

EXHIBIT 6

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LONG HAUL, INC. and EAST BAY)	
PRISONER SUPPORT,)	
)	
Plaintiffs,)	
)	
v.)	No. C 09-00168-JSW
)	
UNITED STATES OF AMERICA; MIGUEL)	
CELAYA; KAREN ALBERTS; WILLIAM)	
KASISKE; WADE MacADAM; TIMOTHY)	
ZUNIGA; MIKE HART; LISA SHAFFER;)	
and DOES 1 - 25,)	
)	
Defendants.)	
)	

DEPOSITION OF WILLIAM SASISKE, taken on behalf
of Plaintiffs, at One Market Street, 32nd Floor, San
Francisco, California, commencing at 9:04 a.m.,
Tuesday, July 27, 2010, before Donna J. Blum,
Certified Shorthand Reporter, No. 11133.

1 A. No.

2 Q. Was the search and seizure that you conducted at
3 Long Haul part of your official responsibilities as a
4 detective with the police department there?

5 A. Yes.

6 Q. And when you were there you were part of the
7 Animal Rights Working Group. Is that right?

8 A. Yes.

9 Q. Can you tell me a little bit about the Animal
10 Rights Working Group?

11 A. What do you mean by a little bit about it?

12 Q. What is the Animal Rights Working Group?

13 A. It was a group that we put together within the
14 department that involved investigators, supervisors as
15 well as invited people from outside agencies who were
16 investigating cases related to animal rights activism and
17 crimes surrounding that activism.

18 Q. Okay. How long was that --

19 Do you know when that group was formulated or
20 started?

21 A. I don't remember the exact date. It would have
22 been around the time -- winter of 2008 perhaps, around
23 February or so approximately.

24 Q. Okay. And was there any specific training that
25 was part of becoming a member of that group?

1 this.

2 Q. After receiving this e-mail did you ever use the
3 attached documents with cut and paste search warrant
4 language?

5 A. This is -- the attachment is not here.

6 Q. The attachment is not here, but the e-mail
7 references an attachment with search warrant language.
8 What I'm asking is whether you remember using in a --
9 cutting and pasting from the attachment that was sent
10 with that e-mail in your applications for search
11 warrants?

12 A. I believe I may have used parts of it, some of
13 the language that pertains to receiving or seizing
14 computer -- computers and search warrants, yes.

15 Q. Okay. And is that a true and correct copy of
16 the e-mail that you received?

17 A. Yes.

18 Q. Let me -- again, I'm going to just take it and
19 keep it in order over here. But if you'd like to see any
20 of these again, let me know.

21 All right, so I'd like to turn our attention to
22 the investigation that led up to the August search at the
23 Long Haul.

24 So tell me about the March e-mails to professors
25 that instigated the investigation here?

1 Q. So a person who would use the public computer
2 access resource?

3 A. Yes, in that paragraph that refers to the
4 signing in for the public access computers.

5 Q. Did you know whether Long Haul had a sign-in
6 process for people to use the public computer room or
7 not?

8 A. I did not know one way or the other.

9 Q. And you told the Court that if you could get
10 access to logs or sign-in sheets, that could help you
11 identify who sent the threatening e-mails. Is that
12 correct?

13 A. Yes.

14 Q. You also told the Court that there might be
15 other information on the computers that the patron used
16 which could help identify the person. Is that correct?

17 A. Yes.

18 Q. Okay. And for that reason you wanted to have
19 those computers looked at by a forensic specialist. Is
20 that right?

21 A. Yes.

22 Q. Let's take a look at the actual search warrant.
23 This is Bates number UC 188 and 89, which is exhibit --
24 our number 8, and it's been marked as [Exhibit E](#). So let
25 me show you it.

1 paste.

2 BY MS. GRANICK:

3 Q. Okay. Why don't -- instead of characterizing
4 it, why don't, Sara, if you can remind me, what exhibit
5 number it was? Let me look at it.

6 MR. SALTIEL: H.

7 MS. GRANICK: H. Okay.

8 Q. Is that the attachment that came along with the
9 e-mail we discussed that was [Exhibit H](#), and I can re-show
10 it to you if you need to see it --

11 MS. ELLIS: If you could just, I think that
12 would help.

13 THE WITNESS: It's been quite a long time since
14 I saw the message and attachment, but, yes, I believe
15 it's most likely this document, it was the attachment to
16 this e-mail.

17 BY MS. GRANICK:

18 Q. Okay. And through the language that you used on
19 page -- on Bates number 189, in paragraph two and three
20 of Exhibit 1B the property to be seized, right here on
21 page 189 --

22 A. Yes.

23 Q. -- is that language taken from that attachment?

24 A. It looks like most are -- most or all of it is
25 -- matches with the language in the attachment, yes.

1 MS. ELLIS: At the time of the warrant?

2 MS. GRANICK: Yes.

3 THE WITNESS: No, I can't think of anything else
4 that I knew about Slingshot.

5 BY MS. GRANICK:

6 Q. Okay. Did you have the warrant signed by Judge
7 Ford on August 26?

8 A. Yes, I did.

9 Q. And then you convened a meeting on August 27 to
10 prepare for execution of the warrant. Is that correct?

11 A. Yes.

12 Q. Okay. Who was present at that meeting?

13 A. It would help me if I looked at the roster, but
14 as I remember, obviously I was there. Sergeant Karen
15 Alberts was there.

16 Q. Let me pause you for a moment. I can find that
17 if that would help you look at it or --

18 A. Sure, that would help me out.

19 Q. Just wait a second, and we'll --

20 (Pause in proceedings.)

21 BY MS. GRANICK:

22 Q. We'll look for it, and then you can be sure
23 whether you missed anybody or not. But go ahead and say
24 from your recollection --

25 Oh, here, I'll show you this. It is Bates

1 number 186, our No. 7. It's been marked as [Exhibit D](#).

2 Would that help you remember who was at the
3 meeting?

4 A. Yes. Thank you.

5 Q. Okay.

6 A. So, as I mentioned, Sergeant Karen Alberts;
7 Detective Wade MacAdam, W-a-d-e, M-a-c, capital, A-d-a-m;
8 Detective Tim Zuniga, Z-u-n-i-g-a; Special Agent Mike
9 Hart with the FBI, H-a-r-t; and Special Agent Lisa
10 Shaffer with the FBI, S-h-a-f-f-e-r.

11 And I don't remember for sure, he wouldn't have
12 appeared on the operations plan because he wouldn't
13 actually attend the service of the warrant. But it's
14 possible Lieutenant Doug Wayne may have been there. And
15 that's sort of a guess. I don't remember if he was there
16 or not. But I just remember at some search warrant
17 briefings the lieutenant might have attended as general
18 practice. So it's possible he was present during all or
19 part of the briefing, but I don't remember with
20 certainty.

21 Q. Okay. Thank you.

22 What about Detective Bower? He's listed on the
23 exhibit. Was he there?

24 A. Right, he's listed there. The original intent
25 was that he was going to accompany us to serve the search

1 point?

2 A. He may have been aware of the investigation. I
3 don't know for sure.

4 As far as him assisting me with the
5 investigation, no, he wasn't involved with the work of
6 the investigation such as writing the report or applying
7 for the search warrant.

8 Q. Do you know why -- do you know why Hart was -- I
9 mean, do you know who -- so you don't remember who asked
10 Hart to be present?

11 A. I don't remember.

12 Q. But is it fair to say your recollection is that
13 he was involved in other Animal Rights Working Group
14 investigations just more generally?

15 A. Yes.

16 Q. Okay. And what was the role that you
17 anticipated he would play in the execution of this
18 warrant?

19 A. His role in executing it would have been like
20 any of the other officers there, to assist with security
21 at the scene and to assist with searching the premises
22 once we were inside.

23 Q. Did he bring any special information or
24 expertise about animal rights investigations to the -- to
25 the investigation of these e-mails?

1 A. No problem.

2 Sergeant Alberts was my supervisor, so she was
3 there to supervise the operation and as well as any of
4 the officers there who were responsible for security of
5 the scene as well as searching the premises.

6 Q. Had Sergeant Alberts looked at the search
7 warrant application prior to this meeting?

8 A. Yes.

9 Q. And how did that happen?

10 A. After I wrote the search warrant and statement
11 of probable cause, I presented it to Sergeant Alberts for
12 review before having it signed by a judge, I showed it to
13 Sergeant Alberts.

14 Q. Was that department policy to do that?

15 A. That was a department -- yeah, department
16 policy, department procedure, yes.

17 Q. Okay. What about Detective MacAdam, what was
18 his role?

19 A. His role was assisting with scene security at
20 the scene of the search warrant as well as assisting with
21 searching the premises.

22 Q. Did you discuss at this meeting that he was
23 going to videotape the search?

24 A. Yes, yes. That would be typical for any search
25 warrant. We would have somebody who would be designated

1 the Berkeley Police Department was present at the
2 execution of the warrant?

3 MS. ELLIS: Objection, relevance.

4 THE WITNESS: No, that wasn't unusual based on
5 other search warrants that I'd served in other
6 jurisdictions where the agency of that jurisdiction would
7 not attend.

8 BY MS. GRANICK:

9 Q. At the meeting on the morning of August 27, did
10 you have a copy of the search warrant available for the
11 other officers to look at?

12 A. Yes.

13 Q. Did you have a copy of the statement of probable
14 cause available for the other officers to look at?

15 A. I'm sure, yes. It would have been available to
16 them. Whether or not, I couldn't say whether they did
17 look at it or not. I don't remember.

18 Q. Okay. What was discussed at the meeting about
19 how to gain entry to the Long Haul premises?

20 A. Well, like any search warrant, we'd talk about,
21 you know, proper techniques and ways to gain entry in a
22 safe manner.

23 Q. With regards to this particular search, did you
24 have -- did you discuss the particular building or how
25 you were going to get in?

1 somebody else contacted us. When we were making our
2 preparations to try to get inside, somebody in the
3 neighboring building came out and ended up assisting us
4 with getting to the back door.

5 Q. Okay. Did you talk to the landlord for the Long
6 Haul at all as part of your effort to try to gain entry
7 to the space?

8 A. I didn't, no.

9 Q. What was discussed at the meeting about how you
10 were going to gain entry?

11 A. Well, we discussed our plan for how to enter the
12 property safely, and we had this idea of not entering or
13 trying to enter without causing damage if at all possible
14 to the doors or windows of the property.

15 Q. What did -- was discussed at the meeting about
16 what the warrant authorized officers --

17 Or let me ask this -- let me be more clear.
18 What was discussed at the meeting about what the warrant
19 -- where the warrant authorized officers to search?

20 A. Well, officers were shown the warrant, so they
21 could see the exhibit that describes the places to be
22 searched.

23 Q. Okay. And that was the information that the
24 officers at the meeting were given?

25 A. Yes.

1 Q. And do you know whether any other information
2 was given to the officers?

3 A. About the location of where?

4 Q. About the places to be searched.

5 A. I don't remember any other information being
6 given.

7 Q. And you don't know whether or not the officers
8 looked at the statement of probable cause. Is that
9 correct?

10 A. Yes. I don't remember if they looked at it or
11 not.

12 Q. Do you remember whether the possibility of there
13 being multiple offices or multiple spaces within the Long
14 Haul address was discussed?

15 A. I'm sorry, multiple spaces or --
16 What was the other part?

17 Q. Or offices within the Long Haul address?

18 A. No, I don't remember that, whether that was
19 discussed.

20 Q. What was discussed at the meeting in terms of
21 what officers were authorized by the warrant to seize?

22 A. Again, officers were referred to in the search
23 warrant, Exhibit 1B, which items were authorized to be
24 seized.

25 Q. Was there anything other than 1B that officers

1 were shown regarding what they were authorized to seize?

2 A. No.

3 Q. How long did this planning meeting take?

4 A. I don't remember exactly. It wouldn't have been
5 particular -- less than an hour perhaps.

6 Q. Okay. And was there anything else that you did
7 that morning to plan for the execution of the warrant?

8 MS. ELLIS: Other than the briefing you mean?

9 MS. GRANICK: Other than the briefing.

10 THE WITNESS: Not that I remember that morning.

11 BY MS. GRANICK:

12 Q. Do you remember whether the Long Haul website
13 made reference to other organizations that were
14 associated with Long Haul, like East Bay Prisoner Support
15 or Cycles of Change or any other group?

16 A. What I can remember is what I mentioned before.
17 I saw they had a calendar that posted times when groups
18 would be meeting that listed names of groups or -- that
19 were meeting there.

20 Q. Did you have information that Long Haul rented
21 out office spaces to different groups at the Long Haul
22 address?

23 A. No, I didn't have that information.

24 Q. So as part of your training at the university
25 police department, were you trained in what to do if you

1 MS. ELLIS: Asked and answered.

2 THE WITNESS: Yeah, the -- the logs or
3 documents, just what it says here in Exhibit 1B that show
4 names or identifying information of patrons who use the
5 computers at Long Haul, and computers or data storage
6 devices.

7 BY MS. GRANICK:

8 Q. At the meeting were officers told that the plan
9 was to seize every computer at that address?

10 A. I don't remember that those words were
11 specifically said, but I would say that that was the
12 plan, that that's what's listed on the search warrant
13 that we'd be seizing all computers.

14 Q. Did -- at the meeting, the planning meeting,
15 were any limits set or discussed as to where officers
16 could search?

17 MS. ELLIS: Objection, vague.

18 THE WITNESS: I don't recall any discussion of
19 limits where we can search.

20 BY MS. GRANICK:

21 Q. Okay. Did Lieutenant Wing look at the search
22 warrant affidavit before you presented it to Judge Ford?

23 A. I believe most likely he did. It was our
24 procedure that prior to taking any search warrant to a
25 judge, my sergeant would review it and then after that a

1 member of the command staff, a lieutenant or a captain
2 would review it.

3 Lieutenant Wing was the lieutenant who was
4 directly overseeing the investigations, so he would have
5 been the most logical person would be the person who I
6 usually present search warrants to. Although there were
7 times if Lieutenant Wing was busy or away or something
8 like that, it could be presented to a different member of
9 the senior staff. But he would be the most likely
10 person.

11 Q. Did you before the search notify the Berkeley
12 public information office that you were going to conduct
13 the search?

14 A. I did not.

15 Q. Okay. Before seeking the search warrant did you
16 consider alternative means of getting access to the
17 patron identification information that you were seeking?

18 MS. ELLIS: Objection, vague.

19 THE WITNESS: I suppose I considered if there
20 were any alternatives.

21 BY MS. GRANICK:

22 Q. Okay. Did you consider subpoenaing the
23 information from Long Haul?

24 A. No. That didn't seem like a good idea.

25 Q. Why didn't that seem like a good idea?

1 THE WITNESS: My answer might be similar,
2 although, again, with the private entity as opposed to
3 government you have maybe other considerations like who
4 is in the coffee shop and who do they associate with,
5 things like that.

6 BY MS. GRANICK:

7 Q. So would it be fair to say that you chose to use
8 a search warrant as opposed to a subpoena or to simply
9 ask for voluntary -- voluntary disclosure of the
10 information you were seeking because of the people that
11 associated at the Long Haul?

12 MS. ELLIS: Objection, vague, speculation,
13 foundation.

14 THE WITNESS: Because of the people associated
15 with the Long Haul? What do you mean?

16 BY MS. GRANICK:

17 Q. Let me try to ask you more broadly.

18 Tell me the factors that led to your decision
19 that you had to use a search warrant and couldn't ask
20 really nicely or use a subpoena to get this information
21 from the Long Haul.

22 MS. ELLIS: Objection, asked and answered.

23 THE WITNESS: Okay. Well, like I mentioned, I
24 was familiar that the Long Haul had allowed Stop Cal
25 Vivisection to host a fundraiser at their premises, that

1 they allowed members to use the facility, that members of
2 that group did go to the Long Haul on multiple occasions.
3 So I didn't know whether or not anybody who was a member
4 of Long Haul, whatever that is or who the membership with
5 Long Haul was possibly involved with membership or
6 support of Stop Cal Vivisection Group or the other way
7 around, if anybody in Stop Cal Vivisection participated
8 as a membership and management of the Long Haul.

9 So because I couldn't be sure of that or
10 confident of that, I needed to get the search warrant as
11 opposed to asking for the information which would
12 disclose our investigation.

13 BY MS. GRANICK:

14 Q. What led you to believe that these e-mails
15 either March or June had been sent by someone affiliated
16 with Stop Cal Vivisection?

17 MS. ELLIS: Objection, it mis-characterizes his
18 testimony and it assumes facts not in evidence.

19 THE WITNESS: Without getting into the details
20 of what was going on with investigations, there were --
21 there was a large increase in activity surrounding animal
22 rights activism and harassment starting in September or
23 approximately of 2007 when we took many, many police
24 reports about these home demonstrations that I mentioned,
25 vandalism, threats made against professors, and it was

1 (Lunch recess taken.)

2 BY MS. GRANICK:

3 Q. Okay. We're back on the record for the
4 deposition. I assume that nothing's changed, and you're
5 still able to answer my questions fully and accurately
6 and under the rules that we talked about before. Is that
7 right?

8 A. Yes.

9 Q. Okay. Great.

10 So I wanted to talk about the execution of the
11 warrant.

12 What did you do when you arrived at the Long
13 Haul address?

14 A. So when we -- when I arrived, I was with the
15 other officers. We prepared to make our entry into the
16 premises first trying to see if there was somebody inside
17 the front doors, like window or Plexiglas kind of a
18 material so you could look inside. So it was dark
19 inside, didn't see anybody in there. Knocked at the
20 front door to see if anybody would respond or come to the
21 front door, which nobody did.

22 Then at that point started to try to consider
23 options for how else we would get into the property,
24 other than as we hoped to avoid having to break the door
25 unless we absolutely had to.

1 Am I going too far or just continue?

2 Q. No. That's fine.

3 At some point you contacted the office that was
4 next door to the Long Haul address?

5 A. As I remember rather than I contacted them,
6 somebody from the office came out and saw us there or was
7 just passing by or something more like that rather than
8 knocking. I'm not positive about that.

9 But in any case spoke with somebody from that
10 office who let us -- who said you can come through our
11 office to go around to the back because there's a back
12 door into the Long Haul, which we hadn't seen before.

13 Q. And did you go through the neighbor's office
14 space to get to the Long Haul back door?

15 A. Yes.

16 Q. Who else came with you to do that? Did every
17 officer who was there come or did some people remain in
18 the front?

19 A. Some people remained in the front to keep the
20 front secure, anybody coming or going or anything else
21 like that.

22 I don't remember exactly which people stayed in
23 front and which came to the back door.

24 Q. Okay. How did you get in the back door? Was it
25 locked?

1 A. The back door of the Long Haul was not locked.
2 It had a chain that was sort of just draped over. It
3 wasn't quite a conventional door. Maybe it had a
4 doorknob, but it had sort of from the inside had some
5 sort of a bar, I guess, if you will, or a piece of metal
6 attached to the door. I think that had this chain kind
7 of draped over it as if it seemed to be intended for
8 using a chain to padlock the door or lock the door shut.
9 But the chain wasn't actually locked, just sitting across
10 between the door and the wall next to the door.

11 So really the door wasn't locked. It was just a
12 chain sitting there.

13 So the chain just fell down. It was removed
14 just by opening the door slightly, and the door was
15 opened basically.

16 Q. Okay. And then you and the officers you were
17 with went into the Long Haul space?

18 A. Again, after standard search warrant procedures
19 of knocking and -- we had knocked previously, but
20 knocking and announcing our presence, police officers
21 were present and had a search warrant demanding entry
22 into the property, after waiting for a response, which
23 there was no response, we did go into the -- into the
24 premises, did a protective sweep of the interior to see
25 if -- make sure there was nobody there hiding or anything

1 like that, which there wasn't. We didn't discover
2 anybody inside.

3 Q. Protective screen involves having your weapon
4 out when you go through and look for people. Is that
5 right?

6 MS. ELLIS: Objection, investigative privilege.

7 BY MS. GRANICK:

8 Q. Let me ask it a different way.

9 Did you have your weapon out when you went in
10 and did the protective sweep at Long Haul?

11 A. Yes.

12 Q. And did the protective sweep include going into
13 -- what areas of Long Haul did you initially enter as
14 part of the protective sweep?

15 A. Any areas that were accessible, whether it could
16 be a person in that area hiding or even out in the open.

17 Q. Okay. Did you eventually -- at that point did
18 you open the front door so that the other officers who
19 are still out there could come in or did you leave that
20 door locked?

21 A. After the protective sweep you mean?

22 Q. Yeah.

23 A. I don't remember if the other officers came in
24 through the front door or if they went around through the
25 back door. I don't remember how the locking mechanism

1 worked on that door, if it was something we could unlock
2 and open just to let them in or not.

3 I'm not positive. I feel like there was
4 probably a lock that we could open. But whether they
5 came through that door or went around to the back, I
6 don't remember how they got in.

7 Q. Did you during the protective sweep personally
8 enter into that front area of Long Haul that you can see
9 through the plate glass window?

10 MS. ELLIS: Objection, vague.

11 THE WITNESS: When you say that you mean the
12 front area being like the first five feet into the
13 building from the -- from the front window?

14 MS. GRANICK: Yes.

15 THE WITNESS: Okay. I don't remember if I
16 walked through. Usually the sweep is done fairly quickly
17 just to cover the area as quickly as possible usually,
18 but I don't remember if I went through there.

19 BY MS. GRANICK:

20 Q. Okay. So after the protective sweep, what did
21 you do?

22 A. So once we were confident that the scene was
23 safe and there wasn't anybody there, we had Detective
24 MacAdam do the video, which is standard for us, in
25 serving a search warrant. He walked through the premises

1 A. I don't remember exactly why that was
2 particularly the first place. I would say while I was
3 searching I kind of took on the role of finding computers
4 or computer paraphernalia like hard drives and things
5 like that, data storage devices.

6 And I think just in standing around that was the
7 most obvious place I first saw computers. I think there
8 was the largest collection of computers there. So just
9 maybe it just seemed like a logical place to start. I
10 don't remember exactly why I picked that place, but other
11 than it seemed it probably was logical based on the
12 number of computers that were there.

13 Q. And you previously knew that Long Haul had an
14 Internet room from looking on the website. Correct?

15 A. I knew that Long Haul advised or stated on the
16 website that they had a public access computer room.

17 Q. What did --

18 Did you seize all the computers from the
19 Internet room at that point in time or did you come back
20 for them later?

21 MS. ELLIS: Later during the execution of the
22 warrant or?

23 MS. GRANICK: Yes, during the execution of the
24 warrant.

25 Q. I guess my question is when you were in the

1 Internet room, was it at that point that you took the
2 computers?

3 A. I -- I'm not a hundred percent sure. I think
4 probably. I think I just began removing the computers
5 from where they were plugged in or located in that room.
6 As I found computers, generally photographed the item for
7 the most part in the place where I found it, wasn't
8 always practical to be in the exact place for something
9 blocking it or if it's underneath something, but just in
10 general took a photograph of the item, had it unplugged
11 and disconnected, and moved each computer to -- just to a
12 sort of a central area in the downstairs just kind of
13 lined up on the floor sort of in a central area.

14 Q. Was that internet room locked?

15 A. No, I don't remember it being locked.

16 Q. After the Internet room where did you go next?

17 A. Well, I stayed along the theme of going to
18 computers to get the physical computers or storage
19 devices, computer storage devices, so I don't remember
20 exactly the next room that I went to. There were a
21 couple of other rooms that had computers in them, so
22 either I walked through and saw them or somebody else
23 maybe called me over and said there's a computer over
24 here. So I went to photograph and disconnect the
25 computer, so I don't remember specifically which room was

1 next.

2 Q. Okay. So let's talk about the rooms not
3 necessarily in chronological order.

4 A. Okay.

5 Q. Did you look in the front area of the Long Haul,
6 the space you can see through the plate glass window for
7 computers or digital media while you were executing the
8 warrant?

9 MS. ELLIS: And this is him personally?

10 MS. GRANICK: Yes.

11 THE WITNESS: Yes, I definitely walked through
12 the front area. That wasn't the primary area. I wasn't
13 involved in doing any kind of in-depth searching for
14 anything that I could see sitting out. I didn't see any
15 computers or other devises, storage devices or anything
16 like that in that front area.

17 BY MS. GRANICK:

18 Q. While you were in that area, did you see
19 newspapers that said Slingshot across the top?

20 A. I don't remember seeing them. I mean, it's
21 possible they were there, but I don't remember seeing
22 them or not seeing them.

23 Q. Okay. Let's talk about the offices along the
24 hallway on the first floor of the Long Haul.

25 Did you go into every office that was on the

1 first floor along the hallway of the Long Haul?

2 A. I think I either went in to them or at the very
3 least, you know, stood at the door and looked inside.
4 Again, I didn't perform a -- I don't remember performing
5 a detailed search of those rooms. But I remember looking
6 in them when I was in the area.

7 Q. Okay. Let's start with the office that as you
8 come down the hall of Long Haul is closest to the front
9 door.

10 What do you remember about your search of that
11 office?

12 A. Closest to the front door on the east side of
13 the building?

14 Q. Yes.

15 A. I don't really -- I don't remember too much
16 about that office. In fact, I don't remember how many
17 offices there were. I want to say maybe there were
18 three, maybe as many as four rooms there. But I don't
19 remember to say like what was in that room other than
20 there was no computer in that room that I remember.

21 Q. Was the door locked, to your recollection?

22 A. Of the doors that were locked, there were a few
23 doors that were locked. And I don't remember if all of
24 them were locked down there or, yeah, I'm not positive if
25 that door was locked.

1 Q. Okay. Would it be fair to say that, as you sit
2 here today, you don't have a real memory of searching
3 each of those offices as a distinct event?

4 MS. ELLIS: Objection, vague.

5 THE WITNESS: What do you mean by a distinct
6 event? For each office?

7 BY MS. GRANICK:

8 Q. Well, I'd like to go through and ask you about
9 the search of each office to the extent that you remember
10 it. So maybe we'll just do it that way, and we cannot
11 really save time by doing them as a group.

12 So the first office I think you said you didn't
13 remember whether or not that door was locked, but there
14 was not a computer in that office. Is that correct?

15 A. Yeah, I don't remember there being a computer in
16 there. I'm pretty sure there wasn't.

17 Q. Do you remember a sign on the door?

18 A. No, I don't remember a sign.

19 Q. Anything else about that office that you might
20 remember?

21 A. So I remember one of the offices, and I don't
22 remember if it was that office or one next to it, had --
23 it had a lot of needles in it, like hypodermic needles
24 and that. I don't remember if it was somebody said
25 something like, oh, there was a needle exchange here or

1 this is a room used for a needle exchange or something
2 like that. I feel like I remember that, but I'm not
3 positive it was that room or if was like the room next to
4 it or something. So I'm not real sure.

5 Q. Do you remember whether one of those offices had
6 a sign on the door that said East Bay Prisoner Support?

7 A. Yes, I remember one of the offices having that
8 sign.

9 Q. And was that door locked?

10 A. I believe it was, yes.

11 Q. What did you do when you came upon the door with
12 the sign East Bay Prisoner Support on it?

13 A. Well, I didn't do anything when I came to those
14 doors. They had been opened by another officer in terms
15 of the locks. So I didn't come to it when it was a
16 locked door other than maybe during the security sweep
17 and going past it. We didn't try to go into locked
18 spaces while we were sweeping through the property.

19 But when I came to that door it had already been
20 opened.

21 Q. Okay. Do you know who opened the East Bay
22 Prisoner Support door?

23 A. I remember that Detective MacAdam did some
24 documentation of locked doors and which doors were
25 locked, and I'm not positive, but I think he was the

1 person who either opened locks or helped maybe was with
2 more than one person.

3 But I think it was his -- he who wrote or did
4 some sort of photographs documenting the condition of
5 locks or how they were removed, something like that.

6 Q. Okay. So by the time you came to the East Bay
7 Prisoner Support office, the lock had already been
8 removed and the door was open. Is that correct?

9 A. Yes, at least unlocked. I don't remember if the
10 door was closed. It needed to be opened when I came
11 down, but it had been unlocked. And some of the locks
12 were removed in different ways. I think some of the
13 locks didn't need to be damaged. It was like the way the
14 latch was, maybe just a screw that needed to be removed
15 to take the latch off rather than breaking the lock, and
16 there may have been one or more doors where the lock
17 couldn't be removed in that way where it was cut. But I
18 don't remember exactly which door was used, which
19 technique to unlock it, but.

20 Q. Okay. What do you remember about when you came
21 to the East Bay Prisoner Support office in terms of your
22 entry into it?

23 A. Well, like I said, it was not locked at the time
24 that I came to it. And, again, kind of like I said
25 before I wasn't sure if it was like somebody else who

1 directed my attention, like there's a computer in this
2 room, or if I was just walking through and saw in the
3 room and saw like, hey, there's a computer in there. So
4 I went inside.

5 Either way I went inside to seize the computer,
6 and as I remember, I believe there was also a flash drive
7 in that room, and I know we seized a flash drive and I
8 think it was from the East Bay Prisoner Support room that
9 had the sign on the door.

10 And so I went in like I did with the other
11 computers, took a photograph, unplugged it if it was
12 plugged in, and moved it out into the central area.

13 Q. Did you look through any of the documents or
14 other papers in that office?

15 A. No.

16 Q. All you did was take the computer out and the
17 flash drive?

18 A. Correct.

19 Q. Okay. When you took the computer out of the
20 East Bay Prisoner Support office, did you -- what did you
21 examine or note about the computer before taking it out
22 of the office, if anything? Was it just there's a
23 computer, so you seized it or did you do any other kind
24 of assessment of the computer while it was there in the
25 office?

1 MS. ELLIS: Objection, vague.

2 THE WITNESS: Yeah. Are you asking --

3 BY MS. GRANICK:

4 Q. Did you look to see whether the computer was
5 connected to the Internet?

6 A. I don't remember if I looked to see. I would
7 have disconnected any cords it was connected to power
8 supply or internet connection or keyboard cord or
9 anything that was attached to the back. So I would have
10 just removed those cords. So I don't remember if I saw
11 an Internet connection or not.

12 Q. And you didn't search through the office for any
13 kind of patron logs or sign-up sheets for using computers
14 or anything of that nature?

15 MS. ELLIS: Objection, asked and answered.

16 THE WITNESS: I did not.

17 BY MS. GRANICK:

18 Q. And let's talk about the -- you searched some --
19 you went into other offices along the Long Haul as you
20 were looking for computers?

21 A. Like I said, I don't remember -- I know I
22 probably looked in them. I don't know how much I walked
23 into the office or just was in the hallway and looked in
24 the door.

25 The spaces were small, like maybe like a large

1 closet or something in terms of size. So I wasn't
2 allowed to go into necessarily. So as far as whether I
3 went in or just stood in the hallway and looked in, I
4 can't remember for certain because that was the only room
5 I needed to go into and take something out of. So it's
6 possible I didn't go around and look at other rooms, but
7 I don't remember.

8 Q. Do you remember anything else about the East Bay
9 Prisoner Support office and your activities inside it?

10 A. There's nothing else that I can think of that I
11 did in there.

12 Q. Okay. Let's talking about the office that is
13 upstairs in the loft, not the Internet room but on the
14 other side.

15 A. The east.

16 Q. Is that the eastern side?

17 A. Yes.

18 Q. So the eastern side. So describe for me the --
19 your going up into that area?

20 A. Okay. So that -- well, that loft area sort of
21 had two segments. There was a lounge area. I don't know
22 how to describe it. I think there was a sofa or a couple
23 of sofa in that room, maybe a table or something. I'm
24 not a hundred percent sure. And then there was a door,
25 and there was on the other side of that door was where I

1 -- like an office-type space. There was kind of a
2 countertop, and it was open sort of overlooked the
3 downstairs like it was the loft-type space. So it wasn't
4 a sealed room. It was open to where you could drop down
5 into the room below from that area.

6 Q. Was that door locked when you came to it?

7 A. When I came to it, it was not locked, it was my
8 understanding. I believe that the door was originally
9 locked, but, again, I wasn't the person who was removing
10 and opening locks. So I'm pretty certain that it was
11 locked, but I didn't unlock it.

12 Q. Do you know who was the officer who unlocked
13 that particular door?

14 A. No. Other than, again, like I said, similar to
15 the other doors I believe Detective MacAdam detailed
16 which locks were removed, and I think maybe that one was
17 included with the other locks, but I don't remember for
18 certain if it was him or if he was working with somebody
19 else. I'm not sure.

20 Q. Did you see a sign over that door that said
21 Slingshot?

22 A. I don't remember seeing a sign over the door at
23 the time.

24 Q. Was there any time where you saw the sign over
25 the door that said Slingshot?

1 MS. ELLIS: During the execution --

2 MS. GRANICK: During the execution of the search
3 warrant.

4 THE WITNESS: Oh, no.

5 BY MS. GRANICK:

6 Q. Did you look in the -- inside the office through
7 that door, did you see copies of newspaper that said
8 Slingshot across the top in that office?

9 A. No, I don't remember seeing that.

10 Q. Did you look through any of the files in the
11 filing cabinet or stacks of paper in that office or
12 anything -- anybody paper, documentary or paper stuff
13 like that while you were in there?

14 A. No, I did not.

15 Q. Did you take the computers that were in that
16 office?

17 A. Yes.

18 Q. Okay. Did you look to see whether those
19 computers were connected to the Internet?

20 A. Again, I don't remember. I believe there was
21 something in terms of something plugged in at least power
22 cord. Whether it had an Internet cord or not, I'm not
23 completely sure. Just as I did with the other computers,
24 I would have removed any attachments or cords connected
25 to the computer and photographed it and then moved it

1 down to that central area.

2 Q. And did you know when you were taking those
3 computers that that was office used by Slingshot for its
4 publication activity?

5 A. No, I did not know that.

6 Q. Did you learn that at any point in time while
7 you were executing the search warrant?

8 A. No.

9 Q. Do you remember anything else about your
10 activities in that particular office on this day?

11 A. No. I didn't spend a lot of time there other
12 than to go in and unplug the computers and remove them.

13 Oh, there was some -- in addition to computers
14 and computer storage devices, there was the warrant
15 specified also diskettes or I guess storage devices for
16 electronic diskettes or CDs, DVDs, things like that. I
17 believe there were recovered a number of I think it was
18 90 different such devices throughout the premises, and I
19 believe there were some in that room that I picked up
20 when collecting them when I was there at the time getting
21 computers, and I probably went back and forth carrying
22 them down, but I think I removed some from that room as
23 well.

24 Q. For those CDs did you have any reason to believe
25 that patron logs might be stored on those?

1 A. I recognized it could have been a possibility
2 that they could be stored there. There wasn't anything
3 specifically I could say that told me that they were.
4 But a log could be stored on a CD or a diskette, yes.

5 Q. Is that because a log could be stored on any
6 digital media or was there something specific about these
7 CDs and DVDs that made that a possibility?

8 MS. ELLIS: Objection, assumes facts not in
9 evidence.

10 THE WITNESS: You know, there were items that we
11 were searching for in the search warrant, and they
12 enforced us (sic) -- why we were taking them. I'm not
13 sure if that answers your question but --

14 BY MS. GRANICK:

15 Q. Okay. But after you got the computers and the
16 storage media out of the Slingshot office, what did you
17 do?

18 A. Well, again, I don't remember the chronology,
19 whether I was in Slingshot office as you're referring to
20 it as I --

21 You mean the upstairs office. Right?

22 Q. Oh, I understand we're out of order here.

23 A. Right. When you say after that --

24 Q. After you went into the offices upstairs and
25 downstairs and took the computers out of those offices,

1 what did you do?

2 A. By the time I had gotten the computers out of
3 all the spaces and had photographed them and taken them
4 out and then part of that process was documenting the --
5 we provide an inventory of the items seized. So
6 documented the make and model if known of the computer
7 and the serial number.

8 So that was part of what I was doing, as I was
9 going along I was cataloging each item. And I don't
10 remember exactly, but it probably would have been as I
11 photographed and before I actually moved it I probably
12 would have done that as I discovered each one. And as I
13 moved each one noting it down the details about it to
14 identify information. So just to add that I had that
15 too.

16 But after all that was assembled in the
17 downstairs area, as I remember from that point we were
18 pretty much done with anything that needed to be done.
19 So once that was complete we began moving the items out
20 to the vehicles to transport them away.

21 Q. Okay. So is there anything else that you did
22 during the execution of the warrant?

23 A. No, I don't think so.

24 Q. Do you know who, if anyone, searched the front
25 area of Long Haul?

1 A. No, I don't know specifically. Other people
2 were involved maybe, and I'm not even sure how -- if
3 people -- normally what people would do someone would
4 say, okay, I'm checking this area so other officers would
5 know, okay, that officer is checking that area, I don't
6 have to.

7 So -- and I'm not sure because I was looking for
8 computers I'm not sure who did it or who said they were
9 check that area or I don't remember in either case.

10 Q. Okay. Do you know who, if anyone, searched the
11 Slingshot office or the office on the eastern side, the
12 office on the eastern side?

13 A. The loft.

14 Q. Other than what you described your activities
15 were?

16 A. What I'm remember was when I went in to get the
17 computers out of there, Sergeant Alberts and Special
18 Agent Shaffer were in that room and were I believe
19 looking for any logs or papers in that room, but if
20 you're asking who searched that room, that's who I saw in
21 there when I went through to get the computers.

22 Q. Okay. Do you know whether it was Alberts,
23 Shaffer, or some other officer who cut the lock off that
24 door?

25 A. No, I don't know. It's what I said before about

1 Q. Is this an accurate copy of the form that you
2 filled out?

3 A. Yes.

4 Q. What is this?

5 A. This is a request for analysis computer forensic
6 analysis through the name title at the top, Silicon
7 Valley Regional Computer Forensic Laboratory.

8 Q. Is this a document that you fill out to get them
9 to do forensic analysis of computers and digital media
10 that you've seized?

11 A. Yes.

12 Q. Okay. So I want to direct your attention to box
13 sort of maybe a little less than halfway down and over to
14 the -- over to the right side of the paper where it says
15 privileged information, and then next to that it says
16 this includes any material specified under the privacy
17 protection act, for example, any material intended for
18 publication such as books, articles, or computer
19 programs, and there's a yes and no box there.

20 And did you write in that area the words "not
21 sure"?

22 A. Yes.

23 Q. When you wrote "not sure," did that mean that --
24 what did that mean?

25 A. I don't remember exactly why I wrote that other

1 MS. ELLIS: You know what, before you start can
2 we take a quick five-minute break. There's something
3 here I have to take care of.

4 MS. GRANICK: Certainly.

5 MS. ELLIS: Thanks.

6 (Break taken.)

7 MS. GRANICK: Back on the record.

8 Q. Okay. So I'm going to show you what's been
9 marked as [Exhibit L](#) which is Bates number -- do you have
10 it there, which is Bates number UC 381 to 387. Do we
11 have another copy of that for me? Do you recognize this?

12 A. Yes.

13 Q. Okay. What is this?

14 A. This is documentation provided to Silicon Valley
15 Regional Computer Forensic Laboratory to assist them with
16 their searching of the computers that we provided to
17 them.

18 Q. Okay. And is this a true and correct copy of
19 the e-mail that you sent?

20 A. Yes.

21 Q. You sent this to Sergeant Alberts on August 29,
22 2008?

23 A. Yes.

24 Q. I want to direct your attention to the second
25 page of the exhibit Bates No. 38 2 labeled at the bottom

1 page one of six.

2 Okay. On the paragraph, the second paragraph
3 down in the middle slightly towards the top there's the
4 sentence that begins, "In an effort to prioritize the
5 seized evidence," do you see where I'm looking?

6 A. Yes.

7 Q. It says that -- or in this document you wrote in
8 an effort to prioritize the seized evidence you've
9 identified six computers as being the most likely
10 computers that the suspect would have used and that these
11 computers were the ones located in Internet room. Is
12 that correct?

13 A. Yes.

14 Q. And you believed that these computers were most
15 likely to be the ones that the suspect would have used.
16 Why?

17 A. Well, to explain why it was six, just a little
18 bit of background, the lab required us to limit the
19 number of computers that they would analyze. They're
20 very busy, and they didn't want very many -- they
21 couldn't take all the computers. They said you need to
22 cut it down to a smaller number.

23 So there were a couple possibilities to keep in
24 mind as far as which computer somebody might have used to
25 send out these threatening e-mail messages.

1 Keep in mind the information we had was that the
2 IP address from the e-mail messages came from the
3 facility or the building, the location of the Long Haul
4 Info Shop. So it could have been from any computer in --
5 within the Long Haul. So it was a possibility that a
6 suspect could have been the person using computers in the
7 internet room as it was labeled or it's a possibility
8 that any of the other computers could have about used to
9 send the messages including somebody who was management
10 or a member of or belonging to the Long Haul itself using
11 any of the computers there.

12 Q. Let me stop you for a second. It wouldn't be
13 possible --

14 MS. ELLIS: He needs to finish his answer.

15 MS. GRANICK: I mean, it's a narrative. Go
16 ahead.

17 THE WITNESS: Okay. So, I'm sorry, I lost track
18 a little bit there.

19 BY MS. GRANICK:

20 Q. I could do --

21 MS. ELLIS: She can read back where you were.

22 (Record read.)

23 THE WITNESS: Okay. So the possibility of it
24 being somebody who was involved with the Long Haul or
25 somebody who was involved with animal rights causes

1 whether it was Stop Cal Vivisection Group specifically or
2 somebody who identified with animal rights causes could
3 have been people sending these e-mails.

4 So as well as the possibility that somebody who
5 didn't have access to other places but that could have
6 used this room labeled the Internet room. There were six
7 computers. There were 11 computers in that room and when
8 I was going through there were six that seemed to be
9 actually plugged in or had connections to them. I think
10 a number were set to the side that maybe looked like they
11 weren't used as often or as recently. So those six stood
12 out from that room as being the most likely. And in
13 terms of why it was computers from that room versus any
14 of the other rooms was just sheer probability I suppose
15 that more people may have traveled through that room than
16 other rooms if that was the room that was as they
17 referred to as their public room.

18 So just based on probability that might have
19 been the most likely.

20 BY MS. GRANICK:

21 Q. Is it possible for a computer to send an e-mail
22 when it's not connected to the Internet?

23 MS. ELLIS: Objection, foundation, speculation,
24 calls for facts not in evidence.

25 THE WITNESS: In my experience with computers,

1 it couldn't send an e-mail at the moment it's not
2 connected to the Internet.

3 BY MS. GRANICK:

4 Q. Why would you seize computers that were not used
5 recently if you are investigating who sent e-mail threats
6 a month before the -- or two months before the warrant
7 was executed?

8 MS. ELLIS: Objection, vague and
9 mis-characterizes his testimony.

10 THE WITNESS: Yeah. What do you mean by
11 computers that were not used recently?

12 BY MS. GRANICK:

13 Q. Well, you said that there were computers you
14 took from the Internet room that did not appear to have
15 been used recently. Is that correct?

16 A. I don't remember the exact words I used, but I
17 suppose that, yeah, there were computers in that room
18 that were set to the side or didn't look like they were
19 in use at the moment that we served the warrant.

20 Q. Uh-huh. And you seized those computers at the
21 time even though they didn't look like they were in use.
22 Is that correct?

23 A. Yes, we seized the computers.

24 Q. And let's go to the end part of this paragraph.
25 The remaining three computers were seized from office

1 areas that seemed more likely to belong to individual
2 groups rather than available for public use. What did
3 you mean by individual groups in that sentence?

4 A. Rather than anybody walking off the street,
5 somebody that has some membership with Long Haul or other
6 groups that Long Haul supported or affiliated with.

7 Q. What did you think those groups were? Which
8 groups were you referring to?

9 A. I wasn't referring to any specific group other
10 than just that they were computers set aside.

11 Q. Were you referring to East Bay Prisoner Support?

12 A. No. Like I said, I wasn't meaning to refer to
13 any specific group.

14 Q. You weren't referring to Slingshot as a separate
15 group from Long Haul?

16 A. I wasn't referring to Slingshot at all.

17 Q. In the second part of the sentence rather than
18 available for public use, does that mean that these three
19 computers, as far as you understood, were not made
20 available to the public?

21 A. I didn't know for certain because I didn't know
22 how they operated inside the Long Haul. What I knew was
23 that Long Haul advertised on the website that they had an
24 Internet room, and there was a sign on the western loft
25 that read Internet room. So seemed more likely that that

EXHIBIT 7

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LONG HAUL, INC. and EAST BAY)
PRISONER SUPPORT,)
)
 Plaintiffs,)
)
 v.)
)
 UNITED STATES OF AMERICA; MIGUEL)
 CELAYA; KAREN ALBERTS; WILLIAM)
 KASISKE; WADE MacADAM; TIMOTHY)
 ZUNIGA; MIKE HART; LISA SHAFFER;)
 and DOES 1 - 25,)
)
 Defendants.)
 _____)

No. C 09-00168-JSW

DEPOSITION OF TIMOTHY ZUNIGA, taken on behalf
of Plaintiffs, at One Market Street, 32nd Floor, San
Francisco, California, commencing at 12:58 p.m.,
Wednesday, July 28, 2010, before Donna J. Blum,
Certified Shorthand Reporter, No. 11133.

1 was working on.

2 Q. So was all of your work there related to animal
3 rights investigations or rather investigations into
4 animal rights activism?

5 A. In my capacity with the group, yes.

6 Q. Are you familiar with Long Haul?

7 MS. ELLIS: Objection, vague.

8 THE WITNESS: Yes.

9 BY MS. HOFMANN:

10 Q. Were you familiar with it prior to the
11 August 27, 2008, search?

12 A. Yes.

13 MS. ELLIS: Objection, vague.

14 THE WITNESS: Yes.

15 BY MS. HOFMANN:

16 Q. Can you recall how you first became familiar
17 with it?

18 MS. ELLIS: Objection, vague.

19 THE WITNESS: Specifically as to when and how,
20 no.

21 BY MS. HOFMANN:

22 Q. On January 27, 2008, did you follow an
23 individual from an animal rights protest at a professor's
24 home to the Long Haul?

25 A. I don't recall a specific date, but I did follow

1 A. I knew that. I apologize. The question again
2 please.

3 (Record read.)

4 THE WITNESS: I knew that there was an
5 investigation that indicated e-mails involved in a
6 criminal instance, there was evidence indicating e-mails
7 had originated from there, that location.

8 BY MS. HOFMANN:

9 Q. Okay. Did you ever look at the Long Haul
10 website prior to the August 27, 2008, search?

11 A. Yes, I believe I did.

12 Q. Okay. Did you know that it had a room with
13 publicly accessible computers?

14 A. At what point?

15 Q. Before the search did you know that -- before
16 the August 27, 2008, search, did you know that the Long
17 Haul had a room with publicly accessible computers?

18 A. I know, I believe I knew they had computers,
19 publicly accessible computers.

20 Q. Okay. Before the August 27, 2008, search, were
21 you aware that Long Haul had multiple tenants?

22 A. No, ma'am.

23 Q. Okay. Before the 2008 -- sorry. Before the
24 August 27, 2008, search, had you heard of Slingshot?

25 A. Yes, ma'am.

1 Sandbrook at UCLA discovered this website which seems to
2 authored by one of our animal activists or someone very
3 close to them." Is that correct?

4 A. That is what I see the e-mail is saying, yes.

5 Q. Okay. Is it clear from that e-mail what website
6 is being referred to?

7 A. I see an e-mail address on the text, and I
8 believe that to be the one he's referring to.

9 Q. The text above in the e-mail above?

10 A. In the first paragraph.

11 Q. Okay. All right. Well, let's talk about that
12 e-mail now.

13 So this is the one that you sent on February 19,
14 2007, to Karen Alberts. Correct?

15 A. I believe so.

16 Q. Okay. Could you please read the first sentence
17 of that e-mail?

18 A. "On their home page they claim an affiliation
19 with the Long Haul on 3124 Shattuck Avenue here in
20 Berkeley."

21 Q. Okay. And the second sentence refers to a URL.
22 Is that correct? A link to a website.

23 A. Yes, ma'am.

24 Q. And the link to the website is HTTP colon slash
25 slash Slingshot dot TAO dot CA slash RC list dot PHP. Is

1 that correct?

2 A. Yes, ma'am.

3 Q. Do you know what that link refers to?

4 MS. ELLIS: Objection, vague.

5 THE WITNESS: It refers to Slingshot.

6 BY MS. HOFMANN:

7 Q. So in February 2008 were you aware that
8 Slingshot had an affiliation with the Long Haul?

9 A. Yes.

10 Q. Okay. Okay. We are done with this one.

11 A. With this item?

12 Q. Yes, with this item. Thank you.

13 Did you ever see the Slingshot newspaper before
14 the August 27, 2008, search?

15 A. No, ma'am.

16 Q. Okay. Had you ever seen the Slingshot website
17 prior to the August 27, 2008, search?

18 A. Yes, ma'am.

19 Q. Okay. Had you ever read any articles on that
20 website?

21 A. I believe so.

22 Q. Okay. Do you remember what the articles were
23 about?

24 A. No, ma'am, not specifically.

25 Q. Okay. Prior to the August 27, 2008, search had

1 you ever heard of East Bay Prisoner Support?

2 A. I'd heard of them.

3 Q. Okay. Did you know what it was?

4 A. I'd have to say no.

5 Q. Okay. So just to clarify, just so that I
6 understand you heard the name but you weren't sure what
7 it was?

8 A. I did not know what they stated themselves to
9 be.

10 Q. Okay. Great. Did you have any reason to
11 believe that Slingshot was connected to animal rights
12 activism?

13 MS. ELLIS: Objection, foundation, vague.

14 THE WITNESS: Rephrase please.

15 BY MS. HOFMANN:

16 Q. Before the August 27, 2008, search you were
17 familiar with Slingshot the publication. Did you have --
18 and we've established that you knew that it claimed an
19 affiliation with Long Haul.

20 Did you have any reason to believe that it was
21 involved in activism before -- I'm sorry, in animal
22 rights activism?

23 MS. ELLIS: Objection, vague and
24 mis-characterizes his testimony and assumes facts not in
25 evidence.

1 THE WITNESS: You said publication?

2 MS. HOFMANN: Yes.

3 THE WITNESS: I don't believe that at the time
4 in question I knew that they had a newspaper publication.
5 I knew of an online.

6 BY MS. HOFMANN:

7 Q. Online publication?

8 A. Okay, so online, yes. I'm sorry. Continue.

9 Q. Let's try this question another way.

10 A. Okay.

11 Q. Had you read any Slingshot articles that made
12 reference to animal rights activism?

13 MS. ELLIS: Objection, vague and foundation.
14 Prior to the search or at any time?

15 MS. HOFMANN: Prior to the search.

16 THE WITNESS: I believe so.

17 BY MS. HOFMANN:

18 Q. Okay. Do you remember what those articles said?

19 A. No, ma'am.

20 Q. Okay. So you mentioned that you had heard about
21 EBPS before the August 27, 2008, search. Can you explain
22 what you'd heard about it?

23 A. About it, I don't recall hearing about their
24 purpose. I recall hearing or seeing flyers posted with
25 their name on it.

1 (Record read.)

2 MS. ELLIS: And I would also have an objection
3 as to speculation, and I think that it's too confusing
4 using "you" to refer to the team. Either "you" should be
5 Officer Zuniga and then if you want to ask about what the
6 team did, then you can ask about the team.

7 MS. HOFMANN: What word would you prefer I use
8 for "the team"?

9 MS. ELLIS: Just "the team."

10 MS. HOFMANN: "The team."

11 MS. ELLIS: Yeah, that's fine.

12 BY MS. HOFMANN:

13 Q. Did the team consider going into the Long Haul
14 through the front door?

15 MS. ELLIS: Objection, foundation, speculation.

16 THE WITNESS: My recollection is I was not
17 involved. I do not recall being involved in a discussion
18 of that nature at that point that you're asking about.

19 BY MS. HOFMANN:

20 Q. Okay. But ultimately the team entered the Long
21 Haul through the back door. Is that correct?

22 A. Yes, ma'am.

23 Q. Was the door locked the back door -- was the
24 back door locked when the team arrived at the back door?

25 A. I --

1 MS. ELLIS: Objection, foundation, speculation.

2 THE WITNESS: I was not there when the team made
3 initial entry at that point.

4 BY MS. HOFMANN:

5 Q. When did you arrive? When did you enter the
6 building?

7 A. Some --

8 MS. ELLIS: Objection, vague.

9 THE WITNESS: Subsequent to the -- subsequent to
10 the team acquiring the rear access.

11 BY MS. HOFMANN:

12 Q. Okay. How long afterward -- how long after the
13 team entered the building did you enter the building?

14 MS. ELLIS: Objection, foundation, speculation.

15 THE WITNESS: I don't know precisely at what
16 point they physically entered.

17 BY MS. HOFMANN:

18 Q. Uh-huh.

19 A. So I can't really be sure.

20 Q. Were you part of the team at that point?

21 MS. ELLIS: Objection, vague.

22 THE WITNESS: Of the -- the ARG team, yes,
23 Animal Rights Group.

24 BY MS. HOFMANN:

25 Q. That's not what I meant. I meant the search

1 team, the team of people who performed the search at the
2 Long Haul.

3 A. Yes, ma'am.

4 Q. Okay. So you entered the building along with
5 the rest of that team. Is that right?

6 MS. ELLIS: Objection, foundation, speculation,
7 vague.

8 THE WITNESS: I -- I was not there when they
9 initially entered. At some point I was directed to go
10 join them subsequent to their finding this entry.

11 BY MS. HOFMANN:

12 Q. Okay. How long after they entered the building
13 did you enter the building?

14 MS. ELLIS: Objection, foundation, speculation.

15 THE WITNESS: I'm really not sure. Again, I was
16 not physically there when they physically entered.

17 BY MS. HOFMANN:

18 Q. Okay. Could you describe what you did after you
19 entered the Long Haul through the back door? What was
20 the first thing you did?

21 A. Met up with the team and performed, assisted in
22 performing a protective sweep of the building.

23 Q. And did you -- did you walk through the hallway
24 to the front room to perform that sweep?

25 MS. ELLIS: Objection, vague.

1 Q. Okay. Were you in the room that was the one
2 that had computers in it that were available to visitors
3 of Long Haul?

4 MS. ELLIS: Objection, vague.

5 THE WITNESS: Possibly at some point, yes.

6 BY MS. HOFMANN:

7 Q. Okay. Do you -- did you assist with the search
8 of that room?

9 MS. ELLIS: Objection, vague.

10 THE WITNESS: A little more specific please.

11 BY MS. HOFMANN:

12 Q. Did you --

13 A. In what way assist?

14 Q. Well, did you -- did you help to take computers
15 out of that room?

16 A. No, ma'am.

17 Q. Okay.

18 A. Correction. I -- I certainly would not have
19 been involved in the technical removal of the computers.

20 Q. Okay.

21 A. But the physical pick the stuff from point A to
22 point B, I'm sure I probably -- I -- might have been
23 something like that, so.

24 Q. Okay. Do you remember looking for logs in that
25 room, logs that would indicate that people had used those

1 computers?

2 A. Since I'm not certain which the Internet room
3 is, I'd have to say I'm not -- I don't -- I don't know.

4 Q. So when I discuss the Internet room, I am
5 talking about a room that was up a set of stairs and on
6 the other side of the office space from the Slingshot
7 office. Does that help?

8 A. Forgive me. I'm just trying to picture this in
9 my mind. The most honest answer I can give is I don't
10 recall one way or the other if I might have. It is
11 possible. I don't remember.

12 Q. Okay. Did you ever enter a room that had a sign
13 on it that said East Bay Prisoner Support?

14 A. I don't recall doing so, ma'am.

15 Q. Okay. Did you ever see the sign that said East
16 Bay Prisoner Support?

17 A. I don't recall seeing the sign.

18 Q. Okay.

19 A. As you described, no.

20 Q. Okay. Did you help to take the lock off the
21 door of that office?

22 A. Of which office, ma'am?

23 Q. Well, let me ask you this: Did you help to
24 remove the locks from any doors within the Long Haul
25 premises?

1 A. Yes, ma'am.

2 Q. How many how locks?

3 A. At least one.

4 Q. At least one.

5 Could you explain how you removed it?

6 A. I -- I can't recall specifically if I removed a
7 lock or if I forced entry to a door. I can't remember
8 which.

9 Q. Could you explain the difference?

10 A. This might be different for some. When you say
11 remove the lock, visually that indicates to me a padlock
12 or similar, and using a tool like bolt cutters or a
13 screwdriver to cut or pry the lock off. And I can't
14 remember if I did that or used physical force to open the
15 door --

16 Q. Okay.

17 A. -- on this instance. I can't remember which I
18 might have done.

19 Q. Would it be fair to say that you did one of
20 those two things for at least one lock?

21 A. Yes, it's possible I did one or the other.

22 Q. Okay. For one lock, for more than one lock?

23 A. I recall one lock. I don't know if I did any
24 other lock. If I was involved in any other, I don't
25 recall.

1 Q. Okay. So I'm going to show you something marked
2 [Exhibit L](#), which is this picture (indicating).

3 Do you recognize this?

4 A. No, ma'am.

5 Q. Okay.

6 A. I recognize the door, but I don't recognize the
7 sign.

8 Q. Did you see that door during the search?

9 A. I remember walking by the area that this door is
10 in.

11 Q. Okay. Do you recall whether you removed or
12 forced entry -- removed the lock or forced entry through
13 that door?

14 A. I don't recall this -- I don't recall doing that
15 in this area.

16 Q. Okay. And you do not recall seeing that sign.
17 Is that correct?

18 A. Yes, ma'am.

19 Q. Okay. Do you recall going up a set of stairs to
20 an office in the upper loft area of the premises?

21 A. That could be a couple of -- if you could
22 rephrase. There's a couple of memories that could fit
23 that. I don't know which specifically.

24 Q. Let me ask you this: Is there a room that you
25 recall searching?

1 A. Yes, ma'am.

2 Q. Okay. Could you describe how you got to that
3 room please?

4 A. Upstairs -- it's up the stairs leading towards
5 the more east, eastern part of the space.

6 Q. Okay. And could you describe that space up the
7 stairs?

8 A. In what context?

9 Q. Well, when you got to the top of the stairs
10 could you tell me what that space up there looked like?

11 A. I remember some furniture and then the -- it was
12 the door to another room.

13 Q. Was that door locked?

14 A. Yes, ma'am.

15 Q. Okay. I'm going to show you a photograph
16 labeled [Exhibit I](#). Do you recognize this?

17 A. Yes, ma'am.

18 Q. Could you please tell me what that is?

19 A. That is the door I'm recalling from my memory
20 that we just discussed.

21 Q. Excellent. Thank you.

22 Tell me do you recall seeing that banner above
23 the door?

24 A. No, ma'am. At the time of the search warrant?

25 Q. At the time of the search.

1 A. No, ma'am, I do not.

2 MS. ELLIS: I'm sorry. What letter is this?

3 MS. HOFMANN: That is "I."

4 Q. Did you either remove the lock from that door or
5 force entry to get beyond that door?

6 A. This is the door in my memory. I don't remember
7 exactly how but this is the door that my mind is
8 recalling.

9 Q. Okay. But you entered that room. Is that
10 correct?

11 A. Yes, ma'am.

12 Q. Okay. I'm going to show you a photograph marked
13 [Exhibit J](#). Do you recognize this is that, the interior
14 of that room?

15 A. It -- it doesn't look familiar to me, ma'am.

16 Q. Okay. Could you please tell me what you did
17 when you entered that room?

18 MS. ELLIS: Objection, vague.

19 THE WITNESS: At what point, ma'am?

20 BY MS. HOFMANN:

21 Q. Did you search the cabinets in that room?

22 A. At some point I began assisting in searching the
23 contents of those cabinets I believe.

24 Q. Do you remember what you found in those
25 cabinets?

1 A. I remember searching for logs, documents,
2 described in the warrant, and in -- in there I -- there
3 were various items that didn't fit that and I did not --
4 when I saw an item that didn't fit the bill or didn't fit
5 the description in the warrant, I searched on to other
6 items, different items.

7 Q. Did you find any logs in that office?

8 A. My recollection is I did not.

9 Q. Okay. Did you find any photographs in that
10 office?

11 A. Yes, ma'am.

12 Q. How many photographs did you find?

13 A. I saw a lot of photographs all over the place,
14 both in the cabinet and strewn about.

15 Q. Did you look through those photographs?

16 A. Some of them, yes.

17 Q. What did they show?

18 A. The photographs that caught my attention, some
19 of them displayed what I believed to be evidence of
20 possible criminal activity not related to what we were
21 searching for.

22 Q. Okay. Did you call in Special Agent Shaffer to
23 look at these photographs?

24 A. I don't recall calling her, but at some point
25 she did join me.

1 Q. Okay. And did she look through those
2 photographs?

3 A. I showed her some of the photographs, brought
4 them to her attention.

5 Q. Okay. Did you seize any of those photographs?

6 A. No, ma'am.

7 Q. Okay. Did you find any computers in that
8 office?

9 A. My -- my recollection is that there were --
10 there was at least one computer in that office.

11 Q. Did you seize that computer?

12 A. Point of clarification, the technical IT.

13 Q. Right. I mean like physically take that
14 computer away?

15 A. I don't remember taking it from that office to
16 another location. It is possible that at some point when
17 we removed the computers, plural, from the location that
18 that could have been one of the computers I physically
19 removed.

20 Q. Okay. Did you find any CDs in that office?

21 A. I have no recollection of finding any CDs in the
22 office.

23 Q. Did you find any -- any other computer disks in
24 that office?

25 A. I have no recollection of finding such items.

1 Q. Okay. Is there anything else you can remember
2 seeing in that office that you thought was responsive to
3 the search warrant?

4 A. My recollection is to the best of my memory, no.

5 Q. Okay. Did you realize at the time of the search
6 that this office was the place that produced the
7 Slingshot publication that you were familiar with?

8 MS. ELLIS: Objection, vague and assumes facts
9 not in evidence.

10 THE WITNESS: I'm sorry. Please read back the
11 question.

12 (Record read.)

13 THE WITNESS: The answer is no, ma'am.

14 BY MS. HOFMANN:

15 Q. Did you see anything in the office that said
16 Slingshot?

17 A. I do not recall seeing anything like that,
18 ma'am.

19 Q. Did you see any publications stored in that
20 office?

21 MS. ELLIS: Objection, vague.

22 MS. HOFMANN: Excuse me. Let me rephrase.

23 Q. Did you see any Slingshot publication stored in
24 that office?

25 MS. ELLIS: Objection, vague.

1 Q. Did you open the drawers of that cabinet?

2 MS. ELLIS: Objection, vague.

3 THE WITNESS: My recollection is at least one
4 drawer was ajar. But I probably opened a drawer I'm
5 sure.

6 BY MS. HOFMANN:

7 Q. Did you see photographs inside that drawer?

8 A. Yes, ma'am.

9 MS. ELLIS: Inside the drawer that was ajar?

10 MS. HOFMANN: Inside the drawer that he opened.

11 MS. ELLIS: He says that he saw a cabinet and
12 that at least one drawer was ajar and may have opened
13 another drawer. So I'm just trying to clarify which one.

14 MS. HOFMANN: Okay.

15 Q. Did you see photographs inside any drawer?

16 A. Yes, ma'am.

17 Q. Okay. Did you remove those photographs from the
18 drawer?

19 A. Please explain what you mean by "remove."

20 Q. Well, I'm curious, did you flip through them in
21 the drawer? Did you pick them up, take them out, and put
22 them on the desk? How did that work?

23 A. I don't recall picking those up and putting them
24 on the desk. I don't recall that.

25 Q. So did you look through them in the drawer?

1 A. That's my recollection.

2 Q. About how many photographs were in the drawer?

3 Can you remember?

4 A. I have no idea.

5 Q. How much time did you spend looking through

6 them?

7 A. Looking through?

8 Q. The photographs.

9 A. Just the photographs.

10 I can't calculate which portion of time was
11 spent looking at photographs and looking at other items.

12 I would -- I would estimate the time, to the best of my
13 recollection the time I was in the room reviewing items
14 might have been about 15 minutes.

15 Q. Okay. Were the photographs in the drawer in a
16 folder?

17 A. My recollection is everything in there was so
18 disorganized that there might have been some, but I -- my
19 memory is they were just loose. A lot of them were
20 strewn about.

21 Q. Was there anything in the drawer aside from
22 photographs?

23 A. Yes, ma'am.

24 Q. Like what?

25 A. Papers.

1 Q. Okay. Did you look through those papers?

2 A. Looked at them, reviewed them to see if they fit
3 the scope of the warrant.

4 Q. Okay. Do you have any estimate how many
5 photographs might have been in that drawer?

6 A. No, ma'am. My recollection is locked.

7 Q. Locked. Do you have any sense how many photos
8 you had a chance to look at?

9 A. I can say I didn't look at all the photos that I
10 observed, but I don't recall -- I don't think I can
11 accurately recall how many I actually reviewed.

12 Q. Okay. Were -- during the time you were in that
13 office, were any of your -- any other members of the
14 search team in that office as well?

15 A. Yes, ma'am.

16 Q. Could you please say who?

17 A. FBI Special Agent Lisa Shaffer. I believe that
18 Sergeant Alberts, Sergeant Karen Alberts came up there at
19 some point.

20 I can't recall specifically which other officer,
21 but I seem to think someone else came in at some point.

22 At some point I was directed to go elsewhere to
23 assist with something.

24 Q. When you were reviewing photos, could you please
25 estimate just a rough number how many you saw? I mean,

1 was it 10? Was it 20?

2 MS. ELLIS: Objection, asked and answered.

3 THE WITNESS: Please clarify what you mean by
4 saw. As in --

5 MS. HOFMANN: Not -- how many you reviewed.

6 MS. ELLIS: Objection, asked and answered.

7 THE WITNESS: I'm not sure I can accurately
8 recall.

9 BY MS. HOFMANN:

10 Q. Not even an estimate?

11 A. To the best of my recollection, I'll approximate
12 50 or less that I reviewed. Not all of them, you know,
13 were of any -- most of them were not of any relevance to
14 me in the context of my duties.

15 Q. Okay. Well, Special Agent Shaffer was in the
16 room with you. What did you observe her do?

17 A. I don't think I actually observed her. I knew
18 she was there. I believe she was reviewing files as
19 well.

20 Q. Okay. Did she review photos other than the ones
21 that you directed her to?

22 A. I have no idea.

23 Q. Okay. Do you know whether she went through the
24 drawers of the cabinet?

25 A. I can't recall if I saw her doing that or not.

From: tzuniga@berkeley.edu
Sent: Tuesday, February 19, 2008 12:21 PM
To: kalberts@berkeley.edu
Subject: Re: [Fwd: Activist Website Article - Berkeley/LA Connection]

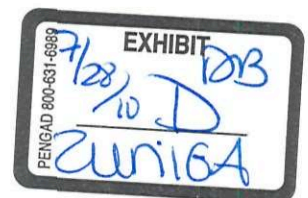
>Sarg,
> On their home page they claim an affiliation with The Long Haul on
>3124 Shattuck Ave here in Berkeley. They have a "Radical contact
>list" on their site (<http://slingshot.tao.ca/rcelist.php>)
>
>I made a list of locations here in Berkeley, Oakland, San Francisco and
>Santa Cruz in case we need this for reference in future or current
>investigations. I put it in the N drive under AREWG/Subjects and
>Victims/Slingshot Radical Contact list.
>
>Please contact me with any questions. Thank you.

Corporal Timothy J. Zuniga
Crime Prevention Unit
UC Berkeley Police Department
1 Sproul Hall
Berkeley, Ca 94720
Phone 510-642-3722
Fax 510-642-6434

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> FYI!
>
> Karen
>
> ----- Original Message -----
> Subject: Activist Website Article - Berkeley/LA Connection
> From: "Richard C. Van Sluyters" <rcvs@berkeley.edu>
> Date: Tue, February 19, 2008 11:30 am
> To: Animal Issues Committee;;
> Cc: Animal Issues Committee-copies;;
> -----

>
> Dear Colleagues,
>
> John Sandbrook at UCLA discovered this website, which seems to be
> authored by one of our animal activists or someone very close to
> them. It contains a number of interesting statements, including a
> comparison of the campaign against research at UC Berkeley to that
> against UCLA. *If any of us had any doubts about whether the two*
> campaigns are not at least watching each other, this should dispel
> them.
>
> I've forwarded it to UCPD, OGC and the FBI as well.
>
> -Rick



> --
> Richard C. Van Sluyters, OD, PhD
> Professor and Associate Dean for Student Affairs,
> School of Optometry
> Chair, Animal Care and Use Committee
> University of California
> Berkeley, CA 94720-2020
>
> Associate Dean's Office: (510) 642-9537
> ACUC Office: (510) 642-8855
> Personal: (510) 642-1235
> Facsimile: (510) 642-2281
>
> --
> Sergeant Karen Alberts
> UC Berkeley Police Department
> Criminal Investigations Bureau
> 1 Sproul Hall
> Berkeley, CA 94720
> (510) 642-6760 (24 hr. number)
> (510) 642-0482 (Voice Mail)
> (510) 642-6434 (Fax)
>

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