

SEARCH WARRANT

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

IN THE NAME OF THE STATE OF FLORIDA:

**THIS WARRANT IS ISSUED PURSUANT TO FLORIDA STATUTE S. 92.605.
A RESPONSE IS DUE WITHIN 20 BUSINESS DAYS OF RECEIPT OF THIS WARRANT
UNLESS A LONGER TIME PERIOD IS STATED HEREIN.**

STATE OF FLORIDA:

COUNTY OF HILLSBOROUGH:

**TO THE SHERIFF OF THE Hillsborough County Sheriff's Office, OR ANY
DESIGNATED POLICE OFFICER THEREOF:**

SEARCH WARRANT

Whereas, complaint on oath and in writing, supported by Affidavit, has been made before me Judge Joelle Ann Ober, in and for Hillsborough County, Florida, by Cley Hobelmann, a Detective with the Hillsborough County Sheriff's Office, who states that he or she has reason to believe and does believe that certain cellular phone information, utilized in Hillsborough County, Florida, and stored by a provider of electronic communication service, to-wit: T-Mobile/Metro PCS, described as follows, to-wit:

A cellular service and electronic communication provider

Specific technical data pertaining to the use of a cellular phone number 813-327-0238, including subscriber information, all incoming and outgoing calls for the dates of 07/11/2020 00:00 to 07/20/2020 23:59, the cell site quadrant corresponding to each phone use for the dates of 07/11/2020 00:00 to 07/20/2020 23:59, and all incoming and outgoing text messages for the dates of 07/11/2020 00:00 to 07/20/2020 23:59, and A.)Content of all incoming and outgoing SMS, MMS, or Text Message Content, associated with the identified user accounts on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST. B) Content of all stored Voice Mail Messages, associated with the identified user accounts on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST.. C) All connection logs and records of user activity for each such account on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST., related to the messages including:

1. Connection dates and times.
2. Disconnect dates and times.
3. Method of connection (e.g., telnet, ftp, http)
4. Data transfer volume.
5. User name associated with the connections.
6. Telephone caller identification records.
7. Any other connection information, such as the Internet Protocol address of the source of

the connection.

8. Connection information for the other computer to which the user of the above-referenced accounts connected, by any means, during the connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, and all other information related to the connection from cellular service provider.

D) All of the above records whether possessed by Sprint Corporation or any other cellular service provider.

E) Sprint Corporation and all other providers of wireless and/or electronic communications services, Internet Service Providers, landlords, custodians, and other persons and entities are hereby authorized and ordered to furnish, in regards to cellular number, (813) 327-0238, and any number (PTN/IMSI/MIN/ESN) changes to these accounts for the time period on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST, whether maintained by Sprint Corporation and all other providers of wireless and/or electronic communications services providing service to the listed telephone as call detail records, as transactional records, as information stored in computer databases dedicated to fraud detection, or in any other form or location, as soon as practicable from the date of this Order, all information to include:

F) The current Subscriber, Application and Billing Information, including payment method and credit card information, the target phone's International Mobile Subscriber Identification (IMSI), the Mobile Subscriber Identification Number (MSID/ MIN), the Electronic Serial Number (ESN), and any replacement combinations of those numbers, and these same numbers for any additional cellular telephones owned by or leased to the same account or subscriber, the Brand Name and Model of handset, and special features information; and all of the previous information for any additional cellular telephones owned by or leased to the same account or subscriber, the time period on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST, of Call/Communication Detail Records (CDR's), to include Texts/SMS (without content) and Data Session Logs, with Cellular Sites and associated locations for the time period on and between between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST., numbers dialed, incoming numbers, call durations, signaling and communications processing information, sent and received by the target cellular telephone for any form of communication it is capable of, to include: voice, text, sms, mms, internet, mobile-to-mobile, uncharged call detail, CDR and iDEN network search engine reports, Viador Reports, airtime usage data, Automated Message Accounting Data Bases and Calls-to Destination data, and packet data, cell call detail and cell towers for standard calls and "direct connect" or any push-to-talk like feature and non-billed calls, control channels used, capture all Internet Protocol (IP) addresses, email addresses, website addresses, servers, and user names, GEO/Precision (GPS- Locator Tools) Locations and/or E911 locations, interim cell sites, complete cell site list, acquisition of geolocation information, geographic location of towers activated, as available, Range to Tower Measurements (RTT), Per Call Measurement Data (PCMD), and facilities, records of all published and non-published numbers dialed or pulsed from the target telephone and from any additional customer telephones, and technical assistance necessary to accomplish the requests noted in the application of this Order.

. The service provider of the cellular phone number is T-Mobile/Metro PCS

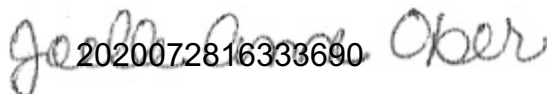
And there is now being kept on said premises certain data/information with evidentiary value, to-wit: cellular phone use information, and items described in the Affidavit in Support of Search Warrant made by Cley Hobelmann, which is hereby incorporated by reference and made a part of this search warrant as if repeated in full, and a copy is attached; which

will show Deyaneira Lopez (white female, date of birth: February 28-1998) in violation of the Laws of the State of Florida, to wit: F.S.S. 782.04(1)(A)2 ,the laws prohibiting First Degree Felony Murder and subject to seizure pursuant to F.S.S. 933.02.

That the facts tending to establish the grounds for this application, and the probable cause of the Affiant believing that such facts exist are set forth in a written affidavit which has been sworn to pursuant to Florida law, and it appears to the Court that Affiant is a reputable citizen of the State of Florida, and that the facts set forth in said affidavit show and constitute probable cause for the issuance of this warrant and the Court being satisfied of the existence of said grounds set forth in the this application, or that there is probable cause to believe in their existence.

Now, therefore, you are commanded with such proper and necessary assistance as may be necessary, in the daytime or in the nighttime, or on Sunday, as the exigencies of the occasion may demand or require, to order T-Mobile/Metro PCS, to provide the data/information described in this warrant: and if the same or any part thereof be found, you are hereby authorized to seize and secure same, giving proper receipt therefore and delivering a duplicate copy on said premises, and making a return of your doings under this warrant within ten (10) days of the date hereof, to any County or Circuit Judge having jurisdiction of this offense to be disposed of according to law.

WITNESS my hand and seal this 28th day of July, 2020

 2020072816333690

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Joelle Ann Ober

Judge in and for Hillsborough County, Florida

AFFIDAVIT FOR SEARCH WARRANT
IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

BEFORE ME, JUDGE Joelle Ann Ober, in and for Hillsborough County, Florida, personally or by sworn attestation, came Cley Hobelmann Detective who is employed as a Hillsborough County Sheriff's Office, who first being duly sworn, deposes and says: Affiant is a citizen of Hillsborough County, Florida, and has reason to believe and does believe that those premises located in Hillsborough County described as follows, to-wit: T-Mobile/Metro PCS., a provider of electronic communication service;

Being the premises occupied under the control of T-Mobile/Metro PCS., and there is now being kept on said premises, certain data/information with evidentiary value to-wit:

Specific technical data pertaining to the use of a cellular phone number 813-327-0238 , including subscriber information, all incoming and outgoing calls for the dates of 07/11/2020 00:00 to 07/20/2020 23:59 , the cell site quadrant corresponding to each phone use for the dates of 07/11/2020 00:00 to 07/20/2020 23:59, and all incoming and outgoing text messages for the dates of 07/11/2020 00:00 to 07/20/2020 23:59, and A.)Content of all incoming and outgoing SMS, MMS, or Text Message Content, associated with the identified user accounts on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST. B) Content of all stored Voice Mail Messages, associated with the identified user accounts on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST.. C) All connection logs and records of user activity for each such account on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST., related to the messages including:

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 4. Data transfer volume.
 5. User name associated with the connections.
 6. Telephone caller identification records.
 7. Any other connection information, such as the Internet Protocol address of the source of the connection.
 8. Connection information for the other computer to which the user of the above-referenced accounts connected, by any means, during the connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, and all other information related to the connection from cellular service provider.
- D) All of the above records whether possessed by Sprint Corporation or any other cellular service provider.
- E) Sprint Corporation and all other providers of wireless and/or electronic communications services, Internet Service Providers, landlords, custodians, and other persons and entities are hereby authorized and ordered to furnish, in regards to cellular number, (813) 327-0238,

and any number (PTN/IMSI/MIN/ESN) changes to these accounts for the time period on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST, whether maintained by Sprint Corporation and all other providers of wireless and/or electronic communications services providing service to the listed telephone as call detail records, as transactional records, as information stored in computer databases dedicated to fraud detection, or in any other form or location, as soon as practicable from the date of this Order, all information to include:

F) The current Subscriber, Application and Billing Information, including payment method and credit card information, the target phone's International Mobile Subscriber Identification (IMSI), the Mobile Subscriber Identification Number (MSID/ MIN), the Electronic Serial Number (ESN), and any replacement combinations of those numbers, and these same numbers for any additional cellular telephones owned by or leased to the same account or subscriber, the Brand Name and Model of handset, and special features information; and all of the previous information for any additional cellular telephones owned by or leased to the same account or subscriber, the time period on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST, of Call/Communication Detail Records (CDR's), to include Texts/SMS (without content) and Data Session Logs, with Cellular Sites and associated locations for the time period on and between between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST., numbers dialed, incoming numbers, call durations, signaling and communications processing information, sent and received by the target cellular telephone for any form of communication it is capable of, to include: voice, text, sms, mms, internet, mobile-to-mobile, uncharged call detail, CDR and iDEN network search engine reports, Viador Reports, airtime usage data, Automated Message Accounting Data Bases and Calls-to Destination data, and packet data, cell call detail and cell towers for standard calls and "direct connect" or any push-to-talk like feature and non-billed calls, control channels used, capture all Internet Protocol (IP) addresses, email addresses, website addresses, servers, and user names, GEO/Precision (GPS- Locator Tools) Locations and/or E911 locations, interim cell sites, complete cell site list, acquisition of geolocation information, geographic location of towers activated, as available, Range to Tower Measurements (RTT), Per Call Measurement Data (PCMD), and facilities, records of all published and non-published numbers dialed or pulsed from the target telephone and from any additional customer telephones, and technical assistance necessary to accomplish the requests noted in the application of this Order.

. The service provider of the cellular phone number is T-Mobile/Metro PCS.

Which can provide evidentiary value in proving a violation of the laws of the State of Florida, to-wit: F.S.S. 782.04(1)(A)2 - First Degree Felony Murder

That the facts tending to establish the grounds for this application and the probable cause of Affiant believing that such facts exist are as follows:

1.AFFIANT'S EXPERIENCE AND PERTINENT EXPERTISE.

Your affiant has been employed with the Hillsborough County Sheriff's Office since January of 2011. Your affiant has also been a detective within the Criminal Investigations Division since October of 2018. Your affiant has been involved in the drafting and execution of numerous search warrants and is making this application pursuant to his official duties.

2.Based on the Affiant's experience and training, as well as information obtained from other law enforcement officers versed in related investigations, the Affiant can state that:

A) Cellular phone activity conducted by persons, when matched with the corresponding cellular phone tower/antenna and other geographic identifiers, can provide specific and general geographic locations of the phone/device at the time of use. This information, also known as call detail records, when collected historically and for extended periods of time, aids in phone attribution and corroboration of records specifically related to crimes.

B) Modern cellular phone technology, specifically with the onset of “smartphones”, often exposes a person’s pattern of life via movement, communications, Internet activity, photos, videos, and other data that is collected.

C) Persons who commit planned and/or premeditated crimes regularly communicate with co-conspirators via cellular phone communication and/or the Internet, including via email, instant message, VOIP services, encrypted messaging services, and social media platforms such as Facebook, Twitter, WhatsApp, and other providers.

D) Modern cellular phone service providers are constantly communicating with cellular phones on their networks. No overt activity from the user, such as a voice call or text message, are necessary for this constant communication to occur. The types of non-user initiated activity can be Internet updates, operating system installations, company-specific geo-location tools, and other types of activity. All of these activities can create a record and corresponding cellular phone tower/antenna associated with the activity.

3. The Affiant has personal knowledge of the matters set forth in this Affidavit and/or the information was imparted to me in the performance of my official duties as a law enforcement officer.

4. FACTS ESTABLISHING PROBABLE CAUSE:

On July 19, 2020, at approximately 0915 hours, the Hillsborough County Sheriff’s Office received a 911 call for a person down call (HCSO call 20-467269) at 9404 Windermere Lake Drive. The caller advised dispatchers his “son” was not responding or breathing, and the son was identified as being two years of age. The caller was not immediately identified, but the phone number calling 911 was documented as (813) 357-4716. Deputies arrived at the scene and came in contact with a male identifying himself as the complainant, David Vasquez Malave (white male, date of birth: September 4, 1996). He was holding the male infant, later identified as Kaydan Guerrero (black male, January 14, 2018). Mr. Vasquez was giving chest compressions (C.P.R.) to the child, and efforts were continued by law enforcement and HCFR paramedics. Kaydan Guerrero was transported to Tampa General Hospital with life-threatening injuries. Based on the severity of the injuries and condition of the child as well as concerns of possible abusive injuries to the chest observed by HCFR, Criminal Investigations Division detectives responded to the scene to investigate further.

An interview was conducted with David Vasquez Malave, during which he described picking up the child from another residence the day before (July 18, 2020). He was with the child along with the child’s mother, Deyaneira Lopez (white female, February 28, 1998), and the child’s older half-brother, Kayson Guerrero (white male, October 19, 2016), through the day. He brought Kayson and Deyaneira to a residential shelter for the night and then maintained custody of Kaydan through the night at a Motel 6 (9942 Adamo Drive). He awoke the morning of the 19th to a call from Deyaneira at approximately 0800 hours. He then left to go to a gas station. He stopped on the side of the road to change Kaydan’s diaper. He

opened the rear driver's side door and sat the child on the side of the seat (with feet hanging out of the vehicle). He removed the diaper and went to the trunk to get a new diaper. He heard a noise, which he attributed to Kaydan's foot striking the door. He looked and saw Kaydan on the pavement laying just outside the door with one of his feet still in the jamb of the door near the footwell. He collected the child and placed him back in the car. He wiped blood from the child's mouth but did not initially think the child was seriously injured. As he drove toward his mother's residence, he noticed the child becoming unresponsive. He called Deyaneira on the phone at approximately 0914 hours. She directed him to call 911, and he made the aforementioned call to 911 at 0915 hours. He pulled Kaydan from the backseat and initiated C.P.R. while driving. He ultimately arrived at his mother's residence and was contacted by law enforcement while seated in the driver's seat of a red Hyundai Elantra bearing Florida tag NVCU25. The vehicle was registered to Deyaneira Lopez. He confirmed his phone number was 813-357-4716. This was the same number making the 911 call for the incident. Deputies described David Vasquez's behavior at the outset of the investigation as calm and jovial as he laughed on the phone and spoke about topics unrelated to the investigation. He was also observed on the phone making several calls and possibly texting during the investigation at the scene.

Deyaneira Lopez was contacted by phone for notification of the incident and consent for a warrantless search of the Hyundai Elantra. Corporal Brown responded to Metropolitan Ministries and made contact with Ms. Lopez to obtain the form and transport her to Tampa General Hospital. Ms. Lopez made statements to Cpl. Brown stating the child was picked up three days prior from the biological father of the child. She was also aware of an injury to the child's genitals. She also stated she received two calls from David Vasquez. A search of the red Hyundai Elantra revealed blood evidence within the vehicle on the rear driver's side door, as well as the plastic near the footwell. Blood was also found on baby wipes on the backseat, on two pillows behind the passenger's seat, on the back of the passenger seat, and on a napkin in the trunk of the vehicle. The child's car seat was in the trunk without blood on the seat or seating material.

The child's injuries from Tampa General Hospital were provided as bruised lungs, subdural hematomas, bruising on the forehead, a laceration on the right side of the forehead, bruising to the chest/ribs/sternum, bruising to the side of the neck, a laceration on the head of the penis, and swelling of both the penis and testicles/scrotum. Kaydan's condition was described as critical and unstable.

An interview with Deyaneira Lopez was conducted in an isolated waiting room at the hospital. During the interview, Deyaneira described picking up her child from the presumed biological father of the child (undocumented paternity), Ramon Williams (black male, March 24, 1995), the day before, July 18, 2020, at approximately 1000 hours. She corroborated spending the day with David Vasquez and her two sons. She also stated she was returned to her residential shelter at approximately 2200 hours on July 18, 2020, and stayed the night there with Kayson. She called David Vasquez the following morning, July 19, 2020, at approximately 0800 hours, to discuss plans for the day. She next received a call from David at approximately 0914 hours stating Kaydan Guerrero fell from the backseat of the vehicle and struck his head and was not responding. She directed David to call 911. Deyaneira does not have permission to have the child during the nights she stays at the shelter. She stated she must make the eleven PM shelter each night, or she could lose her placement. Coordination of transportation with David Vasquez is done through the phone. She identified her phone number as 813-327-0238.

On July 20, 2020, interviews were conducted with Ramon Williams and his girlfriend, Waitinesha Howard (black female, January 24, 1994). Both stated independently they last watched Kaydan Guerrero through Sunday, July 12, 2020. Both stated David Vasquez came to the residence and picked up the child from their residence at 3706 Beechwood Boulevard. Ms. Howard said pickup is usually coordinated through her via phone. She commonly communicates with Deyaneira "Dede" Lopez. Mr. Williams showed text messages of a profanely argumentative conversation on Sunday, July 12, continuing into Monday of July 13, 2020, between himself and Deyaneira. Ms. Howard had text messages from Monday, which appeared to address Kaydan being picked up and removed from the house. Ms. Howard also sent a message on Thursday, July 16, 2020, requesting Kaydan so they could see him. There is only an indirect reply about his clothing.

A Child Protection Team examination was performed on Kaydan Guerrero on Monday, July 20, 2020, which concluded the head injury appeared to incorporate multiple, complex events and was inconsistent with a singular fall. The genital injuries also had the appearance of being abuse-related. Kaydan Guerrero was determined to have no brain activity by medical staff at T.G.H. and was pronounced deceased at 1624 hours on July 20, 2020.

Personnel was met with at the Motel 6, where David Vasquez was to have stayed the night before the incident, July 18, 2020. The room number given by David Vasquez was room 422. Management stated room 422 was rented to Deyaneira Lopez on July 17, 2020, at 1835 hours with a checkout time the following morning on July 18, 2020, at 1116 hours. The room was rented to another party for the night of July 18, 2020. The last rental date for David Vasquez at the hotel was on July 13, 2020.

On July 21, 2020, records were received from Deyaneira Lopez's residential facility, Metropolitan Ministries, documenting her sign-in/out for her residential building. On the date of July 18, 2020, there is a "sign out to the park, 11:19 am no sign-in time." The next entry is "7/19/20 sign out to Tampa General Hospital 10:10 am(Overnight Curfew Violation) Has not returned." I.D. scan card information was also requested, but there was no scan information more recent than July 3, 2020. Neither document could corroborate Ms. Lopez's statement of being at the shelter on the night of July 18, 2020.

On July 22, 2020, an interview with Ramon Williams' sister, Kamica Holloman (black female, September 21, 1996), was conducted. Ms. Holloman presented a text message communication with "Dede" from her phone. There were audio-recorded messages sent to her phone through Instagram. The messages were described as voluntarily given, and the messages were transmitted to the phone (not recorded by the phone). The audio files had a female's voice consistent with Deyaneira Lopez, and details provided were unique to the investigation. Ms. Lopez states her boyfriend (David Vasquez) picked up Kaydan from Ramon "Ray-Ray" Williams' residence on Monday. There was an argument about Kaydan's cleanliness, and Ms. Lopez states in the message she had to keep Kaydan from Mr. Williams. She then jumps to the details of the Sunday incident and offers no further comments of Kaydan's whereabouts for the week (between July 13 to July 19). She states she got a call from David on Sunday, stating Kaydan fell, and she went to the hospital and learned Kaydan was "braindead."

On July 23, 2020, an autopsy for Kaydan Guerrero was performed at the Hillsborough

County Medical Examiner's Office and presided over by Dr. Milad Webb. The results of the autopsy declared the manner of death "homicide" due to "Blunt trauma to the head." Review of the scalp tissues showed injuries Dr. Webb described as older and "healing." These injuries were believed to predate the primary, lethal injury and were indicative of recent injury/abuse. On July 24, 2020, it was confirmed through Dr. Webb the final blunt force injury to Kaydan Guerrero would likely have rendered him unconscious almost instantaneously. Kaydan Guerrero would have remained in an affected, seizure-like state very similar to (or the same as) the condition in which he arrived at the hospital.

An interview with a friend of Deyaneira Lopez, Lisa Patterson (white female, June 20, 1981), was conducted. Ms. Patterson stated she spoke with Deyaneira in person on July 21, 2020, and Deyaneira stated she picked up Kayden on Wednesday (July 15, 2020). Ms. Patterson corrected Deyaneira and stated it was on Monday (July 13, 2020), and Ms. Lopez did not contest this statement.

Interviews with Deyaneira Lopez's sister, Jarnielys Lopez (white female, April 24, 2000), and her mother, Angie Otero (white female, March 23, 1981), both revealed Dayenaira communicated with them regarding the incident on the day it occurred, July 19, 2020. Jarnielys stated she communicated with her sister through social media (Instagram). Angie Otero stated the only people who watched Kaydan were the biological father, "Ray" (Ramon Williams), David Vasquez, or her daughter (Deyaneira). She had not seen the child in more than a month.

Throughout the investigation, it was determined Deyaneira Lopez and David Vasquez both communicate with family and the biological father of Kaydan Guerrero (Ramon Williams). It was also learned there was communication preceding, very near, and just after the time of the incident as alleged by both Deyaneira Lopez and David Vasquez. Both individuals communicate with each other on a regular basis. Several parties to include the presumed biological father, Ramon Williams, and the mother, Deyaneira Lopez, agree the only persons who watch Kaydan are Ramon Williams/Waitinesha Howard and David Vasquez. Though David and Deyaneira state they only picked up the child the day prior to the incident, several other independent sources, as well as audio recordings of Ms. Lopez herself, agree Kaydan Guerrero was not in the custody of Ramon Williams/Waitinesha Howard. No other persons are known at this time to have provided care for the child during this period. Older bruises on the scalp of Kaydan Guerrero observed during the autopsy suggest preexisting, abusive injuries may have transpired during this period of time during which no custodianship/caretaking has been established. As well, no documentation has been presented to confirm Ms. Lopez's occupation of the shelter the night of July 18, 2020. The whereabouts of both David Vasquez and Deyaneira Lopez are paramount in proving care and custody of Kaydan Guerrero both during the week preceding the mortal injury as well as at the time the lethal injury occurs. Persons often have their phones with them and are especially prone to communicate at the time of or about a critical or traumatic event. As such, provision of cellular site information would greatly assist in substantiating probable cause for violation of F.S.S. 782.04(1)(A)2 – First Degree Felony Murder.

5. Based on the foregoing totality of circumstances, the Affiant has reason to believe and does believe that there is specific technical data pertaining to the use of a cellular phone number 813-327-0238, including subscriber information, all incoming and outgoing calls for

the dates of 07/11/2020 00:00 to 07/20/2020 23:59, the cell site quadrant corresponding to each phone use for the 07/11/2020 00:00 to 07/20/2020 23:59, and all incoming and outgoing text messages for the dates of 07/11/2020 00:00 to 07/20/2020 23:59, and A.)Content of all incoming and outgoing SMS, MMS, or Text Message Content, associated with the identified user accounts on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST.

B) Content of all stored Voice Mail Messages, associated with the identified user accounts on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST..

C) All connection logs and records of user activity for each such account on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST., related to the messages including:

1. Connection dates and times.
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3. Method of connection (e.g., telnet, ftp, http)
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7. Any other connection information, such as the Internet Protocol address of the source of the connection.
8. Connection information for the other computer to which the user of the above-referenced accounts connected, by any means, during the connection period, including the destination IP address, connection time and date, disconnect time and date, method of connection to the destination computer, and all other information related to the connection from cellular service provider.

D) All of the above records whether possessed by Sprint Corporation or any other cellular service provider.

E) Sprint Corporation and all other providers of wireless and/or electronic communications services, Internet Service Providers, landlords, custodians, and other persons and entities are hereby authorized and ordered to furnish, in regards to cellular number, (813) 327-0238, and any number (PTN/IMSI/MIN/ESN) changes to these accounts for the time period on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST, whether maintained by Sprint Corporation and all other providers of wireless and/or electronic communications services providing service to the listed telephone as call detail records, as transactional records, as information stored in computer databases dedicated to fraud detection, or in any other form or location, as soon as practicable from the date of this Order, all information to include:

F) The current Subscriber, Application and Billing Information, including payment method and credit card information, the target phone's International Mobile Subscriber Identification (IMSI), the Mobile Subscriber Identification Number (MSID/ MIN), the Electronic Serial Number (ESN), and any replacement combinations of those numbers, and these same numbers for any additional cellular telephones owned by or leased to the same account or subscriber, the Brand Name and Model of handset, and special features information; and all of the previous information for any additional cellular telephones owned by or leased to the same account or subscriber, the time period on and between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST, of Call/Communication Detail Records (CDR's), to include Texts/SMS (without content) and Data Session Logs, with Cellular Sites and associated locations for the time period on and between between July 11, 2020, at 00:00 EST to July 20, 2020, at 23:59 EST., numbers dialed, incoming numbers, call durations, signaling and communications processing information, sent and received by the target cellular telephone for any form of communication it is capable of, to include: voice, text, sms, mms, internet,

mobile-to-mobile, uncharged call detail, CDR and iDEN network search engine reports, Viador Reports, airtime usage data, Automated Message Accounting Data Bases and Calls-to Destination data, and packet data, cell call detail and cell towers for standard calls and "direct connect" or any push-to-talk like feature and non-billed calls, control channels used, capture all Internet Protocol (IP) addresses, email addresses, website addresses, servers, and user names, GEO/Precision (GPS- Locator Tools) Locations and/or E911 locations, interim cell sites, complete cell site list, acquisition of geolocation information, geographic location of towers activated, as available, Range to Tower Measurements (RTT), Per Call Measurement Data (PCMD), and facilities, records of all published and non-published numbers dialed or pulsed from the target telephone and from any additional customer telephones, and technical assistance necessary to accomplish the requests noted in the application of this Order.

. The service provider of the cellular phone number is T-Mobile/Metro PCS.,

Contrary to existing laws; to wit: the laws prohibiting First Degree Felony Murder, and subject to seizure, Florida State Statute 933.02.

Whereof, Affiant makes this affidavit and prays the issuance of a search warrant in due form of law, for the search of the above described device, for the said data/information heretofore described, and for the seizure and safe-keeping thereof, subject to the order of this Honorable Court, by the duly constituted officers of the law.

Cley Hobelmann

Hillsborough County Sheriff's Office

AFFIANT

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I am a law enforcement officer as defined in s. 943.10, Florida Statutes, and, pursuant to s.117.10, Florida Statutes, I am authorized to administer oaths when engaged in the performance of official duties. The foregoing instrument was acknowledged before me on this 28th day of July, 2020, by the individual whose name and signature appear above, and who is personally known to me and who did take an oath.

Cley S. Hobelmann

Hillsborough County Sheriff's Office

WITNESS my hand and seal this 28th day of July, 2020

Joelle Ann Ober
2020072816333690

2020072816333690

Joelle Ann Ober

Judge in and for Hillsborough County, Florida

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR HILLSBOROUGH COUNTY
CRIMINAL JUSTICE DIVISION**

In Re: Specified Search Warrant, Search Warrant Affidavit, and Any Exhibits

for Specified technical data pertaining to the use of cellular phone number 813-327-0238

**MOTION FOR AN *IN CAMERA* DETERMINATION OF THE
CONFIDENTIALITY OF COURT RECORDS**

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney ("State"), pursuant to Florida Rule of Judicial Administration 2.420(f)(3), and moves this Honorable Court to enter an *in camera* Order determining that the documents described herein are confidential and should not be available for public inspection and are sealed until further order of this Court, and in support thereof states:

1. There is presently an ongoing felony investigation into the following case:

Agency: Hillsborough County Sheriff's Office

Report Number: 20-467269

Potential Criminal Charges: First Degree Felony Murder

2. The investigation has led to the need to obtain a search warrant to further investigate the alleged crime. The search warrant, search warrant affidavit, and any exhibits are being submitted simultaneously with this Motion in the following manner: Search warrant, search warrant affidavit, and any exhibits are attached;

3. This Motion requests the Court to determine the following documents are confidential: Search warrant, search warrant affidavit, and any exhibits;

4. This Motion requests the Court determine that the document(s) indicated above are confidential in that the disclosure of the document(s) would reveal: active criminal investigative information.

5. In accordance with Florida Rule of Judicial Administration 2.420(c)(9)(A), the document(s) indicated above are confidential on the grounds that confidentiality is required to: prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;

6. The disclosure of the document(s) indicated above at this stage of the investigation would reveal sensitive information that would jeopardize the investigation by revealing either the identity of a confidential informant or potential suspects and evidence which could endanger the safety and welfare of witnesses, lead to tampering with witnesses or destruction of evidence. Thus, the document(s) contain sensitive and confidential information that needs to be protected at this stage of the investigation.

7. Pursuant to Florida Rules of Judicial Administration 2.420(f)(1)(A) and 2.420(c)(9)(A), the Court's determination of confidentiality of the search warrants, search warrant affidavits, and any exhibits as described above should be made *in camera*, in order to: (a) prevent a serious and imminent threat to the fair, impartial and orderly administration of justice; (b) protect a compelling governmental interest; (c) obtain evidence to determine legal issue issues in a case; and/or (d) avoid substantial injury to an innocent third party. In addition, there are no less restrictive measures available to protect the interests of law enforcement, the ongoing investigation or the safety of the third party.

8. This *Motion for an In Camera Determination of the Confidentiality of Court Records* and any Order pertaining to said Motion will be filed with the Clerk's office.

9. Pursuant to Florida Rule of Judicial Procedure 2.420(f)(3)(C), this Court can enter an Order requiring that the document(s) indicated above remain confidential and sealed for up to 120 days, unless extended, or until further order of this Court.

10. Pursuant to Florida Rule of Judicial Procedure 2.420(f)(3), any motion made pursuant to this subdivision must be treated as confidential and indicated on the docket by generic title only. Orders should not be published and the clerk of the court should only reflect the entry of the order.

11. In order to protect the interest set forth above, the undersigned requests the Court to conduct a review of all of the document(s) indicated above *in camera*.

Wherefore, the State of Florida, moves this Honorable Court to grant this *Motion for an In Camera Determination of the Confidentiality of Court Records*, after conducting an *in camera* review of all of the document(s) indicated above, and enter an *in camera* Order finding that the document(s) indicated above are confidential and should not be available for public inspection for 120 days or until further Order of this Court.

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion and Order will be furnished to the Clerk of the Thirteenth Judicial Court, this 28th day of July, 2020.

Respectfully Submitted,

ANDREW WARREN Jennifer Johnson

STATE ATTORNEY Assistant State Attorney

Attested By: Cley Hobelmann

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CRIMINAL DIVISION**

In Re: Specified Search Warrant, Search

Warrant Affidavit, and Any Exhibits

Case No:

for Specified technical data pertaining to the use of cellular phone number 813-327-0238

**ORDER GRANTING MOTION FOR AN *IN CAMERA* DETERMINATION OF THE
CONFIDENTIALITY OF COURT RECORDS**

The court has reviewed the *Motion for an In Camera Determination of the Confidentiality of Court Records* submitted in accordance with Florida Rule of Judicial Administration 2.420(f)(3). According to the motion, there is presently an ongoing felony investigation regarding the following matter:

Agency: Hillsborough County Sheriff's Office

Report Number:20-467269

Potential Criminal Charges: First Degree Felony Murder

The motion requests that this court find the following documents are confidential: Search warrant, search warrant affidavit, and any exhibits;

After conducting an *in camera* review, the court finds it necessary at this stage of the investigation to prevent the disclosure of the document(s) indicated above in order to protect sensitive information that, if disclosed, would jeopardize the investigation. The court finds that disclosure of this information would reveal either the identity of a confidential informant or active criminal investigation information. Active criminal investigation includes potential suspects and evidence which could:

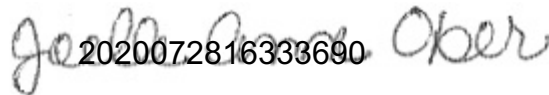
The Court hereby GRANTS the *Motion for an In Camera Determination of the Confidentiality of Court Records* and ORDERS and ADJUDGES that the Hillsborough County Clerk of the Circuit Court must maintain the document(s) indicated above as confidential and sealed to prevent the release of the document(s) to the public until 120 days have elapsed from the

date of this order, unless extended, or until further order of this court. This order does not prevent the state from disclosure of any information as may be required under the state's discovery obligations.

The *Motion for an In Camera Determination of the Confidentiality of Court Records* and this order must be filed with the clerk in accordance with Administrative Order S-2006-146 (*Clerk's Administrative File*). Under Florida Rule of Judicial Administration 2.420(f)(3), any motion made in accordance with this subdivision must be treated as confidential and indicated on the docket by generic title only. The clerk is directed to not publish this order. The docket must indicate only the entry of this order.

It is ORDERED in Hillsborough County, Florida, on 28th July 2020.

Joelle Ann Ober

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JUDGE

THIRTEENTH JUDICIAL CIRCUIT

HILLSBOROUGH COUNTY, FLORIDA

**INVENTORY AND RECEIPT OF PROPERTY SEIZED
UNDER THE WITHIN SEARCH WARRANT**

EXHIBIT NUMBER	TYPE OF ITEM	LOCATION FOUND	FOUND BY
<u>1</u>	<u>Cellular data information for 813-327-0238 (Deyaneira Lopez - Last Item -</u>	<u>HCSO</u>	<u>C. Hobelmann</u>

This 28 day of July, A.D., 2020.

RETURN

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Received the within search warrant on the 28 day of July, A.D., 2020, and executed the same in Hillsborough County, Florida, on the 28 day of July, A.D., 2020, by searching the premises described herein and by taking into my custody and possession the following described property, to-wit:

SEE ABOVE LISTED INVENTORY

And I further executed the said warrant by arresting David Vasquez Malave and by delivering a duplicate copy of this warrant to Evidence and by making and delivering to the said HCSO Evidence, a true inventory of the above described property.

OFFICER

I, Cley S. Hobelmann the officer by whom the foregoing warrant was executed, do swear the above inventory contains a true and detailed account of all property taken by me on said warrant. Cley S. Hobelmann 235759

Sworn to and subscribed before me [Signature] #249763, Notary Public, State of Florida, this 1 day of September, A.D., 2020,

My commission expires Active LEO, 2020.