

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
DISTRICT 4 JUDICIAL DISTRICT

IN THE MATTER OF THE APPLICATION  
OF THE MINNESOTA BUREAU OF  
CRIMINAL APPREHENSION FOR AN  
ORDER AUTHORIZING THE  
INSTALLATION AND USE OF A PEN  
REGISTER, TRAP AND TRACE DEVICE,  
ELECTRONIC TRACKING DEVICE,  
GLOBAL POSITIONING SYSTEM (GPS)  
TECHNOLOGY, USE OF PRECISION  
LOCATION TECHNOLOGY, AND  
DISCLOSURE OF SUBSCRIBER AND CELL  
SITE INFORMATION AND TRACKING  
WARRANT

UNDER SEAL

APPLICATION AND AFFIDAVIT



AGENT CHRISTOPHER OLSON hereby applies to the Court for an Order and Tracking Warrant authorizing the installation and use of: **a pen register, trap and trace device including caller identification, electronic tracking device, and/or cellular tower location and service information, including services such as Global Positioning System (GPS) technology, precision location related technologies, and/or a tracking warrant** on telephone number In support of this application, the applicant states the following:

1. Identity of Applicant and Agency: Pursuant to 18 U.S.C. §3122 (b)(1) and Minn. Stat. §626A.37, Subd. 2(4), the applicant, CHRISTOPHER OLSON is a licensed peace officer with the MINNESOTA BUREAU OF CRIMINAL APPREHENSION (MN BCA) with responsibility for an ongoing criminal investigation, and therefore pursuant to 18 U.S.C., §§ 2703 (d), 2703(c)(1)(B), 2703 (c)(2), 2711 (3)(B), 3117, 3122(a)(2), and 3127(2)(B), and Minn. Stat. §§626A.36 to Minn. Stat. §626A.42-may apply for an Order and Tracking Warrant authorizing the installation and use of: **a pen register, trap and trace device including caller identification, electronic tracking device, and/or cellular tower location and service information, including services such as Global Positioning System (GPS) technology and/or precision location related technologies.** The law enforcement agency conducting this investigation is the MN BCA.

2. Federal Certification: Pursuant to 18 U.S.C. §3122(b)(2), the applicant certifies that his agency is conducting a criminal investigation of JAMAR ONEAL CLARK, dob/05-03-1991, and others as yet unknown, in connection with possible violations of state and federal law relative to MN SS 609.066, Authorized Use of Deadly Force by Peace Officers; and that it is believed the subjects of the investigation are using telephone number [REDACTED] in furtherance of the subject offenses; and that the information likely to be obtained from the **pen register, trap and trace device including caller identification**, is relevant to an ongoing criminal investigation being conducted by the Minnesota Bureau of Criminal Apprehension.
  
3. Pursuant to Minn. Stat. §626A.42, Subd. 2, your affiant applies for a **tracking warrant** to obtain location information for an electronic device including information concerning the location of an electronic device that, in whole or in part, is generated or derived from or obtained by the operation of an electronic device, including **location information for an electronic tracking device, and/or cellular tower location and service information, including services such as Global Positioning System (GPS) technology and/or precision location related technologies.**
  
4. Statement of Probable Cause: The facts and circumstances relied upon by the applicant show there is reason to believe that probable cause exists that the person who possesses an electronic device is committing, has committed, or is about to commit a crime.

Affidavit of Probable Cause:

Your affiant, Christopher Olson, is a Special Agent with the Minnesota Bureau of Criminal Apprehension (BCA), and is a license police officer in the State of Minnesota. Your affiant has been continuously licensed since 1987, and more specifically has been assigned to criminal investigations since 1992. Your affiant is currently assigned to the BCA Metro Homicide Unit with primary responsibilities including murders, suspicious deaths, officer involved shootings, child abductions, and conflict cases. Your affiant has received extensive training in areas related to violent crimes, property crimes, and financial crimes. Your affiant has drafted and executed hundreds of search warrants in a

furtherance of those investigations. Your affiant has learned the following facts and information and believes them to be true and correct.

On November 15, 2015, your affiant responded to a request from the Minneapolis Police Department (MPD) to assist with an investigation involving an officer involved shooting which resulted in the death of Jamar Oneal Clark, dob/05/03/1991. Your affiant learned during the course of the investigation that patrol officers from the MPD were initially called to assist Hennepin County paramedics as they attended to an assault victim. The assault victim was identified by responding paramedics as RayAnn Francine Hayes, dob/ [REDACTED] Hayes had injuries to her head and a broken ankle, and was later transported to the Hennepin County Medical Center for treatment. Paramedics reportedly called for assistance because Clark was identified by Hayes as her assailant, and he was repeatedly attempting to gain access to the ambulance while they were treating her injuries.

MPD uniformed officers arrived along with a Hennepin County Paramedic supervisor. Jamar Clark struggled with MPD officer's and was fatally shot outside the ambulance.

Your affiant learned that MPD Sgt. Twyla Vilella interviewed Hayes at North Memorial Hospital shortly after this event. During that interview Hayes told Sgt. Vilella her home address was 1223 Morgan Ave N, Minneapolis, MN. Your affiant has since learned Hayes no longer resides at that address, and there does not appear to be any forwarding address for her.

On January 28, 2016, your affiant learned from a BCA laboratory report that the clothing worn by Clark was tested for DNA. The lab results from this testing indicated that human blood was detected on multiple clothing items worn by Clark (black hood sweatshirt, red t-shirt, jeans, and shoes). Additionally, there were multiple contributors of the DNA that did not match the DNA profile of Clark. Major DNA from the jeans, red t-shirt, right and left shoe indicated as a female contributor.

Your affiant, in conjunction with the FBI, has been looking to re-interview Hayes for several weeks in a furtherance of this investigation. The MN BCA laboratory is requesting a DNA sample from Hayes in an effort to determine whether her blood is on any of the clothing items worn by Clark.

On January 29, 2016, your affiant and SSA William O'Donnell spoke with Shamirra Chevell Finn, dob/ [REDACTED] Finn is the biological daughter of Hayes. Finn indicated she too has been looking to contact her mother, but said she was not sure about her specific location. Finn told your affiant her mother had recently been staying at or near a new housing development on the southwest corner of Penn Ave N and Golden Valley Road. She further indicated she believed Hayes was spending time with a black male known only to her as "Rat", and stated that he owned a German Shepard.

On February 1, 2016, your affiant met with Aashley Hase, the building manager located at 2205 Golden Valley Road, Minneapolis, MN. Your affiant provided a photograph of Hayes. Hase was not familiar with Hayes, and indicated that pets were not allowed in the building.

On February 2, 2016, your affiant received a telephone call from a source wishing to remain anonymous. The caller told your affiant the cellular telephone for Hayes is [REDACTED]. Your affiant called that number and determined it appeared to be a working number. Your affiant has not succeeded in contacting Hayes, but feels confident the telephone likely belongs to Hayes because a female voice on the outgoing voicemail message identifies the voicemail recipient as "RayAnn Hayes." Your affiant believes the voice on the outgoing voicemail to be consistent with the audio statement of Hayes previously obtained by MPD Sgt. Villella.

Your affiant is requesting the Courts permissions to electronically locate the cellular telephone belonging to Hayes in a furtherance of this investigation. Hayes is a material and vital witness in this investigation. SA Olson has heard from a variety of sources that Hayes may be in "protective custody", but that information is not consistent with any information your affiant has learned from other peripheral law enforcement investigative agencies (i.e. DOJ, FBI, or MPD).

WHEREFORE, the applicant respectfully requests that the Court issue the following Order and Tracking Warrant:

5. Request for Pen Register and Trap and Trace Device and Tracking Warrant: Your Affiant requests that this order direct **T-Mobile** to provide data on all communications originating from or directed to [REDACTED] including the following information and assistance requested during the authorized period of inception:
  - A. Cell site activations and locations;
  - B. Outgoing numbers dialed or pulsed; including PTT (Push-To-Talk) communications, and, if identified, any post cut-through digits;
  - C. Incoming numbers, if identified, and any post cut-through digits;
  - D. Call duration and call detail records in electronic format;
  - E. Call detail or toll records for the seven (7) day period immediately preceding the date of this order.
  - F. Current subscriber and billing information for mobile telephone number [REDACTED] and the Electronic Serial Number (ESN), Mobile Equipment Identity (MEID), International Mobile Equipment Identity (IMEI), International Mobile Subscriber Identity (IMSI) and Mobile Subscriber Identity (MSID) specific to [REDACTED]
  - G. Current **T-Mobile** subscriber information and, if requested, historical subscriber information and other telephone(s) associated with this account including billing information and records specific to the subscriber of [REDACTED]
  - H. Information relating to unlisted, non-published telephone numbers dialed from telephone number [REDACTED] and telephone numbers appearing on the caller identification (Caller ID) function for telephone number [REDACTED]
  - I. List of control channels/radio channels and their corresponding cell sites;
  - J. Spreadsheets in electronic format (upon request) listing pertinent **T-Mobile** cell site locations;
  - K. An engineering map, showing all cell-site tower locations, addresses, sector and orientations; (upon request);
  - L. The physical address/location of all cellular towers in the specified market;


M. That the telecommunications providers for these include any assistance or access necessary to facilitate the installation of pen register and/or trap and trace device to include switch based solutions or SMART/SINS system- (upon request); and,

N. Records and assistance requested in this order shall be provided to any officer or agent of the Minnesota Bureau of Criminal Apprehension.

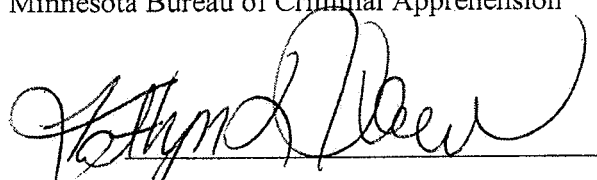
6. Your Affiant requests that this order and tracking warrant pertain to any telephone for which data from [REDACTED] is redirected to another communication device, (i.e. call forwarding).
7. Your Affiant requests the Court specifically authorize the use of Global Positioning (GPS) pertaining to [REDACTED] to be used to track the position and/or movement of the mobile phone for a period of sixty (60) days from the installation/activation of the electronic tracking device (GPS phone technology).
8. Request for Technical Assistance: Applicant further requests that the Order direct that **T-Mobile** furnish information including cell site, cellular tower location and service information, and call detail or toll records, as well as any and all facilities and technical assistance necessary to unobtrusively accomplish the installation of the pen register and trap and trace device by **T-Mobile** with reasonable compensation to be paid by the applicant for reasonable expenses incurred by providing such facilities and assistance.
9. Pursuant to Minn. Stat. § 626A.42, Subd. 4, it is requested that notice of the tracking warrant not be provided to the target of the investigation for a period of ninety (90) days or within a reasonable time not later than ninety (90) days after the tracking warrant is unsealed if the tracking warrant is sealed by the court. Pursuant to the statute, the issuing judge shall cause to be served on the persons named in warrant and application an inventory which shall include notice of: the fact of the issuance of the warrant or application, the date of the issuance and the period of authorized, approved, or disapproved collection of location information, or the denial of the application; and the fact that during the period location information was or was not collected.
10. Pursuant to 18 U.S.C. §2705(b), the applicant requests the court order the applicable providers, their agents and employees not to notify any other persons of the existence of

the requested court order because there is reason to believe that notification of the existence of the requested court order will result in ~~(1) endangering the life or physical safety of an individual; (2) assisting and/or his/her associates, in flight to avoid prosecution; (3) destruction or tampering with evidence; (4) intimidation of potential witnesses; or~~ (5) otherwise seriously jeopardizing an investigation or unduly delaying a trial based on the nature and scope of the investigation as outlined in section 8(a) described above.

WHEREFORE, it is respectfully requested that the Court grant an Order and Tracking Warrant for a period of sixty (60) days, from the date of this Order (1) authorizing the installation and use of: a pen register, trap and trace device, including caller identification, electronic tracking device, and/or cellular tower location and service information, including services such as Global Positioning System (GPS) technology and/or precision location related technologies, (2) that probable cause exists for a tracking warrant to be issued, (3) directing **T-Mobile** to forthwith furnish officers and agents of the Minnesota Bureau of Criminal Apprehension with all information, facilities and technical assistance necessary to accomplish the installation and use of the device(s) unobtrusively and with minimum interference to the service presently accorded persons whose dialing or pulses are the subject of the pen register, (4) that notice to the person(s) named in the tracking warrant shall be delayed for a period of ninety (90) days or notice shall be provided within a reasonable time period, but not more than ninety (90) days after the tracking warrant is unsealed pursuant to Minn. Stat. §626A.42, Subd. 4.



Christopher Olson  
Minnesota Bureau of Criminal Apprehension



Judge of District Court

Subscribed and sworn to before me  
this 2 day of Feb 2016

Judge Kathryn L. Quaintance  
4th Judicial District Court

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
DISTRICT 4 JUDICIAL DISTRICT

IN THE MATTER OF THE APPLICATION  
OF THE MINNESOTA BUREAU OF  
CRIMINAL APPREHENSION FOR AN  
ORDER AUTHORIZING THE  
INSTALLATION AND USE OF A PEN  
REGISTER, TRAP AND TRACE DEVICE,  
ELECTRONIC TRACKING DEVICE,  
GLOBAL POSITIONING SYSTEM (GPS)  
TECHNOLOGY, USE OF PRECISION  
LOCATION TECHNOLOGY, AND  
DISCLOSURE OF SUBSCRIBER AND CELL  
SITE INFORMATION AND TRACKING  
WARRANT

UNDER SEAL

FINDINGS, ORDER, AND  
TRACKING WARRANT  
[REDACTED]

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This matter having come before the Court pursuant to an application by CHRISTOPHER OLSON under 18 U.S.C. §§2703(c)(1)(B), 2703 (d), 2711(3)(B), 3117, 3122, 3123 and 3127(2)(B) and Minn. Stat. §§626A.35 to 626A.42, authorizing the installation and use of a pen register and trap and trace device including caller identification, cellular tower location and service information, Global Positioning System (GPS) information (GPS), and tracking warrant for phone number(s) [REDACTED]

**UPON REVIEW OF THE APPLICATION, THE COURT HEREBY FINDS THAT:**

1. Federal Certification: Pursuant to 18 U.S.C. 3122(b)(2), the Court finds that the applicant, SA CHRISTOPHER OLSON, MINNESOTA BUREAU OF CRIMINAL APPREHENSION has certified that his agency is conducting a criminal investigation of JAMAR CLARK, and others as yet unknown, in connection with possible violations of State and Federal laws relative to MN SS 609.066, Authorized Use of Deadly Force by Peace Officers; and that it is believed the subjects of the investigation are using telephone number [REDACTED] in furtherance of the subject offenses; and that the information likely to be obtained from the pen register, electronic tracking, and trap and trace device including caller identification, cellular tower location and service



information and Global Positioning System (GPS) information is relevant to an ongoing criminal investigation being conducted by the Minnesota Bureau of Criminal Apprehension and that probable cause exists that a crime has been, is being, or is about to be committed by the person in possession of the electronic device.

2. Finding Supporting Issuance of Order: Pursuant to Minn. Stat. §626A.37 and Minn. Stat. §626A.42, Subd. 2, the Court finds based upon the information submitted by the applicant that there is reason to believe that the information likely to be obtained by the installation and use of the pen register, trap and trace device, including caller identification and is relevant to an ongoing criminal investigation and probable cause exists that a crime has been, is or is about to be committed by a person in possession of an electronic device, and information related to an electronic tracking device, cellular tower location and service information, electronic device location information, and/or Global Positioning System Information (GPS) is authorized pursuant to this tracking warrant.
3. Finding of Delay in Notice: Pursuant to Minn. Stat. § 626A.42, Subd. 4, the court finds that notice of the tracking warrant shall not be provided to the target of the investigation for a period of ninety (90) days or within a reasonable time, not later than ninety (90) days after the tracking warrant is unsealed if the tracking warrant is sealed by the court.

WHEREFORE, based upon the forgoing, the Court issues the following:

#### **ORDER AND TRACKING WARRANT**

1. Order Permitting Installation and Use: IT IS ORDERED, pursuant to 18 U.S.C. §§ 2703 (d), 3122 (a) (2), and 3123 and Minn. Stat. §§626A.36 and 626A.37, that SA **CHRISTOPHER OLSON, MINNESOTA BUREAU OF CRIMINAL APPREHENSION** may install and use a pen register to record numbers dialed or pulsed from telephone number [REDACTED] and a trap and trace device including caller identification, be installed to register numbers dialed or pulsed to telephone number [REDACTED] and to record the date and time of such pulsing or records, and to record the length of time the telephone receiver in question is off hook for incoming or outgoing calls

for a period of sixty (60) days or the period necessary to achieve the objective of the authorization, whichever is less; and also that **T-Mobile** furnish any historical cell site, call detail and toll records still maintained by **T-Mobile** switches that were in use by the target number during the 48 hour period preceding **T-Mobile** activation of this order, and

2. IT IS ORDERED, pursuant to Minn. Stat. §626A.42 that a tracking warrant is authorized to collect location information on an electronic device including, information concerning the location of an electronic device that in whole or in part, is generated or derived from or obtained by the operation of an electronic device, including cellular tower location and service information, and an electronic tracking device and/or Global Positioning System (GPS) information.
3. Identity of Phone Listing: The person to whom telephone number [REDACTED] is listed is believed to be RayAnn Hayes; and
4. Identity of Investigation Subject: The person(s) under investigation in this matter is RayAnn Hayes, and others as yet unknown; and
5. Number and Physical Location: The phone number to which the pen register and trap and trace device is to be attached is [REDACTED] and based upon information submitted by the applicant the geographic limitation of the order is the Continental United States; and
6. Statement of Offense: The offense(s) to which the information likely to be obtained by the pen register and trap and trace device including caller identification and or cellular tower location and service information including Global Positioning System (GPS) information relates to violations of federal and state law relative to MN SS 609.066, Authorized Use of Deadly Force by Peace Officers; and
7. Identity of Law Enforcement Officer: The law enforcement officer(s) responsible for installation and use of the pen register and trap and trace device including caller identification, cellular tower location and service information and Global Positioning

System (GPS) information is SA CHRISTOPHER OLSON of the Minnesota Bureau of Criminal Apprehension; and

8. Time Period: The period during which the use of the pen register and trap and trace device including caller identification, cellular tower location and service information, and an electronic tracking device and/or Global Positioning System (GPS) information is authorized is sixty (60) days or the period necessary to achieve the objective of the authorization, whichever is less; and
9. Furnishing Facilities: IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 2703 (d), 3122 (c) (2), 3124 and Minn. Stat. §626A.38, Subd. 1, that **T-Mobile** shall forthwith furnish CHRISTOPHER OLSON an agent with the Minnesota Bureau of Criminal Apprehension with all information, facilities, and technical assistance necessary to accomplish the installation of a pen register and trap and trace device including caller identification, cellular tower location and service information, electronic tracking device and/or Global Positioning System (GPS) information, unobtrusively and with minimum interference to the services that are accorded person(s) whose telephone is to be the subject of the devices. This includes the existence of any and all custom calling, class, or ESS features including but not limited to Caller ID, voice mail, call forwarding and speed calling as well as automatic number identification (ANI) that exist for telephone number [REDACTED], and
10. Notification of Changes In Service: IT IS FURTHER ORDERED that as part of furnishing information, facilities and technical assistance, **T-Mobile** provide SA CHRISTOPHER OLSON an agent with the Minnesota Bureau of Criminal Apprehension forthwith all information regarding any changes in service relative to [REDACTED] during the authorized period of interception under this Order; and
11. Order to Furnish Information: IT IS FURTHER ORDERED that **T-Mobile** shall provide data on all communications originating from or directed to [REDACTED] including the following information during the authorized period of interception:
  - A. Cell site activations and locations;

- B. Outgoing numbers dialed or pulsed, including PPT (Push-To-Talk) communications, and any post cut-through digits;
- C. Incoming numbers, if identified, and any post cut-through digits;
- D. Call duration and call detail records in electronic format;
- E. Call detail or toll records for the seven (7) day period immediately preceding the date of this order;
- F. Current subscriber and billing information for mobile telephone number [REDACTED] and the Electronic Serial Number (ESN), Mobile Equipment Identity (MEID), International Mobile Equipment Identity (IMEI), International Mobile Subscriber Identity (IMSI) and Mobile Subscriber Identity (MSID) specific to [REDACTED]
- G. Current **T-Mobile** subscriber information and, if requested, historical subscriber information and other telephone(s) associated with this account including billing information and records specific to the subscriber of [REDACTED]
- H. Information relating to unlisted, non-published telephone numbers dialed from telephone number [REDACTED] and telephone numbers appearing on the caller identification (Caller ID) function for telephone number [REDACTED]
- I. A list of control channels/radio channels and their corresponding cell sites;
- J. Spreadsheets in electronic format (upon request) listing pertinent **T-Mobile** cell site locations;
- K. An engineering map, showing all cell-site tower locations, addresses, sector and orientations (upon request);
- L. The physical address/location of all cellular towers in the specified market;
- M. That the telecommunications providers for these include any assistance or access necessary to facilitate the installation of pen register and/or trap and trace device to include switch based solutions or SMART/SINS system (upon request);
- N. Records and assistance requested in this order shall be provided to any officer of agent of the Minnesota Bureau of Criminal Apprehension.; and,

12. Request for Pen Register and Trap and Trace Device and Tracking Warrant: IT IS FURTHER ORDERED that **T-Mobile** shall provide data on all communications originating from or directed to [REDACTED] including the following information during the authorized period of interception:

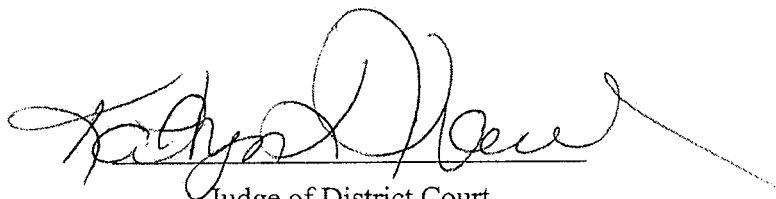
- A. Cell site activations and locations;
- B. Outgoing numbers dialed or pulsed, including PTT (Push-To-Talk) communications, and any post cut-through digits;
- C. Incoming numbers, if identified, and any post cut-through digits;
- D. Call duration and call detail records in electronic format;
- E. Call detail or toll records for the seven (7) day period immediately preceding the date of this order;
- F. Current subscriber and billing information for mobile telephone number [REDACTED] and the Electronic Serial Number (ESN), Mobile Equipment Identity (MEID), International Mobile Equipment Identity (IMEI), International Mobile Subscriber Identity (IMSI) and Mobile Subscriber Identity (MSID) specific to [REDACTED]
- G. Current **T-Mobile** subscriber information and, if requested, historical subscriber information and other telephone(s) associated with this account including billing information and records specific to the subscriber of [REDACTED]
- H. Information relating to unlisted, non-published telephone numbers dialed from telephone number [REDACTED] and telephone numbers appearing on the caller identification (Caller ID) function for telephone number [REDACTED]
- I. List of control channels/radio channels and their corresponding cell sites;
- J. Spreadsheets in electronic format (upon request) listing pertinent **T-Mobile** cell site locations;
- K. An engineering map, showing all cell-site tower locations, addresses, sector and orientations; (upon request);
- L. The physical address/location of all cellular towers in the specified market;
- M. That the telecommunications providers for these include any assistance or access necessary to facilitate the installation of pen register and/or trap and trace device to include switch based solutions or SMART/SINS system; (upon request);
- N. Records and assistance requested in this order shall be provided to any officer or agent of the Minnesota Bureau of Criminal Apprehension.

13. IT IS FURTHER ORDERED that this order pertain to any telephone for which data from [REDACTED] is redirected to another communication device, i.e. call forwarding, including any change in telephone number assigned to or associated with a telephone

bearing or containing the same Electronic Serial Number (ESN), Mobile Equipment Identity (MEID), International Mobile Subscriber Identification (IMSI) and Subscriber Identity Module (SIM) card, listed to the same subscriber and/or telephone account associated with telephone number [REDACTED]

14. IT IS FURTHER ORDERED pursuant to 18 U.S.C. §§ 2703, 3122, 3124 and Minn. Stat. §626A.38 and Minn. Stat. §626A.42 that **T-Mobile** shall furnish SA CHRISTOPHER OLSON or other Agents with the Minnesota Bureau of Criminal Apprehension forthwith all information, facilities, and technical assistance necessary to accomplish the installation of a pen register / trap trace, cell site locations, electronic tracking device and/or Global Positioning System (GPS) information unobtrusively and with minimum interference to the services presently accorded persons whose telephone dialing's and pulses are the subject of the pen register; and
15. Compensation for Carrier: IT IS FURTHER ORDERED, that **T-Mobile** be reasonably compensated by the applicant for reasonable expenses incurred in providing technical assistance; and
16. Delay in Notice: IT IS FURTHER ORDERED pursuant to Minn. Stat. § 626A.42, Subd. 4, the court finds that notice of the tracking warrant shall not be provided to the target of the investigation for a period of 90 days or within a reasonable time, not later than ninety (90) days after the tracking warrant is unsealed if the tracking warrant is sealed by the court.

2/2/10  
Date

  
Judge of District Court

Judge Kathryn L. Quaintance  
4th Judicial District Court