

Application

STATE OF MINNESOTA, COUNTY OF RAMSEY

DISTRICT COURT

STATE OF MINNESOTA)
) SS. APPLICATION FOR SEARCH WARRANT
COUNTY OF RAMSEY) AND SUPPORTING AFFIDAVIT

Investigator Chris Freichels being first duly sworn upon oath hereby makes an application to this Court for a warrant to search the premises 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 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 things to wit:

- Marijuana
- All other drugs covered under the controlled substance law
- Money, precious metals and stones, bank books, bank statements and other papers which show profit from drug sales
- Address books, other papers with phone numbers and names
- Lock boxes and safes
- Scales and other drug paraphernalia used in the sale/use of drugs
- .22 handgun, other handguns, long guns, rifles and shotguns
- Other weapons, ammunition, handgun parts and ammunition casings
- Letters, bills, other mail and papers which tend to show owner/renter/occupants of premises
- Digital readout pagers, pagers, cellular phones, caller ID boxes
- Any photos, video recordings, papers and drawings that relate to gang members or gang activity
- Clothing that bears symbols of gang membership
- Stolen property
- Items of evidence documenting possession / ownership/ sale / transfer / purchase of weapons
- Items of evidence documenting possession / ownership / sale / purchase of ammunition including but not limited to unused ammunition, spent casings, and practice targets
- Clothing worn by Philipp Vance/Dominick Johnson including but not limited to shoes, baggy gangster type blue jeans several sizes larger than Philipp Vance/Dominick Johnson actual size, dark color hooded sweatshirt / jacket, dark color face mask
- Documentation indicating vehicles owned, operated or in possession of/by Philip Vance/Dominick Johnson

- Vehicle keys for vehicles owned, operated, or in possession of/by Philip Vance/Dominick Johnson
- Cash proceeds in the amount of \$ 625.00 - \$ 650.00, checks and or items indicating a financial, transaction from the Robbery of 345 4th Avenue South, South St. Paul, Minnesota
- Plastic Bags white in color bearing yellow / black markings including a “smile face”
- Items of evidence containing trace evidence from Philip Vance/Dominick including but not limited to hair, blood, and body fluids

Will be at the premises described as:

291 Birmingham Street, apartment #2, Saint Paul, Minnesota

Located in the City of Saint 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 a means of committing a crime.
2. The possession of the above-described property 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:

Affiant is a Deputy Sheriff with Ramsey County and has been with the Sheriffs Department for eight years. The Affiant is currently assigned to the Minnesota Gang Strike Force (MGSF). Affiant has been investigating gang related crimes for the past four years. The MGSF investigates gang related criminal activity to include the sale of controlled substance, gang related shootings, weapons violations, gang related murders and other crimes committed by gang members. Your affiant in the course of his duties has attended numerous training seminars involving the activities of criminal gangs, and participated in multiple gang investigations where search warrants were executed.

On 12-23-2002, Affiant was contacted by Investigator McManus of the Minnesota Gang Strike Force. A Confidential Reliable Informant(CRI) contacted Investigator McManus on 12-22-2002 with information. The CRI has provided accurate and reliable information to police in the last three years, This information has led arrests and felony convictions.

On 12-22-02, at 2300 hours, Investigator McManus of the Minnesota Gang Strike Force was contacted by a Confidential Reliable Informant. The CRI advised Investigator McManus that Philipp Vance, aka “Florida”, was currently in the Buttery Bar in Saint Paul and was visably upset. CRI asked “Florida” what was wrong and “Florida” responded “I really Fucked up”. The

CRI told Investigator McManus that "Florida" again repeated the comment and had watery eyes as if he were about to cry. The CRI told "Florida" that it couldn't be that bad. "Florida" responded "I didn't mean for it to go off. I just pulled it out. I just wanted to scare him." The CRI told Investigator McManus, when "Florida" was making the statement, he was making the hand motions consistent with pulling a gun out of his waistband and pointing it. When "Florida" made this statement to the CRI, the CRI moved out of sight of "Florida" and contacted Investigator McManus with this information. The CRI was unaware of any incident that may have taken place, but felt the conversation and actions of "Florida" should be told to someone.

This CRI has known "Florida" for almost a year and this behavior and demeanor is totally out of character for Philipp Vance. It should be noted that while the conversation between the CRI #1 and Philipp Vance was occurring, another male identified by the CRI, Johnson, Dominick Dwayne, aka "Stacks", dob 11-15-82, was outside the bar throwing up. CRI looked out the window and saw Dominick Johnson throwing up. According to the CRI, a short time later Dominick Johnson came into the Buttery and sat with Philipp Vance for a couple of minutes before the two of them left together.

Saint Paul Police Officer Conroy identified Dominick Johnson as a Vice Lord gang member. Dominick Johnson told Officer Conroy he was a traveling Vice Lord. Per Ramsey County booking records, Dominick Johnson has TVL tatoos which is known to Affiant to represent the Traveling Vice Lords. The Traveling Vice Lords are a Chicago based criminal gang known to be involved in gang related murders, robberies and sale of narcotics.

The CRI identified "Florida" and "Staks" through a Ramsey County Sheriff photo line-up. The CRI identified "Florida" as Philipp Randall Vance 10-28-1980 and "Stacks" as Dominick Dwayne Johnson 11-15-1982.

On 12-23-02, at 0600 hours, Sgt Pyka of the Minnesota Gang Strike Force advised Investigator McManus there was a Robbery/Homicide in South St Paul on 12-22-02, at approximately 2130 hours. Investigator McManus advised Sgt Pyka of the information he had been received from a CRI. Sgt Pyka than made contact with South St Paul Police.

On 12-23-02, at 1030 hours, Investigator McManus was contacted by another CRI. This CRI has provided reliable and accurate information in the past. This information has led to felony arrests and convictions. This CRI advised Investigator McManus that Philipp Vance, Dominick Johnson and a third unknown black male were inside the bar at the Radisson Hotel(downtown St Paul) at 2000 hours, on 12-22-02. This CRI stated that the three were gathered in a tight group and according the this CRI they were being very secretive. This CRI who is very familiar with both Philipp Vance aka "Florida" and Dominick Johnson aka as "Stacks". This CRI said while the three were huddled in a group, the CRI asked why they were being so secretive. Philipp Vance told the CRI, " we are just getting our plan on". A few minutes later the group appeared to be leaving and the CRI stated how little money they made that night. Philipp Vance told the CRI, "baby when I get back, I'll have a lot of money". Philipp Vance, Dominick Johnson and the third male then left Radisson.

The CRI was shown a Ramsey County photo line-up. The CRI picked "Florida" as Philipp Randall Vance 10-28-1980 and "Stacks" as Dominick Dwayne Johnson 11-15-1982.

Later that day Investigator McManus was in contact with Lieutenat Brad Wayne, Dakota County Sherrif's Office and Captain Daniel Vujovich, South St. Paul Police Department. During numerous conversations in the following days Affiant and Investigator McManus were provided additional information relating to the Robbery / Homicide Investigation at 345 4th Avenue South in South Saint Paul. Affiant learned the victim died of gunshots to the back of his head. Evidence at the scene indicated the weapon used was a .22 calibre. Additionally Affiant learned that the B.C.A. Forensic Lab Unit was processing the scene and collected numerous items of evidence. These items of evidence include .22 calibre shell casings, samples of blood, body fluids, vomit, latent prints, shoe impressions, and tire impressions. Information learned from processing the scene, Captain Vujovich believes \$625 to \$650 US currency, checks and other papers were taken from the crime scene located at 345 4th Avenue in South St Paul. Captain Vujovich believes plastic bags with yellow/black markings with a "smile face" on them were taken during the robbery.

Affiant further learned the witnesses at the scene describe the suspects wearing dark clothing consisting of hooded sweatshirts/jackets, face masks and blue jeans several sizes too large. Witnesses saw an older light colored vehicle, possibly gray, four door leaving the area after the robbery/homicide.

On 01-03-03, Investigator McManus met with a CRI and made arrangements for the CRI to meet with Philipp Vance. The CRI was equipped with a transmitting device to allow investigators to monitor and record the conversation. The CRI was instructed to maintain contact via phone with Investigator McManus in the event something were to happen.

On 01-03-2002, the CRI met with Philipp Vance at the Buttery Bar at 2230 hours. The Buttery Bar is located in downtown Saint Paul on 6th and Robert Street. Affiant and other investigators conducted surveillence in the area of the Buttery. Dominick Johnson was with Phillip Vance at the Buttery. The CRI was kept under both visual and audio surveillance. While in the Buttery Bar, the CRI witnessed several people meet with Philipp Vance and exchange money for drugs. The CRI saw Philipp Vance sellings marijuana. The CRI asked Phillip Vance about the drug activity and Philipp Vance said "I am the biggest drug dealer down here". "If you need drugs, you come to me". Philipp Vance asked the CRI to go to another bar with him to play pool. Shortly thereafter, the CRI and Philipp Vance left the Buttery. As they were leaving, Domonick Johnson followed them out and watched them until they got into the the CRI's vehicle. After the CRI and Philipp Vance drove away, Dominick Johnson returned to the Buttery.

Affiant and other investigators followed the CRI and Phillip Vance to the Lab Bar(4th/Sibley) where they continued their conversation. Philipp Vance continued to talk to the CRI about his drug dealings. During the course of this conversation, CRI asked Philipp Vance if he had any guns. The CRI asked if he would teach the CRI how to shoot. Philipp Vance said he had four guns. The CRI asked Philipp Vance when was the last time he used a gun. Philipp Vance said two weeks ago over on the south side. Investigators heard Phillip Vance say he used a .22 and shot someone five times in the back. Philipp Vance said after the shooting he then took off. The CRI asked Philipp Vance if he stopped to see if he was dead. Philipp Vance stated "nope I kept going". Philipp Vance said "I've shot lots of people before". The CRI told Philipp Vance he owned a gun but didn't know how to shoot it. Philipp Vance told the CRI that he shoots all the time by the railraod tracks. The CRI and Philipp Vance discussed going shooting the next

day. Philipp Vance said he would teach the CRI how to shoot the gun. Philipp Vance talked about having four handguns.

The CRI left the Lab bar with Phillip Vance at 0116 hours. The CRI and Philipp Vance were still talking about going shooting. Phillip Vance offered to show the CRI one of his guns and directed the CRI to a house located at 956 East Minnehaha. Investigators followed the CRI and Philipp Vance to 956 E. Minnehaha. The CRI pulled to the curb at 956 E. Minnehaha.

The CRI was told by Philipp Vance to wait outside and he was going to get one of his guns to show the CRI. Phillip Vance exited the vehicle and was observed going into 956 East Minnehaha. The CRI waited approximately five minutes. The CRI was instructed by Investigators to leave the area before Phillip Vance returned. The CRI pulled away and met Investigators at a designated location. About a minute later, Investigators saw Phillip Vance walked out of 956 East Minneaha and pace in the front of 956 East Minnehaha. Phillip Vance waited outside for sometime and Investigators cleared the area.

Philipp Vance contacted the CRI the following day and asked why the CRI left. Phillip Vance said he came out to show the CRI the gun and was going to show the CRI how to shoot. The CRI informed Phillip Vance an emergency came up and had to leave.

Captain Vujovich has checked with several County Coroners Offices in the Twin Cities Metro area and learned that there were no reports of shootings resulting in death other than the South St Paul Robbery/Homicide during the time period given by Phillip Vance. Phillip Vance was heard by investigators via the transmitter from the CRI, talking about shooting someone in the back five times using a .22. This statement given by Phillip Vance is consistent with the findings from the crime scene.

On 01-07-2002, Affiant assisted Officer McManus on surveillance and to set-up a handgun purchase with Phillip Vance. Phillip Vance has said he would sell the CRI a handgun. The CRI was given a transmitting device so investigators could listen to the conversation between the CRI and Phillip Vance. This conversation was audio taped. The CRI was given pre-recorded buy fund money to the purchase the handgun. The CRI met with Phillip Vance at the Buttery. The CRI told Phillip Vance that he/she was looking to buy a small handgun. Phillip Vance said he had a handgun to sell. After talking for awhile they left the Buttery. Phillip Vance wanted to go to the Lab Bar located at 4th and Sibley in Saint Paul. They talked for short while and left the Lab Bar. Phillip Vance and the CRI went to the CRI's vehicle to talk. Phillip Vance wanted to count the \$100.00 the CRI was using to the purchase the handgun. The CRI gave Phillip Vance the recorded buy fund money. Phillip Vance told the CRI to drive to get the handgun. Investigators followed the CRI and Phillip Vance to the area of Burns and Birmingham in Saint Paul. The CRI parked near 291 Birmingham and Phillip Vance told the CRI to wait in the vehicle. Philip Vance walked towards 291 Birmingham and came back a few minutes later. Phillip Vance gave the CRI a .22 Beretta handgun. Phillip Vance and the CRI left the area. Phillip Vance told the CRI he left the magazine and bullets inside the apartment. Investigators' followed them back to the Buttery in Saint Paul. The CRI left the handgun locked inside the CRI's vehicle. Phillip Vance and the CRI went into the Buttery. A few minutes later, the CRI left the Buttery alone. Investigators met with the CRI and recovered the handgun.

On 01-08-2002 the recovered Beretta handgun was tested at the BCA crime lab. The
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testing did not match handgun to the recovered casings from the crime scene at 345 4th Avenue South. Philipp Vance talked about having a total of four handguns which have not been recovered other than the one handgun that was purchased by the CRI on 01-07-2002. A .22 caliber is used in handguns and rifles.

On 01-08-2002, Phillip Vance was arrested on a separate incident for misdemeanor charges. Philipp Vance was booked at the Ramsey County Jail. Philipp Vance gave 291 Birmingham, #2 as a home address.

Affiant requests to search 291 Birmingham apartment #2 for marijuana, a .22 handgun or rifle, items related to the murder in South Saint Paul and other related items listed on the search warrant.

Affiant requests the names of the CRI and CRI to remain confidential within the meaning of Minn Stat. § 13.82 Subd. 10 (c) as I believe the CRI and CRI would be in danger of death or great bodily harm if the name became known.

It has been the experience of the Affiant that when a Search Warrant is executed narcotics, drugs other than ones specifically listed on the warrant and handguns, rifles, shotguns, ammunition and other weapons are found. It is therefore requested that all drugs covered under the controlled substance law and handguns, rifles, shotguns and other weapons be included on the warrant.

During narcotics search warrants scales and other drug paraphernalia are usually found. It is requested these types of items be seized which show the sale and use of illegal drugs.

Affiant requests address books and other papers with names and phone numbers. In Affiant's experience drug dealers will have written names and phone numbers of others involved in their drug activity.

Affiant requests that lock boxes and safes be included. It is Affiant's experience that money and controlled substances are sometimes stored inside for safekeeping.

Affiant requests caller ID boxes and retrieved names and phone numbers from the caller ID boxes. In Affiant's experience drug dealers use telephones for their drug activity. These names and numbers in my experience might show others involved in the sale of narcotics.

Affiant requests all monies, precious metals and stones and bank books, bank statements and other papers which show profits from drug sales.

Affiant request any mail, letters and papers which show Philipp Vance and others who are living at or had lived at the residence during the time of this crime.

It has been the Affiant's experience that almost all persons arrested for narcotics violations are in possession of digital readout pagers and use the pagers to enhance their ability to escape detection from law enforcement. It is requested that all pagers found on the premise be subject to seizure. These pagers are capable of storing incoming messages and/or telephone numbers. It is requested that the memory portion of the pagers be recalled and recorded by the police to be used

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in the investigation of their drug activities.

It has been the Affiant's experience that most drug dealers arrested for narcotics violations are in possession of cellular phones. These cellular phones help drug dealers avoid detection from law enforcement. Cellular phones are used for the drug dealers to have contact with their buyers and suppliers. Affiant request that all cellular phones are subject to seizure and all phone numbers and messages to be retrieved by the police from these cellular phones.

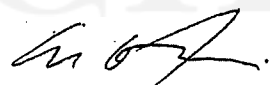
Affiant requests that all gang related items, and evidence of gang membership or association be recovered. It has been the Affiant's experience that gang members use photographs, video recordings and drawings to identify with other gang members. Your affiant believes that the sale of narcotics and murder/robbery is a crime to benefit gang.

In order to prove the existence of criminal gang, your Affiant must show existence of an ongoing group of three or more persons who have a common name or symbol and includes members who individually or collectively engage or have engaged in a pattern of criminal activity and one of the primary purposes of criminal gangs is commit crimes such as sale of narcotics, murder/robbery and other listed crimes listed in Minnesota Statute 609.11 subd.9. In order to accomplish the above, the Affiant request that gang related items be included for seizure on the warrant.

It has been the Affiant's experience that stolen property is found in narcotics search warrants. It is known by Affiant that stolen property is used to purchase illegal drugs. It is requested that searching officers check serial numbers and other identifiers and seize all stolen property.

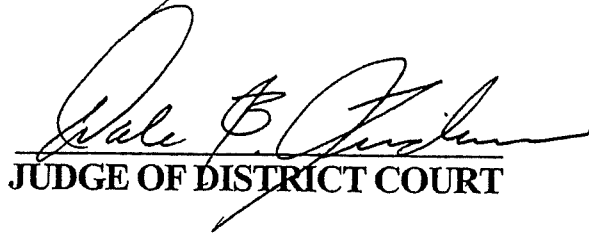
A nighttime search outside the hours of 7am and 8pm is requested because: Affiant is familiar with this area and knows drug activity frequently occurs in this area. This area is difficult to approach without being seen by the residents. Investigators would be able to approach under the cover of darkness so not to detected by the residents when approaching this address.

WHEREFORE, Affiant requests a search warrant be issued, commanding Christian Freichels, MGSF Investigators and other officers under their direction, peace officers of the State of Minnesota between the hours of 7 A.M. and 8 P.M. (AND A NIGHTTIME SEARCH OUTSIDE THOSE HOURS OF 7AM AND 8PM) and to search the hereinbefore described premises 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

Subscribed and sworn to
Before me this 8th
Day of January, 2003.



JUDGE OF DISTRICT COURT