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FILED No. 145  
SUPERIOR COURT STOCKTON

2009 MAY 26 PM 12:20  
BY [Signature]  
CLERK

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

Daniel Garbutt, being sworn, says that he conducted a search pursuant to the below described search warrant:

Issuing Magistrate: Honorable Michael Coughlan

Magistrate's Court: San Joaquin County Superior Court

Date of Issuance: April 10, 2009

Date of Service: April 10, 2009

And searched the following Location(s), Vehicle(s), and Person(s): AT&T Wireless, National Subpoena Compliance Center, Custodian of Records, PO Box 24679, West Palm Beach, FL 33416-4679. Fax: 888-938-4715 Phone: 800-635-6840.

And seized the items:

- described in the attached and incorporated inventory.
- described below.
- did not seize any items pursuant to this search warrant.

Pursuant to this search warrant, AT&T was able to provide dates and times of text messages sent and received from the target telephone number, but was unable to provide the content of the text messages since they do not store these contents.

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 the custody of the California Department of Justice subject to the order of this court or any other competent court in which the offense in respect to which the seized property is triable.

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

4/29/2009  
Dated

[Signature]  
Daniel Garbutt  
Special Agent  
California Department of Justice

SSW09-145

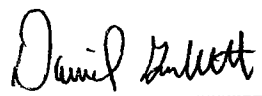
Case No. \_\_\_\_\_

STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN  
**DECLARATION AND REQUEST FOR ORDER  
SEALING SEARCH WARRANT DOCUMENTS**

Your Affiant, **Special Agent Daniel Garbutt**, relates that this Search Warrant and incorporated Affidavit, Statement of Probable Cause, the Return to Search Warrant, and all documents relevant to this Search Warrant relate to an on-going investigation of a **Homicide**. It is expected that additional Search Warrants will be sought relating to this matter. If information contained in the above listed documents is made public, it would compromise this investigation and make it difficult if not impossible to continue.

I request that the Search Warrant and incorporated Affidavit, Statement of Probable Cause, the Return to Search Warrant, and all documents relating to this Search Warrant be ordered to be sealed and that the Search Warrant and incorporated Affidavit, Statement of Probable Cause, the Return to Search Warrant, and all documents relating to this Search Warrant remain sealed and in the custody of the clerk of the court until further order of this court or other competent court having jurisdiction over this matter.

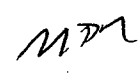
I declare under penalty of perjury that the related foregoing is true and correct to the best of my knowledge.



Special Agent Daniel Garbutt

**POINTS & AUTHORITIES**

People v Sanchez (1972) 24 Cal. App. 3d 664, 678; People v Greenstreet (1990) 218 Cal. App. 3d 1516; Swanson v Superior Court (1989) 211 Cal. App. 3d 332.



STATE OF CALIFORNIA - COUNTY OF SAN JOAQUIN  
SEARCH WARRANT AND AFFIDAVIT

2005 MAY 20  
JUNQUELA  
DEPUTY

Daniel Garbutt, swears under oath that the facts expressed by him in the attached and incorporated **Statement of Probable Cause** are true and based thereon he has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the location(s) set forth below. Wherefore, affiant requests that this search warrant be issued.

Night Search Requested: YES \_\_\_ NO X (Justification on page(s) page # \_\_\_)

*Daniel Garbutt*

(Signature of Affiant-after having been sworn)

Reviewed by: (Signature of Deputy District Attorney)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF SAN JOAQUIN: Proof by affidavit having been made before me by Daniel Garbutt, that there is probable cause to believe that the property described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "X"(s) in that:

- \_\_\_ It was stolen or embezzled.
- \_\_\_ It was used as the means of committing a felony.
- X It is possessed by a person with the intent to use it as a 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.
- X It tends to show that a felony has been committed or that a particular person has committed a felony.
- \_\_\_ It tends to show that sexual exploitation of a child, in violation of Section 311.3, or depiction of sexual conduct of a person under the age of 18 years, in violation of 311.11, has occurred or is occurring.
- \_\_\_ There is a warrant for the person's arrest.

**YOU ARE THEREFORE COMMANDED TO SEARCH THE PREMISES LOCATED AT AND DESCRIBED AS:** AT&T Wireless, National Subpoena Compliance Center, Custodian of Records, PO Box 24679, West Palm Beach, FL 33416-4679. Fax: 888-938-4715 Phone: 800-635-6840. This search is to include all rooms, safes, closets, containers, storage areas, and computer systems assigned to the said unit that may contain the records sought.

*MDL*

**FOR THE FOLLOWING PROPERTY:**

Contents and/or transcripts of any and all incoming and outgoing text messages, including short message service (SMS) messages sent and received between **March 20, 2009 and April 8, 2009** for the following telephone number.

The cellular phone number [REDACTED], an AT&T Wireless based cellular telephone being utilized by Melissa Huckaby and currently subscribed to Connie Lawless, [REDACTED]

**AT&T Wireless is further ordered** to provide the records sought to Special Agent Daniel Garbutt of the California Department of Justice, Bureau of Narcotic Enforcement in a readable computerized text format via e-mail or digital media storage such as a compact disc or similar storage device.

**AND TO SEIZE IT IF FOUND** and bring it forthwith before me or this court at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to and subscribed before me on this 10th day of April, 2009, at 11:42 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



Night Search Approved: YES \_\_\_ NO   
(Magistrate's Initials)

Executed by \_\_\_\_\_

Date \_\_\_\_\_ Hour \_\_\_\_\_

SW No. \_\_\_\_\_

**STATE OF CALIFORNIA - COUNTY OF SAN JOAQUIN**  
**ATTACHED AND INCORPORATED**  
**STATEMENT OF PROBABLE CAUSE**

I declare under penalty of perjury that the following facts are true and that there is probable cause to believe that the designated articles, property, and/or 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/or persons. I also declare that all facts and statements contained herein were obtained from the following: Personal knowledge and/or observations, conversations with other law enforcement officers or witnesses, and the review of official reports/records.

My name is Daniel Garbutt and I am your affiant. I have been a sworn peace officer in California since November 1995. I have been employed as a Special Agent with the California Department of Justice (DOJ) since February 2008. I am currently assigned to the Gang Suppression Enforcement Team/Special Investigations Unit of the Bureau of Narcotic Enforcement (BNE) Sacramento Regional Office. I hold an Associates Degree in Administration of Justice from College of the Redwoods and a Bachelor's Degree in Criminal Justice Management from Union Institute and University.

Pursuant to the ongoing murder investigation of Sandra Cantu being led by the Tracy Police Department, I learned the following.

On 03/27/09 at 1953 hours, the Tracy Police Department (TPD) 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,

*MDA*

was missing. Chavez indicated her daughter was last seen at approximately 1600 hours on that date.

TPD 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 in weight. Video surveillance at 812 W. Clover Rd. #63 revealed Cantu was last wearing a pink shirt with a "Hello Kitty" face, black leggings, flip-flops, and possibly carrying a black purse. [REDACTED], Sandra's older sister, earlier alleged she saw her sister meander by [REDACTED] shortly after 1600 hours on 03/27/09.

On 03/28/09 at approximately 1500 hours, Melissa Huckaby ([REDACTED]), approached Federal Bureau of Investigation (FBI) Special Agents Michael Conrad, Adrienne Sparrow, and Joe Brine, and two TPD 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. Huckaby 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,

there is no evidence that anyone other than Huckaby handled the note. Additionally, Huckaby informed FBI Agents 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 that 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 Street toward Huckaby's trailer. During the course of the interview, Huckaby provided her cell phone number as [REDACTED] and her residential landline number as [REDACTED]. Additionally, Huckaby explained she was the registered owner of a 2000 Kia Sportage bearing California license plate number [REDACTED].

On 04/03/09, TPD Det. Nate Cogburn reviewed the surveillance footage obtained from [REDACTED]. On 03/27/09 at 1543 hours, an unknown individual — possibly Huckaby — entered Huckaby's Kia Sportage, which was parked just south of the community mailboxes on Peach Street across from Sandra Cantu's residence, and drove southbound Peach Street out of view of the surveillance camera. The individual appeared 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 southbound on Peach Street toward Huckaby's trailer. At 1602 hours, the Kia

Sportage exited the Orchard Mobile Home Estates complex via the ensuing route: eastbound on Orchard Street and then westbound W. Clover Rd. The Kia Sportage returned at 1910 hours traveling eastbound on W. Clover Road and into the complex.

On 04/03/09 at approximately 1200 hours, Det. Cogburn interviewed Huckaby at her residence concerning her whereabouts on 03/27/09. Det. Cogburn specifically asked if she utilized her Kia Sportage that particular day. Huckaby replied she entered the Kia Sportage (then parked at [REDACTED] adjacent to the community mailboxes) between 1530-1545 hours, drove southbound on Peach Street and parked in front of her residence at Space [REDACTED]. She loaded supplies into the Kia for about twenty minutes. Det. Cogburn asked what items she specifically loaded into the vehicle, and Huckaby responded the items including beverages, snacks, et cetera that were designated for use during church activities. Huckaby said afterward, she left the Orchard Mobile Home Estates community and drove westbound on Clover Road to the Clover Road Baptist Church located at 11000 W. Clover Rd., Tracy, San Joaquin County, California, 95376, where she remained until about 1900 hours at which time she returned to her residence at [REDACTED]

On 04/06/09 at approximately 0900-0930 hours, farm laborer Jose Luis Franco was draining an irrigation pond near 18700 Bacchetti Road. Franco located a black Eddie Bauer Edition suitcase matching the suitcase-description Huckaby earlier provided to TPD Officers and FBI Agents on 03/31/09. A white nylon draw cord (possibly from a curtain blind) was affixed to the suitcase's handle. The pond was located near Whitehall Road and Bacchetti Road which was the same location described in the note Huckaby provided investigators. According to Det. Cogburn, this location can be reached by motor vehicle in less than ten minutes adhering to posted speed limits. This black suitcase matched the brand and the description of the suitcase

that Melissa Huckaby alleged was stolen on or about the date or time that Sandra Cantu was abducted.

On 04/06/09, investigators from TPD, FBI, and the San Joaquin County Sheriff's/Coroner's Office seized the suitcase and 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, Det. Cogburn confirmed Huckaby's residential address via TPD in-house Records Management System. On 04/06/09, Det. Cogburn confirmed via Department of Motor Vehicle (DMV) records that Huckaby was the registered owner of a 2000 Kia Sportage bearing California license plate number [REDACTED]

On 04/06/09 at 1900 hours, Det. Cogburn 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 [REDACTED]. 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 saw a smaller green sport utility vehicle parked on Whitehall Road 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." The physical description Chappel provided

matched Huckaby's description, and additionally she had a similar bumper sticker on the rear windshield of her green Kia Sportage, which is a small sport utility vehicle.

On 04/06/09 at 1930 hours, Det. Cogburn spoke with TPD Det. Robert Brandi, and Det. Brandi explained that he had previously reviewed surveillance footage taken on 3/28/09 from a camera located at the Best Western Hotel at 811 W. Clover Road, which is directly north of the mobile home park. At 1717 hours, a Kia utility vehicle was seen driving eastbound on W. Clover Road past the mobile home park's entrance, and then out of camera range. At 1747 hours, the Kia utility vehicle returned to view on the surveillance camera traveling westbound on W. Clover Road past the mobile home park's entrance, and then out of camera range.

Det. Cogburn 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 4/07/09, I learned from TPD Det. Ryan Knight that he had attended the autopsy of Sandra Cantu during the evening hours of 4/06/09. According to the medical examiner who performed the autopsy, preliminary findings indicated that the cause of death was by unnatural causes by strangulation and/or suffocations, and there was substantial evidence of sexual assault and penetration of the victim's vagina in a downward motion that took place at or near the time of death. The victim was also later positively identified as Sandra Cantu with the aid of dental records.

During the evening of 4/06/09, TPD Detectives and the FBI Evidence Response Team (ERT) served a search warrant at Melissa Huckaby's residence [REDACTED]

On 4/06/09, surveillance units from TPD observed Melissa Huckaby in her hospital room at the Sutter Tracy Medical Center where she was and still is presently being medically treated for swallowing a razor blade on 4/05/09. On 4/06/09 at about 2200 hours, a hospital security guard told a TPD officer at the hospital that he (the security guard) overheard Huckaby state something similar to, "that looks like my bag" as she was watching news coverage regarding this case. At that point, the fact that the suitcase contained the body of Sandra Cantu had not been released to the media and thus had not yet been reported by the media.

On 4/07/09, I learned from FBI Special Agent Todd Smith that some of the findings of ERT during the service of the search warrant at Huckaby's mobile home included the following. Those findings are summarized as follows.

A notepad was found on the ground and to the left of the doll house near the door. A photograph was taken of impressions/indentations on the first page of the notepad. The letter "N" is faintly visible toward the middle and near the outside of the notepad that is consistent with a letter "N" found on the suspect note.

A green notepad was found in a room. A page was taken from this green notepad as a handwriting sample.

On the patio near the master bedroom, a cord was found laying on the outside of the lattice. The cord was pulled through lattice by ERT for photo and evidence gathering purposes.

A preliminary forensic search of the desktop computer was conducted which revealed that there is only one user, Connie Lawless, but it was likely that all three residents of the mobile home had access to the computer.

The search of the computer also revealed that a story was accessed via the internet on September 11, 2008 regarding a girl in Israel who was abducted and later found deceased in a

suitcase. The computer was also determined to have not been in use during the time that Sandra Cantu was discovered missing, but the computer was logged onto later that evening.

Based upon my training and experience in investigations of homicides and other violent crimes, I believe it is common for perpetrators of those crimes to thereafter reach out and communicate via e-mail, telephone, or text message with other co-conspirators, family members, friends, associates, or survivors of the victim to explain their conduct, seek forgiveness, seek assistance in destroying evidence, seek assistance in avoiding apprehension by law enforcement, or to obtain information of the progress of the pending investigation.

As stated, preliminary autopsy findings indicated that there was evidence of a sexual assault and penetration of the victim's vagina in a downward motion. It has not yet been determined what specific object was used to complete this sexual assault. I know based on my training and experience specifically pertaining to sexual assaults against children that the majority of the time when a young female is victimized in this manner, it is highly likely that the perpetrator was a male. As a result, the preliminary findings would indicate that Melissa Huckaby did not act alone regarding the sexual assault, murder, and disposal of Sandra Cantu's body and that there was likely a male co-conspirator who was also the perpetrator of all or part of this crime with Melissa Huckaby.

Based on the aforementioned information contained herein, I request that a search warrant be issued for the records sought. I believe these records are likely to reveal person(s) who may have conspired with Melissa Huckaby to plan, commit, and/or secrete evidence of the murder and sexual assault of Sandra Cantu. E-mail and telephone records are not being sought pursuant to this search warrant since those records have already been sought pursuant to other search warrants, court orders, and/or other legal process in this ongoing investigation.