

**FILED**  
**KING COUNTY, WASHINGTON**

**JUN 15 2009**

**SEA**  
**SUPERIOR COURT CLERK**

**IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON**  
**IN AND FOR THE COUNTY OF KING**

<u>IN RE KING COUNTY SEARCH WARRANTS</u>	
<u>09-285</u>	NO. 09-2-12055-2 <input checked="" type="checkbox"/> SEA
	NO. 09-2-12056-1 <input type="checkbox"/> KNT
	NO. 09-2-12058-7 <input type="checkbox"/> SEALED

AFFIDAVIT FOR SEARCH WARRANT (AF) is attached

SEARCH WARRANT (SRW) is attached

INVENTORY AND RETURN OF SEARCH WARRANT (RTSW) is attached.

SUPERIOR COURT FOR KING COUNTY

STATE OF WASHINGTON )  
 : ss  
COUNTY OF KING )

NO. 09-285

AFFIDAVIT FOR SEARCH WARRANT

The undersigned on oath states: I believe that:

- Evidence of the crime(s) of Professional Gambling 1<sup>st</sup> Degree, RCW 9.46.220 (Class B); Violation of the Uniform Substances Act, RCW 96.50.401 (Class B); Acting Without a Liquor License, RCW 66.44.090 (GM) , and
- Contraband, the fruits of a crime, or things otherwise criminally possessed, and
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed, and
- A person for whose arrest there is probable cause, or who is unlawfully restrained

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

- 1) A converted storage room known by the stenciled letters "YARD" on the clerestory windows above the doorway, immediately to the west of 1019 E Pike Street, Seattle, WA 98122. This space is further identified by split, sliding wooden doors, which serve as the only entry;

My belief is based upon the following facts and circumstances:

AFFIANT'S EXPERIENCE

Your Affiant, Detective Sergeant Ryan M. Long #6123, is a Seattle Police Officer with 14 years of law enforcement experience and is presently assigned to the Coordinated Criminal Investigations Section -- Vice Unit, with the responsibility to investigate incidents of prostitution (including patronizing and promoting—emphasizing on cases involving juveniles), as well as violations of gambling, liquor law, and adult entertainment statutes, among others. These investigative responsibilities are conducted in both traditional and undercover capacities.

I served all of my tenure as a police officer in areas of high criminal activity. In addition to uniform patrol, I worked as an Officer of the West Precinct Anti-Crime Team, where I held responsibilities for plainclothes and undercover enforcement in the high crime areas of downtown Seattle. My last assignment as a patrol officer included walking a one-officer foot-post in the Pioneer Square neighborhood at night. I moved to the East Precinct as a Patrol Sergeant in November 2004, where I supervised and directed the response to numerous rave parties, both before and after the notorious "Capitol Hill Massacre" in March 2006. From (continued next page)

Affidavit for Search Warrant (continued)

April 2006 to August 2006, I was a Detective Sergeant in the Vice Unit, coordinating the city-wide nightclub task force known as the "Joint Assessment Team." From August 2006 to present, I have been a Detective Sergeant in the Vice Unit, responsible for all follow-up investigations conducted by Vice personnel, as well as supervising regular undercover missions related to all the fields within our purview.

I have had classroom as well as on the job training in human trafficking, prostitution (and promoting) investigations, crime scene investigation, gambling investigations, evidence collection and handling, search warrant preparation and service, as well as interview and interrogation. I have completed Basic and Advanced Undercover Operations training, as well as Supervising Covert Operations. In addition, I have attended numerous seminars and classes relating not only to undercover missions from the operative level, but also from the supervisory level.

I have had on the job training in the all of the areas of my unit's responsibility. This "on the job" training was through other supervisors and experienced Vice Detectives. I have participated in the sharing, exchange, and discussion of information related to gambling with local, state and federal law enforcement agencies. I have organized and supervised regular undercover deployments for the purposes of gambling investigations for the previous two years.

**BACKGROUND**

The Seattle Police Department Vice Unit is a hybrid unit within the Investigations Bureau, responsible for conducting self-initiated / pro-active enforcement originating from Vice personnel and follow-up investigations originating from other departmental units. In the summer of 2007, the Vice Unit participated in undercover operations related to liquor-licensed establishments, and also conducted training related to police responses to "rave" parties. The "raves" were a sensitive topic due to the afore-mentioned "Capitol Hill Massacre," which was perpetrated on March 25, 2006. One of the unit's primary missions is to be responsive to requests for support from precinct resources. This investigation originated from a specific request for assistance by the East Precinct's Anti-Crime Team.

On August 27, 2007, I received a request from Sgt. Greening of the East Precinct Anti-Crime Team (EACT) regarding a reported illegal after-hours nightclub in a building located a 1410-1412 14<sup>th</sup> Avenue, in the City of Seattle (King County), WA. Members of EACT conducted surveillance at the location and believed the activity supported their assertion that it was an illegal liquor venue. I advised Sgt. Greening that I was out of town, but would initiate an investigation upon my return.

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Affidavit for Search Warrant (continued)

On September 3, 2007, Sgt. Greening advised me of an incident at this location, which resulted in a newspaper article "outing" the previously secret location. Subsequent to the article, Vice Unit Lieutenant Mike Nolan received contact from an individual who claimed to have been inside the establishment. This person provided details to Lt. Nolan, who wrote a statement. Vice Detectives contacted the individual for a debriefing, ultimately completing the process to make this person a Confidential Informant (CI). The CI's information regarding the layout of the premise was validated by the progression of the investigation. It was determined that this venue was known by its operators and patrons as the "Café (Un)American." Media searches revealed blogs and articles about the establishment and the illegal gambling and liquor activities there.

Based on the totality of information available to me at the time, I initiated an undercover operation with Vice Unit personnel. At the forefront of rationale was recent violence involving the after-hours party scene, the historic potential for violence involving illegal gambling establishments (eg, the Wah-Mee Massacre), and current efforts by city leaders relating to nightlife safety. The sum of these equaled a duty to conduct an investigation for public safety and crime prevention reasons as much as criminal interdiction and prosecution reasons. I anticipated (incorrectly) that the mission would last only two weeks. I selected an undercover detective based on the reported demographics of the patrons, who then dubbed this investigation "Operation Big Slick," which is poker vernacular for a particular desirable pair of cards.

INVESTIGATION

An undercover Seattle Police detective (UCD) went to the "Café (Un)American" where the UCD met DK Pan, Ben Sharp, and Eric Sun, among others. These subjects indicated that the café was closing due to recent police attention and publicity, but that the gambling was relocating to its former location, known as "The Yard" or "Rick's Place." The event where they met was effectively the closing event for the Café (Un)American. UCD received an invitation to play poker at that location, which was located in a converted storage room next door to the west of the "Hothouse", a spa and sauna facility at 1019 E Pike Street, Seattle, WA 98122. The building containing the Hothouse and the "Yard" fronts E Pike St at the southwest corner of the intersection with 11<sup>th</sup> Av, and the closest address of reference from street level is for a bar called the Wild Rose, at 1021 E Pike St. The Hothouse and the "Yard" are situated on a lower level of the south face of the building, thus not accessed from E Pike St at all, but by a stairwell down from 11<sup>th</sup> Av or up from a lower level parking lot in the 1400 block of 10<sup>th</sup> Av. However, for the remainder of the investigation, detectives referred to the physical location of this gambling enterprise (known as "The Yard"

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and/or "Rick's Place") as 1019 E Pike Street, since the storage room did not have a visible proper address. The storage room was distinguished by the split, sliding wooden doors and clerestory windows, on which was stenciled "YARD." The building at 1410-1412 14<sup>th</sup> Avenue has since been razed.

Beginning October 17, 2007, and continuing through May 2009, UCD played "Texas Hold 'em" poker at "The Yard." UCD met Rick Wilson, the owner/operator of the "Yard," and watched him exert managerial control over the establishment, employees, players, and overall operation of the illegal gambling enterprise, specifically that Wilson directed activities of the "pit-boss," card dealers, bartender(s), and security personnel regarding "comps," chip counts, and which veteran member of the group vouched for a new player. In addition to being the owner/operator of the "Yard," Wilson also is the sole resident of the converted storage space, and keeps a private room inside the establishment for his personal effects. On numerous visits to the "Yard," UCD observed a shotgun (and two bandoliers), three pistols, and two bullet-resistant vests among these personal effects, in addition to a quantity of white powder suspected to be cocaine along with scales and packaging materials. While in this room among the firearms, UCD purchased more than 12 grams of suspected cocaine from Rick Wilson and approximately seven grams from his top assistant, James Miller, samples of which each field-tested positive for the presence of cocaine. While in this room privately with UCD, Wilson identified property in the room which was "hot," meaning stolen.

Employees of the "house" (the term for the establishment hosting the poker game) exchanged money for poker chips with prospective players, who then used the chips to bet during the poker hands. At the conclusion of each hand, the card dealer would take a "rake," which is vernacular for the House's percentage (or "cut"). The dealer would take poker chips from the pot and place the chips from the rake into a bin to be collected and tallied in a back room. On several occasions, UCD was accompanied by other undercover Seattle Police detectives, as well as an undercover agent of the Washington State Gambling Commission (WSGC). Their statements serve to confirm the observations of the original UCD and amplify on the details of illegal professional gambling at the "Yard." Based on the training and experience of Agent Lucci of the WSGC, the illegal gambling activities within the "Yard" exceed the limits set forth for Professional Gambling in the 1<sup>st</sup> degree, specifically that the amount wagered exceeds \$5000 in a 30-day period, since Agent Lucci calculated that the amount which was wagered at the table he played exceeded \$5000 during this one undercover visit with UCD on November 17, 2007, and another on June 15, 2008. Throughout the course of the investigation, UCD indicated that this was representative of his

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other visits to the illegal gambling premises, showing that the threshold continued to be met for the charge of Professional Gambling 1<sup>st</sup> degree, up to and including the most recent visit on May 27, 2009.

On February 6, 2008, Wilson mentioned to UCD that he would like to find another venue in which to expand again, as they had with the Café (un)American, and that if UCD could locate a suitable venue. Ultimately, Wilson joined with other conspirators in order to obtain the location (beginning April 1, 2008), open the establishment under the guise of a legitimate business (known as the Free Sheep Foundation), and operate another illegal gambling enterprise (named by Wilson as the “Café Corsair”). Wilson identified himself as the CEO of this new venture, construction of which began in April, 2008. The front company, an art studio, officially opened at the “Café Corsair” on July 11, 2008, while the first illegal gambling occurred on or about September 19, 2008. This venue was located inside a building at 2400-2410 3<sup>rd</sup> Avenue, Seattle, King County, WA, and lasted until January 2009. The art corporation, the aforementioned “Free Sheep Foundation,” was headed by DK Pan. During that same time period, Wilson hosted illegal gambling activities at the “Café Corsair” location, while still hosting occasional illegal gambling events at the “Yard.” Wilson created group email accounts for that venture, using his own email account as a contact method, and subsequently distributed the account information and passwords to other conspirators, including UCD, who was a “business partner” in this illegal gambling enterprise.

In February 2008, at the Yard, Wilson and UCD reminisced about the previous illegal gambling enterprise – café (un)American – and discussed Wilson's plans to open a new gambling enterprise. Wilson showed UCD his desktop computer, which he said contained electronic files regarding illegal activities at the Café (un)American, among other locations. Wilson accessed the files to show UCD digital photographs inside the illegal enterprise. Wilson also showed UCD a video monitor, which showed the live feed from a surveillance camera mounted outside the entrance to the Yard in order to warn the occupants of impending danger, specifically including the approach of law enforcement. As of May 27, 2009, this computer is still in the “Yard” and being used by Wilson to further the illegal gambling operations, which was illustrated on that date when Wilson showed UCD a handful of printed pages from the computer, which Wilson said contained details regarding the identity of poker dealers, the amounts and shares of tips, and amount of rake collected by each.

Much of the materiel used to equip the “Café Corsair” for gambling operations (eg card tables, etc) was retrieved by “Café Corsair” conspirators, including UCD, from “Tubs” and delivered to the “Café Corsair.” “Tubs” is located at 4750 University Way NE, Seattle, and is owned by one of Eric Sun’s corporations.

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The business is a former hot-tub rendezvous, since closed down pending renovations. Sun facilitated the storage of equipment from Café (un)American at the defunct-Tubs, when that café closed at the end of 2007.

When the "Café Corsair" illegal gambling enterprise folded on or about January 18, 2009, Wilson returned to his regular illegal gambling schedule at the "Yard," bringing with him paraphernalia from the "Café Corsair," such as poker chips. Items from the "Café Corsair" were identified by the logo, which was a black spade (with a crescent and star in the middle) overlaid on a red heart, above crossed scimitars (swords), on a black circle background. Larger items, such as the tables originally moved to the "Café Corsair" from "Tubs," were moved to an unknown location for storage. Based on the imminent construction and renovation at the Tubs site, it was thought that the materials were not stored there. Additionally, the "Tubs" address became the temporary new home for the "Free Sheep Foundation," the arts front-company headed by DK Pan, and publicized by local news sources for the colorful graffiti on the building exterior, disliked by the neighbors.

The "house" at the "Yard" used poker chips marked with the value denomination on one side and "café (un)American" on the other. After the closure of the "Café Corsair," poker chips from that venture were incorporated into illegal gambling operations at the "Yard."

Throughout the investigation, Wilson operated a cash bar at the "Yard," facilitating the purchase of alcoholic beverages by the bottle or glass, through an employee bartender. A check of Liquor Control Board and City of Seattle records revealed that no licenses existed to permit this activity. UCD purchased alcoholic beverages at intervals throughout his visits to insure that the beverages provided were indeed alcoholic, and identified some of the bartenders responsible for the illegal sales. The alcoholic beverages included mixed drinks as well as malt beverages.

The "Yard" does not have a telephone line installed, and relies exclusively on the use of cellular communications, specifically the cellular phone of Wilson, to notify patrons of gambling activities, times, special events, or changes to the plans. Wilson asked UCD for his cellular phone number during his first visit to the Yard on October 17, 2007, in order to send text messages about these topics to the UCD. Wilson subsequently sent text messages to UCD regarding the aforementioned topics.

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Between March 2008 and May 2009, investigators utilized approximately 26 weeks of court-authorized audio intercepts to monitor communications and conversations between UCD and conspirators in the illegal gambling enterprises. This included incriminating statements made by persons of all positions within the structure at the "Yard" regarding the illegal gambling, liquor, and drug activities. Investigators also utilized a covert video camera to record and memorialize a sample of the rake taken.

Affidavits in support of the described multiple one-party consent applications previously submitted in 08-02 are included by this reference.

**ITEMS TO BE SEARCHED FOR**

From location #1 listed above, I am requesting permission to search for the following:

A) **Personal computer hardware** to include: portable electronic devices utilizing an operating system, computer system case(s) with internal components, motherboard, Central Processing Unit (CPU), memory, etc., internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, zip drives, optical storage devices, transistor-like binary devices, and any other memory storage devices); peripheral input / output devices (such as keyboards, mouse/track ball/pad, video display monitor); and all related cables, power cords and connections, RAM or ROM units or CD ROM; as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks);

B) **Computer software applications** used by the computer system and any related components. Software is stored in electronic, magnetic, optical, or other digital form;

C) **Computer-related documentation** which explains or illustrates how to configure or use the computer hardware, software, or other related items/devices. The documentation consists of written, recorded, printed, or electronically stored material;

D) **Computer-related passwords and other data security devices** designed to restrict access to or hide computer software, documentation, or data. Data security may consist of hardware, software or other programming code;

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Affidavit for Search Warrant (continued)

E) **cellular telephones**; cellular telephone accessories; telephones; telephone dialers; telephone transferring equipment; telephone pagers; scanners; two way radios and two way radio accessories, voice message recording equipment and any saved messages; and telephone caller identification equipment.

F) **Any data** that may be kept on any computer related storage device as listed in "A" or "E" above. The specific data will include records, pictures, text messages, emails, "chat logs", instant messages, "blogs" and "posts" as well as associated electronic pictures submitted to the same;

G) **Surveillance equipment** to include fixed/mobile video cameras, monitors, and storage medium;

H) **Photographs** of the interior and exterior of the listed location;

I) Any evidence relating to the occupancy and/or ownership of said residence and/or business (**dominion and control**);

J) **Business and person records** relating to *Rick Wilson, The "Yard," "Café (Un)American," "Café Corsair,"* in true or alias names, including but not limited to; photos (both hard copy and electronic), weapons, employee records, customer records; records of police officer's true and undercover names and descriptions; any and all phone records; and log books; account books; ledgers; journals; any records or licenses pertaining to the above business and/or activities; monies including United States currency, cashier checks, money orders, precious metals, jewelry and financial statements including stocks and bonds and any other evidence of income, credit card processing equipment, credit cards, charge slips, bank records including but not limited to records pertaining to credit cards, credit applications, checking accounts, saving accounts, including canceled checks, deposit slips or other evidence or deposits or withdrawals, security safes, safety deposit boxes including keys, certificates of deposits; and records or other evidence of investments including but not limited to brokerage accounts, retirement funds, IRA's, securities, or bonds; and any and all other evidence of income earned; any and all information generated by any accountant's year end reports and summaries; and/or claimed income, including but not limited to IRS documents, tax statements, employment security documents, social security records or any other records pertaining to state or federal taxing or regulatory entity; all business tax information and receipts and any documents pertaining to real estate transactions, including but not limited to real estate taxes, income generated from

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rents, leases or sales. Promissory notes, mortgages, deeds of trust, personal contracts, partnership documents, leases, rental agreements, or tenant forms; Safe Deposit box signature records in the name of *Rick Wilson, The "Yard," "Café (Un)American," "Café Corsair,"* or any alias;

**K) Gambling devices and paraphernalia** to include: poker chips, playing cards, tables, and transportation or storage devices or containers for same;

**L) Proceeds of gambling activities**, including but not limited to currency, precious metals, jewelry, electronics, and vehicles.

**M) Weapons** to include firearms, bullet-resistant vests, ammunition, and holsters or other accessories;

**N) Suspected Drugs, paraphernalia, and packaging materials;**

**O) Beverage bar and paraphernalia**

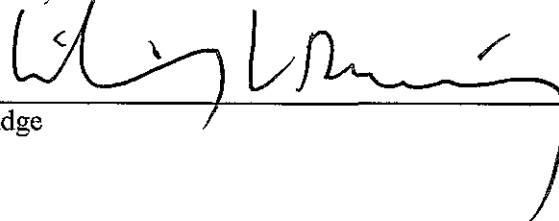
Ryan M. Long  
Affiant



Seattle Police Detective Sergeant 6123  
Agency, Title and Personnel Number

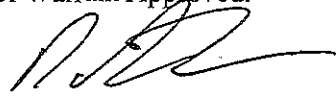
Subscribed and Sworn to before me this 9 day of June, 2009.

Judge



Issuance of Warrant Approved:

By

  
Deputy Prosecuting Attorney 34049