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2 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA


3 IN AND FOR THE COUNTY OF MODOC

4  
5 IN THE MATTER OF A SEARCH WARRANT ) ORDER SEALING  
6 # 027-SW-2019 ) SEARCH WARRANT  
7 ) DOCUMENTS.  
8 )

9 ORDER

10 Based on the foregoing affidavit and a reading of the search warrant, affidavit for  
11 search warrant and the search warrant return and inventory, it is hereby ordered that the affidavit for  
12 search warrant, search warrant, search warrant return and inventory, as well as the affidavit in support  
13 of sealing search warrant documents be sealed until further order of this court or any other competent  
14 court.

15 Dated: Aug. 7, 2019

16  )  
17 Judge of the Superior Court  
18 County of Modoc, State of California  
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3 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
4 IN AND FOR THE COUNTY OF MODOC  
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7 IN THE MATTER OF A SEARCH WARRANT ) AFFIDAVIT IN SUPPORT OF  
# 027-SW-2019 ) SEALING SEARCH WARRANT  
8 \_\_\_\_\_ )  
9

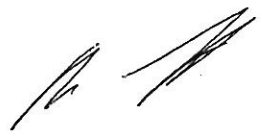
10 **AFFIDAVIT OF A. FREITAS**

11 I am the affiant in the search warrant described above, which was signed by the Honorable  
12 David Mason, Judge of the Superior Court of the County of Modoc on 07/31/2019.

13 I request the probable cause affidavit, search warrant, as well as this affidavit be sealed for the  
14 following reasons: I know that upon filing the search warrant, the affidavit for search warrant would  
15 become public information. The warrant sought pursuant to this affidavit relates to an on-going  
16 investigation, the nature of the investigation is sensitive. If the information contained in the affidavit  
17 for search warrant is made public, it could compromise this investigation.

18 I respectfully request that the probable cause affidavit for search warrant, search warrant,  
19 along with this affidavit in support of sealing search warrant documents be sealed. I further request  
20 that the sealed documents remained sealed and in the custody of the court clerk until further order of  
21 this court or any other competent court.

22 I swear under penalty of perjury that the forgoing is true and correct.  
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Executed on this 7 day of August, 2019.

A. Freitas, Wildlife Officer  
California Department of Fish and Wildlife

IN THE SUPERIOR COURT OF THE COUNTY OF MODOC,  
STATE OF CALIFORNIA

SEARCH WARRANT RETURN AND INVENTORY

For SW # 027-SW-2019

ENDORSED  
FILED  
AUG 07 2019  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MODOC

The property listed below was taken from the premises located and described as:

██████████, Lassen County, State of California.

In addition, as commanded by and pursuant to a search warrant dated 07/31/2019 and issued by the Honorable David Mason, Judge of the above court:

**The Search Warrant was served on 08/01/2019 and the following was seized:**

- 1 LG Android phone
- 1 Dell Inspiron laptop
- 1 Weatherby bolt action rifle serial# ██████████ with Bushnell scope
- 2 unfired rifle cartridges .223 Remington

I, A. Freitas, by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me pursuant to the search warrant on 08/01/2019.

A. Freitas, Wildlife Officer  
Department of Fish and Wildlife

Subscribed and sworn to before me this 8/7/19.

\_\_\_\_\_  
Judge of the Superior Court  
County of Modoc, State of California

STATE OF CALIFORNIA - COUNTY OF MODOC  
**SEARCH WARRANT AND AFFIDAVIT**  
**(AFFIDAVIT)**

M. Gonzalez #580 a sworn peace officer with the California Department of Fish and Wildlife swears under oath that the facts expressed by him in this Search Warrant and Affidavit and in the attached and incorporated statement of probable cause are true and that based thereon he has probable cause to believe and does believe that the property and/or persons 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.

[Signature] Night Search Requested Yes \_\_\_\_\_ No x  
(Signature of Affiant)

**(SEARCH WARRANT)**

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, CONSTABLE, MARSHAL, OR POLICE OFFICER IN THE COUNTY OF MODOC proof by affidavit having been made before me by M. Gonzalez that there is probable cause to believe that the property and/or person described herein may be found at the locations set forth herein and is lawfully seizable pursuant to Penal Code Section 1524 as indicated by X(s) in that:

- \_\_\_\_\_ it was stolen or embezzled
- \_\_\_\_\_ it was used as the means of committing a felony
- x it is possessed by a person with the intent to use it as a means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery
- x it tends to show that a felony has been committed or that a particular person has committed a felony
- \_\_\_\_\_ it tends to show that sexual exploitation of a child, in violation of Section 311.3, or depiction of sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring
- \_\_\_\_\_ there is a warrant for the person's arrest;

**YOU ARE THEREFORE COMMANDED TO SEARCH:**

The premises at [Redacted Address], in the unincorporated area of Lassen County, State of California and the person of Brett Gagnon.

The main house on the property is a two-story home with light brown siding. There is a corrugated metal roof and also a metal corrugated roof covering the porch. The house has white trim windows and white trim on the corners of the house. There is a rectangular upstairs window (longer width than height) on the front side of the house (southeast corner). There is also a smaller square upstairs window on the front side of the house (northeast corner). There is a wood and wire fence bordering

the property with [REDACTED]. There is a wooden sign, above the entry gate to the property, with the numbers [REDACTED] on it. A concrete walkway extends from the entry gate to the front of the house. The yard has grass in the front and both side yards.

There is a second residential structure just to the North of the main house. There is no delineating boundary or fencing between the main house and this second structure. There is a continual grassy yard that extends from the main house to this second structure. The same wood and wire fence that borders the main house along Armstrong road also borders the front of this second structure along Armstrong road. There is another entry gate along this fence in front of this second structure which has a sign above it that says "[REDACTED]" on it. This second structure is a single story residence with white siding and metal roof. There are approximately 3-5 cement steps that lead to the front door.

There is also a modular type home located to the north-west of the other two structures. The modular home has a yellowish brown color with a darker brown colored roof. There is a white door and a small overhang supported by two white posts on the east side of the modular home (facing Armstrong road). There is also a window with white shutter trim located near the center of this same east facing side of the modular home.

Including all outbuildings, barns, vehicles and UTV's on the property.

**FOR THE FOLLOWING PROPERTY AND EVIDENCE:**

.22 caliber centerfire firearms.

.22 caliber centerfire ammunition

Reloading equipment

Android enabled mobile cellular devices associated with the [REDACTED]@gmail.com and/or found under the dominion and control of Brett Gagnon including but not limited to an LGE model LM-G710 device with IMEI number [REDACTED] and/or serial number [REDACTED], a Motorola model XT1093 device with an [REDACTED] and/or serial number [REDACTED], and a Samsung model SM-T550 device with a serial number [REDACTED]; And to examine said mobile cellular devices for all data that constitute evidence and instrumentalities of illegal taking of an endangered species and conspiracy to commit a crime between 11/09/2018 and date of execution of this search warrant, including:

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 illegal taking of an endangered species and conspiracy to commit crime for the dates above, including communications referring or relating to this investigation involving

Brett Gagnon 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 internet history for the dates above, including cookies, bookmarks, web history, search terms
5. All financial information.
6. 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.

During the execution of this search warrant, law enforcement personnel are authorized to depress the fingerprints and/or thumbprints of Brett Gagnon during the execution of the search for any fingerprint sensor-enabled device that is located at the premises or found on his person and falls within the scope of the warrant, onto the fingerprint sensor of the device (only when the device has such a sensor) in order to gain access to the contents of any such device.

Investigating officers are authorized, at their discretion, to conduct an offsite search of the seized items for the property described. 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. Outside experts may be from allied agencies including but not limited to a Computer Crimes Task Force, DOJ, FBI, District Attorney's Office, or other governmental agency, or from commercial digital forensic examiners including but not limited to Cellebrite and Greykey.

Those items that are within the scope of this warrant may be copied and retained by investigative officers.

Paired laptops, computers, and tablets

As required by California Penal Code § 1524.1 (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.

Some of the procedures used to extract data from digital devices may damage the device or render it permanently inoperable.

Indicia of residency.

AND TO SEIZE AND EXAMINE THAT INFORMATION and bring it forthwith before me, or this court, at the courthouse of this court, and to hold such property in your possession under California Penal Code Section 1536. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this

3<sup>rd</sup> day of July 2019, at 1:20 AM/PM

Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

*David A. Nava*  
(Signature of Magistrate)  
Judge of the Superior Court, Modoc Judicial District



NIGHT SEARCH APPROVED: YES \_\_\_ NO \_\_\_

### OVERVIEW OF RANCH



Modular home

Second residence

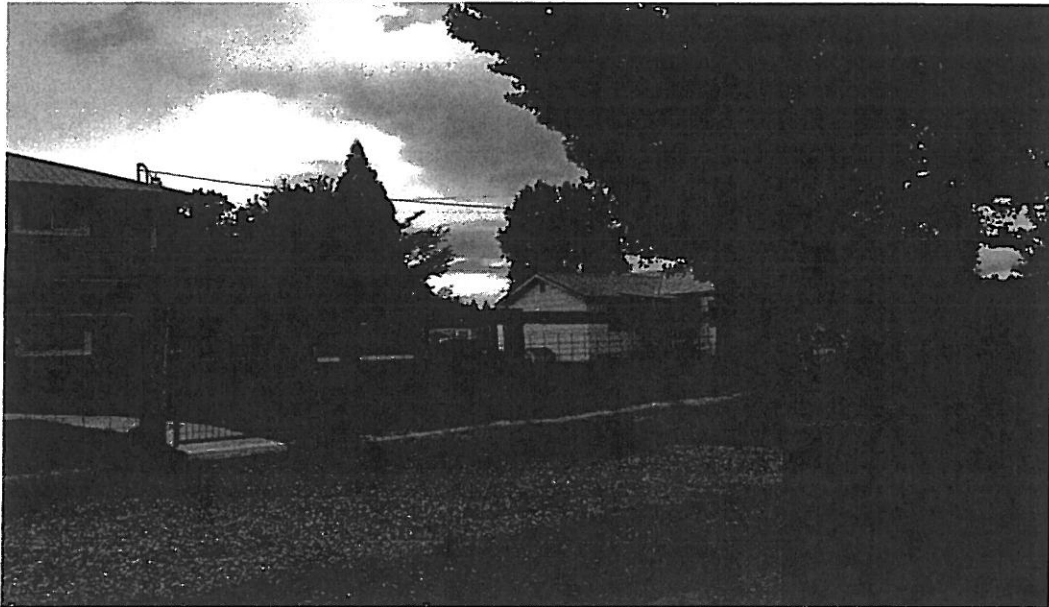
Main Residence



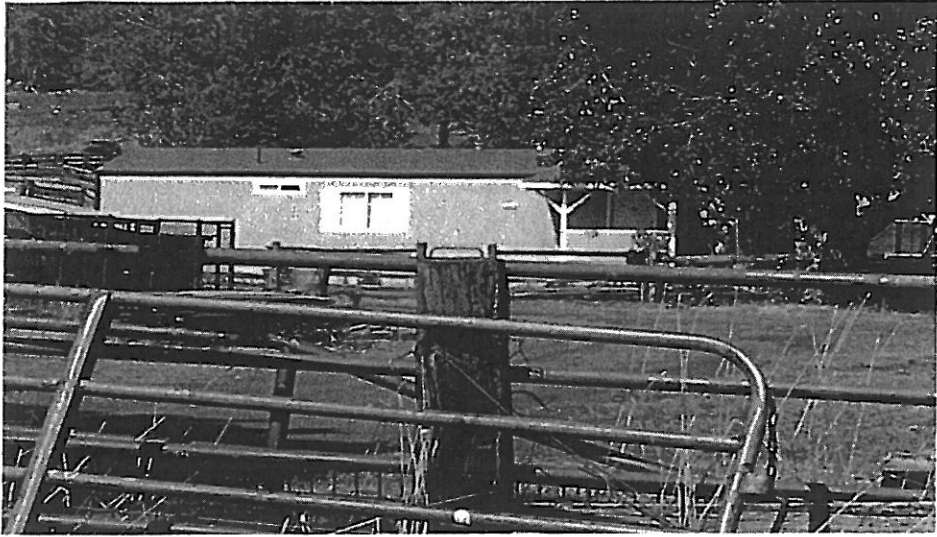
**MAIN RESIDENCE**



**SECOND STRUCTURE IN RELATION TO MAIN HOUSE**



**MODULAR HOUSE**



AFFIDAVIT FOR SEARCH WARRANT  
California Department of Fish and Wildlife

1    **Affiant:**

2       I, Lieutenant M. Gonzalez, #580 (Affiant), am a duly qualified peace officer employed by the  
3 California Department of Fish and Wildlife. I have 23 years of Law Enforcement experience. I  
4 am currently employed with the California Department of Fish and Wildlife and have been so  
5 employed since September 2002. My primary duty is the enforcement of the California Fish and  
6 Game Code and regulations made pursuant thereto. I am currently assigned to investigate the  
7 illegal trafficking of wildlife over the internet. This includes investigating a multitude of wildlife  
8 crimes including the unlawful harvesting and possession of fish and wildlife, the illegal trafficking  
9 and possession of restricted species, and crimes associated with the black market trade of fish and  
10 wildlife. I have attended internet related trainings which include: Online Investigations,  
11 Facebook for Law Enforcement, Dark Web for Law Enforcement, Cryptocurrency for Law  
12 Enforcement, and the California District Attorneys' Association High Tech and Digital Evidence  
13 Symposium. I have attended a Google Geo Fence webinar. I have authored and served several  
14 search warrants on companies which store electronic communications to include Instagram,  
15 Facebook, Craigslist, Twitter, Metro PCS, Cellco Partnership LLP, d/b/a Verizon Wireless,  
16 Charter Communications, Google LLC, and AT&T Wireless. I have authored and served  
17 numerous search warrants for cellular devices and records, person's residences, and for the  
18 installation of GPS trackers to continually monitor person's vehicles. I have also authored and  
19 served a search warrant for the installation of a pen register/trap and trace device where I  
20 monitored persons' cell phone activity on a real time on-going basis. I regularly map cell phone  
21 location data associated with suspected violators of Fish and Wildlife laws using cellular mapping  
22 software which automates cell phone records analysis. Using cell phone records and cell phone  
23 mapping software I have been able to place persons at crime scene locations.

24       Prior to my employment with the California Department of Fish and Wildlife, I was employed  
25 for six years as a Parole and Probation Officer.

26       I have completed a 7 month Fish and Game Academy at Napa Valley College in Napa,  
27 California and an additional 80 hour academy at the 2008 Western States Wildlife Investigators  
28 Covert Academy in McCall, Idaho. I completed the U.S. Department of Justice Desktop Guide to  
29 Good Parole and Probation and the Oregon Department of Public Safety Standards and Training

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California Department of Fish and Wildlife

1 Certified Parole and Probation Officer Academy.

2 I hold a Bachelors of Science Degree in Sociology.

3 **Purpose of Affidavit:**

4 The purpose of this Search Warrant and Affidavit in Support thereof is to obtain judicial  
5 authority to search the premises known as [REDACTED], in the unincorporated area of  
6 Lassen County, State of California for .22 caliber centerfire firearms; .22 caliber centerfire  
7 ammunition; reloading equipment; Android enabled mobile cellular devices associated with the  
8 [REDACTED].@gmail.com and/or found under the dominion and control of Brett Gagnon  
9 including but not limited to an LGE model LM-G710 device with IMEI number  
10 [REDACTED] model XT1093  
11 [REDACTED] and a Samsung  
12 model SM-T550 device with a serial number [REDACTED]; laptops, computers,  
13 and tablets paired with these devices, and to perform a digital forensic examination of these  
14 devices; indicia of residency.

15 **Investigation:**

16 In early December of 2018 Wildlife Officer A. Freitas investigated a Global Positioning  
17 System (GPS)-collared wolf, which was found dead along Co Rd 91 in Modoc County. California  
18 Department of Fish and Wildlife's Investigations Lab determined the collared wolf's cause of  
19 death to be a single gunshot wound. Time and location of death was determined with a high  
20 degree of accuracy as the GPS collar affixed to the wolf is able to sense mortality, and when  
21 mortality is sensed the collar reports the corresponding time and GPS coordinates. Time of death  
22 is believed to be approximately 1338 hours on 12/09/2018. The California Department of Justice  
23 Laboratory examined the bullet extracted from the Wolf and determined it to be a .22 caliber  
24 centerfire jacketed bullet.

25 The Grey Wolf is a listed Endangered Species both Federally and in the State of California, the  
26 "take", or kill of which is strictly prohibited. It is a violation of Fish and Game Code section 2080  
27 – unlawful take of Endangered Species, and Penal Code section 597 animal cruelty. No  
28 eyewitnesses have come forward.

29 Given the widespread prevalence of mobile cellular devices in modern society and the fact

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California Department of Fish and Wildlife

1 Google LLC actively collects location information from a large number of mobile cellular devices,  
2 on 01/14/2019 Honorable Francis Barclay, Judge of the Modoc Superior Court issued a search  
3 warrant compelling Google LLC to provide location information which could place a possible  
4 suspect of this crime at the scene (See Attachment A). This warrant compelled Google LLC to  
5 provide information in 3 separate steps. The first batch of information Google LLC provided was  
6 an anonymized list of devices which reported a location inside of a specific geographical area  
7 around the kill site of the collared wolf and the most probable escape/travel routes to and from the  
8 kill site. The second step of this warrant compelled Google LLC to provide additional location  
9 information without limited geographical boundaries for certain specific devices (ID's still  
10 anonymized) A. Freitas and I identified from the first list (in effect, devices we could not eliminate  
11 as possible suspects). From this second expanded set of data, A. Freitas and I were able to  
12 eliminate all but three devices as possible suspects. We later determined two of these devices  
13 were likely just traveling through the area-an activity inconsistent with illegal hunting activities.  
14 This remaining third device appeared to be associated with a local area resident whose movements  
15 may have been innocent or associated with illegal hunting activity.

16 The third step of this warrant authorized the unmasking of any device that appeared may  
17 have been involved in this crime. I requested the unmasking of two devices. As previously  
18 mentioned, one of the devices eventually was determined to have been likely just traveling  
19 through the area. The other was identified as associated with a local Modoc County resident  
20 named Brett Gagnon, date of birth (██████)/1996, from Adin, CA. Brett Gagnon is a 23 year old  
21 adult male and the son of Steve Gagnon. Steve Gagnon is the owner of Adin Supply in Adin, CA.  
22 Adin Supply historically co-hosted (with the Pit River Rod and Gun Club) an annual weekend  
23 coyote hunting contest where hunters were offered prizes for the most coyotes killed during the  
24 contest. These contests were subsequently outlawed by the California Fish and Game  
25 Commission. It is now against the law to offer a prize for any hunting contest. This coyote  
26 hunting contest was controversial and was the focal point for groups advocating for it to be  
27 outlawed. The groups opposing the coyote hunting contest cited unethical hunting practices and  
28 believed they were nothing more than killing contests. The persons supporting/participating in the  
29 contest argued they were necessary to control coyote populations which preyed on ranchers'

AFFIDAVIT FOR SEARCH WARRANT  
California Department of Fish and Wildlife

1 livestock. This coyote hunting contest became contentious one year when Steve Gagnon, Brett  
2 Gagnon's father, assaulted a protester during the weekend contest. Steve Gagnon was cited for the  
3 incident but the district attorney declined to file any charges against him.

4 I queried Brett Gagnon through our Department's Automated Licensing Data System (ALDS)  
5 and discovered Brett Gagnon is a licensed hunter. Brett Gagnon annually procures a hunting  
6 license and annually applies for or is issued big game hunting tags.

7 On the day the wolf was killed Brett Gagnon's device reported locations at a Ranch south of  
8 Adin. A. Freitas later determined this ranch to be the "[REDACTED]". The [REDACTED] family are  
9 relatives to the Gagnons. I identified one individual associated with the [REDACTED] [REDACTED]  
10 [REDACTED] with a date of birth of [REDACTED]. According to open source internet resources, [REDACTED]  
11 is the president of the Pit River Rod and Gun Club which co-hosted the annual coyote hunting  
12 contest. The hunting contest became contentious one year and the event was moved out of the  
13 public view in Adin to a private location at the [REDACTED] Ranch. I queried [REDACTED] through our  
14 departments ALDS and discovered [REDACTED] is also a licensed hunter who annually procures a  
15 hunting license and annually applies for or is issued big game hunting tags. Using open source  
16 internet resources, I identified a Facebook page belonging to [REDACTED]. His Facebook page  
17 listed his employment as [REDACTED]. I noticed one particular post on his Facebook page (a  
18 flyer in electronic form). It read, "*Pit River Rod and Gun Club's 13<sup>th</sup> Annual Sportsman's  
19 Summit! February 1<sup>st</sup> & 2<sup>nd</sup>, 2019 Adin Community Hall Sign up from Noon till 7 pm On Friday  
20 \$25 per person on Fri to get your t-shirt and drink tickets Banquet Saturday. Doors open at 5:30,  
21 dinner at 7. Hunt Coyotes all weekend!!! Lots of Great Stuff To Win At The Banquet for info call  
22 640-0715.*" I queried this phone number through TLO which is an investigative and risk  
23 management tool comprised of public and proprietary records and is a data base for background  
24 research on people, assets and businesses. TLO listed this telephone number as being subscribed  
25 to by [REDACTED]. The Sportsman Summit is hosted by the Pit River Rod and Gun Club, which is  
26 the same co-host of the annual coyote hunting contest. The Sportsman Summit is described as the  
27 '13<sup>th</sup> Annual'. If the banned coyote hunting contest were still an annual ongoing legal event it  
28 would have been the 13th annual contest. The time of year that this Sportsman Summit is now  
29 being held is the same time of year the historic coyote hunting contest occurred, during the first

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1 weekend in February. The flyer advertises *'hunt coyotes all weekend long!!!'*

2 On May 15th, 2019 Honorable David Mason, Judge of the Modoc Superior court issued a  
3 search warrant compelling Google LLC to provide additional information specific to Brett  
4 Gagnon's Google account [REDACTED]@gmail.com. (See Attachment B). The information  
5 sought from this search warrant included location history from November 2018 to May 2019,  
6 photos, internet searches, browsing history, and additional account information.

7 The location history from Brett Gagnon's account on the day the wolf was killed (12/09/2018)  
8 revealed additional coordinates which placed Gagnon's device even closer to the kill site than the  
9 initial set of data did. These additional coordinates were sourced from cell hits (note – coordinates  
10 sourced from cell hits were not provided by Google LLC from the initial warrant). These cell  
11 location hits placed his device approximately 1.5 miles from the kill site with a degree of certainty  
12 which encompassed the kill site (See attachment C). There were 7 of these cell sourced hits which  
13 ranged in time from 1306 to 1329. The mortality signal from the Wolf's collar was 1338.

14 I reviewed all of the reported location data from the [REDACTED]@gmail.com account on  
15 12/09/2018 and observed the following pattern of movement. The device begins the day at a  
16 residence on Ash Street in Adin, CA (there is probable cause Brett Gagnon was residing here at  
17 this time as I noticed a significantly large number of location hits reporting from this residence  
18 over a consistent period of time, including late evening and early morning hours when persons are  
19 typically home at their places of residence), and at approximately 0830 hours Gagnon's device  
20 travels to [REDACTED] in Lassen County (the [REDACTED]). At approximately 1140  
21 hours Gagnon's device travels to [REDACTED] (Gagnon's parent's home), is located there for  
22 approximately 10 to 15 minutes, Gagnon's device then returns to the residence on Ash street for  
23 approximately 10 minutes. Gagnon's device then travels to Lookout, CA, and begins reporting  
24 location data at a Ranch along Co. Rd 91 approximately 7 miles south of the wolf's kill site.  
25 Gagnon's device reports GPS location data at this ranch location from approximately 1230 hours  
26 to approximately 1330 hours (with the wolf's mortality signal beginning at 1338 hours). The  
27 degree of certainty of this reported GPS location data during this hour varies between 9 meters and  
28 6,927 meters. The outermost accuracy range to the north would have been approximately 1.8  
29 miles from the wolf's kill site, an estimated 2 minute drive. In addition to the GPS sourced

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1 location data, Brett Gagnon's device reported locations sourced from cell towers which placed it  
2 closer to the wolf's kill site (approximately 1.5 miles) with a degree of certainty which  
3 encompassed the wolf's kill site. His device reported seven separate cell sourced locations  
4 between the hours of 1306 and 1329. At approximately 1330 hours Gagnon's device leaves the  
5 area and travels back to the residence on Ash street, arriving there at approximately 1402 hours,  
6 remains there for approximately 15 minutes, travels to Adin Supply (Gagnon's parents-owned  
7 store) arriving at 1420 hours, and then travels to 51 [REDACTED] (Gagnon's parents' residence)  
8 arriving at approximately 1437 hours. Gagnon's device is at 5 [REDACTED] for approximately  
9 20 minutes, and then travels to a ranch along Co. Rd 87 (believed to be the [REDACTED]  
10 [REDACTED]) arriving there at approximately 1515 hours. The travel into Adin to the Ash  
11 street residence, Adin Supply, and then to Gagnon's parent's house is not on the way to the ranch  
12 along Co. Rd 87. In fact, when returning from the area of the wolf's kill site, Gagnon's device is  
13 tracked to have passed right by this ranch along Co. Rd 87 only to return a short time later.

14 Note: In addition to the reported location data described above, I also reviewed reported  
15 location data which showed this device at completely different locations no-where near the wolf's  
16 kill site (see attachment C). Essentially the historical sourced location data shows this device at  
17 several different locations at approximately the same time. Obviously, this would not be  
18 physically possible. In consultation with a third party company who provides cell mapping and  
19 Google LLC location data mapping services to law enforcement, it is not fully known exactly how  
20 Google LLC is collecting their location data or how the algorithms Google LLC uses specifically  
21 work. In order to determine the accuracy of any given individual point you must analyze it in  
22 context with others and/or with other known information. For instance, specific to Gagnon's  
23 device being near the area of the wolf's kill site, there are numerous data hits showing a logical  
24 travel route up to the area around the wolf's kill site. It showed location points which were  
25 consistent with travel along the roadway and were spaced out over a time period which made  
26 sense for someone traveling by vehicle. Also, known information can help authenticate certain  
27 data points or sets of points. For instance, over the course of 6 months this device reported  
28 numerous locations data points which placed the device at 5 [REDACTED] in Adin, CA. This is  
29 Gagnon's parents' home, which is known information. Additionally, at one point the device



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1 reported location information which showed travel in Arizona. A review of the photos associated  
2 with Brett Gagnon's account revealed photos of the Grand Canyon on the same dates the device  
3 shows travel in Arizona. Google LLC provided this statement in reference to the 6 months of data  
4 I received from them, "The maps display radius field reflects an estimated uncertainty value  
5 regarding the reported coordinate. Its value depends on a great many factors and is an  
6 approximation sufficient for its intended product uses." The reported location points which place  
7 Gagnon at different locations away from the kill site at approximately the same time are random  
8 and without context. I believe these other reported location points are not accurate.

9 Based on other information I received from Google LLC specific to the  
10 b [REDACTED]@gmail.com account which included photos and web browsing history, Brett  
11 Gagnon is clearly involved in cattle ranching. I observed one photo contained on Gagnon's  
12 account dated 02/08/2019 which depicts a young calf which appears to have been killed by some  
13 predator. Another picture I observed contained on Gagnon's account was a still screenshot taken  
14 from a short video which appears to depict three grey wolves. The video is dated 12/26/2018. I  
15 reviewed the sourced location history from the b [REDACTED]@gmail.com account on 12/26/2018  
16 which shows the device located at or near three different ranches in Modoc and Lassen Counties.

17 **Conclusions:**

18 On 12/09/2018, shortly before approximately 1338 hours an Endangered Grey Wolf was  
19 unlawfully shot and killed by a .22 caliber centerfire gunshot wound in an unincorporated, rural  
20 area of Modoc County California. This killing of the wolf is both a state and federal crime. The  
21 wolf was under Wildlife Biologists' supervision and was being tracked with a GPS collar.  
22 Consequently, time of death and location of death was determined with a high degree of accuracy.  
23 It is reasonable to believe the firearm used to carry out this crime is still in the possession of the  
24 person who used it or is being concealed to prevent its discovery. From my training and  
25 experience illegal wildlife poachers will usually maintain possession of the weapon they used.

26 On 01/14/2019 Honorable Francis Barclay, Judge of the Modoc Superior Court issued a search  
27 warrant (Attachment A) compelling Google LLC to provide anonymized sourced historical  
28 location data for the area surrounding the wolf's kill site and escape travel routes to and from the  
29 wolf's kill site. Analysis of this data determined a device which was near the wolf's kill site the

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1 hour before the wolf was killed. Google LLC has confirmed this device is subscribed to by Brett  
2 Gagnon whose Gmail account is [REDACTED]@gmail.com.

3 A second search warrant served on Google LLC specific to the [REDACTED]@gmail.com  
4 account (Attachment B) revealed additional location data sourced from 'cell' information which  
5 placed this device even closer to the wolf's kill site than the anonymized data did. In fact, the  
6 certainty factor provided from Google LLC on these 'cell' hits encompassed the wolf's kill site  
7 (Attachment C). Although there are other reported location data hits which show this device at  
8 other locations completely away from the wolf's kill site, these data hits are historical anomalies  
9 and do not provide the same context for this particular travel route during the critical hours. On  
10 the other hand, the data points placing this device at the wolf's kill site do have context and show  
11 a logical travel pattern up to the area near the wolf's kill site, placing Gagnon's device near the  
12 site at the time the wolf was likely shot and killed.

13 When I looked at the 6 months of location data from the b [REDACTED]@gmail.com account I  
14 did see that Gagnon traveled to the same ranch 7 miles south of the wolf's kill site, as well as that  
15 Gagnon traveled by the wolf's kill site on other occasions. I did not observe any type of consistent  
16 travel pattern to this area which would suggest that the travel time and location was merely a  
17 coincidence.

18 Brett Gagnon, Gagnon's father Steve Gagnon, as well as his relative [REDACTED] are involved  
19 in cattle ranching. A dead cow (which was determined to have been hit by a vehicle, not killed by  
20 the wolf) was laying along the roadway near the site where the wolf was killed. Consequently it is  
21 probable a closely located cattle rancher may have been aware of the dead cow and may have seen  
22 the wolf in the area. A. Freitas and I believed the wolf was likely feeding on this cow as the wolf  
23 was killed in the same location the cow was located. Brett Gagnon is a licensed hunter and  
24 procures a hunting license annually. Brett Gagnon's father Steven Gagnon and his relative [REDACTED]  
25 [REDACTED] are also licensed hunters and were organizers of the annual coyote hunting contest until  
26 offering a prize to hunt coyotes was outlawed. It appears E [REDACTED] now organizes a  
27 "Sportsman's Summit" where he appears to encourage people to hunt coyotes but does not offer a  
28 prize. Location information from Brett Gagnon's device places Gagnon at both the [REDACTED]  
29 and s parent's home a few hours before the wolf was killed. Based on my training and experience,

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1 I know hunting is commonly a traditional, family event making it probable that Brett Gagnon  
2 likely also participates in coyote (predator) hunting. The type of weapon used to kill this wolf was  
3 a .22 caliber centerfire weapon. .22 caliber centerfire weapons are common in and of themselves  
4 but are specifically commonly used to hunt coyotes. Given the heavy family involvement in  
5 hunting coyotes and the fact hunting is commonly a family-based activity it is reasonable to  
6 believe Brett Gagnon, Steve Gagnon, and [REDACTED] possess and/or have access to .22 caliber  
7 centerfire weapons. Based on the training and experience of myself and A. Freitas, we believe the  
8 person who committed this crime was either engaged in coyote hunting or is someone involved in  
9 the ranching trade, whether a licensed hunter or not, who is unhappy about the wolf presence in  
10 the state, views the wolf presence as a threat to their livestock, and is willing to risk violating the  
11 law to protect their property. Brett Gagnon was most likely at both the [REDACTED] and his  
12 parents' home earlier the same day the wolf was killed. His relative [REDACTED] is also a licensed  
13 hunter who organizes the 'Sportsman's Summit' where they encourage people to hunt coyotes. I  
14 believe there is probable cause Brett Gagnon participated in the killing of the wolf to some degree  
15 either as the actual shooter or a co-conspirator.

16 Brett Gagnon is believed to be near the kill site of the wolf around the time the wolf was shot  
17 and killed. Additionally, immediately after the wolf was shot and killed, Brett Gagnon's device  
18 reported location data showing his device leaving this area, returning to Ash street in Adin  
19 (believed to be Gagnon's residence at the time), going to the Adin Supply (his parents'- owned  
20 store), [REDACTED] (his parents' house), and then to a ranch along Co. Rd. 87. Each of these  
21 stops in Adin are out of the way if Gagnon was traveling from the wolf's kill site to the ranch  
22 along Co. Rd 87. In fact, he passed right by this ranch to go to back into Adin. This is not in and  
23 of itself illegal and could have an innocent explanation, such as forgetting an item, picking  
24 someone or something up, dropping someone or something off, etc. However, this travel is also  
25 consistent with someone involved in illegal poaching activity, including someone trying to conceal  
26 evidence used to commit a crime, specifically the firearm, or dropping off a co-conspirator. From  
27 my training and experience I know persons engaged in hunting or poaching activity often do so  
28 with a partner/companion. It is reasonable to believe the firearm used to carry out this crime is in  
29 Brett Gagnon's personal possession and likely being maintained at his residence or a co-

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1 conspirator's residence.

2 Brett Gagnon, his father Steve Gagnon, and relative [REDACTED] are all licensed hunters. Steve  
3 Gagnon and [REDACTED] have helped organize annual coyote hunting events indicating a  
4 significant involvement in predator type hunting. Hunting activity is commonly a family-  
5 orientated event and tradition. .22 caliber centerfire firearms are not only a common weapon  
6 system but are typically the caliber of choice used to engage in coyote/predator hunting. It is  
7 reasonable to believe Brett Gagnon, his father Steve Gagnon, and relative [REDACTED] possess .22  
8 caliber centerfire firearms the same caliber firearm used to kill the wolf. Brett Gagnon, Steve  
9 Gagnon, and [REDACTED] are involved in cattle ranching. A photo found on Brett Gagnon's phone  
10 depicted a dead calf which appeared to have been mauled/killed by a predator (dated after the wolf  
11 was killed, not before). This, coupled with the families' involvement in organizing coyote hunting  
12 events, suggests a certain consciousness of predators and a willingness to eliminate predators  
13 including wolves which threaten their property/livestock. Comparing Brett Gagnon's location  
14 history to the date of this photograph, it appears the photo may have been taken at the  
15 [REDACTED] ranch in Modoc County. A. Freitas queried all reported wildlife incidents in  
16 Modoc and Lassen counties surrounding this time frame. There are no reported incidents. There  
17 is no requirement to report livestock depredation incidents, but ranchers can utilize CDFW's  
18 Wildlife Services and/or be issued depredation permits when they report predators that kill their  
19 livestock. The lack of any depredation reports could suggest a willingness for Brett Gagnon  
20 and/or his working partners to take matters into their own hands when it comes to wildlife  
21 incidents. In addition to Brett Gagnon, Steve Gagnon, and [REDACTED] all likely possessing the  
22 means to commit this crime, all having a potential reason to commit this crime, Brett Gagnon's  
23 mobile cellular device places him near the kill site of the wolf around the wolf's time of death  
24 giving him or a co-conspirator a clear opportunity.

25 A picture/video of a pack of three wolves was found on Brett Gagnon's phone (none of which  
26 is believed to be the wolf that was killed as this picture is dated after the wolf was killed).  
27 Comparing location history to the dates on this picture/video, it is suspected to have been taken in  
28 Modoc or Lassen Counties. At face value this photo doesn't depict anything illegal. It could be  
29 just a coincidence that the unmasking of the single suspect we discovered from the initial

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1 anonymized Google location data search happened to have a video on his phone of three wolves.  
2 But, it could also mean Brett Gagnon and/or his companions are more familiar with wolf travel  
3 patterns than any typical person. Of additional note, one of the areas I suspect the video of the  
4 wolf may have been taken was the same ranch the picture of the mauled calf may have also been  
5 taken.

6 At the time the wolf was killed location data from Brett Gagnon's device indicated he resided  
7 at a residence on Ash Street in Adin, CA. This was determined by a significantly large number of  
8 location hits reporting from this residence on Ash Street over a consistent period of time,  
9 including late evening and early morning hours when persons are typically home. However  
10 around March of 2019 the location data from Brett Gagnon's device indicated he moved to a new  
11 residence located at [REDACTED] (the [REDACTED] Ranch), in the unincorporated area of  
12 Lassen County. Again, this was determined by a new large number of location hits at this specific  
13 residence over a consistent period of time including late evening and early morning hours. The  
14 device had a significantly large amount of pings at and around a modular trailer on the Ranch at

15 [REDACTED]. The last location data I received from the [REDACTED]@gmail.com  
16 account was on 05/01/19. Over the course of a couple of hours in the early evening on 07/22/19,  
17 Wildlife Officers M. Ratley, S. Huntsman and I saw Brett Gagnon separately and at different  
18 locations around the ranch at [REDACTED]. He was engaged in activities consistent  
19 with someone associated with the residences located there, including walking around the ranch  
20 near the modular trailer, driving a flatbed pickup, and driving a UTV. While Brett Gagnon's  
21 location data had a significant amount of hits at and around the modular trailer (believed to be  
22 Brett Gagnon's specific residence), the location data indicated Brett Gagnon had unrestricted  
23 access around the ranch. The Ranch is family-owned and it is common for family members to  
24 allow visitation and access to each others' residences. In fact, it would be uncommon for family  
25 members to restrict access to their residences to close family members. It is reasonable to believe  
26 the firearm used to commit this crime could be secured in any of the residences on the Ranch.  
27 Officers S. Huntsman, M. Ratley, and I have observed numerous vehicles associated with the  
28 property including but not limited to flatbed pickup trucks and UTV's. Firearms are commonly  
29 transported in vehicles and UTV's, and a firearm may be stored in one of these vehicles located on

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1 the property.

2 There is probable cause to believe Brett Gagnon was involved in the illegal take/killing of a  
3 grey wolf on 12/09/2018 either as the actual shooter or a co-conspirator. There is probable cause  
4 to believe Brett Gagnon has .22 caliber centerfire firearms and .22 caliber ammunition which are  
5 typically stored at person's residence. The Department of Justice discovered a unique marking on  
6 the .22 caliber bullet used to kill the wolf. One possibility is that this marking was made from  
7 some sort of reloading equipment. Reloading equipment is also commonly kept at person's  
8 residence. Brett Gagnon has an Android based cellular phone (smartphone) operated by Google  
9 LLC. Google LLC has confirmed this. This device was located near the kill site of the wolf.  
10 Based on my training and experience, and the training and experience of other seasoned officers,  
11 individuals will use cellular phones prior to, during, and after the commission of wildlife crimes to  
12 contact other conspirators, family, friends and associates and to facilitate other criminal conduct  
13 and to avoid apprehension. Google LLC has confirmed the following devices associated with the  
14 [REDACTED]@gmail.com account: An LGE model LM-G710 device with IMEI number  
15 [REDACTED] and/or serial number [REDACTED], a Motorola model XT1093  
16 device with an [REDACTED], and a Samsung  
17 model SM-T550 device with a serial number [REDACTED]. Persons commonly  
18 carry their phones on their person and keep them at their places of residence.

19 From my training and experience, I know that ownership and control of a digital device can be  
20 placed at issue through a simple denial, "that is not my phone." I know some of the best ways to  
21 establish ownership and control of a digital device are by searching the calendar, contacts, photo  
22 gallery, communications, settings, and social networking activity. The calendar often contains  
23 appointments specific to an individual such as birthdays and doctor's appointments. Contacts  
24 often contain friends and associates specific to an individual such as mom, dad, dentist, or other  
25 related individuals. A photo gallery often contains selfie photos that clearly depict the  
26 owner/holder of the phone. Communications via text messages, emails, and voicemails often  
27 identify the sender/recipient by name, additionally the context of the communications often  
28 identify the sender and/or recipient. Settings often contain user names, addresses, and phone  
29 numbers, wi-fi network tables, associated wireless devices (such as known wi-fi networks and

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1 Bluetooth devices), associated connected devices (such as for backup and syncing), stored  
2 passwords, and user dictionaries that can identify the owner/user of the device. I am seeking  
3 authorization to search for evidence of ownership, use, and identification of these mobile cellular  
4 devices.

5 From my training and experience, I know associates communicate together via phone calls, text  
6 messages emails, and social network posts. These communications often contain direct and  
7 indirect statements about crimes. Furthermore, I know that communications rarely explicitly  
8 mention an intent to commit a crime. Instead they often allude to such an intent: “Sorry bud but  
9 can you grab 3. I got a little more money on me than I thought” for instance may be a declaration  
10 of an intent to commit a drug crime by purchasing 3 grams, but without context it is meaningless.  
11 In my training and experience, individuals often use digital devices and cellular devices to post  
12 messages to others on social networking applications. In my training and experience it is possible  
13 for cellular phone users to use a variety of messaging platforms including SMS, MMS, iChat,  
14 WhatsApp, call logs, and other platforms. Therefore, I seek authorization to search all the  
15 communications evidence on these devices to understand what was said, what was intended and to  
16 whom it was said. I believe evidence of communication will provide investigative leads and help  
17 identify co-conspirators. I am seeking authorization to search for evidence of communication  
18 information from November 2018 - one month prior to the Wolf’s death – to present.

19 In my training and experience cellular devices track historical locations in multiple ways, GPS  
20 location, wi-fi transmissions, metadata attached to files, cellular tower connections, and  
21 application data. Because the evidence in this case indicates Brett Gagnon’s device was located  
22 near the crime scene, I believe the evidence is relevant to correlate location with criminal activity  
23 occurring miles from the user/owners’ home. I believe location information will provide evidence  
24 of violations of California state law and federal law. I am seeking authorization to search for  
25 evidence of all location data from November 2018 to present.

26 I know that establishing the association of co-conspirators is important in proving a concert of  
27 action between multiple persons. From my training and experience, some of the best ways of  
28 linking co-conspirators together is by searching the calendar, contacts, photo gallery,  
29 communications, application data, call logs, and social networking connections. In my training

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1 and experience a comparison of the calendars of multiple individuals can show an intent to act  
2 together and dispel the notion of an accidental meeting. In my training and experience when two  
3 or more individuals are in photographs together it demonstrates a mutual relationship. In my  
4 training and experience associates communicate together via phone calls, text messages and  
5 emails, therefore I am seeking the communications evidence to demonstrate the associations of the  
6 individuals in this case. In my training and experience a user's "connections," "buddies," and/or  
7 "friends," on social networking sites is indicative of who their associates are. Because this  
8 evidence is intended to be used to show associations of the user/owner of the device and co-  
9 participants I am seeking the above items regardless of the dates the information was created.

10 In addition to the previous information, I believe financial information, cookies, bookmarks,  
11 web history, search terms and internet search history on digital devices and cellular devices may  
12 contain relevant evidence such as payments for firearms, ammunition, and other hunting items or  
13 knowledge about laws. Therefore, I am seeking permission to search financial information,  
14 cookies, bookmarks, web history, search terms and internet search history from November 2018 to  
15 present.

16 From my knowledge, training and experience I know that persons often pair their mobile  
17 cellular devices to tablets, laptops, and computers via hard wired connection or via the 'cloud' and  
18 will store pictures to external hard drives, or other storage devices. I believe evidence of  
19 communication by Brett Gagnon to other co-conspirators and/or photographs depicting illegally  
20 killed animals might be present on these devices. I request the court's permission to seize any  
21 tablets, laptops, and computers which are believed to be paired with Brett Gagnon's phone and  
22 conduct a forensic analysis of these devices.

23 From my training and experience I know that Apple Inc., Motorola, HTC, and Samsung,  
24 among other companies, produce devices that can be unlocked by the user with a numerical or an  
25 alpha-numerical password, or, for some newer versions of the devices, with a fingerprint placed on  
26 a fingerprint sensor. Each company has a different name for its fingerprint sensor feature; for  
27 example, Apple's is called "Touch ID." Once a user has set up the fingerprint sensor feature in the  
28 security settings of the device, the user can unlock the device by placing a finger or thumb on the  
29 device's fingerprint sensor. If that sensor recognizes the fingerprint or thumbprint, the device



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1 unlocks. Most devices can be set up to recognize multiple prints, so that different prints, not  
2 necessarily from the same person, will unlock the device. From my training and experience, users  
3 of devices with a fingerprint sensor feature often enable that feature, because it unlocks the phone  
4 more quickly than the entry of a passcode or password but still offers a layer of security.

5 In some circumstances, fingerprint sensors will not work, and a passcode must be entered to  
6 unlock the device. For example, with Apple, Touch ID will not work if: (1) more than 48 hours  
7 have passed since the device has been unlocked, (2) the device has been turned on or restarted, (3)  
8 the device has received a remote lock command, or (4) five attempts to match a fingerprint have  
9 been unsuccessful. Other brands have similar restrictions. Your affiant does not know the  
10 passcodes of the devices likely to be found at this residence or upon Brett Gagnon's person.

11 For these reasons, law enforcement will likely need to use the fingerprints or thumbprints of  
12 Brett Gagnon for any fingerprint sensor-enabled device(s) to attempt to gain access to that device  
13 while executing the search warrant. The search warrant seeks the authority to compel the use of  
14 the fingerprint and/or thumbprint of Brett Gagnon during the execution of the search warrant for  
15 any fingerprint sensor-enabled device that is located at the premises or upon his person and falls  
16 within the scope of the search warrant. Law enforcement may not be able to obtain the contents of  
17 the devices if those fingerprints are not used to access the devices by depressing them against the  
18 fingerprint sensor at the time of the execution of the search warrant. Although I do not know  
19 which of the fingers are authorized to access on any given device, I know based on my training  
20 and experience that it is common for people to use one of their thumbs or index fingers for  
21 fingerprint sensors, and in any event all that would result from successive failed attempts is the  
22 requirement to use the authorized passcode or password.

23 From my knowledge, training and experience, I know that searching for information stored in  
24 cellular devices often requires that the device be accessed and searched using specialized  
25 programs or tools by a qualified expert in a controlled environment. This is often necessary to  
26 ensure the accuracy and completeness of such data, and to prevent the loss of the data either from  
27 accidental or intentional destruction. Data search processes are designed to recover even "hidden,"  
28 erased, compressed, password protected, or encrypted files. Because digital evidence is vulnerable  
29 to inadvertent or intentional modification or destruction (both from external sources and from

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1 destructive code imbedded in the system as a “booby trap”), a controlled environment may be  
2 necessary to complete an accurate analysis.

3 I request the Court’s permission to conduct an off-site search of the hardware for the  
4 evidence described and to employ the use of outside experts who will use whatever data analysis  
5 techniques appear necessary to locate and retrieve the evidence described. This may involve  
6 destruction of the device. Outside experts may be from allied agencies including but not limited to  
7 a Computer Crimes Task Force, DOJ, FBI, District Attorney’s Office, or other governmental  
8 agency, or from commercial digital forensic examiners including but not limited to Cellebrite and  
9 Greykey.

10 If no evidence of criminal activity is discovered relating to the seized property and associated  
11 peripherals, the system will be returned promptly upon completion of the case without further  
12 order of the court.

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

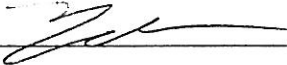
16 Whereas I respectfully request a search warrant be issued to search the property at 552505  
17 Armstrong Road, in the unincorporated area of Lassen County, State of California including all  
18 outbuildings, vehicles found on the property, and UTV’s for .22 caliber centerfire firearms; .22  
19 caliber centerfire ammunition; reloading equipment; Android enabled mobile cellular devices  
20 associated with the [REDACTED]@gmail.com and/or found under the dominion and control of  
21 Brett Gagnon including but not limited to an LGE model LM-G710 device with IMEI number  
22 [REDACTED] a Motorola model XT1093  
23 device with an IMEI [REDACTED], and a Samsung  
24 model SM-T550 device with a serial number [REDACTED]; paired laptops,  
25 computers, and tablets, and to perform a digital forensic examination of these devices; indicia of  
26 residency.

27 Electronically reviewed for legal sufficiency by Brett Morris, Supervising Deputy Attorney  
28 General.

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California Department of Fish and Wildlife

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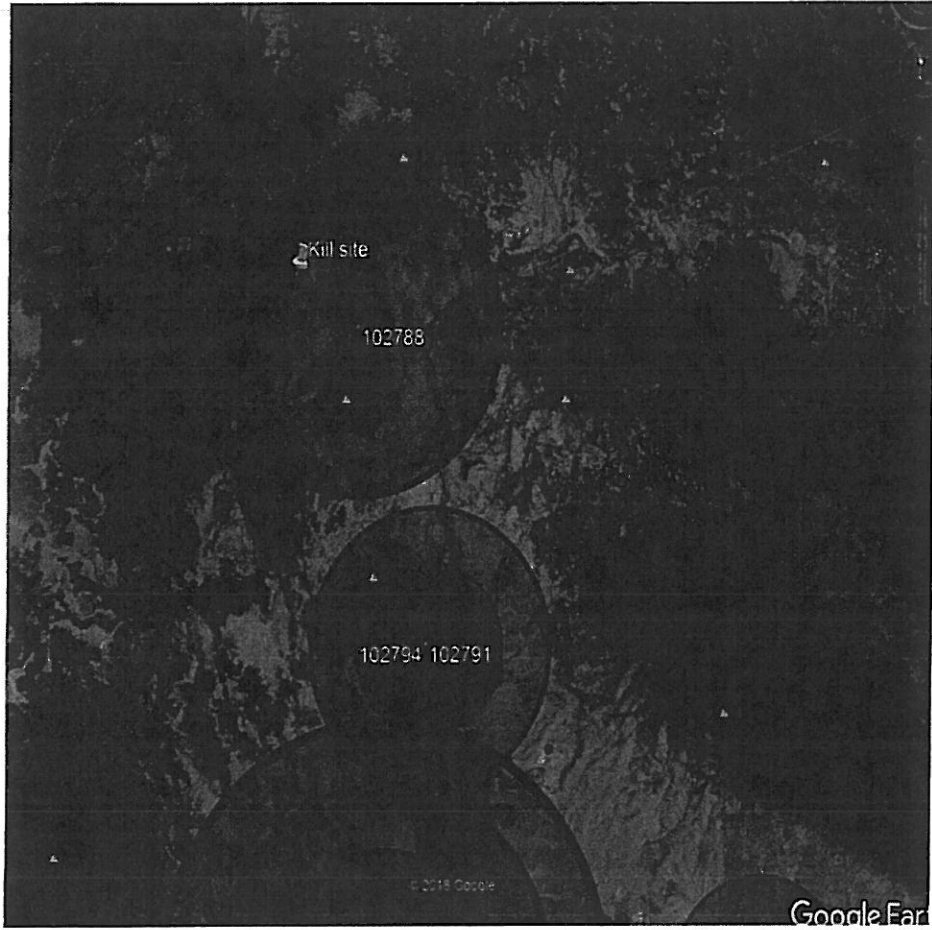
  
\_\_\_\_\_  
M. Gonzalez #580, Wildlife Officer  
California Department of Fish and Wildlife

Subscribed and sworn to before me this 31<sup>st</sup> day of July, 2019

[SEAL]

  
\_\_\_\_\_  
Judge of the Superior Court  
County of Modoc, State of California

**"ATTACHMENT C"**



Cell hit location with degree of certainty encompassing kill site



Location data showing device at different location than kill site at approximately the same time

1  
2  
3 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
4 IN AND FOR THE COUNTY OF MODOC  
5

6  
7 IN THE MATTER OF A SEARCH WARRANT ) AFFIDAVIT IN SUPPORT OF  
# 027-SW-2019 ) SEALING SEARCH WARRANT  
8 \_\_\_\_\_ )

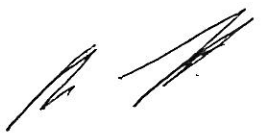
9  
10 **AFFIDAVIT OF A. FREITAS**

11 I am the affiant in the search warrant described above, which was signed by the Honorable  
12 David Mason, Judge of the Superior Court of the County of Modoc on 07/31/2019.

13 I request the probable cause affidavit, search warrant, as well as this affidavit be sealed for the  
14 following reasons: I know that upon filing the search warrant, the affidavit for search warrant would  
15 become public information. The warrant sought pursuant to this affidavit relates to an on-going  
16 investigation, the nature of the investigation is sensitive. If the information contained in the affidavit  
17 for search warrant is made public, it could compromise this investigation.

18 I respectfully request that the probable cause affidavit for search warrant, search warrant,  
19 along with this affidavit in support of sealing search warrant documents be sealed. I further request  
20 that the sealed documents remained sealed and in the custody of the court clerk until further order of  
21 this court or any other competent court.

22 I swear under penalty of perjury that the forgoing is true and correct.  
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Executed on this 7 day of AUGUST, 2019.

A. Freitas, Wildlife Officer  
California Department of Fish and Wildlife