

FILED

APR 17 2009

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

DISTRICT SUPERIOR
STATE OF WASHINGTON
COUNTY OF SPOKANE

STATE OF WASHINGTON,)

Plaintiff)

vs.)

Unknown)

Defendant)

No. 2009-0036

AFFIDAVIT FOR SEARCH WARRANT

For Evidence of:

RCW 9A.56.150 Possession of Stolen Property 1st
RCW 9A.56.075 Taking Motor Vehicle W/O Permission
RCW 9A.76.040 Resisting Arrest
RCW 46.61.024 Attempting to Elude

Detective Larry McGill, being first duly sworn on oath, deposes and says:

(1) BACKGROUND OF AFFIANT:

I, the Affiant, am a Detective with the Washington State Patrol assigned to the Criminal Investigations Unit. I have been employed with the Washington State Patrol from December 1995, to the present. I was fully commissioned as a line Trooper in July, 1996. In 2001, I attended Detective Basic investigation and reached the level of Collision Reconstructionist. During my experience as a line Trooper, I advanced myself in collision investigations and received awards as District Collision Technical Specialist in 2000, 2001, & 2002. In 2002, I was awarded the State Collision Technical Specialist award. I have either been the primary investigator or assisted as the Collision Specialist on hundreds of collisions, including vehicular assaults, vehicular homicides and hit and run. I have received over 600 hours of Specialized training in this field. I have worked with the

Spokane WSP Criminal Investigation Division detectives unit on several occasions both in the field and on three week cross-training assignments prior to my promotion. In January, 2005, I was promoted to Detective in the Criminal Investigations Unit. Subsequent to my promotion, I have been the lead investigator on numerous felony investigations and assisted in many others, from assault to homicide. I have also received training in narcotics use, identification, and trafficking, DUI detection, VIN recognition, latent fingerprints, interrogation/interviewing techniques, homicide investigation, computer crimes, firearms, driving, and general law. I have made a large number of drug arrests during my tenure, both misdemeanor and felony in nature. I have investigated and/or assisted in numerous cases of stolen property, identity theft, computer crimes, dangerous weapons, homicide, felony assaults, and suspicious deaths. I have written search warrants for some of these cases and assisted in several others.

(2) CRIME BEING INVESTIGATED:

RCW 9A.56.150 Possession of Stolen Property 1st Degree
RCW 9A.56.075 Taking Motor Vehicle without Permission 2nd Degree
RCW 9A.76.040 Resisting Arrest
RCW 46.61.024 Attempting to Elude Police Vehicle

(3) CIRCUMSTANCES SUPPORTING PROBABLE CAUSE:

On April 12, 2009, at approximately 4:57 p.m., Washington State Parks and Recreation (WSPRR) Ranger Gary Vierra was on duty and working in the area of Riverside State Park, Spokane County, WA. Vierra observed a Chevrolet Suburban backed into the parking area at the Carlson Trailhead in Nine Mile Falls, WA. Vierra noticed a camouflage 4-wheeler ATV near the open rear doors of the Suburban. Since ATV's are not permitted on state park grounds, Vierra stopped and approached the rear of the Suburban and noticed the ATV was running. Vierra took note there were no loading ramps for the ATV and observed a white male bent over the ATV working on the right front end holding a tire iron. Vierra announced his presence, which appeared to have startled the defendant. Vierra inquired if the defendant was getting ready to ride. The defendant stated he was and asked if that was a problem. Vierra informed the defendant it was illegal to use ATV's in this state park. While talking to the defendant, Vierra noticed an ignition switch was lying on the footrest of the ATV. Vierra asked the defendant if he had stolen the ATV. The defendant dropped the tire iron and moved towards the seat of the ATV. Vierra ordered the defendant to move away from the ATV. The defendant proceeded to jump on the ATV and struggled to put it in gear. Vierra grabbed the left arm of the defendant and attempted to pull the defendant from the ATV. The defendant resisted by pulling back, which caused the left arm of the defendant's leather jacket to rip off. Vierra drew his duty weapon and ordered the defendant to shut off the ATV. The defendant stated, "You better not shoot me", and then drove off in and out of trees and on Carlson Rd. Vierra pursued the defendant on Carlson Rd until Pine Bluff Rd. The defendant then drove through private property, a barbwire fence, and

disappeared into the rocky hills. Vierra's in-car camera captured the initial contact with the defendant and the beginning of the pursuit.

Vierra returned to Carlson Trailhead and ran a registration check on the vehicle with Department of Licensing, which verified the vehicle was not reported stolen. Vierra learned the registered owner of the vehicle is Tracey O'Bleness of Spokane. Vierra requested the Washington State Patrol (WSP) to contact O'Bleness' residence regarding her vehicle. Trooper Chad Kinder contacted O'Bleness and obtained a verbal statement. O'Bleness stated she loaned her vehicle to her friend, Michael Dennis, on Saturday to assist his brother, Nathan Dennis, in moving. O'Bleness provided a physical description of M. Dennis to Kinder.

Trooper Matt Weberling arrived at the Trailhead and took digital photographs of the vehicle and scene. During a visual inspection of the vehicle, Vierra and Weberling observed several items in the vehicle, to include an air compressor, router, sunglasses, scanner/printer, air hose, laptop computer with case, and a box labeled currency counter. Weberling could hear radio traffic from a police scanner somewhere around the front seats. The vehicle was towed to the WSP and secured in the evidence bullpen.

Upon Vierra's request, O'Bleness later contacted Vierra at the WSPRR headquarters to view Vierra's in-car video camera. O'Bleness provided a signed written statement indicating she is positive the person on the ATV was neither M. Dennis nor N. Dennis.

WHEREFORE, affiant requests that a Search Warrant be issued for the purpose of searching

PREMISES, described as follows:

VEHICLE(S) described as follows:

Black 1989 Chevrolet Suburban	
Washington License:	084VRD
Vehicle Identification Number:	1GNEV16K3KF198439
Registered/Legal Owner:	Tracey S. O'Bleness 1016 E Columbia Ave Spokane, WA 99208
Current Location:	Washington State Patrol 6403 W. Rowand Rd Spokane, WA 99224

PERSON(S) described as follows:

to seize the following property, to wit:

Any impressions, to include but not limited to; shoe prints, footprints, handprints and fingerprints.

All trace evidence, including but not limited to; clothing, shoes, hair, blood, fibers and bodily fluids.

Any evidence of dominion and control, including but not limited to; letters, bills, photographs, videos, identification cards, and personal papers containing identification.

Any items or property, which may contain or hold evidence in the above described incident.


Computer hardware which includes (but is not limited to) any data -processing devices (such as central processing units; internal and peripheral storage devices (such as fixed disks, floppy disk drives and diskettes, tape drives and tapes, CD drives and CD's, and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); and related communications devices (such as modems, cables and connections, recording equipment, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone generating devices) as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks)

Any items, which through a check of their serial numbers and/or identifying marks, can be determine as stolen.

 0770

AFFIANT PEACE OFFICER

SUBSCRIBED AND SWORN TO before me this 14 day of April, 2009.

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 SUPERIOR COURT
 DISTRICT COURT
 COMMISSIONER
 JUDGE

SPOKANE COUNTY, STATE OF WASHINGTON