

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
SEARCH WARRANT

14crw 3674

TO: THE CHIEF OF POLICE OR ANY AUTHORIZED AGENT OF THE METROPOLITAN POLICE DEPARTMENT  
(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Metropolitan Police Department Detective George Desilva  
Of The Second District Investigative Unit that he has probable cause to believe  
that on the (person) (premises) (vehicle) (object) known as FOR THE ENTIRE PREMISES AT 3026 O STREET, NW,  
WASHINGTON, D.C. THE PREMISES IS A THREE-STORY ATTACHED ROW HOME WITH GREY COLORED BRICK. IT  
HAS A DOUBLE BLACK ENTRY DOOR WITH BRASS DOOR HANDLES TRIMMED IN WHITE. IT HAS A WHITE PLACKER  
WITH BLACK NUMBERS AFFIXED TO IT WITH THE NUMBER "3026" ON THE RIGHT SIDE OF THE DOOR ENTRYWAY.  
in the District of Columbia, there is now being concealed certain property,  
Evidence of the crime of voyeurism including any photographs, videos, digital devices capable of backing up computer memory  
cards and computers, digital storage devices, cameras, Apple iPhones, a black carrying bag, and evidence of purchase of all  
electronic devices including recording devices AND including the contents of all of these items.

which is Property which constitutes the commission of a criminal offense and evidence of Voyeurism (22-3531) and as I am satisfied  
(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises)  
(vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the  
day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there.

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this  
warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 14<sup>TH</sup> day of October, 20 14 Gerald J. Fish  
Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on October 14, 20 14 and have executed it as follows:  
On October 14, 20 14, at 0800 M., I searched the  
(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with MRS FREUNDEL  
properly posted.  
(Name of person searched or owner, occupant, custodian or person present at place of search)

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CLERK OF THE DISTRICT COURT

The following is an inventory of the property taken pursuant to this warrant:

- (6) external harddrives
- (7) laptops
- (5) Desktop computers
- (3) Cameras
- (20) memory cards
- (11) Flash drives

This inventory was made in the presence of \_\_\_\_\_

I swear that this is a true and detailed account of all property taken by me under this warrant.

[Signature]  
Executing Officer

Subscribed and sworn to before me this 14<sup>TH</sup> day of October, 20 14

Gerald J. Fish  
Judge, Superior Court of the District of Columbia

Sharon Marcus-Kumar

**METROPOLITAN POLICE DEPARTMENT**

Washington, D.C.

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT  
Superior Court of the District of Columbia**

FOR THE ENTIRE PREMISES AT 3026 O. STREET, NW, WASHINGTON, D.C. THE PREMISES IS A THREE-STORY ATTACHED ROW HOME WITH GREY COLORED BRICK. IT HAS A DOUBLE BLACK ENTRY DOOR WITH BRASS DOOR HANDLES TRIMMED IN WHITE. IT HAS A WHITE PLACKER WITH BLACK NUMBERS AFFIXED TO IT WITH THE NUMBER "3026" ON THE RIGHT SIDE OF THE DOOR ENTRYWAY.

**AFFIANT INFORMATION:** Your affiant in this matter is Detective George Desilva of the Metropolitan Police Department's Second District Detective Unit.

Your affiant has been a sworn member of the Metropolitan Police Department for approximately 25 years. I am currently a Detective Grade Two, assigned to the Second District Investigative Unit. I have been assigned to the Intelligence Unit, Homicide Branch, Sixth and Seventh District Investigative Unit and the Second District Investigative Unit and have been a detective for approximately 14 years. Over the past 25 years, I have been involved in hundreds of investigations and arrests of individuals for criminal offenses. In addition, I have been involved in obtaining and executing numerous search warrants.

*George Desilva*

The information in this affidavit is based on my personal knowledge and review electronic devices including a SD card, of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials. The information in this affidavit is also based on information I learned from John Marsh, a computer forensic examiner employed with the United States Attorney's Office. This affidavit does not include each and every fact known to the government but only those necessary to support a finding of probable cause.

*George Desilva*

**STATEMENT OF FACTS:**

On October 12, 2014, members of the Metropolitan Police Department, Second District, received a dispatched radio run for a Criminal Assault. Responding MPD officers interviewed W-1. W-1 is responsible for, among other things, setting up the changing area and the showers in a room that is adjacent to a Mikvah, which is a Jewish ritual bath used for Jewish ceremonies including conversions, cleansing rituals by women, etc, at the Jewish synagogue at 2801 N. Street, NW, Washington, D.C. W-1 told MPD officers that on September 28, 2014, IT was setting up the showers in the Mikvah. IT observed Barry Freundel, a rabbi at the synagogue who maintains and oversees the Mikvah (hereinafter referred to as "S-1") plugging in a clock on the sink inside the changing room area, right by the shower. W-1 told S-1 that there was already a clock posted on the wall in the bathroom/changing area. S-1 told W-1 that (something to the effect) "This clock will help with the ventilation in the shower." W-1 noticed that the clock that S-1 placed on the sink was no longer in the bathroom a few days later.

On October 12, 2014, W-1 again noticed a clock in the same area where S-1 had placed the clock on September 28<sup>th</sup>. On October 12, 2014, W-1 took the clock because IT keeps inventory of all items in the

Mikvah. Later, W-1 observed what appeared to be a video camera with a SD card in the back of the clock. Based on this, W-1 contacted the police. W-1 gave the clock to MPD and it has been placed on the Second District property book as evidence. On October 13, 2014, Your Affiant and a Second District Investigator interviewed W-1. W-1 told Your Affiant the information provided above. W-1 also told Your Affiant that the clock IT saw on October 12 was the same clock, or similar to the clock, IT saw S-1 place on the sink on September 28<sup>th</sup>. The clock on September 28<sup>th</sup> and the clock on October 12<sup>th</sup> were angled in such a manner that they faced the area in the changing/shower room where an individual would disrobe and enter the shower.

Your Affiant has viewed the clock provided to MPD by W-1. It is a Dream Machine radio/clock/camera with a Sony alarm clock hidden nanny cam. It has a Maxflash SD memory card SD-8GB inside the clock. The device bears a serial number of 8A 1845048. This clock will be referred to herein as "the Recording Device."

In the late evening of October 13, 2014, MPD applied for and obtained an emergency D.C. Superior Court search warrant for the Recording Device. Investigator John Marsh of the USAO-DC Criminal Investigations Unit examined the 8GB memory card from the Sony Dream Machine Device, hereinafter "Recording Device." Your Affiant also observed the video contents of the Recording Device. Marsh examined the videos in the memory card and time stamps of deleted files in the Recording Device and learned the following.

The Recording Device contains more than 100 deleted files dating back to 02/03/14. A series of files dated 06/02/14 contain three videos of two separate women undressing in the shower room. These files were renamed to female first names and appear in a folder which was created by an Apple computer. The file renaming could not have been done on the Recording Device. Marsh believed this indicates it is likely that the files were backed up to an Apple computer or other storage device.

On 9/13/14 S-1 appears in a video in the recording. S-1 is observed manipulating the Recording Device while pointing the camera directly toward his face. His voice is heard on the recording. S-1 is apparently correcting the Recording Device's displayed time before positioning it on the counter facing the shower stall area. There are four women captured in approximately six videos undressing before taking a shower and shown without clothing before entering the shower. The video captures them exiting the shower and drying off before getting dressed. None of the aforementioned women appear to know they were being recorded.

S-1 is observed in one of the videos carrying an Apple iPhone. S-1 appears in several videos carrying a black bag which he opens before unplugging the Recording Device.

A file dated 10/6/14 depicts S-1 placing the camera in the changing room facing the shower room. Later that same date a video confirms testimony of W-1 who recovered the camera from the shower room. The date stamp at this instant was approximately six days prior to the actual date.

Your Affiant was able to determine that S-1 is the individual shown in the videos setting up and manipulating the Recording Device which surreptitiously and secretively captured the six women totally or partially undressed and changing clothes. Your Affiant was able to do this by obtaining, through open source databases, photographs and describing information for S-1 and positively comparing these photographs to the individual seen setting up the Recording Device. In addition, the individual seen in the videos manipulating the Recording Device matches the description of S-1 provided by W-1.

shown Mark

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W-1, who has personally known S-1 for over ten years, told Your Affiant that S-1 lives at 3026 O. Street, NW, Washington, D.C. Through MPD database searches Your Affiant was able to confirm that S-1 does, in fact, live at this location.

**CONCLUSION**

Based on the foregoing facts and information, there is probable cause to believe that within 3026 O Street NW, Washington, D.C., there is evidence of the crime of voyeurism to include any and all digital devices capable of backing up computer memory cards, computers, digital storage devices, cameras, Apple iPhones, a black carry bag, and evidence of purchase of all electronic devices including recording devices. Your affiant respectfully requests that a D.C Superior Court Search Warrant be issued for these listed items and also to search within these items the following additional items:

Files, records, photographs or any other digital media which is evidence of the crime of voyeurism. These may be secreted in computer software consisting of digital information, which can be interpreted, by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs. Any files, photographs or other records created by these programs.

Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

Computer passwords and other data security devices that are designated to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital codes may include programming code that creates "test" keys or "hot" keys, which perform user-defined security-related functions when activated. Data security software or code which might also encrypt, compress, hide or "booby-trap" protected data to make it inaccessible or unreadable as well as reverse the process to restore the data.


Logs of electronic communications, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records, ~~bank account information or wire transfer information.~~ *and* *GPS*

The terms "records," "documents," and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafters, or their modifications may have been created or stored, including, but not limited to, any handmade form (such as writing, drawing, painting, with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (such as tape recordings, cassettes, compact discs, or any information

*Shawen N. [Signature]*

*[Handwritten marks]*

on an electronic or magnetic storage device, such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as printouts or readouts from magnetic storage devices).



Affiant  
Detective George Desilva  
Second District Detectives Office



United States Attorney

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Subscribed and sworn to me this 14<sup>th</sup> day of October, 2014



Judge  
Superior Court of the District of Columbia

2-18-14

## SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

## Criminal Division

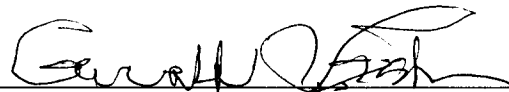
## In re Search Warrant for

FOR THE ENTIRE PREMISES AT  
3026 O. STREET, NW, WASHINGTON, D.C.  
THE PREMISES IS A THREE-STORY  
ATTACHED ROW HOME WITH GREY COLORED  
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DOOR WITH BRASS DOOR HANDLES TRIMMED  
IN WHITE. IT HAS A WHITE PLACKER  
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WITH THE NUMBER "3026" ON THE  
RIGHT SIDE OF THE DOOR ENTRYWAY.

**UNDER SEAL****ORDER**

Upon consideration of the motion to seal the affidavit in support of the  
above-captioned Search Warrant, it is this 14<sup>TH</sup> day of October, 2014,

**ORDERED**, that the Government's Motion is hereby **GRANTED** and the affidavit  
in support of the above-captioned Search Warrant be sealed until further order of the Court.



Associate Judge, Superior Court  
for the District of Columbia

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA****Criminal Division****In re Search Warrant for**

FOR THE ENTIRE PREMISES AT  
3026 O. STREET, NW, WASHINGTON, D.C.  
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**UNDER SEAL****MOTION TO SEAL AFFIDAVIT IN SUPPORT OF  
SEARCH WARRANT, AND MEMORANDUM IN SUPPORT THEREOF**

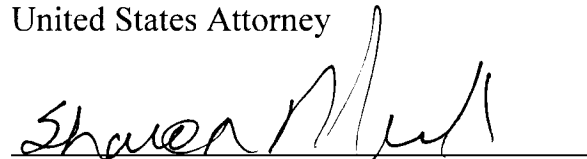
The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves the Court for an order directing that the affidavit in support of the Search Warrant for FOR THE ENTIRE PREMISES AT 3026 O. STREET, NW, WASHINGTON, D.C. THE PREMISES IS A THREE-STORY ATTACHED ROW HOME WITH GREY COLORED BRICK. IT HAS A DOUBLE BLACK ENTRY DOOR WITH BRASS DOOR HANDLES TRIMMED IN WHITE. IT HAS A WHITE PLACKER WITH BLACK NUMBERS AFFIXED TO IT WITH THE NUMBER "3026" ON THE RIGHT SIDE OF THE DOOR ENTRYWAY be placed under seal until further order of the Court. In support of its motion, the government states as follows:

The affidavit in support of the search warrant contains descriptions of criminal activity regarding an on-going voyeurism investigation involving possible numerous victims and other witnesses. Public disclosure of the information contained in the Affidavit would create a clear probability that the identity of the witnesses, and possible victims, would be revealed. In addition, public disclosure of this information could materially jeopardize the on-going investigation, including the destruction of material evidence, including additional evidence that may be stored in other locations. Therefore, the safety of the witnesses and victims, and the integrity of the investigation, would be compromised by the release of the information contained in the affidavit.

WHEREFORE, for all the foregoing reasons, the government respectfully requests that its motion be granted.

Respectfully submitted,

RONALD C. MACHEN, JR.  
United States Attorney



SHARON MARCUS-KURN  
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(202) 809-2913

Dated: October 14, 2014