

SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS

DISTRICT

COURT DEPARTMENT

Attleboro

DIVISION

SEARCH WARRANT DOCKET NUMBER

1334SW29

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:

GUNSHOT RESIDUE, PHYSIOLOGICAL FLUIDS,

PALM PRINTS, SHOE PRINTS, FIBERS, FOOT PRINTS, FINGER PRINTS,

HAIR, SALIVA, AND BLOOD.

☒ at:

2005 HUMMER H2 MOTOR VEHICLE WITH VIN# 5GRGN23U15H12335
BEARING OHIO TEMPORARY REGISTRATION X497086 WITH EXPIRATION DATE 5/23/13

which is occupied by and/or in the possession of: MASS STATE POLICE C/O THE NORTH
ATTLEBORO POLICE DEPARTMENT

☐ on the person or in the possession of:

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

Attleboro

Division of the

DISTRICT

Court Department.

DATE ISSUED

7/1/13

SIGNATURE OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

X *James P. Perroski*

FIRST OR ADMINISTRATIVE JUSTICE

WITNESS: DANIEL J. O'SHEA

PRINTED NAME OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

DANIEL J. O'SHEA JAMES P. PERROSKI

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. 276, §3A.

This search warrant was issued on 07-01, ~~20~~ 2013, and I have executed it as follows:
DATE

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

1. ONE BLACK COLORED COLOGNE BOTTLE - GLASS
2. ONE ARCADIA BOTTLE - PLASTIC
3. ONE ARCADIA BOTTLE - PLASTIC
4. ONE CD - "NORA"
5. ONE BOTTLE "BEAUTIFUL DAY" LOTION - PLASTIC
6. ONE CD - GPS DISC
7. ONE CD - "REEDY N BOYZ"
8. LATENT #1 (INTERIOR DRIVER DOOR)
9. LATENT #2 (TRANSMISSION KNOB)
10. LATENT #3 (TRANSMISSION ARM - LEFT)
11. LATENT #4 (TRANSMISSION ARM - RIGHT)
12. LATENT #5 (DRIVER REAR DOOR FRAME)
13. LATENT #6 (PASSENGER SIDE REAR DOOR)
14. LATENT #7 (DOOR FRAME REAR PASSENGER PILLAR)

2013 JUL - 8 PM 3:24
 ALLEGHANY DISTRICT COURT

(attach additional pages as necessary)

This inventory was made in the presence of: TROOPER CHAD CALIBRESE

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	DATE AND TIME OF SEARCH 07-01-13 @ 1830 HRS	SWORN AND SUBSCRIBED TO BEFORE X Pauline Churruar Signature of Justice, Clerk-Magistrate or Assistant Clerk
PRINTED NAME OF PERSON MAKING SEARCH MICHAEL B. BATES	TITLE OF PERSON MAKING SEARCH TROOPER #2124	DATE SWORN AND SUBSCRIBED TO 7-8-13 3:15 pm

APPLICATION FOR SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS



NAME OF APPLICANT

MICHAEL B. BATES

DISTRICT

COURT DEPARTMENT

ATTORNEY

DIVISION

POSITION OF APPLICANT

TROOPER #2124 STATE POLICE DETECTIVES

SEARCH WARRANT DOCKET NUMBER

1334 SW 29

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 _____ 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 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):

GUNSHOT RESIDUE, PHYSIOLOGICAL FLUIDS,
PALM PRINTS, SHOE PRINTS, FIBERS, FOOT PRINTS, FINGER PRINTS,
HAIR, SALIVA, AND BLOOD.

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 the place(s) to be searched):

2005 HUMMER H2 MOTOR VEHICLE WITH VIN# 5GGRGN23U15H12335
BEARING OHIO TEMPORARY REGISTRATION X497086 WITH EXPIRATION DATE 5/23/13.

which is occupied by and/or in the possession of: MASS STATE POLICE c/o THE NORTH

ATTORNEY POLICE DEPARTMENT

- ☐ on the person or in the possession of (identify any specific person(s) to be searched):

- ☐ 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

TROOPER MICHAEL B. BATES #2124

SIGNED UNDER THE PENALTIES OF PERJURY

x *Michael B. Bates*
Signature of Applicant

SWORN AND SUBSCRIBED TO BEFORE

x *James [Signature]*

Signature of Justice, Clerk-Magistrate or Assistant Clerk

7/1/13
DATE

Affidavit
In Support of Application for Search Warrant

1. I, Michael B. Bates, being duly sworn, depose and say that I am a Massachusetts State Police Officer, currently assigned to the Bristol County District Attorney's Office as a Narcotics Detective. My responsibilities include narcotics investigations throughout Bristol County.
2. I have been employed as a State Police Officer for the past twenty-one (21) years. I have made numerous narcotic arrests, participated in numerous narcotic investigations and search warrants concerning violations of the Controlled Substance Acts. I have testified in both District and Superior Courts in narcotics related cases. During the course of my duties, I have conducted undercover surveillance and assisted in the execution of numerous search warrants.
3. I have received formalized training for twenty-two (22) weeks by the Massachusetts State Police Academy in New Braintree, MA. including twenty (20) hours of Narcotics identification and investigation. In addition, I have received over eighty (80) hours of formalized training by the Drug Enforcement Administration in Narcotics identification, detection, interdiction, and the prosecution of such related cases. I have also received specialized training and received a certification in the extraction of data from cellular and other electronic devices. I have also provided assistance to the detective unit in investigating numerous major crimes throughout Bristol County, MA.
4. I present the following facts in this Affidavit in seeking the issuance of a search warrant of the following item:

**2005 HUMMER H2 with Vehicle Identification #5GRGN23U15H123355 bearing Ohio
Temporary Registration X497086 with an Expiration May 25, 2013**

5. This information comes as a result of a lengthy Homicide investigation wherein Odin Lloyd was killed in the early morning hours of Monday – June 17, 2013 in the city of North Attleboro, MA. This investigation is being conducted by the State Police Detectives assigned to the Bristol County District Attorney's Office in conjunction with the North Attleboro Police Department.
6. During the course of the investigation, I applied for and received a search warrant from the Wrentham District Court on Wednesday – June 26, 2013. This search warrant was numbered #1357SW52 and authorized the search of a dark colored HUMMER H2 Motor Vehicle that was parked and abandoned outside of #599 Old West Street – Apt #12A in Franklin, MA. This search warrant authorized the search for weapons, ammunition, and records of owner / operator of this vehicle. Refer to attached copy labeled "Attachment A".

Printed Name of Affiant Signed Under The Pains and Penalties of Perjury

Trooper Michael B. Bates #2124

X: 

Sworn and Subscribed To Before

X: 

Signature of Justice, Clerk, Assistant Clerk

7/1/13
Date



Affidavit
In Support of Application for Search Warrant

7. On Wednesday – June 26, 2013 this search warrant was executed and the following items were seized as the result:

- Two (2) receipts from Larry's Motor Sales in Connecticut in the name of Aaron HERNANDEZ in the center console
- An Ohio Temporary Registration in the glove box
- An Express Mail envelope addressed to Aaron HERNANDEZ on the front passenger seat
- A Glock .45 Caliber Magazine loaded with rounds of ammunition

8. The caliber of ammunition located within the magazine is consistent with that used in the commission of the Homicide being investigated. Due to this evidence seized, the HUMMER was removed from the scene and towed to the North Attleboro Police Department where it was secured in their garage facility pending further investigation. Further search of this vehicle for the sought after items would assist investigators with linking person(s) who may have access to this vehicle and the items located inside.

9. Based upon the information contained within this affidavit, I respectfully request that a search warrant be issued for the **2005 HUMMER H2 with Vehicle Identification #5GRGN23U15H123355**. This warrant should allow investigators to search for any gunshot residue, physiological fluids, palm prints, shoe prints, fibers, foot prints, finger prints, hair, saliva, and blood. **END** of Affidavit.

Printed Name of Affiant Signed Under The Pains and Penalties of Perjury

#2124

Trooper Michael B. Bates #2124

X: Trooper Michael B. Bates

Sworn and Subscribed To Before

X: [Signature]
Signature of Justice, Clerk, Assistant Clerk

7/1/13
Date



ATTACHMENT A
pg. 1

Page 1 of 3

#1357SW52

Affidavit
In Support of Application for Search Warrant

1. I, Michael B. Bates, being duly sworn, depose and say that I am a Massachusetts State Police Officer, currently assigned to the Bristol County District Attorney's Office as a Narcotics Detective. My responsibilities include narcotics investigations throughout Bristol County.
2. I have been employed as a State Police Officer for the past twenty-one (21) years. I have made numerous narcotic arrests, participated in numerous narcotic investigations and search warrants concerning violations of the Controlled Substance Acts. I have testified in both District and Superior Courts in narcotics related cases. During the course of my duties, I have conducted undercover surveillance and assisted in the execution of numerous search warrants.
3. I have received formalized training for twenty-two (22) weeks by the Massachusetts State Police Academy in New Braintree, MA., including twenty (20) hours of Narcotics identification and investigation. In addition, I have received over eighty (80) hours of formalized training by the Drug Enforcement Administration in Narcotics identification, detection, interdiction, and the prosecution of such related cases. I have also received specialized training and received a certification in the extraction of data from cellular and other electronic devices. I have also provided assistance to the detective unit in investigating numerous major crimes throughout Bristol County, MA.
4. I present the following facts in this Affidavit in seeking the issuance of a search warrant for the following location:

#599 Old West Street – Apt #12A
Franklin, MA

5. This information comes as a result of a lengthy Homicide investigation wherein Odin Lloyd was killed in the early morning hours of Monday – June 17, 2013 in the city of North Attleboro, MA. This investigation is being conducted by the State Police Detectives assigned to the Bristol County District Attorney's Office in conjunction with the North Attleboro Police Department.
6. During the course of the investigation, I applied for and received a search warrant from the Wrentham District Court on Wednesday – June 26, 2013. This search warrant was numbered #1357SW50 and authorized the search for #599 Old West Street – Apt #12A in Franklin, MA for a Samsung cellular telephone.

Printed Name of Affiant Signed Under The Pains and Penalties of Perjury

Trooper Michael B. Bates #2124

X: _____

Sworn and Subscribed To Before

X: _____
Signature of Justice, Clerk, Assistant Clerk

Date



Attachment A

pg 2

Page 2 of 3

Affidavit
In Support of Application for Search Warrant

7. On Wednesday – June 26, 2013 at approximately 1330 hours the search warrant was executed at #599 Old West Street – Apt #12A in Franklin. As a result of the search for the Samsung cellular telephone, several different types of ammunition were located. There was at least one (1) round of 7x62x39 caliber ammunition located lying on the top of an end table in the living room. The search also resulted in three different calibers of ammunition located in a dresser drawer next to the night stand in the bedroom. These rounds of ammunition included 7x6x39 caliber, .45 caliber, and .22 caliber.

8. Also located were keys that belonged to a black colored Hummer motor vehicle that was parked outside building A of #599 Old West Street in Franklin, MA. These keys had a very distinctive Hummer logo attached to them, and a remote alarm that linked to that specific vehicle when tested. This motor vehicle only displayed a temporary registration in the window. This temporary registration number was X497086 and listed an expiration date of 05/25/2013. This temporary registration also lists the last six (6) digits of the Vehicle Identification Number it belongs to as 123355. Visual check confirms that these digits in fact match the actual Vehicle Identification Number Plate attached to the Hummer. The Association / Management of the apartment complex explained that the Hummer had been parked in that very same spot for at least three (3) days. They also explained that the location it was parked in was not even an actual parking spot and that it was causing issues with other residents. The management was contemplating having the vehicle removed/towed on this date.

9. The original Samsung cellular telephone was still not located, but investigators did freeze the search / apartment at this time. I am now respectfully requesting that an additional search warrant be issued for the same address [#599 Old West Street – Apt #12 in Franklin, MA] allowing investigators to search for any and all ammunition and/or weapons that that might be associated with the ammunition that has been located within the apartment.

10. I also respectfully request that the warrant allow investigators to also search for any and all paperwork / standing. Due to the nature of this investigation, coupled with the lack of any sufficient surveillance time, this information would allow investigators to determine what person(s) might also be utilizing this apartment besides the person listed on the lease – namely HERNANDEZ.

11. I also respectfully request that the warrant allow investigators to also search the Hummer that has temporary registration number X497086, whose keys were located on top of the kitchen table. By locating the keys to this vehicle in the apartment, this vehicle could have been used to facilitate the transport of any evidence that has been or will be recovered from the apartment.

Printed Name of Affiant Signed Under The Pains and Penalties of Perjury

Trooper Michael B. Bates #2124

X: _____

Sworn and Subscribed To Before

X: _____

Signature of Justice, Clerk, Assistant Clerk

Date



Attachment A

pg. 3

Page 3 of 3

Affidavit
In Support of Application for Search Warrant

Also, any paperwork found in the vehicle would aid investigators in obtaining the identity of who was in possession of this vehicle or possibly staying within the apartment. The operator of this vehicle also has access to this apartment in order to leave the vehicle's keys inside on the table.

12. Based upon the information contained within this affidavit, I request that a search warrant be issued for the **#599 Old West Street – Apt #12A in the town of Franklin, MA** to search for any and all ammunition and/or weapons that that might be associated with the ammunition that has been located within the apartment. I also respectfully request that the warrant allow investigators to search for any and all paperwork or records that would link such a person(s) to this apartment and furthermore the lessee. And lastly, I respectfully request that the warrant allow investigators to also search the Hummer that has temporary registration number X497086 parked outside Building "A" for the same items as set forth in the search of the apartment for the same reasons. **END** of Affidavit.

Printed Name of Affiant Signed Under The Pains and Penalties of Perjury

Trooper Michael B. Bates #2124

X: _____

Sworn and Subscribed To Before

X: _____

Signature of Justice, Clerk, Assistant Clerk

Date

