

**IN THE DISTRICT COURT OF LANCASTER COUNTY,
NEBRASKA**

IN THE MATTER OF THE)	
APPLICATION OF THE STATE)	
OF NEBRASKA FOR AN ORDER)	APPLICATION AND
AUTHORIZING THE RELEASE OF)	AFFADAVIT
CELLULAR RECORDS WITH SUBSCRIBER)	
INFORMATION AND PRECISION)	
LOCATION)	

COMES NOW, <INSERT NAME> and being first duly sworn, deposes and states as follows:

That I am an Investigator with the Lincoln Police Department, which is a "law enforcement officer" within the meaning of Neb. Rev. Stat. Section 86-281. The Lincoln Police Department, Lincoln, Nebraska a law enforcement agency in a municipal corporation, established under the authority of Chapter 15 of the Nebraska Revised Statutes with rights and powers of a local government entity and as such, may obtain a court order pursuant to Neb. Rev. Stat., Section 86-2,106 (3) (a) (ii) and (b) and (4), directing a provider of electronic communications service to furnish all cellular phone records and other information; including subscriber information, GPS, precision location, and/or lat/long coordinates for the listed phone numbers. Your affiant is requesting <INSERT PROVIDER> to furnish such cellular phone records and other information to the Lincoln Police Department, through <INSERT NAME> and/or his/her designee(s), as soon as practical and at reasonable interval(s) during regular business hours, or, during non-business hours during emergency/exigent situation(s), for the duration of an order.

I.

The utility is <INSERT CARRIER>; a cellular provider.

II.

The cellular telephone number is **<INSERT CELLULAR TELEPHONE NUMBER>**.

III.

The location of the cellular telephone instrument is unknown

IV.

The release of said cellular phone records, technical information, and technical assistance; are material and relevant to a legitimate law enforcement inquiry into a criminal offense. In support of this application and affidavit your affiant offers the following:

<INSERT FACTS>

As a result, investigators have requested an Order to continue investigation into the current whereabouts of the noted suspect phone, as well as, the subscriber records, and/or other account information which may aid in identifying the approximate current whereabouts of the phone. Obtaining this information will also aid in identifying and/or locating the subscriber's current whereabouts and/or further relevant information.

Applicant informs the court that the GPS/Precision Location information requested is Global Positioning System information that, by use of satellite signals and/or cellular telephone towers, is capable of monitoring the movements and determining the current location of a cellular phone. Your applicant further informs the court that the information requested is incapable of receiving, monitoring or transmitting speech. The GPS information falls within the definition set forth in 86-2,103(2).

Applicant further requests that the Order authorize law enforcement officers, in the event that the subject phone travels outside the jurisdiction of the court, be allowed to continue to use and monitor the subject phone in any jurisdiction if the phone was activated in the jurisdiction of this Court pursuant to Nebraska Revised Statutes, Section 86-2,103.

Applicant knows that **<INSERT CARRIER NAME>** has the ability to provide GPS information or precision location information for the majority of its cellular phones.

As a result of the foregoing, it is requested that all subscriber information and GPS, precision location information and/or/ latitude/longitude coordinates for the listed number for the

dates of <INSERT DATE> (or the beginning of the account/which ever is latest) through <INSERT TIME PERIOD> from the issuance of this order, as necessary and at the specific request(s) of investigators. This is requested because <TIME PERIOD> will allow law enforcement to fully develop and/or confirm investigative leads related to the investigation.

Applicant also requests that this order be applied retroactively as the carrier has already provided said information due to exigent or emergency circumstances and that this order will authorize the release of said information.

The content of any electronic communications device will not be requested.

WHEREFORE, PREMISES CONSIDERED, Your applicant respectfully requests that an order, consistent with this Application and subsequent technical wording of said order, be granted. As provided in Revised Statutes of Nebraska 86-2,106, (3) (b), no notification will be made to the account holder.

Further the AFFIANT saith not.

Dated this _____ day of _____, 2011

<INSERT OFFICER NAME>

Lincoln Police Department

SUBSCRIBED to in my presence and sworn to before me this _____ day of _____, 2011

Judge of the District Court of Lancaster County

**IN THE DISTRICT COURT OF LANCASTER COUNTY,
NEBRASKA**

IN THE MATTER OF THE)	
APPLICATION OF THE STATE)	
OF NEBRASKA FOR AN ORDER)	ORDER
AUTHORIZING THE RELEASE OF)	
CELLULAR RECORDS WITH SUBSCRIBER)	
INFORMATION AND PRECISION)	
LOCATION INFORMATION)	

The Court hereby finds as follows:

1. <INSERT NAME> is a "law enforcement officer" within the meaning of Neb. Rev. Stat. Section 86-281. The Lincoln Police Department, Lincoln, Nebraska a law enforcement agency in a municipal corporation, established under the authority of Chapter 15 of the Nebraska Revised Statutes with rights and powers of a local government entity and as such, may obtain a court order pursuant to Neb. Rev. Stat., Section 86-2,106 (3) (a) (ii) and (b) and (4), requiring a provider of electronic communications services to disclose a record or other information pertaining to a subscriber or customer of such service.
2. There is reason to believe the information obtained from cellular phone records; including subscriber information, GPS, precision location, and/or lat/long coordinates are relevant to a legitimate law enforcement inquiry into a criminal offense.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

THAT <INSERT PROVIDER NAME> is to furnish all cellular phone records and other information; including subscriber information, GPS, precision location, and/or lat/long coordinates for (XXX) XXX-XXXX from <DATE> through <TIME PERIOD> from issuance of this order and is ordered pursuant to Nebraska Revised Statute 86-2,106 not to disclose this investigation to the listed subscriber, or to any other persons, unless ordered by the Court.

This order shall be sealed until otherwise ordered by this Court.

Given under my hand this _____ day of _____, 2011

Judge of the District Court
Lancaster County

APPROVED AS TO FORM

Deputy Lancaster County Attorney

To: [REDACTED]

RE: Preservation Request

Dear Sir or Madam,

I am writing to make a formal request for the preservation of records and other evidence pursuant to 18 U.S.C. 2703(f) pending further legal process.

You are hereby requested to preserve, for a period of 90 days, the records described currently below in your possession, including records stored on backup media, in a form that includes the complete record. You are also requested not to disclose the existence of this request to the subscriber or any other person, other than as necessary to comply with this request. If compliance with this request may result in the temporary or permanent termination of service to the account described below, or otherwise alert the subscriber or other user of these accounts, as to your actions to preserve the referenced files and records, please contact me before taking such actions.

This request only applies retrospectively. It does not in any way obligate you to capture and preserve new information that arises after the date of this request. This preservation request applies to the following records and evidence.

A: All stored communications and other files reflecting communications to or from the subscriber with phone number xxx-xxx-xxxx

B: All text (SMS and MMS) that have been accessed, sent stored and received to or from the subscriber with phone number xxx-xxx-xxxx

C: All connection logs and records of user activity for the subscriber with phone number xxx-xxx-xxxx

D: All voicemails stored on the server activity for the subscriber with phone number xxx-xxx-xxxx

- 1) Originating Date and Time, location of cell site
- 2) Terminating date and time, location of cell site
- 3) Telephone caller identifications records.

All records and other evidence relating to the subscriber(s), customer(s), account holder(s), and or other entities associated with the number xxx-xxx-xxxx including without limitation, subscriber names, user names, screen names or other identities, mailing addresses, residential addresses, business addresses, e-mail addresses and other contact information, telephone numbers, or other subscriber number, or identifier number, billing records, information about the length of service, and the types of services the subscriber or customer utilized, and any other identifying information, whether such records or other evidence is in electronic or other form.

Lincoln Police Department
575 S. 10th
Lincoln, NE 68508
Fax 402-441-

Example 6/10/11
Call 1st
they will fax
form to us
after!
-mb

DO NOT FAX THIS FORM BEFORE CALLING TO SPEAK WITH A SPRINT ANALYST

Sprint Spectrum L.P.
Sprint Nextel Corporate Security
KSOPHM0206
6480 Sprint Parkway
Overland Park, KS 66251

WIRELESS 9-1-1 EMERGENCY INFORMATION REQUEST FORM

1) CONTACT SPRINT Electronic Surveillance 1 866-398-3284

Name of Sprint Analyst providing information: [REDACTED]

2) FAX COMPLETED EMERGENCY REQUEST FORM TO: 816-600-3100

AGENCY REQUESTING INFORMATION: _____

AGENCY ADDRESS (Street): _____

AGENCY ADDRESS (City, State, Zip Code): _____

AGENCY FAX #: _____

AGENCY PHONE #: _____

EMPLOYEE REQUESTING INFORMATION: _____

EMPLOYEE TITLE: _____ BADGE #: _____

EMPLOYEE SIGNATURE: _____ DATE: _____

RE: Emergency Request for Information on Sprint Wireless Number:

[REDACTED]

This agency received an emergency call for assistance from the above Sprint telephone number:

Date of Call: _____ Time of Call: _____ a.m./p.m.

Dispatch Log #: _____

Nature of call: _____

Based on that telephone call, we believe a situation exists that requires emergency assistance from Sprint Spectrum, L. P. We request that you promptly provide the following information necessary to initiate the appropriate response.

____ subscriber name, billing address, home/business phone numbers, driver license number, SSN, DOB for the above Sprint telephone number

____ cell site or location information for the call from this Sprint phone number