

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA : Case No. 3:0700223(AHN)  
: :  
: :  
v. : :  
: : January 3, 2007  
JOSE R. SILVA : :

**UNITED STATES' SENTENCING MEMORANDUM**

**I. Introduction**

The government respectfully submits this memorandum in aid of sentencing, which has been scheduled for Monday, January 7, 2007 at 12:00 p.m. The memorandum outlines the procedure to be followed in sentencings in the wake of United States v. Booker, 543 U.S. 220 (2005), explains why the Presentence Report ("PSR") properly calculates the defendant's sentencing range under the U.S. Sentencing Guidelines, and argues that the defendant's record as a New Haven Police Officer or the nature of the crime do not warrant either a departure from the advisory range specified by the Guidelines, or a variance from that range when deciding upon the appropriate sentence in light of the factors outlined in 18 U.S.C. § 3553(a).

This Court must fashion a sentence for Jose Silva that promotes respect for the law. The sentence must reflect the seriousness of the offense committed by Silva as well as provide a message, both specifically to him and generally to the public, particularly police officers or persons acting under the color of law, who have the opportunity and/or are thinking of violating the trust and power of their positions, that the rule of law applies to them and that they are not above the law.

In paragraph 14 of the PSR, the defendant attempts mitigate his conduct by describing that his criminal conduct started only after he was partnered with Justin Kasperzyk and that he, Silva, but for Kasperzyk, was a good cop. However, as a police officer, Jose Silva made choices. He made the choice to arrest falsely an individual and falsify reports connected to the arrest. He made the choice to take money that he knew Justin Kasperzyk had stolen during the execution of a search warrant. In fact, Silva made the choice to remain in the Narcotics Unit, even after being partnered with Justin Kasperzyk. Records reflect that on December 7, 2006, Silva was transferred from the Narcotics Unit to General Investigations, B Squad. Silva complained about the transfer because it would mean different hours that were less convenient for his family and, by letter dated December 11, 2006, the transfer was rescinded. Jose Silva chose to remain in the Narcotics Enforcement Unit. Although Jose Silva may have taken “pride in being an officer of the law,” see PSR at ¶ 76,” the choices that he made reflect that he failed to respect the badge and consequently the citizens of New Haven.

## **II. The Sentencing Guidelines**

### **A. The Law**

The Supreme Court clarified the continuing role of the Sentencing Guidelines and the scope of the sentencing court’s discretion in United States v. Booker, 543 U.S. 220 (2005). Booker makes clear that this Court must consider both the sentencing factors set forth in 18 U.S.C. Section 3553(a), and the Sentencing Guidelines in fashioning a reasonable sentence. Id. at 249. While the Sentencing Guidelines are no longer mandatory following Booker, they must still be considered in determining the appropriate sentence. Because the Guidelines reflect the Sentencing Commission’s considered judgment about all of the factors set forth in § 3553(a), the

Supreme Court and the Second Circuit have made it clear that the Guidelines continue to play a central role in a sentencing court's § 3553(a) calculus. The Second Circuit has recognized the continuing relevance of the Sentencing Guidelines following Booker in determining an appropriate sentence:

[I]t is important to bear in mind that Booker/ Fanfan and section 3553(a) do more than render the Guidelines a body of casual advice, to be consulted or overlooked at the whim of a sentencing judge. Thus, it would be a mistake to think that, after Booker/Fanfan, district judges may return to the sentencing regime that existed before 1987 and exercise unfettered discretion to select any sentence within the applicable statutory maximum and minimum. On the contrary, the Supreme Court expects sentencing judges faithfully to discharge their statutory obligation to "consider" the Guidelines and all of the other factors listed in section 3553(a). We have every confidence that the judges of this Circuit will do so, and that the resulting sentences will continue to substantially reduce unwarranted disparities while now achieving somewhat more individualized justice.

United States v. Crosby, 397 F.3d 103, 113-14 (2d Cir. 2005).

Under the non-mandatory Guideline regime established by Booker and Crosby, the sentencing judge is empowered to make the factual findings necessary for determining what the recommended Guideline Sentence is in a particular case. Crosby, 397 F.3d at 113 (“the sentencing judge is entitled to find all the facts appropriate for determining either a Guidelines sentence or a non-Guidelines sentence”).

The judge must consider the Guidelines in conjunction with the other factors enumerated in § 3553(a), in order to determine whether there is any reason to deviate from the guideline range. These factors include: (1) “the nature and circumstances of the offense and history and characteristics of the defendant”; (2) the need for the sentence to serve various goals of the criminal justice system, including (a) “to reflect the seriousness of the offense, to promote respect

for the law, and to provide just punishment,” (b) to accomplish specific and general deterrence, © to protect the public from the defendant, (d) “to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner”; (3) the kinds of sentences available; (4) the sentencing range set forth in the Guidelines; (5) policy statements issued by the Sentencing Commission; (6) the need to avoid unwarranted sentencing disparities; and (7) the need to provide restitution to victims.

Accordingly, in the majority of cases, a sentence within the guideline range is reasonable, and accommodates the congressional purpose set forth in § 3553(a), affirmed by the Supreme Court, of obtaining fair sentences which are uniform to the extent possible.

**B. The PSR Properly Calculates the Defendant’s Guidelines Sentencing Range at 12 Months of Imprisonment.**

The government agrees with the PSR’s calculation of the defendant’s guidelines, and contends that the suggested bases for departures or variances from the appropriate Guideline range are not appropriate.

More specifically, as part of the plea agreement in this case, the government and the defendant agreed that the defendant's applicable Sentencing Guideline sentence is 12 months imprisonment. See U.S.S.G. § 5G1.1(a). The base offense level under U.S.S.G. § 2H1.1 is 12. Six levels are added under U.S.S.G. § 2H1.1(b)(1) because the defendant was a public official at the time of the offense as well as because the defendant was acting under the color of law. Three levels are subtracted under U.S.S.G. § 3E1.1 for acceptance of responsibility, as noted above, resulting in a total offense level of 15. A total offense level of 15 with a criminal history category I, which the parties calculate the defendant to be, results in a range of 18 to 24 months

of imprisonment (sentencing table) and a fine range of \$4,000 to \$40,000, U.S.S.G.

§ 5E1.2(c)(3). However, because under 18 U.S.C. § 242 the maximum penalty is not more than a year imprisonment, the guidelines sentence is 12 months pursuant to § 5G1.1(a).

As part of the plea agreement, the defendant and the government agreed that in addition to the other penalties provided by law, the Court must also order that the defendant make restitution under 18 U.S.C. §3663A. Counsel for the victim has requested that the Court order, as restitution, compensation to the victim for his false arrest, conviction, and four weeks' detention. See PSR at ¶ 15. Although the victim certainly has a basis to seek compensation for the false arrest, the criminal restitution statutes do not provide for such compensation. Title 18 U.S.C. § 3663A provides for restitution for property damage, bodily injury(including lost wages), and the costs of participation in the investigation or prosecution of the offense. To the extent the victim can quantify such items as lost income resulting from the offense, restitution must be ordered. However, the type of compensation requested, the intangible costs of the false arrest and detention, are not provided for under the criminal restitution statutes.

### **III. Other Considerations Do Not Warrant Downward Departures That Yield a Lower Advisory Guideline Range, Nor Imposition of a Sentence that Varies from That Range**

At this time, the defendant has not requested a departure from the guideline range or a non-guideline sentence. However, the PSR contains a statement that the Court may consider a downward departure, pursuant to U.S.S.G. §5K2.20 based on whether Mr. Silva's involvement in the instant offense represents aberrant behavior in light of his record as an honorable and upstanding police officer. See PSR at ¶ 75. Silva's record as a police officer does not merit a departure whether considered as evidence of aberrant behavior or standing alone.

Under the facts of this case, to give Jose Silva credit for doing his job, that is serving the public within the bounds of the law, is simply not appropriate. Section 5H1.11 provides that “[C]haritable or public service; employment-related contributions and similar prior good works are not ordinarily relevant in determining whether a sentence should be outside the applicable guideline range.” See United States v. Rioux, 97 F.3d 648, 663 (2d Cir. 1996). As a detective for the New Haven Police Department, Silva’s duty was to serve the public. He should not now be given credit for fulfilling the duties for which he was hired and paid to perform. That his works as a police officer do not merit a downward departure is particularly true given that he used the authority of the position to commit a crime. Jose Silva violated an individual’s civil rights. He arrested an individual for possession of narcotics, knowing the narcotics were found in a common area basement and then lied in a police report to cover the crime.

The instant case is significantly different from cases in which defendants are given credit for exemplary work or good deeds. For example, a bank official who embezzles money may, under certain circumstances, be given credit for extraordinary community service. In those cases, the community service is separate from the position abused. In United States v. Serafini, 233 F.3d 758 (3d Cir. 2000), the defendant was a Pennsylvania state legislator who had been convicted of giving perjured testimony to a federal grand jury which was investigating a scheme to funnel corporate political contributions through third-party nominees. During his sentencing hearing, the district court granted the defendant’s request for a three-level reduction in his guidelines range on the basis of his civic activities. The Government appealed the district court’s decision to depart to the extent it relied upon the defendant’s activities as a state legislator. The Third Circuit agreed with the Government, finding that:

As to Serafini's activities as a state legislator, they are work-related and political in character. . . Conceptually, if a public servant performs civic and charitable work as part of his daily functions, these should not be considered in his sentencing because we expect such work from our public servants.

Id. at 773.

As in Serafini, the fact that the defendant acted for the most part as an honorable police officer, means, to a great extent, that he did what he was expected to do as part of his job. The damage inflicted, the loss of confidence in a police officer as a result of Silva's actions cannot be minimized by the fact that Silva also did what he was paid to do and performed public service.

The PSR also suggests that a downward departure may be warranted on the grounds that the defendant's offense constituted aberrant behavior under U.S.S.G. § 5K2.20. The Sentencing Guidelines define "aberrant behavior" as a single criminal occurrence or single criminal transaction that (A) was committed without significant planning; (B) was of limited duration; and ( C ) represents a marked deviation by the defendant from an otherwise law-abiding life. U.S.S.G. § 5K2.20, app. note 1; United States v. Gonzalez, 281 F.3d 38 (2d Cir. 2002). In this regard, a sentencing court "may consider the defendant's (A) mental and emotional conditions; (B) employment record; © record of prior good works; (D) motivation for committing the offense; and (E) efforts to mitigate the effects of the offense." U.S.S.G. § 5K2.20, app. note 2. Although the revised version of U.S.S.G. § 5K2.20 replaced earlier language referring to a "single act" with language referring to "a single criminal occurrence or single criminal transaction," this change was meant only "to slightly relax" the former rule. See U.S.S.G. Supp. to App. C, at 79 (2001); United States v. Arbelaez, 2002 WL 750845, \*3 (S.D.N.Y. Apr. 26, 2002) (finding conduct not of "limited duration," where defendant committed two money

laundering transactions in November 1999, but continued to associate with other criminals as late as November 2000).

The defendant's record as a police officer, in light of the facts discussed below, simply does not provide a basis for a departure based on aberrant behavior. First, although there is no evidence that Silva planned to falsely arrest an individual prior to the execution of the search, the crime itself could only be committed with some significant planning during the search and after the search. When Silva and Kasperzyk located the drugs in the basement, a decision was made to move the drugs to the bedroom in order to strengthen the case against the person found in the bedroom. In order to perpetuate the false arrest, Silva had to execute and file a police report in which he falsified the location of the narcotics. In that report, Silva not only falsified the location of the narcotics, but also falsely noted that an identification card was found in the bedroom, near the drugs. To date, no identification card has ever been located. Five days after the search, on November 14, 2007, Silva executed and signed an inventory form and returned the form to Superior Court. The inventory reports the items seized but not the location of the seizure. See Police Report and Inventory Form, attached as exhibits A and B. Silva took no steps to mitigate the effects of the offense but rather allowed the false arrest to continue. In fact, the individual arrested could not make bond and spent time in jail. See PSR at ¶ 15. Moreover, months later, on March 1, 2007, Silva kept money that he knew Justin Kasperzyk had stolen during the execution of a search warrant; conduct which severely undermines any argument that unlawful search and seizure at Truman Street was aberrant conduct.

#### **IV. Conclusion**

For the reasons set forth above, the government respectfully requests that the Court

sentence defendant Silva to a sentence that reflects the seriousness of the offense, promotes respect for the law, and provides just punishment.

Respectfully submitted,

KEVIN J. O'CONNOR  
UNITED STATES ATTORNEY

BY: JAMES R. SMART  
ASSISTANT UNITED STATES ATTORNEY  
FED. BAR NO. ct20982

FOR: NORA R. DANNEHY  
ASSISTANT UNITED STATES ATTORNEY  
FED. BAR NO. ct01942  
450 MAIN STREET, ROOM 328  
HARTFORD, CT 06103  
TEL. (860) 947-1101

CERTIFICATION OF SERVICE

This is to certify that the Government's Sentencing Memorandum has been sent via facsimile this 3<sup>rd</sup> day of January 2008 to: Eric P. Daigle, Halloran & Sage, One Goodwin Sq., 25 Asylum Street, Hartford, CT 06103 and Carla Jo Wagenstein-Vega, United States Probation Officer, Office of the U.S. Probation, 915 Lafayette Boulevard, Bridgeport, CT

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NORA R. DANNEHY  
ASSISTANT UNITED STATES ATTORNEY

# **EXHIBIT A**

LOCATION OF INVESTIGATION: 65-67 TRUMAN STREET FIRST FLOOR APARTMENT

DETECTIVES AT SCENE: J.SILVA, T.WILSON, K.BELL, J.KASPERZYK AND LT. WHITE  
OFFICERS: MERCED, APONTE, TYSON, HEALY, ORTIZ, LT. STREETO AND STATEWIDE  
NARCOTICS

DATE AND TIME: 11-09-06 1900 HOURS

THE UNDERSIGNED (A MEMBER OF THE NEW HAVEN POLICE DEPARTMENT'S  
NARCOTIC ENFORCEMENT UNIT) AND DETECTIVE WILSON CONDUCTED AN  
INVESTIGATION INTO THE ILLICIT SALES OF NARCOTICS AT 65-67 TRUMAN STREET  
FIRST FLOOR APARTMENT NEW HAVEN, CT. THIS INVESTIGATION LED TO THE  
SECURING OF A SEARCH AND SEIZURE WARRANT FOR THE AFOREMENTIONED  
LOCATION, SIGNED ON 11-09-06 BY THE HONORABLE JUDGE BROWN.

ON 11-09-06 THE ABOVE LISTED DETECTIVES AND OFFICERS EXECUTED SAID SEARCH  
AND SEIZURE WARRANT AT 65-67 TRUMAN STREET FIRST FLOOR APARTMENT NEW  
HAVEN CT. THE ENTRY TEAM CONSISTED OF DETECTIVES KASPERZYK, BELL,  
MEMBERS OF STATEWIDE NARCOTICS AND MYSELF. THE REAR OF THE APARTMENT  
WAS COVERED BY OFFICERS TYSON, HEALY, LT. STREETO AND LT. WHITE. THE  
ABOVE NAMED DETECTIVES REACHED THE FRONT LEFT OUTER DOOR OF 65-67  
TRUMAN STREET FIRST FLOOR APARTMENT. AT THIS TIME I KNOCKED AND  
ANNOUNCED "POLICE WITH A SEARCH WARRANT". AFTER A BRIEF PAUSE THE FRONT  
LEFT OUTER DOOR OF 65-67 TRUMAN STREET FIRST FLOOR APARTMENT WAS  
LOCKED/SECURED AND OPENED VIA BATTERING RAM. THE ABOVE LISTED  
DETECTIVES ENTERED THE APARTMENT. ONCE IN THE COMMON HALLWAY WE  
CONTINUED THRU THE OPEN DOOR OF THE FIRST FLOOR APARTMENT. WE CLEARED  
THE LIVING ROOM AREA AND PROCEEDED TO THE KITCHEN AREA. IN THE KITCHEN  
AREA I OBSERVED A BLACK MALE WALKING OUT OF THE BACK BEDROOM. THIS  
SUBJECT WAS LATER IDENTIFIED AS NORVAL FALCONER. FALCONER WAS SECURED  
WITHOUT INCIDENT. THE TARGET LOCATION WAS SECURED AND A SYSTEMATIC  
SEARCH WAS CONDUCTED.

THE FOLLOWING LIST REFLECTS THE EVIDENCE SEIZED FROM THE TARGET  
LOCATION OF 65-67 TRUMAN STREET FIRST FLOOR APARTMENT.

ITEM #1 (1) SANDWICH BAG CONTAINING A WHITE POWDER LIKE SUBSTANCE  
(SUSPECTED COCAINE) WITH AN APPROXIMATE WEIGHT OF 7.4 GRAMS. THE  
SUSPECTED COCAINE HAS AN APPROXIMATE STREET RESALE VALUE OF \$560.00. THIS  
ITEM WAS FOUND BY DETECTIVE KASPERZYK ON TOP OF THE DRESSER IN THE  
BEDROOM THAT FALCONER WAS COMING OUT OF.

PRINT NAME - OFFICER /DA DETECTIVE JOSE R. SILVA	ARREST OR ID # 779	DATE 11-09-06	PRINT SUPERVISORS NAME AND RANK
THIS REPORT SIGNED UNDER PENALTY OF STATE LAW FOR MAKING A FALSE STATEMENT		SUBSCRIBED AND SWORN TO BEFORE ME (SIGN AND DATE) <i>[Signature]</i> 11/9/06	NOTARY 1-24 ADD NARRATIVE Yes/No

ITEM #2 (19) WHITE ROCK LIKE SUBSTANCES EACH INDIVIDUALLY WRAPPED UP IN A PIECE OF PLASTIC AND TIED IN A KNOT. (SUSPECTED CRACK COCAINE). EACH INDIVIDUAL WHITE ROCK LIKE SUBSTANCE HAS A STREET RESALE VALUE OF \$20.00. THE TOTAL STREET RESALE VALUE IS \$380.00. THIS ITEM WAS FOUND BY DETECTIVE KASPERZYK ON TOP OF THE DRESSER IN THE BEDROOM THAT FALCONER WAS COMING OUT OF.

ITEM #3 (1) CLEAR PLASTIC ZIPLOCK BAG CONTAINING (40) SMALL RED TINTED ZIPLOCK BAGGIES. EACH RED ZIPLOCK BAGGIE CONTAINED A GREEN PLANT LIKE LEAFY SUBSTANCE (SUSPECTED MARIJUANA). EACH INDIVIDUAL RED TINTED ZIPLOCK BAGGIE HAS A STREET RESALE VALUE OF \$10.00. THE TOTAL STREET RESALE VALUE IS \$400.00. THIS ITEM WAS FOUND BY DETECTIVE KASPERZYK ON TOP OF THE DRESSER IN THE BEDROOM THAT FALCONER WAS COMING OUT OF.

ITEM #4 \$127.00 IN CASH. THIS ITEM WAS FOUND BY DETECTIVE KASPERZYK ON TOP OF THE DRESSER IN THE BEDROOM THAT FALCONER WAS COMING OUT OF.

ALL OF THE ABOVE ITEMS SEIZED WERE FOUND BY DETECTIVE KASPERZYK ON TOP OF THE DRESSER IN THE BEDROOM THAT FALCONER WAS COMING OUT OF. ALSO FOUND NEXT TO THE ABOVE ITEMS SEIZED WAS FALCONER'S IDENTIFICATION CARD.

A PORTION OF THE WHITE ROCK LIKE SUBSTANCE WAS TESTED BY DETECTIVE WILSON, (CERTIFIED NARCOTIC TESTER) USING NARK SIRCHIE #13 CRACK COCAINE TESTER. THE TEST PRODUCED A POSITIVE REACTION FOR THE PRESENCE OF CRACK COCAINE. THESE TESTS HAVE BEEN UTILIZED IN THE PAST ON NUMEROUS OCCASIONS AND HAVE HAD RESULTS PROVEN TO ACCURATE AND RELIABLE.

A PORTION OF THE GREEN PLANT LIKE LEAFY SUBSTANCE WAS TESTED BY DETECTIVE WILSON, (CERTIFIED NARCOTIC TESTER) USING NARK SIRCHIE #8 MARIJUANA TESTER. THE TEST PRODUCED A POSITIVE REACTION FOR THE PRESENCE OF MARIJUANA. THESE TESTS HAVE BEEN UTILIZED IN THE PAST ON NUMEROUS OCCASIONS AND HAVE HAD RESULTS PROVEN TO ACCURATE AND RELIABLE.

DETECTIVE WILSON ENTERED THE ABOVE EVIDENCE SEIZED INTO ONE UNION AVE PROPERTY ROOM.

A COPY OF PAGE 5 OF THE SEARCH WARRANT WAS LEFT INSIDE THE RESIDENCE.

FALCONER WAS ARRESTED AND CHARGED WITH POSSESSION OF A CONTROLLED SUBSTANCE, POSSESSION OF A CONTROLLED SUBSTANCE WITHIN 1500 FEET OF A SCHOOL, POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO SELL, POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO SELL 1500 FEET OF A SCHOOL, POSSESSION OF A NARCOTIC SUBSTANCE, POSSESSION OF A NARCOTIC

PRINT NAME - OFFICER/DA DETECTIVE JOSE R. SILVA	ARREST OR ID # 779	DATE 11-09-06	PRINT SUPERVISORS NAME AND RANK
THIS REPORT SIGNED UNDER PENALTY OF STATE LAW FOR MAKING A FALSE STATEMENT		SUBSCRIBED AND SWORN TO BEFORE ME (SIGN AND DATE)	NOTARY 1:24 <input type="checkbox"/> Yes/No

SUBSTANCE WITHIN 1500 FEET OF A SCHOOL, POSSESSION OF A NARCOTIC  
SUBSTANCE WITH INTENT TO SELL AND POSSESSION OF A NARCOTIC SUBSTANCE  
WITH THE INTENT TO SELL 1500 FEET OF A SCHOOL (THAT SCHOOL BEING TRUMAN  
SCHOOL WHICH IS LOCATED AT 114 TRUMAN STREET WITHIN THE 1500 FEET  
BOUNDARIES OF THE ARREST SITE). SEE MAP ATTACHED.

FALCONER WAS TRANSPORTED VIA PRISONER CONVEYANCE TO ONE UNION AVE  
DETENTION CENTER.

PRINT NAME - OFFICER / DA DETECTIVE JOSE R. SILVA	ARREST OR ID # 779	DATE 11-09-06	PRINT SUPERVISORS NAME AND RANK
THIS REPORT SIGNED UNDER PENALTY OF STATE LAW FOR MAKING A FALSE STATEMENT	SUBSCRIBED AND SWORN TO BEFORE ME (SIGN AND DATE) <i>Gregory M. [Signature]</i> 11/9/06		NOTARY 1-24 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

# **EXHIBIT B**

JUN-21-2007 13:34  
11/20/2006 15:41 FAX 203 789 8400

SQUAD 4

US ATTYS OFF HTD  
STATE'S ATTY NEW HAVEN

002  
010

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**RETURN FOR AND INVENTORY  
PROPERTY SEIZED ON SEARCH AND SEIZURE WARRANT**

New Haven PD

JUDICIAL DISTRICT OF New Haven		G.A. 23	AT (Address of Court) 121 Elm Street	INVENTORY CONTROL NO.	DATE OF SEIZURE Thu, Nov 9, 2006
DOCKET NO. CR-		UNIFORM ARREST NO.	POLICE CASE NO. 08-63705	COMPANION CASE NO.	

Then and there by virtue and pursuant to the authority of the foregoing warrant, I searched the person, place, or thing named therein, to wit  
**PERSON**

**PLACE or THING**

65-67 TRUMAN STREET FIRST FLOOR APARTMENT NEW HAVEN, CT. THIS LOCATION IS A THREE FAMILY HOUSE. THE HOUSE IS BEIGE IN COLOR. IT HAS TWO DOORS FACING THE FRONT OF THE HOUSE. THE DOOR ON THE LEFT LEADS TO THE FIRST FLOOR APARTMENT AND TO THE BASEMENT.

and found thereon or therein, seized, and now hold in custody, the following property...

Total Cash Seized: 5127.00 consisting of

- ITEM #1 (1) SANDWICH BAG CONTAINING A WHITE POWDER LIKE SUBSTANCE (SUSPECTED COCAINE) 7.4 GRAMS
- ITEM #2 (18) WHITE ROCK LIKE SUBSTANCES WRAPPED UP IN A PIECE OF PLASTIC (SUSPECTED CRACK COCAINE)
- ITEM #3 (1) CLEAR ZIPLOCK BAG CONTAINING (40) SMALL RED TINTED ZIPLOCK BAGGIES. EACH RED ZIPLOCK BAGGIE CONTAINED A GREEN PLANT LIKE LEAFY SUBSTANCE (SUSPECTED MARIJUANA)

*Handwritten signature and date: 11/14/06*

*Vertical stamp: REC'D WILLIAMSON COURT*

and I gave a copy of such warrant to NORVAL FALCONER the owner or occupant of the dwelling, structure, motor vehicle or place designated therein, or to 65-67 TRUMAN ST 1ST FLOOR the person named therein, on (Date): 11/09/06

DATE OF THIS RETURN Tue, Nov 14, 2006	SIGNED (Officer's Signature and department) <b>DETECTIVE JOSE R. SILVA</b> New Haven PD
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