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AO 91 (Rev. 11/82)

CRIMINAL COMPLAINT 2017

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v. JUSTIN ROBERT BURKETT	DOCKET NO. 17MJ00059
MAGISTRATE'S CASE NO.	

Complaint for violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B)(viii)

NAME OF MAGISTRATE JUDGE HONORABLE GAIL J. STANDISH	UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, California
DATE OF OFFENSE December 13, 2016	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

[21 U.S.C. § 841(a)(1), (b)(1)(B)(viii)]

On or about December 13, 2016, in Los Angeles County, within the Central District of California, defendant JUSTIN ROBERT BURKETT knowingly and intentionally possessed with intent to distribute at least 50 grams of a mixture and substance containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(viii).

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

(See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE:

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

SIGNATURE OF COMPLAINANT

Daniel J. Diaz

OFFICIAL TITLE

Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE⁽¹⁾

DATE

January 12, 2017

⁽¹⁾ See Federal Rules of Criminal Procedure 3 and 54

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AFFIDAVIT

I, Daniel J. Diaz, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against and arrest warrant for JUSTIN ROBERT BURKETT, also known as "Justin Robert Ray Buryett" ("BURKETT"), for violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B)(viii) (possession with intent to distribute at least 50 grams of a mixture of substance containing a detectable amount of methamphetamine).

2. This affidavit is also made in support of an application for a warrant to search six digital devices seized from the car operated by BURKETT on December 13, 2016, as described more fully in Attachment A (the "SEIZED DIGITAL DEVICES"), which is incorporated by reference, for evidence, fruits, and instrumentalities of violations of Title 21, United States Code, Sections 846 and 841(a)(1) (possession with intent to distribute controlled substances) and Title 18, United States Code, Section 924(c) (use, carry, or possession of a firearm in relation to or in furtherance of a drug felony), as described further in Attachment B, which is also incorporated by reference.¹

¹ On December 13, 2016, Lompoc Police Department Officer Andrew White obtained a California state search warrant for BURKETT's residence and vehicles under his dominion and control, which included the SEIZED DIGITAL DEVICES. A copy of the search warrant is attached hereto as Exhibit 1. After execution of the warrant on December 13, 2016, Lompoc Police Department conducted

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

II. BACKGROUND FOR FBI SPECIAL AGENT DANIEL J. DIAZ

4. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), who is empowered to conduct investigations of, and to make arrests for, narcotics offenses enumerated in the United States Code.

5. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been employed as such since March 2010. I am currently assigned to the Los Angeles Field Division, Central Coast Safe Streets Taskforce ("CCSSTF"). CCSSTF is a task force comprised of agents and officers from federal, state, and local agencies, assigned to investigate gang-related crimes and large-scale narcotics trafficking.

6. During the course of my employment with FBI, I have received several hundred hours of comprehensive, formal instruction on such topics as drug identification, money

an initial search of the SEIZED DIGITAL DEVICES. However, I am not relying on the results of that search to show probable cause for the requested complaint and warrant.

laundering techniques, patterns of drug trafficking, complex conspiracies, the exploitation of narcotics traffickers' telecommunications devices, criminal law, surveillance, and other investigative techniques. I have assisted in investigations into the unlawful importation, manufacture, possession with intent to distribute, and distribution of narcotics and other controlled substances, and conspiracies associated with narcotics and controlled substance offenses. I have been involved in narcotics related arrests which resulted in the seizure of narcotics and other evidence.

7. During my training and through the course of my employment with FBI, I have utilized a variety of investigative techniques and resources, including, but not limited to, surveillance, use of confidential sources, undercover operations, telephone toll analysis, installation, monitoring and retrieval of trackers, and wire intercept communications analysis in Title III and wiretap investigations. As such, I am familiar with coded language utilized by narcotics traffickers. I have testified in Federal Court as an expert in coded language utilized in narcotics investigations.

8. Prior to becoming an FBI agent, I was employed as a City of Tempe Police Officer for 10 years. I attended the Arizona Law Enforcement Academy during which I had a 16-hour course of instruction on narcotics recognition. During my tenure as a police officer, I attended multiple trainings for narcotics investigations and drug trafficking trends. I conducted and assisted in numerous narcotics investigations.

9. I am familiar with narcotics traffickers' methods of operation, including the distribution, storage, and transportation of narcotics, and the collection of money which represents the proceeds of narcotics trafficking and money laundering.

III. SUMMARY OF PROBABLE CAUSE

10. On December 13, 2016, California Highway Patrol ("CHP") Officer Chance Chapman conducted a traffic stop of a car being driven by BURKETT, in which he was the sole occupant. The car was a rental car that had been reported stolen, and BURKETT was driving on a suspended license. During a search of the car, officers found approximately 122.2 grams of methamphetamine and a loaded Taurus .38 caliber revolver (which was later determined to be stolen) hidden under the center console and driver's side floorboard of the car. Latent fingerprints on the revolver matched BURKETT's known fingerprints.

IV. STATEMENT OF PROBABLE CAUSE

11. The facts supporting this affidavit are based on my conversations with CHP officers, including Officers Chapman and Adrian Aguilar, my review of incident reports and audio/video recordings of the December 13, 2016 traffic stop, and my knowledge, training, and experience.

A. Officer Chapman's Training and Experience

12. Based on my conversations with Officer Chapman, I know the following regarding Officer Chapman's training and experience:

a. Officer Chapman is currently assigned to CHP Santa Barbara, which patrols the US 101 from Gavoiita State Beach to Bates Road at the Ventura County Line, for traffic offenses and criminal activity, including but not limited to drug smuggling, money smuggling, human trafficking, illegal weapons possession, stolen vehicles, and searches for missing and exploited children.

b. During his time with CHP, Officer Chapman has conducted and assisted in hundreds of narcotics investigations. Officer Chapman has received more than 75 hours of training in drug recognition, drug trafficking trends, and methods of drug trafficking.

c. Officer Chapman knows that it is common for traffickers of controlled substances to carry cellular telephones to communicate with co-conspirators to facilitate drug trafficking, coordinate the movements of the trafficker and various co-conspirators, and coordinate the amount of controlled substances trafficked, as well as payment amounts and methods. Because drug traffickers usually continue to sell drugs to support themselves until they are arrested, their communications with various co-conspirators tend to be ongoing until their arrest. These communications often include phone calls, text messaging, and email communications between the trafficker and the co-conspirators, and these communications often occur significantly in advance of the narcotics transaction.

B. Traffic Stop of BURKETT

13. Based on my review of Officer Chapman's incident report, and my own observation of video and audio recordings of the traffic stop, I know the following:

a. On December 13, 2016, at approximately 2:25 P.M., Officer Chapman was patrolling the US 101, at the Refugio Beach on-ramp to US 101 southbound, in Santa Barbara County, when he saw a blue 2015 Chrysler 300, bearing California license plate 7LHE410, traveling southbound at a high rate of speed. Officer Chapman activated his forward mounted radar unit and obtained a speed of 89 mph in violation of CVC 22349(a). Based on his observations, Officer Chapman activated his emergency lights to pull the car over to warn or cite the driver.

b. The Chrysler pulled over to the right shoulder. Officer Chapman approached the passenger side and spoke to the driver and sole occupant of the vehicle, BURKETT. BURKETT provided his California driver's license (CDL# E3958736).

c. Officer Chapman performed a status check on BURKETT's driver's license which revealed it had been suspended.

d. Officer Chapman then requested a tow truck and an additional patrol unit. While waiting for them to arrive, Officer Chapman conducted a registration check of the Chrysler through CHP dispatch.

e. While reviewing the video from the stop, I noted that BURKETT began moving in the Chrysler during the traffic stop, and appeared to be moving items within the vehicle. His

movements appeared to be concentrated on the center console area of the car.

f. Officer Aguilar then arrived at the traffic stop. At that time, CHP dispatch informed Officer Chapman that the Chrysler had been reported stolen from Burbank, California on December 8, 2016.

g. BURKETT was then arrested for possession of a stolen vehicle, and was put in Officer Chapman's patrol car.

C. Search of the Chrysler and Discovery of Methamphetamine, Firearm and the Seized Digital Devices

14. Based on my conversations with Officer Aguilar, Officer Chapman and Officer Dylan Youngblood, my review of Officer Chapman's incident report, and my own observation of the video and audio recordings of the traffic stop, I know the following:

a. As Officer Aguilar was conducting a search of the Chrysler, he noticed that the area where the floor carpeting met the plastic siding of center console on the passenger side of the car had been pulled back or tampered with. Looking at the space between the carpet and the center console created by the carpeting being pulled back, Officer Aguilar found a red sunglasses case.

b. Inside of the sunglasses case, officers found a bag of a white crystal substance which they believed to be methamphetamine and six .38 caliber rounds of ammunition. The substance believed to be methamphetamine weighed approximately 110.6 grams.

c. Officer Chapman then searched the driver's side of the vehicle, paying close attention to the area where the carpeting met the plastic of the center console. Officer Chapman noticed that the carpet appeared loose and barely attached. Looking at the space between the carpet and the center console created by the carpeting being pulled back, he found a loaded Taurus .38 caliber revolver.

d. Inside the center console, Officer Chapman found two black cellular phones (SEIZED DIGITAL DEVICES #1 and #2), one SD card (SEIZED DIGITAL DEVICE #4), one USB flash drive (SEIZED DIGITAL DEVICE #5), and a green leafy substance believed to be marijuana. Also within the center console were two checks (later discovered to be fraudulent) bearing BURKETT's name on them as the payee.

e. An additional black cellular phone was located in the passenger door of the car (SEIZED DIGITAL DEVICE #3). A polaroid camera was found on the front passenger-side floorboard (SEIZED DIGITAL DEVICE #6).

f. In addition to the checks in BURKETT's name, officers found photographs of BURKETT in the car, including a photograph of him covering a portion of the car's radio screen.

g. According to Officer Youngblood, on or about December 14, 2016, he received permission from Hertz LLC - the registered owner of the Chrysler - to conduct a secondary search of the car, which had been towed to a storage area in Goleta, California. During the search, a K-9 drug detection dog alerted to the center console, inside which CHP K9 Officer Julie Jensen

discovered an additional bag containing approximately 11.6 grams of a white crystal substance believed to be methamphetamine. This bag was found in the same hidden area where the Taurus .38 caliber revolver was found.

h. On December 28, 2016, samples from both bags found in the Chrysler presumptively tested positive for methamphetamine.

D. Processing of Taurus Revolver and Fingerprints

15. Based on my review of reports by Ventura County DA Investigator Dirk Boon and Santa Barbara County Technician Michael Ullemeyer, I know the following:

a. On December 20, 2016, Investigator Boon performed evidentiary tests on the Taurus revolver which revealed several potential latent fingerprints on the firearm. The firearm was then taken to the Santa Barbara County lab for further processing.

b. On December 20, 2016, Technician Ullemeyer examined the firearm and compared an identified fingerprint on the revolver to the known fingerprints of BURKETT. Technician Ullemeyer's examination concluded that the fingerprint on the firearm matched BURKETT's right ring finger.

V. TRAINING AND EXPERIENCE REGARDING THE SUBJECT OFFENSES

16. From my training, personal experience, and the collective experiences related to me by other law enforcement agents who specialize in drug trafficking and firearms investigations, I am aware of the following:

a. Drug traffickers often maintain books, records, receipts, notes, ledgers, bank records, money orders, and other papers relating to the cultivation/manufacture, transportation, ordering, sale and distribution of illegal controlled substances. These individuals commonly "front" (provide illegal controlled substances on consignment) drugs and other controlled substances to their clients and, thus, keep records or communication concerning monies owed. The aforementioned records are often maintained where the drug trafficker has ready access to them, such as the drug traffickers' residences, places of business, vehicles, other locations from which the drug trafficker conducts drug transactions. Such records are also often stored on the drug traffickers' cellular phones, smart phones, and other digital devices.

b. I know that it is common for drug traffickers to own multiple phones of varying sophistication and cost as a method to diversify communications between various customers and suppliers. These phones range from sophisticated smart phones utilizing digital communications applications such as Blackberry Messenger, WhatsApp, and the like, to cheap, simple, and often prepaid flip phones, known colloquially as "drop" phones," for actual voice communications.

c. Drug traffickers maintain telephone and address books, telephone bills, and records that reflect names, addresses, and/or telephone numbers of their associates in the drug trafficking organization and customers. Such records are often maintained in both paper and electronic form.

d. Communications between persons buying and selling controlled substances often occurs by telephone calls and messages, such as e-mail and text messages, sent to and from cellular phones, smart phones, and other digital devices. This includes sending photos of the controlled substances between the seller and the buyer, the negotiation of price, and discussion of whether or not participants will bring firearms and other weapons to a deal.

e. Drug traffickers and distributors, who deal with large quantities of narcotics and money, commonly use firearms when conducting narcotic transactions to protect their narcotic supplies and/or proceeds. Drug traffickers and distributors often keep their firearms close at hand, including in their residences and vehicles.

f. Persons who possess, purchase, or sell firearms generally maintain the firearms and records of their firearm transactions as items of value and usually keep them in their residence, or in places that are readily accessible, and under their physical control, such as a vehicle. Many people also keep mementos of their firearms, including digital photographs or recordings of themselves possessing or using firearms on their cell phones, smart phones, computers, and other digital devices. It has been my experience that individuals who purchase firearms illegally will keep the contact information of the individual who is supplying firearms to prohibited individuals or other individuals involved in criminal activities for future purchases or referrals. Many people do not dispose

of their firearms-related records; they usually keep their records for long periods, often spanning several years.

g. Correspondence between persons buying and selling firearms often occurs by e-mail or text message sent to and from smart phones, laptops, or other digital devices. This includes sending photos of the firearm between the seller and the buyer, as well as negotiation of price. In my experience, individuals who engage in street sales of firearms frequently use e-mail and text messages to communicate with each other regarding firearms that the sell or offer for sale. In addition, it is common for individuals engaging in the unlawful possession or sale of firearms to have photographs of firearms they or other individuals working with them possess on their cellular phones and other digital devices as they frequently send these photos to each other to boast of their firearms possession and/or to facilitate sales or transfers of firearms.

h. Individuals engaged in the illegal purchase or sale of firearms and other contraband often use multiple telephones, particularly ones with removable memory chips, known as SIM cards, and various other digital devices.

VI. TRAINING AND EXPERIENCE REGARDING DIGITAL DEVICE

17. As used herein, the term "digital device" includes any electronic system or device capable of storing or processing data in digital form, including central processing units; desktop, laptop, notebook, and tablet computers; personal digital assistants; wireless communication devices, such as telephone paging devices, beepers, mobile telephones, and smart

phones; digital cameras; peripheral input/output devices, such as keyboards, printers, scanners, plotters, monitors, and drives intended for removable media; related communications devices, such as modems, routers, cables, and connections; storage media, such as hard disk drives, floppy disks, memory cards, optical disks, and magnetic tapes used to store digital data (excluding analog tapes such as VHS); Global Positioning System ("GPS") devices and navigation systems; and security devices. Based on my knowledge, training, and experience, as well as information related to me by agents and others involved in the forensic examination of digital devices, I know that data in digital form can be stored on a variety of digital devices and that during the search of a premises it is not always possible to search digital devices for digital data for a number of reasons, including the following:

a. Searching digital devices can be a highly technical process that requires specific expertise and specialized equipment. There are so many types of digital devices and software programs in use today that it takes time to conduct a thorough search. In addition, it may be necessary to consult with specially trained personnel who have specific expertise in the type of digital device, operating system, and software application being searched.

b. Digital data is particularly vulnerable to inadvertent or intentional modification or destruction. Searching digital devices can require the use of precise, scientific procedures that are designed to maintain the

integrity of digital data and to recover "hidden," erased, compressed, encrypted, or password-protected data. As a result, a controlled environment, such as a law enforcement laboratory or similar facility, is essential to conducting a complete and accurate analysis of data stored on digital devices.

c. While it is difficult to estimate the precise storage space contained on the devices listed in Attachment A prior to conducting any kind of examination, based on my training and experience, as well as information related to me by agents and others involved in the forensic examination of digital devices, I believe that the devices listed in Attachment A contain at least one gigabyte of storage space. A single gigabyte of storage space, or 1,000 megabytes, is the equivalent of 500,000 double-spaced pages of text.

d. Electronic files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted, or viewed via the Internet. Electronic files saved to a hard drive can be stored for years with little or no cost. Even when such files have been deleted, they can be recovered months or years later using readily-available forensics tools. Normally, when a person deletes a file on a computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space, i.e., space on a hard drive that is not allocated to an active file or that is unused after a file has been allocated to

a set block of storage space, for long periods of time before they are overwritten. In addition, a computer's operating system may also keep a record of deleted data in a swap or recovery file. Similarly, files that have been viewed on the Internet are often automatically downloaded into a temporary directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently downloaded or viewed content. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user's operating system, storage capacity, and computer habits. Recovery of residue of electronic files from a hard drive requires specialized tools and a controlled laboratory environment. Recovery also can require substantial time.

e. Although some of the records called for by this warrant might be found in the form of user-generated documents (such as word processing, picture, and movie files), digital devices can contain other forms of electronic evidence as well. In particular, records of how a digital device has been used, what it has been used for, who has used it, and who has been responsible for creating or maintaining records, documents, programs, applications and materials contained on the digital devices are, as described further in the attachments, called for by this warrant. Those records will not always be found in digital data that is neatly segregable from the hard drive image as a whole. Digital data on the hard drive not currently

associated with any file can provide evidence of a file that was once on the hard drive but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file). Virtual memory paging systems can leave digital data on the hard drive that show what tasks and processes on the computer were recently used. Web browsers, e-mail programs, and chat programs often store configuration data on the hard drive that can reveal information such as online nicknames and passwords. Operating systems can record additional data, such as the attachment of peripherals, the attachment of USB flash storage devices, and the times the computer was in use. Computer file systems can record data about the dates files were created and the sequence in which they were created. This data can be evidence of a crime, indicate the identity of the user of the digital device, or point toward the existence of evidence in other locations. Recovery of this data requires specialized tools and a controlled laboratory environment, and also can require substantial time.

f. Further, evidence of how a digital device has been used, what it has been used for, and who has used it, may be the absence of particular data on a digital device. For example, to rebut a claim that the owner of a digital device was not responsible for a particular use because the device was being controlled remotely by malicious software, it may be necessary to show that malicious software that allows someone else to control the digital device remotely is not present on

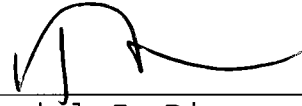
the digital device. Evidence of the absence of particular data on a digital device is not segregable from the digital device. Analysis of the digital device as a whole to demonstrate the absence of particular data requires specialized tools and a controlled laboratory environment, and can require substantial time.

g. Other than what has been described herein, to my knowledge, the United States has not attempted to obtain this data by other means.

VII. CONCLUSION

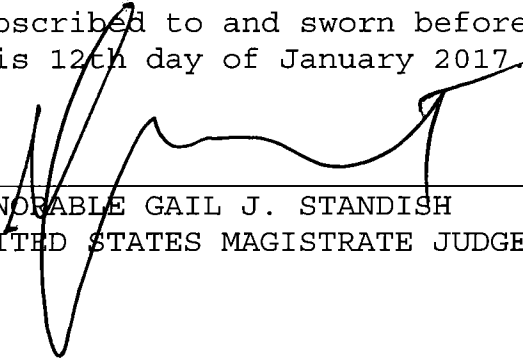
18. For all the reasons described above, there is probable cause to believe that JUSTIN ROBERT BURKETT violated Title 21, United States Code, Sections 841(a)(1), (b)(1)(B)(viii) (possession with intent to distribute at least 50 grams of a mixture of substance containing a detectable amount of methamphetamine).

19. Furthermore, there is probable cause to believe that the evidence, fruits, and instrumentalities of the offenses described in Attachment B will be found on the digital devices described in Attachment A.



Daniel J. Diaz
Federal Bureau of Investigation
Special Agent

Subscribed to and sworn before me
this 12th day of January 2017



HONORABLE GAIL J. STANDISH
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 1

SW NO. _____

STATE of CALIFORNIA, COUNTY of SANTA BARBARA, SEARCH WARRANT and AFFIDAVIT (AFFIDAVIT)

Detective Andrew White 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.



(Signature of Affiant)

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

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER IN THE COUNTY OF SANTA BARBARA: proof by affidavit, having been this day made before me by Detective Andrew White 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)

THE PREMISES at 407 N K Street, Lompoc, California, 93436; further described as a single-story residence with a crème color exterior and brown trim; including all rooms, attics, basements, and other parts therein, the surrounding grounds and any garages, storage lockers and/or rooms associated with the apartment, trash containers, and outbuildings of any kind located thereon. The residence is surrounded by a approx 3 foot brick wall and the driveway is in the south portion of the residence property with a large car port above half of it. The front door faces south towards the driveway. The residence has an apartment complex on either side of it.

ANY PERSON(s) contacted at or in the residence at the time of the search warrant execution who we believe are involved in criminal activity related to narcotics sales or this investigation.

ANY VEHICLE that is in the custody or control of **JUSTIN BURKETT** as evidence by ignition keys, or car door keys, or vehicle ownership documents in his/her possession, or on his/her person, or under his/her dominion and control, or by statements of witnesses, or any vehicle within the garages, grounds, or storage areas to be searched. Such search shall include containers of any kind within the vehicle.

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

See Attachment A & 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 13th day of December, at 7:34 pm A.M. / P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

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

(Signature of Magistrate)

Judge of the Superior Court of California, County of Santa Barbara, Lompoc Superior Court.

Patricia L. Kelly

(Magistrate's Printed Name)

ATTACHMENT A

Amphetamine/Methamphetamine; paraphernalia commonly associated with the possession, packaging and/or sale of Amphetamine/Methamphetamine such as scales, weighing devices and measuring devices, packaging materials including paper bindles, glass vials and plastic baggies, foil, sifters, filters, screens and cutting agents, recordation of the purchase and/or sales of Amphetamine/Methamphetamine including ledgers, notebooks, pay/owe sheets, personal phone books, and personal photographs which document possession, sales and/or possession for sale of Amphetamine/Methamphetamine, firearms and/or other weapons, as well as large sums of cash.

ATTACHMENT B

PROPERTY OF INDICIA:

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 mail box/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, and 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 which will document telephone numbers of co-conspirators, and if found, to activate the digital pagers/cell phones/tablets/iPhones/Computers display mechanism and to obtain messages and stored data from the pagers, cell phones, computers, tablets/iPads, answering machines, tape recorders, and any other recording devices, and to play such devices to obtain their messages for evidence of the crime listed in this warrant. Any examples of handwriting including letters, address books, business records, canceled checks, notes, and/or lists. It is also requested that Officers be able to seize DVR's or other recording devices used in home security or surveillance because these items tend to show illegal activity for the related crime if done in front of the camera.

CELLULAR DEVICES/TABLETS/COMPUTERS SYNC'D w/PHONES:

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 Officers true identity, and note and/or record any conversations and information received from the telephone calls, including caller identification information. Peace Officers, during the execution of this Search Warrant may seize cellular devices/Tablets/iPads and computers associated with the cellular phones/tablets/iPads, as they can be valuable evidence in narcotics related investigations through the syncing process.

With respect to cell phones, computer systems and any electronic items listed above the Peace Officers are authorized to transfer the booked evidence to a Law Enforcement examination location prior to commencing the search of the items.

All data that constitute evidence and instrumentalities of sales of methamphetamine occurring between 11/01/2016 and the date of the search.warrant service including communications referring or relating to this investigation involving any or all of the following:

1. All communications content, including email, text (SMS/MMS or app chats), notes, or voicemail. This data will also include attachments, source and destination addresses, and time and date information, and connection logs, images and any other records that constitute evidence and instrumentalities of sales of methamphetamine for the dates above, including communications referring or relating to this investigation together with indicia of use, ownership, possession, or control of such communications or information found.
2. All location data for the dates above. Location data may be stored as GPS locations or cellular tower connection data. Location data may be found in the metadata of photos and social networking posts, wi-fi logs, and data associated with installed applications
3. All photographic/video/audio data and associated metadata
4. All indicia of ownership and control for both the data and the cellular device, such as device identification and settings data, address book/contacts, social network posts/updates/tags, wi-fi network tables, associated wireless devices (such as known wi-fi networks and Bluetooth devices), associated connected devices (such as for backup and syncing), stored passwords, user dictionaries.

Investigating officers are authorized, at their discretion, to conduct an offsite search of the seized items for the property described and to download and store the data prior to reviewing it. Investigating officers and those agents acting under the direction of the investigating officers are authorized to access all data on the cellular device to determine if the data contains the items as described above. If necessary, investigating officers are authorized to employ the use of outside experts, acting under the direction of the investigating officers, to access and preserve data on the cellular device. Those items that are within the scope of this warrant may be copied and retained by investigative officers.

As required by California Penal Code § 1546.1 (d); any information obtained through the execution of this warrant that is unrelated to the objective of the warrant shall be sealed and shall not be subject further review, use, or disclosure absent an order from the Court.

If no evidence of criminal activity is discovered relating to the seized property and associated peripherals, the system will be returned promptly.

1

2

3

4 My name is Andrew White and I am your affiant. I have been employed with the Lompoc Police

5 Department since March 2007. During my time at the Lompoc Police Department, I have

6 worked several assignments including Patrol Officer and Field Training Officer. As part of my

7 duties as a Field Training Officer, I was in charge of training and evaluating new police officers

8 and teaching new police officers how to conduct sound narcotics investigations. In addition, I

9 am also an entry team member on our Department's Special Weapons and Tactics Team

10 (SWAT). In July of 2013 I was assigned to the Gang & Narcotics Enforcement Team as a

11 Narcotics Detective with the ancillary duties of being a Narcotics K-9 Handler. I have been

12 certified through the California Narcotics Canine Association (CNCA) as a Narcotics K-9

13 handler. I have attended formal CNCA training related to parcel interdiction, drug trafficking

14 techniques and enhanced search behavior. During my employment with the Lompoc Police

15 Department, I have participated in excess of 300 narcotics related investigations and have

16 participated in excess of 125 narcotics related arrests. I have in excess of 150 hours of

17 formalized training regarding the possession, use, influence, packaging and sales of controlled

18 substances including cocaine, base cocaine, heroin, methamphetamine, marijuana and other

19 illegal drugs.

20

21 On 12/13/2016 at approx 1400 HRS CHP conducted a traffic stop (Case F107-76016 Officer

22 Chapman) on a Chrysler 300 which was speeding SB on the US 101 Hwy. The driver identified

23 himself as JUSTIN BURKETT through a CDL he provided to the Officer. His license was

24 found to be suspended and a registration check of the vehicle found that it was stolen out of

1 Hollywood. BURKETT was arrested and a search of the center compartment of the vehicle
2 revealed a loaded .38 revolver, 112 grams of methamphetamine and two fraudulent checks made
3 out to JUSTIN BURKETT. During the booking process, JUSTIN BURKETT provided the
4 address of 862 E Lemon Avenue in Lompoc as his living address. This address does not exist
5 and it is known that he lives at 407 N K Street, Lompoc, CA. This shows that he is attempting to
6 conceal and/or distance himself from his true address where there may be additional evidence of
7 sales.

8
9 Based on my training and experience, 112 grams of methamphetamine is approx 4 ounces of
10 methamphetamine with a street value of \$5,600. This amount, if one person smoked 1 gram a
11 day, would be 112 days worth. 1 gram a day is considered a lot for one person a day and I have
12 had only two people advise me they smoke/inject 1 gram of methamphetamine a day and no one
13 has told me they smoke more than that on a regular basis. JUSTIN BURKETT does not
14 resemble a heavy user and with no paraphernalia for using, being located in the vehicle, I believe
15 the amount was for future sales.

16
17 The loaded firearm in the vehicle, based on my training and experience, was possessed for
18 readily defending the 4 ounces of methamphetamine that JUSTIN BURKETT had in his
19 possession. Drug dealers are commonly robbed for their cash or drugs during the time of high
20 value purchases. An ounce of methamphetamine purchased from a supplier is typically
21 purchased for around \$350. JUSTIN BURKETT purchased 4 ounces which he could have paid
22 around \$1,400 for. Knowing that a customer is showing up with \$1,400 cash makes that person
23 a target for being robbed knowing that person will not be reporting it to Law Enforcement.

24

1 With no sales paraphernalia found in possession of JUSTIN BURKETT and the fact that he was
2 heading towards the direction of Lompoc, I believe that JUSTIN BURKETT just picked up the
3 methamphetamine from another city to bring back to Lompoc for selling. I believe that JUSTIN
4 BURKETT will have his tools used to sell methamphetamine at his residence. The idea is that in
5 major cities, methamphetamine is a lot cheaper because it's plentiful. Dealers will travel to these
6 cities from Lompoc and purchase the methamphetamine for cheap where they then turn around
7 and sell it in smaller amounts in Lompoc, for a higher price because of the demand. An ounce of
8 methamphetamine purchased for \$350 and brought back to Lompoc, will yield approx \$1050
9 profit. This is why I believe BURKETT will have his sales paraphernalia such as digital
10 weighing scales, packaging material, large amounts of currency, additional weapons,
11 ammunition for those weapons, pay/owe sheets and cellular phones.

12

13 On 08/29/2016 LPD Detectives conducted a probation search at 407 N K Street where JUSTIN
14 BURKETT was contacted inside. He claimed the residence was his. He described his room as
15 located in the north western portion of the residence which he pointed out to us. JUSTIN
16 BURKETT has been identified as a Westside VLP Gang Member by Gang Detectives. He has
17 Westside VLP Gang tattoos and has been seen in regular observance with Westside VLP Gang
18 members. On this day, "Scrappy" aka Alberto Aceves was also contacted inside the residence
19 and was in possession of a machete when he came out to law enforcement contact, though he
20 dropped it right away when he realized it was LPD. Alberto Aceves is a long time Westside
21 VLP Gang member identified as a gang member by Gang Detectives.

22

23 With other gang members living at the same residence as JUSTIN BURKETT, I believe there is
24 a high likelihood that they are involved in the distribution of methamphetamine. Typically in a

1 larger residence, like 407 N K Street, suspects inside have time to react to the presence of law
2 enforcement and stash the narcotics. This could include on their person where they think they
3 are not subject to search. I respectfully request the search warrant authorizes law enforcement to
4 search each person inside the residence during the execution of the search warrant and all rooms
5 within the property area.

6
7 As recently as November of 2016, LPD Officers have seen JUSTIN BURKETT at this residence.

8
9 I completed a background check on JUSTIN BURKETT 01/01/1993. His history includes;

- 10
11 2009 – 243.2(A)(1) PC; Battery on Person (School Official/Hospital Staff/Etc) – Arrest Only
12 2011 – 422 PC; Threats – Arrest Only
13 2016 – 166(A)(9) PC; Violation of the Gang Injunction – Arrest (awaiting dispo)

14
15 I have learned through my training and experience as an officer and narcotics investigator that
16 person who sells controlled substances, receive phone calls, receive text messages from persons
17 who want to purchase controlled substances. During these phone conversations, the seller and
18 potential buyer speak directly and indirectly about the pending transaction and/or they use code
19 talk in order to work out the details of the transaction. Drug dealers also receive phone calls
20 and/or text messages from their sources where the dealer and their source discuss deliveries and
21 transactions of controlled substances. During these conversations the same type of code talk is
22 commonly used. It is also very common for drug dealers to possess cellular phones and
23 computers to assist in the facilitation of the sales. These conversations are also valuable
24 evidence that can be used in the prosecution of drug dealers. Therefore, I also request this search

1 warrant authorize searching officers to answer and search any of the following that JUSTIN
2 BURKETT has access to include residence phones, cellular phones, and any computers.

3

4 I request information be obtained from any phones possessed by JUSTIN BURKETT at the time
5 of arrest or found in his residence, for the requested dates of 11/01/2016 until date of search
6 warrant to show the ongoing narcotics activity. I know based on my training and experience that
7 persons who deal controlled substances use cellular phones (calling/texting/app messaging) to
8 communicate with customers about prices, deal locations and quantities. Because of this
9 information, I request information such as text messages, call history and contact lists (to identify
10 possible customers and suppliers to JUSTIN BURKETT) be obtained from the cellular devices
11 JUSTIN BURKETT in his possession. I also request data frequently called "notes" from the
12 phones seized because I know based on past investigations that dealers will keep "pay/owe's"
13 documented in their phones using an app that keeps notes. "Pay/Owe" information is a list of
14 persons who owe money to the dealer and who has paid their debt.

15

16 I also know from training and experience with these type of cases, that dealers who are social
17 media users, specifically with the "Facebook App" or "Messenger App" that is connected with
18 Facebook, will use its messaging system as a way to communicate with customers about
19 narcotics transactions. In recent trends, the "Messenger App" is used more frequently with
20 messaging than the cellular phones actual messaging application. I respectfully request law
21 enforcement officers be able to search and photograph messages to and from the cellular phones
22 possessed by JUSTIN BURKETT at the times of arrest and search warrant seizures. The time
23 frame requested to seize for data would be between 11/01/2016 until the search warrant and
24 service date, the same as requested for the cellular phone text messages.

1

2 I also request LPD law enforcement to search and seize any and all photographs/videos from
3 cellular phones seized from JUSTIN BURKETT. I know based on my training and experience
4 that narcotic dealers will photograph/video items and/or themselves with contraband relating to
5 narcotics sales such as large amounts of money made from narcotics sales, narcotics they are
6 trying to sell, weapons used to protect narcotics (in an attempt to dissuade someone from robbing
7 them), other profits from narcotic sales such as new vehicles, clothes, jewelry etc.

8

9 This information/data, if obtained, can be used as evidence to further this investigation on
10 JUSTIN BURKETT for sales of methamphetamine.

11

12 I request this warrant also authorizes LPD Detectives to seize any computers in possession of the
13 subject to be searched for evidence once on a cellular phone, that would be sync'd or
14 downloaded to the computer when the phone is connected to the computer. This is common with
15 Apple products such as iPhones and similar devices. Through my training and experience I
16 know that Apple iTunes creates a backup file, of all the data contained within the connected
17 device, on the computer. Backup files can also be created on connected computers from Android
18 devices such as the Samsung products, LG products and numerous other Android devices. This is
19 the same with phones/tablets running a Windows based operating system.

20

21 From the information contained in this affidavit, I have formed the opinion that
22 methamphetamine or sales paraphernalia is located at the residence of JUSTIN BURKETT at
23 407 N K Street, Lompoc, Santa Barbara County, CA. Persons who possess methamphetamine
24 ordinarily keep quantities of the controlled substances within their residence, in their vehicles

1 and on their person, for the purpose of immediate sales and transportation, as proven in the
2 initiated CHP case provided above. It is also my opinion that the paraphernalia enumerated in
3 the description portion of this warrant are articles that are commonly found in and associated
4 with the places where methamphetamine is found to be present and the residences of the suspect.

5
6 I wish to recover the enumerated articles of identification from the searched premises since they
7 will show the identity of persons exercising control over the methamphetamine and related
8 paraphernalia believed to be there. I expect to find such articles of identification based upon my
9 past experiences with searches and investigations of this type.

10
11 I commenced the actual physical mechanics of preparing this search warrant on 12/13/2016 at
12 1630 hours; under oath to this affidavit before the undersigned magistrate at the time and date
13 attested by said magistrate; and elapsed time reflected herein has been diligently utilized by your
14 affiant in the mechanics of physically preparing these documents, locating and consulting with
15 Deputy District Attorney T. Verburgt of the County of Santa Barbara in reference to the
16 aforementioned preparation; locating the appropriate magistrate; and transporting these
17 documents to the magistrate for his/her official action in connection therewith.

18
19
20