

**2703(A) WARRANT  
TEMPLATE  
Version 2.0**

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Chief, Computer Crimes Section  
May 11, 2004

**NOTE IF YOU ARE FILING THE AFFIDAVIT UNDER SEAL, MAKE SURE TO COMPLETE AN EX PARTE APPLICATION TO FILE UNDER SEAL IN ACCORDANCE WITH THE LOCAL RULES.**



## A F F I D A V I T

I, [AGENT NAME HERE], being duly sworn, hereby state as follows:

1. I am a Special Agent ("SA") with the United States Secret Service ("USSS") , and have been so employed for more than approximately eight years. I am also an Electronic Crimes Special Agent or "ECSAP" Agent responsible for conducting computer forensic examinations of suspect computers and other electronic media. I am currently assigned to the Los Angeles Electronic Crimes Task Force, where I specialize in the investigation of computer and high-technology crimes, including computer intrusions, denial of service attacks and other types of malicious computer activity, as well as conducting the electronic computer forensic examinations of computers and other electronic media. During my career as a U.S. Secret Service Agent, I have participated in numerous computer crime investigations. In addition, I have received both formal and informal training from the FBI, U.S. Secret Service and other institutions regarding computer-related investigations and computer technology. [INSERT OTHER RELEVANT EXPERIENCE]

2. This affidavit is made in support of an application for a warrant pursuant to 18 U.S.C. §§ 2703(a) and 2703(b)(A) to compel [IDENTIFY SERVICE PROVIDER], a provider of electronic communication and remote computing services (the "PROVIDER"), located at [ADDRESS OF PROVIDER], to provide subscriber information, records, and the contents of wire and electronic communications pertaining to the account identified as [IDENTIFY SUBSCRIBER OR ACCOUNT NAME (e.g. username@serviceprovider.com)] ("SUBJECT ACCOUNT").<sup>1</sup> There is probable cause to believe that the contents of the wire and electronic

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<sup>1</sup> Because this Court has jurisdiction over the offense under investigation, it may issue the

communications pertaining to the SUBJECT ACCOUNT are evidence, fruits and instrumentalities of criminal violations of [IDENTIFY STATUTES].

3. [IF UNIQUE STATUTES, SET FORTH RELEVANT PROVISIONS e.g. Title 18, United States Code Section 1030(a)(5)(A)(i) prohibits the knowing transmission of a program, information, code, or command, which as a result of such conduct, intentionally damages without authorization a protected computer].

4. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various U.S. Secret Service Agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all of my knowledge of or investigation into this matter.

Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

#### SUMMARY OF INVESTIGATION

5. [Summarize the nature of the investigation in 1-3 sentences (e.g.– The USSS is currently investigating a distributed denial of service (“DDOS”) attack on the computer systems of XYZ.Com, an online service located in XXX, California. As set forth below, the SUBJECT ACCOUNT has been identified as an e-mail account that was used to send an extortionate threat in connection with the DDOS attack].

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warrant to compel the Provider [LOCATION OF PROVIDER] pursuant to 18 U.S.C. § 2703(a).

See 18 U.S.C. § 2703(a) (“A governmental entity may require the disclosure by a provider . . . pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation . . . .”)

6. [IDENTIFY THE PROVIDER (e.g. I know from previous investigations and my training and experience that Email Provider .Com is an electronic communications service and remote computing service that provides free e-mail services to its customers. Customers of Email Provider can obtain a free e-mail account by registering on its website and by providing unverified biographical information including the subscriber's name, address, gender and other information. Provider is located in \_\_\_\_\_] .

7. [INSERT FACTS EXPLAINING WHY THE SUBJECT ACCOUNT IS LIKELY TO CONTAIN EVIDENCE, FRUITS OR INSTRUMENTALITIES OF THE IDENTIFIED OFFENSES.]

8. On \_\_\_\_\_, I sent to the PROVIDER a preservation letter requesting that the records and contents of the SUBJECT ACCOUNT be preserved for 90 days pursuant to 18 U.S.C. § 2703(f).

**ITEMS TO BE SEIZED**

9. Based on the foregoing, I request that the Court order the PROVIDER to produce the following information in accordance with 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), 2703(C)(1)(A), and 2703(C)(2):

1. Account information for the SUBJECT ACCOUNT, from [BEGINNING DATE] through and including the date of this warrant, including:

- i. Names and associated e-mail addresses;
- ii. Physical address and location information
- iii. Records of session times and durations;
- iv. Length of service (including start date) and types of service utilized;

- v. Telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address;
  - vi. The means and source of payment for such service (including any credit card or bank account number); and
  - vii. Internet Protocol addresses used by the subscriber to register the account or otherwise initiate service.
2. User connection logs for the SUBJECT ACCOUNT for [BEGINNING DATE] through and including the date of this warrant, for any connections to or from the SUBJECT ACCOUNT. User connection logs should include the following:
- i. Connection time and date;
  - ii. Disconnect time and date;
  - iii. Method of connection to system (e.g., SLIP, PPP, Shell);
  - iv. Data transfer volume (e.g., bytes);
  - v. The IP address that was used when the user connected to the service.
  - vi. Connection information for other systems to which user connected via the SUBJECT ACCOUNT, including:
    - (1) Connection destination;
    - (2) Connection time and date;
    - (3) Disconnect time and date;
    - (4) Method of connection to system (e.g., telnet, ftp, http);
    - (5) Data transfer volume (e.g., bytes);

- (6) Any other relevant routing information.
- vii. Source or destination of any wire or electronic mail messages sent from or received by the SUBJECT ACCOUNT, and the date, time, and length of the message; and
- viii. Any address to which the wire or electronic mail was or is to be forwarded from the SUBJECT ACCOUNT or e-mail address.
3. The contents of wire and electronic communications, including attachments and stored files, for the SUBJECT ACCOUNT from [BEGINNING DATE] through and including the date of this warrant including received messages, sent messages, deleted messages, and messages maintained in trash or other folders.
10. I ask that the Court order the PROVIDER to deliver the information set forth above within 10 days of the service of this warrant and that the PROVIDER send the information via facsimile and United States mail, and where maintained in electronic form, on CD-ROM or an equivalent electronic medium to:<sup>2</sup>

[Agent Name]

United States Secret Service

[Street Address]

[City], [State] [Zip]

[Phone Number]; [Fax Number]

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<sup>2</sup> Pursuant to 18 U.S.C. § 2703(g) my presence, or the present of an agent, is not required for service or execution of a warrant issued under 18 U.S.C. § 2703.

**REQUEST FOR NON-DISCLOSURE BY PROVIDER**

11. Pursuant to 18 U.S.C. § 2705(b), I request that the Court enter an order commanding the PROVIDER not to notify any other person, including the subscriber of the SUBJECT ACCOUNT, of the existence of the warrant because there is reason to believe that notification of the existence of the warrant will result in (1) endangering the life or physical safety of an individual; (2) destruction or tampering with evidence; (3) intimidation of potential witness; or (5) otherwise seriously jeopardize the investigation or unduly delay trial. [Set forth reasons (e.g. “The current investigation set forth above, is not public and I know, based on my training and experience, that computer attackers who send extortionate threats will often destroy digital evidence if the attacker learns of an investigation. In addition, if the PROVIDER or other person notifies the targets of the investigation that a warrant has been issued on the SUBJECT ACCOUNT, the unidentified attackers will further mask their activity and seriously jeopardize the investigation.”)]

12. Based on the foregoing, there is probable cause to believe that the contents of the wire and electronic communications pertaining to the SUBJECT ACCOUNT are evidence, fruits and instrumentalities of criminal violations of [IDENTIFY STATUTES].

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[Agent Name]  
Special Agent, United States Secret Service

Subscribed and sworn to before  
me on [INSERT DATE].

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UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**ITEMS TO BE SEIZED:**

Pursuant to 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), 2703(C)(1)(A), and 2703(C)(2), [IDENTIFY PROVIDER], a provider of electronic communication and remote computing services, located at [SPECIFY ADDRESS], (the “PROVIDER”) is hereby ordered to produce the following information pertaining to the account of [IDENTIFY SUBSCRIBER OR ACCOUNT NAME] (“SUBJECT ACCOUNT”):

1. Account information for the SUBJECT ACCOUNT, from [BEGINNING DATE] through and including the date of this warrant, including:
  - a. Names and associated e-mail addresses;
  - b. Physical address and location information
  - c. Records of session times and durations;
  - d. Length of service (including start date) and types of service utilized;
  - e. Telephone or instrument number or other SUBJECT number or identity, including any temporarily assigned network address;
  - f. The means and source of payment for such service (including any credit card or bank account number); and
  - g. Internet Protocol addresses used by the SUBJECT to register the account or otherwise initiate service.
2. User connection logs for the SUBJECT ACCOUNT for [BEGINNING DATE] through and including the date of this warrant, for any connections to or from the SUBJECT ACCOUNT. User connection logs shall include the following:
  - a. Connection time and date;

- b. Disconnect time and date;
  - c. Method of connection to system (e.g., SLIP, PPP, Shell);
  - d. Data transfer volume (e.g., bytes);
  - e. The IP address that was used when the user connected to the service.
  - f. Connection information for other systems to which the user connected via the SUBJECT ACCOUNT, including:
    - (1) Connection destination;
    - (2) Connection time and date;
    - (3) Disconnect time and date;
    - (4) Method of connection to system (e.g., telnet, ftp, http);
    - (5) Data transfer volume (e.g., bytes);
    - (6) Any other relevant routing information.
  - g. Source or destination of any wire or electronic mail messages sent from or received by the SUBJECT ACCOUNT, and the date, time, and length of the message; and
  - h. Any address to which the wire or electronic mail was or is to be forwarded from the SUBJECT ACCOUNT or e-mail address.
3. The contents of wire and electronic communications, including attachments and stored files, for the SUBJECT ACCOUNT from [BEGINNING DATE] through and including the date of this warrant including received messages, sent messages, deleted messages, and messages maintained in trash or other folders.

4. IT IS ORDERED that the PROVIDER shall deliver the information set forth above within **10 days** of the service of this warrant and the PROVIDER shall send the information via facsimile and United States mail, and where maintained in electronic form, on CD-ROM or an equivalent electronic medium, to:

[Agent Name]

United States Secret Service

[Street Address]

[City], [State] [Zip]

[Phone Number]; [Fax Number]

5. IT IS FURTHER ORDERED that the PROVIDER shall not notify any other person, including the subscriber of the SUBJECT ACCOUNT, of the existence of the warrant.
6. Pursuant to 18 U.S.C. § 2703(g) the presence of an agent is not required for service or execution of this warrant.