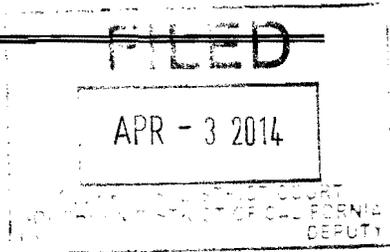


UNITED STATES DISTRICT COURT

for the

Southern 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)

2 Apple iPhones with IMEIs 013336009300990 and)
013333008526808; and 2 BlackBerries with MEIDs)
268435459801256045 and 268435459800754209)

Case No.
'14 MJ 1245

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 there is now concealed on the following person or property located in the Southern District of California (identify the person or describe property to be searched and give its location):

See Attachment A.

The person or property to be searched, described above, is believed to conceal (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;
[x] contraband, fruits of crime, or other items illegally possessed;
[x] 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 21 U.S.C. § 841 and 846, and the application is based on these facts: See Attached Affidavit of FBI Agent Bradford Woods, Jr.

- [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.

Bradford A. Woods, Jr.
Applicant's signature
Bradford Woods, Jr., FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 4/3/14

WVJ
Judge's signature
William V. Gallo, U.S. Magistrate Judge
Printed name and title

City and state: San Diego, California

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF THE SEARCH
OF:

Case No. _____

(1) BLACKBERRY CELLULAR
TELEPHONE, MODEL
NUMBER: REY21CW, MEID
268435459801256045

(2) APPLE IPHONE CELLULAR
TELEPHONE
MODEL NUMBER: A1428,
IMEI: 013336009300990

(3) BLACKBERRY CELLULAR
TELEPHONE, MODEL
NUMBER: REY21CW,
MEID: 268435459800754209

(4) APPLE IPHONE CELLULAR
TELEPHONE, MODEL
NUMBER: A1428,
IMEI: 013333008526808

AFFIDAVIT IN SUPPORT OF APPLICATION FOR A SEARCH WARRANT

I, BRADFORD L. WOODS JR., being duly sworn, declare and state:

I

TRAINING AND EXPERIENCE

1. I am a Special Agent (SA) of the United States Federal Bureau of Investigation (FBI) and an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7). I am empowered to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516.

1 2. I have been a SA with the FBI since October 2011 and I received basic
2 Federal Law Enforcement training at the FBI Academy in Quantico, Virginia. After the
3 Academy, I was assigned to the FBI Milwaukee Division to work on the Gangs Rock
4 County Safe Streets Task Force (GROC-SSTF), which investigates the violent gangs in
5 southwest Wisconsin. In June 2010, I was assigned to the FBI San Diego Division to
6 work on the East County Regional Gang Task Force (ECRGTF), which conducts
7 enterprise investigations against criminal and violent street gangs, with the goal of
8 disrupting their criminal activities and dismantling these enterprises, using sophisticated
9 investigative techniques. During the course of my employment as an FBI SA, I have
10 employed or have been involved in investigations that employed various investigative
11 techniques, including court-authorized interception of wire, oral, and electronic
12 communications, pen register/trap and trace, telephone toll analysis, physical surveillance,
13 stationary surveillance, trash covers, mail covers, confidential source, cooperating
14 witnesses, undercover operations, search warrants, grand jury proceedings and financial
15 investigations.

16 3. While with the FBI, I have participated in gang and drug investigations along
17 with senior FBI SAs and San Diego Sheriff's Office (SDSO) Detectives, SAs from the
18 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Drug Enforcement
19 Administration (DEA), and Immigration and Customs Enforcement (ICE), Detectives and
20 Investigators from the San Diego County District Attorney's Office, the San Diego County
21 Probations Department, and the California Department of Corrections and Rehabilitation.
22 These investigations explored the unlawful, importation, possession with intent to
23 distribute and distribution of controlled substances. During these investigations I have
24 actively participated in the following: physical surveillance, utilization of confidential
25 informants; consensually recorded telephone conversations; undercover transactions; the
26 debriefing of defendants, witnesses and informants; the execution of search warrants; the
27 seizure of narcotics-related assets; and the arrests of individuals for narcotics-related
28 offenses. I have spoken with defendants, confidential informants, and witnesses who,

1 themselves, have extensive knowledge of the inner workings of neighborhood street
2 gang-related criminal activity and narcotics trafficking. I have also spoken with other
3 experienced gang and narcotics investigators concerning the methods and practices of
4 drug traffickers.

5 4. Through my investigations, my training and experience, and discussions with
6 other law enforcement personnel, I have become familiar with the tactics and methods
7 employed by the controlled substance traffickers to smuggle and safeguard controlled
8 substances, to distribute controlled substances, and to collect and launder the proceeds
9 from the sale of controlled substances.

10 5. Based on my training and experience, I am knowledgeable that
11 individuals involved in drug trafficking use cellular telephones and maintain these items
12 on their person and/or in residences they use. Drug traffickers use cell phones to increase
13 their mobility, coordinate illicit activities, and to provide the drug traffickers with instant
14 access to phone calls and voice messages. The cell phone enables drug dealers to
15 maintain contact with drug associates, drug suppliers, and drug customers. Cellular
16 telephones contain wire and electronic data concerning telephonic contact, text messages,
17 and electronic mail messages with co-conspirators, as well as telephone books containing
18 contact information for co-conspirators. Drug traffickers also utilize cell phones with
19 photograph and video capabilities to take photographs and videos of other drug traffickers,
20 drugs, money, and assets purchased with drug proceeds. Drug traffickers also utilize cell
21 phones to take photographs and videos of other members of drug trafficking and
22 distribution organizations, drugs, money, and assets purchased with drug proceeds.

23 II

24 PURPOSE OF THIS AFFIDAVIT

25 6. This affidavit supports an application for a warrant to search and seize
26 evidence from: one (1) BlackBerry cellular phone bearing Mobile Equipment Identifier
27 ("MEID") number 268435459801256045 ("**Target Telephone #1**"); one (1) Apple
28 iPhone, bearing International Mobile Equipment Identifier ("IMEI") number

1 013336009300990 (“**Target Telephone #2**”); one (1) BlackBerry cellular phone, bearing
2 MEID number 268435459800754209 (“**Target Telephone #3**”); and one (1) Apple
3 iPhone, bearing IMEI number 013333008526808 (“**Target Telephone #4**”), currently in
4 the possession of the Federal Bureau of Investigation, 10385 Vista Sorrento Parkway, San
5 Diego, California, 92121, and more particularly described in Attachment A, incorporated
6 herein.

7 7. Based on the information below, I have probable cause to believe that within
8 the items described in paragraph 6, there is (1) evidence of a crime; (2) fruits of a crime;
9 and (3) property designed for use, intended for use, or used in committing a crime.
10 Specifically, I have probable cause to believe that within the above items is evidence of
11 violations of Title 21, United States Code, Sections 841 and 846– conspiracy to distribute
12 methamphetamine.

13 8. The evidence to be searched for and seized is described in attachment B,
14 incorporated herein.

15 9. The following is based on my own investigation, oral and written reports of
16 other law enforcement personnel, interviews, searches, and other investigative
17 techniques.¹ Since this affidavit is for a limited purpose, I have not included every fact I
18 know about this investigation. I set forth only facts necessary to establish foundation for
19 the requested warrant. Conversations and discussions below are set forth in substance
20 unless otherwise noted. Dates and times are approximate.

21 **FACTS SUPPORTING PROBABLE CAUSE**

22 10. On February 12, 2013, agents with the Federal Bureau of Investigation
23 working with members of the ECRGTF served a federal search warrant on the residence
24

25 1 Agents and task force officers with the ECRGTF conducted a two-year
26 investigation which targeted the Skyline criminal street gang operating throughout San
27 Diego County. SANCHEZ was a large-scale dealer who supplied members of this
28 organization and others with methamphetamine. Between August and December 2012,
pursuant to court-authorization, the FBI conducted Title III wiretap interceptions over
several of SANCHEZ’s cellular phones.

1 of Carlos SANCHEZ ("SANCHEZ") located at 1367 Monserate Avenue, Chula Vista,
2 California. An arrest warrant was also served on SANCHEZ and his wife Laura Millan
3 ("Millan"). SANCHEZ and Millan were both charged with conspiracy to distribute
4 methamphetamine in violation of the aforementioned federal offenses. Pursuant plea
5 agreements attached hereto as Exhibits A and B, on March 5 and February 20, 2014,
6 SANCHEZ and Millan, respectively, pled guilty to conspiracy to distribute
7 methamphetamine, in violation of Title 21, United States Code, Sections 841 and 846.
8 SANCHEZ and Millan are currently awaiting sentencing.

9 11. During the course of the search on SANCHEZ's home, law enforcement
10 seized large amounts (approximately 20 pounds) of methamphetamine located throughout
11 the residence, as well as four firearms and approximately \$17,500. Methamphetamine
12 was located in a bucket buried in the backyard, as well as several areas throughout the
13 family living room and the kitchen.

14 12. In addition to methamphetamine, firearms, and U.S. Currency, law
15 enforcement also located and seized the Target Telephones. Two of the **Target**
16 **Telephones** were located in the master bedroom, and two of the **Target Telephones** were
17 located in the kitchen. Other than SANCHEZ and Millan, the only other occupants of the
18 Monserate residence were SANCHEZ and Millan's two young children.

19 13. Based upon my experience and investigation in this case, as well as
20 SANCHEZ's guilty plea, I believe that SANCHEZ was involved in an ongoing conspiracy
21 to distribute methamphetamine. Based on my experience investigating methamphetamine
22 distributors, I also believe that SANCHEZ used Target Telephones #1, #2, #3, and #4 to
23 contact and coordinate with co-conspirators regarding the purchase, sale, and distribution
24 of methamphetamine, and to otherwise further this conspiracy. I also know that recent
25 calls made and received, telephone numbers, contact names, electronic mail (email)
26 addresses, appointment dates, text messages, pictures and other digital information are
27 stored in the memory of cellular telephones, which identify other persons involved in
28 narcotics trafficking activities.

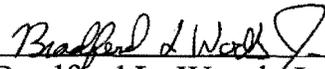
1 14. Accordingly, based upon my experience and training, consultation with other
2 law enforcement officers experienced in narcotics trafficking investigations, and all the
3 facts and opinions set forth in this affidavit, I believe that evidence concerning the
4 narcotics activities of SANCHEZ and his co-conspirators, such as telephone numbers,
5 made and received calls, contact names, electronic mail (email) addresses, appointment
6 dates, messages, pictures, destinations, travel routes, and other digital information are
7 stored in the memory of **Target Telephones #1, #2, #3, and #4** described herein.

8 METHODOLOGY

9 15. It is not possible to determine, merely by knowing make model and serial
10 number of the cellular telephone, the nature and type of services to which the device is
11 subscribed and the nature of the data stored on the device. Cellular devices today can be
12 simple cellular telephones and text message devices, can include cameras, can serve as
13 personal digital assistants and have functions such as calendars and full address books and
14 can be mini-computers allowing for electronic mail services, web services and
15 rudimentary word processing. An increasing number of cellular service providers now
16 allow for their subscribers to access their device over the internet and remotely destroy all
17 of the data contained on the device. For that reason, the device may only be powered in a
18 secure environment or, if possible, started in "flight mode" which disables access to the
19 network. Unlike typical computers, many cellular telephones do not have hard drives or
20 hard drive equivalents and store information in volatile memory within the device or in
21 memory cards inserted into the device. Current technology provides some solutions for
22 acquiring some of the data stored in some cellular telephone models using forensic
23 hardware and software. Even if some of the stored information on the device may be
24 acquired forensically, not all of the data subject to seizure may be so acquired. For
25 devices that are not subject to forensic data acquisition or that have potentially relevant
26 data stored that is not subject to such acquisition, the examiner must inspect the device
27 manually and record the process and the results using digital photography. This process is
28 time and labor intensive and may take weeks or longer.

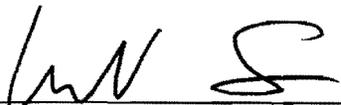
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WHEREFORE, I request that the court issue a search warrant for the items in paragraph 6 to seize the evidence in Attachment B.



Bradford L. Woods Jr.
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 3 day of April, 2014.



HONORABLE WILLIAM V. GALLO
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

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The property to be search is one (1) BlackBerry cellular phone bearing Mobile Equipment Identifier (“MEID”) number 268435459801256045 (“**Target Telephone #1**”); one (1) Apple iPhone, bearing International Mobile Equipment Identifier (“IMEI”) number 013336009300990 (“**Target Telephone #2**”); one (1) BlackBerry cellular phone, bearing MEID number 268435459800754209 (“**Target Telephone #3**”); and one (1) Apple iPhone, bearing IMEI number 013333008526808 (“**Target Telephone #4**”), currently in the possession of the Federal Bureau of Investigation, 10385 Vista Sorrento Parkway, San Diego, California, 92121.

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

ATTACHMENT B

All records to be searched for and seized on the **Target Telephones** described in Attachment A relates to conspiracy to distribute methamphetamine, in violation of Title 21, United States Code, Sections 841 and 846, and involve subject Carlos SANCHEZ (“SANCHEZ”) and others since at least August 2012, including:

1. Communications, records, and/or data including but not limited to emails, text messages, photographs, audio files, videos, or location data:
 - a. tending to indicate efforts to conspire to distribute methamphetamine in the United States;
 - b. tending to identify other co-conspirators;
 - c. tending to identify types, amounts, and prices of drugs trafficked as well as dates, places, and amounts of specific transactions;
 - d. tending to identify amounts of drugs obtained and amounts owed by specific co-conspirators
 - e. tending to identify other facilities, storage devices, or services—such as email addresses, IP addresses, phone numbers—that may contain electronic evidence tending to indicate efforts to conspire to distribute methamphetamine in the United States;
 - f. tending to identify co-conspirators, criminal associates, or others involved in the conspiracy to distribute methamphetamine in the United States;
 - g. tending to identify travel to or presence at locations tending to indicate the preparation or execution of the conspiracy to distribute methamphetamine in the United States;
 - h. tending to identify the user of, or persons with control over or access to, the **Target Telephones** set forth in Attachment A; or
 - i. communications, records, or data tending to place in context, identify the creator or recipient of, or establish the time of creation or receipt of, the items listed above.

FILED

APR - 3 2014

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPT.

1 LAURA E DUFFY
2 United States Attorney
3 KATHRYN A. SCHNEIDER
4 Special Assistant U.S. Attorney
5 Wisconsin Bar No.: 1056779
6 Office of the U.S. Attorney
7 880 Front Street, Room 6293
8 San Diego, CA 92101
9 Tel: (619) 546-6693
10 Email: Kathryn.Schneider2@usdoj.gov
11 Attorneys for the United States

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

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

Case No.:

APPLICATION

'14 MJ 1245

19 The United States of America, by and through Laura E. Duffy, United States
20 Attorney, and Kathryn A. Schneider, Special Assistant United States Attorney, hereby
21 moves this Court under the All Writs Act, 28 U.S.C. § 1651, for an order requiring Apple,
22 Inc. ("Apple") to assist in the execution of a federal search warrant by bypassing the lock
23 screen of an iOS device, specifically, an Apple iPhone, Model Number A1428, bearing
24 International Mobile Equipment Identifier ("IMEI") number 013333008526808 ("**Target**
25 **Telephone #4**").

26 FACTS

27 The Federal Bureau of Investigation ("FBI") currently has in its possession **Target**
28 **Telephone #4** that was seized on February 12, 2013, pursuant to a search warrant issued

1 by this court. Initial inspection of the iOS device reveals that **Target Telephone #4** is
2 locked. Because the iOS device is locked, law enforcement agents are not able to examine
3 the data stored on the iOS device as commanded by the search warrant.

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

9 DISCUSSION

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

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

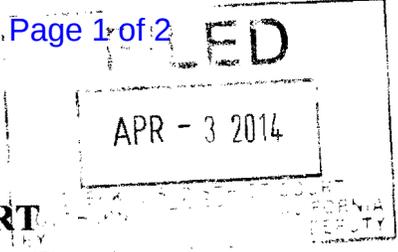
1 The requested order would enable agents to comply with this Court's warrant
2 commanding that the iOS device be examined for evidence identified by the warrant.
3 Examining the iOS device without Apple's assistance, if it is possible at all, would require
4 significant resources and may harm the iOS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

6
7 DATED: April 1, 2014

Respectfully submitted,

8 LAURA E. DUFFY
9 United States Attorney

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11 
12 KATHRYN A. SCHNEIDER
13 Special Assistant U.S. Attorney
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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

Case No.:

ORDER

'14 MJ 1245

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 law enforcement agents in the examination of the Apple iPhone, Model Number Model Number A1428, bearing International Mobile Equipment Identifier ("IMEI") number 013333008526808 ("Target Telephone #4"), acting in support of a search warrant issued separately by this Court;

IT IS 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;

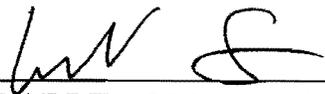
IT IS FURTHER ORDERED that, to the extent that data on the iOS Device is encrypted, Apple may provide a copy of the encrypted data to law enforcement, but Apple is not required to attempt to decrypt, or otherwise enable law enforcement's attempts to access any encrypted data;

IT IS FURTHER ORDERED that Apple's reasonable technical assistance may 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

1 search, or otherwise circumventing the iOS Device's security systems to allow law
2 enforcement access to Data and to provide law enforcement with a copy of encrypted data
3 stored on the IOS Device;

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

8
9 Signed this 3 day of April, 2014.

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11 
12 _____
13 HONORABLE WILLIAM V. GALLO
14 UNITED STATES MAGISTRATE JUDGE

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