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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLACER

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JAKE CHATTERS
EXECUTIVE OFFICER & CLERK
By R. Marks, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF PLACER

11 **THE PEOPLE OF THE STATE OF**
12 **CALIFORNIA,**
13
14 v.
15
16 **JUSTIN JEREMY MAHLET (12/12/1974);**
JASON BEDELL TATE (4/21/71),
17 Defendants.

Case No. 62-115112
DECLARATION IN SUPPORT OF
ARREST WARRANT

A
B

20 I, Detective Steve Gorshe #17610, am a Peace Officer for the City of Sunnyvale's
21 Department of Public Safety (DPS). I have been employed as a Peace Officer for the City of
22 Sunnyvale, in Santa Clara County, since 2009.

23 Prior to working in Sunnyvale, I worked for the Santa Clara County Sheriffs Office as a
24 Deputy Sheriff from 2003-2009.

25 In 2003, I successfully completed my Police Academy training at the South Bay Regional
26 Training Center located in Gilroy, Santa Clara County, California. While in the Police Academy,
27 I received several hours of training on identifying and investigating financial and property crimes.

1 Currently I possess the rank of Detective, for Sunnyvale DPS' Bureau of Investigations. I
2 am responsible for the follow up investigation of Property, Hi- Tech, and Financial Crimes.

3 Prior to being a Detective, I was assigned to Sunnyvale DPS' Bureau of Police Operations,
4 as a Police Officer. That assignment allowed me to investigate a variety of property related
5 crimes, which includes but is not limited to: residential burglaries, commercial burglaries,
6 automobile burglaries, grand thefts, and financial crimes involving fraud (forgery, fictitious
7 checks, embezzlement, and financial elder abuse).

8 I have become familiar with the techniques of financial crimes, involving fraud, grand theft,
9 and burglary investigations, through my training and experience. I have personally investigated
10 or have assisted in the investigation of over 50 theft and financial cases (PC 470, PC 476, PC, PC
11 487, PC 488, PC 496, PC 503, PC 666, CVC 10851), and over 100 burglary (residential,
12 commercial, automobile) cases (PC 459). I have spoken to my co-workers at Sunnyvale DPS'
13 Bureau of Investigations, who have explained to me many of the mechanisms used by people to
14 fraudulently obtain property from others.

15 I was previously assigned to a variety of patrol duties such as: Field Training Officer,
16 SWAT and SRO. I have investigated forgeries, fictitious checks, burglaries, thefts, and
17 miscellaneous property crimes on nearly a daily basis during my assignments. I have learned from
18 formal courses, magazines, the internet, and talking with experienced officers about various
19 investigative techniques used in detecting and apprehending persons involved in property crimes.
20 I know from my training and experience that burglars often use the same mode of entry and wear
21 similar clothing while committing burglaries.

22 I have been trained regarding the interpretation of cell phone call detail records and text
23 messaging and cellular tower tracking. Additionally I have contacted the cellular providers
24 regarding the receipt and analysis of those records. I have used this information in excess of 20
25 prior search warrants.

26 SUMMARY

27 Jason Tate and Justin Mahlet engaged in approximately 17 commercial burglaries in 5
28 counties in the Bay Area between 12/2010 and 9/2011. Once stolen, the items were transported

1 and housed in a storage rental unit in Roseville. Each of the burglary locations contained high end
2 electronic items which were then sold on ebay. Searches of their residences and storage unit led
3 to the recovery of stolen items from 14 commercial burglaries.

4 **STATEMENT OF FACTS**

5 On September 8, 2011 officers from the Sunnyvale Police Department were dispatched to
6 211 E. Weddell Drive regarding a silent commercial alarm. Jason Tate and Justin Mahlet were
7 seen coming out of the building with items. They dropped the items and fled; Mahlet in a truck
8 and Tate on foot. Each was apprehended nearby later that night. The business at 211 E. Weddell
9 St. had a broken window. Property from that business and property from the California
10 Surveying/Drafting Supply, that was burglarized the day before in Dublin, was on the ground
11 near the truck Mahlet had used to flee.

12 That same night Mahlet was transported to Sunnyvale headquarters and booked for
13 commercial burglary. His clothes were collected, including a black beanie cap with two grey
14 stripes around the rim. Tate was transported to the hospital due to injuries he sustained trying to
15 flee the scene. His clothes were also collected. Inside Tate's pants pocket were porcelain pieces,
16 which are commonly used by burglars to shatter windows. A cell phone was recovered from each
17 of them. The arrest of these two individuals and the MO of the burglary lead to the investigation
18 involving 16 other commercial burglaries in the bay area.

19 **FURTHER INVESTIGATION**

20 Exactly seven months earlier, on 2/8/11 VMI (the same victim where defendants were
21 arrested) was burglarized. The M.O. matched that of the 9/8/11 burglary as well; theft of high end
22 camera equipment, late night burglary, forced entry through a broken window. Additionally, I
23 reviewed still photos and video of the case and observed two suspects matching the same
24 description as Mahlet and Tate. Both appeared to be white males with masks covering there faces.
25 One of the males appeared to be taller then the other and the shorter one appeared to be muscular
26 built. The shorter muscular built one was wearing a beanie (black with two grey stripes around
27 the bottom) and a black hooded sweatshirt with a skull and cross bones emblem on the chest. The
28

1 beanie that the suspect was wearing in the video appeared to be the exact one we confiscated from
2 Mahlet at the time of his arrest.

3 On 2/23/2011 a burglary was committed at **Media Solutions** in Benicia. I viewed the
4 surveillance photos in that case. I clearly saw two suspects that appeared to be Caucasian males.
5 Both suspects were wearing dark clothing with face masks. I noticed that one of the males was
6 wearing a beanie (black with two grey stripes around the bottom) and a black hooded sweatshirt
7 with a skull and cross bones emblem on the chest. The beanie that the suspect was wearing in the
8 video appeared to be the exact one we confiscated from Mahlet at the time of his arrest.

9 On 2/7/2011 and 8/3/2011 burglaries were committed at **Bear Images** in Palo Alto. Bear
10 Images is one of a very few stores in the bay area that sell Ziess lenses. I viewed video from the
11 8/3/2011 case. I observed two white men dressed in black standing out front of one of the front
12 windows. The shorter suspect was wearing a beanie (Black with two grey stripes around the
13 bottom) and a black hooded sweatshirt with a skull and cross bones emblem on the chest. I saw
14 the suspects moving a small garbage can in front of the window. I then saw the taller suspect
15 move towards the door and throw something at the glass but the glass did not shatter. Moments
16 later you could hear the alarm and someone inside the business. Within two minutes both suspects
17 had fled the scene towards the east.

18 On 5/24/2011, **Valley Home Theater** was burglarized by similar means (cut fence rolled
19 back, similar suspect vehicle and possible door lock entry) and high end audio equipment was
20 taken. I viewed a surveillance photo from the burglary. I observed two men dressed in black. The
21 man in front appeared to be taller and was wearing a dark jacket. The shorter suspect was wearing
22 a black ski mask or beanie and a black hooded sweatshirt with a white image on the chest. After
23 viewing numerous other suspect videos in the above cases, the sweatshirt appeared to be similar
24 to the skull and crossbones sweatshirt. Based on the fact the M.O. was similar to the above cases
25 and the suspect's in the photo matched similar video from prior burglaries, I believe they are
26 suspects Mahlet and Tate.

1 I viewed similar surveillance photo/videos that I believe show Tate and Mahlet committing
2 burglaries at **Optoma** in Fremont on 3/22/11, **Sound Cinema Integration** in Hayward on 5/24/11,
3 and **Bio Care** in Concord on 8/16/11.

4 **SEARCH WARRANTS OF STORAGE UNIT AND RESIDENCES**

5 During the investigation Detectives served several search warrants that include; a storage
6 unit rented by Tate, Tate's residence, Mahlet's residence, cell phone records of Tate as well as
7 ebay/paypal records for accounts that were in both Tate and Mahlet's name. At the rental unit at
8 3000 Taylor Road, Roseville, CA, numerous electronic items were located which belonged to
9 businesses that were burglarized, (summarized in Attachment "A") a majority of those items were
10 still in sealed boxes and the packaging labels were cut from the box to remove the identity of the
11 business. A Canon Powershot EOS 50 Mark II camera was found at Mahlet's residence along
12 with Marantz DVD players.

13 **JASON TATE'S CELL PHONE RECORDS**

14 On February 13, 2012 Metro PCS sent me Jason Tate's cellular record, which I reviewed.
15 The records contained the call detail records as well as text messages. I reviewed the text
16 messages between Tate and Mahlet, and although neither appears to be involved in real estate, I
17 noticed they discussed "foreclosures" on numerous occasions. After reviewing the dates of these
18 messages I believe that the term "foreclosure" is coded language indicating possible locations to
19 burglarize. On 9/7/2011 Tate sent a text message to Mahlet stating; "2 more foreclosures to print
20 out." On 9/8/2011 the defendants were arrested at the scene of one burglary, and property from a
21 burglary the night before was located at the scene. On 8/16/2011 Tate sent a text message to
22 Mahlet stating; "We lookin at foreclosures 2nite or 2moro[/]either works 4 me[/]what about u."
23 That night a burglary occurred at Bio Care in Concord. On 6/20/2011 Tate sent a text message to
24 Mahlet stating; "Went 2 bed early..[/]got up at 8am..[/]found some cool new
25 foreclosures...[/]different from the others" That night a burglary occurred at Sitch Norcal in
26 Hayward. Property from each of those burglaries was located in Jason Tate's storage locker.

27 I also reviewed the call detail records for Jason Tate's cell phone. On 6/21/2011 showed it
28 answered a phone call from [REDACTED] at 12:22:26 AM. The cellular tower the phone

1 connected to was located at 3240 Investment Blvd in Hayward. 40 minutes later, at 1:03am, a
2 commercial burglary occurred .2 miles away at Sitch Norcal at 3566 Investment Blvd in
3 Hayward. Property from that burglary was located in Jason Tate's storage locker.

4 EBAY/PAYPAL SEARCH WARRANT RECORDS

5 In late December 2011 Detective Fino from Palo Alto PD and I reviewed records received
6 from eBay/PayPal. I had previously noted that Tate and Mahlet appeared to discuss sales of items
7 on eBay. Specifically, Tate sent Mahlet two text messages on 7/21/2011. The first was at
8 2:53:09 PM where he stated; "SONY EVI=823 EACH+SHIP=1/2 38=842-PAID
9 800=42[/]SONY EVI=930 EACH[/]SONANCE=ONLY SHIP 46[/]NEC NP300=320
10 EACH+SHIP=1/2 48=344[/]MARANTZ NOT TRANSFERRED YET, and at 3:01:09 PM he
11 stated "No , tho lets just send it to the address below[/]P.O address[/].....[/]B. DONOHUE[/]1900
12 BATES AVE[/]SUITE # E[/]CONCORD , CA 94520-1263" Detective Fino contacted the
13 business at that address, IVCI, and spoke with Karen Cantalupo. She stated she had purchased a
14 Sony EVI-HDI on eBay on 7/14/2011 from an eBay seller identified as "thegreatone916." The
15 serial number she provided me of that item matched a camera stolen from VMI Inc on 2/8/11.
16 The eBay records showed the sellerID had changed numerous times, and was associated by eBay
17 with other sellerIDs as well, some of the sellerIDs used are: "thegreatone916", "christywehrli",
18 "elite_liquidators", "products.4.less", "great_product_low_price", "financialsolutions08", and
19 "916_tate". Detective Fino then compared the items listed for sale on those eBay accounts with
20 items stolen from the 17 commercial burglaries. In total, Detective Fino found items listed for
21 sale consistent with at least 6 of the 17 commercial burglaries I investigated.

22 CONCLUSION

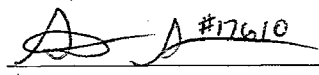
23 Based on the fact that Mahlet was arrested wearing a beanie cap and/or skull and
24 crossbones sweatshirt matching one worn in commercial burglaries on 2/8/11, 2/23/11, 3/22/11,
25 5/29/11, 8/3/11, and 8/16/11; the fact both suspects appeared to be physically built the same in all
26 video's from the separate cases; the fact that text and call detail records show planning and
27 location information for 6 of the burglaries; the fact that stolen property from 14 of the burglaries
28 was found in Jason Tate's storage unit, and the fact that items stolen in these commercial

1 burglaries was sold on accounts associated with Jason Tate, I believe Mahlet and Tate committed
2 each burglary identified in the attachment "A" and the 18 count complaint filed on 7/11/2012.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 11 day of July, 2012, at Roseville, California.



Detective Steve Gorshe
Sunnyvale Police Department

Count	DATE	BUSINESS	ADDRESS	County	M.O.	STOLEN PROPERTY RECOVERED AT STORAGE UNIT RENTED BY JASON TATE	STOLEN PROPERTY RECOVERED AT MAHLET'S RESIDENCE	CELL PHONE TEXTING EVIDENCE LINKING TO BURGLARY	PROPERTY CONSISTENT WITH STOLEN PROPERTY IS SOLD ON EBAY	VIDEO SURVAILANCE OF BUSINESS
2	12/19/10	MEDIA SOLUTIONS	536 STONE RD, #B, BENECIA	Solano	FRONT WINDOW SMASH	No				
3	2/7/11	BEAR IMAGES	417 LAMBERT AVE., PALO ALTO	Santa Clara	WINDOW SMASH	Yes	Yes			
4	2/8/11	VMI	211 E WEDDELL DR, SUNNYVALE	Santa Clara	WINDOW SMASH	Yes			Yes	YES
5	2/23/11	MEDIA SOLUTIONS	536 STONE RD, #B, BENECIA	Solano	FRONT WINDOW SMASH	No			Yes	YES
6	3/22/11	OPTOMA	3178 LAURELVIEW CT., FREMONT	Alameda	GLASS BREAK - SIDE OF BUILDING	Yes				YES
7	3/23/11	WOHLER COMMUNICATIONS	31055 HUNTWOOD AVE., HAYWARD	Alameda	WINDOW SMASH-SIDE OF BUILDING	Yes			Yes	
8	3/24/11	SUDDATH RELOCATION SYSTEMS (TAMI ESPINO)	1166 CHERRY AVE., SAN BRUNO	San Mateo	FRONT DOOR - WINDOW SMASH	Yes				
9	5/3/11	AVMS	6735 SIERRA CT, #A, DUBLIN	Alameda	FRONT DOOR - WINDOW SMASH	Yes			Yes	
10	5/24/11	VALLEY HOME THEATRE	6398 DOUGHERTY RD, #22, DUBLIN	Alameda	CUT FENCE REAR OF BUILDING. DAMAGE	Yes				YES
11	5/24/11	SOUND CINEMA INTEGRATION	3118 DIABLO AVE., HAYWARD	Alameda	FRONT DOOR - WINDOW SMASH	Yes			Yes	YES
12	6/21/11	SITCH NORCAL	3566 INVESTMENT BLVD, HAYWARD	Alameda	WINDOW SMASH-NEAR FRONT DOOR	Yes		YES		
13	8/3/11	BEAR IMAGES	417 LAMBERT AVE., PALO ALTO	Santa Clara	WINDOW SMASH	Yes			Yes	YES
14	8/3/11	PROMEDIA SOLUTIONS	300 ALFRED NOBEL DR, HERCULES	Contra Costa	WINDOW SMASH NEAR FRONT DOOR	Yes		YES		
15	8/16/11	BIO CARE	4040 PIKE LANE, CONCORD	Contra Costa	WINDOW SMASH	Yes		YES		YES
16	8/23/11	MD OFFICE SOLUTIONS	23785 CABOT BLVD, #304, HAYWARD	Alameda	FRONT DOOR - WINDOW SMASH	Yes				
17	9/7/11	CALIFORNIA SURVEYING/ DRAFTING SUPPLY	6701 SIERRA CT., DUBLIN	Alameda	FRONT DOOR - WINDOW SMASH	Yes		YES		
18	9/8/11	VMI	211 E WEDDELL DR, SUNNYVALE	Santa Clara	WINDOW SMASH	N/A: Arrested at Scene		YES		YES

Attachment "A"