IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

IN AND FOR COUNTY COUNTY, FLORIDA

IN RE: CRIMINAL INVESTIGATION AGENCY CR #: 00-00-000000

STATE OF FLORIDA

vs.

SUSPECT(S),

DEFENDANT

**APPLICATION FOR ORDER PRECLUDING SUBSCRIBER NOTIFICATION**

Subpoena Duces Tecum requested by:

Name: YOUR RANK YOUR NAME

Address: AGENCY ADDRESS

City: AGENCY CITY

State: Florida Zip: AGENCY ZIP CODE

Email: YOUR EMAIL ADDRESS

Phone: YOUR PHONE # Fax: YOUR FAX #

Date of Subpoena Duces Tecum: DATE SDT WAS SUBMITTED/SIGNED

Subpoena Duces Tecum issued to:

Name: COMPANY BEING SERVED WITH SDT

Address: COMPANY ADDRESS, COMP CITY, COMP STATE, COMP ZIP

Case Number: YOUR AGENCY CR # 00-00-000000

Type of Offense: CHARGES

Location of Offense: OFFENSE CITY, Florida

Comes now affiant, YOUR RANK YOUR NAME, who is a sworn officer with the YOUR AGENCY and applies to this Court for an Order Precluding Notification of the Subscriber/Account Holder, pursuant to F.S. §934.25, §934.23(4)(c) and 18 U.S.C. 2705(b). In support of this application, your Affiant submits the following attestation:

Your affiant has an ongoing criminal investigation whose target is SUSPECT(S), who is under investigation in COUNTY County for CHARGES.

It is hereby certified that the information likely to be obtained pursuant to the Subpoena Duces Tecum is relevant to an ongoing criminal investigation being conducted by the YOUR AGENCY. This application is made pursuant to §934.23, including §§934.23(4)(b)-(4)(c), and 934.25, Florida Statutes; Shaktman v. State, 553 So.2d 148 (Fla. 1989), and other relevant legal provisions, and is consistent with Title 18, United States Code, §§ 3121-3127 and 2703(c)(1)(A), and U. S. v. Davis, F.3d.

Your affiant has conducted an investigation which has revealed that *insert relevant specific and articulable facts showing that there are reasonable grounds to believe the contents of a wire or electronic communication, or the records of other information sought, are relevant and material to an ongoing criminal investigation*. These facts establish that there is a clear connection between criminal activity alleged and the person whose account is noted herein and whose privacy would be invaded. It is further certified that based on said facts that the targeted account and/or records being produced contains evidence relevant to the commission of a crime. Your affiant asserts that the targeted account is being used for, or in connection with a criminal purpose, or that the ability to determine exact location(s) of said Account Holder would facilitate the herein noted criminal investigation.

It is requested COMPANY RECEIVING SUBPOENA DUCES TECUM, be ordered, pursuant to §934.25, Florida Statutes, not to disclose the existence of this Subpoena Duces Tecum or this investigation to the holder or user of the account identified herein, or to any other person, for a 90-day period or until otherwise ordered by the Court.

It is further requested that this Application, any exhibits or associated documents attached to the Application, and the related Subpoena Duces Tecum(s) be sealed until otherwise ordered by the Court.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

  YOUR RANK YOUR NAME, Affiant

 YOUR AGENCY

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appearedYOUR NAME who, being by me first duly sworn, deposes and says that HE/SHE (YOU) is a sworn law enforcement officer with the YOUR AGENCY and that, as such, HE/SHE (YOU) is authorized to execute and has executed the above Application; and that HE/SHE (YOU) has read the allegations therein contained and the same are true and correct. Further affiant sayeth not.

STATE OF FLORIDA, COUNTY OF COUNTY,

 Sworn to and subscribed before me this \_\_\_ day of MONTH, 20\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary or Sworn Law Enforcement Officer

Reviewed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ATTORNEY NAME

Assistant State Attorney

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT

IN AND FOR COUNTY COUNTY, FLORIDA

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**ORDER PRECLUDING SUBSCRIBER NOTIFICATION**

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Name: COMPANY SERVED WITH SDT

Address: COMPANY ADDRESS, COMP CITY, COMP STATE, COMP ZIP

Case Number: YOUR AGENCY CR # 00-00-000000

Type of Offense: CHARGES

Location of Offense: OFFENSE CITY, Florida

WHEREAS, YOUR RANK YOUR NAME, as a law enforcement officer for YOUR AGENCY, County of COUNTY, State of Florida, has this day submitted to me an Application for an Order Precluding Subscriber Notification Pursuant to Florida Statutes §934.25, §934.23(4)(c) and 18 U.S.C. 2705(b). After reviewing this Application, this Court finds as follows:

That a lawful Subpoena Duces Tecum has been issued by the Office of the State Attorney for the 8th Judicial Circuit to COMPANY RECEIVING SUBPOENA DUCES TECUM commanding production of records concerning the identity of the user with the associated phone number, username, login, or email address to include; INSERT RELEVANT INFORMATION YOU ARE SEEKING FROM COMMUNICATION PROVIDER, UP TO AND INCLUDING, (*name, address, date of account creation, IP address at account sign-up, logs showing IP address and date stamps for account accesses, names and profile information for individuals with whom the subject’s profile is “Friends”, local and long-distance telephone connection records, or records of session times or durations; length of service, including the starting date of service; types of services used; telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and means and source of payment, including any credit card or bank account number*).

1. That the subpoena duces tecum requesting these records is hereby incorporated by reference to this order and attached to this order.
2. That notification to the subscriber of the issuance of this subpoena will likely result in the destruction of or tampering with evidence.
3. Pursuant to Florida Statute §934.25, you are not to disclose the existence of this Subpoena Duces Tecum(s) for 90 days. Any prior disclosure will impede this investigation and thereby interfere with the enforcement of the law.

**WHEREFORE**, pursuant to Florida Statutes §934.25, §934.23(4)(c), and 18 U.S.C. 2705(b), this Court Orders that COMPANY RECEIVING SUBPOENA DUCES TECUM, shall be precluded from notifying subscriber ACCOUNT HOLDER of the existence of the subpoena requesting records related to this account for a period of 90 days from the issuance of this order.

ISSUED THIS \_\_\_\_ day of MONTH, 20\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 CIRCUIT COURT JUDGE

cc: ATTORNEY NAME

 Assistant State Attorney