

SUPPORTING ALLEGATIONS OF FACTS

The following allegations of facts are submitted in support of this application. That on [redacted] at 1600 hrs., the [redacted] police Department was contacted by the Town of [redacted] Animal Control Officer, who at that time requested police assistance at [redacted] in the Town of [redacted]. [redacted] police officers responded and were informed by the animal control officer that the town had received complaints about the foul odor coming from the building located at [redacted]. This complaint was made by Mr. [redacted] who is in fact the owner of the [redacted] of the building. Mr. [redacted] informed the animal control officer that the downstairs section of the building was rented recently to two individuals who he identified as [redacted], and that these persons were intending to open a pet shop type business. [redacted] was concerned and felt that there may be deceased animals in the downstairs section of the building due to the strong odor coming from the area. Attempts were made by the police to contact [redacted]. The police were unable to locate these individuals. The owner of the building, [redacted] authorized entry to the building and he himself made entry based on the existing circumstances. Building Inspector [redacted] was present during this entry. Mr. [redacted] and Building Inspector [redacted] observed animals stacked on top of one another and an extreme strong odor of feces and other unsanitary conditions. Many of the animals did not have water or food in the kennels. Most of the animals coats were matted and dirty. Inside of three of the cages there was vegetation growing, showing that the seeds they would normally eat, germinated from the extensive period of time being left inside the cages. The cages were not properly maintained or clean. These existing conditions were observed by [redacted] the animal control officer, [redacted] the town building inspector, and two police officers from the Town of [redacted] Police Department. Attempts were further made to contact [redacted] regarding these conditions. The police were unable to contact these individuals. The investigation was to continue and at that time the building was secured by the owner.

On [redacted], this investigation continued and attempts were made to contact [redacted] with negative results. Due to the existing conditions at this location and the well-being of the animals, request is being made for a search of this building and seizure of any endangered animals.

Said actions being in violation of Section #35B, of the Agriculture and Market Law, Failure to provide proper food and drink to animals.

Det. [redacted]

THE PREMISES TO BE SEARCHED

This affidavit is submitted in support of an application to search the following designated premises, persons, and/or vehicles:

Property located at [redacted], which is located at the [redacted] in the Town of [redacted], County of [redacted], N.Y. The property is described as a two-story building with [redacted] siding. The entrance to the building is on the southwest side.

Justice COURT : COUNTY OF

STATE OF NEW YORK

IN THE MATTER OF THE APPLICATION

OF

Det. Sgt. FOR A SEARCH WARRANT

FOR CERTAIN DESIGNATED PREMISES, PERSONS AND/OR VEHICLES.

SEARCH WARRANT APPLICATION AMENDMENT

Application amendment as follows:

Additional items to be added to the original list of designated property regarding search and seizure, those items being any and all written material to include any purchase receipts, records of purchases, permits and licenses relating to exotic animals and/or any any animals as required by law.

STATE OF NEW YORK : COUNTY OF : ss. : Town of :

SUPPLEMENTAL AFFIDAVIT

, being duly sworn, deposes and says: That I am a Detective Sergeant, employed by the Police Department.

That on or about of , of the , I prepared an affidavit in support of the search warrant authorized the search of a premises located at # Turnpike in the Town of , County of , N.Y.

warrant affidavit dated , are re-affirmed and re-alleged as if herein set forth in length. A copy of my affidavit is annexed hereto and made part of this supplemental affidavit.

In support of your deponent's assertion as to the existence of reasonable cause, the following facts are offered:

That during execution of warrant, property existed that would require by law, the existence of proper licenses and permits to purchase said property, that property being exotic animals. Therefor, reasonable cause is established for search warrant amendment.

REQUEST is hereby made for determination, pursuant to CPL Section 690.40(2), that the executing officers be authorized to enter into said premises to be searched "WITHOUT GIVING NOTICE OF THEIR AUTHORITY OR PURPOSE", on the grounds that there is reasonable cause to believe:

WHEREFORE, your affiant requests that the Court issue a warrant of search and seizure in the form annexed, authorizing the search of the aforesaid described premises, persons, and/or vehicles and directing that such property or evidence or any part thereof be found, that it be seized and retained ~~and stored in the~~ ~~XXXXXXXXXXXXXXXXXXXX~~ by the SPCA in ~~County~~ ~~XXXXXXXXXXXX~~ and if so ordered, be made accessible to the Court together with such other and further relief that the Court may deem proper.

Del. Sgt.

APPLICANT

Sworn to before me this 12th day
of ~~XXXXXXXXXX~~, 19~~XXXX~~

Notary Public

