

UNITED STATES DISTRICT COURT

for the
Western District of Missouri

In the Matter of the Search of

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

Information associated with the electronic account for PlayStation user "Speedola20," utilized by Curtis Alexander and stored at the premises maintained, controlled, or operated by Sony Interactive Entertainment America LLC at 2207 Bridgepointe Parkway, San Mateo, California 94404

Case No. 19-SW-00364-JTM

APPLICATION FOR A SEARCH WARRANT

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

See Attachment A

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

See Attachment B

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

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

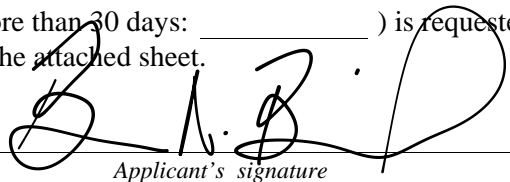
The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1), (b)(1)(A), and 846	Conspiracy to possess, manufacture or distribute cocaine

The application is based on these facts:

See attached Affidavit

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



Applicant's signature

SA Ben Brousil, Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/22/2019



Judge's signature

City and state: Kansas City, Missouri

Honorable John T. Maughmer, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Ben A. Brousil, being duly sworn, do hereby depose and state:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) currently assigned to the Gang/Criminal Enterprise Squad. I have been a Special Agent with the FBI since February of 2011. My current duties at the FBI are to investigate violations of federal drug laws and other violent crimes. As part of these duties, I have served as an investigator on illegal drug and violent gang investigations. As part of those investigations, I have served numerous applications seeking Title III wire/electronic intercepts, Pen Registers, Trap and Trace information, global positioning system (GPS) information, and information from social media platforms.

2. As a Federal Agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with the authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Sony Interactive Entertainment America LLC (hereafter “Sony”) to disclose to the Government records and other information, including the contents of communications, associated with the PlayStation user “Speedola20” that is stored at premises owned, maintained, controlled, or operated by Sony, a company headquartered at 2207 Bridgepointe Parkway, San Mateo, California 94404. The property to be searched by the Government is described in the following paragraphs in Attachment A. The information to be disclosed and seized as a result of the search is described in the following paragraphs and in Attachment B.

4. The statements in this affidavit are based in part on information provided by other law enforcement officers, as well as documents and reports prepared by others, and on my experience and background as a Special Agent of the FBI. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for the requested warrants and not all of my knowledge about this matter.

5. Based on the facts as set forth in this affidavit, there is probable cause to believe that the information described in Attachments A and B contains contraband, evidence, fruits, and/or instrumentalities of violations of 21 U.S.C. § 841(a)(1), (b)(1)(A), and 846 (conspiracy to possess, manufacture or distribute cocaine), as described in Attachment B.

JURISDICTION

6. This Court has jurisdiction to issue the requested warrants because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711 and 18 U.S.C. § 2703(a), (b)(1)(A), and (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that — (i) has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

4. On July 11, 2019, investigators met with an FBI Confidential Human Source (CHS) who has been proven to be truthful and reliable. The CHS stated he/she had information regarding a multi-kilogram level cocaine dealer in Kansas City, Missouri who goes by the moniker “Dola” (known to investigators to be Curtis ALEXANDER). The CHS stated ALEXANDER utilizes PlayStation and the PlayStation Messaging Application (hereafter referred to as “PlayStation Messaging”) to communicate and arrange cocaine transactions. The CHS stated ALEXANDER

was currently charging \$34,000 per kilogram of cocaine. The CHS stated ALEXANDER utilizes the PlayStation user name “Speedola20”.

5. The CHS showed investigators a screenshot of messages sent to ALEXANDER. The screen shots included the following communications between the CHS and ALEXANDER that included conversations surrounding the purchase of cocaine by the CHS from ALEXANDER:

a. On April 27, 2019, the CHS sent ALEXANDER a message through PlayStation Messaging that read, “Bro, Need a bug”. The CHS explained that a “bug” was coded language understood by ALEXANDER to be short for a “Nina Bug” which was code for nine ounces of cocaine. The CHS stated ALEXANDER later contacted the CHS through the PlayStation gaming console “during game.” The phrase “during game” is a reference to audio communication held during the CHS and ALEXANDER’s participation in an online multi-player game. Investigators believe that ALEXANDER likely believes that audio communication during the course of his participation in an online game is secure. As such, ALEXANDER likely believes that he can use audio communication during game play on the PlayStation to arrange the details of a drug transaction, similar to ALEXANDER’s use of PlayStation Messaging to conduct drug transactions.

b. On May 1, 2019, ALEXANDER contacted the CHS through PlayStation Messaging and sent the message, “What’s the deal bro, you good”. The CHS stated ALEXANDER was inquiring if the CHS was in possession of enough money to purchase cocaine from ALEXANDER. The CHS replied through PlayStation Messaging with “Gucci”, meaning he/she was ready to conduct a cocaine transaction.

6. On August 30, 2019, investigators met with the CHS for the purpose of conducting a controlled drug transaction with ALEXANDER. The CHS placed a consensually monitored

telephone call to ALEXANDER at (816) 778-1303. The CHS and ALEXANDER agreed to meet at the Velvet Freeze Daiquiri Bar, 1827 Vine Street, Kansas City, Missouri. The CHS was provided \$4,950 in pre-recorded buy money and surveilled to the pre-arranged meeting location. At approximately 4:54 p.m., investigators observed ALEXANDER arrive at the location driving a grey Chevrolet Tahoe. The CHS approached ALEXANDER's vehicle. ALEXANDER exited the vehicle with an approximately eight year old child. The CHS, ALEXANDER, and the child entered the Daiquiri Bar. After approximately fifteen minutes, the CHS, ALEXANDER and the child exited the bar and entered the Tahoe. The CHS gave ALEXANDER \$4,400 in pre-recorded buy money and ALEXANDER then handed the CHS a clear plastic baggie containing a white substance shaped like a block. As the transaction concluded, ALEXANDER told the CHS he wished to have a private conversation later that evening on the "game", referring to a conversation during gameplay of a multi-player online game through the PlayStation. The CHS agreed and exited ALEXANDER's vehicle. ALEXANDER departed the area and the CHS was followed to a predetermined meeting location.

7. The CHS immediately handed investigators the purchased evidence which weighed 103.3 grams, and the \$550 in unused buy money. The purchased evidence tested positive for the presence of cocaine using a TruNarc drug identification device and appeared to be the corner of a kilogram brick of cocaine removed from the whole brick. The CHS was asked about the conversation ALEXANDER requested to have during the course of gameplay on the PlayStation. The CHS stated the conversation ALEXANDER wished to have concerned drug trafficking activity.

8. Investigators contacted the CHS the week of September 2, 2019 to inquire about the content of the PlayStation conversation ALEXANDER requested to have with the CHS on

August 30, 2019. The CHS indicated ALEXANDER stated during the course of this conversation through the PlayStation that he was down to one ounce of cocaine remaining but was about to make a large purchase with several unknown individuals. The CHS interpreted this to mean that ALEXANDER was pooling his money with unknown individuals to go see his cocaine source of supply to make a significant purchase of cocaine.

9. On September 27, 2019, through September 30, 2019, the CHS and ALEXANDER conducted the following text conversation over PlayStation Messaging, as observed by investigators:

CHS: You by the game, yo ass talk about me

ALEXANDER: Nigga I been on the game u the 1 ain't been on

CHS: Man I need to link with u

ALEXANDER: U ain't got a phone yet I go I just been waiting on you to Activate it it it's just for you to call

CHS: Ok bet one tomorrow I told you the boat been kicking my ass but I can get one tomorrow what that new number And I need a better ticket bro

ALEXANDER: You get a phone and we will talk

Investigators believe ALEXANDER informed the CHS that he purchased a new cellular telephone expressly for the purpose of discussing, arranging and executing narcotics transactions with the CHS. Investigators know from training and experience that it is common for upper level dealers of illegal controlled substances to compartmentalize their use of cellular telephones in an effort to frustrate law enforcement and minimize the amount of information compromised in the event the telephone is seized by law enforcement. The CHS requested ALEXANDER give the CHS a "better ticket" referring to a cheaper price for cocaine.

INFORMATION REGARDING SONY AND PLAYSTATION

10. I have learned that PlayStation is a video game console developed by Sony that is capable of connecting to the internet. The most recent PlayStation consoles connect to the internet through the PlayStation Network (PSN), an online digital media entertainment service whose features include Friends Lists (up to 2,000 friends), online gaming (including multiplayer gaming), and instant messaging. The PSN can also be accessed through other compatible digital devices such as smartphones, tablets, and televisions that connect to the internet. PSN allows users access to a digital media store called the PlayStation Store, where users can purchase and download digital content, such as video games. Purchases on the PlayStation Store are made using a “wallet” system whereby funds are added to the wallet, such as by a credit or debit card, and then debited from the user’s wallet when the user makes a purchase. Users can also purchase PSN Cards from retailers and redeem these funds in the PlayStation Store by entering a unique 12-digit code found on the card into the PlayStation Store.

11. Sony collects various information about its users through varied means, which include information directly provided by the user, information automatically collected, and information received from third parties. In addition to the items identified below, information collected may include stored or preserved copies of emails, chats, or other messages sent to and from the account, drafts of such, and the source and destination addresses associated with each, the date and time at which each was sent, and the size and length of each.

12. The information provided by the user includes information provided to Sony by the user during the Registration or Account Creation Processes, Purchase Processes, and Technical and Customer Support Processes. During the Registration or Account Creation Processes, the user is asked to provide Contact information (e.g., name, email or mailing address, or phone number);

Account Administration information (e.g., user name, password, or security questions); Billing information (e.g., credit card or other payment number, billing address); and Profile information (e.g. profile photo, languages, likes). During the Purchase Processes, Sony may ask the user to provide his/her name, along with contact and billing information, and during the Technical and Customer Support Processes Sony may ask the user to provide contact information related to the user's issue.

13. The information that is automatically collected by Sony includes:
 - a. Web browsing, network or service usage data, such as browser type, internet service provider (ISP), IP address, referring/exit pages, operating system, date/time stamp, and clickstream data;
 - b. Network connected hardware (e.g., computer, gaming console, or mobile device) data, such as a unique device identifier, type, model, version, error related data, status, capability, configuration, functionality, performance data, and connection type;
 - c. Network connected software data, such as application utilization, game play, game or system video and audio, progress, utilization, performance, peripheral and device use, services requested and used, or content downloaded and viewed;
 - d. Physical or geographic location data, such as country, region, city, or latitude and longitude. For example, to provide location-based game matching services, Sony may collect latitude and longitude.

14. Sony also supplements the information it collects from its users with information obtained from third parties. For example, if one links one's Account on PSN ("Account") to one's game, social media, or other accounts, Sony may receive data from the providers of those accounts.¹

¹ Information obtained from <https://www.playstation.com/en-us/network/legal/privacy-policy/>, and supplemented by internet searches of wikipedia.org and www.lifewire.com.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

15. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. § 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the warrant to require Sony to disclose to the Government copies of the records and other information (including the content of communications and stored data) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, Government-authorized persons will review that information to locate the items described in Section II of Attachment B.

16. This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any Government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the Government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the Government and their support staff for independent review.

CONCLUSION

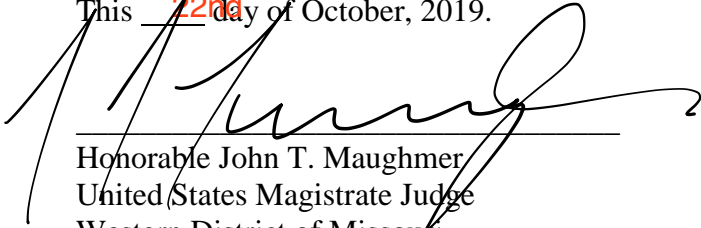
17. Based on the foregoing, investigators believe ALEXANDER is utilizing PlayStation and PlayStation Messaging to discuss, plan and arrange transactions of illegal controlled substances. Investigators further believe based on experience and CHS information that ALEXANDER uses PlayStation and PlayStation Messaging to communicate with additional unknown individuals to facilitate the sale of illegal controlled substances. I respectfully request that the Court issue the proposed search warrant.

18. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of these warrants.



Ben A. Brousil, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
This 22nd day of October, 2019.



Honorable John T. Maughmer
United States Magistrate Judge
Western District of Missouri

ATTACHMENT A - Sony Interactive Entertainment, LLC

Property to Be Searched

This warrant applies to information associated with the electronic account (“the Account”) for PlayStation user “Speedola20,” utilized by Curtis Alexander and stored at the premises maintained, controlled, or operated by Sony Interactive Entertainment, LLC, a company with principal offices at 2207 Bridgepointe Parkway, San Mateo, California 94404, that accepts service of process through Corporation Service Company, 221 Bolivar Street, Jefferson City, Missouri 65101.

ATTACHMENT B - Sony Interactive Entertainment, LLC
Particular Things to be Seized

I. Information to be disclosed by Sony Interactive Entertainment, LLC

To the extent that the information described in Attachment A is within the possession, custody, or control of Sony Interactive Entertainment, LLC (“Sony”), including any messages, records, files, logs, images, videos, or information that have been deleted but are still available to Sony, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Sony is required to disclose the following information to the Government for each Account or identifier listed in Attachment A:

- a. The contents of all communications associated with the Account identified in Attachment A, including stored or preserved copies of emails, chats, or other messages sent to and from the Account, drafts of such, and the source and destination addresses associated with each, the date and time at which each was sent, and the size and length of each;
- b. All records or other information regarding the identification of the Account, to include full name, physical address, telephone numbers and other identifiers, passwords associated with the Account, Sony PlayStation security questions and answers, records of session times and durations, the date on which the Account was created, the length of service, the types of service utilized, the IP address used to register the Account, log-in IP addresses associated with session times and dates, Account status, alternative email addresses provided during registration, methods of connecting, log files, and means and sources of payment (including any credit or bank account number);
- c. The types of services utilized, games played, and content consumed (movies and/or videos downloaded or viewed);
- d. All records pertaining to communications between Sony and any person regarding the Account, including contacts with support services and records of actions taken;
- e. Purchase and payment information, including billing address, shipping address, payment instruments, and redemption codes associated with any Sony or PlayStation services used by the Account listed in Attachment A;
- f. All profile information (e.g., profile photo, user bio information, languages, likes, and information shared through a “share” button on any game system utilized by the Account listed in Attachment A);
- g. All friends list information;
- h. Displays of real names or photographs, within games;

- i. All web browsing, network or service usage data, such as browser type, internet service provider (ISP), IP address, referring/exit pages, operating system, date/time stamp, and clickstream data;
- j. All network connected hardware (e.g., computer, gaming console, or mobile device) data, such as a unique device identifier, type, model, version, error related data, status, capability, configuration, functionality, performance data, and connection type;
- k. All network connected software data, such as application utilization, game play, game or system video and audio, progress, utilization, performance, peripheral and device use, services requested and used, and content downloaded and/or viewed;
- l. Physical or geographic location data, such as country, region, city, or latitude and longitude;
- m. Information pertaining to any third party accounts linked to the Account or identifier listed in Attachment A, such as social media accounts, and data received by Sony from the providers of those linked accounts, or otherwise maintained by Sony, regarding those linked accounts.
- n. The identity of the person(s) who communicated with the user ID about matters relating to drug trafficking, including records that help reveal their whereabouts.

II. Information to be seized by the government

All information described above in Section I that constitutes contraband, evidence, fruits, and/or instrumentalities of violations of 21 U.S.C. § 841(a)(1), (b)(1)(A) and 846 (conspiracy to possess with intent to manufacture, dispense or distribute cocaine), involving Curtis Alexander, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- a. Images, videos, and other files constituting, containing, or regarding the possession of or intent to sell illegal controlled substances;
- b. Communication or documentation regarding the production, distribution, receipt, transportation, possession or payment for illegal controlled substances;
- c. All images, messages, communications, calendar entries, and contacts related to any steps, including any and all preparatory steps, taken in furtherance of these crimes;
- d. Records relating to who created, used, or communicated with the Account, including records about their identities and whereabouts;
- e. Evidence of the times the Account listed on Attachment A was used;
- f. All purchasing and billing records (e.g., credit card, redemption codes, or other payment number, billing address), to include records of purchases from the PlayStation Store made by the Account or identifier listed in Attachment A.

The Provider is hereby ordered to disclose the above information to the Government within 14 days of service of this warrant.