

Application

STATE OF MINNESOTA, COUNTY OF RAMSEY

DISTRICT COURT

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

**APPLICATION FOR SEARCH WARRANT
AND SUPPORTING AFFIDAVIT**

The Affiant, Clay Johnson, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises and person hereinafter described for the property and things hereinafter described.

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

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

- Cocaine, marijuana and all other controlled substances as defined in Minnesota Statutes Chapter 152, as well as, scales, drug paraphernalia, drug notes, primary containers and other items used for concealment, storage, manufacture, distribution or consumption of controlled substances.
- Records, documents, papers, invoices, billings, bankbooks, bank statements, safe deposit box information and other financial documents or instruments.
- Papers, mail, writings, letters, credit cards, house keys, clothing, and personal items and forms of identification.
- U.S. Currency, foreign currency, coins, and other moneys, precious metals, stones, and jewelry.
- Safes, lockboxes, and their keys, as well as safe deposit keys.
- Weapons, guns, firearms, ammunitions and other dangerous weapons described in Minnesota Statute 609.02.
- Photographs, video tapes, audio recordings or any other stored electrical communications (caller identification).
- All cellular telephones and all their stored electronic data, including but not limited to; call list, phone numbers, contacts, photographic media, etc.
- Computers, computer hard drives and all electronic magnetic storage devices.
- Closed circuit camera systems.

Will be at the premises and/or on the person(s) described as:

1626 White Bear Ave N. St. Paul MN, The Red Wok Sushi Restaurant. This property is located on the east side of White Bear Ave and north of Idaho Ave E.

Suspect 1: Teng Ly (DOB/12/21/1978), Asian Male, 5'05 130 lbs.

Suspect 2: Futchy Ly (DOB/08/16/1981), Asian Male, 5'05 145 lbs.

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

ATTACHMENT 22

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

1. The above described property was used as a means of committing a crime.
2. The possession of the above described property constitutes a crime.
3. The above described property is in the possession of a person with the intent to use such property as a means of committing a crime.
4. The above described property 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 Officer Clay Johnson, is a police officer with the City of St. Paul and has been a licensed Peace Officer for over 18 years. Your Affiant is currently assigned as an investigative officer in the Narcotics Unit as well as the Ramsey County V.C.E.T. (Violent Crime Enforcement Team) where your affiant is responsible for investigating a wide variety of drug related offenses within the City of St. Paul and surrounding areas.

In mid-January I was contacted by a CI (confidential informant) who told me there was narcotics trafficking at the Red Wok Sushi Restaurant (1626 White Bear Ave. St. Paul). He/she said the restaurant was operated by two brothers, Futchy and Teng Lee, and the two of them kept large quantities of marijuana and cocaine at the restaurant. The CI said Futchy and Teng both sell the marijuana and cocaine out of the restaurant.

I began my investigation into the Red Wok Sushi restaurant. I ran Futchy Lee via police data bases and identified him as Futchy Ly/DOB/08/16/1981. I obtained a photo of Futchy Ly (taken on 2014 with no writing on it) and displayed it to the CI. He/she indicated the photo was of Futchy; who is selling narcotics out of The Red Wok Sushi Restaurant. I ran Teng Lee via police data bases and identified him as Teng Ly/DOB/12/21/1978. I obtained a current photo of Teng Ly (taken in 2016 with no writing on it) and displayed it to the CI. He/she indicated the photo was of Teng; who is selling narcotics out of the Red Wok Sushi Restaurant.

Via a police database search, I located Ly Brothers LLC, with the names Futchy and Teng Ly and the address 1626 White Bear Ave. St. Paul attached to it. I checked Facebook and learned Futchy Ly identifies himself as the co-founder of Red Wok Sushi. Additionally, Teng Ly identifies himself as the Red Wok Sushi owner.

Within the last 48 hours I orchestrated an undercover purchase of narcotics from 1626 White Bear Ave N., using the CI.

Surveillance was set up at The Red Wok Sushi Restaurant (1626 White Bear Ave N. St. Paul MN) by assisting SPPD Narcotics Officers. I, along with an assisting SPPD Narcotics Officer, drove the CI to the area of The Red Wok Sushi Restaurant. I searched the CI to ensure he/she did not have any U.S. currency or contraband. I gave the CI a predetermined amount of money. The CI was watched as he/she walked from my vehicle into the restaurant. He/she walked out of the restaurant and was watched as he/she returned to my vehicle. The CI turned over a quantity of narcotics (which was later NIK tested positive for narcotics) to me that he/she said was purchased from one of the Ly brothers inside Red Wok Sushi. I searched the CI to ensure he/she did not have any U.S. currency or contraband. I entered the narcotics into the SPPD property room.

Your Affiant, based on his training and experience, requests this warrant to include the following items:

- Cocaine, marijuana and all other controlled substances as defined in Minnesota Statutes Chapter 152, as well as, scales, drug paraphernalia, drug notes, primary containers and other items used for concealment, storage, manufacture, distribution or consumption of controlled substances-as on most occasions, these show consumption and/or distribution of controlled substances.

- Records, documents, papers, invoices, billings, bankbooks, bank statements, safe deposit box information and other financial documents or instruments- which tend to show the obtaining, secreting, transfer, and/or concealments of assets and expenditures of money.

- Papers, mail, writings, letters, credit cards, house keys, clothing, and personal items and forms of identification-which would indicate the owner/renter/occupant of the premises.

- U.S. Currency, foreign currency, coins, and other moneys, precious metals, stones, and jewelry-often show proceeds from drug transactions.

- Safes, lockboxes, and their keys, as well as safe deposit keys- to conceal/secure controlled substances and currency as well as other evidence of drug dealing enterprise.

- Weapons, guns, firearms, ammunitions and other dangerous weapons-are often used to facilitate the control over and/or distribution of controlled substances.

- Photographs, video tapes, audio recordings or any other stored electrical communications (caller identification)- these are frequently found showing the subject(s) association with other known drug violators or acts of possessing, using, and packaging controlled substances and residency.

- All cellular telephones and all there stored electronic data, including but not limited to; call list, phone numbers, contacts, photographic media, etc.- frequently contain names, addresses, and phone numbers of subjects customers, source of supply, or other known drug violators.

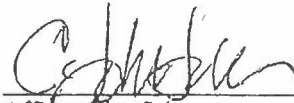
- Computers, computer hard drives and all information storage type devices for computers-commonly used to store information such as drug note transactions, photographs, and names and addresses of associates.

- Closed circuit camera systems- commonly used by individuals selling illegal narcotics to alert them to police surveillance.

It is my belief that the CI information is reliable because information given by the CI has proven to be true and correct through independent corroborative investigation. Your affiant requests the true identity of the CI remain confidential with meaning of Minnesota Statue 13.82 Sub.17(c). Your Affiant believes that the CI would be in danger of great bodily harm if the true identity of the CI were made.

It has been the experience of your Affiant that when a narcotics search warrant is executed, drugs other than the ones specifically listed on the warrant and guns and other weapons are found. It is therefore requested that all drugs covered under the controlled substance act and guns and other weapons be included on the warrant.

WHEREFORE, Affiant requests a search warrant be issued, commanding Officer Clay Johnson, and all other peace officers of the State of Minnesota under his control, to enter with announcement of authority and between the hours of 7am and 8pm, to search the hereinbefore described premises and person(s) for the described property and things and to seize said property and things and to keep said property and things in custody until the same be dealt with according to law.



Affiant-Clay Johnson

Subscribed and sworn to
before me on January 30, 2017
Time: 12:05



Judge of District Court

Laura E. Nelson
Judge of District Court

SEARCH WARRANT

STATE OF MINNESOTA, COUNTY OF Ramsey

DISTRICT COURT

TO: Clay Johnson, and officers under your direction, PEACE OFFICERS OF THE STATE OF MINNESOTA.

WHEREAS, Clay Johnson has this day on oath, made application to the said Court applying for issuance for a search warrant to search the following described premises and person(s):

1626 White Bear Ave N. St. Paul MN, The Red Wok Sushi Restaurant. This property is located on the east side of White Bear Ave and north of Idaho Ave E.

Suspect 1: Teng Ly (DOB/12/21/1978), Asian Male, 5'05 130 lbs.

Suspect 2: Futchy Ly (DOB/08/16/1981), Asian Male, 5'05 145 lbs.

located in the City of St. Paul, County of Ramsey, and State of Minnesota for the following described property and things:

- Cocaine, marijunana and all other controlled substances as defined in Minnesota Statues Chapter 152, as well as, scales, drug paraphernalia, drug notes, primary containers and other items used for concealment, storage, manufacture, distribution or consumption of controlled substances.
- Records, documents, papers, invoices, billings, bankbooks, bank statements, safe deposit box information and other financial documents or instruments.
- Papers, mail, writings, letters, credit cards, house keys, clothing, and personal items and forms of identification.
- U.S. Currency, foreign currency, coins, and other moneys, precious metals, stones, and jewelry.
- Safes, lockboxes, and their keys, as well as safe deposit keys.
- Weapons, guns, firearms, ammunitions and other dangerous weapons described in Minnesota Statute 609.02.
- Photographs, video tapes, audio recordings or any other stored electrical communications (caller identification).
- All cellular telephones and all there stored electronic data, including but not limited to; call list, phone numbers, contacts, photographic media, etc.
- Computers, computer hard drives and all information storage type devices for computers.
- Closed circuit camera systems.

WHEREAS, the application and supporting affidavit of Clay Johnson were duly presented and read by the Court, and being duly 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 above described property was used as a means of committing a crime.
2. The possession of the above described property constitutes a crime.
3. The above described property is in the possession of a person with the intent to use such property as a means of committing a crime.
4. The above described property 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 are or will be at the above-described premise

NOW, THEREFORE YOU, OFFICER CLAY JOHNSON AND OFFICERS UNDER YOUR DIRECTION, THE PEACE OFFICERS AFORESAID ARE HEREBY COMMANDED TO ENTER WITH ANNOUNCEMENT OF AUTHORITY AND PURPOSE BETWEEN THE HOURS OF 7AM AND 8PM, TO SEARCH THE DESCRIBED PREMISES AND PERSON 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: January 30, 2017
Time: 12:05



JUDGE OF DISTRICT COURT

Laura E. Nelson
Judge of District Court