

STATE of CALIFORNIA - COUNTY of SAN JOAQUIN RETURN TO SEARCH WARRANT

Detective Nathan Cogburn, being sworn, says he conducted a search pursuant to the Search Warrant described below:

Issuing Magistrate: Judge Harrington

Magistrate's Court: Superior Court of California, County of San Joaquin, Stockton Department.

Date of Issuance: December 10, 2008.

Date of Service: December 10, 2008.

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

Tracy Police Department
1000 Civic Center Drive
Tracy, CA 95376

Your Affiant seized the following items:

- Described in the attached and incorporated inventory.
- Described below:

Search of all electronic data processing and storage devices, computers and computer systems, such as central processing units, internal and peripheral storage devices such as fixed disks, internal or external hard drives, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, dongles or encryption keys, personal data assistants (PDA's) or other memory storage devices; and any/all peripheral input/output devices such as keyboards, printers, video display monitors, optical readers and related communication devices such as modems, associated telephone sets, speed dialers, or other controlling devices, plotters, software to run programs, connecting cables and plugs, peripherals such as joysticks, mouses, or other input devices, scanners, writing pads, manuals, connecting switches, telephones and telephone cables, and interface devices; system documentation, operating logs and documentation, software and instructional manuals. Computing or data processing software, stored on any type of medium such as: hard disks, floppy disks, CD-R's, CD-RW's, DVD's, cassette tapes, or other permanent or transient storage medium.

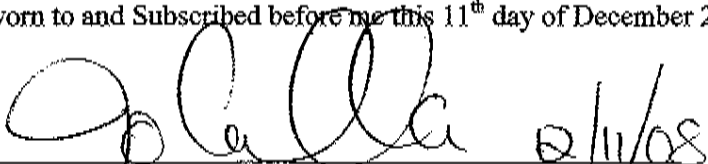
Search of all of the above items is for files, data, images, software, operating systems, deleted files, altered files, system configurations, drive and disk configurations, date and time, and unallocated and slack space, for evidence regarding child abuse.

I further swear this is a true and detailed account of all the property taken by me pursuant to the search warrant. Pursuant to Penal Code Sections 1528 and 1536 this property will be retained in my custody, subject to the order of this court or of any other court.



(Signature of Affiant)

Sworn to and Subscribed before me this 11th day of December 2008, at 1:30 A.M. (P.M.)



(Signature of Clerk)

Clerk of the Superior Court of California, County of San Joaquin, Tracy Department.



(Clerk's Printed Name)

SW NO. TSW 574

**STATE of CALIFORNIA, COUNTY of San Joaquin,
SEARCH WARRANT and AFFIDAVIT
(AFFIDAVIT)**

Det. Nate Cogburn swears under oath the facts expressed by him in the attached and incorporated **Affidavit** are true and based thereon he has probable cause to believe and does believe the articles, property, and persons described below are lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below, and are now located at the locations set forth below. Wherefore, Affiant requests this Search Warrant be issued.

NO KNOCK: YES NO
HOBBS SEALING REQUESTED: YES NO
NIGHT SEARCH REQUESTED: YES NO

Nate Cogburn
(Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF SAN JOAQUIN: proof by affidavit, under penalty of perjury, having been made before me by Det. Nate Cogburn there is probable cause to believe the property or person described herein may be found at the location(s) set forth herein and it is lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below by ""(s), in that:

- it was stolen or embezzled;
- it was used as the means of committing a felony;
- it is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery;
- it tends to show a felony has been committed or a particular person has committed a felony;
- it tends to show sexual exploitation of a child, in violation of Penal Code Section 311.3, or possession of matter depicting 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 to arrest the person;
- a provider of electronic communication service or remote computing service has records of evidence, as specified in Penal Code Section 1524.3, showing property was stolen or embezzled constituting a misdemeanor, or property or things are in possession of any person with intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their discovery.

You are therefore COMMANDED to SEARCH:

THE PREMISES known as the Tracy Police Department located at 1000 Civic Center Dr., Tracy, California, 95376 in the County of San Joaquin. The evidence was booked using Tracy PD case number 08-11100 (item number 1045/62) and consists of a Dell Dimension L1000R CPU tower, serial number 87MXM01.

For the FOLLOWING PROPERTY or PERSON(s):

Search of all electronic data processing and storage devices, computers and computer systems, such as central processing units, internal and peripheral storage devices such as fixed disks, internal or external hard drives, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, dongles or encryption keys, personal data assistants (PDA's) or other memory storage devices; and any/all peripheral input/output devices such as keyboards, printers, video display monitors, optical readers and related communication devices such as modems, associated telephone sets, speed dialers, or other controlling devices, plotters, software to run programs, connecting cables and plugs, peripherals such as joysticks, mouses, or other input devices, scanners, writing

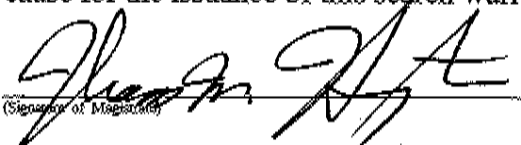
pads, manuals, connecting switches, telephones and telephone cables, and interface devices; system documentation, operating logs and documentation, software and instructional manuals. Computing or data processing software, stored on any type of medium such as: hard disks, floppy disks, CD-R's, CD-RW's, DVD's, cassette tapes, or other permanent or transient storage medium.

Search of all of the above items is for files, data, images, software, operating systems, deleted files, altered files, system configurations, drive and disk configurations, date and time, and unallocated and slack space, for evidence regarding ~~CHILD ABUSE~~. Additionally, the search is for information pertaining to the identity of any and all users of the computer.

With respect to computer systems and any items listed above the peace officers are authorized to transfer the booked evidence to a law enforcement agency location prior to commencing the search of the items. Furthermore, said search may continue beyond the ten-day period beginning upon issuance of this search warrant, to the extent necessary to complete the search on the computer systems and any items listed above.

AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court.


This Search Warrant and Affidavit and attached and incorporated Affidavit were sworn to as true and subscribed before me on this 10~~th~~ day of Dec, 2008 at 1:42 A.M. P.M. Wherefore, I find probable cause for the issuance of this search warrant and do issue it.


(Signature of Magistrate)

12-10-08
(Date)

NO KNOCK: YES NO
HOBBS SEALING APPROVED: YES NO
NIGHT SEARCH APPROVED: YES NO

Judge of the Superior Court of California, County of San Joaquin.



Signature of Magistrate

STATE of CALIFORNIA, COUNTY of San Joaquin,
ATTACHED and INCORPORATED
STATEMENT OF PROBABLE CAUSE

Affiant declares under penalty of perjury the following facts are true and there is probable cause to believe, and affiant does believe, the designated articles, property, and persons are now in the described locations, including all rooms, buildings, and structures used in connection with the premises and buildings adjoining them, the vehicles and the persons:

Your Affiant, Nathan Cogburn, declares I am a sworn peace officer and currently assigned to the investigations division as a detective specializing in cases concerning child abuse and sexual assault. Additionally, I supervise convicted sex offenders residing within the City of Tracy, where I have been dutifully employed as a police officer since February 2004. Moreover, I am a member of the Sacramento Valley Hi - Tech Crimes Task Force.

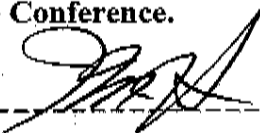
During my tenure as a police officer, I have investigated various cases involving an assortment of transgressions, specifically: violent crimes against persons, narcotics and controlled substances violations, sex crimes, domestic violence offenses, child sexual exploitation, Internet crimes against children, theft, forgery, identity theft, weapons violations, street-terrorism, municipal, state, and federal violations.

In 2003, I graduated from the 920-hour POST-certified Ray Simon Regional Criminal Justice Basic Police Academy. The extensive training encompassed no less than two-hundred (200) hours of homicide, sexual assault, child abuse, sexual exploitation of children, domestic violence, and property crimes investigations.

Throughout the duration of my employment, I received in-service training regarding child abuse crimes. Additionally, I conversed with detectives and senior officers with vast experience regarding the efficient and effective investigation of complex child abuse and sexual assault crimes. In conducting my own investigations, I interviewed and interrogated suspects involved in the aforementioned crimes and obtained both admissions and confessions from them. Moreover, I have consulted with crime scene technicians with regard to common types of evidence collected during the course of these investigations and the proper methods of obtaining and packaging said evidence. In all I have investigated, or assisted in the investigation of, a minimum of seventy child abuse / sexual assault cases.

I have completed the following training:

- **BA in English from UC Berkeley.**
- **MS in Emergency Services Administration from CSU Long Beach.**
- **80-hour training: Institute of Criminal Investigation (ICI) Core Course.**
- **80-hour training: ICI Homicide Investigation.**
- **40-hour training: ICI Child Abuse Investigation.**
- **40-hour training: ICI Sexual Assault Investigation.**
- **32-hour training: Encase 1 Computer Forensics.**
- **32-hour training: Cybercop 101 -- Basic Data Recovery and Acquisition.**
- **24-hour training: ICI Interview and Interrogation.**
- **24-hour training: CNOA -- Drug Abuse Recognition.**
- **21-hour training: 6th Annual Internet Crimes against Children (ICAC) Conference.**



Signature of Magistrate

- 16-hour training: **Third Degree Communications — Child Exploitation.**
- 16-hour training: **NLC Protects — Confronting the Challenge of Sexual Exploitation.**
- 8-hour training: **CNOA — Parolee Contacts, Convicts & Cops.**
- 8-hour training: **CNOA — Outlaw Motorcycle Gangs.**
- 8-hour training: **CNOA — Mini-DAR.**
- 8-hour training: **CNOA — Hotel/Motel Enforcement.**
- 8-hour training: **CNOA — Identity Theft and Methamphetamine.**
- 8-hour training: **Identity Theft Investigation for Patrol.**
- 8-hour training: **NCMEC — Protecting Our Children.**

NARRATIVE

On 12/01/08 at approximately 1530 hours, Tracy PD officers responded to the In-Shape Health Club located at 101 N. Tracy Blvd. concerning a suspicious circumstance. A 16-year-old male, subsequently identified as (V) [REDACTED] contacted employees at the gym requesting assistance — he was bleeding profusely, appeared extremely afraid, and a chain was attached to his ankle. AMR transported [REDACTED] to the Sutter Tracy Community Hospital for medical treatment and evaluation. Officers afterwards located witnesses who saw [REDACTED] climb over a sound wall separating a row of residences from the gym's parking lot.

During the course of the ensuing investigation, TPD detectives and officers discovered [REDACTED] escaped from a residence located at 630 Tennis Lane where (S) Caren Ramirez, (S) Michael Schumacher, and (S) Kelly Schumacher held him captive since mid-2007. [REDACTED] was frequently beaten, denied food for days at a time, and forced to remain for long periods inside the residence's wood-burning fireplace. Though currently 16-years-old, he appeared much younger due to malnourishment, and his body was predominantly covered with soot, sores and scars (new and old). [REDACTED] subsequently explained he was regularly hit on the head with a baseball bat, and was once cut with a knife and strangled with a belt until he lost consciousness. On one occasion, he was asleep in (and chained to) the fireplace when one of the suspects purposefully lighted it, resulting in a significant burn-injury on his left arm. He was never permitted to leave the residence and at all times was either chained to the fireplace or a heavy, practically unmovable table. His ankle was injured and seemingly permanently indented from the chain that encompassed it. Additionally, [REDACTED] explained his captors forced him to ingest unknown pills, consume alcoholic beverages, and smoke marijuana in order to continuously keep him in a lethargic state.

[REDACTED] mentioned the suspects who held him captive drove a white SUV, and officers located a white Ford Excursion, California license plate # [REDACTED] in a residence's driveway located at 630 Tennis Lane — the residence's backyard is separated from the In Shape City parking lot by a sound wall. A neighbor contacted at [REDACTED] Tennis Lane recalled occasionally seeing a teenage male at the residence, and mentioned it appeared he was maltreated. Officers conducted a protective sweep inside the suspect-residence in order to locate additional possible suspects, and while inside they discovered a blanket inside the fireplace. The victim's photograph was subsequently shown to the residents at [REDACTED] Tennis Lane [(W) [REDACTED] and (W) [REDACTED] and they identified [REDACTED] as the boy they saw at 630 Tennis Lane.

(S) Caren Ramirez, (S) Michael Schumacher, and (S) Kelly Schumacher were subsequently arrested for various child abuse charges including torture and kidnapping and all acknowledged participating in varying degrees in the victim's abuse.

On 12/08/08, Detectives Bauer and Knight re-interviewed [REDACTED], and [REDACTED] implicated Anthony Waiters — a neighbor residing at 610 Tennis Lane — as an active participant in his torture. [REDACTED]

Signature of Magistrate

It is hereby ordered this entire search warrant and statement of probable cause / affidavit be sealed because disclosure could irremediably harm the ongoing criminal investigation. In accordance with California Rules of Court Rule 243.1(d), this court finds:

There exists an overriding interest that overcomes the right of public access to the record;

The overriding interest supports the sealed record;

A substantial probability exists the overriding interest will be prejudiced if the record is not sealed;

The proposed sealing order is narrowly tailored;

No less restrictive means exists to achieve the overriding interest.

Walter G/L 12/11/08

It is so ordered.

James M. G/L
12/11/08