

A118

SW NO

6760

STATE of CALIFORNIA, COUNTY of ORANGE,
SEARCH WARRANT and AFFIDAVIT
(AFFIDAVIT)

2013 AUG 15 PM 3:11

Peace Officer Deputy Seth Tunstall swears under oath 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.

BRENDA BUJALSKI DEPUTY

HOBBS SEALING REQUESTED: ☒ YES ☒ NO
 NIGHT SEARCH REQUESTED: ☐ YES ☒ NO



(Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER IN THE COUNTY OF ORANGE: proof by affidavit, having been this day made before me by Peace Officer Deputy Seth Tunstall 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 "☒"(s), in that:

- ☐ property was stolen or embezzled;
- ☒ property or things were used as the means of committing a felony;
- ☒ property or things are in the possession of any person with the intent to use them as a means of committing a 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 being discovered;
- ☒ property or things to be seized consist of any item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony;
- ☐ property or things to be seized consist of evidence that tends to show that sexual exploitation of a child, in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years in violation of Section 311.11, has occurred or is occurring;
- ☐ there is a warrant to arrest a person;
- ☐ a provider of electronic communication service or remote computing service has records or evidence, as specified in Section 1524.3, showing that property was stolen or embezzled constituting a misdemeanor, or that property or things are in the possession of any person with the 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;
- ☐ property or things to be seized include an item or any evidence that tends to show a violation of Section 3700.5 of the Labor Code, or tends to show that a particular person has violated Section 3700.5 of the Labor Code.

You are Therefore **COMMANDED to SEARCH:** (premises, vehicles, persons)

Refer to Attachment "A"

For the **FOLLOWING PROPERTY, THING(s) or PERSON(s)**

Refer to Attachment "B"

AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court. This **Search Warrant and Affidavit** and attached and incorporated **Statement of Probable Cause** were sworn to as true and subscribed before me on this 15 day of August, 2013, at 1:55 A.M. / P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.



(Signature of Magistrate)

HOBBS SEALING APPROVED: ☒ YES ☐ NO
 NIGHT SEARCH APPROVED: ☐ YES ☒ NO

Judge of the Superior Court of California, County of Orange, Central Justice Center, Dept C-64



(Magistrate's Printed Name)

Search Warrant
 Page 1 of 1

CR / DR #

ATTACHMENT A

-The first residence at 14862 Adams Street, Midway City, California, further described as a single story residence with the numbers "14862" affixed to the exterior, next to the front door facing west. The residence is tan stucco with white trim and is located on the east side of the street. The residence has a light gray shingle roof and approximately a three foot high black metal fence around the entire front of the house. The back yard of the residence is surrounded by approximately a six foot high cinder block wall. On top of the cinder block wall is surveillance cameras with posted signs displaying the residence is under video surveillance. I request to include all rooms, attics, basements and other parts within the residence and all garages, external structures, trash containers, and storage area designated for the use of this residence, or for which keys to garages, trash containers, and storage area are found at the premises to be searched, or in the possession of the occupants of the premises.

-David Mitchell Zorich (09/23/1967) "Loco" is described as a male Hispanic, 5'9", 195lbs. Zorich has a CDL#C6546121.

-Any vehicles parked on the premises of the residence at 14862 Adams Street, Midway City, Ca.

The second residence at 14581 Riata Street, Midway City, California, further described as a single story residence with the numbers "14581" affixed to the exterior, next to the front door facing east. The residence is light beige stucco with green trim and is located on the west side of the street. The residence has a light gray shingle roof. The back yard of the residence is surrounded by approximately a six foot high cinder block wall, which includes the back wall being approximately a six foot high red cinder block with an opening in the wall that allows vehicles to drive into the back yard. I request to include all rooms, attics, basements and other parts within the residence and all garages, external structures, trash containers, and storage area designated for the use of this residence, or for which keys to garages, trash containers, and storage area are found at the premises to be searched, or in the possession of the occupants of the premises.

-Raymond Robert Garcia (11/04/1972) "Dreamer" is described as a male Hispanic, 5'11", 215lbs. Garcia has a CDL#A9485777.

-Any vehicles parked on the premises of the residence at 14581 Riata Street, Midway City, Ca.

ATTACHMENT B

All firearms including: a black Ruger 9mm handgun, a Colt 380 caliber, stainless steel handgun, a black 380 caliber handgun, a black Italian 380 caliber handgun, a 9mm Sigsauger handgun.

All evidence of criminal street gang membership and/or affiliation with the "Varrio Midway City" gang, or evidence of membership and/or affiliation with any other criminal street gang. These items are to include, but are not limited to, articles of clothing, bandanas, any drawings, correspondence, letters, faxes, miscellaneous objects, which have been written on, criminal street gang graffiti depicting gang names or lists of gang membership, affiliation, activity or identity. Any film canisters containing undeveloped film, videotapes, any paintings or drawings; all photograph albums and photographs depicting persons, vehicles, weapons, which show gang membership and/or gang affiliation; or which depicts evidence in the case being investigated with this warrant; or which depicts any criminal activity. Any computer disk and/or any digital data storage device(s) or computer hard drive(s) or any electronically stored media, which identifies and/or depicts, by content and context, persons involved in criminal street gang activity. Any newspaper clipping(s) relating details or references to any crime or crimes of criminal street gang violence and any address book(s), lists of or single reference to addresses or telephone numbers of persons who are members of or affiliate with any criminal street gang.

Any items tending to establish the identity of persons who have dominion and control of the location, premises, automobiles or items to be seized, including delivered mail, whether inside the location or in the mailbox(s), bills, utility bills, telephone bills, miscellaneous addressed mail, personal letters, personal identification, purchase receipts, rent receipts, sales receipts, tax statements, payroll check stubs, keys and receipts for safe deposit box(s), keys and receipts for rental storage space, keys and receipts for post office box or mail drop rentals, ignition keys, car door and trunk keys, vehicle ownership certificates or "pink slips," and/or vehicle registration slips, recordation of voice

transmissions on telephone answering machines, audio tapes and telephone message receipt books, written phone messages, and photographs tending to show occupation of the residence/business and connection between co-conspirators, whether identified or unidentified, also digital pagers that will document telephone numbers of co-conspirators and, if found, to activate the digital pager's display mechanism and to obtain messages from the pagers, answering machines, tape recorders, and any other recording devices, and to play such devices to obtain their messages. Any examples of handwriting including letters, address books, business records, canceled checks, notes and/or lists.

Any and all vehicle(s) associated with buildings on the properties to be searched.

Peace officers or assigned representatives are authorized, during the execution of this Search Warrant, to video tape, photograph and/or take digital images, at the discretion of the searching officers, inside and outside of the location, of any and all items and/or vehicles at the location. In addition, they can identify and photograph and/or digital image all persons present at the Search Warrant location during the period of execution of this Search Warrant.

Peace officers, during the execution of this Search Warrant, may answer telephones and converse with callers at the location of this Search Warrant without revealing the peace officer's true identity, and note and/or record any conversations and information received from the telephone calls, including caller identification information.

STATE of CALIFORNIA, COUNTY of ORANGE
ATTACHED and INCORPORATED
STATEMENT OF PROBABLE CAUSE

Affiant declares under penalty of perjury that the following facts are true and that there is probable cause to believe, and Affiant does believe, that the designated articles, property, and persons are now in the described locations, including all rooms, buildings, and structures used in connection with the premises and buildings adjoining them, the vehicles and the persons.

I, the affiant, Deputy Seth Tunstall, have been a sworn Deputy Sheriff since August 11, 1999. I am currently employed by the Orange County Sheriff's Department as a Deputy Sheriff. I have currently been assigned to the Federal Santa Ana Gang Task Force (SAGTF) for approximately the last four years.

Between February 1999 and August 1999, I attended the Orange County Sheriff's Academy where I received nine hundred and sixty (960) hours of law enforcement training. This training included courses in theft, burglary, robbery, assault, homicide, narcotics, weapons violations, sex offenses, identity theft, street gangs and violent crimes. After completing the Academy, I was assigned to the custody division and have worked since then at Theo Lacy Facility, a men's maximum security county jail. While working at the Theo Lacy Facility, I have had contact with thousands of inmates and spoken to them regarding their criminal activities and learned their methods of committing crimes and concealing them from law enforcement. I have spoken to numerous inmates about the commission of vehicle thefts, burglaries, robberies, economic crimes, narcotic violations, homicides, assaults, conspiracy cases, gang affiliation/association, weapon violations and extortion.

During approximately my first one and half years at Theo Lacy Facility, I worked as a housing prowler in the Maximum Security modules and was responsible for maintaining safety and security within the jail. For approximately one year, I was assigned to the classification detail where I was responsible for the classifying and housing of inmates based on numerous factors including charges and criminal sophistication; and the overall supervision of any jail inmate movement within the facility.

In September 2001, I was assigned to the Special Handling/ Gang Detail at Theo Lacy Facility. This detail consists of one Sergeant and four deputies that work from within Theo Lacy Facility. The Special Handling/ Gang Detail is responsible for:

Gathering intelligence on gang shot-callers/ representatives, gang rivalries in and out of custody, narcotic trafficking within the jail system, developing confidential informants, "Green-lights" on specific gangs and gang participants, identifying street/prison gang participants, identifying subjects who are gang dropouts or who are on hit lists, evolving gang trends and politics both on the street and in-custody.

Screening inmate mail for monikers, graffiti or drawings, gang related photos, possible escape plans, validating gang association, plans for assaults on staff/ other inmates, plans for future criminal activity, past criminal activity not previously known.

Interview all high power gang participants as they enter the facility, identify gang rivalries and alliances, determine proper housing for gang drop outs, investigate assaults and determine gang involvement, identify trends within the gang subculture, identify and photograph gang affiliated subjects and their tattoos, monitor and track the movement of high power gang participants both in and out of custody.

Assist outside agencies in identifying subjects, forward gathered information on gangs to the appropriate jurisdiction, provide intelligence at meetings as it applies, assist the California Department of Corrections in validating prison gang members who are in or who have left the Orange County jail system, and assist the Orange County District Attorney's office in ongoing criminal cases.

Monitoring inmate phone calls for monikers, possible escape plans, validating gang association, plans for assaults on staff, other law enforcement agencies and other inmates, plans for future criminal activity, past criminal activity not previously known, and narcotic trafficking within the jail system.

From January 2010 to the present, I have been assigned to the Federal Santa Ana Gang Task Force (SAGTF). The SAGTF consists of the following agencies: Santa Ana Police Department; Orange County Sheriff's Department; Federal Bureau of Investigation; Alcohol, Tobacco and Firearms; United States Attorney's Office; Orange County District Attorney; and the California Department of Corrections Special Services Unit. The SAGTF primarily focuses on the career criminals, which includes active gang members and associates currently involved in serious or violent crimes; organized crime involving the Mexican Mafia; along with narcotic and gun trafficking and distribution.

I have been involved in over 400 investigations involving, but not limited to, known gang participants from *PENI*, *NAZI LOW RIDERS*, *ARYAN BROTHERHOOD*, *UNITED SOCIETY OF ARYAN SKINHEADS*, *INSANE WHITE BOYS*, *LA MIRADA PUNKS*, *OC SKINS*, *WEST SIDE COSTA MESA SKINHEADS*, *FUCK SHIT UP-HB*, *LADS*, *HUNTINGTON BEACH HARDCORE*, *F-TROOP*, *SANTA NITA*, *MEXICAN MAFIA*, *DELHI*, *MC CLAY ST*, *ALLEY BOYS*, *WEST MYRTLE ST*, *EL MODENA*, *CROW VILLAGE*, *BIG STANTON*, *DARKSIDE*, *SOUTHSIDE SANTA ANA*, *VARRIO NORWALK*, *PEARL ST*, *LITTLE HOOD-SA*, *HAWAIIAN GARDENS*, *LA COLONIA-ANAHEIM*, *FULLERTON TOKERS TOWN*, *LAUREL HOOD THUGS-TUSTIN*, *LA HABRA MONOS*, *FORMING KAOS-COSTA MESA*, *CITRON ST*, *ORANGE VARRIO CYPRESS*, *UNDER NO AUTHORITY*, *MIDDLESIDE*, *18TH ST*, *SOUTHSIDE HUNTINGTON BEACH*, *EAST SIDE BUENA PARK*, *LA JOLLA*, *ORPHANS*, *LATIN BOYS*, *ANAHEIM VATOS LOCOS*, *BARRIO BROWN REVOLUTION*, *BARRIO SMALL TOWN*, *PLAS*, *LOPERS*, *SOUTHSIDE WHITTIER*, *BOYS FROM THE HOOD*, *ANAHEIM PENGUIN CITY*, *HARD TIMES*, *ROLLIN 60 S CRIPS*, *EAST COAST CRIPS*.

I have also worked and conferred with more experienced officers in gangs, narcotics, property crimes, auto thefts, homicides, sex crimes and fraud during my last twelve years. My informal and infield training includes receiving information/training from numerous Orange County Deputy District Attorneys and Investigators, Riverside Deputy District Attorney's and Investigators, OCSD Gang Investigators, outside agency Gang investigators, California Dept. of Corrections Institutional Gang Investigators from Pelican Bay State Prison, Tehachapi State Prison, Corcoran State Prison, Wasco State Prison, Chino State Prison, Calipatria State Prison, Centinela State Prison, Folsom State Prison, Region 4 Parole SSU-IGI Lt. L. Duarte, SSU S. Gutierrez and SSU-IGI Lt. R. Marquez, and the Federal Bureau of Investigation. I have drawn from their knowledge and expertise in their respective fields of law enforcement.

During my employment with the Sheriff's Department, I have cultivated, interviewed and supervised numerous confidential informants. I have also interviewed witnesses, suspects, and compiled the necessary information to help obtain arrest/search warrants. While conducting criminal investigations, I have had the opportunity to listen to witnesses, informants and suspects divulge their method and mode of operation as it relates to the means by which criminal offenses are perpetrated and concealed from law enforcement.

I have received approximately 900 hours of formal gang training. This training was provided by the Orange County Sheriff's Department, the Orange County District Attorney's Office, Los Angeles

[REDACTED]

Sheriff's Dept , Riverside Sheriff's Dept , San Diego Sheriff's Dept , California Dept. of Corrections, Santa Ana Police Dept , Anaheim Police Dept , Costa Mesa Police Dept , Huntington Beach Police Dept , and the California Gang Investigators Association. I am currently a member of the California Gang Investigators Association (CGIA), the Orange County Gang Investigators Association (OCGIA), California Gang Task Force (CGTF), and the California Narcotic Officer's Association (CNOA). These organizations have annual seminars which include training on gang theories, activities, and trends. The OCGIA and CGTF have monthly meetings in which local gang enforcement police agencies in Orange County gather and share information pertaining to their respective gangs.

During my law enforcement career, I have been involved in the investigation of several hundred gang-related crimes and activities. I have spoken to more than 4000 gang members in both custodial and non-custodial settings. During these contacts I spoke to the gang members about their gang's history, their associates and rivals, their tattoos, clothing, area of activity, and the type of crimes they commit. Through the investigations and contacts I have had, I have learned the values, customs and operations of criminal street gangs, including their attitudes and behavior towards rival gangs, weapons, violence, law enforcement, and their loyalties to and expectations of fellow gang members. I have read numerous books on the subject of gangs, their history, and their culture. These books were authored by not only law enforcement officers, but former gang members and scholars.

As a sworn deputy, I have participated in the service of several search warrants involving gang members. During these search warrants I have had the opportunity to see and seize gang indicia, which included personal writings, photographs depicting gang members, and phone books showing names and phone numbers of fellow gang members and associates.

I have testified as a gang expert in Orange County Superior Court North Justice Center, Orange County Superior Court West Justice Center, Orange County Superior Court Central Justice Center, the Federal Grand Jury in Santa Ana, and the Orange County Superior Court Grand Jury.

I am personally aware, through prior investigations and discussions with gang members, of a criminal street gang called Varrio Midway City. I am also aware members and associates of the Varrio Midway City criminal street gang have been engaged in an ongoing pattern of violent criminal behavior to include, assault with a deadly weapon, narcotics for the purpose of sales, terrorist threats, and possession of loaded and concealed firearms in public.

Based on my training and experience with criminal street gangs and their active participants coupled with the following facts in this affidavit:

- 1 I have formed the opinion that active participants of criminal street gangs normally keep mementos of their gang membership and/or affiliation at their residences in the form of scrapbooks, photo albums, personal phone books, personal videos, handwritten signs, wall plaques, computer disks, computer hard drives. In addition, graffiti symbolizing the gang can be found often time inscribed or written on such items such as CD players, tape recorders, sporting equipment, walls, cabinets, furniture, and other personal items. This opinion is based upon my personal experience and observing such items in residences of active participants of criminal street gangs numerous times in the past.
- 2 I have formed the opinion that active participants of criminal street gangs frequently pass firearm(s) from one active participant to another to use in their gang's daily activities. When the firearm(s) are used in a crime, that firearm(s) may be concealed until the danger of detection has passed. The active participant who last had the firearm will either conceal the firearm(s) or he or she will deliver it to another fellow active participant to be concealed until the danger of detection has passed. When the danger of detection has passed that firearm(s) will be delivered back to the gang to be used once again.
- 3 It is my opinion that active participants of criminal street gangs frequently possess or borrow cars owned by family members, friends, girlfriends, or other active participants. They will hide or leave gang paraphernalia or weapons within these vehicles. This opinion is based on my personal observations and conversations with active participants of criminal street gangs numerous times in the past.

I am personally aware, through prior investigations and discussions with gang members, of a criminal street gang in the city of Midway City called "Varrio Midway City". I am also aware members and associates of the "Varrio Midway City" criminal street gang have been engaged in an ongoing pattern of violent criminal behavior to include, assault with a deadly weapon, auto theft, burglary, narcotics for the purpose of sales, and possession of loaded and concealed firearms in public and other miscellaneous mischief in the form of property destruction.

Summary

I state that the facts in support of the issuance of the search warrant are as follows

YOUR AFFIANT REQUESTS that the "Confidential Attachment" portion of the search warrant affidavit be ordered sealed by the magistrate in order to implement the privilege under Evidence Code Section 1041 and to protect the identity of any confidential informant(s), pursuant to the Supreme Court decision in **People v. Janet Marie Hobbs (1994) 7, C. 4th 948** and **California Rule of the Court Rule 2.550**.

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

See Confidential Attachment

I conducted a records check through Parole LEADS, ELETE, and DMV on David Mitchell Zorich, DOB 9-23-67, and determined that he is recently got off parole for possession of a controlled substance. Zorich has prior weapon violation arrest and conviction, which included state prison time, grand theft and street gang arrest and conviction, which included state prison time, and possession of narcotics for sale arrests and convictions, which included state prison time. I was able to verify that Zorich claimed his current mailing address on record with the DMV as 14862 Adams Street, Midway City, CA 92655. I conducted a records search through Orange County Superior Court Vision. Zorich is currently out of custody on bail for two separate cases. The cases are:

Case# 11WF0253 for CPC 12021 (a) (1)-Possession of a firearm by a felon; CPC 186 22 (b) (1)-Criminal Street Gang enhancement; CPC 245 (a) (1)- Assault with a deadly weapon

Case# 12WF0101 for HS 11351-Possession of a controlled substance with intent to sell; CPC 186 22 (b) (1)-Criminal Street Gang enhancement; HS 11377 (a)-Possession of a controlled substance



I reviewed Orange County Sheriff records which indicated Zorich is a documented "Varrio Midway City" criminal street gang member with the moniker of "Loco". Zorich also has multiple "Varrio Midway City" gang tattoos on his body

I conducted a records check through ELETE and DMV on Raymond Robert Garcia, DOB 11-4-72, and determined that he has a prior weapon violation arrest; stolen property and possession for sale arrest and conviction, which included Orange County jail time. I was able to verify that Garcia claimed his current mailing address on record with the DMV as 14581 Riata Street, Midway City, CA 92655. I reviewed Orange County Sheriff records which indicated Garcia is a documented "Varrio Midway City" criminal street gang member. Garcia also has a "Midway City" gang tattoo on his body

Based on my training and experience, it is my opinion that there is reasonable cause to believe that the grounds for the issuance of a Search Warrant exist as set forth in Section 1524 of the California Penal Code, based on the afore-mentioned facts and circumstances. Based upon the information contained within this affidavit, as well as my training and experience, I believe a search of 14862 Adams Street, Midway City, CA and 14581 Riata Street, Midway City, CA will reveal evidence in support of weapon possession and gang indicia.

Based on your affiant's training, experience, and conversations that your Affiant has had with other Law Enforcement Officers and/or reports that your Affiant has read, your Affiant knows that gang members will commonly keep firearms at their place of residence, due to the firearms being a prized possession; helping to provide the gang member with the ability to commit further criminal acts; assist in the sales and distribution of narcotics, along with provide the gang member with protection from other rival gang members. Your Affiant knows that during the service of this Search Warrant there are many articles of personal and/or business property tending to establish the identity of persons who have dominion and control over the premises, business, vehicles, and/or items to be seized

Further, it is my opinion that criminal street gangs revere guns, weapons and ammunition. Criminal street gang members benefit from the mere possession of weapons by elevating the status of the individual who possesses a weapon and of the criminal street gang as a whole. The individual gang member and the criminal street gang as a whole gain power and status within the gang community.

All such weapon possession is evidence of CPC 186.22 (a) & (b)- Active criminal street gang participation and the motivation for criminal activity. These items are evidence, which help prove that the criminal street gang "Varrio Midway City" within the definitions of CPC 186.22 (a) & (b).

Your Affiant believes that these items will tend to connect the premises, locations, persons, and vehicles to be searched with the items to be seized and the case being investigated. It is your Affiant's opinion that these types of items are usually present at the location sought to be searched by this Search Warrant and that they will therefore likely still be found in the location, and/or the person to be searched.

Based upon your Affiant's training, experience and conversations that your Affiant had with other Law Enforcement Officers and/or reports that your Affiant has read, it is your Affiant's opinion that the person mentioned and other unknown persons are engaged in a conspiracy to commit felony crimes and that such persons often communicate with each other and coordinate their illegal activities by telephone. The searching officers should be able to answer any telephones in the location(s) to be searched and conceal their identities; such conversations may constitute evidence of a felony and may identify other conspirators.

Based upon your Affiant's training, experience and conversations that your Affiant had with other Law Enforcement Officers and/or reports that your Affiant has read, your Affiant knows that gang members will hide, keep, or conceal their gang indicia on computers and computer systems commonly consisting of electronic data processing and storage devices, with central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, dongles or encryption keys, personal data assistants (PDA's), cellular phones or other memory storage devices.

They also consist of peripheral input/output devices such as keyboards, printers, video display monitors, optical readers and related communication devices such as modems, associated telephone sets, speed dialers, or other controlling devices, plotters, software to run programs, connecting cables and plugs, peripherals such as joysticks, mice, or other input devices, scanners, writing pads, manuals, connecting switches, telephones and telephone cables, and interface devices. There is system documentation, operating logs and documentation, software and instructional manuals for the computers and computer systems. Computing or data processing software, stored on any type of medium such as hard disks, floppy disks, CD-R's, CD-RW's, DVD's, cassette tapes, or other permanent or transient storage medium and other forms of magnetic media containing computer information.

Your Affiant requests any records of gang indicia or involvement, whether stored on paper, on magnetic media such as tape, cassette, disk, diskette or on memory storage devices such as optical disks, programmable instruments such as telephones, "electronic calendar/address books", calculators, or any other storage media, together with indicia of use, ownership, possession, or control of such records.

Your Affiant requests any written or computer communication in printed or stored medium such as E-mail and chat logs discussing gang indicia and involvement whether in active files, deleted files or unallocated space on the hard drive, floppy drive or any data storage media

It is your Affiant's experience that computer system searches and examinations cannot be completed within ten days in which the Search Warrant must be served and the Return to Search Warrant filed. This is due in part because the Orange County Sheriff's Department Investigators who complete the computer search and examinations commonly have multiple cases working at the same time and it can take several weeks to complete. It is requested that the Search Warrant and Return to Search Warrant be filed and that the computer search, examinations, and investigations be allowed to continue.

Based upon your Affiant's training, experience and conversations that your Affiant had with other Law Enforcement Officers and/or reports that your Affiant has read, your Affiant knows that the involvement in gangs includes the association of numerous individuals. As a result, persons who are involved in gangs will often possess documents that will identify other members of the organization such as telephone book(s), address book(s), telephone

bill(s), and other paperwork documenting the name(s), address(es), and telephone numbers of co-conspirators. It is also your Affiant's experience that co-conspirators will retain address(es) and telephone numbers of other co-conspirators in the same way that a business will maintain records.

In the described residence to be searched, I believe there will be, and I wish to seize, indicia of criminal street gang membership; indicia including, but not limited to, photos, graffiti and/or rosters listing not only the gang members outlined in this document, but also additional "Varrio Midway City" gang members.

These items include, but are not limited to, any drawing or miscellaneous writing or objects or graffiti depicting gang member's names, initials, logos, monikers, slogans, or containing mention of criminal street gang membership, affiliation, activity or identity. It has been my experience that most criminal street gang members are known by monikers to their fellow gang members and they frequently write their monikers, and the monikers of their associates on walls, furniture, miscellaneous items or paper, both within and on the residence and within and on the vehicles.

It is my opinion that evidence of gang membership or affiliation with a criminal street gang is important as it will provide motive for the commission of the crime in the instant cases and may provide evidence, which will tend to identify other persons who may have knowledge of or be involved in the commission of the crimes in the instant cases, and it may tend to corroborate information given by other witnesses. I believe these items will tend to connect the premises, persons and locations to be searched with the items to be seized and the cases being investigated. I believe these items are not typically disposed of and will therefore likely be found at the location to be searched.

I request that a Search Warrant be issued based upon the aforementioned facts, for the seizure of said property, or any part thereof, between the hours of 7.00 A.M. and 10.00 P.M., good cause being shown thereof, and the same be brought before this Magistrate or retained subject to the order of the court, or of any court in which the offense(s) in respect to which the property of things taken, triable, pursuant to Section 1536 of the Penal Code.

Items attached and incorporated by Reference: YES ☐ NO ☒

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



Executed at Santa Ana, California

[Signature] 15 day of August, 2013, at 1230 A.M. (P.M.)
(Signature of Affiant)

Reviewed by [Signature] 15 day of August, 2013, at 12:30 A.M. (P.M.)
(Signature of Deputy District Attorney)

Erik S. Peterson
(Printed Name of Deputy District Attorney)
GANG UNIT

