

**IN THE CIRCUIT COURT FOR THE STATE  
OF OREGON FOR LANE COUNTY**

**STATE OF OREGON    )**  
                                  **) SS.     AFFIDAVIT FOR SEARCH WARRANT**  
**COUNTY OF LANE    )**

I, Julie A. Smith, being first duly sworn on oath, do hereby depose and say:

That I am a police officer for the City of Eugene and have been so employed for approximately 13 years. I am presently assigned to the Property Crimes Unit of the Eugene Police Department to investigate property crimes, including theft, and burglary. I am authorized by statute to apply for and execute search warrants.

That during the course of my duties I became aware of a burglary which occurred at the Sigma Alpha Epsilon Fraternity House (SAE) which is located at 812 E. 14<sup>th</sup> Avenue, Eugene, Oregon on January 24<sup>th</sup>, 2010 and reported to police at 12:48 A.M.. This incident was documented in a report by Officer Thrower of the Eugene Police Department, and I have reviewed this report.

The report documents that two separate secured rooms located on the east side of the fraternity house were unlawfully entered and two Apple Mac Pro computers and an Epson projector were stolen. Max Wolfard, who resides in Room 12 at SAE returned to the SAE Fraternity between 12:30 am and 1:00 a.m on January 24, 2010, and encountered two male subjects who he recognized as Garrett Embry and Jeremiah Masoli descending the staircase directly below his room. Wolfard observed one of the subjects (Garrett Embry) to be in possession of his Epson projector. When Wolfard verbally confronted Embry and Masoli, they fled the fraternity house through the east door. Wolfard pursued the subjects out the door and

observed Jeremiah Masoli briskly walking north towards Taylor's Bar and Grill and Garrett Embry running south carrying the Epson projector. Wolfard ran after Garrett Embry and confronted him again approximately 4 blocks away and recovered his Epson projector from him. Wolfard said he returned to the Fraternity and called police.

That on January 24<sup>th</sup> 2010, Eugene Police Officer Rodney Thrower responded to the Sigma Alpha Epsilon Fraternity House and seized the Epson projector from Wolfard for submission to the Eugene Police Department Forensic Evidence Unit for latent fingerprint processing.

On January 25, 2010, I personally spoke with Wolfard. Wolfard confirmed to me the above information that was documented in Officer Thrower's report. Wolfard told me he resides in Room 12, and that this is where he sleeps at night. Wolfard told me it was from his room that the projector and other property was stolen. Wolfard told me he recognized Garrett Embry by name and sight because Garrett Embry had visited the Sigma Alpha Epsilon Fraternity House several times within the last year to socialize with other members of the fraternity house and to participate in Sigma Alpha Epsilon Fraternity House events. Furthermore, Wolfard told me he recognized Jeremiah Masoli by sight from attending University of Oregon Football games and seeing his picture in the local newspapers and on television. Wolfard told me Masoli was wearing a backpack.

On January 25, 2010, I interviewed Jeremiah Masoli regarding the incident which occurred at the Sigma Alpha Epsilon Fraternity House. Masoli denied being at the fraternity house on January 24<sup>th</sup> and said he was at Taylor's Bar and Grill socializing with friends from 11:30 P.M.

on January 23<sup>rd</sup> to approximately 2:00 A.M. on January 24<sup>th</sup>. One of the persons Masoli said he was with was his cousin, Taugaluia Lefiti.

I also interviewed Lefiti, and he also said he was with Masoli at Taylor's, as Masoli had reported.

On February 2, 2010, I interviewed Chip Kelly, the football coach for the University of Oregon. Kelly told me that he spoke with Masoli later in the morning after the burglary. Kelly said Masoli told him that he was not present at the SAE fraternity on the night of the incident.

On January 25<sup>th</sup> 2010, I reviewed the video surveillance from Taylor's Bar and Grill and discovered a discrepancy in Masoli's statement regarding his time of arrival to the bar. The video revealed Masoli arrived at Taylor's Bar and Grill at 12:51 A.M. on January 24<sup>th</sup>. Lefiti, who is a large Samoan male with his hair styled in distinctive long braids that extend to his mid-back, is also seen on the video arriving at Taylors with Masoli at 12:51 A.M.. Taylor's bar is approximately 1 block north from the SAE fraternity.

I have also reviewed cell phone records of Masoli's cell phone from the night of the incident. These records show a telephone to a number that has been identified as Masoli's girlfriend. The records show that the call began at 11:27 pm on January 23, 2010, and lasted for 75 minutes. This call corroborates Bohne's description of Masoli being on the phone at approximately 12:10 am on January 24, 2010, and contradicts Masoli and Lafiti's statement that Masoli was socializing with friends during this period of time.

I have spoken with Detective Mitch Martin who is my partner Detective on this Investigation. Detective Martin told me that on January 26<sup>th</sup> 2010 he interviewed Trevor Bohne (A member of the Sigma Alpha Epsilon Fraternity House) who reported that he is familiar with Jeremiah Masoli and observed Jeremiah Masoli inside the Sigma Alpha Epsilon Fraternity House on January 24<sup>th</sup> at 12:10 A.M. walking alone on the 1<sup>st</sup> floor, talking on his cell phone. Bohne described Masoli was wearing a backpack.

Detective Martin also told me he spoke to Blake Farris, who is a friend of Embry. Farris told Detective Martin that at approximately 12:45 am on January 24, 2010, he received a call from Embry to pick him up in the area of 17<sup>th</sup> and Hilyard in Eugene. Farris said he went to that area and contacted Embry. Based upon my interview with Wolfard, this is the area where he was able to retrieve his projector from Embry after chasing him.

On February 4, 2010, I obtained the certified recording of the emergency 911 call made by the victim on January 24<sup>th</sup>, 2010. I listened to the recording and could clearly hear Wolfard breathing heavily in an excited manner. The victim identified both suspects by name to the emergency call taker as Garrett Embry and Jeremiah Masoli.

The projector seized from Wolfard was analyzed by the Eugene Police Department Forensic Evidence Unit. Fingerprints were obtained from Wolfard. Fingerprints were also obtained from Embry. I have been notified by Eugene Police Department Forensic Analyst Jason Petersen that fingerprints were located on the projector that do not belong to Wolfard. Two of these

fingerprints have been identified as not belonging to either Wolfard or Embry. On February 23<sup>rd</sup>, 2010, I was notified by Petersen that he obtained Jeremiah Masoli's finger print arrest card from the California Department of Justice from a previous juvenile arrest on June 16, 2005.

Peterson told me he was unable to complete a comparison analysis of the two unidentified prints to the latent finger prints developed from Epson projector because Masoli's finger print card standards from California were deficient.

That identity of the participants is always a material element of every criminal offense. In this case, latent print evidence was recovered from evidence taken in the burglary. I know from my training and experience that latent print evidence may prove or disprove the guilt or innocence of suspects. In this case, the identification of the fingerprints on the stolen property is corroborative of the witness reports.

I know from my training and experience qualified Forensic Analyst of Eugene Police Forensic Evidence Unit can and do regularly analyze latent fingerprints for identification purposes. This analysis can aid the State in establishing material elements, like the identity and actions of the suspect. The fingerprints of a suspect are easily obtained by rolling the suspects fingers across a glass pad and digitally scanning them.

WHEREFORE your affiant has probable cause to believe, and does believe that evidence of the crime of Burglary in the First Degree, and Theft, a crime committed in Lane County, Oregon, to wit: trace evidence including finger prints, is located on the person of Jeremiah Taeatafa Masoli, further described as a Samoan male, born 08/24/88, and described as 5'11", 220 lbs,

black hair, brown eyes.

Your affiant respectfully requests this Court issue its warrant for the search the above-described person for the above-described evidence, and for the seizure of the above described evidence, in a manner consistent with medical safety and comfort, from the body of the above described person. Additionally, your affiant respectfully requests the court to issue its warrant specifically authorizing the analysis and comparison of the said evidence.

\_\_\_\_\_  
Julie A. Smith

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2010, at \_\_\_\_\_ .M.

\_\_\_\_\_  
CIRCUIT COURT JUDGE