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UNITED STATES DISTRICT COURT

for the
Eastern District of Louisiana

ORIGINAL

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

Case No. Mag 14-506

One (1) black and silver, Apple I-Phone, Model A1387, FCC ID:
BCG-E2330A, IC: 579C-E2430A currently located at the Federal Bureau
of Investigation, 2901 Leon C. Simon Boulevard, New Orleans, LA 70126

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)*:

One (1) black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A currently located at the Federal Bureau of Investigation, 2901 Leon C. Simon Boulevard, New Orleans, LA 70126

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

Call logs, text messages, emails, photographs, contact lists and other information stored on one (1) black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A currently located at the Federal Bureau of Investigation, 2901 Leon C. Simon Boulevard, New Orleans, LA 70126

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 U.S.C. 841 & 846	Conspiracy, distribution, and possession with intent to distribute heroin

The application is based on these facts:
See Attachment

Continued on the attached sheet.

Delayed notice of 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.

Applicant's signature

Special Agent Jason Quick, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: March 7, 2014

Judge's signature

City and state: New Orleans, Louisiana

Joseph C. Wilkinson, Jr., United States Magistrate Judge

Printed name and title

AFFIDAVIT

ORIGINAL

I, Jason Quick, being duly sworn, do hereby depose and state:

(1) I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), in New Orleans, Louisiana. I have been employed with the FBI for approximately ten (10) years. Affiant is currently assigned to the New Orleans Multi-Agency Gang Unit and the FBI New Orleans Gang Task Force. Affiant has participated in investigations of illegal narcotics trafficking and racketeering offenses, and is thoroughly familiar with the investigative techniques used in these investigations.

(2) The information contained in this affidavit is based on investigations conducted by the FBI, the Bureau of Alcohol Tobacco and Firearms (ATF), New Orleans Police Department (NOPD) and the Jefferson Parish Sheriff's Office (JPSO). The facts set forth in this affidavit have either been observed directly by your affiant or relayed to your affiant by assisting agents, officers, and witnesses as described herein. Since this affidavit is submitted only for the limited purpose of securing search warrants, I have not set forth each and every fact known to me concerning this investigation. I have included what I believe are the facts sufficient to establish probable cause for the search warrants sought.

(3) I submit this affidavit in support of the attached application for an order authorizing the search of the following two cellular telephones:

- A) **one (1) black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A, and**
- B) **one (1) gray and black AT&T HTC Inspire 4G cellular**

telephone, IMEI 354455042321594, Serial Number HT13GT209652.

Your affiant sets forth the following facts to show that there is probable cause to believe evidence of violations of law as set forth in Title 21, United States Code, Sections 841(a)(1) and 846 may be located on these phones.

(4) On September 13, 2012, JPSO Detectives in the vicinity of 3530 N. Causeway Boulevard, Metairie, Louisiana, came upon an altercation between ROBERT JOHNSON and an unidentified male at a service station. Detectives ultimately conducted an investigative stop on JOHNSON based upon several factors to include his erratic behavior and disturbing the peace. During a safety pat-down of JOHNSON, detectives discovered a large bulge in JOHNSON's cargo pants pocket. JOHNSON voluntarily pulled out \$4000.00 in cash from his own pocket in order to show detectives. JOHNSON returned the money to his pocket. JOHNSON stated he was unemployed and had no explanation as to the source of the money. Detectives advised JOHNSON of his rights and obtained consent to search his vehicle. JOHNSON's vehicle was a 2012 Chevrolet Equinox rented by JOHNSON through Hertz. The vehicle was occupied by Tiaj Cotton and Kiara Derouen. Cotton was seated in the rear of the vehicle and Derouen was seated in the front passenger seat. Detectives observed a silver and black semi-automatic Taurus Model PT638 Pro SA, .380 caliber, SN# KER29563, handgun on the rear seat by Cotton. Cotton advised detectives that the firearm belonged to him and that it was purchased at a retail store in the area. When Derouen was removed from the vehicle, detectives observed a bag, which was open, that contained a clear plastic bag with a green vegetable substance (which later tested positive for marijuana). The bag was recovered and weighed approximately 56 grams. A further search revealed a digital scale in the vehicle's center console. Detectives suspected all three individuals

were involved in the distribution of marijuana based upon the above information. Everyone was arrested and later admitted to knowing about the presence of the marijuana in the vehicle but none of the suspects claimed ownership of it. Derouen claimed she did not know how the marijuana got in her bag and that she suspected someone put it there. At the time of his arrest ROBERT JOHNSON was in possession of two cellular telephones; **one (1) black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A, and one (1) gray and black AT&T HTC Inspire 4G cellular telephone, IMEI 354455042321594, Serial Number HT13GT209652.** Detectives seized JOHNSON's cellular telephones along with evidence collected which included the marijuana, scale, firearm, and the \$4000.00 in cash pursuant to the arrest. Detectives, based upon their experience, believed that the cellular telephones contained evidence of narcotics violations based upon the totality of the evidence and events. These phones have been in the custody of law enforcement since their seizure on September 13, 2012.

(5) It should be noted that when the JPSO Detectives took the phones they noticed that the black and silver Apple I-Phone displayed a picture of an individual named Jamaal Stewart, aka "Ralph" as JOHNSON's screen saver and had a label in the top left corner of the screen marked "G.O.D." Your affiant is aware that Jamaal Stewart, who had been identified as a high level heroin dealer, was the main target of a long term federal investigation until he was murdered in August 2011. Based on information known to your affiant and other federal agents who have participated in this investigation, JOHNSON, Stewart, and several other individuals controlled the distribution of heroin in and around the area of New Orleans known as Eastside Hollygrove. The members of this group identified themselves as "Hollygrove Eastside, 17th Ward, G.O.D." According to cooperating co-defendants "G.O.D." stood for "Guns Or Drugs". Your affiant has

recovered pictures on social media and from other co-defendant's cell phones of several of these individuals wearing t-shirts with the letters G.O.D. and posing as a gang.

(6) On August 8, 2011, just one day after Stewart was murdered, several jail calls were recorded between ROBERT JOHNSON, his brother (Charles Johnson), and an inmate (Brian Tillman) located at the Orleans Parish Prison. Tillman used the jail phone system, which records all calls, to contact ROBERT JOHNSON. During the conversation, JOHNSON stated that he obtained the heroin "stash" that Stewart had hidden. JOHNSON, who was using a cellular telephone in his possession, discussed how the heroin "stash" was split between JOHNSON and others members in the gang.

(7) On April 5, 2013 the Federal Grand Jury returned a Superseding Indictment under case number 12-309 "B" charging ROBERT JOHNSON, Charles Johnson, and Thomas Henderson with participating in a conspiracy to distribute 1 kilogram or more of heroin. According to the indictment the conspiracy began in 2008 and lasted until 2013. When ROBERT JOHNSON was arrested by the FBI in connection with this case JOHNSON admitted to your Affiant, during a confession, after being advised of his rights, that he started dealing heroin again with Stewart when he returned home from jail in April 2011. JOHNSON also admitted to the jail calls described above and that he inherited approximately 290 grams of heroin from Stewart after he was murdered, which he shared with members of the group. JOHNSON also admitted he was part of an ongoing heroin conspiracy and that he took trips out of state to Texas for the purchase of wholesale amounts of heroin for resale back in the New Orleans area.

(8) On October 4, 2013 the Federal Grand Jury returned a Second Superseding Indictment under case number 13-309 "B". This Second Superseding Indictment added several

additional gang members to the indictment and also charged ROBERT JOHNSON with participating in a conspiracy to possess and use firearms in furtherance of his drug trafficking activities. This additional charge was added as agents uncovered information that several guns that were tied to this group of individuals were ballistically matched to several different murders of individuals in the Hollygrove area over the last few years.

(9) During the course of the investigation, which began in 2011, shortly after the murder of Stewart, FBI and ATF agents conducted numerous interviews of witnesses and cooperating defendants. These interviews revealed that JOHNSON and members of "G.O.D" sold heroin and used multiple cellular telephones to coordinate their illegal narcotics transactions. Toll records analysis, before and after JOHNSON's arrest by JPSO Detectives on September 13, 2012, support witness and cooperating defendant claims that JOHNSON used cellular telephones to deal heroin.

(10) From 2009 to 2013, FBI agents established that JOHNSON used approximately 13 different cellular telephones, including the two phones listed above, to further his conspiracy to distribute heroin. Interviews and search warrants conducted on cellular telephone used by the group have shown the group regularly used multiple cellular telephones and multiple phone numbers to text, conduct illegal narcotics related coordination, stored contact lists, etc.

(11) Your Affiant believes that access to JOHNSON's cellular telephones contain evidence of narcotics trafficking and may be able to assist in gathering valuable information on other gang related criminal activity. Names and telephone numbers found on these phones could help identify known telephone numbers subscribed to fictitious names. A search of the phone will also provide access to call logs, text messages, emails, photographs, and contact lists that may

assist in further identifying the scope of JOHNSON's drug trafficking conspiracy and may shed some light on what specific gang members may be responsible for some of the shootings and murders that have taken place.

(12) Your affiant is thoroughly familiar with the information obtained during this investigation, and your affiant alleges that the facts contained herein show that there is probable cause to search the above mentioned cellular telephones that were found in the possession of ROBERT JOHNSON when he was arrested by JPSO Detectives back on September 13, 2012. As stated above, both of these telephones are currently in the custody of law enforcement officials and have been since their seizure back on September 13, 2012. As both these phone were recovered from ROBERT JOHNSON during the course of the charged drug conspiracy and during a drug related arrest, your affiant believes that there is probable cause to believe that evidence of drug trafficking and gang activity is on these phones.

(13) I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed on March 7, 2014, in New Orleans, Louisiana.



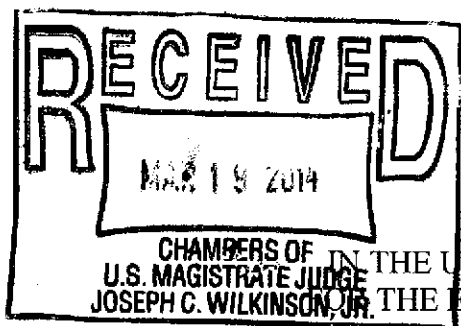
SA Jason Quek
Federal Bureau of Investigation

Sworn to and subscribed before me this 7th day of March, 2014, at New Orleans, Louisiana.



HONORABLE JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE

original



IN THE UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF LOUISIANA

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

Case No. 14-506
APPLICATION

INTRODUCTION

The United States of America, by and through Maurice E. Landrieu, Jr., Assistant United States Attorney, hereby moves this Court under the All Writs Act, 28 U.S.C. § 1651, for an order requiring Apple, Inc. ("Apple") to assist in the execution of a federal search warrant by bypassing the lock screen of an iOS device, specifically, a black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A.

FACTS

The Federal Bureau of Investigations currently has in its possession an iOS device that is the subject of a search warrant issued by this Court on March 7, 2014 under case number 14-506. A copy of this warrant is attached as Exhibit "A". An initial inspection of the iOS device by federal agents reveals that it is locked. Because the iOS device is locked, law enforcement agents are not able to examine the data stored on the iOS device as commanded by the search warrant.

The iOS device is an iPhone with Model # A1387, on the Verizon network with an unknown access number, serial number C39GH6CXDTF9, ICCID# 8931440880601274609 ("the Device") and FCC ID# BCG-E2330A.

Apple, the creator of the iOS operating system and producer of the iOS device, may have the capability retrieving data stored on the iOS device that is not currently accessible to the Federal Bureau of Investigations because the iOS device is locked. This Application seeks an order requiring Apple to use any such capability, so as to assist agents in complying with the search warrant.

DISCUSSION

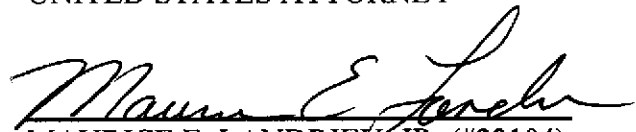
The All Writs Act provides that “[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). As the Supreme Court explained, “[t]he All 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 Apple to use any capabilities it may have to assist in effectuating the search warrant.

The government is aware, and can represent, that in other cases, courts have ordered Apple to assist in effectuating search warrants under the authority of the All Writs Act. Additionally, Apple has complied with such orders.

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

Respectfully submitted,

KENNETH ALLEN POLITE, JR.
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Maurice E. Landrieu, Jr.", written over a horizontal line.

MAURICE E. LANDRIEU, JR. (#22104)
Assistant United States Attorney
Deputy Chief, Criminal Division
650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130
Telephone No. (504) 680-3015
maurice.landrieu@usdoj.gov

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the Eastern District of Louisiana

ORIGINAL

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address) One (1) black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A currently located at the Federal Bureau of Investigation, 2901 Leon C. Simon Boulevard, New Orleans, LA 70126

Case No. 14-506

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 Louisiana

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

One (1) black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A currently located at the Federal Bureau of Investigation, 2901 Leon C. Simon Boulevard, New Orleans, LA 70126

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):

Call logs, text messages, emails, photographs, contact lists and other information stored on one (1) black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A currently located at the Federal Bureau of Investigation, 2901 Leon C. Simon Boulevard, New Orleans, LA 70126

YOU ARE COMMANDED to execute this warrant on or before March 14, 2014 (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 Magistrate (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)

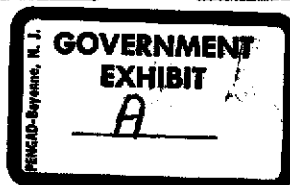
for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: March 7, 2014 11:15 a.m.

Judge's signature

City and state: New Orleans, Louisiana

Honorable Joseph C. Wilkinson, Jr. Printed name and title



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

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

Case No. 14-506

ORDER

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

ORDERED that Apple assist the Federal Bureau of Investigation in their search of one Apple iOS device (iPhone) with Model # A1387, on the Verizon network with an unknown access number, serial number C39GH6CXDTF9, ICCID# 8931440880601274609 ("the Device") and FCC ID# BCG-E2330A acting in support of a search warrant issued separately by this Court on March 7, 2014 under case number 14-506;

FURTHER ORDERED that Apple shall provide reasonable technical assistance to enable law enforcement agents to obtain access to unencrypted data ("Data") on the iOS Device.

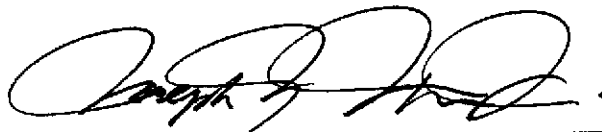
FURTHER ORDERED that, to the extent that data on the iOS Device is encrypted, Apple must provide a copy of the encrypted data to law enforcement, but Apple is not required to attempt to decrypt, or otherwise enable law enforcement's attempts to access any encrypted data;

FURTHER ORDERED that Apple's reasonable technical assistance must include, but is not limited to, bypassing the iOS Device user's passcode so that the agents may search the iOS

Device, extracting data from the iOS Device and copying the data onto an external hard drive or other storage medium that law enforcement agents may search, or otherwise circumventing the iOS Device's security systems to allow law enforcement access to Data and to provide law enforcement with a copy of encrypted data stored on the IOS Device;

FURTHER ORDERED that although Apple shall make reasonable efforts to maintain the integrity of data on the iOS Device, Apple shall not be required to maintain copies of any user data as a result of the assistance ordered herein; all evidence preservation shall remain the responsibility of law enforcement agents.

Signed,



HONORABLE JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE

Date: March 19, 2014

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

DUPLICATE ORIGINAL

In the Matter of the Search of)

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

One (1) black and silver, Apple I-Phone, Model A1387,)
FCC ID: BCG-E2330A, IC: 579C-E2430A currently)
located at the Federal Bureau of Investigation,)
2901 Leon C. Simon Boulevard, New Orleans, LA 70126)

Case No. 14-506

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

One (1) black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A currently located at the Federal Bureau of Investigation, 2901 Leon C. Simon Boulevard, New Orleans, LA 70126

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):

Call logs, text messages, emails, photographs, contact lists and other information stored on one (1) black and silver, Apple I-Phone, Model A1387, FCC ID: BCG-E2330A, IC: 579C-E2430A currently located at the Federal Bureau of Investigation, 2901 Leon C. Simon Boulevard, New Orleans, LA 70126

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 Magistrate (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 7, 2014 11:15 a.m.

Judge's signature

City and state: New Orleans, Louisiana

Honorable Joseph C. Wilkinson, Jr. Printed name and title

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return

Case No.:
14-506

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: _____
Subscribed, sworn to, and returned
before me this ____ day of _____, 20__.

Executing officer's signature

Printed name and title

U.S. Judge or Magistrate