

Exhibit B

State of New Hampshire

Supporting Affidavit for Arrest W/O Warrant

Hillsborough County

NH Circuit Court
9th Circuit District Division – Manchester

I BRIAN K LEVEILLE being duly sworn, depose and say:

1. I have arrested:

VALENTIN, ALFREDO

██████████ 6 LAWTON ST MANCHESTER, NH 03103

2. I have information that a crime (or offense) has been committed by the defendant as follows:

Interception and Disclosure of Telecommunication or Oral Communications Prohibited
RSA 570-A:2 (B Felony)

On 03/02/2015, I was assigned as a supervisor within the Manchester Police Special Investigations Unit. At approximately 1030 hours, a drug search warrant was executed at 6 Lawton St. by the Manchester Police SWAT unit. The warrant was issued by the honorable Judge Gregory Michael, out of the 9th Circuit Ct: - Manchester Division on 2/26/15. The residence was deemed clear after two females were located inside. Members of SIU, including myself responded to the residence at approximately 1050 hours to process the scene and collect evidence pursuant to the search warrant.

At approximately 1110 hours, the owner of the residence identified as:

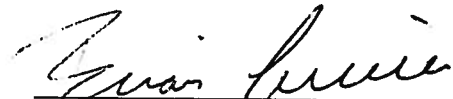
Alfredo Valentin
██████████

responded to the scene. Sgt. Robert Lefoley (NHSP) and I made contact with Valentin outside the residence and explained to him that we were executing a search warrant on his residence and that he was not allowed inside until we had completed the search. Valentin was somewhat confrontational and demanded that we provide him with a copy of the warrant. I explained to him that we would leave a copy of the warrant at the residence when we were done. I further explained that a copy of all the items of evidence from within his residence would be documented and a copy of that document would be left as well. I asked him for his cell number and advised him that I would call him when we were finished and would also wait for him to provide the copies. Valentin agreed and left at this time.

At approximately 1300 hours, Sgt. Sanders advised me that Valentin had returned to the residence and was trying to gain access inside the residence. Sgt. Sanders and I spoke with Valentin outside the residence and explained to him that the search was not complete and was not allowed inside until we were finished. Valentin again demanded to see the search warrant and I explained that he would receive a copy as soon as the search was completed. Valentin indicated that he was not convinced we had a warrant because I refused to produce it at this time. I explained that a warrant had been issued and agreed to show him the warrant to avoid further interference on his behalf. Sgt. Sanders remained with Valentin and I went to retrieve the warrant. I returned to Valentin

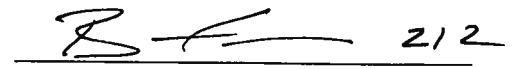
Supporting Affidavit for Arrest W/O Warrant (continued)

and showed him the warrant. At this point he acknowledge the warrant but began questioning our ability to search the entire residence, including the areas of his control. I again showed him the warrant and explained that the judge had issued the warrant permitting us to search the entire residence, including the curtilage. At this point, I observed Valentin was holding his cell phone in his left hand and Sgt. Sanders observed Valentin activating his voice recorder on his cell phone. Sgt. Sanders asked Valentin if he was recording our conversation. Valentin hesitated briefly and stated, "umm, yes." I advised him that he had not asked for our permission to record, nor had he advised us that he was recording our conversation. I advised him that this was crime and Valentin stated that he was unaware this was criminal. He stated that he would not use the recording because he did not know. Valentin began walking away toward the driveway. Sgt. Sanders and I followed and again engaged him. I explained to him that he was under arrest. Valentin raised his arms and appeared that he might resist. He then turned around and placed his hands behind his back. Sgt. Sanders secured him in handcuffs, double locked and checked for tightness.


 (Signature)

Then personally appeared the above named BRIAN K LEVEILLE and made oath that the foregoing affidavit by him is true.

Before me on this 3 day of March, 2015


 (Justice of the Peace)
 Sgt. COSIO
 Exp 12-5-17

Incident/Investigation Report

Agency: MPD

Case Number: 15-003441

Date: 03/24/2016 07:32:23

Supplement Information

Supplement Date 03/03/2015 20:05:32	Supplement Type FOLLOW UP	Supplement Officer (100227) SANDERS, CHRISTOPHER M
Contact Name		Supervising Officer (100154) LEVELLE, BRIAN K

Supplement Notes

(100227) SANDERS, CHRISTOPHER M

On Tuesday March 3rd, 2015, Members of the Manchester Police Special Enforcement Division and SWAT Team executed a drug search warrant at the premise of 6 Lawton Street, Manchester, NH. The search warrant was granted and signed by the Honorable Judge Gregory Michael of the 9th Circuit Court District Division on Friday February 27, 2015.

Manchester SWAT made entry at approximately 1030 hours at which time they encountered two female subjects inside the residence. They were identified as :

SAMANTHA ALLEN
DOB - [REDACTED]

and

JASMINE FUNKHOUSER
[REDACTED]

Both subjects were identified and checked for open warrants with negative results. Both Miss Allen and Miss Funkhouser were given possession of two dogs which were located inside the residence before being released at the scene. Shortly thereafter, Allen contacted the owner of the residence, later identified as Alfredo Valentin 11/27/71, and asked that he respond to the location. At approximately 1110 hours, Mr. Valentin arrived that location at which time he made contact with Sgt LeVeille (MPD) and Sgt Lefoley (NHSP). Although I did not engage Mr. Valentin in conversation at this time, I could over hear that he was demanding to see the search warrant and could observe that he appeared to be upset about the police presence at his residence. Mr Valentin was speaking in an adversarial manner and the volume of his voice was elevated. Although Sgt LeVeille attempted to explain the police presence several times and advised Mr Valentin that he would be provided with a copy of the search warrant, Mr. Valentin continued to demand to see the warrant immediately. Mr Valentin was advised that police personnel were searching the premise pursuant to the warrant and that he would not be allowed entry to the residence or curtilage. Mr Valentin was advised that he would be contacted when the search was complete and he would be allowed to return. I observed that after several minutes Mr. Valentin left the location.

At approximately 1300 hours, I exited the location to move my vehicle at which time I observed that Mr. Valentin had returned. I observed that he was standing in the driveway to the residence, next to an unmarked police vehicle. I asked Mr. Valentin if I could help him at which time he demanded that we move the vehicle from the driveway or he was going to have it "towed". I advised Mr. Valentin that we were still searching the address and that the vehicle would remain until the search had concluded. Mr. Valentin became argumentative and stated that he was going to have the vehicle towed. I then advised Mr. Valentin that he was not allowed on the property until we had concluded our search. Mr. Valentin then asked for my name and badge which I provided. Mr. Valentin used his phone to capture a picture of my badge which I held out in front of me. Mr. Valentin then walked toward me and stood at the front of the residence. I reiterated to him that we would contact him when the search was concluded. Mr. Valentin stated " I was told it would take an hour and that was one hour ago, I'm not leaving". Mr. Valentin then walked

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past me, continued up the walkway and attempted to make entry into the side entrance. I again told Mr. Valentin that he was not allowed to enter the premises. I then advised Sgt LeVeille that Mr. Valentin had returned at which time he joined me in front of the residence.

At this time Mr. Valentin resumed his demands that he be able to see the search warrant immediately and inferred that we, the police, would search his residence without having an issued search warrant. Sgt LeVeille assured Mr. Valentin that we had applied for and received a search warrant in regards to an ongoing narcotics investigation and that he would be provided a copy as soon as possible. Mr. Valentin continued to demand that he see a copy of the warrant now. Sgt LeVeille acquiesced and went inside to obtain a copy of the warrant. At this point, Mr. Valentin again walked past me, up the walkway toward the side entrance at which time I advised him again to stop as he was not allowed on the property. Mr. Valentin stopped but remained at the edge of the walkway and the street.

Moments later, Sgt LeVeille returned with a copy of the warrant. Sgt LeVeille showed Mr. Valentin the warrant and made note of the dates, location and judge's name as to who issued the warrant. Mr. Valentin then demanded that he be given a copy of the warrant application. Sgt LeVeille advised Mr. Valentin that he was not entitled to a copy of the application under the law. Despite Sgt LeVeille's multiple explanations regarding the search warrant and the application, Mr. Valentin continued to argue and demand that he be given the application. At this point during the conversation, I observed that Mr. Valentin was holding his cell phone in his left hand down by his side partially obscured by his leg. I further observed that Mr. Valentin had engaged his cell phone voice recorder which I could further observe was actively recording as the length of the recording was being visibly timed, denoted by changing numbers. It should also be noted that Sgt LeVeille was speaking in a normal if not lower voice when providing Mr. Valentin with an explanation as to what was occurring inside the residence and the nature of the investigation.

After noting the condition of Mr. Valentin's phone, I asked him if he was recording the conversation at which point he appeared to become very nervous and stated "umm, yes". Sgt LeVeille advised Mr. Valentin that he had not asked to record our conversation nor had he advised us that he intended to record the conversation. Mr. Valentin then said, "Oh I didn't know, I wont use it". Mr. Valentin then began pushing buttons on the face plate of the phone and walking away from the area. Mr. Valentin then walked back to the driveway and again stood next to the unmarked police vehicle. At this time Sgt LeVeille approached Mr. Valentin and advised him that he was under arrest. Immediately, Mr. Valentin raised up his left arm while holding his phone. At this point I was unsure as to whether Mr. Valentin was attempting to resist arrest, engage in a physical altercation or throw his phone away from his person. I then took hold of Mr. Valentin's arm, removed the cell phone from his grasp and placed it on the trunk of the vehicle. Mr. Valentin was then turned around and his hands placed to the center of his back. I then put handcuffs on Mr. Valentin which were double locked and checked for proper fit. Mr. Valentin was then searched for any weapons or contraband with negative results before being transported to headquarters via transport cruiser where he was booked without incident.

NFI, Z17

Incident/Investigation Report

Agency: MPD

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Date: 03/24/2016 07:32:23

Supplement Information

Supplement Date 03/03/2015 21:28:15	Supplement Type ADDT'L INFORMATION	Supplement Officer (100154) LEVEILLE, BRIAN K
Contact Name		Supervising Officer (100227) SANDERS, CHRISTOPHER M

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MAN014

Incident/Investigation Report

Agency: MPD

Case Number: 15-003441

Date: 03/24/2016 07:32:23