




UNITED STATES DISTRICT COURT

for the
Middle District of Pennsylvania 

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
THE PERSON OF SCOTT PERRY, DOB ,
AND INFORMATION ASSOCIATED WITH THE
SUBJECT PHONE 

Case No. 1:22-mc-00602

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

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 Attachments A-1 and A-2

located in the Middle District of Pennsylvania , there is now concealed *(identify the person or describe the property to be seized)*:
See Attachments B-1 and B-2



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> 18 USC 1512(c) and (k), 1001, and 371	<i>Offense Description</i> (attempted obstruction of an official proceeding and conspiracy to obstruct an official proceeding; false statements; conspiracy to defraud the United States)
---	--

The application is based on these facts:
See Attached Affidavit

- Continued on the attached sheet.
- Delayed notice of 30 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 



Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 *(specify reliable electronic means)*.

Date: 08/02/2022

City and state: Harrisburg, Pennsylvania



Judge's signature

Susan E. Schwab, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH AND SEIZURE
WARRANT**

I, [REDACTED], being first duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the search of United States Congressman Scott Perry (“Perry”) and a cell phone assigned the call number [REDACTED] (“Subject Phone”).

2. I make this affidavit in support of applications under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises, persons, and information described below and further described in Attachments A-1 and A-2, for the things described in Attachments B-1 and B-2.

3. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and am currently assigned to the [REDACTED]. I have been employed as a Special Agent since [REDACTED].

[REDACTED] I have been assigned to investigations involving [REDACTED]

[REDACTED]

[REDACTED] amongst other criminal activities. I was previously assigned to investigate [REDACTED]

[REDACTED]

[REDACTED]

4. [REDACTED]

[REDACTED]

[REDACTED]

¹ All dates, times, and amounts in this affidavit are approximations. The phrases “on or about” and “approximately” are omitted for clarity.

[REDACTED]

5. During my time in law enforcement, I have participated in and conducted numerous federal criminal investigations, including those involving fraud and voluminous electronic evidence. I have extensive training and experience in such investigations, including the criminal statutes underlying those investigations. I have also participated in the execution of numerous search warrants related to these investigations. [REDACTED]

[REDACTED]

6. The facts in this affidavit come from my personal observations, my training and experience, records received pursuant to legal process or otherwise, and information obtained from other agents—including Special Agents with the Department of Justice, Office of the Inspector General—witnesses, agencies, and publicly available sources. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant. It does not set forth all of my knowledge, or the knowledge of others, about this matter.²

² Counts of emails, calls, and other contacts between parties are approximations. These figures are based on a current understanding of evidence and information available to the investigative team. While every effort has been made to ensure accuracy, the dates, times, and figures stated herein are subject to modification as new information is obtained and analysis is further refined.

7. Based on my training and experience and the facts as set forth in this affidavit, I respectfully submit that there is probable cause to believe that violations of 18 U.S.C. § 1512(c)(2) and (k) (attempted obstruction of an official proceeding and conspiracy to obstruct an official proceeding), § 1001 (false statements) and § 371 (conspiracy to defraud the United States) (collectively, “Target Offenses”) have been committed by former Department of Justice (“DOJ”) Assistant Attorney General [REDACTED] and others. There is also probable cause to believe that evidence of these crimes is contained on the **Subject Phone**.

Summary of Probable Cause

The Subject Phone

8. The **Subject Phone** is currently believed to be an Apple iPhone 12 Pro Max, IMEI [REDACTED] that is assigned telephone number [REDACTED] Service to the **Subject Phone** is provided by AT&T. Information obtained [REDACTED] indicates that the **Subject Phone** has been registered to a user named “Scott G Perry” since approximately June 2016. The subscriber address for the **Subject Phone** matches an address in [REDACTED] [REDACTED] believed to be Perry’s home address. Records [REDACTED] indicate that through at least January 31, 2021, the **Subject Phone** was an iPhone 8 Plus. At some point between February 1, 2021, and April 2022, Perry upgraded to the current **Subject Phone**, an iPhone 12 Pro Max. Because both devices used the same phone number and were registered to the same person, both devices are referred to herein as the **Subject Phone**. In my training and experience, I know that people often transfer data (including contacts, calendars, notes, voice memos, photos, text and multimedia messages, and iMessages) when upgrading devices. This process is relatively easy to perform, either by store personnel or by the individual subscriber. Thus, it is likely that information on the original **Subject Phone** (the iPhone 8 Plus) has been transferred to the current **Subject Phone** (the iPhone 12 Pro Max).

Certain Relevant Individuals

9. Perry is the United States Congressional representative for Pennsylvania's 10th District. Perry has served as a Congressman since January 2013. As described herein, evidence indicates that Perry used the **Subject Phone** to communicate with numerous individuals involved in the effort to promote claims of election fraud and to overturn the results of the 2020 presidential election. Evidence also reveals that Perry communicated with relevant individuals via email. Subscriber information indicates that at relevant times, Perry used the email address [REDACTED] (the "Perry Account").

10. [REDACTED] served as the Assistant Attorney General for DOJ's Environment and Natural Resources Division ("ENRD") from November 1, 2018, until January 14, 2021, and as the Acting Assistant Attorney General for DOJ's Civil Division from September 3, 2020, until January 14, 2021. Records [REDACTED] show that during the relevant time frame Perry and [REDACTED] communicated via the **Subject Phone**. Additionally, email header information shows that Perry and [REDACTED] communicated by email in 2020 and 2021, including during the timeframe of the events described below. Subscriber records indicate that [REDACTED] controlled the email accounts [REDACTED] (the "[REDACTED] Outlook Account") and [REDACTED] (the "[REDACTED] Gmail Account").

11. [REDACTED] served as Senior Counsel in DOJ's Civil Division from approximately December 14, 2020, until January 20, 2021. At relevant times, [REDACTED] maintained a personal email account bearing the address [REDACTED] (the "[REDACTED] Account"). [REDACTED] also had a DOJ email address during his tenure there. Records

██████████ show that during the relevant time frame ██████████ and Perry communicated via the **Subject Phone**. Additionally, email header information indicates that in November and December 2020, ██████████ and Perry communicated by email. Records further indicate that ██████████ communicated with ██████████ by both phone and email.

12. ██████████ (“██████████”) served as former President Donald J. Trump’s Chief of Staff from on or about March 31, 2020, until on or about January 20, 2021. Records ██████████ ██████████ show that during the relevant time frame ██████████ and Perry communicated via the **Subject Phone**. Additionally, email header information shows that ██████████ communicated with Perry by email. Subscriber records indicate that ██████████ maintained a personal email account bearing the address ██████████ (the “██████████ Account”).

13. At all relevant times, Donald J. Trump for President, Inc., was the formal name of the Trump Campaign (the “Trump Campaign”).

14. ██████████ was a professor at Chapman University School of Law until his retirement on or about January 13, 2021. Between approximately September 2020 and January 2021, ██████████ also appears to have performed legal work on behalf of former President Trump and the Trump Campaign. ██████████ maintained a Chapman University email account bearing the address ██████████ (the “██████████ Account”). As described below, evidence indicates that in December 2020 and January 2021, ██████████ communicated with Perry, ██████████ ██████████ and ██████████ via email. ██████████ further communicated with ██████████, ██████████ ██████████ and others via phone.

15. [REDACTED] is an individual who is believed to reside in [REDACTED].³ Records [REDACTED] indicate that [REDACTED] communicated by phone and text with the **Subject Phone**. Additionally, between September 24, 2019, and April 16, 2022, [REDACTED], using the email account [REDACTED] (the “[REDACTED] Account”), sent hundreds of emails to Perry and to [REDACTED].

Background Related to the 2020 Election

16. The United States presidential election took place on November 3, 2020. On approximately November 7, 2020, Joseph R. Biden Jr. was projected to be the winner. The electors who were chosen by the voters in each of the 50 states and the District of Columbia were then appointed by the governor or state executive to serve as electors in a Certificate of Ascertainment bearing the state seal and filed with the Archivist of the United States, *see* 3 U.S.C. § 6. These electors met in their respective jurisdictions on December 14, 2020, to formally cast their votes for president, resulting in a total of 306 electoral votes for Joseph R. Biden Jr. and 236 for Donald J. Trump. On January 6, 2021, a joint session of Congress was convened. The electoral votes were counted, and Joseph R. Biden Jr. was formally declared the winner of the election. From at least November 3, 2020, through at least January 6, 2021, individuals associated with former President Trump and the Trump Campaign attempted to overturn the outcome of the presidential election through various interrelated efforts. In large part, this attempt focused on challenging the validity of the election results in seven swing states, six of which President-elect Biden won by

³ The user information for the [REDACTED] Account does not list a street address but does include a ZIP code of [REDACTED], which corresponds to [REDACTED].

comparatively narrow margins: Arizona, Georgia, Michigan, Nevada, New Mexico (which President Biden won by over 10%), Pennsylvania, and Wisconsin.

17. The effort to undermine the results of the election took many forms. As described below, these forms included: an effort by individuals to hold themselves out as duly authorized presidential electors when in fact they were not; an effort by ██████ and others to have DOJ send a letter to certain state governmental leaders reporting that DOJ had “identified significant concerns” relating to the election that may have impacted the outcome of the election in multiple states, including Georgia; an effort to install ██████ as Acting Attorney General so that ██████ could send the proposed letter; and the filing of unsubstantiated fraud lawsuits.

18. This affidavit focuses largely on the portion of the effort related to ██████ proposed DOJ letter and the attempt to appoint ██████ as Acting Attorney General. Although the emphasis of this affidavit relates to ██████ and the proposed DOJ letter, other facets of the attempt to overturn the election will be discussed herein, as each is relevant to establishing the identities of, and relationships between, the participants in the Target Offenses, as well as the motive, intent, knowledge, plan, and preparation of pertinent individuals.

19. The official proceeding that ██████ and others attempted to obstruct was the joint session of Congress on January 6, 2021, at which the certificates of the electoral votes for president and vice president were opened, presented, and counted. *See United States v. Sandlin*, --- F. Supp. 3d ----, 2021 WL 5865006, at *5 (D.D.C. Dec. 10, 2021) (“Congress’s Joint Session to certify the electoral results on January 6 constituted an ‘official proceeding’ under § 1512(c)(2)”); *see also United States v. Bozell*, No. 21-CR-216 (JDB), 2022 WL 474144, at *5 (D.D.C. Feb. 16, 2022); *United States v. Nordean*, --- F. Supp. 3d ----, 2021 WL 6134595, at *5 (D.D.C. Dec. 28, 2021); *United States v. Montgomery*, --- F. Supp. 3d ----, 2021 WL 6134591, at *4 (D.D.C. Dec.

28, 2021); *United States v. Mostofsky*, --- F. Supp. 3d ----, 2021 WL 6049891, at *11 (D.D.C. Dec. 21, 2021); *United States v. Caldwell*, --- F. Supp. 3d ----, 2021 WL 6062718, at *7 (D.D.C. Dec. 20, 2021) (all holding that Congress’s certification of the electoral college votes on January 6 was an official proceeding).

20. As set forth below, I respectfully submit that there is probable cause to believe that █████ along with others, conspired and attempted to corruptly obstruct the United States Congress’s certification of the election results, including by knowingly making false statements. As set out below, evidence to date indicates that during times relevant to the investigation, Perry communicated with █████ and with others connected to the proposed DOJ letter, the appointment of █████ as Acting Attorney General, and other aspects of the effort to overturn the election outcome. Many of these communications are believed to have occurred via the **Subject Phone**.

Overview of the Target Offenses

21. The Target Offenses were carried out as part of interrelated efforts to obstruct, influence, or impede the lawful and orderly certification of the 2020 presidential election results by Congress for the winner, President Biden. These efforts included the following:

- a. In five states in which former President Trump lost by relatively narrow margins (Arizona, Georgia, Michigan, Nevada, and Wisconsin), persons supporting former President Trump signed and submitted, to the President of the United States Senate, the Archivist of the United States, and others, “certificates” claiming that they were the “duly elected and qualified Electors” from their state, even though the legitimately chosen and appointed electors in these states were the electors in favor of President-elect Biden. Persons supporting former President Trump in two additional states (New Mexico and Pennsylvania) also signed “certificates,” but with qualifying language, as further described herein.

- b. As part of a scheme that began at least around December 20, 2020, ██████ proposed that DOJ send a letter to governors and state legislators in several states (including Georgia) falsely stating that DOJ had “identified significant concerns that may have impacted the outcome of the election in multiple states.” The letter referenced the submission by the pertinent states of multiple sets of electors, declared that the state legislatures have the inherent authority to appoint electors, and urged the states to convene special legislative sessions to evaluate alleged irregularities in the election and consider whether the election failed to make a proper and valid choice between the candidates. The Acting Attorney General and Acting Deputy Attorney General rejected ██████ proposed letter, noting that DOJ had not found evidence of widespread fraud that may have altered the outcome of the election. At the time this letter was proposed, numerous election fraud lawsuits in several states had already failed, with some courts noting the lack of evidence to support the allegations. None had succeeded. Among the contested states, recounts were conducted in two counties in Wisconsin and at the statewide level in Georgia. At the time the letter was proposed, recounts in both these states had confirmed the validity of the electoral results in favor of President-elect Biden.
- c. Thereafter, an effort was undertaken to install ██████ as the Acting Attorney General, which would have enabled ██████ to send the desired letter. The plan to appoint ██████ as Acting Attorney General was ultimately abandoned at a meeting on January 3, 2021, during which former President Trump was informed that there would be mass resignations at DOJ, as well as resignations in the Office of White House Counsel, if ██████ were named Acting Attorney General.

d. From at least early January until January 6, [REDACTED] and others attempted to convince former Vice President Pence and his staff that former Vice President Pence had the authority to reject the electors from several closely contested states at the Joint Session of Congress convened on January 6, 2021, or alternatively, to adjourn the Joint Session and give the state legislatures additional time to investigate and certify the alternate slates of electors.

22. These interrelated efforts were undertaken by various individuals in the post-election time period. Some of these efforts keyed off, or otherwise sought to leverage, the purported Elector “certificates” signed and submitted by purported electors supporting former President Trump in December 2020, but who had never been appointed electors for the State in a Certificate of Ascertainment signed by the governor and bearing the state seal, as required by 3 U.S.C. § 6.

Republican electors in several states submitted “alternate” electoral certificates, apparently hoping to preserve their ability to contest the election results

23. Before [REDACTED] drafted his factually inaccurate letter, before the effort was initiated to install [REDACTED] as Acting Attorney General, and before [REDACTED] and others attempted to convince former Vice President Pence to reject or refuse to count the electoral certificates from the seven states, the Trump Campaign had already taken extensive steps to overturn the outcome of the election. One of these steps involved securing elector certificates from “alternate” slates of electors in several closely contested states in which President Biden had won the popular vote.

24. Public reporting and this investigation have uncovered that individuals affiliated with the Trump Campaign engineered this plan and leveraged the alternate elector certificates in subsequent obstructive action, that is, to contest the election outcomes in these contested states with the goal of hindering, delaying, or preventing Congress from certifying the election in favor

of President Biden. *See* Order Re Privilege of Documents Dated January 4-7, 2021, *Eastman v. Thompson*, 8:22-cv-00099-DOC-DFM, ECF No. 260, at 36 (C.D. Cal. March 28, 2022) (finding “Based on the evidence, the Court finds it more likely than not that President Trump corruptly attempted to obstruct the Joint Session of Congress on January 6, 2021.”).

25. Thus, securing certificates from these alternate electors appears to have been part of the broader effort to overturn the election results and related to the suggestion in [REDACTED] DOJ letter that the legislatures in certain states could reconsider certification of their electoral votes. As described in greater detail below, investigation indicates that evidence relevant to the alternate elector effort may be found in the **Subject Phone**.

26. Based on the outcome of the popular vote for president and vice president, the governors of each state and the mayor of the District of Columbia, through a Certificate of Ascertainment bearing the state seal, appoint a slate of electors for the winning candidate. These appointed individuals serve as electors for each jurisdiction. The state governors and D.C. mayor transmit their Certificates of Ascertainment to the Archivist of the United States and also provide to the appointed electors six duplicate copies of the Certificate of Vote on which the appointed electors are to record their votes for president and vice president. Once the appointed electors record their votes, they transmit copies of the signed Certificates of Vote to the President of the Senate, the Archivist of the United States, the Secretary of State for their jurisdiction, and the judge of the district in which the electors have assembled. *See* 3 U.S.C. § 1, *et seq.* By statute, the electors are required to “meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct.” 3 U.S.C. § 7. This meant that, in 2020, the electors were required to meet on December 14.

27. In addition to the gubernatorially appointed electors, unappointed slates of Trump supporters also gathered in seven states, identified above, in which President-elect Biden won the popular vote. These unappointed Trump supporters transmitted certificates purporting to cast the states' electoral votes for former President Trump. The electors in two states noted that their certificates were "certified . . . on the understanding that if, as a result of a final non-appealable Court Order or other proceeding prescribed by law, we are ultimately recognized as being the duly elected and qualified Electors." The certificates from the other five states contained no such caveat. Rather, they were signed by individuals purporting to "be[] the duly elected and qualified Electors for President and Vice President" from each of the five states. However, the electoral votes in each state legitimately went to President-elect Biden, the winner of the states' popular votes, and the state governor had properly appointed in a Certificate of Ascertainment the Biden slate of electors to cast the state's electoral votes.

28. It appears that this alternate elector effort was directed by individuals within the Trump Campaign. For instance, an alternate elector from Michigan, speaking in January 2022 about the effort, stated "we fought to seat the electors. The Trump Campaign asked us to do that." Marshall Cohen, Zachary Cohen, and Dan Merica, *Trump campaign officials, led by [REDACTED], oversaw fake electors plot in 7 states*, CNN.COM, Jan. 20, 2022, [https://www.cnn.com/2022/01/20/politics/trump-campaign-officials-\[REDACTED\]fake-electors/index.html](https://www.cnn.com/2022/01/20/politics/trump-campaign-officials-[REDACTED]fake-electors/index.html) (containing content of audio recording).

29. Similarly, the Pennsylvania Republican Party issued a press release on December 14, 2020, stating that "at the request of the Trump campaign," electors in that state "met today in Harrisburg to cast a conditional vote for Donald Trump and Mike Pence for President and Vice President respectively." Penn. Republican Party, *Republican Electors Cast Procedural Vote, Seek*

to Preserve Trump Campaign Legal Challenge, Dec. 14, 2020, <http://www.pagop.org/2020/12/republican-electors-cast-procedural-vote/>. In the same press release, [REDACTED]—a Pennsylvania “alternate” elector and Pennsylvania chair of the Trump Campaign—stated, “we took the procedural vote to preserve any claims that may be presented going forward.” *Id.*

30. Other information confirms the involvement of the Trump Campaign. For example, the Government obtained an image of the envelope that contained the alternate elector certificates sent from Arizona to the Archivist of the United States. The envelope had a tracking number, and a U.S. Postal Inspector was able to determine a credit card used in the mailing of the envelope. The Government then [REDACTED]. The [REDACTED] indicated that the credit card belonged to [REDACTED]. In turn, open-source information indicates that a [REDACTED] was the Director of Election Day Operations in Arizona for the Trump Campaign.

31. Information revealed in litigation by the Select Committee to Investigate the January 6th Attack on the United States Capitol (the “Select Committee”) indicates that the alternate elector effort was considered within the White House as early as November 6, 2020. For example, on November 6, 2020, Congressman [REDACTED] sent a text message to [REDACTED] referencing a “highly controversial” “proposal” involving “state legislatures” and “governors” in “the various states where there’s been shenanigans.” *READ: Text messages [REDACTED], [REDACTED], [REDACTED] and others sent to [REDACTED], CNN.COM, updated April 25, 2022, [https://www.cnn.com/2022/04/25/politics/read-\[REDACTED\]-texts-\[REDACTED\]index.html](https://www.cnn.com/2022/04/25/politics/read-[REDACTED]-texts-[REDACTED]index.html)* (containing the content of text messages, which [REDACTED] provided to the Select Committee); *see also* Resolution Recommending that the House of Representatives find [REDACTED] in Contempt of Congress for Refusal to

Comply with a Subpoena Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, Report 117-216., at 9, Dec. 13, 2021, <https://www.congress.gov/117/crpt/hrpt216/CRPT-117hrpt216.pdf> (citing documents on file with the Select Committee (██████████ production)). ██████████ asked, “Is anybody on the team researching and considering lobbying for that?” *Id.* ██████████ replied, “I love it.” *Id.*

32. In sworn civil deposition testimony, ██████████ (“██████████”) stated that, in the days after the election, former President Trump told ██████████ “to go over and take over – take over the campaign, go tell them you’re in charge.” Videotaped Dep. of ██████████ on Aug. 14, 2021, *Coomer v. Donald Trump for President, Inc., et al.*, 2020CV34319, Filing ID E9E5DD591D201, Exhibit J-1, 27-28 (Colo. Dist. Ct., Sept. 17, 2021). ██████████ understood this direction to mean that he was to take over the “legal aspect of the campaign” and stated “I certainly took over for the chief counsel.” *Id.* at 29. ██████████ additionally testified that he built a team of lawyers for the campaign that included ██████████, ██████████, ██████████, and ██████████. *Id.* at 20-21. ██████████ and ██████████ also joined the legal team. *See id.* at 22, 30.

33. On November 18, 2020, a campaign-affiliated attorney named ██████████ ██████████ sent a legal memo to ██████████, a Wisconsin attorney believed to have represented former President Trump and the Trump Campaign, describing the plan to have alternate electors meet in several states on December 14 (the “██████████ Memo”). *See Read the Nov. 18 Memo on Alternate Trump Electors*, N.Y. TIMES, Feb. 2, 2022, <https://www.nytimes.com/interactive/2022/02/02/us/trump-electors-memo-november.html> (containing the content of the ██████████ Memo); Order Re Privilege of Documents Dated January 4-7, 2021, *Eastman v. Thompson*, ECF No. 260, at 30 n.193 (March 28, 2022) (citing *New York Times* article referenced above in holding that the work product protection for the ██████████ Memo was waived when it was

disclosed to the news media). The “to” and “from” lines on the memo are “To: Judge [REDACTED] [REDACTED]” and “From: [REDACTED],” reflecting that [REDACTED] was the likely author. That same day, according to [REDACTED], an email was sent from the [REDACTED] Account to an account believed to be controlled by [REDACTED] (the “[REDACTED] Account”). It appears that the [REDACTED] Account and the [REDACTED] Account exchanged additional emails on November 19 and November 20, 2020.

34. On December 13, 2020, [REDACTED] sent an e-mail to [REDACTED] with the subject, “PRIVILEGED AND CONFIDENTIAL – Brief notes on ‘President of the Senate’ strategy.” Congressional Defendants’ Brief in Opposition to Plaintiff’s Privilege Assertions, Exhibit A, *Eastman v. Thompson*, 8:22-cv-00099-DOC-DFM, ECF No. 350-2, at 2 (C.D. Cal. May 26, 2022), available at <https://storage.courtlistener.com/recap/gov.uscourts.cacd.841840/gov.uscourts.cacd.841840.350.2.pdf>.⁴ In the email, [REDACTED] advised that the “President of the Senate” alone “is charged with the constitutional responsibility not just to **open** the votes, but to **count** them – including making judgments about what to do if there are conflicting votes.” *Id.* (emphasis in original). He predicted this would cast continued focus on alleged “abuses” in how the election was carried out and additional “scrutiny” from courts and state legislatures “with an eye toward determining which electoral slates are the valid ones.” *Id.*

⁴ This email was forwarded to [REDACTED] on January 2, 2021, and an email from [REDACTED] to [REDACTED] attaching a document titled “2020-11-18 [REDACTED] memo on real deadline.pdf” was sent on January 4, 2021.

35. [REDACTED] letter, described in more detail below, also references the “separate slate[s] of electors supporting Donald J. Trump” that gathered to cast ballots on December 14. This letter appears to share some of the same legal analysis as the [REDACTED] memo.⁵

36. The investigation indicates that [REDACTED] was aware of and promoted the alternate elector effort. The existence of the alternate electors is referenced in two draft memoranda, apparently prepared by [REDACTED], describing a plan by which former Vice President Pence could refuse to count the electors from certain states during the Electoral College count on January 6, 2021. Jamie Gangel and Jeremy Herb, *Memo shows Trump lawyer’s six-step plan for Pence to overturn the election*, CNN.COM, Sept. 21, 2021, <https://www.cnn.com/2021/09/20/politics/trump-pence-election-memo/index.html>; *READ: Trump lawyer’s memo on six-step plan for Pence to overturn the election*, CNN.COM, Sept. 21, 2021, [https://www.cnn.com/2021/09/21/politics/read-\[REDACTED\]-memo/index.html](https://www.cnn.com/2021/09/21/politics/read-[REDACTED]-memo/index.html) (containing content of two-page memorandum); <http://cdn.cnn.com/cnn/2021/images/09/21/privileged.and.confidential--jan.3.memo.on.jan.6.scenario.pdf> (containing content of six-page memorandum); *see also Eastman v. Thompson*, 8:22-CV-00099-DOC-DFM, ECF No. 43, at 3 (citing CNN article referenced above as support for statement that [REDACTED] authored these two memos).

37. Both memos describe procedures by which former Vice President Pence could purportedly rely on the existence of the alternate slates of electors in order to throw out, or not count, the legitimate elector certificates. In turn, this could have tipped the balance of electors

⁵ For instance, both the [REDACTED] memo and the [REDACTED] letter reference the 1960 presidential election, in which Hawaii submitted a slate of electors supporting John F. Kennedy and a separate slate of electors supporting Richard M. Nixon, as precedent for the transmission of alternate electoral slates in 2020.

appointed in favor of former President Trump or delayed the process, thus advancing the goal of extending former President Trump's presidency for a second term. *See id.*

38. Not only was the plan known within the White House, but the White House Counsel's Office also did not believe the plan was legally sound. For example, ██████████ ██████████ who worked in the White House during the relevant time period, said that in multiple meetings, individuals from the White House Counsel's Office stated that the alternate elector plan was not legally sound. *See Meadows v. Pelosi*, Def.'s Mot. for Sum. J., 1:21-CV-3217-CJN, ECF No. 15-8, at 4-6 (D.D.C., April 22, 2022). According to ██████████, this statement was made in meetings as early as approximately the week of December 8, 2020. *Id.* at 8. ██████████ noted that Perry was "physically present" for at least one meeting at which White House counsel spoke against the legal feasibility of the alternate elector plan. *Id.* at 9. She further stated she recalled Perry "pushing back." *Id.*

39. Evidence indicates that the **Subject Phone** was used to communicate with at least two individuals who were involved in the alternate elector scheme in Pennsylvania. The **Subject Phone** engaged in two phone calls in December 2020 with ██████████,⁶ believed to be the Pennsylvania Republican Party chairman. ██████████ was designated to serve as a Pennsylvania elector had Trump won the state's popular vote, but he did not sign an alternate elector certificate on December 14, 2020.⁷ On December 1, 2020, the two phones engaged in a one-minute call; on

⁶ Information ██████████ shows that this cell phone number is registered to ██████████ at ██████████ address in ██████████ and bears a ██████████ area code. Thus, investigators believe that ██████████ is the user of this phone.

⁷ A representative for the Pennsylvania Republican Party stated that ██████████ "did not serve as an elector because Joe Biden won the election and it was Biden's electors that were certified." Beth

December 11, the phones connected for approximately 28 minutes. Further, on November 7, 2020, the Perry Email Account exchanged two emails with an account believed to be controlled by [REDACTED]. Additionally, on December 11, 2020, the **Subject Phone** engaged in two phone calls with [REDACTED] who signed an alternate elector certificate in Pennsylvania. The first of these calls lasted approximately one minute; the second lasted approximately six minutes.

40. Additionally, evidence indicates that the **Subject Phone** was used to communicate with Trump Campaign advisor [REDACTED] (“[REDACTED]”). [REDACTED] has acknowledged that he participated in the effort to submit alternate slates of electors in states contested by former President Trump. *See* Sonnet Swire, *Former Trump campaign advisor acknowledges being part of 2020 ‘alternate electors’ plot*, CNN.COM, Jan. 22, 2022, [https://www.cnn.com/2022/01/22/politics/\[REDACTED\]-trump-campaign-fake-electors/index.html](https://www.cnn.com/2022/01/22/politics/[REDACTED]-trump-campaign-fake-electors/index.html) (containing content of audio recording). On December 11, 2020, a phone number believed to be controlled by [REDACTED]⁹ sent one text message to the **Subject Phone**.

41. In the days prior to December 14, 2020, the Perry Account communicated with the [REDACTED] Account, [REDACTED]. Specifically, on

Reinhard, et al., *As [REDACTED] coordinated plan for Trump electoral votes in states Biden won, some electors balked*, WASH. POST, Jan. 20, 2022, [https://www.washingtonpost.com/investigations/electors-\[REDACTED\]-trump-electoral-college/2022/01/20/687e3698-7587-11ec-8b0a-bcfab800c430_story.html](https://www.washingtonpost.com/investigations/electors-[REDACTED]-trump-electoral-college/2022/01/20/687e3698-7587-11ec-8b0a-bcfab800c430_story.html).

⁸ Information [REDACTED] shows that the cell phone number in question is registered to [REDACTED] at an address in [REDACTED], that is believed to be associated with [REDACTED]. Thus, investigators believe that [REDACTED] is the user of this phone.

⁹ Information [REDACTED] shows that the phone number in question, [REDACTED], is registered to [REDACTED]. Furthermore, the [REDACTED] area code corresponds to the portion of [REDACTED] in which [REDACTED] is believed to have grown up.

December 11, 2020, the Perry Account exchanged two emails with the [REDACTED] Account. There are no records of phone calls between the parties, but evidence confirms that [REDACTED] did provide his phone number to Perry. As revealed in certain emails, the Perry Account sent an email to the [REDACTED] Account reading in part “[REDACTED], this is congressman Scott Perry from PA. Can you contact me ASAP?” The [REDACTED] Account responded, “Yes. Feel free to call me at [REDACTED].”

42. On December 13, 2020, the Perry Account sent one additional email to the [REDACTED] Account stating in part, “Thanks [REDACTED]. I think we got it on track. I’ll let you know if otherwise.” Investigators have no record of these two email accounts communicating outside of these dates.

**[REDACTED] drafted a letter with false information and proposed
at DOJ send it to certain state legislative officials**

43. Evidence indicates that on or near approximately December 28, 2020, [REDACTED] drafted and transmitted a letter alleging that DOJ had “identified significant concerns” about election fraud in certain states and suggesting that state legislatures could reopen their certification procedures to change the recipient of the states’ electoral votes.

44. At all relevant times, [REDACTED] was the Senate-confirmed Assistant Attorney General for ENRD and the Acting Assistant Attorney General for the Civil Division. In these roles, he did not have a portfolio of work involving election fraud or related criminal investigations. *See* [REDACTED] Tr., at 97.¹⁰

¹⁰ Former Acting Attorney General [REDACTED] and Former Acting Deputy Attorney General [REDACTED]’s communications during the pertinent time period with former President Trump, [REDACTED], [REDACTED] and others are detailed in the Senate Judiciary Committee’s majority staff report titled *Subverting Justice: How the Former President and His Allies Pressured DOJ to Overturn the 2020 Election*. This report and its supporting documents, including the testimony [REDACTED] and [REDACTED] gave to the Senate Judiciary Committee and exhibits they were shown, are publicly accessible at <https://www.judiciary.senate.gov/subverting-justice-how-the-former->

Perry and █████ met with former President Trump

45. According to public reporting, in mid- to late-December 2020, Perry introduced former President Trump to █████ Sam Dunklau, *Rep. Scott Perry confirms election fraud talks with Trump, DOJ lawyer amid president's effort to overturn Georgia election results*, WITF.ORG, Jan. 25, 2021, <https://www.witf.org/2021/01/25/rep-scott-perry-confirms-election-fraud-talks-with-trump-doj-lawyer-amid-presidents-effort-to-overturn-georgia-results/>. Perry publicly stated that “when President Trump asked if I would make an introduction, I obliged.” *Id.* He acknowledged that his conversations with █████ and former President Trump during this time period focused on election fraud concerns.

46. On approximately December 22, 2020, █████ and Perry met with former President Trump at the White House. █████ Tr., at 84, 86.¹¹

president-and-his-allies-pressured-doj-to-overturn-the-2020-election. █████ and █████’s transcribed statements to the Senate Judiciary Committee are referenced throughout this Affidavit. They are cited as “█████ Tr.” and “█████ Tr.” Full copies of these transcripts are accessible at the above website. The exhibits █████ and █████ were shown by the Senate Judiciary Committee are referenced herein as “█████ Ex.” and “█████ Ex.,” respectively. These documents are incorporated as though they were exhibits attached to this Affidavit. Where language from these transcripts is quoted in the Affidavit, those quotes represent the statements made by █████ or █████ to the Senate Judiciary Committee in August 2021. These are not to be construed as direct quotes of the conversations that occurred in December 2020 and January 2021.

¹¹ █████ stated that after speaking with █████, █████ believed this meeting between █████ Perry, and former President Trump occurred on “December 23 or 24.” █████ Tr., at 86. However, data obtained from a DOJ cell phone assigned to █████ (the “█████ DOJ Phone”) indicates that this cell phone was present near the West Wing of the White House on December 22, 2020. Thus, investigators believe that the initial meeting between █████, Perry, and former President Trump occurred on December 22.

47. In the days leading up to this meeting, [REDACTED] and Perry appear to have been in communication with each other, with the White House, and with [REDACTED].¹² For example, on December 21, 2020, the [REDACTED] Outlook Account exchanged four emails with the address [REDACTED]. The [REDACTED] address is believed to be associated with [REDACTED] (“[REDACTED]”), who was the Oval Office operations coordinator for former President Trump. A fifth email communication to the [REDACTED] Outlook Account on December 21, 2020, came from noreply@whitehouse.gov. Based on my training and experience, I believe calendar invitations are frequently sent from “noreply” email addresses. Given [REDACTED]’s position, it is suspected that these emails may have related to scheduling a meeting at the Oval Office.

48. During the afternoon of December 21, the **Subject Phone** called [REDACTED] which is a DOJ phone that was assigned to [REDACTED] (the “[REDACTED] DOJ Phone”).¹³ The call was not answered. That same evening, the **Subject Phone** engaged in a call of more than nine minutes

¹² DOJ policy provides that, aside from purely social interactions, a DOJ employee generally should not have communications with members of Congress unless the employee has consulted with, and received the approval of, DOJ’s Office of Legislative Affairs. *See* Justice Manual, 1-8.200. Additionally, DOJ policy existing at the relevant time stated that, in general, no DOJ employees other than the Attorney General, the Deputy Attorney General, or Associate Attorney General should have communications with the White House. *See* Justice Manual, 1-8.600. There is no indication that [REDACTED] sought approval from, or provided notice to, the Office of Legislative Affairs regarding his communications with Perry. Further, there is no evidence to suggest that [REDACTED] ever had DOJ authorization to speak with the White House. Thus, based on available evidence, it appears that [REDACTED] communications with Perry, with former President Trump, and with others in the White House were all in contravention of DOJ policy.

¹³ During the pertinent time, [REDACTED] appears to have had two DOJ cell phones: one assigned through ENRD; the other through the Civil Division. The phone number referred to as the [REDACTED] DOJ Phone in this Affidavit is the phone number assigned through ENRD.

with a White House phone number.¹⁴ Phone extraction data reveals that shortly after that call, the same White House phone number called the [REDACTED] DOJ Phone. The call between the White House phone and the [REDACTED] DOJ phone lasted more than four minutes.

49. On December 22, 2020, the [REDACTED] Outlook Account exchanged two more emails with the address [REDACTED]. Information [REDACTED] [REDACTED] reveals that, at the same time, Perry, [REDACTED], and [REDACTED] were all in regular communication with each other. For example, on December 22, the [REDACTED] Account sent four emails to both the Perry Account and the [REDACTED] Gmail Account. The [REDACTED] Account additionally sent one email to the Perry Account on which the [REDACTED] Gmail Account was not copied. Also, toll records for the **Subject Phone** reveal that on December 22, the **Subject Phone** communicated once with the phone number [REDACTED], which is believed to be used by [REDACTED] (the “[REDACTED] Personal Phone”).¹⁵ That same night, the **Subject Phone** also communicated once with the [REDACTED] DOJ Phone, and with the phone number [REDACTED], which is a phone number believed to be used by [REDACTED] (the “[REDACTED] Phone”).¹⁶

¹⁴ It appears that Perry may have engaged in additional calls with another number believed to be associated with the White House later in the evening of December 21.

¹⁵ Information [REDACTED] shows that this cell phone number is registered to [REDACTED] at [REDACTED]’s home address in [REDACTED]. The contact information includes an email address associated with [REDACTED]. In addition, on January 13, 2021, [REDACTED] sent an email from his DOJ email address to another DOJ official with the subject line “Fwd: Personal Contact Info” in which [REDACTED] wrote, “Shoot me yours I’m [REDACTED].” Thus, this phone number is believed to be used by [REDACTED].

¹⁶ Information [REDACTED] shows that this landline phone number is registered to [REDACTED] at an address in [REDACTED]. According to [REDACTED] records, the property at this address is owned by [REDACTED] and [REDACTED]. The contact

50. On December 23, the [REDACTED] Account sent approximately five emails jointly to the Perry Account and the [REDACTED] Gmail Account. The [REDACTED] Account also sent an additional email to the Perry Account on which the [REDACTED] Gmail Account was not copied. That same day, the **Subject Phone** made outgoing calls to the phone number [REDACTED], which is a number believed to be used by [REDACTED] (the “[REDACTED] Phone”), each of which lasted less than six seconds. The **Subject Phone** also received one incoming call from the [REDACTED] Phone that lasted more than four minutes.¹⁷ The **Subject Phone** further communicated at least twice that day with numbers assigned to the White House.

51. By the time [REDACTED] and Perry met with former President Trump on or about December 22, 2020, [REDACTED] and others had information that DOJ had not in fact identified evidence of widespread election fraud. As discussed in more detail below, former Attorney General [REDACTED] [REDACTED] made two public statements prior to December 22 explaining that DOJ had not found evidence of fraud on a scale that could have impacted the outcome of the election. Acting Attorney General [REDACTED] and Acting Deputy Attorney [REDACTED] had reiterated this message to former President Trump in at least one meeting at which [REDACTED] also was present.

information includes the [REDACTED] Account as an email address. Thus, this phone number is believed to be used by [REDACTED].

¹⁷ Information [REDACTED] shows that this cell phone number is registered to [REDACTED] [REDACTED] for Congress. Open-source research reveals that [REDACTED] was previously District Office Manager for [REDACTED]. Moreover, a February 2020 electronic calendar entry from the Office of the Attorney General lists this as [REDACTED]'s number. Thus, this phone number is believed to have been used by [REDACTED].

██████████ was admonished by the Acting Attorney General, but communications between ██████████ Perry, and the White House continued

52. After the suspected date of this initial White House meeting between former President Trump, Perry, and ██████████ the communications between the relevant parties continued.¹⁸

53. On December 24, 2020, there were three phone calls between ██████████'s DOJ phone number and White House phone numbers. The first of these calls, which connected to a general White House number at 8:10 a.m., was six minutes long. The second, with a White House phone number assigned to ██████████, occurred at 10:06 a.m. and lasted 23 minutes. The third call, occurring at 5:24 p.m., connected to a general White House number and was 17 minutes in duration.

54. Also on December 24, former President Trump called ██████████ principally to discuss claims of election fraud. ██████████ Tr., at 82. According to ██████████, during this conversation, former President Trump asked if ██████████ knew a man named ██████████. *Id.* ██████████ subsequently testified that he thought this inquiry was strange, because he would not expect the President to know the names of each of the various Assistant Attorneys General in DOJ. *Id.* at 83.

55. On December 25, 2020, the ██████████ Account sent one email jointly to the Perry Account and the ██████████ Gmail Account.

¹⁸ In this respect, ██████████ noted that she “recognized ██████████ as somebody that was assisting the efforts with the ongoing election investigation in the White House.” *Meadows*, Def.’s Mot. for Sum. J., ECF No. 15-8, at 15. She further stated that ██████████ was a “frequent presence” and that he attended meetings that also were attended by ██████████ and ██████████. *Id.* ██████████ said that ██████████ was “frequently” in contact with ██████████ and that she remembers ██████████ “coming to the White House for meetings with Mr. Trump.” *Id.* at 15-16.

56. On December 26, 2020, ██████ called ██████. According to ██████, ██████ acknowledged that he had met with former President Trump a few days earlier. *Id.* at 84, 86. According to ██████, ██████ stated that “he had kind of got caught up in something he hadn’t planned.” *Id.* at 85. ██████ explained to ██████ that he had been speaking with Perry, at which time Perry had asked ██████ to come to a meeting. ██████ said the meeting happened to be at the Oval Office with former President Trump, ██████, and Perry. *Id.* at 85.¹⁹

57. ██████ testified that he was “flabbergasted” by ██████ meeting with former President Trump, and he explained to ██████ that such a meeting should not happen again. ██████ Tr., at 84-85. As mentioned above, ██████ meeting with former President Trump violated DOJ policy, which specifies that only the Attorney General, Deputy Attorney General, and Associate Attorney General—and not the Assistant Attorneys General—are permitted to communicate directly with the White House. ██████ Ex. 1.

58. According to ██████, during this call with ██████ on December 26, 2020, ██████ stated that ██████ would not let it happen again and that he would give ██████ notice if he was contacted by the White House. ██████ Tr., at 85-86.

59. ██████ testified that he later learned that White House Counsel ██████ was unaware of ██████ meeting with former President Trump. *Id.* at 107.

60. Also on December 26, 2020, Perry and ██████ exchanged several messages. These communications may have involved used of the secure messaging app Signal. A court filing

¹⁹ Based on the above, it appears that ██████’s statements to ██████ were not accurate. Evidence indicates that ██████ had multiple email and phone communications with the White House in the days just before the meeting between him, Perry, and former President Trump. Also, ██████ was in regular contact with Perry during the relevant time period.

by the Select Committee and other parties to a lawsuit included an exhibit containing certain messages. Counsel for the Select Committee noted that the Select Committee believed these messages were sent between ██████████ and Perry. *Meadows v. Pelosi*, Def.’s Mot. for Sum. J., 1:21-CV-3217-CJN, ECF No. 15-1, at 4 (D.D.C., April 22, 2022). In one of these messages, dated December 26, 2020, the individual believed by the Select Committee to be Perry wrote to ██████████ “[j]ust sent you something on Signal.” *Id.*, ECF No. 15-16, at 2. Investigators believe this is a reference to the encrypted messaging app. That same day, the individual believed to be Perry wrote to ██████████, “██████████, just checking in as time continues to count down. 11 days to 1/6 and 25 days to inauguration. We gotta get going!” In a separate message the same day, the individual believed to be Perry wrote to ██████████, “you should call ██████████.” *Id.* Given the time and context of the message, investigators believe ██████████ is a reference to ██████████. The messages between ██████████ and the person believed to be Perry do not appear in the call detail records of the **Subject Phone** ██████████. Thus, investigators believe that the messages may not have been standard text messages but instead may have been either iMessages or messages sent via a messaging app, like WhatsApp, Facebook Messenger, or Telegram, among others. If so, these and other relevant messages may still exist on the **Subject Phone**.

61. The following morning, December 27, 2020, the ██████████ DOJ Phone number engaged in a three-minute conversation with the cell phone assigned by the White House to former President Trump.²⁰

²⁰ The content of the conversations between ██████████’s DOJ phone and the White House phone numbers is unknown. The Court also should be aware that, during part of this relevant period, ██████████ oversaw civil litigation in which DOJ represented former Vice President Pence, which could have necessitated contact with White House phone numbers. On December 27, 2020, plaintiffs filed suit in *Gohmert v. Pence*, 6:20-CV-660-JDK (E.D. Tex.) to challenge the Electoral Count

62. Also on December 27, 2020, former President Trump had a phone call with [REDACTED] and [REDACTED]. According to [REDACTED], during this phone call, former President Trump stated that “People tell me [REDACTED] is great. I should put him in.” [REDACTED] Tr., at 88.

63. At the end of this call, [REDACTED] was asked to provide his cell phone number so that former President Trump could direct individuals to call [REDACTED]. [REDACTED] Tr., at 90.

64. [REDACTED] said that during the evening of December 27, Perry called him. [REDACTED] assumed that someone, possibly former President Trump, had passed his phone number to Perry. *Id.* at 90. [REDACTED] stated that he had never spoken with Perry prior to that date. According to [REDACTED], during the call, Perry said he liked [REDACTED] a lot and suggested that [REDACTED] could be effective in dealing with election fraud concerns. *Id.* at 90-91. Perry also explained that he wanted to send [REDACTED] information about alleged election fraud in Pennsylvania. [REDACTED]’s notes of the conversation reflect that he told Perry “we would, of course be willing to look at that, but thus far we haven’t seen fraud on the scale that changed the outcome in Pennsylvania.” *Id.* at 93.

65. After that call, on the evening of December 27, 2020, using the Perry Account, Perry forwarded an email to [REDACTED]. This email included a presentation detailing allegations of election fraud in Pennsylvania. [REDACTED] Ex. 7.

66. Also on December 27, the Perry Account sent one email to the [REDACTED] Account. That same evening, [REDACTED] used an official White House email account to send [REDACTED] four

Act as unconstitutional, among other claims. The district court dismissed the suit on January 1, 2021, and the Fifth Circuit affirmed the dismissal on January 2, 2021. *Gohmert*, ECF Nos. 37, 39, and 42. Plaintiffs then filed an emergency application to United States Supreme Court Justice Alito on January 6, 2021, which was denied the following day. *Gohmert v. Pence*, 141 S. Ct. 972 (2021).

allegations of election fraud that [REDACTED] apparently hoped would be investigated by DOJ. For instance, in one communication about “signature match anomalies in Fulton County, Ga.,” [REDACTED] asked [REDACTED] to “get [REDACTED] to engage on this issue immediately to determine if there is any truth to this allegation.” [REDACTED] Ex. 17. None of these allegations proved to be meritorious.

67. Five hours and twenty minutes after the email was sent from the Perry Account to the [REDACTED] Account, the Perry Account received an email from the [REDACTED] Account.

68. Additionally on December 27, the **Subject Phone** received three calls from the [REDACTED] Phone, made one outgoing call to the [REDACTED] Phone, and also communicated with a general White House phone number.

69. On December 28, the [REDACTED] Account sent three emails to the Perry Account and the [REDACTED] Gmail Account. On December 29, the [REDACTED] Account sent three more emails to both the Perry Account and the [REDACTED] Gmail Account.

[REDACTED]rafted the proposed DOJ letter, apparently with [REDACTED]'s help

70. Evidence indicates that on or about December 28, 2020, [REDACTED], with [REDACTED]'s assistance, circulated a letter that was to be sent to certain elected officials in Georgia and other states in which the Trump Campaign had contested the election results. As noted above, on this same day, Perry and [REDACTED] received multiple emails from [REDACTED]. The **Subject Phone** also had several calls with the [REDACTED] Phone and with a number associated with the White House.

71. The proposed letter stated that DOJ had “identified significant concerns that may have impacted the outcome of the election in multiple States.” [REDACTED] Ex. 4. The letter further stated that “the Department recommends that the Georgia General Assembly should convene in

special session so that its legislators are in a position to take additional testimony, receive new evidence, and deliberate on the matter consistent with its duties under the U.S. Constitution.” *Id.*

72. ██████ letter additionally noted that “the Department believes that in Georgia and several other States, both a slate of electors supporting Joseph R. Biden, Jr., and a separate slate of electors supporting Donald J. Trump gathered [on December 14] at the proper location to cast their ballots, and that both sets of those ballots have been transmitted to Washington, D.C., to be opened by Vice President Pence.” ██████ Ex. 4. This appears to be a reference to the “alternate slates” of electors discussed above.

73. The letter continued by saying that “the Department recommends” that the state legislature convene a special session to 1) “evaluate irregularities in the 2020 election;” 2) “determine whether those violations show which candidate won the most legal votes;” and 3) to ascertain “whether the election failed to make a proper and valid choice between the candidates, such that the General Assembly could take whatever action is necessary to ensure that one of the slates of Electors cast on December 14 will be accepted by Congress on January 6.” *Id.*

74. In an interview with Government representatives, ██████ stated that ██████ asked him to write the letter on the morning of December 28, 2020. According to ██████, ██████ explained the points to cover in the letter, ██████ drafted an initial version, and ██████ added to it. ██████ stated that he did not believe that he saw the final version of the letter ██████ sent to ██████ and ██████.

75. Although ██████ denied knowledge of this letter before the morning of December 28, evidence indicates that ██████ was in contact with Perry, ██████, and ██████ prior to that date. For instance, on November 10, 2020, the **Subject Phone** called phone number ██████ and the call lasted more than seven minutes. The ██████ number is believed

to be used by [REDACTED] (the “[REDACTED] Phone”).²¹ That same day, the [REDACTED] Account sent an email to the Perry Account. On December 23 and 24, 2020—the days just after Perry and [REDACTED] met with former President Trump—the [REDACTED] Account and the Perry Account exchanged four additional emails. Also on December 23, the [REDACTED] Phone called the **Subject Phone** twice. The first of these calls lasted over 13 minutes; the second was approximately 10 minutes long. In the mid-afternoon of the same day, the [REDACTED] Phone communicated approximately twice with the [REDACTED] DOJ Phone. The calls between the [REDACTED] Phone and the [REDACTED] DOJ Phone appear to have collectively totaled more than 20 minutes in length.

76. Furthermore, in November and December 2020, the [REDACTED] Phone communicated dozens of times with a phone number believed to be used by [REDACTED] (the “[REDACTED] Phone”).²² These communications include a call of more than 20 minutes during the morning of December 22 and a call of more than six minutes during the evening of December 22. Phone records for the [REDACTED] Phone and the [REDACTED] Phone indicate that the [REDACTED] Phone and the [REDACTED] Phone never communicated prior to November 6, 2020. Additionally, the [REDACTED] Account was included on emails with the [REDACTED] Account on the night of December

²¹ Information [REDACTED] show that this cell phone is registered to [REDACTED], the name of [REDACTED]’s wife. This phone number—along with [REDACTED]’s home address and email (the “[REDACTED] Account”)—is also included on an electronic calendar entry titled “Interview with [REDACTED]” found on [REDACTED]’s and another DOJ Official’s accounts.

²² Information [REDACTED] shows that this cell phone is registered to “[REDACTED].” The subscriber address matches the home address listed on [REDACTED]’s driver’s license. Thus, investigators believe the [REDACTED] Phone is used by [REDACTED].

22 and on the morning of December 28—the same day that ██████████ purportedly helped draft the letter.²³

██████████ emailed the proposed DOJ letter, which was promptly rejected by the Acting Attorney General and Acting Deputy Attorney General

77. On the late afternoon of December 28, 2020, ██████████ emailed the letter to ██████████ and ██████████, proposing that all three of them sign it and send it “to the Governor, Speaker, and President pro temp of each relevant state.” ██████████ Ex. 4.

78. ██████████ responded by email approximately one hour after receiving the email, saying “there is no chance that I would sign this letter or anything remotely like this.” *Id.* He further said that “I know of nothing that would support the statement, ‘we have identified significant concerns that may have impacted the outcome of the election in multiple states.’” *Id.* ██████████ continued, “Despite dramatic claims to the contrary, we have not seen the type of fraud that calls into question the reported (and certified) results of the election.” He further stated that “I do not think the Department’s role should include making recommendations to a State legislature about how they should meet their Constitutional obligation to appoint Electors.” *Id.*

²³ The December 22 email was sent by ██████████ to the ██████████ Account and the ██████████ Account. According to a September 2020 Council for National Policy (“CNP”) membership directory, the account ██████████ is controlled by ██████████, a former Ohio Secretary of State. The December 28 email was sent by ██████████ to ██████████ and ██████████. Based on publicly available information, investigators believe that ██████████ is controlled by ██████████, Chief of Staff to United States Representative ██████████. Investigators believe this because the Gmail account name matches ██████████’s first and last name. Investigators further believe that ██████████ is controlled by ██████████, President and CEO of the Conservative Partnership Institute. This email address is also listed in the September 2020 CNP membership directory. The ██████████ Account and the ██████████ Account were copied on this December 28 email.

79. According to [REDACTED], that same evening, [REDACTED] and [REDACTED] had a meeting with [REDACTED] at which they reinforced that they would not support [REDACTED]'s proposed letter. [REDACTED] Tr., at 99-104. They also communicated to [REDACTED] their displeasure with the fact that [REDACTED] had again gone outside the chain of command and that [REDACTED] meeting with former President Trump violated DOJ policy regarding direct communications with the White House. According to [REDACTED], "at that point, [REDACTED] said 'You don't have to tell me six times.'" *Id.* at 104.

80. The same day that the letter was sent, Perry sent a message to [REDACTED], asking "did you call [REDACTED]?" *Meadows*, Def.'s Mot. for Summ. J., ECF No. 15-16, at 2. This message does not appear in Perry's text records, leading investigators to believe that it was sent either by iMessage or through a messaging app.

After the letter was rejected, [REDACTED] and Perry continued to communicate with the White House

81. Three days later, on December 31, 2020, the [REDACTED] DOJ Phone engaged in five calls with White House phone numbers. These calls occurred between approximately 5:01 p.m. and 8:04 p.m. One of these calls was fifteen minutes long, a second spanned twenty minutes, and the other three lasted approximately one minute each.²⁴

82. [REDACTED] testified that on the night of December 31, 2020, or the morning of January 1, 2021, [REDACTED] spoke with [REDACTED]. During their conversation, [REDACTED] informed [REDACTED] that he had met with former President Trump again, which [REDACTED] noted was "contrary to [his] assurance to me that that wouldn't happen again." [REDACTED] Tr., at 128. [REDACTED] said that [REDACTED] also explained to him that former President Trump had asked if [REDACTED] would be willing to serve as the Acting Attorney General. *Id.* at 129. According to [REDACTED], former President Trump gave [REDACTED] until

²⁴ *Gohmert v. Pence* remained pending as of the date of these calls.

Monday, January 4, 2021, to “let him know whether he would be willing to entertain the possibility of replacing [REDACTED] and implementing a different approach.” *Id.* at 129.

83. On January 1, 2021, the [REDACTED] DOJ Phone engaged in four calls with White House phone numbers. The first of these calls, at approximately 11:00 a.m., was 26 minutes in duration. The other three calls, occurring between approximately 12:11 p.m. and 12:27 p.m., were much shorter: two were only a few seconds long,²⁵ and a final call was approximately three minutes long.²⁶

84. The following day, January 2, 2021, [REDACTED], [REDACTED], and [REDACTED] had a meeting. According to [REDACTED], [REDACTED] suggested that he was considering the former President’s question—whether he would be willing to serve as Acting Attorney General. [REDACTED] Tr., at 154. [REDACTED] told [REDACTED] and [REDACTED] that, if he became Acting Attorney General, he would be willing to sign the December 28 letter. *Id.* at 145. According to [REDACTED], [REDACTED] told him that he would turn down the position of Acting Attorney General “if you’ll do the things that I’m suggesting.” *Id.* [REDACTED] said he responded to [REDACTED]: “No, I’m not sending that letter to the Georgia legislature.” *Id.*

85. Between December 28, 2020, and January 2, 2021—the time during which the effort to install [REDACTED] as Acting Attorney General was occurring—the [REDACTED] Account sent over a dozen emails to the Perry Account and the [REDACTED] Gmail Account. For instance, on December 28, the day [REDACTED] sent the letter to [REDACTED] and [REDACTED], three emails were sent from the [REDACTED] Account to the Perry Account and to the [REDACTED] Gmail Account. Between December 29, 2020, and

²⁵ In a previous warrant, the Government stated that these two calls were each one minute. Further analysis now indicates that these calls may have been just a few seconds each.

²⁶ *Gohmert v. Pence* remained pending as of the date of these calls.

January 2, 2021, the [REDACTED] Account sent eleven emails on which the Perry Account and the [REDACTED] Gmail Account were joint recipients. In this same time frame, the [REDACTED] Account sent additional emails to the Perry Account on which the [REDACTED] Gmail Account was not included as a recipient.

86. During this same window of time, [REDACTED] and Perry also appear to have communicated by phone. On December 30, the **Subject Phone** left a voicemail with the [REDACTED] DOJ Phone. Therein, a voice believed to be Perry says “[REDACTED], I know you’re working on a deadline . . . I need to talk to you this evening”²⁷ On January 1, 2021, the [REDACTED] Personal Phone and the **Subject Phone** engaged in a call lasting more than 22 minutes. Later that same evening, the [REDACTED] Personal Phone and the [REDACTED] Phone engaged in a call lasting 56 minutes.

[REDACTED] *notified [REDACTED] that he intended to accept the Acting Attorney General position, prompting [REDACTED] to schedule a last-minute meeting with former President Trump at which the plan was stopped*

87. On January 3, 2021, the [REDACTED] DOJ Phone communicated several times with phone numbers associated with the White House. The first of these calls, at approximately 9:01 a.m., connected with a general White House number for five minutes. The next three calls, which occurred between approximately 1:19 and 2:40 p.m., collectively lasted more than 80 minutes.

88. According to [REDACTED], at around 3:00 p.m. on January 3, 2021, he and [REDACTED] met alone in person at DOJ. During this meeting, [REDACTED] informed [REDACTED] that he had “talked earlier with the President...that the President had decided to offer him the position, and he had decided to take it.” [REDACTED] Tr., at 158. [REDACTED] explained that he would not be fired by his subordinate. *Id.*

²⁷ The absence of an introduction and the use of [REDACTED]’s first name in the voicemail suggests a familiarity between [REDACTED] and Perry.

at 159. [REDACTED] thereafter scheduled a meeting with former President Trump to occur at 6:15 p.m. that same evening. *Id.* at 159-160.

89. Prior to the meeting with former President Trump, [REDACTED] contacted various Assistant Attorneys General who were available on short notice. [REDACTED] Tr., at 147. [REDACTED] explained to them that former President Trump intended to install [REDACTED] to replace [REDACTED] as Acting Attorney General. [REDACTED], Assistant Attorney General for Civil Rights, announced at the end of the call that he would resign if [REDACTED] was appointed Acting Attorney General. *Id.* at 148. The other Assistant Attorneys General agreed, either during the call or shortly thereafter, that they would resign en masse if [REDACTED] was named Acting Attorney General. *Id.* at 148.

90. Meanwhile, between 5:33 p.m. and 6:16 p.m., the [REDACTED] DOJ Phone engaged in six communications with numbers associated with the White House. All were brief. The first of these lasted just under two minutes; the remaining five calls were all under one minute in length.

91. The Oval Office meeting that evening was attended by former President Trump, [REDACTED], [REDACTED], [REDACTED], and others. [REDACTED] Tr., at 163. According to [REDACTED], the meeting lasted approximately three hours and was “a wide-ranging discussion of both the letter and course of action.” *Id.* at 164. [REDACTED] testified that “more of the conversation was about the imprudence of going down the path [REDACTED] was advocating. And it was lots of discussion on why that was bad, legally, why it was bad for the country, why it was inconsistent with the Justice Department’s role.” *Id.* at 165. In [REDACTED]’s view, “the overall substance was, different people in the room were saying, this is not legally well-founded, this is not the Department’s role, this letter is inappropriate.” *Meadows*, Def.’s Mot. for Sum. J., ECF No. 15-20, at 9.

92. According to [REDACTED], the focus of the meeting “was whether the President should . . . remove [REDACTED] and put [REDACTED] in as the Acting Attorney General.” [REDACTED]

Tr., at 151. He continued, “At that point it was difficult to separate the issue of the letter and [REDACTED] [REDACTED] being in the leadership position, because it was very clear, and he stated it repeatedly, that if the President made him the Acting Attorney General, he would send that letter.” *Id.* at 152. [REDACTED] noted that [REDACTED] “repeatedly said to the President that, if he was put in the seat, he would conduct real investigations that would, in his view, uncover widespread fraud; he would send out the letter that he had drafted.” *Meadows*, Def.’s Mot. for Sum. J., ECF No. 15-18, at 9.

93. [REDACTED] noted that [REDACTED] “advocated not just that the letter be sent but that there be public assertions about the improprieties with regard to the 2020 election.” *Meadows*, Def.’s Mot. for Sum. J., ECF No. 15-20, at 17.

94. This meeting also included discussion of, and challenges to, [REDACTED] qualifications to be Attorney General or to address election fraud. *Id.* at 9. For instance, [REDACTED] recalled that he “made the point that [REDACTED] is not even competent to serve as the Attorney General. He’s never been a criminal attorney. He’s never conducted a criminal investigation in his life. He’s never been in front of a grand jury, much less a trial jury.” *Meadows*, Def.’s Mot. for Sum. J., ECF No. 15-18, at 11. [REDACTED] also said that [REDACTED] “wouldn’t even know how to find his way to [FBI Director] [REDACTED]’s office, much less march in there and direct the FBI what to do, and that, if you walked into [REDACTED]’s office, he wouldn’t even know who you are.” *Id.*

95. At the meeting, former President Trump was informed that if he installed [REDACTED] as Acting Attorney General, “he should expect mass resignations within the Department.” [REDACTED] Tr., at 153. [REDACTED] said that he would resign, as would all the Assistant Attorneys General. *Id.* at 154. White House Counsel [REDACTED] also suggested he would resign. *Id.* at 159. Ultimately, former President Trump decided not to appoint [REDACTED] *Id.* at 157-158.

96. On January 3, 2021, the [REDACTED] Account sent one email jointly to the Perry Account and the [REDACTED] Gmail Account.

97. Also on January 3, 2021, the **Subject Phone** made an outgoing call to the [REDACTED] Phone at 7:58 a.m., which lasted two seconds. The **Subject Phone** also received an incoming call from the [REDACTED] Phone at 8:38 a.m., which lasted more than four minutes. The **Subject Phone** was also in contact with White House phone numbers eight times between 8:53 a.m. and 10:22 p.m. This final call from the White House was an incoming call to the **Subject Phone** that lasted more than seven minutes and, based on the timeline indicated by investigation to date, took place shortly after the conclusion of the meeting described above.

Additional communications between Perry, [REDACTED], and [REDACTED] occurred before and after the effort to overturn the election

98. As mentioned above, frequent communications between the Perry Account, the [REDACTED] Gmail Account, and the [REDACTED] Account also occurred outside the time frame of the effort to overturn the election. Additionally, both the Perry Account and the [REDACTED] Account separately communicated with the [REDACTED] Outlook Account. Furthermore, in July 2020 and again in April 2021, the Perry Account and the [REDACTED] Account exchanged emails with the address [REDACTED]. Investigation has revealed that this likely is another email account used by [REDACTED].²⁸

²⁸ The [REDACTED] account is listed as a recovery email for the [REDACTED] Gmail Account. It is also listed as a contact email in the subscriber information for the [REDACTED] Personal Phone. Additionally, the email account name suggests it may belong to [REDACTED] because [REDACTED] first name is [REDACTED], he lives in [REDACTED], and internet browsing artifacts on the [REDACTED] DOJ Phone indicate that [REDACTED] has an interest in role-playing games; “dm” is an abbreviation for “Dungeon Master” in some role-playing games.

99. [REDACTED] and Perry appear to have communicated by text message several times between July 24, 2020, and November 15, 2020. During this timeframe, the **Subject Phone** exchanged approximately 10 text messages with the [REDACTED] Personal Phone. Two of these text messages occurred in the post-election period. Specifically, the [REDACTED] Personal Phone sent one text to the **Subject Phone** on November 9, 2020, and sent a second text to the **Subject Phone** on November 15, 2020.

100. Additionally, the **Subject Phone** communicated with [REDACTED] by contacting the [REDACTED] Phone and by contacting a separate number also associated with [REDACTED].²⁹ Between approximately January 1, 2020, and April 18, 2021, the two [REDACTED] numbers communicated several dozen times with both the **Subject Phone** and the [REDACTED] Personal Phone.³⁰ Several of these communications took place between the date of the 2020 presidential election and the date the electoral college votes were counted on January 6, 2021. Additionally, between July 12, 2020, and January 15, 2021, the [REDACTED] Phone exchanged more than 100 text messages with the **Subject Phone**. The majority of these text messages were sent by the [REDACTED] Phone to the **Subject Phone**, but the **Subject Phone** also sent approximately 16 text messages to the [REDACTED]-controlled phone.

²⁹ This additional phone number is [REDACTED] (the “[REDACTED]”). Open-source research indicates that this is a cell phone number associated with [REDACTED]. For instance, in an online posting relating to a proposed traffic light in the [REDACTED] area of [REDACTED], an individual identified as [REDACTED] lists his cell phone number as [REDACTED]. The poster also provides the [REDACTED] Phone as another contact number and lists his address as [REDACTED]’s address in [REDACTED]. Thus, investigators believe that the person who published this post is [REDACTED] and that [REDACTED] is attributable to him.

³⁰ Many other calls between [REDACTED] and Perry and between [REDACTED] and [REDACTED] occurred before and after these dates.

101. Emails sent outside the time frame of the effort to overturn the election will still be valuable to investigators, in that these emails could provide evidence of the nature and origins of the relationships between █████, Perry, and █████. This information could in turn be relevant to establishing intent, motive, preparation, plan, and *mens rea* for the Target Offenses.

**█████ and others had information that DOJ
did not have evidence of widespread election fraud**

102. During the time period of the above-described actions, █████, Perry, █████ █████ and others connected to the effort had information indicating DOJ possessed no credible evidence of fraud sufficient to alter the outcome of the election. As discussed above, █████ and █████, in an email and in a meeting, explicitly stated to █████ that there was no information to support the statement that DOJ had identified significant concerns that might have affected the election outcome and that they would not support the letter. Additionally, former Attorney General █████ made two previously referenced public statements to this effect in December 2020. Furthermore, █████ told Perry in their December 27 call that DOJ had not identified evidence of fraud on a scale that could have altered the election outcome in Pennsylvania. Moreover, former President Trump, often in the presence of █████, was repeatedly told that DOJ had not identified significant evidence of fraud. Concurrently, the lawsuits being filed by Trump Campaign attorneys were being quickly rejected, with judges in many instances noting the lack of evidentiary support for the fraud claims being made. Recounts in two states also confirmed that President Biden won each of them.

103. Specifically, on December 1, 2020, former Attorney General █████ told the Associated Press that “to date, we have not seen fraud on a scale that could have effected a different outcome in the election.” Michael Balsamo, *Disputing Trump*, █████ *says no widespread election*

fraud, APNEWS.COM, Dec. 1, 2020, [https://apnews.com/article/\[REDACTED\]-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d](https://apnews.com/article/[REDACTED]-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d).

104. On December 21, 2020, Attorney General [REDACTED] reinforced his prior public statements regarding the lack of widespread fraud when asked if a special counsel should be appointed: “If I thought a special counsel at this stage was the right tool, and was appropriate, I would name one, but I haven’t and I’m not going to.” Michael Balsamo, [REDACTED] *undercuts Trump on election and [REDACTED] Inquiries*, APNEWS.COM, Dec. 21, 2020, [https://apnews.com/article/\[REDACTED\]-election-047487650cd50f5a874c406aad214ce7](https://apnews.com/article/[REDACTED]-election-047487650cd50f5a874c406aad214ce7).

105. In addition to former Attorney General [REDACTED]’s comments, from at least December 15, 2020, and continuing through at least January 1, 2021, [REDACTED] and [REDACTED]—the two top DOJ officials at the time—repeatedly reiterated to former President Trump that DOJ had found no evidence of election fraud of a magnitude that could have altered the election. For example, on December 15, 2020, [REDACTED] and [REDACTED] attended a meeting at the White House with former President Trump, [REDACTED] and others. [REDACTED] and [REDACTED] told former President Trump that the purported evidence of election fraud was “not what we were seeing,” and that former President Trump’s allegations of pervasive fraud were “inconsistent with the Justice Department’s assessment at that point.” [REDACTED] Tr., at 25. According to [REDACTED], the December 15 meeting “turned into an opportunity for us to reiterate what AG [REDACTED] had said: there was no evidence of widespread fraud on a substantial scale.” *Id.*, at 32.

106. [REDACTED] again discussed the lack of widespread voter fraud with former President Trump in a December 24, 2020, phone call. [REDACTED] Tr., at 80-82. Thereafter, in conversations with former President Trump on December 27 and December 31, 2020, [REDACTED] and [REDACTED] further emphasized that DOJ had not found evidence to support claims of widespread voter fraud. *See id.*

at 89-97, 137-143. According to notes taken by ██████ of the December 27 call, ██████ told former President Trump that “DOJ won’t use its authority to flip a switch and change the election.” *Id.* at 95. ██████ notes indicate that former President Trump responded, “I don’t expect you to do that. Just say the election was corrupt and leave the rest to me and the Republican congressmen.” *Id.* at 95.

107. In total, throughout December 2020, ██████ and former President Trump were both told repeatedly that DOJ had not encountered widespread fraud. Former President Trump and ██████ continued to present allegations of fraud to ██████ and ██████. As explained above, many of these allegations were quickly disproved. At the same time, Attorney General ██████ publicly announced that DOJ had not found evidence of widespread fraud. ██████ and ██████ reiterated this lack of evidence to ██████ in response to ██████ proposed letter.

108. Additionally, election recounts in two states confirmed President Biden’s victories in each. On November 30, 2020, election recounts in Wisconsin’s two most populous counties—Milwaukee County and Dane County—confirmed President Biden’s victory in that state. *Completed Wisconsin recount confirms Biden’s win over Trump*, APNEWS.COM, November 30, 2020, <https://apnews.com/article/election-2020-joe-biden-donald-trump-madison-wisconsin-7aef88488e4a801545a13cf4319591b0>.

109. In Georgia, the ballots were recounted statewide three times before finally being certified on December 7, 2020. Kate Brumback, *Georgia again certifies election results showing Biden won*, APNEWS.COM, December 7, 2020, <https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-4eaea3b24f10de886bcdeab6c26b680a>. In a press conference, Georgia Secretary of State ██████ noted that “I know there are people

that are convinced the election was fraught with problems, but the evidence, the actual evidence, the facts tell us a different story.” *Id.*

***The Perry Account had extensive communications
with persons involved in failed lawsuits***

110. As part of the interrelated efforts to challenge the outcome of the election, attorneys working with the Trump Campaign filed lawsuits during the relevant time period alleging that the election was stained with voter fraud. Many of the lawyers who participated in these lawsuits, and other lawyers connected with the Trump Campaign, communicated with the Perry Account. These lawyers included [REDACTED], [REDACTED], and [REDACTED] among others. The communications between the Perry Account and the attorneys whose cases were being dismissed or otherwise rejected by courts in relevant states may be relevant to showing knowledge, intent, motive, absence of mistake, and participation.

111. Although the specific facts in each lawsuit differed, they shared a single overarching theme of asserting that the Presidential election had been tarnished by expansive fraud. These lawsuits failed, with some examples being set out below. Thus, in addition to the public and private reports by DOJ officials regarding the lack of evidence of widespread fraud in the election, the dismissal of the lawsuits was further information available to [REDACTED], Perry, and others that there was no evidence of widespread fraud.

112. [REDACTED] was an attorney of record on election fraud lawsuits including *King v. Whitmer*, 20-CV-13134 (E.D. Mich., filed Nov. 25, 2020); *Pearson v. Kemp*, 20-CV-4809 (N.D. Ga., filed Nov. 25, 2020); *Feehan v. Wisconsin Elections Commission*, 20-CV-1771 (E.D. Wis., filed Dec. 1, 2020); and *Bowyer v. Ducey*, 20-CV-2321 (D. Ariz., filed Dec. 2, 2020). All four were dismissed. In one, the district judge noted that the fraud allegations were “severely wanting of relevant or reliable evidence.” Dismissal Order, *Ducey*, 20-CV-2321, ECF No. 84, at 1. (D.

Ariz. Dec. 9, 2020). In another, the Court sanctioned [REDACTED] and others, noting that “this lawsuit represents a historic and profound abuse of the judicial process.” Sanctions Order, *King*, 20-CV-13134, ECF No. 172, at 1 (E.D. Mich. Aug. 25, 2021). As the Court explained, “this case was never about fraud—it was about undermining the People’s faith in our democracy and debasing the judicial process to do so.” *Id.*, at 3.

113. Other lawyers who were not named as counsel on the above lawsuits nonetheless appear to have aided the Trump Campaign in its efforts to overturn the election results. One of these lawyers was [REDACTED]. In the weeks following the election, [REDACTED] appeared alongside [REDACTED] and other attorneys affiliated with former President Trump at hearings where she and others voiced claims about election fraud.

114. Another lawyer who assisted the Trump Campaign was [REDACTED]. In a January 2, 2021, call with Georgia Secretary of State [REDACTED] was introduced by [REDACTED] as an “attorney[] that represent[s] the president . . . who is not the attorney of record but has been involved.” *Read the full transcript and listen to Trump’s audio call with Georgia secretary of state*, CNN.COM, updated Jan. 3, 2021, [https://www.cnn.com/2021/01/03/politics/trump-\[REDACTED\]-phone-call-transcript/index.html](https://www.cnn.com/2021/01/03/politics/trump-[REDACTED]-phone-call-transcript/index.html).

115. [REDACTED] is believed to use the email address [REDACTED] this email address appears on some of her court filings. [REDACTED] is known to use the account [REDACTED]; it is listed as a contact address for her on public websites. [REDACTED] is also known to have used the account [REDACTED].³¹ During the relevant time period and

³¹ On a letter drafted by [REDACTED] on behalf of the Trump Campaign, [REDACTED]’s email is listed as [REDACTED].

up until January 5, 2021, [REDACTED] is believed to use the email address [REDACTED]. Two snapshots taken in November 2020 and January 5, 2021, by the Internet Archive (repository of historic web pages) show this email on her law firm's profile page. Open-source research also reveals that the address [REDACTED] is associated with [REDACTED].

116. [REDACTED], and [REDACTED] had contact with the Perry Account during the relevant time frame. For example, between November 13 and December 8, 2020, the Perry Account received six emails that also included [REDACTED] and a limited number of other recipients. Additionally, the Perry Account and [REDACTED] were both recipients of approximately twelve emails that were sent to larger groups of recipients between December 17, 2020, and December 19, 2021. Most of these emails were sent to more than twenty recipients. The recipients included [REDACTED]. Many were sent by email addresses using the name "[REDACTED]" or "[REDACTED]" (for example, [REDACTED] and [REDACTED]). Open-source research indicates that [REDACTED] is an address associated with former Trump National Security Advisor [REDACTED]. Open-source research further indicates that the "[REDACTED]" addresses may be associated with retired United States Air Force Lieutenant General [REDACTED], who promoted election fraud claims relating to the 2020 election. *See, e.g.,* Howard Altman and Davis Winkie, *This retired three-star falsely claims US soldiers died attacking a CIA facility in Germany tied to election fraud*, MILITARY TIMES, Dec. 1, 2020, <https://www.militarytimes.com/news/your-army/2020/12/01/this-retired-three-star-falsely-claims-us-soldiers-died-attacking-a-cia-facility-in-germany-tied-to-election-fraud/>.

117. Perry also had multiple communications with [REDACTED]. On November 12, the Perry Account received one email from [REDACTED] that was also received by

[REDACTED], and five other recipients. Open-source research reveals that [REDACTED] is associated with an individual named [REDACTED] who appears to have been the vice president of strategy at Allied Special Operations Group (“ASOG”). Reporting indicates that ASOG was involved in the investigation and promotion of election fraud allegations that were relied upon by the Trump Campaign. See Emma Brown, et al., *The making of a myth*, WASH. POST, May 9, 2021, [https://www.washingtonpost.com/investigations/interactive/2021/trump-election-fraud-texas-businessman-\[REDACTED\]-asog/](https://www.washingtonpost.com/investigations/interactive/2021/trump-election-fraud-texas-businessman-[REDACTED]-asog/). On November 20, 2020, the Perry Account was copied on two additional emails that were also received by [REDACTED]. These emails were sent to eight recipients, including one recipient with a [REDACTED] email address. On December 21, 2020, the Perry Account sent an email to [REDACTED]. The Perry Account sent another email to [REDACTED] on December 22, 2020. In July and August 2020, the Perry Account and [REDACTED] were parties to an additional three emails. Additionally, the **Subject Phone** and a phone number believed to be used by [REDACTED] communicated approximately four times between November 7 and December 11, 2020.

118. Furthermore, a phone number associated with [REDACTED]³² communicated with the **Subject Phone** several times. Between July 28, 2020, and January 15, 2021, the [REDACTED]-controlled number and the **Subject Phone** were in contact approximately eight times. Call duration information suggests that approximately four of these calls were answered. Furthermore, on

³² The phone number in question, [REDACTED], is listed as a contact number for [REDACTED] in a Council for National Policy directory.

October 26, 2020, the **Subject Phone** received a text message from a phone number believed to be controlled by [REDACTED].

119. Evidence further indicates that Perry was included as a recipient on certain emails during the relevant time period that were also received by [REDACTED]. Between November 6 and November 11, 2020, the Perry Account received five emails that also included [REDACTED] as a recipient.³³ The senders of these emails varied. These emails were sent to between two and fifteen recipients.

Perry communicated with others who promoted election fraud claims

120. Between November 2020 and January 2021, Perry had regular contact with affiliates of the Trump Campaign who researched and promoted claims of election fraud. One of these people was [REDACTED]. Public reporting and available evidence indicates that [REDACTED] worked with individuals associated with the Trump Campaign, including [REDACTED] and [REDACTED] to push election fraud claims, including that the Chinese government had interfered with the election via manipulation of voting machines. *See Alan Feuer, A Retired Colonel's Unlikely Role in Pushing Baseless Election Claims*, N.Y. TIMES, Dec. 21, 2021, [https://www.nytimes.com/2021/12/21/us/politics/\[REDACTED\]-jan-6.html](https://www.nytimes.com/2021/12/21/us/politics/[REDACTED]-jan-6.html); Conservative Daily Podcast, Oct. 1 2021, [https://www.listennotes.com/podcasts/conservative-daily/col-\[REDACTED\]-explains-xUeMspn-tCE/](https://www.listennotes.com/podcasts/conservative-daily/col-[REDACTED]-explains-xUeMspn-tCE/) (containing content of [REDACTED] interview on the podcast).

121. On December 22, 2020, an email signed by [REDACTED] was sent to [REDACTED] attaching a document relating to a proposed executive order to require several components of the

³³ Additionally, the Perry Account received an email on February 13, 2021, on which [REDACTED] was a recipient. The Perry Account also received an email on February 14, 2021, on which [REDACTED] was a recipient.

federal government to conduct electronic searches and provide detailed information about purported efforts to influence the election. *See Meadows*, Def.'s Mot. for Sum. J., ECF No. 15-23 at 2. [REDACTED]'s email stated "Reference our conversation in your office yesterday afternoon, this is the National Asset Tasking request to support EO 13848." *Id.* The email continued, "The resultant information will be critical for POTUS and ODNI to complete the required investigation." *Id.* In the public filing, the sending email domain is redacted, but the beginning of the sender email is "[REDACTED]." *Id.* Information from the Perry Account revealed email account [REDACTED] sent an email to the Perry Account on December 30, 2020, and the Perry Account sent an email to [REDACTED] on December 31, 2020.

122. Public reporting suggests that ASOG was co-founded by an individual named [REDACTED]. *See Alan Feuer, A Retired Colonel's Unlikely Role in Pushing Baseless Election Claims*, N.Y. TIMES, Dec. 21, 2021, [https://www.nytimes.com/2021/12/21/us/politics/\[REDACTED\]-jan-6.html](https://www.nytimes.com/2021/12/21/us/politics/[REDACTED]-jan-6.html).

123. Perry appears to have engaged in numerous communications with [REDACTED] and [REDACTED]. Many of these occurred via the Perry Account, as described below. Additionally, the Perry Account communicated with other accounts that appear to be linked to [REDACTED] and [REDACTED]'s efforts. Although the users of these accounts are not currently known, evidence shows that these accounts were copied on certain emails sent by [REDACTED] and/or [REDACTED]. Information [REDACTED] indicates that these same accounts also communicated with the [REDACTED] Account.

124. Open-source research indicates that [REDACTED] used the email addresses [REDACTED], [REDACTED], and [REDACTED]. On November 11, 2020, the Perry Account and [REDACTED] were included on two emails with the address

██████████ Thereafter, on November 14, 2020, the Perry Account and ██████████ both received one additional email to which the address ██████████ also was a party. Between November 9 and November 24, 2020, the Perry Account was included on five emails to which the address ██████████ was a party; ██████████ was also a party to two of these emails.³⁴ On December 30, 2020, the Perry Account exchanged two emails with the address ██████████. Furthermore, on December 30, 2020, Perry's phone engaged in a conversation of approximately three and a half minutes with ██████████'s phone.³⁵

125. On January 7, 2021, the Perry Account received an email from the address ██████████. Open-source research indicates that this email address is used by ██████████. Additionally, the Perry Account was copied on numerous emails that included the address ██████████ as a party. Investigators believe that the address ██████████ is used by ██████████ because of the similarity in name to the ██████████ address, and because on a July 2020 email from ██████████ to the Perry Account, ██████████ is copied as a recipient along with the user of a different alliedspecialops.us address. Between July 29 and August 3, 2020, the Perry Account was a party to three emails involving the address

³⁴ Between December 22, 2020, and January 7, 2021, the ██████████ email address also engaged in approximately nine email exchanges in which the ██████████ Account was included as a sender or recipient.

³⁵ ██████████'s phone number appears, along with his name, in the signature block of his email to ██████████ on December 22, 2020 referenced above. ██████████ also appears to have spoken with ██████████ during the relevant time period. On December 22, 2020, the ██████████ Personal Phone engaged in a call of more than 48 minutes with ██████████'s phone.

[REDACTED] From November 7 to December 23, 2020, the Perry Account was a party to approximately 20 emails involving the address [REDACTED]. The [REDACTED] and [REDACTED] email addresses are also included on approximately six of these messages. Between January 3 and January 7, 2021, the address [REDACTED] was involved in six email exchanges that included the [REDACTED] as well as accounts associated with [REDACTED], [REDACTED], and others.³⁶

126. Additionally, on November 18, 2020, the **Subject Phone** engaged in a call of more than eight minutes with a number registered to [REDACTED]. On December 29, 2020, the **Subject Phone** received a phone call from the same number registered to [REDACTED]. This phone call went unanswered.

127. Furthermore, between November 19, 2020, and January 5, 2021, the Perry Account was included on more than 40 communications with the address [REDACTED]. Email address information obtained pursuant to a [REDACTED] indicates this [REDACTED] may be used by attorney [REDACTED]. Information obtained pursuant to a separate court order reveals that on December 14, 2020, [REDACTED] exchanged two emails with the [REDACTED] Account. Additionally, on November 14, 2020, [REDACTED] sent one email to the [REDACTED] Account. On November 15 and 16, 2020, [REDACTED] and the [REDACTED] Account were both included as recipients of four additional emails.

³⁶ ProtonMail is an encrypted mail service based in Switzerland. Due to ProtonMail's encryption practices, it is not possible for law enforcement authorities to obtain email content from ProtonMail accounts.

128. Evidence also indicates that the **Subject Phone** was used to communicate with several Pennsylvania state legislators who promoted claims of election fraud. On December 16, 2020, the House Homeland Security and Governmental Affairs Committee held a hearing regarding election fraud in Pennsylvania and other states. Six days after this hearing, a group of Pennsylvania state legislators drafted a letter to Perry and United States Senator [REDACTED]. This letter referenced “additional inconsistencies” to those discussed at the December 16 hearing and concluded by claiming that “the election of 2020 in Pennsylvania was fraught with inconsistencies and documented irregularities . . . to the point that the reliability of voting in the Commonwealth of Pennsylvania is impossible to rely upon.” The letter was signed by fifteen Pennsylvania state legislators. Thereafter, on December 30, 2020, a group of 27 Pennsylvania state legislators drafted a letter to then-Senate Majority Leader [REDACTED] asking [REDACTED] to “dispute the certification” of Pennsylvania’s election results “until an investigation is completed.” In support of this request, the group of state legislators made several allegations of election fraud. Many of the signatories of the December 30 letter were individuals who previously signed the December 22 letter.

129. As described below, investigation reveals that several of the signatories of these letters communicated with the **Subject Phone** in the post-election time period. Specifically, on November 7 and 8, 2020, the **Subject Phone** began exchanging text messages with at least eight of the individuals who signed one or both of the letters. The **Subject Phone** exchanged frequent text messages with all eight of these individuals over the next several days, then abruptly stopped on November 10, 2020. After November 10, only one of these individuals continued exchanging messages with the **Subject Phone**.

130. Although the text messages with the **Subject Phone** ended on November 10, it does not appear that this group of state legislators ceased all communications with Perry on that date. Rather, evidence indicates that after November 10, several of the individuals in this group communicated with Perry via calls to and from the **Subject Phone** and via emails to and from the Perry Email Account. The sudden initiation of text communications with this group, the short-term intensity of the text frequency, the abrupt end to the text communications, and the fact that the parties continued communicating with Perry through other mechanisms suggests to investigators that Perry and this group of state legislators may have moved their text communications to another messaging platform, such as Signal, WhatsApp, or others, after November 10. If a separate messaging platform was used, those messages may still exist in the pertinent app on the **Subject Phone**. Details of the timing of the known text communications with the **Subject Phone** are listed below.

- a. [REDACTED] is a Pennsylvania state senator who was a signatory to both the December 22 and December 30 letters. Between November 7 and November 10, 2020, a phone number believed to be used by [REDACTED]³⁷ exchanged 13 text messages with the **Subject Phone**. These text communications ended after November 10.
- b. [REDACTED] is a Pennsylvania state representative who was a signatory to the December 30 letter. Between November 7, 2020, and January 9, 2021, a phone

³⁷ Open-source database information reveals that the phone number in question, [REDACTED], is associated with “[REDACTED]” Furthermore, the [REDACTED] area code corresponds to the portion of [REDACTED] within which [REDACTED]’s state senate district is located. Thus, investigators believe that the phone number is used by [REDACTED].

number believed to be used by ██████³⁸ exchanged more than 50 text messages with the **Subject Phone**.

- c. ██████ is a Pennsylvania state representative who was a signatory to both the December 22 and December 30 letters. Between November 7 and November 10, 2020, a phone number believed to be used by ██████³⁹ exchanged more than approximately 30 text messages with the **Subject Phone**. These text communications ended after November 10.
- d. ██████ is a Pennsylvania state senator who was a signatory to the December 30 letter. Between November 7 and November 10, 2020, a phone number believed to be used by ██████⁴⁰ exchanged more than two dozen text messages with the **Subject Phone**. These text communications ended after November 10.
- e. ██████ is a Pennsylvania state representative who was a signatory to both the December 22 and December 30 letters. Between November 7 and November 10,

³⁸ Open-source database information reveals that the phone number in question, ██████, is associated with “██████.” Furthermore, the ██████ area code corresponds to the portion of ██████ within which ██████’s state congressional district is located. Thus, investigators believe that the phone number is used by ██████.

³⁹ Open-source database information reveals that the phone number in question, ██████, is associated with “██████.” Furthermore, the ██████ area code corresponds to the portion of ██████ within which ██████’s state congressional district is located. Thus, investigators believe that the phone number is used by ██████.

⁴⁰ Information ██████ reveals that the phone number in question, ██████ is registered to “██████,” which is the name of ██████’s wife. The phone number is registered to an address in ██████, believed to be ██████’s home address. Thus, investigators believe that the phone number is used by ██████.

2020, a phone number believed to be used by ██████⁴¹ exchanged approximately 11 text messages with the **Subject Phone**. These text communications ended after November 10.

f. ██████ is a Pennsylvania state representative who was a signatory to both the December 22 and December 30 letters. Between November 7 and November 10, 2020, a phone number believed to be used by ██████⁴² exchanged approximately 6 text messages with the **Subject Phone**. These text communications ended after November 10.

g. ██████ is a Pennsylvania state representative who was a signatory to both the December 22 and December 30 letters. Between November 7 and November 10, 2020, a phone number believed to be used by ██████⁴³ exchanged more than approximately 20 text messages with the **Subject Phone**. These text communications ended after November 10.

⁴¹ Open-source database information reveals that the phone number in question, ██████, is associated with “██████████” Furthermore, the ██████ area code corresponds to the portion of ██████████ within which ██████’s state congressional district is located. Thus, investigators believe that the phone number is used by ██████.

⁴² Open-source database information reveals that the phone number in question, ██████, is associated with “██████████” Furthermore, the ██████ area code corresponds to the portion of ██████████ within which ██████’s state congressional district is located. Thus, investigators believe that the phone number is used by ██████.

⁴³ Open-source database information reveals that the phone number in question, ██████, is associated with “██████████” Furthermore, the ██████ area code corresponds to the portion of ██████████ within which ██████’s state congressional district is located. Thus, investigators believe that the phone number is used by ██████.

h. [REDACTED] is a Pennsylvania state representative who was a signatory to the December 30 letter. Between November 7 and November 10, 2020, a phone number believed to be used by [REDACTED]⁴⁴ exchanged approximately nine text messages with the **Subject Phone**. These text communications ended after November 10.

131. Evidence further indicates that the **Subject Phone** was used to communicate with additional individuals who may have participated in or shared information relevant to the scheme to overturn the election results. For instance, between November 19 and November 21, 2020, the **Subject Phone** engaged in more than 20 texts with a phone number registered to an individual named [REDACTED].⁴⁵ It is currently unknown whether [REDACTED] participated in the effort to challenge the outcome of the election, but phone records indicate that in November 2020, [REDACTED] spoke repeatedly with both Perry and [REDACTED], and in December 2020, [REDACTED] spoke once with [REDACTED]. [REDACTED]'s communications with multiple individuals connected to the effort to invalidate the election results suggest that his communications with the **Subject Phone** may have related to this same topic.

Conclusion of Probable Cause Statement

132. As described above, there is probable cause to believe that in late December 2020, [REDACTED] and others drafted and circulated a letter indicating, falsely, that DOJ had identified

⁴⁴ Open-source database information reveals that the phone number in question, [REDACTED], is associated with "[REDACTED]." Furthermore, the [REDACTED] area code corresponds to the portion of [REDACTED] within which [REDACTED]'s state congressional district is located. Thus, investigators believe that the phone number is used by [REDACTED].

⁴⁵ Open-source database information reveals that the phone number in question, [REDACTED], is associated with [REDACTED].

significant indicia of fraud in relation to the 2020 presidential election. Based on currently available evidence, it appears that the purpose of this letter was to encourage the legislatures in certain contested states to engage such that President Biden would not receive the State's electoral votes. Evidence indicates that prior to the drafting of this letter, individuals affiliated with the Trump Campaign had overseen the submission of "alternate" slates of electors in several closely contested states who putatively cast competing electoral votes in favor of former President Trump.

133. Investigation has revealed that when [REDACTED] superiors at DOJ rejected this letter as containing false or inaccurate statements, an effort was then undertaken to appoint [REDACTED] as Acting Attorney General. At the time of these events in late December 2020 and early January 2021, [REDACTED] and others had information indicating that DOJ had not identified evidence of widespread fraud that could have impacted the outcome of the 2020 election. As such, there is probable cause to believe that [REDACTED] and others committed the Target Offenses.

Location Information for Perry

134. As described above, the **Subject Phone** was known to be used by Perry to communicate with [REDACTED], [REDACTED] and others during the time that they undertook efforts to install [REDACTED] as the acting head of DOJ so that he could submit the false DOJ letter designed to validate fraudulent election claims. There is probable cause to believe that the **Subject Phone** contains evidence of the Target Offenses.

135. I also seek location information for the **Subject Phone**. There is probable cause to believe that the location information will constitute evidence of the Target Offenses.

136. Because the warrant seeks the prospective collection of information, including cell-site location information, that may fall within the statutory definitions of information collected by a "pen register" and/or "trap and trace device," *see* 18 U.S.C. § 3127(3) & (4), the requested

warrant is designed to also comply with the Pen Register Act. *See* 18 U.S.C. §§ 3121-3127. The requested warrant therefore includes all the information required to be included in an order pursuant to that statute. *See* 18 U.S.C. § 3123(b)(1).

137. The court has jurisdiction to issue the proposed warrant with respect to location information because it is a “court of competent jurisdiction” as defined in 18 U.S.C. § 2711. Specifically, 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).

138. Since individuals typically use and carry their cell phones, or otherwise have their cell phones in close proximity, location information for a phone likely means location information for the individual whose phone it is—namely, Perry.

139. Perry’s location is material to the investigation. The Select Committee began public hearings on June 9, 2022. Those hearings continued through July and are expected to resume in September. Perry was mentioned by name several times during these hearings. For example, the June 23, 2022, hearing detailed an effort purportedly undertaken by Perry, █████, and others to have █████ installed as the Attorney General, which would have enabled █████ to investigate and publicize election fraud allegations. Additionally, there has recently been press coverage of certain aspects of the instant criminal investigation that are known to the public, including news articles mentioning that federal agents seized cell phones of █████ and █████. This discussion and public scrutiny of the prior actions of Perry and others may cause Perry to engage in additional face-to-face communications with █████ or other conspirators. These conversations may be focused on their past conduct or on ways to ensure that their past conduct is not discovered and publicly aired at the Select Committee’s hearings or in later Select Committee reports. Accordingly, there is probable cause to believe that location information—both

prospective location information and historic location information dating back to at least June 23, 2022—may constitute evidence of the Target Offenses.

Technical Terms

140. Based on my training and experience, and information acquired from other law enforcement officials with technical expertise, I know the terms described below have the following meanings or characteristics:

- a. “Digital device,” as used herein, includes the following three terms and their respective definitions:
 - i. A “computer” means an electronic, magnetic, optical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device. *See* 18 U.S.C. § 1030(e)(1). Computers are physical units of equipment that perform information processing using a binary system to represent information. Computers include, but are not limited to, desktop and laptop computers, smartphones, tablets, smartwatches, and binary data processing units used in the operation of other products like automobiles.
 - ii. “Digital storage media,” as used herein, means any information storage device in which information is preserved in binary form and includes electrical, optical, and magnetic digital storage devices. Examples of digital storage media include, but are not limited to, compact disks, digital versatile disks (“DVDs”), USB flash drives, flash memory cards, and internal and external hard drives.

- iii. “Computer hardware” means all equipment that can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Computer hardware includes any data-processing devices (including, but not limited to, central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, and other memory storage devices); peripheral input/output devices (including, but not limited to, keyboards, printers, video display monitors, modems, routers, scanners, and related communications devices such as cables and connections), as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including, but not limited to, physical keys and locks).

- b. “Wireless telephone” (or mobile telephone, or cellular telephone), a type of digital device, is a handheld wireless device used for voice and data communication at least in part through radio signals and also often through “wi-fi” networks. When communicating via radio signals, these telephones send signals through networks of transmitters/receivers, enabling communication with other wireless telephones, traditional “land line” telephones, computers, and other digital devices. A wireless telephone usually contains a “call log,” which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones offer a broad range of applications and capabilities. These include, variously: storing names and phone numbers in electronic “address books”; sending, receiving, and storing text messages, e-mail,

and other forms of messaging; taking, sending, receiving, and storing still photographs and video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; utilizing global positioning system (“GPS”) locating and tracking technology, and accessing and downloading information from the Internet.

- c. A “tablet” is a mobile computer, typically larger than a wireless phone yet smaller than a notebook, that is primarily operated by touch-screen. Like wireless phones, tablets function as wireless communication devices and can be used to access the Internet or other wired or wireless devices through cellular networks, “wi-fi” networks, or otherwise. Tablets typically contain programs called applications (“apps”), which, like programs on both wireless phones, as described above, and personal computers, perform many different functions and save data associated with those functions.
- d. A “GPS” navigation device, including certain wireless phones and tablets, uses the Global Positioning System (generally abbreviated “GPS”) to display its current location, and often retains records of its historical locations. Some GPS navigation devices can give a user driving or walking directions to another location, and may contain records of the addresses or locations involved in such historical navigation. The GPS consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a

GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

- e. "Computer passwords and data security devices" means information or items designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alpha-numeric characters) usually operates as a digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software of digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or "booby-trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.
- f. "Computer software" means digital information which can be interpreted by a computer and any of its related components to direct the way they work. Computer software is stored in electronic, magnetic, or other digital form. It commonly includes programs to run operating systems, applications, and utilities.
- g. Internet Protocol ("IP") Address is a unique numeric address used by digital devices on the Internet. An IP address, for present purposes, looks like a series of four numbers, each in the range 0-255, separated by periods (*e.g.*, 149.101.1.32). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP

addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.

- h. The “Internet” is a global network of computers and other electronic devices that communicate with each other using numerous specified protocols. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.
- i. “Internet Service Providers,” or “ISPs,” are entities that provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers, including access to the Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment. ISPs can offer a range of options in providing access to the Internet, including via telephone-based dial-up and broadband access via digital subscriber line (“DSL”), cable, dedicated circuits, fiber-optic, or satellite. ISPs typically charge a fee based upon the type of connection and volume of data, called bandwidth, which the connection supports. Many ISPs assign each subscriber an account name, a user name or screen name, an e-mail address, an e-mail mailbox, and a personal password selected by the subscriber. By using a modem, the subscriber can establish communication with an ISP and access the Internet by using his or her account name and password.
- j. A “modem” translates signals for physical transmission to and from the ISP, which then sends and receives the information to and from other computers connected to the Internet.

- k. A “router” often serves as a wireless Internet access point for a single or multiple devices, and directs traffic between computers connected to a network (whether by wire or wirelessly). A router connected to the Internet collects traffic bound for the Internet from its client machines and sends out requests on their behalf. The router also distributes to the relevant client inbound traffic arriving from the Internet. A router usually retains logs for any devices using that router for Internet connectivity. Routers, in turn, are typically connected to a modem.
- l. “Domain Name” means the common, easy-to-remember names associated with an IP address. For example, a domain name of “www.usdoj.gov” refers to the IP address of 149.101.1.32. Domain names are typically strings of alphanumeric characters, with each level delimited by a period. Each level, read backwards – from right to left – further identifies parts of an organization. Examples of first-level, or top-level domains are typically .com for commercial organizations, .gov for the governmental organizations, .org for organizations, and .edu for educational organizations. Second-level names will further identify the organization, for example usdoj.gov further identifies the United States governmental agency to be the Department of Justice. Additional levels may exist as needed until each machine is uniquely identifiable. For example, www.usdoj.gov identifies the World Wide Web server located at the United States Department of Justice, which is part of the United States government.
- m. “Cache” means the text, image, and graphic files sent to and temporarily stored by a user’s computer from a website accessed by the user in order to allow the user speedier access to and interaction with that website in the future.

- n. “Peer to Peer file sharing” (P2P) is a method of communication available to Internet users through the use of special software, which may be downloaded from the Internet. In general, P2P software allows a user to share files on a computer with other computer users running compatible P2P software. A user may obtain files by opening the P2P software on the user’s computer and searching for files that are currently being shared on the network. A P2P file transfer is assisted by reference to the IP addresses of computers on the network: an IP address identifies the location of each P2P computer and makes it possible for data to be transferred between computers. One aspect of P2P file sharing is that multiple files may be downloaded at the same time. Another aspect of P2P file sharing is that, when downloading a file, portions of that file may come from multiple other users on the network to facilitate faster downloading.
- i. When a user wishes to share a file, the user adds the file to shared library files (either by downloading a file from another user or by copying any file into the shared directory), and the file’s hash value is recorded by the P2P software. The hash value is independent of the file name; that is, any change in the name of the file will not change the hash value.
 - ii. Third party software is available to identify the IP address of a P2P computer that is sending a file. Such software monitors and logs Internet and local network traffic.
- o. “VPN” means a virtual private network. A VPN extends a private network across public networks like the Internet. It enables a host computer to send and receive data across shared or public networks as if they were an integral part of a private

network with all the functionality, security, and management policies of the private network. This is done by establishing a virtual point-to-point connection through the use of dedicated connections, encryption, or a combination of the two. The VPN connection across the Internet is technically a wide area network (WAN) link between the sites. From a user perspective, the extended network resources are accessed in the same way as resources available from a private network-hence the name “virtual private network.” The communication between two VPN endpoints is encrypted and usually cannot be intercepted by law enforcement.

- p. “Encryption” is the process of encoding messages or information in such a way that eavesdroppers or hackers cannot read it but authorized parties can. In an encryption scheme, the message or information, referred to as plaintext, is encrypted using an encryption algorithm, turning it into an unreadable ciphertext. This is usually done with the use of an encryption key, which specifies how the message is to be encoded. Any unintended party that can see the ciphertext should not be able to determine anything about the original message. An authorized party, however, is able to decode the ciphertext using a decryption algorithm that usually requires a secret decryption key, to which adversaries do not have access.
- q. “Malware,” short for malicious (or malevolent) software, is software used or programmed by attackers to disrupt computer operations, gather sensitive information, or gain access to private computer systems. It can appear in the form of code, scripts, active content, and other software. Malware is a general term used to refer to a variety of forms of hostile or intrusive software.

Computers, Electronic/Magnetic Storage, and Forensic Analysis

141. As described above and in the attachments, this application seeks permission to search for evidence, fruits, contraband, instrumentalities, and information that might be found at the places to be searched, in whatever form they are found. One form in which such items might be found is data stored on one or more digital devices. Such devices are defined above and include any electronic system or device capable of storing or processing data in digital form, including central processing units; desktop computers, laptop computers, notebooks, and tablet computers; personal digital assistants; wireless communication devices, such as telephone paging devices, beepers, mobile telephones, and smart phones; digital cameras; peripheral input/output devices, such as keyboards, printers, scanners, plotters, monitors, and drives intended for removable media; related communications devices, such as modems, routers, cables, and connections; storage media, such as hard disk drives, floppy disks, USB flash drives, memory cards, optical disks, and magnetic tapes used to store digital data (excluding analog tapes such as VHS); and security devices. Thus, the warrant applied for would authorize the seizure of digital devices or, potentially, the copying of stored information, all under Rule 41(e)(2)(B). Based on my knowledge, training, and experience, as well as information related to me by agents and others involved in this investigation and in the forensic examination of digital devices, I respectfully submit that, if digital devices are found in the places to be searched, there is probable cause to believe that the items described in the attachments will be stored in any discovered digital device for at least the following reasons:

- a. Individuals who engage in criminal activity use digital devices to communicate with co-conspirators, to store documents, pictures, videos, and other files relating to their illegal activity, which can include logs of online chats with co-conspirators; email correspondence; text or other “Short Message Service” (“SMS”) messages;

and contact information of co-conspirators, including telephone numbers, email addresses, identifiers for instant messaging and social medial accounts.

- b. Individuals who engage in the foregoing criminal activity, in the event that they change digital devices, will often “back up” or transfer files from their old digital devices to that of their new digital devices, so as not to lose data, including that described in the foregoing paragraph, which would be valuable in facilitating their criminal activity.
- c. Digital device files, or remnants of such files, can be recovered months or even many years after they have been downloaded onto the medium or device, deleted, or viewed via the Internet. Electronic files downloaded to a digital device can be stored for years at little or no cost. Even when such files have been deleted, they can be recovered months or years later using readily-available forensics tools. When a person “deletes” a file on a digital device such as a home computer, a smart phone, or a memory card, the data contained in the file does not actually disappear; rather, that data remains on the storage medium and within the device unless and until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space – that is, in space on the digital device that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space – for long periods of time before they are overwritten. In addition, a digital device’s operating system may also keep a record of deleted data in a “swap” or “recovery” file. Similarly, files that have been viewed via the Internet are automatically downloaded into a temporary Internet directory or “cache.” The browser typically maintains a fixed amount of electronic storage

medium space devoted to these files, and the files are only overwritten as they are replaced with more recently viewed Internet pages. Thus, the ability to retrieve “residue” of an electronic file from a digital device depends less on when the file was downloaded or viewed than on a particular user’s operating system, storage capacity, and computer, smart phone, or other digital device habits.

142. As further described in the attachments, this application seeks permission to locate not only electronic evidence or information that might serve as direct evidence of the crimes described in this affidavit, but also for forensic electronic evidence or information that establishes how the digital device(s) were used, the purpose of their use, who used them (or did not), and when. Based on my knowledge, training, and experience, as well as information related to me by agents and others involved in this investigation and in the forensic examination of digital devices, I respectfully submit there is probable cause to believe that this forensic electronic evidence and information will be in any of the device(s) at issue here because:

- a. Although some of the records called for by this warrant might be found in the form of user-generated documents or records (such as word processing, picture, movie, or texting files), digital devices can contain other forms of electronic evidence as well. In particular, records of how a digital device has been used, what it has been used for, who has used it, and who has been responsible for creating or maintaining records, documents, programs, applications, and materials contained on the digital device(s) are, as described further in the attachments, called for by this warrant. Those records will not always be found in digital data that is neatly segregable from the hard drive, flash drive, memory card, or other electronic storage media image as a whole. Digital data stored in the device(s), not currently associated with any

file, can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file). Virtual memory paging systems can leave digital data on a hard drive that show what tasks and processes on a digital device were recently used. Web browsers, e-mail programs, and chat programs often store configuration data on a hard drive, flash drive, memory card, or memory chip that can reveal information such as online nicknames and passwords. Operating systems can record additional data, such as the attachment of peripherals, the attachment of USB flash storage devices, and the times a computer, smart phone, or other digital device was in use. Computer, smart phone, and other digital device file systems can record data about the dates files were created and the sequence in which they were created. This data can be evidence of a crime, indicate the identity of the user of the digital device, or point toward the existence of evidence in other locations. Recovery of this data requires specialized tools and a controlled laboratory environment, and also can require substantial time.

- b. Forensic evidence on a digital device can also indicate who has used or controlled the device. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, registry information, configuration files, user profiles, e-mail, e-mail address books, chats, instant messaging logs, photographs, the presence or absence of malware, and correspondence (and the data associated with the foregoing, such as file creation and last-accessed dates) may be evidence of who used or controlled the digital device at a relevant time, and potentially who did not.

- c. A person with appropriate familiarity with how a digital device works can, after examining this forensic evidence in its proper context, draw conclusions about how such digital devices were used, the purpose of their use, who used them, and when.
- d. The process of identifying the exact files, blocks, registry entries, logs, or other forms of forensic evidence on a digital device that are necessary to draw an accurate conclusion is a dynamic process. While it is possible to specify in advance the records to be sought, digital device evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on digital devices is evidence may depend on other information stored on the devices and the application of knowledge about how the devices behave. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.
- e. Further, in finding evidence of how a digital device was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on the device. For example, the presence or absence of counter-forensic programs, anti-virus programs (and associated data), and malware may be relevant to establishing the user's intent and the identity of the user.

Biometric Access to Devices

143. This warrant permits law enforcement agents to obtain from Perry the compelled display of any physical biometric characteristics (such as fingerprint/thumbprint or facial characteristics) necessary to unlock any device(s) requiring such biometric access subject to seizure pursuant to this warrant for which law enforcement has reasonable suspicion that the

aforementioned person(s)' physical biometric characteristics will unlock the device(s). The grounds for this request are as follows:

144. I know from my training and experience, as well as from information found in publicly available materials published by device manufacturers, that many electronic devices, particularly newer mobile devices and laptops, offer their users the ability to unlock the device through biometric features in lieu of a numeric or alphanumeric passcode or password. These biometric features include fingerprint scanners, facial recognition features, and iris recognition features. Some devices offer a combination of these biometric features, and the user of such devices can select which features they would like to utilize.

145. If a device is equipped with a fingerprint scanner, a user may enable the ability to unlock the device through his or her fingerprints. For example, Apple offers a feature called "Touch ID," which allows a user to register up to five fingerprints that can unlock a device. Once a fingerprint is registered, a user can unlock the device by pressing the relevant finger to the device's Touch ID sensor, which is found in the round button (often referred to as the "home" button) located at the bottom center of the front of the device. The fingerprint sensors found on devices produced by other manufacturers have different names but operate similarly to Touch ID.

146. If a device is equipped with a facial-recognition feature, a user may enable the ability to unlock the device through his or her face. For example, this feature is available on certain Android devices and is called "Trusted Face." During the Trusted Face registration process, the user holds the device in front of his or her face. The device's front-facing camera then analyzes and records data based on the user's facial characteristics. The device can then be unlocked if the front-facing camera detects a face with characteristics that match those of the registered face.

Facial recognition features found on devices produced by other manufacturers (such as Apple's "Face ID") have different names but operate similarly to Trusted Face.

147. If a device is equipped with an iris-recognition feature, a user may enable the ability to unlock the device with his or her irises. For example, on certain Microsoft devices, this feature is called "Windows Hello." During the Windows Hello registration, a user registers his or her irises by holding the device in front of his or her face. The device then directs an infrared light toward the user's face and activates an infrared-sensitive camera to record data based on patterns within the user's irises. The device can then be unlocked if the infrared-sensitive camera detects the registered irises. Iris-recognition features found on devices produced by other manufacturers have different names but operate similarly to Windows Hello.

148. In my training and experience, users of electronic devices often enable the aforementioned biometric features because they are considered to be a more convenient way to unlock a device than by entering a numeric or alphanumeric passcode or password. Moreover, in some instances, biometric features are considered to be a more secure way to protect a device's contents. This is particularly true when the users of a device are engaged in criminal activities and thus have a heightened concern about securing the contents of a device.

149. As discussed herein, I have reason to believe that one or more digital devices will be found during the search. The passcode or password that would unlock the device(s) subject to search under this warrant currently is not known to law enforcement. Thus, law enforcement personnel may not otherwise be able to access the data contained within the device(s), making the use of biometric features necessary to the execution of the search authorized by this warrant.

150. I also know from my training and experience, as well as from information found in publicly available materials including those published by device manufacturers, that biometric

features will not unlock a device in some circumstances even if such features are enabled. This can occur when a device has been restarted, inactive, or has not been unlocked for a certain period of time. For example, Apple devices cannot be unlocked using Touch ID when: (1) more than 48 hours has elapsed since the device was last unlocked; or (2) when the device has not been unlocked using a fingerprint for 8 hours and the passcode or password has not been entered in the last 6 days. Similarly, certain Android devices cannot be unlocked with Trusted Face if the device has remained inactive for four hours. Biometric features from other brands carry similar restrictions. Thus, in the event law enforcement personnel encounter a locked device equipped with biometric features, the opportunity to unlock the device through a biometric feature may exist for only a short time.

151. Due to the foregoing, if law enforcement personnel encounter any device(s) that are subject to seizure pursuant to this warrant and may be unlocked using one of the aforementioned biometric features, this warrant permits law enforcement personnel to obtain from the aforementioned person(s) the display of any physical biometric characteristics (such as fingerprint/thumbprint or facial characteristics) necessary to unlock any device(s), including to (1) press or swipe the fingers (including thumbs) of the aforementioned person(s) to the fingerprint scanner of the device(s) found at the places to be searched; (2) hold the device(s) found at the places to be searched in front of the face of the aforementioned person(s) to activate the facial recognition feature; and/or (3) hold the device(s) found at the places to be searched in front of the face of the aforementioned person(s) to activate the iris recognition feature, for the purpose of attempting to unlock the device(s) in order to search the contents as authorized by this warrant.

152. The proposed warrant does not authorize law enforcement to require that the aforementioned person(s) state or otherwise provide the password, or identify specific biometric

characteristics (including the unique finger(s) or other physical features) that may be used to unlock or access the device(s). Nor does the proposed warrant authorize law enforcement to use the fact that the warrant allows law enforcement to obtain the display of any biometric characteristics to compel the aforementioned person(s) to state or otherwise provide that information. However, the voluntary disclosure of such information by the aforementioned person(s) would be permitted under the proposed warrant. To avoid confusion on that point, if agents in executing the warrant ask any of the aforementioned person(s) for the password to any device(s), or to identify which biometric characteristic (including the unique finger(s) or other physical features) unlocks any device(s), the agents will not state or otherwise imply that the warrant requires the person to provide such information, and will make clear that providing any such information is voluntary and that the person is free to refuse the request.

Additional Information Relevant to Location Information

153. In my training and experience, providers of cellular telephone service have technical capabilities that allow them to collect and generate information about the locations of the cellular telephones to which they provide service, including E-911 Phase II data, also known as GPS data or latitude-longitude data and cell-site data, also known as “tower/face information” or cell tower/sector records. E-911 Phase II data provides relatively precise location information about the cellular telephone itself, either via GPS tracking technology built into the phone or by triangulating on the device’s signal using data from several of the provider’s cell towers. Cell-site data identifies the “cell towers” (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the “sector” (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower

closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data is typically less precise than E-911 Phase II data.

154. Based on my training and experience, I know that some wireless providers can collect E-911 Phase II data about the location of cell phones, including by initiating a signal to determine the location of the cell phone on the wireless provider's network or with such other reference points as may be reasonably available.

155. Based on my training and experience, I know that wireless providers create and maintain certain types of engineering data for limited periods of time. This data can be referred to as Per Call Measurement Data ("PCMD"), RTT records, NELOS records, or Timing Advance ("TrueCall") records. This data includes timing advance measurements and distance-to-tower measurements. These types of measurements are typically more precise than cell-site data because it includes not only tower and sector information, but also a distance measurement from that tower.

156. Based on my training and experience, I know that some wireless providers can collect cell-site data about certain cell phones. Based on my training and experience, I know that for each communication a cellular device makes, its wireless service provider can typically determine: (1) the date and time of the communication; (2) the telephone numbers involved, if any; (3) the cell tower to which the customer connected at the beginning of the communication; (4) the cell tower to which the customer connected at the end of the communication; and (5) the duration of the communication. I also know that wireless providers typically collect and retain cell-site data pertaining to cellular devices to which they provide service in their normal course of business in order to use this information for various business-related purposes.

157. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until

30 days after the collection authorized by the warrant has been completed. There is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to the subscriber or user of the relevant cell phones would seriously jeopardize the ongoing investigation, as such a disclosure would give that person an opportunity to destroy evidence, change patterns of behavior, and notify confederates. See 18 U.S.C. § 3103a(b)(1). Moreover, to the extent that the warrant authorizes the seizure of any wire or electronic communication (as defined in 18 U.S.C. § 2510) or any stored wire or electronic information, there is reasonable necessity for the seizure for the reasons set forth above. See 18 U.S.C. § 3103a(b)(2).

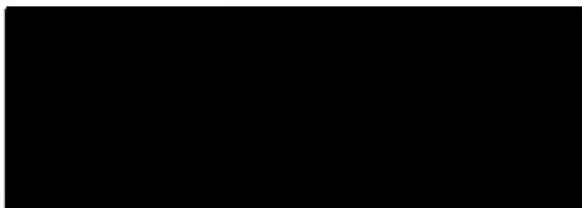
Request to Submit Warrant by Telephone or Other Reliable Electronic Means

158. I respectfully request, pursuant to Rules 4.1 and 41(d)(3) of the Federal Rules of Criminal Procedure, permission to communicate information to the Court by telephone in connection with this Application for Search Warrant. I submit that [REDACTED], [REDACTED], is capable of identifying my voice and telephone number for the Court.

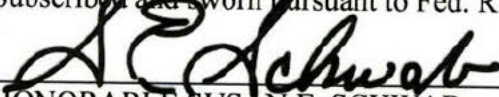
Conclusion

159. Based on the foregoing, I request that the Court issue the proposed search warrant. Because one aspect of the warrant, as reflected in Attachment A-2, requires service on AT&T, who will then compile the requested records at a time convenient to it, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.⁴⁶ Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of that aspect of this warrant.

160. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is not known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.



Subscribed and sworn pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on 8/2/2022



HONORABLE SUSAN E. SCHWAB
UNITED STATES MAGISTRATE JUDGE

⁴⁶ The aspect of the warrant that authorizes the search of Perry, as reflected in Attachment A-1, will be executed at a time between 6:00 a.m. and 10:00 p.m.

ATTACHMENT A-1

Person to Be Searched

This warrant applies to the search of SCOTT PERRY (the “Subject” or “Perry”), a white male who has a date of birth of [REDACTED], and is pictured below, and any and all clothing and personal belongings, backpacks, briefcases, purses, and bags that are within Perry’s immediate vicinity and control at the location where the search warrant is executed.



ATTACHMENT A-2

Property to be searched

1. The cellular telephone assigned call number [REDACTED] ("Subject Phone"), whose wireless service provider is AT&T, a company headquartered at 208 South Akard St., Dallas TX 75201.
2. Records and information associated with [REDACTED] that is within the possession, custody, or control of AT&T.

ATTACHMENT B-1

Particular Things to be Seized

Any cellular phone and all information in such devices.

After seizing the device(s), law enforcement intends to transport the device(s) to Washington, D.C, or to the DOJ-OIG forensic laboratory in Northern Virginia. To ensure that evidence is preserved from spoliation, law enforcement personnel may conduct a forensic extraction of the device(s), may image the device(s), and/or may take manual screen captures of the contents of the device(s). Any forensic extraction, imaging, or manual screen captures will not be reviewed by law enforcement personnel until further order of a court of competent jurisdiction, except to the extent necessary to ensure that the copies of the device(s) are accurate and complete and to ensure that information on the device(s) is preserved from spoliation.

During the execution of the search of the authorized places, law enforcement personnel are also specifically authorized to obtain from the Subject (but not any other individuals present at the time of execution of the warrant) the compelled display of any physical biometric characteristics (such as fingerprint/thumbprint, facial characteristics, or iris display) necessary to unlock any device(s) requiring such biometric access subject to seizure pursuant to this warrant for which law enforcement has reasonable suspicion that the aforementioned person(s)' physical biometric characteristics will unlock the device(s), to include pressing fingers or thumbs against and/or putting a face before the sensor, or any other security feature requiring biometric recognition of any of the devices, for the purpose of attempting to unlock the device(s)'s security features in order to search the contents as authorized by this warrant.

While attempting to unlock the device by use of the compelled display of biometric characteristics pursuant to this warrant, law enforcement is not authorized to demand that the

aforementioned person(s) state or otherwise provide the password or identify the specific biometric characteristics (including the unique finger(s) or other physical features), that may be used to unlock or access the device(s). Nor does the warrant authorize law enforcement to use the fact that the warrant allows law enforcement to obtain the display of any biometric characteristics to compel the aforementioned person(s) to state or otherwise provide that information. However, the voluntary disclosure of such information by the aforementioned person(s) is permitted. To avoid confusion on that point, if agents in executing the warrant ask any of the aforementioned person(s) for the password to any device(s), or to identify which biometric characteristic (including the unique finger(s) or other physical features) unlocks any device(s), the agents will not state or otherwise imply that the warrant requires the person to provide such information, and will make clear that providing any such information is voluntary and that the person is free to refuse the request.

ATTACHMENT B-2 (Location Information)

Particular Things to be Seized

I. Information to be Disclosed by AT&T (the “Provider”)

All information about the location of the **Subject Phone** described in Attachment A **from June 23, 2022, through the date that is thirty days from the date of this order**, during all times of day and night. “Information about the location of the Target Cell Phone” includes all available historical and prospective E-911 Phase II data, GPS data, latitude-longitude data, and other precise location information, as well as all data about which “cell towers” (i.e., antenna towers covering specific geographic areas) and “sectors” (i.e., faces of the towers) received a radio signal from the **Subject Phone**, as well as engineering data, including RTT records, PCMD records, NELOS records, Timing Advance (“TrueCall”) records, and all other records containing timing advance measurements and distance-to-tower measurements for all technologies, such as CDMA, GSM, UMTS, LTE, etc.

To the extent that the information described in the previous paragraph (hereinafter, “Location Information”) is within the possession, custody, or control of the wireless provider, the wireless provider is required to disclose the Location Information to the government. In addition, the wireless provider must furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information unobtrusively and with a minimum of interference with the wireless provider’s services, including by initiating a signal to determine the location of the Target Cell Phone on the wireless provider’s network or with such other reference points as may be reasonably available, and at such intervals and times directed by the government. The government shall compensate the wireless provider for reasonable expenses incurred in furnishing such facilities or assistance.

In approving this warrant, the Court finds reasonable necessity for the seizure of the Location Information. *See* 18 U.S.C. § 3103a(b)(2).

II. Information to Be Seized by the Government

All information described above in Section I that constitutes evidence of violations of the Target Offenses.

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate the things particularly described in this Warrant.