

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

FILED

SUPERIOR COURT - TRACY

09 JAN 13 AM 8:10 RC

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

Issuing Magistrate: Judge Northup

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

Date of Issuance: January 08, 2009.

Date of Service: January 08, 2009.

ROSA JUNQUEIRO, CLERK

*Anita McManus*

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

T-Mobile  
4 Sylvan Way  
Parsippany, NJ 07054

Your Affiant seized the following items:

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

I sought subscriber information, call detail records (outbound / inbound call detail), call origination / termination location, cell site tower information, and all stored communications or files, including voice mail, email, digital images, and text message associated with the incoming cell phone number.

I sought the aforementioned information for the last six months preceding this warrant.

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.

*Nathan Cogburn*  
(Signature of Affiant)

Sworn to and Subscribed before me this 13<sup>th</sup> day of January 2009, at 8:00 A.M. / P.M.

*Anita McManus*  
(Signature of clerk)

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

ANITA MCMANUS  
(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  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 that 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:**

T-Mobile  
4 Sylvan Way  
Parsippany, NJ 07054  


**For the FOLLOWING PROPERTY or PERSON(S):**

I am seeking subscriber information, call detail records (outbound / inbound call detail), call origination / termination location, cell site tower information, and all stored communications or files, including voice mail, email, digital images, and text message associated with the ensuing cell phone number:  In terms of the requested time period, I am seeking the aforementioned information for the last six months preceding this warrant.

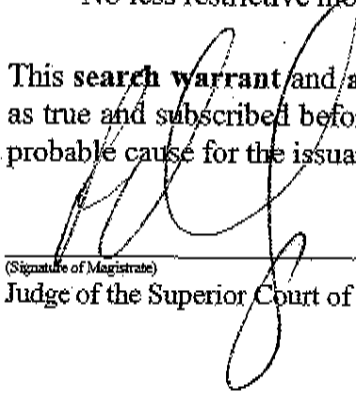
**AND TO SEIZE IT / THEM IF FOUND** and bring it / them forthwith before me, or this court, at the courthouse of this court.



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.

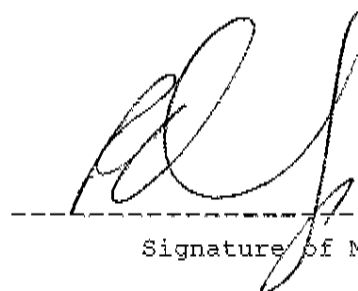
This search warrant and affidavit and attached and incorporated statement of probable cause were sworn to as true and subscribed before me on this 2<sup>nd</sup> day of Jan, 2009 at 8:15 A.M./ P.M. Wherefore, I find probable cause for the issuance of this search warrant and do issue it.

  
 \_\_\_\_\_  
(Signature of Magistrate)

1/8/09  
 \_\_\_\_\_  
(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.

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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: 6<sup>th</sup> Annual Internet Crimes against Children (ICAC) Conference.**
- **16-hour training: Third Degree Communications - Child Exploitation.**

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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) ██████████ contacted employees at the gym requesting assistance — he was bleeding profusely, appeared extremely afraid, and a chain was attached to his ankle. AMR transported ██████████ to the Sutter Tracy Community Hospital for medical treatment and evaluation. Officers afterwards located witnesses who saw ██████████ 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 ██████████ 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. ██████████ 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).~~ ██████████ 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, ██████████ 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.

██████████ mentioned the suspects who held him captive drove a white SUV, and officers located a white Ford Excursion, California license plate # ██████████ 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 ██████████ 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 ██████████ Tennis Lane [(W) ██████████ and (W) ██████████] and they identified ██████████ 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 12/01/08, the evening ██████████ escaped from 630 Tennis Lane, Caren fled to a friend's residence in Berkeley — ██████████. Inasmuch as ██████████ accepted Caren into her residence, it is likely the two communicated via cell phone concerning the specific reasons Caren sought refuge at ██████████ residence. On 12/05/08, Detectives Bauer and Knight interviewed ██████████ concerning her

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Signature of Magistrate

involvement with Caren, and at the time she provided her cell phone number as [REDACTED] confirmed via the Entersect database T-Mobile provided her cell phone service.

Based on experience and training, I know cellular phone service providers (including text-messaging and e-mail services provided by cellular phone service providers) maintain records related to subscriber information, account information, credit information, billing and airtime records, outbound and inbound call detail, connection time and dates, Internet routing information (Internet protocol numbers), and message content that may assist in the identification of persons accessing and utilizing the account.


Based on experience and training, I know cellular phone providers maintain records that include cell site information and GPS location. Cell site information shows a cellular telephone was within a particular location at the time of the cellular phone usage. Some model cellular phones are GPS enabled, which allows a provider and user to determine the exact geographical position of the phone. Moreover, the cellular service provider maintains cell site maps that show the geographical location of all cell sites within its service area. Using the cell site geographical information and GPS information, officers would be able to determine the physical location of the involved using the cellular telephones.

Based on experience and training, I know subjects involved in criminal activity regularly use cellular telephones and cellular telephones' features; i.e., text-messaging, photos, et cetera, to communicate with other parties involved in criminal activity.

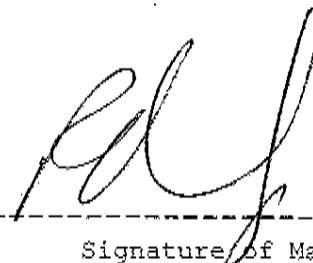
I request a Search Warrant be issued based upon the aforementioned facts, for the seizure of said property, or any ~~part thereof, between the hours of 7:00 A.M. and 10:00 P.M., good cause being shown therefor, and the same be~~ brought before this Magistrate or retained, subject to the order of the 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

  
 \_\_\_\_\_, <sup>8<sup>TH</sup></sup> day of JANUARY, 2009, at 8:15 AM  
 A.M. / P.M.

(Signature of Affiant)

  
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 Signature of Magistrate