

SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS

Superior COURT DEPARTMENT

Worcester DIVISION

SEARCH WARRANT DOCKET NUMBER

1667-54-188

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- has been stolen, embezzled, or obtained by false pretenses.
- is intended for use or has been used as the means of committing a crime.
- has been concealed to prevent a crime from being discovered.
- is unlawfully possessed or concealed for an unlawful purpose.
- is evidence of a crime or is evidence of criminal activity.
- other (specify) _____

YOU ARE THEREFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

Search a black LG cellular phone, to include but not limited to the Phonebook; call logs; text messages; electronic mail messages; software; computerized logs; account names; passwords; encryption codes; ringtones; sim card information; and other data including deleted files and folders pertaining to the crime of Murder. Your affiant requests that the warrant allow for the collection of evidence to be performed by sworn members of the Massachusetts State Police with specialized training to extract digital data from cellular devices.

at:

81 Lafayette St. Worcester, Massachusetts 01608

which is occupied by and/or in possession of:

Massachusetts State Police Detective Unit - Worcester County

on the person or in the possession of (identify any specific person(s) to be searched):

You are are not also authorized to conduct the search at any time during the night.

You are are not also authorized to enter the premises without announcement.

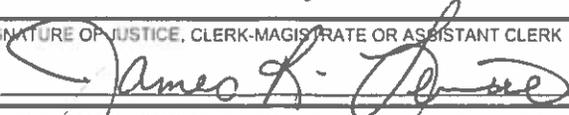
You are are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

YOU ARE FURTHER COMMANDED if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the
Worcester Division of the Superior District Court Department.

DATE ISSUED

May, 25, 2016

SIGNATURE OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

X 

FIRST OR ADMINISTRATIVE JUSTICE

PRINTED NAME OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

WITNESS: Judith Fabricant, Chief Justice
Superior Ct.

JAMES R. LEMIRE

RETURN OF OFFICER SERVING SEARCH WARRANT

A search warrant must be executed as soon as reasonably possible after its issuance and in any case may not be validly executed more than 7 days after its issuance. The executing officer must file his or her return with the court named in the warrant within 7 days after the warrant is issued. G.L. c. 276 §3A

This search warrant was issued on May 25, 2016, and I have executed it as follows:
DATE

1. Numerous Digital Files from LG Optimus Zone 2
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

(attach additional pages as necessary)

This inventory was made in the presence of: Tpr. Matthew Prescott

I swear that this inventory is a true and detailed account of all property taken by me
on this search warrant.

SIGNATURE OF PERSON MAKING SEARCH X <u><i>Robert Parr</i></u>	DATE AND TIME OF SEARCH 5/25/2016 17:26	SWORN AND SUBSCRIBED TO BEFORE X <u><i>[Signature]</i></u> <small>Signature of Justice, Clerk, Magistrate or Assistant Clerk</small>
PRINTED NAME OF PERSON MAKING SEARCH Robert Parr	TITLE OF PERSON MAKING SEARCH Trooper	DATE SWORN AND SUBSCRIBED TO June 1, 2016

APPLICATION FOR SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS

Superior

COURT DEPARTMENT

Worcester

DIVISION

NAME OF APPLICANT

Robert D. Parr

POSITION OF APPLICANT

Trooper, Massachusetts State Police

SEARCH WARRANT DOCKET NUMBER

162-JW-188

I, the undersigned **APPLICANT**, being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of **10** pages, which is (are) incorporated herein by reference.
2. Bases upon this information, there is **PROBABLE CAUSE** to believe that the property described below:

- has been stolen, embezzled, or obtained by false pretenses.
- is intended for use or has been used as the means of committing a crime.
- has been concealed to prevent a crime from being discovered.
- is unlawfully possessed or concealed for an unlawful purpose.
- is evidence of a crime or is evidence of criminal activity.
- other (*specify*) _____

3. I am seeking the issuance of a warrant to search for the following property (*describe the property to be searched for as particularly as possible*):

Search a black LG cellular phone, to include but not limited to the Phonebook; call logs; text messages; electronic mail messages; software; computerized logs; account names; passwords; encryption codes; ringtones; sim card information; and other data including deleted files and folders pertaining to the crime of Murder. Your affiant requests that the warrant allow for the collection of evidence to be performed by sworn members of the Massachusetts State Police with specialized training to extract digital data from cellular devices.

4. Based upon this information, there is also probable cause to believe that the property may be found (*check as may as apply*):

at (*identify the exact location or description of the place(s) to be searched*):

81 Lafayette St. Worcester, Massachusetts 01608

which is occupied by and/or in possession of:

Massachusetts State Police Detective Unit - Worcester County

on the person or in the possession of (*identify any specific person(s) to be searched*):

on any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

THEREFORE, I respectfully request that the court issue a Warrant and order of seizure, authorizing the search of the above described place(s) and person(s), if any, to be searched, and directing that such property or evidence or any part thereof, if found, be seized and brought before the court, together with such other and further relief that the court may deem proper.

- have previously submitted the same application.
- Have **not** previously submitted the same application.

PRINTED NAME OF APPLICANT

Robert D. Parr

SIGNED UNDER THE PENALTIES OF PERJURY

X

[Signature] #3491

Signature of Applicant

SWORN AND SUBSCRIBED TO BEFORE

X [Signature]
Signature of Justice, Clerk, Magistrate or Assistant Clerk

6-25-16
DATE

1662-SW-188

COMMONWEALTH OF MASSACHUSETTS

WORCESTER SS

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
WORCESTER DIVISION

AFFIDAVIT IN SUPPORT OF THE APPLICATION FOR SEARCH WARRANT
G.L. C. 276, SS 1 to 7; St. 1964, c. 557 As amended

May 25, 2016

1. I, Robert D. Parr, being duly sworn, depose and say;
I am currently a Trooper in the Massachusetts State Police, a position I have continuously held for the past 9 1/2 years. Presently, I am assigned to the Criminal Section of the Worcester County Detective Unit, located at 81 Lafayette St. Worcester, Massachusetts. Previous assignments have included the Uniform Branch of the State Police, having been assigned to the Leominster and Concord Barracks. In addition, I have served as a reserve police officer in York, Maine for 3 years and as a police officer in Rockport, Massachusetts for 1 year. I have received training in the investigations of: Homicides, Sexual Assaults, Child and Infant Death Investigations, Evidence Preservation, Domestic Violence Incidents, Terrorism, Fire Investigation, Interview and Interrogation, Search Warrants, Cell Phone Analysis and Mapping, Blood Spatter Analysis, Crime Scene Reconstruction and Crime Scene Security. During my tenure as a Law Enforcement Officer I have been involved in numerous investigations that have resulted in the arrest and conviction of individuals for various forms of criminal activity including Murder, Assault, Larceny, Firearms and Narcotics violations. I possess a Master of Arts degree in Criminal Justice from the University of Massachusetts in Lowell, Massachusetts. During my time at UMASS I also earned a Certificate in Domestic Violence Prevention. I also possess a Bachelor of Arts degree in Criminal Justice from Saint Anselm College in Manchester, New Hampshire.

Tpr. Robert D. Parr RDP

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Justice JRT

2. Based upon your affiant's training and experience, and the collective knowledge of the other officers that your affiant has worked with on this investigation as noted in this affidavit, your affiant believes that evidence of the crimes of; Murder in violation of Massachusetts General Laws, Chapter 265, Section 1 will be located in black LG cellular phone which was seized from the property of Jorge Zambrano at UMass Memorial Medical Center on May 22, 2016.

3. On Sunday, May 22, 2016, at approximately 12:26 AM, Officer Ronald Tarentino of the Auburn Police Department radioed Auburn Police Dispatch that he was stopping an Infiniti QX4 Sport Utility Vehicle (SUV) bearing a Massachusetts registration of 4PJX80 on Rochdale St. at Zabelle Ave. A short time later, Ofc. Tarentino reported that shots had been fired and that he had been struck. Arriving officers found Ofc. Tarentino seated in his cruiser bleeding from at least two gunshot wounds. Ofc. Tarentino was transported to UMass Memorial Medical Center in Worcester where he was later pronounced deceased.

4. Investigators identified a witness, Brian Barber (5/19/1994) who was traveling on Rochdale St. when he overheard on his personal scanner the broadcast of shots fired. Mr. Barber reversed direction and headed towards the scene. Before he arrived at the crime scene, Mr. Barber observed a white Infiniti SUV traveling westbound on Rochdale St. away from the crime scene at a high rate of speed.

5. Numerous assets responded to the scene including State Police Crime Scene Services and State Police Firearms Identification Section. At the scene investigators located at least five (5) spent .45 caliber gold colored shell casings in the area of where the Infiniti should have been parked. Investigators also located four (4) spent projectiles in the area of Ofc. Zambrano's cruiser.

6. Investigators learned that the 1997 Infiniti QX4 bearing Massachusetts

Tpr. Robert D. Parr



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registration 4PJX80 had been stopped on May 16, 2016 by Tpr. Christian Paluk of the State Police Holden barracks. Tpr. Paluk identified and arrested the operator of that vehicle as Jorge Zambrano (3/14/1981). The vehicle was towed by Boulevard's Towing. It was later released to Heather Philip who was identified as the girlfriend of Jorge Zambrano.

7. A review of Jorge Zambrano's Board of Probation (BOP) file indicates that he has a lengthy criminal history including violence toward law enforcement. Zambrano has numerous charges for Resisting Arrest, Assault & Battery on a Police Officer, Assault & Battery with a Dangerous Weapon, and Possession of a Firearm. In addition, Zambrano was sentenced to seven (7) years in State Prison for cocaine trafficking.

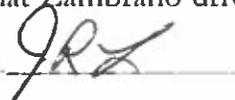
8. On the same date, at approximately 7:45 AM, Tpr. Douglas Grout and Tpr. Michael Travers interviewed Julie Smola at 89 Houghton St. Worcester, Massachusetts. Smola is the mother of Zambrano's daughter. Investigators also spoke with Zambrano's juvenile daughter who advised that she had received a phone call from Zambrano at approximately 12:30 AM. Zambrano left a voice mail on her phone and stated that he was sorry and wished that he had been there for her. The juvenile female stated that the phone call had come from a number she had stored in her phone as her father, Jorge Zambrano.

9. On the same date, at approximately 8:43 AM, Tpr. Grout and Tpr. Travers responded to 30 Suffield St. in Worcester. Investigators were given this address from the probation department who reported that Zambrano identified 30 Suffield as where he was staying. Investigators observed that Zambrano's name is on the mailbox for the third floor apartment. Investigators also spoke with neighbors who stated that Zambrano was at the building sometime around midnight on this date. One neighbor heard a male and a female arguing in the apartment and she heard Zambrano leave the apartment. This neighbor knows that Zambrano drives a

Tpr. Robert D. Parr



Justice



white SUV. Around 3 AM, this same neighbor heard a loud bang from the apartment. Worcester Police conducted a protective sweep of the apartment and located Heather Philip (1/16/1982) in the apartment with her son. Zambrano was not located. Ms. Philip was brought to SPDU Worcester to be interviewed.

10. On the same date, at approximately 9:15 AM, Tpr. Scott Driscoll and Det. Eric Dyson interviewed Amanda Zambrano at the Auburn Police Department. Ms. Zambrano is the ex-wife of Giancarlo Zambrano. She advised that she has received a text message and several voice phone calls from Giancarlo Zambrano, brother of Jorge Zambrano. Ms. Zambrano did not answer any of these phone calls.

11. On the same date, at approximately 10:36, Tpr. Michael Leo and Tpr. Eric Higgins interviewed Jack Sweeney (8/21/1968) and his wife, Karen Rawlston (1/1/1968) at 151 Hartford Turnpike #4 in Shrewsbury, Massachusetts. Mr. Sweeney was the previous owner of the 1997 Infiniti QX4. Mr. Sweeney stated that he gave the vehicle to Zambrano approximately 6 months ago. Mr. Sweeney and Ms. Rawlston were shown a photo of the Infiniti that was taken while it was parked at 31 Watch St. Mr. Sweeney and Ms. Rawlston positively identified the vehicle as the vehicle that was given to Zambrano. Ms. Rawlston recalls that the vehicle's front driver's side window had been smashed. Rawlston stated that Zambrano smashed the window out approximately one month ago when he locked the keys inside of the vehicle. Sweeney remembers that there is some right front damage to the bumper. Mr. Sweeney advised investigators that the phone number he had contacted Zambrano on was (774-502-0651).

12. On the same date, at approximately 10:58 AM, Heather Philip was interviewed at SPDU Worcester by Tpr. Grout and Tpr. Travers. She stated that she got into an argument with Zambrano the previous evening around 11:30 PM. She then stated that Zambrano left the residence in the white SUV with a license plate

Tpr. Robert D. Parr



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that might be hanging off of it. Ms. Philip advised that during the argument she threw her cell phone at Zambrano. She believed that Zambrano took her cell phone which she identified as (508-713-2746), a bag of clothes, and his pit bull. She did not know where he was planning on going and did not come back. Zambrano was wearing shorts, and a white tank top and black sneakers. Philip stated that she last saw Zambrano carry a firearm approximately 6 months ago. She described the firearm as a black pistol similar to what the State Police carry. She further stated that Zambrano wears a plastic holster in his waist band and that he keeps his ammunition in a blue and white bag. Philip had told Zambrano to stop bringing the firearm in the house and that he may have been keeping it in the car. Philip was in the Infiniti with Zambrano yesterday afternoon. She was shown a picture of the Infiniti taken while it was parked at 31 Watch St. and stated that it was definitely the vehicle. Ms. Philip further advised that Zambrano had two (2) Facebook accounts and provided investigators with the User Names for those accounts.

13. Investigators determined that both (774-502-0651) and (508-713-2746) were cellular phones with a mobile carrier of Verizon Wireless. Your affiant faxed a preservation order to Verizon Wireless for these two cellular phone numbers. Investigators also attempted to obtain precision location information for both of these numbers. Verizon Wireless advised that the last activity for (774-502-0651) and (508-713-2746) was at 12:40 AM and 1:30 AM respectively. Both cellular devices were located in North Oxford, Massachusetts. Investigators also received limited Call Detail Records of incoming and outgoing voice calls and text messages from cellular number (508-713-2746) which is the cell phone Heather Philip threw at Zambrano. A review of those records indicated that cellular device called the cellular phone of Zambrano's daughter (508-723-2517) at 12:30 AM which is consistent with the daughter's previous statement to investigators. These records also indicated that the subscriber of (508-713-2746) is Jorge Zambrano with what appears to be fictitious address in Folsom, Massachusetts.




14. On the same date, at approximately 10:00 AM, Eric Blomquist (8/20/1982) called the Auburn Police and reported seeing a white Infiniti SUV with no plates on it in the driveway of 31 Watch St. in Rochdale, Massachusetts. Blomquist stated that when he woke up this morning he heard about the murder of Ofc. Tarentino through the online blog Turtleboy Sports. Turtleboy Sports had posted a photo of Jorge Zambrano and the vehicle and Blomquist immediately identified the man in the photo as Zambrano. This morning the vehicle had plastic sheeting partially covering the vehicle. Blomquist and his girlfriend, Christine Blevins (8/20/1982) came to the Auburn Police Department where he was interviewed by Tpr. Driscoll and Det. Dyson. Blomquist advised that he knows that Jorge Zambrano frequents 31 Watch St., operates a white Infiniti with a dog sticker on the back and believes that he is selling crack cocaine to "Crazy John". Blomquist identified 31 Watch St. as the right side of the duplex with a dark green door with multi-colored stain glass window. Zambrano is frequently seen at the residence and has identified Zambrano traveling with a pit bull. Blomquist identified the RMV photo of Jorge Zambrano.

15. On the same date, at approximately 11:15, a probation violation warrant was issued for Jorge Zambrano.

16. On the same date, at approximately 1:15 PM, a search warrant for 31 Watch St. Rochdale, Massachusetts was authorized out of Worcester Superior Court.

17. On the same date, at approximately 1:45 PM, the search warrant for 31 Watch St. was executed by members of the State Police STOP Team. Operators for the STOP Team initially attempted to have Zambrano come out of the house voluntarily. Operators then entered the home to clear it. During the course of clearing the residence, Operators located a small passageway connecting the

Tpr. Robert D. Parr



Justice



basements of 31 and 33 through a shared wall. STOP Team Operators entered 33 Watch St. upon written consent from the homeowners. Operators proceeded to the second floor. Upon entering a second floor bedroom, Zambrano began firing at the Operators from a bedroom closet striking an Operator. Operators returned fire striking Zambrano several times. Zambrano was transported to UMass Memorial Medical Center where he was pronounced.

18. On the same date, at approximately 7:00 PM, Tpr. James Foley retrieved the property of Jorge Zambrano from UMass Memorial Medical Center. Included in that property was a black LG cellular phone and a bag with .45 caliber ammunition. The property was returned to SPDU Worcester where it was secured in the evidence room.

19. A subsequent search of 31-33 Watch St. discovered the registration plates that Ofc. Tarentino had reported were on the vehicle at the time of the stop, as well as numerous personal articles connected to Zambrano. Investigators also located a .45 caliber Smith & Wesson MMP45 in the second floor bedroom where Zambrano was located. Dorenzo's Towing removed the Infiniti QX4 and towed it back to Auburn Police where it was stored in the police department garage.

20. On Tuesday, May 24, 2016, at approximately 9:15 AM, a search warrant, authorized out of Worcester Superior Court, was executed on the 1997 Infiniti QX4 at the Auburn Police Department. During the course of that search investigators located numerous cellular phones. Most of them were broken or had batteries or memory cards removed. However, there was one intact Motorola Verizon Wireless cellular phone retrieved. Investigators also located a small black container that had a small plastic bag of white powder which investigators believe to be narcotics.

Tpr. Robert D. Parr



Justice



21. Based on my training and experience and the training and experience of other senior officers, I am aware of the fact that cell phones and other electronic devices are a common means of communication between individuals. I am aware that cell phone and other electronic device communications include voice communication, video communication, direct connect communication, e-mail and internet communication, and text messaging. In addition to the communication functions described, cell phones and other electronic devices frequently have the ability to take, preserve and transfer photograph, audio recordings and video.

22. Based on my training and experience and the training and experience of other senior officers, I know that cellular phones and other electronic devices are capable of being used to send and receive text messages, photographs, short videos, other electronic data and voice communication. I also know that cellular phones contain internal memory which can store records of received, dialed, and missed calls on that particular phone. That cellular phone memory also stores downloaded ring tones, data downloaded from the internet, pictures, text messages, phone books, date books, address books, personal contacts, voicemails and other data. Many users will program the phone with personal information to identify the owner of that particular phone. In addition, your affiant is aware that cellular phones have the capability of storing precision location information that is collected by the device when voice calls, text messages, photographs, or third party applications are utilized. In some cases this information is collected without the user's direct knowledge.

23. Based on my training and experience and the training and experience of other senior officers, I know that individuals frequently communicate using social media websites. These websites can provide text messages, wall postings, identifying information, and other communication between individuals. Social media websites are commonly accessed through cellular devices and such activity can be digitally stored on the device.

Tpr. Robert D. Parr 

Justice 

24. Based on my training and experience and the training and experience of other senior officers, this affiant submits that there is probable cause to believe that evidence of the crime of Murder in violation of Massachusetts General Laws, Chapter 265, Section 1 will be located in a black LG cellular phone which was seized from the property of Jorge Zambrano at UMass Memorial Medical Center on May 22, 2016. This affiant requests a warrant to search the cellular phone, to include but not limited to the Phonebook; call logs; text messages; electronic mail messages; software; computerized logs; account names; passwords; encryption codes; ringtones; sim card information; and other data including deleted files and folders pertaining to the crime of Murder. Your affiant requests that the warrant allow for the collection of evidence to be performed by sworn members of the Massachusetts State Police with specialized training to extract digital data from cellular devices.

25. For the purposes of this affidavit, the item to be searched is described as a black LG cellular phone which was seized from the property of Jorge Zambrano at UMass Memorial Medical Center on May 22, 2016 and is in the possession of the Massachusetts State Police Detective Unit – Worcester County. The search would include, but not limited to the Phonebook; call logs; text messages; electronic mail messages; software; computerized logs; account names; passwords; encryption codes; ringtones; sim card information; and other data including deleted files and folders.

This affidavit consists of ten (10) type written pages.

 #3491

Trooper Robert D. Parr #3491 - May 25, 2016

Tpr. Robert D. Parr 

Justice 

Then personally appeared the above named Robert D. Parr and made oath that the foregoing affidavit by him is true, this 25th day of May, 2016.

James R. Amie
Justice/ Clerk – May 25, 2016

| Tpr. Robert D. Parr RDP

Justice JRA