

FILED
KING COUNTY, WASHINGTON

OCT 27 2010

SEA
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

<u>IN RE KING COUNTY SEARCH WARRANTS</u>	
10-607	NO. 10-2-12055-6 <input checked="" type="checkbox"/> SEA
	NO. 10-2-12056-4 <input type="checkbox"/> KNT NO. 10-2-12058-1 <input type="checkbox"/> SEALED

AFFIDAVIT FOR SEARCH WARRANT (AF) is attached.

SEARCH WARRANT (SRW) is attached.

INVENTORY AND RETURN OF SEARCH WARRANT
(RTSW) is attached.

SUPERIOR COURT FOR KING COUNTY

STATE OF WASHINGTON)
 : ss
COUNTY OF KING)

NO. 10-602
AFFIDAVIT FOR SEARCH WARRANT

The undersigned on oath states: I believe that:

- Evidence of the crime(s) of VIOLATION OF THE UNIFORMED CONTROLLED SUBSTANCE ACT , and
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is unlawfully restrained is/are located in, on, or about the following described premises, vehicle or person:

The residence of: [redacted] 29th Avenue South, [redacted], Seattle, WA 98144. A [redacted] built, [redacted] apartment building with [redacted] siding and [redacted] in large [redacted] lettering located on the building's west, exterior wall. Unit [redacted] door is painted white and marked with a [redacted] in large white lettering to the left of it. The door is located on the [redacted] floor and is the door furthest to the east on the building's south side. Unit [redacted] occupies the east end of the building's [redacted] floor.

My belief is based upon the following facts and circumstances:

AFFIANT'S EXPERIENCE:

I have been a police officer since 04-01-1996. I worked as a Deputy Sheriff for the Washington County Sheriff's Office in Hillsboro, Oregon prior to being hired with the Seattle Police Department (SPD) on 12-15-1999. I attended the eight-week Board of Public Safety Standards and Training Police Academy in Oregon in 1996, and the five-week King County/Seattle PD Lateral Academy in 1999. Portions of the training I received in both police academies were dedicated to narcotics investigations. I attended the Seattle Police Department's Basic and Advanced Undercover School in 2002, which included training on narcotics investigations, working as an undercover officer, the use of informants, and managing undercover officers, confidential informants, and cooperating witnesses during investigations. I attended one week of training SPD's Anti-Crime Team School in 2002, and again in 2007. I attended one week of training in the SPD Criminal Investigations School in 2005.

Upon completion of the SPD's Lateral Academy, I was assigned to a patrol district in the East Precinct of Seattle, WA. I have worked assignments as a Bicycle Emphasis Patrol Officer, East Precinct Community Police Team Officer, and I am currently assigned as an East Precinct Anti-Crime Team Officer. I recently completed a 4-month temporary assignment, performing duties of a case detective in SPD's Narcotics Section. In total, I have participated in over 100 Buy Bust Operations including over 30 buys as an undercover officer for many street level investigations. I have been directly involved in service of over 45 (continued next page)

Affidavit for Search Warrant (continued)

narcotic search warrants, and over 420 arrests for Violation of the Uniform Controlled Substance Act and United States Title 21 and Title 18 violations.

Based on the training and experience detailed above, I am familiar with the illicit narcotics market, including narcotics terms and lingo, prices, and the way illicit narcotics are manufactured, packaged, and how they are sold.

INVESTIGATION

On 10-13-2010 Sgt. M. Garth Green #6308I assigned me to investigate a Narcotics Activity Report. The report was made by an identified citizen complainant that wished to remain unnamed in police reports out of fear of retaliation. The citizen, who resided close to an apartment complex located at [REDACTED] 29th Ave S in Seattle, reported that he believed a "marijuana grow operation" was going on inside the [REDACTED] of that building. The citizen reported that the northeast window is "boarded up with a fan inside" (of the window). The citizen complained that he could smell the odor of marijuana plants coming from the apartment.

Sgt. Garth Green and I went to [REDACTED] 29th Ave S later that evening. We walked up the driveway located on the building's south side, then behind the east side of the building. I went to the north east corner of the building. The driveway and walkway that leads around the apartment building is a premise open to the public. There are no gates, no signage, or any other physical barriers that would deter anyone (like sales persons, mail carriers, news paper delivery personnel, utility meter readers, etc.) from entering that area.

Sgt. Garth Green and I then looked at the eastern-most window on the second floor of the buildings north side from ground level. It was dark. I watched as Sgt. Garth Green shined his flashlight on the window. I could clearly see that the window was covered by two different items. As I faced the window, I could see that the left side of horizontal-sliding window was covered with cardboard. However, the right side of the window was actually covered with a wooden board that appeared to be approximately two-inches thick. The wooden board had an 8-inch circular hole with a dark colored circular fan contained inside of it. The fan was not on at that time. I could tell by the shape and angle of the fan's blades that the fan was directed to vent air outside of that the window, rather than pulling air inside of the window. I also did not see a motor or any wires from the outward facing portion of the fan. In most cases, the fan's motor and electrical wires are located behind the fan blades, away from flow of air through the fan.

I believed based on my training and experience that the room possibly contained marijuana plants because it is common for marijuana growers to utilize a fan and other ventilation equipment in order to clear the excessive odor emitted by the plants, the excessive smell and fumes from pesticides, fertilizers, and other horticultural chemicals used to promote marijuana plant growth, but mainly to remove excessive heat, humidity, and air that contains too much oxygen generated inside of grow rooms from plants, bright high-wattage bulbs, and other related electrical equipment.

Sgt. Garth Green and I then walked up the east stairwell leading to the apartment building's [REDACTED] landing. I arrived at the top of the landing and saw Sgt. Garth Green immediate reaction to an odor. I could then smell what was based on my training and experience to be an odor consistent with the smell of marijuana plants. I could smell this odor even stronger as I placed my nose near the window easternmost window located on unit [REDACTED]'s south side. It was clear to me that an odor of marijuana was coming from behind that window. It was clear to me that this odor was coming from the inside of unit [REDACTED], rather outside of unit [REDACTED] or any other adjacent units. Sgt. Garth Green also told me that he could see what appeared to be

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Affidavit for Search Warrant (continued)

shiny tin or aluminum foil lining the inside of window. I know from my training and experience that foil is often used by being placed against the interior of windows to prevent any light from escaping and to prevent outside light from interrupting artificial life cycles simulated by marijuana growers to promote plant growth.

The smell of marijuana from unit [REDACTED] is noticeably different than the smell that is emitted from burnt marijuana. I could tell the difference between both smells based on over 14 years of experience as a police officer. In that time I have encountered many persons, entered many residences, and contacted and later searched many vehicles where persons admitted that they were smoking or had just completed smoking marijuana. I have also arrested dozens of person with larger amounts of marijuana on their persons contained in large pockets, or in compartments of motor vehicles. More importantly, I served over 10 search warrants at indoor marijuana grows, including four search warrants within the last in the last 5 months where numerous marijuana plants were grown. These observations combined with my experience leads me to strongly believe that marijuana is being grown within this apartment.

Sgt. Garth Green's experience and observations also led him to strongly believe that marijuana is being grown in unit [REDACTED]. He is currently my supervisor on the East Precinct Anti-Crime Team. Sgt. Garth Green is 12-year veteran of the Seattle Police Department who has worked in pro-active assignments as a police officer with a great deal of street experience. He has also worked assignments as a SWAT team member and North Precinct Anti-Crime Team officer prior to being promoted to the rank of Sergeant. Sgt. Garth Green completed an 80 hour training course that focused on drug enforcement, drug identification, search warrant preparation and service; which was required before being selected for an ACT Unit appointment. He has served over 50 search warrants, many of which have resulted with the recovery of controlled substances, the proceeds of narcotic sales, and firearms and other weapons used to guard them. Over a half dozen of those narcotic search warrants were marijuana grow operations.

I believe that this marijuana grow operation has been in existence for several months because the plants have to be close to maturity for in order for their odor to be intense enough to emanate outside of this particular residence. I also believe that evidence of this marijuana grow operation will be at this location for a substantial period of time after this warrant is authorized because marijuana growers have their plants in various stages of growth in order to maintain a constant source of supply. In addition, removing evidence of a marijuana grow operation is quite time consuming.

ITEMS TO BE SEIZED

Marijuana; narcotics paraphernalia; items used in the cultivation, weighing, manufacturing and packaging of marijuana including high-output lighting, ballast, fans and other related electrical, lighting, and ventilation equipment; any other illegal narcotics or illegally obtained over-the-counter or prescription drugs; papers of dominion and control over the residence; photographs; records of narcotic sales; money or other proceeds from illegal narcotic activity, and any weapons found to be associated to the use and/or sale of marijuana and other controlled substances.

SUPPORTIVE EVIDENCE SUPPORTING SEARCH AND ITS SCOPE

The knowledge I have acquired pertaining to marijuana growing operations indicated that there are certain factors that are common to these types of crimes:

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Affidavit for Search Warrant (continued)

- Typically, the person who operates the growing operation is a private individual, suspicious of persons who might be interested in his/her activities;
- Marijuana growers often maintain on hand large amounts of cash in order to maintain and finance their on-going illicit business;
- Marijuana growers often maintain in their residences and vehicles and on their persons weapons (including ammunition and holster(s)) to protect themselves from apprehension by law enforcement and from other drug traffickers/users. They often store weapons in the trunk of their vehicles to make it more difficult for law enforcement officers to seize them should they be in plain view.
- Marijuana growers may maintain books, records, electronic storage devices, computers, receipts, notes, ledgers, airline tickets, money orders and other papers/documents related to growing, transportation, sale and distribution of marijuana;
- Marijuana growers often claim to have learned how to cultivate marijuana from the internet and order marijuana growing items from suppliers located on the internet;
- Individuals involved in the manufacturing and distribution of marijuana often use cellular phones, telephonic pagers, telephone answering machines, voice mail systems, and computer generated electronic messaging systems (e-mail) to communicate with suppliers, customers, and accomplices. The persons often code their messages to avoid law enforcement detection. Telephonic pagers, answering machines, voice mail systems, computers, and cellular phones have the capability to store complete messages which officers can retrieve upon seizing a particular item. This stored information can be retrieved without intercepting the prior transmission.
- It is common for marijuana growers to secrete contraband, proceeds of sales and records of transactions in secure locations within their residences and on their property in such areas including, but not limited to, other buildings, outbuildings, garages, carports, vehicles, and yard areas for ready access and to conceal them from police;
- Persons involved in large scale marijuana growing operations often conceal within their residence, caches of drugs, large amounts of cash, financial instruments, precious metals, jewelry, and other items of value, and/or proceeds of drug transactions; and evidence of financial transactions relating to obtaining, transferring, secreting, or spending large sums of money made from engaging in drug trafficking activities;
- Marijuana growers frequently take, or cause to be taken, photographs of themselves, their associates, their property and their illegal product;
- Marijuana growers commonly maintain addresses and/or telephone numbers for their criminal associates in the trafficking enterprise;
- Marijuana growers often utilize a location that is remote or go to a great deal of trouble to disguise marijuana grow, in order to conceal their activities from the public and the police;
- Some of the ways used to conceal their activities are (but not limited to) fencing their property, using guard dogs, building several growing rooms within a large room, garage, shed or barn,

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Affidavit for Search Warrant (continued)

placing some type of container or building underground to house the grow operation, covering windows so that no light escapes the growing area, using filtering systems to mask the strong odor of growing marijuana and diverting power;

- An indoor grow requires the consumption of a large amount of electricity to operate lights, timers and fans. If the grower is not diverting power or using gas, diesel or similarly powered generated generator, electrical consumption is well above normal. Growers often divert, or steal power, by tapping into the electrical line prior to the meter to avoid raising suspicion and to avoid paying the high electricity bills created by running the lights on twelve to eighteen hour cycles on a daily basis;
- The operation of halide and sodium lights normally used to stimulate plant growth creates a great deal of heat and bright white-blue light;
- Indoor marijuana grow operations require a significant investment in equipment, potting soils and fertilizer;
- Marijuana grow operations continue in operation for years, crop after crop, until the intervention of law enforcement;

In addition to the above, as a result of my training and experience, I know that it is common to find:

- That marijuana growers attempt to legitimize their profits by laundering money they receive from the sale of their crops. To accomplish this, they utilize domestic banks and their attendant services, securities, cashier's checks, money drafts, letter of credit, brokerage houses, real estate, shell corporations, and business fronts;
- That marijuana growers very often place assets in corporate entities in order to avoid detection of these assets by government agencies;
- That marijuana growers very often place assets in names other than their own to avoid detection of these assets by government agencies;
- That even though these assets are in other persons names, the marijuana growers actually own and continue to use these assets and exercise dominion and control over them;
- That the courts have recognized that unexplained wealth is probative evidence of crimes motivated by greed, particularly narcotics trafficking;
- That marijuana growers often create fictitious documents and fraudulent mortgage schemes to purchase marijuana grow houses. This includes variations on the person's name, address, and marital status.
- That marijuana growers keep records of financial transactions involving unlawful proceeds including deposits, withdrawals, transfers, exchange of currency, payments, and transmissions are located in residences, businesses and banks;

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Affidavit for Search Warrant (continued)


- I know that typical lighting equipment, heaters, fans used in venting odors and humidity, all common to marijuana grow operations require large amount of electricity. Sodium halide lights, usually in 500 or 1000-watt variations are usually used to provide growing light for marijuana plants. These lights generate tremendous heat, and in turn this heat needs to be vented from any structure being used to grow marijuana. Venting heat leaves a "signature" that can be detected by a thermal-imaging device.

PLACES TO BE SEARCHED

Based on the above, I believe that evidence of the crime Violation of the Uniform Controlled Substance Act is located at:

The residence of: [redacted] 29th Avenue South, Unit [redacted], Seattle, WA 98144. A [redacted] built, [redacted] [redacted] apartment building with [redacted] siding and [redacted] in large [redacted] lettering located on the building's west, exterior wall. Unit [redacted] door is painted white and marked with a [redacted] in large white lettering to the left of it. The door is located on the [redacted] floor and is the door furthest to the east on the building's south side. Unit [redacted] occupies the east end of the building's [redacted] floor.

and that a search warrant should be issued directing that a search of said premise. Marijuana be seized, together with evidence relating to occupancy and/or ownership of said premise; evidence relating to drug operations and wealth, writings, paraphernalia, and US currency associated to the use and/or sale of controlled substances.


Tyrone Davis
Affiant

Seattle Police Department, Police Officer #6633
Agency, Title and Personnel Number

Subscribed and Sworn to before me this 18th day of Oct, 2010.


Judge

Issuance of Warrant Approved:

By Ellen O'Neill-Stephens #14086
Deputy Prosecuting Attorney

FILED
KING COUNTY, WASHINGTON

OCT 27 2010

SEA
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

<u>IN RE KING COUNTY SEARCH WARRANTS</u>	
10-602	
	NO. 10-2-12055-6 <input checked="" type="checkbox"/> SEA NO. 10-2-12056-4 <input type="checkbox"/> KNT NO. 10-2-12058-1 <input type="checkbox"/> SEALED

AFFIDAVIT FOR SEARCH WARRANT (AF) is attached.

SEARCH WARRANT (SRW) is attached.

INVENTORY AND RETURN OF SEARCH WARRANT
(RTSW) is attached.

SUPERIOR COURT FOR KING COUNTY

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

NO. 10-602
SEARCH WARRANT

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me, the affidavit for which is incorporated by reference herein, there is probable cause to believe that the crime(s) of VIOLATION OF THE UNIFORMED CONTROLLED SUBSTANCES ACT has been committed and that evidence of that crime; or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or a person for whose arrest there is probable cause, or who is unlawfully restrained is/are concealed in or on certain premises, vehicles or persons.

YOU ARE COMMANDED to:

1. Search within 10 days of this date, the premises vehicle or person described as follows:
2. Seize if located, the following property or persons:

The residence of: [redacted] 29th Avenue South, [redacted] Seattle, WA 98144. A [redacted] built, [redacted] [redacted] apartment building with [redacted] siding and [redacted] in large [redacted] lettering located on the building's west, exterior wall. Unit [redacted] door is painted white and marked with a [redacted] in large white lettering to the left of it. The door is located on the [redacted] floor and is the door furthest to the east on the building's south side. Unit [redacted] occupies the east end of the building's [redacted] floor.

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3. Promptly return this warrant to me or the clerk of this court; the return must include an inventory of all property seized.

A copy of the warrant and a receipt for the property taken shall be given to the person from whom or from whose premises property is taken. If no person is found in possession, a copy and receipt shall be conspicuously posted at the place where the property is found

(continued next page)
Search Warrant
Page 1 of 2

Original: Court File
Copy: Police File
Copy: Judge's Copy
Copy: Left at premises searched

Search Warrant (continued)

Date / Time:

Oct-18, 2010 @ 2:25 PM

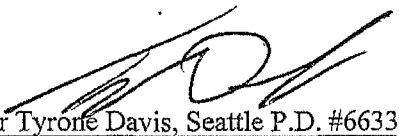
JUDGE



Printed or Typed Name of Judge

ANDREA DARVAS

This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by JCrR 2.10 and CrR 2.3, on _____, 20____ at _____.



Officer Tyrone Davis, Seattle P.D. #6633

Printed or Typed Name of Peace Officer, Agency and Personnel Number

Signature of Peace Officer Authorized to Affix Judge's Signature to Warrant

FILED
KING COUNTY, WASHINGTON

OCT 27 2010

SEA
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

IN RE KING COUNTY SEARCH WARRANTS	
10-602	NO. 10-2-12055-6 <input checked="" type="checkbox"/> SEA NO. 10-2-12056-4 <input type="checkbox"/> KNT NO. 10-2-12058-1 <input type="checkbox"/> SEALED

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SEARCH WARRANT (SRW) is attached.

INVENTORY AND RETURN OF SEARCH WARRANT
(RTSW) is attached.

COURT FOR KING COUNTY

STATE OF WASHINGTON)
COUNTY OF KING)

NO. 10-373291 10-602
INVENTORY AND RETURN
OF SEARCH WARRANT

1. I received a search warrant for the premise(s), vehicle(s), or person(s) specifically described as follows:

██████ 29 AV S ██████ SEATTLE, WA

2. On the 25 day of 2016, I made a diligent search of the above-described premise(s), vehicle(s), or person(s) and found and seized the item(s) listed in section #7.

3. Name(s) of person(s) present when the property was seized:
██

4. The inventory was made in the presence of:
 The person(s) named in section #3 from whose possession the property was taken.
 Others: _____

5. Name of person(s) served with a copy or description of the place where the copy is posted:
██

6. Location where property is currently being retained:
 Seattle Police Department Evidence Unit
 Other: NO PROPERTY SEIZED

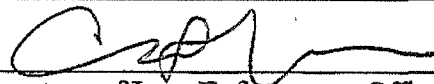
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INVENTORY AND RETURN OF SEARCH WARRANT (continued)

Description and location of property and/or person(s) when seized:

N/A NO PROPERTY SEIZED

Date: 10-25-10



Signature of Law Enforcement Officer

SEATTLE POLICE #6786

Agency and Personnel Number

C. HARRIS

Print or Type Name

Inventory and Return
Page 2 of 2

White Copy: Court File
Canary Copy: Police File
Pink Copy: Left at premises searched