

**ATTACHMENT C**

IN THE UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF FLORIDA

IN THE MATTER OF THE SEARCH OF  
INFORMATION ASSOCIATED WITH  
APPLE IDS  
SCOTTCHARLESMADDOX@ME.COM  
AND SCOTTCMADDOX@ICLOUD.COM E  
STORED AT PREMISES CONTROLLED  
BY APPLE, INC.

Case No. 4:18mj31-CAS

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Evan T. Hurley, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Apple Inc. (hereafter "Apple") to disclose to the government records and other information, including the contents of communications, associated with the above-listed Apple IDs that are stored at premises owned, maintained, controlled, or operated by Apple, a company headquartered at 1 Infinite Loop, Cupertino, CA. The information to be disclosed by Apple and searched by the government is described in the following paragraphs and in Attachments A and B.

2. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed for approximately 3 years. I am currently assigned to the Tallahassee Resident Agency of the Jacksonville, Florida Division of the FBI, where I conduct a variety of investigations pertaining to violations of federal criminal laws, to include violent crime, organized crime, public corruption, and national security. I have received training from the FBI regarding the investigation

of federal criminal violations, including criminal violations under Title 18 of the United States Code. In connection with my duties and responsibilities as a federal law enforcement officer, I have testified in judicial proceedings and prosecutions for violations of laws, and I have assisted in the preparation and execution of numerous federal search warrants.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show simply that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts as set forth in this affidavit, there is probable cause to believe that the information described in Attachment A contains evidence of violations of 18 U.S.C. §§ 666, 1341, 1343, 1346, 1349, and 1951 (the “Specified Federal Offenses”), as described in Attachment B.

### **JURISDICTION**

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. *See* 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). This Court “has jurisdiction over the offense being investigated,” *id.*, because the scheme’s participants solicited bribes, took official acts, and made communications in furtherance of the scheme in Tallahassee, Florida, in the Northern District of Florida.

# UNITED STATES DISTRICT COURT

for the  
Northern District of Florida

In the Matter of the Search of

*(Briefly describe the property to be searched  
or identify the person by name and address)*  
INFORMATION ASSOCIATED WITH APPLE IDS

SCOTTCHARLESMADDOX@ME.COM AND SCOTTCMADDOX  
@ICLOUD.COM STORED AT PREMISES CONTROLLED BY  
APPLE, INC., 1 INFINITE LOOP, CUPERTINO, CA 95014

Case No.4:18mj31-CAS

## APPLICATION FOR A SEARCH WARRANT

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

Information associated with Apple IDs scottcharlesmaddox@me.com and scottcaddox@icloud.com stored at premises owned, controlled or operated by Apple, Inc., 1 Infinite Loop, Cupertino, CA 95014, more fully described in Attachment A

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

Property described in Attachment B

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

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

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§1341,1343, 1346	Honest Services Wire Fraud by Mail or Wire
18 U.S.C. §1349	Conspiracy To Commit Honest Services Fraud By Mail Or Wire
18 U.S.C. §666	Bribery Concerning Programs Receiving Federal Funds

The application is based on these facts:  
See Attached Affidavit - Attachment C

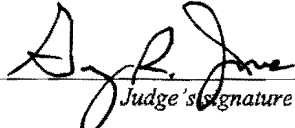
- Continued on the attached sheet.
- Delayed notice of        days (give exact ending date if more than 30 days:       ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
\_\_\_\_\_  
*Applicant's signature*

Special Agent Evan Hurley, FBI  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: Feb. 2, 2018

  
\_\_\_\_\_  
*Judge's signature*

City and state: Gainesville, Florida

Gary R. Jones, United States Magistrate Judge  
*Printed name and title*

**PROBABLE CAUSE**

**A. Subjects of the Investigation**

6. Scott MADDOX is a City Commissioner in Tallahassee, Florida. He was elected to the City Commission by popular vote in November, 2012. Prior to being elected to the City Commission in 2012, MADDOX served as Mayor of Tallahassee from 1997 until 2003.

7. Paige CARTER-SMITH was MADDOX's Chief of Staff during MADDOX's tenure as Mayor of Tallahassee. CARTER-SMITH is currently the owner of Governance, Inc., and Governance Services, LLC, two companies that are registered to do business in the State of Florida. Based on corporate filings, MADDOX incorporated Governance, Inc. in 1999 and CARTER-SMITH was added as a Registered Agent and President of the company in 2010. Based on corporate filings, CARTER-SMITH incorporated Governance Services, LLC in 2007 as the sole Registered Agent and Managing Member. Unless otherwise noted, Governance Services, LLC and Governance, Inc. are collectively referred to as "GOVERNANCE," as investigative findings to date, including witness interviews and financial analysis, have found the companies to predominantly operate as a single business.

8. In an interview with CARTER-SMITH conducted on May 24, 2017, CARTER-SMITH stated that she is the only person associated with her company Governance, Inc., and indicated that her company provides government relations business consulting services. As discussed in further detail below, these services include lobbying in the City of Tallahassee. Clients of GOVERNANCE include those seeking to do business in the City of Tallahassee, those already doing business with the City of Tallahassee, and those seeking to affect regulations or

zoning changes in the City. Many of these clients' interests are brought before and voted upon by the Tallahassee City Commission. No website for GOVERNANCE could be found.

9. According to records supplied by the Florida Department of Revenue, statements made by MADDOX to undercover FBI agents ("UCs"), and a witness interview of a former GOVERNANCE employee, MADDOX sold his interest in GOVERNANCE sometime between 2010 and 2012, and thereafter denied having a continued interest in the company. However, as set forth in more detail below, MADDOX continued to control GOVERNANCE and profit from its activities, to include lobbying activities in the City of Tallahassee, for years after the 2012 election.

10. COMPANY ONE is a rideshare delivery service that sought to amend an existing Tallahassee City Ordinance in order to permit COMPANY ONE to operate in Tallahassee. Based on witness interviews and my review of GOVERNANCE's bank records, I know that COMPANY ONE hired GOVERNANCE, by way of CARTER-SMITH, to lobby for its interests in the City of Tallahassee.

**B. Summary of the Investigation**

11. The FBI is currently investigating MADDOX and CARTER-SMITH concerning official acts that MADDOX has taken to benefit GOVERNANCE's clients, in exchange for payments to MADDOX from GOVERNANCE. As set forth in more detail below, MADDOX steered COMPANY ONE to hire GOVERNANCE. CARTER-SMITH then advised COMPANY ONE that MADDOX would take official acts to benefit COMPANY ONE if COMPANY ONE hired CARTER-SMITH. After COMPANY ONE hired and began paying

GOVERNANCE, MADDOX voted to pass an Ordinance that benefitted COMPANY ONE. During the relevant time period, MADDOX received tens of thousands of dollars from GOVERNANCE's bank account.

12. There is probable cause to believe that text message and email communications between COMPANY ONE employees, CARTER-SMITH, and MADDOX that were made in furtherance of the Specified Federal Offenses exist in the Apple iCloud accounts associated with Apple IDs for MADDOX: scottcharlesmaddox@me.com and scottmaddox@icloud.com (the "SUBJECT ACCOUNTS").

### **C. The Undercover Investigation**

13. In 2015, the FBI initiated a covert investigation into alleged corruption by local officials in Tallahassee. During the course of this investigation UCs posed as out-of-town real estate developers and medical marijuana entrepreneurs in order to gain access to various city officials, including MADDOX.

14. During the course of the undercover investigation, the UCs met with J.B., a real estate developer. According to J.B., MADDOX helped gain the City's approval for J.B.'s real estate development with MADDOX's assistance based on his personal relationship with MADDOX. J.B. told a UC that he had spoken to MADDOX and that MADDOX preferred to have one point of contact—J.B.—in his dealings with the UCs because MADDOX "doesn't want to have conversations, inappropriate conversations with anybody but [J.B.]." When asked whether MADDOX wanted to be paid, J.B. said that he does, but that the money would need to "run . . . through Governance."

15. On November 8, 2016, a UC had a conversation with MADDUX in which the UC asked MADDUX how much the UC would have to pay to “start this ball rolling.” When the UC proposed paying MADDUX’s law firm, MADDUX stated that the UC should instead pay GOVERNANCE so that MADDUX “would not be conflicted out” of the UC’s venture. MADDUX instructed the UC to pay GOVERNANCE \$20,000 per month. Later that same month, MADDUX introduced a UC to CARTER-SMITH. MADDUX described CARTER-SMITH as his partner in GOVERNANCE. MADDUX then advised the UC that CARTER-SMITH was on board with how and why money would be paid by the UC’s company to GOVERNANCE. MADDUX also advised the UC that CARTER-SMITH and he had been in business together since he was Mayor of Tallahassee and that he held no secrets from her. After this meeting, beginning in November, 2016, the UCs made four payments of \$10,000 each to GOVERNANCE by checks mailed to GOVERNANCE. Each check was deposited into a GOVERNANCE bank account. After the UCs had begun paying GOVERNANCE, J.B. advised a UC that, once the UC started paying GOVERNANCE, they should not stop because “Scott Maddox can kill this.” J.B. also stated that he would no longer stay involved in the deal if the UCs stopped paying GOVERNANCE.

**D. Local Ordinance Affecting Company One**

16. In November, 2017, the FBI interviewed a witness (hereafter “WITNESS ONE”) employed by COMPANY ONE. In 2015, COMPANY ONE was lobbying the Tallahassee City Commission to pass an Ordinance that would enable COMPANY ONE to do business in Tallahassee.



17. On or about March 3, 2015, WITNESS ONE met with MADDOX. During this meeting, MADDOX was non-committal about his position on the Ordinance and informed WITNESS ONE that he was also being lobbied by a competitor, COMPANY TWO, which opposed the Ordinance. At the end of the meeting, MADDOX suggested that WITNESS ONE hire CARTER-SMITH for assistance in advancing COMPANY ONE's interests with respect to the Ordinance.

18. WITNESS ONE understood MADDOX to be choosing his words carefully when he suggested hiring CARTER-SMITH. WITNESS ONE had never experienced a public official suggest hiring a specific lobbyist. WITNESS ONE believed that MADDOX was sending business to CARTER-SMITH and making a recommendation for a preferred vendor. Subsequent to MADDOX's suggestion, WITNESS ONE met with CARTER-SMITH, who pitched WITNESS ONE on the services of GOVERNANCE and made clear that she had a good relationship with MADDOX. WITNESS ONE, on behalf of COMPANY ONE, thereafter hired GOVERNANCE in order to retain the lobbying services of CARTER-SMITH.

19. Between May, 2015, and October, 2015, COMPANY ONE made three payments to GOVERNANCE amounting to \$30,000.

20. Between May, 2015, and November, 2015, GOVERNANCE paid MADDOX approximately \$50,000. This amount does not include approximately \$49,000 in credit card charges to credit cards belonging to GOVERNANCE for which MADDOX's son and father were the authorized users. The debts of these credit cards were paid for by GOVERNANCE. This amount also does not include nearly \$20,000 in rent payments by GOVERNANCE for a Jacksonville law firm owned by MADDOX.



21. In December, 2017, the FBI interviewed another individual (hereafter “WITNESS TWO”) who also represented COMPANY ONE. WITNESS TWO understood CARTER-SMITH to have strong connections on the Tallahassee City Commission, mainly with MADDOX. WITNESS TWO believed that COMPANY ONE would obtain MADDOX’s support if COMPANY ONE hired CARTER-SMITH. WITNESS TWO advised that CARTER-SMITH said MADDOX would be a champion of COMPANY ONE and that MADDOX would convince other Commissioners to do what COMPANY ONE needed.

22. Over the course of several months, MADDOX voted in favor of COMPANY ONE’s interests on multiple items brought before the City Commission and ultimately voted to pass a city-wide Ordinance to the benefit of COMPANY ONE.

**E. Text Messages and Emails Between Witness One, Carter-Smith, and Maddox**

23. According to Apple, phone number (850) 528-4820 is associated with an iPhone belonging to CARTER-SMITH. Between March and July of 2015, WITNESS ONE communicated about the Ordinance with CARTER-SMITH at phone number (850) 528-4820 using iMessage, an iPhone to iPhone text messaging system.

24. Some of these iMessages were sent by WITNESS ONE to CARTER-SMITH for the purpose of relaying a message to MADDOX during City Commission meetings. For example, on July 8, 2015, during a City Commission meeting in which the Commissioners would vote on the Ordinance:

- a. CARTER-SMITH sent WITNESS ONE the following iMessage: “Let me know if I need to share info during the meeting . . . During the discussion.” WITNESS

ONE replied: “[W]e do background checks. . . . [V]ery extensive ones.”

CARTER-SMITH responded: “Passed along.”

- b. CARTER-SMITH sent WITNESS ONE an iMessage asking: “U ok with removing insurance requirement and just saying they should comply with state law[?]”, to which WITNESS ONE responded, “yes,” and CARTER-SMITH replied, “Ok. He said up to u.”

25. On January 26, 2018, I reviewed publicly-available online video recordings of the March 25, 2015, and July 8, 2015, City Commission meetings on the website [www.youtube.com](http://www.youtube.com). MADDUX raises several points related to the iMessage communications between WITNESS ONE and CARTER-SMITH during these Commission meetings. For example:

- a. In the March 25, 2015 meeting, whereby COMPANY ONE was seeking to delay a vote on the Ordinance affecting COMPANY ONE, WITNESS ONE sent an iMessage to CARTER-SMITH requesting CARTER-SMITH “get a few of these points over to Scott,” one of which being that the “legislature is currently considering this and this can all be moot in a month.” In support of the delayed vote, MADDUX, while on the dais, then stated, “I want to see what the Florida Legislature does.”
- b. In a July 8, 2015, Commission meeting, as referenced above, CARTER-SMITH sent an iMessage to WITNESS ONE, stating “U ok with removing insurance requirement and just saying they should comply with state law[?]” WITNESS ONE replied to CARTER-SMITH with an iMessage stating “yes.” MADDUX,

while on the dais, suggested insurance requirements be “in accordance with Florida law.”

26. On September 8, 2015, less than two months after MADDOX voted for the Ordinance that benefitted COMPANY ONE, MADDOX sent WITNESS ONE three text messages from phone number (850) 528-4521. I know this phone number to be an iPhone belonging to MADDOX based on information related to me by the UCs who communicated with MADDOX by phone and observed him using this iPhone. Records provided by Apple reflect that the SUBJECT ACCOUNTS are associated with this phone number. In these text messages, MADDOX offered to suggest a local law firm to WITNESS ONE to defend COMPANY ONE in a lawsuit. MADDOX also requested assistance with his City Commission campaign, stating, “Need your help. [COMPANY TWO] is killing me.” COMPANY TWO is a competitor of COMPANY ONE that opposed the Ordinance.

27. CARTER-SMITH and MADDOX have communicated by email about GOVERNANCE using the email address scott@scottmaddox.com. According to Apple records, the email address scott@scottmaddox.com is associated with Apple ID scottmaddox@icloud.com (which is one of the SUBJECT ACCOUNTS). For example:

- a. On January 9, 2014, CARTER-SMITH forwarded an email using email account paigecartersmith@gmail.com to MADDOX at email account scott@scottmaddox.com. The email was entitled “Governance Services Proposal” and included an attachment of a proposal for GOVERNANCE to provide consulting services for a company affiliated with J.B.

- b. On March 7, 2014, CARTER-SMITH forwarded an email using email account paigecartersmith@gmail.com to scott@scottmaddox.com. The forwarded email was an exchange with a marketing executive at COMPANY THREE, a waste services provider that has paid GOVERNANCE over \$170,000 since 2013.
28. During May, June, and July 2015, CARTER-SMITH used email account paigecartersmith@gmail.com to communicate with COMPANY ONE employees and outside lobbyists about her attempts to influence MADDOX's vote on the Ordinance. For example:
- a. On May 20, 2015, CARTER-SMITH emailed WITNESS ONE and two COMPANY ONE outside lobbyists stating that, "Commissioner Maddox has scheduled meetings up until noon. . . But is willing to speak with you anytime on the phone."
  - b. On June 11, 2015, a COMPANY ONE employee emailed CARTER-SMITH and others, stating, "@Paige, you have [Commissioner Nancy Miller] and Maddox on lock, correct?"
  - c. On June 16, 2015, CARTER-SMITH emailed WITNESS ONE and another COMPANY ONE employee to set up a meeting with MADDOX to discuss amendments to the Ordinance that evening or the following morning. In this email, CARTER-SMITH suggested that "[w]e could meet at liberty bar in an hour or by phone now or in the morning[.]"

29. Since at least 2012 the City of Tallahassee has received in excess of \$10,000 annually under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

**G. Financial Transactions Between Maddox and Governance**

30. Financial analysis conducted to date reveals that since November, 2012 GOVERNANCE has made approximately \$392,000 in payments directly to MADDUX or MADDUX and his wife, and approximately \$191,000 in payments to MADDUX's immediate family members, to include payments to credit cards owned by GOVERNANCE but used by MADDUX and his family members.

31. Financial analysis conducted to date reveals that since November, 2012, GOVERNANCE has received approximately \$400,000 from at least 4 businesses doing business in Tallahassee.

**E. Maddox's False Statements Concerning his Relationship with Governance**

32. On November 30, 2016, MADDUX gave sworn deposition testimony concerning a civil lawsuit whereby the complainant challenged MADDUX's status as a resident of Tallahassee. During that deposition, MADDUX was asked the following questions and gave the following answers:

Q: Do you have any other business interest or dealings with Governance Services, LLC?

A: Repeat the question. I'm sorry.

Q: Sure. You have mentioned paying rent, the law firm pays rent for the Adams Street properties to Governance Services, LLC. Other than that,

do you have any business relationship, you or your law firm, with Governance Services, LLC?

A: I'm not sure whether we represented them on anything. I don't know.

Q: What about Governance, Inc.? Are you familiar with Governance, Inc.?

A: Yes.

Q: Who owns Governance, Inc.?

A: Paige Carter Smith.

Q: Do you or your family or your businesses have any relationship with Governance, Inc.?

A: I don't know what that relationship would be.

33. In September, 2017, the FBI interviewed a witness (hereafter "WITNESS THREE") who was employed by GOVERNANCE from approximately 2006 to 2014. WITNESS THREE advised that MADDOX was in charge of GOVERNANCE throughout WITNESS THREE's employment at GOVERNANCE, to include the time period whereby MADDOX was a Tallahassee City Commissioner. WITNESS THREE advised that GOVERNANCE sold its political influence and local government experience, largely through MADDOX's political connections in Tallahassee and other parts of Florida. WITNESS THREE had not seen CARTER-SMITH represent a client, recruit a new client, or go to the City Commission podium on behalf of a client while employed at GOVERNANCE. WITNESS THREE advised that CARTER-SMITH did not have a viable firm without MADDOX and that CARTER-SMITH did whatever MADDOX wanted. WITNESS THREE was ultimately fired from GOVERNANCE by MADDOX in 2014.

34. Based on my training and experience, I know that those who use companies as a vehicle to commit fraud- or corruption-related crimes often lie about their affiliation with such companies in order to conceal the criminal activity.

**INFORMATION REGARDING APPLE ID AND iCloud<sup>1</sup>**

35. Apple is a United States company that produces the iPhone, iPad, and iPod Touch, all of which use the iOS operating system, and desktop and laptop computers based on the Mac OS operating system.

36. Apple provides a variety of services that can be accessed from Apple devices or, in some cases, other devices via web browsers or mobile and desktop applications (“apps”). As described in further detail below, the services include email, instant messaging, and file storage:

- a. Apple provides email service to its users through email addresses at the domain names mac.com, me.com, and icloud.com.
- b. iMessage and FaceTime allow users of Apple devices to communicate in real-time. iMessage enables users of Apple devices to exchange instant messages (“iMessages”) containing text, photos, videos, locations, and contacts, while FaceTime enables those users to conduct video calls.

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<sup>1</sup> The information in this section is based on information published by Apple on its website, including, but not limited to, the following document and webpages: “U.S. Law Enforcement Legal Process Guidelines,” available at <http://images.apple.com/privacy/docs/legal-process-guidelines-us.pdf>; “Create and start using an Apple ID,” available at <https://support.apple.com/en-us/HT203993>; “iCloud,” available at <http://www.apple.com/icloud/>; “iCloud: iCloud storage and backup overview,” available at <https://support.apple.com/kb/PH12519>; and “iOS Security,” available at [http://images.apple.com/privacy/docs/iOS\\_Security\\_Guide.pdf](http://images.apple.com/privacy/docs/iOS_Security_Guide.pdf).



c. iCloud is a file hosting, storage, and sharing service provided by Apple. iCloud can be utilized through numerous iCloud-connected services, and can also be used to store iOS device backups and data associated with third-party apps.

d. iCloud-connected services allow users to create, store, access, share, and synchronize data on Apple devices or via icloud.com on any Internet-connected device. For example, iCloud Mail enables a user to access Apple-provided email accounts on multiple Apple devices and on icloud.com. iCloud Photo Library and My Photo Stream can be used to store and manage images and videos taken from Apple devices, and iCloud Photo Sharing allows the user to share those images and videos with other Apple subscribers. iCloud Drive can be used to store presentations, spreadsheets, and other documents. iCloud Tabs enables iCloud to be used to synchronize webpages opened in the Safari web browsers on all of the user's Apple devices. iWorks Apps, a suite of productivity apps (Pages, Numbers, and Keynote), enables iCloud to be used to create, store, and share documents, spreadsheets, and presentations. iCloud Keychain enables a user to keep website username and passwords, credit card information, and Wi-Fi network information synchronized across multiple Apple devices.

e. Game Center, Apple's social gaming network, allows users of Apple devices to play and share games with each other.

f. Find My iPhone allows owners of Apple devices to remotely identify and track the location of, display a message on, and wipe the contents of those devices.

g. Location Services allows apps and websites to use information from cellular, Wi-Fi, Global Positioning System ("GPS") networks, and Bluetooth, to determine a user's approximate location.

h. App Store and iTunes Store are used to purchase and download digital content. iOS apps can be purchased and downloaded through App Store on iOS devices, or through iTunes Store on desktop and laptop computers running either Microsoft Windows or Mac OS. Additional digital content, including music, movies, and television shows, can be purchased through iTunes Store on iOS devices and on desktop and laptop computers running either Microsoft Windows or Mac OS.

37. Apple services are accessed through the use of an “Apple ID,” an account created during the setup of an Apple device or through the iTunes or iCloud services. A single Apple ID can be linked to multiple Apple services and devices, serving as a central authentication and syncing mechanism.

38. An Apple ID takes the form of the full email address submitted by the user to create the account; it can later be changed. Users can submit an Apple-provided email address (often ending in @icloud.com, @me.com, or @mac.com) or an email address associated with a third-party email provider (such as Gmail, Yahoo, or Hotmail). The Apple ID can be used to access most Apple services (including iCloud, iMessage, and FaceTime) only after the user accesses and responds to a “verification email” sent by Apple to that “primary” email address. Additional email addresses (“alternate,” “rescue,” and “notification” email addresses) can also be associated with an Apple ID by the user.

39. Apple captures information associated with the creation and use of an Apple ID. During the creation of an Apple ID, the user must provide basic personal information including the user’s full name, physical address, and telephone numbers. The user may also provide means of payment for products offered by Apple. The subscriber information and password associated

with an Apple ID can be changed by the user through the “My Apple ID” and “iForgot” pages on Apple’s website. In addition, Apple captures the date on which the account was created, the length of service, records of log-in times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to and utilize the account, the Internet Protocol address (“IP address”) used to register and access the account, and other log files that reflect usage of the account.

40. Additional information is captured by Apple in connection with the use of an Apple ID to access certain services. For example, Apple maintains connection logs with IP addresses that reflect a user’s sign-on activity for Apple services such as iTunes Store and App Store, iCloud, Game Center, and the My Apple ID and iForgot pages on Apple’s website. Apple also maintains records reflecting a user’s app purchases from App Store and iTunes Store, “call invitation logs” for FaceTime calls, and “mail logs” for activity over an Apple-provided email account. Records relating to the use of the Find My iPhone service, including connection logs and requests to remotely lock or erase a device, are also maintained by Apple.

41. Apple also maintains information about the devices associated with an Apple ID. When a user activates or upgrades an iOS device, Apple captures and retains the user’s IP address and identifiers such as the Integrated Circuit Card ID number (“ICCID”), which is the serial number of the device’s SIM card. Similarly, the telephone number of a user’s iPhone is linked to an Apple ID when the user signs in to FaceTime or iMessage. Apple also may maintain records of other device identifiers, including the Media Access Control address (“MAC address”), the unique device identifier (“UDID”), and the serial number. In addition, information about a user’s computer is captured when iTunes is used on that computer to play

content associated with an Apple ID, and information about a user's web browser may be captured when used to access services through icloud.com and apple.com. Apple also retains records related to communications between users and Apple customer service, including communications regarding a particular Apple device or service, and the repair history for a device.

42. Apple provides users with five gigabytes of free electronic space on iCloud, and users can purchase additional storage space. That storage space, located on servers controlled by Apple, may contain data associated with the use of iCloud-connected services, including: email (iCloud Mail); images and videos (iCloud Photo Library, My Photo Stream, and iCloud Photo Sharing); documents, spreadsheets, presentations, and other files (iWorks and iCloud Drive); and web browser settings and Wi-Fi network information (iCloud Tabs and iCloud Keychain). iCloud can also be used to store iOS device backups, which can contain a user's photos and videos, iMessages, Short Message Service ("SMS") and Multimedia Messaging Service ("MMS") messages, voicemail messages, call history, contacts, calendar events, reminders, notes, app data and settings, and other data. Records and data associated with third-party apps may also be stored on iCloud; for example, the iOS app for WhatsApp, an instant messaging service, can be configured to regularly back up a user's instant messages on iCloud. Some of this data is stored on Apple's servers in an encrypted form but can nonetheless be decrypted by Apple.

43. In my training and experience, evidence of who was using an Apple ID and from where, and evidence related to criminal activity of the kind described above, may be found in the files and records described above, specifically text message records, to include iMessage, and

email communications. This evidence may establish the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or, alternatively, to exclude the innocent from further suspicion.

44. For example, the stored communications, specifically text message records, to include iMessage, and email communications, and files connected to an Apple ID may provide direct evidence of the offenses under investigation. Based on my training and experience, instant messages, emails, voicemails, photos, videos, and documents are often created and used in furtherance of criminal activity, including to communicate and facilitate the offenses under investigation.

45. Account activity may also provide relevant insight into the account owner’s state of mind as it relates to the offenses under investigation. For example, information on the account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information or communication records in an effort to conceal evidence from law enforcement).

46. Other information connected to an Apple ID may lead to the discovery of additional evidence. For example, emails and instant messages, to include iMessages, can lead to the identification of co-conspirators and instrumentalities of the crimes under investigation.

47. Therefore, Apple’s servers are likely to contain stored electronic communications and information concerning subscribers and their use of Apple’s services. In my training and experience, such information may constitute evidence of the crimes under investigation including information that can be used to identify the account’s user or users.

**INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

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

**CONCLUSION**

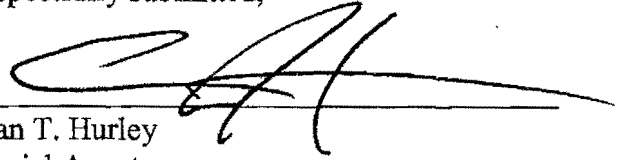
49. Based on the forgoing, I request that the Court issue the proposed search warrant.

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

**REQUEST FOR SEALING**

51. 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 the details of which are neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,



Evan T. Hurley  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me on Feb. 2, 2018



GARY R. JONES  
UNITED STATES MAGISTRATE JUDGE



**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with Apple IDs scottcharlesmaddox@me.com and scottcmaddox@icloud.com, (the "SUBJECT ACCOUNTS") that is stored at premises owned, maintained, controlled, or operated by Apple Inc., a company headquartered at Apple Inc., 1 Infinite Loop, Cupertino, CA 95014.

**ATTACHMENT B**

**Particular Things to be Seized**

**I. Information to be disclosed by Apple**

To the extent that the information described in Attachment A is within the possession, custody, or control of Apple, including any messages, records, files, logs, or information that have been deleted but are still available to Apple, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Apple is required to disclose the following information to the government, in unencrypted form whenever available, for each account or identifier listed in Attachment A:

a. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers, email addresses (including primary, alternate, rescue, and notification email addresses, and verification information for each email address), the date on which the account was created, the length of service, the IP address used to register the account, account status, methods of connecting, and means and source of payment (including any credit or bank account numbers);

b. All records or other information regarding the devices associated with, or used in connection with, the account (including all current and past trusted or authorized iOS devices and computers, and any devices used to access Apple services), including serial numbers, Unique Device Identifiers (“UDID”), Advertising Identifiers (“IDFA”), Global Unique Identifiers (“GUID”), Media Access Control (“MAC”) addresses, Integrated Circuit Card ID numbers (“ICCID”), Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifiers (“MEID”), Mobile Identification Numbers (“MIN”), Subscriber

Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identities (“IMSI”), and International Mobile Station Equipment Identities (“IMEI”);

c. The contents of all emails associated with the account, including stored or preserved copies of emails sent to and from the account (including all draft emails and deleted emails), the source and destination addresses associated with each email, the date and time at which each email was sent, the size and length of each email, and the true and accurate header information including the actual IP addresses of the sender and the recipient of the emails, and all attachments;

d. The contents of all instant messages associated with the account, including stored or preserved copies of instant messages (including iMessages, SMS messages, and MMS messages) sent to and from the account (including all draft and deleted messages), the source and destination account or phone number associated with each instant message, the date and time at which each instant message was sent, the size and length of each instant message, the actual IP addresses of the sender and the recipient of each instant message, and the media, if any, attached to each instant message;

e. The contents of all files and other records stored on iCloud, including all iOS device backups, all Apple and third-party app data, all files and other records related to iCloud Mail, iCloud Photo Sharing, My Photo Stream, iCloud Photo Library, iCloud Drive, iWorks (including Pages, Numbers, and Keynote), iCloud Tabs, and iCloud Keychain, and all address books, contact and buddy lists, notes, reminders, calendar entries, images, videos, voicemails, device settings, and bookmarks;

f. All activity, connection, and transactional logs for the account (with associated IP addresses including source port numbers), including FaceTime call invitation logs, mail logs, iCloud logs, iTunes Store and App Store logs (including purchases, downloads, and updates of Apple and third-party apps), messaging and query logs (including iMessage, SMS, and MMS messages), My Apple ID and iForgot logs, sign-on logs for all Apple services, Game Center logs, Find my iPhone logs, logs associated with iOS device activation and upgrades, and logs associated with web-based access of Apple services (including all associated identifiers);

g. All records and information regarding locations where the account was accessed, including all data stored in connection with Location Services;

h. All records pertaining to the types of service used;

i. All records pertaining to communications between Apple and any person regarding the account, including contacts with support services and records of actions taken; and

j. All files, keys, or other information necessary to decrypt any data produced in an encrypted form, when available to Apple (including, but not limited to, the keybag.txt and fileinfolist.txt files).

## **II. Information to be seized by the government**

All information described above in Section I that constitutes contraband, fruits, evidence and/or instrumentalities of violations of the Specified Federal Offenses involving Scott Maddox and Paige Carter-Smith since November 1, 2012, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- a. The identity of the person(s) who created or used the Apple ID, including records that help reveal the whereabouts of such person(s);
- b. Evidence indicating how and when the account was accessed or used, to determine the chronological and geographic context of account access, use and events relating to the crime under investigation and the account subscriber;
- c. Any records pertaining to the means and source of payment for services (including any credit card or bank account number or digital money transfer account information);
- d. Communications between Paige Carter-Smith and any individual doing business or seeking to do business in or with the City of Tallahassee.
- e. Communications between Paige Carter-Smith and any current or former employee of any business doing business or seeking to do business in or with the City of Tallahassee.
- f. Communications between Scott Maddox and any individual doing business or seeking to do business in or with the City of Tallahassee.
- g. Communications between Scott Maddox and any current or former employees of any businesses doing business or seeking to do business in or with the City of Tallahassee.

- h. Communications between Paige Carter-Smith and Scott Maddox.
- i. Communications between Paige Carter-Smith and any employees of the City of Tallahassee, including but not limited to City Commissioners.
- j. Communications between Scott Maddox and any employees of the City of Tallahassee, including but not limited to City Commissioners.
- k. Evidence of a scheme to bribe Scott Maddox, defraud the City of Tallahassee or its citizens of its right to honest services by use of the mails or wire communications, or extort any individual or company seeking to do business in Tallahassee under color of official right, or conspiracy to commit any of these crimes.
- l. Steps taken in furtherance of any such schemes.
- m. Disposition of proceeds from the Specified Federal Offenses.
- n. Any and all evidence indicating in any way a motive to engage in the Specified Federal Offenses.
- o. Financial records and documents relating to assets or accounts accessed by Paige Carter-Smith, Scott Maddox, or others engaged in the Specified Federal Offenses;
- p. Evidence indicating the subscriber's state of mind as it relates to the crime under investigation; and
- q. Evidence that may identify any co-conspirators or aiders and abettors, including records that help reveal their whereabouts.