

EXHIBIT "C"

STATEMENT OF PROBABLE CAUSE:

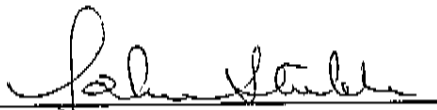
- 1. AFFIANT IS A FULL TIME SALARIED PEACE OFFICER WITH OVER TWENTY FOUR YEARS OF EXPERIENCE AS A CERTIFIED POLICE OFFICER IN THE STATE OF NEW MEXICO AND IS CURRENTLY ASSIGNED TO THE OFFICE OF THE DISTRICT ATTORNEY FOR OTERO AND LINCOLN COUNTY STATE OF NEW MEXICO.**
- 2. AFFIANT DID LEARN FROM INVESTIGATION THAT TWO (2) CHIMPANZEE'S IDENTIFIED AS REX #CA0147 BORN ON 09 07 1986 AND ASHLEY #1396 BORN 07 09 1986 HAD DIED WHILE IN THE CARE OF "CHARLES RIVERS FOUNDATION" LOCATED AT HOLLOMAN AIR FORCE BASE.**
- 3. AFFIANT FURTHER LEARNED THAT A THIRD CHIMPANZEE IDENTIFIED AS TOPSY #1223 BORN 1977 HAD BEEN INJURED BY OTHER CHIMPANZEE'S AT THE FACILITY AND HAD SURVIVED EVEN THOUGH MEDICAL TREATMENT HAD BEEN ALLEGEDLY NEGLIGENT.**
- 4. AFFIANT THROUGH INVESTIGATION ALSO LEARNED THAT REX HAD DIED ON OR ABOUT 12 30 2002 AND HAD BEEN HOUSED IN BUILDING #1304 BUT WAS MOVED TO BUILDING #1301 AND PLACED INTO A SICK ROOM.**
- 5. AFFIANT LEARNED THAT REX WAS OBSERVED IN A SICK ROOM OF BUILDING #1301 AND WAS BEING TREATED BY A TECHNICIAN AND A VETERINARIAN WHO WERE EVACUATING THE MOUTH OF REX AS HE WAS UNCONSCIOUS AND VOMITING.**
- 6. AFFIANT LEARNED THAT AT APPROXIMATELY 1600HRS (4PM) OR THEREABOUTS THE VETERINARIAN AND TECHNICIAN LEFT REX UNDER THE SUPERVISION OF A MAINTENANCE PERSON WHO WAS INSTRUCTED TO WATCH THE CHIMPANZEE AND CALL THE VETERINARIAN IF "ITS CONDITION CHANGES".**



7. AFFIANT LEARNED THAT IT WAS STANDARD PRACTICE FOR TRAINED PERSONNEL TO LEAVE THE FACILITY AT THE CLOSE OF A NORMAL BUSINESS DAY AND LEAVE THE CARE ETC OF THE CHIMPANZEES TO UNTRAINED SECURITY PERSONNEL AND OR MAINTENANCE PERSONNEL.
8. AFFIANT LEARNED THAT REX WAS OBSERVED TO REMAIN UNCONSCIOUS AND CONTINUED TO VOMIT WITHOUT MEDICAL ASSISTANCE FROM ANY PROFESSIONAL MEMBER OF THE STAFF WORKING AT CHARLES RIVERS FACILITY.
9. AFFIANT DID LEARN THAT REX DID DIE SOMETIME DURING THE EVENING HOURS OF 12 30 ~~2003~~ ²⁰⁰² WITHOUT MEDICAL PERSONNEL BEING PRESENT.
10. AFFIANT LEARNED THAT ASHLEY SUFFERED A "SEX SKIN" WOUND ON OR ABOUT 09 16 2002 AND WAS CONTINUOUSLY BLEEDING THROUGHOUT THE DAY AND WAS OBSERVED STANDING ON HER HEAD AND SHAKING VIOLENTLY.
11. AFFIANT FURTHER LEARNED THAT AFTER THE CLOSE OF NORMAL DUTY HOURS PROFESSIONAL CARE PERSONNEL DID LEAVE THE FACILITY IN THE CARE OF UNTRAINED UNSUPERVISED SECURITY AND MAINTENANCE PERSONNEL AND ASHLEY DIED ON OR ABOUT 09 16 2003. ²⁰⁰²
12. AFFIANT LEARNED THAT TOPSY #1223 HAD SUFFERED A "SEX SKIN" INJURY ON OR ABOUT 06 26 2003 AND WAS TREATED IN BLD 1301 BUT NOT MOVED TO A SICK ROOM EVEN AFTER HER INJURY WAS OBSERVED TO CONTINUE TO BLEED.
13. AFFIANT THROUGH INVESTIGATION LEARNED THAT ALLEGEDLY TOPSY WAS TREATED FOR HER INJURY IN THE AFTERNOON OF 06 26 2003 AND WAS FOUND ON 6 27 2003 AT APPROXIMATELY 0650HRS (6:50AM) LYING IN FRESH BLOOD AND WAS WEAK WITH PALE COLOR.
14. AFFIANT LEARNED THROUGH HIS INVESTIGATION THAT THE PROFESSIONAL STAFF HAD LEFT THE FACILITY AT THE END OF THE NORMAL WORKING DAY ON 06 26 2003 AND LEFT THE FACILITY IN THE CARE OF UNTRAINED MAINTENANCE AND SECURITY PERSONNEL.



15. AFFIANT THROUGH INVESTIGATION LEARNED THAT DURING THE WINTER MONTHS OF 2003 AND 2004 TWO CHIMPANZEES WERE FOUND DEAD AND ON THE NEXT DAY A THIRD CHIMPANZEE WAS FOUND DEAD AND THAT THE CHIMPANZEES WERE IN SEPARATE CAGES ADJACENT TO EACH OTHER.
16. AFFIANT LEARNED THAT ALL THREE OF THE CHIMPANZEES WERE ELECTROCUTED AS THE PERCH THEY WERE SITTING ON HAD BEEN REPAIRED AND WHEN PLACED BACK INTO THE WALL OF THE CAGE HAD COME INTO CONTACT WITH A 270 VOLT ELECTRIC LINE.
17. AFFIANT THROUGH INVESTIGATION HAS LEARNED THAT MAINTENANCE PERSONNEL AND OR SECURITY PERSONNEL WORKING AT THE CHARLES RIVERS FOUNDATION HAVE RECEIVED NO SPECIALIZED TRAINING IN THE CARE OR MAINTENANCE OF CHIMPANZEES.
18. AFFIANT THROUGH INVESTIGATION HAS LEARNED THAT APPROXIMATELY TWENTY ONE CHIMPANZEE'S HAVE DIED OVER A TWO YEAR PERIOD EITHER TO NATURAL CAUSES AND OR NEGLECT BY PERSONNEL WORKING AT THE CHARLES RIVERS FOUNDATION FACILITY LOCATED ON HOLLOMAN AIR FORCE BASE.
19. AFFIANT STATES THAT PHOTOGRAPHS AND OR VIDEO TAPING OF THE CAGES AND SICKROOMS WITHIN BUILDING 1301 WOULD BE HELPFUL IN THE INVESTIGATION AND OR PROSECUTION OF PERSON(S) AND OR CORPORATIONS RESPONSIBLE FOR THE CRUELTY TO THE CHIMPS HEREIN DESCRIBED.
20. AFFIANT PRAYS FOR THE ISSUANCE OF THIS WARRANT TO DOCUMENT LOCATIONS WHERE CHIMPANZEES ARE HOUSED WHEN SICK OR INJURED FOR PROBABLE CAUSE HAS BEEN ESTABLISHED TO SUSPECT CHARLES RIVER FOUNDATION OF INSTITUTIONAL NEGLECT.


AFFIANT

8/3/04
DATE


APPROVED DISTRICT ATTORNEY

8/3/04
DATE


DISTRICT JUDGE

8/3/04
DATE

SUPPLEMENTAL REPORT

OFFENSE: INVEST/CHARLES RIVERS FOUNDATION

DATE: 08 04 2004

**INVEST: JOHN STUBBE
JACK HENDERSON
MICHELLE REYNOLDS**

**WITNESS: JERRY MALETT
CIVIL ENGINEER
HOLLOMAN AFB
572 5038**

SUBJECT: DISTRICT COURT SEARCH WARRANT

On Tuesday 08 03 2004 I did receive DISTRICT COURT SEARCH WARRANT #SW-2004-1 signed by the Honorable JUDGE FRANK WILSON which directed me to obtain photos still photos videos and digital photos of Building 1301 located at HOLLOMAN AFB also known as the Charles Rivers Facility.

After coordination with HOLLOMAN STAFF JUDGE ADVOCATE MAJOR ZOLDI, the above listed Investigators and MR MALETT did go to Bld 1301.

I did contact DR LEE who is the director of the facility and in the company of DR CURTIS did inform him that we wished to take photos of the building known as 1301. No photos to be taken of medical procedures, no photos of workers or staff.

DR LEE stated to me that his directives did not allow any photos to be taken and did refuse to allow us to do so. I then presented him with a copy of the attached Search Warrant. He then allowed us to enter Bld 1301 in the company of DR CURTIS.

Photos were taken of the facility to ensure no medical procedures were in progress, no personnel were photographed.

The video camera used failed to function correctly as well as a second video camera. .35MM photos (24) were taken as well as Digital photos. A partial video was taken and will be placed into evidence, while the second video camera would not operate at all.

DR LEE did approach while we were taking photos and stated that the attorneys for his company had notified him that the Search Warrant was not valid as the State of New Mexico had no jurisdiction however he did not prevent us from taking the photos.

Search warrant was executed at approximately 1100hrs and terminated at approximately 1145hrs 08 04 2004 and return completed after being signed by DR CURTIS.

Return of inventory shows photos only and no property was taken. Warrant to be returned to District Court Clerks Office for filing.

35MM film to be developed locally.

JOHN STUBBE
INVESTIGATOR

COPY

FILED
DISTRICT COURT OF
OTERO COUNTY, N.M.

2004 AUG -3 AM 9:52

STATE OF NEW MEXICO

DISTRICT COURT
TWELFTH JUDICIAL DISTRICT
OTERO COUNTY

JAN HERRY
CLERK BY

SW-2004-#
Number

STATE OF NEW MEXICO

v.

ALAMOGORDO PRIMATE FACILITY
CHARLES RIVERS FOUNDATION
BUILDING 1301
HOLLOMAN AIR FORCE BASE
ALAMOGORDO, NEW MEXICO

AFFIDAVIT FOR SEARCH WARRANT

Alliant, being duly sworn, upon his oath, states that I have reason to believe that on the following described premises or person of (here name person and/or describe premises)

See Attached Exhibit "A"

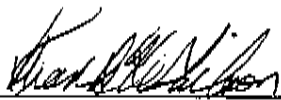
in the city or county designated above there is now being concealed (set forth name of person or describe property as particularly as possible)

See Attached Exhibit "B"

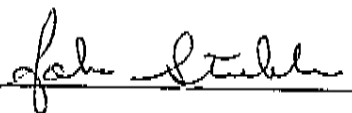
and the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows: (include facts in support of the credibility of any hearsay relied upon; if necessary, continue on reverse side of this form or on a separate page or pages)

See Attached Exhibit "C"

Subscribed and sworn to or declared and affirmed to
before me in the above named county of the State of
New Mexico this 3rd day of August,
2004



Judge, Notary or Other Officer
Authorized to Administer Oaths



Signature of Affiant

NOTE: This affidavit shall be filed in the same file as the search warrant. If no criminal proceedings are filed, the affidavit and warrant shall be filed in a miscellaneous file.

White - Goes with Search Warrant; return to court
Pink - Court copy

Yellow - Defendant's Copy

Approved: Supreme Court, July 1, 1980.
Criminal Form 2.40

EXHIBIT "A"

PLACE TO BE SEARCHED:

BUILDING NUMBER 1301 HOLLOMAN AIR FORCE BASE OTERO COUNTY STATE OF NEW MEXICO WHICH IS LOCATED WITHIN THE CONFINES OF HOLLOMAN AIR FORCE BASE AS DESCRIBED WITH THE OTERO COUNTY ASSESSORS OFFICE LOCATED IN THE OTERO COUNTY COURT HOUSE ALAMOGORDO NEW MEXICO AS PC10 14890 MC046 099 264. THERE ARE FIVE (5) BUILDINGS IN THE COMPLEX NUMBERED 1300, 1301, 1302, 1303 AND 1304, EACH OF WHICH ARE SAND COLORED AND JOINED BY A COVERED WALKWAY. THE COMPLEX OF BUILDINGS ARE APPROACHED FROM THE NORTH BY MEANS OF A CIRCULAR DRIVE. EACH OF THE BUILDINGS ARE MARKED INDIVIDUALLY WITH THEIR RESPECTIVE NUMBERS WITH BUILDING 1301 BEING IN CLOSE PROXIMITY TO THE CENTER. EACH OF THE BUILDINGS CONTAIN OR HAVE ATTACHED CAGES USED TO HOUSE CHIMPANZEE'S AND OR PROVIDE MEDICAL CARE. BUILDING 1301 IN PARTICULAR CONTAINS SICK ROOMS AND HOUSING AREA FOR CHIMPANZEE'S. BUILDING 1301 IS BEING LEASED BY CHARLES RIVER FOUNDATION FROM THE UNITED STATES AIR FORCE. BUILDING 1301 HAS TWO LARGE SICK ROOMS WITH EACH SICK ROOM CONTAINING FOUR CAGES FOR CHIMPANZEE'S.

EXHIBIT "B"

ITEMS TO BE SEARCHED FOR:

PHOTOS OF ENTIRE BUILDING NUMBER 1301 TO INCLUDE BUT NOT LIMITED TO 35MM, VIDEO AND OR DISC CAMERAS. PHOTOS OF EACH SICK ROOM, HOUSING AREA MEDICAL FACILITY OR OTHER ROOMS WITHIN THE CONFINES OF BUILDING 1301.

