

**FILED**

MAR 27 2015

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY OF  
DEPUTY CLERK

**SEALED**

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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

IN RE:  
SEARCH WARRANT FOR: A) ONE  
ALCATEL CELLULAR TELEPHONE; (B)  
ONE KYOCERA CELLULAR TELEPHONE;  
AND (C) ONE GARMIN GPS DEVICE

CASE NO. 1:15 SW 00073 SKO

**UNDER SEAL**

APPLICATION FOR ORDER REQUIRING  
GOOGLE, INC. TO ASSIST IN THE EXECUTION  
OF A SEARCH WARRANT ISSUED BY THIS  
COURT

**I. INTRODUCTION**

The United States of America, by and through BENJAMIN B. WAGNER, United States Attorney, and KATHLEEN A. SERVATIUS, Assistant United States Attorney, hereby moves this Court under the All Writs Act, 28 U.S.C. § 1651, for an order requiring Google, Inc. (“Google”) to assist in the execution of a federal search warrant by bypassing the lock screen of an Android device, specifically:

- a) One Alcatel cellular telephone, model One Touch 5020T, further described by unique identifying numbers NL3197JF06OHX, 5020T-2AWFUS1-R, and 013778009323037, also containing an additional Subscriber Identity Module (SIM card) within the casing of the phone; and
- b) One Kyocera cellular telephone, model C6730, further described by unique identifying serials DEC:256691412903576214 and HEX: 99000051369196.

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**III. DISCUSSION**

The All Writs Act provides that “[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). As the Supreme Court explained, “[t]he All Writs Act is a residual source of authority to issue writs that are not otherwise covered by statute.” *Pennsylvania Bureau of Correction v. United States Marshals Service*, 474 U.S. 34, 43 (1985). “The power conferred by the Act extends, under appropriate circumstances, to persons who, though not parties to the original action or engaged in wrongdoing, are in a position to frustrate the implementation of a court order or the proper administration of justice... and encompasses even those who have not taken any affirmative action to hinder justice.” *United States v. New York Tel. Co.*, 434 U.S. 159, 174 (1977). Specifically, in *United States v. New York Tel. Co.*, the Supreme Court held that the All Writs Act permitted district courts to order a telephone company to effectuate a search warrant by installing a pen register. Under the reasoning of *New York Tel. Co.*, this Court has the authority to order Google to use any capabilities it may have to assist in effectuating the search warrant for the Android device by unlocking the Android Device.

The government is aware, and can represent, that in other cases, courts have ordered Google to assist in effectuating a search warrant by unlocking other Android devices under the authority of the All Writs Act. Additionally, Google has complied with such orders.

The requested order would enable agents to comply with this Court’s warrant commanding that the Android devices be examined for evidence identified by the warrant. Examining the Android devices without Google’s assistance, if it is possible at all, would require significant resources and may harm the Android devices. Moreover, the order is not likely to place any unreasonable burden on Google.

Dated:

3/25/15

BENJAMIN B. WAGNER  
United States Attorney

/s/

  
KATHLEEN A. SERVATIUS  
Assistant United States Attorney

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EASTERN DISTRICT OF CALIFORNIA  
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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

IN RE:  
SEARCH WARRANT FOR: A) ONE  
ALCATEL CELLULAR TELEPHONE; (B)  
ONE KYOCERA CELLULAR TELEPHONE;  
AND (C) ONE GARMIN GPS DEVICE

CASE NO. 1:15 SW 00073 SKO

UNDER SEAL

ORDER REQUIRING GOOGLE, INC. TO ASSIST IN  
THE EXECUTION OF A SEARCH WARRANT  
ISSUED BY THIS COURT

Before the Court is the Government's motion for an order requiring Google, Inc. ("Google") to assist law enforcement agents in the search of two Android Devices. Upon consideration of the motion, and for the reasons stated therein, it is hereby

ORDERED that Google assist law enforcement agents in the examination of:

a) One Alcatel cellular telephone, model One Touch 5020T, further described by unique identifying numbers NL3197JF06OHX, 5020T-2AWFUS1-R, and 013778009323037, also containing an additional Subscriber Identity Module (SIM card) within the casing of the phone; and

b) One Kyocera cellular telephone, model C6730, further described by unique identifying serials DEC:256691412903576214 and HEX: 99000051369196;

acting in support of a search warrant issued separately by this Court;

FURTHER ORDERED that Google shall, if necessary, reactivate the Google account associated with the Android Device;

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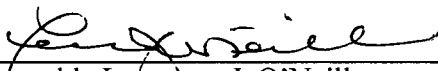
1 FURTHER ORDERED that Google shall: (1) provide a single password reset for the mobile  
2 devices; (2) provide the new passwords to the law enforcement officer executing the search warrant; and  
3 (3) upon unlocking the target mobile devices, again reset the Google account password promptly upon  
4 notice that the imaging of the phone is complete, without providing it to the law enforcement officer or  
5 agency so as to prevent future access;

6 FURTHER ORDERED that the reset process need not be unobtrusive, notice to one or more  
7 accounts of the reset may be given, and such notice is not a violation of any seal or nondisclosure  
8 requirement;

9 FURTHER ORDERED that the law enforcement agent executing the search warrant is  
10 prohibited from using or attempting to use the new password to attempt to access any online accounts  
11 other than as synchronized on and stored in memory within the target device at the time of execution of  
12 the warrant.

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DATED: 3-27-, 2015

  
Honorable Lawrence J. O'Neill  
United States Magistrate Judge

**SEALED**

UNITED STATES DISTRICT COURT

for the  
Eastern District of California

**FILED**  
MAR 27 2015

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY CS  
DEPUTY CLERK SKO

In the Matter of the Search of  
*(Briefly describe the property to be searched  
or identify the person by name and address)*

- a) One Alcatel cellular telephone; (b) one Kyocera cellular telephone; and (c) one Garmin GPS device

Case No. 1: 15 SW 00073 SKO

**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

SEE ATTACHMENT A

located in the Eastern District of California, there is now concealed *(identify the person or describe the property to be seized)*:

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 USC Section 846 and 841 (a)(1)	Conspiracy to Distribute Controlled Substances, Methamphetamine

The application is based on these facts:

SEE ATTACHED AFFIDAVIT *Incorporated here and by reference. Jm*

- Continued on the attached sheet.
- Delayed notice of 30 days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Juvenal Martin*  
Applicant's signature

Juvenal Martin, Special Agent FBI  
Printed name and title

Sworn to before me and signed in my presence.

Date: March 27, 2015

*Sheila K. Oberto*  
Judge's signature

City and state: Fresno, California

Hon. Sheila K. Oberto, U.S. Magistrate Judge  
Printed name and title

**AFFIDAVIT**

I, Special Agent Juvenal Martin, being first duly sworn under oath, depose and say:

**I. INTRODUCTION AND AGENT BACKGROUND**

1. This affidavit is submitted in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property – electronic devices, that is two cellular phones and a Garmin GPS device – that are currently in law enforcement possession having been seized from Edgar SANDOVAL-Valencia during his arrest on October 27, 2014 (more particularly described in Attachment A), and the extraction from that property of electronically stored information described in Attachment B.

**A. Experience and Background**

2. I am a “Federal law enforcement officer” within the meaning of Rule 41(a)(2)(C) of the Federal Rules of Criminal Procedure, that is, a federal law enforcement agent engaged in enforcing criminal laws and authorized to request a search warrant.

3. I have been employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI) for over eleven (11) years, where I have been assigned to the San Antonio Division Brownsville Resident Agency, Miami Division Fort Pierce Resident Agency, and am currently assigned to the Sacramento Division Stockton Resident Agency (STRA). Prior to my employment as an FBI SA, I was employed with the Department of Homeland Security, as a U.S. Border Patrol Agent for over three (3) years, assigned to the Douglas, Arizona, station, of the Tucson Sector. At the STRA I am charged with investigating violations of federal law, to include the matters related to conspiracies to and distribution of controlled substances, including methamphetamine, in violation of Title 21, United States Code Sections 846 and 841(a)(1). As a federal agent, I am authorized to investigate violations of U.S. laws, and to execute warrants issued under the authority of the U.S. In the course of these investigations, I have conducted physical surveillance, interviewed witnesses and subjects, executed numerous search and arrest warrants, and secured other relevant information employing various investigative techniques. During the course of my employment, I have become knowledgeable in the methods used by drug traffickers to import, conceal, transport, distribute, manufacture, and sell controlled substances, as well as the methods used to conceal, transport, and launder cash and/or other types of drug proceeds.

1 Through prior investigations and training, I have become familiar with the types and amounts of profits  
2 made by drug dealers, and the methods, language, and terms used by persons dealing illegal substances.  
3 I am aware drug traffickers often communicate with their drug trafficking associates through the use of  
4 cellular telephones and hard line telephones.

5 **B. Identification of Device to Be Examined**

6 4. The property to be searched is described as follows:

7 a) One Alcatel cellular telephone, model One Touch 5020T, further described by  
8 unique identifying numbers NL3197JF06OHX, 5020T-2AWFUS1-R, and 013778009323037,  
9 also containing an additional Subscriber Identity Module (SIM card) within the casing of the  
10 phone (DEVICE 1);

11 b) One Kyocera cellular telephone, model C6730, further described by unique  
12 identifying serials DEC:256691412903576214 and HEX: 99000051369196 (DEVICE 2); and

13 c) One Garmin Global Positioning System (GPS) device (DEVICE 3).

14 5. The devices are currently in law enforcement custody located in the Eastern District of  
15 California, California.

16 6. The applied-for warrant would authorize the forensic examination of the DEVICES for  
17 the purpose of identifying electronically stored data particularly described in Attachment B.

18 **II. PROBABLE CAUSE**

19 **A. Investigative Overview**

20 7. I have obtained the following information from Special Agent Prowell of the Federal  
21 Bureau of Investigation and from my review of information provided by the California Highway Patrol.

22 8. Since August 2013, agents of the Federal Bureau of Investigation and state and local task  
23 force agents in Oregon, were involved in a multi-agency investigation targeting Santiago Salazar  
24 Molina. Their investigation has shown that Salazar was participating in a conspiracy to distribute the  
25 controlled substance methamphetamine in the District of Oregon, and throughout the United States. The  
26 investigation had been conducted by the State of Oregon's Washington County Sheriff's Office's  
27 (WCSO's) Westside Interagency Narcotics (WIN) Task Force, of which FBI-Portland Division Special  
28 Agent Yaqub Prowell is a member.



1           9.       Since that time, WIN investigators conducted five controlled buys of methamphetamine  
2 from Salazar, resulting in the seizure of well over a kilogram of methamphetamine. These transactions  
3 occurred on August 20, 2013, December 31, 2013, March 1, 2014, June 13, 2014, and July 2, 2014.  
4 WIN investigators also utilized further traditional investigative techniques in conjunction with these  
5 controlled buys; to include the usage of a confidential informant, physical surveillance, consensually  
6 recorded conversations, and phone toll analysis.

7           10.       Based upon these investigative techniques, investigators came to believe that Salazar, at  
8 the behest of another DTO member in California, had become responsible for transporting multi-  
9 kilogram quantities of methamphetamine from Patterson, California to Oregon. This other member, as  
10 described below, was identified as Javier Fernandez-Valles.

11           11.       On September 10, 2014, United States District Court Judge Marco A. Hernandez  
12 authorized the Title III interception of wire communications of a cellular telephone used by Salazar,  
13 identified as (503) 547-5097. The intercept order for that phone terminated October 10, 2014. Between  
14 September 11, 2014 and October 10, 2014, interceptions over Salazar's telephone corroborated  
15 investigators' belief that Salazar had become responsible for transporting multi-kilogram quantities of  
16 methamphetamine from California to Oregon at the behest of Fernandez who was using phone numbers  
17 415-583-0104 and 541-871-5949.

18           12.       As such, on October 17, 2014, United States District Court Judge Marco A. Hernandez  
19 authorized the Title III interception of wire and electronic communications of cellular telephones the  
20 phones used by Salazar and Fernandez. Using Title III interceptions in conjunction with geo-location  
21 (ping) data analysis and physical surveillance, investigators determined that Fernandez-Valles was  
22 residing at a residence in Patterson, California and associated with another residence believed to be used  
23 to store methamphetamine. The aforementioned interceptions have led investigators to believe that  
24 Fernandez-Valles was a California based regional supplier for DTO members in Oregon and Minnesota  
25 and supplied Edgar Jair Sandoval-Valencia with methamphetamine intended for distribution in the  
26 Minnesota area.

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1           **B.     October 27, 2014 Seizure of 9 Kilograms of Methamphetamine**

2           13.     On Thursday, October 23, 2014, at approximately 2:33 p.m., FBI intercepted an outgoing  
3 telephone call (Session 127) from (541) 870-5949, believed to be used by Fernandez, to (612) 270-5185,  
4 ((612) is the area code for Minnesota) believed to be used by UM5185. The conversation intercepted  
5 was in Spanish, a preliminary translation of which revealed FERNANDEZ asked UM5185 to “try to be  
6 around here on Sunday,” to which UM5185 responded, “Sunday alright then. Um... for sure.”

7           14.     Investigators believed “animals” is a code word used by Fernandez to refer to narcotics,  
8 most likely methamphetamine. Investigators believed Fernandez asked UM5185 to travel to California  
9 and arrive there on Sunday, October 26, 2014, in order to pick up this methamphetamine in order to  
10 deliver it to someone else.

11           15.     As such, Law Enforcement Officers conducted surveillance on Sunday, October 26, 2014  
12 and Monday, October 27, 2014 on Fernandez’ residence. On October 27, 2014, surveillance  
13 commenced at 6:00 a.m. During the course of the surveillance, agents observed a Ford truck with  
14 Minnesota plates driving to and from the residence throughout the day.

15           16.     At about 10:18 a.m., investigators observed a Honda vehicle with California license plate  
16 4VYR035 pull into the driveway of 1237 Fawn Lily Drive. They then observed a Hispanic male exit the  
17 car and carry an orange travel style bag approximately 24 X 16 inches into the garage of 1237 Fawn Lily  
18 Drive. A few minutes later, about 10:23 a.m., investigators observed the Honda leave the residence.  
19 Agents believe that the vehicle delivered a load <sup>of SKO</sup> methamphetamine and left with possibly money.

20           17.     The Ford truck with Minnesota plates left the residence at approximately 3:30 p.m. Later  
21 that day, at approximately 8:40 p.m., an officer of the California Highway Patrol conducted a stop on  
22 this vehicle in Sacramento, California. As Officer Bosnich approached the vehicle, he smelled an odor  
23 he associated with methamphetamine. SANDOVAL-Valencia was driving the vehicle and other  
24 occupants included his wife, Dulce Angelica Ramirez-Rodriguez, and their two young children, one an  
25 infant and the other a toddler. SANDOVAL-Valencia presented a Mexican Driver’s License to the  
26 officer and claimed that had flown from Mexico to Minnesota and borrowed the Ford from his friend in  
27 Minnesota to drive to Sacramento to visit another friend there. He then stated that he intended to drive  
28 back to Minnesota and fly back to Mexico. When asked about returning the vehicle, Sandoval Valencia

1 said that they were first driving back to Minnesota, then, they were to return to Mexico. A Spanish-  
2 speaking officer then spoke with SANDOVAL-Valencia while Officer Bosnich spoke with Ramirez.  
3 Ramirez said they were coming from seeing a friend and would be returning to the Mexico the following  
4 day.

5 18. The officers noted discrepancies in their statements and asked for consent to search the  
6 vehicle. Sandoval Valencia replied, "No problem" and Officer Bosnich completed the Spanish version  
7 of a CHP Consent to Search Form. Officer Bosnich asked Sandoval Valencia to read the form, which  
8 Sandoval Valencia read aloud, and once again told the officer, "No problem," and signed the form.

9 19. After a drug-detecting canine alerted to the presence of drugs, the officer conducted a  
10 physical search of the vehicle. During the search, the officer noticed that several of the interior plastic  
11 components, and screws behind the rear seats, had marks that he determined were indicative of having  
12 been recently removed. The officer began removing the plastic components, and ultimately located a  
13 factory manufactured void which had been converted into a hidden compartment on the floorboard  
14 where the floorboard connects to the rear of the cab. Inside the aforementioned compartment, Officer  
15 Bosnich located thirty-nine individually wrapped packages, each wrapped in aluminum type foil. The  
16 packages also contained a fabric softener sheet, and a plastic bag containing an off white crystal like-  
17 substance later determined to be methamphetamine. The methamphetamine weighed approximately 9.4  
18 kilograms.

19 20. During the search of the vehicle, Officer Bosnich located three cellular telephones, one of  
20 which was subsequently determined to not belong to Sandoval Valencia, but to Ramirez. Officer  
21 Bosnich located the black Kyocera cellular telephone (DEVICE 2) inside a small black bag that was  
22 located on the right front floorboard, and a black Alcatel cellular telephone (DEVICE 1) inside a small  
23 brown bag that was on the rear floorboard. The third cellular phone and an ipad were determined to  
24 belong to Ramirez and returned to her. Officer Bosnich located a Garmin GPS (DEVICE 3).

25 21. On October 28, 2014, CHP Evidence Officer A. Kingsley transported the Kyocera  
26 telephone (DEVICE 2), the Alcatel cellular telephone (DEVICE 1), and the Garmin GPS device  
27 (DEVICE 3) to the CHP Valley Division Office for identification. When the rear cover of the Alcatel

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1 telephone was removed for identification, an additional SIM card fell from the inside of the telephone.  
2 The aforementioned items were subsequently booked into evidence at the CHP Valley Division Office.

3 22. It should be noted that on October 29, 2014, a search warrant for the DEVICES was  
4 obtained in the Superior Court of California, County of Sacramento. However, the two cellular  
5 telephones were password protected and locked. In order to unlock the two cellular phones,  
6 coordination will have to take place with the creator of the Android operating system, Google. Before  
7 the state could follow-up with such a request, the prosecution SANDOVAL-Valencia commenced in the  
8 United States District Court for the Eastern District of California. No search of the DEVICES has yet  
9 occurred.

10 **III. TECHNICAL TERMS**

11 23. Based on my training and experience, I use the following technical terms to convey the  
12 following meanings:

13 a) Wireless telephone: A wireless telephone (or mobile telephone, or cellular  
14 telephone) is a handheld wireless device used for voice and data communication through radio  
15 signals. These telephones send signals through networks of transmitter/receivers, enabling  
16 communication with other wireless telephones or traditional "land line" telephones. A wireless  
17 telephone usually contains a "call log," which records the telephone number, date, and time of  
18 calls made to and from the phone. In addition to enabling voice communications, wireless  
19 telephones offer a broad range of capabilities. These capabilities include: storing names and  
20 phone numbers in electronic "address books;" sending, receiving, and storing text messages and  
21 e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and  
22 playing back audio files; storing dates, appointments, and other information on personal  
23 calendars; and accessing and downloading information from the Internet. Wireless telephones  
24 may also include global positioning system ("GPS") technology for determining the location of  
25 the device.

26 b) Digital camera: A digital camera is a camera that records pictures as digital  
27 picture files, rather than by using photographic film. Cellular telephones most often have a  
28 camera that permits the taking of digital photographs. Digital cameras use a variety of fixed and

1 removable storage media to store their recorded images. Images can usually be retrieved by  
2 connecting the camera to a computer or by connecting the removable storage medium to a  
3 separate reader. Removable storage media include various types of flash memory cards or  
4 miniature hard drives. Most digital cameras also include a screen for viewing the stored images.  
5 This storage media can contain any digital data, including data unrelated to photographs or  
6 videos.

7 c) GPS: A GPS navigation device uses the Global Positioning System to display its  
8 current location. Some cellular telephones have GPS capability. It often contains records the  
9 locations where it has been. Some GPS navigation devices can give a user driving or walking  
10 directions to another location. These devices can contain records of the addresses or locations  
11 involved in such navigation. The Global Positioning System (generally abbreviated “GPS”)  
12 consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely  
13 accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the  
14 current time, combined with a special sequence of numbers. These signals are sent by radio,  
15 using specifications that are publicly available. A GPS antenna on Earth can receive those  
16 signals. When a GPS antenna receives signals from at least four satellites, a computer connected  
17 to that antenna can mathematically calculate the antenna’s latitude, longitude, and sometimes  
18 altitude with a high level of precision.

19 d) IP Address: An Internet Protocol address (or simply “IP address”) is a unique  
20 numeric address used by computers on the Internet. Some cellular telephones have the ability to  
21 connect to the Internet. An IP address is a series of four numbers, each in the range 0-255,  
22 separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet computer  
23 must be assigned an IP address so that Internet traffic sent from and directed to that computer  
24 may be directed properly from its source to its destination. Most Internet service providers  
25 control a range of IP addresses. Some computers have static—that is, long-term—IP addresses,  
26 while other computers have dynamic—that is, frequently changed—IP addresses.

27 e) Internet: The Internet is a global network of computers and other electronic  
28 devices that communicate with each other. Due to the structure of the Internet, connections

1 between devices on the Internet often cross state and international borders, even when the  
2 devices communicating with each other are in the same state.

3 24. In your affiant's training, experience, and research, and from consulting the  
4 manufacturer's advertisements and product technical specifications available online, I know that the  
5 Devices have capabilities that allow them to serve as a wireless telephone, digital camera, portable  
6 media player, and GPS navigation device. In my training and experience, examining data stored on  
7 devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or  
8 used the device.

9 **IV. CELLULAR TELEPHONES**

10 25. I know based on my training and experience that cellular phones are commonly used by  
11 drug traffickers to organize the acquisition and distribution of controlled substances.

12 26. The information to be found on cellular telephones is useful in identifying and/or  
13 verifying the user of the telephone and his/her co-conspirators. The digital, cellular, and/or telephone  
14 numbers and/or the direct connect numbers assigned to the device, as well as the device's serial number,  
15 allow law enforcement to discover subscriber information as well as other devices that the target device  
16 has communicated which, in turn, would lead to more subscriber information. The call and direct  
17 connect history information can reveal specific information about the phone numbers that the target  
18 devices have communicated as well as the time and duration of those calls. The list of contacts stored on  
19 the device potentially names co-conspirators of the crime.

20 27. Information on the device that does not lead to co-conspirators is still useful in  
21 identifying the user of the device (for example, if "Mom" appears in the address book of the phone, that  
22 contact will likely identify the user of the phone).

23 28. Cellular devices today can serve several functions: telephones, text messaging, cameras,  
24 personal digital assistants, calendars, address books, mini-computers allowing for electronic mail  
25 services, internet services, and rudimentary word processing.

26 29. The search of the cellular telephones will be for all records described herein on the  
27 devices that relate to violations of Title 21, United States Code, Sections 846 and 841(a)(1) since early  
28 2014, including:

- 1 a) lists of customers and related identifying information;
- 2 b) types, amounts, and prices of drugs trafficked as well as dates, places, and
- 3 amounts of specific transactions;
- 4 c) any information related to customers or other drug sources (including names,
- 5 addresses, phone numbers, or any other identifying information);
- 6 d) any information recording the above individual's schedule or travel from 2013 to
- 7 the present;
- 8 e) all bank records, checks, credit card bills, account information, and other financial
- 9 records that will evidence proceeds of drug trafficking.
- 10 f) The search of the device or of an image on the data on the device will be limited
- 11 to identifying and seizing data subject to seizure pursuant to this warrant, including digital,
- 12 cellular, and/or telephone numbers and/or direct connect numbers assigned to the device; call and
- 13 direct connect history information; the serial number and identifying information from the
- 14 cellular telephone that will help identify the cellular telephone subscriber; any list of contacts
- 15 stored on the device, any text messages or emails relating to controlled substances, and any
- 16 photographs depicting controlled substances or proceeds of controlled substances, and
- 17 conspirators or individuals involved in drug trafficking, including customers.

18 **V. GPS NAVIGATION DEVICE**

19 30. Given the fact that the GPS device can be used to record where the device has been, I  
20 believe that the information contained in the device will be useful in providing evidence as to where  
21 SANDOVAL-VALENCIA came from, traveled to, and intended to return, thus corroborating the  
22 evidence obtained to date and also providing evidence as to the location of other conspirators.

23 **VI. ELECTRONIC STORAGE AND FORENSIC ANALYSIS**

24 31. Based on your affiant's knowledge, training, and experience, your affiant knows that  
25 electronic devices can store information for long periods of time. Similarly, things that have been  
26 viewed via the Internet are typically stored for some period of time on the device. This information can  
27 sometimes be recovered with forensics tools.

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1           32.    *Forensic evidence:* As further described in Attachment B, this application seeks  
2 permission to locate not only electronically stored information that might serve as direct evidence of the  
3 crimes described on the warrant, but also forensic evidence that establishes how the Devices were used,  
4 purpose of its use, who used it, and when. There is probable cause to believe that this forensic electronic  
5 evidence might be on the Devices because:

6           a)       Data on the storage medium can provide evidence of a file that was once on the  
7 storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a  
8 paragraph that has been deleted from a word processing file).

9           b)       Forensic evidence on a device can also indicate who has used or controlled the  
10 device. This “user attribution” evidence is analogous to the search for “indicia of occupancy”  
11 while executing a search warrant at a residence.

12           c)       A person with appropriate familiarity with how an electronic device works may,  
13 mining this forensic evidence in its proper context, be able to draw conclusions about how  
14 electronic devices were used, the purpose of their use, who used them, and when.

15           d)       The process of identifying the exact electronically stored information on a storage  
16 medium that are necessary to draw an accurate conclusion is a dynamic process. Electronic  
17 evidence is not always data that can be merely reviewed by a review team and passed along to  
18 investigators. Whether data stored on a computer is evidence may depend on other information  
19 stored on the computer and the application of knowledge about how a computer behaves.  
20 Therefore, contextual information necessary to understand other evidence also falls within the  
21 scope of the warrant.

22           e)       Further, in finding evidence of how a device was used, the purpose of its use, who  
23 used it, and when, sometimes it is necessary to establish that a particular thing is not present on a  
24 storage medium.

25           33.    *Nature of examination:* Based on the foregoing, and consistent with Rule 41(e)(2)(B),  
26 the warrant I am applying for would permit the examination of the device consistent with the warrant.  
27 The examination may require authorities to employ techniques, including but not limited to computer-

28 ///



1 assisted scans of the entire medium, that might expose many parts of the device to human inspection in  
2 order to determine whether it is evidence described by the warrant.

3 a) In searching for data that is capable of being read or interpreted by a computer on  
4 the devices that are further described in Attachment A, law enforcement personnel executing the  
5 search warrant of the subject cellular phone will examine the digital device to determine if they  
6 contain any data that is to be seized as set forth in the warrant. These procedures may search for  
7 and attempt to recover deleted, hidden, or encrypted data to determine whether the data falls  
8 within the list of items to be seized under the warrant.

9 b) If, after conducting the initial search, law enforcement personnel determine that  
10 an original digital device contains any data falling within the list of items to be seized pursuant to  
11 this warrant, the government will retain the original digital device to, among other things, litigate  
12 the admissibility/authenticity of the seized items at trial, ensure the integrity of the copies, ensure  
13 the adequacy of chain of custody, and resolve any issues that potentially might be raised  
14 regarding changed conditions of the evidence.

15 34. *Manner of execution:* Because this warrant seeks only permission to examine a device  
16 already in law enforcement's possession, the execution of this warrant does not involve the physical  
17 intrusion onto a premises. Consequently, your affiant submits that there is reasonable cause for the  
18 Court to authorize execution of the warrant at any time in the day or night.

19 **VII. CONCLUSION**

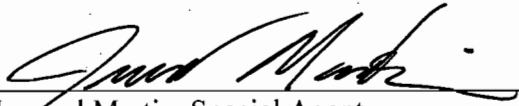
20 35. Based on my training and experience, the DEVICES can store information for long  
21 periods of time. Even when a user deletes information from a device, it can sometimes be recovered  
22 with forensics tools. Similarly, things that have been viewed via the Internet are typically stored for  
23 some period of time on the device. This information can sometimes be recovered with forensics tools.  
24 Evidence of criminal activity may be present on any digital device that is possessed by a suspect to  
25 include but not limited to saved data, deleted data, historical internet searches, call logs, contact lists,  
26 text messages, multimedia messages, etc.

27 36. Finally, based on your affiant's, training, experience, and discussions with other law  
28 enforcement professionals, your affiant has learned that, in order to search for data that is capable of

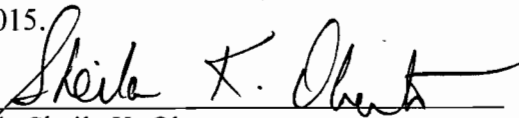
1 being read or interpreted by a computer, law enforcement personnel will need to search and seize all  
2 stored electronic and wire communications and information in memory within the mobile devices,  
3 including email, instant messaging, text messaging, photograph messaging or other communications,  
4 and including any content that may be synchronized to or on the device from any service or application  
5 utilized by the subjects.

6 37. Based on the facts set forth in this Affidavit, I believe there is probable cause that  
7 evidence, fruits, proceeds, or instrumentalities of violations of 21 U.S.C. § 846 and 841(a)(1),  
8 Conspiracy to distribute a controlled substance, are concealed within the property identified in  
9 Attachment A. Accordingly, I respectfully request the issuance of a search warrant authorizing the  
10 search of the property described in Attachment A as well as the seizure of the items described in  
11 Attachment B.

12 I declare under penalty of perjury that the facts contained herein are true and correct to the best  
13 of my knowledge and belief.

14   
15 Juvenal Martin, Special Agent  
16 Federal Bureau of Investigation

17 SWORN TO BEFORE ME, AND SUBSCRIBED  
18 IN MY PRESENCE THIS 27 DAY OF  
19 March 2015.

20   
21 Honorable Sheila K. Oberto  
22 U.S. Magistrate Judge, Eastern District of California

23 Approved: /s/ Kathleen A. Servatius  
24 Assistant U.S. Attorney

**ATTACHMENT A**

**LOCATION TO BE SEARCHED**

The property to be searched is described as follows:

- a) One Alcatel cellular telephone, model One Touch 5020T, further described by unique identifying numbers NL3197JF06OHX, 5020T-2AWFUS1-R, and 013778009323037, also containing an additional Subscriber Identity Module (SIM card) within the casing of the phone;
- b) One Kyocera cellular telephone, model C6730, further described by unique identifying serials DEC:256691412903576214 and HEX: 99000051369196; and
- c) One Garmin Global Positioning System (GPS) device.

**ATTACHMENT B**

This warrant authorizes the search and forensic examination of cellular telephones for the purpose of identifying the electronically stored information described herein including all records on the cellular telephones that relate to violations of Title 21, United States Code, Sections 846 and 841(a)(1), and involve Javier Fernandez-Valles, Edgar SANDOVAL-Valencia, and other as yet unidentified drug traffickers, since May 2014, including:

1. lists of customers and related identifying information;
2. types, amounts, and prices of drugs trafficked as well as dates, places, and amounts of specific transactions;
3. any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying information);
4. any information recording the above-listed individual's schedule or travel from 2014 to the present;
5. all bank records, checks, credit card bills, account information, and other financial records.
6. Evidence of user attribution showing who used or owned the cellular telephones at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;
7. In addition, permitting the search of the memory of such devices for:
  - a) all telephone numbers and direct connect numbers or identities assigned to the device, including the Electronic Serial Number (ESN) and the International Mobile Subscriber Identity number (IMSI) relating to the cellular telephones;
  - b) Call and direct connect history information, including dates, times, and duration of telephone calls, as well as the contact information related to those calls;

- c) Telephone book or list of contacts;
- d) And photographs, video footage, text messages, and emails evidencing methamphetamine or controlled substance distribution;
- e) Text messages relating to drug transactions, payment for such transactions, or arrangements to meet for such transactions;
- f) Email messages relating to drug transactions, payment for such transactions, or arrangements to meet for such transactions;
- g) Photographs and/or videos, in particular photographs and/or videos of co-conspirators, assets, and/or controlled substances; and
- h) Access to social media available on the cellular telephones to search for the items listed in this attachment.

8. All records, documents, programs, applications, or materials created, modified, or stored in digital form that show contextual information necessary to understand the evidence, contraband, fruits, or instrumentalities described in this attachment found on the device described in Attachment A.

SEALED

ISSUE

UNITED STATES DISTRICT COURT

for the

Eastern District of California

In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address)

a) One Alcatel cellular telephone; (b) one Kyocera cellular telephone; and (c) one Garmin GPS device

Case No.

1: 15 SW 00073 SKG

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of California

(identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

SEE ATTACHMENT B

YOU ARE COMMANDED to execute this warrant on or before (not to exceed 14 days)

in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to DUTY (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: March 27, 2015 at 10:35 a.m.

Sheila K. Oberto Judge's signature

City and state: Fresno, California

Hon. Sheila K. Oberto, U.S. Magistrate Judge Printed name and title

**Return**

Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
-----------	---------------------------------	--

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*

\_\_\_\_\_  
*Printed name and title*

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