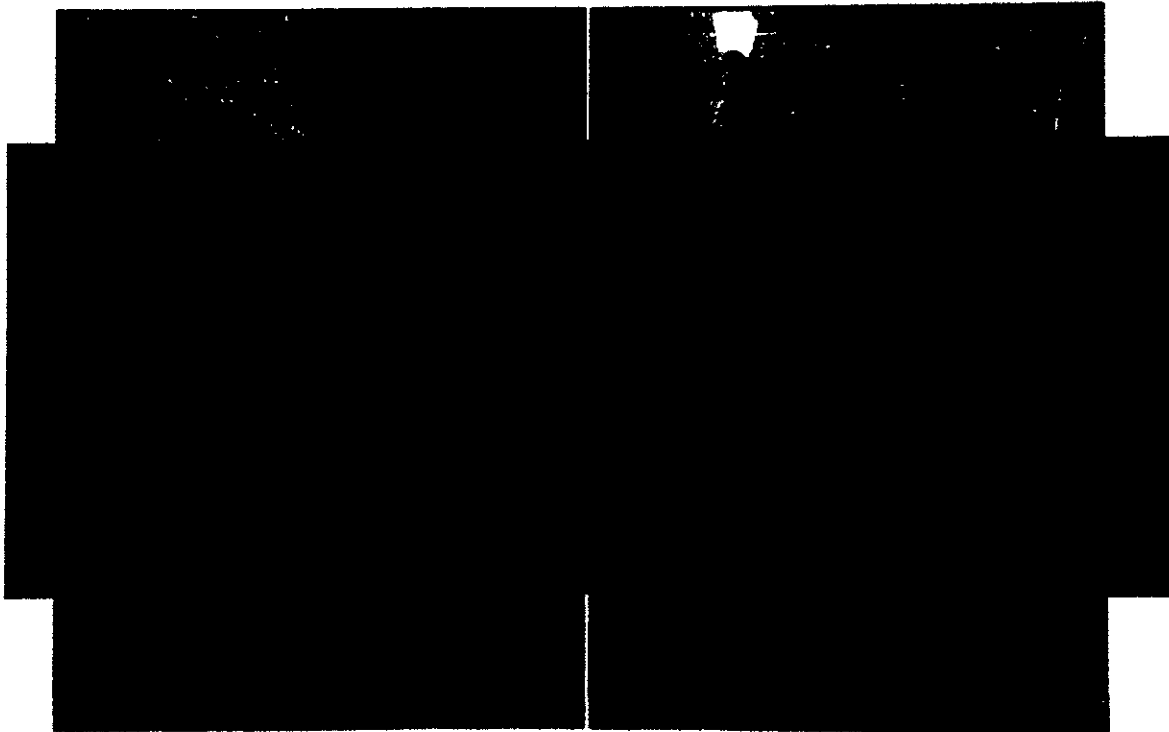


**ATTACHMENT A1
DESCRIPTION OF THINGS TO BE SEARCHED**

- 1) [REDACTED] Little Rock, Arkansas 72223 (SUBJECT PROPERTY);
- 2) iPhone SE Space Gray 128GB with International Mobile Equipment Identifier (IMEI) Number [REDACTED] and International Mobile Subscriber Identity (IMSI) Number [REDACTED]
- 3) iPhone SE 20 256GB black with IMEI Number [REDACTED] and IMSI Number [REDACTED] and [REDACTED]
- 4) Other cellular and electronic devices.

SUBJECT PROPERTY is further described as a split-level residence, with light colored stucco type siding on the upper portion of the residence and rock finish on the lower portion. The property has a rock finished mailbox on the curb line just west of the driveway, with the number [REDACTED] written in black on a white block. The driveway runs along the southeastern side of the residence to the garage, that faces east. The **SUBJECT'S PROPERTY** is shown below:



Photographs of **SUBJECT PROPERTY** taken February 8, 2024

This warrant authorizes the forensic examination of the phone(s) for the purpose of identifying electronically stored information described in Attachment B.

ATTACHMENT A2
DESCRIPTION OF THINGS TO BE SEARCHED

1) A white 2022 Toyota Highlander, with Vehicle Identification Number (VIN) 5TDDZRBH9NS161319, (SUBJECT VEHICLE), and

2) Other cellular and electronic devices located in the SUBJECT VEHICLE to include: an iPhone SE Space Gray 128GB with International Mobile Equipment Identifier (IMEI) Number [REDACTED] and International Mobile Subscriber Identity (IMSI) Number [REDACTED] and an iPhone SE 20 256GB black with IMEI Number [REDACTED] and IMSI Number [REDACTED]

The SUBJECT VEHICLE is shown below:



Photograph of SUBJECT VEHICLE [REDACTED] taken March 3, 2024

This warrant authorizes a vehicle search warrant, as well as the forensic examination of the phone for the purpose of identifying electronically stored information described in Attachment B.

ATTACHMENT B
INFORMATION TO BE SEIZED

All property, records, and information described in Attachment A that constitutes evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 922(a)(1)(A) and 922(a)(6) including:

- a. Firearms, firearm parts and accessories, ammunition;
- b. Electronic devices and all internet browsing history, as well as telephonic, text, and electronic mail messages regarding the unlawful acquisition, transportation, disposition, and/or transfer of firearms; information regarding the payment(s) for firearms or payment for the acquisition, transportation, disposition, and/or transfer of firearms; the acquisition, transportation, sale, or distribution of controlled substances, or the acquisition, transfer, or concealment of assets, money, or proceeds by any means;
- c. All bank records, wire transfer records, bank statements, tax records, tax returns, financial records and notes, checks, credit card bills, account information, and other financial records;
- d. Correspondence, notations, logs, receipts, journals, books, records, and other documents noting the price, quantity and/or times when firearms or controlled substances were obtained and/or sold;
- e. Any and all address books, telephone records, telephone books, date books, calendars, payment records, and telephone call logs and other items reflecting names, addresses, and telephone numbers;
- f. Records reflecting the purchase or lease of real estate, vehicles, or other items, obtained with the proceeds from the sale of firearms and related activities;
- g. Records of off-site locations to store records, firearms, or controlled substances, including safe deposit keys, records, receipts, rental agreements for storage facilities;
- h. Records of mail and communication services;
- i. Mementos, including photographs, and other historical keepsake items which document the association of co-conspirators, with each other and other suspected associates involved in the transportation/shipment of firearms, receipt/possession/sale of firearms; or conspiracy to commit said offenses as well property or assets purchased with illegal proceeds;
- j. Lists of sources of supply, customers, and related identifying information;
- k. Types, amounts, and prices of firearms and controlled substances, as well as dates, places, and amounts of specific transactions;
- l. Text messages and other communications stored on electronic devices relating to the above-referenced offenses or identification of co-conspirators;
- m. Any information related to the co-conspirators, customers, and fences (including names,

addresses, phone numbers, or any other identifying information);

- n. Evidence of user attribution showing who used or owned the cellular telephones or electronic devices described in Attachment A at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, photographs, saved usernames and passwords, documents, spreadsheets, and browsing history; and
- o. Evidence regarding the user's location and all location information that may be obtained from cellular telephones and GPS devices.

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form by whatever means they may have been created or stored, including any form of paper, computer or electronic storage (such as flash memory or SIM cards, or other media that can store data) and any photographic form.

UNITED STATES DISTRICT COURT

for the
Eastern District of Arkansas

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address) Case No. 4 24sw00062 JJV
 Residence located at [REDACTED])
 [REDACTED] (SUBJECT PROPERTY))
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of Arkansas
(Identify the person or describe the property to be searched and give its location):

See Attachment A1

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):

See Attachment B: evidence of violations of Title 18 U.S.C. §§ 922(a)(1)(A) and 922(a)(6).

YOU ARE COMMANDED to execute this warrant on or before March 20, 2024 (not to exceed 14 days)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

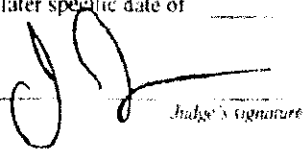
Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Joe J. Volpe
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: 03/06/2024 2:43 pm



Judge's signature

City and state: Little Rock Arkansas

Joe J. Volpe, United States Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT

for the
Eastern District of Arkansas

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address)) Case No. 4:24sw00063 JJV
 a white 2022 Toyota Highlander with VIN number)
 5TDDZRBH9NS161319 (SUBJECT VEHICLE))

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of Arkansas
 (Identify the person or describe the property to be searched and give its location):

See Attachment A2

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (Identify the person or describe the property to be seized):

See Attachment B evidence of violations of Title 18 U.S.C. §§ 922(a)(1)(A) and 922(a)(6).

YOU ARE COMMANDED to execute this warrant on or before March 20, 2024 (not to exceed 14 days)
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to

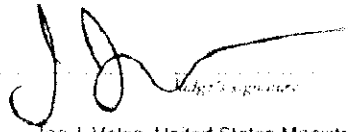
Joe J. Volpe
 (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued 03/06/2024 2:43 pm

City and state: Little Rock, Arkansas



Joe J. Volpe United States Magistrate Judge
 (Printed name and title)

| Return | | |
|---|---|--|
| Case No.: 4.24sw00063 JJV | Date and time warrant executed: | Copy of warrant and inventory left with: |
| Inventory made in the presence of: | | |
| Inventory of the property taken and name of any person(s) seized: | | |
| Certification | | |
| I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge. | | |
| Date: | <i>Executing officer's signature</i> | |
| | <i>Printed name and title</i> | |

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

IN THE MATTER OF THE SEARCH OF THE
RESIDENCE LOCATED AT [REDACTED]

(SUBJECT PROPERTY) and A WHITE 2022
TOYOTA HIGHLANDER, WITH VEHICLE
IDENTIFICATION NUMBER (VIN)
5TDDZRBH9NS161319, (SUBJECT
VEHICLE)

Case No. 4:24sw00062 JJV

4:24sw00063 JJV

Filed Under Seal

UNITED STATES' MOTION TO SEAL SEARCH WARRANT,
APPLICATION, AND SEARCH WARRANT AFFIDAVIT

The United States of America requests an order of the Court sealing this Motion, the Search Warrant, the Application for Search Warrant, the Search Warrant Affidavit, the Inventory Return, and the Order to Seal, in the above captioned and numbered matter. In making this request to seal the search warrant papers, the United States relies on the facts and statements set forth in, or on the face of, all of the search warrant papers and this motion, including the Affidavit for the Search Warrant. As set forth in the Affidavit, this matter concerns allegations of violations of Title 18, United States Code, Sections Title 18, United States Code § 922(a)(1)(A) and Title 18, United States Code § 922(a)(6).

Moreover, the United States submits that the following statements of law are applicable to this request.

1. *The search warrant in the case should be sealed*

The search warrant identifies **the property to be searched** as it must, and, thus, provides an easy means by which to identify a potential subject of a criminal investigation. This

revelation would adversely affect the privacy interests of the potential subjects. Moreover, the search warrants indirectly reveal information regarding the scope and focus of a grand jury investigation.

2. *The Application for the Search Warrant, and its supporting affidavit, should also be sealed for a number of reasons.*

A. The government has a compelling interest in maintaining the integrity of an ongoing criminal investigation by denying public access to the details of the ongoing criminal investigation in this matter. The interest of the United States in this regard has been recognized by the United States Court of Appeals for the Eighth Circuit. Certain Interested Individuals v. Pulitzer Publishing Company, 895 F.2d 460 (8th Cir. 1990) (Gunn II); In re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8th Cir. 1988) (Gunn I). The current investigation is in a critical stage and disclosure of the search warrant application and affidavit would provide details of the nature, scope and direction of the government's criminal investigation in this matter. Revelation of this material would not only make it available to the general public but to the potential subjects of the investigation.

B. The disclosure of the search warrant application and affidavit would expose the identities of persons who have provided information in connection with this investigation. The United States Supreme Court has recognized that the government has an important interest in maintaining the anonymity of persons providing information concerning criminal activity to law enforcement. McCray v. Illinois, 386 U.S. 300 (1967). Consequently, persons who act as mere tipsters and who provide information to support a finding of probable cause for the issuance of a search warrant or an arrest warrant do not have to be disclosed even within the context of a formal criminal trial. Id. Moreover, those individuals who provide information

which is utilized in an affidavit in support of a search warrant have a legitimate and reasonable expectation that their confidentiality and privacy will be protected by the government. See, e.g., In re EyeCare Physicians of America, 100 F.3d 514, 519 (7th Cir. 1996); In re Search Warrant for 2934 Anderson Morris Road, 48 F. Supp. 2d 1082 (N.D. Ohio 1999); In re Search Warrants Issued on June 11, 1988, 710 F. Supp. 701, 704-05 (D.C. Minn. 1989).

C. Disclosure of the contents of the search warrant affidavit will identify potential government witnesses. The United States is not even required to disclose the identity of its witnesses within the context of a criminal trial except under very limited circumstances. The search warrant affidavit in this case specifically identifies persons who have provided information in connection with the investigation. If the contents of the affidavit are disclosed, the identities of these potential witnesses will be revealed, again, not only to the public at large but to the potential subjects of the investigation.

D. As stated above, this investigation is in the pre-indictment stages. No indictments have been returned and no charges have been filed against any person by complaint or otherwise.

3. The inventory return filed with the Court following the execution of the search warrant should also be sealed at this stage of the investigation to protect the affected party's privacy rights. While the United States is obligated by Rule 41(f), F.R.C.P. to leave a copy of the warrant and the inventory at the location searched, doing so does not place those documents in the hands of third persons, only in the hands of the very person or persons who have a privacy interest entitled to Constitutional protection.

As to the privacy interests set forth above, the Eighth Circuit has recognized that the privacy interests of the parties affected by the search warrant must be considered. The disclosure of the contents of the search warrant papers could damage the reputations and careers of people implicated in criminal conduct and could possibly even damage the character and reputations of innocent third parties prior to the institution of any formal charges. The courts have recognized that such a result should be avoided if possible. In re EyeCare Physicians of America, 100 F.3d 514, 519 (7th Cir. 1996); In re Up North Plastics, 940 F. Supp. 229, 232 (D.C. Minn. 1996); In re Search Warrants Issued on June 11, 1988, 710 F. Supp. 701, 704-705 (D.C. Minn. 1989); Gunn II, *supra* at 466-67. Under the circumstances, the Court must consider the procedural posture of the government's criminal investigation in any decision to disclose or seal the contents of the search warrant papers in this case. Gunn II directly addresses the competing Constitutional rights in the release of information regarding search warrants. The government and Pulitzer had agreed to release the information to the public. McDonnell Douglas and Gunn sought to have the information sealed because of their right of privacy. The Court stated,

[w]here no indictments have issued against persons allegedly involved in criminal activity, there is a clear suggestion that, whatever their truth, the Government cannot prove these allegations. The court of public opinion is not the place to seek to prove them. If the Government has such proof, it should be submitted to a grand jury, an institution developed to protect all citizens from unfounded charges. All citizens, whatever their real or imagined past history, are entitled to the protection of a grand jury proceeding.

Id. at 466. The Court balanced the two constitutional rights in conflict, the qualified First Amendment right of access and the qualified Fourth Amendment right to privacy and declared neither of them absolute. The determining factor for the Court in weighing in favor of sealing the search materials was the fact that an indictment had not been obtained. The Court concluded,

"In sum, we think the pre-indictment status of the government's criminal investigation tips the balance decisively in favor of the privacy interests and against disclosure of even redacted versions of the search warrant affidavits *at this time.*" *Id.* at 467. (emphasis in original).

No Less Restrictive Means are Available

General Order 22 requires that the Government address why less restrictive means to sealing all search warrant documents are not available. Less restrictive means may include redaction of names and personally identifying information, line-by-line redaction of facts and events, or extraction of excerpts from search warrant documents. Courts have ruled that these less restrictive means do not adequately protect the interests of the government or individuals in a number of instances.

First, the Eighth Circuit in Gunn I, explains that "line-by-line redaction is not practicable," noting that "[v]irtually every page contains multiple references to wiretapped telephone conversations or to individuals other than the subjects of the search warrants or reveals the nature, scope and direction of the government's ongoing investigation." 855 F.2d at 574.

Second, less restrictive means are not sufficient to protect privacy interests of individuals named in the search warrant documents. Courts have held that redaction of individuals names does not "protect the identities of various individuals due to the context in which they are mentioned." In re Search Warrant for 2934 Anderson Morris Road Niles, Ohio, 48 F. Supp. 1082, 1084 (N.D. Ohio 1999). This protection of individuals identifiable through "context" is followed by the Eighth Circuit in Gunn II. In Gunn II, the Eighth Circuit continued to maintain the seal of the documents in Gunn I, as the privacy interest of individuals named in "even the

redacted versions of the search warrant affidavits" outweighed the public's First Amendment qualified right of access. See Gunn II, 895 F.2d at 466.

Third, less restrictive means of extracting excerpts is not an effective alternative to sealing the entire document where it contains "detailed, specific information which, if disclosed, would compromise the ongoing government investigation." In the Matter of the Search of Office Suites for World and Islam Studies, 925 F. Supp. 738, 743-44 (M.D. Fla. 1996). In the Matter of the Search of Office Suites for World and Islam Studies, the district court found that the affidavits are "designed to support probable cause and each section builds on the next", and "[v]irtually every page of the affidavit contains references to conversations and events, and reveals the nature and scope of the on-going government investigation, including individuals not the subject of the search warrant." Id. at 744. Further the court found that extraction of excerpts was inadequate to protect the government's interests, as "even a portion of the affidavit would reveal, either explicitly or by inference, the scope and direction of the Government's investigation." Id.

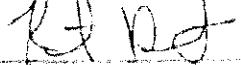
WHEREFORE, for each of the above reasons, the United States respectfully requests that the Court enter an order which: (1) seals this motion pending further order of the Court; (2) seals the search warrant, the application for the search warrant, the affidavit in support of the application, the inventory return, and the order to seal until formal charges have been filed as a result of the investigation by criminal complaint or indictment, or until such time as a motion is made to the Court setting forth why the sealing of the search material is no longer justified by the foregoing reasons.

(END OF TEXT. SIGNATURE PAGE ATTACHED)

Respectfully submitted.

JONATHAN D. ROSS
United States Attorney

By:



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