

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

12/19/08 9:34
ROSA JUNQUEIRO, CLERK
By Anita McManus
DEPUTY

Detective Craig Kootstra, being sworn, says that he/she conducted a search pursuant to the Search Warrant described below: TSW572

Issuing Magistrate Judge Harrington

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

Date of Issuance: December 10, 2008

Date of Service: December 10, 2008

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

Custodian of Records
Myspace.com
407 N. Maple Drive
Beverly Hills, CA 90210

and **Seized the Items***

- ☐ described in the attached and incorporated inventory.
☒ described below:

Myspace information: Records concerning the identity of the user(s) with the FriendID's [REDACTED] and [REDACTED] consisting of name, postal code, country, e-mail address, date of account creation, IP address at account sign-up, logs showing IP address and date stamps for account accesses, and the contents of private messages in the user's inbox and sent mail folders as well as all photographs associated with the account(s).

I further swear that this is a true and detailed account of all the property taken by me pursuant to the search warrant, and the 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 in which the offense in respect to which the seized property is triable.

Koots 7171
(Signature of Affiant)

Sworn to and Subscribed before me this 19th day of December, 2008, at 0930 A.M. / P.M.

Anita McManus
(Signature of Clerk)

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

* List all items seized, including those not specifically listed on the Search Warrant

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

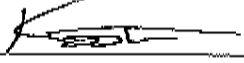
Det. Craig Kootstra swears under oath the facts expressed by him in the attached and incorporated Affidavit are true and based thereon he has probable cause to believe and does believe the articles, property, and persons described below are lawfully seizable pursuant to Penal Code Section 1524 et seq.,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

NO KNOCK:

HOBBS SEALING REQUESTED:

NIGHT SEARCH REQUESTED:

<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO


 (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. Craig Kootstra 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 that a felony has been committed or that a particular person has committed a felony;
- ☐ it tends to show that 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 that property was stolen or embezzled constituting a misdemeanor, or that 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:

Custodian of Records
 Myspace.com
 407 N. Maple Drive
 Beverly Hills, CA 90210

For the FOLLOWING PROPERTY or PERSON(s):

Records concerning the identity of the user(s) with the FriendID's [REDACTED] and [REDACTED] consisting of name, postal code, country, e-mail address, date of account creation, IP address at account sign-up, logs showing IP address and date stamps for account accesses, and the contents of private messages in the user's inbox and sent mail folders as well as all photographs associated with the account(s).

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

GOOD CAUSE HAVING BEEN SHOWN by affidavit, you may do the following, which bears my initials:

_____ * Serve this warrant anytime day or night under Penal Code section 1533.

_____ * Seal the Search Warrant, Affidavit and the accompanying documents.

DATED: 12-10-08

JUDGE OF THE ABOVE ENTITLED COURT: Superior Court - Tracy Branch

Any item seized during the lawful service of this warrant shall be disposed of in accordance with the law, by the Tracy Police Department. The officers serving this warrant are hereby authorized, without necessity of further court order, to return seized items to any known, rightful owner if such items have been photographically documented prior to said return.

This Search Warrant and Affidavit and attached and incorporated Affidavit were sworn to me as true and subscribed before me on this 10th day of Dec, 2008, at 1:35 A.M. / P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

[Signature] 12-10-08
(Signature of Magistrate) (Date)

NO KNOCK:

HOBBS SEALING APPROVED:

NIGHT SEARCH APPROVED:

☐ YES

☐ YES

☐ YES

☐ NO

☐ NO

☐ NO

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

[Signature]

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, Craig Kootstra, declares I am a sworn peace officer and currently assigned to the investigations division as a detective specializing in cases concerning financial crimes, where I have been dutifully employed as a police officer since February 2004.

During my tenure as a police officer, I have investigated various cases involving an assortment of criminal offenses, specifically: violent crimes against persons, narcotics and controlled substances violations, sex crimes, domestic violence offenses, theft, forgery, identity theft, weapons violations, street-terrorism, municipal, state, and federal violations. I was a member of the Special Weapons and Tactics (SWAT) from 2005 to 2007.

In 2004, 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 financial crimes. I am currently a member of the International Association of Financial Crimes Investigators. Additionally, I have conversed with detectives and senior officers with vast experience regarding the efficient and effective investigation of complex financial 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 fifty financial crime cases.


I have completed the following training:


- Bachelor of Arts Degree in Business Administration from Dordt College in 2002.
- 24-hour POST certified Interview and Interrogation (2004).
- 80-hour POST certified training: Special Weapons and Tactics (SWAT - 2006).
- 40-hour POST certified ICI Financial Crimes (2007).
- 84-hour POST certified ICI Basic Investigation Core Course (2007).
- 40-hour POST certified Interview and Interrogation (2008).



Signature of Magistrate

Executed at Traem, California

, 10TH day of DECEMBER 2008, at 1335 A.M. / P.M.
(Signature of Affiant)



Signature of Magistrate

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

Your Affiant, **Police Officer / Investigator Detective Craig Kootstra**, relates that this Search Warrant TSW572, 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 **Child Torture**. It is expected that additional Search Warrants will be sought relating to this matter. If information contained in the above listed documents is made public, it would compromise this investigation and make it impossible to continue.

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.


 1171, 30th day of DECEMBER, 2008, at 0855 (A.M.) / P.M.
 (Signature of Affiant)

POINTS & AUTHORITIES

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.

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.

, 30th day of December, 2008, at 10:00 (A.M.) / P.M.
 (Signature of Magistrate)

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

THOMAS M. HARRINGTON
 (Printed Name of Magistrate)