

1 TELEPHONIC SEARCH WARRANT NO. TE2013-328

2 Deputy District Attorney Damon Mosler: This is Deputy District Attorney Damon, D A
3 M O N, Mosler, M O S L E R, of the San Diego County District Attorney's Office. With me on
4 this telephonic search warrant call are Judge Frazier, F R A Z I E R, of the San Diego Superior
5 Court, in El Cajon, and Detective Pearce, Dan Pearce, P E A R C E, as well as Detective Bill
6 Anderson, A N D E R S O N, both of the San Diego County Sheriff's Department. It is now
7 about 11:56 PM on August 6, 2013

8 BACKGROUND: August 5th.

9 DDA: August 5th, excuse me. Judge Frazier, could you please swear in both the
10 detectives. What I would like to do, Your Honor, is have Dan Pearce do the actual telephonic
11 warrant for the house. Then we would incorporate by reference the probable cause that he
12 describes for Detective Anderson for the arrest warrant for the suspect.

13 Judge Frazier: Ok.

14 DDA: Is that ok with you?

15 Judge: Detectives, raise your right hand please. Do you swear that all information
16 you are about to describe for me is true and correct to the best of your knowledge?

17 OFFICER 1: I do.

18 OFFICER 2: I do, Your Honor.

19 Judge Frazier: Alright. Please proceed.

20 DDA: This is, ah, DDA Mosler again. Detective Pearce, I'm gonna ask you a
21 series of questions. First, please give me a description of the location you would like to search.

22 Officer: The premises and all parts therein including all rooms, safes, storage
23 areas, containers, surrounding grounds, trash areas, garages, attics, crawl spaces, basements,
24 cellars, mail receptacles and outbuildings assigned to or part of the residence located at 12741
25 Laurel Street, L A U R E L, apartment 57, in unincorporated Lakeside, located in the County of
26 San Diego, State of California. The residence is further described as a multi-family, two-story
27 dwelling, with a white stucco exterior, dark wood, brown trim, and a brown composite shingle.
28 The apartment is currently being secured by two sheriff's deputies.

1 DDA: Please describe the property you would like to seize at that location,
2 Detective.

3 Officer: 1. Personal journals and diaries, telephone records;
4 2. To seize, view, and forensically examine all computers, computer
5 hard drives, disk, zip drives, thumb drives, and digital media storage devices, and hand-held
6 computers commonly referred to as palm pilots and cellular phones, including to be examined
7 by qualified state, local, or federal law enforcement personnel or their designee, and to allow for
8 the digital media to be transferred to other qualified computer forensic laboratories for more in-
9 depth analysis when necessary for the completion of the forensic exam;

10 3. Checkbooks, bank records, travel itineraries, travel brochures,
11 tickets and/or departure schedules for airplanes, trains, buses, or ships;

12 4. Papers, documents, and effects tending to show dominion and
13 control over said premises including keys, lease, rental or mortgage agreements, utility bills,
14 canceled mail, prescription bottles, fingerprints, clothing, photographs, photographic negatives,
15 image disks, memory sticks, undeveloped film, home-made video tapes, handwritings,
16 documents and effects bearing a form of identification such as a person's name, photograph,
17 social security number or driver's license number, and to answer incoming phone calls, either
18 land line or celli - cellular - during execution of the warrant, and to view any videotapes or
19 digital video recordings seized pursuant to the warrant.

20 DDA: Detective Pearce, what training and experience do you have regarding the
21 investigation of murders or homicides?

22 Officer: I'm a peace officer employed as a deputy sheriff by the San Diego County
23 Sheriff's Department and have been so employed since April of 1988. During my tenure I have
24 been assigned to the detentions bureau, patrol, cops, area investigations, the central
25 investigations division, and the San Diego District Attorney's Computer Crime's Task Force,
26 known as CATCH. My position at CATCH primarily involved investigations of crimes committed
27 using computers, internet, and related technology. I am currently assigned as a detective to the
28 Sheriff's Homicide Investigations Unit. While working at these different positions, I have

1 received extensive exposure and conducted numerous investigations in regards to crimes of
2 violence. These crimes range from batteries to murder. I have received specialized training in
3 the investigations of crimes of violence. During my tenure as a peace officer, I have been
4 involved at least 300 crimes of violence in various capacities. I have also investigated
5 numerous cases of rape, sodomy, and assaults with deadly weapons. Since being assigned to
6 homicide investigations, I have assisted with or been the primary case agent on 42 death
7 investigations, with 18 of them being classified as homicide. In addition, I have worked closely
8 and consulted with criminalist and other specialized consultants in the field of criminal
9 investigations. I have received training available to law enforcement. To be proficient in my
10 profession, this training includes but is not limited to homicide investigations, crime scene
11 reconstruction, robbery investigation, sexual assault investigation, domestic violence
12 investigations, interview and interrogation courses, search warrant training, surveillance
13 equipment, and techniques trainings. Under the influence courses, basic criminal investigation,
14 and an ADR field evidence course. I possess an advanced certificate from the California
15 Department of Justice, on the Commission of Peace Officers Standards and Training. I am a
16 member in good standing in the California Homicide Investigators Association.

17 DDA: This – at this time, Your Honor, I'm gonna have the detective describe the
18 probable cause for the residence. And I will at the end of that, uhm, ask you to keep that in
19 mind and then when we talk about the probable cause to arrest the particular suspect, I'll ask
20 you to consider that and use that. We can actually, uhm, have the judicial secretary cut and
21 paste that as long as your acceptable with that...

22 Judge: Yes.

23 DDA: Incorporate that. We're fine with that.

24 Judge: Ok.

25 Officer: Thank you.

26 DDA: Ah, Detective what investigation have you or your agency conducted
27 regarding the described location and property? What's the probable cause?

28 Officer: During the course of my duties, I have learned the following information,

1 ah, from the first responding deputies and fire fighters or have been informed of witnesses'
2 statements by investigators. All dates refer to the current calendar year, and all times refer to
3 Pacific Standard Time unless otherwise, ah, noted. On Sunday, August 4, 2013, at about
4 20:08 hours, Deputy Steel, ah, ID – ID number of 1468, received a radio call regarding a
5 structure fire located at 2071 Ross Avenue, in the unincorporated area of Boulevard, within the
6 County of San Diego and State of California. Deputy Steel arrived two minutes later and found
7 the north side of a two-story log cabin, hereafter referred to as the residence, fully engulfed in
8 flames. A grey Chevrolet Trailblazer, bearing California license plate of 6, Z as in Zebra, J as in
9 John, H as in Henry, 489, was parked on the northwest side of the structure. Deputy Steel did
10 not observe any people or other vehicles in the area upon his arrival. The California
11 Department of Forestry, CDF, engine number 3384, under the command of Captain Gutgesell,
12 that's spelled G U T G E S E L L, arrived on scene and started fighting the residential fire.
13 Approximately 15 minutes later, they noticed a glow and smoke coming from a three-car,
14 detached garage, hereinafter referred to as the garage, to the northwest of the main house.
15 They discovered a small fire inside of the north end of the garage. Through a broken window, a
16 firefighter extinguished the fire with water and went back to fighting the fire at the residence.
17 After the firefighter gain control of the fire at the residence, Fire Captain Kyle Cutsey – cut...C
18 U T – im, sorry, C U S T E A Y and Captain Cutgesell, went back to the garage. They entered
19 through a pedestrian door at the north end of the structure. Firefighter Cutsey said he noticed
20 a green tarp on the ground near the door with human feet sticking out of the tarp. He lifted the
21 tarp and saw the bottom half of a human torso, legs, and feet. Captain Gutgesell said that he
22 saw the human body was face down and noticed the tarp was partially melted to the head, and
23 what appeared to be human hair. Captain Gutgesell also saw a crow bar and what appeared to
24 be blood on the ground next to the head. They notified Deputy Steel of their findings, and
25 Deputy Steel had everyone exit the garage. After the garage was secured, Deputy Steel and
26 Deputy McFadden, M C F A D D E N, number 1498, entered the garage to verify that there
27 were no other victims. They found a medium brown dog under a sleeping bag. The dog was
28 deceased and there was blood near the head. There were no other victims in the garage. The

1 owner of the residence has been identified as James Lee DiMaggio, D I M A G G I O. His date
2 of birth is January 17, 1973, and his California driver's license is Adam 4406482. DiMaggio's
3 where – whereabouts – are unknown at this time, and his cellular phone was turned off on
4 August 4, 2013, at about 1600 hours. The body in the garage tentatively, tentatively – been
5 identified as Christina Marie Anderson, with a date of birth of July 1, 1969. Her home address
6 was identified through her California Department of Motor Vehicle's as 12741 Laurel Street,
7 apartment 57, in unincorporated Lakeside. The grey Chevy Trailblazer parked in front of the
8 burn house, was registered to Anderson at the same address. Homicide Detectives, Norm
9 Hubbert, H U B B E R T, and William Anderson, did a welfare check on the apartment earlier in
10 the day. The apartment did belong to Anderson, but there was no one at the residence. As
11 CalFire and Sheriff's Bomb Arson personnel worked their way through the burnt-out structure
12 on Ross Avenue in Boulevard, they found the burnt remains of a small child. The remains
13 could not be identified at the scene due to their condition. Christina Anderson has an 8-year-
14 old son, Ethan Skip Jack Anderson, who has not been located at this time. Anderson's 16
15 year-old-daughter, Ha – Hanna Anderson, H A N N A, is still missing. Hanna Anderson was
16 picked up from cheerleading practice at Sweetwater High School on 8/4/2013, at about 1600
17 hours. It is unknown who picked her up from the cheerleading practice. Hanna Anderson's
18 phone was turned off at about 1600 hours. Phone records show that prior to her phone and
19 DiMaggio's phones being turned off, they called each other approximately 13 times. It has
20 been learned through interviews with Hanna Anderson's friend that DiMaggio took her on
21 multiple day trips. The most recent one being to Mailbu and Hollywood. At this time Hanna
22 Anderson's whereabouts are unknown. I believe by searching the Anderson residence, we may
23 find information on the relationship between Hanna Anderson and DiMaggio, and we may also
24 find information that could lead us to Anderson's location.

25 DDA: Detective, that concludes your discussion with respect to probable cause.

26 Is that correct?

27 Officer: Yes, sir.

28 DDA: Based upon your investigation, training, and experience, do you believe

1 that a portion of described property will be found at the described residence?

2 Officer: Yes, I do.

3 DDA: Do you desire night service, and if so, why?

4 Officer: I do desire night service. Night service is necessary because my training
5 and experience indicates that the longer a search of this type is delayed, the greater the
6 chance the physical evidence will diminish in evidentiary value. This is particularly true in
7 cases of trace evidence that is often small, sometimes invisible to the naked eye, such as
8 prints, and is easily eliminated by environmental changes or can be accidentally altered by
9 persons about the precedent - premises. Any delay in the searching and seizing the
10 described property may result in the delay of identification of perpetrator, and in my training
11 and experience the sooner leads can be obtained and followed, the better the chance of
12 identifying, ah, the perpetrator and finding them.

14 DDA: At this point, you believe that the perpetrator is Mr. DiMaggio?

15 Officer: Yes, sir, I do.

16 DDA: And you're concerned about Hanna Anderson's whereabouts?

17 Officer: Yes, sir, I am.

18 DDA: Judge Frazier, do you have any questions for Detective Pearce at this
19 time?
20

21 Officer: No.

22 DDA: Detective Pearce, do you, therefore, believe that the above information
23 provides grounds for the seizure of property within the purview of Penal Code section 1524,
24 and do you therefore pray that search warrant be issued for the seizure of the described,
25 property for any of the part thereof, at the described location?
26

27 Officer: Yes, sir, I do.
28

1 DDA: Judge Frazier, would Your Honor direct that a search warrant be issued
2 based upon probable cause for the previously described property?

3 Judge: Yes.

4 DDA: And would you authorize night service?

5 Judge: Yes.

6 DDA: Your Honor, would you direct that the pre-printed language of the search
7 warrant form be incorporated by reference into this warrant?
8

9 Judge: Yes.

10 DDA: Detective Pearce, have you written in the previously described location
11 and property within the designated areas of the telephonic search warrant form?
12

13 Officer: Yes, sir.

14 DDA: And you've added the words or night in the space provided?

15 Officer: Yes, sir.

16 DDA: Judge, would Your Honor direct Detective Pearce to sign your name, his
17 name, his department and his identification number in the lower, right-hand corner of the
18 telephonic search warrant form?

19 Judge: Yes.

20 DDA: Your Honor, may the record reflect the time of issuance of this warrant is
21 about 12:10 AM on August 6, 2013?
22

23 Judge: Yes.

24 DDA: Your Honor, uhm, where are you chambers located?

25 Judge: Uhm, I'm in Department 15, on the second floor of – my court – my
26 courtroom's in Department 15 is on the fourth floor. My chambers are on the second floor of
27 the El Cajon Courthouse.

28 DDA: Ok.

1 JUDGE RONALD F. FRAZIER certifies:
2

3 1. That he is a Judge of the Superior Court, County of San Diego, State of
4 California.

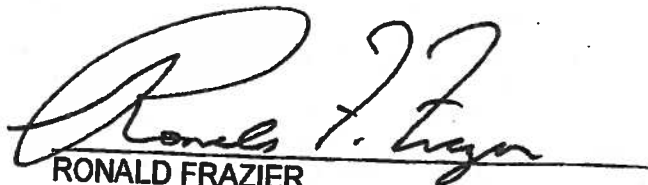
5 2. That he files herewith the original tape recording of an oral statement made by
6 **Officer Dan Pearce, of the San Diego Sheriff's Department**, made to him under oath,
7 telephonically, on August 6, 2013, which recording is marked **Number TE2013-328** and the
8 length of which is approximately 14.34 minutes, using the computer DVD Power Player for
9 transcription.

10 3. That he files herewith a transcript of said recorded oral statement described in
11 Paragraph 2 above, which said transcript was prepared by **Kelly J. Fabros**, under his
12 direction, on August 7, 2013.

13 4. That he files herewith the original search warrant signed and issued by him on
14 receipt of the sworn oral statement described in Paragraph 2, above.

15 5. That this certification is made pursuant to the provisions in Sections 1526(b)
16 and 1528(b) of the California Penal Code.

17
18 DATED: 8/7/13

19 
20 RONALD FRAZIER
21 Judge of the Superior Court
22
23
24
25
26
27
28

1 **Deputy District Attorney Damon Mosler:** Your Honor, since you've already previously
2 sworn in Detective Anderson, I'm gonna ask Detective Anderson describe, uhm, Mr. DiMaggio.
3 We're gonna use the probable cause and a few other things I'm gonna ask Detective Anderson.
4 And ask that an arrest warrant be issued for, uhm, Mr. DiMaggio.

5 **Judge Frazier:** Alright.

6 DDA: Detective Anderson, uhm, please give a physical description of Mr.
7 DiMaggio.

8 Officer: Mr. DiMaggio is a white male adult. He, ah, is approximately 5'9, weighs
9 approximately 150 pounds. He has brown hair and brown eyes. His date of birth is January 17,
10 1973. His driver's license number California, is A as in alpha, 44064 inaudible 2. He is
11 currently clean shaven and has short, light brown hair.

12 DDA: Detective Anderson, based upon the probable causes as described by
13 Detective Pearce, do you then, uhm, incorporate by reference that probable cause and ask for
14 an arrest for the above-named defendant in violation – for violations of California Penal Code
15 section 187 as well as California Penal Code section 451 Arson?

16 Officer: Yes, sir, I do.

17 DDA: And do you declare on the information and belief that the foregoing is true
18 and correct in terms of all the things that Detective Pearce described other than the things
19 learned in your investigation?

20 Officer: Yes, sir.

21 DDA: And if – ah, with respect to bail, would you request bail or would you
22 request no bail given what has occurred?

23 Officer: I would request bail at \$1 million, sir.

24 DDA: Your Honor, would you authorize that an arrest warrant be issued based
25 upon Penal Code section 817 a in terms of a, ah, telephonic authorization for what we call
26 Ramey warrant as well as, ah, sections 821, 825, 826 and 848 of the Penal Code, which all
27 describe the ways to obtain telephonic arrest warrants of an uncharged individual?

28 Judge: Yes.

1 DDA: Thank you, and would the record reflect then the arrest issued at 12:13
2 AM? What we will do, Your Honor, uhm, excuse me - I'll let you answer that first.

3 Judge: Yes.

4 DDA: We will, tomorrow - I'm actually in court tomorrow in El Cajon, I will bring a
5 copy of the, the declaration and arrest warrant for you to sign so they can physically have a
6 copy. It will have the same probable cause. Uhm, that will help the judicial secretary. I'll make
7 sure she gets copies of the electronic version of these warrants because everything's already
8 been typed out.

9 Judge: Alright. Bail will be in the amount of a million dollars.

10 DDA: Thank you very much.

11 Judge: Anything else?

12 DDA: Nope, that was it. This concludes the...

13 Judge: Ok.

14 DDA: Good bye.

15 Judge: Alright. Good night.

16
17 Transcribed on August 14, 2013

18
19
20 **KELLY J. FABROS**
21 **Judicial Secretary**

22 Length of recording is approximately 2.84 minutes using the computer DVD Power Player for
23 transcription.
24
25
26
27
28

1 JUDGE RONALD F. FRAZIER certifies:
2

3 1. That he is a Judge of the Superior Court, County of San Diego, State of
4 California.

5 2. That he files herewith the original tape recording of an oral statement made by
6 **Officer Bill Anderson, of the San Diego Sheriff's Department**, made to him under oath,
7 telephonically, on August 6, 2013, which recording is marked **Number TE2013-328** and the
8 length of which is approximately 2.84 minutes, using the computer DVD Power Player for
9 transcription.

10 3. That he files herewith a transcript of said recorded oral statement described in
11 Paragraph 2 above, which said transcript was prepared by **Kelly J. Fabros**, under his
12 direction, on August 14, 2013.

13 4. That he files herewith the transcription of the arrest warrant signed and issued
14 by him on receipt of the sworn oral statement described in Paragraph 2, above.

15 5. That this certification is made pursuant to the provisions in Sections 1526(b)
16 and 1528(b) of the California Penal Code.

17
18 DATED: _____

19 _____
20 RONALD FRAZIER
21 Judge of the Superior Court
22
23
24
25
26
27
28

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

COUNTY OF SAN DIEGO }
STATE OF CALIFORNIA } ss.

WARRANT NO. TE 2013-328
CASE NO. 13139852
ANDERSON
(name)

RECEIPT AND INVENTORY

Receipt is hereby acknowledged, and the undersigned makes this inventory, of the following property and things seized by him/her this day in the search of the premises described in said warrant and taken pursuant thereto, to wit:

- A. - HP LAPTOP S/N ZCE910CYPG - LIVING ROOM - PEARCE
- B. - INSTANT TABLET - WEST BEDROOM - BRANNAN
- C. - NIKON COOLPIX CAMERA, S/N 37273169 - MASTER - ANDERSON
- D. - BLK GENERIC COMPUTER TOWER - MASTER - ANDERSON
- E. - HP MID TOWER COMPUTER MASTER - ANDERSON
- F. - APPLE IPOD TOUCH MASTER - ANDERSON
- G. - LUMIX CAMERA S/N EN9SG003182 MASTER - ANDERSON
- H. - 3 GREETING CARDS - TOP BUNK - EAST BEDROOM - HALL
- I. - 2 RECEIPTS, KOHL'S CARD - EAST BEDROOM - HALL
- J. - Misc PAPERWORK - [REDACTED] - EAST BEDROOM - FISKE
- K. - 2 PACKETS - [REDACTED] - EAST BEDROOM - FISKE
- L. - LAPTOP UNDER DESK - GATEWAY - EAST BEDROOM - FISKE
- M. - IPOD TOUCH - TOP PLASTIC DRAWER - EAST BEDROOM - FISKE
- N. - PICTURE ALBUM, ENVELOPE - EAST BEDROOM - BRANNAN
- O. - PHOTO OF SUSPECT - EAST BEDROOM - FISKE
- P. - PERSONAL PAPERS, EL CAPITAN ID HANNAH ANDERSON - FISKE

DATE: 8/6/13 TIME: 0430
SIGNED: [Signature]
DEPT./AGENCY: SD SHERIFF
ID NO.: 1828

DAN PEARCE

I, DAN PEARCE, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all property taken by me on the warrant.

Subscribed and sworn to before me

this 6TH day of AUGUST 2013

[Signature]
Officer Executing Search Warrant
[Signature]
Magistrate/Judge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

COUNTY OF SAN DIEGO }
STATE OF CALIFORNIA } ss.

WARRANT NO. TE 2013-378

RECEIPT AND INVENTORY

CASE NO. 1313985Z

ANDERSON

(name)

Receipt is hereby acknowledged, and the undersigned makes this inventory, of the following property and things seized by him/her this day in the search of the premises described in said warrant and taken pursuant thereto, to wit:

- Q - ASUS NETBOOK COMPUTER - EAST BEDROOM - FISKE
- R - OLYMPUS FE-20 CAMERA - EAST BEDROOM - HALL
- S - NIKON COOLPIX - EAST BEDROOM - FISKE
- T - PENNSYLVANIA CAMCORDER - EAST BEDROOM - FISKE
- U - [REDACTED] PAPERWORK - EAST BEDROOM - HALL
- W - "TIME CAPSULE" AND JOURNAL - EAST BEDROOM - BRANNAN
- V - RETAINER OF HANNAH ANDERSON - EAST BEDROOM - BRANNAN

DATE: 8/6/2013 TIME: 0430

SIGNED: [Signature]

DEPT./AGENCY: SD SHERIFF

ID NO.: 1828

I, JAN PEARCE

executed, do swear that the above inventory contains a true and detailed account of all property taken by me on the warrant.

Subscribed and sworn to before me

this 6th day of AUGUST, 2013

[Signature]
Officer Executing Search Warrant

[Signature]
Magistrate/Judge