LAWRENCE S. LUSTBERG
Director

Gibbons P.C.
One Gateway Center
Newark, New Jersey 07102-5310
Direct: (973) 596-4731 Fax: (973) 639-6285
llustberg@gibbonslaw.com

October 17, 2016

VIA ECF AND FEDEX

Honorable Kevin McNulty
United States District Judge
Martin Luther King, Jr. Federal Building
& United States Courthouse
50 Walnut Street
Newark, NJ 07102

**Re: *United States v. Ravelo*,
Criminal No. 15-576**

Dear Judge McNulty:

Please accept this letter brief in lieu of a more formal submission on behalf of defendant Keila Ravelo in further support of her motion to suppress the evidence derived from her cellular telephone, which was seized from Ms. Ravelo on December 22, 2014, and for the return of that phone. At the hearing of this matter on September 19, 2016, the government indicated, for the very first time, that the warrantless seizure of Ms. Ravelo's cell phone was justified by the plain view exception to the warrant requirement; at the time, as the Court may recall, Ms. Ravelo was under the impression that the government was seeking to justify its seizure as a search incident to arrest, as her prior briefs indicated. With the clarification of the government's position, Ms. Ravelo requested leave to file additional papers addressing the new issues before the Court. The Court granted both parties such leave. This brief follows. Because Ms. Ravelo's cell phone was seized without a warrant and the seizure was not justified under any exception to the warrant requirement, all evidence obtained as a result of the seizure must be suppressed.

I. BACKGROUND[1]

On April 29, 2016, Ms. Ravelo moved to suppress evidence obtained as a result of the seizure of her cell phone on the date of her arrest, December 22, 2014. In her supporting brief, Ms. Ravelo argued that this evidence was obtained in violation of her Fourth Amendment rights because her cell phone was seized without a warrant and the seizure was not justified by any exception to the warrant requirement and, in particular, that it was not justified as a search incident to arrest. In its opposition brief, filed May 24, 2016, the government did not respond to the arguments raised by Ms. Ravelo with regard to the constitutionality of the seizure, but instead argued that because the government had not yet determined whether it intended to use any of the

[1] To the extent that they are not specifically articulated in this letter brief, Ms. Ravelo incorporates the facts and legal arguments set forth in support of her previously filed submissions in connection to her motion to suppress as if fully set forth herein.

contents of the phone in its case-in-chief – as it could not because those contents had not yet been made available to it, pending a privilege review by the defense – the motion was not ripe for adjudication.

A hearing was held in conjunction with a scheduled status conference on June 27, 2016, at which Ms. Ravelo argued that the warrantless seizure of the phone was unconstitutional and that the phone and its contents, which remained (and remain) in the possession of a taint team and have not yet been reviewed by the trial team, should be returned to Ms. Ravelo. The government, in response, maintained its position that the Court should not consider the suppression issue until after the government determined whether it intended to use any of the phone's contents at trial. The government also argued that even if the Court were to suppress the evidence, the government would nevertheless be permitted to retain and review the material in order to impeach Ms. Ravelo in the event that she elects to testify at trial. Ms. Ravelo countered that, under Rule 41(g), the illegally seized evidence should be returned to her, before the government reviewed it. The Court requested supplemental briefing on this issue, and the parties filed their respective briefs on July 12, 2016.

On September 19, 2016, an evidentiary hearing was held in connection with Ms. Ravelo's motion to suppress and for the return of property pursuant to Rule 41(g). The government called a single witness, Internal Revenue Service ("IRS") Special Agent ("SA") Cheryl Matejicka, who testified as to her recollection of the events surrounding the seizure of Ms. Ravelo's cell phone. Specifically, SA Matejicka testified that upon entering Ms. Ravelo's home on the day of the arrest, she observed IRS SA Daniel Garrido and IRS Supervisory SA Linda Masessa handcuff and arrest Ms. Ravelo. (T6-2 to 25). SA Matejicka stated that shortly after the arrest, and after law enforcement officers had secured the home, she and SA Masessa removed Ms. Ravelo's handcuffs and allowed her to use the restroom and to change her clothing. (T7-1 to 22). Although Ms. Ravelo was under the close supervision of two agents throughout this process, SA Matejicka claimed that when they entered Ms. Ravelo's bedroom, Ms. Ravelo "picked up a cell phone" that was located on the nightstand next to her bed and began "moving her fingers on the screen" of the phone, leading SA Matejicka to believe that she was attempting to unlock it. (T7-12 to 8-7). SA Matejicka testified that she advised Ms. Ravelo that she was not permitted to make a phone call, but when Ms. Ravelo stated she wanted to retrieve her attorney's phone number in order to provide it to her sons, SA Matejicka agreed that she could do so after changing her clothing. (T8-8 to 19). According to SA Matejicka, Ms. Ravelo then proceeded into her master closet, where "[s]he placed the phone down and [] began to gather her clothes," at which point SA Matejicka seized the phone. (T8-20 to 9-3). SA Matejicka testified that Ms. Ravelo then provided her with the security code to unlock the phone and that, upon unlocking it, she observed that "[t]he email application was open[]" and that there was "an email either to or from Mr. Gary Friedman" at the top of the application. (T9-4 to 15). The name Gary Friedman was "important" to SA Matejicka because she believed "[a]t the time he was a possible co-conspirator" in the alleged scheme underlying Ms. Ravelo's criminal charges. (T9-16 to 10-19).

On cross-examination, SA Matejicka stated that she was not aware of any efforts to secure a warrant for the phone, despite believing, through the course of her investigation, that

Ms. Ravelo had used her cell phone in furtherance of the alleged scheme. (T13-19 to 25). She also conceded that the nightstand from which Ms. Ravelo purportedly retrieved her cell phone was "actually a considerable distance" from the master closet, which was directly next to the bedroom doorway, (T25-16 to 25), meaning in order to have taken possession of her phone, Ms. Ravelo would have had to walk past the closet where the officers directed her to go and across the large bedroom to the nightstand, even as SA Matejicka and SA Masessa remained "[w]ithin arm's length" of Ms. Ravelo while in the bedroom. (T25-16 to 25). Finally, SA Matejicka conceded that "in order for the email application to be opened" when the phone was unlocked, "it had to have been the last thing open before the phone was [locked]." (T33-22 to 25).

Following SA Matejicka's testimony, the government revealed that it was not contending that the phone was seized incident to Ms. Ravelo's arrest, and argued, for the very first time, that the warrantless seizure of the phone was justified under the plain view exception to the warrant requirement. The government also argued that the evidence derived from the cell phone was admissible pursuant to the inevitable discovery exception to the exclusionary rule. (T54-5 to 18).

The defense then called its first witness, SA Masessa, who stated that she believed one of the agents "looked at the phone to get the contact information" of Ms. Ravelo's attorney, though she did not recall whether it was SA Masessa or SA Garrido, or whether that occurred "inside the closet or . . . in the hallway, outside the bedroom." (T79-1 to 17). More importantly, despite being present at all relevant times on the morning of Ms. Ravelo's arrest, SA Masessa did not recall Ms. Ravelo providing the security code to her phone to any of the agents; indeed she stated that she did not even recall whether "there was a code." (T79-18 to 25; T81-5 to 25).

The defense's second witness was Ms. Ravelo's son, Michael Feliz, who was home at the time of his parents' arrest. Michael testified that during the early morning hours of December 22, 2014, he was awoken by sixteen federal law enforcement officers, who were knocking on the front door of the home. (T91-2 to 24). Michael awoke his father, co-defendant Melvin Feliz, who then proceeded downstairs, opened the door for the officers and was placed under arrest in the foyer of the home. (T91-6 to 14). Michael initially followed his father downstairs, but remained in the living room, where he remained under the close supervision of one of the officers. (T91-9 to 12; 92-6 to 9). From the living room, Michael was able to observe his mother being arrested by a female officer in the hallway adjoining her bedroom. (T92-6 to 93-3). Based on conversations he heard between his mother and the officers, Michael was able to determine that the officers escorted Ms. Ravelo to use the restroom and then to change her clothing. (T94-6 to 25). Michael testified that his mother was then brought into the living room, where she stood fifteen feet away from him, handcuffed and under the close supervision of officers. (T95-16 to 18). Thereafter, Ms. Ravelo, in the presence of the officers who were detaining her, asked Michael to call her attorney to inform him that she had been arrested. (T95-16 to 21). She told Michael that her attorney's phone number could be located in her cell phone, which was sitting on the nightstand next to her bed. (T95-22 to 25). After receiving permission from the officers standing in the living room, Michael retrieved the phone, returned downstairs and began searching for the phone number. (T96-12 to 18). Michael testified that he was able to unlock the phone without his mother providing him the security code because he "knew the code

already." (T97-1 to 9). While Michael was searching for the phone number, however, a male officer approached him, asked who he was calling, and then "snatched the phone out of his hand" without explanation. (T96-12 to 23). When Ms. Ravelo informed the officer who had seized the phone that her son was attempting to contact her lawyer, the officer asked Ms. Ravelo to provide him the security code so that he could retrieve her attorney's phone number for her. (T97-14 to 24). According to Michael, Ms. Ravelo did not respond to this request, and the code was never provided to him. (T99-1 to 3).[2]

At the end of the hearing, the Court requested supplemental briefing in light of the testimony provided that day and in order to address the government's evolving justification for the warrantless seizure of the Ms. Ravelo's phone.

II. ARGUMENT

A. The warrantless seizure of Ms. Ravelo's cell phone was not justified by the plain view exception to the warrant requirement and all evidence obtained as a result of the unconstitutional seizure must be suppressed.

Because it was warrantless, the seizure of Ms. Ravelo's cell phone was "*per se* unreasonable" under the Fourth Amendment, *Riley v. California*, 134 S. Ct. 2473, 2482 (2014), and the government therefore has the burden to justify the seizure under one of the exceptions to the warrant requirement, *United States v. Johnson*, 63 F.3d 242, 245 (3d Cir. 1995). The government's position that the seizure can be justified under the "plain view" exception is unavailing.

The plain view exception requires the government to show by a preponderance of the evidence that: (1) the officers did not "'violate[] the Fourth Amendment in arriving at the place from which the evidence could be plainly viewed,'" (2) "'the incriminating character of the evidence [was] immediately apparent,'" and (3) the officers had "'a lawful right of access'" to the evidence. *United States v. Stabile*, 633 F.3d 219, 241 (3d Cir. 2011) (quoting *United States v. Menon*, 24 F.3d 550, 559 (3d Cir. 1994)); *see Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993) ("Under th[e plain view] doctrine, if police are lawfully in a position from which they view an object, if its incriminating character is immediately apparent, and if the officers have a lawful right of access to the object, they may seize it without a warrant." (citing *Horton* v. *California*, 496 U.S. 128, 136-37 (1990)).

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[2] In a letter to the Court dated October 6, 2016, the government stated that Michael testified "that the code for the phone was never provided to law enforcement nor stated out loud while law enforcement was in the defendant's home." The government overstates: to be clear, Michael's testimony regarding the events surrounding his mother's arrest was limited to his observations from where he was standing in the living room; he did not testify as to what occurred during the time Ms. Ravelo was escorted by the officers to use the restroom and then to change her clothing. In any event, whatever the truth with respect to how the agents got the code for Ms. Ravelo's cell phone, even under SA Matejicka's version of events, the seizure of that phone cannot be justified by the plain view exception, as it occurred prior to her inspection of the phone, which inspection, the government has argued, created the basis for its determination that probable cause existed.

In this case, the government's argument that the seizure of Ms. Ravelo's cell phone was justified by the plain view exception fails because the incriminating nature of the phone was not and could not have been immediately apparent at the time the phone was seized. In order for the incriminating nature of an item to be "immediately apparent," "there must be 'probable cause to associate the property with criminal activity.'" *United States v. Gatson*, 2014 U.S. Dist. LEXIS 173588, *39-40 (D.N.J. Dec. 15, 2014) (citing *Texas v. Brown*, 460 U.S. 730, 741-42 (1983)).[3] Absent additional incriminating evidence, the plain view doctrine does not justify the seizure of "ordinary" items, *United States v. Rivera-Padilla*, 365 F. App'x 343, 346 (3d Cir. 2010) (holding that the plain view doctrine did not justify the seizure of "an ordinary wallet whose contents . . . were not visible"); *United States v. Wilson*, 36 F.3d 1298, 1306 (5th Cir. 1994) (holding that a "checkbook was not admissible under the plain view doctrine" because "the incriminating character of the checks did not become apparent until their stolen nature was verified by the telephone call"), including "cell phones[, which] are not inherently incriminating and cannot alone supply probable cause to search," *Spencer v. Pistorius*, 605 Fed. App'x. 559, 566 (7th Cir. 2015) (citing *United States v. Weir*, 703 F.3d 1102, 1103-04 (7th Cir. 2013)); *see Hartmann v. Hanson*, 2010 U.S. Dist. LEXIS 5111, at *36-38 (N.D. Cal. Jan. 22, 2010) (finding that a cell phone sitting in plain view was not "immediately incriminating on its face").

In this case, the law enforcement officers did not have probable cause to seize Ms. Ravelo's cell phone. That there was no "additional incriminating evidence" that would establish such probable cause is apparent regardless of which version of the facts is accepted. Under SA Matejicka's version of the facts, the cell phone, which was in plain view during the time that the agents secured the premises, was obviously not "inherently incriminating," or it would have been seized then. Nor could what was on the phone – *i.e.*, an email to or from Gary Friedman, have rendered the phone "inherently incriminating" prior to its seizure, as SA Matejicka testified that she seized the phone before seeing what was on the phone. Likewise, were the Court to credit Michael Feliz's version of events, the phone was not seized until after law enforcement observed Ms. Ravelo's son attempting to make a call, before which there is no indication that the government had any interest in the phone, though it was, as noted, in plain view on Ms. Ravelo's nightstand. Nor, for example, was there any evidence that any of the agents present observed the screen of the phone during that process (or, under SA Matejicka's version of events, when Ms. Ravelo was attempting to open up the phone), such that what they saw established the "immediately apparent" incriminating character of the phone.

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[3] Probable cause exists if, based upon a totality of the circumstances, "'there is a fair probability that contraband or evidence of a crime will be found in a particular place.'" *United States v. Miknevich*, 638 F.3d 178, 182 (3d Cir. 2011) (quoting *Illinois v. Gates*, 462 U.S. 213, 239 (1983)); *see also United States v. Ramos*, 443 F.3d 304, 308 (3d Cir. 2006) (same); *United States v. $92,422.57*, 307 F.3d 137, 146 (3d Cir. 2002) (same). Probable cause "may not be based upon rumor, suspicion, or a strong suspicion." *Henry v. United States*, 361 U.S. 98, 101 (1959); *Wong Sun v. United States*, 371 U.S. 471, 499 (1963) (explaining that probable cause is more than a "mere suspicion"); *Agnellino v. New Jersey*, 493 F.2d 714, 727 (3d Cir. 1974) (same). Likewise, the probable cause standard "cannot be satisfied by relying upon . . . mere speculation." *United States v. $242,484.00*, 389 F.3d 1149, 1178-79 (11th Cir. 2004) (citing *United States v. Cleckler*, 270 F.3d 1331, 1334 (11th Cir. 2001)); *United States v. McClain*, 444 F.3d 556, 563 (6th Cir. 2005) (stating that "[s]peculation does not equate to probable cause"). Finally, the mere presence of the item at issue at the scene "cannot alone supply probable cause." *See, e.g.*, *Pistorius*, 605 Fed. App'x. at 566.

Of course, Ms. Ravelo respectfully submits that her son's version of events is more credible than that offered by SA Matejicka. Thus, in order for the Court to find SA Matejicka's testimony credible, it would have to believe (1) that Ms. Ravelo was able to walk "a considerable distance" away from the master closet where the officers instructed her to go in order to retrieve her phone from the nightstand in her bedroom, notwithstanding the fact that she was already under arrest and at all times "[w]ithin arm's length" of SA Matejicka and SA Masessa; (2) that Ms. Ravelo gave the security code needed to access her personal cell phone to one of the officers who had just arrested her; (3) that the phone's email application happened to be open when the phone was unlocked; and (4) that SA Matejicka immediately observed an email to or from Friedman that happened to be visible in the email application.[4] This series of events seems so unlikely as to defy credibility, particularly given the lack of any contemporaneous record in the form of a report or notes, and especially given that SA Masessa, who was present at all relevant times, was unable to recall any details surrounding the seizure of the phone, including whether Ms. Ravelo provided the security code to anyone.

But it matters not: even under SA Matejicka's version of events, the warrantless seizure of Ms. Ravelo's cell phone cannot be justified by the plain view exception. For one thing, when "the police lack probable cause to believe that an object in plain view is contraband without conducting some further search of the object – *i.e.*, if 'its incriminating character [is not] immediately apparent,' – the plain-view doctrine cannot justify its seizure." *Dickerson*, 508 U.S. at, 375 (quoting *Horton,* 496 U.S. at 136); *see United States v. Yamba*, 506 F.3d 251, 257-58 (3d Cir. 2007) (same). Thus, when an officer needs to "turn on [a] phone and look through the files before they obtain[] incriminating evidence," it is clear that probable cause did not justify the initial seizure and that "the plain view doctrine is not applicable." *United States v. Ramirez*, 2013 U.S. Dist. LEXIS 190665, *3 (D. Kan. Mar. 26, 2013); *United States v. Yockey*, 2009 U.S. Dist. LEXIS 67259, *10 (N.D. Iowa Aug. 3, 2009) (stating that the plain view exception generally "does not apply if the seized item has to be manipulated by the police before it comes into plain view"); *see also United States v. Silva*, 2013 U.S. Dist. LEXIS 10425, at *22 (W.D. Wash. Jan. 25, 2013) (stating that when an officer "require[s] [a suspect] to identify which phone belong[s] to him" prior to seizing it, the incriminating nature of the cell phone is not immediately apparent and the seizure is not justified under the plain view doctrine); *see also United States v. Miknevich*, 638 F.3d 178, 184-85 (3d Cir. 2011) (holding that a computer file name may not provide sufficient grounds for probable cause where it contains a "commonplace" term or is "otherwise capable of different interpretations"). Here, as noted, SA Matejicka testified that she seized Ms. Ravelo's cell phone at the time Ms. Ravelo placed it down in the master closet while changing her clothing, (T8-18 to 9-3; T32-5 to 11), and that it was only after she had taken

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[4] Moreover, to the extent the Court finds that SA Matejicka did in fact observe an email to or from Friedman on Ms. Ravelo's phone, that observation should be viewed with considerable suspicion. Although "inadvertence . . . is not a necessary condition" of the plain view doctrine, it certainly is "a characteristic of most legitimate 'plain-view' seizures." *Horton*, 496 U.S. at 130. Here, SA Matejicka's observation would have been quite the coincidence, particularly in light of her testimony that she believed Friedman to be a co-conspirator at the time of Ms. Ravelo's arrest, and the fact that the affidavit in support of the warrant to search Ms. Ravelo's phone was based primarily on SA Matejicka's purported observation of the Friedman email. Exh. A, (Gov't. Aff. ¶ 27).

possession of the phone that SA Matejicka obtained the security code and observed the allegedly incriminating email, (T9-4 to 15; T33-15 to 25). Because any evidence that could have possibly justified the warrantless seizure was discovered, if ever, after the seizure had already occurred, the seizure was not supported by probable cause, and the government's reliance on the plain view exception to the warrant requirement is therefore misplaced. Indeed, even if SA Matejicka's seizure was proper, her decision to then access the phone and review its contents after seizing it constituted a warrantless search, which is strictly prohibited by the Fourth Amendment. *Riley v. California*, 134 S. Ct. 2473, 2482 (2014) (holding that a warrant is a precondition for law enforcement to perform a search of cell phone data even when the phone was lawfully seized incident to arrest). The evidence should be suppressed and the phone returned to Ms. Ravelo.

Finally, even in the event the Court finds that the Friedman email was properly observed by law enforcement prior to the seizure, that email could not have possibly supplied the government with the probable cause needed to justify the seizure under the plain view doctrine. Indeed, as the government itself revealed during the cross-examination of Michael Feliz, at the time of the arrest, Ms. Ravelo and her family had "a social relationship" with Friedman and his wife, which included vacations together and visits to each other's homes "on multiple occasions." (T106-9 to 24). Moreover, according to SA Matejicka's testimony, upon observing an email to or from Friedman, she did not open the email or obtain any additional information concerning its contents. (T10-20 to 11-6). Thus, although the government maintains that the email from Friedman established probable cause that the phone contained evidence of a crime, under the facts as adduced by the government itself, any email that was observed would have been just as, if not more, likely to be a personal and/or social exchange between Ms. Ravelo and Friedman, whom the officers knew to be close friends. Any conclusion to the contrary cannot be explained by anything other than "mere speculation," which, of course, does not equate to probable cause. *See, e.g.*, *$242,484.00*, *supra*, 389 F.3d at 1178-79. Suppression is required.

B. <u>The evidence derived from Ms. Ravelo's cell phone is not admissible pursuant to the inevitable discovery exception to the exclusionary rule.</u>

"Under the inevitable discovery doctrine, 'if the prosecution can establish by a preponderance of the evidence that the information ultimately or inevitably would have been discovered by lawful means . . . then the deterrence rationale has so little basis that the evidence should be received.'" *United States v. Stabile*, 633 F.3d 219, 245 (3d Cir. 2011) (quoting *United States v. Vasquez De Reyes*, 149 F.3d 192, 195 (3d Cir. 1998); *Nix v. Williams*, 467 U.S. 431 (1984)). But that said, the Third Circuit has made clear that the "[i]nevitable discovery is not an exception to be invoked casually, and if it is to be prevented from swallowing the Fourth Amendment and the exclusionary rule, courts must take care to hold the government to its burden of proof." *Vasquez de Reyes*, 149 F.3d at 196 (internal quotation marks omitted). Thus, "[t]he inevitable discovery analysis focuses on historical facts capable of ready verification, not speculation." *Id. at 195*; *United States v. Carrion-Soto*, 493 Fed. App'x. 340, 343 (3d Cir. 2012) ("If the officers here had appropriate procedures that would have been followed absent the unconstitutional search . . . , it was the Government's burden to establish that during the hearing.

It is not for a court to speculate about any such procedures unless the facts are so clear as to justify taking judicial notice of them." (internal quotation marks omitted)).

Where, as apparently is the case here, "the theory of inevitable discovery is that a warrant would have been obtained but for the illegal search, the district court must determine 'how likely it is that a warrant would have been issued and that the evidence would have been found pursuant to the warrant.'" *United States v. Christy*, 739 F.3d 534, 541 (10th Cir. 2014) (quoting *United States v. Souza*, 223 F.3d 1197, 1204 (10th Cir. 2000)). That standard requires the government to prove that "there is no doubt that the police" inevitably would have discovered the evidence by lawful means. *United States v. Romero*, 692 F.2d 699, 704 (10th Cir. 1982). "'[W]hat makes a discovery "inevitable" is not probable cause alone . . . but probable cause plus a chain of events that would have led to a warrant . . . independent of the search.'" *United States v. Harris*, 102 F. Supp. 3d 1187, 1201 (D. Kan. 2015) (quoting *Souza*, 223 F.3d at 1204). Significantly, evidence obtained as a result of an unconstitutional search or seizure cannot be the government's basis for establishing probable cause. *See United States v. Vite-Espinoza*, 342 F.3d 462, 466 (6th Cir. 2003) (holding that evidence cannot be admitted under the inevitable discovery doctrine unless "the government can show that the evidence inevitably would have been obtained from lawful sources in the absence of the illegal discovery"); *United States v. McCarty*, 2011 U.S. App. LEXIS 18874, at *49 (9th Cir. Sep. 9, 2011) (holding that "the fruits of an unlawful search cannot provide probable cause" under the inevitable discovery doctrine).

Here, the government has not presented one whit of evidence to support the conclusion "that the police, following routine procedures, would inevitably have uncovered the evidence" here at issue, despite its clear burden in that regard. *Carrion-Soto*, 493 Fed. App'x. at 342. Indeed, as noted above, even if the government had attempted to do so, it was not at all clear that probable cause – let alone the higher standard that is required to prove a chain of events that would undoubtedly led to a request for and the issuance of a warrant, *id.* – could have been established to seize Ms. Ravelo's phone based upon the presence of emails between her and a family friend. Nor, of course, can the government argue that a warrant would have been obtained based upon SA Matejicka's purported observation of an email between Ms. Ravelo and Friedman because, as explained above, any such observation constituted a warrantless search in violation of the Fourth Amendment, *Riley*, 134 S. Ct. at 2482, and therefore cannot be the basis for establishing probable cause under the inevitable discovery doctrine, *Vite-Espinoza*, 342 F.3d at 466; *McCarty*, 2011 U.S. App. LEXIS 18874, at *49.

In any event, the government has made no such claim in any of its prior written submissions to the Court and the only evidence relied upon by the government at the evidentiary hearing was the testimony of one Special Agent, which made absolutely no mention of this issue at all. Thus, the record falls woefully short of establishing the applicability of the inevitable discovery doctrine. *See, e.g.*, *Harris*, 102 F. Supp. 3d at 1189 (finding that police officers' testimony provided "no meaningful assurance that officers inevitably would have obtained a warrant that uncovered the otherwise acquired evidence" and therefore granting the defendant's motion to suppress); *United States v. Wrensford*, 2014 U.S. Dist. LEXIS 110474, at *34-35 (D.V.I. Aug. 11, 2014) (holding that the government failed to establish that the inevitable

discovery doctrine cured the illegality of the search because "there was no testimony or other evidence introduced at the suppression hearings that the [police] ha[d] an established procedure in place," and taking particular issue with the fact that "the only person who testified about searching [the defendant] [wa]s [an arresting officer] whose search went beyond the bounds of *Terry*"); *United States v. Donahue*, 2013 U.S. Dist. LEXIS 164351, at *32-33 (M.D. Pa. Nov. 19, 2013) ("The Government fails to establish that the inevitable discovery exception is applicable in this case. While the testimony at the suppression hearing indicated that the [police]'s standard procedure is to impound a vehicle after an arrest like that at issue in this case, the record is silent as to the existence and/or particulars of the inventory policy of the [police]. Without evidence of such a policy, it is unclear whether the [police] would have inventoried the contents of the Ford Mustang.").

Because there was no probable cause to seize Ms. Ravelo's phone in the first place, and because the government has not shown a chain of events that would have led to a warrant, the evidence derived from the warrantless seizure of Ms. Ravelo's cell phone cannot be admitted under the inevitable discovery exception to the exclusionary rule.

III. CONCLUSION

For the reasons set forth above, Ms. Ravelo's motion to suppress the contents of her cellular telephone should be granted, and, for the reasons set forth in her earlier submissions, the telephone should be returned to her under Federal Rule of Criminal Procedure 41(g).

Thank you for your kind consideration of this matter.

Respectfully submitted,

/s/ Lawrence S. Lustberg
Lawrence S. Lustberg, Esq.
GIBBONS P.C.
One Gateway Center
Newark, NJ 07102-5310
(973) 596-4500
llustberg@gibbonslaw.com

cc: Steven H. Sadow, Esq.
Andrew D. Kogan, Assistant U.S. Attorney

United States District Court
District of New Jersey

IN THE MATTER OF THE SEARCH OF THE CELLULAR TELEPHONE MORE PARTICULARLY DESCRIBED IN ATTACHMENT A	:	**APPLICATION AND AFFIDAVIT FOR A SEARCH WARRANT** Mag. No. 14-7269 (CLW)

I Criminal Investigator Jason Annuziato being duly sworn depose and say:

I am a(n) Criminal Investigator with the United States Attorney's Office and have reason to believe that on the premises known as

SEE ATTACHMENT A

in the District of New Jersey there is now concealed a certain property, namely

SEE ATTACHMENT B

which is

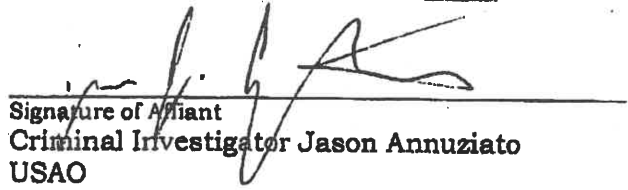
(1) evidence of a crime; (2) the fruits of crime; and
(3) property designed for use, intended for use, or used in committing a crime.

in violation of Title 18, United Sates Code, Sections 1341, 1343, and 1349

The facts to support the issuance of a Search Warrant are as follows:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. X Yes ____ No



Signature of Affiant
Criminal Investigator Jason Annuziato
USAO

Sworn to before me, and subscribed in my presence

December 24, 2014 at Newark, New Jersey
Date City and State

Honorable Cathy L. Waldor
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT A

The Subject Phone is a cellular telephone, that is an IPhone with the Model No. A1533 and the IMEI No. 013850001358913, which cellular telephone is black in color on the front and silver in color on the back. The Subject Phone is presently located at the Drug Enforcement Administration's office in Newark, New Jersey.

ATTACHMENT B

Evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Sections 1341 (mail fraud), 1343 (wire fraud), 1349 (conspiracy to commit wire and mail fraud), including

1. communications, including e-mails and text messages, with co-conspirators of and witnesses to the criminal violations listed above that concern the commission of the offenses listed above;

2. contact information for co-conspirators of and witnesses to the criminal violations listed above;

3. documents or information concerning ALD, ALITS, Alternative Litigation Solutions, Alternative Lit Solutions, LLC, ELIT Solutions LLC, ELIT Litigation Solutions, LCC, E-LIT, and Elitlitigation Solutions LLC;

4. documents concerning the submission of invoices to or payments of invoices to vendors by Law Firm 1 and Law Firm 2 (as described in the affidavit).

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STATE OF NEW JERSEY	)	
	) ss.:	AFFIDAVIT
COUNTY OF ESSEX	)	

Jason Annuziato, being duly sworn, deposes and says:

1. I am a Criminal Investigator with the United States Attorney's Office for the District of New Jersey, and I have been so employed for approximately three and one-half years. In total, I have been a federal agent for approximately ten and one-half years, having previously been assigned as a Special Agent of the Internal Revenue Service-Criminal Investigation. My experience as a federal agent has included the investigation of cases involving wire and mail fraud, bank fraud, securities fraud, and money laundering, among others. Furthermore, I also have received training and have gained experience in interview and interrogation techniques, arrest procedures, search and seizure warrant applications, the execution of searches and seizures, computer evidence seizure and processing, and various other criminal laws and procedures.

2. I respectfully submit this affidavit in support of an application for a warrant to search a cellular telephone (the "Subject Phone"), which is more particularly described below and in Attachment A. As described further below, there is probable cause to believe that the Subject Phone contains evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Sections 1341 (mail fraud), 1343 (wire fraud), and 1349 (conspiracy to commit wire and mail fraud) (collectively "the Specified Federal

Offenses") committed by Keila Ravelo ("Ravelo") and her husband Melvin Feliz ("Feliz") and others known and unknown.

3. I am familiar with the information contained in this affidavit based on my conversations I have had with other law enforcement officers about this matter and my training and experience. Because this affidavit is being submitted for the limited purpose of establishing probable cause to search the Subject Phone, I have not included herein the details of every aspect of the investigation. Where actions, conversations and statements of others, and the contents of documents are related herein, they are related in substance and in part, except where otherwise indicated. When I state that something occurred on a particular date, I am stating that it occurred on or about that date.

THE SUBJECT PHONE

4. The Subject Phone is a cellular telephone, that is an IPhone with the Model No. A1533 and the IMEI No. 013850001358913, which cellular telephone is black in color on the front and silver in color on the back.

5. The Subject Phone is presently located at the Drug Enforcement Administration's office in Newark, New Jersey.

BACKGROUND

6. At various times relevant to this investigation:

a. Ravelo and Feliz resided in New Jersey and maintained a joint bank account (the "Joint Bank Account").

b. Ravelo was an attorney who practiced law in New York.

c. "Law Firm 1" was a law firm in New York. Ravelo was a partner at Law Firm 1 from prior to 2008 to approximately October 1, 2010.

d. "Law Firm 2" was a law firm in New York. Ravelo was a partner at Law Firm 2 from approximately October 1, 2010, to and through approximately November 14, 2014.

e. "Client 1" was a client of Law Firm 1 during the time period when Ravelo was a partner at Law Firm 1 and was a client of Law Firm 2 during the time period when Ravelo was a partner at Law Firm 2.

f. "Vendor 1" was a limited liability company that was formed in or about January 2008. Vendor 1 purportedly provided millions of dollars in litigation support services to Law Firm 1 and Law Firm 2 and received payments of more than $5,000,000 from Law Firm 1 and Law Firm 2 for these alleged services. In reality, however, Vendor 1 provided little or no services to Law Firm 1 and Law Firm 2. Moreover, the majority of the money that went into Vendor 1's bank account from Law Firm 1 and Law Firm 2 was either: (i) transferred directly out of Vendor 1's bank account to pay for Ravelo's or Feliz's personal expenses, or (ii) transferred into the Joint Bank Account.

g. "Vendor 2" was a limited liability company formed in or about April 2011. Vendor 2 purportedly provided services to Law Firm 2 and received payments in excess of $750,000 from Law Firm 2 for these alleged services. In reality, however, Vendor 2 provided little or no services to Law Firm 2. Moreover, the majority of the money that went into Vendor 2's bank account from Law Firm 2 was either: (i) transferred directly out of Vendor 2's bank

account to pay for Ravelo's or Feliz's personal expenses, or (ii) transferred into the Joint Bank Account.

h. Records obtained for the Joint Bank Account reveal that the majority of the funds in the account were used to pay for the personal expenses or investments of Ravelo and/or Feliz.

SUMMARY OF THE CASE

7. The Internal Revenue Service and Drug Enforcement Administration have been conducting an investigation into the fraudulent activity of Ravelo and Feliz. As explained in more detail herein, the investigation has revealed that Ravelo worked for Law Firm 1 and Law Firm 2 on matters involving Client 1. The investigation also revealed that Ravelo and Feliz either created or caused Vendor 1 and Vendor 2 to be created, including having bank accounts opened in Vendor 1's and Vendor 2's names, and thereafter controlled payments out of these bank accounts. The investigation further revealed that Ravelo and Feliz then used Vendor 1 and Vendor 2 to fraudulently obtain money from Law Firm 1, Law Firm 2, and Client 1 by submitting or causing the submission of invoices for work that was not performed. Moreover, the investigation has revealed that the majority of the fraudulently obtained funds were used to pay for the personal expenses and investments of Ravelo and Feliz.

PROBABLE CAUSE

8. Prior to 2008, Ravelo joined Law Firm 1 as a Partner. Ravelo thereafter worked on a litigation matter concerning Client 1.

9. Records demonstrate that between approximately January 25, 2008, and approximately November 23, 2010, Law Firm 1 paid Vendor 1 more than $2,000,000 for litigation support services. Ravelo, in her capacity as a partner at Law Firm 1, approved many, if not all, of the payments from Law Firm 1 to Vendor 1. The investigation has revealed that Vendor 1 provided little or no services to Law Firm 1.

10. On or about October 1, 2010, Ravelo joined Law Firm 2 as a Partner and thereafter worked on the same litigation matter concerning Client 1 while at Law Firm 2.

11. Records demonstrate that between approximately September 1, 2010 and approximately August 2014, Law Firm 2 paid Vendor 1 more than $2,000,000. Ravelo, in her capacity as a partner at Law Firm 2, approved many, if not all, of the payments from Law Firm 2 to Vendor 1. The investigation has revealed that Vendor 1 provided little or no services to Law Firm 2.

12. Over the course of this investigation, law enforcement officers have identified and spoken with individuals allegedly employed by and/or associated with Vendor 1 and/or Vendor 2. For instance, law enforcement officers interviewed the individual who opened the bank account in the name of Vendor 1 ("Individual 1"). Individual 1 stated that: (a) Feliz flew Individual 1 to Nevada; (b) while in Nevada, Feliz had Individual 1 open a bank

account for Vendor 1; (c) Individual 1 thereafter provided signed blank checks associated with the account Individual 1 had opened for Vendor 1 to Feliz; and (d) Individual 1 did not have any substantive involvement with any business activity of Vendor 1.

13. Records also demonstrate that between approximately May 18, 2011, and August 17, 2012, Law Firm 2 paid Vendor 2 more than $750,000. For instance, on January 24, 2013, Law Firm 2 caused an interstate wire transfer, which wire transfer was routed through New Jersey, to be sent to Vendor 2's bank account. Ravelo, in her capacity as a partner at Law Firm 2, approved many, if not all, of the payments from Law Firm 2 to Vendor 2. The investigation has revealed that Vendor 2 provided little or no services to Law Firm 2.

14. Law enforcement officers interviewed the individual ("Individual 2") who opened the bank accounts in the name of Vendor 2. Individual 2 stated that Ravelo incorporated Vendor 2. Individual 2 further stated that Individual 2: (a) opened bank accounts in New Jersey for Vendor 2 at the request of Ravelo; (b) provided signed blank checks associated with an account Individual 2 had opened for Vendor 2 to Ravelo; (c) caused wire transfers to be sent or checks to be issued from Vendor 2's bank accounts at Ravelo's instruction; and (d) did not have any substantive involvement with any business activity of Vendor 2.

15. Law enforcement officers have also interviewed employees of Law Firm 2, including several who stated they spent substantial time working

with Ravelo on matters for Client 1 during the timeframe of the conspiracy. These employees each stated that during the timeframe of the conspiracy alleged herein they reviewed no work product produced by Vendor 1 or Vendor 2 to the best of their recollection.

16. Records obtained during the investigation, including those concerning the Joint Bank Account, reveal that some wire transfers and or checks were issued to others for allegedly performing litigation support work. Law enforcement has interviewed some of these individuals, who have all stated that they never performed any legal or litigation support work during the timeframe of the conspiracy for Vendor 1 or Vendor 2. For example, Vendor 1 issued three checks totaling $12,500 in the name of Individual 3 for allegedly performing litigation support work. Individual 3 stated, however, that she was never employed by nor did she perform any work for Vendor 1.

17. After Law Firm 1 and Law Firm 2 provided payments to Vendor 1 and Vendor 2, the bulk of those proceeds were subsequently transferred to an account which Ravelo and Feliz controlled. More specifically, records for Vendor 1 and Vendor 2's bank accounts show that the bank accounts were used to transfer more than $4,000,000 to the Joint Bank Account.

18. Records for the Joint Bank Account reveal that the majority of the funds in the account were used for personal investments or expenses, including numerous apparent payments to a jewelry store in the combined amount of approximately $250,000.

19. On or about December 22, 2014, pursuant to an Arrest Warrant signed by the Honorable Joseph A. Dickson, United States Magistrate Judge, District of New Jersey, law enforcement officers arrested Ravelo at her residence.

20. Specifically, in order to make the arrest, law enforcement entered Ravelo's residence. After entering the residence, law enforcement officers observed Ravelo in the hallway outside the master bedroom suite. Law enforcement placed Ravelo under arrest and handcuffed her in that hallway.

21. Ravelo then, at her request, used a bathroom adjacent to that hallway. Law enforcement removed the handcuffs prior to Ravelo using the bathroom.

22. Law enforcement then brought Ravelo, still without handcuffs, into her bedroom, which was in a master suite. Law enforcement took such action in order to allow Ravelo to change clothing and retrieve her passport. While in the bedroom and while still unrestrained, Ravelo picked up the Subject Phone, unlocked the Subject Phone, and attempted to make a telephone call. Law enforcement did not allow her to make a call. Ravelo then asked if she could give her attorney's telephone number to her son, to which law enforcement replied yes, but after she changed clothing.

23. Law enforcement then offered to get Ravelo clothing. Ravelo stated she had clothes in another room outside the master suite and which was adjacent to the hallway where she was arrested. Law enforcement walked Ravelo, who was still in possession of the Subject Phone, to this room.

24. Once in this room, Ravelo put the Subject Phone down and changed clothing.

25. Prior to again restraining Ravelo, law enforcement offered to type in Subject Phone's security code to get access to Ravelo's attorney's telephone number and asked Ravelo for the Subject Phone's security code to access the Subject Phone. In response, Ravelo provided the code for the Subject Phone to law enforcement, who, with Ravelo's help, retrieved her attorney's telephone number from a recent call list.

26. After providing the telephone number to Ravelo's son, law enforcement seized the Subject Phone. The Subject Phone has remained in law enforcement's possession since that time.

27. The investigation has revealed that Ravelo used a cellular telephone to: (a) communicate with at least one individual whom Ravelo knew was scheduled to meet with law enforcement and appear before a Grand Jury investigating Ravelo and Feliz concerning the Specified Federal Offenses; (b) direct this same individual to take acts in furtherance of the conspiracy in the past – which directions the individual stated were often conveyed by text message or telephone calls; and (c) send, within the past month, a text to a partner (saying thanks) and a separate text message to an associate (saying that Ravelo hoped the associate was okay) with whom she worked at Law Firm 2, which text messages were sent following Ravelo's knowledge of the investigation. Further, on the date of her the arrest, when law enforcement looked at the Subject Phone pursuant to Ravelo request to get her attorney's

telephone number, law enforcement observed that the Subject Phone's e-mail application was open and that within the e-mail application law enforcement observed that there was an e-mail either to or from Gary Freeman, Esq., who law enforcement believes may be a coconspirator in the Specified Federal Offenses.[1]

PROCEDURES FOR HANDLING POTENTIALLY PRIVILEGED ATTORNEY-CLIENT MATERIAL FOUND WITHIN THE SUBJECT PHONE

28. In identifying the items to be seized, every effort has been made to limit the scope of the warrant to only those matters which relate to the Specified Federal Offenses. It is likely that many of these items may be protected by the attorney-client privilege or the attorney work-product. Specifically, defense counsel for Ravelo has contacted the United States Attorney's Office and stated that the Subject Phone may contain text messages and e-mails between Ravelo and himself, others in his office, and his co-counsel.

29. The warrant will be executed according to protocols entitled "MEMORANDUM FOR SEARCH OF A PHONE CONTAINING POTENTIALLY PRIVILEGED MATERIAL" and "INSTRUCTIONS TO DESIGNATED ASSISTANT UNITED STATES ATTORNEY" copies of which are attached hereto as Schedule

[1] Specifically: (1) many of the documents that Ravelo submitted to Law Firm 2 in an attempt to cover up her criminal activity appear to be from Freeman's law office; (2) Freeman received money from Vendor 1's bank account (and it would be unusual for a vendor to be paying a law firm, based upon my training and experience); (3) following Ravelo's resignation from Law Firm 2, Freeman called three people at Law Firm 2 (including the partner and associate mentioned above) on behalf of and in support of Ravelo and Feliz. During these calls, Freeman addressed both Ravelo's current situation as well as the pending narcotics and money laundering trial against Feliz.

1 and Schedule 2 and incorporated herein. To summarize, if the Court authorizes the search of the Subject Phone, a Privilege Agent will take possession of the Subject Phone and maintain it in his/her custody, except as needed to further the review of the Subject Phone. The Privilege Agent will then work with the Privilege AUSA to review the Subject Phone. The Privilege AUSA will be from the U.S. Attorney's Office and will have no role in the further investigation and prosecution of this case other than to serve as a Privilege AUSA on other aspects of this case. The Privilege Agent will have no role in the further investigation and prosecution of this case other than to serve as a Privilege Agent on other aspects of this case. If the Privilege AUSA determines that material on the Subject Phone is within the scope of the warrant and not privileged, the Privilege AUSA and Privilege Agent will release the materials to the prosecution team. If the Privilege AUSA determines that material is outside the scope of the warrant, the material will be sealed and not turned over to the prosecution team. If the Privilege AUSA determines that any of the material is potentially privileged, the Privilege AUSA will review the items to determine whether an exception to the privilege applies to an item. This may also include a determination of whether or not the privilege has been waived. If it is determined that an exception does not apply and that the privilege has not been waived, the material will be sealed and not provided to the prosecution team. If the Privilege AUSA determines that an exception applies to any item, or that a privilege has been waived, the Privilege AUSA will prepare an in camera, ex parte motion to a Court with jurisdiction over the Specified Federal

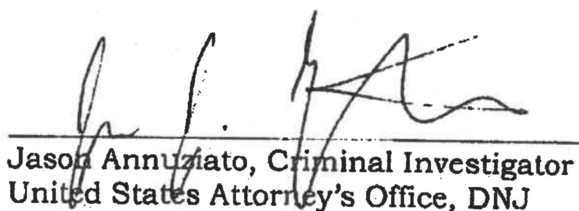
Offenses seeking a ruling on whether the exception applies or there has been a waiver. Prior to filing such a motion, however, the Privilege AUSA will make an effort to "meet and confer" with any party who could assert a privilege claim in order to discuss the potential for resolving their respective claims without the necessity of filing a motion.

REQUEST TO SEARCH THE PHONE AND ITEMS TO BE SEIZED

30. Based on the foregoing, my conversations with other law enforcement officers, and my training and experience, I respectfully submit that there is probable cause to believe that the Subject Phone contains evidence and fruits of violations of the Specified Federal Offense, including but not limited information listed in Attachment B.

31. In light of the confidential nature of the continuing investigation, the Government respectfully requests that this affidavit and all papers submitted herewith be maintained under seal until the Court orders otherwise, except for the requested warrant itself

WHEREFORE, I respectfully request, pursuant to Rule 41 of the Federal Rules of Criminal Procedure, that a warrant be issued, authorizing the search and continued seizure of the Subject Phone.



Jason Annuziato, Criminal Investigator
United States Attorney's Office, DNJ

Sworn to before me this
24th December, 2014

CATHY L. WALDOR
United States Magistrate Judge

SCHEDULE 1

MEMORANDUM FOR SEARCH OF A PHONE CONTAINING POTENTIALLY PRIVILEGED MATERIAL

Each agent participating in the execution of this search warrant should review both the application for the search warrant and the search warrant, paying particular attention to Attachment B to the search warrant which outlines the various items which are to be seized pursuant to the execution of the warrant.

The item to be searched is a cellular telephone (the Subject Phone"). You may encounter electronic evidence, information or documents containing potentially privileged material. Documents which an attorney communicates with a client for purposes of rendering legal advice, or which a client communicates to the attorney for purposes of obtaining legal advice, are protected by the attorney-client privilege, and you are not permitted to read such documents for their content. In addition, documents that attorneys or their agents produce in furtherance of their representation of a client may be protected by the work-product privilege, and you are not permitted to read such documents for their content. These procedures are being implemented to ensure that only the specified materials are seized and that all seized materials are reviewed to ensure that the prosecution team is not been exposed to privilege materials.

Instructions to Search Team

1. The search team shall consist of a Privilege Agent. The Privilege Agent has been selected in part because he/she will have no further role in the investigation of this matter. Under no circumstances should the case agents view any documents that may contain privileged information seized during the execution of the warrant.

2. Your search is limited to the Subject Phone, which is presently located at the Drug Enforcement Administration's Office in Newark, New Jersey.

3. The Privilege Agent should secure the Subject Phone and maintain it in his/her custody, except as needed to further review the Subject Phone.

4. The Privilege Agent should then work with the Privilege AUSA to review the Subject Phone.

SCHEDULE 2

INSTRUCTIONS TO DESIGNATED ASSISTANT UNITED STATES ATTORNEY

1. You will work with the Privilege Agent to make sure that the Subject Phone – that is the IPhone with the Model No. A1533 and the IMEI No. 013850001358913, which cellular telephone is black in color on the front and silver in color on the back -- is properly reviewed.

2. You and the Privilege Agent are to conduct a thorough review of the Subject Phone and determine whether it contains any privileged information. You may request that members of the search team, or other designated law enforcement personnel assist you with reviewing the Subject Phone to determine if the seized items contain privileged information. Under no circumstances should any member of the prosecution team be involved in this review.

3. If you determine that material on the Subject Phone is within the scope of the warrant and not privileged, you should release the materials to the prosecution team.

4. If you determine that material is outside the scope of the warrant, you should have the Privilege Agent seal the material and it should not be turned over to the prosecution team.

5. If you determine that any of the material is potentially privileged, you should review the items to determine whether an exception to the privilege applies to an item. This may also include a determination of whether or not the privilege has been waived. If it is determined that an exception does not apply and that the privilege has not been waived, you should have the Privilege Agent seal the material and it should not be turned over to the prosecution team. If you determine that an exception applies to any item, or that a privilege has been waived, you should prepare an in camera, ex parte motion to a Court with jurisdiction over the specified federal offenses seeking a ruling on whether the exception applies or there has been a waiver. Prior to filing such a motion, however, you should make an effort to "meet and confer" with any party who could assert a privilege claim in order to discuss the potential for resolving their respective claims without the necessity of filing a motion.

6. You are instructed not to release to the prosecution team any of the materials for which you have sought or will seek a court review until you have reached an agreement with the privilege holder and/or their attorney or have received an Order from a Court with jurisdiction over the Specified Federal Offenses authorizing the release of those materials.

United States District Court

District of New Jersey

In the Matter of the Search of

THE CELLULAR TELEPHONE
MORE PARTICULARLY
DESCRIBED IN ATTACHMENT A

SEARCH WARRANT

Mag. No. 14-7269 (CLW)

To: Criminal Investigator Jason Annuziato and any Authorized Officer of the United States

Affidavit having been made before me by Criminal Investigator Jason Annuziato who has reason to believe that on the premises known as

SEE ATTACHMENT A

in the District of New Jersey there is now concealed a certain property, namely

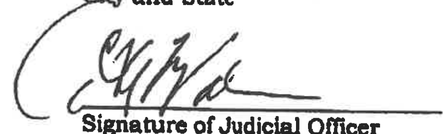
SEE ATTACHMENT B

I am satisfied that the affidavit and any recorded testimony establish probable cause to believe that the property so described is now concealed on the premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to execute this warrant on or before January 6, 2015, 2014
Date (not to exceed 14 days)
on the place named above for the property specified, serving this warrant and executing the warrant at any time in the day or night as I find reasonable cause has been established, and if the property be found there to seize same, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the Honorable Cathy L. Waldor, U.S. Magistrate Judge as required by law.

December 24, 2014 at 1 45 pm at Newark, New Jersey
Date and Time Issued City and State

Honorable Cathy L. Waldor
United States Magistrate Judge
Name and Title of Judicial Officer



Signature of Judicial Officer

RETURN		
Date warrant received	Date and time Warrant Executed	Copy of Warrant and Receipt for items left with
Inventory made in the presence of		
Inventory of person or property taken pursuant to the warrant		

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

____

Subscribed, sworn to, and returned before me this date.

____

United States Magistrate Judge

ATTACHMENT A

The Subject Phone is a cellular telephone, that is an IPhone with the Model No. A1533 and the IMEI No. 013850001358913, which cellular telephone is black in color on the front and silver in color on the back. The Subject Phone is presently located at the Drug Enforcement Administration's office in Newark, New Jersey.

ATTACHMENT B

Evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Sections 1341 (mail fraud), 1343 (wire fraud), 1349 (conspiracy to commit wire and mail fraud), including

1. communications, including e-mails and text messages, with co-conspirators of and witnesses to the criminal violations listed above that concern the commission of the offenses listed above;

2. contact information for co-conspirators of and witnesses to the criminal violations listed above;

3. documents or information concerning ALD, ALITS, Alternative Litigation Solutions, Alternative Lit Solutions, LLC, ELIT Solutions LLC, ELIT Litigation Solutions, LCC, E-LIT, and Elitlitigation Solutions LLC;

4. documents concerning the submission of invoices to or payments of invoices to vendors by Law Firm 1 and Law Firm 2 (as described in the affidavit).