

County Attorney Training

Special Investigations



January 22, 2015
West Jordan, UT

- Grants of Immunity
- Administrative Subpoenas
- Investigative Subpoenas
- Tracking Electronic Devices
- Pen Registers
- E-Warrants
- Title III Wiretaps



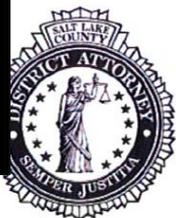
P.H. = Political Hot Potatoes



P.H.



Grants of Immunity



DISTRICT ATTORNEY
SALT LAKE COUNTY

LOHRA L. MILLER
DISTRICT ATTORNEY



INVESTIGATIONS DIVISION
Michael P. George
Chief Investigator

JUSTICE DIVISION
Marty Verhoef
Division Director

March 1, 2007

To: Tonia Nielsen

RE: Testimony Concerning The Doll House and Related Activities - Immunity

Dear Ms. Nielsen,

The purpose of this letter is to confirm that any testimony related by you concerning illegal sexual activities while working in connection with The Doll House or similar agency will not be used against you for any criminal prosecution in the future.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chad L. Platt".

Chad L. Platt
Deputy District Attorney



(How Not to Do it)



Supreme Court of Utah.

The STATE of Utah, Plaintiff and Appellant,

v.

Joseph Duane WARD, Defendant and Respondent.

No. 14903.

Nov. 9, 1977.



In seeking the proper interpretation of the immunity statute [FN2] and its application to this case, it seems appropriate to reflect on the nature of the authorization and how it correlates with fundamental ideals of justice. The granting of immunity is tantamount to granting absolution for crime. This is an awesome power and responsibility which has been considered as belonging only to the king, or the sovereign. But under our democratic system of government, wherein all just powers are reposed in and derived from the people, there is a somewhat different concept. One of its highest ideals is that the law should accord equal and exact justice to all men, rich or poor, humble or great. Sometimes otherwise stated: that there should be equal rights for all and special privileges for none.[FN3] However, these propositions are also appreciated: that the foregoing are indeed but ideals to be aspired to; and that with the complexities and imperfections of human society, they cannot always be fully achieved.

Grants of Immunity

[1][2][3][4] Due to the considerations just discussed as to the seriousness of the responsibility imposed, and the fact that it departs from the ideals of equal justice, it is our opinion that the power to grant immunity is of such character that it should not be extended by implication or otherwise beyond the express terms of the statute. Accordingly, immunity can and should be granted with great caution and only in strict compliance with the terms of the statute; [FN4] that is, only the Attorney General and the county attorney, who are elected by and responsible to the people, may decide upon and grant immunity. [FN5] That was not done in this case.



Grants of Immunity

77-22b-1 Immunity granted to witness.

(1)

(a) A witness who refuses, or is likely to refuse, on the basis of the witness's privilege against self-incrimination to testify or provide evidence or information in a criminal investigation, including a grand jury investigation or prosecution of a criminal case, or in aid of an investigation or inquiry being conducted by a government agency or commission, or by either house of the Legislature, a joint committee of the two houses, or a committee or subcommittee of either house, may be compelled to testify or provide evidence or information by any of the following, after being granted use immunity with regards to the compelled testimony or production of evidence or information:

- (i) the attorney general or any assistant attorney general authorized by the attorney general;
- (ii) a district attorney or any deputy district attorney authorized by a district attorney;

(b) If any prosecutor authorized under Subsection (1)(a) intends to compel a witness to testify or provide evidence or information under a grant of use immunity, the prosecutor shall notify the witness by written notice. The notice shall include the information contained in Subsection (2) and advise the witness that the witness may not refuse to testify or provide evidence or information on the basis of the witness's privilege against self-incrimination. The notice need not be in writing when the grant of use immunity occurs on the record in the course of a preliminary hearing, grand jury proceeding, or trial.

(2) Testimony, evidence, or information compelled under Subsection (1) may not be used against the witness in any criminal or quasi-criminal case, nor any information directly or indirectly derived from this testimony, evidence, or information, unless the testimony, evidence, or information is volunteered by the witness or is otherwise not responsive to a question. Immunity does not extend to prosecution or punishment for perjury or to giving a false statement in connection with any testimony.

(3) If a witness is granted immunity under Subsection (1) and is later prosecuted for an offense that was part of the transaction or events about which the witness was compelled to testify or produce evidence or information under a grant of immunity, the burden is on the prosecution to show by a preponderance of the evidence that no use or derivative use was made of the compelled testimony, evidence, or information in the subsequent case against the witness, and to show that any proffered evidence was derived from sources totally independent of the compelled testimony, evidence, or information. The remedy for not establishing that any

USE v.

Transactional



Administrative Subpoenas (2 Kinds)

Child Sex Abuse Investigations

v.

Controlled Substance Investigations



P.H.



Child Sex Abuse (ICAC Type) Cases



The Salt Lake Tribune

Utah AG's office abandons controversial subpoenas

Investigations • Reyes changes direction on warrantless requests due to privacy concerns.

BY ROBERT GEHRKE | THE SALT LAKE TRIBUNE

PUBLISHED FEBRUARY 15, 2014 9:41 PM

This is an archived article that was published on sltrib.com in 2014, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

Utah Attorney General Sean Reyes has discontinued his office's use of administrative subpoenas, a controversial law-enforcement tool that lets investigators gather certain Internet or cellphone records without getting a warrant, raising serious privacy concerns.

Instead, investigators in the attorney general's office are now required to go to a judge and get an order allowing them to obtain the information they are seeking.

"I have halted all use of administrative subpoenas," Reyes said in an interview Friday. "No one can execute one without my permission, and I don't anticipate using them unless there was an emergency situation, like an Amber Alert with a predator whose information we absolutely had to access."

Reyes, who was sworn in as attorney general in December, said giving up the tool might make the job of his investigators a little harder

Administrative Subpoenas

First - U.C.A. 77-22-2.5



1. Now Require Approval of the Court
2. “Reasonable Suspicion” or “Relevant and Material” Standard
3. Used ONLY in Listed Child Sex Abuse Type Cases
4. Use to obtain:
 - Subscriber Information / Email address
 - ISP Provider, Dates of Usage etc.



Effective 3/25/2014

77-22-2.5 Court orders for criminal investigations for records concerning an electronic communications system or service or remote computing service -- Content -- Fee for providing information.

(1) As used in this section:

- (a)
 - (i) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

(2) When a law enforcement agency is investigating a sexual offense against a minor, an offense of stalking under Section 76-5-106.5, or an offense of child kidnapping under Section 76-5-301.1, and has reasonable suspicion that an electronic communications system or service or remote computing service has been used in the commission of a criminal offense, a law enforcement agent shall:

- (a) articulate specific facts showing reasonable grounds to believe that the records or other information sought, as designated in Subsection (2)(c)(i) through (v), are relevant and material to an ongoing investigation;
- (b) present the request to a prosecutor for review and authorization to proceed; and
- (c) submit the request to a district court judge for a court order, consistent with 18 U.S.C. 2703 and 18 U.S.C. 2702, to the electronic communications system or service or remote computing service provider that owns or controls the Internet protocol address, websites, email address, or service to a specific telephone number, requiring the production of the following information, if available, upon providing in the court order the Internet protocol address, email address, telephone number, or other identifier, and the dates and times

Administrative Subpoenas

Second - U.C.A. 77-22a-1

1. Used ONLY in Controlled Substance Investigations
2. **Still Do Not Require Approval of the Court**
3. Signed by the Prosecutor **Only**
4. Use to obtain:
 1. Financial Documents
 2. Subscriber Information
 3. Phone Records
 4. Anything connected to drug activity



77-22a-1 Administrative subpoenas -- Controlled substances investigations -- Procedures -- Witness fees.

(1)

- (a) The administrative subpoena process of this chapter may be used only to obtain third party information under circumstances where it is clear that the subpoenaed information is not subject to a claim of protection under the Fourth, Fifth, or Sixth Amendment, United States Constitution, or a similar claim under Article I, Sec. 12 and Sec. 14, Utah Constitution.
- (b) A party subpoenaed under this chapter shall be advised by the subpoena that the party has a right to challenge the subpoena by motion to quash filed in the appropriate district court named in the subpoena before compliance is required.

(2)

- (a) In any investigation relating to an attorney's functions under this chapter regarding controlled substances, the attorney general or a deputy or assistant attorney general, the county attorney or a deputy county attorney, or the district attorney or deputy district attorney may subpoena witnesses, compel the attendance and testimony of witnesses, or require the production of any records including books, papers, documents, and other tangible things that constitute or contain evidence found by the attorney general or a deputy or assistant attorney general or the county attorney or district attorney, as provided under Sections 17-18a-202 and 17-18a-203, or the county attorney's or district attorney's deputy under Section 17-18a-602, to be relevant or material to the investigation.

DAVID E. YOCOM
District Attorney for Salt Lake County
Chad L. Platt, 8475
Deputy District Attorney
111 East Broadway, 4th Floor
Salt Lake City, Utah 84111
Telephone: (801) 363-7900

DISTRICT ATTORNEY'S OFFICE FOR SALT LAKE COUNTY
SPECIAL INVESTIGATIONS, NARCOTICS AND ASSET FORFEITURE UNIT

IN THE MATTER OF) ADMINISTRATIVE SUBPOENA
A CONTROLLED SUBSTANCE) Matter No. 05-003 CP
INVESTIGATION

THE STATE OF UTAH TO: **KEEPER OF THE RECORDS**
Washington Mutual Bank
4091 West 3500 South
West Valley City, Utah 84119

GREETINGS:

BY THE SERVICE OF THIS SUBPOENA upon you, and pursuant to §77-22a-1, Utah Code Annotated 1953, as amended, you are notified that you are required to appear before the below-named Deputy District Attorney to give testimony and to bring with you and produce for examination the following books, records and papers at the time and place hereinafter set forth:

Documentation of any and all United States Currency, credits, effects, debts due or owing, transactions of deposit or of withdraw, or share, or interest in stocks or shares or negotiable instruments, currently on deposit in the checking account subscribed to and in the name of SCOTT T. LESSER, at WASHINGTON MUTUAL BANK, bearing checking account number 490-322-591-3, and/or any other account belonging to Mr. Lesser, for the last sixty (60) days,

Scott T. Lesser
872 West 5th South, Apt #12
Salt Lake City, Utah



Place and time for appearance:

**111 East Broadway, 4th Floor
Salt Lake City, Utah,
on the 5th day of February, 2005
at 10:00 AM**

YOU ARE FURTHER ADVISED that you may comply with this subpoena by delivering copies of the requested records or documents to the person serving this subpoena upon you.

YOU ARE FURTHER ADVISED that the information requested by issuance of this subpoena has been deemed relevant or material to a controlled substance investigation.

YOU ARE FURTHER ADVISED that failure to comply with this subpoena may render you liable to contempt proceedings in State District Court to enforce obedience to the requirements of this subpoena, and to possible punishment for default or disobedience. If you desire to challenge the subpoena, you may do so by the timely filing of a Motion to Quash in the State District Court for the District in which this subpoena is served, which shall be filed before the date required for your appearance. A copy of the Motion to Quash must be served upon or mailed to the Deputy County Attorney named herein at the address given above. The address of the court with which the Motion to Quash should be filed is as follows: Third District Court, State of Utah, 450 South State Street, Salt Lake City, Utah 84111.



Investigative Subpoenas

- Use Only During Investigative Stage
- Require Application by Prosecutor
- Require Affidavit by Investigator
- A “criminal sealed” case number at Court
- And an Order signed by a Judge



Control & Knowledge of Their
Use is Important to Maintain

LOHRA L. MILLER
District Attorney for Salt Lake County
CHAD L. PLATT, 8475
Deputy District Attorney
111 East Broadway, 4th Floor
Salt Lake City, Utah 84111
Telephone: (801) 363-7900

IN THE THIRD JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

IN THE MATTER OF A) **SEALED** ORDER APPROVING THE
CRIMINAL INVESTIGATION) CONDUCTING OF AN INVESTIGATION
) PURSUANT TO §77-22-2, U.C.A.
) CS NO. _____

Based on the District Attorney for Salt Lake County's Application for Approval to Conduct an Investigation as authorized by Section 77-22-2, U.C.A., (1953), as amended, and on the Affidavit filed in support thereof, and good cause appearing,

IT IS HEREBY ORDERED that the District Attorney for Salt Lake County has the authority to conduct an investigation in which he or the members of his staff may subpoena witnesses, compel their attendance and testimony under oath recorded by any suitable electronic device or before any certified court reporter, and require the production of books, papers, documents, recordings and any other item which constitute evidence or may be relevant to the investigation in the judgment of the District Attorney for Salt Lake County or the members of his staff;



Mobile Tracking Devices

U.C.A. § 77-23c-102 / 103



Birddogs / GPS
Cell Phone Pings

Effective 7/1/2014

77-23c-102 Location information privacy -- Warrant required for disclosure.

(1)

- (a) Except as provided in Subsection (2), a government entity may not obtain the location information, stored data, or transmitted data of an electronic device without a search warrant issued by a court upon probable cause.
- (b) Except as provided in Subsection (1)(c), a government entity may not use, copy, or disclose, for any purpose, the location information, stored data, or transmitted data of an electronic device that is not the subject of the warrant that is collected as part of an effort to obtain the location information, stored data, or transmitted data of the electronic device that is the subject of the warrant in Subsection (1)(a).
- (c) A government entity may use, copy, or disclose the transmitted data of an electronic device used to communicate with the electronic device that is the subject of the warrant if the government entity reasonably believes that the transmitted data is necessary to achieve the objective of the warrant.
- (d) The data described in Subsection (1)(b) shall be destroyed in an unrecoverable manner by the government entity as soon as reasonably possible after the data is collected.

Effective 7/1/2014

77-23c-103 Notification required -- Delayed notification.

- (1) Except as provided in Subsection (2), a government entity that executes a warrant pursuant to Subsection 77-23c-102(1)(a) shall, within 14 days after the day on which the operation concludes, issue a notification to the owner of the electronic device specified in the warrant that states:
 - (a) that a warrant was applied for and granted;
 - (b) the kind of warrant issued;
 - (c) the period of time during which the collection of data from the electronic device was authorized;
 - (d) the offense specified in the application for the warrant;
 - (e) the identity of the government entity that filed the application; and
 - (f) the identity of the judge who issued the warrant.



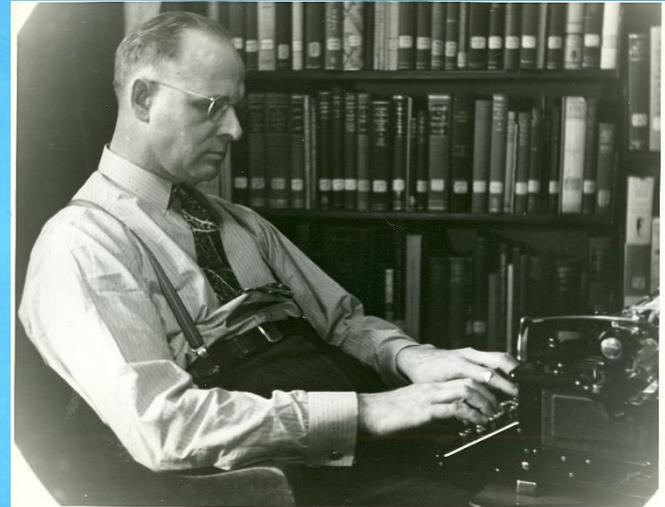
NOTICE!

Search e-WARRANTS

Review of the Utah E-Warrant Progress



H.P.?



*** Judiciary Committee asked for a demonstration of e-warrants this year.

Supreme Court of Utah.
STATE of Utah, Plaintiff and Petitioner,
v.
Heather Jo RODRIGUEZ, Defendant and Respondent.

No. 20040566.
Jan. 30, 2007.
Rehearing Denied March 28, 2007.

Background: Defendant pleaded guilty in the Third District Court, Salt Lake Department, [Dennis M. Fuchs, J.](#), to automobile homicide. Defendant appealed. The Court of Appeals, [93 P.3d 854](#), reversed and remanded.

Holdings: On grant of state's petition for writ of certiorari, the Supreme Court, [Nehring, J.](#), held that: (1) per se exigent circumstance status does not apply to seizures of blood for the purposes of gathering blood-alcohol evidence, and (2) under totality of circumstances analysis, probable cause and exigent circumstances justified warrantless blood draw from defendant.

System Solves Two Important Utah Supreme Court Cases



Redefining “Exigency” in Utah

Supreme Court of Utah.
Brian R. ANDERSON, personally and on behalf of a class of persons similarly situated, Petitioner,
v.

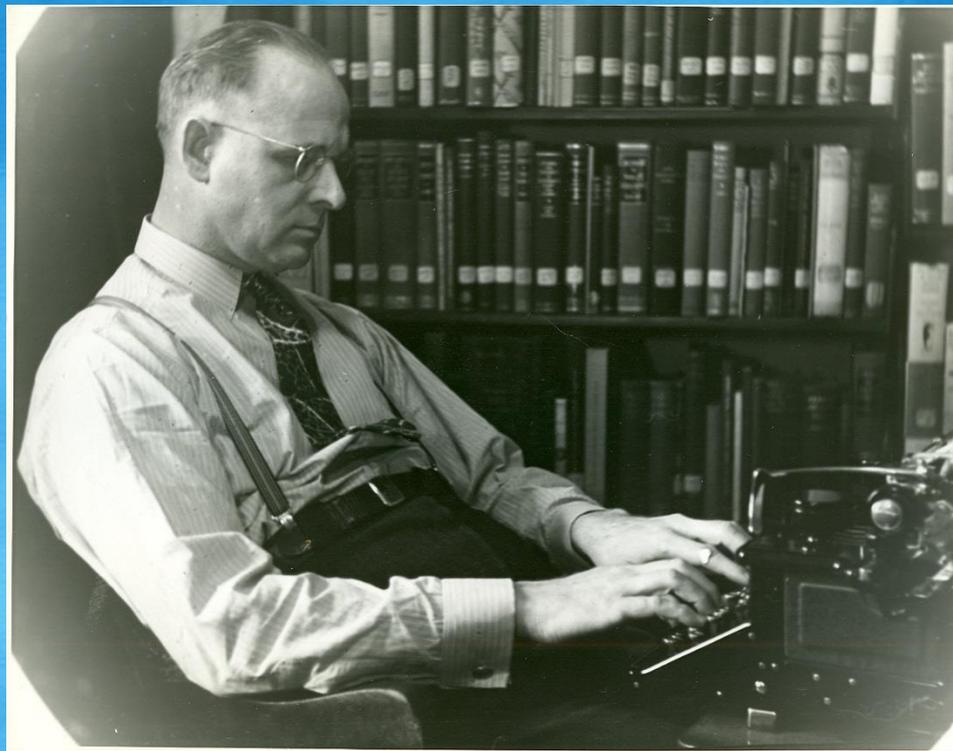
The Honorable James R. TAYLOR, The Honorable John C. Backlund, The Honorable Lynn W. Davis, The Honorable Donald J. Eyre, Jr., The Honorable Steven L. Hansen, The Honorable Fred D. Howard, The Honorable Claudia Haycock, The Honorable Howard H. Maetani, The Honorable Samuel McVey, The Honorable Derek P. Pullan, The Honorable Gary D. Stott, and The Honorable Anthony Schofield, Judges, Fourth District Court in and for Utah County, State of Utah; Paul Vance; Lori Woffinden; and Eileen Jemison, Respondents.

No. 20050262.
Dec. 5, 2006.

¶ 22 We adopt a similar approach here. Giving law enforcement sole custody of all affidavits and warrants up through the point where the warrant has been executed and a return filed is inherently problematic for at least two reasons. First, it leaves the court without any record of the subpoena or the materials supporting its issuance until after the subpoena is executed and a return filed. Second, it allows for the possibility that affidavits and other court records may be mishandled or even altered without detection.

Forbidding Affidavits in Support of SW to ‘Walk’





MESSAGE:

E-Warrants Has Not Changed Judicial Standards.

Particularity Requirement

No-Knock

Nighttime

Has Improved Judicial Oversight to Protect
4th Amendment Rights of Utah's Citizens



Demonstration

Utah Criminal Justice Information System - Windows Internet Explorer

https://test.ucjis.utah.gov/webfront/loadInitialPage.do

Utah Criminal Justice Information System



Home | Favorites | Results | Me

Transaction Code:

New Broadcast Message

[Expand] [Collapse] [Hide]

- Favorites
- Person
- Vehicle
- Other
- Inquiry
- Entry
 - NCIC
 - NLETS
 - UTAH
 - Add Cert Date
 - Add Crash Data
 - Add User
 - Administrator
 - Alert Entry

eWarrant Entry

*ORI:

*eWarrant Type:

*Jurisdiction:

Case Number:

*Utah Department of Public Safety
All rights reserved*

Further distribution or disclosure of this information is controlled by state and federal law.

saction Code:

New Broadcast Message

59:55 unti

Answers for eWarrant # 639

[Back] [Save] [Cancel] [Next]

Department

Person

Property

Probable Cause

Conditions

Summary

On the premises known as (address):

NO boilerplate language.

Further described as (description):

On the person(s) known as:

On the vehicle(s) described as:

* City:

[Back] [Save] [Cancel] [Next]

Utah Department of Public Safety
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Answers for eWarrant # 639

Department

Person

Property

Probable Cause

Conditions

Summary

[Back] [Save] [Cancel] [Next]

On the premises known as (address):

123 Fake Street in Fictionville

Further described as (description):

Red brick, 3-story house on south side of street

On the person(s) known as:

Yogi Bear, white male, 35 years of age, 536 pounds, brown hair, brown eyes.

On the vehicle(s) described as:

Red 1994 Ford Mustang

* City: Fictionville

[Back] [Save] [Cancel] [Next]

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Wizard Language Pops Up When Mouse Hovers Over



Answers for eWarrant # 639	
Department	[Back] [Save] [Cancel] [Next]
Person	
Property	1994 Ford Mustang
Probable Cause	Money
Conditions	Drugs
Summary	Drug paraphernalia
* Description of items/property to be seized: Provide a detailed list of the items you are searching for, starting each item on a new line. For each item, the totality of your affidavit should contain sufficient facts to believe that the item could be connected to the crime being investigated.	
[Back] [Save] [Cancel] [Next]	

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Further distribution or disclosure of this information is controlled by state and federal law.



Better Training Tool for Law Enforcement

Any Judicial Challenges?

Federal Case.

Later that same day, Customs Service Special Agent John Budrewicz signed a “Probable Cause Statement” and faxed it to a magistrate judge in San Diego. The statement, which Budrewicz declared

under penalty of perjury was true, described the facts of Defendant's stop, search, and confession. At 6:10 p.m. on Friday, about fifteen minutes after Budrewicz sent his fax, the magistrate judge faxed back a signed finding of probable cause. Defendant was detained at the county jail over the weekend.

time constraint imposed by *McLaughlin*. Defendant argues that it is not, for two reasons: (1) it did not comply with the Federal Rules of Criminal Procedure, and (2) it lacked the “Oath or affirmation” required by the Fourth Amendment.

Relying on U.S. v. Bueno-Vargas, U.S. District Judge Clark Waddoups Upheld a Utah e-Warrant (May 2012)

United States Court of Appeals,
Ninth Circuit.
UNITED STATES of America, Plaintiff-Appellee,
v.
Gerardo BUENO-VARGAS, Defendant-Appellant.

No. 03-50381.
Argued and Submitted June 8, 2004.
Filed Sept. 21, 2004.

[4] Defendant contends that Agent Budrewicz's faxed Statement of Probable Cause failed to satisfy the oath or affirmation requirement because it was made only “under penalty of perjury.” The body of the faxed Probable Cause Statement recited the events leading to Defendant's Friday arrest. At the outset, before the recitation, the Statement read: “I, U.S. Customs Service Special Agent John M. Budrewicz, declare under penalty of perjury, the following is true and correct.” After the recitation of facts appeared the notation “Executed on January 24, 2003, at 1755 hours” and Budrewicz's signature.

[6] We conclude that signing a statement under penalty of perjury satisfies the standard for an oath or affirmation, as it is a signal that the declarant understands the legal significance of the declarant's statements and the potential for punishment if the declarant lies. A leading treatise agrees and explains that the "true test" for whether a declaration is made under oath or affirmation "is whether the procedures followed were such that perjury could be charged therein if any material allegation contained therein is false." 2 Wayne R. LaFave, *Search and Seizure* § 4.3(e), at 474-75 (3d ed.1996) (internal quotation marks omit-



The Probable Cause Statement in this case satisfies the elements necessary for a valid affirmation. The Statement contained Agent Budrewicz's "declar[ation] under penalty of perjury" that the contents of the statement were "true and correct." Budrewicz's declaration that his statement was intended to be made under penalty of perjury ensured that he and the magistrate judge were reminded of the importance and solemnity of the process in which they were involved, and it created liability for Budrewicz if any of his statements turned out to be materially false.

[7] Defendant's assertion that an oath or affirmation must be administered in person is equally unavailing. It has long been held that the Fourth Amendment "does not require a face-to-face confrontation between the magistrate and the affiant."

Challenge in Utah Courts – 2014 E-Warrant System Upheld

NOTICE: THIS OPINION HAS NOT BEEN RE-
LEASED FOR PUBLICATION IN THE PERMA-
NENT LAW REPORTS. UNTIL RELEASED, IT IS
SUBJECT TO REVISION OR WITHDRAWAL.

Supreme Court of Utah
STATE of Utah, Appellee,

v.

Gabriel GUTIERREZ–PEREZ, Appellant.

No. 20120455.

April 29, 2014.

West Headnotes

A. The Language Used in the eWarrant Application Falls Within the Original Meaning of “Affirmation” and Is Therefore Constitutional

*4 ¶ 14 The vast majority of the State's brief is devoted to an analysis of the historical meaning of the terms “Oath” and “affirmation” in an attempt to shed light on what those terms meant during the founding era. The State contends that this analysis is appropriate because the text of the Fourth Amendment does not give any clues as to what is meant by the “Oath or affirmation” requirement. Hence, it is appropriate to interpret the requirement's import by “begin[ning] with history,” and, in particular, “the statutes and common law of the founding era.”^{FN11} Based on this historical analysis, the State concludes that the language in the eWarrant application comports with the historical meaning of “affirmation” and therefore satisfies the constitutional requirement. For the reasons stated below, we agree.



Statistics

The First E-warrant filed in Utah was on February 10, 2008

The total filings for 2008:	135	(11 per month)
The total filings for 2009:	1,294	(108 per month)
The total filings for 2010:	2,703	(225 per month)
The total filings for 2011:	3,525	(294 per month)
Filings for 2012 as of 5/1*:	1,518	(*379 per month)



H

Only the Westlaw citation is currently available.

Supreme Court of Missouri,
En Banc.
STATE of Missouri, Appellant,
v.
Tyler G. McNEELY, Respondent.

No. SC 91850.
Jan. 17, 2012.
Rehearing Denied March 6, 2012.

Background: Defendant in prosecution for driving while intoxicated (DWI) moved to suppress results of blood test. The Circuit Court, Cape Girardeau County, [Benjamin F. Lewis, J.](#), and state brought interlocutory appeal.

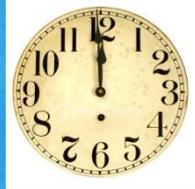
Holdings: On transfer from the Court of Appeals, the Supreme Court held that:

(1) fact that blood-alcohol levels dissipate after drinking ceases is not a per se exigency justifying an officer to order a blood test in a driving while intoxicated (DWI) case without obtaining a warrant from a neutral judge, abrogating [State v. Ikerman, 698](#)

[Rodriguez](#), in analyzing [Schmerber](#), stated: “The evanescence of blood-alcohol was never special enough to create an exigent circumstance by itself.” [Id. at 776](#). Instead, the **Utah** court reasoned, [Schmerber’s](#) exigent circumstances exception to the warrant requirement rested on all of the “special facts” of [Schmerber](#), and the natural dissipation of blood-alcohol was only one of those “special facts.” [Id. Rodriguez](#) adopted a totality of the circumstances test for the determination of whether there exists a sufficient exigency justifying a warrantless blood draw. [Id. at 782](#). [Rodriguez](#) reasoned that the seriousness of the accident in the case, coupled with the compelling evidence of the defendant’s alcohol impairment, was “sufficient to establish that the interests of law enforcement outweighed, in this instance, [the defendant’s] privacy interests.” [Id. at 781](#). The Su-



The MESSAGE



Time Savings



Financial / Tax Payer Savings

Especially in rural Utah – judge may be 50 miles away, or more.



Less obvious. Important Message. Writing is Better.

The Decision to Obtain a Warrant.



Better evidence. DUI blood draws, for example.

= **Saved Lives**

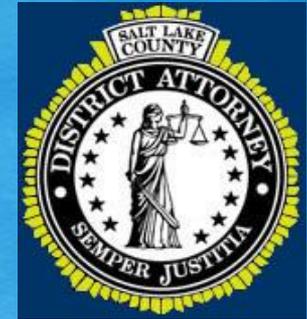


Title III Wiretaps

U.C.A. § 77-23a-10

- Elected County Attorney Must Designate, in Writing, a Deputy County Attorney to Oversee Each Wiretap.
- Require Ongoing Court Oversight
- Expensive
- Must Establish Probable Cause:
 - That Target Will be Heard on the Subject Phone
 - That the Things Said Will Provide Evidence of Crime(s) Being Investigated
- Exhaustion
- Proper Minimization Capabilities





Contact Information:

Chad L. Platt

Deputy Salt Lake County D.A.

385-468-7667

cplatt@slco.org

