UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR A SEARCH WARRANT FOR A BLACK CRICKET CELLULAR TELEPHONE WITH MODEL NUMBER HUAWEI M860 AND MEID DEC 268435459213904547	:	Mag No.: 11-688-M-01 ~~Under Seal~~

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Charles Rooney, Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), Washington Field Office ("WFO"), Washington, D.C., (hereinafter "your affiant") being duly sworn, deposes and states as follows:

GENERAL BACKGROUND

1. I am an "investigative or law enforcement officer of the United States" within the meaning of Section 2510 (7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to investigate and to make arrests for offenses enumerated in Section 2516 of Title 18 and 21, United States Code.

2. I am a duly appointed Special Agent of the Federal Bureau of Investigation (FBI) and have been employed as such since 2008. I am currently assigned to a squad, which investigates Violent Crimes out of the FBI's Violent Crimes Task Force of the Washington, D.C. Field Office of the FBI and I have been assigned to this squad since September of 2008. Prior to being appointed to the FBI, I served as a Police Officer for approximately eight years with the Fairfax County Police Department, Fairfax, VA. During the course of my participation in law enforcement I have conducted arrests, obtained search warrants and court orders. I have investigated

crimes involving bank robberies, armored car robberies, assaults, malicious wounding and carjacking, which have resulted in arrests and convictions.

3. This affidavit is based, in part, upon information provided to me by other Special Agents of the FBI and officers of the Washington, D.C. Metropolitan Police Department (MPD), witnesses, physical surveillance, and other information gathered during the course of this investigation. Since this affidavit is being submitted for the limited purpose of obtaining a search warrant for one cellular telephone, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause for the issuance of this search warrant.

4. As a result of my personal participation in this investigation, as well as through interviews with and analysis of reports submitted by other Special Agents of the FBI and officers of the MPD and other law enforcement agencies who are involved in this investigation, I am familiar with all aspects of this investigation. On the basis of this familiarity, and on the basis of other information which I have reviewed and determined to be reliable, I allege the facts to show there is probable cause to believe that fruits and evidence of offenses involving violations of: (i) interference with interstate commerce by threats or violence, in violation of Title 18, United States Code, § 1951(a); may be found within a Black Cricket Cellular Telephone with Model Number HUAWEI M860 and MEID DEC 268435459213904547, which is currently located at a secure MPD facility in Washington, D.C.

5. Attachment A describes the cellular telephone to be searched. Attachment B describes the matters and things to be seized within the cellular

telephone. All statements made in Attachments A and B are adopted into the body of this Affidavit as if fully set forth herein.

DEFINITIONS

6. The following terms have the indicated meaning in this affidavit:

A cellular telephone is a handheld wireless device used primarily for voice communication through radio signals. These telephones send signals through networks of transmitter/receivers called "cells," enabling communication with other wireless telephones or traditional "land line" telephones. A wireless telephone usually contains a "call log," which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones now offer a broad range of capabilities. These capabilities include, but are not limited to: storing names and phone numbers in electronic "address books;" sending, receiving, and storing text messages and email; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system technology for determining the location of the device.

ELECTRONIC DEVICES AND STORAGE

7. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Even when a user deletes information from a device, it can sometimes be recovered with forensics tools.

8. As described above and in Attachment A, this application seeks permission to search a Black Cricket Cellular Telephone with Model Number HUAWEI

M860 and MEID DEC 268435459213904547.

9. Searching for the evidence described in Attachment B may require a range of data analysis techniques. In some cases, agents and computer analysts may be able to conduct carefully targeted searches that can locate evidence without requiring a time consuming manual search through unrelated materials that may be commingled with criminal evidence. In other cases, however, such techniques may not yield the evidence described in the warrant. Criminals can mislabel or hide information, encode communications to avoid using key words, attempt to delete information to evade detection, or take other steps designed to frustrate law enforcement searches for information. These steps may require agents and law enforcement or other analysts with appropriate expertise to conduct more extensive searches, such as scanning storage areas unrelated to things described in Attachment B, or perusing all stored information briefly to determine whether it falls within the scope of the warrant. In light of these difficulties, the FBI and its agents intend to use whatever data analysis techniques appear necessary to locate and retrieve the evidence described in Attachment B.

THE INVESTIGATION

10. On September 21, 2011, Garda, an armored truck company, during the normal course of business, dispatched an armored truck staffed by one armed guard and one unarmed driver to deliver and pick up United States currency from various commercial businesses located in the Washington, D.C., metropolitan area. The Garda truck began its route in Maryland, and crossed into the District of Columbia.

11. On September 21, 2011 at approximately 10:50 a.m., the Garda armored

truck arrived at the CVS located at 6514 Georgia Ave Northwest Washington, D.C. The Garda armored truck armed guard entered the CVS, where he delivered one bag of United States currency and picked up two new bags containing United States currency. CVS is a national commercial drugstore chain, and the items sold there travel in interstate commerce. The driver of the truck remained in the Garda armored truck, which was parked near the front door entrance to the CVS.

12. As the armed guard was exiting the CVS from the front door with the United States currency he had received from a CVS employee, he was approached by three black men, two of whom were armed with handguns. One of the armed individuals demanded that the Garda armed guard "give up" the money. Subject 1 (S1) pointed his handgun at the Garda armed guard, at which point the guard drew his handgun. At that point there was an exchange of gun fire between the suspect and the Garda Armored Car employee. The Garda guard stated that he believed he struck one of the subjects. The driver of the Garda armored truck witnessed the attempted robbery. The Garda guard and driver said that the three men fled by running westbound on Van Buren Street, NW.

13. After the attempted robbery, law enforcement followed a trail of blood from the CVS, down Van Buren Street, NW, to 13th Place, NW, and began canvassing that area. Witness 1 (W1) informed law enforcement that shortly after the shooting, it saw two black men on 13th Place, NW, and overheard them arguing, and one instructed the other to "run home." One of the men matched the description of one of the robbers. Another witness (W2) saw a gold compact SUV with two bumper stickers leaving the area at a high rate of speed. A third witness (W3) informed law enforcement that it

heard gunshots, and shortly thereafter it saw two black men running from the north alley onto the 6600 block of 13th Place, NW, and proceeded to turn right onto Aspen Street, NW. W3 then observed the two black men continue running eastbound on Aspen Street, NW, across Georgia Avenue.

14. Minutes after the robbery, in the 900 block of Aspen Street, NW, law enforcement stopped two individuals who matched the description of two of the robbery subjects. During the stop the subjects were identified as: Donnell Crews and Anthony James, both of whom reside at 808 Butternut Street Northwest Washington, D.C. Butternut Street, NW, is one block from where Crews and James were stopped by law enforcement. A canvass of the 800 block of Butternut Street Northwest Washington, D.C. revealed a white Jaguar bearing D.C. tag number of DT1645 parked near 808 Butternut Street Northwest Washington, D.C. Further investigation revealed that the white Jaguar bearing D.C. tag number DT1645 is owned by Kirk Anthony Dean.

15. Law enforcement conducted a show up with the guard and the driver, at which they presented Donnell Crews and Anthony James. The driver of the armored car positively identified both Donnell Crews and Anthony James as subjects who participated in the attempted robbery of the armored car. The guard stated that one subject looked like the person who attempted to rob him, and was unsure about the other. During a later interview with law enforcement the guard said "yes, I think it was him" referring to the individual he had identified at the show up. Based on the investigation conducted by law enforcement, that included observations of the suspects and their clothing, the guard's identification was of Anthony James.

16. At approximately 11:00 a.m., a black male drove a gold Toyota Matrix

SUV with two bumper stickers up to Washington Hospital Center, left the Matrix there, and fled. Medical personnel responded to the vehicle and located a black male suffering from gunshot wounds and with a chrome revolver in his lap and latex gloves on his hands. The subject was identified as Kirk Anthony Dean. Dean was pronounced dead at 5:56 p.m. A Black Cricket Cellular Telephone with Model Number HUAWEI M860 and MEID DEC 268435459213904547 was found in Kirk's pocket.

CONCLUSION

17. Based upon these facts, there is probable cause to believe that there are fruits and evidence, as further described in Attachment B, of: (i) interference with interstate commerce by threats or violence, in violation of Title 18, United States Code, § 1951(a); will be found within a Black Cricket Cellular Telephone with Model Number HUAWEI M860 and MEID DEC 268435459213904547. Specifically, in this case the cell phone may contain evidence of Kirk's phone calls and text messages which relate to the planning and execution of the attempted robbery, and may also contain contact information for the individuals who conducted the robbery with Kirk. Rule 41 of the Federal Rules of Criminal Procedure permits the government to search, analyze, and test electronic devices that are evidence of crime, instrumentalities of crime, and/or fruits of crime.

18. Wherefore, I respectfully request a warrant to search a Black Cricket Cellular Telephone with Model Number HUAWEI M860 and MEID DEC 268435459213904547.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Special Agent Charles Rooney
Federal Bureau of Investigation

SEP 23 2011

Sworn and subscribed to before me this ____ day of September, 2011.

Magistrate Judge
United States District Court
for the District of Columbia

JOHN M. FACCIOLA
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE APPLICATION	:	
OF THE UNITED STATES OF AMERICA	:	**Mag No.:** 11-688-M-01
FOR A SEARCH WARRANT FOR A	:	
BLACK CRICKET CELLULAR	:	
TELEPHONE WITH MODEL	:	
NUMBER HUAWEI M860 AND	:	
MEID DEC 268435459213904547	:	**Under Seal**

Attachment A

The item to be searched is described as a Black Cricket Cellular Telephone with Model Number HUAWEI M860 and MEID DEC 268435459213904547, which is currently located at a secure MPD facility in Washington, D.C.

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Attachment B

The electronically stored contents, including, but not limited to evidence of ownership, subscribers, address books, call logs, phone books, photographs, voice mail messages, text messages, images and video and any other stored electronic data, and records and information relating to cellular telephones including records relating to in coming and out going calls, and recorded phone history for the Black Cricket Cellular Telephone with Model Number HUAWEI M860 and MEID DEC 268435459213904547.