

SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS



District Trial COURT DEPARTMENT

Framingham DIVISION

SEARCH WARRANT DOCKET NUMBER

11-49-SW-02

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:

see Addendum A

EXHIBIT 13
 WIT: _____
 DATE: 8/11/13
 MAUREEN O. POLLARD

at: see Addendum B

which is occupied by and/or in the possession of: Dwayne Barrett [REDACTED]

Joseph Bushfan [REDACTED]

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 FRAMINGHAM Division of the FRAMINGHAM Court Department.

DATE ISSUED 1-4-2011

SIGNATURE OF JUSTICE, CLERK, MAGISTRATE OR ASSISTANT CLERK

George R. Marinofsky

FIRST OR ADMINISTRATIVE JUSTICE
WITNESS: ROBERT V. GRECO

PRINTED NAME OF JUSTICE, CLERK, MAGISTRATE OR ASSISTANT CLERK

GEORGE R. MARINOFSKY

ADDENDUM A

Cocaine, controlled substances as defined by Chapter 94C; all books, papers, records, documents, monies, implements and paraphernalia related to the illegal possession and distribution of controlled substances, including but not limited to, books, papers, records and other papers reflecting (A) the purchase and acquisition of Cocaine, (B) the identities of the sources of Cocaine, (C) the storage of Cocaine, (D) the distribution of Cocaine, (E) the identities of persons to whom Cocaine was distributed, (F) the sources of money or other property used to purchase or acquire Cocaine, and/or the manner in which financial proceeds of the distribution of Cocaine are stored, invested or spent; (G) amounts of money paid, collected or owed on account of the purchase or sale of Cocaine, (H) bank records, (I) investment account records, (J) safe deposit box rental agreements or keys, (K) property deeds, (L) bills of sale, (M) tax returns, (N) vehicle titles, (O) United States currency or coins; (P) Scales, packaging materials and paraphernalia; and/or (Q) Papers and possessions identifying the person(s) having custody and control over the premises to be searched and its contents.

ADDENDUM B

26 Fountain Street Apartment 1:

The residence at 26 Fountain Street is a white two family structure and is the second house on the left hand side of Fountain Street as you turn onto Fountain Street from Waverly Street. The structure has a red front door and a white storm door with an overhang. There are two mailboxes one on each side of the front door. Apartment 1 occupies the entire first floor of the structure. The driveway is to the left of the structure. The numerical street number is not visible from the street. A Google Earth Query does depict 26 Fountain Street as being the same structure we identified in our investigation.

SRM
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AFFIDAVIT OF DETECTIVE DINIS AVILA

1. I, Dinis Avila, a police officer for the Framingham Police Department, being duly sworn depose and state that the following is true to the best of my knowledge and belief:

2. I have been a police officer for approximately 10 years. I am currently assigned to the Detective Bureau as an officer in the Framingham Police Narcotics Unit. Prior to being a narcotics detective, I was assigned as a detective responsible for investigating various violations of Massachusetts General Laws including but not limited to sexual assaults, robberies, homicides, and other violations of law. Prior to becoming a detective, I served as an officer in the street crimes unit for approximately 2 years and prior to that I was assigned to the patrol division. I am a graduate of the Boylston Municipal Police Academy. I have received training from the Municipal Police Training Committee in basic narcotics detection and investigation. In addition to this training and education and the annual in-service training which I attend, I have completed specialized training in criminal investigation, including an eighty hour course in narcotics investigation sponsored by the Drug Enforcement Administration. During this course I received training in various aspects of narcotics investigations, including but not limited to undercover operations, buy bust operations, surveillance, warrant service, and the handling of informants. In addition, I am a graduate of the Immigration and Customs Enforcement Academy delegation of authority training-287(g). During this course I received training on various aspects of narcotics investigations, including but not limited to trafficking in controlled substances, identifying the elements of Federal Criminal Law, becoming familiar with the Operational Enforcement Division of the Office of Investigation as it pertains to the smuggling of narcotics, identifying the requirements/procedures for obtaining a criminal search warrant, and identifying the procedures for the execution of a search warrant. I completed a twenty four hour course in gang investigation sponsored by Wicklander-Zulawski & Associates, a forty hour course in training specific to hostage rescue techniques sponsored by Law Enforcement

Advanced Development, and a twenty four hour course in conducting homicide investigations sponsored by SRR Training.

3. Throughout my career I have participated in the arrest of over two hundred narcotics offenders. I have also participated in multiple drug investigations which utilized such investigative techniques as undercover purchases by police officers, confidential informants used in controlled buys, the executions of search warrants, and street level patrol investigations. I have worked directly with the Drug Enforcement Administration (DEA) and the Massachusetts State Police conducting numerous drug investigations. I have also worked in an undercover capacity in which controlled purchases of illegal drugs and firearms were made. During my training and experience I have observed numerous types of controlled substances and I am familiar with the paraphernalia associated with the distribution and use of these substances and the ways in which they are packaged. I am also familiar with the prices charged for the controlled substances and with the jargon associated with these substances. On the basis of my training and experience I am familiar with the vernacular of illegal narcotics abusers and distributors. I am acquainted with the methods by which such persons seek to disguise the subject of their conversation and operations, and am familiar with the methods, practices and techniques by which members of organized conspiracies illicit transport and distribute controlled substances.

4. Based on the following, I believe that I have probable cause to establish that the crimes of distribution of crack cocaine, Class B, in violation of M.G.L. 94C-32A, and possession with intent to distribute cocaine, Class B, in violation of M.G.L. 94C-32A have occurred and that evidence of these crimes will be found in and upon the residence or person of Dwayne Barrett [REDACTED], Joseph Bushfan ([REDACTED]), 26 Fountain Street Apt 1, Framingham, MA. My conclusion is based on information obtained by me and other members of the Framingham Police Department, from confidential sources of information, and through our own investigation. This affidavit does not detail all of the facts known to me or other law enforcement officials regarding this matter, but instead relates only those facts which I believe are necessary to establish the requisite probable

cause in support of an application for a search warrant. The content of this information is contained in the following paragraphs.

5. In the past four weeks of this affidavit, a confidential source of information, which I will refer to as CS, contacted members of the narcotics unit. CS's identity is known to me and is on file with the Framingham Police Narcotics Unit. The content of CS's statement and its later corroboration are presented below. CS wishes to remain anonymous. The reason CS wishes to remain confidential is that it fears for its safety should its true identity be revealed in anyway. CS is a trustworthy individual due to the fact that it has provided information to the Framingham Police in the past that has led to the recovery of narcotics and a conviction in Framingham District Court. Within the past year the Framingham Police Narcotics Unit has also conducted controlled purchases with the assistance of CS that has led to the recovery of illegal marijuana and cocaine. Also within the past year, the Framingham Police Narcotics Unit was granted a search warrant based on CS's information in which we recovered an amount of cocaine and made an arrest. This particular case remains open in Framingham District Court. CS is also trustworthy because CS told me that in the past it has been a confidential informant for a local police agency in Massachusetts. The handling officer with that police department was contacted and verified that CS had provided information in the past that has led to arrests, seizures of narcotics, including a conviction in Superior Court. Under the handling officer's control, CS has made multiple controlled purchases of cocaine, powder cocaine, marijuana, and prescription medication. CS is also a trust worthy source because it has admitted to me that it is involved in criminal activity. Since I know where it lives, I am able to get in contact with it, and I have warned it about the possibility of it being prosecuted for its criminal conduct, I believe the CS had and still has a reasonable fear of prosecution.

6. CS told members of the narcotics unit that it had personal knowledge of drug activity in which crack cocaine is being illegally distributed. CS knows about crack cocaine distribution because CS has used crack cocaine in the past, knows what it looks like, how

it is packaged, the jargon associated with its use, and the prices typically charged for it. In particular CS told me the following. CS stated that it knows of a black male it knows as "Dwayne Barrett", who distributes crack cocaine from a house located on Fountain Street in Framingham MA. Barrett is known to me to be a narcotics distributor. CS describes the house that Barrett distributes crack cocaine from as being the second house on the left hand side of Fountain Street from Waverley Street. CS described the house as a white two story house and stated that Barrett accesses this house through the front door. CS stated that Barrett distributes crack cocaine from the first floor apartment which CS believes is occupied by two other black males whose true identities are unknown to CS. CS did describe one of the black males as being approximately twenty years of age and having a tattoo on his face. CS provided a phone number of [REDACTED] for Barrett. CS stated that when it meets Barrett it drives to the above described house and contacts Barrett at the phone number provided above. Barrett then meets CS on the street in front of the home. Barrett then provides CS with a predetermined amount of crack cocaine in exchange for a predetermined amount of money. CS stated that Barrett is frequently in the company of the young black male with the tattoo on his face as described above.

7. In the past four weeks of this affidavit, a second confidential and reliable informant, who I will refer as CI, contacted members of the narcotics unit. CI's identity is known to me and is on file with the Framingham Police Narcotics Unit. The content of CI's statement and its later corroboration are presented below. CI wishes to remain anonymous. The reason CI wishes to remain confidential is that it fears for its safety should its true identity be revealed in anyway. CI is a trustworthy source because it has provided the Framingham Police Narcotics unit with information in the recent past that has led to arrests, including one conviction in Framingham District Court, and seizures of narcotics, including cocaine, crack cocaine, and heroin. The additional cases are still pending. In addition, CI has provided information in regards to narcotics activity that was confirmed to be true by the Framingham Narcotics Unit. Within the past year the Framingham Police Narcotics Unit has conducted controlled purchases with the assistance of CI that has led to the recovery of illegal cocaine, crack cocaine, and heroin. Also within the past year, the Framingham Police Narcotics Unit was granted two search

warrants based on CI's information in which trafficking amounts of crack cocaine were recovered at each location and several arrests were made for trafficking a class B substance, to wit cocaine in violation of 94C-32. These particular cases remain open in Middlesex Superior Court and Framingham District Court. Furthermore, CI has provided detectives with information within the past seven months that led directly to the arrest of a person wanted on an outstanding warrant. The wanted person had taken steps to avoid capture and CI told detectives where the wanted person could be located. Based upon this information, fellow officers arrested this wanted person. CI is also a trust worthy source because it has admitted to me that it is involved in criminal activity. Since I know where it lives, I am able to get in contact with it, and I have warned it about the possibility of it being prosecuted for its criminal conduct, I believe the CI had and still has a reasonable fear of prosecution.

8. CI told detectives that it had personal knowledge of drug activity in which crack cocaine is being illegally distributed. CI knows about crack cocaine distribution because CI has used crack cocaine in the past, knows what it looks like, how it is packaged, the jargon associated with its use, and the prices typically charged for it. In particular CI told me the following. CI stated that it knows of a Black male it refers to as "D" or "Dwayne", and was later identified as Dwayne Barrett [REDACTED], who distributes crack cocaine in forty dollar knotted corner baggies from 26 Fountain Street in Framingham MA. CI provided a phone number of [REDACTED] for Barrett. CI stated it meets Barrett in the area of the intersection of Waverley Street and Fountain Street. Upon meeting, Barrett provides CI with a predetermined amount of crack cocaine in exchange for a predetermined amount of money. CI described Barrett as a short dark skinned black male approximately twenty years of age.

9. Based upon CI's and CS's information listed above, narcotics detectives performed the following independent police investigation. I performed a Framingham Police in house computer query on Dwayne Barrett. This query showed that we do have Dwayne Barrett ([REDACTED]) in our in-house computer system which lists him as being [REDACTED] [REDACTED]. Also through this in-house query I was able to

obtain a [REDACTED] photograph which Detective Martinez later showed to CI. CI immediately identified Barrett as the male he knows both as "Dwayne" and "D". I also ran the phone number CI provided for Barrett through a law enforcement subscription database that showed the number was registered to T-Mobile out of Framingham, MA; however, no personal information was attached to the account. I know through my training and experience that drug distributors frequently utilize the assistance of cellular telephone to aid them in the distribution of illegal narcotics. I also know that it is common for drug distributors to use pre-paid cellular telephones that do not require any biographical information upon purchase. This is specifically done because these phones are more difficult to trace back to the distributor and they are easily replaced, which allows the distributor to frequently change phone numbers with ease. I know through my training and experience the above is done in an attempt to remain anonymous and to avoid detection by police. I also know that drug distributors will also frequently use phones that are subscribed under other people's name for the same reason provided above.

10. CI was asked if it would be able to purchase illegal drugs from Barrett. CI stated that it would be able to contact Barrett at phone number [REDACTED] and arrange to purchase an amount of crack cocaine. Within the past two weeks of this affidavit, Framingham Police Narcotics Detectives with the cooperation of CI conducted a controlled narcotics buy from target "Barrett". CI was instructed to contact Barrett using CI's cell phone. While in Detective Martinez's presence, CI called the number it had for Barrett [REDACTED]. Detective Martinez heard a male voice on the line that CI recognized as Barrett. CI then arranged with Barrett to purchase an amount of crack cocaine and was instructed by Barrett to meet him near the Gulf station located on the corner of Waverly Street and Fountain Street. Prior to this control buy, CI's person was searched and its property was noted. Detective Martinez performed this search and determined that CI did not have any money or illegal drugs in its possession. The vehicle CI was going to be riding in was also searched. No contraband was found. Detective Martinez then drove CI to the area of the buy location where other officers had previously established surveillance. I followed Detective Martinez and the CI to the

location and kept them under constant surveillance. While driving to the buy location Detective DeRosa informed us that he observed Barrett and an unknown black male enter the residence of 26 Fountain Street as CI described. Detective Martinez provided CI with an amount of pre-recorded buy funds and instructed CI to purchase an amount of crack from Barrett. CI exited Detective Martinez's undercover vehicle. Still under surveillance CI was observed walking north on Fountain St. Detectives then observed an unknown black male exit the front door of 26 Fountain Street and meet with CI. Detectives observed a hand to hand transaction and a short conversation. CI remained under constant surveillance throughout this entire investigation and did not stop or meet with anyone prior to and leaving the controlled buy with the exception of Narcotics Detectives. Upon completing the deal CI and target went their separate ways. Detective DeRosa then observed both black males enter the front door of 26 Fountain Street.

11. Detective Martinez then immediately met with CI who handed him 1 knotted corner baggie that contained a white rock like substance that he recognized through his training and experience as crack cocaine. I later observed the crack cocaine and recognized through my training and experience that the amount of crack CI provided to detectives was consistent in size and street value with the amount of money that CI paid for it. CI was then search again. No contraband was found. CI then informed Detective Martinez that Barrett was not the individual that sold him the crack cocaine. CI stated that another black male who was, approximately 5'10, and approximately twenty years of age, sold him the crack cocaine. CI provided Detective Martinez with a physical description as well as a description of the clothing the unidentified male was wearing. This description did in fact match with Detective DeRosa's observations of the unidentified black male that he earlier observed entering the front door of 26 Fountain Street with Barrett. This black male gave the CI a phone number [REDACTED] and stated it could call him in the future. CI continued and stated that the black male provided CI with the crack cocaine in exchange for the pre-recorded buy funds. The amount of crack was later field tested and did show a positive reaction for the presence of cocaine. Detective Martinez performed

this test using a Nark #4 cobalt thiocyanate reagent tube. Detective Martinez later entered the baggie into evidence at Framingham Police Headquarters.

12. Detectives later ran the phone number given to CI from the unidentified black male [REDACTED] through law enforcement subscription database. The phone number came back to Joseph Bushfan out of Framingham to Metro PCS Wireless. Detectives then ran Bushfan in the in house computer and found a match for Joseph Bushfan [REDACTED] who lives at 26 Fountain Street Apt A. A Board of Probation query was conducted on Bushfan which shows [REDACTED]

[REDACTED] Detective Martinez contacted Detective Kevin Delahantey of the Natick Police Department who informed Detective Martinez [REDACTED]

[REDACTED] Detective Delahantey provided Detective Martinez with the [REDACTED] [REDACTED] The documents provided indicated that Bushfan told Natick police at booking that he lives as 26 Fountain Street Apartment 1. Bushfan also provided Natick police with the phone number of [REDACTED] which is the same number CI provided to detectives for the unidentified black male. Also Natick Police provided a color booking photograph of Bushfan that was later shown to CI. CI was not able to identify the male subject in the photograph at this time.

13. Within the past week of this affidavit, Framingham Police Narcotics Detectives with the cooperation of CI conducted a controlled narcotics buy from target Barrett. CI was instructed to contact Barrett using CI's cell phone. While in detective's presence, CI called [REDACTED], the number it had for Barrett. Detectives heard a male voice on the line that CI recognized as Barrett. CI then arrange with Barrett to purchase an amount of crack cocaine. Prior to this control buy, CI's person was searched and its property was noted. Martinez performed this search and determined that CI did not have any money or illegal drugs in its possession. The vehicle CI was going to be riding in was also searched. No contraband was found. Detective Martinez provided CI with an amount of pre-recorded buy funds and instructed CI to purchase an amount of crack from

Barrett. Detective Martinez and I then followed the CI to the buy location where other officers had previously established surveillance. CI was kept under constant surveillance and did not stop and meet with anyone prior to reaching the buy location. At the buy location Detective Martinez observed two black males exit the front door of 26 Fountain Street. Detective Martinez observed one of the black males to be Dwayne Barrett. The second black male's identity was unknown to us at the time. Detective Martinez observed the two black males approach the passenger side window of CI's vehicle and have a brief encounter in which a hand to hand transaction was observed between CI and Barrett. CI remained under constant surveillance throughout this entire investigation and did not stop or meet with anyone prior to and upon leaving the controlled buy with the exception of Narcotics Detectives. Upon completing the deal CI and target went their separate ways. Detective Martinez then observed both black males enter the front door of 26 Fountain Street.

14. Detective Martinez and I then immediately followed CI to a pre arranged meeting spot where CI handed me an amount of a white rock like substance that I recognized through my training and experience to be crack cocaine. I also recognized that the amount of crack cocaine CI provided to me is consistent in size and street value with the amount of money that CI paid for it. CI and CI's vehicle were then searched again. No contraband was found. CI then informed Martinez and I that Barrett was the individual who had provide CI with the knotted corner baggie of crack in exchange for the pre-recorded buy funds. CI stated that the unknown black male that was present with Barrett was the same male who had previously provided it with crack cocaine during the previous controlled purchase. The crack was later field tested and did show a positive reaction for the presence of cocaine. I performed this test using a Nark #4 cobalt thiocyanate reagent tube. I later entered the baggie into evidence at Framingham Police Headquarters.

15. Within the past 48 hours of this affidavit, Framingham Police Narcotics Detectives with the cooperation of CI conducted a controlled narcotics buy from target Joseph Bushfan. CI was instructed to dial the phone number given to it previously by the

unidentified black male using CI's cell phone. While in detective's presence, CI called [REDACTED], the number it had been provided by the unidentified black male. Detectives heard a male voice on the line. CI then arrange with the male to purchase an amount of crack cocaine. Prior to this control buy, CI's person was searched and its property was noted. Martinez performed this search and determined that CI did not have any money or illegal drugs in its possession. The vehicle CI was going to be riding in was also search. No contraband was found. Detective Martinez provided CI with an amount of pre-recorded buy funds and instructed CI to purchase an amount of crack cocaine. Detective Martinez and I then followed the CI to the buy location where other officers had previously established surveillance. CI was kept under constant surveillance and did not stop and meet with anyone prior to reaching the buy location. At the buy location Detective DeRosa observed two black males exit the front door of 26 Fountain Street. One of the males stayed on the front porch while the other one approached the driver side window of CI's vehicle and had a brief encounter in which a hand to hand transaction was observed between CI and the unidentified black male. CI remained under constant surveillance throughout this entire investigation and did not stop or meet with anyone prior to and upon leaving the controlled buy with the exception of Narcotics Detectives. Upon completing the deal CI and target went their separate ways. Detective DeRosa then observed both black males enter the front door of 26 Fountain Street.

16. Detective Martinez and I then immediately followed CI to a pre arranged meeting spot where CI handed Detective Martinez an amount of a white rock like substance that Detective Martinez recognized through his training and experience to be crack cocaine. I also recognized that the amount of crack cocaine CI provided to Detective Martinez as being consistent in size and street value with the amount of money that CI paid for it. CI and CI's vehicle were then searched again. No contraband was found. CI then informed Martinez and I that the male who provided it with the crack cocaine in exchange for the prerecorded buy funds was the same male depicted in the photograph that was previously displayed to it. This photograph that was displayed to CI was an image of Joseph Bushfan. CI indicated that it observed a tattoo on the left side of Bushfan's face which is consistent with the image CI was shown. The amount of crack was later field tested and

did show a positive reaction for the presence of cocaine. Detective Martinez performed this test using a Nark #4 cobalt thiocyanate reagent tube. Detective Martinez later entered the baggie into evidence at Framingham Police Headquarters.

17. Within the past 48 hours I spoke to Framingham Police Street Crimes Officer Timothy O'Toole. Officer O'Toole had explained to me that in December 2010 he had been to the residence of 26 Fountain Street to attempt to locate Joseph Bushfan. [REDACTED] [REDACTED] Officer O'Toole was unable to locate Bushfan but was told by persons inside the apartment that he did indeed live there. Officer O'Toole explained that he entered the front door of the home where there is a common area; he stated that the entire first floor was one apartment.

18. Based on the above, I believe there is probable cause to establish that Dwayne Barrett and Joseph Bushfan distribute crack cocaine, and that said distribution is conducted from 26 Fountain Street, Apartment 1 in Framingham, MA, a building more specifically described in the attached application. Therefore I believe there is probable cause to believe that cocaine, drug paraphernalia, records of persons and items involved in the purchase and sale of cocaine, or those showing occupancy and money or evidence of money relating to the purchase or sale of cocaine will be found within 26 Fountain Street, Apartment 1 in Framingham, MA.

19. In my training and experience, I have also learned the following:

- A. Drug distribution is sometimes conducted as a cash and carry business, and at other times, drugs are bought and sold on credit. In either event, the distribution of drugs is a cash business, and distributors of drugs often deal in large sums of money. This necessitates that the distributor be in the possession of, or has ready access to large amounts of money.
- B. Because drugs are often bought and sold on credit, distributors frequently maintain written records of the drugs bought and sold, the identities of the

persons who have purchased or sold the drugs, and the moneys due to, or owed, by them.

- C. Distributors of drugs often maintain books, records, receipts, invoices, notes, ledgers, money orders, bank records and other papers relating to their transportation, ordering, sale, and distribution of controlled substances.
- D. Persons involved in the distribution of controlled substances often secrete their distribution records, controlled substances, and money, on their person, in their residences, in the residences of persons involved with them in the distribution of controlled substances, and in bank safe deposit boxes and other secure storage areas to which they have access. This is done for several reasons. First, safe deposit boxes, secure storage areas, and hidden areas of the residences and businesses are thought to provide a high degree of security for the records, drugs and proceeds of their drug distribution activities. Second, by secreting these items in secure areas, such a safe deposit boxes and hidden locations within their residences, drug distributors hope to minimize the likelihood that these items will be discovered by law enforcement officers who may execute search warrants at their offices, businesses or homes. Third, federal currency transaction reporting laws require financial institutions and businesses to report to the federal government cash transactions in excess of \$10,000. Because individuals participating in drug distribution activities often deal in cash transactions greater than \$10,000, they often store their monies in safe deposit boxes and other secure areas, such as hidden locations within their residences and businesses, to avoid transactions being reported to the federal government.
- E. Drug distributors may hide their monies, rather than investing in bank accounts or other investment vehicles, for other reasons as well. For

example, distributors of drugs often do not report their distribution income to the Internal Revenue Service and Department of Revenue, and by secreting their distribution monies in safe deposit boxes (or in other secure storage locations), they attempt to minimize the likelihood of detection by these agencies. Also, drug distributors often are familiar with the drug forfeiture laws, and attempt to conceal from law enforcement those assets, which are used to facilitate their drug distribution activities. As such, monies, as well as ownership records for other assets such as vehicles and real estate, are often secreted in secure storage areas such as safe deposit boxes.

- F. Drug distributors often employ stratagem to conceal the fact that their money, and assets acquired with their money, are traceable to the distribution of drugs. One common method of disguising the source of drug money is to "launder" it through what appears to be a legitimate business. Drug distributors often associate themselves with cash businesses, or persons involved in cash businesses, and falsely attribute their drug monies and income to the cash business. This tends to establish a lawful source for the money, thereby insulating the drug dealer and his money and asset, from detection by law enforcement officers.
- G. Whatever method of "laundering" money that a drug dealer employs, it allows him to invest his drug money in bank accounts, certificate of deposits, securities, business ventures, and other investment vehicles, with some degree of confidence that the true source of the money will not be detected.
- H. Persons involved in the distribution of controlled substances utilize various paraphernalia, such as scales, cutting agents (diluents) and packaging materials such as plastic sandwich baggies, to prepare and package these controlled substances for further distribution. Such

paraphernalia are often stored in close proximity to where the controlled substances are stored, such as in the cars and residences of distributors, and on their persons.

- I. Person's involved in the distribution of controlled substances utilize "hides" in their vehicle's and home's. These hides are built into different areas of the cars' and are built in such a way that they blend in with the cars original interior or exterior. These "hides" can be opened manually or electronically by manipulating several different electronic devices in the vehicle, some are also opened with the use of Magnets. In the homes the hides are built into the floor and walls of the homes and under the various cabinets.

20. Therefore, I am seeking the issuance of a search warrant to search 26 Fountain Street Apartment 1 in Framingham, MA for the following items:

- a) Books, papers, documents, ledgers, records, accounts, evidencing the possession and/or distribution of Cocaine including but not limited to, records and other papers reflecting (A) the purchase and acquisition of Cocaine, (B) the identities of the sources of Cocaine (C) the storage and transportation of Cocaine (D) the distribution of Cocaine (E) the identities of persons to whom Cocaine was distributed;
- b) Books, papers, documents, ledgers, records, accounts evidencing the sources of money or other property used to purchase or acquire Cocaine, and/or the manner in which financial proceeds of the distribution of Cocaine are stored, invested or spent, including, but not limited to (A) amounts of money paid, collected or owed on account of the purchase or sale of Cocaine, (B) bank records, (C) investment account records, (D) safe deposit box rental agreements or keys, (E) property deeds, (F) bills of sale, (G) tax returns, (H) vehicle titles;

- c) United States currency or coins used to purchase or sell Cocaine, or traceable to the purchase or sale of Cocaine;
- d) Scales, packaging materials and paraphernalia used in the possession and distribution of Cocaine;
- e) Papers and possessions identifying the person(s) having custody and control over the premises to be searched, and its contents;
- f) Cocaine, controlled substance as defined by M.G.L. 94C

I am also seeking permission to photograph and seize the above listed items, should the aforementioned items be located.

21. I also request the authority to search at any time of night because during my investigation, CI has told me Barrett and Bushfan conduct many of their drug transactions at night. I also know that persons involved in the distribution of controlled substances from apartments, homes and other buildings frequently employ the use of counter-surveillance techniques for the purpose of detecting the approach of police officers. In my experience, these drug dealers often use lookouts posted inside and outside their premises, and the drug dealers choose the premises because they have a view of entry doors and/or the streets/alleys used by persons approaching the premises. During our investigation Detectives did observe counter surveillance activity conducted by multiple males that is consistent with what is described above. In addition, the Framingham Police Department Narcotics Unit is comprised of only several members and I have found that many of the persons involved in criminal activity in Framingham recognize me and the other detectives by sight. I fear that when the search warrant is executed 26 Fountain Street, the occupants will have the opportunity to observe our approach and may attempt to destroy drug evidence. Furthermore, 26 Fountain Street is a multi-family unit and is located in a thickly settled high crime environment which increases the likelihood

of police being detected while on approach. Because the cover of darkness maximizes the ability of police officers to approach premises without being detected, when search warrants are executed during the nighttime, drug dealers are less likely to have time to destroy their drugs before the police gain entry. Due to these facts and my wish to approach 26 Fountain Street, Apartment 1 without being detected, I am applying for permission to conduct my search at nighttime.

Signed under the pains and penalties of perjury this 4th day of January, 2011

Dinis Avila

Then personally appeared the above named Dinis Avila and made oath that the foregoing subscribed by him is true before me this 4th day of January, 2011.

Justice/Clerk/Assistant Clerk

ADDENDUM A

Cocaine, controlled substances as defined by Chapter 94C; all books, papers, records, documents, monies, implements and paraphernalia related to the illegal possession and distribution of controlled substances, including but not limited to, books, papers, records and other papers reflecting (A) the purchase and acquisition of Cocaine, (B) the identities of the sources of Cocaine, (C) the storage of Cocaine, (D) the distribution of Cocaine, (E) the identities of persons to whom Cocaine was distributed, (F) the sources of money or other property used to purchase or acquire Cocaine, and/or the manner in which financial proceeds of the distribution of Cocaine are stored, invested or spent; (G) amounts of money paid, collected or owed on account of the purchase or sale of Cocaine, (H) bank records, (I) investment account records, (J) safe deposit box rental agreements or keys, (K) property deeds, (L) bills of sale, (M) tax returns, (N) vehicle titles, (O) United States currency or coins; (P) Scales, packaging materials and paraphernalia; and/or (Q) Papers and possessions identifying the person(s) having custody and control over the premises to be searched and its contents.

ADDENDUM B

26 Fountain Street Apartment 1:

The residence at 26 Fountain Street is a white two family structure and is the second house on the left hand side of Fountain Street as you turn onto Fountain Street from Waverly Street. The structure has a red front door and a white storm door with an overhang. There are two mailboxes one on each side of the front door. Apartment 1 occupies the entire first floor of the structure. The driveway is to the left of the structure. The numerical street number is not visible from the street. A Google Earth Query does depict 26 Fountain Street as being the same structure we identified in our investigation.