

IN THE MATTER

IN THE 395TH DISTRICT COURT

OF

JOSE PALOMO VALENZUELA

WILLIAMSON COUNTY, TEXAS

SEARCH WARRANT

THE STATE OF TEXAS TO ANY PEACE OFFICER OF THE STATE, GREETINGS:

Whereas, the Affiant whose name appears on the affidavit attached hereto is a Trooper for Texas Department of Public Safety and 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

Whereas I find that the substantial facts contained in the sworn affidavit are sufficient to satisfy me that probable cause does in fact exist for issuance of this search warrant, and that the sworn affidavit sets forth sufficient facts to establish probable cause (1) that a specific offense has been committed, (2) that the specifically described property or items that are to be searched for or seized constitute evidence of that offense or evidence that a particular person committed that offense, and (3) that the property or items constituting evidence to be searched for or seized are located at or on the particular person, place, or thing to be searched;

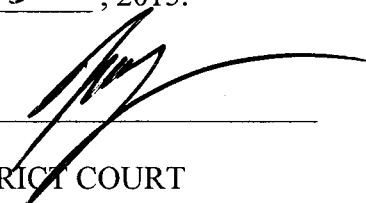
Now, therefore, you are commanded to seize the described vehicle and enter the vehicle described in the affidavit and there to search for the property and item described in the affidavit and to seize the property and items and bring them before me.

You are further ordered to retain custody of the vehicle and the property until a magistrate issues an order directing the manner of its safekeeping, and you may not remove the property or items from Travis County without an order issued by a magistrate in Williamson County, Texas, approving its removal, except that you or your department may forward any item or items seized to a laboratory for scientific analysis.

You are further ordered, upon returning this warrant, to state on the back of it or on some paper attached to it, the manner in which it has been executed, and you shall likewise deliver to me a copy of the inventory of the property taken into your possession under this warrant.

Herein fail not, but have you then and there this warrant within three whole days, exclusive of the day of its issuance and of the day of its execution.

WITNESS my hand and seal this 26th day of August, 2015.



JUDGE
395th DISTRICT COURT
Williamson County, Texas

The State of Texas
County of Williamson

Affidavit for Evidentiary Search Warrant

I, L. Dollahite, a peace officer employed by the Texas Department of Public Safety, Williamson County, Texas, do solemnly swear that I have reason to believe and do believe that property and items constituting evidence of an offense and evidence tending to show that Jose Martin Palomo Valenzuela; Sex: Male; Race: White; Date of Birth: 12/29/98, did, in Williamson County, on or about August 25, 2015, commit the offense(s) of Intoxication Assault or Aggravated Assault with a Deadly Weapon or Possession of Controlled Substance.

Said evidence is currently located at:

In a 2004 Pontiac Grand Am four-door, silver in color, bearing Texas License Plate Identification Number GCL0051 and Vehicle Identification Number 1G2NF52E14C216152 the said 2004 Pontiac Grand Am is currently at Cedar Park Wrecker Service 13300 Wire Road, Cedar Park, Texas, Travis County.

The property and items which are located therein and which constitute evidence of an offense(s) and which tend to show that **Jose Martin Palomo Valenzuela** committed the offense(s) of Intoxication Assault and Aggravated Assault with a Deadly Weapon or Possession of Controlled Substance are more particularly described as being:

(a). Any and all contents of the said 2004 Pontiac Grand Am four-door, silver in color, bearing Texas License Plate Identification Number GCL0051 and Vehicle Identification Number 1G2NF52E14C216152; to include any air bags, airbag/electronic control modules, identifying items, illegal drugs, drug paraphernalia, intoxicants, weapons, stolen property, or any other contraband.

Affiant has probable cause for said belief by reason of the following facts:

1. I, Trooper Loren Dollahite of the Texas Department of Public Safety, discovered the offense while investigating a one vehicle crash with serious injury on Toll 45 eastbound proper near the O'Conner Drive exit; a public place in Williamson County, Texas.
2. I, Trooper Loren Dollahite #13507, of the Texas Highway Patrol, was called to investigate a major one vehicle crash that occurred on Toll 45 proper eastbound near the O'Conner Drive exit in Williamson County. The crash time occurred at approximately 3:04 PM on August 25th, 2015 and I arrived on scene at approximately 3:22 PM. Unit 1 was a silver 2004 Pontiac Grand Am driven by Jose Martin Palomo Valenzuela; a Hispanic male with DOB: 12/29/1998 holding no valid driver license or state issued ID card. The passenger was identified with Texas ID #39049246 as Elissa Denise Juarez with DOB: 6/1/1997.

3. When I arrived on scene, I was advised by Williamson County Deputies and confirmed myself that this was a one vehicle crash with two occupants. I was advised the driver (Palomo) was a 16 year old male who was conscious and did not appear to sustain any serious injury but was going to be transported to St. David's Round Rock Medical Center to be evaluated. I was advised the front passenger (Juarez) was an 18 year old female who sustained serious incapacitating injuries and had already been transported to St David's Round Rock Medical Center. The deputy advised me that they had detected the strong odor of marijuana coming from the driver and vehicle and after observing multiple indicators of possible intoxication on the driver, the driver acknowledged he smoked marijuana around 8 o'clock that morning.
4. I also detected the very strong odor of marijuana coming from inside the vehicle. I observed a glass smoking pipe sitting in plain view on the passenger side floor board.
5. Deputies advised me a witness had observed the crash and stated for no apparent reason, the driver lost control of the vehicle and it struck the eastbound shoulder guardrail. The witness was identified as Edward Otoole with DOB: 4/19/1972. Palomo was verified to be the driver of the vehicle when the witness saw Palomo get out of the driver seat and walk over to the passenger side.
6. The female passenger had already been transported at my arrival and the driver had been loaded up in the back of the ambulance and was just leaving.
7. Trooper Alex Goch arrived on scene and agreed to complete the crash report while I checked the status of the driver and passenger at the hospital. Trooper Goch conducted a quick inventory of the vehicle and discovered multiple items of clothing with anti-theft devices still on them. Trooper Goch also discovered Marijuana residue scattered throughout the vehicle. Trooper Goch seized the suspected stolen property. Trooper Goch was unable to do a thorough inspection of the vehicle due to a large number of items in the vehicle and the danger of inspecting on the side of the road and the amount of broken glass in the vehicle. Trooper Goch released the vehicle to Cedar Park Wrecker Service.
8. I arrived at St. David's Round Rock Medical Center and observed Palomo pacing in an emergency treatment room having already had a blood specimen drawn by the hospital due to evidence of treatment on his arm. After observing the below mentioned indicators of INTOXICATION, the SFST's were conducted by me in the treatment room.
9. I, Trooper Dollahite observed the said accused and formed the opinion that the said accused may be/was **INTOXICATED** based upon the following conditions exhibited by said accused:
 - very red, glassy bloodshot eyes
 - Droopy eyelids
 - a "lost", "blank", "glazed" look on face

- Reeked of marijuana
- A thick, slurred speech when talking
- Staggering when walking
- Made slow, confused responses
- Off balance and uncoordinated
- Crying
- Thick smacking or dry mouth
- Stated uses marijuana to self-medicate for "anger issues"

Horizontal Gaze Nystagmus

I am certified and proficient to administer the Standardized Field Sobriety evaluations.

There was equal tracking in both eyes. Pupils were of equal size and there was no resting Nystagmus.

I observed the following clues:

- Lack of smooth pursuit in the left and right eye
- Distinct and sustained nystagmus at maximum deviation in the left and right eye.
- Onset of nystagmus prior to 45 degrees in the left and right eye.
- Vertical nystagmus was present.

I observed a total of 6 clues and vertical nystagmus.

Walk and Turn

I observed the following clues:

- Can't balance during instructions
- Steps off line
- Doesn't touch heel to toe
- Improper turn
- Wrong number of steps

I observed a total of 5 clues.

One Leg Stand

Sways while balancing

Puts foot down


Uses arms to balance

I observed a total of 3 clues.

10. Palomo was advised he was detained for Intoxication Assault. The hospital staff attempted to treat him and he became verbally combative and threatening. The ER doctor ordered that he be strapped down with soft restraints to the hospital bed for his safety in order that he be treated. Upon removal of his clothing, hospital staff discovered a small baggie of marijuana concealed inside his pants/ underwear.

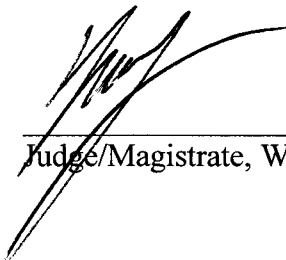
11. Hospital staff inventoried a purse that was brought in as the female passengers property and in it they discovered a baggie of marijuana in addition to a glass smoking pipe and a Tazer.
12. The marijuana, drug paraphernalia and Tazer was seized as evidence to be submitted to the DPS Crime Lab for storage pending case disposition.
13. Affiant believes, from training and experience, that items recovered from the 2004 Pontiac Grand Am four-door, silver in color, bearing Texas License Plate Identification Number GCL0051 and Vehicle Identification Number 1G2NF52E14C216152, will show the activities of Jose Palomo Valenzuela prior to and at the time of the serious bodily injury of Elissa Denis Juarez, including possibly possession of controlled substance(s). Affiant believes this information will corroborate statements given by witnesses in this case.
14. Affiant knows from training and experience that motor vehicles have a device commonly called an airbag/electronic control module that is installed by the manufacturer that may record certain data, including, but not limited to: the speed the vehicle was traveling for five seconds prior to algorithm enable, engine cycle revolutions per minute for five seconds prior to algorithm enable, engine throttle pressure for five seconds prior to algorithm enable, braking information for five seconds prior to algorithm enable, the driver's and any passengers' safety belt status, ignition cycles of the vehicle, and change in velocity after algorithm enable. This information is transmitted to a central communications system and recorded. This information can be accessed by law enforcement when investigating a criminal offense involving use of a motor vehicle.
15. Affiant knows from reviewing the evidence in this case that an airbag or airbags were deployed in the 2004 Pontiac Grand Am at the scene of the collision on Toll 45.
16. Affiant believes that information obtained from any recording device in the 2004 Pontiac Grand Am four-door, silver in color, bearing Texas License Plate Identification Number GCL0051 and Vehicle Identification Number 1G2NF52E14C216152 may reflect information relating to the operation of the vehicle by Jose Palomo Velenzuala in the collision which occurred just prior to Elissa Denise Juarez being seriously injured.
17. Affiant knows from training and experience that biological material may be removed from airbags after they are deployed in a motor vehicle collision. Affiant knows that this biological material, if recovered, may be used to extract DNA and other trace evidence, which can then be compared to a known sample from an individual. That evidence can then be used to identify a driver and passenger(s), if any, involved in a motor vehicle crash.
18. Affiant learned from Williamson County Juvenile Intake Supervisor, Mende Holcomb, that the suspect tested positive on August 25, 2015, for THC and Benzodiazepines and had tested positive for THC and Benzodiazepines on August 21, 2015, both tests conducted by Williamson County Juvenile Services.

WHEREFORE, Affiant asks for issuance of a warrant that will authorize him to seize and transport the motor vehicle to 9001 IH35 N. Austin, Travis County, Texas, and search said suspected place and premises, for said property and to seize the property and items constituting evidence of the offense of Intoxication Assault or Aggravated Assault with a Deadly Weapon or Possession of Controlled Substance, which are enumerated earlier in this affidavit.

 #13507

Affiant

26th day of August, 2015. SUBSCRIBED AND SWORN TO BEFORE ME by said Affiant on this the



Judge/Magistrate, Williamson County, Texas