

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

7/15/2020

VALLEY, RIGGIN Tr. Ct. No. CR17-0124-01 WR-91,216-01

This is to advise that the Court has denied without written order the application for writ of habeas corpus on the findings of the trial court without a hearing and on the Court's independent review of the record.

Deana Williamson, Clerk

RIGGIN VALLEY
NEAL UNIT - TDC # 2165544
9055 SPUR 591
AMARILLO, TX 79107

EMN200 79107

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

OFFICE OF THE
STATE OF TEXAS,
RECEIVED
MAY 10, 1900.

7/31/2020

VALLEY, RIGGIN Tr. Ct. No. CR17-0124-01 WR-91,216-01
Pursuant to Texas Rules of Appellate Procedure, Rule 79.2 (d), applicant's Motion for Reconsideration/Rehearing has been dismissed.

Deana Williamson, Clerk

RIGGIN VALLEY
NEAL UNIT - TDC # 2165544
9055 SPUR 591
AMARILLO, TX 79107

MINNAB 79197

Appendix B

Filed: 04/22/2020 2:08 p.m.

Sharena Gilliland

District Clerk

Parker County, Texas

Kathryn San Miguel

EX PARTE

Cause No. CR17-0124-01

§ IN THE 415TH JUDICIAL

§ DISTRICT COURT OF

RIGGIN GIDEON VALLEY

§ PARKER COUNTY, TEXAS

Memorandum, Findings of Fact, Conclusions of Law, and Order

Memorandum

Applicant was indicted on March 9, 2017, for possession of a controlled substance, methamphetamine, of 4 grams or more but less than 200 grams, with intent to deliver. On September 21, 2017, pursuant to a plea agreement, applicant pleaded guilty and received a sentence of 10 years in the Institutional Division, TDCJ. The trial court certified that, because it was a plea-bargained case, applicant did not have a right to appeal and he did not attempt to appeal his conviction.

Applicant filed an application for writ of habeas corpus on March 17, 2020, in which he raises six grounds for relief. His first, second, third, fourth, and sixth grounds allege that trial counsel provided ineffective assistance in that counsel:

1. "Failed to pursue motion to suppress and preserve objections on hearing rendering a structural defect."

2. Failed to grant "practicable assistance in defending applicant's rights and misled applicant to enter plea involuntarily."
3. "Deprived applicant of appellate review of objections in motion to suppress 'hearing' and resulted in procedural defect."
4. "Failed to file and pursue motion to suppress based on a warrantless search of a person's property."
5. Failed "to grant practicable assistance in objection and filing appeal entirely" resulting in structural error.

Applicant's fifth ground alleges:

"cumulative due process violations occurring from perjured statement to Coleman County Grand Jury vitiates convictions due to structural errors."

Applicant also has attached a memorandum in support of his claims.

The Court has considered the records of the case, including the trial records and the affidavit of Tommy Wise, applicant's trial counsel, and recommends that relief be denied.

Findings of Fact

1. Tommy Wise was appointed to represent applicant on September 30, 2016.
2. Wise met with applicant on September 30, 2016, to discuss the charges against him.
3. Applicant was indicted on March 9, 2017, for the offense of possession of a controlled substance, methamphetamine, of 4 grams or more but less than 200 grams, with intent to deliver.

4. Wise met with applicant on April 3, 2017, and went over the offense report with him and discussed the possibility of a motion to suppress.
5. Wise received discovery from the State on April 25, 2017, which did not include video recordings.
6. Wise met with applicant again on May 5, 2017, and again discussed potential suppression issues.
7. In his meetings with applicant, Wise explained that the video evidence, or lack thereof, would be crucial to determine the probability of success on a motion to suppress.
8. Wise met with applicant on June 6, 2017, at a plea negotiation docket.
9. Wise filed a motion to suppress that day at applicant's insistence.
10. The State's plea offer on June 6, 2017, was 25 years TDCJ, which applicant rejected.
11. Wise received the videos from the State on June 6, 2017, and reviewed them on June 13, 2017.
12. Wise met with applicant on June 13, 2017, and informed him that the videos contradicted applicant's claims surrounding the traffic stop at issue and the only possible suppression issue would not affect his prosecution.
13. Applicant rejected the possibility of a 12 year plea offer on June 13, 2017.
14. Wise informed applicant on June 13, 2017 that if he proceeded with a suppression hearing the State would withdraw any plea offer.
15. A suppression hearing was scheduled for September 22, 2017, and applicant's trial was scheduled for September 25, 2017.

16. Wise met with applicant on September 13, 2017, and September 19, 2017, to discuss trial strategy and potential outcomes of the motion to suppress.
17. Wise also spoke to three witnesses and spent time preparing for the hearing on the motion to suppress.
18. Wise and applicant appeared in court on September 21, 2017, at a trial call.
19. At the trial call, the State waived an enhancement paragraph and made a plea offer of 10 years in TDCJ.
20. Applicant agreed to the State's 10-year plea offer.
21. Wise went over, line by line, the written plea admonishments, judgment, and waiver of appeal that the State had prepared.
22. Wise explained that applicant was waiving his right to a hearing on his motion to suppress.
23. Applicant acknowledged that he understood that he was waiving his right to a hearing on his motion to suppress.
24. Applicant understood that he was facing a much larger sentence had he proceeded with his motion to suppress and trial.
25. Applicant told Wise that another reason he was entering the plea agreement was because he believed it could help him negotiate a lower sentence in his then pending Coleman County case.
26. Applicant signed the written plea admonishments, affirming that he had read them, fully understood them, was aware of the consequences of his plea, and had no questions about the admonishments.

27. The written plea admonishments show that applicant was informed that he faced a first degree punishment range of a term of 5 years to life and a fine of \$10,000 or less.
28. Applicant also signed a judicial confession stating that he was guilty of the offense and agreeing that he was waiving and abandoning all pleadings made before the entry of the plea, that he was aware of the consequences of his plea, that he was satisfied with his attorney's representation, and that he was waiving his right to appeal.
29. The trial court accepted applicant's plea, followed the plea agreement and entered judgment on September 21, 2017, finding applicant guilty and sentencing him to 10 years in the Institutional Division, TDCJ.
30. Applicant signed the trial court's certification of his right to appeal on September 21, 2017, which stated that applicant had no right of appeal because it was a plea-bargained case and that applicant had waived his right to appeal.
31. Applicant's plea was knowingly and voluntarily entered and applicant understood the consequences of his plea, including his waiver of his motion to suppress and his waiver of his right to appeal.
32. Applicant has not shown that there was false testimony in another case and he fails to show how any false testimony in another case would have affected his plea in this case.

Conclusions of Law

1. Applicant did not receive ineffective assistance of counsel. See *Strickland v. Washington*, 466 U.S. 668, 687 (1984).
2. Applicant has not shown cumulative due process violations. Cf. *Dancy v. State*, 728 S.W.2d 772, 782 (Tex. Crim. App. 1987).
3. The Court recommends that Applicant's six grounds for relief be denied.

Order

On this day it is the Order, Judgment, and Decree of this Court that the above memorandum, findings of fact, and conclusions of law are hereby adopted and approved by this Court. The clerk of this Court is hereby ordered to provide a file-marked copy of this Order to the parties through counsel, if any, and to include same in its supplemental clerk's record which is to be prepared and delivered to the Court of Criminal Appeals immediately.

Signed this the 21 day of April, 2020.

Graham Quisenberry
JUDGE PRESIDING
415TH Judicial District Court
Parker County, Texas

Attachments

THE STATE OF TEXAS
V.
RIGGIN GIDEON VALLEY
THE STATE OF TEXAS
COUNTY OF COLEMAN

S Manufacture, Delivery, or Possession of
S Miscellaneous Substances
S Sec. 481.119
S $\geq 200G < 400G$
S
S

COMPLAINT

IN THE NAME AND BY AUTHORITY OF STATE OF TEXAS
BEFORE ME, the undersigned authority, personally appeared:
KENNY NABERS

The affiant herein, a peace officer under the laws of Texas, who, being duly sworn, on oath, made the following statements and accusations:

My name is KENNY NABERS, and I am commissioned as a peace officer by the State of Texas. I hereby state upon my oath that I have reason to believe and do believe that heretofore, to-wit: on or about the 11TH day of JUNE, 2016, and before the making and filing of this complaint, in the County of Coleman and State of Texas, that

Valley, Riggin Gideon, DOB: 05/13/1985;

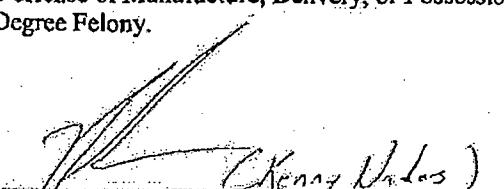
did then and there, Commit the offence of Manufacture/Delivery of Controlled Substance Penalty Group 1 $\geq 200G < 400G$ a first degree felony offence;

Against the laws of the State.

Affiant's belief is based upon the following:

On 6/11/16 Deputy Kenny Nabers dispatched to a reckless driver call coming in from brown county on hwy 67. The Vehicle discribed was Maroon in Color extented cab chevy pickup. While Nabers was enroute the Coleman County Jail advised Nabers that the pick up had pulled over on the south side of the road way just east of FM 1176. Nabers seen the pickup and went and to check on the truck the driver of truck was identified as Riggin Gideon Valley. Valley did not know where he was traveing to or the road he was on and acted very nerviosly. Nabers asked Valley if he would give him consent to search the vehicle and he deined consent. Nabers then contact K9 Deputy Archie Lancaster to deploy K9 Nica around the pickup to do a free air search of the vehicle. K9 Nica alarted to the vehicle. A search was then performed on the vehicle and recovered in the vehicle was 248 grams of methamphetamines, packaging material, scale, and a meth smoking pipe.

Based on the aforementioned facts and circumstances, Affiant requests issuance of an arrest warrant, charging Riggin Gideon Valley with the offense of Manufacture, Delivery, or Possession of Controlled Substance Penalty Group 1, a 1st Degree Felony.


AFFIANT

29/41

AB

Attachments (Cont'd.)

From: Coleman Sheriffs Office

3256253509

06/17/2016 20:11

#706 P.003/003

SWORN TO AND SUBSCRIBED TO BEFORE ME BY SAID AFFIANT this 11th day
of June, 2016.

Asa P. Moran
NOTARY PUBLIC, STATE OF TEXAS
Peace Officer
Coleman P.D.

313

Attachment 2

Exhibit 2



Sheriff Wade Turner

COLEMAN COUNTY SHERIFF'S OFFICE

Incident Report

100 LIVEOAK STREET #101 COLEMAN, TX 76834

Phone: (325) 625 - 3506 Fax: (325) 625 - 3509

ORI TX0420000	County COLEMAN	Venue COLEMAN	Report # 2016-000044
Report Date / Time 06/13/2016 09:08 Hrs (US/Central)	Occurrence Date / Time 06/11/2016 15:30 Hrs - 06/11/2016 17:00 Hrs (US/Central)		File Class 35990004

Nature of Incident: Poss Of Controlled Substance

Supplements: Initial Report (2)

Summary: On Saturday June 11, 2016 at approximately 04:00 PM Coleman County Sheriff's Department received a call to service from Brown County Sheriff's Department in reference to a wreckless driver on US Highway 67/84. Coleman County Sheriff's Department made contact with a vehicle matching the description provided at US Highway 67/84 east of FM 1176 near Santa Anna, Texas. Contact was made with the driver, followed by a free air sniff of the vehicle by K9 Nica, which lead to the discovery of approximately 248 grams of a crystal like substance field testing positive for Methamphetamines.

Incident Location

Address: Us Highway 67/84

City: Santa Anna

County: COLEMAN

State: Texas

ZIP: 76878

Country: United States of America

Township of Occurrence:

Intersection: Fm 1176

Incident Offenses

Supp # Offense	Status	Status Date
0 35990004 - Man Del Cs Pg 1 >=200g <400g - 481.112(E) : Cleared by Arrest F*		06/11/2016 15:30 Hrs

Officers Involved

Role	Name	Agency	Supp #
Assisting	Deputy A. Lancaster II (#503)	COLEMAN COUNTY SHERIFF'S OFFICE	0
Reporting	Deputy K. Nabers (#506)	COLEMAN COUNTY SHERIFF'S OFFICE	0

Incident People

Suspect / Offender

Supp # 1

Name: VALLEY, RIGGIN GIDEON (Primary Name)

Title:

Date of Birth: 05/13/1985

Race: White

Sex: M

Age at Occurrence: 31 Years Old

DL #: 08166912 (Texas)

Address: 1704 MH 379 MINERAL WELLS, TX 76067 (Date of Info: 06/13/2016)

Physical Description: Hgt: 600

Wgt: 200

Date of Info: 06/11/2016

Hair: Brown

Length: Short

Skin: Light

Build: Medium

Eyes: Green

Incident Organizations

Attachment 2 (cont'd)

Victim

Society

2016-000044 - COLEMAN COUNTY SHERIFF'S OFFICE - Coleman (TX42)

Incident Property

Property Index ID: 110008181

Property: Drugs / Narcotics - Controlled Substance

Supp #: 0 Offense: 35990004 Man Del Cs Pg 1 >=200g <400g - 481.112(E)
F*

Loss Type: Seized (NOT previously stolen)

Status: Seized

Value: \$ 0.00

Damage:

Drug Type: Meth/Amphetamines

Drug Quantity: 248 Gram

Property Index ID: 110008182

Property: Cash

Supp #: 0

Loss Type:

Status: Seized

Value: \$ 1,990.00

Damage:

Currency: Us Dollars

Amount: \$ 1,990.00

Quantity	Denomination	Total Value
0	UNKNOWN	\$ 1,990.00
		\$ 1,990.00

Property Status Type

Aggregate Value

Grand Total of Property Loss: \$ 1,990.00

Seized (NOT previously stolen) \$ 0.00

Incident Narratives

Title: Original Narrative

Author: Kenny Nabers

Date / Time: 06/14/2016 09:23 Hrs Supp #: 0

On 06/11/2016 around 330pm The Coleman County Sheriffs Office received a call of a reckless driver coming in to Coleman County on highway 67 from brown county TX heading west . The Caller stated that it was a maroon in color extended cab Chevy pick up.

Deputy Kenny Nabers responded to the call. Nabers was in the city of Coleman when he received the Call. Nabers traveled towards highway 67 right before entering Santa Anna city limits . The Coleman County Jail contacted Nabers over the radio stating that the vehicle had pulled over just east of Santa Anna where the Texas Department of Transportation (TXDOT) stores the road materials.

Nabers observed the pickup described above sitting south of the road up against the fence on TXDOT's property . Nabers pulled up to the Maroon 2001 Chevrolet pickup bearing temporary tag 527059G.

Nabers observed a white male messing around with something in his back seat. Nabers made contact with Male who identified his self as Riggin Gideon Valley DOB 05/16/1985.

Attachment 2 (cont'd)

2016-000044 - COLEMAN COUNTY SHERIFF'S OFFICE - Coleman (TX42)

Nabers informed him that he had received a call of reckless vehicle on highway 67 that matched the description of his truck and that the caller saw him pull up here.

Valley stated he was trying to fix his speakers in his truck because they shorted out and did not realize that he was swerving. Nabers asked Valley where he was headed to he stated to Madrid TX to see his girlfriend. Nabers asked Valley for his drivers license. When Valley pulled out his wallet from his back pocket. Nabers observed a large amount of cash in his wallet. Valley then handed Nabers a ID card, Valley stated he did not have a Drivers License. Nabers then went back to his patrol truck to run a check on his ID. Nabers observed Valley walk around to his passenger side of his pickup and open the passenger door and stood there for a few seconds and shut the door then walked around and sat in the drivers side of the Vehicle.

(*) proof that Nabers Lied on affidavit!

Nabers then went and spoke to Valley again. Nabers asked Valley were was Madrid TX located at he stated he wasn't real sure and didn't know if he was going the right direction. Valley stated he was using his GPS. Valley then stated that you take hwy 357 here and pointed at the Highway. Nabers stated that that highway was hwy 67 not highway 357. Valley was confused on the road he was on. Nabers asked Valley what his girlfriends name was he was going to go see, Stated Amanda. He then went on to say that he has not seen her in about 2 years and he was just going to go down and hang out with her. Nabers then asked Valley what was Amanda's last name. Valley stated he did not know her last name. Nabers asked if Valley had anything illegal in the vehicle that he need to be aware of. Valley stated no. Nabers then asked Valley if he would give consent to search his vehicle. He said why would there be reason to. Nabers then stated its a yes or no question. Valley still would not give Nabers a Yes or No. Nabers then told Valley that Since he would never answer yes or no he would just take it as a No. Nabers advised him that it was his right to refuse a search on his vehicle. Nabers informed Valley that he was going to contact the K9 Deputy and have him enroute to do a free air sniff around the outside of the vehicle. Valley then rolled up his windows on his truck and locked the doors.

Nabers then contacted K9 Deputy Archie Lancaster to come to the location Nabers was at. Nabers asked Lancaster where Madrid TX was at he stated that it was down close to the border of Mexico.

Nabers had Valley sit in the front seat of his patrol truck while waiting on the K9 Deputy to arrive.

Nabers asked Valley again where he was headed he stated madrid TX. Nabers informed him that Madrid was close to the border he stated no im not going close to the border. Valley stated that he had the address on a note pad in his truck. Nabers and Valley walked over to Valley's vehicle and Valley retrieved the note pad. The Note pad had an address in Menard TX. Nabers stated to Valley that this is Menard not Madrid. He stated oh well I didn't know how to pronounce it.

Deputy Archie Lancaster and K9 Nica arrived on scene.

Lancaster walked around the vehicle then got K9 Nica out of the back seat of his truck and ran her around Valley's truck. K9 Nica gave positive indication on the Vehicle. Lancaster then put K9 Nica inside of his patrol truck and conducted a probable cause search on Valley's truck. Nabers stayed by his vehicle with Valley while Lancaster searched the vehicle. Lancaster started with the drivers side door. In the side pocket Lancaster found a small clear plastic bag with what contained a crystal like substance. Nabers field tested it with Nark II test kit and it tested positive

Attachment 2 (cont'd)

for methamphetamine.

2016-000044 - COLEMAN COUNTY SHERIFF'S OFFICE - Coleman (TX42)

At that time Nabers advised Valley that he was placed under arrest for possession of Controlled Substance.

Nabers placed Valley in handcuffs then placed him in the Caged back seat of his patrol unit.

Nabers then went and assisted Lancaster with searching the vehicle.

While walking to the other side of the vehicle there was a neoprene bag/sleeve sitting right outside the door between the vehicle and fence.

The bag looked as it had just been placed there. There was no sun fade or dust on the bag. The bag contained 230 grams of Methamphetamine and a glass smoking pipe and a scale and several small clear plastic baggies.

There was 2 GPS devises in the in the pickup and multiple cell phones. One of the cell phones was in a small cloth bag hanging from the rearview mirror. There was also a small little push rod in the vehicle for normally for cleaning smoking pipes. There was also multiple butane lighters in the vehicle.

Nabers seized all the cell phones and gps units and will be writing a search warrant for the information off of the cell phones.

Nabers also seized Valleys cash he had in his wallet what came out to a total of \$1,990 due to there being packaging and scales and methamphetamine being found.

Valley was transported to The Coleman County Sheriffs Office to be booked in. Then was transported to Runnels County Jail with out incident.

The total amount of meth that was seized from Valley including the bag in the door was 248 grams of methamphetamine

Signed: Deputy K. Nabers (#506)

Reviewed By:

Attachment 2 (Contd)

2016-000044 - COLEMAN COUNTY SHERIFF'S OFFICE - Coleman (TX42)

Title: Supplement#1 - Narrative

Author: ARCHIE LANCASTER

Date / Time: 06/13/2016 11:52 Hrs Supp #: 1

On Saturday June 11, 2016 at approximately 04:10 PM Deputy Lancaster received a call to service from Deputy Kenny Nabers requesting K9 for Free Air Sniff of vehicle on US Highway 67/84 east of Farm and Market 1:176 in Coleman County, Texas. Deputy Nabers reported that he had received a call to service in reference to a Wreckless Driver on US Highway 67/84 coming into Coleman County, Texas from Brown County, Texas. Deputy Nabers reported that he had discovered a vehicle matching the description of the report parked in the area off US Highway 67/84 where the Texas Department of Transportation stores road material. Deputy Nabers reported that he believed the sole occupant, a male subject identified as Riggin Gideon Valley (DOB 05/13/1985) was involved in Criminal Activity, and requested Deputy Lancaster and K9 Nica perform an open air sniff of the vehicle.

Deputy Lancaster arrived on scene and noted a Maroon in color 2001 Chevrolet 1500 extended cab pickup bearing Texas Temporary Tag Number 527059G parked on the south portion of the area next to the fence line facing east. Deputy Lancaster noted occupant of the vehicle to be setting in the front passenger seat of the Deputy Nabers patrol vehicle, conversating with Deputy Nabers. Deputy Lancaster identified himself to Riggin Valley and advised him that Deputy Lancaster was the K9 Handler for the Coleman County Sheriff's Department with duties of Criminal Interdiction. Deputy Lancaster requested Riggin Valley speak with Deputy Lancaster and answer some questions. Deputy Lancaster noted Riggin Valley to advise that he did not wish to answer any questions at that time. Deputy Lancaster then performed a preliminary walk around the vehicle, for officer and K9 safety, checking the area for any items that could potentially harm or injure the general public, K9 Nica, or Deputy Lancaster.

Deputy Lancaster noted, on preliminary check a black and blue colored neoprene type sleeve or carrying case setting on the ground next to the fence, directly outside the passenger door of the vehicle in custody of Riggin Valley. Deputy Lancaster noted the black and blue colored case to have been recently placed on the ground, showing no signs of weathering or dust on it, noting other items in the same area and vicinity to be covered with dust and appear weathered and faded in color. Deputy Lancaster left the item were it was located and continued with safety check, later retrieving Police Service Dog PSD) Nica.

Upon removing PSD Nica from the patrol vehicle, Deputy Lancaster walked PSD Nica around the area behind his patrol vehicle allowing her time to relieve herself and acclimate to the area. Deputy Lancaster then walked PSD Nica to the front drivers side bumper of the vehicle and began the free air sniff of the vehicle. Deputy Lancaster notes that the wind was blowing from the passenger side (south) side of the vehicle in a northern direction. Deputy Lancaster provided PSD Nica with her search command and began casting PSD Nica down the driver side of the vehicle in a westwardly direction. Deputy Lancaster noted PSD Nica to begin showing interest to the area under the driver side of the vehicle, noting the wind to be traveling from south to north possibly across and under the vehicle. Deputy Lancaster continued moving around the vehicle noting PSD Nica to begin alerting to the area near the passenger side door of the vehicle, moving off the vehicle to the black and blue case setting on the ground, before giving a positive indication to the odor of narcotics. Deputy Lancaster then performed a form of reward called "cheating off" and continued the free air sniff around the vehicle noting no alerts or changes in behavior to the front engine compartment or bed of the vehicle. Deputy Lancaster began secondary pass of the vehicle detailing areas of shown interest on previous pass, noting

Attachment 2 (Cont'd)

PSD Nica to again alert to the area around the bottom right corner of the door seam of the drivers door, before giving a final indication to the bottom right corner of the drivers door. Deputy Lancaster again performed a reward of "cheating off", and at that time placed PSD Nica back into the patrol vehicle.

Deputy Lancaster then performed a probable cause search of the vehicle and area around the vehicle due to the two (2) indications received from PSD Nica, indicating the presence of narcotics at the driver side door and to the black and blue case located beside the passenger door. Deputy Lancaster began a systematic search of the vehicle starting at the driver side door, discovering a small plastic Ziploc type baggy with a white label having the words Pill Pouch on it containing a crystal like substance consistent with methphetamines.

Deputy Lancaster noted the small Ziploc baggy with crystal like substance to be discovered in the driver side door panel in the door panel factory compartment located on the bottom right corner of the door, if looking at the door with it in the closed position. Deputy Lancaster then advised Deputy Nabers of the crystal like substance found inside the vehicle, noting Riggan Valley to immediately disclaim the item. Deputy Lancaster noted Deputy Nabers to then detain Riggan Valley on the suspicion of Possession of a Controlled Substance, placing him in handcuffs and securing him the back seat of his patrol vehicle. Deputy Lancaster released the crystal like substance to Deputy Nabers, who then performed and preliminary field test of the substance for presence of methamphetamines, using a Narcotics Analysis Reagent Kit (Nark II), which test positive for the presence methamphetamines.

Deputy Lancaster continued the systematic search of the vehicle, noting multiple butane type lights commonly used with the consumption of methamphetamines, in the cab of the vehicle, along with what appeared to be a recently opened pouch of coffee, which was discovered in the front passenger door compartment emitting the strong aroma of coffee. Deputy Lancaster later discovered a small wire with small bristle on one end, commonly referred to as a push rod in the back floor of the passenger compartment. Deputy Lancaster noted multiple cellular phones in the compartment area of the vehicle, along with two (2) GPS units and note pad on the front center console area displaying an address in Menard, Texas. Deputy Lancaster noted Deputy Nabers to inform him upon arrival that Riggan Valley was initially reporting to be traveling to Mandrid, Texas and later informed him he was traveling from Mineral Wells, Texas to Menard, Texas. Deputy Lancaster notes that through his experience and training subjects involved in criminal activity often have in their possession numerous cellular phones, push rods, and items inside the vehicle used to attempt to cover the odor of illegal narcotics.

Deputy Lancaster and Deputy Nabers continued the search of the vehicle seizing the cellular phones, GPS units, noted pad, and "push rod" as evidence. Deputy Lancaster then requested Deputy Nabers to photograph the black and blue neoprene type case located outside the passenger door of the vehicle as evidence. Deputy Lancaster noted Deputy Nabers to advise that upon contact with Riggan Valley, Deputy Nabers noted him to move to the passenger side of the vehicle, open the door, and begin messing with something, which he believed was his speaker box. Deputy Lancaster obtained the black and blue case noted it to contain inside of it two smaller zipper type cases. Deputy Lancaster and Deputy Nabers removed the two smaller zipper type cases, which were then opened and revealed a large amount of crystal like substance wrapped in clear plastic, a small Ziploc type baggy containing a crystal like substance, digital scales, a glass pipe commonly used for smoking illegal narcotics (which contained an burnt residue inside the bowel of the pipe), numerous other small Ziploc type baggies containing the same white label reading Pill Pouch, found on the Ziploc baggy

Attachment 2 (cont'd)

2016-000344 - COLEMAN COUNTY SHERIFF'S OFFICE - Coleman (TX42)

containing crystal like substance in the driver door of the vehicle. Deputy Lancaster noted the amount of crystal like substance located inside the black and blue case to be contain a preliminary weight of Two Hundred and Thirty (230) grams. Deputy Lancaster notes that through his 6 years of experience and training in criminal interdiction and narcotics, the amount of methamphetamines obtained was indicative of Manufacture and Delivery of a Controlled Substance, not mere personal use. Deputy Lancaster released all seized items to Deputy Nabers, noting Deputy Naber to transport the seized items and Riggan Valley to the Coleman County Sheriff's Department. Deputy Lancaster noted Deputy Nabers to advise that Riggan Valley was discovered to be in possession of Nineteen Hundred and Ninety Dollars (\$1,990.00), which was seized by Deputy Nabers.

Deputy Lancaster has been an active Peace Officer for the Coleman County Sheriff's Department for Six (6) years, obtaining specialized training in Criminal Interdiction and Narcotics. Deputy Lancaster notes that throughout his career he has made numerous arrest involving the possession, manufacture, and delivery of Controlled Substance. Deputy Lancaster currently is certified through Polizeispuerhundpruefung (PSP) Narcotics Detection Dog Certification, with recent certification in May of 2016. Deputy Lancaster has been the certified K9 Handler of PSD Nica for one and one half (1 1/2) years and with PSD Nica noted to received her PSP Narcotics Detection Dog Certification in May of 2016. PSD Nica is noted to be trained in the detection of Marijuana, Methamphetamines, Cocaine, Heroin, Ecstasy, and Mushrooms. PSD Nica is noted to be trained with a passive indication, being upon locating source of the trained controlled substance PSD Nica will sit and stare at source.

It is Deputy Lancaster belief that Riggan Gideon Valley committed the offense of Manufacture/Delivery of a Controlled Substance Penalty Group 1 Greater Than Equal to 200 Grams but Less Than 400 Grams, being Methamphetamines, by possessing with the intent to deliver a controlled substance listed in Penalty Group 1 with an aggregated weight including packaging of Two Hundred and Forty-Eight (248) grams.

Signed: Deputy A. Lancaster (#503)

Reviewed By: