

APPLICATION AND AFFIDAVIT FOR A SEARCH WARRANT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

John Fox, being first duly sworn deposes and states that he is the Affiant herein and is a Detective with the Las Vegas Metropolitan Police Department presently assigned to the Sexual Assault Division. That I have been employed with the Las Vegas Metropolitan Police Department for the past 24 years and have been assigned to the Sexual Assault Division for the past 5 years.

There is probable cause to believe that certain property described hereinafter will be found at the following described location, to wit:

3883 Silver Dollar
Apartment #6
Las Vegas, Nevada 89102

This is Apartment #6 in a two story apartment building.

The property referred to and sought to be seized consists of the following:

1. A handgun described as a "blue steel revolver;"
2. Tape that is probably white and wider than "scotch" tape;
3. Rope similar to water skiing rope, may be polyester;
4. A three-hole ski mask;
5. Gloves that are similar to a "knit top" with a leather palm;

EXHIBIT "C"

6. Clothing consisting of "sweat clothes;"

7. Limited items of personal property which would show the identity of persons in control of said premises, which items of property would consist in part of, but not be limited to, rent receipts, addressed envelopes and mail, photographs, leases, and utility bills.

The property hereinbefore described constitutes evidence which tends to demonstrate that the criminal offenses of Sexual Assault w/ Use of a Deadly Weapon, Burglary, and Robbery w/ Use of a Deadly Weapon have been committed by the persons in control of and occupying the premises sought to be searched. That said offenses are a violation of the laws of the State of Nevada.

In support of your Affiant's assertion to constitute the existence of probable cause to believe the above, the following facts are offered:

1) On 1/21/93, a woman by the name Kristie Chiles was sexual assaulted by an unknown male individual.

2) The assault took place at 4738 O'Bannon Drive in Las Vegas, Nevada.

3) During the assault, her attacker wore a ski mask with 3 holes in the face. Further, he wore gloves that she described as being knit on top and leather on the palm. She tied with rope similar to ski rope, perhaps polyester. (She described the rope as being "hard.") He also taped her eyes shut with a type of tape that was NOT present in the apartment.

4) Her assailant woke her from her sleep, and pointed a gun in her face. The gun was described as a "steel blue revolver."

EXHIBIT "C"

Her attacker was described as a black male adult.

5) He was dressed in "sweat clothes."

6) He then sexually assaulted her several times and took \$42.00 from her purse.

7) The crime scene was processed and several "latent" fingerprints were recovered from the area where her assailant had come into contact. A follow-up investigation of these fingerprints disclosed that one of the prints belonged to an individual by the name of Curtis Lundy Downing. Mr. Downing does, in fact, match the general description of the assailant. (Ms. Chiles described her attacker as male, black, and his approximate body size.)

8) Mr. Downing resides at the residence sought to be searched. At the present time, Mr. Downing is not aware that he is a suspect in the above crime.

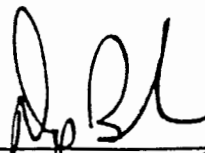
WHEREFORE, Affiant requests that a Search Warrant issue directing a Search and Seizure of the aforementioned items and the location set forth above.



Officer 4169


Subscribed and Sworn to before me this 30 day of

JUNE, 1993.



Judge

Drafted By:



John P. Lukens
Chief Deputy District Attorney

EXHIBIT "C"

SEARCH WARRANT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The State of Nevada, to any Peace Officer in the County of Clark.

Proof by Affidavit having been made before me by John Fox, said Affidavit attached hereto and incorporated herein by reference, that there is probable cause to believe certain property, namely:

1. A handgun described as a "blue steel revolver;"
2. Tape that is probably white and wider than "scotch" tape;
3. Rope similar to water skiing rope, may be polyester;
4. A three-hole ski mask;
5. Gloves that are similar to a "knit top" with a leather palm;
6. Clothing consisting of "sweat clothes;"
7. Limited items of personal property which would show the identity of persons in control of said premises, which items of property would consist in part of, but not be limited to, rent receipts, addressed envelopes and mail, photographs, leases, and utility bills.

is presently located at:

3883 Silver Dollar
Apartment #6
Las Vegas, Nevada 89102

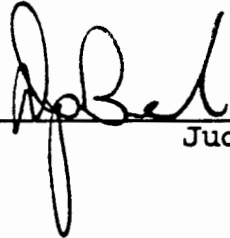
This is Apartment #6 in a two story apartment building.

EXHIBIT "C"

and as I am satisfied that there is probable cause to believe that said property is located as set forth above and that based upon the Affidavit attached hereto there are sufficient grounds for the issuance of the search warrant.

You are hereby commanded to search forthwith said premises for said property. If the property is there, you are directed to seize it, prepare a written inventory of the property seized, and make a return to me within ten days.

DATED this 30 day of JUNE, 1992.



Judge

EXHIBIT "C"

RETURN

(Must be made within 10 days of issuance of Warrant)

The Search and Seizure Warrant authorizing a search and seizure at the following described location(s):

3883 SILVER DOLLAR #6LAS VEGAS, NV. 89102was executed on 6-30-93
(month, day, year)A copy of this inventory was left with ABIGAIL FINLAY

(name of person or "at the place of search")

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

1. ONE "UMC" BILLING ADDRESSED TO CURTIS DOWNING AT 3883 SILVER DOLLAR #6.
2. ONE: "CANYON WAREHOUSE" DELIVERY SLIP TO CURTIS DOWNING AT 3883 SILVER DOLLAR #6
3. MISC PAPERS. ~~FILED~~
4. TWO: BAGGIES CONTAINING GREEN LEAFY SUBSTANCE
(ITEMS # 1, 2, 3, 4. SEIZED FROM DRESSER DRAWER IN MASTER BEDROOM)
5. ONE: BAGGIE CONTAINING GREEN LEAFY SUBSTANCE.
(ITEM # 5 SEIZED FROM FLOOR BETWEEN NIGHTSTAND AND BED.)
6. ONE: PAIR SOFT LEATHER GLOVES
7. TWO: KNIT SKI CAPS
8. TWO: SWEAT SHIRTS

This inventory was made by: DET. J. FOX 469J. L. Fox 469Abigail Finlay

(at least two officers including affiant if present. If person from whom property is taken is present include that person.)

EXHIBIT "H"

RETURN

(Must be made within 10 days of issuance of Warrant)

The Search and Seizure Warrant authorizing a search and seizure at the following described location(s):

CONTINUED

was executed on _____
(month, day, year)

A copy of this inventory was left with _____

(name of person or "at the place of search")

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

- 9. ONE: SWEAT PANTS.
(ITEMS # 6, 7, 8. SEIZED FROM CLOSET IN MASTER BEDROOM.)
- 10. ONE: ROLL OF DUCT TAPE.
(SEIZED FROM HALL CLOSET)
- 11. MISC PAPERS
(ITEM # 11 SEIZED FROM INTERIOR OF BRIEF CASE LOCKED IN MASTER BEDROOM)

This inventory was made by: DET. J. FOX 469
[Signature] [Signature]

(at least two officers including affiant if present. If person from whom property is taken is present include that person.)

EXHIBIT I

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CONSENT TO SEARCH

DATE 6-30-93

FILE 930121-0372

I, ARIGAIL FINLAY, having been informed of my legal right not to have a search made of the premises and/or property listed hereafter without a duly and authorized legal search warrant first having been issued by a competent court, and of my right to refuse to consent to such a search, I hereby authorize officers of the Las Vegas Metropolitan Police Department to conduct a search of the following:

ONE 1977 MERCURY 439 EHA (NV)
ONE 1983 FORD 009EJJ (NV)

The officers are authorized by me to take from the above listed location any letters, papers, materials, and/or property for investigation purposes; and I have been advised that anything they take may be presented in a court as evidence. I further have been advised that I do not have to consent to this search and possible seizure, and have the right to have an attorney represent me at all stages of this investigation.

Arigail Finlay
SIGNATURE

WITNESSES:

J. L. Lopez 469

6-30-93