

storage, transportation and delivery of Marijuana, including, but not limited to precursor chemicals and laboratory equipment.

4. AFFIANT HAS PROBABLE CAUSE FOR SAID BELIEF BY REASON OF THE FOLLOWING FACTS, TO-WIT:

Your AFFIANT is employed by the County of Red River, Texas Sheriff's Office and is presently a Deputy Sheriff. Your AFFIANT has a total of nine years six months (9.5 years) experience as a law enforcement officer. One year of which was assigned to K-9 Patrol, and two years three months (2.25 years) assigned to the Regional Controlled Substance Apprehension Program, hereafter referred to as RCSAP, criminal investigations division, principally narcotics investigation. Your AFFIANT has experience in the investigation of the illegal manufacture, sale and distribution of controlled substances and has testified in state court on numerous occasions concerning the illegal possession, sale, manufacture and/or distribution of controlled substances. During the course of his duties as an investigator with the RCSAP, your AFFIANT conducted personal investigations and obtained personal knowledge of ongoing investigations conducted by other investigators of the RCSAP and has personally assisted these officers in their narcotics investigations. Your AFFIANT has extensive training and experience in the recognition of Marijuana and the precursor chemicals used to manufacture Marijuana. During his 9.5 years of law enforcement, and based upon his personal knowledge in this particular investigation and his training, experience and participation in other investigations involving controlled substances your AFFIANT knows that Marijuana is a prohibited substance pursuant to the Texas Health & Safety Code.

Based upon his training and experience, AFFIANT knows:

- A. That drug traffickers usually maintain on hand large amounts of U.S. currency to maintain and finance their ongoing drug business;
- B. That drug traffickers maintain books, records, receipts, notes;
- C. Ledgers and other documents, in paper form or stored electronically, relating to the manufacture, transport, ordering, sale and/or distribution of controlled substances and/or marijuana even though such documents may be in code. That drug traffickers commonly "front" drugs (i.e. provide

- controlled substances or marijuana on consignment) to their clients. That the aforementioned books, records, receipts, notes, ledgers, etc.... are commonly maintained, in paper form or stored electronically, where the drug trafficker can have ready access to them, i.e. homes, offices and/or motor vehicles;
- D. That it is common for drug users and/or traffickers to secret contraband, proceeds of drug sales and records, whether paper or stored electronically, within residences, offices, garages, storage buildings and/or safe deposit boxes for ready access and also to conceal such items from law enforcement authorities;
- E. That persons involving in drug trafficking conceal caches of drugs, large amounts of currency, financial instruments, precious metals, jewelry and other items of value and/or proceeds of drug transactions and evidence of financial transactions relating to the obtaining, transferring or expenditure of sums of money made from engaging in drug trafficking activities in their residences, offices, garages, storage building, motor vehicles and safety deposit boxes;
- F. That drug traffickers commonly maintain address or telephone or telephone numbers in books, papers, rolodexes, etc. in paper form or stored electronically, of their associates, suppliers and/or customers in the drug trafficking organization, even if said items may be in code;
- G. That drug traffickers frequently take, or cause to be taken, photographs and/or videotape recordings of themselves, their associates, their property, transactions and/or their product and that these drug traffickers usually maintain these photographs and/or videotapes in their residence, automobiles, offices, storage buildings and/or motor vehicles;
- H. That drug traffickers usually keep paraphernalia for packaging, cutting, weighing, manufacturing and distributing controlled substances, and that such paraphernalia usually includes syringes, heat sources such as butane or propane tanks, prescription bottles, scales, plastic bags, heat sealers and non-controlled substances used to cut or dilute drugs;
- I. That drug traffickers very often possess firearms and other weapons for the purpose of protecting their drug trafficking enterprise from the efforts of law enforcement authorities as

well as persons who might attempt to steal drugs or money possessed by the drug traffickers.

- J. That drug dealers typically maintain, possess, utilize and/or own various electronic communication equipment, including but not limited to paging devices, mobile and/or cellular telephones, telephone answering machines and caller identification ("Caller ID") devices. Further, your AFFIANT knows that drug dealers typically maintain this electronic communication equipment where they have ready access to it, including their residences, yards, garages, storage buildings and vehicles.

AFFIANT knows that the unlawful possession, delivery or manufacture of any quantity of Marijuana is an offense prohibited by Texas Health & Safety Code.

On November 17, 2007 I met with Confidential Informant (CI) 1002 in Clarksville, Red River County Texas. CI 1002 made contact by public service to a black male Identified by them as JC. CI 1002 informed JC that they were interested in purchasing a quarter pound of Marijuana for two hundred (\$200) dollars. JC advised that he would call back in a few minutes. A short while after CI 1002 received a public service from JC and he advised that he had the Marijuana at his residence. At approx 5:53pm myself and CI 1002 traveled to a residence they identified as JC's which was located at 1103 S. Columbia, on the NE corner S Columbia and Kay St. A black male who the CI identified as JC was standing in the front of the residence. Several other subjects were leaving from the residence at this time. CI 1002 exited the vehicle and went to the front door of the residence where JC had walked to. They both went into the residence for a short period of time and then CI 1002 came back to the vehicle and advised that JC had the Marijuana and they needed the money and that he weighed the Marijuana in front of them. I advised the CI to have JC come out to the vehicle where I was at. The CI then went back into the residence and then returned to the vehicle with JC. I then handed JC the two hundred (\$200) dollars of previously photocopied monies to JC and he handed me a bag containing the Marijuana. JC then advised that he was going to have a party and dice game at the residence later tonight. The CI then entered the vehicle with me and we exited the area. The evidence was then taken to the Red River County Sheriff's Office and weighed and sealed into an evidence bag and secured in the evidence locker. The voice recording of the transaction is #V1117-185145.

Based on AFFLIANT's training, experience and education, as well as the information received from the aforementioned C.I., AFFLIANT has probable cause to believe the occupant(s) of the Suspect Location, including JC, are in the possession of Marijuana, as well as the instrumentalities, devices and equipment for the manufacture, storage, transportation and delivery of Marijuana, and therefore respectfully requests that a search warrant for the described property, including any and all outbuildings and motor vehicles, found on described property, be issued based on the information provided and to arrest JC.

5. Affiant requests authorization to enter the Suspect Location and premises without first knocking and announcing the presence and purpose of officers executing the warrant sought herein as such knocking and announcing would be dangerous, futile or would inhibit the effective investigation of the offense(s) described in this Affidavit and for probable cause to make such an entry would show as follows:

From Affiant's experience and training, affiant concludes that such an individual, could be in possession of FIREARMS and can become aggressive and alert to the presence of Police officers, and will try to destroy any existing evidence before the warrant is executed.

6. Further AFFLIANT sayeth naught.

WHEREFORE, AFFLIANT ASKS FOR ISSUANCE OF A WARRANT PURSUANT TO ARTICLE 18.02(7), TEXAS CODE OF CRIMINAL PROCEDURE, THAT WILL AUTHORIZE THE SEARCH OF SAID SUSPECTED PLACE FOR SAID DRUGS OR PRECURSORS KEPT, PREPARED OR MANUFACTURED IN VIOLATION OF THE LAWS OF THE STATE OF TEXAS AND SEIZE THE SAME, TO TAKE CUSTODY OF ALL SEIZED PROPERTY AND SAFEKEEP SUCH PROPERTY AS PROVIDED BY LAW AND TO ARREST JC.


AFFLIANT

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this the 17th day of November 2007.

Shelley Benton
Magistrate
Red River County, Texas