

**WARRANT OF PROBABLE CAUSE ("Ramey")
Certificate of Service (817 P.C.) or Other Action**

FILED
SUPERIOR COURT - TRACY
09 APR 15 PM 1:59
ROSA, JUNQUEIRO, CLERK
Tracy Superior Court
BY [Signature]
DEPUTY

Warrant #

Issuing Court:

Check As Appropriate:

- 1. Defendant's Name: **Melissa Huckaby**
- 2. The Defendant was arrested on the Warrant of Probable Cause (Ramey Warrant) as follows:
 - a. Date and time of arrest: **04/11/09 at 0230 hours**
 - b. Location of arrest: **1000 Civic Center Dr. Tracy, CA 95376**
 - c. Location where Defendant is incarcerated: **San Joaquin County Jail**
 - d. Defendant posted bail. He/she has an appearance date of _____ at the _____ Court.
 - e. After the arrest, the Defendant was released from custody pursuant to Penal Code Section 849.
- 3. The Warrant of Probable Cause has not been served and it should be recalled by the Court:
 - a. It has been superseded by an Arrest Warrant issued pursuant to Penal Code Section 813 P.C.
 - b. It has been superseded by an Arrest Warrant issued pursuant to Welfare and Institution Code Section 663.
 - c. It has been superseded by a federal arrest warrant.
 - d. Probable cause for the arrest no longer exists.
 - e. In the interest of justice, service of this Warrant of Probable Cause should not be pursued for the following reasons:
 - f. The Defendant is deceased.

This warrant of probable cause is no longer listed in law enforcement data systems as an outstanding warrant Yes No

Select one

I certify (or declare) under penalty of perjury under the laws of the State of California that the information in this certificate is true and correct.

Dated this **15th** day of **April**, **2009**, at **Tracy**, California.



Officer's Signature

Telephone Number

Tracy Police Department
Officer's Agency


(209) 831-6617
Officer's

IT IS HEREBY ORDERED, this entire Ramey arrest warrant and statement of probable cause / Affidavit be sealed because disclosure could irretrievably harm the ongoing criminal investigation. In accordance with California Rules of Court Rule 243.1(d), this court finds:

- 1) There exists an overriding interest that overcomes the right of public access to the record;
- 2) The overriding interest supports the sealed record;
- 3) A substantial probability exists the overriding interest will be prejudiced if the record is not sealed;
- 4) The proposed sealing order is narrowly tailored;
- 5) No less restrictive means exists to achieve the overriding interest.

Good Cause therefore, it is
So ordered

n.c 04/14/09


4/14/09
Judge of the Superior Court

DESCRIPTIVE INFORMATION ON DEFENDANT - *Attach photo if available*

Full Name: **Melissa Chantel Huckaby**

Aliases: **Melissa Lawless**

Address(es): [REDACTED]

Race: **White**

Age: **28**

Birth date: [REDACTED]

Height: **5'03"**

Weight: **150 lbs**

Hair Color: **Brown**

Eye Color: **Blue**

Scars/Marks/Tattoos, etc. _____

Driver's License # [REDACTED]

Social Security #: [REDACTED]

CII #

FBI#

Other: _____

Investigating Agency: **Tracy Police Department**

Case # **09-02712**

Detective: **N. Cogburn #1172**

Telephone # **(209) 831-6617**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

THE PEOPLE OF THE STATE OF CALIFORNIA

v.

Melissa Huckaby

County of San Joaquin

Warrant #:

Warrant of Probable Cause to Arrest (817 PC — "Ramey")

Penal Code Section 817

People v. Bittaker 48 Cal. 3d 1046

People v. Ramey 16 Cal. 3d 263

People v. Case, 105 Cal. App. 3d 826

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF THE STATE: Proof by declaration under penalty of perjury having been made this day to me by Affiant **Detective Nate Cogburn #1172**, I find there is probable cause to believe the crime(s) of **187 (a) PC, murder, and 207 (a) PC, kidnapping**, has been committed by the above-named and described defendant.

MDL

YOU ARE THEREFORE COMMANDED to arrest **Melissa Huckaby** and to bring her before: (1) any magistrate in the County pursuant to Sections 821, 825, 826, and 848 of the Penal Code; or (2) before a judge or referee of the Juvenile Court pursuant to 631 of the Welfare and Institutions Code.

The Defendant is to be admitted to bail in the amount of NO BAIL including penalty assessment.

This arrest warrant does not begin a complaint process pursuant to Penal Code Section 813.

This arrest warrant has the same authority for service, and the same time limitations for service, as arrest warrants issued under authority of Penal Code Section 813.

Felony warrants may be served at any time of the day or night.

Misdemeanor and infraction warrants cannot be served between 10:00 P.M. and 6:00 A.M. unless:

1. The arrest is made in a public place, or:
2. The arrest is made when the person is in custody pursuant to another lawful arrest, or:
3. By my initials here _____, I authorize the service of this misdemeanor or infraction warrant at any time of the day or night, good cause having been shown.

Issued at San Joaquin County on (date): April 10, 2009, at (time): 7:58 a.m. / p.m.

Magistrate's Signature: [Signature] Judge of the Superior Court.

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

AFFIDAVIT FOR A "RAMEY" PROBABLE CAUSE ARREST WARRANT (817 P.C.)

No. _____

1. I, **Detective Nate Cogburn**, hereby apply for and request the issuance of a Ramey Arrest Warrant for the following person: **Melissa Huckaby**.

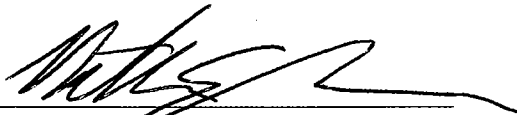
2. Probable cause for the issuance of the warrant(s) is contained in one or more of the following (mark as applicable):
 - Narrative statement of probable cause, attached hereto.
 - Police reports that have been made and kept in the normal course of police business, attached hereto.
 - Exhibits, attached hereto, namely:

3. Sworn oral testimony of [insert name(s) except confidential sources]

which has been recorded by tape recorder or certified court reporter and to be later transcribed.

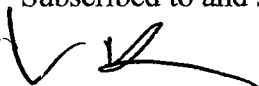
4. I am attaching a copy/copies of the arrest warrants and they are incorporated herein.

I certify or declare under penalty of perjury under the laws of the State of California the information in this affidavit is true and correct.



Affiant Signature

Subscribed to and sworn before me on this 10th day of **April 2009**.



Magistrate's Signature Judge of the Superior Court.

STATE of CALIFORNIA, COUNTY of San Joaquin,
ATTACHED and INCORPORATED

STATEMENT OF PROBABLE CAUSE

Your Affiant declares under penalty of perjury the following facts are true and there is probable cause to believe, and affiant does believe, 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:

Your Affiant, Nate Cogburn, declares I am a sworn peace officer and currently assigned to the investigations division as a detective specializing in cases concerning child abuse and sexual assault. Additionally, I supervise convicted sex offenders residing within the City of Tracy, where I have been dutifully employed as a police officer since February 2004. Moreover, I am a member of the Sacramento Valley Hi – Tech Crimes Task Force. I am recognized by POST and the Robert Presley Institute of Criminal Investigation as specializing in sexual assault and child abuse investigations.

During my tenure as a police officer, I have investigated various cases involving an assortment of transgressions, specifically: violent crimes against persons, narcotics and controlled substances violations, sex crimes, domestic violence offenses, child sexual exploitation, Internet crimes against children, theft, forgery, identity theft, weapons violations, street-terrorism, municipal, state, and federal violations.

In 2003, I graduated from the 920-hour POST-certified Ray Simon Regional Criminal Justice Basic Police Academy. The extensive training encompassed no less than two-hundred (200) hours of homicide, sexual assault, child abuse, sexual exploitation of children, domestic violence, and property crimes investigations.

Throughout the duration of my employment, I received in-service training regarding child abuse crimes. Additionally, I conversed with detectives and senior officers with vast experience regarding the efficient and effective investigation of complex child abuse and sexual assault crimes. In conducting my own investigations, I interviewed and interrogated suspects involved in the aforementioned crimes and obtained both admissions and confessions from them. Moreover, I have consulted with crime scene technicians with regard to common types of evidence collected during the course of these investigations and the proper methods of obtaining and packaging said evidence. In all I have investigated, or assisted in the investigation of, a minimum of seventy child abuse / sexual assault cases.

I have completed the following training:

- **BA in English from UC Berkeley.**
- **MS in Emergency Services Administration from CSU Long Beach.**
- **80-hour training: Institute of Criminal Investigation (ICI) Core Course.**
- **80-hour training: ICI Homicide Investigation.**
- **40-hour training: ICI Child Abuse Investigation.**
- **40-hour training: ICI Sexual Assault Investigation.**
- **32-hour training: Encase 1 Computer Forensics.**
- **32-hour training: Cybercop 101 – Basic Data Recovery and Acquisition.**
- **24-hour training: ICI Interview and Interrogation.**
- **24-hour training: CNOA – Drug Abuse Recognition.**
- **21-hour training: 6th Annual Internet Crimes against Children (ICAC) Conference.**
- **16-hour training: Third Degree Communications – Child Exploitation.**
- **16-hour training: NLC Protects – Confronting the Challenge of Sexual Exploitation.**
- **8-hour training: CNOA – Parolee Contacts, Convicts & Cops.**
- **8-hour training: CNOA – Outlaw Motorcycle Gangs.**



- 8-hour training: **CNOA — Mini-DAR.**
- 8-hour training: **CNOA — Hotel/Motel Enforcement.**
- 8-hour training: **CNOA — Identity Theft and Methamphetamine.**
- 8-hour training: **Identity Theft Investigation for Patrol.**
- 8-hour training: **NCMEC — Protecting Our Children.**
- 8-hour training: **Electronic Communications (wiretap).**

I am presently investigating the disappearance of Sandra Cantu and the violation of Penal Code Section 187, murder, and Penal Code Section 207, kidnapping, and innumerable possible related sex offenses.

NARRATIVE

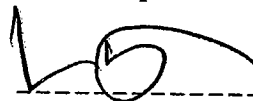
On 03/27/09 at 1953 hours, the Tracy Police Department received a 911 call from the ensuing telephone number: [REDACTED]. The caller identified herself as Maria Chavez ([REDACTED]) and explained her eight-year-old daughter, Sandra Cantu, was missing. Chavez indicated her daughter was last seen at approximately 1600 hours.

Tracy PD officers were immediately dispatched to the aforementioned address, where they took an initial report, searched the residence and made a broadcast of the girl's physical description/clothing description. The family indicated Cantu was last seen wearing a pink shirt with a "Hello Kitty" face and striped dress. They further described Cantu as having light brown hair and brown eyes and weighing approximately 45 pounds. As of 04/06/09, Cantu had not been located. Video surveillance at [REDACTED] revealed Cantu was last wearing a pink shirt with a "Hello Kitty" face, black leggings, and flip-flops. Interestingly, [REDACTED] earlier alleged she saw her sister meander by [REDACTED] shortly after 1600 hours on 03/27/09.

Sandra Cantu remained missing as of 04/06/09 — she originally disappeared on 03/27/09 and since that date had no contact with her family or friends. I know from training and experience eight-year-olds do not disappear without criminal involvement of some type (murder, kidnapping, child molestation, sexual assault, et cetera) contributing to the disappearance.

On 03/28/09 at approximately 1500 hours, Melissa Huckaby ([REDACTED]), approached FBI Special Agents Michael Conrad, Adrienne Sparrow, and Joe Brine, and two Tracy PD Officers. The agents and officers were assigned to conduct multiple resident interviews concerning the on-going Sandra Cantu missing-person investigation, and upon walking toward [REDACTED], an anguished Huckaby greeted them. Huckaby explained she presently resided at [REDACTED], Tracy, San Joaquin County. She additionally explained she recently discovered a handwritten note near the community mailboxes (lying on the ground) with the ensuing scrawled message: "CANTU LOCKED IN STOLIN SUIT CASE THROWN IN WATER ONN BACCHETTI & WHITEHALL. WITNESS." The note was penned in ink on white lined notebook paper that appeared torn out of a spiral notebook. A Tracy PD crime scene technician subsequently processed the note with ninhydrin and was unable to detect any latent fingerprints; therefore, I have no evidence anyone other than Huckaby handled the note. Additionally, Huckaby informed them on 03/27/09 an unknown individual stole her black, Eddie Bauer Edition suitcase. Huckaby explained she left the suitcase in front of her residence at approximately 1400-1500 hours, and speculated it may have been stolen around 1545 hours when she discovered it missing. Huckaby did not attempt to report the theft of her suitcase prior to the aforementioned conversation.

Huckaby explained Sandra Cantu visited her trailer multiple times a day, but she recollected she did not want Cantu to visit her residence on 03/27/09 inasmuch as she was making church activity preparations. However, Cantu visited her trailer on 03/27/09 at approximately 1500 hours after school concluded for the day. Cantu was last visible on the subsequently acquired surveillance footage at 1554 hours walking S/B on Peach St. toward Huckaby's trailer. During the course of the interview, Huckaby provided her cell phone number as [REDACTED]



Signature of Magistrate

██████████ and her residential landline number as ██████████. Additionally, Huckaby explained she was the registered owner of a 2000 Kia Sportage bearing California license plate number ██████████.

On 04/03/09, I reviewed the surveillance footage obtained from ██████████. On 03/27/09 at 1543 hours, an unknown individual — possibly Huckaby — enters Huckaby's Kia Sportage, which was parked just south of the community mailboxes on Peach St. across from Sandra Cantu's residence, and drives S/B Peach St. out of view of the surveillance camera. The individual appears to be a white adult female wearing a green or blue t-shirt with unknown printing on the back, gray or light blue pajama bottoms, and house slippers. Cantu was last visible on the subsequently acquired surveillance footage at 1554 hours walking S/B on Peach St. toward Huckaby's trailer. At 1602 hours, the Kia Sportage exits the Orchard Mobile Home Estates complex via the ensuing route: eastbound Orchard St. and westbound W. Clover Rd. The Kia Sportage returns at 1910 hours traveling eastbound W. Clover Rd. and into the complex.

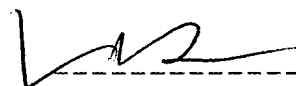
On 04/03/09 at approximately 1200 hours, I interviewed Huckaby at her residence concerning her whereabouts on 03/27/09; I specifically asked if she utilized her Kia Sportage that particular day. Huckaby replied she entered the Kia Sportage (then parked at ██████████ adjacent to the community mailboxes) at approximately 1530-1545 hours, drove S/B Peach St. and parked in front of her residence at ██████████. She subsequently loaded supplies into the Kia for approximately twenty minutes. I asked what items she specifically she loaded into the vehicle, and she responded the items including beverages, snacks, et cetera that were designated for use during church activities. Huckaby said afterwards she left the Orchard Mobile Home Estates community and drove W/B Clover Rd. to the Clover Road Baptist Church, located at 11000 W. Clover Rd., Tracy, San Joaquin County, California, 95376.

On 04/06/09 at approximately 0900-0930 hours, farm laborer Jose Luis Franco was draining an irrigation pond near 18700 Bacchetti Rd. The laborer subsequently located a black Eddie Bauer Edition suitcase matching the suitcase-description Huckaby earlier provided police on 03/31/09. A white nylon draw cord (seemingly from a blind) was affixed to the suitcase's handle. The pond is located near Whitehall Rd. and Bacchetti Rd., which was the location described in the note Huckaby provided investigators. Based upon my training and experience this location can be reached by motor vehicle in less than ten minutes adhering to posted speed limits.

On 04/06/09, investigators from the Tracy Police Department, the FBI, and San Joaquin County Sheriff's/Coroner's Office seized the suitcase and subsequently transported it to the coroner's office in French Camp. Upon opening the suitcase, they discovered a young girl's body matching Cantu's physical description. Additionally, the girl was clothed in a "Hello Kitty" t-shirt, black leggings, and "Hannah Montana" flip-flops.

On 04/06/09, I confirmed Huckaby's residential address via the Tracy Police Department in-house Records Management System. On 04/06/09, I confirmed via the Department of Motor Vehicle records Huckaby is the registered owner of a 2000 Kia Sportage bearing California license plate number ██████████.

On 04/06/09 at 1900 hours, I spoke with FBI Special Agent Maryellen Smith via telephone. She explained moments earlier she and FBI Special Agent Brian Lippo spoke with Jeremy Chappel, a resident at ██████████. They had been tasked with conducting a neighborhood canvass near the location the suitcase was discovered. Chappel explained on 03/27/09 between 1730 and 1800 hours, he and his wife, Alena, were returning home from dinner and observed a green vehicle parked on Whitehall Rd. near an irrigation pond. Chappel watched as the apparent driver emerged from a nearby wooded area adjacent to the pond. Chappel asked the driver, a white adult female, what she was doing in the secluded area, and she replied she merely was looking for a discrete place to "go pee." He described the female as being approximately in her late-20s and having light blond hair tied in a pony tail. Additionally, Chappel explained the vehicle had a sticker on the rear windshield which stated, approximately, "My Brother is a US Marine." To be noted, the physical description Chappel provided matches Huckaby's description, and additionally she has a similar bumper sticker on the rear windshield of her Kia Sportage.



Signature of Magistrate

On 04/06/09 at 1930 hours, I spoke with Detective Robert Brandi, and he explained he reviewed surveillance footage from a camera located at the Best Western — [REDACTED]. At 1717 hours, a Kia utility vehicle is visible driving E/B W. Clover Rd. past the mobile home park's entrance, and subsequently out of camera range. At 1747 hours, the Kia utility vehicle returns W/B/ Clover Rd. past the mobile home park's entrance, out of camera range. On 04/06/09 at 2050 hours, Detective Bauer phoned me and explained a red, white, and brown checkered wash cloth was discovered in the black suitcase accompanying the decedent.

I reviewed records from the San Joaquin Superior Court and discovered Huckaby is currently on searchable probation of her person, vehicle, and residence as a consequence of her 01/02/2009 misdemeanor 666 PC, petty theft with a prior, conviction — TF035232A.

On 04/06/09 at 2037 hours, I requested — and Judge Coughlan subsequently authorized — a search warrant for Huckaby's residence, [REDACTED], and her vehicle, a 2000 Kia Sportage, which is registered to her. A notebook was located containing notebook paper consistent with that utilized to pen the original note on, which Huckaby "discovered" on the ground. The FBI Evidence Response Team noted indented writing on the first lined paper consistent with the words penned on the discovered note. Moreover in the Kia Sportage, the ERT located a blue sticky pad containing words that were scribbled over in ink. The ERT subsequently used an alternate light source to illuminate the wording beneath, which read, "BACCHETTI WHITEHALL WATER."

Based on the aforementioned information, I request a Ramey Arrest Warrant be issued for Melissa Huckaby for the crime(s) of **187 (a) PC, murder**, and **207 (a) PC, kidnapping**.



Signature of Magistrate