**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Data Search: Cellphone(s), DVR, Hard Drive(s), Vehicle BlackBox, etc.**

**APPLICATION/AFFIDAVIT**

I, Click or tap here to enter text.am the affiant/declarant in this matter. I declare, under penalty of perjury, that all information in this application is true, to the best of my knowledge. Unless otherwise indicated, information obtained from any other identified individual, or entity, is believed by me to be true. Based upon this information, I apply for the issuance of a search warrant because I believe that I have probable cause to search the person, location, entity or thing listed herein, and seize the items listed herein, pursuant to Penal Code 1524, as indicated below, and I also swear, declare and attest that nothing sought in this application pertains to an investigation into a “prohibited violation” as that term is defined in Penal Code section 629.51

Click or tap here to enter text. Click or tap to enter a date. Click or tap here to enter text.

 (Affiant/Declarant signature) (date) (Violation(s) suspected)

[ ]  The property or things were used as the means of committing a felony. [PC 1524(a)(2)]

[ ]  The property or things are in the possession of any person with the intent to use them as a means of committing a public offense, or in the possession of another to whom that person may have delivered them for the purpose of concealing them or preventing them from being discovered. [PC 1524(a)(3)]

[ ]  The property or things to be seized consist of any item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony. [PC 1524(a)(4)]

[ ]  The property or things to be seized consist of evidence that tends to show that sexual exploitation of a child, in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under 18 years of age, in violation of Section 311.11, has occurred or is occurring. [PC 1524(a)(5)]

[ ]  There is a warrant to arrest a person. [PC 1524(a)(6)]

 [ ]  The provider of electronic communication service or remote computing service has records or evidence, as specified in Section 1524.3, showing that property was stolen or embezzled constituting a misdemeanor, or that property or things are in the possession of any person with the intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom that person may have delivered them for the purpose of concealing them or preventing their discovery. [PC 1524(a)(7)]

[ ]  The property or things to be seized include an item or any evidence that tends to show a violation of Section 3700.5 of the Labor Code or tends to show that a particular person has violated Section 3700.5 of the Labor Code. [PC 1524(a)(8)]

[ ]  The property or things to be seized are data, from a recording device installed by the manufacturer of a motor vehicle, that constitutes evidence that tends to show the commission of a felony or misdemeanor offense involving a motor vehicle, resulting in death or serious bodily injury to any person. [PC 1524(a)(19)]

[ ]  Click or tap here to enter text.

I also request the following orders based on the information contained herein:

[ ]  **Evidence Code 1040 Sealing Order** [ ]  **Delay Return until 10 days after Receipt of Data** [ ]  **Evidence Code 1041 (*Hobbs*) Sealing Order** [ ]  **Non-disclosure and 90 day Delay of Notification by Service Provider** [ ]  **Immediate compliance** [ ]  **90 day notification delay by government agency** [ ]  **Night Service approved** [ ]  **Seal all documents until Gov’t Code 7923.615 disclosure is required**

**SEARCH WARRANT**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

The People of the State of California to any Law Enforcement Officer in the County of Los Angeles, designated as a PEACE OFFICER by PC 830 et seq., and who has qualified pursuant to PC 832:

Proof, by the affidavit contained within the incorporated application; that there is Probable Cause to believe that the items described herein may be found at the location set forth herein, I find that it is seizable pursuant to PC 1524, and THEREFORE:

YOU are COMMANDED to SEARCH the Service Provider, device, location, person, entity, or thing as set forth herein, for the property, data or things as set forth herein, and to SEIZE those things, and retain those things in your custody, subject to further orders of the court as set forth in Penal Code section 1536.

This Search Warrant, which incorporates by reference, all included/attached documents, was submitted to me and I find Probable Cause to issue, and I do issue, this Search Warrant, and I make the additional orders listed below. If not set forth below, the time and date of issuance shall be the timestamp for the document as posted to the online portal or emailed to the applicant.

All references to “PC” or “EC” are references to the California Penal Code or California Evidence Code, respectively.

The “Service Provider” [as that term is described in PC 1546 (j)] includes all cellphone carriers, websites, social media sites, email service providers, remote computing services, and all other entities providing electronic communications or electronic storage.

Pursuant to Penal Code sections 1524.3 (c) and 1546.1 (d)(2), any information obtained through the execution of this warrant that is unrelated to its objective shall be sealed and shall not be subject to further review, use, or disclosure except pursuant to a court order or to comply with discovery as required by PC 1054.1 and 1054.7.

If the Peace Officer executing the warrant is present, including virtually or online, and is being **assisted** by other persons, as provided by **PC 1530**, the service provider shall provide the information sought in this warrant to the assisting agency or person(s).

I also GRANT the following check-marked COURT ORDERS. Any Order that is NOT checked is Denied at this time.

“Sealed Portion” is ordered Sealed [ ]  **EC 1040** (and/or) [ ]  **EC 1041** (*Hobbs*). [ ] Warrant may be served anytime, **day or night**.

[ ] The **Service Provider** and employees shall **NOT notify** the subscriber or disclose any information about this warrant to the subscriber or any other person, other than to those necessary to comply with this warrant, for **90 days**.

[ ]  **Peace Officers** executing this warrant may **delay** PC 1546.2 **notification** to the identified target(s) for **90 days**.

[ ] Immediate compliance is required. [ ]  Return shall be within 10 days of receipt of data or information.

[ ] All information in this Application, the Warrant, and Return is ordered **SEALED** until Gov’t Code 7923.615 disclosure is required.

Click or tap here to enter text. \_\_\_\_\_\_ Click or tap here to enter text. Date and time issued Signature and Printed Name of Judge

Judge of the Superior Court of Los Angeles County

ADDITIONAL REQUESTS

[ ]  **I request night service based on** [ ]  **Service will be made by email, fax, online portal or other electronic methods, so no physical entry will be made; or based on the information from Page \_\_\_ Line \_\_\_ through and including Page \_\_\_ Line \_\_\_\_.**

[ ]  **I request that the information contained within the section identified as “Sealed Portion” and/or contained within Page \_\_\_\_ Line \_\_\_ through Page \_\_\_ Line \_\_\_\_ to be SEALED pursuant to Evidence Code Section** [ ]  **1041 (*Hobbs*) because the information would identify or tend to identify the confidential informant(s) and/or pursuant to Evidence Code section** [ ]  **1040 as “official information” based on the information contained within Page \_\_\_ Line \_\_\_ through Page \_\_\_\_ Line \_\_\_\_**

[ ]  **To preserve the integrity of the investigation, I request that all information in this Application, Warrant and the Return be SEALED until disclosure is required by Government Code 7923.615 or the arrest of the suspect(s), whichever is sooner.**

[ ]  **I request that the Service Provider, and employees thereof, be Ordered Not to Disclose any information about this search warrant to the subscriber, or any other person and to Delay other required Notification to the subscriber for 90 days due to the information contained within Page \_\_\_\_ Line \_\_\_\_\_ through Page \_\_\_\_ Line \_\_\_\_ .**

[ ]  **I request delayed PC 1546.2 Notification by Law Enforcement for the same reasons to delay notification by Service Provider.**

[ ]  **I request Immediate Compliance based on the information contained within Page \_\_\_\_\_ Line \_\_\_\_\_ through Page \_\_\_\_\_\_\_\_ Line \_\_\_ through Page \_\_\_\_ Line \_\_\_\_\_**

[ ]  **I request that the Return be Delayed until 10 days after receipt of the information based on the information contained within Page \_\_\_ Line \_\_\_ through Page \_\_\_ Line \_\_\_\_**

[ ]  **I have listed other requests on Appendix A.**

**SMARTPHONE PREVALENCE**

**In recent years, smartphones have been almost universally adopted by the American public, and as such it is rare to find a person who does not have a smartphone readily accessible.**

**As of 2021, according to a Pew Research survey, 85% of Americans possessed a smartphone. As such, a high probability exists that suspects in this case were in possession of smartphones. Historical location information can place a suspect at the scene of a crime, and text message contents frequently include evidence of motive, knowledge, complicity, and other incriminating information. Additionally, in some cases, such as assaults, victims know, and/or have had contact with, the perpetrator, so data from the victim’s phone or victim’s service provider may help identify the perpetrator.**

**As is now generally known, acquisition of cellphones without providing accurate subscriber identification is commonplace especially among outlaws. As such, information that identifies the method of payment to service providers, including bank account information, location of device purchase, etc. is necessary to properly identify the actual user of a device.**

**VEHICLE BLACK BOX**

**Some vehicles are equipped with a recording device that monitors speed, airbag deployment, and other items. Similar to airplane flight data recorders, commonly known as black boxes, this data can be useful in determining circumstances surrounding a collision, or other event, which may involve criminal conduct.**

**INTEGRITY OF AN INVESTIGATION**

**Information gathered in an investigation often needs to be temporarily withheld from the public to protect against false confessions, avoid flight from prosecution or creation of false evidence or alibis, and protect the safety of potential witnesses. Therefore, in addition to any other order to seal, if checked, I request that this document and the Return, be temporarily sealed and not made public until disclosure is required by Government Code section 7923.615 or Penal Code section 1546.2.**

**LOCATION, PERSON, ENTITY OR THING TO BE SEARCHED**

**[Identify who/what/where for the item]**

**[If this information needs to be confidential, state: “As set forth in the Statement of Probable Cause”]**

Click or tap here to enter text.

**FOR THE FOLLOWING PROPERTY:**

**[Provide a description]**

**[If this information needs to be confidential, state: “As set forth in the Statement of Probable Cause”]**

Click or tap here to enter text.

**Wiretap, Tracking and Pen Register, Trap and Trace Information**

**No order is being made in this warrant for the interception or monitoring, in real-time, of phone calls, other real-time aural transfers, or other real-time electronic communication contents, which requires a Chapter 1.4 (wiretap) order issued pursuant to Penal Code section 629.50 *et seq*.**

**No order is being made in this warrant for real-time tracking information, which requires a search warrant issued pursuant to Penal Code section 1524(a)(12).**

**No order is being made in this warrant for pen register, trap and trace information, which requires Chapter 1.5 orders issued pursuant to Penal Code section 638.52.**

**This does not preclude or excuse compliance with any other court order authorizing wiretap, real-time tracking, or pen register, trap and trace information.**

**ORDERS TO SERVICE PROVIDERS**

**All check-marked items listed below are GRANTED unless the Magistrate uses a strikethrough, Xs out, or superimposes the word “DENIED” over the specific request.**

**[Note to requesting Peace Officers: Checkmark with [x]  each item requested]**

[ ]  **All device and data, including historical location information with time and date information, contents of all communications including deleted items if recoverable, and photos and images.**

[ ]  **All Call Detail Records, including historical location information with time and date information, contents of all communications including deleted items if recoverable, and photos and images, payment records and methods of payments along with account numbers, IMEI and/or other device identification.**

[ ]  **All videos, still photos, audio recordings, and similar data, including time-stamp information, for the following dates** Click or tap here to enter text. **through** Click or tap here to enter text. **inclusive.**

[ ]  **All data from the vehicle recording device (aka Black Box) including all location data for the following dates** Click or tap here to enter text. **through** Click or tap here to enter text. **inclusive.**

[ ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SYNOPSIS**

**Appendix A**

**AFFIANT’S EXPERTISE**

**STATEMENT OF PROBABLE CAUSE**