

STATE OF NORTH CAROLINA

COUNTY OF **COUNTY NAME**

IN THE GENERAL COURT OF
JUSTICE - SUPERIOR COURT
DIVISION

(SEALED)

APPLICATION AND AFFIDAVIT FOR ORDER AUTHORIZING INSTALLATION AND MONITORING OF A PEN REGISTER AND/OR TRAP AND TRACE DEVICE, GPS AND GEO-LOCATION, AND FOR THE PRODUCTION OF RECORDS AND OTHER INFORMATION PURSUANT TO 18 USC § 3123/2703(d) AND N.C.G.S. 260-264

NOW COMES **AGENT NAME**, a **RANK** with the **AGENCY NAME**, and petitions the Court to authorize the installation and monitoring of a pen register and/or trap and trace device(s) by Agents of the North Carolina State Bureau of Investigation, FBI, USMS, the New Hanover County Sheriff's Office, the Nebraska State Police, and/or USSS on the telephone service being used by **TARGET NAME** and subscribed to **an unknown subscriber** with assigned call number **TARGET NUMBER** (hereinafter referred to as the TARGET TELEPHONE(s)), pursuant to 18 USC § 3123/2703(d) and/or N.C.G.S. § 15A-260 - 264.

In support of this application, the following facts are presented:

1. That there is probable cause to believe that a felony has been committed. The nature of the criminal offense(s) is as follows: **OFFENSE(S)**, which is in violation of North Carolina General Statute(s) **NUMBER** and is punishable by more than one (1) year in the State's prison.
2. That **TARGET NAME** is a fugitive from justice and/or is the subject of an ongoing criminal investigation being conducted by the **AGENCY NAME**, and there is probable cause to believe that **TARGET NAME** committed the offense.
3. That **TARGET NAME** is using the TARGET TELEPHONE(s), issued by **any and all providers of electronic service communications pursuant to Title 18 USC 2510 (15)** and subscribed to **an unknown subscriber**, and it is believed that this telephone service is being used in the operation of a criminal enterprise, to aid in the commission of the criminal offense set out in ¶ 1 above, and in a manner which would provide evidence of the criminal offense.
4. That the results of monitoring the pen register and/or trap and trace device(s) and the records and other information provided are relevant and will be of material aid in the investigation of the commission of this offense being committed by **TARGET NAME**.
5. That there is probable cause to believe that:

(STATE FACTS SUPPORTING PROBABLE CAUSE HERE: THIS SECTION MUST STATE SUFFICIENT FACTS THAT WOULD ESTABLISH PROBABLE CAUSE FOR THE CRIME BEING INVESTIGATED AND THE TARGET OF THE INVESTIGATION. IN ADDITION, THIS SECTION SHOULD ALSO CONTAIN SUFFICIENT PROBABLE CAUSE TO LINK THE TARGET NUMBER TO THE SUBJECT OF THE INVESTIGATION AND LINK ANY THIRD PARTY TELEPHONES TO THE SUBJECT; AND IN INVESTIGATIVE CASES THAT THE TARGET PHONE AND ANY THIRD PARTY PHONES ARE BEING USED IN FURTHERANCE OF THE CRIME.)

6. THAT IN THE INTEREST OF JUSTICE and the enforcement of the laws of the State of North Carolina, it is necessary to place a pen register and/or trap and trace device(s) on the TARGET TELEPHONE(s) being used by **TARGET NAME** in furtherance of this investigation. Such installation and monitoring of a pen register and/or trap and trace device(s) by law enforcement is authorized pursuant to 18 U.S.C. §3123 and N.C.G.S. §15A-263, and the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by the North Carolina State Bureau of Investigation and the **AGENCY NAME**.
7. That, in addition to authorizing the installation of a pen register/trap and trace device(s)/geo-location device(s) and monitoring of those device(s) for the TARGET TELEPHONE(s) mentioned in ¶ 3 above, there is “probable cause” to believe that “historical records or other historical information” will be sought related to the TARGET TELEPHONE(s), and other telephones, of whatever type, with which the TARGET TELEPHONE(s) communicates, and this information is “relevant and material” and will be of “material aid” to this ongoing criminal investigation; and
8. That the “records and other information sought” for third-party telephone numbers associated with telephones, digital display devices, internet devices, and mobile telephones utilized by other telephone(s)/internet device(s) of whatever type with which the TARGET TELEPHONE(s) communicates with in furtherance or the of the criminal offense aforementioned in the contents of this order would include HISTORICAL records only; and this information is “relevant and material” and will be of “material aid” to this ongoing criminal investigation; and
9. That a court order, such as this, is not prohibited by state law, as set forth in 18 U.S.C. §2703(d) and N.C.G.S. §15A 260-264
10. That should the existence of this investigation, application, or orders related to this matter become known to the subscriber or any other persons related to or associated with the subscriber, it could jeopardize this investigation and obstruct the enforcement of the laws of the State of North Carolina.

THEREFORE, IT IS BELIEVED THAT PROBABLE CAUSE EXISTS AND THE FOLLOWING IS HEREBY REQUESTED AS IT RELATES TO THE TARGET TELEPHONE(s):

1. That the SBI, FBI, USMS, the New Hanover County Sheriff's Office, the Nebraska State Police, and/or USSS are authorized to install and monitor a pen register and/or trap and trace device(s) **without geographical limits** on the TARGET TELEPHONE(s), subscribed to an **unknown subscriber** and being used by **TARGET NAME**.
 2. That the authorization applies not only to the TARGET TELEPHONE(s) listed above, but also to any changed telephone number subsequently assigned to the same cellular/wireless telephone up to thirty days (30) prior to the issuance of this order, and that should the cellular/wireless electronic serial number (ESN), international mobile subscriber identity (IMSI), or mobile subscriber identification (MSID) be changed by the subscriber during the course of this order, that this order shall apply to any new ESN, IMSI, or MSID.
 3. That the Court authorize the officer(s) to whom it's Order is directed to install or use a pen register and a trap and trace device/ cell site simulator device pursuant to 18 U.S.C. § 3123 to determine the location of the aforementioned target cellular number/device. To facilitate execution of this order, law enforcement may use an investigative device that sends signals to nearby cellular devices, including the target cellular device, and in reply, the nearby cellular devices will broadcast signals that include their unique identifiers. The technology will obtain the unique identifiers and investigators will use the information collected to determine information pertaining to the physical location of the target cellular device. The target cellular device (e.g., cell phone) and other cellular devices in the area might experience a temporary disruption of service from the service provider. Any potential service disruption to non-target devices would be brief and will be minimized so as to be no more disruptive than might occur in the ordinary course of cellular service coverage. In order to ensure that: (1) the privacy rights of innocent third parties are maintained; (2) that no agency stores or maintains data beyond the scope of its legal authorization; (3) that no agency collects information about individuals who are not the subject of criminal or national security investigations; and (4) to promptly preserve the operational use of the equipment; no data or metadata obtained as a result of the use of the cell site simulator will be maintained or preserved. Law enforcement will make no affirmative investigative use of any non-target data absent further order of the court, except to identify and distinguish the target device from the non-target device. Furthermore, this order does NOT authorize the interception of content of any telephone calls, text messages, or internet data produced by the target cellular device or any other third party device.
1. That **any and all providers of electronic service communications pursuant to Title 18 USC 2510 (15), and any other provider of electronic communications services as defined pursuant to N.C.G.S. § 15A-286(9) or 18 U.S.C. § 2519(15)** shall supply to the SBI or other applying officer upon request **all of the following information for the**

designated TARGET TELEPHONE(s): any and all published and non-published detailed subscriber records for the target number, the last 30 days of call/text detail records with cell site information for the designated target number, detailed information on purchase (purchaser, credit card number or other payment, location of purchase, etc.), the cellular / wireless device and network identifiers to include but not limited to electronic serial number (ESN), International Mobile Equipment Identity (IMEI), International Mobile Subscriber Identity (IMSI), Mobile Subscriber Identifier (MSID), Mobile Equipment Identifier (MEID), Mobile Identification Number (MIN), Mobile Dialed Number (MDN), Media Access Control (MAC) addresses and Internet Protocol (IP) Addresses and Ports, make/model of the device, telephone toll and direct connect records, data detail records, cellular tower information regarding originating, handover and terminating cell site and sector information to include towers, switches, historical and prospective Global Positioning Location (GPS) information **without geographical limits**, Verizon RTT (range to tower) data & EVDO (evolution data optimized) data, Sprint PCMD (per call measurement data) AT&T Nelos reports, mediation reports, timing advance, geo-location service, triangulation, real time call detail records with coordinating real time cell site location information, historical call detail records to include cell site location information, historical text message content if available, historical IP address information, internet history, web browsing history, device or network identifiers as well as associated records maintained for telephones and/or devices “twinned” or otherwise linked to and/or paired with the target device, Home Location Register (HLR) and Visitor Location Register (VLR) records maintained pertaining to the target device, any and all VoLTE historical records with cell site locations, any and all available Data IP Session records historical call detail records to include cell site location information, and any other relevant information pertaining to telephone numbers associated with telephones, digital display devices, internet devices, and mobile telephones utilized by other telephone(s)/internet device(s) of whatever type, and any other relevant information pertaining to the target telephone number(s).

4. That the service provider produce information consistent with, but not limited to , CALEA standards concerning numbers dialed, incoming numbers, call durations, speed dial memory numbers, special calling services, signaling information, and cell site activation.
5. That the service provider produce information concerning cell site tower location by latitude and longitude and the directional orientation of the tower faces in a Microsoft Excel spreadsheet format.
6. That **any and all providers of electronic service communications pursuant to Title 18 USC 2510 (15).**, and **any other provider of electronic communications services as**

defined pursuant to N.C.G.S. § 15A-286(9) or 18 U.S.C. § 2519(15) shall provide to the SBI, FBI, USSS, the New Hanover County Sheriff's Office, the Nebraska State Police, and/or the USMS any and all information, facilities, and technical assistance necessary to accomplish this installation unobtrusively and with minimum interference to the subscriber telephone service, and that the normal operation of the subscriber service shall not be interrupted, pursuant to 18 U.S.C. § 3124 and N.C.G.S. § 15A-263(b)(2).

7. That the service provider is to be compensated by the requesting party for reasonable expenses incurred in the installation of the pen register and/or trap and trace device(s) and for securing such "records and/or information" as provided.
8. That this ORDER's thirty (30) day period authorizing the installation and monitoring of the pen register and/or trap and trace device(s) and the furnishing of said "records and/or information" shall become effective on the date of installation, but no later than ten (10) days from today's date and shall terminate thirty (30) days from the installation of the pen register and/or trap and trace device(s). The order shall remain active for the full thirty (30) day authorized time period in accordance with the judicial official's order.

THEREFORE, IT IS BELIEVED THAT PROBABLE CAUSE EXISTS AND THE FOLLOWING IS HEREBY REQUESTED AS IT RELATES TO THE HISTORICAL RECORDS OF THIRD PARTY TELEPHONE(s) that communicate with the TARGET TELEPHONE(s):

That any and all providers of electronic service communications pursuant to Title 18 USC 2510 (15), and any other provider of electronic communications services as defined pursuant to N.C.G.S. § 15A-286(9) or 18 U.S.C. § 2519(15) shall disclose to the SBI or other applying officer upon request all of the following information for the third-party telephone numbers associated with telephones, digital display devices, internet devices, and mobile telephones utilized by other telephone(s)/internet device(s) of whatever type with which the designated target number(s) communicates with in furtherance or the of the criminal offense aforementioned in the contents of this order: the last 30 days of historical call/text detail records with cell site information for the designated target number all published and non-published detailed subscriber records for incoming calls received or outgoing numbers dialed, detailed information on purchase (purchaser, credit card number, location of purchase, etc.), the cellular / wireless device and network identifiers to include but not limited to electronic serial number (ESN), International Mobile Equipment Identity (IMEI), International Mobile Subscriber Identity (IMSI), Mobile Subscriber Identifier (MSID), Mobile Equipment Identifier (MEID), Mobile Identification Number (MIN), Mobile Dialed Number (MDN), Media Access Control (MAC) addresses and Internet Protocol (IP) Addresses and Ports, make/model of the device, telephone toll and direct connect records, data detail records, cellular tower information regarding originating, handover and terminating cell site and sector information to include towers, switches, historical location information to include but not limited too Global Positioning Location (GPS) information **without geographical limits**, Verizon RTT & EVDO (evolution data

optimized) data, Sprint PCMD (per call measurement data), AT&T Nelos reports, mediation reports, timing advance, geo-location service, and triangulation; historical call detail records to include cell site location information, historical IP address information, internet history, web browsing history, device or network identifiers as well as associated records maintained for telephones and/or devices “twinned” or otherwise linked to and/or paired with the target device, Home Location Register (HLR) and Visitor Location Register (VLR) records maintained pertaining to the target device, any and all VoLTE historical records with cell site locations; any and all available Data IP Session records historical call detail records to include cell site location information, and any other relevant information pertaining to telephone numbers associated with telephones, digital display devices, internet devices, and mobile telephones utilized by other telephone(s)/internet device(s) of whatever type with which **the designated TARGET TELEPHONE(s)** communicates, which may be requested in furtherance of this investigation, within forty-eight (48) hours of said request. This subsection does NOT authorize the use of a pen register/trap and trace and/or active GPS or geo-location that does NOT relate to the TARGET TELEPHONE(s) contained in the order.

THEREFORE, IT IS HEREBY REQUESTED IN REGARDS TO THE SEALING OF THE ORDER PURSUANT TO N.C.G.S. §15A 263(d)(1):

That this APPLICATION and ORDER are to be kept under seal except for service upon members that have a need to know of the SBI, FBI, USMS, USSS, the New Hanover County Sheriff’s Office, the Nebraska State Police, and/or **AGENCY NAME**, the District Attorney’s Office, and the electronic communications service provider being requested to provide installation assistance and “records or other information” to avoid prejudice to the criminal investigation, and that the electronic service provider and its agents, employees, contractors, or subcontractors **shall not disclose or cause to be disclosed the existence of this ORDER or the request for assistance or the existence of this investigation to any person other than those of its agents, employees, contractors, or subcontractors who require this information to accomplish the services, records, or information hereby ordered, unless and until otherwise ordered by this judicial official. In particular, no such disclosure may be made to a lessee, telephone subscriber, or any intercepted party or participant in the intercepted communications.**

For the reasons stated above, it is respectfully requested:

That the North Carolina State Bureau of Investigation, FBI, USMS, the New Hanover County Sheriff’s Office, the Nebraska State Police, and/or the USSS be authorized to install and monitor a pen register, GPS, and/or trap and trace device(s) on the TARGET TELEPHONE(s) being used by **TARGET NAME**.

RESPECTFULLY SUBMITTED THE 5 July 2017

SWORN BEFORE ME THIS 5 July 2017

AFFIANT'S NAME

NORTH CAROLINA SUPERIOR COURT JUDGE

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