DISTRICT COURT, DENVER COUNTY, COLORADO 520 W. Colfax Denver, Colorado 80204	
PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. GAVIN SEYMOUR, Juvenile Defendant.	☐ COURT USE ONLY ☐
JENIFER STINSON (#35993) Stinson Law Office 1245 E. Colfax Avenue, Suite 300 Denver, Colorado 80218 Phone: (303) 483-3161 E-mail: JStinsonLaw@gmail.com MICHAEL S. JUBA (#39542) Juba Law Office, PLLC 675 N. Grant Street Denver, CO 80203 Phone: (303) 974-1080 E-mail: Juba@JubaLawOffice.com MICHAEL W. PRICE (#22PHV6967) National Association of Criminal Defense Lawyers 1660 L Street NW, 12th Floor Washington, DC 20036 Phone: (202) 465-7615 E-mail: MPrice@NACDL.org	Case Number: 21CR20001 Division: 5A

NOTICE OF DECLARATION OF LEGAL INVESTIGATIONS SUPPORT ANALYST NIKKI ADELI (GOOGLE DECLARATION)

Gavin Seymour submits the following Notice of the Declaration of Legal Investigations Support Analyst Nikki Adeli. Counsel certifies a copy of this Notice was served upon counsel of record.

Dated this day: June 30, 2022

_____
Attorney: Michael S. Juba, #39542

Declaration of Legal Investigations Support Analyst

1.   I, Nikki Adeli, am a Policy Specialist on the Legal Investigations Support team at Google LLC ("Google"). I have worked in this role since September 2019. In my role on this team, I am a duly authorized custodian of records for Google, and am responsible in part for analyzing U.S. domestic legal process for validity; asserting objections when appropriate; and searching for, collecting, and producing records in response to U.S. domestic legal process directed to Google, including for search warrants that seek to identify who may have searched for certain words or phrases on Google's products and services. I have personal knowledge of the information in this declaration and could testify competently thereto if called as a witness.

Background on Google's Procedures for Responding to Legal Process

2.   Google receives legal process from governmental agencies around the world that ask Google to disclose information about Google users. Google reviews each piece of legal process to ensure that it satisfies applicable law, works to narrow legal process when it is overbroad, and also objects to producing user information when appropriate. One category of compulsory legal process that Google receives is U.S. domestic search warrants that direct Google to identify to issuing law enforcement which users of Google Search (and often Google Maps), if any, searched for specific words or phrases during a specified period of time.

3.   To help ensure legal and privacy protections for Google users and to guard against overbroad disclosures, Google requires that the search parameters for such warrants be specific and narrowly tailored to reveal information connected to the alleged crime under investigation. Google generally employs a staged process that includes de-identification and narrowing measures when responding to this category of search warrants.

4.   First, a member of the Google LIS team creates a text-based query (that can include letters, numbers, or characters) based on the requirements of the warrant. That query is then run over the records of searches conducted through Google Search and Maps. It has been reported by Google and publicly that Google Search has more than 1 billion average monthly users, and each day, Google Search receives billions of queries. *See, e.g.*, Alphabet Q4 2015 Earnings Call (Feb. 1, 2016) *available at* https://www.youtube.com/watch?v=rgDBpPy1xi4 (CEO Sundar Pichai acknowledging at 18:45 that Search had 1 billion monthly active users); Danny Sullivan, Google, "How Google updates Search to improve your results" (June 2, 2021), https://blog.google/products/search/how-we-update-search-improve-results/; s*ee also* Popular Science, "Google Has 7 Products With 1 Billion Users" (Feb. 26, 2016) *available at* https://www.popsci.com/google-has-7-products-with-1-billion-users/.

5.   Before running this query, Google and its records custodians do not know which, if any, users may have undertaken searches that would be responsive to the warrant in question. Moreover, even if a user conducted a responsive search during the relevant time period, records of that query may not exist at the time the Google LIS team conducts the query. This is because searches conducted from an authenticated user's account can be deleted by the user either manually or automatically based on the user's account settings.

6.   The results of that query are returned to the LIS team member in the form of a CSV file that reflects queries containing the specified search term(s). Depending on the requirements of the warrant, Google may limit the results to queries that contain only the search terms listed in the warrant and no other words or, more commonly, the results may extend to queries that include the specified search terms as part of a query that contains other words. For example, a search warrant might compel Google to produce every query containing the phrase

"1600 Amphitheatre Parkway." The results returned on that query may include queries for "1600 Amphitheatre Parkway" along with additional terms like "Mountain View, CA", "94043" or "Google Headquarters". Where a search warrant specifies a search for only an exact phrase, Google would conduct a query for only that exact phrase and not other, broader phrases.

7. The CSV results are then de-identified by the analyst (explained more below) to truncate account-identifying information in the results. The de-identified "production version" of the potentially responsive data typically includes the following categories of information: (1) the date and time of the search, (2) coarse location information inferred from the IP address from which the search was conducted, (3) the Query (search query entered by the user), (4) the Result (the result generated by Google from a user's queried search), (5) the Host (the Google domain name that the user contacted (e.g., google.com and google.fr.)), (6) the Request (the latter part of the URL, following the host, that is associated with the user's search. 'GET' and 'POST' distinguish background requests made of Google's servers), (7) a truncated Google identifier (known as a GAIA ID), if the search was conducted from an authenticated user's account, or a truncated version of a Browser Cookie ID, if the search was not conducted from an authenticated user's account and (8) the associated user agent string. An LIS analyst de-identifies the data produced to the government at this step by truncating either the GAIA ID or the Browser Cookie ID, as applicable, before making a production. Google's policies and practices regarding the scope of information included in this initial production may have differed in the past, including during the time period in this matter.

8. This de-identified production is then produced to the issuing law enforcement agency for it to determine if any of these de-identified results might be relevant to its investigation. For example, an initial de-identified production from Google might show that

seven users searched for a partial address during a particular time period, but law enforcement who reviews that de-identified production might exclude any searches where the complete query revealed additional search terms reflecting the address search was for a different city or state than the one of relevance to the investigation.

9.   Next, if the initial search warrant further authorizes the law enforcement agency to seek identifying information about responsive users, the government can compel Google to provide additional information for those users the government has determined to be relevant to its investigation based on the de-identified production. For queries that included a truncated GAIA ID, this information includes the IP address associated with the search (if available), the full GAIA ID, and basic subscriber information for that GAIA ID, as defined in 18 U.S.C. § 2703(c)(2). For queries that included a truncated Browser Cookie ID, this additional information includes the IP address associated with the search (if available) and a full Browser Cookie ID. If the initial search warrant does not authorize the government to seek identifying information about responsive users, Google requires that the government apply for an additional warrant authorizing disclosure of identifying information for those users relevant to its investigation.

10.   Government agencies from around the world ask Google to disclose user information. We carefully review each request to make sure it satisfies applicable laws. Google does not provide templates or sample language to law enforcement for their search warrants that might direct Google to identify to issuing law enforcement which users of Google Search (and often Google Maps), if any, searched for specific words or phrases during a specified period of time. If a search warrant asks for too much information, Google tries to have it narrowed, and in some cases Google objects to producing any information at all.

The Search Warrants in This Matter

11.   In this case, Google received a search warrant (Google Reference No. 4061789)

dated October 1, 2020. It requested information about any and all Google users that searched for

the following terms between July 22, 2020, at 00:01 MST and August 5, 2020, at 0245 MST:

> "5312 Truckee"
> "5312 Truckee St"
> "5312 Truckee Street"
> "5312 N Truckee St"
> "5312 N. Truckee St."
> "5312 N. Truckee St"
> "5312 N Truckee St."
> "5312 North Truckee"
> "5312 North Truckee Street"

The warrant did not comply with Google's policy regarding de-identification of responsive

productions, and was escalated to outside counsel for Google. Google understands that the

warrant was thereafter withdrawn, and Google did not produce data in response to it.

12.   Google received a second search warrant (Google Reference No. 4120751) dated

October 20, 2020. Seeking the same set of information as the first warrant, and including

language regarding de-identification that again did not comply with Google's policy regarding

de-identification of responsive data for this type of search warrant, and it was escalated to

outside counsel for Google. Google understands that this search warrant was thereafter

withdrawn, and Google did not produce data in response to it.

13.   Google received a third search warrant (Google Reference No. 4754430) dated

November 19, 2020, that was submitted to Google's online system, the Law Enforcement

Response System, through Detective Ernest Sandoval's verified account on that same day. The

warrant requested information about any Google users that searched the following terms between

July 22, 2020, at 00:01 MST and August 5, 2020, at 0245 MST:

> "5312 Truckee"

"5312 Truckee St"
"5312 Truckee Street"
"5312 N Truckee St"
"5312 N. Truckee St."
"5312 N. Truckee St"
"5312 N Truckee St."
"5312 North Truckee"
"5312 North Truckee Street"

The warrant directed Google to produce anonymized information and the IP addresses used to conduct relevant searches. The warrant also indicated that the government could seek additional legal process for basic subscriber information for any users deemed relevant to the investigation, but did not direct production of basic subscriber information for those users in the initial keyword search warrant.

14. An LIS analyst executed a query for responsive data based on the warrant parameters. The query returned 61 responsive searches that were associated with 5 unique GAIA IDs and 3 unique Browser Cookie IDs.

15. Consistent with Google's policies as described above, the LIS analyst in this matter de-identified the "production copy" of the results and produced the de-identified results to the government. The initial production file included the fields set forth in paragraph 7, and also a field containing IP address information as required by the warrant. A true and correct copy of Google's transmittal letter that accompanied this production is attached as Exhibit A.

16. Here, the warrant did not authorize the production of basic subscriber information without additional legal process. On December 8, 2020, Google received an additional search warrant (Google Reference No. 5147305) dated December 4, 2020 from Detective Sandoval seeking information associated with the 5 truncated GAIA IDs from the deidentified production. In response to this warrant, Google produced only the basic subscriber information for the five accounts. A true and correct copy of Google's transmittal letter that accompanied this production

is attached as Exhibit B. Google objected to the warrant to the extent it required disclosure of

content or other records based on a truncated GAIA ID and advised that new legal process would

be required to obtain additional information.

17.   I am unaware of any errors in attribution associated with the queries conducted in

response to RSH warrants and have no reason to believe there is any attribution error.

Executed on   June 17, 2022   at   Austin   Texas

By: _____

Nikki Adeli

Exhibit A

Google

11/25/20

Detective Ernest Sandoval
Denver Police Department (CO)
1331 Cherokee St.
Denver, CO 80204

Re: Search Warrant dated November 19, 2020 (Google Ref. No. 4754430)
20-472026

Dear Detective Sandoval:

Pursuant to the Search Warrant issued in the above-referenced matter, we have conducted a diligent search for documents and information accessible on Google's systems that are responsive to your request. Our response is made in accordance with state and federal law, including the Electronic Communications Privacy Act. See 18 U.S.C. § 2701 et seq.

Accompanying this letter is responsive information to the extent reasonably accessible from our system associated with the Google search term(s), *5312 TRUCKEE, 5312 TRUCKEE ST, 5312 TRUCKEE STREET, 5312 N TRUCKEE ST, 5312 N. TRUCKEE ST., 5312 N. TRUCKEE ST, 5312 N TRUCKEE ST., 5312 NORTH TRUCKEE, 5312 NORTH TRUCKEE STREET*, as specified in the Search Warrant. We have also included a signed Certificate of Authenticity which includes a list of hash values that correspond to each file contained in the production. Google may not retain a copy of this production but does endeavor to keep a list of the files and their respective hash values. To the extent any document provided herein contains information exceeding the scope of your request, protected from disclosure or otherwise not subject to production, if at all, we have redacted such information or removed such data fields.

Based on the number of search results, the file produced contains truncated GaiaIDs for signed-in users and truncated cookie IDs for non-signed-in users. For the search results that law enforcement narrows and finds to be relevant to the investigation, law enforcement may request under this search warrant the non-truncated information by emailing USLawEnforcement@google.com with the Google reference number in the Subject Line and the truncated identifier requested. Google may provide basic subscriber information as defined in 18 U.S.C. § 2703(c)(2) with non-truncated GaiaIDs in response, if the non-truncated search results remain available from this search warrant. Once such information is produced, further information relating to other non-truncated identifiers cannot be provided without a new reverse search warrant. The truncated identifiers are not valid target identifiers that can be used to search for information separately from this search warrant.

Finally, in accordance with Section 2706 of the Electronic Communications Privacy Act, Google may request reimbursement for reasonable costs incurred in processing your request.

Under Google's user notice policy, Google will notify the users of the Google accounts identified unless such notice is prohibited by law (e.g., non-disclosure order).

For a Google Custodian of Records, we will require a subpoena and confirmation from you of the time and date of the appearance, the scope of testimony, any Google Reference Number(s) associated with the case, and the travel for the appearance at least one week in advance in order to identify, make the appropriate plans for, and prepare a custodian for trial.

Finally, in accordance with Section 2706 of the Electronic Communications Privacy Act, Google may request reimbursement for reasonable costs incurred in processing your request.

Regards,

Claire Cole
Google Legal Investigations Support

CERTIFICATE OF AUTHENTICITY

I hereby certify:

1.   I am authorized to submit this affidavit on behalf of Google LLC ("Google"), located in Mountain View, California. I have personal knowledge of the following facts, except as noted, and could testify competently thereto if called as a witness.

2.   I am qualified to authenticate the records because I am familiar with how the records were created, managed, stored and retrieved.

3.   Google provides Internet-based services.

4.   Attached is a true and correct copy of records pertaining to the Google search term(s), *5312 TRUCKEE, 5312 TRUCKEE ST, 5312 TRUCKEE STREET, 5312 N TRUCKEE ST, 5312 N. TRUCKEE ST., 5312 N. TRUCKEE ST, 5312 N TRUCKEE ST., 5312 NORTH TRUCKEE, 5312 NORTH TRUCKEE STREET*, with Google Ref. No. 4754430 ("Document"). Accompanying this Certificate of Authenticity as Attachment A is a list of hash values corresponding to each file produced in response to the Search Warrant.

5.   The Document is a record made and retained by Google. Google servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted by the user, and this data is kept in the course of this regularly conducted activity and was made by regularly conducted activity as a regular practice of Google.

6.   The Document is a true duplicate of original records that were generated by Google's electronic process or system that produces an accurate result. The accuracy of Google's electronic process and system is regularly verified by Google.

7.   Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

___/s_Claire Cole_____   Date: 11/25/20
(Signature of Records Custodian)

     Claire Cole
(Name of Records Custodian)

Attachment A: Hash Values for Production Files (Google Ref. No. 4754430)

4754430.Search.2.csv:

MD5- 43d9b525bae7d4d5b69dfe927f4802e8
SHA512-
bdcdf6c12f93e37cf2fa8e13ca6860c78fcda2b191d7fd2baace00e7a2eff9e24e8dae034200b98c3d9
9397236ba208b6271c666e0c79882addd5932654665f3

4754430.Search.csv:

MD5- cfee99354222ce6dea3830023caab0ac
SHA512-
fa9d80a1b10ddc66d492556a31f050b15ccfc46c88550a34a036081a799c99b877be2ad1219004550
2880b64463ebe322b7fd61b64417397a2163bc01d7d015f

Exhibit B

12/22/20

Detective Ernest Sandoval
Denver Police Department (CO)
1331 Cherokee St.
Denver, CO 80204

> **Re: Search Warrant dated December 04, 2020 (Google Ref. No. 5147305)**
> *2020-472026*

Dear Detective Sandoval:

Pursuant to the Search Warrant issued in the above-referenced matter, we have conducted a diligent search for documents and information accessible on Google's systems that are responsive to your request. Our response is made in accordance with state and federal law, including the Electronic Communications Privacy Act. See 18 U.S.C. § 2701 et seq.

Accompanying this letter is responsive information to the extent reasonably accessible from our system associated with the Google search term(s), *5312 TRUCKEE, 5312 TRUCKEE ST, 5312 TRUCKEE STREET, 5312 N TRUCKEE ST, 5312 N. TRUCKEE ST., 5312 N. TRUCKEE ST, 5312 N TRUCKEE ST., 5312 NORTH TRUCKEE, 5312 NORTH TRUCKEE STREET,* as specified in the Search Warrant. We have also included a signed Certificate of Authenticity which includes a list of hash values that correspond to each file contained in the production. Google may not retain a copy of this production but does endeavor to keep a list of the files and their respective hash values. To the extent any document provided herein contains information exceeding the scope of your request, protected from disclosure or otherwise not subject to production, if at all, we have redacted such information or removed such data fields.

We understand that you are seeking content or other records associated with truncated GaiaIDs for signed-in users surfaced from a reverse search history warrant (Google Ref. No. 4754430). Truncated identifiers are not valid target identifiers that can otherwise be used to search for information. Truncated GaiaIDs identifiers are used only for distinguishing signed-in users in the reverse search history results. Pursuant to the anonymization and narrowing required for reverse search history warrants, Google has only provided basic subscriber information, as defined in 18 U.S.C. 2703(c)(2), for the requested truncated GaiaIDs. If you require content or other records for these accounts, you may submit new legal process specifically identifying that account by its email address or other unique Google identifier.

Finally, in accordance with Section 2706 of the Electronic Communications Privacy Act, Google may request reimbursement for reasonable costs incurred in processing your request.

Under Google's user notice policy, Google will notify the users of the Google accounts identified unless such notice is prohibited by law (e.g., non-disclosure order).

For a Google Custodian of Records, we will require a subpoena and confirmation from

you of the time and date of the appearance, the scope of testimony, any Google Reference Number(s) associated with the case, and the travel for the appearance at least one week in advance in order to identify, make the appropriate plans for, and prepare a custodian for trial.

Finally, in accordance with Section 2706 of the Electronic Communications Privacy Act, Google may request reimbursement for reasonable costs incurred in processing your request.

Regards,

Kody Sun
Google Legal Investigations Support

CERTIFICATE OF AUTHENTICITY

I hereby certify:

1.   I am authorized to submit this affidavit on behalf of Google LLC ("Google"), located in Mountain View, California. I have personal knowledge of the following facts, except as noted, and could testify competently thereto if called as a witness.

2.   I am qualified to authenticate the records because I am familiar with how the records were created, managed, stored and retrieved.

3.   Google provides Internet-based services.

4.   Attached is a true and correct copy of records pertaining to the Google search term(s), *5312 TRUCKEE, 5312 TRUCKEE ST, 5312 TRUCKEE STREET, 5312 N TRUCKEE ST, 5312 N. TRUCKEE ST., 5312 N. TRUCKEE ST, 5312 N TRUCKEE ST., 5312 NORTH TRUCKEE, 5312 NORTH TRUCKEE STREET,* with Google Ref. No. 5147305 ("Document"). Accompanying this Certificate of Authenticity as Attachment A is a list of hash values corresponding to each file produced in response to the Search Warrant.

5.   The Document is a record made and retained by Google. Google servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted by the user, and this data is kept in the course of this regularly conducted activity and was made by regularly conducted activity as a regular practice of Google.

6.   The Document is a true duplicate of original records that were generated by Google's electronic process or system that produces an accurate result. The accuracy of Google's electronic process and system is regularly verified by Google.

7.   Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

___/s_Kody Sun_____   Date: 12/22/20
(Signature of Records Custodian)

      Kody Sun
(Name of Records Custodian)

Attachment A: Hash Values for Production Files (Google Ref. No. 5147305)

1095648799279.1095648799279.GoogleAccount.SubscriberInfo_001.zip:

MD5- 2324252e35401545b39bc0d8c434af99
SHA512-
ffaf4152a1b8f7b9a7e8d836aef6b83b89afbdec3feba176b26371df34045bff891613a6b38bc747d00
236011130f3549c8cd0d14bbd852505d90b03f2689516

464320931891.464320931891.GoogleAccount.SubscriberInfo_001.zip:

MD5- f7a3b859447f68824a4c8c049a103da7
SHA512-
6f676d3a6e8c614240c0f9d75a15198b7dc2986abad0c9c3a9ae6f8873e89f925c382920bdaedf43cd
f34a5e2ed32fe6c184bfe5f7c7e19be00d66c0235b8453

4754430.Supplemental.1.csv:

MD5- 192f2a7eb3f31a3906241f897c3f77e0
SHA512-
847bb9d31a547c892932efbd48665ca01bec243467226b62b8293af8e50fe0091491b8073413ba01
c70577a96484b215c974728a4bc3f4b64d61c1134c8e53d2

4754430.Supplemental.2.csv:

MD5- d4d62e2feea8c2d986a2b2d8e40fe834
SHA512-
ca29f19b242dd2ae070ca6a51dc6cdfafb95d4b11f45ff3879c1a4a0b77b66a849b3ddf606684d928f
9b17febd0d2c0aa39c6842b76a68a2b4d1422e6f592cc2

5389485823.5389485823.GoogleAccount.SubscriberInfo_001.zip:

MD5- 521f6cb75c5e913f0aded2e4174240ec
SHA512-
3a7428312b07a6cda9489594cd3980366fde775c8fc7821b33b77635ed24c9f34ff9cd4970729b739
defb86b1be8778d914c0480895639c5a2718f476d795e9a

577076180068.577076180068.GoogleAccount.SubscriberInfo_001.zip:

MD5- a6d6339c7ab2c361da2855c3c13ac717
SHA512-
c0ce9aac232141dc5adc00c6783842c66eeaf721b2514bbcc5b150e5af438fff62a780ff82b8e9718e2
18959d6c792d07c579cf40d603fe3cb45f3f2e6764827

641539151813.641539151813.GoogleAccount.SubscriberInfo_001.zip:

MD5- d7b408600cf62377231a4736ff4f12fa
SHA512-
6d1517286fdb96a165c31a6e19ac81e27222c4f2cd37a384a02bc92c273ccc87f9c47e45ee579c193
9c8a290f4d21c532fb344d55ed3a1fb4e1a1f70e821387e