SKAMANIA COUNTY FILED FOR BECORD SKAHANIA CO. WASH BY Skamarůa Co. ORIGINAL FILED JAN - 4 1996 3 Lorena E. Hollis, Clerk YH OLSON OURT OF THE STATE OF WASHINGTON 5 IN THE SUPERIOR C IN AND FOR THE COUNTY OF SKAMANIA 6 124223 7 JAMES BARRESSE, SR., 8 Plaintiff, No. 96-2-80004.5 9 **MOTION FOR RETURN** and 10 **OF PROPERTY** COUNTY OF SKAMANIA, 11 WASHINGTON 12 Defendant. 13 14 15 Comes now, James Barresse, Sr., by and through his attorney, Anthony H. 16 Connors, and, pursuant to CrR 2.3 (e), moves the court for return of property illegally seized from Plaintiff on or about December 29, 1995, and for costs and 17 reasonable attorney fees attendant to bringing this motion. 18 This motion is supported by the records and file herein and the supporting 19 affidavit of Anthony H. Connors. 20 21 22 Anthory H. Connors Attorney for Plaintiff 23 WSBA #20785 24 25 26 27 Arg:318106 28 Indexed, Dir indirect **LOURNE & CONNORS** Edmed Attorneys at Law BINTERONI AND CEBIS PRINTESSARIA AL PERENCIA PIO BOXERIA O BODE RESERT WHERE SALARINI NA MAZZ ELLEPSKINE (SOM 1932M2) — FARESOM (10) EUS

SKAMANIA COUNTY ORIGINAL FILED JAN - 4 1996

Lorena E. Hollis, Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF SKAMANIA

JAMES BARRESSE, SR.,

Plaintiff,

and

COUNTY OF SKAMANIA,

WASHINGTON
Defendant.

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No. 96-2-00004-5

AFFIDAVIT IN SUPPORT OF MOTION FOR RETURN OF PROPERTY

- 1. I represent the Plaintiff, James Barresse, Sr., in this matter.
- 2. I understand that on December 29, 1995, the officers of the Clark/Skamania Drug Task Force and officers from the Skamania Couty Sheriff's Department searched the residence of James Barresse, Sr., located at M. P. 0.03L (31) Gordon Road, Stabler, Washington.
- 3. Said search was allegedly conducted pursuant to a search warrant signed on December 28, 1995, by the Judge of the District Court of Skamania County, the Honorable Ronald H. Reynier. A copy of the Affidavit for Search Warrant, the Search Warrant, and the Search Warrant Statement (Return of Service) are attached.
- 4. The Affidavit states that the Defendant(s) is Peter T. Littlefair; the Affidavit further states that certain "goods" may have been in the unlawful and constructive possession of the Defendant(s) in:
  - A. "An underground container";
  - B. "The Defendant's residence, a single wide mobile home painted

AFFIDAVIT IN SUPPORT OF MOTION - Page 1

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white in color with green trim and a deck extending from the 2 south side"; C. "Unpainted wooden outbuildings ... "; 3 "Camper trailer, unknown age ... "; 4 (A), (B), (C), and (D) being on or near the premises of M. P. 0.03L (31) Gordon 5 Road, Stabler, Washington. G Mr. James Barresse, Sr., rents from Peter Littlefair and has resided in "the 7 single wide mobile home painted white in color", etc. on the premises of M. P. 0.03L (31) Gordon Road for well over a year. He resides there with his 8 son, Zachary. That is a matter of public record, as shown in Cause No. 94-3-000-204 entered in this court on November 4, 1994. Said action was a 9 dissolution action. Ю I am informed that Peter Littlefair resided in the camper trailer above 11 referenced, also located on the premises. 12 Last year, a deputy sheriff contacted Mr. Barresse, Sr., at his residence and asked for Mr. Barresse's assistance in locating a lost kayaker. 13 James Barresse, Sr., is not mentioned in the Affidavit for Search Warrant or 14 in the Search Warrant. 15 I understand that Mr. Barresse's door was unlocked, but that the officers broke 16 down the door to his bedroom and broke into a file cabinet in that bedroom. 17 I understand that the officers realized soon after entry that the subject single wide mobile home was Mr. Barresse's residence and not the residence of Peter 18 Littlefair. In any event, they should have so realized soon after entry. 19 I understand that no evidence of drug use or sale was found in James 20 Barresse, Sr.'s residence. 21 Mr. Barresse informs me that the officers seized the following items: computer, printer, keyboard, currency, a bucket of change, all personal and 22 confidential files, firearms, phone answering machine and prescription 23 medicine. Some of those items, as well as others, are shown in the inventory included in the Return of Service. 24 Mr. Barresse informs me that he called the Skamania County Sheriff's office 25 upon arriving home and spoke with Detective Arne Gonser. Mr. Barresse 26 27 **AFFIDAVIT IN SUPPORT OF MOTION - Page 2** 28

LOURNE & CONNORS

Attorneys at Law

CHIRSON AND CHUS TRUTSSROVAL SE REFULL FO BOXIIIAN RODE GWELT WHEE SALKEWERA SHED TEEFTERNY (250, 2021 - FALCING ALLEGE informs me that Detective Gonser informed him that it could take months to sort through Mr. Barresse's things but that if Mr. Barresse would come in and talk to Detective Gonser, that would expedite things.

14. I called James Hagarty, Chief Deputy Prosecuting Attorney for Skamania County, on the morning of Tuesday, January 2, 1996, explained my understanding of this matter and asked that Mr. Barresse's items be returned. Mr. Hagarty informed me that there was some question as to the residence of Mr. Barresse's oldest son and that a condition of that son's release to unrelated charges was to have no firearms. Mr. Hagarty also informed me that he would speak to the Sheriff about the matter.

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- 15. Mr. Hagarty and I spoke later that same day and Mr. Hagarty informed me that because the power went from the meter that had been tampered with to Mr. Barresse's residence and then to the camp trailer in which Mr. Littlefair resides the sheriff and prosecutor would not return Mr. Barresse property.
- 16. Mr. Barresse informs me that every month when he paid the rent to Pete Littlefair, he also paid a sum for power, which amount varied from month to month, was stated by Pete Littlefair and that Mr. Barresse never questioned the amount. The meter is not in Mr. Barresse's name and to the best of Mr. Barresse's knowledge is in Peter Littlefair's name.
- 17. The subject Search Warrant includes a search of the Defendant's residence; it does not include a search of Mr. Barresse's residence. Because there were no grounds to conduct a warrantless search of Mr. Barresse's residence, the search was unlawful and the property of Mr. Barresse that was seized, was seized illegally. Thus, Mr. Barresse's property should be returned to him immediately.

I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Anthony H. Connors Attorney for Plaintiff WSBA # 20785

AFFIDAVIT IN SUPPORT OF MOTION - Page 3

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SUBSCRIBED AND SWORN to before me this 41th day of January, 1996. Name SHACON C. FOD LOTHY ON NOTARY PUBLIC in the State of Washington.
Residing at: WHITE SALMON WA My Commission Expires: 11-15-98 1O AFFIDAVIT IN SUPPORT OF MOTION - Page 4 LOURNE & CONNORS

Attorneys at Law

(1-03-1996 4:16PH FROM SKAHAHIA CO LEGAL 509 427 7386 IN THE DISTRICT COURT OF SKAMANIA COUNTY STATE OF WASHINGTON **STATE OF WASHINGTON** PLAINTIFF AFFIDAYIT FOR V\$ SEARCH WARRANT PETER T. LITTLEFAIR ) DEFENDANT(S) I, ARNE DEAN GONSER, Of the Skamania County Sheriffs Dept., being first sworn upon oath, hereby depose and says, that I have good and sufficient reason to believe that the following goods, to wit: Cannabls L. (MARIHUANA), a substance controlled by the Uniform Controlled Substance Act of the State of Washington, both growing and dried, and items used to facilitate the growing, drying, and packaging of marihuana. Records relating to the transportation, ordering, manufacturing, possession, sale, transfer and importation of controlled substances in particular, marihuana, including but not limited to books, notebooks, ledgers, check book ledgers, handwritten notes, journals, calendars, receipts, electronic recording media, and the like. AND Records showing the identity of co-conspirators in marihuana manufacturing and distribution operations, including but not limited to books, notebooks, ledgers, check book ledgers, handwritten notes, journals, calendars, receipts, electronic recording media, and the like: AND Records which will indicate profits or proceeds from the maribuana manufacturing and

AND

ledgers, handwritten notes, journals, calendars, receipts, electronic recording media, and the like.

3(5) Books, records, invoices, receipts, records of real estate transactions, purchase, lease or rental agreements, utility and telephone bills, records reflecting ownership of motor vehicles, keys to vehicles, bank statements and related records, passbooks, money drafts, letters of credit, money orders, bank drafts, pay stubs, tax statements, cashiers checks, bank checks, safe deposit box keys, money wrappers, and other items evidencing the obtaining, secreting, transfer, concealment, and/or expenditure of money and/or dominion and control over assets and proceeds.

distribution operations and conspiracy, to include, but not limited to books, notebooks, ledgers, check book

# AND

(6) Photographs, including still photos, negatives, video tapes, films, undeveloped film and the contents therein, and slides, in particular, photographs of co-conspirators, of assets, and/or controlled substances, in particular marihuana.

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#### AND

(7) Currency, precious metals, jewelry, and financial instruments, including stocks and bonds.

### AND

(8) Address and/or telephone books, telephone bills, rolodex indices and papers reflecting names, addresses, telephone numbers, pager numbers, fax numbers and/or telex numbers of co-conspirators, sources of supply, customers, financial institutions, and other individuals or businesses with whom a financial relationship exists.

### AND

(9) Correspondence, papers, records, and any other items showing employment or lack of employment of PETER T. LITTLEFAIR, or reflecting income or expenses, including but not limited to items listed in paragraph 5, financial statements, credit card records, receipts, and income tax returns.

#### AND

(10) Paraphernalia for packaging, growing, manicuring, weighing and distributing marthuana, including but not limited to scales, baggles, chemicals, plant pots, CO2 canisters, metal light shields, hallde lights and other items used in the growing of marihuana, and distribution of controlled substances including firearms.

## AND

(11) Electronic equipment, such as computers, telex machines, facsimile machines, currency counting machines, telephone answering machines, and related manuals used to generate, transfer, count, record and/or store the information described above. Additionally, computer software, tapes and discs, audio tapes, electronic recording media, and the contents therein, containing the information generated by the aforementioned electronic equipment; and communications devises, including pagers and mobile telephones.

# AND

(12) Photographs of the crime scene and to develop any photographs taken of the crime scene, including still photos and video cassette recordings and to develop any undeveloped film located at the residence.

# AND

(13) Evidence of the crime of Theft of Service (Electrical Power) and/or meter tampering.

Are on this 28TH day of DECEMBER, 1995, in the unlawful and constructive possession of the defendant(s) in:

(A) An underground container unknown size or shape located at the end of Gordon Road. Stabler, Washington. This container is physically located approximately 50 feet to the south of the defendant's residence on Longview Fibre property. This container has two (2) 55 gal drums on top, one being a venting system and the other is some sort of locked access into the container. The container is completely buried underground with a worn path leading from the 55 gal access barrel directly to the defendant's residence.

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- (B) The defendants residence, a single wide mobile home painted white in color with green trim and a deck extending from the south side.
- (C) Unpainted wooden outbuildings located on the property. The exact number is unknown, but believed t be four (4).
- (D) Camper trailer, unknown age, located on this property. The physical address of the defendant's residence, outbuildings, and Camper trailer is MP 0.031 (31) POB 72 Gordon Road, Stabler, Washington, 98610.

#### AND

Any vehicles on the afordescribed property or property curtilage that are associated with the defendant or any of the defendant's co-conspirators.

#### AND

Any outbuildings, garages, sheds, storage units, or the like located on the aforedecribed property not specified above.

I am informed and aware, based upon the following:

I am a Deputy Sheriff with the Skamania County Sheriff's Department and have been with the Sheriff's Department for over six years. I am currently assigned as a Detective with the Clark/Skamania Drug Task Force and have been with the Task Force since August 1991. I have been involved in at least 475 drug cases resulting in the arrest of more than 350 persons for drug violations. I have investigated drug cases involving the manufacture of and/or conspiracy to manufacture, and/or delivery of controlled substances. I am conversant with the procedures, techniques, and items used by persons involved in the illegal manufacturing, delivery, and possession of controlled substance. Based on my training and experience i familiar with many aspect of drug investigation and the area of drug use. This includes but not limited to, the preliminary identification of controlled substances, the appearance and smell of controlled substance, street terminology associated with the use of controlled substances, methods of manufacturing controlled substance, methods of growing and equipment used in the manufacturing of marihuana. I have numerous purchases of controlled substances while acting in an undercover capacity, including but not limited to marihuana and/or methamphetamine. On all of these occasions I have visually identified the controlled substances, with said observations having been subsequently confirmed by Reagent field test kits and/or Crime Lab analysis. I have been present on least 60 search warrants involving indoor marihuana prowing and manufacturing operations, in which persons were present and property was seized. I have been on least 55 outdoor marihuana growing operations. I am familiar with the sale and prices of controlled substances. I have had in excess of 120 hours of drug enforcement training and identification through the United State Drug Enforcement Administration. Further I have received 38 hours of drug enforcement training and identification of marihuana and marihuana growing operations through the Western States Intelligence Network in Sacramento, California. I have in excess of 100 hours of helicopter marihuana eradication through the Washington State National Guard, 24 hours of marihuana overflight training through the Oregon State Police. I have 440 hours of basic law enforcement training thought the Washington State Criminal Justice Training Center. 40 Hours of International Outlaw Motorcycle Gang training in Portland, Oregon. 60 hours of S.W.A.T. training, 16 hours of United States Customs Service training and I am cross-designated as a Federal United States Custom Agent through the U.S. Customs Blue Lightning Task Force. I am also a Commissioned Deputy Sheriff in the State of Oregon through the Multnomah County Sheriff's Department. Additionally I have had regular monthly training that consists of but not limited to various aspects of police work, including criminal investigation, search and selzures and investigations of violations of the Uniform Controlled Substance Act of the State of Washington.

I have identified the smell of growing marihuana both indoor and outdoor. On at least 115 occasions I have smelled growing marihuana, Further on at least 30 occasions while in the execution of past search warrants, I could smell the odor of growing marihuana from the outside of the building to be searched. On all of these occasions growing marihuana plants were found. I can identify marihuana by sight. I can identify the actual equipment used to grow marihuana from my training knowledge and experience. I have also identified growing marihuana plants from the air on at least 30 separate occasions.

In this official capacity:

In January of 1990 Detective Harold Warren, (Now the Sheriff of Skamania County) along with a confidential informant went to the Peter Littlefair residence at the end of Gordon Road and purchased an 1/8 th of a ounce (green bud) marihuana for \$30.00 Detective Warren searched the informant prior to the controlled buy for money, weapons and/or contraband and none were found. Detective Warren gave this informant money that was previously withdrawn from the inter agency drug fund. The informant left Detective Warren and contacted the defendant Littlefair. The informant was an invited guest and was allowed inside Littlefair's residence. The informant purchased the marihuana from Peter Littlefair then left the residence and met Detective Warren. The informant gave Detective Warren the 1/8th of marihuana. Detective Warren again searched the informant for money, weapons and/or contraband and none were found. This purchase of controlled substances was used for a reliability buy for the informant and Littlefair was not charged with a delivery. Green bud of marihuana means fresh or freshly harvested marihuana. Sheriff Warren has over 20 years of law enforcement experience. Sheriff Warren has received hundreds of hours of drug enforcement training throughout his career. Sheriff Warren can also identify various controlled substances by sight and smell including but not limited to marihuana.

Further in February of 1992 Raymond Blaisdell (Retired Sheriff of Skamania County) advised me that he had received information from a confidential and reliable informant saying that Peter Littlefair is involved with growing marihuana, meter tampering, and is trafficking controlled substances through the Portland International Airport.

Further in March of 1992, I conducted surveillance on Littlefair's residence to try to find out where Littlefair was getting the marihuma. On March 9th 1992 Detective Monty Bouttner and Affiant drove to the end of Gordon Road to further the investigation. At Peter Littlefair's residence nobody was home. At this time there was no indication that a marihuma grow was at this residence with the following exception: I looked at the P.U.D. meter which was on the same side of the house that the main entrance is on and noticed that the seal on the meter was broken. Through my training, knowledge and experience a tampered meter might indicate a power bypass or a person trying to turn back the dials so it looks like they are not consuming so much power. High power use is needed to run the high pressure lights and other equipment needed to grow indoor marihuma.

Further in November 1992 I received a phone call from a Detective Paul Groza. Detective Groza is a Federal U.S. Drug Enforcement Postal Inspector assigned to the Portland International Airport. Detective Groza asked me if I had knowledge of Peter Littlefair. Detective Groza said that a subject who they believed was Peter Littlefair mailed out two separate packages at the Portland Airport. One package was shipped to New Jersey and the other to Louisiana. Both packages were intercepted and found to contain 2 ounces and 2.8 ounces of green marihuana. Detective Groza advised me that they did not have enough information to file charges against Littlefair.

Further in January of 1993 I received an anonymous tip saying Peter Littlefair was again dealing controlled substances. No more information was received to substantiate this complaint.

Further in January of 1995 I was contacted by a confidential citizen informant who resides in Skamania County. This informant received information from an unwitting individual that Peter Littlerfair's marihuana grow was located on Longview Fibre property just across the road from his residence. The informant said this is why law enforcement has not located it. The grow is completely underground and is concealed. The informant advised me to go onto Longview Fibre Land and find a pile of wood and a couple of barrels next to Littlefah's driveway and we would find his grow.

The Skamania County Sheriff's Office has permission to be on all Longview Fibre land for official business. To verify this I called a Longview Fibre Security Supervisor named John Steven Hansen. Mr. Hansen confirmed the permission to be on their property. Next I went to the Skamania County Assessor Office and obtained a map of the area. Peter Littlefair owns two parcels side by side to the north of Gordon Road. Longview Fibre owns all the property to the south of Gordon Road. See attachment #1.

Further on January 23rd 1995 Deputy Chris Ford and I entered Longview Fibre Property and located an area described by the informant. Approximately 10-15 feet to the south of Gordon Road was several stacks of lumber and misc, debris. On top of a small grassy knoll was two (2) 35 gal drums. Inspecting the drums I located what appeared to a venting system under one drum and the other drum was a false burn barrel that was hollow. Under the hollow drum was a round metal can with a padlocked lid. The area had a very faint odor of what I believed to be marihuana but due to the strong winds I was not comfortable obtaining an affidavit on odor alone. Also a very worn path was observed from the barrel that had the locked lid leading down the knoll directly to the defendants residence. This area appeared to be used quit extensively. The way this system was set up Littlefair could leave his residence, walk up the short path and use the excuse of burning trash in a burn barrel to gain access into the grow. This would allow Peter Littlefair to obtain marihuana and to conceal the grow. Also note Littlefair lives at the end of Gordon Road and no other residences are close to this location.

Further on January 24th 1995, March 23rd, 1995, May 12th 1995, June 13th 1995, I conducted several hours of surveillance on Longview Fibre property with negative results. The marihuana growing operation appeared to be shut down. After receiving a copy of the Skamania County Pioneer, I observed an article about Peter Littlefair. Littlefair is said to be a competitive Dart Thrower. In 1995 he (Littlefair) has been traveling and competing in the National Dart Association. This may explain why the grow was not in operation.

Further in the first part of December 1995 I received an anonymous tip saying that Peter Littlefair was back in the area and possibly mailing out marihuana through the Carson Post Office.

Further on December 27th 1995 Reserve Officer Will Harryman and I went back to the Longview Fibre property. At approximately 20 feet to the west from the barrels I detected a very strong odor of green marihuana. I stayed at this location for several minutes and detected the odor of marihuana on least 5 occasions. I went to the venting barrel and detected no odor. I went back to my original position and again smelled a strong odor of green marihuana. Approximately 10-15 feet away from the barrels under a stack of lumber I located a black 4"-6" plastic pipe. This pipe had warm air blowing out of it with a very strong odor of green marihuana. A fan or blower was also heard from this location. The weather conditions on this date were ice and snow. The location of this vent under the lumber made it very concealable because it was protected from the elements. Both Deputy Harryman and I anelled green growing marihuana from this location on Longview Fibre Property. The worn path was observed leading away from the barrels but due to the heavy snowfall, no footprints were visible. Deputy Harryman has received in excess of 220 hours of basic law enforcement training. Deputy Harryman has been present on at least 5 marihuana grows and has smelled growing marihuana.

Based on my training and experience, the defendants power consumption, and the substantial increase over the previous occupants power consumption, it is indicative of the use of high intensity halide or sodium lights which are used to grow marihuana indoors. Based on my training and experience I am aware that individuals involved in the illegal growing and manufacturing of marihuana commonly use 1000 want halide or sodium lights. To maximize the fullest potential of the illicit growth of marihuana these lights are left on for periods of up to 18 hours a day, seven days a week. Depending on the number of lights being used, which is dependent on the size and number of plants being grown, there is a substantial increase of electricity consumed. Also subjects bypass or modify electric meters to conceal the amount of power consumed

According to the Skamania County PUD records Peter Littlefair has the power account on Gordon Road. The PUD records show the following power consumption in 1995.

02/24/95	usage 1020 kw
04/21/95	usage 1375 kw
06/23/95	usage 958 kw
08/24/95	usage 321 kw
10/25/95	usage 868 kw
12/27/95	usage 2029 kw

Through my training, knowledge and experiene this small amount of power comsumption might indicate a power bypass or an alterate power source.

### AND

On December 27th 1995, I requested a drivers ilcense check on Peter Littlefair through the Washington State Dept. of Licensing, I received information that a Washington State drivers license showed Peter Littlerfair has a listed address of Gordon Road-Hemlock POB 72 Carson, Wa. 98610-0072. Littlerfair shows a valid Driver License in the state of Washington.

Peter Littlefair shows the following criminal history:

- 1975 Arrested for Prohibited Weapon and Possession of Marihuana---- CD Dismissed Verna PD NewJersey.
- 1976 Arrested for Shoplifting Guilty, West Caldwell PD, New Jeresy
- 1976 Arrested for Larceny-Susp 6 month confinement, Montville Township PD New Jersey
- 1977 Arrested for Prohibited Weapon, Public Offender Crimes, Trespassing, Aggravated Assault, Assault on Police Officer, Fossession of Marihuana.—Guilty on Simple Assault and Possession of Marihuana. Verona PD New Jersey.
- 1978 Theft Urbana, Illinois-No Disposition

Based on my training, knowledge, and experience, marihuana, once harvested must be dried prior to being packaged or it will rot. I have found that persons involved in the growing of marihuana in other than their residence, will in nearly every case, maintain their supply of dried marihuana in their residence.

Further based on your Affiant's training, knowledge, and experience it is common for persons who deal in Hilcit drugs to often purchase, manufacture, or obtain large quantities of the drug and then break it down into smaller quantities which they offer for sale. This larger amount is often times kept at their residence for safekeeping, and they draw upon this larger amount depending on the demands of their customers.

Your Afflant has also found it common for persons involved in the distribution of controlled substances to secrete controlled substances within their residences, in vehicles, and in outbuilding, and in the case of growing marihuana to have the plants growing in remote locations upon their real property or adjacent property. I have also found it common that the person(s) keep records of their techniques and/or unique care of a crop so that the process can be repeated, and the grower can keep an accurate record of marihuana produced. Your Afflant has also found it common that persons involved in a conspiracy to use the telephone and/or pagers to contact other conspirators as to his or hers progress in their operation of a distribution network.

Your Afflant has also found it common for persons in the illegal distribution of drugs to make every effort to disguise their assets. This is done through false identification or through the assistance of third parties willing to lend their names or shelter assets and/or banks, legitimate financial institutions, savings accounts, checking accounts, safety deposit boxes, etc. Also it is common in this type of transaction for there to be some form of record of these transactions, often in code or in cryptle form, as well as the turning of profits or proceeds from illegal distribution of drugs into assets, to include real estate, precious metals, jewelry, stocks, bonds, and U.S. Currency. These individuals avoid placing large amounts of cash into legitimate institutions and avoid C.T.R. (Cash Transaction Reports) requirements while maintaining readily available assets which can easily be reconverted back into eash. These transactions must, of necessity involve records and paper work. Also records, pertaining to general financial condition, employment, or lack of employment thereof, are direct evidence proving or refuting claims of legitimate income.

I have found that is common for persons involved in use and sale of controlled substances to secrete controlled substances and records, concerning the sale and distribution of the substances in and about their residences and property, to include unattached buildings and vehicles, and to actually bury their substances and/or proceeds on the property of their residences, for the purpose of foregoing discovery by law enforcement, and/or person that might intend to steaf their substances.

I have also found in my training, knowledge and experience that items of identification located in the residence have often been critical in establishing dominion and control over certain parts of residences where controlled substances may be located. I have also found that in every search warrant that I have been present on, there is generally items of identification present such as, but not limited to, canceled checks, utility payment stubs, and other bills which contain the name and address of persons, in addition to papers, documents, computer software, or other paperwork to record the sale and transactions of controlled

Further proceeds of the sales and/or distribution of drugs are often found which include not only monles, but items taken in trade of purchase with monles earned through these illicit activities, and although these items are subject to civil forfeiture, their evidentiary value in showing an ongoing conspiracy is invaluable.

Further your Affiant has found it common for persons engaged in the distribution of drugs in general to maintain records, often cryptic in nature, of monies owed to them for drugs which are given out on consignment. Also records are often found identifying purchasers and/or potential co-conspirators, such as phone bills, letters, address books, and the like. These records can be stored on computers and computer disks.

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Further, because of the economic value of controlled substances, as well as profits generated by its distribution, individuals engaging in this business arm themselves with weapons, including firearms to protect themselves, their business, their controlled substances, and assets from competitors and potential thieves. Additionally, because of the illegal nature of the controlled substances business, individuals engage in this business are unwilling to contact law enforcement agencies to report crimes against themselves or the illegal business. Because of the unavailability of law enforcement protection, weapons are tools of the drug distribution trade.

Further your Afflant has also found it common for individuals engaged in drug trafficking to utilize computers, computer software, tapes and discs, audio tapes, and other electronic recording media, telex machines, and other communications devised including pagers and mobile telephones, to assist them in maintaining records of profits, as well as to communicate with co-conspirators in a manner as to avoid being detected by law enforcement, i.e. avoid tapped phones, or monitoring of incoming mail.

Also in my training and experience I have found that individuals involved in the sale and distribution of controlled substances often secrete the proceeds from the sales in legitimate financial institutions such as banks, savings accounts, checking accounts, and safety deposit boxes. These people will attempt to conceal their illegal profits by the purchase of such legal financial instruments as envings bonds, other types of bonds, stocks, jewelry, and U.S. Currency.

Based on my training, knowledge and experience. I believe that there is marihuans at the afordescribed location.

Based on the foregoing I pray the court for issuance of a Search Warrant for the afordescribed location and/or persons.

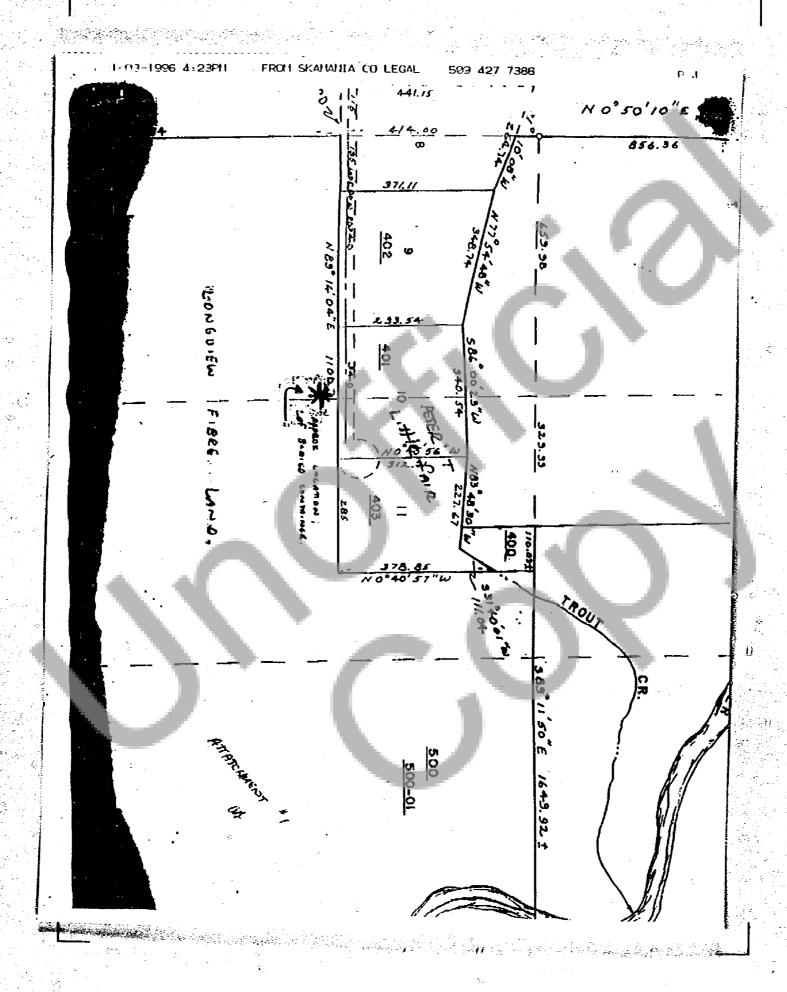
ARNE DEAN GONSER
DETECTIVE

CLARK / SKAMANIA DRUG TASK FORCE

Subscribed and Sworn before me this 28th day of December, 1995.

DISTRICT COURT JUDGE SKAMANIA COUNTY STATE OF WASHINGTON

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### IN THE DISTRICT COURT OF SKAMANIA COUNTY

#### STATE OF WASHINGTON

STATE OF WASHINGTON Plaintiff

V\$

SEARCH WARRANT W 96-1

PETER T. LITTLEFAIR

Defendant(s)

STATE OF WASHINGTON) COUNTY OF SKAMANIA)

THE PEOPLE OF THE STATE OF WASHINGTON, to any Sheriff, Policeman or Peace Officer in the County of Skamenia: Proof by affidavit under oath, made in the conformity with the State of Washington Criminal rules for Justice Court, rule 2.3., section O, having been made this day to me by Detective Arne D. Gonser of the Clark/Skamania Drug Task Force, that there is probable cause for the Issuance of a Search Warrant on the grounds set forth in the State of Washington Criminal rules for Justice Court, Rule 2.3.,

YOU ARE THEREFORE COMMANDED, that with the necessary and proper assistance to make a diligent search, good cause having been shown therefore, of the following described property, within 10 days of the issuance of this warrant:

- An underground container unknown size or shape located at the end of Gordon Road, Stabler, Washington. This container is physically located approximately 50 feet to the south of the defendant's residence on Longview Fibre property. This container has two (2) 55 gal drums on top, one being a venting system and the other is some sort of locked access into the container. The container is completely buried underground with a worn path leading from the 55 gal access barrel directly to the defendant's residence.
- The defendants residence, a single wide mobile home painted white in color with green trim and a deck extending from the south side.
- Unpainted wooden outbuildings on this property. The exact number is unknown, but believed to be four (4).
- Camper trailer, unknown age, located on this property. The physical address of the defendant's residence, outbuildings, and Camper trailer is MP 0.03L (31) POB 72 Gordon Road, Stabler, Washington. 98610

AND

Any vehicles on the aforedescribed property or property curtilage that are associated with the defendant or any of the defendant's co-conspirators.

AND

Any outbuildings, garages, sheds, storage units, or the like located on the aforedescribed property not specified above.

Page 1-4

1-03-1996 4:25PH

FROM SKAMANIA CO LEGAL

-509 427 7386

To search for the following goods to wit:

(1) Cannabis L (MARIHUANA), a substance controlled by the Uniform Controlled Substance Act of the State of Washington, both growing and dried, and items used to facilitate the growing, drying, and packaging of marihuana.

#### **VMD**

(2) Records relating to the transportation, ordering, manufacturing, possession, sale, transfer and importation of controlled substances in particular, marihuana, including but not limited to books, notebooks, ledgers, check book ledgers, handwritten notes, journals, calendars, receipts, electronic recording media, and the like.

#### ANI

(3) Records showing the identity of co-conspirators in marihuana manufacturing and distribution operation, including but not limited to books, notebooks, ledgers, check book ledgers, handwritten notes, journals, calendars, receipts, electronic recording media, and the like.

# ANE

(4) Records which will indicate profits or proceeds from the marihuana manufacturing and distribution operations and conspiracy. To include, but not limited to books, notebooks, ledgers, check book ledgers, handwritten notes, journals, calendars, receipts, electronic recording media, and the like.

# AND

(5) Books, records, invoices, receipts, records of real estate transactions, purchase, lease or rental agreements, utility and telephone bills, records reflecting ownership of motor vehicles, keys to vehicles, bank statements and related records, passbooks, money drafts, letters of credit, money orders, bank drafts, pay stubs, tax statements, cashier checks, bank checks, safe deposit box keys, money wrappers, and other items evidencing the obtaining, secreting, transfer, concealment, and/or expenditure of money and/or dominion and control over assets and proceeds.

# AND 8

(6) Photographs, including still photos, negatives, video tapes, films, undeveloped film and the contents therein, and slides, in particular, photographs of co-conspirators, of assets, and/or controlled substances, in particular, marihuana.

# AND

(7) Currency, precious metals, jewelry, and financial instruments, including stocks and bonds.

# AND

(8) Address and/or telephone books, telephone bills, rolodex indices and papers reflecting names, addresses, telephone numbers, pager numbers, fax numbers and/or telex numbers of co-conspirators, sources of supply, customers, financial institutions, and other individuals or businesses with whom a financial relationship exists.

1-03-1996 4:26PH FRO

FROM SKAHAMIA CO LEGAL

509 427 7386

#### AND

(9) Correspondence, papers, records, and any other items showing employment or lack of employment of PETER T. LITTLEFAIR, or reflecting income or expenses, including but not limited to items listed in paragraph 5, financial statements, credit card records, receipts, and income tax returns.

### AND

(10) Parephernalia for packaging, growing, manicuring, weighing and distribution of marihuana, including but not limited to scales, baggies, chemicals, plant pots, CO2 canisters, metal light shields, halide lights and other items used in the growing of Marihuana, and distribution of controlled substances including firearms.

### AND

(11) Electronic equipment, such as computers, telex machines, facsimile machines, currency counting machines, telephone answering machines, and related manuals used to generate, transfer, count, record and/or store the information described above. Additionally, computer software, tapes and discs, audio tapes, electronic recording media, and the contents therein, containing the information generated by the aforementioned electronic equipment; and communications devises, including pagers and mobile telephones,

#### ANI

(12) Photographs of the crime scene and to develop any photographs taken of the crime scene, including still photos and video cassette recordings and to develop any undeveloped film located at the residence.

### AND

(13) Evidence of the crime of Theft of Services (Electrical Power) and/or meter tempering.

If you find same or any part thereof, then items of identification pertaining to the residency thereof, bring the same before the Honorable District Court Judge to be disposed of according to law.

GIVEN, under my hand this 28th day of December, 1995.

Date and time warrant was issued; 12/28/95 3:46pm

DISTRICT COURT JUDGE SKAMANIA COUNTY

STATE OF WASHINGTON

Page 3-4

Date and time warrant was executed; 12/29/95 0:715 have

BY:

ARNE DEAN GONSER

Detective

Clark/Skamania Drug Task Force

Page 4-4

1-03-1998 4:27PH

FROM SKAHANIA CO LEGAL

509 427 7386

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Jall 2 : 1000 Km

# IN THE DISTRICT COURT OF SKAMANIA COUNTY

### STATE OF WASHINGTON

STATE OF WASHINGTON

Plaintiff

V\$

SEARCH WARRANT STATEMENT (RETURN OF SERVICE)

W 96-1

PETER T. LUTTLEFAIR

Defendant(s)

STATE OF WASHINGTON)
COUNTY OF SKAMANIA)

On December 29th, 1995 at approximately 09:13 hours, officers of the Clark/Skamania Drug Task Force and officers from the Skamania County Sheriff's Dept. executed a District Court Search Warrant signed by Honorable District Court Judge Ron Reynler on December 28th, 1995 at approximately 3:46 pm hrs. which directed that a search be conducted at:

- (A) An underground container unknown size or shape located at the end of Gordon Road, Stabler, Washington. This container is physically located approximately 50 feet to the south of the defendant's residence on Longview Fibre property. This container has two (2) 55 gal drums on top, one being a venting system and the other is some sort of locked access into the container. The container is completely buried underground with a worn path leading from the 55 gal access barrel directly to the defendant's residence.
- (B) The defendant's residence, a single wide mobile home painted white in color with green trum and deck extending from the south side.
- (C) Unpainted wooden outbuildings on this property. The exact number is unknown, but believed to be four (4).
- (D) Camper trailer, unknown age, located on this property. The physical address of the defendant's residence, outbuildings, and Camper trailer is MP 0.03L (31) POB 72 Gordon Road, Stabler, Washington, 98610

# AND

Any vehicles on the aforedescribed property or property curtilage that are associated with the defendant or any of the defendant's co-conspirators.

# AND

Any outbuildings, garages, sheds, storage units, or the like located on the aforedescribed property not specified above.

Page 1-3

1-03-1996 4:28PH

FROH SKAHWHIA CO LEGAL

509 427 7386

P. 5

To search for the following goods to wit:

(1) Cannable L (MARIHUANA), a substance controlled by the Uniform Controlled Substance Act of the State of Washington, both growing and dried, and items used to facilitate the growing, drying, and peckeging of marihuana.

#### VMD

(2) Records relating to the transportation, ordering, manufacturing, possession, sale, transfer and importation of controlled substances in particular, marihuana, including but not limited to books, netebooks, ledgers, check book ledgers, handwritten notes, journals, calendars, receipts, electronic recording media, and the like.

#### AND

(3) Records showing the identity of co-conspirators in marihuana manufacturing and distribution operation, including but not limited to books, notebooks, ledgers, check book ledgers, handwritten notes, journals, calendars, receipts, electronic recording media, and the like.

### AND

(4) Records which will indicate profits or proceeds from the marihumn manufacturing and distribution operations and conspiracy. To include, but not limited to books, notebooks, ledgers, check book ledgers, handwritten notes, journals, calendars, receipts, electronic recording media, and the like.

#### AND

(5) Books, records, invoices, receipts, records of real estate transactions, purchase, lease or rental agreements, utility and telephone bills, records reflecting ownership of motor vehicles, keys to vehicles, bank statements and related records, passbooks, money drafts, letters of credit, money orders, bank drafts, pay stubs, tax statements, cashier checks, bank checks, safe deposit box keys, money wrappers, and other items evidencing the obtaining, secreting, transfer, concealment, and/or expenditure of money and/or dominion and control over assets and proceeds.

# AND

(6) Photographs, including still photos, negatives, video tapes, films, undeveloped film and the contents therein, and slides, in particular, photographs of co-conspirators, of assets, and/or controlled substances, in particular, marihuana.

# AND

(7) Currency, precious metals, jewelry, and financial instruments, including stocks and bonds.

# AND

(8) Address and/or telephone books, telephone bills, rolodex indices and papers reflecting names, addresses, telephone numbers, pager numbers, fax numbers and/or telex numbers of co-conspirators, sources of supply, customers, financial institutions, and other individuals or businesses with whom a financial relationship exists.

Page 2-3

1-03-1996 4:28PH

FROH SKAHAHIA CO LEGAL

509 427 7386

### **AND**

(9) Correspondence, papers, records, and any other items showing employment or lack of employment of PETER T. LITTLEFAIR, or reflecting income or expenses, including but not limited to items listed in paragraph 5, financial statements, credit card records, receipts, and income tax returns.

#### AND

(10) Paraphernalia for packaging, growing, manicuring, weighing and distribution of marihuans, including but not limited to scales, baggies, chemicals, plant pots, CO2 canisters, metal light shields, halide lights and other items used in the growing of Marihuana, and distribution of controlled substances including firearms.

#### AND

(11) Electronic equipment, such as computers, telex machines, facsimile machines, currency counting machines, telephone answering machines, and related manuals used to generate, transfer, count, record and/or store the information described above. Additionally, computer software, tapes and discs, audio tapes, electronic recording media, and the contents therein, containing the information generated by the aforementioned electronic equipment; and communications devises, including pagers and mobile telephones,

#### AND

(12) Photographs of the crime scene and to develop any photographs taken of the crime scene, including still photos and video cassette recordings and to develop any undeveloped film located at the residence.

### AND

(13) Evidence of the crime of Theft of Services (Electrical Power) and/or meter tampering.

If you find same or any part thereof, then items of identification pertaining to the residency thereof, bring the same before the Honorable District Court Judge to be disposed of according to law.

In executing said warrant I seized the things listed on the attached property reports and have returned some before Honorable District Court Judge Ron Reynier on January 2nd, 1996.

Task Force Number MC622-1751 Skamania County Number #95-5914

ARNE DEAN GONSER

Detective

Clark/Skamania Drug Task Force

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FRUIT SKALANTA CO LEGAL 1-03-1996 4:3041 509 427 7386 S'oriff, County Vancouver Wa P.O. Box 410 / 707 W. 13th Street, Vancouver We. 98666 STABLER HOICH ROD DETROCK WARRING (MAIN IEVES Domest Vio Child Abuse Offer Assault CAT
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FROII SKAHANIA CO LEGAL 1-03-1996 4:32PH 509 427 7386 County St riff, Vancouver Wa ark P.O. Box 410 / 707 W. 13th Street, Vancouver Wa. 59866 (206) 699-2211 cellon RefCH MP 0.03 DA DOR 12.2795 Cifenee Child Abuse Office Assault CAT
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