

<input type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input checked="" type="checkbox"/> CRIMINAL <input type="checkbox"/> TRAFFIC/MISDEMEANOR	AFFIDAVIT FOR SEARCH WARRANT, SEARCH WARRANT, INVENTORY AND RETURN	CASE NUMBER USSS 31-775- 0051889-5
		CLOCK IN
Arrested: <u>N/A</u>		
Address: <u>YAHOO</u>		
Offense: <u>STALKING</u>		
Date: <u>2/14/2012</u>		

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

AFFIDAVIT FOR SEARCH WARRANT

Before me, Thomas J. Rebull, a Judge of the Circuit Court of the Eleventh Judicial Circuit of Florida, personally appeared Detective Ricardo Arias, badge # 02-589, of the Miami Beach Police Department, who being by me first duly sworn deposes and says that he has probable cause to believe and does believe that evidence of a crime is located at the below described premises, an out-of-state corporation located in Sunnyvale, California, that provides electronic communication services or remote computing services in the State of Florida, and has a registered agent in Broward County, Florida, and hereinafter referred to as "The Premises."

DESCRIPTION OF PREMISES TO BE SEARCHED

Yahoo!
as Registered Agent in the State of Florida
1200 S Pine Island Rd
Plantation, FL 33324
FAX 408-349-7941

STATUTE(S) BEING VIOLATED

F.S. 784.048(2) Stalking

PROPERTY SOUGHT

Your Affiant seeks to seize the below-described evidence pursuant to Florida Statute § 92.605 which compels out-of-state electronic communication service or remote computing service providers doing business in the State of Florida to provide information requested pursuant to search warrants, court orders or subpoenas issued in the State of Florida:

Judge's Initials TJR

Page 1 of 8

Affiant's Initials RA

1. All stored electronic and/or wire communications or files for user account identified as itsjustme24680@yahoo.com, including any attachments and any other files associated with the account, that relate to contact between itsjustme24680@yahoo.com and victim Marlene Fernandez-Karavetsos including any emails, SMS or instant messages and including messages sent to the victim's cell phone number [REDACTED]
2. All transactional data of user account identified as itsjustme24680@yahoo.com including but not limited to log files, methods of connection, ports, IP addresses, and dates and times of connection.
3. All subscriber information for user account identified as itsjustme24680@yahoo.com including but not limited to subscriber's name, address, billing records, method of payment, alternate email addresses, and telephone numbers.

The items detailed in paragraphs one (1) through three (3) above are hereinafter referred to as "The Property."

GROUNDS FOR ISSUANCE

Evidence relevant to proving a crime has been committed is contained therein. The facts establishing the grounds for this affidavit and the probable cause for believing that such facts exist are detailed below. Because this affidavit is being submitted for a limited purpose of establishing probable cause, your affiant has not included every aspect, fact, or detail of this investigation.

PROBABLE CAUSE AND THE SPECIFIC FACTS OF THIS INVESTIGATION

Your Affiant, Detective Ricardo Arias, is a detective with the Miami Beach Police Department. Your affiant is currently assigned to the Economic Crimes Unit and is detached to the United States Secret Service, Miami Electronic Crimes Task Force. Your Affiant has been employed by the Miami Beach Police Department for fifteen (15) years, and he has been a detective for eleven (11) years.

On 08/19/11, Your Affiant was contacted by Assistant United States Attorney (AUSA) Marlene Fernandez-Karavetsos of the Miami-Dade United States Attorney's Office - General Litigation Section. AUSA Fernandez-Karavetsos stated that she was receiving harassing

Judge's Initials

RA

Page 2 of 8

Affiant's Initials

RA

A

messages on her phone from the user name "itsjustme24680." She stated that she attempted to block the user name but was unsuccessful. The victim has maintained all text messages since 08/05/11.

Victim Fernandez-Karavetsos e-mailed your Affiant screenshots taken from her iPhone for messages sent to her on 08/05/2011, 8/13/2011, 8/17/11, 8/18/11, 9/8/11, 9/13/11, 9/23/11, 9/27/11. The victim's phone indicated that the messages came from telephone number 1110440601. Special Agent Ponzi spoke to Pam Taylor at AT&T investigations who stated that 1110440601 is a "spoofed" telephone number. Telephone number "spoofing" is the practice of causing the telephone network to display a number on the recipient's Caller ID display that is not that of the actual originating station. Research by your affiant found that the Yahoo messaging service displays the telephone number 1110440601 when the messaging service sends text messages to cell phones from Yahoo messaging accounts.

The messaging conversation from "itsjustme24680" began as follows:



Within the above screenshot, the text messages aligned to the left came from the Yahoo messaging service account "itsjustme24680" from the number 1110440601. The messages aligned to the right are responses from the victim. The above screenshot indicates that

Judge's Initials

[Handwritten Signature]

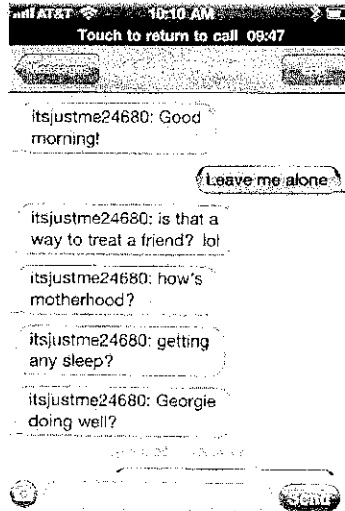
Page 3 of 8

Affiant's Initials

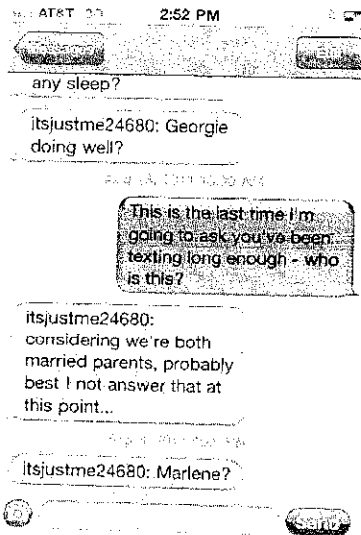
[Handwritten Signature]

A

"itsjustme24680" sent messages on August 5, 2011, August 15, 2011 and August 17, 2011. The conversation continued and the victim told the suspect to stop messaging her. The messages are as follows:



On August 18, 2011 the victim again asked the suspect to stop messaging her.



On September 8, 2011, September 13, 2011, September 23, 2011 and September 27,

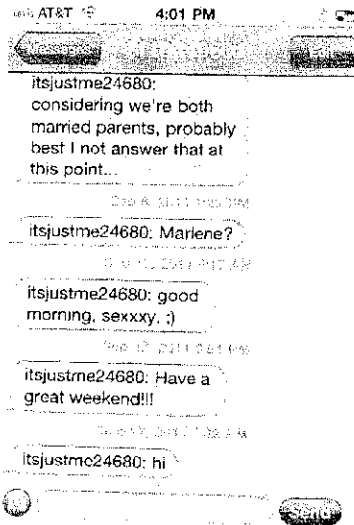
Judge's Initials

[Handwritten Signature]

Affiant's Initials

[Handwritten Signature]

2011, the suspect again sent unsolicited messages to the victim. On each occasion the victim did not reply. The messages are as follows:



On 08/29/11, a State subpoena was sent by Det. Arias to Yahoo regarding the screen name "itsjustme24680." On 09/14/11, the Miami Beach Police Department received a subpoena response from Yahoo which documented that the Yahoo login name "itsjustme24680" was created on 10/21/2009 and is registered to the fictitious name "Mr. Just Me." Records indicated that the account was accessed by the internet protocol addresses 108.120.121.152; 216.189.161.234; and 72.28.138.57. An *Internet Protocol* address, commonly referred to as an IP address, is used for routing data to a specific final destination, whether it be in the form of an email or a virtual visit to a web page on the World Wide Web. Therefore, IP addresses are analogous to street addresses in the way they are used in conjunction with the delivery of postal mail to houses and buildings, and as telephone numbers are used to deliver voice communications to telephones. IP addresses are written as a series of four 8-bit numbers, written in decimal and separated by periods, in the following format: XXX.XXX.XXX.XXX, where XXX represents a number from 000 to 255. Identification of the IP address assigned to a

Judge's Initials

[Handwritten Signature]

Affiant's Initials

[Handwritten Signature]

... identification of the physical location of the computer or electronic device associated with the communication.

A database search for IP addresses 216.189.161.234 and 72.28.138.57 showed that they are assigned to Internet Service Provider Atlantic Broadband. A database search for IP address 108.120.121.152 showed that it is assigned to Sprint/Nextel.

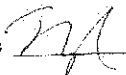
On 09/20/11, the Miami Beach Police Department received a subpoena response from Atlanta Broadband. The subpoena response showed that the IP addresses 216.189.161.234 and 72.28.138.57 were assigned to suspect Richard Steinberg during the relevant period, with his subscriber address listed as 900 Bay Dr, Apt 504, Miami Beach, FL.

On 09/28/11, A Driver and Vehicle Information Database (DAVID) query for Richard Steinberg showed an address of 900 Bay Drive, apt 504, Miami Beach, FL. The database also provided Driver's License number [REDACTED]. An open source search for Richard Steinberg showed that he worked as an attorney at the Senator Law Center located at 767 Arthur Godfrey Road, Miami Beach, FL. SA Greg Ponzi of the U.S. Secret Service and Detective Rick Arias and Sgt Millie Doyle of the Miami Beach Police Department met with victim Marlene Fernandez-Karavetsos and her husband George Karavetsos. The victim confirmed that she knows the subject in a professional non-intimate way. The victim indicated that the messages have caused her substantial emotional distress and serve no legitimate purpose.

On 09/29/11, Det. Rick Arias submitted a State Subpoena to Sprint/Nextel for IP address 108.120.121.152.

On 10/07/11, Victim Fernandez-Karavetsos provided another screen shot picture from her phone which showed that "itsjustmc24680" had sent another unsolicited message on 10/07/11. The message read as follows:

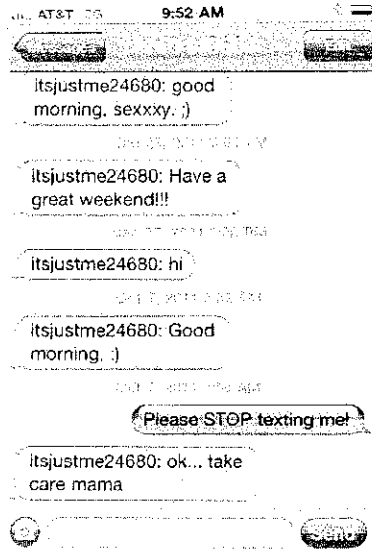
Judge's Initials



Page 6 of 8

Affiant's Initials





On 10/11/11, The Miami Beach police Department received a subpoena response from Sprint Nextel-Corporate Security. The subpoena showed that IP address 108.120.121.152 was assigned to Richard Steinberg during the period that messages were sent to the victim. The subpoena response provided Driver's License number [REDACTED] phone number [REDACTED] and account billing address of 767 Arthur Godfrey Road, Miami Beach, FL, the business address of the suspect.

Your Affiant has contacted Yahoo where Mr. Steinberg's email account is held. A preservation letter was sent to Yahoo requesting it retains the email messages for this account for 90 days.

Your Affiant seeks permission of the Court to compel Yahoo to provide "The Property", which is in its possession as it is evidence of a crime committed within the State of Florida.

WHEREFORE, your Affiant prays that a Search Warrant be issued commanding the staff of Yahoo!, an out-of-state company providing electronic communications within the State of

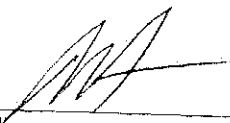
Judge's Initials

Page 7 of 8

Affiant's Initials


A

Florida, to provide "The Property" to the Miami Beach Police Department or any of its duly sworn officers within twenty (20) days of service of the warrant sought herein.



AFFIANT
Ricardo Arias, # 02-589
Miami Beach Police Department

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 25th DAY OF January, 2012.



JUDGE OF THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

Judge's Initials M
A

Affiant's Initials RA