

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

FILED

SEARCH WARRANT

11 JUL 22 PM 2:23

COUNTY OF SAN DIEGO }
STATE OF CALIFORNIA } ss.

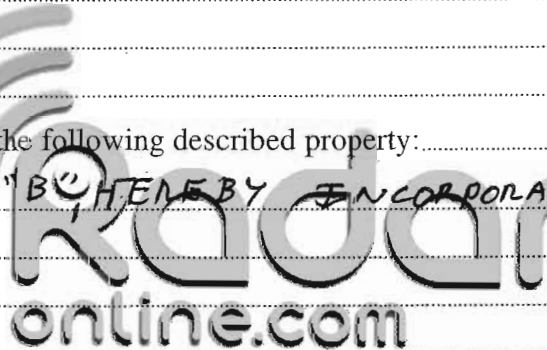
WARRANT NO. 41290
CASE NO. 2011-1467

THE PEOPLE OF THE STATE OF CALIFORNIA, to any Sheriff, Marshal, or Police Officer in the County of San Diego: Proof by oral statement under oath made in conformity with Penal Code Section 1526(b) having been made this day to me by DETECTIVE Thomas Adkins that there is probable cause for issuance of a Search Warrant on grounds set forth in Penal Code Section 1524, YOU ARE THEREFORE COMMANDED to make a search at any time of the day JULY 15TH 2011, good cause having been shown therefor, of the following described persons or property:

SEE ATTACHMENT "A", HEREBY INCORPORATED HERE IN.

County of San Diego, California, for the following described property:

SEE ATTACHMENT "B", HEREBY INCORPORATED HERE IN.



and if you find same or any part thereof, to retain the same in your custody, subject to order of court as provided by law.

(For Court s use only)
This Search Warrant was issued
(Time) 5:40 pm (Date) 7/15/11
David J. Danielsen
Judge/Magistrate

Hon. DAVID J. DANIELSEN
Judge/Magistrate
By THOMAS ADKINS
Department CORDONADO POLICE DEPT.
ID No. 1037
Time/Date of Execution 07-15-11 @ 1940

- WHITE Copy to Court issuing Search warrant
- CANARY Copy to District Attorney
- PINK Copy to Affiant Officer
- GOLDENROD Copy to person or premises served

SEARCH WARRANT

FILED

ATTACHMENT # A

11 JUL 22 PM 2: 23

CLERK-SUPREME COURT
SAN DIEGO COUNTY, CA

Chandelier gold in color ornate with glass beads and gold colored candle shaped electric lights, chain, electrical cords associated with chandelier.

Weapons, instruments and objects capable of being used as ligatures, such items are commonly found to be belts, ropes, clothing, bedding, plastic bags, electrical cords, as well as other items capable of being utilized for strangulation or suffocation.

Crime scene measurements and photographs; tool mark impressions; clothing or other objects bearing blood or blood stains; human hairs, tissue, secretions and parts thereof; handwriting, fingerprints, foot or shoe impressions.

Documents and effects which tend to show possession dominion and control over said premises including keys, photographs, photographic negatives, undeveloped film, taped voice messages and or video images, anything bearing a person's name, appointment books, canceled mail, social security number, driver's license number, prescription bottles or other forms of identification, including the interception of incoming telephone calls, either landline or cellular, during execution of the warrant

Toys, sporting goods, children's clothing, specifically a Wilson Soccer ball with alternating red, white and blue striped sections, one white Adidas soccer ball with blue design, a silver Razor scooter with orange design, and a black shirt.

Potted indoor tree from entry way

ATTACHMENT # B

[REDACTED]

and further described as a two story, single family residence with a large unattached guest house. A multi car garage is attached to the guest house. Both the guest house and the main residence are made of stucco/concrete with wood trimming and wood framed windows. The residence is painted tan with olive green wood trim and has a red tile roof. A tile placard is attached to the hand rail of the stair case leading up to the front door. The numbers [REDACTED] are imprinted on this tile placard. The front door faces to the ocean to the west.



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

FILED

COUNTY OF SAN DIEGO }
STATE OF CALIFORNIA } ss.

11 JUL 22 PM 2:29
RECEIPT AND INVENTORY

WARRANT NO. 41290
CASE NO. 2011-1467

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

(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:

- 1 - CHANDELIER - FOUND IN TRASH AREA
- 2 - PIECES OF CHANDELIER FR.
- 3 - BLACK T-SHIRT (cut)
- 4 - WIRE NUT
- 5 - CHANDELIER CHAIN & ELECTRICAL WIRE
- 6 - SCOOTER / RAZOR
- 7 - SCRAPED PAINT SAMPLE
- 8 - WILSON SOCCER BALL



DATE: 07-15-11 TIME: 1110 PM
SIGNED: Thomas Adkins
DEPT./AGENCY: CORONADO POLICE DEPT.
ID NO.: 1037

I, Thomas Adkins, 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 22nd day of July 2011

Th. B. Adkins
Officer Executing Search Warrant
David J. Mansel
Magistrate/Judge

1 **DEPUTY DISTRICT ATTORNEY LAFOND:** Good afternoon, Your
2 Honor, this is William La Fond, Deputy District Attorney --ah-- present --ah--
3 with me is Deputy District Attorney Rachel Cano --ah-- also present is --ah--
4 Detective Thomas Adkins of the Coronado Police Department. Ah-- Judge --
5 ah-- Danielsen of the San Diego Superior Court, is Presiding. It is now 4:25
6 on July 15th, 2011. Your Honor, would you please --ah-- swear in the Affiant?

7 **JUDGE DANIELSEN:** If you'd raise your right hand. Do you solemnly
8 swear that the testimony you are about to give in connection with the --the
9 Affidavit for this search warrant is the truth, the whole truth, and nothing but
10 the truth, so help you God?

11 **OFFICER ADKINS:** I do.

12 **DDA:** May I proceed? Your Honor?

13 **JUDGE:** You may.

14 **DDA:** Detective --ah-- what is the description of the location you
15 wish to search?

16 **OFFICER:** Ah-- the house is located at [REDACTED] in the
17 City of Coronado, County of San Diego, State of California. It is described as
18 a two-story, single family residence with a large unattached guest house. A
19 multi-car garage is attached to the guest house. Both the guest house and
20 the main residence are made of stucco/concrete, with wood trim, and wood
21 framed windows. Residence is painted tan with olive-green wood trim and
22 has a red tile wall-- wolf --roof. A tile placard attached to the handrail of the
23 staircase leading up to the front door. The numbers are [REDACTED]
24 [REDACTED] are imprinted on this tile placard. The front door faces to the
25 ocean, which is west.

26 **DDA:** Ah-- Detective, please describe the property you want to
27 seize at this location?

28 **OFFICER:** The property is a gold chandelier --ah-- ornate with glass

FILED
11 JUL 22 PM 2:22
CLERK OF SUPERIOR COURT
SAN DIEGO COUNTY, CALIF.

Radar
online.com

1 beads and gold-colored candle shaped electric lights, a chain, or electrical
2 cords associated with this chandelier; weapons, instruments, objects capable
3 of being used as ligature such as common encountered belts, ropes, clothing,
4 bedding, plastic bags, electrical cords, as well as other items capable of being
5 used as --utilized for strangulation or suffocation.

6 Crime scene measurements and photographs, tool mark impressions,
7 clothing or other objects bearing blood or blood stains, human hairs, tissue
8 secretions, and parts thereof; handwritings, fingerprints, foot or shoe
9 impressions.

10 Documents and effects which tend to show a possession of dominion
11 and control over said premises, including keys, photographs, photographic
12 negatives, undeveloped film, taped voice message-- messages, and video
13 images; anything bearing a persons name, appointment books, canceled mail,
14 Social Security number, driver's license number, prescription bottles, or other
15 forms of identification, including the inception --interception of incoming
16 telephone calls, either landline, or cellular, during the execution of the warrant.

17 Toys, sporting goods, cloth -- children's clothing, specifically a Wilson
18 soccer ball with al--alternating red, white, and blue stripe sections, one white
19 Adidas soccer ball with blue design, a silver Razor scooter with orange design
20 and black shirt; a potted indoor tree from the entry-way.

21 **DDA:** Detective, what training and experience do you have
22 regarding the investigation of child abuse?

23 **OFFICER:** Ah-- I have been employed by the City of Coronado, at the
24 police department, for approximately 14 years. I have been assigned to
25 Investigation Unit, as a detective, and been so assigned for over two years.
26 Prior to my current assignment, I worked as a patrol officer, and field training
27 officer, for 12 years. During that time, I have investigated over 25 child abuse
28 investigations, most as the first officer on the scene and the primary

1 investigator. I have received training in obstruction of child abuse
2 investigation from the Riverside Sheriff's Department Training Center, and
3 during the course of my duties with the Coronado Police Department. I have
4 also received training in con -- crime scene investigation and reconstruction.

5 **DDA:** Can you please--ah-- tell us what investigation you have
6 conducted regarding --ah-- this described location and property?

7 **OFFICER:** During the course of my duties, I have learned the following
8 information, based on discussions with responding Coronado Police Officers,
9 other witnesses, and/or having read the reports of, or talked with other police
10 officers, Sheriff's Detectives, and Special Agents with the California
11 Department of Justice Bureau of Investigation and Intel--Intelligence who have
12 spoken directly to witnesses. All references to dates refer to the current
13 calendar year, unless otherwise stated.

14 On July 11, 2011, at approximately 1010 hours, I responded to [REDACTED]
15 [REDACTED]. Upon my arrival, CPR
16 was in progress on Maxfield Shacknai, a six year old juvenile male. Also
17 present at the residence was Rebecca Zahua, 31 years old, and her sister
18 Xena Zahua, 13 years old.

19 Shacknai was subsequently transported to the Coronado Sharp Hospital
20 where he was stabilized and later transported to Children's Hospital in San
21 Diego.

22 Shacknai was admitted to ICU and it was determined that Shacknai had
23 a cardiac arrest and was --experienced brain swelling. Shacknai has been in
24 --been there until the time of this report.

25 Rebecca Zahua told investigators, at the scene, that she had been in
26 the bathroom for approximately ten minutes when she heard a crash and
27 found Shacknai lying on the floor face down, with a broke -- broken chandelier
28 next to him. Rebecca yelled for Xena to call 9-1-1.

1 According to Xena Zahua, she had just gotten out of the shower, in the
2 upstairs bathroom, when she heard Rebecca screaming for her, on the first
3 floor. Xena saw Maxfield laying on the floor, and with Rebecca next to him.
4 Xena called 9-1-1 for help, and at the time of this incident, this case is handled
5 as a miscellaneous injury report.

6 Photographs are taken; however, no physical evidence was seized from
7 the scene. I have reviewed the police reports submitted by Officer Erhard,
8 badge number 10-14, and examined photographs taken. The photographs
9 taken at the time depict a gold-color -- gold in color ornate chandelier with
10 glass beads. The photographs also depict a silver Razor scooter with orange
11 design, two soccer balls, one Adidas, and one Wilson, and a black shirt in the
12 area where Shacknai was discovered.

13 On June 13, 2011, at 0700 hours I received a call to respond back to [REDACTED]
14 [REDACTED] in regard to a suspicious death. I arrived at the location
15 and was advised by the -- of the following by Coronado Police Sergeant Mitch
16 McKay:

17 McKay was the supervisor on scene and had been advised by
18 Coronado Police officers of the following.

19 At approximately 648 in the morning, Coronado Police Department
20 received a radio call of a female who had hung herself at the above listed
21 address. Upon arrival, they observed a nude Asian female lying in the grass
22 in the backyard. The female had a red rope tied around her neck, her hands
23 were also tied behind her back, and her legs were bound with the same type
24 of red rope.

25 Responding officers were -- about ready to begin life saving measures
26 when Coronado Fire Department personnel arrived. Upon FD's arrival, they
27 noticed rigor mortis was present, and the female was obviously deceased.

28 The FD instructed the police officers stop life measures and pronounced

1 her dead. Based on the suspicious circumstances of the death, Coronado
2 Police Department requested the assistant of the San Diego Sheriff's
3 Department Homicide Detail. The female was later identified it was -- as
4 Rebecca Zahua.

5 We conducted a search warrant and interviews in regards to the
6 suspicious death of the-- suspicious death of the San Diego Sheriff's
7 Department and discovered Xena Zahua had left San Diego on June 12th, the
8 day after Maxfield Shacknai's incident.

9 On July 14th, at approximately 1800 hours, I was requested to respond
10 to Children's Hospital in regard to a pending Protective Services Report that
11 was going to be filed by Jessica Robershaw, Children's Hospital Social
12 Worker.

13 During the follow--during my follow-up investigation with Dr. Brad
14 Peterson, Head of the ICU Trauma, he informed me that over the course of
15 four days of medical testing, no determination could be made on the cause of
16 the cardiac arrest suffered by Shacknai.

17 Based on the description of the incident, surrounding Shacknai's fall, Dr.
18 Peterson did not feel the visible injuries were consistent with the cardiac arrest
19 and brain swelling experienced by Shacknai. Dr. Peterson expressed
20 concerns made based on the --the above factors, suffocation may have
21 occurred prior to Shacknai's fall.

22 **DDA:** Ah-- and for purposes of your recital, Detective, by FD do
23 you mean the fire department?

24 **OFFICER:** Yes, I do.

25 **DDA:** Okay, and is Ms. Shacknai's name --ah-- spelled --I'm sorry
26 Shacknai is spelled S-H-A-C-K-N-A-I, is that correct?

27 **OFFICER:** Yes, it is.

28 **DDA:** And Rebecca Zahua, is that Z-A-H-U-A?

1 **OFFICER:** Yes, it is.

2 **DDA:** Alright. Ah--Your Honor, do you have any questions for the
3 detective?

4 **JUDGE:** No.

5 **DDA:** Okay. Ah--Detective, do you therefore believe the above
6 information provides grounds for the seizure of property, within the purview of
7 Penal Code section 1524, and do you therefore pray a search warrant be
8 issued for the seizure of the described property, or any part thereof, at the
9 described location?

10 **OFFICER:** I do.

11 **DDA:** Your Honor would --ah-- you direct that a search warrant be
12 issued based on the probable cause previously been described for this
13 previously described property?

14 **JUDGE:** Yes, it is so directed.

15 **DDA:** And would Your Honor please direct that pre-printed
16 language of the search warrant form be incorporated by reference into the
17 warrant?

18 **JUDGE:** So ordered.

19 **DDA:** And --ah-- Detective, have you written in the previously
20 described location, and property, in the designated areas of your Telephonic
21 Search Warrant form, CR 1-71?

22 **OFFICER:** Yes, I have.

23 **DDA:** Ah-- Your Honor, ah-- would you please --ah-- direct the
24 Detective to sign his name --ah-- your name, the department, and the I.D.
25 number in lower right-hand corner of the Telephonic Search Warrant form?

26 **JUDGE:** Yes, you are directed to do that, enter my name David,
27 middle initial "J," last name Danielsen, D-A-N-I-E-L-S-E-N.

28 **DDA:** Your Honor, may the record reflect that the time of issuance

1 of this Search Warrant, 4:35 p.m., on July 15, 2011?

2 **JUDGE:** That is accurate.

3 **DDA:** And --ah-- Your Honor, your chambers are --are located in
4 Department 11, is that correct?

5 **JUDGE:** Yes, [REDACTED]

6 **DDA:** And then, Your Honor, we have one further request, I'd like
7 the--the Detective to state grounds for a request to seal this --ah--Affidavit?

8 **OFFICER:** I request--request that this Affidavit, Search Warrant, and
9 supporting attachments be sealed pending further order of the court. Make
10 the request for the following reasons:

11 Without sealing the Affidavit, and supporting documentation, and more
12 become a matter of public record within ten days. Penal Code section
13 1534(a), sealing is justified even against discovery by defendant based on the
14 governmental privilege that allows for the protection of identity of informants
15 pursuant to Evidence Code section 1041, *Swanson v. Superior Court*, (1989)
16 211 Cal. App. 3d 332. The sealing request herein, however, is not based on
17 denying discovery to the defendants, when they are --when and if they are
18 charged, being is -- but is being requested to merely prohibit public disclosure,
19 which could surely undermine the continuing investigation herein. We do not
20 wish to divulge the information contained within these documents for fear that
21 the perpetrators can destroy evidence. I believe that the disclosure of the
22 information prior to completion of our investigation would be against the public
23 interest because the necessity for preserving the confidentiality of the
24 information outweighs the necessity for disclosure. Thus, I believe the
25 information contained within the aforementioned documents is entitled to
26 protect -- protection provided by the official information privilege pursuant to
27 Evidence Code section 1040, as well. In addition, due to the sensitive nature
28 of the matter, I request the court order sealing of the warrant and documents

1 in support hereof pending further court order.

2 **DDA:** With that, Your Honor, there is a request to seal the Affidavit.


3 **JUDGE:** The --ah-- request to seal is --ah--granted.

4 **DDA:** Thank you, Your Honor. Ah-- this concludes our conference
5 call with you; we want to thank you for your accommodations.

6 **OFFICER:** Have a good night.

7 **JUDGE:** Alright, Thank you.

8 Transcribed by:

9 

10 **MARISELA SERENA**

11 July 22, 2011

12
13 Tape Index being approximately 13:40 minutes in length using the
14 Computer DVD Power Player for transcription.



15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 JUDGE DAVID J. DANIELSEN certifies:

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

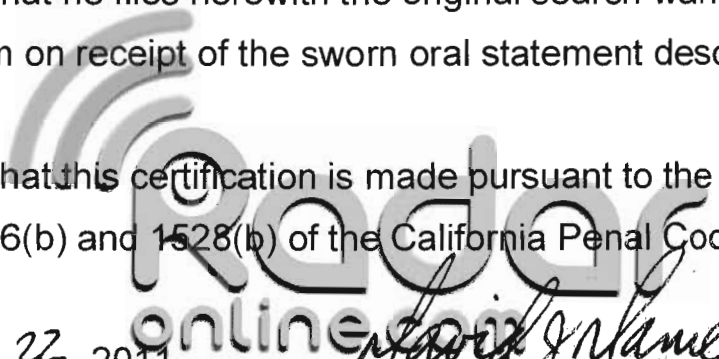
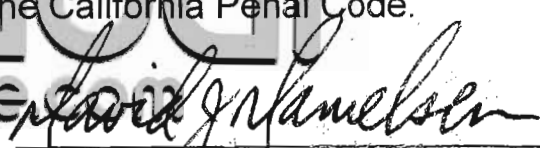
4 2. That he files herewith the original CD recording of an oral
5 statement by Detective Thomas Atkins of the Coronado Police Department
6 made to him under oath, telephonically, on July 15, 2011, which recording is
7 marked 41290 and the length being approximately 13:42 using the
8 Computer Power Player Program for transcription.

9 3. That he files herewith a transcript of said recorded oral statement
10 described in Paragraph 2 above, which said transcript was prepared by
11 Marisela Serena, under his direction, on July 22, 2011.

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

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

17
18 DATED: July 22, 2011

DAVID J. DANIELSEN
Judge of the Superior Court

19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The above described tape-recording, transcript and warrant received
and filed on 7-22-11.

MICHAEL RODDY
Executive Officer



Deputy.

