

1 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,**

2 **COUNTY OF SAN DIEGO**

3 **SEARCH WARRANT**

4 No. 41432

5
6 The People of the State of California, to any peace officer in the County of San Diego:

7 Proof, by affidavit, having been this day made before me by Detective Keith K. James, a
8 peace officer employed by the City of Coronado, that there is substantial probable cause pursuant to
9 Penal Code section 1524 for the issuance of the search warrant, as set forth in the affidavit attached
10 hereto and made a part hereof as is fully set forth herein, you are, therefore, commanded to make
11 search at any time of the day, good cause being shown therefore;

12 The premises and all parts therein, including all areas where the DVD recordings from
13 Monday July 11th 2011, (starting 1 hour prior to the admission of Maxfield Shacknai) through
14 Wednesday, July 13th 2011 @ 0800 A.M. are stored in the office of Angela M. Vieira, General
15 Counsel, known as Rady Children's Hospital and Health Center, located at 3020 Children's Way,
16 MC 5052, San Diego, California 92123;

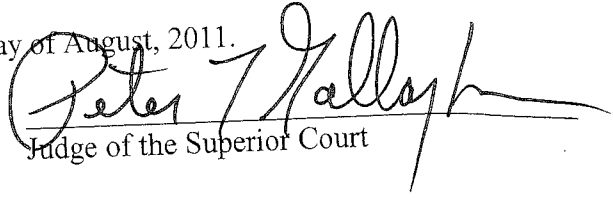
17 **ITEMS TO BE SEIZED**

18 For the following property, to wit:

- 19 1. Camera recordings, preserved and retained at the facility by request, on DVD
20 discs, of all of the entrances to Rady Children's Hospital and Health Center,
21 located at 3020 Children's Way, MC 5052, San Diego, from Monday July 11th
22 2011, (starting 1 hour prior to the admission of Maxfield Shacknai) through
23 Wednesday, July 13th 2011 @ 0800 A.M;

24 and if you find the same, or any part thereof, to bring it forthwith before me at the Superior Court of
25 the State of California for the County of San Diego, or to any other court in which the offense in
26 respect to which the property or things is triable, or retain such property in your custody, subject to
27 the order of this Court, pursuant to section 1536 of the Penal Code.

Given under my hand and dated this 24th day of August, 2011.


Judge of the Superior Court

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

COUNTY OF SAN DIEGO }
STATE OF CALIFORNIA } ss.

RECEIPT AND INVENTORY

WARRANT NO. 41432
CASE NO. 2011-1479
DETECTIVE KEITH JAMES
(name)

Receipt is hereby acknowledged, and the undersigned makes this inventory, of the following property and things seized by him/her this day in the search of the premises described in said warrant and taken pursuant thereto, to wit:

- 1) 1 DISC HOLDER w/ 27 RECORDED DISC'S
- 2) 8 1/2" BY 11" PAGES OF PAPER WITH EVIDENCE LOG

DATE: 08/24/11 TIME: 1405
SIGNED: KEITH K JAMES
DEPT./AGENCY: CORONADO POLICE DEPT.
ID NO.: #1016

I, DETECTIVE KEITH JAMES, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all property taken by me on the warrant.

Subscribed and sworn to before me

this 24 day of AUGUST, 2011 DETECTIVE KEITH JAMES
Officer (Executing Search Warrant)

[Signature]
Magistrate/Judge

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,

2 COUNTY OF SAN DIEGO

3 STATE OF CALIFORNIA,)

AFFIDAVIT FOR SEARCH WARRANT

4 (ss.

5 COUNTY OF SAN DIEGO)

No. 41432

6
7 I, Detective Keith K James of the Coronado Police Department, do on oath make
8 complaint, say and depose the following on this 24th day of August, 2011: that I have substantial
9 probable cause to believe and I do believe that I have cause to search:

10 **LOCATION, PROPERTY, AND/OR PERSON[S] TO BE SEARCHED**

11 A. The premises and all parts therein, including all areas where the DVD
12 recordings from Monday July 11th 2011, (starting 1 hour prior to the
13 admission of Maxfield Shacknai) through Wednesday, July 13th 2011 @
14 0800 A.M. are stored in the office of Angela M. Vieira, General
15 Counsel, known as Rady Children's Hospital and Health Center, located
16 at 3020 Children's Way, MC 5052, San Diego, California 92123;

17 **ITEMS TO BE SEIZED**

18 For the following property, to wit:

- 19 1. Camera recordings, preserved and retained at the facility by request, on DVD
20 discs, of all of the entrances to Rady Children's Hospital and Health Center,
21 located at 3020 Children's Way, MC 5052, San Diego, from Monday July 11th
22 2011, (starting 1 hour prior to the admission of Maxfield Shacknai) through
23 Wednesday, July 13th 2011 @ 0800 A.M.

24 **AFFIANT'S QUALIFICATIONS**

25 I am a peace officer employed by the Coronado Police Department (COPD) and have been
26 so employed for about 26 years. During my career I have worked in an investigative capacity for
27 approximately 15 of my 26 years. I am currently assigned to the Criminal Investigations Division

1 and have been so assigned for about 3 years. While working as an investigator I have been the lead
2 investigator/case agent in at least 10 cases involving suspicious deaths.

3 In addition, I have worked hundreds of other property related crimes as well as crimes of
4 violence. I have a bachelor's degree in Criminal Justice from San Diego State University and over
5 600 hours specialized training involving criminal investigation. I also possess an Advanced
6 (Police Officer's Standard's & Training) POST Certificate from the State of California. During
7 my career I have obtained numerous search and arrest warrants associated with my criminal
8 investigations. I have also testified in State and Federal Court and worked as a task force officer
9 for U.S. Customs Service. While in that capacity I have testified in Grand Jury and as Case Agent
10 in Federal Court.

11 PROBABLE CAUSE

12 During the course of my duties, I have learned the following information from reading the
13 reports prepared by other officers or I have spoken to witnesses directly. All dates refer to the current
14 calendar year and all times refer to Pacific Standard Time (PST) unless specified otherwise.

15 At approximately 1010 hours on July 11th 2011, Coronado Police Officers and Coronado
16 Fire Department Medical personnel responded to 1043 Ocean Boulevard, in the City of Coronado,
17 on a report of a child who had fallen from a banister. Additional information was given that first
18 aid was being given to the child. When Fire Department personnel arrived on scene the 6 year-old
19 male, Maxfield SHACKNAI, was unconscious, without a pulse and not breathing.

20 The only adult present at the residence when the boy sustained his injuries was Rebecca
21 ZAHAU, with a birth date of March 15th 1979. Rebecca ZAHAU'S 13 year-old sister, Xena
22 ZAHAU was also present at the residence. Xena called 911 while Rebecca provided first aid.

23 The child was transported to the Coronado Hospital, where he was revived, and then to
24 Rady's Children's Hospital in San Diego for further treatment. All indications at the scene were
25 that the child's injuries were attributed to an accidental fall from the banister/staircase area of the
26 residence.

27 At 0648 hours on 07-13-2011, Adam SHACKNAI, Maxfield SHACKNAI'S uncle, called

1 Coronado Police Department, via 911, reporting he had just discovered his brother's girlfriend,
2 Rebecca ZAHAU, hanging from a rope in the courtyard of the residence at 1043 Ocean Blvd, in
3 the City of Coronado. Initially, when Adam SHACKNAI found Rebecca ZAHAU, she was
4 hanging with a rope around her neck, nude, her feet and hands bound with her hands behind her
5 back.

6 Prior to Coronado Fire Department Medical personnel arriving Adam SHACKNAI had
7 already cut Rebecca down and had began to administer first aid, but medical personnel determined
8 that Rebecca ZAHAU was dead. The scene was secured and the San Diego County Sheriff's
9 Department Homicide Division, as well as the Coronado Police Department Investigations
10 Division responded to the location to conduct an investigation into the suspicious circumstances.

11 Jonah SHACKNAI, the owner of 1043 Ocean Blvd., and boyfriend of Rebecca ZAHAU,
12 stated to investigators that he was at Radys Children's Hospital leading up to and proceeding the
13 discovery of Rebecca ZAHAU. It is necessary, for the purposes of this investigation, to confirm
14 these statements by viewing these security surveillance recordings.
15

16 **OPINIONS AND CONCLUSIONS**

17 In order to help determine Jonah SHACKNAI'S whereabouts, and to confirm or disprove
18 his statements regarding his location leading up to the death of his girlfriend Rebecca ZAHAU,
19 the hospital has surveillance cameras monitoring and recording it's entries to the facility, which
20 show the coming's and going's of people entering and leaving the facility. It is believed that the
21 recordings captured and preserved DVD discs at the hospital, in the above mentioned time frame,
22 will help in the investigation.

23 Additionally, with my conversation with General Counsel for the hospital, Angela Vieira,
24 she has indicated to me that she has retained, and does have in her possession the DVD discs that
25 have the surveillance recordings, and is willing to provide them pursuant to a search warrant.
26

27 Based on the aforementioned information and investigation, I believe that grounds for the

1 issuance of a search warrant exist as set forth in Penal Code 1524.

2 I respectfully request this affidavit and search warrant be sealed pending further order of
3 court. Without sealing, the affidavit and search warrant will become a matter of public record
4 within ten days [Penal Code section 1534(a)]. Sealing is justified and is being requested to
5 temporarily prohibit public and media disclosure beyond the ten day period so as not to undermine
6 the continuing investigation. The forensic testing involved in this case may take several weeks and
7 it is imperative that the details of this investigation remain within the law enforcement domain
8 until a definitive cause of death determination has been made and investigation completed.

9 This affidavit has been reviewed for legal sufficiency by Deputy District Attorney William
10 LaFond.

11 I, the affiant, hereby pray that a search warrant be issued for the seizure of said property, or
12 any part thereof, from said premise, good cause being shown therefore, and that the same be
13 brought before this magistrate or retained subject to the order of this Court.

14
15 Given under my hand and dated this 24th of August, 2011.

16 DETECTIVE KEITH K JAMES
AFFIANT'S NAME

17 Subscribed and sworn to before me

18 This 24th day of August, 2011,

19 At 10:50 a.m./p.m.

20 Peter J. [Signature]
Judge of the Superior Court