IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,

COUNTY OF SAN DIEGO

STATE OF CALIFORNIA,) AFFIDAVIT FOR SEARCH WARRANT

(ss. 60576, 60577, 60578

COUNTY OF SAN DIEGO) No. 60579, 60580, 60581

I, , do on oath make complaint, say and depose the following on this 1st day of May, 2019: that I have substantial probable cause to believe and I do believe that I have cause to search:

LOCATION, PROPERTY, AND/OR PERSON[S] TO BE SEARCHED

A. The record storage areas and all parts therein of the company known as **Facebook** in the constructive or actual possession of the California Corporation known as Facebook; **1601 Willow Road, Menlo Park, CA 94025; Attention: Facebook Security, Law Enforcement Response Team, Fax: 650-472-8007; submission via the online Facebook portal at www.facebook.com/records.**

B. The Google account associated with the device identified as **FCCID - A3LSMG930US MSISDN – 18589991461, IMEI – 089269095200430659, IMSI - 310410108252459, ESN – 353562080692439, Android ID – 5dbe79ba37ada58b located at Google, Inc., 1600 Amphitheatre Parkway in Mountain View, CA** and the business, including all records storage areas and records therein assigned to or part of the business located at and commonly described as: The Custodian of Records for the business known as **Google LLC located at 1600 Amphitheater Parkway, Mountain View, California, 94043**, submission to be made via **Google's Law Enforcement Response System (LERS).**

C. The business, including all records storage areas and records therein assigned to or part of the business known as **Amazon.com, Inc. National Registered Agent, Corporation Service Company, 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501, Attn: Legal Department - Legal Process.**

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D. The business, including all records storage areas and records therein assigned to or part of the business known as **Pastebin. Pastebin.com is a text posting website and service of process by email to admin@pastebin.com.**

E. The business, including all records storage areas and records therein assigned to or part of the business known as **MediaFire, 6606 FM 1488 Suite 148-322, Magnolia, TX 77354, submission via fax: 877-495-4275.**

F. The business, including all records storage areas and records therein assigned to or part of the business located at and commonly described as: The Custodian of Records for the business known as **California State University San Marcos located at 333 S. Twin Oaks Valley Road, San Marcos, CA 92096.**

ITEMS TO BE SEIZED

For the following property from **Facebook** (identified by letter "A" above) to wit:

1. Facebook account information for profile ID'S:
    a. User "John Earnest" (**100027636555708**) including but not limited to:
        1. All registration information for the date range of **January 1, 2017 – April 27, 2019**;
        2. Phone and associated devices for the date range of **January 1, 2017 – April 27, 2019**;
        3. Trusted devices for the date range of **January 1, 2017 – April 27, 2019**;
        4. Uploaded photographs for the date range of **January 1, 2017 – April 27, 2019;**
        5. All posts where the above user is tagged by others for the date **range of January 1, 2017 – April 27, 2019;**
        6. All posts on timeline for the date range of **January 1, 2017 – April 27, 2019;**
        7. Deleted photographs for the date range of **January 1, 2017 – April 27, 2019;**

8. Any and all comments for any and all photographs posted for the date range of **January 1, 2017 – April 27, 2019;**

9. Email change addresses for the date range of **January 1, 2017 – April 27, 2019;**

10. Friends and removed friends for the date range of **January 1, 2017 – April 27, 2019;**

11. Last location of mobile device for the date range of **January 1, 2017 – April 27, 2019;**

12. Current Thread Participants for the date range of **January 1, 2017 – April 27, 2019;**

13. Past Thread Participants for the date range of **January 1, 2017 – April 27, 2019;**

14. Subscription Events for the date range of **January 1, 2017 – April 27, 2019;**

15. IP history for the date range of **January 1, 2017 – April 27, 2019;**

16. Stored video and audio direct message communications for the date range of **January 1, 2017 – April 27, 2019;**

17. Any and all accounts associated by cookie for the date range of **January 1, 2017 – April 27, 2019;**

18. User Names and profile names for the date range of **January 1, 2017 – April 27, 2019;**

19. E-mail addresses and passwords for the date range of **January 1, 2017 – April 27, 2019;**

20. Any and all live stream video associated with account for the date range of **January 1, 2017 – April 27, 2019;**

21. Profile information for the date range of **January 1, 2017 – April 27, 2019;**

22. Private messages in the user's inbox, sent messages, trash/deleted messages, notifications and updates involving any and all user for the date range of **January 1, 2017 – April 27, 2019**;

23. Chat information in the user's inbox, sent messages, trash/deleted messages, notifications and updates involving any and all user for the date range of **January 1, 2017 – April 27, 2019**;

24. IP logs (which includes the date stamps of the IP logs at login), initial login IP address and account activity for the date range of **January 1, 2017 – April 27, 2019** and;

25. Other information including name, address, phone number and other screen names that may tend to identify the user for the date range of **January 1, 2017 – April 27, 2019**.

26. Any and all Facebook accounts associated with Facebook User ID 100035547390347) for the date range of **January 1, 2017 – April 27, 2019.**

b. User "John Tocatina" (**100005829157939**) including but not limited to:

1. All registration information for the date range of **January 1, 2017 – April 27, 2019**;
2. Phone and associated devices for the date range of **January 1, 2017 – April 27, 2019**;
3. Trusted devices for the date range of **January 1, 2017 – April 27, 2019**;
4. Uploaded photographs for the date range of **January 1, 2017 – April 27, 2019;**
5. All posts where the above user is tagged by others for the date **range of January 1, 2017 – April 27, 2019;**
6. All posts on timeline for the date range of **January 1, 2017 – April 27, 2019;**

7. Deleted photographs for the date range of **January 1, 2017 – April 27, 2019;**
8. Any and all comments for any and all photographs posted for the date range of **January 1, 2017 – April 27, 2019;**
9. Email change addresses for the date range of **January 1, 2017 – April 27, 2019;**
10. Friends and removed friends for the date range of **January 1, 2017 – April 27, 2019;**
11. Last location of mobile device for the date range of **January 1, 2017 – April 27, 2019**;
12. Current Thread Participants for the date range of **January 1, 2017 – April 27, 2019;**
13. Past Thread Participants for the date range of **January 1, 2017 – April 27, 2019;**
14. Subscription Events for the date range of **January 1, 2017 – April 27, 2019;**
15. IP history for the date range of **January 1, 2017 – April 27, 2019**;
16. Stored video and audio direct message communications for the date range of **January 1, 2017 – April 27, 2019**;
17. Any and all accounts associated by cookie for the date range of **January 1, 2017 – April 27, 2019**;
18. User Names and profile names for the date range of **January 1, 2017 – April 27, 2019**;
19. E-mail addresses and passwords for the date range of **January 1, 2017 – April 27, 2019**;
20. Any and all live stream video associated with account for the date range of **January 1, 2017 – April 27, 2019**;

21. Profile information for the date range of **January 1, 2017 – April 27, 2019**;

22. Private messages in the user's inbox, sent messages, trash/deleted messages, notifications and updates involving any and all user for the date range of **January 1, 2017 – April 27, 2019**;

23. Chat information in the user's inbox, sent messages, trash/deleted messages, notifications and updates involving any and all user for the date range of **January 1, 2017 – April 27, 2019**;

24. IP logs (which includes the date stamps of the IP logs at login), initial login IP address and account activity for the date range of **January 1, 2017 – April 27, 2019** and;

25. Other information including name, address, phone number and other screen names that may tend to identify the user for the date range of **January 1, 2017 – April 27, 2019**.

26. Any and all Facebook accounts associated with Facebook User ID 100005829157939) for the date range of **January 1, 2017 – April 27, 2019.**

c. Email address: john.t.earnest@gmail.com including but not limited to:

1. All registration information for the date range of **January 1, 2017 – April 27, 2019**;
2. Phone and associated devices for the date range of **January 1, 2017 – April 27, 2019**;
3. Trusted devices for the date range of **January 1, 2017 – April 27, 2019**;
4. Uploaded photographs for the date range of **January 1, 2017 – April 27, 2019;**
5. All posts where the above user is tagged by others for the date **range of January 1, 2017 – April 27, 2019;**

6. All posts on timeline for the date range of **January 1, 2017 – April 27, 2019;**
7. Deleted photographs for the date range of **January 1, 2017 – April 27, 2019;**
8. Any and all comments for any and all photographs posted for the date range of **January 1, 2017 – April 27, 2019;**
9. Email change addresses for the date range of **January 1, 2017 – April 27, 2019;**
10. Friends and removed friends for the date range of **January 1, 2017 – April 27, 2019;**
11. Last location of mobile device for the date range of **January 1, 2017 – April 27, 2019**;
12. Current Thread Participants for the date range of **January 1, 2017 – April 27, 2019;**
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16. Stored video and audio direct message communications for the date range of **January 1, 2017 – April 27, 2019**;
17. Any and all accounts associated by cookie for the date range of **January 1, 2017 – April 27, 2019**;
18. User Names and profile names for the date range of **January 1, 2017 – April 27, 2019**;
19. E-mail addresses and passwords for the date range of **January 1, 2017 – April 27, 2019**;

20. Any and all live stream video associated with account for the date range of **January 1, 2017 – April 27, 2019**;

21. Profile information for the date range of **January 1, 2017 – April 27, 2019**;

22. Private messages in the user's inbox, sent messages, trash/deleted messages, notifications and updates involving any and all user for the date range of **January 1, 2017 – April 27, 2019**;

23. Chat information in the user's inbox, sent messages, trash/deleted messages, notifications and updates involving any and all user for the date range of **January 1, 2017 – April 27, 2019**;

24. IP logs (which includes the date stamps of the IP logs at login), initial login IP address and account activity for the date range of **January 1, 2017 – April 27, 2019** and;

25. Other information including name, address, phone number and other screen names that may tend to identify the user for the date range of **January 1, 2017 – April 27, 2019.**

26. Any and all Facebook accounts associated with Facebook User ID john.t.earnest@gmail.com) for the date range of **January 1, 2017 – April 27, 2019.**

d. Email address: earne005@cougars.csusm.edu including but not limited to:

1. All registration information for the date range of **January 1, 2017 – April 27, 2019**;

2. Phone and associated devices for the date range of **January 1, 2017 – April 27, 2019**;

3. Trusted devices for the date range of **January 1, 2017 – April 27, 2019**;

4. Uploaded photographs for the date range of **January 1, 2017 – April 27, 2019;**

5. All posts where the above user is tagged by others for the date **range of January 1, 2017 – April 27, 2019;**
6. All posts on timeline for the date range of **January 1, 2017 – April 27, 2019;**
7. Deleted photographs for the date range of **January 1, 2017 – April 27, 2019;**
8. Any and all comments for any and all photographs posted for the date range of **January 1, 2017 – April 27, 2019;**
9. Email change addresses for the date range of **January 1, 2017 – April 27, 2019;**
10. Friends and removed friends for the date range of **January 1, 2017 – April 27, 2019;**
11. Last location of mobile device for the date range of **January 1, 2017 – April 27, 2019**;
12. Current Thread Participants for the date range of **January 1, 2017 – April 27, 2019;**
13. Past Thread Participants for the date range of **January 1, 2017 – April 27, 2019;**
14. Subscription Events for the date range of **January 1, 2017 – April 27, 2019;**
15. IP history for the date range of **January 1, 2017 – April 27, 2019**;
16. Stored video and audio direct message communications for the date range of **January 1, 2017 – April 27, 2019**;
17. Any and all accounts associated by cookie for the date range of **January 1, 2017 – April 27, 2019**;
18. User Names and profile names for the date range of **January 1, 2017 – April 27, 2019**;

19. E-mail addresses and passwords for the date range of **January 1, 2017 – April 27, 2019**;

20. Any and all live stream video associated with account for the date range of **January 1, 2017 – April 27, 2019**;

21. Profile information for the date range of **January 1, 2017 – April 27, 2019**;

22. Private messages in the user's inbox, sent messages, trash/deleted messages, notifications and updates involving any and all user for the date range of **January 1, 2017 – April 27, 2019**;

23. Chat information in the user's inbox, sent messages, trash/deleted messages, notifications and updates involving any and all user for the date range of **January 1, 2017 – April 27, 2019**;

24. IP logs (which includes the date stamps of the IP logs at login), initial login IP address and account activity for the date range of **January 1, 2017 – April 27, 2019** and;

25. Other information including name, address, phone number and other screen names that may tend to identify the user for the date range of **January 1, 2017 – April 27, 2019**.

26. Any and all Facebook accounts associated with Facebook User ID (earne005@cougars.csusm.edu) for the date range of **January 1, 2017 – April 27, 2019.**

2. For the following property of **Google LLC** (identified by letter "B" above), to wit, for the time period of **January 1, 2017 through April 27, 2019**:

A. All subscriber information, stored electronic communications, (including voicemail, email and other electronic messages), telephone numbers, account information, payment information, any telephone porting information, and customer identification information

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associated with any of the following names or Gmail addresses, **for the following email account:**

1. John.t.earnest@gmail.com

B. For each account identified provide the following information **for the following email account:**

1. John.t.earnest@gmail.com

1. Registration information provided at time of account registration;
2. Other E-mail addresses associated with the identified accounts;
3. Any and all accounts associated by cookie;
4. Trusted devices;
5. Last location;
6. IP history;
7. YouTube channel videos associated with email and any deleted YouTube videos;
8. Phone and associated devices;
9. IP address at the time of registration;
10. All service and account information, including any billing address(es) provided, IP address (at each transaction), and complete transactional information;
11. Any other connection information, such as the Internet Protocol address of the source of the connection;
12. Connection information for other computers to which the user of the above referenced accounts connected, by any means, during the connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, and all other information related to the connection;

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13. Any other records or accounts related to the above-referenced accounts and user names, including but not limited to, stored data or documents, correspondence, billing records, email communication, alternate email addresses, records of contact by any person or entity regarding the above referenced names and user names, and any other subscriber information;

14. Any and all email and account data associated with the above accounts to include contacts, emails, trash, drafts, spam, sent, inbox, calendar, gchat, Google Voice and google maps data;

15. Any and all account data related to any Google Drive account associated with the above accounts to include files, folders, shared and transferred data, along with logins and IP addresses.

16. Location History - All location data whether derived from Global Positioning System (GPS) data, cell site/cell tower triangulation/trilateration, and precision measurement information such as timing advance or per call measurement data, and Wi-Fi location. Such data shall include the GPS coordinates and the dates and times of all location recordings from 8:00 AM to 8:00 PM on January 1, 2017 to 8:00 AM to 8:00 PM on April 27, 2019.

3. For the following property of **Amazon.com, Inc.** (identified by letter "C" above), to wit, for the time period of **April 1, 2019 through April 27, 2019**:

A. All subscriber information, name, physical address, purchase information, payment method and type, IP address (at each transaction), complete transactional information, telephone numbers, account information, payment information, any telephone information, any and all accounts associated by cookie, email address, credit card number, retail purchase information, physical address items sent, billing address, product information, order details, shipment tracking, payment amounts, items viewed, items in

shopping cart and customer identification information associated with any of the following email: johnearnest1488@gmail.com

B. Any and all information pertaining to the following Amazon.com orders to include: All subscriber information, name, physical address, purchase information, payment method and type, IP address (at each transaction), complete transactional information, telephone numbers, account information, payment information, any telephone information, any and all accounts associated by cookie, email address, credit card number, retail purchase information, physical address items sent, billing address, product information, order details, shipment tracking, payment amounts, items viewed, items in shopping cart and customer identification information for the following Amazon.com orders:

1. 4/6/2019 14:37 - Amazon purchase of "Go Pro HERO - Waterproof ..." - **Order #113-2718435-2139413** - item shipped to John Earnest at 10134 Freeport Court for $214.42
2. 4/6/2019 - 14:47 - Amazon purchase of "Modern Warrior Tactical M88 ABS Tactical Helmet - With Adjustable Chin Strap + 1 item" - **Order #113-8457069-1078636** - item shipped to John Earnest at 10134 Freeport Court for $26.45
3. 4/6/2019 - 15:11 - Amazon purchase of "SanDisk Extreme 32 GB ..." - **Order #113-3789525-8021004** - item shipped to John Earnest at 10134 Freeport Court for $17.74
4. 4/9/2019 - 11:31 - Amazon purchase of "N Cloth Diamond Rip Stop Side Load Gear Duffle B **112-8096303-4365056** - item shipped to John Earnest at 10134 Freeport Court for $30.03

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5. 4/9/2019 - 11:40 - Amazon purchase of "Condor Recon Chest Rig..." **Order #112-5574463-4777020** - item shipped to John Earnest at 10134 Freeport Court for $37.39

4. For the following property from **Pastebin** (identified by letter "D" above) to wit for the time period of **January 1, 2017 through April 27, 2019**:

A. Any and all subscriber information, username of the paste creater, name, physical address, avatar, location tracking data, personal web page, private email address, email address, public paste, private paste, paste content, previous versions of the paste, logs of paste visits, security access logs, IP address, cookies, and content for the following email address:

1. Johnearnest1488@gmail.com

B. Any and all subscriber information, username of the paste creater, name, physical address, avatar, location tracking data, personal web page, private email address, email address, public paste, private paste, paste content, previous versions of the paste, logs of paste visits, security access logs, IP address, cookies and content for the following email address URLS:

1. https://pastebin.com/vxxfqmtw
2. https://pastebin.com/DMtt5xka

5. For the following property from **MediaFire** (identified by letter "E" above) to wit for the time period of **January 1, 2017 through April 27, 2019**:

A. Any and all subscriber information, name, physical address, avatar, location tracking data, personal web page, private email address, email address, public sharing of image files, downloaded files, uploaded files, viewed files, video files, text files, markup/code, Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Adobe Portable Document Format, private sharing of image files, video files, text files, markup/code, Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Adobe Portable Document Format, security access logs, IP address, cookies, and content for the following email address:

1. Johnearnest1488@gmail.com

6. For the following property of **California State University San Marcos** (identified by letter "F" above), to wit, for the time period of **January 1, 2017 through April 27, 2019**:

1. All subscriber information, stored electronic communications, (including voicemail, email and other electronic messages), telephone numbers, account information,

payment information, any telephone porting information, and customer identification information associated with any of the following names or Gmail addresses, **for the following email account:**

a. Earne005@cougars.csusm.edu

b. Earne005@csusm.edu

2. For each account identified provide the following information **for the following email account:**

a. Earne005@cougars.csusm.edu

b. Earne005@csusm.edu

i. Registration information provided at time of account registration;

ii. Other E-mail addresses associated with the identified accounts;

iii. Any and all accounts associated by cookie;

iv. Trusted devices;

v. Last location;

vi. IP history;

vii. PST files;

viii. Google Drive documents captured and exported;

ix. Phone and associated devices;

x. Any and all used Mac address;

xi. IP address at the time of registration;

xii. All service and account information, including any billing address(es) provided, IP address (at each transaction), and complete transactional information;

xiii. Any other connection information, such as the Internet Protocol address of the source of the connection;

xiv. Connection information for other computers to which the user of the above referenced accounts connected, by any means, during the

connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, and all other information related to the connection;

xv. Any other records or accounts related to the above-referenced accounts and user names, including but not limited to, stored data or documents, correspondence, billing records, email communication, alternate email addresses, records of contact by any person or entity regarding the above referenced names and user names, and any other subscriber information;

xvi. Any and all email and account data associated with the above accounts to include contacts, emails, trash, drafts, spam, sent, inbox, and calendar;

xvii. Any and all account data related to any Google Drive, gmail access logs, account associated with the above accounts to include files, folders, shared and transferred data, along with logins and IP addresses.

AFFIANT'S QUALIFICATIONS

I am a peace officer employed as an Investigator (DAI) with the San Diego County District Attorney's Office (SDCDA) and have been so employed for approximately 3 years and 6 months. I am currently assigned to the Crime and Technology High-Tech Response Team (CATCH) and was previously assigned to the Economic Crimes Unit. Prior to working for SDCDA, I was employed as a police officer and detective by the San Diego Police Department for approximately 10 years which included patrol duties and investigating criminal matters.

During the course of my employment, I have received training on the state and local levels, pertaining to the following: search and seizure laws and procedures, counterfeit identification and

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investigation, identity theft investigation, evidence collection, Internet and computer crime investigation, mobile phone forensic examination and real estate fraud investigations.

I have investigated over a hundred criminal offenses, including economic crimes, property crimes and identity theft. During these investigations I have spoken with numerous victims, witnesses and suspects of said crimes. From these conversations, I have learned the different methods by which suspects commit these crimes as well as the manner in which they attempt to hide them from law enforcement. I have prepared or assisted in the preparation and execution of over a hundred Search Warrants. I possess Basic, Intermediate, and Advanced California Peace Officer Standard and Training (P.O.S.T.) Certificates.

PROBABLE CAUSE

During the course of my current duties I have learned the following from having read the reports of other law enforcement officers and/or speaking with the victims and witness of the alleged crimes. All dates refer to the current calendar year unless otherwise specified.

On April 27, 2019 at approximately 11:23 am, San Diego Sheriff's Communication Center received a 911 call of shots fired at the **synagogue located on Chabad Way** in Poway. The reporting party, stated shots were fired in the temple.

I later learned from a briefing by Sgt. that the suspect, a white male later identified as John Earnest, entered the synagogue through the front door and fired several rounds from an AR15-style rifle. He then proceeded further into the church where he began firing rounds from a handgun. The investigation later revealed that Earnest fired only rifle rounds.

Sgt. stated that inside the temple was off-duty border Patrol Agent who retrieved a revolver weapon from one of the congregation members in the church and chased the suspect out of church firing four shots at him as he got into a silver Honda that was parked across the street from the church. The Honda fled northbound on Rancho Bernardo Road.

s then returned the gun to the congregation member who placed it in a black prayer bag and left it in the synagogue.

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It was determined by officers that four people had sustained gunshot-related injuries and had been transported to the hospital.

San Diego Sheriff's deputies responded to the church along with paramedics. Interviews with witnesses are on-going at this time.

The same day (4-27-19), at approximately 11:30 AM, a male who identified himself as John Earnest called the CHP emergency line and stated he had fired shots into the Synagogue and that he was willing to surrender to law enforcement. The phone number he called from was **858.999.1461.** Earnest gave his location as Phil's BBQ at 17051 West Bernardo Center Dr. He stated he had a firearm, and several rounds of ammunition in his vehicle but that he would not use them against law enforcement.

San Diego Police officers responded to the location and took John Earnest into custody without further incident. On the front passenger seat was an AR15-style rifle, rifle magazines, and a helmet with a Go-Pro camera on it.

While on scene at the vehicle, it was learned that one of the victims, Lori Kay, had died as a result of gunshot wounds.

During a public safety interview with SDPD Detective), John Earnest confirmed his home address as **10134 Freeport Ct., San Diego CA.** He further stated that there were no additional weapons at the home. At that time, Earnest did not appear to be under the influence of a controlled substance but did appear to have a "flat affect" as though he was detached or unaffected by his actions.

SDPD SWAT officers and detectives responded to the residence on Freeport Ct. The parents of the suspect were contacted and removed from the home.

Using various search methods, ı, an SDSO system data miner, found a manifesto on Pastebin.com written by a person identifying themselves as John Earnest **(https://pastebin.com/vxxfqmtw).** In the manifesto which he named "An Open Letter," the author made many anti-Semitic and anti-muslim statements. One such statement read, "As an individual, I

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can only kill so many Jews." The author of the letter stated he is not a terrorist but that he hates anyone who he sees as a threat to his country.

The author took credit for a fire that had been set at mosque in Escondido a few weeks earlier. His exact statement was "I scorched a mosque in Escondido with gasoline a week after Brenton Tarrant's sacrifice and they never found shit on me." Additionally, he wrote "I spray-painted on the parking lot. I wrote 'For Brenton Tarrant –t./pol/."

I have learned from speaking with Special Agent ("S/A") with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") the following regarding that incident.

On March 24, 2019, at approximately 3:19 a.m., a 911 call was placed to report a fire at the Dar-ul-Arqam Mosque and Islamic Center ("mosque"), located at 318 West 6th Avenue in Escondido, California. The Escondido Fire Department and Escondido Police Department ("EPD") responded. First responders learned approximately seven individuals had been spending the night at the mosque and, at approximately 3:15 a.m., they had observed flames and rushed outside to extinguish them with a fire extinguisher. First responders noticed ash or charring along approximately half the length of the mosque's west side and spray-painted writing on the asphalt parking lot near where the fire had occurred that read, "FOR BRENTON TARRAN r/pol/." First responders also noticed the odor of, or similar to, gasoline at the location of the fire.

It should be noted that the message that was spray painted was not released to the media. This corroborates the manifesto written by the person identifying themselves as Earnest.

Investigators conducted an online search for "Brenton Tarran" and noted that he was arrested for the mass shooti es in New Zealand that occurred on March 15, 2019 and is believed to be a white MOSQUE lso learned "r/pol/" is a reference to an online political discussion board that has been erized as predominately racist, espousing views embraced by white supremacist groups.

Investigators reviewed surveillance footage retrieved from a business across the street from the mosque. The camera recorded an individual ("suspect") park his/her four-door sedan in front of the mosque at approximately 3:00 a.m. In the video, the suspect exited the vehicle, walked towards

the parking lot where the message was later found spray painted, and then returned to the vehicle. Shortly thereafter, the suspect again exited the car carrying a large container and walked toward the area of the mosque where the fire was set. A short time later, at approximately 3:15 a.m., a large flash of light and smoke are seen in the video and the suspect walked back to the vehicle and drove away westbound on West 6th Avenue.

In surveillance videos obtained from businesses along the route, investigators observed that the suspect appeared to arrive at the mosque on March 24, 2019 by driving eastbound on West 9th Avenue, northbound on South Escondido Boulevard, and then westbound on West 6th Avenue, where he parked in front of the mosque. Investigators also observed, as noted above, that the suspect left the area by driving westbound on West 6th Avenue.

Regarding the Facebook account, on April 27, 2019 at approximately 2:00 p.m., San Diego Police Department located and viewed an open source online post regarding the shooting at the synagogue. The post purportedly contains a livestream link referencing the shooting at https://www.facebook.com/john.earnest.96780.

On April 27, 2019, at approximately 8:02 PM, SDSO Detective went before Honorable Judge L. Lewis and obtained Search Warrant (temporary number 19121326) to search for and seize property located at 10134 Freeport Ct., San Diego, CA, the Chabad Synagogue located at 16934 Chabad Way, Poway, CA, a four-door silver Honda Civic with California license plate 6VRA536 and the person known as John Earnest.

On April 27, 2019, at approximately 9:15 PM, officers and detectives served Search Warrant #19121326 on the four-door silver Honda Civic with California license plate 6VRA536 located at 17051 West Bernardo Dr. Rancho Bernardo, CA 92127. The electronic items recovered inside the vehicle were identified as a Samsung Galaxy S7 cell phone black FCCID: A3LSMG930US and a black GoPro digital video camera.

On April 27, 2019, at approximately 10:00 PM, I went before Honorable Judge L. Lewis and obtained Search Warrant (temporary number 191213326 B) to search for Facebook records associated with John Earnest. On April 28, 2019, I was informed through Facebook law

enforcement response team that Facebook would provide additional information for the items to be seized above if we amended the requested search to include a date range of each item. Accordingly, I am amending each date range to include **January 1, 2017 – April 27, 2019**.

On April 27, 2019, at approximately 10:43 PM, I received a response from Facebook regarding Search Warrant (temporary number 191213326 B). I downloaded the data via the Facebook portal and obtained a PDF file containing information pertaining to Facebook account: john.earnest.96780. Facebook records revealed the name on the account belongs to "John Earnest" with a registered email of johnearnest1488@gmail.com and a verified cell phone number: 858-999-1461.

On April 28, 2019, at approximately 8:10 AM, I went before Honorable Judge L Lewis and obtained search warrants (temporary number 19121326 D) to search for electronic devices seized pursuant to Search Warrant (temporary number 19121326). I also obtained Search Warrant (temporary number 19121326 E) to search for Google Gmail records for johnearnest1488@gmail.com.

On April 28, 2019, at approximately 8:15 AM, I went before Honorable Judge L. Lewis and obtained Search Warrant (temporary number 191213326 F) to search for additional Facebook records associated with John Earnest. On April 28, 2019, at approximately 11:25 AM, I received results from Facebook pursuant to Search Warrant (temporary number 191213326 F) for John Earnest's account. The results included information pertaining to an uploaded photograph on April 23, 2019, with Facebook user comments. However, no photograph or comments were provided due to the affiant not requesting said data.

On April 28, 2019, at approximately 2:04 PM, I went before Honorable Judge L. Lewis and obtained Search Warrant (temporary number 191213326 G) to search for additional Facebook records associated with John Earnest.

On April 29, 2019, at approximately 8:52 AM, I received results from Facebook pursuant to Search Warrant (temporary number 191213326 G) for John Earnest's account. Facebook assigned john.earnest.96780 a target number "**100035547390347**." The account was registered on 04-04-

2019 20:26:30 UTC. The Facebook account associated with User: John Earnest (**100035547390347**) had Cookie "Of5AW5aQ_vw_f9O5VdhaXp39" first seen on 7-7-2018 at 17:54:01 UTC. On 04-04-2019 at 20:26:31 UTC User John Earnest (**100035547390347**) and User John Earnest (**100027636555708**) were seen. The Facebook account associated with User: John Earnest (100035547390347) had Cookie "qWOmXL4Y7HiK_vYqP3mhGFBd" first seen on 4-4-2019 at 20:06:01 UTC. On 04-04-2019 at 20:27:19 UTC User John Earnest (**100035547390347**), User John Earnest (**100027636555708**) and User John Tocatina (**100005829157939**) were seen. Facebook records revealed on 4-23-2019 at 22:08:52 UTC, a photograph was posted on the account with a picture of five individuals. A male wearing a blue shirt and khaki shorts is pictured between a female and a boy. The male in the blue shirt matches the person known as "John Earnest."

On April 28, 2019, SDSO Detective ı received John Earnest's mobile device from SD Sheriff Detective ı which was recovered from the Honda Civic Earnest was arrested in. Detective ı forensically examined the phone pursuant to Search Warrant (temporary number 19121326-D). Detective successfully used the Cellebrite UFED4PC disable screen lock utility within the Samsung SM-G930P profile to unlock the phone. Detective Baclagan obtained a Logical File System extraction from the device.

During a revi obile device contents, I located a calendar event for 5/25/2018 regarding "YMCA Toccatina" john.t.earnest@gmail.com. There is also a message sent on 2/25/201 d as " " with the content "My lol name is John Toccatina." Another sent inbox message to " ı" on 9/11/2018 states, "I'm on Facebook rn." On 9/11/2018, at 10:01 PM (UTC-7), from "32665" is a message "849538 is your Facebook confirmation code".

use a Alias John Toccatina

In addition, a SMS message was sent on 3/19/2019 at 5:02 PM (UTC-7) to "]

" with a message "archive.is/3beHE Archived thread from 8/pol/ that Brenton Tarrant posted before he went guns blazing. None of the links work anymore obv so dont try. Of course the day he posts is the one day I dont go on /pol/. I could've seen it live damnit. **pastebin.com/DMtt5xka** His manifesto. I've only read a little but so far he's spot on with everything." On 3/20/2019 at 3:31:56

PM (UTC-7) a SMS message was sent to " /" stating "**pastebin.com/DMtt5xka** Brenton Tarrant's manifesto. They're banning people for sharing it on social media and arresting those who post it in NZ. I think it's important that everyone should read it." On 3/21/2019 at 8:29:36 PM (UTC-7) a SMS message was sent to "] ' with the link "**pastebin.com/DMtt5xka.**" On April 30, 2019, I attempted to access both Pastebin links and the pages have been removed.

On April 29, 2019, at approximately 2:31 PM, I was notified by Google that search warrant results were available for download. I accessed the Google portal and downloaded the results. The email account johnearnest1488@gmail.com was created on 4/4/2019 at 20:24:35 - UTC. Shortly after, on 4/4/2019 at 13:25, an email confirming a Facebook account with a welcome message, "Hey John" and confirmation code: 36511. On 4/6/2019 at 10:28, an email is received from Amazon that that a new Amazon account is created with a verification code 464555. The next emails are from Amazon with purchase order information and price.

- 4/6/2019 14:37 – Amazon purchase of "Go Pro HERO – Waterproof …" – **Order #113-2718435-2139413** – item shipped to John Earnest at 10134 Freeport Court for $214.42
- 4/6/2019 – 14:47 – Amazon purchase of "Modern Warrior Tactical M88 ABS Tactical Helmet – With Adjustable Chin Strap + 1 item" – **Order #113-8457069-1078636** - item shipped to John Earnest at 10134 Freeport Court for $26.45
- 4/6/2019 – 15:11 – Amazon purchase of "SanDisk Extreme 32 GB …" – **Order #113-3789525-8021004** - item shipped to John Earnest at 10134 Freeport Court for $17.74
- 4/9/2019 – 11:31 – Amazon purchase of "Northstar Tactical 1050 HD Tuff Cloth Diamond Rip Stop Side Load Gear Duffle Bag" **Order #112-8096303-4365056** - item shipped to John Earnest at 10134 Freeport Court for $30.03
- 4/9/2019 – 11:40 – Amazon purchase of "Condor Recon Chest Rig…" **Order #112-5574463-4777020** - item shipped to John Earnest at 10134 Freeport Court for $37.39

There is an email sent on 4/23/2019 at 18:44 from admin@pastebin.com with a subject line "Pastebin.com: New Account Created [verification required]. The email states, "Hi JohnTEarnest" and is requesting the email address to be verified. The next email is sent on 4/23/2019 at 18:59

from accountservices@mediafire.com with a subject line "Verify your email address for MediaFire".

On April 27, 2019, at approximately 9:10 PM, SDSO Detective r went before Honorable Judge L. Lewis and obtained Search Warrant (temporary number 191213326 - A) to search for California State University San Marcos (CSUSM) records pertaining to John Earnest. On April 27, 2019, Chief Information Security Officer ı provided a document of actions to preserve electronic records related to student, John Earnest. The records provided by CSUSM revealed a hold was created for email address: earnes005@cougars.csusm.edu and a login account of earne005@csusm.edu for online course systems. A "pst" file was created to capture and export emails contained in the student's campus mailbox and any capture and exported files from "google drive" owned by Earnest. In addition were network access logs for Earnest's activity and MAC address to connect to the network. Additionally, CSUSM located a Facebook account using the email address earne005@cougars.csusm.edu.

OPINIONS AND CONCLUSIONS

I know from my training and experience and investigations involving Facebook that the electronic service providers maintain business records that include information listed under *Items to be Seized,* above.

I am asking to seize all data relating to the homicide committed, as well as the hate crimes detailed above. This request is based not only on the shooting that occurred, but the suspect's beliefs detailed above. Persons who have these beliefs are known to have extensive documentation of planning and justifications for committing these crimes. This documentation can take many forms.

I know from my training and experience Facebook.com is a free, Internet based online "community" designed for social networking. It allows the user to sign up and create individual 'web page profiles'. It also allows the user to communicate with other users. Users can create a profile for themselves, in which they can upload images, chat, post journal entries, post comments on other user's profiles and send private messages to other members. I also know that in addition

to phone calls, people use Facebook.com as their primary means to communicate with family and friends.

I know from my experience and training that Facebook.com maintains their records by the Profile ID number of each profile. Facebook.com does maintain the original email address and IP (Internet Protocol) address of the profile creator. Facebook.com will also maintain sign-on IP logs, sent and received messages and other subscriber information. Additionally I know the business address where Facebook requires law enforcement requests to be sent is at 1601 Willow Road, Menlo Park, CA 94025 and submission of requests via the online Facebook portal at www.facebook.com/records.

I know from my training and experience that Facebook uses cookies for their Facebook accounts and products. According to https://www.facebook.com/policy/cookies/: "Cookies are small pieces of text used to store information on web browsers. Cookies are used to store and receive identifiers and other information on computers, phones, and other devices. Other technologies, including data we store on your web browser or device, identifiers associated with your device, and other software, are used for similar purposes. In this policy, we refer to all of these technologies as "cookies." Based upon records received by Facebook for Earnest user account, there are two Facebook User accounts and email address that are potentially linked to Earnest which may assist in this investigation into who he has been communicating with and what other posts he may have published privately.

I know from my training and experience and investigations involving Google, Inc. that this electronic service provider maintains business records that include information listed under *Items to be Seized,* above.

Google, Inc. has published information on what types of records would be provided upon receipt of a search warrant.

Subscriber information is the service provider's business record of communications with the subscriber (customer) of the email service or Google Voice. I am requesting subscriber information for the above-listed Google email accounts because I know service providers, like other businesses,

keep records of the name, address, email address, captured IP addresses, and other information of the person subscribing to the service, as a means of tracking customers and facilitating billing for the provider services. The subscriber information will corroborate the identity of the subscriber, and, circumstantially, the user of the email addresses or Google mobile numbers listed in this affidavit.

Google collects and retains location data from Android enabled mobile devices, such as a Samsung Galaxy S7. The company uses this information for location-based advertising and location-based search results. Per 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.

I researched Google's legal service information and verified the types of records available upon service of a search warrant before assembling the list of items to be seized listed in this affidavit.

I am aware that John Earnest attended California State University San Marcos and educational records were provided to law enforcement officials. I am aware that colleges and universities create an account and email address for students attending said school. I am also aware that CSUSM is in possession of emails associated with Earnest that may be relevant to this investigation and service of a search warrant can be made at the above listed location.

I know from my training and experience and investigations involving cell phones and cell phone providers that cell phone service providers maintain business records that include information listed in Items to be Seized, above.

Based on my training and experience, I believe obtaining the subscriber information may assist my investigation by revealing who these individuals are communicating with and their true identities or locations. Also based on my training and experience, I know that individuals engaging in criminal activity often communicate via telephone with other co-conspirators and/or witnesses.

I know from my training and experience and investigations involving Amazon that this business provider maintains business records that include information listed under *Items to be Seized,* above.

Amazon.com, Inc. has published information on what types of records would be provided upon receipt of a search warrant. Amazon is the largest e-commerce marketplace in the world. An extremely high and unknown number of products and goods are available for purchase online and are delivered directly to your address of choice. Customers are afforded the ability to purchase products easily through a mobile device or computer without ever entering a store. Thereby avoiding any potential surveillance cameras capturing the purchase or witnesses seeing the consumer in line. Multiple products were ordered by Earnest at Amazon.com to include a tactical helmet, a tactical duffle bag, a Condor Recon Chest, a Go-Pro camera and memory card. Similar items were recovered inside Earnest's vehicle. In addition, emails from Amazon revealed the items were purchased and shipped to Earnest's residence at Freeport Court.

I researched Amazon legal service information and verified the types of records available upon service of a search warrant before assembling the list of items to be seized listed in this affidavit.

Based upon my research into MediaFire, I believe they may maintain business records that include information listed under *Items to be Seized,* above.

MediaFire is an online storage and collaboration company focused on providing the world with a complete and easy-to-use solution for managing their digital stuff online and on the go. Earnest may have accessed, uploaded or downloaded documents onto MediaFire's online storage which may provide additional information into the planning or any possible co-conspirators in this case.

Based upon my research into Pastebin, I believe they may maintain business records that include information listed under *Items to be Seized,* above.

Pastebin is an online content hosting service website where users can store plain text and can be viewed by others online. Earnest actively shared the above listed Pastebin URLS with both his

family and people he knew. Based upon my training and experience, some people that post manifesto's want to express their views prior to committing a horrific attack. Earnest shared a manifesto from a recent synagogue shooting, then posted his own manifesto on Pastebin and followed it up with an attack on a synagogue.

I request permission for data received to be shared with and viewed by Federal Bureau of Investigations (FBI), The Regional Computer Forensics Laboratory (RCFL), and Computer and Technology Crime High Tech Response Team (CATCH) which are comprised of state, local, and federal law enforcement Investigators. The Computer Forensics Examiner's (CFE) primary duties are the seizure and forensic examination of computers and/or digital media such as hard disks, floppy disks, removable media and mobile devices. RCFL CFEs are either civilian, federal law enforcement officers or California peace officers. CATCH CFEs are either federal law enforcement officers or California peace officers.

I believe that by obtaining the records sought with this affidavit I will ultimately prove the felony crimes of Penal Code 187(a) Murder.

SEALING

Pursuant to *People v. Hobbs* (1994) 7 Cal.4th 948 and Evidence Code sections 1040 and/or 1041, I respectfully request this affidavit and warrant/court order be sealed pending further order of court. Without sealing, the affidavit and warrant/court order become a matter of public record once a criminal case is filed. Sealing is justified even against discovery by the defendant based on the fact that public notice of the information in this affidavit and warrant/court order could jeopardize an on-going investigation of criminal activity, expose law enforcement investigations and techniques, and reveal confidential law enforcement information.

DELAYED AND DEFERRED NOTICE REQUEST

Under the California Electronic Communications Privacy Act, Penal Code section 1546 et. seq., the target of an investigation must be notified by law enforcement contemporaneous with the service of a Search Warrant for electronic communication information. Notice with reasonable specificity of the nature of the investigation and copy of the warrant or written statement setting

forth facts giving rise to an exigency must be provided contemporaneously with the execution of a warrant, or, in the case of exigent circumstances within three days after obtaining the information. Pursuant to Penal Code section 1526.2(b)(1), if the court finds there is reason to believe that notification will cause an adverse result, this court has the authority to extend delayed notification to the target of this investigation for up to 90 days and shall issue the order only for the period of time that the court finds that notification will cause an adverse result. Penal Code section 1546(a) defines adverse result as: danger to the life or physical safety of an individual; flight from prosecution; destruction of or tampering with evidence; intimidation of potential witnesses; and serious jeopardy to an investigation or undue delay of a trial.

Under the federal Electronic Communications Privacy Act, 18 U.S.C. 2701 et. seq. and the California Public Utilities Commission an electronic communication service provider must notify the subscriber that law enforcement has requested the provider's records for the subscribers account and/or device. Law enforcement may request that said notification be delayed for a period of ninety (90) days upon a showing that notifying the subscriber would cause an adverse result in the investigation. 18 U.S.C. 2705 defines an adverse result as: endangering the life or physical safety of an individual; flight from prosecution; destruction of or tampering with evidence; intimidation of potential witnesses; or otherwise seriously jeopardizing an investigation or unduly delaying a trial.

This is an ongoing investigation involving murder and assault with a deadly weapon at a place of worship. It is unknown at this time who else may be involved in this crime and may seriously jeopardize any other unknown co-conspirators. Additionally, there are other crimes detailed above that are being investigated in association with this investigation. Based on these reasons, I am requesting that notification to the target of electronic media search by law enforcement and/or the electronic communication service subscriber be delayed for an additional ninety (90) days.

As required by Penal Code section 1546.1(d)(2); those items that are within the scope of this warrant will be copied and retained by investigative agents. Investigating agents will then seal any

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information obtained that is unrelated to the objective of the warrant and will not further review the information absent an order from the Court.

CUSTODIAN OF RECORDS AFFIDAVIT

The California ECPA, pursuant to Penal Code section 1546.1(d)(3) requires that when a search warrant is directed to an electronic communication service provider that the warrant be accompanied by an order directed to the service provider to require the 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. Facebook, Google, Amazon, Pastebin, and MediaFire are electronic communication information service providers within the meaning of Penal Code section 1546(e).

Based on the aforementioned information and investigation, I believe that grounds for the issuance of a search warrant exist as set forth in Penal Code 1524.

Therefore, based on my training and experience and the above facts, I believe that I have substantial cause to believe the above described property, or a portion thereof, will be at the above described premises when the warrant is served.

I, the affiant, hereby pray that a search warrant be issued for the seizure of said property, or any part thereof, from said premise, good cause being shown therefore, and that the same be brought before this magistrate or retained subject to the order of this Court.

This affidavit has been reviewed and approved for legal sufficiency by San Diego County Deputy District Attorney 1.

Given under my hand and dated this 1st day of May 2019.

_____
– Affiant

Subscribed and sworn to before me
this 1st day of May 2019
at 3:49 a.m./p.m.

_____
Judge of the Superior Court