

THE STATE OF TEXAS

COUNTY OF HARRIS

SEARCH WARRANT

{Article 18.02(1)-(9), Texas Code of Criminal Procedure}

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

Whereas, the affiant whose name appears on the affidavit attached hereto is a peace officer under the laws of Texas and did heretofore this day subscribe and swear to said affidavit before me, 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 herein and establishes existence of proper 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: a one story residence located at "7815 Harding street". Said suspected place is described as: a one story residence located in the 7800 block of Harding street. The location is located in Houston, Harris County, Texas. Said location is better described as a one story residence constructed of wood. The residence is tan in color with white trim. The residence in question is located on the north side of Harding street between the intersections of Berkley and Fennell. The front door is white in color and faces south. The numbers "7815" are plainly displayed on the residence in question. The location in question is located in the 7800 block of Harding street, Houston, Harris County, Texas.

At said places you shall search for and, if same be found, seize and bring before me the property described in the affidavit that the suspected party, or others in control of the suspected place, are alleged to be concealing and to have in his/her possession in violation of the laws of the State of Texas, to-wit: heroin.

I further find that affiant has established sufficient reason to believe that to knock and announce their purpose by the officers executing this warrant would be futile, dangerous, and otherwise inhibit the effective investigation of the offense or offenses related to the purpose of this warrant. Therefore, unless circumstances to the contrary are discovered prior to entry, you are hereby authorized to dispense with the usual requirement that you knock and announce your purpose before entering the suspected place to execute this warrant.

Herein fail not, but have you then and there this Warrant within three days exclusive of the day of its issuance and the day of its execution, with your return thereon, showing how you have executed same.

Issued this the 28th day of January, 2019, at 1:37 o'clock P. M., to certify which witness my hand this day.

[Handwritten signature]



HARRIS COUNTY, TEXAS

Gregory A. Marcum II
Presiding Judge
Houston Municipal Court #13

THE STATE OF TEXAS

COUNTY OF HARRIS

AFFIDAVIT FOR SEARCH AND ARREST WARRANT
{Article 18.02(1)-(9), 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 Officer [REDACTED] and I am commissioned as a peace officer by The Houston Police Department.

1. There is in the city of Houston, Harris County, Texas, a suspected place and premises described and located as follows: a one story residence located at "7815 Harding street". Said suspected place is described as: a one story residence located in the 7800 block of Harding street. The location is located in Houston, Harris County, Texas. Said location is better described as a one story residence constructed of wood. The residence is tan in color with white trim. The residence in question is located on the north side of Harding street between the intersections of Berkley and Fennell. The front door is white in color and faces south. The numbers "7815" are plainly displayed on the residence in question. The location in question is located in the 7800 block of Harding street, Houston, Harris County, Texas.

2. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties (hereafter called "suspected party" whether one or more), to wit: a white male, whose name is unknown. He is approximately fifty-five (55) years of age, five feet eleven inches (5'11) in height and one hundred and eighty (180) pounds in weight.

3. It is the belief of affiant that said suspected party has possession of and is concealing at said suspected place in violation of the laws of the State of Texas the following property: a drug, controlled substance, immediate precursor, chemical precursor, or other controlled substance property, including an apparatus or paraphernalia kept, prepared, or manufactured in violation of the laws of this state, to wit: heroin.

4. Affiant has good reason to believe, does believe, and hereby charges and accuses that on or about 01/27/2019 in Houston, Harris County, Texas, the suspected party committed an offense against the laws of the State of Texas, to wit, Possession of a substance, namely heroin: On said date and at said place, the suspected party did then and there intentionally and knowingly possess a substance, believed and referred to as heroin.

5. Affiant has probable cause for said belief by reason of the following facts and circumstances: On January 27, 2019, a narcotic investigation was being conducted at the above residence, located at 7815 Harding street, Houston, Harris County, Texas. Your Affiant had previously received information that the above male, whose name is unknown, was selling narcotics. This investigation had been going on for approximately two (2) weeks by the Houston Police Narcotic Division. On 01/27/2019, your Affiant contacted the below confidential informant regarding the above location mentioned above. Your Affiant met with the confidential informant to further this narcotic investigation. The confidential informant was met at a pre-determined location to assist officers of the narcotic division with this investigation. The Affiant searched the confidential informant and found the confidential informant to be clear of any narcotics / and or paraphernalia. The confidential informant was advised your by your Affiant that at the above location in question, narcotics were being sold and stored. The confidential informant was provided U.S. currency by the Affiant for the purpose of buying narcotics from any individuals located at the above location in question. The Affiant observed the confidential informant go directly to the above location in question, where the confidential informant was met by a male from inside the above residence in question. After several minutes, the Affiant observed the confidential informant leave the residence in question and return directly to the Affiant. The confidential informant surrendered a quantity of brown powder substance to the Affiant. The confidential informant advised that the substance was purchased as "boy". The term "boy" is a street slang for heroin. The confidential informant advised that the substance was purchased from the male described above and whose name is unknown. The confidential informant advised that additional quantity of brown powder substance was observed in the unknown male's hand which went back into the residence above of "7815 Harding street". The confidential informant also advised that the additional substance was in the care / custody and control of the male described above and whose name is unknown. The additional substance was packaged in a large quantity of plastic baggies. The confidential informant was searched again after the completion of this investigation and found clear of any amount of narcotics. Surveillance was placed on the above location in question by the narcotic officers.

The confidential informant stated that a weapon was observed at the residence above in question during the narcotic transaction. The weapon was on the possession of the above male whose name is unknown but is more fully described above. The weapon appeared to be a semi-auto hand gun of a 9mm caliber. The confidential informant also advised that the confidential informant was advised by the male above whose name is unknown to return when more "boy" was needed.

The quantity of brown powder substance purchased at the above residence located at "7815 Harding street" on 01/27/2019 was recognized by sight and texture as "heroin" by your Affiant and narcotic officer [REDACTED]. The brown powder substance was also referred to as heroin by its street name of "boy".

The confidential informant has provided informant and assistance to officers in the past on at least ten (10) prior occasions which has lead to narcotic arrests and seizures. The confidential informant has proven to be credible and reliable on many prior occasions. Officers have made arrests and seized narcotics based on information and assistance provided by the confidential informant in the past.

6. Affiant requests authorization to enter the suspected place and premises without first knocking and announcing the presence and purpose of officers executing the warrant sought herein. As probable cause to believe that such knocking and announcing would be dangerous, futile, or would inhibit the effective investigation of the offense described in this Affidavit, affiant submits that the following facts and circumstances: the above male whose name is unknown but is more fully described above was observed at the above residence at "7815 Harding street", Houston, Harris County, Texas. A controlled substance, namely heroin was purchased from the location and additional substance was observed at the above residence in question by the confidential informant. A weapon was observed during the narcotic investigation. Your Affiant believe that the weapon is being kept at the same location where the narcotics are being stored. Based on your Affiant's experience, that when weapons are used or displayed at a narcotic transaction, it is there for the protection of the narcotics, and or to buy time so that the narcotics may be destroyed.

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 seize same, and to arrest and search each suspected party named and described herein and others unknown to affiant found to be occupants of and in control of said premises.

[Redacted]

Affiant's Printed Name

[Redacted]

Affiant's Signature

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT ON THIS THE 28th DAY OF JANUARY, 2019.

[Handwritten Signature]
MAGISTRATE SIGNATURE

Gordon G. MacCormick
Title Of Magistrate
HARRIS COUNTY, TEXAS

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Presiding Judge
Houston Municipal Court #13