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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 05-0375 SI

1 warrant on 922 Capitol Street in San Francisco. In connection with the search warrant, Edward
2 Park, Enrique Chan, Asa Barnla, Brian Ly, and David Lee were arrested. All five individuals
3 were transported piecemeal to Taraval Police Station for booking following their arrests.

4 3. After executing the search warrant, I served as the officer who searched cellular
5 telephones belonging to Chan and Lee. I searched one telephone belonging to Chan and one
6 belonging to Lee. I believe that Chan had another cell phone on his person at the time of his
7 booking. However, I inadvertently neglected to search the second cellular telephone.

8 4. I conducted the searches at Taraval Station after the cellular telephones were
9 removed from Chan's and Lee's persons but before the booking process was completed for each
10 individual.

11 5. Over the course of my career, I have arrested over 1,000 individuals for various
12 drug offenses. On many occasions, I have been the Searching Officer for arrested persons who
13 arrive at police stations in the City and County of San Francisco for processing following their

1 that standard SFPD booking procedure requires the inventorying of all personal property and the
2 inspection of all containers in order to deter theft of arrestees' property and false claims of theft
3 by arrestees, and to identify contraband and other dangerous items. Second, in my cases in the
4 Narcotics Division, I often make sure that cellular telephones seized during booking are searched
5 because they often contain evidence relevant to the investigation. In regards to this specific case,
6 it was my belief that evidence of marijuana trafficking and/or cultivation might be found in each
7 of the cellular telephones, especially since I had been investigating the marijuana trafficking and
8 cultivation activities of Chan, Park, Lee, and Barnla prior to their arrests on December 1, 2004.
9 Moreover, based on my training and experience, I believed that a search of the cellular
10 telephones at the police station during the booking process was permissible as a booking search.
11 Additionally, I have routinely examined telephones, wallets, address books, back packs, and
12 other such items for contraband or evidence of drug trafficking of arrestees who appear at the
13 police station for booking following their arrest on drug cases, and thus felt searching the

1 *Defendants' Motions To Suppress Evidence Re: Cell Phone Searches*, indicates that he was
2 booked at 18:30 hours. I do not recall the specific time that I conducted the search of his cellular
3 telephone and I did not note the time of the search on Exhibit 1 attached hereto. Nonetheless, I
4 believe that I retrieved and searched his telephone before it was sealed in the property envelope
5 and taken by the station Booking Officer for safe keeping for Lee because I did not have access
6 to the cellular telephone thereafter.

7 I declare under penalty of perjury that the above is true and correct to the best of my
8 knowledge.

9
10 DATE:


DAVID MARTELLOVICH

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