

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

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

TWO CELLULAR PHONES,
LOCATED IN ATF EVIDENCE LOCKER
IN PHILADELPHIA, PA

15-
Case No. 1362-M

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 Pennsylvania, 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):

- [x] 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:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. 2119, 18 U.S.C. 1951, and 18 U.S.C. 924(c); 18 U.S.C. 2.

The application is based on these facts:
See attached affidavit.

- [x] 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.

Handwritten signature of David Krueger

Applicant's signature

David Krueger, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/22/2015

Handwritten signature of Richard A. Lloret

Judge's signature

City and state: Philadelphia, Pennsylvania

Honorable Richard A. Lloret, Magistrate Judge

Printed name and title

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

IN THE MATTER OF THE SEARCH OF
TWO CELLULAR PHONES, CURRENTLY
LOCATED IN ATF EVIDENCE LOCKER
IN PHILADELPHIA, PA

Case No.

1362

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A SEARCH WARRANT**

I, David Krueger, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I, David Krueger, am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been since July 2013. I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am a graduate of the Criminal Investigator Training Program and the Special Agent Basic Training Program at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I am currently assigned to a specialized enforcement group, the ATF Violent Crimes Task Force, whose primary mission is to investigate those individuals and groups that are engaged in the commission of federal firearms and narcotics violations.

2. The information contained in this affidavit is based upon my personal observations and investigation, information relayed to me by other special agents and/or other law enforcement agents, as well as official reports of law enforcement. Because this affidavit is being submitted for the limited purpose of securing authorization to search two cellular

telephones that were seized during the arrest of Robert HARTLEY, a/k/a “Do” or “Dooman,” on or about July 17, 2014, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to search the cellular telephones recovered from HARTLEY and identified in **Attachment A** as follows:

a. Recovered from HARTLEY:

- i. A yellow and black Blu cellular telephone, Model Dash Music 4.0, FCC ID#: YHLBLUDASHMUS40; IMEI #1: 359389050148893; IMEI #2: 359389050653892.
- ii. A white Apple iPhone 5C cellular telephone, Model A1456, FCC ID#: BCG-E2644A; IC: 579C-E2644A; IMEI#: 358542052704219.

The two cellular telephones listed above (Devices) are included in six that were recovered in this investigation and are presently in ATF’s custody in Philadelphia, PA. In my training and experience, I know that the Devices have been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as they were when the Devices first came into the possession of ATF.

3. On June 22, 2015, the Honorable Timothy J. Savage signed the Application for Search Warrant for six cellular phones, including two which are described herein, under Case No. 15-717. See Attached.

4. Initial inspection of the Apple, iPhone 5C, Model A1456, FCC ID: BCG-E2644A, IMEI #358542052704219, reveals it is passcode protected. Because of this security feature law enforcement agents are not able to examine the device as commanded by the search warrant. Under separation motion, the government seeks an Order from this Court to seek Apple’s

assistance in unlocking that phone. The second of Hartley's phones, the yellow and black Blu cellular telephone, Model Dash Music 4.0, FCC ID#: YHLBLUDASHMUS40; IMEI #1: 359389050148893; IMEI #2: 359389050653892, was unable to be searched within the two weeks provided by the warrant signed on June 22, 2015, as it was locked as well. Although, I believe ATF currently has a method and the technology to unlock the Blu phone, as the time authorized for the original search expired, I seek authorization from this Court to conduct another search of the phone.

5. For these reasons, this affidavit requests the search of the property listed in Attachment A and the extraction from that property of electronically stored information as described in Attachment B.

PROBABLE CAUSE

6. On or about July 10, 2014, at approximately 10:40 AM, Philadelphia Police (PPD) Officers responded to a shooting at The Wellness Pharmacy, located at 2337 Ridge Avenue in Philadelphia, Pennsylvania. The investigation initially revealed that two men, one brandishing a firearm, approached the driver of a van delivering pharmaceuticals and attempted to carjack the van to steal the narcotics. The driver was shot as he pushed one of the men, later identified as Robert HARTLEY, to the ground. The investigation further revealed four men participated in this armed robbery.

7. On January 20, 2015, three of the four involved in the attempted robbery and carjacking, HARTLEY, MUNDEN, and WARDLAW were charged by a Grand Jury in the Eastern District of Pennsylvania with violations of Title 18, United States Code, Sections 2119 (attempted carjacking), 1951 (attempted robbery), 924(c) (using and carrying a firearm in relation to a crime of violence), and 2 (aiding and abetting). The investigation continues as to

the identity of the fourth man involved in these crimes.

8. August 4, 2015, Charles Wardlaw pled guilty to all the crimes charged in the Indictment and has been cooperating with the government. Trial in this matter against Robert Hartley and Terrence Munden is scheduled for March 7, 2016, before the Honorable Timothy J. Savage.

9. In approximately May 2014, investigators debriefed a confidential source (herein referred to as CS-1). CS-1 has cooperated with investigators and has provided reliable and accurate information and assistance that has led to a federal Grand Jury investigation of an organized robbery crew, led by Khalil SMITH, involved in armed home invasions of drug traffickers and robbery of commercial businesses. CS-1's information, including license plates, residences, cellular telephone numbers, and names and nicknames of drug traffickers, has been proven to be reliable and accurate. CS-1 is currently charged with federal firearms violations in an effort to earn a motion to reduce CS-1's sentence. CS-1 advised investigators on numerous occasions that MUNDEN believed he was wanted for the attempt to rob the van driver at the Wellness Pharmacy robbery, and consequently MUNDEN was going to either leave Philadelphia or "lay low," to evade law enforcement.

10. In July 2014, investigators debriefed another confidential source to the crimes, hereafter referred to as CS-2, who identified WARDLAW, HARTLEY, and MUNDEN as co-conspirators involved in The Wellness Pharmacy armed robbery. CS-2 identified the cellular telephone numbers he/she used to contact MUNDEN, HARTLEY and WARDLAW from her/his cellular telephone contact list. The cooperator provided the cellular telephone number for MUNDEN as 267-575-2167; HARTLEY as 267-334-1560; and WARDLAW as 215-668-6000. CS-2 stated he/she has known MUNDEN for approximately two years and met him through

another individual, who introduced them so CS-2 could purchase cocaine and other illegal narcotics from MUNDEN. CS-2 stated that MUNDEN told him/her that ATF agents had been questioning others about MUNDEN.

11. Pursuant to a court order signed by the Honorable Carole S. Wells, investigators obtained call detail and cell site data for MUNDEN's cellular telephone, 267-575-2167. ATF forensic investigators associated with this case have analyzed the data for phone number 267-575-2167 received pursuant to that court order.

12. An analysis of the cell site tracking for MUNDEN's cellular phone 267-575-2167 showed that on July 10, 2014, between the hours of 8:00 a.m. and 11:00 a.m., MUNDEN's phone was in constant communication with HARTLEY's phone, number 267-334-1560, and made a few calls before and after the robbery to the third accomplice Charles WARDLAW's phone, number 215-668-6000. The cellular telephones "hit" or activated, on various cellular towers along the route taken by the delivery driver, thus indicating cell phone users were following the delivery driver and driving to The Wellness Pharmacy. At approximately 10:22 a.m., MUNDEN's phone received an incoming call from HARTLEY's phone which lasted approximately seventeen minutes. The attempted robbery and shooting of the delivery driver occurred at approximately 10:40 a.m. MUNDEN's phone then placed two outgoing calls to WARDLAW's phone, both lasting less than one minute each. At 11:01 a.m., MUNDEN's phone received a call from HARTLEY's phone which lasted approximately seven minutes and forty five seconds. During each of these three calls, which occurred after the attempted robbery and shooting, MUNDEN's, HARTLEY's and WARDLAW's cellular telephones hit on cellular towers going away from the pharmacy, thus indicating they were leaving the area.

13. On or about July 17, 2014, HARTLEY was arrested by the Philadelphia Police

Department following the above-described armed robbery and has remained incarcerated since his arrest. Subsequent to HARTLEY's arrest, PPD Officers executed a search warrant at his residence, 1334 W. Seltzer Avenue, Philadelphia, Pennsylvania, and recovered two cellular telephones from HARTLEY's bedroom; which are described as:

- a. A yellow and black Blu cellular telephone, Model Dash Music 4.0, FCC ID#: YHLBLUDASHMUS40; IMEI #1: 359389050148893; IMEI #2: 359389050653892.
- b. A white Apple iPhone 5C cellular telephone, Model A1456, FCC ID#: BCG-E2644A; IC: 579C-E2644A; IMEI#: 358542052704219.

14. From my training and experience investigating organizations whose members engage in armed robberies and related offenses, and through my investigation in this case, I am aware that groups of individuals involved in robberies will often utilize their cellular telephones during the planning, preparation and execution, including get-away, phases of their robbery schemes in order to communicate with each other to facilitate the commission of their crimes. I am also aware that the possessors of these phones will frequently list individuals involved in their crimes on cellular phone directories, often by nickname, to evade detection by law enforcement. Also, I know that individuals involved in these types of crimes often do not subscribe to telephones in their own names. I am aware that analysis of the information contained in the directories contained in the cellular telephones is one of the ways to verify the cellular numbers being used by specific targets and associates to further their criminal activities, and to determine who they are contacting during relevant time periods when they are committing their crimes.

15. It has been my experience that people engaged in the criminal activities outlined

herein utilize cellular telephones to maintain contact, either by telephone calls and/or text messaging, with close associates and people they trust, to include associates in the criminal activities, and that they carry these cellular telephones with them during the course of their criminal activities. Moreover, it has been my experience that people engaged in such criminal activities utilize these cellular telephones to take photographs of themselves, their criminal associates, and other items related to their criminal activities, in some cases the proceeds from their illegal activities. People engaged in such criminal activities are also likely to have multiple cellular telephones in an effort to mask their identity to avoid detection by law enforcement.

16. Based on my experience, training, and knowledge, I know that people who engage in a criminal conspiracy use their cell phones to plan, coordinate, and execute both the crime and then the concealment of the crime. In this case, your affiant believes that because the charged suspects were not immediately apprehended, the alleged co-conspirators are likely to have discussed the crimes executed on July 10, 2014 among themselves or with others.

TECHNICAL TERMS

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

- a. Cellular telephone: A cellular telephone (or wireless telephone or mobile telephone) is a handheld wireless device used for voice and data communication through radio signals. These telephones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or traditional "land line" telephones. A wireless telephone usually contains a "call

log,” which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones offer a broad range of capabilities. These capabilities include: storing names and phone numbers in electronic “address books;” sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system (“GPS”) technology for determining the location of the device.

- b. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records of the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated “GPS”) consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer

connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

- c. IP Address: An Internet Protocol address (or simply "IP address") is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.
- d. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.
- e. Digital camera: A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard

drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.

- f. Portable media player: A portable media player (or “MP3 Player” or iPod) is a handheld digital storage device designed primarily to store and play audio, video, or photographic files. However, a portable media player can also store other digital data. Some portable media players can use removable storage media. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can also store any digital data. Depending on the model, a portable media player may have the ability to store very large amounts of electronic data and may offer additional features such as a calendar, contact list, clock, or games.

- g. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments or notes) and utilizing computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive e-mail. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer software, giving them many of the same capabilities as personal computers. For example, PDA users can work with word-processing documents, spreadsheets,

and presentations. PDAs may also include global positioning system (“GPS”) technology for determining the location of the device.

- h. Tablet: A tablet is a mobile computer, typically larger than a phone yet smaller than a notebook, that is primarily operated by touching the screen. Tablets function as wireless communication devices and can be used to access the Internet through cellular networks, 802.11 “wi-fi” networks, or otherwise. Tablets typically contain programs called apps, which, like programs on a personal computer, perform different functions and save data associated with those functions. Apps can, for example, permit accessing the Web, sending and receiving e-mail, and participating in Internet social networks.

18. Based on my training, experience, and research, I know that the Devices listed in Attachment A have capabilities that allow it to serve as a wireless telephone, digital camera, portable media player, GPS navigation device, and/or PDA. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

ELECTRONIC STORAGE AND FORENSIC ANALYSIS

19. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

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

- a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file).
- b. Forensic evidence on a device can also indicate who has used or controlled the device. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence.
- c. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.

21. *Nature of examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit the examination of the device consistent with the warrant. The examination may require authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the device to human inspection in order to determine whether it is evidence described by the warrant.

CONCLUSION

22. For the reasons set forth above, I believe there is probable cause to search the cellular telephones in Attachment A for evidence of violations of 18 U.S.C. §§ 2119, 1951, 924(c), and 2. I believe there is probable cause to conduct a search of these cellular telephones consistent with Attachment B which permits a search of all stored data to include, but not limited to contents of the telephone directory, electronic libraries, stored communications including voice mail, voice messages and text messages, contact lists, applications, reference material aiding in the furtherance of criminal activity, photographs, time and date stamps, Global Positioning System (GPS) data, stored internet searches and any other memory feature relating to the offenses outlined in the affidavit of probable cause.



David O. Krueger, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives (ATF)

Subscribed and Sworn before
me this 22 day of December 2015.



HONORABLE RICHARD A. LLORET
U.S. MAGISTRATE JUDGE

ATTACHMENT A

ITEMS TO BE SEARCHED

The properties to be searched are the six cellular telephones that are listed below. These devices are currently located in the ATF Evidence Locker in Philadelphia, PA:

Cellular Telephones:

1. Blu, model Dash Music 4.0, FCC ID: YHLBLUDASHMUS40; IMEI #1: 359389050148893; IMEI #2: 359389050653892
2. Apple iPhone 5C, model A1456, FCC ID: BCG-E2644A; IC: 579C-E2644A; IMEI: 358542052704219

This warrant authorizes the forensic examination of the Devices for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B

All records on the Devices described in Attachment A that relate to violations of Title 18, United States Code, §§ 2119, 1951, 924(c), and 2, and involve Charles WARDLAW, Robert HARTLEY and Terrance MUNDEN including but not limited to:

1. Contents of the telephone directory;
2. Electronic libraries;
3. Stored communications including voice mail, voice messages and text messages, contact lists, applications, reference material aiding in the furtherance of criminal activity;
4. Photographs;
5. Time and date stamps;
6. Global Positioning System (GPS) data;
7. Stored internet searches;
8. Any information recording the defendants' schedule or travel for on or about July 10, 2014 through the date of their arrest;
9. Any other memory feature relating to the offenses outlined in the affidavit of probable cause.
10. Evidence of user attribution showing who used or owned the Device 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;

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored,

including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

UNITED STATES DISTRICT COURT

for the Eastern District of Pennsylvania

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

SIX CELLULAR PHONES, LOCATED IN ATF EVIDENCE LOCKER IN PHILADELPHIA, PA

Case No. 15- 717

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 Pennsylvania, 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):

- [x] 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:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. 2119, 18 U.S.C. 1951, and 18 U.S.C. 924(c); 18 U.S.C. 2.

The application is based on these facts: See attached affidavit.

- [x] 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.

Signature of David Krueger, Special Agent, ATF

Sworn to before me and signed in my presence.

Date: June 22, 2015

Signature of Timothy Savage, District Judge

City and state: Philadelphia, Pennsylvania

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

AS Smith

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address))
SIX CELLULAR PHONES,)
LOCATED IN ATF EVIDENCE LOCKER)
IN PHILADELPHIA, PA)

Case No. 15-717

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 Pennsylvania (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 July 3, 2015 (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 the duty magistrate.

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: June 22, 2015 2:35 pm

Timothy Savage
Judge's signature

City and state: Philadelphia, Pennsylvania

The Honorable Timothy Savage, District Judge
Printed name and title

ATTACHMENT A

ITEMS TO BE SEARCHED

The properties to be searched are the six cellular telephones that are listed below. These devices are currently located in the ATF Evidence Locker in Philadelphia, PA:

Cellular Telephones:

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2. Apple iPhone 5C, model A1456, FCC ID: BCG-E2644A; IC: 579C-E2644A; IMEI: 358542052704219
3. LG, model LS620, FCC ID: ZNFLS620; MEID DEC: 270113183811976836; MEID HEX: A100003EB6C084; S/N: 501CYZP0663885
4. Samsung, model SPHM910, FCC ID: A3LSPHM910; DEC 268435459606081104; HEX A00000245CCA50
5. Samsung, model SGHT959V, FCC ID: A3LSGHT959V
6. Blu, model Studio 5.0 C, Part No.: D536u; FCC ID: YHLBLUSTUDIO5C; IMEI #1: 355255060078020; IMEI #2: 355255060583029

This warrant authorizes the forensic examination of the Devices for the purpose of identifying the electronically stored information described in Attachment B.

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1. Contents of the telephone directory;
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3. Stored communications including voice mail, voice messages and text messages, contact lists, applications, reference material aiding in the furtherance of criminal activity;
4. Photographs;
5. Time and date stamps;
6. Global Positioning System (GPS) data;
7. Stored internet searches;
8. Any information recording the defendants' schedule or travel for on or about July 10, 2014 through the date of their arrest;
9. Any other memory feature relating to the offenses outlined in the affidavit of probable cause.
10. Evidence of user attribution showing who used or owned the Device 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;

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored,

including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

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

IN THE MATTER OF THE SEARCH OF SIX
CELLULAR PHONES, CURRENTLY
LOCATED IN ATF EVIDENCE LOCKER
IN PHILADELPHIA, PA

Case No. 15-717

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A SEARCH WARRANT**

I, David Krueger, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I, David Krueger, am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been since July 2013. I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am a graduate of the Criminal Investigator Training Program and the Special Agent Basic Training Program at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I am currently assigned to a specialized enforcement group, the ATF Violent Crimes Task Force, whose primary mission is to investigate those individuals and groups that are engaged in the commission of federal firearms and narcotics violations.

2. The information contained in this affidavit is based upon my personal observations and investigation, information relayed to me by other special agents and/or other law enforcement agents, as well as official reports of law enforcement. Because this affidavit is being submitted for the limited purpose of securing authorization to search two cellular

telephones that were seized during the arrests of Robert HARTLEY, a/k/a “Do” or “Dooman,” on or about July 17, 2014, and four seized from Terrance MUNDEN, a/k/a “Boob” or “Boobie,” on or about March 12, 2015, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to search the cellular telephones recovered from HARTLEY and MUNDEN, and identified in **Attachment A** as follows:

a. Recovered from HARTLEY:

- i. A yellow and black Blu cellular telephone, Model Dash Music 4.0, FCC ID#: YHLBLUDASHMUS40; IMEI #1: 359389050148893; IMEI #2: 359389050653892.
- ii. A white Apple iPhone 5C cellular telephone, Model A1456, FCC ID#: BCG-E2644A; IC: 579C-E2644A; IMEI#: 358542052704219.

b. Recovered from MUNDEN:

- i. A black LG cellular telephone, model LS620, FCC ID: ZNFLS620; MEID DEC: 270113183811976836; MEID HEX: A100003EB6C084; S/N: 501CYZP0663885.
- ii. A black Samsung cellular telephone, model SPHM910, FCC ID: A3LSPHM910; DEC 268435459606081104; HEX A00000245CCA50.
- iii. A black Samsung cellular telephone, model SGHT959V, FCC ID: A3LSGHT959V.

- iv. A black Blu cellular telephone, model Studio 5.0 C, Part No.: D536u; FCC ID: YHLBLUSTUDIO5C; IMEI #1: 355255060078020; IMEI #2: 355255060583029.

Your affiant currently has no information regarding the telephone numbers assigned to each of these instruments.

The six cellular telephones listed above are presently in ATF's custody in Philadelphia, PA. In my training and experience, I know that the Devices have been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as they were when the Devices first came into the possession of ATF.

3. This affidavit requests the search of the property listed in Attachment A and the extraction from that property of electronically stored information as described in Attachment B.

PROBABLE CAUSE

4. On or about July 10, 2014, at approximately 10:40 AM, Philadelphia Police (PPD) Officers responded to a shooting at The Wellness Pharmacy, located at 2337 Ridge Avenue in Philadelphia, Pennsylvania. The investigation initially revealed that two men, one brandishing a firearm, approached the driver of a van delivering pharmaceuticals and attempted to carjack the van to steal the narcotics. The driver was shot as he/she pushed one of the men, later identified as Robert HARTLEY, to the ground. The investigation further revealed three men participated in this armed robbery; Charles WARDLAW, Robert HARTLEY and Terrance MUNDEN.

5. In approximately May 2014, investigators debriefed a confidential source (herein

referred to as CS-1). CS-1 is awaiting sentencing on federal firearms violations. In an effort to earn a motion to reduce CS-1's sentence, CS-1 has provided information on this investigation and others. CS-1 has cooperated with investigators and has provided reliable and accurate information and assistance that has led to a federal Grand Jury investigation of an organized robbery crew, led by Khalil SMITH, involved in armed home invasions of drug traffickers and robbery of commercial businesses. CS-1's information, including license plates, residences, cellular telephone numbers, and names and nicknames of drug traffickers, has been proven to be reliable and accurate. CS-1 advised investigators on numerous occasions that MUNDEN believed he was wanted for the attempt to rob the van driver at the Wellness Pharmacy robbery, and consequently MUNDEN was going to either leave Philadelphia or "lay low," to evade law enforcement.

6. In July 2014, investigators debriefed another confidential source to the crimes, hereafter referred to as CS-2, who identified WARDLAW, HARTLEY, and MUNDEN as co-conspirators involved in The Wellness Pharmacy armed robbery. CS-2 identified the cellular telephone numbers he/she used to contact MUNDEN, HARTLEY and WARDLAW from her/his cellular telephone contact list. The cooperator provided the cellular telephone number for MUNDEN as 267-575-2167; HARTLEY as 267-334-1560; and WARDLAW as 215-668-6000. CS-2 stated he/she has known MUNDEN for approximately two years and met him through another individual, who introduced them so CS-2 could purchase cocaine and other illegal narcotics from MUNDEN. CS-2 also implicated himself/herself in The Wellness Pharmacy armed robbery. CS-2 stated that MUNDEN told him/her that ATF agents had been questioning others about MUNDEN.

7. Pursuant to a court order signed by the Honorable Carole S. Wells, investigators

obtained call detail and cell site data for MUNDEN's cellular telephone, 267-575-2167. ATF forensic investigators associated with this case have analyzed the data for phone number 267-575-2167 received pursuant to that court order.

8. An analysis of the cell site tracking for MUNDEN's cellular phone 267-575-2167 showed that on July 10, 2014, between the hours of 8:00 a.m. and 11:00 a.m., MUNDEN's phone was in constant communication with HARTLEY's phone, number 267-334-1560, and made a few calls before and after the robbery to the third accomplice Charles WARDLAW's phone, number 215-668-6000. The cellular telephones "hit" or activated, on various cellular towers along the route taken by the delivery driver, thus indicating cell phone users were following the delivery driver and driving to The Wellness Pharmacy. At approximately 10:22 a.m., MUNDEN's phone received an incoming call from HARTLEY's phone for a duration of approximately seventeen minutes. The attempted robbery and shooting of the delivery driver occurred at approximately 10:40 a.m. MUNDEN's phone then placed two outgoing calls to WARDLAW's phone, both lasting less than one minute each. At 11:01 a.m., MUNDEN's phone received a call from HARTLEY's phone which lasted approximately seven minutes and forty five seconds. During each of these three calls, which occurred after the attempted robbery and shooting, MUNDEN's, HARTLEY's and WARDLAW's cellular telephones hit on cellular towers going away from the pharmacy, thus indicating they were leaving the area.

9. On January 22, 2015, a federal grand jury indicted WARDLAW, HARTLEY and MUNDEN for their participation in The Wellness Pharmacy armed robbery and charged them with attempted carjacking, attempted robbery which interferes with interstate commerce, using and carrying a firearm during and in relation to a crime of violence, and aiding and abetting, in violation of Title 18, United States Code, §§ 2119, 1951, 924(c), and 2.

10. On or about July 17, 2014, WARDLAW and HARTLEY were arrested by the Philadelphia Police Department following the above-described armed robbery and have remained incarcerated since their arrest. Subsequent to HARTLEY's arrest, PPD Officers executed a search warrant at his residence, 1334 W. Seltzer Avenue, Philadelphia, Pennsylvania, and recovered two cellular telephones from HARTLEY's bedroom; which are described as:

- a. A yellow and black Blu cellular telephone, Model Dash Music 4.0, FCC ID#: YHLBLUDASHMUS40; IMEI #1: 359389050148893; IMEI #2: 359389050653892.
- b. A white Apple iPhone 5C cellular telephone, Model A1456, FCC ID#: BCG-E2644A; IC: 579C-E2644A; IMEI#: 358542052704219.

11. On or about March 12, 2015, MUNDEN was arrested by the ATF under the authority of a federal arrest warrant signed by the Honorable Richard Lloret and executed at 5618 North 18th Street, Philadelphia, Pennsylvania. Seized from MUNDEN during the search incident to arrest was the following cellular telephone:

- a. A black LG cellular telephone, model LS620, FCC ID: ZNFLS620; MEID DEC: 270113183811976836; MEID HEX: A100003EB6C084; S/N: 501CYZP0663885.

12. On or about March 12, 2015, Miss Alijhai Bigelow, MUNDEN's girlfriend, gave consent for investigators to search 5618 North 18th Street, Philadelphia, Pennsylvania. During the consent search, Miss Bigelow showed investigators the cellular telephones which belonged to her within the residence and allowed investigators to look through the contents of her cellular telephones to prove she used them. The below three cellular telephones which were found

during the search were not claimed by Miss Bigelow. Miss Bigelow told investigators only two adults lived at the residence; herself and MUNDEN. Based on the above, your affiant has reason to believe that the following three unclaimed cellular telephones, which were seized during the search, are associated with MUNDEN:

- a. A black Samsung cellular telephone, model SPHM910, FCC ID: A3LSPHM910, DEC 268435459606081104, HEX A00000245CCA50.
- b. A black Samsung cellular telephone, model SGHT959V, FCC ID: A3LSGHT959V.
- c. A black Blu cellular telephone, model Studio 5.0 C, Part No.: D536u, FCC ID: YHLBLUSTUDIO5C, IMEI #1: 355255060078020, IMEI #2: 355255060583029.

13. From my training and experience investigating organizations whose members engage in armed robberies and related offenses, and through my investigation in this case, I am aware that groups of individuals involved in robberies will often utilize their cellular telephones during the planning, preparation and execution, including get-away, phases of their robbery schemes in order to communicate with each other to facilitate the commission of their crimes. I am also aware that the possessors of these phones will frequently list individuals involved in their crimes on cellular phone directories, often by nickname, to evade detection by law enforcement. Also, I know that individuals involved in these types of crimes often do not subscribe to telephones in their own names. I am aware that analysis of the information contained in the directories contained in the cellular telephones is one of the ways to verify the cellular numbers being used by specific targets and associates to further their criminal activities, and to determine who they are contacting during relevant time periods when they are committing

their crimes.

14. It has been my experience that people engaged in the criminal activities outlined herein utilize cellular telephones to maintain contact, either by telephone calls and/or text messaging, with close associates and people they trust, to include associates in the criminal activities, and that they carry these cellular telephones with them during the course of their criminal activities. Moreover, it has been my experience that people engaged in such criminal activities utilize these cellular telephones to take photographs of themselves, their criminal associates, and other items related to their criminal activities, in some cases the proceeds from their illegal activities. People engaged in such criminal activities are also likely to have multiple cellular telephones in an effort to mask their identity to avoid detection by law enforcement.

15. Based on your affiant's experience, training, and knowledge, your affiant knows that people who engage in a criminal conspiracy use their cell phones to plan, coordinate, and execute both the crime and then the concealment of the crime. In this case, your affiant believes that because the charged suspects were not immediately apprehended, the alleged co-conspirators are likely to have discussed the crimes executed on July 10, 2014 among themselves or with others.

TECHNICAL TERMS

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

- a. Cellular telephone: A cellular telephone (or wireless telephone or mobile telephone) is a handheld wireless device used for voice and data communication

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

- b. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records of the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated "GPS") consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications

that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

- c. IP Address: An Internet Protocol address (or simply "IP address") is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.
- d. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.
- e. Digital camera: A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by

connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.

- f. Portable media player: A portable media player (or “MP3 Player” or iPod) is a handheld digital storage device designed primarily to store and play audio, video, or photographic files. However, a portable media player can also store other digital data. Some portable media players can use removable storage media. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can also store any digital data. Depending on the model, a portable media player may have the ability to store very large amounts of electronic data and may offer additional features such as a calendar, contact list, clock, or games.

- g. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments or notes) and utilizing computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive e-mail. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer

software, giving them many of the same capabilities as personal computers. For example, PDA users can work with word-processing documents, spreadsheets, and presentations. PDAs may also include global positioning system (“GPS”) technology for determining the location of the device.

- h. Tablet: A tablet is a mobile computer, typically larger than a phone yet smaller than a notebook, that is primarily operated by touching the screen. Tablets function as wireless communication devices and can be used to access the Internet through cellular networks, 802.11 “wi-fi” networks, or otherwise. Tablets typically contain programs called apps, which, like programs on a personal computer, perform different functions and save data associated with those functions. Apps can, for example, permit accessing the Web, sending and receiving e-mail, and participating in Internet social networks.

17. Based on my training, experience, and research, I know that the Devices listed in Attachment A have capabilities that allow it to serve as a wireless telephone, digital camera, portable media player, GPS navigation device, and/or PDA. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

ELECTRONIC STORAGE AND FORENSIC ANALYSIS

18. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Similarly, things that have been viewed via the

Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

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


- a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file).
- b. Forensic evidence on a device can also indicate who has used or controlled the device. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence.
- c. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.

20. *Nature of examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit the examination of the device consistent with the warrant. The examination may require authorities to employ techniques, including but

not limited to computer-assisted scans of the entire medium, that might expose many parts of the device to human inspection in order to determine whether it is evidence described by the warrant.

CONCLUSION

21. For the reasons set forth above, I believe there is probable cause to search the cellular telephones in Attachment A for evidence of violations of 18 U.S.C. §§ 2119, 1951, 924(c), and 2. I believe there is probable cause to conduct a search of these cellular telephones consistent with Attachment B which permits a search of all stored data to include, but not limited to contents of the telephone directory, electronic libraries, stored communications including voice mail, voice messages and text messages, contact lists, applications, reference material aiding in the furtherance of criminal activity, photographs, time and date stamps, Global Positioning System (GPS) data, stored internet searches and any other memory feature relating to the offenses outlined in the affidavit of probable cause.



David O. Krueger, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives (ATF)

Subscribed and Sworn before
me this ~~12~~ day of June 2015.



HONORABLE TIMOTHY SAVAGE
U.S. District Judge

ATTACHMENT A

ITEMS TO BE SEARCHED

The properties to be searched are the six cellular telephones that are listed below. These devices are currently located in the ATF Evidence Locker in Philadelphia, PA:

Cellular Telephones:

1. Blu, model Dash Music 4.0, FCC ID: YHLBLUDASHMUS40; IMEI #1: 359389050148893; IMEI #2: 359389050653892
2. Apple iPhone 5C, model A1456, FCC ID: BCG-E2644A; IC: 579C-E2644A; IMEI: 358542052704219
3. LG, model LS620, FCC ID: ZNFLS620; MEID DEC: 270113183811976836; MEID HEX: A100003EB6C084; S/N: 501CYZP0663885
4. Samsung, model SPHM910, FCC ID: A3LSPHM910; DEC 268435459606081104; HEX A00000245CCA50
5. Samsung, model SGHT959V, FCC ID: A3LSGHT959V
6. Blu, model Studio 5.0 C, Part No.: D536u; FCC ID: YHLBLUSTUDIO5C; IMEI #1: 355255060078020; IMEI #2: 355255060583029

This warrant authorizes the forensic examination of the Devices for the purpose of identifying the electronically stored information described in Attachment B.

including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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

Case No. ¹⁵⁻1362-M

APPLICATION

I. INTRODUCTION

The United States of America, by and through Zane David Memeger, United States Attorney, and Jeanine Linehan, Assistant United States Attorney, hereby moves this Court under the All Writs Act, 28 U.S.C. § 1651, for an order requiring Apple Inc. to assist in the execution of a federal search warrant by facilitating the un-locking of an iPhone and/or assisting law enforcement agents in searching the cellular phone.

II. FACTS

The Bureau of Alcohol, Tobacco, Firearms and Explosives currently has in its possession an Apple iPhone which is subject of a search warrant issued by this Court. On June 22, 2015, the Honorable Timothy J. Savage signed the Application for Search Warrant for six cellular phones, including that which is described herein, under Case No. 15-717.

Initial inspection of one of the iPhones, Apple, iPhone 5C, Model A1456, FCC ID: BCG-E2644A, IMEI #358542052704219, reveals it is passcode protected. Because of this security feature law enforcement agents are not able to examine the device as commanded by the search warrant.

Apple Inc., the manufacturer of the iPhone, may have the capability of bypassing the iPhone's password protection or otherwise assisting federal agents in searching the iPhones. This

Application seeks an order requiring Apple, Inc. to provide reasonable technical assistance, including but not limited to bypassing the iPhone's password protection, so as to assist agents in complying with the search warrant.

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. Consequently, this Court has the authority to order Apple Inc., to use any capabilities it may have to unlock the iPhone or otherwise bypass the iPhone's password protection.

The government is aware, and can represent, in other cases, courts have ordered the unlocking of an iPhone and/or other assistance by the manufacturer under this authority. Additionally, Apple Inc. has routinely complied with such orders.

This court should issue the order because doing so would enable agents to comply with this Court's warrant commanding that the iPhone be examined for evidence identified by the warrant. Examining the iPhone without Apple's assistance, if it is possible at all, would require significant resources and may harm the iPhone and/or the data saved therein. Moreover, the order is not likely to place any unreasonable burden on Apple Inc.

Respectfully submitted,

ZANE DAVID MEMEGER
United States Attorney



JEANINE LINEHAN
Assistant United States Attorney

Date: December 22, 2015

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

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

:
:
:
:
:

Case No. 1362

ORDER

Before the Court is the Government’s motion for an order requiring Apple Inc. to assist law enforcement agents in the search of an Apple iPhone. Upon consideration of the motion, and for the reasons stated therein, it is hereby;

ORDERED

that Apple Inc. assist the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in their examination of Apple, iPhone 5C, Model A1456, FCC ID: BCG-E2644A, IMEI #358542052704219, by providing reasonable technical assistance in the instance where the Device is in reasonable working order and has been locked via passcode protection.

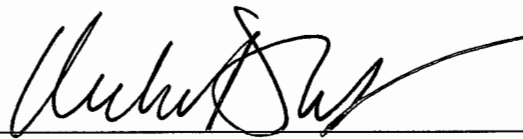
Such reasonable technical assistance consists of, to the extent possible, extracting data from the Device, copying the data from the Device onto an external hard drive or other storage medium, and returning the aforementioned storage medium to law enforcement. Law enforcement may then perform a search of the Device data on the supplied storage medium.

IT IS FURTHER ORDERED that, to the extent that data on the Device are encrypted, Apple Inc. may provide a copy of the encrypted data to law enforcement but Apple Inc. is not required to attempt to decrypt, or otherwise enable law enforcement’s attempts to access any encrypted data.

Although Apple Inc. shall make reasonable efforts to maintain the integrity of data of the

Device, Apple Inc. 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.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Richard A. Lloret', written over a horizontal line.

HONORABLE RICHARD A. LLORET
United States Magistrate Judge

Date: December 22, 2015