

UNITED STATES DISTRICT COURT

for the Southern District of Georgia

U.S. DISTRICT COURT  
SAVANNAH, GA  
2012 NOV -8 PM 12:57  
CLERK *Mah*

In the Matter of the Search of  
*(Briefly describe the property to be searched  
or identify the person by name and address)*

Case No. MJ 412-076

SAMSUNG BOOST MOBILE™ PREPAID PHONE, BAR  
CODE # E4614206, CURRENTLY LOCATED AT 220  
EAST BRYAN ST., SAVANNAH, GA 31401

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A

located in the Southern District of Georgia, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. Section 510(a)-(b)	Forging endorsements/Passing, Uttering, Publishing Forged US Treasury Checks
18 U.S.C. Section 514	Fictitious Obligations
18 U.S.C. Section 641	Theft of US Government Property

The application is based on these facts:

See Attached Affidavit

- Continued on the attached sheet.
- Delayed notice of        days (give exact ending date if more than 30 days:       ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Adam Rogalski*  
Applicant's signature

Adam J. Rogalski, Special Agent, FBI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/08/2012

*G.R. Smith*  
Judge's signature

City and state: Savannah, Georgia

G.R. Smith, U.S. Magistrate Judge  
Printed name and title

**ATTACHMENT A**

The property to be searched is a Samsung Boost Mobile™ prepaid cellular telephone, bar code number E4614206, hereinafter the “Device.”

This warrant authorizes the forensic examination of the Device for the purpose of identifying the electronically stored information described in Attachment B.

**ATTACHMENT B**

1. All records on the Device described in Attachment A that relate to violations of 18 U.S.C. § 510(a) (Forging Endorsements on Treasury Checks of the United States), 18 U.S.C. § 510(b) (Passing, Uttering, or Publishing Treasury Checks of the United States), 18 U.S.C. § 514 (Fictitious Obligations) or 18 U.S.C. § 641 (Theft of U.S. Government Property) since February 1, 2012, including:
  - a. sources and recipients of U.S. Treasury checks and the proceeds thereof, and related identifying information;
  - b. types and amounts of U.S. Treasury checks obtained, exchanged, or delivered, as well as dates, places, and amounts of specific transactions;
  - c. any information related to items or employees within the United States Postal Service (including descriptions, names, addresses, phone numbers, or any other identifying information);
  - d. any information recording Joyie Jean Borgella's schedule or travel from February 1, 2012 to the present;
  - e. any text, phone, or email contacts or communications and photographs tending to establish Joyie Jean Borgella's presence in or around Hinesville, Georgia, from February 1, 2012, to the present;
  - f. any text, phone, or email contacts or communications and photographs tending to show a relationship between Joyie Jean Borgella, Carlos Brutus, Kino Pierre, Reynold (LNU), or others involved in a scheme to steal Treasury checks or other U.S. Government property or mail matter;

2. Evidence of user attribution showing who used or owned the Device at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;

As used above, the terms “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

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SOUTHERN DISTRICT OF GEORGIA  
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THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

SAVANNAH DIVISION CLERK

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SOLARI OF GA.

IN RE ORDER REQUIRING APPLE, INC.  
TO ASSIST IN THE EXECUTION OF A  
SEARCH WARRANT ISSUED BY THIS  
COURT

Case No. MJ 412-076

APPLICATION

**INTRODUCTION**

The United States of America, by and through Edward J. Tarver, United States Attorney, and Jennifer G. Solari, Assistant United States Attorney, hereby moves this Court under the All Writs Act, 28 U.S.C. § 1651, for an order requiring Apple, Inc. to assist in the execution of a federal search warrant by bypassing the lock screen of an iOS device, specifically, an Apple iPad.

**FACTS**

The Federal Bureau of Investigation (FBI) currently has in its possession an iOS device that is the subject of a search warrant issued by this Court. Initial inspection of the iOS device reveals that it is locked. Because the iOS device is locked, law enforcement agents are not able to examine the iOS device as commanded by the search warrant.

The iOS device is an iPad. It has serial number DN6H339DVGG.

Apple, Inc., the creator of the iOS operating system and producer of the iOS device, may have the capability of bypassing the iOS device's lock. This Application seeks an order requiring Apple to use any such capability, so as to assist agents in complying with the search warrant.

## DISCUSSION

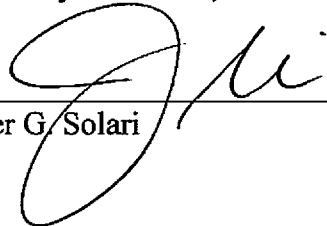
The All Writs Act provides that “[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). As the Supreme Court explained, “[t]he All Writs Act is a residual source of authority to issue writs that are not otherwise covered by statute.” *Pennsylvania Bureau of Correction v. United States Marshals Service*, 474 U.S. 34, 43 (1985). “The power conferred by the Act extends, under appropriate circumstances, to persons who, though not parties to the original action or engaged in wrongdoing, are in a position to frustrate the implementation of a court order or the proper administration of justice... and encompasses even those who have not taken any affirmative action to hinder justice.” *United States v. New York Tel. Co.*, 434 U.S. 159, 174 (1977). Specifically, in *United States v. New York Tel. Co.*, the Supreme Court held that the All Writs Act permitted district courts to order a telephone company to effectuate a search warrant by installing a pen register. Consequently, this Court has the authority to order Apple, Inc., to use any capabilities it may have to unlock the iOS Device.

The government is aware, and can represent, that in other cases, courts have ordered the unlocking of an iPhone under this authority. Additionally, Apple has routinely complied with such orders, and has suggested specific language for such orders.

This Court should issue the order because doing so would enable agents to comply with this Court’s warrant commanding that the iOS device be examined for evidence identified by the warrant. Examining the iOS device without Apple’s assistance, if it is possible at all, would

require significant resources and may harm the iOS device. Moreover, the order is not likely to place any unreasonable burden on Apple.

Respectfully submitted,

  
\_\_\_\_\_  
Jennifer G. Solari

Date: November 8, 2012

U.S. DISTRICT COURT  
SAVANNAH, GEORGIA

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

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SAVANNAH DIVISION

CLERK *Alan*  
SAVANNAH, GA.

IN RE ORDER REQUIRING APPLE, INC.  
TO ASSIST IN THE EXECUTION OF A  
SEARCH WARRANT ISSUED BY THIS  
COURT

Case No. MJ 412-076

**ORDER**

Before the Court is the Government's motion for an order requiring Apple, Inc. to assist law enforcement agents in the search of an Apple iOS Device. Upon consideration of the motion, and for the reasons stated therein, it is hereby

ORDERED that Apple Inc. assist law enforcement agents in the examination of the iPad with serial number DN6H339DVGG, acting in support of a search warrant issued separately by this Court;

FURTHER ORDERED that Apple shall provide reasonable technical assistance to enable law enforcement agents to obtain access to unencrypted data ("Data") on the iOS Device.

FURTHER ORDERED that, to the extent that data on the iOS Device is encrypted, Apple may provide a copy of the encrypted data to law enforcement, but Apple is not required to attempt to decrypt, or otherwise enable law enforcement's attempts to access any encrypted data;

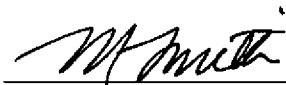
FURTHER ORDERED that Apple's reasonable technical assistance may include, but is not limited to, bypassing the iOS Device user's passcode so that the agents may search the iOS Device, extracting data from the iOS Device and copying the data onto an external hard drive or



other storage medium that law enforcement agents may search, or otherwise circumventing the iOS Device's security systems to allow law enforcement access to Data and to provide law enforcement with a copy of encrypted data stored on the IOS Device;

FURTHER ORDERED that although Apple shall make reasonable efforts to maintain the integrity of data on the iOS Device, Apple shall not be required to maintain copies of any user data as a result of the assistance ordered herein; all evidence preservation shall remain the responsibility of law enforcement agents.

Signed,



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G.R. SMITH

UNITED STATES MAGISTRATE JUDGE

Date: November 8, 2012