

## Specific Search Examples

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*(Includes affidavit, search warrant, order for assistance, and return and inventory)*

### **SSE #11: Person in custody: physical evidence (blood, saliva, hair, etc.) (Format B)**

**On CD as:** #58  
**Type of warrant:** Search only: "Evidentiary search"  
**Authority for search:** CCP Article 18.02(a)(10)  
**Place to be searched:** Body of suspected party  
**Controlled by:** Named suspect (in custody)  
**Thing to be seized:** Blood, buccal cells, and hair  
**Offense charged:** None in this warrant; investigation of alleged aggravated sexual assault; suspect in custody charged with offense other than offense under investigation  
**Probable cause source:** Statement of victim and affiant's investigation  
**Other features:** Format B; search warrant accompanied by order to third party to assist officer in execution of warrant  
**Forms used:** Affidavit: #s 11, 44; Search Warrant: #s 13, 45; Return and Inventory: #14

#### **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!**

T H E  
STATE OF TEXAS

COUNTY OF DALLAS

#### **AFFIDAVIT FOR SEARCH WARRANT {Article 18.02(a)(10), Texas Code of Criminal Procedure}**

I am Jonathan Quade and I am a peace officer employed as a Detective with the Dallas County Sheriff's Office assigned to the Crimes Against Persons Division. I have reason to believe and do believe that human blood, buccal cells, head hair, and pubic hair is currently located at and on the person of Mark Harper who will hereafter be referred to as "suspected party."

Suspected party is further described as an Anglo male, born February 2, 1976, approximately 6 ft. 1 in. in height, 190 lbs. in weight, with blond hair and a tattoo (dragon) on his right arm.

Attached hereto as Exhibit A is a booking photo illustrating the appearance of the suspected party; it is to be considered as part of this affidavit as if written herein.

Said suspected party is presently at 312 Main St., Dallas, Dallas County, Texas in the control and custody of the Sheriff of Dallas County, Texas, who will present suspected party for purposes of execution of the warrant requested hereby.

It is my belief that human blood, buccal cells, head hair, and pubic hair from the body and person of suspected party constitutes evidence that the offense described below, Aggravated Sexual Assault, was committed and that said suspected party committed the offense described.

MY BELIEF IS BASED ON THE FOLLOWING FACTS: On June 15, 2013, I personally spoke with Susan White, a black female, DOB: 12/4/85. She told me that on June 2, 2013, she was in her home at 3456 Meadow Lane, which is

in an unincorporated area of Dallas County, Texas, when a white male, whom she described as being about 6'1", 200 pounds, and having a tattoo of a dragon on his right arm, forced his way into her house. She said that the man was wearing a black ski mask and she was not able to see his face. She said that he had a pistol which he pointed at her and that he forced her to take her clothes off and lie on the floor. She said that he then took off his pants and forcibly had intercourse with her while threatening and menacing her with the pistol. She said that he did not wear a condom. She said that she was able to see that the man had blond pubic hair.

She said that he finished and then told her that if she called the police he would come back and kill her. She said that he left her house and she called the sheriff's department. She said that when the Sheriff's Deputies arrived at her house she told them what happened and she was then taken to Valley Central Hospital. Susan White said that she was examined by Dr. Edith Holleman at the emergency department. She said that the doctor performed a sexual assault examination on her and placed samples and a report of the results of the examination in a sealed container; the container, known as a "sexual assault kit," was delivered to her by Dr. Holleman. She said that she then gave it to Deputy R. L. Ellard, who had accompanied her to the hospital for the examination.

I then spoke with Ellard. He told me that he delivered the sexual assault kit that he received from Ms. White to Fred Johnson, who is a chemist and toxicologist working for the Dallas County Sheriff's Department Crime Laboratory.

I spoke with Johnson. He told me that he examined the contents of the sexual assault kit and found semen on the swab and it was of sufficient quantity to extract DNA from it. Johnson said that he could extract DNA from a person's blood and buccal cells, then compare that to the DNA in the semen and see if it would match. He also told me there were several blond hairs in the kit. He said that he could examine head and pubic hairs taken from an individual and see if they matched any of the blond hairs that were in the sexual assault kit.

On January 2, 2014, I learned from Det. Harry Callahan of the Dallas Police Department that he had arrested a man for several Aggravated Sexual Assaults that had occurred in the city of Dallas over the past several months. He said that the man was Mark Harper, a white male, DOB: 2/2/76. He said that he arrested Harper on January 1, 2014. He described Harper as being 6'1", around 190 pounds, with blond hair. He also said that he had a tattoo of a dragon on his right arm. Detective Callahan knew that I had investigated a sexual assault wherein the assailant had a similar physical description. He told me that he had transferred Harper to the Dallas County Jail which is located at 312 Main St., Dallas, Dallas County, Texas. I have checked the records of the Dallas County Sheriff's Department and determined that Harper is still incarcerated in the jail as of the date of this affidavit.

Considering that Harper's physical description is the same as Susan White's assailant, and that he has been arrested for similar offenses, I believe it is reasonable to suspect Mark Harper to be Susan White's assailant. Evidence to establish the requisite probability or to clear Harper as a suspect may be obtained by comparisons between the samples obtained during the sexual assault examination and known samples from Mark Harper.

Wherefore, premises considered, I respectfully request that a warrant issue authorizing me, or any other peace officer of Dallas County, Texas, to search for and to seize human blood, head hair, and pubic hair from the said Mark Harper. Further, I request the Court issue an order directed to appropriately qualified individuals requiring them to aid and assist any officer in the execution of the warrant requested hereby.

/s/ Jonathan Quade  
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY THE SAID AFFIANT ON THIS THE 3rd DAY OF JANUARY, 2014.

/s/ Vladimir Dracule  
Judge, 36th District Court  
Dallas County, Texas

**Exhibit A**

RESTRICTED: Law Enforcement Use Only

**Harper, Mark**

White Male

Date of Birth 02/02/1976

Front Image



Race:	White
DOB:	02/02/1976
Height:	6 Feet 01 Inches
Eyes:	Blue
Sex:	Male
Blood Type:	
Weight:	190
Hair:	Blonde

Hair:	Scraggly, Short
Facial Hair:	No Facial Hair
Tattoos:	Arm, Right
Build:	Medium
Teeth:	Normal
Eye Appearance:	Contact Lenses

Prosthetics:	
Missing Parts:	
Deformities:	
Scars:	
Skin Anomalies:	
Gang Association:	

THE STATE OF TEXAS

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DOCKET # 9131

COUNTY OF DALLAS

COURT: 36th District Court of  
Dallas County, Texas

**SEARCH WARRANT**  
**{Article 18.02(a)(10), Texas Code of Criminal Procedure}**

The State of Texas: To the Sheriff or any Peace Officer of Dallas 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 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 and premises described in said affidavit, to-wit: the Dallas County Jail, 321 Main St., in the City of Dallas, Texas.

At said places you shall search for and, if same be found and with the assistance of an individual qualified in the intravenous removal of human blood, seize and bring before me the property described in the affidavit, to-wit: human blood, buccal cells, head hair, and pubic hair from the body of an individual named Mark Harper who is described as a white male, born February 2, 1976, approximately 6 ft. 1 in. in height, 190 lbs. in weight, with blond hair and a tattoo (dragon) on his right arm. Attached hereto as Exhibit A is a document containing a photograph illustrating the appearance of the individual to be searched.

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 fifteen (15) days of the date shown below, exclusive of said date and the day of its execution.

Issued this the 3rd day of January, 2014, at 10:00 o'clock a.m. to certify which witness my hand this day.

/s/ Vladimir Dracule  
Judge, 36th District Court  
Dallas County, Texas

**Exhibit A**

RESTRICTED: Law Enforcement Use Only

**Harper, Mark**

White Male

Date of Birth 02/02/1976

Front Image



Race:	White
DOB:	02/02/1976
Height:	6 Feet 01 Inches
Eyes:	Blue
Sex:	Male
Blood Type:	
Weight:	190
Hair:	Blonde

Hair:	Scraggly, Short
Facial Hair:	No Facial Hair
Tattoos:	Arm, Right
Build:	Medium
Teeth:	Normal
Eye Appearance:	Contact Lenses

Prosthetics:	
Missing Parts:	
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Scars:	
Skin Anomalies:	
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THE STATE OF TEXAS

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DOCKET # 9131

COUNTY OF DALLAS

COURT: 36th District Court of  
Dallas County, Texas

**ORDER FOR ASSISTANCE IN EXECUTION OF SEARCH WARRANT**

The State of Texas: To any physician, nurse, medical technician, or phlebotomist, licensed by the State of Texas, or other individual qualified in the intravenous removal of human blood:

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 she expresses therein, and whereas I believe said affidavit properly establishes grounds for issuance of this Warrant;

And whereas, this court has issued a warrant to search for and seize blood, saliva and hair from the suspect named and described in the affidavit, to-wit: an individual named Mark Harper who is described as a white male, born February 2, 1976, approximately 6 ft. 1 in. in height, 190 lbs. in weight, with blond hair and a tattoo (dragon) on his right arm;

Therefore, you are hereby ordered and commanded to cooperate with any peace officer requesting your professional aid and assistance in the execution of said search warrant.

Herein fail not, as this order is directed to any individual whose aid and assistance is requested by the officer bearing the accompanying search warrant. This Order is authorized by the full authority of this Court to issue warrants and orders to enforce the laws of the State of Texas, and by Article 18.08 of the Texas Code of Criminal Procedure. Any individual who fails to comply with this Order when requested shall be liable as for contempt of this court and subject to all penalties authorized by law.

Ordered this the 3rd day of January, 2014, at 10:00 o'clock A.M. to certify which witness my hand this day.

/s/ Vladimir Dracule  
Judge, 36th District Court  
Dallas County, Texas

THE STATE OF TEXAS

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DOCKET # 9131

COUNTY OF DALLAS

COURT: 36th District of  
Dallas County, Texas

**RETURN AND INVENTORY**  
**{Article 18.02(a)(10), 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 Deanira Gonzalez and I am commissioned as a peace officer by the Dallas County Sheriff's Office.

The attached Search Warrant came to hand on the day it was issued and it was executed on the 3rd day of January, 2014, by conducting the search directed therein and by seizing during such search the following described property:

- Blood of Mark Harper (w/m DOB: 2/2/76), now preserved in a sealed glass vial
- Buccal cell sample on saliva swab from Mark Harper (w/m DOB: 2/2/76)
- Strands of hair from the head of Mark Harper (w/m DOB: 2/2/76)
- Strands of pubic hair from Mark Harper (w/m DOB: 2/2/76)

I was assisted in the execution of this warrant by Maxine Riggs, a Registered Nurse licensed to practice in the State of Texas. Ms. Riggs is employed by the Dallas County Sheriff's Department and may be located at 321 Main Street in the City of Dallas, telephone number 214-987-6543.

/s/ Jonathan Quade  
Affiant

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

/s/ Vladimir Dracule  
Judge, 36th District Court  
Dallas County, Texas