

10/9/09

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

5-12

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

MARVIN FOSTER

09 0916 PWG
CASE NUMBER: _____

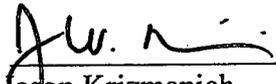
I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief:

Beginning at least in January of 2007 and continuing through March of 2009, in the District of Maryland, the defendant **MARVIN FOSTER** did knowingly conspire with Kyle Mathias and others unknown to commit an offense against the United States, and one or more of such persons did do any act to effect the object of the conspiracy— to wit, to embezzle, steal, purloin, knowingly convert to their use or the use of another a thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency, in violation of 18 U.S.C. § 641.

18 U.S.C. § 371.

We further state that we are a Postal Inspector and Special Agent with the United States Postal Inspection Service and United States Postal Services, respectively, and that this complaint is based on the ATTACHED AFFIDAVIT.

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


Jason Krizmanich
Postal Inspector, USPIS

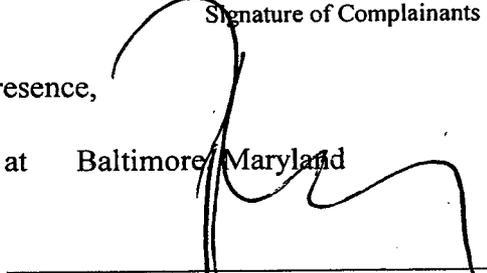

Christopher Murray
Special Agent, U.S. Postal Service
Signature of Complainants

Sworn to before me and subscribed in my presence,

3/18/09 @ 1055 HRS
Date and Time Issued

at Baltimore, Maryland

Honorable Paul W. Grimm
Chief U.S. Magistrate Judge


Signature of Judicial Officer

AFFIDAVIT

Co-Affiants Jason Krizmanich, a Postal Inspector with the U.S. Postal Inspection Service, and Christopher Murray, a Special Agent with the U.S. Postal Service, Office of Inspector General, both being duly sworn, depose and state:

A. Purpose of the Affidavit

1. I make this affidavit in support of Criminal Complaints for Marvin **FOSTER** (SSN: ***-**-3874, age ***) and Kyle **MATHIAS** (SSN: ***-**-5262, age ***) and in support of search and seizure warrants for:

- a. The residence of Marvin **FOSTER**
5328 Kelmscot Road
Rosedale, Maryland, 21237

which is described as a three story townhouse with brick siding and a grey roof. The residence has a glass outside door and a black door on the inside of the residence. The numbers "5328" are displayed in black coloring, horizontally, above the door.

- b. The residence of Kyle **MATHIAS**
2413 Taylorbrook Lane
Joppa, Maryland, 21085

which is described as a two story residence that when facing the residence has brick on the left side of the residence and light color siding on the right side of the residence. The residence has a black roof and a green front door. The numbers "2413" appear in gold, on the right side of the door on a green plate where the numbers are placed.

- c. PayPal Account in the name of Kyle **MATHIAS**, account # 1329325552039865737
- d. PNC Bank Account in the name of Kyle **MATHIAS** and Elizabeth Richardson (**MATHIAS**' mother), account # 5501213517
- e. PNC Bank Account in the name of Kyle **MATHIAS** and Elizabeth Richardson (**MATHIAS**' mother), account # 5501769195

2. As set forth in this affidavit, there is probable cause to believe that there exists evidence, fruits, and instrumentalities of violations of criminal laws, namely, conspiracy to violate Title 18, United States Code, Sections 641 (theft of government property) in violation of Title 18 United States Code, Section 371, that will be found on the premises of 5328 Kelmscot Road, Rosedale, Maryland, 21237, the residence of **FOSTER**, and 2413 Taylorbrook Lane, Joppa, Maryland,

21085, the residence of **MATHIAS**.

3. Your Co-Affiants submit that there is probable cause to believe that the contents of the three accounts described above (PayPal Account in the name of Kyle **MATHIAS**, account # 1329325552039865737; PNC Bank Account in the name of Kyle **MATHIAS** and Elizabeth Richardson (**MATHIAS**' mother), account # 5501213517; and PNC Bank Account in the name of Kyle **MATHIAS** and Elizabeth Richardson (**MATHIAS**' mother), account # 5501769195) represent property, real or personal, which constitutes or is derived from proceeds traceable to a violation of an offense constituting "specified unlawful activity" or a conspiracy to commit such offense--specifically an offense under section 641 (relating to public money and property)—and, therefore, should be forfeited to the United States of America pursuant to 18 U.S.C. §981(a)(1)(A) and § 1956(c)(7)(D).

4. Since this Affidavit is being submitted for the limited purpose of securing search and seizure warrants, we have not included each and every fact known to us concerning this investigation. The information contained in this Affidavit is based, in part, on our first hand knowledge, and also on information given to us by other law enforcement agencies.

5. Your Co-Affiants know that Title 18, Section 641 provides that:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted...

is guilty of a crime.

6. Your Co-Affiant, Jason W. Krizmanich, has been a United States Postal Inspector of the United States Postal Inspection Service since January 2007. Upon entering the Inspection Service, Inspector Krizmanich completed twelve weeks of basic training. This training covered various aspects of federal law enforcement including the investigation of narcotics related offenses. Your Co-Affiant has been assigned to the Washington Division and is assigned to the Prohibited Mails Multi Function Team. Prior to being a United States Postal Inspector, Inspector Krizmanich was a police officer in the City of Cambridge, MD for two and a half years. Inspector Krizmanich attended the Eastern Shore Criminal Justice Academy and was assigned to the patrol division of the Cambridge Police Department for six months. Inspector Krizmanich was then placed onto the Cambridge Police Department's Narcotics Enforcement Team in the position of Detective for approximately 18 months. During Inspector Krizmanich's 18 months as a narcotics detective, he served as an affiant on at least 20 Search and Seizure Warrants. Inspector Krizmanich was also on the Cambridge Police Department Emergency Response Team



(SWAT).

7. Your Co-Affiant, Christopher J. Murray, is a Special Agent of the United States Postal Service Office of Inspector General, and has been so employed since June 10, 2006. SA Murray is currently assigned to the Financial Fraud Team in the Baltimore Resident Office, and investigates financial crimes committed against the U.S. Postal Service. Prior to becoming a Special Agent with the Office of Inspector General, SA Murray was a U.S. Postal Inspector for two and one half years, and was assigned to the Prohibited Mail/Narcotics Team and later the Dangerous Mail Investigations Team in the Washington Division. Upon entering the Inspection Service, SA Murray completed twelve weeks of basic training. This training covered various aspects of federal law enforcement, including the investigations of financial fraud and narcotics related offenses. SA Murray also completed various narcotics related training courses, extensive training in identifying and investigating biohazard threats and other dangerous mail investigations, and in service training pertaining to investigating financial fraud cases related to the Postal Service. SA Murray has investigated violations of sending and distributing controlled and dangerous substances through the U.S. Mail, and financial fraud cases where Postal employees were embezzling funds and/or retail products (stamp stock) from the U.S. Postal Service. SA Murray has participated in the execution of numerous Federal and State search warrants, resulting in the recovery of illegal narcotics from packages shipped through the U.S. Mail, and from residences of those using the U.S. Mail to transport narcotics. SA Murray has investigated numerous financial fraud cases, resulting in the criminal prosecution of US Postal Service employees who had embezzled funds and/or retail products (stamp stock) from the US Postal service.

8. The facts and information contained in this affidavit are based on our personal knowledge as well as that of the other agents involved in this investigation. All observations that were not made personally by the Co-Affiants were related to the Co-Affiants by the persons who made the observations, either through direct conversation or official law enforcement reports. This affidavit contains that information necessary to establish probable cause in support of an application for an arrest warrant. This affidavit is not intended to include each and every fact and matter observed by or made known to agents of the government.

B. Facts Setting Forth Probable Cause

9. **Marvin Lamont FOSTER** resides at 5328 Kelmscot Road, Rosedale, MD 21237. **FOSTER** is a Window Clerk at the Elkridge, MD Post Office and has been employed there since December 5, 1998. **FOSTER's** address as filed with the U.S. Postal Service, is 5328 Kelmscot Road, Rosedale, MD 21237. Public records indicate the deed was recorded in **FOSTER's** name for this address on March 20, 2003, and show a deed transfer (refinance) on July 9, 2007.

10. There is one U.S. Postmaster in charge of both U.S. Post Offices located in Elkridge, MD Post Office, and Hanover, MD. The Postmaster is responsible for the operation of the post offices, and also is the person holding custodial responsibility for stamp inventory (also known as

stamp stock) at both post offices. Postal stamps are things of value and property of the United States. When new shipments of stamp stock are shipped to the Elkridge and Hanover Post Offices, they are initially received at the Elkridge Post Office since that is where the Postmaster resides. Shipments destined for the Hanover Post Office are then hand carried to the Hanover Post Office. In some instances, new stamp stock shipments arriving at the Elkridge Post Office are held in a secure location known as the registry cage (under lock and key) until they can be inventoried and stored in a permanently secure location, such as a safe or the stamp stock room, which is a room secured with a deadbolt lock.

11. In early October of 2008, law enforcement observed US postal stamps being posted on an eBay account registered to **Kyle MATHIAS** and known as "Cardking1122." On October 23, 2008, twenty-five (25) new unused coils of American Flag .42 Stamps were placed on the eBay store "Cardking1122" for auction. The stamps were placed on eBay for a "Buy it Now" price of \$900.00, which is \$150.00 less than the retail price.

12. On November 18, 2008, Inspector Krizmanich, acting in an undercover capacity purchased two thousand (2000) Forever Stamps from Kyle **MATHIAS** through his eBay store "Cardking1122" for the price of \$814.99. The actual face value of these stamps is eight hundred and forty dollars (\$840.00). No retail outlet should sell US Postage Stamps for less than face value. The lower than face value price is a good indication that the stamps **MATHIAS** is selling are from an illegitimate source, i.e. stolen or counterfeit. Payment for the stamps was made through "Cardking1122's" PayPal account, detailed in Paragraph 31 below.

13. On November 21, 2008, Inspector Krizmanich received the stamps purchased on November 18, 2008. The stamps were packaged in a US Postal box. The return address on the shipping label was 142 Maulsby Avenue, Bel Air, MD 21014. This address was identified as that of Elizabeth Richardson (Kyle **MATHIAS**' mother). The stamps purchased from **MATHIAS** were then sent to the US Postal Inspection Service Forensic Laboratory for analysis. The Forensic Laboratory determined the stamp to be legitimate (not counterfeit).

14. On November 19, 2008, law enforcement conducted surveillance at 2413 Taylorbrook Lane, Joppa, MD, Kyle **MATHIAS**' residence. At approximately 4:00 pm, **MATHIAS** was observed leaving the residence in a red-colored Chevrolet Tahoe bearing Maryland Tags 13822M5. Maryland Vehicle Administration records indicate that the vehicle is registered to both Elizabeth Richardson and Kyle **MATHIAS**. At approximately 4:05 pm, **MATHIAS** was observed entering the Joppa, Maryland Post Office on Joppa Farm Road. He entered the location carrying a large box containing several smaller packages. At approximately 4:10 pm, **MATHIAS** walked out of the Post Office empty-handed. Your Co-Affiants later confirmed that one of the packages **MATHIAS** dropped off contained the stamps purchased the day before by the USPS and destined for the undercover recipient, Inspector Krizmanich.

15. As Inspector Krizmanich was investigating the possible source of **MATHIAS**' stamps, the Office of Inspector General (OIG) was advised by the Elkridge and Hanover Post Offices

about a pattern of thefts of stamp stock inventory at the post offices dating from at least January 2007 to the present. On December 1, 2008, a covert camera was installed in the stamp stock room at the Elkridge, MD Post Office.

16. On December 4, 2008, at approximately 2:10 a.m., the covert camera captured video of postal employee **Marvin Lamont FOSTER** entering the stamp stock room and looking through boxes. **FOSTER** had no reason to be in the post office at 2:10 a.m. in the morning and had used a key to get in. Later that day, at 7:22 a.m. on December 4, 2008, the Officer in Charge (OIC) counted the stamp stock and noted that nine (9) bricks of Forever Stamps were missing. The value of the nine (9) bricks was \$7560.

17. On December 8, 2008, at approximately 12:11 a.m., a covert camera captured **FOSTER** using a key to enter the stamp stock room. Video showed **FOSTER** leaving the room and coming back in at approximately 12:16 a.m., shortly after which the video shows **FOSTER** rifling through the boxes of Forever Stamps. The video appears to show **FOSTER** placing an unknown quantity of stamps in a draw string bag off-camera. The bag appears to be weighed down as **FOSTER** leaves the stamp stock room.

18. SA Murray spoke with representatives at the Elkridge Post Office about security measures in place at Elkridge. There is a fence surrounding the back employee parking and dock section, secured with a padlock and key. There is a mechanical combination operated cipher lock on both employee entrances. The OIC confirmed that Marvin **FOSTER** has a key to the secure parking and dock area, and he has the combination to the cipher locks on the employee entrances. Further, **FOSTER** was a register clerk at the Elkridge Post Office and therefore has a key to the registry cage, where high value items are kept. The incoming stock shipments are often stored in the registry cage until they can be inventoried and placed in the stamp stock room. The OIC confirmed that **FOSTER** also has the combination to the retail floor safe, where stamp stock being sold by retail window clerks is placed overnight.

19. On December 9, 2008, as part of an official audit of the stamp stock, the Elkridge, MD Post Office counted the Forever Stamps located in the stamp room that were not placed in the safe. Thirty-four (34) bricks of stamps were missing from the three boxes of Forever Stamps. Two of the boxes had been opened from the bottom, with eighteen (18) bricks missing from one box, and fourteen (14) bricks missing from the other box. Results for the official audit of stamp stock at the Elkridge, MD Post Office reflect a shortage of \$100,256.21 in stamps since August 2008. There were additional losses far exceeding that amount since January 2007, totaling approximately \$497,083.26 as of December 10, 2008. During that entire period, **FOSTER** worked at the Elkridge Post Office.

20. On December 12, 2008, at approximately 1:24 a.m., a covert camera captured Marvin **FOSTER** in the stamp stock room taking three (3) to four (4) bricks of Forever Stamps and then placing them in a draw string bag. The bag appeared to be empty when **FOSTER** first appeared in the video. The OIC counted stamp stock in the stamp room at 7:10 a.m. and noted that three

(3) bricks of Forever Stamps were missing.

21. On December 14, 2008, at approximately 5:26 p.m., a covert camera captured Marvin **FOSTER** entering the stamp room located at the Elkridge, MD Post Office carrying a draw string bag, which appeared to have something already in it. **FOSTER** appeared to place four (4) or five (5) bricks of Forever Stamps into the bag. **FOSTER** was then seen talking on his Blue Tooth Cell Phone, possibly on two separate calls at approximately 5:27 p.m. and 5:30 p.m.

22. On December 16, 2008, the OIC counted stock in the stamp stock room at 7:45 a.m., and noticed that five (5) bricks of Forever Stamps were missing. That same day, SA Murray received information from Inspector Krizmanich that large quantities of stamp stock, including bricks of Forever Stamps, were being sold on eBay from the eBay store "Cardking1122." From June 30, 2008, through February 2, 2009, stamp stock worth \$114,423 (face value) had been sold for a total sales price of \$106,420.79 (price paid by bidders/customers) from "Cardking 1122."

23. On December 21 22, 2008, the Elkridge Post Office counted stock in the stamp stock room at 7:45 a.m. and noticed a total of nineteen (19) bricks of Forever Stamps missing from the stamp stock room. On January 7, 2009, the OIC counted the stamp stock in the stamp stock room located at the Elkridge, MD Post Office at 7:45 a.m. and noticed that eight (8) bricks of Forever stamps were missing.

24. On January 13, 2009, at approximately 3:00 p.m., SA Murray marked eight (8) bricks of Forever Stamps at the Elkridge, MD Post Office with invisible marker. SA Murray marked the bricks with the following: "CJM 1/13/09 RFS." "RFS" signifies that the marked stamps were placed in the retail floor safe. The OIC then placed these marked bricks of stamps in the retail floor safe. The retail floor safe is a safe located outside of the stamp stock room, and holds stamp stock to be sold to Postal Service customers. All Sales and Service Associates (window clerks), at the Elkridge Post Office, including Marvin Foster, have the combination to this safe.

25. On January 13, 2009, at approximately 9:15 a.m., Inspector Krizmanich, acting in an undercover capacity, purchased one (1) brick of Forever Stamps from **MATHIAS'** eBay store "Cardking1122" for the "Buy it Now" price of \$749.99. The retail value of the brick (2000 Forever Stamps) was \$840.00. Payment for the stamps was made through "Cardking1122's" PayPal account, detailed in Paragraph 31 below.

26. On January 20, 2009, Inspector Krizmanich received the brick of stamps that he purchased from **MATHIAS'** eBay store "Cardking1122" on January 13, 2009. The brick of stamps was viewed under a black light, revealing the markings "CJM 1/13/09 RFS."

27. A GPS logger was placed on **FOSTER's** personal vehicle on January 14, 2009. The vehicle is described as a white 2006 Subaru Legacy 2.5I Limited All Wheel Drive (AWD) 4-door sedan bearing MD registration DJV176 and Vehicle Identification Number (VIN) of 4S3BL626567213613 and is registered to **FOSTER's** home at 5328 Kelmscot Road, Rosedale,

MD 21237. The GPS tracking device placed on **FOSTER's** vehicle registered the vehicle's location to be 2413 Taylorbrook Lane, Joppa, Maryland, the address known to your Co-Affiants as Kyle **MATHIAS's** residence on the following dates: February 1, 2009; February 8, 2009; February 23, 2009; March 2, 2009; and March 6, 2009.

28. On March 12, 2009, Inspector Krizmanich noticed additional stamp stock for sale on **MATHIAS's** eBay store "Cardking1122." A coil of ten thousand (10,000) .42 cent Flag Stamps was being sold at **MATHIAS's** eBay store "Cardking1122" at the "Buy it Now" price of \$3275.00. The retail value of the coil of stamps was \$4200.00. The item sold some time after 10:00 p.m. on March 12, 2009, but before 6:30 a.m. on March 13, 2009.

29. On March 13, 2009, the OIC at the Elkridge Post Office counted stamp stock located in the stamp stock room. The count results revealed there were twenty-four (24) coils of the .42 cent Flag stamps missing. These coils were the same type of coils that were sold on **MATHIAS's** "Cardking 1122" eBay store on or about March 12 or 13, 2009. The retail value of these twenty-four (24) coils is \$100,800.00.

30. A check of Maryland Wage and Earnings records revealed very little work history for **MATHIAS** between 2006 and 2007. There is no reportable income for **MATHIAS** in 2008 and 2009. His only source of income appears to be the sale of goods on eBay, which includes US postal stamps.

31. Records show Kyle **MATHIAS** holds one (1) PayPal account that he uses to complete his eBay sales transactions. The following is the PayPal User and Account Information for this account as of January 8, 2009:

Name: **Kyle Mathias**
SSN: ***-**-5262
Account Status: Open
Account #: 1329325552039865737
Account Type: Premier Verified
Time Created: Jul. 16, 2000 09:04:18 PDT
Credit Card Statement Name: CARDKING112
Addresses (active) include 2413 Taylorbrook Lane, Joppa, MD 21085

32. As of January 8, 2009, PayPal financials show that the total amount received in the account since the time that the account was opened in 2000 as \$676,264.30,

33. PayPal records show that **MATHIAS** utilizes the PayPal account referenced in Paragraph 31, above, to complete his eBay sales transactions, including sales of US postal stamps. Records also reflect that **MATHIAS** transfers money received into the PayPal account from his eBay sales, including his sales of US postal stamps, into a bank account that **MATHIAS** maintains with PNC Bank. This PNC Bank account is a joint account in the name of **MATHIAS** and his

mother Elizabeth Richardson, and has an account number of # 5501213517. PNC Bank statements for account # 5501213517 and PayPal records reflect transfers of approximately \$153,100.00 in eBay sales proceeds from **MATHIAS'** PayPal Account #1329325552039865737 to **MATHIAS'** PNC Bank account # 5501213517 between November 17, 2007 and December 16, 2008.

34. An analysis of eBay records dating back to June 2008 reveal that **MATHIAS** has made approximately one hundred and twenty (120) sales of approximately \$114,423.00 worth of stamps (at face value), for a total sales price of approximately \$106,420.79.

35. Records reflect that **MATHIAS** transfers money from his PNC Bank account # 5501213517 to an additional PNC Bank account. This additional PNC Bank account is a joint account in the name of **Kyle MATHIAS** and his mother Elizabeth Richardson, and has an account number of # 5501769195. Records reflect that money is regularly transferred from PNC Bank account # 5501213517 to PNC Bank account # 5591769195.

36. For the foregoing reasons your Co-Affiants respectfully submit there is probable cause to believe that **MARVIN FOSTER** and **KYLE MATHIAS** have conspired to violate 18 United States Code, Section 641, and that evidence related to said crimes shall be found at their residences as described above.

37. Based upon our training, experience, and participation in other financial investigations involving fraudulent activities, we further submit:

a. That those involved very often place assets in names other than their own to include corporate entities in order to avoid detection of those assets by government agencies; that even though those assets are in other persons or entity names, they actually own and continue to use those assets and exercise dominion and control over them

b. That those involved maintain records, receipts, notes, ledgers, airline tickets, money orders, and other papers relating to financial institution fraud. That the aforementioned records, receipts, notes, ledgers, etc., are maintained where they have ready access to them;

c. That it is common for persons involved in criminal and fraudulent activities to secrete proceeds of bank transactions, and records of fraudulent transactions in secure locations within their residences, automobiles, businesses, and storage facilities for their ready access and to conceal from law enforcement authorities;

d. That persons involved in fraud conceal in their residences, automobiles, businesses, and storage facilities, large amounts of currency, financial instructions, precious metals, jewelry, false identification and other items of value and or proceeds of fraudulent activities; and evidence of financial transactions relating to obtaining, transferring, secreting, or the spending of large sums of money made from engaging in fraudulent activities;

e. When individuals involved in illegal activities obtain large proceeds from their activities they attempt to legitimize their profits. We have been trained to know that in order for the suspects to accomplish those goals, they utilize domestic and foreign banks and their attendant services, securities, cashier's checks, money drafts, letters of credit, brokerage houses, real estate, shell corporations, business fronts and credit card type devices known as "Stored Value Cards" which display an access device number and or magnetic strip containing financial access data which can be maintained and negotiated in place of U.S. Currency;

f. That those involved in fraudulent and illegal activities commonly maintain addresses or telephone numbers in books or papers which reflect names, addresses and/or telephone numbers of their associates in the organization;

g. That those involved in fraudulent and illegal activities maintain and utilize communication devices to include but not limited to Telephones, Cellular Telephones, Pagers, Personal Digital Assistants (PDA's), Fax Machines and Personal Computers capable of sending and receiving communication data in various formats by cable, telephone line, wireless connections or other transmissions. That those involved utilize false or fictitious names or the names of other parties identifying the communication device in order to avoid detection by government agencies; that even though those assets are in other persons names, they actually own and exercise dominion and control over them.

h. Your Co-Affiants also know that computer hardware and software, and digitally, electronically, and magnetically stored files and information may be important to a criminal investigation in two distinct ways: (1) the objects themselves may be contraband, evidence, instrumentalities, or fruits of crime, and/or (2) the objects may be used as storage devices that contain contraband, evidence, instrumentalities, or fruits of crime in the form of electronic data. Rule 41 of the Federal Rules of Criminal Procedure permits the government to search for and seize computer hardware and software, and digitally, electronically, and magnetically stored files and information that are evidence of crime, contraband, instrumentalities of crime, or fruits of crime. In this case, the warrant application requests permission to search and seize all computer hardware and software, and digitally, electronically, and magnetically stored files and information on the subject premises that constitute or may be contraband, and that constitute or may be evidence, instrumentalities, or fruits of violations, by **MATHIAS** and **FOSTER**, of embezzlement offenses involving Title 18, United States Code, Section 641. Based on all of the foregoing facts, your Co-Affiants believe that, in this case, computer hardware and software, and digitally, electronically, and magnetically stored files and information on the subject premises constitutes evidence, instrumentalities, or fruits of crime.

i. Based upon our knowledge, training, and experience, as well as information related to us by agents and others involved in the forensic examination of computers, your Co-Affiants know that computer data can be stored on a variety of systems and storage devices. We

also know that during the search of the premises it is rarely possible to complete on-site examination of computer equipment and storage devices for a number of reasons, including the following:

1. Searching computer systems is a highly technical process which requires specific expertise and specialized equipment. There are so many types of computer hardware and software in use today that it is rarely possible to bring to the search site all of the necessary technical manuals and specialized equipment necessary to conduct a thorough search. In addition, it may also be necessary to consult with computer personnel who have specific expertise in the type of computer, software application or operating system that is being searched.

2. The best practices for analysis of computer systems and storage media rely on rigorous procedures designed to maintain the integrity of the evidence and to recover "hidden," mislabeled, deceptively-named, erased, compressed, encrypted, or password-protected data while reducing the likelihood of inadvertent or intentional loss or modification of data. A controlled environment, such as a law enforcement laboratory, is typically required to conduct such an analysis properly.

3. The volume of data stored on many computer systems and storage devices will typically be so large that it will be highly impractical to search for data during the execution of the physical search of the premises. The hard drives commonly included in mere desktop computers are capable of storing millions of pages of text. Additionally, a suspect may try to conceal criminal evidence; he or she might store it in random order with deceptive file names. This may require searching authorities to examine all the stored data to determine which particular files are evidence or instrumentalities of crime. This sorting process can take weeks or months, depending on the volume of data stored, and it would be impractical and invasive to attempt this kind of data search on-site.

j. In light of these concerns, your Co-Affiants hereby request the Court's permission to seize the computer hardware, and associated peripherals as discussed below, that are believed to contain some or all of the contraband, evidence, instrumentalities or fruits of crime described in the warrant and to conduct an off-site search of the hardware for such contraband, evidence, instrumentalities or fruits of crime if, upon arriving at the scene, the agents executing the search conclude that it would be impractical to search the computer hardware on-site.

k. Based upon our knowledge, training, and experience, as well as information related to us by agents and others involved in forensic examination of computers, your Co-Affiants are aware that searches and seizures of evidence from computers taken from the premises commonly require agents to seize most or all of a computer system's input/output and peripheral devices, in order for a qualified computer expert accurately to retrieve the system's data in a laboratory or other controlled environment. Therefore, in those instances where computers are removed from the premises, in order fully to retrieve data from a computer system, investigators must seize all the storage devices, as well as the central processing units (CPUs),

and applicable keyboards and monitors which are an integral part of the processing unit. If, after inspecting the input/output devices, system software, and pertinent computer-related documentation, it becomes apparent that these items are no longer necessary to retrieve and preserve the data evidence, and are not otherwise seizable, such materials and/or equipment will be returned within a reasonable time.

C. Analysis of Electronic Data

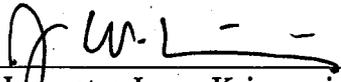
38. With respect to the search and analysis of any computers or electronic storage devices seized from the residences described above, the search procedure of electronic data contained in any such computer may include the following techniques (the following is a non-exclusive list, and the government may use other procedures that, like those listed below, minimize the review of information not within the list of items to be seized as set forth herein):

- a. examination of all the data contained in such computer hardware, computer software, and/or memory storage devices to determine whether that data falls within the items to be seized as set forth herein;
- b. searching for and attempting to recover any deleted, hidden, or encrypted data to determine whether that data falls within the list of items to be seized as set forth herein;
- c. physical examination of the storage device, including surveying various file directories and the individual files they contain to determine whether they include data falling within the list of items to be seized as set forth herein;
- d. opening or reading portions of files in order to determine whether their contents fall within the items to be seized as set forth herein;
- e. scanning storage areas to discover data falling within the list of items to be seized as set forth herein, to possibly recover any such deleted data, and to search for and recover files falling within the list of items to be seized; and/or
- f. performing key word searches through all electronic storage areas to determine whether occurrences of language contained in such storage areas exist that are likely to appear in the evidence described in Attachment A.

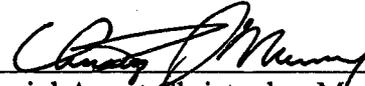
39. The government will return any computers or electronic storage devices, but not the forensic image made pursuant to this warrant, seized from the residences described above hereto within 30 days of the completion of the search as described in this protocol, unless contraband is found on the seized computer and/or electronic storage device; the computer/and or electronic storage device is subject to forfeiture, or the court orders otherwise.

09 0916 PWG

Further your affiants sayeth not:

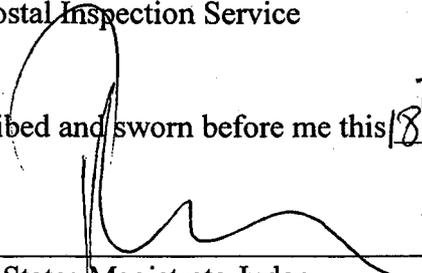


Postal Inspector Jason Krizmanich
U.S. Postal Inspection Service



Special Agent Christopher Murray
U.S. Postal Service
Office of Inspector General

Subscribed and sworn before me this 18th day of March, 2009:



United States Magistrate Judge

PAUL W. GRIMM
CHIEF MAGISTRATE JUDGE
US DISTRICT COURT FOR THE DISTRICT OF MARYLAND

