

Appendix B: Sample Search Warrants and Affidavits

This Appendix provides sample materials for requesting and executing a search warrant. Thanks to Detective Carl Hershman (Retired, San Diego Police Department) and Sergeant Mike Crumrine (Austin Police Department) for providing these samples.

The first six documents are actual search warrants and affidavits for a variety of investigations and circumstances that have been sanitized, so no identifying information is included for any victims, suspects, or witnesses. The last two samples are **instructional templates** that can easily be adapted for any jurisdiction.

Adapting Samples for Use

To adapt these materials, the content will need to be revised based on the specific facts of the case, and the laws and policies in your jurisdiction. These are simply instructional examples, demonstrating how to establish probable cause through a well-written affidavit. This is necessary to support a search warrant to seize and forensically examine the many different types of digital evidence encountered during the course of a sexual assault investigation. Consultation with a prosecutor is highly recommended.

When writing an affidavit and search warrant for digital devices, you must specifically request **authorization to seize and examine the contents** of these devices. If this is not included in the original warrant, you will need to write another affidavit and search warrant to examine any devices seized.

Establishing Experience and Training to Support an Affidavit and Probable Cause

When establishing probable cause for a search warrant, affiants must establish their personal qualifications by listing their own training and experience. If you have limited experience and training in the subject you are investigating, you can consult with experts, including other law enforcement personnel with more experience, to help establish your probable cause. In this case, you would include a brief summary of the interview with that expert in your affidavit, along with the information learned, just as you would for any information gained from victim(s), suspect(s) and witnesses.

It is also important to keep track of your assignments, caseloads, and training hours so that you can accurately describe your qualifications in an affidavit and when testifying.



1. Affidavit Requesting Authorization to Search a “Front” Business Suspected of Production and Distribution of Child Pornography

The first sample is an affidavit requesting authorization to search a “front” business, vehicles, and person, and to seize and examine digital devices and other materials that might contain child pornography, employee and financial records connected to illegal distribution and production of obscene matters, dominion and control, etc.



1 computer discs, data storage media, CD-ROM, or computer-generated equipment
2 or any other computer-generated image that contains or incorporates in any
3 manner, any film or filmstrip depicting nudity and/or sexual activities, whether real
4 or simulated, involving juveniles, juveniles with juveniles, and juveniles with
5 adults;

- 6 4. Images of adults posing as children engaged in sexual activity;
- 7 5. Images, writings, documents, diaries, journals, letters, e-mail communications, or
8 other correspondence, reflecting a sexual interest in children or related to sexual
9 activity between adults and children or between children and children;
- 10 6. Financial records and writings connected to illegal distribution and production of
11 obscene matters as prohibited under Penal Code section 311.2 and 311.5, including
12 ledger sheets, writings depicting calls or orders by customers;
- 13 7. Journals, writings bearing notations of amounts received and charged for illegal
14 sales of such obscene matters; completed credit card slips, blank credit card slips
15 and credit card embossing and imprinting devices;
- 16 8. Canceled and uncanceled checks, check stubs, check registers, Rolodex and other
17 files, customer cards and lists, employee lists, lists or files containing names,
18 addresses and phone numbers, tape recorders, recording tapes, cassettes,
19 typewriters, computers, other magnetic media, telephone and address books,
20 telephone equipment including answering and recording equipment which contain
21 evidence of persons involved in the production, distribution or purchase of obscene
22 matters as defined in Penal Code section 311; and
- 23 9. Papers, documents and effects tending to show possession, dominion and control of
24 said premises, specifically, keys, canceled mail envelopes, mortgage, lease, or
25 rental agreements, utility bills, telephone bills, photographs, photographic
26 negatives, undeveloped film, homemade videotapes, handwritings, fingerprints,
27 keys, clothing, and anything bearing a person's name or other form of
28 identification; and to intercept incoming phone calls during execution of the
29 warrant; papers, documents and effects tending to show possession, dominion and
30 control of vehicles, including keys, credit card receipts evidencing gas and repair
31 purchases, pink slips, maintenance manuals, registration slips, ownership manuals,

1 fingerprints and handwritings.
2

3 **AFFIANT'S QUALIFICATIONS**

4 I have been a San Diego Police Officer for <INSERT> years and am currently
5 assigned to the sexual assault division. I have investigated approximately <INSERT> sexual
6 assault cases in my career. <INSERT YOUR QUALIFICATIONS>
7

8 **PROBABLE CAUSE**

9 During the course of my duties, I have learned the following information based upon
10 my discussions with the named witnesses or by having read the reports of or talked with other
11 law enforcement officers who have spoken directly with the named witness. All references to
12 dates refer to the current calendar year unless otherwise stated.
13

14 **OPINIONS AND CONCLUSIONS**

15 By virtue of my training and experience, I have learned that many criminals who
16 violate laws prohibiting obscene matters often operate 'front' businesses which may appear to
17 be legitimate, but which in fact are vehicles used to conduct illicit business. This 'front'
18 business usually involves the lawful sale and distribution of explicit sexual materials such as
19 books, films, video tapes and magazines. These businesses advertise in news publications,
20 local magazines and periodicals aimed at persons who are sexually active.

21 I have learned the operating methods of such businesses rely on various documents to
22 produce material and process orders. All of the writings and records described more fully
23 above are commonly maintained by those that run such illicit businesses. Such records are used
24 by the managers of such businesses to keep track of employees and customers. I have found
25 that most of the agencies have several aspects as follows in common: (a) They maintain
26 employee records; (b) They maintain good and bad customer records; and (c) They place
27 advertisements in various media aimed at sexually active persons. This is their primary method
28 of soliciting customers. Further, I know that it is common for these businesses to accept credit
29 cards in payment for delivered materials.

30 Furthermore, my training and experience indicates persons in control of premises leave
31 evidence of their identification such as fingerprints and handwritings, which are subject to

1 expert identification, routinely in the normal course of living within their premises. Also,
2 clothing, photographs, canceled mail and the like are routinely maintained in a person's
3 premises as necessary and incident to maintaining such premises. In addition, by answering
4 phone calls at the premises while the search warrant is being executed, I expect to talk with
5 persons who are familiar with the persons in control of the premises and will so testify. Such
6 callers and described dominion and control evidence is vital to proving control over the
7 described property to be seized.

8 Therefore, based on my training and experience, and the above facts, I believe that I
9 have substantial cause to believe the above described property, or a portion thereof, will be at
10 the above described premises when the warrant is served.

11 Based on the aforementioned information and investigation, I believe that grounds for
12 the issuance of a search warrant exist as set forth in Penal Code 1524.

13 I, the affiant, hereby pray that a search warrant be issued for the seizure of said
14 property, or any part thereof, from said premise, good cause being shown therefore, and that the
15 same be brought before this magistrate or retained subject to the order of this Court.

16
17 This affidavit has been reviewed for legal sufficiency by Deputy District Attorney
18 _____.

19 Given under my hand and dated this of _____, 20____.

20
21 _____
22 <AFFIANT’S NAME>

23 Subscribed and sworn to before me
24 this ____ day of _____ 20____,
25 at _____ a.m./p.m.

26
27
28 _____
29 Judge of the Superior Court

2. Search of a Person and Residence in a Drug-Facilitated Sexual Assault, Including Authorization to Forensically Examine all Computer Hardware and Any Other Device Capable of Storing Text or Electronic Images

The next two documents are an affidavit and search warrant for a residence, in a suspected drug-facilitated sexual assault (DFSA). Particular note is made of any “trophies” the suspect might have taken and kept from victims.

This affidavit also includes a **request to seal the search warrant** to protect the identity of the sexual assault victim. This is critical because affidavits and search warrants generally include everything the investigator has learned up to the point the search warrant is sought. Some investigators even attach preliminary crime reports to their affidavits, and those crime reports often include copious amounts of personally identifying information. Search warrants typically become a matter of record within days, meaning that anyone can gain access to all the information through a public record request. (The first six affidavits were written in California, where search warrants become public record in 10 days if the record isn’t sealed.)



**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO**

STATE OF CALIFORNIA,) AFFIDAVIT FOR SEARCH WARRANT
COUNTY OF SAN DIEGO) ss. No. _____

I, _____, do on oath make complaint, say and depose the following on this _____
day of _____: that I have substantial probable cause to believe and I do believe that I
have cause to search:

LOCATIONS, PERSONS AND PROPERTY TO BE SEARCHED

A. The person known as <SUSPECT’S NAME> further described as a < INSERT>
male adult having a date of birth of <INSERT DOB>, being about <INSERT
HEIGHT> in height and <INSERT WEIGHT> lbs. in weight, having a California
Driver’s License number of <INSERT DL#>, and is currently located at <INSERT
ADDRESS>;

ITEMS TO BE SEIZED

For the following property, to wit:

1. Bedsheets, bedspreads, pillow cases, and other bedding material;
2. Furniture cushions, covers, and fabric; carpets and rugs;
3. Clothing believed to belonging to <SUSPECT> or <VICTIM> including.....;
4. Fingerprints, hairs, tissues and any object likely to contain evidence of
<SUSPECT’S> bodily fluids;
5. To seize, view, and forensically examine all computer hardware and software and
any other device capable of storing text or images in an electronic or digital format,
including cellular phones, Blackberries, personal data assistants (PDAs), and the
like;
6. Diaries, journals, or other writings, either paper or electronic, tending to describe
rapes or other sexual assaults upon women; recorded words or images, whether
photographic, digital, or audio or video tape, showing women, either naked or in

1 various stages of undress, who appear to be disheveled, bruised, beaten, bleeding,
2 or other conditions indicating possible sexual assault;

- 3 7. Controlled substances, including flunitrazepam, also known by the trade name
4 Rohypnol, and gamma hydroxybutyric acid (GHB); and
5 8. Papers, documents and effects tending to show dominion and control over said
6 premises, including keys, lease, rental, or mortgage agreements, utility bills,
7 canceled mail, prescription bottles, fingerprints, clothing, photographs,
8 photographic negatives, image disks, memory sticks, undeveloped film, homemade
9 videotapes, handwritings, documents and effects bearing a form of identification
10 such as a person's name, photograph, Social Security number or Driver's License
11 number; and to answer incoming phone calls, either landline or cellular, during
12 execution of the warrant, to view any video tapes seized pursuant to the warrant,
13 and to open or download and forensically examine all computer software and
14 programs seized pursuant to the warrant. Foreign materials;

15
16 **AFFIANT'S QUALIFICATIONS**

17 I have been a San Diego Police Officer for <INSERT> years and am currently assigned
18 to the sexual assault division. I have investigated approximately <INSERT> sexual assault
19 cases in my career. <INSERT YOUR QUALIFICATIONS>

20
21 **PROBABLE CAUSE**

22 During the course of my duties, I have learned the following information from reading
23 the reports prepared by other officers or I have spoken with the victim or witnesses directly. All
24 dates refer to the current calendar year and all times refer to Pacific Standard Time (PST)
25 unless specified otherwise. <INSERT FACTS>

26
27 **OPINIONS AND CONCLUSIONS**

28 Based on my training and experience, I know that men who sexually assault women will
29 often keep souvenirs of these encounters as "trophies" of their "conquests." These souvenirs
30 can include a piece of the woman's clothing, particularly underwear due to its more intimate
31 and personal nature, or some sort of audio, video, or photographic record of the event. The

1 souvenirs not only allow the attacker to memorialize the event but also to “re-live” the event at
2 future dates.

3 Likewise, some attackers will also memorialize the event for future reference by writing
4 about it in a diary or journal. Such records are now typically maintained in computer files, not
5 only because computers have largely replaced paper records, but also due to the ability to more
6 quickly erase (destroy) such records if the attacker believed he was being investigated or was
7 otherwise compromised.

8 Based on my training and experience, I know both Rohypnol and GHB, often referred to
9 as “date rape drugs,” are surreptitiously put into women’s drinks by men who wish to take
10 advantage of women. These drugs can put women in a compliant and almost semi-comatose
11 state, eliminating the woman’s ability to resist, and often leaving her with no memory of what
12 happened to her during the period she was under the influence of the drug.

13 My training and experience has shown that the property to be seized will provide
14 corroborating evidence that <SUSPECT> is the perpetrator of the sexual assault on <VICTIM>
15 Although <VICTIM> has already identified <SUSPECT> as the perpetrator, I know that
16 eyewitness identification is often attacked in court. This additional evidence is critical in
17 proving identity.

18
19 **SEALING REQUEST**

20 I request that this <DECLARATION> <AFFADAVIT> <SEARCH WARRANT> and
21 <SUPPORTING ATTACHMENTS> be sealed pending further order of the court. I make the
22 request for the following reasons. Without sealing, the affidavit and supporting documentation
23 and warrant become a matter of public record within 10 days. Not only is this case an ongoing
24 investigation, Penal Code section <INSERT> provides that a victim of a sex offense be advised
25 that his or her name will become a matter of public record unless he or she requests that it not
26 become a matter of public record. As the victim’s name cannot be excised from the affidavit or
27 the search warrant, the warrant should be sealed. Further, as this affidavit and search warrant
28 will be made public within 10 days of service, the only manner in which protection of the
29 victim’s information can be accomplished is by the sealing of the affidavit and search warrant.
30 For this reason, I believe all information identifying <VICTIM > should remain sealed pending
31 further order of the court.

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<IF THE COURT REQUIRES ADDITIONAL INFORMATION TO SEAL THE
WARRANT>

In addition, placing this investigative information into the public arena will make it difficult for investigators to know whether subsequent witnesses have obtained their information from public sources or whether it was strictly from their own personal knowledge, and can directly affect the integrity of the investigation.

Therefore, based on my training and experience and the above facts, I believe that I have substantial cause to believe the above described property, or a portion thereof, will be at the above described premises when the warrant is served.

Based on the aforementioned information and investigation, I believe that grounds for the issuance of a search warrant exist as set forth in Penal Code <INSERT>.

I, the affiant, hereby pray that a search warrant be issued for the seizure of said property, or any part thereof, from said premise, good cause being shown therefore, and that the same be brought before this magistrate or retained subject to the order of this Court.

This affidavit has been reviewed for legal sufficiency by Deputy District Attorney _____.

Given under my hand and dated this _____ of _____, 20____.

<AFFIANT’S NAME>

Subscribed and sworn to before me
this _____ day of _____, 20____.
at ___a.m./p.m.

Judge of the Superior Court

**IN THE SUPERIOR COURT, SAN DIEGO JUDICIAL DISTRICT
COUNTY OF SAN DIEGO**

SEARCH WARRANT

No. _____

The People of the State of California, to any sheriff, constable, marshal, police officer, or any other peace officer in the County of San Diego:

Proof, by affidavit, having been made this day before me by NAME, a detective employed by the San Diego Police Department, that there is substantial probable cause for the issuance of the search warrant pursuant to California Penal Code § 1524, you are therefore commanded to make search at any time of the day, good cause being shown therefor, the premises, including all rooms, safes, storage areas, containers, surrounding grounds, trash areas, garages and outbuildings assigned to or part of the residence located at ADDRESS, San Diego, California County of San Diego, the residence is contained in DESCRIPTION OF RESIDENCE/PROPERTY for the following property, to wit: DESCRIPTION OF PROPERTY. Additionally, any papers, documents and effects which tend to show dominion and control over said premises, including fingerprints, clothing, and writings, documents and effects which bear a form of identification such as a person's name, photograph, Social Security number or Driver's License number; keys; and to intercept incoming phone calls during execution of the warrant and if you find the same, or any part thereof, to bring it forthwith before me at the Municipal Court of the San Diego Judicial District, County of San Diego, State of California, or to any other court in which the offense in respect to which the property or things is triable, or retain such property in your custody, subject to the order of this Court, pursuant to California Penal Code § 1536.

Given under my hand this 2nd day of April, 1997.

Judge of the Municipal Court
San Diego Judicial District

3. Cell Phone Records in Drug-Facilitated Sexual Assault for Photographs of Victims

Next is an affidavit and search warrant for cell phone records in a case of drug-facilitated sexual assault, where the perpetrator took photographs of his victims.



IN THE SUPERIOR COURT STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

STATE OF CALIFORNIA)

AFFIDAVIT FOR SEARCH WARRANT

(ss.

COUNTY OF SAN DIEGO)

No. _____

I, Carlton R. Hershman, #4146, do on oath make complaint, say and depose the following on this 1st day of February, 2017: that I have substantial probable cause to believe and I do believe I have cause to search:

LOCATION, PROPERTY, AND/OR PERSON[S] TO BE SEARCHED

- 1. The records division of Verizon Communications Corporation System, 818 West 7th Street, Los Angeles, California;

ITEMS TO BE SEIZED

For the following property, to wit:

- A. All telephone company subscriber information, listed name and address, for telephone number (858) 555-1212.
- B. All telephone numbers called by or received by telephone number (858) 555-1212 and the date and time the call was received from August 16, 2016 to January 13, 2017.
- C. All cell site activations and sectors, together with a complete listing of cell site identification numbers, physical address, latitude and longitude records, sector identifies, and true orientations of all cell sites and sectors in the market where the subject telephone (858) 555-1212 may be located from August 16, 2016 to August 17, 2016.

AFFIANT’S QUALIFICATIONS

I am a peace officer employed by the San Diego Police Department (hereafter SDPD) and have been so employed for 23 years. I am currently assigned to the SDPD Sex Crimes Unit and have been so assigned for 8 years and 2 months. During my career, as a sex crimes detective, I have been assigned as the primary investigator in over 500 sexual assault cases. I have assisted other sex crimes investigators in approximately 250 sexual assault cases.

I have attended the following training classes in sexual assault at the San Diego Regional Police Academy including; 4 hours in Recognizing Date Rape Drugs, 4 hours in

1 Sexual Assault Investigations for First Responders, and 8 hours in Sexual Assault Victimology.
2 I now teach all the above classes and have been for the last 6 years. I also teach a class on
3 Sexual Assault Investigations for Detectives at the San Diego Regional Police Academy. In
4 June 2001, I attended the Police Officer Standards in Training (POST) mandated 40-hour
5 Sexual Assault Investigators course offered by the California Department of Justice (DOJ). I
6 am also a member and have been a member of the California Sexual Assault Investigator's
7 Association (CSAIA) for the past 6 years. I have received yearly training during the CSAIA
8 conferences.

9 I have spoken on the dynamics of sexual assaults to all San Diego City high schools,
10 San Diego State University, San Diego City College, Remington College, Grossmount College,
11 Rape Advocates for the Center of Community Solutions (CCS), Rape Advocates for the United
12 States Navy (SAVI) program and the United States Military.

13 I have been a keynote speaker at several conferences and 1-day training sessions
14 including; the International Conference on Sexual Assault, Domestic Violence and Stalking,
15 Backster Associates School of Lie Detection, Sex Crimes Summit (San Diego), Sexual Assault
16 Examiner Training for Health Care Professionals, National Sexual Assault Institute, Sexual
17 Assault Survivors Core, California District Attorney's Association, Adult Sexual Assault
18 Workshop, California Sexual Assault Investigator's Association, among others.

19 During the course of my duties, I have learned the following information based upon
20 my discussions with the named witness or by having read the reports of or talked with other
21 SDPD officers who have spoken directly with the named witness. All reference to dates refers
22 to the current calendar year unless otherwise stated.

23 **PROBABLE CAUSE**

24 On August 16, 2016, at approximately 1615 hours, a 25-year old female victim was
25 drinking with friends at the Wave House Bar & Grill, located at 3125 Ocean Front Walk, San
26 Diego, California.

27 The victim was approached by Justin Levi Jessup. The victim met Jessup at another
28 local bar two days prior and they exchanged telephone numbers. The victim did not know
29 Jessup was going to be present at the Wave House Bar & Grill.

30 The victim became severely intoxicated due to drinking too much alcohol. The victim
31 blacked out and does not remember leaving the bar. Through my investigation, it was
32 determined Jessup had removed the victim from the bar around 2000 hours.

1 When the victim woke up at approximately 2250 hours, she noticed she was nude. The
2 victim was lying in an unfamiliar bed. Jessup was lying next to the victim. Jessup was also
3 nude. The victim asked Jessup several questions including, “What happened?” and “Did you
4 have sex with me?” Jessup stated he did not know what happened and denied he had sex with
5 the victim.

6 The victim still felt intoxicated and sick from the alcohol. The victim had vomited
7 several times during the night. The victim contacted her male roommate and asked for a ride
8 home. The victim went to a local hospital for treatment. The victim disclosed to the hospital
9 staff that she might have been sexually assaulted. The victim requested the hospital staff to
10 contact the San Diego Police Department and report the assault.

11 When San Diego Police Officer arrived, the victim gave them a statement and
12 participated in a SART examination (rape kit). In my follow-up investigation, the victim told
13 me she did not give Jessup permission to have any sexual contact with her including
14 intercourse.

15 The victim was unconscious for a period of time while she was in Jessup’s home and
16 does not know if Jessup had sex with her.

17 On August 18, 2016, at approximately 1820 hours, I conducted a pre-text telephone
18 call between the victim and Jessup. Jessup answered the phone and made several incriminating
19 statements. The call was recorded. Jessup stated he knew the victim was intoxicated. Jessup
20 stated he did not have any sexual contact with the victim. Jessup stated he does not know how
21 the victim became nude.

22 The victim’s rape kit was processed by the San Diego Police Department Forensic
23 Biology Unit. Sperm cells were found on the victim’s vaginal swabs. The sperm cells were
24 processed for Deoxyribonucleic (DNA). A DNA profile was obtained from the collected
25 sperm. The unknown male DNA profile was compared to Jessup’s DNA profile. The
26 comparison matched Jessup’s profile with the collected profile.

27 I conducted a telephone interview with Jessup. During the interview, Jessup denied
28 any sexual contact with the victim. Jessup stated he knew she was intoxicated and sick from
29 her alcohol intake.

30 During my investigation, I learned Jessup is a registered sex offender. On April 30,
31 2006, Jessup digitally penetrated a female who was intoxicated and unconscious. Jessup pled
32 guilty in that case and is currently on felony probation (Case SCD200483).

1 San Diego County Deputy District Attorney Melissa Vasel issued the following
2 charges on Jessup; 261(a)(3) Penal Code, rape of an intoxicated person and 261(a)(4) Penal
3 Code, rape of an unconscious person.

4 On January 13, 2017, I arrested Jessup at his home without incident. San Diego
5 County Probation Officer Josh Peterson and I conducted a probation search of Jessup's
6 residence. During the search, I searched Jessup's phone for any photos of my victim passed
7 out. I found four photos of naked unconscious females. I found the below photos with the dates
8 and times attached to them:

- 9 ● 10/26/16 at 0316 hours – Unidentified nude white female who appears to be
10 unconscious, the female's legs are spread wide apart.
- 11 ● 10/26/16 at 0316 hours - Unidentified nude white female who appears to be
12 unconscious, with her legs spread wide apart. A second photo appears to be taken
13 from further away.
- 14 ● 08/24/16 at 2120 hours – Unidentified nude female who appears unconscious.
- 15 ● 08/16/016 at 2122 hours – The image appears to be a buttock with a hand between
16 the legs. (08/16/16 is the date of the victim's assault in this case.)

17 On January 13, 2016, I interviewed Jessup and he stated he did not have any sexual
18 contact with the victim. I confronted Jessup with the photos I found on his phone and stated the
19 female in the photos is a person named Sarah. Jessup does not know Sarah's last name. I found
20 the female named Sarah through my investigation. I obtained the female's driver's license
21 photo and she does not fit the description of the nude female.

22 **OPINIONS AND CONCLUSIONS**

23 Based on my investigation, training and experience, I know that the property to be
24 seized will provide possible evidence of the identity of the unknown female in the photos.

25 I believe Jessup's telephone traffic would help me to identify the unknown female who
26 is possibly a victim of sexual assault. I believe this female knew Jessup and had exchanged
27 telephone numbers with him in order to stay in contact. Because the female appears
28 unconscious she may not be aware the photos exist or she had been possibly sexually assaulted.

29 Therefore, based on my training, experience and the above facts, I believe that I have
30 substantial cause to believe the above-described property, or a portion thereof, will be in the
31 described location when the warrant is served.

32 Based on the aforementioned information and investigation, I believe that grounds for

1 the issuance of a search warrant exist as set forth in Penal Code section 1524

2 I, the affiant, hereby pray a search warrant be issued for seizure of said property, or any
3 part thereof, from said premise at any time of the business day, good cause being shown
4 therefore, and the same be brought before this magistrate or retained subject to the order of this
5 Court.

6 Deputy District Attorney Melissa Vasel has reviewed this affidavit for legal
7 sufficiency.

8 Given under my hand and dated this 1st day of February 2017.

9
10 _____
Detective Carlton Hershman #4146

11 Subscribed and sworn to before me
12 this 1st day of February, 2017
13 at _____ a.m. / p.m.

14 _____
15 Judge of the Superior Court
16 Central Division

IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

SEARCH WARRANT

No. _____

The People of the State of California, to any peace officer in the County of San Diego:
Proof, by affidavit, having been this day made before me by Carlton Hershman #4146,
a peace officer employed by the San Diego Police Department, that there is substantial probable
cause for the issuance of the search warrant pursuant to Penal Code section 1524, as set forth in
the affidavit attached hereto and made a part hereof as is fully set forth herein, you are therefore,
commanded to make search at any time of the day, good cause being shown therefore,

LOCATION TO BE SEARCHED

- 1. The records division of Verizon Communications Corporation System, 818
West 7th Street, Los Angeles, California.

ITEMS TO BE SEIZED

For the following property, to wit:

- A. All telephone company subscriber information, listed name and address, for
telephone number (858) 555-1212.
- B. All telephone numbers called by or received by telephone number August 16, 2016
to January 13, 2017.
- C. All cell site activations and sectors, together with a complete listing of cell site
identification numbers, physical address, latitude and longitude records, sector
identifies, and true orientations of all cell sites and sectors in the market where the
subject telephone (858) 555-1212 may be located from August 16, 2016 to August
17, 2016.

and if you find the same or any part thereof, to bring it forthwith before me at the
Superior Court of the San Diego Judicial District, County of San Diego, State of California, or
any other court in which the offenses or things is triable, or retain such property in your
custody, subject to the order of this Court, pursuant to section 1535 of the Penal Code, and to
dispose of said property pursuant to law when the property is no longer of evidentiary value.

Given under my hand and dated this 1st day of February, 2017.

Judge of the Superior Court

4. Affidavit to Seize and Examine Digital Device for Child Pornography at a Regional Forensic Computer Laboratory

A sample affidavit provides language requesting authorization to seize digital devices and examine their contents for evidence of child sexual assault and/or child pornography.



1 <INSERT>. I am currently assigned to the San Diego Internet Crimes Against Children (ICAC)
2 Task Force and have been so assigned since October 2001. Prior to this assignment, I was
3 assigned to the Central Investigations Division-Child Abuse/Sex Crimes Unit, where I worked
4 for over four years. There, my duties included investigating allegations of child physical and
5 sexual abuse. During my career, I have investigated, or been a part of investigating, over 200
6 cases involving child sexual abuse. In addition to the basic law enforcement academy and
7 annual in-service training, I have also received over 200 hours of training in the area of child
8 sexual abuse and exploitation and child physical abuse and investigation of computer crimes.

9
10 **PROBABLE CAUSE**

11 During the course of my duties, I have learned the following information based upon
12 my discussions with the named witnesses or by having read the reports of or talked with other
13 law enforcement officers who have spoken directly with the named witness. All references to
14 dates refer to the current calendar year unless otherwise stated.

15
16 **OPINIONS AND CONCLUSIONS**

17 I know that a Preferential Sexual Offender is a person whose primary sexual interest is
18 in children. Preferential Sexual Offenders receive sexual gratification from actual contact with
19 children and also from fantasies involving children, including the use of photographs and other
20 electronic media, such as computer disks and CDs, DVDs and other computer storage media. I
21 know that Preferential Sexual Offenders often collect sexually explicit material consisting of
22 photographs, video tapes, books, and other images, which they use for their own sexual
23 gratification and fantasy and to show to children in an attempt to lower the child's inhibitions.
24 Preferential Sexual Offenders rarely dispose of such material, as it is treated as a prized
25 possession.

26 I have learned that the Internet has provided Preferential Sexual Offenders with a
27 virtually anonymous venue in which they can meet other people with the same sexual interests
28 they have. The Internet is a worldwide computer system in which people are able to
29 communicate with others by means of a telephone modem or cable line. Preferential Sexual
30 Offenders often use the computer to electronically exchange pictures of children or adults
31 engaged in sexual activity. These illegal images can be stored on the computer or other storage
32 medium, and viewed on the computer monitor any time the subject chooses.

1 I further request that this examination take place at the Regional Forensic Computer
2 Laboratory (RCFL). The analysts there are in the best position to conduct a complete search of
3 the computer while ensuring that the data be properly preserved. This analysis could take weeks
4 or even months depending on the size of the system and the number of images found. Further,
5 there may be “encrypted” or deleted material on the system that can efficiently and effectively
6 be interpreted with the appropriate hardware and software.

7 Therefore, based on my training and experience and the above facts, I believe that I
8 have substantial cause to believe the above described property, or a portion thereof, will be at
9 the above described premises when the warrant is served.

10 Based on the aforementioned information and investigation, I believe that grounds for
11 the issuance of a search warrant exist as set forth in Penal Code 1524.

12 I, the affiant, hereby pray that a search warrant be issued for the seizure of said
13 property, or any part thereof, from said premise, good cause being shown therefore, and that the
14 same be brought before this magistrate or retained subject to the order of this Court.

15 This affidavit has been reviewed for legal sufficiency by Deputy District Attorney
16 _____.

17 Given under my hand and dated this _____ of _____, 20 ____.

18
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20 _____
21 <AFFIANT NAME>

22
23 Subscribed and sworn to before me
24 this ____ day of _____, 20 ____,
25 at _____ a.m. / p.m.

26
27 _____
28 Judge of the Superior Court

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1 On April 1st, 2017, at approximately 2100 hours, a 19-year old female victim left her place of
2 business in the Fashion Valley area of San Diego, California. The victim walked to the San Diego
3 Trolley and boarded the train. Approximately two stops later, two black male suspects entered the
4 same trolley car as the victim. The suspects sat near the victim, but did not converse with her.

5 The victim and both suspects exited the trolley car at the San Diego State University trolley
6 stop. The victim and both suspects entered a San Diego City bus at the same location. The victim
7 walked to the rear portion of the bus. Both suspects followed her. Suspect #1 sat in front of the
8 victim. Suspect #2 sat to her left. The victim was using her cellular phone to text message a friend.
9 Suspect #1 asked the victim if he could use her phone. The victim said, "No." Suspect #1 asked the
10 victim several times to use her phone and she refused each time.

11 Suspect #1 grabbed the victim's purse, which was sitting on the seat next to her and placed it
12 under his jacket. The victim asked for her purse back and Suspect #1 refused to give it back to her.
13 Suspect #1 stated he would give the purse back if the victim let him use her cellular phone. The victim
14 still refused to give the suspect her phone.

15 Suspect #1 removed the purse from under his jacket and started looking through it. Suspect
16 #1 removed the victim's wallet from her purse. Suspect #1 removed approximately forty-five dollars
17 from the wallet. The victim asked the suspect for her purse and wallet back. Suspect #1 pulled his
18 jacket up brandishing a handgun in his waistband. Suspect #1 demanded the victim's cellular phone
19 and she gave it to him. Suspect #2 watched the robbery, but did and said nothing.

20 Suspect #1 told the victim if she wanted to get her property back she would have to get off at
21 the next bus stop. Suspect #1 stated, "Remember, I have a gun." The victim feared for her safety if
22 she did not exit the bus with the suspects. The victim feared for her life because there were two
23 suspects and one was armed with a handgun. The suspects and victim exited the bus at 4600
24 Cottonwood Boulevard. Suspect #2 walked away in an unknown direction. Suspect #1 told the
25 victim she would have to orally copulate him if she wanted her phone back. The victim feared the
26 suspect would physically harm her if she did not comply with his directions. Suspect #1 ordered the
27 victim to follow him to a secluded area of a town home community, which was located behind the bus
28 stop.

29 Suspect #1 removed the handgun from his waistband and pulled his pants down. Suspect #1
30 ordered the victim to orally copulate him. The victim complied with the suspect's demands. The
31 victim orally copulated the suspect for approximately one minute when Suspect #2 appeared and
32 demanded that Suspect #1 stop the assault. Suspect #1 stopped the assault. Suspect #2 stated to
33 Suspect #1 that the sexual assault was wrong and demanded he give the victim's phone back. Suspect
34 #1 refused to give her the phone. Suspect #2 attempted to take the phone away from Suspect #1, but

1 was unable to obtain it. Suspect #1 ran away.

2 Suspect #2 apologized to the victim and walked with her for approximately two blocks. The
3 victim told Suspect #2 she didn't want him to know where she lives. Suspect #2 walked away from
4 the victim. The victim walked home and called the San Diego Police Department and reported the
5 assault. The police arrived and took a crime report. When the police finished their investigation, they
6 left.

7 At approximately 2335 hours, the victim's roommate, Corinna Christian, called the victim's
8 stolen cellular phone. A male, who I believe is the suspect, answered the phone. Christian asked for
9 the victim by name. The suspect wanted to know Christian's relationship to the victim. Christian
10 identified herself as the victim's sister, which is not true. Christian asked to speak with the victim
11 even though she was standing next to her. Christian wanted to hear the suspect's reaction. The male
12 stated the victim was asleep.

13 The suspect told Christian he heard the victim had gotten raped. The suspect asked Christian
14 if he could speak to the victim. The victim did not speak with the suspect. The suspect stated he felt
15 badly about what had happened. The suspect wanted Christian to tell the victim to meet him at a
16 nearby church so he could return her phone. The suspect directed Christian to have the victim contact
17 him on her stolen phone. The victim re-contacted the San Diego Police Department and reported the
18 incident.

19 The suspect has repeatedly called several of the victim's friends using her phone. The
20 suspect has contacted the victim's friends through the saved phone numbers in the memory portion of
21 her cellular phone. The suspect has requested to speak with the victim and has relayed messages to
22 her to contact him on her phone. As of April 4, 2017, the suspect has continued to use the victim's
23 cellular phone in the effort to contact her.

24 Therefore, based on my training and experience and the facts stated above, I believe and I
25 have substantial cause to believe that the above-described property, or portion thereof, will be in the
26 described location when the warrant is served.

27 Based on the aforementioned information and investigation, I believe grounds for the
28 issuance of a search warrant exists as set forth in Penal Code Section 1524.

29 I, the affiant, hereby pray a search warrant be issued for the seizure of said property, or any
30 part thereof, from said property at any time of the business day, good cause being shown therefore,
31 and the same be brought before this magistrate or retained subject to the order of this Court.

32 Deputy District Attorney Gretchen Means has reviewed this affidavit for legal sufficiency.

33 Given under my hand and dated this 5th day of April 2017

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Detective Carlton Hershman

Subscribed and sworn to before me
this 5th day of April, 2017
at _____ o'clock a.m. / p.m.

Judge of the Superior Court

1 **IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

2
3 **SEARCH WARRANT**

4 **No. _____**

5
6 The People of the State of California, to any peace officer in the County of San Diego:
7 Proof, by affidavit, having been this day made before me by Carlton Hershman #4146, a peace
8 officer employed by the San Diego Police Department, that there is substantial probable cause for the
9 issuance of the search warrant pursuant to Penal Code section 1524, you are therefore, commanded to
10 make search at any time of the day, good cause being shown therefore, the business premises located
11 at and described as the record storage areas located within the office of the Security Manager, T-
12 Mobile USA, Inc, 12920 SE 38th Street, Bellevue, Washington 98006; for the following proper-ty, to
13 wit: and if you find the same, or any part thereof, to bring it forthwith before me at the Superior Court
14 of the State of California, County of San Diego, Central Division, or to any other court in which the
15 offense in respect to which the property or things is triable, or retain such property in your custody,
16 subject to the order of this Court, pursuant to section 1536 of the Penal Code.

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18 Given under my hand and dated this 5th day of April 2017.

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20 _____
21 Judge of the Superior Court
22 Central Division
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5. Cell Phone Company Records and Location Information Involving a Sexual Assault, Robbery and Kidnapping

This affidavit and search warrant is for the cell phone company, to obtain utilization records and other information, including latitude and longitude records, and sector identifiers for the victim's cell phone number which was taken and used by the suspect to attempt contact with the victim over several days.



1 On April 1st, 2017, at approximately 2100 hours, a 19-year old female victim left her place of
2 business in the Fashion Valley area of San Diego, California. The victim walked to the San Diego
3 Trolley and boarded the train. Approximately two stops later, two black male suspects entered the
4 same trolley car as the victim. The suspects sat near the victim, but did not converse with her.

5 The victim and both suspects exited the trolley car at the San Diego State University trolley
6 stop. The victim and both suspects entered a San Diego City bus at the same location. The victim
7 walked to the rear portion of the bus. Both suspects followed her. Suspect #1 sat in front of the
8 victim. Suspect #2 sat to her left. The victim was using her cellular phone to text message a friend.
9 Suspect #1 asked the victim if he could use her phone. The victim said, "No." Suspect #1 asked the
10 victim several times to use her phone and she refused each time.

11 Suspect #1 grabbed the victim's purse, which was sitting on the seat next to her and placed it
12 under his jacket. The victim asked for her purse back and Suspect #1 refused to give it back to her.
13 Suspect #1 stated he would give the purse back if the victim let him use her cellular phone. The victim
14 still refused to give the suspect her phone.

15 Suspect #1 removed the purse from under his jacket and started looking through it. Suspect
16 #1 removed the victim's wallet from her purse. Suspect #1 removed approximately forty-five dollars
17 from the wallet. The victim asked the suspect for her purse and wallet back. Suspect #1 pulled his
18 jacket up brandishing a handgun in his waistband. Suspect #1 demanded the victim's cellular phone
19 and she gave it to him. Suspect #2 watched the robbery, but did and said nothing.

20 Suspect #1 told the victim if she wanted to get her property back she would have to get off at
21 the next bus stop. Suspect #1 stated, "Remember, I have a gun." The victim feared for her safety if
22 she did not exit the bus with the suspects. The victim feared for her life because there were two
23 suspects and one was armed with a handgun. The suspects and victim exited the bus at 4600
24 Cottonwood Boulevard. Suspect #2 walked away in an unknown direction. Suspect #1 told the
25 victim she would have to orally copulate him if she wanted her phone back. The victim feared the
26 suspect would physically harm her if she did not comply with his directions. Suspect #1 ordered the
27 victim to follow him to a secluded area of a town home community, which was located behind the bus
28 stop.

29 Suspect #1 removed the handgun from his waistband and pulled his pants down. Suspect #1
30 ordered the victim to orally copulate him. The victim complied with the suspect's demands. The
31 victim orally copulated the suspect for approximately one minute when Suspect #2 appeared and
32 demanded that Suspect #1 stop the assault. Suspect #1 stopped the assault. Suspect #2 stated to
33 Suspect #1 that the sexual assault was wrong and demanded he give the victim's phone back. Suspect
34 #1 refused to give her the phone. Suspect #2 attempted to take the phone away from Suspect #1, but

1 was unable to obtain it. Suspect #1 ran away.

2 Suspect #2 apologized to the victim and walked with her for approximately two blocks. The
3 victim told Suspect #2 she didn't want him to know where she lives. Suspect #2 walked away from
4 the victim. The victim walked home and called the San Diego Police Department and reported the
5 assault. The police arrived and took a crime report. When the police finished their investigation, they
6 left.

7 At approximately 2335 hours, the victim's roommate, Corinna Christian, called the victim's
8 stolen cellular phone. A male, who I believe is the suspect, answered the phone. Christian asked for
9 the victim by name. The suspect wanted to know Christian's relationship to the victim. Christian
10 identified herself as the victim's sister, which is not true. Christian asked to speak with the victim
11 even though she was standing next to her. Christian wanted to hear the suspect's reaction. The male
12 stated the victim was asleep.

13 The suspect told Christian he heard the victim had gotten raped. The suspect asked Christian
14 if he could speak to the victim. The victim did not speak with the suspect. The suspect stated he felt
15 badly about what had happened. The suspect wanted Christian to tell the victim to meet him at a
16 nearby church so he could return her phone. The suspect directed Christian to have the victim contact
17 him on her stolen phone. The victim re-contacted the San Diego Police Department and reported the
18 incident.

19 The suspect has repeatedly called several of the victim's friends using her phone. The
20 suspect has contacted the victim's friends through the saved phone numbers in the memory portion of
21 her cellular phone. The suspect has requested to speak with the victim and has relayed messages to
22 her to contact him on her phone. As of April 4, 2017, the suspect has continued to use the victim's
23 cellular phone in the effort to contact her.

24 Therefore, based on my training and experience and the facts stated above, I believe and I
25 have substantial cause to believe that the above-described property, or portion thereof, will be in the
26 described location when the warrant is served.

27 Based on the aforementioned information and investigation, I believe grounds for the
28 issuance of a search warrant exists as set forth in Penal Code Section 1524.

29 I, the affiant, hereby pray a search warrant be issued for the seizure of said property, or any
30 part thereof, from said property at any time of the business day, good cause being shown therefore,
31 and the same be brought before this magistrate or retained subject to the order of this Court.

32 Deputy District Attorney Gretchen Means has reviewed this affidavit for legal sufficiency.

33 Given under my hand and dated this 5th day of April 2017

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Detective Carlton Hershman

Subscribed and sworn to before me
this 5th day of April, 2017
at _____ o'clock a.m. / p.m.

Judge of the Superior Court

6. Gmail Account Information and Correspondence

Email records can be used to identify suspect(s) or collect information on the commission of a crime. An affidavit and search warrant can be served on the Custodian of Records for the Company servicing the account. This affidavit requests authorization to obtain subscriber information, all emails and correspondence, including the IP address of the computer used to send the email, all other emails and groups associated with the account, all friends listed, the time, date and IP address logs for chat and messenger use, any contents of files, photos, documents, videos and messages associated with the account.



1 Abuse Unit and have been so assigned for 2 years. During my career, I have been assigned to
2 several investigative units such as the SDPD Mid-City Investigations Division, Sex Crimes Unit,
3 Homicide Unit and now the Elder Abuse Unit.

4 Since January 1999, I have been assigned as the primary investigator to 1,426 cases
5 involving felony and misdemeanor crimes. I have written and executed approximately 400
6 search warrants for the collection of DNA reference samples, crime scene photos, processing of
7 crime scenes for evidentiary purposes, searches of residences and businesses for stolen items and
8 to obtain medical, personal, business and computer records.

9 During the course of my duties, I have learned the following information, based upon my
10 discussions with the named witnesses or by having read the reports of or talked with other SDPD
11 officers who have spoken directly with the named witnesses. All reference to dates refer to the
12 current calendar year unless otherwise stated.

13 **PROBABLE CAUSE**

14 On **September 24, 2015**, I was assigned San Diego Police Crime Case #15-038223 for
15 follow-up investigation.

16 On **September 23, 2015**, at approximately 1417 hours, Jeannine Kennedy contacted the San
17 Diego Police Communications Center, by phone. Kennedy stated her home had been burglarized
18 and vehicle stolen.

19 On **September 23, 2015**, at approximately 1842 hours, San Diego Police Officers Raymond
20 Clark #3893 and Todd Wilkinson #3432 responded to the radio call to investigate. When they
21 arrived, Officer Wilkinson contacted the victims who identified themselves as Jeannine and Jack
22 Kennedy. Officer Wilkinson obtained Jeannine Kennedy's statement.

23 Officer Clark conducted a witness check with the Kennedys' neighbors. Officer Clark found
24 two witnesses, Sara Nickerson and Gregor Fry, and obtained their statements.

25 On **September 23, 2015**, at approximately 2046 hours, the San Diego Police Department Air
26 Borne Law Enforcement (ABLE) air unit received a LoJack signal from the victim's vehicle
27 from the area of Interstate 805 and 18th Street in National City, California.

28 After a search by the air unit, and several ground units, the vehicle was located at 5090 Apple
29 Blossom Street in the city National City, California. San Diego Police Officer Charles Nagy
30 #5122 located and recovered the Kennedys' vehicle. The vehicle was unoccupied.

31 I learned from reading the crime reports that the Kennedys had been having construction
32 done on their residence; that they had left town on September 13, 2015; and that the general

1 contractor, Jerrod Macintosh, continued to have access to their home. Macintosh was given the
2 key to the Kennedy residence, along with the alarm code. Macintosh and other workers knew the
3 Kennedys were due to return on Sunday, September 23, 2015.

4 On **September 24, 2015**, at approximately 1035 hours, Melania Ramirez contacted me, by
5 phone. Ramirez told me she is an employee at Bronstein's Kitchen Cabinets located in the San
6 Diego area. Ramirez stated she had information of a person or persons who might have
7 burglarized the Kennedy residence.

8 Jerrod Macintosh, a general contractor who has worked on projects with Bronstein's Kitchen
9 Cabinets in the past, had contacted Ramirez, by phone.

10 Macintosh, who has been working at the Kennedy residence, told Ramirez that an ex-
11 employee of theirs, later identified as Jason Vincent (1/26/81), had been working on the Kennedy
12 site. Vincent had been fired in the past, by Bronstein's Kitchen Cabinets. Vincent's brother-in-
13 law, Orlando Amara, is the lead installer for Bronstein's Kitchen Cabinets.

14 Macintosh told Ramirez that Amara had Vincent helping him work in the Kennedys'
15 residence on **Friday (09/21/15)**. Macintosh stated that Vincent was driving a green Cadillac,
16 which was parked in front of the residence during the day.

17 Macintosh told Ramirez that after all the workers had left the Kennedy residence for the day,
18 a neighbor of the Kennedys' told Macintosh he had seen a Hispanic male driving the same green
19 Cadillac, which returned to the residence. The Hispanic male parked the vehicle in front of the
20 Kennedys' residence and walked into the backyard.

21 The neighbor told Macintosh that the green Cadillac had been parked in front of the
22 Kennedys' residence for about four hours on the evening of **September 21, 2015**.

23 The neighbor did not call the police because he thought it was one of the workers returning to
24 the residence to finish up work for the day. Macintosh told Ramirez that the Kennedys returned
25 home over the weekend and noticed they had been victims of a burglary.

26 Ramirez stated that Vincent drives a green Cadillac fitting the description of the vehicle seen
27 in front of the Kennedy residence on the evening in question. She knows this because Vincent
28 had driven a similar vehicle when he was employed by Bronstein's.

29 I conducted a computer search of law enforcement computer systems and identified Orlando
30 Martin Amara California License # C05832738 (06/25/76) as the current employee at
31 Bronstein's Kitchen Cabinets. I also identified Vincent (11/16/83) as Amara's brother-in-law.

32 Amara and Vincent both list 58379 Magnolia Street, Chula Vista, California as their current

1 address on their California driver's licenses.

2 The California Department of Motor Vehicles records list California license plate number
3 5TVH956 as assigned to a 1999 green Cadillac with the registered owner as Sylvia Beatrice
4 Amara. Sylvia Amara, California License # C4372835 (03/11/1984) of 584 Beecher Court #876
5 in Chula Vista, California.

6 On **September 27, 2015**, at 1330 hours, I interviewed Jeannine Kennedy, in person, at her
7 residence. Kennedy essentially told me she is having her home remodeled.

8 Kennedy hired General Contractor Jerrod Macintosh to oversee the remodeling project.
9 Bronstein's Kitchen Cabinets were hired to install the new cabinets.

10 Kennedy and her husband Jack left their residence on **September 13, 2015**, and drove to
11 northern California. Mr. Macintosh continued to have access to their home. Macintosh was
12 given the key to the Kennedy residence and the alarm code. Macintosh and other workers knew
13 the Kennedys were due to return on Sunday, **September 23, 2015**.

14 The Kennedys returned home on Sunday **September 23, 2015**, at approximately 1400 hours.
15 They noticed the side gate to their residence had been left opened. The Kennedys walked
16 through the side gate and into their side yard.

17 They noticed the side door leading into their home was open. When the Kennedys entered
18 their residence, they noticed their home had been ransacked and several items had been stolen.
19 Mrs. Kennedy's vehicle and spare car keys were also stolen.

20 Mrs. Kennedy called her insurance company (Allstate) about her vehicle. An employee told
21 Mrs. Kennedy her vehicle had been found the night before (**09/23/12**). The vehicle had been
22 located via a LoJack signal parked at 5090 Apple Blossom Street, National City, California. The
23 vehicle was unoccupied.

24 Mrs. Kennedy noticed the only items missing from her vehicle were several bags that were in
25 the trunk. Mrs. Kennedy uses the bags when she goes shopping. One of the bags is very large
26 with a red cloth handle. Two of the shopping bags are very distinctive. The first bag has several
27 ads in "French" on the outside. The other bag is smaller with green handles and has ads written
28 in "Chinese." Both bags have a plastic liner.

29 On **September 23, 2015**, Mrs. Kennedy spoke with her neighbors to see if they had
30 witnessed anything over the weekend. Mrs. Kennedy found out that a neighbor named Sarah
31 Nickerson had seen a green Cadillac with a Hispanic driver parked in front of her house, on
32 Friday morning, **September 21, 2015**. The Cadillac had been parked in the same spot all day.

1 Nickerson had seen the driver enter the Kennedy home.

2 When Macintosh arrived Monday, Mrs. Kennedy told him what Nickerson had witnessed.
3 Macintosh told Mrs. Kennedy he knew a guy who used to work for Bronstein's Kitchen Cabinets
4 who drove a green Cadillac. Mr. Macintosh told Mrs. Kennedy the guy in the Cadillac was the
5 brother in law of Orlando Amara. Amara works for Bronstein's Kitchen Cabinets and was one of
6 the workers at the Kennedy residence on **September 21, 2015**. Mrs. Kennedy called Bronstein's
7 Kitchen Cabinets and told them her home had been burglarized. Mrs. Kennedy was informed that
8 Amara has been working for Bronstein's for over ten years and is their main cabinet installer.

9 Mrs. Kennedy spoke with Macintosh on **September 21, 2015** from Sacramento, and he gave
10 her an update. Macintosh told Mrs. Kennedy that Bronstein's had sent three installers, but they
11 usually only send two. Macintosh has worked with Bronstein's for a long time and knows how
12 they operate.

13 Macintosh told Mrs. Kennedy that the cabinet workers left around 1430 hours, and he left
14 about one hour later. They were not done with installing the cabinets yet, but they planned to
15 return to complete the job. Macintosh secured the residence by locking the doors and windows.
16 Macintosh also activated the home alarm system. Macintosh knew the Kennedys were not
17 returning home until Sunday (**09/23/15**).

18 After the burglary had been discovered, Mrs. Kennedy contacted her alarm company and
19 they told her they were unable to obtain any information about the alarm history, because the
20 power in the home was so low, the alarm system did not document the alarm being turned on or
21 off. Macintosh did have the alarm code, and he stated that he had locked the house and set the
22 alarm on Friday when he left.

23 Before the Kennedys left on their trip, Mrs. Kennedy wrote down the alarm code and placed
24 it next to the alarm pad. Any one of the workers could have seen it.

25 On Monday (**09/24/15**), Mrs. Kennedy received a telephone call from a male who identified
26 himself as an investigator with the store, Saks Fifth Avenue. The male left a message with a
27 phone number (888) 719-7208 and case number (#67676341). The male directed Mrs. Kennedy
28 to call him.

29 Mrs. Kennedy had a Saks Fifth Avenue credit card account. Mrs. Kennedy kept the credit
30 card in a small China cabinet in the computer room of her residence. The credit card was one of
31 the items stolen during the burglary. The Saks investigator notified Mrs. Kennedy someone
32 attempted to place an order on her Saks credit card account. The unknown person(s) attempted to

1 purchase a \$500.00 “gift card” on Monday (**09/24/15**) at 1400 hours. The order was rejected.

2 The attempted purchase was made via the Internet. The investigator told Mrs. Kennedy he
3 had the “IP” number, but he wasn’t able to give her the number. The investigator told Mrs.
4 Kennedy he would give the IP number to law enforcement. He did tell Mrs. Kennedy the IP
5 number was from San Diego. Mrs. Kennedy’s laptop computer was stolen from her home office
6 along with a printer.

7 Mrs. Kennedy’s checkbook was also stolen, and there were 16 unused checks still in the
8 book. Mrs. Kennedy’s checking account is with the University Employees Credit Union. She
9 banks at the University of California at La Jolla branch, which is located on campus.

10 On **September 28, 2015**, at approximately 1209 hours, I received an email from Mrs.
11 Kennedy notifying me she had been contacted by someone from the Neiman Marcus store. Mrs.
12 Kennedy was told an unknown person attempted to purchase a “gift card” from her account.
13 Mrs. Kennedy was given the “IP” (Internet Protocol) address of the computer used in the
14 attempt. The IP address Mrs. Kennedy was given is **76.182.180.52**.

15 On **September 28, 2015**, at approximately 1757 hours, I received an email from Mrs.
16 Kennedy notifying me an unknown person(s) had used the Kennedys’ Chevron credit card to
17 purchase \$225.00 of gasoline. Mrs. Kennedy did not have any further details about the fraudulent
18 purchases other than the fact that the purchases were made on **September 23rd** and **24th**.

19 On **October 4, 2015**, at 0900 hours, I interviewed Sarah Nickerson, by phone. Nickerson
20 essentially told me Jeannine Kennedy is her neighbor who lives across the street from her.

21 Nickerson is aware the Kennedys are remodeling their home. Mrs. Kennedy came to
22 Nickerson’s home and told her the residence had been burglarized. Nickerson told Mrs. Kennedy
23 what she had witnessed.

24 On **September 21, 2015**, at approximately 0900 hours, Nickerson saw a dark green, full-size,
25 four-door, older Cadillac pull up and park across the street from her home. The vehicle had
26 California license plates, but she did not know the plate number.

27 The driver was a Hispanic male. He was alone. He was between five feet seven inches and
28 five feet nine inches in height. The Hispanic male exited the vehicle and walked into the
29 Kennedys’ residence. Nickerson figured the male was one of the workers remodeling the
30 Kennedys’ home. Nickerson saw that the Cadillac was still parked across the street from his
31 home at 2030 hours.

32 On **October 16, 2015**, at approximately 0830 hours, I contacted the security office of

1 Neiman Marcus, by phone. I spoke with Morgan Nelson, who verified the attempted online
2 purchase of the gift card to Mrs. Kennedy's credit card account (Account # <INSERT>). Nelson
3 told me the IP address of **76.182.180.52** was used in the attempt of the unlawful purchase. The
4 purchase was denied by Neiman Marcus staff.

5 Nelson stated that the unknown person requested the gift card be sent to an email address.
6 The email address given was up2nothinggood@gmail.com. Nelson emailed me a printout of two
7 computer screen photos of the attempted purchases.

8 The following information was on the printout: Recipient Email: up2nothinggood@gmail.com
9 Order ID: WN185058XXXX

10 Line Item ID: GIFTVCARD VGC Amount: \$500.00 Name To: Nothing Goode

11 Name From: Jeannine Kennedy

12 Message "Yours" Picked Up: False Status: Pending

13 On **October 16, 2015**, at approximately 1305 hours, I contacted Chevron Fraud Investigator
14 Robby Pacheco, by phone. Pacheco conducted a computer search for any purchases used for
15 Chevron credit card account #<INSERT>. The search covered the weekend of **September 21st,**
16 **22nd and 23rd**. Pacheco gave me the following credit card information:

17 **September 22, 2015, @ 1906 Hours:**

18 Chevron Gas Station located at **4055 University Avenue**, San Diego, California. Purchased gas
19 total \$76.08 at pump #8.

20 **September 22, 2015, @ 1919 Hours:**

21 Chevron Gas Station located at **4055 University Avenue**, San Diego, California. Purchased gas
22 total \$64.01 at pump #6.

23 **September 22, 2015, @ 2032 Hours:**

24 Chevron Gas Station located at **7209 Broadway**, Lemon Grove, California. Purchased gas total
25 \$45.68 at pump #7.

26 **September 23, 2015, @ 0450 Hours:**

27 Chevron Gas Station located at **4055 University Avenue**, San Diego, California. Purchased gas
28 total \$55.01 at pump #8.

29 On **October 24, 2015**, at approximately 0900 hours, I contacted Chase Card Services, by
30 phone, because I had learned from Jeannine Kennedy she had been contacted by an employee of
31 the company. The employee notified her someone had attempted to open a line of credit in her
32 husband's name. The bank staff had denied the credit application. I spoke with J. Chopan, who

1 assisted me. I requested a copy of the application and any information which may lead me to the
2 identity of the person or persons who submitted it.

3 J. Chopan sent me a four-page facsimile with a Chase Bank Card Services letterhead. The
4 letter was dated **October 24, 2015** (see attached). The fraudulent application reference number
5 for this case is #121016355584.

6 **Employer:** Reuben H. Fleet

7 **Position:** Teacher/Admin

8 **Length of Employment:** 0400 (Mr. Kennedy has been employed for 30 years at his present
9 job.)

10 **Income:** \$145,001

11 **Mother's Maiden Name:** Smith (This is not Mr. Kennedy's mother's maiden name.)

12 The internet address is listed as johndoe@gmail.com. The IP address used is #**76.182.180.52**.

13 The application was submitted to the bank on **October 10, 2015**, at 1801:14 hours.

14 On **October 25, 2015**, I received an email from Jeannine Kennedy notifying me she had
15 received a letter from the "Stoneberry" store located in Monroe, Wisconsin. The letter thanked
16 the Kennedys for placing an order with their company; however, the purchase was declined
17 because of a fraud alert on their account. The letter listed the reference order number as
18 2041323072. Jeannine Kennedy stated she has never attempted to purchase anything from the
19 Stoneberry Company.

20 On **October 26, 2015**, at approximately 0930 hours, I received a facsimile from Derwin
21 Bouie, an employee of Saks Fifth Avenue. The facsimile included the following information
22 regarding order #67676341:

23 **Email Address:** up2nothinggood@gmail.com

24 **IP Address:**

25 **76.182.180.52**

26 **Date of Order:**

27 09/24/2015

28 **Time of Order:**

29 3:58 P.M. Central Time

30 **Email Address That The Gift Cards Were Going To Be Sent:**

31 janedoe@yahoo.com

32 For further information, a copy of the facsimile is submitted with this investigation.

1 On **October 29, 2015**, at approximately 0940 hours, I contacted a staff member at the
2 Stoneberry Store. I spoke with a female employee who identified herself as C.M. #1. The female
3 employee requested that I only use her initials and the number one to identify her.

4 C.M. #1 told me the Stoneberry Store is a catalog company with a wide variety of retail
5 items. Stoneberry accepts purchases via the Internet. I requested documentation of purchase
6 order #41332055.

7 On **October 29, 2015**, at approximately 1049 hours, C.M. #1 sent me a facsimile of the
8 fraudulent purchase order #41332055. The fraudulent order was received via the Internet on
9 **October 16, 2015**, at approximately 1533 hours.

10 Mr. Kennedy's name appears as the purchaser along with his correct address. The IP address
11 appears as **76.182.180.52**. The telephone number listed on the order is (619) 555-1212. I called
12 the telephone number and no one answered. The line goes directly to a message mailbox. I did
13 not leave a message.

14 The unknown person(s) attempted to purchase the two items below:

- 15 1. Women's White Gold Bridal Set (Price \$399.99)
- 16 2. Kyros 8" Capacity TCHSCRN TABLT (Price \$299.99)

17 I conducted a computer search of the Stoneberry Internet website and identified both items.
18 The first item is a wedding ring set listed for \$399.99. The second item is a Coby Kyros 8" touch
19 screen tablet listed for \$299.99.

20 The unknown person(s) requested the items to be sent via FedEx shipping company to "Mail
21 Mania, Box 144, Solana Beach, California 92075."

22 On **October 30, 2015**, at approximately 1230 hours, I contacted Lauren Hadley, an employee
23 at "Mail Mania" located at 665 San Redondo Drive, Solana Beach, California. Hadley told me
24 mailbox #144 is rented to Jake Chisolm. Hadley stated Chisolm has rented the same mailbox for
25 several years.

26 I conducted a computer search of the California Department of Motor Vehicles database for a
27 driver's license issued to anyone named Jake Chisolm. I found a person named James Morris
28 Chisolm with a mailing address in Solana Beach, California. Chisolm's home address is in
29 Carlsbad, California 92009.

30 On **October 31, 2015**, at approximately 1100 hours, I picked up a sales receipt from the
31 Chevron Gas Station located at 7209 Broadway, Lemon Grove, California. The receipt had the
32 below printed information:

1 **September 22, 2015, @ 20:30:26 Hours:**

2 Purchased gas total \$45.68 at pump #7.

3 On **November 1, 2015**, at approximately 1320 hours, Lauren Hadley contacted me, by
4 phone.

5 Hadley said she recalled seeing the victim's name (Kennedy) on my note pad when I
6 conducted my interview with her. Hadley told me the person who rents mailbox #168 receives
7 mail for a person named "Jack Kennedy."

8 Hadley stated the person who rents mailbox #168 is a female named Kristina Hodges, and
9 she has rented the mailbox for about one year.

10 I conducted a computer search of law enforcement computer systems including the California
11 Department of Motor Vehicles database. I found a driver's license issued to Kristina Ellie
12 Hodges who was issued California driver's license and a mailing address in Solana Beach,
13 California.

14 Hodges also has a criminal record.

15 On **November 5, 2015**, at approximately 1300 hours, I interviewed James Michael Chisolm,
16 in person. The interview took place at his home. Chisolm stated he has rented mailbox #144 from
17 Mail Mania in Solana Beach, California for business purposes.

18 Chisolm told me he receives mail that does not belong to him, but his mailbox number
19 matches the suite (#144) number of the Mania Mail (Mania Mail, 665 San Redondo Drive Suite
20 #144, Solana Beach, California.) He returns all incorrect mail to the Mania Mail business.

21 On **November 5, 2015**, at approximately 1340 hours, I interviewed Kristina Ellie Hodges, in
22 person. The interview took place at her home. Hodges stated she is unemployed and lives with
23 her parents in Solana Beach, California.

24 Hodges rents a mailbox at Mania Mail. She has rented mailbox #168 for approximately the
25 last three months. Hodges rented the mailbox for a friend of hers named Erica Noble. I
26 identified Noble as Erica Sandra Louise DeLaTorres. Erica Noble is DeLaTorres' married name.
27 Hodges was also introduced to three Hispanic males who became involved with the rental of the
28 mailbox. Hodges does not know their full names; she only knows them as Carlos, Albert and a
29 possible gang member know as "Muggsy."

30 In October 2015, DeLaTorres and the three male suspects wanted Hodges to fill out and sign
31 several different credit card applications. Hodges refused to fill out the applications because she
32 has bad credit. Hodges acknowledged that she knew DeLaTorres and the three male suspects

1 were committing fraud. Hodges stated she never received any packages at the mailbox, only
2 letters. Hodges cannot remember any of the names on the letters. Once Hodges received the
3 letters she would deliver them to DeLaTorres.

4 Hodges stated she never profited from renting the mailbox for DeLaTorres. Hodges thought
5 she was only doing a favor for a friend. Hodges knows that DeLaTorres uses two last names, and
6 they are DeLaTorres and Noble. Hodges knows DeLaTorres is currently in prison for fraud.

7 I conducted a computer search of law enforcement computer systems including the California
8 Department of Motor Vehicles database. I found a driver's license issued to Erica Noble
9 (DeLaTorres) California Driver's License #C4398763 mailing address 14968 Miramar Road #
10 2415B in San Diego, California. Noble also has a criminal record.

11 I searched the Internet website unknown as "IP Address Location Database" to obtain the
12 service provider by using the IP address of #76.182.180.52. The records check of the database
13 listed IP address #76.182.180.52 was assigned to the company known as "Time Warner/Road
14 Runner." The listed custodian of records is located at 3430 East Mira Loma Avenue, Anaheim,
15 California.

16 **OPINIONS AND CONCLUSIONS**

17 Based on my investigation, training and experience, I believe the information to be seized
18 will provide evidence of the identity of the suspect(s) in my investigation. I know from my
19 training and experience that people often use computers and cellular phones to commit crimes.

20 These people, in an effort to maintain anonymity, might have used one or more online user
21 identities. They probably used different Gmail accounts to hide their true identity. People often
22 use Gmail accounts to make online purchases using other people's names and information.

23 Google Inc. is an American public corporation, earning revenue from advertising related to
24 its Internet search, email, Gmail, online mapping, office productivity, social networking, and
25 video sharing services as well as selling advertising-free versions of the same technologies.
26 Google has also developed an open source web browser and a mobile operating system. The
27 company is running thousands of servers worldwide.

28 When a person using the Internet creates a Google account, certain pieces of information are
29 maintained by Google. This includes pertinent information such as the account holder's name,
30 home address, business address, phone number, time zone, birthday, gender, occupation,
31 alternative email address(es), registration Internet Protocol Address (referred to as IP), and the
32 date the account was created.

1 The unknown person(s) used the Gmail account johndoe@gmail.com in the attempt to open a
2 fraudulent line of credit with the Case Bank Card Services. This Gmail account was used as an
3 avenue to receive a line of credit via the Internet.

4 I know that once an investigator receives the Internet Gmail account information, the identity
5 or identities of the person(s) who is assigned to the Gmail account johndoe@gmail.com will be
6 known.

7 Based on the aforementioned information and investigation, I believe that grounds for the
8 issuance of a search warrant exist as set forth in Penal Code 1524.

9 I, the affiant, hereby pray that a search warrant be issued for the seizure of said property, or
10 any part thereof, from said premise, good cause being shown therefore, and that the same be
11 brought before this magistrate or retained subject to the order of this Court.

12 This affidavit has been reviewed for legal sufficiency by Deputy District Attorney Paul
13 Greenwood.

14 Given under my hand and dated this 4th day of December, 2015.

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16
17

18 _____
19 Subscribed and sworn to before me this 4th day of December, 2015,
20 at _____ am / pm.

21
22

23 _____
Judge of the Superior Court

7. Seize and Examine Contents of Digital Device(s) and Peripherals

Next is an [instructional template](#) affidavit and search warrant to seize and examine the contents and peripherals of any digital device(s). Specific items to be seized should be based on probable cause, but could include devices such as computers, cell phones, cameras, processing equipment, modems, docking stations, monitors, printers, plotters, optical scanners, disk drives, flash drives, Smart cards, PC cards, personal digital assistants, MP3 devices, USB devices, printer or memory buffers, encryption devices, operating logs, reference manuals, utility programs, password files, electronic communication and storage devices.



1 HOWEVER, IF YOU ONLY INCLUDE CERTAIN MAKES/MODELS IN YOUR
2 AFFADAVIT/WARRANT, WITHOUT FURTHER LANGUAGE (SUPPORTED BY
3 PROBABLE CAUSE) ALLOWING YOU TO ALSO SEIZE OTHER DIGITAL
4 DEVICES FOUND AT THE SCENE, AND YOU ARRIVE AT THE LOCATION TO
5 FIND DIGIITAL DEVICES OTHER THAN THOSE SPECIFICALLY LISTED, YOU
6 WILL NEED A SECOND AFFADAVIT/SEARCH WARRANT FOR THOSE OTHER
7 ITEMS, IF THEIR SEIZURE CAN BE SUPPORTED BY PROBABLE CAUSE.

8
9 “COMPUTERS, DISK DRIVES, FLASH DRIVES, CELLULAR TELEPHONES, OR
10 OTHER ELECTRONIC, COMMUNICATION, AND/OR DATA STORAGE
11 DEVICES.” ONLY INCLUDE DEVICE TYPES (COMPUTERS AND MEDIA VS.
12 CELL PHONES VS. BOTH) SUPPORTED BY YOUR PROBABLE CAUSE.

13
14 Any and all information, communications, visual depictions (both motion video and still pictures)
15 and/or digital data stored on the aforementioned device(s) and/or digital storage media described
16 above that could be related to the offense of <OFFENSE TITLE>.

17
18 DESCRIBE OTHER ITEMS YOU MAY INTEND TO SEARCH FOR AND SEIZE

19
20 THE PARAGRAPHS BELOW GRANT AUTHORITY TO SEIZE ADDITIONAL
21 STORAGE DEVICES OR OTHER PERIPHERALS RELATED TO COMPUTERS AND
22 DIGITAL EVIDENCE.

23
24 **5. Additional items to be seized:**

25 Based upon my training, experience and information related to me by agents and others
26 involved in the forensic examination of computers, Affiant knows that computer data can
27 be stored on a variety of systems and storage devices including hard disk drives, floppy
28 disks, compact disks, magnetic tapes and memory chips. Affiant also knows that during
29 the search of the premises it is not typically possible to search computer equipment and
30 storage devices for data for a number of reasons.

31
32 In order to search for information and/or data described in Section 4, which is capable of
33 being read or interpreted by a computer, law enforcement personnel will need to seize and
34 search the following items:

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Any computer equipment and storage device capable of being used to commit, further or store evidence of the offense listed above;

Any computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners;

Any magnetic, electronic or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, DVD-Rs DVD+Rs, DVD-RWs, DVD+RWs, other optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, and personal digital assistants, cellular telephones, MP3 devices, digital cameras, USB devices;

Any documentation, operating logs and reference manuals regarding the operation of the computer equipment, storage devices or software.

Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices or data to be searched;

Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data; and

Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.

6. Affiant states the following facts establishing probable cause for the issuance of a search warrant:

LAY OUT PROBABLE CAUSE INFORMATION THAT WILL CONVINC A JUDGE TO AUTHORIZE THIS WARRANT, ALLOWING YOU TO GO TO THE LISTED PLACE AND SEIZE THE LISTED ITEM(S), INCLUDING DIGITAL STORAGE DEVICES.

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ALSO PROVIDE PROBABLE CAUSE INFORMATION THAT WILL CONVINCING A JUDGE TO AUTHORIZE THIS WARRANT, ALLOWING YOU TO SEARCH DIGITAL DATA STORED WITHIN THE DEVICE(S).

PROVIDE DETAILS OF THE CASE THAT LINK THE DEVICE(S) LISTED TO THE CRIME ALLEGED.

ALSO PROVIDE DETAILS OF THE CASE THAT LINK THE DATA SOUGHT TO THE DEVICE(S) LISTED, AS WELL AS THE CRIME ALLEGED.

BE AS SPECIFIC AS POSSIBLE AS TO WHY YOU BELIEVE DIGITAL EVIDENCE WOULD BE PRESENT ON THE DEVICE(S) IN QUESTION, EVEN LISTING THE TYPE(S) OF INFORMATION YOU HAVE PROBABLE CAUSE TO BELIEVE WOULD BE PRESENT AND RELEVANT TO YOUR INVESTIGATION, AND EXPLAINING WHY YOU BELIEVE THOSE FACTS.

Sample language follows:

I know through training and experience that modern digital devices (e.g. cellular telephones, personal computers, etc.) and their associated digital storage media are capable of storing very large amounts of data, and because of the large storage volumes on these devices, data can be maintained within these devices for long periods of time. I also know from training and experience that under certain circumstances, data that has been ‘deleted’ by the user, or the system, can potentially be recovered by a competent examiner. As such, it is not unusual for information that goes back months or even years to be recoverable by an examiner.

I also know from training and experience that most users of modern digital devices generally utilize their devices for a wide range of activities, including texting, voice communication, photography, audio recording, video recording, playing music, computing, and data processing and storage. Modern digital devices frequently contain information that can shed light on many aspects of the life of their user, as they typically include features such as calendars, diaries, email, chat, text and other communications, as

1 well as photographs, location data, application data, account information, and other
2 personal identifying information that can be used, both individually and/or together to
3 help identify the owner(s) and/or user(s) of a device, as well as a multitude of activities
4 conducted on or in the presence of the device, as well as further metadata about those files
5 and that data. Modern digital devices are also capable of storing 'interchangeable' data
6 (i.e. digital data on one type of device that may be unrelated to the primary function of
7 that particular type of device). For example, storage media in a digital camera can be used
8 to hold not only photographs, video, and audio, but also documents, spreadsheets, or any
9 other type of digital data, as can other devices (e.g., audio recorders, GPS devices, and
10 many, if not most other modern digital storage devices).

11
12 Competent examiners are often able to take the data present on such devices and,
13 reviewing the data as a whole, observe patterns and correlations between items within the
14 data which, when viewed individually, may not have been as apparent (For example, a
15 photograph taken around the time of a stalking offense could provide location information
16 or metadata to pinpoint a user's actual physical location at the time of the offense, even
17 though the photo itself had no direct connection or involvement in the offense). In
18 addition, reviewing data from a device may provide context for the overall mindset of a
19 user around the time of the offense, in addition to information regarding individuals with
20 whom the user regularly has contact, which could be probative in many circumstances.
21 This analysis can assist investigators in identifying the owner(s) and/or user(s) of a device,
22 as well as their activity with that device, which tends to constitute evidence, both
23 inculpatory and exculpatory, of the aforementioned crime(s).

24
25 It is the belief of the Affiant that the above described property constitutes evidence that the above
26 described offense occurred, and that the above described suspect committed the offense.

27
28 **Whereas**, Affiant requests the issuance of a warrant that will authorize Affiant to search the above
29 described premise and seize the above described property.

30
31 The Affiant further asks for the issuance of this warrant that would authorize the digital device(s)
32 and other item(s) as described in Section 4 and 5 above to be transported to a controlled laboratory
33 environment at the Austin Police Department Computer Forensic Laboratory, 4201 Ed Bluestein,
34 Austin, Travis County, Texas as allowed by Article 18.10 of the Texas Code of Criminal

1 Procedure and searched under the authority of this warrant. In accordance with Article 18.07 of the
2 Texas Code of Criminal Procedure, the data or information contained in or on a computer, disk
3 drive, flash drive, cellular telephone or other electronic, communication, or data storage device
4 may be recovered and analyzed after the expiration of this warrant if the device was seized before
5 the expiration of the time allowed.

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10 Subscribed and sworn to me by the said Affiant

11 on this the _____ day of _____, 20_____

12 at _____ o'clock a.m / p.m.

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<AFFIANT>

Judge presiding signature

Judge presiding printed name

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Warrant #: _____

Offense #: _____

THE STATE OF TEXAS § IN THE _____ COURT
THE COUNTY OF _____ § CITY OF AUSTIN, TEXAS

RETURN AND INVENTORY

The undersigned Affiant, being a Peace Officer under the Law of Texas and being duly sworn, on oath certifies that the foregoing warrant came to hand on the day it was issued and that it was executed on the _____ day of _____, 20____, by making the search directed therein and seizing during such search the following described property:

<AFFIANT>

Subscribed and sworn to before me, the undersigned authority,
on the _____ day of _____, 20_____

Peace Officer, City of Austin, Texas

8. Examine the Contents of Digital Device(s) and Peripherals in Law Enforcement Custody

Finally, an [instructional template](#) affidavit and search warrant to examine the contents and peripherals of any digital device(s) already in law enforcement custody, being held in a law enforcement evidence storage facility.



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Warrant #: _____

Offense #: _____

THE STATE OF TEXAS § **IN THE _____ COURT**

THE COUNTY OF _____ § **CITY OF AUSTIN, TEXAS**

AFFIDAVIT FOR SEARCH WARRANT

The undersigned Affiant, _____, being a peace officer under the laws of Texas and being duly sworn, on oath make the following statement and accusations:

1. There is in Austin, _____ County, Texas a suspected premise described and located as follows:

DESCRIBE DIGITAL DEVICE AND ANY/ALL REMOVABLE OR ASSOCIATED STORAGE MEDIA CURRENTLY LOCATED AT: <ADDRESS AND NAME OF FACILITY WHERE ITEMS ARE CURRENTLY STORED>.

2. Said place and premises are in charge of and controlled by each of the following persons:

NAME CASE AGENT OR EVIDENCE CONTROL OFFICER WHO HAS CUSTODY OF THE PROPERTY, NAME OF POLICE DEPARTMENT.

ALSO NOTE ANY OTHER LAW ENFORCEMENT AGENTS THAT ARE ASSIGNED TO AFFIANT’S INVESTIGATION OF THIS CASE.

LIST THE SUSPECT(S) AND ANY OTHER PERSON(S) RECENTLY EXERCISING CONTROL OF THE DEVICE OR WHO HAS A REASONABLE EXPECTATION OF PRIVACY FOR THE DEVICE OR DATA (E.G. THE PERSON PAYING THE BILLS IN THE RESIDENCE OR BUSINESS, THE PERSON FROM WHOM IT WAS SEIZED, ETC. WHENEVER POSSIBLE, EXPLAIN THEIR SPECIFIC, INDIVIDUAL LINK TO THE DEVICE(S), RATHER THAN JUST LISTING A NAME WITHOUT CONTEXT.

3. It is the belief of Affiant that a specific criminal offense has been committed, to wit:

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LIST THE SPECIFIC STATUTE CITATION AND ELEMENTS OF YOUR OFFENSE (E.G., BREACH OF COMPUTER SECURITY IN VIOLATION OF SECTION 33.02 OF THE TEXAS PENAL CODE) IN THAT ON OR ABOUT THE 1st DAY OF OCTOBER, 2011, NAMED SUSPECT BOB BADMAN DID, WITHIN THE INCORPORATED CITY LIMITS OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, THEN AND THERE KNOWINGLY ACCESS A COMPUTER WITHOUT THE EFFECTIVE CONSENT OF THE OWNER.

- 4. There is at said place and premises described above and all parts of the premises including outbuildings and/or storage units, the following item(s) which are implements or instruments used in the commission of a crime, or are items constituting evidence of a criminal offense or constituting evidence which tend to show that a particular suspect <SUSPECT NAME / DOB IF KNOWN> committed the above listed offense, to wit:

DESCRIBE DIGITAL DEVICE (COLOR, MAKE, MODEL, SN, ETC.) AND ITS ASSOCIATED STORAGE MEDIA.

DESCRIBE ANY/ALL REMOVABLE OR ASSOCIATED STORAGE MEDIA TO BE SEARCHED, IF PRESENT.

ANY/ALL INFORMATION, COMMUNICATIONS, VISUAL DEPICTIONS (BOTH MOTION VIDEO AND STILL PICTURES) AND/OR DIGITAL DATA STORED ON THE AFOREMENTIONED DEVICE(S) AND/OR DIGITAL STORAGE MEDIA DESCRIBED ABOVE THAT COULD BE RELATED TO THE OFFENSE OF <OFFENSE TITLE>.

- 5. Affiant states the following facts establishing probable cause for the issuance of a search warrant:

DESCRIBE HOW YOU HAVE LEGALLY OBTAINED THE DEVICE(S).

Examine Digital Device in Possession (Affidavit and Search Warrant)

1 LAY OUT PROBABLE CAUSE INFORMATION THAT WILL CONVINC A
2 JUDGE TO AUTHORIZE THIS WARRANT, ALLOWING YOU TO SEARCH
3 FOR DIGITAL DATA STORED WITHIN THE DEVICE(S).

4
5 PROVIDE DETAILS OF THE CASE THAT LINK THE DEVICE(S) TO THE
6 CRIME ALLEGED.

7
8 ALSO PROVIDE DETAILS OF THE CASE WHICH WOULD LINK THE DATA
9 SOUGHT TO THE DEVICE(S) LISTED, AS WELL AS THE CRIME
10 ALLEGED.

11
12 BE AS SPECIFIC AS POSSIBLE AS TO WHY YOU BELIEVE DIGITAL
13 EVIDENCE WOULD BE PRESENT ON THE DEVICE(S) IN QUESTION,
14 EVEN LISTING THE TYPE(S) OF INFORMATION YOU HAVE PROBABLE
15 CAUSE TO BELIEVE WOULD BE PRESENT AND RELEVANT TO YOUR
16 INVESTIGATION, AND EXPLAINING WHY YOU BELIEVE THOSE FACTS.

17
18 Sample language follows:

19
20 I know through training and experience that modern digital devices (e.g. cellular
21 telephones, personal computers, etc.) and their associated digital storage media are
22 capable of storing very large amounts of data, and because of the large storage
23 volumes on these devices, data can be maintained within these devices for long
24 periods of time. I also know from training and experience that under certain
25 circumstances, data that has been ‘deleted’ by the user, or the system, can
26 potentially be recovered by a competent examiner. As such, it is not unusual for
27 information that goes back months or even years to be recoverable by an examiner.

28
29 I also know from training and experience that most users of modern digital devices
30 generally utilize their devices for a wide range of activities, including texting, voice
31 communication, photography, audio recording, video recording, playing music,
32 computing, and data processing and storage. Modern digital devices frequently

1 contain information that can shed light on many aspects of the life of their user, as
2 they typically include features such as calendars, diaries, email, chat, text and other
3 communications, as well as photographs, location data, application data, account
4 information, and other personal identifying information that can be used, both
5 individually and/or together to help identify the owner(s) and/or user(s) of a device,
6 as well as a multitude of activities conducted on or in the presence of the device, as
7 well as further metadata about those files and that data. Modern digital devices are
8 also capable of storing ‘interchangeable’ data (i.e. digital data on one type of device
9 that may be unrelated to the primary function of that particular type of device). For
10 example, storage media in a digital camera can be used to hold not only
11 photographs, video files, and audio files, but also documents, spreadsheets, and any
12 other type of digital data, as can other devices (e.g. audio recorders, GPS devices,
13 and many, if not most other modern digital storage devices).

14
15 Competent examiners are often able to take the data present on such devices and,
16 reviewing the data as a whole, observe patterns and correlations between items
17 within the data which, when viewed individually, may not have been as apparent.
18 (For example, a photograph taken around the time of a stalking offense could
19 provide location information or metadata to pinpoint a user’s actual physical
20 location at the time of the offense, even though the photo itself may have no direct
21 connection or involvement in the offense). In addition, reviewing data from a
22 device may provide context for the overall mindset of a user around the time of the
23 offense, in addition to information regarding individuals with whom the user
24 regularly has contact, which could be probative in many circumstances. This
25 analysis can assist investigators in identifying the owner(s) and/or user(s) of a
26 device, as well as their activity with that device, which tends to constitute evidence,
27 both inculpatory and exculpatory, of the aforementioned crime(s).

28
29 It is the belief of the Affiant that the above described property constitutes evidence that the
30 above described offense occurred, and that the above described suspect committed the
31 offense.

Examine Digital Device in Possession (Affidavit and Search Warrant)

The Affiant therefore asks for the issuance of this warrant that would authorize the digital device(s) and other item(s) as described in Section 4 above to be transported to a controlled laboratory environment at the Austin Police Department Computer Forensic Laboratory, 4201 Ed Bluestein, Austin, Travis County, Texas as allowed by Article 18.10 of the Texas Code of Criminal Procedure and searched under the authority of this warrant. In accordance with Article 18.07 of the Texas Code of Criminal Procedure, the data or information contained in or on a computer, disk drive, flash drive, cellular telephone or other electronic, communication, or data storage device may be recovered and analyzed after the expiration of this warrant if the device was seized before the expiration of the time allowed.

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<AFFIANT>

Subscribed and sworn to me by the said Affiant
on this the ____ day of ____, 20 ____
at ____ o'clock a.m / p.m.

Judge presiding signature

Judge Presiding Printed Name
County of _____ Court, Texas

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Warrant #: _____

Offense #: _____

THE STATE OF TEXAS § **IN THE _____ COURT**

THE COUNTY OF _____ § **CITY OF AUSTIN, TEXAS**

SEARCH WARRANT

The State of Texas, To Any Peace Officer of Travis County, Texas, or Any Peace Officer of The State of Texas.

Whereas, the Affiant whose name appears on the affidavit attached hereto is a peace officer under the laws of Texas and did heretofore this day subscribe and swear to said attached affidavit before me, and whereas I find that Affiant has probable cause for the belief expressed therein and establishes existence of proper grounds for issuance of this warrant;

Now, therefore you are commanded to search the personal property described in said affidavit <INSERT A DESCRIPTION OF THE DIGITAL DEVICE TO BE SEARCHED. FOR EXAMPLE: DELL LAPTOP COMPUTER, S/N: 123ABC. ALSO INCLUDE A DESCRIPTION OF ANY ASSOCIATED STORAGE MEDIA, IF PRESENT.> currently located at <ADDRESS OF POLICE BUILDING WHERE IT IS CURRENTLY STORED>.

Where the property of items requested in said affidavit shall be obtained, and to seize any and all information, communications, visual depictions (both motion video and still pictures) and/or digital data stored on the aforementioned device(s) and/or digital storage media described above that could be related to the offense of <OFFENSE TITLE> and bring it before me.

Herein, fail not, but have you then and there this warrant within three days, exclusive of the day of its execution, of the day of its issuance and exclusive of the day of its execution, with your return thereon, showing how you have executed the same. In accordance with article 18.07 of the Texas Code of Criminal Procedure, the data or information contained in or on a computer, disk drive, flash drive, cellular telephone or other electronic, communication or data storage

Examine Digital Device in Possession (Affidavit and Search Warrant)

1 device may be recovered and analyzed after the expiration of this time if the device was seized
2 before the expiration of the time allowed.

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4 Issued at _____ o'clock a.m. / p.m.
5 on this the _____ day of _____, 20 ____
6 to certify which, witness my hand this day.

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Judge presiding signature

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Judge presiding printed name

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