

FILED

JAN 03 2015

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

STATE OF WASHINGTON)	Case No.
)	
Plaintiff,)	Report/Case No. :
)	
v.s.)	DECLARATION FOR SEARCH WARRANT
In RE: JOE DIRT)	FOR EVIDENCE OF:
Jerry Mudd)	WA RCW 69.50.401
)	(Possession of a Controlled Substance)
)	
)	

Officer B. Rankin, being first duly sworn on oath, deposes and says:

(1) Background of declarant:

Your affiant was hired as a commissioned police officer with the Spokane Police Department in June of 2015. The affiant completed a 720 hour basic law enforcement academy followed by 10 weeks for field training. The affiant has worked with, and learned from senior patrol officers and detectives relating to the identification and investigation of street-level controlled substance distribution.

The affiant has completed over one hundred interviews regarding the sale, distribution, and use of controlled substances. The affiant has made dozens of arrests regarding the sale, distribution, or use of controlled substances.

The affiant has conducted a 40 hour block of instruction on the recognition and investigation of street level controlled substance operations. The affiant has conducted training on interviewing and interrogating witnesses and suspects. The affiant has completed courses on financial investigations surrounding the delivery of controlled substances.

The affiant is a 2007 graduate of the United States Military Academy at West Point.

- (2) Crime being investigated:
WA RCW 69.50.401 (Possession of a Controlled Substance)

Circumstances supporting probable cause:

On 12/29/2018 at approximately 0105 hours I was working patrol in the vicinity of W Everett Ave and N Monroe St, Spokane Washington. I was working in a two person patrol vehicle with Ofc. Hayward. I observed a white 2001 Chevrolet TK421 WA) driving northbound on N Monroe St. The vehicle was driving in the center-most northbound lane. I then observed the Suburban veer into the right-most lane without signaling. I activated my emergency lights and the vehicle struck a curb at the intersection of W Everett Ave and N Monroe St.

I approached the vehicle and contacted the driver who identified himself with a Washington State Identification Card as Joe Ditt. I ran Joe's information through dispatch. Dispatch informed me that Joe's driving status was suspended out of California.

While I spoke with JOE, Ofc. Hayward approached the passenger side of the vehicle. I observed that there was a male passenger sitting in the Suburban. While speaking with JOE I observed a glass smoking pipe with a burnt crystalline residue covering the pipe resting in the center console storage area. From my training and experience I recognized the substance as similar in appearance to that of methamphetamine. I also observed a piece of brown tar-like substance resting on the top of the center console. From my training and experience I recognized the substance as similar in appearance to that of heroin. I also observed an open pocket knife resting on the dash of the vehicle, in front of the passenger.

Due to controlled substances and paraphernalia being directly between the two males, Ofc. Hayward asked the passenger for his identification. The passenger identified himself as Jerry Mudd) with a Washington State Identification Card.

Due to their being two males in the vehicle, only two officers on scene, there being controlled substances in view from the outside of the vehicle, and an open knife within reach of JOE and Jerry, Ofc. Hayward and I had JOE and Jerry exit the vehicle. We conducted pat frisks of their persons for weapons.

Ofc. Hayward informed me that while conducting the pat frisk on Jerry's person for weapons he felt a bundle of cash in Jerry's pant pocket. Jerry informed Ofc. Hayward that the amount of cash in his pocket was approximately \$2500 from recently selling a vehicle.

JOE informed me that he did not know that the glass pipe or brown tar-like substance was inside of the vehicle. I pointed out the items to JOE and asked him if he would grant me permission to search the vehicle and remove any illicit

substances. JOE told me he did not want me searching the vehicle. JOE also told me that to his knowledge, there were no drugs or weapons inside of the vehicle.

While speaking with JOE, a cell phone resting on the passenger seat of the vehicle rang approximately five times within a few minutes of each incoming call. I observed that the incoming calls were coming from a phone number not assigned a contact within the phone. JOE informed me that the ringing phone was not his. From my training and experience I know that individuals seeking to purchase drugs will call a dealer at all hours of the day, often frequently if they cannot reach their dealer.

I detained JOE in handcuffs during the investigation. Ofc. Hayward detained Jerry in handcuffs.

I read Jerry his constitutional rights. Jerry informed me he understood his rights and waived his rights. Jerry informed me the phone on the passenger seat of the vehicle was likely his and that his girlfriend was likely calling him, worried that he was late. Jerry denied knowing of any controlled substances in the vehicle.

Based on my training and experience related to drug sales, I know drug dealers conduct drug business on their cell phones via text messages (which are often retained on the device) and maintain contact lists of their drug customers and suppliers. A search of a drug dealer's phone will often also yield photographs of drugs or other evidence of drug sales.

Based on the above listed facts, I believe Jerry is a methamphetamine and heroin dealer and a search of the cellular phone resting on the passenger seat of the Suburban will yield evidence of his drug sales activities.

It is my experience that cellular telephone forensic examinations and searches cannot be completed within the ten days in which the Search Warrant must be served and the Return to Search Warrant filed with the Search Warrant. It is requested that the 10-day requirement be waived to provide your Affiant ample time to have it processed and comply with the Search Warrant in a timely manner. The Return to Search Warrant and Search Warrant will be filed promptly upon completion of the forensic examination and search.

Due to the above facts and circumstances I believe evidence of the crime of possession of a controlled substance is inside of the white 2001 Chevrolet Suburban and on the person of Jeremy

WHEREFORE, declarant requests that a Search Warrant be issued for the purpose of searching
(X) VEHICLE(S), upon or in the vehicle described as follows: 2001 White Chevrolet Suburban (WA AZN7278) parked at the intersection of W Everett Ave and N Monroe St.

(X) PERSON(S), on the following persons described as: *Mudd, Jerry*
(W/M)

(X) CELL PHONE: Touch Screen Cell Phone (Unknown Make / Model), resting on passenger seat of 2001 Chevrolet (*WA TK421*)

TO SEIZE: (List property to be named in search warrant)

1. Heroin
2. Other Controlled Substances
3. Paraphernalia commonly associated with the packaging for sale or transportation of controlled substances consisting in part of and including, but not limited to plastic bags, condoms, cutting agents, scales and other weighing devices and other inhaling devices, sieves and strainers, containers commonly associated with the storage and use of controlled substances.
4. Books, records, receipts, notes, ledgers, computer records/disks, serial numbers, and other papers relating to the acquisition, transportation, possession, sale, and/or distribution of controlled substances.
5. Address and / or telephone books and papers reflecting names, addresses, and / or telephone numbers of suspected co-conspirators or persons to whom controlled substances may have been delivered to or obtained from.
6. Proceeds including but not limited to: currency, precious-metals, jewelry, financial instruments and any other property that was purchased or exchanged in part or whole with proceeds from these criminal activities.
7. Dominion and Control documents for the 2001 Chevrolet :
8. Touch Screen Cell Phone on passenger seat of vehicle.

I certify under the penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate and that I have entered my authorized user ID and password to authenticate it.

Officer B. Rankin #1259 12/29/2018 1:51:09 AM	
	Signature of Peace Officer
1100 W. Mallon Spokane, WA 99260	Spokane Police Department
Agency Address	Agency
(509) 625-4100	
Agency Telephone	
December 29, 2018	Spokane County, WA
Date	Place (County, State)

DATE _____ TIME _____

A handwritten signature in cursive script, appearing to read "Michelle Szambelan", written over a horizontal line.

Judge Michelle Szambelan 12/29/2018
2:30:07 AM

JUDGE, Spokane County Superior Court

FILED

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

STATE OF WASHINGTON

Plaintiff,

v.s.

Joe Dirt
Jerry Mudd

Court Case No. 2018 1465
Report No. 2018-20254820

SEARCH WARRANT
WA RCW 69.50.401 (Possession of a
Controlled Substance)

TO ANY PEACE OFFICER OF THE STATE OF WASHINGTON:

WHEREAS, Officer B. Rankin has this day signed an affidavit on oath before the undersigned, one of the Superior Court Judges in and for the County of Spokane, that he/she believes that a crime has been or is being committed, to wit:

WA RCW 69.50.401 (Possession of a Controlled Substance)

and that evidence of said crime is located:

(X) VEHICLE(S), upon or in the vehicle described as follows: 2001 White Chevrolet (WATK421) parked at the intersection of W Everett Ave and N Monroe St.

(X) PERSON(S), on the following persons described as: Jerry Mudd (W/M)

(X) CELL PHONE: Touch Screen Cell Phone (Unknown Make / Model), resting on passenger seat of 2001 Chevrolet (WATK421)

WHEREAS, the undersigned finds that there is probable cause to believe said facts contained in the affidavit to be true,

THEREFORE, in the name of the State of Washington, you are commanded within 10 days (not to exceed ten (10) days) to:

(X) search the aforementioned vehicle(s)

(X) search the aforementioned person(s)

with the necessary and proper assistance, and diligently search for and seize:

1. Heroin
2. Other Controlled Substances
3. Paraphernalia commonly associated with the packaging for sale or transportation of controlled substances consisting in part of and including, but not limited to plastic bags, condoms, cutting agents, scales and other weighing devices and other inhaling devices, sieves and strainers, containers commonly associated with the storage and use of controlled substances.
4. Books, records, receipts, notes, ledgers, computer records/disks, serial numbers, and other papers relating to the acquisition, transportation, possession, sale, and/or distribution of controlled substances.
5. Address and / or telephone books and papers reflecting names, addresses, and / or telephone numbers of suspected co-conspirators or persons to whom controlled substances may have been delivered to or obtained from.
6. Proceeds including but not limited to: currency, precious-metals, jewelry, financial instruments and any other property that was purchased or exchanged in part or whole with proceeds from these criminal activities.
7. Dominion and Control documents for the 2001 Chevrolet Suburban.
8. Touch Screen Cell Phone resting on passenger seat of vehicle.

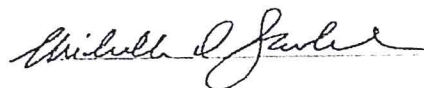
and make a return of said warrant promptly, no later than three (3) days from the execution of the Search Warrant to the undersigned Judge, showing all acts and things done thereunder, with a written inventory of any properties taken and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the inventory shall so state.

The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and receipt for the property taken. If no such person is present, the officer may post a copy of the Search

Warrant and receipt.

The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one (1) person other than the seizing officer. This person may be another officer.

DATE _____ TIME _____

A handwritten signature in cursive script, appearing to read "Michelle Szambelan", written over a horizontal line.

Judge Michelle Szambelan 12/29/2018 2:30:55 AM
JUDGE, Spokane County Superior Court