

STATE of CALIFORNIA, COUNTY of DEL NORTE,
RETURN TO SEARCH WARRANT

Officer T. Luna, #15954, being duty sworn, says that he/she conducted a
(Name of Affiant)

search pursuant to the below described search warrant:

Issuing Magistrate: The Honorable Darren McElfresh

Magistrate's Court: Superior Court, County of Del Norte, City of Crescent City, California.

Date of Issuance: April 16, 2021


Date of Service: April 16, 2021

On April 16, 2021

I served the search warrant and seized property from Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043.

The search warrant was electronically mailed to Google Legal Investigations Support, lers@google.com. Google LLC complied and property was electronically mailed to and received by CHP Officer Luna, Crescent City Area California Highway Patrol.

I further swear that this is a true and detailed account of all the property inspected pursuant to the Search Warrant, and that pursuant to Penal Code Section 1528 and 1536 this property will be retained in my custody, subject to the order of this court or of any other court in which the offence in respect to which the seized property is triable.


(Signature of Affiant)

ISI TED LUNA

COPY

Sworn to and subscribed before me this 27th day of May, 2021.

JAMIE WALKER
(Signature of Clerk)

Jamie Walker
(Clerk's Printed Name)

Clerk of the Superior Court of California, County of Del Norte
(1534(c)P.C.)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF DEL NORTE

DEL NORTE JUDICIAL DISTRICT

SEARCH WARRANT
Electronic Communications and/or Data
In Possession of Provider
Penal Code §§ 1524.3; 1546 et seq

The People of the State of California

vs

Ryan Ray Fitzhugh

Defendant

COPY

SEARCH WARRANT

SW-21-237 A

The People of the State of California to:

ANY PEACE OFFICER IN THE STATE OF CALIFORNIA.

Proof by affidavit and under penalty of perjury having been made before me on this date by California Highway Patrol Officer Ted Luna, that there is probable and reasonable cause for believing that the property described below may be found at the location(s) set forth below and is lawfully seizeable pursuant to **Penal Code Section 1524(a)(4)** in that it tends to show that a felony has been committed or that a particular person has committed a felony,

YOU ARE THEREFORE ORDERED TO MAKE A SEARCH OF:

Google Legal Investigations Support
Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043
Service may be via email at lrs@google.com

FOR THE FOLLOWING PROPERTY:

Identifying information according to the **Production Protocol** described below for Google Accounts that respond a GPS, WiFi, or Bluetooth sourced location history generated from devices within the geographic region bounded by the following coordinates, dates, and times ("**Initial Search Parameters**")

AR

Search #1

Time Period:

March 1, 2021 10:00 p.m. – March 2, 2021 12:00 a.m. Pacific

Time

Target Location:

A radius of 50 meters around:

Latitude 41.845301

Longitude: - 124.168405

The area is further described as a forested area east of Lower Lake Road and south of Mud Hen Village Road, in the unincorporated area of Del Norte County, CA and is pictured in the following map:



COPY

Production Protocol:

1. Google shall query location history data based on the **Initial Search Parameters** described above.
2. For each location point recorded within the **Initial Search Parameters**, Google shall produce an **Anonymized List** specifying a unique device identifier, timestamp, coordinates, display radius, and data source.
3. The Examining Officer may review the **Anonymized List** to identify a **Target List** of devices that fit a pattern described in the Affidavit submitted in support of this Search Warrant. The Examining Officer may request that Google provide additional location information outside

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be the initials 'JR'.

the **Initial Search Parameters** for specific devices in the **Anonymized List** if necessary to determine if they fit a pattern described in the Affidavit submitted in support of this Search Warrant. Any such additional location information shall be limited to the same time period described in this Search Warrant.

4. The examining officer may provide the **Target List** to Google. Upon receiving the **Target List**, Google shall provide the following subscriber information for the Google Account associated with each identified device:

- A. Name
- B. Street address
- C. Telephone number
- D. Email address or similar contact information provided by the subscriber to the provider to establish or maintain an account or communication channel

COPY

THE EXECUTING OFFICER SHALL SEIZE ANY DATA DESCRIBED IN THIS SEARCH WARRANT and bring it forthwith before this court.

Order for Delayed Notice

The Court finds that there is reason to believe that contemporaneous notification of the existence of this warrant may have an adverse result.

IT IS HEREBY ORDERED that **Google** and the executing agency shall delay notification of the existence of this warrant, or the existence of the investigation, to the subscribers or to any other person, for a period of 90 days unless otherwise directed by the Court.

Order for Custodian's Declaration

IT IS HEREBY ORDERED, pursuant to Penal Code section 1546.1(d)(3), that the service provider receiving this warrant shall verify the authenticity of the records and information it produces by providing an affidavit that complies with the requirements set forth in Evidence Code section 1561.

Order for Non-Responsive Content

IT IS HEREBY ORDERED, pursuant to California Penal Code section 1546.1(d), that any electronic 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 to further review, use, or disclosure absent an order from the Court or pursuant to Penal Code sections 1054.1 or 1054.7.



Order for Productions of Records

IT IS HEREBY ORDERED that any records produced in response to this search warrant may be provided via email or digital storage media to:

California Highway Patrol Officer Ted Luna
1630 Summer Lane, Crescent City, CA 95531
TLuna@chp.ca.gov

COPY

If you find the same or any part thereof, to bring it forthwith before me at this Court, or to any other court in which the offense in respect to which the property or things taken is triable, or retain such property in your custody, subject to the order of this Court pursuant to Section 1536 of the California Penal Code.

Dated: APR 16 2021 

Judge: 





April 26, 2021

COPY

Officer Ted Luna
California Highway Patrol
1630 Summer Lane
Crescent City, CA 95531

**Re: Search Warrant dated April 16, 2021 (Google Ref. No. 5685215)
*F0025-120-21, SW-21-237A***

Dear Officer Luna:

Pursuant to the Search Warrant issued in the above-referenced matter, we have conducted a diligent search for documents and information accessible on Google's systems that are responsive to your request. Our response is made in accordance with state and federal law, including the Electronic Communications Privacy Act. See 18 U.S.C. § 2701 et seq.

Accompanying this letter is responsive information to the extent reasonably accessible from our system associated with the geographical coordinates, *41.845301, -124.168405*, within the Initial Search Parameters as specified in the Search Warrant. If your legal request seeks information regarding CELL sourced location coordinates, our response does not include such information, to the extent that it exists, because such information is not sufficiently accurate to geolocate for the purpose of identifying users in areas that have a dimension of less than approximately one to two thousand meters.

We have also included a signed Certificate of Authenticity which includes a list of hash values that correspond to each file contained in the production. Google may not retain a copy of this production but does endeavor to keep a list of the files and their respective hash values. To the extent any document provided herein contains information exceeding the scope of your request, protected from disclosure or otherwise not subject to production, if at all, we have redacted such information or removed such data fields.

The enclosed file produced is responsive to stage 1 of your Search Warrant. The purpose of this stage of the warrant process is for you to remove devices that do not appear to be relevant to your investigation (for example, devices that were not in the relevant location for a long enough period of time). The information in this production contains an alphanumeric Reverse Location Obfuscated ID (not the Device ID or device tag that you may have seen in prior Reverse Location History matters) to distinguish devices in a particular account's Location History. This Reverse Location Obfuscated ID cannot be mapped to an Android ID or an IMEI/MEID, and is not a valid target identifier that can be used to search for information separately from this Reverse Location History warrant.

In many cases, reviewing additional contextual location coordinates for a given device can assist in identifying devices that are not relevant to the investigation (for example, such

COPY

CERTIFICATE OF AUTHENTICITY

I hereby certify:

1. I am authorized to submit this affidavit on behalf of Google LLC ("Google"), located in Mountain View, California. I have personal knowledge of the following facts, except as noted, and could testify competently thereto if called as a witness.
2. I am qualified to authenticate the records because I am familiar with how the records were created, managed, stored and retrieved.
3. Google provides Internet-based services.
4. Attached is a true and correct copy of records pertaining to the geographical coordinates *41.845301, -124.168405*, with Google Ref. No. 5685215 ("Document"). Accompanying this Certificate of Authenticity as Attachment A is a list of hash values corresponding to each file produced in response to the Search Warrant.
5. The Document is a record made and retained by Google. Google servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted by the user, and this data is kept in the course of this regularly conducted activity and was made by regularly conducted activity as a regular practice of Google.
6. The Document is a true duplicate of original records that were generated by Google's electronic process or system that produces an accurate result. The accuracy of Google's electronic process and system is regularly verified by Google.
7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

_____/s_ Misty Alphin_____
(Signature of Records Custodian)

Date: April 26, 2021

Misty Alphin
(Name of Records Custodian)

May 13, 2021

COPY

Officer Ted Luna
California Highway Patrol
1630 Summer Lane
Crescent City, CA 95531

***Re: Search Warrant dated April 16, 2021 (Google Ref. No. 5685215)
F0025-120-21, SW-21-237A***

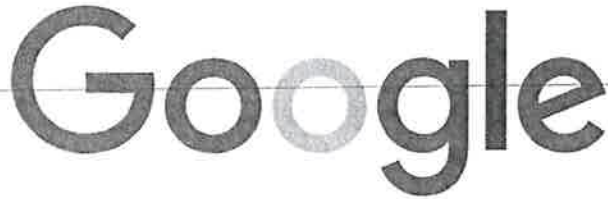
Dear Officer Luna:

Pursuant to the Search Warrant issued in the above-referenced matter, we have conducted a diligent search for documents and information accessible on Google's systems that are responsive to your request. Our response is made in accordance with state and federal law, including the Electronic Communications Privacy Act. See 18 U.S.C. § 2701 et seq.

Accompanying this letter is responsive information to the extent reasonably accessible from our system associated with the geographical coordinates, *41.845301, -124.168405*, within the Initial Search Parameters as specified in the Search Warrant.

We have also included a signed Certificate of Authenticity which includes a list of hash values that correspond to each file contained in the production. Google may not retain a copy of this production but does endeavor to keep a list of the files and their respective hash values. To the extent any document provided herein contains information exceeding the scope of your request, protected from disclosure or otherwise not subject to production, if at all, we have redacted such information or removed such data fields.

If your legal request seeks content or other records associated with a Reverse Location Obfuscated ID surfaced from a reverse location search, the Reverse Location Obfuscated ID cannot be mapped to an Android ID or an IMEI/MEID, and is not a valid target identifier that can be used to search for information separately from this Reverse Location History warrant. Pursuant to the anonymization and narrowing protocol required for reverse location requests, Google has only provided basic subscriber information, as defined in 18 U.S.C. 2703(c)(2), for the requested devices. If you require content or other records for these accounts, you may submit new legal process specifically identifying that account by its email address or other unique Google



COPY

CERTIFICATE OF AUTHENTICITY

I hereby certify:

1. I am authorized to submit this affidavit on behalf of Google LLC ("Google"), located in Mountain View, California. I have personal knowledge of the following facts, except as noted, and could testify competently thereto if called as a witness.
2. I am qualified to authenticate the records because I am familiar with how the records were created, managed, stored and retrieved.
3. Google provides Internet-based services.
4. Attached is a true and correct copy of records pertaining to the geographical coordinates *41.845301, -124.168405*, with Google Ref. No. 5685215 ("Document"). Accompanying this Certificate of Authenticity as Attachment A is a list of hash values corresponding to each file produced in response to the Search Warrant.
5. The Document is a record made and retained by Google. Google servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted by the user, and this data is kept in the course of this regularly conducted activity and was made by regularly conducted activity as a regular practice of Google.
6. The Document is a true duplicate of original records that were generated by Google's electronic process or system that produces an accurate result. The accuracy of Google's electronic process and system is regularly verified by Google.
7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

_____/s_ Misty Alphin_____
(Signature of Records Custodian)

Date: May 13, 2021

Misty Alphin
(Name of Records Custodian)

DEL NORTE JUDICIAL DISTRICT

SEARCH WARRANT RETURN

COPY

FILED

MAY 03 2021

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE

The property listed below was taken from the premises located and described as Facebook Inc., 1601 Willow Rd, Menlo Park, CA and from the person(s) of Ryan Ray Fitzhugh - DOB: 11-30-1975, Fernando Pereira - DOB: 11-18-1982, Erika Tedsen - DOB: 07-15-1985 as commanded by and pursuant to a Search Warrant (SW 21-237B) dated 04-16-2021 and issued by the Honorable Darren McElfresh, Judge of the above entitled Court.

On April 16, 2021

I served the search warrant and seized property from Facebook Inc., 1601 Willow Rd, Menlo Park, CA 94025.

The search warrant was electronically mailed to Facebook, www.facebook.com/records/login. Facebook complied and property was electronically mailed to and received by CHP Officer Luna, Crescent City Area California Highway Patrol.


I further swear that this is a true and detailed account of all the property inspected pursuant to the Search Warrant, and that pursuant to Penal Code Section 1528 and 1536 this property will be retained in my custody, subject to the order of this court or of any other court in which the offence in respect to which the seized property is triable.



Officer

Subscribed and sworn to
me before this _____
MAY 3, 2021

Officer
Title



Clerk of the above entitled
Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF DEL NORTE

DEL NORTE JUDICIAL DISTRICT

SEARCH WARRANT
Electronic Communications and/or
Data
In Possession of Provider
Penal Code §§ 1524.3; 1546 et seq

COPY

FILED
MAY 03 2021
SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE

The People of the State of California

SW- 21-237 B

vs.

Ryan Ray Fitzhugh d.o.b. 11-30-1975

Fernando Pereira d.o.b 11-18-1982

Erika Tedsen d.o.b 07-15-1985

Defendants

The People of the State of California to:

ANY PEACE OFFICER IN DEL NORTE COUNTY

Order: An affidavit by Officer Ted Luna, which was sworn to and subscribed before me on this date, has established probable cause for the issuance of this search warrant which you are ordered to execute in the manner below.

Name and agency of affiant (Hereinafter "Affiant"): Officer Ted Luna, CHP

Name of service provider (Hereinafter "Provider"): facebook

Mailing address of service provider: ^{1601 WILLOW RD} ~~Hacker Way~~, Menlo Park, CA 94025
Facebook.com/records FAX: (650) 472-8007 _{TL}

Type of communications and/or data to be seized:

- Cell phone
- Internet
- Messaging
- Voicemail
- Other, See Attachment "A"

Subscriber's name: Ryan Ray Fitzhugh, Fernando Pereira, Erika Tedsen

Target of investigation: Ryan Ray Fitzhugh, Fernando Pereira, Erika Tedsen

Target of warrant: (Hereinafter "Target") facebook accounts of Ryan Ray Fitzhugh, Fernando Pereira, Erika Tedsen

Subscriber's account information:

<https://www.facebook.com/ryan.fitzhugh.1656>
<https://www.facebook.com/ryan.fitzhugh.1422>
<https://www.facebook.com/ryan.fitzhugh.35>
<https://www.facebook.com/ryan.fitzhugh1>
<https://www.facebook.com/profile.php?id=100031232079594>
<https://www.facebook.com/profile.php?id=100046542890327>
https://www.facebook.com/erikatedsen/about_overview

Communications and/or data classification: The communications and/or data described below is evidence of a crime as follows:

- It tends to prove that a felony was committed
- It tends to prove that a particular person committed a felony
- It tends to prove that sexual exploitation of a child, or possession of matter depicting sexual conduct of a person under the age of 18 years has occurred or is occurring.

Communications to be searched for and seized: You are hereby ordered to search the Provider's electronic communication storage equipment for the following stored electronic communications. As used herein, the term "communications" includes written, photographic, video, and audio communications. See Attachment "A"

Communications Data to be Searched For and Seized: You are hereby ordered to search the Provider's electronic communication storage equipment, and any physical documents on the premises, for the following stored electronic communications data: See Attachment "A"

Delayed notification order: The affidavit herein has established sufficient reason to believe that immediate compliance with the notice requirements set forth in Penal Code § 1546,2(a) will:
[Check one or more]

- Endanger the life or physical safety of an individual.
- Result in flight from prosecution.
- Result in tampering or destruction of evidence.
- Result in intimidation of a potential witness.
- Seriously jeopardize an investigation.

Accordingly, pursuant to Penal Code § 1546.2(b)(1), it is hereby ordered that neither the law enforcement officer(s) who execute this warrant nor Provider shall give such notification until one of the following circumstances exist: (1) there is sufficient reason to believe that the threat cited above will not occur, or (2) the passage of 90 days from the date the warrant was executed. Penal Code §§ 1546(a) 1546,2(b)(1).

Special Instructions to Affiant

Seal unrelated information: All information that is unrelated to the objective of the warrant shall be sealed and is not subject to further review, use, or disclosure without a court order.

Night service authorization: This warrant may be served on provider at any hour of the day or night.

Disposition of evidence: Pursuant to Penal Code §§ 1528(a), 1536 all communications and/or data seized pursuant to this search warrant shall be retained in Affiant's custody pending further court order.

Special Instructions to Provider

Verification: If Provider is a foreign corporation as defined in California Corporations Code § 2105, it is required under California Penal Code § 1524.2(b)(4) to "verify the authenticity of records that it produces" by means of an affidavit that complies with the requirements set forth in California Evidence Code § 1561.

Nondisclosure Order: Pending further order of this court, the officers, employees, and agents of the service provider are hereby ordered not to disclose information to any person that would reveal, or tend to reveal, the contents of this warrant or the fact that it was issued.

Dated: APR 16 2021

Judge: 

(SEAL)

Attachment "A"

The agents of Facebook are ordered to provide all available information as it pertains to any and all records for the previously identified account(s) for the dates of **January 1, 2021 to April 12, 2021**.

For the following described property or objects:

- A. All contact information, including full name, user identification number, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, account creation date, and other personal identifiers;
- B. All Photoprints, including all photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;
- C. All Neoprints, including profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications
- D. All other communications and messages, to include Facebook Messenger, made or received by the user, including all private messages and pending "Friend" requests;
- E. All IP logs, including all records of the IP addresses that logged into the account;
- F. All information about the user's access and use of Facebook Marketplace;
- G. The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);
- H. All privacy settings and other account settings;
- I. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

The court orders the release of the seized records directly to:

California Highway Patrol – Crescent City Area

1630 Summer Lane, Crescent City, CA

(707) 218-2000

ATTENTION: Officer Ted Luna

tluna@chp.ca.gov



SUPERIOR COURT OF CALIFORNIA, COUNTY OF DEL NORTE

DEL NORTE JUDICIAL DISTRICT

AFFIDAVIT FOR SEARCH WARRANT

SW 21-237 A&B

Officer Ted Luna being sworn, says that on the basis of the information contained within this affidavit, he has probable cause to believe and does believe that the property described below is seizable pursuant to Penal Code Section 1524 in that it:

____, was stolen or embezzled;

____, was used as the means of committing a felony;

____, 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 may have delivered it for the purpose of concealing it preventing its discovery;

X, is evidence which tends to show that a felony has been committed or a particular person has committed a felony;

That he/she has probable cause to believe and does believe that the described property is now located at and will be found at the locations set forth below and thus request the issuance of a warrant to Search:

THE FOLLOWING LOCATION:

**Google Legal Investigations Support
Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043
lers@google.com**

PROPERTY TO BE SEIZED:

See list of items to be seized included in the attached Search Warrant.

As further explained in the attached **Statement of Probable Cause**, I also request that the court issue the additional specific orders listed in the attached Search Warrant.

That he has probable cause to believe and does believe that the described property is now located at and will be found at the locations set forth below and thus request the issuance of a **WARRANT TO SEARCH**.



NARRATIVE STATEMENT OF PROBABLE CAUSE

TRAINING AND EXPERIENCE:

COPY

I, Theodore P. Luna, am a peace officer of the State of California, employed by the California Highway Patrol. I have been employed by the California Highway Patrol since August of 1999.

I was assigned to the CHP Monterey Area Office as a State Peace Officer in January of 2000. I transferred to the CHP Yreka Area Office in October of 2001. I transferred to the CHP Crescent City Area Office in February of 2007. January 2015, I was promoted to Investigator with the California Highway Patrol Crescent City Area. I am currently assigned to road patrol and assigned to the Safety Service Program (SSP) position. I am responsible for handling State jurisdictional criminal investigations, including homicide, sexual assaults, burglaries and any other complex cases.

My formal education and pertinent training consists of the following:

1257 Hours, P.O.S.T. Basic Academy, California Highway Patrol Academy, August 1999 to January 2000.

16 hours of Techniques of Accident Investigation Training I, December 1, 2000

40 hours of P.O.S.T Field Training Officer – California Highway Patrol, Crescent City Area. June 2013.

24 hours of Radar Training and Qualification, California Highway Patrol, Monterey, April 2001. Basic P.O.S.T certificates awarded May 1, 2001, State Of California, Department of Justice.

3 hours of “Search Warrant Fundamentals” – CA Post Online training, February 2015.

80 hours of Robert Presley Institute of Criminal Investigation core course – CHP Academy March 2015

16 hours of Advanced Roadside Impaired Driver Enforcement – California Highway Patrol – Eureka CA, July 2017

40 hours of Behavior Analysis Investigative Interview and Interrogation Techniques – California Highway Patrol Headquarters – August 2017

80 hours of Advanced Accident Investigation – CHP Academy – January 2018

80 hours of Robert Presley Institute of Criminal Investigations - Homicide Investigations Course - December 2018

14 hours of Interviewing Children Techniques and Rapport Building – Crescent City, CA – February 2020

40 hours of Behavior Analysis Training Institute – Forensic Written Statement Analysis and Advanced Cognitive Interview – Salinas, CA - March 2020

During my tenure with the California Highway Patrol, I have been assigned various duties including, but not limited to, traffic and general law enforcement crime scene investigations. I have also had the opportunity to be directly involved in the investigation of auto theft, embezzlement, auto burglaries, grand theft, receiving/possession of stolen goods, narcotics usage and possession, drug interdiction, manslaughter, violent assaults, home invasion robberies, and attempted murders. In the more than 21 years as a CHP Officer, I have investigated numerous, non-injury, minor to major injury, hit and run, and fatal collisions, occurring in various types of

environments from urban freeways to county roads to city surface streets to forested dirt/gravel roads.

Likewise, I am tasked with assisting allied law enforcement agencies with complex investigations. I have also been a recipient of the MADD Award twice while working in the Yreka area. I have been a Field Training Officer since June of 2013. I have trained seven trainees in Crescent City.

COPY

FACTS OF THE INVESTIGATION:

I am currently assisting CHP Officer R. Restad, ID 21329 with an investigation of a stolen vehicle recovery that occurred on March 2, 2021 on Lower Lake Road, north of Lake Earl Drive, in Del Norte County.

On February 26, 2021, at approximately 2342 hours, Officer Reid Culver, ID 21863 was dispatched to a report of a stolen vehicle at 1984 Malone Road. Officer Reid responded to the residence and spoke with the reporting party, Ryan Ray Fitzhugh. Fitzhugh is the registered owner of a 2002 Dodge Ram 2500 pickup, gray in color. Fitzhugh advised Officer Culver that he had left his residence at 2100 hours to go to Lucky 7 Casino and was there until after 2300 hours. Fitzhugh stated he arrived home at approximately 2330 hours and discovered his Dodge pickup was gone from the driveway of 1984 Malone Road. Fitzhugh called and spoke with CHP Dispatch to report his pickup stolen. Fitzhugh stated he did not know who took his Dodge pickup and no one had permission to use it. Fitzhugh also advised Officer Culver the Dodge pickup was fully operational. Officer Culver had Fitzhugh sign a CHP-180, Stolen Vehicle Report.

On March 1, 2021, at approximately 2345 hours, CHP Officer Rusty Restad was notified by Humboldt Communication Center (HCC) of a vehicle on fire in the bushes off Lower Lake Road near Lake Earl Drive. CHP Officers Restad and Josh Cook responded and arrived on scene at approximately 2355 hours. They observed an abandoned Dodge pickup on its wheels, fully engulfed in flames, in a wooded area, east of Lower Lake Road. Officer Restad located a California License plate, #94233L2, placed in the bed of the Dodge pickup. Officer compared the Vehicle Identification Number and advised CHP Dispatch of the plate. Dispatch advised Officer Restad the Dodge was a recently reported stolen vehicle. Officer Restad observed the rear tailgate and the left and right taillight assemblies were removed and the Dodge had silver wheels. Dispatch attempted to contact Fitzhugh by phone, to advise his Dodge had been located, but there was no answer. Officer Restad requested a tow truck and Robertson's Automotive responded and recovered the Dodge pickup.

This information was provided directly to me from reports written by CHP Officers Reid and Restad.

On March 3, 2021, CHP Crescent City Area office received a phone call from Geico Insurance Investigator Bianca Aguirre. Investigator Aguirre spoke with CHP Sergeant Anthony Benatar regarding Fitzhugh and his Dodge pickup and potential Insurance Fraud.



On March 3, 2021, at approximately 1400 hours, Sergeant Benatar spoke with me and requested I assist Officer Restad with follow up regarding the Dodge pickup vehicle theft report and recovery.

On March 3, 2021, at approximately 1530 hours, Fitzhugh came to the Crescent City CHP Office requesting a copy of the Stolen Vehicle Recovery report for his insurance claim. I spoke with Fitzhugh and he agreed to return and speak with me on 03/04/2021, regarding the stolen vehicle.

On March 4, 2021, at approximately 1000 hours, I spoke with Justin Cramer on the phone. Cramer stated he was a local volunteer fire fighter and was one of the fire fighters who had responded to the Dodge pickup on fire, the night of March 1, 2021. Cramer advised me he had observed the Dodge pickup on February 26, 2021, at approximately 1610 hours, being towed by a **dark colored pickup truck**. Cramer said the dark colored pickup had a tow strap and was pulling the Dodge pickup, northbound Lake Earl Drive. Cramer advised me there was a **dark blue or black Ford pickup** following the Dodge also. Cramer said the vehicles pulled onto the right shoulder of Lake Earl Drive, just north of Earl Drive, because the tow strap had torn. I asked Cramer if he could describe any of the subject involved and he stated he could only see that they appeared to be two adult males with hoodies on. Cramer also said the Dodge was stripped of the tailgate and taillights and had the tires with the light rims on.

On March 4, 2021, at approximately 1130 hours, Fitzhugh returned to the Crescent City CHP Office and spoke with me regarding his Dodge pickup being stolen. Fitzhugh also provided a written statement. The following is the verbal statement Fitzhugh proved to me.

Fitzhugh stated he is the registered owner of the Dodge Ram pickup and there was one key with the Dodge and it had half a tank of gas. Fitzhugh said he lives at 1984 Malone Road with his father, Robert Fitzhugh, and his girlfriend, Erika Wilson. I asked Fitzhugh where the vehicle was parked when he last observed it and he stated it was parked in the driveway of his residence. Fitzhugh stated on 02/26/2021 at approximately 1000 hours he took his dog to south beach to play for approximately two hours. After that he drove back home in his Dodge pickup, parked it in the driveway, and did some projects around the house, but did not specify what projects. Fitzhugh advised me his friend, Fernando Pereira, came to his house on Malone Road and they played darts and ping pong in his garage. Fitzhugh advised me Erika Wilson left to go to work at approximately 1700 hours. Fitzhugh stated Wilson works as a bartender, at the 101 Tavern, in Harbor Oregon, and was not at the residence, when he left for the casino. Fitzhugh stated he left his residence with Pereira, in his white Chevy Suburban, and drove to Lucky 7 Casino, at approximately 8 PM. Fitzhugh advised me Pereira drives a **black full-size Toyota pickup with a long bed**, but Fitzhugh drove to the casino that night. **I asked Fitzhugh how he communicated with Pereira and he stated Pereira does not have a phone with service so they communicate via Facebook Messenger.** Fitzhugh stated he and Pereira were at the Lucky 7 Casino from 2100 hours to 2300 hours then he drove back to his residence on Malone Road. Fitzhugh stated he arrived home and observed his Dodge was no longer in the driveway. Fitzhugh stated he called the Del Norte Sheriff Office and they transferred him to the California Highway Patrol. I asked Fitzhugh if he drove the Dodge the day before and he stated no. I asked Fitzhugh what he did the day before and he stated he did not remember. Fitzhugh advised me he has been using his Chevy Suburban and sometimes uses his dad's **black Ford F-250 pickup**. I



asked Fitzhugh if he knew who did this and he answered, "No, not really." I asked Fitzhugh if any of the truck parts missing were off prior to it being stolen. Fitzhugh stated no and everything missing from the Dodge was taken during the theft. I asked Fitzhugh if he could describe the items that were removed. Fitzhugh stated there was a wench on the front bumper, the rear after-market taillights, 7 light bars that were mounted on the roof of the Dodge and the hood, a tailgate lift, a stereo system, a back-up camera, a new turbo, and four large tires with black rims. Fitzhugh stated he does not know who would do this. The interview was concluded.

On March 11, 2021, at approximately 1330 hours, I received paper copy photos of the burned Dodge pickup from Sergeant Benatar. Sergeant Benatar advised me Geico Insurance had electronically mailed (e-mailed) the photos to him. I observed a photo of the interior and noticed that the dash and steering wheel had been completely burned away. Based on the photo, I concluded that it was impossible to know whether the Dodge pickup stereo had been taken since there was nothing to observe (see attached photo).



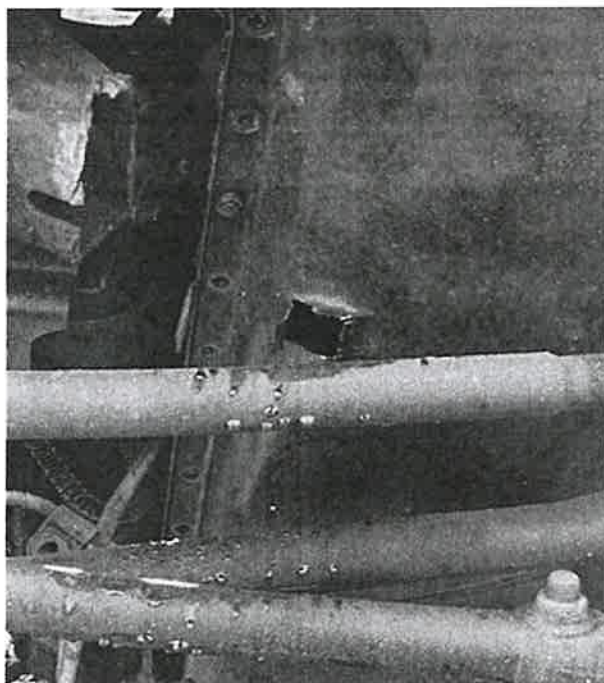
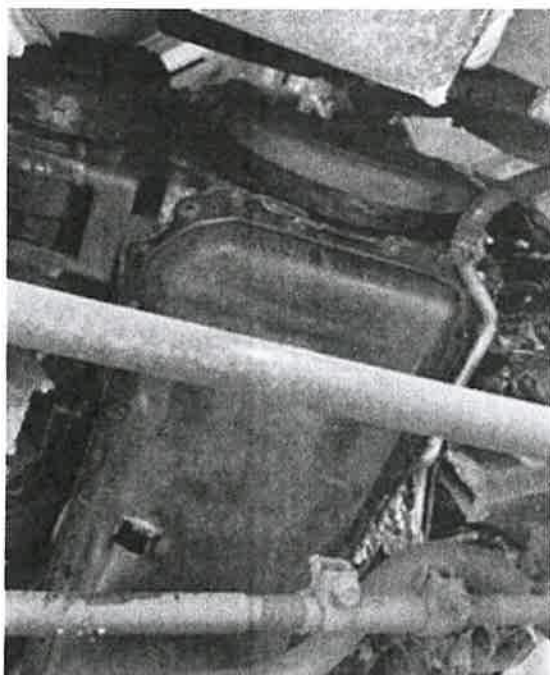
On March 15, 2021, at approximately 1530 hours, I phoned Del Norte County Probation and asked if Fitzhugh was on Probation. I spoke with Probation Officer J. Nelson and he advised that Fitzhugh is currently on Probation in Del Norte County for Theft and Fraud but does not have search terms.

A criminal history check of Fitzhugh confirmed that he has prior criminal charges for Fraudulent Use of Credit Card, Theft, Tamper with Motor Vehicle, Forgery, Property Damage with Intent to Steal, numerous Possession of Controlled Substance and Possession of Paraphernalia charges, Battery, Receiving Stolen Property, Receiving Stolen Property, Give False Information to a

JK

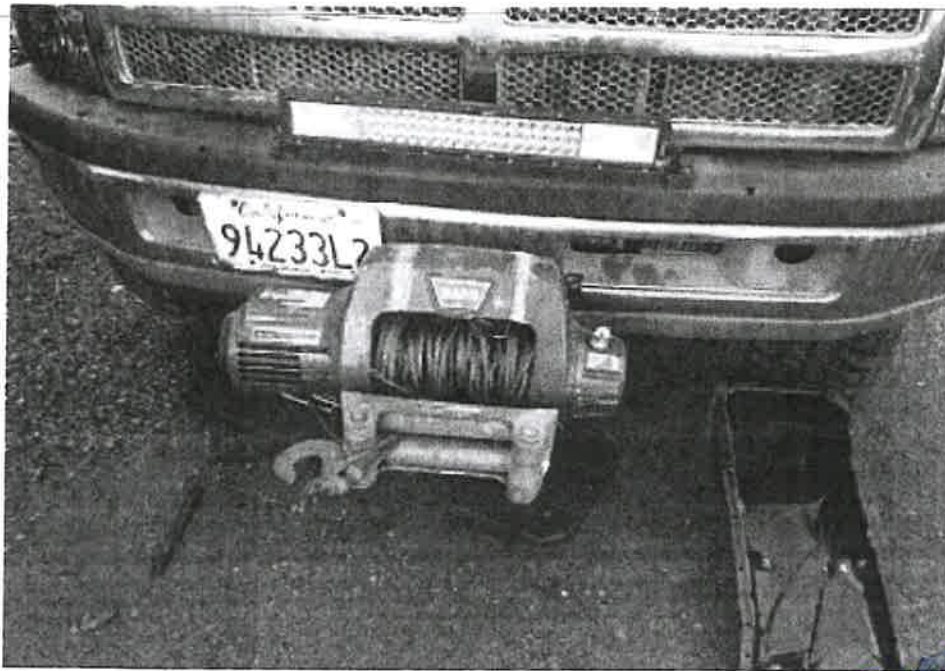
Peace Officer, Conspiracy, Burglary, Grand Theft, Theft by Forged/Invalid Access Card, Identity Theft, and Reckless Driving, all within a time span of 1994 to 2017.

On March 23, 2021, Stockton CHP Auto Theft investigator, D. Woodruff, ID 18093, responded to Insurance Auto Auctions, in Sacramento, CA, where the 2002 Dodge pickup was being stored and with the consent of Geico, conducted a mechanical inspection of the undercarriage of the Dodge. It was discovered that the oil pan of the Dodge had a square shaped hole, peeled outward. It appears that an internal engine component was ejected and exited out from the oil pan. It also appears that a frame cross member that runs below the oil pan which would facilitate the removal of the oil pan, was cut and removed. There were also numerous bolts used to install the oil pan to the engine, that were missing. The damage discovered would indicate that the Dodge was mechanically inoperable.



I reviewed the photos that Fitzhugh had provided to Geico Insurance and located a photo of the front of the Dodge. The photo shows a red oil pan on the ground, indicative of the fact that Fitzhugh was performing mechanical work in the area of the Dodge where the damage was discovered. During an interview of Fitzhugh, conducted by Geico Insurance Investigator Bianca Aguirre, Fitzhugh had advised her he had taken the photos of the truck one month prior to its alleged theft.





COPY

On March 31, 2021, at approximately 1345 hours, CHP officers from the Crescent City Area conducted a Search Warrant Service at 1984 Malone Road, the residence of Ryan Ray Fitzhugh. Upon arrival, a Knock and Notice was conducted, and Robert R. Fitzhugh answered the front door. Robert Fitzhugh stated Ryan Fitzhugh was not at the residence, but was in Brookings Oregon, cutting wood. Robert Fitzhugh was escorted to the front yard and a chair was placed in the yard, so he could sit down. Officers conducted a search of the residence and all vehicles, garages, and sheds were searched. The purpose of the search was an attempt to locate parts from Ryan Fitzhugh's Dodge Ram 2500 pickup, that he claimed were stolen from his reported stolen pickup. While conducting a search of the garage, adjacent to and north of the residence, Officers P. Gonzalez and D. Reich, located a winch that matched the winch, that Ryan Fitzhugh had reported stolen. Officer L. Sackett located a crossbar that matched the crossbar that was cut and removed from the under-carriage of the Dodge Ram pickup. Officer Gonzalez alerted me to the discovery, and I matched both items to photographs that we had obtained of the vehicle, prior to the search. The items were an exact match. The crossbar and the winch were photographed by Sergeant Benatar and left in garage, where the items were discovered.

While conducting a search of the property, I observed numerous items used for auto mechanic work and welding tools, in the garage. I also located two detached engine turbos, located on a wood shelf, in a small wooden shed at the north west part of the property, which may have been the turbo that Fitzhugh had claimed was stolen from his Dodge Ram 2500 pickup.

After the search, I conducted an interview with Robert Fitzhugh. Mr. Fitzhugh stated he lives at the residence with his son Ryan Fitzhugh and Ryan's girlfriend, Erika Wilson. Mr. Fitzhugh stated he does not know what happened to the Dodge Ram pickup, which he had given to Ryan. Mr. Fitzhugh said Ryan Fitzhugh was working on the Dodge Ram pickup and had possibly

[Handwritten signature]

blown the engine. Mr. Fitzhugh said the Dodge Ram pickup was not operational and had not been running for at least two weeks before it was gone. Mr. Fitzhugh advised me that Ryan and his friend Fernando Perreira, had mechanically worked on the Dodge Ram pickup in ^{THE} garage. Mr. Fitzhugh stated he knew Ryan had done something to it and that was why it was gone. Mr. Fitzhugh said that Perreira and Ryan are always together and sometimes Wilson would get angry, that Perreira is always there with them. Mr. Fitzhugh stated Ryan does welding in the garage also. Mr. Fitzhugh stated Ryan has not spoken about the truck, since it has been gone.

While at the residence, Ryan Fitzhugh was speaking with his father on the cellphone and agreed to come to the CHP office. Ryan Fitzhugh failed to come to the office on March 31, 2021.

On 04/09/2021, at approximately 1600 hours, ^{RYAN} R^T Fitzhugh came to the Crescent City Area California Highway Patrol (CHP) Office and gave the following verbal statement. CHP Sergeant Benatar, ID 13863, was present during the interview.

Fitzhugh was read the Miranda Advisement verbatim, by me, and he agreed to talk. I reminded Fitzhugh that we had served a Search Warrant to his residence and discovered vehicle parts that we thought would be there. I asked Fitzhugh if he could tell me why. Fitzhugh stated he wanted to remain silent and not talk. I advised Fitzhugh this was his opportunity to give "his side of the story," and he related he did not want to talk. The interview was concluded.

Based on my training and experience, the mechanical vehicle damage, such as the damaged oil pan, cut frame cross member, and missing bolts to the oil pan, served no purpose for a car thief but rather were indicative of mechanical failure that was attempted to be repaired to no avail. That was later confirmed by the statement of Robert Fitzhugh, the father of Ryan Fitzhugh. Robert Fitzhugh stated the Dodge Ram 2500 pickup was inoperable two weeks to one month prior to it being reported as stolen.

I believe that the above-mentioned evidence will assist law enforcement as to the circumstances surrounding the events on March 1st, 2021. I believe the crime of Arson, Insurance Fraud, and Filing a False Stolen Vehicle Report may have been committed by Ryan Ray Fitzhugh, with the assistance of either Fernando Pereira and/or Erika Tedsen.

Based on my experience and training, and upon the information contained in this affidavit, I believe that Ryan Ray Fitzhugh may have stripped his Dodge Ram 2500 pickup, on a date prior to February 26, 2021, with the assistance of Fernando Pereira and/or Erika Tedsen, and towed it to Lower Lake Road where it was set on fire, days later.

(aka ERIKA WILSON)
TL

Google

Since the date of this collision, Officer Restad, with the assistance of myself and CHP Sergeant A. Benatar, have assisted Geico Insurance with the Insurance Fraud investigation. As of the time of this writing, there is evidence and information that has been found to identify the suspect of stripping the Dodge Ram 2500 pickup as Ryan Ray Fitzhugh himself and potentially his girlfriend Erika Tedsen, and his friend Fernando Pereira. The winch and cut crossbar were discovered in the garage of Fitzhugh, during the service of a search warrant at the residence of

1984 Malone Road, which matched one of the items that Fitzhugh reported as being stolen from his Dodge Ram 2500 pickup.

LOCATION HISTORY

Based on my training and experience, I know that Google developed an operating system for cellular phones and other mobile devices, known as "Android." Nearly every cellular phone using the Android operating system has an associated Google account and users are prompted to add a Google account when they first turn on a new Android device.

I am aware that Google collects location information when persons are logged into a Google account through their mobile Android devices and Apple IOS devices accessing a Google service and when "location history" is turned on. I am also aware that Android is the most popular mobile operating system in the world and is used on most mobile devices not using the Apple IOS system.

On April 12, 2021, I reviewed Google's online privacy policy and found that Google may collect information about a user's actual location using technologies such as IP address, GPS and device sensors, nearby devices, WiFi access points and cell towers.

Through that review and discussion with more experienced officers, I learned that Google keeps two types of location information. They may have "My Maps" information where a Google account (including Gmail) stores location queries, labeled locations, etc. via Maps when logged into the account.

Also, if the user has an Android device and they have Location Services enabled, there will be detailed location tracks. When a user has Location History activated, Google can record information based on where the user has been with the device if they are signed into their Google Account. Specifically, the company uses location information for location-based advertising and location-based search results. According to Google, this information is derived from Global Position System (GPS) data, cell site/cell tower information, and Wi-Fi access points. While the specific parameters of when this data is collected are not entirely clear, it appears that Google collects this data whenever one of their services is activated and/or whenever there is an event on the mobile device such as a phone call, text messages, internet access, or email access. Location History information includes the date, time, latitude, and longitude logged by the Location History service; estimated radius from a particular coordinate; the source from which a particular coordinate originated; and platform information identifying the type of device being used. Users can turn off Location History at any point either at an account level, which will stop recording location from all devices, or from the device level, which will stop reporting from an individual device while others continue to report. Users may delete places from their history or delete the entire history. It is also possible to manually edit locations within Maps Timeline. If an account is deleted Google may be able to disclose location history for approximately 24 hours.



Location data can assist investigators and may tend to either inculcate or exculpate the account owner. I therefore believe that it is likely that a review of Google's location history will show suspects or witnesses to the crime described above.

Initial Search Parameters

Time Period. I am requesting an order for Google to produce location information created between March 1, 2021 / 10:00 p.m. and March 2, 2021 / 12:00 a.m. I am requesting these times for the following reasons:

There was a witness, Fireman Justin Cramer, who observed two male subjects on February 26, 2021, at approximately 1600 hours, towing the stripped Dodge Ram 2500 pickup from the area near the residence of Ryan Fitzhugh, northbound on Lake Earl Drive, and in the direction of where the truck was located on March 1, 2021, engulfed in flames. Cramer reported that the vehicle towing the Dodge was a black full-size pickup with a black Ford pickup following. Pereira owns a black Toyota pickup and Fitzhugh has admitted to using his father's black Ford F-250 pickup, both of which match the description of the trucks that Kramer described as being involved in towing the truck. On March 1, 2021, a reporting party stops and calls 911 at approximately 11 :45 p.m. to report the Dodge Ram 2500 pickup fully engulfed on the shoulder of the highway. Therefore, I am requesting records from approximately two hours before the fire through the call being dispatched to responding CHP Units.

Location. I am requesting authorization to examine location records for Lower Lake Road south of Mud Hen Village Road. I am aware that Google requests that location warrants use longitude and latitude coordinates to describe the search area. On April 12, 2021, I used Google Maps to determine the precise coordinates for the search area. According to that review, the search area can be described as follows:

Target Location:

A radius of 50 meters around:

Latitude 41.845301

Longitude: - 124.168405

The area is further described as a forested area east of Lower Lake Road and south of Mud Hen Village Road, in the unincorporated area of Del Norte County, CA and is pictured in the following map:



COPY

Production Protocol

Based on discussions with other officers and prosecutors, I am aware that Google has requested that Search Warrants for disclosure of active accounts within a designated area (“geofence warrants”) follow a specific protocol to limit the amount of personal identifying information released for uninvolved subscribers. Therefore, I request the Court to find probable cause for production of identifying information for all active accounts within the described area, but that the information be produced according to the following protocol:

1. Google shall query location history data based on the **Initial Search Parameters** described above.
2. For each location point recorded within the **Initial Search Parameters**, Google shall produce an **Anonymized List** specifying a unique device identifier, timestamp, coordinates, display radius, and data source.
3. The Examining Officer will then review the **Anonymized List** to identify a **Target List** of devices that fit a pattern described in this Affidavit. If the Examining Officer needs additional location information outside the **Initial Search Parameters** for specific devices in the **Anonymized List** to determine if they fit a pattern described in this Affidavit, the officer may submit an additional request to Google for additional location information within the listed time period. For instance, an account moving quickly through the target area may be excluded from the **Target List** if additional information suggests that the device is on a highway and not associated with the events described in this Affidavit.

A handwritten signature in black ink, located in the bottom right corner of the page.

4. The examining officer may provide the **Target List** to Google. Upon receiving the **Target List**, Google shall provide the following subscriber information for the Google Account associated with each identified device:

- A. Name
- B. Street address
- C. Telephone number
- D. Email address or similar contact information provided by the subscriber to the provider to establish or maintain an account or communication channel

COPY

In addition to following this protocol, if any account-identifying-information is disclosed pursuant to this Search Warrant, but is later determined to not be related to the objective of the warrant, examining officers will seal that information pursuant to Penal Code 1546.1(d) and it will not be used, accessed, or shared without further order of the court based on a showing of probable cause.

Google Service Location

On April 12, 2021, I confirmed the location where Google accepts service of search warrants by reviewing the SEARCH.ORG "ISP List." Based on my experience and discussion with other members of law enforcement, I know that SEARCH is a national non-profit dedicated to sharing information and training law enforcement. The "ISP List" is constantly updated and is commonly relied upon by law enforcement to determine the location to send search warrants to a wide range of communications service providers, financial institutions and other record holders.

According to the SEARCH ISP List, Google, accepts search warrants at the following location:

Google Legal Investigations Support
Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043
Service may be via email at uslawenforcement@google.com

Delayed Notice

Penal Code section 1546.2(a) requires that I provide contemporaneous notice to the target of the warrant, or to the Department of Justice if there is no known target. However, a court can order a delay in notification for up to 90 days upon a finding that prior notice will have an adverse result as defined in Penal Code section 1546(a). Penal Code 1546.2(b) also allows the court to issue an order prohibiting a service provider that produces electronic information from giving notice to any person for a period of up to 90 days. For the following reasons, I request that the court order that Google delay notice for up to 90 days.



- 1) The unknown suspect(s) has/have not made contact with CHP to admit their involvement in the crash and may attempt to flee the area if they are informed of being named within the investigation.
- 2) The unknown suspect(s) has/have not made contact with CHP to admit their involvement in the crash and may attempt to destroy evidence prior to CHP being able to retrieve such evidence (possible vehicle, cell phone, etc.). (2) *Flight from*

Custodian's Declaration

Penal Code sections 1546.1(d)(3) requires that a Search Warrant issued to an electronic communications service provider "shall be accompanied by an order requiring the service provider to verify the authenticity of electronic information that it produces by providing an affidavit that complies with the requirements set forth in Section 1561 of the Evidence Code." Google is a service provider within the meaning of the statute and I therefore request that the warrant include this required order.

Productions of Records

Based on my training and experience, I know that the requested records are maintained in electronic format. I also know that electronic communications companies often prefer to produce records in an electronic format and that electronic records are easier for investigators, prosecution and defense to use. Therefore, I request an order that any records be provided in electronic format to the following address:

California Highway Patrol Officer Ted Luna
1630 Summer Lane, Crescent City, CA 95531
TLuna@chp.ca.gov

Compliance with the Warrant

Penal Code section 1524.2(b)(1), requires that a "foreign corporation" within the meaning of section 2105 of the Corporations Code, shall provide all records sought pursuant to a search warrant within five business days of having received the warrant. I am informed and believe that Google is incorporated in Delaware and is a foreign corporation. I am also aware that geofence warrants require additional time to process and that Google requests that the Court waive the 5-day requirement. Therefore, I request an order that Google produce the listed records within 60 days.

Conclusion

Based on my training and experience, I believe that there is probable cause that the information being sought by this search warrant could identify the suspect(s) who ignited the Dodge Ram 2500 pickup in one of two ways.

First, it is possible that one of the users identified in the requested records is the suspect. The CHP Crescent City Area has been exhausting all leads and tips related to this investigation since



the night of, and this information could match witness and/or suspect statements which they have interviewed or possibly show deception.

Secondly, there may be additional witnesses who may have observed the suspect(s) in the area of the fire or may have knowledge of the crime and have either not contacted law enforcement or may be unaware.

I believe evidence will be located to possibly identify suspects and/or witnesses by obtaining this information to gain further leads for investigative purposes.

Facebook

Subscriber's account information:

<https://www.facebook.com/ryan.fitzhugh.1656>

<https://www.facebook.com/ryan.fitzhugh.1422>

<https://www.facebook.com/ryan.fitzhugh.35>

<https://www.facebook.com/ryan.fitzhugh1>

<https://www.facebook.com/profile.php?id=100031232079594>

<https://www.facebook.com/profile.php?id=100046542890327>

https://www.facebook.com/erikatedsen/about_overview

Subscriber accounts were confirmed by Account owners stating to myself that they owned Facebook accounts or based on profile photos, confirming their identities.

Based on the evidence discovered during this investigation, I believe that there will be evidence contained within Fitzhugh's, Peraira's, and Tedsen's Facebook accounts that show the Felony 550(a)(1), Insurance Fraud, and 182 PC, criminal conspiracy.

Also, I am specifically requesting to be able to search through Fitzhugh's, Peraira's, and Tedsen's Facebook accounts between the dates of January 1, 2021 to April 12, 2021. As stated above, I have received information that the involved parties have been communicating with each other about the Dodge Ram 2500 pickup, via Facebook. Given access to these Facebook accounts will allow me to locate potential conversations between the three suspects and others that they have spoken with. Without this access, I will be limited in what I can observe, based on the settings set by the three suspects Facebook pages. Thus, I will not be able to search any private conversations (conspiring) conducted by the three suspects and others that they may have spoken with.

Based on my training and experience in securing user-account records through Internet Service Providers (ISP) and my experience as a computer and internet user, I know that social networking providers such as Facebook allow users to establish profiles online after providing general personal information, such as an email address, date of birth and user name. None of this information is verified by the social networking provider and general knowledge of this perceived anonymity is widely known by internet users. Social networking providers maintain the communications received by and sent from a specific user including, but not limited to,

}


messages, photos, videos, friends lists, network preferences, Facebook pages, requests and notifications, subscriptions and applications.

Based on my training and experience I know that suspects that commit crimes use the internet and/or communication devices and social networking sites, such as Facebook, to provide information of the crime(s) they have committed. I also know from training and experience that suspects will use social media websites, such as Facebook, to communicate with other people about the crimes they are planning to commit and to coordinate on how to deceive law enforcement about crimes that were committed.

Based on my training and experience, specifically prior investigations, I know the records described in "Exhibit A" are to be located at Facebook Headquarters, 1 Hacker Way, Menlo Park, California, at www.facebook.com/records.


I ask that the court order the release of the seized records directly to:

California Highway Patrol – Crescent City Area
1630 Summer Lane, Crescent City, CA 95531
(707) 218-2000


ATTENTION: Officer Ted Luna
tluna@chp.ca.gov

I am also requesting a 90 day nondisclosure order pursuant to Penal Code Section 1546.2. This is an ongoing investigation and I believe that if the involved parties are notified of this warrant, it will hinder law enforcement's abilities to collect evidence of the above mentioned crimes.

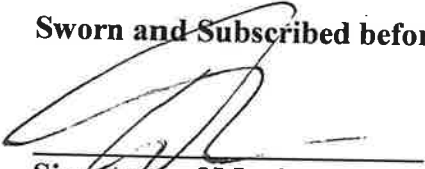
The Del Norte County District Attorney has reviewed this affidavit.


Signature of DA

I declare under penalty of perjury that the information within my personal knowledge contained in this affidavit, including all incorporated documents, is true.


Signature of Affiant

Sworn and Subscribed before me this 15th Day of April, 2021 at 9:30 a.m./p.m.


Signature of Magistrate