

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 09, 2008.

Date of Service: December 09, 2008.

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

630 Tennis Lane
Tracy, CA 95376

Your Affiant seized the following items:

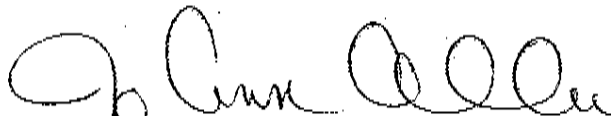
- Described in the attached and incorporated inventory.
- Described below:

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 10th day of December 2008, at 1:20 A.M. / P.M.



(Signature of clerk)

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



(Clerk's Printed Name)

**TRACY POLICE DEPARTMENT
PROPERTY / EVIDENCE LISTING**

Case Number

08-11100-009

Date Occurred

12/09/2008



08-11100-009

Location Occurred

630 TENNIS LN TRACY

Incident Type207 (A) PC
KIDNAPPING

PROPERTY / EVIDENCE INFORMATION

ITEM #	CLASS	ARTICLE	MAKE / MODEL	SERIAL NUMBER	FCN / C.G. FCN	COLOR	SIZE/CAL	BBL	DESCRIPTION
1045/32	E	MISC. ITEM	CLOROX						EMPTY BOTTLE OF BLEACH LOCATED ON BBQ ON BACKYARD PATIO
1045/33	E	MISC. ITEM	KINGSFORD						LIGHTER FLUID LOCATED ON SHELF IN LAUNDRY ROOM BY DET. BAUER
1045/34	E	MISC. ITEM							CANDY WRAPPERS FROM LEFT SIDE OF FIREPLACE LOCATED BY DET. LOPEZ
1045/35	E	MISC. ITEM							CANDY WRAPPERS FROM LEFT SIDE OF FIREPLACE LOCATED BY DET. LOPEZ
1045/36	E	FLASHLIGHT	MAG-LITE			BLK			FLASHLIGHT LOCATED IN KITCHEN CABINET BY DET. BAUER
1045/37	E	MISC. ITEM							SALT LOCATED ON KITCHEN COUNTER BY DET. COGBURN
1045/38	E	MISC. ITEM	SUNNY SELECT						SALT LOCATED IN KITCHEN CABINET BY DET. COGBURN
1045/39	E	MISC. ITEM				BLK			ZIP TIE LOCATED ON FLOOR OF FORMAL ROOM BY DET. LOPEZ
1045/40	E	CLOTHING				BLK			BELT WITH BELT BUCKLE LOCATED ON TOP OF DRYER BY DET. LOPEZ
1045/41	E	CLOTHING				BLK			BELT LOCATED ON FLOOR OF UPSTAIRS MASTER BEDROOM BY DET. HOOKS
1045/42	E	TELEPHONE	NOKIA 5160	23510914894	4760834401432	BLU BLK			CELL PHONE LOCATED IN TOP DESK DRAWER OF UPSTAIRS NORTHWEST ROOM BY DET. BERGMAN AT 610 TENNIS LN
1045/43	E	TELEPHONE	NOKIA 6260	09415956282	4760834401433	GRY BLK			CELL PHONE LOCATED IN TOP DESK DRAWER OF UPSTAIRS NORTHWEST ROOM BY DET. BERGMAN AT 610 TENNIS LN
1045/44	E	TELEPHONE	NOKIA 3220B	0518345JM12AE	4760834401435	BLU BLK			CELL PHONE LOCATED ON BOOK SHELF OF NORTHWEST UPSTAIRS ROOM BY DET. KOOTSTRA AT 610 TENNIS LN
1045/45	E	SPORTS EQUIP.	EASTON			SIL GRN			33" ALUMINUM BAT LOCATED IN GARAGE BY DET. LOPEZ
1045/46	E	SPORTS EQUIP.	EASTON			SIL RED			33.5" ALUMINUM BAT LOCATED IN GARAGE BY DET. LOPEZ
1045/47	E	MISC. ITEM							BUFFALO BILLS BREWERY JUG, ROGUE PALE ALE BOTTLE, CLEAR BOTTLE LOCATED IN KITCHEN CABINET BY DET. COGBURN
1045/48	E	MISC. ITEM	CLOROX						BOTTLE OF BLEACH IN GARAGE OF 610 TENNIS LN LOCATED BY DET. KOOTSTRA
1045/49	E	MISC. ITEM							CD, DISKS, INDICIA LOCATED IN GARAGE OF 610 TENNIS LN BY DET. KOOTSTRA
1045/50	E	INDICIA							MISC INDICIA LOCATED IN GARAGE OF 610 TENNIS LN BY DET. KOOTSTRA
1045/51	E	INDICIA							INDICIA FOR ANTHONY WAITERS IN NORTHWEST UPSTAIRS ROOM OF 610 TENNIS LN LOCATED BY DET. BERGMAN

**TRACY POLICE DEPARTMENT
PROPERTY / EVIDENCE LISTING**

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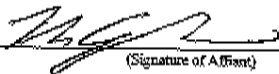
1045/52	E	INDICIA						INDICIA FOR ANTHONY WAITERS IN UPSTAIRS HALL OF 610 TENNIS LN LOCATED BY DET. BERGMAN
1045/53	E	MISC. ITEM						COMPUTER DISKS FOUND ON DESK IN NORTHWEST UPSTAIRS ROOM OF 610 TENNIS LN BY DET. BERGMAN
1045/54	E	COMPACT DISK						CD LOCATED ON LOVESEAT IN UPSTAIRS NORTHWEST ROOM OF 610 TENNIS LN BY DET. BERGMAN
1045/55	E	MISC. ITEM	SOUTHERN COMFORT					BOTTLE FOUND ON TOP CLOSET SHELF IN SOUTHEAST UPSTAIRS BEDROOM OF 610 TENNIS LN BY DET. LOPEZ
1045/56	E	CAMERA EQUIP.	KODAK			BLK		DISPOSABLE CAMERA IN NIGHTSTAND OF SOUTHEAST UPSTAIRS ROOM OF 610 TENNIS LN BY DET. KOOTSTRA
1045/57	E	MISC. ITEM						(6) DISKS, (15) CDS, MISC PICTURES FROM NORTHWEST UPSTAIRS ROOM OF 610 TENNIS LN BY DET. BERGMAN
1045/58	E	TELEPHONE	NOKIA 6682	356658000149786	4760834401438	SIL		CELL PHONE LOCATED IN NORTHWEST UPSTAIRS ROOM OF 610 TENNIS LN BY DET. BERGMAN
1045/59	E	KNIFE				SIL		KNIFE IN GARAGE OF 610 TENNIS LN LOCATED BY DET. COGBURN
1045/60	E	KNIFE				SIL		KNIFE IN KITCHEN DRAWER OF 610 TENNIS LN LOCATED BY DET. BERGMAN
1045/61	E	IDENTIFICATION	CALIFORNIA					EXPIRED CDL LOCATED IN THE NORTHWEST UPSTAIRS ROOM OF 610 TENNIS LN BY DET. BERGMAN
1045/62	E	COMP. EQUIP.	DELL DIMENSION L1000R	87MXM01	4760834401441	CRM		COMPUTER TOWER FROM NORTHWEST UPSTAIRS ROOM OF 610 TENNIS LN LOCATED BY DET. BERGMAN

SW NO. 75W-571

**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


 (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 at 630 Tennis Lane Tracy, California, 95376; further described as a two-story dwelling house with a composition roof and tan wood exterior, and brown wood trim. The numbers "630" are affixed to the residence to the left of the front-entry door; including all rooms, attics, basements, and other parts therein, the surrounding grounds and any garages, storage rooms, trash containers, and outbuildings of any kind located thereon.

For the FOLLOWING PROPERTY or PERSON(s): Refer to Exhibit A

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 irretrievably 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.

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 statement of probable cause were sworn to me as true and subscribed before me on this 9th day of Dec, 2008 at 9:00 A.M. P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

[Signature] 12-9-08
(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]

 Signature of Magistrate

EXHIBIT A

- Any and all cutting instruments including knives and a meat cleaver with a brown handle
- Any and all belts including a black cloth belt with a gray metal buckle emblazoned with the "No Fear" slogan
- Lighter fluid
- Any and all bleach products
- Plastic zip-ties
- Any and all alcohol beverage products including Jack Daniels' rum and whisky
- Salt
- Any and all locks
- Any and all tape

Peace officers or assigned representatives are authorized, during the execution of this search warrant, to video tape, photograph and/or take digital images, at the discretion of the searching officers, inside and outside of the location, any and all items and/or vehicles at the location, in addition, can identify and photograph and/or digital image all persons present at the search warrant location during the period of execution of this search warrant.

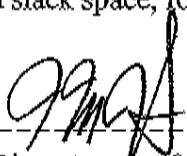
Peace officers or assigned representatives are authorized, during the execution of this search warrant, to video tape, photograph, and/or take digital images of the scene and surrounding area(s), take measurements and make sketches of the scene and adjacent areas; and to seize weapons, bludgeons, and guns; suspected blood and other physiological fluids; hair and fibers; fingerprints, footprints, and other impressions left at the scene; gunshot residue; any and all instruments used to aid and abet in the commission of the victims' torture, clothing of the suspects(s) and/or victims(s); photos and film, developed and undeveloped; samples of paint, glass, and other fluids and solids that may have stained or adhered to the clothing and person of the victim(s) and/or suspect(s).

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 and external hard drives, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, dongles, 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, and/or other controlling devices, plotters, software to run programs, connecting cables and plugs, peripherals such as joysticks, mice, 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.

Any records, whether stored on paper, on magnetic media such as tape, cassette, disk, diskette or on memory storage devices such as optical disks, programmable instruments such as telephones, "electronic calendar/address books" calculators, or any other storage media, together with indicia of use, ownership, possession, or control of such records.

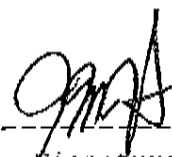
Any written or computer communication in printed or stored medium such as E-Mail and Chat Logs whether in active files, deleted files or unallocated space on the hard drive, floppy drive or any data storage media.

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.



Signature of Magistrate

With respect to computer systems and any items listed above found during the execution with this search warrant, the searching peace officers are authorized to seize and book said computer systems and any items listed above and transfer them 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.



Signature of Magistrate

STATE of CALIFORNIA, COUNTY of San Joaquin,
ATTACHED and INCORPORATED

STATEMENT OF PROBABLE CAUSE

Your 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 general investigations unit as a detective specializing in cases concerning child abuse, sexual assault, domestic violence, and Internet crimes against children. Moreover, I am currently a member of the Sacramento Valley Hi-Tech Crimes Task Force. 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.

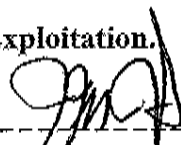
During my tenure as a police officer, I have investigated various cases involving an assortment of transgressions, specifically: violent crimes against persons, narcotics and controlled substances violations, sex crimes, domestic violence offenses, theft, forgery, identity theft, Internet crimes against children, online child sexual exploitation, 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, including Internet crimes against children. 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.**
- **36-hour Training: Encase 1 Computer Forensic Training.**
- **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.**
- **16-hour training: Third Degree Communications – Child Exploitation.**
- **16-hour training: NLC Protects – Confronting the Challenge of Sexual Exploitation.**



Signature of Magistrate

- 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.

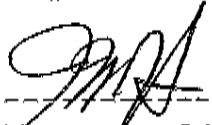
During the course of the ensuing investigation, TPD detectives and officers discovered [REDACTED] escaped from a residence located at 630 Tennis Lane where (S) Caren Ramirez, (S) Michael Schumacher, and (S) Kelly Schumacher held him captive since mid-2007. [REDACTED] was frequently beaten, denied food 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. He was also at varying times restrained with zip-ties. 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.

I am seeking cell phones, digital cameras, computer equipment / digital storage devices, et cetera for the reason they are capable of storing images / texts memorializing the victim's physical abuse.


I request a search warrant be issued based upon the aforementioned facts 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.

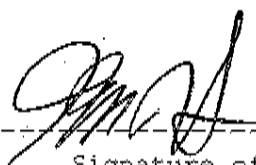


Signature of Magistrate

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

Executed at TRACY, California

, 9TH day of DEC, 2008, at 9:00AM
(Signature of Affiant)


Signature of Magistrate