

AFFIDAVIT FOR SEARCH AND ARREST WARRANT

Item # 1

STATE OF TEXAS *

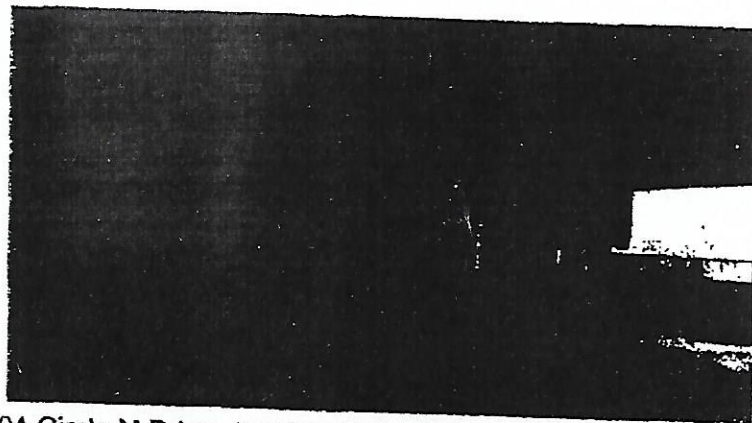
COUNTY OF BELL *

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath makes the following statements and accusations:

1. THERE IS IN BELL COUNTY, TEXAS, A SUSPECTED PLACE, PREMISES, AND VEHICLES DESCRIBED AND LOCATED AS FOLLOWS: 1104 Circle M, Apartment C, Killeen, Bell County, Texas. The structure located at 1104 Circle M Drive is a two story multiple family apartment building which consist of 4 apartments designated by letters A - D. The building is constructed of brick which is primarily white in color with an off white pitched and shingled roof and off white wooden trim. The building is easily distinguished by the numerals "1104" affixed to the front of the structure facing the north and Circle M Drive. The building is located on the south side of Circle M Drive and is the ~~first~~ structure east of the intersection of Circle M Drive and Old 440. Apartment C is located on the ground floor of the building in the east end of the structure. The front door of Apartment C is located to the right (west) as you face or approach the building from Circle M Drive and is clearly marked with the letter "C" which is affixed to the front door to the apartment.

This warrant specifically includes two motor vehicles which are described as (1) Blue, 2005 Ford Crown Victoria four-door which displays Texas license plate DDB9617 and (2) Red, 2004 Chevrolet Impala four-door that displays Texas license plate CX2C971.

Said suspected place and premises, in addition to the foregoing description, also includes any outbuildings, locked or secured containers found within the premises, all other places and vehicles on said premises and within the curtilage that are found to be under control of the said 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.



1104 Circle M Drive, Apartment C, Killeen, Bell County, Texas

To include, the curtilage, enclosures and structures on the curtilage. Hereinafter called "Suspected Premises."

2. THERE IS IN SUSPECTED PLACE AND PREMISES PROPERTY CONCEALED AND KEPT IN VIOLATION OF THE LAWS OF TEXAS AND DESCRIBED AS FOLLOWS: a) A controlled substance to wit: Cocaine; b) records, receipts, notes, ledgers, bank records, money orders and other papers relating to the transportation, ordering, sale and distribution of illegal controlled substances; c) Currency, financial instruments 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 illegal controlled substances activities; d) Telephone and address books or papers which reflect names, addresses and/or telephone numbers of their associates in dealing in illegal controlled substances; e) Photographs of individuals, property and illegal controlled substances; f) firearms; g) cellular telephones, computers, tablets and other electronic storage media. The items listed above constitute evidence of an ongoing and continuing business of dealing in illegal controlled substances in violation of various sections of the **TEXAS HEALTH AND SAFETY CODE**.

#1
Not
Here

3. SAID SUSPECTED PLACE AND PREMISES ARE IN CHARGE OF AND CONTROLLED BY EACH OF THE FOLLOWING PERSONS: (1) Marvin Guy, a black male date of birth: 10-27-1964 and (2) person or persons whose identities are unknown to Affiant who may be residing or making their escape therefrom. Hereinafter called "Suspected Parties".

4. IT IS THE BELIEF OF AFFIANT, AND HE HEREBY CHARGES AND ACCUSES, THAT: On or about the 8th day of May, 2014, Marvin Guy is knowingly and intentionally in possession of a controlled substance to wit : Cocaine, in violation of the **TEXAS HEALTH AND SAFETY CODE**.

5. AFFIANT HAS PROBABLE CAUSE FOR SAID BELIEF BY REASON OF THE FOLLOWING FACTS: Your Affiant is John A. Moseley, employed by the City of Harker Heights, a law enforcement officer as defined in the Texas Code of Criminal Procedure, that is a Texas peace officer who is empowered by law to conduct investigations and to make arrests as specified in the Texas Code of Criminal Procedure.

This guy is
A H.H. police

Your Affiant has been a peace officer with the Harker Heights Police Department for more than 5 years and was previously a police officer with the Killeen Police Department for approximately 26 years. Your Affiant did retire from the Killeen Police Department in good standing. Your Affiant has been assigned to investigate narcotic related and other special crimes for more than 22 years of his Criminal Justice career. Your Affiant is a past field operations supervisor and Assistant Commander of the Central Texas Narcotics Task Force. Your Affiant is currently assigned as a member of the Harker Heights Police Department to the Bell County Organized Crime Unit. The Bell Organized Crime Unit (BOCU) is a multi-jurisdictional investigative unit tasked with the investigation of special crimes in the Bell County area. Your Affiant has participated in all facets and methods of investigation, including, but not limited to, electronic surveillance, physical surveillance, general questioning of witnesses, search warrants, confidential informants, pen registers and undercover investigations. During your Affiant's tenure as a detective / police officer, your Affiant has conducted investigations ranging in scope from simple buy-bust operations to complex conspiracies. Affiant has participated and assisted in joint investigations with law enforcement agents of the Federal Drug Enforcement Administration, United States Department of Homeland Security, United States Postal Inspection Service, Federal Bureau of Investigation, Texas Department of Public Safety

#22

#22

and other law enforcement agencies in their investigations of individuals who traffic in illegal controlled substances.

#1

In connection with your Affiant's official duties, he investigates criminal violations of the Texas Health and Safety Code. Your Affiant has received special training in the enforcement of laws concerning controlled substances as found in the Texas Health and Safety Code. In connection with his duties and responsibilities your Affiant has frequently testified in judicial proceedings and prosecutions for violations of laws concerning controlled substances.

X/2/3

This affidavit is being prepared by 2:30 p.m. May 8th, 2014.

Based on Affiant's experiences and training, Affiant knows the following: a) Individuals who deal in cocaine and other illegal controlled substances maintain books, notes, receipts, ledgers, bank records, money orders and other papers relating to the transportation, sale and distribution of illegal controlled substances. These individuals commonly provide illegal controlled substances on consignment to their clients; b) It is common for individuals who deal in illegal controlled substances to secrete contraband, proceeds of drug sales and records of drug transactions in secure locations within their residences or place of operation for ready access and to conceal from law enforcement agencies; c) Individuals who deal in illegal controlled substances commonly maintain address and/or telephone numbers of their associates in their illegal organizations; d) Individuals who deal in illegal controlled substances take or cause to be taken photographs of them, their associates, their property and their illegal controlled substances. These individuals usually maintain these photographs in their possession; e) Individuals who deal in illegal controlled substances usually keep paraphernalia for packaging, cutting, weighing and distributing illegal controlled substances. This includes scales, plastic bags and cutting agents; f) Individuals who deal in illegal controlled substances commonly use firearms to protect their illegal controlled substances; g) individuals who deal in illegal controlled substances often use cellular telephones, computers, tablets and other electronic media to communicate with perspective consumers and to electronically store information related to their illegal activities.

Your Affiant states the facts which establish probable cause necessary for the issuance of a search warrant for the suspected premises, persons, and vehicles are as follows: Before the making of this Affidavit, Affiant received information from an individual (hereinafter referred to as Informant) concerning the narcotics trafficking of a black male known only as "G". Your Affiant believes the information provided by the informant is reliable and credible because the information has been corroborated through surveillance and other means of independent investigation. The Informants assistance has led to the seizure of significant amounts of controlled substances and arrest of subjects for miscellaneous drug offenses. Affiant wishes not to reveal the name of the informant for the informant fears for their own personal safety and well-being. This informant has also demonstrated to your Affiant that he/she is personally familiar with the controlled substance cocaine and the way it is packaged for resale because he/she has personally identified the substance to your Affiant in the past.

#2/3

The informant reported that a black male known only as "G" frequented the area of the 1100 block of Circle M Drive in Killeen and was trafficking in cocaine. The informant stated that "G" often sold cocaine from a blue Ford Crown Victoria.

LIE NEVER HAPPEN

↑ But this is where the crime so called happen!!

This is the DATE Aug. 18, 2011

(1) This is the date I was traced to J. Rinehart and he told me this date he would get me one DAY Aug. 2011

In March 2014 your Affiant initiated an investigation into the report provided by the informant. The investigation revealed that the blue Ford Crown Victoria described and later identified by the informant displayed Texas license plate DDB9617. A check of the Texas Motor Vehicle database (MVD) revealed that the aforementioned license plate was displayed on a 2005 Ford, four-door owned by Marvin Guy at 1104 Circle M Drive, Apartment C in Killeen. A check of the Bell County law enforcement database (ileads) showed a black male listed as Marvin Louis Guy with a date of birth of 10-27-1964. Guy was listed with multiple addresses in ileads including 2602 Larissa Drive, Killeen and 1104 Circle M, Apartment C in Killeen. The ileads record also indicated that Guy had been listed as a suspect in a narcotics investigation initiated by Killeen Police in 2011 after a report of narcotics sales from his place of employment.

(2) FAST FORWARD MAY 9th 2014 "Boom" NEVER knew what hit use promise kept!!

Your Affiant contacted the Killeen Police Department's Intelligence unit and requested the current water account holders at 2602 Larissa Drive and 1104 Circle M Drive, Apartment C. The water listing provided indicated that 2602 Larissa was in the name of Shirley Whittington and that 1104 Circle M, apartment C was in the name of Marvin Guy.

Your Affiant requested a computerized Criminal History Check (CCH) on Marvin Guy and Shirley Whittington. Guy's CCH returned with showing multiple arrests including a Federal Arrest for bank robbery. The United States Marshals' Service (USMS) was contacted and a photograph of Guy was requested. The USMS provided a USM-129 Custody / Detention Report which included a photograph, listing of arrests and alias names associated with the Guy. It was noted that alias listed for Guy included "Sir G". The informant reviewed the photograph provided by the USMS and positively identified the photograph of Marvin Guy as the individual known as "G".

I DO THIS EVERY DAY

Extensive surveillance was conducted in the area of 1104 Circle M in Killeen during the month of April 2014 by your Affiant and other members of the Bell Organized Crime Unit. During this surveillance your Affiant observed the blue Crown Victoria and was able to positively identify Marvin Guy as the operator or person in control of the vehicle. On several occasions Guy was seen walking from the vehicle to apartment C at 1104 Circle M Drive. It was apparent based on Affiant's observation that Guy resided in apartment C.

NOT ENOUGH FOR A JUDGE TO ISSUE WARRANT?? CASE INVESTIGATOR OUT OF TOWN AT TIME

The C.I SAID HE NEVER SAID THIS ON* THE D.V.D

The same informant reported that Guy often carried a white bag with cocaine and marijuana in it and that Guy was frequently in possession of a handgun. The informant later confirmed that Guy resided at 1104 Circle M, apartment C and that Guy kept scales, packaging materials and other items commonly associated with the distribution of controlled substances in the apartment. The informant also reported that Guy frequently kept large amounts of cocaine in the blue Crown Victoria, his girlfriend's red Chevrolet Impala and an older green pickup.

On Thursday, April 24, 2014 Your Affiant and the BOCU Commander Jerry Dugger were conducting surveillance of Guy in the 1100 block of Circle M. Surveillance had revealed a large volume of foot and vehicular traffic in the area and on many occasions Guy was observed meeting with individuals that walked or drove up at or near his vehicle. Guy's conduct and actions as viewed by your Affiant were indicative of an individual involved in the distribution of illegal controlled substance based on Affiant's training and

This is the Affiant that requested the warrant, But he was out of town

At the time? The question then is Mosley NEVER saw me stum... it was Dugger?

experience. At approximately 7:00 p.m. a red Chevrolet Impala was observed arriving and parking next to Guy's Crown Victoria. The Impala displayed Texas license plate CX2C971 a MVD check revealed that this plate was displayed on a 2004 Chevrolet four-door owned by Shirley Whittington at 2602 Larissa Drive in Killeen. The Impala was occupied by a lone female who exited the vehicle and conversed with Guy. Affiant observed the trunk open on Guy's Crown Victoria and Guy removing a white bag which he placed into the trunk of the Impala. The female then entered the Crown Victoria and drove the vehicle as Guy rode as a passenger. The Crown Victoria was followed to the parking area of Jack in the Box at 38th and Veterans Memorial Boulevard in Killeen where Guy was seen to exit the Crown Victoria and meet with a white male. After a short meeting Guy returned to the Crown Victoria which was followed back to 1104 Circle M Drive. Based on your Affiant's training and experience the activity observed is consistent with that of individuals that are involved in the illegal distribution of controlled substances.

Not enough
For WARRANT

Within 48 hours of the surveillance teams observation on April 24, 2014 the confidential informant met with Guy in the parking area at 1104 Circle M Drive. The informant reported that Guy removed a white bag from the trunk of the red Impala, the bag was observed to contained cocaine.

Not enough

Surveillance conducted after the April 24th, 2014 observations revealed that Shirley Whittington operates the red Impala and that she frequently spends the night at 1104 Circle M Drive. Affiant had obtained a Texas Drivers' license photograph of Whittington and was able to positively identify Whittington as the person who operates the red Impala and frequents Guy's apartment. The informant reviewed Whittington's drivers' license photograph and identified her as Guy's girlfriend.

Not enough

On May 6, 2014 Your Affiant and BOCU Agent Joaquin Salazar were conducting surveillance of Guy in the area of 1104 Circle M. At the time of this surveillance both the red Impala and blue Crown Victoria were present. At approximately 7:15 p.m. Guy was observed driving the Crown Victoria away from the apartment; he was followed by Whittington in the red Impala. The vehicles were followed from Circle M Drive to Whittington's residence at 2602 Larissa Drive.

Not enough

Within the 48-hour period preceding the preparation of this affidavit, the same informant was at 1104 Circle M Drive in Killeen and observed Marvin Guy in possession of cocaine. At the time of the observation Guy was in his blue Crown Victoria that was parked in the parking area adjacent his apartment. The informant stated that Marvin Guy was in care, custody, and control of a quantity of cocaine and that Guy remained at 1104 Circle M Drive in his Crown Victoria in care, custody and control of a quantity of cocaine, which is a controlled substance. Subsequent to this observation surveillance units observed Guy walk from the Crown Victoria and into his apartment at 1104 Circle M, apartment C.

Not enough

The informant has reported that Guy is frequently armed with a handgun and accompanied by other individuals both known and unknown to your Affiant. Your Affiant knows that is not uncommon for individuals who deal in large quantities of controlled substance to employ others to sale and or protect their illegal substances and proceeds from the sale of these substances. Affiant asked that this warrant be issued

Not enough

authorizing a "No Knock" entry for the suspected place, 1104 Circle M Drive, Apartment C in Killeen.

Affiant request that this warrant be inclusive of the (1) Blue, 2005 Ford Crown Victoria four-door which displays Texas license plate DDB9617 and the (2) Red, 2004 Chevrolet Impala four-door that displays Texas license plate CX2C971 which are located in Bell County.

Affiant has substantial experience in the investigation of crimes related to the trafficking of cocaine. The affiant believes it reasonable to expect to find not only the aforementioned drug(s), but other paraphernalia and evidence of drug possession/trafficking at the suspected place this evidence includes records, receipts, notes, ledgers, bank records, money orders and other papers relating to the transportation, ordering, sale and distribution of illegal controlled substances; Currency, financial instruments 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 illegal controlled substances activities; Telephone and address books or papers which reflect names, addresses and/or telephone numbers of their associates in dealing in illegal controlled substances; Photographs of individuals, property and illegal controlled substances; firearms; cellular telephones, computers, tablets and other electronic storage media.

Based on the foregoing facts, Affiant believes that there exists probable cause to believe that Marvin Guy is knowingly and intentionally in possession of a controlled substance to wit: cocaine at the premises described above and that the items described above constitute evidence of violations of the **TEXAS HEALTH AND SAFETY CODE**; there further exists probable cause to believe that the items described above are being concealed at the suspected premises, on the curtilage and on the person of Marvin Guy.

WHEREFORE, Affiant asks for issuance of a warrant that will authorize him to search said place, vehicles and premises for said property and seize the same and to arrest each said described and accused person (s).



KMC 111-0027

[Signature]
AFFIANT

Subscribed and sworn to before me by said Affiant on this 8th day of May, 2014.

[Signature]
Judge, Killeen Municipal Court
Bell County, Texas

SHEILA NORMAN
DISTRICT COURT
BELL COUNTY, TX
[Signature]

2014 MAY 12 PM 1:47

FILED

14-00700

SEARCH AND ARREST WARRANT

STATE OF TEXAS

*

COUNTY OF BELL

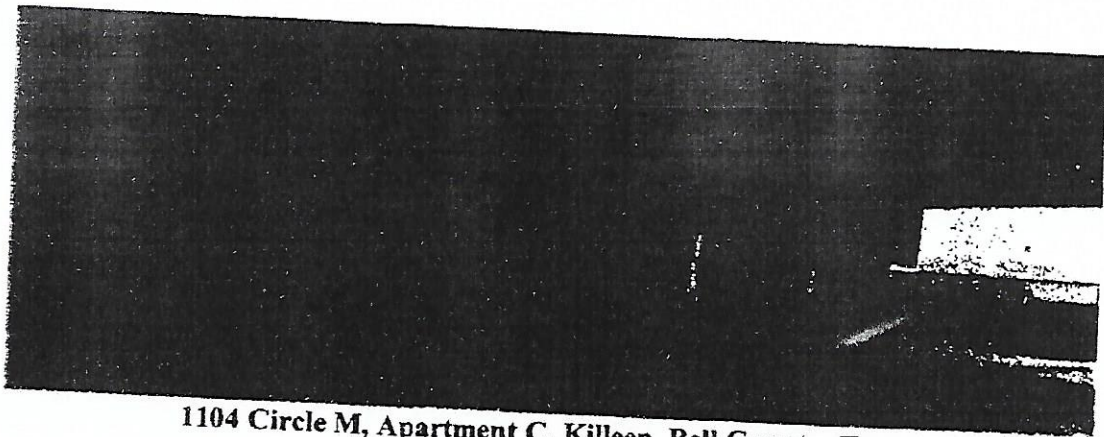
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The STATE OF TEXAS to the Sheriff or any Peace Officer of Bell County, Texas, or any Peace Officer of the STATE OF TEXAS, GREETINGS:

Whereas, an Affidavit in writing, under oath has been made before me and filed with me by John Moseley under the laws of Texas, and whereas I find that the verified facts stated by said Affiant show that Affiant has probable cause for the belief he expresses now, therefore, you are commanded to enter the suspected premises and vehicles situated in Bell County, Texas described as follows: 1104 Circle M, Apartment C, Killeen, Bell County, Texas. The structure located at 1104 Circle M Drive is a two story multiple family apartment building which consist of 4 apartments designated by letters A - D. The building is constructed of brick which is primarily white in color with an off white pitched and shingled roof and off white wooden trim. The building is easily distinguished by the numerals "1104" affixed to the front of the structure facing the north and Circle M Drive. The building is located on the south side of Circle M Drive and is the ~~first~~ ^{fourth} structure east of the intersection of Circle M Drive and Old 440. Apartment C is located on the ground floor of the building in the east end of the structure. The front door of Apartment C is located to the right (west) as you face or approach the building from Circle M Drive and is clearly marked with the letter "C" which is affixed to the front door to the apartment.

This warrant specifically includes two motor vehicles which are described as (1) Blue, 2005 Ford Crown Victoria four-door which displays Texas license plate DDB9617 and (2) Red, 2004 Chevrolet Impala four-door that displays Texas license plate CX2C971.

Said suspected place and premises, in addition to the foregoing description, also includes any outbuildings, locked or secured containers found within the premises, all other places and vehicles on said premises and within the curtilage that are found to be under control of the said 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.



1104 Circle M, Apartment C, Killeen, Bell County, Texas



To include, the curtilage, enclosures and structures on the curtilage. Hereinafter called "Suspected Premises."

And there search for the personal property described as : a) A controlled substance to wit: Cocaine; b) records, receipts, notes, ledgers, bank records, money orders and other papers relating to the transportation, ordering, sale and distribution of illegal controlled substances; c) Currency, financial instruments 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 illegal controlled substances activities; d) Telephone and address books or papers which reflect names, addresses and/or telephone numbers of their associates in dealing in illegal controlled substances; e) Photographs of individuals, property and illegal controlled substances; f) firearms; g) cellular telephones, computers, tablets and other electronic storage media. The items listed above constitute evidence of an ongoing and continuing business of dealing in illegal controlled substances in violation of the **TEXAS HEALTH AND SAFETY CODE**.

And to seize same and retain custody of it pursuant to the terms of Article 18.10, Code of Criminal Procedure and in accordance with the standard operating procedures of the Bell County Organized Crime Unit, however, the seized property may also be transferred to the appropriate prosecuting authority for use as evidence.

And to arrest and bring before me the following persons: Marvin Guy, who is accused of the criminal offense of possession of controlled substance to wit: cocaine.

And also arrest all parties found in the aforementioned place or making their escape therefrom and bring them before me. Herein fail not, but have you then and there this Warrant within three days, exclusive of the day of it's issuance and exclusive of the day of it's execution, with your Return thereon, showing how you have executed the same.

ISSUED THIS THE 8th DAY OF May, 2014, 4:05 AM/PM
TO CERTIFY WHICH WITNESS MY HAND THIS DAY.



Judge, Killeen Municipal Court
Bell County, Texas

"No Knock" Entry Authorized

SHELLIA NORMAN
DISTRICT COURT
BELL COUNTY, TX

2014 MAY 12 PM 1:47

FILED

RETURN AND INVENTORY

STATE OF TEXAS *

COUNTY OF BELL *

The undersigned Affiant, being a Peace Officer under the laws of Texas and being duly sworn, on oath certifies that the foregoing Warrant came onto hand the day it was issued and that it was executed on the 14th day of January, 2013, by making the search directed therein and by seizing during the search the following described property:

My Place WAS
Raided MAY 9
← NOT

- Nike Shoe Box with scale, bowl, 2 spoons - *not drug related*
- Gray pill bottle with blue tablets — N.D.R
- Plastic Packet — N.D.R
- AWS 600 Gram Digital Scale — N.D.R
- Two white tissues — N.D.R
- Off white solid substance — N.D.R
- ? Red Dinner plate with trace white powder *
- ? Partial plastic packet — N.D.R
- Two one-gallon zip lock style bags, powder residue - N.D.R
- Partial plastic bags - N.D.R
- White Nike shoe bag - N.D.R
- * Equate pill bottle - *Planted evidence*
- Plastic sandwich bag with white powder N.D.R
- Glass jar with marijuana residue (*Weed*)
- Partial plastic bags N.D.R
- Mail, Water Bill, Bank Card, Index Card with writing N.D.R
- Bag with plastic packets N.D.R
- Five plastic bags N.D.R
- Metal grinder with marijuana residue (*Weed*)
- Plastic bag containing three plastic bags N.D.R
- Bottle with 49 white tablets marked IP190 N.D.R
- Pill Bottle N.D.R

SHELLIA NORMAN
DISTRICT COURT
BELL COUNTY, TX

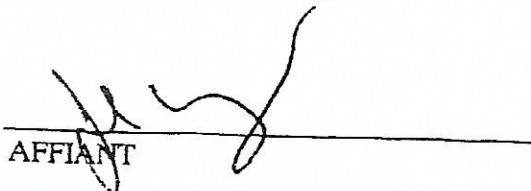


2014 MAY 12 PM 1:47


FILED

The seized property listed will be stored in accordance with the standard operating procedures of the Bell County Organized Crime Unit and pursuant to the terms of Article 18.10, Code of Criminal Procedure. However, the seized property may also be transferred to the appropriate prosecuting authority for use as evidence.




AFFIANT

Subscribed and sworn to before me by said Affiant on this 12TH day May, 2014.


Killeen Municipal Court Judge
Bell County, Texas