

Specific Search Examples

(Include affidavit, search warrant, and return and inventory)

SSE #19: Vehicle used in drug transaction (Format A)

Type of warrant:	Search only
Authority for search:	CCP Article 18.02(12)
Place to be searched:	Parking lot of apartment complex
Controlled by:	Named individual
Thing to be seized:	Vehicle used in commission of offense to be seized for forfeiture
Offense charged:	None by this affidavit
Probable cause source:	Investigating officer
Other features:	Format A; out-of-county removal authority requested in affidavit and granted in search warrant
Forms used:	Affidavit: #s 22, 33; Search Warrant: #s 25, 34; Return and Inventory: #s 26, 35

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 # 09-789-CR

COUNTY OF TARRANT

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COURT: Criminal District Court #5

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AFFIDAVIT FOR SEARCH WARRANT

{Article 18.02(12), 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 Michael Mejias and I am commissioned as a peace officer by the North Texas Metropolitan Narcotics Task Force.

1. There is in Tarrant County, Texas, a suspected place and premises described and located as follows: In the City of Fort Worth the Silverstone Apartments at 5432 West Deagan Road. Said premises consists of a three- building, multiple residence complex constructed of red brick. One building is near Deagan Road, the second building is immediately behind the first, and the third is immediately behind the second. In front of each is a parking lot. In front of the first building, near Deagan Road, is a large sign on a red brick wall with the name "Silverstone" written in green on a white background.

The location of said suspected place is found by proceeding westward in said City on Deagan Road

from its intersection with U.S. Highway 287 approximately one-fourth (1/4) mile, where on the south or left side of Deagan Road is located the Silverstone Apartments.

2. It is the belief of affiant that the following described property is at said suspected place: A 2008 Chrysler 300 automobile, black in color, four door, bearing Texas license registration number 84T 6VY, and vehicle identification number 3Y08M8E987654321. Said property constitutes contraband as described and explained in Paragraph 3, below.

3. Affiant has probable cause for said belief by reason of the following facts and circumstances: On November 4, 2008, affiant was working in an undercover capacity enforcing the narcotics laws of the state. On that date, I purchased approximately one half (1/2) ounce of heroin from a Hispanic male named Juan Antonio Villarreal. Preceding the sale, I negotiated the price with Villarreal while riding as a passenger in the above-described vehicle. I was in the vehicle for approximately an hour as he drove around in north Fort Worth. When we arrived at a price for the heroin, he drove to a house in a residential neighborhood in Haltom City, a community in Tarrant County. Advising that he had to obtain the heroin from an individual inside the house, I waited in the vehicle. Upon his return he drove the vehicle to the location of my vehicle, in downtown Fort Worth, where he delivered the heroin to me in exchange for the agreed price. This delivery occurred in the above-described vehicle. As I returned to my vehicle, I noted the license number of Villarreal's automobile. A subsequent check of state motor vehicle records confirms that Villarreal is the owner of the vehicle.

After confirmation from the Texas Department of Public Safety crime lab that the substance delivered by Villarreal was in fact heroin, I filed a sworn complaint in the Tarrant County Justice Court, Precinct 3, alleging delivery of a substance listed in Penalty Group 1 of the Texas Controlled Substances Act. Villarreal was arrested pursuant to a warrant that the Justice of the Peace issued in response to the complaint. Villarreal was arrested at his residence, apartment 21 of the Silverstone Apartments. State and local (including jail) records confirm this to be his residence.

The vehicle described above was used in the commission of a felony under the Texas Controlled Substances Act and is classified as contraband as defined in Article 59.01 of the Texas Code of Criminal Procedure. Upon seizure of same, affiant will provide an appropriate affidavit to the office of the District Attorney requesting that said vehicle be forfeited to an agency of the State pursuant the provisions of Chapter 59 of the Code of Criminal Procedure.

Said vehicle was observed again at the time of the arrest of Villarreal on January 24, 2009; it was last seen located in the parking lot of the Silverstone Apartments at 5432 West Deagan Road, Fort Worth, Tarrant County, Texas. At the time of the filing of this affidavit, Villarreal was in custody at the Tarrant County Jail. Affiant has no knowledge concerning other individuals who may operate the vehicle, but due to that possibility, affiant requests authority to seize the vehicle anywhere it may be located in Tarrant County.

Affiant requests authority from the Court to transport, remove, or take any property or evidence seized pursuant to the warrant requested herein to any location deemed necessary for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in this Affidavit.

Wherefore, affiant asks for issuance of a warrant that will authorize him to search said suspected place and premises for the property described above and seize same for purposes of forfeiture to the State as contraband. In the alternative, affiant requests authority to seize the property in any other public place or location wherein the vehicle may be found.

/s/ Michael Mejias
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 26th DAY OF JANUARY, 2009.

/s/ Christopher Marshall
Judge, Criminal District Court # 5
Tarrant County, Texas

THE STATE OF TEXAS

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DOCKET # 09-789-CR

COUNTY OF TARRANT

COURT: Criminal District Court #5

SEARCH WARRANT**{Article 18.02(12), Texas Code of Criminal Procedure}**

Whereas I have been presented an affidavit requesting issuance of a search warrant by the affiant therein, 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: In the City of Fort Worth the Silverstone Apartments at 5432 West Deagan Road. Said premises consists of a three-building, multiple residence complex constructed of red brick. One building is near Deagan Road, the second building is immediately behind the first, and the third is immediately behind the second. In front of each is a parking lot. In front of the first building, near Deagan Road, is a large sign on a red brick wall with the name "Silverstone" written in green on a white background.

The location of said suspected place is found by proceeding westward in said City on Deagan Road from its intersection with U.S. Highway 287 approximately one-fourth (1/4) mile, where on the south or left side of Deagan Road is located the Silverstone Apartments.

At said place you shall search for and, if same be found, seize and bring before me for purposes of forfeiture the property described in the affidavit, to-wit: A 2008 Chrysler 300 automobile, black in color, four door, bearing Texas license registration number 84T 6VY, and vehicle identification number 3Y08M8E987654321. Said property constitutes contraband as defined by the Texas Code of Criminal Procedure and shall be seized for forfeiture at the suspected place or in any public place where same may be found in Tarrant County.

It is further ordered that any and all property seized by authority of this Warrant or during the execution thereof shall be and remain under the care, custody, and control of any peace officer to whom this Warrant is delivered for execution. Further, said property may be removed and taken to any location as deemed necessary by such peace officer for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in the Affidavit upon which the foregoing Warrant was issued.

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 26th day of January, 2009, at 11:00 o'clock A.M. to certify which witness my hand this day.

/s/ Christopher Marshall
Judge, Criminal District Court No. 5
Tarrant County, Texas

THE STATE OF TEXAS
COUNTY OF TARRANT

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DOCKET # 09-789-CR
COURT: Criminal District Court #5

**RETURN AND INVENTORY
FOR SEARCH WARRANT
{Article 18.02(12), 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 Michael Mejias and I am commissioned as a peace officer by North Texas Metropolitan Narcotics Task Force.

The attached Search Warrant came to hand on the day it was issued and it was executed on the 26th day of June, 2009, by conducting the search directed therein and by seizing during such search the following described property:

- 1 2008 Chrysler 300 automobile, black in color, four door, bearing Texas license registration number 84T 6VY, and vehicle identification number 3Y08M8E987654321.

/s/ Michael Mejias
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 26th DAY OF JANUARY, 2009.

/s/ Christopher Marshall
Judge, Criminal District Court # 5
Tarrant County, Texas

On this day the above named Peace Officer delivered into this Court the Return and Inventory set out above. It is Ordered that the property seized by authority of the foregoing Warrant and described therein shall be and remain under the care, custody, and control of said Peace Officer, and may be removed and taken to any location within the State of Texas, as deemed necessary by such Officer, for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in the Affidavit upon which the foregoing Warrant was issued.

Ordered and signed this the 26th day of January, 2009.

/s/ Christopher Marshall
Judge, Criminal District Court No. 5
Tarrant County, Texas

THE STATE OF TEXAS

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DOCKET #

COUNTY OF =X=

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COURT:

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AFFIDAVIT FOR SEARCH WARRANT
{Article 18.02(12), 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 =X= and I am commissioned as a peace officer by =X=.

1. There is in =X= County, Texas, a suspected place and premises described and located as follows: =X= Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage, if said premises is a residence, that are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property that is the object of the search requested herein. ***[Affiants are encouraged to include illustrative documentation such as diagrams and photographs that supplement the verbal description of the premises to be searched. If they are not included and attached, omit the following sentence.]*** Attached hereto as Exhibit A, to be considered as part of this affidavit as if written herein, is a ***[choose as applicable:]*** diagram illustrating the relative location ***[or:]*** photograph illustrating the appearance of the place to be searched.

2. It is the belief of affiant that the following described property is at said suspected place: =X= Said property constitutes contraband as described and explained in Paragraph 3., below.

3. Affiant has probable cause for said belief by reason of the following facts and circumstances: =X= ***[Include details of felony offense enumerated in Article 59.01(2) and explain how property to be seized constitutes contraband.]***

[optional] 4. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties, to wit: =X=

Wherefore, affiant asks for issuance of a warrant that will authorize affiant and other peace officers to search said suspected place and premises for the property described above and to seize same.

Affiant

THE STATE OF TEXAS § DOCKET #
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COUNTY OF =X= § COURT:

SEARCH WARRANT
{Article 18.02(12), Texas Code of Criminal Procedure}

The State of Texas: To the Sheriff or any Peace Officer of =X= County, Texas, or any Peace Officer of the State of Texas:

Whereas I have been presented an affidavit requesting issuance of a search warrant ***[optional: by the affiant therein]***, 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: =X= ***[here set out the language in the affidavit that describes the place to be searched]***

At said places you shall search for and, if same be found, seize and bring before me the property described in the affidavit, to-wit: =X= ***[here set out the language in the affidavit that describes the property or evidence to be seized]***

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.

=X= ***[Title of Magistrate]***
=X= County, Texas

NOTE

Consider the following optional special features before completing form:

Out-of-County Removal of Evidence

Search Warrant Approval/Authority Paragraph (Subs. 1-12)

[Insert the following in the search warrant before the final paragraph that begins with "Herein fail not, but have you then and there this Warrant..."]

It is further ordered that any and all property seized by authority of this Warrant or during the execution thereof shall be and remain under the care, custody, and control of any peace officer to whom this Warrant is delivered for execution. Further, said property may be removed and taken to any location as deemed necessary by such peace officer for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in the Affidavit upon which the foregoing Warrant was issued.

THE STATE OF TEXAS

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DOCKET #

COUNTY OF =X=

COURT:

RETURN AND INVENTORY
{Article 18.02(12), 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 =X= and I am commissioned as a peace officer by =X=.

The attached Search Warrant came to hand on the day it was issued and it was executed on the ___ day of _____, _____, by conducting the search directed therein and by seizing during such search the following described property:

[Here should be listed and described all property taken from the premises searched.]

[Optional: If practical, the property taken may be listed and described on as many separate documents as necessary and attached to this cover page with the following sentence in this space: All property seized is listed and described on the attached page(s) entitled "Exhibit A."]

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME BY SAID PEACE OFFICER WHOSE NAME IS SIGNED ABOVE ON THIS THE ___ DAY OF _____, ____ .

=X= [Title of Magistrate]
=X= County, Texas

NOTE

Consider the following optional special features before completing form:

Out-of-County Removal of Evidence

Return and Inventory Approval/Authority Paragraph (Subs. 1-12)

[Insert the following in the return and inventory after the signature of the officer (and magistrate if the return and inventory are sworn) as the final element of the documentation.]

On this day the above named Peace Officer delivered into this Court the Return and Inventory set out above. It is Ordered that the property seized by authority of the foregoing Warrant or during the execution thereof shall be and remain under the care, custody, and control of said Peace Officer, and may be removed and taken to any location deemed necessary by such Officer for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in the Affidavit upon which the foregoing Warrant was issued.

Ordered and signed this the ____ day of _____, ____.

=X= ***[Title of Magistrate]***

=X= COUNTY, TEXAS