

**FILED**

FEB 11 2013

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

No. 30977-1

WASHINGTON STATE COURT OF APPEALS  
DIVISION III

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STATE OF WASHINGTON, APPELLANT

v.

JASON YOUKER, RESPONDENT

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RESPONDENT'S BRIEF

---

Julie A. Anderson, WSBA #15214  
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25 N. Wenatchee Avenue Suite 106  
Wenatchee, WA 98801  
(509) 663-0635

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**A. APPELLANT'S ISSUES PERTAINING TO ASSIGNMENTS OF ERROR**

The State framed the issues as follows:

1. Did the trial court judge committed [sic] error in basing his findings of fact on partial information contained in the affidavit for search warrant?
2. Did the trial court commit error by conducting its own determination of probable cause instead of assessing whether or not the issuance of the search warrant was an abuse of discretion?
3. Did the trial court commit error by suppressing evidence where there was probable cause to issue the warrant to search the residence and the judge's decision to issue the warrant was not an abuse of discretion?

**B. STATEMENT OF THE CASE**

1. Procedural Facts.

Jason Youker filed a motion to suppress evidence obtained from a search warrant. (CP 6). Judge John Burchard issued an opinion on June 15, 2012 suppressing the evidence. (CP 3-5). The State appealed the Order to Dismiss Without Prejudice to the Court of Appeals Div. III. (CP 1-2). See Notice of Appeal.

2. Substantive Facts.

The Affidavit for Search Warrant (hereinafter "Affidavit") is attached to the "Defendants Motion and Memorandum to Suppress at CP 14-33. Each section of the Affidavit will be set forth in the LEGAL ARGUMENT and analyzed infra.

C. LEGAL ARGUMENT

1. The Appellant did not comply with RAP 10.3(g) which requires a separate assignment of error for each contested finding.

The Appellant did not comply with RAP 10.3(g) which requires a separate assignment of error for each contested finding. When the Appellant's brief is deficient in this respect, the trial court's findings become the established facts of the case. Olivo v. Rasmussen, 48 Wn.App. 318, note 1 (Wash.App. Div. 2 1987); In re Santore, 28 Wash.App. 319, 323, 623 P.2d 702 (Div. 2 1981). The court should consider the trial court's challenged findings as verities on appeal.

If the court overlooks this deficiency, then the following argument should be considered based on the trial court's review of the Affidavit for Search Warrant.

2. The trial judge's findings of fact 1, 4, 5, & 6 were supported by substantial evidence.

a. FOF #1 states:

Of the many witnesses, not one directly stated that Jason Youker is the "Iceman" or "Ice Cream Man." The investigating officers believed this was so. (E.G. page 8, last 2 lines of 2<sup>nd</sup> paragraph.)

This finding of fact is supported by the evidence. See CP 15-33.

b. FOF #4 provides as follows:

On 5/17/2011 the informant purchased heroin from Paulette Robinson at her trailer. While the informant was in the trailer observers saw Defendant's pickup truck arrive. An unidentified male got out of the truck and walked toward the trailer. Paulette said she got the heroin from the Iceman. The informant stated that he believed the Iceman was driving the truck and that he came to Paulette's to get his money. However the informant did not know the identity of the driver; did not see him get money and did not see him deliver drugs. The affidavit is not clear on this point but it appears that Paulette had the heroin before the Iceman arrived. The informant was never later asked to identify defendant as the driver. The truck departed and was followed back to defendant's home. This information establishes that the Iceman used defendant's truck and returned to defendant's home. It provides circumstantial evidence of the Iceman's identity. However, it does not convincingly show that the Iceman delivered the heroin.

This finding of fact is supported by CP 20-21.

c. FOF #5 provides as follows:

On 9/24/11 police stopped Cassandra Vandever driving Defendant's truck. Defendant arrived and verified ownership. A search warrant produces no drugs or paraphernalia. The affidavit states that this stop helped them identify the male they knew as Iceman or Ice Cream Man. The supporting facts are not provided.

This finding of fact is supported by CP 8, paragraph 2.

d. FOF #6 provides as follows:

On 1/14/12 Ledawn Jones-Morisch told officers that she buys meth and heroin from Iceman. The last buy was December 29, 2011. She always made purchases through a hole in the fence near his home. She said the fence was wood with knotholes and was located on the down-hill side of the house. She did not identify the house by address or photograph. She did not provide a description or identify Iceman by photograph. Photographs of Defendant's home included in the affidavit do not clearly support her testimony. (They may contradict her testimony but the business of interpreting photos is risky.) No explanation or elaboration was provided by the Magistrate. No information about her credibility was provided.

This finding of fact is supported by the evidence on CP 23, paragraphs 2 & 3.

Thus, all the trial court's findings of fact are supported by the records.

3. The trial court properly reviewed the four corners of the Affidavit for Search Warrant to determine if there was probable cause to issue the search warrant.

The Fourth Amendment to the United States Constitution guarantees the right of the people to be secure in their persons, homes, papers, and effects against unreasonable searches and seizures. The due process clause of the Fourteenth Amendment extends this right to protect against intrusions by state governments. Mapp v. Ohio, 100 Wn. 2d 814, 817 (1984).

“It is by now axiomatic that Article I, Section 7 provides greater protection to an individual’s right of privacy than that guaranteed by the Fourth Amendment.” State v. Parker, 139 Wn. 2d 486, 493 (1999). The Washington Constitution has consistently provided greater protection of individual rights than its federal counterpart. State v. Parker, See State v. Ladson, 138 Wn. 2d 343 (1999); State v. Ferrier, 136 Wn.2d 103, 111 (1998); State v. Hendrickson, 129 Wn.2d 61, 69 n.1 (1996); State v. Young, 123 Wn. 2d 173, 180 (1994); State v. Williams, 102 Wn. 2d 733 (1984).

Indeed, the scope of the protections offered by Article I, Section 7 is "not limited to subjective expectations of privacy but, more broadly, protects 'those

privacy interests which citizens of this state have held, and should be entitled to hold, safe from governmental trespass absent a warrant.” Parker, 139 Wn.2d at 494 (quoting State v. Myrick, 102 Wn.2d 506, 511 (1984)).

A search warrant may issue only upon a showing of probable cause to believe that contraband or other evidence of a crime will be found at a particular location. State v. Goble, 88 Wn. App. 503, 508-09 (1997); State v. Cole, 128 Wn. 2d 262, 286 (1995). Prior to issuance, a neutral detached magistrate must evaluate the search warrant application to determine whether the underlying facts and circumstances are sufficient to establish probable cause to search. State v. Smith, 93 Wn. 2d 329, 352 (1980). An affidavit is sufficient if it contains information from which an ordinarily prudent person would conclude that evidence of a crime can be found at the place to be searched. State v. Goble, 88 Wn. App. at 509. Review of a magistrate’s probable cause determination is normally limited to the facts on the face of the warrant affidavit. State v. Perez, 92 Wn. App. 1, 4 (1998), review denied, 137 Wn. 2d 1035 (1999).

In order to justify issuance of a search warrant, the affidavit must establish "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." State v. Goble, 88 Wn. App. 503, 509 (1997)(citing Wayne R. LaFave, Search and Seizure 3.7(d), at 372 (3d Ed. 1996). Accordingly, the warrant application must identify specific facts and circumstances from which the reviewing magistrate can draw the required inference that evidence of a crime will be found in the premises to be searched. State v. Thein, 138 Wn.2d 133, 147 (1999). Probable cause to believe that an individual has committed a crime "is not by itself adequate to secure a search warrant for the suspect's home." United States v. Ramos, 923 F.2d 1346, 1351 (9th Cir. 1991); Cole at 286; State v. Dalton, 73 Wn. App. 132, 136 (1994).

Moreover, probable cause to search a residence must be based on more than conclusory predictions that evidence will likely be found there. Thein, 138 Wn.2d at 147. Mere suspicion and personal belief do not establish probable cause. State v. Klinger, 96 Wn. App. 619, 624 (1999).

Issuance of a search warrant is a matter of judicial discretion, and great deference is accorded a magistrate's determination of probable cause. State v. Perrone, 119 Wn. 2d 538, 549, 834 P.2d 611 (1992). That deference, however, is not boundless and we will not defer to a magistrate's decision if the information on which it is based is not sufficient to establish probable cause. We resolve any doubts in favor of the validity of the warrant. State v. Perez, 1, 4, 963 P. 2d 881 (1998); State v. Perrone, 119 Wn. 2d 538, 549, 834 P.2d 611 (1992).

A nexus is established between a suspect and a residence if the affidavit provides probable cause to believe the suspect is involved in drug dealing and the suspect is either living there or independent evidence exists that the suspect may be storing records, contraband, or other evidence of criminal activity at the residence. State v. O'Neil, 74 Wn. App 820, 824, 879 P.2d 950 (1994) review denied, 125 Wn. 2d 1016 (1995). That nexus may be established either through direct observation or through normal inferences as to where the articles sought would be located. O'Neil, 74 Wn. App. at 824.

As noted above, probable cause is more than conclusory predictions that evidence will likely be found there. Thein, supra, 138 Wn. 2d at 147. Mere suspicion and personal belief do not establish probable cause. State v. Klingen, 96 Wn. App. 619, 624 (1999).

It is clear from examination of each paragraph of the Affidavit of Search Warrant that there was no probable cause to believe that Jason Youker was involved in drug dealing or that he was storing records, contraband, or other criminal activity at the residence.

There were no inferences to establish the nexus between the drug activity and Jason Youker which were established through direct observation or through normal inferences as to where the articles sought would be located. O'Neil, supra, 74 Wn. App. at 824.

As seen by the categories in the statement of facts, none of the information collected by the various sources directly related to Jason Youker's involvement in any drug activity. Some of the sources referred to drug transactions conducted

through a "hole in the fence" at Jason Youker's residence, but there was no specific information identifying Jason Youker's description or actual participation.

Probable cause requires more than a hunch or an inference. It requires "information from which an ordinarily prudent person would conclude that evidence of a crime can be found at the place to be searched. Goble, supra, 88 Wn. App. at 509.

The Affidavit for Search Warrant is attached as Appendix A to the Defendant's Motion and Memorandum to Suppress, beginning at CP 14. Each paragraph has been analyzed to determine if there is probable cause for issuance of a search warrant for Jason Youker's residence.

The facts set forth in the Affidavit at CP 14-33, fall within the following categories: (The paragraphs of the Affidavit for Search Warrant are organized under the following general categories, so they are not necessarily in the same order as the Affidavit.)

A-. Officer background;

I, Sergeant Steven D. Brown, your Affiant, was a Police Officer for the Colville Tribal Police from February of 1999 in to 2000. In 2000 your affiant was assigned to the North Central Washington Narcotics Task Force. During this time your affiant was hired as a full time Detective for the North Central Washington Narcotics Task Force. In October of 2011 your affiant was assigned as the Sergeant and Commander of the North Central Washington Narcotics Task Force. Your affiant completed the Basic Law Enforcement Academy in Seattle, Washington in August of 1999, which included classes on the investigation of felonies, including drug identification and investigations. Your affiant has assisted in several narcotics search warrants during which a usable and/or marketable amount of controlled substances have been found.

Your affiant is cross-commissioned as an Okanogan County Sheriff's Deputy. Your affiant has attended specialized narcotics training including drug identification, drug interdiction, manufacturing processes of controlled substances, habits and behavior of drug users and dealers, seizure and forfeiture laws, managing confidential informants, search warrant preparation, Clandestine Laboratory Safety and Operations Course (CADRE 40 hour), DEA Basic, Internet and cell phone use among the drug culture and several other training conferences.

I have interviewed several informants and narcotics suspects who have related to me in detail, how controlled substances are manufactured, sold and used by narcotics suspects. (CP 18.) From these interviews I have determined the following facts:

The paragraphs the Respondent Jason Youker has labeled as "A- Officer background" give officer background without reference to Jason Youker or his residence.

**B-. General Drug Trafficking information;**

Traffickers of controlled substances try to conduct their business in a secretive manner so as to avoid detection by law enforcement and to protect themselves from theft and robbery by other narcotics traffickers. (CP 18.)

Narcotic suspects frequently are armed with firearms and other weapons in order to protect themselves and their product. (CP 18.)

Traffickers of controlled substances try to hide their earnings gained from narcotics trafficking and legitimate investments, such as real estate, bank accounts, stocks, safety deposit boxes and other assets using different names such as vehicles registered to a family member. (CP 18.)

Traffickers of controlled substances keep books and records of their transactions so they know the amounts other people owe them and how much they owe others. They also keep phone numbers of co-conspirators so that they can conduct business over the phone or arrange meetings. (CP 18.)

The paragraphs labeled "B- General Drug Trafficking Information" give general information about narcotic suspects, but no specific information about this case.

**C-. Sources of information;**

(Method of gaining information (see below))

Oroville Chief Clay Warnstaff

Oroville Officer Todd Hill

Oroville Officer Chris Patterson

Oroville Officer Kenneth Waddell

NCWNTF Detective Jan Lewis

NCWNTF Detective David McElheran (currently with the Border Patrol)  
NCWNTF Detective Michael Kim (currently with the Pacific Police Dept)  
NCWNTF Sergeant Brad Wilson (retired)  
NCWNTFSgt./Commander Steve Brown  
Ferry County Det. Talon Venturo (currently assigned as Deputy)(CP 19.)

The paragraphs labeled as “C- Sources of Information” list the officers identified in the investigation, but provide no information whatsoever about the informants, other witnesses or, the credibility and/or reliability of those other persons.

**D-. “Iceman” or “Ice Cream man”;**

**Your affiant's belief is based upon the following facts and circumstances:**

For about a year now the Task Force has been receiving information from anonymous sources, reliable sources such as law enforcement officers and from those who have been arrested for drug related crimes about a subject who goes by the nickname “ice man and/or ice cream man.” The following will outline the suspected criminal activity of this person and I believe shows an ongoing suspected pattern of controlled substance violations: (CP 19.)

Early in 2011 the NCWNTF started receiving anonymous tips about a person who went by the nickname ice man/ice cream man and lived in Oroville, Washington. The subjected was reported to be selling heroin and methamphetamine. We had also received information from Detective Talon

Venturo of the Ferry County Sheriff's office who stated that the talk on the street was that drug users from his area were coming over to Oroville to purchase heroin from the ice man/ice cream man. (CP 19.)

The paragraphs labeled "D- "Iceman" or "Ice Cream Man" contain general information about anonymous tips pertaining to drug trafficking by someone who went by the name "iceman" or "ice cream man," and that person lived in Oroville, without any reference to Jason Youker being that person or any address for that drug dealer.

**E-. Unrelated suspects and locations;**

On 03-25-2011 Jason Hotchkiss from Addy Washington was seen parked near Paulette Robertson's trailer in Oroville, Washington. Since the Task Force was familiar with Paulette Robertson and had purchased drugs from her we decided to do surveillance on the vehicle. Jason picked up Paulette and drove to Prince's Store in Oroville. Neither of them exited the vehicle, they both sat in his truck waiting. (It was later learned that "iceman" lives near Prince's and doesn't like people coming to his house to purchase drugs.) A short time later the vehicle left and a traffic stop was made by Deputy Kinmann of the Okanogan County Sheriff's office. Jason Hotchkiss was the driver; Paulette Robertson was the passenger in the vehicle. Jason was given a citation for not having a driver's license. Both Jason and Paulette were removed from the vehicle while Deputy Kinmann ran his drug K-9, the K-9 showed interest in the center counsel [sic] of the vehicle but no contraband was located. (CP 19.)

On 03-30-2011 a confidential informant for the NCWNTF purchased methamphetamine from Paulette Robertson. During this purchase the CI

was wearing a recording device. From the recording device I was able to hear the following conversation: (CP 20.)

The CI tells Paulette that Craig said he saw Jason Hotchkiss drive by and she says who? Jason Hotchkiss. Paulette says I don't know who that is. The CI tells her he drives a red Toyota pickup; you don't know who that is? She responds by saying I know a Jason, don't know his last name. The CI tells her he lives in Colville. Another male inside the home says, I know him, a big boy. Paulette says do I know him? You can hear Paulette then say, oh, oh, ok and something about being pulled over. The CI asks her if she got pulled over and you can hear her say something similar to, tossed me the dope, inside my pants, the dog walking towards me, a fucking Dalmatian with no spots. The CI asked if it was a drug dog and she says ya. The CI asked who pulled them over and she says, Kitterman. (The deputy's name is Kinmann.) She tells the CI about him not having a bumper or a driver's license and how the Deputy didn't tow the car. (CP 20.)

The CI also confirms this information when debriefed. Paulette tells the CI that she and Jason were stopped by the police and that Jason gave her the dope, she put it down the front of her pants and that's why the cops never found it. (CP 20.)

On 04-19-2011 the CI made another methamphetamine purchase from Paulette Robertson. The purchase again took place at her trailer in Oroville, Washington and again someone delivered the methamphetamine to Paulette. I was able to see the car pull up to the [sic] Paulette's and watched as someone came out of Paulette's trailer to meet with the vehicle. Detectives McElheran and Lewis were able to obtain the license plate of the vehicle and were able to see two female occupants were inside the vehicle. After the purchase the CI tells me that he couldn't be sure but believed Paulette called a female named Cassie to deliver the dope. (It was later

learned the Cassandra J. Vandever is the girlfriend of Jason Youker, who goes by the nick name ice man/ice cream man.) (CP 20.)

On 05-17-2011 a confidential informant for the NCWNTF made another purchase from Paulette Robertson. In my presence the CI had received a phone call from Paulette Robertson. She asked the CI if he/she wanted to purchase any heroin. I advised the CI to tell her yes. Paulette stated it would be \$50 a gram and I issued the CI \$100 of task force funds to purchase 2 grams of heroin. (CP 20.)

The CI was followed to Paulette's trailer in Oroville, Washington. A short time after the CI arrived I observed a maroon and silver truck pull in to Paulette's. I observed a single male exit the truck and walked towards Paulette's trailer. A few minutes later I saw the CI leaving; he/she called and advised me the transaction was complete. (CP 20.)

At about this same time the maroon and silver truck was leaving, Sgt. Wilson of the task force had driven by and obtained the license plate of the truck. I asked Sgt. Wilson, Detectives Kim, Lewis and McElheran to follow the truck as I was going to follow the CI. (CP 21.)

At the meet location the CI handed me two small dime sized baggies which contained suspected heroin. (Later examination by the WSP crime lab determined it was heroin.) (CP 21.)

On or around 05-25-2011 I discovered the person we knew as Paulette Robertson also uses the names Rachel Paulette Robertson and Rachel Selby Robertson. (CP 21.)

On 06-02-2011 I [sic] search warrant was executed at Robertson's trailer in Oroville, Washington. Located inside her trailer were marijuana, methamphetamine and a digital scale. She was later arrested and booked into Okanogan County Jail on drug related charges. (CP 22.)

On 02-01-2012 Officer Hill from the Oroville police department noticed a white pickup in the Orchard near a residence. Officer Hill

contacted two suspects inside the vehicle, Elizabeth Barton and Efren Frederico Lopez. Both were asked if they lived at the residence and they stated no, they were waiting for a friend. Officer Hill asked why they just didn't go to the friend's house and Efren stated that the friend didn't like people just coming to his house. Officer Hill checked with dispatch and found Efren to be suspended and had two outstanding warrants. Efren was placed under arrest, during search incident to arrest Officer Hill found a needle in Efren's coat pocket. Officer Hill asked Efren about the needle and he admitted to being in the area to purchase methamphetamine. He was asked if he were [sic] going to purchase from Jason Youker because he was close to his residence and Efren told Officer Hill he didn't know the guy's name. (CP 23.)

On 02/03/2012 Oroville Officers Patterson and Hill responded to the report of a 40 year old female who had overdosed on heroin at the Camaray Motel in Oroville, Washington. Upon their arrival Officer Hill saw an unidentified female speaking with another female who was lying on the ground unconscious. This unconscious female was identified as Deidre Erin Whiteaker DOB 08-04-1974. Officer Hill states that Deidre was lying on her side, unresponsive and grey in color. He checked her pulse which was described as strong and fairly rapid but noted that she was not breathing. Officer Hill returned to his vehicle to get his CPR mask, when he returned Officer Hill and Officer Patterson conducted CPR rescue breaths. During this Deidre would gasp for breath on her own but would not regularly breathe on her own. When medics arrived they took over the scene. Medical personnel tell Officer Hill they see what appears to be a fresh track mark in Deidre's vein, Officer Hill then sees [sic] what he believes to be heroin and a spoon on a book shelf next to Deidre's bed. During this time Deidre comes to, sits up and denies using heroin and does not want to be transported to the hospital. Medics explain to her the situation in which she

was found in and then she agrees to be transported. Officer Patterson is asked to assist with the backboard and while he is kneeling down to help he looks up on the bed and notices a substance that is described as a hard white ball inside a clear plastic sandwich bag. He believed this to be methamphetamine. Because the officers were more concerned with Deidre's current condition they did not gather any evidence. Also the unidentified female who was in the room had left before Officers were able to obtain her name. After the Officers assist getting Deidre into the ambulance they secure the door by locking it. Once the ambulance reached the hospital Officer Patterson calls and asks the medics if they took the plastic baggy which he had pointed at, the medic tells Officer Patterson no, that they thought he was pointing at the bag of needles. The medic then tells Officer Patterson that he saw Deidre putting something into a sock before leaving the motel room and taking it with her. The medics were asked if they could locate that sock but were unable to do so. (CP 24.)

On 02-06-2012 Officer Waddell of the Oroville Police Department follows up on the events from the Camaray Motel. Officer Waddell reviews the security tape from the night of 02-03-2012 and finds at about 2253 hours the Oroville taxi drops off an unidentifiable person and that person enters room 210 where the overdose took place. That person does not leave the room before the overdose occurs. Officer Waddell contacts Dave Lindstum who is the driver and owner of Oroville Taxi. He is asked who he dropped off the night the overdose took place and he tells the officers that a female gave him the name Teresa. Officer Waddell is able to obtain a photograph of Teresa Marie Munsey and shows the photo to Officer Patterson. Officer Patterson identifies Teresa Marie Munsey as the unidentified female in the room the night of the overdose. Officer Waddell advises that Teresa Marie Munsey is living at 1134 22<sup>nd</sup> Avenue in Oroville, Washington at the time she came to the motel room during the overdose.

On 02-06-2012 there was a recorded jail call from Arthur Leroy Sims Jr. DOB 10-21-1968. The call is made to an unidentified female and a portion of the conversation is as follows:

FEMALE: She was there with umm, what's his face. Ohh, and that's something I wanted to tell you too. Umm, Paulette, Paulette told me her lawyer said, told her. Her lawyer told her whatever she does she not ever talk, don't be around Jeff Clark. Don't talk to him, don't let Sneaky talk to him or nothing. She said because he is well known for being a snitch. And that's what her lawyer told her.

SIMS: Ehh.

FEMALE: I mean, that's, I mean, what's wow.

SIMS: Yeah he's buying guns and everything else, fucking snitch. He's a punk. Fuck him.

FEMALE: So.

SIMS: He can't never go (garbled) couldn't of got money, its cause he was snitching.

FEMALE: Right.

SIMS: That's why they don't give a fuck about Ice Cream. Cause they got him booked anyways.

FEMALE: Right, right.

SIMS: You know what I mean, they got.

FEMALE: Well maybe he's selling for them who knows.

SIMS: Huh?

FEMALE: He might be selling for them for all, who knows.

SIMS: Who Ice Cream?

FEMALE: Yeah.

SIMS: Yep.

FEMALE: You know truthfully speaking.

SIMS: I think he is selling for them. I think he's a cop his self. I think he's selling for them mother fuckers and they're so crooked that they want me to take the fall.

On 02-06-2012 there was a second recorded jail call made from Arthur Sims to an unidentified female and the call is as follows:

SIMS: Plus I got to go see the bitch, I'm smoking some weed first. Fuck her.

FEMALE: Right.

SIMS: Fuck that bitch. I'm smoking me some weed. But anyways check this out. Yeah I gotta go see, I gotta go see Lynn when we leave here.

FEMALE: Ok.

SIMS: Cause Jeff Clark ain't cool. And right that day, that day I gotta talk to her.

FEMALE: Ok.

SIMS: That day that we got hemmed up, he came and picked up two of them thing things from her. See what I'm saying.

FEMALE: Ooohhh.

SIMS: And that's what I was trying to tell old boy about when he was here. Cause he got them from Johanna. Johanna's, you see what I'm saying. I'll tell you when I see you in person.

FEMALE: Ok, ok. I comprehend.

SIMS: Yeah, yeah. Cause she don't need to caught up like that cause he's been collecting them from a lot of people. And I think that he's taking them over to the, I think he's taking them over to Ice Cream and Ice Cream either taking them over to the coast and trading them for that or giving them to the ATF. Anyways I don't want to talk about it. (CP 25-26.)

Also I know Teresa Munsey to be in a dating relationship with Chad Daniel Inscore. The reason I know this is I've contacted both of them inside

this motor home on 12-16-2011 in Oroville, Washington while the vehicle was parked at Prince's RV lot and because there was probable cause for Chad Inscore's arrest based on a PC statement given to me by Detective Venturo of the Ferry County Sheriff's Office. In short the PC statement indicated that a courtesy ride was given to Chad Inscore. Prior to the courtesy ride the back seat of the patrol vehicle had been searched and no items were located. After the Courtesy ride the vehicle was again searched, Deputies located a wallet with identification belonging to Chad Inscore and a small plastic baggy containing methamphetamine. The methamphetamine field tested positive. Chad Inscore had left the area before Ferry County was able to locate him. (CP 26-27.)

On 03-02-2012 Chief Warnstaff from the Oroville police department contacted me and asked me if I knew a man by the name of Edward Boekel. I advised him the name was familiar but I would have to check to confirm why I remembered the name. I asked why and the Chief advised me a vehicle registered to him was parked at Jason Youker's residence 1134 22<sup>nd</sup> Avenue in Oroville. After checking I remembered how I knew Edward Boekel. From 12-28-2010 to 06-17-2011 a confidential informant purchased morphine, hydromorphone hydrochloride and heroin from Edward Boekel. He was arrested on 06-17-2011 on those drug charges and during the arrest officers' located firearms, one which was stolen out of Okanogan County. Edward Boekel is a convicted felon and was also charged with those firearms related crimes. I told Chief Warnstaff of this information and also advised him that he had a girlfriend named Lisa Dale and it's possible she was with him. I also advised him that the two of them were from Ferry County and that Detective Venturo from Ferry County believes this is where they go to purchase their heroin. Based on Detective Venturo's prior investigation, information received, search warrant served at Edward and

Lisa's home and the controlled purchases made from Edward he believed that Jason Youker was Edward Boekel's supplier. (CP 27.)

On this same date at about 1800 hours Tonasket Officers Curtis and Rice observed Edward Boekel's vehicle going up Highway 20 in the direction of Ferry County. They conducted a traffic stop on the vehicle as Edward Boekel is suspended. During the traffic stop Edward Boekel was identified as the driver of the vehicle, and Lisa Dale as the passenger. Edward was advised he was suspended and was placed under arrest. He was asked if he would consent to a search of his vehicle and Edward asked what for? He was advised they wanted to search for weapons and drugs. Edward said yes he minded if the Officers searched his vehicle. The Officers then cited and released Edward Boekel and the vehicle was left parked off Highway 20. (CP 27.)

On 03-03-2012 Chief Warnstaff of the Oroville Police Department observed a tan colored Ford Probe, Washington registration 651 TLZ parked at 1134 22<sup>nd</sup> Avenue. He was able to see a male leaving the front door area of this residence and was later able to identify this subject as Calvin Duane Garrison DOB 01-29-1960 from a DOL photo. This subject entered the tan Ford Probe, left Jason Youker's home and drove into the Prince's parking lot. Chief Warnstaff parked and did surveillance on the vehicle as Calvin Garrison entered the Prince's store. When Calvin Garrison exited the store he approached the tan Ford Probe and looked in the direction of Chief Warnstaff. Calvin Garrison got inside the of the Ford Probe and sat there for about 5 minutes; he then exited the vehicle and returned into the store. Chief Warnstaff waited for approximately 20 minutes for Calvin Garrison to return to his vehicle. He did not return and after about 20 minutes Chief Warnstaff left the parking lot. The significance of this information is that an NCIC was run on this subject and I was able to obtain the following information. He has an arrest in 1985 for VUCSA possession of heroin or

Schedule 1 or 2 which was dismissed. He was arrested in 1987 for VUCSA possession of heroin or Schedule 1 or 2 and was found guilty. He was arrested in 1988 for VUCSA, it does not give a description of the drug or schedule of drug but shows a status of guilty. (CP 27-28.)

On 03-23-2012 Ledawn Jones was interviewed a second time by Detective Thomas. He begins by telling Ledawn that he is doing some follow up on their last conversation and would like to clarify a few things and possibly gather more information. Ledawn Jones was in the Okanogan County Jail during the interview, she was recently arrested and booked into the jail for taking two checks that did not belong to her. When Detective Thomas advised her that he was doing follow up she made a statement similar to, I thought you guys didn't want to work with me. Detective Thomas told her we didn't, he was only there to ask follow up questions from their last conversation and if she didn't want to speak with him she didn't have to. Ledawn said she had no problem answering any questions and would speak with Detective Thomas. (CP 28.)

Ledawn Jones also told Detective Thomas that John Meslar has bought the most drugs from the iceman. The name John Meslar is also familiar to the Task Force. John Meslar was the subject of two separate investigations. In 2010 Detective Lewis using a confidential informant made two purchases of methamphetamine from John Meslar. Both transactions took place at Jeff Clark's trailer in Oroville, Washington. John Meslar was arrested on both counts and booked into Okanogan County Jail. In December 2011 a separate investigation was conducted where a different confidential informant purchased methamphetamine from John Meslar, this purchase took place in Jeff Clark's driveway in Oroville, Washington. (CP 28-29.)

The paragraphs under the label "E- Unrelated Suspects and locations" are especially frustrating because they refer to a "Jason Hotchkiss," not a Jason

Youker, and the information given makes no connection between Jason Youker and Jason Hotchkiss. These paragraphs also refer to Jason Hotchkiss driving a "red Toyota pickup," and other paragraphs in the Affidavit clearly identify Jason Youker's vehicle as a burgundy & grey Dodge Dakota truck.

Section "E- Unrelated Suspects and locations" comprises the largest labeled category of the affidavit, and yet no connection is made between these suspects and locations and Jason Youker.

Section E- goes on to describe that Deidre Whitaker had an overdose at the Camaray Motel in Oroville. The officers learned that a person by the name of "Teresa Marie Munsey" may have been the identified female seen in the motel room with Ms. Whitaker. Teresa Marie Munsey lived in a trailer on Jason Youker's property. However, there is no indication in the Affidavit for Search Warrant that Teresa Marie Munsey supplied any drugs pertaining to the overdose.

The section labeled "E-" also describes a recorded jail call on 2-6-12 between Arthur Leroy Sims Jr. and an unidentified female, discussing Paulette, Jeff Clark, Sneaky, snitches, Lynn, Johanna, "Ice Cream," again with no identification as to who "Ice Cream" is, and with no mention of Jason Youker.

The section labeled "E-" also discusses information that Teresa Munsey is dating Chad Inscore and the Chad Inscore may have left a baggy of methamphetamine in the back seat of Detective Venturo of Ferry County. Again there is no mention of a connection between that incident in Ferry County and Jason Youker.

The section labeled "E-" discusses that a vehicle belonging to "Edward Boekel" was parked at Jason Youker's residence at 1134 22<sup>nd</sup> Avenue in Oroville and that a confidential informant had purchased drugs on 12-28-10 to 6-17-10, but the discussion does not say where those transactions occurred or in any way relate those transactions to Jason Youker or his residence. Although the affidavit states that "Detective Venturo's" prior investigation of Edward Boekel led him to believe

that Jason Youker was their supplier, the Affidavit does not give any facts supporting this belief whatsoever. (See CP 27).

Further discussion of Edward Boekel in the Affidavit describes a traffic stop during which Edward Boekel was cited and released for driving with a suspended license. Edward Boekel declined to consent to a search of his vehicle. The vehicle was left parked off Highway 20. The Affidavit does not say that vehicle was ever searched or make any connection between that vehicle and Jason Youker or his residence.

Also with the section labeled "E-" is a discussion of "Calvin Duane Garrison" parked in front of Youker's residence in a "tan Ford Probe." Garrison then drove to Prince's parking lot, then Garrison walked into the store, came out, saw Chief Warnstaff, and returned into Prince's store. Garrison had previous arrests for VUCSA violations. The Affidavit does not indicate any search was conducted of Garrison or his vehicle, however, and Garrison was not arrested.

The section labeled "E-" also contains a discussion regarding "Ledawn Jones," who was incarcerated and told Detective Thomas that a "John Meslar" had drug transactions with "Jeff Clark" in Oroville. Again, the Affidavit does not explain how this relates to Jason Youker or Youker's residence.

**F-. "Ice Cream Man" but no nexus to Jason Youker;**

The CI advised Paulette had 4 baggies of heroin and told the CI to pick two of them. The CI did so and gave the money to Paulette. Paulette told the CI to be very careful when using the stuff and to not use too much at one time. The CI asked Paulette where she was getting her stuff from and she told the CI from the ice cream man. I asked the CI who was driving the maroon and grey truck that arrived and he/she believed it to be the ice cream man. The CI believed that he was there to pick up the money from the heroin deal. (CP 21.)

Detective Thomas advised me that Ledawn clarified where the fence was when she said she would purchase drugs through the fence from iceman. She describes the fence being wooden with knot holes and located on the downhill side of iceman's home which is on the east side. She also told Detective Thomas that she always knew it was the iceman because she would look through the fence to make sure it was him and that she was able to identify his voice and that she didn't purchase drugs from just anyone. She said that iceman would also call her and when a deal was lined up he would sometimes bring it to Jeff Clark's property and put the drugs inside an abandoned vehicle. She would hide either in a vehicle or in Jeff's backhoe so she could be sure it was the iceman, she again stated she didn't buy drugs from just anyone. (CP 14.)

Detective Thomas asked if Ledawn had ever purchased drugs from inside the iceman's home. Ledawn said no but that last time she bought drugs from him she was in his front yard and watched him walk out the front door of his house. She contacted [sic] the iceman on two different numbers; normally it was his cell phone but also had his home number. She advised the numbers were on her cell phone. Detective Thomas checked her jail property to see if they could obtain the numbers from the phone but the phone was not in her property. (CP 28.)

The section labeled "F- "Ice Cream Man" but no nexus to Jason Youker contains many references to the "ice cream man," but no description of the "ice cream man" or any facts suggesting the ice cream man had picked up money for anything! (See CP 21). There was no identification that the person in the maroon and grey truck was Jason Youker. (CP 21).

Ledawn described buying drugs through the fence from "iceman" (CP 14). She described the fence being wooden with knot holes and located on the downhill side of iceman's house which is on the east side." She said she would look

through the hole to see if it was the iceman, and that she recognized his voice. (CP 14). However she did not describe the iceman, identify him as Jason Youker, or give an address for his house! (CP 14).

**G-. Related to Jason Youker but no evidence of drug activity;**

On 05-18-2011 Sgt. Wilson gave me the license plate from the maroon and grey truck that arrived at Paulette's during the heroin transaction, Washington B36352L. This vehicle is registered as a 1994 Dodge Dakota truck, burgundy and grey in color, registered to Dorothy and Jason Youker. A check in records showed Dorothy to be born in 1935 and deceased in 2010. I then asked the Detectives involved in the case to tell me what they observed. Sgt. Wilson and Detective Kim were riding together. Sgt. Wilson advised when he drove by the location Detective Kim was able to get the license plate from the vehicle. He also told me that as the CI was leaving the residence so was the truck registered to the Youker's. Detective Lewis advised he was able to follow the vehicle back to 1134 22<sup>nd</sup> Avenue in Oroville, Washington. Detective McElheran confirmed this by driving past the vehicle as it was parked at this address. A check in Spillman shows Jason Charles Youker 06-04-1973 is living at 1134 22<sup>nd</sup> Avenue in Oroville, Washington. A further check with the Assessors shows the home owned by Dorothy Youker who is deceased. (CP 21.)

In the section labeled as "G- Related to Jason Youker but no evidence of drug activity," Detective Steve Brown discusses that the 1994 Dodge Dakota truck is registered to Dorothy & Jason Youker, license plate # B36352L. The section explains the Dorothy is Jason Youker's grandmother, who is deceased and that Jason Youker lives at 1134 22<sup>nd</sup> Ave. in Oroville, WA. They also determined that

the house was owned by Dorothy Youker. This section does not report any crimes being committed.

**H-. Related to Jason Youker's residence but no proof of Jason Youker involvement;**

(It should be noted that this home is located just to the West of Prince's store in Oroville, Washington. And that we have had several sources of information such as (Oroville Police Dept, Ledawn Jones, and Efren Lopez) that said people would park near Prince's or around the area of the house as the iceman/ice cream man or their supplier did not like people/cars coming to his house solely for the purposes of purchasing drugs.) (CP 21.)

The section labeled "H-" said several sources had stated that "people" would park near Prince's because the "iceman" did not like people coming to the house "for the purpose of purchasing drugs." This section does not allege anything about Jason Youker's involvement in any drug transactions.

**I-. Related to Jason Youker's girlfriend involvement, but not related to Jason Youker involvement in drug activity. No drugs found. No proof that Jason Youker is the "Ice man" or "Ice Cream man.";**

On 09-04-2011 Oroville Officer Hill made a traffic stop on Cassandra J. Vandever. She was driving Washington License B36352L a burgundy and grey Dodge Dakota truck registered to Dorothy and Jason Youker.

While making the traffic stop Officer Hill observed Cassandra lean over to the passenger side of the vehicle and then return to the seated position. During contact he observed what he believed to be a pistol tucked between the seats. When asked, Cassandra advised it was just a pellet pistol. Officer Hill arrested Cassandra for driving while revoked in the 2<sup>nd</sup> degree. Officer Hill asks for consent to search and is told that, she would rather Officer Hill have a warrant before searching the vehicle. Officer Hill contacts the Border Patrol and asks for them to run a K9. Agent Seth Thomas of the Border Patrol responds and his K9 Max alerts to the passenger side door of the vehicle. Officer Hill decides to tow the vehicle and apply for a search warrant. While waiting for the search warrant Jason Charles Youker showed up on scene. Jason Youker tells Officer Hill he's been looking for his vehicle and the officer tells him that his girlfriend was driving it and had been arrested for driving while revoked. He advised Jason that a K9 had alerted to the vehicle and he was seizing it as evidence and would apply for a search warrant. Jason advised that he was the registered owner of the vehicle and that if officer wanted to search it he didn't need a warrant and that Jason would search the vehicle. The officer told him he could not do that, and if Jason wanted to sign a consent to search form, the officer would search it. Jason indicated that he wouldn't write a statement or sign anything and that he doesn't do anything for the police. Jason left and said he was going to go get his bike ride it down to the traffic stop location and take his vehicle. Before he arrived the vehicle was towed. Officer Hill applied for and was granted a search warrant for the vehicle. He was able to confirm the gun located between the seats was in fact a BB gun and they were not able to locate any controlled substances. (Prior to this traffic stop we had been purchasing drugs from Paulette Robertson who would order the drugs for the informant. Before this traffic stop we only knew the two as Cassie and iceman/ice cream man. We knew the vehicle was registered to

Jason Youker and knew where he lived but had no actual law enforcement contact with him or his girlfriend. From this stop we were able to identify both the person we knew as Cassie and the male we knew as iceman/ice cream man.) (CP 22.)

The section labeled "I-" discusses Cassandra J. Vandever driving Jason's truck. She was stopped by police. Jason Youker showed up on the scene to locate his vehicle. Officer Hill obtains a search warrant. No drugs are found. A BB gun is found. Although the Affidavit states that "Jason Youker" is the one "we knew as the iceman/ice cream man," the Affidavit does not give any facts as to why they thought Jason Youker was the ice cream man.

**J-. Attempts but no purchases or contact with Jason Youker, and no crimes committed;**

On 12-16-2011 a confidential informant for the NCWNTF went to 15 Balmes Road in Oroville, Washington. The home at this location is lived in by Jeffrey Duke Clark d.o.b. 05-09-1955. While at the location the CI attempted to purchase methamphetamine. Jeff told the CI that they could get some at the iceman's house and the CI drove him to 1134 22<sup>nd</sup> Avenue Oroville. (This was confirmed by me as I followed the CI to this location.) They were only there a short time and left driving back to 15 Balmes Road. About 45 minutes later the CI and Jeff Clark returned to 1134 22<sup>nd</sup> Avenue and attempted contact. Again they were only there a short time and left. (This was confirmed by me as I followed the CI to that location a second time.) The CI was able to go outside and contact Detective Lewis and advise him that they attempted to purchase methamphetamine from the iceman but he was not home. Jeff Clark was able to contact the iceman by

telephone and was told that he was now at the casino in Okanogan. (This was probable because about an hour before we attempted any drug purchase I had seen "iceman" Jason Youker in his truck, leave his house and go to Prince's store. When he came back out he opened the hood to his truck and appeared to be putting oil in. When he left I followed Jason Youker out of Oroville south on Highway 97 about 2 miles and then returned to Oroville.) The CI told Detective Lewis that he/she and Jeff were waiting for the iceman to return. About an hour later Detective Lewis received another call from the CI and said that Jeff had contacted the iceman by phone and was told he would be back in Oroville in about 45 minutes. The deal never completed and the iceman, Jason Youker never came back to Oroville before we decided to call it off. (CP 22-23.)

The section labeled "J-" discusses a suspect named Jeffrey Duke, a CI who states that he got some drugs at the iceman's house at 1134 22<sup>nd</sup> Ave, Oroville. The CI and Jeff Clark go to Youker's residence, but the "iceman" was not home. No deal was completed and the officers decided to "call off" the attempted buy. No purchase was made. (CP 22-23).

**K-. Purported past deals but no identification of the person known as the iceman, and no controlled buys. Also no verification of who did the deals through the hole or even that there is a hole;**

On 01-14-2012 Detective Thomas of the NCWNTF interviewed Ledawn Marie Jones-Morisch 09-25-1973. During this interview she told Detective Thomas the following:

She has purchased methamphetamine and heroin from the "iceman" in the past. She usually purchased quarter ounces of methamphetamine and small amounts of heroin from him. She always dealt directly with him and never had to use a middle man. She always purchased the drugs through a hole in the fence near his home. She had the iceman's phone number and would contact him directly, but he didn't like a lot of traffic coming in and out of his house so they would do the deal through a hole in the fence near his home. The last time she purchased drugs from him was on 12-29-2011. (CP 23.)

The section labeled "K-" discusses that "Ledawn Jones-Morisch" purchased meth from the "iceman" through a hole in the fence. This section does not identify the address of the residence with a hole in the fence or even verify that Jason Youker's home has a fence with a hole in it.

**L-. No specific information about anything;**

On 02-06-2012 there was a recorded jail call from Arthur Leroy Sims Jr. DOB 10-21-1968. The call is made to an unidentified female and a portion of the conversation is as follows:

FEMALE: She was there with umm, what's his face. Ohh, and that's something I wanted to tell you too. Umm, Paulette, Paulette told me her lawyer said, told her. Her lawyer told her whatever she does she not ever talk, don't be around Jeff Clark. Don't talk to him, don't let Sneaky talk to him or nothing. She said because he is well known for being a snitch. And that's what her lawyer told her.

SIMS: Ehh.

FEMALE: I mean, that's, I mean, what's wow.

SIMS: Yeah he's buying guns and everything else, fucking snitch.  
He's a punk. Fuck him.

FEMALE: So.

SIMS: He can't never go (garbled) couldn't of got money, its cause  
he was snitching.

FEMALE: Right.

SIMS: That's why they don't give a fuck about Ice Cream. Cause  
they got him booked anyways.

FEMALE: Right, right.

SIMS: You know what I mean, they got.

FEMALE: Well maybe he's selling for them who knows.

SIMS: Huh?

FEMALE: He might be selling for them for all, who knows.

SIMS: Who Ice Cream?

FEMALE: Yeah.

SIMS: Yep.

FEMALE: You know truthfully speaking.

SIMS: I think he is selling for them. I think he's a cop his self. I  
think he's selling for them mother fuckers and they're so crooked that they  
want me to take the fall.

On 02-06-2012 there was a second recorded jail call made from  
Arthur Sims to an unidentified female and the call is as follows:

SIMS: Plus I got to go see the bitch, I'm smoking some weed first.  
Fuck her.

FEMALE: Right.

SIMS: Fuck that bitch. I'm smoking me some weed. But anyways  
check this out. Yeah I gotta go see, I gotta go see Lynn when we leave  
here.

FEMALE: Ok.

SIMS: Cause Jeff Clark ain't cool. And right that day, that day I gotta talk to her.

FEMALE: Ok.

SIMS: That day that we got hemmed up, he came and picked up two of them thing things from her. See what I'm saying.

FEMALE: Ooohhh.

SIMS: And that's what I was trying to tell old boy about when he was here. Cause he got them from Johanna. Johanna's, you see what I'm saying. I'll tell you when I see you in person.

FEMALE: Ok, ok. I comprehend.

SIMS: Yeah, yeah. Cause she don't need to caught up like that cause he's been collecting them from a lot of people. And I think that he's taking them over to the, I think he's taking them over to Ice Cream and Ice Cream either taking them over to the coast and trading them for that or giving them to the ATF. Anyways I don't want to talk about it. (CP 25-26.)

The section labeled "L-" discusses the following about the Camaray Motel "overdose" incident. They determined from a taxi driver that Teresa Munsey was the person in the room with the woman who overdosed. Officer Patterson identifies Teresa Munsey as the person on the motel security tape and Officer Waddell advises that Teresa Munsey lives at 1134 22<sup>nd</sup> Ave. This section does not mention anything about Jason Youker.

The rest of the section labeled "L-" relates to Arthur Leroy Sims, Jr. calling an "unidentified female" in the jail. The recorded conversation mentions "Paulette," "Jeff Clark," "Lynn," "Johanna," and a discussion about "Sneaky" being a snitch and the "Ice Cream" was booked and that maybe "Ice Cream" is a cop "selling for them." The Affidavit discusses maybe "Ice Cream" is taking "two of their things" over to the coast and trading them or giving them to the ATF. Again, there is no mention of Jason Youker whatsoever.

**M-. Jason's vehicle, Jason's residence, but no reported drug activity;**

On 02-14-2012 Chief Warnstaff of the Oroville Police Dept. made a traffic stop on Jason Youker's maroon and grey Dodge truck. While approaching the vehicle from the passenger side he recognized the driver of the vehicle, Teresa Marie Munsey 08-02-1965, she was on a cell phone. She immediately told Chief Warnstaff, "He is on his way." Chief Warnstaff asked her to hang up the phone which she did and then asked who was on his way? Teresa Munsey advised Jason. After completing the traffic stop and issuing Teresa Munsey a citation for driving while license suspended Jason Youker showed up on scene, he advised Chief Warnstaff that he would find a licensed driver to take his vehicle. (This bit of information is important for the following reason) Teresa Marie Munsey was living in her small motor home on Jeffrey Clark's property. According to Chief Warnstaff she had been asked to leave that property in January of this year. She attempted to move her motor home but ran out of gas. Officer Hill of the Oroville Police Dept contacted her and asked what she was doing. She advised Officer Hill she had been kicked off Jeff Clark's property and was moving her motor home to Jason Youker's house. They had no licensed driver so Officer Hill advised them before the vehicle could be moved Teresa Munsey had to find a licensed driver. After this event Chief Warnstaff drove by Jason Youker's home and started keeping track of the motor home. At one point he noticed a power cord running from Jason Youker's home to Teresa Munsey's motor home. After about a week Chief Warnstaff made contact with Jason Youker and Teresa Munsey at Jason's home. He advised Jason that according to city regulations Teresa could not be living in a motor home in his drive way. Teresa Munsey looked at Jason and said something to the fact about just living in his house. Chief Warnstaff advised

that was up to Jason but told them that she could not live in a motor home according to city regulations. (CP 26.)

Under the section labeled "M-" there is discussion that Chief Warnstaff pulled over Teresa Munsey for a traffic stop because her license was suspended, and that she was driving Jason Youker's truck. Teresa called Jason to pick up his truck. The Affidavit then goes on to state that Teresa Munsey moved her small motor home to Jason Youker's property. About a week later, Chief Warnstaff contacted Jason Youker at his home and advised him that under City regulations, Teresa could not be living in a motor home in his driveway. (CP 26). On this occasion, Jason Youker's truck was not searched and there is no mention of any drug transactions. (CP 26).

**N-. General criminal history for Jason Youker with no information on any current drug activity;**

NCIC (National Crime Information Center), NLETS (National Law Enforcement Telecommunications Center), WWCIC (Washington Criminal Information Center), drivers checks have determined the following for Jason Charles Youker:

**NLETS:**

Name: Jason Charles Youker

DOB: 06-04-1973

SSN: XXX-XX-XXXX

SSN: XXX-XX-XXXX

AKA: Jason Charles Dunkin

AKA: Jason C. Younker

AKA: Jason Youker

AKA: Jason C. Dunkin

AKA: Jason C. Dunkin

All NLETS arrest information contained in the record are based on fingerprint comparisons and pertain to the same individual.

Drivers return: Jason Charles Youker 6-00, 175, 1134 22<sup>nd</sup> Avenue Oroville, Washington.

**NCIC: 9 Felony convictions**

1989 Class B Burglary 2<sup>nd</sup>

1991 Class C Theft 2<sup>nd</sup>

1991 Class C Theft 2<sup>nd</sup>

1992 Class B VUCSA-Manufacture/Delivery of Schedule 1,2 narcotic

1994 Class A Robbery 1<sup>st</sup>

2003 Class C Escape 2<sup>nd</sup>

2003 Felony (unknown classification)VUCSA-Possession with Intent

2003 Class B Possession of Firearm 1<sup>st</sup>

2003 Felony (unknown classification)VUCSA-Possession

**(CP 28-29.)**

I've also located the following information from the criminal history checks on the subjects mentioned in this report. I will list only those convictions that pertain to drug crimes.

Jeffrey Duke Clark 05-09-1955, has a felony conviction for possession of a controlled substance marijuana.

Lisa Deanne Dale 01-16-1964, has a felony conviction for controlled substance possession with no prescription.

Edward Craig Boekel 09-29-1959, has a felony conviction for controlled substance possession without prescription. Also had delivery of controlled substance prescription and heroin charges pending in Ferry County.

Arthur Leroy Sims 06-21-1968, has a felony conviction for controlled substance delivery/possession with intent, a second felony conviction

classified only as a VUCSA-Felony, he has a misdemeanor conviction of possession of marijuana, and a second misdemeanor conviction for drug paraphernalia, he also has one classification unknown VUCSA non Felony attempt. Also has delivery of controlled substance charges pending in Okanogan County.

Ledawn Marie Jones-Morisch 09-25-1973 has a felony VUCSA possession of heroin schedule 1 or 2.

Cassandra Jo Vandever 05-08-1992 has one felony conviction for controlled substance violation without prescription. (CP 29-30.)

The section labeled "N-" discusses Jason Youker's prior criminal history. (some of that history is incorrectly cited.) It also discussed some of the other "suspects" histories. It provides no information connecting Jason Youker to any 2011 – 2012 crimes. (CP 28-29).

On 5-17-2011, a CI buys two bags of heroin from Paulette, and the CI reports that Paulette told her she gets her stuff from the "ice cream man." The Detective asks the CI who was driving the maroon and grey truck and she says she "believed it to be the "ice cream man" and that the CI "believed that he was there to pick up the money from the heroin deal." Detective Lewis followed the truck back to Jason Youker's residence at 1134 22<sup>nd</sup> Avenue. The Affidavit does

not state any evidence that Detective Lewis knew who was driving the truck, and

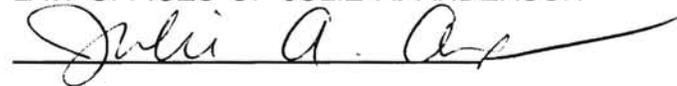
Detective Lewis did not describe the male who was driving the truck. (CP 21).

**D. CONCLUSION**

The trial court correctly suppressed all of the evidence pertaining to the search as the search warrant was not supported by probable cause as to Jason Youker and his residence.

DATED this 8<sup>th</sup> day of February, 2013.

LAW OFFICES OF JULIE A. ANDERSON

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

Julie A. Anderson, WSBA #15214

Attorney for Defendant Jason Youker