

# SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS

District \_\_\_\_\_ COURT DEPARTMENT

Framingham \_\_\_\_\_ DIVISION

SEARCH WARRANT DOCKET NUMBER

1949SW 0095

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- has been stolen, embezzled, or obtained by false pretenses.
- is intended for use or has been used as the means of committing a crime.
- has been concealed to prevent a crime from being discovered.
- is unlawfully possessed or concealed for an unlawful purpose.
- is evidence of a crime or is evidence of criminal activity.
- other (specify) \_\_\_\_\_

**YOU ARE THEREFORE COMMANDED** within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

SEE ATTACHED ADDENDUM A

at:

SEE ATTACHED ADDENDUM B

which is occupied by and/or in possession of:

on the person or in the possession of (identify any specific person(s) to be searched):

You  are  are not also authorized to conduct the search at any time during the night.

You  are  are not also authorized to enter the premises without announcement.

You  are  are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

**YOU ARE FURTHER COMMANDED** if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the

Framingham Division of the \_\_\_\_\_ District \_\_\_\_\_ Court Department.

DATE ISSUED

AUGUST 7, 2019

SIGNATURE OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

X 

FIRST OR ADMINISTRATIVE JUSTICE

WITNESS: DAVID CUNIS

PRINTED NAME OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

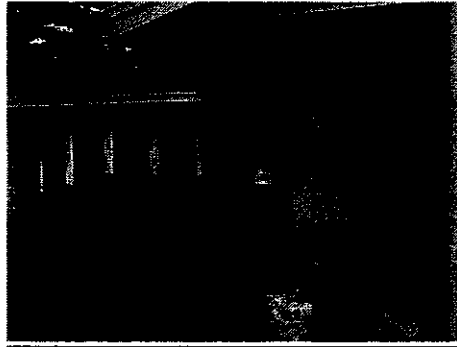
SC-FFRGY BRIGHAM

## ADDENDUM A

Marijuana, a controlled substance which cannot be distributed without legal authority, as defined by Chapter 94C; all books, papers, records, documents, monies, implements and paraphernalia related to the illegal possession and distribution of controlled substances, including but not limited to, books, papers, records and other papers reflecting (A) the purchase and acquisition of Marijuana, (B) the identities of the sources of Marijuana, (C) the storage of Marijuana, (D) the distribution of Marijuana, (E) the identities of persons to whom Marijuana was distributed, (F) the sources of money or other property used to purchase or acquire Marijuana, and/or the manner in which financial proceeds of the distribution of Marijuana are stored, invested or spent; (G) amounts of money paid, collected or owed on account of the purchase or sale of Marijuana, (H) bank records, (I) investment account records, (J) safe deposit box rental agreements or keys, (K) property deeds, (L) bills of sale, (M) tax returns, (N) vehicle titles, (O) United States currency or coins; (P) Scales, packaging materials and paraphernalia; and/or (Q) Papers and possessions identifying the person(s) having custody and control over the premises to be searched and its contents.

**ADDENDUM B**

47 Prior Dr. Framingham, MA is a single family home (Campanelli Ranch) with tan vinyl siding. There is one main entrance to 47 Prior Dr. Framingham, MA. A black '47' is conspicuously posted on the front of the house above a white mailbox and to the left of a white storm door.



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**Search Warrant Return**

**47 Prior Drive, Framingham Ma**

Case # 1905421

08/07/19

Entered 21:19 Hrs

Completed 23:31 Hrs

1. 15 bags of marijuana seeds
2. Packaging (Sandwich Baggies)
3. 1 CR digital scale
4. Roll of medical cannabis stickers
5. 1,458 us currency
6. 81 grams of marijuana
7. 98 grams of marijuana
8. Pound packaging
9. 34 grams of marijuana
10. 5 jillybean thc vape cartridges
11. 38.00 us currency
12. 34 grams marijuana
13. 237.00 us currency
14. 2 sentrysafes
15. 20 marijuana plants

**Taken administratively per LT Ruiz licensing unit**


16. Black sig sauer p226 (uu742852)
17. Tan/black glock 23 (bnm615us)
18. Black S/W shield and holster (ldl8584)
19. Black Ruger lcp 380and holster (371250261)
20. Black HK VP 40 (222010952)
21. Black S/W M&P 15-22 (DFA7584)
22. PAL BH 15A1 (1933)
23. Black Kriss Vector 45 (45CO16708)
24. Black Mossberg 500 (T884274)
25. Black Buckmaster 22 (04nt05738414)
26. Rosinbomb press

- 27. 15 magazines
- 28. Large amount of ammo
- 29. Ryan fogarty's LTC
- 30. Antoinette Callahan's LTC

I swear that this is a true and detailed account of all the property taken by me  
on this search warrant

This inventory was made in the presence of: sgt Ottaviani, Det Dan Brogan

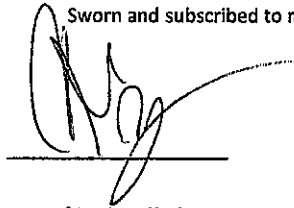
Signature of Person Making Return



Date and time of search

8/7/19  
2:10 19 hrs

Sworn and subscribed to me



Signature of Justice, Clerk

Printed Name of Person Making the Search

Jeffrey DeRose

Title of person making search

Detective

Date Sworn and subscribed to

8-13-19

RECEIVED  
FRAMINGHAM DIVISION  
DISTRICT COURT  
2019 AUG 13  
A.M.  
13  
C.M.



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

DISTRICT COURT DEPARTMENT  
FRAMINGHAM DIVISION

AFFIDAVIT OF DETECTIVE JASON A. BALL

1. Based on the following, I, Jason A. Ball, a Police Officer for the Framingham Police Department, being duly sworn depose and state that the following is true to the best of my knowledge and belief:
2. I am a Police Officer with the Framingham Police Department. My previous assignment was with the Metro West Drug Task Force and I have over a decade of experience in primary enforcement of the narcotic laws in the Commonwealth of Massachusetts. I am a 2004 graduate of the Massachusetts Criminal Justice Training Council's Basic Recruit Academy for full time Municipal Police Officers conducted at the MBTA Transit Police Academy in Quincy, Massachusetts. I have been a full-time police officer in Massachusetts for over fifteen years. Previously, I worked for the MBTA Transit Police and the Milford Police Department. I was assigned as a Detective with the Milford Police Department for approximately 6 years. I have investigated serious felony crimes and various violations of Massachusetts General Laws including, but not limited to, arson, firearms, narcotics, gangs, robberies, homicides and other violations of the Law. I have received training in street crimes, narcotic investigations, drug

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diversion, highway drug interdiction, intelligence gathering and gangs. I have also completed an 80-hour Drug Enforcement Administration Basic Narcotics school and I am a graduate of the Massachusetts 'Top Gun' Undercover Narcotics Investigators Course, Class 1.

3. During my career, I have made and/or assisted in hundreds of arrests for crimes against persons, property and society. I have been the primary and secondary investigator on numerous crimes; including the crimes of possession of illegal firearms and illegal possession of ammunition.
4. Based on the following, I believe that I have probable cause to establish that the crimes of Distribution of Marijuana C94C/ 32C and Cultivation/Manufacturing of Marijuana C94C/32C have occurred and that evidence of these crimes will be found within and upon 47 Prior Dr. Framingham, MA 01701, which is in possession and occupied by Gineto CALLAHAN, Ryan FOGERTY and Antoinette CALLAHAN. My conclusion is based on information obtained by me and other members of the Framingham Police Department, through our own investigation, witnesses, named and/or unnamed sources. The content of this information is contained in the following paragraphs.
5. Over the last week, the Framingham Police Department has received numerous complaints, that over the past few months, cars have been pulling up in front of 47 Prior Dr. in Framingham, MA and waiting for a young male to exit the house. As the male exits the dwelling, he enters the passenger seat of these waiting vehicles, a short exchange occurs, the young male leaves the vehicle and enters 47 Prior Dr., while the other vehicle leaves. This is said to occur multiple times a day and with multiple different vehicles. From my training and experience, I know this to be consistent with narcotics sales. The house at 47 Prior Dr. Framingham, MA is described as

a single family tan vinyl Campanelli Ranch. A black '47' is conspicuously placed above a white mailbox, to the right of a white storm door facing Prior Dr.

6. Based on these complaints, we conducted surveillance of 47 Prior Dr. on Wednesday August 7, 2019. As this surveillance was being conducted, we observed a young male with long black hair, a white sleeveless t-shirt and shorts, enter and exit the front door of 47 Prior Dr. numerous times. He also entered multiple vehicles in the driveway, one of those vehicles was MA PC 8NE346, a gray Honda.
7. At a time approximate to 1600hrs., Sgt. Det. Ottaviani observed a gray Honda bearing Massachusetts registration 4DP521 with a male driver, pull up in front of 47 Prior Dr. Within seconds, the male described in paragraph six, was seen exiting the driver side of MA PC 8NE346 (which was parked in the driveway of 47 Prior Dr.) walk and enter the passenger door of 4DP521. A quick exchange occurred and the male exited the passenger seat and opened the door to his car in the driveway, closed it and entered the front door at 47 Prior Dr. The male operating 4DP521 left immediately and was under constant surveillance.
8. Through Sgt. Det. Ottaviani's training and experience, he knew this was consistent with a drug deal. Sgt. Ottaviani ordered for Det. Torres to stop the vehicle and that stop occurred at 492 Old Conn Path in Framingham. Upon approaching the vehicle, he identified the operator as Thomas LEONE of Wellesley. LEONE was advised why he was stopped by Det. Torres and mirandized. LEONE waived his Miranda Rights and agreed to speak. Det. Brogan was a witness to the Miranda Warning and LEONE waiving his rights.
9. LEONE stated that he "bought an ounce of marijuana from a kid named 'Gino'. He was described as a thin white male, with long black hair. He also stated that this was his first time

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buying from 'Gino' and he usually gets it from a male known as "Ryan" from the same address. I know a Ryan FOGERTY to live at 47 Prior Dr. and is the 'step-father' of a Gineto CALLAHAN. He also stated he calls "Ryan" at '508-665-0292'. Ryan FOGERTY confirmed this is his cell number. LEONE went on to say that he bought this marijuana for \$200.00. He described 47 Prior Dr. to officers and it matched the house, as well as saying he has been there for marijuana "multiple times".

10. As this was occurring, Det. Derosa, Ofc. O'Rourke and I were keeping surveillance on 47 Prior Dr. At approximately 1610hrs., a male I know as Gineto CALLAHAN exited the front door of the home. Gineto had long black hair, a white sleeveless t-shirt and shorts. He entered the driver side of the Honda in the driveway bearing MA PC 8NE346 and left with us following him. At all times, Gineto was under our observation, while Det. Torres came to stop the motor vehicle. Det. Torres stopped the aforementioned vehicle on Concord St. by the Framingham District Court.
11. Upon approach, we verified the operator was Gineto CALLAHAN. We had him exit the vehicle and I read him his Miranda Rights. CALLAHAN then waived his Miranda Rights and spoke with me. He stated that he did sell an ounce of marijuana to a kid and received \$200.00 for the ounce. He also stated that the \$200.00 was in his house at 47 Prior Dr. and so was about another ounce of marijuana. He said that he just sells marijuana for extra cash and picks up "about three zips a month". (A zip is a street term for an ounce of marijuana). He also stated that there was nothing at 47 Prior Dr. except the ounce. When asked if there was a "grow" there, he stated, "No". During the course of this investigation, the bag of marijuana sold was approximately 32 grams, which is over one ounce.

12. Based on the admission of LEONE to buying the marijuana, CALLHAN admitting he sold the marijuana and had more marijuana and profits of illegal marijuana sales within his house, we decided to secure the home at 47 Prior Dr. and apply for a search warrant as we believe MGL Ch. 94c/32C was violated.
13. At approximately 1640hrs., detectives and officers of the Framingham Police Department announced themselves to Antoinette CALLAHAN at 47 Prior Dr. and secured the residence. During a protective sweep of the house, they found three rooms with marijuana plants. The estimate of plants from Det. Derosa was in excess of twenty plants. I know that under Massachusetts General Laws, a "household of two or more people may only possess twelve plants in a home".
14. I seek to search for marijuana, a Class D Drug per Massachusetts General Laws, which was sold illegally per Massachusetts General Laws based on the above information. I believe that the home at 47 Prior Dr. does have an illegal amount of marijuana inside it and have received information from an unnamed source that all adults parties inside the home are aware of the sales of marijuana in violation of M.G.L. c94C. Therefore, I am seeking the issuance of a search warrant to search 47 Prior Dr., Framingham, MA, the surrounding curtilage, and common areas of the house for evidence of the crimes of Distribution of a Class D substance and Manufacturing/Cultivation of a Class D substance, both in violation of M.G.L. 94C-32C, to wit:
- a. Books, papers, documents, ledgers, records, accounts, evidencing the possession and/or distribution of Cocaine, including but not limited to, records and other papers reflecting (A) the purchase and acquisition of Marijuana, (B) the identities of the sources of

Marijuana, (C) the storage of Marijuana, (D) the distribution of Marijuana, (E) the identities of persons to whom Marijuana was distributed;

- b. Books, papers, documents, ledgers, records, accounts evidencing the sources of money or other property used to purchase or acquire Marijuana, and/or the manner in which financial proceeds of the distribution of Marijuana are stored, invested or spent, including, but not limited to (A) amounts of money paid, collected or owed on account of the purchase or sale of Marijuana, (B) bank records, (C) investment account records, (D) safe deposit box rental agreements or keys, (E) property deeds, (F) bills of sale, (G) tax returns, (H) vehicle titles;
- c. United States currency or coins used to purchase or sell Marijuana, or traceable to the purchase or sale of Marijuana;
- d. Scales, packaging materials and paraphernalia used in the possession of distribution of Marijuana;
- e. Papers and possessions identifying the person(s) having custody and control over the premises to be searched, and its contents;
- f. Marijuana, a controlled substance, whether prepared for sale or being manufactured, to include all elements of the grow/manufacturing process.

15. In my training and experience, I have also learned the following:

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- a. Drug distribution is sometimes conducted as a cash and carry business, and at other times, drugs are bought and sold on credit. In either event, the distribution of drugs is a cash business, and distributors of drugs often deal in large sums of money. This necessitates that the distributor be in the possession of, or has ready access to large amounts of money.
- b. Because drugs are often bought and sold on credit, distributors frequently maintain written records of the drugs bought and sold, the identities of the persons who have purchased or sold the drugs, and the moneys due to, or owed, by them.
- c. Distributors of drugs often maintain books, records, receipts, invoices, notes, ledgers, money orders, bank records and other papers relating to their transportation, ordering, sale, and distribution of controlled substances.
- d. Persons involved in the distribution of controlled substances often secrete their distribution records, controlled substances, and money, on their person, in their residences, in the residences of persons involved with them in the distribution of controlled substances, and in bank safe deposit boxes and other secure storage areas to which they have access. This is done for several reasons. First, safe deposit boxes, secure storage areas, and hidden areas of the residences and businesses are thought to provide a high degree of security for the records, drugs and proceeds of their drug distribution activities. Second, by secreting these items in secure areas, such a safe deposit boxes and hidden locations within their residences, drug distributors hope to minimize the

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likelihood that these items will be discovered by law enforcement officers who may execute search warrants at their offices, businesses or homes. Third, federal currency transaction reporting laws require financial institutions and businesses to report to the federal government cash transactions in excess of \$10,000. Because individuals participating in drug distribution activities often deal in cash transactions greater than \$10,000, they often store their monies in safe deposit boxes and other secure areas, such as hidden locations within their residences and businesses, to avoid transactions being reported to the federal government.

- e. Drug distributors may hide their monies, rather than investing in bank accounts or other investment vehicles, for other reasons as well. For example, distributors of drugs often do not report their distribution income to the Internal Revenue Service and Department of Revenue, and by secreting their distribution monies in safe deposit boxes (or in other secure storage locations), they attempt to minimize the likelihood of detection by these agencies. In addition, drug distributors often are familiar with the drug forfeiture laws, and attempt to conceal from law enforcement those assets, which are used to facilitate their drug distribution activities. As such, monies, as well as ownership records for other assets such as vehicles and real estate, are often secreted in secure storage areas such as safe deposit boxes.
- f. Drug distributors often employ stratagem to conceal the fact that their money, and assets acquired with their money, are traceable to the distribution of drugs. One common method of disguising the source of drug money is to “launder” it through what appears to be a legitimate business. Drug distributors often associate themselves with cash

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businesses, or persons involved in cash businesses, and falsely attribute their drug monies and income to the cash business. This tends to establish a lawful source for the money, thereby insulating the drug dealer and his money and asset, from detection by law enforcement officers.

- g. Whatever method of “laundering” money that a drug dealer employs, it allows him to invest his drug money in bank accounts, certificate of deposits, securities, business ventures, and other investment vehicles, with some degree of confidence that the true source of the money will not be detected.
  
- h. Persons involved in the distribution of controlled substances utilize various paraphernalia, such as scales, cutting agents (dilutents) and packaging materials such as plastic sandwich baggies, to prepare and package these controlled substances for further distribution. Such paraphernalia are often stored in close proximity to where the controlled substances are stored, such as in the cars and residences of distributors, and on their persons.
  
- i. Often dealers in narcotics will purchase a particular quantity of the illegal narcotics from a “drug source” or supplier. The person must then engage in the preparation of the illegal narcotic for street sales by “breaking up” the illegal drug into smaller amounts more suitable for street deals. Very often persons engaged in the process of “breaking up” the illegal drugs for sale will engage in the process of “stepping on” the drugs. The term “stepping on” is a street term for the process whereby a dealer of illegal drugs will purchase a pure form of said drug and thereafter reduce the purity of the said drug by



adding an inexpensive additive. This process reduces the purity of said drug; however, it increases the overall volume of the drug for street sale. This process greatly increases the monetary gain for the dealer of illegal drugs at the street level. It is my experience that it is common practice for drug dealers to conduct this process of "breaking up" the drugs inside of their respective residences as it is often a time consuming practice.

j. People involved in the distribution of controlled substances utilize "hides" in their vehicle and home's. These hide are built into different areas of the cars' and are built in such a way that their blend in with the cars original interior or exterior. These "hides" can be opened manually or electronically by manipulating several different electronic devices in the vehicle, some are also opened with the use of magnets. In the homes, the hides are built into the floor and walls of the homes and under the various cabinets.


k. I do also request that this search warrant affidavit be impounded for a period of time, for the immediate safety of the named witnesses.

16. I ask the court to allow us to search any locked containers, to include safes, security containers and the like. I also seek to seize any and all recording devices that the residents have within their premises that have recorded such sales and manufacturing of marijuana.

17. Though the house is secured we will be entering close to or after "nighttime" hours. So I seek permission for a "nighttime search".

18. In addition, I am seeking permission to use video recording or photography to document the execution of my search and to record the location in which any evidence may be found.

Signed under the pains and penalties of perjury this 7<sup>th</sup> day of August 2019.



Jason A. Ball  
Officer  
Framingham Police Department

Then, personally appeared the above named Jason A. Ball and made oath that the foregoing affidavit by him subscribed is true, on this 7<sup>th</sup> day of August 2019.

Before him,



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Ass't Clerk / Clerk Magistrate

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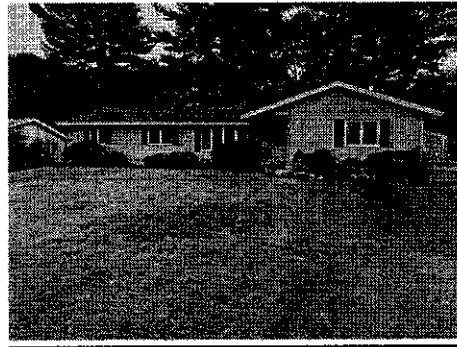
## ADDENDUM A

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**ADDENDUM B**

47 Prior Dr. Framingham, MA is a single family home (Campanelli Ranch) with tan vinyl siding. There is one main entrance to 47 Prior Dr. Framingham, MA. A black '47' is conspicuously posted on the front of the house above a white mailbox and to the left of a white storm door.



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