

----- X

IN THE MATTER OF THE SEARCH OF :
INFORMATION REGARDING ACCOUNTS :
ASSOCIATED WITH CERTAIN SEARCH :
ENGINE REQUESTS DURING PRETERMINED :
DURATION OF TIME, MAINTAINED :
ON COMPUTER SERVERS CONTROLLED :
BY GOOGLE, INC., :
----- X

I, **[[CASE AGENT NAME]]** of the **Indiana State Police**, being first duly sworn, hereby depose and state as follows:

1. I make this affidavit in support of an application for a search warrant for information that is maintained on computer servers controlled by Google, Inc. ("Google"), an email provider headquartered at 1600 Amphitheatre Parkway, Mountain View, California 94043. The information to be searched is described in the following paragraphs and in Section I of Attachment A to the proposed warrant, which consists of Google search engine queried data associated with a particular duration of time, as specified in Section I of Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. ' 2703(c)(1)(A) to require Google to disclose to the government copies of the information further described in Section II of Attachment A.

2. Your affiant, **[[OFFICER NAME]]**, a law enforcement officer with the **[[AGENCY NAME]]**, being duly sworn, swears and affirms under penalties for perjury that the following

statements are true and accurate to the best of my knowledge:

A. I am a police officer with the [[AGENCY NAME]]. I have been a police officer with the [[AGENCY NAME]] since [[BEGINDATE]]. I am a “law enforcement officer” as that term is defined in Ind. Code 35-31.5-2-185.

B. I am currently assigned as a [[TITLE]] to the [[UNIT/DISTRICT]] of the [[AGENCY NAME]] and have been so assigned since [[BEGINDATE]]. In connection with my official duties, I am involved in investigations relating to violations of the Indiana criminal code and Indiana controlled substances laws.

3. I have received training relating to enforcement of the Indiana criminal code and Indiana controlled substances laws, including the following:

A. My initial training at the [[ACADEMY NAME]] in [[ACADEMY DATE]]. I have satisfied the minimum basic training requirements established by rules adopted by the law enforcement training board under I.C. 5-2-1-9 and described in I.C. 35-37-4

B. [[LIST OTHER PERTINENT TRAINING HERE]]

4. As a result of my training and experience, I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to conceal their activities from detection by law enforcement authorities.

5. Based on the facts set forth in this affidavit, there is probable cause to believe that information stored on the Provider’s servers associated with the Google search engine accessed with specific search queries during a particular time period, as specified in Section I of Attachment A of the proposed warrant contain evidence, fruits and instrumentalities of a violation of Indiana Code 35-42-1-1 MURDER. This affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers, as well as my training and experience concerning the use of email in criminal activity. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

JURISDICTION AND AUTHORITY TO ISSUE WARRANT

6. Pursuant to 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A), the Government may require a provider of an electronic communications service or a remote computing service, such as the Provider, to disclose all stored content and all non-content records or other information pertaining to a subscriber, by obtaining a warrant issued using the procedures described in the Federal Rules of Criminal Procedure.

7. A search warrant under § 2703 may be issued by “any district court of the United States (including a magistrate judge of such a court)” that “has jurisdiction over the offense being investigated,” 18 U.S.C. § 2711(3)(A)(i), or “a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants.” 18 U.S.C. 2711(3)(B).

8. When the Government obtains records under § 2703 pursuant to a search warrant, the Government is not required to notify the subscriber of the existence of the warrant. 18 U.S.C. § 2703(a), (b)(1)(A), (c)(2) & (3). Additionally, the Government may obtain an order precluding the Provider from notifying the subscriber or any other person of the warrant, for such period as the Court deems appropriate, where there is reason to believe that such notification will seriously jeopardize an investigation. 18 U.S.C. § 2705(b).

BACKGROUND RELATING TO GOOGLE, AND RELEVANT TECHNOLOGY

9. A cellular telephone or mobile telephone is a handheld wireless device primarily used for voice, text, and data communication through radio signals. Cellular telephones send signals through networks of transmitter/receivers called “cells,” enabling communication with other cellular telephones or traditional “landline” telephones. Cellular telephones rely on cellular towers, the location of which may provide information on the location of the subject telephone. Cellular telephones may also include global positioning system (“GPS”) technology for determining the location of the device.

10. “Computer,” as used herein, is defined pursuant to 18 U.S.C. § 1030(e)(1), as an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.

11. Google is a company which, among other things, provides electronic communication services to subscribers, including email services and search engine browsing. Google allows subscribers to obtain email accounts at the domain name gmail.com and/or google.com. Subscribers obtain an account by registering with Google. A subscriber using the Provider's services can access his or her email account from any computer connected to the Internet.

12. Google maintains information about their customers including primary email addresses, secondary email addresses for account password recovery, applications, websites, and services that are allowed to access the user's Google account or use the user's Google account as a password login, and account login activity such as the geographic area the user logged into the account, what type of internet browser and device they were using, and the internet protocol (IP) address they logged in from. The IP address is roughly analogous to a telephone number assigned to a computer by an internet service provider. The IP can be resolved back to a physical address such as a residence or business with Wi-Fi access or residential cable internet. I believe this information will assist in the investigation by identifying previously unknown email accounts and location information tending to show the location of a suspect, his mobile device, and/or computers.

13. Google has developed an operating system for mobile devices, including cellular phones, known as Android that has a proprietary operating system. Nearly every cellular phone using the Android operating system has an associated Google account, and users are prompted to add a Google account when they first turn on a new Android device. Based on my training and experience, I have learned that Google collects and retains search engine data from Android-enabled mobile devices when a Google account user utilizes Google's search engine. Google can also collect data from non-Android devices if the device is utilizing Google's search engine. The company uses this information for advertising and to enhance search results.

14. Google retains a user's search history whether it is done from a mobile device or from a traditional computer. This history includes the searched for terms, the date and time of the search, and the user selected results. Furthermore, these searches are differentiated by the specific type of search a user performed into categories. These categories include a

general web search, and specialty searches where the results are focused in a particular group such as images, news, videos, and shopping. I believe a review of Google search history would potentially reveal information relevant to the ongoing criminal investigation by revealing what information the suspect sought, when he sought it and where/what it was sought from.

PROBABLE CAUSE STATEMENT

15.

EVIDENCE, FRUITS, AND INSTRUMENTALITIES

16. Based on the foregoing, I respectfully submit that there is probable cause to believe that information stored on servers associated with the Google search engine being accessed for specific search queries during a particular time period, as specified in Section I of Attachment A of the proposed warrant, will contain evidence, fruits and instrumentalities of the Subject Offense.

17. In particular, the search query by plain text indicated in Section I of Attachment A and the time specified in Section I of Attachment A to the proposed warrant directs Google, Inc. to search the time period from [[(day, month, year, time UTC)]] [48 hours prior to Time of Death] to [[(day, month, year, time UTC)]] [24 hours after Time of Death]. The specific search queries indicated in Attachment A were identified through searches for victim's name and address in Google search engine indicated in Attachment A and corresponding to the area of where the victim's body was located and the name of the victim. This Application seeks authority to collect certain information related to Google search engine queries that may be located within the Provider's servers.

18. The information sought from Google regarding the Subject Accounts, specified in Section II of Attachment A to the proposed warrant, will identify which cellular device(s) and/or computer(s) were utilized to complete a Google search engine query during the requested time period prior to the victims murder and after the victims determined time of death and may assist law enforcement in determining persons involved with the murder under investigation. The requested information includes:

a. Each device found to contain the search engine queries located in Section I of Attachment A to be provided by Google will be identified by a numerical identifier, and

Google shall additionally supply any and all customer or subscriber information for each device, as described in 18 U.S.C. 2703(c)(2), including, but not limited to, any listed or known names, addresses, alternative telephone numbers and email addresses. It shall also include any customer identifying information or mobile handset or device identifying information used or known to Google, including, but not limited to, ESN, IMSI, IMEI, MEID, SIM, IP Address, MAC Address, MSID, MIN, MSISDN, or MDN during the requested time period.

REQUEST FOR NON-DISCLOSURE AND SEALING

17. Based on the foregoing, I respectfully request that the Court issue the proposed search warrant. Because the warrant will be served on Google which will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

18. The existence and scope of this ongoing criminal investigation is not publicly known. As a result, premature public disclosure of this affidavit or the requested warrant could alert potential criminal targets that they are under investigation, causing them to destroy evidence, flee from prosecution, or otherwise seriously jeopardize the investigation. In light of the violent nature of the crime under investigation, premature revelation of this investigation may alert dangerous targets that they have been identified by others and endanger the safety of witnesses who have been cooperating with the Government.

19. Accordingly, there is reason to believe that, were the Provider to notify subscribers of the Subject Accounts or others of the existence of the warrant, the investigation would be seriously jeopardized. Pursuant to 18 U.S.C. § 2705(b), I therefore respectfully request that the Court direct the Provider not to notify any person of the existence of the warrant for a period of 180 days from issuance, subject to extension upon application to the Court, if necessary.

20. For similar reasons, I respectfully request that this affidavit and all papers submitted herewith be maintained under seal until the Court orders otherwise, except that the Government be permitted without further order of this Court to provide copies of the warrant and affidavit as need be to personnel assisting it in the investigation and prosecution of this

matter, and to disclose those materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.

CONCLUSION

21. Based on the foregoing, I respectfully request that the warrant sought herein pursuant to the applicable provisions of the Stored Communications Act, 18 U.S.C. § 2703(b)(1)(A) (for contents) and § 2703(c)(1)(A) and § 2703(c)(2) (for records and other information), and the relevant provisions of Federal Rule of Criminal Procedure 41.

[[CASE AGENT]]

Detective
Indiana State Police

Sworn to before me this
____ day of

Judge
Superior Court of **[[COUNTY]]** County

STATE OF INDIANA) [[COUNTY]] [[SUPERIOR/CIRCUIT]]
COUNTY OF [[COUNTY]]) CAUSE NO. [[CAUSE NUMBER]]
)
)
)

----- X
IN THE MATTER OF THE SEARCH OF :
INFORMATION REGARDING ACCOUNTS :
ASSOCIATED WITH CERTAIN SEARCH :
ENGINE REQUESTS DURING PRETERMINED :
DURATION OF TIME, MAINTAINED :
ON COMPUTER SERVERS CONTROLLED :
BY GOOGLE, INC., :
----- X

1 SEARCH WARRANT AND NON-DISCLOSURE ORDER

TO: Google, Inc. (“Provider”)

FROM: Indiana State Police (“Investigative Agency”)

1. Warrant. Upon an affidavit of [[insert affiant name and agency]], and pursuant to the provisions of the Stored Communications Act, 18 U.S.C. § 2703(b)(1)(A), § 2703(c)(1)(A), and § 2703(c)(2), and the relevant provisions of Federal Rule of Criminal Procedure 41 or any State Court counterpart, the Court hereby finds there is probable cause to believe that information stored on the Provider’s servers associated with the Google accounts accessed at particular specified location at a particular specified time, as specified in Section I of Attachment A, will contain evidence, fruits and instrumentalities of crime, as specified in Attachment A hereto. Accordingly, the Provider is hereby directed to provide to the Investigative Agency, within 30 days of the date of service of this Warrant and Order, the records specified in Section II of Attachment A hereto, for subsequent review by law enforcement personnel. The Government is required to serve a copy of this Warrant and Order on the

Provider within 10 days of the date of issuance. The Warrant and Order may be served via electronic transmission or any other means through which the Provider is capable of accepting service.

2. Non-Disclosure Order. Pursuant to 18 U.S.C. § 2705(b), the Court finds that there is reason to believe that notification of the existence of this warrant will result in destruction of or tampering with evidence, danger to the physical safety of an individual, flight from prosecution, and/or intimidation of potential witnesses, or otherwise will seriously jeopardize an ongoing investigation. Accordingly, it is hereby ordered that the Provider shall not disclose the existence of this Warrant and Order to the listed subscriber or to any other person for a period of 180 days from the date of this Order, subject to extension upon application to the Court if necessary, except that Provider may disclose this Warrant and Order to an attorney for Provider for the purpose of receiving legal advice.

3. Sealing. It is further ordered that this Warrant and Order, and the Affidavit upon which it was issued, be filed under seal, except that the Government may without further order of this Court serve the Warrant and Order on the Provider; provide copies of the Affidavit or Warrant and Order as need be to personnel assisting the Government in the investigation and prosecution of this matter; and disclose these materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.

Dated:

Date Issued

Time Issued

Judge
Superior Court of **[[COUNTY]]** County

SEARCH WARRANT
ATTACHMENT A

I. Subject Accounts and Execution of Warrant

This warrant is directed to Google, Inc. (the “Provider”), headquartered at 1600 Amphitheatre Parkway, and applies to all content and other information within the Provider’s possession, custody, or control associated with Google servers. In particular, the search queries by plain text indicated below whether it is done from a mobile device or from a traditional computer. This history includes the searched for terms, the date and time of the search, and the user selected results. This warrant directs Google, Inc. to search the time period from (day, month, year, time UTC) [48 hours prior to Time of Death] to (day, month, year, time UTC) [24 hours after Time of Death] for any search of the any of the following terms: (the “Subject Accounts”):

Google search engine queries:

1. (exact search term)
2. (exact search term)
3. (exact search term)
4. (exact search term)
5. (exact search term)
6. (exact search term)

The terms listed above are not case sensitive, such that Google, Inc. is directed to include any search of any of the above regardless of whether the search was conducted using capitalized letters in whole or in part of the actual search.

II. Information to Be Provided by the Provider

To the extent within the Provider’s possession, custody, or control, the Provider is directed to produce the following information associated with the identified Subject Accounts,

which will be reviewed by law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate any evidence, fruits, and instrumentalities of Indiana Code 35-42-1-1 MURDER.

1. Each device found to contain the search engine queries located above to be provided by Google will be identified by a numerical identifier, and Google shall additionally supply any and all customer or subscriber information for each device, as described in 18 U.S.C. 2703(c)(2), including, but not limited to, any listed or known names, addresses, alternative telephone numbers and email addresses. It shall also include any customer identifying information or mobile handset or device identifying information used or known to Google, including, but not limited to, ESN, IMSI, IMEI, MEID, SIM, IP Address, MAC Address, MSID, MIN, MSISDN, or MDN during the requested time period.