

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 17, 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:

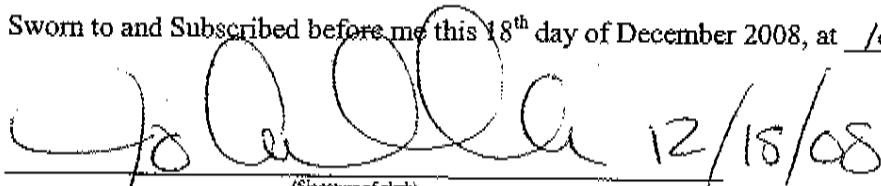
Searched each cellular phone device for all stored photographs, sent / received text messages, emails, voicemails, contact lists, call history, et cetera.

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.



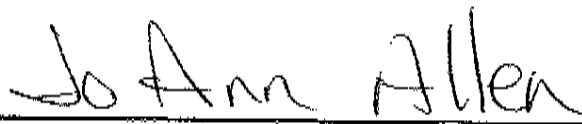
(Signature of Affiant)

Sworn to and Subscribed before me this 18th day of December 2008, at 10:20 A.M. / P.M.



(Signature of clerk)

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




(Clerk's Printed Name)

**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 NOHOBBS SEALING REQUESTED: YES NONIGHT SEARCH REQUESTED: YES 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. 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 numbers 1045/42, 1045/43, 1045/44, 1045/58, 1045/09, 1045/15, and 1045/68, respectfully) and consists of a Nokia 5160 cell phone, serial number 23510914894; a Nokia 8260 cell phone, serial number 09415956282; a Nokia 3220B cell phone, serial number 0518345JM12AE; a Nokia 6682 cell phone, serial number 356658000149786; a Samsung SCH-R400, serial number 01206182349; a Motorola V180, serial number D56GFBTR26; and a Motorola Q9H, serial number 358786010177899.

For the FOLLOWING PROPERTY or PERSON(s):

Search of each cellular phone device for all stored photographs, sent / received text messages, emails, voicemails, contact lists (including the cell phone numbers assigned to each phone), call history, et cetera.

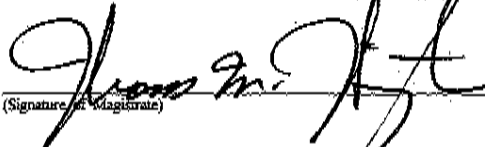
AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court.

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 that 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.

Based upon your Affiant's training, experience and conversations your Affiant had with other law enforcement officers and/or reports your Affiant has read, your Affiant wants the court to authorize the use of person(s) who are not peace officers to accompany the peace officers during the execution of this search warrant for the purpose of assisting them in the service of this search warrant as provided for under California Penal Code Section 1530.

This **Search Warrant** and **Affidavit** and attached and incorporated **Affidavit** were sworn to as true and subscribed before me on this 10th day of Dec. 2008 at 1:40 A.M. (P.M.) Wherefore, I find probable cause for the issuance of this search warrant and do issue it.

 12-10-08
 (Signature of Magistrate) (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

- 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

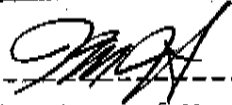
On 12/01/08 at approximately 1530 hours, Tracy PD officers responded to the In-Shape Health Club located at 101 N. Tracy Blvd. concerning a suspicious circumstance. A 16-year-old male, subsequently identified as (V) [REDACTED] contacted employees at the gym requesting assistance — he was bleeding profusely, 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

identified Waiters by name and positively identified him in a photo line-up.

Based on the aforementioned information, Detectives Hooks, Kootstra, Bergman, Lopez and I (accompanied by CST Alicia Carson), executed a search warrant at 610 Tennis Lane for evidence pertaining to the investigation. The following cell phones were located at 610 Tennis Lane: a Nokia 5160 cell phone, serial number 23510914894; a Nokia 8260 cell phone, serial number 09415956282; a Nokia 3220B cell phone, serial number 0518345JM12AE; and a Nokia 6682 cell phone, serial number 356658000149786. The following cell phones were collected during previous searches at 630 Tennis Lane: a Samsung SCH-R400, serial number 01206182349, and a Motorola V180, serial number D56GFBTR26. Waiters possessed a Motorola Q9H, serial number 358786010177899 at the time of his subsequent arrest.

Cellular phones are capable of storing a vast amount of information, including photographs, sent / received text messages, emails, voicemails, contact lists, call history, et cetera. The information stored on the aforementioned phones may substantiate / memorialize the victim's physical abuse. Cellular phones have become the virtual biographer of our daily activities. It tracks who we talk to and where we are. It will log calls, take pictures, and keep our contact list close at hand. In short, it has become an indispensable piece of evidence in a criminal investigation.

It is unknown at this time if any of the cellular phones have lock codes / passwords, which would increase the difficulty of obtaining the information stored on them. I am seeking permission to obtain the manufacturers' assistance in unlocking the phones if the aforementioned obstacle is encountered.

I request a search warrant be issued based upon the aforementioned facts, for the seizure of said property, or any part thereof, between the hours of 7:00 A.M. and 10:00 P.M., 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 Section 1536 of the Penal Code.

I certify (declare) under penalty of perjury that the foregoing is true and correct.

Executed at TRACY, California


(Signature of Affiant)

_____, 10TH day of DEC, 2008, at 1:40 A.M. / (P.M.)



Signature of Magistrate