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

**Data in Possession of a Service Provider or other Third Party**

**SEARCH WARRANT APPLICATION**

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. 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.

[ ]  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.

[ ]  The property or things to be seized consist of an item or constitute evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

[ ]  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.

[ ]  There is a warrant to arrest a person.

 [ ]  A 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.

[ ]  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 Labor Code Section 3700.5.

[ ]  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.

Unless expressly ordered otherwise within this Search Warrant, all parties, entities, and “service providers” shall comply with, and are subject to, Penal Code sections 1524 *et seq*.; and 1546 et *seq*.

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 (and) 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, no physical entry will be made; or based on the information within Page \_\_\_\_ Line \_\_\_\_ through 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 occurs first.**

[ ]  **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 the suspect(s) 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 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.**

**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.**

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

**[Identify the specific Service Provider, if known, or simply state: “Service Provider identified in the Statement of Probable Cause”]**

**FOR THE FOLLOWING PROPERTY (TARGET PHONE NUMBERS):**

**XXX-XXX-XXXX [or simply identify it as Target Phone Number or Target Data and provide the number, or a more detailed identification, in the Statement of Probable Cause]**

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

**Wiretaps, Tracking and Pen, Trap and Trace information**

**Nothing in this warrant should be construed as ordering the real-time interception, or monitoring of, phone calls, or other aural transfers, or electronic communications, which requires a Chapter 1.4 (wiretap) order issued pursuant to Penal Code section 629.50 *et seq*.**

**Nothing in this warrant should be construed as ordering, real-time tracking information, which requires a search warrant issued pursuant to Penal Code section 1524(a)(12).**

**Nothing in this warrant should be construed as ordering, 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, and Service Provider is ordered to provide the information and data referenced, unless the Magistrate uses a strikethrough, Xs out, or superimposes the word “DENIED” over the specific request.**

The following information and services shall be provided within 24 hours of request for the time period

**INSERT BEGINNING DATE to ENDING DATE, inclusive** :

* [ ] Subscriber/Registration/Account Information, to include: Name, address, date of birth, driver’s license number, employment information, social security number and any other identifying customer information, activation/suspension dates, billing information, payment method (to include any credit card and/or bank account numbers), account notes, additional Phone numbers/persons listed on the account, make/model of handset, **information as to where the target Phone was purchased, the pin number, unlock code or key,** Electronic Serial Number (ESN), International Mobile Equipment Identifier (IMEI), International Mobile Subscriber Identity (IMSI), Mobile Station Identifier (MSID), Mobile Identification Number (MIN), and Mobile Equipment Identifier (MEID). Additionally, if the Target Phone Number(s) is a “Pre-Paid” account, Service Provider shall supply information as to the amount of minutes remaining on the account and most recent date any money, including the amount, was credited to the account.
* **INSERT BEGINNING DATE to ENDING DATE, inclusive, is the timeframe for the items below**:

[ ]  **All stored communications, including contents, transmitted by any electronic technology including voicemail, SMS, MMS, RCS, email, images, photos, and any other methods.**

[ ]  **All Historical location information, including Timing Advance Data, phone logs, calendar entries, contacts, and the time and dates of any period when the target device is off (if ascertainable).**

The information and services ordered by this Search Warrant, not only applies to the original Target Phone Number(s), but also includes any Phone number(s) currently and/or subsequently assigned to the same handset, SIM card, and/or subscriber. Additionally, the information and services requested in this Search Warrant not only applies to Service Provider, but to any other telecommunications carrier that provides service to the Target Phone Number(s) due to roaming agreements and/or changes in service.

Call Detail Records with Stored Cell Site Location for the cellular device to include any related wearables and paired devices, to include: Originating date and time and ending date and time of cell site/sector, beginning and ending location for each call, Location Area Code (LAC), Cellular Identification (CID), voice over LTE (VOLTE) call detail records, VOIP call detail records, Per Call Measurement Data (PCMD), Range To Tower (RTT-EVDO) Data, Timing Advance Data, Network Event Location System (NELOS) switch information, LOCDBOR, latitude, longitude, orientation, sector, azimuth, beam width, direction and strength of signal from the cellular tower.

The Call Detail Records shall include all inbound and outbound calls, direct dispatched number(s), whether published or non-published, blocked or un-blocked, cell sites which have been accessed**, text and data content stored on the server,** historical GPS with latitude and longitude coordinates, IP address login information for data sessions and Source and Destination Port Information for those logins, to include cell site/sectors (physical address), orientation, facing, offsets, and period of Phone activation and or registration for the Target Phone(s). The records are requested in Pacific Standard Time (PST), **records to set the Universal Time Code (UTC) to Pacific Standard Time which could be -7 UTC or -8 UTC based on the current daylight savings time, and a “cheat sheet” explaining how to decipher said documents.**

The Service Provider shall notify the requesting agency of changes to the Target Phone Number(s) and/or the account associated with the Target Phone Number(s) for the timeframe covered by this Search Warrant.

The Service Provider is ordered to keep the Target Phone Number(s) account active during the time period covered by this Search Warrant even if it has been scheduled for deactivation due to non-payment or breach of contract. The law enforcement agency executing the Search Warrant will incur future reasonable billing costs at the point of deactivation and compensate Service Provider for such additional billing costs from the date of deactivation and continuing through the time authorized by this Search Warrant.

[ ] Regarding Third Party Information, IT IS ORDERED that any and all telecommunication carriers subject to regulation by the Federal Communications Commission (FCC) to provide telecommunications services within the USA as listed on an ongoing basis under FCC Form 499-A and/or any other entity described in CA Penal Code section 1546(j), shall provide, within 24 hours, the following information for any incoming/outgoing numbers dialed or captured from the Target Phone Number(s) and/or any other identifying numbers relevant to this ongoing investigation, including: Phone numbers, Electronic Serial Numbers (ESN), Mobile Identification Numbers (MIN), Mobile Station Identity (MSID), International Mobile Subscriber Identity (IMSI), and International Equipment Identity (IMEI) numbers, for the time period of **INSERT BEGINNING DATE to ENDING DATE, inclusive**:

* [ ] Subscriber/Registration/Account Information, to include: Name, address, date of birth, driver’s license number, employment information, social security number and any other identifying customer information, activation/suspension dates, billing information, payment method (to include any credit card and/or bank account numbers), account notes, additional Phone numbers/persons listed on the account, make/model of phone, Electronic Serial Number (ESN), International Mobile Equipment Identifier (IMEI), International Mobile Subscriber Identity (IMSI), Mobile Station Identifier (MSID), Mobile Identification Number (MIN), and Mobile Equipment Identifier (MEID).
* [ ] All IP addresses identified pursuant to the proposed order which have accessed the TARGET account through a valid login, the following subscriber records and transactional information: Name(s); Address(es); Connection records, including records of session times and durations; Duration of service (including registration information) and types of service utilized; Instrument number or other subscriber number or identity, including any temporarily assigned network address & any other instrument or subscriber number or identity associated with the same account.

[ ]  **IT IS FURTHER ORDERED, that the Service Provider(s) shall execute/provision the Target Phone(s) “Forthwith” and begin sending/providing the requesting agency the information authorized pursuant to this Search Warrant, upon receiving this Order, regardless of the time of day or night.**

[ ]  **NON-DISCLOSURE ORDER / DELAYED NOTICE OF SERVICE OF WARRANT (Pursuant to Penal Code 1546.2): IT IS HEREBY ORDERED that Service Providers named in this warrant and any other service provider to whom this order is served upon, including any of their representatives, agents and employees, shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of this Search Warrant or the existence of this investigation to the subscriber(s) of the Target Phone Number(s) or the subscriber(s) of the incoming calls to or outgoing calls from the Target Phone Number(s), except to personnel necessary to comply with this warrant, nor are law enforcement officers required to serve a copy of this warrant or notify the person who was tracked or whose property was tracked for a period of 90 days pending further order of this Court as doing so would cause serious jeopardy to an investigation. Such disclosure would give that person an opportunity to destroy evidence, change patterns of behavior, notify coconspirators, or flee from apprehension and prosecution.**

[ ]  **IT IS FURTHER ORDERED, that, pursuant to Penal Code § 1546.1 (d) (3), all service providers that produce information pursuant to this Search Warrant provide an affidavit that verifies the authenticity of the information. The affidavit shall comply with Penal Code § 1561 and state the authority to certify the records, that the records are true and accurate, and were prepared during the normal course of business. Additionally, it is requested that any digital archive be accompanied by a “hash” (Secure Hash Algorithm) of the file(s) where possible, to further authenticate these records.**[**”Where”**](file:///C%3A%5CUsers%5Ccmeyer.COANAHEIM_PD%5CDesktop%5C____SW%20INDEX%20MANUAL.doc#Where)**”Where”**

**SYNOPSIS**

**APPENDIX A**

[ ]  **No information or special requests are being submitted in this Appendix.**

[ ]  **The following information or special request are being submitted:**

**AFFIANT’S EXPERTISE**

**STATEMENT OF PROBABLE CAUSE**