

Specific Search Examples

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

SSE #19: House for misdemeanor fugitive; residence of accused (Format A)

On CD as:	#66
Type of warrant:	Search only
Authority for search:	CCP Article 18.02(a)(11)
Place to be searched:	House in residential subdivision
Controlled by:	Named individual
Thing to be seized:	Person wanted for misdemeanor offenses
Offense charged:	None in this warrant
Probable cause source:	Investigating officer
Other features:	Format A
Forms used:	Affidavit: #17; Search Warrant: #20; Return and Inventory: #21

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 # 14-512-CR

COUNTY OF BRAZOS

COURT: County Court at Law

AFFIDAVIT FOR SEARCH WARRANT {Article 18.02(a)(11), Texas Code of Criminal Procedure}

My name is Van Elliott and I am commissioned as a peace officer by the City of Bryan, Texas, Police Department.

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

In the City of Bryan, 204 Maple Street. Said suspected place is a single story residence constructed of white wood siding, with dark green wooden trim. The roof consists of medium brown composition shingles. An entrance door is located on the south side in the approximate center of the residence, apparently the main entrance and front door to the dwelling. There are two windows on the front or south side of the residence, one on each side of the front door; a window mounted air conditioner is installed in the westernmost of the two windows. Centered on the door is a covered wooden porch approximately 10-12 feet wide. The porch cover is supported by two 4" x 4" wooden posts. On the easternmost post are the numbers "204" in black.

Between the porch cover support posts and the house are wood lathe trellis' that are barren of vegetation. A driveway enters the premises on the east side and runs alongside the house to a single-vehicle garage at the rear of the residence in the northeast corner of the premises.

The location of the suspected place is found by proceeding eastward in the City of Bryan on Maple Street from its intersection with Second Street. The suspected place is the third house on the left or north side of Maple Street and is otherwise known as "204 Maple Street." Directly across Maple Street, to the south, is Douglas McArthur Park, a public recreation area managed by the City of Bryan Parks and Recreation Department.

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 the person who is the object of the search may reasonably be found.

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: Wesley Crow, described as an Anglo male, age 40 years, d.o.b. February 6, 1973, height 5 ft. 11 in., weight 194 pounds, with brown hair and gray eyes.

3. It is my belief that said suspected party is concealing himself at said suspected place to avoid apprehension and prosecution. Said suspected party stands charged by complaint with the misdemeanor offense of Burglary of a Vehicle and refuses to voluntarily exit said suspected place. Peace officers attempting to execute an arrest warrant issued pursuant to said complaint were refused entry at said suspected place. I request a search warrant to authorize lawful entry into said suspected place to enable officers to seize said suspected party and execute said arrest warrant.

4. I have probable cause for said belief by reason of the following facts and circumstances: I would show the court that suspected party stands charged and accused with the misdemeanor offense of Burglary of a Vehicle (Texas Penal Code §30.04) in this Honorable Court in causes number 14-345-CR, 14-346-CR, 14-347-CR, and 14-348-CR in the County Court at Law of Brazos County, Texas. The Informations in these causes allege that suspected party broke into and entered four separate vehicles on or about January 1, 2014 in the City of Bryan. Police Department offense reports supporting these charges indicate the vehicles were parked at a public recreational area known as Douglas MacArthur Park across the street from the suspected place. Probable cause for the complaints alleging the offenses at issue is based on eyewitness testimony. Arrest warrants have been issued in all three cases, but suspected party has never been apprehended or arrested for these offenses.

Similar offenses at the same location have occurred before and after the date alleged in the above-described cases. Suspected party is the suspected offender in these uncharged offenses due to the proximity of his residence to the scene of the vehicle burglaries. Suspected party resides with his parents at the suspected place and has never been seen away from the premises since the charges were filed, despite repeated surveillance by Bryan Police Department officers. I have made inquiry of suspected party's peers who confirm that suspected party is attempting to remain inside the residence to avoid apprehension. I have confirmed that suspected party resides at the suspected place through Texas Department of Public Safety Driver's License records and Brazos County jail records, in all of which suspected party has designated the suspected place to be his residence.

I submit that these facts and circumstances support the conclusion by a magistrate that probable cause exists that a search for suspected party at the suspected place will likely be successful. Further, the continued likelihood that additional offenses will occur at the same location by the same offender es-

establish an urgent necessity that suspected party be brought to justice in the interest of the public peace and for the protection of the private property of individuals frequenting the recreational area near the suspected place.

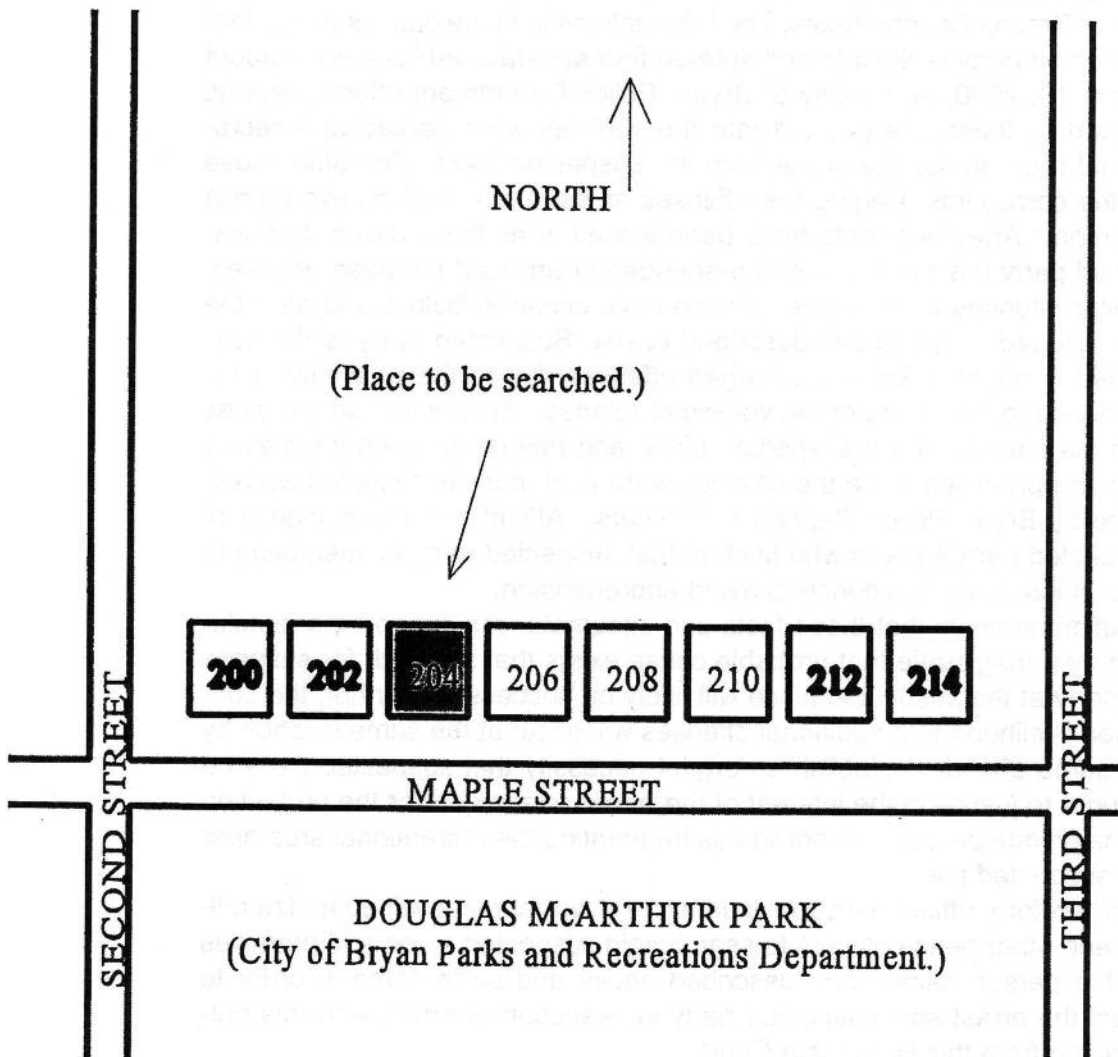
Wherefore, I ask for issuance of a warrant that will authorize me and other peace officers to search said suspected place and premises for the person named and described above and seize same in order to execute arrest warrants outstanding from this Honorable Court.

/s/ Van Elliott
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 20TH DAY OF JANUARY, 2014.

/s/ Michael Z. Welborn
Judge, County Court At Law
BRAZOS COUNTY, TEXAS

Exhibit A



THE STATE OF TEXAS
COUNTY OF BRAZOS

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DOCKET # 14-512-CR
COURT: County Court at Law

SEARCH WARRANT
{Article 18.02(a)(11), Texas Code of Criminal Procedure}

The State of Texas: To the Sheriff or any Peace Officer of Brazos, 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 Bryan, 204 Maple Street. Said suspected place is a single story residence constructed of white wood siding, with dark green wooden trim. The roof consists of medium brown composition shingles. An entrance door is located on the south side in the approximate center of the residence, apparently the main entrance and front door to the dwelling. There are two windows on the front or south side of the residence, one on each side of the front door; a window mounted air conditioner is installed in the westernmost of the two windows. Centered on the door is a covered wooden porch approximately 10-12 feet wide.

The porch cover is supported by two 4" x 4" wooden posts. On the easternmost post are the numbers "204" in black. Between the porch cover support posts and the house are wood lathe trellis' that are barren of vegetation. A driveway enters the premises on the east side and runs alongside the house to a single-vehicle garage at the rear of the residence in the northeast corner of the premises.

The location of the suspected place is found by proceeding eastward in the City of Bryan on Maple Street from its intersection with Second Street. The suspected place is the third house on the left or north side of Maple Street and is otherwise known as "204 Maple Street." Directly across Maple Street, to the south, is Douglas McArthur Park, a public recreation area managed by the City of Bryan Parks and Recreation Department.

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 the person who is the object of the search may reasonably be found.

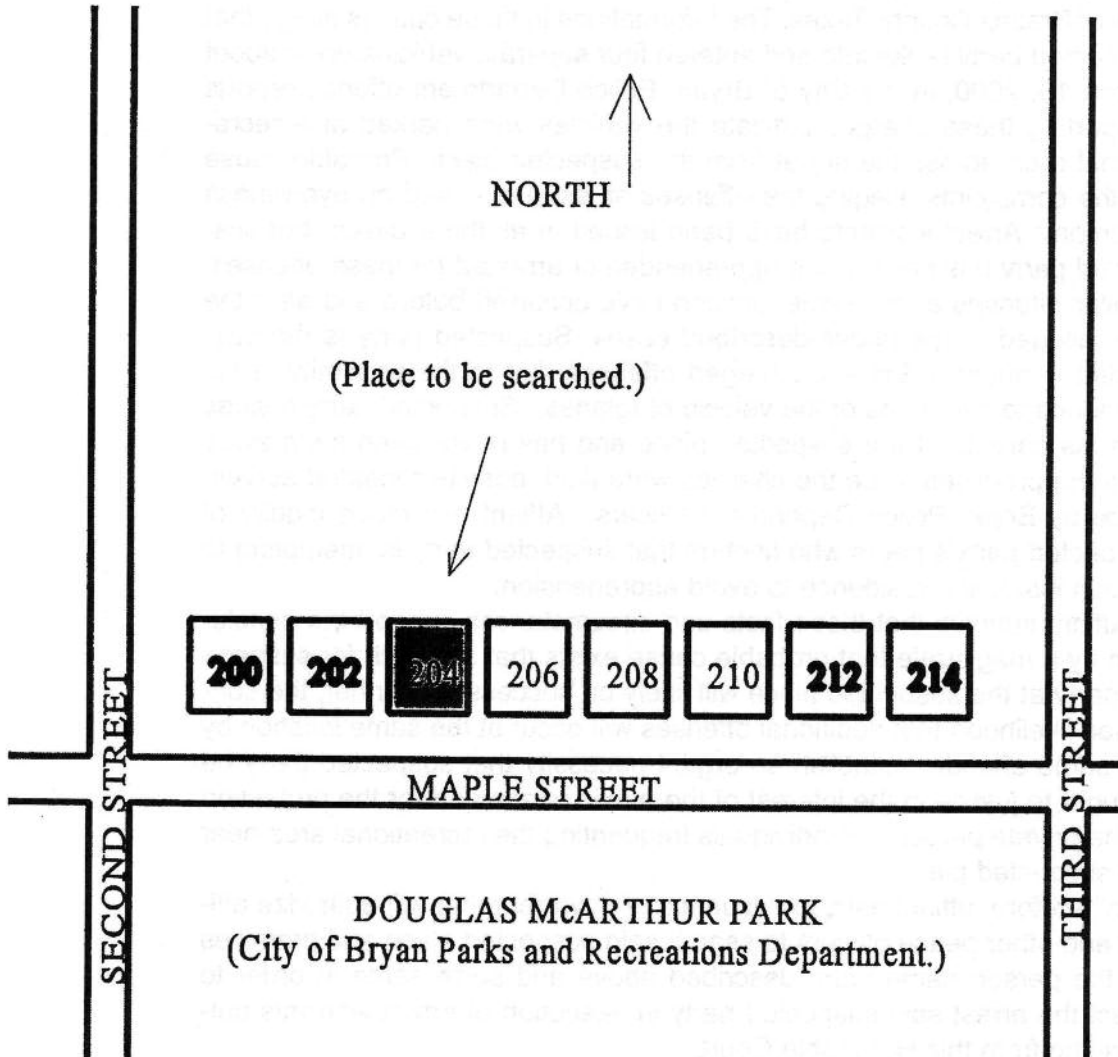
At said places you shall search for and, if same be found, seize the person of Wesley Crow, described as an Anglo male, age 40 years, d.o.b. February 6, 1973, height 5 ft. 11 in., weight 194 pounds, with brown hair and gray eyes. Upon seizure of said individual, you shall execute warrants of arrest in causes number 14-345-CR, 14-346-CR, 14-347-CR, and 14-348-CR in the County Court at Law of Brazos County, Texas.

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 20th day of January, 2014, at 4:30 o'clock P.M. to certify which witness my hand this day.

/s/ Michael Z. Welborn
Judge, County Court At Law
Brazos County, Texas

Exhibit A



THE STATE OF TEXAS
COUNTY OF BRAZOS

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DOCKET # 14-512-CR
COURT: County Court at Law

**RETURN AND INVENTORY
FOR SEARCH WARRANT
{Article 18.02(a)(11), 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 Van Elliott and I am commissioned as a peace officer by the Bryan Police Department.

The attached Search Warrant came to hand on the day it was issued and it was executed on the 20th day of January, 2014, by conducting the search directed therein and by seizing and arresting during such search the following described person:

Wesley Crow,

an individual for whom I held felony arrest warrants issued by the County Court at Law of Brazos County, Texas. The arrest warrants were executed and Wesley Crow was delivered to the custody of the Brazos County Sheriff.

/s/ Van Elliott
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME BY SAID PEACE OFFICER WHOSE NAME IS SIGNED ABOVE ON THIS THE 21st DAY OF JANUARY, 2014.

/s/ Michael Z. Welborn
Judge, County Court At Law
Brazos County, Texas