# **IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT**

# **IN AND FOR COUNTY COUNTY, FLORIDA**

# CRIMINAL DIVISION

IN RE: INVESTIGATION AGENCY CR: 00-00-000000 (OFFENSE)

**APPLICATION FOR AN ORDER, WARRANT AUTHORIZING CINGULAR WIRELESS, VERIZON WIRELESS, T-MOBILE, AT&T WIRELESS, BELL SOUTH, ALLTELL, CENTURYTEL, SPRINT, NEXTEL, METRO PCS AND ANY OTHER SERVICE PROVIDER OF ELECTRONIC OR WIRE COMMUNICATIONS SERVICE TO PROVIDE HISTORICAL CELL TOWER RECORDS (CELL DUMP)**

Comes now YOUR RANK YOUR NAME, a sworn officer of the YOUR AGENCY and applies to this Court for an order Authorizing CINGULAR WIRELESS, VERIZON WIRELESS, T-MOBILE, AT&T WIRELESS, BELL SOUTH, ALLTELL, CENTURYTEL, SPRINT, NEXTEL, METRO PCS AND ANY OTHER SERVICE PROVIDER OF ELECTRONIC OR WIRE COMMUNICATIONS SERVICE to provide investigators of the YOUR AGENCY Historical Cell Tower Records on the following grounds:

Your Affiant, YOUR RANK YOUR NAME (hereinafter referred to as YA), is a duly sworn law enforcement officer employed by the AGENCY and has been since HIRE DATE. YA successfully completed Basic Law Enforcement Training at ACADEMY YOU ATTENDED in CITY WHERE YOU ATTENDED, COUNTY WHERE YOU ATTENDED County, Florida. YA served as SUMMARIZE YOUR LEO WORK EXPERIENCE. YA has attended SUMMARIZE SPECIAL TRAINING & LEO CLASSES INCLUDING APPROXIMATE DATES OF COMPLETION. By HIS/HER training and experience, SUMMARIZE SPECIAL QUALIFICIATIONS BASED ON ABOVE TRAINING – IE, FAMILIARITY WITH CONTROLLED SUBSTANCES, KNOWLEDGE OF CHILD PORNGRAPHY, ETC. YA is currently assigned to CURRENT ASSIGNMENT and has been assigned to investigate various criminal offenses to include, but not limited to, YOUR CASE LOAD since MONTH, YEAR YOUR CURRENT ASSIGNMENT BEGAN.

The YOUR AGENCY has an ongoing criminal investigation that may involve suspect(s) utilizing cellular telephone technology. It is hereby stated that the information likely to be obtained is relevant to an ongoing investigation of WHO IS BEING INVESTIGATED by the YOUR AGENCY, for CHARGE BEING INVESTIGATED, case report number 00-00-000000, which occurred at LOCATION OF OFFENSE, CITY OF OFFENSE, COUNTY County, Florida. The following sets out specific and articulable facts describing why the records are relevant and material to an ongoing police investigation,

NARRATIVE OF YOUR INVESTIGATION HERE

As the U.S. Supreme Court stated in Carpenter v. U.S., 138 S.Ct. 2206 (2018), 2018 WL 303916,

Cell phones continuously scan their environment looking for the best signal, which generally comes from the closest cell site. Most modern devices, such as smartphones, tap into the wireless network several times a minute whenever their signal is on, even if the owner is not using one of the phone's features. Each time the phone connects to a cell site, it generates a time-stamped record known as cell-site location information (CSLI). The precision of this information depends on the size of the geographic area covered by the cell site. The greater the concentration of cell sites, the smaller the coverage area. As data usage from cell phones has increased, wireless carriers have installed more cell sites to handle the traffic. That has led to increasingly compact coverage areas, especially in urban areas.

Wireless carriers collect and store CSLI for their own business purposes, including finding weak spots in their network and applying “roaming” charges when another carrier routes data through their cell sites. In addition, wireless carriers often sell aggregated location records to data brokers, without individual identifying information of the sort at issue here. While carriers have long retained CSLI for the start and end of incoming calls, in recent years phone companies have also collected location information from the transmission of text messages and routine data connections. Accordingly, modern cell phones generate increasingly vast amounts of increasingly precise CSLI.

The U.S. Supreme Court further found in Carpenter that, “a cell phone—almost a ‘feature of human anatomy,’ [Riley, 573 U.S., at ––––, 134 S.Ct., at 2484](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=2033666953&pubNum=0000708&originatingDoc=Iebe9c7e2761f11e89d59c04243316042&refType=RP&fi=co_pp_sp_708_2484&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)#co_pp_sp_708_2484)—tracks nearly exactly the movements of its owner. While individuals regularly leave their vehicles, they compulsively carry cell phones with them all the time.” Carpenter v. U.S., 138 S.Ct. 2206 (2018), 2018 WL 303916.

Based on the circumstances of this incident, there is probable cause to believe SUSPECT(S) were in possession of a cell phone that interacted with a cell tower near LOCATION OF OFFENSE, to prepare, to stage at this location in preparation for, or in commission of, the above mentioned crime. A reasonable conclusion is that SUSPECT(S) communicated AMONGST THEMSELVES/WITH… using cellular telephones prior to, during, and/or after the incident.

The records will also identify contact information for other persons in the area.

|  |
| --- |
| Since cellular phone providers commonly and routinely purge their network of older or historical cell tower call activity, YA is requesting all cellular traffic that occurred on all cell towers within range of LOCATION OF INCICENT INCLUDING CITY AND COUNTY County, Florida so this vital information can be preserved. It is believed that the information received from this request may assist Law Enforcement in the investigation of this OFFENSE by identifying numbers of possible witnesses or suspect(s) who might have utilized their phones at the time of the above-mentioned crimes. YA’s training and experience is that cell phones are common place in today’s society and most people have and use them routinely during the course of a day. YA’s training and experience also leads YA to believe that individuals who commit crimes also often use cell phones to facilitate the commission of crimes, including OFFENSE. |

It is requested that this Court order CINGULAR WIRELESS, VERIZON WIRELESS, T-MOBILE, AT&T WIRELESS, BELL SOUTH, ALLTELL, CENTURYTEL, SPRINT, NEXTEL, METRO PCS AND ANY OTHER SERVICE PROVIDER OF ELECTRONIC OR WIRE COMMUNICATIONS SERVICE to provide Cell Tower Records to the YOUR AGENCY for all cell tower activity that occurred at or near **INCIDENT LOCATION INCLUDING CITY AND COUNTY County, Florida** on and between **DATE AND TIME FRAMES YOU ARE INVESTIGATING.**

Bills for costs incurred, if any, in the production of any documents pursuant to the above Subpoena Duces Tecum should be directed to the YOUR AGENCY.

 It is YA’s belief that obtaining the Cell Tower Records will assist in either locating possible suspect(s), witnesses, or verifying witness statements. YA further requests that the order and this application be sealed to protect this on-going investigation.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_YOUR RANK YOUR NAME

 YOUR AGENCY

 Sworn to and subscribed before me this \_\_\_\_ day of MONTH, 20\_\_.

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

 ATTORNEY NAME

Assistant State Attorney

 Florida Bar #\_\_\_\_\_\_\_\_\_

 120 W. University Avenue

 Gainesville, FL 32601

 (352) 374-3670

# **IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT**

# **IN AND FOR COUNTY COUNTY, FLORIDA,**

# CRIMINAL DIVISION

## IN RE: INVESTIGATION AGENCY CR: 00-00-000000 (OFFENSE)

## **ORDER / WARRANT FOR PRODUCTION OF RECORDS**

**This order, warrant is issued pursuant to Florida Statute s. 92.605. A response is due within 20 business days of receipt of this order, warrant unless a longer time period is stated herein.**

This matter having come before the Court pursuant to the sworn application of YOUR RANK YOUR NAME of the YOUR AGENCY, which application requested that an Order / Warrant be issued authorizing CINGULAR WIRELESS, VERIZON WIRELESS, T-MOBILE, AT&T WIRELESS, BELL SOUTH, ALLTELL, CENTURYTEL, SPRINT, NEXTEL, METRO PCS AND ANY OTHER SERVICE PROVIDER OF ELECTRONIC OR WIRE COMMUNICATIONS SERVICE to provide Cell Tower Records to investigators with the YOUR AGENCY for any/all cell tower activity that occurred at or near INCIDENT LOCATION INCLUDING CITY & COUNTY **County, Florida on and between DATE & TIME FRAMES BEING INVESTIGATED**, and probable cause being stated that the records / information will lead to identifying the person(s) committing the felony offense**.**

 This Court, having found that there is probable cause based on specific and articulable facts that the information likely to be obtained will be relevant to an ongoing investigation related to the offense of OFFENSE, and this Court having found probable cause that there is a connection between the aforementioned offense and the Cell Tower Records to be provided to the YOUR AGENCY for any/all cell tower activity that occurred at or near INCIDENT LOCATION INCLUDING CITY AND COUNTY **County, Florida on and between DATE & TIME FRAMES BEING INVESTIGATED.**

 **ORDERED AND ADJUDGED** that CINGULAR WIRELESS, VERIZON WIRELESS, T-MOBILE, AT&T WIRELESS, BELL SOUTH, ALLTELL, CENTURYTEL, SPRINT, NEXTEL, METRO PCS AND ANY OTHER SERVICE PROVIDER OF ELECTRONIC OR WIRE COMMUNICATIONS SERVICE shall produce the requested Cell Tower Records to investigators with the YOUR AGENCY for all cell tower activity that occurred at or near **INCIDENT LOCATION INCLUDING CITY AND COUNTY County, Florida on and between DATE & TIME FRAMES UNDER INVESTIGATION.**

The records should be delivered in an electronic format, (i.e. TXT etc.) to YOUR RANK YOUR NAME.

And this you shall not wise omit:

NOTE: IN LIEU OF APPEARANCE RECORDS CAN BE GIVEN TO YOUR RANK YOUR NAME, YOUR AGENCY, AGENCY MAILING ADDRESS, Email Address YOUR EMAIL ADDRESS. TELEPHONE YOUR PHONE #, FAX NUMBER YOUR FAX #.

 **It is further Ordered** that CINGULAR WIRELESS, VERIZON WIRELESS, T-MOBILE, AT&T WIRELESS, BELL SOUTH, ALLTELL, CENTURYTEL, SPRINT, NEXTEL, METRO PCS AND ANY OTHER SERVICE PROVIDER OF ELECTRONIC OR WIRE COMMUNICATIONS SERVICE shall not disclose the existence of this request, as it may interfere with the ongoing criminal investigation. Any reasonable costs incurred due to compliance with this Order shall be billed to and paid by the YOUR AGENCY.

This Order and the related Application are SEALED pending further court order, with the exception of such disclosure as required to comply with this Order.

 **DONE AND ORDERED** in Chambers at COUNTY County, Florida, this \_\_\_ day of MONTH, 20\_\_.

 CIRCUIT JUDGE

BUSINESS RECORD CERTIFICATION

Pursuant to Sections 90.803(6) and 90.902(11), Florida Statutes

1. I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ am currently employed with:

 (Print name of affiant)

 Business Name:

 Business Address:

1. I am a custodian of records maintained by our business.
2. The attached record(s) are either originals or duplicate copies described as: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. The attached record(s) were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters.
4. The attached record(s) were kept in the course of the regularly conducted activity of our business.
5. The attached records(s) were made as a regular practice in the course of the regularly conducted activity of our business.
6. I am aware that falsely making this Certification or Declaration would subject me to criminal penalty under the laws of the foreign or domestic location in which this certification or declaration was signed.
7. I have signed this Certificate under oath.

 I do hereby swear or affirm that this certification and the attached records are true and accurate.

 (Affiant Signature)

 BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who was duly sworn under oath and who did sign the above Certification on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The affiant is

\_\_\_\_\_ personally known to me or

\_\_\_\_\_ has presented \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as identification.

NOTARY PUBLIC (print name) NOTARY PUBLIC (sign name)

 My Commission Expires: \_\_\_\_\_\_\_\_\_