\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*INSTRUCTIONS\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

-This search warrant mask is specifically for the search of AT&T to ping the target phone and provide call detail records for the same number

-There is RED text below that needs to be changed based on the needs of your search warrant.

-There is BLUE text below which is provided for information to the reader about what is being requested and why. Make sure you read this information and understand it since you are putting it your search warrant. You may need to adjust some of the wording or content in these areas to the specifics of your case.

- After the warrant is finalized, highlight all of the text by selecting CTRL+A and then change all text to black

-It would be a good idea to delete this section before printing/sending your warrant to get signed.

**AT&T - Includes Cricket**

|  |
| --- |
| https://s3-us-west-2.amazonaws.com/trax-images/carrier-info-logo/att_logo.png |

### 11760 US Highway One, 6th FloorNorth Palm Beach, FL 33408Compliance Center - 800-635-6840Compliance Fax - 888-938-4715

Call Detail Records (without cell site info) - 7 year retention
Call Detail Records (with cell site info) - July 2008 to present
Data Records (with cell site info) - 6 months
Tower Dumps - 60 Days
SMS Detail Records\* - 1 year
     \*AT&T does not provide text content
Historical GPS locations (NELOS) - 1 year
Real Time Locate - Every 15 minutes by email

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*PLEASE DELETE\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Case No:

COUNTY OF LARIMER ) IN THE COMBINED COURT

 ) SS

STATE OF COLORADO )

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT AND COURT ORDER FOR PRODUCTION OF RECORDS**

## BEFORE THE HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE / MAGISTRATE

Affiant, YOUR NAME HERE, a commissioned law enforcement officer, being duly sworn, deposes and states that I have probable cause to believe that the following facts support the need for the collection and use of geographical location information on the following cellular telephone(s):

**TARGET TELEPHONE NUMBER**, **a AT&T cellular phone used by NAME OF TARGET**

For which a search warrant and court order for production of records may be issued upon one or more of the grounds set forth in 18 U.S.C. §2703, C.R.S. §16-3-301, §16-3-301.1, §16-3-303.5 and Crim. P. 41, that this property is stolen or embezzled, or is designed or intended for use as a means of committing a criminal offense, or is or has been used as a means of committing a criminal offense, or the possession of which is illegal, or would be material evidence in a subsequent criminal prosecution in this state or another state, or the seizure of which is expressly required, authorized or permitted by any statute of this state, or which is kept, stored, maintained, transported, sold, dispensed, or possessed in violation of a statute of this state, under circumstances involving a serious threat to public safety or order or to public health, or which would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest warrant is outstanding.

Your Affiant is a TITLE with the LAW ENFORCEMENT AGENCY and is currently assigned to the ASSIGNED UNIT. Your Affiant has been trained at the state and local levels with regard to my duties and I am authorized by law to execute search and arrest warrants in the state of Colorado.

I am aware, based on my training, education and experience as a law enforcement officer that cellular telephones contain electronic circuitry, which enables the cellular telephone device to transmit its geographical location information to the telephone’s service provider and that information is then maintained by the telephone’s service provider. This electronic circuitry allows the telephone’s service provider to record the physical location of the target cellular telephone or any other cellular telephone that is in contact with the target telephone in real time. The physical location of the target cellular telephone may be recorded in several different methods, such as through the use of cell site tower and sector data, triangulation of cell site tower data, or the use of Global Positioning System (GPS) coordinates. This location-based data is sometimes referred to as NELOS (Network Event Location System) – AT&T, RTT (Round Trip Time/Return Trip Time/Real Time Tool) - Verizon & U.S. Cellular, PCMD (Per Call Measurement Data) – Sprint & U.S. Cellular, and TDOA (Time Difference of Arrival) or Timing Advance Information – T-Mobile & Metro by T-Mobile).

I am also aware, based on my training, education and experience as a law enforcement officer that cellular telephone 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 locating the user of a particular cellular telephone.

Because this Affidavit is being submitted for the limited purpose of securing an order authorizing the collection and use of geographical location information and call detail records, I have not included details of every aspect of this investigation to date. Facts not set forth herein are not being relied on in reaching my conclusion that an order should be issued.

I believe the below-described facts to be true based upon official law enforcement records, conversations with fellow officers, personal observations and interviews:

BACKGROUND OF AFFIANT

STATEMENT OF PROBABLE CAUSE REGARDING CRIME BEING INVESTIGATED – OR IF FOR FUGITIVE PURPOSES, EXISTENCE OF OUTSTANDING WARRANT – AND PC TO BELIEVE THE ACCOUNT LISTED IS AN ACCOUNT THAT COULD LEAD TO MATERIAL EVIDENCE OR A FUGITIVE MIXED WITH THE BELOW PARAGRAPHS

Based on these facts, Your Affiant believes there exists probable cause to believe that there is material evidence now located in the above described **AT&T Mobility** account that is crucial to the investigation of this case and the offenses described above, and a search warrant is requested pursuant to 18 U.S.C. §2703, C.R.S. §16-3-301, §16-3-301.1, §16-3-303.5 and Crim. P. 41.

That the Affiant has certified that the information that is likely to be obtained by the collection and use of geographical location information as well as Call Detail Records, on the target cellular telephone device(s):

**TARGET TELEPHONE NUMBER**, **a AT&T cellular phone used by NAME OF TARGET**

is related to an ongoing investigation into the whereabouts and criminal actions of NAME OF TRAGET.

That **AT&T Mobility** shall provide all customer/subscriber information, including any listed addresses, telephone numbers, social security numbers, dates of birth, names, addresses, any other customer identifying information, mobile handset or device identifiers/serial numbers (MEID, ESN, IMSI, IMEI), activation date and deactivation date, and location device was purchased if applicable. For the above referenced cellular device(s).

That **AT&T Mobility** shall provide any email addresses associated with the account. This is to specifically include Google Gmail addresses associated with any Android device associated with this account or any email associated with an iPhone and/or iTunes account associated with this device that is currently on file and stored in the normal course of business of **AT&T Mobility**.

That the Court expressly authorize the collection and use of the geographical location information on the above-referenced cellular telephones, including all cell-site tower location information, NELOS (Network Event Location System), RTT (Round Trip Time/Return Trip Time/Real Time Tool), PCMD (Per Call Measurement Data), TDOA (Time Difference of Arrival) or Timing Advance Information, Mediation Records, E9-1-1, and/or Historical GPS/Mobile Locate Information which shows GPS location (longitude and latitude); and that investigators of the LAW ENFORCEMENT AGENCY are authorized to receive and utilize the geographical location information of the above-referenced cellular telephones in real time for a period of sixty (60) days.

That the Court expressly authorize the collection and use of the Call Detail Records on the above-referenced cellular telephone from **DATE OF INTEREST through DATE OF INTEREST**. The Call Detail Records shall include all known outgoing and incoming calls associated with the account, dates and times calls were made, and duration of all calls made or received. This is to include any other pertinent call detail records including special features codes, or any other codes that are maintained in the normal course of business for **AT&T Mobility**, of any **AT&T Mobility** cellular numbers identified in the course of the investigation. In addition to voice calls, this would also include any detail records showing text messages, MMS messages, or data sessions.

That **AT&T Mobility** shall provide any available location information in real time and for the historical range referenced above. This shall include any estimated or known Longitude and Latitude of the cellular device’s current location, or approximate location, information received by cell tower(s) in reference to direction and distance from the tower a device may be located (timing and triangulation information). Radio Frequency signal strengths, direction, and transmission information. The geographical constraints of location information will be limited to the United States.

Location information can be in the form of historical records. This would include any reports of device activity that would include the approximate latitude and longitude of the device at the time of the activity, direction and distance from the tower, and other location related information commonly referred to as a NELOS (Network Event Location System), RTT (Round Trip Time/Return Trip Time/Real Time Tool), PCMD (Per Call Measurement Data), TDOA (Time Difference of Arrival) or Timing Advance Information, Mediation Records, E9-1-1, and/or Historical GPS/Mobile Locate Information which shows GPS location (longitude and latitude). This further includes any other report similar in nature.

That **AT&T Mobility** shall furnish agents of the LAW ENFORCEMENT AGENCY all information, facilities, and technical assistance necessary to accomplish the collection of any and all location-based data available for the above referenced telephone number.

That the geographical location information shall be furnished by **AT&T Mobility** to include local or long-distance telephone service, to the LAW ENFORCEMENT AGENCY on a twenty-four (24) hour expedited basis for the duration of the order.

That the authorization given is intended to apply not only to the target telephone number listed above, but to any changed telephone number(s) subsequently assigned to the same cable, pair and binding post utilized by the target telephone device, or any subsequent ESN/IMSI/SIM associated with the target telephone device (provided the subscriber is the same), or to any subsequent telephone number associated with the ESN/IMSI/SIM cited herein, within the authorized period and thirty (30) days prior to the original authorization.

That **AT&T Mobility** will keep the subject telephone active and in service. If the subject cellular phone has been targeted for deactivation due to non-payment or breach of contract, LAW ENFORCEMENT AGENCY will incur the future billing costs at the point of deactivation and compensate the wireless carrier for such additional billing costs beginning from the date of deactivation and continuing through the time authorized by this Search Warrant or until an authorized agent of LAW ENFORCEMENT AGENCY notifies **AT&T Mobility** to discontinue service, whichever comes first.

**AT&T Mobility** is a provider of electronic communication services subject to the Stored Communication Act (SCA), 18 U.S.C. §2703, et seq. The SCA permits a state court with jurisdiction over an offense to issue an extraterritorial warrant for production of electronic communication content and electronic communication records. 18 U.S.C. §2703(g) authorizes service of the warrant via methods other than in-person service by a law enforcement officer. It is the intent of this affiant, consistent with the SCA and the procedures established by **AT&T Mobility** for compliance with the SCA, to serve this warrant via fax and/or email or law enforcement portal.

***Further requests:***

1. Pursuant to Crim. P. 41 and §16-3-304(2), Your Affiant requests that this Court seal the affidavit and search warrant and court order for production of records until the completion of the law enforcement criminal investigation. The affidavit establishes grounds to believe that disclosure at this time of the affidavit and search warrant and court order for production of records would be contrary to the public interest. Such order for sealing does not apply to representatives of law enforcement agencies, and District Attorney’s Offices.
2. So as not to disrupt this ongoing investigation, Your Affiant also requests that this Court order **AT&T Mobility** NOT to take adverse action against the subject account, such as disabling or terminating the account, because of this warrant.
3. Pursuant to 18 U.S.C. §2705(b) and 18 U.S.C. §2705(b)(1)-(5), and Crim. P. 41 and §16-3-304(2), Your Affiant requests that **AT&T Mobility** be ordered NOT to disclose the existence of this search warrant and court order to the subscriber for a period of one year from receipt of the requested documents, unless otherwise ordered by a court of competent jurisdiction. Based on the information set forth in this affidavit, notification of the warrant may have an adverse result, as defined in 18 USC §2705(b)(1)-(5), i.e., disclosure may endanger the life or physical safety of an individual; allow flight from prosecution; allow destruction of or tampering with evidence; allow intimidation of potential witnesses; and/or would otherwise seriously jeopardize an investigation or unduly delay a trial.

I believe the above facts to be true from official LAW ENFORCEMENT AGENGY records, conversations with fellow officers, personal observations and interviews. I am a YOUR TITLE with the LAW ENFORCEMENT AGENGY. I have been trained at the State, and local levels with regard to my duties. I am authorized by law to execute search warrants in the State of Colorado.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIANT

This affidavit was sworn to and subscribed in my presence this DATE day of MONTH 20\*\* at \_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE

Case No.

COUNTY OF LARIMER ) IN THE COMBINED COURT

 ) SS

STATE OF COLORADO )

# **SEARCH WARRANT AND COURT ORDER FOR PRODUCTION OF RECORDS**

## Before the Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Judge / Magistrate

The Court, upon review of an affidavit filed by YOUR NAME HERE which is incorporated by reference, in support of the issuance of this order, hereby orders the production of the following records, for which there is probable cause to believe are in the actual or constructive possession or control of the business entity known or described as:

**AT&T Mobility**

**11760 US Highway One, 6th Floor,**

**North Palm Beach, FL 33408**

**Via fax: (888) 938-4715**

This Court also finds that there is probable cause to issue this Search Warrant pursuant to the provisions of 18 U.S.C. §2703, C.R.S. §16-3-301, §16-3-301.1, §16-3-303.5 and Crim. P. 41, namely that this property is stolen or embezzled, or is designed or intended for use as a means of committing a criminal offense, or is or has been used as a means of committing a criminal offense, or the possession of which is illegal, or would be material evidence in a subsequent criminal prosecution in this state or another state or federal court, or the seizure of which is expressly required, authorized or permitted by any statute of this state or the United States, or which is kept, stored, maintained, transported, sold, dispensed, or possessed in violation of a statute of this state, under circumstances involving a serious threat to public safety or order or to public health, or which would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest warrant is outstanding.

That the Affiant has certified that the information that is likely to be obtained by the collection and use of geographical location information as well as Call Detail Records, on the target cellular telephone device(s):

**TARGET TELEPHONE NUMBER**, **a AT&T cellular phone used by NAME OF TARGET**

is related to an ongoing investigation into the whereabouts and criminal actions of NAME OF TARGET.

That **AT&T Mobility** shall provide all customer/subscriber information, including any listed addresses, telephone numbers, social security numbers, dates of birth, names, addresses, any other customer identifying information, mobile handset or device identifiers/serial numbers (MEID, ESN, IMSI, IMEI), activation date and deactivation date, and location device was purchased if applicable. For the above referenced cellular device(s).

That **AT&T Mobility** shall provide any email addresses associated with the account. This is to specifically include Google Gmail addresses associated with any Android device associated with this account or any email associated with an iPhone and/or iTunes account associated with this device that is currently on file and stored in the normal course of business of **AT&T Mobility**.

That the Court expressly authorize the collection and use of the geographical location information on the above-referenced cellular telephones, including all cell-site tower location information, NELOS (Network Event Location System), RTT (Round Trip Time/Return Trip Time/Real Time Tool), PCMD (Per Call Measurement Data), TDOA (Time Difference of Arrival) or Timing Advance Information, Mediation Records, E9-1-1, and/or Historical GPS/Mobile Locate Information which shows GPS location (longitude and latitude)); and that investigators of the LAW ENFORCEMENT AGENCY are authorized to receive and utilize the geographical location information of the above-referenced cellular telephones in real time for a period of sixty (60) days.

That the Court expressly authorize the collection and use of the Call Detail Records on the above-referenced cellular telephone from **DATE OF INTEREST through DATE OF INTEREST**. The Call Detail Records shall include all known outgoing and incoming calls associated with the account, dates and times calls were made, and duration of all calls made or received. This is to include any other pertinent call detail records including special features codes, or any other codes that are maintained in the normal course of business for **AT&T Mobility**, of any **AT&T Mobility** cellular numbers identified in the course of the investigation. In addition to voice calls, this would also include any detail records showing text messages, MMS messages, or data sessions.

That **AT&T Mobility** shall provide any available location information in real time and for the historical range referenced above. This shall include any estimated or known Longitude and Latitude of the cellular device’s current location, or approximate location, information received by cell tower(s) in reference to direction and distance from the tower a device may be located (timing and triangulation information). Radio Frequency signal strengths, direction, and transmission information. The geographical constraints of location information will be limited to the United States.

Location information can be in the form of historical records. This would include any reports of device activity that would include the approximate latitude and longitude of the device at the time of the activity, direction and distance from the tower, and other location related information commonly referred to as a NELOS (Network Event Location System), RTT (Round Trip Time/Return Trip Time/Real Time Tool), PCMD (Per Call Measurement Data), TDOA (Time Difference of Arrival) or Timing Advance Information, Mediation Records, E9-1-1, and/or Historical GPS/Mobile Locate Information which shows GPS location (longitude and latitude). This further includes any other report similar in nature.

That **AT&T Mobility** shall furnish agents of the LAW ENFORCEMENT AGENCY forthwith all information, facilities, and technical assistance necessary to accomplish the collection of any and all location-based data available for the above referenced telephone number.

That the geographical location information shall be furnished by **AT&T Mobility** to include local or long-distance telephone service, to the LAW ENFORCEMENT AGENCY on a twenty-four (24) hour expedited basis for the duration of the order.

That the authorization given is intended to apply not only to the target telephone number listed above, but to any changed telephone number(s) subsequently assigned to the same cable, pair and binding post utilized by the target telephone device, or any subsequent ESN/IMSI/SIM associated with the target telephone device (provided the subscriber is the same), or to any subsequent telephone number associated with the ESN/IMSI/SIM cited herein, within the authorized period and thirty (30) days prior to the original authorization.

That **AT&T Mobility** will keep the subject telephone active and in service. If the subject cellular phone has been targeted for deactivation due to non-payment or breach of contract, LAW ENFORCEMENT AGENCY will incur the future billing costs at the point of deactivation and compensate the wireless carrier for such additional billing costs beginning from the date of deactivation and continuing through the time authorized by this Search Warrant or until an authorized agent of LAW ENFORCEMENT AGENCY notifies **AT&T Mobility** to discontinue service, whichever comes first.

Pursuant to §16-3-301.1, C.R.S., a criminal investigator or peace officer is hereby authorized to serve this order during normal business hours of the above-named business entity, and to receive the records during normal business hours of the business entity. Service shall issue in the same manner as a summons in a civil action or by personal service on a manager or supervisor of the business entity or through any electronic or other means established and utilized by the business to receive service of process. This order must be served within 14 days after the date it is issued.

The business entity is ORDERED to produce the above described records to the affiant or his/her designee within thirty-five (35) days of service.

The records should be provided to:

YOUR NAME, BADGE NUMBER

LAW ENFORCEMENT AGENGY

YOUR ADDRESS

YOUR PHONE NUMBER

EMAIL

The business entity shall also provide a notarized attestation of accuracy that the records produced represent complete and accurate copies of all records identified in this order that are in the actual or constructive control of the business entity. If the business entity does not produce all records identified in this order, it shall identify the records not produced. Failure to comply with this order shall support a finding of contempt of court.

When this Order is terminated, the peace officer named herein shall file a return and inventory with the court indicating the records that have been received and the date and time upon which the records were received. The peace officer named herein may also file the original of the attestation of accuracy with the court.

IT IS FURTHER ORDERED:

1. That this Search Warrant and Order and application be **SEALED** until the completion of the law enforcement criminal investigation, that the identity of any target(s) of the underlying criminal investigation may be redacted from any copy of this Order to be served on any service provider or other person.
2. That **AT&T Mobility** NOT take adverse action against the subject accounts, such as disabling or terminating the accounts, because of this warrant.
3. Pursuant to 18 U.S.C. §2705(b) and 18 U.S.C. §2705(b)(1)-(5), and Crim. P. 41 and §16-3-304(2), that **AT&T Mobility**, **NOT disclose the existence of this search warrant and court order to the subscriber for a period of one year**, unless otherwise ordered by a court of competent jurisdiction, as notification of the warrant may have an adverse result, as defined in 18 USC §2705(b)(1)-(5), i.e., disclosure may endanger the life or physical safety of an individual; allow flight from prosecution; allow destruction of or tampering with evidence; allow intimidation of potential witnesses; and/or would otherwise seriously jeopardize an investigation or unduly delay a trial.

THE INFORMATION SO ORDERED is related to the active and ongoing criminal investigation by YOUR AGENCY and in accordance with 18 U.S.C. §2703, C.R.S. §16-3-301, §16-3-301.1, §16-3-303.5 and Crim. P. 41, the records and information requested are or have been used as a means of committing a criminal offense or would be material evidence in a subsequent criminal prosecution in this state, another state, or federal court; the seizure of which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

Based upon the affidavit of the above-named Affiant, which is incorporated by reference, I am satisfied that there is probable cause to believe there is a legal basis and also legal authority for the issuance of this Search Warrant. You are therefore authorized to execute this Search Warrant according to these terms and as otherwise permitted by law.

Dated this **\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_ 20\_\_**, at \_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE