

## Specific Search Examples

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

### **SSE #7: Motel room: controlled substance + arrest (Format C)**

On CD-Rom as	#54
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:	Room in commercial hotel/motel
Controlled by:	Named male individual and unidentified female
Thing to be seized:	Controlled substance (cocaine) and related delivery paraphernalia
Offense charged:	Possession with intent to deliver substance in Penalty Group 1
Probable cause source:	Confidential informant and investigation by affiant
Other features:	Format C; arrest warrant
Forms used:	Affidavit: #s 7, 33; Search Warrant: #s 8, 35; Return and Inventory: #s 9, 36

#### **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 # 2345

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COUNTY OF EL PASO

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COURT: J. P. #2

#### **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 Clara Brown and I am commissioned as a peace officer by the Texas Department of Public Safety; I am assigned to the Department's Criminal Investigation Division.

I request issuance of a search warrant and here follows the probable cause to justify my request:

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 Room 14 of the Desert Palms Motel, the below-described "suspected place," within the past 24 hours before giving me this information and that CI personally saw and observed Anselmo Borjas (the "suspected party" described below) in possession therein of a substance that CI believes to be heroin. CI said the substance is a light brown 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 "Mexican brown," a term known by CI and I to describe heroin. CI advised that while inside the described premises, CI watched as suspected party delivered heroin to an individual. CI related that suspected party indicated in CI's presence that suspected party was to remain at the suspected place until he had "moved it all," implying that additional deliveries of the illegal substance are probable. CI said a young woman, apparently of Latin ethnicity, was present throughout the time CI was in the motel room and was watching television during the observed drug transaction.

I personally went to the suspected place and confirmed its location and description as more fully set out below. I checked the registration records at the Desert Palms Motel and confirmed that Room 14 is presently occupied by Anselmo Borjas of Alpine, Texas; that he is accompanied by a female adult, that he drives a GMC vehicle with the license registration CME 48B, and that he checked into the room at approximately 10:00 p.m. on December 30, 2013.

I inquired of the Vehicle Titles and Registration Division of the Texas Department of Transportation about the vehicle with the registration CME 48B and learned it is a 2012 GMC pickup truck; the registered owner is Anselmo Encinia Borjas of P. O. Box 45, Alpine, Texas. The property sought to be seized pursuant to the warrant requested herein may readily be contained, transported, or concealed in this vehicle. Because the suspected party does not permanently reside at the suspected place, it is reasonable to assume that the heroin described herein was transported to the suspected place in the GMC truck and that additional quantities may be found in the vehicle. While investigating the suspected place, I observed a maroon and silver-colored GMC pickup truck in the motel parking lot with the registration "CME 48B."

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 six (6) 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. On two of these past occasions the drug involved was heroin. After making personal inquiry, I have learned that CI has a good reputation among CI's acquaintances for being trustworthy.

I have talked to Sergeant Carlon Stapleton, a fellow officer assigned to the Texas Depart-

ment of Public Safety Criminal Investigation Division in the Alpine area, whom I have known informally since being assigned to the El Paso office. He and I have discussed narcotics trafficking when attending training conferences together. I asked this officer if he knew of suspected party and was informed that suspected party had a reputation as a drug dealer in the Alpine area but that suspected party had not been arrested there for drug offenses. Sergeant Stapleton said local belief has it that suspected party obtains drugs from Mexico and sells them in cities other than his area of residence. I have confirmed through state and national criminal history records sources that suspected party has no arrests for drug offenses. I also know "Mexican brown" is a name commonly used for the substance listed in Penalty Group 1 of the Texas Controlled Substances Act as "heroin."

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

I have experience in narcotics law enforcement. I have learned that individuals involved in the illegal distribution of heroin often package the substance in a manner consistent with that seen by CI at the suspected place. Based on the CI's description of the packaging of the individual units of heroin possessed by the suspected party, and the number of packages observed, I believe it reasonable to expect to find other paraphernalia and evidence of heroin 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 heroin for distribution in non-bulk, individualized use units, 3) records, documentary and electronic, indicating sales and customers for heroin trafficking, and 4) additional quantities of heroin not yet packaged for distribution.

Therefore, considering the foregoing, I request a search warrant for the following

**1. Place:**

In the City of El Paso, Room 14 of the Desert Palms Motel. Said suspected place is located in a multi-unit commercial residence commonly described as a "motel." The premises are described as three (3) two-story multiple occupancy buildings each containing twenty (20) rooms, ten (10) at ground level and ten (10) on the second floor. All of the buildings are constructed of red brick; the roofs are flat and their construction material is not visible from ground level. All of the room doors are white and the windows are also trimmed in white. At the end of each building is an exterior metal stairway to the second floor. Across the front of each building is a balcony-style walkway with black wrought iron guard railing. The walkway forms a porch-like overhang for the first floor rooms; a similar overhang is constructed across the top of the buildings for the second floor rooms.

The Desert Palms Motel is located in the 2300 block of Zapata Parkway, on the north side of the street near its intersection with Idaho Street. As an observer faces the suspected place from Zapata Parkway, the three buildings are configured in a "U" shape with the two buildings on the extreme left and right situated perpendicular to Zapata Parkway; the center building

lies parallel to Zapata Parkway and is the farthest from the street. In the center of the “U” near Zapata Street is a small, one-story building that serves as the office for the motel. It, too, is constructed of red brick, but it has a green composition shingle roof.

Between Zapata Parkway and the buildings in the southwest corner of the property is a swimming pool. In the southeast corner, near Zapata Parkway, is a large sign approximately forty feet high with the words and numbers: “Desert Palms Motel, Daily - Weekly, Free Cable TV, 915-123-4567.”

The suspected place is Room 14, located on the second floor of the western-most building of the premises. As an observer stands on Zapata Parkway and faces the Desert Palms Motel, the building in which Room 14 is located is on the far left and nearest the swimming pool. The second floor is accessible from a stairway on either end of the building. The number “14” in black is on the white door of the suspected place.

Also expected to be on or about said premises and included in the suspected place is a 2007 GMC pickup truck, maroon and silver-gray in color, bearing Texas vehicle registration CME 48B. 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, 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 of the place to be searched.

## **2. Thing:**

- a) drugs kept, prepared, or manufactured in violation of the laws of this state, to-wit, heroin.
- b) implements or instruments used in the commission of the offense of delivery of controlled substances, to-wit: drug paraphernalia and evidence of heroin trafficking including, but not limited to, scales for weighing drugs; containers, packaging materials, sealing devices and other paraphernalia commonly used to package heroin for distribution in non-bulk, individualized use units; documentary and electronically stored data, meta data, Exchangeable Image File Format Data (Exif), and other digital information, recorded and stored in personal computers, tablet computers, and all electronic storage devices capable of receiving or storing electronic data indicating sales, purchases, and customers for heroin trafficking.

**3.** The above-described place to be searched and the above-described thing to be seized are in the care, custody, control, or management of one or more following individuals described herein as “suspected party”: Anselmo Borjas, a white (Latin) male, approx. age 35-40 years, height 5’ 10”, weight 200-210 lbs., with black hair and a mustache. Also, a

woman, name unknown, who occupies the suspected place with Anselmo Borjas and is presumed to be the mate of suspected party. The woman is described as a white (Latin) female, approx. age 25-30 years, height 5' 2", weight 100 lbs., with short black hair.

4. I have good reason to believe, do believe, and hereby charge and accuse that on or about December 31, 2013 in El Paso County, Texas, the suspected party committed a felony offense against the laws of the State of Texas, to-wit, Possession of, with Intent to Deliver, a Controlled Substance in Penalty Group 1: On said date and at said place he did then and there intentionally and knowingly possess with intent to deliver heroin, a substance listed in Penalty Group 1 of the Texas Controlled Substances Act.

Wherefore, I ask for issuance of a warrant that will authorize me and other peace officers to search said place and premises for the property described above and to 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/ Clara Brown

Affiant

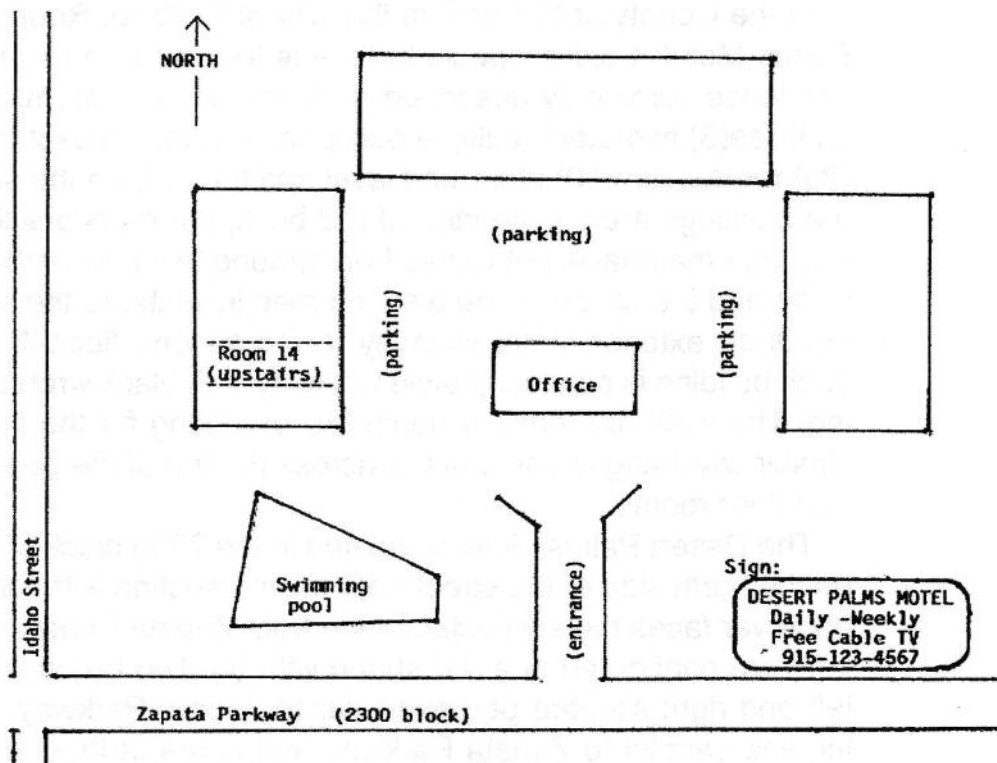
SWORN TO AND SUBSCRIBED BEFORE ME BY THE SAID AFFIANT ON THIS THE 31st DAY OF DECEMBER, 2013.

/s/ Roy Bean

Justice of the Peace, Precinct 2

El Paso

### Exhibit A



THE STATE OF TEXAS

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DOCKET # 2345

COUNTY OF EL PASO

COURT: J. P. #2

**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 El Paso 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 El Paso, Room 14 of the Desert Palms Motel. Said suspected place is located in a multi-unit commercial residence commonly described as a "motel." The premises are described as three (3) two-story multiple occupancy buildings each containing twenty (20) rooms, ten (10) at ground level and ten (10) on the second floor. All of the buildings are constructed of red brick; the roofs are flat and their construction material is not visible from ground level. All of the room doors are white and the windows are also trimmed in white. At the end of each building is an exterior metal stairway to the second floor. Across the front of each building is a balcony-style walkway with black wrought iron guard railing. The walkway forms a porch-like overhang for the first floor rooms; a similar overhang is constructed across the top of the buildings for the second floor rooms.

The Desert Palms Motel is located in the 2300 block of Zapata Parkway, on the north side of the street near its intersection with Idaho Street. As an observer faces the suspected place from Zapata Parkway, the three buildings are configured in a "U" shape with the two buildings on the extreme left and right situated perpendicular to Zapata Parkway; the center building lies parallel to Zapata Parkway and is the farthest from the street. In the center of the "U" near Zapata Street is a small, one-story building that serves as the office for the motel. It, too, is constructed of red brick, but it has a green composition shingle roof.

Between Zapata Parkway and the buildings in the southwest corner of the property is a swimming pool. In the southeast corner, near Zapata Parkway, is a large sign approximately forty feet high with the words and numbers: "Desert Palms Motel, Daily - Weekly, Free Cable TV, 915-123-4567."

The suspected place is Room 14, located on the second floor of the western-most building of the premises. As an observer stands on Zapata Parkway and faces the Desert Palms Motel, the building in which Room 14 is located is on the far left and nearest the swimming pool. The second floor is accessible from a stairway on either end of the building. The number "14" in black is on the white door of the suspected place.

Also expected to be on or about said premises and included in the suspected place is a 2012 GMC pickup truck, maroon and silver-gray in color, bearing Texas vehicle registration

CME 48B. 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, 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 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:

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

b) implements or instruments used in the commission of the offense of delivery of controlled substances, to-wit: drug paraphernalia and evidence of heroin trafficking including, but not limited to, scales for weighing drugs; containers, packaging materials, sealing devices and other paraphernalia commonly used to package heroin for distribution in non-bulk, individualized use units; documentary and electronically stored data, meta data, Exchangeable Image File Format Data (Exif), and other digital information, recorded and stored in personal computers, tablet computers, and all electronic storage devices capable of receiving or storing electronic data indicating sales, purchases, and customers for heroin trafficking.

Further, you are commanded to arrest and search each suspected party named and described in said affidavit, to-wit:

Anselmo Borjas, a white (Latin) male, approx. age 35-40 years, height 5' 10", weight 200-210 lbs., with black hair and a mustache.

A woman, name unknown, who occupies the suspected place with Anselmo Borjas and is presumed to be the mate of suspected party. The woman is described as a white (Latin) female, approx. age 25-30 years, height 5' 2", weight 100 lbs., with short black hair.

These individuals are accused of an offense against the laws of the State, namely, Possession of, with Intent to Deliver, a Controlled Substance in Penalty Group 1. You may arrest others for the same offense that are found to be occupants of said premises and in control of same.

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.

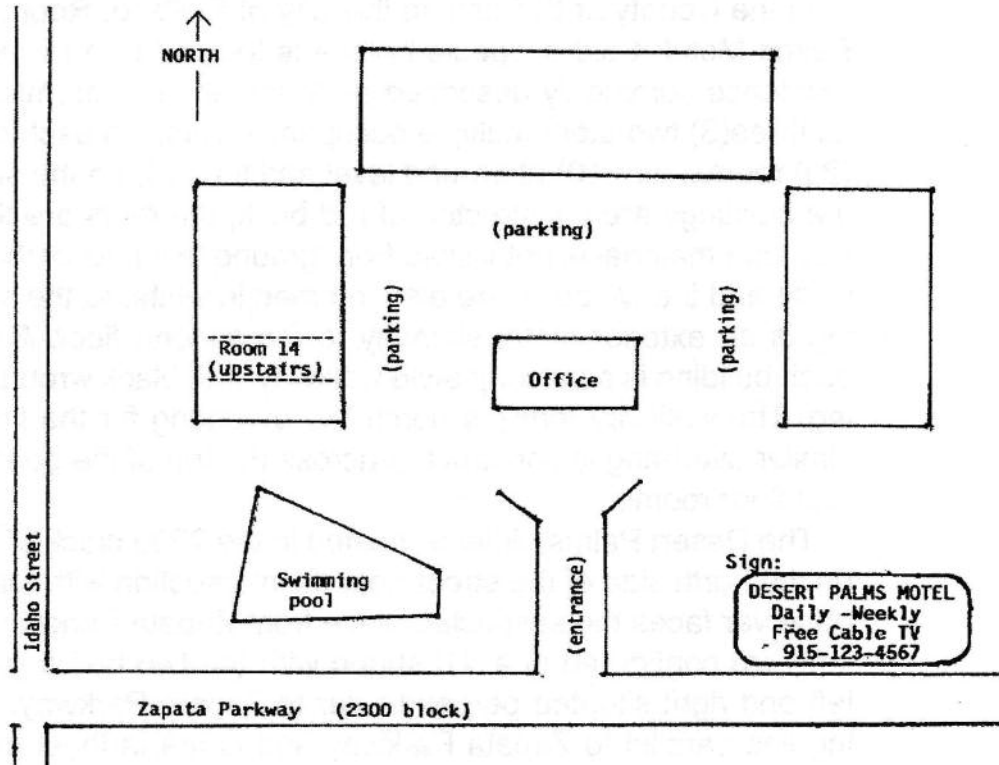
Issued this the 31st day of December, 2013, at 7:00 o'clock P.M. to certify which witness my hand this day.

/s/ Roy Bean

Justice of the Peace, Precinct 2

El Paso County, Texas

# Exhibit A





THE STATE OF TEXAS

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DOCKET # 2345

COUNTY OF EL PASO

COURT: J. P. #2

**OFFICER'S RETURN AND INVENTORY  
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 Clara Brown and I am commissioned as a peace officer by the El Paso County Narcotics Task Force.

The attached Search Warrant came to hand on the day it was issued and it was executed on the 31st day of December, 2013, by arresting

Anselmo Borjas and Christina Del Bosque

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

- 7 triangular plastic packages, approximately 2" long, containing a brownish powder substance believed to be heroin
- 1 plastic food storage bag approximately 7" by 8" in size, containing a brownish powder substance believed to be heroin
- 1 portable postage scale
- \$785 U.S. Currency found in woman's purse (with identification documents for Christina Del Bosque)

/s/ Clara Brown  
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 2nd DAY OF JANUARY, 2013.

/s/ Roy Bean  
Justice of the Peace, Precinct 2  
El Paso County, Texas