

Superior COURT FOR Chelan COUNTY

FILED

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FEB 23 2015

Kim Morrison  
Chelan County Clerk

15-1-00113-3

STATE OF WASHINGTON )  
County of Chelan )

ss.

AFFIDAVIT FOR PROBABLE CAUSE

In Re: Name: Whited, Braxton Scott

DOB: [REDACTED]

Incident Number: 15C00978

Area/RD of Arrest: W

Warrantless  Citation Number

The undersigned on oath states: That affiant believes that the crime of Unlawful Possession of a Controlled Substance (marijuana) with Intent to Deliver has been committed by the defendant.

Your Honor,

On January 22, 2015 I received a phone call from CCSO Deputy Rinehart. He told me that a friend of his had received several texts from someone she did not know. The texts originated from phone number 509 [REDACTED]. The texts read something to the effect of, "this is Braxton, I got an ounce, Dutch Treat, \$50 worth". After receiving several such texts, Deputy Rinehart's friend called the sender and told him that he had been sending texts to the wrong number.

Based on my training and experience I suspected that the sender was trying to sell marijuana. On January 22 I began exchanging text messages with Braxton. I explained that he had sent the text messages to my friend by mistake, and that she was not interested in marijuana but I was. Over the next 2 days I continued to exchange text messages with Braxton. The fact that he wanted to sell marijuana to me was confirmed when he asked whether I wanted indica or sativa.

I told him that I preferred sativa and said that I wanted to buy a "zip", which is slang for an ounce. Through further text messages Braxton told me that he was having difficulty getting in touch with his supplier. On January 23 in the early evening, Braxton told me that he was about to pick up the marijuana. Unfortunately, I had gone home for the day so I told him that I was unavailable.

He apparently got the ounce of marijuana on January 24, which was a Saturday. I was not at work and ignored his text messages. When I returned to work on January 27, I resumed exchanging text messages with him.

At 1542 hours I received a text message from him that read, "So do you want that today? I think I can get it and meet up in a little". I told him that I was still interested but that we had to meet before 1700 hours. He agreed to meet me at the Wenatchee 7 11 Store and quoted me a price of \$170 for the ounce.

Prior to meeting Braxton, I checked his cell phone number through a national law enforcement data during the process of state and local deconfliction. I was advised that the phone number was associated with Braxton Whited.

In subsequent text messages I asked Braxton what he was driving, and he told me that he was in a "black-ish" Kia Sportage SUV. At 1641 hours he advised that he was at the 7 11 Store and was parked on the side of the store next to a white SUV by the dumpster.

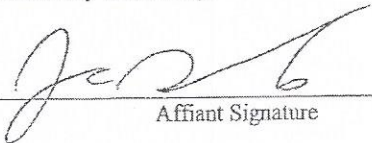
WPD Officer Battis in a marked patrol car assisted us. I drove past the 7 11 and saw a dark colored Kia Sportage, WA license [REDACTED], parked in the the southeast corner of the lot, in between the dumpster and a white SUV. There appeared to be one occupant. Officer Battis approached the Kia and contacted the driver, identified as Braxton S. Whited, date of birth [REDACTED]. I do not know what Officer Battis said to Whited; by the time I walked up to the car, Whited was standing outside of his open driver's door. I advised him of Miranda by reading from my pocket card and he told me that he understood his rights. I asked him where the "weed" was, and he nodded toward the door pocket on the open driver's door and said, "Its right there". I looked in the door pocket and saw a plastic bag that contained approximately 28 grams of marijuana buds. I recognized the

contents of the bag as marijuana by its characteristic odor and appearance, and I later field tested a portion of the contents.

Whited admitted that he was neither a licensed marijuana seller or a medical marijuana patient or provider. He knew that selling marijuana was illegal, but said that it was his sole source of income. He told me that he had just obtained the marijuana from his supplier immediately before meeting us. His supplier had "fronted" the marijuana to him, and expected Whited to bring him \$150 after the transaction. Whited claimed that he did not use other drugs, and said that he didn't even smoke marijuana regularly anymore; he simply sold it in order to earn money.

Whited allowed me to look at the text messages stored on his cell phone. There were numerous messages between him and other people in which Whited blatantly advertised that he had marijuana for sale.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct to the best of my knowledge and belief.

  
Affiant Signature

  
Agency, Title and Personnel Number

1/30/15

1250

WENATCHEE WA

Date

Time

Place of Signature

\*\*\* ORDER \*\*\*

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I reviewed the foregoing affidavit and hereby (find) (do not find) that probable cause exists for the arrest of the defendant on the enumerated charges.

Time

Judge

FILED

FEB 23 2015

Kim Morrison  
Chelan County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CHELAN

STATE OF WASHINGTON )

Plaintiff, )

vs. )

BRAXTON S. WHITED, )

Defendant. )

SEX: Male )

DOB: [REDACTED] )

DLN: )

SID: )

FBI: )

No: 15-1-00113-3

INFORMATION

TO: Braxton S. Whited

[REDACTED]  
[REDACTED], WA [REDACTED]

COMES NOW Douglas J. Shae, Prosecuting Attorney for the County of Chelan, State of Washington, and by this his information accuses BRAXTON S. WHITED of the crime(s) of UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE-MARIJUANA WITH INTENT TO DELIVER committed as follows, to-wit:

That the said defendant in the State of Washington on or about the 27th day of January, 20015, did then and there unlawfully and feloniously possess a controlled substance, to wit: marijuana, with intent to deliver said controlled substance to another person; contrary to the form of the statute RCW 69.50.401(1) and (2)(c) in such cases

INFORMATION -1-

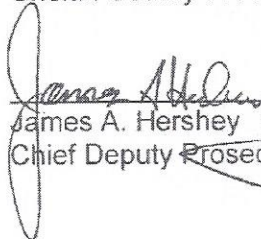
DOUGLAS J. SHAE  
CHELAN COUNTY  
PROSECUTING ATTORNEY  
P. O. Box 2596  
Wenatchee, WA 98807  
(509) 667-6202

1 made and provided and against the peace and dignity of the State of Washington.

2 That the maximum penalty for the above crime is five years in prison and/or a  
3 \$10,000.00 fine.

4 DATED at Wenatchee, Washington, this 18th day of February, 2015.

5 Douglas J. Shae  
6 Chelan County Prosecuting Attorney

7   
8 James A. Hershey WSBA #16531  
9 Chief Deputy Prosecuting Attorney

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