
Using This Revisable PDF Form

1. Copies
 - a. Original – filed by judicial officer or his designee/agent in the appropriate circuit court clerk’s office where the search is executed. Virginia Code § 19.2-54 requires this document to be filed within seven (7) days after issuance of the search warrant.
 - b. First copy – delivered by judicial officer or his designee/agent to the appropriate circuit court clerk's office where the search warrant is issued if different from above.
 - c. Second copy – attached to original of the SEARCH WARRANT FOR REAL-TIME LOCATION DATA.
 - d. Third copy – attached to copy of the SEARCH WARRANT FOR REAL-TIME LOCATION DATA to the provider of electronic communication service or remote computer service.
 - e. Additional copies to others as dictated by local practice.
2. Prepared by affiant, acknowledged by magistrate or judge. Must be signed and sworn to by the complainant in person. If a law enforcement officer brings in an affidavit signed by a third person, then the law enforcement officer should prepare his or her own affidavit, sign it and swear to it as the affiant.
3. Attachments – form DC-309, SEARCH WARRANT FOR REAL-TIME LOCATION DATA (*see* 1(c) above).
4. Preparation details
 - a. The judicial officer should not become involved in the preparation of this document. However, if the judicial officer believes that the affidavit does not show probable cause, he or she should return the affidavit and should tell the affiant that there is insufficient proof to constitute probable cause and what is generally needed in the case in question to constitute probable cause.
 - b. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.
 - c. Law enforcement officer should consult the Commonwealth's Attorney if assistance is needed in preparing this affidavit.

AFFIDAVIT FOR SEARCH WARRANT FOR REAL-TIME LOCATION DATA

Commonwealth of Virginia

VA. CODE § 19.2-70.3(C)

The undersigned Applicant states under oath:

1. The real-time location data records are requested in relation to an offense substantially described as follows:

1

[] CONTINUED ON ATTACHED SHEET

2. The provider of electronic communication service or remote computing service requested to search for and disclose real-time location data records is described as follows:

2

3. [] The provider of electronic communication service or remote computing service is a foreign corporation, and the records requested are believed to be actually or constructively possessed by this foreign corporation that provides electronic communication service or remote computing service within Virginia. The material facts establishing probable cause for such belief are:

3

[] CONTINUED ON ATTACHED SHEET

(OVER)

FILE NO.	4
AFFIDAVIT FOR SEARCH WARRANT FOR REAL-TIME LOCATION DATA	
APPLICANT:	
	5
	NAME
	TITLE (IF ANY)
	ADDRESS
Certified to Clerk of	
	6 Circuit Court
	CITY OR COUNTY
on	7
	DATE
8	9
TITLE	SIGNATURE
Original Delivered [] in person [] by certified mail [] by electronically transmitted facsimile [] by use of filing/security procedures defined in the Uniform Electronic Transactions Act	
to Clerk of	10 Circuit Court
	CITY OR COUNTY WHERE EXECUTED
on	11
	DATE
12	13
TITLE	SIGNATURE
Complete only if different than above, or complete if provider is a foreign corporation:	
Copy delivered [] in person [] by certified mail [] by electronically transmitted facsimile [] by use of filing/security procedures defined in the Uniform Electronic Transactions Act	
to Clerk of	14 Circuit Court
	CITY OR COUNTY OF ISSUANCE
on	15
	DATE
16	17
TITLE	SIGNATURE

Data Elements, page one

1. Description of offense.
2. Name of provider of electronic communication service or remote computing service.
3. Check this box if the provider is a foreign corporation. Insert material facts establishing probable cause for the belief that the records requested are actually or constructively possession by the foreign corporation that provides electronic communication service or remote computing service within Virginia.

To be completed by the clerk:

4. Court case number.

5. Name, official title (if any) and street address of applicant.

To be completed by the magistrate or judge (or his designee):

6. Name of circuit court to whose clerk this affidavit is certified.
7. Date on which this affidavit is certified with circuit court.
8. Title of person certifying this affidavit with circuit court (printed or typed).
9. Signature of person certifying this affidavit to circuit court.
10. Name of circuit court to whose clerk this affidavit was delivered, and check the appropriate method of delivery.
11. Date on which this affidavit was delivered to circuit court identified in data element No. 10.
12. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 10.
13. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 10.
14. Name of circuit court where the warrant is issued if different from data element No. 10. Check the appropriate method of delivery.
15. Date on which a copy of the affidavit was delivered to circuit court identified in data element No. 14.
16. Title of person delivered a copy of the affidavit to the circuit court clerk's office identified in data element No. 14.
17. Signature of person who delivered this affidavit to the circuit court clerk's office identified in data element No. 14.

4. The real-time location data records to be searched for and disclosed are described as follows:

.....
..... **1**
.....
.....

5. The following material facts constitute probable cause that

- The real-time location data records to be searched for and disclosed are relevant to a crime that is being committed or has been committed AND/OR
- 2** An arrest warrant exists for the person whose real-time location data is sought:

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.....
.....

CONTINUED ON ATTACHED SHEET

6. I have personal knowledge of the facts set forth in this affidavit AND/OR

3 I was advised of the facts set forth in this affidavit, in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

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.....

The statements above are true and accurate to the best of my knowledge and belief.

.....
4
.....
TITLE OF APPLICANT

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5
.....
APPLICANT

Subscribed and sworn to before me this day.

.....
6
.....
DATE AND TIME

.....
7
.....
 MAGISTRATE JUDGE

Data Elements, *page two*

1. Description of real-time location data records.
2. Check the appropriate box(es) and fill in the required information.
3. Check the appropriate box(es) and fill in the required information.
4. Official title of applicant, if any.
5. Signature of applicant.

To be completed by magistrate or judge:

6. Date that this document is signed and sworn to.
7. Signature of person before whom the affidavit was sworn to. Check the appropriate title box below the signature line.