**NOTICE TO ALL OFFICERS AND PROSECUTORS:**

CELL PHONE ORDERS ARE SEALED AS A MATTER OF LAW!!! (CCP 18B, Subchapter C, Art 18B.105)

By your signature, you are acknowledging receipt of this document and taking responsibility to maintain its integrity.

DO *NOT* RELEASE or DUPLICATE.

**THIS DOCUMENT IS NOT PART OF YOUR CASEFILE. DO NOT INCLUDE IN YOUR REPORT, YOUR BINDER, YOUR BLUEBACK, ARS, ETC. They are LAW ENFORCEMENT SENSITIVE. If released, you could be held in Contempt of Court for violating the law.**

Officer applicant: Jared Cleere

Officer receiving order (if different from above):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**AUTHORIZING THE STATE OF TEXAS**

**INSTALLATION AND USE OF**

**TRAP AND TRACE AND**

**PEN REGISTER DEVICES**

**AUTHORIZING RELEASE OF (APPLICATION UNDER SEAL)**

**CUSTOMER RECORDS AND OTHER**

**INFORMATION**

**LOCATION ORDER**

**AUTHORIZING E911 LOCATION-GEOLOCATION**

**BASED MEASUREMENTS PERTAINING TO**

**MOBILE COMMUNICATIONS DEVICES BRAZOS COUNTY**

**APPLICATION FOR COURT ORDER**

**Target Numbers/Devices/Account Identifiers: 346-368-9537**

**Texas Penal Code Offense Under Investigation: AGGRAVATED ROBBERY**

**Agency for which Requested: COLLEGE STATION PD**

**Requesting Officer/Prosecutor: DET. JARED CLEERE**

**Incident Number: 21-001353**

***If reasonably ascertainable, the following is currently known as:***

**Verbatim Names of the Official Subscribers (if known): UNKNOWN**

**Names of the Subjects of the Investigation: RODRIGUEZ, SAMUEL**

An “authorized peace officer”, commissioned by the Department of Public Safety (hereinafter “DPS”) or employed by a “designated law enforcement agency”, *or*, a peace officer of a non-DPS/designated law enforcement agency, and, the undersigned prosecutor, has requested that an application for the use of pen registers, ESN reader, trap and trace, or similar equipment be made under the authority of Texas Code of Criminal Procedure (hereafter T.C.C.P.), 18B, Subchapter C, Art 18B.105 and consistent with 18 U.S.C. Sections 2703 and 3121.

In response to that request, and, on the prosecutor’s own motion, the undersigned Assistant District Attorney or District Attorney, "Applicant", applies to this Court for an Order authorizing the installation and use of pen registers, trap and trace devices, and/or similar equipment, *and*, requesting the disclosure of certain electronic customer data and other information. The Applicant believes that the installation and use of the devices or equipment will likely produce information that is material to an ongoing criminal investigation. The undersigned prosecutor has jurisdiction within the place described in T.C.C.P., 18B, Subchapter B, Art 18B.052, namely in the judicial district in which is located one or more of the following, the site of the proposed installation or use of the device or equipment; the site of the communication device on which the device or equipment is proposed to be installed or used; the billing, residential, or business address of the subscriber to the electronic communications service on which the device or equipment is proposed to be installed or used; the headquarters of: (A) the office of the prosecutor filing an application under this section; or (B) a law enforcement agency that requests the prosecutor to file an application under this section or that proposes to execute an order authorizing installation and use of the device or equipment; or the headquarters of a service provider ordered to install the device or equipment, namely, the judicial district of **Brazos** County, Texas. The Applicant respectfully requests that the Court issue the accompanying Order based upon the facts provided by the requesting officer in the attached affidavit, which is incorporated herein for all purposes.

Based upon the probable cause provided by the requesting officer in the attached affidavit, your applicant requests that the Court issue an Order directing the target devices’ service providers, and all other communications providers, persons or entities providing wire or electronic communications service in the United States whose assistance may facilitate the execution of the Order, to establish trap and traces, pen registers, and, to provide other information regarding the target devices.

 Applicant requests that the Court issue an Order, authorizing the installation and use of trap and trace devices on the target devices/accounts to capture and record the incoming electronic or other impulses which identify the originating numbers, Internet Protocol (IP) addresses, and/or other dialing, routing, addressing, or signaling information reasonably likely to identify the sources of wire or electronic communications and to record the date, time, and duration of calls/communications events created by such incoming impulses, provided the information does not include the contents of communication, for a period not to exceed sixty (60) days from the date and time of the issuance of the Order, or until the suspect’s arrest and/or the accomplishment of the investigative mission, whichever is earlier, unless, before expiration, this Order is extended by a subsequent Order of the court.

Applicant further requests that the Court issue an Order authorizing the installation and use of pen registers to record or decode dialing, routing, addressing, or signaling information transmitted from the target devices/accounts, to record the date and time of such dialings or transmissions, and to record the length of time the target devices are "off the hook" or connected for incoming or outgoing calls/communications events and attempts, provided the information does not include the contents of communication, not to exceed sixty (60) days from the date and time of the issuance of the Order, or until the suspect’s arrest and/or the accomplishment of the investigative mission, whichever is earlier unless said Order is extended before expiration.

Applicant further requests that the Court direct the target devices service providers, and all other communications providers, persons or entities providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the Order, and, all involved Internet related companies such as Internet Service Providers (ISPs), web hosting companies, website companies/entities, email providers (public and private), etc., to notify agents of the Investigative Agency, upon oral or written request, of any and all changes (including additions, deletions, and transfers) in service regarding the target devices, including telephone numbers, IP (Internet Protocol) addresses, and, subscriber information associated with these service changes.

Applicant requests that the Court issue an Order, authorizing the target device service provider to provide as often as possible and as requested enhanced-911 (E911) signal multi-lateration, GPS (global positioning system), web-map tools, precision locator tools, precision based geo-location data, and any real time data not to exceed forty-five (45) days from the date and time of the issuance of the Order, or until the suspect’s arrest and/or the accomplishment of the investigative mission, whichever is earlier, unless, before expiration, this Order is extended by a subsequent Order of the court.

Applicant further requests, that the Order direct the furnishing of information, facilities, and technical assistance necessary to accomplish the installation and operation of the pen registers and/or trap and trace devices by the service provider, and all other communications providers, persons, or entities providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the Order, occur unobtrusively and with a minimum of interference with the services that are accorded the persons with respect to whom the installation and use is to take place with reasonable compensation to be paid by the investigative agency, and/or its designees, for reasonable expenses incurred in providing such facilities and assistance.

Applicant further requests that the Court direct the target devices service provider, and all other communications providers, persons or entities providing service/communicating with or to the target devices/accounts who are obligated by the Order to provide assistance to the investigative agency, not to disclose in any manner, directly or indirectly, by any action or inaction, to the subscribers for the target devices, the occupant of said premises, the subscriber of the incoming calls/communications to or outgoing calls/communications from the target devices, or to any other person, the existence of this Order, in full or redacted form, the existence of the pen registers and trap and trace devices, or the existence of this investigation unless otherwise ordered by this Court, and further that this application and Order be SEALED.

Applicant requests lastly that in addition to the above sealing provision that anyone, any employee of, or any domestic entity doing business in the State of Texas or otherwise operating services receiving this order to facilitate its installation be precluded from notice to the intended target of the investigation through act or omission consistent with TCCP Chapter 18.B, Subchapter K, Art 18B.501 and 18 USC 2705(b) based on the adverse result articulated in the attached affidavit.

 WHEREFORE, PREMISES CONSIDERED, Your applicant respectfully requests that an Order, consistent with this Application and subsequent technical wording of said Order, be granted.

**I affirm that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2020, at \_\_\_\_, \_\_\_\_.M.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SIGNATURE**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**PRINTED NAME**

**District Attorney**

**BRAZOS COUNTY, TEXAS**

**AUTHORIZING THE STATE OF TEXAS**

**INSTALLATION AND USE OF**

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**BASED MEASUREMENTS PERTAINING TO**

**MOBILE COMMUNICATIONS DEVICES BRAZOS COUNTY**

**PEACE OFFICER AFFIDAVIT FOR COURT ORDER**

 I, DETECTIVE JARED CLEERE, the undersigned peace officer (“Requestor”) am a Texas peace officer commissioned by the undersigned Texas law enforcement agency, **THE COLLEGE STATION POLICE DEPARTMENT** (“Investigative Agency”).

 I am conducting an investigation that is documented under incident # **21-001353**.

 I am investigating the crime of **AGGRAVATED ROBBERY** [“Offense”].

 **I am attempting to locate SAMUEL RODRIGUEZ (H/M, 4/19/96), fugitive from justice who is charged in the 272nd District Court, under warrant #W21-00128 with the crime of AGGRAVATED ROBBERY. I verified that this warrant was still valid within the last twenty-four hours.**

 I believe that information regarding the target device is relevant to a criminal investigation as detailed further in this affidavit.

 During the course of my investigation, I have discovered that wireless telephone numbers/identifiers **346-368-9537** [“target devices”], or other telephone numbers such as landline/voice over internet protocol (VOIP) numbers, are associated with the suspects, victims, and/or witnesses.

 These devices are serviced by one or more of the following communications carriers/companies/entities: Apple, American Online (AOL), Amerilink Wireless, AT&T Inc., AT&T (SBC), AT&T Internet Services, AT&T Mobility, Bandwidth.com, Caprock, Cellular, Cellco Partnership doing business as Verizon Wireless, Cellular One, Cellular One of East Texas, Clearwire, Comcast, Commnet Wireless, Cricket Communications/Leap Wireless, Earthlink, Embarq, Etex Communications, Facebook, Inc., Five Star Wireless, Google/Gmail/Google Voice, Juno, Lamar County Cellular, MetroPCS, Microsoft [(Danger/Sidekick), (MSN), (Hotmail), Etc.], Mid-Tex Cellular, NetZero, Panhandle Telecommunications, Inc. (PTCI), People PC, Peoples Communications (Telephone Cooperative, Inc.), Phonoscope, Pine Cellular, Plateau Telecommunications, Pocket Communications, Right Wireless, Research In Motion (RIM)/Blackberry, Sprint/Nextel, Time Warner, T-Mobile, US Cellular, Vonage, West Central Wireless, Windstream, Xfinity, XIT Communications, Yahoo!, and/or any other communications provider/carrier, any Internet companies, including telephone companies, public/private/commercial email providers, website hosting companies, website companies or privates entities, and/or services, *and*, Internet Service Providers (ISPs), who may possess the requested information, such as roaming carriers**,** or over the top applications (OTA), [“Providers”]

For the reasons stated further on in this affidavit, I believe that the proposed Order authorizing the installation and use of pen registers and/or trap and trace devices and requiring disclosure of certain electronic customer data and other information will yield evidence of crimes, further the criminal investigation, and/or lead to the location of the fugitives, victims, and/or witnesses.

 *My belief is based upon the following PROBABLE CAUSE:*

**Background of Affiant**

Your Affiant, Detective Jared Cleere, has worked for the College Station Police Department since September of 2004. He began as a Communications Operator, and was hired as a sworn Peace Officer in January of 2012. Following basic academy training, he swore into service as a police officer assigned to the Uniformed Patrol division on June 8th, 2012. Det. Cleere remained with the Uniformed Patrol division, serving as a patrol officer and, later, as a Field Training Officer, until he was selected as a Detective in December 2015. Det. Cleere has served as a Detective since that time, assigned the primary responsibility of investigating crimes involving fraud, such as forgery, credit card abuse, and business thefts. During his time as a police officer, Det. Cleere has participated in investigations of a wide variety of crimes, including Capital Murders, Robbery and Aggravated Robbery, Aggravated Assaults, and numerous other serious offenses. Det. Cleere has also specialized in offenses of a technical nature, investigating computer crimes and offenses committed using the internet, frequently obtaining documentary evidence from third-party sources. Det. Cleere has been previously recognized as an expert witness in the field of mobile phone record analysis and tracking.

**Summary of Incident**

On 2/19/21 at approximately 2231 hours, the College Station Police Department responded to The Junction Apartments #1036, located at 2415 Junction Boys Road, College Station, Brazos County, Texas, in reference to a deceased person believed to be by gunshot wound. Officer arrived and found a black male deceased inside a bedroom of the apartment, later identified as Maurice Stanley. Investigation at this scene determined multiple firearm rounds to have been fired in the bedroom area based on numerous spent handgun casings being found in the bedroom area and areas immediately adjacent. There was a trail of blood found inside the kitchen area of the apartment that led out the kitchen door, away from the residence and into a nearby street. This trail of blood drops ended near the curb of a parking space consistent with the injured subject getting into the passenger side of a vehicle in the parking space. The roommate of Stanley, John Fowler, and his girlfriend, Isabella Snider, were present in the home during this incident and Fowler was the person responsible for calling 911. Fowler was able to advise that approximately ten minutes prior to him calling 911 (received by CSPD at 2231 hours) he heard the kitchen door to this residence open and shut. Approximately one minute later, numerous gunshots rang out in rapid succession downstairs. Fowler described that the gunshots sounded like two different weapons being fired. A few seconds later, Fowler heard what he believed was the back door shutting again. Fowler eventually went downstairs to find Stanley obviously deceased with what Fowler knows to be Stanley’s firearm still clutched in his right hand. Fowler then called 911 and CSPD Officers responded. During the interview, Fowler was able to advise that Stanley sold marijuana daily from this location and had at times large quantities of marijuana on hand for sale. Neighbors were interviewed and admitted to purchasing marijuana from Stanley. It was learned that proceeds from these narcotics sales for Stanley were typically around $6000.00 before he would deplete his supply and then Stanley would travel to the Houston area to resupply. There were several small pre-packaged bags of marijuana ready for sale found in the bedroom with Stanley and a large amount of cash consistent with his narcotics selling activity was located in the room.

On this same night at approximately 2318 hours, Navasota Police Department contacted CSPD after receiving a notification about this incident being ongoing. They advised that a male had just been located at CHI St. Joseph Hospital in Navasota. They were able to advise that the male had multiple gunshot wounds and was found to be in possession of a firearm. This male was later identified as Nathaniel Aaron Frisco. Frisco died at the hospital shortly after his arrival from gunshot wounds. The firearm found in his possession was determined to be of a caliber consistent with spent casings found in the bedroom. Investigation into this incident determined that Navasota Hospital received two phone calls prior to locating the male in the parking lot area adjacent to the hospital. The first phone call was inquiring if Nathaniel Frisco had been brought into the hospital with a gunshot wound. They advised nobody at that point had been brought in. The second call from the same caller advised that Nathaniel Frisco was in the parking area outside and the caller requested they go outside and look for him. Hospital personnel then located Nathaniel Frisco outside. Jerrob Harris arrived at the Navasota Hospital and advised that he was the caller of both calls attempting to locate Nathaniel Frisco. Harris advised that he received a phone call from a coworker, later identified as Rogelio Gutirrez, who advised Harris that Nathaniel Frisco was at the hospital. Harris then contacted Gutierrez back and was able to find out that Nathaniel Harris was dropped off outside of the hospital. Harris advised that lives at 74 Lyerly Place in Houston, Texas with Nathaniel Frisco, Samuel Rodriguez, and Rodriguez’s girlfriend. Harris at this point advised that he did not know specifically the purpose of Nathaniel Frisco’s travels to this area as Nathaniel Frisco did not have a vehicle. He was able to advise that Nathaniel Frisco had been to College Station previously to party with friends. Harris provided consent for his mobile device and the contents were acquired at CSPD.

Investigation at this scene found bullet trajectories consistent with at least two persons shooting in opposing directions. Stanley’s position in the room in comparison to the bullet trajectories indicated that rounds were fired at and around his position and that Stanley had fired rounds from his position. Ultimately eighteen spent round casings of varying brands were found in and around this bedroom area. Officers canvassing for witnesses in The Junction Apartments on the night of the murders were able to locate a camera overlooking the street area where the blood trail ended. The owner of this camera sent a video clip approximately 56 seconds long. In reviewing this video a voice could be heard telling another subject to get into the car. The sounds are consistent with two car doors being rapidly opened and closed are then heard before a car can be heard starting and lights can be seen that appear to be car headlights appear. A vehicle is then observed to rapidly accelerate and drive through the view of this camera away from the scene. The vehicle observed is a passenger car of undetermined make, model or color as the video is unclear.

On 2/20/21, Detective Wilson spoke with the mother of Nathaniel Frisco, Latressa Frisco. Latressa advised that she was informed by Harris that Nathan Frisco left Houston at approximately 1600 hours on 2/19/21 with Rodriguez in his blue Chevrolet Impala. A search through public registration records indicated that Rodriguez owns a 2011 blue Chevrolet Impala with TX LP KXN-0073. Detective Wilson then contacted Harris and confirmed that he provided this information to Frisco. The vehicle license plate was then searched through the Vigilant License Plate Reader system that uses license plate readers from law enforcement agencies, toll road systems and commercial vendors such as tow truck companies. The plate showed to have been scanned by a commercial tow truck company at the 74 Lyerly Place address at 1253 hours on 2/20/21. It should be noted that the time frame from the vehicle rapidly fleeing the scene and the time of this scan would be approximately 2.5 hours and would be plenty of time for this vehicle to have been back at this location.

Later on this same evening, Detective Kennedy was called back to The Junction Apartment complex to interview a potential witness, later identified as Dante Mosley. Mosely stated that on the previous day (2/19/21) he was staying with friends in apartment #1031 when he exited to go to his vehicle parked along the street. While outside he observed a black male quickly running away from the buildings and into the adjacent street. Mosley described that this male was grabbing his side while running and was wearing a dark colored hooded sweatshirt, black pants and a “beanie” style head cover. Mosley observed that this male fell in the roadway while running away. Mosely then observed a second male running quickly from the scene. This second male picked up the first male and quickly assisted him into the vehicle before they sped off northbound on the divided one way road of this complex. Mosely advised that the second male was a white male wearing a black ski mask. Mosely stated that this mask exposed the male’s forehead and that he could see his forehead and the area around his eyes to be of white complexion. Mosely described the second male was clearly taller than the first male who was of short stature. Mosely estimated the second male to be approximately 5 foot 10 inches tall and described him as having a skinny build. Mosely could only describe the vehicle these two males left in as a dark colored passenger car that he believed had 4 doors but was not certain. Detective Kennedy observed that Nathaniel Frisco was significantly shorter and smaller in stature than Rodriguez based on the information from their Texas Driver’s Licenses. Nathaniel Frisco was listed as 5 foot 6 inches tall while Rodriguez was listed as being 6 foot 1 inches tall. It should also be noted that the driver’s license photo for Rodriguez indicated his appearance as being a light skinned Hispanic male.

Investigation and analysis of the scene found that the number of spent round casings in the room were inconsistent with the amount of rounds possible to be fired from both Stanley’s gun and from Nathaniel Frisco’s gun found on his person. This indicated that a third weapon had to have been fired at the scene and thus corroborated the witness statement provided by Mosley of two people being observed fleeing the residence. Autopsy of Stanley revealed that he had multiple gunshot wounds with 3 specifically described by Medical Examiners as close contact (within 2 – 6 inches). Autopsy of Nathaniel Graves found that he had 3 gunshot wounds with one to his abdominal area, one to his left arm and one to his right hand. This information appeared consistent with the blood trail evidence located leaving the scene and appeared to corroborate the witness statement of Mosely’s observation of the first male holding his side while fleeing the scene.

On 2/23/21, video footage was able to be observed from the surveillance cameras of The Junctions Apartments. The footage is from a camera located at a gated access point that intersects Junctions Boys Road. Detective Kennedy determined this intersection is approximately 400 feet from where the fleeing vehicle was observed on camera and was in their direct path of exit from this complex. This surveillance footage showed the vehicle fleeing the scene and crossing the view of this camera. Detective Kennedy observed that this vehicle appears to be blue in color and is consistent in size with the registered vehicle of Rodriguez above. A passenger vehicle of similar size was able to be observed on traffic cameras driving at high speeds away from this apartment complex. This vehicle was observed to travel away from the complex and took a route consistent with arriving in Navasota prior to the notification at the hospital.

On this same date, Detective Wilson contacted Harris by phone. During this recorded conversation, Harris informed Detective Wilson that he had spoken in person during the early morning hours of Saturday (2/20/21) with Rodriguez about what happened to Nathaniel Frisco. Harris stated that Rodriguez informed him that both Nathaniel Frisco and Rodriguez were in the process of robbing a male (Maurice Stanley) at gunpoint in the bedroom when the male (Stanley) produced a handgun. A gunfight ensued between the parties and both Nathaniel Frisco and the other male (Stanley) were struck by bullets. Rodriguez advised Harris that he then drove Nathaniel Frisco to Navasota where he dropped him off at the hospital. Harris advised that Rodriguez was unaware at that time that Nathaniel Frisco had died. Harris provided specific details from his conversations with Rodriguez about the criminal episode and their fleeing that would have only been known by someone involved in the crime. Harris could not have been present based on his known phone locations prior to and after the offense.

Analysis of the contents of Jarrob Harris’s phone showed that he had previously communicated with Rodriguez over the course of several years using one consistent phone number (346-368-9537). Based on text message and call logs, Harris communicated with Rodriguez (referred to by the moniker “Crikkett”) since at least 2018 and as recently as 2/17/2021 using that phone number. Based on the frequency and consistency of Rodriguez’s use of that phone number, Detective J. Cleere finds it reasonable to believe that Rodriguez is likely to continue to be in possession of a device described by that phone number, and for the analysis of the records of his service provider to contain evidence of his communications and whereabouts that would be likely to lead to his location and subsequent arrest.

Based on the evidence being consistent with multiple firearms being fired inside of the residence, the observations of a witness describing the two males fleeing the area on foot and in the vehicle, as well as the observation of a blue vehicle similar to the vehicle know to be registered to Rodriguez on surveillance camera fleeing the area shortly after the offense, and the statements of Harris about his conversation with Rodriguez, Detective M. Kennedy applied for an arrest warrant for Rodriguez’s arrest on the charge of Aggravated Robbery. Judge E. Spillane of the College Station Municipal Court signed arrest warrant #W21-00128 for Aggravated Robbery, which remains outstanding for Rodriguez’s arrest as of the completion of this order.

For the reasons stated further on in this affidavit, I believe that providing notice to the subscriber will cause an adverse result to this ongoing investigation. Based on my experience and training it is my reasonable belief that disclosure to the intended target of this investigation will:

* In the case of a wanted and charged fugitive from justice said disclosure will cause said defendant to flee or otherwise avoid apprehension
* In the case of an ongoing investigation said disclosure will result in the destruction of or tampering with said evidence in the case in chief.
* In the case of an ongoing investigation said disclosure will result in endangering the life or safety of cooperating witnesses/s or informants.
* Or may otherwise seriously jeopardize the investigation or cause a delay in trial.

**I swear and affirm that the above information is true and correct to the best of my knowledge.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Detective Jared Cleere Identifying# of Officer**

**College Station Police Department**

Sworn to and Subscribed before me on this **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, A.D at **\_\_** O’clock, .M.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                                                                            (Signature)

                                                                               \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                                                                      (Printed name/Badge or Payroll number)

 🞏 NOTARY PUBLIC

 🞏 JUDGE, \_\_\_\_\_ District Court, Brazos County, Texas

 🞏 PEACE OFFICER (as described by Article 2.12,

 Code of Criminal Procedure, engaged in the

 performance of officer's duties, and oath is

 related to officer's duties)

**AUTHORIZING THE STATE OF TEXAS**

**INSTALLATION AND USE OF**

**TRAP AND TRACE AND**

**PEN REGISTER DEVICES**

**AUTHORIZING RELEASE OF (ORDER UNDER SEAL)**

**CUSTOMER RECORDS AND OTHER**

**INFORMATION**

**LOCATION ORDER**

**AUTHORIZING E911 LOCATION-GEOLOCATION**

**BASED MEASUREMENTS PERTAINING TO**

**MOBILE COMMUNICATIONS DEVICES Brazos COUNTY**

 **COURT ORDER**

This matter having come before the Court pursuant to an application under T.C.C.P., Sec. 18.21 and consistent with the provisions of Title 18, U.S.C. sections 2703(d) and 3122, by an Assistant District Attorney/District Attorney requesting an Order authorizing the installation and use of a pen registers and trap and trace devices and requiring disclosure of certain electronic customer data and other information on the mobile communications device(s) identified below and in support of a criminal investigation against the suspect(s), identified below:

**Target Numbers/Devices/Account Identifiers: 346-368-9537**

**Texas Penal Code Offense Under Investigation: AGGRAVATED ROBBERY**

**Agency for which Requested: COLLEGE STATION PD**

**Requesting Officer/Prosecutor: DET. JARED CLEERE**

**Incident Number: 21-001353**

***If reasonably ascertainable, the following is currently known as:***

**Verbatim Names of the Official Subscribers (if known): UNKNOWN**

**Names of Subjects of the Investigation: RODRIGUEZ, SAMUEL**

 **Any Provider Holding Data Must Comply**

 That, in as much as a domestic business of entity doing business in the State of Texas or offering services in the State of Texas including but not limited to Apple Inc., AT&T Inc., Bandwidth.com, Cellco Partnership doing business as Verizon Wireless, Cellular One, Clearwire, Comcast, Facebook, Inc., Google Inc, (Gmail/Google Voice), Microsoft Inc. Phonoscope, Pocket Communications, Research In Motion (RIM)/Blackberry, Sprint/Nextel, Time Warner, T-Mobile, US Cellular, Windstream, Xfinity, XIT Communications, Yahoo!, and/or any other communications provider/carrier, any Internet companies, including telephone companies, public/private/commercial email providers, website hosting companies, website companies or privates entities, and/or services, *and*, Internet Service Providers (ISPs), who may possess the requested information, such as roaming carriers**,** or over the top applications (OTA), [“Providers”]will furnish all authorized information requested and/or held and provide technical assistance necessary to conduct pen registers and/or trap and traces, on the telephone/device/account numbers contained in the attached and incorporated application.

**Provider Must Be Served Order**

 It is hereby ordered that a respective communications provider/carrier, Internet companies, including telephone companies, public/private/commercial email providers, website hosting companies, website companies or privates entities, and/or services, *and*, Internet Service Providers (ISPs), who may possess the requested information, such as roaming carriers**,**  [“Providers”] be provided with a copy of this Order if they are ordered to release electronic customer data or assist in the installation of the services ordered herein.

**Judicial Findings**

 The Court finds, pursuant to Texas Code of Criminal Procedure (T.C.C.P.) Chapter 18, Article 18B, the Applicant has offered REASONABLE SUSPICION that the electronic customer data, live pen register/trap and trace data identifying dialing, routing, and addressing information are material and relevant to an ongoing criminal investigation of the specified offense(s)

 The Court finds, pursuant to TCCP Chapter 18 and consistent with Title 18 of the U.S.C., the Applicant has offered PROBABLE CAUSE showing cell site location information and signaling information transmitted to and from the target devices will produce evidence of a crime, contraband, fruits of a crime, items illegally possessed, property designed for use, intended for use or used in committing a crime, or will assist in locating a person to be arrested (fugitive) or a person who is unlawfully detained.

 The following involves technical language in recognition of the cellular and related technologies in use today which may have been involved in the providing of services to the target devices.  The Order requests the release of subscriber information or expanded subscriber information including a complete listing of personally identifying information, unique account and equipment identifiers (phone and equipment serial numbers), *and*, real time network addressing and routing information, GPS and WiFi to include 5g technologies.  The Order also authorizes the release of certain electronic customer data limited to information revealing the identity of customers of the applicable service and information about a customer's use of the applicable service, as well as prospective (future up to 60 days) cell site, or antenna, information for communications activity.  This information typically identifies the cellular antenna used to process a communication event.  This Order DOES NOT Order the release of the contents of any communications, but DOES Order the release real-time information interception of transactional data, such as the phone numbers called inbound and outbound to the target, and, the cellular sites/antennas used to process these calls or internet protocol or packet data DATA interception.

**Assistance Authorized**

The Court finds that Applicant filed the application upon request of a state peace officer commissioned by the investigative agency; and that the U.S. Marshals Service and/or other designees are authorized to assist in this investigation by providing technical equipment, high-speed network connections to the target devices’ service providers, and expertise necessary to collect and analyze the information and records sought; and, like the investigative agency, may serve this Order and receive all records/data authorized by it. These designees may also include, but are not limited to, representatives of the College Station Police Department, the Brazos County District Attorney’s Office, the Texas Department of Public Safety (hereinafter “DPS”), the U.S. Attorney’s Office, Federal Bureau of Investigation, U.S. Secret Service, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security, and U.S. Drug Enforcement Agency.

 IT IS FURTHER ORDERED, that additional law enforcement agencies, other than the requesting agency, *may*, as requested, assist in the service of this order, reception of any data, *and*, the processing and support of the interpretation, technical handling, archiving, and/or analysis of any received data. Additional law enforcement agencies may include, but are not limited to, the Federal Bureau of Investigation (FBI), United States Marshals Service (USMS), United States Drug Enforcement Administration (DEA), United States Secret Service (USSS), United States Department of Homeland Security (DHS)/Immigration and Customs Enforcement (ICE), United States Postal Inspection Service, United States Bureau of Alcohol, Tobacco, and Firearms (ATF), the Bryan Police Department, the Brazos County Sheriff’s Office (BCSO), the Texas Department of Public Safety (DPS), etc.

**Time Authorized and Conditions of Order**

 IT IS ORDERED therefore that agents of the investigative agency, and/or its designees, may install, or cause to be installed, and use a trap and trace device on the target devices to capture and record the incoming electronic or other impulses which identify the originating number, or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, and to record the date, time, and duration of calls created by such incoming impulses, provided the information does not include the contents of communication, for a period of up to sixty (60) days from the date and time of the issuance this Order, or until the suspect(s) arrest, and/or the completion of the investigative mission, whichever is earlier.

IT IS ORDERED therefore that agents of the investigative agency, and/or its designees, may cause to be installed (to the extent the served provider has the capability in their network) Global Positioning Systems – “GPS” on the targeted device for a period of FORTY FIVE (45) days from the date of this judicial authorization. Irrespective of provider methodology (examples include but are not limited to gps, multi-lateration, satellite, Wifi) of obtaining GPS location information, this authorization is inclusive of any methodology in locating a cellular handset.

 IT IS ORDERED therefore that, irrespective of the type of installation, this order is valid for sixty (60) days and authorizes agents of the investigative agency to compel the service provider upon which this order is served to install said surveillance AND also authorizes location information for the entire authorization, irrespective of company specific nomenclature, and includes WiFi/SatComs as it is integrated into fifth generation (5g) communications.

IT IS ORDERED that if the investigative agency and the requesting peace officer is from the Texas Department of Public Safety or a “designated law enforcement agency”, then any authorized peace officer commissioned by the investigative agency may install, or cause to be installed, and use pen registers to record or decode dialing, routing, addressing, or signaling information transmitted from the target devices, to record the date and time of such dialing or transmissions, and to record the length of time the target devices are "off the hook" or connected for incoming or outgoing calls/communications and attempts, provided the information does not include the contents of communication, for a period up to sixty (60) days from the date and time of the issuance of this Order, *or*, until the suspect(s)’ arrest, and/or the completion of the investigative mission, whichever is earlier.

However, if the authorized peace officer ***is not*** commissioned by the DPS, then the officer must be an officer of a “designated law enforcement agency” and that “designated law enforcement agency” must have a pen register policy approved by the DPS, *and*, the officer must be designated in writing to the Director of the DPS as authorized to operate this equipment in such instances. If a pen register policy is not approved, *or*, if the officer is not designated in writing to operate pen registers in non-immediate life-threatening situations as described below, then the pen register portion of this Order is NOT authorized.

If the authorized peace officer ***is not*** an officer of the DPS or an appropriate “designated law enforcement agency”, then the pen register portion of this Order is not authorized to be conducted by the authorized peace officer and service providers are ordered to filter out pen register data. However, if an appropriate officer, such as a DPS officer or an appropriately designated officer of a “designated law enforcement agency”, is assisting the requesting peace officer, then the pen register portion is authorized to be conducted by the assisting officer so long as the applicant was the District Attorney in the case of non-DPS and non-designated agency officers, *or*, the District Attorney or any Assistant District Attorney in a case where the requesting officer is from the DPS or a designated law enforcement agency.

Moreover, if the Applicant is not the elected District Attorney, but is an Assistant District Attorney, and the requesting officer is not from the DPS or a “designated law enforcement agency”, then the pen register portion of this Order is similarly not authorized. Pursuant to the T.C.C.P., Chapter 18B, Subchapter A, Art 18B.001 (4) Definitions, eligible “designated law enforcement agencies” are the police departments of the cities of Austin, Dallas, El Paso, Fort Worth, Houston, and San Antonio, the Harris County Sheriff’s Office, and the Texas Department of Criminal Justice, Office of Inspector General.

In the case of immediate life-threatening situations (as defined in T.C.C.P., Chapter 18A, Subchapter E, Article 18A.201, in Order to have conducted an emergency pen register, the peace officer must meet certain qualifications. The peace officer must be assigned to a unit to deal with life threatening situations. The peace officer must meet a training requirement of forty hours of hostage/barricaded suspect training every year, and/or, twenty-four hours of kidnapping training at least once in a career. And finally, the officer must have been designated in writing by the elected District Attorney in the county of installation prior to conducting an emergency pen register. If all of these qualifications were not met, then the pen register portion of this Order WAS NOT/IS NOT authorized.

**Court Ordered Services**

 IT IS FURTHER ORDERED that the target devices’ service providers, and all other communications providers, persons or entities providing wire or electronic communications service in the United States, the court finding that the involved service providers may be a national/regional company doing business within the State of Texas, and/or, these companies may possess information/capabilities pertaining to the investigation of a crime under the laws of the State of Texas, and these providers are, therefore, subject to the jurisdiction of the Court, whose assistance may facilitate the execution of this Order, shall supply, without geographical limitation, the following information:

1. All subscriber information, including expanded subscriber information including but not limited to first, middle, and last names and initials; dates of birth; social security numbers; state issued identification numbers (regardless of issuing state); passport numbers; consulate identification numbers; and any other identifiers not specifically listed herein that can be used to identify the account holder in question. A comprehensive listing of twinned or paired devices under the same account or master account number or that are listed under a sub account of the master account.
2. Pursuant to information with respect to both the target devices/account identifiers and all calls/sms/or transactional packet data communications originating at or terminating with the target devices/account identifiers, for a period of **twelve** monthsprior to and up to sixty (60) days after the date and time of this Order: (1) name, (2) address, (3) expanded subscriber information (4) length of service (including start date) and types of service utilized, (5) means and source of payment for such service (including any credit card or bank account number) of a subscriber to or customer of an electronic communication service or remote computing service associated with or tied to the target of this order.
3. With respect to the target devices/account identifiers only, for a period of sixty (60) days after the date of the signature of this Order: Real Time Data that includes (1) Non-content Short Message Service (SMS) data (e.g. the automated systems messages delivered to a device from the network); (2) All cell site activations and sectors for all incoming and outgoing calls/communications (including interim/hand-off cell sites and sectors occurring during phone calls), including "text header information" when applicable, and any ranging [real-time-tool (RTT)] “RTT data”, [per call measurement data] “PCMD”, “reveal” (per-call measurement data) in unabridged format call detail location records, "angle from the tower" data, including contemporaneous (real-time) with these communications, calls/communications detail, together with a complete listing of cell site identification numbers, physical addresses, latitudes & longitudes, sector identifiers, Long Term Evolution (LTE) — complete CGI or eNodeB and Cell Site, NodeB, location area codes (LACs), cellular identifiers (CIDs), intercept access points (IAPs), repolls, switches, and true orientations of all cell sites in the market where the target devices/account identifiers may be located; and, (3) Provide a list of control/radio channels and PN (pseudo noise) offsets (by sector) with their corresponding cell sites (including detailed cellular site maintenance records upon request) in the market where the target devices/account identifiers may be, or have been, located, and provide, upon request, a detailed radio frequency (RF) engineering map showing cellular/wireless coverage areas. Furthermore, the concerned carriers will provide RF (radio frequency) propagation maps/surveys and cellular antenna/tower maintenance records, and, cellular antenna/tower maintenance records procedures, upon request. These maps/surveys and maintenance records will be provided in electronic format, such as original color format, if available.
4. Upon request, provide (as often as possible and requested, and, via email if possible) enhanced-911 (E911) signal multi-lateration, GPS (global positioning system), web-map tool, precision locator tool, geolocations, including being triggered and provided with all Communications Assistance for Law Enforcement Act (CALEA) based messaging events, such as registration, de-registration, etc., or, any other precision-based geo-location data creatable/available, including any location information delivered to a public safety answering point (PSAP) pursuant to a 911 call. As the result of the information as stated in the peace officer’s affidavit, the court finds that there is probable cause to issue this warrant. In as far as historic GPS reports the provider shall provide historic GPS report/s including but not limited to carrier specific reports such as the NELOS report.
5. Real Time data that, any Internet Service Provider (ISP), email company or email server entity (public or private), website hosting company, and/or website or internet service providing company and/or entity, provide any subscriber information, identified from the original target devices/account identifiers records pertaining to the target devices/ account identifiers. Such as, if the original target devices’/account identifier’s records reveal Internet activity, such as email activity, web activity, and/or other Internet connected applications, then this Order will also order the release of all subscriber information pertaining to user identifying Real Time data.
6. The trap and trace/pen register/geolocation/cell site records release portions of this order will also apply to all packet data/IP protocol communications, including email, web surfing, proprietary communications such as Apple IOS to IOS messaging, Blackberry’s PIN to PIN, Facebook messaging or other proprietary communications platform / messaging, etc., by the target devices for the effective period of this Order.
7. That any applicable communications provider is ordered to provide all addressing and routing information associated with installed applications on the target devices/account identifiers that are the subject of this Order, including but not limited to -all Apple-“I” products, Google Android “Market Apps”, *or*, any other applications not listed herein but that are installed on said device(s).
8. That, upon request, any communications provider is ordered to release specific information pertaining to the target devices/account identifiers regarding the physical handsets/devices including the manufacturer, model, operating system(s), serial numbers (i.e., Android ID, Apple UDID, or other ESNs, MEIDs, IMEIs, IMSIs, UFMIs, Blackberry PINs, MAC addresses, ICCIDs, SIM cards, etc.), and like information, to law enforcement upon verbal or written request and make information available to law enforcement without delay for the duration of the order.
9. It is also ordered that all involved communications providers and associated retailers/companies are ordered to release, upon specific request, all purchase, payment (cash, credit, check, prepaid card, etc.), and activation information (even if through third parties) for all target devices/account identifiers, accounts, and subsequent payments, such as prepaid minute cards. This includes but is not limited to the specific data, time, and location (including the specific store, register, clerk, etc.) that all devices/account identifiers, account changes, purchases, payments, etc., occurred. It is also ordered that all involved retailers (and neighboring businesses/residences) release any available surveillance video from the aforementioned transactions, both from within and from the outside of the stores, and the area of the stores, where any of the aforementioned transactions occurred.
10. Any and all account settings. In as far as Google Voice is concerned any and all telephone numbers hidden behind the Google Voice number that is the subject of this order. This information is not limited to only the numbers of interest but also includes specific device information (Android ID, IMEI, MSID, ICCIDs, MAC addresses and any other information not specifically mentioned herein) collected at the time said handsets were authenticated, if collected, to the Google Voice network. Additionally any other historic account settings to include active and inactive or removed phone numbers from said account in as much as they have been retained or are available.
11. Any historic IP authentication logs that captured IPv4 and/or IPv6 network information through the transport layer of the TCP/IP stack with date, time, time zone and originating port. Services not included are the transactional IP information that identify the destination of said sessions.

Some phone companies, including the Providers possibly providing service to the target devices/account identifiers, have the ability to collect records that will much more accurately identify a wireless telephone’s estimated location—typically through their Enhanced 911 (E911) system—which may include Global Position System (GPS) satellite readings, signal strength measurements, or tower triangulation. These records are generally created by a phone’s user when he dials “911.” Thus, if a phone company collects this information at law enforcement’s request and in cases where the user did not dial “911,” this cannot be said to be a record maintained in the ordinary course of business. To the extent that this type of information is determined to constitute “tracking” it is important to note that law enforcement “installs” neither “device” nor process and, thus, this more invasive type of record cannot be said to constitute the installation or use of a tracking device as contemplated by either state or federal law.

**Number Change**

IT IS ORDERED that this Order shall apply not only to the Google Voice Number/Mobile Directory Number ("MDN") listed above, but also to extend to any changed Mobile Directory Number (MDN, the device's 10-digit telephone number) in the United States assigned to an instrument bearing the same International Mobile Subscriber Identity ("IMSI"-the international numbering standard which allows devices to receive communications service outside their country and network of origin; this is separate and distinct from the MDN), Electronic Serial Number ("ESN"-for older technology, the device's unique equipment identifier), Mobile Equipment Identity (“MEID”-a longer character string that is replacing the ESN in domestic-standards), International Mobile Equipment Identity ("IMEI"-the international device serialization equivalent to ESNs), or Subscriber Identity Module ("SIM" for some newer devices, the memory card that contains the IMSI and which can be removed from one device and inserted into another to immediately gain communications service using the same MDN as the target devices), Integrated Circuit Card IDs (ICCIDs-the actual serial number of a SIM card), Personal Identification Number (PINs), Media Access Control address (MAC address-another serial number associated with network interface cards/equipment of communications devices) or any changed IMSIs, ESNs, MEIDs, IMEIs, SIMs, MACs, ICCIDs, PINs, MAC addresses assigned to the same MDN as the target devices, and any additional changes, whether they occur consecutively or simultaneously, and are listed to the same subscriber, hardware, or account number as the target devices/account identifiers within the period of 60 days prior to the issuance of this order through the time authorized by this Order.

IT IS ORDERED that the target devices’ service providers, and all other communications providers, persons or entities providing wire or electronic communication service in the United States whose assistance may facilitate the execution of this Order, shall notify agents of the Investigative Agency, and/or its designees, upon oral or written request, of any and all changes (including additions, deletions, and transfers) in service regarding the target devices/account identifiers, including telephone numbers and subscriber information associated with these service changes.

**Provider Assistance**

 IT IS ORDERED that upon service of this Order upon it, the target device’s service providers, and all other communications providers, person(s) or entities providing wire or electronic communication service in the United States whose assistance may facilitate execution of this Order, shall furnish agents of the investigative agency, and/or its designees, forthwith, 24 hours-a-day if requested by the investigative agency, and/or its designees, all information, facilities, and technical assistance necessary to accomplish the installation and use of the pen registers and trap and/or trace devices unobtrusively and with minimum interference with the services that are accorded the persons with respect to whom the installation and use is to take place. Assistance should include the temporary reconfiguration or suspension of data services or other protocols to the target devices, which may be necessary for the investigative Agency to install its own pen registers, trap and trace devices, and/or similar equipment as applicable. This may be needed for various reasons including “call setup” activity that is necessary for the investigative agency to properly isolate and follow the non-content transactional activity (e.g. incoming call notification and acknowledgement, calling number and channel assignment) associated with wireless phone calls that may occur on data channels or other protocols. Law enforcement cannot currently isolate all calls with data services or other nonstandard protocols. Such assistance should invisibly shift call setup to standard protocols.

 IT IS ORDERED that whenever possible, the companies provide, upon the specific requests of the agent or designee, a twenty-four (24) hour switch-technician/employee/vendor to assist in providing data to comply with this Order and/or the interpretation of the provided data. The court also directs that this Order remains valid irrespective of the true subscriber’s name. Also, with applicable formats, that the providers supply, upon the specific requests of the agent/designees, the TMSI information as often and/or as frequently as it should have changed.

**Provider Compensation**

 IT IS ORDERED that the target device’s service providers, and all other communications providers, persons, entities, or carriers providing assistance pursuant to this Order, shall be reasonably compensated by the investigative agency, and/or its designees, for reasonable expenses incurred in providing facilities and assistance hereunder.

**Non Termination of Services**

 IT IS ORDERED that the target device’s service providers shall not terminate or restrict service to the target devices; provided that, upon notice to the investigative agency, and/or its designees, that the target device’s service would otherwise be terminated for non-payment pursuant to routine billing practices, the investigative agency and/or its designees, timely agrees in writing to assume financial responsibility for all services provided to the target devices after termination would otherwise have been effectuated and continuing to the earlier of the investigative agency's, and/or its designees’, written notice to terminate service or to the expiration of this Order, and any extensions thereof.

**Electronic Response Authorized**

 IT IS ORDERED that, upon request of the investigative agency, and/or its designees, all records and information required to be provided pursuant to this Order shall be provided in a commercially reasonable electronic format specified by the investigative agency, and/or its designees; and that those records be delivered forthwith via electronic mail (email) [unless contemporaneous delivery under the current communications assistance to law enforcement act (CALEA) delivery protocol is possible and requested] to the email addresses specified by the agents/designees serving this Order; and that the U.S. Marshals Service may serve this Order and receive and analyze all information and records authorized by this Order. This is to include that any and all records/data will be provided in all available formats of data, upon request, to include, but not limited to, documents/files currently produced in Microsoft [(Danger/Sidekick), (MSN), (Hotmail), Etc.] Word, Microsoft [(Danger/Sidekick), (MSN), (Hotmail), Etc.] Excel, PDF (portable document format), CSV (comma separated value), other electronic formats, and/or pulled from such systems.

**Verbal Response Authorized**

IT IS ORDERED that communications providers are also ordered to provide any and all data and services that are ordered herein, verbally, to officers (or designees) if specifically requested to do so. This is to include verbally advising officers (or designees) if cellular telephones are known to be currently powered on/active on a communications provider’s network (such as notifying officers if the devices/account identifiers are currently active in the Home Location Registry (HLR), and/or, Visitor Location Registry (VLR). Communications providers are also ordered to notify officers (or designees) if devices roam (and what specific networks are roamed to/from) from a home/primary network to another network and it is known by the home/primary network to what roaming network the devices roamed. This includes verbally notifying officers (or designees) of the last known network registrations/activity if the devices are not found to be powered on. And, if the accounts are currently active accounts, including if the account is inactivated or closed for non-payment, and, how many minutes and/or credits remain on prepaid type accounts. Also, upon request, that all of the requested data/information/records be supported by a Texas Business Records Affidavit (a copy of this affidavit will be provided if necessary and it is required that this affidavit comply with the Texas Rules of Evidence).

 IT IS ORDERED that authorized peace officers, and/or persons assisting and working under the direct supervision of authorized peace officers, are authorized to possess, install, and/or operate ESN readers, pen registers, traps and traces, and/or similar equipment in support of the objectives of this Order. Moreover, that authorized personnel are authorized to operate such equipment in Order to calibrate/test said equipment, and in training, to ensure that the equipment and personnel are operational in support of the objectives of this and future anticipated court Orders and investigations. Also, to provide any available personal unlocking/unblocking codes (PUK/PUC) and personal identification numbers (PINs) that are on file for the target devices and/or accounts.

**Sealing**

IT IS ORDERED that this Order and the application be sealed until otherwise ordered by the Court, that the identity of any suspects of the underlying criminal investigation may be redacted from any copy of this Order to be served on any service provider or other persons and that the target device’s service providers, and all other communications providers, persons or entities providing wire or electronic communication service in the United States whose assistance may facilitate execution of this Order.

 IT IS ORDERED that notwithstanding any other provision of the Texas Code of Criminal Procedure the elected Brazos County District Attorney and/or his/her representative seal and maintain the original signed Court Order in a manner consistent with the intent of the Texas Code of Criminal Procedure and federal law. Further, any party or agency shall not release the contents of this Application and Order without first seeking and receiving, in writing, the issuing Court’s authorization.

**Non-Disclosure/Preclusion from Notice**

IT IS ORDERED that consistent with TCCP Chapter 18.B, Subchapter K, Art 18B.501 and 18 USC 2705(b) any company upon who this order is served, their representatives, agents, and employees shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of this order, the existence of the pen registers or trap and trace devices, or the existence of the previously-described investigation, to the listed subscribers for the target devices, the occupant of said premises, the subscribers of the incoming calls to or outgoing calls from the target devices, or to any other person, in full or redacted form, unless or until otherwise ordered by the Court.

**DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **District Judge**

**TIME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ District Court**

 **Brazos County, Texas**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **PRINTED NAME OF JUDGE**

**BUSINESS RECORDS AFFIDAVIT**

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who, being by me duly sworn, deposed as follows:

My name is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am the Controller and the custodian of the records for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Attached hereto are page(s) of records from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. These said page(s) of records are kept by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the regular course of business and it was the regular course of business of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for an employee or representative of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record, and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are exact duplicates of the originals.

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **AFFIANT, Custodian of Records**

SWORN TO AND SUBSCRIBED before me on this the day of , 20\_\_.

 NOTARY PUBLIC in and for the

 State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 NOTARY'S PRINTED NAME \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Commission expires:

**AUTHORIZING THE STATE OF TEXAS**

**INSTALLATION AND USE OF**

**TRAP AND TRACE AND**

**PEN REGISTER DEVICES**

 **(ORDER UNDER SEAL)**

**LOCATION ORDER**

**FOR THE USE OF A CELL SITE SIMULATOR**

**FOR MOBILE COMMUNICATIONS DEVICES BRAZOS COUNTY**

**COURT ORDER**

This matter having come before the Court pursuant to an application under Texas Code of Criminal Procedure (T.C.C.P.), Chapter 18 and consistent with the provisions of Title 18, U.S.C. pursuant to O.C.G.A. section 17-5-20 et seq., O.C.G.A. section 16-1 1-64. 1, Federal Rule of Criminal Procedure 4 l, and Title 18, United States Code §§ 3122, 3123, and 2703.

An application by a prosecutor on behalf of by an authorized peace officer supported by an affidavit by said authorized peace officer shows there is reason to believe that the object described above has been involved in and likely will continue to be involved in the criminal activity identified in the affidavit, and is believed to be located in this judicial district.

Request for the courts order authorizing the installation and use of a cell site simulator and other information on the mobile communications device(s) identified below and in support of a criminal investigation against the suspect(s), identified below:

**Target Numbers/Devices/Account Identifiers: 346-368-9537**

**Texas Penal Code Offense Under Investigation: AGGRAVATED ROBBERY**

**Agency for which Requested: COLLEGE STATION PD**

**Requesting Officer/Prosecutor: DET. JARED CLEERE**

**Incident Number: 21-001353**

 ***If reasonably ascertainable, the following is currently known as:***

**Verbatim Names of the Official Subscribers (if known): UNKNOWN**

**Names of the Subjects of the Investigation: RODRIGUEZ, SAMUEL**

**Judicial Findings**

 The Court finds, pursuant to TCCP Chapter 18 and consistent with Title 18 of the U.S.C., the Applicant has offered PROBABLE CAUSE showing signaling information transmitted to and from the target devices will produce evidence of a crime, contraband, fruits of a crime, items illegally possessed, property designed for use, intended for use or used in committing a crime, or will assist in locating a person to be arrested (fugitive) or a person who is unlawfully detained.

**Courts Order to Law Enforcement**

**To: Any Authorized Law Enforcement Officer**

An application by a prosecutor on behalf of by an authorized peace officer supported by an affidavit by an authorized peace officer shows there is reason to believe that the object described above has been involved in and likely will continue to be involved in the criminal activity identified in the affidavit, and is believed to be located in this district.

 I find that the affidavit and recorded testimony establish probable cause thatusing the object and/or installing and using a tracking device to monitor the location of the object will satisfy the purpose set out in the aforementioned statutes for issuing a warrant.

 YOU ARE COMMANDED to execute this warrant and begin use of the object within 10 days from the issuance of this warrant and may continue to use said object for 45 days from the use of this warrant at any time in the day or night.

 Within 10 calendar days after the use of the object has ended, the officer executing this warrant must both return it to the issuing Judge and - Unless delayed notice is authorized below, serve a copy of the warrant on the person whose object was tracked.

 \_\_\_\_ Pursuant to TCCP Chapter 18 and 18 U.S.C. § 3103(a(b)(1), I find that immediate notification may have an adverse result listed in 18 U.S.C. 2705 (except for delay of trial), and this warrant prohibits the seizure of any tangible property or any wire or electronic communications content. I therefore authorize the officer executing this warrant to delay notice to the person whose object will be tracked.

**Instructions for Device Configuration**

Law enforcement, including agents of the U.S. Marshals Service, are authorized to employ a cell-site simulator to identify the location of the Target Device. Law enforcement are authorized to use a cell-site simulator, an investigative device or devices capable of broadcasting signals that will be received by the Target Device or receiving signals from nearby cellular devices, including the Target Device.

* Such a device may function in some, respects like a cellular tower, except that it **WILL NOT** be connected to the cellular network and **WILL NOT** be used by a cell phone to communicate with others.
* The device may send a signal to the Target Device and thereby prompt it to send signals that include the unique identifier of the device. Law enforcement may monitor the signals broadcast by the Target Device and use that information to determine the Target Device's location, even if it is located inside a house, apartment, or other building.
* The investigative device may interrupt cellular service of phones or other cellular devices within its immediate vicinity. Any service disruption to non-target devices will be brief and temporary, and law enforcement shall conduct all operations in a manner that limits the interference with such devices. ln order to connect with the Target Device, the device may briefly exchange signals with all phones or other cellular devices in its vicinity. These signals may include cell phone identifiers.
* The device **WILL NOT** complete a connection with cellular devices determined not to be the Target Device, and law enforcement shall limit or minimize collection of information from devices other than the Target Device.
* To the extent that any information from a cellular device other than the Target Device is collected by the law enforcement device, law enforcement shall delete that information, and law enforcement shall make no investigative use of it absent further order of the Court, other than distinguishing the Target Device from all other cellular devices.
* Law enforcement is authorized to employ this electronic investigative technique to locate the Target Device by collecting and examining
	+ (I) radio signals emitted by the Target Device for the purpose of communicating with cellular infrastructure, including towers that route and connect individual communications; and
	+ (2) radio signals emitted by the Target Device in response to radio signals sent to the cellular device by the officers

**DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **District Judge**

**TIME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ District Court**

 **Brazos County, Texas**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **PRINTED NAME OF JUDGE**