

APPLICATION FOR SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS



NAME OF APPLICANT

Jeffrey P. Carlson

District

Worcester

COURT DEPARTMENT

DIVISION

POSITION OF APPLICANT

Police Officer

SEARCH WARRANT DOCKET NUMBER

15625W197

I, the undersigned **APPLICANT**, being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of 6 pages, which is (are) incorporated herein by reference.

2. Based upon this information, there is **PROBABLE CAUSE** to believe that the property described below:

- has been stolen, embezzled, or obtained by false pretenses.
- is intended for use or has been used as the means of committing a crime.
- has been concealed to prevent to prevent a crime from being discovered.
- is unlawfully possessed or concealed for an unlawful purpose.
- is evidence of a crime or is evidence of criminal activity.
- other (specify) _____

3. I am seeking the issuance of a warrant to search for the following property (describe the property to be searched for as particularly as possible):

Cocaine, a Class B controlled substance, as defined by M.G.L. Ch 94C. All materials, products, and equipment of any kind which are used or intended for use, in manufacturing, processing, delivering, dispensing, distribution, importing and/or exporting cocaine. All books, records, and documents, which are used or intended for use in violation of Ch. 94C of M.G.L. including bank records and books, safety deposit boxes, records and keys. All money used or intended for use, in the procurement and/or illegal distribution of cocaine, and any documents pertaining to the occupancy of 89 Endicott Street #3(third floor), Worcester Ma.

4. Based upon this information, there is also probable cause to believe that the property may be found (check as many as apply):

at (identify the exact location or description of place(s) to be searched):
89 Endicott Street, Worcester MA a typical Worcester style three-decker color white. Through my experiences and observations, I believe that there is a single apartment on each of the three floors of the dwelling. The number "89" is clearly displayed on the front of the dwelling.

which is occupied by and/or in the possession of: Heriberto Rivera dob 8-12-86

on the person or in the possession of (identify any specific person(s) to be searched):
same as above

on any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

THEREFORE, I respectfully request that the court issue a Warrant and order of seizure, authorizing the search of the above described place(s) and person(s), if any, to be searched, and directing that such property or evidence or any part thereof, if found, be seized and brought before the court, together with such other and further relief that the court may deem proper.

- I have previously submitted the same application
- I have not previously submitted the same application

PRINTED NAME OF APPLICANT

Jeffrey P. Carlson

SIGNED UNDER THE PENALTIES OF PERJURY

X

SWORN AND SUBSCRIBED TO BEFORE

X

Signature of Justice, Clerk-Magistrate or Assistant Clerk

5-14-15

DATE

SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS

District _____ COURT DEPARTMENT

Worcester _____ DIVISION

SEARCH WARRANT DOCKET NUMBER

1562501197

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- has been stolen, embezzled, or obtained by false pretenses.
- is intended for use or has been used as the means of committing a crime.
- has been concealed to prevent a crime from being discovered.
- is unlawfully possessed or concealed for an unlawful purpose.
- is evidence of a crime or is evidence of criminal activity.
- other (*specify*) _____

YOU ARE THEREFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

Cocaine, a Class B controlled substance, as defined by M.G.L. Ch 94C. All materials, products, and equipment of any kind which are used or intended for use, in manufacturing, processing, delivering, dispensing, distribution, importing and/or exporting cocaine. All books, records, and documents, which are used or intended for use in violation of Ch. 94C of M.G.L. including bank records and books, safety deposit boxes, records and keys. All money used or intended for use, in the procurement and/or illegal distribution of cocaine, and any documents pertaining to the occupancy of 89 Endicott Street #3(third floor), Worcester Ma.

at:

89 Endicott Street, Worcester MA a typical Worcester style three-decker color white. Through my experiences and observations, I believe that there is a single apartment on each of the three floors of the dwelling. The number "89" is clearly displayed on the front of the dwelling.

which is occupied by and/or in the possession of: Heriberto Rivera dob 8-12-86

on the person or in the possession of:
same as above

You are are not also authorized to conduct the search at any time during the night.

You are are not also authorized to enter the premises without announcement.

You are are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

YOU ARE FURTHER COMMANDED if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the Shirley Division of the District Court Department.

DATE ISSUED

5-14-15

SIGNATURE OF JUSTICE, CLERK, MAGISTRATE OR ASSISTANT CLERK

x Barbara O'Brien

FIRST OR ADMINISTRATIVE JUSTICE

WITNESS: PAUL F. LOCONTO

PRINTED NAME OF JUSTICE, CLERK, MAGISTRATE OR ASSISTANT CLERK

BARBARA O'BRIEN

RETURN OF OFFICER SERVING SEARCH WARRANT

A search warrant must be executed as soon as reasonably possible after its issuance, and in any case may not be validly executed more than 7 days after its issuance. The executing officer must file his or her return with the court named in the warrant within 7 days after the warrant is issued. G.L. c. 27B, §3A.

This search warrant was issued on May 14, 2015, and I have executed it as follows:
DATE

The following is an inventory of the property taken pursuant to this search warrant:

1. cocaine
2. Identifications
3. firearm
4. ammunition
5. glass jar, photographs
6. boxes, lotion
7. tin
8. plastic jar
9. grinder
10. cutting agent
11. butane
12. water bottle
13. cell phone
14. packaging materials
15. paper work
16. pyrex cup
17. Ipad
18. phone book
19. hand sanitizer
20. cris notes

(attach additional pages as necessary)

This inventory was made in the presence of: Sgt. Matthew Early

I swear that this inventory is a true and detailed account of all the property taken by me on this search warrant.

SIGNATURE OF PERSON MAKING SEARCH X <u>[Signature]</u>	DATE AND TIME OF SEARCH <u>5-15-15 approx 1415</u>	SWORN AND SUBSCRIBED TO BEFORE X <u>[Signature]</u> <small>Signature of Justice, Clerk-Magistrate or Assistant Clerk</small>
PRINTED NAME OF PERSON MAKING SEARCH <u>Jeffrey P. Carlson</u>	TITLE OF PERSON MAKING SEARCH <u>Police Officer</u>	DATE SWORN AND SUBSCRIBED TO <u>5-22-15</u>

AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR SEARCH WARRANT

SEARCH WARRANT DOCKET NUMBER

1902SW197

TRIAL COURT OF MASSACHUSETTS



I, Jeffrey P. Carlson, have been a Police Officer for the City of Worcester since 2004. I have been assigned to the Vice Squad since 2008. My prior assignment was to The Community Impact Division. I was assigned to the "Main South" area of the City of Worcester while assigned to The Community Impact Division. The Main South area of Worcester is well known for having a high concentration of illegal drug activity. The Impact Division assignment was proactive in nature dealing with street crimes, and due to the "Main South" area, concentrating on drug violations.

In 2005 I completed a "John Reid" forty hour street crimes seminar concentrating on narcotics investigations. In 2009 I completed an eighty hour narcotics course administered by the Drug Enforcement Agency. In 2009 I was certified by the DEA to conduct presumptive tests of controlled substances. During my assignment to the Vice Squad, I have taken part in more than five hundred drug investigations resulting in more than one thousand arrests for drug violations. Some of these investigations have been conducted in conjunction with the Worcester County District Attorney's Office, Federal Drug Enforcement Agents, State Police Officers and other Local Police Agencies.

I have personally affected more than one thousand arrests. More than five hundred arrests resulted in the seizure of heroin, cocaine, marijuana, and/or illegally diverted pills. Many arrests were affected using information provided by confidential sources and have resulted in convictions in Worcester Superior and District Courts. I have been the affiant of more than one hundred affidavits in support of narcotics and firearms search warrants, which have resulted in the seizure of firearms, illegal narcotics, and currency.

I authored an affidavit in support of orders and warrants authorizing the interception of wire communications of several targets operating a cocaine distribution organization. I subsequently listened to thousands of telephone communications between persons conducting illegal narcotics activities, to include suppliers, wholesalers, street level dealers, and users. I corroborated information learned through the interception of phone conversations by reviewing and/or participating in surveillance activities.

I have purchased and sold illegal narcotics while working in an undercover capacity. I have interviewed and/or debriefed hundreds of narcotics addicts and or narcotics traffickers learning detailed information regarding illegal drug distribution. Through these law enforcement assignments, investigations, and arrests, I have become knowledgeable of methods, practices, and techniques employed by persons involved in the illegal distribution of controlled substances.

Law enforcement personnel use many techniques and items of technology to further narcotics investigations including but not limited to; binoculars, visual electronic surveillance, audio electronic surveillance, Police Officers, Police Officers acting in an undercover capacity, confidential informants, global positioning systems, internet mapping systems, etc. These techniques and items are used to determine many facts including but not limited to; a drug traffickers source of narcotics within a multi-unit dwelling, travel techniques used by drug traffickers, counter surveillance techniques used by

PRINTED NAME OF AFFIANT

Jeffrey P. Carlson

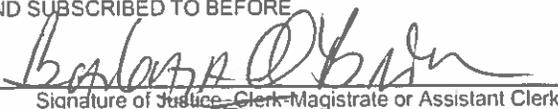
SIGNED UNDER THE PENALTIES OF PERJURY

X


Signature of Affiant

SWORN AND SUBSCRIBED TO BEFORE

X


Signature of Justice Clerk Magistrate or Assistant Clerk

5-14-15
DATE

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TRIAL COURT OF MASSACHUSETTS



drug traffickers, meet locations used by drug traffickers and drug purchasers, a drug traffickers primary residence, a drug traffickers "stash house", etc. Techniques and items of technology used to further this investigation will not be disclosed for any or all the following reasons but no limited to; in order to protect the identity of informants, protect the identity of undercover officers, and or to protect specific items and or techniques used so that ongoing and future investigations will not be compromised.

On a regular and ongoing basis over the past twelve months, I have been receiving information from a confidential reliable informant. The CRI provided information regarding a male who is distributing cocaine in the Worcester area. Myself and other members of the Vice Squad know the identity of this CRI, where he/she lives, and have met in person with this CRI on numerous occasions.

The CRI is a trustworthy source because he/she has informed me that he/she is involved in criminal activity i.e. purchasing and consuming illegal controlled substances. Since I know where the CRI lives, I am able to contact him/her, and have warned him/her about the possibility of being prosecuted for his/her criminal conduct, I believe that he/she had and still has a reasonable fear of prosecution.

This CRI has made it clear to me that because of his/her associations with persons who use and sell drugs, the CRI feels his/her safety, and or the safety of his or her family, would be jeopardized if it became known that he/she is cooperating with police. Through my training and experience I can confirm that if the CRI's identity is revealed the CRI's physical safety would be in grave danger. For this reason, certain details of this affidavit will purposely be omitted or left vague to protect the identity of the CRI.

The CRI has been proven to be truthful, reliable, and accurate. The following paragraphs describe several examples of reliability. I know specific information about the following examples of reliability, including names and docket numbers that are being purposefully omitted in order to protect the identity of the CRI.

In the Fall of 2014 the CRI named a target and stated that he sold cocaine from a specific location within the City of Worcester. The CRI participated in several controlled purchases of cocaine leading to a search warrant. The warrant was executed at the specific location described by the CRI. More than 14 grams of cocaine was located within the target dwelling. The target confessed to possessing the cocaine with the intent to distribute during the execution of the search warrant. The target was arrested and charged with trafficking cocaine. The case is currently pending in a Worcester court.

In the Winter of 2014-2015 the CRI named a target and stated that he sold cocaine from a specific location within the City of Worcester. The CRI participated in several controlled purchases of cocaine leading to a search warrant. The warrant was executed at the specific location described by the CRI. More than 50 grams of cocaine was located within

PRINTED NAME OF AFFIANT

Eric P. Carlson

SIGNED UNDER THE PENALTIES OF PERJURY

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[Signature]
Signature of Affiant

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Signature of Justice, Clerk-Magistrate or Assistant Clerk

5-14-15
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TRIAL COURT OF MASSACHUSETTS



the target dwelling. The target was arrested and charged with trafficking cocaine. The target was subsequently indicted and the case is currently pending in Worcester Superior Court.

Within the last 14 days I met with this CRI and he/she stated that he/she has been purchasing crack-cocaine from "Macho" within 89 Endicott Street, third floor, Worcester Ma. The CRI stated he/she has purchased crack-cocaine from "Macho" within 89 Endicott Street, third floor, during the day and night, on a regular and ongoing basis over the past several months. The CRI stated that "Macho" lives with his sister "Kathy"

The CRI stated that "Macho" uses a cell phone to facilitate the sale of cocaine. The CRI described "Macho" as a Puerto Rican male, approx. 25 y.o.a., approx. 5'8" in height, weighing approx. 150 lbs. The CRI stated that through conversation with "Macho" he/she learned that "Macho" was recently released from jail.

I am familiar with Heriberto Rivera dob 8-12-86 who fits the above description, goes by the name "Macho", and was recently released from jail. I checked the Worcester Police Department database and learned that Catherine Cruz dob 5-24-83 lists her address as 89 Endicott Street Apt. #3.

Sometime during the past 10 days I showed the CRI a photograph of Heriberto Rivera dob 8-12-86 and the CRI stated the photograph is of the "Macho" that he/she has been purchasing cocaine from out of 89 Endicott Street Apt. #3, Worcester Ma.

I am familiar with Heriberto Rivera dob 8-12-86 through past arrests. I am also aware of the fact that Rivera has an extensive criminal record. I checked Rivera's B.O.P. and confirmed that Rivera has past convictions for assault to kill, assault and battery with a dangerous weapon, illegal possession of a firearm and ammunition, and discharging a firearm.

The CRI stated that he/she has had many conversations with Rivera during his/her visits to 89 Endicott Street Apt. #3, Worcester Ma. regarding his crack-cocaine distribution business practices. The CRI stated that he/ she has observed quantities of crack-cocaine packaged for sale within 89 Endicott Street Apt. #3, on multiple occasions over the past several weeks.

The serial numbers on all currency used for the below described controlled purchase of cocaine are on record in the Vice Squad.

Sometime over the past 7 days I met with the CRI in Worcester(the exact location is undisclosed to protect the identity of the CRI) in an attempt to conduct a controlled purchase of cocaine from Heriberto Rivera dob 8-12-86. The CRI was thoroughly searched by a Worcester Police Officer (identity of the searching officer intentionally omitted to protect gender of CRI) at this location and found to have no drugs or currency on his/her person. The CRI was given an amount of money (amount intentionally omitted to protect the CRI's identity) and instructed to attempt to purchase crack-cocaine from Rivera.

PRINTED NAME OF AFFIANT

Jeffrey A. Carlson

SIGNED UNDER THE PENALTIES OF PERJURY

X

[Signature]
Signature of Affiant

SWORN AND SUBSCRIBED TO BEFORE

X

[Signature]
Signature of Justice, Clerk-Magistrate or Assistant Clerk

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TRIAL COURT OF MASSACHUSETTS



Members of the Vice Squad set up surveillance of my undisclosed location with the CRI and the front common door of 89 Endicott Street Apt. #3. The CRI made contact with Heriberto Rivera in my presence via cell phone and was instructed to proceed to 89 Endicott Street Apt. #3. Members of the Vice Squad kept the CRI under continuous observation as he/she approached 89 Endicott Street from my undisclosed location. Detective Dana Randall observed the CRI enter the front common door of 89 Endicott Street. Detective Randall observed the CRI exit the front common door of 89 Endicott Street a short time later.

The CRI was kept under continuous observation by members of the Vice Squad as he/she returned to my location from 89 Endicott Street. The CRI did not stop or speak with anyone during his/her approach to 89 Endicott Street or his/her return to my undisclosed location. The CRI turned over a substance which he/she stated was crack-cocaine. Based on my police training and experience and the appearance and packaging of the substance, I believe it to be crack-cocaine. Through my training and experience I know the amount of crack-cocaine turned over to me by the CRI is consistent with the amount of currency provided to conduct the purchase of crack-cocaine. The amount of crack-cocaine is intentionally being omitted in order to protect the identity of the CRI. The CRI stated that he/she purchased the crack-cocaine from Heriberto Rivera within 89 Endicott Street, third floor, Worcester. The CRI stated that he/she observed additional crack-cocaine packaged for sale. The substance turned over to me by the CRI field tested positive for the presence of cocaine.

Sometime over the past 48 hours I met with the CRI in Worcester (the exact location is undisclosed to protect the identity of the CRI) in an attempt to conduct a second controlled purchase of cocaine from Heriberto Rivera dob 8-12-86. The CRI was thoroughly searched by a Worcester Police Officer (identity of the searching officer intentionally omitted to protect gender of CRI) at this location and found to have no drugs or currency on his/her person. The CRI was given an amount of money (amount intentionally omitted to protect the CRI's identity) and instructed to attempt to purchase crack-cocaine from Rivera.

Members of the Vice Squad set up surveillance of my undisclosed location with the CRI and the front common door of 89 Endicott Street Apt. #3. The CRI made contact with Heriberto Rivera in my presence via cell phone and was instructed to proceed to 89 Endicott Street Apt. #3. Members of the Vice Squad kept the CRI under continuous observation as he/she approached 89 Endicott Street from my undisclosed location. Detective Dana Randall observed the CRI enter the front common door of 89 Endicott Street. Detective Randall observed the CRI exit the front common door of 89 Endicott Street a short time later.

The CRI was kept under continuous observation by members of the Vice Squad as he/she returned to my location from 89 Endicott Street. The CRI did not stop or speak with anyone during his/her approach to 89 Endicott Street or his/her return to my undisclosed location. The CRI turned over a substance which he/she stated was crack-cocaine. Based on my

PRINTED NAME OF AFFIANT

Jeffrey P. Carlson

SIGNED UNDER THE PENALTIES OF PERJURY

X

[Signature]
Signature of Affiant

SWORN AND SUBSCRIBED TO BEFORE

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[Signature]
Signature of Justice, Clerk, Magistrate or Assistant Clerk

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DATE

AFFIDAVIT
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TRIAL COURT OF MASSACHUSETTS



police training and experience and the appearance and packaging of the substance, I believe it to be crack-cocaine. Through my training and experience I know the amount of crack-cocaine turned over to me by the CRI is consistent with the amount of currency provided to conduct the purchase of crack-cocaine. The amount of crack-cocaine is intentionally being omitted in order to protect the identity of the CRI. The CRI stated that he/she purchased the crack-cocaine from Heriberto Rivera within 89 Endicott Street, third floor, Worcester. The substance turned over to me by the CRI field tested positive for the presence of cocaine.

Evidence of drug distribution other than drugs that is routinely discovered by Vice Squad Officers when searching a vehicle and or dwelling being used regularly by a drug dealer;

- Cash proceeds (money)
- Digital scales (equipment)
- Plastic baggies used to package narcotics (materials)
- Elastics used to wrap "bundles" of heroin (materials)
- Plastic knots ripped away from knot-tied baggies of drugs (materials)
- Paper with the seller's phone number to pass out on the street to new customers (documents)
- Cell phones used to arrange meet locations for the drug sale (equipment)
- Air fresheners believed by dealers to hide the odor of drugs to render drug dogs ineffective (products)
- Hidden compartments used to transport drugs to locations of sale (equipment)
- "Crib notes" (numerical notations to keeping track of drug transactions) (records)

This evidence of drug distribution is not only common but often crucial in proving the necessary element of "intent to distribute" when attempting to prosecute narcotics violations.

Due to my training and experience I believe that persons involved in a continuous and ongoing cocaine distribution operation necessarily require an inventory of cocaine. Inventory requires storage, and indicates enterprise, and an enterprise requires instrumentalities and generates records and proceeds. I know through my experiences that instrumentalities, records, and proceeds are recovered on a regular basis by members of the Vice Squad during the execution of search warrants involving illegal drug distribution.

Due to my training and experience and the above information, I respectfully submit that probable cause exists to believe the following: Heriberto Rivera dob 8-12-86 is actively and continuously distributing cocaine with 89 Endicott Street Apt. #3(third floor), Worcester Ma. being his base of operation.

PRINTED NAME OF AFFIANT

Jeffrey P. Carlson

SIGNED UNDER THE PENALTIES OF PERJURY

X

[Signature]
Signature of Affiant

SWORN AND SUBSCRIBED TO BEFORE

X

[Signature]
Signature of Justice, Clerk, Magistrate or Assistant Clerk

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1902SW197

TRIAL COURT OF MASSACHUSETTS



The address of 89 Endicott Street, Worcester MA is a typical Worcester style three-decker color white. Through my experiences and observations, I believe that there is a single apartment on each of the three floors of the dwelling. The number "89" is clearly displayed on the front of the dwelling.

I am respectfully requesting a search warrant for 89 Endicott Street Apt. #3(third floor), Worcester Ma., including all common areas within the curtilage, to search for cocaine, a class b controlled substance, as defined by M.G.L. Ch. 94C, all materials, products, and equipment of any kind, which are used or intended for use, in manufacturing, processing, delivering, dispensing, distribution, importing and/or exporting cocaine, all cell phones, books, records, and documents, which are used or intended for use in violation of Ch. 94C of M.G.L. including bank records and books, safety deposit boxes, records and keys, all money used or intended for use, in the procurement and/or illegal distribution of cocaine, and any documents pertaining to the occupancy of 89 Endicott Street Apt. #3(third floor), Worcester Ma.

PRINTED NAME OF AFFIANT

Jeffrey P. Carlson

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