

# SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS  
 DISTRICT COURT DEPARTMENT  
 ATTLEBORO DIVISION  
 SEARCH WARRANT DOCKET NUMBER  
 1334 SW 28

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- has been stolen, embezzled, or obtained by false pretenses.
- is intended for use or has been used as the means of committing a crime.
- has been concealed to prevent a crime from being discovered.
- is unlawfully possessed or concealed for an unlawful purpose.
- is evidence of a crime or is evidence of criminal activity.
- other (specify) \_\_\_\_\_

**YOU ARE THEREFORE COMMANDED** within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

ELECTRONIC DATA TO INCLUDE DATES, CALL LOGS, SMS OR TEXT MESSAGES,

MMS OR MULTIMEDIA MESSAGES, VOICEMAIL INFORMATION, PHOTOGRAPHS,

VIDEOS, INTERNET DATA, AND OTHER DATA THAT IS RELEVANT TO THE

INVESTIGATION

at:

SAMSUNG SCH-U365 CELLULAR "FLIP" TELEPHONE WITH

A SKU #: SCHU365HPP AND AN FCCID#: A3LSCHU365

which is occupied by and/or in the possession of: MASS STATE POLICE c/o THE MORT

ATTLEBORO POLICE DEPARTMENT

on the person or in the possession of:

You  are  are not also authorized to conduct the search at any time during the night.

You  are  are not also authorized to enter the premises without announcement.

You  are  are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

**YOU ARE FURTHER COMMANDED** if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the

Attleboro

Division of the

DISTRICT

Court Department.

DATE ISSUED

7/1/13

SIGNATURE OF JUSTICE, CLERK, MAGISTRATE OR ASSISTANT CLERK

X *James P. Perroski*

FIRST OR ADMINISTRATIVE JUSTICE

PRINTED NAME OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK

WITNESS: DANIEL J. O'SHEA

JAMES P. PERROSKI

# RETURN OF OFFICER SERVING SEARCH WARRANT

A search warrant must be executed as soon as reasonably possible after its issuance, and in any case may not be validly executed more than 7 days after its issuance. The executing officer must file his or her return with the court named in the warrant within 7 days after the warrant is issued. G.L. c. 276, §3A.

This search warrant was issued on 07-01, ~~10~~ 2013, and I have executed it as follows:  
DATE

The following is an inventory of the property taken pursuant to this search warrant:

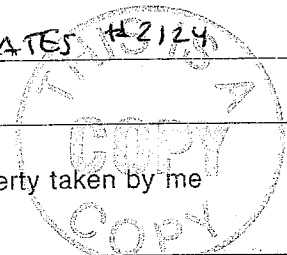
1. PHYSICAL FILE SYSTEM EXTRACTION OF ELECTRONIC DATA
2. LOGICAL EXTRACTION OF ELECTRONIC DATA
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
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14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_

ATTLEBORO DISTRICT COURT  
 2013 JUL -8 PM 3:24

(attach additional pages as necessary)

This inventory was made in the presence of: TROOPER MICHAEL B. BATES #2124

I swear that this inventory is a true and detailed account of all the property taken by me on this search warrant.



SIGNATURE OF PERSON MAKING SEARCH X _____	DATE AND TIME OF SEARCH 07-02-13 @ 1000 HRS	SWORN AND SUBSCRIBED TO BEFORE X <u>Pauline Chervenka</u> <small>Signature of Justice, Clerk-Magistrate or Assistant Clerk</small>
PRINTED NAME OF PERSON MAKING SEARCH MICHAEL B. BATES	TITLE OF PERSON MAKING SEARCH TROOPER #2124	DATE SWORN AND SUBSCRIBED TO 7-8-13 3:15 pm

APPLICATION FOR SEARCH WARRANT

G.L. c. 276, §§ 1-7

TRIAL COURT OF MASSACHUSETTS



NAME OF APPLICANT

MICHAEL B BATES

DISTRICT

COURT DEPARTMENT

ATTLEBORO

DIVISION

POSITION OF APPLICANT

TROOPER #2124 STATE POLICE DETECTIVE

SEARCH WARRANT DOCKET NUMBER

1334SW28

I, the undersigned APPLICANT, being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of \_\_\_\_\_ pages, which is (are) incorporated herein by reference.

2. Based upon this information, there is PROBABLE CAUSE to believe that the property described below:

- has been stolen, embezzled, or obtained by false pretenses.
is intended for use or has been used as the means of committing a crime.
has been concealed to prevent a crime from being discovered.
is unlawfully possessed or concealed for an unlawful purpose.
is evidence of a crime or is evidence of criminal activity.
other (specify)

3. I am seeking the issuance of a warrant to search for the following property (describe the property to be searched for as particularly as possible):

ELECTRONIC DATA TO INCLUDE DATES, CALL LOGS, SMS OR TEXT MESSAGES, MMS OR MULTIMEDIA MESSAGES, VOICEMAIL INFORMATION, PHOTOGRAPHS, VIDEOS, INTERNET DATA, AND OTHER DATA THAT IS RELEVANT TO THE INVESTIGATION

4. Based upon this information, there is also probable cause to believe that the property may be found (check as many as apply):

at (identify the exact location or description of the place(s) to be searched):

SAMSUNG SCH-U365 CELLULAR "FLIP" TELEPHONE WITH A SKU #: SCHU365HPP AND AN FCCID #: A3LSCHU365

which is occupied by and/or in the possession of: MASS STATE POLICE c/o THE WARD

ATTLEBORO POLICE DEPARTMENT

on the person or in the possession of (identify any specific person(s) to be searched):

on any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

THEREFORE, I respectfully request that the court issue a Warrant and order of seizure, authorizing the search of the above described place(s) and person(s), if any, to be searched, and directing that such property or evidence or any part thereof, if found, be seized and brought before the court, together with such other and further relief that the court may deem proper.

- have previously submitted the same application.
have not previously submitted the same application.

PRINTED NAME OF APPLICANT

TROOPER MICHAEL B. BATES #2124

SIGNED UNDER THE PENALTIES OF PERJURY

Signature of Applicant

SWORN AND SUBSCRIBED TO BEFORE

Signature of Justice, Clerk-Magistrate or Assistant Clerk

Signature of Justice, Clerk-Magistrate or Assistant Clerk

7/1/13 DATE

Affidavit  
In Support of Application for Search Warrant

1. I, Michael B. Bates, being duly sworn, depose and say that I am a Massachusetts State Police Officer, currently assigned to the Bristol County District Attorney's Office as a Narcotics Detective. My responsibilities include narcotics investigations throughout Bristol County.

2. I have been employed as a State Police Officer for the past twenty-one (21) years. I have made numerous narcotic arrests, participated in numerous narcotic investigations and search warrants concerning violations of the Controlled Substance Acts. I have testified in both District and Superior Courts in narcotics related cases. During the course of my duties, I have conducted undercover surveillance and assisted in the execution of numerous search warrants.

3. I have received formalized training for twenty-two (22) weeks by the Massachusetts State Police Academy in New Braintree, MA. including twenty (20) hours of Narcotics identification and investigation. In addition, I have received over eighty (80) hours of formalized training by the Drug Enforcement Administration in Narcotics identification, detection, interdiction, and the prosecution of such related cases. I have also received specialized training and received a certification in the extraction of data from cellular and other electronic devices. I have also provided assistance to the detective unit in investigating numerous major crimes throughout Bristol County, MA.

4. I have attended training and have experience in the recognition, recovery and analysis of information or "data" from electronic devices such as cellular telephones, tablets, and other devices. I have specialized training and experience in the use of recovery and analysis equipment to obtain the data from the aforementioned devices.

5. I have personal knowledge of the facts and circumstances related below, as the result of my own investigative efforts and those of other police officers who have reported their findings to me. Based on all the information gathered, I have probable cause to believe that information related to a Homicide investigation exists on a **Samsung SCH-U365 Cellular "Flip" Telephone with a SKU#:SCHU365HPP and an FCCID#: A3LSCHU365**. The facts establishing the grounds for my request to the court for the issuance of the warrant are as follows.

6. This information comes as a result of a lengthy Homicide investigation wherein Odin Lloyd was killed in the early morning hours of Monday – June 17, 2013 in the city of North Attleboro, MA. This investigation is being conducted by the State Police Detectives assigned to the Bristol County District Attorney's Office in conjunction with the North Attleboro Police Department.

Printed Name of Affiant Signed Under The Pains and Penalties of Perjury

Trooper Michael B. Bates #2124

X: 

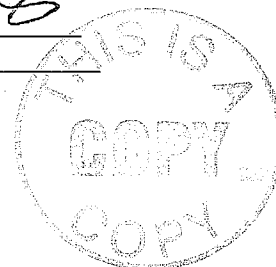
Sworn and Subscribed To Before

X: 

Signature of Justice, Clerk, Assistant Clerk

7/1/13

Date



Affidavit  
In Support of Application for Search Warrant

7. During the course of the investigation, subject Carlos ORTIZ [01/15/1986] was interviewed on Tuesday – June 25, 2013 in Bristol, CT. While speaking with investigators, ORTIZ did confirm that he was with the suspect of our investigation (Aaron HERNANDEZ) on the night in question. ORTIZ then went on to explain that HERNANDEZ has another address that not many people know about. ORTIZ referred to this location as an apartment style location, commonly referred to as a "flop house". ORTIZ stated that one night after the incident, HERNANDEZ and ORTIZ stopped by this apartment location. ORTIZ stated that he had inadvertently left his cellular telephone inside by mistake.

8. I then applied for and received a search warrant from the Wrentham District Court on Wednesday – June 26, 2013. This search warrant was numbered #1357SW50 and authorized the search for #599 Old West Street – Apt #12A in Franklin, MA for a Samsung cellular telephone matching the description listed above.

9. The search warrant was executed on Wednesday – June 26, 2013. As a result of search, this cellular telephone was located wedged between the cushions and backing of a couch in the living room of the apartment. This cellular telephone was secured at the scene and transported to the North Attleboro Police Department where it was secured in their evidence locker.

10. Investigators are aware that cellular devices are frequently used by victims, witnesses, and suspects. They are used before, during, and after crimes have been committed. Investigators are also aware that cellular devices and any onboard storage media, contain information such as the dates/times of phone calls sent and received as well as contact lists, text messages, pictures, videos, maps, internet data, etc. In light of the information gathered by investigators, I have probable cause to believe that the **Samsung SCH-U365 Cellular "Flip" Telephone** may contain additional information related to the investigation. This information includes, but is not limited to: call logs, SMS or text messages, MMS or multimedia messages, voicemail information, photographs, videos, internet data, and other data that is relevant to the investigation.

11. Investigators are aware that the information contained in the aforementioned cellular device can be retrieved without damaging the device. The retrieval of the aforementioned data does require that the cellular device be searched both manually and using specialized equipment. The data can then be exported and read by investigators.

12. Based on the above information, I am respectfully requesting a warrant be issued to search the **Samsung SCH-U365 Cellular "Flip" Telephone with a SKU#:SCHU365HPP and an FCCID#: A3LSCHU365** to search for information to include, but is not limited to: call logs,

Printed Name of Affiant Signed Under The Pains and Penalties of Perjury

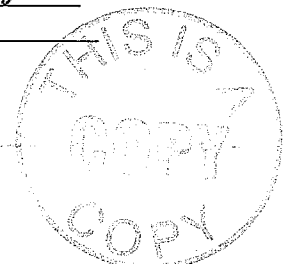
Trooper Michael B. Bates #2124

X: *Michael B. Bates*

Sworn and Subscribed To Before

X: *James P. Bell*  
Signature of Justice, Clerk, Assistant Clerk

7/1/13  
Date



Affidavit  
In Support of Application for Search Warrant

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SMS or text messages, MMS or multimedia messages, voicemail information, photographs, videos, internet data, and other data that is relevant to the investigation.. This device is currently in the possession of the Massachusetts State Police at the North Attleboro Police Department.  
**END** of Affidavit.

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Printed Name of Affiant Signed Under The Pains and Penalties of Perjury

Trooper Michael B. Bates #2124

X:     *Michael Bates*    

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Sworn and Subscribed To Before

X:     *[Signature]*      
Signature of Justice, Clerk, Assistant Clerk

    7/1/13      
Date

