

the Court is a district court of the United States that has jurisdiction over the offense being investigated. *See* 18 U.S.C. § 2711(3)(A)(i).

3. A court order under § 2703(d) “shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.” 18 U.S.C. § 2703(d). Accordingly, the next section of this application sets forth specific and articulable facts showing that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation.

THE RELEVANT FACTS

4. The United States is investigating the moniker “elonmuskwhm” (ELM), which has advertised a service on multiple peer-to-peer cryptocurrency exchanges and dark web marketplaces to provide cash by mail within the United States in exchange for cryptocurrency. The investigation concerns possible violations of, inter alia, 18 U.S.C. §§ 371 (Conspiracy), 1956 (Money Laundering, Conspiracy), and 1960 (Unlicensed Money Transmitting Business).

5. The United States has conducted multiple, undercover transactions with the ELM moniker, in which the United States provided bitcoin (BTC) to an address specified by ELM, and cash was mailed to a name and address specified by the United States. While arranging one such transaction, the United States told ELM that the BTC originated from the proceeds of drug sales.

6. While communicating about this transaction, ELM sent a link to a YouTube video, <https://youtu.be/lRQu71VPl2s>, on January 3, 2023, at approximately 3:22 PM UTC. In response, the United States sent links to two additional YouTube videos, <https://www.youtube.com/watch?v=nI2Y9pQIqIA> and

<https://www.youtube.com/watch?v=G2OE7I4vQqs>, on January 4, 2023, at approximately 2:52 PM UTC and 3:12 PM UTC, respectively.

7. Google operates YouTube. In order to send a link to a YouTube video, it is likely that the user operating the ELM moniker accessed the video on the YouTube site. Additionally, if the user accessed the links sent by the United States, the user would have connected to the YouTube site in order to view the videos.

8. As of February 28, 2023, the video hosted at URL <https://youtu.be/IRQu71VPI2s> had been posted for approximately three years and had been viewed approximately 24,000 times. The video hosted at URL <https://www.youtube.com/watch?v=G2OE7I4vQqs> had been posted for approximately one year and had been viewed approximately 1,400 times. The video hosted at URL <https://www.youtube.com/watch?v=nI2Y9pQIqIA> had been posted for approximately one year and had been viewed approximately 2,000 times. This application requests an order commanding Google to provide records and information associated with Google accounts or IP addresses accessing YouTube videos for a one week period, between January 1, 2023, and January 8, 2023. There is reason to believe that these records would be relevant and material to an ongoing criminal investigation, including by providing identification information about the perpetrators.

REQUEST FOR ORDER

9. The facts set forth in the previous section show that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation. Specifically, these items will help the United States to identify and locate the individual(s) who are responsible for the events described above, and to determine the nature and scope of their activities. Accordingly, the United States

requests that Google be directed to produce all items described in Part II of Attachment A to the proposed Order.

10. The United States further requests that the Order require Google not to notify any person, including the subscribers or customers of the account(s) listed in Part I of Attachment A, of the existence of the Order for a time period of one year. *See* 18 U.S.C. § 2705(b). This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.* In this case, such an order would be appropriate because the requested Order relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the requested Order will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, or change patterns of behavior. *See* 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

11. The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

/s/ Kathryn M. Dieruf
Kathryn M. Dieruf
Assistant United States Attorney
United States Attorney's Office
Eastern District of Kentucky
260 W. Vine Street
Lexington, Kentucky 40502
(859)685-4885
Kathryn.Dieruf@usdoj.gov