

SEARCH WARRANT

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
CITY OF ST PAUL

TO: **SERGEANT R. AGUIRRE**, (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, **SERGEANT R. AGUIRRE** has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described property,

1. Little Grocery located at 1724 W University Ave in St. Paul, MN. This is a small convenience store located at the southeast corner of University and Herschel Street.
2. DEMISSE, GETACHEW MENGESHA (6-1-50), aka: MENGESHA, DEMISSIE GETACHEW (6-1-50), black male who works behind the counter at 1724 W University Ave in St. Paul.

The following described property and things:

1. Tobacco products to include but not limited to cigarettes, cigars, snuff, and chewing tobacco which are not labeled with proper Minnesota tax stamps, have tax stamps from other states, or are in violation of other MN tobacco laws.
2. Any tobacco products for which no invoice is located or presented.
3. Papers showing the purchase of tobacco products.
4. Papers showing the transfer, movement, or acquisition of tobacco products.
5. Papers showing that tobacco products were purchased in another state, such as out of state tax stamps
6. Records, documents, papers, invoices, billings, bankbooks, bank statements, safe deposit box information and other financial documents or instruments.
7. Papers, mail, writings, letters, credit cards, house keys, clothing and personal items and forms of identification which could identify participants in this criminal activity.
8. U.S currency, foreign currency, coins and other moneys, precious metals and stones, jewelry.
9. Safes, lockboxes and their keys as well as safe deposit keys.
10. Keys, papers, or other material showing potentially showing the location of further contraband such as but not limited to storage lockers.
11. Photographs, video tapes, audio recordings or any other electrical, electronic or magnetic storage devices, recording devices (video and audio).
12. Cellular phones (to include cellular phone/computer combinations), pagers, electronic storage devices and all of their electronically stored data, LIMITED to Call list, call log, contacts, picture and video media, and text messages.
13. Employee(s), to include the person or persons responsible for the store at the time of search warrant, the person or persons working behind the counter, stocking shelves, or doing any other work for the business. Employee (s) WILL NOT include obvious third party contractors identified by uniform, employee ID, performing work at the time of search warrant.

WHEREAS, the application and supporting affidavit of **SERGEANT R. AGUIRRE** was/were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described was used as means of committing a crime.
2. The possession of the property above-described constitutes a crime.
3. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
4. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things will be at the above-described premises.

The Court further finds that a nighttime search is NOT necessary to prevent the loss, destruction, or removal of the objects of said search.

The Court further finds that the entry without announcement of authority or purpose is NOT necessary to prevent the loss, destruction, or removal of the objects of said search and to protect the safety of the peace officers.

NOW, THEREFORE, YOU **SERGEANT R. AGUIRRE** THE PEACE OFFICER(S) AFORESAID, AGENTS OF THE MN DEPARTMENT OF REVENUE, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE HEREBY COMMANDED TO ENTER WITH ANNOUNCEMENT OF AUTHORITY AND PURPOSE) BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. TO SEARCH THE DESCRIBED PREMISES, THE PERSON(S) OF AS ABOVE, THE DESCRIBED MOTOR VEHICLE - FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated: Nov 5, 2015

11:24 am



JUDGE OF DISTRICT COURT

STATE OF MINNESOTA, COUNTY OF Ramsey District COURT

RECEIPT, INVENTORY AND RETURN

I, Rigo Aguirre, received the attached search warrant issued by the Honorable Judge J. Tilsen, on Nov. 5, 20 15, and have executed it as follows:

Pursuant to said warrant, on 11-10, 20 15, at 1600 o'clock P m., I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant (with) (in) (at) 1724 W. University Ave St. Paul, MN

I took in custody the property and things listed below: (attach and identify additional sheet if necessary)

1. BAK of packs of cigarettes located in storage room on floor
2. Cigarettes located in overhead display at cashier counter
3. Cigarettes located on display shelf behind counter
4. Cartons of cigarettes located under cashier counter
5. Misc. papers located behind cashier counter
6. Cartons of cigarettes located in rear of store

CN# 15-244136

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant.
- None of the items set forth in the search warrant were found.
- I shall (retain) or (deliver) custody of said property as directed by Court order.

I, _____, being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this _____ day of _____, 20 _____

Notary Public _____ County, Minn.
My commission expires _____

Signature

FM 649-03

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

CITY of ST PAUL

STATE OF MINNESOTA

APPLICATION FOR SEARCH WARRANT AND

COUNTY OF RAMSEY

SUPPORTING AFFIDAVIT

Sergeant Rigo Aguirre, being duly sworn upon oath, hereby makes application to this Court for a warrant to search the property, hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his/her own knowledge, save as to such as are herein stated on information and belief, and as to those, he/she believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Tobacco products to include but not limited to cigarettes, cigars, snuff, and chewing tobacco which are not labeled with proper Minnesota tax stamps, have tax stamps from other states, or are in violation of other MN tobacco laws.
2. Any tobacco products for which no invoice is located or presented.
3. Papers showing the purchase of tobacco products.
4. Papers showing the transfer, movement, or acquisition of tobacco products.
5. Papers showing that tobacco products were purchased in another state, such as out of state tax stamps
6. Records, documents, papers, invoices, billings, bankbooks, bank statements, safe deposit box information and other financial documents or instruments.
7. Papers, mail, writings, letters, credit cards, house keys, clothing and personal items and forms of identification which could identify participants in this criminal activity.
8. U.S currency, foreign currency, coins and other moneys, precious metals and stones, jewelry.
9. Safes, lockboxes and their keys as well as safe deposit keys.
10. Keys, papers, or other material showing potentially showing the location of further contraband such as but not limited to storage lockers.
11. Photographs, video tapes, audio recordings or any other electrical, electronic or magnetic storage devices, recording devices (video and audio).
12. Cellular phones (to include cellular phone/computer combinations), pagers, electronic storage devices and all of their electronically stored data, LIMITED to Call list, call log, contacts, picture and video media, and text messages.
13. Employee(s), to include the person or persons responsible for the store at the time of search warrant, the person or persons working behind the counter, stocking shelves, or doing any other work for the business. Employee (s) WILL NOT include obvious third party contractors identified by uniform, employee ID, performing work at the time of search warrant.

Will be at the address/ location described as:

1. Little Grocery located at 1724 W University Ave in St. Paul, MN. This is a small convenience store located at the southeast corner of University and Herschel Street.
2. DEMISSE, GETACHEW MENGESHA (6-1-50), aka: MENGESHA, DEMISSIE GETACHEW (6-1-50), black male who works behind the counter at 1724 W University Ave in St. Paul.

Located in the City of St. Paul, County of Ramsey, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. **The property above described was used as means of committing a crime.**
2. **The possession of the property above described constitutes a crime.**
3. **The property above described is in the possession of a person with intent to use such property as a means of committing a crime.**
4. **The property above described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.**

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Your affiant is Sergeant Rigo Aguirre, a sergeant with the City of St. Paul. Your affiant has been with the police department for over 10 years. Your affiant is currently assigned to the Saint Paul Police VICE Unit to work with the Department of Safety and Inspections. Your affiant has previously been assigned to multiple other units including the Narcotics Unit in conjunction with the Ramsey County Violent Crime Enforcement Team (VCET), which investigates narcotics and narcotics related crimes within the city of St. Paul and surrounding areas. Your affiant has, in the course of his duties, investigated numerous narcotics offenses, violent crimes, and has executed numerous search warrants

Your affiant received a Crime Stoppers tip dated October 7, 2015. Crime Stoppers is a program in which citizens can give the police an anonymous tip. The tip stated:

“Little Grocery on 1724 university ave st paul 55104 is selling cigarettes stamped in Nebraska”

On October 22, 2015, your affiant went to 1724 W University Ave in St. Paul. The address was a small convenience store with the name “Little Grocery” on the outside. Your affiant went inside and approached the front counter. Your affiant spoke to a dark skinned black male about 65y, 6’1”, and average build, later identified as DEMISSE, GETACHEW MENGESHA (6-1-50). Your affiant asked for a pack of Marlboro Light cigarettes. The male reached under the counter retrieved the cigarettes. Your affiant gave the male money in exchange for the cigarettes. Your affiant then left the store.

Your affiant examined the pack of cigarettes located a Nebraska tax stamp #72525.

Your affiant spoke with Saint Paul Department of Safety and Inspections (DSI) investigator Kris Schweinler. She advised your affiant of the following:

- Little Grocery at 1724 W University had an expired tobacco license as of October 13, 2015 but they renewed it on October 26, 2015.
- August 6, 2014- City of Saint Paul fined the store for a Department of Revenue tobacco violation. Per DSI information, in February of 2014 the Department of Revenue seized tobacco considered contraband.
- DSI records show the owner of Little Grocery as MENGESHA, MEZEKER G (4-26-1980)

Your affiant met with the Criminal Investigative Division (CID) of the Department of Revenue on October 23, 2015. Your affiant learned the following:

- Conducted an investigation in which tobacco was seized as contraband in February of 2014.
- The Nebraska tax stamp (#72525) indicated that the cigarettes were sold in Nebraska on October 9, 2015.

On November 4, 2015, your affiant again went to 1724 W University Ave in St. Paul. The address was a small convenience store with the name “Little Grocery” on the outside. Your affiant went inside and approached the front counter. Your affiant spoke DEMISSE, GETACHEW MENGESHA (6-1-50). Your affiant asked for a

pack of Marlboro Light cigarettes. The male reached under the counter retrieved the cigarettes. Your affiant gave the male money in exchange for the cigarettes. Your affiant then left the store.

Based on the information gathered during this investigation, your affiant believes the following;

- Because the first complaint (via Crime Stoppers) came in on October 8, 2015, your affiant believes that cigarettes from the complaint would have had Nebraska tax stamps with numbers indicating that they were sold/taxed in Nebraska on or before October 8, 2015.
- Your affiant purchased cigarettes with the Nebraska tax stamp on October 22, 2015 which indicates the sale and tax evasion continues. Based on the information gathered by the Department of Revenue using the tax stamp (#72525) on the cigarettes, the cigarettes were not sold/ taxed in Nebraska until October 9, 2015. This indicates that the cigarettes mentioned in the tip (October 8, 2015) were from a different batch of cigarettes than the cigarettes purchased by your affiant.
- Your affiant also purchased cigarettes on November 4, 2015 with Nebraska Tax Stamp # 72525. This is the same batch as October 22, 2015.
- The "Crime Stoppers tip, the purchase of cigarettes on October 22, 2015 and November 4, 2015 would indicate that the criminal activity is ongoing versus a one-time event.

Your affiant also knows that Minnesota State Statute Chapter 297F states the following:

- Contraband includes cigarette packages which do not have stamps (MN Stamps) affixed to them (297F.21 Sub 1 (a)).
- Contraband includes cigarette packages or tobacco products obtained from an unlicensed seller.
- Contraband includes any cigarette packages or tobacco products offered for sale or held as inventory for which there is no invoice from a licensed seller (297F.21 Sub 1 (j)).
- Seizure: Cigarettes, tobacco products, or other property made contraband by subdivision 1 may be seized by the commissioner or authorized agents or by any sheriff or other police officer, with or without process, and are subject to forfeiture as provided (297F.21 Sub 2).
- Unstamped cigarettes; untaxed tobacco products. (a) A person, other than a licensed distributor or a consumer, who possesses, receives, or transports fewer than 5,000 unstamped cigarettes, or up to \$350 worth of untaxed tobacco products is guilty of a misdemeanor. (297F.20 Sub 6)

Based on your affiant's investigation and his training and experience, your affiant believes that items relating to this criminal activity will be found at the Little Grocery (1724 W University in St. Paul). Your affiant asks the court that the following items be included in the warrant:

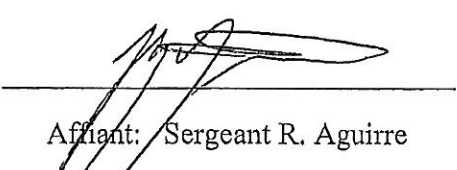
1. Tobacco products to include but not limited to cigarettes, cigars, snuff, and chewing tobacco which are not labeled with proper Minnesota tax stamps, have tax stamps from other states, because these items would be contraband in Minnesota.
2. Any tobacco products for which no invoice is located or presented because cigarette packages and tobacco products with no invoices are contraband.
3. Papers showing the purchase of tobacco products, because such papers will tend to show the origins of the contraband tobacco products and cigarette packages.
4. Papers showing the transfer, movement, or acquisition of tobacco products, because such papers will tend to show the origins of the contraband tobacco products and cigarette packages.
5. Papers showing that tobacco products were purchased in another state, such as out of state tax stamps, because such papers will tend to show the origins of the contraband tobacco products and cigarette packages.

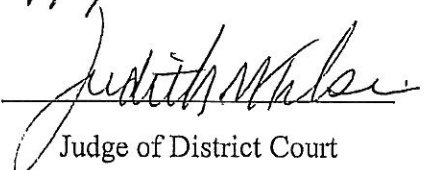
6. Records, documents, papers, invoices, billings, bankbooks, bank statements, safe deposit box information and other financial documents or instruments, because such items will tend to show the movement of payment for the contraband tobacco products.
7. Papers, mail, writings, letters, credit cards, house keys, clothing and personal items and forms of identification which could identify participants in this criminal activity.
8. U.S currency, foreign currency, coins and other moneys, precious metals and stones, jewelry which could be evidence of profits gained while buying, selling, possessing, or transferring tobacco contraband.
9. Safes, lockboxes and their keys as well as safe deposit keys which could be hiding or safekeeping proceeds or other evidence of illegal activity.
10. Keys, papers, or other material showing potentially showing the location of further contraband such as but not limited to storage lockers, because many times criminals will hide their illegal contraband away from their place of business in order to avoid detection by police.
11. Photographs, video tapes, audio recordings or any other electrical, electronic or magnetic storage devices, recording devices (video and audio), because these items may tend to show the possession, purchase, transfer, criminal partners or storage of contraband.
12. Cellular phones (to include cellular phone/computer combinations), pagers, electronic storage devices and all of their electronically stored data, LIMITED to Call list, call log, contacts, picture and video media, and text messages, because these items may tend to show the possession, purchase, transfer, criminal partners or storage of contraband.
13. Employee(s), to include the person or persons responsible for the store at the time of search warrant, the person or persons working behind the counter, stocking shelves, or doing any other work for the business. Employee (s) WILL NOT include obvious third party contractors identified by uniform, employee ID, performing work at the time of search warrant.

A nighttime search outside the hours between 7:00 a.m. and 8:00 p.m. is not necessary to prevent the loss, destruction or removal of objects of the search or to protect the searchers or the public.

An unannounced entry is **NOT** necessary to prevent the loss, destruction or removal of the objects of the search and to protect the safety of the peace officers.

THEREFORE, Affiant requests a search warrant be issued, commanding **Sergeant R. Aguirre**, a peace officer of the State of Minnesota, **agents of the Minnesota Department of Revenue**, and all other personnel under his direction and control, to enter with announcement of authority and purpose between the hours of 7:00 a.m. and 8:00 p.m. to search the hereinbefore described premises, garage, and motor vehicle for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.


Affiant: Sergeant R. Aguirre


Judge of District Court

Subscribed and sworn to before me this

5 day of Nov, 2015

Time 11:29am