

Search Warrant #: _____

STATE OF CALIFORNIA – COUNTY OF YOLO
SEARCH WARRANT AND AFFIDAVIT
(AFFIDAVIT)

I, RICK GORE, swear under oath that the facts expressed in this Search Warrant and Affidavit and in the attached and incorporated statement(s) of probable cause are true and based on this information I have probable cause to believe and do believe that the property and/or person described below are lawfully seizable pursuant to PC 1524. Wherefore, I request this Search Warrant be issued.

NIGHT SERVICE APPROVED: YES NO **HOBBS SEALING APPROVED:** YES NO

(Affiant Signature)

(Signature of reviewing DDA)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER, OR PEACE OFFICER IN THE COUNTY OF YOLO: proof by affidavit having been made before me by Investigator Rick Gore, an Investigator with the Yolo County District Attorney’s Office; that there is probable cause to believe that the property and/or person described herein may be found at the locations set forth and is lawfully seizable pursuant to PC 1524 as indicated below in that:

- It was stolen or embezzled
- It was used as the means of committing a felony
- It is possessed by a person with the intent to use it in committing a public offense or prevent discovery
- It tends to show that a felony has been committed or that a particular person committed a felony
- It tends to show sexual exploitation of a child or depiction of sexual conduct of a person under the age of 18, has occurred or is occurring
- There is a warrant for the person’s arrest

YOU ARE THEREFORE COMMANDED TO SEARCH:

LOCATION:

- 1) 600 Abby Street, West Sacramento, CA, further described as a single story house with wood siding, the house is beige with light blue trim, black letter on left side of door display the numbers 600. The house has a white rust security screen door, the door faces south towards Andrew Street. The house has an attached single car garage. The roof is a reddish colored composite type roof. 6th street is to the east of the house; to include all attics basements, rooms, garages, outbuildings, storage sheds, garbage cans and containers located within the apartment and the apartment boundaries, to include vehicles located within the house and the house boundaries; all vehicles and trailers on the property.

- 2) Subscriber information for MIN_(cellular phone number) (916)798-8227, to include subscriber name, address, contact phone number, credit information listed on the account, toll call information, and billing information (numbers called) for a period encompassing 01/31/01 through 02/10/01
- 3) The person of: Rob E. Fles, 5/16/43, HMA, 510, 200 pounds, Brown Hair, Brown eyes
- 4) The mailbox assigned to 5000 Oak Park, Apt #7311, located on the north side of the manager's office in the Orchard Park Apartments.
- 5) The US post office located in the city of Davis at 2020 Fifth Street.
- 6) Any post office box found to be rented or leased to Savannah Knight within the surrounding counties, to include the city of Chico and Sacramento County.

FOR THE FOLLOWING PROPERTY:

- 1) **Firearms, guns, gun parts, ammunition, gun cases**
- 2) **Drugs, drug paraphernalia, smoking pipes, needles**
- 3) **Indicia of home owner ship, care and control of property**
- 4) **Receipts, papers, documents that may indicate purchase of guns and ammunition**

ADDITIONAL ORDERS:

SNEAK AND PEAK CLAUSE:

Officers are authorized to delay notification of the service of this warrant for () days, this period can be further extended by the court following a showing of good cause. After this time period, officers will request an additional extension or make notification.

ADD IN PC: There is "reasonable cause" to believe that providing immediate notification of the execution of the warrant may have an adverse result including endangering the life or physical safety of an individual, flight from prosecution, evidence tampering, witness intimidation, or otherwise seriously jeopardizing an on-going investigation or unduly delaying a trial.

HOBBS SEALING JUSTIFICATION:

I request an order to seal this search warrant.

This request is needed to prevent access to gathered information about this case and the fleeing felon (S/). If information contained in these search warrants were made public, it would impair future investigation and could aide S/ in hiding, in concealing her location, and in evading apprehension, could alert the person who committed this crime, who aided in this crime, who is involved in concealing evidence of this crime, could cause people mentioned in this affidavit to come under negative scrutiny and or place them in danger. Efforts being used to track and trace S/ would lose their investigative value if they were known by S/Knight or were passed on to her from a third party.

I have attached a separate order for the HOBBS Sealing. This order, if approved, will be kept with the original search warrants. This order is attached hereto and incorporated as if fully set forth herein.

NIGHTTIME SERVICE

There is a box below that can be checked for Nighttime Service or Hobbs Sealing, but you still must justify why.

Your affiant know that drugs are sold at all hours of the day and night and this crime is on going and nighttime service is required to prevent delay of officers serving this warrant during only daytime hours. Since I am applying for this warrant at 9 PM it is unlikely that the warrant will be completed or signed by 10 PM so I request Nighttime service so Officer can serve this warrant immediately after it is signed and completed.

Something to justify that there is some factual basis for needing Nighttime service, normally to prevent loss of evidence, protection of officers or less people in the location. If you can justify that multiple suspects are involved and when you arrest one, they will call and notify others that will compromise the investigation or other may see the suspect taken into custody in daytime therefore by doing it at night, you will not lose evidentiary value of the information seized during the warrant and it will give you time to act on that information before it becomes too public. If you know the location will be UNOCCUPIED at night that is good justification to keep officers safe and uninterrupted during their search. Other justification are prevention of other crimes, suspect discovered investigation, disposal of evidence, Officer Safety, Perishable or consumable evidence, etc.

NO KNOCK WARRANT ENTRY

If you justify no knock entry by explaining why it is needed, this statement should be in warrant:

Some justifications are: The house “was equipped with security cameras and flood lights, the suspect displayed a firearm during previous drug sales and had “exhibited abnormal and unpredictable behavior—specifically, answering the door wearing only a pair of sock while wielding a chambered semi-automatic pistol in a threatening manner, the suspect’s rap sheet showed “assaultive” behavior in the past, possession of guns, and a prior altercation with an officer, the suspect had a history of attempting to destroy evidence, including a “penchant for flushing toilets even when nature did not call.”, the suspect told an informant that, if he knew the police “were around,” he would destroy the drugs he was selling and that “he would not get caught again with the evidence.”, the premises, which contained a “large amount” of crack, were protected by a steel door, the house was a “virtual fortress.”

Good cause having been demonstrated in the affidavit herein, the officers who execute this warrant are authorized to make a forcible entry WITHOUT giving notice unless a change in circumstances negates the need for non-compliance.

REQUEST FOR SPECIAL MASTER

AFFIANT REQUESTS SPECIAL MASTER: It appears that the requested search will implicate the confidentially of privileged communications. Accordingly, pursuant to Penal Code section 1524(c) I request that a special master be appointed to conduct the search.

ADD: The affiant will state in the affidavit that he believes the search will require the appointment of a special master to search for documents in the office of a lawyer, physician, or psychotherapist (hereinafter “professional”) because these papers often contain information that is privileged under the law.

SEARCH CONDUCTED BY EXPERT

Sometime a SW will be issued and the Officers do not have the necessary specific knowledge of what to look for, normally in specially fields like prescription drugs, special computer or cable stealing devices, or the actual burglary victim can identify things since they have specific particular knowledge of the items missing. Adding this area and explaining why you need this person to ensure you do not miss or misidentify specific items.

Note: if the search will be conducted by officers, they do not need authorization to have an expert or other civilian accompany them and watch. And if the civilian sees any seizable property, he will notify the officers who will take it; e.g., burglary victim identifies stolen property. This is only needed if the expert will be searching.

ANTICIPATORY SEARCH WARRANT

Anticipatory Search Warrants means of an anticipatory warrant, most are used in conjunction with controlled deliveries of drugs or other contraband. The affidavit must contain an “explicit, clear, and narrowly drawn” description of the triggering event. The affidavit must establish probable cause to believe the triggering event will, in fact, occur; and that it will occur before the warrant expires.

ANSWER PHONES CALLS

Officers are authorized to answer phones within the residence, including cell and hard-line phones and check any messages on any and all answering machines and voice mails.

ADD IN PC: The need to answer phones; identify witnesses, assist in the investigation, known drug sales, fleeing felon, identify people aiding and abetting etc.

WARRANT REISSUANCE

Warrant Reissuance: A warrant is void if not executed within ten days after it was issued. If the warrant becomes void, a judge cannot simply authorize an extension; instead, the affiant must apply for a new warrant, which includes submitting a new affidavit. The required procedure is relatively simple.

New Affidavit can be as follows: A copy of the affidavit upon which Warrant Number One was based is attached hereto, incorporated by reference, and marked “Exhibit A”. For the following reasons, Warrant Number One was not executed within 10 days of issuance: [Explain reasons]. I am not aware of any information contained in Exhibit A that is no longer accurate or current. Consequently, I believe that the evidence listed in Warrant Number One is still located at the place to be searched, and I am hereby applying for a second search warrant identical in all material respects to Warrant Number One. I declare under penalty of perjury that the foregoing is true and correct.

NON-DISCLOSURE ORDER:

All persons who have knowledge of this warrant are ordered “**Not to Disclose**” any information about this warrant, the information requested or the information provided. This ORDER supercedes all other directives, notification rules or laws and violation of this court order is a crime.

ADD IN PC: How disclosure of this warrant will hinder the investigation, endanger lives, assist in the furtherance of the crime etc.

GPS ON VEHICLE

YOU ARE THEREFORE COMMANDED TO SEARCH:

A Veh descrip, CA license # , r/o is @ location (vehicle in possession of driver or operator).

FOR THE FOLLOWING PROPERTY:

A location to install a G.P.S (Global Positioning Satellite) tracking device. To enter the vehicle, while lawfully in my custody and/or other peace officers assisting in the investigation. To authorize me and or electronics technicians, under my direction, to enter the vehicle for installation of the G.P.S. To temporarily hardwire the G.P.S. tracking device into the vehicles existing electrical system for a period of () days. To record live and/or historical data provided by the G.P.S. tracking device and download the information to a laptop or desktop computer; In the event the vehicle is observed to enter a private garage, private warehouse, or other areas where there is a reasonable expectation of privacy, we will terminate monitoring of G.P.S. tracking system until the point that the vehicle becomes visible, or would be visible from a public place.

To delay notification of the search warrant, and installation of the G.P.S. tracking device for a period of () days or longer, upon showing of good cause, in order to maintain the integrity of the ongoing investigation.

AUTHORIZED TO INTERVIEW JUVENILES WITHOUT PARENTS

Officers are authorized to interview minors out of the presence of their parents or guardians. This interview will not be hindered, obstructed or delayed by any person having custody of the children.

ADD IN PC: Why parental / adult interference may hinder the investigation and prevent the child from telling the truth, etc.

VIDEO TAPE WARRANT SERVICE

Officers are authorized to videotape the service of this warrant and any interviews conducting during this warrant service.

ADD IN PC: Explain that this will assist in the investigation, will allow officers to maintain a safe controlled scene, assist in identifying co-conspirators and others involved in underlying crime, identify witnesses and continue the ongoing investigation.

PHOTOGRAPH AND ID ALL VISITORS

Officers are authorized to photograph and identify all persons at the warrant location, including any person that arrives, attempts entry, or is otherwise associated with the warrant location, during the service of this warrant.

ADD IN PC: Explain that this will assist in the investigation, will allow officers to maintain a safe controlled scene, assist in identifying co-conspirators and others involved in underlying crime, identify witnesses and continue the ongoing investigation.

INDICIA

Indicia When a warrant authorizes a search for evidence which, if found, would incriminate the people who own or control the home or business that was searched, affiants will almost always seek permission to search for and seize documents and other things that tend to identify these people. Authorization to search for such things—commonly known as “indicia” or “evidence of dominion and control”—is especially apt to be granted when the primary objective of the warrant is to search for drugs, weapons, child pornography, stolen property, or other fruits or instrumentalities of the crime under investigation. Authorization to search for indicia may

significantly expand the scope of the search. Nevertheless, the additional intrusion is almost always deemed justified by the overriding need for proof of control. The problem with indicia is that, while officers can be reasonably certain that it will be found on the premises, they can never know for sure what form it will take. Consequently, the courts permit a description of the types of things that tend to establish dominion and control, such as the following: Delivered mail, Bills and receipts, Bail contracts and other legal documents, Keys to cars, safe deposit boxes, and post office boxes, Photographs, Answering machine tapes. Note that a description must not be so broad as to permit the seizure of documents that do not establish ownership or control; e.g., "All papers bearing the [suspect's] name."

The terms "records," "information," and "property" includes all of the foregoing items of evidence in whatever form and by whatever means that may have been created or stored, including records, whether stored on paper, on magnetic media such as tape, cassette, disk, diskette or on memory storage devices such as optical disks, programmable instruments such as telephones, "electronic address books," calculators, or any other storage media, or any other form of "writing" as defined by Evidence Code section 250, together with indicia of use, ownership, possession, or control of such records, information and property.

USE OF OUTSIDE EXPERTS

Investigating officers and those agents acting under the direction of the investigating officers are authorized to conduct an offsite search for evidence of the seized computers and access all computer data to determine if the data contains "property," "records," and "information" as described above. If necessary, investigating officers are authorized to employ the use of outside experts, acting under the direction of the investigating officers, to access and preserve computer data. Any digital evidence will be analyzed in a reasonably prudent time. If no evidence of criminal activity is discovered relating to the seized computer systems and associated peripherals, the system will be returned promptly.

DRUGS

Heroin and paraphernalia related to the use and sale of heroin, including hypodermic syringes, needles, eye droppers, spoons, cotton, milk sugar, scales and other weighing devices, balloons, condoms, paper bindles and measuring devices.

Cocaine Dealer: Cocaine and narcotic paraphernalia, including scales and other weighing devices, measuring devices and containers commonly associated with the storage and use of cocaine. Articles, documents that are associated with sales of cocaine, pay and owe sheets, including US currency, buyer list, seller list, record keeping, personal phone list or books, lists of names, suppliers or other evidence of cocaine selling or conspiracy to sell, possess or deal narcotics.

Marijuana: Marijuana paraphernalia commonly associated with the storage and use of marijuana, including pipes sifters, alligator clips, baggies, scales and other weighing devices.

PCP: Phencyclidine (PCP) paraphernalia commonly associated with the packaging, storage, sale and use of PCP, including scales and other weighing devices, glass bottles, aluminum foil, cigarettes and other substances commonly associate with the ingestion and inhalation of PCP, such as marijuana and mint leaves.

Methamphetamine Lab: Methamphetamine (Meth) and precursors and derivative of Meth, chemicals used in the manufacturing of Meth, including ephedrine, pseudo-ephedrine, red phosphorus, iodine, Freon and Hydriodic acid, laboratory equipment and apparatus including glassware, hoses, clamps tubes and beakers, paraphernalia used in the preparation, manufacture, use, distribution and packaging of Meth, including measuring and weighing devices, diluting agents, baggies and other containers commonly used for the packaging or dangerous

drugs, books papers and documents containing printed, written or digital chemical formulas and manufacturing instructions related to the drugs and chemical listed above.

BOOKMAKING

Bookmaking paraphernalia including betting markers (records of bets made), pay and owe sheets, records of bets paid or owed, tip sheets, records of bettors or bets, betting tabulations, account books and ledgers, customer lists, codes of bettors, agents and other bookmakers, telephone numbers, identification and addresses of agents, runners, clerks, bettors or informants, telephone numbers and or addresses of back rooms, officers, betting parlors, line sheets and betting line records, devices for recording wagers including blackboards, flash papers, shredders or other quick destruction devices, sporting publications, racing forms, journals, any records of bookmaking activities and paraphernalia used for the purpose of recording or registering bets on (horse racing) (ball games), etc.

STOLEN PROPERTY

Description include photos, type, make, manufacturer, serial number, size color, etc..
If you have a list from a theft or robbery, attach the list and reference the list in this area.

Gun: One .45 caliber, Colt, model 1911, with pearl grips, engraved with, "Come and Take It", bearing the serial number ABC 123.

CHILD MOLESTATION

Photographs, slides, negatives, drawings, digital pictures and other representations of a (age, sex, race) child either nude or dressed, photographs of other children nude or dressed, any evidence of underage children dressed inappropriately or engaged in inappropriate behavior, any records, logs, films, notebooks, diaries relating to sexual or abusive actions or behavior including children, any video or other recording evidence or equipment used to produce or make those pictures, any records, receipts that identify the owner of the equipment or above listed evidence.

VEHICLE THEFT

Vehicle, vehicle parts, engines, doors, keys or other equipment associated with (1999, Ford, Ranger, Plate Number, VIN., any tools used to remove vehicle identification numbers, fake VIN, modified or removed VIN plates, NHTSA sticker parts or parts with NHTSA sticker removed or modified, any papers or documents providing identification for vehicle or parts, any license plates removed or attached, vehicle registration paperwork, certificates of title, storage receipts where other vehicles may be kept or stored, storage keys, tools used to remove or alter vehicles like ignition pullers or other related burglary tools.

GANG INDICIA OR AFFILIATION

Property, photographs, clothing or other items that are associated with gang activity, to include scarves, rags, hats, shirts, pictures of tattoos, poster of gang activities, gangs documents, rules, codes or other writings that indicate gang activity or involvement, weapons with gang symbols or identifiers on them, displays of flags, gang signs or symbols in the area indicating loyalty, involvement or participation in a specific gang, shoes or clothing indicating gang colors or affiliation or association with gangs, gang activities or support of gangs.

GUNS

Make: Model: Serial number: Color: Type: (Revolver, Rifle, Semi Auto)

Any guns, gun parts, receipts for gun parts, guns or gun cleaning materials, any ammunition, used or unused rounds, cartridges, brass casing, shells, magazines, clips, boxes of ammo, books on guns, gun modifications, gun tools or cleaning supplies, receipts for gun purchases, gun manuals, gun boxes, carrying cases, concealed hiding places for guns such as safes, cut out books or secret wall cut outs or hiding places where a gun or ammunition could be concealed or hidden.

NOTE: It is important to list receipts so you can look anywhere a piece of paper can be, if you only list Rifle or Shotgun, then you CANNOT look in places where a shotgun cannot fit, like a drawer, glove box or other small places. By listing ammunition you can look wherever a round could be hidden and by listing receipts you can look wherever a piece of paper can be hidden.

COMPUTERS CELL PHONES

Computers

Investigating officers are authorized, at their discretion, to seize all computer systems, computer program or software, and supporting documentation@ as defined by Penal Code section 502, subdivision (b), including any supporting hardware, software, or documentation that is necessary to the use the system or is necessary to recover digital evidence from the system and any associated peripherals that are believed to contain some or all of the evidence described in the warrant, and to conduct an offsite search of the seized items for the evidence described. Investigating officers and those agents acting under the direction of the investigating officers are authorized to access all computer data to determine if the data contains property, records, and information as described above. If necessary, investigating officers are authorized to employ the use of outside experts, acting under the direction of the investigating officers, to access and preserve computer data. If no evidence of criminal activity is discovered relating to the seized computer systems and associated peripherals, the system will be returned promptly.

The second step in obtaining records from a cellular service provider is a preservation request to "freeze" stored records and communications pursuant to 18 U.S.C. § 2703(f). Many cellular service providers maintain records for only a short period of time. This request can be used as a directive to third-party providers to preserve records and not disclose the investigation to the suspect. This is an important tool to use to prevent third-party providers from writing over or deleting data you need while you obtain a warrant. Currently there are no laws, which govern how long a third-party provider must retain log or other information.

It is also recommended that you contact the cellular service provider to ascertain the type and nature of records kept and any special terms or definitions that the carrier uses to describe those records. Any request for records should be limited to only the records that are needed. Do not request all of the categories of records listed unless it is truly needed for your case.

Cellular phone records can be described in the warrant as follows:

A.) Subscriber information

Note: This should give you the name, address, phone numbers, and other personal identifying information relating to the subscriber.

B.) Account comments

Note: Anytime the provider has contact with the customer or modifies the customer's account a notation will be made by a service representative on the account.

C.) Credit information

Note: Most providers run a credit report on customer prior to activating the account

D.) Billing records

Note: Do not ask for toll information; that is a landline term for long distance. Specify period desired.

E.) Outbound and inbound call detail

Note: This is the real time, current activity that is not yet on the customer's bill. "Inbound" is usually available for only a limited time (45 days), which gives other cellular phones calling the target number.

F.) Call origination / termination location

Note: Available for a limited time (45 days) and gives location information on cell sites used, length of call, date, time, and numbers dialed. With a GPS enabled phone it gives location of phone.

G.) Physical address of cell sites and RF coverage map

Note: Needed to determine where cell site is located when you receive inbound & outbound or call origination & termination location. The RF coverage map models the theoretical radio frequency coverage of the towers in the system. You will want to limit this request to a specified geographical area.

H.) Any other cellular telephone numbers that dial the same numbers as (xxx) xxx-xxxx

Note: If you want to know who calls the same number the target calls (for example a pager or landline number). Available for only a limited time (45 days).

I.) Subscriber information on any cellular numbers that (xxx) xxx-xxxx dials

Note: Subscriber information on the carrier's network that is dialing the target.

J.) All of the above records whether possessed by cellular service provider [target of warrant] or any other cellular service provider

Note: If you anticipate the suspect may be roaming or if the number is roaming in the provider's market, you may be able to obtain information from other cellular carriers if you include this language in your description of records.

K.) All stored communications or files, including voice mail, email, digital images, buddy lists, and any other files

associated with user accounts identified as: account(s) xxxxxx, mobile numbers (xxx) xxx-xxxx, or e-mail account roe1234@sprint.net.

Note: Cellular service providers now offer similar services to an internet service provider (ISP) and maintain the same type of records such as text messaging, e-mail, and file storage for the transfer of data including digital pictures. Limit your request to what you need.

L.) All connection logs and records of user activity for each such account including:

1. Connection dates and times.
2. Disconnect dates and times.
3. Method of connection (e.g., telnet, ftp, http)
4. Data transfer volume.
5. User name associated with the connections.
6. Telephone caller identification records.
7. Any other connection information, such as the Internet Protocol address of the source of the connection.
8. Connection information for the other computer to which the user of the above-referenced accounts connected, by any means, during the connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, and all other information related to the connection from cellular service provider.

Note: The above is a standard request made to ISP to track connection information. Remember with the type of cellular service offered today the user can send a message from the phone or from the associated account via a computer or other access device.

M.) Any other records or accounts, including archived records related or associated to the above-referenced names, user names, or accounts and any data field name definitions that describe these records.

Note: This is the catchall to use when you want everything. This request also includes "archived" information. Many companies now "archive" records, thus allowing for the preservation of subscriber records for a

significant time. Archived records are usually stored in a spreadsheet format, encompassing a variety of data fields. You must request the data field name definitions in order to understand the spreadsheet.

N.) PUK for SIM card # _____

Subscriber Identity Module (SIM) is a smart card inside of a GSM cellular phone that encrypts voice and data transmissions and stores data about the specific user so that the user can be identified and authenticated to the network supplying the service. The SIM also stores data such as personal phone settings specific to the user and phone numbers. SIM cards can be password protected by the user. Even with this protection, SIM cards may still be unlocked with a personal unlock key (PUK) that is available from the service provider. Note that after ten wrong PUK codes, the SIM card locks forever. A search warrant for the production of records held by a cellular service provider should always include an order for nondisclosure.

The cellular service provider will notify the customer of the search warrant unless there is a non-disclosure order. This order will delay notification for 90 days and can be extended for an additional 90 days. (See California Public Utilities Commission decision No. 93361 (7/21/1981).) A non-disclosure order may be phrased as follows:

ORDER FOR NON-DISCLOSURE OF SEARCH WARRANT

It is further ordered that cellular service provider not to notify any person (including the subscriber or customer to which the materials relate) Now that we have listed what records we are seeking, probable cause must be shown in the affidavit for each of the listed items. The following is sample language justifying the need for the production of specified records that can be used as a starting point for drafting the search warrant affidavit:

A.) Through experience and training, your Affiant knows cellular service providers maintain records related to subscriber information, account registration, credit information, billing and airtime records, outbound and inbound call detail, connection time and dates, Internet routing information (Internet Protocol numbers), and message content, that may assist in the identification of person/s accessing and utilizing the account.

B.) Through experience and training, your Affiant knows that the cellular service provider maintains records that include cell site information and GPS location. Cell site information shows which cell site a particular cellular telephone was within at the time of the cellular phone's usage. Some model cellular phones are GPS enabled, which allows the provider and user to determine the exact geographic position of the phone. Further, the cellular service provider maintains cell site maps that show the geographical location of all cell sites within its service area. Using the cell site geographical information or GPS information, officers would be able to determine the physical location of the individual using the cell phone number (xxx) xxxxxxx, which according to corroborating sources listed above was/is in use by the suspect. That information is necessary to the investigating officers in order to _____.

It is also recommended that you include within the affidavit the authority, which allows a search warrant to be served by facsimile (fax) for the production of records maintained outside of California.

A.) Your Affiant is aware that cellular service provider is located within the State of _____. Pursuant to Penal Code section 1524.2 and Corporations Code section 2105 a California search warrant may be served upon them and they have requested that this warrant be served by facsimile to the attention of _____ at (xxx) xxx-xxxx. Finally, a word of caution. If you use the cellular subscriber records to attempt to determine the physical location of an individual's position there are a couple of questions that must be answered.

First question is call overloading. When the maximum call processing capacity of a specified cell tower is reached it may be designed to hand off calls to other cell towers. Thus, a tower that the records reflect handled a call may have off-loaded the call to another cellular tower. The cellular provider will be able to check the cellular traffic on a specified cellular tower to determine whether or not any calls were off loaded.

Second question is whether the records reflecting the placement of a specified cellular tower's directional antenna is accurate.

Occasionally, the cellular provider may make adjustments to the cellular towers directional antenna that are not reflected in the records. Since the physical location of an individual's position will be based upon this directional antenna, its placement should be confirmed prior to trial.

FOR THE FOLLOWING PROPERTY:

Information relating to the arsons described in the attached warrant and affidavit SW 06-173

The terms "records," "information," and "property" includes all of the foregoing items of evidence in whatever form and by whatever means that may have been created or stored , including records, whether stored on paper, on magnetic media such as tape, cassette, disk, diskette or on memory storage devices such as optical disks, programmable instruments such as telephones, "electronic address books," calculators, or any other storage media, or any other form of "writing" as defined by Evidence Code section 250, together with indicia of use, ownership, possession, or control of such records, information and property.

Investigating officers and those agents acting under the direction of the investigating officers are authorized to conduct an offsite search for evidence of the seized computers and access all computer data to determine if the data contains "property," "records," and "information" as described above. If necessary, investigating officers are authorized to employ the use of outside experts, acting under the direction of the investigating officers, to access and preserve computer data. Any digital evidence will be analyzed in a reasonably prudent time. If no evidence of criminal activity is discovered relating to the seized computer systems and associated peripherals, the system will be returned promptly.

SEARCH OF:

3427 Evergreen Circle #7, West Sacramento, Yolo County, California; further described as an apartment located in a two story, multi-unit residential building located in the south portion of Evergreen Circle. The exterior of the structure is yellow vinyl siding with green trim. The door to the residence faces west, is green in color, and has a gold number "7" on the center of it. The numbers "3427" are black in color on a white metal plate and face south.

And, a metallic reddish orange, 1995, Dodge, Neon with California license plate 4JBP550 and vehicle identification number 3B3ES67C0ST502968 registered to Olga Lidia Vargas, 3427 Evergreen Circle #7, West Sacramento, CA 95691

Any and all computer equipment or other electronic storage devices capable of storing electronic data regarding above items, including magnetic tapes, floppy disks, hard drive, viewing screens, disk or tape drives, central processing units, printers, and all software necessary to retrieve electronic data, including operating systems, database, spreadsheet, word processing Internet e-mail, computer generated print-outs, computer index files, and other evidence which shows individual customer information for Javier Oliva and Olga Vargas; programs, all manuals for operation of computer and software together with all handwritten notes or printed confidential password lists to enter secured files. Also any print outs throughout location or trash re above items, and indication of Internet usage and "favorite" or "bookmark" Internet locations relevant to this investigation.

For the following property: men's clothing, children's clothing, bedding, medical supplies, plastic bags, a children's bicycle, a children's tricycle, children's toys, children's highchair, children's car seat, children's crib, soiled and unsoiled baby wipes, biological evidence, trace evidence, crime scene measurements and photographs and; handwritings, fingerprints, documents and effects which tend to show possession, dominion and control over said premises including keys, photographs, taped voice and/or video images, computer tapes or disks, pagers, anything bearing a persons' name, social security number, drivers' license number or other form of identification, including the interception of incoming calls; and

STALENESS ISSUES

If you information is not current and there is time lapse you must address this.

If looking for drugs from a drug buy it is not reasonable for them to still have drugs two weeks after they buy it since they would use it or sell it, however if they stole a gun or committed a burglary then they would keep their burglary tools or may have pawn receipts for the gun. Make sure you address this issue on any older information you may be using for this warrant and connect it to newer information to justify that you believe evidence will be where you are searching.

AND TO SEIZE IT IF FOUND and bring forthwith before me, or this court, at the courthouse of this court, all seized property. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this **21 August, 2015**, at _____ **A.M. / P.M.**

Wherefore. I find probable cause for issuance of this Search Warrant and do issue it.

NIGHT SERVICE REQUESTED: YES NO **HOBBS SEALING REQUESTED:** YES NO

(Signature of Magistrate)

STATEMENT OF PROBABLE CAUSE

I, Investigator Rick Gore, state that the facts in support of the issuance of this Search Warrant are as follows:

EXPERIENCE:

I am currently employed with the District Attorney's Office in Yolo County, California. I have been employed as an Investigator with Yolo County for the past 14 years. My current assignment is with the Criminal Division. I have been a Peace Officer in California for about the past 19 years. I have a Bachelors Degree in Education, an Associates Degree in Criminal Justice, graduated from a California POST Police Academy and have obtained a Basic, Intermediate, and Advanced POST certificate. I have a California State teaching credential and have taught classes in various law enforcement topics at police academies and community colleges.

In 19--, I entered the United States Air Force. While in the Air Force, I worked as a Law Enforcement Officer and held peace office status in several different states. During my years in the Air Force, I worked various assignments to include, Patrol, Narcotics K-9 Officer, Bomb K-9 Officer, Investigations, Training, Crime Suppression Units, SWAT team leader, Patrol supervisor and routinely assigned for Presidential protection with the Secret Service. I conducted joint operations and investigations with the FBI, DEA, Border Patrol, Secret Service and U.S. Customs. I have prepared and served more than 200 search warrants for various crimes on military installations and federal property. These warrants routinely identified and located evidence.

During my Air Force career, I have made in excess of 1000 arrests for various crimes to include drug possession, under the influence of drugs, crimes of violence, aggravated assaults, arson, domestic violence, child abuse and other crimes. I routinely conducted interviews of suspects, victims, witnesses and other police professionals. I routinely had contact with investigators who were considered experts in their specific fields. During these contacts and over the years we would discuss investigative techniques, intelligence, trends, and scheme and design of on-going crimes and investigations. Because of these contacts I received training and experience from investigators who were top in their fields and who had much more experience and training than I did. These contacts enabled me to gain new knowledge and to validate my previous training and experience.

In 19--, I was hired by Woodland Police Department as a Reserve Police Officer. During my four years at Woodland Police, I worked patrol duties and other special operations/events. For about two years, I worked with a DUI Task Force, where I mainly concentrated on driving under the influence related charges. While at Woodland Police Department, I made and was involved in more than 300 arrests for various crimes to include possession of drugs, under the influence of drugs or alcohol, domestic violence, child abuse and crimes of violence. I participated in the service of search warrants, parole searches, probation searches, and consent searches, which normally discovered evidence of crime.

In 19--, I was hired by Vallejo Police Department as a part time Police Officer, while still on active duty in the Air Force. During my five years at Vallejo Police, I worked patrol duties, special operations, and the High Impact Crime Suppression Unit. While working on the Suppression Unit, we concentrating mainly on high-risk offenders, violent crimes in progress, narcotic and weapons related offenses. While at the Vallejo Police Department, I made and was involved in several hundred arrests for various crimes to include possession/sales of drugs, violent assaults and robberies, and other related crimes. I often conducted and was involved in investigations for a variety of crimes to include robberies, aggravated assaults, rapes, shootings, gang activity,

and homicides. I participated and assisted in the service and preparation search warrants, parole searches, probation searches, and consent searches. These searches routinely developed evidence of a crime and resulted in the arrest of suspects.

In 19--, I was hired by Yolo County as a Welfare Fraud Investigator. During my two years in this assignment, I encountered several hundred personnel that were on probation and parole for various offenses. I routinely conducted parole and probation searches where evidence was located and suspects were arrested. In this position, I made and/or was involved more than a hundred arrests for various crimes. I routinely spoke with people on parole or probation and who had extensive criminal histories. I spoke to them about their crimes, how they did them and how they were caught. These interviews would confirm information I had been taught and training I had received. It would also provide me with fresh trends in ongoing criminal activity.

In 19--, I was assigned to the position of Auto Theft Investigator with the Sacramento Auto Theft Task Force (SACCATS). During my three years in this assignment, I made hundreds of arrests for various offenses to include violent crimes, sex offenses, drugs, burglary, auto theft, fraud, counterfeiting, and computer crimes. I wrote, participated and conducted search warrants and other searches where evidence of crimes were discovered, seized and suspects were arrested. While working in Sacramento County, I assisted in numerous investigations with local, state and federal agencies. I was exposed to senior investigators from these agencies and worked closely with them during complex investigations. We routinely discussed ongoing investigations, investigative techniques, court cases and different investigative training and experience.

In 20--, I was assigned to the position of Child Abduction Investigator. During my time in this position, I have contacted, interviewed, and arrested people for various crimes to include crimes of violence, sex crimes, child abuse, child abduction, drug-related offenses and other crimes. I have worked with other experienced investigators through out the state and assisted in various investigations to include computer crimes, electronic tracking, and computer related offense. In this position I routinely located and arrested suspected throughout the United States, Overseas and had these suspected extradited back to California. I also located, tracked and arrested suspects in different countries. While doing this I have worked and coordinated arrest and searches in Canada, Spain, Mexico and Germany. Working with international authorities has enabled me to obtain international arrest warrants, Red Notices and Provisional Warrants, which has increased my knowledge and experience of criminal behavior.

In 20--, I was assigned as the Gun Violence Suppression Investigator as part of the federal program "Operation Safe Streets". In this assignment, I contacted more than four hundred gang members and other suspects involved in criminal activity. I routinely assist other agencies in gang crimes, gang violence, homicides and gun related offenses. I continue to work with other officers and investigators where we exchange ideas and training, which further increase my knowledge of ongoing crimes, investigations, and criminal trends.

In 20--, I was sworn in as a Special Deputy United States Marshal and Special Federal Officer with the FBI. In this capacity, I conduct federal investigations, serve federal arrest and search warrants and assist in implementing the federal program "Operation Safe Streets". In this position I tracked, located and was involved in tracking, surveilling known terrorist involved in plots against the United States who were later arrested on federal charges. I also worked with FBI and Sacramento Career Criminal Unit Task Force tracking, locating and arresting known violent felons on the run.

In 20--, I was assigned to the Criminal Division. In this position, I am still a member of the FBI Safe Streets, but I routinely conduct criminal investigations involving various criminal offenses.

In 20--, I was assigned to the Sacramento Valley High Tech Crimes Task Force where I investigated crimes involving computers, digital information, child pornography, child abuse, homicides and counterfeiting. During my time here, I have written and executed several warrants for various offenses and conducted these warrants working with ICE, the FBI or other federal and local law enforcement agencies.

In the past 27 years I have been in law enforcement, I have received more than a 1500 hours of formal training. This training includes but is not limited to: basic police academies, Drug Recognition Expert, Field Training Officer, Firearms Instructor, Impact Weapons Instructor, Defensive Tactics Instructor, Interview and Interrogation, search warrant preparation, use of force, crime scene investigation, dignitary protection, identity theft investigations, legal updates, advanced child abduction investigation, interception of wire communications, vehicle theft investigation, emergency vehicle operations, DA trial preparations and investigation, advanced law enforcement training camp, welfare fraud investigations, fingerprint identification, crime scene investigation, hostage negotiations, forensic death investigations, tactical responses, evidence preservation, international investigations, extradition's, sex offender investigations, computer crimes investigation, homicide investigation and other law enforcement related training. The training I have received has come from various agencies to include the FBI, DEA, USAF, Secret Service, US DOJ, California DOJ, POST, CHP, various colleges, and other law enforcement agencies.

During my years in law enforcement, I have interviewed thousands of suspects, informants, and officers. I have obtained knowledge and experience on how information about criminal activity is actively passed on by using phones, pagers, computers, notes, codes, and written documents. While conducting surveillance and undercover operations, I have seen how suspects carry out criminal activity. I have testified as an expert in the area of drugs, weapons, gang activity, use of canines, child abduction, child pornography, homicides and the use of force. I have served warrants in several different states and in several counties within California, to include Los Angeles, Alameda, Solano, Yolo, and others. These warrants have located suspects, located evidence and assisted in solving crimes.

FACTS IN SUPPORT OF WARRANT:

The following items are attached hereto as Exhibits and incorporated as if fully set forth herein:

Exhibit 1: 21 Page Fax from WS PD with Criminal History of S/XXX

Exhibit 2: 13 Page Sac Sheriff Report #03-66779 on Stolen Guns

Exhibit 3: 3 Page Gang validation file from WS PD

SYNOPSIS: This is an ongoing stolen gun investigation where the suspect was recently arrested for possessing a loaded stolen gun and about four grams of Methamphetamines. S/Flores was discovered wearing a bulletproof vest while engaged in this criminal activity. The gun S/Flores possess was one of eight guns stolen out of Sacramento.

On 7/28/04, Det. Villa of the WS police department contacted me. He informed me that Suspect Rob Fles was arrested last night for possessing a stolen gun and was wearing a bulletproof vest while also possessing Methamphetamines. S/Fles is a known gang member (Broderick Boys) and has prior arrest for violence and violent crimes.

S/Fles bailed out of jail almost immediately. There was a bail enhancement to increase his bail to \$75,000, but the suspect was released before the enhancement could be obtained.

I have spoken to Det. Villa who is the gang officer for West Sacramento police department. He is a recognized expert in gang activity and behavior. It is his belief that this know gang member was involved in gang activity when committing the aforementioned crimes and that drugs and guns are the most prevalent crimes in the gang community. It is also his belief that S/Fles may have additional firearms and ammunition at his house that may be used in further gun and gang violence if they are not secured. Det. Villa also has spoken to a CI on the

street. This CI told Det. Villa that S/Fles had guns and was selling drugs. This information was provided to Det. Villa before S/Fles was arrested.

Since the suspect held on to or obtained the stolen gun he possessed, it is likely that he either has additional guns or stolen property at his house or has evidence that may lead to the location of the other stolen guns that are still outstanding in the community.

As the Gun Violence Investigator, it is my belief that S/Fles was possibly on his way to carry out a gang attack, a gang retaliation shooting, or delivering drugs for his gang's benefit and advancement. The fact that S/Fles was wearing a bullet proof vest indicates that he was planning and preparing for a violent encounter with either the police, rival gang members or innocent civilians.

Based on the foregoing, my training, experience, and expertise, it is my opinion and I believe that guns and drugs may still be at the suspects address. It is also my opinion that evidence and instrumentalities of the crime of possession of stolen property and guns and possession of drugs may be located at the above location.

I request that a search warrant be issued.

**STATE OF CALIFORNIA
COUNTY OF YOLO**

Search Warrant #: _____

**COURT ORDER TO SEAL SEARCH WARRANT
(HOBBS SEALING)**

It is ordered that this search warrant be sealed and kept in the custody of the court and that these documents **will not** be made public record until further order of this court or other competent court.

A copy of this order will be placed in the court file, in place of the existing probable cause statement. The original probable cause statement and warrant will be sealed and initialed by this Affiant and maintained in the court file.

This warrant is ORDERED SEALED and will not be reviewed or released without court order.

DATED: _____

JUDGE: _____
(Signature of Magistrate)

“WARRANT SEALED”

RETURN TO SEARCH WARRANT NO. _____

STATE OF CALIFORNIA - COUNTY OF YOLO

Rick Gore, being sworn, says that he conducted a search pursuant to the below described search warrant:

Issuing Judge:

Date of Issuance: 7/28/

Date of Service: 7/28/

and searched the following location(s), vehicle(s), and person(s):

LOCATION:

- 1) 600 Abby Street, West Sacramento, CA, further described as a single story house with wood siding, the house is beige with light blue trim, black letter on left side of door display the numbers 600. The house has a white rust security screen door, the door faces south towards Andrew Street. The house has an attached single car garage. The roof is a reddish colored composite type roof. 6th street is to the east of the house.

and seized the items described in the attached and incorporated inventory.

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 21 August, 2015.

(Judge of the Superior Court)