

Davis, Rheta R

From: Rowbotham, James
Sent: Wednesday, February 25, 2015 11:11 AM
To: Jones, Kathryn C.; Rowbotham, James; Ernst, David
Attachments: Ping PEN Template.doc

Ofc J Rowbotham 9000
Oakland Police Officer
Ceasefire
Gang Unit
(510)238-3640

Davis, Rheta R

From: Barocio, Jose
Sent: Thursday, September 25, 2014 10:51 PM
To: Buford, George
Subject: FW: Frank Silas Pin Trap
Attachments: Silas Cell Phone Pin Trap Warrant 14-042483.doc

Officer Jose Barocio
Oakland Police
Gang Gun Intelligence Task Force
jbarocio@oaklandnet.com

From: Barocio, Jose
Sent: Tue 9/16/2014 7:13 PM
To: Valle, Steve
Subject: FW: Frank Silas Pin Trap

Officer Jose Barocio
Oakland Police
Gang Gun Intelligence Task Force
jbarocio@oaklandnet.com

From: Borjesson, Chad A.
Sent: Tue 9/16/2014 6:17 PM
To: Barocio, Jose
Subject: Frank Silas Pin Trap

C. Borjesson
Police Officer
CID, Robbery
Oakland Police Department
Cborjesson@oaklandnet.com
Phone (510) 238-3326

Davis, Rheta R

From: Barocio, Jose
Sent: Wednesday, September 24, 2014 2:10 PM
To: Buford, George
Subject: Worksheet
Attachments: Survworksheet-Version 510-672-1373 hackett .doc

Officer Jose Barocio
Oakland Police
Gang Gun Intelligence Task Force
jbarocio@oaklandnet.com

Davis, Rheta R

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Subject: Frank Silas Pin Trap

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Oakland Police Department
Cborjesson@oaklandnet.com
Phone (510) 238-3326

Davis, Rheta R

From: Valle, Steve
Sent: Thursday, September 18, 2014 7:50 PM
To: Buford, George
Subject: James Update phone tracker 2.doc
Attachments: James Update phone tracker 2.doc

Steve Valle

Sergeant of Police

Area 1 SRS/Special Investigations Unit

Oakland Police Department

svalle@oaklandnet.com

510-773-0962 (work)

510-238-7147 (office)

Davis, Rheta R

From: Valle, Steve
Sent: Wednesday, October 01, 2014 11:48 AM
To: Buford, George
Subject: John Daniels.doc
Attachments: John Daniels.doc

Davis, Rheta R

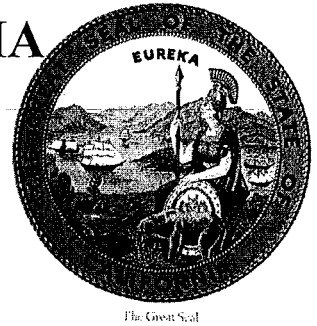
From: Crum, Omega
Sent: Monday, December 22, 2014 6:25 PM
To: Daza-Quiroz, Omar
Subject: Emailing: New form.doc
Attachments: New form.doc

Your message is ready to be sent with the following file or link attachments:

New form.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

SUPERIOR COURT OF CALIFORNIA
County of Alameda



SEARCH WARRANT
Electronic Communication Records
(Phone ♦ E-Mail ♦ Internet)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER, OR PEACE OFFICER IN THE COUNTY OF ALAMEDA: Proof by affidavit, having been made before me on this date by Officer Omega Crum 8413, Oakland Police Department, that there is probable cause for the issuance of the search warrant, as set forth in the said affidavit.

TO: Sprint Nextel Legal Compliance, 6480 Sprint Parkway, 2nd Floor, Overland Park, Ks 66251, hereinafter "Provider"

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

APPLICANT: Officer Omega Crum, Oakland Police Department, hereinafter "Applicant."

SUBSCRIBER: (510) 417-8087

ORDER: Officer Omega Crum, a Police with the Oakland Police Department, has made application to this court for an order authorizing the installation and use of a pen register and trap and trace device on telephone number **(510) 417-8087** service provider Sprint PCS, as subscribed to by an unknown person(s) and addresses.

This court finds that the information likely to be gained by such installation and use is relevant and material to an ongoing criminal investigation regarding violation of **211 P/C (Robbery)**.

Pursuant to probable cause and Title 18 United States Code Section 2703 (c) (d), 3122, 3123 IT IS

HEREBY ORDERED that Sprint PCS, AT&T Wireless Services, Metro PCS, Nextel Communications, Cellco Partner DBA Verizon Wireless, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies), upon request of the Federal Bureau of Investigation (FBI) and the Oakland Police Department, shall provide the following information and services without delay: installation and use of pen register, to register numbers dialed or pulsed from the Target Telephone number **(510) 417-8087**, to record the date and time of such dialing or pulsing, to record the length of the time the telephone receiver is off the hook for incoming or outgoing calls, and to receive cell site and/or location sites, for a period of thirty (30) days from date of this order.

IT IS HEREBY ORDERED that Officer Omega Crum and other law enforcement officials working with him may install and use trap and trace devices on the Target Telephones to record the incoming and outgoing telephone numbers calling the Target Telephones, for a period of **thirty (30) days** from date of this order.

IT IS HEREBY ORDERED that Sprint PCS, shall furnish information, facilities and technical assistance necessary to accomplish the installation and operation of the devices unobtrusively and with a minimum of disruption to normal telephone service.

IT IS HEREBY ORDERED that the pen register and trap and trace devices on the Target Telephones are authorized to continue in spite of the fact that the particular telephone number or subscriber information may change, as long as either the number or the subscriber information on the account remains the same and law enforcement believes that the person(s) using the Target Telephones continue to be the same. Further, it is ordered that the affected telephone company notifies Officer Omega Crum regarding any changes to the Target Telephones, including number or subscriber changes.

IT IS FURTHER ORDERED that "the wireless carriers", pursuant to specific and articulable facts, shall provide, on an ongoing and/or real-time basis, the location of cell site/sector (physical address) at call origination (for outbound calls), call termination (for incoming calls), and, during the progress of a call, the direction and strength of a signal for telephone number **(510) 417-8087** including local and "roam" mode cellular telephone calls, historical data including incoming or outgoing calls, and subscriber information for the telephone number's beginning date and continuing for thirty (30) days from the date this order is issued.

IT IS HEREBY ORDERED that this authorization for the installation and use of a pen register and trap and trace device, including the "caller identification feature" applies not only to the telephone number listed above for **(510) 417-8087**, but also to any changed telephone number(s) subsequently assigned to the same instrument as **(510) 417-8087** within the thirty (30) day period authorized by this order.

IT IS FURTHER ORDERED that pursuant to Title 18 United States Code Section 2703(c) (d), 3122 and 3123 and pursuant to CA Penal Code section 629.90 and 629.91, that the local, long distance and wireless carriers shall furnish officers of the Oakland Police Department and agents of the FBI, forthwith all information, including, but not limited to, telephone subscriber information, facilities and technical assistance necessary to accomplish the installation and use of the pen register and trap and trace device (including the "caller identification feature"), and do so unobtrusively and with minimum interference with the services that are accorded the persons whose dialing or transmissions are the subject of the pen register and trap and trace device.

IT IS HEREBY ORDERED that Sprint PCS, be compensated for reasonable expenses incurred while complying with this court order.

IT IS HEREBY ORDERED that Sprint PCS, Nextel Communications, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies) shall supply any and all information in their files with respect to the persons called by the Target Telephones and for the persons calling the Target Telephones (except the contents of communications), whether published or non-published, including but not limited to the location of cell site/sector (physical address) of call termination without geographical limits, call initiation and call progress locations (Automated Message Accounting Data), raw data information, subscriber names and addresses, credit information, application information, toll records (to include all outgoing and incoming calls), cell site locations and billing information and unbilled records, upon oral or written demand of the Oakland Police Department and FBI.

IT IS HEREBY ORDERED that pursuant to probable cause Sprint PCS assist in the attempt to locate said telephone by the use of GPS coordinates, and provide text message content if applicable.

IT IS HEREBY ORDERED that Sprint PCS provide call detailed records with cell site/sector information for said telephone number for two weeks prior to signing of this court order. All Subscriber information to include location of purchase of said telephone, method of payments and IMSI, MZ and IMEI numbers belonging to the Target Telephone.

IT IS HEREBY ORDERED that this order by the court states that the telecommunications companies shall not disclose the existence of the pen register, the trap and trace device or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the court.

Based on the findings below, Provider is ordered to furnish Applicant with the following records if they are in Provider's possession or if they can be obtained with reasonable effort:

Subscriber records

- ☒ Subscriber's name and address ☒ Types of services utilized ☒ Length of service, including start date
- ☒ Telephone number, e-mail address, IP address ☒ IMEI, ESN or IMSI number of current handset ☒ Account Notes
- ☒ Means and source of payment, including credit card and bank account numbers
- ☒ Any and all other phone numbers and/or names associated with the account

Connection records

Telephone

☒ **Local and long distance connection records, incoming and outgoing text messages with content**
from February 20, 2014 to March 27, 2014

☒ Locations, dates, and times of cell tower contacts.

☒ Last outgoing phone number

☒ Last incoming phone number

E-mail and Internet

☐ E-mail or IP address of the person or computer contacted, session times, and duration of sessions
from _____ to _____

COMPLIANCE DATE: Provider shall furnish the listed records to Applicant ASAP.

COMPENSATION: Applicant's agency shall compensate Provider for reasonable expenses in complying with this order.

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this order as follows: ☐ Until 90 days from the date of this order. ☒ Until further order of this court.

FINDINGS

- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose the records listed above to an officer who has established reasonable grounds to believe said records are relevant and material to an ongoing criminal investigation.
- (3) Applicant has filed with this court a declaration containing specific and articulable facts establishing reasonable grounds to believe the listed records are relevant and material to an ongoing criminal investigation.
- (4) Applicant's declaration has established grounds for a non-disclosure order pursuant to 18 USC § 2705(b). Grounds for nondisclosure are based on the following: [check one or more]

☒ Danger to life or safety

☒ Flight from prosecution

☒ Jeopardize an investigation

☒ Evidence destruction or tampering

☒ Intimidation of potential witnesses

Date

Judge of the Superior Court

18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA
County of Alameda



**Application for Search
Warrant**

Electronic Communication Records
(Phone ♦ E-Mail ♦ Internet)

Provider: Sprint Nextel Legal Compliance, 6480 Sprint Parkway, 2nd Floor, Overland Park, Ks 66251, hereinafter "Provider"

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

Target information (if known)

Name and address:

Phone number: **(510) 417-8087**

E-mail address:

Internet protocol (IP) address, and the date and time of contact (if known):

Jurisdiction: Provider is an electronic communication service provider as defined in 18 USC § 2510(15) and is doing business in California.

Applicant: Officer Omega Crum, Oakland Police Department, hereinafter "Affiant."

Certification: Per 18 USC § 2703(d), I certify that records that are likely to be obtained pursuant to this Order are relevant to an ongoing criminal investigation being conducted by the above law enforcement agency. This certification is based on the following information:

Your affiant is a Police Officer with the City of Oakland and has been a sworn member of this department since December, 2000. Since February 5, 2012 I have been assigned as the Oakland Police Department's Bureau of Field Operations One Intel Officer. Prior to my current assignment I was assigned to the Oakland Police Department's Target Enforcement Task Force (TETF) from 2005 to 2012. Prior to my current duty as a member of TETF, I was assigned to the Oakland Police Department's Crime Reduction Team 6 (CRT6) from 2002 to 2005. During my duration at the Oakland Police Department I have written several search warrant/court orders involving the use and tracking of electronic equipment, i.e. hard line telephones, cellular telephones and computers. The information obtained from these warrants/court orders resulted in the arrest of felony warrant suspects, all wanted for violent crimes. I know from experience that most criminals will always keep in contact with family members, associates and partners of crime by use of cellular telephones and occasionally computers.

The Oakland Police Department is currently investigating a shooting which occurred on 26 October 2014, in the 500 block of 98th Avenue at approximately 12:30 PM. This shooting resulted in one murder of a Female Hispanic later positively identified as V-1 AVINA, Perla and one attempted murder of Male Hispanic later positively identified as V-2 LOPEZ, Luis. The victims transported themselves to 400 Rossmoor Drive which is their listed residence. AVINA was pronounced deceased on the scene by Oakland Fire Department at 1250 hours. This incident was documented under OPD RD #14-054645.

Upon arrival at 400 Rossmoor Drive, Investigators observed a black Toyota Camry in front of 400 Rossmoor Drive and AVINA was lying just outside the right front passenger side of the Toyota Camry on the street in front of 400

Rossmoor. Investigators observed a bullet wound to the right cheek of AVINA and her clothing was covered with blood. They learned that AVINA and LOPEZ were driving in the Toyota Camry and AVINA was the right front passenger and LOPEZ was the driver. Investigators observed a bullet strike mark to the front windshield, right front passenger window and the right front passenger door of the black Toyota Camry.

Homicide Investigator Officer Leo Sanchez contacted LOPEZ who was being consoled by immediate family members and he told him that he and his wife (AVINA) were returning from a Hispanic grocery store called "Mi Tierra". As they were traveling south bound on 98th Avenue, a Male Black (later identified as Carl DUBOSE, Male Black DOB 12-07-1993) driving a silver four door Volvo sedan had pulled up alongside him and shot at their vehicle three times, fatally striking his wife AVINA in the face. He said the right front passenger of the Volvo was a young female. Investigators observed that LOPEZ'S face and his white t-shirt were covered with blood. It was apparent that LOPEZ was visibly distraught and crying therefore they elected to have LOPEZ transported to OPD Homicide for further questioning.

Investigators relocated to 555 98th Avenue, where the shooting possibly occurred. It should be noted that 400 Rossmoor Avenue is less than a quarter mile from 555 98th Avenue. They met with Evidence Technician Hildreth who advised that she located three 40 caliber casings in the #2 of 2 lanes, south bound on 98th Avenue directly in front of 555 98th Avenue.

Scene supervisor, Sgt Smoak, advised that AVINA and LOPEZ were traveling in their Toyota Camry south bound 98th Avenue and as they approached Brookfield Food Center located at 675 98th Avenue, a silver Volvo was poised to exit the parking lot of Brookfield Food Center unto the southbound traffic of 98th Avenue. The silver Volvo cut directly in front of the Toyota Camry. An exchange of gestures between Lopez and DUBOSE ensued in regards to the traffic maneuver by the silver Volvo. The vehicles continued to travel south bound 98th Avenue, with the Toyota Camry in the #1 lane and the silver Volvo in the #2 lane, parallel to each other. A shooting then followed approximately where the casings were recovered.

Investigators were contacted by Officer Karsseboom who was assisting with a canvass and had located a residence (9812 Maddux Drive) that had a surveillance system. The surveillance system captured footage near the time of the shooting of a silver 4-door Volvo sedan traveling south bound on 98th Avenue. Officer Sanchez contacted the resident of the address who showed him the surveillance footage. He observed a silver vehicle 4-door sedan vehicle very similar to a Volvo S-40 traveling south bound 98th Avenue and turned eastbound onto Maddux Drive. He then observed a bright red Chevy Camaro, with red rims traveling in front of the Silver Volvo as they turned.

Investigators relocated to OPD Homicide to interview LOPEZ. LOPEZ stated that he and AVINA had been married for 13 years and has four children ranging for 1 years old to 14 years old. They started their day by going to the grocery store located at 96th Avenue and International Boulevard. They then went home and was traveling south bound on 98th Avenue approaching Brookfield Food Center, located at 675 98th Avenue, when he noticed a silver Volvo 4-door sedan exiting the parking lot. LOPEZ described the driver (DUBOSE) as a Male Black wearing white short sleeved t-shirt and a black beanie rolled up on its sides seated high in his head. He stated that the driver (DUBOSE) was medium to dark complexion and thin built with a thin mustache and Goatee. He noticed that the right front passenger looked like a young looking Hispanic or Filipino female. He stated the female had brown hair with blond highlights and bangs covering her forehead. He noticed that the driver (DUBOSE) was seated in a leaned back position and a looking downward at his lap and appeared to be rolling a joint. He then noticed the driver (DUBOSE) attempted to maneuver the Volvo into the south bound traffic on 98th Avenue cutting off LOPEZ'S vehicle. LOPEZ stated he gestured by raising his arms up showing he was displeased with the driver (DUBOSE) actions of cutting him off in traffic.

LOPEZ continued traveling on 98th Avenue and changed lanes to the #1 lane of traffic and at the same time the Volvo also changed lanes to the #1 lane. LOPEZ said that he was planning to turn on Maddux Drive that was approaching but was unable to because the Volvo changed lanes back to the #2 lane which prevented LOPEZ to turn onto Maddux Street. He noticed that the Volvo had slowed down to a point that forced LOPEZ to pull alongside the Volvo that was on the passenger side of his vehicle where AVINA was seated. LOPEZ stated that the window of the driver was rolled down and the driver (DUBOSE) looked over his left shoulder and said to them

"We have a problem". LOPEZ immediately observed that the driver (DUBOSE) was holding a black semi-automatic handgun with his right hand and had it pointed upwards. AVINA told LOPEZ to ignore (DUBOSE) and that it's not worth it and LOPEZ answered back "No I don't have any problem, it's cool man." LOPEZ stated that about two seconds later he heard the driver (DUBOSE) say "Fuck this" or "Fuck you." LOPEZ said that he saw the driver (DUBOSE) of the silver Volvo shoot them and strike AVINA on the right cheek. LOPEZ said that the first shot struck his wife.

LOPEZ immediately sped away and made a U-turn and drove back North bound on 98th Avenue attempting to get away from the gun fire. He took an alternate route to his house (400 Rossmoor Avenue) and upon arrival summoned 911 for help. LOPEZ clearly stated that he hadn't had any contact with the driver prior to the verbal altercation and the shooting.

On 27 October 2014, Investigators received a call from a person that will be referred to as X, who requested to be anonymous. X provided the name of Carl DUBOSE as the shooter in the murder of AVINA. X stated that X had a conversation with DUBOSE later the same night after the murder in the neighborhood of Brookfield. X advised that it was widely spread in their neighborhood that DUBOSE was responsible for the murder of AVINA. X stated that when X saw DUBOSE X raised X's arms and shook X head as if to imply why DUBOSE did the shooting. X said that DUBOSE mutually understood X gesture and DUBOSE stated to X that he felt very bad and stated that he was really mad and angry at the time of the shooting. X provided me with what X believed was DUBOSE's cell phone number (510) 459-4280. X also provided the Facebook account of DUBOSE (Carl Ralph Lauren Dubose). X stated that X lived in the same neighborhood as DUBOSE and was fearful for X's life although X came forward and called the police because X had difficulty dealing with the heinous murder of a mother of four children over a senseless act of road rage. X provided the physical description of DUBOSE as tall and thin male Black with a dark complexion. X stated that X served time in Santa Rita Jail with Carl DUBOSE in January of 2012.

X stated that Carl DUBOSE lived with his mother at a house next door to a vacant lot on the corner of Nevada Street and Walter Avenue. X described the location and the house in detail although X didn't know the exact address. X stated that the neighborhood was talking about the shooter being Carl DUBOSE and X was surprised that investigators had not known the name of who was responsible before X called.

X provided me with X cell phone number and X first name. X spoke to one of X's own family members who told X that DUBOSE was with a female White who prostitutes for him when DUBOSE committed the shooting. Investigators were able to make arrangements to meet X later in the evening in order to show him some photos of DUBOSE and possibly the right front passenger female. It should be noted that the phone call was recorded.

Investigators conducted a records check on a Carl DUBOSE on CRIMS and located a Carl DUBOSE DOB 12-07-1991 with PFN # of BIW871 with a listed address of 9628 Plymouth Street Oakland Ca.

I conducted an inquiry on LEAPS, a Law Enforcement public database, and discovered that DUBOSE was stopped in a Toyota Camry in July of 2014 and provided the address of 707 Nevada Street.

I conducted an inquiry for 707 Nevada Street Oakland Ca in CLEAR, a law enforcement internet search engine. I discovered that a Carl DUBOSE was listed to 707 Nevada Street as well as a Karen Dubose and a Henry Dubose.

I conducted a DMV records check on Carl DUBOSE and discovered that DUBOSE has a 2001 Volvo license plate no. 7HIW780 registered to him with the listed address of 707 Nevada Street.

I was advised that a red Camaro with red rims matching the same Chevy Camaro captured on video traveling in front of the silver 4-door Volvo, was stopped and the driver positively identified as Russell Sebron was being transported to OPD Homicide voluntarily to speak to investigators regarding any knowledge he may have to the murder of AVINA.

Sgt Basa and I met with X and the interview was surreptitiously recorded. X was shown a photo of Carl DUBOSE and he immediately positively identified the photo as Carl DUBOSE. X identified DUBOSE as the person X believed admitted to X as the person who killed AVINA. X stated that X had seen DUBOSE in possession of a firearm on previous occasions. X stated that X used to be involved in criminal activity such as selling drugs and sorts in the area of Brookfield, but has since abandoned that lifestyle and had been living a new way of life.

On 28 October 2014, Sgt Basa contacted LOPEZ and advised him that he was needed for a photo lineup. He was transported to OPD Homicide and shown a double blind sequential photo lineup by Homicide Investigator, Sgt Brandwood. LOPEZ was read the photo lineup witness instructions and admonition before being shown the photo lineup. LOPEZ positively identified the booking photo of Carl DUBOSE as the person that shot his wife, AVINA.

If any of the official information within the requested sealed portion of the affidavit is made public, it will reveal or tend to reveal the identity of any victims(s) and witness(s), and impair further investigations, and could endanger the life of the victims and/or witness(s) before Carl DUBOSE and the female right front passenger is identified and arrested.

Based on the aforesaid, your affiant believes that there exists probable cause to arrest, DUBOSE, Carl (a Male Black born 7 December, 1991) for Murder 187 PC and Attempted Murder 664/187PC that was committed on 26 October, 2014 at 12:33 PM

Based on the aforesaid, Investigators believe that there exists probable cause to arrest Roderick Jackson (Male Black, born on November 5, 1993, 5'11, 155 lbs, PFN: BJG902) for the crime of Robbery (211PC). On March 21, 2014, a Ramey Warrant was issued for Jackson's arrest.

An ongoing investigation conducted by the Oakland Police Department was able to locate a cell phone number (510) 987-6831 for Jackson. This number was obtained from the informant.

I believe that the installation of the above equipment and the retrieval of the above information will assist the Oakland Department in their attempt to locate the suspect's whereabouts and firearm. Wherefore, your Affiant requests that a court order be issued upon the above facts.

Declaration: I declare under penalty of perjury that the foregoing is true and correct.

Date

Judge of the Superior Court

Date

Applicant

18 USC § 2703(d)

Davis, Rheta R

From: Encinias, Jill
Sent: Monday, June 15, 2009 12:38 PM
To: Biletnikoff, John A; Donovan, Daniel; Encinias, Jill; Espinoza, Cynthia; Garrett, Carletta; Lee, Chan V; McCort, Jeff; Neri, Seth D.; Nguyen, Hammon; Ocampo, Bryant K.; Percy, Wendy; Tisdell, Ross A; Troupe, Michael; Webber, Herbert
Subject: FW: Court Orders
Attachments: Court Orders

SVU 1 and 2,

I got these court order samples from a training class on drug endangered children. Fremont PD uses them and their DA like them. These are court orders for phone lines and a few other things that may be easier than the search warrants. Review them and check with our DA.

Jill Encinias
Sergeant of Police
Special Victims Unit

Davis, Rheta R

From: Eric Tang <etang@ci.fremont.ca.us>
Sent: Saturday, May 30, 2009 1:12 PM
To: Gregg Crandall
Subject: Court Orders
Attachments: 459R Voisin Court Order.doc; Bushey Exigent fu.doc; CO_187_Black Art_Phone Records.doc; sultan 207.doc; Mejia Niles 187 Cell Order.doc; Detjen Court Order.doc

Hey Gregg,

Here are some copies of Court Orders that I've written. Let the OPD guys know that some judicial districts do not like court orders and prefer search warrants instead. Have them check with their DA's office and the presiding judge to see if they can use the court order forms.

All of the forms can be found on the Alameda County DA's website: <http://le.alcoda.org/forms> but they're in PDF form (meaning they can't type directly into the form). They'll have to e-mail the DA's office at cci@acgov.org to get the forms in Word documents. They've got every warrant/order (Ramey, Steagald, Return of Service, Out of County Waivers, Pen Registers, Trap/Trace, etc.) form that you can think of in an easy to use template. Much cleaner than all the warrants that I'm used to seeing

Mark Hutchins is the main contact person for the authority regarding all of these forms. He's the main DA who interprets case law for the county and is the writer of all the Point of Views and CCI's. His e-mail address is mark.hutchins@acgov.org

Give the OPD guys my cell number if they have any questions.

Eric
(510) 828-5405

SUPERIOR COURT OF CALIFORNIA

County of Alameda

COURT ORDER*

Electronic Communication Records
(Phone • E-Mail • Internet)

**TO:**

Pacific Bell, 485 South Monroe St., Room #115, San Jose, CA 95128. Fax: (214) 464-2854
Metro PCS, 8144 Walnut Hill Lane St. #800, Dallas, TX 75231. Fax: (972) 860-2635
Sprint PCS, 6480 Sprint Parkway, Overland Park, KS 66251. Fax: (913) 315-0736
Verizon Wireless, 51 Chubb Way, Branchburg, NJ 08876. Fax (908) 203-5875
Cingular Wireless, 5600 Glenrich Dr. Suite # G418, Atlanta, GA 30342 (866) 856-0149

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

APPLICANT: Detective Eric Tang #12039, Fremont Police Department, hereinafter "Applicant."

SUBSCRIBER:

Pacific Bell #'s: 408.941.9841, 408.928.5690, 408.942.9141, 408.942.7141, and 408.928.5690.

Metro PCS #'s: 510.677.5223, and 408.518.9229

Sprint PCS #: 408.390.3149

Verizon Wireless #: 408.892.2611

Cingular Wireless #'s: 408.799.9800, and 408.390.3941

ORDER: Based on the findings below, Provider is ordered to furnish Applicant with the following records if they are in Provider's possession or if they can be obtained with reasonable effort:

Subscriber records

- ☒ Subscriber's name and address ☐ Types of services utilized
☐ Telephone number, e-mail address, IP address ☒ Length of service, including start date
☒ Means and source of payment, including credit card and bank account numbers

Connection records**Telephone**

- ☒ Local and long distance connection records from 08/07/05 to 08/09/08
☐ Locations, dates, and times of cell tower contacts from _____ to _____
☐ Last outgoing phone number ☐ Last incoming phone number

E-mail and Internet

- ☐ E-mail or IP address of the person or computer contacted, session times, and duration of sessions
from _____ to _____

COMPLIANCE DATE: Provider shall furnish the listed records to Applicant at the Provider's earliest convenience.

COMPENSATION: Applicant's agency shall compensate Provider for reasonable expenses in complying with this order.

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this order as follows: ☐ Until 90 days from the date of this order. ☒ Until further order of this court.

FINDINGS

- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose the records listed above to an officer who has established reasonable grounds to believe said records are relevant and material to an ongoing criminal investigation.
- (3) Applicant has filed with this court a declaration containing specific and articulable facts establishing reasonable grounds to believe the listed records are relevant and material to an ongoing criminal investigation.
- (4) Applicant's declaration has established grounds for a non-disclosure order pursuant to 18 USC § 2705(b). Grounds for nondisclosure are based on the following: [check one or more]
 - ☐ Danger to life or safety
 - ☐ Flight from prosecution
 - ☒ Jeopardize an investigation
 - ☒ Evidence destruction or tampering
 - ☐ Intimidation of potential witnesses

Date

Judge of the Superior Court

* Application must be attached
18 USC § 2703(d)

Application for Court Order

Electronic Communication Records

Provider: Pacific Bell, Metro PCS, Sprint PCS, Verizon Wireless, and Cingular Wireless: herein after "Provider"

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

Target information:

Pacific Bell #'s: 408.941.9841, 408.928.5690, 408.942.9141, 408.942.7141, and 408.928.5690.

Metro PCS #'s: 510.677.5223, and 408.518.9229

Sprint PCS #: 408.390.3149

Verizon Wireless #: 408.892.2611

Cingular Wireless #'s: 408.799.9800, and 408.390.3941

Jurisdiction: Provider's are electronic communication service providers as defined in 18 USC § 2510(15) and is doing business in California.

Certification: Per 18 USC § 2703(d), I certify that records that are likely to be obtained pursuant to this Order are relevant to an ongoing criminal investigation being conducted by the above law enforcement agency. This certification is based on the following information:

On 09/28/05, I was working as a Burglary Detective with the Fremont Police Department's Investigation's Unit. I have been a Police Officer with the city of Fremont since May 2002, and was a Deputy Probation Officer with Alameda County previously. I hold a Basic and Intermediate POST certificate as well as a Master's of Science degree in Administration of Justice (San Jose State University) and a Bachelor's of Science degree in Criminal Justice (California State University, Long Beach). I have also completed over 1500 hours of formal police training.

On 09/28/05, I reviewed Fremont Police report #050808027 by Community Service Officer Michele Alberti #2187. The report documented a residential burglary at 48882 Sauvignon Ct. that occurred between 08/07/05 (2200 hours) and 08/08/05 (0800 hours). Victim Ron Voisin reported that an unknown suspect removed a garage door opener from his unlocked parked vehicle in his driveway. The suspect opened the garage door and stole six handguns and three long guns from the garage floor.

The suspect opened the unlocked interior garage door and entered the residence. The suspect stole a laptop computer, \$300.00 cash from Voisin's wallet, and Voisin's cell phone. Voisin cancelled his cell phone service but re-activated it to see if the suspect would use it. I received a copy of the listed numbers that Voisin believed the suspect called after stealing his cell phone. Voisin received this list from his cell phone carrier.

It is requested that the Provider's not contact the subscriber to these phone numbers and disclose the existence of this order, as this would jeopardize the investigation. If notified, the subscriber's would likely call his associates he has phoned in the past, warn them, and dispose of any potential evidence and/or stolen property.

I therefore feel there are reasonable grounds to believe that the information sought in this order is at the location listed above. I believed that this information is relevant to my on-going investigation and will assist in revealing the identity of the suspect who burglarized Voisin's home.

Declaration: I declare under penalty of perjury that the foregoing is true and correct.

Date

Applicant

Date

Applicant

18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA

County of Alameda

COURT ORDER*
Electronic Communication Records
(Phone ♦ E-Mail ♦ Internet)



TO: T-Mobile USA, 4 Sylvan Way, Parsippany, NJ 07054 hereinafter "Providers"

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

APPLICANT: Officer Omega Crum 8413C, Oakland Police Department, hereinafter "Applicant."

SUBSCRIBER: (510) 228-8910

ORDER: Officer Omega Crum, a Police Officer with the Oakland Police Department, has made application to this court for an order authorizing the installation and use of a pen register and trap and trace device on telephone numbers **(510) 228-8910** service providers T-Mobile, as subscribed to by an unknown person(s) and addresses.

This court finds that the information likely to be gained by such installation and use is relevant and material to an ongoing criminal investigation regarding violation of 187 P/C (Homicide).

Pursuant to probable cause and US Title 18 United States Code Section 2703 (c) (d), 3122, 3123 IT IS HEREBY ORDERED that T-Mobile, Metro PCS, Nextel Communications, Cellco Partner DBA Verizon Wireless, Metro PCS, AT&T Wireless Services, Sprint PCS, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, Voice stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies), upon request of the Federal Bureau of Investigation (FBI) and the Oakland Police Department, shall provide the following information and services without delay: Installation and use of pen register, to register numbers dialed or pulsed from the Target Telephone numbers **(510) 228-8910**, to record the date and time of such dialing or pulsing, to record the length of the time the telephone receiver is off the hook for incoming or outgoing calls, and to receive cell site and/or location sites, for a period of **thirty (30) days** from date of this order.

IT IS HEREBY ORDERED that Officer Omega Crum and other law enforcement officials working with him may install and use trap and trace device on the Target Telephones to record the incoming and outgoing telephone numbers calling the Target Telephones, for a period of **thirty (30) days** from date of this order.

IT IS HEREBY ORDERED that T-Mobile, shall furnish information, facilities and technical assistance necessary to accomplish the installation and operation of the devices unobtrusively and with a minimum of disruption to normal telephone service.

IT IS HEREBY ORDERED that the pen register and trap and trace devices on the Target Telephones are authorized to continue in spite of the fact that the particular telephone number or subscriber information may change, as long as either the number or the subscriber information on the account remains the same and law enforcement believes that the person(s) using the Target Telephones continue to be the same. Further, it is ordered that the affected telephone company notifies Officer Omega Crum regarding any changes to the Target Telephones, including number or subscriber changes.

IT IS FURTHER ORDERED that "the wireless carriers", pursuant to specific and articulable facts, shall provide, on an ongoing and/or real-time basis, the location of cell site/sector (physical address) at call origination (for outbound calls), call termination (for incoming calls), and, during the progress of a call, the direction and strength of a signal for telephone

numbers (510) 228-8910, including local and "roam" mode cellular telephone calls, historical data including incoming or outgoing calls, and subscriber information for the telephone numbers beginning date and continuing for thirty (30) days from the date this order is issued.

IT IS HEREBY ORDERED that this authorization for the installation and use of a pen register and trap and trace device, including the "caller identification feature" applies not only to the telephone numbers listed above for (510) 228-8910, but also to any changed telephone number(s) subsequently assigned to the same instrument as (510) 228-8910, within the **thirty (30) day** period authorized by this order.

IT IS FURTHER ORDERED that pursuant to Title 18 United States Code Section 2703(c) (d), 3122 and 3123 and pursuant to CA Penal Code section 629.90 and 629.91, that the local, long distance and wireless carriers shall furnish officers of the Oakland Police Department and agents of the FBI, forthwith all information, including but not limited to telephone subscriber information, facilities and technical assistance necessary to accomplish the installation and use of the pen register and trap and trace device (including the "caller identification feature"), and do so unobtrusively and with minimum interference with the services that are accorded the persons whose dialing or transmissions are the subject of the pen register and trap and trace device.

IT IS HEREBY ORDERED that T-Mobile be compensated for reasonable expenses incurred while complying with this court order.

IT IS HEREBY ORDERED that T-Mobile, Metro PCS, Nextel Communications, AT&T Wireless Services, Sprint PCS, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, Voice stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies) shall supply any and all information in their files with respect to the persons called by the Target Telephones and for the persons calling the Target Telephones (except the contents of communications), whether published or non-published, including but not limited to the location of cell site/sector (physical address) of call termination without geographical limits, call initiation and call progress locations (Automated Message Accounting Data), raw data information, subscriber names and addresses, credit information, application information, toll records (to include all outgoing and incoming calls), cell site locations and billing information and unbilled records, upon oral or written demand of the Oakland Police Department and FBI.

IT IS HEREBY ORDERED that pursuant to probable cause T-Mobile assist in the attempt to locate said telephone by the use of GPS coordinates/E-911, if applicable.

IT IS HEREBY ORDERED that T-Mobile provide call detailed records with cell site/sector information for said telephone number for two weeks prior to signing of this court order. All Subscriber information to include location of purchase of said telephone, method of payments and IMSI, MEID and ESN numbers belonging to the Target Telephone.

IT IS HEREBY ORDERED that this order by the court and that the telecommunications companies shall not disclose the existence of the pen register, the trap and trace device or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the court.

Based on the findings below, Provider is ordered to furnish Applicant with the following records if they are in Provider's possession or if they can be obtained with reasonable effort:

Subscriber records

- | | |
|---|---|
| <input checked="" type="checkbox"/> Subscriber's name and address | <input checked="" type="checkbox"/> Types of services utilized |
| <input checked="" type="checkbox"/> Telephone number, e-mail address, IP address | <input checked="" type="checkbox"/> Length of service, including start date |
| <input checked="" type="checkbox"/> Means and source of payment, including credit card and bank account numbers | |

Connection records

Telephone

- ☒ Local and long distance connection records from 5-29-14 to 8-27-15
- ☒ Locations, dates, and times of cell tower contacts from 5-29-14 to 8-27-15
- ☒ Last outgoing phone number ☒ Last incoming phone number

E-mail and Internet

- ☐ E-mail or IP address of the person or computer contacted, session times, and duration of sessions
from _____ to _____

COMPLIANCE DATE: Provider shall furnish the listed records to Applicant on ASAP.

COMPENSATION: Applicant's agency shall compensate Provider for reasonable expenses in complying with this order.

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this order as follows: ☐ Until 90 days from the date of this order. ☒ Until further order of this court.

FINDINGS

- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose the records listed above to an officer who has established reasonable grounds to believe said records are relevant and material to an ongoing criminal investigation.
- (3) Applicant has filed with this court a declaration containing specific and articulable facts establishing reasonable grounds to believe the listed records are relevant and material to an ongoing criminal investigation.
- (4) Applicant's declaration has established grounds for a non-disclosure order pursuant to 18 USC § 2705(b). Grounds for nondisclosure are based on the following: [check one or more]
 - ☒ Danger to life or safety ☒ Flight from prosecution ☒ Jeopardize an investigation
 - ☒ Evidence destruction or tampering ☒ Intimidation of potential witnesses

Date

Judge of the Superior Court

* Application must be attached

18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA

County of Alameda

Application for Court Order

Electronic Communication Records
(Phone • E-Mail • Internet)



Provider: T-Mobile USA, 4 Sylvan Way, Parsippany, NJ 07054, hereinafter "Provider"

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

Target information (if known)

Phone numbers: **(510) 228-8910**

E-mail address:

Internet protocol (IP) address, and the date and time of contact (if known):

Jurisdiction: Provider is an electronic communication service provider as defined in 18 USC § 2510(15) and is doing business in California.

Applicant: Officer Omega Crum 8413C, Oakland Police Department, hereinafter "Applicant."

Certification: Per 18 USC § 2703(d), I certify that records that are likely to be obtained pursuant to this Order are relevant to an ongoing criminal investigation being conducted by the above law enforcement agency. This certification is based on the following information:

Your affiant is a Police Officer with the City of Oakland and has been a sworn member of this department since December, 2000. Since February 5, 2012 I have been assigned as the Oakland Police Department's Bureau of Field Operations One Intel Officer. Prior to my current assignment I was assigned to the Oakland Police Department's Target Enforcement Task Force (TETF) from 2005 to 2012. Prior to my duties as a member of TETF, I was assigned to the Oakland Police Department's Crime Reduction Team 6 (CRT6) from 2002 to 2005. During my duration at the Oakland Police Department I have written several search warrant/court orders involving the use and tracking of electronic equipment, i.e. hard line telephones, cellular telephones and computers. The information obtained from these warrants/court orders resulted in the arrest of felony warrant suspects, all wanted for violent crimes. I know from experience that most criminals will always keep in contact with family members, associates and partners of crime by use of cellular telephones and occasionally computers.

On April 16th 2014 at about 10:00 AM, Investigators were notified that a homicide callout had been activated for a fatal shooting that occurred in the area of 10th and Willow, at about 0900 hours. The victim sustained multiple gunshot wounds and was transported to Children's Hospital where he was eventually pronounced dead.

At about 10:53 AM, Investigators arrived at the crime scene and parked in the 1000 block of Willow and approached the crime scene from the south. Investigators briefly spoke with Sergeant I. Ramirez who advised them that he recovered video surveillance footage from the store. Ramirez told them that a newer, white, Mercedes Benz SUV was the suspect vehicle used in the homicide. This vehicle and shooting were captured on the store's surveillance equipment. According to video footage, a white Mercedes SUV is seen traveling south on Willow St from 11th St. Approximately 45 seconds later, a male Black (later identified as V1 Fuller) walked across Willow St, east bound. ~~The white Mercedes SUV traveled east passed the victim with the front passenger's door open. A suspect inside the~~ SUV opened fire and shot V1 Fuller, who ran into the liquor store and collapsed.

At 10:57 AM, Investigators met with Officer P. Phillips who took a statement from witness Jackie Gross. Gross told Officer Phillips that the victim had recently been coming and going from 1029 Willow St (an abandoned home for

sale). Just before 9:00 AM, Gross observed the victim exit 1029 Willow St. The victim appeared to hide from the white Mercedes SUV as it drove south on Willow St passed the victim. The victim then continued to walk north on Willow St while he used his cellphone. Gross then heard about six gunshots and saw the same white Mercedes SUV travel east on 11th past Willow St.

Investigators conducted a crime scene walk through with the following police personnel: Officer S. Hamilton, Officer C. Patterson, Technician M. Silvia and Technician T. Kushner. Investigators were directed to eight expended .45 caliber casings on 11th St, east of Willow St. Investigators were told that Paramedics Plus rig # 2130 transported Fuller to Children's Hospital for emergency aid, however Dr. Rubio pronounced Fuller dead at 9:40 AM. Investigators were told that victim Fuller sustained at least one gunshot wound to his torso.

During the preliminary investigation, Officer M. Miller contacted Alameda County Deputy Sheriff A. Duenas #1488 who stated that prior to this homicide, he was driving a prisoner transport bus on the 580/980 flyover when he was cut off by a newer white Mercedes SUV with a partial license plate of "VT." Deputy Duenas stated that it appeared the white SUV was waiting for him before exiting on the 11th and 12th St exit of the 980 freeway. The vehicle continued in a southbound direction on Brush St and stopped at the intersection of 7th and Brush St. The vehicle remained there for about one minute and then made a westbound turn onto 7th St until it was out of view. Deputy Duenas stated that the driver appeared to be bi-racial, possibly Black and Asian with slicked back hair. Deputy Duenas was not close enough to fully identify the driver of the SUV.

On April 17th 2014, at about 9:15 AM, Officer P. Tran attended the autopsy of victim Fuller at the ALCO Coroner's bureau. Fuller sustained one gunshot wound to the left side of his torso that traveled through both of his lungs and his heart. Dr. Rogers performed the examination and determined that the cause of Fuller's death was the aforementioned gunshot wound.

On April 18th 2014, at about 7:45 AM, Investigators received a phone call from Officer T. Bergeron, who is assigned to the Oakland Police Department Intelligence Unit. Officer Bergeron told them that he contacted Hertz Rent a Car corporation and inquired about a Mercedes Benz GLK 350s that were rented from Hertz. Officer Bergeron provided Hertz with the partial license plate of "VT," the partial license plate obtained by Deputy Duenas. Hertz provided Officer Bergeron with a list of vehicles and rental agreements that matched the physical description and contained the same partial plate of "VT." Within that list of vehicles, Officer Bergeron researched a Mercedes Benz GLK 350 bearing the California license plate 6ZVT599. He was able to identify a phone number associated with Lynae Washington (3773 High St #3 Oakland, 510-773-2128) within the rental agreement on 6ZVT599. Officer Bergeron contacted a law enforcement records check of Lynae Washington and determined that Washington was the girlfriend of John Daniels, a Black male born on 09/20/1987. The actual renter of the vehicle was a female identified in the contract as Sara Astrachan (09/25/86 CDL# D5107699). Officer Bergeron was in contact with Hertz Corporate security. Investigators advised Officer Bergeron to have a hold placed on the rental vehicle through Hertz, if the vehicle was to be returned. Investigators also directed Officer Bergeron to have Hertz activate the locate function on the vehicle, if possible.

At about 8:45 AM, Officer Bergeron emailed Investigators a Parole Data workup of John Daniels. Daniels showed active to CDC Parole for 212.5 PC. Investigators observed a photo of Daniels and he has light complexion that could be described as bi-racial. On the parole workup, Lynae Washington is listed as Daniels's girlfriend. Officer Bergeron also told them that Daniels is associated with the "Acorn" criminal street gang from the West Oakland area. "Acorn" gang members were responsible for the shooting death of a 2 year old child (Hiram Lawrence) in the "Lower Bottoms" area of West Oakland. The "Lower Bottoms" is an area where "Campbell Village" gang member claim territory. Investigators knew from training and experience that members of the "Acorn" gang have an on-going feud with members of the "Campbell Village" gang.

On April 21st 2014, at about 3:56 PM, Officer Bergeron conducted an undercover surveillance operation in the City of San Leandro. The officers located the white Mercedes Benz SUV (6ZVT599) associated with Daniels parked in a col de sac in San Leandro. San Leandro Police conducted a law enforcement records query of addresses in the general area where the SUV was located parked. SLPD advised Officer Bergeron that a male Black identified as Marco Hicks had been associated with 14626 Sylvia Way in San Leandro. SLPD also advised that Marco Hicks is listed as an "Acorn" gang member in the CAL GANG database. The Mercedes Benz SUV (6ZVT599) associated with Daniels was located approximately one block away from Hicks's residence.

Based on the aforesaid, Investigators believe that there exists probable cause to arrest John Daniels (Male Black, born on September 20, 1987, 5'11, 145 lbs, PFN: BFB354) for the crime of Homicide (187 PC). A Ramey Warrant is forthcoming.

An ongoing investigation conducted by the Oakland Police Department was able to locate a cell phone number (510) 228-8910 for Daniels. This number was obtained from an informant.

I believe that the installation of the above equipment and the retrieval of the above information on the following telephone number of (510) 228-8910 will assist the Oakland Police Department in their attempt to locate Daniel's whereabouts. Wherefore, your affiant request that a court order be issued upon the above facts.

The listed phone number is registered to the "Provider" T-Mobile.

Disclosure of this application and court order would jeopardize the investigation and/or allow the suspect an opportunity to conceal or destroy evidence.

Declaration: I declare under penalty of perjury that the foregoing is true and correct.

Date

Judge of the Superior Court

Date

Applicant

18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA

County of Alameda



SEARCH WARRANT

Place to be Searched: Sprint Nextel Legal Compliance, 6480 Sprint Parkway, 2nd Floor, Overland Park, KS 66251, hereinafter "Provider"

Type of service provided: ☒ Telephone

☐ E-mail

☐ Internet

APPLICANT: Officer Chad Borjesson, Oakland Police Department, hereinafter "Applicant."

SUBSCRIBER: Frank Silas Phone Number: 510-593-7473.

ORDER: Officer Chad Borjesson, a Police Officer with the Oakland Police Department, has made application to this court for an order authorizing the installation and use of a pen register and trap and trace device on telephone number (510) 593-7473 service provider Sprint PCS, as subscribed to by Frank Silas.

This court finds that the information likely to be gained by such installation and use is relevant and material to an ongoing criminal investigation regarding violation of **PC211 (Robbery)**.

Pursuant to 18 United States Code Section 2703 (c) (d), 3122, 3123 IT IS

HEREBY ORDERED that Sprint PCS, AT&T Wireless Services, Metro PCS, Nextel Communications, Cellco Partner DBA Verizon Wireless, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies), upon request of the Oakland Police Department, shall provide the following information and services without delay: installation and use of pen register, to register numbers dialed or pulsed from the Target Telephone number (510) 593-7473, to record the date and time of such dialing or pulsing, to record the length of the time the telephone receiver is off the hook for incoming or outgoing calls, and to receive cell site and/or location sites, for a period of thirty (30) days from date of this order.

IT IS HEREBY ORDERED that Officer Chad Borjesson and other law enforcement officials working with him may install and use trap and trace devices on the Target Telephones to record the incoming and outgoing telephone numbers calling the Target Telephones, for a period of **thirty (30) days** from date of this order.

IT IS HEREBY ORDERED that Sprint PCS, shall furnish information, facilities and technical assistance necessary to accomplish the installation and operation of the devices unobtrusively and with a minimum of disruption to normal telephone service.

IT IS HEREBY ORDERED that the pen register and trap and trace devices on the Target Telephones are authorized to continue in spite of the fact that the particular telephone number or subscriber information may change, as long as either the number or the subscriber information on the account remains the same and law enforcement believes that the person(s) using the Target Telephones continue to be the same. Further, it is ordered that the affected telephone company notifies Officer Chad Borjesson regarding any changes to the Target Telephones, including number or subscriber changes.

IT IS FURTHER ORDERED that "the wireless carriers", pursuant to specific and articulable facts, shall provide, on an ongoing and/or real-time basis, the location of cell site/sector (physical address) at call origination (for outbound calls), call termination (for incoming calls), and, during the progress of a call, the direction and strength of a signal for telephone number (510) 593-7473 including local and "roam" mode cellular telephone calls, historical data including incoming or outgoing calls, and subscriber information for the telephone number's beginning date and continuing for thirty (30) days from the date this order is issued.

IT IS HEREBY ORDERED that this authorization for the installation and use of a pen register and trap and trace device, including the "caller identification feature" applies not only to the telephone number listed above for (510) 593-7473, but also to any changed telephone number(s) subsequently assigned to the same instrument as (510) 593-7473 within the thirty (30) day period authorized by this order.

IT IS FURTHER ORDERED that pursuant to Title 18 United States Code Section 2703(c) (d), 3122 and 3123 and pursuant to CA Penal Code section 629.90 and 629.91, that the local, long distance and wireless carriers shall furnish officers of the Oakland Police Department, forthwith all information, including, but not limited to, telephone subscriber information, facilities and technical assistance necessary to accomplish the installation and use of the pen register and trap and trace device (including the "caller identification feature"), and do so unobtrusively and with minimum interference with the services that are accorded the persons whose dialing or transmissions are the subject of the pen register and trap and trace device.

IT IS HEREBY ORDERED that Sprint PCS, Nextel Communications, Cricket Communications, Cingular Wireless, MCI WorldCom, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies) shall supply any and all information in their files with respect to the persons called by the Target Telephones and for the persons calling the Target Telephones (except the contents of communications), whether published or non-published, including but not limited to the location of cell site/sector (physical address) of call termination without geographical limits, call initiation and call progress locations (Automated Message Accounting Data), raw data information, subscriber names and addresses, credit information, application information, toll records (to include all outgoing and incoming calls), cell site locations and billing information and unbilled records, upon oral or written demand of the Oakland Police Department and FBI.

IT IS HEREBY ORDERED that pursuant to probable cause Sprint PCS assist in the attempt to locate said telephone by the use of GPS coordinates, and provide text message content if applicable.

IT IS HEREBY ORDERED that Sprint PCS provide call detailed records with cell site/sector information for said telephone number for two weeks prior to signing of this court order. All Subscriber information to include location of purchase of said telephone, method of payments and IMSI, MZ and IMEI numbers belonging to the Target Telephone.

IT IS HEREBY ORDERED that this order by the court states that the telecommunications companies shall not disclose the existence of the pen register, the trap and trace device or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the court.

Based on the findings below, Provider is ordered to furnish Applicant with the following records if they are in Provider's possession or if they can be obtained with reasonable effort:

Subscriber records

☒Subscriber's name and address

☒Types of services utilized

☒Telephone number, e-mail address, IP address

☒Length of service, including start date

☒Means and source of payment, including credit card and bank account numbers

Connection records

Telephone

- ☒ Local and long distance connection records, incoming and outgoing text messages with content from August 1ST, 2014 to September 12TH, 2014
- ☒ Locations, dates, and times of cell tower contacts.
- ☒ Last outgoing phone number ☒ Last incoming phone number

COMPLIANCE DATE: Provider shall furnish the listed records to Applicant ASAP.

COMPENSATION: Applicant's agency shall compensate Provider for reasonable expenses in complying with this order.

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this order as follows: ☐ Until 90 days from the date of this order. ☒ Until further order of this court.

FINDINGS

- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose the records listed above to an officer who has established reasonable grounds to believe said records are relevant and material to an ongoing criminal investigation.
- (3) Applicant has filed with this court a declaration containing specific and articulable facts establishing reasonable grounds to believe the listed records are relevant and material to an ongoing criminal investigation.
- (4) Applicant's declaration has established grounds for a non-disclosure order pursuant to 18 USC § 2705(b). Grounds for nondisclosure are based on the following: [check one or more]
- ☒ Danger to life or safety ☒ Jeopardize an investigation ☒ Flight from prosecution
- ☒ Evidence destruction or tampering ☒ Intimidation of potential witnesses

Disposition of property: All property seized pursuant to this search warrant shall be retained in the affiant's custody pending further court order pursuant to Penal Code §§ 1528(a), 1536.

Date and time warrant issued

Judge of the Superior Court

◆ AFFIDAVIT ◆

Affiant's name and agency: Chad Borjesson, Oakland Police Department.

Evidence type: (Penal Code § 1524)

- Property or things that are evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

YOUR AFFIANT SAYS THAT THE FACTS IN SUPPORT OF THE ISSUANCE OF THE SEARCH WARRANT ARE AS FOLLOWS:

My name is Chad Borjesson. I have been employed with the Oakland Police Department since June 2000. I have been a police officer in Oakland for 13 years. In January 2014 I was assigned to the Oakland Police Department Criminal Investigations, Robbery Unit. My primary responsibility involves the investigation of crimes relating to robberies. My secondary responsibilities include the investigation of the commission of any crime committed within the State of California enumerated and proscribed by statute. My previous assignment was with the Patrol Division. My primary responsibilities while in the Patrol Division were to conduct preliminary investigations for crimes such as but not limited to homicide, assault, robbery, theft, burglary, firearms violations, narcotic and controlled substance violations, and domestic violence. Prior to my assignment in the Patrol Division I was assigned to the Crime Reduction Team (CRT). My primary responsibilities while in CRT were violence suppression, accomplished through investigation of narcotic / controlled substance, and firearm related violations.

I have attended instructional courses regarding the identification of, and proper determination of, what constitutes a crime, the intent, state of mind or negligence necessary for the committing of crimes and the identification and apprehension of the person or persons responsible. My education consists of, but is not limited to, the Oakland Police Department's Basic Police Academy (1052 hours). I have attended the Oakland Police Department 40 hour, Basic Investigators Course. I attended the Drug Enforcement Agency 80 hour course which included packaging manufacturing, and trafficking of narcotics and controlled substances. I have attended the California Narcotics Officers Association Convention where I received 40 hours of narcotics and controlled substance related training. I have attended the International Undercover Officers Association 40 hour course which included training on undercover operations. I have attended the California Narcotics Officers Association 8 hour course on search warrant preparation. I have attended the Oakland Police Department Post Certified Basic Search Warrant & Informant Management 40 hour course. I have attended the Behavior Analysis Investigative Interview and Interrogation Techniques (BATI) 40 hour course. I receive continuing on-the-job training and learning from professionals (police and civilian) who are considered experts in various and specified fields of criminal investigation.

On August 28TH, 2014 I was assigned Oakland Police Department report # 14-042483. The report describes an armed robbery that occurred on August 21ST, 2014 at 9:30 PM, in front of 2286 35TH Avenue Oakland California, 94601.

On August 21ST, 2014, at about 11:10 PM, Officer S. Lorda was dispatched to 2714 Viola Street to investigate the report of an armed robbery that occurred in the area of 35TH Avenue and Allendale Avenue. Officer Lorda made contact with J. Gallagher (Victim 1). Victim 1 told Officer Lorda the following:

Victim 1 was walking home from the Fruitvale BART station along the east sidewalk in the 2200 block of 35TH Avenue. Victim 1 heard someone behind him say, "Hey can I ask you a question!" Victim 1 turned around and saw Suspect 1. Victim 1 described Suspect 1 as Male Hispanic or Male Black, mid 20's to 30's, 5'-6"; 150 to 160 pounds, possibly with a beard, wearing a gray hooded sweatshirt with the hood up, and faded jeans. Suspect 1 was holding a black handgun in his right hand with the muzzle protruding from the sleeve of his sweatshirt. Suspect 1 pointed the gun at Victim 1 and said, "Get on the ground, get on the ground!" Victim 1 was scared and feared that if he did not comply with Suspect 1's demands he would be shot. Victim 1 got on the ground, face down. Suspect 1 removed Victim 1's blue Jan Sport backpack from Victim 1's back. The back pack contained notebooks, a phone charger, a computer charger, and an inhaler. Suspect 1 searched through Victim 1's sweatshirt and pants pockets. Suspect 1 reached into Victim 1's right front sweatshirt pocket and took Victim 1's HTC1 cell phone. Suspect 1 also reached into Victim 1's right front pants pocket and took Victim 1's wallet. S1 reached into Victim 1's left front pants pocket and took Victim 1's Subaru and house keys. Suspect 1 fled north on 35TH Avenue on foot then turned east on Davis Street.

Victim 1 got up and followed Suspect 1. Victim 1 saw Suspect 1 get into the right front passenger seat of a four door white sedan. The vehicle that Suspect 1 got into had with California license plate # 7FIR210 on it. The vehicle was parked on the 3500 block of Davis Street facing west. Victim 1 could not see the driver of the vehicle. The vehicle drove off west on Davis Street then north on 35TH Avenue passing Victim 1. Victim 1 went home and called police to report the robbery.

Victim 1 advised Officer Lorda that his HTC1 cell phone was traceable, and that he was tracking his stolen cell phone. Victim 1 stated that his stolen cell phone was showing in the area of Hollis Street and Peralta Street in West Oakland.

Officers were sent to Hollis Street and Peralta Street to look for the phone and did not find it.

EXHIBIT A CONTAINS SEALED DETAILS.

On September 10TH, 2014, at about 12:30 PM Victim 1 arrived at CID. I escorted Victim1 into CID interview room # 206. Officer Daza-Quiroz is not familiar with the case. Officer Daza-Quiroz presented the lineup to Victim 1.

Officer Daza-Quiroz read the photo lineup waiver to Victim1 verbatim, and Victim 1 understood the waiver. During the lineup Victim1 stated that the person in photo number 3 (Frank Silas) might be a match and resembles the individual that did the robbery. Victim 1 also stated that the person in photo number 5 (Filler) is a possible match that the picture looks familiar however he is not sure that it is the person who robbed him.

Using the Department of Motor Vehicles (DMV) Cal-Photo I searched for address information for SILAS. SILAS' listed address is 1072 30TH Street Oakland, California 94608. SILAS last updated his address with the DMV on September 18TH, 2012.

Using the Consolidated Records Information Management System (CRIMS) I attempted to locate a current address for SILAS. SILAS' most recent CRIMS address as of August 15TH, 2012 is 963 Center Street, Oakland, and 836 Poplar Street, Oakland as of 2010.

Using the Law Enforcement Analysis Portal (LEAP) I searched for information about SILAS. SILAS has multiple police contacts in the area of 30TH Street and Linden Street, 30TH Street and Filbert Street. I was not able to locate any current residence addresses in LEAP for SILAS.

I know from training and experience that robbery suspects will contact coconspirators prior to and after robberies are committed via cellular phones. I know that cellular phone providers store connection records of incoming and outgoing phone calls, and text messages along with the dates, times, and caller information. I believe that the results of the data collected from the provider will tend to show who SILAS was in contact with prior to, and after the commission of the Robbery detailed in this affidavit.

I know that cellular phones use towers continuously in order to provide service. The approximate geographic coordinates of cellular phones are stored within cellular provider networks. I believe that the results of the data collected from the provider will tend to show the geographical location of SILAS' cell phone during the commission of the Robbery detailed in this affidavit.

It is my intention to prepare a search warrant for SILAS residence in order to locate evidence of the robbery. At this time I am not able to determine SILAS' actual address. I believe that the installation of the above equipment and the retrieval of the above information will assist the Oakland Police Department in their attempt to locate SILAS' actual residence.

Therefore, I request that a search warrant be issued, based upon the above facts.

I declare under penalty of perjury that the information within my personal knowledge contained in this affidavit, including all incorporated documents, is true.

Subscribed and sworn before me on

Signature of Affiant

Signature of Magistrate

SUPERIOR COURT OF CALIFORNIA

County of Alameda



SEARCH WARRANT

Place to be Searched: Sprint Nextel Legal Compliance, 6480 Sprint Parkway, 2nd Floor, Overland Park, KS 66251, hereinafter "Provider"

Type of service provided: ☒ Telephone

☐ E-mail

☐ Internet

APPLICANT: Officer Chad Borjesson, Oakland Police Department, hereinafter "Applicant."

SUBSCRIBER: Frank Silas Phone Number: 510-593-7473.

ORDER: Officer Chad Borjesson, a Police Officer with the Oakland Police Department, has made application to this court for an order authorizing the installation and use of a pen register and trap and trace device on telephone number (510) 593-7473 service provider Sprint PCS, as subscribed to by Frank Silas.

This court finds that the information likely to be gained by such installation and use is relevant and material to an ongoing criminal investigation regarding violation of PC211 (Robbery).

Pursuant to 18 United States Code Section 2703 (c) (d), 3122, 3123 IT IS

HEREBY ORDERED that Sprint PCS, AT&T Wireless Services, Metro PCS, Nextel Communications, Cellco Partner DBA Verizon Wireless, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies), upon request of the Oakland Police Department, shall provide the following information and services without delay: installation and use of pen register, to register numbers dialed or pulsed from the Target Telephone number (510) 593-7473, to record the date and time of such dialing or pulsing, to record the length of the time the telephone receiver is off the hook for incoming or outgoing calls, and to receive cell site and/or location sites, for a period of thirty (30) days from date of this order.

IT IS HEREBY ORDERED that Officer Chad Borjesson and other law enforcement officials working with him may install and use trap and trace devices on the Target Telephones to record the incoming and outgoing telephone numbers calling the Target Telephones, for a period of **thirty (30) days** from date of this order.

IT IS HEREBY ORDERED that Sprint PCS, shall furnish information, facilities and technical assistance necessary to accomplish the installation and operation of the devices unobtrusively and with a minimum of disruption to normal telephone service.

IT IS HEREBY ORDERED that the pen register and trap and trace devices on the Target Telephones are authorized to continue in spite of the fact that the particular telephone number or subscriber information may change, as long as ~~either the number or the subscriber information on the account remains the same and law enforcement believes that the~~ person(s) using the Target Telephones continue to be the same. Further, it is ordered that the affected telephone company notifies Officer Chad Borjesson regarding any changes to the Target Telephones, including number or subscriber changes.

IT IS FURTHER ORDERED that "the wireless carriers", pursuant to specific and articulable facts, shall provide, on an ongoing and/or real-time basis, the location of cell site/sector (physical address) at call origination (for outbound calls), call termination (for incoming calls), and, during the progress of a call, the direction and strength of a signal for telephone number (510) 593-7473 including local and "roam" mode cellular telephone calls, historical data including incoming or outgoing calls, and subscriber information for the telephone number's beginning date and continuing for thirty (30) days from the date this order is issued.

IT IS HEREBY ORDERED that this authorization for the installation and use of a pen register and trap and trace device, including the "caller identification feature" applies not only to the telephone number listed above for (510) 593-7473, but also to any changed telephone number(s) subsequently assigned to the same instrument as (510) 593-7473 within the thirty (30) day period authorized by this order.

IT IS FURTHER ORDERED that pursuant to Title 18 United States Code Section 2703(c) (d), 3122 and 3123 and pursuant to CA Penal Code section 629.90 and 629.91, that the local, long distance and wireless carriers shall furnish officers of the Oakland Police Department, forthwith all information, including, but not limited to, telephone subscriber information, facilities and technical assistance necessary to accomplish the installation and use of the pen register and trap and trace device (including the "caller identification feature"), and do so unobtrusively and with minimum interference with the services that are accorded the persons whose dialing or transmissions are the subject of the pen register and trap and trace device.

IT IS HEREBY ORDERED that Sprint PCS, Nextel Communications, Cricket Communications, Cingular Wireless, MCI WorldCom, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies) shall supply any and all information in their files with respect to the persons called by the Target Telephones and for the persons calling the Target Telephones (except the contents of communications), whether published or non-published, including but not limited to the location of cell site/sector (physical address) of call termination without geographical limits, call initiation and call progress locations (Automated Message Accounting Data), raw data information, subscriber names and addresses, credit information, application information, toll records (to include all outgoing and incoming calls), cell site locations and billing information and unbilled records, upon oral or written demand of the Oakland Police Department and FBI.

IT IS HEREBY ORDERED that pursuant to probable cause Sprint PCS assist in the attempt to locate said telephone by the use of GPS coordinates, and provide text message content if applicable.

IT IS HEREBY ORDERED that Sprint PCS provide call detailed records with cell site/sector information for said telephone number for two weeks prior to signing of this court order. All Subscriber information to include location of purchase of said telephone, method of payments and IMSI, MZ and IMEI numbers belonging to the Target Telephone.

IT IS HEREBY ORDERED that this order by the court states that the telecommunications companies shall not disclose the existence of the pen register, the trap and trace device or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the court.

Based on the findings below, Provider is ordered to furnish Applicant with the following records if they are in Provider's possession or if they can be obtained with reasonable effort:

Subscriber records

☒ Subscriber's name and address

☒ Types of services utilized

☒ Telephone number, e-mail address, IP address

☒ Length of service, including start date

☒ Means and source of payment, including credit card and bank account numbers

Connection records

Telephone

- ☒ **Local and long distance connection records, incoming and outgoing text messages with content from August 1ST, 2014 to September 12TH, 2014**
- ☒ Locations, dates, and times of cell tower contacts.
- ☒ Last outgoing phone number ☒ Last incoming phone number

COMPLIANCE DATE: Provider shall furnish the listed records to Applicant ASAP.

COMPENSATION: Applicant's agency shall compensate Provider for reasonable expenses in complying with this order.

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this order as follows: ☐ Until 90 days from the date of this order. ☒ Until further order of this court.

FINDINGS

- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose the records listed above to an officer who has established reasonable grounds to believe said records are relevant and material to an ongoing criminal investigation.
- (3) Applicant has filed with this court a declaration containing specific and articulable facts establishing reasonable grounds to believe the listed records are relevant and material to an ongoing criminal investigation.
- (4) Applicant's declaration has established grounds for a non-disclosure order pursuant to 18 USC § 2705(b). Grounds for nondisclosure are based on the following: [check one or more]
- ☒ Danger to life or safety ☒ Jeopardize an investigation ☒ Flight from prosecution
- ☒ Evidence destruction or tampering ☒ Intimidation of potential witnesses

Disposition of property: All property seized pursuant to this search warrant shall be retained in the affiant's custody pending further court order pursuant to Penal Code §§ 1528(a), 1536.

Date and time warrant issued

Judge of the Superior Court

◆ AFFIDAVIT ◆

Affiant's name and agency: Chad Borjesson, Oakland Police Department.

Evidence type: (Penal Code § 1524)

- Property or things that are evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

YOUR AFFIANT SAYS THAT THE FACTS IN SUPPORT OF THE ISSUANCE OF THE SEARCH WARRANT ARE AS FOLLOWS:

My name is Chad Borjesson. I have been employed with the Oakland Police Department since June 2000. I have been a police officer in Oakland for 13 years. In January 2014 I was assigned to the Oakland Police Department Criminal Investigations, Robbery Unit. My primary responsibility involves the investigation of crimes relating to robberies. My secondary responsibilities include the investigation of the commission of any crime committed within the State of California enumerated and proscribed by statute. My previous assignment was with the Patrol Division. My primary responsibilities while in the Patrol Division were to conduct preliminary investigations for crimes such as but not limited to homicide, assault, robbery, theft, burglary, firearms violations, narcotic and controlled substance violations, and domestic violence. Prior to my assignment in the Patrol Division I was assigned to the Crime Reduction Team (CRT). My primary responsibilities while in CRT were violence suppression, accomplished through investigation of narcotic / controlled substance, and firearm related violations.

I have attended instructional courses regarding the identification of, and proper determination of, what constitutes a crime, the intent, state of mind or negligence necessary for the committing of crimes and the identification and apprehension of the person or persons responsible. My education consists of, but is not limited to, the Oakland Police Department's Basic Police Academy (1052 hours). I have attended the Oakland Police Department 40 hour, Basic Investigators Course. I attended the Drug Enforcement Agency 80 hour course which included packaging manufacturing, and trafficking of narcotics and controlled substances. I have attended the California Narcotics Officers Association Convention where I received 40 hours of narcotics and controlled substance related training. I have attended the International Undercover Officers Association 40 hour course which included training on undercover operations. I have attended the California Narcotics Officers Association 8 hour course on search warrant preparation. I have attended the Oakland Police Department Post Certified Basic Search Warrant & Informant Management 40 hour course. I have attended the Behavior Analysis Investigative Interview and Interrogation Techniques (BATI) 40 hour course. I receive continuing on-the-job training and learning from professionals (police and civilian) who are considered experts in various and specified fields of criminal investigation.

On August 28TH, 2014 I was assigned Oakland Police Department report # 14-042483. The report describes an armed robbery that occurred on August 21ST, 2014 at 9:30 PM, in front of 2286 35TH Avenue Oakland California, 94601.

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It is my intention to prepare a search warrant for SILAS residence in order to locate evidence of the robbery. At this time I am not able to determine SILAS' actual address. I believe that the installation of the above equipment and the retrieval of the above information will assist the Oakland Police Department in their attempt to locate SILAS' actual residence.

Therefore, I request that a search warrant be issued, based upon the above facts.

I declare under penalty of perjury that the information within my personal knowledge contained in this affidavit, including all incorporated documents, is true.

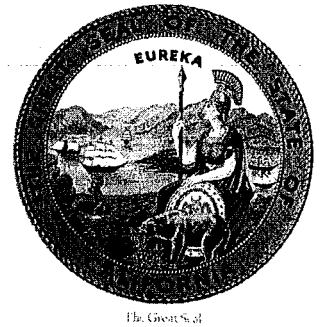
Subscribed and sworn before me on

Signature of Affiant

Signature of Magistrate

SUPERIOR COURT OF CALIFORNIA

County of Alameda



SEARCH WARRANT

Place to be Searched: Sprint Nextel Legal Compliance, 6480 Sprint Parkway, 2nd Floor, Overland Park, KS 66251, hereinafter "Provider"

Type of service provided: ☒ Telephone

☐ E-mail

☐ Internet

APPLICANT: Officer Chad Borjesson, Oakland Police Department, hereinafter "Applicant."

SUBSCRIBER: Frank Silas Phone Number: 510-593-7473.

ORDER: Officer Chad Borjesson, a Police Officer with the Oakland Police Department, has made application to this court for an order authorizing the installation and use of a pen register and trap and trace device on telephone number (510) 593-7473 service provider Sprint PCS, as subscribed to by Frank Silas.

This court finds that the information likely to be gained by such installation and use is relevant and material to an ongoing criminal investigation regarding violation of **PC211 (Robbery)**.

Pursuant to 18 United States Code Section 2703 (c) (d), 3122, 3123 IT IS

HEREBY ORDERED that Sprint PCS, AT&T Wireless Services, Metro PCS, Nextel Communications, Cellco Partner DBA Verizon Wireless, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies), upon request of the Oakland Police Department, shall provide the following information and services without delay: installation and use of pen register, to register numbers dialed or pulsed from the Target Telephone number (510) 593-7473, to record the date and time of such dialing or pulsing, to record the length of the time the telephone receiver is off the hook for incoming or outgoing calls, and to receive cell site and/or location sites, for a period of thirty (30) days from date of this order.

IT IS HEREBY ORDERED that Officer Chad Borjesson and other law enforcement officials working with him may install and use trap and trace devices on the Target Telephones to record the incoming and outgoing telephone numbers calling the Target Telephones, for a period of **thirty (30) days** from date of this order.

IT IS HEREBY ORDERED that Sprint PCS, shall furnish information, facilities and technical assistance necessary to accomplish the installation and operation of the devices unobtrusively and with a minimum of disruption to normal telephone service.

IT IS HEREBY ORDERED that the pen register and trap and trace devices on the Target Telephones are authorized to continue in spite of the fact that the particular telephone number or subscriber information may change, as long as ~~either the number or the subscriber information on the account remains the same and law enforcement believes that the~~ person(s) using the Target Telephones continue to be the same. Further, it is ordered that the affected telephone company notifies Officer Chad Borjesson regarding any changes to the Target Telephones, including number or subscriber changes.

IT IS FURTHER ORDERED that "the wireless carriers", pursuant to specific and articulable facts, shall provide, on an ongoing and/or real-time basis, the location of cell site/sector (physical address) at call origination (for outbound calls), call termination (for incoming calls), and, during the progress of a call, the direction and strength of a signal for telephone number **(510) 593-7473** including local and "roam" mode cellular telephone calls, historical data including incoming or outgoing calls, and subscriber information for the telephone number's beginning date and continuing for thirty (30) days from the date this order is issued.

IT IS HEREBY ORDERED that this authorization for the installation and use of a pen register and trap and trace device, including the "caller identification feature" applies not only to the telephone number listed above for **(510) 593-7473**, but also to any changed telephone number(s) subsequently assigned to the same instrument as **(510) 593-7473** within the thirty (30) day period authorized by this order.

IT IS FURTHER ORDERED that pursuant to Title 18 United States Code Section 2703(c) (d), 3122 and 3123 and pursuant to CA Penal Code section 629.90 and 629.91, that the local, long distance and wireless carriers shall furnish officers of the Oakland Police Department, forthwith all information, including, but not limited to, telephone subscriber information, facilities and technical assistance necessary to accomplish the installation and use of the pen register and trap and trace device (including the "caller identification feature"), and do so unobtrusively and with minimum interference with the services that are accorded the persons whose dialing or transmissions are the subject of the pen register and trap and trace device.

IT IS HEREBY ORDERED that Sprint PCS, Nextel Communications, Cricket Communications, Cingular Wireless, MCI WorldCom, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies) shall supply any and all information in their files with respect to the persons called by the Target Telephones and for the persons calling the Target Telephones (except the contents of communications), whether published or non-published, including but not limited to the location of cell site/sector (physical address) of call termination without geographical limits, call initiation and call progress locations (Automated Message Accounting Data), raw data information, subscriber names and addresses, credit information, application information, toll records (to include all outgoing and incoming calls), cell site locations and billing information and unbilled records, upon oral or written demand of the Oakland Police Department and FBI.

IT IS HEREBY ORDERED that pursuant to probable cause Sprint PCS assist in the attempt to locate said telephone by the use of GPS coordinates, and provide text message content if applicable.

IT IS HEREBY ORDERED that Sprint PCS provide call detailed records with cell site/sector information for said telephone number for two weeks prior to signing of this court order. All Subscriber information to include location of purchase of said telephone, method of payments and IMSI, MZ and IMEI numbers belonging to the Target Telephone.

IT IS HEREBY ORDERED that this order by the court states that the telecommunications companies shall not disclose the existence of the pen register, the trap and trace device or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the court.

Based on the findings below, Provider is ordered to furnish Applicant with the following records if they are in Provider's possession or if they can be obtained with reasonable effort:

Subscriber records

☒ Subscriber's name and address

☒ Types of services utilized

☒ Telephone number, e-mail address, IP address

☒ Length of service, including start date

☒ Means and source of payment, including credit card and bank account numbers

Connection records

Telephone

- ☒ **Local and long distance connection records, incoming and outgoing text messages with content from August 1ST, 2014 to September 12TH, 2014**
- ☒ Locations, dates, and times of cell tower contacts.
- ☒ Last outgoing phone number ☒ Last incoming phone number

COMPLIANCE DATE: Provider shall furnish the listed records to Applicant ASAP.

COMPENSATION: Applicant's agency shall compensate Provider for reasonable expenses in complying with this order.

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this order as follows: ☐ Until 90 days from the date of this order. ☒ Until further order of this court.

FINDINGS

- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose the records listed above to an officer who has established reasonable grounds to believe said records are relevant and material to an ongoing criminal investigation.
- (3) Applicant has filed with this court a declaration containing specific and articulable facts establishing reasonable grounds to believe the listed records are relevant and material to an ongoing criminal investigation.
- (4) Applicant's declaration has established grounds for a non-disclosure order pursuant to 18 USC § 2705(b). Grounds for nondisclosure are based on the following: [check one or more]
- ☒ Danger to life or safety ☒ Jeopardize an investigation ☒ Flight from prosecution
- ☒ Evidence destruction or tampering ☒ Intimidation of potential witnesses

Disposition of property: All property seized pursuant to this search warrant shall be retained in the affiant's custody pending further court order pursuant to Penal Code §§ 1528(a), 1536.

Date and time warrant issued

Judge of the Superior Court

◆ AFFIDAVIT ◆

Affiant's name and agency: Chad Borjesson, Oakland Police Department.

Evidence type: (Penal Code § 1524)

- Property or things that are evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

YOUR AFFIANT SAYS THAT THE FACTS IN SUPPORT OF THE ISSUANCE OF THE SEARCH WARRANT ARE AS FOLLOWS:

My name is Chad Borjesson. I have been employed with the Oakland Police Department since June 2000. I have been a police officer in Oakland for 13 years. In January 2014 I was assigned to the Oakland Police Department Criminal Investigations, Robbery Unit. My primary responsibility involves the investigation of crimes relating to robberies. My secondary responsibilities include the investigation of the commission of any crime committed within the State of California enumerated and proscribed by statute. My previous assignment was with the Patrol Division. My primary responsibilities while in the Patrol Division were to conduct preliminary investigations for crimes such as but not limited to homicide, assault, robbery, theft, burglary, firearms violations, narcotic and controlled substance violations, and domestic violence. Prior to my assignment in the Patrol Division I was assigned to the Crime Reduction Team (CRT). My primary responsibilities while in CRT were violence suppression, accomplished through investigation of narcotic / controlled substance, and firearm related violations.

I have attended instructional courses regarding the identification of, and proper determination of, what constitutes a crime, the intent, state of mind or negligence necessary for the committing of crimes and the identification and apprehension of the person or persons responsible. My education consists of, but is not limited to, the Oakland Police Department's Basic Police Academy (1052 hours). I have attended the Oakland Police Department 40 hour, Basic Investigators Course. I attended the Drug Enforcement Agency 80 hour course which included packaging manufacturing, and trafficking of narcotics and controlled substances. I have attended the California Narcotics Officers Association Convention where I received 40 hours of narcotics and controlled substance related training. I have attended the International Undercover Officers Association 40 hour course which included training on undercover operations. I have attended the California Narcotics Officers Association 8 hour course on search warrant preparation. I have attended the Oakland Police Department Post Certified Basic Search Warrant & Informant Management 40 hour course. I have attended the Behavior Analysis Investigative Interview and Interrogation Techniques (BATI) 40 hour course. I receive continuing on-the-job training and learning from professionals (police and civilian) who are considered experts in various and specified fields of criminal investigation.

On August 28TH, 2014 I was assigned Oakland Police Department report # 14-042483. The report describes an armed robbery that occurred on August 21ST, 2014 at 9:30 PM, in front of 2286 35TH Avenue Oakland California, 94601.

On August 21ST, 2014, at about 11:10 PM, Officer S. Lorda was dispatched to 2714 Viola Street to investigate the report of an armed robbery that occurred in the area of 35TH Avenue and Allendale Avenue. Officer Lorda made contact with J. Gallagher (Victim 1). Victim 1 told Officer Lorda the following:

Victim 1 was walking home from the Fruitvale BART station along the east sidewalk in the 2200 block of 35TH Avenue. Victim 1 heard someone behind him say, "Hey can I ask you a question!" Victim 1 turned around and saw Suspect 1. Victim 1 described Suspect 1 as Male Hispanic or Male Black, mid 20's to 30's, 5'-6"; 150 to 160 pounds, possibly with a beard, wearing a gray hooded sweatshirt with the hood up, and faded jeans. Suspect 1 was holding a black handgun in his right hand with the muzzle protruding from the sleeve of his sweatshirt. Suspect 1 pointed the gun at Victim 1 and said, "Get on the ground, get on the ground!" Victim 1 was scared and feared that if he did not comply with Suspect 1's demands he would be shot. Victim 1 got on the ground, face down. Suspect 1 removed Victim 1's blue Jan Sport backpack from Victim 1's back. The back pack contained notebooks, a phone charger, a computer charger, and an inhaler. Suspect 1 searched through Victim 1's sweatshirt and pants pockets. Suspect 1 reached into Victim 1's right front sweatshirt pocket and took Victim 1's HTC1 cell phone. Suspect 1 also reached into Victim 1's right front pants pocket and took Victim 1's wallet. S1 reached into Victim 1's left front pants pocket and took Victim 1's Subaru and house keys. Suspect 1 fled north on 35TH Avenue on foot then turned east on Davis Street.

Victim 1 got up and followed Suspect 1. Victim 1 saw Suspect 1 get into the right front passenger seat of a four door white sedan. The vehicle that Suspect 1 got into had with California license plate # 7FIR210 on it. The vehicle was parked on the 3500 block of Davis Street facing west. Victim 1 could not see the driver of the vehicle. The vehicle drove off west on Davis Street then north on 35TH Avenue passing Victim 1. Victim 1 went home and called police to report the robbery.

Victim 1 advised Officer Lorda that his HTC1 cell phone was traceable, and that he was tracking his stolen cell phone. Victim 1 stated that his stolen cell phone was showing in the area of Hollis Street and Peralta Street in West Oakland.

Officers were sent to Hollis Street and Peralta Street to look for the phone and did not find it.

EXHIBIT A CONTAINS SEALED DETAILS.

On September 10TH, 2014, at about 12:30 PM Victim 1 arrived at CID. I escorted Victim1 into CID interview room # 206. Officer Daza-Quiroz is not familiar with the case. Officer Daza-Quiroz presented the lineup to Victim 1.

Officer Daza-Quiroz read the photo lineup waiver to Victim1 verbatim, and Victim 1 understood the waiver. During the lineup Victim1 stated that the person in photo number 3 (Frank Silas) might be a match and resembles the individual that did the robbery. Victim 1 also stated that the person in photo number 5 (Filler) is a possible match that the picture looks familiar however he is not sure that it is the person who robbed him.

Using the Department of Motor Vehicles (DMV) Cal-Photo I searched for address information for SILAS. SILAS' listed address is 1072 30TH Street Oakland, California 94608. SILAS last updated his address with the DMV on September 18TH, 2012.

Using the Consolidated Records Information Management System (CRIMS) I attempted to locate a current address for SILAS. SILAS' most recent CRIMS address as of August 15TH, 2012 is 963 Center Street, Oakland, and 836 Poplar Street, Oakland as of 2010.

Using the Law Enforcement Analysis Portal (LEAP) I searched for information about SILAS. SILAS has multiple police contacts in the area of 30TH Street and Linden Street, 30TH Street and Filbert Street. I was not able to locate any current residence addresses in LEAP for SILAS.

I know from training and experience that robbery suspects will contact coconspirators prior to and after robberies are committed via cellular phones. I know that cellular phone providers store connection records of incoming and outgoing phone calls, and text messages along with the dates, times, and caller information. I believe that the results of the data collected from the provider will tend to show who SILAS was in contact with prior to, and after the commission of the Robbery detailed in this affidavit.

I know that cellular phones use towers continuously in order to provide service. The approximate geographic coordinates of cellular phones are stored within cellular provider networks. I believe that the results of the data collected from the provider will tend to show the geographical location of SILAS' cell phone during the commission of the Robbery detailed in this affidavit.

It is my intention to prepare a search warrant for SILAS residence in order to locate evidence of the robbery. At this time I am not able to determine SILAS' actual address. I believe that the installation of the above equipment and the retrieval of the above information will assist the Oakland Police Department in their attempt to locate SILAS' actual residence.

Therefore, I request that a search warrant be issued, based upon the above facts.

I declare under penalty of perjury that the information within my personal knowledge contained in this affidavit, including all incorporated documents, is true.

Subscribed and sworn before me on

Signature of Affiant

Signature of Magistrate

SUPERIOR COURT OF CALIFORNIA
County of Alameda

COURT ORDER*
Electronic Communication Records
(Phone ♦ E-Mail ♦ Internet)



TO: AT&T Wireless, P.O. Box 24679, West Palm Beach, FL, 33416, hereinafter "Provider"

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

APPLICANT: Officer George Buford, Oakland Police Department, hereinafter "Applicant."

SUBSCRIBER: (510) 388-8652

ORDER: Officer George Buford, a of Police with the Oakland Police Department, has made application to this court for an order authorizing the installation and use of a pen register and trap and trace device on telephone number **(510) 388-8652** service provider AT&T Wireless Services, as subscribed to by an unknown person(s) and addresses.

This court finds that the information likely to be gained by such installation and use is relevant and material to an ongoing criminal investigation regarding violation of **211 P/C (Robbery)**, **3056 P/C (Parole Violation)**, and **29800 (A)(1) P/C (Felon in Possession of Firearm)**.

Pursuant to probable cause and US Title 18 United States Code Section 2703 (c) (d), 3122, 3123 IT IS

HEREBY ORDERED that AT&T Wireless Services, Metro PCS, Nextel Communications, Cellco Partner DBA Verizon Wireless, Sprint PCS, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies), upon request of the Federal Bureau of Investigation (FBI) and the Oakland Police Department, shall provide the following information and services without delay: installation and use of pen register, to register numbers dialed or pulsed from the Target Telephone number **(510) 388-8652**, to record the date and time of such dialing or pulsing, to record the length of the time the telephone receiver is off the hook for incoming or outgoing calls, and to receive cell site and/or location sites, for a period of thirty (30) days from date of this order.

IT IS HEREBY ORDERED that Officer George Buford and other law enforcement officials working with him may install and use trap and trace devices on the Target Telephones to record the incoming and outgoing telephone numbers calling the Target Telephones, for a period of **thirty (30) days** from date of this order.

IT IS HEREBY ORDERED that AT&T Wireless Services shall furnish information, facilities and technical assistance necessary to accomplish the installation and operation of the devices unobtrusively and with a minimum of disruption to normal telephone service.

IT IS HEREBY ORDERED that the pen register and trap and trace devices on the Target Telephones are authorized to continue in spite of the fact that the particular telephone number or subscriber information may change, as long as either the number or the subscriber information on the account remains the same and law enforcement believes that the person(s) using the Target Telephones continue to be the same. Further, it is ordered that the affected telephone company notifies Officer Omega Crum regarding any changes to the Target Telephones, including number or subscriber changes.

IT IS FURTHER ORDERED that "the wireless carriers", pursuant to specific and articulable facts, shall provide, on an ongoing and/or real-time basis, the location of cell site/sector (physical address) at call origination (for outbound calls),

call termination (for incoming calls), and, during the progress of a call, the direction and strength of a signal for telephone number **(510) 388-8652** including local and "roam" mode cellular telephone calls, historical data including incoming or outgoing calls, and subscriber information for the telephone number's beginning date and continuing for thirty (30) days from the date this order is issued.

IT IS HEREBY ORDERED that this authorization for the installation and use of a pen register and trap and trace device, including the "caller identification feature" applies not only to the telephone number listed above for **(510) 388-8652**, but also to any changed telephone number(s) subsequently assigned to the same instrument as **(510) 388-8652** within the thirty (30) day period authorized by this order.

IT IS FURTHER ORDERED that pursuant to Title 18 United States Code Section 2703(c) (d), 3122 and 3123 and pursuant to CA Penal Code section 629.90 and 629.91, that the local, long distance and wireless carriers shall furnish officers of the Oakland Police Department and agents of the FBI, forthwith all information, including, but not limited to, telephone subscriber information, facilities and technical assistance necessary to accomplish the installation and use of the pen register and trap and trace device (including the "caller identification feature"), and do so unobtrusively and with minimum interference with the services that are accorded the persons whose dialing or transmissions are the subject of the pen register and trap and trace device.

IT IS HEREBY ORDERED that AT&T Wireless Services be compensated for reasonable expenses incurred while complying with this court order.

IT IS HEREBY ORDERED that AT&T Wireless Services, Nextel Communications, Sprint PCS, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, T-Mobile, Voice Stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies) shall supply any and all information in their files with respect to the persons called by the Target Telephones and for the persons calling the Target Telephones (except the contents of communications), whether published or non-published, including but not limited to the location of cell site/sector (physical address) of call termination without geographical limits, call initiation and call progress locations (Automated Message Accounting Data), raw data information, subscriber names and addresses, credit information, application information, toll records (to include all outgoing and incoming calls), cell site locations and billing information and unbilled records, upon oral or written demand of the Oakland Police Department and FBI.

IT IS HEREBY ORDERED that AT&T Wireless Services assist in the attempt to locate said telephone by the use of GPS coordinates, if applicable.

IT IS HEREBY ORDERED that AT&T Wireless Services provide call detailed records with cell site/sector information for said telephone number for two weeks prior to signing of this court order. All Subscriber information to include location of purchase of said telephone, method of payments and IMSI, MZ and IMEI numbers belonging to the Target Telephone.

IT IS HEREBY ORDERED that this order by the court states that the telecommunications companies shall not disclose the existence of the pen register, the trap and trace device or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the court.

Based on the findings below, Provider is ordered to furnish Applicant with the following records if they are in Provider's possession or if they can be obtained with reasonable effort:

Subscriber records

☒ Subscriber's name and address

☒ Types of services utilized

☒ Telephone number, e-mail address, IP address

☐ Length of service, including start date

☒ Means and source of payment, including credit card and bank account numbers

Connection records

Telephone

- ☒ **Local and long distance connection records, incoming and outgoing text messages with context from January 1, 2014 to August 21, 2014**
- ☒ Locations, dates, and times of cell tower contacts.
- ☒ Last outgoing phone number ☒ Last incoming phone number

E-mail and Internet

- ☐ E-mail or IP address of the person or computer contacted, session times, and duration of sessions from _____ to _____

COMPLIANCE DATE: Provider shall furnish the listed records to Applicant on or before November 10, 2012.

COMPENSATION: Applicant's agency shall compensate Provider for reasonable expenses in complying with this order.

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this order as follows: ☐ Until 90 days from the date of this order. ☒ Until further order of this court.

FINDINGS

- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose the records listed above to an officer who has established reasonable grounds to believe said records are relevant and material to an ongoing criminal investigation.
- (3) Applicant has filed with this court a declaration containing specific and articulable facts establishing reasonable grounds to believe the listed records are relevant and material to an ongoing criminal investigation.
- (4) Applicant's declaration has established grounds for a non-disclosure order pursuant to 18 USC § 2705(b). Grounds for nondisclosure are based on the following: [check one or more]
- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Danger to life or safety | <input checked="" type="checkbox"/> Flight from prosecution | <input checked="" type="checkbox"/> Jeopardize an investigation |
| <input checked="" type="checkbox"/> Evidence destruction or tampering | <input checked="" type="checkbox"/> Intimidation of potential witnesses | |

Date

Judge of the Superior Court

* Application must be attached
18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA

County of Alameda

Application for Court Order

Electronic Communication Records
(Phone • E-Mail • Internet)



The Great Seal

Provider: AT&T Wireless, P.O. Box 24679, West Palm Beach, FL, 33416, hereinafter "Provider"

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

Target information (if known)

Name and address:

Phone number **(510) 388-8652**

E-mail address:

Internet protocol (IP) address, and the date and time of contact (if known):

Jurisdiction: Provider is an electronic communication service provider as defined in 18 USC § 2510(15) and is doing business in California.

Applicant: Officer George Buford, Oakland Police Department, hereinafter "Affiant."

Certification: Per 18 USC § 2703(d), I certify that records that are likely to be obtained pursuant to this Order are relevant to an ongoing criminal investigation being conducted by the above law enforcement agency. This certification is based on the following information:

I have been a duly sworn police officer with the Oakland Police Department since May 2007. I was assigned to the Patrol Division as a uniformed patrol officer. During that time, I have conducted, as well as participated in thousands of preliminary criminal investigations, including but not limited to: murder, robbery, rape, assaults, larceny, traffic related offenses, and various narcotic related offenses. During these investigations, I have conducted interviews with victims, witnesses and suspects. I was previously assigned to the Crime Reduction Team 2. The Crime Reduction Team is a unit which focuses on community based problems, case evaluations, street narcotic trafficking and violent crimes. Our main focus while I was assigned to the Crime Reduction Team were identifying and conducting proactive enforcement on the gangs in Oakland Police Department Area 2 to include but not limited to the following gangs: Hungry Gang, FT, ASAP. In August 2014 I was assigned to the Special Investigations Unit which I am still currently assigned to.

I have received a total of approximately 236 hours of training in the mechanisms, recognition, and investigation of firearm and Gang investigations. My law enforcement training related to firearms consists of, but is not limited to, the following:

1. Oakland Police Department Basic Police Academy (12 hours)
2. California Narcotic Officers Association (24 hours) in November 2013.
3. Search Warrant Training A-Z (CNOA) (16 hours)
4. Wiretap Certification Training, Department of Justice (8 hours)
5. Advanced Gang Prosecution Techniques, High Intensity Drug Trafficking Area (24 hours)

I have authored 10 search warrants and assisted in over 50 search warrants. I have authored and assisted with search warrants/court orders involving the use and tracking of electronic equipment. The information obtained from these warrants/court orders resulted in the arrest of felony warrant suspects, all wanted for violent crimes. I know from experience that most criminals will always keep in contact with family members, associates and partners of crime by use of cellular telephones and occasionally computers.

On August 20 2013, Oakland Police Special Resource Section Area 1 Officers executed a search warrant at 2323 Martin Luther King Jr. Way for Eugene Gobar (25 Apr 91, 5-7 195lbs.) and the listed residence. Sgt. Valle of the Oakland Police Department had received reliable information from a Confidential Informant (CI) that Eugene Gobar is currently residing at 2323 Martin Luther King Jr. Way and is in possession of a firearm. Eugene Gobar currently has an active parole warrant for his arrest. During the execution of the search warrant Eugene Gobar was not located.

Sgt. Valle was able to obtain a phone number for Eugene Gobar through Social media network Instagram. Under the screen name of team_moozy_ripsado, Eugene Gobar posted the following Maphone broke call ma otha phone 510-883-4021. Sgt. Valle was able to confirm that the post belonged to Eugene Gobar due to the fact that Eugene Gobar has a photo of himself posted next to his screen name.

During the commission of the search warrant a firearm silver in color was recovered and a male black (Darrien Hardaway, 6-3 180lbs) was arrested inside of the residence. During the past week there have been numerous robberies in the surrounding west and north Oakland area. During the preliminary investigating of these robberies the suspects involved were described as being male blacks, 6-3 and 5-8 in height armed with silver handgun. The heights of the suspects are similar to the heights of Eugene Gobar and Darrien Hardaway. The firearm described in the robberies is similar to the firearm recovered during the search warrant.

Shortly after the search warrant was executed and Hardaway was arrested, we transported Hardaway to the Criminal Investigations Division. Officers A. Jones and B. Moore admonished and interviewed Hardaway. Hardaway provided a statement and also advised Jones and Moore that "Moozy" was running a robbery crew of younger male blacks. Jones later showed Hardaway several color photos, including one of Eugene Gobar. Hardaway positively identified Gobar as the male black he knows as "Moozy".

On August 21 2014, I was advised by Off. O. Crum that the phone number of 510-883-4021 was no longer working. I know through training and experience that gang members and those involved in criminal activities will either possess multiple cell phones or frequently change cell phones. I know that this is done to thwart law enforcement efforts of tracking individuals by their cell phones.

On August 21 2014, Sgt. Valle advised me that he talked to a confidential and reliable informant. Sgt. Valle advised that the informant provided him with Gobar's new cell phone number as being **510-388-8652**. Additionally, the informant advised Sgt. Valle that Gobar was in fact the leader of a robbery crew and that he was using young juveniles to commit violent robberies.

I believe that the installation of the above equipment and the retrieval of the above information will assist the Oakland Department in their attempt to locate the suspect's whereabouts. Wherefore, your Affiant requests that a court order be issued upon the above facts.

- (1) Disclosure of this application and court order would jeopardize the investigation and/or allow the suspect an opportunity to conceal or destroy evidence.

Declaration: I declare under penalty of perjury that the foregoing is true and correct.

Date

Judge of the Superior Court

Date

Applicant

18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA

County of Alameda

Application for Court Order

Electronic Communication Records
(Phone • E-Mail • Internet)



Provider: Sprint Nextel Legal Compliance, 6480 Sprint Parkway, 2nd Floor, Overland Park, Ks 66251, hereinafter "Provider"

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

Target information (if known)

Name and address:

Phone number: **(510) 883-4021**

E-mail address:

Internet protocol (IP) address, and the date and time of contact (if known):

Jurisdiction: Provider is an electronic communication service provider as defined in 18 USC § 2510(15) and is doing business in California.

Applicant: Officer George Buford, Oakland Police Department, hereinafter "Affiant."

Certification: Per 18 USC § 2703(d), I certify that records that are likely to be obtained pursuant to this Order are relevant to an ongoing criminal investigation being conducted by the above law enforcement agency. This certification is based on the following information:

I have been a duly sworn police officer with the Oakland Police Department since May 2007. I was assigned to the Patrol Division as a uniformed patrol officer. During that time, I have conducted, as well as participated in thousands of preliminary criminal investigations, including but not limited to: murder, robbery, rape, assaults, larceny, traffic related offenses, and various narcotic related offenses. During these investigations, I have conducted interviews with victims, witnesses and suspects. I was previously assigned to the Crime Reduction Team 2. The Crime Reduction Team is a unit which focuses on community based problems, case evaluations, street narcotic trafficking and violent crimes. Our main focus while I was assigned to the Crime Reduction Team were identifying and conducting proactive enforcement on the gangs in Oakland Police Department Area 2 to include but not limited to the following gangs: Hungry Gang, FT, ASAP. In August 2014 I was assigned to the Special Investigations Unit which I am still currently assigned to.

I have received a total of approximately 236 hours of training in the mechanisms, recognition, and investigation of firearm and Gang investigations. My law enforcement training related to firearms consists of, but is not limited to, the following:

1. Oakland Police Department Basic Police Academy (12 hours)
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4. Wiretap Certification Training, Department of Justice (8 hours)
5. Advanced Gang Prosecution Techniques, High Intensity Drug Trafficking Area (24 hours)

I have authored 10 search warrants and assisted in over 50 search warrants. I have authored and assisted with search warrants/court orders involving the use and tracking of electronic equipment. The information obtained from these warrants/court orders resulted in the arrest of felony warrant suspects, all wanted for violent crimes. I know from experience that most criminals will always keep in contact with family members, associates and partners of crime by use of cellular telephones and occasionally computers.

On August 20 2013, Oakland Police Special Resource Section Area 1 Officers executed a search warrant at 2323 Martin Luther King Jr. Way for Eugene Gobar (25 Apr 91, 5-7 195lbs.) and the listed residence. Sgt. Valle of the Oakland Police Department had received reliable information from a Confidential Informant (CI) that Eugene Gobar is currently residing at 2323 Martin Luther King Jr. Way and is in possession of a firearm. Eugene Gobar currently has an active parole warrant for his arrest. During the execution of the search warrant Eugene Gobar was not located.

Sgt. Valle was able to obtain a phone number for Eugene Gobar through Social media network Instagram. Under the screen name of team_moozy_ripsado, Eugene Gobar posted the following Maphone broke call ma otha phone 5108834021. Sgt. Valle was able to confirm that the post belonged to Eugene Gobar due to the fact that Eugene Gobar has a photo of himself posted next to his screen name.

During the commission of the search warrant a firearm silver in color was recovered and a male black (Darrien Hardaway, 6-3 180lbs) was arrested inside of the residence. During the past week there have been numerous robberies in the surrounding west and north Oakland area. During the preliminary investigating of these robberies the suspects involved were described as being male blacks, 6-3 and 5-8 in height armed with silver handgun. The heights of the suspects are similar to the heights of Eugene Gobar and Darrien Hardaway. The firearm described in the robberies is similar to the firearm recovered during the search warrant.

I believe that the installation of the above equipment and the retrieval of the above information will assist the Oakland Department in their attempt to locate the suspect's whereabouts. Wherefore, your Affiant requests that a court order be issued upon the above facts.

- (1) Disclosure of this application and court order would jeopardize the investigation and/or allow the suspect an opportunity to conceal or destroy evidence.

Declaration: I declare under penalty of perjury that the foregoing is true and correct.

Date

Judge of the Superior Court

Date

Applicant

18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA
County of Alameda



SEARCH WARRANT

Warrant No. _____

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER, FEDERAL AGENTS, OR PEACE OFFICER IN THE COUNTY OF ALAMEDA: Proof by affidavit, having been made before me on this date by Officer George Buford 8801P, Oakland Police Department, that there is probable and reasonable cause for the issuance of the search warrant, as set forth in the said affidavit.

TO: Metro PCS, 2250 Lakeside Blvd, Richardson, TX 75082, hereinafter "Provider"

Type of service provided: ☒ Telephone ☐ E-mail ☐ Internet

APPLICANT: Officer George Buford 8801P, Oakland Police Department, hereinafter "Applicant."

SUBSCRIBER: (707) 671-2096

ORDER: Officer George Buford, a Police Officer with the Oakland Police Department, has made application to this court for a search warrant authorizing the installation and use of a pen register and trap and trace device on telephone number (707) 671-2096 service provider Metro PCS, as subscribed to by an unknown person(s) and addresses.

This court finds that the information likely to be gained by such installation and use is relevant and material to an ongoing criminal investigation regarding violation of Murder **187(A) PC** and Carjacking **215 PC**.

Pursuant probable cause and Title 18 United States Code Section 2703 (c) (d), 3122, 3123 IT IS HEREBY ORDERED that Metro PCS, Cellco Partner DBA Verizon Wireless, T-Mobile, Nextel Communications, Cellco Partner DBA Verizon Wireless, Metro PCS, AT&T Wireless Services, Sprint PCS, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, Voice stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies), upon request of the Federal Bureau of Investigation (FBI) and the Oakland Police Department, shall provide the following information and services without delay: Installation and use of pen register, to register numbers dialed or pulsed from the Target Telephone numbers (707) 671-2096, to record the date and time of such dialing or pulsing, to record the length of the time the telephone receiver is off the hook for incoming or outgoing calls, and to receive cell site and/or location sites, for a period of **thirty (30) days** from date of this order.

IT IS HEREBY ORDERED that Officer George Buford and other law enforcement officials working with him may install and use trap and trace device on the Target Telephones to record the incoming and outgoing telephone numbers calling the Target Telephones, for a period of **thirty (30) days** from date of this search warrant.

IT IS HEREBY ORDERED that Metro PCS shall furnish information, facilities and technical assistance necessary to accomplish the installation and operation of the devices unobtrusively and with a minimum of disruption to normal telephone service.

IT IS HEREBY ORDERED that the pen register and trap and trace devices on the Target Telephones are authorized to continue in spite of the fact that the particular telephone number or subscriber information may change, as long as either the number or the subscriber information on the account remains the same and law enforcement believes that the person(s)

using the Target Telephones continue to be the same. Further, it is ordered that the affected telephone company notifies Officer George Buford regarding any changes to the Target Telephones, including number or subscriber changes.

IT IS FURTHER ORDERED that "the wireless carriers", pursuant to specific and articulable facts, shall provide, on an ongoing and/or real-time basis, the location of cell site/sector (physical address) at call origination (for outbound calls), call termination (for incoming calls), and, during the progress of a call, the direction and strength of a signal for telephone numbers (707) 671-2096, including local and "roam" mode cellular telephone calls, historical data including incoming or outgoing calls, and subscriber information for the telephone numbers beginning date and continuing for thirty (30) days from the date this search warrant is issued.

IT IS HEREBY ORDERED that this authorization for the installation and use of a pen register and trap and trace device, including the "caller identification feature" applies not only to the telephone numbers listed above for (707) 671-2096, but also to any changed telephone number(s) subsequently assigned to the same instrument as (707) 671-2096, within the **thirty (30) day** period authorized by this search warrant.

IT IS FURTHER ORDERED that pursuant to Title 18 United States Code Section 2703(c) (d), 3122 and 3123 and pursuant to CA Penal Code section 629.90 and 629.91, that the local, long distance and wireless carriers shall furnish officers of the Oakland Police Department and agents of the FBI, forthwith all information, including but not limited to telephone subscriber information, facilities and technical assistance necessary to accomplish the installation and use of the pen register and trap and trace device (including the "caller identification feature"), and do so unobtrusively and with minimum interference with the services that are accorded the persons whose dialing or transmissions are the subject of the pen register and trap and trace device.

IT IS HEREBY ORDERED that Metro PCS be compensated for reasonable expenses incurred while complying with this court order.

IT IS HEREBY ORDERED that Metro PCS, Cellco Partner DBA Verizon Wireless, Nextel Communications, AT&T Wireless Services, Sprint PCS, Cricket Communications, Cingular Wireless, MCI Worldcomm, Sure West Wireless, Voice stream Wireless, Citizens Utilities, Pacific Bell Telephone Company, SBC Communications and any other affected telecommunication companies, subsidiaries, or entities, whether mentioned herein or not, (hereinafter referred to as the Telecommunications Companies) shall supply any and all information in their files with respect to the persons called by the Target Telephones and for the persons calling the Target Telephones (except the contents of communications), whether published or non-published, including but not limited to the location of cell site/sector (physical address) of call termination without geographical limits, call initiation and call progress locations (Automated Message Accounting Data), raw data information, subscriber names and addresses, credit information, application information, toll records (to include all outgoing and incoming calls), cell site locations and billing information and unbilled records, upon oral or written demand of the Oakland Police Department and FBI.

IT IS HEREBY ORDERED that Metro PCS provide call detailed records with cell site/sector information for said telephone number for two weeks prior to signing of this court order. All Subscriber information to include location of purchase of said telephone, method of payments and IMSI, MEID and ESN numbers belonging to the Target Telephone.

IT IS HEREBY ORDERED that this search warrant and that the telecommunications companies shall not disclose the existence of the pen register, the trap and trace device or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the court.

Based on the findings below, Provider is ordered to furnish Applicant with the following records if they are in Provider's possession or if they can be obtained with reasonable effort:

Subscriber records

- | | |
|---|---|
| <input checked="" type="checkbox"/> Subscriber's name and address | <input checked="" type="checkbox"/> Types of services utilized |
| <input checked="" type="checkbox"/> Telephone number, e-mail address, IP address | <input checked="" type="checkbox"/> Length of service, including start date |
| <input checked="" type="checkbox"/> Means and source of payment, including credit card and bank account numbers | |

Connection records

Telephone

- ☒ Local and long distance connection records from 04/01/2014 to 9/17/2014
☒ Locations, dates, and times of cell tower contacts from 04/01/2014 to 9/17/2014
☒ Last outgoing phone number ☒ Last incoming phone number

E-mail and Internet

- ☐ E-mail or IP address of the person or computer contacted, session times, and duration of sessions
from _____ to _____

COMPLIANCE DATE: Provider shall furnish the listed records to Applicant on or before September 17, 2014.

COMPENSATION: Applicant's agency shall compensate Provider for reasonable expenses in complying with this search warrant.

NON-DISCLOSURE ORDER: Provider shall not notify Subscriber or any other person of the existence or content of this search warrant as follows: ☐ Until 90 days from the date of this search warrant. ☒ Until further order of this court.

FINDINGS

- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose the records listed above to an officer who has established reasonable grounds to believe said records are relevant and material to an ongoing criminal investigation.
- (3) Applicant has filed with this court a declaration containing specific and articulable facts establishing reasonable grounds to believe the listed records are relevant and material to an ongoing criminal investigation.
- (4) Applicant's declaration has established grounds for a non-disclosure order pursuant to 18 USC § 2705(b). Grounds for nondisclosure are based on the following: [check one or more]
☒ Danger to life or safety ☒ Flight from prosecution ☒ Jeopardize an investigation
☒ Evidence destruction or tampering ☒ Intimidation of potential witnesses

Date

Judge of the Superior Court

* Application must be attached

18 USC § 2703(d)

◆ AFFIDAVIT ◆



Affiant's name and agency: Officer George Buford, Oakland Police Department.

Evidence type: (Penal Code § 1524)

- Property or things that are evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

YOUR AFFIANT SAYS THAT THE FACTS IN SUPPORT OF THE ISSUANCE OF THE SEARCH WARRANT ARE AS FOLLOWS:

Your Applicant has been a Police Officer for 7 years with the Oakland Police Department. From May 2007 to December 2010 I was assigned to the Patrol Division. During my time in patrol I was assigned to many different beats throughout West and North Oakland where my primary duty was to respond to emergency and non-emergency calls for service. From January 2011 to August 2013 I was assigned to the Special Resource Section (SRS) as a Problem Solving Officer (PSO). My primary duties as a PSO were to work closely with community members on eliminating chronic issues on the beat. My entire time as a PSO was spent in on Oakland Police Department patrol beat two. A majority of the issues were open air narcotic sales, consumption, robberies and crimes of violence. From September 2013 to August 2014 I have been working as a part of the Crime Reduction Team (CRT). Our team's area of focus is Oakland Police Department area two, where we focus on part one crimes (Shootings, Robbery), narcotic and gang related issues. From August 2014 to present I have been assigned to the Special Investigations Unit. My primary duties are to identify known high ranking gang members and assist the Criminal Investigations Division with open cases related to area one.

I have received the following training in the detection, recognition, and investigation of narcotics and other controlled substances. My law enforcement narcotic related training consists of, but not limited to the following:

Oakland Police Department Basic Police Academy (12 Hours)

California Narcotic Officers Association (CNOA) Conference (24 Hours)

Search Warrant Training (CNOA) A-Z (16 Hours)

Wiretap Certification training, Department of Justice (8 Hours)

Advance Gang Prosecution Techniques, High Intensity Drug Trafficking Area (HIDTA) (24 Hours)

I have spoken with over one hundred persons who use and sell narcotics and controlled substances. During these conversations, I have familiarized myself with terminology used concerning narcotics and other controlled substances.

During these conversations I have also familiarized myself with the appearance, packaging, use and sales methods of narcotics and controlled substances.

I have been involved in well over 500 arrests of persons for the possession of narcotics and/or controlled substances, the possession of narcotics and/or controlled substances for sales, and the sales of narcotics and/or controlled substances.

During this arrest I have made field identifications of narcotics and/or controlled substances that have been later confirmed through laboratory analysis.

I have sold (bunk) narcotics in an undercover capacity.

I have been involved in undercover narcotic surveillances, Buy/Walk and Buy Bust Operations.

I have authored 10 search warrants and assisted in over 30 search warrants. I have authored and assisted with several search warrants/court orders involving the use and tracking of electronic equipment. The information obtained from these warrants/court orders resulted in the arrest of felony warrant suspects, all wanted for violent criminals and who will always keep in contact with family members, associates and partners of crime by use of cellular telephones and occasionally computers.

I have prepared a Hobbs attachment, Appendix A (sealed) that is attached to the statement of probable cause/affidavit. Appendix A is fully incorporated into and made part of the search warrant.

See attached Appendix "A".

Therefore, I request that a search warrant be issued, based on the above facts.

I declare under penalty of perjury that the information within my personal knowledge contained in this affidavit, including all incorporated documents, is true.

Subscribed and sworn before me on

Signature of Affiant

Signature of Magistrate