An example of an Affidavit

THE STATE OF TEXAS § Docket # 14-666

COUNTY OF DENTON § Court: 16th Judicial District

**AFFIDAVIT FOR SEARCH WARRANT**

**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 Scott Meeks. I am a peace officer employed by the following law enforcement agency: Texas Department of Public Safety.

1. There is in Denton County, Texas a suspected person (“suspect”) described as follows:

Name: Mortimer Snerd

Race: Cau Sex: Male DOB: June 24, 1959

Height: 6’ 2” Weight: 200 lbs Hair color: Gray

2. Suspect is presently in custody of a law enforcement agency, namely the Sheriff’s Office of Denton County, Texas which will present the suspect for execution of the warrant requested herein.

3. It is my belief that said suspect has possession of and is concealing the following property: human blood. Said property constitutes evidence that the offense described in Paragraph 4, below, was committed and that said suspected party committed the offense described.

4. On or about the 30th day of March, 2014, the suspect did then and there operate a motor vehicle in a public place in Denton County, Texas while intoxicated by not having the normal use of mental or physical faculties by reason of the introduction of alcohol, controlled substance, drug, or a dangerous drug into the suspect’s body.

5. I have probable cause for said belief and accusation by reason of the following facts and circumstances: The suspect was operating a motor vehicle in a public place in Denton County, Texas on the above date based on the following facts: I observed suspect doing so.

6. I made the following observations about suspect:

Odor of alcohol: Strong

Condition of eyes: Red and watery

Speech: Slurred and abnormally deliberate

Attitude: Cooperative but confused

Balance: Unstable, seeking support

7. I requested performance of field sobriety tests by suspect and recorded the results and my observations of suspect’s performance and signs of intoxication in the SFST Scoring Sheet, which is attached hereto and incorporated herein for all purposes.

8. Additional facts leading me to believe that suspect was intoxicated while operating a motor vehicle in a public place are as follows: I was contacted by the dispatcher of the Denton County Sheriff’s Office who advised that a citizen driver on Interstate Highway 35W called to report an apparently impaired driver. Upon receiving the description and license registration of the vehicle in question, I intercepted the vehicle at 3:15 p.m. on March 30, 2014, and followed it for approximately one half mile. During the time I was immediately behind the vehicle I observed it to drift onto the paved shoulder three times, each time abruptly swerving to correct its path after apparently crossing the “rumble strip” between the shoulder and the lane of travel. Also during the time I was behind the vehicle its speed varied approximately 10 miles per hour. In my years of experience and training I have learned that this behavior is consistent with that of an individual impaired by intoxication.

9. I have seen intoxicated persons on numerous occasions in the past. Based on all of the above and my experience and training, I stopped suspect and upon testing and investigation I determined that suspect was intoxicated. I requested a sample of the suspect’s breath and/or blood as evidence to confirm or refute my determination, which the suspect refused to provide.

Wherefore, I ask for a search warrant that will authorize me or my agent to search the person of suspect for the blood evidence described above and seize the same as evidence that the offense described was committed and that suspect committed said offense.

Further I ask for issuance of an order to appropriate third parties directing them to assist me in the execution of said warrant.

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/s/ Scott Meeks

Affiant

Subscribed and sworn to before me on this 30th day of March, 2014.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

/s/ Randall Shedd

Sgt., Texas Department of Public Safety

Peace officer, State of Texas

An example of A Warrant

THE STATE OF TEXAS § Docket # 14-666

COUNTY OF DENTON § Court: 16th Judicial District

SEARCH WARRANT

The State Of Texas: To any Sheriff or any Peace Officer of Denton County, Texas, or any Peace Officer of the State of Texas:

Whereas, the Affiant, whose name appears on the Affidavit attached hereto is a peace officer under the laws of Texas and heretofore this day subscribed and swore to said affidavit before me, (which said Affidavit is here now made a part hereof for all purposes and incorporated herein as if written verbatim within the confines of this warrant) and whereas I find that the verified facts stated by Affiant in said Affidavit show that Affiant has probable cause for the belief Affiant expresses herein and establishes the existence of proper grounds for the issuance of this Warrant:

Now, therefore, you are commanded to take custody of the suspect and transport the suspect to a hospital in Denton County, Texas where you shall search for, seize and maintain as evidence the property described in said Affidavit, to-wit: human blood from the body of the following described individual:

Name: Mortimer Snerd

Race: Cau Sex: Male DOB: June 24, 1959

Height: 6’ 2” Weight: 200 lbs Hair color: Gray

Herein fail not, but have you then and there this warrant within three days, exclusive of the day of its issuance, with your return thereon, showing how you have executed the same.

Issued on this the 30th day of March, 2014 at 4:30 o’clock P.M., to certify which witness my hand this day.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

/s/ Carmen Hidalgo

Magistrate, Denton County, Texas

An example of a Return and Inventory

RETURN AND INVENTORY

STATE OF TEXAS §

COUNTY OF DENTON §

I, being a Peace Officer under the laws of Texas and being duly sworn, on oath certify that the foregoing Warrant came to hand on the day it was issued and that it was executed on the 30th day of March, 2014, by making the search directed therein and seizing during such search the following described property:

A specimen of blood from suspect Mortimer Snerd, a Caucasian male born June 24, 1959.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

/s/ Scott Meeks

Affiant

SUBSCRIBED AND SWORN to before me, the undersigned authority on this 31st day of March, 2014.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

/s/ Carmen Hidalgo

Magistrate, Denton County, Texas

An example of an Order for Assistance

THE STATE OF TEXAS § Docket # 14-666

COUNTY OF DENTON § Court: 16th Judicial District

ORDER FOR ASSISTANCE IN EXECUTION OF SEARCH WARRANT

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

Whereas, the affiant whose name appears on the affidavit attached hereto is a peace officer under the laws of Texas and did heretofore this day subscribe and swear to said affidavit before me (which said affidavit is here now made a part hereof for all purposes and incorporated herein as if written verbatim within the confines of this Order), 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 herein and establishes existence of proper grounds for issuance of a search warrant;

And whereas, this court has issued a warrant to search for and seize blood from the suspect named and described in the Affidavit, to-wit:

Name: Mortimer Snerd

Race: Cau Sex: Male DOB: June 24, 1959

Height: 6’ 2” Weight: 200 lbs Hair color: Gray

Therefore you are hereby ordered and commanded to cooperate with any peace officer requesting your professional assistance in the execution of this 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, is authorized by the full authority of this Court to issue warrants and orders to enforce the laws of the State of Texas, and Article 18.08 of the Texas Code of Criminal Procedure. Any individual who fails to comply with this Order when requested shall be liable for contempt of this Court and subject to all penalties authorized by law.

Ordered this the 30th day of March, 2014 at 4:30 o’clock P.M. to certify which witness my hand this day.

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/s/ Carmen Hidalgo

Magistrate, Denton County, Texas

An example of an Affidavit of the person who withdrew blood

AFFIDAVIT OF PERSON WHO WITHDREW BLOOD

STATE OF TEXAS §

COUNTY OF DENTON §

Before me, the undersigned authority, personally appeared Rachel Harris who, being duly sworn, deposed as follows:

“My name is Rachel Harris. I am over the age of 18 years and capable of making this affidavit, I am employed by Denton Community Hospital as a:

[ ] Physician [ ] Qualified technician [ ] Registered professional nurse q Licensed vocational nurse

On the 30th day of March, 2014, at 5:12 P.M, I withdrew a blood specimen from the following person: Mortimer Snerd

The blood specimen was taken using reliable procedures as recognized by the scientific community in the State of Texas and in a sanitary place.”

/s/ Rachel Harris RACHEL HARRIS

Signature of person drawing blood Printed name

SWORN TO AND SUBSCRIBED before me on the 30th day of March, 2014.

/s/ Scott Meeks SCOTT MEEKS

[ ] Peace Officer, State of Texas Printed name

[ ] Notary Public, State of Texas