STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

IN THE MATTER OF AN APPLICATION BY THE MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE FOR THE FOLLOWING ORDERS:

(1) An order, pursuant to Wis. Stat. § 968.36, approving the installation and use of a pen register and caller identification trap and trace device or process, including a pen register/trap and trace in the form of a cell site simulator, for a cellular telephone assigned number **** Target Telephone Number **;**

(2) A warrant, pursuant to Wis. Stat. § 968.375(3), approving the release of information including but not limited to subscriber information, account notes/memos, device information, payment information, point of purchase information, incoming and outgoing call detail records (CDR) for voice/text/data, originating and destination IP addresses, text content, cell site location information, E911 information, specialized location information (Timing Advance/True Call, RTT, LOCDBOR, or equivalent), E-911 Phase II data, GPS data, and latitude-longitude data, real time cell site information, if available, for a cellular telephone assigned number **** Target Telephone Number **;**

(3) A warrant, pursuant to Wis. Stat. § 968.373, authorizing the identification and tracking of the location of a communications device (cellular telephone) assigned number **** Target Telephone Number ****, serviced by:

Cell Phone Provider

APPLICATION & REQUEST OF THE DISTRICT ATTORNEY

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

**** Prosecutor's Name **,** being duly sworn on oath, depose and state as follows:

1. I am a[n] **** Prosecutor's Title **,** for Milwaukee County;

2. On behalf of the State of Wisconsin, I hereby apply for orders and warrants pursuant to Wis. Stats. §§ 968.36, 968.373, and 968.375(3) and as authorized by 18 U.S.C. §§ 2703(c)(1)(B) and 2703(d), 2711(3), 3123 and 3124, et seq., directing **Cell Phone Provider,** a provider of electronic communications service, to disclose records and other information pertaining to a customer or subscriber as described in the proposed orders and warrants. I further request that the orders and warrants apply to any other providers of electronic communications service or remote computing service whose assistance is needed to provide the records or other information sought.

3. The State of Wisconsin requests that the provider disclose the information and records described in the proposed orders and warrants submitted with this application.

4. By this application, the State of Wisconsin does not seek the contents of any communications covered by Wis. Stat. § 968.375 and 18 U.S.C. §§ 2703(a) or (b);

5. In support of this request, I state the following:

   a. Sections of the United States Code explicitly allow state court judges to issue orders for disclosure of records and information by electronic communications providers. Specifically, 18 U.S.C. § 2703(d) provides that any "court of competent jurisdiction" may issue orders to electronic communications providers. 18 U.S.C. §§ 2711(3) and 3127(2)(B) provide that a court of competent jurisdiction is a court of general criminal jurisdiction of a state authorized by that state to issue orders authorizing the use of a pen register or trap and trace device. Wis. Stat. § 968.36 expressly authorizes Wisconsin courts to issue an order for a pen register and trap and trace device. Wis. Stat. § 968.375 expressly authorizes Wisconsin courts to issue warrants for information in possession of electronic communications providers, including records identifying the location of a device such as a cellular telephone, which is used to transmit electronic and wire communications. Wis. Stat. § 968.373 expressly authorizes Wisconsin courts to issue warrants authorizing the identification and tracking of the location of a communications device, such as a cellular telephone.

   b. Based upon the affidavit of **** Affiant Title ** ** Affiant Name **** of the **Milwaukee Police Department**,

      (1) I believe that the **Milwaukee Police Department** is conducting a criminal investigation of the crime[s] of **** Crimes ****in violation of Wisconsin Statute **§ ** Statutes Violated **;**

      (2) I certify that: (1) the information likely to be obtained by the installation and use of the pen register and trap and trace device is relevant to an ongoing criminal investigation and (2) there are reasonable grounds to believe that the requested telecommunications records are relevant and material to this ongoing criminal investigation;

      (3) I believe that probable cause exists for a warrant, pursuant to Wis. Stat. §968.36, authorizing the Milwaukee Police Department, the Wisconsin Department of Justice Division of Criminal Investigation, the United States Marshals Service, the Federal Bureau of Investigation, the United States Secret Service and any other law enforcement agency able to provide additional investigative or technical support, the installation and use of a pen register and caller identification trap and trace device or process with respect to **** Target Telephone Number ****.

      (4) I further request that this Court's order authorizing the use of a pen register/trap and trace device with respect to **** Target Telephone Number **** in the form of a cell site simulator device, direct the Milwaukee Police Department, the Wisconsin Department of Justice Division of Criminal Investigation, the United States Marshals Service, the Federal Bureau of Investigation, the United States Secret Service, and any other law enforcement agency able to provide additional investigative or technical support to determine the location of the target phone.

(5) I believe that probable cause exists for a warrant, pursuant to Wis. Stat. §968.375(3), approving the release of all subscriber, extended subscriber information (including make and model such as, ESN, MSID, IMSI, IMEI, MEID, MDN), account notes/memos, payment/billing information, point of purchase information, incoming and outgoing call detail records (CDR) for voice/text/data, originating and destination IP addresses, text content, cell site location information, and specialized location information (Timing Advance, RTT, LOCDBOR, or equivalent), for cellular telephone assigned the following number **** Target Telephone Number ****;

(6) I believe that probable cause exists for a warrant, pursuant to Wis. Stat. §968.373, authorizing law enforcement to identify and track the location of a communications device, specifically a cellular telephone assigned the following number: **** Target Telephone Number ****. That information about the target cell phone and its location, include all precision location information, E-911 Phase II data, GPS data, latitude-longitude data, CALEA event based pings, specialized location information (including RTT, Timing Advance, LOCDBOR, or similar), and real time cell site information. This includes initiating a signal to determine the location of the target cell phone on the service provider's network or with such other reference points as may be reasonably available and at such intervals and times directed by the law enforcement agency serving this order of the cellular telephone assigned the number **** Target Telephone Number ****.

6. Pursuant to Wis. Stats. §§ 968.373(4m) and 968.36(5) and 18 U.S.C. § 2705(b), I request that the court order **Cell Phone Provider** and their resellers or mobile virtual network operators (MVNO)**,** its agents, and its employees, not to disclose to the subscriber or any other person the existence of the warrants and orders, or the investigation, unless ordered by a judge. I make this request because,

a. A non-disclosure order is mandatory under Wis. Stat. § 968.36(5)(b), and

b. There is reason to believe that disclosure will, **[select only provisions that apply based upon the provisions in the investigator's affidavit:]**

(1) Result in the life or physical safety of an individual being endangered;

(2) Result in disclosure of the identity of a cooperating witness, which may jeopardize unrelated investigations by discouraging this or other cooperating witnesses from coming forward in other matters, for fear their identities may similarly be disclosed;

(3) Jeopardize the investigation by giving notice to the suspect and or his/her associates that the investigation is underway, which will provide motive and opportunity to flee, destroy or tamper with evidence, and intimidate potential witnesses; or,

(4) Otherwise seriously jeopardize an investigation or unduly delay a trial.

7. Pursuant to Wis. Stat. § 968.36(5)(a), orders issued under Wis. Stat. § 968.36 shall be sealed until otherwise ordered by the court. Pursuant to Wis. Stat. § 968.373(4m) and 968.375(10), for the reasons listed above, I further request that the court direct the clerk of courts to seal this application for warrants and orders, the affidavit(s) submitted in support of the warrants and orders, the warrants and orders themselves, any returns, and any other accompanying documents until otherwise ordered by the court.

Dated this _____ day of _____, 2024.

Respectfully submitted,

_____
**** Prosecutor's Name ****
**** Prosecutor's Title ****

Subscribed and sworn to before me
this ____ day of _____, 2024.

_____
Notary Public, State of Wisconsin
My commission is permanent / expires _____.

STATE OF WISCONSIN **CIRCUIT COURT** **MILWAUKEE COUNTY**

IN THE MATTER OF AN APPLICATION BY THE MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE FOR THE FOLLOWING ORDERS:

(1) An order, pursuant to Wis. Stat. § 968.36, approving the installation and use of a pen register and caller identification trap and trace device or process, including a pen register/trap and trace in the form of a cell site simulator, for a cellular telephone assigned number **** Target Telephone Number ****;

(2) A warrant, pursuant to Wis. Stat. §968.373, authorizing the identification and tracking of the location of a communications device (cellular telephone) assigned number **** Target Telephone Number ****; serviced by:

Cell Phone Provider

ORDER AUTHORIZING THE USE OF A CELL SITE SIMULATOR

This matter comes before the court pursuant to an application by **** Prosecutor's Name **,** a[n] **** Prosecutor's Title ****, for Milwaukee County, for the above requested orders and warrants pursuant to Wisconsin Statutes §§ 968.36. 968.373, 968.375, and as authorized by 18 U.S.C. §§ 2703(c)(1)(b) and (d), 2711(3), and 3123, et seq.

Based upon that application and the supporting affidavit of **** Affiant Name ****, the court finds that:

(1) The **Milwaukee Police Department** is conducting a criminal investigation of the crime[s] of **** Crimes ****in violation of Wisconsin Statute **§ ** Statutes Violated **.**

(2) **** Target Name (Sex, Race, DOB) **** is the subject of the investigation.

(3) **** Target Name **** is believed to be in possession of and utilizing a communications device, specifically a cellular telephone assigned the number **** Target Telephone Number **.**

(4) The physical location of this cellular telephone is unknown.

(5) **** Prosecutor's Name **** has certified that the information likely to be obtained by the installation and use of the pen register and trap and trace device is relevant to an ongoing criminal investigation related to the offense(s) of **** Crimes ****, committed in violation of Wisconsin Statute **§ ** Statutes Violated **.** The affidavit of **** Affiant Name **** offers specific and articulable facts showing that there are reasonable grounds to believe that the

records and information sought by the applicant are relevant and material to an ongoing criminal investigation.

(6) There is probable cause to believe that the physical location of the target communications device / cellular telephone will reveal evidence of the **** Crimes ****, committed in violation of Wisconsin Statute **§ ** Statutes Violated **,** as well as the location of the person or persons who have committed or are currently committing **that crime / those crimes** or who otherwise have knowledge of **that crime / those crimes**.

(7) Disclosure to any person of this investigation or this application and order will **(EDIT TO INCLUDE ONLY THOSE IN THA DA'S APPLICATION AND THE AFFIDAVIT)**

a. Result in the life or physical safety of an individual being endangered;

b. Result in disclosure of the identity of a cooperating witness, which may jeopardize unrelated investigations by discouraging this or other cooperating witnesses from coming forward in other matters, for fear their identities may similarly be disclosed;

c. Jeopardize the investigation by giving notice to the suspect and or his/her associates that the investigation is underway, which will provide motive and opportunity to flee, destroy or tamper with evidence, and intimidate potential witnesses; or,

d. Otherwise seriously jeopardizing an investigation or unduly delaying a trial.

THE COURT HEREBY,

(1) Pursuant to Wisconsin Statutes §968.36 and authorized by Title 18, U.S.C. Section 3123, that agents of the Milwaukee Police Department, the Wisconsin Department of Justice Division of Criminal Investigation, the United States Marshals Service, the Federal Bureau of Investigation, the United States Secret Service and any other law enforcement agency able to provide additional investigative or technical support approves the installation and use of a pen register and trap and trace device related to **** Target Telephone Number **.** The information includes monitoring non-content signaling and routing information, including all non-content packet switched data. This information will provide information such as the date time and duration, the numbers dialed, cellular towers and sectors used, electronic mail addressing or routing information, packet headers, addressing, routing, email address, IP address, IP packet data, Port, Socket Address and/or other non-content information otherwise transmitted to/from the target address, or other impulses that identify the originating/destination numbers or digital addresses from which a wire or electronic communication is transmitted dialed or transmitted; and, if known. Included will also be information tending to identify the device using the target address, such as ESN (in 8-digit hex format),IMSI, MEID, SIM IMEI, MIN, MSID, MSISDN, and MAC Address, and any other unique identifiers for the electronic device using the target telephone number for a period not to exceed 60 days from the date of this Order.

(2) Issues a warrant to the Milwaukee Police Department , authorizing the Milwaukee Police Department, the Wisconsin Department of Justice Division of Criminal Investigation, the

United States Marshals Service, the Federal Bureau of Investigation , the United States Secret Service and/or any other law enforcement agency the Department of Justice may designate to determine the location of the **** Target Telephone Number **** by collecting and examining:

a. Radio signals emitted by the **** Target Telephone Number ****, for the purpose of communicating with cellular infrastructure, including towers that route and connect individuals communications: and

b. Radio signals emitted by the **** Target Telephone Number ****, in response to signals sent to the cellphone by the officers

for a period of **sixty (60) days** from the date the order is signed , during all times of day and night . This includes monitoring non content signaling and routing information, including all non-content packet switch data, through the installation and use of a pen register and trap and trace. Because the use of a Cell Site Simulator may fall within the definition of a "pen register" or "trap and trace device", see 18 USC 3127(3) and (4), the application and warrant are designed to comply with the pen register statue pursuant to 18 USC 3123 and Wisconsin Statute §968.36

(3) **IT IS FURTHER ORDERED** that the warrant does not authorize the interception of any content and does not authorize the seizure of any tangible property.

(4) **IT IS FURTHER ORDERED** that the investigative device may interrupt cellular service of phones or other cellular devices within its immediate vicinity. Any service disruption to non-target devices will be brief and temporary, and all operations will attempt to limit the interference with such devices. In order to connect with the Target Cellular Device, the device may briefly exchange signals with all phones or other cellular devices in its vicinity. These signals may include cell phone identifiers. The device will not complete a connection with cellular devices determined not to be the Target Cellular Device, and law enforcement will limit collection of information from devices other than the Target Cellular Device. To the extent that any information from a cellular device other than the Target Cellular Device is collected by the law enforcement device, law enforcement will delete that information, and law enforcement will make no investigative use of it absent further order of the court, other than distinguishing the Target Cellular Device from all other cellular devices.

(5) **IT IS FURTHER ORDERED,** pursuant to Wis. Stats. §§ 968.36(5)(a), 968.373, 968.375 and *State v. Cummings*, 199 Wisconsin 2d 721, 737 546N.W..2d 406 (1996), that the clerk of courts seal the application, affidavits, orders warrants and other supporting documents related to these warrants and orders unless and until otherwise ordered by the court; and that and pursuant to Wisconsin Stats. §§ 968.36(5)(b), 968.373(4m) and 968.375(10) and 18 U.S.C. § 2705(b), that the providers, their agents and employees, shall not notify the subscriber or any other person of the existence of these warrants and orders unless and until otherwise ordered by the court.

(6) **IT IS ORDERED** that these orders and warrants shall cover and be applied to any and all phone lines or services being provided to the target of this investigation named herein, and

any changes (including additions, deletion, and transfers) in service regarding the subscriber account, including changed cellular telephone numbers (MDN or MIN/MSID), network address (IMSI, IP and UFMI), equipment changes (e.g. ESN, MEID, IMEI and SIM) and subscriber information changes (published, non-published, listed or unlisted) that have occurred 30 days prior to, or which subsequently occur within the period authorized by, this order.

Dated at Milwaukee, Wisconsin, this _____ day of _____2024.

BY THE COURT:

_____
Circuit Court Judge
Milwaukee County

I hereby certify that I have served this Order upon _____ by mail and/or fax transmission and received confirmation of the Order's receipt.

_____ _____
Date Officer's Name

STATE OF WISCONSIN **CIRCUIT COURT** **MILWAUKEE COUNTY**

IN THE MATTER OF AN APPLICATION BY THE MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE FOR THE FOLLOWING ORDERS:

(1) An order, pursuant to Wis. Stat. § 968.36, approving the installation and use of a pen register and caller identification trap and trace device or process, for a cellular telephone assigned number: **** Target Telephone Number ****.

(2) A warrant, pursuant to Wis. Stat. § 968.375(3), approving the release of information including but not limited to subscriber information, account notes/memos, device information, payment information, point of purchase information, incoming and outgoing call detail records (CDR) for voice/text/data, originating and destination IP addresses, text content, cell site location information, E911 information, specialized location information (Timing Advance/True Call, RTT, LOCDBOR, or equivalent), E-911 Phase II data, GPS data, and latitude-longitude data, real time cell site information, if available, for a cellular telephone assigned number **** Target Telephone Number **,** serviced by:

Cell Phone Provider

ORDER TO SERVICE PROVIDER

This matter comes before the court pursuant to an application by **** Prosecutor's Name **,** a[n] **** Prosecutor's Title ****, for Milwaukee County, for the above requested orders and warrants pursuant to Wisconsin Statutes §§ 968.36. 968.373, 968.375, and as authorized by 18 U.S.C. §§ 2703(c)(1)(b) and (d), 2711(3), and 3123, et seq.

Based upon that application and the supporting affidavit of **** Affiant Name ****, the court finds that;

(1) The **Milwaukee Police Department** is conducting a criminal investigation of the crime[s] of **** Crimes ****in violation of Wisconsin Statute **§ ** Statutes Violated **.**

(2) **** Target Name (Sex, Race, DOB) **** is the subject of the investigation.

(3) **** Target Name **** is believed to be in possession of and utilizing a communications device, specifically a cellular telephone assigned the number **** Target Telephone Number **.**

(4) The physical location of this cellular telephone is unknown.

(5) **** Prosecutor's Name **** has certified that the information likely to be obtained by the

installation and use of the pen register and trap and trace device is relevant to an ongoing criminal investigation related to the offense(s) of **** Crimes ****, committed in violation of Wisconsin Statute **§ ** Statutes Violated **.** The affidavit of **** Affiant Name **** offers specific and articulable facts showing that there are reasonable grounds to believe that the records and information sought by the applicant are relevant and material to an ongoing criminal investigation.

(6) There is probable cause to believe that the physical location of the target communications device / cellular telephone will reveal evidence of the **** Crimes ****, committed in violation of Wisconsin Statute **§ ** Statutes Violated **,** as well as the location of the person or persons who have committed or are currently committing **that crime / those crimes** or who otherwise have knowledge of **that crime / those crimes**.

(7) Disclosure to any person of this investigation or this application and order will **(EDIT TO INCLUDE ONLY THOSE IN THA DA'S APPLICATION AND THE AFFIDAVIT)**

a. Result in the life or physical safety of an individual being endangered;

b. Result in disclosure of the identity of a cooperating witness, which may jeopardize unrelated investigations by discouraging this or other cooperating witnesses from coming forward in other matters, for fear their identities may similarly be disclosed;

c. Jeopardize the investigation by giving notice to the suspect and or his/her associates that the investigation is underway, which will provide motive and opportunity to flee, destroy or tamper with evidence, and intimidate potential witnesses; or,

d. Otherwise seriously jeopardizing an investigation or unduly delaying a trial.

THE COURT HEREBY,

(1) Pursuant to Wisconsin Statutes §968.36 and authorized by Title 18, U.S.C. Section 3123, that agents of the Milwaukee Police Department, The Wisconsin Department of Justice Division of Criminal Investigation, the United States Marshals Service, the Federal Bureau of Investigation, the United States Secret Service and any other law enforcement agency able to provide additional investigative or technical support approves the installation and use of a pen register and trap and trace device related to **** Target Telephone Number ****.** The information includes monitoring non-content signaling and routing information, including all non-content packet switched data. This information will provide information such as the date time and duration, the numbers dialed, cellular towers and sectors used, electronic mail addressing or routing information, packet headers, addressing, routing, email address, IP address, IP packet data, Port, Socket Address and/or other non-content information otherwise transmitted to/from the target address, or other impulses that identify the originating/destination numbers or digital addresses from which a wire or electronic communication is transmitted dialed or transmitted; and, if known. Included will also be information tending to identify the device using the target address, such as ESN (in 8-digit hex format),IMSI, MEID, SIM IMEI, MIN, MSID, MSISDN, and MAC Address, and any other unique identifiers for the electronic device using the target telephone number for a period not to exceed 60 days from the date of this Order.

(2) **IT IS FURTHER ORDERED** that information about the target cell phone and its location, include all precision location information, E-911 Phase II data, GPS data, latitude-longitude data, CALEA event based pings, specialized location information (including RTT, Timing Advance, LOCDBOR, or similar), and real time cell site information for **60 days beginning from the date of this order**. This includes initiating a signal to determine the location of the target cell phone on the service provider's network or with such other reference points as may be reasonably available and at such intervals and times directed by the law enforcement agency serving this order.

(3) **IT IS FURTHER ORDERED** that **Cell Phone Provider** and their resellers or mobile virtual network operators (MVNO) to release to the **Milwaukee Police Department,** identifying and location information relative to **** Target Telephone Number ** and any other phone numbers associated with the account**, all subscriber, extended subscriber information (including make and model such as, ESN, MSID, IMSI, IMEI, MEID, MDN), account notes/memos, payment/billing information, point of purchase information, incoming and outgoing call detail records (CDR) for voice/text/data, originating and destination IP addresses, text content, cell site location information, and specialized location information (Timing Advance, RTT, LOCDBOR, or equivalent), from **** Date **** ***(This is the date you are requesting records from. Go back at least 2 weeks or if the date of the crime is longer, go to the date of the crime.*** **Example – from 07/01/2026 until 07/15/206)** and extending 60 days from the date of this order.

(4) **IT IS FURTHER ORDERED** that this order be transferrable to any other cellular provider whose cellular network the target cellular device with phone number **** Target Telephone Number **** is operating on.

(5) **IT IS FURTHER ORDERED** the information authorized in this order shall be released to the Wisconsin Department of Justice, Division of Criminal Investigation, the United States Marshals Service, the Federal Bureau of Investigation, the United States Secret Service, and/or any other law enforcement agency the Department of Justice may designate, and the **Milwaukee Police Department.**

IT IS HEREBY ORDERED, pursuant to Wisconsin Stats. §§ 968.36, 968.373, and 968.375 and 18 U.S.C. §§ 2703(c)(1)(B) and (d), 2711(3), and 3123, et seq., that **Cell Phone Provider** and/or any other providers of electronic communication service or remote computing service whose assistance is needed to comply with this order and warrant, shall provide all technical assistance necessary to accomplish this order and disclose the records and other information described herein twenty-four hours a day, all times day and night, with as little interference as possible.

IT IS ORDERED that these orders and warrants shall cover and be applied to any and all phone lines or services being provided to the target of this investigation named herein, and any changes (including additions, deletion, and transfers) in service regarding the subscriber account, including changed cellular telephone numbers (MDN or MIN/MSID), network address (IMSI, IP and UFMI), equipment changes (e.g. ESN, MEID, IMEI and SIM) and subscriber information changes (published, non-published, listed or unlisted) that have occurred 30 days prior to, or which

subsequently occur within the period authorized by, this order.

IT IS FURTHER ORDERED, that **Cell Phone Provider**, shall provide the records and information described above for cellular/wireless telephone for sixty (60) days from the date this order is signed, unless the order is terminated earlier at law enforcement's request, or an extension is granted by the court.

IT IS FURTHER ORDERED that the **Milwaukee Police Department,** the Wisconsin Department of Justice, the United States Marshals Service, Division of Criminal Investigation, the Federal Bureau of Investigation, the United States Secret Service, or any other agency directed to assist in executing this warrant shall compensate the providers for such costs as are reasonably necessary and directly incurred in complying with these orders and warrants through the furnishing of such facilities and assistance, as required in Wis. Stat. §§968.37 & 968.375 and 18 U.S.C. §§ 2706.

IT IS FURTHER ORDERED, pursuant to Wis. Stats. §§ 968.36(5)(a), 968.373, 968.375 and *State v. Cummings*, 199 Wisconsin 2d 721, 737, 546 N.W.2d 406 (1996), that the clerk of courts seal the application, affidavits, orders, warrants and other supporting documents related to these warrants and orders unless and until otherwise ordered by the court; and that and pursuant to Wisconsin Stats. §§ 968.36(5)(b), 968.373(4m) & 968.375(10) and 18 U.S.C. § 2705(b), that the providers, their agents and employees, shall not notify the subscriber or any other person of the existence of these warrants and orders unless and until otherwise ordered by the court.

Dated at Milwaukee, Wisconsin, this _____ day of _____2024.

BY THE COURT:

_____

Circuit Court Judge
Milwaukee County

I hereby certify that I have served this Order upon _____ by mail and/or fax transmission and received confirmation of the Order's receipt.

_____ _____

Date Officer's Name

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

IN THE MATTER OF AN APPLICATION BY THE MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE FOR THE FOLLOWING ORDERS:

(1) An order, pursuant to Wis. Stat. § 968.36, approving the installation and use of a pen register and caller identification trap and trace device or process, including a pen register in the form of a cell site simulator, for a cellular telephone assigned number **** Target Telephone Number ****;

(2) A warrant, pursuant to Wis. Stat. § 968.375(3), approving the release of information including but not limited to subscriber information, account notes/memos, device information, payment information, point of purchase information, incoming and outgoing call detail records (CDR) for voice/text/data, originating and destination IP addresses, text content, cell site location information, E911 information, specialized location information (Timing Advance/True Call, RTT, LOCDBOR, or equivalent), E-911 Phase II data, GPS data, and latitude-longitude data, real time cell site information, if available, for a cellular telephone assigned number **** Target Telephone Number ****and

(3) A warrant, pursuant to Wis. Stat. §968.373, authorizing the identification and tracking of the location of a communications device (cellular telephone) assigned number **** Target Telephone Number ****, serviced by:

Cell Phone Provider

AFFIDAVIT

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

**** Affiant Name ****, being duly sworn on oath, states that:

1. I am employed as a **** Affiant Title **** with the **Milwaukee Police Department.** I have been a full-time sworn law enforcement officer for over ** years;

2. I am involved in a criminal investigation of the offense(s) of **** Crimes **,** committed in violation of Wisconsin Statute § **** Statutes Violated **.** In the course of that investigation, it became apparent that identifying and locating a cellular telephone, assigned phone number **** Target Telephone Number **** will be useful to investigators.

3. I base this affidavit on my training and experience, on information conveyed to me by other law enforcement officers, the affidavit of Milwaukee Police Officer Christopher Randazzo, which I incorporate by reference, and on my own investigation, as set forth below.

4. **Provide Probable Cause that the above-listed crime was committed in Milwaukee County. You must include information about the offense, including when and where it occurred, when it was reported, who reported it, and basic facts which established the crime was committed. You must establish the source and reliability of the information you include. This must satisfy a probable cause requirement.**

5. **Provide specific information as to the relevance of the telephone which is the subject of the order. Unless you have already done so, you must include (1) what the target phone number is; (2) how you learned the phone number; (3) who is the owner of the phone or the subscriber to the service, if known; (4) who is believed to have committed the crime (this person is "the target" of the investigation in the court's order); and (5) why you think the phone is still operational or being used. This must satisfy a probable cause requirement.**

6. **Provide specific information to establish probable cause that locating the target telephone will lead to evidence of a crime. This must satisfy a probable cause requirement.**

7. I believe that identifying and tracking the cellular telephone assigned **** Target Telephone Number **** will lead to valuable information regarding the location of the suspect in this investigation; this could lead not only to that person's arrest, but also to recovery of evidence directly related to the investigation, including, but not limited to, the telephone itself**, DNA evidence, physical evidence associated with the offense, and statements by the suspect and/or others with knowledge of the offense.**

8. I checked the Internet database ****Insert Source Used, we recommend Zetx.com**** to confirm the cellular telephone carrier company. I have used this database in the past and found it to be reliable and correct. I entered the phone number **** Target Telephone Number **** and found the number to be listed to **Cell Phone Provider**. **CHOOSE ONE OR BOTH OF THE FOLLOWING** [I also checked the Neustar Wireless Portability database and found that the cellular telephone had not been ported to another **company**.] [A representative of **Cell Phone Provider** confirmed that of **Cell Phone Provider** is the telephone carrier company for this number.] **[NOTE: YOU PERSONALLY MUST HAVE CHECKED THE WEBSITES. IF ANOTHER OFFICER DID SO, YOU MUST MODIFY THE LANGUAGE IN THIS PARAGRAPH.]**

9. I believe that **Cell Phone Provider**, is a provider of electronic communication service, and is communications common carrier as defined in 18 U.S.C. § 2510(10);

10. I know that the location of cellular telephones and other wireless devices can be identified and tracked through GPS location data, cell tower data, and specialized devices and technology. I have never personally used that technology, but I know that Milwaukee police officers assigned to the Special Investigations Division have specialized expertise in this area and use it on a regular, if not daily, basis.

11. I know Police Officer Christopher Randazzo is a Milwaukee police officer assigned to the Special Investigations Division, who has specialized knowledge, training, and expertise in forensic cell phone technology.

12. I know that understanding a subject's "pattern of life" is essential in analyzing phone records. A subject's pattern of life, when referenced in the analysis of phone records, deals with the redundant activities of the user of the phone. For example, regular numbers the phone is in contact with, regular cell towers the phone connects to when making calls at certain times of the day and the frequency in which the phone is used would be examples of an individual's "pattern of life". I believe that in order to effectively analyze the call records and location information pertaining to an individual's phone records, a long duration of records is required to effectively complete the analysis. This is required in order to compare the records on the date of the crime with the subject's pattern of life.

13. I base my application for the requested warrants and orders, in part, on the affidavit of Police Officer Christopher Randazzo, which I attach and incorporate by reference. I believe the information in that affidavit is true and correct.

14. I know that cellular/wireless service providers keep records relating to subscriber information, billing information and telephone use (such as call detailing and cell tower location), and I believe that the records I seek are collected by the cellular telephone company at the cell towers or sites and this application does not request any data stored within the customer's cellular telephone;

15. By this application, I do not seek to intercept or otherwise obtain any part of the content of the customer's cellular communications or conversations;

16. I submit that based upon the above stated facts, the information likely to be obtained by the installation and use of the pen register and trap and trace device is relevant to an ongoing criminal investigation, related to the offense(s) of **** Crimes ****in violation of Wisconsin Statute § **** Statutes Violated **.** Furthermore, there is probable cause to believe that the physical location of the cellular telephone will reveal evidence of the crime of **** Crimes ****in violation of Wisconsin Statute § **** Statutes Violated **.**

17. Based upon my training and experience, I believe that it is necessary to protect the nature and scope of ongoing criminal investigations, and I request the court to seal the requested orders and warrants as well as their supporting applications and affidavits. I believe that failure to maintain the secrecy of this investigation could **(SELECT ONLY THOSE PROVISIONS WHICH APPLY)**

    a. Result in the life or physical safety of an individual being endangered;

b. Result in disclosure of the identity of a cooperating witness, which may jeopardize unrelated investigations by discouraging this or other cooperating witnesses from coming forward in other matters, for fear their identities may similarly be disclosed;

c. Jeopardize the investigation by giving notice to the suspect and or his/her associates that the investigation is underway, which will provide motive and opportunity to flee, destroy or tamper with evidence, and intimidate potential witnesses; or,

d. otherwise seriously jeopardize this investigation;

18. Information derived from pen registers and trap and trace devices and locating information is sensitive, and the premature disclosure of such information may cause the target of this investigation or persons with whom the target associates to change their current practices. This disclosure, in effect, would make it extremely difficult for law enforcement to utilize existing technologies to aid in the apprehension of known or suspected criminals and to protect the public. I therefore that this sealing period begin upon execution of the warrants and orders and continue until otherwise ordered by the court.

_____

**** Affiant Name ****
**** Affiant Title ****

Subscribed and sworn to before me
this _____day of _____, 2024.

_____
Notary Public, State of Wisconsin
My commission expires _____.

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

IN THE MATTER OF AN APPLICATION BY THE MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE FOR THE FOLLOWING ORDERS:

(1) An order, pursuant to Wis. Stat. § 968.36, approving the installation and use of a pen register and caller identification trap and trace device or process, including a pen register in the form of a cell site simulator, for a cellular telephone assigned number **** Target Telephone Number ****;

(2) A warrant, pursuant to Wis. Stat. § 968.375(3), approving the release of information including but not limited to subscriber information, account notes/memos, device information, payment information, point of purchase information, incoming and outgoing call detail records (CDR) for voice/text/data, originating and destination IP addresses, text content, cell site location information, E911 information, specialized location information (Timing Advance/True Call, RTT, LOCDBOR, or equivalent), E-911 Phase II data, GPS data, and latitude-longitude data, real time cell site information, if available, for a cellular telephone assigned number **** Target Telephone Number **** and

(3) A warrant, pursuant to Wis. Stat. §968.373, authorizing the identification and tracking of the location of a communications device (cellular telephone) assigned number **** Target Telephone Number ****, serviced by:

Cell Phone Provider

ORDER TO SEAL

Based upon the Application of the District Attorney and supporting Affidavit, and pursuant to Wis. Stat. §§ 968.35, 968.373, and 968.375, and *State v. Cummings*, 199 Wis. 2d 721, 737, 546 N.W.2d 406 (1996), the court finds that this matter is appropriately kept under seal and, therefore, orders that the Clerk of Court accept for filing under seal the submissions made by the State under the above-captioned application number, and all orders and warrants issued by the court until further ordered by the court.

Dated this _____ day of _____ , 2024.

BY THE COURT:

_____

Circuit Court Judge
Milwaukee County

STATE OF WISCONSIN **CIRCUIT COURT** **MILWAUKEE COUNTY**

IN THE MATTER OF AN APPLICATION BY THE MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE FOR THE FOLLOWING ORDERS:

(1) An order, pursuant to Wis. Stat. § 968.36, approving the installation and use of a pen register and caller identification trap and trace device or process, including a pen register in the form of a cell site simulator, for a cellular telephone assigned number **** Target Telephone Number ****;

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(3) A warrant, pursuant to Wis. Stat. §968.373, authorizing the identification and tracking of the location of a communications device (cellular telephone) assigned number **** Target Telephone Number ****, serviced by:

Cell Phone Provider

RETURN

I certify that pursuant to the orders and warrants authorized by the court in this matter, I received the following information, which remains in my possession:

_____

_____

_____

_____ _____

Date Officer's Name

Provide a summary description of the data received under the order / warrant, and the beginning and ending dates for which you received the information. For example: Historical Cell tower location data for the period of April 29, 2014 through May 4, 2014; a list of numbers called and calling the target phone and corresponding live cell tower date information for the period from May 5, 2014 through May 17, 2014.

NOTE:

THE APPLICATION, ORDERS, AFFIDAVIT AND THIS RETURN MUST BE FILED WITH THE CLERK OF CIRCUIT COURT WITHIN 5 DAYS OF TERMINATION OF THE ORDER