

THE STATE OF TEXAS } CAUSE { IN THE MUNICIPAL
 } NUMBER _____ { JUSTICE, COUNTY COURT
 } { CITY OF AUSTIN, PCT. OR
 } { C.C. AT LAW NO. _____
 COUNTY OF TRAVIS } { TRAVIS COUNTY, TEXAS

AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION

The undersigned affiant, who after being duly sworn by me, on oath makes the following statement: I have good reason to believe and do believe that Brown, Tarell b/m 1-6-85 on or about the 4th day of September 2006, in the County of Travis and State of Texas, did commit the offense of: **Unlawfully Carrying a Weapon Misd A** Belief of the foregoing statement is based upon personal knowledge. I, Deputy A. Howard #2033, am a licensed peace officer currently employed by Travis County Sheriff's Department and assigned to the patrol division. The following events occurred in Travis County, Texas. On 9-4-6 at 02:48 I was on patrol northbound in the 7700 block of IH35 North. As I was traveling northbound I observed a vehicle, also northbound, swerving from lane to lane. The vehicle was a white 2003 Mercury. The driver was initially traveling in the center lane. On three occasions he swerved into the inside lane with half of the vehicle in each lane. On 2 occasions the driver swerved halfway into the outside lane. At one point the driver almost swerved into a car also traveling northbound. The driver of that vehicle was forced to brake to avoid a collision. The driver then moved back into the center lane. This all occurred over the course of approximately 1 mile. The driver then changed lanes from the center lane to the outside lane without signaling the lane change. At this time I notified dispatch of my intention to stop the vehicle. I activated my emergency lights as we passed Highway US 290. The driver slowed but did not stop until we reached Highway 183. I approached the vehicle from the driver side and observed three subjects in the vehicle (the driver and two passengers who were both asleep) Due to traffic conditions I asked the driver to step out and meet me at the rear of the vehicle. As the driver stepped out he stumbled and then walked back towards me. Then when I asked him for his drivers license he dropped his wallet. I then identified the driver as:

Harris, Aaron 1-30-84

Based on my observations I asked a DWI unit to come to the scene and evaluate Harris. Deputy P. Delafunte' then arrived and had Harris perform field sobriety tests. Harris passed these tests but told Deputy Delafunte' that he had been smoking marijuana. I then asked Harris if there was any marijuana in the vehicle. Harris replied that there was "some". I asked Harris to sit in the rear of my vehicle as we made contact with passengers of the vehicle. Deputies Villanueva #1037, Delafunte' and I approached the vehicle. As Deputy Villanueva looked into the car he stated that the rear passenger had a handgun in his lap with his hand on it. I then instructed everyone to return to our vehicle as we called for more officers. Sgt. Strawn and Lt Escribano then arrived on the scene. We then went back up and made contact with the passengers. We first woke up and detained the rear seat passenger identified as:

Brown, Tarell 1-6-85

After detaining Brown Sgt. Strawn informed me that gun in Brown's lap was loaded 9mm handgun. I also detained the front seat passenger identified as:

Gatewood, Tyrell 09-27-84

Deputy Villanueva then conducted a search of the vehicle. Deputy Villanueva located a marijuana "blunt" cigar under the front seat of the vehicle. I observed the "blunt" and through my training and 7 years of experience believed it to be marijuana. The "blunt" weighed approximately 1.1 grams. Based on the fact the marijuana was in a common area of the vehicle and accessible to all occupants I then placed Harris, Brown and Gatewood in custody for Possession of Marijuana less than 2oz.. Brown was also charged with Unlawfully carrying a weapon. During a subsequent search of Harris' person Travis County Booking personnel located an additional .7 grams of marijuana in his front pocket.

 Affiant: Deputy A. Howard #2033
 Case# **06-24336**

Sworn and subscribed to before me by the said Affiant on this the 4th day of September 2006.

Texas peace officer
 In and for Travis county, Texas

On this the ___ day of _____, 2006, I hereby acknowledge I have examined the foregoing affidavit and have determined that probable cause exists for issuance of an arrest warrant for the individual accused therein.

 Magistrate _____
 (Municipal)(Justice)(County)(City of Austin)
 (Pct. or county court at law no. _____)
 Travis county, Texas