

APPLICATION FOR SEARCH WARRANT WITH AFFIDAVIT

A. APPLICATION

Warden Steven Majeski requests the Honorable _____ to issue a warrant to search:

The residence, outbuildings and property of Martha Davis, being located at 114 Hoisington Hill Rd. in the town of Windsor VT. The residence is a two story log type home having a rough cut lumber second floor brown in color with a standing seam metal roof. Also located on the property within the curtilage is a reddish color metal storage shed.

for the following property or object(s):

Marijuana in its natural state, cut harvested leaves or parts of the plant being prepared for consumption. Any and all packaging materials, books, records, documents, photographs, periodicals, regarding the cultivation, preparation and consumption of marijuana or its derivatives, also to include any devices for the consumption of marijuana such as "bongs" pipes, rolling papers etc. Also to include items of cultivation such as grow lights, fertilizer, drying racks, pots, irrigation systems.

and if such property or object be found there, to seize it, prepare a written inventory of it, and promptly return the inventory to the District Court of Vermont, Unit I, Windsor Circuit.

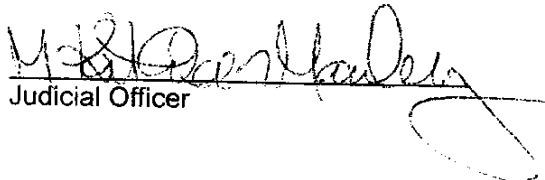
The applicant has probable cause to believe that such property or object(s) will be found in such premises and will constitute:

A violation of Title 18 VSA section 4230 Possession and cultivation of Marijuana.

For the purposes of establishing probable cause for issuance of this warrant, there are attached hereto the following affidavits:

Warden S. Majeski

This application is made on this 10 day of October, 2007.


Judicial Officer


Applicant

AFFIDAVIT
Vermont Fish and Wildlife Department

State of Vermont
Windsor County S.S.
Case number 07FW07052

Now comes **State Game Warden Stephen J. Majeski**, affiant, being duly sworn and on oath, deposes and says he has probable cause to believe that **Martha M. Davis DOB:09/22/46**, has committed the offense of **Cultivation of marijuana**, a violation of **Title 18 VSA 4230**.

1. On 10/10/07, at approximately 0800 hrs, I received a complaint through Rockingham dispatch about a dead deer that appeared to have been dragged into the yard of Martha Davis DOB:09/22/46. The address of the property is 114 Hoisington Hill Rd. in the town of Windsor. Ms. Davis is listed as the complainant. There was no number on the house; I called Rockingham dispatch to verify the 911 address. Dispatch advised me that Ms. Davis' house was the first house on the right, located on Hoisington Hill road, according to 911 mapping.
2. At approximately 0830 hrs, I arrived on scene and knocked on the door; there was no answer. The residence was a two story, log type home, having a rough cut lumber second floor; brown in color, with a standing seam metal roof. I then began to walk around the yard looking for the deer. I looked for the deer for approximately twenty minutes, but was unable to locate it.
3. 10/10/07 is open season for archery hunting for white tailed deer in the state of Vermont. Based on my training and experience, I know that sometimes deer which have been shot by an arrow will travel some distance and lay down, appearing to be dead. Based on this knowledge, I decided to take one more look, starting from the house and circling outward, to see if the deer had moved.
4. As I walked around the back side of the house passing by the porch, I smelled what based on my training and experience, I believed to be marijuana. Below the porch was a flower bed, and in plain view, I observed a large black plastic planter placed amongst the other plants. Inside the planter I observed two large recently cut stalks, and what appeared through my training to be, a marijuana bud approximately one foot long, and seven smaller offshoots. The bud and offshoots were attached to the remainder of the two stalks. I seized the planter and suspected marijuana at that time.
5. I brought the plants to the Windsor Police Department, where I tested a portion of the plant using the Duquenois-Levine Reagent System, which tests for marijuana, hashish, hash oil and THC. The test kit turned purple, indicating a positive result for THC, the active ingredient in marijuana.
6. I then cut off the bud and offshoots, and weighed them on two separate scales, they weighed 2.8 ounces.
7. I am aware through my training and experience, that after marijuana is harvested, it is typically hung in a dry environment to air dry, allowing the leaves to be easily removed from the plant.
8. Dried marijuana leaves are then typically weighed and packaged into small plastic type bags for later consumption or sale.

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9. Based upon my past experience, this drying and packaging process typically occurs at the residence of the person who cultivated the marijuana.
10. Further, based on my training and experience, I am aware that persons cultivating marijuana, often consult with books and periodicals, regarding the cultivation and processing of marijuana. Many times cultivators will photograph their plants to record their growth, and share with other marijuana users. They often keep records or journals of their marijuana growth, and or for potential customers, for the final product.
11. Based upon the afore mentioned facts and information, it is the request of this affiant, the court issue a warrant to search the residence, property and outbuildings of Ms. Martha M. Davis, located at 114 Hoisington Hill road; in the town of Windsor Vermont; for any marijuana in its natural state. Cut harvested leaves or parts of the plant being prepared for consumption. Any and all packaging materials, books, records, documents, photographs, or periodicals regarding the cultivation, preparation and consumption of marijuana or its derivatives. Also to include any devices for the consumption of marijuana such as "bongs", pipes, rolling papers etc. Also to include items of cultivation such as grow lights, fertilizer, drying racks, pots and irrigation systems.
12. It is the further request of this affiant that this application, warrant and affidavit be sealed until after its execution and return.
13. The reason for the request for sealing is that Ms. Martha Davis esq. is a member of the Windsor County BAR, and at times has served on the bench as an acting judge.

Subscribed and sworn to before me on

This 10th day of Oct 2007

[Signature]
 (Notary Public) (Judicial Officer)

[Signature]
 (Affiant)
10/10/07
 (Date)

SEARCH WARRANT

STATE OF VERMONT

COUNTY OF Windsor, ss.

TO: Any certified Vermont state law enforcement officer

You are hereby commanded to search:

The residence, outbuildings and property of Martha Davis, being located at 114 Hoisington Hill Rd. in the town of Windsor VT. The first residence located on the right hand side of Hoisington Hill Rd. The residence is a two story log type home having a rough cut lumber second floor brown in color with a standing seam metal roof. Also located on the property within the curtilage is a reddish color metal storage shed.

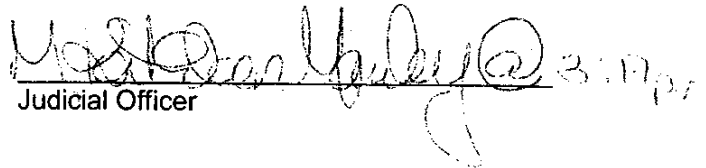
for the following described property or object(s):

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-serving this warrant and making the search (between the hours of 6:00 a.m. and 10:00 p.m.) – (exception _____) within 3 days from the date hereof, and if the property or object(s) be found there, to seize it, prepare a written inventory of it, and bring such property, object(s) or inventory before the District Court of Vermont, Unit No. Unit 1, Windsor Circuit.

This warrant is issued upon the basis of an affidavit and finding of probable cause by me, filed with the clerk of that unit.

Dated at Hartford, County of Windsor, this 10 day of October, 2007.


Judicial Officer