

# AFFIDAVIT FOR SEARCH WARRANT

Commonwealth of Virginia

VA. CODE § 19.2-54

The undersigned Applicant states under oath:

1. A search is requested in relations to an offense substantially described as follows:

**A VIOLATION OF 18.2-328 OF THE CODE OF VIRGINIA; CONDUCT AN ILLEGAL GAMBLING OPERATION; 18.2-18.2-331, ILLEGAL POSSESSION OF GAMBLING DEVICES; 18.2-329, ILLEGALLY BEING AN OWNER, LESSEE, OCCUPANT, OR PERSON IN CONTROL OF A PLACE BEING USED FOR ILLEGAL GAMBLING WHO PERMITS SUCH ILLEGAL GAMBLING TO CONTINUE WITHOUT NOTIFYING LAW ENFORCEMENT OF SUCH ILLEGAL GAMBLING ACTIVITY.**

CONTINUED ON ATTACHED SHEET

2. The place, person, or thing to be searched is described as follows:

**A COMMERCIAL BUSINESS OPERATING UNDER THE NAME "HAMPTON ROADS BILLIARD SUPPLIES" WHICH IS LOCATED AT 1314 E. PEMBROKE AVENUE. WITHIN CITY OF HAMPTON, VIRGINIA AND ANY PERSONS PRESENT AT THE BUSINESS WHO APPEAR TO BE EMPLOYEES OR OPERATORS OF THE BUSINESS.**

CONTINUED ON ATTACHED SHEET

3. The things or persons to be searched for are described as follows:

**GAMBLING DEVICES TO INCLUDE COMPUTERS, COMPUTER SERVERS, COMPUTER RELATED EQUIPMENT, COMPUTER SOFTWARE, OPERATING SYSTEMS, HARD DRIVES, CONTENT OF THE HARD DRIVES, REMOVABLE MEDIA, MAGNETIC CARDS, MAGNETIC CARD READING DEVICES, ELECTRONIC MEDIA STORAGE DEVICES, AUTOMATED TELLER MACHINES, DOCUMENTS, RECORDS RELATED TO THIS BUSINESS, MONIES, CHECKS, CREDIT CARDS/ ATM CARDS AND RECEIPTS RELATED TO THIS BUSINESS, TELEPHONE AND INTERNET EQUIPMENT AND VIDEO SURVEILLANCE EQUIPMENT, VIDEO STORAGE DEVICES, AND ANY OTHER ITEM NOT PERMANENTLY ATTACHED TO THE BUILDING TO INCLUDE FURNITURE, SAFES, COPY AND FAX MACHINES OR ANY ITEMS CAPABLE OF BEING USED IN GAMBLING.**

CONTINUED ON ATTACHED SHEET

(OVER)

CASE NO.

## AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

**PATRICK J. BAIRD**

NAME

**DETECTIVE CORPORAL**

TITLE (IF ANY)

**40 LINCOLN STREET**

ADDRESS

**HAMPTON, VIRGINIA 23669**

Certified to Clerk of

*Hampton*

Circuit Court

CITY OR COUNTY

on

*4/3/09*

DATE

*Magistrate*

TITLE

*James P. Campbell*

SIGNATURE

Original Delivered:  in person  by certified mail

by electronically transmitted facsimile

to Clerk of

*Hampton*

Circuit Court

CITY OR COUNTY WHERE EXECUTED

on

*4/6/09*

DATE

*Magistrate*

TITLE

*[Signature]*

SIGNATURE

Complete only if different than above:

Copy Delivered:  in person  by certified mail

by electronically transmitted facsimile

to Clerk of

CITY OR COUNTY OF ISSUANCE

Circuit Court

on

DATE

TITLE

SIGNATURE

4. The material facts constituting probable cause that the search should be made are:

IN MARCH OF 2009, IT CAME TO THE ATTENTION OF THE HAMPTON POLICE DIVISION THAT A BUSINESS LOCATED IN THE 1300 BLOCK OF E. PEMBROKE AVE. WAS OPERATING AN ILLEGAL GAMBLING OPERATION INSIDE THE BUSINESS.

ON 04-03-09, SGT. T. CLARK VISITED THE BUSINESS, IDENTIFIED AS "HAMPTON ROADS BILLIARDS SUPPLIES", LOCATED AT 1314 E. PEMBROKE AVE. HAMPTON, VIRGINIA, IN AN UNDERCOVER CAPACITY. AT APPROXIMATELY 1515 HOURS. UPON ENTERING THE BUSINESS, SGT. T. CLARK OBSERVED THAT THERE WERE SEVERAL VIDEO SLOT MACHINES SITTING ON TABLES ON BOTH SIDES OF THE WALLS. HE ALSO OBSERVED A WHITE FEMALE WHO APPEARED TO BE AN EMPLOYEE BEHIND THE FRONT COUNTER. A BOX CONTAINING SEVERAL MAGNETIC TYPE CARDS WAS ON A TABLE; THE MAGNETIC CARDS ARE USED BY PATRONS TO LOAD MONEY ON IN ORDER TO USE THE VIDEO SLOT MACHINES. A MACHINE USED TO LOAD THE CARDS WAS ALSO ON THE SAME TABLE. THE MAGNETIC CARD AND US CURRENCY ARE INSERTED INTO THE MACHINE; THE MACHINE THEN CREDITS THE MAGNETIC CARD IN ORDER TO ALLOW THE PATRON TO PLAY THE VIDEO SLOT MACHINES.

CONTINUED ON ATTACHED SHEET

5. The object, thing or person searched for constitutes evidence of the commission of such offense.

6.  I have personal knowledge of the facts set forth in this affidavit OR

7.  I was advised of the facts set forth in this affidavit in whole or in part, by an informer. This informer's credibility or the reliability of the information may be determined from the following facts:

THIS AFFIANT WAS ADVISED OF THESE FACTS BY DET. SGT. THURMAN CLARK OF THE HAMPTON POLICE DIVISION.

THIS AFFIANT HAS BEEN INVOLVED IN NUMEROUS DRUG ARRESTS AND HAS BEEN A SWORN POLICE OFFICER WITH THE HAMPTON POLICE DIVISION SINCE 1997. THIS AFFIANT HAS RECEIVED OVER 40 HOURS OF SPECIALIZED TRAINING PERTAINING TO ILLEGAL NARCOTICS POSSESSION, PACKAGING, AND DISTRIBUTION. I HAVE BEEN ASSIGNED TO THE SPECIAL INVESTIGATIONS UNIT SINCE JUNE 2005, PRIMARILY DEALING WITH STREET LEVEL AND MID-LEVEL NARCOTICS INTERDICTION.

DETECTIVE SERGEANT THURMAN CLARK HAS BEEN A LAW ENFORCEMENT OFFICER FOR THE CITY OF HAMPTON, VIRGINIA SINCE 1983. DURING THAT TIME DETECTIVE SERGEANT CLARK HAS WORKED IN INVESTIGATIVE UNITS WITHIN THE DIVISION AND IS CURRENTLY ASSIGNED TO THE SPECIAL INVESTIGATIONS UNIT. DET. SGT. CLARK HAS INVESTIGATED NUMEROUS CRIMES AND HAS BEEN INVOLVED IN NUMEROUS UNDERCOVER OPERATIONS WHICH HAVE LED TO THE ARREST AND CONVICTIONS OF PERSONS INVOLVED NUMEROUS OFFENSES.

The statements above are true and accurate to the best of my knowledge and belief.

DETECTIVE CORPORAL

TITLE OF APPLICANT

Subscribed and sworn to before me this day.

4/3/09

9:25 PM

DATE AND TIME

*[Signature]*  
APPLICANT

*[Signature]*  
 CLERK  MAGISTRATE  JUDGE

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CLERK OF CIRCUIT COURT

CONTINUATION OF SECTION 7, THE MATERIAL FACTS CONSTITUTING PROBABLE CAUSE THAT THE SEARCH SHOULD BE MADE ARE:

SGT. T. CLARK REACHED INTO THIS BOX AND RETRIEVED A PLASTIC MAGNETIC CARD AND UTILIZED THE ADJACENT MACHINE TO LOAD TWENTY DOLLARS IN US CURRENCY ONTO THE CARD.

SGT. CLARK ASKED THE FEMALE CLERK IF SHE KNEW WHICH MACHINES WERE PAYING OUT THE MOST. SHE TOLD HIM MOST PLAYERS USED THE MACHINES IN THE BACK AND DIRECTED HIM TO A BACKROOM WHERE SEVERAL MORE VIDEO SLOT MACHINES WERE LOCATED. SGT. CLARK ENTERED THE BACKROOM AND INSERTED THE CARD INTO ONE OF THE VIDEO SLOT MACHINES. THE VIDEO SLOT MACHINE CONSISTED OF GAMES THAT WERE SIMILAR IN APPEARANCE TO A MECHANICAL SLOT MACHINE. EACH TIME THAT YOU PUSHED THE PLAY BUTTON, SEVERAL WHEELS WOULD SPIN AND DISPLAYED VARIOUS NUMBERS AND OR SYMBOLS. WHEN A CERTAIN COMBINATION OF SYMBOLS/NUMBERS WOULD APPEAR, THE PLAYER WOULD BE AWARDED A PREDETERMINED AMOUNT OF "TOKENS" AS A PRIZE. AFTER A FEW MINUTES, SGT. CLARK REMOVED THE CARD AND PLAYED A SECOND VIDEO SLOT MACHINE, WHICH WAS ALSO LOCATED IN THE BACK ROOM. AT THE CONCLUSION OF HIS PLAY ON THE MACHINES, HIS CARD INDICATED THAT IT HELD TWENTY-ONE DOLLARS WORTH OF CREDITS, WHICH YIELDED A PROFIT OF ONE DOLLAR.

SGT. CLARK RETURNED TO THE FRONT OF THE BUSINESS AND HANDED HIS CARD TO THE WHITE FEMALE EMPLOYEE AND EXPLAINED HE WANTED TO "CASH OUT". THE CLERK SCANNED THE CARD THROUGH A MACHINE AND THEN RETURNED TWENTY-ONE DOLLARS TO HIM. SGT. CLARK THEN EXITED THE BUSINESS.

The statement above is true and accurate to the best of my knowledge and belief.

.....DETECTIVE CORPORAL.....  
TITLE OF APPLICANT

Subscribed and sworn to before me this day.

4/3/09 9:25 PM  
DATE AND TIME

[Signature]  
APPLICANT

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MAGISTRATE

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