

AO 106 (Rev. 04/10) Application for Search Warrant

SEALED

FILED

UNITED STATES DISTRICT COURT

for the Eastern District of California

DEC - 6 2017

CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA BY DEPUTY CLERK

In the Matter of the Search of)

A black Verizon LG smartphone found in the possession of Stuart NAGATA, an inmate at Pleasant Valley State Prison, on November 21, 2017)

Case No.

2:17-SW-1049 CKD

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A-3, attached hereto and incorporated by reference.

located in the Eastern District of California, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B, attached hereto and incorporated by reference

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- checkbox evidence of a crime; checkbox contraband, fruits of crime, or other items illegally possessed; checkbox property designed for use, intended for use, or used in committing a crime; checkbox a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Table with 2 columns: Code Section and Offense Description. Rows include 18 U.S.C. § 1956 (Money laundering), 18 U.S.C. § 1959 (Violence in aid of racketeering), 18 U.S.C. § 1962 (Racketeering and racketeering conspiracy), 21 U.S.C. § 841(a) (Distribution, PWID controlled substances), and 21 U.S.C. § 846 (Conspiracy).

The application is based on these facts: SEE AFFIDAVIT, attached hereto and incorporated by reference.

- checkbox Continued on the attached sheet. checkbox Delayed notice of days (give exact ending date if more than 30) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature: Dave Silber, SPECIAL AGENT

Sworn to before me and signed in my presence.

Date: 10/5/2017

Judge's signature: Carolyn K. Delaney

City and state: Sacramento, California

Printed name and title: Carolyn K. Delaney, U.S. Magistrate Judge

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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 In the Matter of the Search of:
12 Four cellular phones, one SIM card, and four
SD cards seized from Salinas Valley State
13 Prison and Pleasant Valley State Prison,
currently located at the FBI Field Office in
14 Roseville, California
15

CASE NO.
AFFIDAVIT IN SUPPORT OF AN APPLICATION
UNDER RULE 41 FOR WARRANTS TO SEARCH
DEVICES
UNDER SEAL

16 1. I, David Sieber, Jr., being first duly sworn, hereby depose and state as follows:

17 I. INTRODUCTION AND AGENT BACKGROUND

18 2. I make this affidavit in support of an application under Rule 41 of the Federal Rules of
19 Criminal Procedure for search warrants authorizing the examination of property—electronic devices—
20 which are currently in law enforcement’s possession, and the extraction from that property of
21 electronically stored information described in Attachment B.

22 1. I am a Special Agent with the FBI, and I am an “investigative or law enforcement
23 officer” of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am an officer of the
24 United States empowered by law to conduct criminal investigations and make arrests for offenses
25 enumerated in 18 U.S.C. § 2516. I have been employed with the FBI since October 2002. I am
26 currently assigned to the FBI’s Sacramento Division, Violent Crime Safe Streets Task Force. I have
27 been assigned to this squad since 2011. I was trained as an FBI Special Agent at the FBI Academy in
28 Quantico, Virginia.

1 2. During my training, I received training in Title 21 of the United States Code, including,
2 but not limited to, Sections 841(a)(1) and 846. I also have received training in federal firearms laws,
3 including but not limited to Title 18, United States Code Sections 921, 922, and 924.

4 3. In addition to the training I received at the FBI Academy, I have received specialized
5 training in narcotics and prison-gang investigations from California state law enforcement agencies that
6 has focused on topics such as drug interdiction, drug detection, money-laundering techniques and
7 schemes, drug identification, asset identification and removal, gang classifications, gang politics, and
8 methods utilized by gangs to carry out the aforementioned criminal conduct.

9 4. During the course of my employment as an FBI Special Agent, I have participated in
10 numerous criminal and national security investigations. I have also participated in numerous
11 investigations involving the use of federal and state search warrants to collect evidence, including
12 controlled substances, the seizure of narcotics-related records, and other types of evidence that
13 document the activities of criminal organizations in both the manufacturing and distribution of
14 controlled substances and weapons. To successfully conduct these investigations, I have utilized a
15 variety of investigative techniques and resources including physical and electronic surveillance, various
16 types of infiltration (including undercover agents, informants, and cooperating sources), pen register and
17 trap and trace devices, GPS and telephone tracking devices, trash covers, mail covers, pole cameras,
18 stationary video recording vehicles, audio and audio/video recording devices.

19 5. Through these investigations, my training and experience, and conversations with other
20 agents and law enforcement personnel, I have become familiar with the methods used by organized
21 criminal enterprises, drug trafficking organizations, and street gangs to smuggle and safeguard
22 controlled substances and weapons, to distribute, manufacture, and transport controlled substances, and
23 to collect and launder related proceeds. I have personally participated in California state wire
24 investigations and this federal Title III wire investigation.

25 6. I am aware, based on my training and experience, that traffickers utilize a variety of
26 techniques and practices to sustain their illegal operation. These techniques and practices are
27 implemented to achieve primarily two goals: (i) acquiring and distributing narcotics (and firearms), and
28 proceeds without the detection of law enforcement, and (ii) minimizing the exposure of members of the

1 narcotics and firearms trafficking operations from investigation and prosecution by law enforcement.

2 These techniques and practices include the following techniques:

- 3 a) Narcotics (and firearms) trafficking organizations, including organizations whose
4 members consist of criminal street gang members, routinely “compartmentalize”
5 information about their operations to reduce the amount of knowledge possessed by any
6 given member of an organization. This is meant to minimize the amount of information
7 that law enforcement can gain about the organization from exploiting opportunities to
8 learn from any particular member who chooses to cooperate with law enforcement.
- 9 b) Narcotics (and firearms) trafficking organizations routinely utilize communication
10 facilities such as cellular telephones to make calls, send text messages, and use
11 communications applications to communicate directions and information about the
12 organization’s activity. During these conversations, the members of the organization will
13 often communicate using coded language in an attempt to keep law enforcement from
14 understanding their conversations. Additionally, such organizations will use generic
15 descriptions and familiar coded references to identify relevant information such as
16 meeting locations, quantities of controlled substances, and prices, to elude detection by
17 law enforcement.

18 3. This affidavit is intended to show only that there is sufficient probable cause for the
19 requested warrant and does not set forth all of my knowledge about this matter.

20 **II. IDENTIFICATION OF THE DEVICE TO BE EXAMINED**

21 4. The property to be searched is the following devices (the “Devices”):

- 22 • An LG Verizon smartphone found in the possession of Steven TRUJILLO, an inmate at Salinas
23 Valley State Prison (“SVSP”), on November 21, 2017;
- 24 • A black Verizon LG cellular phone found in the possession of Stuart NAGATA, an inmate at
25 Pleasant Valley State Prison (“PVSP”), on November 21, 2017;
- 26 • A black Verizon LG smartphone found in the possession of Stuart NAGATA, also on November
27 21, 2017;
- 28 • An LG cellular phone found in the possession of James PEREZ, an inmate at SVSP, on

1 November 21, 2017;

- 2 • A SIM card and four SD cards found in the possession of PEREZ, which appear to match the LG
3 cellular phone found in his possession.

4 The Devices are currently located in a secure evidence-retaining location at the FBI Field Office in
5 Roseville, California.

6 5. The applied-for warrants would authorize the forensic examination of the Devices for the
7 purpose of identifying electronically stored data particularly described in Attachment B.

8 **III. PROBABLE CAUSE**

9 6. Since June 2017, the FBI has been conducting Court-authorized wire and electronic
10 interceptions of individuals suspected of being members in a Norteño street gang, Varrio Bosque Norte,
11 that operates principally in Yolo County, California.¹ In the course of that investigation, investigators
12 were able to obtain authority to intercept facilities belonging to suspected members of La Nuestra
13 Familia (the "NF"), a well-established prison gang that generally draws on Norteños and members of
14 Norteño street gangs to serve its interests. The Devices described in this affidavit were seized by staff of
15 the California Department of Corrections and Rehabilitation ("CDCR") following the interception
16 period, from inmates whose communications had been intercepted.

17 7. As described below, investigators intercepted both wire and electronic interceptions of
18 TRUJILLO, NAGATA, and PEREZ during the course of the investigation. For each individual,
19 investigators were able to identify the inmate by comparing the voice on the intercepted communication
20 with calls that the inmates had made over the CDCR inmate phone system. (The inmate phone system
21 alerts inmates before the call begins that the calls are monitored.) I provide here examples of
22 conversations that each of these three inmates engaged in.

23 8. Based on information obtained from CDCR investigators, I believe that TRUJILLO is a
24 high-ranking member of the NF, with authority to manage the activity of the gang, and Norteños
25

26 _____
27 ¹ Generally speaking, the term "Norteño" refers to individuals who align with Hispanic criminal
28 street gangs (whether as members or affiliates). Such individuals are principally, though not
exclusively, Hispanic males. Norteños, or "Northerners," also align with the NF, a prison gang that
generally claims the northern portion of California. (In contrast, the NF's principal rival, the Mexican
Mafia, claims the southern portion of the state.)

1 generally, at SVSP. He also is suspected of having control over NF and Norteño activity in several
2 counties in the Eastern District of California. PEREZ is understood to be one of the three “Generals”
3 who comprise the “High Command” that controls the NF. And, NAGATA is understood to be a deputy
4 for TRUJILLO.

5 **A. Communications with John LEMUS**

6 9. In the course of this investigation, investigators intercepted two facilities used by John
7 LEMUS, identified in this investigation as **Telephone 12** and **Telephone 14**. Investigators have been
8 able to obtain recordings of LEMUS’s voice; for example, investigators have searched a Snapchat
9 account attributed to LEMUS and found videos of him speaking into the camera. Based on a
10 comparison of the known recordings of LEMUS, investigators believe LEMUS is the user of these
11 facilities.

12 10. In May 2017, the CDCR’s Special Services Unit (the “SSU”) confiscated a contraband
13 cellular phone from a suspected member of the NF in custody at California State Prison – Sacramento.
14 In the search of the contraband phone, investigators found a list of names, identifying individuals who
15 had been “made” into “Carnals,” a term for made members of the NF, and the individuals who approved
16 the individual to be made a Carnal. The list included the individuals’ first names, last names, aliases,
17 hometowns, and “birth dates,” i.e., the days that these individuals were made Carnals. In this list,
18 investigators found a series of individuals approved by “Esteban,” whom investigators understand to be
19 TRUJILLO. Among the approved individuals, investigators found the following: “John Ray Lemus, J-
20 Mac, de Woodland SVSP1-2016.” A CDCR records check confirms that LEMUS was at SVSP in
21 January 2016, and that he paroled in February 2017. Based on the foregoing, investigators believe that
22 LEMUS is a member of the NF, who was made a Carnal by TRUJILLO.

23 **B. October 21, 2017 – LEMUS and TRUJILLO**

24 11. On October 21, over **Telephone 12**, LEMUS spoke with TRUJILLO. On that call,
25 TRUJILLO described a recent search by CDCR staff, saying, yeah they came, they only hit just the
26 homeboys – they hit the Eme and the NF, right. Here, investigators believe TRUJILLO was referring to
27 a search of the Mexican Mafia (i.e., the “Eme”) and the NF. TRUJILLO added, “me, Chuco, Sleeper,
28 they got Joker too, right” and added, “they have him labeled as NF now, right.” Here, investigators

1 believe that TRUJILLO was referring to Antonio "Chuco" GUILLEN; an NF member known as
2 "Sleeper"; and Jacob CASTRO, an NF member known as "Joker." TRUJILLO added, "anyway it was
3 behind, uh, they said the homeboy Chuco over here declared war on the Eme, right." LEMUS said, oh
4 is that right? TRUJILLO said, "they pulled out the leadership and wanted to talk to Chuco and then talk
5 to Old Man over here. And they pulled me out, right, separately, and they told me they'd take me to all
6 the prisons to talk to the Eme leadership about clearing this shit up, right." LEMUS said, yeah, and
7 TRUJILLO said, "I told 'em I ain't good with that, you know?" Investigators are aware that CDCR had
8 asked NF leadership to meet with Mexican Mafia leadership to resolve the apparent issues, and here,
9 TRUJILLO said he was not willing to do that. Moreover, investigators know that "Old Man" is a
10 nickname for PEREZ.

11 12. Later, TRUJILLO said, "you know what I wanted to get at you about, uh, you know, uh,
12 Joker's sister, right? You know she stole all that money." TRUJILLO then said, "thirty-two thousand
13 dollars" LEMUS said, "shit." TRUJILLO said, "and, uh, you know who has to pay it back, right?"
14 LEMUS said, "Jokes." TRUJILLO said, "yeah, and me. He added, But uh, he paid twenty thousand
15 and I paid twelve thousand back." Here, investigators believe TRUJILLO was informing LEMUS that
16 CASTRO's sister had stolen \$32,000. TRUJILLO then said, "I'm just letting you guys know, man, uh,
17 you know what I mean? They're already done. Her and his ex-hina, Amanda? They're, you know,
18 they're done, you know what I mean?" LEMUS said, yeah. TRUJILLO then said, "So, let the
19 homeboys know out there, whoever you want to handle it, go ahead, you know what I mean?" LEMUS
20 said, "all right, it's all good." Investigators believe that here, TRUJILLO was directing the murders of
21 CASTRO's sister and his ex-wife or ex-girlfriend. TRUJILLO then said, and, um, you know, she came
22 to talk to me, like, I asked her for fifteen thousand, I was gonna give it to the homie for contribution,
23 right? LEMUS said, yeah. TRUJILLO continued, and she only gave me six, the six came from my area
24 right there, right? LEMUS said, yeah. TRUJILLO continued, "she came and talked to me, she told me
25 she spent it all. LEMUS said, damn." TRUJILLO then said, "she told me that she didn't want me to tell
26 Joker or nothing, I told him, he basically cut her loose, you know?" Investigators believe that
27 CASTRO's sister had admitted to TRUJILLO that she spent money that was due to him, for him to
28 make his contribution to the NF, and that TRUJILLO had obtained permission from CASTRO to order

1 the murder. LEMUS said, yeah. TRUJILLO said, he paid it back, he paid it back though, that
2 motherfucker paid it back. LEMUS said, oh he did already? TRUJILLO said, yeah, he paid it back,
3 after last Saturday, he paid back twenty thousand, I paid back twelve thousand. TRUJILLO continued,
4 “and, what it is, she kind of did it in a way where we have to pay all our contributions for the year of the
5 year, right?” LEMUS said, “uh huh, oh yeah that’s right, the twenty,” and TRUJILLO said, “and if we
6 didn’t pay, we probably would have been done, you know what I mean?” LEMUS said, all right.
7 Investigators believe that TRUJILLO was indicating that if he and CASTRO had not paid their financial
8 contributions, they would have been subject to removal.

9 13. Later on the call, TRUJILLO then said, well I’m gonna have, like, almost forty thousand,
10 right, and I’m gonna be sending it out to your guys’ area so you guys can buy some stuff with that.
11 Forty thousand, you can pay me back that, plus twenty-five percent, that should be enough to get you up
12 and going. LEMUS said, all right. Investigators believe TRUJILLO was here planning to send \$40,000
13 to LEMUS, to help LEMUS acquire controlled substances for distribution and profit generation. That
14 profit generation, in turn, will require remuneration to TRUJILLO, with a 25-percent “tax.” Prior to this
15 portion of the call, TRUJILLO had considered whether a third party could function in his “area.” Prior
16 to this portion of the call, TRUJILLO had considered whether a third party could function his area, and
17 had noted that he had “four counties” now; investigators understood this to mean that TRUJILLO has
18 control over NF and Norteño activity. Given that TRUJILLO was directing LEMUS, investigators
19 believe at least one of those counties includes the greater Sacramento area.

20 **C. October 25 and 31 – LEMUS and NAGATA**

21 14. On October 25, NAGATA called LEMUS on **Telephone 12**. On the call, NAGATA told
22 LEMUS that he had a line for a “little nine” at “six or sixty-two.” LEMUS told NAGATA that he
23 thought that was a good price because he has heard of some people paying “seventy-five.” NAGATA
24 agreed but told LEMUS that would put money in LEMUS’s pocket and that LEMUS could just set aside
25 a percentage out of that. LEMUS complained about not having enough to “fill these orders.” NAGATA
26 indicated that he knew someone in San Jose but that LEMUS would have to pay in cash the “six or
27 sixty-two,” but that this source of supply from San Jose would deliver to LEMUS.

28 15. On October 31, LEMUS received a call from Stuart NAGATA. I note that on this call,

1 NAGATA identified himself as "Hitter"; TRUJILLO had discussed "Hitter" with LEMUS on the
2 October 21 call. On this call, LEMUS discussed tapping in with the cats, and said that he was waiting
3 on them. LEMUS also said he had cash now and was ready to tap back in. NAGATA talked about
4 hooking him up and his "people that got it [UI]" and explained that a "nine" was going to be sixty-two."
5 NAGATA said that if it was "the whole kick, the big body, it's twenty-three and a half." NAGATA told
6 LEMUS to add on top whatever he wanted. I am aware that LEMUS has been in communication with
7 NF member Steven TRUJILLO about beginning to function for the NF, and believe that here, NAGATA
8 was supporting that effort by creating a drug-source connection for LEMUS. I believe that by quoting
9 "nine" for "sixty-two" and the "big body" for "twenty-three and a half," NAGATA was that nine ounces
10 of cocaine would cost \$6,200 and a kilogram (i.e., a "kick") would cost \$23,500. From my participation
11 in this investigation and my training and experience, I understand that these prices are consistent with
12 cocaine prices.

13 16. NAGATA further indicated, on the October 31 call, that LEMUS could add whatever
14 margin he wished when he distributed it downstream. NAGATA then said that he would slide "them"
15 LEMUS's number, and talked about a 213 area code and said that they pushed it from San Jose, and told
16 LEMUS to say that "Hitter" gave LEMUS the number. Later in the call, NAGATA asked if he needed a
17 half, and LEMUS said he needed a "five and a half," an amount that Miguel RUIZ had asked LEMUS
18 for earlier on this evening. NAGATA also told LEMUS that when he got the text from the "213"
19 number, that he didn't have to say anything on the phone but to say [UI] the "sister." He indicated that
20 the "sister" is a little "nine piece." NAGATA told LEMUS to say the "sister" and that will be a "nine."
21 NAGATA also said if he wanted something big, to say the "big sister" and that will be twenty-three and
22 a half, and then instructed him again to not say anything on the phone. NAGATA again instructed
23 LEMUS to "put some dollas on top of it so you can make some money too." LEMUS said they were
24 paying twenty-five right now and for a nine it was about "seventy-five" (i.e., \$7,500). NAGATA told
25 LEMUS that the people were in San Jose and if the timing was right, it was right.

26 17. Following these calls, LEMUS received a text from a "213" phone number that said, "Ay
27 hitter shot me this numb its his folks frm san jose just holla wheneva yu ready." LEMUS provided his
28 address and asked this individual to "Bring lil sis to say hi." That deal did not end up occurring, but I

1 believe it corroborates NAGATA's representation that the user of the "213" area code would reach out
2 to supply LEMUS with a controlled substance.

3 **D. November 3 – NAGATA and TRUJILLO**

4 18. On November 3, TRUJILLO called NAGATA; TRUJILLO used a different phone than the
5 one he had used to speak with LEMUS on October 21. The phone used in this conversation has been
6 identified in this investigation as **Telephone 16**.

7 19. On this call, NAGATA went through monetary calculations and explained that TRUJILLO
8 would be receiving "66," to complete his "bonus." That "66" was a balance from "8,900," and so I
9 believe NAGATA was explaining that he was going to take \$8,900, pay some dividends to third parties,
10 and provide the \$6,600 to TRUJILLO to complete his "bonus."

11 20. On the call, TRUJILLO told NAGATA that they were trying to put some money together.
12 He noted that "Little Guy" had 40, "Old Man" had 100, and he (TRUJILLO) had 20. TRUJILLO asked
13 NAGATA if NAGATA wanted to "throw in" on a 100-pound "crys" load that they were going in on.
14 TRUJILLO expected the price to be about \$1,500 a pound. NAGATA expressed concerns about
15 throwing his money with someone he did not know. TRUJILLO said that he asked "Little Guy" if he
16 put a filter out, saying we had to buy everything from one person, right? He said no, he wanted to know
17 who that was coming from. NAGATA told TRUJILLO it was not a filter, but that NAGATA had heard
18 people pitching that idea around. TRUJILLO said that out of 20, his cut would be 30 back. NAGATA
19 told TRUJILLO to let NAGATA know when TRUJILLO wanted NAGATA to drop the money off.
20 NAGATA said to make sure it was good stuff and that "our guys can dump it out there." TRUJILLO
21 said this deal would be with some Carnals out of San Jose. TRUJILLO said they offered to let him
22 "jump on their ride." NAGATA told TRUJILLO that right now, NAGATA could get a pound for 22 to
23 24 (i.e., \$2,200 to \$2,400). TRUJILLO asked if 17 (i.e., \$1,700) was a good price and NAGATA said it
24 was, but that the quality might not be good. NAGATA warned TRUJILLO that if they didn't know
25 these guys in San Jose, a big deal would not be the best thing to do. NAGATA suggested doing smaller
26 deals first with the San Jose guys. After this discussion, NAGATA told TRUJILLO that NAGATA
27 would do whatever TRUJILLO wanted with TRUJILLO's money. TRUJILLO concluded that
28 NAGATA should just hold the money for now. TRUJILLO and NAGATA also talked about getting

1 “zips” of “black,” which I believe from my training and experience refers to ounces of black-tar heroin.
2 TRUJILLO said he had a “hina,” aka, a woman, to use for that; I believe this means TRUJILLO had a
3 woman who would smuggle the “zips” into SVSP for him.

4 21. Later on the call, TRUJILLO told NAGATA to “make sure Ronnie knows, make sure
5 Ronnie understands, right? In regards to, in regards to Tanya, um, that’s a negative.” I believe that
6 here, “Ronnie” is a reference to LEMUS. TRUJILLO added, to “put a red” and “put a stop on that, you
7 know what I mean?” NAGATA asked, “oh stop it?” TRUJILLO said, “yeah, put, put whatever them
8 homies gonna handle out there with, with Tanya, yeah tell em hold off. Tell em hold off on that. Pull
9 back.” NAGATA said he would let them know because they were supposed to get the hook up from
10 “Ronnie.” NAGATA later explained, “the thing is, there’s another hina out there, right, that the, that the
11 homeboy knows with the same name, and the IGI went and fuckin’ told her someone threatened her life,
12 and that the NF wanted to kill her and stuff, you know what I mean? They got the wrong hina, but the
13 same name, so that’s why I’m sayin for right now, kick back with that.”

14 22. I am aware that after TRUJILLO directed LEMUS to have two women killed on October
15 21, the FBI found the two women and warned them about a threat to their safety. Here, I believe
16 TRUJILLO found out about this warning and was directing NAGATA to have LEMUS relay the order.
17 (Shortly after the FBI spoke with the two women, TRUJILLO stopped using the phone he had been
18 using on October 21, which I interpret as some evidence that he learned that investigators had heard
19 about his order.) While TRUJILLO’s account is somewhat different from the actual facts – the FBI
20 visited with the two women, not the CDCR’s Institutional Gang Investigators (“IGIs”), and I believe the
21 FBI correctly identified the two women – the account is close enough to the facts that I believe it reflects
22 TRUJILLO’s awareness that law enforcement had contacted these women.

23 **E. November 9 – TRUJILLO and PEREZ**

24 23. On November 9, TRUJILLO called James PEREZ from **Telephone 16**. Both before and
25 after November 9, TRUJILLO and PEREZ spoke about matters generally concerning the operation of
26 the NF, including decisions about which other gangs to support in confrontations, suspected reasons why
27 contraband phones had gone missing, their ability to maintain control of their finances, and whether
28 certain individuals were in trouble for running afoul of gang rules.

1 24. On this call, TRUJILLO and PEREZ discussed brewing tensions between members of
2 different gangs at SVSP. TRUJILLO indicated that the Blacks had been looking around because they
3 were supposed to receive ten more phones and two bundles of weed that came up missing. They had
4 told the "Gabacho" (i.e., a Caucasian) who works in the canteen to grab it, and he told them it wasn't
5 there. The Blacks checked the garbage and found wrappers for the phones, and have been asking,
6 where's their shit. TRUJILLO also indicated that a third party got at the "AB" (i.e., the Aryan
7 Brotherhood, another prison gang composed of Caucasians) the other night in the day room, but that the
8 AB indicated they didn't know about the missing items. Today, one of the homeboys had told
9 TRUJILLO that one of the Blacks had paid \$10,000 for the drop (i.e., of the phones and "weed").

10 25. TRUJILLO said that one of the Blacks had asked a homeboy, if the Blacks rushed the
11 "Gabachos" for taking their stuff, and the Southsiders (i.e., inmates associated with the Mexican Mafia)
12 jumped in, would the "Ns help the SS" (i.e., would the "Northerners" help the "Southsiders"). Today,
13 after yard recall, they looked like they were going to get off, i.e., get into a fight. PEREZ laughed and
14 asked, what are you going to do? TRUJILLO said he told "Little Guy," whom CDCR investigators
15 believe is suspected NF member Antonio GUILLEN, that they should stay out of it. GUILLEN had
16 thought they should back up the Southsiders if they help the Whites, and they should talk to them.
17 TRUJILLO had responded that the Southsiders are not involved, and told GUILLEN they should not do
18 anything because the Blacks have not come to them (i.e., to the NF leadership). TRUJILLO said he told
19 the homeboy to tell the Blacks, "hey that a black/white issue, we'll stay out of it." Later, PEREZ
20 laughed and said GUILLEN was a peacemaker, and added that if the Blacks confront the Whites, it's on
21 them. He later added, that we have no understanding with them all, and the Sureños have a treaty with
22 them, that's on them. TRUJILLO agreed, saying that we have no alliance with "Gallos" or the Blacks,
23 we got nothing going on, we're just going to mind our own business. (In the following days, PEREZ
24 and TRUJILLO talked about how CDCR staff had received information that a confrontation was coming
25 between these various gangs, and had placed various portions of the prison on "lockdown.")

26 26. Later on the call, TRUJILLO told PEREZ about some newly arrived inmates ("New
27 Arrivals") at SVSP who had been transferred from Pelican Bay State Prison ("PBSP"). These New
28 Arrivals had "huelas," which I know are written communications, from two or three years ago, talking

1 about the hunger strike. (I know that several years ago, prisoners at PBSP engaged in a hunger strike to
2 protest certain conditions of confinement.) One of the New Arrivals also claimed to have a verbal
3 message only, for "Little Guy," i.e., GUILLEN. TRUJILLO told the New Arrival to put the message on
4 paper and submit it through his channel, or TRUJILLO would put him on freeze. I know that Nortefios
5 in prisons have certain lines of superiors that they are supposed to work through, and that these lines of
6 authority are referred to as "channels." Further, I know that to be put "on freeze" is to be directed not to
7 function with Nortefios while superiors investigate and decide an appropriate punishment. The New
8 Arrival submitted the message, which was that "Sleepy" from Salinas was hated, and that it was coming
9 from "Visa" (i.e., Visalea) that he was no good. In addition, GUILLEN was supposed to be told that all
10 the New Arrivals were all cleared by "Jesse." I know that to be "cleared" is to be found suitable to
11 function with the NF in a prison. TRUJILLO did not like that "Jesse" was telling the NF its business.
12 PEREZ said that TRUJILLO should talk to "Jesse" and fix it. TRUJILLO said they would educate the
13 New Arrivals and set them straight.

14 27. The next issue TRUJILLO and PEREZ discussed concerned the amount of income to be
15 paid from an in-prison transaction. TRUJILLO said that GUILLEN and "Niner" had a deal for four
16 phones and two zips (i.e., ounces) and TRUJILLO was only getting \$1,100 out of the deal. GUILLEN
17 also said that TRUJILLO had to pay \$600 to get one of the phones. TRUJILLO told GUILLEN that it
18 didn't work like that: out of three phones, TRUJILLO should get one, and out of two ounces,
19 TRUJILLO should get 18 grams. GUILLEN said no, that TRUJILLO gets one third of their third,
20 which is \$1,100. TRUJILLO said that the way it worked in prison was that they got a third of 100
21 percent, that was the policy. GUILLEN asked TRUJILLO where it said that in the "bible," and that he
22 thought it said 25 percent. (I believe the "bible" is a reference to the NF's constitution.) TRUJILLO
23 responded, that we're not under the bible, we're under the percentage, and the GOP wanted a third.²
24 GUILLEN told TRUJILLO that the bible said 25 percent, and that he was gonna get at the GOP and
25 change everything. PEREZ said it's the same thing on the streets, if you collect \$2,000 you're supposed

26
27 ² From my training and experience and my consultation with CDCR investigators, I am aware
28 that the NF is governed by a three-member "High Commission," which comprises three "Generals."
One of these Generals is the "General of the Prisons," who has command over Nortefio activity in
California jails and prisons. CDCR presently suspects that PEREZ is the current GOP.

1 to give 25 percent. TRUJILLO said GUILLEN wanted to do everything in prison the same way he did it
2 on the street. TRUJILLO told GUILLEN that he should get together with PEREZ (i.e., the GOP) and let
3 him know what they wanted him to do but that it would create problems. Everything was going smooth
4 with the 33 percent. Later, PEREZ told TRUJILLO that if you made an investment, and it was your
5 product, you got your \$10,000 investment "off the top," and got paid the a third of the profit.
6 TRUJILLO agreed it was fair that way. TRUJILLO later said he had told GUILLEN not to confuse the
7 prison system with the streets. PEREZ said he may have to stop paying his \$2,000, and noted that
8 GUILLEN wanted them to pay on the street, but that he didn't want to pay in the prison. TRUJILLO
9 later noted that for each deal, he had to pay someone to get it in, buy the stuff on the street, then you
10 have to pay the guy to deliver it. You may only make \$3000 to \$4000 off a deal.

11 **F. Summary**

12 28. I submit that the foregoing conversations show that TRUJILLO, NAGATA, and PEREZ
13 have been communicating among each other, and with LEMUS, about ongoing NF-related activity.
14 That activity has included efforts to distribute controlled substances, and how to manage the ongoing
15 activity of the NF and Nortefios inside CDCR facilities. Given these conversations, and in light of the
16 fact that these three individuals are incarcerated within CDCR facilities, I submit that there is probable
17 cause to search the Devices that were seized from them.

18 29. The Devices are currently in the lawful possession of the FBI. They came into the FBI's
19 possession in the following way: on November 21, 2017, CDCR staff conducted searches of the cells of the
20 inmates in possession of the Devices – TRUJILLO, NAGATA, and PEREZ, found the Devices,
21 searched them within customary CDCR procedures, and then turned them over to the FBI. Because the
22 Devices were contraband in the possession of CDCR inmates, I understand that there is no expectation
23 of privacy in their contents. Nevertheless, while the FBI might already have all necessary authority to
24 examine the Devices, I seek this additional warrant out of an abundance of caution to be certain that an
25 examination of the Devices will comply with the Fourth Amendment and other applicable laws.

26 **IV. TECHNICAL TERMS**

27 30. Based on my training and experience, I use the following technical terms to convey the
28 following meanings:

- 1 a) Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone) is
2 a handheld wireless device used for voice and data communication through radio signals.
3 These telephones send signals through networks of transmitter/receivers, enabling
4 communication with other wireless telephones or traditional "land line" telephones. A
5 wireless telephone usually contains a "call log," which records the telephone number,
6 date, and time of calls made to and from the phone. In addition to enabling voice
7 communications, wireless telephones offer a broad range of capabilities. These
8 capabilities include: storing names and phone numbers in electronic "address books;"
9 sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and
10 storing still photographs and moving video; storing and playing back audio files; storing
11 dates, appointments, and other information on personal calendars; and accessing and
12 downloading information from the Internet. Wireless telephones may also include global
13 positioning system ("GPS") technology for determining the location of the device.
- 14 b) Digital camera: A digital camera is a camera that records pictures as digital picture files,
15 rather than by using photographic film. Digital cameras use a variety of fixed and
16 removable storage media to store their recorded images. Images can usually be retrieved
17 by connecting the camera to a computer or by connecting the removable storage medium
18 to a separate reader. Removable storage media include various types of flash memory
19 cards or miniature hard drives. Most digital cameras also include a screen for viewing
20 the stored images. This storage media can contain any digital data, including data
21 unrelated to photographs or videos.
- 22 c) Portable media player: A portable media player (or "MP3 Player" or iPod) is a handheld
23 digital storage device designed primarily to store and play audio, video, or photographic
24 files. However, a portable media player can also store other digital data. Some portable
25 media players can use removable storage media. Removable storage media include
26 various types of flash memory cards or miniature hard drives. This removable storage
27 media can also store any digital data. Depending on the model, a portable media player
28 may have the ability to store very large amounts of electronic data and may offer

1 additional features such as a calendar, contact list, clock, or games.

2 d) GPS: A GPS navigation device uses the Global Positioning System to display its current
3 location. It often contains records the locations where it has been. Some GPS navigation
4 devices can give a user driving or walking directions to another location. These devices
5 can contain records of the addresses or locations involved in such navigation. The Global
6 Positioning System (generally abbreviated "GPS") consists of 24 NAVSTAR satellites
7 orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite
8 repeatedly transmits by radio a mathematical representation of the current time, combined
9 with a special sequence of numbers. These signals are sent by radio, using specifications
10 that are publicly available. A GPS antenna on Earth can receive those signals. When a
11 GPS antenna receives signals from at least four satellites, a computer connected to that
12 antenna can mathematically calculate the antenna's latitude, longitude, and sometimes
13 altitude with a high level of precision.

14 e) IP Address: An Internet Protocol address (or simply "IP address") is a unique numeric
15 address used by computers on the Internet. An IP address is a series of four numbers,
16 each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer
17 attached to the Internet computer must be assigned an IP address so that Internet traffic
18 sent from and directed to that computer may be directed properly from its source to its
19 destination. Most Internet service providers control a range of IP addresses. Some
20 computers have static-that is, long-term-IP addresses, while other computers have
21 dynamic-that is, frequently changed-IP addresses.

22 f) Internet: The Internet is a global network of computers and other electronic devices that
23 communicate with each other. Due to the structure of the Internet, connections between
24 devices on the Internet often cross state and international borders, even when the devices
25 communicating with each other are in the same state.

26 31. Based on my training, experience, and research, I know that the phones seized from
27 TRUJILLO, NAGATA, and PEREZ have the capabilities that allow them to serve as wireless
28 telephones, digital cameras, portable media players, GPS devices, and can access the internet and have

1 an IP address. Further, the SD card and four SIM cards seized from PEREZ are capable of storing
2 documents and communications, such as photographs, text messages, emails, and content from social-
3 media applications, that may be relevant to this investigation. In my training and experience, examining
4 data stored on devices of this type can uncover, among other things, evidence that reveals or suggests
5 who possessed or used the devices and the nature of their unlawful activity.

6 V. ELECTRONIC STORAGE AND FORENSIC ANALYSIS

7 32. Based on my knowledge, training, and experience, I know that electronic devices can
8 store information for long periods of time. Similarly, things that have been viewed via the Internet are
9 typically stored for some period of time on the device. This information can sometimes be recovered
10 with forensics tools.

11 33. Forensic evidence. As further described in Attachment B, this application seeks
12 permission to locate not only electronically stored information that might serve as direct evidence of the
13 crimes described on the warrant, but also forensic evidence that establishes how the Device was used,
14 the purpose of its use, who used it, and when. There is probable cause to believe that this forensic
15 electronic evidence might be on the Device because:

- 16 a) Data on the storage medium can provide evidence of a file that was once on the storage
17 medium but has since been deleted or edited, or of a deleted portion of a file (such as a
18 paragraph that has been deleted from a word processing file).
- 19 b) Forensic evidence on a device can also indicate who has used or controlled the device.
20 This “user attribution” evidence is analogous to the search for “indicia of occupancy”
21 while executing a search warrant at a residence.
- 22 c) A person with appropriate familiarity with how an electronic device works may, after
23 examining this forensic evidence in its proper context, be able to draw conclusions about
24 how electronic devices were used, the purpose of their use, who used them, and when.
- 25 d) The process of identifying the exact electronically stored information on a storage
26 medium that are necessary to draw an accurate conclusion is a dynamic process.
27 Electronic evidence is not always data that can be merely reviewed by a review team and
28 passed along to investigators. Whether data stored on a computer is evidence may

1 depend on other information stored on the computer and the application of knowledge
2 about how a computer behaves. Therefore, contextual information necessary to
3 understand other evidence also falls within the scope of the warrant.

4 e) Further, in finding evidence of how a device was used, the purpose of its use, who used
5 it, and when, sometimes it is necessary to establish that a particular thing is not present on
6 a storage medium.

7 f) I know that when an individual uses an electronic device to direct other individuals to
8 carry out unlawful activity, the individual's electronic device will generally serve both as
9 an instrumentality for committing the crime, and also as a storage medium for evidence
10 of the crime. The electronic device is an instrumentality of the crime because it is used as
11 a means of committing the criminal offense. The electronic device is also likely to be a
12 storage medium for evidence of crime. From my training and experience, I believe that
13 an electronic device used to commit a crime of this type may contain: data that is
14 evidence of how the electronic device was used; data that was sent or received; and other
15 records that indicate the nature of the offense.

16 34. Nature of examination. Based on the foregoing, and consistent with Rule 41(e)(2)(B), the
17 warrant I am applying for would permit the examination of the device consistent with the warrant. The
18 examination may require authorities to employ techniques, including but not limited to computer-
19 assisted scans of the entire medium, that might expose many parts of the device to human inspection in
20 order to determine whether it is evidence described by the warrant.

21 35. Manner of execution. Because this warrant seeks only permission to examine a device
22 already in law enforcement's possession, the execution of this warrant does not involve the physical
23 intrusion onto a premises. Consequently, I submit there is reasonable cause for the Court to authorize
24 execution of the warrant at any time in the day or night.

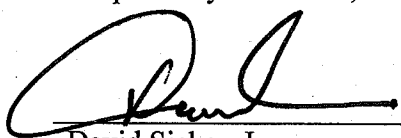
25 VI. CONCLUSION

26 36. I submit that this affidavit supports probable cause for a search warrant authorizing the
27 examination of the Device described in the Attachment ^{✓ 1-4} A to seek the items described in Attachment B.

28 37. It is respectfully requested that this Court issue an order sealing, until further order of the

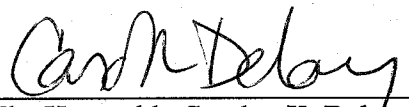
1 Court, all papers submitted in support of this application, including the application and search warrant. I
2 believe that sealing this document is necessary because the warrant is relevant to an ongoing
3 investigation into the criminal organizations as not all of the targets of this investigation will be searched
4 at this time. Based upon my training and experience, I have learned that, online criminals actively
5 search for criminal affidavits and search warrants via the internet, and disseminate them to other online
6 criminals as they deem appropriate, i.e., post them publicly online. Premature disclosure of the contents
7 of this affidavit and related documents may have a significant and negative impact on the continuing
8 investigation and may severely jeopardize its effectiveness.

9 Respectfully submitted,

10 

11 David Sieber, Jr.
12 Special Agent, Federal Bureau of Investigation

13
14 Subscribed and sworn to before me on: 10/5/2017

15
16
17 

18 The Honorable Carolyn K. Delaney
19 UNITED STATES MAGISTRATE JUDGE

20
21
22 /s/ OWEN ROTH
23 Approved as to form by AUSA OWEN ROTH

ATTACHMENT A-1

The property to be searched is an LG Verizon smartphone found in the possession of Steven TRUJILLO, an inmate at Salinas Valley State Prison, on November 21, 2017. This Device is currently located at the FBI's facility in Roseville, California.

This warrant authorizes the forensic examination of this Device for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT A-2

The property to be searched is a black Verizon LG cellular phone found in the possession of Stuart NAGATA, an inmate at Pleasant Valley State Prison on November 21, 2017. This Device is currently located at the FBI's facility in Roseville, California.

This warrant authorizes the forensic examination of this Device for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT A-3

The property to be searched is a black Verizon LG smartphone found in the possession of Stuart NAGATA, a prisoner at Pleasant Valley State Prison, on November 21, 2017. This Device is currently located at the FBI's facility in Roseville, California.

This warrant authorizes the forensic examination of this Device for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT A-4

The property to be searched is an LG cellular phone found in the possession of James PEREZ, an inmate at Salinas Valley State Prison, on November 21, 2017, and a SIM card and four SD cards also found in PEREZ's possession at that time. These Devices are currently located at the FBI's facility in Roseville, California.

This warrant authorizes the forensic examination of this Device for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B

1. All records on the Device described in Attachment A that relate to violations of 18 U.S.C. §§ 1956, 1959(a), 1962(c) 1962(d), 21 U.S.C. §§ 841(a) and 846 and involve Steven TRUJILLO, Stuart NAGATA, and James PEREZ, including:
 - a. Documents and communications concerning the establishment, organization, and functioning of La Nuestra Familia, including but not limited to bylaws and codes governing the conduct of La Nuestra Familia and efforts to abide by these bylaws and codes and disciplinary measures taken or contemplated for failure to do so;
 - b. Documents and communications identifying names, nicknames, code names, phone numbers, email addresses, bank accounts, social-media accounts, and other information attributable to members of La Nuestra Familia and associates (both inside and outside of California jails and prisons) who are functioning in coordination with La Nuestra Familia;
 - c. Documents and communications concerning the organization and functioning of members, directions for members and associates (e.g., individuals responsible for generating profits), disciplinary issues, authorization of individuals to function with La Nuestra Familia (whether as associates or members), rivalries within La Nuestra Familia and with other prison gangs (e.g., the Mexican Mafia, the Aryan Brotherhood, the Bloods, the Crips), and management of individuals who affiliate with the NF in California prisons and jail;
 - d. Documents and communications concerning the movement of funds for La Nuestra Familia, including funds paid into pools by members, funds paid to members, funds paid by individuals who align with La Nuestra Familia, proceeds from unlawful activity (e.g., drug trafficking, robbery, etc.), debts owed, funds misplaced, and efforts to collect, manage, and distribute funds between and among members of La Nuestra Familia;
 - e. Documents and communications concerning commit acts of violence against any person, discussions of acts of violence that have occurred against any person, planning and consideration of acts of violence against any person, disagreements over planned or contemplated acts of violence against any person, all by members or associates of La Nuestra Familia, and including documents and communications concerning individuals perceived as threatening or undermining La Nuestra Familia (e.g., individuals suspected of cooperating with law enforcement, plotting against La Nuestra Familia, failing to observe bylaws and codes of La Nuestra Familia, stealing from La Nuestra Familia members);
 - f. Documents and communications concerning quantities, prices, sources, customers, and individuals assisting with, drug-trafficking; documents and communications concerning methods and means of distributing controlled

substances (e.g., smuggling drugs into prisons and jails, assisting fellow members and associates of La Nuestra Familia obtain controlled substances); documents and communications concerning individuals responsible for obtaining and/or distributing controlled substances through La Nuestra Familia (e.g., with the aid of members or associates of La Nuestra Familia, or for the benefit or at the direction of, members or associates);

- g. Documents and communications evidencing financial transactions, including bank records, checks, credit card bills, account information, wire-transfer receipts, and other financial records.

2. Evidence of user attribution showing who used or owned the Devices at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;

As used above, the terms "documents" and "communications" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

SEALED

UNITED STATES DISTRICT COURT

for the

Eastern District of California

In the Matter of the Search of)

A black Verizon LG smartphone found in the possession of)
Stuart NAGATA, an inmate at Pleasant Valley State Prison, on)
November 21, 2017)

Case No. 2:17-SW-1049-CKD

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of California (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A-3, attached hereto and incorporated by reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

SEE ATTACHMENT B, attached hereto and incorporated by reference.

YOU ARE COMMANDED to execute this warrant on or before December 19, 2017 (not to exceed 14 days)

in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to: any authorized U.S. Magistrate Judge in the Eastern District of California.

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of .

Date and time issued: 12/5/2017 4:08pm

Carolyn Delaney
Judge's signature

City and state: Sacramento, California

Carolyn K. Delaney, U.S. Magistrate Judge
Printed name and title

Return

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

Subscribed, sworn to, and returned before me this date.

Signature of Judge

Date