

(1)

In looking ^{at} this affidavit over the affiant facts #23 for his facts a ~~fact~~ no criminal activity at the places the warrants was issued. First he claim the C.I. that i keep and sale drugs from my car & my lady car as well but some how make no buys at either place. That would be in violation of the "TEXAS" Constitution Art 1, section 9 to search my apartment; also under 18.01 C.C.P gives you a even greater protection where it says there has to be facts that criminal activity at the place. What it say is that on March 9 C.I. made claims that i sale drug in the 1106 BLK. of Circle M Dr and a investigation was open and in the month of April on the 24th date they followed me to Jack & Box to get lunch meet a white guy & he believe that some criminal ~~at~~ act took place - but that wasnt a fact but be mindful that was 2 weeks or 17 days before this May 9th R.A.I.D, thats a unreasonable time in between in making this affidavit to which probable cause was based - because this information lacked sufficient

(2)

Underlying Circumstances that would permit the magistrate ~~to~~ ^{to} the conclusion that contraband was at the location claimed. It claim 48 after this C-I was in a parking lot near with me - it don't claim any buy at that point - keeps in mind if so that's a public place and they didn't need to get a warrant April 25th is the date, so that's like 15 days before the May 8th date where he make the claim that i sit in my car with a bag as the C-I claim to have said - but it is also important to know that this affidavit lacks veracity of knowledge that the affiant is supplying nothing but hearsay information that there was no evidence that a crime would be found in the particular place. Yes the affiant did describe the place to be searched ~~He~~ don't say criminal activity took ~~place~~ there - this would be in violation of 18.01(c) of the TEXAS CODE CRIMINAL PROC. ANN. ART 18.01(c) also see Jones v. State 338 S.W.3d 725 WESTLAW (# 11) of THAT CASE let me point out the violation here on (page 4) of this affidavit in the 5th ~~para~~ statement down ~~the~~ where the C-I tells the Police i kept scales a package materials in my apartment.

(3)

but 18.01(c) state you cant issue a warrant on "evidentiary search" thats what the claim ~~is~~ ^{is} "NO Knock evidentiary search warrant" but the Law in TEXAS is that in relevant part, that evidentiary search warrants may not be ~~issue~~ issued unless sworn affidavit set forth sufficient facts to establish probable ~~cause~~ ^{cause} that items constituting evidence to be searched for are located at the place to be searched with out the ~~real~~ reliability of the informant to have ever been inside of the apartment as to the who, what, when, & where the information become total. So from May 8th and/or March there is nothing about any buys - but from the time ~~we~~ sit here in the jail May 10th ~~into~~ 2014 into Sept. 2017 on a court date they bring in "3 buys" my lawyer never objected to the newly Discovery as to make it clear where this evidence came from that is ^{the} critical contention ~~is~~ that the affidavit show probable ~~case~~ ^{cause} - this also go to the staleness we dont know when & where he saw baggies and scales in the apartment when its never said that he has been in the apartment and he has said that he never said there was

Drugs

#(1) The affidavit for the search warrant wasnt sufficient to justify the issuance at the place searched.

#(2) The affidavit for the search warrant contains insufficient underlying circumstances to establish the credibility and reliability of the confidential informant ^{that his info} ~~to be~~ tested.

#(3) The affidavit for the search warrant contains insufficient underlying circumstance which would permit the conclusion that the alleged contraband was at the location in which it was claimed.

#(4) The affidavit for the search warrant contains insufficient information to show that the act or event upon which probable cause was based occurred within a reasonable time prior to making the affidavit.

#(5) The affidavit for Search Warrant contains insufficient information to establish probable cause that the alleged contraband would be at the location at the location at the time the search warrant was signed and executed. I dont think any "Magistrate judge" would and/or could have signed this affidavit on its face, its is what's called "bare bone" even if under the Gates totality of the affidavit ^{it dont pass the} mustered test.

(5)

Where it say all it takes is criminal activity to be a float. When you look at the "4 corner rule" for affidavit every thing - happens in public and with that being said they didnt need to apply for a warrant. Its one more thing to point out here and/or to know Police dont use C-I's thats making buys on the streets - then go and get a warrant to R.A.I.D your home. I had to read and understand the Constitution on this is - and the "4 Amendment" "protects the person" not the place to be searched - so in alot of other states they may could see you in public follow you to your home and bust in with a NO Knock evidentiary search warrant - but in TEXAS under the Criminal CODE Proc. ANN. Act 18.01(C) gives a greater protection as to the place to be searched. It aint no good faith in a violation of the Constitution under Art. 1, section 9 of the TEXAS Constitution:- it took me some time to understand what happen to me ^{and} because i'am never there at the "Circle M. Dr" address and i spent only "3 notes" there and all of them where May 3rd, 4th, & 8th but thats here nor there!! The issue has to be put in that

(6)

this affidavit is tenuous rather than substantial basis for the issuance of a warrant. The problem I am having is that they put a racist "Mexican" on my case who believe he can fool me Carlos Garcia - then put an "Uncle Tom" like Anthony Smith that's a ugly mix - they don't know how to file motions and are being told not to, and the motions they've put in don't address the issues on page (4) it's just a motion that will be dismissed - and what happens if you don't address the issue in the right way when you get to the appeal it's waived then it's over for you. I've seen this type of conduct in 79% of the cases that I've witnessed where a court appointed attorney sale your case ~~down~~ out the ~~river~~ before you hit the court. The bottom line is it's a corrupt process so far the the judges are gone be bias toward the police, where there wasn't a warrant they've give them one. In the affidavit where the Police) affiant give his statement of what he say is fact on (#5) of the affidavit these facts are not statement of facts but one of belief on which probable cause cannot be based, see Gates 462 U.S. At 239, 103 S.Ct. At 2332-33 hold that sworn statement that officer "has cause to suspect and does believe"

(7)
Contraband is located at a certain location
"will not do" and is a "mere conclusory
statement" so the issuing of this warrant
was in violation of the Fourth, Fifth, Sixth,
and Fourteenth Amendments to the United States
Constitution, Article I, Sections 9, 10, or 19 of
the TEXAS Constitution see 204 S.W.3d 808, 818
also Swearingen v. State S.W.3d 808, 810-11
18.01(b) "Lead" page 18" what i have under
line "page 22 Key?" so with all the
issue, with this affidavit i point out to
my legal team - my attorney say to me
that my consent VOID any issue about
this "search warrant". But he dont tell
me by the police putting the "gun in my
mouth" and telling me he would kill me &
sticking his finger up my "ass hole" and
other things he did when i was arrested
"VOID" that consent; this was a brutal
situation where i couldnt consent under
that fear. He also wants to use a state-
ment: that also is in violation of Miranda
Rights - where i ask for a attorney before
i signed the consent that's big here be-
cause: - i am on video asking before i ~~ask~~
answer a question i would need a attorney.
So in fact these court appointed attorney
and/or attornies weather there ~~not~~ paid

(8)

OR not. ^{There} ~~that~~ controlled by the
D.A. and ~~that~~ ^{their own} on interest of getting
sided.

So to sum it up it couldn't
have been a warrant; it's been a warrant
and my attorney hasn't ~~put~~ ^{been} in ~~response~~ ^{response} ~~in~~
fore - the court i've requested him to do
so many times and and so far ever motion
has no merit toward the protection of
due-process.

issues to read by #number 3, 4, 6, under line
part only 9, underline part, 10, 11, "Analysis" pg. 7
underline part also pg 8 - NONE of these issue are
not part of my "motion to Suppress" p. 9, under
line part. see page 13 "underline part" pg 18, 19, 7
p. 9 so KEY is what this Affidavit is. pg 22.
Read also pg 23, 24