

Specific Arrest Examples

(Include Complaint, Arrest Warrant, and Return)

SAE #1 Felony possession of marihuana (peace officer)

For Use When:	Charging and seeking arrest warrant for felony offense when peace officer is affiant for complaint
Offense Charged:	Felony possession of marihuana
Options Included:	Arrest warrant with return
Form used:	Complaint: #1; Arrest warrant and return: #3

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 # 123-14-CR

§

COUNTY OF EL PASO

§

COURT: Justice Precinct No. 3

COMPLAINT

{Article 15.04 & 15.05, 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 AND ACCUSATIONS:

My name is Porter Gunn and I am commissioned as a peace officer by the City of El Paso Police Department. I hereby state upon my oath that I have reason to believe and do believe that heretofore, and before the making and filing of this Complaint, that

ROGER MICKENS, w/m d.o.b. 10/15/86

on or about the 4th day of July, 2018, in El Paso County, Texas, did then and there intentionally and knowingly possess a useable quantity of marihuana in the amount of more than five (5) pounds but less than fifty (50) pounds against the laws of the State.

My probable cause for said belief and accusation is as follows: Yesterday, the 4th day of July, 2018, I executed a search warrant on a residence in the City of El Paso, Texas. The warrant was issued on the same day by the Honorable John Newsom, Justice of the Peace, Precinct No. 3, of El Paso County, Texas. The warrant authorized the search of a residence at 467 Awbrey Road

in said city and county, including the vehicles, buildings, and structures within the curtilage of said residence. In a detached garage alongside the residence was a 2009 Dodge Caravan mini-van. Inside the van, covered by a canvas-type tarpaulin, was a quantity of a green leafy substance that I know from my training and experience to be marihuana. The substance was wrapped in blue-tinted, cellophane-type material. It was compressed into a cube-like shape weighing approximately 13 pounds.

The residence searched is the home of Roger Mickens, a fact confirmed by public utilities records concerning the search premises. Information received from an informant before execution of the warrant disclosed that Mickens is the sole occupant of said residence. During the search, numerous indicators were found that Mickens resides at the search premises as the sole occupant thereof, such as: mail addressed to him at 467 Awbrey Road; bank records and blank checks reflecting 467 Awbrey Road as Mickens' address; all clothing in the residence designed for a male, all of a size consistent with Mickens' physical characteristics.

The vehicle license registration on the 2009 Dodge Caravan in which the marihuana was found is 3CS B75. Motor vehicle records of the Texas Department of Public Safety reveal that the vehicle is registered to Roger Mickens as the owner with an address of 467 Awbrey Road, El Paso, Texas. While searching for marihuana inside the drawer of a desk in the living area of Mickens' home, alongside and mixed with numerous items identified as belonging to Mickens, an ignition key was found with a tag attached marked "VAN SPARE." This key fit the ignition and door locks of the 2009 Dodge Caravan mini-van in the garage and in which the marihuana was found.

The search warrant executed at Mickens' residence also authorized his arrest. However, when officers arrived at said premises to conduct the search, Mickens was absent from the residence and never appeared throughout the execution process. Subsequent attempts to locate Mickens yesterday and today have not been successful and Complainant now has reason to believe Mickens is out of the County for an indefinite time. Consequently, the arrest warrant was returned unexecuted when I made the required return of the executed search warrant to the Honorable John Newsom, Justice of the Peace, Precinct No. 3, on this day. Complainant seeks another arrest warrant with no time limitation on its execution that will be entered in state and national fugitive records to facilitate bringing Roger Mickens to justice whenever and wherever he may be found.

Therefore, I believe that probable cause exists to believe that Roger Mickens had actual care, custody, management, and control of the marihuana found at his residence and that he had knowledge of same. Accordingly, I ask for issuance of a warrant authorizing arrest and seizure of Roger Mickens for the offense of Felony Possession of Marihuana.

/s/ Porter Gunn
Complainant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT/COMPLAINANT ON THIS
THE 5th DAY OF JULY, 2018.

/s/ John Newsom
Justice of the Peace, Precinct No. 3
El Paso County, Texas

WARRANT OF ARREST

THE STATE OF TEXAS

To any Peace Officer of the State of Texas, Greeting:

You are hereby commanded to arrest

ROGER MICKENS, w/m, d.o.b. 10/15/86

if to be found in your County and bring him/her before me, a Justice of the Peace of El Paso County, Texas, at my office at 1410 S. Alameda Street in the City of El Paso in said County, immediately, then and there to answer the State of Texas for an offense against the laws of said State, to-wit:

Felony Possession of Marihuana,

of which offense he/she is accused by the written Complaint under oath or affirmation of Peter Gunn, filed before me.

Herein fail not, but of this writ make due return, showing how you have executed the same.

Witness my official signature, this 5th day of July, 2018.

/s/ John Newsom
Justice of the Peace, Precinct 3, Magistrate
El Paso County, Texas

OFFICER'S RETURN

Came to hand the 5th day of July, 2018, at 9:25 o'clock A.M., and executed on the 13th day of August, 2018, at 11:10 o'clock A.M., by arresting the within named Roger Mickens at Rolando's Hair Salon in Bassett Center in El Paso, in El Paso County, Texas.

I actually and necessarily traveled 12.5 miles in the service of this writ, in addition to any other mileage I may have traveled in the service of other process in this cause during the same trip.

Sheriff John P. Jones
El Paso County, Texas
By /s/ Javier Pena, Deputy