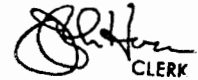


FILED

JUN 23 2015



CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search of

No. 15-mj-36

Black iPhone 5, model A1428,
bearing FCC ID: BCG-E2S99A

**AFFIDAVIT IN SUPPORT OF
SEARCH AND SEIZURE WARRANT**

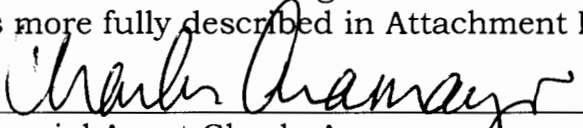
STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

I, Charla Aramayo, being duly sworn on oath, depose and say:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI) in Sioux Falls, South Dakota, and have been duly employed in this position since May 2003, and prior to that as a Special Agent with the Immigration and Naturalization Service since April 1998. I am a graduate of the Immigration Special Agent Training Program at the Federal Law Enforcement Training Center and received cross training relating to Customs investigations after the merger of the INS and US Customs Service.
2. As a Special Agent, one of my responsibilities is investigating human trafficking violations.
3. Through this affidavit, I am requesting that a search warrant be issued for the following: black iPhone 5, model A1428, bearing FCC ID: BCG-E2S99A.
4. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of United States Code are located within the contents of the phone described above.
5. I have received information from other law enforcement officers by either verbal or written report. The officers providing information may have received the information by way of personal knowledge or from another source. Other information I have received includes the sworn

information contained in Attachment A attached hereto. The substance of that sworn testimony from Attachment A is hereby incorporated into this affidavit by this reference.

6. On May 29, 2015, Judge Mark Salter, Minnehaha County Circuit Court, Second Judicial District, issued a search warrant in conjunction with a sex trafficking investigation conducted by the Sioux Falls Police Department. During the execution of the warrant, which I assisted with, a black iPhone 5s was seized from the vehicle of Justin Keith, a suspected sex trafficker. Thereafter, another search warrant was issued on June 5, 2015, by Judge Mark Salter, Minnehaha County Circuit Court, Second Judicial District, for the device and other items seized during execution of the warrant because the initial warrant failed to include authorization to have seized items forensically examined at an offsite location. The subsequent warrant signed on June 5, 2015, included that authorization. However, during an attempt to forensically examine the iPhone, it was discovered that the device is password protected and a forensic examination of the phone is not possible without first unlocking the device. The search warrant affidavits, search warrants and return of search warrants and inventories described above are attached herein as Attachment A.
7. On June 9, 2015, I took possession of the evidence seized pursuant to the search warrants listed above, including the black iPhone, from the Sioux Falls Police Department.
8. Based on the information provided in the search warrant affidavits dated May 28, 2015, and June 5, 2015, referenced in Attachment A, I believe there is probable cause that evidence of sex trafficking activities in violation of 18 U.S.C. § 1591 exists within the black iPhone described above and currently located within the office of Homeland Security Investigations, Sioux Falls, SD.
9. I respectfully request a search warrant be issued to search the cellular phone described above, for evidence of sex trafficking activities in violation of 18 U.S.C. § 1591, as more fully described in Attachment B hereto.


Special Agent Charla Aramayo
U.S. Department of Homeland Security
Homeland Security Investigations

Sworn to before me, and subscribed in my presence on the 23rd day of June, 2015, at Sioux Falls, South Dakota.



VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE

Attachment A

County of Minnehaha, Circuit Court Second Judicial Circuit

1. Search warrant Affidavit 5/29/2015
2. Search Warrant 5/29/2015
3. Return of Search Warrant and Inventory 6/3/2015
4. Search warrant Affidavit 6/5/2015
5. Search Warrant 6/5/2015
6. Return of Search Warrant and Inventory 6/5/2015

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA

vs.

AFFIDAVIT IN SUPPORT
OF SEARCH WARRANT

Microtel Inn & Suites
2901 S Carolyn Ave.
Rooms #302
Sioux Falls, Minnehaha County SD

And

2005 Cadillac DeVille DTS
Silver/Gray
VIN: 1G6KD54Y05U123634

And

Black Motorola Cell Phone *
FCC ID: IHDT56PJ4

And

Black Samsung Flip Phone
FCC ID: A3LSMB311V

Defendants

I, Detective C. Schoepf, being first duly sworn on oath, deposes and states that I am a Detective with the Sioux Falls Police Department presently assigned to the Crimes Against Persons Section. I have been a law enforcement officer with the Sioux Falls Police Department for 7 years.

1. On 05/26/15 at 2144 hrs Officer McClure and Officer Gross of the Sioux Falls Police Department Street Crimes Unit were conducting an investigation into Prostitution and Human Trafficking. This took place in the 1300 block of N Cleveland Ave, Sioux Falls, Minnehaha, South Dakota. A case report was created under CC 2015-35719.

2. Officer McClure and Officer Gross located an online advertisement on www.backpage.com that seemed to be related to Prostitution. The online advertisement had a phone number listed as 605-595-1963 and listed as being for a female "Toya". Officer McClure made an arrangement via text message with the phone number listed to meet with "Toya" at an arranged location. Officer McClure also negotiated to pay \$150.00 for sexual services.
3. On 05/27/2015 at 0002 hrs Officer McClure and Officer Gross drove to the prearranged meeting area in unmarked vehicles and met with the female that matched the description of the picture on the online advertisement. The female attempted to get into the front passenger seat with Officer McClure. Officer McClure and Officer Gross detained the female. She then provided her true identity as Adjii Mama Diao (02/06/1992).
4. Diao stated that in the past she had been physically assaulted by the defendant, Justin Damon Keith (12/30/1984), and forced to engage in prostitution. Diao claimed that the defendant transported her to meet with men for commercial sex and forced her to engage in prostitution through threats of physical harm and that the defendant kept the proceeds from the acts of prostitution. Diao also advised that the defendant recently made threats of physical harm and the defendant used her cell phone to place the online advertisement. Diao indicated that the

defendant was doing the majority of the texting with Officer McClure to make the arrangement for a commercial sex act.


5. Diao granted a consent search of her cell phone. Officers found evidence that corroborated her story that included text messages from the defendant to her that threatened her with physical harm.
6. Officers of the Sioux Falls Police Department and Homeland Security Investigations attempted to locate the defendant, but were unsuccessful. Officer McClure and Officer Gross were advised that the defendant would be operating a dealer plated vehicle possibly a vintage silver Cadillac. A Be On the Look Out was issued for the defendant and his vehicle.
7. On 05/28/2015 Officer Krahn of the Sioux Falls Police Department located the 2005 Cadillac DeVille DTS silver/gray in color at the Microtel Inn & Suites, 2901 S Carolyn Ave, Sioux Falls, Minnehaha County, South Dakota. The dealer plate on the vehicle has the defendant's name on it. Officers made contact with the defendant in hotel room number 302 which is registered in his name. The defendant was placed under arrest at that time for Procure or Promote Prostitution, Pimping-Renting for Prostitution and Human Trafficking 2nd Degree. The defendant had in his possession a black Motorola smartphone with FCC ID: IHDT56PJ4. While officers were speaking with the defendant they observed and seized a black Samsung flip phone with FCC ID: A3LSMB311V, which was on the bed near the defendant.
8. Backpage.com is an internet web site that is commonly used for advertising prostitution. A prostitute or pimp can place an online ad on these sites for a small fee, and normally include a photo and description of the female associated with

it. These ads are found under the Adult section and can be listed as Escorts, body rubs, strippers and strip clubs, as well as several other titles. After selecting the Escort section, a daily list of ads appear including descriptions of services available and female descriptions. An example of these can include "Exotic Dream Girl", "Massage", and "New in town". The user then selects the ad to observe the picture and description and can contact the ad by either calling or texting a phone number, or emailing the website directly. The person placing the ad then responds to the user and sets up the contact. These ads can be created on any phone with internet connections, and contact is done via phone or internet.

9. Within the ad, terms commonly used are in call or out call. In call refers to the prostitute being stationary and the user travels to the prostitute. An out call is where the prostitute would travel to a location that the user selects. Hotels and motels are locations commonly uses for prostitution due to the easy access to rooms and the ability to blend in with normal hotel traffic. The length of time spent with the prostitute can vary, but commonly reflect an hourly or half hour rate.
10. Your Affiant has been informed that in sex trafficking investigations that there is often communication between the pimps and prostitutes electronically using cell phones, computers and other electronic media. It is also known that it is not uncommon for prostitutes and pimps to utilize several different phones and phone numbers in order to evade detection and identification. Money made from the proceeds of prostitution pays for transportation, lodging, clothing, condoms, food, and other items associated with prostitution, pimping and human trafficking.
11. Your Affiant asks the court for an order to search room #302 of Microtel Inn & Suites at 2901 S Carolyn Ave, Sioux Falls, Minnehaha County, South Dakota as

well as the 2005 Cadillac DeVille DTS VIN: 1G6KD54Y05U123634 for Cell phones, laptops, computers, internet devices, digital recording and communication devices, receipts, cash, credit, debit, prepaid cards, any printed matter, passwords, access codes, the digital data stored on these devices and any other items associated with prostitution, pimping and human trafficking. Your Affiant also requests permission to remove these items to an offsite location to be forensically examined.

12. Your Affiant swears that the above mentioned information is true to the best of his knowledge and states that the events described above occurred in Sioux Falls, Minnehaha County, South Dakota.


AFFIANT

Subscribed and sworn before me this 29th day of May, 2015.


JUDGE

0254 hrs

FILED
JUN 05 2015
Minnehaha County, S.D.
Clerk Circuit Court

STATE OF SOUTH DAKOTA)
) :SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT
MAGISTRATE DIVISION

STATE OF SOUTH DAKOTA,
vs.

SEARCH WARRANT

Microtel Inn & Suites
2901 S Carolyn Ave.
Rooms #302
Sioux Falls, Minnehaha County SD

JWA
15-294

And;

2005 Cadillac DeVille DTS
Silver/Gray
VIN: 1G6KD54Y05U123634

And;

Black Motorola Cell Phone
FCC ID: IHDT56PJ4

And;

Black Samsung Flip Phone
FCC ID: A3LSMB311V

Defendants

TO ANY LAW ENFORCEMENT OFFICER IN THE COUNTY OF MINNEHAHA:

Proof by Affidavit has been made before me by DETECTIVE CHRIS SCHOEPF that there is probable cause to believe that the property described herein may be found at the location set forth herein and the property is:

- Evidence of the commission of a criminal offense, to-wit: **Prostitution, Pimping and Human Trafficking**
- Contraband, the fruits of crime, or thing otherwise criminally possessed,
- Designed or intended for use in, or which is or has been used as a means of, committing a criminal offense.

YOU ARE THEREFORE COMMANDED TO SEARCH

Microtel Inn and Suites 2901 S Carolyn Ave Room #302 and occupants, Sioux Falls, Minnehaha County, South Dakota and 2001 Cadillac DeVille DTS VIN 1G6KD54Y05U123634.

For the following property: Cell phones, laptops, computers, internet devices, digital recording and communication devices, receipts, cash, credit, debit, prepaid cards, any printed matter, passwords, access codes, the digital data stored on these devices and any other items associated with prostitution, pimping and human trafficking. Your Affiant also requests permission to remove these items to an offsite location to be forensically examined.

It is further ORDERED that this Search Warrant shall be executed within ten days and may be executed in accordance with my initials placed below:

- You may serve this Warrant only during the daytime. Night is that period from 8 p.m. to 8 a.m. local time.
- You may serve this Warrant at any time of day or night because reasonable cause has been shown to authorize night time execution pursuant to SDCL 23A-35-4.
- You may execute this Warrant without notice of execution required by SDCL 23A-25-4 in that probable cause exists to demonstrate that if notice were given prior to execution (that the property sought may be easily and quickly destroyed or disposed of) (that danger to life of limb or the officer or another may result).

- You may serve this Warrant on Sunday.
- You may remove the item seized to an offsite location to be forensically examined for any evidence related to the crime of Prostitution, Pimping and Human Trafficking.

If the above-described property be seized, it should be returned to me at the Courthouse of this court along with the duplicate original Warrant.

This Warrant is issued at 2:56 o'clock a.m. this 29th day of July, 2015, at Sioux Falls, Minnehaha County, South Dakota.


Magistrate/Circuit Judge

FILED
JUN 05 2015
Minnehaha County, S.D.
Clerk Circuit Court

STATE OF SOUTH DAKOTA)
) :SS
 COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
 SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA

RETURN OF SEARCH
 WARRANT AND INVENTORY

vs.

Microtel Inn & Suites
 2901 S Carolyn Ave.
 Rooms #302
 Sioux Falls, Minnehaha County SD

JWA
15-294

And;

2005 Cadillac DeVille DTS
 Silver/Gray
 VIN: 1G6KD54Y05U123634

And;

Black Motorola Cell Phone
 FCC ID: IHDT56PJ4

And;

Black Samsung Flip Phone
 FCC ID: A3LSMB311V

Defendant.

I, Detective Chris Schoepf, received the within court ordered search warrant on May 29, 2015 and duly executed the same on May 29, 2015 at 0330 hours by searching the premises described in the warrant for the property described in the warrant, and leaving a copy of the search warrant together with a receipt and inventory of the premises.

The following is an inventory of the property taken pursuant to the search warrant:

- 1 VANILLA GIFT/DEBIT CARD #4847186195396862
- 2 VANILLA GIFT/DEBIT CARD #4847186114913664

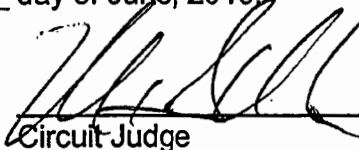
- 3 3 TROJAN MAGNUM CONDOMS UNUSED
 - 4 1 DAYS INN HOTEL ROOM KEY CARD
 - 5 UNKNOWN HOTEL KEY CARD WELCOME TO WILLKOMMEN
 - 6 2 DAKOTA LODGE ROOM KEY CARDS
 - 7 MISC. DOCUMENTS
-
- 8 2 SAMSUNG GALAXY SMARTPHONES
 - 9 1 APPLE IPHONE BLACK
 - 10 1 HP COMPUTER WITH CHARGER
 - 11 PREPAID PHONE CARD
 - 12 SAMSUNG CELL PHONE BATTERY

The above inventory is a true and accurate account of all property taken pursuant to search warrant, or otherwise, and was made by the undersigned in the presence of Detective Chris Schoepf.

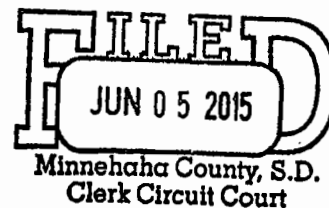


Detective Chris Schoepf

Subscribed and sworn to before me this 3rd day of June, 2015,



Circuit Judge



STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA

AFFIDAVIT IN SUPPORT
OF SEARCH WARRANT

vs.

Black Motorola Cell Phone
FCC ID: IHDT56PJ4

And;

Black Samsung Flip Phone
FCC ID: A3LSMB311V

And;

HP Blue Laptop
S/N 5CG3443VC4

And;

White Samsung Galaxy S3
FCC ID: A3LSCHR530

And;

Black iPhone
FCC ID: BCG-E2S99A

And;

White Samsung Galaxy S3
FCC ID: A3LSCH1535

Defendants.

*SWA
15 29B*

I, Detective C. Schoepf, being first duly sworn on oath, deposes and states that I am a Detective with the Sioux Falls Police Department presently assigned to the Crimes Against Persons Section. I have been a law enforcement officer with the Sioux Falls Police Department for 7 years.

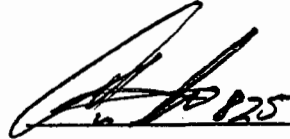
1. On May 29th, 2015 Your Affiant requested and was granted a Search Warrant for Microtel Inn & Suites, 2901 S Carolyn Ave. #302, Sioux Falls, Minnehaha County, South Dakota, a 2005 Cadillac DeVille DTS VIN: 1G6KD54Y05U123634, a Black Motorola Cell Phone FCC ID: IDHT56PJ4, and a Black Samsung Flip Phone FCC ID: A3LSMB311V.

2. While conducting a search of the property requested several items were seized pursuant to the search warrant. Of those items Your Affiant located and seized a blue HP Laptop serial number 5CG3443VC4, a white Samsung Galaxy S3 FCC ID: A3LSCHR530, a black iPhone FCC ID: BCG-E2S99A, and a white Samsung Galaxy S3 FCC ID: A3LSCH1535.

3. Your Affiant pursuant to the warrant seized the items and placed them into evidence. On the Affidavit In Support Of Search Warrant and the Search Warrant Your Affiant requested permission to remove the items seized to an offsite location in order to have them forensically examined. The warrant was granted, however, there is a check box on the Search Warrant that was not initialed that again requests permission to have them forensically examined at an offsite location.

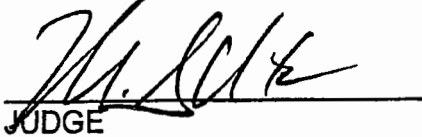
4. Your Affiant asks the court for an order to conduct a forensic search of a Black Motorola Cell Phone FCC ID: IDHT56PJ4, and a Black Samsung Flip Phone FCC ID: A3LSMB311V; blue HP Laptop serial number 5CG3443VC4, a white Samsung Galaxy S3 FCC ID: A3LSCHR530, a black iPhone FCC ID: BCG-E2S99A, and a white Samsung Galaxy S3 FCC ID: A3LSCH1535 for any digital evidence related to the crime of Prostitution, Pimping and Human Trafficking.

5. Your Affiant swears that the above mentioned information is true to the best of his knowledge and states that the events described above occurred in Sioux Falls, Minnehaha County, South Dakota.



AFFIANT

Subscribed and sworn before me
this 5th day of June, 2015.


JUDGE

FILED
JUN 05 2015
Minnehaha County, S.D.
Clerk Circuit Court

STATE OF SOUTH DAKOTA)
) :SS
 COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
 SECOND JUDICIAL CIRCUIT
 MAGISTRATE DIVISION

STATE OF SOUTH DAKOTA,

SEARCH WARRANT

vs.

Black Motorola Cell Phone
 FCC ID: IHDT56PJ4

And;

Black Samsung Flip Phone
 FCC ID: A3LSMB311V

And;

HP Blue Laptop
 S/N 5CG3443VC4

And;

White Samsung Galaxy S3
 FCC ID: A3LSCHR530

And;

Black iPhone
 FCC ID: BCG-E2S99A

And;

White Samsung Galaxy S3
 FCC ID: A3LSCH1535

Defendants

JWA
15-2912

TO ANY LAW ENFORCEMENT OFFICER IN THE COUNTY OF MINNEHAHA:

Proof by Affidavit has been made before me by DETECTIVE CHRIS SCHOEPF that
 there is probable cause to believe that the property described herein may be found at

the location set forth herein and the property is:

- Evidence of the commission of a criminal offense, to-wit: **Prostitution, Pimping and Human Trafficking**
- Contraband, the fruits of crime, or thing otherwise criminally possessed,
- Designed or intended for use in, or which is or has been used as a means of, committing a criminal offense.

YOU ARE THEREFORE COMMANDED TO SEARCH

A Black Motorola Cell Phone FCC ID: IDHT56PJ4, and a Black Samsung Flip Phone FCC ID: A3LSMB311V, blue HP Laptop serial number 5CG3443VC4, a white Samsung Galaxy S3 FCC ID: A3LSCHR530, a black iPhone FCC ID: BCG-E2S99A, and a white Samsung Galaxy S3 FCC ID: A3LSCH1535

For the following property: Any digital evidence related to the crime of Prostitution, Pimping and Human Trafficking.

It is further ORDERED that this Search Warrant shall be executed within ten days and may be executed in accordance with my initials placed below:

- You may serve this Warrant only during the daytime. Night is that period from 8 p.m. to 8 a.m. local time.
- You may serve this Warrant at any time of day or night because reasonable cause has been shown to authorize night time execution pursuant to SDCL 23A-35-4.
- You may execute this Warrant without notice of execution required by SDCL 23A-25-4 in that probable cause exists to demonstrate that if notice were given prior to execution (that the property sought may be easily and quickly destroyed or disposed of) (that danger to life of limb or the officer or another may result).

You may serve this Warrant on Sunday.
 You may remove the item seized to an offsite location to be forensically examined for any evidence related to the crime of Prostitution, Pimping and Human Trafficking.

If the above-described property be seized, it should be returned to me at the Courthouse of this court along with the duplicate original Warrant.

This Warrant is issued at 12:30 o'clock P.m. this 5th day of June, 2015, at Sioux Falls, Minnehaha County, South Dakota.


Magistrate/Circuit Judge

FILED
JUN 05 2015
Minnehaha County, S.D.
Clerk Circuit Court

described in the warrant for the property described in the warrant, and leaving a copy of the search warrant together with a receipt and inventory of the premises.

The following is an inventory of the property taken pursuant to the search warrant:

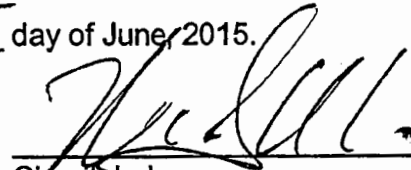
Documents

The above inventory is a true and accurate account of all property taken pursuant to search warrant, or otherwise, and was made by the undersigned in the presence of Detective Chris Schoepf.

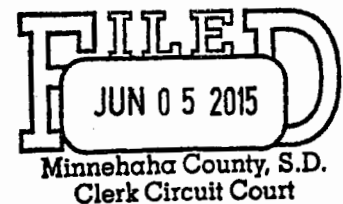


Detective Chris Schoepf

Subscribed and sworn to before me this 5th day of June, 2015.



Circuit Judge



ATTACHMENT B

DESCRIPTION OF PROPERTY TO BE SEARCHED FOR AND SEIZED

All records, contained within:

- a. Black iPhone, FCC ID: BCG-E2S99A

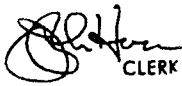
that relate to violations of commercial sex trafficking in violation of 18 U.S.C. §§1591, including:

1. All names, aliases, and telephone numbers stored in the phone, including any telephone number directory stored in the memory of the phone;
2. All telephone calls made or received that are stored in the memory of the phone;
3. All text messages sent or received, or made but not sent, that are stored in the memory of the phone;
4. The content of any and all voice mail messages;
5. All images. Photographs and videos, sent or received, that are stored in the memory of the phone;
6. Any and all records, showing dominion, ownership, custody or control over the phone;
7. Any and all Internet history or Internet links that are stored in the memory of the phone;
8. Any and all information relating to email accounts and any email communications that are stored in the memory of the phone.

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

JUN 23 2015


CLERK

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

15-mj-36

INTRODUCTION

The United States of America, by and through Acting United States Attorney Randolph J. Seiler, and Assistant United States Attorney Jeff Clapper, 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, an Apple iPhone.

FACTS

The Department of Homeland Security currently has in its possession an iOS device that was seized pursuant to a search warrant issued by a South Dakota Circuit Court Judge, and subsequently by this Court. The initial inspection of the iOS device revealed 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 as follows:

1. Apple I-phone 5, black, model A1428, bearing FCC ID: BCG-E2S99A.

Apple, the creator of the iOS operating systems and producer of the iOS devices, may have the capability retrieving data stored on the iOS devices that is not currently accessible to the Department of Homeland Security because the iOS device is locked. This Motion seeks an order requiring Apple to use any such capability, so as to assist agents in complying with the search warrant.

DISCUSSION

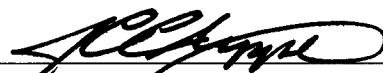
The All Writs Act provides that “[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). As the Supreme Court explained, “[t]he All 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 this 23rd day of June, 2015.

RANDOLPH J. SEILER
Acting United States Attorney

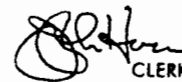


JEFFREY C. CLAPPER
Assistant United States Attorney
P.O. Box 2638
Sioux Falls, SD 57101-2638
Telephone: (605)357-2351
Facsimile: (605)330-4410
E-Mail: jeff.clapper@usdoj.gov

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

JUN 23 2015


CLERK

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

ORDER 15-mj-36

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 following:

1. Apple I-phone 5, black, model A1428, bearing FCC ID: BCG-E2S99A,

(the "iOS Device"), acting in support of a search warrant issued separately by this Court;

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 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;


FURTHER ORDERED that Apple's reasonable technical assistance may include, but is not limited to, bypassing the iOS Device's 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 Devices;

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.

Dated this 23rd day of June, 2015.

BY THE COURT:



VERONICA L. DUFFY
United States Magistrate Judge