

3:04-EV-1506-H

instructed to look for, rather smell for suspicious things, making 6-10 circles or passes around my parked Motor Home. The dog seemed to react to smells that were coming from the gas tank refueling door area where the Cedar Hill K-9 officer let the dog scratch the paint of my vehicle. A short while later an unmarked van arrives and a female, I presume Texas DPS officer comes out and takes her turn at walking around my Motor Home for 6-10 circles or passes around the parked vehicle with each and every K-9 search dog that was in her van, there were three dogs in her van for a total of four dogs and four Law Enforcement officers active in the search of my Motor Home. Every one of the three dogs in the van was alerting and was allowed to make physical contact with the surface of my Motor Home's paint at the refueling access door with their sharp claws that eventually scratched the paint severely. At this point I was told to open the access door or hand over the keys to the access door which I did. On this windy day as soon as that door opened the red shop rag inside laying on top of the fuel tank cap fell out and the wind carried it 10-20 feet before it hit the ground and continued to roll out of sight! The Cedar Hill K-9 policeman's dog reacted to the shop rag and wanted to follow it but was immediately pulled back to what I believe to be "less interesting" things to smell out. Another words the K-9 originally smelled the shop rag behind the refueling access door and nothing more, definitely not the contents of the vacuum tight 70 gallon gasoline tank behind the locked gas cap... I just wiped with this shop rag denatured alcohol just prior (24-48hrs) to this day when I purchased gasoline and put at least one gallon of denatured alcohol into the gas tank for fuel injection cleaning and perceived performance gains. At the time of the search I did not believe this to be a factor, nor did I connect the remote possibility that the chemical signature of denatured alcohol is interesting to K-9 search dogs. So the search continued with equal vigor by the police officer from Cedar Hill and the female K-9 search dog handler driving the van with the three K-9 dogs, but the K-9 dogs seemed noticeably less interested in the smells coming from the now open refueling access door once the shop rag was blown clear of the smelling range of the K-9 search dogs. Once more, this is the second time, all four K-9 search dogs walked around my Motor Home 6-10 more circles each with the gasoline refueling access door open and the gas cap removed from the 70 gallon gas tank. The K-9 dogs were still detecting some kind of odor from that general area, but with noticeably smaller interest and less vigor in clawing the paint near the refueling access door... which was tolerated by the K-9 search dog handlers. At this point it was decided that the interior search of my Motor Home was justified and the three male Law Enforcement officers surrounded me on all sides with the female officer standing by only 6-10 feet away observing. One of the male officers was telling me that they are going to go inside my Motor Home with the K-9 search dogs whether I liked it or not and that I needed to hand over the keys now, and at this point I politely but clearly restated what I maintained all day long that I do not want anyone searching or physically being in my Motor Home, and I pressed that I have no contraband, and that I don't know why the K-9 dogs alerted on something in the gas tank area near the refueling door and that if they proceeded to search the interior of my Motor Home without a proper search warrant that it would be an illegal search, plus if they did find anything it would not be used against me in court since it was obtained illegally. At this time I was cut off from speaking any more and I was firmly told that I have made my point and that if I say anything else I will additionally be charged with obstruction of justice in addition to whatever they will find in my Motor Home. Further, that I would

②