

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Warrant and Order For
Prospective Location Information and
Pen Register Information for the
Cellphone Assigned Call Number (646)
418-3329, USAO Reference No.
2020R01003

APPLICATION
20Mag. **12958**

**Application for Warrant and Order
for Cellphone Location and Pen Register Information**

The United States of America, by its attorney, Audrey Strauss, Acting United States Attorney for the Southern District of New York, Sarah L. Kushner, Assistant United States Attorney, of counsel, respectfully requests that the Court issue the accompanying proposed Warrant and Order for prospective location information and pen register information for a cellphone. As grounds for this Application the Government relies on the following facts and authorities.

I. Introduction

1. I am an Assistant United States Attorney in the U.S. Attorney's Office for the Southern District of New York. This Application is submitted in conjunction with the accompanying affidavit of a law enforcement agent ("Agent Affidavit"), to be sworn before this Court, and incorporated by reference herein. I make this Application based on information and belief, including the Agent Affidavit, my review of other documents in the case, and information received from investigative personnel.

2. The Investigating Agency, Target Cellphone, Subscriber, Service Provider, Subject Offenses, Successor Service Provider, and Successor Cellphone referenced in this Application are as specified in the Agent Affidavit.

II. Legal Authority

A. Prospective Location Information

3. The Government seeks to obtain both precision location information and cell site data for the Target Cellphone on a prospective basis (the “Prospective Location Information”) for a period of 45 days from the date of this order – the same period of time for which a warrant for a tracking device may be granted under Rule 41(e)(2)(C). It bears noting, however, that while the Prospective Location Information may permit “tracking” the user of the phone in the colloquial sense, this is not an application for a warrant for a “tracking device” as defined in Fed. R. Crim. P. 41(a)(2)(E) and 18 U.S.C. § 3117(b). Those provisions only apply where an agent is seeking to physically install a tracking device on a given object. Instead, the Prospective Location Information will be obtained by requiring the Service Provider to provide the information.

4. The authority for this application is found in 18 U.S.C. § 2703(c)(1), which authorizes a court of competent jurisdiction to require any electronic communication service provider (which includes a cellular telephone service provider¹) to disclose any “record or other information pertaining to a subscriber” other than the “contents of communications,” when the government obtains, *inter alia*, a warrant under the applicable procedures of Rule 41. *See* 18 U.S.C. § 2703(c)(1)(A). Because data concerning a subscriber’s location, such as precision location information and cell site data, constitutes “information pertaining to a subscriber” that does not include the “contents of communications,” that data is among the types of information available

¹ *See* 18 U.S.C. § 2711(1) (incorporating by cross-reference statutory definitions set forth in 18 U.S.C. § 2510); 18 U.S.C. § 2510(15) (defining “electronic communication service” as “any service which provides to users thereof the ability to send or receive wire or electronic communications”).

under § 2703(c)(1)(A).² Further, as specified in 18 U.S.C. § 2711(3), this Court is a court of competent jurisdiction under the Stored Communications Act because it has jurisdiction over the Subject Offenses.

5. The Government's request for cell site data also implicates the pen register statute, because such data constitutes signaling information used by the Service Provider to route communications to and from the Target Cellphone. In order to collect such data, a valid pen register order is required.³ Accordingly, I hereby certify pursuant to 18 U.S.C. § 3122 that such signaling information is relevant to an ongoing investigation being conducted by the Investigating Agency into suspected violations of the Subject Offenses by WILLIE DENNIS, the charged defendant in this case.

B. Pen Register Information

6. In addition, the Government seeks an order pursuant to 18 U.S.C. §§ 3121-26 authorizing the use of a pen register on the Target Cellphone for a period of 45 days from the date of this order. Specifically, the Government seeks an order directing the Service Provider to furnish

² See *In re Application*, 460 F. Supp. 2d 448, 459–60 & n. 55 (S.D.N.Y. 2006) (Kaplan, J.) (cellphone location information falls within § 2703(c)(1)); *accord, e.g., United States v. Caraballo*, 963 F. Supp. 2d 341, 361 (D.Vt. 2013); *In re Order*, 632 F. Supp. 2d 202, 207 (E.D.N.Y. 2008); *In re Application*, 405 F. Supp. 2d 435, 444-45 (S.D.N.Y. 2005). But see *In re Application*, 849 F. Supp. 2d 526, 574 (D.Md. 2011) (rejecting view that cellular location data falls within the scope of the SCA and finding that phone must be treated as “tracking device” for purposes of Rule 41 where used to collect location data); *In re Application*, 2009 WL 159187, at *5-6 (S.D.N.Y. Jan.13, 2009) (McMahon, J.) (same).

³ See 18 U.S.C. § 3121 (prohibiting use of pen register or trap and trace device without an order under the pen register statute); 3127(3) & (4) (defining pen register and trap and trace device to include devices or processes that record, *inter alia*, signaling information). Although cell site data constitutes “signaling” information within the meaning of the pen register statute, a separate statute precludes the Government from relying “solely” on the authority provided by the pen register statute to ascertain a subscriber’s location. 47 U.S.C. § 1002(a). Here, the Government seeks to obtain such data pursuant to 18 U.S.C. § 2703(c) as well as the pen register statute, rather than “solely” under the latter statute. See *In re Application*, 460 F. Supp. 2d at 456-59.

any information, facilities, and technical assistance necessary to operate, unobtrusively and with minimum disruption of service, a pen register and trap and trace device to capture all dialing, routing, addressing, or signaling information associated with each call transmitted to or from the Target Cellphone, as specified further in the proposed Warrant and Order (the “Pen Register Information”).⁴

7. I hereby certify pursuant to 18 U.S.C. § 3122 that the Pen Register Information is relevant to an ongoing investigation being conducted by the Investigating Agency into suspected violations of the Subject Offenses by WILLIE DENNIS.

C. Sealing and Non-Disclosure Order to Service Provider

8. When the Government obtains records or information under § 2703(c), it is not required to notify the subscriber or customer. 18 U.S.C. § 2703(c)(3). Additionally, the Government may obtain an order precluding the Service Provider from notifying the subscriber or any other third-party of the warrant or order obtained, for such period as the Court deems appropriate, where there is reason to believe that such notification will result in endangering the life or physical safety of an individual, flight from prosecution, destruction of or tampering with evidence, or intimidation of potential witnesses, or will otherwise seriously jeopardize the investigation. 18 U.S.C. § 2705(b).

9. Further, 18 U.S.C. § 3123(d) provides that an order directing installation of a pen register or trap and trace device shall direct the pertinent service provider “not to disclose the

⁴ The Government is also not seeking authorization to obtain post-cut-through dialed digits (“PCTDD”), or digits that are dialed after a telephone call from the Target Phone has been connected. Pursuant to the attached Order, if possible, the Service Provider will forward only pre-cut-through-dialed digits to the Investigating Agency. However, if the Service Provider’s technical capabilities require it to forward all dialed digits, including PCTDD, to the Investigating Agency, the Investigating Agency will only decode and forward to the agents assigned to the investigation the numbers that are dialed before the call is cut through.

existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person unless or until otherwise ordered by the Court.”

10. Accordingly, as explained further in the Agent Affidavit, in light of the confidential nature of the continuing criminal investigation and the adverse consequences expected in the event of premature notification, the Government respectfully requests that the Court direct the Service Provider not to notify the Subscriber or any other person of the Warrant and Order sought herein for a period of one year, subject to extension upon application to the Court, if necessary.

11. For similar reasons, I respectfully request that the proposed Warrant and Order, this Application, and the accompanying Agent Affidavit, be maintained under seal until the Court orders otherwise, except that the Government be permitted without further order of this Court to serve this Warrant and Order on the Service Provider; provide copies of the Warrant and Order or the supporting Application and Agent Affidavit as need be to personnel assisting the Government in the investigation and prosecution of this matter; and disclose these materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.

III. Prior Requests

12. On October 13, 2020, United States Magistrate Judge Sarah L. Cave issued a warrant and order for prospective and historical location information and pen register information for the Target Cellphone. With respect to the prospective location information and pen register, that warrant expired on November 27, 2020. The subscriber of the Target Cellphone is the defendant in this case, who was indicted on November 19, 2020. The defendant, however, is currently in the Dominican Republic. Accordingly, the information sought herein will allow law enforcement to determine if and when the defendant returns to the United States or if he attempts to travel anywhere else.

Dated: New York, New York
December 2, 2020



Sarah L. Kushner
Assistant United States Attorney
Tel.: 212-637-2676

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Warrant and Order For Prospective
Location Information and Pen Register
Information for the Cellphone Assigned
Call Number (646) 418-3329, USAO
Reference No. 2020R01003

AGENT AFFIDAVIT

20 Mag. **12958**

**Agent Affidavit in Support of Warrant and Order
for Cellphone Location and Pen Register Information**

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

ELISABETH WHEELER, being duly sworn, deposes and states:

I. Introduction

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) (“Investigating Agency”). As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I have been a Special Agent at the FBI since 2012, and am currently assigned to the FBI’s Violent Crimes Task Force. In that position, I have had significant training and experience investigating a wide range of crimes, including violence and threats of violence, such as threats made by telephone, online, and through other electronic means. I have received training and, through my investigations, have developed experience in the execution of search warrants for, among other things, telephonic and electronic communications and data.

2. **Requested Information.** I respectfully submit this Affidavit pursuant to 18 U.S.C. §§ 2703(c) and (c)(1)(A) and the applicable procedures of Federal Rule of Criminal Procedure 41; 18 U.S.C. §§ 2703(d) & 2705; and 18 U.S.C. §§ 3121-3126, in support of a warrant and order for

prospective location information and pen register information for the Target Cellphone identified below (collectively, the “Requested Information”).

3. **Basis for Knowledge.** This Affidavit is based upon my participation in the investigation, my examination of documents, and my conversations with other law enforcement agents and other individuals, as well as my training and experience. Because this Affidavit is being submitted for the limited purpose of obtaining the Requested Information, it does not include all the facts that I have learned during the course of this investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. In addition, unless otherwise indicated, statements by others referenced in this Affidavit were not necessarily made to me, but may have been provided to me by someone else to whom I have spoken or whose report I have read (and who in turn may have had either direct or indirect knowledge of the statement). Similarly, unless otherwise indicated, information in this Affidavit resulting from surveillance does not necessarily set forth my personal observations, but may have been provided to me by other law enforcement agents who observed the events, and to whom I have spoken or whose report I have read.

4. **Target Cellphone, Subscriber, and Service Provider.** The Target Cellphone referenced in this Affidavit is the cellphone assigned call number **(646) 418-3329**. WILLIE DENNIS, the defendant in this case, is the subscriber of the Target Cellphone. AT&T is the Service Provider for the Target Cellphone.

5. **Precision Location Capability.** Cellphone service providers have technical capabilities that allow them to collect at least two kinds of information about the locations of the cellphones to which they provide service: (a) precision location information, also known as E-911

Phase II data, GPS data, or latitude-longitude data, and (b) cell site data, also known as “tower/face” or “tower/sector” information. Precision location information provides relatively precise location information about a cellphone, which a provider can typically collect either via GPS tracking technology built into the phone or by triangulating the device’s signal as received by the provider’s nearby cell towers. Cell site data, by contrast, reflects only the cell tower and sector thereof utilized in routing any communication to and from the cellphone, as well as the approximate range of the cellphone from the tower during the communication (sometimes referred to as “per-call measurement” (“PCM”) or “round-trip time” (“RTT”) data). Because cell towers are often a half-mile or more apart, even in urban areas, and can be ten or more miles apart in rural areas, cell site data is typically less precise than precision location information. Based on my training and experience, I know that the Service Provider has the technical ability to collect precision location information from any cellphone on its network, including by initiating a signal on the Service Provider’s network to determine the phone’s location. I further know that cell site data is routinely collected by the Service Provider in the course of routing calls placed to or from any cellphone on its network.

6. **Successor Service Provider.** Because it is possible that WILLIE DENNIS may change cellphone service providers during the course of this investigation, it is requested that the warrant and investigative order requested apply without need for further order to any Successor Service Provider who may provide service to the Target Cellphone during the time frames at issue herein.

II. Facts Establishing Probable Cause

7. On October 28, 2020, WILLIE DENNIS was charged by Complaint and a warrant was issued for his arrest. The Complaint and arrest warrant are incorporated by reference herein, and are attached hereto as Exhibits A and B, respectively.

8. On November 19, 2020, a Grand Jury returned a four-count Indictment against WILLIE DENNIS, charging him with violations of 18 U.S.C. §§ 2261A (cyberstalking) and 2 (aiding and abetting cyberstalking) (the “Subject Offenses”). The Indictment is incorporated by reference herein, and is attached hereto as Exhibit C. DENNIS has not yet been arrested on the charges set forth in the Complaint and Indictment. As such, DENNIS is a “person to be arrested” within the meaning of Rule 41(c)(4) of the Federal Rules of Criminal Procedure.

9. As alleged in the Complaint, since in or about 2018, up to and including the present, DENNIS has been engaged in a long-term and pervasive cyberstalking campaign of harassment, intimidation, and threats directed at former colleagues at his former law firm.

10. As alleged in the Complaint, and based on my review of harassing text messages DENNIS sent to the victims discussed in the Complaint, I have learned, among other things, that DENNIS has sent text messages to and called victims from the Target Cellphone. (*See, e.g.*, Compl. ¶¶ 15(a)-(h), 18, 19(a), 22(a)-(b), 24(a), 25(a)-(d), 26, 27.)

11. Based on my review of text messages victims have received from DENNIS and my conversations with the victims and other members of DENNIS’s former law firm, I have learned, among other things, that as recently as this week, DENNIS, using the Target Cellphone, has continued to cyberstalk his victims, including by sending them threatening, back-to-back text messages. I believe that DENNIS will continue to use the Target Cellphone in connection with his campaign of harassment and cyberstalking.

12. Moreover, as alleged in the Complaint, based on my participation in this investigation, including my review of the threatening communications that DENNIS has sent victims, and my conversations with senior members of DENNIS’s former law firm, I have learned that DENNIS has threatened to visit certain victims and their families. (*See, e.g.*, Compl. ¶¶ 15(a)-(h).)

13. Based on my review of the historical and prospective location information and pen register information previously obtained pursuant to an prior warrant for the Target Cellphone, authorized by Judge Sarah L. Cave on October 13, 2020, as well as travel records from law enforcement databases, I have learned, among other things, that DENNIS, who is based and lives in New York, New York, has been in the Dominican Republic since in or about February 2020.

14. Based on my training and experience, I believe that prospective location information from the Target Cellphone will allow law enforcement to monitor DENNIS's current whereabouts, to assist in locating him to be arrested. It will also allow law enforcement to determine if and when DENNIS returns to the United States, and whether DENNIS presently poses a danger to the physical safety of the victims and their families.

15. Based upon the foregoing, I respectfully submit that the Requested Information will assist law enforcement with, among other things, determining the current location of DENNIS, who is a "person to be arrested" within the meaning of Rule 41(c)(4) of the Federal Rules of Criminal Procedure.

III. Request for Warrant and Order

16. Based on the foregoing I respectfully request that the Court require the Service Provider to provide the Requested Information as specified further in the Warrant and Order proposed herewith, including prospective precision location and cell site data for a period of 45 days from the date of this Order, and pen register information for a period of 45 days from the date of this Order.

17. **Nondisclosure.** The existence and scope of this ongoing criminal investigation are not publicly known. As a result, premature public disclosure of this Affidavit or the requested Warrant and Order could alert DENNIS or other potential criminal targets that they are under investigation, causing them to destroy evidence, flee from prosecution, or otherwise seriously jeopardize the

investigation. As set forth above, *see* Paragraphs 9-12, DENNIS is known to have engaged in a long-term and pervasive campaign of harassment, intimidation, and threats directed at the victims of the Subject Offenses. There is also reason to believe that DENNIS is capable of resorting to physical intimidation and threats. *See, e.g.*, Paragraph 12. Accordingly, alerting DENNIS to the existence and scope of this investigation may lead him to endanger the life or physical safety of others. *See* 18 U.S.C. §§ 2705(b)(1), (4). Moreover, DENNIS is currently in and has ties to the Dominican Republic; accordingly, alerting him to the existence and scope of this investigation may lead him to remain outside of the United States and to otherwise further flee from and evade detection by law enforcement. Finally, DENNIS is known to use cellphones and other electronic communications in furtherance of his ongoing cyberstalking and campaign of harassment, intimidation, and threats. Thus, he could easily delete, encrypt, or otherwise conceal such digital evidence from law enforcement were he to learn of the Government's investigation. *See* 18 U.S.C. § 2705(b)(3).

18. Accordingly, there is reason to believe that, were the Service Provider to notify the subscriber or others of the existence of the warrant, the investigation would be seriously jeopardized. Pursuant to 18 U.S.C. § 2705(b), I therefore respectfully request that the Service Provider be directed not to notify the subscriber or others of the existence of the Warrant and Order for a period of one year, and that the Warrant and Order and all supporting papers be maintained under seal until the Court orders otherwise, as specified in the Application submitted in conjunction with this Affidavit.

/s/

ELISABETH WHEELER
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of this
Affidavit by reliable electronic means,
pursuant to Federal Rules of Criminal Procedure
41(d)(3) and 4.1 this,

 3 day of December, 2020



HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York

EXHIBIT A

Approved: *Sarah L. Kushner*
SARAH L. KUSHNER
Assistant United States Attorney

Before: THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York

20 MAG 11665

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UNITED STATES OF AMERICA :
:
- v. - :
:
WILLIE DENNIS, :
:
Defendant. :
:
- - - - - X

SEALED COMPLAINT
Violations of
18 U.S.C. §§ 2261A
and 2
COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

ELISABETH WHEELER, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Cyberstalking)

1. Since at least in or about 2018, up to and including the present, in the Southern District of New York and elsewhere, WILLIE DENNIS, the defendant, with the intent to injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic systems of interstate commerce, and other facilities of interstate and foreign commerce, including electronic mail, phone calls, text messages, and faxes, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, to wit, DENNIS has engaged in a campaign of harassment, intimidation, and threats against an individual ("Victim-1") who works in New York, New York, including by sending harassing, threatening, and intimidating emails and text messages to Victim-1.

(Title 18, United States Code, Sections 2261A(2)(B) and 2.)

COUNT TWO
(Cyberstalking)

2. In or about 2019, in the Southern District of New York and elsewhere, WILLIE DENNIS, the defendant, with the intent to injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic systems of interstate commerce, and other facilities of interstate and foreign commerce, including electronic mail, phone calls, text messages, and faxes, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, to wit, DENNIS has engaged in a campaign of harassment, intimidation, and threats against an individual ("Victim-2") who works in New York, New York, including by sending harassing, threatening, and intimidating text messages to Victim-2.

(Title 18, United States Code, Sections 2261A(2) (B) and 2.)

COUNT THREE
(Cyberstalking)

3. From at least in or about 2018, up to and including at least in or about October 2020, in the Southern District of New York and elsewhere, WILLIE DENNIS, the defendant, with the intent to injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic systems of interstate commerce, and other facilities of interstate and foreign commerce, including electronic mail, phone calls, text messages, and faxes, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, to wit, DENNIS has engaged in a campaign of harassment, intimidation, and threats directed at an individual ("Victim-3") who works in New York, New York, including by sending harassing, threatening, and intimidating text messages to Victim-3.

(Title 18, United States Code, Sections 2261A(2) (B) and 2.)

COUNT FOUR
(Cyberstalking)

4. From at least in or about 2019, up to and including the present, in the Southern District of New York and elsewhere, WILLIE DENNIS, the defendant, with the intent to

injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic systems of interstate commerce, and other facilities of interstate and foreign commerce, including electronic mail, phone calls, text messages, and faxes, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, to wit, DENNIS has engaged in a campaign of harassment, intimidation, and threats directed at an individual ("Victim-4") who works in New York, New York, including by sending harassing, threatening, and intimidating emails and text messages to Victim-4.

(Title 18, United States Code, Sections 2261A(2)(B) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

Overview

5. As set forth in greater detail below, WILLIE DENNIS, the defendant, has engaged in a long-term and pervasive campaign of harassment, intimidation, and threats directed at former colleagues (the "Victims") at his former law firm (the "Law Firm"). Specifically, since in or about 2018, and up to and including the present, DENNIS has sent more than one thousand emails, text messages, and fax communications to the Victims.¹ DENNIS has sent threatening messages to the Victims at all hours of the day and night, often in rapid succession; the Victims did not respond to such messages or otherwise engage with DENNIS in response to his threatening communications. Through his unrelenting communications, as well as phone calls and voicemails to Victims, DENNIS has threatened and sought to intimidate and stoke fear in the Victims and their families.

6. In these communications, WILLIE DENNIS, the defendant, has made false accusations against the Victims and the Law Firm, portrayed the Law Firm and its senior members as having discriminated against him based on his race, and complained about his termination from the Law Firm. DENNIS has also threatened physical harm to certain Victims and threatened to visit Victims and their families at their homes. On or about October 9, 2020, for example, DENNIS called a senior member of the Law Firm and stated, in substance and in part: "someone is

¹ For example, between on or about May 13, 2019, and on or about September 20, 2019, WILLIE DENNIS, the defendant, sent at least hundreds of written communications to Victims. Between on or about September 4, 2019, and on or about September 20, 2019, alone, DENNIS sent at least approximately 200 hundred written communications to Victims and other members of the Law Firm.

going to get physically hurt and it is not someone who deserves to be hurt.”

7. The unrelenting harassment campaign and cyberstalking by WILLIE DENNIS, the defendant, against the Victims has caused or would be reasonably expected to cause the Victims substantial emotional distress and fear for their physical safety. At least one Victim has been forced to leave New York and relocate to another state as a result of DENNIS's ongoing threats and efforts to harass and intimidate his former colleagues. Another Victim has had to change the location of his/her parking garage and upgrade his/her home security system.

The Defendant

8. Based on my conversations with senior members of the Law Firm, I have learned, among other things, that for fourteen years, WILIE DENNIS, the defendant, was an attorney at the Law Firm, based in New York City. DENNIS joined the Law Firm in or about 2005, and became an equity partner. DENNIS worked at the Law Firm's New York office, located in the Southern District of New York, until he was terminated on or about May 13, 2019. DENNIS was terminated from the Law Firm for erratic and threatening behavior, as well as his years-long poor performance as a partner.

9. Based on my conversations with senior members of the Law Firm and my review of travel records obtained from law enforcement databases, I have learned, among other things, that WILLIE DENNIS, the defendant, resides in New York, New York, although he has been in the Dominican Republic since at least in or about February 2020.

10. Based on my conversations with senior members of the Law Firm, I know that WILLIE DENNIS, the defendant, is Black, as are certain of his Victims.

The Victims

11. Based on my conversations with senior members of the Law Firm and Victims, I have learned, among other things, that the Victims are prominent attorneys at the Law Firm and/or members of the Law Firm's management committee. The Victims knew WILLIE DENNIS, the defendant, in a professional capacity. Certain Victims worked closely with DENNIS on matters at the Law Firm.

12. Based on my conversations with senior members of the Law Firm and Victims, I have learned that the Victims work in the Law Firm's New York office.

Victim-1

13. Based on my interview with a senior member of the Law Firm ("Victim-1"), and my review of electronic communications, including emails and text messages that Victim-1 received from WILLIE DENNIS, the defendant, I have learned that DENNIS engaged in a pattern of harassment, intimidation, and threats directed at Victim-1.

14. Based on my review of communications sent by WILLIE DENNIS, the defendant, to Victim-1 and other attorneys at the Law Firm, I believe that DENNIS's messages are intended to intimidate and stoke fear in the recipients, including Victim-1. For example, in some messages, DENNIS refers to recent mass shootings and other violence reported in the news; in others, DENNIS quotes violent scripture passages and references God. For example:

a. On or about July 14, 2019, DENNIS, using one of his Gmail accounts ("Email Account-1"), sent the following biblical passage to Victim-1 and another Law Firm employee: "The Lord preserves all that love Him, but the wicked He will destroy," to which DENNIS then stated "Amen."

b. On or about August 4, 2019, DENNIS, using one of his Gmail accounts ("Email Account-2"), sent Victim-1 and another Law Firm employee an email about a "mass shooting in downtown Dayton" that left 9 dead and 16 injured, and stated: "[h]eading to service now and will pray on this as well as our issues." On or about August 7, 2019, DENNIS, from a different Gmail account ("Email Account-3"), sent Victim-1 and two other Law Firm employees a copy of the front page of a newspaper picturing the "Dayton terrorist."

c. On or about August 8, 2019, DENNIS, using Email Account-2, sent Victim-1 and another Law Firm employee a link to an article about a mass stabbing in California in which 4 people were killed and 2 were injured. In the email, DENNIS included the following quote from the article, specifically emphasizing that the suspect's motive was "anger and hate" by underlining those two words in the email: "The suspect's motive appears to be robbery, anger and hate."

d. On or about August 10, 2019, DENNIS, using Email Account-2, sent a message to Victim-1 and another Law Firm employee in which DENNIS quoted another biblical passage: "evildoers . . . shall soon be cut down like green herb." That email also contained a link to an article about Jeffrey Epstein's suicide.

e. On or about August 31, 2019, DENNIS, using Email Account-2, sent Victim-1 and another Law Firm employee a link to an article about a mass shooting in Texas, in which 5 people were killed, and 21 injured.

15. Based on my review of communications received by Victim-1, I have learned that WILLIE DENNIS, the defendant, has also threatened Victim-1 and Victim-1's family. For example, DENNIS sent the following messages to Victim-1:

a. In or about May 2020, DENNIS, using a phone number subscribed to in his name ("Phone Number-1"), sent back-to-back text messages to Victim-1 and two other members of the Law Firm, accusing Victim-1, among other things, of being a racist. For example:

I am sure [REDACTED] was a
dirty prosecutor
...just have to find the
case and put your
punk ass in jail

4 officers commit
murder but in [REDACTED]
racist
mind, the three that
were watching were
innocent

Right racist ?

you cunt you start things like this and then blame others

Any dirty move to win [REDACTED] right ?
and fix your damn bio punk

[REDACTED]
What is God's racial profile ?

b. Between on or about August 25, 2020, and on or about August 26, 2020, DENNIS sent several members of the Law Firm, including Victim-1, approximately 71 back-to-back text messages, using Phone Number-1.

c. Between on or about August 27, 2020, and on or about August 28, 2020, DENNIS sent several members of the Law Firm, including Victim-1, approximately 50 back-to-back text messages, using Phone Number-1.

d. Between on or about August 29, 2020, and on or about August 30, 2020, DENNIS sent several members of the Law Firm, including Victim-1, approximately 110 back-to-back text messages, using Phone Number-1.

e. On or about September 6, 2020, DENNIS, using Phone Number-1, sent approximately 19 back-to-back text messages to several members of the Law Firm, including Victim-1. In one text message in the chain, DENNIS, referring to a complaint that the Law Firm allegedly made to the New York City Police Department (the "NYPD") about DENNIS's conduct, states:

"1 That by going to my wife with information about me which you will not share and

2 sending police [] to my family home . . .

U introduced children and family into this mix."

f. On or about September 8, 2020, DENNIS, using Phone Number-1, sent back-to-back text messages to Victim-1 and another member of the Law Firm. The text messages were increasingly belligerent and threatening. In one text message in the chain, DENNIS states, "I am a witness to you killing God's children. Do u expect me to do nothing ?" In the same chain, DENNIS states:

"Killing children

Who is insane?

Who is offensive in the eyes of the Lord!

and all u say in unison

'Willie Dennis' "

g. On or about October 7, 2020, Victim-1 received approximately 98 text messages from DENNIS, using Phone Number-1.

h. Between or about October 8, 2020, and on or about October 9, 2020, Victim-1 received approximately 52 text messages from DENNIS, including messages that threatened Victim-1's family. One such message stated, in part, "Look forward to many evening chatting[. . . .] Anything I do will never repay you for all what you have done to me and my family . . . but I am going to try. I am going to research your family as you did mine." In another message, DENNIS asked how things were going at Victim-1's children's school, and then stated: "Still less than putting your sons' lives in jeopardy ...right." That message was followed by an image of a black male, with the heading "Why am I dead?" In two other messages, DENNIS called Victim-1 a "[b]igot." In yet another message, DENNIS stated: "u r a bad person that deserves to be severely punished (figuratively we both know what a liar u r)." DENNIS sent these messages using Phone Number-1.

16. Based on my review of communications received by Victim-1 and my conversations with Victim-1, I know that the messages discussed above are just a small sample of the threatening communications that WILLIE DENNIS, the defendant, has sent Victim-1.

17. Based on my conversations with Victim-1, I have learned that Victim-1 and Victim-1's spouse and children have experienced, and are continuing to experience, great distress as a result of the unrelenting barrage of messages that WILLIE DENNIS, the defendant, has sent to Victim-1.

Victim-2

18. Based on my conversations with another senior member of the Law Firm ("Victim-2"), who is Black, I have learned, among other things, that in or about 2019, WILLIE DENNIS, the defendant, using Phone Number-1, sent Victim-2 harassing text messages, causing Victim-2 to "block" communications from DENNIS's phone.

19. Based on my conversations with Victim-2, I have learned about specific instances of harassing conduct by WILLIE DENNIS, the defendant, against Victim-2, including as follows:

a. In or about June 2019, after DENNIS had been terminated from the Law Firm, Victim-2 traveled to a professional conference outside of New York. Victim-2 saw DENNIS at the conference. While Victim-2 was speaking to other conference attendees at a networking reception, DENNIS approached Victim-2 and spoke to Victim-2 in a loud and angry manner. DENNIS insisted on talking about the Law Firm. Victim-2 told DENNIS that Victim-2 did not wish to discuss the firm, and turned away from DENNIS. That night, DENNIS, using Phone Number-1, sent Victim-2 a barrage of text messages. In those messages, DENNIS, among other things, accused the Law Firm, in sum and substance, of taking money from DENNIS and his children. At a breakfast the next morning, DENNIS found Victim-2 and began complaining very loudly about the Law Firm and its alleged disinterest in diversity. Victim-2 left the room. DENNIS followed Victim-2 and took photos of Victim-2. Finally, because DENNIS would not stop following Victim-2, Victim-2 had to leave the conference.

20. Based on my conversations with Victim-2, I have learned, among other things, that Victim-2 stopped going to conferences and other industry meetings because Victim-2 feared that WILLIE DENNIS, the defendant, would be present.

Victim-3

21. Based on my conversations with another senior member of the Law Firm ("Victim-3"), I have learned, among other things, that:

a. Victim-3 has known WILLIE DENNIS, the defendant, for many years.

b. Victim-3 and DENNIS used to socialize together and spend time with each other's families. DENNIS has been to events at Victim-3's home and knows Victim-3's children.

22. Based on my conversations with Victim-3 and my review of documents collected from Victims and other members of the Law Firm, I have learned, among other things, that since in or about early 2020 through the present, WILLIE DENNIS, the defendant, using Phone Number-1, has sent Victim-3 at least hundreds of text messages containing harassing and intimidating statements, including threats directed at Victim-3 and Victim-3's family. For example:

a. On or about September 1, 2020, DENNIS, using Phone Number-1, sent back-to-back text messages to Victim-3 and three other recipients, including text messages in which DENNIS threatened to "kill" Victim-3 and Victim-3's "kids":

kill u and or your kids

b. Among the texts that DENNIS sent Victim-3 on or about September 1, 2020, was a text that stated: "you r willing to assist in breaking 'one' of God's Ten Commandments[:] 'Thou shall not kill.'" "

Victim-4

23. Based on my conversations with partners at the Law Firm and others and my review of messages received by the Victims, I have learned that WILLIE DENNIS, the defendant, has also cyberstalked another partner at the Law Firm ("Victim-4"), who is Black.

24. Based on my review of messages Victim-4 received from WILLIE DENNIS, the defendant, I have learned, among other things, that since at least in or about March 2019, DENNIS has sent a barrage of back-to-back text messages to Victim-4, including, for example, the following text messages:

a. On or about September 2, 2019, DENNIS, using Phone Number-1, sent back-to-back text messages to Victim-4, including the following message:

"Finally i urged you not to share my texts with them [i.e., other members of the Law Firm]... but you did.

In the Firms criminal complaint against me some of the texts you passed along are included.

Also our accidental meeting in the restaurant is noted as a 'threatening encounter.'"

25. Based on my review of threatening communications Victim-4 received from WILLIE DENNIS, the defendant, I have also learned that DENNIS attacked Victim-4 for allegedly "hav[ing] undercover Chicago police officers . . . attend" a Corporate Counsel Women of Color conference. For example, in or about 2019, using Phone Number-1, DENNIS sent Victim-4 the following text messages, among many others:

a. "[A] major supporter of [the conference] of course is aware of the gunmen you and the other partners sent to the 'women's conference' . . . i would be prepared if it should ever arise to explain why you[] thought it was necessary or how you tried to prevent it. Anything less will raise eyebrows."

b. "More thoughts . . . and I am protecting your reputation so i hope you do not give them anything else[.] Do you think they could send armed men into a diverse women's conference with out good reason and get away with it[.] As i told [other members of the Law Firm] at the time if i had sent armed undercover investigators in to a conference where . . . there [were] women and children[,] they would have[,] and rightly so, put me in lockdown ...forever[.] I am looking for equality and intend to do the same to them."

c. "If someone had been injured at the Conference by the Chicago police officers in the room, what would you have stated in the police report as to the reason for the officers being there ? . . . Were you[r] actions 'reasonable' biscuit head or purely self interested ?"

d. "Your failure to adequately protect other women of color is reprehensible[.] Your 'intentional' actions which endangered women of color at the . . . conference (engaging Chicago police officers to walk undisclosed among the women attendees) are reprehensible."

26. Based on my review of text messages WILLIE DENNIS, the defendant, sent to Victim-4, I have also learned that DENNIS falsely accused Victim-4 of having an extramarital affair with another member of the Law Firm and sent Victim-4 other inappropriate text messages with false claims about Victim-4's dating and sex life. For example, using Phone Number-1, DENNIS sent the following messages to Victim-4:

Your quick rise to influence in the New York office is clearly related to how close you are with [REDACTED] 🍷💕

You and [REDACTED] always spend a lot of time together working on projects, I assumed that is how the two of you became so close 🍷💕

and you learned all thru [REDACTED] [REDACTED] whispering " sweet nothings " in your ears 🍷
Are u with him tonight 🍷💕

i know u like married men ..but
in the office ?

Is your " Tinder " account still
active ?

How man " hook ups " did you
get on Tinder ?

Does [REDACTED] know about your
Tinder account ?

Does your mother know about
your relationship with [REDACTED] ?

And no Tinder booty calls for
you this week

u are onlockdown 😂

u know me now clown 🤡

How many dudes did you find
on Tinder ?

What was the quality of the
d...😂

i always knew this
was more your type of
conversation

Always the quiet ones 😂

27. In falsely accusing Victim-4 of having an extramarital affair, WILLIE DENNIS, the defendant, using Phone Number-1, warned Victim-4 not to lie about it: "don't perjure yourself because I will push for prison time for you."

28. Based on my review of messages received by Victim-4, I have learned that there are many other text messages that WILLIE DENNIS, the defendant, sent to Victim-4 as part of DENNIS's campaign of harassment and cyberstalking. Here are just a few more examples:

a. "Let's fill up your 'evil' files[.] Did not fool me. Was hoping you would change but ...gutter to the end"- "[s]o let's send you back there."

b. "U wished the police [] had killed me[.] No need to answer[.] God just read your mind. I have to go talk to a few other 'unholies' but will come back to you later."

c. "In fact until now and only since God has commanded me to act against your falsehoods."

d. "U know u deserve whatever comes your way during this 'biblical moment.'"

e. "God has now commanded me to call out you[r] actions which are so offensive in his eyes."

f. "You need to practice outside of New York. Because if you stay in New York i am going to follow u till u answer my questions cotton head."

g. "They like to make examples. I am going to make one of u u u u."

h. "U really need to leave the New York office soon ..like in a week or so you will become part of the public conversation."

i. "You are going to be a 'biblical symbol' during this time of injustice and hatred of what happens when you are offensive in the eyes of the Lord."

29. Based on my review of documents collected from Victim-4, I have learned that, on or about October 5, 2020, Victim-4 received more than approximately 68 text messages from WILLIE DENNIS, the defendant, who sent those messages using Email Account-3.

30. Based on my review of documents collected from Victim-4, I have learned that, on or about October 6, 2020, Victim-4 received approximately 46 text messages from WILLIE DENNIS, the defendant, who sent those messages using Email Account-3.

31. Based on my review of documents collected from Victim-4, I have learned that between approximately 1:00 a.m. on or about October 8, 2020, and 6:00 a.m. on or about October 9, 2020, WILLIE DENNIS, the defendant, using Email Account-3, sent Victim-4 approximately 98 text messages, including as follows:

If you escape jail
for all this stuff i will be
surprised because i am going
to do my darndest

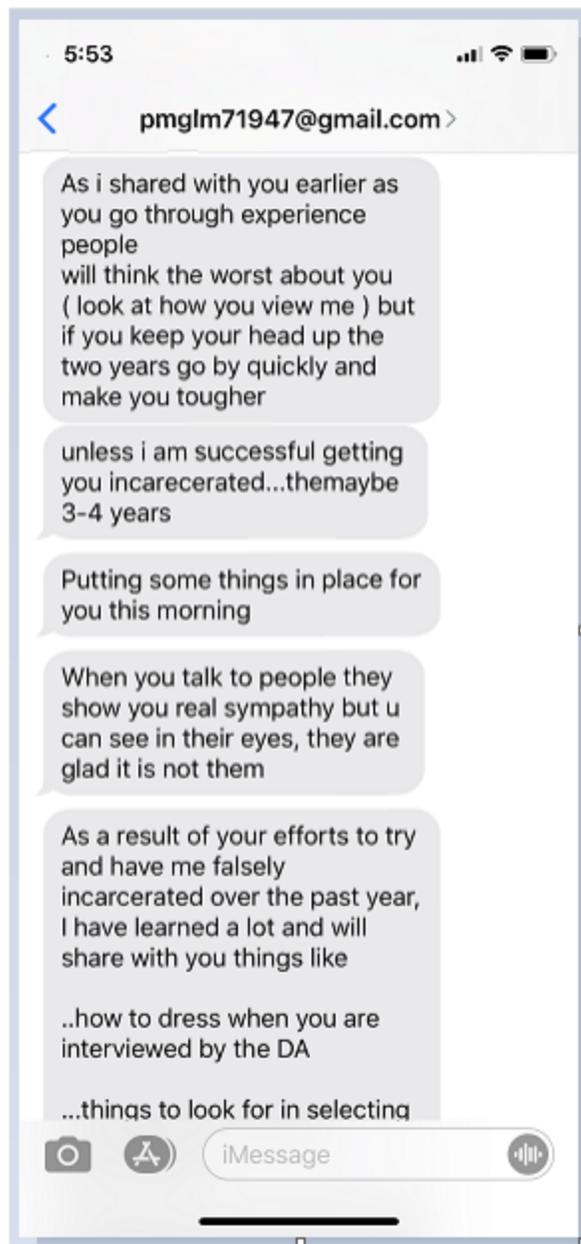
Somebody has to get stuck
and you have the statements in
the public records and the
public statements so

...looks like you...

Think you can avoid

1 Perjuy criminal
court
2 Defamation /slander /civil
court
more to follow

Can you win them
all ..one loss and





32. On or about October 10, 2020, Victim-4 received approximately 29 text messages from WILLIE DENNIS, the defendant, who sent those text messages using Email Account-3.

33. Based on my conversations with senior members of the Law Firm and others, I have learned that Victim-4 has had to leave New York and relocate to another state as a result of WILLIE DENNIS's, the defendant's, conduct.

DENNIS Controlled Phone Number-1 And The Email Accounts

34. Phone Number-1: As set forth above, see ¶¶ 15, 18, 19, 22, and 24-27, WILLIE DENNIS, the defendant, used Phone Number-1 to send harassing and threatening communications to Victim-1 and Victim-4, among others. Based on records obtained from AT&T pursuant to a subpoena, I have learned that the subscriber of Phone Number-1 is "Willie Dennis" and has the same date of birth and Social Security number as DENNIS. In addition, based on my conversations with members of the Law Firm, I have learned that Phone Number-1 is the cellphone number that the Law Firm had on file for DENNIS and that the Victims and other members of the Law Firm had in their phones for DENNIS.

35. Email Account-1: As set forth above, see ¶ 14(a), WILLIE DENNIS, the defendant, used Email Account-1 to send harassing and threatening communications to Victim-1. Based on records obtained from Google pursuant to a subpoena, I have learned that the subscriber of Email Account-1 is "Willie Dennis." Moreover, the recovery email for Email Account-1 is Email Account-3, another one of DENNIS's accounts, and the phone number listed for Email Account-1 is Phone Number-1.

36. Email Account-2: As set forth above, see ¶¶ 14(b)-(e), WILLIE DENNIS, the defendant, used Email Account-2 to send harassing and threatening communications to Victim-1. Based on records obtained from Google pursuant to a subpoena, I have learned that the subscriber of Email Account-2 is "Willie Dennis." Moreover, the phone number listed for the account is Phone Number-1.

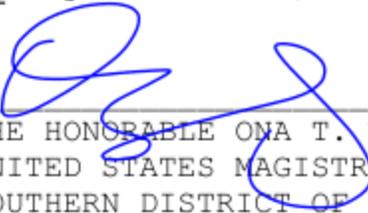
37. Email Account-3: As set forth above, see ¶¶ 14(b) and 29-31, WILLIE DENNIS, the defendant, used Email Account-3 to send harassing and threatening communications to Victim-1 and Victim-4. Based on records obtained from Google pursuant to a subpoena, I have learned that the subscriber of Email Account-3 is "Willie Dennis." Moreover, the phone number listed for the account is Phone Number-1.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of WILLIE DENNIS, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

s/ Elisabeth Wheeler /OTW
Special Agent Elisabeth Wheeler
Federal Bureau of Investigation

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1 this,

28th day of October, 2020



THE HONORABLE ONA T. WANG
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

EXHIBIT B

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America
v.
WILLIE DENNIS

20 MAG 11665
Case No.

)
)
)
)
)
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) WILLIE DENNIS,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Violations of 18 U.S.C. §§ 2261A and 2

Date: 10/28/2020



Issuing officer's signature

City and state: New York, New York

Hon. Ona T. Wang, U.S. Magistrate Judge, SDNY
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
UNITED STATES OF AMERICA :
:
- v. - :
:
WILLIE DENNIS, :
:
Defendant. :
:
-----X

SEALED INDICTMENT

20 Cr.

COUNT ONE
(Cyberstalking)

The Grand Jury charges:

1. Since at least in or about 2018, up to and including the present, in the Southern District of New York and elsewhere, WILLIE DENNIS, the defendant, with the intent to injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic systems of interstate commerce, and other facilities of interstate and foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, to wit, DENNIS has engaged in a campaign of harassment, intimidation, and threats against an individual ("Victim-1") who works in New York, New York, including by sending harassing, threatening, and intimidating emails and text messages to

Victim-1.

(Title 18, United States Code, Sections 2261A(2)(B) and 2.)

COUNT TWO
(Cyberstalking)

The Grand Jury further charges:

2. In or about 2019, in the Southern District of New York and elsewhere, WILLIE DENNIS, the defendant, with the intent to injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic systems of interstate commerce, and other facilities of interstate and foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, to wit, DENNIS has engaged in a campaign of harassment, intimidation, and threats against an individual ("Victim-2") who works in New York, New York, including by sending harassing, threatening, and intimidating text messages to Victim-2.

(Title 18, United States Code, Sections 2261A(2)(B) and 2.)

COUNT THREE
(Cyberstalking)

The Grand Jury further charges:

3. From at least in or about 2018, up to and including at least in or about October 2020, in the Southern District of New York and elsewhere, WILLIE DENNIS, the defendant, with the

intent to injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic systems of interstate commerce, and other facilities of interstate and foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, to wit, DENNIS has engaged in a campaign of harassment, intimidation, and threats directed at an individual ("Victim-3") who works in New York, New York, including by sending harassing, threatening, and intimidating text messages to Victim-3.

(Title 18, United States Code, Sections 2261A(2)(B) and 2.)

COUNT FOUR
(Cyberstalking)

The Grand Jury further charges:

4. From at least in or about 2019, up to and including the present, in the Southern District of New York and elsewhere, WILLIE DENNIS, the defendant, with the intent to injure, harass, and intimidate another person, used the mail, interactive computer services and electronic communication services and electronic systems of interstate commerce, and other facilities of interstate and foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to a person, to wit, DENNIS has engaged in a campaign of harassment,

intimidation, and threats directed at an individual ("Victim-4") who works in New York, New York, including by sending harassing, threatening, and intimidating emails and text messages to Victim-4.

(Title 18, United States Code, Sections 2261A(2)(B) and 2.)


FOREPERSON


AUDREY STRAUSS
Acting United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

WILLIE DENNIS,

Defendant.

SEALED INDICTMENT

20 Cr.

(18 U.S.C. §§ 2261A(2)(B) and 2.)

AUDREY STRAUSS

Acting United States Attorney


Foreperson

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Warrant and Order For Prospective
Location Information and Pen Register
Information for the Cellphone Assigned
Call Number (646) 418-3329, USAO
Reference No. 2020R01003

WARRANT AND ORDER

20 Mag. 12958

**Warrant and Order
for Cellphone Location Information and Pen Register Information
and for Sealing and Non-Disclosure**

TO: AT&T (“Service Provider”), and any subsequent provider of service to the Target
Cellphone specified below (“Subsequent Service Provider”)

Federal Bureau of Investigation (“Investigative Agency”)

Upon the Application and Agent Affidavit submitted by the Government in this matter:

I. Findings

The Court hereby finds:

1. The Target Cellphone (the “Target Cellphone”) that is the subject of this Order is
assigned call number (646) 418-3329, and is currently serviced by the Service Provider.

2. Pursuant to 18 U.S.C. § 2703(c)(1)(A) and the applicable provisions of Rule 41 of the
Federal Rules of Criminal Procedure, the Government’s application sets forth probable cause to
believe that the prospective location information for the Target Cellphone will reveal evidence,
fruits, or instrumentalities of suspected violations of 18 U.S.C. §§ 2261A (cyberstalking) and 2
(aiding and abetting cyberstalking) (the “Subject Offenses”).

3. Pursuant to 18 U.S.C. § 3123(b)(1), the Government has certified that the pen register
information for the Target Cellphone is relevant to an ongoing investigation by the Investigating
Agency of WILLIE DENNIS, the charged defendant in this case, and others unknown in
connection with suspected violations of the Subject Offenses.

4. Pursuant to 18 U.S.C. § 2705(b), there is reason to believe that notification of the existence of this Warrant and Order will result in destruction of or tampering with evidence, danger to the physical safety of an individual, flight from prosecution, and/or will otherwise seriously jeopardize an ongoing investigation.

NOW, THEREFORE, pursuant to Fed. R. Crim. P. 41, 18 U.S.C. §§ 3121 *et seq.*, 18 U.S.C. §§ 2701 *et seq.*, and 18 U.S.C. § 3103a, IT IS HEREBY ORDERED:

II. Order to Service Provider

5. **Service Provider.** This Order shall apply to the Service Provider specified above, and to any subsequent provider of service to the Target Cellphone without need for further Order of this Court.

6. **Prospective Location Information.** The Service Provider shall provide to the Investigating Agency on a prospective basis, for a period of 45 days from the date of this Order, information concerning the location of the Target Cellphone (“Prospective Location Information”), including all available:

a. precision location information, including GPS data, E-911 Phase II data, and latitude-longitude data; and

b. cell site data, including any data reflecting (a) the cell towers and sectors thereof utilized in routing any phone, text, or data communication to or from the Target Cellphone, and (b) the approximate range of the target phone from the cell towers during the communication (including per-call measurement (“PCM”) or round-trip time (“RTT”) data);

7. **Pen register with caller identification and/or trap and trace device.** The Service Provider shall provide to the Investigating Agency, for a period of 45 days from the date of this

order, all dialing, routing, addressing, or signaling information associated with each voice, text, or data communication transmitted to or from the Target Cellphone, including but not limited to:

- a. any unique identifiers associated with the phone, including ESN, MEIN, MSISDN, IMSI, IMEI, SIM, MIN, or MAC address;
- b. source and destination telephone numbers and/or Internet protocol (“IP”) addresses;¹
- c. date, time, and duration of the communication; and
- d. cell-site information as specified above.

8. **Technical Assistance.** The Service Provider shall furnish the Investigating Agency all information, facilities, and technical assistance necessary to accomplish the disclosure of all of the foregoing information relating to the Target Cellphone unobtrusively and with the minimum interference to the service presently provided to the Subscriber.

9. **Non-Disclosure to Subscriber.** The Service Provider, including its affiliates, officers, employees, and agents, shall not disclose the existence of this Warrant and Order, or the underlying investigation, to the Subscriber or any other person, for a period of one year from the date of this Warrant and Order, subject to extension upon application to the Court, if necessary.

¹ The Service Provider is not required to provide post-cut-through dialed digits (“PCTDD”), or digits that are dialed after a telephone call from the Target Phone has been connected. If possible, the Service Provider will forward only pre-cut-through-dialed digits to the Investigative Agency. However, if the Service Provider’s technical capabilities require it to forward all dialed digits, including PCTDD, to the Investigative Agency, the Investigative Agency will only decode and forward to the agents assigned to the investigation, the numbers that are dialed before the call is cut through.

III. Additional Provisions

10. **Compensation for Costs.** The Investigating Agency shall compensate the Service Provider for reasonable expenses incurred in complying with the Warrant and this Order.

11. **Sealing.** This Warrant and Order, and the supporting Application and Agent Affidavit, shall be sealed until otherwise ordered by the Court, except that the Government may without further order of this Court: serve this Warrant and Order on the Service Provider; provide copies of the Warrant and Order or the supporting Application and Agent Affidavit as need be to personnel assisting the Government in the investigation and prosecution of this matter; and disclose these materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.

Dated: New York, New York

12/3/2020

5:35 p.m.

Date Issued

Time Issued



UNITED STATES MAGISTRATE JUDGE
Southern District of New York