

REDACTED

Aurora Police Department Case No.: 2012-28181  
dsherlockb@gmail.com

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*[Signature]*

DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

Filed

AUG 23 2012

CLERK OF THE COLORED COURT  
ARAPAHOE COUNTY, COLORADO

COURT No.:

**RETURN AND INVENTORY FOR COURT ORDER FOR PRODUCTION OF RECORDS**

Pursuant to section 16-3-301.1, C.R.S., the undersigned peace officer has received from, Google Inc, DBA: gmail.com., the following business records pursuant to an order issued by this court, and served on the business on July 25, 2012. The records were received on or about August 8, 2012 and reviewed by me on August 21, 2012.

The records received were:

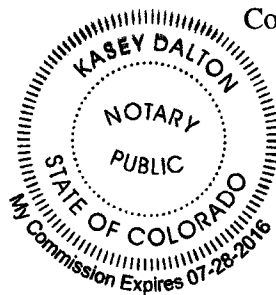
1. A letter of acknowledgement and invoice from Google Inc.
2. A Certificate of Authenticity
3. Data pertaining to the Gmail account identified as; dsherlockb
4. These records were received on one CD.

*[Signature]* #13159  
 Detective T. J. Welton  
 Aurora Police Department  
 Major Crimes/Homicide Unit  
 15001 E. Alameda Parkway  
 Aurora, Colorado 80012

Subscribed and sworn to before me this 22 day of August, 2012.

*[Signature]*  
 Notary Public

7/28/2016  
 Commission expires



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**COURT ORDER FOR PRODUCTION OF RECORDS**

APD Case # 2012-28181

DISTRICT OR COUNTY COURT  
COUNTY OF \_\_\_\_\_  
STATE OF COLORADO  
NO.: \_\_\_\_\_

Filed  
JUL 25 2012  
CLERK OF THE COMBINED COUNTY  
AND PARISH COURTS, COLORADO

~~SEALED~~  
7/24/12

**COURT ORDER FOR PRODUCTION OF RECORDS**

ID Number: 20031277465 Name: GOOGLE INC.  
Registered Agent: Corporation Service Company  
Registered Agent Street Address: 1560 Broadway Ste 2090, Denver, CO 80202  
Google Inc, DBA; gmail.com  
Attn: Google Legal Investigations Support  
Phone: 650-253-3425  
FAX: 650-249-3429

The court, upon review of an affidavit filed by Detective T. J. Welton #13159, a peace officer in support of the issuance of this order, hereby orders the production of the following records, for which there is probable cause to believe are in your actual or constructive possession or control:

Provide any and all e-mail records to include but not limited to all electronic mail stored and presently contained in, or on behalf of, the following electronic mail address and/or individual account: dsherlockb@gmail.com. All existing printouts from original storage of all of the electronic mail, all transactional information of all activity of the electronic mail address and/or individual account described above, including log files, dates, times, methods of connecting, ports, IP addresses, dial-ups, and/or locations; all business records and subscriber information, in any form kept, pertaining to the electronic mail address and/or individual account described above, including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and all records indicating the services available to subscribers of the electronic mail address and/or individual account described above. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage, any and all records reference James E. Holmes, DOB: 12/13/1987, that are in actual or constructive control by Google Inc, DBA: gmail.com.

The court also hereby finds probable cause to believe that the requested material constitutes records: for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of

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**COURT ORDER FOR PRODUCTION OF RECORDS**

**APD Case # 2012-28181**

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which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding, and that such grounds and probable cause support the issuance of this order pursuant to §16-3-301.1, C.R.S.

Pursuant to §16-3-301.1, C.R.S., the above-named business entity shall produce the above-described records within 30 days after the date this court order is served. The records shall be delivered to the Colorado criminal investigator or peace officer named in this order during normal business hours. The records shall be supplied in any form or format that is convenient for the business entity and that may be accessed by the named officer or the officer's agency or department. The business entity shall also provide a notarized statement that the records produced represent complete and accurate copies of all records identified in this order that are in the actual or constructive control of the business entity. If the business entity does not produce all records identified in this order, it shall identify the records not produced. Failure to comply with this order shall support a finding of contempt of court.

Pursuant to §16-3-301.1, C.R.S., the peace officer named below is hereby authorized to serve this order during normal business hours of the above-named business entity, and to receive the records during normal business hours of the business entity. Service shall issue in the same manner as a summons under C.R.C.P. 4 or by personal service on a manager or supervisor of the business entity. This order must be served within 10 days after the date it is issued. Upon receiving the records from the business entity, the criminal investigator or officer shall file a return and inventory with the court indicating the records that have been received, the total number of pages if supplied on paper, and the date upon which the records were received. The investigator or officer shall also file the original of the attestation of authenticity and completeness with the court.

All records shall be produced to:

Detective T. J. Welton #3159  
Aurora Police Department  
Major Crime/Homicide Unit  
15001 East Alameda Parkway, Aurora CO 80012  
[twelton@auroragov.org](mailto:twelton@auroragov.org)

Further orders which the court deems necessary:

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Dated this 24<sup>th</sup> day of July, 2012.

By the Court

Judge 

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DISTRICT/COUNTY COURT, COUNTY OF ARAPAHOE, COLORADO

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APPLICATION AND AFFIDAVIT FOR A COURT ORDER FOR PRODUCTION OF RECORDS, PURSUANT TO C.R.S. 16-3-301.1

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I, Detective T. J. Welton #13159, the Affiant, under oath states: that the Affiant has reason to believe that the business entity described as:

ID Number: 20031277465 Name: GOOGLE INC.  
Registered Agent: Corporation Service Company  
Registered Agent Street Address: 1560 Broadway Ste 2090, Denver, CO 80202  
Google Inc, DBA; gmail.com  
Attn: Google Legal Investigations Support  
Phone: 650-253-3425  
FAX: 650-249-3429

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is in actual or constructive control of certain records, to wit:

Provide any and all e-mail records to include but not limited to all electronic mail stored and presently contained in, or on behalf of, the following electronic mail address and/or individual account: [dsherlockb@gmail.com](mailto:dsherlockb@gmail.com). All existing printouts from original storage of all of the electronic mail, all transactional information of all activity of the electronic mail address and/or individual account described above, including log files, dates, times, methods of connecting, ports, IP addresses, dial-ups, and/or locations; all business records and subscriber information, in any form kept, pertaining to the electronic mail address and/or individual account described above, including applications, subscribers' full names, all screen names associated with the subscribers and/or accounts, all account names associated with the subscribers, methods of payment, telephone numbers, addresses, and detailed billing records; and all records indicating the services available to subscribers of the electronic mail address and/or individual account described above. All stored electronic communications, existing print outs, and other files reflecting communications to or from the above-referenced accounts, including electronic communications in electronic storage, any and all records reference James E. Holmes, DOB: 12/13/1987, that are in actual or constructive control by Google Inc, DBA: gmail.com.

for which a court order for production of records may be issued under the provisions of C.R.S. 16-3-301.1, on grounds that the records have been stolen or embezzled; are designed or intended for use as a means of committing a criminal offense; are or have been used as a means of committing a criminal offense; the possession of which is illegal; would be material evidence in a subsequent criminal prosecution this state, another state, or federal court; the seizure of which is expressly required, authorized, or permitted by statute; or that would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest order is outstanding.

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**AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**

**APD Case # 2012-28181**

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THE FACTS WHICH GIVE RISE TO THIS BELIEF AND WHICH ESTABLISH PROBABLE CAUSE TO BELIEVE THAT GROUNDS FOR THE ISSUANCE OF A SEARCH WARRANT EXIST ARE THE FOLLOWING:

The Affiant, Detective T. J. Welton, a peace officer, being duly sworn upon oath, says that the facts stated herein are true. Your Affiant is a commissioned Police Officer employed by the City of Aurora Police Department assigned to the Major Crime/Homicide Unit and that the following information was obtained by your Affiant personally from official records of the aforementioned Department related to Aurora Police Department case number: 2012-28181.

Your Affiant further advises that he is a commissioned Police Officer for the Aurora Police Department and have been so employed since November 1985. Your Affiant is currently assigned to the Aurora Police Departments Major Crime/Homicide Unit and has been so assigned since June 2004. Your Affiant's primary function is to investigate all major crimes to include, but not limited to Homicides, aggravated assaults, suicides, suspicious deaths and missing persons within the city of Aurora. Prior to being assigned to the Major Crimes Unit, your Affiant was assigned to the Aurora Police Departments District 1 property crimes unit from January 2004 to June 2004. Prior to that, your Affiant was assigned to the Aurora Police Departments Vice and Narcotics Unit from April 1996 until January 2004. Upon completing the Aurora Police Department training academy, your Affiant was assigned to the Aurora Police Departments patrol bureau from March 1986 until April 1996.

Your affiant informs the court that on July 20, 2012 at approximately 12:39 A.M., the Aurora Police Dispatch Center received several phone calls reporting multiple gunshots being fired inside the Century 16 Theaters. This business is located at the address of 14300 East Alameda Avenue, Aurora, Arapahoe County Colorado.

These phone calls indicated that there were between 10-20 shots fired inside auditorium # 9 and that several people had been shot and were evacuating the theater. Callers indicated that there were possible explosions as well as multiple gunshots coming from inside the theater.

At approximately 12:40 A.M., officers from the Aurora Police Department began to arrive on scene and observed numerous people fleeing the theater. Commissioned Aurora Police Officer Jason Sweeney # 300364 entered the area and parked his vehicle to the south of the building and was met there by commissioned Aurora Police Officer Jason Oviatt # 301013. These officers then observed a white Hyundai, displaying Colorado registration 119-ROC parked on the south side the building directly next to the emergency exit for auditorium # 9. This vehicle was parked facing the building and a male party was standing outside the vehicle at the driver side with the driver side door standing open.

Officer Sweeney observed this male wearing what appeared to be ballistic protection, including a ballistic helmet and gas mask. Officer Sweeney initially believed that this person was a police

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**AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS****APD Case # 2012-28181**

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officer but observed that the gas mask appeared to be an older version of the type currently being utilized by law enforcement. At this time Officers Sweeney and Oviatt directed this male to raise his hands, which he did. This male who was subsequently identified by a Colorado drivers license as James E. Holmes, DOB: 12/13/1987 was then taken into custody. Officer Oviatt informed commissioned Aurora Police Officer, Detective Mark Yacano that upon Holmes' arrest he was asked if there was anybody else involved and Holmes' stated that there was not. Holmes informed Officer Oviatt that the address on his license was his correct address and stated that there were bombs inside his apartment and they would go off if the wires were tripped.

On July 20, 2012, at approximately 01:45 hours, your affiant arrived at the Century 16 Theaters, located at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado. During a briefing of the incident, your Affiant was handed a brown wallet and told that it belonged to the shooting suspect that is now in custody.

Your Affiant examined the contents of the wallet and found a University of Colorado at Denver medical campus student graduate school identification card. That identification card was issued to James E. Holmes and contained the photo image of a white male. Except for the hair color in the photo; the image of the white male is that of the person that is now in custody for the crime now being investigated.

Your Affiant also found a blank check, and credit cards issued to James Holmes that were located inside the wallet along with \$280.00 in U.S. currency. Your Affiant copied the contents of the wallet and placed the original items into evidence.

Detective Yacano spoke with Corbin Dates, DOB: 07-12-89 who advised that he was inside the theater when this incident took place. Dates informed Detective Yacano that he entered the theater at approximately 11:30 P.M. Dates informed Detective Yacano that he sat in the second row from the bottom near the emergency exit. Dates observed a male subject enter the theater and sit in the first row in the end seat closest to the emergency exit. Dates informed Detective Yacano that he observed this male subject put his cell phone up to his ear as if he was receiving a phone call and walk to the emergency exit; the male subject propped the door open while he talked on the phone.

Dates informed Detective Yacano that he then received a phone call and walked to the lobby to meet a friend. Dates stated that when he returned to his seat the male subject was no longer seated in the first row.

Dates informed Detective Yacano that he then observed the suspect enter the theater through the emergency exit door wearing a gas mask along with body armor. Dates informed Detective Yacano that the suspect threw a gas canister towards the seats, and at that time Dates got on the ground and heard gunfire.

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**AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS****APD Case # 2012-28181**

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Your Affiant advises that as Holmes was being taken into custody, Officer Sweeney observed a black semi-auto pistol with a green laser sight on the roof of the vehicle. Holmes' clothing was removed at the scene by officers during his arrest. Detective Yacano responded to this area and personally observed the following items that were removed from Holmes during his arrest:

A pair of black military style boots, a black coat, black body armor, a black ballistic helmet, a gas mask, a magazine carrier with nine magazines containing live rounds, a magazine for a pistol and a green colored plastic doorstop. Detective Yacano also observed what appeared to be a silver cellular telephone among these items. Detective Yacano also observed a black assault type rifle on the ground directly outside the emergency exit door. Detective Yacano advised that he observed a large amount of blood on the sidewalk outside the door as numerous victims exited the theater through this door.

Holmes was processed into the Aurora City Jail and during that processing he provided the Aurora Police Department telephone number 858-449-7348. This phone number was queried through the law enforcement database CLEAR and determined that this number is serviced by Cellco Partnership dba; Verizon Wireless. It was determined that Jason Holmes was listed as the subscriber for this cellular telephone. The address associated with the cellular phone subscriber is identified as; 1690 Paris Street, # 10, Aurora, Colorado. 80010

Law Enforcement Officers from the Arapahoe County Sheriff's Department Bomb Squad responded to the scene; utilizing an explosive removal robot, they removed items from the white Hyundai. Included among these items were two rifle cases and a pair of black gloves. A second black semi-auto pistol in a holster was observed inside the storage compartment on the passenger side door.

Holmes was transported to police headquarters where commissioned Aurora Police Officers, Detective Craig Appel # 18562 and Detective Chuck Mehl # 16848 met with him. Holmes was transported to the interview rooms located on the third floor of police headquarters where the detectives spoke with him. This interview was recorded on DVD. Holmes was advised of his rights per Miranda. Holmes requested an attorney at which time the interview was concluded.

Additional officers responded to the theater and entered auditorium # 9 where they located ten victims found to be deceased. Detective Yacano briefly observed the interior of auditorium # 9 and observed the following:

A black shotgun setting on the floor several feet inside the theater and six empty shotgun shell casings. Detective Yacano additionally observed a green colored plastic doorstop attached to the emergency exit door. This item appeared to be similar to the plastic doorstop located among Holmes' property upon his arrest. Detective Yacano observed two .40 caliber magazines on the floor beside the shotgun, and several empty rifle shell casings setting on the floor. All of these items were observed on the floor at the front of the theater.

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**AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**

**APD Case # 2012-28181**

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Detective Yacano observed three additional rifle magazines that appeared to contain live rounds, a ninety round Beta Mag magazine and another .40 caliber magazine setting on the floor leading towards the lobby of the theater, located at the west side of the seating area. Detective Yacano stated that he observed numerous deceased parties throughout the theater auditorium.

Detective Yacano stated that he met briefly with commissioned Aurora Police Officer, Sergeant Matt Fyles # 26218 who provided additional information regarding the deceased and injured parties. Sergeant Fyles advised that ten parties were pronounced deceased inside the theater. Twenty individuals were shot and transported to University Hospital, with one deceased. Six individuals were shot and transported to Denver General Hospital; twelve individuals were shot and transported to The Medical Center of Aurora South. Six individuals were shot and transported to Children's Hospital, with one deceased. Two victims were shot and transported to Parker Adventist Hospital and another shooting victim was transported to Swedish Medical Center.

Sergeant Fyles also stated that upon Jason Holmes' arrest, his residence was identified as 1690 Paris Street, # 10, Adams County Colorado. Law enforcement officers from the Aurora Police Departments SWAT Team responded to this address and established a perimeter around the apartment building.

Detective Yacano stated that he spoke with commissioned Aurora Police Officer, Detective Tom Wilson # 13163 who responded to the Paris Street address. Detective Wilson informed Detective Yacano that upon his arrival he observed that the Adams County Sheriff's Office Bomb Squad was on scene.

Detective Wilson informed Detective Yacano that the apartment building was evacuated and the bomb squad utilized an explosive robot to make entry into this apartment. Detective Wilson stated that the explosive robot made entry to the apartment and immediately was stopped by trip wires.

Detective Wilson stated that the explosive robot then utilized a camera which allowed law enforcement officers to view the apartment interior. Detective Wilson stated that the camera viewed the main room at which time additional trip wires that lead into different rooms within the apartment were discovered.

Detective Wilson stated that propane tanks, bottles filled with an unknown liquid and bottles filled with ammunition were observed throughout the apartment. Detective Wilson stated that the Denver Police Bomb Squad responded and determined that entry into the apartment was too dangerous.



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**AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**

**APD Case # 2012-28181**

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Detective Tom Wilson stated that he spoke with Special Agent Jeff Russell from ATF. Agent Russell provided Detective Wilson with firearms trace reports from the ATF database reference the weapons recovered from the scene.

Through the information provided by ATF, Detective Wilson learned that James Holmes purchased a Glock model 22, .40 caliber pistol at the Gander Mountain store located in Aurora, Colorado. ATF also discovered that James Holmes purchased a Remington model 870, tactical shotgun on May 28, 2012 from the Bass Pro Shops located in Denver, Colorado, a Smith and Wesson .223 caliber assault rifle from the Gander Mountain store located in Thornton, Colorado on June 7, 2012, and a Glock model 23, .40 caliber pistol from Bass Pro Shops located in Denver, Colorado on July 6, 2012.

On July 20, 2012, FBI Agent Payne located a black Apple iPhone cellular telephone believed to belong to James Holmes inside the 2000 Hyundai displaying Colorado registration 119-ROC that was parked on the south side of the theater. Agent Payne collected this phone and placed it in a plastic evidence bag. Detective Chuck Mehl then transported this phone to the Aurora Police Department.

Detective Yacano authored an affidavit requesting a search warrant to authorize members of the Aurora Police Department to examine the iPhone recovered from James Holmes' white 2000 Hyundai. Detective Yacano submitted the affidavit to the Honorable Judge Horton in Arapahoe County. After reviewing the affidavit, Judge Horton granted a search warrant for the iPhone.

On July 21, 2012, commissioned Aurora Police Officer, Detective Mike Leiker executed the search warrant for the iPhone. During his forensic examination Detective Leiker identified the cellular telephone number to be 858-449-7348.

Detective Leiker also recovered four e-mail addresses associated with that iPhone. Those e-mail addresses are identified as;

[dsherlockb@gmail.com](mailto:dsherlockb@gmail.com)  
[dsherlock@hotmail.com](mailto:dsherlock@hotmail.com)  
[james.e.holmes@ucdenver.edu](mailto:james.e.holmes@ucdenver.edu)  
[classic.jimbo@gmail.com](mailto:classic.jimbo@gmail.com)

Further examination of the iPhone contents indicated that numerous emails were sent and received from the iPhone utilizing the above listed e-mails.

Detective Leiker also recovered numerous photographs from the iPhone containing images of James E. Holmes with reddish/orange hair. Your Affiant viewed the photos and observed that there were four photos captured on June 29, 2012 at approximately 4:20 p.m. Those photos

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**AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**

**APD Case # 2012-28181**

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contained images of the interior and specifically the door jamb of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

Your Affiant viewed two photos that were captured on July 5, 2012 at approximately 10:30 p.m. Those photos contained images of the exterior of the Century 16 Theater at 14300 East Alameda Avenue, Aurora, Arapahoe County, Colorado.

Your Affiant viewed several photos containing the images of James E. Holmes wearing ballistic/tactical gear, holding what appeared to be a black semi-auto handgun, detonation devices, gas canisters, powder and liquid.

On July 21, 2012, at approximately 18:05 hours, commissioned Aurora Police Officer, Sergeant Bob Wesner advised your Affiant that he had spoken to University of Colorado Police Officer, Lynn Whitten. Officer Whitten advised that she had spoken to Lynne Fenton; a student psychologist.

Officer Whitten advised Sergeant Wesner that Lynne Fenton had contacted Officer Whitten reference James E. Holmes on June 12, 2012. Lynne Fenton described James E. Holmes as having Homicidal thoughts and also stated that James E. Holmes had threatened and harassed her via e-mail/text messages.

Officer Whitten Advised Sergeant Wesner that she had deactivated James E. Holmes' I.D. on June 12, 2012 due to that complaint. On July 21, 2012, your Affiant spoke to Steve Zweck-Bronner, UC Denver Medical Campus representative. Mr. Zweck-Bronner advised be that the medical facility uses an electronic locking mechanism throughout the campus to secure labs and classrooms. The deactivation of a student's I.D. card prevents that student from entering any locked facility.

Sergeant Wesner attempted to obtain University of Colorado at Denver Anschutz Medical Campus school records, which included academic/scholastic, e-mail and student health services records for James E. Holmes. Sergeant Wesner was advised by CU personnel that those records could not be released without a court order.

Your affiant believes that gmail.com, hotmail.com and University of Colorado at Denver Anschutz Medical Campus records contain information that would indicate communications between James E. Holmes and other potential witnesses and suspects. This information will assist investigators in determining with whom James E. Holmes may have been in contact before, during and after this incident. Your affiant believes that information contained in those records may assist in determining what methods of planning may have been involved to carry out this crime.

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**AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**

**APD Case # 2012-28181**

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Your Affiant advises that gmail.com asks users to provide basic contact and personal identifying information to Gmail, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Gmail passwords, Gmail security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Gmail.com also assigns a user identification number to each account.

Gmail groups all replies with their original message, creating a single conversation or thread. In other email systems, responses appear as separate messages in your inbox, forcing you to wade through all your mail to follow the conversation. In Gmail, replies to emails (and replies to those replies) are displayed in one place, in order, making it easier to understand the context of a message or to follow the conversation.

When you open one message in a conversation, all of your related messages will be stacked neatly on top of each other. Gmail refers to this as Conversation View. In Conversation View, each new message is stacked on top of the ones that arrived before it, so that the newest message is always the one you see first.

A conversation will break off into a new thread if the subject line of the conversation is changed, or if the conversation reaches over 100 messages.

Google's chat network lets you send and receive instant messages with friends, family, and colleagues. Exchange real time notes and emoticons with anyone on the network using Google properties (i.e. Gmail, iGoogle, orkut, Google Talk, Google+) or a third-party client.

Your Affiant advises that all that is needed to chat is a Google account. You can either create a new Google account or use an existing one. Note: A Gmail account is required to use Google Talk or other download clients.

The group chat feature lets you chat with many friends at once. There's no limit to the number of people you can chat with, and any participant can invite others to join.

Your Affiant advises that if someone is using Gmail and wants to start a group chat with a group of contacts that they are currently communicating with on an email thread, you can simply click the double chat bubble icon next to People on the right side of your Gmail page. This will start a Chat lobby where you can see who's available for your group chat. At that time, you can decide whether to add or remove participants. The group chat will not actually start until you type and send your message.

In addition to sharing voice and video chats with your contacts from computer to computer, you can also place phone calls to any landline or mobile phone number in Gmail.

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**AFFIDAVIT FOR COURT ORDER FOR PRODUCTION OF RECORDS**  
**APD Case # 2012-28181**

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Your Affiant personally knows that gmail.com is owned and operated by Google Inc.

Based on the foregoing facts and circumstances, your affiant has probable cause to believe that Google Inc, DBA: gmail.com records are in the actual or constructive control of the business entity, and that there is probable cause for the issuance of a court order under C.R.S. 16-3-301.1. Application is hereby made for issuance of a court order directing Google Inc, DBA gmail.com to produce the described records within thirty days after the date this court order is served and deliver the records to the affiant.

The Affiant has read the above and foregoing application and affidavit, and the statements therein contained are true to the best of his knowledge, information and belief.

Robert #13159  
Affiant

Subscribed and sworn before me this 24<sup>th</sup> day of July, 2012.

[Signature]  
Judge