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EXHIBIT B:
SFPD Warrant & Affidavit

#42739

State of California, City of San Francisco,
SEARCH WARRANT and AFFIDAVIT
(AFFIDAVIT)

I, Sgt. Jesse Farrell #789, swear under oath and penalty of perjury that the facts expressed by him/her in the attached and incorporated Statement of Probable Cause are true and that based thereon he/she has probable cause to believe and does believe that the articles, property, and persons described below are lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below, and are now located at the locations set forth below. Wherefore, Affiant requests that this Search Warrant be issued.

739
(Signature of Affiant)

Hobbs Sealing Requested: YES XXX NO
Nighttime Search Requested: YES XXX NO

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER OR PEACE OFFICER IN THE COUNTY OF SAN FRANCISCO: proof by affidavit, under penalty of perjury, having been made before me by Sgt. Jesse Farrell #789, that there is probable cause to believe that the property or person described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below by "X" (s), in that:

- It was stolen or embezzled - [1524(a)(1) PC];
- It was used as the means of committing a felony - [1524(a)(2) PC];
- It is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery - [1524(a)(3) PC];
- It tends to show that a felony has been committed or that a particular person has committed a felony - [1524(a)(4) PC];
- It tends to show that sexual exploitation of a child, in violation of PC Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring - [1524(a)(5) PC];
- An arrest warrant is outstanding for the person to be seized - [1524(a)(6) PC];
- A Child Protective Custody Warrant is outstanding for the person to be seized - [1524(a)(6) and Family Code 3134.5];
- A provider of "electronic communication service" or "remote computing service", as defined in Penal Code Section 1524.2(a) (including "California corporations" defined as any corporation or other entity that is subject to Section 102 of the Corporations Code and "Foreign corporations" defined as any corporation that is qualified to do business in this state pursuant to Section 2105 of the Corporations Code), has records or evidence regarding a subscriber or customer which (1) is of a type specified in Penal Code Section 1524.3 (i.e. the subscriber/customer's name, address, telephone number or other subscriber number or identity; the types of services the subscriber/customer utilized; the length of time the person has been a subscriber/customer of that service; and the local and long distance telephone toll billing records); and (2) which records or evidence shows that property was stolen or embezzled constituting a misdemeanor, or that property or things are in possession of any person with intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their discovery - [1524(a)(7) PC];

SM
42739

You are therefore **COMMANDED** to **SEARCH**:

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

Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

JAN 22 2019

CLERK OF THE COURT
Superior Court of California, County of San Francisco
BY: [Signature]
DEPUTY CLERK



For the **FOLLOWING EVIDENCE**:

Reverse Geolocation Data, Google Inc. **SHALL** provide Cellular, GPS and WiFi sourced location history for mobile devices that reported a location within the geographical region(s) bounded by the listed latitude and longitude coordinates on the date and time as stated on Appendix "A" (hereto and incorporated herein).

Google Account Information Associated to Reverse Geolocation Data, Google Inc. **SHALL** adhere to the process as stated in Appendix "B" (hereto and incorporated herein) to obtain the Subscriber/User information for mobile devices within the geographical region(s) as requested in Appendix A.


custodian of Records / Letter of Verification, Google Inc. SHALL include a letter verifying the authenticity of the records provided.

Additionally, it is the ORDER of this court that:

(90) Ninety Day Delay Notification order pursuant to the preclusion of notice provisions of California Penal Code 1546.2 Google Inc. SHALL NOT disclose to the subscriber, customer or owner of the electronic communication or device information to which materials relate the existence or content of this search warrant for a period of (90) ninety days.

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

This Search Warrant and Affidavit and attached and incorporated Statement of Probable Cause were sworn to as true and subscribed before me on this 4th day of Dec, 2018, at 3:00 A.M. (P.M.) Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.



Signature of Magistrate
Judge of the Superior Court Department 007,
City and County of San Francisco, California

Hobbs Sealing Authorized: YES NO
Nighttime Search Authorized: YES NO



APPENDIX "A"

TARGET LOCATION #1 TO BE SEARCHED

Date: October 24, 2018

Time Period 1: 1445 hours (PST) through 1515 hours (PST)

Time Period 2: 1630 hours (PST) through 1830 hours (PST)

Time Period 3: 1720 hours (PST) through 1830 hours (PST)

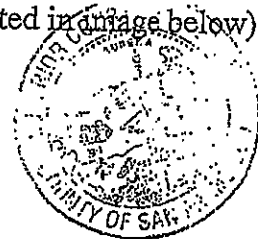
Target Location: 1447 42nd Ave, San Francisco, CA 94122 (as depicted in image below):

37.759742, -122.501981 (northwest corner of defined area)

37.759672, -122.501967 (southwest corner of defined area)

37.759992, -122.501558 (northeast corner of defined area)

37.759375, -122.501522 (southeast corner of defined area)



APPENDIX "B"

ITEMS TO BE SEIZED AND SEARCHED

Google Inc. SHALL provide responsive data (as described in Appendix "A") pursuant to the following process:

To the extent within Google's possession, custody or control, Google is directed to produce the following information associated with the Subject Accounts, which will be reviewed by law enforcement personnel to locate any evidence, fruits and instrumentalities of the crime under investigation:

- a. Location information: All location data, whether derived from Global Positioning System (GPS) data, cell site/cell tower triangulation/trilateration, and precision measurement information such as timing advance or per call measurement data, and Wi-Fi location, including GPS coordinates, estimated radius and the dates and times of all location recordings between the following date and time at the locations specified:

Target Location #1

Date: October 24, 2018

Time Period 1: 1445 hours (PST) through 1515 hours (PST)

Time Period 2: 1630 hours (PST) through 1700 hours (PST)

Time Period 3: 1720 hours (PST) through 1830 hours (PST)

Target Location: 1447 42nd Ave, San Francisco, CA 94122 (as depicted in image below):

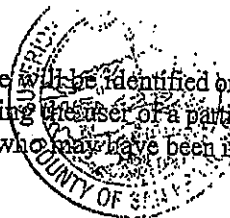
37.759742, -122.501981 (northwest corner of defined area)

37.759672, -122.501967 (southwest corner of defined area)

37.759992, -122.501558 (northeast corner of defined area)

37.759375, -122.501522 (southeast corner of defined area)

- b. Each device corresponding to the location data to be provided by Google will be identified only by a numerical identifier, without any further content or information identifying the user of a particular device. Law enforcement will analyze this initial data to identify users who may have been involved in the crime
- c. For those accounts identified as relevant to the ongoing investigation through an analysis of provided records, and upon demand, Google shall provide additional location history outside of the predefined area for those relevant accounts to determine path of travel. This additional location history shall not exceed 45 minutes plus or minus the first and last timestamp associated with the account in the initial dataset. The purpose of path of travel/contextual location points is to eliminate outlier points where, from the surrounding data it becomes clear the reported point(s) are not indicative of the device actually being within the scope of the warrant.
- d. For those accounts identified as relevant to the ongoing investigation through an analysis of provided records, and upon demand of the investigative agents, Google shall provide the subscriber's information for those relevant accounts to include subscriber's name, email address, IMEI and phone numbers, services subscribed to, recovery SMS phone number and recovery email address.



State of California
City and County of San Francisco

IN RE SEARCH OF

Google Inc.
Reverse Geolocation
October 24, 2018

ORDER TO DELAY [SEAL]
NOTIFICATION OF SEARCH WARRANT

ORDER

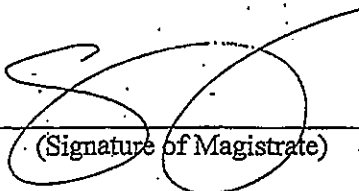
Your Affiant, **Sgt. Jesse Farrell #789** requests:

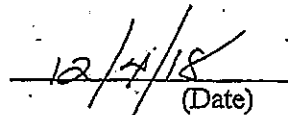
This matter having come before the Court pursuant to an application under Penal Code Section 1524 et seq, which affiants requests that notification of this warrant be delayed. Based upon the reading of the Search Warrant, and Affidavit in Support thereof;

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 *Google Inc.* 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)


(Date)



Judge of the Superior Court, Department 504,
City and County of San Francisco, California

Order Delaying Notification

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

Sgt. Jesse Farrell #789, being sworn, says that he/she conducted a search pursuant to the

below-described search warrant:

Case number: 180-808-982

Issuing Magistrate: Judge Bolanos

Magistrate's Court: Superior 504, County of San Francisco.

Date of Issuance: 12/04/2018

Date of Service : 12/04/2018

And searched the following location (s) , Vehicle (s) , and person (s):

Google INC
1600 Amphitheatre Parkway
Mountain View, CA 94043

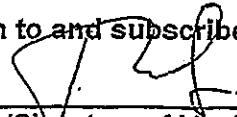
and seized the following items and/or information received:

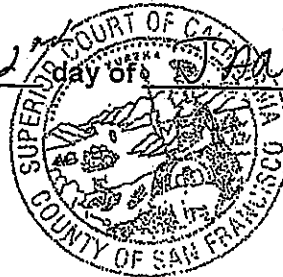
Reverse Google Location, Google Account Information, Letter of Verification

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. Jesse Farrell #789 at telephone number 415-553-9457.

Sworn to and subscribed before me this 22 day of Jan, 2019


(Signature of Magistrate)
Judge of the Superior Court
County of San Francisco
State of California



Statement of Probable Cause

My name is Jesse Farrell. I am currently employed as a Police Officer in the City and County of San Francisco. I have been employed with the San Francisco Police Department for 16 years and I am currently assigned to the General Crimes/Burglary Investigations as a Sergeant. Prior to my current assignment, I was assigned to the Taraval Station as a Sergeant.

Included in my duties as a Police Officer; is the enforcement and investigation of crimes against persons and property. I have investigated and made hundreds of arrests for crimes against persons and property crimes. I have taken the following training related to investigations:

San Francisco Police Academy
40 hour - Behavioral Analysis Interview and Interrogation Training
20 hour - San Francisco Elder/Dependent Abuse Investigations
40 hour - Police Crisis Intervention
4 hour - Search Warrant Preparation Course
80 hour - Institute of Criminal Investigation (ICI) Course
80 hour - Supervisory Course
40 hour - ICI Robbery Course
40 hour - ICI Burglary Course

Assigned case. Read and reviewed report, attached pictures, and attached video clips. The following is SFPD incident # 180-808-982 authored by Officer Ramirez #614:

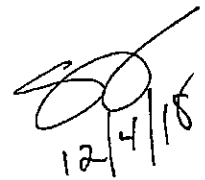
On Thursday, October 24, 2018 at approximately 2346 hours, (3111E) Officer Navarro #4347 and I responded to a burglary call for service at 1447 42nd Avenue. We were in full police uniform and driving a marked patrol vehicle. Officer Navarro and I activated our (BWC1) Body Worn Camera while on scene of the following incident. The BWC footage was later uploaded to evidence.com.

Upon arrival, I met with (RV1) Lai Pham, resident of the in-law suite at 1447 42nd Avenue, who told me that his unit had been broken into by three unknown (S1-S3) suspects, and that a computer and safe had been stolen. I met Pham at the ground level side entrance, next to the garage door, facing 42nd Avenue, and I observed a (DMG1) broken wooden front door, a (DMG2) splintered wooden door frame, and (DMG3) door lock. Of note, Pham had conducted a walk-thru of his unit and handled the areas that had been rummaged by the suspects throughout the unit.

Pham stated that he had departed his unit at approximately 0900 hours on 10/24/2018 via the ground level side front door. Pham told me that he had locked the unit and departed for work. Pham returned at approximately 1530 hours, and that while he walked to go into his residence, he observed a (S1) black male adult, approximately 25 year old, wearing a white t-shirt and red/black sweatpants in the vicinity of his residence. Pham said he did not notice anything out of the ordinary and walked inside his unit to change. At approximately 1535 hours, Pham departed and locked the front door. Pham also stated that his upstairs neighbor, later identified as (RV1) Johnny Hon, had been present inside his upstairs unit when the burglary occurred.

Of note, access to the upstairs unit is possible from inside the garage level and accessible from Pham's unit. A stairwell is located in the rear of the garage and near Pham's unit kitchen area. Pham stated that the Hons maintain the access door at the top of the stairs locked at all times. Nevertheless, access is possible via the stairwell to the upstairs unit from his apartment.

Pham returned home at approximately 1845 hours and observed that his front door had been kicked in. Pham initially did not go inside his unit as he feared that someone may still be inside. Pham then contacted


12/4/18

police and while he waited, asked his neighbors if they had seen anything suspicious during the course of the day. While waiting for police to arrive, Pham was able to obtain video of the suspects who broke into his unit.

Pham then conducted a thorough walk thru of his unit, where he observed that his (STN1) APPLE 15" gray MACBOOK Pro laptop and his (STN2) black digital combination safe had been stolen. Both items were taken from his bedroom area, with the laptop taken near the bedroom dress, and the safe being pried away from the (DMG4) wall of the closet located inside his bedroom. Pham also told me that he had approximately (STN3) \$9,000 in U.S. currency located inside the safe, which had been locked at the time of the burglary, as well as (STN4) two vehicle keys inside the safe. Pham stated he had no other items inside the safe, and that no other items had been taken from the unit.

Pham showed me the NEST video of the suspects that his neighbor, Al Hampel, had provided him of the suspects. I observed a (F1) black four door sedan, which Pham described as possibly a Honda Accord. I also observed two unknown black male suspects; (S1) unknown slim build black male wearing a dark hoodie, black/red pants, and black sneakers, and (S2) unknown heavy build black male suspect wearing a gray/white hoodie, red/black pants, and white shoes. Both suspects exited the Honda from the rear passenger doors (left and right). The video shows both suspects walking along the west sidewalk of 42nd Avenue and appear to be casing the homes near 1455 42nd Avenue. I did not observe the (S3) unknown driver nor the (S4) front passenger unknown suspect. I requested Pham to email me the videos, which he did, but only short clips as the videos were too large to send electronically. I told Pham that an investigator would be in contact with him and Hampel to retrieve the complete videos. Hampel can be contacted at (303) 907-9141 and resides at 1455 42nd Avenue.

While I spoke to Pham, Officer Navarro spoke to Hon, who told him that according to his wife, (W1) Annie Hon, she had been walking south on 42nd Avenue from Judah Street, along the west sidewalk, on her way home, when she observed two or three suspects walking out of Pham's unit carrying "something," and proceeding south on 42nd Avenue. Hon stated that Annie Hon tried to catch up to the suspects and inquire as to their activities, but she was unable to, as the suspects walked rapidly and got into a car, which then departed south on 42nd Avenue towards Kirkham Street. Hon could not elaborate on what the suspects were carrying and stated that his wife was not available to speak to us. Unfortunately, Hon did not observe any of the suspects nor was he aware that the suspects had burglarized Pham's unit during the incident.

Pham nor Hon did not come in contact with the suspects and were not injured during the incident.


Based on the Pham's statements, and my observations, I determined the point of entry to be the ground level side door facing 42nd Avenue, with the point of exit as the same door.

We canvassed the area for additional video surveillance, and found three cameras located on residences along the west sidewalk of 42nd Avenue; 1430, 1455, and 1478.

I gave Pham a follow up form with case number, a Marsy's Card, and a Victim of Violent Crime Card. I took photos of the damaged street entry door, door frame, door lock, in-law unit, and the area from where the safe was removed.

I did not request a Crime Scene Investigations (CSI) office response because Pham had entered the residence, had gone through his belongings, and told me that the internal doors to his unit were maintained open at all times. Only the front door entry was forced open. The door had been kicked in, which caused damage to the door frame, the door, and door lock. No printable areas were observed along the damaged door nor the damaged drywall inside the closet from where the safe was removed.

I contacted the Department Operations Center (DOC), spoke with Officer Tsai #626 and informed him of the incident. Officer Navarro contacted (31115) Sgt Anderson #4232, and provided him with details of the burglary.


12/7/16 7

At Taraval Station, I transferred the photos and video clips onto a (E1) CD. Additionally, I digitally uploaded the photos and video clips to Crime Data Warehouse (CDW) and attached them to this report. Officer Navarro booked the CD as evidence at Taraval Station.

END OF INCIDENT REPORT

After reviewing the incident report, I instructed Video Retrieval Specialist Officer Pheng #1138 to retrieve additional video from Al Hampel at 1455 42nd Ave.

On 10/26/2018, at 0730 hours, Officer Pheng provided me with 7 video clips from the video surveillance system located at 1455 42nd Ave. It video clips contained an additional clip that was not attached to the incident report. Officer Pheng stated he would seek additional video footage from 1455 42nd Ave, as well as from neighboring cameras.

I then re-watched the clips with the additional clip provided to me from Officer Pheng.

Per the time stamp:

On 10/24/2018, at 1459 hours, a black male suspect is seen getting out of the rear passenger seat of an Acura TL, 4 door, dark in color. The black male adult is seen walking towards the front door of 1447 42nd Ave. Suspect #1 does not cover his face, and his face is clearly shown. Suspect #1 is a black male adult, white tee-shirt, red and black pants with a shin and ankles covered it white. Suspect #1 is tall, thin, short hair and a beard.

At 1500 hours, Suspect #1 is seen walking back from 1447 42nd Ave and gets back into the Acura TL.

At 1642 hours, a second suspect, Suspect #2, is seen on the sidewalk walking towards 1447 42nd Ave. Suspect #2 is shorter than Suspect #1, heavysset, wearing black and red pants, however the shin and ankle are covered in black material. He has a white and grey stripped sweatshirt with a hood over his head.

At 1743, Suspect #2 is seen coming out a rear passenger door of a dark colored Honda.

At 1806 hours, Suspect #1 and Suspect #2 are seen getting out of the back seat of the Honda and walk towards 1447 42nd Ave. Suspect #1 can be seen wearing the same pants as before, however he is now wearing a dark colored jacket with the hood pulled over his head.

At 1809 hours, Suspect #1 and Suspect #2 are seen walking back and forth from the Victim's house to the parked Honda. Both Suspect #1 and Suspect #2 can be seen carrying items and putting them into the parked Honda.

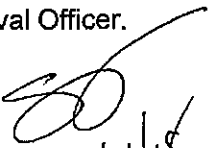
On 10/29/2018, at 1030 hours, I provided NCRIC Analyst Jason Hutchinson with two clips of Suspect #1 via email. I requested he use NCRIC's facial recognition system using the clips I provided him.

On 10/30/2018, at 1800 hours, I instructed Officer Pheng to send out a crime alert to SFPD and the nine bay area county law enforcement departments requesting that they view the video and the attached pictures for an identification.

As 11/06/2018, at 1035 hours, I have not received a response from SFPD Officers or any other Law Enforcement Agencies on the crime alert requesting an identification.

On 11/21/2016, at 0600 hours, Officer Pheng provided me with his Chronological of investigation, which details his observations of the videos he sent me with timelines. The following is Officer Pheng's CHRON:

I am Digital Evidence Recovery and currently assigned to Taraval SIT as a Video Retrieval Officer.


12/4/18

10/25/2018 at 1000 hours: I received a call from Sgt Farrell #789, advised that he was handling this case, and Sgt Farrell request assistance with video retrieval.

I reviewed the initial report, and saw that the victim, (R/V1)Pham, provided video surveillance footage that was obtained from HAMPEL/AL of 1455 42nd Avenue, (303) 907-9141. The video clips were electronically attached to the initial report, and I downloaded them.

I also saw that in the initial report, the victim may not have been able to provide all the video clips due to the size of the file.

I then called Hampel, who confirmed he provided video to Pham. Hampel advised me that he could e-mail all the files to confirm PD has all the videos.

I provided Hampel my dept e-mail address and he sent me (7) e-mails containing (8) video clips, of which one video clip was a duplicate.

I reviewed the video clips and saw the following, per video date and time stamp: On 10/24/18 at 1459hrs, a black male subject is seen getting out of the rear passenger seat of a parked 4-door sedan. The subject then is seen walking towards the front door of the victim's home.

At 1500hrs, the same subject is seen walking back, and getting into the black sedan.

At 1642hrs, a subject is seen walking towards the victim's home.

At 1743hrs, a subject is seen coming out a rear passenger door of a parked vehicle. This vehicle is different from the prior vehicle, but the subject appears to be the same person based on clothing and body build.

At 1806hrs, two subjects are seen getting out of the back seat of the parked car and walking towards the victim's home.

At 1809hrs, the two subject are seen walking back and forth from the victim's house to the parked car. Both subjects can be seen carrying items and putting them into the vehicle.

After reviewing the video, I noticed that I did not see any of the vehicle in motion. I called Hampel and asked for additional footage. Hampel advised that he would obtain additional footage and contact me on a later date.

10/25/2018 at 1825: Officers at the scene also located cameras at 1430 42nd Avenue and 1478 42nd Avenue.

I then responded to 1478 42nd Avenue and met with the resident, WONG/STEPHEN, (415) 823-4729.


Wong gave me consent to review and retrieve video needed for the investigation.

Wong and I reviewed a portion of the video and saw that camera angle did not have a view the victim's house but did have a view of the street, and may show the suspects' vehicle driving in the area.

I retrieved video 10/24/18 1700hrs – 2100hrs (DVR date and time), to preserve possible evidentiary value.

After I retrieved the video, Wong and I reviewed the retrieved video and confirmed it was a true and correct copy. I then completed a Contemporaneous Video Evidence Proposition 115 Questionnaire Form, asking Wong the question of the form.

10/29/2018 1000: I checked my department e-mail and saw that I received (3) e-mails from Hampel. The e-mails contained (4) video clips from Hampel's camera system.


12/4/18 9

I reviewed the video clips and saw that it included what I already viewed, but also showed continuous video recording of the incident.

The additional videos added a 3rd subject that could be seen on 10/24/18 at 1753hrs and the vehicle can be seen leaving at 1811hrs.

10/30/18 1915: At the request of Sgt Farrell, I created a crime bulletin and disseminated the crime bulletin, via department e-mail and APB Net, along with a shortened video clip.

I later updated Sgt Farrell with my findings.

END OF OFFICER PHENG'S CHRON

Based on my training, experience and consulting with other investigators, I know that subjects who commit crimes, including residential burglaries, often uses their cell phones as a means of communication during the commission of the crime. Furthermore, I know that the suspects who are inside the victim's residences often communicate via cell phone with the suspect who is acting as the lookout during the commission of the crime. Based on the fact the driver of the suspect vehicle remained outside during the commission of the crime, it is my belief that the suspects inside the residence were communicating with the driver of the suspect vehicle via cell phone in order to know where to meet when the suspects fled and to alert the suspects inside the residence when it was the most optimal time to flee the scene.

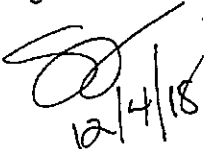
Furthermore, based on my training, experience and consulting with other investigators, I know the most common types of cell phones used by the vast majority of the people in the United States are smart phones, which are capable of mobile voice calling and data communications, as well as internet connectivity and software application management. Based on my training and experience I know the two most commonly used smart phone operating systems are iOS, which run on Apple iPhones, and Android, which run on the mobile devices of various manufacturers.

I know that when an Android device user first turns on a new Android device they are prompted to add a Google account. The Android account creation process generates an account and email account using the familiar gmail.com format. Based on my training and experience, I know it is impossible for an Android device user to install applications from the Google Play Store without a Google account. Therefore, it is nearly certain that a person using an Android device has an associated Google account.

Based on my training, experience and consulting with other investigators, I know Google collects and retains location data from Android enabled mobile devices. Google can also collect location data from non-Android devices if the device is registered to a Google account and the user has location services enabled. The company uses this information for location based advertising and location based search results. Per Google, this information is derived from Global Position System (GPS) data, cell site/cell tower information, and Wi-Fi access points. While the specific parameters of when this data is collected are variable, it appears that Google collects this data whenever one of their services is activated and/or whenever there is an event on the mobile device such as a phone call, text messages, internet access, or email access.

Based on my training, experience and consulting with other investigators, I know Google collects the following information for a user's Google Account: subscriber name, email address, IP address, IMEI and phone numbers, services subscribed to, SMS recovery phone number and a recovery email address.

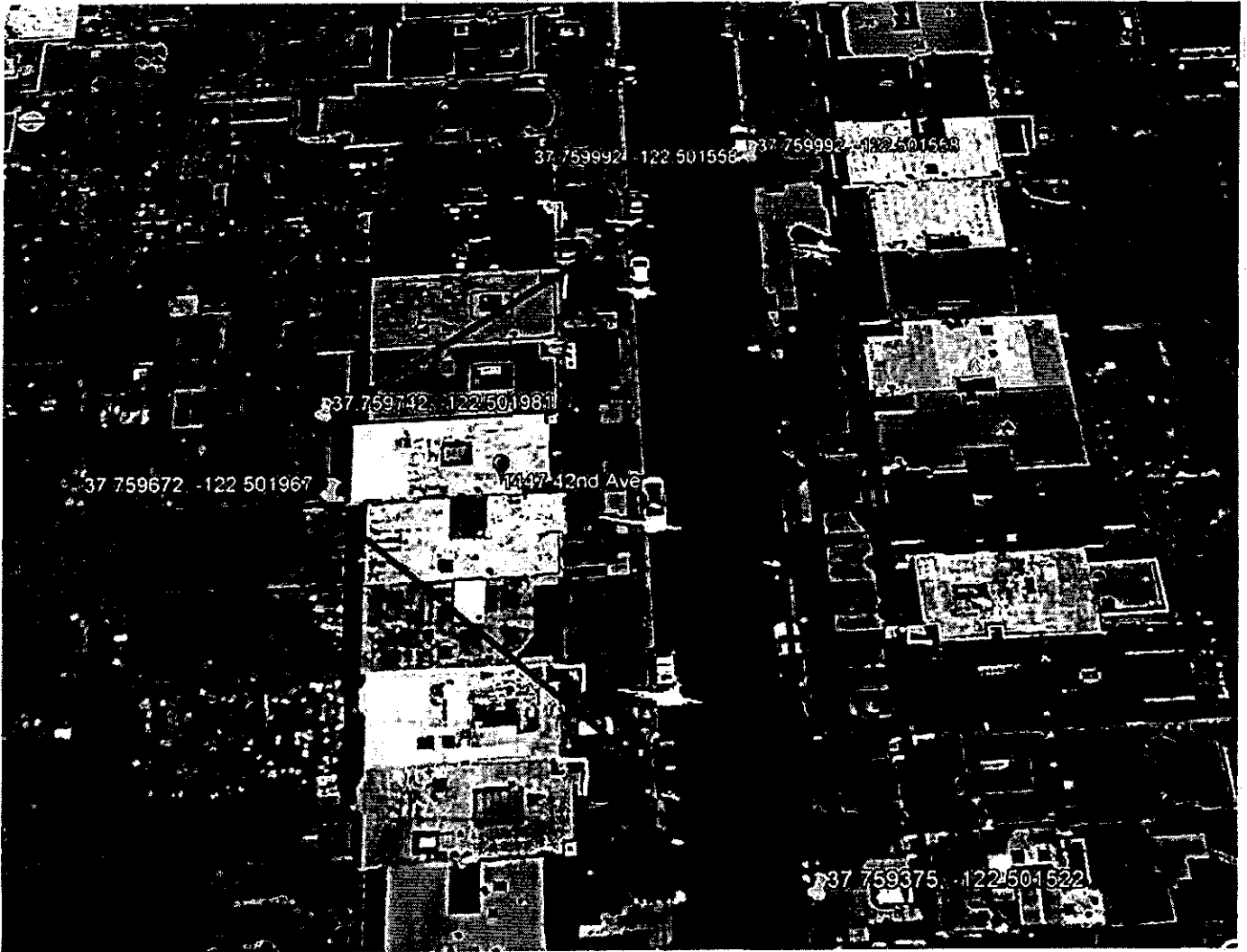
Based on witness statements, officer statements and video evidence, the suspects were physically seen and memorialized on video to be in the area of 1447 42nd Ave on October 24, 2018 between the hours of 1445 hours and 1830 hours. It appears that the suspects performed surveillance on the resident prior to making entry. The suspects can be seen on surveillance video outside watching the residence prior to making entry. I believe that there are multiple suspects involved in this residential burglary. My knowledge on how suspects operate by using cell phones during the commission of a crime and my knowledge that Google collects and


12/4/18 10

retains location data from Android enabled mobile devices, it is my belief that by requesting Google to conduct a search of all Android enabled mobile devices that recorded location data within the geographical area of 1447 42nd Ave on October 24, 2018 from 1445 hours to 1515 hours, from 1630 hours to 1700 hours and 1720 hours to 1830 hours as described in Appendix "A". The Target Locations are defined below by a geographical box with four latitude and longitude coordinates each:

Target Location 1:

- 37.759742, -122.501981 (northwest corner of defined area)
- 37.759672, -122.501967 (southwest corner of defined area)
- 37.759992, -122.501558 (northeast corner of defined area)
- 37.759375, -122.501522 (southeast corner of defined area)



Target Location 1 encompasses the victim's residence on 1447 42nd Ave sidewalk and street in front of the residence. The west part of the border covers the back of the residence, the north part of the border covers the sidewalk and street moving diagonally north approximately 109 feet from the residence, the south part of the border covers the sidewalk and street moving diagonally south approximately 121 feet from the residence and the east border covers approximately 130 feet of the street in front of the residence.

This affidavit seeks authority to collect certain location information related to Google accounts that were located within the Target Locations during the Target Time Periods (the "Subject Accounts"). The information sought from Google regarding the Subject Accounts, as described in Appendix "B", will identify which cellular devices were in the area of the victim's business during the commission of the crime. The information being requested includes:

- a. Location information: All location data, whether derived from Global Positioning System (GPS) data, cell site/cell tower triangulation/Trilateration, and precision measurement information such as timing advance or per call measurement data and Wi-Fi location, including GPS coordinates, estimated radius and the dates and times of all location recordings during the Target Time Period.
- b. Each device corresponding to the location data to be provided by Google will be initially identified only by a numerical identifier, without any further content or information identifying user of a particular device. Investigators will analyze this initial data to identify who may have been involved in the crime.-
- c. For those accounts identified as relevant to the ongoing investigation through an analysis of provided records, and upon demand, Google shall provide additional location history outside of the predefined area for those relevant accounts to determine path of travel. This additional location history shall not exceed 45 minutes plus or minus the first and last timestamp associated with the account in the initial dataset. The purpose of path of travel/contextual location points is to eliminate outlier points where, from surrounding data, it becomes clear the reported point(s) are not indicative of the device actually being within the scope of the warrant.
- d. For those accounts identified as relevant to the ongoing investigation through an analysis of the records provided and upon demand of investigators, Google shall provide the subscriber's information for those relevant accounts to include, subscriber name, IMEI and phone numbers, email address, services subscribed to, SMS recovery phone number and recovery email address.

Delay of Notification Request

Your affiant request that a delayed notification order be granted for this warrant due to the fact that if the subject(s) of this investigation were to learn of our request for electronic information/data pertaining to this case, then the suspect(s) will destroy the electronic data evidence, which will be seriously jeopardized this investigation will occur. Therefore, your affiant is requesting that the (90) ninety days Delay Notification Request be granted.

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 (90) ninety days.

Additionally, it is further requested that pursuant to the preclusion of notice provisions of Penal Code 1546.2, **Google Inc.** be ordered not to notify any person (including the subscriber,


customer or owner of the electronic communication or device information to which materials relate) of the existence of this warrant for (90) ninety days.

Sealing Request

Your affiant request, that because the Suspect(s) identity is currently unknown, that if our technique of analyzing electronic records, data and communication activity of the Suspect(s), these individuals would begin and/or continue to employ counter measures to hinder law enforcement officials from locating and arresting the Suspect(s). This would diminish the usefulness of this investigative technique and possibly render the use of future communication records analysis ineffective. Your affiant request that this statement of probable cause be sealed until ordered by the Court.

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

I request that a Search Warrant be issued based upon the aforementioned facts, commanding the search of the person, premise(s) or vehicles(s) 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.


(Signature of Affiant)

Sworn to as true and subscribed before me on 4th day of December, 2018, at 3 A.M. (P.M.)


Judge of the Superior Court in and for the
County of San Francisco, State of California

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Proof of Service

I, the undersigned, say:

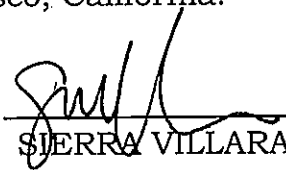
I am over eighteen years of age and not a party to the above action. My business address is 555 Seventh Street, San Francisco, California 94103.

On 6/1/20, I personally served copies of the attached on the following:

San Francisco District Attorney
850 Bryant Street, 3rd Floor
San Francisco, CA 94103
Attn: Anthony Lombardo

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 1, 2020, in San Francisco, California.



SIERRA VILLARAN