

**IN THE CIRCUIT COURT FOR THE
NINETEENTH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA FOR ST. LUCIE COUNTY**

STATE OF FLORIDA,

-vs.-

Case No. 56-2020-CF-001006

[REDACTED]

Defendant.

_____ /

MOTION TO SUPPRESS

NOW COMES the Defendant, [REDACTED]

by and through undersigned counsel, and moves, pursuant to Florida Rules of Criminal Procedure 3.190(g) and 3.190(h), to suppress the following illegally obtained evidence:

- A. Any and all physical evidence illegally obtained, including but not limited to the 0.8 gram of alleged crack cocaine unlawfully seized.
- B. Any and all statements made by [REDACTED], including but not limited to any confession or admission obtained illegally from [REDACTED]
[REDACTED]
- C. Any and all derivative evidence, including his identity.

PRELIMINARY STATEMENT

[REDACTED] moves to suppress the evidence of his alleged possession of alleged crack cocaine because his admission to constructive

possession of the minute drug amount was illegally obtained without any acknowledgment of his understanding or any waiver of his *Miranda* rights.

But for the statements unlawfully obtained from [REDACTED] after his *de facto* arrest without probable cause, admitting that he was an invited guest with constructive possession of a third party's room and its illegal contents, he would *not* have been arrested for the alleged drug possession.

RELEVANT FACTS

1. On April 10, 2020 and April 16, 2020, a "confidential informant" made two controlled buys of crack cocaine with two twenty (20) dollar bills at [REDACTED] St. Lucie County, Florida. Both "buys" involved two individuals selling only out of *the front rooms of the house*.

2. On April 29, 2020, Detective [REDACTED] applied for a search warrant targeting the two individuals involved in the sales of cocaine. [REDACTED] was not one of the "targets," who were identified as [REDACTED]. [REDACTED] was not even mentioned in the application for the warrant. *See Exhibit A (application for search warrant and warrant).*

3. On April 30, 2020, a large contingent of heavily armed officers, some using riot gear, conducted a police raid and searched the entire house, even though the investigation only established probable cause limited to the two male "targets" using only the front rooms of the house to sell cocaine.

4. [REDACTED] was found by officers inside the bathroom of the room at the far rear end of the house, and he was immediately handcuffed.

5. [REDACTED] was among the fourteen (14) individuals found by the officers in different rooms of the house and then corralled outside the house.

6. The Body-Worn Camera (BWC) video shows that *Miranda* rights were simultaneously read *en masse* to the fourteen (14) individuals netted during the raid. See Exhibit B (video showing *Miranda* warning and search warrant read to the group *en masse*); Exhibit C (“Arrest Affidavit”) at p.1 (“After the residence was secured, the search warrant was then read to all parties residing at [REDACTED] along with their *Miranda* rights.”); Exhibit D (fourteen (14) names listed in the narrative report).

7. The Arrest Affidavit *misrepresents* that all parties understood their *Miranda* rights. See Exhibit C at p.1. [REDACTED] neither understood his *Miranda* rights, nor waived any of those rights, prior to being interrogated.

8. Police also used deception to coerce answers to questions posed to those, like [REDACTED], who were “in handcuffs.” See Exhibit B (video) (“*When you’re in handcuffs, you got your freedom taken away. You’re on our time, and you have to listen to us and answer our questions.*”) (emphasis added). Police effectively arrested and misinformed [REDACTED]
[REDACTED]

9. [REDACTED] was victim of a *de facto* arrest without probable cause (based on mere presence), as he remained handcuffed for up to 45 minutes before he was questioned and admitted he was a guest in the far rear room, which he agreed to watch with the crack therein, while the rear room tenant went out to buy beer. He denied any ties to the front rooms. *See Exhibit B* ([REDACTED] denying involvement with the front rooms upon questioning; another tenant who was sleeping in a different house room being questioned).

10. Only after the prolonged *de facto* arrest without probable cause, [REDACTED] made coerced inculpatory statements admitting to constructive possession of the 0.8 gram of crack cocaine found in the far rear room, and to a relapse after two (2) years of abstention. *See Exhibit B* (video).

11. [REDACTED] was arrested based only on his own self-incrimination. *See Exhibit C* (Arrest Affidavit) at p.2 ([REDACTED] was arrested “due to admitting being in control of the crack cocaine located in the rear room.”).

12. [REDACTED] is charged with actual and constructive possession of cocaine under Fla. Stat. § 893.13(6)(a).

ARGUMENT

1. The *de facto* arrest and interrogation of [REDACTED] were unlawful and in violation of his rights protected under Article 1, Sections 9

and 12, of the Florida Constitution and the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

2. The *de facto* arrest of [REDACTED] occurred without probable cause or a warrant, and no exception to the warrant requirement existed.

Reading the *Miranda* Warning *En Masse* did not Elicit a Waiver

3. A duty to read *Miranda* rights arises when custodial interrogation begins. Custodial interrogation has been defined as questioning initiated by an officer after a suspect “has been taken into custody *or otherwise deprived of his freedom of action in any significant way.*” See *Miranda v. Arizona*, 384 U.S. 436, 444 (1966) (emphasis added); see also *State v. McAdams*, 193 So.3d 824, 833 (Fla. 2016) (“interrogation” occurs when an officer asks questions or engages in actions that a reasonable person would conclude are intended “to lead to incriminating response.”). Interrogation of a suspect in custody is inherently coercive and any statements made without any waiver of rights are inadmissible pursuant to *Miranda, supra*.

4. The questioning of [REDACTED] after he had been “seized” for up to 45 minutes “in handcuffs” was “interrogation” for purposes of *Miranda*. See *McAdams* at 833. Suppression of all the statements elicited from [REDACTED] is required as he was subjected to interrogation in violation of *Miranda*.

5. The audiovisual evidence shows that [REDACTED] was interrogated without a written or oral waiver of his *Miranda* rights that were read with the search warrant earlier *en masse* to the fourteen (14) individuals corralled outside of the house. *See People v. Williams*, 124 Ill.App.3d 734, 738 (1984) (“we find no impropriety in the fact that a police officer simultaneously informed four arrestees of their [*Miranda*] rights. We conclude that advising a group of arrestees of their rights is proper legal procedure. ***The only limitation is that the group be small enough so the officer can readily determine that each of the arrestees understands his rights and also that each arrestee independently acknowledges his understanding.***”) (emphasis and brackets added). The propriety of a police officer simultaneously reading *Miranda* rights together with a search warrant to fourteen (14) individuals *en masse* is an issue of first impression in the Florida courts.

6. [REDACTED] never independently acknowledged his understanding or waived his rights at any time after *Miranda* warnings were read together with the search warrant to the large group *en masse*. *See Exhibit B* (video).

7. Statements made in violation of *Miranda* and coerced confessions, that are the product of unlawfully obtained statements, must be suppressed. *See Oregon v. Elstad*, 470 U.S. 298, 307 (1985) (“A *Miranda* violation does not constitute coercion but rather affords a bright-line, legal

presumption of coercion, requiring suppression of all unwarned statements.”).

8. The Supreme Court explained in *Ross v. State*, 45 So.3d 403, 415 (Fla. 2010):

[I]t must be evident that, under the totality of the circumstances, a reasonable person in the suspect's position would feel a restraint of his or her freedom of movement, fairly characterized, so that the suspect would not feel free to leave or to terminate the encounter with police. ...[T]he ultimate inquiry is twofold: (1) the “circumstances surrounding the interrogation;” and (2) “given those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave.”

(quoting *Yarborough v. Alvarado*, 541 U.S. 652, 663 (2004)).

9. [REDACTED] was expressly advised that he was *not* free to leave and that he *had* to answer questions. See Exhibit B (video) (Officer pronouncing that “*When you’re in handcuffs, you got your freedom taken away. You’re on our time, and you have to listen to us and answer our questions.*”) (emphasis added). All the inculpatory statements elicited from [REDACTED] in violation of *Miranda* were unlawfully obtained and must be suppressed.

The *de facto* arrest of [REDACTED] without probable cause

10. [REDACTED] was handcuffed after found in the private bathroom of the far rear room, led out to the front of the house and gathered with all of the other individuals corralled during the raid conducted by a heavily

armed team of officers. [REDACTED] a Caucasian, was *not* one of the two “targets” of the warrant. See Exhibit A at p.1 (“the residence is occupied by or under control of two black males, through investigation one male was identified as [REDACTED] ... and the second male was identified as [REDACTED]...”) (search warrant for “targets residence”). No probable cause existed to believe [REDACTED] committed a crime until he admitted to constructive possession.

11. The case of *Baggett v. State*, 849 So. 2d 1154 (Fla. 2d DCA 2003) has been followed by the Fourth District, see *Cocke v. State*, 889 So. 2d 132 (Fla. 4th DCA 2004), and it is also analogous to the instant case. In *Baggett*, the court reversed the denial of a motion to suppress evidence. The court held that even assuming the initial detention had been proper, it had turned into a “*de facto* arrest” without probable cause, when the police handcuffed the defendant and read his *Miranda* rights. The officer expressed no concerns for safety to support the handcuffing, no pat-down search was conducted on the defendant to determine if he was armed, and there existed no threatening circumstances to justify keeping him in handcuffs throughout the detention. In *Cocke*, the handcuffed defendant was found to be under “*de facto* arrest” without probable cause. [REDACTED] illegal detention also lasted 30 to 45 minutes.

12. When the officer read the *Miranda* warning to the group *en masse*, there was no probable cause to believe [REDACTED] had committed

a crime. [REDACTED] was under *de facto* arrest as he remained in handcuffs for a time period of up to 45 minutes, prolonged by the unnecessary reading of the two-page, single-spaced warrant, *see* Exhibit A, and by deceptive police conduct. *See* Exhibit B (video) (Officer pronouncing that “*When you’re in handcuffs, you got your freedom taken away. You’re on our time, and you have to listen to us and answer our questions.*”) (emphasis added). Intimidation, coercion, or deception cannot be used to obtain a waiver of *Miranda* rights. *See Ramirez v. State*, 739 So. 2d 568, 575 (Fla. 1999):

Whether the rights were validly waived must be ascertained from two separate inquiries:

First, the relinquishment of the right must have been voluntary in the sense that it was the product of free and deliberate choice rather than intimidation, coercion, or deception. Second, the waiver must have been made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it. Only if the “totality of the circumstances surrounding the interrogation” reveal both an uncoerced choice and the requisite level of comprehension may a court properly conclude that the *Miranda* rights have been waived.

(citations omitted).

13. All the evidence derived from the flagrant misconduct should be suppressed as “fruit of the poisonous tree.” *See Wong Sun v. United States*, 371 U.S. 471 (1963) (excluding drugs and inculpatory statements as “fruit of the poisonous tree”). [REDACTED] acquiesced to a *trifecta* of police coercion, intimidation, and deception, which resulted in his self-incrimination.

The Search Warrant was Overbroad Given the Information Available

14. The police investigation only developed probable cause limited to “two black males” selling cocaine *only from the front rooms of the house*. The application for the warrant did not allege any probable cause to believe that crimes were occurring in the far rear room. The application and warrant did not limit the armed raid/search to the front rooms of the multi-unit house. *See* Exhibit A (warrant application and warrant).

15. The Fourth District explained in *State v. Leveque*, 530 So. 2d 512, 513 (Fla. 4th DCA 1988):

In order to prevent the use of general warrants and wide-ranging exploratory searches, the description in a search warrant must be sufficiently specific to lead the searching officers to the correct location. ...In a multiple-unit building, a warrant should describe the particular section to be searched.

The search warrant was overbroad because it failed to limit the search to the particular front end rooms that were investigated. The investigators only had probable cause to search those particular front rooms. *See Bennett v. State*, 150 So.3d 842, 846 (Fla. 4th DCA 2014) (“We hold that independent knowledge of the premises by an officer executing a search warrant, where that knowledge was obtained from prior surveillance of the premises, may be considered in assessing whether the warrant’s description of the premises is sufficiently particular. This principle has limits, grounded in the need to protect the public from general searches or seizures by officers with unfettered discretion”); *see also Rakas v. Illinois*, 439 U.S.

128, 140 (1978) (search of a guest room in a single family home, which is rented or used by third party, requires a warrant to extent that third party acquires a reasonable expectation of privacy). A “reasonable expectation of privacy” exists when 1) the individual has sought to preserve something as private, and 2) the person’s expectation of privacy is one that society is prepared to recognize as reasonable. *See Bond v. United States*, 529 U.S. 334 (2000).

16. The overbroad warrant was invalid given the information known to investigators that the two black male targets used only the front rooms of the house to sell crack cocaine. *See* Exhibit B (video) (██████████ denying involvement with front rooms upon questioning; another tenant reporting that he was asleep in a different room of the house upon questioning).

██████████ has Standing to Challenge the Search

17. ██████████, an invited guest, has standing to challenge the search. *See Minnesota v. Olson*, 495 U.S. 91 (1990) (concluding that defendant, as a guest, had a reasonable expectation of privacy in the home in which he was visiting and thus had standing to challenge a police intrusion into that home); *see also State v. Fernandez*, 501 So. 2d 648 (Fla. 3d DCA 1986) (observing that an invited guest had “reasonable expectation of privacy,” such as would give him standing to move to suppress evidence that was illegally seized).

CONCLUSION

WHEREFORE, for all of the foregoing reasons, the Defendant, [REDACTED], respectfully moves this Court to find that the police violated [REDACTED] rights under the Florida Constitution, Article 1, Sections 9 & 12, and the Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution,¹ and to GRANT this Motion to Suppress, ordering the exclusion of all evidence obtained, including all the statements elicited from [REDACTED] during the unconstitutional seizure, and all derivative evidence, including [REDACTED] identity.

Respectfully submitted,

By: S/ Brian H. Mallonee
Brian H. Mallonee, Esquire
Florida Bar No.: 160148
130 S. Indian River Drive, Suite 302
Fort Pierce, FL 34950
Tel.: (772) 464-1991
[REDACTED]

¹ The Fourth Amendment to the United States Constitution and Article 1, Section 12 of the Florida Constitution protect persons against unreasonable searches and seizures.

The Fifth Amendment to the United States Constitution and Article I, Section 9, of the Florida Constitution guarantee the individual right against self-incrimination.

The Fourteenth Amendment to the United States Constitution extended the protections of the United States Constitution over the right to life, liberty, and property that previously existed under the Florida Constitution.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
has been furnished via E-Service to the Office of the State Attorney, Saint
Lucie County, Florida this 17th day of March, 2021.

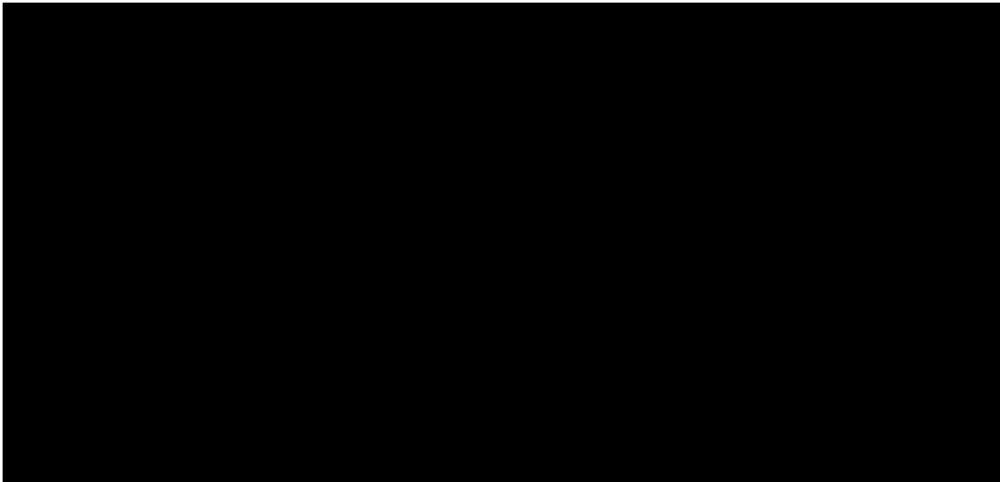
By: S/ Brian H. Mallonee
Brian H. Mallonee, Esquire

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

THE STATE OF FLORIDA)
ST. LUCIE COUNTY}

BEFORE ME, William P. [redacted] a Judge in and for St. Lucie County, personally came,
Detective [redacted] who being first duly sworn, deposes and says,

That the affiant is a citizen and resident of the State of Florida, and that she has a good reason to believe that a certain residence located at [redacted] Fort Pierce in St. Lucie County, Florida, the residence described as follows:



To-wit: From the intersection of [redacted] proceed [redacted] until reaching the targets' residence located at [redacted]. The targets residence is located on the east side of [redacted]. The structure is a single story structure, with pink siding and white trim. The structure has a brown gable roof. The number [redacted] is affixed to the mailbox but not to the structure. The residence address was verified through the property appraiser office. The main door of the structure is located on the west side facing [redacted]. The main door opens inwards and is white in color. The target residence has a secondary door, which is located at the rear of the structure on the north side.

Being the residence is occupied by or under the control of two black males, through investigation one male was identified as [redacted] also known as [redacted] and the second male was identified as [redacted] also known as [redacted] there is now being kept in said place Crack-Cocaine. The Crack-Cocaine is being kept or used in violation of F.S.S. 893.13 prohibiting the possession, sale, distribution, delivery, possession with intent to sell, manufacturing, and/or cultivation of said controlled substance.

That: the facts tending to establish the grounds for the application and the probable cause to believe that such facts exist are as follows.

1. Your Affiant, Detective [REDACTED] is employed as a Detective with the City of Fort Pierce Police Department and is currently assigned to Fort Pierce Police Department Crime Suppression Unit, St. Lucie County, Florida. Your Affiant has been employed with the City of Fort Pierce since 2017. Your Affiant has participated with several multi-agency task forces. Your affiant has been involved and affected numerous arrests dealing with drug possession, the sell, and trafficking of narcotics. Your affiant has been involved in the preparation and execution of several state search warrants.

2. On the basis of my training and experience, I have become familiar with the manner in which drugs are packaged, stored and distributed. I have learned in addition to other matters the following:

(a) Individuals engaged in narcotics violations will conduct their operations in a manner designed and intended to minimize interference from law enforcement, as well as from rival narcotics organizations. Methods employed by large-scale narcotics distributors include the extensive use of public telephone instead of their home telephones, cell phones, the use of digital pagers (often employing message codes) and the use of guarded or coded language when discussing illegal narcotics.

(b) Individuals engaged in illicit narcotic trafficking maintain records, ledgers, books of account, and other documents related to their illegal business, as well as documents relating to the purchase, storage, and sale of drugs. Such traffickers frequently "front" (provide on credit) drugs to trusted associates, and such credit arrangements further necessitate the creation and maintenance of accurate records. In addition to these records, individuals involved in drug trafficking usually keep telephone and address books containing information concerning their associates in the drug trafficking business.

(c) Individuals engaged in illegal narcotics trafficking often compile and maintain documents relating to businesses, investments and other income derived from the illicit drug business since the proceeds of illegal narcotics transactions are often filtered through legitimate or "front" businesses to hide the true origin and nature of such proceeds. This process of attempting to legitimize narcotics proceeds by giving them the appearance of lawful origin is known generally as "money laundering."

(d) Individuals engaged in illegal narcotics trafficking often place assets (especially assets about which public records are generated) in names other than their own to avoid detection by law enforcement. Such assets are frequently placed in the names of close associates, personal friends, corporations and fictitious businesses or other entities. This procedure allows the beneficial owners of such assets to use and enjoy the assets without being publicly identified with the assets.

(e) Individuals engaged in illicit narcotics trafficking usually keep their most important illegal business records close at hand in their own homes or businesses, or in the hands of very trusted associates.

(f) Narcotics traffickers often keep their drugs in separate locations from their money and their records, thus necessitating numerous storage sites. Although some traffickers will often minimize their contact with large amounts of their illegal drugs (as a method of reducing their exposure to law enforcement), such traffickers will often keep their money close at hand, both to protect it from rivals and in the mistaken belief that unless the money is found in close physical proximity to illegal drugs the money cannot be forfeited by law enforcement. Therefore, it is common even for the most cautious drug traffickers to keep money in their homes and business than to keep drugs in the same places.

Likewise, such traffickers are even more cautious about the keeping and storage of drug records. Since such records have no cash value, they are of less interest to rival drug dealers, and the traffickers are maintaining the records mistakenly believe that law enforcement will have less incentive to seize drug records than they have to seize drugs and cash. It is very common for narcotics traffickers to maintain safes in their homes and the homes of trusted associates for the storage of money and drug records. It is also very common for such narcotics traffickers to maintain multiple storage sites so that one raid by law enforcement or one robbery by rival drug deals will not result in the loss of all of their records and cash.

(g) Narcotics traffickers will use a variety of packaging, measuring devices, storage, and accessories, included but not limited to ziplock baggies, cutting agents, razor blades, scales, clips, to engage in the use, sale, and distribution of controlled substances.

3. As explained in Section #2 (a through g), drug traffickers normally leave or keep within their place of residence evidence of drug use, sales, and trafficking which may not be actual illegal drugs or cash, however, are indicative and evidentiary of illegal drug activity. It has been the experience and training of your affiant that the following items listed in this subsection are not limited to just drug trafficking, but also are found with and connected to individuals engaged in drug activity such as lower-level street sales of narcotics and/or personal use of illegal drugs;

- (a) Books, records, receipts, notes, ledgers, bank statements and records, money orders, money drafts, cashier's checks, and other papers in relation to the transportation, ordering, purchase, and distribution of controlled substances.
- (b) United States and foreign currency.
- (c) Photographs, in particular, of individuals engaged in illegal drug activity, co-conspirators, assets, currency and/or controlled substances.
- (d) Proof of occupancy, residence and/or ownership of the premises described in the accompanying affidavit, including but not limited to, utility and telephone bills, canceled envelopes and keys.
- (e) Controlled substances including equipment and materials used for packaging, concealment, distribution and use of controlled substances.
- (f) Electronic media and data storage devices both portable and fixed.
- (g) Computers, related electronic, magnetic, optical data storage devices, corresponding storage media are commonly used to store financial records, business contacts, email correspondence, and that persons engaged in illegal activities often keep such records and other details of their criminal activities, much the same as legitimate businesses keep records of their customers, suppliers, inventory and sales activities.
- (h) If any closed containers are found within the curtilage of the property to be searched which could reasonably contain the specific items being sought, to open said containers and search within.
- (i) Cellular phones and related electronic and/or magnetic and/or cellular storage devices and their corresponding storage media.
- (j) Any firearms or weapons utilized to protect narcotics and/or currency.

The probable cause is as follows:

4. During this investigation, your affiant has utilized one confidential informant, who will be referred to here and after as CI, and who will not be named in this document as it would put the CI's safety in jeopardy. The CI is currently under the control of the Fort Pierce Police Department Crime Suppression Unit and is currently involved with other investigations at this time. The CI has provided investigators with information on multiple known drug dealers in St. Lucie County.

The CI has provided information on no less than Twenty (20) different occasions. During these occasions, the CI provided information regarding in excess of Twenty (20) individuals and their activities involving narcotic activities in St. Lucie County. The information regarding each individual has been corroborated as accurate and reliable, by other information and/or investigations which and has been acquired prior to, and subsequent to, receiving information from the CI. The information provided by the CI has been investigated by members of the Crime Suppression Unit and determined to be reliable and accurate.

Based upon the facts and circumstances described herein, your affiant submits that there is probable cause to believe that Crack Cocaine and related materials and/or contraband as listed above, are located within the residence of [REDACTED] Fort Pierce, Florida.

5. During the week of April 5th, 2020, Detective [REDACTED], and your affiant met with the above listed CI at a predetermined location in reference to making a controlled purchase of crack-cocaine from the residence located at [REDACTED] Fort Pierce, Florida. Your affiant placed a transmitting audio device on the CI for safety reasons. Your affiant then searched the CI for any contraband; none were found. The CI was then supplied with no more than \$20.00 in U.S. currency of investigative funds to purchase crack-cocaine from the residence, located at [REDACTED] Fort Pierce, Florida. Your affiant then followed the CI in an unmarked vehicle to the target location of [REDACTED]. Your affiant parked down the street, in a location that allowed constant visual contact with the CI and the suspected residence [REDACTED]. The CI exited their vehicle and walked directly towards the residence, located at [REDACTED], without any interruption. The CI was observed walking up to the front door, which was already open while making brief verbal contact with an unknown black male that was sitting outside the residence on the steps, possibly posing as a look-out. The CI then could be heard greeting a male by the name [REDACTED]. Your affiant observed a second black male appear in the doorway and then the CI is seen entering the residence. A few moments later the CI is then heard having an inaudible conversation with multiple males inside of the residence. Several minutes later, the CI is observed exiting the residence [REDACTED] and walking directly back to his/her vehicle. The CI drove to your affiant's designated location without interruption and handed your affiant two (2) small white in color rocks. Through my training and experience the rocks appeared to be crack-cocaine. The CI was then searched again for contraband, none were found. The CI was debriefed and at which time the CI provided us information regarding the target residence. The CI confirmed after entering the residence he/she was met by two black males, personally known as [REDACTED]. The CI stated he/she handed [REDACTED] the investigative funds (\$20) and [REDACTED] handed back to the CI two (2) pieces of suspected crack cocaine rocks. The CI told Your affiant that while inside of the residence he/she observed another drug transaction being conducted by [REDACTED] while [REDACTED] finalized their drug transaction. The transaction took place inside of the residence on the enclosed porch area, which was outside of your affiant's view. The crack-cocaine rocks purchased from [REDACTED] later test positive for cocaine and was placed into the evidence locker located at the Fort Pierce Police Department.

6. On April 2, 2020, your affiant contacted Fort Pierce Utilities Authority (FPUA) in reference to [REDACTED]. The utilities are registered in the name of [REDACTED] who is listed as the power of attorney of [REDACTED]. The owner of the property came back listed to a [REDACTED].

7. During the week of April 12, 2020, Detective [REDACTED] and your affiant met with above listed CI in reference to making a controlled purchase of crack cocaine from the residence at [REDACTED]. Prior to the purchase, the CI was shown a photos of [REDACTED] with the date of birth of [REDACTED] and [REDACTED] with the date of [REDACTED]. The CI positively identified [REDACTED] as [REDACTED] and [REDACTED] as the same two individuals selling crack cocaine from the residence at [REDACTED]. Your affiant placed a transmitting audio device on the CI for safety reasons. Your affiant then searched the CI for any contraband, none were found. The CI was then supplied with no more than \$20.00 in U.S. currency of investigative funds to purchase crack-cocaine from the residence, located at [REDACTED], Fort Pierce, Florida. Your affiant then followed the CI in an unmarked vehicle to the target location of [REDACTED]. Your affiant parked down the street, in a location that allowed constant visual contact with the CI and the suspected residence [REDACTED]. The CI exited their vehicle and walked directly toward the open front door of the residence, located at [REDACTED] without any interruption. The CI entered the residence and a few minutes later, the CI is observed exiting the residence [REDACTED] and walking directly back to his/her vehicle. The CI drove to your affiant's designated location without interruption and handed your affiant two (2) pieces of suspected crack-cocaine. The CI was then searched again for contraband, none were found. The CI was debriefed and at which time he/she provided information regarding the target's residence located at [REDACTED]. Once at the residence the CI observed three black males inside of the residence conducting multiple drug transactions. The CI identified [REDACTED] and [REDACTED] as 2 out of the 3 males inside of the residence conducting the drug transactions. The CI stated he/she purchased the crack cocaine from [REDACTED]. The transaction took place inside of the residence on the enclosed porch area just outside of the view of your affiant. The crack cocaine rocks later field tested positive for cocaine. The crack cocaine was later placed into the evidence locker at the Fort Pierce Police Department.

WHEREFORE, your affiant makes this affidavit and prays the issuance of a search warrant in due form of law for the search of the above-described place for the said property thereto described, and seizure and safekeeping thereof, subject to the order of the Court, by the duly constituted officers of the law.

SWORN to and subscribed before me this 29 day of April, 2020.

Per.

[REDACTED]
AFFIANT

Detective [REDACTED]
Fort Pierce Police Department

[Signature]
JUDGE in and for ST. LUCIE COUNTY, FLORIDA

Exhibit 'B'



Arrest Affidavit

Exhibit 'C'

Use separate forms for each defendant and for multiple offenses occurring at different

Court Case #

Copy To: Clerk of Court / State Attorney / Jail / Arresting Agency / I

Defendant Data

Last Name	First Name	Middle Name	Aliases (A.K.A.)	Phone Number	Date of Birth	Age	SSN	Gender
Permanent Address	City	State	Zip	Drivers License #	State	Citizenship		
		FL	34952			United States		
White	Brown	Brown	5'09	150	Distinguishing Marks		Occupation / Employer / School	
Race	Hair Color	Eye Color	Height	Weight				

Arrest Information

Agency Case #	Officer	Officer ID #	Agency	Agency ORI #	Domestic Related	
200400225			Fort Pierce Police Department		No	
Offense Date	Offense Time	Offense Street Address	Offense City	State	Zip	Probable Cause Charge Status
04/30/2020	1635		Fort Pierce	FL	34950	
Arrest Date	Arrest Time	Arrest Street Address	Arrest City	State	Zip	Residence Type
04/30/2020	1900		Fort Pierce	FL	34950	
Warrant(s) #	Unknown	BAL	Unknown	No	Weapon(s) Type	
	Alcohol Influence		Drug Influence	Weapon(s) Seized		

Charge Information

Add	Statute #	Statute Subsection & Definition	Counts	Type	Activity
X	893.13 (6A) FT5330	Cocaine-possess-possess Cocaine	1	Felony	Committed

Additional Party Information - (Codefendants & Victims)

Add	Party Type	Name	Address	City	State	Zip	Phone
X	Victim	State Of Florida					

For Jail Use Only

Inmate Id	OBTS #	FDLE #	FBI #	Booking Officer	Bondsman / Surety Name	Bond Amount

Summary of Offenses and Probable Cause Affidavit

On 4/30/20 at 1635 hours, members of the Crime Suppression Unit executed a lawful search warrant at the residence of [REDACTED] signed by Judge William Roby, dated April 29, 2020. As we were approaching the residence, the front door was open and Detectives announced search warrant, at that time a black male, identified as one of the targets, [REDACTED] was seen running from the first bedroom on the right toward the rear of the house where he was later apprehended and detained. Members of the Crime Suppression Unit gained entry into the residence. Once all parties located on the property and inside the residence were detained, and identified, the residence was cleared for any other individuals. Among the individuals identified, [REDACTED] Prior to the search being conducted an entry video was completed. After the residence was secured, the search warrant was then read to all parties residing at [REDACTED] along with their Miranda rights. All parties that were read the Miranda Warning understood their rights.

During the search of the residence, Detective [REDACTED] located several bags of crack cocaine pushed into the couch, located in the first bedroom on the right where, Detectives [REDACTED] observed [REDACTED] fleeing from the first bedroom on the right prior to making entry. Through the course of the investigation it was known, the first bedroom of the right was [REDACTED] room. Due to the front door of the residence usually being open, I have seen [REDACTED] on numerous occasions coming out of the room during the investigation.

There was 6.4 grams of crack cocaine and 8 grams of compressed powder cocaine located in the first room to the right. It later field tested positive for cocaine.

While clearing the residence [REDACTED] was detained in the rear room. During the search of the rear room 4 crack cocaine rocks were located on the bed. Post Miranda [REDACTED] admitted to having knowledge of the crack cocaine in the room. He stated he was there to watch the crack for his friend [REDACTED]

The crack cocaine located in the rear room weighed 0.8 grams and later field tested positive for cocaine.

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Due to [REDACTED] being observed by several Detectives fleeing from the first room on the right of the residence after announcing search warrant and police he is being charged with obstruction without violence (F.S.S. 843.02). He is also being charged with the sale of crack and powder cocaine (F.S.S. 893.13 1a1) due to it being located in the same room he fled from and having prior knowledge he stays in the room.

██████████ is being charged with possession of cocaine (F.S.S. 893.13 (6A)) due to admitting being in control of the crack cocaine located in the rear room.

Pictures were taken and all items were placed into evidence. Body worn camera footage is available. Sergeant [redacted] reviewed this arrest affidavit.

██████████ were transported to the main police station to complete paperwork and then transported to the Saint Lucie County Jail without incident.





The preceding is true to the best of my present knowledge or belief.
* Sequence number taken from finger print card containing this OBTS # for this arrest.

Signature

Sworn & Subscribed before me this 30 Day of April, 2020

Notary / ASA

My Commission Expires

Agency

REPORTING OFFICER NARRATIVE

Exhibit 'D'

Fort Pierce Police Department

Victim Society	Offense DRUG SALE CONTROLLED SUBSTANCE	Thu 04/30/2020 20:00
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During the month of April, 2020, Detective [REDACTED] and I received information for a Confidential Informant (CI) that crack cocaine was being sold from the residence of [REDACTED] Ft. Pierce, FL. Crime Suppression Unit (CSU) Detectives conducted two controlled crack cocaine purchases from [REDACTED] using a CI.

During the week of April 5th, 2020, Detective [REDACTED] and I met with the above listed CI at a predetermined location in reference to making a controlled purchase of crack-cocaine from the residence located at [REDACTED] Fort Pierce, Florida. I placed a transmitting audio device on the CI for safety reasons. I then searched the CI for any contraband; none were found. The CI was then supplied with no more than \$20.00 in U.S. currency of investigative funds to purchase crack-cocaine from the residence, located at [REDACTED] Fort Pierce, Florida. I then followed the CI in an unmarked vehicle to the target location of [REDACTED] I parked down the street, in a location that allowed constant visual contact with the CI and the suspected residence [REDACTED]. The CI exited their vehicle and walked directly toward the residence, located at [REDACTED] without any interruption. The CI was observed walking up to the front door, which was already open while making brief verbal contact with an unknown black male that was sitting outside the residence on the steps, possibly posing as a look-out. The CI then could be heard greeting a male by the name [REDACTED] I observed a second black male appear in the doorway and then the CI is seen entering the residence. A few moments later the CI is then heard having an inaudible conversation with multiple males inside of the residence. Several minutes later, the CI is observed exiting the residence [REDACTED] and walking directly back to his/her vehicle. The CI drove to my designated location without interruption and handed me two (2) small white in color rocks. Through my training and experience the rocks appeared to be crack-cocaine. The CI was then searched again for contraband, none were found. The CI was debriefed and at which time the CI provided us information regarding the target residence. The CI confirmed after entering the residence he/she was met by two black males, personally known as [REDACTED] and [REDACTED]. The CI stated he/she handed "Chicken" the investigative funds (\$20) and "Chicken" handed back to the CI two (2) pieces of suspected crack cocaine rocks. The CI told Your affiant that while inside of the residence he/she observed another drug transaction being conducted by [REDACTED] while [REDACTED] finalized their drug transaction. The transaction took place inside of the residence on the enclosed porch area, which was outside of your affiant's view. The crack-cocaine rocks purchased from [REDACTED] later test positive for cocaine and was placed into the evidence locker located at the Fort Pierce Police Department.

During the week of April 12, 2020, Detective [REDACTED] and I met with above listed CI in reference to making a controlled purchase of crack cocaine from the residence at [REDACTED] Prior to the purchase, the CI was shown a photos of [REDACTED] with the date of birth of [REDACTED] and [REDACTED] with the date of [REDACTED]. The CI positively identified [REDACTED] and [REDACTED] as the same two individuals selling crack cocaine from the residence at [REDACTED]. I placed a transmitting audio device on the CI for safety reasons. I searched the CI for any contraband, none were found. The CI was then supplied with no more than \$20.00 in U.S. currency of investigative funds to purchase crack-cocaine from the residence, located at [REDACTED] Fort Pierce, Florida. I then followed the CI in an unmarked vehicle to the target location of [REDACTED]. I parked down the street, in a location that allowed constant visual contact with the CI and the suspected residence [REDACTED]. The CI exited their vehicle and walked directly toward the open front door of the residence, located at [REDACTED] without any interruption. The CI entered the residence and a few minutes later, the CI is observed exiting the residence [REDACTED] and walking directly back to his/her vehicle. The CI drove a designated location without interruption and handed me two (2) pieces of suspected crack-cocaine. The CI was then searched again for contraband, none were found. The CI was debriefed and at which time he/she provided information regarding the target's residence located at [REDACTED]. Once at the residence the CI observed three black males inside of the residence conducting multiple drug transactions. The CI identified [REDACTED] and [REDACTED] as 2 out of the 3 males inside of the residence conducting the drug transactions. The CI stated he/she purchased the crack cocaine from [REDACTED]. The transaction took place inside of the residence on the enclosed porch area just outside of my view. The crack cocaine rocks later field tested positive for cocaine. The crack cocaine was

REPORTING OFFICER NARRATIVE

Fort Pierce Police Department

OCA
20-04-00225
Date / Time Reported
Thu 04/30/2020 20:00

Victim

Society

Offense

DRUG SALE CONTROLLED SUBSTANCE

later placed into the evidence locker at the Fort Pierce Police Department.

On 4/30/20 at 1635 hours, members of the Crime Suppression Unit executed a lawful search warrant at the residence of [REDACTED] signed by Judge William Roby, dated April 29, 2020. As we were approaching the residence, the front door was open and Detectives announced search warrant, at that time a black male, identified as one of the targets, [REDACTED] was seen running from the first bedroom on the right toward the rear of the house where he was later apprehended and detained. Members of the Crime Suppression Unit gained entry into the residence. Once all parties located on the property and inside the residence were detained, and identified, the residence was cleared for any other individuals. Among the individuals detained, they were identified as [REDACTED] (target).

[REDACTED] Prior to the search being conducted an entry video was completed. After the residence was secured, the search warrant was then read to all parties residing at [REDACTED] along with their Miranda rights. All parties that were read the Miranda Warning understood their rights.

During the search of the residence, Detective [REDACTED] located several bags of crack cocaine pushed into the couch, located in the first bedroom on the right where Detectives [REDACTED] observed [REDACTED] fleeing from the first bedroom on the right prior to making entry. Through the course of the investigation it was known, the first bedroom of the right was [REDACTED] room. Due to the front door of the residence usually being open, I have seen [REDACTED] on numerous occasions coming out of the room during the investigation.

There was 6.4 grams of crack cocaine, 8 grams of compressed powder cocaine, 28 grams of suspected marijuana, and two cell phones located in the first room to the right. The cocaine later field tested positive.

In the second room to the right, Detective [REDACTED] located several items on the floor, a bowl of cocaine oil (over 50 grams < 60 grams), multiple bowls with cocaine residue, and an open box of baking soda used to cut cocaine. A microwave was located on the shelf in front the bowls which contained cocaine residue. The items later field tested positive for cocaine. There were several loose morphine pills (3grams) found in a small baggie, a prescription bottle with the name [REDACTED] and multiple scales. Detective [REDACTED] located a W-4 and a check with [REDACTED] (target) name on it, along with a photo of him posing with money. A debit card with the name [REDACTED] was located in a shoe inside the room. Detective [REDACTED] observed a plate with loose crystal like substance on it and the plate also contained a clear plastic bag containing a crystallized substance. The loose crystal substance on the plate tested positive for methamphetamine.

During the search of the rear room 4 crack cocaine rocks were located on the bed. A crack pipe and push rod was also located on the bed near the crack cocaine rocks. The crack cocaine located in the rear room weighed 0.8 grams and later field tested positive for cocaine.

Post Miranda [REDACTED] admitted to having knowledge of the crack cocaine in the room. He stated he was there to watch the crack for his friend [REDACTED].

[REDACTED] had \$706.00 on his person which was taken for evidence.

All items were properly photographed and documented on an inventory list prior to taking for evidence.

Due to [REDACTED] being observed by several Detectives fleeing from the first room on the right of the residence after announcing search warrant and police he is being charged with obstruction without violence (F.S.S. 843.02). He is also being charged with the sale of crack and powder cocaine (F.S.S. 893.13 1a1) due to it being located in the same room he fled from and having prior knowledge he stays in the room.

REPORTING OFFICER NARRATIVE*Fort Pierce Police Department*

OCA 20-04-00225
Date / Time Reported Thu 04/30/2020 20:00

Victim

Society

Offense

DRUG SALE CONTROLLED SUBSTANCE

██████████ is being charged with possession of cocaine (F.S.S. 893.13 (6A) due to admitting being in control of the crack cocaine located in the rear room. His vehicle ██████████ was towed by Auto Rescue.

An E-warrant will be submitted for ██████████ for cocaine trafficking (F.S.S. 893.135 (1b1), the manufacturing and sale of cocaine (F.S.S. 893.13 (1a1), possession of methamphetamine (F.S.S. 893.13 (6A), possession of a controlled substance (morphine) without a perscription (F.S.S. 893.13 (6A) and possession of paraphernalia (F.S.S. 893.147 (1), due to the evidence located in the second room to the right. ██████████ had numerous personal belongings in the room and it was known from the information provided by the CI the room belong to him.

Pictures were taken and all items were placed into evidence. Body worn camera footage is available. Sergeant ██████████ reviewed this arrest affidavit.

██████████ and ██████████ were transported to the main police station to complete paperwork and then transported to the Saint Lucie County Jail without incident.