\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*INSTRUCTIONS\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

-This search warrant mask is specifically for the search of a bank for records regarding an identified accoun

-There is RED text below that needs to be changed based on the needs of your search warrant.

-There is BLUE text below which is provided for information to the reader about what is being requested and why. Make sure you read this information and understand it since you are putting it your search warrant. You may need to adjust some of the wording or content in these areas to the specifics of your case.

-There is GREEN text below covers a request to freeze the funds in the count.

- After the warrant is finalized, highlight all of the text by selecting CTRL+A and then change all text to black

- It would be a good idea to delete this section before printing/sending your warrant to get signed.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*PLEASE DELETE\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Case No:

COUNTY OF LARIMER ) IN THE COMBINED COURT

 ) SS

STATE OF COLORADO )

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT AND COURT ORDER FOR PRODUCTION OF RECORDS**

BEFORE THE HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE / MAGISTRATE

Affiant, YOUR NAME HERE, a commissioned law enforcement officer, being duly sworn, deposes and states that I have probable cause to believe that at the place or business entity known or described as:

BANK NAME

BANK ADDRESS

METHOD OF SERVICE

The following records, data, or information for BANK NAME account number ACOUNT NUMBER:

The records described below in items 1 through 4 shall cover the entire time the respective account has been open. The records described in items 5 through 10 shall cover the time period of DATE OF INTEREST through DATE OF INTEREST, inclusive.

1. Signature cards, account applications, and any other documentation identifying the account holder(s), signatories, and/or authorized users;
2. Any and all documentation of ATM cards, check cards, and/or debit cards issued in conjunction with said account(s), including card numbers and **information identifying the authorized user(s)** of specific cards;
3. Fictitious name(s) filing and/or Articles of Incorporation associated with said account(s), if applicable;
4. Safe Deposit Box records, including applications and records of access on said account(s) and/or by Account Holder;
5. Account statements;
6. Checks, all records of deposits (including but not limited to deposited items, deposit tickets, mobile deposit images, and cash in tickets), all records of withdrawals (including but not limited to withdrawal tickets and cash out tickets), all electronic payment records, all records documenting online payment authorizations, documents of offset, transfer slips/tickets, bank drafts, debit or credit memos, and/or any other documents displaying the movement, withdrawal, deposit, credit, or transfer of funds;
7. All records of wire transfers / electronic fund transfers (EFT), including but not limited to wire transfer / electronic fund transfer (EFT) instructions, any other applications or requests for wire transfers / electronic fund transfers (EFT), any information that identifies, or tends to identify, the sender and/or receiver of the wire transfers / electronic fund transfers (EFT), and any information that identifies, or tends to identify, the sending account and/or receiving account for the wire transfers / electronic fund transfers (EFT);
8. Any and all records of cashier’s checks, money orders, and/or other negotiable items issued or purchased using funds from said account(s), including but not limited to copies or images of said cashier’s checks, money orders, and/or other negotiable items, and applications, requests, and/or any other authorizations for the purchase or issuance of said cashier’s checks, money orders, and/or other negotiable items;
9. All IP addresses and other geolocation information collected in reference to the above account from devices that have been used to log into the account through an application or web browser;
10. All device identifiers collected in relation to the above account that have been used to log into the account, including IMEI, IMSI, MEID, and MAC addresses.

Pursuant to Crim. P. 41 and §16-3-304(2), Affiant requests an ORDER freezing the above-described account and all funds and/or assets therein.

For which a search warrant and court order for production of records may be issued upon one or more of the grounds set forth in C.R.S. §16-3-301, §16-3-301.1 and Crim. P. 41, namely that this property has been stolen or embezzled, or which is designed or intended for use as a means of committing a criminal offense, or which is or had been used as a means of committing a criminal offense, or the possession of which is illegal, or which would be material evidence in a subsequent criminal prosecution in this state, another state, or federal court, or the seizure of which is expressly required, authorized, or permitted by a statute of this state or the United States, or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

The facts establishing grounds for issuance of a search warrant and showing probable cause to believe that they exist are as follows:

BACKGROUND OF AFFIANT

STATEMENT OF PROBABLE CAUSE REGARDING CRIME BEING INVESTIGATED – OR IF FOR FUGITIVE PURPOSES, EXISTENCE OF OUTSTANDING WARRANT – AND PC TO BELIEVE THE ACCOUNT LISTED IS AN ACCOUNT THAT COULD LEAD TO MATERIAL EVIDENCE OR A FUGITIVE MIXED WITH THE BELOW PARAGRAPHS

This information will be used to help determine the account holder’s level of involvement in this scam, whether they are an unknowing money mule, a complicit money mule or a suspect.  This information will be used to determine if the account holder used the money for their benefit or transferred it to another person.

Your Affiant knows from training and experience that financial institutions, including banks, keep records of their customer’s accounts. Among those records are signature cards which would show who controls the account; monthly statements showing the amount of money deposited into the account and withdrawn from the account as well as the dates of the transactions and the balances in the account; copies of deposited items which would indicate if the deposit was cash or a financial instrument and the source of the deposits; and copies of withdrawal items showing the payee of the items and the use of the funds. These items would be of material aid in the investigation of this case.

The timeframe for the requested records, one month prior to and one month after the transfers were made, will show what was the normal activity on the account and what happened to the funds after they were received.  In my experience the money is sent to an intermediate account which is controlled by a money mule before the money is sent to the person(s) responsible for the hacking of the bank account. The money mule might be aware of the source of the money and complicit, or unaware of the source of the money and a victim of another scam. The records for the account, both before and after the transfers, will help determine the level of involvement the money mule has in the scam.  The money is typically moved out of the initial account over a few weeks or months so the financial institutions do not become suspicious and freeze the funds, close the account and file Suspicious Activity Reports (SAR) to Financial Crimes Enforcement Network (FinCEN).

Based on the above-mentioned facts, your Affiant believes there is probable cause to show that the above-described bank accounts are being used to hold illegal proceeds from CRIME INVESTIGATING and would be material evidence in a subsequent criminal prosecution. Your Affiant also has probable cause to believe that if the account holder(s), or any other person on his or her behalf, is allowed continued access to the funds; they will continue to convert the funds to their personal use. Pursuant to Crim. P. 41 and §16-3-304(2), Your Affiant would ask the Court to order that all funds and/or assets on deposit at BANK NAME be frozen in their current state until further order of the Court.

Based on these facts, Your Affiant believes there exists probable cause to believe that there is material evidence now located in the above-described BANK NAME account that is crucial to the investigation of this case and the offenses described above, and a search warrant is requested pursuant to C.R.S. §16-3-301, §16-3-301.1 and Crim. P. 41.

C.R.S. 16-3-301.1(5)(a) permits a court order for the productions of records to be granted to a Colorado criminal investigator or peace officer whose affidavit supports the issuance of the order. The Colorado criminal investigator or peace officer granted the order need not have authorization to execute a search warrant in the jurisdiction in which the business entity is located. C.R.S. 16-3-301.1(5)(c) permits service of a court order to be made through any electronic or other means established and utilized by the business to receive service of process.

The records should be provided to:

YOUR NAME, BADGE NUMBER

LAW ENFORCEMENT AGENGY

YOUR ADDRESS

YOUR PHONE NUMBER

EMAIL

***Further requests:***

1. Pursuant to Crim. P. 41 and §16-3-304(2), Your Affiant requests that this Court seal the affidavit and search warrant and court order for production of records until the filing of charges based on this law enforcement criminal investigation. The affidavit establishes grounds to believe that disclosure at this time of the affidavit and search warrant and court order for production of records would be contrary to the public interest. Such order for sealing does not apply to representatives of law enforcement agencies, and District Attorney’s Offices.
2. Pursuant to Crim. P. 41 and §16-3-304(2), Your Affiant requests that BANK NAME be ordered NOT to disclose the existence of this search warrant and court order to the subscriber for a period of one year from receipt of the requested documents, unless otherwise ordered by a court of competent jurisdiction. Based on the information set forth in this affidavit, notification of the warrant may have an adverse result, i.e., disclosure may endanger the life or physical safety of an individual; allow flight from prosecution; allow destruction of or tampering with evidence; allow intimidation of potential witnesses; and/or would otherwise seriously jeopardize an investigation or unduly delay a trial.

I believe the above facts to be true from official LAW ENFORCEMENT AGENGY records, conversations with fellow officers, personal observations and interviews. I am a YOUR TITLE with the LAW ENFORCEMENT AGENGY. I have been trained at the State, and local levels with regard to my duties. I am authorized by law to execute search warrants in the State of Colorado.

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

AFFIANT

This affidavit was sworn to and subscribed by telephone this DATE day of MONTH 20\*\* at \_\_\_\_\_\_\_\_.

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

JUDGE / MAGISTRATE

Case No.

COUNTY OF LARIMER ) IN THE COMBINED COURT

 ) SS

STATE OF COLORADO )

**SEARCH WARRANT AND COURT ORDER FOR PRODUCTION OF RECORDS**

Before the Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Judge / Magistrate

The Court, upon review of an affidavit filed by YOUR NAME HERE which is incorporated by reference, in support of the issuance of this order, hereby orders the production of the following records, for which there is probable cause to believe are in the actual or constructive possession or control of the business entity known or described as:

BANK NAME

BANK ADDRESS

METHOD OF SEVICE

This Court also finds that there is probable cause to issue this Search Warrant and Court Order for Production of Records pursuant to the provisions of C.R.S. §16-3-301, §16-3-301.1 and Crim. P. 41, namely that this property has been stolen or embezzled, or which is designed or intended for use as a means of committing a criminal offense, or which is or had been used as a means of committing a criminal offense, or the possession of which is illegal, or which would be material evidence in a subsequent criminal prosecution in this state, another state, or federal court, or the seizure of which is expressly required, authorized, or permitted by a statute of this state or the United States, or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

IT IS ORDERED that the BANK NAME provide the following records, data, information and technical assistance account number ACOUNT NUMBER:

The records described below in items 1 through 4 shall cover the entire time the respective account has been open. The records described in items 5 through 10 shall cover the time period of DATE OF INTEREST through DATE OF INTEREST, inclusive.

1. Signature cards, account applications, and any other documentation identifying the account holder(s), signatories, and/or authorized users;
2. Any and all documentation of ATM cards, check cards, and/or debit cards issued in conjunction with said account(s), including card numbers and **information identifying the authorized user(s)** of specific cards;
3. Fictitious name(s) filing and/or Articles of Incorporation associated with said account(s), if applicable;
4. Safe Deposit Box records, including applications and records of access on said account(s) and/or by Account Holder;
5. Account statements;
6. Checks, all records of deposits (including but not limited to deposited items, deposit tickets, mobile deposit images, and cash in tickets), all records of withdrawals (including but not limited to withdrawal tickets and cash out tickets), all electronic payment records, all records documenting online payment authorizations, documents of offset, transfer slips/tickets, bank drafts, debit or credit memos, and/or any other documents displaying the movement, withdrawal, deposit, credit, or transfer of funds;
7. All records of wire transfers / electronic fund transfers (EFT), including but not limited to wire transfer / electronic fund transfer (EFT) instructions, any other applications or requests for wire transfers / electronic fund transfers (EFT), any information that identifies, or tends to identify, the sender and/or receiver of the wire transfers / electronic fund transfers (EFT), and any information that identifies, or tends to identify, the sending account and/or receiving account for the wire transfers / electronic fund transfers (EFT);
8. Any and all records of cashier’s checks, money orders, and/or other negotiable items issued or purchased using funds from said account(s), including but not limited to copies or images of said cashier’s checks, money orders, and/or other negotiable items, and applications, requests, and/or any other authorizations for the purchase or issuance of said cashier’s checks, money orders, and/or other negotiable items;
9. All IP addresses and other geolocation information collected in reference to the above account from devices that have been used to log into the account through an application or web browser;
10. All device identifiers collected in relation to the above account that have been used to log into the account, including IMEI, IMSI, MEID, and MAC addresses.

IT IS ORDERED that BANK NAME freeze the above-described account and preserve all funds and/or assets contained in the account upon services of this Search Warrant and Court Order Production of Records and until further order of the Court.

Pursuant to §16-3-301.1, C.R.S., a criminal investigator or peace officer is hereby authorized to serve this order during normal business hours of the above-named business entity, and to receive the records during normal business hours of the business entity. Service shall issue in the same manner as a summons in a civil action or by personal service on a manager or supervisor of the business entity or through any electronic or other means established and utilized by the business to receive service of process. This order must be served within 14 days after the date it is issued.

The business entity is ORDERED to produce the above described records to the affiant or his/her designee within thirty-five (35) days of service.

The records should be provided to:

YOUR NAME, BADGE NUMBER

LAW ENFORCEMENT AGENGY

YOUR ADDRESS

YOUR PHONE NUMBER

EMAIL

The business entity shall also provide a notarized attestation of accuracy that the records produced represent complete and accurate copies of all records identified in this order that are in the actual or constructive control of the business entity. If the business entity does not produce all records identified in this order, it shall identify the records not produced. Failure to comply with this order shall support a finding of contempt of court.

Upon receiving the records from the business entity, the peace officer named herein shall file a return and inventory with the court indicating the records that have been received and the date and time upon which the records were received. The peace officer named herein may also file the original of the attestation of accuracy with the court.

IT IS FURTHER ORDERED:

1. That this Search Warrant and Order and application be **SEALED** until the filing of charges based on this law enforcement criminal investigation, that the identity of any target(s) of the underlying criminal investigation may be redacted from any copy of this Order to be served on any service provider or other person. After charges are filed, disclosure of this Search Warrant and Order and application is governed by Crim. P. 55.1.
2. That BANK NAME NOT take adverse action against the subject accounts, such as disabling or terminating the accounts, because of this warrant.
3. Pursuant to Crim. P. 41 and §16-3-304(2), that BANK NAME, **NOT disclose the existence of this search warrant and court order to the subscriber for a period of one year**, unless otherwise ordered by a court of competent jurisdiction, as notification of the warrant may have an adverse result, i.e. disclosure may endanger the life or physical safety of an individual; allow flight from prosecution; allow destruction of or tampering with evidence; allow intimidation of potential witnesses; and/or would otherwise seriously jeopardize an investigation or unduly delay a trial.

THE INFORMATION SO ORDERED is related to the active and ongoing criminal investigation by YOUR AGENCY and in accordance with C.R.S. §16-3-301, §16-3-301.1 and Crim. P. 41, the records and information requested are or have been used as a means of committing a criminal offense or would be material evidence in a subsequent criminal prosecution in this state, another state, or federal court; the seizure of which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

Based upon the affidavit of the above-named Affiant, which is incorporated by reference, I am satisfied that there is probable cause to believe there is a legal basis and also legal authority for the issuance of this Search Warrant and Court Order for Production of Records. You are therefore authorized to execute this Search Warrant according to these terms and as otherwise permitted by law.

Dated this **\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_ 20\_\_**, at \_\_\_\_\_\_\_.

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

JUDGE / MAGISTRATE