

**CITY COURT OF MOUNT VERNON  
WESTCHESTER COUNTY: STATE OF NEW YORK**

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**IN THE MATTER**

**OF**

**SEARCH WARRANT  
ORDER**

**AN APPLICATION FOR A WARRANT OF  
SEARCH AND SEIZURE FOR THE PREMISES  
LOCATED AT 1928 MIDLAND AVENUE, APT. 2F  
YONKERS, NEW YORK**

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**IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK**

**TO: ANY POLICE OFFICER OF THE CITY OF MOUNT VERNON  
POLICE DEPARTMENT AND ANY INVESTIGATOR OF THE  
WESTCHESTER COUNTY DISTRICT ATTORNEY'S OFFICE**

**PROOF by affidavit having been made before me this 8<sup>th</sup> day of July,  
2004, by Detective Wendell White of the City of Mount Vernon Police  
Department that there is reasonable cause to believe that certain property  
of a kind and character described in Criminal Procedure Law 690.10, to wit,  
property which has been used and is possessed for the purpose of being  
used to commit an offense against the laws of this State (CPL 690.10(3))  
and property which constitutes evidence and tends to demonstrate that an  
offense was committed in this State (CPL 690.10(4)) and property which is  
unlawfully possessed (CPL 690.10(2)), will be found in the above-captioned  
premises,**

**YOU ARE THEREFORE COMMANDED to make a search of the above  
captioned premises and seize the following property:**

**Any straight metal instrument like an awl, screwdriver, or  
ice pick, including any such instrument with what appears to  
be bloodstains; any wooden or plastic handle consistent with  
being the handle of an awl, screwdriver or ice pick, and  
anything else consistent with being the handle or any part of**

the weapon used to stab the victim, as well as clothing described as khaki pants and a light green or grey button-down shirt.

AND, if you find the same, bring it before a Term of this Court without unnecessary delay,

AND, the Court directs that the executing officers must execute this warrant between the time of 6:00 a.m. and 9:00 p.m.

This Warrant and Order is valid and must be executed no more than ten (10) days after the date of issuance.

The Affidavit in support of this Warrant and Order is sealed until further Order of the Court is issued unsealing the Affidavit.

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JUDGE, CITY COURT OF MOUNT VERNON  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK

Dated: July 8, 2004  
Mount Vernon, New York

Time: 3:00 pm

CITY COURT OF MOUNT VERNON  
WESTCHESTER COUNTY: STATE OF NEW YORK

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IN THE MATTER

OF

CPL 690.35 APPLICATION  
AFFIDAVIT IN SUPPORT  
OF A SEARCH  
WARRANT

THE APPLICATION FOR A WARRANT OF  
SEARCH AND SEIZURE FOR THE PREMISES  
LOCATED AT 1928 MIDLAND AVENUE, APT. 2F  
YONKERS, NEW YORK

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STATE OF NEW YORK            )  
  : ss. :  
COUNTY OF WESTCHESTER    )

Detective Wendell White, being duly sworn, deposes and says that I am a police officer of 10 years experience and employed by the Mount Vernon Police Department, Mount Vernon, New York, and I am presently involved in the investigation of an assault committed in violation of New York Penal Law § 120.10 (1) which occurred on July 6, 2004, in the City of Mount Vernon.

The allegations of fact set forth herein are based upon personal knowledge and upon information and belief, the sources of which are conversations with fellow law enforcement personnel and with other individuals specifically identified herein.

Based upon the following facts, there is reasonable and probable cause to believe that a search of the above-captioned premises will result in the discovery and seizure of evidence of the type defined in CPL 690.10, namely evidence connected with the commission of an assault involving

the stabbing of Jake Gittes, property used in the commission of the crime and property unlawfully possessed.

On July 6, 2004, at about 4:15 P.M., members of the Mount Vernon Police Department responded to "Rick's Cafe" located at 2079 Gramatan Avenue, in the City of Mount Vernon, State of New York. Police Officer Clarice Starling was the first police officer to arrive at the scene and observed Jake Gittes (DOB: 2/19/72) lying on the floor of the restaurant near the bar with a piece of a metal object sticking out of the left rear of his head, being treated by emergency medical personnel. The victim had sustained an apparent serious physical injury to his head. Within a short time an ambulance transported the victim to Jacobi Hospital for immediate medical attention.

Subsequently, during the course of this police investigation, Detective Edmund Exley of the Mount Vernon Police Department interviewed Butch Coolidge, who was working as the bartender at Rick's Cafe at the time of the stabbing. Mr. Coolidge, based upon his own personal observations of the events, advised Detective Exley that the victim had been seated at the bar of Rick's Cafe for approximately a half an hour when a middle-aged white man entered the bar area of the restaurant, sat at the bar to the right of Gittes, ordered a beer, and drank the beer. Mr. Coolidge further informed the police that he then observed this second man walking toward the exit of the bar and as he approached the victim's back and without saying a word, started stabbing the victim in the back of his head repeatedly with a shiny metallic object. Mr. Coolidge stated that the assailant left the restaurant and walked south to the corner of

Gramatan Ave and Broad Street, turned left onto Broad Street, and headed west in the direction of Yonkers. Mr. Coolidge was shown a photographic array containing Norman Bates' photograph and positively identified Bates as the man he saw assault Mr. Gittes.

Meanwhile, Detective Jack Vincennes interviewed Beatrix Kiddo, who was also in Rick's Cafe at the time of the stabbing. According to Ms. Kiddo, while she was seated at a table in the restaurant eating lunch with a friend, she observed an older man walk into the bar, who she described as a white man wearing khaki pants and a moss or light green button-down shirt. She then later observed this man approach another man seated at the bar and it appeared that he was hitting the man seated at the bar with a metallic object. Ms. Kiddo was also shown a photographic array containing Norman Bates' photograph and positively identified him as the white man in Rick's Cafe wearing khaki pants and a light green shirt who stabbed the victim in the head with the metal object.

Finally, as a part of this investigation, Police Officer Clarice Starling interviewed Mia Wallace, a woman who was also in the restaurant at the time of the stabbing. She informed police that she saw a white man, in his fifties, wearing khaki pants and a light grey or green shirt approach another man seated at the bar and stab him in the head with an object.

While Gittes was being treated at Jacobi Hospital, doctors were able to remove a portion of the metal object from the victim's head, which has been seen by your deponent and can be best described as consistent with the metal portion of an awl, screwdriver, or ice pick.

According to a New York State Criminal History check, Norman Bates (dob 6/8/46) has a prior 1998 conviction for Attempted Burglary in the Second Degree. Bates' criminal history states that his last known home address is the multi-resident building located at 1928 Midland Avenue, Yonkers, New York. The building is located only a few blocks from the scene of the crime. Upon further police investigation, Bates was personally observed exiting said building by members of the Mount Vernon Police Department on the morning of July 8, 2004. Finally, according to the personal knowledge of the superintendent of that building, Mr. Jules Winnfield and as related to Mount Vernon Police Officers, Bates still resides in apartment 2F of 1928 Midland Avenue.

Given the violent nature of this crime, your deponent believes that the identity of the civilian witnesses should be kept confidential at this stage of the investigation in order to protect them from any intimidation or retaliatory measures due to their cooperation in this investigation. Therefore, your deponent requests that this Court order that this Affidavit in Support of the Search Warrant be sealed until an order to unseal the affidavit is issued by the Court.

Based on the foregoing, there exists reasonable and probable cause to believe that Norman Bates committed the crime of assault with a dangerous instrument of Jake Gittes who as a result sustained serious physical injury to his head. There is reasonable and probable cause to believe that a search of the premises at 1928 Midland Avenue, Apt. 2F, Yonkers, New York, will result in the seizure of evidence tending to connect Norman Bates with the crime of assault described herein, the seizure of

property which is unlawfully possessed therein and the seizure of property that has been used to commit a crime in this State.

The property sought to be seized pursuant to this search is specifically described as follows: Any straight metal instrument like an awl, screwdriver, or ice pick, including any such instrument with what appears to be bloodstains; any wooden or plastic handle consistent with being the handle of an awl, screwdriver or ice pick, and anything else consistent with being the handle or any part of the weapon used to stab the victim, as well clothing described as khaki pants and a light green or grey button-down shirt.

WHEREFORE, your deponent, for the reasons state herein, respectfully requests that the Court issue the annexed search and seizure warrant for the above described premises and the above described property.

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Detective Wendell White  
Mount Vernon Police Department

Sworn to before me this  
8th day of July, 2004

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Judge of the Mt. Vernon City Court

Time: 2:56 pm