

02/10/03 03:13 FAX

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**In The Tulalip Tribal Court  
Tulalip Indian Reservation  
Tulalip, Washington**

RECEIVED/FILED  
10-10-02 *[Signature]*  
In The Tulalip Tribal Court

**Chris ESPITIA** )  
 )  
**Vs.** )  
 )  
**Tulalip Tribes** )

No: TULL-Cr-10/02-476  
Search Warrant

**To any authorized Peace Officer of the Tulalip Tribes or State of Washington:**

This matter having come before me this day, and testimony having been take and based upon probable cause having been found, in the name of the Tulalip Tribes, I command that you enter the following described place:

**211 Marine Drive, a single story residence Gray in Color, with wire fence around the front yard and detached garage facing Marine Drive at the Intersection of 2<sup>nd</sup> NE, on the Tulalip Indian Reservation.**

Therein to search for, seize, secure, tabulate and make return according to law the following property or things:

**Two pit bull breed dogs that are in violation of Tulalip Tribal Ordinance 113.**

**Documents of ownership, defaced serial numbered property, bank checks, credit cards, and other documents with names other than Christopher Lee ESPITIA, Narcotics and other fruits of the crime relating to burglary and the possession of stolen firearms and stolen property.**

You are further commanded to execute this Search Warrant with (10) days from the date of issuance. Following the execution of this Warrant, a return of said Warrant shall be made promptly be made to the undersigned Tribal Court Judge.

Issued Under My Hand this: 10<sup>th</sup> of October, 2002

*[Signature]*  
**Tulalip Tribal Court Judge  
Thomas Weismuller  
In and for the Tulalip Tribes Of  
Washington**

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**Tulalip Tribal Court Search Warrant Affidavit  
Tulalip Tribal Police Services**

**October 10, 2002**

I, J. A. Goss, Jr., Chief of the Tulalip Tribal Police Services disposes and state that I am the Chief of Police for the Tulalip Tribes. I have been a law enforcement officer for more than 30 years, and have graduated from the FBI National Academy, Washington State Police Academy, United States Treasury Academy, and the U.S. Army Military Police Academy. I am certified law enforcement instructor and criminal investigation instructor through the U.S. Indian Police Academy, FBI Academy, U.S. Treasury Academy and have certification as instructor in the states of Oregon and Washington. I am the former Administrator the US Indian Police Academy and Lead Instructor at the Federal Law Enforcement Training Center. I have been a Chief of Police, Executive Director of a Washington Narcotic Task Force, Assistant Director of the US Forest Services Law Enforcement Program and City Police Officer and Detective. I have served on National and local drug teams and have investigated numerous, homicides, drug violations, rapes, robberies, thefts, burglaries, street crimes and white collar crimes during my tenure as a law enforcement officer.

I have been jointly investigating the theft of firearms with the Marysville Police Department and the Snohomish County Sheriffs Office. I have been informed by Detective AKAU that firearms seized by Tulalip Tribal Police Officers on September 30<sup>th</sup>, 2002, where firearms stolen from burglary in Marysville Washington and Snohomish County. Detective AKAU's attached report and support probable cause statements outline the information provide to me by Detective AKAU and Detective Woodson of the Snohomish County Sheriffs Office. Detective AKAU's affidavit is attached to this probable causes statement as part of the probable cause affidavit; I have reviewed this information and report and believe it to be factual.

Additionally Animal Control Officer Dean Henry has been attempting to pick up two bit pulls dogs from this address and phone Chris ESPITIA that have been chasing pedestrians and bitten a child. Chris ESPITIA has refused to surrender his pit bulls and has failed turn the animal over to the animal control officer. These animals are currently at 211 Marine Drive and are kept at this location in violation of Tribal Ordinance 113 that does not allow for the keeping of pit bulls or rotwiellers dogs except in a dog kennel or escape proof fence. These dogs have chased several pedestrians and bitten a least one child in July of 2002. The Tulalip animal control officer has met with negative results in his efforts to pick up the dogs.

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I therefore believe that information provided by Detective AKAU and the information contained in the attached probable cause statements to be true and correct to the best of my knowledge and belief.

I swear under the penalty of perjury that I believe the above statements in support of this search warrant are true and correct to the best of my knowledge and belief.

Date: October 10, 2002

J. A. Goss, Jr., Chief of Police

Sworn to and subscribed before me on this 10<sup>th</sup> day of October 2002

  
Tulalip Tribal Court Judge  
In and for the Tulalip Tribes  
Washington

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CASCADE DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON ;  
COUNTY OF SNOHOMISH ;

No. CAF 3003

AFFIDAVIT FOR SEARCH WARRANT

Detective S.O. Alan, of the Marysville Police Department, being first duly sworn by oath, complains, deposes and says:

That he has probable cause to believe, and in fact does believe, that in violation of the laws of the State of Washington,

- Evidence of the crimes of RESIDENTIAL BURGLARY 9A.52.025/POSSESSING A STOLEN FIREARM 9A.55.310.
- Contraband, the fruits of a crime, or things otherwise criminally possessed and
- Other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is unlawfully restrained

are located in, on, or about the following described premises, vehicle or person THE RESIDENCE LOCATED AT 211 MARINE DR NE, MARYSVILLE, WASHINGTON, 98271. THE RESIDENCE IS A RANCHER WHICH IS GRAY IN COLOR.

This Affiant's belief is based upon the following facts and circumstances:  
I have been a Police Officer with the City of Marysville since March 28, 1994. I am currently assigned to the Investigations Division. I have received the following formal training: Basic Law Enforcement Academy in Honolulu Hawaii, between November 1982 and June of 1983, where I was employed as a Police Officer and Tactics Training from both the Federal Bureau of Investigation and the Honolulu Police Departments Tactical Operations Division. I have training in Drug investigations, and identification through the Drug Enforcement Agency, and the Honolulu Police Training Academy. I have also attended the Washington State Basic Equivalency Academy in October of 1994, and received 90 hours of instruction. I have been a Police Officer since November 18, 1982. I have worked Patrol, General Investigations, and Narcotic Investigations since my employment as a police officer. I have attended training classes to include the following: "Raid Interview and Interrogation", Basic Homicide Investigation (40 hours), Asset Seizures (15 hours), Field Training Officer (40 hours), Witness Protection, Dignitary Protection, and other training through the WSCJTC and other agencies. I have investigated numerous crimes and crime scenes to include assaults, rapes, child molestations, robberies, burglaries, forgeries, narcotic activity and other crimes, as a Patrol Officer and Police Detective.

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BASED UPON MY TRAINING, EXPERIENCE, AND PARTICIPATION IN THE OPERATIONS OF CONTROL, AND BASED UPON MY CONVERSATIONS WITH OTHER EXPERIENCED POLICE OFFICERS WITH WHOM I AM ASSOCIATED, I KNOW:

PERSONS INVOLVED IN CRIMINAL ACTIVITY, SPECIFICALLY BURGLARY, AND POSSESSING STOLEN PROPERTY, WILL OBTAIN ITEMS CLASSIFIED AS EVIDENCE, EITHER IN THEIR VEHICLE, OR IN THEIR RESIDENCE, OR IN A RENTED STORAGE FACILITY. THESE ITEMS OF EVIDENCE INCLUDE, BUT ARE NOT LIMITED TO, FIREARMS, JEWELRY, NARCOTICS AND OTHER FRUITS OF THE CRIME RELATING TO THE OFFENSE OF BURGLARY. THE EVIDENCE WILL BE LOCATED AT A RESIDENCE WITH THE ADDRESS OF 211 MARINE DR NE, MARYSVILLE WASHINGTON, 98271, A GRAY RAMBLER. THE AFFIZANT IS REQUESTING A SEARCH WARRANT ON THE ABOVE DESCRIBED PROPERTY FOR THE PURPOSE OF RETRIEVING ALL EVIDENCE, OR FRUITS OF THE CRIME OF RESIDENTIAL BURGLARY/POSSESSION OF STOLEN PROPERTY.

This Affiant's belief is based upon the following facts and circumstances:

On 09-10-02 Officer Brian Letschy of the Marysville Police Department responded to 1030 97th Place NE, Marysville Washington on a Residential Burglary Complaint. Officer Letschy met with the victim Leigh Sheldon who related that he was away from his home between 09-07-02 through 09-10-02. Upon his arrival back from Eastern Washington, he found that all the lights in his house was on, and that there was damage to his front door. Sheldon also reported to Officer Letschy that several of his firearms are now missing. Officer Letschy completed the Burglary report, and Mr. Sheldon provided Letschy with a description of the missing firearms, and the serial numbers for each of the 12 stolen weapons. The stolen items were then entered into the Police Computers as stolen in this case by Marysville Police Dispatch personnel. On 09-11-02, this writer was assigned by Detective Sergeant Jeff Goldman to complete a follow up investigation regarding this case. After checking for witnesses and speaking to neighbors, this case was closed due to a lack of evidence, and information. I called the victim Leigh Sheldon, and explained the circumstances to his case. I explained to him that upon finding one of his stolen firearms, or receiving new information, the case would be re opened, and re assigned to this writer.

On 09-30-02, at approximately 1536 hours, Tulalip Tribal Police responded to a disturbance at 211 Marine Dr. NE on a man with a gun complaint. Tribal Police arrived on scene, where they met with the witness Lisa Lowe who related the following incident. Lowe stated that her neighbor from across the street (Christopher Espitia) was yelling at a male in a blue pick up truck. Lowe said that her neighbor came out of the house with a pair of numchuks, and started to hit the passenger side window of the pick up truck. The male from the pick up truck jumped out of the vehicle with a beer bottle. The male with the numchuks (Christopher Espitia), went back into his house and came out with a handgun, pointing it at the male from the blue truck. The male with the blue truck then got back into his truck, leaving west bound on Maxine Drive. Police made contact with a Hispanic male identified as Christopher L Espitia of 211 Marine Dr NE. Tribal Police Officer Michael Catlett read Christopher Espitia his Miranda Rights using his pre printed Washington State Card, Officer Catlett asked Espitia if he understood his rights, and Espitia said that he did. Catlett related via his Police Report that Espitia was willing to speak to Law Enforcement about the incident. Tribal Police asked Espitia where the gun was, and Espitia stated that he does not have any guns. Chief Goss of Tulalip Tribal Police again asked Espitia for the gun. This time Espitia locked down at the

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ground and said ok, its in the house. Espitia gave Tulalip Police voluntary permission to follow him into his house and retrieve the pistol. Officer Catlett along with Lt. John Harvey followed Espitia into the house towards the back bedroom, where Espitia told Lt. Harvey that it was in the closet. Lt. Harvey reached into the closet and picked up a pistol which was a Python, chrome in color. Lt. Harvey, Officer Catlett, and Christopher Espitia went back outside of the house where Officer Catlett asked Espitia if he would voluntarily go back with them to the Tulalip Police Department. Espitia went with Officer Catlett to the Tribal Police Department where he gave Officer Catlett his statement. A check of the firearm recovered from Espitia's home showed that it was listed as a Priority Stolen Firearm in the system. Officer Catlett upon finding this information told Espitia that the gun was listed as stolen, and that he (Espitia) was being detained. Officer Catlett placed handcuffs on Espitia, and double locked the cuffs. Officer Catlett was informed by Lt. Harvey that the witness in this incident observed Espitia with a black handgun, and not a chrome one like the one recovered earlier. Officer Catlett was instructed by Lt. Harvey to ask Espitia about the black colored gun. Officer Catlett went back to Espitia and asked him where the black colored gun was. Espitia blurted out "shit" and started shaking his head and sweating. Espitia then told Officer Catlett that "it was at my house". Officer Catlett told Lt. Harvey of the guns location, in the same closet where Lt. Harvey recovered the first handgun. Lt. Harvey asked Espitia if he would give Police permission to go back to the house located at 211 Marine Dr NE, Marysville Washington 98271, along with Espitia to recover the black handgun. Espitia said "yes". Upon arriving at the residence, Lt. Harvey and Officer Catlett followed Espitia into his house. Lt. Harvey found the second gun in the same closet where he located the first gun. Lt. Harvey, Officer Catlett and Christopher Espitia returned back to the Tulalip Tribal Police Department, where Lt. Harvey checked the status of the second handgun. The return showed that the firearm was listed as Priority Stolen Firearm in the system. Officer Catlett completed Christopher Espitia's typed written statement regarding this incident, and Espitia was released, being told that a report of this incident would be sent to the Snohomish County Prosecutors Office for further review.

The first handgun recovered in this incident, a Colt Python Serial number V52517 nickel in color was reported stolen from Marysville, under case number 02-3193. With the victim being Leigh Sheldon of 7030 67th Place NE, Marysville Washington 98270. The second handgun recovered, a Beretta .40 Cal serial number 048239mc was reported stolen out of Snohomish County on or about 07-14-02. With the victim being a Marsha Rowe of South Everett. This writer received this information regarding the recovery of the stolen firearms on 10-07-02 from Detective Doug Dodge of The Snohomish County Sheriffs Office.

I know that the crimes of Burglary and Possession of Stolen Property have become more common, and that both Residential and Commercial Burglaries are on a rise within the City of Marysville and through out Snohomish County. I also know that solving this type of crimes are usually achieved when the stolen firearm or property is pawned or sold to local business, and or recovered in Law Enforcement investigations. It is also common to find person(s) suspected of Burglary and Possession of Stolen Property to have in their possession items considered as burglary tools, items with defaced serial numbers, multiple computers and stereos, identification documents with other people's names on them, bank checks belonging to other people.

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the aforementioned address to include all locked containers for evidence in the crimes of Burglary, Possession of stolen property, and Possession of Stolen firearm. Also to seize, if located any, defaced serial numbered property, checks, credit cards, mail, identification, and other documents with names other than Christopher Lac Espina.

I certify (or declare) under the penalty of perjury under the law of the State of Washington that the foregoing is true and correct this 10<sup>th</sup> day of October, 2002 at Marysville, County of Snohomish, Washington.

DETECTIVE B.G. AKAU

*B. G. Akau*

Affiant  
MARYSVILLE POLICE DEPARTMENT  
DETECTIVE B.G. AKAU #0317

Subscribed and Sworn to before me this 10 Day of 10 2002

*[Signature]*

Judge  
*[Signature]*

Issuance of Warrant Approved:

Craig Matheson

Deputy Prosecuting Attorney

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*[Signature]*