
**IN THE
COURT OF APPEALS OF INDIANA**

Robert Bowman,
Tommy Maurry, and
Jacob Murphy, et al.,

Appellants-Respondents,

v.

State of Indiana,

Appellee-Petitioner

August 16, 2017

Court of Appeals Case
No. 49A02-1606-MI-
1463

Appeal from the Marion
Superior Court

The Honorable Marc T.
Rothenberg, Judge

Trial Court Cause Nos.
49G02-1602-MI-4868
49G02-1602-MI-4926

Baker, Judge.

Two parcels being shipped from one state to another caught the attention of a detective. The only articulated reasons for suspicion were: the parcels were being shipped to California; they were sent priority overnight; they were heavily taped; and they were each sent to the same recipient. After a K-9 unit gave positive alerts on both parcels, a search warrant was obtained. The only thing inside the parcels was cash, which was seized by the State as proceeds of drug trafficking. None of the individuals have ever been in-

vestigated for or charged with any crimes in connection with this case. The State now seeks to turn the seized case over to the federal government.

Jacob Murphy, Robert Bowman, and Tommy Maurry (collectively, the Appellants) appeal the trial court's order granting the State's motion to transfer approximately \$30,000 to the United States. The Appellants argue that the seizure of the money exceeded the scope of the search warrants, meaning that the seizure was unlawful and the money may not be turned over to the federal government. We agree, and reverse and remand with instructions to order the return of the money to the Appellants.

Facts

On November 20, 2015, Indianapolis Metropolitan Police Detective Brian Thorla was visually inspecting parcels at a local shipping company. Several parcels came to the detective's attention, including two that are at issue in this case. One parcel was sent by Bowman in Illinois to Murphy in California; the second was sent by Maurry in Illinois to Murphy in California. Appellants' App. Vol. II p. 17, 23. The parcels drew Detective Thorla's attention because they were paid for priority overnight, heavily taped, and addressed to the same recipient in California, which is known by law enforcement "to be a source state for the importation/exportation of controlled substances" *Id.* Detective Thorla conducted a dog sniff of the parcels; the K-9 unit gave positive alerts on both parcels, indicating the presence of the odor of controlled substances.

Detective Thorla sought and received search warrants for both parcels. The warrants authorized law enforcement to open and search the parcels “for controlled substances, records of drug trafficking, and proceeds of drug trafficking.” *Id.* at 20, 26. Law enforcement opened and searched both parcels. They found no controlled substances or records of drug trafficking, but one parcel contained currency in the amount of \$15,000 and the other contained currency in the amount of \$15,300. Law enforcement seized the currency. No criminal charges were ever brought against any of the Appellants with respect to this matter, nor is there any indication that the Appellants have been the subject of any criminal investigation by Indiana or federal law enforcement authorities.

On February 11, 2016, the State filed motions to transfer the currency at issue to the United States.¹ The Appellants objected, arguing that the seizure of the currency exceeded the scope of the search warrant. Following a hearing, on June 7, 2016, the trial court issued an order granting the State’s motions. In pertinent part, the trial court found as follows:

2. The appearance of the parcels, the excessive taping, the type of shipping and payment, the multiple parcels to the same destination in a known import state of controlled substances, and the positive K9

¹ There are two separate underlying causes below—one for each of the two parcels. The causes have been consolidated.

alert to the presence of the odor of controlled substances and all reasonable inferences drawn there from is probable cause to authorize the seizure of “proceeds of drug trafficking” located during a search of the parcel.

3. The specificity requirement regarding the items to be seized in a search warrant does not require an exact description or an itemized list of items but rather must describe the nature of the items to be seized and must be specific enough to remove discretion from the executing officers.

5. There is probable cause to justify the seizure of United States Currency located in the parcels as proceeds of drug trafficking within the scope of the warrant.

Appealed Order p. 4–5. The trial court stayed its order pending this appeal.

Discussion and Decision

The Appellants do not argue that the search was unlawful, nor do they dispute that, if the money was properly seized, it may properly be turned over to the United States. Instead, the Appellants argue that the *seizure* of the money went beyond the scope of the search warrant, that the seizure was therefore unlawful, and that, as a result, the money may not be turned

over to the federal government. This presents a question of law, to which we apply a de novo standard of review. *E.g.*, *Membres v. State*, 889 N.E.2d 265, 268 (Ind. 2008).

The statute authorizing the turnover of seized property provides as follows:

Upon motion of the prosecuting attorney, the court shall order property seized under IC 34-24-1 transferred, subject to the perfected liens or other security interests of any person in the property, to the appropriate federal authority for disposition under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted by the United States Department of Justice.

Ind. Code § 35-33-5-5(j). Our Supreme Court has held that “if the search or seizure of . . . property was unlawful, the turnover order must be reversed.” *Membres*, 889 N.E.2d at 269.

What we must determine, therefore, is whether the seizure of this currency was unlawful. A search warrant must describe “with particularity . . . the items to be seized.” *Pavey v. State*, 764 N.E.2d 692, 702 (Ind. Ct. App. 2002). This requirement “restricts the scope of the search, authorizing seizure of only those things described in the warrant . . .” *Id.* An exact description is not required, but the items to be searched for must be described with some specificity. *Overstreet v. State*, 783 N.E.2d 1140, 1158 (Ind. 2003).

Here, the search warrants authorized law enforcement to open and search the parcels “for controlled substances, records of drug trafficking, and proceeds of drug trafficking.” Appellants’ App. Vol. II at 20, 26. The only way in which the seizure of the currency at issue falls under the search warrant, therefore, is if it can reasonably be concluded to be “proceeds of drug trafficking.” *Id.* The State focuses primarily on whether currency constitutes “proceeds,” but that narrows the question too much. Instead, we must determine whether this money was proceeds of *drug trafficking*. In other words, the search warrant did not (and could not) authorize the seizure of any and all currency; instead, that currency must be found to be “derived directly or indirectly from, produced through, or realized through” drug trafficking. Appellants’ App. Vol. II p. 15.²

The only evidence in the record supporting such a conclusion is as follows:

- The parcels were being shipped to California.
- The parcels were being sent to the same recipient.
- The parcels were heavily taped.

² The State argues that because this case arises under the turnover statute as opposed to the forfeiture statute, we need not consider whether there is a nexus between the seized property and any applicable offenses. Appellee’s Br. p. 10. This argument misses the point. The language of *the search warrant itself* requires that we consider whether the currency at issue was reasonably considered to be the proceeds of drug trafficking. Therefore, we must address the relationship between the money and drug trafficking to determine the lawfulness of the seizure.

- The parcels were shipped priority overnight.
- A K-9 unit alerted to the two parcels.

We can easily dispense with the first four pieces of evidence. We are confident that a voluminous number of parcels meeting those criteria and having nothing to do with drug trafficking are shipped in this country every day. If all money shipped in heavily taped parcels mailed to California via priority overnight mail could be seized as proceeds of drug trafficking, many last-minute gift recipients at holiday and birthday time would be sorely disappointed (and surprised).

So, we are left with the fact that a K-9 unit gave positive alerts on both parcels at issue. The very most that this fact means is that at some point, someone handling the parcels transferred an odor of controlled substances to them. It may have been Bowman and Maurry, who sent the parcels, or it may have been any number of individuals involved with the handling of the parcels in transit.³ And any of those individuals could conceivably have possessed and/or used the unidentified controlled substance either legally or ille-

³ We also note that it is well accepted that a great majority of United States currency (as well as the currency of other nations) is contaminated by drug residue, leading us to place even less credence on a positive alert from a K-9 unit alone with absolutely no other evidence suggesting drug trafficking. *See, e.g.,* Madison Park, *90 percent of U.S. bills carry traces of cocaine*, CNN (Aug. 17, 2009), <http://www.cnn.com/2009/HEALTH/08/14/cocaine.traces.money>; David Biello, *Cocaine Contaminates Majority of U.S. Currency*, Scientific American (Aug. 16, 2009), <https://www.scientificamerican.com/article/cocaine-contaminates-majority-of-american-currency/>.

gally, with or without an intent to commit drug trafficking. But no controlled substances or evidence of controlled substances were actually found in the parcels, so there is simply no way to know.

No drugs were found in the parcels. No drug paraphernalia was found in the parcels. No evidence of drug trafficking or any unlawful activity was found in the parcels. None of the Appellants have been charged with any state or federal offenses in connection with the parcels; indeed, there is no indication that they have even been under investigation. Under these circumstances, we find that the seizure of the currency in the parcels exceeded the scope of the search warrant—no reasonable person would conclude, based on these facts, that the currency was the proceeds of drug trafficking. Because the seizure was unlawful, the trial court's order granting the State's motion to turn the currency over to the United States was erroneous, and we reverse.

The judgment of the trial court is reversed and remanded with instructions to order the return of the currency to the Appellants.

Bailey, J., and Altice, J., concur.

**IN THE
COURT OF APPEALS OF INDIANA**

Jacob Murphy, et al.,

Appellants,

v.

State of Indiana,

Appellee.

Court of Appeals Cause
No. 49A02-1606-MI-
1463

Order

On February 20, 2018, the Clerk of this Court certified this Court's opinion in this appeal pursuant to Appellate Rule 65(E).

On February 19, 2018, but not entered on the Court's docket until February 20, 2018, after the opinion had already been certified, Appellee, by counsel, filed a Verified Motion to Stay Certification of Opinion. The motion seeks a stay of this Court's instruction to the trial court to order the return of the currency at issue to Appellants or a stay of the certification of this Court's opinion.

Appellants, by counsel, have filed a Response and Objection to State's Verified Motion to Stay Certification of Opinion.

Having reviewed the matter, the Court finds and orders as follows:

1. Appellee's Verified Motion to Stay Certification is granted in part.
2. The request to stay certification of this Court's opinion is denied as moot.
3. The request to stay this Court's instruction to the trial court to order the return of the currency at issue to Appellants is granted. This Court's instruction to the Marion Superior Court to order the return of the currency at issue to Appellants is stayed pending the United States Supreme Court's ruling on Appellee's forthcoming petition for writ of certiorari.
4. Within ninety (90) days of the date of this order, Appellee shall file a status report regarding its petition for writ of certiorari.
5. The Clerk of this Court is directed to send this order to the parties, Judge Marc Rothenberg of the Marion Superior Court, and the Marion Circuit and Superior Courts Clerk.
6. The Marion Circuit and Superior Courts Clerk is directed to file this order under Cause Numbers 49G02-1602-MI-4868 and 49G02-1602-MI-4926, and, pursuant to Indiana Trial Rule 77(D), the Clerk shall place the contents of this order in the Record of Judgments and Orders.

Ordered 2/26/2018.

11a

Baker, Bailey, Altice, JJ., concur.

For the Court,

s/ Nancy Harris Vaidik
Chief Judge

Appendix C

**In the
Indiana Supreme Court**

Jacob Murphy; Robert Bowman; Tommy Maurry, Appellant(s), v. State of Indiana, Appellee(s).	Court of Appeals Case No. 49A02-1606-MI- 01463 Trial Court Case No. 49G02-1602-MI-4868 49G02-1602-MI-4926
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Order

This matter has come before the Indiana Supreme Court on a petition to transfer jurisdiction, filed pursuant to Indiana Appellate Rules 56(B) and 57, following the issuance of a decision by the Court of Appeals. The Court has reviewed the decision of the Court of Appeals, and the submitted record on appeal, all briefs filed in the Court of Appeals, and all materials filed in connection with the request to transfer jurisdiction have been made available to the Court for review. Each participating member has had the opportunity to voice that Justice's views on the case in conference with the other Justices, and each participating member of the Court has voted on the petition.

Being duly advised, the Court DENIES the petition to transfer.

Done at Indianapolis, Indiana, on 2/15/2018.

13a

FOR THE COURT

s/ Loretta H. Rush

Loretta H. Rush

Chief Justice of Indiana

All Justices concur, except Rush, C.J., and Goff, J.,
who vote to grant the petition to transfer.

Appendix D

STATE OF INDIANA) IN THE MARION
) SUPERIOR COURT
) SS: ROOM No. G02
 COUNTY OF) CAUSE NO. 49G02-
 MARION) 1602-MI-004868

STATE OF INDIANA, and the)
 INDIANA STATE POLICE)
)
 Plaintiffs,)
)
 vs.)
)
 \$15,300.00 in U.S. Currency, and)
 ROBERT BOWMAN)
 JACOB MURPHY)
 As their interest may appear)
)
 Defendants.)

ORDER TRANSFERRING PROPERTY

Comes now the State of Indiana, by Marion County Deputy Prosecutor, Rhonda Hanna Veen, and files its Motion for Transfer of Seized Property to the United States. The Court, being duly advised, now finds that such motion should be **granted**.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, as follows:

15a

1. That the State of Indiana has filed this request pursuant to I.C. 35-33-5-5(j), and such request is in the proper format.
2. That the State of Indiana is hereby authorized, pursuant to I.C. 35-33-5-5(j) to turn over to the appropriate federal authority the following property seized on November 20, 2015 such property to be subject to forfeiture under the appropriate federal statutes:

a. \$15,300.00 in U.S. Currency

SO ORDERED THIS 7 DAY of June, 2016

s/ Marc Rothenberg
Judge, Marion Superior Court

Appendix E

STATE OF INDIANA) IN THE MARION
) SUPERIOR COURT
) SS: ROOM No. G02
 COUNTY OF) CAUSE NO. 49G02-
 MARION) 1602-MI-004926

STATE OF INDIANA, and the)
 INDIANA STATE POLICE)
)
 Plaintiffs,)
)
 vs.)
)
 \$15,000.00 in U.S. Currency, and)
 TOMMY MAURRY)
 JACOB MURPHY)
 As their interest may appear)
)
 Defendants.)

ORDER TRANSFERRING PROPERTY

Comes now the State of Indiana, by Marion County Deputy Prosecutor, Rhonda Hanna Veen, and files its Motion for Transfer of Seized Property to the United States. The Court, being duly advised, now finds that such motion should be **granted**.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, as follows:

3. That the State of Indiana has filed this request pursuant to I.C. 35-33-5-5(j), and such request is in the proper format.
4. That the State of Indiana is hereby authorized, pursuant to I.C. 35-33-5-5(j) to turn over to the appropriate federal authority the following property seized on November 20, 2015 such property to be subject to forfeiture under the appropriate federal statutes:

b. \$15,000.00 in U.S. Currency

SO ORDERED THIS 7 DAY of June, 2016

s/ Marc Rothenberg
Judge, Marion Superior Court

Appendix F

STATE OF INDIANA) IN THE MARION
) SUPERIOR COURT
) SS: ROOM No. G02
 COUNTY OF) CAUSE NO. 49G02-
 MARION) 1602-MI-004868

STATE OF INDIANA, and the)
 INDIANA STATE POLICE)
)
 Plaintiffs,)
)
 vs.)
)
 \$15,300.00 in U.S. Currency, and)
 ROBERT BOWMAN)
 JACOB MURPHY)
 As their interest may appear)
)
 Defendants.)

STATE OF INDIANA) IN THE MARION
) SUPERIOR COURT
) SS: ROOM No. G02
 COUNTY OF) CAUSE NO. 49G02-
 MARION) 1602-MI-004926

STATE OF INDIANA, and the)
 INDIANA STATE POLICE)
)
 Plaintiffs,)
)

vs.	)
	)
\$15,000.00 in U.S. Currency, and	)
TOMMY MAURRY	)
JACOB MURPHY	)
As their interest may appear	)
	)
Defendants.	)

**ADOPTED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDERS ON
MOTION TO TRANSFER SEIZED PROPERTY
TO THE UNITED STATES**

In support of Plaintiffs response to Defendants' objections, Plaintiffs submit Proposed Findings of Fact, Conclusions of Law, and Orders in support of their Motion to Transfer Seized Property to the United States:

FINDINGS OF FACT

1. On November 20, 2015 Detective Brian Thorla, with the Indianapolis Metropolitan Police Department, was visually inspecting parcels at a local shipping company.

2. The two parcels involved in these cases initially drew Detective Thorla's attention because of the State of origin, California, both boxes were paid for priority overnight, they were heavily taped, and there being two boxes addressed to the same recipient.

3. Detective Thorla decided to pull the two parcels and conduct a dog sniff of the parcels
4. Detective Thorla's narcotics detection K9 gave positive alerts on both parcels which indicates the presence of the odor of controlled substances.
5. Search warrants for each parcel were applied for, and granted. Each Search Warrant specifically authorized the officers to "diligently search for controlled substances, records of drug trafficking, and proceeds of drug trafficking."
6. Each parcel was subsequently opened. No controlled substances or records of drug trafficking were found, only United States currency. The United States Currency was seized as proceeds of drug trafficking.

CONCLUSIONS OF LAW

1. The positive alert by a trained K9 is probable cause to conduct the search of the parcel;
2. The appearance of the parcels, the excessive taping, the type of shipping and payment, the multiple parcels to the same destination in a known import state of controlled substances, and the positive K9 alert to the presence of the odor of controlled substances and all reasonable inferences drawn there from is probable cause to authorize the seizure of "proceeds of drug trafficking" located during a search of the parcel.

3. The specificity requirement regarding the items to be seized in a search warrant does not require an exact description or an itemized list of items but rather must describe the nature of the items to be seized and must be specific enough to remove discretion from the executing officers.
4. Indiana Code § 35-45-15-4 defines “proceeds” as *funds* acquired or derived directly or indirectly from, produced through, or realized through an act. [emphasis added] “Proceeds” would include United States Currency.
5. There is probable cause to justify the seizure of United States Currency located in the parcels as proceeds of drug trafficking within the scope of the warrant.
6. The search of the parcels was lawful.
7. The seizure of the United States currency was lawful.
8. Plaintiffs Motion to Transfer Seized Property to the United States shall be granted.

s/ Marc Rothenberg

Marc Rothenberg

Judge, Marion Superior Court

**IN THE
COURT OF APPEALS OF INDIANA**

Robert Bowman,
Tommy Maurry, and
Jacob Murphy, et al.,

Appellants-Respondents,

v.

State of Indiana,

Appellee-Petitioner

October 13, 2017

Court of Appeals Case
No. 49A02-1606-MI-
1463

Appeal from the Marion
Superior Court

The Honorable Marc T.
Rothenberg, Judge

Trial Court Cause Nos.
49G02-1602-MI-4868
49G02-1602-MI-4926

Baker, Judge.

The State has filed a petition for rehearing in this case. We grant the petition for the limited purpose of withdrawing footnote three of our original opinion. That footnote did not affect our analysis or holding, and its omission does not either. In all other respects, we deny the State's petition for rehearing.

Bailey, J., and Altice, J., concur.

Appendix H

STATE OF INDIANA) IN THE MARION
) SUPERIOR COURT
) SS: CRIMINAL
 COUNTY OF) DIVISION _____
 MARION) CAUSE NO. _____

IN THE MATTER OF)
 A REQUEST FOR)
 THE ISSUANCE OF A)
 SEARCH WARRANT)

SEARCH WARRANT FOR PARCEL

TO ANY LAW ENFORCEMENT OFFICER:

WHEREAS a Search Warrant Affidavit for Parcel has been submitted to me, a copy of which is attached to this Search Warrant. The Court, having examined the foregoing Affidavit for Search Warrant, and being duly advised in the premises, now FINDS that there is Probable Cause for the issuance of this warrant.

You are therefore AUTHORIZED and ORDERED, in the name of the State of Indiana, with the necessary and proper assistance, to open and search the following described parcel(s) for a controlled substance:

Sender: ROBERT 25645 S Jasmine LN., Monee, IL 60449 Phone 708-407-6020

ADDRESSED TO: Jacob Murphy 801 S. Hope #1703, Los Angeles, CA 90017 Phone 708-407-6020

(PARCEL(S) DESCRIPTION: Brown cardboard box. 5.50 lbs. taped closed. listed, priority overnight cash payment, no signature, shipped to residence, duplicate phone numbers, "First Name" shipper Tracking #781752864252

and there diligently search for controlled substances, records of drug trafficking, and proceeds of drug trafficking.

You are further ORDERED to seize such property, or any part thereof, found on such search.

SO ORDERED THIS 20 DAY of Nov. 2015
AT 11:19 PM O'CLOCK.

Printed Name: s/ Richard Hagenmaier
Circle One: Judge Magistrate Commissioner
Marion Superior Court
Criminal Division _____

25a

SEARCH WARRANT RETURN

I, William F. Etter E6677, Indiana State Police, hereby state that this Search Warrant was executed on the 20th day of November, 2015 and that the following items were seized:

Sealed box w/ tracking #781752864252 that had heavy external tape and contained a shoe box with shoes that had bundles of U.S. Currency in the shoes.

Total U.S. Currency \$15,300.00

\$100 – 108

\$50 – 12

\$20 – 195

\$10 – 0

\$5 – 0

\$1 – 0

DATED THIS 20th DAY OF November, 2015.

Printed Name: s/ William F. Etter
William F. Etter E6677
Indiana State Police

Law Enforcement Officer

26a

STATE OF INDIANA) IN THE MARION
) SUPERIOR COURT
) SS: CRIMINAL
COUNTY OF) DIVISION _____
MARION) CAUSE NO.

IN THE MATTER OF)
A REQUEST FOR)
THE ISSUANCE OF A)
SEARCH WARRANT)

**SEARCH WARRANT AFFIDAVIT FOR
PARCEL**

I, Det. Brian Thorla, being first duly sworn upon my oath, state as follows:

I am a police officer with the Indianapolis Metropolitan Police Department (IMPD). I have been a police officer since 2004. I have been employed with the IMPD since 2004. I am a “law enforcement officer” as that term is defined in I.C. 35-31.5-2-185.

I am currently assigned as a Detective to the Criminal Interdiction Unit of the Indianapolis Metropolitan Police Department and have been so assigned since 2014. I have been a narcotics detection K9 handler since October of 2014. In connection with my official duties, I am involved in investigations relating to violations of the Indiana controlled substances laws.

I have received training relating to enforcement of the Indiana controlled substances laws, including the following:

1. I participated in training at the Indiana Law Enforcement Academy in 2004. I have satisfied the minimum basic training requirements established by rules adopted by the law enforcement training board under I.C. 5-2-1-9 and described in I.C. 35-37-4-5.
2. I have participated in criminal interdiction training courses, which included specific training in detecting parcels containing controlled substances;
3. Yearly in-service training.

I, swear or affirm that I believe and have good cause to believe that the following described parcel(s) (hereinafter referred to as "THE PARCEL(S)"), submitted to a shipping company for delivery, contains controlled substances.

THE PARCEL(S) is described as follows:

Sender: ROBERT 25645 S Jasmine LN., Monee, IL 60449 Phone 708-407-6020

ADDRESSED TO: Jacob Murphy 801 S. Hope #1703, Los Angeles, CA 90017 Phone 708-407-6020

(PARCEL(S) DESCRIPTION: Brown cardboard box. 5.50 lbs. taped closed. listed, priority overnight cash payment, no signature, shipped to residence, duplicate phone numbers, "First Name" shipper Tracking #781752864252

This affiant bases his belief on the following information that I either have personal knowledge of or have received from other law enforcement officers who had personal knowledge of the events:

On November 20th 2015, while visually examining a parcel(s) at a local shipping company, located in Indianapolis, Indiana, Marion County, THE PARCEL(S) was deemed suspect, due to the following:

Detectives from IMPD were given verbal consent from the local shipping company to enter the business and visually inspect various parcels to locate suspect parcels. During their inspection, they observed the parcels as they passed, looking for certain indicators which led them to believe that a parcel was suspicious (Coming from source State, heavy tape box, paid cash for priority over night, no signature, no or same phone numbers, hand writing on box). They have attended numerous interdiction trainings, as specified above, concerning suspicious parcel detection and have compiled a list of indicators based on their training and experience, and the experience of other law enforcement officers, which they look for during the inspection. In this case, they observed that THE PARCEL(S) was shipped or shipped to a state known by them to be a source state for the importation/exportation of controlled substances, California. In addition the box was paid for priority overnight, heavily taped and there was another box addressed to the same recipient.

I, Detective Brian Thorla, have been a certified K9 handler since 2015 and have been working K9 partner Hogan since October of 2014. While working my canine partner "Hogan" I conducted a narcotic detection examination of THE PARCEL(S). This detective, Brian Thorla, is employed by the Indianapolis Metropolitan Police Department and has been so for eleven years. I am currently assigned as a Narcotics Detector Canine Handler. The canine utilized in this case is Hogan and such canine has over 3 years of service as a Narcotic Detection Canine. K9 Hogan has been certified as a Narcotic Detection Canine. In addition, Detective Thorla, and his canine are certified yearly by the Indianapolis Metropolitan Police Department as a Narcotic Detection Canine "Team", being last certified February 10, 2015. K9 Hogan has been trained and certified in the detection, by odor, of marijuana, cocaine, crack cocaine, heroin, and methamphetamine.

THE PARCEL(S) was placed with at least three (3) other similar parcels at a location at the shipping company where K9 Hogan could examine such parcels. Upon such examination, K9 Hogan gave a positive indication to THE PARCEL(S), which positive indication is consistent with the canine's detection of the odor of a controlled substance which he is trained to detect.

Based upon the fact and circumstances set forth above, I hereby request that the Court issue a search warrant, authorizing a search of the parcel particularly described above.

30a

I swear or affirm under the penalties for perjury that the foregoing is true.

s/ Brian Thorla

AFFIANT

Subscribed and sworn to before me on this 20 day of Nov., 2015. The Court, having examined the foregoing Search Warrant Affidavit, now FINDS that probable cause exists for the issuance of a Search Warrant.

s/ Richard Hagenmaier

Printed Name:

Circle One: Judge Magistrate Commissioner
Marion Superior Court
Criminal Division _____

Appendix I

STATE OF INDIANA) IN THE MARION
) SUPERIOR COURT
) SS: CRIMINAL
 COUNTY OF) DIVISION _____
 MARION) CAUSE NO.

IN THE MATTER OF)
 A REQUEST FOR)
 THE ISSUANCE OF A)
 SEARCH WARRANT)

SEARCH WARRANT FOR PARCEL

TO ANY LAW ENFORCEMENT OFFICER:

WHEREAS a Search Warrant Affidavit for Parcel has been submitted to me, a copy of which is attached to this Search Warrant. The Court, having examined the foregoing Affidavit for Search Warrant, and being duly advised in the premises, now FINDS that there is Probable Cause for the issuance of this warrant.

You are therefore AUTHORIZED and ORDERED, in the name of the State of Indiana, with the necessary and proper assistance, to open and search the following described parcel(s) for a controlled substance:

Sender: Tommy Maury
 4410 189th St. Country Club Hills, IL 60478
 Phone 708-407-6020

ADDRESSED TO: Jacob Murphy

32a

801 S. Hope #1703, Los Angeles, CA 90017
Phone 708-407-6020

(PARCEL(S) DESCRIPTION: Brown cardboard box, 5.70 lbs. taped closed, listed, priority overnight cash payment, no signature, shipped to residence, duplicate phone numbers, matches other suspicious receiver, Tracking #781753185330

and there diligently search for controlled substances, records of drug trafficking, and proceeds of drug trafficking.

You are further ORDERED to seize such property, or any part thereof, found on such search.

SO ORDERED THIS 20 DAY of November,
2015 AT 11:18 PM O'CLOCK.

s/ Richard Hagenmaier

Printed Name:

Circle One: Judge Magistrate Commissioner
Marion Superior Court
Criminal Division _____

SEARCH WARRANT RETURN

I, William F. Etter E6677, Indiana State Police, hereby state that this Search Warrant was executed on the 20th day of November, 2015 and that the following items were seized:

Sealed box w/ tracking #781753188350 that had heavy external tape and contained a shoe box with shoes that had bundles of U.S. Currency in the shoes.

Total U.S. Currency \$15,000.00

\$100 – 17
\$50 – 24
\$20 – 605
\$10 – 0
\$5 – 0
\$1 – 0

DATED THIS 20th DAY OF November, 2015.

Printed Name: s/ William F. Etter
William F. Etter E6677
Indiana State Police

Law Enforcement Officer

34a

STATE OF INDIANA) IN THE MARION
) SUPERIOR COURT
) SS: CRIMINAL
COUNTY OF) DIVISION _____
MARION) CAUSE NO.

IN THE MATTER OF)
A REQUEST FOR)
THE ISSUANCE OF A)
SEARCH WARRANT)

**SEARCH WARRANT AFFIDAVIT FOR
PARCEL**

I, Det. Brian Thorla, being first duly sworn upon my oath, state as follows:

I am a police officer with the Indianapolis Metropolitan Police Department (IMPD). I have been a police officer since 2004. I have been employed with the IMPD since 2004. I am a “law enforcement officer” as that term is defined in I.C. 35-31.5-2-185.

I am currently assigned as a Detective to the Criminal Interdiction Unit of the Indianapolis Metropolitan Police Department and have been so assigned since 2014. I have been a narcotics detection K9 handler since October of 2014. In connection with my official duties, I am involved in investigations relating to violations of the Indiana controlled substances laws.

I have received training relating to enforcement of the Indiana controlled substances laws, including the following:

1. I participated in training at the Indiana Law Enforcement Academy in 2004. I have satisfied the minimum basic training requirements established by rules adopted by the law enforcement training board under I.C. 5-2-1-9 and described in I.C. 35-37-4-5.
2. I have participated in criminal interdiction training courses, which included specific training in detecting parcels containing controlled substances;
3. Yearly in-service training.

I, swear or affirm that I believe and have good cause to believe that the following described parcel(s) (hereinafter referred to as "THE PARCEL(S)"), submitted to a shipping company for delivery, contains controlled substances.

THE PARCEL(S) is described as follows:

Sender: Tommy Maurry 4410 189th St., Country Club Hills, IL 60478 Phone 708-407-6020

ADDRESSED TO: Jacob Murphy 801 S. Hope #1703, Los Angeles, CA 90017 Phone 708-407-6020

(PARCEL(S) DESCRIPTION: Brown cardboard box. 5.70 lbs. taped closed. listed, priority overnight cash payment, no signature, shipped to residence, duplicate phone numbers, matches other suspicious receiver. Tracking #781753185330

This affiant bases his belief on the following information that I either have personal knowledge of or have received from other law enforcement officers who had personal knowledge of the events:

On November 20th 2015, while visually examining a parcel(s) at a local shipping company, located in Indianapolis, Indiana, Marion County, THE PARCEL(S) was deemed suspect, due to the following:

Detectives from IMPD were given verbal consent from the local shipping company to enter the business and visually inspect various parcels to locate suspect parcels. During their inspection, they observed the parcels as they passed, looking for certain indicators which led them to believe that a parcel was suspicious (Coming from source State, heavy tape box, paid cash for priority over night, no signature, no or same phone numbers, hand writing on box). They have attended numerous interdiction trainings, as specified above, concerning suspicious parcel detection and have compiled a list of indicators based on their training and experience, and the experience of other law enforcement officers, which they look for during the inspection. In this case, they observed that THE PARCEL(S) was shipped or shipped to a state known by them to be a source state for the importation/exportation of controlled substances, California. In addition the box was paid for priority overnight, heavily taped and there was another box addressed to the same recipient.

I, Detective Brian Thorla, have been a certified K9 handler since 2015 and have been working K9 partner Hogan since October of 2014. While working my canine partner "Hogan" I conducted a narcotic detection examination of THE PARCEL(S). This detective, Brian Thorla, is employed by the Indianapolis Metropolitan Police Department and has been so for eleven years. I am currently assigned as a Narcotics Detector Canine Handler. The canine utilized in this case is Hogan and such canine has over 3 years of service as a Narcotic Detection Canine. K9 Hogan has been certified as a Narcotic Detection Canine. In addition, Detective Thorla, and his canine are certified yearly by the Indianapolis Metropolitan Police Department as a Narcotic Detection Canine "Team", being last certified February 10, 2015. K9 Hogan has been trained and certified in the detection, by odor, of marijuana, cocaine, crack cocaine, heroin, and methamphetamine.

THE PARCEL(S) was placed with at least three (3) other similar parcels at a location at the shipping company where K9 Hogan could examine such parcels. Upon such examination, K9 Hogan gave a positive indication to THE PARCEL(S), which positive indication is consistent with the canine's detection of the odor of a controlled substance which he is trained to detect.

Based upon the fact and circumstances set forth above, I hereby request that the Court issue a search warrant, authorizing a search of the parcel particularly described above.

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I swear or affirm under the penalties for perjury that the foregoing is true.

s/ Brian Thorla

AFFIANT

Subscribed and sworn to before me on this 20 day of Nov., 2015. The Court, having examined the foregoing Search Warrant Affidavit, now FINDS that probable cause exists for the issuance of a Search Warrant.

s/ Richard Hagenmaier

Printed Name:

Circle One: Judge Magistrate Commissioner
Marion Superior Court
Criminal Division F11