

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

IN THE MATTER OF THE APPLICATION)	
OF OFFICER SHAWN KNIGHT)	
FOR AN ORDER AUTHORIZING)	COURT ORDER
THE INSTALLATION AND USE)	UNDER SEAL
OF A PEN REGISTER AND TRAP)	
AND TRACE DEVICE ON ONE)	
TELEPHONE NUMBERS WITHIN)	
THE COUNTY OF ALAMEDA)	
BASED UPON SPECIFIC AND ARTICULABLE)	
FACTS SUPPORTED BY PROBABLE CAUSE)	

Affiants signature after being sworn: _____

DATED: _____

HONORABLE MAGISTRATE []
Alameda County Superior Court _____

Officer Shawn Knight, an 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 [REDACTED] service provider Sprint PCS, a subscribed to by an unknown person(s) and address'.

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 violations of 211 PC (robbery), 207 PC (kidnapping) and 187 PC (murder).

Pursuant to 18 United States Code Section 2703 (c)(d), 3122, 3123 IT IS
HEREBY ORDERED that Sprint PCS, Metro PCS, AT&T Wireless

Services, Cingular Wireless, Cricket Communications, Cellco Partnership DBA Verizon Wireless, MCI Worldcomm, Nextel Communications, Sure West Wireless, T-Mobile, Voicestream

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 [REDACTED] 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 Shawn Knight 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 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 Shawn Knight 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, and direction and strength of a signal for telephone number [REDACTED], including local and "roam" mode cellular telephone calls, historical data including incoming or outgoing calls, along with the 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 number listed above for [REDACTED] but also to any changed telephone number(s) subsequently assigned to the same instrument as [REDACTED] within the thirty (30) day period authorized by this order.

IT IS FURTHER ORDERED 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" 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 court's order.

IT IS HEREBY ORDERED that Sprint PCS, Metro PCS, AT&T Wireless Services, Cingular Wireless, Cricket Communications, Cellco Partnership DBA Verizon Wireless, MCI Worldcomm, Nextel Communications, Sure West Wireless, T-Mobile, Voicestream 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 Sprint PCS assist in the attempt to locate said telephone by the use of GPS coordinates, 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.

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.

DATED: _____

Magistrate

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR
THE COUNTY OF ALAMEDA**

AFFIDAVIT FOR COURT ORDER

Your affiant says the facts in support of the issuance court order are as follows:

Your affiant is a Police Officer with the City of Oakland and has been a sworn member of this department since July, 1990. Since March 2005, I have been assigned to the Oakland Police Department's Intelligence Division. Prior to my current duty I was assigned to the Oakland Police Department's Fugitive Unit, at which time I worked seven years with the FBI Fugitive Task Force. During that duration I have written 100 plus 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 or the assistance of an arrest of 225 plus 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 the morning of September 29, 2006, officers from the Patrol Division of the Oakland Police Department responded to the area of E-10th Street and 23rd Ave, in regards to a robbery and shooting of a Brinks Armored car and one of its employees. Upon their arrival it was determined that one of the Brinks Employees, identified as Mr. Anthony Quintero was deceased due to an apparent gun shot to the back of his head. And an unknown amount of US currency was missing.

Oakland Police Homicide investigators, Sgt. T. Jones and Sgt. L. Cruz responded

to the scene and began to conduct an investigation into the murder and robbery of Mr. Anthony Quintero and the Brinks truck. At the beginning of Sgt. T. Jones' investigation he discovered some discrepancies in the story provided by the surviving Brinks driver, identified as Clifton Wherry. These discrepancies led Sgt. T. Jones into focusing on Wherry as being involved in the robbery/murder.

On September 29, 2006, at 2010 hours, Sgt. T. Jones and Sgt. B. Brock admonished Wherry his rights, which he waived. During the course of the interview Wherry admitted participating in a robbery plan to take over the Brinks truck and rob it. Mr. Wherry indicated that they planned and carried out a plan where another person would rush Mr. Quintero after he was getting into the rear of the truck. Wherry indicated that an associate of his, after gaining access to the rear of the truck with Mr. Quintero held him at gun point and directed him to drive to a prearranged location. Wherry indicated that this location was 23rd Avenue and E-10th Street. Wherry then indicated that once at this location his associate shot and killed Mr. Quintero for unknown reasons. Wherry then indicated that his associate took two bags of money and ran from the truck. Wherry indicated that he gave false descriptions of suspects and did not comply with Brinks protocol regarding what to do during a robbery, in order to disguise the robbery.

During the interview Wherry indicated that the person who conspired with him to commit the robbery and who shot and killed Mr. Quintero was an old high school friend, named Jason Ware. Wherry identified Ware during a Photo line-up.

On 30 September 2006, members of the Oakland Police Department's Target Enforcement Task Force (TETF), Special Operations Group (SOG), located and arrested

Jason Ware within the city of Antioch California. After an interview with Ware conducted by Sgt. T. Jones and Sgt. B. Brock it was their opinion that Ware may not have been involved in the murder and robbery of Mr. Quintero.

On 1 October 2006, Sgt. T. Jones obtained a removal order of Wherry, at which time he began to interview him again concerning Ware's involvement in the incident. During this interview Ware was allowed to make visual and verbal contact with Wherry, at that time Wherry admitted that Ware had nothing to do with the murder and robbery and that he had used Ware's name in an attempt to further conceal his accomplices.

On that same date Wherry was further interviewed who provided further information telling Sgt. T. Jones that the true person responsible for the planning of the robbery was a Will Stallings and that the shooter was a guy known only to him as Dwight, from the Los Angeles area. Wherry also informed Sgt. T. Jones that the way he was able to communicate with Stallings was through a pre-paid cellular telephone in which he had discarded on the morning of the robbery, within some bushes next to his vehicle parked at work. Wherry stated that Stallings's telephone number was programmed in the telephone under the number 25. Wherry also stated that he had had contact with Dwight by the use of this telephone, although he never programmed his telephone number into the telephone and that he would erase the contact after each communication with Dwight. While during the interview Sgt. T. Jones dispatched fellow officers to locate the above said telephone. Prior to the end of the interview the telephone had been retrieved, at which time Wherry confirmed the telephone and the number 25 telephone number stored within it. This number has been identified as [REDACTED] with a telephone provider of Nextel Communications.

On 3 October 2006, Will Stallings was taken into custody in Fairfield, California. Stallings was interviewed at which time he stated that he wanted to talk to his family before answering any questions. The interview was stopped.

On 4 October 2006, Will Stallings contacted the Oakland Police Department Homicide Section, telling Sgt. T. Jones that he wanted to talk to him. Sgt. T. Jones along with Sgt. Rullamas made contact with Stallings, at which time he admitted to some involvement in the robbery and murder of the Brinks guard, Mr. Quintero. Stallings further advised that the shooter of Mr. Quintero is a Dwight Campbell. Stallings informed Sgt. T. Jones that Campbell has a telephone number of [REDACTED]

I believe that the installation of the above requested equipment and the retrieval of the above information will assist the Oakland Police Department in their attempt to locate and arrest Dwight Campbell for the robbery and murder of Mr. Quintero. Wherefore, Your affiant respectfully request that a court order be issued upon the above facts.

Dated on: _____

Affiant

Magistrate

Thomas, Tanisha

From: John Spomer <jspomer@penlink.com>
Sent: Friday, August 06, 2010 3:08 PM
To: Knight, Shawn
Subject: Pen-Proxy
Attachments: Pen-Proxy.doc; What's New Slick.pdf

Hi Shawn,

Included with this year's maintenance renewal is a new product called Pen-Proxy. Pen-Proxy adds the ability for Pen-Link v8 to communicate with various "outside" services including the FBI's i1020 national cell tower database and mapping precision location data from Sprint/Nextel, T-Mobile and AT&T Wireless.

Hopefully Pen-Proxy will give you more justification for renewing your maintenance. I've attached more information.

Have a great weekend.

John



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Learn about the 2010 Pen-Link CIA Conference at www.penlink.com/cia

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PEN·LINK™

It's the Key™

Pen-Proxy



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June 2, 2009

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CAGE: 0K6H9

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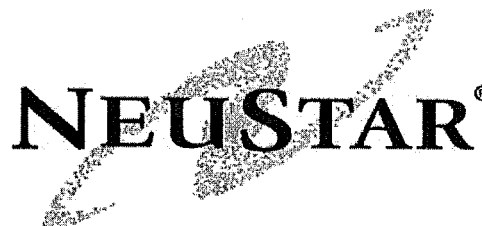
1. Pen-Proxy

Pen-Proxy is a new add on product for Pen-Link v8.1. Pen-Proxy adds the ability to Pen-Link v8.1, to communicate with various “outside” services, routing data to or from these services, thereby providing enhanced intelligence and capabilities to the Pen-Link end user. The functions scheduled to be included with Pen-Proxy upon its initial release are outlined in the following sections.

**Pen-Proxy**

1.1 NeuStar LEAP Interface

A basic requirement of working with telephone data is to match a subscriber with a phone number. To get a valid subscriber record, most people have to turn to the Telecommunications Service Providers (TSPs) themselves. This means knowing what TSPs service what phone numbers. Years ago, that wasn't a very difficult task. But since the national advent of Local Number Portability several years ago, intelligence analysts encounter ported phone numbers more and more frequently.

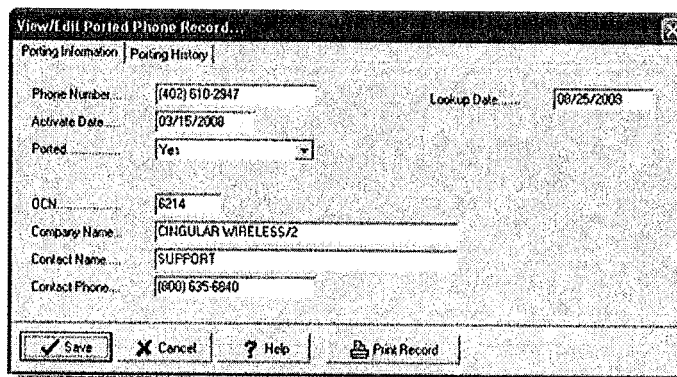


NeuStar, the administrator for LNP throughout the North American Dialing Plan, made an Interactive Voice Response (IVR) system available to Law Enforcement Agencies (LEAs) some years ago. The system allowed LEA personnel to “look up” service provider information for ported numbers. But as valuable as the system is, it has its limitations:

- ➔ You have to access the system over the phone
- ➔ You can only look up a maximum of 20 phone numbers before the system disconnects
- ➔ The process was manual, and therefore time consuming.

Last year, in response to requests from LEAs, NeuStar implemented its LEAP system: the Local Number Portability Enhanced Analytical Platform. LEAP offers several advantages over the IVR system:

- ➔ LEAP is an online system, accessed through a VPN network connection or over a secure web connection
- ➔ LEAP lets you look up numbers in batches of 100 at a time
- ➔ The response is nearly real time
- ➔ The system works for **all** North American Numbers, not just ported numbers, providing OCN data and contact information for the TSP that services a phone number.



The screenshot shows a web-based interface for viewing or editing a ported phone record. The window has a title bar 'View/Edit Ported Phone Record...' and two tabs: 'Porting Information' (selected) and 'Porting History'. The form contains the following fields:

Phone Number...	(402) 610-2947	Lookup Date.....	08/25/2008
Activate Date...	03/15/2008		
Ported.....	Yes		
OCN.....	6214		
Company Name...	CINGULAR WIRELESS/Z		
Contact Name...	SUPPORT		
Contact Phone...	(800) 635-6940		

At the bottom, there are four buttons: 'Save' (with a checkmark icon), 'Cancel' (with an X icon), 'Help' (with a question mark icon), and 'Print Record' (with a printer icon).

Working with the LEAP Services staff at NeuStar, we have recently developed an interface to the LEAP service directly through Pen-Link. The interface lets you:

- ➔ Do real-time queries, one phone number at a time
- ➔ Do batch lookups through the Pen-Lookup utility, with no upper limit on the number of phone numbers in the query (Pen-Link automatically takes care of the 100-number limit, automatically breaking your query into multiple queries, as required, if you have more than 100 numbers).

1.1.1 Other Potential Data Sources

We are currently in discussions with other third-party data providers to develop interfaces between Pen-Link systems and various data sources that are used by our customers. Because development is still in process, we have mutual Non-Disclosure Agreements in place with these providers. As such, we are restricted from providing much detail. We can tell you that some of the data providers we're working with include:

➔ LexisNexis



TransUnion.



LexisNexis®

➔ LocatePLUS

➔ Trans Union (iQ411)

TARGUSinfo®



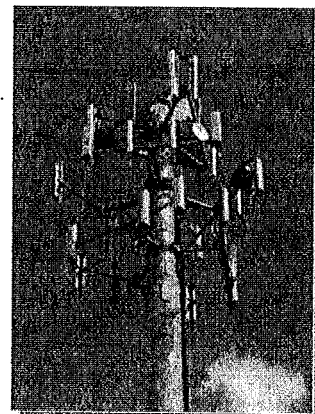
➔ TARGUSinfo

➔ Others that we are not at liberty to divulge at this time.

We are excited about these projects, and hope to have interfaces for these providers incorporated into Pen-Link Proxy in the very near future. Longer term, we envision incorporating even more interfaces to various providers of public records data.

1.2 i1020 Cell Tower Database Interface

When working with call data from a wireless Target, a common analytical requirement is to find out what Cell Sites and Sectors the Target occupied during its calls. But U.S. Carriers do not typically provide actual locations, where for real-time Pen Register data or historical Call Detail Records (CRDs). Instead, carriers provide location codes—like L:3300 C:1036—that indicate which of their towers handled the call, and which face of the tower picked up the signal from the Target. These codes must then be compared to a separate database or other data set to find an actual location (e.g., latitude and longitude) for the tower, as well as the tower's orientation, effective range, etc.



Any analyst who has ever performed a location analysis on a wireless Target knows that there are often challenges to overcome for the analysis to be accurate.

- ➔ Cellular Carriers sometimes renumber their towers, often with no apparent rhyme or reason. This means that the tower that was designated "tower 3300" last month, may not be the same tower that's designated "tower 3300" this month.
- ➔ The original sources of cell tower location data are the Cellular Carriers themselves. Sometimes they don't easily "give up" the cell tower data. When they do, it will be delivered to you in various

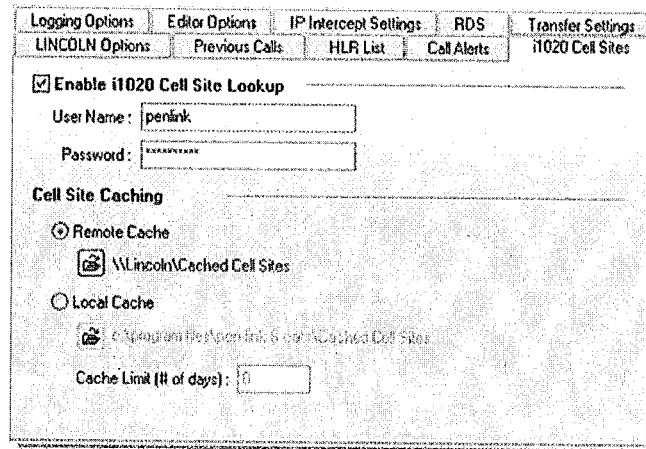
forms: .xls file, .doc file, .txt file, .csv file. As with Toll Records, no carrier's data file format is like another's! Some may even provide the cell tower data on paper!

For a location analysis of a wireless Target to be meaningful, the data in the cell tower database must be recent and available in a timely manner. Recognizing the challenges, the U.S. Department of Justice, through it's AskCALEA organization, has developed a secure on-line database called the i1020 Cell Tower Database. The i1020 database contains the most recent cell tower location data for most U.S. Cellular Carriers. When queried with a location code typically found in call transaction data, the system identifies the corresponding tower and sector, and returns the following information:

- ➔ Latitude (of the tower, in decimal format)
- ➔ Longitude
- ➔ Azimuth (orientation of the tower face, in degrees)
- ➔ Beam Width (e.g., 120 degrees)
- ➔ Effective radius (e.g., 1.86 miles)

This database can be accessed over a secure web connection. The system also provides an API (Application Programming Interface) that will allow third-party software to connect to it over a secure VPN connection. Hey! We're a third-party software manufacturer! So guess what we've done? We've developed an interface from Pen-Link to the i1020 Cell Tower Database! This interface will:

- ➔ Look up the cell tower and sector locations for a Target—in real time—as you collect live call data for a Pen Register or a Title III intercept.
- ➔ Look up cell tower and sector locations from Pen-Link reports.



The i1020 Cell Tower Database is operated by the DOJ's AskCALEA organization. LEAs can apply for access through AskCALEA. For more information about the network requirements and the application process, please contact the i1020 Team at i1020@askcalea.net.

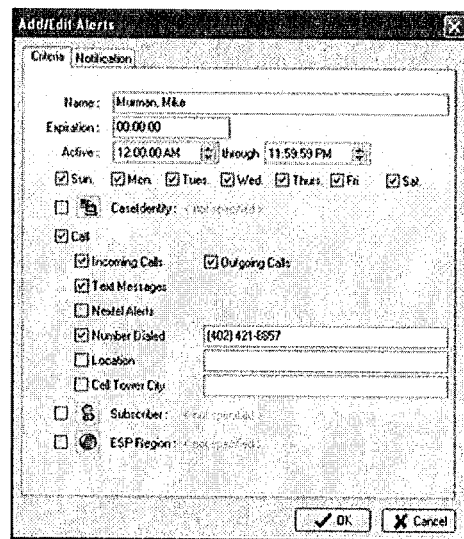
1.3 Real-Time Call Alerts

Customers have asked... now they shall receive. Receive call alerts, that is! Pen-Link users who conduct Pen Register and Title III intercepts have recently asked us to incorporate automated, real-time call alerts into the system. So we have!

With the Real-Time Call Alert service of Pen-Link Proxy, you can define a wide variety of alert trigger circumstances and methods of alert transmission. You could, for example, have Pen-Link send you an email alert every time one of your Targets receives a Text Message during the weekend. Or have Pen-Link send you a text message alert when one of your wireless Targets is in or near one or more specified cell tower locations. The system allows a wide variety of flexibility in defining the criteria that will trigger the sending an alert via email or SMS.

1.3.1 Alert Trigger Criteria

- ➔ Specific Case Identity
 - Direction - alert for incoming, outgoing, or both
 - Presence of a Text Message
 - Presence of a Nextel Alert
 - Presence of Specified Numbers Dialed
- ➔ Location
 - Specific LAC/CID pairs
 - Or open to any valid location in messaging
- ➔ Cell Tower City (based on the Cell Tower database)
- ➔ Matched to Specified Subscriber Records
- ➔ Wireless Target activity overlapping defined Electronic Surveillance Perimeters ("Geofencing")



1.3.2 Methods of Alert Transmission or Notice

- ➔ Defined alerts attached to Case IDs
- ➔ When conditions are met for a defined alert, one or more of the following types of alerts are triggered:
 - Audio Alert - Play a user-selected .wav file
 - SMS Alert - Send a text message to one or more cell phone through an Email-to-SMS Gateway
 - Email Alert - Send an email message directly to one or more email accounts

Need to know what your intercept Targets are doing, but can't watch the Pen-Link Intercept Screen all day? The new Pen-Link Automated, Real-Time Alerts are your key!

1.4 Precision Location Services

Some wireless telephone service providers now make another real-time surveillance service available to Law Enforcement. Known by several different names (e.g., "Mobile Locator Results"), these services rely on the same E911 infrastructure that a carrier would use to deliver real-time location information for wireless phones to 911 emergency call centers. But instead of delivering the data to a call center, the carrier delivers the data to the requesting Law Enforcement Agency. As with E911, the data delivered is meant primarily to indicate the location of the target phone.

Unlike a pen register, these Precision Location services do not deliver transactional call detail data, such as the direction of a call, the duration of a call, the number dialed, etc. The Precision Location data includes a Date/Time stamp and a Lat/Long pair. Some providers may provide additional information, such as an estimated degree of accuracy, given as the radius of a circle centered on the reported Lat/Long (some providers call it "certainty," some call it "uncertainty"... it's an estimate of possible error).

1.4.1 Email Delivery

When implemented for Law Enforcement, Precision Location delivery services typically deliver the data in plain text using simple email delivery. The receiving agency designates an email address for the carrier to send to. The emails arrive periodically. As you might expect, different carriers format the emails different ways; the example below shows the formatting currently used by AT&T.

From: AT&T Mobility Compliance (No Reply) [mailto:noreply@att.com]
Sent: Wednesday, February 04, 2009 8:32 PM
To: undisclosed-recipients
Subject: Mobile Locator Results for 530026

AT&T PROPRIETARY Solely for authorized persons having a need-to-know
pursuant to Company instructions
AT&T CONFIDENTIAL - DO NOT FORWARD.
Initiated 2009/2/4 20:32:45

The mobile number was located on Wed Feb 04 22:03:55 CST 2009.

ITN	530026
Case ID	XXXXXXXXXX
Mobile Number	XXXXXXXXXX
Result ID	Updated
Source	SMLC
Confidence	Varied - System unable to determine technology
Cell Location	Unavailable
Longitude	-117.58301 degrees
Latitude	34.10483 degrees
Altitude	Unavailable
Altitude Certainty	Unavailable
Elliptical Resolution	
Minor Axis	1,057 metres (Certainty Factor)

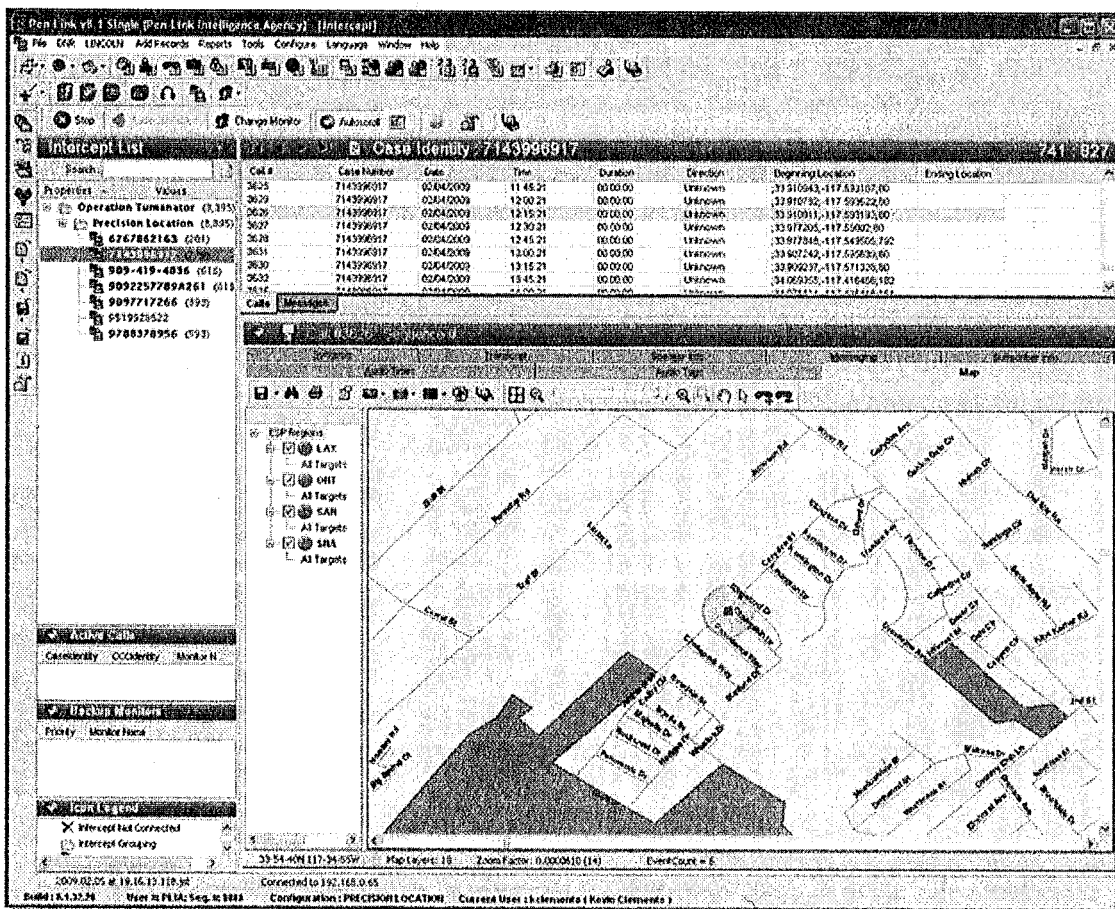
1.4.2 Pen Register vs. Precision Location

Because they provide no transactional data, these services would be of less use in some circumstances than in others. For example, such a service is of little use in developing a target phone number for a fugitive whose phone number is unknown at the start of the case; traditional pen register and toll data from the phones of family, friends and other associates would be more effective in this regard. But once a fugitive's phone number is known, if all that is desired is location data for that phone, then a Precision Location delivery service, if available from the target's carrier, will provide more accurate location information than the cell tower and sector data normally found in J-STD-025 messaging for a pen register.

on a wireless target. Not only would the location data be more accurate, but in our experience, the fees for these Precision Location delivery services tend to be much lower than the usual fees for provisioning pen registers.

1.4.3 Incorporation into Pen-Proxy

We have taken the approach that it should not matter whether you are collecting live pen data or live Precision Location data for any given target; both should come into the same interface and end up in the same analytical database. To this end, we have include Precision Location collection as part of the new Pen-Proxy services. Incoming emails containing the location data are received by the Pen-Proxy Server. As the emails arrive in real time, the data—no matter the original text format—is extracted from the email, parsed into logical fields, mapped to corresponding Pen-Link fields, and loaded into the Pen-Link database as Call Records (so that they may easily be mingled with analysis of your other call data). The delivered Lat/Long and reliability (error) information is then immediately available to the agent or analyst in the field in the live Pen-Link collection window (as shown below) or through Pen-Link reports. With Pen-Link's GIS Mapping option, the Lat/Long coordinates, along with the "certainty" estimate are automatically plotted in the Map tab of the live collection screen.



To our knowledge, there are only three wireless carriers currently offering this type of surveillance service:

- ➔ AT&T
- ➔ Sprint/Nextel

➤ T-Mobile.

We have incorporated all three delivery formats into Pen-Proxy. As has always been our practice, we will continue to incorporate changed or new formats as they come along.

Thomas, Tanisha

From: Johnson, Carmen A
Sent: Wednesday, December 20, 2006 7:03 PM
To: 'shwnknght@yahoo.com'
Subject: Brinks
Attachments: Brinks 1.doc; Brinks 2.doc; Brinks 3.doc; Brinks 4.doc; Brinks 5.doc; Brinks 6.doc

SUPERIOR COURT OF CALIFORNIA

County of Alameda

COURT ORDER*

Electronic Communication Records
Telephone Pen Register ♦ Connection Trap



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

APPLICANT: Officer Omega Crum #8413, Oakland (CA) Police Department, PH: 510-238-3640, hereinafter "Applicant."

TARGET: [REDACTED]

ORDERS: Based on the findings below, the following orders are made:

- (1) **Installation, monitoring:** Per 18 USC § 3124, Provider shall install and monitor the following for each target phone.
 - ☒ Pen Register device or process (as defined in 18 USC § 3127(3))
 - ☒ Connection Trap (trap-trace) device or process (as defined in 18 USC § 3127(4))
- (2) **Dates of operation:** The above device(s) shall be monitored as follows:
 - ☐ For 60 days beginning upon receipt of this order and installation of device(s) or process(es).
 - ☒ Beginning date: 29-Apr-10 Ending date: 29-May-10 [not to exceed 60 days]
- (3) **Reporting:** Provider shall provide Applicant with all logged phone numbers as follows:
 - ☒ In real time ☐ At reasonable intervals during regular business hours
- (4) **Subscriber records:** Provider shall furnish the Applicant subscriber records for the target phone **and all phone numbers** recorded during monitoring of pen register and connection trap.
 - ☒ 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
- (5) **Connection records:** Provider shall furnish the Applicant with the following connection records for the target phone.
 - ☐ Local and long distance connection records from _____ to _____
 - ☒ Locations, dates, and times of cell tower contacts during the monitoring of pen register and connection trap
 - ☐ Last outgoing phone number ☐ Last incoming phone number
- (6) **Compensation:** Applicant's agency shall compensate Provider for reasonable expenses in complying with this order.
- (7) **Sealing and Nondisclosure:** Pursuant to 18 USC 3123(d), this order shall be sealed. Furthermore, Provider shall not disclose to Subscriber or any other person the existence or content of this Order.

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

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

FINDINGS

- (1) Provider is an electronic communication service provider as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 3122(a)(2) and 3123(a)(2), this court is authorized to issue this order.
- (3) Pursuant to 18 USC 3123(a)(2), and in accordance with federal and California law, the Applicant has submitted an application containing specific and articulable facts establishing reasonable grounds to believe that the information likely to be obtained from the installation and monitoring of the above device(s) and from said records are relevant to an ongoing criminal investigation.
- (4) 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.

Date

Judge of the Superior Court

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

SUPERIOR COURT OF CALIFORNIA

County of Alameda

Application for Court Order

Electronic Communication Records



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

Target information:

Name and address: Dalia Mata

Phone number: [REDACTED]

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:

- (1) I am a police officer for the Oakland Police Department, and have been so employed for over nine years. I am currently assigned to the Target Enforcement Task Force.
- (2) The Oakland Police Department is currently investigating a Robbery that occurred on 27 March 10.

27 Apr 2010 Investigators were informed of a Robbery that occurred on 27 March 10 between 35th & 36th Ave on Foothill blvd. The victim of the robbery is a F/H named MATA, Dalia.

MATA stated that on 27 March 2010 at 1000 hours she decides to go to the ATM machine that is located in the Liquor store of 38th Ave and Foothill Blvd. She needed to withdraw \$400.00 in order to complete \$1,000.00 that she needs to send to El Salvador. MATA withdraws the money and begins to walk away from the ATM. As she is walking away she sees a cream colored car 4 door possibly a newer model Nissan pull up next to her, she does not pay any attention because she sees females in the car and she does not consider them to be a threat.

Seconds later she feels a heavy object hit the top of her head, at the same time she feels someone pull on her purse and take it away. MATA turns to her right and notices S1 holding her purse in her right hand and an aluminum baseball bat on her left hand. S1 then runs to the car and throws the purse inside of it. At this point MATA then feels another strike to her head this time coming from the left side. MATA turns to her left and sees S2 standing next to her holding another aluminum baseball bat with her two hands. These suspects are the occupants of the cream colored car she had just seen.

The two suspects then began to hit MATA with the bats all over her body. MATA decided to run into the street because she felt that they would stop hitting her if she was out in an open space and she thought that maybe someone would help her. The two suspects continued to hit her with the bats on to the street. While on the street MATA went down to the ground and was able to reach and grab S2's feet causing her to fall down on the ground and on her back. MATA then jumped on top of S2 and began to defend herself from the attack. MATA was able to scratch the face of S2 and MATA believes she caused significant damage to S2's eye because she felt and saw blood pop from her eye socket. While S2 and MATA were on the ground S1 continued her attack by hitting her with the bat. MATA could hear the M/B that was in the car laugh and yell at S1 and S2 to continue beating her up. MATA remembers S1 yell and talk in Spanish calling her a "bitch." They all then jumped in the cream car and drove away as they drove away MATA was able to memorize the plate (5HBC649). MATA was assisted by a local vendor that owns a shop on Foothill Blvd.

The Oakland Police Department Showed up and were able to complete a crime report. MATA was transported to Highland hospital and was admitted for her injuries. The doctor at the hospital said that her wounds appeared to have been caused by some type of sharp object similar to an ice pick. According to MATA the injury appears to be a puncture wounds that run from the top of the head down 3-4" between the scalp and the skull. MATA does not remember seeing any other weapon beside the baseball bat.

On Wednesday March 31st 2010 at approximately 1400 hours MATA receives a phone call saying that she should go outside and check her mailbox. MATA walked outside to her mailbox and found a letter that she could not understand because she does not read in English. The person on the phone spoke Spanish and MATA was able to recognize her voice from the robbery incident as S1. S1 then told MATA not to contact the police. About 2 hours later MATA hears tire screeching outside her home, she immediately recognizes the vehicle as the one the suspects used when she was robbed. The car was doing "Donuts" outside of the house and the car had no plates attached to it. S1 was standing outside of the residential gate and began to tell MATA that she better not call the police and she better withdraw the police report she made against them. They also told her she better cooperate with them because they knew everything there is to know about her and her family. They also told her that she better play it smart because they knew were her son works. They then left and said that they would be in contact with her soon. When her son arrived he read the letter to her.

The next day at around 1000 hours the same car showed up to the house and began to do "Donuts" again in front of the house. S1 again was standing outside of the residential gate and this time MATA's son spoke with S1. S1 demanded the \$5,000.00 from MATA and her son, however they told her that they did not have any money S1 told them they should borrow the money from someone. The suspects then left without any further incident.

On April 22, 2010 MATA receives a phone call from her son Adan saying that he is at "Mi Pueblo" Supermarket located at High Street and Bancroft Ave. He tells her that he cashed his check from McDonald (\$300.00) and that the suspects are with him and they want their money. Adan tells MATA that they want to talk to her about the \$5,000.00 and they want to meet her at 93rd Ave and International Blvd. MATA is told that she would see S1 and the sister of the woman she poke the eye out of. The sister of S2 would be holding MATA's purse and this way she would be able to recognize her. The sister of S2 for the purpose of this report will be mentioned as S4. MATA, fearing that they would hurt her son agreed to meet them at the location. The suspect that was with Adan is another male black (not S3) he jumped in the Adan's vehicle and drove to the location they were to meet at. MATA decided to call a friend and told her to come with her. MATA told her friend to pretend she did not know her and to take pictures of the suspects at the location they were supposed to meet. Once at the location MATA spoke with S1 and she was able to convince them that her brother is going to lend her the money in order to give it to them.

Over the past month the suspects have made several calls to Mata on her cell phone. Each call has been from a blocked number.

- (3) This Court Order is to support an Exigent Request set to Metro PCS on 29-Apr-10.
- (4) The phone number listed [REDACTED] was provided by Mata as her phone number.
- (5) I believe the information obtained by installation of the pen register and connection trap will help identify the location and identity of the suspects.
- (6) 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

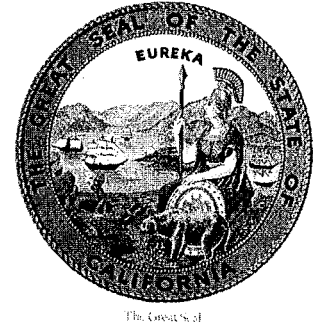
Applicant

SUPERIOR COURT OF CALIFORNIA

County of Alameda

COURT ORDER*

Electronic Communication Records
Telephone Pen Register ♦ Connection Trap



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

APPLICANT: Officer Omega Crum #8413, Oakland (CA) Police Department, PH: 510-238-3640, hereinafter "Applicant."

TARGET: [REDACTED]

ORDERS: Based on the findings below, the following orders are made:

- (1) **Installation, monitoring:** Per 18 USC § 3124, Provider shall install and monitor the following for each target phone.
 - ☒ Pen Register device or process (as defined in 18 USC § 3127(3))
 - ☒ Connection Trap (trap-trace) device or process (as defined in 18 USC § 3127(4))
- (2) **Dates of operation:** The above device(s) shall be monitored as follows:
 - ☐ For 60 days beginning upon receipt of this order and installation of device(s) or process(es).
 - ☒ Beginning date: 29-Apr-10 Ending date: 29-May-10 [not to exceed 60 days]
- (3) **Reporting:** Provider shall provide Applicant with all logged phone numbers as follows:
 - ☒ In real time ☐ At reasonable intervals during regular business hours
- (4) **Subscriber records:** Provider shall furnish the Applicant subscriber records for the target phone **and all phone numbers** recorded during monitoring of pen register and connection trap.
 - ☒ 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
- (5) **Connection records:** Provider shall furnish the Applicant with the following connection records for the target phone.
 - ☐ Local and long distance connection records from _____ to _____
 - ☒ Locations, dates, and times of cell tower contacts during the monitoring of pen register and connection trap
 - ☐ Last outgoing phone number ☐ Last incoming phone number
- (6) **Compensation:** Applicant's agency shall compensate Provider for reasonable expenses in complying with this order.
- (7) **Sealing and Nondisclosure:** Pursuant to 18 USC 3123(d), this order shall be sealed. Furthermore, Provider shall not disclose to Subscriber or any other person the existence or content of this Order.

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

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

FINDINGS

- (1) Provider is an electronic communication service provider as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 3122(a)(2) and 3123(a)(2), this court is authorized to issue this order.
- (3) Pursuant to 18 USC 3123(a)(2), and in accordance with federal and California law, the Applicant has submitted an application containing specific and articulable facts establishing reasonable grounds to believe that the information likely to be obtained from the installation and monitoring of the above device(s) and from said records are relevant to an ongoing criminal investigation.
- (4) 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.

Date

Judge of the Superior Court

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

SUPERIOR COURT OF CALIFORNIA

County of Alameda

Application for Court Order

Electronic Communication Records



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

Target information:

Name and address: Dalia Mata

Phone number: [REDACTED]

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:

- (1) I am a police officer for the Oakland Police Department, and have been so employed for over nine years. I am currently assigned to the Target Enforcement Task Force.
- (2) The Oakland Police Department is currently investigating a Robbery that occurred on 27 March 10.

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Seconds later she feels a heavy object hit the top of her head, at the same time she feels someone pull on her purse and take it away. MATA turns to her right and notices S1 holding her purse in her right hand and an aluminum baseball bat on her left hand. S1 then runs to the car and throws the purse inside of it. At this point MATA then feels another strike to her head this time coming from the left side. MATA turns to her left and sees S2 standing next to her holding another aluminum baseball bat with her two hands. These suspects are the occupants of the cream colored car she had just seen.

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The Oakland Police Department Showed up and were able to complete a crime report. MATA was transported to Highland hospital and was admitted for her injuries. The doctor at the hospital said that her wounds appeared to have been caused by some type of sharp object similar to an ice pick. According to MATA the injury appears to be a puncture wounds that run from the top of the head down 3-4" between the scalp and the skull. MATA does not remember seeing any other weapon beside the baseball bat.

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The next day at around 1000 hours the same car showed up to the house and began to do "Donuts" again in front of the house. S1 again was standing outside of the residential gate and this time MATA's son spoke with S1. S1 demanded the \$5,000.00 from MATA and her son, however they told her that they did not have any money S1 told them they should borrow the money from someone. The suspects then left without any further incident.

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Over the past month the suspects have made several calls to Mata on her cell phone. Each call has been from a blocked number.

- (3) This Court Order is to support an Exigent Request set to Metro PCS on 29-Apr-10.
- (4) The phone number listed [REDACTED] was provided by Mata as her phone number.
- (5) I believe the information obtained by installation of the pen register and connection trap will help identify the location and identity of the suspects.
- (6) 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

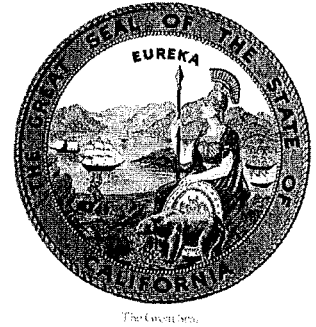
Applicant

SUPERIOR COURT OF CALIFORNIA

County of Alameda

COURT ORDER*

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



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

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

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

SUBSCRIBER: [REDACTED]

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 number [REDACTED] 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 **homicide (187 PC)**.

Pursuant to 18 United States Code Section 2703 (c) (d), 3122, 3123 IT IS HEREBY ORDERED that Metro PCS, Nextel Communications, Cellco Partner DBA Verizon Wireless, AT&T Wireless Services, 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 [REDACTED] 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 Telephone to record the incoming and outgoing telephone numbers calling the Target Telephone, for a period of **thirty (30) days** from date of this order.

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 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 [REDACTED] 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 number listed above for [REDACTED] but also to any changed telephone number(s) subsequently assigned to the same instrument as [REDACTED] 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 Metro PCS be compensated for reasonable expenses incurred while complying with this court order.

IT IS HEREBY ORDERED that Metro PCS, Nextel Communications, AT&T Wireless Services, 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 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 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 _____ to _____
- ☒ 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

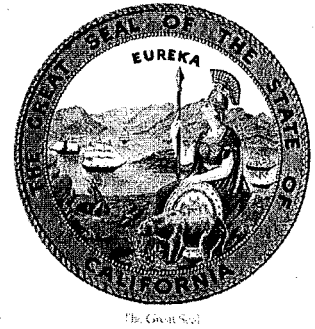
* Application must be attached
18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA

County of Alameda

Application for Court Order

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



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

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

Target information (if known)

Name and address:

Phone number: [REDACTED]

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 "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 July 2005, I have been assigned to the Oakland Police Department's Target Enforcement Task Force (TETF). Prior to my current duty I was assigned to the Oakland Police Department's Crime Reduction Team 6 (CRT6). During that duration 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 7Feb10 at approximately 2125 hours, Investigators were contacted by Oakland Police Officer Matt Lopez and advised of a Homicide Call-out at 5950 E-17th Street in Oakland. Investigators were advised that victim Romero Cervantes was found dead on the bed located in the detached single room dwelling in rear of 5950 E-17th St., Oakland by Maia Ventura-Alejandre who resides in the front residence of [REDACTED] St.

Officer S. Toribio took a written statement from Maria Ventura-Alejandre, [REDACTED] who stated that she was at home at around 6:30 pm sitting in her living room at 5950 E-17th Street when Jorge Tolento Martinez and the victim came in through the back of the house. She said it was clear that they had been drinking. Jorge showed the victim where the bathroom was and then went back to the rear unit where he lives. The victim used the bathroom and then went back to Jorge's room. At around 8:00 pm, she heard Jorge's truck start up and saw Jorge leaving. She could not tell if anyone else was in the truck. About ten minutes later, her husband Victor Tolento Flores left to go to work. At around 8:30 pm, she noticed music was coming from Jorge's rear unit and went to see if the radio was left on. Jorge's door was locked. Maria Ventura-Alejandre has keys for all the doors at the residence, including the unattached rear unit. She unlocked the

door and went inside. She saw the man she had seen with Jorge earlier. He was bleeding from his nose and had a small mark on his cheek. She was scared and called her husband and 911.

Officer Daza-Quiroz took a statement from Virginia Hernandez, 31Jan74, victim's mother. Hernandez stated that on 7Feb10 at about 12:00 pm, her son, victim Romero Cervantes told her that her boyfriend, Jorge Tolento was at her house in Concord with her son. At around 2:00 pm, the victim texted Hernandez saying that he was leaving and going with Jorge to Jorge's house. She said it was not typical for the victim to go to Jorge's house but since she has known Jorge for several years, she thought it was okay. At about 7:00 or 8:00 pm, she got a text message from her son from Jorge's phone saying, "Mom, goodbye." Hernandez got worried and called Jorge's phone to talk to her son but no one answered. She called again about three minutes later and her son answered and said, "Mommy me van a matar." Hernandez translated in broken English to Investigators saying her son said, "Mommy, somebody killed me." When Hernandez said "what?" the phone call hung up. She kept trying to call but no one answered. About five minutes later, she called again and Jorge answered the phone and told Hernandez that her son was fine and that he was right next to him and that they were passing through the tunnel coming to her house. Hernandez asked to speak with her son but Jorge would not let her. Jorge then hung up the phone. Hernandez called again and Jorge answered again and said that they were fine and going through the tunnel. About thirty minutes later, a girlfriend of Jorge's cousin called and said that Romero was at Jorge's house and was injured. Virginia Hernandez's cell phone number is [REDACTED]. This is the phone which she received the text from her son and is the phone she used to call Jorge's cell phone in her attempts to speak with her son.

Officer Pullen provided Investigators with the phone number of the suspect as [REDACTED] which he got from Oliverio Rodriguez, [REDACTED]. Oliverio Rodriguez had been at the victim's house in Concord when he saw Jorge Tolento leave with Cervantes in Tolento's truck at about 3:30 pm. Officer Pullen later confirmed with Jorge Tolento's brother, Juan Tolento, that Jorge's phone number was [REDACTED].

Officer Pullen advised that he had taken a statement from the victim's brother, Hector Cervantes, [REDACTED]. Hector advised that he had the victim's phone with him because the victim had left the phone in Concord when he had left with Jorge Tolento. He showed Officer Pullen that the phone had a text message sent at 2149 hours that said, "U fucked U kno who dis is." The text was sent from cell number [REDACTED].

Officer Toribio took a written statement from Victor Tolento-Flores, 9Jul79, who said that he came home to [REDACTED] St at around 10:00 am. At around 11:00 am, Jorge came and told him he was going to Concord. Victor went to sleep at around 11:30 am and woke up at around 4:30 pm. He heard Jorge and some people speaking in the kitchen. Victor stayed in his room until around 7:30 pm when he heard Jorge's truck start. Victor looked out and saw Jorge leave in the truck. He did not see anyone else in the truck. At around 8:00 pm, Victor left to go to work and saw Jorge coming back eastbound on E17th St. Jorge parked along the south curb at 61st Ave. He was still parked there when Victor drove off.

On 7Feb10 at 2255 hours, Technician Julie Jaecksch walked Investigators through the crime scene. The deceased, victim Romero was laying face up on the bed in northeast corner of the detached single room dwelling in rear of 5950 E-17th St. He appeared to be suffering from a gunshot wound to his right cheek and to the center of his chest. There was a casing on the bed near the body and three live rounds on the floor of the room and one on the dresser in the room. The room has one door on the west side of the room, a light in the center ceiling of the room and a dresser and window also on the west side of the room. There is no closet or bathroom.

On 8Feb10 at 0119 hours approximately, Investigators spoke with Officer D. Pullen who advised that they had located Jorge's truck parked near 928 37th Ave. He advised that Isabel Zavala told him Jorge had come to her residence and then she drove Jorge to the Grey Hound Bus Station in Jorge's truck where she dropped Jorge off after buying him a ticket to Tijuana and then she drove his truck back to her residence. She provided the license plate for Jorge's truck as [REDACTED] and directed Officer Pullen to its location. Records check indicated that vehicle license [REDACTED], 2003, GMC truck, is registered to Ferardo Tolento at [REDACTED] Ave, Oakland.

An ongoing investigation conducted by the Oakland Police Department was able to locate a cell phone number [REDACTED] for Tolento. This number was obtained from Oliverio Rodriguez.

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 the suspect'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" Metro PCS.

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

Applicant

Date

Judge of the Superior Court

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: [REDACTED] 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:

(1) Your affiant is a Police Officer with the City of Oakland and has been a sworn member of this department since December, 2000. Since July 2005, I have been assigned to the Oakland Police Department's Target Enforcement Task Force (TETF). Prior to my current duty I was assigned to the Oakland Police Department's Crime Reduction Team 6 (CRT6). During that duration 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.

(2) According to Oakland Police Report #09-003235, on January 13, 2009 at approximately 10:00 P.M., an armed robbery occurred at the Blockbuster video store located at 2110 Mountain Blvd. Oakland police officers were dispatched to the location to investigate. The suspect fled the scene prior to their arrival. Patrol Unit 6J13 with Ofc. R. Lewis 8242. We were wearing full police uniform and driving marked police vehicle 1729. Investigators responded to Blockbuster Video located at 2110 Mountain Blvd to investigate a report of a robbery. Several area units conducted a search for the fleeing suspect with negative results.

Upon arrival, Officer Q. Johnson contacted Witness #2, N. Grosse. Officer Johnson took a statement from Grosse who stated that on January 13, 2009 at approximately 10:00 P.M. she was closing the store for business along with her co-worker, Witness #2, D. Brown, when she observed an unknown male black, suspect #1, S1 standing outside the front door. S1 knocked on the glass door to get her attention. Grosse walked over to the door to speak with S1 through the glass. S1 stated that he left his cell phone inside the store. Grosse said she then searched around the store in an attempt to locate (S1's) cell phone. When she was unable to locate it, Grosse decided to allow S1 to come inside of the store to find his cell phone. There were four other customers inside the store at the time. As Grosse unlocked the door, S1 began pulling the

door open from the outside. Grosse stated that S1 aggressively grabbed the door which startled her. Grosse then attempted to pull the door shut from inside the store before S1 could make entry. Before she was able to do so, S1 had already made entry and grabbed Grosse from behind by the collar of her shirt. S1 pulled a black bandana over his face and forced W1 Grosse to the cash register located in the check out area. S1 told Grosse to open the register. S1 then told Grosse to "Hurry up and get the money." Grosse stated that her co-worker Brown saw what was going on and began walking towards the register. S1 then pulled out a silver handgun with his left hand and ordered Brown to get down on the floor and not to move. S1 pointed the gun at Brown and began waving the gun in the direction of the four customers who were inside the video store.

Grosse stated that when she finally opened the cash register S1 reached inside, grabbed one \$50 bill and a stack of either five or ten dollar bills. S1 then fled through the front exit door of the video store on foot traveling westbound on Mountain Blvd. The customers who were inside of the store during the robbery had already left the scene prior to the arrival of OPD officer. Officers were unable to locate them to take statements.

Technician C. Middleton, 4194P, arrived on scene and dusted the front door for latent prints. Five (5) ALPS quality prints were lifted from the door and submitted to the OPD property section for further examination. On January 19, 2009, Investigators later submitted a fingerprint examination request to the Crime Lab for the comparison of Quinton Carter, with date of birth [REDACTED], PFN: [REDACTED], fingerprints to the five (5) ALPS quality prints lifted at the scene.

The store manager, K. Peterson arrived on scene and attempted to download the surveillance video with negative results. Peterson advised OPD officers that the Lakeshore Blockbuster store had been robbed on Sunday night on January 12, 2009 shortly before closing at about 11:40 P.M. possibly by the same suspect and same method of operation.

According to report # 09-004697, an armed robbery occurred on January 19, 2009 at approximately 8:57 P.M. at Kragen Auto Parts located at 4400 Broadway. The suspect robbed the store right before it closed. Oakland Police officers were dispatched to this location in order to further investigate. The suspect fled the scene with the loss prior to the arrival of the police. Upon arrival, Officer P. O'Donnell made contact with witness #1, R. Powell and witness #2, R. Freeman who stated that they had been robbed at gunpoint.

Freeman stated that the man asked "What all you guys got?" S1 then pulled out a black semi-automatic pistol and told Powell to open the register and give him the money. Freeman stated that the suspect pointed the firearm in their direction at there feet. Freeman stated that witness #1, who was also at the counter, opened the register and placed the money into a plastic Kragen Auto Parts bag and handed it to S1. Freeman stated that the suspect then asked Powell to open the safe. Freeman stated that Powell told the suspect he didn't have the code. Freeman stated that the suspect then ordered Powell and him to go to the back of the store. Freeman stated that once they went to the back of the store the suspect left the store and he was not able to see which direction the suspect went. Freeman also stated that because he was in the back of the store he was not able to see if the suspect was in a car or on foot. Freeman stated that he would be able to identify the suspect if he saw him again.

Officer K. Arias took a written statement from (W#1) Powell. Powell stated that he is the assistant manager at Kragen Auto Parts, located at 4400 Broadway. Powell gave a similar statement to Officer Arias which corroborated witness Freeman's statement. Powell also stated that he could identify the suspect if he saw him again. Powell added in his statement that the suspect took \$150.00 dollars in cash.

The security camera was working during the robbery. Powell gave Officer O'Donnell a VHS VHS tape and a compact disc which contained surveillance footage of the robbery.

A suspect had been previously identified as Quinton Carter, male black, with a date of birth of 1 Nov 81, PFN: [REDACTED] dating back to reports from earlier in the year of 2007 and 2008 involving a string of robberies that occurred in Oakland, Berkeley and El Cerrito. Carter primarily targeted Adult Book Stores and then moved up to fast food restaurants and cell phone stores. Some of the Oakland Police reports are documented under report #'s 07-95795; 08-19154; 08-24743; 08-24744; 08-26371; 08-30172; 08-34541; 08-38664. Carter was arrested on unrelated drug charges on May 24, 2008 for a parole violation at a local motel. While Carter was in custody, the string of robberies stopped. Upon Carter's release, the robberies began again in the beginning of October, 2008. Carter was originally identified and later called "the bandana bandit" by two different girlfriends, Sade Harden-Mann and Letisha Magee who gave statements to Berkeley Police Department Sergeant Christian Stines.

Sgt. Stines during the course of his investigation found that one of the cell phones that was taken from the robbery located at 1955 Ashby Avenue, Berkeley Police report #08-25492 had been activated by a female named Sade Harden-Mann. Sgt. Stines conducted two search warrants in connection with this information which produced the stolen cell phone with a number of [REDACTED] and the Ms. Harden-Mann who was in possession of the stolen phone. Sgt. Stines arrested Harden-Mann for Possession of Stolen Property. Sgt. Stines interviewed Harden-Mann who told him the following. Harden-Mann advised him that she received the cell phone from her boyfriend who was later identified as Quinton Carter, male black, with a date of birth of [REDACTED] PFN: [REDACTED]

Sgt. Stines ran a check on Quinton Carter's criminal history and found that he had been arrested on May 24, 2008 in Oakland for Possession of Narcotics by the Oakland Police Department. Sgt. Stines found that there was a person present during the arrest named Letisha Magee. Sgt. Stines was able to later interview Magee who advised him that Carter had been involved in numerous armed robberies in the city of Berkeley and Oakland. Magee stated that Carter had admitted to robbing two Wireless stores in Berkeley and a few adult book stores in the city of Oakland and Berkeley. Magee also advised Sgt. Stines that Carter had pointed himself out in the local newspaper as the robbery suspect from Cory's Adult book store located on Telegraph Avenue. Magee gave Sgt. Stines specific details of the robbery including the type of gun used, type of mask worn and the type of vehicles that were used as get away cars.

Since then, there have been multiple robberies that Quinton Carter may have been involved in. According to report # 08-73555, on October 4, 2008 at 10:15 P.M. an armed robbery occurred at Cory's Adult Book store located at 2408 Telegraph Avenue with the same method of operandi (M.O.) as the robbery that occurred at Cory's Adult Bookstore before on April 22, 2008 at 6:48 P.M., documented in report #08-30712. The suspect in both robberies wore the same type of clothing, dark jacket, dark blue jeans, red baseball cap with a black scarf covering the lower part of the face, armed with a revolver.

According to report # 08-73721, on October 5, 2008 at 12:23 A.M., an armed robbery occurred at Hollywood Adult Bookstore located at 5686 Telegraph Avenue with the same method of operandi (M.O.) as the robbery that occurred at Hollywood video on March 17, 2008 at 11:30 A.M., documented in report #08-19154. The suspect in both robberies were dressed in the same type of clothing which was a black hooded sweatshirt, black scarf covering the lower part of his face, dark pants, however the weapon used was a shotgun.

There were three additional robberies that occurred in Oakland with similar method of operandi and similar suspect description and/or clothing. According to report # 08-80281, on October 29, 2008 at 5:17 P.M., an armed robbery occurred at TCS Wireless located at 4013 Telegraph Avenue the suspect was described as male black, 5'8, 160, light-medium complexion, wearing a dark blue baseball cap with red lettering, a black hooded sweatshirt, dark jeans, white tennis shoes armed with a revolver. According to report # 09-000672, an armed robbery occurred on January 3, 2009 at 10:00 P.M. at Hollywood video located at 5686 Telegraph Avenue. The suspect in this case was described as male black, 5'8, 140-160, wearing a red baseball cap with a white "W" written on the front, black hooded sweatshirt, dark jeans and a black scarf armed with a metallic gun. The witness in this case stated that this was the same suspect who robbed their store on four prior occasions, documented under report # 07-95495; 08-19154; 08-24743; and 08-73721. According to report # 09-003531, an armed robbery occurred on January 14, 2009 at 3:36 P.M. at the Rent - A - Center located at 4200 Broadway Avenue. The suspect in this case was described as male black, 5'9, 140, light-medium complexion, wearing a red baseball cap with a white "W" written on the front of it, black t-shirt; black jeans and a black scarf covering the lower part of his face, armed with a black semi-automatic pistol.

According to report # 09-003969, a bank robbery with a demand note occurred on January 16, 2009 at about 4:00 P.M., at Wachovia Bank located at 3348 Lakeshore Avenue. The case was later assigned to Sgt. E. Lewis. Sgt. Lewis produced several colored surveillance photos taken from the bank of the robbery suspect. Upon seeing the photos, Investigators immediately recognized the suspect as Quinton Carter. Sgt. Lewis later followed up with the information and met with the teller who was held up by the suspect and showed the teller a photographic line up which contained a photograph of Quinton Carter. The teller positively identified Quinton Carter as the person who robbed the bank. It should be noted that Carter was wearing a red baseball cap with the letter "W" written on the front of it in white. The hat is similar to the hat worn by the suspect from the two armed robberies documented in report #09-000672 and report #09-003531.

On January 21, 2009 at about 2:00 P.M., Investigators called a phone number listed on Carter's most recent arrest report of (510) 922-1394. A woman answered the phone and identified herself as Carter's mother. Utilizing a ruse, Investigators told her that she was with the human resource department with Taco Bell and that she was attempting to contact Quinton Carter for a possible job interview. She was then given the phone number of [REDACTED]. This phone number was then confirmed by prior contacts listed by Quinton Carter in the Law Records Management System (LRMS).

On January 26, 2009, at 1:45 P.M., Investigators went to Blockbuster at 2110 Mountain Boulevard. Investigators met with two store employees, witness #1 W1, N. Grosse, and witness #2 W2 D. Brown at this location who were present during the night of the robbery. Investigators first met with Mr. Brown and showed him a photographic line up which contained a photograph of Quinton Carter, male black, 1 Nov 81, PFN: [REDACTED]. Prior to showing Mr. Brown the photo line up, Investigators read him the photo line up waiver statement form. Mr. Brown immediately identified Carter as the person who robbed their store. Mr. Brown signed the front of Carter's photograph and signed the photo line up waiver statement form. Investigators then met with Ms. Grosse and showed her the photo line up which contained a photograph of Carter in position #3. Ms. Grosse pointed out Carter in position # 3 but then stated that she felt more comfortable seeing the suspect in person. Ms. Grosse later contacted investigators and advised them that after thinking about it, she was absolutely positive that the man she saw in position #3 was the same person who robbed the store. Investigators later met with Grosse and took a statement from her.

On January 26, 2009, at 1:45 P.M., Investigators went to Kragen Auto Parts located at 4400 Broadway Avenue. Investigators met with witness #1 and #2. Investigators first met with R. Powell and showed him a photographic line up which contained a photograph of Quinton Carter, male black, 1 Nov 81, PFN: [REDACTED]. Prior to showing Powell the photo line up, Investigators read him the photo line up waiver statement form. Powell identified Carter as the person who robbed their store. Powell signed the front of Carter's photograph and signed the photo line up waiver statement form. Investigators then met with R. Freeman and showed him a photo line up which contained a photograph of Quinton Carter. Prior to showing Powell the photo line up, Investigators read him the photo line up waiver statement form. Freeman positively identified Quinton Carter as the person who robbed the store at gunpoint. Freeman signed the front of Carter's photograph as well as the photo line up waiver statement form.

It should be noted that all witnesses were shown the photo line ups separately and at different times.

On January 27, 2009, Investigators issued a probable cause arrest photo to patrol for the arrest of Quinton Carter for two counts of Armed Robbery, 211 P.C.

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

(3) I believe that the installation of the above equipment and the retrieval of the above information on the following telephone number of [REDACTED] will assist the Oakland Police Department in their attempt to locate Quinton Carter's whereabouts. Wherefore, your affiant request that a court order be issued upon the above facts.

(4) 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

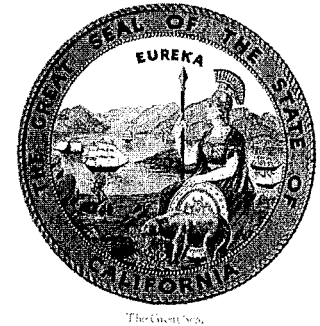
Date

Applicant

18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA

County of Alameda



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: [REDACTED]

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 [REDACTED] 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 **211 P/C x 2 (armed robbery)**.

Pursuant to 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 [REDACTED] 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 [REDACTED] 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 [REDACTED] but also to any changed telephone number(s) subsequently assigned to the same instrument as [REDACTED] 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 T-Mobile assist in the attempt to locate said telephone by the use of GPS coordinates, 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 1/15/2009 to 2/04/09
☒ Locations, dates, and times of cell tower contacts from 1/15/2009 to 2/04/09
☒ 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 February 5, 2009.

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

Date

Affiant's signature after being sworn

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

SUPERIOR COURT OF CALIFORNIA
County of Alameda



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

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: [REDACTED]

ORDER: Officer Omega Crum, 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 (209) 597-4507 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 **187 P/C (Homicide)**.

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 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 [REDACTED], 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 [REDACTED] 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 [REDACTED] but also to any changed telephone number(s) subsequently assigned to the same instrument as [REDACTED] 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

- | | |
|---|---|
| <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, incoming and outgoing text messages with content from May 31, 2012 to June 13, 2012
- ☒ 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]
- | | | |
|---|---|---|
| <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

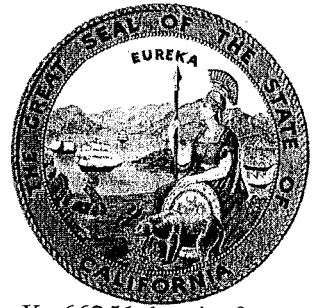
* Application must be attached
18 USC § 2703(d)

SUPERIOR COURT OF CALIFORNIA

County of Alameda

Application for Court Order

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



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: [REDACTED]

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 July 2005, I have been assigned to the Oakland Police Department's Target Enforcement Task Force (TETF). Prior to my current duty I was assigned to the Oakland Police Department's Crime Reduction Team 6 (CRT6). During that duration 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 Homicide and assault with a deadly weapon (Firearm) that occurred on 03 March 2012 at approximately 5:20 AM in front of 419 Stoneford Ave. The victim was positively identified as MEJIA, William (deceased). MEJIA was a self admitted Border Brother Gang member and specifically a member of the "On One Boys" a sub-set of the Border Brother Gang. The preliminary investigation revealed that MEJIA was last seen by his brother arriving home at 3:00 AM for a brief moment and leaving in a hurry. MEJIA is captured parking his vehicle a red (Ford Explorer) with custom wheels on Hunter Ave at approximately 4:55 AM. Hunter Ave is the street behind Stoneford Ave and MEJIA is seen exiting his vehicle and walking towards Stoneford Ave. MEJIA is later found at 5:20 AM fatally shot several times lying face up in front of 419 Stoneford Ave. Jonathan Santacruz and Manuel Calderon were identified as suspects and 187 Ramey warrants were issued for both.

On 14 May 2012, Jonathan Santacruz was taken into custody and Manuel Calderon fled the area to Manteca, Ca. SANTACRUZ was later placed into North County Jail and his jail house calls were being recorded and monitored by Sheriff deputy personnel.

Investigators listened to the phone calls from 31 May 2012 - 1 June 2012 and immediately detected that SANTACRUZ was constantly calling the cell phone number of [REDACTED] and communicating with an female Hispanic believed to be SANTACRUZ's female cousin named Mariella Bailon or Rodriguez. While listening to the calls between SANTACRUZ and Mariella, SANTACRUZ is repeatedly directing Mariella to tell Manuel Calderon to change his phone number and warning him the police are monitoring his cell phone.

It should be noted that your affiant and his unit were in fact monitoring the locations cell site towers of Manuel Calderon cell phone of [REDACTED]. Your affiant noticed that After 1 June 2012 Manuel Calderon cell phone was powered off and no longer showing its cell site tower location.

On 1 June 2012 a jail house call was monitored between SANTACRUZ and Mariella and she told SANTACRUZ that Manuel Calderon had already changed his cell phone number to a (209) area code. Mariella said that she had Manuel Calderon cell phone number saved in her cell phone and was actively calling Manuel Calderon.

On 7 June 2012 a court order was signed and issued to AT&T wireless for the toll records of Mariella. On 12 June 2012 the requested information was sent to me. After analyzing the information I found only one phone number [REDACTED] with an area code of 209 showing up in the tolls starting after June 1, 2012. Based on the prior conversations that Mariella had about Manuel changing his number from a 510 area code to a 209 area code I believe that this is the new number for Manuel.

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, OR PEACE OFFICER IN THE COUNTY OF ALAMEDA: Proof by affidavit, having been made before me on this date by Officer Jose Barocio 8683, 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 Jose Barocio, Oakland Police Department, hereinafter "Applicant."

SUBSCRIBER: [REDACTED]

ORDER: Officer Jose Barocio, 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 [REDACTED] 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 11351.1H&S (Possession of Cocaine Base for Sales) and 11370.1H&S (Possession of a Firearm while Selling Narcotics).

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

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 Jose Barocio 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 [REDACTED] 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 number listed above for [REDACTED] but also to any changed telephone number(s) subsequently assigned to the same instrument as [REDACTED] 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 Metro PCS be compensated for reasonable expenses incurred while complying with this court order.

IT IS HEREBY ORDERED that Metro PCS, Nextel Communications, AT&T Wireless Services, 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 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 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.

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

Telephone

X Local and long distance connection records from September 1, 2014 to October 23, 2014

X Locations, dates, and times of cell tower contacts from September 1, 2014 to October 23, 2014

X Last outgoing/incoming phone number [REDACTED] SMS with content from September 1, 2014 to Present

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 **September 1, 2014 to October 23, 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 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

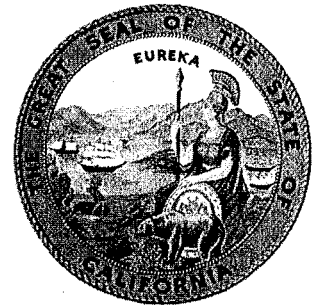
- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose 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

Date

Judge of the Superior Court

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

◆ AFFIDAVIT ◆



Affiants name and agency: Officer Jose Barocio, 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:

I have been a sworn police officer with the Oakland Police Department since August 2006. 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. The Crime Reduction Team is a unit which focuses on community based problems, case evaluations, street narcotic trafficking and violent crimes. I was assigned to the Gang Unit as of January 19, 2013 until August 2, 2014. I am currently assigned to the Special Investigations Unit.

I have received a total of approximately 203 hours of training in the detection, recognition, and investigation of narcotics and other controlled substances. My law enforcement training related to narcotics consists of, but is not limited to, the following:

1. Oakland Police Department Police Academy, Basic Drug Investigation (12 hours).
2. Northern California HIDTA Course, Search Warrant A through Z (16 hours) in October 2009.
3. Royal Canadian Police Marijuana Cultivation Course (16 hours) in May 2009
4. California Narcotic Officer Association (8 hours) in November 2008.
5. Informant Management Course (8 hours) in May 2010.
6. Northern California HIDTA Marijuana Dispensaries Course (7 hours) in February 2011.
7. Northern California HIDTA Pharmaceutical Narcotics (8 hours) in March 2011
8. Oakland Police Department Search Warrant Authorization Course (40 hours) in Dec 2011.
9. California Narcotic Officer Association Chasing Cell Phones (8 hours) October 2012.
10. Institute of Criminal Investigation Major Drug Investigations (80 hours) January 2014.

I have spoken with hundreds of persons who use and sell narcotics and other controlled substances. I am familiar with the terminology used concerning narcotics and other controlled substances. I am familiar with the appearance, packaging, use, and sales methods of narcotics and other controlled substances.

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

I have assisted with over 100 hours of narcotic buy-walk operations in the city of Oakland. I have also assisted in over 100 hours of narcotic buy-bust operations. I have also been the case agent in over 40 narcotic surveillance's in the city of Oakland.

I have testified as an expert witness in Alameda County for Possession of Cocaine Base for Sales, Possession of Cocaine Hydrochloride for Sales, Possession of Methamphetamines for Sales, Possession of Pharmaceutical Drugs for Sales, and Possession of Marijuana for Sales.

Prior to being sworn Police Officer, I was enlisted in the United States Army from June 2002 until June 2008. I was assigned as a Sergeant and Unit Armor for the 2nd Medical Brigade. As the unit armor I was the non-commission officer in charge (NCOIC) of all sensitive items during Operation Iraqi Freedom from May 2007 to June 2008. These sensitive items included all weapons assigned to the unit to include M-16A1 Assault Rifle, M-16A2 Assault Rifle, M-4 Assault Rifle, M-249SAW Assault Machine Gun Rifle, and M-9 Beretta Handgun.

As the unit armor coupled with previous Army operations and training, I have examined over 1,000 assault type rifles. I am also familiar with various firearms due to recovering them in the city of Oakland and U.S. Army training.

I have received a total of approximately 339 hours of training in the mechanisms, recognition, and investigation of firearms and other types of weapons. My law enforcement and military training related to firearms consists of, but is not limited to, the following:

1. U.S. Army Basic Training Rifle Marksmanship, February 2003 to May 2003 (Over 100 hours)
2. U.S. Army Warrior Leadership Course, May 2004 (Over 20 hours)
3. U.S. Army Armory School, July 2007 (Over 40 hours)
4. U.S. Army Operation Iraqi Freedom, Pre-deployment Training (Over 100 hours)
5. ATF AK-47 Familiarization Course, May 2007 (8 hours)
6. Northern California HIDTA Course, Search Warrant A through Z (16 hours) in October 2009
7. Informant Management Course (8 hours) in May 2010.
8. Oakland Police Department Assault Weapon Firearm Course, 2009 (7 hours)
9. Oakland Police Department Search Warrant Authorization Course (40 hours) in December 2011.

I have been involved in over 100 arrests of persons for the possession of firearms, the possession of firearms for sales, and violent crimes with the use of firearms.

I have testified as an expert witness in Alameda County as an Assault Weapons expert.

I have authored 40 search warrants and assisted in over 100 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.

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".

I know from training and experience that suspects involved in selling narcotics, armed with firearms, and in gang activity, will contact co-conspirators 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 Williams was in contact with prior to, and after the commission of the shootings 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 Williams' cell phone during the retaliation shootings detailed in this affidavit.

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.

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

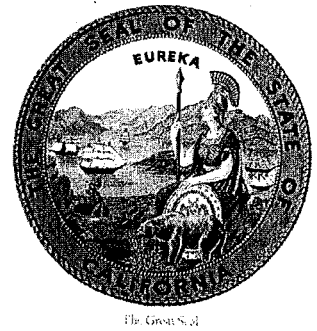
Signature of Affiant

Signature of Magistrate

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: [REDACTED]

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 [REDACTED] 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 [REDACTED] 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 [REDACTED] 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 [REDACTED] but also to any changed telephone number(s) subsequently assigned to the same instrument as [REDACTED] 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 # [REDACTED] 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 [REDACTED] 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 [REDACTED] Street, Oakland, and [REDACTED] 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