

SW-621511

STATE OF CALIFORNIA - COUNTY OF VENTURA

RETURN TO SEARCH WARRANT

VENTURA
SUPERIOR COURT
FILED

OCT 27 2011

MICHAEL P. FLANET
Executive Officer and Clerk
BY: Deputy

Det. D. Swanson, being sworn, says that he/she conducted a search pursuant to the below described search warrant:
(NAME OF AFFIANT)

Issuing Magistrate: Honorable Donald Coleman

Magistrate's Court: Superior Court, Ventura Judicial District

Date of Issuance: October 7th 2011,

Date of Service: October 7th 2011,

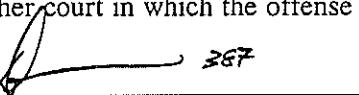
and searched the following location(s), vehicle(s), and person(s):

345 Royal Avenue Simi Valley, Ca 93065

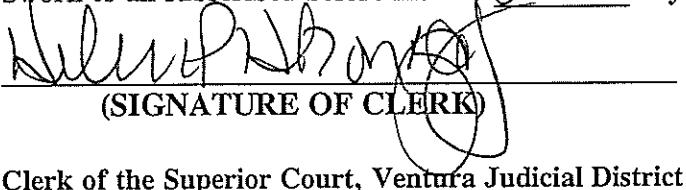
and seized the items*

described in the attached and incorporated inventory.
 described below.

I further swear that this is a true and detailed account of all the property taken by me pursuant to the search warrant, and that pursuant to Penal Code Sections 1528 and 1536 this property will be retained in my custody, subject to the order of this court or of any other court in which the offense in respect to which the seized property is triable.

 287
(SIGNATURE OF AFFIANT)

Sworn to an subscribed before me this 27th day of October, 2011.

 (SIGNATURE OF CLERK)

Clerk of the Superior Court, Ventura Judicial District

* List all items seized, including those not specifically listed on the warrant.

**SIMI VALLEY POLICE DEPT
PROPERTY REPORT HARDCOPY**

GO 2011-42628

Property Report Information

Property Report#: 56781

Property status : SEARCH WARRANT

Submitted on : Oct-10-2011 (Mon.)

Submitted by : Swanson Daniel

Org unit : DETECTIVE/VIOLENT CRIMES

Related Offense : GO 2011-42628

Related items : 10

Article - Evidence

Status: SRCH WT

Tag #: 56781-1

Article: SKNIFE - Knife (Sport/Hunting,etc.)

Make: FURY

of Pieces:

Model #:

1

Ser. #1: UNKNOWN

OAN:

Ser. #2:

Value:

Color: BLK/SIL

Description: 7" BLADE 'K-BAR' STYLE HUNTING KNIFE HEAD OF BED

Recovered Date:

Recovered Value:

Recovered Location:

Flags: *e

Current Location: 347-C

Article - Evidence

Status: SRCH WT

Tag #: 56781-2

Article: SHOES - Shoes designed for Sports

Make: ADIDAS

of Pieces:

Model #:

2

Ser. #1: UNKNOWN

OAN:

Ser. #2:

Value:

Color: WHI/BLK

Description: SIZE 10 SHOES WITH 3 BLK STRIPES AND BLK SOLE

Recovered Date:

Recovered Value:

Recovered Location:

Flags: *e

Current Location: 347-D

Article - Evidence

Status: SRCH WT

Tag #: 56781-3

Article: SHOES - Shoes designed for Sports

Make: ADIDAS

of Pieces:

Model #:

Ser. #1: UNKNOWN

OAN:

Ser. #2:

Value:

Color: WHI/BLK

Description: IIZE 10.5 SHOES WITH 3 BLK STRIPES AND WHITE SOLE.

Recovered Date:

Recovered Value:

Recovered Location:

**SIMI VALLEY POLICE DEPT
PROPERTY REPORT HARDCOPY**

GO 2011-42628

Flags: *e
Current Location: 347-D

Article - Evidence

Status: SRCH WT

Tag #: 56781-4

Article: PCOAT - Coat, Jacket

Make: O NAVY

Model #: SWEATSHIRT

of Pieces:

1

Ser. #1: UNKNOWN

OAN:

Ser. #2:

Value:

Color: WHI/

Description: HOODED LONG SLEEVE WITH BRN LEATHER CINCH TABS

Recovered Date:

Recovered Value:

Recovered Location:

Flags: *e

Current Location: 347-D

Article - Evidence

Status: SRCH WT

Tag #: 56781-5

Article: PHAT - Hat

Make:

Model #: FLEXFIT

of Pieces:

Ser. #1: UNKNOWN

OAN:

Ser. #2:

Value:

Color: BLK/

Description: MR. ZOG'S SEX WAX BASEBALL CAP. SIZE 7 1/4 TO 7 5/8

Recovered Date:

Recovered Value:

Recovered Location:

Flags: *e

Current Location: 347-C

Article - Evidence

Status: SRCH WT

Tag #: 56781-6

Article: PHAT - Hat

Make:

Model #: ELWD

of Pieces:

1

Ser. #1: UNKNOWN

OAN:

Ser. #2:

Value:

Color: BLU/WHI

Description: BASEBALL CAP 'ELWD' SIZE 7 1/4 TO 7 3/8.

Recovered Date:

Recovered Value:

Recovered Location:

Flags: *e

Current Location: 347-C

Article - Evidence

**SIMI VALLEY POLICE DEPT
PROPERTY REPORT HARDCOPY**

GO 2011-42628

Status: SRCH WT Tag #: 56781-7
Article: YPARAPH - Drug Paraphernalia

Make:

Model #:

of Pieces:

8

OAN:

Color:

Ser. #1: UNKNOWN

Ser. #2:

Value:

Description: 8+ ROCK COCAINE PIPES WITH BRILLO FILTERS AND BROKEN PIECES

Recovered Date:

Recovered Location:

Flags: *e

Current Location: 334-C

Recovered Value:

Securities - Evidence

Status: SRCH WT

Tag #: 56781-8

Type: United States Currency (Non-NCIC)

Denomination	Number	Value
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\$1000:

\$100: 2 200.00

\$50:

\$20:

\$10:

\$5:

\$2:

\$1:

Half dollars:

Quarters:

Dimes:

Nickels:

Pennies:

Denomination: 200.00
Value: 200.00

Country/Issuer: USA

Year Issued:

Ser. #1:

Ser. #2:

Description: 2 100 DOLLAR BILLS. POSSIBLY RELATED TO CRIME

Recovered Date:

Recovered Value:

Recovered Location:

Flags: *e

Current Location: 333-S

Article - Evidence

Status: SRCH WT

Tag #: 56781-10

Article: DMEMORY - Memory Module, Memory Card, Flash Card,

Make:

Model #:

of Pieces:

1

OAN:

Ser. #1: UNKNOWN

Ser. #2:

Value:

Color:

Description: SEARCH WARRANT PHOTOS. TAKEN BY QUARTARARO

**SIMI VALLEY POLICE DEPT
PROPERTY REPORT HARDCOPY**

GO 2011-42628

Recovered Date:
Recovered Location:

Recovered Value:

Flags: **d *e**

Current Location: **DISPOSED**

Article - Evidence

Status: **SRCH WT**

Tag #: **56781-11**

Article: **IDRIVER - Driver's License**

Make:

Model #:

of Pieces:

1

Ser. #1: **C2269648**

OAN:

Ser. #2:

Value:

Color:

Description: **CDL TAKEN AS DOMINION AND CONTROL**

Recovered Date:

Recovered Value:

Recovered Location:

Flags: ***e**

Current Location: **347-C**

Miscellaneous - Evidence

Description: **SVPD CITATION GIVEN TO DAVID CONSIDINE ON 092411**

Status: **SRCH WT**

Tag #: **56781-12**

Recovered Date:

Recovered Location:

Item: **CITATION FOR DOMINION & CONTROL** Value:

Qty: **1**

Flags: ***e**

Current Location: **347-C**

Flags = d (disposed) x (x-reference) n (entered on NCIC) e* (evidence)

**** END OF HARDCOPY ****

STATE OF CALIFORNIA – COUNTY OF VENTURA

SEARCH WARRANT AFFIDAVIT

(DISTRICT ATTORNEY REVIEW)

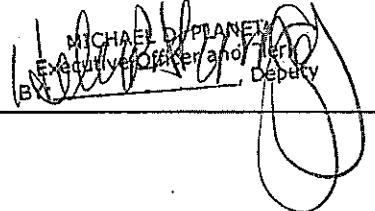
SW-627-11

VENTURA

SUPERIOR COURT

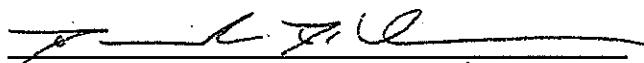
FILED

OCT 27 2011


MICHAEL D. PLANET
Executive Officer and Clerk
BY [initials] Deputy

The attached warrant and affidavit have been reviewed for legal sufficiency by the undersigned Deputy District Attorney. The contents, if sworn to by the affiant, are legally sufficient to justify presenting the affidavit and warrant to a court for review. This document consists of 11 pages, including the search warrant, declaration or probable cause, and this review form.

Derek D. Malar
Deputy District Attorney (Printed Name)


Deputy District Attorney (Signature)

10/7/11
Date

Search Warrant Affidavit DA Review



**SUPERIOR COURT OF CALIFORNIA
County of Ventura County**

SEARCH WARRANT
Probable Cause Warrant to Search
(Penal Code Section 1524)

Warrant No. **SW-627-11**
VENTURA
SUPERIOR COURT
FILED
OCT 27 2011
MICHAEL D. PLANET
Executive Officer and Clerk
By *[Signature]* Deputy

SEARCH WARRANT AND AFFIDAVIT

AFFIDAVIT

I, Detective Dan Swanson, swear under oath that the facts expressed by me in the attached and incorporated Statement of Probable Cause are true and that based thereon I have probable cause to believe and do believe that the articles, property, and persons described below may be lawfully seized pursuant to Penal Code Section 1524, as indicated below, and is now located at the location(s) set forth below. Wherefore, I request that this Search Warrant be issued.

[Signature] **387**

(Signature of Affiant)

HOBBS SEALING REQUESTED: YES NO
NIGHT SEARCH REQUESTED: YES NO

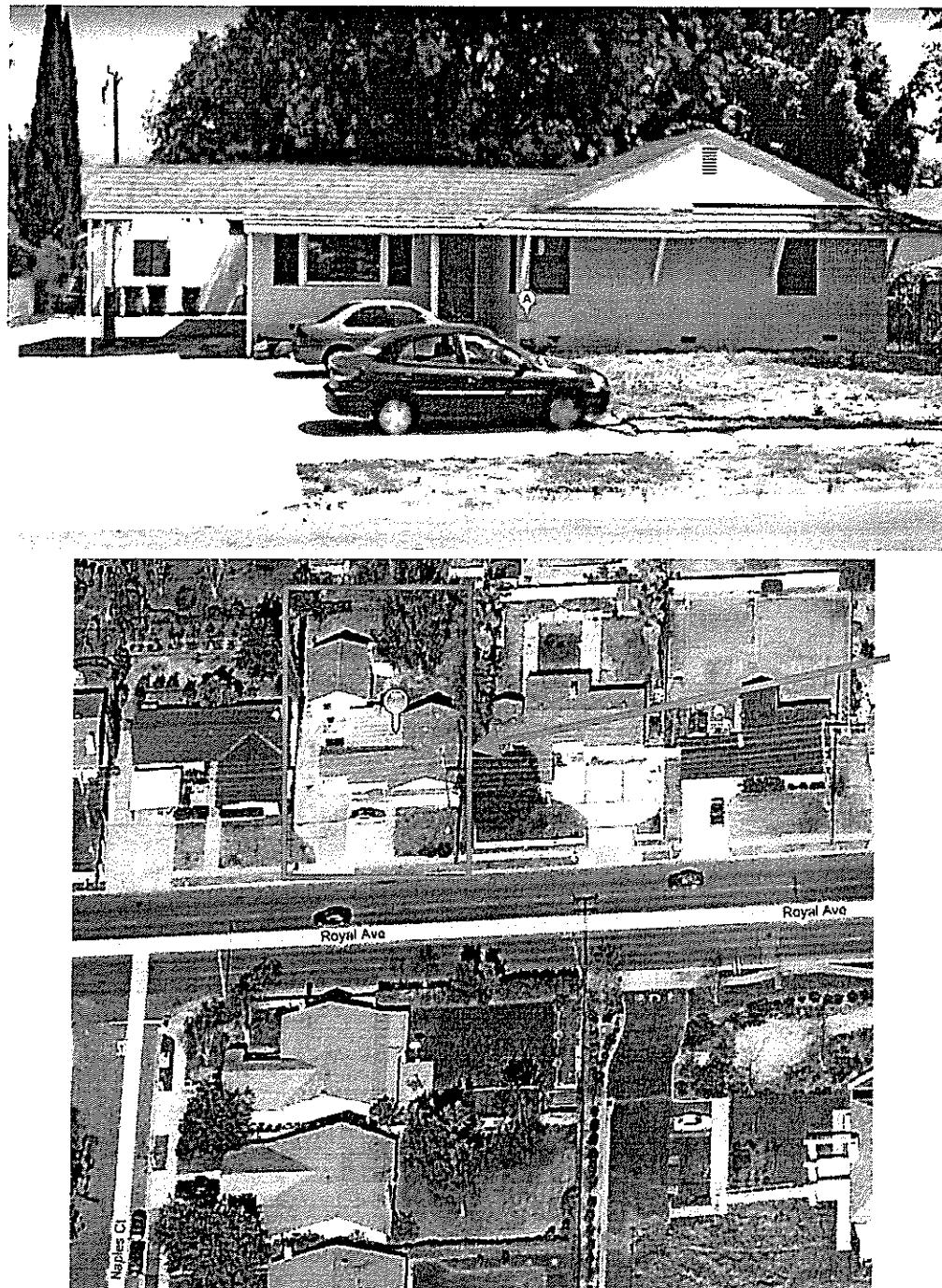
SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY VENTURA: proof by affidavit, under penalty of perjury, having been made before me by Detective Dan Swanson that there is probable cause to believe that the property or person described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below by "☒"(s), in that:

- it was stolen or embezzled;
- it was used as the means of committing a felony;
- it is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery;
- it tends to show that a felony has been committed or that a particular person has committed a felony;
- it tends to show that sexual exploitation of a child, in violation of Penal Code Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring;
- an arrest warrant has been issued for _____ N/A _____;
- a provider of electronic communication service or remote computing service has records of evidence, as specified in Penal Code Section 1524.3, showing that property was stolen or embezzled constituting a misdemeanor, or that property or things are in possession of any person with intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their discovery;

YOU ARE THEREFORE COMMANDED TO SEARCH:

345 Royal Avenue Simi Valley, City of Simi Valley, County of Ventura, State of California, further described as a south-facing single story residence on the north side of Royal Avenue. Royal Avenue runs east/west and is a major street within the city. The residence is a peach-colored stucco house with a red/brown asphalt shingle roof. It has a covered carport on the west side, and a driveway from the street that leads to parking spaces in front of the residences, and under the carport. There is a detached garage/second structure in the northwest portion of the property. The front door is light brown solid wood and faces Royal Avenue. "345" is painted on in black over a white background on the curb to the right (east) of the driveway.



To include all rooms, attics, basements and other parts therein that David Lloyd Considine had access to, and the surrounding grounds, and any garages, storage rooms, trailers and outbuildings of any kind located thereon that David Lloyd Considine had access to. Any combination safes or locked boxes therein. Any vehicles on, or associated with 345 Royal Avenue that David Lloyd Considine has access to.

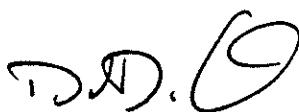
Searching officers are directed to answer the telephone and converse with the callers who appear to be calling in regards to drug sales, robbery or the sale or purchase of stolen property, and note and record the conversations without revealing their true identity; also, to listen to, note and record any message left on any answering device or tape recorder therein.

FOR THE FOLLOWING PROPERTY, THING (S) or PERSON (S):

1. All US Currency in the \$5, \$10, or \$20 denominations (\$420.00 in those denominations was stolen)
2. White hooded long sleeve jacket with front pocket, or any other apparently matching clothing
3. White athletic shoes with dark sides
4. Dark colored baseball cap
5. Any type of edged weapon that could reasonably be the apparent knife used in this crime
6. Any and all dangerous and illegal weapons, including additional firearms, ammunition, magazines or other paraphernalia
6. Any documents, recordings, or notes of any kind that relate to the robbery, or to drug us, possession and/or sales
7. Cocaine or any of its derivatives, salts or isomers
8. Any other controlled substance or prescription medication
9. Paraphernalia used in the processing, packaging, weighing, and preparation of the listed controlled substance
10. Books, ledgers, accounts, telephone answering machines, and any correspondence tending to show the identity of persons acquiring the listed controlled substances at the described residence, or from its occupants, and/or tending to show the sales of such contraband, including U. S. currency
11. Items of personal property tending to show the identity of persons in control of said premises, including, but not limited to, rent receipts, canceled mail envelopes, photographs, video cassette recorder (VCR) tapes, digital video disk (DVD) discs, keys, letters, notes and utility bills

AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court.

This Search Warrant and incorporated Affidavit was sworn and subscribed to as true before me on this 75 day of October, 2007, at 4:14 A.M. / P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

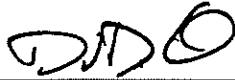


Signature of Judge of the Superior Court,
County of Ventura County

HOBBS SEALING APPROVED: YES NO
NIGHT SEARCH APPROVED: YES NO

NON-DISCLOSURE ORDER

The records described in this Search Warrant are sought pursuant to an official criminal investigation by the Simi Valley Police Department of suspected felony conduct. There is probable cause to believe disclosure of this Search Warrant would impede the progress of that investigation. Pursuant to Section 7475 of the California Government Code, IT IS HEREBY ORDERED that Responding Party not directly or indirectly disclose the existence of this Search Warrant or the underlying criminal investigation to any of the Targeted Accounts or any person associated therewith until further notice from this Court. IT IS HEREBY ORDERED that if for any reason Responding Party alters the service associated with any of the Targeted Accounts or any person associated therewith, Responding Party shall not reveal it has received legal process or that the alteration of service is related to the receipt of legal process.



NON-DISCLOSURE ORDER APPROVED: YES NO



Signature of Judge of the Superior Court,
County of Ventura County

STATEMENT OF PROBABLE CAUSE

Affiant's Experience

Your affiant, Dan Swanson, has been a police officer for the City of Simi Valley for the past six and a half years. I am currently assigned to the Detective Division's Major Crimes Unit as a Homicide Investigator, where I investigate all manner of violent crimes, including, among others, murder, kidnapping, robbery, violent assaults and sexual assaults, including rape. I was previously assigned as a property crimes investigator where I investigated all manner of property crimes including, among others, burglaries, thefts, forgeries, frauds, and auto theft. Prior to investigations I worked as a patrol officer. Prior to Simi Valley PD, I worked for five years at the Ventura Police Department, where I was assigned as a patrol officer and gang investigator. As a gang investigator, I investigated crimes committed by ideologically based White Supremacist, and turf based Hispanic criminal street gangs, members and associates. Prior to Ventura PD I worked for over five years at the Blythe Police Department where I was assigned as a patrol officer, narcotics investigator and K-9 Handler. I attended and graduated from the Fullerton College Police Academy. I have attended many courses related to my current and past investigative assignments. I have been court certified as an expert in a variety of law enforcement subject matter, and I have taught some of that same subject matter, including White Supremacist ideology and gang history and investigation to other law enforcement officers and prosecutors.

I have investigated many violent and property crimes, which often led to the suspects arrest. I have interviewed many admitted violent and property crime suspects and have questioned them regarding the manner in which they commit their crimes and how they dispose of the property they obtain, or evidence they possess. I have consulted with Deputy District Attorneys who investigate and prosecute violent and property crimes. I have spoken with other law enforcement officers and reviewed reports about their investigations. I am thoroughly familiar with the manner in which violent and property crimes are committed.

Statement of Facts

At approximately 0322 hours on September 29th, 2011, Simi Valley Police Department (SVPD) Senior Officer O'Brien and Officer Colato were dispatched to a robbery that had just happened at the "7-11" store located 1494 Madera Road in Simi Valley.

At approximately 0330 hours, the officers arrived and spoke with store clerk Harrison Prathapas. Harrison told them he was restocking the shelves when a white male entered the store. Harrison walked around the counter to help the man and saw that he had followed Harrison behind the counter. The man was holding a knife in his right hand. The man told Harrison, "This is a hold up, open the cash register." Harrison opened the register and stepped away. The male reached into the register and took \$20, \$10, and \$5 bills. The man then left the store getting into a vehicle that was parked on the south side of the store. Harrison originally described the vehicle as a white Toyota single cab truck that left towards the west exit of the parking lot, though it was later learned he ran out of

the store after the man got into his vehicle and fled, so Harrison saw another vehicle leaving and misidentified the truck. Harrison described the knife as 6 inches in length with a black handle.

Harrison denied any injuries, saying that the suspect did not strike him. Harrison described the suspect as a white male, 5'8", 150 lbs in his mid twenties with black-framed prescription glasses, wearing a white hooded sweatshirt and blue jeans.

At approximately 0340 hours, the owner of 7-Eleven, Rahul Sharma arrived and was able to access the store's video surveillance. The video surveillance showed that at approximately 0315 hours, a silver four-door vehicle drove up to the south side of the walkway in front of the store's west entrance doors. A white male adult got out of the driver's seat and walked up to the 7-11 entrance. He was wearing a white, long sleeved, hooded sweatshirt with pockets in front, baggie blue jeans with distinctive white lines on them. There are two lines on the front of his white leg and one on the front of his left leg. There is a significantly longer line on the outside of his upper left leg. He is wearing white shoes with dark sides. He entered the store through the main entrance doors on the west side.

The suspect was covering his hands with his sweatshirt as he opened the door. The suspect's glasses are visible as he walks in, but the man is clearly in his late 30's to early 50's, and is approximately 6'00" tall. It appears he is wearing some additional bulky clothing under the sweatshirt. As he walks in, the suspect apparently unconsciously uses his left hand to push his dark-rimmed glasses further up the bridge of his nose. He has a distinctive down turned mouth and long nose.

The suspect stopped behind Harrison, who was stocking shelves in front of the counter. The suspect stood behind Harrison for approximately 30 seconds. Harrison walked behind the register and the suspect followed. Harrison reacted to the suspect's presence as the suspect brandished a long, obvious knife in his right hand. At the suspect's demand, Harrison opened the digital cash register and stepped to his right.

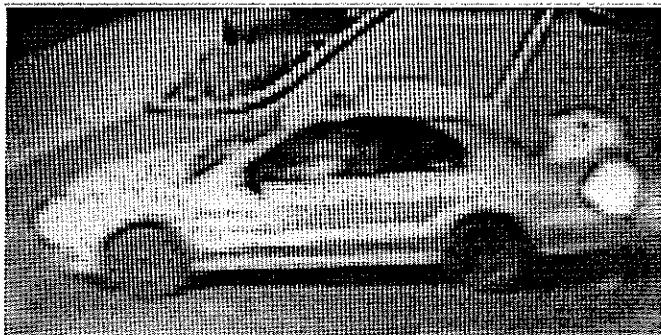
The suspect reached into the cash drawer and removed several bills from different denomination trays. He took only \$5, \$10 and \$20 bills ~~totally \$420.00~~. The only bills that were left in the cash register were \$1 denomination. While the suspect removed the money, the knife he was holding in his right hand became more clearly visible. The suspect then left the store through the same entrance doors, and quickly got back into the driver's seat of the same silver four-door sedan. He then drove away, s/b through the parking lot. The vehicle did not have a hubcap on the right, rear wheel, but it did have a distinct one on the right front wheel.

On 10-05-11, I obtained a secondary video source from Carlos Bellini at Beltech Security. The video was from cameras that cover the entire exterior of the shopping center that includes the 7-11 store, and incorporates the entire n/e corner of the intersection of Madera Road and Royal Avenue. The video much more clearly showed the vehicle enter the parking lot from Royal Avenue and travel n/b

through the long, large lot to the south edge of the 7-11 store. After the robbery, the vehicle drove back s/b through the lot to Royal and headed in a generally e/b direction, as though it turned left, e/b onto Royal Avenue.

From this video I was able to identify the vehicle as a 1999-2003 Mitsubishi Galant Sedan. It had a sunroof, a factory spoiler attached to the trunk and it was missing three of its four hubcaps. The only one it had was the right front. The vehicle is clearly a light grey or silver and has no distinctive tint on its windows. The vehicle appears to be occupied only by the male suspect in the white long sleeved sweatshirt. I created an information flyer with images of the vehicle and the suspect and had it distributed to officers at SVPD and other nearby agencies.

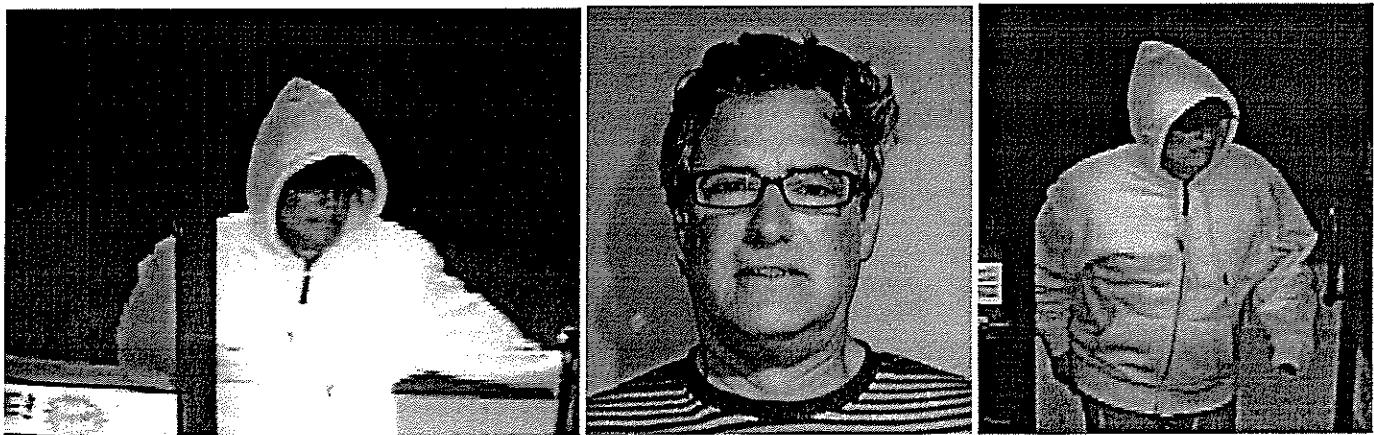
On 10-06-11, SVPD Officer B. Young located a vehicle that matched the suspect vehicle description. It was parked in the area of Patricia and Duncan streets in Simi Valley. That is next to a large apartment complex known as the Creekside Apartments. The vehicle (4WTV572/Ca) was a 2002 Mitsubishi Galant sedan with the factory spoiler and the sunroof. It was also missing all but its right front hubcap.



The vehicle is registered to David Lloyd Considine (03-14-64). He is a 6'00 tall, 190 lb. White male adult whose California driver's license shows him in dark rimmed apparently prescription glasses. His face, and specifically his nose and mouth appeared to match the suspect's image in the 7-11 surveillance video.

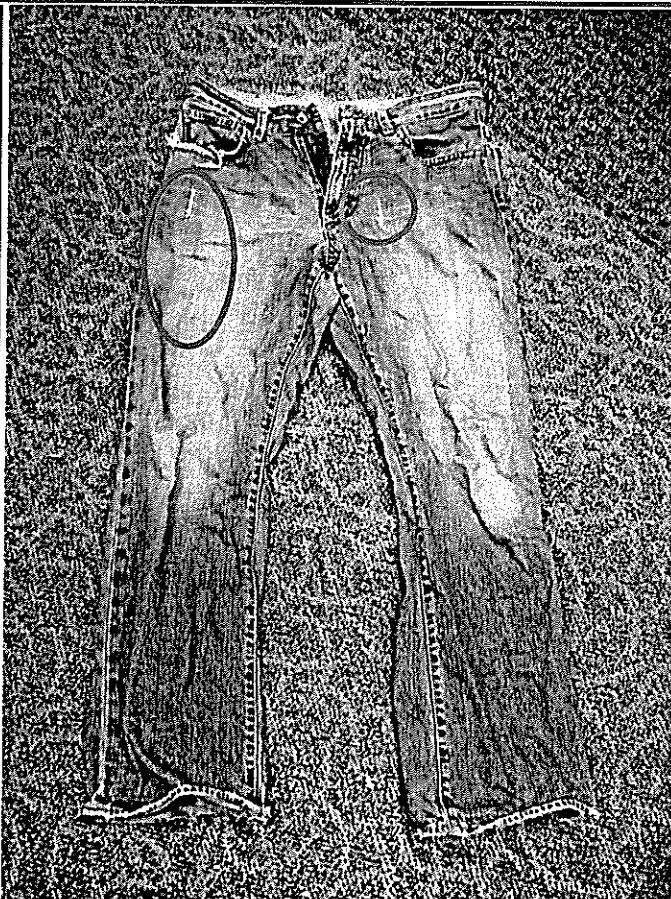
At about 1900 hours on 10-06-11, I set up surveillance on the vehicle with other SVPD detectives. At about 2030 hours, we saw a White male adult who appeared to be Considine walk from the Creekside Apartments and get into the car. He turned around and drove e/b on Patricia Avenue. We utilized a marked SVPD patrol car to stop Considine as he was traveling w/b on Royal Avenue at First Street. Ofc. Combs contacted Considine and asked him to step out of the vehicle and onto the sidewalk, where I spoke with him.

Considine was cooperative and granted my request for consent to search his vehicle for any evidence in this crime or anything else illegal. I brought out some photos I had from the surveillance video I obtained from Bellini. Considine agreed that the car looked just like his, but then said that no one but himself ever drove the car, and he was never out at 3:30 in the morning. He added that he slept in a bedroom in a house with roommates, and the door to the room was locked when he was in it. At other times, the sole set of keys to his car was in his possession. That statement meant no one but Considine was ever driving his car. I showed him the photos of the suspect. He claimed he had no idea who the person was, and he did not think it looked like him, though it so obviously did.



Though Considine granted consent to search his vehicle for evidence in this robbery, when I asked for consent to search his home, he said he thought he should get a lawyer. I arrested Considine for robbery at about 2037 hours.

During the search of his vehicle, I located a pair of men's "X2" blue jeans (size 33 waist, 32 length) in the trunk. They had the same distinct white marks, in the same locations as the jeans the suspect wore during the robbery.



On the vehicle's left rear seat I found pieces of torn orange metal fiber I recognized as being torn from a "Brillo-Pad" type mesh. I knew that was commonly used as packing material in rock cocaine pipes to hold the rock suspended in the pipe so it could be lit and smoked.

Following Considine's arrest, Detective Samples obtained a urine sample from him. Det. Samples conducted a presumptive test on the sample and noted a strong reaction for the presence of cocaine. I believe Considine might have an addiction to rock cocaine that is connected to the commission of the robbery.

Statement of Opinions

Based upon my training, experience and the information listed in this affidavit, it is my opinion that the clothing and weapon used by the suspect to commit this robbery will be located in David Considine's room at his residence at 345 Royal Avenue. Though it is less likely the stolen cash will still be there, it is possible. If Considine did keep any of the cash, it will likely also be at his residence.

Considine is a local chemistry teacher at Simi Valley High School. That career does not typically match the stereotypical criminal who enters a liquor store like the 7-11 and commits an armed robbery. However, his apparent cocaine usage does fit the common mold of a

d goes a long way to explaining why he was stopped in a trash ridden vehicle after leaving an apartment complex well known as a location where controlled substances can be purchased and/or used. For that reason, I am also seeking to locate any cocaine, rock cocaine, paraphernalia and/or indications of drugs use, possession and sales.

It is my opinion that the seizure of that identifying information will provide evidence of the events reported in this affidavit.

Based on the above facts, I believe that the information listed in this affidavit is located at the above listed location. I hereby request a search warrant be issued for the information requested.

Night Service Request

Considine lives with roommates who could be knowledgeable of the robbery, and who may possess the items sought by the search warrant in their rooms. However, he claims he has his own bedroom, that they would have no standing in, or likely concern about.

In any case, once his arrest becomes known, the items sought could easily be moved or destroyed prior to normal daytime hours. The robbery was committed with the threat of harm with the knife and that weapon's recovery is critical. The residence has been under constant surveillance since Considine was stopped in his car. It was not possible to obtain the search warrant and serve it prior to 10 p.m.

I believe the nighttime service of the search warrant will afford the officers a measure of safety in our approach, and the warrant itself is planned to be a "soft knock" with a low key contact that should help to ensure the items sought are not hidden or destroyed. I respectfully request the search warrant be endorsed for night service.

8/10/07