

CAUSE NUMBER: **D1DC10204283**

THE STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§  
§

IN THE MAGISTRATE COURT  
CITY OF AUSTIN  
IN TRAVIS COUNTY, TEXAS

**AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION**

The undersigned Affiant, who after being duly sworn by me, on oath, makes the following statement:  
I have good reason to believe and do believe that

Rosen, Dave W/M 04/19/1975

On or about the 21<sup>st</sup> day of July, 2010, in the incorporated limits of the City of Austin, County of TRAVIS and State of Texas, did then and there commit the offense of

**POSSESSION OF CONTROLLED SUBSTANCE  
3<sup>rd</sup> DEGREE FELONY**

My belief of the foregoing statement is based upon personal knowledge and information provided to me by the complainant, Shelly Rosen.

While on patrol this Officer responded to a service call at the home of Dave Rosen located at 411 Brazos Street. The complainant, Shelly Rosen requested Officers respond to the scene to check the welfare of her husband. During the course of our investigation, a wanted check was ran on Rosen and indicated he was wanted for the following warrant out of Travis County : Cause# C1CR09302862 Theft By Check \$20.00 - \$500.00. The warrant was confirmed through Travis County and Rosen was taken into custody without incident. I then conducted a search incidental to arrest on Rosen. The search discovered a small plastic bag containing a white powdery substance. The bag was located inside the wallet of Rosen which was located in his rear jean pocket. Through my training and experience as an Officer, I believed the white powdery substance to be cocaine. I then seized the substance and transported Rosen to Travis County Jail for the outstanding warrant and possession of a controlled substance.

Affiant has tested the white powdery substance which was seized as evidence. The substance tested positive for cocaine. The substance has a net weight of 2.58 grams.

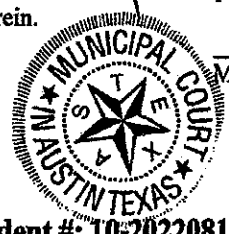
A-E #4801  
Affiant, Enriquez, R. #4801

Sworn and subscribed to before me by the said Affiant on this 22<sup>nd</sup> day of July, 2010

Peace Officer in the State of Texas

On this, the 22<sup>nd</sup> day of July, 2010, I hereby acknowledge that I have examined the foregoing affidavit and have determined that probable cause exists for the issuance of an arrest warrant for the individual accused therein.

\$6,000.00



Magistrate, Magistrate Court, Austin, Travis County, Texas

Austin Police Incident #: 10-2022081

Officer: Enriquez, R. #4801

Filed in The District Court  
of Travis County, Texas

JUL 23 2010

At 750 AM  
Amalia Rodriguez-Mendoza, Clerk

Travis County District Criminal Courts  
Drug Diversion Court  
854-4646

"A CHANCE TO CHANGE"

The Drug Diversion Court is a program for defendants with felony drug charges and drug problems. It gives individuals the opportunity to make their lives more manageable through the support and direction of a trained and experienced court/case management team. The goal of the court team is to keep people out of jail so they can better their lives. Additionally, successful completion of the Drug Diversion Court program results in the participants charges being dismissed.

Since you have a current felony drug charge, you may be eligible for the Drug Diversion Court program. **You will be contacted via telephone and/or mail and given further instructions if your case is determined to be appropriate for this program.**

Personal Bond Condition:

Cause # D10C10004283

I, Dave Rosen having been charged with a felony drug charge, understand I may be eligible to participate in the Drug Diversion Court Program. **I also understand, as a condition of my personal bond, I am to report to the Drug Diversion Court program as directed.** Furthermore, I understand that failure to report as directed could result in my bond being revoked.

Approval of Judge:

Alfred J. Jackson

Date: 7-22-10

Signature of Defendant:

[Handwritten Signature]

|  |  |   |
|--|--|---|
| Name <b>ROSEN DAVE ELLIOT</b>  |  | Date <b>July 22, 2010</b>                               |
| Address <b>411 Brazos #202</b><br><b>411 BRAZOS 321 W Ben White</b>                        |  | Cause No. <b>D0C10A04283</b>                            |
| City/State <b>AUSTIN TX</b>  |  | Charge <b>POCS</b>                                      |
| Phone <b>(415)572-5244</b>   |  | Bond <b>10,000</b>                                      |
| Type <b>C</b>  |  | DOB <b>4/19/75</b> POB <b>Hidalgo NM</b> NMCZ <b>US</b> |
| How Long: <b>6 MDS</b> County: <b>TC - 10615</b>   |  | Race <b>W</b> Sex <b>M</b> Age <b>35</b>                |
| Mailing Address <b>321 W Ben White</b> City/State/Zip <b>Austin TX 78704</b>               |  | Hair <b>BRO</b> Eyes <b>BRO</b>                         |
| Nearest Relative <b>Shelley Rosen</b> Relationship <b>Xwife</b> Phone <b>(415)662-2022</b> |  | Height <b>510</b> Weight <b>170</b>                     |
| Address <b>wrk</b> City/State/Zip <b>Albuquerque NM</b>                                    |  | SS No. <b>[redacted]</b> P00284251                      |
| Employer <b>SELF</b> Position <b>CONCERT</b> How Long: <b>8 yrs</b>                        |  | DL No. <b>22306004</b> SL <b>TX</b>                     |
| Address <b>Prod. Ben White</b> City/State/Zip <b>Austin TX</b>                             |  | Record No. <b>/ TX08645928</b>                          |
| Phone <b>436-8080</b> Pgr/Cellular   |  | Bkg Date: <b>7/21/10</b>                                |
| Interviewed by <b>[signature]</b> Recommendation <b>OK det</b>                             |  | Other Charges <b>CICR09302862</b>                       |
| Attorney of Record <b>ROA A. Reposa</b> Phone <b>[redacted]</b>                            |  | <b>TBC 2,000</b>  |

**TRAVIS COUNTY PRETRIAL SERVICES**  
 P.O. BOX 1748  
 AUSTIN, TX 78767  
 (512)854-9381

THE STATE OF TEXAS  
 COUNTY OF TRAVIS  
**PERSONAL BOND** CAUSE NO. **D0C10A04283**  
 KNOWN ALL MEN BY THESE PRESENTS

THAT I, **DAVE ELLIOT ROSEN**, charged with the offense of a (Misdemeanor) (Felony), to wit,

**Possession of a Controlled Substance**

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in re-arresting me in the event the conditions of this bond are violated, I do bind myself, executors and administrators, jointly and severally by these presents.

The condition of the above obligation is that I swear that I will appear before the Room 2-700 at the Blackwell - Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Travis County, Texas, on the 5th day of August 2010 at 10:00 A.M. or pay to the Court the principal sum of \$ 10,000 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate court before whom this cause may hereinafter be pending at any time and place as may be required. Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charges, this obligation shall become void; Otherwise to remain in full force and effect.

I further understand that all or part of the information collected in the Pretrial Services Report is available to persons associated with law enforcement, criminal justice, and other agencies including, but not limited to, the Judge or Magistrate hearing the case, the District Attorney's Office, and the defense attorney of record in this case.

Fee: \$20.00 (3% of bond fee if Ignition Interlock Required)  
 Conditions: **Drug Court Screening**

**[Signature]**  
 Signature of Defendant  
 SWORN TO AND SUBSCRIBED BEFORE ME,  
 this \_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

THIS PERSONAL BOND IS APPROVED, effective only after arresting agency has completed its booking process, and the defendant at such time is ordered released on the conditions of this bond.

I certify that I am the attorney representing this defendant. APPROVED this 22 day of July, 2010

**JUL 26 2010**  
 At **SA** M.  
 Amalia Rodriguez-Mendoza, Clerk

**[Signature]**  
 Magistrate/Judge

2010 JUL 22 AM 11:34

District Cause

BDPR 07/22/2010

CR-0052

Defendant's Name: ROSEN, DAVE

Date: 07/22/2010

Cause # D-1-DC-10-204283

DOB: 04/19/1975 Address:

Special Needs: None

Booking No: 1034731

### Indigence Form

To determine eligibility for Court Appointed Attorney, you must complete this form.

I will retain my own attorney: \_\_\_\_\_



Date: 07/22/2010

Signature of Defendant

Do not continue filling out form if Defendant to retain own attorney

|  |      |  |
|--|------|--|
| Size of family unit (Members of immediate family that you support financially) |      | Total Number of Dependents (inc self): 1 |
| Name:  | Age: | Relationship:                            |
|  |      |  |

| Monthly Income         |            | Necessary Mo. Living Expenses         |            |
|------------------------|------------|---------------------------------------|------------|
| Employer:              |            | Rent/Mortgage                         | \$0        |
| Position:              | How Long:  | Utilities (gas, electric, etc.)       | \$0        |
| Your Salary            | \$0        | Transportation:<br>Make: Model: Year: | \$0        |
| Spouse's Salary        | \$0        | Clothes/Food                          | \$0        |
| SSI/SSDI               | \$0        | Child Care/Day Care                   | \$0        |
| TANF                   | \$0        | Medical Expenses                      | \$0        |
| Child Support          | \$0        | Credit Cards                          | \$0        |
| Other Income           | \$0        | Court-Ordered Monies                  | \$0        |
| Social Security Check  |            | Child Support                         | \$0        |
| Other Government Check |            |                                       |            |
| <b>TOTAL INCOME*</b>   | <b>\$0</b> | <b>TOTAL NECESSARY EXPENSES*</b>      | <b>\$0</b> |
| Savings / 401K Balance |            |                                       |            |

Comments: Defendant will retain own attorney Attorney Name: adam reposa

|                          |     |
|--------------------------|-----|
| TOTAL MONTHLY INCOME:    | \$0 |
| TOTAL MONTHLY EXPENSES:  | \$0 |
| DIFFERENCE (net income): | \$0 |

|   |          |
|---|----------|
| <b>DEFENDANT MEETS ELIGIBILITY REQUIREMENTS</b> |          |
| _____ YES                                       | _____ NO |
| _____ UNDETERMINED                              |          |

I have been advised of my right to representation by counsel in the trial of the charge pending against me. I certify that I am without means to employ counsel of my own choosing and I hereby request the court to appoint counsel for me. I swear that the above information is true and correct. The information I listed is accurate and I will immediately notify the court of any changes in my financial situation.

\*All information is subject to verification. Falsification of information is a criminal offense.

Signature of Defendant

Date