

Specific Search Examples

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

SSE #20: Vehicle used in drug transaction (Format A)

On CD as: #67
Type of warrant: Search only
Authority for search: CCP Article 18.02(12)
Place to be searched: Parking lot of apartment complex
Controlled by: Named individual
Thing to be seized: Vehicle used in commission of offense to be seized for forfeiture
Offense charged: None by this affidavit
Probable cause source: Investigating officer
Other features: Format A; out-of-county removal authority requested in affidavit and granted in search warrant
Forms used: Affidavit: #s 22, 39; Search Warrant: #s 25, 40; Return and Inventory: #s 26, 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

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DOCKET # 14-789-CR

COUNTY OF TARRANT

COURT: Criminal District Court #5

AFFIDAVIT FOR SEARCH WARRANT **{Article 18.02(a)(12), 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 Baldemar Quintanilla and I am commissioned as a peace officer by the North Texas Metropolitan Narcotics Task Force.

1. There is in Tarrant County, Texas, a suspected place and premises described and located as follows: In the City of Fort Worth the Silverstone Apartments at 5432 West Deagan Road. Said premises consists of a three- building, multiple residence complex constructed of red brick. One building is near Deagan Road, the second building is immediately behind the first, and the third is immediately behind the second. In front of each is a parking lot. In front of the first building, near Deagan Road, is a large sign on a red brick wall with the name "Silverstone" written in green on a white background.

The location of said suspected place is found by proceeding westward in said City on Deagan Road from its intersection with U.S. Highway 287 approximately one-fourth (1/4) mile, where on the south or left side of Deagan Road is located the Silverstone Apartments.

2. It is my belief that the following described property is at said suspected place: A 2012 Chrysler 300 automobile, black in color, four door, bearing Texas license registration number 84T 6VY, and vehicle identification number 3Y08M8E987654321. Said property constitutes contraband as described and explained in Paragraph 3, below.

3. I have probable cause for said belief by reason of the following facts and circumstances: On November 4, 2013, I was working in an undercover capacity enforcing the narcotics laws of the state. On that date, I purchased approximately one half (1/2) ounce of heroin from a Hispanic male named Juan Antonio Villarreal. Preceding the sale, I negotiated the price with Villarreal while riding as a passenger in the above-described vehicle. I was in the vehicle for approximately an hour as he drove around in north Fort Worth. When we arrived at a price for the heroin, he drove to a house in a residential neighborhood in Haltom City, a community in Tarrant County. Advising that he had to obtain the heroin from an individual inside the house, I waited in the vehicle. Upon his return he drove the vehicle to the location of my vehicle, in downtown Fort Worth, where he delivered the heroin to me in exchange for the agreed price. This delivery occurred in the above-described vehicle. As I returned to my vehicle, I noted the license number of Villarreal's automobile. A subsequent check of state motor vehicle records confirms that Villarreal is the owner of the vehicle.

After confirmation from the Texas Department of Public Safety crime lab that the substance delivered by Villarreal was in fact heroin, I filed a sworn complaint in the Tarrant County Justice Court, Precinct 3, alleging delivery of a substance listed in Penalty Group 1 of the Texas Controlled Substances Act. Villarreal was arrested pursuant to a warrant that the Justice of the Peace issued in response to the complaint. Villarreal was arrested at his residence, apartment 21 of the Silverstone Apartments. State and local (including jail) records confirm this to be his residence.

The vehicle described above was used in the commission of a felony under the Texas Controlled Substances Act and is classified as contraband as defined in Article 59.01 of the Texas Code of Criminal Procedure. Upon seizure of same, I will provide an appropriate affidavit to the office of the District Attorney requesting that said vehicle be forfeited to an agency of the State pursuant the provisions of Chapter 59 of the Code of Criminal Procedure.

Said vehicle was observed again at the time of the arrest of Villarreal on June 24, 2014; it was last seen located in the parking lot of the Silverstone Apartments at 5432 West Deagan Road, Fort Worth, Tarrant County, Texas. At the time of the filing of this affidavit, Villarreal was in custody at the Tarrant County Jail. I have no knowledge concerning other individuals who may operate the vehicle, but due to that possibility, I request authority to seize the vehicle anywhere it may be located in Tarrant County.

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, I ask for issuance of a warrant that will authorize me to search said suspected place and premises for the property described above and seize same for purposes of forfeiture to the State as contraband. In the alternative, I request authority to seize the property in any other public place or location wherein the vehicle may be found.

/s/ Baldemar Quintanilla
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 26th DAY OF JUNE, 2014.

/s/ Christopher Marshall
Judge, Criminal District Court # 5
Tarrant County, Texas

THE STATE OF TEXAS

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DOCKET # 14-789-CR

COUNTY OF TARRANT

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COURT: Criminal District Court #5

SEARCH WARRANT

{Article 18.02(a)(12), Texas Code of Criminal Procedure}

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 Fort Worth the Silverstone Apartments at 5432 West Deagan Road. Said premises consist of a three-building, multiple residence complex constructed of red brick. One building is near Deagan Road, the second building is immediately behind the first, and the third is immediately behind the second. In front of each is a parking lot. In front of the first building, near Deagan Road, is a large sign on a red brick wall with the name "Silverstone" written in green on a white background.

The location of said suspected place is found by proceeding westward in said City on Deagan Road from its intersection with U.S. Highway 287 approximately one-fourth (1/4) mile, where on the south or left side of Deagan Road is located the Silverstone Apartments.

At said place you shall search for and, if same be found, seize and bring before me for purposes of forfeiture the property described in the affidavit, to-wit: A 2012 Chrysler 300 automobile, black in color, four door, bearing Texas license registration number 84T 6VY, and vehicle identification number 3Y08M8E987654321. Said property constitutes contraband as defined by the Texas Code of Criminal Procedure and shall be seized for forfeiture at the suspected place or in any public place where same may be found in Tarrant County.

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 26th day of June, 2014, at 11:00 o'clock A.M. to certify which witness my hand this day.

/s/ Christopher Marshall
Judge, Criminal District Court No. 5
Tarrant County, Texas

THE STATE OF TEXAS
COUNTY OF TARRANT

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DOCKET # 14-789-CR
COURT: Criminal District Court #5

**RETURN AND INVENTORY
FOR SEARCH WARRANT
{Article 18.02(a)(12), 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 Baldemar Quintanilla and I am commissioned as a peace officer by North Texas Metropolitan Narcotics Task Force.

The attached Search Warrant came to hand on the day it was issued and it was executed on the 26th day of June, 2014, by conducting the search directed therein and by seizing during such search the following described property:

1 2012 Chrysler 300 automobile, black in color, four door, bearing Texas license registration number 84T 6VY, and vehicle identification number 3Y08M8E987654321.

/s/ Baldemar Quintanilla
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 26th DAY OF JUNE, 2014.

/s/ Christopher Marshall
Judge, Criminal District Court # 5
Tarrant 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 and described therein shall be and remain under the care, custody, and control of said Peace Officer, and may be removed and taken to any location within the State of Texas, as 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 26th day of June, 2014.

/s/ Christopher Marshall
Judge, Criminal District Court No. 5
Tarrant County, Texas