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

-This search warrant mask is specifically for the preservation of data on a cell phone

-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.

- 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**

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 thing to be searched, described as:

DESCRIBE PHONE

ADD PHOTO OF PHONE IF AVAILIABLE

ADDRESS WHERE PHONE IS LOCATED

Collect, copy and preserve the content of all data stored in the cellular phone(s), SIM card(s), and/or memory card(s). The data will be secured and not accessed until further order of the Court.

For which a search warrant may be issued upon one or more of the grounds set forth in Crim. P. 41 and CRS § 16-3-301, 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.

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 CELLPHONE LISTED COULD LEAD TO MATERIAL EVIDENCE OR A FUGITIVE MIXED WITH THE BELOW PARAGRAPHS

Affiant knows from training and experience that in today's digital age, cell phones serve as a vital source of evidence in criminal investigations. As users become increasingly security-conscious about their digital privacy, we encounter more challenges in retrieving crucial evidence from these devices. One of the most significant obstacles is the inability to access a mobile device once it locks or goes to sleep.

Mobile phone operating systems, such as iOS and Android, use encryption to protect the sensitive information stored on the device from unauthorized access. Passwords and biometric authentication methods, such as fingerprints and facial recognition, further add to the device's security. Once a phone goes to sleep, the encryption keys that protect the data are locked, making it incredibly challenging to access the device's stored information.

In criminal investigations, delays in obtaining crucial evidence from a mobile phone can make or break a case. The longer the delay, the higher the risk of the subject destroying the evidence. Therefore, it is imperative to obtain a search warrant in a timely manner to gain access to the device before it enters into a locked state. Without access to a mobile phone, vital evidence may go undiscovered, and justice may not be served.

**Computer Processing**

Due to the nature and vulnerability of magnetic or digital data, it is necessary to seize media capable of storing magnetic data, and the computer, or what is commonly referred to as the CPU, meaning the computer case which contains the hard drive, motherboard and related hardware. It is necessary to remove these items from the scene and transport them to a controlled environment so a complete search of the items may be accomplished in such a way that the data it is protected, and unaltered.

Your affiant is aware that the current technology available for the downloading of data from digital devices such as cell phones, computers, or other mobile devices, does not allow the download of information only for a specific date range. Your affiant is also aware that the current technology available may not allow the downloading of only specific types of data, (e.g. pictures, messages, contacts, application data, etc.) as this data, including dates, may be in raw form, making it humanly unreadable without the use of specific software.  In light of that, the data from the digital device must be downloaded as completely as technologically possible. Once that download is completed, and the downloaded data is processed with specific software, a search of the data for a specific date range or specific type of data content is possible.

Your affiant is also aware that many times, there is only one opportunity to download the information from a digital device. Without obtaining all of the downloadable data from the cell phone, computer, or other mobile device, if additional information is learned later in the investigation, either by law enforcement, the District Attorney’s Office, or defense counsel, the same data that existed at the time of the initial download may no longer be available.  The only way to ensure preservation of all the downloadable data that existed at the time of the original download is to initially obtain all the downloadable data from the cell phone, computer, or other mobile device, and then preserve that data for any future searches.

Your affiant is requesting to only downloadable data from the cellphone and preserve it. The data will not be accessed until further order of the court.

***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.

The executing law enforcement officer(s) may enlist the aid of a law enforcement computer forensic laboratory and/or certified digital evidence examiner(s) in the searching, viewing, photographing, recording, copying, forensic imaging, and analysis of any and all of the information described.

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**

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

 JUDGE / MAGISTRATE

TO: ANY PEACE OFFICER AUTHORIZED BY LAW TO EXECUTE SEARCH WARRANTS IN THE STATE OF COLORADO.

The Court, upon review of a sworn affidavit filed by YOUR NAME HERE, a commissioned law enforcement officer, in support of the issuance of this search warrant, hereby commands you to search the following described property, namely:

DESCRIBE PHONE

ADD PHOTO OF PHONE IF AVAILIABLE

ADDRESS WHERE PHONE IS LOCATED

Collect, copy and preserve the content of all data stored in the cellular phone(s), SIM card(s), and/or memory card(s). The data will be secured and not accessed until further order of the Court.

For which a search warrant may be issued upon one or more of the grounds set forth in Crim. P. 41 and CRS § 16-3-301, 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.

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. You are therefore authorized to execute this Search Warrant according to these terms and as otherwise permitted by law.

Therefore, any member of law enforcement agency or a designee, and/or a computer forensic lab, are commanded to:

* If not already in possession of the device, seize the aforementioned device within 14 days of the date this warrant is signed;
* Access the aforementioned device and view, copy and maintain the above described data contained therein;
* Use and employ such force as may reasonably be necessary in the performance of the duties described herein;
* The ability to use whatever means necessary to override any encryption or secure files encountered during the forensic examination of the phone. This could include having the item transferred to specialized forensic laboratories outside of the jurisdiction and/or the State of Colorado, if necessary.
* The ability to repair the device, replace the screen, replace the chassis, reconnect wires, or replace a battery. I also understand that it may be necessary to employ advanced forensic processes to bypass locked display screens and other data access restrictions.
* Physically access the internal workings of the device to extract any and all potential data stored on the device.
* Employ all means necessary to prevent damage to the device. Any intentional damage or destruction will require additional judicial approval.
* The ability to enlist the aid of a law enforcement computer forensic laboratory and/or certified digital evidence examiner(s) in the searching, viewing, photographing, recording, copying, forensic imagining, and analysis of any and all of the information described.
* Deliver to the person from whom the property is taken a copy of this warrant together with a receipt for the property taken, or to leave a copy of the warrant and receipt at the place from which the property was taken;
* Make prompt return of this search warrant, accompanied by a written inventory describing the physical storage media that was seized or copied, to the undersigned judge.

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.

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. 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