



**RIVERSIDE COUNTY DISTRICT ATTORNEY
SUPPLEMENTAL REPORT**



R Number DAR2020-230-001		Date of Occurrence From 08/16/2020	Date of Occurrence To	Date Reported	Office RIVERSIDE						
Offense Code OIS		Offense Description Officer Involved Shooting - FATAL		Felony/Misdemeanor FELONY		EDP Code 13C7-N					
Offense Code		Offense Description		Felony/Misdemeanor		EDP Code					
Offense Code		Offense Description		Felony/Misdemeanor		EDP Code					
Location of Occurrence 560 N. San Jacinto, Hemet, CA 92543						Inv. Case Status OPEN					
Business Name				Business Phone		Inv. Disposition					
V- Victim W - Witness RP - Reporting Party O - Other											
V/W/RP V	Name OFFICER SCHROEDER #10597		DOB	DL/ID#	State	Sex	Race	HT	WT	Hair	Eye
Residence Address								Res/Cell Phone			
Business Name HEMET PD		Business Address 450 E. LATHAM AVENUE, HEMET, CA 92543					Business Phone (951) 765-2400				
Suspect Arrested: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>											
Sus # 1	Name ESPINOZA, YSIDRO JOSE		DOB 04/29/1990	DL/ID# E30888857	State CA	Sex M	Race H	HT 5'9"	WT 185	Hair BLK	Eye BRN
Residence Address 1825 S. SAMNTA FE ST APT 110, SAN JACINTO, CA 92583								Res/Cell Phone			
Business Name		Business Address					Business Phone				
Summary											
Prepared By Sr. Inv Moreno #MM395			Date		Approved By <i>R. Bodmer #215</i>			Date 6/15/21			

FILE NUMBER: DAR2020-230-001

NARRATIVE

RIVERSIDE COUNTY DISTRICT ATTORNEY

SUPPLEMENTAL

ASSOCIATED CASE NUMBERS:

Hemet Police Department

Case Number 20-6129

ATTACHMENTS:

1. Search Warrant authored by Detective Wood for suspects cellphone

DETAILS:

The following supplemental report is regarding an officer involved shooting incident that occurred on August 16, 2020 at approximately 0700 hours at 550 N. San Jacinto Street in the city of Hemet. The suspect, later identified as Ysidro Espinoza, was declared deceased at the scene.

The purpose of this report is to include a copy of a search warrant that was authored by Detective Wood of the Hemet Police Department. The search warrant was for GPS location on the suspect's Ysidro Espinoza, cell phone. The GPS tracking led Hemet Police Department officers to Espinoza's location.

STATUS:

OPEN / CR-2



SEARCH WARRANT AND AFFIDAVIT

STATE of CALIFORNIA, COUNTY of RIVERSIDE, DECLARATION and REQUEST FOR ORDER SEALING SEARCH WARRANT DOCUMENTS

Your Affiant, **Brian Wood** relates that this Search Warrant sought pursuant to this Search Warrant/Affidavit, Statement of Probable Cause and the Return to Search Warrant and all documents relevant to this Search Warrant relate to an on-going investigation of a Murder. It is expected that additional Search Warrants will be sought relating to this matter and if information contained in the above listed documents were made public, it would compromise this investigation and make it impossible to continue.

The affiant intends to conduct further investigation into this murder with family, friends, neighbors and co-workers. The unwanted media attention will bring undue attention to family, friends, neighbors, co-workers, and hinder the investigation and jeopardize the safety of family, friends, and or witnesses. Based on training and experience, the affiant knows media attention on homicide cases results in a lack of cooperation with family, friends, neighbors and co-workers.

Further, your affiant based on training and experience believes that during incidents which draw major media attention such as this case, the media will immediately begin interviewing friends, family, neighbors and co-workers, of the people whom law enforcement are focusing on. It is important to note that the media has access to some of the same databases as law enforcement. They use these databases to locate home addresses and work addresses of potential witnesses. Once the media begins interviewing and airing the interviews, it becomes very difficult to discern the difference between an individual's own recollection or their recollection influenced by the media reports. In this case it is very important to obtain the independent recollection of the victim and/or suspect's behavior patterns over a relevant time period without outside influences. Our inability to obtain independent recollections will irreversibly harm the investigation. Furthermore, we are investigating and attempting to locate the suspect(s) in the case. Release of the information in the affidavit would compromise the investigation by alerting the suspect(s).

Your Affiant requests that the Search Warrant/Affidavit, Statement of Probable Cause and the Return to Search Warrant and all documents relating to this Search Warrant be ordered to be sealed. And that the Search Warrant/Affidavit, Statement of Probable Cause and the Return to Search Warrant and all documents relating to this Search Warrant remain sealed and in the custody of the clerk of the court until order of this court or other competent court having jurisdiction over this matter.

I declare under penalty of perjury that the related foregoing is true and correct to the best of my knowledge.

(Signature of Affiant)

____ day of _____, 2020, at _____ AM/PM

POINTS & AUTHORITIES

Rules of Court, rule 2.550 et seq.; Evid. Code, § 1040 et seq.; *NBC Subsidiary, Inc. v. Superior Court* (1999) 20 Cal.4th 1178, 1211; *People v. Jackson* (2005) 128 Cal.App.4th 1009, 1023-1024; *County of Orange v. Superior Court* (2000) 79 Cal.App.4th 759, 766; *PSC Geothermal Services Co. v. Superior Court* (1994) 25 Cal.App.4th 1697, 1712; *Times-Mirror v. United States* (9th Cir. 1989) 873 F.2d 1210, 1213; *People v. Sanchez* (1972) 24 Cal. App. 3d 664, 678; *People v. Greenstreet* (1990) 218 Cal. App. 3d 1516; *Swanson v. Superior Court* (1989) 211 Cal. App. 3d 332, *People v. Hobbs* (1994) 7 Cal.4th 948.

ORDER

Based upon the foregoing Declaration and Request and a reading of the original Affidavit, Search Warrant, Statement of Probable Cause, and the Return to Search Warrant thereof referred to above, it is hereby ordered that the Affidavit, Search Warrant, Statement of Probable Cause and the Return to Search Warrant thereof, be sealed and maintained in a secure location in the custody of the clerk of the court until further order of this court or other competent court having jurisdiction over this matter.

(Signature of Magistrate)

____ 4th day of _____ June _____, 2020, at _____ AM/PM

Judge of the Superior Court of California, County of Riverside, Dept _____

(Printed Name of Magistrate)

SEARCH WARRANT AND AFFIDAVIT

State of California – County of Riverside (Affidavit)



Detective Brian Wood swears under oath that the facts expressed by him in this Search Warrant and Affidavit, in the attached and incorporated statement of probable cause are true and that based thereon he has probable cause to believe and does believe that the property and/or person described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

NIGHT SEARCH REQUESTED:

☒ YES ☐ NO

HOBBS SEALING REQUESTED:

☐ YES ☒ NO

SEALING REQUESTED – EVIDENCE CODE 1040-1042:

☒ YES ☐ NO

ELECTRONIC MONITORING:

☐ YES ☒ NO

30 DAY EXTENSION (TRACKER ONLY):

☐ YES ☒ NO

AFFIANT'S SIGNATURE: _____

AFTER SWORN

DATE _____

(Search Warrant)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER, OR PEACE OFFICER IN THE COUNTY OF RIVERSIDE: proof having been made, before me, by Detective Brian Wood that there is probable cause to believe that at the property and/or person described herein may be found at the locations set forth herein and is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "X"(s) in that:

- ☐ it was stolen or embezzled,
- ☒ it was used as the means of committing a felony,
- ☐ it was possessed by a person with the intent to use it as means of committing a public offense or is possessed by another whom he or she may have delivered it for the purpose of concealing it or preventing its discovery,
- ☒ it tends to show that a felony has been committed or that a particular person has committed a felony,
- ☐ it tends to show that a sexual exploitation of a child in violation of Section 311.3, or depiction of sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring,
- ☐ there is a warrant for the person's arrest;

YOU ARE THEREFORE COMMANDED TO SEARCH: (premises, vehicles, persons)

See ATTACHMENT "A" for Premises

FOR THE FOLLOWING PROPERTY/PERSON:

See ATTACHMENT "B"

SEARCH WARRANT AND AFFIDAVIT

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 16th day of August, 2020, ____ ☐ A.M. ☐ P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

NIGHT SEARCH REQUESTED:

☐ YES ☐ NO

HOBBS SEALING REQUESTED:

☐ YES ☐ NO

SEALING REQUESTED – EVIDENCE CODE 1040-1042:

☐ YES ☐ NO

ELECTRONIC MONITORING:

☐ YES ☐ NO

30 DAY EXTENSION (TRACKER ONLY):

☐ YES ☐ NO

HONORABLE

Judge of the Riverside County Superior Court
Riverside County, State of California

Reviewed for legal sufficiency by Deputy D.A. _____

Search warrant Executed by: _____

Date of service: _____

Time of service: _____

SEARCH WARRANT AND AFFIDAVIT

AFFIANT'S DECLARATION

Affiant's name: Brian A. Wood (ID# 10578)

Occupation: Police Detective

Department Employed By: Hemet Police Department

Assignment: Investigations Bureau

Law Enforcement Experience: 10 Years

TRAINING & EXPERIENCE:

Your affiant is a Sworn Peace Officer with Hemet Police Department and has been so since February of 2015. Your affiant's education and background, in part, consists of the following:

- Attended the POST Certified San Bernardino Sheriff's Department Basic Academy
- Active Shooter/Rapid Deployment Training
- Field Training Program consisting of 640 hours of Patrol and Investigation procedures
- 80 hour course ICI Basic Investigations
- 40 hour course for Field Training Officers.
- Completion of California P.O.S.T. Search Warrant Fundamentals
- 40 hour course on Child Abuse and Sexual Assault Investigations
- 24 hour conference on Gang Investigations
- 8 hour course on Search Warrant Preparation
- 32 hour course on Highway Criminal Interdiction
- 940 hours, US Border Patrol Academy
- 32 hours, Violent Crime Behavior Analysis Seminar
- 80 hour course, ICI Homicide Investigations
- 80 hour course, ICI Officer Involved Shooting Investigations

During your Affiant's law enforcement career, I have had the opportunity to investigate directly, or be part of investigating, cases relating to crimes against persons; these include elder abuse, homicides, robberies, vandalism, sexual assaults, battery, and assaults with a deadly weapon. I have also spoke to and worked with other Peace Officers while investigating cases involving crimes against persons and interviewed the suspects who committed these crimes. I have conducted dozens of investigations regarding identity thefts involving the unauthorized access of personal information. I have often carried these investigations to their conclusion with resulting convictions for the various crimes.

CURRENT ASSIGNMENT:

Your Affiant is currently assigned to the Hemet Police Department Investigations Bureau as a Detective.

SEARCH WARRANT AND AFFIDAVIT

BEGINNING OF SEALED PORTION OF AFFIDAVIT

On 8/15/2020, at approximately 2129 hours, Hemet Police Officers responded to a call of a subject bleeding from the head at Searl Park, located at 1001 N. Buena Vista Street, in the City of Hemet/ County of Riverside.

Upon arrival, officers located a male victim lying on the ground outside the passenger side of the vehicle (2018 Chevrolet Malibu, CA Lic# 8DBU683) and a female, Nivia Huizar, was sitting with him. The vehicle was parked along the west curb and facing south. The victim, Eduardo Reyes, had an obvious injury to his head which appeared to be a gunshot wound. Eduardo was transported by American Medical Response to Hemet Valley Hospital where he was pronounced deceased at 2235 hours by Dr. Hosta.

Officers spoke with Michael King who stated he was in another area of the park. Michael said he heard approximately two to four gunshots and observed a dark colored sedan driving away from the scene. Officers searched the area but were unable to locate the vehicle.

Hemet Police Department Investigations Bureau responded to the scene and assumed the investigation. Detective Willison contacted Nivia and asked if she would be willing to speak with him to which she agreed and was brought to Hemet Police Department. At Hemet Police Department, Nivia told Detective Willison she picked up Eduardo from his home at approximately 2030 hours. Nivia said she and Eduardo went to AMPM (690 N. Menlo Avenue, City of Hemet) and then to Searl Park where they parked along the street. Nivia said she was sitting in the passenger seat and Eduardo was on top of her, face to face and kissing. Nivia said she heard someone call out her name from outside the passenger side window. Nivia stated immediately after hearing her name, she heard the windows of her vehicle break out and saw Eduardo was bleeding from his head. Nivia stated she recognized the voice she heard as her ex-fiancé, Ysidro Espinoza.

Furthermore, Nivia said she and Ysidro recently separated after being in a relationship for approximately 11 years. Nivia stated Ysidro had previously told her if she were to leave him then he would kill her. Nivia provided Detective Willison with Ysidro's phone number (951-987-6195) and allowed Detective Willison to read through her messages with him. In the messages, Ysidro stated he knew Nivia had spent a lot of time with Eduardo.

At this time, detectives have been unable to locate Ysidro and the murder weapon is outstanding.

In addition to the reasons listed in the below section of Opinions and Conclusion, Your affiant believes a search of the phone records will produce evidence showing Ysidro was at 1001 N. Buena Vista Street during the crime. Furthermore, a search of Ysidro's cell phone records could show whether Ysidro and Nivia communicated and possibly conspired to get Eduardo to a secluded location in order to murder him. Identifying Ysidro's whereabouts immediately following the shooting may reveal the location of the handgun used and where Ysidro is located

SEARCH WARRANT AND AFFIDAVIT

REQUEST FOR AN ORDER DELAYING NOTIFICATION OF SEARCH WARRANT

Contemporaneously with the execution of a search warrant, when electronic information is being sought pursuant to a search warrant, California Penal Code § 1546.2 requires law enforcement to notice the identified target(s) of the search warrant that information about the target has been compelled or requested. Additionally, law enforcement must provide the target(s) with a copy of the search warrant and an explanation as to the nature of the investigation.

Upon a finding by the court that an "adverse result" will occur if notification is given, notification can be delayed and the court can prohibit the recipient of the search warrant from notifying the target that a search warrant has been issued for electronic information. Upon review of a sworn affidavit, if the court determines that there is reason to believe that notification will have an adverse result, the court shall issue an order delaying the notification requirement for a period of time that the court finds there is reason to believe that the notification may have that adverse result, and/or issue an order prohibiting any party that is required to provide information to law enforcement pursuant to the search warrant from notifying any other party. The delay cannot exceed 90 days. Extensions, up to 90 days can be issued upon request by sworn affidavit if the court determines that an adverse result still exists.

California Penal Code § 1546 defines an "adverse result" as:

1. Danger to the life or physical safety of an individual.
2. Flight from prosecution.
3. Destruction of or tampering with evidence.
4. Intimidation of potential witnesses.
5. Serious jeopardy to an investigation or undue delay of a trial.

I request the court issue an order delaying notification to the target(s) for a period of 90 days because of the possibility that the targets are involved in the homicide. Further, if notified, I believe target(s) will take steps to destroy any evidence of their involvement. In addition, due to the involvement of multiple target(s) and their familial and friend relationships, it is unreasonable to believe that they will not disclose the law enforcement action to one another.

SEARCH WARRANT AND AFFIDAVIT

OPINIONS AND CONCLUSIONS

Using my training and experience, I have a general understanding of how the cellular telephone network operates. I am aware that cell sites (towers) are strategically placed by cellular service providers, to provide a seamless operation so people can travel virtually anywhere and make or receive an uninterrupted call, send or receive text messages, or initiate a data session via their cellular phone. Usually, cell sites will be mounted high on a large pole, building, or other structure which provides line of sight with the population below. Cell sites are typically divided into sectors, which are made up of antennas connected to cellular radio transceivers. Each sector is mounted on the cell site and faces a specific direction to provide maximum cellular coverage for the people in the area. The range of the cell site and sectors depends on environmental and geographic factors and whether it is located in a highly populated urban environment or desolate rural area. Cell site location information (CSLI) does not provide an exact location of a cell phone; the basic call detail record data only provides the physical location of the cell site (latitude and longitude) and a direction (azimuth) from the cell site, which can cover an area anywhere from 0-20 miles.

I am aware when a person either initiates or receives a voice call, text message, or a data session (usage event) from their cellular device, the device broadcasts signals to the cell site that routes its communications. These signals include a cellular device's unique identifiers as well as details about the usage event. I am also aware cellular service providers collect and store these usage event details (transaction records) associated with cellular phone numbers during the normal course of business. The usage event records, commonly referred to as call detail records, stored by their respective cell phone company contain the following information: date, time, type of event, duration, phone number initiating the usage event (called, calling), even if caller identification is blocked by the calling party, text message transaction data, the international mobile equipment identifier (IMEI), the international mobile subscriber identifier (IMSI), IP packet data session logs, and cell site location and sector information at the beginning and ending of each usage event.

I believe such information is relevant and material to the ongoing criminal investigation as it may provide investigators with information supporting or refuting the suspect's alibi, and assist with determining other unidentified co-conspirators, and/or show the general geographic location of the target device before, during, or after the commission of the crime. This is basic information and does not provide an exact location of the person's cell phone nor does it identify the other parties.

I am aware that obtaining and preserving historical cell phone call detail and specialized location records could also prove to be fruitful, as such records could assist investigators not only with identifying those who may have been in contact with the victim(s) or potential co-conspirators, but may also allow investigators many other opportunities, including, but not limited to, confirmation or the disproving of alibis, statements, and other observations.

I know that these records such as those associated with the target phone, are not kept or preserved indefinitely by the cellular service providers and are purged at different intervals. Obtaining and preserving these records at this point in the investigation will assure the investigators assigned to the case will have them available, and if the case were to go "cold", future investigators will have access to the records which would otherwise likely not be obtainable. Not only could the preserved records assist in proving one's guilt, they could also assist in proving one's innocence.

I am aware cellular service providers maintain specialized location records consisting of engineering data. These data sets are used by the providers to troubleshoot coverage areas and report back on potential dead spots, all with the intent to oversee and optimize the cellular network. Specialized location records typically contain data for every usage event, to include technology details (e.g. voice, text, data), resource usage, and call failure

SEARCH WARRANT AND AFFIDAVIT

information. They can also include data for incomplete calls (e.g. denied calls and set-up failures). These records not only include the basic call detail records, but also an estimation of the target phones location (Latitude and longitude) with a possible accuracy radius, and/or the distance from the cell site at the time of the usage event. Utilizing specialized location records can provide investigators with a much smaller footprint of a target phones location and could place a target phone within close proximity of a crime scene before, during or after a crime. Each carrier uses their own nomenclature to describe the technology used to obtain this data including: NELOS (Network Event Location System) – AT&T, RTT (Round Trip Time/Return Trip Time/Real Time Tool) - Verizon, PCMD (Per Call Measurement Data) – Sprint & U.S. Cellular, and TrueCall® or TDOA (Time Distance of Arrival) – T-Mobile & Metro by T-Mobile. I believe this information is relevant and material to the investigation as it provides supplemental geo-location information which, while not precise enough to identify a specific house, is accurate enough to provide block-level accuracy, in some cases. Investigators can use this information to correlate existing fact patterns and timelines to confirm or refute prior statements and/or evidence regarding the location of the target device.

I am seeking evidence of communication between identified subject(s) and previously unidentified individuals and entities. In my training and experience, associates communicate together via phone calls, text messages, and social network posts via data sessions and these communications most commonly occur on or through cellular devices.

In my training and experience individuals often use digital devices and cellular devices to post messages to others on social networking applications. In my training and experience it is possible for cellular phone users to use a variety of messaging platforms including the cellular SMS and MMS technology, as well as third-party applications like Facebook Messenger, WhatsApp, iMessage, and many other applications. Therefore, I seek to search all the communication evidence maintained by the service provider.

I am also seeking evidence of association. I know that establishing the association of co-conspirators is important in proving a concert of action between multiple persons. In my training and experience, one of the most effective methods of linking co-conspirators together is by reviewing the call detail records maintained by the cellular service providers. In my training and experience, associates communicate together via voice calls, text messages and third-party applications by means of a data usage event, therefore I am seeking the call detail record evidence to demonstrate the associations of the individuals in this case. Because this evidence is intended to be used to show associations of the user/owner of the device and co-participants, I am seeking the above items regardless of the dates the information was created.

I am aware cellular service providers offer their customers optional free or paid backup digital storage for some of the content stored on their device. These services are offered to secure and restore their digital information in the event their mobile device is lost or stolen. Because these digital storage services are remote and transparent to the consumer, they are often referred to as 'cloud' storage. Customers can elect to digitally store the contents of their electronic phone book including details of their contacts, names, phone numbers, email addresses, and other data, calendar events, short message service (SMS) messages, commonly referred to as text messages, multimedia message service (MMS) messages, consisting of pictures, videos, and/or audio files with or without accompanying text, call logs of incoming, outgoing, and missed calls, digital images and videos, music and audio files, and electronic files such as documents and spreadsheets. I believe this information is relevant and material to the matter at hand as the contents of the remote digital storage may contain information presently unavailable to investigators including: associated identifying information from the user's contacts which would tend to identify possible suspect's, witnesses, associates, and/or co-conspirators, the content of messages sent between those parties, digital images and videos which may contain evidence of the crime under investigation, and documents related to same.

SEARCH WARRANT AND AFFIDAVIT

I am aware cellular service providers maintain a master cell site list of all cell sites within their network. These cell site lists will include the specific switch, cell site number, name, physical address, latitude and longitude of the cell site, all sectors associated with each cell site, azimuth, and beam-width of each related sector. When reviewing call detail and specialized location records from the carriers, the records may only reference a specific switch, cell and sector, or LAC and CID, related to each usage event; they usually will not include the location (latitude and longitude) of the actual cell site and azimuth of the sector. It becomes necessary to reference a cell site list in order to plot the exact location of the cell site and to identify the azimuth of the sector used associated with specific usage events.

Also, in the course of the investigation and review of the call detail and specialized location records, it may become necessary to visualize all cell sites within a geographic region of interest, not just the cell sites used by the target phone. It is just as important to show cell sites not used by a target phone, as it is to show cell sites used. By obtaining the master cell site lists from the cellular service providers, investigators are able to plot all of the cell sites in a given region, helping investigators with disproving of alibis, statements, and other observations evidenced by the records.

I am seeking evidence of ownership, use, and identification of the subscriber, customer or owner of the electronic communication information contained in the records retained by the cellular service provider. I am aware, depending on whether the account is post-paid or pre-paid, a consumer must provide information to the cellular service provider. Post-paid accounts are credit based whereby a customer is provided service and then billed after the provision of services. These types of accounts require sufficient identifying information to enable the cellular service provider to make a determination regarding credit worthiness and recourse in the event the consumer defaults on their contractual agreement. The information required by most cellular service providers include the customer's personal identifying information, verified using government issued identification or other means, residential address, alternate contact phone numbers, and electronic mail (email) address(es). Additional information can include the type of service plan, additional features subscribed to, such as cloud storage and additional phones on the same account, device type and unique identifiers including IMEI and IMSI, method and source of payment information including financial institution and direct billing checking account numbers, credit or debit card numbers, and/or third-party payment processors, and customer service representative account comments and notes. I believe this information is relevant and material to the matter at hand as it serves multiple purposes including: identifying the subscriber to the target phone number, providing investigators with additional information and leads including subscriber address, additional phone numbers, and/or email addresses, device identifiers used to correlate any seized phones with the account, previously unidentified phones subscribed to on the same account, and financial information. I know that ownership and control of a digital device can be placed at issue through a simple denial, "that is not my phone." In my training and experience some of the best ways to establish ownership and control are by reviewing account information and subscriber records from cellular service providers.

It is your Affiant's experience that the cellular phone providers will often times take longer than the ten days to return the records, which is not within the time frame in which the Search Warrant must be served and the Return to Search Warrant filed. This is due in part because the Cellular Phone Companies or some other entity of the same nature, that completes the search and examinations, it is common for them to have multiple cases working at the same time and it can take several weeks to complete, despite the provisions outlined in California Penal Code Section §§ 1524.2(b)(1). It is requested that the Search Warrant and Return to Search Warrant be filed and that the search, examinations, and investigation be allowed to continue. Because of the unknown workload of the entity being served and the amount of data to be searched is unknown until the search is conducted, the time necessary to complete the search may exceed the ten days allowed. Therefore, it is

SEARCH WARRANT AND AFFIDAVIT

requested that the 10-day requirement on the records requested from this warrant be waived to provide ample time to process and comply with the Search Warrant in a timely manner.

Therefore, based upon my training, experience, and the above facts, Your affiant believes he has substantial probable cause to search the locations identified in **Attachment "A"** for the items listed in **Attachment "B"**.

As required by Penal Code § 1524.1 (d); those items that are within the scope of this warrant will be copied and retained by investigative agents. Investigating agents will then seal any information from the electronic service provider and Cellular Phones that is unrelated to the objective of the warrant (does not fall within the scope of "Attachment "B") and will not further review the information absent an order from the Court.

WHEREFORE, your affiant prays that a Search Warrant be issued based upon the aforementioned facts, for the seizure of said property, or any part thereof, good cause being shown thereof, and the same be brought before this Magistrate or retained subject to the order of the court, or of any court in which the offense(s) in respect to which the property of things taken, triable, pursuant to Penal Code §1536. Based upon the aforementioned information and investigation, your affiant believes that grounds for the issuance of a search warrant exist as set forth in Penal Code §1524 and §1524.2.

It is further requested that pursuant to the preclusion of notice provisions of Penal Code § 1546.2 and 18 U.S.C. § 2703(b), that AT&T, Inc., be ordered not to notify any person (including the subscriber, customer or owner of the electronic communication or device information to which the materials relate) of the existence of this warrant for ninety days. Any such notification could lead to flight from prosecution and the destruction of or tampering with evidence; and would otherwise seriously jeopardize an investigation.

I am aware that Penal Code § 1546.2 mandates that the law enforcement agency serving this warrant notify the target of the warrant contemporaneously with the service of the warrant unless an order delaying notification is granted. It is further requested, pursuant to the delayed notice provisions of Penal Code § 1546.2(b), an order delaying any notification to the target / party that may be required by § 1546.2(b) about this warrant, for a period of ninety (90) days.

Such an order is justified because providing prior notice to the target / party in this matter would lead to an adverse result which may result lead to flight from prosecution and the destruction of or tampering with evidence; and would otherwise seriously jeopardize an investigation.

As required by California Penal Code § 1524.3 (c); any information obtained through the execution of this warrant that is unrelated to the objective of the warrant shall be sealed and shall not be subject further review, use, or disclosure absent an order from the Court

NIGHT SERVICE:

See Above

SEALING

See Above

SEARCH WARRANT AND AFFIDAVIT

ATTACHMENT "A"

You are Therefore COMMANDED to SEARCH:

T-Mobile, USA

Law Enforcement Relations Group
4 Sylvan Way
Parsippany, NJ 07054
(866)537-0911
Lerinbound@t-mobile.com

Per California Penal Code Section §§ 1524.2(b)(1), you are hereby commanded to provide the information within five (5) business days of receipt of this search warrant.

I have verified that said service providers are a California corporation or foreign corporation doing business in California at the aforementioned locations, and are service providers of electronic communication services as defined in California Penal Code Section §§ 1524.2(a)(1). As such, I believe California Penal Code §§ 1524.2(b)(1) applies to these service providers, which states:

“(b) The following provisions apply to any search warrant issued pursuant to this chapter allowing a search for records that are in the actual or constructive possession of a foreign corporation that provides electronic communication services or remote computing services to the general public, where those records would reveal the identity of the customers using those services, data stored by, or on behalf of, the customer, the customer’s usage of those services, the recipient or destination of communications sent to or from those customers, or the content of those communications.

1. When properly served with a search warrant issued by the California court, a foreign corporation subject to this section shall provide to the applicant, all records sought pursuant to that warrant within five business days of receipt, including those records maintained or located outside this state.”

Therefore, I request the service providers be ordered by the court, after receipt of this search warrant, to produce the records sought in this search warrant in no less than five (5) business days in accordance with the law.

SEARCH WARRANT AND AFFIDAVIT

ATTACHMENT "B"

In Reference to Attachment "A"

For the FOLLOWING PROPERTY or PERSON(s): (to be Seized)

All records associated with phone number(s): (951)987-6195, for the dates of 07/01/2020 at 0001 hours PST, through 8/16/2020 at 0300 hours PST.

1. Subscriber Records: All information for the following phone number(s) (951)987-6195: Including:
 - All Subscriber information to include name, tax identification number (social security number or employer identification number).
 - Physical address, mailing addresses, residential addresses, business addresses, e-mail addresses and any other address information.
 - Credit information obtained or used by the company to grant account status.
 - All numbers associated with account.
 - Billing records.
 - All payments to include method, date and time of payments, location (store name, address, and phone number of location where payment(s) were made), and copies of payment items.
 - All Authorized users on the associated account.
 - Activation date and termination date of each device associated with the account and above listed number(s).
 - Types of service subscriber utilized (e.g. A-list, AT&T Messages, friends and family)
 - Make, model, serial number, IMEI, ESN, MEID, and MAC address associated with the above listed numbers including any and all equipment or sim card changes for the life of the account.
 - All customer service and account notes.
 - Any and all number and/or account number changes prior to and after the cell number was activated.
2. Call/Text/Data Detail Records: All records associated with the identified phone number(s): (951)987-6195 also to include all numbers that communicate with these listed numbers relating to all delivered and undelivered inbound and outbound calls, text messages, and text message content to any of the above listed numbers, all voice mail, and all data connections from 07/01/2020 through 08/16/2020 and to include;
 - Cell-site and sector, date, time, direction, duration, number called or text to and/or received from, and bytes up/down, information related to each call, text or data connection, all text message content, and voicemails.

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- Call to Destination / Dialed Digits search for all numbers listed above. Please preserve all cell-site and sector information related to each call, text or data connection.
- 3. **Stored Communication Records:** All stored communications associated with the identified phone number(s): (951)987-6195, for the above listed Call/Text/Data Detail Records. Specifically to include all text message content, voicemails, and any other stored communications.
- 4. **Specialized Location Records:** All call, text and data connection location information, related to all specialized carrier records that may be referred to as NELOS (Network Event Location System) – AT&T, RTT (Round Trip Time/Return Trip Time/Real Time Tool) - Verizon, PCMD (Per Call Measurement Data) – Sprint & U.S. Cellular, and TrueCall® or TDOA (Time Distance of Arrival or Timing Advance Information) – T-Mobile & Metro by T-Mobile, Mediation Records, E9-1-1, and/or Historical GPS/Mobile Locate Information which shows GPS location (longitude and latitude) and Cell-Site and sector of the device in relationship to the network when connected to the network for the above referenced number.
- 5. **Electronically Stored Records:** All records associated with the identified mobile number (951)987-6195, to include all stored communication or files, including voice mail, text messages, including numbers text to and received from and all related content, e-mail, digital images (e.g. pictures), contact lists, video calling, web activity (name of web site or application visited or accessed), domain accessed, data connections (to include Internet Service Providers (ISPs), Internet protocol (IP) addresses, (IP) Session data, (IP) Destination Data, bookmarks, data sessions, name of web sites and/or applications accessed), date and time when all web sites, applications, and/or third party applications were accessed and the duration of each web site, application, and/or third party application was accessed, and any other files including all cell site and sector information associated with each connection and/or record associated with the cell number identified as: (951)987-6195
- 6. **Internet Access Records:** All internet access records for phone number(s): (951)987-6195 from 07/01/2020 through 08/16/2020. These records are to include all assigned IP addresses, date, time, duration and data usage amounts. All IP addresses accessed.
- 7. **Cloud Storage:** Content stored in remote storage or 'cloud accounts' associated with the target device including, but not limited to, contacts, call logs, SMS and MMS messages with associated content including audio, video, and image files, digital images and videos, and files or documents.
- 8. **Cell Site List:** List of all cell-sites as of 8/16/2020 for all state(s) in which the above records used cell locations. Cell site lists to include switch, cell-site number, name, physical address, longitude and latitude, all sectors associated with each cell-site, azimuth, and beam-width of each related sector. If multiple technologies (CDMA, UMTS, GSM, LTE etc.) are referenced in the records, all appropriate corresponding cell site lists will also be provided.
- 9. **Carrier Key** related to call detail, text messages, data connections, IP logs, IP Sessions, web site and/or application connections, and cell site information.
- 10. **Real-time location data** every 15 minutes for a period of 10 days, to be initiated immediately upon receipt/service of this warrant. This real time location request can be cancelled prior to the 10 day period if requested by the affiant. Only the data requested within this field, Item 10, is to be sent to HEMETPD@CITYOFHEMET.ORG

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Any other records and other evidence relating to phone number(s): (951)987-6195. Such records and other evidence include, without limitation, correspondence and other records of contact by any person or entity about the above-referenced accounts, the content and connection logs associated with or relating to postings, communications and any other activities to or through the above referenced phone numbers, whether such records or other evidence are in electronic or other form.

The custodian shall complete and sign the "Declaration of Custodian" which accompanies this search warrant. The "Declaration of Custodian" shall be returned with a copy of the requested records, (California Penal Code, §§ 1546.1(d)(3), 1524.2 (b)(4)).

As required by California Penal Code § 1546.1 (d); any information obtained through the execution of this warrant that is unrelated to the objective of the warrant shall be sealed and shall not be subject further review, use, or disclosure absent an order from the Court.

No Waiver of California Penal Code § 1524.2(b)(1). Pursuant to Penal Code § 1524.2(b)(1), you have five business days within which to respond to this warrant.