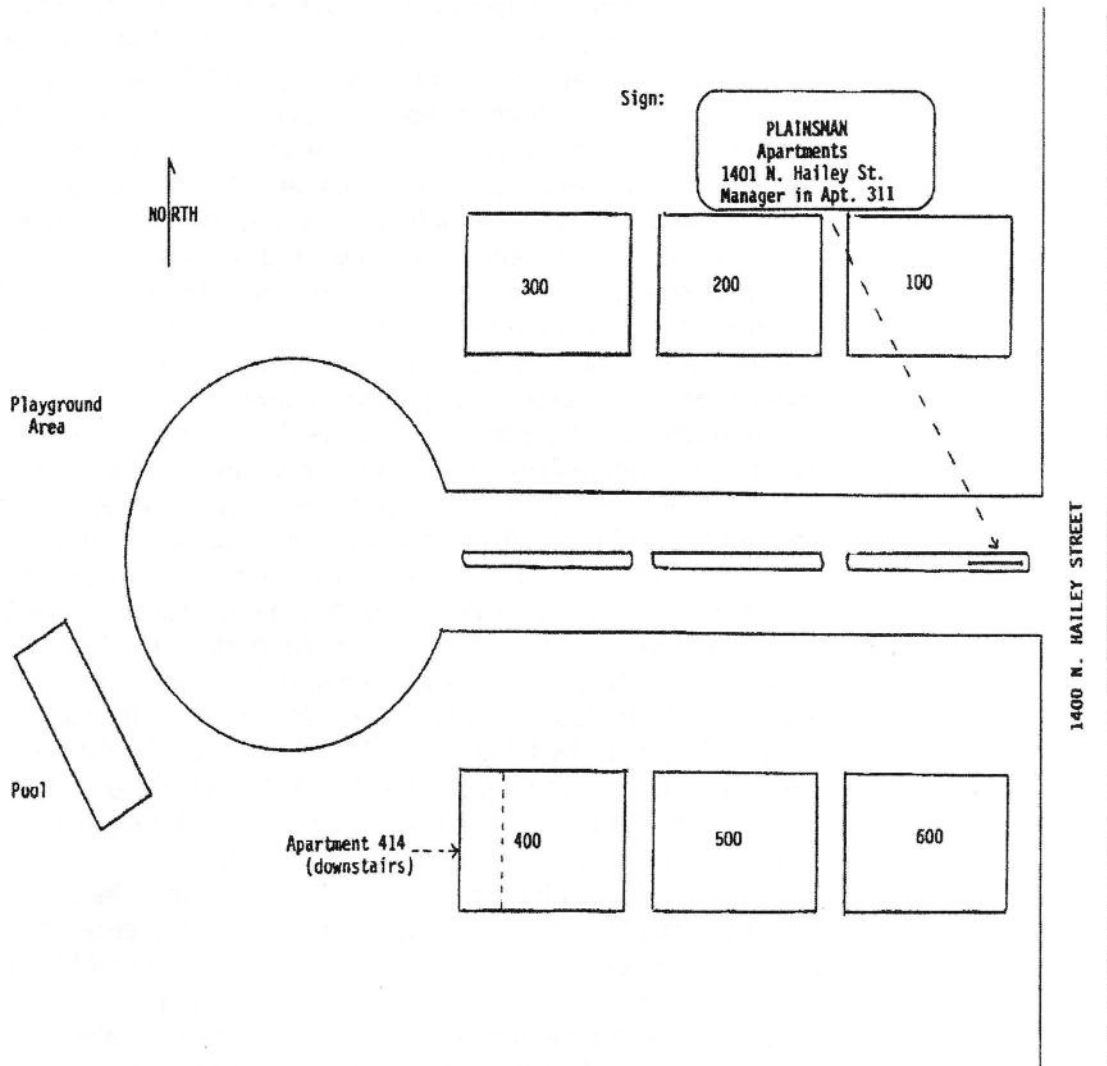
It is further ordered that any and all property seized by authority of this Warrant or during the execution thereof shall be and remain under the care, custody, and control of any peace officer to whom this Warrant is delivered for execution. Further, said property may be removed and taken to any location 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 3:00 o'clock P.M., to certify which witness my hand this day.

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

Exhibit A



THE STATE OF TEXAS

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DOCKET # 6789

COUNTY OF NOLAN

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COURT: J. P. Pct. 3

**OFFICER'S RETURN AND INVENTORY
FOR SEARCH 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 David Perkins and I am commissioned as a peace officer by the Nolan County Sheriff's 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 conducting the search directed therein and by seizing during such search the following described property:

9 bags of marihuana, individually wrapped in "sandwich" style, clear plastic food storage bags

Further, Albert Burkett and Evelyn Fortner were present on the premises when the search warrant was executed and were arrested and charged with the offense of Unlawful Possession of Marihuana.

/s/ David Perkins
Affiant

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

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