

APPENDIX

STATE OF ALABAMA) AFFIDAVIT IN SUPPORT OF A
COUNTY OF MONTGOMERY) DOCUMENT SEARCH WARRANT
CITY OF MONTGOMERY)

A F F I D A V I T

Pof. R.K. Johnson #1824 and Cpl. T.D. James,
Detective of the Narcotics & Intelligence Bureau of the
Montgomery Police Department, Montgomery, Alabama,
being duly sworn, deposes and says:

This affiant is an investigator of the Montgomery,
Alabama Police Department and has been a police officer
for said agency for over 3 years. Your affiant has
conducted narcotics investigations for the Montgomery
Police Department for 6 months. During your affiant's
tenure as a investigative law enforcement officer, he has
conducted numerous criminal investigations involving both
overt and covert participation leading to the arrest and
conviction of numerous defendants in State and Municipal
Courts of the United States. Your affiant's training and
participation in the investigations of drug traffickers
has given him knowledge to recognize the methods used to
further their illegal activities.

Based upon the affiant's training, experience and
participation in other controlled substance
investigations, he knows the following:

a). That the sale of cocaine and other controlled
substances generates large quantities of United States
Currency, usually in small denominations;

b). That the courts have recognized that the small
and medium denominations of questionable currency, along
with the manner in which the currency is handled, carried
and concealed may establish probable cause that there is

a substantial connection between the questionable currency and narcotics transactions;

c). That the Currency Transaction Report (CTR) (IRS Form 4789), which is required to be completed and filed with the IRS by all financial institutions on every currency transaction which exceeds \$10,000.00 causes tremendous problems for narcotics traffickers when they attempt to negotiate their illegal profits at a financial institution, causing them to maintain large amounts of cash on hand;

d). That the courts have recognized that unexplained wealth is probative evidence of crimes motivated by greed, in particular, trafficking in controlled substances;

e). That large-scale narcotics traffickers must maintain, on hand, large amounts of United States Currency in order to maintain and finance their ongoing narcotics business;

f). That it is common for narcotics traffickers to maintain books, records, notes, ledgers, airline tickets, receipts relating to the purchase of financial instruments and/or the transfer of funds, and other papers relating to the transportation, ordering, sale and distribution of controlled substances. That the aforementioned books, records, receipts, notes, ledger, etc., are maintained where the traffickers have ready access to them;

g). That it is common for large-scale drug traffickers to secret contraband, proceeds of drug sales and records of drug transactions in secure locations within their residences, their business and/or other locations which they maintain dominion and control over,

for ready access and to conceal these items from law enforcement officers;

h). That in order to accomplish this concealment, drug traffickers frequently build "stash" places within their residence or businesses.

i). That it is common for drug traffickers to maintain evidence pertaining to their obtaining, secreting, transferring, concealment and/or expenditure of drug proceeds, such as currency, financial instruments, precious metals and gemstones, jewelry, books, records, invoices receipts, records of real estate transactions, bank statements and related records, passbooks, money drafts, letters of credit, money orders, bank drafts, cashiers checks, bank checks, safe deposit box keys and money wrappers. These items are maintained by the drug traffickers within their residences, business or other locations over which they maintain dominion and control;

j). That cocaine and other controlled substances traffickers commonly maintain addresses or telephone numbers in books or papers which reflect names, addresses and/or telephone numbers of their associates within the trafficking organization;

k). That drug traffickers take or cause to be taken photographs of themselves, their associates, their property and their product. That these traffickers usually maintain these photographs in their possession.

l). That drug traffickers commonly have in their possession, that is, on their person, at their residences, and/or their businesses, firearms including but not limited to: handguns, pistols, revolvers, rifles, shotguns, machine guns and other weapons. Said firearms are used to protect and secure a drug trafficker's

property. Such property may include, but not be limited to: narcotics, jewelry, drug paraphernalia, books, records and United States Currency;

m). That controlled substance traffickers commonly have in their possession paraphernalia, secreted, concealed or stored on their premises;

n). That drug traffickers often place assets, purchased by them in names other than their own, to avoid detection of these assets by law enforcement agencies;

o). That even though these assets may be in other persons' names, the drug traffickers continue to use them in order to maintain and finance their ongoing criminal activities;

p). That drug dealers are aware of the possibility of being robbed or Law Enforcement Agencies executing search warrants where they are selling controlled substances. It is common for drug dealer's to sell controlled substances at different locations other than their own residences or primary residences so if such incidences do occur, they will only lose minimal amount of proceeds or documents pertaining to their illegal activity.

Based on your affiant's training and experience, he has probable cause to believe and does believe that drug records, telephone tolls, currency and other items listed above and in Attachment I are being stored and/or concealed in the residence of 308 3rd Street (Boylston), MONTGOMERY, ALABAMA.

Probable cause being that in November, 2008, a confidential and reliable informant hereinafter referred to as "A" went to 303 3rd Street (Boylston) to purchase a quantity of crack cocaine from a white male known only to

"A" as Ponytail. "A" described Ponytail as being a white male 6'00", 165 pounds, and having long brown hair.

"A" observed Ponytail walked across the street to 308 3rd Street and knock on the door. "A" observed Ponytail made contact with a black male subject later identified as Eugene Lamar Pendleton, aka "L". "A" observed Pendleton and Ponytail make a hand to hand transaction. Ponytail immediately walked over to and gave "A" two, off white, rock-like substances believed to be crack cocaine.

Further probable cause being that in the month of November 2008 "A" under the control of this affiant went to 303 3rd Street(Boylston) and purchased a quantity of crack cocaine from B/M Eugene Pendleton. "A" following the controlled drug buy observed Pendleton walk to 308 3rd Street(Boylston) and go inside.

Further probable cause being that in the month of November 2008, this affiant has conducted surveillance at 308 3rd Street(Boylston) on several occasions. While conducting surveillance a green 1993 Infiniti J-30, AL tag #3B1939R was observed parked at the residence. A registration check revealed that the vehicle is registered to Eugene Pendleton of 308 3rd Street (Boylston) Montgomery, Alabama.

Further probable cause being that "A" has seen Pendleton occupying this vehicle on several occasions.

"A" has given information that has been proven reliable in the past that has resulted in the seizure of Trafficking amount of narcotics and several drug arrests. The information given by the informant has been confirmed by this affiant and other members of the Narcotics Bureau.

Based upon the aforementioned facts and circumstances, your affiant submits that probable cause exists to believe that the following items (see Attachment I) are located at 308 3rd Street (Boylston), MONTGOMERY, ALABAMA.
