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

Detective Nathan Cogburn, being sworn, says he conducted a search pursuant to the Search Warrant described below:

Issuing Magistrate: Judge Coughlan

Magistrate's Court: Superior Court of California, County of San Joaquin, Stockton Department.

Date of Issuance: May 27, 2009.

Date of Service: May 28, 2009.

Your Affiant searched the following location(s), vehicle(s), and person(s):

THE PREMISES known as the Tracy Police Department, located at 1000 Civic Center Dr., Tracy, California, 95376 in the County of San Joaquin. The evidence was booked using Tracy PD case number 09-02712 (item numbers 885/50 and 885/51) and consists of a Samsung SGH-A707 cell phone, serial number RV9P748094P; and an AT&T LG cell phone, serial number 901KPDT904210.

Your Affiant seized the following items:

- Described in the attached and incorporated inventory.
 Described below:

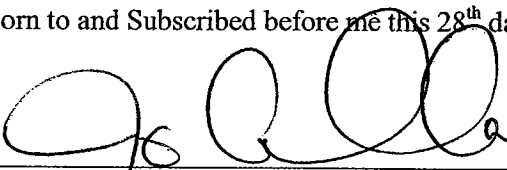
I sought all stored communications or files, including voicemail, email, digital images, text messages, video, phone lists, any/all Internet browsing history, et cetera.

I further swear this is a true and detailed account of all the property taken by me pursuant to the search warrant. 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.



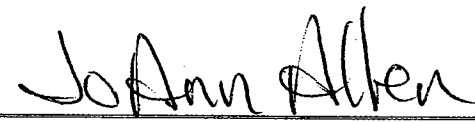
(Signature of Affiant)

Sworn to and Subscribed before me this 28th day of March 2009, at 8:20 (A.M.) / P.M.

 5-28-09

(Signature of clerk)

Clerk of the Superior Court of California, County of San Joaquin, Tracy Department.



(Clerk's Printed Name)

**STATE of CALIFORNIA, COUNTY of San Joaquin,
SEARCH WARRANT and AFFIDAVIT
(AFFIDAVIT)**

Det. Nate Cogburn swears under oath the facts expressed by him in the attached and incorporated **Affidavit** and **statement of probable cause** are true and based thereon he has probable cause to believe and does believe 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 this search warrant be issued.



(Signature of Affiant)

NO KNOCK: YES NO
 HOBBS SEALING REQUESTED: YES NO
 NIGHT SEARCH REQUESTED: YES NO

(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, under penalty of perjury, having been made before me by **Det. Nate Cogburn** there is probable cause to believe the property or person described herein may be found at the location(s) set forth herein and it is lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below by "☒"(s), in that:

- it was stolen or embezzled;
- it was used as the means of committing a felony;
- 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;
- it tends to show a felony has been committed or a particular person has committed a felony;
- it tends to show sexual exploitation of a child, in violation of Penal Code 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 the person;
- a provider of electronic communication service or remote computing service has records of evidence, as specified in Penal Code Section 1524.3, showing property was stolen or embezzled constituting a misdemeanor, or 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;

You are therefore COMMANDED to SEARCH:

THE PREMISES known as the Tracy Police Department, located at 1000 Civic Center Dr., Tracy, California, 95376 in the County of San Joaquin. The evidence was booked using Tracy PD case number 09-02712 (item numbers 885/50 and 885/51) and consists of a Samsung SGH-A707 cell phone, serial number RV9P748094P; and an AT&T LG cell phone, serial number 901KPDT904210.

For the FOLLOWING PROPERTY or PERSON(S):

I am seeking all stored communications or files, including voicemail, email, digital images, text messages, video, phone lists, any/all Internet browsing history, et cetera.

The court authorizes the use of federal agency personnel to accompany the peace officers executing this search warrant for the purpose of assisting in the service and execution of this search warrant as provided for under California Penal Code Section 1530 and 1538. The federal agency personnel can also assist in the computer examinations of the seized items.

MDL

IT IS HEREBY ORDERED, this entire search 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.

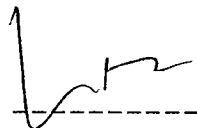
AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court.

This search warrant and Affidavit and attached and incorporated statement of probable cause were sworn to as true and subscribed before me on this 27 day of May, 2009 at 2:16 A.M. P.M. Wherefore, I find probable cause for the issuance of this search warrant and do issue it.


5/27/09
(Signature of Magistrate)
(Date)

NO KNOCK: YES NO
 HOBBS SEALING APPROVED: YES NO
 NIGHT SEARCH APPROVED: YES NO

Judge of the Superior Court of California, County of San Joaquin.



 Signature of Magistrate

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.

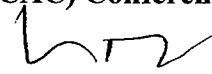
During my tenure as a police officer, I have investigated various cases involving an assortment of transgressions, specifically: violent crimes against persons, narcotics and controlled substances violations, sex crimes, domestic violence offenses, child sexual exploitation, Internet crimes against children, 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.**



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- 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] a Cantu 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 (date of birth [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.



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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] 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, I reviewed the surveillance footage obtained from [REDACTED]. 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 Cherry St. across from Sandra's residence, and drives S/B Cherry 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. Sandra was last visible on the subsequently acquired surveillance footage at 1554 hours walking S/B on Cherry 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.

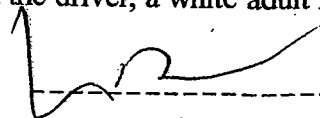
On 04/03/09 at approximately 1200 hours, I interviewed Huckaby at her residence concerning her whereabouts on 03/27/09; I specifically asked if she utilized her Kia Sportage that particular day. Huckaby replied she entered the Kia Sportage (then parked at 812 W. Clover Rd. adjacent to the community mailboxes) at approximately 1530-1545 hours, drove S/B Cherry St. and parked in front of her residence at [REDACTED]. 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 [REDACTED].

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 [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 leaving home for 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



Signature of Magistrate

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 matched Huckaby's description, and additionally she had a similar bumper sticker on the rear windshield of her Kia Sportage.

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 — 811 W. Clover Rd. 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.

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], her vehicle — a 2000 Kia Sportage, which is registered to her — and the Clover Road Baptist Church, located at 11000 W. Clover Rd. in the City of Tracy. At Huckaby's residence, 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, on 04/10/09 I requested a Ramey Arrest Warrant for Melissa Huckaby for the crime(s) of **187 (a) PC, murder**, and **207 (a) PC, kidnapping** — Judge Coughlan authorized the arrest warrant.

I know from training and experience individuals involved in the abduction and murder of children may memorialize the criminal activity on digital media, including within cellular phone devices. As such, I request search of the ensuing location:

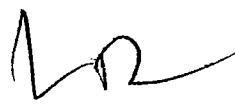
The premises known as the Tracy Police Department, located at 1000 Civic Center Dr., Tracy, California, 95376 in the County of San Joaquin. The evidence was booked using Tracy PD case number 09-02712 (item numbers 885/50 and 885/51) and consists of a Samsung SGH-A707 cell phone, serial number RV9P748094P; and an AT&T LG cell phone, serial number 901KPDT904210.

I request search of the aforementioned location for the following information / evidence:

I am seeking all stored communications or files, including voicemail, email, digital images, text messages, video, phone lists, any/all Internet browsing history, et cetera.

I requested search of the same devices on 04/22/09, however the evidence contained therein was not satisfactorily memorialized. Therefore, I request additional search of the cellular phone devices at the Sacramento Valley High-Tech Crimes Task Force in McClellan, CA.


I request 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.




Signature of Magistrate

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

Executed at FRANCIS CAMP, California


(Signature of Affiant)

, 27TH day of MARCH, 2009, at 2:16 PM



Signature of Magistrate