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5 *Superior* COURT, KING COUNTY, WASHINGTON
6

7 STATE OF WASHINGTON)

8) ss.

NO: 14-640

9 COUNTY OF KING)

AFFIDAVIT FOR SEARCH WARRANT

10 Det. Cynthia Sampson, being first duly sworn on oath, deposes and says:

11 On the basis of the following, I believe there is probable cause that

12 ☒ Evidence of the crime(s) of *Criminal Trespass in the first degree (RCW 9A.52.070)*

13 ☐ Contraband, the fruits of a crime, or things otherwise criminally possessed;

14 ☐ Weapons or other things by means of which a crime has been committed or reasonably
appears about to be committed;

15 ☐ A person for whose arrest there is probable cause, or who is unlawfully restrained;

16 is/are located in, on, at, or about the following described premises, vehicle or person:

17 *A two story Tudor style home, green with light colored trim located at the address of 6548*
18 *41st AV SW, in the City of Seattle*

19 On the basis of the following, I, Det. Cynthia Sampson, believe there is probable cause that Jane
20 and/or John Doe and/or all occupants of the listed residence have committed, are committing,
21 and/or are about to commit the above-identified crime in King County, and that evidence of that
crime is in the above-identified location.

22 I, Cynthia Sampson, have been employed as a police officer with the King County Sheriff's
23 Office since 1997 and have been a detective since 2004. Since 2010 I have been assigned as a
24 detective in the Major Crimes Unit where I am responsible for the follow-up investigations of the
25 crimes of homicide, robbery, kidnapping and felony assault. I am currently investigating the
report of Trespass first degree under KCSO #14-186984.

26 On 06/11/14 Triangle Property Development, the lawful owner of the above-referenced property,
27 obtained a Writ of Restitution in King County Superior Court, Cause No. 14-2-14687-6 SEA,

28 SEARCH WARRANT AFFIDAVIT

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06.04.14

1 against Defendants Byron L Barton, his wife Jean Barton, and John Doe Tenants for the listed
2 address of 6548 41st Ave SW Seattle, WA 98136. A writ of restitution is a written command in
3 the name of a court order, issued by the Superior Court Clerk, which directs the Sheriff to restore
4 specific premises to a plaintiff. The writ commanded the King County Sheriff's Office to remove
5 the defendants and all other parties from the residence and return the property to the plaintiff,
6 Triangle Property Development, within 20 days of the signed writ. The writ was posted at the
7 residence on June 12th, 2014 by KCSO Det. Thiry.

8 The defendant's attorney subsequently obtained a stay from eviction until a hearing on July 3,
9 2014. On July 3, 2014, in King County Superior Court, the defendant's motion for a Stay of Writ
10 of Restitution Pending Appeal was denied and The King County Sheriff's Office was directed to
11 proceed with the eviction.

12 On July 18th, 2014, at 0830hrs, The King County Sheriff's Office conducted the eviction at the
13 listed address of 6548 41st Ave SW Seattle. KCSO personnel lawfully entered the residence and
14 removed all occupants, listed as Byron and Jean Barton, tenant Louie Campos, as well as a third
15 unnamed W/F 60's in the basement. The occupants were chained to Byron Barton's hospital bed
16 but were cooperative. They were advised that they must leave the home and were being evicted
17 and trespassed from the home. Jean Barton was served with a copy of a trespass warning letter
18 which advises the parties of the Washington State trespass laws and warns them that they will be
19 arrested if they are found on the property within a year of the date that the trespass warning was
20 issued.

21 Once all occupants of the home were removed, Triangle Property Development changed the
22 locks on the east basement door, south kitchen door, and west facing front door. KCSO ensured
23 that all locks were sturdy and secure. On the inside windows of all three doors, KCSO personnel
24 placed a King County Warning letter regarding Criminal Trespass by previous occupants and
25 unauthorized persons. The notice is a warning about the eviction, warning trespassers that the
26 premises have been restored to the owners by the court. The notice states that trespassers will be
27 subject to arrest and prosecution. These notices were clearly visible from the outside. Once the
28 eviction process was completed the house was released to Triangle Property Development
management.

On July 18th, 2014, several hours after the eviction process was completed, Triangle Property
Development contacted KCSO and Seattle Police Department to report that defendants Jean
Barton, Byron Barton and other people had broken back into the home in violation of the posted
King County Criminal Trespass letters. Triangle Property Development reported that the home

1 had been so occupied in violation of the trespass law and posted trespass warnings placed earlier
2 on July 18th, 2014.

3 Triangle Property Development has since reported that the residence is currently being occupied
4 by these unauthorized individuals and indicated that it had not, and still has not, granted anyone
5 other than Triangle Property Development personnel or approved parties permission to be on or
6 in the property of the listed residence. On August 13th, 2014 KIRO 7 TV News played video
7 footage, reportedly taken on that day, of Byron Barton and an unnamed adult male being
8 interviewed by a reporter inside the listed residence. In addition, on August 13th, 2014 the City of
9 Seattle Mayor's Office issued a formal statement which said in part, "Representatives from the
10 City's Office of Housing as well as the Human Services Department have been in almost daily
11 contact with the Bartons ever since, presenting the family with an array of health and human
12 services for which they may be eligible at the city, county, state and federal levels. *To date, the
13 Bartons, however, have not pursued any of these options while choosing to remain in the
14 home.* I want to add that, during these site visits, staff – who are mandatory reporters – observed
15 conditions inside the residence that required them to submit reports to Adult Protective
16 Services".

17 Triangle Property Development, the legal owner of the property, has requested that law
18 enforcement personnel enter their residence and remove all person(s) found to be unlawfully
19 occupying the home.

20 Based on the foregoing information, I believe that evidence of the above-listed crime(s) exists at
21 the above-described property, and that there is probable cause to enter and search the above
22 identified property and person(s) for the following:

- 23 ➤ Evidence in whatever form of the above-listed crime(s) including but not limited to:
 - 24 ▪ Items and/or information that is/are evidence of, fruits of, pertain to, and/or was/is
25 being used in the commission the listed crime(s)
- 26 ➤ Items in whatever form evidencing dominion and control of the premises, place(s),
27 property, item(s), account(s), and/or person(s) searched;
- 28 AND
- Remove and arrest all unauthorized occupants of the residence

☐ (Check if applicable) This affidavit was submitted to the issuing judge or magistrate using an electronic device that is owned, issued, or maintained by the below-identified criminal justice agency.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 14 day of August, 20 14 at Seattle, WA.

Affiant Signature: [Signature]

OR, if submitted electronically or by phone:

Affiant full name: /s/ CYNTHIA M. SAMPSON

Agency Badge/Serial or Personnel #: 64983

Agency Name: KING COUNTY S.O.

☐ (Check if applicable) The Judge/Magistrate's signature, below, was placed by affiant, at the judge/magistrate's direction given by

☐ telephone (preserve a recording of the authorization)

☐ email (preserve and file the email) or by

☐ _____ (other reliable method).

Signature: [Signature]

~~SUPERIOR/DISTRICT~~ COURT JUDGE/MAGISTRATE

Printed Judge/Magistrate Name: HAROLD L. HALBERT

Issuance of Warrant Approved:¹

DANIEL T. SATTERBERG

King County Prosecuting Attorney

By: Nancy A. Balin, WSBA #21912

Deputy Prosecuting Attorney

Criminal Division

¹ If affiant is a Federal Agent, issuance of warrant is also requested by the signing King County Prosecuting Attorney.