

STATE OF NEW MEXICO
COUNTY OF
IN THE DISTRICT COURT

vs.

NO. _____

[Insert name of service provider]

APPLICATION AND ORDER PURSUANT TO
ELECTRONIC COMMUNICATIONS PRIVACY ACT FOR EMERGENCIES
INVOLVING DANGER OF DEATH OR SERIOUS PHYSICAL INJURY

FOR THE OFFICER: Please note this order approves the access but requires the destruction of the electronic communications information accessed. If you need to preserve it, you will need to change this application and order and say why you need to keep it in the highlighted section below.

Application to this Court is for its Order is Approved as follows:

Proof by Affidavit for this ORDER granted pursuant to the New Mexico Electronic Communications Privacy Act is attached to and hereby made part of this Application and Order, having been submitted to me, the undersigned, by (RANK)(NAME), who had probable cause to, in good faith, believe that an emergency involving danger of death or serious physical injury to a natural person required the New Mexico State Police to obtain access to cell site location information.

The facts tending to establish the foregoing emergency involving danger of death or serious physical injury to a natural person which required the New Mexico State Police to obtain the cell phone site location information without a search warrant are set forth in the AFFIDAVIT, which is attached to and hereby made a part of this Application and Order approving the access made by the New Mexico State Police of the cell phone location information.

I am satisfied that there is probable cause to believe that there was an emergency involving the danger of death or serious injury to a natural person as described in the AFFIDAVIT and that subscriber and/or cell site location information in the possession of the service provider was necessary for law enforcement to respond, and that grounds for the issuance of this Order approving this action did exist.

The access to the subscriber information, call records, and cell site location information possessed by the service provider is hereby authorized and all information obtained will be destroyed.

Dated: _____

Judge

STATE OF NEW MEXICO
COUNTY OF
IN THE DISTRICT COURT

vs.

NO. _____

[Insert name of service provider]

AFFIDAVIT SUBMITTED PURSUANT TO
NEW MEXICO ELECTRONIC COMMUNICATIONS PRIVACY ACT FOR
EMERGENCIES INVOLVING DANGER OF DEATH OR SERIOUS PHYSICAL
INJURY

Petitioner, (RANK)(NAME), a sworn law enforcement officer employed by the New Mexico State Police, being duly sworn, upon oath, deposes and says that regarding my agency's case number _____:

_____ is a cellular company located at _____, and contained the business records sought by this Application for an Order approving the New Mexico State Police's emergency access to the records pursuant to the New Mexico Electronic Communications Privacy Act, as described below.

This affidavit is being submitted in support of the Application for Order pursuant to the New Mexico Electronic Communications Privacy Act for obtaining subscriber information and real-time and historic Cell Site Location Information (CSLI) from the above-named service provider due to circumstances establishing the probable cause of a danger of death or serious bodily injury. The CSLI includes or may include: Global Positioning System (GPS) data, cell site/cell tower triangulation/trilateration, and precision measurement information such as timing advance or per call measurement data, and Wi-Fi location information, including GPS coordinates and the dates and times of all location recordings.

INSERT YOUR STATEMENT OF PROBABLE CAUSE HERE

Name

Official Title

Subscribed and sworn to before me in _____ County, New Mexico on this _____ day of _____, 2019

STATE OF NEW MEXICO
COUNTY OF
IN THE DISTRICT COURT

vs.

NO. _____

[Insert name of service provider]

RETURN AND INVENTORY

PETITIONER accessed the Cell Site Location Information on (DATE), and executed it on (DATE), at (TIME). PETITIONER searched the data described. The Order will be sent to (TARGET) by (HOW SENT) with a copy of the inventory for the items seized. The following is an inventory of the property taken pursuant to the warrant.

Electronic Communication Content:	
Location Information:	
Electronic Device Information:	
Other Electronic Communication Info:	

Subscribed and sworn to before me in _____ County, New Mexico on
this _____ day of _____, 2019

Judge

Petitioner

Official Title

Official Title