

STATE OF CALIFORNIA – COUNTY OF SANTA CLARA

SEARCH WARRANT AND AFFIDAVIT
(AFFIDAVIT)

Special Agent John Doe, swears under oath and declares under penalty of perjury that the facts expressed by him in this Search Warrant, Affidavit, and the attached and incorporated statement of probable cause are true and that based thereon he has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the location(s) set forth below. Wherefore, affiant requests that this Search Warrant be issued.

NIGHT SEARCH REQUESTED: ☐ YES ☒ NO Justification on page(s): ____

AFFIANT'S SIGNATURE: _____
AFTER BEING SWORN

REVIEWED BY: _____
DEPUTY DISTRICT ATTORNEY

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF SANTA CLARA: proof by affidavit having been made before me by Special Agent John Doe, that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524, as indicated below by "x"(s) in that it:

- ☐ was stolen or embezzled.
- ☒ was used as the means of committing a felony.
- ☐ is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery.
- ☒ tends to show that a felony has been committed or that a particular person has committed a felony.
- ☐ tends to show that sexual exploitation of a child, in violation of Penal Code Section 311.3 has occurred or is occurring.

YOU ARE THEREFORE COMMANDED TO SEARCH THE PREMISES OF:

LOCATION:

Verizon Wireless
51 Chubb Way
Branchburg, NJ 08876
PH: 908-429-3885
FAX: 908-203-5876

Attn: Custodian of Records

FOR THE FOLLOWING PROPERTY:

For the following records associated with user accounts identified as mobile numbers (916) 123-4567, e-mail account joesuspect@verizon.net

A.) Subscriber information

- B.) Account comments
- C.) Credit information
- D.) Billing records for the time period of December 1, 2005 to January 7, 2006
- E.) Outbound and inbound call detail from January 1, 2006 to January 7, 2006
- F.) Call origination / termination location January 1, 2006 to January 7, 2006
- G.) Physical address of cell sites and RF coverage map
- H.) Subscriber information on any cellular numbers that (916) 123-4567 dials from January 1, 2006 to January 7, 2006.
- I.) All stored communications or files, including voice mail, email, digital images, buddy lists, and any other files associated with the identified user accounts from December 1, 2005 to January 7, 2006
- J.) All connection logs and records of user activity for each such account from of December 1, 2005 to January 7, 2006 including:
 - 1. Connection dates and times.
 - 2. Disconnect dates and times.
 - 3. Method of connection (e.g., telnet, ftp, http)
 - 4. Data transfer volume.
 - 5. User name associated with the connections.
 - 6. Telephone caller identification records.
 - 7. Any other connection information, such as the Internet Protocol address of the source of the connection.
 - 8. Connection information for the other computer to which the user of the above-referenced accounts connected, by any means, during the connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, and all other information related to the connection from cellular service provider.
- K.) Any other records or accounts, including archived records related or associated to the above-referenced names, user names, or accounts and any data field name definitions that describe these records.
- L.) All of the above records whether possessed by Verizon Wireless or any other cellular service provider

NON-DISCLOSURE ORDER

It is further ordered that Verizon Wireless not to notify any person (including the subscriber or customer to which the materials relate) of the existence of this order for 90 days in that such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, or flee or continue his flight from prosecution

[]
initials

The court orders the entire/designated portion of the affidavit sealed. Said sealed portion shall not be opened except upon order of the court. Designated portion: _____

The court orders that any items seized during the lawful service of this search warrant be disposed in accordance with the law, by the Sacramento County Sheriff's Department, upon adjudication of the case. The officers serving the search warrant are also hereby authorized, without necessity of further court order, to return seized items to any known victim(s) if such items have been photographically documented.

If necessary, searching officers are authorized to employ the use of outside experts, acting under the direct control of the investigating officers, to access and preserve any computer data.

Searching officers are authorized to videotape and/or photograph the entry and search of the premises described herein, at the discretion of the searching officers.

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this _____ day of _____, 2002, at _____ A.M./P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

(Signature of Magistrate)

Night search approved: YES [] NO []
(Magistrate's Initials)

Judge of the Superior Court, Santa Clara, State of California

Executed By: _____

Date: _____

Time: _____

Affidavit in Support of Search Warrant County of Santa Clara

Your affiant, Special Agent John Doe, is employed as a full-time, sworn law enforcement officer for the California Department of Justice and has been for the past 10 years. During your affiant's tenure, your affiant has investigated numerous cases involving financial crimes, thefts, computer- and communications-related crimes, robbery, organized crime, homicide and narcotics. Your affiant has developed and taught required Peace Officer Standards and Training (POST) courses for technological investigations. Your affiant has also qualified as an expert witness, on multiple occasions, in several areas of electronic technology and communication. Additionally, your affiant has received advanced training in electronic crimes from the Federal Bureau of Investigation, Quantico, VA, the National Technical Investigators Association, Washington D.C., the High Technology Crime Investigation Association and other industry seminars.

Your affiant is currently assigned to the Sacramento Valley Hi-Tech Crimes Task Force, which operates under the auspice of the Sacramento County Sheriff's Department, and is tasked with the investigation of crimes as they relate to the illegal use, abuse or theft of electronic service, technology and equipment.

On January 5, 2006, your affiant began to assist in the investigation of a murder of a Ima Victim which occurred on January 4, 2006 at approximately 1437 hours on County Road 6 south of County Road 14 in Santa Clara County, California. Officer Jones informed me that Ima Victim had been found within a parked vehicle and had been shot in the head.

On January 5, 2006 during the early morning hours John Conspirator was arrested on probable cause for the murder Ima Victim. During his arrest he made a spontaneous statement whereas he admitted being present when the murder occurred and identifying Joe Suspect as the "shooter.". In a latter statement John Conspirator related that Joe Suspect was on the run and possessed a cellular phone. John Conspirator stated that Joe Suspect's cellular phone number was (916) 123-4567 and that he had received calls from him before and after the murder.

Pursuant to a search warrant, the cellular phone of John Conspirator was examined. The search revealed the following:

1. Address book entry in the name of Joe Suspect with cellular phone number (916) 123-4567
2. Call log indicating a received call from (916) 123-4567 at 12:04 a.m. on 1/5/06
3. Received e-mails bearing the address: joesuspect@verizon.net

Your affiant, through the use The North American Numbering Plan Administration (<http://www.nationalnanpa.com>), learned that (916) 123-4567 was assigned to Verizon Wireless. Your affiant contacted Verizon Wireless and confirmed that they are the service provider for this account.

Through experience and training, your affiant knows cellular service providers maintain records related to subscriber information, account registration, credit information, billing and airtime records, outbound and inbound call detail, connection time and dates, Internet routing information (Internet Protocol numbers), and message content, that may assist in the identification of persons accessing and utilizing the account and this information may assist in determining their physical location.

Through experience and training, your affiant also knows that the cellular service provider maintains records that include cell site information and GPS location. Cell site information shows which cell site a particular

cellular telephone was within at the time of the cellular phone's usage. Some model cellular phone are GPS enabled which allows the provider and user to determine the exact geographic position of the phone. Further, the cellular service provider maintains cell site maps that show the geographical location of all cell sites within its service area. Using the cell site geographical information or GPS information, officers would be able to determine the physical location of the individual using the cell phone number (916) 123-4567 which according to corroborating sources listed above was/is in use by the suspect. That information is necessary to the investigating officers in order to locate Joe Suspect and to corroborate Joe Suspect's presence at the scene of the murder.

I believe based on the aforementioned circumstances that the following felony crimes have been committed:

187 PC – Murder

I believe based on my training and experience that the business records of VERIZON will contain information that will assist me in identifying and locating the suspects in this crime.

Your affiant is aware that the requested cellular service provider records are located within the State of New Jersey. Pursuant to Penal Code section 1524.2 and Corporations Code section 2105 a California search warrant may be served upon them and they have requested that this warrant be served by facsimile to the attention of Custodian of Records at 908-203-5876.

Based on the aforementioned information, your affiant believes sufficient probable cause exists for the issuance of a search warrant for:

The following location:

A business, operated under the name of Verizon Wireless located at 51 Chubb Way, Branchburg, NJ 08876

The following property:

For the following records associated with user accounts identified as mobile numbers (916) 123-4567, e-mail account joesuspect@verizon.net

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 - 4. Data transfer volume.

5. User name associated with the connections.
 6. Telephone caller identification records.
 7. Any other connection information, such as the Internet Protocol address of the source of the connection.
 8. Connection information for the other computer to which the user of the above-referenced accounts connected, by any means, during the connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, and all other information related to the connection from cellular service provider.
- K.) Any other records or accounts, including archived records related or associated to the above-referenced names, user names, or accounts and any data field name definitions that describe these records.
- L.) All of the above records whether possessed by Verizon Wireless or any other cellular service provider

Affiant further requests that Verizon Wireless be ordered not to notify any person (including the subscriber or customer to which the materials relate) of the existence of this order for 90 days. Affiant submits that such an order is justified because notification of the existence of this order could seriously jeopardize the ongoing investigation. Such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, or flee or continue his flight from prosecution.

Your affiant swears the aforementioned information is the truthful and accurate, to the best of his knowledge.

Special Agent John Doe, Affiant