

14 C101339

STATE OF VERMONT  
RUTLAND COUNTY, ss.

APPLICATION FOR SEARCH WARRANT WITH AFFIDAVIT

T 1/C Lewis A. Hatch IV requests the Honorable to issue a warrant to search:

a 2005 Pontiac Sunfire red in color bearing VT registration EWT751 with VIN #



3G2JB12F85S154935.

For the following described property or objects:

Drugs, drug residue, drug paraphernalia and drug proceeds including but not limited to marijuana and marijuana paraphernalia.

and if such property or objects be found there, to seize it, prepare a written inventory of it, and bring it before the Superior Court of Vermont, Criminal Division, Rutland Unit

The Applicant has probable cause to believe that such property or objects will be found in such premises and on such person and will constitute:

Evidence of a criminal offense.

For the purpose of establishing probable cause for the issuance of this warrant, there are attached hereto the following affidavit(s) of:

- A. Affidavit of T 1/C Lewis A. Hatch IV
- B.
- C.

This Application is executed by Lewis Hatch, this 6th day of March, 2014.

Lewis Hatch  
(Name of Applicant)

Trooper  
(Title of Applicant)

STATE OF VERMONT  
RUTLAND COUNTY, ss.

AFFIDAVIT

NOW COMES, T 1/C Lewis A. Hatch IV, Affiant, after being duly sworn, makes the following statement I have probable cause to search a 2005 Pontiac Sunfire red in color



bearing VT registration EWT751 with VIN # 3G2JB12F85S154935.

The undersigned being duly sworn deposes and says that I, Lewis A Hatch IV am now a full time employee of the Vermont State Police, being presently assigned to the Rutland Barracks as a Trooper.

This affiant has personal knowledge, based upon my training and experience, of the following:

- 1.) On 3.6.14 at approximately 1507 hours I was pulling out of the Cumberland Farms gas station in the Town of Wallingford. I pulled out onto US Rt. 7 and began travelling south bound; my attention was drawn to a 2005 Pontiac Sunfire red in color bearing VT registration EWT751 travelling directly in front of my cruiser. Said vehicle had snow piled up on the rear of the vehicle which prevented me from being able to see the registration sticker a violation of Title 23 VSA 511. I conducted a motor vehicle stop on said vehicle on US Rt. 7 near Church St. in the Town of Wallingford.
- 2.) Upon approaching the vehicle I spoke with the operator and sole occupant of the vehicle identified through valid VT ID as Gregory W. Zullo (DOB:           ). As I approached the vehicle I could smell the faint odor of burnt marijuana coming from within the vehicle. While standing at the passenger door I noted an air freshener to be hanging from the center air vent, and Visine in the center console. I asked Zullo about the Visine he advised he did not have an eye condition and he did not wear contacts but he used it to take away redness from his eyes. I asked Zullo if he used Visine due to smoking marijuana, he advised no. I asked Zullo when he last smoked marijuana he advised he smoked awhile ago. He then changed his response and advised he smoked the previous night or the night before that. At that time Zullo further stated he smoked inside the vehicle that night. While speaking with Zullo he chose not to answer exactly where he was headed and did not want to give me the


full name of the person he was going to see. Upon running a registration and license check on Zullo I learned he has prior arrest for drug possession.

3.) I asked Zullo to exit the vehicle he complied with my request. I advised Zullo I wanted to search him and explained this was voluntary, he granted consent to search his person. Nothing of interest was located on his person. I explained to Zullo I wanted to search his vehicle and read him a consent to search form (DPS 245B) word for word. Zullo denied consent and I requested Howards to tow the vehicle. Howards arrived and loaded the vehicle onto their flatbed, I followed said vehicle utilizing my in car camera system to the Rutland State Police Barracks. Upon arrival I secured the vehicle and marked off every opening with evidence tape.

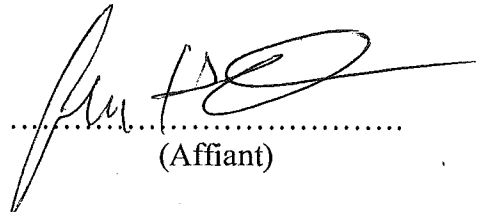
4.) I deployed K9 Gunny for an exterior sniff of Zullo's vehicle. During the exterior sniff K9 Gunny alerted twice on the trunk of said vehicle and climbed up on the hood when walking around the front of the vehicle. While on the hood of the vehicle he had his nose up in the air and his tail wagged as he took several big intakes. K9 Gunny has been certified by the Vermont Criminal Justice Training since February 2014, for narcotics detection. K9 Gunny is certified to detect the presence of the following narcotic odors: Marijuana, Hashish, Cocaine, Crack Cocaine, Heroin, Methamphetamine, Ecstasy and any of these narcotic odors on currency. During his narcotics class and regular in service training, K9 Gunny has executed over 600 successful searches. The majority of these were for actual narcotics placed by the trainer and random discrimination searches where the search area had no narcotics. K9 Gunny has an approximate proficiency rating during all of those searches of 99%.

Subscribed to and Sworn before me

This 6<sup>th</sup> day of March 2014.

  
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Judicial Officer

  
.....  
(Affiant)

3/6/14  
.....

(Date)