

Inventory

STATE OF MAINE
DOCKET
SAGADAHOC, ss.

UNIFIED CRIMINAL West Bath

LOCATION:
DOCKET NO. _____

IN RE: SEARCH WARRANT FOR)
ACCOUNT INFORMATION OF)
207-837-3761 THAT IS)
STORED AT PREMISES)
CONTROLLED BY AT&T)

INVENTORY
[M.R.U. Crim. P. 41(g) & 41B]

The following material(s) were seized pursuant to the search warrant above captioned above:

{List the types of records that were received from AT&T.}

VERIFICATION

The [AGENCY] seized records from AT&T regarding the account(s), [put in the accounts] pursuant to a search warrant signed by [Judge X] on [date] with the material being provided on [date] by AT&T regarding an investigation into Murder in violation of 17-A M.R.S. § 201

Date: _____
NAME

Personally appeared the above named, NAME, and made oath to the truth of the foregoing inventory.

Date: _____
Clerk/Notary Public

Search Warrant

STATE OF MAINE
SAGADAHOC, ss.

UNIFIED CRIMINAL COURT
LOCATION: West Bath
DOCKET NO. _____

IN RE: SEARCH WARRANT FOR)	
ACCOUNT INFORMATION OF)	
207-837-3761 THAT IS)	SEARCH WARRANT
STORED AT PREMISES)	[M.R.U. Crim. P. 41 & 41B]
CONTROLLED BY AT&T)	

SEARCH WARRANT

To: Any officer authorized by law to execute this Search Warrant;

Affidavit having been made before me by Blake K. Conrad of the Maine State Police ;
and as I am satisfied that there is probable cause to believe that grounds for the issuance
of a search warrant exist; you are hereby commanded to search the premises specified in
Part I below for the evidence/property specified in Part II below, and, if the specified
evidence/property is found, then to seize such property and prepare a written inventory of
the property seized.

Part I: Property/Premises to be searched:

The records associated with cell phone number(s) 207-837-3761, that are stored at
premises owned, maintained, controlled, or operated by AT&T a wireless provider
headquartered at:

AT&T
ATTN: Global Legal Demands Center
11760 US Hwy 1, Suite 600, North Palm Beach, FL 33408
By email at: glde@att.com

Part II: There is certain property/evidence, namely:

A. The following information from AT&T records relating to 207-837-3761:

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1. The following records from the creation of the account to the time acted upon by AT&T:
 - a. All business records and subscriber information, from the creation of the account, in any form kept, pertaining to the individual accounts and/or identifiers described above, including subscribers' full name(s), addresses, shipping addresses, date account was opened, length of service, the types of service utilized, the unique identifier(s) for any wireless devices associated with the account, date of birth, telephone numbers, means and source of payment for service, and any other identifiers associated with the account;
 - b. All communication records from the creation of the account between AT&T and the subscriber regarding the account to include but not limited to customer service interaction(s);
2. And for the date range 07/25/2023-10/26/2023, the following information:
 - a. All voice mail, text, bytes up/down and multimedia messages, including message content and location information metadata, stored and presently contained in, or on behalf of the account or identifier;
 - b. All transactional information of all activity of the telephones and/or voicemail accounts described above, including location information, log files, messaging logs, local and long distance telephone connection records, records of session times and durations, dates and times of connecting, methods of connecting, telephone numbers associated with outgoing and incoming calls, IP addresses used or connected to, voice over internet protocol (VoIP), time on tower report, cell sites used, and/or locations;
 - c. All text messaging logs, including date and time of messages, and identification numbers associated with the wireless device sending and receiving the message; and
 - d. All location information and data about which "cell sites" (i.e., antenna towers covering specific geographic areas) and "sectors" (i.e., faces of the towers), including per call measurement data (PCMD) and/or Timing

Search Warrant

Advance reports, received a radio signal from each cellular telephone or wireless device(s) assigned to the account.

3. .

B. It is understood that AT&T will not receive the search warrant affidavit but will respond with the categorical material in their files for that time period. The affiant will go through the information provided or seized, with the assistance of other officers or trained civilians in order to extract information that falls under the search warrant parameters. The seized material will include account information that demonstrates the identity of the individual using the account at the time of any communications, location information, or having access to the account.

The Court has authority to issue this warrant under 16 M.R.S. §§ 642(1) & 648, 15 M.R.S. §§ 55 & 56, and M.R.U. Crim. P. 41 & 41B.

Part III: SPECIAL PROVISIONS

- A. Pursuant to 15 M.R.S. § 56, **AT&T IS REQUIRED TO PROVIDE RESULTS WITHIN 14 DAYS.** If it cannot make that timeline, it shall provide written notice with "good cause" to Detective Martin Royle at Martin.G.Royle@maine.gov within 10 days, so the Court can be notified and determine if "good cause" has been provided to extend the time for the response.
- B. AT&T shall disclose all responsive data, if any, by sending it to Martin Royle at Martin.G.Royle@maine.gov.
- C. Civilian employees of AT&T are authorized to assist in this search warrant. It is further authorized that the material provided may be examined by a trained forensic examiner or investigator from the Maine State Police Computer Crimes Unit or any other State or federal law enforcement agency.
- D. Pursuant to 15 M.R.S. § 56, AT&T shall verify the authenticity of records that it produces by providing an affidavit that complies with the requirements set forth in the Maine Rules of Evidence, Rule 902(11) & (12).

E. NOTICE

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[X] Waiver of Notice to Owner or User of Electronic Device. Based on the facts set forth in the affidavit, and pursuant to M.R.U. Crim. P. 41B(c) & (d) and 16 M.R.S. § 643(2) & §649(2), it is hereby ORDERED that the notification by the officer ordinarily required under 16 M.R.S. § 643 & §649 is waived, based on the determination that such disclosure would have an adverse result, for the reasons marked below:

- (1) immediate danger of death or serious physical injury,
- (2) flight from prosecution,
- (3) destruction of or tampering with evidence,
- (4) intimidation of a potential witness,
- (5) seriously jeopardizing an investigation, or
- (6) undue delay of a trial.

F. DAYTIME WARRANT ONLY

This warrant shall be executed between the hours of 7:00 A.M. and 9:00 P.M., and shall be returned, together with a written inventory, within 14 days of the issuance hereof, to the Maine Unified Criminal Court located in West Bath, Maine.

Issued this 27th day of October 2023, at 2:56 AM /
PM. At Hallowell, Maine.



District Court Judge
Tammy Ham-Thompson

Printed Name

Search Warrant Affidavit

STATE OF MAINE
SAGadahoc, ss.

UNIFIED CRIMINAL COURT
LOCATION: West Bath
DOCKET NO. _____

IN RE: SEARCH WARRANT FOR)
ACCOUNT INFORMATION OF) AFFIDAVIT AND REQUEST
207-837-3761 THAT IS) FOR SEARCH WARRANT
STORED AT PREMISES) [M.R.U. Crim. P. 41 & 41B]
CONTROLLED BY AT&T)

**AFFIDAVIT OF BLAKE K. CONRAD OF THE
MAINE STATE POLICE IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Blake K. Conrad, a duly sworn law enforcement officer for the Maine State Police hereby state under oath and upon penalties and pains of perjury that there is probable cause to believe that:

Part I: Located on or about the property/premises described below, namely:

The records associated with cell phone number(s) 207-837-3761, that are stored at premises owned, maintained, controlled, or operated by AT&T a wireless provider headquartered at:

AT&T
ATTN: Global Legal Demands Center
11760 US Hwy 1, Suite 600, North Palm Beach, FL 33408
By email at: glde@att.com

Part II: There is certain property/evidence, namely:

Based upon the foregoing, I respectfully submit that there is probable cause to believe the records listed above either contains evidence of, or itself constitutes an instrumentality of the offense(s) of Murder in violation of 17-A M.R.S. § 201, which

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are subject to search under M.R.P. Chm P. 41 & 41B, and should therefore be seized and searched for the following information to be provided from the AT&T records relating to 207-837-3761

- A. The following information from AT&T records relating to 207-837-3761, which constitute evidence or instrumentalities of the offense(s) of Murder in violation of 17-A M.R.S. § 201.
1. The following records from the creation of the account to the time acted upon by AT&T:
 - a. All business records and subscriber information, from the creation of the account, in any form kept, pertaining to the individual accounts and/or identifiers described above, including subscribers' full name(s), addresses, shipping addresses, date account was opened, length of service, the types of service utilized, the unique identifier(s) for any wireless devices associated with the account, date of birth, telephone numbers, means and source of payment for service, and any other identifiers associated with the account;
 - b. All communication records from the creation of the account between AT&T and the subscriber regarding the account to include but not limited to customer service interaction(s);
 2. And for the date range 07/25/2023-10/26/2023, the following information:
 - a. All voice mail, text, bytes up/down and multimedia messages, including message content and location information metadata, stored and presently contained in, or on behalf of the account or identifier;
 - b. All transactional information of all activity of the telephones and/or voicemail accounts described above, including location information, log files, messaging logs, local and long distance telephone connection records, records of session times and durations, dates and times of connecting, methods of connecting, telephone numbers associated with outgoing and incoming calls, IP addresses used or connected to, voice over internet protocol (VoIP), time on tower report, cell sites used, and/or locations;

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- c. All text messaging logs, including date and time of messages, and identification numbers associated with the wireless device sending and receiving the message; and
- d. All location information and data about which "cell sites" (i.e., antenna towers covering specific geographic areas) and "sectors" (i.e., faces of the towers), including per call measurement data (PCMD) and/or Timing Advance reports, received a radio signal from each cellular telephone or wireless device(s) assigned to the account.

3

B It is understood that AT&T will not receive the search warrant affidavit but will respond with the categorical material in their files for that time period. I will go through the information provided or seized, with the assistance of other officers or trained civilians in order to extract information that falls under the search warrant parameters. The seized material will include account information that demonstrates the identity of the individual using the account at the time of any communications, location information, or having access to the account.

The Court has authority to issue this warrant under 16 M.R.S. §§ 642(1) & 648, 15 M.R.S. §§ 55 & 56, and M.R.U. Crim. P. 41 & 41B.

Part III: My conclusion that such probable cause exists is based on the following factual information:

A. Introduction

- 4. I, Blake K. Comad, Detective with the Maine State Police, make this affidavit in support of an application for a search and seizure warrant. This affidavit is made in support of an application for a search warrant under Title 16, Chapter 3, Subchapters 10 & 11 as well as Rule 41B of the Maine Rules of Unified Criminal Procedure. Your affiant seeks a search warrant which would require AT&T, to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the account(s), including the location and contents of communications.
- 5. This affidavit is intended to show that there is sufficient probable cause for the requested search and seizure warrant and does not set forth all of my

Search Warrant Affidavit

knowledge about this matter. The statements contained in this affidavit are based upon the following: my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; witnesses interviewed; my review of records related to this investigation; communications with others who have knowledge of the events and circumstances described herein; and information gained through my training and experience.

B. Experience

1. I am a Detective with the Maine State Police and have been so employed since 2012. I completed the 64th Maine State Police Recruit Training Troop on April 15, 2013. Your Affiant has also investigated numerous criminal cases involving homicide, robberies, thefts, drug trafficking and assaults, during your affiant's career as a law enforcement officer. Your affiant's involvement has included the preparation and execution of search warrants and arrest warrants, the interrogation of suspects and witnesses, and the arrest of persons charged with the above listed crimes. I have personal knowledge of the facts and circumstances hereinafter related as a result of an investigation I responded to on 10/25/2023.
2. I have attended several law enforcement-training courses both relative to criminal investigation in general and digital media. I have led numerous investigations involving the use of digital media or computer systems in committing crimes.
3. I have authored and assisted in the execution of more than 40 search-and-seizure warrants during my tenure as a law enforcement officer. I attended a one-day seminar on drafting effective search warrant affidavits sponsored by the Maine Office of the Attorney General. I also attended a four-hour seminar specifically on writing search warrants for digital evidence put on by the Attorney General's Office.
6. Information Regarding the Provider AT&T
 - i. I know that AT&T is headquartered at 11760 US Hwy 1, Suite 600, North Palm Beach, FL 33408. I know, that as part of its

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- business practice, AT&T collects, maintains, and archives network user activity that can be accessed from its headquarters. This information can include text messages, call details, cell site location information, and data usage.
- ii. Providers of cellular service (Providers), including AT&T, typically retain certain transactional information about the activation and use of each account on their systems. This information can include location information including but not limited to the date on which the towers were accessed, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), and other log files that reflect usage of the account.
 - iii. Providers of cellular service retain subscriber information pertaining to the individual accounts and/or identifiers described above, which includes subscribers' full names, addresses, shipping addresses, date the account was opened, length of service, the types of service utilized, the unique identifier(s) for the wireless device associated with the account, telephone numbers, means and source of payment for service, and any other identifiers associated with the account.
 - iv. In some cases, cellular service users will communicate directly with a Provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Providers typically retain records about such communications, including records of contacts between the user and the Provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.
 - v. I know through education, training and experience that AT&T stores data for its services, including subscription information,

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transactional information and content on servers which are accessible to the Custodian of the Records who will provide the information when served with a proper search warrant via email at glenn@att.com. This information is stored on the servers at AT&T headquarters located at 11760 US Hwy 1, Suite 600, North Palm Beach FL 33408.

- vi. I am aware that on June 8, 2017, the Maine legislature passed 16 M.R.S. § 56 which provides the procedure for the proper service of search warrants to an electronic communication service provider or remote computing service provider even if they reside out of state. The provider is required to provide results within 14 days. If the provider cannot make that timeline, it is to provide notice to this officer, so I can notify the court and provide "good cause" to extend the time for the response.
- vii. I am requesting that AT&T provide subscriber information from the activation of the accounts in order to identify the owner and user of the accounts, to identify any exculpatory information if the AT&T account was used by another individual, and to allow admission of the records. I am requesting that AT&T provide transactional records and content from 07/25/2023-10/26/2023 in order to identify the IP addresses used when a user logged into the accounts. I will go through the information provided or seized, with the assistance of others in my agency Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as the Maine State Police Computer Crimes Unit, and search for the material applicable to this investigation.
- viii. Therefore, the computers of AT&T are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and

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their use of A1&1 towers, such as account access information, transaction information, and communication information

C. Specific Probable Cause

Based on my knowledge and experience and on information received from other individuals and other law enforcement officers as set forth below, I have learned the following:

1. On 10/25/2023 at 1856 hours, Auburn Communication Center received a first report of a male shooting inside Just In Time Recreation (also known as Sparetime Recreation) located at 21 Morrison Way in Lewiston. The Auburn Communication Center subsequently received numerous 911 calls reporting multiple victims at this location.
2. At 1908 hours, Auburn Communication Center received multiple reports of an active shooter inside Schemengee's Billiards located at 551 Lincoln Street in Lewiston.
3. At 2048 hours, Androscoggin Sheriff's Office Detective Maurice Drouin obtained video surveillance footage from Schemengee's. The video showed a white male exit a white passenger vehicle armed with an assault rifle and make entry into the establishment. A screenshot of the white passenger vehicle was distributed to investigating law enforcement personnel.
4. At 2113 hours, I made entry into Sparetime Recreation. I observed seven (7) deceased individuals inside the establishment with one (1) being a female and the rest males. The victims had sustained apparent gunshot wounds. I observed numerous rifle cartridges on the ground throughout the premises. At 2126 hours, Lewiston Police Department Chief David St. Pierre received a phone call from N [REDACTED] I [REDACTED] stating the male in the distributed suspect photograph was her brother, Robert Card.
5. At 2147 hours I made entry into Schemengee's. I observed seven (7) deceased males inside and one (1) additional deceased male was located outside. The victims each sustained apparent gunshot wounds. I observed numerous rifle cartridges on the ground throughout the premises.
6. At 2156 hours, Lewiston Police Department advised officers located a Subaru at

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the PepsiCo boat launch

7. At 2157 hours, Maine State Police Detective Connor Walton conducted a reverse vehicle registration search on Robert. The DMV return indicated a white 2013 Subaru Outback bearing ME PC 9246PD was registered to Robert Card.
8. At 2201 hours, Lisbon Police Department confirmed the Subaru in the PepsiCo boat launch was the suspect's vehicle.
9. At approximately 2242 hours, I spoke with Sgt. Ed Yurek of the Brunswick Police Department. Sgt. Yurek informed me that Robert's brother, [REDACTED] C [REDACTED] had called him earlier this evening. [REDACTED] knows Sgt. Yurek as they served in the military together. Through the conversation [REDACTED] mentioned that Robert would possibly try to go to Huxswell to target his ex-wife C [REDACTED] [REDACTED] or his ex-girlfriend [REDACTED] C [REDACTED].
10. At 2203 hours, Maine State Police Detective Justin Huntley interviewed N [REDACTED] H [REDACTED] at Lewiston Police Department. Ms. H [REDACTED] told Det. Huntley that Robert has been delusional since February 2023 after a bad break-up. N [REDACTED] explained to Det. Huntley that since the break-up, Robert has had significant weight loss, has been hospitalized for mental health issues and prescribed medication that he stopped taking. N [REDACTED] H [REDACTED] described Robert as being very interested in firearms and owned a lot of them to include assault rifles and handguns. N [REDACTED] H [REDACTED] said that Robert believed there was a conspiracy against him and people were accusing him of being a pedophile. Robert believed businesses were broadcasting online that Robert was a pedophile. N [REDACTED] H [REDACTED] told Det. Huntley that the following businesses: Sparetime Recreation; Schemengee's; Gowell's Market in Fitchfield; and Mixers Nightclub in Sabattus were the businesses that were broadcasting that Robert was a pedophile. Robert also believed that his family was involved in the conspiracy. N [REDACTED] provided the phone number that Robert would communicate on her on as 207-837-3761, N [REDACTED] phone number is

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11. At 2330 hours, Maine State Police Sergeant Jesse Duda spoke with Robert's brother, [REDACTED] [REDACTED] [REDACTED] [REDACTED] told Sgt. Duda that Robert had been in a relationship with a person named [REDACTED] [REDACTED] the past few months before [REDACTED] [REDACTED] ended the relationship. [REDACTED] [REDACTED] stated that Robert met [REDACTED] [REDACTED] at a canoe competition at Schemengee's. [REDACTED] [REDACTED] said that ever since the relationship ended Robert started wearing hearing aids and had been saying crazy things.
12. At 2345 hours, I watched a portion of the video footage from Schemengee's. I observed the male walk through the bar while seeking out and shooting at patrons. The male in the footage was similar in appearance to the DMV photograph of Robert.
13. On October 26, 2023 at 0115 hours, Lisbon Police Department officers told Sgt. David Evesque of Lewiston Police Department who then told your affiant that they observed a long rifle in the Subaru that was located at the Pejepscot boat launch.
14. The Subaru that was located at the Pejepscot boat launch was seized and transported to a secured location. At 0229 hours, Det. Knight spoke with Trooper Jason Wing who was escorting the Subaru from the Pejepscot boat launch to a scene location. Trooper Wing advised that located in plain view in the passenger area of the vehicle was paperwork containing Robert's name. Trooper Wing confirmed the vehicle's DMV registration returned to Robert Card.
15. At 0257 hours Det. Cpl. Bond conducted an interview with [REDACTED] [REDACTED] [REDACTED] at his residence located at [REDACTED] [REDACTED] in the town of [REDACTED] [REDACTED] informed Det. Cpl. Bond that he was best friends with [REDACTED] [REDACTED] who is the brother of Robert Card. [REDACTED] [REDACTED] stated that he knows Robert has multiple rifles, one of which he believes has a thermal optic mounted on it. [REDACTED] [REDACTED] informed Det. Cpl. Bond that Robert only has one vehicle which is a Subaru. [REDACTED] [REDACTED] stated that Robert has a red and white, on/off road, Yamaha dirt bike which should be stored in the garage or in an outside storage area of Robert's residence in Bowdoin. [REDACTED] [REDACTED] stated that Robert also has a large jet-ski which should be at his

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residence in Bowdon

16. At 0957 hours, I interviewed [REDACTED] at [REDACTED] in the town of [REDACTED]. [REDACTED] informed me that he had been trying to call Robert after the shooting's occurred and his phone would ring ten times or go right to voicemail. [REDACTED] tried calling Robert in my presence and showed me the number he had communicated with Robert, the phone number being 207-837-3761. [REDACTED] described to me that Robert was a 20 year veteran of the Army and had been having mental health issues due to him having hearing issues and possibly being a schizophrenic. [REDACTED] had tried to help Robert for several months now as Robert's mental health was declining. Robert claimed to hate people calling him a pedophile which really upset him.
17. [REDACTED] mentioned that he would go to Schemengee's Bar and Spacetime Recreation bowling alley, with Robert. On some occasions while playing corn hole or being around other patrons, Robert would tell [REDACTED] that people at the bar or also playing cornhole were calling him a pedophile. [REDACTED] did not hear these statements. [REDACTED] told me that Robert met a woman named J [REDACTED] C [REDACTED] there and started dating her and she had two daughters as well. Robert would take J [REDACTED] daughter's there out to eat, and that is where the pedophile thing in Robert's head came from as, Robert was there with J [REDACTED] two daughters on occasions and felt that people were looking at him. [REDACTED] did not hear these statements. Robert claimed that people were out to get him or were calling him a pedophile. [REDACTED] told me that once Robert got a hearing aid, he started hearing these disparaging remarks.
18. Robert mentioned the manager Joey Walker of Schemengee's as one of the people who Robert thought had called him gay. [REDACTED] tried to tell Robert that he doesn't say anything like that.
19. I learned on 10/26/2023 at approximately 1400 hours that Joseph Walker (9/17/1966) was one of the people killed at Schemengee's.
20. [REDACTED] told me that he had tried to help his brother as much as he could along with their father [REDACTED] but Robert could not be reasoned with. [REDACTED] did get Robert to agree for [REDACTED] to change the code on

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Robert's gun safe located in his garage for a period of time a few months ago, because of R [REDACTED] concerns regarding Robert's behavior and his possession of several firearms. Robert had a key to the gun safe and had access to his firearms prior to the shootings.

21. R [REDACTED] told me that both he and Robert knew people at both Schemengees and Sparetime Recreation. When I asked R [REDACTED] where Robert might go, he said Maine Recycling where Robert had worked. R [REDACTED] told me last April that Robert had an issue with an employee. R [REDACTED] Aster N [REDACTED] had spoken with the manager at Maine Recycling and they were not aware of Robert having had any problems with a co-worker.
22. R [REDACTED] provided me with Robert's son's phone number C [REDACTED] C [REDACTED] [REDACTED] is Robert's son and his phone number is [REDACTED].
23. R [REDACTED] has not had very much contact with Robert in the past month as he has distanced himself and not responded to his messages, or family going to his residence.
24. On October 26, 2023, Det. Knight drafted a search warrant that was approved by Judge Tammy Hamm-Thompson. That warrant identified the above described property as 1007 West Road, Bowdoin, Maine. However, TLO also identifies the property as 1017 West Road, Bowdoin, Maine. The property is the same, however there are two different address numbers for the same property. This property was identified by Det. Knight as Robert's current residence.
25. At 1320 hours, I was made aware that the residence is not properly marked with a house or box number. I used TLO which is an open source online database that collects public information. I queried Robert Card (4/4/1983) and learned that the address listed was 1017 West Road in Bowdoin, Maine.
26. At 1330 hours, I learned that a Ruger S&W 762/308 rifle was recovered from Robert's Subaru that was found abandoned in the Pejepscot boat launch.
27. At 1544 hours, I appeared via ZOOM before Judge Tammy Hamm-Thompson to apply for a search warrant with the amended address covering 1007 and 1017 West Road in Bowdoin.

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28. At 1608 hours, I received the signed search warrant from Judge Ham-Thompson
29. At approximately 1845 hours, I spoke with Sgt. Chris Cookson of the Maine State Police Computer Crimes Unit. Sgt. Cookson told me that during the execution of the search warrant at Robert's residence at 1017 West Road in Bowdoin a Samsung Galaxy S22 Ultra cell phone had been located inside. The IMEI # on the cell phone was 358298660809037
30. I also learned that a note was left in the residence providing the pass code to unlock the cell phone.
31. I was aware that through investigator's working on this case by serving legal process and searching open source records that Robert's phone number was 207-837-3761. The phone number was registered to AT&T. Through an exigent circumstance subpoena by Maine State Police to AT&T on 10/25/2023, AT&T provided the IMEI # as 358298660809037, which is the device investigators located at Robert's residence during the search warrant. Robert was not located at his residence during the search warrant.
32. In my experience, individuals with portable electronic devices communicate information about their activities and location in numerous ways to include, but not limited to, voice communications such as direct conversations and voicemail, sharing photographs and written communications such as text messages. In addition, I know that users or subscribers of portable electronic devices utilize the cellular network to exchange information over the internet. Such communication can occur without user input on the device (i.e. email, regular automatic updates from websites, application data exchanges, and account update searches). These communications are transmitted through cell sites in the vicinity where the cellphone making the communication was located
33. I am aware that AT&T keeps and stores records from their towers on servers located at AT&T headquarters in Florida.
34. I also know from my training, education and experience that certain patterns of behavior can be identified through investigation of the data contained in the records. Such patterns can be analyzed and compared with information

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known to investigators to determine a probable sequence of events while also corroborating or impeaching any suspect's alibi. To identify those patterns, and any subsequent deviation from said patterns, a responsible data set is necessary. Based on training and experience I know that sixty to ninety (60-90) days is a responsible period of data collection.

35 I am aware that the United States Supreme Court has recognized that a "significant majority of American adults now own" smart phones and that cell phones "are now such a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude they were an important feature of human anatomy." *Riley v. California*, 573 U.S. 373, 385 (2014). The *Riley* Court recognized that nearly three-quarters of smart phone users admit being within five feet of their phone most of the time and that "phones have become important tools in facilitating coordination and communication among members of criminal enterprises, and can provide valuable incriminating information about dangerous criminals." *Riley* at 395, 401. In the *Carpenter* case, the Court recognized that there are 396 million cell phone service accounts in the U.S. for a population of 326 million people making it far more than probable for an individual to have a cell phone. *Carpenter v. U.S.*, 138 S.Ct. 2206, 2211 (2018). The Court also recognized that "carrying [a cell phone] is indispensable to participation in modern society," and that a phone's location "tracks nearly exactly the movements of its owner." *Carpenter*, at 2220, 2218.

36. This affidavit had been reviewed by Leanne Zainea and Suzanne Russell who have been prosecutors for over 30 years and 25 years respectively and have reviewed 100s of search warrants.

PAR IV.

Based upon my experience, education, and training and the facts made known to me during the course of this investigation, there is probable cause to believe, and I do believe that evidence of the crime(s) of Murder in violation of 17-A M.R.S. § 201

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will be located in the records associated with cell phone number(s) 207-837-3761 which may be found on AT&T's servers.

- a. Through my training, education and experience, Robert has a Samsung Galaxy cell phone bearing the IMEI number 358298660809037 with an AT&T phone number of 207-837-3761.
- b. On a search warrant at Robert's residence the Samsung Galaxy cell phone was recovered also bearing the IMEI number 358298660809037.
- c. Through the investigation, investigators have learned that Robert used that phone number and cell phone device to communicate with others up until 10/26/ 2023 . The AT& T records will reasonably contain information related to his communications with others before the murders and the records will contain location information that will enable investigators to track his movements before, during and after the murders. The records will help investigators determine who he may have communicated with prior to and after the murders and will likely yield information about his state of mind. The records may also help investigators identify any other potential witnesses to his whereabouts before and after the murders as well as any information as to planning, motive and other information that will assist the investigators are contained on AT&T servers.

V. SPECIAL REQUESTS

a. WAIVER AND PRECLUDING NOTICE

- i. Your affiant is requesting that this court make a finding of an ADVERSE RESULT under 16 M.R.S §§ 643 and 649 for the following reasons [At this time, the subject has not been informed of this investigation. If the subject is notified of this investigation, the individual can delete material that is stored remotely on other social media sites or remote computing services as well as any remaining digital material that exists locally resulting in the destruction or tampering with evidence and/or potentially jeopardizing the investigation] In addition, the information received from AT&T could result in new investigative leads and

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witnesses that could be jeopardized if the delayed } Accordingly, I am requesting that the Court order that notice of receipt of the material be waived for your affiant.

1. Waiver of Notice to Owner or User of Electronic Device. Based on the facts set forth in the affidavit, and pursuant to M.R.U. Crim. P. 41B(c) & (d) and 16 M.R.S. §§ 643(2) & 649(2), it is hereby requested that the court order that the notification ordinarily required under 16 M.R.S. §§ 643 & 649 is waived, based on the determination that such disclosure would have an adverse result, meaning (1) immediate danger of death or serious physical injury, (2) flight from prosecution, (3) destruction of or tampering with evidence, (4) intimidation of a potential witnesses, (5) seriously jeopardizing an investigation, or (6) undue delay of a trial.

b. Service and Requirements on AT&T

- a. **Response time:** I am aware that on June 8, 2017, the Maine legislature passed 16 M.R.S. § 56 provides the procedure for service of a search warrant on an electronic communication service provider or remote computing service provider located out of state. The provider is required to provide results within 14 days of service. If the provider cannot comply with that timeline, it must provide notice to me so I can notify the court and provide "good cause" to extend the time for the response. I am requesting that the search warrant inform AT&T that if it cannot comply in 14 days then it must so notify me in 10 days to provide me time to notify the court and request additional time.
- b. **Verification:** I request that, pursuant to 15 M.R.S. § 56, the Court order AT&T to verify the authenticity of records that it produces by providing an affidavit that complies with the requirements set forth in the Maine Rules of Evidence, Rule 902(12).

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- iii. Receiving the material: I further request that A I & T shall disclose responsive data, if any, by sending to Detective Martin Royle, at Martin.G.Royle@maine.gov
- e. Use of Civilians
 - i. I respectfully request that civilian employees of A I & T be authorized to assist in this search warrant
 - ii. I further request that the warrant authorize the subsequent examination of the contents of the material provided by investigators and computer forensic examiners from the Maine State Police Computer Crimes Unit, or any other State or federal law enforcement agencies, and that it also authorize the assistance of civilian employees of such law enforcement agencies.

WHEREFORE, I pray that a warrant may issue authorizing a search of the Property/Premises described above in Part I for the Property/Evidence described above in Part II, and that if such Property/Evidence be found that it shall be seized.

I hereby swear under pains and penalties of perjury that the facts set forth in this affidavit are true and correct to the best of my knowledge, information and belief.

Dated: 10/27/2023 ^{10:44 AM} Blake Conrad
Detective Blake K. Conrad
Maine State Police

Appeared before me under oath on this date the above-named Blake K. Conrad and signed and swore to the truth of the facts contained in the foregoing instrument.

Dated: 10/27/2023
[Signature]
District Court Judge / Superior Court Justice

Inventory

STATE OF MAINE
SAGadahoc, ss.

UNIFIED CRIMINAL DOCKET
LOCATION: West Bath
DOCKET NO. _____

IN RE: SEARCH WARRANT
REGARDING SAMSUNG GALAXY
S22 ULTRA SEIZED FROM

) AFFIDAVIT AND REQUEST

)

[M.R.U. Crim. P. 41 & 41B]

1007 and/or 1017 West Road, Bowdoin

)

The following material(s) were seized pursuant to the above search warrant:

[INSERT DEVICE(S) AND SUMMARY OF MATERIAL SEIZED -- ie, phone and
communications and location information residing on the device.]

VERIFICATION

The Maine State Police seized the portable electronic device set forth above in this
inventory pursuant to a search warrant signed on DATE WARRANT SIGNED] by
[Judge signing warrant] regarding an investigation into murder in violation of 17-A
M.R.S. § 201.

Date:

Blake K. Conrad

Personally appeared the above named, Blake K. Conrad, and made oath to the truth of the
foregoing inventory.

Date:

Clerk/Notary Public