

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF AN APPLICATION :
OF THE UNITED STATES OF AMERICA :
FOR AN ORDER AUTHORIZING THE :
USE OF A PEN REGISTER WITH :
CALLER IDENTIFICATION DEVICE :
AND CELL SITE LOCATION AUTHORITY :
ON A CERTAIN CELLULAR TELEPHONE. :
-----x

SEALED APPLICATION

[AUSA] hereby affirms, under penalty of perjury, as follows:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York, and I am familiar with this matter.

2. The Government submits this application seeking an order: (a) pursuant to Title ¹⁸21, United States Code, Sections 3121-26, authorizing the use of a pen register with a caller identification device and/or trap and trace device, without geographic limitation within the United States, for a period of sixty days from the date of this order on [CELLPHONE] (the "CELLPHONE"), in connection with a criminal investigation conducted by the [INVESTIGATING AGENCY] and other law enforcement agencies of [TARGET], and others, regarding possible violations of [STATUTE] among other statutes; (b) pursuant to Title 18, United States Code, Section 2703(d), authorizing the pen register

to capture and report at the same time originating and terminating cell site location information;¹ and (c) directing the applicable service provider to furnish to the [INVESTIGATING AGENCY] or other investigating agency all information, facilities, and technical assistance necessary to operate a pen register with a caller identification device and/or trap and trace device and cell site location authority on the CELLPHONE, subject to the limitations of 18 U.S.C. § 3121(c), as the service provider may have available, to capture and report all call-identifying and cell site information.

3. I am an "attorney for the Government" as defined in Rule 54 of the Federal Rules of Criminal Procedure, and, therefore, pursuant to Title 18, United States Code, Section 2703(d), may apply for an order requiring disclosure of telephone records. The targets of this investigation are [TARGET], others known and unknown, and others as yet unidentified (the "TARGET SUBJECTS").

4. This Court has jurisdiction pursuant to Title 18, United States Code, Section 3123(a)(1), which authorizes the Court to authorize the installation and use of a pen register or trap and trace device anywhere within the United States, if the

¹ Pursuant to Title 47, United States Code, Section 1002, a pen register order issued solely pursuant to Title 18, United States Code, Sections 3121, et seq., is not appropriate to obtain cell site location information.

Court finds that the attorney for the Government has certified to the Court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

5. The [INVESTIGATING AGENCY] and other law enforcement agencies are conducting a criminal investigation in connection with possible violations of [STATUTE], among other statutes.

6. I have discussed this case with one of the law enforcement agents who is handling the investigation. Based on those discussions, I believe and hereby certify that the information likely to be obtained by the use of a pen register or trap and trace device on the CELLPHONE is relevant to an ongoing criminal investigation of the TARGET SUBJECTS, and others, as required by Title 18, United States Code, Section 3123(a).

7. Additionally, I believe there exist specific and articulable facts showing that there are reasonable grounds to believe that the cell site location information also sought herein is relevant and material to an ongoing criminal investigation as required by Title 18, United States Code, Section 2703(d).

8. [ARTICULABLE FACTS IN SUPPORT OF CELL-SITE INFORMATION DISCLOSURE]

9. Accordingly, the applicant respectfully requests that [CELLPHONE SERVICE PROVIDER] be ordered, pursuant to Title 18, United States Code, Sections 2705(b) and 3123(d), not to disclose the existence of this order or the pen register, caller identification device, or cell site location authorization to any person, unless and until otherwise ordered by this Court. Pursuant to Section 2705(b), such disclosure would severely jeopardize this investigation because it would alert the TARGET SUBJECTS to the existence of an investigation and likely lead to the cessation of operations of the conspiracy as described above, the destruction of evidence, and/or the flight of members of the conspiracy.

10. There have been no prior applications for the relief requested herein.

The foregoing is affirmed under the penalties of perjury, pursuant to Title 28, United States Code, Section 1746.

Dated: New York, New York
[DATE]

[AUSA]
Assistant United States Attorney
Southern District of New York
Telephone: (212) 637-

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SEALED ORDER OF AUTHORIZATION

WHEREAS an application has been made by the United States of America pursuant to 18 U.S.C. §§ 3121-26 and 2703(d) for an order authorizing the use of a pen register with a caller identification device and/or trap and trace device and cell site location authority on a certain cellular telephone, without geographic limitation within the United States, and for the disclosure of cell site information on that cellphone, and the applicant has certified that the information likely to be obtained by such pen register with a caller identification device and/or trap and trace device and cell cite location authority is relevant to an ongoing criminal investigation being conducted by the [INVESTIGATING AGENCY] and other law enforcement agencies, and the applicant has shown that there exist specific and articulable facts showing that there are reasonable grounds to believe that the cell site location information sought is relevant and material to an ongoing criminal investigation;

(1)

(2)

IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. §§ 3121-26 and 2703(d), this Court authorizes the use of a pen register with a caller identification device and/or trap and trace device and cell site location authority, without geographic limitation within the United States, for a period of sixty days from the date of this order for [CELLPHONE] (the "CELLPHONE") and for the disclosure of cell site information regarding the CELLPHONE for a period of sixty days from the date of this order, in connection with a criminal investigation being conducted by the Secret Service and other law enforcement agencies into possible violations of [STATUTE], among other statutes; and

IT IS FURTHER ORDERED that [CELL PHONE SERVICE PROVIDER] shall furnish forthwith to the [INVESTIGATING AGENCY] or other investigating agencies all information, facilities, and technical assistance necessary to operate a pen register or trap and trace device on the CELLPHONE and to accomplish the disclosure of call-identifying and originating and terminating cell site information regarding the CELLPHONE unobtrusively and with the minimum interference to the service presently provided to the subscriber; and

IT IS FURTHER ORDERED that this Order shall be sealed until otherwise ordered by this Court, except that copies may be retained by the United States Attorney's Office for the Southern

District of New York and the investigating agency or agencies
involved.

Dated: New York, New York
[DATE]

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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**SEALED ORDER TO
[SERVICE PROVIDER]**

This matter having come before the Court pursuant to an application of the United States of America, by [AUSA], an Assistant United States Attorney for the Southern District of New York, which application requests an order under 18 U.S.C. §§ 3121-26 and 2703(d), authorizing the use of a pen register with caller identification device and/or trap and trace device and cell site location authority, without geographic limitation within the United States, for a period of sixty days from the date of this order for [CELLPHONE] (the "CELLPHONE"), and for the disclosure of cell site information regarding the CELLPHONE for a period of sixty days from the date of this order, in connection with an ongoing criminal investigation;



IT IS ORDERED that [CELLPHONE SERVICE PROVIDER] shall furnish forthwith to the [INVESTIGATING AGENCY] or other investigating agency all information, facilities, and technical assistance necessary to operate a pen register or trap and trace

device on the CELLPHONE and to accomplish the disclosure of call-
identifying and originating and terminating cell site information
regarding the CELLPHONE unobtrusively and with the minimum
interference to the service presently provided to the subscriber;
and

IT IS FURTHER ORDERED that this Order shall be sealed
until otherwise ordered by the Court, except that copies may be
retained by the United States Attorney's Office, the
investigating agency or agencies involved and [CELLPHONE SERVICE
PROVIDER]; and

IT IS FURTHER ORDERED that the person owning or leasing
the line on which the pen register is authorized, or who has been
ordered by this Court to provide assistance to the applicant, not
disclose the existence of the investigation, this order or the
pen register, caller identification device or cell site location

authority to the listed subscriber, or to any other person,
unless or until otherwise ordered by this Court.

Dated: New York, New York
[DATE]

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK