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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,  
  
Plaintiff,  
  
v.  
  
Daniel David Rigmaiden (1),  
  
Defendant.

No. CR08-0814-01-PHX-DGC  
**ORDER**

Counsel for the government has asked the Court for guidance on issues to be addressed at the hearing to be held on March 28, 2013. Doc. 979. The parties should be prepared to address issues they deem most relevant, but the Court identifies the following for discussion as well.

1. Both Defendant and the ACLU argue that the warrant application for the mobile tracking device was inadequate because it did not include the technical details about how the device worked. The government could address this argument in greater detail and identify any specific authority to support its position. For example, in its response to the motion to suppress, the government states that “[t]he tracking warrant was similar to numerous cell phone tracking warrants issued across the United States by other U.S. magistrate judges, including U.S. magistrate judges here in the District of Arizona.” Doc. 873 at 62. The government should provide support for that assertion.

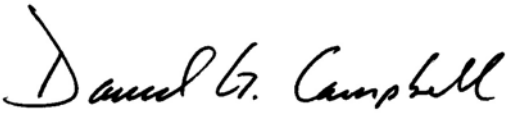
2. The government has not provided very specific responses countering Defendant’s challenge to the scope of the search of his computer and whether it

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comported with the protocol set out in the warrant. Because this is a key issue in Defendant's argument, a more detailed response from the government would be useful. If the government did exceed the scope of the warrant, it is arguable that only the information invalidly obtained would be subject to suppression. Is there such information, or does the government contend that all relevant evidence was obtained while the search was within the scope of the warrant?

3. The government asserts that the good faith exception applies to all aspects of its investigation. Addition argument by Defendant on that position would be helpful.

Dated this 13th day of March, 2013.



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David G. Campbell  
United States District Judge