

**EXHIBIT N**

## STATEMENT OF PROBABLE CAUSE

### Affiant Introduction

Your affiant is currently employed as a Police Officer with the University of California Police Department (UCPD) on the Berkeley campus and has been employed by the UCPD System since January 2003. Your affiant worked as a patrol officer in the Patrol Division from 07/16/03 to 01/31/05 and as a detective in the Criminal Investigations Bureau since 02/01/05.

Your affiant has received formal and informal training, including:

- 1,050 hours, 07/14/03, POST Basic Academy, Alameda County Sheriff's Office Regional Training Center;
- 84 hours, 05/27/05, Institute of Criminal Investigation Core Course
- 40 hours, 11/18/05, Institute of Criminal Investigation Sexual Assault Investigation Course

Your affiant has successfully written and served multiple search warrants.

### Case Background

For several months, multiple UC Berkeley faculty members have been targeted by people who object to research the faculty members have conducted using animals. UCPD has taken numerous reports of vandalism and noisy demonstrations that have taken place at the private residences of the researchers. On 08/02/08 two fire bombings were reported in Santa Cruz. An incendiary device was ignited at the home of a UC Santa Cruz researcher while he was home with his family. A second device burned a vehicle belonging to another UC Santa Cruz researcher. UC Berkeley animal researchers are aware of these attacks as well as similar attacks that occurred against UCLA animal researchers in the previous year.

Since September 2007, UCPD has documented at least nine separate occasions when animal rights activists have targeted ██████'s residence. Demonstrations in front of her house have included loud chanting, chalk messages written on her driveway and the street in front of her house, and stickers placed on her property. On 03/10/08, ██████'s skylight was broken by a garbage can that was thrown onto her roof. There were chalk messages and stickers relating to animal rights that accompanied this vandalism. I was present when animal rights activists demonstrated in front of ██████'s home on 01/27/08. While I was there, I heard a known activist, Redacted ██████ shout, "What goes around comes around, smash vivisection to the ground." I also heard him shout, "██████, we are urging you to reconsider your [unknown word] at UC Berkeley. We are the friendly, above-ground activists. We are the ones you want to be dealing with. The next visit may not be from the above-ground activists. The next visit may not be so pretty." I heard another known activist, Redacted ██████ lead a call and response chant. He shouted, "For the animals we will fight." When he said this, the other demonstrators responded by shouting, "We know where you sleep at night." He lead another chant in which he shouted, "Vivisection, lies, and death." The other demonstrators responded by shouting, "Free

the animals, A-L-F." I am familiar with the ALF as an animal rights group that encourages violence and vandalism against people who they believe mistreat animals.

Multiple UC Berkeley professors who conduct research with animals have reported receiving harassing email messages. Between 03/19/08 at 2003 hours and 03/25/08 at 2111 hours, the following professors received harassing email messages: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

The messages had subject lines such as, "Hey animal killer," and "Why do you torture and kill animals?" The messages contained obscene comments like, "The blood is on your hands you speciesist [sic] scum. They die, you profit. Sick motherfucker." The sender used email accounts falsely created in the names of the professors to send the email messages. The following accounts were used: [REDACTED]08@yahoo.com ([REDACTED]), [REDACTED]333@yahoo.com ([REDACTED]), [REDACTED]01@yahoo.com ([REDACTED]), and [REDACTED]11@yahoo.com ([REDACTED]).

The professors forwarded the harassing messages to me. When [REDACTED] and [REDACTED] forwarded their messages, they were able to include the complete header information. I examined the header information and noticed both messages came from the same IP address, which was 208.106.103.213. I traced this IP address back to a company called Sonic.net. On 03/20/08, I wrote a court order to obtain records from Sonic.net. On 03/20/08, I served the order on Sonic.net via fax. I received an email reply from Sonic.net on 03/21/08. I learned that at the time the harassing email messages were sent, the subscriber for IP address 208.106.103.213 was Jessy Palmer and the subscriber's address was 3124 Shattuck Avenue in Berkeley. I recognized this address as belonging to the Long Haul Infoshop. I know that the Long Haul is a resource and meeting center for radical activists. I know that animal rights activists have held meetings at the Long Haul. The Long Haul's website advertises that they offer a computer room with four computers for "activist oriented access."

On 06/15/08, [REDACTED] forwarded me six threatening email messages she received. The messages all came from the email address, "[REDACTED]isscum@gmail.com." The messages referenced her home address, [REDACTED]. They contained the following content:

Message #1:

Received: 06/14/08 at 1810 hours

Subject: "let's see"

Message: "im a crazy fuck and im watching YOU  
YOU HAD BETTER STOP KILLING THOSE FUCKING ANIMALS OR I WILL SHOW  
YOU WHAT I HAVE IN STORE AT [REDACTED] AND IT AINT FUCKING  
PRETTY"

Message #2:

Received: 06/14/08 at 1811 hours

Subject: "do you think"

Message: "do you think that im fucking around you waste of life i know where you work where you live where you shop even i know your credit card number and even what netflix movies you watch

STOP TORTURING ANIMALS OR THINGS GET UGLY"

Message #3:

Received: 06/14/08 at 1811 hours

Subject: "WAIT TO SEE"

Message: "WAIT TO SEE WHAT WE HAVE IN STORE FOR YOU"

Message #4:

Received: 06/14/08 at 1816 hours

Subject: "[REDACTED] - A surprise in store"

Message: "havent you been paying fucking attention to the news and what is happening at UCLA

quit torturing animals or you're next to receive that and MUCH worse you fucking murderous scum"

Message #5:

Received: 06/14/08 at 1817 hours

Subject: "haha"

Message: "haha"

Message #6:

Received: 06/14/08 at 1916 hours

Subject: "my simple demands"

Message: "I HAVE ONE DEMAND. IT IS FOR YOU TO MAKE A PUBLIC ANNOUNCEMENT THAT YOU WILL NEVER AGAIN EXPERIMENT ON ANIMALS

IT WILL BE THE SMARTEST MOVE YOU EVER MADE [REDACTED]. TRUST ME

EITHER YOU DO THAT OR I WILL FUCK YOUR LIFE UP. IM GIVING YOU THIS LAST CHANCE BECAUSE I HAVE MORE COMPASSION THAN YOU HAVE EVER SHOWN"

I believed the reference to UCLA related to animal rights activity that had taken place at the homes of UCLA researchers. I was aware of multiple incidents of incendiary devices being placed at researchers' homes as well as an incident in which a garden hose was placed through a broken window and used to flood the inside of a researcher's home.

Based on the ongoing harassment at [REDACTED]'s residence as well as the repeated threatening email messages, I determined that the sender of the messages was in violation of California Penal Code section 646.9(a) [Stalking].

On 06/16/08, I wrote a court order to obtain IP address information for the email address "[redacted]@gmail.com." I served the order on Google via fax on 06/16/08. I received a response from Google on 07/18/08. I learned that the person who used "[redacted]@gmail.com," sent the messages from an internet connection using IP address 208.106.103.213. I recognized this address as the same one that was used to send earlier harassing email messages. On 07/22/08, I wrote a court order to obtain subscriber information for this IP address. I served the order on Sonic.net via fax on 07/22/08. I received a response from Sonic.net on 07/24/08. I learned that the subscriber for this IP address at the time the messages were sent to [redacted] was Jessy Palmer and the subscriber's address was 3124 Shattuck Avenue in Berkeley. I again recognized this as the address of the Long Haul Infoshop.

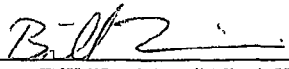
**Opinions and Conclusions**

Based on my training and experience, I know establishments that offer public computer access often have some type of system for patrons to sign in or register to use the computers. A search of the Long Haul's premises could reveal logs or sign-in sheets indicating which patrons used the computers on particular dates. This information would aid in identifying the suspect who sent the threatening email messages using the Long Haul's computers.

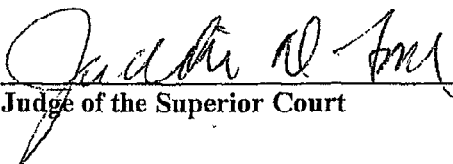
It is likely that the suspect who sent the threatening email messages used the computers for other purposes as well. A search of the computers at the Long Haul could reveal information the suspect stored on the computers, websites the suspect accessed, or other email accounts the suspect used. This information would aid in identifying the suspect. Due to the complexity of searching computer systems and the need to properly maintain evidence stored on computer systems, a detailed search would need to be conducted off-site by a computer forensics specialist.

**Declaration:** I declare under penalty of perjury that the information within my personal knowledge contained in this statement of probable cause is true.

08/26/08 11:25 AM  
Date and Time

  
Det. Bill Kasiske #35, Affiant

8/26/08 11:30a  
Date and Time

  
Judge of the Superior Court