

SEARCH WARRANT AND AFFIDAVIT



State of California – County of Riverside
(Affidavit)

Detective Karla Beler, being sworn, says that on the basis of the information contained within this Search Warrant and Affidavit and the attached and incorporated Statement of Probable cause, he has probable cause to believe and does believe that the property and/or person described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

Karla M Beler
(Signature of Affiant)

NIGHT SEARCH REQUESTED: YES [] NO [X]

(Search Warrant)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN, OR PEACE OFFICER IN THE COUNTY OF RIVERSIDE: proof having been made before me by Detective Brian Jones that there is probable cause to believe that the property and/or person described herein may be found at the locations set forth herein and that it can lawfully be seized pursuant to Penal code Section 1524 as indicated below by "X"(s) in that:

- It was stolen or embezzled;
- It was used as the means of committing a felony;
- It is possessed by a person with the intent to use it as a means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing discovery;
- It tends to show that a felony has been committed or that a particular person has committed a felony;
- It tends to show that sexual exploitation of a child, in violation of PC Section 311.3, has occurred or is occurring;
- It tends to show that a person has committed a violation of VC Section(2) 23140, 23152, or 23153 and that the person has refused a law enforcement officer's request to submit to, or has failed to complete, a chemical test as required by VC Section 23612.
- There is a warrant for the person's arrest

YOU ARE THEREFORE COMMANDED TO SEARCH: (premises, vehicles, persons)

See ATTACHMENT "B" for locations and persons.

FOR THE FOLLOWING PROPERTY/PERSON:

See ATTACHMENT "C"

SPECIAL INSTRUCTIONS TO THE AFFIANT:

EVIDENCE DESTRUCTION: The court orders that any items seized during the lawful service of this search warrant are disposed in accordance with the law, by the California Department of Justice, upon adjudication of the case. The officers serving the search warrant are also hereby authorized, without necessity of further court order, to return seized items to any known victim(s) if such items have been photographically documented.

DISPOSITION OF COMMUNICATIONS AND/OR DATA: pursuant to Penal Code § 1546.1 (d)(2), any information obtained through the execution of the warrant that is unrelated to the objective of the warrant shall be sealed and not subject to further review, use, or disclosure without a court order. Pursuant to Penal Code §§ 1528(a) and 1536, all communications and/or data seized pursuant to this search warrant shall be retained in Affiant's custody pending further court order.

NON-DISCLOSURE ORDER / SERVICE OF WARRANT: Your affiant is aware that Penal Code 1546.2 mandates that the law enforcement agency serving this warrant notify the target of the warrant contemporaneously with the service of the warrant unless an order delaying notification is granted. Contemporaneous service shall be completed by your affiant, and no request of non-disclosure or delayed notification to the target is requested by your affiant.

Based upon the aforementioned facts and circumstances, I have reasonable cause to believe that grounds for the issuance of a Search Warrant exist, as set forth in Section 1524 and 1546 of the California Penal Code as well as 18 USC § 2703(c), 2703(d), 3122, and 3123). I ask that a Search Warrant be issued based upon the aforementioned facts, for the seizure of said property, or any part thereof, good cause being shown thereof, and the same be brought before this Magistrate or retained subject to the order of the court, or of any court in which the offense(s) in respect to which the property of things taken, pursuant to Section 1536 of the Penal Code

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and Incorporated Affidavit was sworn to as true under penalty of perjury and subscribed before me on (date) 8-2-2018 at 11:30 a.m./p.m. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

Samuel Diaz

(Signature of Magistrate)

NIGHT SERVICE APPROVED: YES [] NO [X]

Samuel DIAZ, JR.

Judge of the Riverside Superior Court of California, County of Riverside, Department 63

Reviewed by DDA: Christopher Cook On: 8/1/2018
via email



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Superior Court of California, County of Riverside

Attachment B

YOU ARE THEREFORE COMMANDED TO SEARCH: (premises, vehicles, persons)

2012 Chrysler Sebring, silver with a black top
CA license plate: 7JPW282
Vehicle Identification Number: 1C3BCBEB4CN218413

Registered Owner: LEVARIO ARTHUR, OR MANSUETTI LUCIA
2098 CALLE DIABLO, HEMET CA 92545

Current Location: Riverside Police Department, 10540 Magnolia Ave., Riverside, CA. 92505

For:

Any Airbag Control Modules (ACM); Restraint Control Modules (RCM); Event Data Recorders (EDR); Occupant Restrain Controllers (ORC); Sensing and Diagnostic Modules (SDM); Powertrain Control Modules (PCM); Roll-Over Sensors (ROS); or other electronic devices that record vehicle performance data from the above described vehicle on 7/20/2018.

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Superior Court of California, County of Riverside

Attachment C

FOR THE FOLLOWING PROPERTY OR PERSONS:

1. All data or information contained in any of the Airbag Control Modules (ACM), Restraint Control Modules (RCM), Event Data Recorders (EDR), Occupant Restrain Controllers (ORC), Sensing and Diagnostic Modules (SDM), or Roll-Over Sensors (ROS) housed on or inside the above vehicle; and for any and all information or items contained in the recorders or the vehicle that contains information from July 20, 2018, regarding the speed and direction of the above vehicle, steering performance, brake performance, seatbelt and airbag deployment, engine and transmission performance, velocity change, and all other operations and mechanical conditions of the above vehicle.

In seizing such item or items, you are authorized to bring the ACMs, RCMs, EDRs, ORCs, SDMs, PCMs, ROSs or other electronic devices to a necessary person or company for the purpose of imaging and retrieving the above described data.

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STATEMENT OF PROBABLE CAUSE (AFFIDAVIT)

TRAINING & EXPERIENCE:

I have been a sworn peace officer for more than 16 years and have the following experience:

- Patrol – 5 years
- RUSD School Resource Officer – 4 years
- Detective, Crimes Against Property – 6 months
- Detective, Sexual Assault and Child Abuse – 7 years
- Detective, Crimes Against Persons (Robbery/Homicide) – 9 months

Your affiant is employed as a Police Detective for the Riverside Police Department. Your affiant is presently assigned to the Centralized Investigation Bureau as an investigator responsible for crimes against person's investigations including robberies, homicides and officer involved shootings. Your affiant has conducted follow-up investigations for robbery and homicide investigations often and has made arrests and/or presented cases to the district attorney's office for various robbery, battery, assaults, threats and homicides. In addition, she has assisted on many homicide investigations and has consulted with experienced investigators in the unit on investigations. Your affiant has testified in court numerous times on various offenses, including preliminary hearings, motion hearings, and jury trials.

Your affiant currently serves on the board of directors for the California Sexual Assault Investigator's Association.

Prior to this assignment, your affiant was assigned to the Riverside Police Department's Field Operations in the capacity of Police Officer for approximately 9 years. In that assignment, your affiant worked with city and community leaders to address and resolve community livability issues, conducted proactive enforcement activities, and worked closely with detectives and investigators of reported and suspected crimes. Your affiant conducted surveillances, worked with informants, participated in undercover operations, participated in searches and compliance checks, and was the investigating case-agent or co case-agent on various and numerous investigations, including child abuse, sexual assault investigations, robberies, homicides and officer involved shootings. This gave your affiant considerable experience in interacting with and arresting known and/or admitted criminals for various offenses

Your affiant investigated and made arrests for several cases related to robbery and homicides during her tenure with the Riverside Police Department. Your affiant also spoke with and interviewed people who were suspected of, or admitted to robbery or homicide through field contacts, interviews, and arrests.

Your affiant graduated from the Riverside County Sheriff's Department basic peace officer academy in 2002. Your affiant has received about 500 hours in advanced training since the academy.

Your affiant possesses basic, intermediate, and advanced P.O.S.T. certificates. Your affiant holds a Bachelor of Arts Degree with a concentration in Business Administration from the University of La Verne.

PROBABLE CAUSE:

During the course of my duties, I have learned the following information based upon my discussions with the named victims/witnesses/suspects or by having read the reports of or talked with other Riverside Police Officers and Hemet Police Officers who have spoken directly with the victims/witnesses/suspects.

I am a Detective with the Riverside Police Department assigned to the Centralized Investigations Bureau Persons Unit. On 7/20/2018 at 2030 hours, I was called out to assist with an Officer Involved Shooting investigation that occurred at around 2000 hours at the intersection of Arlington and Streeter, in the City and County of Riverside. I arrived at the scene and attended the brief of the incident provided by Riverside Police Sgt. Pete Elliott.

The incident started in the city of Hemet, CA. Two Crime Suppression officers attempted to contact a subject that was driving a vehicle associated with a 246PC call on 7/13/18. The suspect fired rounds into a field in close proximity to a mobile home park. A license plate was obtained from witnesses on 7/13/18, CA license plate: 7JPW282. The vehicle was registered to Arthur Levario or Lucia Mansuetti at 2098 Calle Diablo, Hemet, CA 92545. The vehicle was a silver Chrysler Sebring convertible with a black top. Detective Paez and Sgt. Mouat were working in the Crime Suppression Unit on 7/20/18 and saw the suspect vehicle pull into the driveway of 2098 Calle Diablo, Hemet, CA. A passenger exited the vehicle and went inside the residence. When the driver did not exit the vehicle, the officers approached on foot and attempted to speak to the driver. The officers were wearing Hemet Police uniforms, including vests with Hemet patches, name tags and badges. The driver made eye contact with the officers and fled. The officers returned to their vehicle and pursued the suspect. Near the intersection of Florida/California in Hemet, the suspect fired a weapon at the officers. Hemet Police continued to follow the suspect. Somewhere on Highway 74, the suspect again fired rounds at law enforcement. The suspect drove at speeds exceeding 100 mph and presented a danger to the public. The pursuit eventually came into the city of Riverside.

The suspect once again fired rounds at officers near Van Buren and Barton Road. The Riverside Police Department helicopter unit observed the suspect vehicle as it proceeded into the city of Riverside. The suspect was speeding excessively, running red lights and driving into oncoming traffic.

The suspect drove west bound into oncoming east bound traffic on Arlington Ave. just west of Streeter Ave. He began ramming vehicles with his vehicle when he could not get through traffic. Officers saw him and ordered him to show them his hands. He initially complied and then turned to reach for something in the passenger seat. Fearing for their safety and the public's safety and given the suspect's disregard for others, an officer involved shooting occurred and the suspect ultimately died from being shot by police. The deceased driver was identified by the Riverside County Coroner at Arthur Levario, date of birth 5/31/73. His address of record was 2098 Calle Diablo, Hemet, CA.

A loaded .40mm semi-automatic handgun was found on the passenger seat of the suspect's vehicle. It appeared to have a double feed malfunction. One shell casing was stuck in the barrel and a live round was partially fed into the chamber. There were additional live rounds in the magazine. The weapon was removed from the vehicle and rendered safe.

The collision of the suspect vehicle into a stopped vehicle on eastbound Arlington was captured on the video recording from the Riverside Police Department's helicopter unit. I could see the suspect was driving his vehicle fast and just prior to hitting the stopped cars he slowed.

I spoke with Detective Greg Matthews, who is a Detective for the City of Riverside, is currently assigned to the Traffic Bureau, and has been assigned there for twelve years. He has been a Police Officer for over 23 years, has certifications in Basic, Intermediate, Advanced Traffic Collision Investigations, as well as Collision Reconstruction 1 and 2, Speed Determination from Crush Analysis, and Vehicle versus Pedestrian Collision Investigation. He has investigated over 200 fatal collisions, as well as over 8,000 injury, non-injury, and hit and run collisions in the city of Riverside over the past 23 years. He is a member of two professional collision reconstruction associations and has received additional collision investigation training in excess of 1,200 hours. He has received training and certification as a Collision Data Recorder Technician and Analyst. He has been recognized as an Expert Witness and testified in over 20 vehicular manslaughter trials in Riverside County.

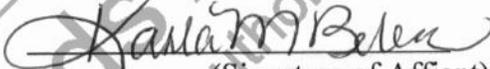
Detective Matthews believes that a search of the Event Data Recorder, contained within the vehicle Becerra was driving, will provide information as to the speed, acceleration, and braking of Levario's vehicle. Pursuant to CVC section 9951(c)(2), I am requesting a search warrant to image the information from the Event Data Recorder of the Chrysler Sebring he was driving on July 20, 2018.

The silver 2012 Chrysler Sebring convertible (license plate# 7JPW282) was towed to the Riverside Police Department Magnolia Station located at 10540 Magnolia Ave. Suite B, Riverside, CA 92505 as evidence.

Items attached and incorporated by Reference: YES [] NO [X]

I certify (declare) under penalty of perjury that the foregoing is true and correct.

Executed at Riverside, California.


(Signature of Affiant)

Date: 8-2-18 at 1135 [A.M.] [P.M.]

Reviewed by: Christopher Cook Date: 8/1/18 at 1317 [P.M.]
(Email approved by Deputy District Attorney)

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