

NO. 46818-2-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON, Appellant

v.

MICHAEL FREDERICK WELLS, Respondent

FROM THE SUPERIOR COURT FOR CLARK COUNTY
CLARK COUNTY SUPERIOR COURT CAUSE NO.13-1-01975-2

BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

I. ASSIGNMENTS OF ERROR FROM TRIAL COURT'S "ORDER GRANTING MOTION TO SUPPRESS [SIC]"

- a. The trial court erred in excluding the drug dog's alerts from the review of probable cause.
- b. The trial court erred in holding that there was not a nexus between Mr. Wells's vehicle and criminal activity.
- c. The trial court erred by applying the wrong legal standard when it isolated the facts and circumstances supporting the magistrate's probable cause determination and suggested that because each fact or circumstance by itself did not give rise to probable cause, that probable cause could not be found.
- d. The trial court erred in by reviewing the search warrant affidavit in a hypertechnical manner, resolving doubts against the validity of the warrant, and failing to give great deference to the magistrate's determination of probable cause.

II. ASSIGNMENTS OF ERROR FROM TRIAL COURT'S "FINDINGS OF FACT AND CONCLUSIONS OF LAW ON DEFENDANT'S MOTION TO SUPPRESS AND ORDER OF DISMISSAL."

- a. The trial court erred in entering Conclusion of Law #3.
- b. The trial court erred in entering Conclusion of Law #4.

- c. The trial court erred in entering Conclusion of Law #5.
- d. The trial court erred in entering Conclusion of Law #6.

B. ISSUES PRESENTED

I. THE SEARCH WARRANT AFFIDAVIT SET FORTH FACTS AND CIRCUMSTANCES SUFFICIENT TO ESTABLISH A REASONABLE INFERENCE THAT EVIDENCE OF CRIMINAL ACTIVITY COULD BE FOUND AT THE PLACE SEARCHED.

II. THE MAGISTRATE DID NOT ABUSE ITS DISCRETION WHEN IT FOUND PROBABLE CAUSE TO SEARCH MR. WELLS'S VEHICLE FOR EVIDENCE OF CRIMINAL ACTIVITY.

C. STATEMENT OF THE CASE

I. PROCEDURAL HISTORY

Michael Wells was charged by information with Possession of a Controlled Substance with Intent to Deliver – Methamphetamine and Possession of a Controlled Substance with Intent to Deliver - Heroin for an incident that happened on or about September 10, 2013. Supp. CP --. Each count also alleged the school bus stop route enhancement. Supp. CP --. The case proceeded to a CrR 3.6 hearing before The Honorable John Nichols on August 27, 2014. RP 1-91.

The court found that the stop of Mr. Wells was lawful. RP 55-56, CP 73-44 at Conclusion of Law #2. The court also held that the search

warrant that was executed on Mr. Wells's vehicle and led to his criminal charges was not supported by probable cause and suppressed the evidence found. CP 70, 75. Finding insufficient evidence to go forward with trial following the suppression of the evidence, the trial court dismissed the case. CP 75. The State filed a timely notice of appeal. CP 77.

II. STATEMENT OF FACTS

Detective Jared Stevens of the Clark County Sheriff's Office's Tactical Detective Unit (TDU) authored a search warrant affidavit dated September 12, 2013, that led to the execution of a search warrant on Michael Wells's vehicle on September 13, 2013. The Affidavit in Support of Search Warrant is attached as Appendix-Exhibit 1. The Affidavit in Support of the Search warrant can be broken down into three parts: Detective Stevens's training, experience, and knowledge (pages 2-3, 8-9); Officer Rayan Starbuck's training, experience, and certification to include his K-9 Ory (pages 6-8); and the current investigation into Mr. Wells (pages 3-6, 8).

a. Detective Stevens's Training, Experience, and Knowledge.

Detective Stevens has worked for the Clark County Sheriff's office since 2007. Exhibit 1 at 2. In 2013, he was assigned to the Tactical Detective Unit. *Id.* In addition to completing the basic law enforcement

academy, Detective Stevens has participated in over 600 hours of additional training to include training on the investigation of narcotics crimes. *Id.* at 3. Detective Stevens has been involved in approximately 30 investigations that lead to arrests involving the possession and/or distribution of controlled substances. *Id.* As a result of his training and experience, Detective Stevens knows that narcotics dealers often store and/or hide money and controlled substances in small metal safes or lockboxes and in leather zipper bank pouches. *Id.* at 5. He is also familiar with the types of meetings and behaviors that are consistent with narcotics transactions. *Id.* at 4.

b. Officer Starbuck's and Ory's Training, Experience, and Certification.

Officer Starbuck has been with the Vancouver Police Department since 2005, and since 2012 he has been assigned to the Special Operations Division as a Police Canine Handler. Exhibit 1 at 6-7. As part of his current position, Officer Starbuck completed a ten week Patrol Dog Handler's course with Vancouver Police Service Canine, Ory. *Id.* at 7. That course involved at least 400 hours of training. *Id.* In addition, Ory is certified by the Washington State Criminal Justice Training Commission, the Washington State Police Canine Association, and the Oregon Patrol Canine Association as a Narcotics Detection Canine. *Id.* Ory is trained in

the detection of methamphetamine, crack cocaine, cocaine, marijuana, and heroin and, in fact, has found such drugs when deployed by Officer Starbuck. *Id.* at 8. Officer Starbuck and Ory attend an average of 6 hours of maintenance training a week which includes narcotics detection training. *Id.*

During his career, Officer Starbuck has been involved in over fifty cases as a primary or back up officer for controlled substances investigations involving marijuana, methamphetamine, heroin, and cocaine. *Id.* at 6. These cases have included possession of controlled substances, delivery of controlled substances, and identifying controlled substances. *Id.* As a Police Canine Handler, Officer Starbuck uses Ory to detect the odor of controlled substances in open areas, buildings, vehicles, and sealed containers. *Id.*

c. The Current Investigation

The investigation into drug trafficking in which probable cause was established to search Mr. Wells's vehicle began on September 10, 2013. Exhibit 1 at 3. On that date, officers were conducting surveillance on a Bryan Valdez. *Id.* Mr. Valdez, according to Confidential Reliable Informant (CRI), was still selling methamphetamine even though he, Mr. Valdez, had just been released from jail on the same charge. *Id.* at 4. Detective Stevens had recently served a search warrant on a vehicle

owned by Mr. Valdez and recovered 45 grams of field tested positive methamphetamine. *Id.*

During the surveillance, officers observed Mr. Valdez stop at a Krispy Kreme store. *Id.* He waited there until a silver Chevrolet Camaro arrived. Mr. Valdez exited his vehicle as did the male (Mr. Wells) who was driving the Camaro. *Id.* Shortly thereafter, both men sat inside the Camaro for about 20 minutes. While both men were still in the Camaro, two females exited the store; one of those females got into the Camaro with Mr. Wells and they left together. *Id.* Sergeant Hoss maintained surveillance on the Camaro, while other detectives continued to follow Mr. Valdez. Exhibit 1 at 4. Mr. Valdez was pulled over, and a K-9 alerted to the presence of narcotics within his vehicle. *Id.* Meanwhile, Sergeant Hoss followed the Camaro to a Goodwill store that Mr. Wells and the female entered and then stayed inside for about an hour. *Id.* Upon leaving the Goodwill, Sergeant Hoss observed the vehicle to be swerving and failing to maintain its lane of travel to the point where its rear tire struck a curb. *Id.* at 5. At this point, Sergeant Hoss conducted a traffic stop. *Id.* Detective Stevens arrived shortly afterwards to assist. *Id.*

Sergeant Hoss identified the driver as Mr. Wells and the passenger as Nora Thomas. *Id.* Ms. Thomas was not wearing a seatbelt and had an outstanding felony warrant for her arrest stemming from a drug charge. *Id.*

Detective Stevens learned she had been convicted for felony possession of a controlled substance. A search incident to Ms. Thomas's arrest turned up methamphetamine in her purse and in a small glass pipe. *Id.* Detective Stevens learned that Mr. Wells had no less than four prior convictions for possession of a controlled substance. Exhibit 1 at 5. Detective Stevens asked Mr. Wells if there were drugs in the vehicle, and Mr. Wells informed him that there was a little marijuana. *Id.*

While the investigation was ongoing, Detective Stevens noticed a small metal safe or lockbox on the floor in front of the driver's seat and a leather zipper bank pouch wedged between the driver's seat and the center console. *Id.* At that point, combined with the other observations and Detective Stevens's knowledge, he requested a K-9 unit to assist by conducting a sniff of the vehicle. *Id.* at 6. Officer Starbuck arrived with Ory, and Ory demonstrated a positive alert at the bottom seam of the driver's side door near the rear of the door, the passenger side door handle, and the bottom front portion of the passenger door seam. *Id.* at 8. Following the dog sniff, a search warrant was authorized and executed on Mr. Wells's vehicle and officers discovered, among other items, heroin, methamphetamine, a scale, and over \$12,000 cash. CP 26-33, 65, 73.

D. **ARGUMENT**

I. **THE SEARCH WARRANT AFFIDAVIT SET FORTH FACTS AND CIRCUMSTANCES SUFFICIENT TO ESTABLISH A REASONABLE INFERENCE THAT EVIDENCE OF CRIMINAL ACTIVITY COULD BE FOUND AT THE PLACE SEARCHED.**

Under both the Constitution of the United States and Washington's Constitution, a search warrant may issue only upon a determination of probable cause. *State v. Thein*, 138 Wn.2d 133, 140, 977 P.2d 582 (1999). "Probable cause exists if the affidavit in support of the warrant sets forth facts and circumstances sufficient to establish a reasonable inference that the defendant is probably involved in criminal activity and that evidence of the crime can be found at the place to be searched." *Id.* Accordingly, probable cause requires "a nexus between criminal activity and the item to be seized, and also a nexus between the item to be seized and the place to be searched." *Id.*

Any evidence that would be helpful in the prosecution of a crime has a sufficient nexus to that crime for the purposes of issuing a search warrant. *See Messerschmidt v. Millender*, --- U.S. ----, 132 S.Ct. 1235, 1247-49, 182 L.Ed.2d 47 (2012); *Warden, Md. Penitentiary v. Hayden*, 387 U.S. 294, 307, 87 S.Ct. 1642, 18 L.Ed.2d 782 (1967) (holding that the Fourth Amendment allows a search for evidence when there is "probable cause . . . to believe that the evidence sought will aid in a particular

apprehension or conviction”). RCW 10.79.015 supports this proposition as it provides that “[a]ny . . . magistrate, when satisfied that there is reasonable cause, may . . . issue [a] search warrant in the following cases, to wit: . . . (3) *[t]o search for and seize any evidence material to the investigation or prosecution of . . . any felony.*” (emphasis added); see also CrR 2.3 (a warrant may be issued “to search for and seize *any* (1) *evidence of a crime*; or (2) contraband, *the fruits of crime*, or things otherwise criminally possessed; or (3) weapons or other things by means of which a crime has been committed or reasonably appears about to be committed. . . .”) (emphasis added).

Consequently, search warrants, in addition to authorizing a search for direct evidence of the crime at issue, may be issued to search for evidence that may “help to establish motive,” “support the bringing of additional, related charges,” or “might prove helpful in impeaching [a defendant] or rebutting various defenses he could raise at trial.” *Messerschmidt*, 132 S.Ct. at 1247-48. The “magistrate may infer the existence of [this type of] evidence from the facts and circumstances provided in the affidavit.” *State v. Maddox*, 152 Wn.2d 499, 510-11, 98 P.3d 1199 (2004) (holding there were facts in the affidavit from which the magistrate could infer the likely presence of drug dealing paraphernalia even though the affidavit was silent as to whether the informant saw those

items in the defendant's home). Such inferences from search warrant affidavits are allowed because as the Washington Supreme Court has "often stated, the affidavit is not required to establish a prima facie case of guilt, but rather a likelihood that evidence of criminal activity will be found." *Id.* at 511 (citation omitted); *Messerschmidt*, 132 S.Ct at Fn. 7 (the issuing magistrate does not need "probable cause to believe evidence will conclusively establish a fact before permitting a search, but only probable cause [] to believe the evidence sought will aid in a particular . . . conviction.") (citation and quotation omitted).

In making such a determination, a magistrate can take into account the "experience and expertise" of the officer who authored the search warrant affidavit as well as "where evidence is likely to be kept, based on the nature of the evidence and the type of offense." *Maddox*, at 511, 505; *U.S. v. Angulo-Lopez*, 791 F.2d 1394, 1399 (9th Cir. 1986). And while "generalizations regarding common habits of drug dealers, standing alone, cannot establish probable cause, such generalizations may support probable cause where a factual nexus supported by specific facts is also provided and where the generalizations are based on the affiant's experience." *Maddox*, 152 Wn.2d at 511. Furthermore, a suspect's prior convictions "may be used in determining probable cause, particularly

when a prior conviction is for a crime of the same general nature.” *Thein*, 138 Wn.2d at 148; *Maddox*, 152 Wn.2d at 512 (citations omitted); *State v. Neth*, 165 Wn.2d 177, 185-86, 196 P.3d 658 (2008).

Additionally, generally, an “alert by a trained drug dog is sufficient to establish probable cause for the presence of a controlled substance.” *State v. Jackson*, 82 Wn.App 594, 606, 918 P.2d 945 (1996); *State v. Flores-Moreno*, 72 Wn.App 733, 741, 866 P.2d 648 (1994) (“Probable cause to search can be established by the positive reaction of a drug sniffing dog whose reliability has been shown.”) (citation omitted). A drug dog’s reliability, for the purposes of establishing probable cause, can be proven by showing the dog has experience, received training, and is certified. *State v. Stanphill*, 63 Wn.App. 623, 769 P.2d 861 (1989); *Flores-Moreno*, 72 Wn.App. at 741; *Jackson*, 82 Wn.App. at 606. While the State acknowledges that an alert from a drug dog that is trained to alert to a controlled substance that can now be legally possessed (marijuana), among other unlawful controlled substances, diminishes the probative value of its alerts in general, it should not result in the alert being excluded from the probable cause determination altogether.

As a result, the trial court erred when it held, without citation to authority¹, that Ory's positive alerts must be excluded from the probable cause determination due to the fact that the dog could have alerted to marijuana. CP 68-69, 74-75 at Conclusion of Law #4. That state needed to only show, and did, that drug dog had the necessary experience, training, and certification to establish its reliability. Additionally, it was reasonable to assume that Ory alerted to an unlawful controlled substance in Mr. Wells's vehicle, Mr. Wells's assurances to the contrary, given that (1) Mr. Wells was meeting with a suspected methamphetamine dealer in a suspicious manner prior to the dog sniff; (2) his passenger possessed methamphetamine, (3) his passenger had an outstanding warrant for possession of a controlled substance and a conviction for possession of a controlled substance; and (4) Mr. Wells, himself, had no less than four prior convictions for possession of a controlled substance.

Here, we have a search warrant affidavit authored by a detective with training and experience in drug crimes, suspects with a history of crimes of the same general nature, specific facts linking Mr. Wells and Ms. Thomas to a methamphetamine dealer and behavior consistent with a

¹ To the extent that the trial court's references *Neth* to support its holding, that case is inapposite as the issue of the dog sniff there was disposed of by the trial court and not raised on appeal by either the appellant or respondent. 165 Wn.2d at 181 ("But inasmuch as the trial court ruled that the magistrate should not have issued the warrant based on the dog sniff because of inadequate foundation that the dog was reliable, we conclude that the dog sniff is not before us.").

drug transaction with said individual utilizing the Mr. Wells's Camaro, a small metal safe or lockbox and a leather zipper bank pouch spotted in the Camaro that Detective Stevens knows through his knowledge and experience are often used by narcotics dealers to store and/or hide controlled substances and money, the methamphetamine discovered on Ms. Thomas, and three positive alerts by the drug dog Ory. These facts and circumstances when combined with reasonable inferences provide that there was a reasonable possibility that evidence of criminal activity would be found in Mr. Wells's vehicle and that the trial court erred when it suppressed the evidence found based on its finding that the warrant was not supported by probable cause.

II. THE MAGISTRATE DID NOT ABUSE ITS DISCRETION WHEN IT FOUND PROBABLE CAUSE TO SEARCH MR. WELLS'S VEHICLE FOR EVIDENCE OF CRIMINAL ACTIVITY.

A judge exercises judicial discretion in determining whether to issue a search warrant. *State v. Vickers*, 148 Wn.2d 91, 108, 59 P.3d 58 (2002). That decision "is reviewed for abuse of discretion." *Id.* A search warrant, once issued, is entitled to "a presumption of validity" and reviewing courts shall accord "great deference to the magistrate's

determination of probable cause.” *State v. Chenoweth*, 160 Wn.2d 454, 477, 158 P.3d 595 (2007); *Vickers*, 148 Wn.2d at 108; *State v. O’Connor*, 39 Wn.App 113, 123, 692 P.2d 208 (1984) (“Both *the superior court* and [the Court of Appeals] are required to give great weight to a magistrate’s determination that probable cause exists . . .”) (emphasis added). As a result, “[d]oubts concerning the existence of probable cause are generally resolved in favor” of the validity of the search warrant. *Vickers*, 148 Wn.2d at 108-109; *Chenoweth*, 160 Wn.2d at 477. Moreover, reviewing courts are to examine affidavits in support of a search warrant in “a commonsense, not a hypertechnical manner.” *State v. Ollivier*, 178 Wn.2d 813, 847, 312 P.3d 1 (2013) (citations omitted). Because at a suppression hearing on a search warrant the trial court acts in an “appellate-like capacity,” a higher appellate court, while still deferring to the magistrate’s determination, reviews *de novo* the “trial court’s assessment of probable cause.” *State v. Neth*, 165 Wn.2d 177, 182, 196 P.3d 658 (2008) (citing *State v. Chamberlin*, 161 Wn.2d 30, 40–41, 162 P.3d 389 (2007)).

Here, the trial court failed to accord the magistrate the proper level of deference, reviewed the affidavit in support of the search warrant in a hypertechnical manner, and resolved doubts concerning the existence of probable cause against the validity of the search warrant. As established above, the search warrant affidavit supported a finding of probable cause.

Moreover, probable cause was actually found by the issuing magistrate. Nonetheless, the trial court here broke down the search warrant affidavit into its constituent parts, reviewed each part in isolation before concluding that said part or factor could not establish probable cause, and then held that probable cause did not exist without any reference to the appropriate standard of review. CP 67-70, 74-75. Such a hypertechnical review of a search warrant affidavit is contrary to the case law.

For example, the trial court noted the fact that Ms. Thomas, Mr. Wells's passenger, was found with a pipe and methamphetamine on her person following her arrest and concluded that those discoveries "do not create probable cause for evidence of narcotics dealing in Mr. Wells' vehicle" and the "fact that a small amount of drugs are found on the person of the passenger is not sufficient to justify a search of the vehicle without additional facts." CP 67, 74 at Conclusion of Law #3. Similarly, the trial court concluded that "Mr. Wells' past convictions for possession of controlled substances do not constitute probable cause" and that Mr. Wells's suspicious meeting with a drug dealer, "is innocuous and contributes nothing to probable cause." CP 69, 74 at Conclusion of Law #3. The trial court does the same thing when addressing the conclusions and generalizations of the affiant based on his experience stating that "general conclusions, standing alone, cannot establish probable cause," as

“[t]here must be factual information. . . .” CP 67, 74 at Conclusion of Law #3. While this holding is indeed true, no argument was made otherwise, the court then dismisses the factual information out of hand and ignores that “generalizations *may support probable cause* where a factual nexus supported by specific facts is also provided and where the generalizations are based on the affiant's experience” as was the case here. *Maddox*, 152 Wn.2d at 511; CP 67-68. The trial court continues in the same vein by holding that “[t]he observation by the officer of the bank bag and the safe does not support probable cause.” CP 75 at Conclusion of Law #4, 69.

The error in each of these scenarios is that probable cause is not determined by looking at each piece of evidence alone and determining whether that evidence by itself could establish probable cause. Instead, it is the affidavit in total that needs to establish probable cause and each piece of evidence, fact, or circumstance, may support that determination. Additionally, here the trial court essentially reweighed each piece of evidence and came up with its own conclusion as to whether the affidavit supported probable cause as it did not anywhere hold that the magistrate erred by abusing its discretion in finding probable cause. CP 70, 73-75. Consequently, the trial court did not apply the proper standard of review.

Because the trial court's decision suppressing evidence is reviewed *de novo*, this court should not defer to any of the trial court's findings.² Instead, this court, in deferring to the magistrate's probable cause determination and reviewing the warrant affidavit in accordance with the case law, should find the trial court erred in finding the search warrant affidavit did not support probable cause, reverse the order suppressing the evidence discovered as a result of the search warrant, and order the trial court to reinstate the prosecution.

E. CONCLUSION

For the reasons argued above, the trial court's order suppressing evidence and dismissing this case should be reversed.

DATED this 24th day of March, 2015.

Respectfully submitted:

ANTHONY F. GOLIK
Prosecuting Attorney
Clark County, Washington

By:


AARON T. BARTLETT, WSBA #39710
Deputy Prosecuting Attorney

² Here, the Findings of Fact are superfluous with regard to the issues raised as the facts necessary to address challenges to a search warrant are contained in the four corners of the affidavit. *Neth*, 165 Wn.2d at 182.

APPENDIX

“EXHIBIT 1”

Clark County Superior Court
13-1-01975-2

STATE OF WA V. WELLS

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Date: 8/27/14

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DISTRICT COURT OF CLARK COUNTY
State of Washington

STATE OF WASHINGTON,

**AFFIDAVIT IN SUPPORT OF
SEARCH WARRANT**

Plaintiff

V.

WELLS, MICHAEL F. 10/06/1972
THOMAS, NORA R. 03/22/1983

Defendant

FILED
SEP 19 2013
DISTRICT COURT
CLARK COUNTY, WASH

I, Detective Jared Stevens, first duly sworn upon oath, hereby depose and say that I have good and sufficient reason to believe the persons and property described below and sought pursuant to this Search Warrant are presently at the location set forth herein. Wherefore, Affiant requests that this Search Warrant be issued pursuant to the State of Washington Criminal Rules for Courts of Limited Jurisdiction, rule 2.3, Section (c).

LOCATION TO BE SEARCHED:

1. A silver 2013 Chevrolet Camaro, a two door hard top coupe with California license plate number 6WNV744 affixed both front and rear, with Vehicle Identification Number (VIN) 2G1FK1EJXD9105743, currently sealed and securely stored at Clark County Property and Evidence located at 812 W. 11th Street, #1, Vancouver, WA, 98660.

FOR THE FOLLOWING PERSON(S) and/or PROPERTY:

Evidence to the crime of RCW 69.50.401, Possession of a Controlled Substance 1 and RCW 69.50.401 DEL1, Possession of a Controlled Substance with Intent to Deliver.

1 1. Controlled substances and paraphernalia indicating the use and/or distribution of
2 controlled substances to include but not limited Heroin, Methamphetamine, Cocaine,
3 Crack Cocaine and Marijuana.

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5 2. Cellular telephone(s) and electronic storage devices. All data included in the
6 memory of said devices, whether included in the handset memory, or as content of any
7 Subscriber Identity Module (SIM) cards or removable memory devices present in the
8 handsets. Including, but not limited to incoming and outgoing call lists, contact(s) lists
9 (phonebooks), pictures, videos, multimedia messages, e-mails, voice mail, electronic
10 correspondence, any available text messages, and any other electronic data or records
11 that may pertain to the crime(s) being investigated. To be examined and analyzed by a
12 trained Detective and generated into an examination report for evidence purposes.

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14 3. Items or evidence of stolen property including jewelry, collector's items, watches,
15 firearms, consumer electronics, clothing, merchandise, items of identification, items of
16 ownership, receipts of purchase, receipts of returns, pawn slips and registration
17 paperwork.

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19 4. All locked containers capable of containing evidence of the above listed crimes.

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28 **EXPERTISE OF AFFIANT:**

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30 I am a Detective with the Clark County Sheriff's Office assigned to the Tactical
31 Detective Unit (TDU). I have been employed by the Clark County Sheriff's Office since
32 September of 2007. From April of 2008 through December 2012, I was assigned to the
33 patrol division. In 2013 I was assigned to the Tactical Detective Unit. I have
34 successfully completed 720 hours of training at the Basic Law Enforcement Academy

1 sponsored by the Washington State Criminal Justice Training Commission. I have
2 participated in over 600 hours of additional ongoing training since being hired. This
3 training has encompassed information dealing with the investigation of Burglaries,
4 Frauds, crimes of dishonesty, Thefts, and narcotics. While in patrol I was involved in
5 investigating more than 20 crimes relating to dishonesty, more than 60 investigations
6 involving burglaries, and more than 180 investigations regarding thefts. I have also
7 been involved in more 5 investigations related to sexual crimes. In addition I have been
8 involved in approximately 30 investigations that lead to arrests involving the possession
9 and/or distribution of controlled substances.

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17 **PROBABLE CAUSE STATEMENT:**

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The facts set forth in this affidavit are based on my own personal knowledge; knowledge
obtained from other individuals during my participation in this investigation, including
other law enforcement officers; interviews of cooperating witnesses; review of
documents and records related to this investigation; communications with others who
have personal knowledge of the events and circumstances described herein; and
information gained by my training and experience.

26 Because this affidavit is submitted for the limited purpose of establishing probable
27 cause in support of the application for a search warrant, it does not set forth each and
28 every fact that I or others have learned during the course of this investigation. I have
29 set forth only the facts that I believe are necessary to establish probable cause to
30 believe that evidence, fruits and instrumentalities of the listed offenses will be found on
31 or in the listed location(s).

32
33
34

In this official capacity on September 10th, 2013, I was assisting Detective Chris Luque
conduct surveillance on a male identified as Bryan Valdez. Detective Luque was

1 advised by a Confidential Reliable Informant that Valdez was selling methamphetamine
2 again after having recently being released from jail for the same charge. I personally
3 had recently served a search warrant on a vehicle owned by Valdez where a stolen
4 Apple iPad as well as over 45 grams of field tested positive methamphetamine was
5 located.

6
7 During the surveillance of Valdez, he was observed driving at which time he was
8 followed until he stopped at the Krispy Kreme store located near NE Andresen Road
9 and NE Padden Parkway. There Valdez was observed parking in the lot where he
10 waited for a few minutes until a silver Chevrolet Camaro arrived at which time Valdez
11 exited his vehicle and contacted a male who exited the Camaro. Valdez and the male
12 then sat down together inside the Camaro for approximately 20 minutes. While they
13 were sitting in the vehicle, two females exited the Krispy Kreme and approached the
14 Camaro. Valdez and the other male then exited the Camaro and Valdez returned to his
15 pickup and left while the male from the Camaro got back inside of it as well as one the
16 females that had exited Krispy Kreme and they then left together. I know through
17 training and experience that this type of meeting/behavior is consistent with narcotics
18 transactions.

19
20 Sgt. Hoss maintained surveillance on the Camaro while myself, Detective Luque and
21 Detective Muller maintained surveillance on Valdez in his pickup. Valdez was seen
22 talking on his cell phone while driving and a traffic stop was initiated. Subsequent to the
23 traffic stop, a K9 sniff was conducted by a trained K9 Officer and his dog of Valdez's
24 vehicle during which the K9 alerted to the presence of narcotics inside the vehicle.
25 Detective Luque seized the vehicle to apply for a search warrant.

26
27 Simultaneous to the Valdez traffic stop, Sgt. Hoss maintained surveillance on the silver
28 Camaro and followed it from Krispy Kreme to the Goodwill Store in Hazel Dell. There
29 he observed the male and female occupants of the vehicle enter the store where they
30 remained for more than an hour before they finally left and returned the Camaro. The
31 two subjects left in the Camaro as Sgt. Hoss followed at which time he observed the

1 vehicle to be swerving and failing to maintain it's lane of travel to the point where it's
2 rear tire struck the curb. At that time Sgt. Hoss initiated a traffic stop and I arrived
3 shortly to assist.
4 Sgt. Hoss advised me that he had contacted the male driver and the female passenger,
5 who herself was not wearing a seatbelt. The driver was identified as Michael Wells and
6 the female was identified as Nora Thomas. Nora was found to have an outstanding
7 felony warrant for her arrest stemming from a Possession of a Controlled Substance
8 charge. Nora is also a convicted felon for possession of a controlled substance. Nora
9 was taken in to custody at that time for the warrant. A search of Nora's purse incident
10 to arrest, which she was holding when she was asked to step out of the vehicle, located
11 a small glass pipe with a bulb on the end with residue inside which I know through
12 training and experience is commonly used to smoke methamphetamine. Also inside the
13 purse, a small clear vile was located with a crystal like residue inside which field tested
14 positive for methamphetamine.

15

16 I was also advised the driver, Michael Wells, is a convicted felon for Possession of a
17 Controlled Substance. I contacted Michael and asked him to exit the vehicle and he
18 complied. I asked Michael if there were any kind of narcotics in the vehicle and he
19 stated there was not. I asked him if there was any meth, heroin, cocaine or marijuana in
20 the vehicle and he stated, "There's a little bud in there." I confirmed that he meant
21 marijuana when he was referring to "bud". I asked him how much and he made a circle
22 about that size of a quarter coin with his thumb and index finger and showed me and
23 stated, "Just a little." He stated he believed it was in the center console of the vehicle. I
24 was later able to view Michael's criminal history and found he has no less than four prior
25 convictions for possession of a controlled substance.

26

27 Inside the vehicle, on the floor in front of the driver's seat, I could see a small metal
28 safe/lockbox. Also wedged between the driver's seat and the center console I observed
29 what appeared to be a leather zipper bank pouch commonly used to carry money. I
30 know through my training and experience that these items are often used to store/hide
31 controlled substances and money by narcotics dealers. These items coupled with the

1 observed meeting with Valdez at the Krispy Kreme, as well as the Confidential
2 Informant advising that Valdez was dealing methamphetamine, leads me to suspect it
3 was a possibly narcotic transaction.
4 At that time, based on the Possession of Controlled Substance history of both Michael
5 and Nora, as well as the paraphernalia and field tested positive methamphetamine
6 located in her control, their observed actions at Krispy Kreme and the information that
7 Valdez has been dealing methamphetamine, I requested a K9 unit to assist by
8 conducting a sniff of the vehicle. Vancouver Police K9 Officer Starbuck arrived and
9 conducted the sniff of the vehicle with his dog. The following is the statement he
10 provided to me:

11

12 *"I, Ryan Starbuck am a Police Officer with the Vancouver Police Department and I am*
13 *currently assigned to the Canine Unit as a Vancouver Police Canine Handler. I have*
14 *been employed by the Vancouver Police Department since July of 2005.*

15

16 *During my employment from July 2005 to December 2005 I have received over 720*
17 *hours of training to meet the requirements of the Washington State Criminal Justice*
18 *Training Commission and the Vancouver Police Department while attending a twenty*
19 *one week Washington State Academy. I have received my Washington State Criminal*
20 *Justice Training Commission certification.*

21

22 *From December of 2005 to February of 2012 I was assigned to the Patrol Division as a*
23 *Patrol Officer. My duties as a Police Officer include, but are not limited to, investigating*
24 *misdemeanor and felony crimes, making arrest for misdemeanor and felony crimes,*
25 *enforcing all applicable laws, conducting proactive patrols, investigating traffic collisions,*
26 *conducting proactive traffic enforcement, and issuing traffic citations. I have been*
27 *involved in over fifty cases as a primary or back up officer for controlled substance*
28 *investigations involving marijuana, methamphetamine, heroin, and cocaine. These*
29 *cases have included possession of controlled substances, delivery of controlled*
30 *substances, and identifying controlled substances.*

31

1 *During September 2011 I was selected for the position of Canine Handler. From*
2 *February 2012 to current I have been assigned to the Special Operations Division as a*
3 *Police Canine Handler. My duties (in addition to above mentioned duties) as a Canine*
4 *Handler include, but are not limited to, using a Police Service Dog to track, search*
5 *buildings, and open areas for subjects wanted for felony and/or violent misdemeanor*
6 *crimes, using the Police Service Dog to assist patrol officers in taking dangerous*
7 *suspects into custody, and using the Police Service Dog to detect the odors of*
8 *controlled substances in open areas, buildings, vehicles, and sealed containers. During*
9 *my time in Special Operations I completed a ten week Patrol Dog Handler's course with*
10 *Vancouver Police Service Canine, Ory; a German Shepherd Police Service Dog. This*
11 *course met the Washington State Administrative Code (WAC) requirement of four*
12 *hundred hours.*

13

14 *The Patrol Dog Handlers Course also met the 200 hour training requirement for*
15 *narcotics detection by the Washington State Administrative Code (WAC). On May 23rd*
16 *and May 24th of 2012, Ory was certified by the Washington State Criminal Justice*
17 *Training Commission (WSCJTC) and the by the Washington State Police Canine*
18 *Association (WSPCA) as a Patrol Canine and Narcotics Detection Canine. On*
19 *November 7, 2012, Ory was certified by the Oregon Patrol Canine Association (OPCA)*
20 *as a Narcotics Detection Canine.*

21

22 *Ory was trained and certified prior to the effective date of Initiative 502. Ory is trained in*
23 *the detection of methamphetamine, crack cocaine, cocaine, marijuana and heroin. Ory*
24 *cannot communicate which of these substances he has detected. Ory can detect*
25 *miniscule amounts of these five substances. Ory cannot detect whether the detected*
26 *substance is present as residue or in measurable amounts. Despite these limitations,*
27 *K9 Ory's alert provides probable cause to believe that evidence of a Violation of a*
28 *Uniform Controlled Substance Act may be found in the sniffed location when added to*
29 *additional facts listed below. Ory is trained to alert to the aforementioned odors by*
30 *passive alert (sitting) at the source of the odor.*

31

1 *Police Canine Ory has had street finds of marijuana, heroin, cocaine and*
2 *methamphetamines.*

3
4 *Ory and I attend an average of 6 hours a week in maintenance training. That includes*
5 *both patrol and narcotics detection training.*

6
7 *On 091013 at approximately 2118 hours I was requested to the 900 block of NE 78th St*
8 *in the City of Vancouver, WA, County of Clark to assist Clark County Sheriff's Deputies*
9 *with a narcotics investigation. I was requested to assist with the assistance of City of*
10 *Vancouver Police Service K9 Ory by Detective J. Stevens and Sgt. D. Hoss. They were*
11 *conducting an investigation following a traffic stop at this location. Upon arrival I*
12 *contacted Sgt. Hoss of the Clark County Sheriff's Office. I was asked to use K9 Ory to*
13 *sniff the exterior of the vehicle which was stopped for the odor of drugs/narcotics. The*
14 *female occupant of the vehicle had been placed under arrest for an outstanding warrant*
15 *and had in her possession a substance presumptively believed to be*
16 *methamphetamine.*

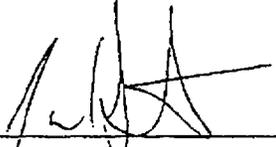
17
18 *The vehicle that was requested to be sniffed was a 2013 Chevrolet Camaro silver in*
19 *color bearing both a front and rear plate of CA6WNV744. The vehicle was parked*
20 *along the on ramp to I-5 NB from NE 78th St. The driver and passenger window were*
21 *both partially rolled down. I directed K9 Ory to sniff the exterior of the vehicle. He*
22 *demonstrated to me an affirmative alert to the odor of drugs/narcotics at the passenger*
23 *side door handle, the bottom seam of the driver's side door near the rear of the door,*
24 *and the bottom front portion of the passenger door seam. I advised Detective Stevens*
25 *and Sgt. Hoss of my findings for their investigation."*

26
27
28 *Based on the Michael and Nora's possession of controlled substance history, their*
29 *observed meeting with Valdez who is allegedly dealing methamphetamine, the storage*
30 *items visible in the vehicle, Nora's possession of field tested positive methamphetamine*
31 *and paraphernalia, the knowledge through training and experience that narcotics are*

1 often sold for money or traded for stolen property, the knowledge through training and
2 experience that narcotic transactions are often arranged and recorded through
3 electronic devices, as well as the affirmative K9 sniff for narcotics, I believe there is
4 probable cause to search the vehicle and all locked and unlocked containers for the
5 evidence items listed above.

6
7 Therefore, based on the aforementioned information and investigation, which I believe
8 to be true, I have substantial cause to believe the above-described person(s) and/or
9 property will be at the described premises when the warrant is served.

10
11 I, the affiant, hereby request a search warrant be issued for the seizure of said person
12 and/or property, from said premises at any time of the day, good cause being shown
13 therefore, and the same be brought before this magistrate or retained subject to the
14 order of the Court.

15
16 
17 _____
18 09/12/13
19 Detective Jared Stevens #4488 Date
20 Clark County Sheriff's Office
21 Tactical Detective Unit

22
23 Sworn to and subscribed before me on this 12th day of September 2013

24
25 
26 _____
27 Judge of the District Court
28 County of Clark
State of Washington

13-487

DISTRICT COURT OF CLARK COUNTY

State of Washington

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STATE OF WASHINGTON,

Plaintiff

V.

WELLS, MICHAEL F. 10/06/1972

THOMAS, NORA R. 03/22/1983

Defendant

SEARCH WARRANT

FILED

SEP 19 2013

DISTRICT COURT
CLARK COUNTY, WASH

THE PEOPLE OF THE STATE OF WASHINGTON, to any Sheriff, Policeman, or Peace Officer in the County of Clark: Proof by affidavit under oath made in conformity with the State of Washington Criminal Rules for the Justice Court Rule 2.3, Section (c), having been made this date to me by Deputy Jared R. Stevens, of the Clark County Sheriff's Office, that there is probable cause for the issuance of a search warrant on the grounds set forth in the State of Washington Criminal Rules for Justice Court, Rule 2.3 Section (c).

YOU ARE THEREFORE COMMANDED, that with the necessary and proper assistance to make a diligent search, good cause having been shown therefore, of the following described property, within 10 days of the issuance of this warrant:

- 1. A silver 2013 Chevrolet Camaro, a two door hard top coupe with California license plate number 6WNV744 affixed both front and rear, with Vehicle Identification Number (VIN) 2G1FK1EJXD9105743, currently sealed and securely stored at Clark County Property and Evidence located at 812 W. 11th Street, #1, Vancouver, WA, 98660.

FOR THE FOLLOWING PERSON(S) and/or PROPERTY:

Evidence to the crime of RCW 69.50.401, Possession of a Controlled Substance 1 and RCW 69.50.401 DEL1, Possession of a Controlled Substance with Intent to Deliver.

- 1. Controlled substances and paraphernalia indicating the use and/or distribution of controlled substances to include but not limited Heroin, Methamphetamine, Cocaine, Crack Cocaine and Marijuana.

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2. Cellular telephone(s) and electronic storage devices. All data included in the memory of said devices, whether included in the handset memory, or as content of any Subscriber Identity Module (SIM) cards or removable memory devices present in the handsets. Including, but not limited to incoming and outgoing call lists, contact(s) lists (phonebooks), pictures, videos, multimedia messages, e-mails, voice mail, electronic correspondence, any available text messages, and any other electronic data or records that may pertain to the crime(s) being investigated. To be examined and analyzed by a trained Detective and generated into an examination report for evidence purposes.

3. Items or evidence of stolen property including jewelry, collector's items, watches, firearms, consumer electronics, clothing, merchandise, items of identification, items of ownership, receipts of purchase, receipts of returns, pawn slips and registration paperwork.

4. All locked containers capable of containing evidence of the above listed crimes.

And if you find the same or any part thereof, then items of identification pertaining to the ownership or control of the listed vehicle, bring the same before the Honorable District Court Judge Zimmerman to be disposed of according to law.

GIVEN, under my hand this 12th day of September, 2013.



This Search Warrant was issued:

District Court Judge
Clark County
State of Washington

Time: 2:33

Date/Time Execution:
09/13/13 (1535
Hours)

By: 

Detective Jared Stevens
Tactical Detective Unit
Clark County Sheriff's Office

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IN THE DISTRICT COURT OF CLARK COUNTY

STATE OF WASHINGTON

Michael
Wells

STATE OF WASHINGTON,

Plaintiff,

SEARCH WARRANT
STATEMENT

vs.

WELLS, MICHAEL F. 10/06/1972
THOMAS, NORA R. 03/22/1983

Defendant(s).

FILED
SEP 19 2013
DISTRICT COURT
CLARK COUNTY, WASH

On September 13th, 2013 at 1535 hours, I, Detective Jared Stevens, executed a search warrant signed by Honorable District Court Judge Zimmerman on September 12th, 2013 at 1422 hours which directed that a diligent search be conducted of:

- 1. A silver 2013 Chevrolet Camaro, a two door hard top coupe with California license plate number 6WNV744 affixed both front and rear, with Vehicle Identification Number (VIN) 2G1FK1EJXD9105743, currently sealed and securely stored at Clark County Property and Evidence located at 812 W. 11th Street, #1, Vancouver, WA, 98660.

FOR THE FOLLOWING PERSON(S) and/or PROPERTY:

Evidence to the crime of RCW 69.50.401, Possession of a Controlled Substance 1 and RCW 69.50.401 DEL1, Possession of a Controlled Substance with Intent to Deliver.

- 1. Controlled substances and paraphernalia indicating the use and/or distribution of controlled substances to include but not limited Heroin, Methamphetamine, Cocaine, Crack Cocaine and Marijuana.

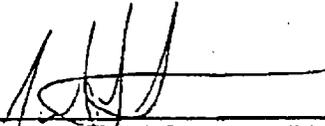
1 2. Cellular telephone(s) and electronic storage devices. All data included in the
2 memory of said devices, whether included in the handset memory, or as content of any
3 Subscriber Identity Module (SIM) cards or removable memory devices present in the
4 handsets. Including, but not limited to incoming and outgoing call lists, contact(s) lists
5 (phonebooks), pictures, videos, multimedia messages, e-mails, voice mail, electronic
6 correspondence, any available text messages, and any other electronic data or records
7 that may pertain to the crime(s) being investigated. To be examined and analyzed by a
8 trained Detective and generated into an examination report for evidence purposes.

9
10 3. Items or evidence of stolen property including jewelry, collector's items,
11 watches, firearms, consumer electronics, clothing, merchandise, items of identification,
12 items of ownership, receipts of purchase, receipts of returns, pawn slips and registration
13 paperwork.

14
15 4. All locked containers capable of containing evidence of the above listed crimes.

16
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20 In executing said Search Warrant, the following items were located and seized
21 (see attached property sheets) and have returned same before Honorable District
22 Court Judge Zimmerman on September 19th, 2013.

23
24
25
26 Signed: _____


27 Detective Jared Stevens #4488
28 Clark County Sheriff's Office
29 Tactical Detective Unit
30

Clark County Sheriffs Office		Page 1 of 8	Case Number 13-11099
707 W 13TH Street Vancouver, WA 98660		(360) 397-2211 (360) 397-6074 (FAX)	Key Case Number
Property / Evidence Report			Reference Case Number S13-11098
			Lab Service Needed? <input type="checkbox"/>
Reported Date 09/10/2013	Reported Time	Incident Type / RCW Execution of search warrant / SEARCH.WARRANT	
Reporting Officer Name Stevens, Jared	PSN 4488	Unit	
Submitting Officer Name	PSN	Unit	
Location		City, State, Zip	

Individuals

Role S	Name WELLS, MICHAEL FREDERICK		
Address 13615 NE 65TH ST		City, State, Zip VANCOUVER, WA 98682	
Phone	Sex M	DOB 10/06/1972	Citation #

Property Information

Item # 4488-001	Property Type EVIDENCE	ISR Type OTHER	Value	Color BLK/	Bio-Hazard? <input type="checkbox"/> Place Barcode Label HERE
Description SMALL BLACK SENTRY SAFE BRAND LOCKBOX					
Make/Brand	Model	Serial #			
Caliber/Gauge	Action	Drug Type	Amount 1	Unit of Measure	
Officer Notes Located on the floorboard in front of the driver's sea					
Miscellaneous					
Owner Of Item					
Location Found			Found By		
Property Officer Notes					
Received By	Officer	Date			

Property Information

Item # 4488-001-A	Property Type EVIDENCE	ISR Type DRUG PAR	Value	Color /	Bio-Hazard? <input type="checkbox"/> Place Barcode Label HERE
Description 100 GRAMS WEIGHT USED TO CALIBRATE DRUG SCALE					
Make/Brand	Model	Serial #			
Caliber/Gauge	Action	Drug Type	Amount	Unit of Measure	
Officer Notes Located in evidence item # 4488-001 by CCSO Stevens					
Miscellaneous					
Owner Of Item					
Location Found			Found By		
Property Officer Notes					
Received By	Officer	Date			

Property Information

Item # 4488-001-B	Property Type EVIDENCE	IBR Type DRUG PAR	Value	Color /
Description PLASTIC BAGGIES CONTAINING WHITE POWDER RESIDUE				
Make/Brand		Model	Serial #	
Caliber/Gauge	Action	Drug Type	Amount	Unit of Measure
Officer Notes Located in evidence item # 4488-001 by CCSO Stevens				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-001-C	Property Type EVIDENCE	IBR Type DRUGS	Value	Color /
Description 4 PLASTIC BAGGIES CONTAINING FIELD TEST POSITIVE MARIJ				
Make/Brand		Model	Serial #	
Caliber/Gauge	Action	Drug Type MARIJ	Amount 11.1	Unit of Measure GM
Officer Notes Located in evidence item # 4488-001 by CCSO Stevens				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-001-D	Property Type EVIDENCE	IBR Type DRUGS	Value	Color /
Description 26.2 GRAMS BLACK TAR HEROIN IN PLASTIC BAG, FIELD TEST				
Make/Brand		Model	Serial #	
Caliber/Gauge	Action	Drug Type HEROIN	Amount 26.2	Unit of Measure GM
Officer Notes Located in evidence item # 4488-001 by CCSO Stevens				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-001-E	Property Type EVIDENCE	IBR Type DRUGS	Value	Color BRO/
Description 4 PLASTIC BAGGIES OF FIELD TESTED POSITIVE BROWN HEROI				
Make/Brand		Model		Serial #
Caliber/Gauge	Action	Drug Type HEROIN	Amount 32.9	Unit of Measure GM
Officer Notes Located in evidence item # 4488-001 by CCSO Stevens				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-001-F	Property Type EVIDENCE	IBR Type DRUGS	Value	Color /
Description 5 PLASTIC BAGS CONTAINING FIELD TEST POSITIVE METH (TO				
Make/Brand		Model		Serial #
Caliber/Gauge	Action	Drug Type AMPH/METAM	Amount 30.5	Unit of Measure GM
Officer Notes Located in evidence item # 4488-001 by CCSO Stevens				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-002	Property Type EVIDENCE	IBR Type PURSE	Value	Color BLU/
Description BLUE LEATHER ZIPPER BANK BAG W/ 1ST INDEPENDENT BANK L				
Make/Brand		Model		Serial #
Caliber/Gauge	Action	Drug Type	Amount 1	Unit of Measure
Officer Notes Found in between driver's seat and center console of s				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-002-A	Property Type SEIZED	IBR Type MONEY	Value 12030	Color /
Description \$12,030 CASH [\$100X70, \$50X28, \$20X178, \$10X6, \$5X2]				
Make/Brand		Model		Serial #
Caliber/Gauge	Action	Drug Type	Amount	Unit of Measure
Officer Notes Located in evidence item # 4488-002 by CCSO Stevens				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-003	Property Type EVIDENCE	IBR Type PURSE	Value	Color /
Description BLACK LEATHER WALLET CONTAINING CARDS IN NAME OF MICHA				
Make/Brand		Model		Serial #
Caliber/Gauge	Action	Drug Type	Amount	Unit of Measure
Officer Notes Located on center console of silver Camaro by CCSO ste				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-003-A	Property Type EVIDENCE	IBR Type MONEY	Value 10	Color /
Description \$10 [\$2X5]				
Make/Brand		Model		Serial #
Caliber/Gauge	Action	Drug Type	Amount	Unit of Measure
Officer Notes Five \$2 bills located in evidence item # 4488-003 be C				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-004	Property Type EVIDENCE	IBR Type ELECTRON	Value	Color WHI/BLK
Description WHITE SAMSUNG GALAXY S4 CELL PHONE				
Make/Brand SAMSUNG	Model SGH-M919	Serial # RV1D53EPBRN		
Caliber/Gauge	Action	Drug Type	Amount 1	Unit of Measure
Officer Notes Located on center console of silver Camaro by CCSO Ste				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By	Officer	Date		

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-005	Property Type EVIDENCE	IBR Type DRUGS	Value	Color /
Description 1.6 GRAMS OF FIELD TESTED POSITIVE MARIJUANA				
Make/Brand	Model	Serial #		
Caliber/Gauge	Action	Drug Type MARIJ	Amount 1.6	Unit of Measure GM
Officer Notes Located in between driver's seat of silver Camaro and				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By	Officer	Date		

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-006	Property Type EVIDENCE	IBR Type DRUGS	Value	Color WHI/GRN
Description FIVE ALLEGED OXYCODONE PILLS				
Make/Brand	Model	Serial #		
Caliber/Gauge	Action	Drug Type	Amount 5	Unit of Measure
Officer Notes Located in center console of silver Camaro by CCSO Ste				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By	Officer	Date		

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-007	Property Type EVIDENCE	IBR Type DRUGS	Value	Color /
Description SUSPECTED METH RESIDUE IN GLASS LID				
Make/Brand	Model		Serial #	
Caliber/Gauge	Action	Drug Type AMPH/METAM	Amount 1	Unit of Measure
Officer Notes Located in trunk of silver Camaro by CCSO Luque				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By	Officer	Date		

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-008	Property Type EVIDENCE	IBR Type DRUG PAR	Value	Color /
Description NUMEROUS SMALL PLASTIC BAGGIES (DRUG PACKAGING MATERIA				
Make/Brand	Model		Serial #	
Caliber/Gauge	Action	Drug Type	Amount	Unit of Measure
Officer Notes Located gray backpack with contained items in the name				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By	Officer	Date		

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-009	Property Type EVIDENCE	IBR Type DRUG PAR	Value	Color BLK/
Description SMALL DIGITAL SCALE WITH BROWN RESIDUE				
Make/Brand	Model W-EX650		Serial #	
Caliber/Gauge	Action	Drug Type	Amount 1	Unit of Measure
Officer Notes Found in backpack in trunk of silver Camaro by CCSO Lu				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By	Officer	Date		

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-010	Property Type EVIDENCE	ISR Type DOCS	Value	Color /
Description NOTEBOOK CONTAINING APPARENT DRUG NOTES				
Make/Brand	Model		Serial #	
Caliber/Gauge	Action	Drug Type	Amount	Unit of Measure
Officer Notes Located in backpack in trunk of silver Camaro by CCSO				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By	Officer	Date		

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-011	Property Type EVIDENCE	ISR Type DRUGS	Value	Color BLK/
Description BAGGY CONTAINING FIELD TEST POSITIVE BLACK TAR HEROIN				
Make/Brand	Model		Serial #	
Caliber/Gauge	Action	Drug Type HEROIN	Amount 9.0	Unit of Measure
Officer Notes Located in backpack in the trunk of the silver Camaro				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By	Officer	Date		

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-012	Property Type EVIDENCE	ISR Type ELECTRON	Value	Color BLK/
Description BLACK HUAWEI T-MOBILE CELL PHONE				
Make/Brand HUAWEI	Model U8651T	Serial # G9E7ND12A0804495		
Caliber/Gauge	Action	Drug Type	Amount 1	Unit of Measure
Officer Notes Located on front passenger seat of silver Camaro by CC				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By	Officer	Date		

Bio-Hazard?

Place Barcode Label HERE

Property Information

Item # 4488-013	Property Type SAFEKEEP	ISR Type OTHER	Value	Color /
Description KEY & LANYARD				
Make/Brand		Model		Serial #
Caliber/Gauge	Action	Drug Type	Amount	Unit of Measure
Officer Notes FROM CAR KEYS TAKEN FROM MICHAEL WELLS AT TIME OF VEHI				
Miscellaneous				
Owner Of Item				
Location Found			Found By	
Property Officer Notes				
Received By		Officer	Date	

Bio-Hazard?

Place Barcode
Label HERE

Clark County Sheriff's Office
 707 W 13th Street, Vancouver, WA 98660
 (360) 397-2211

Property / Evidence Form

Page	of
Case Number:	
Lab Service Needed:	

Date:	Time:			
Reporting Officer:	PSN #:	Precinct	REFCASE#	
Evidence Type:			Incident Type:	RCW:
Location:				
Relationship Codes: V = Victim O = Owner F = Finder S = Suspect C = Claimant P = Unknown				
Property Codes: E = Evidence K = Safekeeping F = Found R = Release D = Destroy B = Bio Hazard				
Relationship to Property	Name (Last, First Middle or Organization)			
Residence Address (Inc. City & State)				
Res. Phone	Sex	Date of Birth	Additional Information	
Relationship to Property	Name (Last, First Middle or Organization)			
Residence Address (Inc. City & State)				
Res. Phone	Sex	Date of Birth	Additional Information	

Evidence Information Section

Item #	Property Code	Person Code	Item Description	Color	Place Barcode label HERE
01	EV		Safe with Suspended Drugs		
Make / Brand	Model	ID / Serial Number	Estimated Value of Item	Caliber	
Quantity	Units of Measure	Comments			
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)					
02	EV		Bank bag with Currency		Place Barcode label HERE
Make / Brand	Model	ID / Serial Number	Estimated Value of Item	Caliber	
Quantity	Units of Measure	Comments			
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)					
03	EV		Black leather wallet		Place Barcode label HERE
Make / Brand	Model	ID / Serial Number	Estimated Value of Item	Caliber	
Quantity	Units of Measure	Comments			
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)					
04	EV		Stainless Steel Phone		Place Barcode label HERE
Make / Brand	Model	ID / Serial Number	Estimated Value of Item	Caliber	
Quantity	Units of Measure	Comments			
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)					

Distribution	<input type="checkbox"/> PA	<input type="checkbox"/> Patrol	<input type="checkbox"/> DCPA	<input type="checkbox"/> CIU	<input type="checkbox"/> JPA	<input type="checkbox"/> OSU	<input type="checkbox"/> DC	<input type="checkbox"/> Resid	<input type="checkbox"/> CPS	<input type="checkbox"/> CAIC	<input type="checkbox"/> DSHS	CMT	Officer Signature
Other													

Clark County Sheriff, Vancouver Wa.

P.O. Box 410 / 707 W. 13th Street, Vancouver Wa. 98666 (360) 397-2211

Page	of
Case Number:	

Item #	Property Code	Person Code	Item Description	Color	Place Barcode label HERE		
5	EV		Suspected MA				
Make / Brand		Model	ID / Serial Number	Estimated Value of Item		Caliber	Action
Quantity	Units of Measure	Comments					
Between Seat & Center Console							
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)							

Item #	Property Code	Person Code	Item Description	Color	Place Barcode label HERE		
6			Unknown Pills				
Make / Brand		Model	ID / Serial Number	Estimated Value of Item		Caliber	Action
Quantity	Units of Measure	Comments					
Stevens Center Console							
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)							

Item #	Property Code	Person Code	Item Description	Color	Place Barcode label HERE		
7	EV		Suspected Meth				
Make / Brand		Model	ID / Serial Number	Estimated Value of Item		Caliber	Action
Quantity	Units of Measure	Comments					
Large trunk							
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)							

Item #	Property Code	Person Code	Item Description	Color	Place Barcode label HERE		
8	EV		Packaging Material				
Make / Brand		Model	ID / Serial Number	Estimated Value of Item		Caliber	Action
Quantity	Units of Measure	Comments					
Large trunk - Gray Backpack							
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)							

Item #	Property Code	Person Code	Item Description	Color	Place Barcode label HERE		
9	EV		working digital scale				
Make / Brand		Model	ID / Serial Number	Estimated Value of Item		Caliber	Action
Quantity	Units of Measure	Comments					
Large Trunk - Gray Backpack							
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)							

Item #	Property Code	Person Code	Item Description	Color	Place Barcode label HERE		
10	EV		Dry Notes / Ledger				
Make / Brand		Model	ID / Serial Number	Estimated Value of Item		Caliber	Action
Quantity	Units of Measure	Comments					
Large trunk - Backpack							
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)							

Item #	Property Code	Person Code	Item Description	Color	Place Barcode label HERE		
11	EV		Suspected Black Tar Heroin				
Make / Brand		Model	ID / Serial Number	Estimated Value of Item		Caliber	Action
Quantity	Units of Measure	Comments					
Large trunk - Backpack							
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)							

<input type="checkbox"/> Distribution	<input type="checkbox"/> Patrol	<input type="checkbox"/> CFU	<input type="checkbox"/> SIU	<input type="checkbox"/> Resid	<input type="checkbox"/> CAJC	<input type="checkbox"/> CMJ	Officer Signature
<input type="checkbox"/> PA	<input type="checkbox"/> DCPA	<input type="checkbox"/> SPA	<input type="checkbox"/> CDC	<input type="checkbox"/> CPCS	<input type="checkbox"/> DSHS		
Other							

Clark County Sheriff, Vancouver Wa.

P.O. Box 410 / 707 W. 13th Street, Vancouver Wa. 98666 (360) 397-2211

Page _____ of _____

Case Number: _____

<i>Summary</i>							Place Barcode label HERE																										
Item #	Property Code	Person Code	Item Description	Color																													
12	SV		Cell phone																														
Make / Brand	Model	ID / Serial Number	Estimated Value of Item	Caliber	Action																												
Quantity	Units of Measure	Comments					Place Barcode label HERE																										
		Found by Stearns Pass Search																															
Owner's Name, DOB, Address, Phone # (Fill in only if the owner / contact person of this item is different than the above)																																	
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					<input type="checkbox"/> DSHS																												
Other																																	

CLARK COUNTY PROSECUTOR

March 24, 2015 - 4:50 PM

Transmittal Letter

Document Uploaded: 3-468182-Appellant's Brief.pdf

Case Name: State v. Michael Wells

Court of Appeals Case Number: 46818-2

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers

Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: Appellant's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Abby Rowland - Email: abby.rowland@clark.wa.gov

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