

SUPERIOR COURT OF CALIFORNIA

County of _____

SEARCH WARRANT (*Post Hoc*)

Emergency Electronic Communications Search

Penal Code §1546.1(h)



Warrant No. _____

The affidavit below, sworn to and subscribed before me, has established probable cause to believe the following: When the warrantless search described below occurred, the affiant was aware of the following: (1) facts that reasonably indicated that an immediate search was necessary to prevent death or serious bodily injury to a person, and (2) facts that established probable cause to search.

- Order for delayed notification:** For the reason(s) set forth in the affidavit, below, the affiant shall not be required to provide notice of the warrant's execution pursuant to Penal Code section 1546.2(a) until (1) there is no longer sufficient reason to believe that the "adverse results" cited below will occur, or (2) the passage of 90 days from the date the warrant was executed, whichever comes first.
- Disposition of communications information:** All electronic communications information seized pursuant to this search warrant shall be retained in the affiant's custody pending further court order pursuant to Penal Code §§ 1528(a), 1536.

Date and time warrant issued

Judge of the Superior Court

◆ AFFIDAVIT ◆

Affiant's name and agency: _____

Date of warrantless search: *[Insert date]*

Electronic communications device or provider that was searched: *[Identify]*

Electronic communications information that was seized: *[Describe]*

Basis of emergency declaration: The following are the facts upon which I believed that an immediate warrantless search was necessary to prevent death or serious bodily injury: *[Insert facts]*

Probable cause to search: The following are the facts upon which I believed there was probable cause to search the above described electronics communication device or provider for the above described electronic communications information: *[Insert facts]*

Request for delayed notification: Pursuant to Penal Code § 1546.2(b)(1) I hereby request that notice of the execution of the warrantless search and the issuance of this post hoc search warrant be delayed on rounds that such notification would cause the following "adverse results" (if checked): Endanger the life or physical safety of an individual. Result in flight from prosecution. Result in tampering or destruction of evidence. Result in the intimidating of a potential witness. Seriously jeopardize an investigation or unduly delaying a trial. *[Check one or more]*

Declaration: I declare under penalty of perjury that the information within my personal knowledge contained in this affidavit, including all incorporated documents, is true.

Date

Affiant