

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-AT&T Wireless** 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 account information and phone logs, including phone call records and text message records, for account assigned cell phone number [REDACTED] for the time period 1/1/ 2018 through the present with a signed Business Record Affidavit by 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 conducted and thereby interfere with the enforcement of law.

House Managers

EX. 189

REF 4937

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

9/24/2020 | 2:18 PM CDT

Witness my signature on _____.

KEN PAXTON
Texas Attorney General

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

REF 4937

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:

**AT&T Wireless
Subpoena Compliance Center
Custodian of Records
11760 US Highway 1, Suite 600
North Palm Beach, FL 33408
Telephone: 800-291-4952 Fax: 888-938-471**

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 account information and phone logs, including phone call records and text message records, for account assigned cell phone number [REDACTED] for the time period 1/1/ 2018 through the present with a signed Business Record Affidavit by 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 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

REF 4937

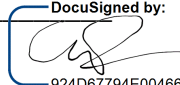
investigation must be kept secret to prevent the unauthorized disclosure of a matter before the Grand Jury. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of law.

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.

Witness my signature on 9/24/2020 | 8:52 PM CDT
DocuSigned by:

924D67794E00466...

Judge Presiding

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 – AT&T Wireless.** via (hand-delivery/facsimile/electronic mail /certified U.S. mail), a true copy of the subpoena and the accompanying attachments thereto.

INVESTIGATOR

REF 4937