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ADVANCE AMERICA 825 Fax:360-651-9658

Oct 10 2002 13:35 P.02

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10/10/02 THU 13:04 FAX 360 485 0873
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CASCADE DIST CT
MARYSVILLE DETECTIVES

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CASCADE DISTRICT COURT FOR SNOHOMISH COUNTY

STATE OF WASHINGTON)
)
COUNTY OF SNOHOMISH)

vs.

No. CAF 3003

AFFIDAVIT FOR SEARCH WARRANT

Detective S.S. Alms, 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 WA 52.025/POSSESSING A STOLEN FIREARM WA 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 RANGER 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 80 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 (16 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 Lutschg of the Marysville Police Department responded to 7030 87th Place SE, Marysville Washington on a Residential Burglary Complaint. Officer Lutschg 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 Lutschg that several of his firearms are now missing. Officer Lutschg completed the Burglary report, and Mr. Sheldon provided Lutschg 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 1556 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 Marine Drive. Police made contact with a Hispanic male identified as Christopher I 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 Gess 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 049229MC 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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MARYSVILLE DETECTIVES

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Based on the following facts. On 09-10-02, Officer Lutsch of the Marysville Police Department responded to a Residential Burglary complaint at 7030 67th PL NE, which is located within the City limits of Marysville. The front door to the residence was damaged, and entry to the residence gained via the front door. Taken in the burglary was twelve firearms which were all entered as stolen into the statewide Police data base. Also on 07-02-02, Snohomish County Deputies took a report of a residential burglary at 9822 31st Ave SE, Everett. Where three firearms were taken along with a .35mm Camera and the victims prescription medication. Entrance was made into the victims residence by forcing the front door. The stolen firearms were entered into the Statewide Police data base. On 09-10-02 Tulalip Tribal Police responded to a Man with a gun disturbance at 211 Marine Dr. NE. Upon making contact with both the witness and suspect. Tulalip Officer Gallett and Lt. Harvey recovered two handguns from the residence belonging to Christopher I. Espitia. A check of both weapons showed that the firearms were stolen from both the above listed burglaries. I believe that if the residence located at 211 Marine Dr NE, Marysville Washington, 98270, is searched, evidence of other crimes may be found, and stolen property recovered. At this time I am requesting that the court grant me, authority to search 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 all, defaced serial numbered property, checks, credit cards, mail, identification, and other documents with names other than Christopher Lee Espitia.

DETECTIVE B.G. ARAN

Frank G. Aran
Affiant
MARYSVILLE POLICE DEPARTMENT
DETECTIVE B.G. ARAN #0317

~~Subscribed and sworn to before me this~~ 10 day of 10 2002

[Signature]
Judge

Issuance of Warrant Approved:

Craig Matheson
Deputy Prosecuting Attorney

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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 firearms. Also to seize, if located at, 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 10th 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]

Issuance of Warrant Approved:

Craig Matheson

Deputy Prosecuting Attorney

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