Form 2-1: ACM Retrieval Order

IN THE MATTER § IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

OF A CRIMINAL § OF

INVESTIGATION § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

**APPLICATION FOR A COURT ORDER**

COMES NOW the State of Texas, by and through her Assistant District Attorney and does hereby request this Court to issue an order to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) to go to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Location), located in \_\_\_\_\_\_\_\_\_\_\_\_\_ County, Texas and to locate a \_\_\_\_\_\_ (Year) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Vehicle Type) with VIN Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and plate number \_\_\_\_\_\_\_\_\_\_\_\_\_ for the purpose of retrieving data from a recording device which is installed within this vehicle and for good cause would show the following:

I.

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) is investigating a motor vehicle collision that occurred on or about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, in \_\_\_\_\_\_\_\_\_\_\_\_ County, Texas. One of the vehicles involved in this collision was a \_\_\_\_\_\_ (Year) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Vehicle Type) with VIN Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and plate number \_\_\_\_\_\_\_\_\_\_\_\_\_. This vehicle is registered to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. At the time of the collision, the vehicle was driven by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The vehicle is in police custody and is currently located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and remains at this location as of the making of this application. Due to the information that has been compiled by the investigating officers, there is reasonable belief that this collision constitutes a criminal offense.

II.

The investigating officers have determined that this vehicle has a device commonly called an airbag/electronic control module that was installed by the manufacturer that may record certain data, including, but not limited to:

• the speed the vehicle was traveling for five seconds prior to algorithm enable;

• engine Cycle Revolutions Per Minute for five seconds prior to algorithm enable;

• engine throttle pressure for five seconds prior to algorithm enable;

• braking information for five seconds prior to algorithm enable;

• the driver’s safety belt status;

• ignition cycles of the vehicle; and

• change in velocity after algorithm enable.

This information is transmitted to a central communications system.

III.

The information that is contained in the recording device and which is sought by the State is evidence of the offense (s) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (OPTIONAL: and constitutes evidence that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ committed the offense (s) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

IV.

This application is sought under the authority of Section 547.615 of the Texas Transportation Code.

WHEREFORE, PREMISES CONSIDERED, the State of Texas requests that an order be issued to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) to go to the location where the above mentioned vehicle is located, and to retrieve the recording device or airbag / electronic control module and to recover the information contained therein.

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

Assistant District Attorney

\_\_\_\_\_\_\_\_\_\_\_\_ County, Texas

IN THE MATTER § IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

OF A CRIMINAL § OF

INVESTIGATION § \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

**COURT ORDER**

On this the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, the Court, having been presented with an Application for Court Order, under Section 547.615 of the Texas Transportation Code, and having reviewed same and the law applicable thereto, the Court hereby finds that there is a reasonable belief that a criminal offense was committed. The Court further finds that evidence of that offense may be located within a recording device or airbag / electronic control module installed within a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ vehicle bearing VIN # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and plate # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Therefore, it is the order of the Court that the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) or any representative of that agency go to the location listed in the Application and retrieve the recording device or airbag / electronic control module and the information contained therein, including:

• the speed the vehicle was traveling for five seconds prior to algorithm enable;

• engine Cycle Revolutions Per Minute for five seconds prior to algorithm enable;

• engine throttle pressure for five seconds prior to algorithm enable;

• braking information for five seconds prior to algorithm enable;

• the driver’s safety belt status;

• ignition cycles of the vehicle; and

• change in velocity after algorithm enable.

for the purpose of conducting an investigation into the aforesaid criminal offense.

Signed and entered on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_.

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

Judge or Magistrate

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Texas