

COMMONWEALTH OF KENTUCKY

FAYETTE DISTRICT COURT
FAYETTE COUNTY, KENTUCKY

AFFIDAVIT IN SUPPORT OF AND PETITION OF SEARCH WARRANT

FORM 222

Comes the Affiant: Detective K. J. Ford (LMPD#29460)
a peace officer of the Lexington-Fayette Urban County Division of Police, who personally appeared before the undersigned and being first duly sworn, now on oath deposes, affirms and says that he now has and there is reasonable and probable grounds to believe and Affiant does believe that there is now on the premises known and numbered as:

N/A

and more particularly described as follows:

N/A

and/or in (a) vehicle(s) described as:

Gray 2007 Chevrolet Suburban SUV Kentucky License Plate "075-█" registered to Gerald █, PO Box █, Lexington, KY 40524

and/or on the person(s) of:

N/A

for the following described personal property, to wit:

The application of this search warrant is pursuant to US v. Jones (US Sup Ct 10-1259) and is requesting to attach a GPS tracking device to the above listed vehicle not to exceed 21 days from the date the tracking device is attached to the vehicle.

Affiant states that there is probable and reasonable cause to believe and Affiant does believe that said property constitutes (check appropriate box or boxes):

- Stolen or embezzled property;
- Property or things used as a means of committing a crime;
- Property of things in the possession of a person who has intention to use same as means of committing a crime in the possession of another to whom any person may have delivered it for purpose of concealing it or preventing its being discovered;
- Property or things which consist of evidence that tends to show that a crime has been committed or that a particular person has committed a crime.

Affiant has been an officer in the aforementioned agency for a period of 18.5 years and the information and observations contained herein were received and made in his capacity as an officer thereof.

On the 4 day of December 2011 at approximately 03:30am, affiant received information from /observed:

Affiant executed a search warrant at the apartment residence of Gerald [redacted] located at [redacted] Rapid Run Drive, Apartment [redacted], Lexington, KY. Pursuant to the execution of the search warrant, affiant seized items of evidence supporting charges that [redacted] was trafficking in marijuana. Affiant seized over \$30,000 in US currency, a quantity of marijuana, digital scales, commercial grade plastic stretch wrap, and several large plastic containers ("totes") which were believed to store multiple pounds of bulk marijuana. [redacted] was charged with Possession of Marijuana and issued a court date of January 31, 2012 at 1pm. [redacted] 2008 Toyota Camry was seized at the scene pending a search based on a search warrant which was precipitated by a narcotics detection canine alert. [redacted] was released at the scene with his citation.

Affiant knew that [redacted] also maintained a residence at [redacted] Wheatfield Court, Nicholasville, KY. After seizing the marijuana evidence, cash, and storage containers at [redacted] apartment, affiant contacted Kentucky State Police Task Force Detective B. Crouch and apprised him of the situation. Det. Crouch applied for and obtained a search warrant for [redacted] Wheatfield Ct, Nicholasville. Upon the execution of the search warrant, Det. Crouch and his team located identical plastic bins containing marijuana bales wrapped in plastic stretch wrap, digital scales, commercial grade plastic stretch wrap, a handgun, currency, a money counting machine, and a ballistic vest. The total weight of the marijuana seized exceeded 100 pounds.

[redacted] was not present at the execution of this search warrant and remained out of custody. Officers conferred with Assistant United States Attorney J. Thompson regarding federal prosecution of [redacted]. [redacted] case is currently on the docket for grand jury at US District Court, Eastern District of Kentucky, Lexington on/about February 2, 2012.

Continued on Attachment

Acting on the information received, Affiant conducted the following independent investigation:

While [redacted] remained out of custody pending the grand jury date, affiant has been continuing the investigation by establishing [redacted] assets. The 2008 Toyota Camry was seized from his apartment complex. A 2011 Toyota RAV-4 registered to [redacted] was located at 1724 Versailles Road and was also seized pending forfeiture. Affiant learned of an additional vehicle registered to [redacted] as a 2007 Chevrolet Suburban with Kentucky license plate "075- [redacted]". These are the only vehicles affiant could locate registered to him according to Kentucky motor vehicle records.


On Wednesday, January 25, 2012 affiant located the Suburban parked in the 2500 block of Michelle Park Drive in Lexington. [redacted] shares children with [redacted] who resides at [redacted] Michelle Park. It is believed that [redacted] may be staying with [redacted] at this address pending his court date(s).

The vehicle is parked several driveways away from [redacted] residence and around a corner. Affiant believes that [redacted] has parked at this distance from [redacted] residence in order to conceal the fact that he is there. Affiant believes that [redacted] is under the impression that he currently "wanted" due to the marijuana being seized from his residence.

Based on the affiant's training and experience, narcotics traffickers of [redacted] level are able to afford several "stash" houses (apartments, homes, etc.) and numerous conveyances which are utilized to transport and smuggle drugs, proceeds derived from the sale of such drugs, and paraphernalia associated with drug trafficking. Affiant believes that the listed vehicle is being used to as a conveyance to accomplish such activity.

Continued on Attachment

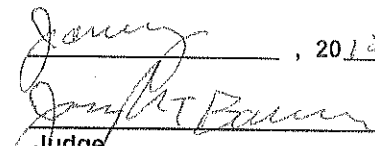
Affiant has reasonable and probable cause to believe that grounds exist for the issuance of a Search Warrant based on the aforementioned facts, information and circumstances and prays that a Search Warrant be issued, that the property be seized, or any part thereof, and brought before any court and/or retained subject to order of said court, such property being held against the peace and dignity of the Commonwealth of Kentucky.



Officer

Subscribed and sworn to before me on this the _____ day of _____, 2012
Time: 11:00 AM PM

26th day of January, 2012



Judge
Fayette District Court
Lexington-Fayette County, Kentucky

COMMONWEALTH OF KENTUCKY
FAYETTE DISTRICT COURT - FAYETTE COUNTY KENTUCKY

FORM 222

AFFIDAVIT IN SUPPORT OF AND PETITION OF SEARACH WARRANT

ATTACHMENT NUMBER ONE

Affiant learned from a qualified confidential informant that police did not get "all of it" referring to Newton's marijuana and money. (The informant who provided information related to [REDACTED] has provided information on numerous occasions. The information has been corroborated and verified via independent investigation.)

Based on the information received by the CI that police did not get all of it (referring to marijuana and currency) and the fact that [REDACTED] parks his Suburban a considerable distance from where he is staying in an attempt to conceal the vehicle and his wherabouts, affiant believes that [REDACTED] has continued his marijuana trafficking enterprise while out of custody pending various court dates. It is believed that [REDACTED] has additional marijuana and proceeds derived from the sale of marijuana stored and stashed at other locations. Affiant requests permission to attach a GPS tracking device on the listed vehicle in order to assist surveillance efforts in order discover such locations.

(Attachment of a GPS tracking device requires search warrant due to US v. Jones US Sup Ct 10-1259)

[A large, diagonal handwritten signature or scribble is present across the middle of the page.]

[Handwritten Signature]

Judge
Fayette District Court
Lexington-Fayette County, Kentucky

COMMONWEALTH OF KENTUCKY

FAYETTE DISTRICT COURT
FAYETTE COUNTY, KENTUCKY

Arrest Date

Defendant

Charges

SEARCH WARRANT

FORM 221

TO ANY POLICEMAN, SHERIFF, CONSTABLE, OR OTHER PEACE OFFICER OF THE COMMONWEALTH OF KENTUCKY:

Proof by Affidavit having been made before me by Detective K. J. Ford (LMPD#29460) a peace officer of the Lexington-Fayette Urban County Division of Police, that there is probable and reasonable cause for the issuance of this Search Warrant as set forth in the Affidavit attached hereto and made a part hereof as if fully set out herein; you are commanded to make immediate search of the premises known and numbered as:
N/A

and more particularly described as follows:
N/A

and/or in (a) vehicles(s) described as:
Gray 2007 Chevrolet Suburban SUV Kentucky License Plate "[REDACTED]" registered to Gerald [REDACTED]; PO Box [REDACTED], Lexington, KY 40524

and/or on the person(s) of:
N/A

for the following described personal property, to wit:
The application of this search warrant is pursuant to US v. Jones (US Sup Ct 10-1259) and is requesting to attach a GPS tracking device to the above listed vehicle not to exceed 21 days from the date the tracking device is attached to the vehicle.

and if you find same or any part thereof, you are further commanded that the property be seized and brought forthwith before me or any other court in which the offense in respect to which the property or things taken is triable, or retained in your custody subject to order of said court, such property being held against the peace and dignity of the Commonwealth of Kentucky.

Subscribed and sworn to before me on this the 26th day of January, 2012
Time: 11:00 AM PM

[Signature]
Judge
Fayette District Court
Lexington-Fayette County, Kentucky