                 IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

                                IN AND FOR COUNTY COUNTY, FLORIDA

IN RE: CRIMINAL INVESTIGATION AGENCY CR #: 00-00-000000

STATE OF FLORIDA

vs.

SUSPECT(S),

DEFENDANT

**APPLICATION FOR ORDER PRECLUDING SUBSCRIBER NOTIFICATION**

Subpoena Duces Tecum requested by:

Name: YOUR RANK YOUR NAME

Address: AGENCY ADDRESS

City: AGENCY CITY

State: Florida Zip: AGENCY ZIP CODE

Email: YOUR EMAIL ADDRESS

Phone: YOUR PHONE # Fax: YOUR FAX #

Date of Subpoena Duces Tecum: DATE SDT WAS SUBMITTED/SIGNED

Subpoena Duces Tecum issued to:

Name: COMPANY SERVED WITH WARRANT

Address: COMPANY ADDRESS, COMP CITY, COMP STATE COMP ZIP

Case Number: YOUR AGENCY CR # 00-00-000000

Type of Offense: CHARGES

Location of Offense: OFFENSE CITY, Florida

Comes now affiant, YOUR RANK YOUR NAME, who is a sworn officer with the YOUR AGENCY and applies to this Court for an Order Precluding Notification of the Subscriber/Account Holder, pursuant to F.S. §934.43, §934.23(4)(c) and 18 U.S.C. 2705(b). In support of this application, your Affiant submits the following probable cause basis:

Your affiant has an ongoing criminal investigation whose target is SUSPECT(S), who is under investigation in COUNTY County for CHARGES.

It is hereby certified that the information likely to be obtained pursuant to the Subpoena Duces Tecum is relevant to an ongoing criminal investigation being conducted by the YOUR AGENCY. This application is made pursuant to Sections 934.23, including 934.23(4)(b), 934.31-.34 and 934.42, Florida Statutes; Shaktman v. State, 553 So.2d 148 (Fla. 1989), and other relevant legal provisions, and is consistent with Title 18, United States Code, §§ 3121-3127 and 2703(c)(1)(A), and U. S. v. Davis, F.3d.

Your affiant certifies that there is a clear connection between criminal activity and the person whose account is noted herein and whose privacy would be invaded. It is further certified, as set forth in the Subpoena Duces Tecum attached hereto, and specifically incorporated herein as Exhibit A, that there is probable cause, based on specific and articulable facts, that the targeted account contains evidence relevant to a felony crime. There is probable cause that the targeted account is being used for, or in connection with a criminal purpose, or that the ability to determine exact location(s) of said Account Holder would facilitate the herein noted criminal investigation.

It is requested COMPANY RECEIVING SUBPOENA DUCES TECUM, be ordered, pursuant to §934.43 Florida Statutes, not to disclose the existence of this Subpoena Duces Tecum or this investigation to the holder or user of the account identified herein, or to any other person, for a 90 day period or until otherwise ordered by the Court.

It is further requested that this Application, Exhibit A, any associated documents and the related Warrant(s) be sealed until otherwise ordered by the Court.

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

YOUR RANK YOUR NAME, Affiant

YOUR AGENCY

STATE OF FLORIDA

COUNTY OF ALACHUA

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared **YOUR NAME** who, being by me first duly sworn, deposes and says that HE/SHE (YOU) is a sworn law enforcement officer with the YOUR AGENCY and that, as such, HE/SHE (YOU) is authorized to execute and has executed the above Application; and that HE/SHE (YOU) has read the allegations therein contained and the same are true and correct. Further affiant sayeth not.

STATE OF FLORIDA, COUNTY OF COUNTY,

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

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

Notary or Assistant State Attorney

Reviewed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ATTORNEY NAME, Assistant State Attorney

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

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Type of Offense: CHARGES

Location of Offense: OFFENSE CITY, Florida

WHEREAS, YOUR RANK YOUR NAME, as a law enforcement officer for YOUR AGENCY, County of COUNTY, State of Florida, has this day submitted to me an Application for an Order Precluding Subscriber Notification Pursuant to F.S. §934.43, §934.23(4)(c) and 18 U.S.C. 2705(b). After reviewing this Application, this Court finds as follows:

That a lawful Subpoena Duces Tecum has been issued by the Office of the State Attorney for the 8th Judicial Circuit to COMPANY RECEIVING SUBPOENA DUCES TECUM commanding production of Records concerning the identity of the user with the associated email address to include name, address, e-mail address, date of account creation, IP address at account sign-up, logs showing IP address and date stamps for account accesses, the contents of private messages in the user’s inbox, sent mail and trash folders, stored user files to include photos and videos, blog content, and names and profile information for individual with whom the subject is “Friends.”

1. That the subpoena duces tecum requesting these records is hereby incorporated by reference to this order and attached to this order.
2. That notification to the subscriber of the issuance of this subpoena will likely result in the destruction of or tampering with evidence.
3. Pursuant to Florida Statute §934.43, you are not to disclose the existence of this summons for 90 days. Any prior disclosure will impede this investigation and thereby interfere with the enforcement of the law.

WHEREFORE, pursuant to F.S. 934.43, 934.23(4)(c), and 18 U.S.C. 2705(b), this Court Orders that COMPANY RECEIVING SUBPOENA DUCES TECUM, shall be precluded from notifying subscriber ACCOUNT HOLDER of the existence of the subpoena requesting records related to this account for a period of 90 days from the issuance of this order.

ISSUED THIS \_\_\_\_ day of MONTH, 20\_\_.

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

CIRCUIT COURT JUDGE

cc: ATTORNEY NAME

Assistant State Attorney