

AUG -2 2019

CLERK OF THE COURT

BY: [Signature] Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

PEOPLE OF THE STATE OF CALIFORNIA,)
)
 Plaintiff,)
)
 vs.)
)
)
)
 IN THE MATTER OF BRIAN CARMODY,)
)
 Defendant.)
)

Case No. 2516765

ORDER OF THE COURT

I. INTRODUCTION

On February 22, 2019, at approximately 5:51 p.m., San Francisco Public Defender Jeff Adachi was found unresponsive in an apartment located in the City and County of San Francisco. On this same date, at approximately 6:54 p.m., Adachi was pronounced dead. Due to the high profile circumstances of the death, there was general public interest surrounding the circumstances of the death. In connection with the death, Brian Carmody obtained a copy of the police report related to Adachi's death. When this became apparent to the San Francisco Police Department, they commenced an investigation into the circumstances of the release of the report. During the course of the investigation, San Francisco Police officers sought and obtained several search warrants in connection with the investigation.

II. SEARCH WARRANTS

1
2 On March 1, 2019, the Honorable Rochelle East signed a search warrant for Carmody's
3 telephone records for the date range of February 22, 2019 to February 23, 2019. At the time the
4 warrant was presented to Judge East, Carmody's status as a member of the press was not made
5 clear by the search warrant affidavit and failed to include the fact that Carmody had been issued
6 a press pass by the San Francisco Police Department valid through December 31, 2019.
7

8 On March 13, 2019, the Honorable Joseph Quinn signed a search warrant for
9 Carmody's telephone records from Verizon for the period of February 22, 2019 to February 23,
10 2019. Again, Carmody's status as a member of the press was not clear and did not include the
11 fact that Carmody had a press pass issued by the San Francisco Police Department valid
12 through December 31, 2019.
13

14 On April 11, 2019, Sgt. Joseph Obidi and Lt. Tim Watts, members of the San Francisco
15 Police Department, sought to interview Carmody at his residence in relationship to the release
16 of the police report. During the course of this interview, the officers attempted to obtain the
17 names of any individuals who assisted in providing Carmody with the police report regarding
18 the death of Adachi.
19

20 On April 16, 2019, this Court signed a search warrant for telephone records related to
21 two members¹ of the San Francisco Police Department and Carmody. The search warrant
22 affidavit alleged that Carmody did not simply receive a copy of the police report, but rather
23 actively solicited and conspired with these members of the San Francisco Police Department to
24 obtain the police report prior to its official release by the Department in violation of Penal Code
25 sections 484(a) (petty theft) and 148 (delaying or obstructing an officer in the discharge of his
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27 ¹. Due to the Court's redactions, the Court has chosen to use the word "member" to reflect
28 either an officer and/or civilian employee of the San Francisco Police Department.

1 or her duties). The warrant sought communications between the members and Carmody during
2 the period between April 12, 2019 through April 15, 2019 (which appeared to be designed to
3 determine whether Carmody had contacted the two members of the Department who provided
4 him with the report after he had been questioned by Sgt. Obidi and Lt. Watts on April 11,
5 2019).

6 On May 10, 2019, the Honorable Victor Hwang signed a search warrant for the search
7 of Carmody's residence. In connection with the search, officers seized numerous items
8 including Carmody's computer equipment and other media related materials.
9

10 On this same date, the Honorable Gail Dekreon signed a search warrant for Carmody's
11 office. In connection with the search, officers seized additional computer equipment and other
12 media related items.

13 On May 16, 2019, Carmody filed an "*Ex Parte* Application of Non-Party Journalist
14 Bryan Carmody for Order Quashing Search Warrants and For Return of Improperly Seized
15 Newsgathering Materials; or in the alternative, To Shorten Time; Supporting Memorandum of
16 Points and Authorities; Declaration of Bryan Carmody and Thomas R. Burke with Exhibits A
17 & B" [hereinafter referred to collectively as the "Application of Carmody"]. The Application of
18 Carmody referred to the two search warrants issued in relationship to Carmody's residence and
19 office.
20

21 On June 5, 2019, Carmody filed a "Notice of Amendment of Application of Non-Party
22 Journalist Bryan Carmody for Order Quashing Search Warrants and For Return of Improperly
23 Seized Newsgathering Materials" [hereinafter referred to as "Amended Application of
24 Carmody"]. The Amended Application of Carmody applies to three warrants issued in
25 relationship to searches of Carmody's telephonic communications (Judges East, Quinn and Hite
26 search warrants).
27
28

1 This Order relates to the search warrant issued by this Court on April 16, 2019
2 [hereinafter referred to as the "April 16, 2019 Warrant"].
3

4 III. LEGAL DISCUSSION

5 A. Motion to Return Property

6 As an initial matter, the Amended Application of Carmody requests that this Court
7 return the property seized in connection with the April 16, 2019 Warrant. Carmody makes this
8 application under Penal Code sections 1536, 1538.5, 1539 and 1540, as well as this Court's
9 inherent power to control and prevent abuse of its process. (*People v. Superior Court (Loar)*
10 (1972) 28 Cal. App.3d 600, 607.) However, a motion to return property is inappropriate in this
11 instance since the April 16, 2019 Warrant pertains to property owned by the telephone
12 companies not Carmody; and Carmody is not a criminal defendant to any criminal action for
13 purposes of 1538.5. As such, the motion to return property is denied on these grounds.
14
15

16 B. Issuance of the April 16, 2019 Warrant

17 On April 16, 2019, this Court signed a search warrant for telephone records related to
18 two members² of the San Francisco Police Department and Carmody. The search warrant
19 affidavit alleged that Carmody actively solicited and conspired with two members of the San
20 Francisco Police Department to obtain the police report related to Jeff Adachi's death prior to
21 its official release by the Department in violation of Penal Code sections 484(a) (petty theft)
22 and 148 (delaying or obstructing an officer in the discharge of his or her duties). The warrant
23 sought communications between the members and Carmody during the time period between
24 April 12, 2019 through April 15, 2019 (which was designed to determine whether Carmody had
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27 ² Due to the Court's redactions mentioned below, the Court has chosen to use the word
28 "member" to reflect either an officer or civilian employee of the San Francisco Police
Department.

1 contacted the members of the Department who had provided him with the police report after he
2 had been questioned by Sgt. Obidi and Lt. Watts on April 11, 2019).

3 The California Shield Law is embedded in the California Constitution, article I, section
4 2(b), which states in relevant part that a journalist “shall not be adjudged in contempt by a
5 judicial . . . body . . . for refusing to disclose the source of any information procured while so
6 connected or employed for publication in a newspaper, magazine or other periodical
7 publication, or for refusing to disclose any unpublished information obtained or prepared in
8 gathering, receiving or processing of information for communication to the public.” The
9 constitutional provision was codified in the California Penal and Evidence Codes.
10

11 Penal Code section 1524(g) states: “No warrant shall issue for any item or items
12 described in Section 1070 of the Evidence Code.” Evidence Code section 1070(a) states:
13

14 A publisher, editor, reporter, or other person connected with or employed upon a
15 newspaper, magazine, or other periodical publication, or by a press association or wire
16 service, or any person who has been so connected or employed, cannot be adjudged in
17 contempt by a judicial, legislative, administrative body, or any other body having the
18 power to issue subpoenas, for refusing to disclose, in any proceeding as defined in
19 Section 901, the source of any information procured while so connected or employed
20 for publication in a newspaper, magazine or other periodical publication, or for refusing
21 to disclose any unpublished information obtained or prepared in gathering, receiving or
22 processing of information for communication to the public.

23 Due to the fundamental role newsgathering entities play in our constitutional
24 democracy, courts have given a broad interpretation of the shield law and its application when
25 it has been properly invoked. (*Rosato v. Superior Court* (1975) 51 Cal. App.3d 190, 217-218.)
26 To qualify for protection under the shield law, the newsperson must show: (1) that they are an
27 individual protected by the law; (2) that the information was “obtained or prepared in
28 gathering, receiving or processing of information for communication to the public”; and (3) the
information obtained has not been publicly disseminated by the source. (*Vasco, supra*, 131 Cal.

1 App.4th at p. 151.) The shield law provides absolute rather than qualified protection in
2 immunizing a newsperson from contempt for not revealing unpublished information. (*Ibid.* at
3 151, citing *Miller v. Superior Court* (1999) 21 Cal.4th 883, 890.)

4 Nevertheless, courts have determined that the shield law does not go so far as to allow a
5 reporter or his or her news sources to violate valid criminal laws. In *Brandzburg v. Hayes*
6 (1972) 408 U.S. 665, 691-692, the United States Supreme Court stated:

7
8 It would be frivolous to assert—and no one does in these cases—that the First
9 Amendment, in the interest of securing news or otherwise, confers a license on either
10 the reporter or his news sources to violate valid criminal laws. Although stealing
11 documents or private wiretapping could provide newsworthy information, neither
12 reporter nor source is immune from conviction for such conduct, whatever the impact
13 on the flow of news. Although stealing documents or private wiretapping could provide
14 newsworthy information, neither reporter nor source is immune from conviction for
15 such conduct, whatever the impact on the flow of news. Neither is immune, on First
16 Amendment grounds, from testifying against the other, before the grand jury or at a
17 criminal trial. The Amendment does not reach so far as to override the interest of the
18 public in ensuring that neither reporter nor source is invading the rights of other
19 citizens through reprehensible conduct forbidden to all other persons.

(See also *Rosato, supra*, 51 Cal. App.3d at 218-219.)

20 The sworn affidavit presented to this Court asserted that Carmody did not simply obtain
21 or receive the improperly obtained police report but that he actively solicited and conspired
22 with two members of the San Francisco Police Department to steal the police report without the
23 permission of the Department and prior to its official release. A magistrate in evaluating
24 probable cause for a warrant is “simply to make a practical, common-sense decision whether,
25 given all the circumstances set forth in the affidavit before him [or her], including the ‘veracity’
26 and ‘basis of knowledge’ of persons supplying hearsay information, there is a fair probability
27 that contraband or evidence of a crime will be found in a particular place.” (*Illinois v. Gates*
28 (2009) 462 U.S. 213, 235.) The showing required in order to establish probable cause is less
than a preponderance of the evidence or even a prima facie case. (*Id.* at 238.) This

1 determination does not reflect upon the ultimate determination of guilt or innocence, which is
2 evaluated under a beyond a reasonable doubt standard.

3 Based on the legal standard of probable cause for issuance of a search warrant and the
4 information contained in the sworn affidavit, the Court issued the April 16, 2019 Warrant.

5 **C. Motion to Quash and/or Traverse**

6 Carmody moves in his Amended Application of Carmody to quash and/or traverse the
7 April 16, 2019 Warrant. The Court finds authority to review the motion to quash and/or
8 traverse the warrant under California Electronic Communications Privacy Act (CalECPA),
9 pursuant to Penal Code section 1546.4(c).³ The Court finds further authority to review the
10 motion under Penal Code section 1536 and its inherent power to control and prevent the abuse
11 of its process. (See *Ensoniq Corp. v. Superior Court (Dattoro)* (1998) 65 Cal. App.4th 1537,
12 1547; and *People v. Superior Court (Loar)* (1972) 28 Cal. App.3d 600, 607.) As such,
13 Carmody as a target of the warrant has standing to move to quash and/or traverse the April 16,
14 2019 Warrant regarding his telephonic communications.
15
16

17 **D. The Effect of Judge Rochelle East's July 18, 2019 Order**

18 On July 18, 2019, the Honorable Judge Rochelle East granted Carmody's motion to
19 quash the March 1, 2019 warrant. Judge East found that the March 1, 2019 warrant affidavit
20 did not describe Carmody as a journalist and failed to mention that Carmody had been issued a
21 press pass from the San Francisco Police Department. Judge East ordered the San Francisco
22 Police Department to destroy any information obtained from the warrant, to file an affidavit
23 attesting to the destruction of the materials, and prohibited any further use of the information.
24

25
26 ³ Penal Code section 1546.4(c) states, "An individual whose information is targeted by a warrant, order, or
27 other legal process that is inconsistent with this chapter, or the California Constitution or the United States
28 Constitution . . . may petition the issuing court to void or modify the warrant, order, or process, or to order the
destruction of any information obtained in violation of this chapter, or the California Constitution, or the United
States Constitution."

1 The phone records obtained from Judge East's March 1, 2019 warrant affidavit formed
2 the basis of the probable cause for the issuance of the April 16, 2019 Warrant. This Court relied
3 upon the information obtained from Judge East's warrant in issuing the April 16, 2019 Warrant.
4 That information has now been quashed and prohibited from further use. The absence of this
5 information leaves the April 16, 2019 Warrant without probable cause to issue. The San
6 Francisco Police Department has failed to present the Court, either during oral argument or
7 during the in camera proceedings, with any independent justification for the issuance of the
8 April 16, 2019 Warrant in light of Judge East's ruling. As such, the motion to quash the April
9 16, 2019 Warrant is granted.
10

11 **E. Motion to Unseal**

12 On May 16, 2019, the Media Coalition⁴ filed a Notice of Motion and Motion by Media
13 Coalition to Unseal Arrest and Search Warrant Records; Memorandum of Points and
14 Authorities in Support; Declaration of David Snyder; Declaration of Duffy Carolan, Exhibit A
15 Thereto [hereinafter referred collectively to as "Motion to Unseal"].
16

17 On May 19, 2019, the San Francisco Police Department (SFPD) filed an Opposition to
18 Motion to Unseal Search Warrant Affidavits (*People v. Hobbs* (1994) 7 Cal.4th 948; Cal. Evid.
19 Code §§ 1040, 915(b) [hereinafter referred to as "Opposition to Unseal"].
20

21 On June 10, 2019, the Media Coalition filed a Reply of Media Coalition in Support of
22 Motion to Unseal Arrest and Search Warrant Records [hereinafter referred to as "Reply"].
23

24 On July 8, 2019, the Court issued an order granting an in camera proceedings and
25 finding that the Media Coalition had standing to bring the motion to unseal the warrant under
26 California Rules of Court, Rule 2.551(h)(2).
27

28 ⁴. The Media Coalition consists of The First Amendment Coalition, Reporters Committee for Freedom of
the Press, and The Northern California Chapter of the Society of Professional Journalists.

1 On July 24, 2019, the Court conducted the in camera proceedings. Ronnie Wagner from
2 the San Francisco Police Department, Police Legal Division, appeared for the Department. The
3 proceedings were recorded and placed under seal in accordance with the Court's order on July
4 8, 2019. On August 2, 2019, the Court conducted a further in camera proceeding at the request
5 of Ms. Wagner. Ms. Wagner testified at both in camera proceedings. There were no other
6 witnesses called during either proceeding. The Court asked the questions presented by the
7 Media Coalition but found many of the questions to be improper in an in camera setting as
8 many of them called for legal conclusions and/or would elicit improper argument from Ms.
9 Wagner in the context of an ex parte hearing.
10

11 In connection with a motion to unseal, California courts have regularly employed a
12 constitutional analysis when dealing with "disputes over public access to court documents."
13 (*Overstock.com v. Goldman Sachs Group, Inc.* (2014) 231 Cal.App.4th 471, 485.) As such, the
14 Court reviews the continued sealing of the April 16, 2019 Warrant under the factors outlined in
15 *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1990) 20 Cal.4 1178, 1218 and California
16 Rules of Court, Rule 2.550, which are as follows:
17

- 18 (1) There exists an overriding interest supporting sealing;
- 19 (2) There is a substantial probability that the interest will be prejudiced absent
20 sealing;
- 21 (3) The proposed sealing is narrowly tailored to serve the overriding interest; and
- 22 (4) There is no less restrictive means of achieving the overriding interest

23 Based on the information obtained during the in camera proceedings, the Court grants
24 the motion to unseal in part and denies the motion in part.

25 The Court denies the motion to unseal certain names, addresses, telephone numbers and
26 any information which would reveal the names, addresses or telephone numbers of certain
27 individuals mentioned in the warrant. The Court finds this identifying information is protected
28 under Penal Code section 964, the California Shield Law, and the right to privacy found in

1 California Constitution, article I, section 1. As to Carmody, the Court will redact only his
2 telephone number and address as requested.

3 The Court further denies the motion to unseal any information related to identifying the
4 confidential informant. The Court finds that information related to identifying the confidential
5 informant is protected by the official information privilege under Evidence Code section 1040.

6 In applying *NBC Subsidiary*, the Court finds an overriding interest in the continued
7 sealing of these two areas of the warrant and affidavit. There have been no charges filed in this
8 matter and there does not appear to be an ongoing criminal investigation by any governmental
9 agency at this time. As such, these individuals have privacy rights that outweigh the public's
10 right to know this type of confidential identifying information. There is a substantial probability
11 that disclosure of the informant or information related to the informant would prejudice the use
12 of the informant in the future, deter others from coming forward with information, and will not
13 serve the public interest. The Court has also been presented with evidence that the informant
14 may be subject to retribution or reprisal if they were to be revealed. The Court makes this
15 finding despite the fact that the informant information was illegally leaked to the public. The
16 Court finds that the ordered sealing is narrowly tailored to confidential identifying information,
17 and there are no less restrictive means of achieving the overriding interest of protecting this
18 confidential identifying information.
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22 As to the remainder of the April 16, 2019 Warrant, the motion to unseal the warrant and
23 affidavit is granted.
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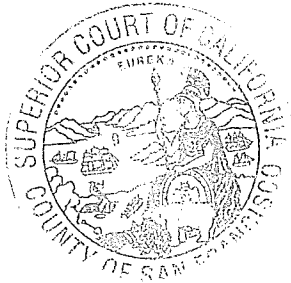
III. Orders of the Court

The Court hereby orders the San Francisco Police Department to immediately destroy any and all information derived from the April 16, 2019 Warrant, including but not limited to, cell phone records, including phone calls, texts, or cell phone tower information; and that the information derived from the warrant shall not be used for any other purpose. The San Francisco Police Department is ordered to file an affidavit under oath with the Court attesting to the destruction of the derived materials by August 9, 2019.

The Court orders that a copy of the redacted April 16, 2019 Warrant be attached to this order and be made public upon filing of the order.

IT IS HEREBY ORDERED.

Dated: August 2, 2019





The Honorable CHRISTOPHER C. HITE
JUDGE OF THE SUPERIOR COURT

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

And

AT&T Wireless; Global Legal Demand
11760 US Highway 1, Suite 600
North Palm Beach, FL 33408
888-938-4715 gldc@att.com

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

For the cell phone number [REDACTED] [REDACTED] and [REDACTED] related records, Verizon Wireless and AT&T Wireless shall provide the San Francisco Police Department the following:

See Exhibit A and B

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.

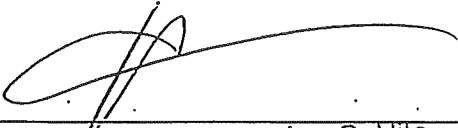
Non-Disclosure Ordered pursuant to 18 USC 2703(b)(1)(A) and California Penal Code 1524.3
Verizon and AT&T Wireless SHALL NOT disclose to USER, OTHER USERS or any other person of the

existence or content of this search warrant for a period of ninety days.

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 court order.

I 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 16 day of April, 2019 at 5:04 AM. (PM) Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.



Judge Christopher C. Hite

HOBBS SEALING AUTHORIZED: YES () NO ()

NIGHT SERVICE AUTHORIZED: YES () NO ()

Honorable _____
Judge of the Superior Court # 23, 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 _____

(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 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 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 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 [REDACTED] who identified herself as a neighbor living at [REDACTED]. [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 46 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 46 Telegraph Pl. [REDACTED] came to her own conclusion that 46 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 "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 Pl 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 [REDACTED]. [REDACTED] stated at approximately 1743 hours she received a phone call from a female identified as "Caterina" from Adachi's cell phone. [REDACTED] stated "Caterina" sounded hysterical and told her "something was wrong with Jeff".

[REDACTED] stated she wasn't too far away and responded to 46 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 Adachi in the bedroom. [REDACTED] stated she observed "Caterina" in the hallway who was crying. [REDACTED] 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. [REDACTED] stated "Caterina" told her the two of them had been out to dinner at a nearby unspecified restaurant. "Caterina" told [REDACTED] that Adachi began to complain of stomach pains at the restaurant so they took an UBER ride back to 46 Telegraph Pl. "Caterina" told [REDACTED] Adachi told her to go to the store and get him an unspecified medication. "Caterina" told [REDACTED] that Adachi then became unresponsive and she called for medics on Adachi's phone.

[REDACTED] stated she has known Adachi as a friend for approximately 10 years. [REDACTED] stated Adachi asked to use the apartment on 02/15/2018 and she gave him the keys. [REDACTED] stated Adachi told her he was going to be staying in the apartment for approximately 2 days and had also mentioned the name "Caterina". [REDACTED] stated she has heard Adachi mention "Caterina" a "couple of times" in the past but this was her first time meeting her in person. [REDACTED] stated she gave "Caterina" her cell phone number and told her to call her if she needed anything. [REDACTED] stated she did not get "Caterina's" phone number. [REDACTED] stated "Caterina" 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 Public Defender Jeff Adachi 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 "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 24th 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 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 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 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, US0 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.

Conclusion:

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] 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]

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 the [REDACTED]

On 03/01/19, I obtained video surveillance from Central Police Station. Upon viewing the video, Officer [REDACTED] 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]

[REDACTED] to Carmody approximately thirty minutes (15:20) after [REDACTED] left Central Station. I checked [REDACTED] call history for 02/23/19 and did not see [REDACTED] on any assignments or respond to calls for service near Central Police Station. I believe that [REDACTED] 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] 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 [REDACTED] contact information on HRMS. I confirmed that it listed under [REDACTED] name in Accurint Law Enforcement search. [REDACTED] has [REDACTED] listed as [REDACTED] phone number in HRMS. I confirmed that it is listed under [REDACTED] name in Accurint Law Enforcement search.

On 04/12/19, Acting Lieutenant Watts and I made contact with Mr. Carmody and conducted an interview at his residence. During the interview, Mr. Carmody stated that he cannot 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". Carmody that, "these people had the right intentions".

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.

Based on my training and experience, I know that Verizon Wireless and AT&T Wireless keep 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. I am requesting phone record from the periods of April 12, 2019 1313 hours, to April 15, 2019 2359 hours. I believe that Mr. Carmody would have contacted the involved officers within this short period of time.

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).

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 and AT&T 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.

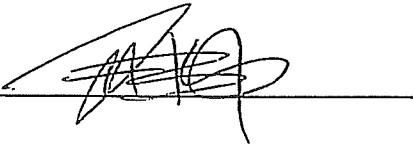
Due to the ongoing Internal Affairs investigation and search for possible co-conspirators, your affiant further states that this search warrant and all documents relevant to this search warrant; relate to an ongoing investigation into an Internal Affairs Investigation, I am requesting that they be sealed 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.

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.

It is prayed that a search warrant be issued commanding the search of the phone information [REDACTED], [REDACTED] and [REDACTED], requested from Verizon and AT&T. 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 4/16, 2019



Judge of the Superior Court
In and for the City and County of
San Francisco, California
Judge Christopher C. Hite

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 [REDACTED] and [REDACTED] for the following time period: 04/12/19 1313 hours to 04/15/2019 2359 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 04/12/19 1313 hours to 04/15/2019 2359 hours, Pacific Standard Time.

1. Verizon SHALL include a letter verifying the authenticity of the records provided.
2. Verizon SHALL include a listing of Cell Tower Locations showing, but not limited to, the location, orientation, azimuth, and beam width as it pertains to the records requested.
3. 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 [REDACTED] 04/12/19 1313 hours to 04/15/2019 2359 hours, Pacific Standard Time.
4. Verizon SHALL provide any other records or account information related or associated to the account holder, including any and all numbers associated with the billing account number corresponding to the account holder.
5. Verizon SHALL be compensated by the San Francisco Police Department for reasonable expenses incurred in complying with the court's order.

Exhibit B

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 [REDACTED] for the following time period: 04/12/19 1313 hours to 04/15/2019 2359 hours, Pacific Standard Time.

Subscriber Information: AT&T 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: AT&T 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 04/12/19 1313 hours to 04/15/2019 2359 hours, Pacific Standard Time.

1. AT&T SHALL include a letter verifying the authenticity of the records provided.
2. AT&T SHALL include a listing of Cell Tower Locations showing, but not limited to, the location, orientation, azimuth, and beam width as it pertains to the records requested.
3. AT&T 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 [REDACTED] 04/12/19 1313 hours to 04/15/2019 2359 hours, Pacific Standard Time.
4. AT&T SHALL provide any other records or account information related or associated to the account holder, including any and all numbers associated with the billing account number corresponding to the account holder.
5. AT&T SHALL be compensated by the San Francisco Police Department for reasonable expenses incurred in complying with the court's order.

State of California, City and County of San Francisco

IN RE SEARCH OF

ORDER TO DELAY [SEAL]
NOTIFICATION OF SEARCH WARRANT

AT&T Wireless
11760 US Highway 1, Suite 600
North Palm Beach, FL 33408
888-938-4715

ORDER


Your Affiant, **Sergeant Joseph Obidi #2328** requests:

This matter having come before the Court pursuant to an application under Penal Code Section 1524 et seq, which affiants requests that notification of this warrant be delayed. Based upon the reading of the Search Warrant, and Affidavit in Support thereof;

IT APPEARING that there is reason to believe that the notification of the existence of the warrant to any person will 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 or otherwise lead to an adverse result.

IT IS ORDERED that *AT&T Wireless* shall delay notification of the existence of the application or this Order of the Court, or the existence of the investigation, to the listed subscriber or to any other person, for a period of (90) ninety days unless otherwise directed by the Court.

IT IS FURTHER ORDERED that the notification by the government otherwise required under Penal Code Section 1546.2 (a) be delayed for a period of (90) ninety days.



(Signature of Magistrate)

Judge Christopher C. Hite

Judge of the Superior Court, Department 23,
City and County of San Francisco, California

4/12/19

(Date)

State of California, City and County of San Francisco

IN RE SEARCH OF

Verizon Wireless
180 Washington Valley Rd
Bedminster, NJ 07921
800-451-5241

ORDER TO DELAY [SEAL]
NOTIFICATION OF SEARCH WARRANT

ORDER

Your Affiant, **Sergeant Joseph Obidi #2328** requests:

This matter having come before the Court pursuant to an application under Penal Code Section 1524 et seq, which affiants requests that notification of this warrant be delayed. Based upon the reading of the Search Warrant, and Affidavit in Support thereof;

IT APPEARING that there is reason to believe that the notification of the existence of the warrant to any person will 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 or otherwise lead to an adverse result.

IT IS ORDERED that *Verizon Wireless* shall delay notification of the existence of the application or this Order of the Court, or the existence of the investigation, to the listed subscriber or to any other person, for a period of (90) ninety days unless otherwise directed by the Court.

IT IS FURTHER ORDERED that the notification by the government otherwise required under Penal Code Section 1546.2 (a) be delayed for a period of (90) ninety days.



(Signature of Magistrate)

Judge Christopher C. Hite

Judge of the Superior Court, Department 23,
City and County of San Francisco, California

4/18/19

(Date)

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 Christopher Hite.
Magistrate's Court: Superior # 23, City and County of San Francisco.

Date of Issuance: April 16th, 2019
Date of Service: April 16th, 2019

and searched and seized the following items:

Verizon Wireless and seized phone record data for [REDACTED] and [REDACTED]
At&T Wireless and seized phone record data for [REDACTED]

SW 43529

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 [REDACTED].

[Signature] #2328
(Signature of Affiant)

Sworn to and subscribed before me this 8th day of May, 2019.

[Signature]
(Signature of Magistrate)

Honorable Judge Andre Christine Masullo
Judge of the Superior Court, Department 304
City and County of San Francisco, California