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AGENT

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 In the Matter of the Application by the
9 United States of America for a Warrant
10 and Order Authorizing the Release of
11 Location Information and the Use of
12 Signal Tracking Technology on Cellular
13 Telephone Number 602-434-1725

No. 16-543 MFB

**WARRANT AND ORDER
AUTHORIZING THE ACQUISITION
OF LOCATION INFORMATION AND
THE USE OF SIGNAL TRACKING
TECHNOLOGY PURSUANT TO
18 U.S.C. § 3117 AND RULE 41**

(Under Seal)

16 This matter having come before the Court pursuant to an application under 18
17 United States Code § 3117 by AUSA CAROLINA ESCALANTE, an attorney for the
18 government, which application requests a warrant and order under Title 18, United States
19 Code § 3117 and Fed. R. Crim. P. 41 authorizing release of all information, facilities, and
20 technical assistance needed to ascertain the physical location of the cellular telephone
21 assigned call number 602-434-1725, a cellular telephone subscribed to Thomas
22 COSTANZO (Customer name MORPHEUS TITANIA) at 1146 N Mesa Dr, Mesa,
23 Arizona, and believed to be used by Thomas COSTANZO, (hereafter "Target Cellular
24 Telephone"), including but not limited to cell site data, signal tracking technology, and
25 data indicating the specific latitude and longitude of (or other precise location
26 information such as E-911 Phase II data concerning) the Target Cellular Telephone (all
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1 physical location information regarding the Target Cellular Telephone is collectively
2 referred to herein as the “Requested Information.”)¹ The Court finds that there is
3 probable cause to believe that the person using the Target Cellular Telephone is engaged
4 in 18 U.S.C § 1956(a)(1)(B)(i), 1956(h), and 21 U.S.C. § 846 in violation of law.

5 **IT IS ORDERED**, pursuant to 18 U.S.C. § 3117, that T-Mobile USA / MetroPCS
6 (referred to herein, collectively with any other communication service provider as defined
7 in 18 U.S.C. § 2510(15) which may provide service to the Target Cellular Telephone
8 during the authorized period, as the “Service Provider”) and/or agents/officers of the
9 United States Drug Enforcement Administration (DEA, or the “Requesting Agency”)
10 may obtain the Requested Information on the Target Cellular Telephone.

11 **IT IS FURTHER ORDERED** that the Service Provider, beginning at any time
12 within 10 days of the date of this Order and for a period not to exceed 45 days from the
13 date of this Order, provide to agents of the Requesting Agency the Requested Information
14 for the Target Cellular Telephone, with said authority to extend to any time of the day or
15 night as required, including when the Target Cellular Telephone leaves the District of
16 Arizona; all of said authority being expressly limited to ascertaining the physical location
17 of the Target Cellular Telephone and expressly excluding the contents of any
18 communications conducted by the user(s) of the Target Cellular Telephone.

19 **IT IS FURTHER ORDERED** that the Service Provider shall assist agents of the
20 Requesting Agency by providing all information, facilities, and technical assistance
21 needed to ascertain the Requested Information, and initiate a signal to determine the
22 location of the Target Cellular Telephone on the Service Provider’s network or with such
23 other reference points as may be reasonably available, as and if requested by agents of the
24 Requesting Agency and at such intervals and times as may be directed by the law

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27 ¹ Such information shall, where other information is unavailable, include records
28 reflecting the tower and antenna face (“cell site”) used by the Target Cellular Telephone
at the start and end of any call.

1 enforcement agent serving this Order, and furnish the technical assistance necessary to
2 accomplish the acquisition of the Requested Information unobtrusively and with a
3 minimum of interference with such services as the Service Provider accords the user(s) of
4 the Target Cellular Telephone.

5 **IT IS FURTHER ORDERED** that reasonable expenses incurred pursuant to this
6 activity will be processed for payment by the Requesting Agency.

7 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C)(i) &
8 (ii), the installation needed, if any, for the release of the Requested Information to be
9 initiated shall be completed within 10 calendar days of the date of the Warrant, during the
10 daytime.

11 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C), the
12 release of the Requested Information is not to exceed forty-five (45) days from the date
13 of the Warrant and the release of the Requested Information shall occur at any time of
14 day or night.

15 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C)(iii)
16 the Warrant shall be returned to a United States Magistrate Judge on criminal duty.

17 **IT IS FURTHER ORDERED** that this authorization shall apply not only to the
18 Target Cellular Telephone, but also any changed telephone numbers assigned to the
19 instrument bearing the same Electronic Serial Number (ESN), International Mobile
20 Subscriber Identity (IMSI), Mobile Equipment Identifier (MEID), or Urban Fleet Mobile
21 Identifier (UFMI), as applicable, within the 45-day period.

22 **IT IS FURTHER ORDERED** that pursuant to 18 U.S.C. § 3117(a) the
23 authorization to release the Requested Information shall be without geographic limits.

24 **IT IS FURTHER ORDERED** that the Service Provider provide cell site
25 information to agents of the Requesting Agency for the previous 30 days (from the date
26 of this Warrant), for the Target Cellular Telephone.

27 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(A), the
28 officer executing the Warrant shall enter onto the Warrant (i) the date and time the

1 Requested Information was first obtained pursuant to the Warrant, (ii) the date on which
2 the Warrant expires, and (iii) the last date and time on which the Requested Information
3 was obtained pursuant to the Warrant.

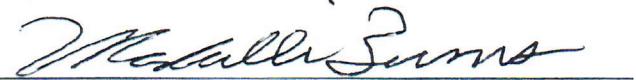
4 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(B)
5 within 10 calendar days after the expiration of the 45-day authorization period, or, if
6 earlier, within 10 calendar days of the date on which investigators determine that they
7 will no longer seek to obtain the Requested Information, the officer executing the
8 Warrant shall return it to a United States Magistrate Judge on criminal duty.

9 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(C)
10 within 10 calendar days after the expiration of the 45-day authorization period, or, if
11 earlier, within 10 calendar days of the date on which investigators determine that they
12 will no longer seek to obtain the Requested Information, unless delayed pursuant to Fed.
13 R. Crim. P. 41(f)(3), the officer executing the Warrant shall serve a copy of the Warrant
14 on the person who, or whose property, was tracked. Service shall be accomplished by
15 delivering a copy to the person who, or whose property, was tracked; or by leaving a
16 copy at the person's residence or usual place of abode with an individual of a suitable age
17 and discretion who resides at that location and by mailing a copy to the person's last
18 known address.

19 **IT IS FURTHER ORDERED**, pursuant to 18 U.S.C. § 3103a(b) and Federal
20 Rule of Criminal Procedure 41(f)(3), that the officer executing the warrant delay notice
21 on the person who, or whose property, was tracked until 30 days after the collection
22 authorized by the Warrant has been completed. The Court finds that there is reasonable
23 cause to believe that providing immediate notification of the Warrant may have an
24 adverse result, as defined in 18 U.S.C. § 2705(a)(2). The Court finds that providing
25 immediate notice to the subscriber or user of the Target Cellular Telephone would
26 seriously jeopardize the ongoing investigation, as such a disclosure would give that
27 person an opportunity to destroy evidence, change patterns of behavior, notify
28 confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1).

1 **IT IS FURTHER ORDERED** pursuant to 18 U.S.C. § 3123(d) that the
2 Application for a Tracking Device Warrant and Order, the affidavit and any attachments
3 in support thereof, this Order, and the Tracking Device Warrant Return, except for
4 complying with Fed. R. Crim. P. 41(f), because they could reveal an ongoing
5 investigation, jeopardize the safety of an undercover officer, and to protect against the
6 destruction or tampering with evidence, shall be sealed for 180 days from the expiration
7 of the Court's Order unless extensions are granted by the Court, to avoid seriously
8 jeopardizing and prematurely disclosing the investigation, guard against fugitives, and
9 better ensure the safety of agents and others, except that copies of the Court's Order in
10 full or redacted form may be maintained by the United States Attorney's Office, and may
11 be served on Special Agents and other investigative and law enforcement officers of the
12 Requesting Agency, federally deputized state and local law enforcement officers, and
13 other government and contract personnel acting under the supervision of such
14 investigative or law enforcement officers, and the Service Provider as necessary to
15 effectuate the Court's Order; and that any telephone service provider, including but not
16 limited to the Service Provider, which provides assistance hereunder, shall not disclose
17 the existence of the Warrant, or the existence of the investigation to the listed subscriber,
18 ~~FOR A PERIOD OF NINETY (90) DAYS, OR~~
or to any other person, unless or until otherwise ordered by the Court.

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20 Dated this 1st day of December, 2016.

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22 HONORABLE MICHELLE H. BURNS
23 United States Magistrate Judge

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 In the Matter of the Application by the
9 United States of America for a Warrant
10 and Order Authorizing the Release of
11 Location Information and the Use of
12 Signal Tracking Technology on Cellular
13 Telephone Number 602-434-1725

No. 16-543MB
(First Extension)

**WARRANT AND ORDER
AUTHORIZING THE ACQUISITION
OF LOCATION INFORMATION AND
THE USE OF SIGNAL TRACKING
TECHNOLOGY PURSUANT TO
18 U.S.C. § 3117 AND RULE 41**

(Under Seal)

This matter having come before the Court pursuant to an application under 18 United States Code § 3117 by AUSA CAROLINA ESCALANTE, an attorney for the government, which application requests a warrant and order under Title 18, United States Code § 3117 and Fed. R. Crim. P. 41 authorizing release of all information, facilities, and technical assistance needed to ascertain the physical location of the cellular telephone assigned call number 602-434-1725, a cellular telephone subscribed to Thomas COSTANZO (Customer name MORPHEUS TITANIA) at 1146 N Mesa Dr, Mesa, Arizona, and believed to be used by Thomas COSTANZO, (hereafter "Target Cellular Telephone"), including but not limited to cell site data, signal tracking technology, and data indicating the specific latitude and longitude of (or other precise location information such as E-911 Phase II data concerning) the Target Cellular Telephone (all physical location information regarding the Target Cellular Telephone is collectively

1 referred to herein as the “Requested Information.”)¹ The Court finds that there is
2 probable cause to believe that the person using the Target Cellular Telephone is engaged
3 in 18 U.S.C § 1956(a)(1)(B)(i), 1956(h), and 21 U.S.C. § 846 in violation of law.

4 **IT IS ORDERED**, pursuant to 18 U.S.C. § 3117, that T-Mobile USA / MetroPCS
5 (referred to herein, collectively with any other communication service provider as defined
6 in 18 U.S.C. § 2510(15) which may provide service to the Target Cellular Telephone
7 during the authorized period, as the “Service Provider”) and/or agents/officers of the
8 United States Drug Enforcement Administration (DEA, or the “Requesting Agency”)
9 may obtain the Requested Information on the Target Cellular Telephone.

10 **IT IS FURTHER ORDERED** that the Service Provider, beginning at any time
11 within 10 days of the date of this Order and for a period not to exceed 45 days from the
12 date of this Order, provide to agents of the Requesting Agency the Requested Information
13 for the Target Cellular Telephone, with said authority to extend to any time of the day or
14 night as required, including when the Target Cellular Telephone leaves the District of
15 Arizona; all of said authority being expressly limited to ascertaining the physical location
16 of the Target Cellular Telephone and expressly excluding the contents of any
17 communications conducted by the user(s) of the Target Cellular Telephone.

18 **IT IS FURTHER ORDERED** that the Service Provider shall assist agents of the
19 Requesting Agency by providing all information, facilities, and technical assistance
20 needed to ascertain the Requested Information, and initiate a signal to determine the
21 location of the Target Cellular Telephone on the Service Provider’s network or with such
22 other reference points as may be reasonably available, as and if requested by agents of the
23 Requesting Agency and at such intervals and times as may be directed by the law
24 enforcement agent serving this Order, and furnish the technical assistance necessary to

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27 ¹ Such information shall, where other information is unavailable, include records
28 reflecting the tower and antenna face (“cell site”) used by the Target Cellular Telephone
at the start and end of any call.

1 accomplish the acquisition of the Requested Information unobtrusively and with a
2 minimum of interference with such services as the Service Provider accords the user(s) of
3 the Target Cellular Telephone.

4 **IT IS FURTHER ORDERED** that reasonable expenses incurred pursuant to this
5 activity will be processed for payment by the Requesting Agency.

6 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C)(i) &
7 (ii), the installation needed, if any, for the release of the Requested Information to be
8 initiated shall be completed within 10 calendar days of the date of the Warrant, during the
9 daytime.

10 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C), the
11 release of the Requested Information is not to exceed forty-five (45) days from the date
12 of the Warrant and the release of the Requested Information shall occur at any time of
13 day or night.

14 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C)(iii)
15 the Warrant shall be returned to a United States Magistrate Judge on criminal duty.

16 **IT IS FURTHER ORDERED** that this authorization shall apply not only to the
17 Target Cellular Telephone, but also any changed telephone numbers assigned to the
18 instrument bearing the same Electronic Serial Number (ESN), International Mobile
19 Subscriber Identity (IMSI), Mobile Equipment Identifier (MEID), or Urban Fleet Mobile
20 Identifier (UFMI), as applicable, within the 45-day period.

21 **IT IS FURTHER ORDERED** that pursuant to 18 U.S.C. § 3117(a) the
22 authorization to release the Requested Information shall be without geographic limits.

23 **IT IS FURTHER ORDERED** that the Service Provider provide cell site
24 information to agents of the Requesting Agency for the previous 30 days (from the date
25 of this Warrant), for the Target Cellular Telephone.

26 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(A), the
27 officer executing the Warrant shall enter onto the Warrant (i) the date and time the
28 Requested Information was first obtained pursuant to the Warrant, (ii) the date on which

1 the Warrant expires, and (iii) the last date and time on which the Requested Information
2 was obtained pursuant to the Warrant.

3 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(B)
4 within 10 calendar days after the expiration of the 45-day authorization period, or, if
5 earlier, within 10 calendar days of the date on which investigators determine that they
6 will no longer seek to obtain the Requested Information, the officer executing the
7 Warrant shall return it to a United States Magistrate Judge on criminal duty.

8 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(C)
9 within 10 calendar days after the expiration of the 45-day authorization period, or, if
10 earlier, within 10 calendar days of the date on which investigators determine that they
11 will no longer seek to obtain the Requested Information, unless delayed pursuant to Fed.
12 R. Crim. P. 41(f)(3), the officer executing the Warrant shall serve a copy of the Warrant
13 on the person who, or whose property, was tracked. Service shall be accomplished by
14 delivering a copy to the person who, or whose property, was tracked; or by leaving a
15 copy at the person's residence or usual place of abode with an individual of a suitable age
16 and discretion who resides at that location and by mailing a copy to the person's last
17 known address.

18 **IT IS FURTHER ORDERED**, pursuant to 18 U.S.C. § 3103a(b) and Federal
19 Rule of Criminal Procedure 41(f)(3), that the officer executing the warrant delay notice
20 on the person who, or whose property, was tracked until 30 days after the collection
21 authorized by the Warrant has been completed. The Court finds that there is reasonable
22 cause to believe that providing immediate notification of the Warrant may have an
23 adverse result, as defined in 18 U.S.C. § 2705(a)(2). The Court finds that providing
24 immediate notice to the subscriber or user of the Target Cellular Telephone would
25 seriously jeopardize the ongoing investigation, as such a disclosure would give that
26 person an opportunity to destroy evidence, change patterns of behavior, notify
27 confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1).

28 **IT IS FURTHER ORDERED** pursuant to 18 U.S.C. § 3123(d) that the

1 Application for a Tracking Device Warrant and Order, the affidavit and any attachments
2 in support thereof, this Order, and the Tracking Device Warrant Return, except for
3 complying with Fed. R. Crim. P. 41(f), because they could reveal an ongoing
4 investigation, jeopardize the safety of an undercover officer, and to protect against the
5 destruction or tampering with evidence, shall be sealed for 180 days from the expiration
6 of the Court's Order unless extensions are granted by the Court, to avoid seriously
7 jeopardizing and prematurely disclosing the investigation, guard against fugitives, and
8 better ensure the safety of agents and others, except that copies of the Court's Order in
9 full or redacted form may be maintained by the United States Attorney's Office, and may
10 be served on Special Agents and other investigative and law enforcement officers of the
11 Requesting Agency, federally deputized state and local law enforcement officers, and
12 other government and contract personnel acting under the supervision of such
13 investigative or law enforcement officers, and the Service Provider as necessary to
14 effectuate the Court's Order; and that any telephone service provider, including but not
15 limited to the Service Provider, which provides assistance hereunder, shall not disclose
16 the existence of the Warrant, or the existence of the investigation to the listed subscriber,
17 or to any other person, unless or until otherwise ordered by the Court.

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19 Dated this 12th day of January, 2017.

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HONORABLE JOHN Z. BOYLE
United States Magistrate Judge

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4 **SEALED**
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

In the Matter of the Application by the
United States of America for a Warrant
and Order Authorizing the Release of
Location Information and the Use of
Signal Tracking Technology on Cellular
Telephone Number 602-434-1725

No. **16-543MB**
 (Second Extension)

**WARRANT AND ORDER
AUTHORIZING THE ACQUISITION
OF LOCATION INFORMATION AND
THE USE OF SIGNAL TRACKING
TECHNOLOGY PURSUANT TO
18 U.S.C. § 3117 AND RULE 41**

(Under Seal)

This matter having come before the Court pursuant to an application under 18
United States Code § 3117 by AUSA CAROLINA ESCALANTE KONTI, an attorney
for the government, which application requests a warrant and order under Title 18,
United States Code § 3117 and Fed. R. Crim. P. 41 authorizing release of all information,
facilities, and technical assistance needed to ascertain the physical location of the cellular
telephone assigned call number 602-434-1725, a cellular telephone subscribed to Thomas
COSTANZO (Customer name MORPHEUS TITANIA) at 1146 N Mesa Dr, Mesa,
Arizona, and believed to be used by Thomas COSTANZO, (hereafter "Target Cellular
Telephone"), including but not limited to cell site data, signal tracking technology, and
data indicating the specific latitude and longitude of (or other precise location
information such as E-911 Phase II data concerning) the Target Cellular Telephone (all
physical location information regarding the Target Cellular Telephone is collectively

1 referred to herein as the “Requested Information.”)¹ The Court finds that there is
2 probable cause to believe that the person using the Target Cellular Telephone is engaged
3 in 18 U.S.C § 1956(a)(1)(B)(i), 1956(h), and 21 U.S.C. § 846 in violation of law.

4 **IT IS ORDERED**, pursuant to 18 U.S.C. § 3117, that T-Mobile USA / MetroPCS
5 (referred to herein, collectively with any other communication service provider as defined
6 in 18 U.S.C. § 2510(15) which may provide service to the Target Cellular Telephone
7 during the authorized period, as the “Service Provider”) and/or agents/officers of the
8 United States Drug Enforcement Administration (DEA, or the “Requesting Agency”)
9 may obtain the Requested Information on the Target Cellular Telephone.

10 **IT IS FURTHER ORDERED** that the Service Provider, beginning at any time
11 within 10 days of the date of this Order and for a period not to exceed 45 days from the
12 date of this Order, provide to agents of the Requesting Agency the Requested Information
13 for the Target Cellular Telephone, with said authority to extend to any time of the day or
14 night as required, including when the Target Cellular Telephone leaves the District of
15 Arizona; all of said authority being expressly limited to ascertaining the physical location
16 of the Target Cellular Telephone and expressly excluding the contents of any
17 communications conducted by the user(s) of the Target Cellular Telephone.

18 **IT IS FURTHER ORDERED** that the Service Provider shall assist agents of the
19 Requesting Agency by providing all information, facilities, and technical assistance
20 needed to ascertain the Requested Information, and initiate a signal to determine the
21 location of the Target Cellular Telephone on the Service Provider’s network or with such
22 other reference points as may be reasonably available, as and if requested by agents of the
23 Requesting Agency and at such intervals and times as may be directed by the law
24 enforcement agent serving this Order, and furnish the technical assistance necessary to
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27 ¹ Such information shall, where other information is unavailable, include records
28 reflecting the tower and antenna face (“cell site”) used by the Target Cellular Telephone
at the start and end of any call.

1 accomplish the acquisition of the Requested Information unobtrusively and with a
2 minimum of interference with such services as the Service Provider accords the user(s) of
3 the Target Cellular Telephone.

4 **IT IS FURTHER ORDERED** that reasonable expenses incurred pursuant to this
5 activity will be processed for payment by the Requesting Agency.

6 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C)(i) &
7 (ii), the installation needed, if any, for the release of the Requested Information to be
8 initiated shall be completed within 10 calendar days of the date of the Warrant, during the
9 daytime.

10 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C), the
11 release of the Requested Information is not to exceed forty-five (45) days from the date
12 of the Warrant and the release of the Requested Information shall occur at any time of
13 day or night.

14 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C)(iii)
15 the Warrant shall be returned to a United States Magistrate Judge on criminal duty.

16 **IT IS FURTHER ORDERED** that this authorization shall apply not only to the
17 Target Cellular Telephone, but also any changed telephone numbers assigned to the
18 instrument bearing the same Electronic Serial Number (ESN), International Mobile
19 Subscriber Identity (IMSI), Mobile Equipment Identifier (MEID), or Urban Fleet Mobile
20 Identifier (UFMI), as applicable, within the 45-day period.

21 **IT IS FURTHER ORDERED** that pursuant to 18 U.S.C. § 3117(a) the
22 authorization to release the Requested Information shall be without geographic limits.

23 **IT IS FURTHER ORDERED** that the Service Provider provide cell site
24 information to agents of the Requesting Agency for the previous 30 days (from the date
25 of this Warrant), for the Target Cellular Telephone.

26 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(A), the
27 officer executing the Warrant shall enter onto the Warrant (i) the date and time the
28 Requested Information was first obtained pursuant to the Warrant, (ii) the date on which

1 the Warrant expires, and (iii) the last date and time on which the Requested Information
2 was obtained pursuant to the Warrant.

3 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(B)
4 within 10 calendar days after the expiration of the 45-day authorization period, or, if
5 earlier, within 10 calendar days of the date on which investigators determine that they
6 will no longer seek to obtain the Requested Information, the officer executing the
7 Warrant shall return it to a United States Magistrate Judge on criminal duty.

8 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(C)
9 within 10 calendar days after the expiration of the 45-day authorization period, or, if
10 earlier, within 10 calendar days of the date on which investigators determine that they
11 will no longer seek to obtain the Requested Information, unless delayed pursuant to Fed.
12 R. Crim. P. 41(f)(3), the officer executing the Warrant shall serve a copy of the Warrant
13 on the person who, or whose property, was tracked. Service shall be accomplished by
14 delivering a copy to the person who, or whose property, was tracked; or by leaving a
15 copy at the person's residence or usual place of abode with an individual of a suitable age
16 and discretion who resides at that location and by mailing a copy to the person's last
17 known address.

18 **IT IS FURTHER ORDERED**, pursuant to 18 U.S.C. § 3103a(b) and Federal
19 Rule of Criminal Procedure 41(f)(3), that the officer executing the warrant delay notice
20 on the person who, or whose property, was tracked until 30 days after the collection
21 authorized by the Warrant has been completed. The Court finds that there is reasonable
22 cause to believe that providing immediate notification of the Warrant may have an
23 adverse result, as defined in 18 U.S.C. § 2705(a)(2). The Court finds that providing
24 immediate notice to the subscriber or user of the Target Cellular Telephone would
25 seriously jeopardize the ongoing investigation, as such a disclosure would give that
26 person an opportunity to destroy evidence, change patterns of behavior, notify
27 confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1).

28 **IT IS FURTHER ORDERED** pursuant to 18 U.S.C. § 3123(d) that the

1 Application for a Tracking Device Warrant and Order, the affidavit and any attachments
2 in support thereof, this Order, and the Tracking Device Warrant Return, except for
3 complying with Fed. R. Crim. P. 41(f), because they could reveal an ongoing
4 investigation, jeopardize the safety of an undercover officer, and to protect against the
5 destruction or tampering with evidence, shall be sealed for 180 days from the expiration
6 of the Court's Order unless extensions are granted by the Court, to avoid seriously
7 jeopardizing and prematurely disclosing the investigation, guard against fugitives, and
8 better ensure the safety of agents and others, except that copies of the Court's Order in
9 full or redacted form may be maintained by the United States Attorney's Office, and may
10 be served on Special Agents and other investigative and law enforcement officers of the
11 Requesting Agency, federally deputized state and local law enforcement officers, and
12 other government and contract personnel acting under the supervision of such
13 investigative or law enforcement officers, and the Service Provider as necessary to
14 effectuate the Court's Order; and that any telephone service provider, including but not
15 limited to the Service Provider, which provides assistance hereunder, shall not disclose
16 the existence of the Warrant, or the existence of the investigation to the listed subscriber,
17 or to any other person, unless or until otherwise ordered by the Court.

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Dated this 23rd day of February 2017.

in Phoenix, AZ

9:05 A.M.

HONORABLE DAVID K. DUNCAN
United States Magistrate Judge

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 In the Matter of the Application by the
9 United States of America for a Warrant and
10 Order Authorizing the Release of Location
11 Information and the Use of Signal Tracking
12 Technology on Cellular Telephone Number
13 602-434-1725

No. 16-543 MB

(Third Extension)

14
15 **TRACKING WARRANT**

16 **(Under Seal)**

17 This matter having come before the Court pursuant to an application for a tracking
18 warrant under 18 U.S.C. § 2703(c)(1)(A) and Fed. R. Crim. P. 41 authorizing release of all
19 information, facilities, and technical assistance needed to ascertain the physical location of
20 the cellular telephone assigned call number 602-434-1725, a cellular telephone subscribed
21 to Thomas COSTANZO (Customer name MORPHEUS TITANIA) at 1146 N Mesa Dr,
22 Mesa, Arizona, and believed to be used by Thomas COSTANZO, (hereafter "Target
23 Cellular Telephone"), including but not limited to cell site data, GPS data, latitude-
24 longitude data, and other precise location information, as well as all data about which "cell
25 towers" (i.e., antenna towers covering specific geographic areas) and "sectors" (i.e., faces
26 of the towers) received a radio signal from the Target Cellular Telephone (all physical
27 location information regarding the Target Cellular Telephone is collectively referred to
28 herein as the "Requested Information"). The Court finds that there is probable cause to
believe that the person using the Target Cellular Telephone is engaged in Money
Laundering, Conspiracy to Commit Money Laundering, and Conspiracy to Distribute

1 Drugs, in violation of 18 U.S.C. § 1956(a)(1)(B)(i), 18 U.S.C. § 1956(h), and 21 U.S.C.
2 § 846.

3 **IT IS ORDERED**, pursuant to 18 U.S.C. § 2703(c)(1)(A), that T-Mobile USA /
4 MetroPCS (referred to herein, collectively with any other communication service provider
5 as defined in 18 U.S.C. § 2510(15) which may provide service to the Target Cellular
6 Telephone during the authorized period, as the “Service Provider”) shall provide to agents
7 of the United States Drug Enforcement Administration (DEA, or the “Requesting
8 Agency”) the Requested Information on the Target Cellular Telephone.

9 **IT IS FURTHER ORDERED** that the Service Provider, beginning at any time
10 within 10 days of the date of this Order and for a period not to exceed 45 days from the
11 date of this Order, provide to agents of the Requesting Agency the Requested Information
12 for the Target Cellular Telephone, with said authority to extend to any time of the day or
13 night as required, including when the Target Cellular Telephone leaves the District of
14 Arizona; all of said authority being expressly limited to ascertaining the physical location
15 of the Target Cellular Telephone and expressly excluding the contents of any
16 communications conducted by the user(s) of the Target Cellular Telephone.

17 **IT IS FURTHER ORDERED** that the Service Provider shall assist agents of the
18 Requesting Agency by providing all information, facilities, and technical assistance needed
19 to ascertain the Requested Information, and initiate a signal to determine the location of
20 the Target Cellular Telephone on the Service Provider’s network or with such other
21 reference points as may be reasonably available, as and if requested by agents of the
22 Requesting Agency and at such intervals and times as may be directed by the law
23 enforcement agent serving this Order, and furnish the technical assistance necessary to
24 accomplish the acquisition of the Requested Information unobtrusively and with a
25 minimum of interference with such services as the Service Provider accords the user(s) of
26 the Target Cellular Telephone.

27 **IT IS FURTHER ORDERED** that reasonable expenses incurred pursuant to this
28 activity will be processed for payment by the Requesting Agency.

1 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C)(i) &
2 (ii), the installation needed, if any, for the release of the Requested Information to be
3 initiated shall be completed within 10 calendar days of the date of the Warrant, during the
4 daytime.

5 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C), the
6 release of the Requested Information is not to exceed forty-five (45) days from the date of
7 the Warrant and the release of the Requested Information shall occur at any time of day or
8 night.

9 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(e)(2)(C)(iii) the
10 Warrant shall be returned to a United States Magistrate Judge on criminal duty.

11 **IT IS FURTHER ORDERED** that this authorization shall apply not only to the
12 Target Cellular Telephone, but also any changed telephone numbers assigned to the
13 instrument bearing the same Electronic Serial Number (ESN), International Mobile
14 Subscriber Identity (IMSI), Mobile Equipment Identifier (MEID), or Urban Fleet Mobile
15 Identifier (UFMI), as applicable, within the 45-day period.

16 **IT IS FURTHER ORDERED** that the authorization to release the Requested
17 Information shall be without geographic limits.

18 **IT IS FURTHER ORDERED** that pursuant to 18 U.S.C. § 2703(c)(1)(A) the
19 Service Provider provide cell site information to agents of the Requesting Agency for the
20 previous 30 days (from the date of this Warrant), for the Target Cellular Telephone.

21 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(A), the
22 officer executing the Warrant shall enter onto the Warrant (i) the date and time the
23 Requested Information was first obtained pursuant to the Warrant, (ii) the date on which
24 the Warrant expires, and (iii) the last date and time on which the Requested Information
25 was obtained pursuant to the Warrant.

26 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(B) within
27 10 calendar days after the expiration of the 45-day authorization period, or, if earlier, within
28 10 calendar days of the date on which investigators determine that they will no longer seek

1 to obtain the Requested Information, the officer executing the Warrant shall return it to a
2 United States Magistrate Judge on criminal duty.

3 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Crim. P. 41(f)(2)(C) within
4 10 calendar days after the expiration of the 45-day authorization period, or, if earlier, within
5 10 calendar days of the date on which investigators determine that they will no longer seek
6 to obtain the Requested Information, unless delayed pursuant to Fed. R. Crim. P. 41(f)(3),
7 the officer executing the Warrant shall serve a copy of the Warrant on the person who, or
8 whose property, was tracked. Service shall be accomplished by delivering a copy to the
9 person who, or whose property, was tracked; or by leaving a copy at the person's residence
10 or usual place of abode with an individual of a suitable age and discretion who resides at
11 that location and by mailing a copy to the person's last known address.

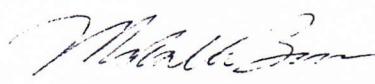
12 **IT IS FURTHER ORDERED**, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule
13 of Criminal Procedure 41(f)(3), that the officer executing the warrant delay notice on the
14 person who, or whose property, was tracked until 30 days after the collection authorized
15 by the Warrant has been completed. The Court finds that there is reasonable cause to
16 believe that providing immediate notification of the Warrant may have an adverse result,
17 as defined in 18 U.S.C. § 2705(a)(2). The Court finds that providing immediate notice to
18 the subscriber or user of the Target Cellular Telephone would seriously jeopardize the
19 ongoing investigation, as such a disclosure would give that person an opportunity to
20 destroy evidence, change patterns of behavior, notify confederates, and flee from
21 prosecution. *See* 18 U.S.C. § 3103a(b)(1).

22 **IT IS FURTHER ORDERED** that the Application for a Tracking Device Warrant
23 and Order, the affidavit and any attachments in support thereof, this Order, and the
24 Tracking Device Warrant Return, except for complying with Fed. R. Crim. P. 41(f),
25 because disclosure could reveal an ongoing investigation, jeopardize the safety of an
26 undercover officer, and result in the destruction or tampering with evidence, shall be sealed
27 for 180 days from the expiration of the Court's Order unless extensions are granted by the
28 Court, to avoid seriously jeopardizing and prematurely disclosing the investigation, guard

1 against fugitives, and better ensure the safety of agents and others, except that copies of
2 the Court's Order in full or redacted form may be maintained by the United States
3 Attorney's Office, and may be served on Special Agents and other investigative and law
4 enforcement officers of the Requesting Agency, federally deputized state and local law
5 enforcement officers, and other government and contract personnel acting under the
6 supervision of such investigative or law enforcement officers, and the Service Provider as
7 necessary to effectuate the Court's Order.

8 **IT IS FURTHER ORDERED** that the Service Provider shall not disclose the
9 existence of the warrant or the investigation to the listed subscriber or any other person
10 ^{For A PERIOD OF 180 DAYS}
 unless or until otherwise ordered by the Court.
11

12 Dated this 16th day of April, 2017.

13 
14 HONORABLE MICHELLE H. BURNS
15 United States Magistrate Judge