

Ex. 81

SEARCH WARRANT ON WRITTEN AFFIDAVIT

ORIGINAL

United States District Court UNITED STATES OF AMERICA v. DOMENIC FRANZA a/k/a "Julio Ortiz"	DISTRICT SOUTHERN DISTRICT OF NEW YORK	
	DOCKET NO.	MAGISTRATE'S CASE NO. 11-318
	TO: ANY AUTHORIZED FEDERAL LAW ENFORCEMENT OFFICER	

Affidavit(s) having been made before me by the below-named affiant that he/she has reason to believe that (on the person or premises known as)

3320 BARKER AVENUE, BRONX, NEW YORK, FIRST FLOOR

In the SOUTHERN District of NEW YORK there is now being concealed certain property, namely

Packages of firecrackers, grey duct tape, and papers upon which the normal handwriting of Domenic Franza appears, and other evidence of the manufacture and shipping of an explosive device, in violation of 18 U.S.C. Section 922.

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and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit(s).

YOU ARE HEREBY COMMANDED to search on or before of 24 Hours from issuance (not to exceed 10 days) the person or place named above for the property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night) and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to any U.S. Magistrate Judge sitting in the US Courthouse, Foley Square as required by law. Federal Judge or U.S. Magistrate
New York, New York, Room 331

NAME OF AFFIANT CARRIE A. DIPIRRO	SIGNATURE OF JUDGE OR US MAGISTRATE BARBARA A. LEE United States Magistrate Judge Southern District of New York	DATE/TIME ISSUED FEB 13 1993 5:25 p.m.
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RETURN	
DATE WARRANT RECEIVED 2/13/91	DATE AND TIME WARRANT EXECUTED 2/14/91 1230 PM
COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH MR + MRS FRANZA	
INVENTORY MADE IN THE PRESENCE OF	

INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT

- ① FOUR PACKAGES OF FIRECRACKERS
- ② TWO PIECES DUCT TAPE
- ③ PIECE OF PAPER WITH TYPEWRITTEN NOTES
- ④ FILE WITH NUMEROUS HANDWRITTEN NOTE
- ⑤ ROLL OF BLACK TAPE

CERTIFICATION

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

Chris Bekan

Subscribed, sworn to, and returned before me this date.

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Federal Judge or U.S. Magistrate

100-23792

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AFFIDAVIT FOR SEARCH WARRANT

2nd s/w

United States District Court	DISTRICT SOUTHERN DISTRICT OF NEW YORK	
United States of America vs. DOMENIC FRANZA a/k/a "Julio Ortiz"	DOCKET NO.	MAGISTRATE'S CASE NO. <i>91-318</i>
NAME AND ADDRESS OF JUDGE ¹ OR FEDERAL MAGISTRATE Hon. LEONARD BERNIKOW UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		

The undersigned being duly sworn deposes and says: That he/she has reason to believe that

☐ ~~XXXXXXXXXX~~ ☒ on the premises known as

DISTRICT
SOUTHERN DISTRICT OF NEW YORK

3320 BARKER AVENUE, BRONX, NEW YORK, FIRST FLOOR

The following property is concealed:

PACKAGES OF FIRECRACKERS, GREY DUCT TAPE, AND PAPERS UPON WHICH THE NORMAL HANDWRITING OF DOMENIC FRANZA APPEARS, AND OTHER EVIDENCE OF THE MANUFACTURE AND SHIPPING OF AN EXPLOSIVE DEVICE, IN VIOLATION OF 18 U.S.C. SECTION 922.

Affiant alleges the following grounds for search and seizure²

SEE ATTACHED RIDER AFFIDAVIT.

☐ See attached affidavit which is incorporated as part of this affidavit for search warrant

Affiant states the following facts establishing the foregoing grounds for issuance of a Search Warrant

SEE ATTACHED RIDER AFFIDAVIT.

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SIGNATURE OF AFFIANT <i>[Signature]</i>	OFFICIAL TITLE, IF ANY <i>[Signature]</i>
Subscribed and sworn to before me, and subscribed in my presence: <i>[Signature]</i> FEB 13 1991	
JUDGE ¹ OR FEDERAL MAGISTRATE <i>[Signature]</i> BARBARA A. LEE	

¹United States Judge or Judge of a State Court of Record.

²If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure, the affiant must show reasonable cause therefor.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

INTRODUCTION

CARRIE A. DIPIRRO, Special Agent of the Bureau of Alcohol, Tobacco and Firearms ("ATF"), being duly sworn, deposes and states:

1. I am a Special Agent with the ATF. I make this affidavit in support of an application for a warrant to search the premises known and described as 3320 Barker Avenue, First floor, Bronx, New York, (hereinafter the "subject premises").

2. On the evening of February 11, 1991, the Honorable Leonard Bernikow, United States Magistrate Judge for the Southern District of New York, issued a search warrant on oral testimony authorizing the search of the subject premises. The facts supporting that warrant are set forth in the attached Complaint, and are incorporated by reference herein. A copy of the warrant itself, with the return, is also attached.

3. I and other agents of the ATF executed that search warrant that same evening and seized the following items: one can of Bullseye smokeless powder; one roll of black electrical tape; one green magic marker; and one bag of miscellaneous papers. While conducting the search we observed in the subject premises approximately four or five unopened packages of firecrackers and gray duct tape. We did not seize those items because their seizure was not authorized by the search warrant, ^{Southern District of New York}

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and because at the time we had no reason to believe that the items constituted evidence of the manufacture or shipping of an explosive devise.

4. Subsequent to the execution of the search warrant, further analysis of the pipe bomb referred to in Paragraph 3e of the Complaint, has revealed that the bomb was constructed in part with a firecracker and grey duct tape. As a result there is now probable cause to believe that the firecrackers and grey duct tape seen in the subject premises on the night of February 11, 1991 constituted evidence of the commission of a federal offense to wit, a violation of Title 18, United States Code, Section 922.

5. In addition, while executing the search warrant issued on February 11, 1991, we observed numerous papers which appeared to have been written upon in the defendant's normal handwriting. It would be valuable for the purpose of making a comparison with the handwriting on the note referred to in Paragraph 3b, and the envelopes referred to in Paragraph 3f of the Complaint, to seize those papers.

WHEREFORE I respectfully request the Court to issue a warrant, in the form attached, to search for those items, as specifically described on the face of the warrant, and incorporated by reference herein.

Carrie A. DiPirro
 CARRIE A. DIPIRRO
 Special Agent
 Bureau of Alcohol, Tobacco and
 Firearms

Sworn to before me this
 13th day of February 1991
Barbara A. Lee
 UNITED STATES MAGISTRATE JUDGE

BARBARA A. LEE
 United States Magistrate Judge
 District of New York

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