SUPERIOR COURT OF CALIFORNIA
County of Los Angeles

Warrant No.

SEARCH WARRANT RETURN

Officer E. HERNANDEZ, ID 22088, being sworn, says that he / she conducted a search pursuant to the below described search warrant:

Issuing Magistrate: STEVEN D. BLADES
Magistrate's Court: Los Angeles
Date of Issuance: 05/13/2022
Date of Service: 05/13/2022

and searched the following location(s), vehicle(s), and person(s) and seized the items

☐ described in the attached and incorporated inventory.
☒ described below:

I further swear that this is a true and detailed account of all the property taken by me pursuant to the search warrant, and that pursuant to Penal Code Sections 1528 and 1536 this property will be retained in my custody, subject to the order of this court or of any other court in which the offense in respect to which the seized property is triable.

(Signature of Affiant)

Sworn to and subscribed before me this 2 day of AUGUST 2022.

Anne Hwang
(Signature of Magistrate)

Judge of the Los Angeles Superior Court.

List all items seized, including those not specifically listed on the warrant.

Location #1: One vial of human blood was taken from GABRIEL GAXIOLA

at 0122 hours on the date of service.

The blood draw was obtained at the Central Los Angeles CHP Office located at 777 W. Washington Blvd., LA, CA.

The blood vial was booked into evidence at the LAPD 77th Street Jail and will be tested. Blood test results are pending.

STATE OF CALIFORNIA – COUNTY OF LOS ANGELES

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

SW No. _____

1) I, OFR. HERNANDEZ # 22088 am a peace officer, employed by CALIFORNIA HIGHWAY PATROL.

2) I have been employed as a peace officer for approximately 4 year(s) 2 month(s) and received training in investigating impaired driving (alcohol and/or drug(s)) and investigating traffic collisions.

3) On 5/13/2022, at approximately 2030 hours, in the County of Los Angeles, I (or ☐ _____):
☐ conducted an enforcement stop; ☑ responded to a traffic collision involving: ☐ fatality, ☐ injuries, ☑ property damage only; ☐ conducted other investigation; _____.
☐ I (or ☐ _____) saw Suspect (identified below) ☐ driving, ☐ stopped, ☐ inside vehicle. ☐ While driving, the Suspect was: ☐ speeding, ☐ weaving, ☐ driving slowly, ☐ failed to stop at red light/stop sign, ☐ made unsafe lane change, ☐ failed to signal, ☐ other: _____.

4) Upon investigating, I (or ☐ _____) contacted Suspect: ☑ standing next to the vehicle, ☐ while in the vehicle's driver's seat, ☐ while being medically treated at the scene by fire personnel, ☐ at another location approximately 15 ☐ minutes/☐ hours after the collision ☐ other: _____.

5) Suspect is believed to have been the driver because: ☑ witness statements, ☑ Suspect's statement, ☑ Suspect is the vehicle's registered owner, ☑ Suspect is in possession of the vehicle's keys, ☐ seatbelt mark across Suspect's chest/injuries present, ☐ other: _____.

6) Upon contacting the Suspect, the following objective symptoms of driving under the influence were observed:

☐ fumbling with vehicle controls	☐ fumbling with documents	☑ slurred speech
☐ rapid speech	☑ reddened eyes	☑ watery eyes
☐ dilated pupils	☐ constricted pupils	☑ unsteady gait

☑ odor of ☑ alcoholic beverage ☐ marijuana/cannabis emitting from Suspect's breath and/or person
☑ admitted to ☑ drinking ☐ using marijuana/cannabis ☐ taking other drug(s) _____
☑ was unable to perform Field Sobriety Tests as explained and demonstrated
☑ refused to perform Field Sobriety Tests
☐ BAC measured _____% on: ☐ Preliminary Alcohol Screening (PAS) test or ☐ breathalyzer ☐ refused PAS test
☐ other subjective findings: _____.

7) ☑ After being read verbatim the Chemical Test Admonition per CVC 23612-Implied Consent, Suspect: ☑ refused to submit to breath or blood test or ☐ was unable to consent due to medical condition.

8) Based upon my training and experience, it is my opinion Suspect was operating a motor vehicle while under the influence of alcohol and/or drug(s). It is my opinion that unless a blood sample is obtained promptly, dissipation of blood alcohol and/or drug(s) content may result in destruction of evidence.

9) Suspect to be searched is described as: Susp's Name: GABRIEL GAXIOLA;
☑ male ☐ female ☐ non-binary; DOB or Approx. Age: [redacted]; Driver's License or ID #: [redacted] ☐ CA or _____ State CII # _____; Approx. Height: [redacted]; Approx. Weight: [redacted]; Hair Color: [redacted]; Eye Color: [redacted], ☑ now being detained at: CENTAL CHP; ☐ now being treated at _____ under Patient or Medical Record Number _____; other information: _____.

10) Night Service requested: ☑ Yes ☐ No (Night Service is between 10 P.M. and 7 A.M.)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 05/13/2022 in Los Angeles County, California. Signed: _____

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER, OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: Proof having been made before me this day by the incorporated affidavit above, that there is probable cause to believe that a sample of the blood of the person described in section 9) above, will furnish evidence of the violation of Vehicle Code: 23153, 23152 or 23140. You are therefore commanded to search Suspect's person by extracting, in a medically approved manner, a blood sample to be submitted by you for laboratory analysis and to be retained by you, subject to order of the court.

Dated 5-13-22 at 2245 hrs ☐ A.M. ☐ P.M. Night Service Approved: ☒ Yes ☐ No

Steven D. Blades
Judge of the Superior Court, County of Los Angeles

Steven D. Blades
Printed Name of Magistrate

(12/23/20)