

THE STATE OF TEXAS

COUNTY OF HARRIS

AFFIDAVIT FOR SEARCH WARRANT

I am Bob Smith and I am a peace officer employed by the Houston Police Department and assigned to the Gang Division, Crime Reduction Unit. I have reason to believe and do believe that evidence of the offense of Engaging in Organized Criminal Activity and which tends to connect Frank Bastille with that offense is presently located within a Samsung Cellular Telephone with serial number A3LSCHU360. This evidence consists of contact information, including names and telephone numbers, text messages, emails, call histories, both listing incoming and outgoing calls, and digital photographs. The owner of this cell phone is Frank Bastille. This cellular telephone is presently in the custody of the Houston Police Department and kept in the Police Property Room located at 1202 Washington Ave., Houston, Harris County, Texas.

MY BELIEF IS BASED ON THE FOLLOWING FACTS:

I am assigned to the Gang Division, Crime Reduction Unit of the Houston Police Department. Part of my assignment is to gather information relating to criminal street gangs that are located within Houston, Texas. One method of gathering this information and intelligence is to interview known and/or admitted gang members when they are arrested and taken to the Houston Police Department. My purpose in these interviews is to learn who each organization is set up, who the members of the organizations are, where they meet, what the members do to further the activities of the gang, and how they are financing their operations.

On April 24, 2014 I participated in the arrest of Frank Bastille for the offense of Possession of a Controlled

Substance, namely, methamphetamine. We took him to the Houston Police Department and I interviewed him. When he was arrested he had a cellular telephone in his possession. The cellular telephone is a Samsung Cellular Telephone with serial number A3LSCHU360. Frank Bastille admitted to me that he was an active member of the Aryan Brotherhood. I am very familiar with the Aryan Brotherhood from investigating their activities and from talking with other informants and officers. I am aware through my investigations and from training that I have received in Criminal Street Gangs as well as from other officers who also investigate criminal street gangs that the Aryan Brotherhood is an organization of convicts and ex-convicts that routinely engage in criminal activity including the unlawful manufacture, delivery and possession of controlled substances. This organization originated within the penitentiary system and has spread its membership outside of the penitentiaries and is embedded within many states, including Texas. The Aryan Brotherhood fits within the definition of a criminal street gang as set out in Section 71.02 of the Texas Penal Code.

During my interview of Bastille he showed me some names and telephone numbers that he had stored within his cellular telephone that he said were other members of the Aryan Brotherhood. I placed him in jail and he remains in the Harris County Jail for the offense that I arrested him for. As I was taking him into the booking area of the jail, I asked him for his consent to search his cell phone. He refused to give me his consent. His cellular telephone was placed into the property room of the Houston Police Department located at 1202 Washington Ave., Houston, Harris County, Texas and remains there as of the making of this affidavit.

Due to the fact that Bastille is an admitted member of the Aryan Brotherhood, a criminal street gang under the laws of the State of Texas, and that he showed me several names that he had within his cellular telephone that he said were

also members of this same gang, I believe that this cellular telephone possesses more information regarding the identity of persons who are members of this criminal street gang. This evidence includes names and telephone numbers, text messages, emails, call histories, both listing incoming and outgoing calls, and digital photographs that may be found within said cellular telephone.

WHEREFORE, PREMISES CONSIDERED, I respectfully request that a warrant issue authorizing me to take the Samsung Cellular Telephone with serial number A3LSCHU360 from the property room of the Houston Police Department to the offices of the United States Secret Service Digital Forensics Unit, located at 1801 Allen Parkway, Suite 200, Houston, Harris County, Texas so that they can forensically examine the contents of that cellular telephone for the aforesaid evidence which includes the contact information, including names and telephone numbers, text messages, emails, call histories, both listing incoming and outgoing calls, and digital photographs.

Bob Smith, Affiant

Sworn to and subscribed before me on this the ___day of April, 2014.

Judge _____ District Court

Harris County Texas

THE STATE OF TEXAS

COUNTY OF HARRIS

SEARCH WARRANT

TO THE SHERIFF OR ANY PEACE OFFICER OR SPECIAL INVESTIGATOR OF HARRIS COUNTY TEXAS

G R E E T I N G:

Whereas I have been presented an affidavit requesting issuance of a search warrant 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: The Houston Police Department Property Room located at 1202 Washington Ave., Houston, Harris County, Texas and take from said location a Samsung Cellular Telephone with serial number A3LSCHU360 and take it to the United States Secret Service, Digital Forensics Unit, located at 1801 Allen Parkway, Suite 200, Houston, Harris County, Texas.

At said place you shall search for and, if same be found, seize and bring before me the property described in the affidavit, to-wit: Evidence of the offense of Engaging in Organized Criminal Activity, namely contact information, including names and telephone numbers, text messages, emails, call histories, both listing incoming and outgoing calls, and digital photographs that may be found within said cellular telephone.

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 ___ day of _____, ____, at ___ o'clock __. M., to certify which witness my hand this day.

Judge, _____ District Court

Harris County, Texas

NOTE: Because the actual search of the cell phone in this case will be done by the U. S. Secret Service, I included "Special Investigator" in the listing of persons the warrant is directed to.