

AUG 02 2019

SUPERIOR COURT OF THE STATE OF CALIFORNIA

CLERK OF THE COURT
BY: K. Spear
Deputy Clerk

COUNTY OF SAN FRANCISCO

)	Case No. 2516293
)	
)	ORDER GRANTING
)	
IN RE: SEARCH WARRANTS)	MOTION TO UNSEAL
)	
)	SEARCH WARRANT 43684
)	
)	

On July 12, 2019, the Court heard the Motion of the Media Coalition to Unseal the Search Warrant. The Media Coalition was represented by Duffy Carolan of Jassy Vick Carolan LLP. The San Francisco Police Department (“SFPD”) was represented by Ronnie M. Wagner. At the hearing, the Court made repeated inquiries as to whether or not there was a pending criminal investigation related to this warrant and if notice had been provided to other law enforcement agencies in light of the SFPD’s public statement that the criminal investigation had been turned over to another agency. The Court directed the SFPD to follow up with any potential law enforcement agencies that might have an interest in this matter. The Court also found that the Media Coalition had standing to bring the motion to unseal and pursuant to an SFPD assertion of the Official Information Privilege, calendared an *in camera* hearing.

Following an *in camera* hearing where the San Francisco Police Department asserted an official privilege as to only one paragraph contained within Search Warrant 43684, the Court orders that the warrant be unsealed with the following exceptions:

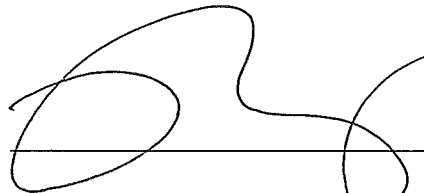
Order of the Court

1 1. That the names and identifying information of all witnesses be redacted pursuant to
2 Penal Code section 964 and the California Shield Law. Although many of the names
3 have already been leaked, the Court finds that the privacy interests of witnesses
4 mandates the redaction of all identifying information.
5

6 As it is the Court's understanding that Mr. Carmody has joined the motion and has
7 requested redaction of only his telephone number, the Court has not redacted his
8 name but has redacted his telephone and address information.

9 Finally, the Court would note that the lengthier redactions on page 10 describe the
10 assignments and duties of the officers/suspected leaks which would tend to identify
11 them.
12

13
14
15 August 2, 2019
16


17 
18

19 Victor M. Hwang, Superior Court Judge
20
21
22
23
24
25
26
27
28

State of California- City of San Francisco
SEARCH WARRANT AND AFFIDAVIT
(AFFIDAVIT)

SEALED
REDACTED

Sergeant Joseph Obidi #2328 swears under oath that the facts expressed by her in the attached and incorporated Statement of Probable Cause, are true and that based there on he has probable cause to believe and does believe that the person(s), property, and/or thing(s) described below is/are lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is/are now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.


(Signature of Affiant)

HOBBS SEALING REQUESTED: YES (XX) NO ()
NIGHT SERVICE REQUESTED: YES () NO (XX)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER OR PEACE OFFICER IN THE CITY AND COUNTY OF SAN FRANCISCO, CA: proof by affidavit having been made before me by Sergeant Joseph Obidi #2328, that there is probable cause to believe that the property, person(s), and/or things described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "X" (s) in that it:

XXX tends to show the property was stolen or embezzled.
XXX tends to show that a felony has been committed or that a particular person committed a felony

YOU ARE THEREFORE COMMANDED TO SEARCH:

Place(s):

- o [REDACTED] Fulton Street, [REDACTED], San Francisco CA 94102.
- o Further Described as a multilevel (4floors) apartment building with the numbers "[REDACTED]" affixed on the front entrance. Room number [REDACTED] is further described to be a room with a brown door and the numbers "[REDACTED]" affixed to it on a black number plate.
- o Any safes, storage sheds, containers, storage compartments that are capable of storing the item(s) to be sought, located on the grounds of [REDACTED] Fulton Street [REDACTED], San Francisco CA.

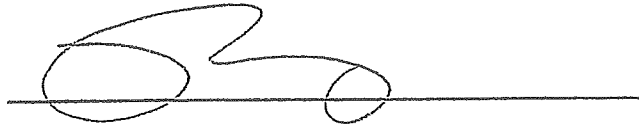
FOR THE FOLLOWING PROPERTY; PERSON AND THING(S):

See Exhibit A

All information obtained through the execution of the warrant that is unrelated to the object of the warrant shall be sealed and not subject to further review, use, or disclosure without a court order.

AND IN THE CASE OF PROPERTY, INFORMATION, AND/OR THINGS, TO SEIZE THEM IF FOUND and bring it/them forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Statement of Probable Cause was sworn to as true and subscribed before me this 10th day of MAY, 2019 at 12:19 AM. (PM) Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

HOBBS SEALING AUTHORIZED: YES (x) NO ()
NIGHT SERVICE AUTHORIZED: YES () NO (x)



Honorable Victoria Howard
Judge of the Superior Court # 13, City and County of San Francisco, CA.

STATE OF CALIFORNIA- CITY AND COUNTY OF SAN FRANCISCO
RETURN TO SEARCH WARRANT

Sgt. Joseph Obidi #2328, being sworn, says that she conducted a search pursuant to the below described search warrant:

Search Warrant/Case number:

Issuing Magistrate: The Honorable Judge _____
Magistrate's Court: Superior # _____, City and County of San Francisco.

Date of Issuance:
Date of Service:

and searched and seized the following items:

I further swear that this is a true and detailed account of all the property taken by me pursuant to the search warrant and that 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.

Be advised that pursuant to California Penal Code Sections 1539 and 1540, you may file a written motion in the court of the above-named magistrate who issued the search warrant, seeking the return of the property seized pursuant to this warrant. For further information concerning this search warrant contact Sgt. Obidi #2328 at telephone number 415-882-8431.

(Signature of Affiant)

Sworn to and subscribed before me this _____ day of _____, 2019.

(Signature of Magistrate)

Honorable Judge _____
Judge of the Superior Court, Department _____
City and County of San Francisco, California

Statement Of Probable Cause of Sergeant Joseph Obidi #2328

Your Affiant Joseph Obidi is a Police Officer in and for the City and County of San Francisco, California. Your Affiant has been so employed since 2008 and is currently assigned to the Investigative Services Detail holding the rank of Sergeant.

I was previously assigned to Mission Station Housing Team. During this time, I have investigated crimes related to burglaries and thefts. I have conducted investigations in the field of narcotics, including but not limited to arrests, buy/bust operations, and buy/walk operations. I have also worked directly and indirectly with more experienced officers in the field of narcotics. Additionally, I have successfully completed the following training courses:

- San Francisco Police Academy
- Robert Presley Institute of Criminal Investigation (ICI) Basic Core Course
- Search Warrants 101 (POST)
- Sex Crimes Investigation (SFPD Academy)
- Basic Narcotics Course (SFPD Academy)
- Investigative Services Detail (Formally Internal Affair Criminal Investigations)
- P.O.S.T. Supervisory Course

The facts alleged in this affidavit do not necessarily represent all facts known or gathered to date regarding this investigation, but the affidavit does include all known exculpatory information and has not had any illegal conduct or observations redacted or exercised from it. The facts averred herein I believe are those necessary to establish probable cause necessary to search and seize the things identified in this warrant application.

I am familiar with the facts set forth below from personal observations. The observations and investigations by other law enforcement officers was relayed to me in conversation and through written reports, from records and/or other documents and other evidence obtained as a result of this investigation. The below information is set forth solely for the purpose of establishing probable cause for the search warrant and does not represent the entire universe of information I possess about the facts of this case.

Crimes being investigated:

- **148 PC Resist, Obstruct, Delay of Peace Officer or EMT**
(a)(1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

- **484 PC Petty Theft**
(a) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted

to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his or her wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test, and in determining the value of services received the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question. The hiring of any additional employee or employees without advising each of them of every labor claim due and unpaid and every judgment that the employer has been unable to meet shall be prima facie evidence of intent to defraud.

◦ 496 PC Receiving Stolen Property

(a) Every person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. However, if the value of the property does not exceed nine hundred fifty dollars (\$950), the offense shall be a misdemeanor, punishable only by imprisonment in a county jail not exceeding one year, if such person has no prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

Initial Incident:

On 02/28/2019 I was assigned by Acting Lieutenant Watts #1594 to investigate the theft of a San Francisco incident report #190-134-636 and interference and obstruction of the confidential suspicious death investigation of the high ranking elected public official [REDACTED]. [REDACTED] was the elected [REDACTED] for the City and County of San Francisco. He was pronounced dead on Friday February 22nd 2018 at approximately 1854.

Acting Lieutenant Watts provided me with a copy of SFPD Incident Report #190-134-636. I reviewed the SFPD incident report and learned the following:

On 2/22/2019 at approximately 2037 hours Ofc. Stoffel #2739 and Officer Milligan #1254 responded to [REDACTED] Telegraph Place to meet with a Medical Examiner regarding the death of the [REDACTED]. While enroute, Officers Stoffel and Milligan were notified by dispatch that they were no longer needed and the call was cancelled.

Based on the suspicious nature of the call, Officer Milligan phoned the Medical Examiner to determine if the police were needed to assist. Officer Milligan spoke with Wirowek #101, the Director of Operations for the Medical Examiner Office. Wirowek confirmed the death of [REDACTED] with his death being pronounced at 1854 hours. Wirowek stated he did not have reason to believe 46 Telegraph Place contained a crime scene but the death was still under investigation.

Based on the information provided, Officer Milligan, along with Ofc. Stoffel, Sgt. L. Ng #4290, Sgt. Toomey #1262, Sgt. Chan #1484 and Sgt. O'Mahoney #1928 responded to [REDACTED] Telegraph Place in an attempt to locate a possible crime scene. [REDACTED] Telegraph Place is a [REDACTED] story apartment building with a metal gated entrance. Upon their arrival, the metal gate was open. The Officers' knocks on the door to [REDACTED] Telegraph Pl. went unanswered.

Officer Milligan was advised that Night Investigations Unit would be responding to investigate. Ofc. Stoffel and Officer Milligan, along with other officers on scene froze [REDACTED] Telegraph Place to maintain the integrity of a possible crime scene and preservation of evidence.

While on scene, Officers were approached by [REDACTED] who identified herself as a neighbor living at [REDACTED] Telegraph Place. [REDACTED] stated on 02/22/2019 at approximately 1720 hours she was on her way to her apartment to get a handbag. [REDACTED] stated as she was walking by [REDACTED] Telegraph Pl, she observed a female which she did not recognize. [REDACTED] described the female as either a white or Hispanic female between the age of 38 and 48 years old with dark brown curly hair. [REDACTED] stated the female on the phone appeared to be "frantic" and asking questions to whomever she was talking to. [REDACTED] stated she has lived on the street for approximately 1 1/2 years and has never seen anybody at [REDACTED] Telegraph Pl. [REDACTED] came to her own conclusion that [REDACTED] Telegraph place was an Air B&B and the female was having a problem with the apartment. [REDACTED] stated she went into her own apartment, got her handbag and then exited. [REDACTED] stated she was in her apartment for approximately 10 seconds and when she went back outside, the female she had seen was gone. [REDACTED] stated she did not think much of the female and her observations lasted probably less than 10 seconds.

When NIU arrived on scene, Sgt. Payne was able to obtain the following time line based on San Francisco Fire Department (SFFD) CAD entries: At 1741 hours a 911 call was placed by a female who identified herself as "[REDACTED]" and told the dispatcher that a male had drank 2 glasses of wine. Had a stomach ache. Took a pill and was now not breathing. At 1751 hours King American 11 medic unit arrived on scene. King American was operated by Joe Ramirez and Anthony Sossa. At 1818 hours CPR was in progress. At 1829 hours King American was enroute with the male subject. At 1839 hours King American arrived at CPMC. It was later discovered that Dr. Chandra determined the time of death to be 1854 hours.

Sgt. Payne spoke with Medical Examiner Investigator Wirowek who was at the hospital. Wirowek told Sgt. Payne that he was speaking with a female who had been on scene. Wirowek advised that he would be responding to [REDACTED] Telegraph Pl with the female. Wirowek advised that his office had confirmed the identity of [REDACTED] and taken custody of his body pending further investigation. Wirowek along with medical examiner investigator (1C81) Barbrich #114 arrived on scene with a female, identified as (R3) [REDACTED]. [REDACTED] stated at approximately 1743 hours she received a phone call from a female identified as "[REDACTED]" from [REDACTED]'s cell phone. [REDACTED] stated "[REDACTED]" sounded hysterical and told her "something was wrong with [REDACTED]".

[REDACTED] stated she wasn't too far away and responded to [REDACTED] Telegraph Pl. [REDACTED] stated a fire engine and an ambulance was already on scene when she arrived. [REDACTED] stated she went into the apartment where medic units were working on [REDACTED] in the bedroom. [REDACTED] stated she observed [REDACTED] in the hallway who was crying. [REDACTED] stated she waited in the living room area for a short time until she saw medics wheel [REDACTED] out on a stretcher and into the ambulance. [REDACTED] stated [REDACTED] told her the two of them had been out to dinner at a nearby unspecified restaurant. "[REDACTED]" told [REDACTED] that [REDACTED] began to complain of stomach pains at the restaurant so they took an UBER ride back to [REDACTED] Telegraph Pl. "[REDACTED]" told [REDACTED] [REDACTED] told her to go to the store and get him an unspecified

medication. [REDACTED] told [REDACTED] that [REDACTED] then became unresponsive and she called for medics on [REDACTED]'s phone.

[REDACTED] stated she has known [REDACTED] as a friend for approximately 10 years. [REDACTED] stated [REDACTED] asked to use the apartment on 02/15/2018 and she gave him the keys. [REDACTED] stated [REDACTED] told her he was going to be staying in the apartment for approximately 2 days and had also mentioned the name [REDACTED]. [REDACTED] stated she has heard [REDACTED] mention "[REDACTED]" a "couple of times" in the past but this was her first time meeting her in person. [REDACTED] stated she gave "[REDACTED]" her cell phone number and told her to call her if she needed anything. [REDACTED] stated she did not get "[REDACTED]" phone number. [REDACTED] stated [REDACTED] was left alone in the apartment after she and all other medical personnel had gone.

[REDACTED] stated the building is owned by [REDACTED] who has authorized her to stay in the apartment at her leisure. [REDACTED] stated she had no objections to a search of the apartment and signed a consent to search form. [REDACTED] called [REDACTED] on the phone who gave a verbal consent to search the apartment on the phone. [REDACTED] used a house key lock box to obtain the keys to the apartment which she had the code for.

Sgt. Saw, Sgt. Payne, Sgt. Chan, Ofc. Wilson, Ofc. Stoffel and Ofc. Milligan conducted a search of the apartment. The apartment appeared clean and well kept. A search of the apartment did not reveal any obvious signs of foul play.

Medical Examiners Investigator's Wirowek and Barbrich conducted their own investigation inside the apartment. Ofc. Wilson took 22 photos of the apartment. At Central Station Ofc. Stoffel transferred Ofc. Wilson's photo's to a (EVD2) CD photo disk and booked it into evidence along with the consent to search form. A copy of the disk was placed into the Central Station SIT team evidence drop box. The photos and consent to search form were scanned and uploaded to this report.

The SFPD incident report was completed and signed by the reporting Officer Milligan on 02/23/19 at 0515. The Report was signed by the Officer in Charge (OIC) O'Mahony at 0521 hours. At the time of the authoring of this affidavit, the death investigation of [REDACTED] is currently open and under investigation by the San Francisco Police Homicide Detail.

Secondary Incident:

On Saturday February 23rd 2019 at 2244 hours, Dan Noyes, a reporter for ABC7 News, posted a picture that was taken by SFPD Officers at the scene of the death investigation on his Twitter social media account (@dannoyes). The picture depicted a living room area with a couch, chair and a table, on his Twitter account stating, "According to police report, a woman said SF Public Defender Jeff Adachi fell ill at dinner yesterday and became unresponsive later at this apartment. More of that witnesses say coming up at 11. #ABC7now"

On Sunday February 24th 2019 at 0112, Dan Noyes posted the same picture mentioned above on his Twitter account stating, "Police report sheds light on SF Public Defender Jeff Adachi's last hours. #ABC7now".

Acting Lieutenant Watts informed me that on Saturday February 23rd 2019 at 2300 hours, he witnessed the ABC7 News lead story showing Dan Noyes holding a copy of an SFPD incident report with the word "COPY" printed in red at the upper right hand corner.

On Sunday February 24th 2019 at approximately 0758 hours, ABC7 news station posted a report titled, "ABC7 obtains San Francisco police report on death of Public Defender Jeff Adachi". During this report, Dan Noyes was seen holding pages of the confidential San Francisco Police Report

related to the death investigation of Adachi.

Noyes states that the incident report was obtained by the ABC7 I Team. Noyes referenced to the police report and then shows the first page of the report which bares the SFPD incident report number and all markings that identifies the report to be the authentic police report. The incident report shown by ABC7 also has a "COPY" stamp on the upper right hand of the page, indicating that the report was copied from a police station. Acting Captain Braconi informed me that he knows that the police report possessed by Dan Noyes is a station copy due to the fact that it had the word "COPY" printed in the upper right hand corner. Lt. Braconi informed me that the red "COPY" stamp in the upper right hand corner indicates that the document was a "station copy".

Noyes also made references to specific details listed in the unpublished confidential police report. Noyes also makes detailed references to a witness and possible person of interest listed in the report as "[REDACTED]". Noyes listed specific times that were listed in the police report. Furthermore, Noyes showed several colored photos of the scene that were taken by the investigating officers. The photos have printer line streaks throughout and distorted coloring as if copies had been made. Noyes also made references to specific statements made by a witness who was on scene.

On Sunday February 24th 2019 at 1349 hours, Noyes posted on Twitter again, "Where is [REDACTED]? Witness to last hours of San Francisco Public Defender Jeff Adachi disappears. Adachi sought medical help during last trial he worked. #ABC7now abc7ne.ws/2EuGdUX". Noyes also posted a picture of a white page that contained 2 colored photos that were taken by the reporting officers. The page also has the police report number handwritten in marker ink at the bottom of the page.

On Sunday February 24th 2019 at approximately 0903 hours KTVU 2 News posted a news report titled "Police report contains new details into death of San Francisco Public Defender Jeff Adachi" on their website. During the 1min 36 seconds long news report clip, reporter Sara Zendenham referred to a police report which listed details contained in the death investigation police report. At approximately 50 seconds into the report, a grainy video of a subject flipping through the police report is shown.

The clip appeared to have been recorded via cellular phone video. The subject flipped through four pages of the reports quickly. Based on the pages that I observed the subject flipping through, I believed that the report was the same as the SFPD death investigation report that was not authorized for release. The police report was on dark brown desk. The subject flipped through the pages with a left hand. The hand was light in color. I observed the subject to be wearing a two tone gold watch with shinny watch wristband on the subject's left wrist.

Based on the fact that Noyes had obtained the complete death investigation police report prior to it being authorized for release, I believe that Noyes obtained it by illegitimate means. Noyes had gained access of the police report which contained details of a confidential suspicious death investigation of an elected official that was being investigated by the San Francisco Medical Examiner's officer with the assistance of the SFPD Homicide unit. Any information regarding any open deaths and suspicious death investigations shall not be released to the public or the media without prior expressed approval from the Police Chief or designee. Release of the report is prohibited by SFPD policy listed in DB 18-040.

The release of details contained in the stolen SFPD police report have jeopardized and interfered with the investigation by compromising the investigator's ability to identify and locate witnesses and suspects, and jeopardizing the collection of evidence. Due to the details of the death investigation police report being released I believe that the likelihood of evidence collection has been compromised.

I believe that the individual released the police report for financial gain and as a means of defamation of Public Defender Jeff Adachi's image and to interfere with the criminal investigation into his death. I also believe that the individual who released the death investigation report is a San Francisco Police Officer or San Francisco Police Department employee (Suspect).

I believe that the subject (hand) shown in the video clip shown on the KTVU news report is a San Francisco Police Officer, somebody employed by the San Francisco Police Department who had access to the completed police report or somebody that was provided the completed police report by a San Francisco Police Officer or San Francisco Police Department employee. I believe that the San Francisco Police Officer had obtained the report and released it to Noyes without proper approval and authorization, and in violation of penal code **148(a)(1) PC and 484(a)PC**.

By stealing the police report and illegally releasing it, the San Francisco Police Officer compromised the investigation.

Follow up Investigations

On 02/28/19, I was advised by Acting Captain Braconi #2246 that SFPD had not authorized the release of the death investigation report to the public and media outlets. The department had denied the release of the death investigation report because the release of the report may endanger the successful completion of the investigation.

The death investigation report was written by an officer from the Central Police district. I reviewed body worn camera footage from the officers who worked at Central Police station around the time of the death investigation.

At approximately 1230 hours, Acting Captain Braconi informed me that SFPD Media Director David Stevenson met with a confidential media source [REDACTED]. The confidential source informed Stevenson that a person known to both the source and Stevenson as Bryan Carmody had obtained the SFPD death investigation report and was offering to sell it to various Bay Area News Media organizations. Per Stevenson two news organizations obtained copies of the death investigation report. Stevenson provided [REDACTED] to be Bryan Carmody's phone number.

I conducted an internet search for Bryan Carmody and located a LinkedIn profile associated to Bryan Carmody which listed him as a "Freelance Videographer/ Communications Manager, USO Bay Area". Further internet research revealed that Bryan Carmody is not currently employed by any of the news organizations that obtained the death investigation report. Further internet search showed Bryan Carmody wearing a watch that is very similar to the one shown on the KTVU2 video clip.

Based on the above information regarding Bryan Carmody, I believe that the SFPD death Investigation report was stolen by a San Francisco Police Officer. In doing so, the San Francisco Police Officer interfered with the investigation of the death of elected Public Defender Jeff Adachi.

Based on my investigation, I authored a search warrant for Carmody's phone records from 02/22/2019 to 02/23/2019. The warrant was granted by the Honorable Judge East of San Francisco Superior Court Department 406.

On 03/05/2019, I received the requested phone records from Verizon. On 03/06/2019, I conducted a review of the records and learned that Carmody was in contact with two San Francisco Police

Officers [REDACTED] and [REDACTED] from 02/22/19 to 02/23/2019. Carmody was also in contact with Bay Area News stations (KTVU Television and KGO TV ABC 7).

Between 02/22/2019 2100 hours and 02/23/2019 2040 hours, Carmody and [REDACTED] were communicating via telephonic calls and text messages. [REDACTED] is a San Francisco Police Officer that is currently assigned to the [REDACTED]. [REDACTED] was assigned to the [REDACTED]. [REDACTED]

Carmody's phone records also revealed that he was in contact with [REDACTED] via telephone calls on 02/23/2019 between 1400 hours and 1520 hours. [REDACTED] is a San Francisco Police Officer that is currently assigned to [REDACTED].

On 03/01/19, I obtained video surveillance from Central Police Station. Upon viewing the video, Officer Dornell #4275 identified [REDACTED] entering Central Police Station at 1430 hours on 02/23/19, approximately thirty minutes (14:01 hours) after a call is registered between Carmody and [REDACTED]. [REDACTED] was seen on surveillance leaving the Police Station approximately twenty minutes later (14:49). Carmody's phone records registered a call from [REDACTED] to Carmody approximately thirty minutes (15:20) after [REDACTED] left Central Station. I checked [REDACTED]'s call history for 02/23/19 and did not see him on any assignments or respond to calls for service near Central Police Station. I believe that [REDACTED]'s visit to Central Police Station was for the purpose of accessing the death investigation report.

Approximately one hour and twenty minutes later, Carmody's phone records registered a call between him and KGO TV.

Base on HRMS scheduling (Human Resources Management System) history, I believe that [REDACTED] and [REDACTED] know each other [REDACTED]. It is my belief that Carmody was in communication with [REDACTED] in efforts to obtain the death investigation report. I believe that after Carmody learned that [REDACTED], Carmody and [REDACTED] tasked [REDACTED] with obtaining the report.

[REDACTED] has [REDACTED] listed as his contact information on HRMS. I confirmed that it listed under his name in Accurint Law Enforcement search. [REDACTED] has [REDACTED] listed as his phone number in HRMS. I confirmed that it is listed under his name in Accurint Law Enforcement search.

On March 6th 2019, I authored a search warrant for [REDACTED] and [REDACTED] phone records. The warrant was granted by The Honorable Judge East in San Francisco Superior Court Department 406. I obtained the phone records which confirmed that both officers were in communication with Carmody.

On 04/12/19, Acting Lieutenant Watts and I made contact with Mr. Carmody and conducted an interview at his residence. Sgt. Watts informed Mr. Carmody that we were there to discuss the Jeff Adachi report. Mr. Carmody stated that he cannot tell us and will not tell us who was involved in

releasing the police report. Mr. Carmody further stated that the people involved in getting him the report are "good people". He further stated, "Its good people, these aren't assholes". Mr. Carmody that, "these people had the right intentions". Sgt. Watts informed Mr. Carmody that what the people did compromised the investigation. Mr. Carmody replied by saying , "I may have gotten a copy of the damn thing, there were lots of other leaks of people that may not handed the thing over, but they were reading, you know chapter and verse and the whole bit. So it wasn't just me and the report and that kind of stuff". Mr. Carmody Continued by saying, "Even if you track me down and haul me in do this whole thing, that's one hole in the boat . . . and you know I've been doing this thirty years and this never happened before . . . somebody handing me a copy of a report like that". Sgt. Watts asked Mr. Carmody if the people are friends of his. Mr. Carmody replied by saying that he would say that every police officer is a friend of his, but its nobody that he would go and have a drink with.

Sgt. Watts asked Mr. Carmody if the people that helped him profited financially, he stated no. Mr. Carmody. Sgt. Watts asked him if he profited financially, he responded by saying that he profits financially from every story that he covers.

Based on the statements made by Mr. Carmody and the fact that only police officers would have access to the report at the that time, it is my belief that the "good people" that Mr. Carmody was referring to are police officers. Based on his statements, I believe that more than one San Francisco Police Officer assisted him in obtaining the police report. I also believe that Mr. Carmody would contact the involved officers in order to inform them of this ongoing investigation, our attempts to interview him and the outcome of the interview. I believe that obtaining historical phone record data from Mr. Carmody, [REDACTED], and [REDACTED] phone service providers will assist me in this investigation.

I authored a search warrant for Mr. Carmody's, [REDACTED], and [REDACTED] phone records, from the periods of April 12th 2019 to April 15th 2019. The warrant was granted by the Honorable Judge Christopher Hite in San Francisco Superior Court # 23. I received the records sought in the warrant and reviewed them.

Upon reviewing the records, I did not observe communication between Mr. Carmody and [REDACTED], however, I learned that Mr. Carmody was contacting [REDACTED] in efforts to obtain information on on-going burglary cases being investigated by the San Francisco Police Department. Mr. Carmody was seeking information from [REDACTED] that was not available to the public. I believe that Mr. Carmody was seeking such information from [REDACTED] because [REDACTED] has provided information to him in the past. I also believe that [REDACTED] provided the police report to Mr. Carmody and played a crucial role in assisting Mr. Carmody to obtain the police report.

During the course of my investigation, Acting Captain Braconi provided a copy of a memorandum that was written by [REDACTED] (San Francisco Public Defender, Senior Investigator, Investigations Unit) to his managing attorney, [REDACTED]. In the memorandum, [REDACTED] stated that on 02/24/19, he drove to the location which Mr. Adachi's body was recovered. He saw a woman with a large video camera filming in front of [REDACTED] Telegraph Place, filming the exterior of the building. [REDACTED] engaged the woman in conversation, but did not identify himself as a public defender. The woman identified herself as a reporter for KRON4 news. The woman informed [REDACTED] that the story of what happened was developing because a police report related to Jeff Adachi's death had been offered for sale to news outlets for \$2,500 by a stringer. The woman further stated that because KRON4 is independent, it could not afford to pay the stringer, however, other news outlets had purchased the police report. The woman was very matter of fact that this is how it works and that, yes, a stringer was paid \$2,500 per copy of the police report of Jeff Adachi's death.

Based on the fact that Mr. Carmody stated that he benefitted financially from the release of the police report, and the fact that a news reporter stated that the report was being offered for sale for the price of \$2,500, I believe that Mr. Carmody made substantial profits from selling the report that he obtained by illegal means. I believe that Mr. Carmody set a price of \$2,500, for a police report that is normally released to a requester free of charge. I believe that a news media outlet that wanted to be the first to report on the death investigation with intimate details would have paid such a price, due to the fact that if the news outlet had obtained the police report by legal means, intimate detailed information and photographs from the report would have been withheld (redacted) in order to avoid releasing information that would jeopardize the investigation.

Based on my investigation, I believe that Mr. Carmody had the only complete copy of the police report, and therefore he set the value of the report to \$2,500. A news media outlet paid \$2,500 for the report, therefore setting the value of the complete report to \$2,500. I believe that Mr. Carmody knew that he received the stolen police report illegally, he offered to sell the report, and he sold copies of the report for the price of \$2,500.

It is my belief that Mr. Carmody still has the original copy of the police report in order to further his financial profits by selling it to other interested parties or news outlets at the time. I also believe that Mr. Carmody kept the original copy the report as part of his portfolio/ records of news stories that he has participated in to keep track of his achievements. I believe that the police report is kept at his address of [REDACTED], San Francisco CA. I believe it is reasonable that someone who makes a career out of producing/selling hot news stories would keep a copy of that as part of his resume. It is my belief that Mr. Carmody kept a physical and electronic copy of the report.

Based on my training and experience, I know that subjects often communicate using third party or Over the Top (OTT) applications (i.e. iMessage, WhatsApp, Signal, etc.) on their cellphones in order to avoid the message being retrieved by law enforcement during the execution of a records search warrant. In those case, messages are delivered as a data session and show up on records as a data transaction and no other transactional information is stored by the service provider. I also know that these third party applications will often store the messages on the cellphone device(s) (handset). I believe that seizing and searching Mr. Carmody's personal cellphone (handsets) will prove that Mr. Carmody was in contact with a member of the SFPD to illegally obtain the report in this case.

Based on my training and experience, I believe that obtaining the stored digital data sought after will identify coconspirators involved as well as retaining data associated with evidence stored on an actual device. This data includes SMS (Short Message Service) or "text" messages, emails and mobile instant messaging, contact list or digital phone books, audio and files, photos and videos. This data once forensically extracted by law enforcement investigators or analyzed by a trained forensic technician can be stored on a digital medium such as a disc, flash drive or memory card, can be inspected by law enforcement investigators or analyzed by a trained forensic technician.

I authored a search warrant for Mr. Carmody's residence. The search warrant was granted by The Honorable Judge Dekreon in San Francisco Superior Court Department 514. On 05/10/19 SFPD ISD investigators served the warrant. At [REDACTED] San Francisco Ca. During the execution of the warrant, Sgt. Sanders #4191 located several indicia in the forms of mail, and San Francisco Superior Court Subpoena addressed to Mr. Carmody, with an address listed to be [REDACTED] Fulton Street, [REDACTED] San Francisco Ca.

Sgt. Sanders asked Mr. Carmody about the address and he lied by stating that the address was old. I later informed Mr. Carmody that we would be investigating the address and that we would make forced entry into the apartment once we confirm that it belongs to him. Mr. Carmody stated that he still owns the apartment and that he has keys for the unit [REDACTED]. Mr. Carmody stated that [REDACTED] Fulton

Street [redacted] is his business office. He also directed me to the location of the keys for room [redacted].

Mr. Carmody was transported to [redacted] Fulton Street where he provided Sgt. Bernstein with the access code to enter the building.

Based on the above stated facts, I believe that Mr. Carmody is currently still utilizing this location as his office, and that the items sought in this warrant would be located at this address.

All information obtained through the execution of the warrant that is unrelated to the object of the warrant shall be sealed and not subject to further review, use, or disclosure without a court order.

AFFIANT swears the information in this document to be true to the best of his knowledge.

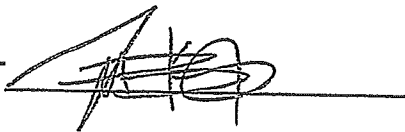
Your Affiant requests this Search Warrant sought pursuant to the Search Warrant Affidavit, Statement of Probable Cause, and Return to Search Warrant and all documents relevant to this Search Warrant be ordered sealed by the Magistrate in order to implement the privilege under Evidence Code 1040 to 1042 and to protect the identity of any confidential informant(s) and/or official information, pursuant to the Supreme Court decision in People v. Hobbs (1994) 7 Cal.4th 948, and California Rules of Court 2.550(d).

Due to the ongoing Investigative Services Detail investigation and search for possible co-conspirators, your affiant further states that this search warrant and all documents relevant to this search warrant; relate to an ongoing investigation into an Investigative Services Detail investigation, I am requesting that they be sealed in their entirety including the return. If the information contained in the above listed documents is made public it would compromise the investigation to have a positive outcome in the location of the suspect(s) and/or co-conspirators.

It is expected that additional search warrants will be sought relating to this investigation. I request that this search warrant and all documents related to this search warrant remain sealed in the custody of the clerk of court until order of this court or other competent court having jurisdiction over this matter.

I request that a search warrant be issued based upon the aforementioned facts, commanding the search of the items designated above for the property or things described or any part thereof, and that such items or property be brought before this magistrate or retained subject to the order of the court pursuant to Section 1536 of the Penal Code.

AFFIANT



Sworn to as true and subscribed before me

On Mar 10, 2019



Judge of the Superior Court

In and for the City and County of
San Francisco, California

Exhibit A

San Francisco Police Report number 190-134-636, any documents containing San Francisco Police Report number 190-134-636.

Seize, view, and forensically examine Cellphone(s) and tablets corresponding to the numbers # [REDACTED], including the following information contained within the cellphones.

- Any cellular phones, including the stored data within the phones, found in Bryan Carmody's possession (including his and person, or in his and her home or vehicles).
- All Instrument Identification Information, Including Telephone Number, MEID, IMEI, or ESN, as well as brand and model number and telecommunications service provider.
- Any and all stored telephone numbers associated with other callers or persons, commonly designated as a phone book or contact list.
- Any and all logs of telephone calls, including outgoing, incoming and missed calls from February 22nd 2019 to May 1st 2019.
- Any and all stored alpha-numeric messages, including SMS or text messages, instant messaging or electronic mail from February 22nd 2019 to May 1st 2019.
- Any and all stored voicemail accessed independently on the hand held instrument(s) from February 22nd 2019 to May 1st 2019,
- Any and all stored digital images and sounds, including photographs, videos and movies from February 22nd 2019 to May 1st 2019.
- Any stored audio files from February 22nd 2019 to May 1st 2019.
- Any stored digital organization files, such as calendars, notations and itineraries from February 22nd 2019 to May 1st 2019.
- Indicia: receipts, phone bills, utility bills, letters, mortgage receipts and other correspondence in the name of Bryan Carmody.
- Computer hardware, software, peripherals and data including, but not limited to central processing units (CPUs), tape drives, CD/DVD drives, optical drives, scanners, digital cameras, digital recorders/recording devices, and floppy disks found together or separately from one another that store any records or files, from February 22nd 2019 to May 1st 2019.
- Computers, tablets, hard drives, digital cameras, from February 22nd 2019 to May 1st 2019
- to seize, view, and forensically examine any tools and equipment including computers, printers and cameras; including any computing or data processing devices and associated peripheral equipment such as computer units, keyboards, central processing units, external drives and/or external storage, tape and/or disk, terminals and/or video display units and/or other receiving devices and peripheral equipment such as printers, automatic dialers, modems, acoustic couplers, associated telephone sets, and any other controlling device(s), any computer or data processing software and the device(s) on which such software is stored such as hard disks, floppy disks, JAZ disks, ZIP disks, integral RAM or ROM units, cassette tapes, magnetic tape reels, any other permanent or transient storage devices, any computing or data processing literature, printed or otherwise, and all manuals for the operation of the computer and software, together with all handwritten notes or printed material describing the operation of the computer, and confidential password lists to enter secured files, from February 22nd 2019 to May 1st 2019