

NMDPS - Search Warrant - Address

A fifteen-year-old girl told a Bernalillo County Sheriff's Detective that a family member, nineteen-year-old Jerry Trujillo, Jr., who lived in the same house, had molested her. Her cousin told the detective she also had been molested and stopped going to the Trujillo home because of what the Defendant did to her.

A search warrant affidavit was drawn up: State of New Mexico vs. 1208 Juanita SW, Albuquerque NM. The residence was described in great detail and the detective often referred to "the residence" or "the Trujillo home." It concluded by requesting a warrant to search "this residence for evidence . . ." Letters and pornography were seized which confirmed what the two victims had told the detective.

Every search warrant affidavit must include probable cause that evidence of a particular crime will be found at a particular location. But there was something missing in this affidavit: it did not clearly establish that the residence to be searched and 1208 Juanita SW were one and the same. Normally, in cases like this, the evidence is suppressed.

It was a close call. The Supreme Court, noting they easily could have ruled the other way, held the evidence was admissible. The case serves as a valuable reminder: An officer or detective should always include the address of the location to be searched in the affidavit and state why he or she believes evidence will be found at that location. State v. Trujillo (2011).

- - - ADA Elliott Guttman, Law Enforcement Academy



This for me or one of my cousins?