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BY: 

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9 Attorney for Real Party in Interest  
10 SAN FRANCISCO POLICE DEPARTMENT

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

13 IN RE SEARCH WARRANTS

14 Case No. MISC-2516764

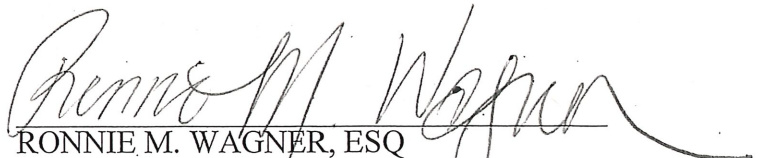
15 SAN FRANCISCO POLICE  
16 DEPARTMENT'S UNSEALED  
17 REDACTED SEARCH WARRANT  
18 NO. 2516764 AND AFFIDAVIT  
19 PURSUANT TO AUGUST 22, 2019  
20 COURT ORDER

21 Court: HON. JOSEPH M. QUINN

22 TO THE COURT AND ALL PARTIES OF RECORD:

23 Pursuant to Hon. Joseph M. Quinn's August 22, 2019 Order, Real Party in Interest SAN  
24 FRANCISCO POLICE DEPARTMENT hereby submits an unsealed search warrant number 2516764  
25 and affidavit with redactions applied as ordered by the Court.

26 DATED: August 30, 2019

27   
28 RONNIE M. WAGNER, ESQ  
Attorney for Real Party in Interest  
SAN FRANCISCO POLICE DEPARTMENT

1 **PROOF OF SERVICE**

2 ***IN RE: SEARCH WARRANTS***

3 **Case Nos. MISC-2516764**

4 I, the undersigned SFPD employee, declare as follows:

5 I am a citizen of the United States, over the age of eighteen years and not a party to the above-  
6 entitled action.

7 On August 30, 2019, I served the following document(s):

- 8 **1. SAN FRANCISCO POLICE DEPARTMENT'S UNSEALED REDACTED**  
9 **SEARCH WARRANT NO. 2516764 AND AFFIDAVIT PURSUANT TO AUGUST**  
10 **22, 2019 COURT ORDER**

11 on the following persons at the locations specified:

12 Thomas Burke, Esq.  
13 DAVIS WRIGHT TREMAINE LLP  
14 505 Montgomery Street, Suite 800  
15 San Francisco, CA 94111  
16 e-mail: [THOMASBURKE@dwt.com](mailto:THOMASBURKE@dwt.com)

Duffy Carolan, Esq.  
JASSY VICK CAROLAN LLP  
501 Montgomery Street, Suite 850  
San Francisco, CA 94111  
e-mail: [duffycarolan@jassyvick.com](mailto:duffycarolan@jassyvick.com)

15 Aaron R. Field, Esq.  
16 CANNATA O'TOOLE FICKES & OLSON LLP  
17 100 Pine Street, Suite 350  
18 San Francisco, CA 94111  
19 e-mail: [afield@cofolaw.com](mailto:afield@cofolaw.com)

Michael Hinckley, Esq.  
LAW OFFICE OF MICHAEL HINCKLEY  
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Berkeley, CA 94710  
e-mail: [hinckley@michaelhinckleylaw.com](mailto:hinckley@michaelhinckleylaw.com)

19 in the manner indicated below:

20  **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of  
21 the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with  
22 the United States Postal Service. I am readily familiar with the practices of the San Francisco Police Department  
23 for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for  
24 collection would be deposited, postage prepaid, with the United States Postal Service that same day.

23  **BY ELECTRONIC MAIL:** I caused an electronic copy of the above-referenced document to be  
24 transmitted via electronic mail to the above-listed recipients at the e-mail addresses above.

25 I declare under penalty of perjury pursuant to the laws of the State of California that the  
26 foregoing is true and correct.

27 Executed August 30, 2019, at San Francisco, California.

28   
Patrick Domin

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

In the matter of SEARCH WARRANT for:

e #+ Carrier: Verizon Wireless

INCIDENT REPORT NO: 190-149-152

Investigating Officer: Sgt. J. Obidi #2328

CONTACT NUMBER: 415-882-8431

REQUEST AND ORDER

) FOR SEALING SEARCH WARRANT, AFFIDAVIT

) FOR SEARCH WARRANT, OR PORTION OF THE

) WARRANT PURSUANT TO PENAL CODE §1541;

) EVIDENCE CODE § 1040, 1041, 1042; and

) CALIFORNIA RULES OF COURT 2.550(d)

) 1) XX SEALED ENTIRELY

) 2) SEALED PORTION

)

1-DMC

Your Affiant (PRINT NAME), Sergeant JOSEPH OBIDI #2328 requests:

1) 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;

2) this portion of the Search Warrant Affidavit and Statement of Probable Cause 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).

If any of the information within the requested sealed Search Warrant or portion of the Affidavit and Statement of Probable Cause is made public, it will reveal or tend to reveal the identity of any confidential informant(s), impair further related investigations and endanger the life of the confidential informant(s).

I declare under penalty of perjury that the related foregoing is true and correct to the best of my knowledge.

Signature of Affiant

13 day of MARCH, at 1235 A.M./P.M.  
ORDER

Based upon a review of the Search Warrant Affidavit, this court finds that there exists an overriding interest that overcomes the right of public access to the record; the overriding interest supports sealing the record, a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed, the proposed sealing is narrowly tailored, and no less restrictive means exist to achieve the overriding interest.

Therefore it is ordered that the Search Warrant and/or portion of the Search Warrant Affidavit/Statement of Probable Cause be sealed and maintained in a secure location in the custody of the Clerk of the Court and not be made part of the public record until further order of this court or any competent court.

(Signature of Magistrate)

Judge for the Superior Court of California, County of San Francisco:

JOSEPH M. QUINN

(Printed Name of Magistrate)

13<sup>th</sup> day of March 2019 at 12:30 A.M./P.M.

SEARCH WARRANT ISSUED DATE: 3/13/19 SEARCH WARRANT RETURN DATE: \_\_\_\_\_

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

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.

**YOU ARE THEREFORE COMMANDED TO SEARCH:**

Verizon; Attn: VSAT  
180 Washington Valley Road  
Bedminster, NJ 07921  
Fax: 888-667-0028

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

For the cell phone number 415- [REDACTED] related records, Verizon Wireless shall provide the San Francisco Police Department the following:

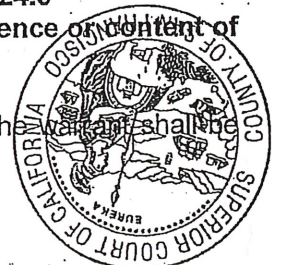
See Exhibit A

**Additionally, it is the ORDER of this court that:**

Peace Officers and anyone enlisted to aid the searching officers in the service of this search warrant pursuant to California Penal Code Section 1530 are authorized to conduct remote monitoring of the Subject Telephone Number device, day or night, including those signals produced in public, or locations not open to public or visual surveillance. If necessary, searching officers are authorized to employ the use of outside experts, acting under the direct control of the investigating officers, to access and preserve any electronic data.

**Non-Disclosure Ordered pursuant to 18 USC 2703(b)(1)(A) and California Penal Code 1524.3**  
Verizon **SHALL NOT** disclose to USER, OTHER USERS or any other person of the existence or content of search warrant for a period of ninety days.

All information obtained through 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 court order.



request that this information be delivered to me via e-mail at: Joseph.A.Obidi@sfgov.org, or if in disk format, please mail to San Francisco Police Department, 1245 Third Street San Francisco, CA. 94158, Attn. Joseph Obidi (Internal Affairs Criminal Division).

**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 13<sup>th</sup> day of March, 2019 at 12:30 AM (PM). Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

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

Joseph M. Quinn  
\_\_\_\_\_  
JOSEPH M. QUINN

Honorable \_\_\_\_\_  
Judge of the Superior Court # 608, 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 JOSEPH QUINN  
Magistrate's Court: Superior # 608, City and County of San Francisco.

THE ANNEXED INSTRUMENT IS A  
CORRECT COPY OF THE ORIGINAL  
ON FILE IN MY OFFICE.  
ATTEST: CERTIFIED

MAR 28 2019

CLERK OF THE COURT  
Superior Court of California, County of San Francisco

BY: [Signature] DEPUTY CLERK

Date of Issuance: 3/13/19  
Date of Service: 3/13/19

and searched and seized the following items:

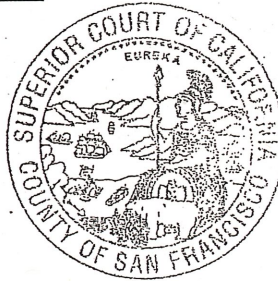
- VERIZON WIRELESS  
NO ITEMS SEIZED

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-[REDACTED].

SW45324

[Signature]  
(Signature of Affiant)



Sworn to and subscribed before me this 28<sup>th</sup> day of March, 2019.

[Signature]  
(Signature of Magistrate)

Honorable Judge Daniel A. Flores  
Judge of the Superior Court, Department 3  
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 Internal Affairs Criminal Investigation Division 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)

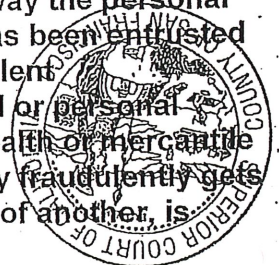
The facts alleged in this affidavit do not necessarily represent all facts known or gathered to date regarding this investigation, but the affidavit does include all known exculpatory information and has not had any illegal conduct or observations redacted or exercised from it. The facts averred herein 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(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(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.

### 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 Jeff Adachi. Jeff Adachi was the elected Public Defender for the City and County of San Francisco. He was pronounced dead on Friday February 22<sup>nd</sup> 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:

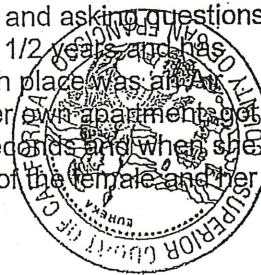
On 2/22/2019 at approximately 2037 hours Ofc. Stoffel #2739 and Officer Milligan #1254 responded to 46 Telegraph Place to meet with a Medical Examiner regarding the death of the public defender. While enroute, Officers Stoffel and Milligan were notified by dispatch that they were no longer needed and 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 the Public Defender, Jeff Adachi, 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 46 Telegraph Place in an attempt to locate a possible crime scene. 46 Telegraph Place is a 3 story apartment building with a metal gated entrance. Upon their arrival, the metal gate was open. The Officers' knocks on the door to 46 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 46 Telegraph Place to maintain the integrity of a possible crime scene and preservation of evidence.

While on scene, Officers were approached by Tho Le who identified herself as a neighbor living at 38 Telegraph Place. Le stated on 02/22/2019 at approximately 1720 hours she was on her way to her apartment to get a handbag. Le stated as she was walking by 46 Telegraph Pl, she observed a female which she did not recognize. Le described the female as either a white or Hispanic female between the age of 38 and 48 years old with dark brown curly hair. Le stated the female on the phone appeared to be "frantic" and asking questions to whomever she was talking to. Le stated she has lived on the street for approximately 1 1/2 years and has never seen anybody at 46 Telegraph Pl. Le came to her own conclusion that 46 Telegraph place was an Air B&B and the female was having a problem with the apartment. Le stated she went into her own apartment to get her handbag and then exited. Le stated she was in her apartment for approximately 10 seconds and when she went back outside, the female she had seen was gone. Le 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 "Caterina" 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 46 Telegraph PI with the female. Wirowek advised that his office had confirmed the identity of Adachi 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) Susie Kurtz. Kurtz stated at approximately 1743 hours she received a phone call from a female identified as "Caterina" from Adachi's cell phone. Kurtz stated "Caterina" sounded hysterical and told her "something was wrong with Jeff".

Kurtz stated she wasn't too far away and responded to 46 Telegraph PL. Kurtz stated a fire engine and an ambulance was already on scene when she arrived. Kurtz stated she went into the apartment where medic units were working on Adachi in the bedroom. Kurtz stated she observed "Caterina" in the hallway who was crying. Kurtz stated she waited in the living room area for a short time until she saw medics wheel Adachi out on a stretcher and into the ambulance. Kurtz stated "Caterina" told her the two of them had been out to dinner at a nearby unspecified restaurant. "Caterina" told Kurtz that Adachi began to complain of stomach pains at the restaurant so they took an UBER ride back to 46 Telegraph Pl. "Caterina" told Kurtz Adachi told her to go to the store and get him an unspecified medication. "Caterina" told Kurtz that Adachi then became unresponsive and she called for medics on Adachi's phone.

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

Kurtz stated the building is owned by Jesse Kaplan who has authorized her to stay in the apartment at her leisure. Kurtz stated she had no objections to a search of the apartment and signed a consent to search form. Kurtz called Jesse Kaplan on the phone who gave a verbal consent to search the apartment on the phone. Kurtz 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 Public Defender Jeff Adachi is currently open and under investigation by the San Francisco Police Homicide Detail.



## Secondary Incident:

On Saturday February 23<sup>rd</sup> 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 24<sup>th</sup> 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 23<sup>rd</sup> 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 24<sup>th</sup> 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 "Catarina". 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 24<sup>th</sup> 2019 at 1349 hours, Noyes posted on Twitter again, "Where is Caterina? 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 24<sup>th</sup> 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 shiny 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.**

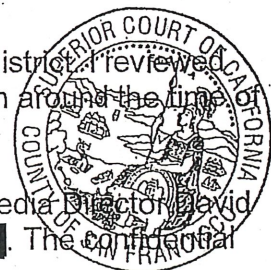
By stealing the police report and illegally releasing it, the San Francisco Police Officer compromised the investigation.

## Follow up Investigation

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





Base on HRMS scheduling (Human Resources Management System) history, I believe that [REDACTED] and [REDACTED] know each other from their assignment at MTA. 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.

**Conclusion:**

Based on the results of Carmody's phone records, I authored a warrant for [REDACTED] and [REDACTED] phone records. The warrant was granted by The Honorable Judge East in San Francisco Superior Court #406 on 03/06/2019.

Based on my training and experience; I know that Verizon keeps records of incoming and outgoing telephone calls, missed calls, electronic alphanumeric (text) messages, voicemails, video recordings, photos, geo location data as well as deleted content.

Based on my training and experience, I believe that Mr. Carmody met with the subject who provided the report to him. I believe that obtaining geo location data and call records for the phone number 415-[REDACTED], used by Bryan Carmody, from Verizon, from 02/22/2019 2033 to 02/23/2019 2244 hours, will assist me in determining the identity of the person(s) who provided the police report to Mr. Carmody

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

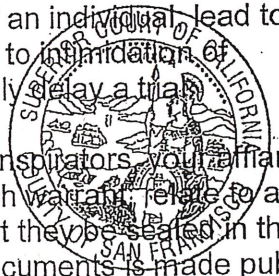
Your Affiant requests this Search Warrant sought pursuant to the Search Warrant Affidavit, Statement of Probable Cause, and Return to Search Warrant and all documents relevant to this Search Warrant be ordered sealed by the Magistrate in order to implement the privilege under Evidence Code 1040 to 1042 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.4<sup>th</sup> 948, and California Rules of Court 2.550(d).

It is further requested that pursuant to the preclusion of notice provisions of Penal Code 1546.2 and 18 U.S.C., 2703(b), Verizon be ordered not to notify any person (including the subscriber, customer or owner of the electronic communications or device information to which the materials relate) of the existence of this warrant for ninety days.

Your affiant is aware that Penal Code 1546.2 mandates that the law enforcement agency serving this warrant notify the target of the warrant contemporaneously with the service of the warrant unless an order delaying notification is granted. It is further requested pursuant to the delayed notice provisions of Penal Code 1546.2(b), an order delaying any notification to the target/ party that may be required by 1546.2(b) about this warrant, for a period of ninety days.

Such an order is justified because providing prior notice to the target/ party in this matter would lead to an adverse result which may result in endanger the life or physical safety of an individual, lead to flight from prosecution; lead to destruction of or tampering with evidence; lead to intimidation of potential witnesses; or otherwise seriously jeopardize an investigation or unduly delay a trial.

Due to the ongoing Internal Affairs 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 Internal Affairs 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



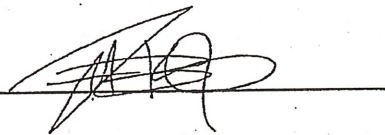
it would compromise the investigation to have a positive outcome in the location of the suspect(s) and/or co-conspirators.

.. 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.

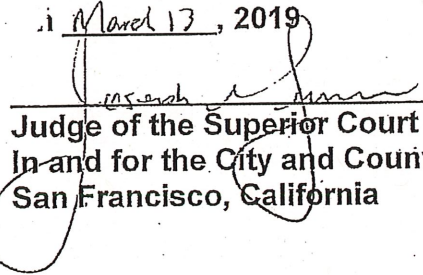
I request that a search warrant be issued based upon the aforementioned facts, commanding the search of the items designated above for the property or things described or any part thereof, and that such items or property be brought before this magistrate or retained subject to the order of the court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

It is prayed that a search warrant be issued commanding the search of the phone information 415- [REDACTED], requested from Verizon. You Affiant declares under penalty or perjury, under the law of the State of California that this Affidavit is true and correct.

AFFIANT



Sworn to as true and subscribed before me  
on March 13, 2019

  
\_\_\_\_\_  
Judge of the Superior Court  
In and for the City and County of **JOSEPH M. QUINN**  
San Francisco, California



## Exhibit A

The following information, including the information seizable under 18 USC 2703d, whether in electronic storage or on backup copies of said data, for the phone number 415- [REDACTED] for the following time period: 02/22/2019 2033 to 02/23/2019 2244 hours hours, Pacific Standard Time.

**Subscriber Information:** Verizon provide whether listed or unlisted, blocked or unblocked, including but not limited to: general account billing information, periods of telephone activation, contact information, and all data identifying the handset(s) device such as ESN / MEID / IMEI and IMSI / MSID / MIN associated to this account.

**Call Detail Records, SMS Usage, and Mobile Data Usage with Cell Site Data:** Verizon SHALL provide, geo location, SCAMP data records, which include Call Detail Records, SMS Usage with content and Mobile Data usage, showing incoming/outgoing communications and connectivity information with cell tower data location from 02/22/2019 2033 to 02/27/2019 2359 hours, Pacific Standard Time.

1. Verizon SHALL include a letter verifying the authenticity of the records provided.
2. Verizon SHALL provide all stored communications or files including voicemail, text messages, emails and email addresses, digital images, videos, contact lists, call logs, and any other files from the phone number 415- [REDACTED] 02/22/2019 2033 to 02/23/2019 2244 hours, Pacific Standard Time.
3. Verizon SHALL be compensated by the San Francisco Police Department for reasonable expenses incurred in complying with the court's order.

