

**STATE OF CALIFORNIA – COUNTY OF SAN FRANCISCO**

**SEARCH WARRANT AND AFFIDAVIT**

**(AFFIDAVIT)**

Special Agent Reye Diaz, California Department of Justice, swears under oath that the facts expressed by him/her in this Search Warrant, and in the attached and incorporated statement of probable cause consisting of 35 pages, are true and that based thereon he/she has probable cause to believe and does believe that the property and/or person described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

**NIGHT SEARCH REQUESTED: YES [ ] NO [X] - Justification on page(s) \_\_\_\_\_**

\_\_\_\_\_  
(Signature of Affiant) 1/23/15

**(SEARCH WARRANT)**

**THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF SAN FRANCISCO:** proof by affidavit having been made before me by Special Agent Reye Diaz, that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

- \_\_\_\_\_ it was stolen or embezzled
- X \_\_\_\_\_ it was used as the means of committing a felony
- X \_\_\_\_\_ 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
- 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 Section 311.11, has occurred or is occurring
- \_\_\_\_\_ there is a warrant for the person's arrest;

SW 36694

**YOU ARE THEREFORE COMMANDED TO SEARCH:**

**See attached Exhibit "A"(SEALED AS OUTLINED IN AFFIDAVIT).**

**FOR THE FOLLOWING PROPERTY:**

**See attached Exhibit "B"**

**SEARCH WARRANT (Page 2)**

**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 as true and subscribed before me this 23 day of JANUARY, 2015, at 1:15 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 – San Francisco County Judicial District

**NIGHT SEARCH APPROVED: YES [ ] NO [ X ]**  
**(Magistrate's Initials)**

Executed by \_\_\_\_\_  
Date \_\_\_\_\_ Hour \_\_\_\_\_

Be advised that pursuant to California Penal Code sections 1539 and 1540, you may file a written motion in the court of the above-mentioned judge who issued the warrant, seeking return of the property seized pursuant to this warrant.

For further information concerning this search warrant, contact the officer whose name appears on the warrant, Special Agent Reye Diaz at (916) 916-997-5396 or at [reye.diaz@doj.ca.gov](mailto:reye.diaz@doj.ca.gov)

**SEARCH WARRANT (Page 7)**

**FOR THE FOLLOWING PROPERTY:**

**EXHIBIT "B"**

1. Any article of personal property tending to establish the identity of persons who have dominion and control over the premises and vehicles to be searched, including all keys to the described location and vehicles, rent receipts, utility bills, telephone bills, addressed mail, purchase receipts, sales receipts, and articles of personal property tending to show ownership of locations and vehicles including, but not limited to vehicle pink slips and vehicle registration. All personal property and documents used as means of identification, including but not limited to driver's license, credit cards, passports, social security cards, alien cards, California identifications and photographs relative to the person(s) found at the locations.

**Any records, correspondence, or documentation between CHERRY, PEEVEY, [REDACTED] and others, tending to show ex parte communications, judge shopping, bribery, Obstruction of Justice or due administration of laws, favors or preferential treatment related to HECA, the CPUC 100 year anniversary dinner, the 2014 GRC, rate incentives and other matters coming before PUC stored on the following items from December 2009 until current and not limited to:**

2. Any and all computer hardware which consists of all equipment which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data. Hardware includes (but is not limited to), any mother-boards, any data-processing devices (such as chips, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); and related communications devices (such as modems, cables and connections, recording equipment, RAM or ROM units, automatic dialers, speed dialers, programmable mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

3. Any cellular phone or smartphone, and any electronic storage or Internet-connected device capable of storing information sought by this search warrant.

4. Any and all computer software which consists of any digital information which can be executed by a computer and any of its related components to direct the way they work, including programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communication programs. Including software used to test chips and software to direct laser equipment. Software can be stored in electronic, magnetic, optical, or other digital form.

5. Any and all computer-related documentation described as written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use computer hardware, software or other related items.

6. Any and all computer passwords and other data security devices designed to restrict access to or hide computer software, documentation or data, consisting of hardware, software

## SEARCH WARRANT (Page 8)

or other programming code. Data security hardware may include encryption devices, chips and circuit boards. Data security software or digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt; compress, hide or "booby-trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

7. E-mail records (December 2009 until current), All stored electronic communications and any other files associated with the persons, address, user accounts, Any other records related to the above referenced names and user names, including but not limited to, correspondence, billing records, records of contact by any person or entity regarding the above referenced names and user names, and any other subscriber information.

8. Text Messages (December 2009 until current).

9. Diaries, Journals, address books, and Calendars, general correspondence from December 2009 until current to included records of meetings as well as general business related matters between and involving (any or all) CHERRY, PEEVEY, [REDACTED]

10. Any and all records, stored communication, and other files relating to the customer(s), account holder(s) or other entity (ies) associated in any way with Michael PEEVEY, Thomas [REDACTED]; Brian CHERRY, Including, without limitation, subscriber names, user names, screen names, or other identities, mailing addresses, residential addresses, business addresses, email addresses and any other contact information, telephone numbers or other subscriber number or identifier number, billing records, information about the length of service and the types of services the subscriber or customer utilized, and any other information, whether such records or other evidence are in electronic or any other form.

11. DISCLOSURE ORDER:

It is further ordered that affiant be allowed to share information with federal and state and criminal and civil law enforcement authorities who are also investigating this matter.

12. It is further ordered that a forensic technician, sworn or non-sworn, be granted authorization to examine, make duplicate images/copies of the above-mentioned electronic media and to determine if evidence of the offenses enumerated above are contained therein. Therefore authorization is given to make image/copies of the actual pre-requested data. Evidence copies of the items relating to these offenses will be created and retained for further proceeding and made available to the authorities

A. The above records and documents (Items 1-12) are seizable regardless of the medium on which they are stored, including, but not limited to, paper, microfilm, videotape, audiotape and electronic data storage devices (e.g., computers, telephone answering machines, facsimile machines, pocket computers, electronic address and appointment books, telephone dialers, telephones, cell phones, smart phones, portable memory devices, external hard drives, typewriters, watches, calculators, and pagers). The records and documents are also seizable

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even if not stored on the premises, so long as they can be accessed using equipment on the premises (e.g., e-mail and voice-mail). When the records and documents described above are an integral part of a file or other collection of records or documents, the entire collection of records and documents may be seized.

In many cases, forensic examination of computer systems requires special equipment or software, which is not feasible to bring to the location being searched. Additionally, forensic expertise, not available during the execution of the search warrant, may be required to bypass encryption and coded documents in order to retrieve evidence. Records containing evidence stored on disks, even though erased or deleted by criminal suspects, in many cases can be recovered via the use of special programs and equipment not available at the scene.

Many complex computer systems will not operate properly without the attached printers and peripherals. Many files require accompanying software in order to properly read the file and criminal suspects commonly hide records of their criminal enterprise by copying those records over commercially manufactured software. Many sophisticated computer systems require special instructions available only through the user manuals, which accompany the system. Due to these circumstances, authorization is given to seize these items along with any computer system encountered subject to the requested warrant.

As previously set forth, the actual search of a computer and related software in the controlled environment of a laboratory is a complicated process, which takes in excess of ten days to complete. It often takes weeks or months to complete. Authorization is therefore given for one hundred-twenty (120) days from the date of seizure to complete the search under controlled conditions.

B. In searching for data capable of being read, stored or interpreted by a computer, law enforcement personnel executing this search warrant will employ the following procedure:

1. Upon securing the premises, in the event there is a law enforcement personnel trained in searching and seizing computer data (the "computer forensic examiner") will make an initial review of any computer equipment and storage devices to determine whether these items can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve the data.

2. If no law enforcement personnel trained in searching and seizing computer data (the "computer forensic examiner") is on site, and/or the computer equipment and storage devices cannot be searched on-site in a reasonable amount of time, then the related items will be seized and reviewed later by a computer forensic examiner.

3. Therefore, if it is not practical to perform an on-site search or make an on-site copy of the data within a reasonable amount of time, then the computer equipment and storage devices will be seized and transported to an appropriate location for review. The computer equipment and storage devices will be reviewed by appropriately trained personnel in order to extract and seize any data that falls within the list of items to be seized set forth herein.

4. Any data that is encrypted and unreadable will not be returned unless law enforcement personnel have determined that the data is not (1) an instrumentality of the offense

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specified in the attached affidavit, (2) a fruit of the criminal activity, (3) contraband, (4) otherwise unlawfully possessed, or (5) evidence of the offense specified in the attached affidavit.

5. In searching the data, the computer forensic examiner may examine all of the data contained in the computer equipment and storage devices to view their precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer forensic examiner may search for and attempt to recover "deleted", "hidden", or encrypted data to determine whether the data falls within the list of items to be seized as set forth herein. The forensic examiner may search for indicia of ownership or use, including but not limited to user accounts and registration data for software.

6. If the computer forensic examiner determines that the computer equipment and storage devices are no longer necessary to retrieve and preserve the data, these items will be returned within a reasonable period of time from the date of seizure.

C. In order to search for data that is capable of being read or interpreted by a computer, the following items may be seized and searched, subject to the procedures set forth above:

1. Any computer equipment and storage device capable of being used to commit, further, or store evidence of the offense described in the attached affidavit;

2. Any computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners;

3. Any magnetic, electronic, or optical storage device capable of storing data including but not limited to: floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, and personal digital assistants, and cellular phones;

4. Any documentation, operating logs, and reference manuals regarding the operation of the computer equipment, storage devices, or software;

5. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices, or data to be searched;

6. Any physical keys, encryption devices, dongles, and similar physical items that are necessary to gain access to the computer equipment, storage devices of data.

7. Any passwords, password files, test keys, encryption codes, or other information necessary to access the computer equipment, storage devices or data; and,

8. Investigating officers and those agents acting under the direction of the investigating officers are authorized to access all computer data to determine if the data contains "property," "records," and "information" as described above. If necessary, investigating officers are authorized to employ the use of outside experts, acting under the directions of the investigating officers, to access and preserve computer data.

SUPERIOR COURT OF CALIFORNIA

County of San Francisco

**SEARCH WARRANT RETURN  
and  
INVENTORY**

Search Warrant No.

Issuing Magistrate: **Judge Linda COLFAX**

Date warrant issued: **1/23/15**

Date warrant executed: **1/27/2015**

Location/Vehicles/Persons served and title:

1322 Verdugo Blvd., La Canada, CA & 34 Van Ripper Lane, Orinda, CA.

Manner of service: Served Search Warrant

I, the affiant for this search warrant, state: The information listed above is correct and during the execution of the search warrant, the following property was seized: (See Attachment A).

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

Date: 1/28/2015

Special Agent Reye Diaz AG#10

Affiant

*[Handwritten signature]* 1/28/15

*[Handwritten signature]*

Judge of the Court

Penal Code § 1537

# **ATTACHMENT "A"**



## DIVISION OF LAW ENFORCEMENT

Investigation No. B1-SF2014-00008

## PROPERTY RECEIPT

Date: 1/27/15

Property Received From:

PEEVYName: MICHAEL PEEVY Address: 1322 VERDUGO BLVD, LA CANADA, CA 91011

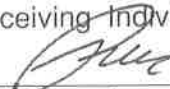
I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

Item No.	Description (include serial number)	Exact Location found (if applicable)
010-001	RSG NOTES ON HOTEL BRISTOL STATIONARY	ROOM A: OFFICE DESK
010-002	CHASE BANK STATEMENT IN NAME OF MICHAEL PEEVY & CAROL LIU	ROOM A: OFFICE DESK
010-003	6 DAY PLANNERS 2009-2014	ROOM A: OFFICE DESK
010-004	CPUC EMPLOYEE ROSTER AS OF DEC. 2 2014	ROOM A: OFFICE DESK
010-005	2015 DAY PLANNER	ROOM A: OFFICE DESK
010-006	EMAIL FROM MARK TONG, 12/10/2009	ROOM A: OFFICE DESK
010-007	1-APPLE I MAC COMPUTOR CO2K JQ3TDNCR + KEYBOARD	ROOM A: OFFICE
010-008	1-DELL X410 CPU TOWER 6268W-MV283- JCPYF-M4KFM-X5228	ROOM A: OFFICE
010-009	1-DELL DIMENSION C521 SN/001444171986084	ROOM C: GARAGE
010-010	1-DELL DIMENSION 2400 SN/00043549974161	ROOM C: GARAGE
010-011	1-APPLE IPHONE 5 IME: 99000227591858	ROOM B: KITCHEN
010-012	1-APPLE MACBOOK PRO #W8938H3E66D & POWER CORD	ROOM B: KITCHEN

Receiving Individual (print or type)

REY DIAZ AG #10

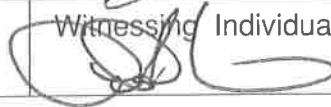
Receiving Individual (signature)



Witnessing Individual (print or type)

JAMES F. HIRT, SAS, LARS

Witnessing Individual (signature)



STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE

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DIVISION OF LAW ENFORCEMENT

Investigation No. B1-SF2014-00068

PROPERTY RECEIPT

Date: 1/27/15

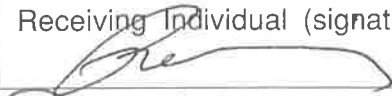
Property Received From: PEEVY

Name: MICHAEL PEEVY Address: 1322 VERDUGO RD., LA CANADA, CA 91011


I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

Item No.	Description (include serial number)	Exact Location found (if applicable)
010-013	1- THUMB DRIVE CNDA ATTACHED TO IBOOK PRO	
<del>_____</del>		

Receiving Individual (print or type)  
Reye DIAZ AG#10

Receiving Individual (signature)  


Witnessing Individual (print or type)  
SAS JAMES F. HIRT, SAS, B1 LA

Witnessing Individual (signature)  


DIVISION OF LAW ENFORCEMENT

Investigation No. BL SF 2014-00008

PROPERTY RECEIPT

Date: 1/27/15

Property Received From:

Name: Brian Cherry Address: 34 Van Ryper Ln, Orinda ca

I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

Item No.	Description (include serial number)	Exact Location found (if applicable)
011-001	Iphone 6 Serial # F17NP2EB45MC	kitchen counter
	model # M65W2LL/A	
011-002	Verizon Tablet model # 0MV7A <del>Serial #</del> MV7A_31D25_422A SW Version	kitchen back counter
	plus charger	
001-003	Apple Ipad Model # M6LW2LL/A Serial # DLXNQV0545VT	kitchen back counter

Receiving Individual (print or type)

Julie Dun

Receiving Individual (signature)

Julie Dun

Witnessing Individual (print or type)

A. Nocco

Witnessing Individual (signature)

A. Nocco

DIVISION OF LAW ENFORCEMENT

Investigation No. BI-SF2004-00008

PROPERTY RECEIPT

Date: 11/27/15

Property Received From:

Name: Brian Cherry Address: 34 Van Rippert Lane, Orinda CA

I HEREBY ACKNOWLEDGE RECEIPT OF THE BELOW DESCRIBED PROPERTY

Item No.	Description (include serial number)	Exact Location found (if applicable)
011-004	1 blue notebook - spiral containing misc notes	in basket on desk in family room
011-005	1 purple file folder containing misc documents	- found in top drawer of blk file cabinet
011-006	HP Pavilion p671 w/ power cord serial # 4CE1080C3C model # p6710f	- desk in family room
011-007	4 black floppy disk 3.5" 14 misc CDs/DVDs 1 thumbdrive	2 blk box in family room hutch

Receiving Individual (print or type)

Julie Dun

Receiving Individual (signature)

Julie Dun

Witnessing Individual (print or type)

A. Nasser

Witnessing Individual (signature)

[Signature]

