COUNTY OF LARIMER )

 ) SS IN THE COMBINED COURT

STATE OF COLORADO )

**SEALED**

**AFFIDAVIT FOR SEARCH WARRANT FOR**

**INSTALLATION AND USE OF pen register/Trap and Trace**

**and**

**COLLECTION AND USE OF GEOGRAPHICAL LOCATION INFORMATION**

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

 Judge/Magistrate

Affiant, Bryan Heaton, a commissioned law enforcement officer, being duly sworn, deposes and says that I have probable cause to believe that the following facts support the need for the installation and use of a pen register/trap and trace and the collection and use of geographical location information on the following cellular telephone(s):

**805-722-9768,** a **Verizon Wireless** telephone,used by Bray PIKE (DOB: 07/09/1971);

Your Affiant, Bryan Heaton, is a Detective with the Law Enforcement Agency and is currently assigned to the Northern Colorado Drug Task Force (NCDTF). Your Affiant has been trained at the state and local levels with regard to my duties and is authorized by law to execute search and arrest warrants in the state of Colorado.

Through my training and experience, your Affiant knows that subjects involved in the illegal distribution of controlled substances use cellular telephones in order to arrange and facilitate drug transactions. In addition, these subjects use their telephones to contact and to store the names and phone numbers of associates who are also involved in the illegal distribution of controlled substances. Your Affiant is aware that it is very common for a subject involved in the illegal distribution of controlled substances to use multiple telephones in an attempt to avoid law enforcement detection.

Pen Register means a device [or process] which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device [or process] is attached but shall not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business (C.R.S. 18-9-301 (8.3)).

Trap and Trace Device means a device [or process] which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted (C.R.S. 18-9-301 (8.7)).

Furthermore, your Affiant is 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. 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 GPS (Sprint), Location Services (Verizon), Mobile Locate Tool (AT&T), and Ping Location Services (T-Mobile).

Because this Affidavit is being submitted for the limited purpose of securing an order authorizing the installation and use of pen register/trap and trace and the collection and use of geographical location information, your Affiant has not included details of every aspect of this investigation to date. Facts not set forth herein are not being relied on in reaching your Affiant’s conclusion that an order should be issued.

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

**PROBABLE CAUSE STATEMENT**

Based on the above-referenced information, your Affiant believes that the above-referenced cellular telephone device is being utilized to facilitate illegal drug trafficking activity. Your Affiant believes that by utilizing a pen register/trap and trace on the above-referenced cellular telephone device, investigators will be able to identify additional phone numbers which are in contact with the target telephone device in order to identify other associates and participants in this illegal drug trafficking activity.

In addition, your Affiant believes that the geographical location information that identifies the geographical location of the above-referenced cellular telephone device will allow investigators to identify and locate the physical location of the person in possession of and utilizing the target cellular telephone device in order to be able to conduct law enforcement physical surveillance of the person in possession of this device. Specifically, this information will allow detectives to track the possessor of the target cellular telephone device and will assist investigators in identifying who is in possession of the target cellular telephone device and where the subject who is utilizing the target cellular telephone device is distributing, receiving, or storing illegal controlled substances and/or the proceeds from the sale of illegal controlled substances.

Cellular telephone portability refers to the ability to reassign an existing telephone number to any other provider of wire or electronic communications. Current technology affords the ability to readily port a telephone number between electronic communication providers. Through experience, your Affiant is aware that individuals involved in the illegal distribution of controlled substances may port their telephone number to another electronic communication provider in an effort to thwart law enforcement efforts to investigate associated criminal activity. Items #5, 6, 8 and 10 below expressly request the ability to serve this order on **Verizon Wireless** and/or any other electronic communication provider whose assistance may facilitate the execution of this order.

In order to identify subscribers of telephone numbers having electronic communications with the target telephone number, it is necessary to serve this search warrant to the electronic communication providers of the associated telephone numbers identified on the pen register/trap and trace. Item #12 below expressly request the ability to serve this order on **Verizon Wireless** and/or any other electronic communication provider whose assistance may facilitate the execution of this order.

Your Affiant requests that this Affidavit, any Order granting a Search Warrant, and all records related to this Order be sealed until the completion of the law enforcement criminal investigation. Should this information be made public record prior to the completion of the investigation, your Affiant strongly believes that such disclosure would have an adverse impact on the criminal investigation in progress. Your Affiant further believes that sealing this Affidavit and any Order would be in the best interests of the community.

Your Affiant requests that the notification of this Search Warrant be delayed until the completion of the law enforcement criminal investigation. Due to the sensitive nature of the case and the ongoing investigation, your Affiant believes that notification of the installation and use of the pen register/trap and trace is likely to reveal the criminal investigation to the owner or custodian of the above-reference cellular telephone. Such notification would likely jeopardize both the investigation and the safety of the officers involved.

Therefore, based on the above information and facts, your Affiant respectfully requests that the Court make the following findings and orders:

1. That the grounds for the issuance of this search warrant exist pursuant to C.R.S. §16-3-301, C.R.S. §16-3-301.1 and C.R.S. §16-3-303.5 and that there is probable cause to believe that such grounds exist.
2. That the Affiant has certified that the information that is likely to be obtained by the installation and use of a pen register/trap and trace, to include caller identification, and also by the collection and use of geographical location information, on the target cellular telephone device:

**805-722-9768,** a **Verizon Wireless** telephone,used by Bray PIKE (DOB: 07/09/1971);

is related to an ongoing criminal investigation into felony violations of the Colorado Uniform Controlled Substances Act, C.R.S. §18-18-405.

1. That there is probable cause to believe that the above-referenced individual participated and/or conspired to participate in the illegal trafficking of controlled substances and that individual utilized the above-referenced target cellular telephone device to facilitate these illegal trafficking activities.
2. That there is probable cause to believe that there is information likely to be obtained by the use of a pen register/trap and trace on the above-referenced target cellular telephone device, and by the collection and use of the geographical location information for the above-referenced target cellular telephone devicethat is related to the ongoing criminal investigation into felony violations of the Colorado Uniform Controlled Substances Act, C.R.S. §18-18-405, and that such information is needed in order to further the above-referenced investigation.
3. That **Verizon Wireless**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, 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 activation date and deactivation date, and location device was purchased if applicable for the target cellular telephone.
4. That **Verizon Wireless**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, shall provide any and all email addresses associated with the account.
5. That the Court expressly authorize the installation and use of a pen register/trap and trace, to include caller identification, on the above-referenced target cellular telephone device; and that investigators of the NCDTF are authorized to receive and utilize the information collected by said device [or process], including data related to the transmission of SMS text messages, but not including any content of such SMS text messages, for a period of sixty (60) days.
6. That investigators of the NCDTF may direct **Verizon Wireless**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, to install a pen register/trap and trace, to include caller identification, on the above-referenced target cellular telephone device,the electronic impulses which identify the originating number of a wire, cellular, or electronic communication, which records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire, cellular, or electronic communication is transmitted; however, that such information shall not include any device or process used for billing, for recording as an incident to billing, for cost accounting, or for other like purposes in the ordinary course of its business.
7. That the Court expressly authorize the collection and use of the geographical location information of the above referenced target cellular telephone device, including all cell-site tower location information, sometimes referred to as GPS (Sprint), Location Services (Verizon), Mobile Locate Tool (AT&T), and Ping Location Services (T-Mobile) and that investigators of the NCDTF are authorized to receive and utilize the geographical location information of the above-referenced cellular telephone device in real time for a period of sixty (60) days.
8. That **Verizon Wireless**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, to include local or long distance telephone service, shall forthwith furnish investigators of the NCDTF all information, facilities, and technical assistance necessary to accomplish the installation of a pen register/trap and trace, to include caller identification, unobtrusively and with minimum interference with the services that are accorded persons whose telephone is to be the subject of the device [or process]. This information includes any and all custom calling, class, or voice activated dialing features (to include call forwarding and any number to which incoming calls were forwarded) for any digits dialed, pulsed, signaled or accessed by voice activation from the target telephone number as well as the automatic number identification (ANI) and/or the electronic serial number (ESN)/international mobile subscriber identification (IMSI), mobile equipment identifier (MEID) and/or subscriber identification module (SIM), and any other telephone number associated with that ESN/IMSI/MEID/SIM, and cell site tower information that exists for the above-referenced target cellular telephone numbers.
9. That the NCDTF will compensate the wire, cellular, or electronic communication service provider of the above referenced target cellular telephone number for expenses reasonably incurred in complying with this order.
10. That **Verizon Wireless,** and/or any other electronic communication provider shall provide the results of the pen register/trap and trace to the NCDTF for the duration of the order. These results shall include subscriber information, including name and mailing address for associated cellular telephones having communication with the target cellular telephone number.
11. That the pen register/trap and trace shall be restricted to tracing and recording those incoming calls that either originate or terminate within the United States.
12. That the above referenced target cellular telephone device remain active and in service, if the cellular telephone device has been targeted for deactivation due to non-payment or breach of contract, and that the NCDTF will incur the future billing costs at the point of deactivation and compensate the wireless carrier for such additional billing costs from the date of deactivation and continuing through the time authorized by this Order.
13. That the authorization given is intended to apply not only to the target cellular telephone number listed above, but to any changed telephone number(s) subsequently assigned to the target telephone device, or any subsequent ESN/IMSI/IMEI/SIM associated with the target telephone device (provided the subscriber is the same), within the authorized period.
14. That this Affidavit, any Order granting a Search Warrant, and all records related to this Order be sealed until the completion of the law enforcement criminal investigation.
15. That **Verizon Wireless,** and any other provider of wire, cellular, or electronic communications service, to include local or long distance telephone service, SHALL NOT disclose the existence, either directly or on the subscriber's bill, of the pen register/trap and trace, the caller identification, or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the Court.
16. That the notification of this Search Warrant be delayed until the completion of the law enforcement criminal investigation.

Affiant\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_am/pm.

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

Judge/Magistrate

COUNTY OF LARIMER )

 ) SS IN THE COMBINED COURT

STATE OF COLORADO )

 **SEALED**

**SEARCH WARRANT FOR**

**INSTALLATION AND USE OF pen register/trap and trace**

**and**

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

 Judge/Magistrate

**TO: ANY PEACE OFFICER AUTHORIZED BY LAW TO EXECUTE SEARCH WARRANTS IN THE COUNTY OF LARIMER AND STATE OF COLORADO.**

The court, upon review of a sworn affidavit filed by **Investigator Bryan Heaton,** a commissioned law enforcement officer, in support of the issuance of this Search Warrant, hereby orders the installation of a pen register and trap and trace device, collection and use of geographical location information, and production of the following records for which there is probable cause to believe are in the actual or constructive possession or control of:

**Cellco Partnership, LLP d/b/a Verizon Wireless**

 **Attn: Legal Compliance**

 **180 Washington Valley Road**

 **Bedminster, NJ 07921**

 **Via fax: (888) 667-0026**

The Court, upon review of a sworn probable cause affidavit filed by Affiant Investigator Bryan Heaton, a commissioned law enforcement officer, in support of the issuance of this order, hereby finds:

1. That the grounds for the issuance of this search warrant exist pursuant to C.R.S. §16-3-301, C.R.S. §16-3-301.1 and C.R.S. §16-3-303.5 and that there is probable cause to believe that such grounds exist.
2. That the Affiant has certified that the information that is likely to be obtained by the installation and use of a pen register/trap and trace, to include caller identification, and also by the collection and use of geographical location information, on the target cellular telephone device:

**805-722-9768,** a **Verizon Wireless** telephone,used by Bray PIKE (DOB: 07/09/1971);

is related to an ongoing criminal investigation into felony violations of the Colorado Uniform Controlled Substances Act, C.R.S. §18-18-405.

1. That there is probable cause to believe that the above-referenced individual participated and/or conspired to participate in the illegal trafficking of controlled substances and that individual utilized the above-referenced target cellular telephone device to facilitate these illegal trafficking activities.
2. That there is probable cause to believe that there is information likely to be obtained by the use of a pen register/trap and trace on the above-referenced target cellular telephone device, and by the collection and use of the geographical location information for the above-referenced target cellular telephone devicethat is related to the ongoing criminal investigation into felony violations of the Colorado Uniform Controlled Substances Act, C.R.S. §18-18-405, and that such information is needed in order to further the above-referenced investigation.
3. That **Verizon Wireless**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, 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 activation date and deactivation date, and location device was purchased if applicable for the target cellular telephone.
4. That **Verizon Wireless**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, shall provide any and all email addresses associated with the account.
5. That the Court expressly authorize the installation and use of a pen register/trap and trace, to include caller identification, on the above-referenced target cellular telephone device; and that investigators of the NCDTF are authorized to receive and utilize the information collected by said device [or process], including data related to the transmission of SMS text messages, but not including any content of such SMS text messages, for a period of sixty (60) days.
6. That investigators of the NCDTF may direct **Verizon Wireless**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, to install a pen register/trap and trace, to include caller identification, on the above-referenced target cellular telephone device,the electronic impulses which identify the originating number of a wire, cellular, or electronic communication, which records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire, cellular, or electronic communication is transmitted; however, that such information shall not include any device or process used for billing, for recording as an incident to billing, for cost accounting, or for other like purposes in the ordinary course of its business.
7. That the Court expressly authorize the collection and use of the geographical location information of the above referenced target cellular telephone device, including all cell-site tower location information, sometimes referred to as GPS (Sprint), Location Services (Verizon), Mobile Locate Tool (AT&T), and Ping Location Services (T-Mobile) and that investigators of the NCDTF are authorized to receive and utilize the geographical location information of the above-referenced cellular telephone device in real time for a period of sixty (60) days.
8. That **Verizon Wireless**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, to include local or long distance telephone service, shall forthwith furnish investigators of the NCDTF all information, facilities, and technical assistance necessary to accomplish the installation of a pen register/trap and trace, to include caller identification, unobtrusively and with minimum interference with the services that are accorded persons whose telephone is to be the subject of the device [or process]. This information includes any and all custom calling, class, or voice activated dialing features (to include call forwarding and any number to which incoming calls were forwarded) for any digits dialed, pulsed, signaled or accessed by voice activation from the target telephone number as well as the automatic number identification (ANI) and/or the electronic serial number (ESN)/international mobile subscriber identification (IMSI), mobile equipment identifier (MEID) and/or subscriber identification module (SIM), and any other telephone number associated with that ESN/IMSI/MEID/SIM, and cell site tower information that exists for the above-referenced target cellular telephone numbers.
9. That the NCDTF will compensate the wire, cellular, or electronic communication service provider of the above referenced target cellular telephone number for expenses reasonably incurred in complying with this order.
10. That **Verizon Wireless,** and/or any other electronic communication provider who captures pen register/trap and trace data during the time-period defined within this order, shall provide the results of the pen register/trap and trace to the NCDTF for the duration of the order. These results shall include subscriber information, including name and mailing address for associated cellular telephones having communication with the target cellular telephone number.
11. That the pen register/trap and trace shall be restricted to tracing and recording those incoming calls that either originate or terminate within the United States.
12. That the above referenced target cellular telephone device remain active and in service, if the cellular telephone device has been targeted for deactivation due to non-payment or breach of contract, and that the NCDTF will incur the future billing costs at the point of deactivation and compensate the wireless carrier for such additional billing costs from the date of deactivation and continuing through the time authorized by this Order.
13. That the authorization given is intended to apply not only to the target cellular telephone number listed above, but to any changed telephone number(s) subsequently assigned to the target telephone device, or any subsequent ESN/IMSI/IMEI/SIM associated with the target telephone device (provided the subscriber is the same), within the authorized period.
14. That this Affidavit, any Order granting a Search Warrant, and all records related to this Order be sealed until the completion of the law enforcement criminal investigation.
15. That **Verizon Wireless,** and any other provider of wire, cellular, or electronic communications service, to include local or long distance telephone service, SHALL NOT disclose the existence, either directly or on the subscriber's bill, of the pen register/trap and trace, the caller identification, or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the Court.
16. That the notification of this Search Warrant be delayed until the completion of the law enforcement criminal investigation.
17. All records shall be produced to:

**Investigator Bryan Heaton**

 **Northern Colorado Drug Task Force**

 **200 N 11th St**

**WIndsor, CO 80550**

**Phone: 970-674-6400**

**Fax: 970-221-6639**

**bheaton@windsorgov.com**

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_am/pm.

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

Judge/Magistrate