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7 Attorney for Subpoened Non-Party,
8 Covenant Aviation Security, LLC

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN MATEO

11 PEOPLE OF THE STATE
12 OF CALIFORNIA,

13 Case No. NM 333376

14 Plaintiff,

15 DECLARATION OF AUDREY DEANE,
16 CUSTODIAN OF RECORDS FOR COV-
17 ENANT AVIATION SECURITY, LLC,
18 IN RESPONSE TO DEFENDANT'S
19 SUBPOENAE DUCES TECUM

20 vs.

21 JOHN PERRY BARLOW,

22 [Cal. Ev. Code, § 1561]

23 Defendant.

24 Hearing/Produc.: 3/23/04
25 Time: : 9:00 A.M.
26 Dept: PH
27 _____/

28 I, **AUDREY DEANE**, declare, as follows:

1. I am the duly authorized custodian of records for Covenant Aviation Security, LLC ("Covenant Security"), a third-party witness and document repository in this criminal proceeding, and, in such capacity, possess the requisite authority to verify and certify discoverable and produceable records of Covenant Security in my custody, possession or control, including those described in ¶ 4. hereof.

2. I make this Declaration pursuant to and in compliance with the authentication provisions of California Evidence Code, § 1561, and in response to the Subpoenae Duces Tecum issued by Defendant John Perry Barlow, on January 13 and 20, 2004.

1
2 3. I have personal knowledge of the facts hereafter
3 stated and, if called and sworn as a witness herein, I could
4 and would competently testify thereto.

5 4. Attached hereto are true and correct copies of the
6 following described documents responsive to Defendant's Sub-
7 poenae Duces Tecum, specifically to **Request number 2.** (Doc-
8 uments: Reports of search of Defendant's luggage) and **Request**
9 **number 4.** (Documents: identifying or recording the "time" of
10 the "initial" search of Defendant's luggage):

11 (a) **Covenant Security Employee Statement of Sandra Ramos**
12 **dated September 15, 2003**, narrating the facts and circum-
13 stances attending her inspection of Defendant's luggage and
14 timing the activation of the military threat alarm @ 6:36 A.M.
15 on September 15, 2003, at Delta Airline's SFO baggage room.

16 (b) **Security Screening Incident Report of Donald Pyle,**
17 **Covenant Security's Security Screener Supervisor** (including of
18 Sandra Ramos), **dated September 15, 2003**, reporting the time of
19 the "incident" as occurring @ 6:45 A.M.

20 (c) **2 page Computer Print-Out relating to the particu-**
21 **lars and specifics of the incident, dated November 7, 2003,**
22 prepared by Donald Pyle, and recording the time of the bag-
23 activated military threat alarm at 6:45 A.M.

24 5. The records described in ¶ 4. hereof were prepared by
25 personnel of Covenant Security, a business, in the ordinary
26 course of its business and it was a regular practice of the
27 preparers of these documents, as inspector/screener and super-

1 vising screener, to prepare the same to evidence, memorialize,
2 record and report incidents of search of air transportation
3 baggage.

4 6. These records were made on, at or near the time of the
5 search of Defendant's baggage on September 15, 2003, by compe-
6 tent witnesses: by visual, olfactory, and audio senses, each
7 charged with the responsibility of inspecting and reviewing
8 airline baggage of passengers as part of and in the course of
9 their regular duties as employees of Covenant Security.

10 **7. Response to Request No. 1. (Complaints, Disciplinary**
11 **Actions, Punitive Procedures Re. Identified Screeners.)**

12 These documents, if any, are subject to objections to
13 be filed by our counsel by separate response, as not discover-
14 able or produceable, on the grounds that they are not material
15 to the defense of the underlying action and seek to invade
16 the privacy of the named screeners.

17 **8. Response to Request No. 3. (Training Manuals/Memoranda**
18 **relating to protocols/procedures governing baggage searches.)**

19 The Transportation Safety Administration ("TSA"), a
20 component of the Department of Homeland Security, has made a
21 determination that all training manuals used in the training
22 of airport security screeners and all memoranda pertaining to
23 the procedures and protocols for performing baggage searches
24 constitute Sensitive Security Information ("SSI"), which Cove-
25 nant Security, as an employee/contractor of the TSA, is pro-
26 hibited from producing or releasing pursuant to the proscrip-
27 tive provisions of 49 C.F.R. § 1520.7 (a)-(k).

EMPLOYEE STATEMENT
SHIFT SUMMARY REPORT
COVENANT AVIATION SECURITY, LLC

Please use this form to document any significant activities that occur during your shift. Such events include equipment problems, air carrier issues, airport issues, customer complaints, and other issues that may impact operations. Items listed in this report should be discussed with other Supervisors or Management, as appropriate.

Airport San Francisco International

Checkpoint -N/A-

Date 9/10/03

Supervisor DON PYLE

Passenger: John Burlew
Flight: 316
Time of Threat: 6:36 AM
Type of Threat: Military

PK. Carment bag alarmed (M:1 threat) @ 6:36 AM.

Began search in 1 of 2 possible threat sites (after
ETA). Found 1g bottle of "Therapies" tabs. Shook
bottle to make sure contained tablets. No sound
heard. Opened bottle to make sure bottle did not
contain threat or prohibited items. Corlew's tabs
(pills) filled bottle to rim, which I thought to
be suspicious. An odor of marijuana (strong) could
be smelled.

I asked Phil (lead) if he had same thoughts I
had about odor. He agreed with me.

Supervisor Don was thought I was correct.
He suggested I dump the pills into a paper
parcel so we could inspect contents. After doing
so, plastic bags containing marijuana were visible
at bottom of bottle. I didn't remove bags
but continued with search for threat item.

(Non-emergency LEO contacted). Police bag w/ syringes
& vials also found (unmarked - contents unknown)

Threat items found in 2nd possible location. Items
were vials & multiple butterflys.

Signature [Handwritten Signature]
DON PYLE (COPIES)

Date 9/10/03



SECURITY SCREENING INCIDENT REPORT
COVENANT AVIATION SECURITY, LLC

Terminal: I Checkpoint DELTA BAG NM Air Carrier DELTA

Date: 9/15/03 Time: 6:45 AM

Employee(s) Involved: SANDRA RAMES

Name of Person(s) Involved: JOHN BARLOW (SCREENER) PH 307/367 2466 FAX 450-9311

Address: 163 FRANKLIN ST PINEHOLE NY 12741

Incident Summary: RESPONDING LEO ^{ALAN} ~~ALAN~~ WARDINGAR BAGGAGE # 4040

AT 6:45 AM A BAG FROM DELTA'S SUMMITT CAME DOWN BUILT FOR SCREENING THE BAG ALARMED FOR MILITARY. SANDRA PROCEEDED TO CHECK THE BAG FOR THE MILITARY THREAT. THE ALARM THREAT WAS A BATTERY AND SOME WIRES IN THE PROCESS THE SCREENER SHOOK A LARGE BOTTLE OF I BURNING THE BOTTLE DID NOT SMOKER. SHE OPENED THE BOTTLE AND WROTE EARLY BATTERY DRUGS

Witness Information: Not Available

(Additional Space on Reverse)

Action Taken: CONTACTED SUSIE FOSTER (TSA)
WILLIAM THOMAS DELTA SUPERVISOR
LEO ALAN WARDINGAR
DARRICE SHULTON SCREENING MANAGER
ALAN KRYSKA TERMINAL MANAGER
PASSENGER JOHN BARLOW WAS PULLED OFF THE PLANE AND HARVESTED FOR NUMEROUS KINDS OF DRUGS

(Additional Space on Reverse)

Notifications Made: Deputy Terminal Operations Manager
 Terminal Operations Manager
 TSA Screening Manager

Supervisor Name (print and sign) RONALD RILEY *Ronald F Riley*

This report should not be released without the consent of the air carrier.
 Distribution: Screening Company files TSA Management Airline Custodian

Injury_Case_Number: 091520030645mv
 Category_Incident: Security
 Department: Operations
 Dept_Other:
 Incident_Date: Sept. 15, 2003
 Incident_Time: 0645
 Date_Notified_Incident:
 Notification_To: Terminal Ops Mgr., TSA Screening Mgr.
 Location: Terminal 1
 Pier:
 CTX:
 Location_Other: Delta bag room
 Employees_Involved: Sandra Ramos
 Hour_Shift_Began:
 Reported_By:
 Incident_Investigation: Unknown
 Contact_Phone:
 Contact_Email:
 Witness:
 Witness_Number:
 Witness_Address:
 Witness_City:
 Witness_State: CA
 Witness_ZIP:
 Name_Person_Affected:
 Affected_Address:
 Affected_City:
 Affected_State: CA
 Affected_ZIP:
 Affected_Phone:
 Last_4_Digits:
 Employee_Status: Full Time
 Other_Status:
 Emp_Job_title: Screener
 Other_title:
 Position_when_injured: Security Screener
 Supervisor: Donald Pyle
 Mon:
 Tues:
 Wed:
 Thur:
 Fri:
 Sat:
 Sun:
 Hours_Worked:
 Days_per_Week: 7
 Anyone_Injured:
 Degree_Injury:
 Stop_Working_Immediat:
 Prior_Injury:
 First_Filed:
 Equipment_Required:
 Equipment_Provided:
 Equipment_Used:
 Body_Affected:
 Medical_Received:
 Medical_Location:
 Other_Medical_Treatm:
 Degree_Injured:
 Affected_Gender:
 Hospital_Treated:
 Loss_Time:
 Work_Restrictions:
 Physical_Aid_Name:

PROOF OF SERVICE

I am a citizen of the United States, over the age of eighteen and not a party hereto. My business address is 1611 Borel Place, San Mateo, California 94402.

On March 23, 2004 I caused to be served on all interested parties the following:

Responses and objections of Covenant Security to Subpoena Duces Tecum Declaration of Audrey Deane to Response to Subpoena

By Fax Transmission on said date to the following number(s)

By Mail by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid and by depositing the said envelope in the United States Mail in San Mateo, California on said date, addressed to the addressee(s) below:

By Personal Hand-Delivery by placing a true copy thereof in a sealed envelope and causing such envelope to be delivered to the offices of the addressee(s). *Personal Service at Courthouse, Northern: 1050 Old Minion Rd. So. S.F., CA.*

By Federal Express enclosing a copy thereof in a sealed envelope and causing the same to be delivered to Federal Express for overnight courier service and delivery to the office(s) of the addressee(s).

ADDRESSED TO:

*Omar Figueroa, ESP.
506 Broadway
San Francisco, CA 94133*

*Tracee L. Brown, ESP.
Assistant U.S. Attorney
10th Floor, 450 Golden Gate Ave
San Francisco, CA 94102*

I declare under penalty of perjury that the foregoing is true and correct and that I executed this Declaration under the laws of the State of California this 23rd day of _____ in San Mateo, California.

John J. Conneely
John J. Conneely