

APPLICATION FOR OUT OF COUNTY GRAND JURY SUBPOENA DUCES TECUM

460th GRAND JURY

TRAVIS COUNTY, TEXAS

NOW COMES **Brandon R. Cammack**, Special Prosecutor for the Office of the Attorney General, who states to the Court that the testimony of the **Custodian of Records, Earthlink, LLC c/o Corporate Trust Center**, is believed to be material on behalf of the State on certain matters required to be inquired into by the Grand Jury of Travis County. Wherefore he asks that a subpoena be issued for the said **Custodian of Records**, to appear before the Travis County Grand Jury on the **26th day of October, 2020 at 4:00 o'clock p.m.**, at 700 Lavaca, Multifunction Space B, Room 1.113, Austin, Texas, and that he/she bring with him/her and produce in said Grand Jury, at the said time and place, certain records and instruments in writing, desired as evidence in said criminal investigation, as follows:

Please provide any and all “non-content” information for e-mail account

████████████████████ for the time period 1/1/2018 to present, including: subscriber name, subscriber address, subscriber phone number, date account opened, current account status, and email logs including e-mail sender name or account name, e-mail receiver name or account name, date of e-mail, and time of e-mail correspondence with a signed Business Record Affidavit by the custodian of records. **Call on receipt of this subpoena 713-300-9291**

If possible, we prefer all records be provided electronically in high resolution, searchable PDF-OCR format with an accompanying Business Records Affidavit.

The State hereby requests the Court to order that the said Custodian of Records, not disclose the existence of this subpoena duces tecum or facts relating to the compliance thereof except with his legal counsel. Texas Code of Criminal Procedure Art. 20.02 (h) provides that a subpoena or summons related to a Grand Jury proceeding or investigation must be kept secret to prevent the unauthorized disclosure of a matter before the Grand Jury. Any such disclosure could impede the investigation being



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conducted and thereby interfere with the enforcement of law.

A DISOBEDIENCE of this subpoena is punishable by fine not exceeding \$500.00 to be collected as fines and costs in other criminal cases.

Witness my signature on 9/24/2020 | 2:17 PM CDT.

KEN PAXTON
Texas Attorney General

DocuSigned by:
Brandon R. Cammack
By: 9ABE5FC0C1E5472...
Brandon R. Cammack
Special Prosecutor
Office of the Attorney General

REF 4924

OUT OF COUNTY GRAND JURY SUBPOENA DUCES TECUM

460th GRAND JURY

TRAVIS COUNTY, TEXAS

The State of Texas, to any Peace Officer:

You are commanded to summon:

**Earthlink Holdings, LLC
c/o CT Corporation
1209 Orange Street
Wilmington, DE 1980**

**Telephone: 877-999-9916
Email: sop@rasi.com**

To appear before the Travis County Grand Jury at the courthouse in said county on the **26th day of October, 2020 at 4:00 o'clock p.m.**, at 700 Lavaca, Multifunction Space B, Room 1.113, Austin, Texas, and thereafter from day to day until he/she shall be released by the foreman of the Grand Jury, to then and there testify as a witness before said Grand Jury at the Travis County Courthouse in Austin, Texas, and that he/she bring with him/her and produce in said Grand Jury, at the said time and place, certain records and instruments in writing, desired as evidence in said criminal investigation, as follows:

Please provide any and all “non-content” information for e-mail account

████████████████████ for the time period 1/1/2018 to present, including: subscriber name, subscriber address, subscriber phone number, date account opened, current account status, and email logs including e-mail sender name or account name, e-mail receiver name or account name, date of e-mail, and time of e-mail correspondence with a signed Business Record Affidavit by the custodian of records. **Call on receipt of this subpoena 713-300-9291**

It is hereby ordered that the records be provided in digital format, if possible. If digital format, records should be in PDF and provided on a disc or a flash drive with an accompanying affidavit.

IT IS FURTHER ORDERED, that the said **Custodian of Records, NOT DISCLOSE THE**

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EXISTENCE OF THIS SUBPOENA DUCES TECUM OR FACTS RELATING TO THE COMPLIANCE THEREOF EXCEPT WITH HIS LEGAL COUNSEL. Texas Code of Criminal Procedure Art. 20.02 (h) provides that a subpoena or summons related to a Grand Jury proceeding or investigation must be kept secret to prevent the unauthorized disclosure of a matter before the Grand Jury. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of law.

A DISOBEDIENCE of this subpoena is punishable by fine not exceeding \$500.00 to be collected as fines and costs in other criminal cases.

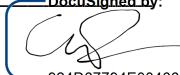
Delivering a copy of these documents prior to the **26th day of October, 2020 at 4:00 o'clock p.m., including a completed business records affidavit,** to the officer serving this subpoena will be sufficient compliance with this subpoena. Texas Rule of Evidence 902(10) provides that an affidavit is sufficient if it includes a page count for the records being provided and language identifying the affiant as a **Custodian of Records** for the entity in question, who is familiar with the manner in which the records are created and maintained. Rule 902(10) additionally specifies other language which should be included in the affidavit. A blank form affidavit has been attached hereto for the convenience of the affiant. **The absence of a completed business records affidavit may necessitate that the person subpoenaed herein must appear in court to testify.**

Please return the requested documents to the attention of Brandon R. Cammack, Special Prosecutor for the Office of the Attorney General, 4265 San Felipe Street, Suite 1100 Houston, TX 77027 or electronically to Mr. Cammack at Brandon@cammacklawfirm.com with an original business records affidavit mailed to the address above.

Herein fail not, and due return make hereof.

9/24/2020 | 8:53 PM CDT

Witness my signature on _____

DocuSigned by:

824D67794E00466...

Judge Presiding

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OFFICER'S RETURN

Came to hand the _____ day of _____, _____, at _____ .m. and executed the day of _____, _____, at _____ .m. by delivering to the within named **Custodian of Records – Earthlink, LLC c/o Corporate Trust Center.**, via (hand-delivery/facsimile/electronic mail /certified U.S. mail), a true copy of the subpoena and the accompanying attachments thereto.

INVESTIGATOR

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